

COMPETITION FOR LAND BETWEEN CONSERVATION AND LOW
INCOME SETTLEMENT USERS: THE CLASSICAL CASE OF RESERVE 6
IN RICHARDS BAY.

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ABSTRACT

The report identifies a case study in which there was competition for land between conservation and low income settlement users. The nature of these potentially conflicting interests were identified and an evaluation of how these were played out followed.

The fact that the interest of the low income settlement users carried the background of apartheid based discriminations, made the situation a sensitive one. Moreover, it was a unique case whereby the needs of a community's rural lifestyle were to be met in an urban environment. The planning process had political overtones which directed the decision-making process and consequential planning.

The study informs development and planning, that in post-apartheid planning, there is the need to incorporate social reconstruction within urban and rural reconstruction. In planning and development processes, planning should play a fundamental role of providing input to guide the process. The input provided by planning should be cross-sectional in the context of conflicting interests, in order for the final plan to represent a compromise, serving the better interests of all the interested parties.

I would like to dedicate this dissertation to the memory of a special friend, Craig Kilroe, who believed in me in all that I strove to achieve.

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The weaknesses of the study are entirely my own. The views expressed are not necessarily those of people interviewed.

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CHAPTER ONE

INTRODUCTION TO THE CHALLENGE AND ITS SETTING

1.1. A Brief Overview of the Case of Reserve 6 in Richards Bay

During the 1970s, the Mandlazini group of the Mthiyane Tribe were removed from Reserve 6, in Richards Bay. The total area of Reserve 6 is approximately 9800 hectares, stretching from Lake Mzingazi in the east to Lake Nsese in the west (Figure 1). The land was thereafter transferred by the then Government to the former Richards Bay Town Board and the Mthiyane Tribe were resettled in the Mambuka and Ntambanana areas to the north-west of Empangeni (Figure 2). The resettled people were compensated according to the criteria of the then Department of Bantu Administration and Development. However, the Mandlazini people were not satisfied with the compensation that they received.

In 1992, the Mandlazini people demanded that they be allowed to return to the land which they had originally occupied. However, this was impossible as large scale development of Richards Bay had already taken place on the major portion of their original land. The development included residential suburbs, industrial areas and the Richards Bay central business district. The Mandlazini people thus requested to be allowed to settle on a remaining portion of Reserve 6 which is to the east of the airport and on the northern shores of Lake Mzingazi. The property concerned is approximately 421 hectares (Figure 3).

This area of land between the Richards Bay airport and Lake Mzingazi had been earmarked as a nature reserve and tourism development by the Council although, it had not be zoned accordingly on the town planning scheme map. In terms of this, the Richards Bay Council had leased the land to two firms, namely ZAI Consultants and Boma International, to develop it as an ecotourist destination, retaining the land's natural vegetation of swamp forests and reeds and protecting the area's variety of bird-life and bird breeding areas. A proposal from the developers had been accepted by Council in 1992. A short term lease had been entered into between the

Richards Bay Town Council and the developers, ZAI and Boma International, to facilitate the implementation of various land control **measures** which were to result in the final development proposal and ultimate development of a tourist resort and nature reserve. However, when in 1992, a land claim was lodged by the Mthiyane **Tribe** for the **site**, the short term lease agreement and prospective further development was terminated on Council's request.

After intensive negotiations, between the Mandlazini Development Committee (representing the Mandlazini people) and the former Richards Bay Council, it was agreed that the Mandlazini Group of the Mthiyane Tribe would be resettled in terms of the Provision of Certain Land for Settlement Act No. 126 of 1993. The number of families to be resettled in the area was to be determined by the carrying capacity of the land and in accordance with a partition plan agreed to by the community and Council.

The site was to be developed in accordance with the agri-village concept. By early 1996, approximately fifty families had settled in the agri-village with the aspiration of maintaining a traditional lifestyle within the urban context.

This research proposes to evaluate a classical case of competition and potential conflict between land uses, these being the conservation of the natural environment and the need for a low income tribal traditional settlement in an urban setting.

1.2. The Research Question and Hypothesis

In the context described above, the research question to be investigated is to identify the interest groups and the nature of their interests in Reserve 6 of Richards Bay; to assess and evaluate how their interests were played out; and what the consequences of such actions were. The study proposes to look at alternative options which could have been followed in respect of the development of the land and coincidental resettlement of the Mandlazini Group.

A number of sub-questions arise from the main research question:

- * Who are the interest groups and what are their interests in respect of Reserve 6 in Richards Bay ?
- * How were the particular interests in Reserve 6 played out and what were the consequences ?
- * What alternatives were considered ?
- * To reflect on the decision-making process of land use allocation management specifically regarding conservation as opposed to an informal traditional subsistence settlement.
- * What lessons does this example have for development planning practice ?

The hypothesis to be tested is that the development of the portion of Reserve 6 in Richards Bay between the airport and Lake Mzingazi for low income subsistence settlement will not benefit the Mandlazini people in the way that it was anticipated. The gains from an ecotourist development, and the people being settled elsewhere in a sustainable location, could have been more beneficial to the land, which is ecologically vulnerable and which is traversed by the main drainage valleys feeding Lake Mzingazi and to the Mandlazini people, who wish to retain a tribal, traditional way of life and adhere to deeply entrenched cultural practices, while paying fealty to inkosi uMthiyane as their leader.

1.3. The Scope of the Study

The research will take the form of an intervention focused academic dissertation in that it has identified a specific issue concerning planning. Using available literature, it will develop a theoretical understanding of the problem, drawing conclusions about the particular planning issues.

The study will follow an evaluative perspective, looking at the specific case study of the Mandlazini Group of the Mthiyane Tribe who made a land claim for a portion of Reserve 6 in Richards Bay. This is a classic case of competition for land and potentially conflicting land uses.

The study will focus on competition between land uses on the area of Reserve 6 between the Richards Bay airport and Lake Mzingazi. Research in this case study was based on the following assumptions:

1. That there was more than one interest group concerned with the development of the area of Reserve 6 to the east of the Richards Bay airport. Moreover, these interests were to a large degree potentially conflicting.
2. That the satisfaction of the interests of one particular group could result in the dissatisfaction of the other interested parties if not carefully managed.
3. A third assumption was that there were alternative options to development which could have been followed.

The study will attempt to remain objective and not to come to any subjective conclusions of the allocation of land use in the specified case study. An assessment will, however, be made on what happened in the case study and the alternative options that could have been examined.

The purpose of the study is to identify lessons which would inform planning practice.

1.4. Relevance of the Study

Due to past discrimination and dispossession experienced in South Africa, it is vital that injustices and discriminations are addressed and that the issues of occupation and ownership of land in South Africa are dealt with. By means of the Restitution of Land Rights Act No. 22 of 1994 and the Provision of Certain Land for Settlement Act No. 126 of 1993, people affected by apartheid-based removals and dispossession may make claims to the land which they or their ancestors previously occupied.

Many such land claims are being made at present in South Africa. The case of the Mandlazini Group of the Mthiyane Tribe was but one of them. Many more are yet to be registered with the Commission on Restitution of Land Rights.

This study hopes to provide insight in further similar land claims involving the competition between land uses. It does not propose to make recommendations of steps to be followed in land claims. Through the evaluative stance it takes on a specific case study, it hopes that lessons can be learnt in terms of criteria and areas of consideration and reconsideration in matters involving potentially conflicting interest groups.

1.5. Outline of the Report

Chapter one briefly introduces the reader to the case study and the subsequent research problems and framework in which the study was undertaken. This is followed by chapter two which, considers the research methodology used in researching the subject.

Chapter three provides a discussion on the related literature concerning issues of competition between land uses. The land uses of conservation versus human settlement were specifically concentrated on.

The case study of Reserve 6 in Richards Bay is recalled in chapters four and five. The first of these two chapters is concerned with the discussions to reallocate Rem. 7638 of Reserve 6, known as 'the site'. The interests of the conflicting parties is identified and how these possibly conflicting interests were played out is examined. Chapter five discusses the planning and development process of this specific area.

The facts of the case study are explored in chapter six. The assessment of the case study focuses on the decision-making process and how trade-offs were dealt with in the face of conflicting interests. The 'agri-village' concept was thereafter, examined in terms of the appropriateness of the concept to the situation. The planning process in the study is dealt with in-depth. Issues such as control of future development; the responsibilities of role players; financing and tenure issues, were all discussed. These issues assess the sustainability of the development which proceeded on the site.

The final chapter of this report draws on the above chapters, providing lessons for development

and planning practice. The lessons derived from the study are aimed at informing planners who working in both the public and private sectors and, other interested persons who are concerned with the future of land in South Africa.

CHAPTER TWO

RESEARCH METHODOLOGY

The purpose of this chapter is to acquaint the reader with the methodology by which the writer undertook the study. It provides an insight into the resources used in order to investigate the sub questions that rise from the case study and to explain how the data was processed to facilitate the assessment.

2.1. The Data

Two kinds of data were required for the evaluative study, both were predominantly qualitative.

1. The primary data

Primary data was obtained through interviews with key role players in the negotiation for and the development of the tribal traditional settlement. A site visit was also conducted.

2. The secondary data

Secondary data took the form of reports, books, journals and development applications. Minutes from meetings were used as well as correspondence from the Richards Bay Town Council, providing the researcher with **insight** into the negotiation process which took place between the Mandlazini Development Committee and the Richards Bay Town Council.

2.2. Access to the Data

The books which served as secondary data and informants of the key conceptual issues relevant to competition between land uses were obtained through library searches.

The development proposals and applications made specifically for the development of the rural

traditional settlement project for the Mandlazini people, were made available to the researcher at the Richards Bay Municipal offices. **Permission** was required for the release of the Minutes of Council meetings involving the negotiation process between the Mandlazini Development Committee and the Council. Prior **verbal permission** for the release of the data had been obtained from the Assistant Town Secretary who had indicated during the dissertation's proposal stage, that there should have been no problems in terms of access to such information, as it is regarded as public information. The Mandlazini Community Trust was approached through written communication for the approval to release information (see Annexure A).

The intension was to gather primary data by means of non-scheduled structured interviews. Non-scheduled structured interviews were ones in which the interviewer had a list of issues on which the respondent was asked but, non-scheduled in that the interviewer was free to ask other questions and the respondents were free to express their own views. Interviews were to be conducted with both professionals and members of the community. With the aid of an interpreter and professional advice from planners previously involved in the negotiation process, the researcher had hoped to get permission **from the inkosi, based in Ntambanana**, to speak to the approximately 50 families who have **already** settled on **the specified** site. Through non-scheduled, structured interviews, the researcher had hoped to learn what the advantages in the new settlement were and what have **been the pitfalls**. Through talking to the community themselves, these aspirations of the people themselves would have become apparent. In the event, it was not possible to conduct these interviews for reasons to be elaborated in 2.4. below.

Non-scheduled structured interviews were conducted with numerous professionals (see list of interviews/key informants). These included senior personnel of the Town Council such as, the Assistant Town Secretary and the Chief Town Planner, to learn what their aim was. Interviews were also conducted with the planners involved to learn more about the planning issues and options. Interviews with the Regional Lands **Claim** Commissioner for KwaZulu Natal informed the researcher on land claim related issues and interviews with **people** involved in conservation provided insight into conservation related issues and criteria for analysing biological conservation potential.

2.3. Addressing the Research Questions

The nature of the research required that the data used was analysed and from it, the relevant information was extricated. The researcher examined the information to avoid bias and mistakes which could have distorted the recollection of the reality of the case study. The report serves to recall what happened in the case study and to comment on it, in the form of an evaluative study. Its disposition therefore, did not require statistical analysis of quantitative aspects by means of numerous statistical test, the result of which would have been shown in tables, figures etc.

The identification of the interested parties required the investigation of secondary data. The claim made by the Mandlazini people and what they demanded, highlighted their interest in the area. The development proposal for the ecotourist development by ZAI Consultants and BOMA International, identified the interests of the second key interest group. The data was viewed objectively to recollect the key competitors and their interests in the specified land.

The development plans of the traditional **settlement** were used in order to deal with the issues concerning how the particular interests, identified by means of the discussion above, were played out. These were merely recalled so as to describe how the **particular** interests in Reserve 6 were played out. Primary material in the form of **an observation on** the current conditions in the settlement, in conjunction with **interviews with the people residing** in the settlement, were intended to be used to highlight what the consequences of the **development** actions have been and **will be on** both the environment and the residents of the new settlement. Development proposals were **used** to determine what alternatives had been considered in the planning of the settlement for the Mandlazini people.

The issue of reflecting on the decision-making process in land use allocation was drawn from secondary sources. To understand this process in the case study, the researcher was required to make an assessment on what has happened and what could have happened, by examining numerous minutes of meetings, reports and correspondence of the Richards Bay Town Council with various other key actors in the process.

The criteria by which the development could be evaluated was informed by professionals through non-scheduled, structured interviews. The alternative options were also assembled through discussions with professionals. Such interviews and the literature review provided insight into what lessons this case study may have for development planning practice.

2.4. Limitations of the Research Methodology

A problem was encountered when researching what the pitfalls and advantages of the Mandlazini settlement were for the people who were had already settled on the site. It was anticipated that this information would be collected by means of interviews with the somewhat fifty families which had already settled in the area. A meeting was held with the Mandlazini Development Committee's project manager and a member of the committee in early October 1996, where the issues of the research were discussed. The meeting concluded with the issue to be put on the agenda of the next committee meeting. There was, however, a delay and despite numerous telephonic requests from the researcher for input in the matter, it was not until late October that the researcher received a negative response to her enquiry.

The community felt that they did not want to become 'subjects of research'. This shortfall can perhaps be partly explained by the fact that the original letter to the Mandlazini Development Committee did not reach the chairperson. The researcher was informed by a key role player in the process, that all correspondence to the community could be addressed to the Richards Bay Town Council's address. At the meeting with the project manager and member of the committee, they did not recall receiving the letter. A subsequent letter was therefore sent to the Committee (see Annexure B). However, while working through the volumes of information on the Mandlazini issue in the municipal offices in Richards Bay, the original letter was found filed with all other related material to the issue. The researcher can therefore only assume that the letter was not forwarded to the Committee itself. Perhaps this was due to Council's Assistant Town Secretary's perception that there should be not problem in the matter as the material should be regarded as public information. The researcher can not however, deny a shortfall in not having followed up on the original letter shortly after the dissertation proposal stage.

The project manager speaking on behalf of the Mandlazini Development Committee, and thus the Mandlazini community, indicated that although the community did not want to be "subjects of research", little could be done to stop the researcher relying on public information as a source of the facts relating to the people's resettlement. However, this did preclude any interviews with the members of the Mandlazini Group of the Mthiyane Tribe. Furthermore, interviews could not be conducted with the project manager from the planning consultants, as this person represents and acts on behalf of the community.

This obstacle was overcome by relying on minutes of meetings, correspondence to Council and other secondary resources, to gain insight into the people's perspective of the issue.

A second shortfall in the research is that, although it stated from the onset that alternative options which could be explored would be investigated, the achievement of this is limited. This is a consequence of the case study itself. Few alternatives were proposed and these were not investigated in much depth as it was made clear to the planners from the outset of the planning process what the community required and they were adamant that their demands were to be satisfied.

Another shortfall, and perhaps minor one, experienced was that the identification of the interest of the developers of the proposed nature reserve and tourist resort was limited to the one development proposal put forward to, and accepted by, Council. Further data obtained in the files at the Richards Bay municipality were merely records of correspondence and the lease agreement. The key actor in the firm had since left and the remaining personnel were not too familiar with the issues but could only recall what the researcher had extracted from the document. When the key actor in the development of the resort was contacted, he did help to 'fill in the missing gaps' although their proposal had been terminated a few years ago. The reason for this 'shortfall' can perhaps be accounted for by the fact that the development did not get off its feet.

2.5. Conclusion

It is the researcher's opinion that in light of the problems experienced and consequential limitations to the study, all the available data was thoroughly and adequately analysed and the relevant information extracted. This has been organised so as to provide the reader with a short, accurate detail of events which serve as the basis to the researchers recommendations.

CHAPTER THREE

THEORETICAL ISSUES EMBRACING COMPETITION OF LAND USES

As indicated in the introductory chapter, central to the challenge in terms of the case study of Reserve 6 of Richards Bay, was that there were potentially conflicting interests in terms of the development of the area between the Richards' Bay airport and Lake Mzingazi.

One interest group intended to conserve the natural environment with the objective of developing an ecotourist destination. The second interest group wanted to right a historical wrong and to return to their original land.

The issues which such a challenge raises are vast, many of which are beyond the scope of this dissertation (such as the accessibility and applicability of the respective legislation).

The focus of this report concentrates on the specific conflicting domains of conservation and a low income traditional settlement. Conservation must be considered in terms of the possible economically viable option of ecotourism. A low income traditional settlement must be considered in terms of its basis of South Africa's history of land reforms.

The literature looks at the thoughts and writings around issues which are relevant for the case study. These issues are dealt with under four broad headings. These headings are conservation; ecotourism (within which the economics of ecotourism is covered); rural settlement patterns and land reform. Each section does not deal exclusively with the topic of the heading as each topic involves numerous other, related conceptual fields. One such related topic which is important in the case study in question, is that of trade-offs in planning. However, due to the substantial theory on this topic, the researcher relates to relevant trade-off issues within each of the above mentioned sections, with the bulk of the discussion in the sub-section of literature review on conservation. The topics which this research covers are inter-related and so, makes it hard to precisely classify literature in terms of one topic or the other.

3.1. Conservation

'The overall goal of rural development programmes should be the reduction of poverty, unemployment, malnutrition and inequity, and an integral part of all these programmes is the introduction of a positive rural land use strategy, which recognises the prime importance of food production, but at the same time safeguards soil and representative areas of natural ecosystems' (Hanks, 1984:60).

In this statement the importance of conservation considerations in development are recognised: "safeguard" soils and ecosystems. Although this refers to a rural development programme, the underlying principles of the statement are applicable to the development programme for the Mandlazini people. The reason being is that the case of the Mandlazini people is a unique one in that it was a challenge of settling a rural community in an urban context. Moreover, the land was in a natural state and had been earmarked for a tourist resort and nature reserve. Therefore, conservation must be considered in a literature review. The positive factors of conservation must be looked at as well as the native peoples' view to the protection of certain areas as conservation, much of which is their land and from which they had been 'banished'.

3.1.1. The value of conservation

To many middle class families in South Africa, conservation is viewed as a 'moral right' and they appreciate the fact that revenue can be generated for the country through tourism and recreation. They do not consider what so much more that land means to other, namely black, South Africans. Little do they realise that the piece of land which they want to conserve merely for aesthetic reasons may mean survival or death for others. For some people, the animals on a piece of land are their source of food, while the flora may be of value for traditional medicines. Not to mention the incomes received from the felling of trees on the land and the reaping of thatch grass.

Through conservation, biodiversity is maintained. Spellerberg (1995)¹ suggests the following benefits and functions of biodiversity :

1. Ethical and moral values

Nature has both an intrinsic value and a worth as a human heritage.

2. Enjoyment and aesthetic values

Nature is both a sporting (eg. hiking) and leisure (eg. birdwatching) activity. It has an aesthetic value by way of seeing, hearing or touching wildlife; as well as a source of enjoyment when depicted as an art form.

3. Use as a resource for food, materials, research inspiration and education

Nature is a source of food; organisms for biological control; pharmaceutical products; materials for building and other goods; a source of fuel for energy and a source of working animals. The natural environment also acts as an inspiration for scientific research and technological development as well as having an educational value.

4. Maintenance of the environment

Biodiversity plays a role in maintaining the carbon dioxide-oxygen balance; water cycles; absorption of waste materials; protection from harmful weather conditions; indicating environmental change and it plays a role in determining the nature of the micro, regional and world climates.

The benefits of preserving the natural biodiversity of an area are obviously tremendous but, the reality is that development must take place to accommodate human health and welfare. The loss of biodiversity is due to the increasing world population; the three symptoms of which are (Spellerberg, 1995) :

1. Pollution, disturbance and other human-made perturbations.
2. Excessive exploitation of species and natural areas for food, materials and other purposes (and direct extirpation of pests).
3. Reduction and fragmentation of natural areas (habitats and ecosystems).

1 It must be noted at the onset that, although reference is continually made to Spellerberg which is international literature, it was referred to the writer by the Natal Parks Board as an important reference for evaluation criteria for conservation.

It is impractical to protect and conserve all species and communities with equal importance as there are limited funds and natural resources for human development. Therefore, selection needs to take place through evaluation and assessment.

When development is about to take place on a particular piece of land, the trade-offs must be considered, for example, what are the potential revenues to be generated from the development versus the degradation of the natural environment. One must question whether development or conservation will produce the greatest net benefit for now and the future.

When assessing the value of an area for conservation, considerations such as; "Is the area sensitive?", "Is it pristine?", and "Is the area unique?" are taken into account (Mr Cooper; personal communication). Spellerberg (1995) looks at assessment criteria for preserving numerous habitats but criteria which are emphasised throughout his book are; if the species are rare, endangered or vulnerable (to becoming endangered). Other criteria may include, naturalness, educational value, potential research use and potential value. Three guidelines for biodiversity conservation priorities were given by Spellerberg (1995) as:

1. Distinctiveness - increased priority with increasing distinctiveness (that is, that the species is not found elsewhere).
2. Utility - this is the value of the species/habitat. An important question is, whose value? An assumption is made that the future generation will place an equal importance on the factor as the present generation.
3. Threat - that is, how common/widespread is the item and how threatening are human pressures of pollution, harvesting, etc on them ?

A common tool in planning for assessing the impact of development on an area is the Environmental Impact Assessment (EIA). These are defined by Spellerberg (1995:217) as :

'...systematic and formalized procedures for assessing the consequences of impacts (whether beneficial or damaging) arising from major projects and developments on various aspects of human welfare and all components of the environment'.

The underlying rationale of an Environmental Impact Assessment is to ensure that development does not affect human welfare and safety and that there will be no damage to the natural and physical environment.

In dilemmas where there are conflicting demands on land for use in food production and demands for nature conservation, a land capability analysis can be conducted. Land capability analyses are based on up to date surveys of the quality, quantity and distribution of natural resources. Soil, climate, water resources and existing land use and land ownership as well as flora and fauna are indicated by such surveys. The outcome of a land capability analysis indicates the areas of highest food production potential through cropping, grazing, irrigation and afforestation. Areas with high potentials for being nature reserves are also indicated as well as areas where there are indigenous flora and fauna. A land capability analysis can reduce conflict between land uses, avoiding areas of high potential for food production being conserved as nature reserves.

3.1.2. People and conservation

At a recent conference (People and Parks, Parks and People, May 1995), Dr. M. G. Buthelezi stated that '...conservation is above politics' (People and Parks; 1995:7). This is a questionable statement as, when conservation entails competition for land, which it inevitably does, it involves politics. Conservation is a major issue for governments. How does one balance the environment and public demand and get the acceptance of the local people?

Land is a highly political issue, especially in South Africa at present with the issue of land restitution. When people are faced with poverty and its manifestations, **they** find it difficult to acknowledge conservation efforts and its **wildlife** sanctuaries. How can one justify environmental concerns when humans are faced with **poverty, disease and malnutrition?** Such was the case with the Mandlazini group; legitimate human demands for development conflicted with nature conservation.

For a better understanding of conservation activities, conservation should not be looked at as the preservation of mammals, or areas within the urban or rural contexts. Rather, conservation should be defined as

'the management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations' (as defined by the World Conservation Strategy in Hanks, 1984:60).

At the same time that conservation needs must be met, rural (sic)² development programmes must be designed and implemented to meet the needs and aspirations of the people. It is vital that the needs of the rural people are met for, **as long** as they are not, people will continue to migrate to the urban areas, seeking employment opportunities. The young and capable will leave the rural areas in the hands of their mothers, the old, the sick and the tired and in doing so, environmental degradation will increase **with** escalating ecological and economic consequence. People can only appreciate the importance of conservation needs once their own basic needs are satisfied. Moreover, poverty drives people to place intolerable demands on their natural resources. When Zimbabwe was going through similar land reform difficulties as South Africa is experiencing now, a peasant woman was quoted saying:

'We still have no land. We don't even know where our children will stay. But we often hear of land that the government reserves for animals...[o]ur government must not act like the colonial oppressors who thought that animals were more important than human beings' (Munyuki; 1991:8).

2 The reference specifically to rural programmes is questionable. The case study is one in which rural programmes were implemented in an urban context. Therefore, insight is required not only to absolute rural programmes but elements of which can apply to the urban context.

The theme of the recent conference, 'People and Parks, Parks and People' at Botha's Hill (May 1995) was looking at co-operation **between the community, their Amakhosi**, conservationists and the government in conservation related issues. It was highlighted throughout the proceedings that the people themselves should be made a **part of** tourism, to reap the benefits, and that the South African history and culture must also be a **tourist** attraction. Conservation must not only be about land and wildlife, but must include history and culture. A 'sharing' policy must be developed in which the rural communities harvest the natural resource of the parks on a sustainable basis.

To integrate rural (sic)³ development with conservation, the World Conservation Strategy feels that three objectives for living resource conservation will have to be presented, relating to the needs and aspirations of each individual **community**. These three objectives are:

- (1) to maintain essential ecological processes and life-support systems;
- (2) to preserve genetic diversity;
- (3) to ensure the sustainable utilisation of species and ecosystems (Hanks, 1984:61).

Where conservation projects have been initiated in Southern Africa, based on a sharing and innovative approach, the major threats are : political involvement; conflict of interest; uncoordinated intervention; local government and apathy (People and Parks; 1995).

It was against this background that the KwaZulu Department of Nature Conservation suggested the following pre-requisites for co-operative **conservation** development programmes :

1. Political and economic support for **conservation** and development which is based on minimal **government** intervention and an increased 'sharing' policy.
2. A recognition of the economic importance of recreation and tourism.
3. Effective legislation to facilitate effective **conservation** development.
4. Co-ordinated conservation and development **at both development and** management stages.
5. Through consultation with the local communities, increasing awareness of the importance of sustainable development.
6. Accountability for the actions of participants (People and Parks; 1995)

3 Ibid.

One can no longer simply ignore environmental concerns in lure of material progress. Ignorance of environmental issues in the long term in fact results in economic decline, a manifestation of environmental degradation. The declining environment is unable to sustain human demands: a loss of grasslands lowers grazing potential and livestock production. Moreover, grasslands are vital for ruminants who, through their unique digestive systems, produce meat and milk products. A decline in fisheries and croplands also leads to a fall in food production. Croplands are faced with the adverse affects of soil erosion which is very much a manifestation of traditional life-styles where the land is over-grazed and soil productivity is lost through over-cropping, monocropping and little use of fertilisers. Forests are also important in meeting human needs for fuel and building materials. Moreover, deforestation has adverse affects on the water cycles, for example, it may result in a fall in ground water and increased siltation of streams.

3.1.3. The issue of conservation in relation to the case study

The particular piece of land which the case study is concerned with is a wetland habitat. Wetlands boast a high biological productivity and levels of species richness. Wetlands are important locations for fisheries; agriculture; water supplies; forestry; recreation and tourism (Spellerberg; 1995).

However, there was the demand of the Mandlazini people to return to their tribal land. More and more claims are being made in South Africa in relation to the rightful ownership of land. The removed communities understand, to some extent, the reasoning for their removal when it was associated with development - especially if industry or commercial activities had developed on the land - but, they are not content with the reasons behind their removals being for the protection of wildlife while they, humans, suffer as a result of loss of their land. One of the main driving forces of the communities lodging land claims was the lack of consultation and transparency of authorities when they were removed. Dr. M.G. Buthelezi urges the communities (at the people and parks conference) to realise the importance of conservation (especially if mutual benefit can be achieved) when demanding their land back:

I would also like to say that at this time when black people were dispossessed of

land, I know that there are certain sensitivities, but I really appeal to all people not to really be misled by the very important need of restitution of land only because the people resent not having been consulted. I hope that our people are not going to say that because the reserves were created without the consent of the Amakhosi and tribes, they now desire restitution of land and want those areas returned to the people who possessed them before' (Dr M.G. Buthelezi in People and Parks; 1995:7).

The issue is that regardless of who owns the land, if it is of conservation importance, the land **must be conserved**. If the land is a **claimed piece of land, in terms** of land restitutions, it may **actually** be to the benefit of the **community** if it is used **in an ecologically sound manner**. The **important** question is one of **management** - who has the **funds and** expertise to **conserve** the **particular piece of land** (Mr Cooper; personal communication). **More** often than not, this does **not lie** with the communities, which are **usually predominantly rural in nature**. Such was the case of the Mandlazini People; they were **(and still are)** a poor community thus, if the land was returned to them, as owners, not for occupation but for reaping the incomes from conservation, they had neither the funds nor the professional expertise.

The main question in terms of the case study is - should the site have been declared a protected area? This can not simply be answered yes or no by the writer. In terms of the criteria set out by both Spellerberg (1995) and the Natal Wildlife Society (Mr. Cooper) it is apparent that although the area was of aesthetic value it is not pristine nor did it house endangered or vulnerable species. However, further research is required in this field; it appears that the area was originally earmarked as a reserve area due to the fact that it is neighbouring Lake Mzingazi. This appeared to be the ideal location for urban nature conservation which is of a high value for people rather than wildlife. This is especially important in light of the fact that urban residents' appreciation is **increasingly turning** towards natural habitats (greenways, urban wildlife areas) rather than man-made habitats (parks and recreation grounds) (Spellerberg; 1995).

3.2. Ecotourism

Ecotourism (nature tourism) is defined as:

'tourism that involves travelling to relatively undisturbed or uncontaminated natural areas with the specific object of studying, admiring and enjoying the scenery and its wild plants and animals, as well as any existing cultural areas' (Lindberg; 1991:3).

Ecotourism contributes to 'sustainable development' defined by the 1987 Brundtland Commission as:

'development that meets the needs of the present without compromising the ability of future generations to meet theirs' (Lindberg; 1991:ix).

Tourism in South Africa can help realise the objectives of the Reconstruction and Development Programme if, it is carefully planned and developed. Tourism looks to sustainable development of the environment for its survival while, at the same time, it provides employment opportunities, uses local initiative and can increase community capacities, empowering the local people. To achieve all this, the importance of careful planning cannot be over-emphasised.

Tourism is not, as it was before, just the arena for environmentalists and conservationists. Not only does man's survival rest on sustainable environments for the continued availability of food sources and other resources, it is also viewed as a sector which has the potential to raise per capita incomes, the manifestations of which are reduced population pressures and the improved lives of people.

South Africa's attractive climate, unique scenic and cultural resources and abundance of labour, provides it with a comparative advantage in tourism. Tourism is capable of attracting foreign currency from international tourists, having a positive effect on the balance of payments account.

This spin-off will be maximised if leakages are inhibited. Leakages are primarily through the expenditure on imported goods and services in the tourist industry. Tourism also has a positive income multiplier effect. This is through the expenditure on goods and services outside those directly involved in the tourism industry. Tourism also has strong linkages with other sectors of the economy such as transportation, clothing, entertainment etcetera. And so, tourism has the potential of creating jobs due to its linkages and the fact that it in itself is a labour intensive service industry. Tourism provides the opportunity for the development of small scale entrepreneurs; it encourages the development of local work and initiative as tourists demand the local beadwork and handicrafts as curios.

Although there are many advantages to tourism the negative impacts must be considered and adequately dealt with. Besides the leakages mentioned previously, an obvious negative impact of tourism is that of the high investment costs which must be incurred when developing a tourism project. Moreover, it must be ensured that the promotion of one industry in favour of another does not result in unjustifiable opportunity costs. In promoting tourism, its seasonal nature must be kept in mind to ensure that the project will be viable at all times. Another pitfall of the tourist industry is that economic distortions can take place geographically; only certain areas have the potential for tourism which may lead to the neglect of other areas. For a tourist development to be successful and contribute to sustainability, it must be planned in harmony with accepted development objectives and in conjunction with the needs of the local communities in the area (Niedermeier & Smith; 1995:53)

In planning, greater attention is being given to the environment and shaping all sectors of society in an ecological direction. But, economic development is vital for the development for the future of all countries and so, economic instruments are increasingly being seen as tomorrow's approach to protecting the environment today. The boom in the demand of people seeking out unspoilt natural settings, in the attempt to 'get back in touch with nature', enhances this idea. Ecotourism holds the promise of providing developing countries with both the funds and incentive needed to boost conservation efforts.

Ecotourism provides employment and income opportunities to local people who are also

empowered with a sense of pride. Foreign exchange also accrues to national governments and so, ecotourism has the potential to maximise economic benefits and minimise environmental costs.

The conservation efforts of most national parks is to strive to preserve permanently, representative examples of plant and animal communities in that area. The protected areas are also to be used by current and future generations for inspiration, education and research, in so far as it falls within the parks aforementioned objective. It is vital that if the park is developed for tourism and income generation, that it be set within a clear legal, political and administrative framework. The income generated from tourism must be channelled back into the region for the park to be any advantage to the region and its people. Moreover, the success of a park relies on the full support of the local people. The people of the area must be seen as a part of the total ecology. Conservation is not a success based on the premise that the locals are removed...some of the park may be used for grazing and the local community can participate in the management of the park. People and conservation can coexist. Failure to include the local population in conservation projects builds an antagonistic relationship to the "conservators" and a natural predisposition to the approach (Chapman & Gower (eds); 1990).

3.2.1. The economic theory of ecotourism

In this industry, 'good ecology is good economics' (Lindberg; 1991:3). Ecotourism has the potential to help economic development at both local and national level. Tourism generates a large amount of foreign exchange over time and there is no death of the animal, as would be the case if revenue was generated through game hunting attractions for overseas visitors (Lindberg; 1991). In a country such as South Africa, where expanding human needs often conflict with the needs of wildlife, the tangible benefits for tourism have the ability to generate greater support for conservation than would be possible without them.

Three broad shortcomings of ecotourism are:

i) many areas of ecological importance are too inaccessible or unappealing to attract tourists or

are ecologically incapable of weathering the negative effects by the products of tourism development; other sources of financing continue to be important to maintain the natural areas adequately

- ii) the unrestricted use of the natural attraction by tourists will lead to overuse at many destinations
- iii) host countries have not tapped much of the potential revenue from ecotourism and what they do capture rarely goes back into the parks and surrounding communities and little revenue remains in the host country.

Natural resources are classified according to economists primarily as non-rival goods, ie one persons enjoyment of the good is not hindered by another persons enjoyment of the same good - up to a point. Heavy use of the resource leads to congestion, cultural disruption and environmental damage (either directly such as litter or indirectly such as the waste produced at the tourists lodgings). These negative effects reduce visitors' enjoyment, hindering future revenues.

The tourism cycle is illustrated graphically in Figure 4.

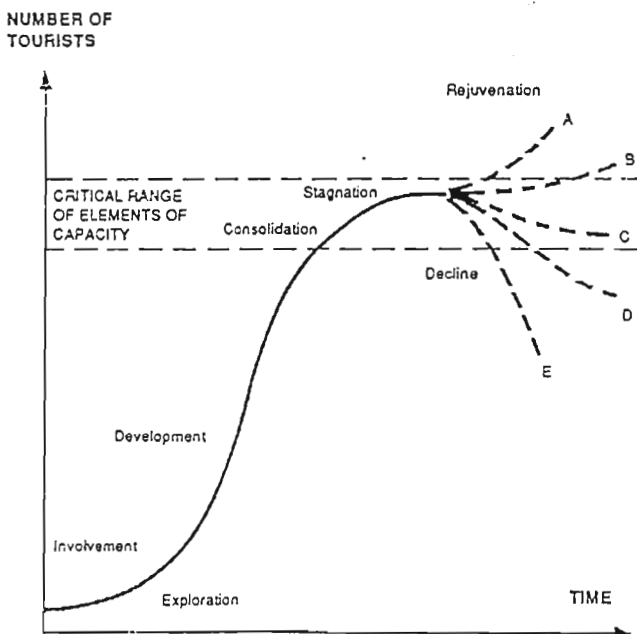


Figure 4: The tourism cycle

Source: Lindberg (1991:11)

A particular region initially attracts few 'low impact' tourists relying on existing facilities. These tourists spread the word about the area and so tourist numbers increase and the host country tailors facilities specifically for the tourists. Hereafter, heavily promoted facilities spring up and visitors become disenchanted. The tourist industry is dominated by major franchise and so the region stagnates and revenue falls unless a deliberate effort is made to rejuvenate the region. It is important that managers are constantly aware of the tourist industry and that it be treated as a renewable resource that must be carefully cultivated to ensure future returns.

If the number of visitors remains low, stagnation of the attraction is unlikely. However, most tourist attractions have the open market characteristic of no significant restriction by price or numerical limit. This characteristic results in the exploitation of a popular attraction. The benefits and cost of visitation at an ecotourist destination are illustrated below in Figure 5:

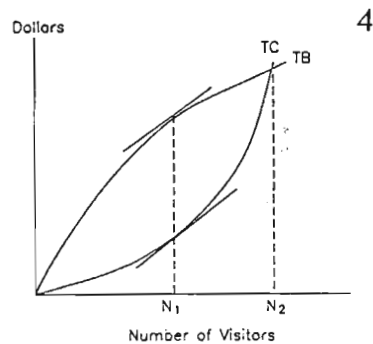


Figure 5: The benefits and costs of an ecotourist attraction

Source: Lindberg; 1991:12

4 TC = Total Costs

TB = Total Benefits

N_1 = Number of tourists at which point the net value to society is maximised

N_2 = Number of tourists at which point the resource becomes overexploited

As the number of visitors increases, the marginal benefits of visitation decreases and benefits level off. Marginal costs and total costs continue to increase. The net value to society is maximised at N_1 , where not the number of tourists is the greatest but, the distance between costs and benefits. After N_1 , marginal benefits of additional visitors is less than the added cost of such a visit because of ecological, congestion and cultural impacts. The individual industry and tourist consumer surplus, still generates profit as average returns is greater than average costs therefore, there is continued use of the resource up to N_2 , at which point the resource is overexploited according to society's total welfare.

To avoid over-exploitation, managers need to limit the number of visitation to the socially optimal level (N_1) through either (or both) prices or numerical quotas. Figure 6 illustrates how a levy imposed directly on tourists limits visits.

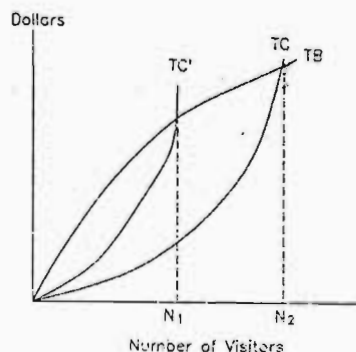


Figure 6: The impact of a levy on tourism

Source: Lindberg; 1991:12

5 TC^l = Total Costs with levy imposed

$(TC_n^l - TC_n) / N_n$ = Total Costs with levy minus Total costs without levy divided by the number of tourists gives one the size of the levy.

The levy increases the financial costs of the visit, shifting the total cost curve up to TC^1 , so that total costs equals total benefits at N_1 rather than at the undesired level of N_2 . The size of the levy is $(TC^1_n - TC_n)/N_n$.

A multi-tier system would lead to both equity and efficiency; charging local residents and international tourists different prices for access to the reserves. The demand of residents is relatively price elastic as the citizens as a group will not pay higher prices for the privilege which they are paying for indirectly through taxes. The demand of foreigners is price inelastic ie, an increase in price will cause less of a decline in the number of visits. Although the demand for nature tourism seems to be strong and relatively price inelastic, a serious recession or a significant rise in the price of oil or other industry inputs could reduce visitor levels. As far as possible, planners should compare these uncertainties with similar risks facing alternative industries.

Revenue is also received through indirect expenditures; lodgings, souvenirs and brochures. Educating tourists about proper behaviour towards animals and plants is vital. Informing tourists about the regions natural and cultural heritage can pay directly and indirectly. It encourages them to donate money to continue educational programs, heightens their enjoyment of the trip and increases chances of return visits and good recommendations to others.

If ecotourism is to be sustainable, conflicting goals and objectives need to be resolved between governments, conservationists, local communities, tour operators and developing agencies.

Local needs should be incorporated into planning to give the local people an economic and social interest in ecotourism and in doing so, decrease conflict between conservation and human survival. The residents of the local community are to be educated on the monetary benefits of conservation (ie ecotourism) and nonmonetary values (eg watershed preservation). They can then participate in ecotourism projects at :

- planning stage| includes identifying the problems, formulating alternatives, planning activities and allocating resources
- participation: managing and operating a program

- sharing benefits: local communities receive economic, social, political, cultural and other benefits from the project either individually or collectively.

'If local people view the national parks and conservation as simply an encroachment on their traditional rights, and feel they're getting nothing in return, they'll never see nature protection as a good thing. And that means long-term conservation won't be possible either' (Hanneberg; 1994:29).

3.2.2. The issue of ecotourism in relation to the case study

The importance of sustainable development and the possible benefits which could have been gained from an ecotourist development should have been borne in mind when making a choice between the conflicting land uses on the site between the Richards Bay airport and Lake Mzingazi. Thus, as an overview of the significance of ecotourism to the present and future development of a country, the key components of ecotourism conservation ethics will be summarised below and should be kept in mind by the reader when the case study is discussed:

- 1) Increased awareness of nature - among tourists and local people
- 2) maximizing economic benefits for local people - the prefix 'eco' should refer to economics as well as ecology
- 3) to encourage cultural sensitivity - the presence tourists is inevitable to local inhabitants therefore fundamental to ecotourism must be the preservation of the nations cultural heritage, the appreciation for customs and traditions of the native people and a respect for their privacy and dignity.
- 4) to minimise the negative impacts on the environment.

3.3. Settlement Patterns and Planning

When planning the growth, function and size of any settlement, whether urban or rural, Christaller's central place theory provides one with a good basis, with its principle of hierarchies of central place and the complementary outlying areas. Key concepts of Christaller's theory which are of particular relevance to the planning of the Mandlazini settlement are firstly, that the concentration of services, facilities and employment in one area is more economically viable (and serves the surrounding areas) and secondly, the concepts of range and threshold have an influence on planning. In fact, Dewar states in a recent article that 'the concepts of range and threshold, therefore, which have long been central to central-place theory, remain in the forefront of small urban centre planning' (Dewar, 1995:11).

Briefly, 'range' refers to the distance that people will travel to a market/focal point. It is the 'sphere' of people which a centre will attract. The threshold of a centre is the number of people required to support a centre, to ensure that the service/facility is viable. Viability is usually measured in economic terms. The constraint-capacity theme has been a forerunner to the threshold concept. The constraint-capacity approach assesses the suitability of the settlement for growth and change. These may be physical constraints and capacities, such as the steepness of a slope preventing the development of certain infrastructure. Further constraints may be written into plans and policy guides or into legislation. Although Woodruffe (1977) criticises the planning of rural settlements for not having a sound theoretical background, based on the above theoretical perspectives which must be considered in settlement planning, these concepts must be borne in mind when considering the planning of the Mandlazini settlement.

The settlement of the Mandlazini people was of a rural community in an urban environment. Thus, planning attempted to achieve a balance between these two ways of life; rural and urban. This section will outline what the literature refers to when discussing villages. The concept of an agriculture - village (better known as an agri-village) will then be outlined so as to provide the reader with a background of the settlement pattern when reading the case study.

3.3.1. The village settlement pattern

In the case of the Mandlazini Group, a traditional settlement was developed in an urban context. This dual (rural and urban) existence makes it difficult to categorise the exact settlement pattern. International literature was reviewed to provide some insight into a situation which is unique to South Africa with its previously strict and racially motivated, settlement legislation.

According to literature from the United Kingdom, Davidson, J & Wibberley, G (1977), farming on land surrounding built up areas of towns and cities is referred to as 'fringe farming'. Four categories of fringe farmers are described as follows :

1. The truly commercial farmer, who aims to sell and relocate a larger enterprise on the proceeds of the sale.
2. The under-capitalised and uneconomic farmer who is faced with the problems of an urban fringe location and who may attempt **many** changes of enterprise to achieve success; they are insecure farmers whose turnover may be intermittently quite high but who fail to reinvest in their farm or adequately maintain it.
3. The 'hobby' farmer who is involved for tax purposes or to enjoy a pleasant 'rural' home or for some other non- agricultural reason.
4. Lastly, there are the land speculators for whom farming is a temporary activity, often pursued in an inefficient way (Davidson, J & Wibberley, G; 1977:110-111).

The problems referred to in point two are high levels of trespassing from the neighbouring urban areas and the resultant costs of fencing. Also, in many areas the farms are limited in size due to town planning regulations. More crucial to the case study of the Mandlazini people, is the intense pressures on the land, on the edge of the existing town, to be developed.

The benefits of fringe farming are its proximity to the urban areas where fresh produce may be sold or which may serve as extra sources of casual labour. These benefits may only be reaped if agriculture proves to be sustainable. According to Auerbach (1993:24), four key areas have to be considered for agriculture to be sustainable. These are : correct land use; a long term approach to maintain soil fertility; a reduction in the use of fertilisers and other chemicals which feed the

plant yet have detrimental effects on the environment and fourthly, the promotion of biological diversity.

Although it is difficult to categorise the Mandlazini People into one of the four types of fringe farmers, the discussion provides some insight into the benefits and challenges that the people are faced with farming on land neighbouring urban development. The People themselves are a poor community and therefore will primarily undertake farming for subsistence reasons. Thus, it is likely that they will experience the problems associated with the fringe farmer mentioned in point two above. The benefit of the international literature in this field is that it provides a model against which to measure what happens, or is happening, in South Africa.

One can also make inference from the 'villagisation' programme in Zimbabwe, for the particular case of the Mandlazini People. In such a programme, homesteads are located within close proximity of one another so that water, electricity and services may be made available while the surrounding, larger fields are ploughed and used for producing subsistence crops. The communal land must be organised so as to ensure that land is farmed on a sustainable and productive basis. The underlying principles of Christaller's theory are apparent in such a settlement approach, with the clustering of households to provide sufficient threshold for the installation of infrastructure.

Dewar (1995) categorises villagisation as one of four categories of forms of small settlement planning which have dominated developing countries since the 1970s. The four categories are:

- 'strategies to transform patterns of land occupancy (nodal rural development schemes and villagisation)
- strategies to restructure the rural areas as a whole (rural service centres and mobile services)
- strategies which promote rural and regional industrialisation (industrial decentralisation points and secondary cities) and,
- strategies (more common in developed than developing countries) aimed at preventing the decline of infrastructure and services in small urban centres (holding centres or 'key settlement' concepts)' (Dewar; 1995:11).

From his research of international literature, Dewar (1995) concludes that villagisation has been

a common policy approach to relocate dispersed rural families in a concentrated manner. The approach usually had four main aims : to provide basic services **such as water , primary education and health care**; to modernise agriculture by consolidating the numerous farmers to create land holdings of a size making it viable to introduce machinery or to stimulate a collective form of farming; to promote optimum land use by conserving the richest land for cropping, drier lands for grazing and worst agricultural land for residence; and, lastly, to improve farming practices and, in particular, to combat erosion and to promote soil conservation (Dewar; 1995).

The spatial distribution of the villages is determined by the need for the residents to reach their land, using available transport. In some **countries there have** been underlying political motivations for the spatial distribution **of the villages**. For example, in China, the spatial distribution was used as a tool to combat the power of wealthy landowners and to establish a spatial framework for political organisation. In Tanzania, villagisation was used to diversify the rural economy and improve standards **of living** in the rural areas so as to impede urbanisation. In South Africa, Dewar (1995) equates **the** 'betterment schemes' used in the Bantustans as a villagisation policy which was a means of social control and way of drawing labour from the countryside. The size of the village is determined by the underlying principle of minimum threshold for infrastructure and services (namely water and education). The minimum figure held is 250 families although they are usually considerably larger.

Dewar (1995) notes that the success of a villagisation programme is largely determined by the appropriateness of the plan itself. **Common criticisms are** however; exorbitant costs of development; social upheaval from relocation; **inefficiency** of the transportation patterns imposed by the scheme, between the work place and residence and, the inappropriateness of many schemes to local conditions.

In terms of the village settlement pattern in South Africa, they are defined by Dewar (1995:35) as 'relatively low-density concentrations of homesteads surrounded by communal farming areas'. Although they may be serviced by a few essential services such as clinics and shops, they are essentially residential in function and have little or no internal **economic** base. The residents are not true subsistence farmers (in the true sense of the term) rather, they are dependent on incomes

from cash economies of external sources.

In South Africa, two processes underpin this settlement form : there are the organic types (where the system of growth is determined by land allocation by the chief) and artificial types such as those determined by agricultural betterment schemes, which sought to achieve more efficient and commercialised farming and to act as relocation point for people removed from white areas in terms of influx control (Dewar; 1995). In South Africa, villagisation schemes have also been looked at as a means of housing farm labourers, in what is referred to as an agricultural village.

3.3.2. The Agri-Village Concept

Research into the development of the concept came about in the early 1990s when the Natal Agricultural Union commissioned the Institute of Natural Resources at the Pietermaritzburg campus of the University of Natal, to look into the concept.

The original definition of an Agricultural village - better known as an Agri-village - is, as defined by the Natal Agricultural Union (NAU) :

'An agri-village consists of a plot of land laid out in the form of a rural village on a separate sub-division of land. The sub-division may accommodate the farm workers of one or more farmers.

The ownership of the plots would be transferred to the individual workers under various conditions - eg; number of years worked.

The idea is to give the farm worker the opportunity to work for property which would be his (sic) own where he (sic) could invest in permanent housing and be able to take care of himself in retirement (sic). The village would be a more cost effective form of settlement for the installation of infrastructure such as water, sewerage and electricity' (NAU Policy statement in INR, 1993a:2).

Although the NAU has provided a definition of the concept, there appears to be consensus in the fact that there is no clear cut definition of what in fact an agri-village entails (Marcus and Southey; personal communication). This may be the result of a lack of official support of the concept and that there is no precedent or pilot agri-village (INR; 1993b).

Agri-villages were a response when it was recognised that farm workers required housing and this was a housing programme to settle them off the farmers land (Marcus, 1996). The Institute of Natural Resources explains the role of agri-villages as :

'The underlying purpose of an agri-village is to make a more secure residential arrangement available to farm workers than presently exists and allow for the rational provision of services and infrastructure' (1993a:4).

At workshops held with interested parties dealing with agri-villages, there was discussion regarding the widening of the concept of an agri-village to that of a multi functional rural centre. The perspective was however, specifically from the view of farmers, out of their capacity and interest and therefore would like the focus of an agri-village to remain more specifically in providing more secure housing arrangements for farm workers (INR; 1993a).

Four test models were being used in the early 90s to explore the options of the concept. These are :

- a) Agri-villages in private ownership
- b) Agri-villages in government ownership
- c) Agri-villages in adjacent tribal areas
- d) Agri-villages incorporated into existing urban local authorities.

- a) Agri-villages in private ownership

Once approval is given by the Minister of Agriculture and the Administrator of the particular area in question, the agri-village could be established using either the LEFTEA or Ordinance routes. The land on which the agri-village is to be developed may either be donated or sold by the farmer or expropriated by the Natal Provincial Administration (NPA) for granting

and sale to the farm workers.

Although the local authority would largely be responsible for the area, the workers would be responsible for the management and development of the agri-village on a day to day basis.

b) Agri-villages in government ownership

The essential difference of this model from the first is that the NPA would purchase the land and become the land owner, whereas in the first model the farm workers became the land owners. The NPA is thus concerned with the day to day administration of the settlement.

c) Agri-villages in tribal areas

In this option private land would possibly be alienated and incorporated into the adjacent tribal areas. The legalities of such an incorporation were uncertain : either the land would have to have been donated to the tribal authority or expropriated by the NPA or Department of Regional and Land Affairs, for transfer to the then KwaZulu Government. It is possible that the LEFTEA procedure would have been used. The residents of the agri-village would become subject to the local tribal authority who, in turn, would be an agent for development and land use control, under the overall authority of the KwaZulu Government Service.

d) Agri-villages incorporated into existing urban local authorities

Approval from both the Minister of Agriculture and the Administrator would be required for the sub-division of agricultural land and the establishment of a village. The LEFTEA route would most likely be used. The land on which the agri-village would be developed could either be donated by farmers, expropriated by the NPA or be purchased by the local authorities themselves. Thus, either the local authority or the farm workers would become the land owners. The provision of services and the administration of the settlement on a day to day basis would be the responsibility of the local authority (INR, Appendix I; 1993a).

Although the options seem to provide a technical solution to the problems faced by farmers, farm workers and authorities; the concept must not just be seen as a technical instrument rather, the interests of all involved parties must be considered and careful consideration needs to be given

to the wider socio-political context.

Broadly, the legislation which would have a direct bearing on the establishment of agri-villages is :

- The Less Formal Township Establishment Act of 1990 (LEFTEA). This would be used based on a motivation of urgency or crisis for the establishment of the settlement.

- The Town Planning Ordinance of 1949.

This includes the requirement of a Need and Desirability certificate (N&D)

- Subdivision of Agricultural Land Act of 1970.

The subdivision of agricultural land requires the approval of the Minister of Agriculture.

- In the previous KwaZulu, the establishment of a rural settlement would be done in terms of chapter 2 of Proclamation R.293 of 1962.

3.3.3. Settlement patterns in the case study

Inference has been made throughout the above discussion on the applicability of the various theory to the settlement pattern of the case study. The concept of threshold and villagisation must be borne in mind when reviewing what has been planned for the settlement of the Mandlazini people on the site between the Richards Bay airport and Lake Mzingazi. Moreover, the reader must have a clear understanding of the concept of an agri-village as this is what the Mandlazini settlement has been termed and constant reference is made to 'the agri-village'. The applicability of such a term will be questioned later in this report.

3.4 Land Reform

Land reforms have, historically, been associated with changes in political regimes (Christiansen in van Zyl et al (eds); 1996). They are a programme to alter an unsatisfactory situation in order to improve the quality of life of the users of the land. This section discusses the history of land

reforms in South Africa, briefly, pre and prior to the 1990s in order to provide a setting for the Mandlazini People's land claim.

3.4.1. Land reform pre 1990

Land reform has historically, in South Africa, been used as a means of building a capitalist economy. Land reforms are described as 'changes of land ownership and occupational rights with the aim of changing the distribution of income, social status and political power' (Letsoalo in de Klerk (ed); 1991). In fact, land reform was used as an instrument for underdevelopment, constrained urbanisation and forced removals of people of colour and relocation into limited areas.

Access to land was based on race and entrenched in the apartheid policies. Black South Africans were dispossessed of their land, forcing them to act as labourers in white areas. The reserves acted as labour pools for a cheap supply of labour. It was through the apartheid instruments of forced removals that there was a deliberate underdevelopment of black South Africans. The instruments of apartheid can be listed as: clearance of 'black spots'; homelands consolidation; abolition of labour tenancy; betterment schemes; relocation of urban townships and, influx control and associated legislation.

The legacy of apartheid is a story all too well known and recorded in numerous texts (see de Klerk (ed); 1991), the details of which are beyond the scope of this dissertation. What was apparent and emphasised in many writings in the late 1980s, early 1990s was that, irrespective of who was in power in the country, a precondition for peace and stability is an equitable redistribution of land. This is the challenge that South Africa, today, is faced with.

3.4.2. South Africa's land policy in the 1990s

Land is a scarce resource and wherever conflict in South Africa's history has occurred between black and white, a fundamental cause has been the desire for land. During the Apartheid regime

in South Africa, people of colour were discriminated against resulting in removals and dispossession of their lands took place on the grounds of racially based legislation. Moreover, there are strong environmental constraints in South Africa. Issues dealing with the environment set the scene for struggles over access to land. South Africa does not boast an abundance of highly productive land, contrary to popular belief that it is rich in agricultural resources. Only approximately 11% of South Africa's land is arable of which, only 10% is irrigated, realising its full potential (Cooper; 1990). Thus, land reform is faced with the challenges of meeting human needs today while protecting the scarce resource of land in a sustainable way for tomorrow's generations.

Demand and competition for land must take into account economic and social environments which surround them. They are not merely questions of land.

'Land issues are about righting historical wrongs which saw people lose control over their land and therewith over their lives. They are about providing people with practical ways of addressing their most basic social and economic needs' (Marcus; 1995:84).

This view is supported by Claassens (1989:25), who states that:

'The land issue is not an empty page that requires some man to come write on it. Every piece of land in South Africa has a history and people who lay claim to it. An appropriate land strategy must be based on a proper understanding of the traditions, beliefs and dreams that have inspired people to fight the battles they have fought. Only a policy that grows out of these traditions and incorporates the dreams and concrete necessities that people have been fighting for, will get popular support.'

In 1991, the Government established the Advisory Commission of Land Allocations (ACLA), in terms of the Abolition of Racially Based Land Measures Act of 1991, to address historical wrongs. The ACLA was authorized to identify 'unallocated' and 'undeveloped' state land

acquired in terms of repealed racial laws and other land which could be acquired by the state for 'agricultural settlement'. Recommendations could then be made to the State President on the allocation and development of the identifiable land. In June 1993 the powers of the ACLA were extended and the ACLA became the now Commission on **Land** Allocations. The Commission was established in terms of the Restitution of **Land** Rights Act. The Act also established a Land Claims Court to review each case and enable its final settlement through a court order.

The Commission can make an order in respect of:

* 'Land acquired by the state or a 'development body' in terms of repealed racial legislation.

Under the same blanket condition, it can make recommendations on:

- * state land acquired under the Community Development Act;
- * land which might be acquired by the state for residential or agricultural purposes
- * land referred to it by the Minister of Regional and Land Affairs; and
- * local authority land declared by the Minister to fall within the jurisdiction of the Commission' (Urban Foundation; 1993:3).

Any individuals, communities or their descendants who lost their land rights because of racially discriminatory laws passed by previous governments on or after 19 June 1913, qualify for restitution under the Restitution of Land Rights Act No. 22 of 1994. Historically-based claims can take many forms:

- * claims from communities who have suffered measurable losses from losing their rights in terms of the land registration system, such as trust land in 'black spots';
- * losses expressed in intangible terms, such as undue hardship
- * communities which did not have registered rights to the land but had non-registered rights such as traditional owners of the land.
- * Claims which arise from entire townships which have been removed; cases where people did or did not have title or the necessary urban resident permits;
- * victims of the abolition of registered labour tenancy in 1979; or
- * claims relating to land originally belonging to the South African Development Trust. With the transfer of this land to the homeland governments, communities were displaced where the homeland government changed conditions of tenure.

New claims can be lodged until 30 April 1998. Claims must be lodged, with the relevant regional Commissions office with jurisdiction over the specific land, in writing on the claim form as prescribed by the Commission in terms of section 10 of the Act, along with all relevant documentation to substantiate the claim.

The Commission is faced with difficult choices in terms of **land** claims; "Should the land be given back to the people or should they be given compensation?", "If they are to be compensated, in what form and how much?", "How can situations be dealt with to minimise conflict and not to hinder investor confidence?"

Dealing with land claims falls within a larger development process. Land issues are not only about righting historical wrongs but, includes providing **people with** practical ways of addressing their most basic social and economic needs. South Africa's land policy, as outlined by the Green Paper is four-fold in that it aims :

- * to redress the injustices of apartheid;
- * to foster national reconciliation **and** stability;
- * to underpin economic growth; **and**
- * to improve household welfare and alleviate poverty (Department of Land Affairs; 1996:i).

The governments land policy is made up of three components namely; land restitution, which is concerned with the restitution of rights in land to persons who were dispossessed under racially discriminatory laws; land redistribution, which is concerned with providing the disadvantaged and poor with access to land; and land **tenure reform** which is aimed at providing security of tenure under diverse forms of tenure (Department of Land Affairs; 1996).

A pilot land reform programme, one within each of the nine provinces, is being used as a tool to develop and expand an implementable land reform strategy for distribution. The pilot programme was launched at the end of 1994 and is a means of learning through practice. The pilot is undertaken on a limited scale and aims at developing efficient, equitable and sustainable

mechanisms of land redistribution in rural areas (Lund in van Zyl et al (eds); 1996).

In rural land claims, land reform should include the expansion of support programmes, financing of development, the establishment of special areas for small-scale farming and opportunities for non-agricultural development. Land claims must be seen within the broader context of land reform. These land reforms must empower people. It must give people the authority to make decisions on and to act and manage their own lives. An ambitious objective for land reform, is to place increased emphasis on small-scale family farmers rather the agrarian countryside dominated by large scale capitalist enterprises. This is seen as a positive means of empowering people and allowing them to take responsibility for their own lives.

Most importantly, land reform must ensure the sustainable use of the environment. According to the Deputy Minister of Land Affairs, to ensure the sustainable use of land, new settlement can be created by:

- * increasing access to novice farmers for assistance with the acquisition of land and by identifying alternative sources of finance;
- * implementing farming participation schemes such as share-cropping, subcontracting and shareholding, through which farm workers can obtain an interest in the agricultural industry;
- * restructuring agricultural marketing institutional and physical infrastructure to make it accessible to small-scale farmers;
- * developing technology and training programmes for small-scale farmers; and
- * removing restrictions on the subdivision of agricultural land, provided measures are taken for its sustainable utilisation (view taken by the Deputy Minister of Land Affairs, Mr Tobie Meyer, in his speech during the debate on the budget vote of the Department of Land Affairs in the National Assembly, in Department of Land Affairs; 1995:12).

Development projects must protect the traditional way of life of the communities affected by the projects. In developing land for subsistence settlement, it is important to consider issues such as:

- * how should the people and the different interests within the people be represented?
- * how should disputes be resolved?
- * what form of ownership will there be?

- * how should the land be allocated? Kept as big plots or divided into family plots?
- * How and where should the housing be established? Into a number of settlement villages or one village?
- * What kind of farming should be practised? Maize, cattle or mixed farming?
- * How should production be divided? Who will work, where and for what? and,
- * How will the crop be divided? (Claassens; 1989:20)

3.4.3. Land reform in the case study

Before concluding this discussion on land reform, it needs to be brought to the readers attention that the claim of the Mandlazini People was settled in terms of the Provision of Certain Land for Settlement Act, Act 126 of 1993. This is a national act which is used in the land policy under the redistribution programme to provide access to land for rural settlement. The claim of the Mandlazini People was, however, lodged before the formation of the pilot programmes and the Land Claims Court. It was a unique situation wherein a claim was made for the settlement of people in a traditional way within municipal boundaries. Act 126 does not refer to settlement on municipal land and thus, it was a learning experience for both the people and authorities to negotiate and reach a compromise in a situation in which there were no clearly defined legal boundaries.

There are five lessons learnt from international experience in land reform, from which South Africa can gain insight when implementing its land policy :

1. It is important that the speed of the implementation of the programme be rapid as there may be changes in legal and political power which could result in the programme being ineffective.
2. Economic viability of farm models is vital thus a prerequisite is the analysis and assessment of all available options; which are affordable to the target income group; what are the costs and benefits, etc to ensure that the most effective and efficient model is applied.
3. Political acceptability and legitimacy is a must so that there may be consensus in the goals and desire for/need of the programme.
4. There needs to be a clear definition of the role that the public sector can and will play, and

what is best left to outside organisations.

5. Land reform is part of a comprehensive programme of economic restructuring and is not merely the provision of land, services and infrastructure (Christiansen in van Zyl et al (eds); 1996).

To conclude this sub-section on land issues in South Africa, two strong statements which highlight peoples' opinions towards land issues and land reform will be quoted:

'The land. The land is our life, that is our mission. The land is our whole lives, we plough it for food, we build our homes from, the soil, we live on it and we are buried on it. When the whites took our land away from us we lost the dignity of our lives, we could no longer feed our children. We were forced to become servants, we are treated like animals. Our people have many problems, we are beaten and killed by the farmers, the wages we earn are too little to buy even a bag of mielie-meal. We must unite together to help each other and face the Boers. But in everything we do, we must remember that there is only one aim and one solution and that is the land, the soil, our world.' (Petrus Nkosi's opening remarks at a regional meeting representing seventeen different rural communities, in Chapman & Gower; 1990:25).

And,

'Ownership of or occupation of land in any area of South Africa must be open to all South Africans without any discrimination. Careful planning of all necessary development should be balanced against the necessity to protect the environment and support the natural systems. Encouragement of efficient production on a sustainable yield basis of sufficient affordable food and fibre to satisfy the nation's growing needs' (Democratic Party quoted in Chapman & Gower; 1990:25).

3.5. Conclusion

This chapter has dealt with a wide scope of issues which provide a theoretical background to the case study. The facts of the study are given in the following two chapters. Thereafter, chapter six assesses the facts of the study, given the background provided by chapter three.

CHAPTER FOUR

THE CLASSICAL CASE OF RESERVE 6 IN RICHARDS BAY

The purpose of this chapter is to 'tell the story' of Reserve 6. It is a descriptive account of the events concerning the competition of land uses **for the site** in question. An analysis of the facts described in this chapter will proceed in the assessment chapter.

In this chapter, the area is first briefly described in its regional and sub-regional context, and a brief outline of the sites physical characteristics **is given**. This **is followed** by the facts concerning the interests of the developers for a tourist **resort and** nature reserve. Following this is the recollection of the data referring to the conflicting interest of the low income settlement users.

It must be brought to the reader's attention that there are not exclusively two interests groups with competing interests in the land. There are **others**, such as the residents of Richards Bay and the Town Council acting on their behalf. However, **these other** interest groups did not play a direct role in the dispute in question. These interests will manifest themselves **during** the discussion of the two interest groups on which this study is focused. This chapter will not concentrate on these 'other' interests but they will be considered in the assessment to follow.

4.1. Regional and Sub-Regional Context of the Site

The importance of Richards Bay in the area is seen in terms of both regional and sub-regional contexts. Richards Bay's strategic positioning sees the town as the 'gateway to Zululand' (Tuzi Gazi, 1995:1). Its strategic position locates it as an 'opening' to national and international tourism in the wider area. Richards Bay is en route to Zululand, which is the second biggest tourist destination after

Durban and the South Coast . It is also a desirable stop over point for those traveling to Mozambique (Boma; 1991).

In terms of access; Richards Bay is just off the national freeway (N2) which runs from south to north, between Durban and Swaziland. In addition to good vehicular routes, Richards Bay boasts a sophisticated airport as well as a major harbour. Thus, the town is accessible by land, sea and air.

A regional overview indicates that Richards Bay is the main development node in the Zululand region. Although the town is an emerging metropolitan centre, it is no longer just seen as an industrial town rather, the town's character is changing to one which is desirable to live in and holiday at. The town offers modern shopping complexes, spectacular scenery and unspoilt beaches. Tourists are attracted to the towns small craft harbour and crocodile sanctuary, to name a few, plus, for many, it is considered a fisherman's paradise. The town also offers a new concept of tourism known as 'industrial tourism', which offers tourists the opportunity to visit industrial plants, mines and operations (Tuzi Gazi, 1995).

The site itself falls within the Richards Bay municipal boundaries. The land may be considered 'public open space', but in terms of the Richards Bay Town Planning Scheme (in the course of preparation of the site) the site was zoned 'undetermined' (Richards Bay Town Council, 1990).

The freshwater lake, Lake Mzingazi, forms **the eastern and** southern boundaries of the site. Approximately 6 km of the Lake's 21 km **northern** shoreline is occupied by the site. The Richards' Bay airport abuts the majority of the western border of the site. The airport development poses the constraint of noise pollution which must be taken into consideration when establishing the environmental quality of the site. Beyond the airport is the residential area of Birdswood which, at the time the proposal for the nature reserve was put forward, was largely undeveloped. The land beyond the northern boundary of the site, is afforested.

The residential suburbs of Arboretum and Meerensee lie across the lake to the South-West and

South-East respectively (Figure 7).

4.2. Physical Characteristics of the Site

The site is an irregular shape, a prominent feature of which is the 'horn' which is a low, flat wetland terrain which juts out southwards into the lake. Higher ground occurs in the North-East and South-West corners as well as a band which **extends** from the horn to the airport. These areas of higher ground are separated by two main **drainage** courses which run from a northerly to a southerly direction. The lowest point of the site is the shoreline of the lake which lies at three meters above sea level. Broadly, the nature of the **landscape is undulating** with small hillocks and spurs interwoven with minor drainage lines criss-crossing the site (Boma; 1991).

The vegetation is comprised of indigenous and grassland vegetation, while the watercourses are outlined with reed beds. Exotic trees **including** gum (eucalyptus), pine (pinus) guavas and syringas as well as weeds such as lantana and **chromolaena** are part of the vegetation communities (see photographs 1-3). Main categories of **vegetation** which was classified according to the CSIR to aid in a metropolitan open space plan, is as follows:

- swamp forests, which are classified as **high** conservation priority
- dwarf shrubland; low botanical conservation priority, and
- primary reedswamps with intermediate botanical conservation priority.

There were also patches of a mosaic of coastal forest and dwarf shrubland (low botanical conservation priority); mature coastal forest, which was classified as high botanical conservation priority and, woodlots, which have no botanical conservation priority (CSIR; 1993).

In terms of the presence of fauna in the area, there are fish in the lake and both crocodiles and hippos are known to be in the area. On the land, there are signs of the presence of reedbuck, grey duiker, bushbuck and bushpigs (Boma; 1991).



Photograph 1: Natural vegetation of the site



Photograph 2: Natural vegetation of the site



Photograph 3: Natural vegetation of the site, with Lake Mzingazi visible in the background

4.3. The Developers Interest in the Site as 'Lake Mzingazi Nature Resort'

On the 31 of August 1990, the Richards Bay Town Clerk placed an advertisement in the local newspapers inviting interested parties to put forward proposals for the development of a 509 ha site, situated within the municipal boundaries, on the Western shore of Lake Mzingazi. 112,06 ha of the total site would be leased on a shorter term as it had been ear-marked for future township development.

The brief called for the development of the site in a manner which would encourage tourism to Richards Bay, as well as the residents of the town, which would be attracted to an area surrounded

by all the features relative to a tranquil setting amidst water, bush, game, birds and in close proximity to the sea' (Richards Bay Town Council; 1990:3). Reference was made to the development of 'a fully integrated hotel, holiday units and nature reserve together with modern recreational facilities' (Boma; 1990:1).

Three proposals were submitted in response to the brief. Two of which, Messrs. Boma International Developments and ZAI (Natal) Incorporated decided that if either one was successful, they would, in partnership, submit a more detailed joint proposal for the development of the site as a potential nature reserve with a development approach which was tourism orientated. Both were successful in that Council required a more detailed proposal from the partnership. The proposal submitted by Boma International and ZAI (Natal) Incorporated in partnership was as follows.

4.3.1. ZAI and Boma's development proposal : Lake Mzingazi Nature Reserve

The proposed development by Messrs. Boma International and ZAI (Natal) was an inland resort which was to compliment other development initiatives taking place within the town and the harbour and beach development initiatives, namely, the Tuzi Gazi Waterfront Development.

An 'open park' theme was used by the prospective developers due to the size of the site and its location within an urban setting. This entailed the intermingling of human and animal activities while, at the same time, leaving blocks of land uninhibited by either road or trail access, thus allowing areas in which the wildlife could retreat. An effort was made to capitalise on the waterfront, grading development from the highest in the south-west to lowest in the north-east. The activities could thus be distinguished into four zones with the highest intensity use zone acting as an activity spine on the East-West shoreline accomodating a picnic area, caravan park, information centre, chalets and hotel. Following this was a medium intensity zone (dam, picnic area and bush camps); a low intensity use zone (roads and picnic spots) and the lowest intensity use zone in which there

would only have been trails (Boma; 1991). Development of any major construction was to be omitted from the area which was to be leased on a shorter term due to it being earmarked for future residential development (see figure 8).

Two activity nodes were identified: a commercial/service node at the entrance and reception area and, an accommodation/entertainment node at the hotel complex. Three recreation nodes were envisaged along the shoreline : one at the main picnic area, another shared by the caravan park and lakeside chalets and a third at the hotel to accommodate sail boats, a motorised ferry and cruise boats (Boma; 1991).

The road network had been designed so as to limit penetration into the reserve while at the same time providing vehicular access to all the facilities to accommodate those visitors who would be unable to traverse the reserve by foot.

Development had been excluded from the environmentally sensitive wetland area of the 'horn' and from the man-made constraint in terms of the noise zone of the airport.

Proposed facilities and accommodation types were designed to accommodate a variety of public needs. The design and structure of which would have focused on 'natural, rustic materials, low-profile, quality finishes, extensive landscaping and screening of buildings, privacy and seclusion, counter-balanced by quality interiors' (Boma; 1991:10).

Facilities would have included :

- Hotel complex consisting of the core facility with bar, restaurant and conference facilities and an outside pool entertainment area; accommodation units and ancillary recreational facilities including the parking lot, tennis and squash courts, children's playground and creche and a curio shop, to name but a few.
- Bush camps, with mini-conference facilities and a communal 'lapha'.
- Family chalets with self-catering facilities, communal braai and pool area.

- Caravan park and camp site with a possible pool and playground area to be shared with picnic sites.
- Picnic areas, with ablution blocks, taps, braais etc.
- Access and game viewing roads within the reserve
- Trails
- Reception area with reception/booking area, information centre, general dealer and petrol pumps to name a few.
- Dam, which would act as a focal point for game viewing and a source of emergency water supply. This would have been a man-made dam created by the impoundment of a branch of the stream draining towards the southern shoreline.
- Crocodile Farm, near the dam which would also serve an educational purpose.
- Other recreational facilities included fixed or floating boat jetties; ferry services to other parts of the lake; sundowner/cocktail cruises on the lake; game and bird watching walks and cruises; boating (sailing and rowing) and fishing.

The capacity of the resort was designed to accommodate approximately 588 overnight visitors and at least 180 day visits (excluding people who would have driven around the area without actually picnicing). The number of jobs which would have been created can be estimated at one to one and a half employment opportunities created per tourist bed (Mr Hansen; personal communication). The ratio of direct to indirect jobs created is 1:2 therefore, the development of the resort would have created approximately 900 direct and 1800 indirect employment opportunities.

The proposed layout of the resort was designed in such a way as to absorb the majority of the visitors near the entrance of the resort, at the main picnic site and caravan/campsite. In such a design, holidaymakers would not have to tow caravans along dirt roads and moreover, the actual vehicular movement within the park would have been reduced.

Services in the Reserve would have been an extension of the services from the Birdswood residential township. These would include: water, sewerage, stormwater management, refuse, telecommunications, an access route to the Reserve via the Birdswood residential area; roads within

the site, the surface of which would vary with the intensity of their use - the hardening of only high intensity used roads while lower intensity used roads would remain dirt tracks.

In terms of the actual nature reserve part of the resort, the entire area of the site would have been fenced off using game and electric fences in the double fencing manner. An entrance control system would have been established and a second entrance, at the northern end of the runway, for emergency purposes.

An eradication program was to be implemented for the removal of all exotic plants and seeding and planting of indigenous vegetation would have formed a part of a plant rehabilitation program which would have gone hand in hand with a restocking venture in terms of wildlife. The wildlife would have included bushbuck, bushpig, grey and red duiker, impala, nyala, reedbuck, warthog, waterbuck, wildebeest and zebra.

The proposers considered the management of the area in an environmentally sustainable way. They stated that before the final design of the Reserve was to be proposed, a prerequisite was an Environmental Impact Assessment (EIA) using Integrated Environmental Management (IEM) procedures. They also stated that there was the need for a study to determine carrying capacity of the site. This was however not carried out due to a renege on the lease Council.

In terms of resort and reserve management, the developers stated the importance of monitoring the quality of the water of the lake both in terms of visual and scientific checks (water quality checks for solubles; insolubles; aquatic flora and fauna tests). They suggested the possible zoning of the lake for different uses and including a conservation area in which no activity was to be permitted. The reserve itself was to be managed in terms of wildlife disease, population and vegetation success. Security of the resort would have been required not only in regard to public security such as safety while visiting the resort (due to the presence of crocodiles) but also the reserve required security and maintenance in terms of the wildlife (i.e. protection from poaching);

The management of the resort elements and the reserve were to be combined and handled as an integrated whole. The relationship between human activity and the natural ecosystems must be seen as symbiotic. Success for both depends on mutually beneficial action and reaction (Boma; 1991:20).

The total estimated on-site capital cost of the development of the Reserve excluding service link costs and to the site and operational costs, was estimated at an approximate total cost of R24 401000. This investment cost was estimated in the early 1990s but, when it was revised in 1994, the investment cost had increased to R35 million.

The issue of responsibility for service costs and maintenance was unresolved prior to the termination of the agreement. However, at the time, it was assumed that the municipality would cover the cost of extension services to the site boundary, and would recover the cost through the service charge. It was assumed that the developers would be responsible for the implementation of the internal services (Mr Hansen; personal communication).

It was estimated that it would have taken two and a half to three years in total time from conception to final completion and full operation of the development.

4.3.2. Subsequent actions

On the 11 of December 1992, a short term Lease Agreement was signed between Council and Boma International Developments CC and ZAI Incorporated for the land known as "the site", for the establishment of a proposed nature reserve and tourist development.

The initial rental of the land was R 100,00 per month for a period of two years. This was in order to allow the parties to implement the various preparatory land control measures aimed at the creation of the resort and to submit the required applications to the Provincial Administration pertaining to

Need and Desirability, Township Establishment and Environmental Impact Assessment. Subject to the successful passing of the required applications, or the completion of the two year period, after final negotiations with and approvals from council, a long term lease would have been entered into between the two parties for the rental of the site at no less than R 5000,00 per month, and subject to a minimum of a 15% escalation rate per annum for an initial period of at least thirty years. The monthly rental payable to Council was a flat rate and not per hectare. These low rates were because Council was trying to encourage development in the area and so created a business opportunity (Mr Hansen; personal communication).

4.3.3. Termination of agreement

In the interim, a claim was made by the Mandlazini Group of the Mthiyane Tribe for the land known as "the site". On the 14 September 1993, it was resolved, by Richards Bay Town Council, that the claimants would be granted settlement rights and thus, Boma International and ZAI were advised accordingly and requested to stop all planning activities. Council requested that the Lessees advise it of all costs incurred by them during project preparation to that date.

The two Lessees made claims to the Council for the costs which were incurred by the developer prior to cancellation. Compensation was sought for direct costs (direct money compensation) and indirect costs (allocation of a suitable and equivalent site for resort development).

Messrs. ZAI (Natal) Incorporated and Boma International claimed, and were compensated, the following amounts by Council:

ZAP (Natal) Incorporated - R 160 365,50

Boma International - R 160 456,08.

4.4. The Interest of Low Income Settlement Users

4.4.1. The history of the area and the basis to the people's claim

Richards Bay has been described as 'the cornerstone of the Government's national policy on decentralisation' (Surplus People Project {SPP}, 1983:241). It was during the mid 1960s, when the town was earmarked as both a major port and industrial center, that an apparent indifference was shown towards the local black people who were residing in the area during that time. At the time of developing the infrastructure and port for the town of Richard's Bay, the land north of the bay (known as Reserve 6) was, in fact, the tribal land of the Mthiyane Tribe.

With the establishment of Richards Bay, the then Government deemed it necessary to relocate approximately 6 000 people of the Mthiyane tribe, who were inhabitants of Reserve 6. The families who were not relocated on account of the development of the port were, in 1976 evicted from the area. This was due to the Republic of South Africa's Government, for reasons best known to themselves, selling the remaining portion of Reserve 6 to the Richard's Bay Municipality. The municipality thereafter enforced harsh measures to remove these so called 'black spots'.

In both instances, the removed families were all relocated to the Ntambanana area, about 45 kilometers from the sea (see Figure 2). Reserve 6 is an area which lies in a lush, sub-tropical belt with a high rainfall which is ideal for these people's agricultural subsistence lifestyle. Ntambanana, in contrast, is dry, bush country, suitable for ranching (SPP, 1983:241). Furthermore, with their removal, the people sacrificed sacred spots where the Shembe religious movement had its temple (the significance of this movement to the communities claim will be discussed in section 4.4.2.).

As the Surplus People Project (1983:239) notes:

'even where one can argue that the relocation of people for a particular project is

in the interests of society in general, the manner in which this is carried out tends to leave the affected community disorganised and demoralised and often badly off in terms of compensation and land'

Such was the case of the Mthiyane Tribe. The then Department of Bantu Administration and Development (working in close liaison with the then Department of Agricultural Credit and Land Tenure) held themselves responsible for the resettlement and compensation of these people. Compensation was to be paid out for the bluegum trees which the local families had planted on the land as well as for their fruit crops and the like. Exactly how much of this compensation was paid out is still uncertain yet, what is apparent is that the people themselves were not content with the compensation given. Compensation could not be given for both the loss they had suffered and the loss in opportunity (namely due to the respective location of their former residence). Moreover, the people stated that they have never had peace of mind about their removal and the horrific manner in which this was carried out, especially due to the fact that the land, their land, was sold to the then Richards Bay Municipality, 'behind their backs'.

It was in 1992, that a member of the community and a follower of the Shembe religious movement, had a dream in which he was visited by the late Isaih Shembe. The community believed this to be a fulfillment of the prophecy and so, strengthened both their desire and effort to return to their land (see 4.4.2. for details of the prophecy).

The Mandlazini Group of the Mthiyane Tribe established the Mandlazini Interim Committee, later known as the Mandlazini Development Committee. This Interim Committee was mandated to recover the land of the community and the church.

In 1992, the Mandlazini Group of the Mthiyane Tribe, made it apparent to the Richard's Bay Transitional Local Council, that they held the Republic of South Africa (RSA) Government fully liable for their removal and the suffering that accompanied it. They felt that the time had come for them to return to their original land. They claimed that much of the land from which they were

removed had been lying vacant for the last seven years and, only after hearing their intentions of returning, did the Council do something on the land 'like clearing here and there shrubs and other indigenous growth on the land as a sign that they were doing something' (Mandlazini Committee; 1993). The people are a poor community, with about 95% of their members being unemployed. They felt that the municipality was beginning to build houses for other race groups on what was their former tribal land, while they remained poor and had received inadequate compensation. What aggravated the situation more was that with the development of the Birdswood residential area, graves of the tribes forefathers were being bulldozed. The people reacted harshly to this occurrence.

The Committee first tackled the problem by writing to numerous state departments including the Former State President; the Department of Land and Regional Affairs and the Advisory Commission on Land Allocations, all to no avail. The Richards Bay Local Authority themselves, held their ground that they themselves were not responsible for the hardships endured on the Mthiyane Tribe and other removed people, based on the fact that the then Department of Bantu Affairs had been responsible for the relocation of the people. However, the people were determined that they were going to get their land back, even if they had to resort to violence. This was reflected in a letter written by the community to the Town Clerk stating '...this is serious and that can lead to bloodshed and involve innocent residents of Richards Bay...' (Mandlazini Interim Committee; 1992).

The Council therefore decided, in the better interests of the wider community of Richards Bay, to negotiate with the Mandlazini Development Committee. Late, in 1993, the community's representative committee and the Richards Bay Council entered into negotiations in terms of the restoration of certain land for resettlement of the community. There are two inter-related pieces of land on which the negotiations were focused, namely

- i) land in extent of about 500 hectares, between the Richards Bay airport and Lake Mzingazi, and
- ii) land surrounding Empuza Hill, being the land originally allocated to the Shembe Church (refer to Figure 3).

The focus of this study remains on the first piece of land yet, reference is continually made to the

Empuza Hill due to the influence the importance of this site has on the settlement of the people in the former land, commonly referred to as the site.

In addition to these claims to land, it must be noted that at the time of writing, the community was furthermore engaged in negotiations with the Department of Forestry for three properties adjacent to the site, known as K40, K41 and K46. However, this too, remains beyond the scope of this paper. The relationship between the two pieces of land is that the resettlement of the Mandlazini People on the area between the lake and airport will influence their demand on regaining the adjacent lots K40, K41 and K46, especially when densification in the settlement occurs.

4.4.2. The related issue of the Shembe religious movement

With the Mthiyane Tribes removal from Richards Bay, the community also sacrificed certain sacred spots within Reserve 6. One such area was called 'Isiguqo somqambi wendlela' meaning 'the place where Isiah Shembe prayed before entering Hlimbithwa forests for the first time' and is presently known as Empuza Hill (Mandlazini Development Committee; 1994:1). The people lost their temple of the Shembe movement, where followers gathered for church meetings and prayer. With this, they also forfeited graves of their ancestors and Amakosis, which are buried in the vicinity of this sacred land, within Reserve 6.

The area known as Empuza Hill is in extent approximately 2000m². It was where the congregation gathered to listen to Shembe and is regarded as sacred ground. The significance of this sacred area is highlighted by the fact that this land was given by the inkosi Mgedi Mthiyane of the community in the early part of this century (in 1924) to Isiah Shembe himself. Isiah Shembe was the founder and leader of the Nazareth Baptist Church. Shembe prophesied the development of the town of Richards Bay and with it the removal of the people to a 'desert' where they would suffer hardships. However, he also prophesied that they would one day return to their land and with it enjoy a new era of prosperity. This is what gave the people hope through their many years in the barren Ntambanana

(Richards Bay Town Council; 17.08.93).

With their claim, for their former tribal land, the people insisted on the return of the sacred land known as Empuza Hill. Negotiations in respect of this issue were primarily held with representatives of the Nazareth Baptist Church. Although it was negotiated as a separate issue, the significance of the area influenced the importance the people placed on restoring their original land. Moreover, one can see why the people want to reside in the remainder of Reserve 6, it being close to their place of worship.

It was resolved in early 1994, that the land known as Empuza Hill would be leased, on a long term, to the church for normal church activities and that the remaining land at Empuza Hill would be retained as public open space. Moreover, Council asked for a detailed recollection of the history of the area so that it may become a part of the cultural heritage of the greater Richards Bay.

4.4.3. The negotiation process

Numerous letters were sent to various state departments during late 1992 and early 1993, airing the community's grievances and their wish to return to their former tribal lands. In one specific letter, which Council received from the Secretary of the Mandlazini Interim Committee, dated 16 January 1993, a specific date was given as being the set date, by the Mandlazini Interim Committee, for the mass reoccupation for all the land situated north eastward of the Nkoninga River by members of the Mandlazini Tribe presently residing at Ntambanana, notwithstanding possible armed resistance. An extract from the aforementioned letter reads as follows:

'... you have advised us not to resort to violence because you know that when we resort to violence - the whole South Africa will pay attention to the matter... We, Mandlazini Community are tired of dying of hunger and tired of dying of

unemployment and we are prepared to die in the hands of the municipality of Richards Bay who have deprived us of all what we had...' (Annexure A in Richards Bay Town Council; 23.02.93).

In view of this threat, Council's Attorneys applied to the Supreme Court for the issuing of an interdict to prevent the Committee and any of its followers from taking occupation on any land within the municipality's jurisdiction (Richards Bay Town Council; 23.02.93).

Negotiations took place between the Richards Bay Town Council and the Mandlazini Development Committee, with the approval of the magistrate - Empangeni, in co-operation with the South African Police, security Branch - and as a result, a peaceful march was approved for the 14 February 1993.

The march took place on the set date, between 09H00 and 13H00. A route was set out by the municipality, which had to be strictly followed. The March commenced in the central business district and proceeded through the residential area of Arboretum to the Empuza Hill where a short meeting and prayer service was held. At the commencement of this March, an interdict was served upon the Mandlazini Committee members and its followers, at the bus terminal in the Richard's Bay central business district.

The claim that the community originally placed with the municipality was for the whole of Reserve 6. This was clearly not possible as a large portion of the land in question has been developed as the town of Richards Bay comprising of a central business district, industries and residential areas. This was realised by the community but their claim stood for the remaining areas, namely the total area on which the Birdwood residential suburb had been planned.

The Mandlazini People had been negotiating the issue with the support of the Peace Accord and the KwaZulu Government in the person of Minister S.C.Sithebe.(Richards Bay Town Council; 31.08.93). Furthermore, it was highlighted in a Council meeting that there had at previous meetings, in regard to the Mandlazini Land Claim, been representation from the United Nations and the

Organisation of African Unity. Therefore, this was a serious matter which carried serious political; consequences with it (Annexure B in Richards Bay Town Council; 31.08.93).

If Council rejected the people's request to return to their land, the people had the right to appeal to the Minister of Land Affairs, as they had a very strong claim in terms of the new legislation on the Abolition of Racially Based Land Matters Amendment Act 11, 1993. The Minister would refer the matter to the Land Claims Commission who would hear both Council and the Community's claim. The case which the Mandlazini community could have put to the Commission was that the land was allocated to them in terms of the Zululand Land Allocation Commission of 1905 and subsequently, included in the 1913 Land Act, scheduling the area for black occupation. Two sections of Act 110 which were specifically relevant to the Mandlazini People were section 88B (1) and section 91. They read as follows :

'88B (1) (d) land of a local authority which has been acquired under, or to promote the objects of, any law repealed by this Act or the Community Development Act, 1966, and which has been declared by the Minister, by notice in the Gazette to be land to which Section 92 shall apply;

92. (1) The Commission may, in order to achieve its objects, in its discretion, institute an investigation into the claim of any person to land referred to in Section 88B (1) and may

(a) with due regard to any prejudice referred to in paragraph (c) of Section 91

(ii) make a recommendation regarding the disposal of land referred to in Section 88B

(1)(b).'

It was put forward to Council that if the people took this route they had a very strong case and moreover, the conditions in which they were resettled were disgraceful and they were poorly compensated (Richards Bay Town Council; 31.08.93).

A decision was reached in September 1993 at a Council meeting when the options open to the Local Authority were discussed. Some councilors had the opinion that alternative land should be sought to accommodate the resettlement of these people. Furthermore, the people had seemed content for numerous years at Ntambanana so, indicated the sudden urgency was questioned. Councilors with such points of view also implicated the importance of getting the viewpoints of the residents of Richard's Bay on the issue at hand. Furthermore, it was questioned why Council should take responsibility for the dilemma which was the result of the Nationalist Party's policies and what precedence would this form for future claims to land.

Other Councilors felt a 'change of heart' on the part of Council was required in response to Council's fear that if they did not accept, in principle, the Mandlazini Tribes claim for a portion of Reserve 6 between the airport and Lake Mzingazi, the land claim would possibly lead to conflict and a situation over which Council would have no control. This loss of control would be the result of the dispute undoubtedly being settled by higher authorities.

By means of secret ballot, the two proposals were put to vote. As a result of majority vote, Council resolved to allow the Mandlazini Group of the Mthiyane Tribe to resettle on a portion of Council owned land (Richards Bay Town Council; 14.09.93).

It was thus resolved that subject to legal provisions and details, Council was as at 14 September 1993 prepared to :

1. In response to the peoples request to return to the land from which they were removed, allow a limited number of the Mandlazini Group of the Mthiyane Tribe, to settle on a remaining portion (No. 7638) of Reserve 6.
2. the land was to be planned, developed and administered as a self-contained sustainable agri-village; by council in conjunction with the community.
 - 2.1. Council and the community representatives would together form a Joint Committee to:
 - 2.1.1. ensure sound planning and administration of the site
 - 2.1.2. explore alternative sources of funding for planning, design,

development and operating expenses to ensure the economic affordability and sustainability of the project'

2.1.3. on the basis of the residential and agricultural potential of the land, determine the number of people that can reside in the area

2.1.4. 'safeguard the natural beauty and to protect the ecologically sensitive assets of the land and to acknowledge the Metropolitan open Space System (MOSS), for Richards Bay

2.1.5. look into the possibility of continuing the development of a nature resort, for which the land was originally earmarked, But to a more limited extent.

2.2. The planning of the land would be undertaken by a multi-disciplinary professional team, appointed by council in consultation with the Joint Committee.

2.3. The land would be subject to all ordinances, bylaws and regulations applicable within the Richard's Bay jurisdiction.

2.4. Only settlements as provided for in the agri-village context should be entertained on the land

2.5. The land to the east of the airport which allows for future expansion of the Richard's Bay airport can, in the interim, be used for small scale agriculture. However, when the time comes that the land is required for the expansion of the airport, Council will not be required to pay any compensation whatsoever for the loss in crops. moreover, no structures may be erected in the said area. In terms of the land resotation agreement, no rental is payable to Council.

2.6. The KwaZulu Government, InkosiMthiyane and the Mandlazini Interim Committee shall accept the settlement of the number of members of the Mthiyane Tribe (Mandlazini Group) [determined in accordance with the provisions of 2.1.3. above] (that is the number to be determined by the residential and agriculture potential of the land) on the said land as a fair, full and final agreement in respect of the former reserve 6 inhabitants allegedly resettled elsewhere by Government, in as far as council was concerned;

2.7. only once the above requirements had successfully taken place could occupation of the

site commence.

3. A legal agreement was required embodying the conditions of resettlement (see annexure A in Richards Bay Town Council; 25.07.94)

Therefore, two years after negotiations had commenced with the Mandlazini Community's inkosi uMthiyane and their Development Committee, a decision was made to return a portion of the land claimed by the community who had been removed to Ntambanana. The people's initial claims had strongly opposed development in the Birdswood area. The community relinquished this claim and were prepared to settle for the undeveloped portion of Reserve 6, that is, the land between the airport and Lake Mzingazi. The only encroachment their adjusted claim made in terms of the residential development of Birdswood was in terms of an area which they demanded for religious reasons (Empuza Hill).

The land which was allocated to the people is formally known as Rem of Reserve 6 No. 7638. The land in question, referred to as "the site", is approximately 459 hectares lying between the Lake Mzingazi and the Richard's Bay Airport and is to be settled on in the form of an agri-village. In terms of the land restoration agreement, followed by the formation of the Trust, it was decided that 570 families, and their future descendants would be permitted to settle in the given area. It was realised that it was the desire for the community to retain their traditional, rural, lifestyle within the urban setting. Although residing within the jurisdiction of Richards Bay, fealty is still to be paid to their Inkosi. At the same time, the people face the complexity of trying to be integrated into the town's urban fabric and way of life.

The resettlement of the people was considered in terms of restitution of the removed people, by the Minister of Land Affairs. The designation of the land and conditions for settlement were undertaken in terms of the Provision for Certain Land for Settlement Act, Act 126 of 1993. The conditions for designation pertaining to the resettlement of the Mandlazini Group of the Mthiyane Tribe within Richard's Bay were as follows [their purpose being to enable the said 570 families to maintain a traditional lifestyle in the urban setting in the form of an agri-village]:

- * the Mandlazini Development Trust would hold the land for the beneficiaries on the understanding that individual ownership would be transferred with time. The beneficiaries are the said 570 families from the Mandlazini people only.
- * the settlement and management of the agri - village should take place in an orderly manner. Settlement was not to precede planning however, settlement may be phased and commence once the sites have been surveyed but before the delivery of infrastructure and services is complete.
- * In the context of the settlement of the Mandlazini people, an agri-village referred to 'the creation of a self-sustaining community, by cultivating cash crops through productive small-scale farming methods' (Richards Bay Town Council; 26.09.95:4). Proper agricultural support and management is required to ensure that the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) is applied. Furthermore, no large stock are to be kept permanently within the designated area. Rather, with the approval of council, suitable camps shall house the stock.
- * In recognition of the customs and traditions of the tribe, a limited number of livestock, in accordance with the above conditions and the carrying capacity of the land, may be retained.
- * The manner in which the land is to be developed and used shall aim at conserving the natural vegetation of the site and the water quality of the neighboring Lake.
- * In recognition of the people who maintain a traditional lifestyle now being housed within an urban setting, mutual co-operation is required to devise appropriate regulations to which these residents must abide. Development must encourage community upliftment and empowerment. Furthermore, a peaceful, co-existence must be created with the wider communities of Richards Bay. Thus, the importance of openness and transparency to all interested parties.
- * As the development of the agri-village is within an urban setting, it fell subject to the authority of the Richards Bay Town Council and other relevant government and statutory bodies.
- * Appropriate conditions and regulations were to be devised for the development of the agri-village, in terms of :
 - the Richards Bay Town Planning Scheme and the Natal Town Planning Ordinance No 27 of 1949, as amended
 - the National Building Regulations and Building Standards Act 103 of 1977
 - relevant municipal bylaws and regulations (Richards Bay Local Authority; 1994).

The land restoration agreement which legalised the transaction between the Mandlazini Development Committee (on behalf of the community) and the Richards Bay Town Council, in December 1994, had its premise on the following points of agreement:

- * The purchase price was accepted at R15 000,00 per hectare
- * The payment would be paid direct to the Council on behalf of the Trust. Finances were to be made available to the Trust by the Department of Land and Regional Affairs.
- * The land would be settled on in accordance with an agri-village and appropriate laws, bylaws and regulations were to be applicable in the circumstances.
- * An amount of R 74,13, for the original price Council paid the state for the land, would be deducted from the grant which would be made by Council to the Trust for the development of services.
- * The Mandlazini Trust, as purchaser, would compensate Council for losses incurred to due to Boma International and ZAI Incorporated, as well as costs which were associated with the survey and planning of the agri-village.
- * Provision were made for the transfer costs, by Council, an estimated cost of R 8 500,00.
- * The terms of agreement in regards to planning were incorporated (see pertinent points of agreement)
- * The agreement included the occupation of the strip of land adjacent to the airport, to be utilised for crop farming on a temporary basis.
- * Provision was made for occupation to take place by the members of the Mandlazini Group, upon registration of the land. However, the understanding was reached that the installation of services shall proceed prior to the physical occupation of the site.

4.5. Conclusion

It was therefore, after two years of intensive negotiation, between the Richards Bay Town Council

and the Mandlazini People, that an agreement was reached to settle The Community on the remainder No. 7638 of Reserve 6.

This chapter has dealt with the discussions in regard to the reallocation of the land. Due to the sensitive nature of `the site', careful planning had to proceed. The planning and development process will be discussed in the following chapter.

CHAPTER FIVE

THE PLANNING AND DEVELOPMENT PROCESS

Chapter five explains the planning and development process which followed the decision to reallocate "the site" to the Community.

The first part of the chapter briefly describes the large scale planning of Richards Bay, in order to help the reader realise that the settlement of the Mandlazini Community was not intended in terms of the 'master plan' for the town. The issues which influenced the planning of the Mandlazini agri-village are briefly outlined followed by the options open to planners and the final decision made in terms of resettling the community.

5.1. Large Scale Planning of Richards Bay

The planning of Richards Bay was far sighted in that, when planning the town as a major industrial centre large tracts of land were zoned for general industrial and residential development alongside future harbour development. It could be argued that Richards Bay was planned with the basic principle of separate development, that is, apartheid. It was planned in such a manner as to accommodate future population growth through integration of the numerous tracts of land into the town.

Approximately a decade ago, it was realised that the stage had been reached when the Birdswood residential area was needed for residential purposes, as had been anticipated. Planning of the residential area commenced on 26 February 1985 and the relevant town planning procedures were completed by 11 July 1991. Thus, the development of this residential suburb was not related to the

proposed return of the Mandlazini Group of the Mthiyane Tribe (Tolmay; 1993).

Although Council did indicate that an alternative area should have been considered for the resettlement of the Mandlazini Community, the Mandlazini Interim Committee insisted on the specific site between Lake Mzingazi and the Richards Bay airport. And so, the best possible settlement in terms of the present and future community's needs was excluded from consideration. Certain members of the Mthiyane tribe may be disadvantaged by residing on "the site" as, they may prefer other methods of employment other than traditional subsistence farming and thus require residences closer to the Richards Bay industrial areas or central business district.

Council also had to take into consideration the possible devaluation of the properties of the developing neighbouring, residential suburb of Birdswood. Moreover, there was the consideration that Council may have to lower the overall minimum standards in Birdswood, to accommodate the neighbouring low income settlement. There was also the concern that other remaining open spaces within the municipal boundaries would fall subject to land claims (Richards Bay Town Council; 31.08.93).

The Mandlazini Interim Committee stated from the outset of the planning process, once agreement had been reached in terms of the return of Rem 7638 of Reserve 6 to the tribe, that they were against disorderly settlement and reiterated the importance of proper planning preceding settlement. However, Council did show concern that the committee did not, in fact, understand the intricate legal provisions concerning the acquisition of land and settlement thereon (Richards Bay Town Council; 31.08.93).

5.2. The Planning Considerations of the Mandlazini Agri-Village

In addition to the pertinent points of the agreement between the Mandlazini Development Committee and the Richards Bay Town Council, a report on the agricultural potential of "the site" informed

planning. A second report identifying potential environmental impacts of the proposed agri-village and comments and recommendations on how to minimise or mitigate these impacts, also influenced the planning and development of the area. The findings can be summarised as follows;

a) Agricultural potential:

The Cedara Agricultural Development Institute undertook a brief, superficial assessment of the agricultural potential of the site in December 1993. It was superficial in that it was merely a three paged comment on what had been observed on a single site visit and no soil samples were taken, for example, for chemical and/or textural analysis and therefore the classification of the soil types was merely an estimate. Furthermore, the report excluded a map identifying unsuitable areas for agriculture. Although brief and superficial, in that detailed studies were not undertaken, the report appears to have covered the most important points. What the report clearly stressed was that 'there are fairly severe constraints for rural development on a significant portion of this property' (Cedara; 1993:1). Briefly, the report provided the following insight into the agricultural potential of the areas if people are to settle on the land, with the intention of retaining a traditional lifestyle.

The site is fragmented by sensitive areas comprised of reed swamps, swamp forest and coastal lowland forests. The area has largely no agricultural potential and grazing on the land would have to be limited due to the ecological sensitivity of the habitats. Those areas which are not ecologically sensitive could be utilised for agriculture although the potential for agriculture is poor due to the soil types on the site belonging to the fernwood form. The soils are from Recent Sands which are comprised of a low clay content with subsequent low moisture holding capacity. The nature of the soils are thus porous and infiltration rate is high. Moreover, the soil has a low nutrient status and so there is risk of nematode infection which further irritates crop quality, resulting in poor crops (Cedara; 1993).

The report suggested that timber (Eucalyptus) and citrus could be productive in such an area. However, neither of these are 'traditional' crops and citrus production requires a high capital cost for

the irrigation required. It was reported that the only possible subsistence crops which could be grown in the area were:

- * sweet potatoes : which could, realistically, be produced at a quantity of 8 - 15 Mt./ha. This could be marketed at approximately R 800/Mt. to provide the 'farmer' with a gross income of between R6 000 - R12 000/ha.
- * groundnuts, which could be realistically produced at 0,5 - 0,75 Mt./ha and sold at a market price of R 1 300/Mt. to provide a gross income of approximately R 15 000/ha.
- * Cassava (although this is not a traditional crop) could be produced at 10 - 20 Mt./ha and although there is no formal market for this produce, it could be sold at a price similar to that of sweet potatoes.

Due to the poor nature of the soils the report acknowledged that there would be pressure to use the wetlands although, it specified that this must be limited to prevent negative impacts. If use of the wetlands was permitted for agricultural purposes, it would allow for a wider range of crop production such as bananas (10 - 15 Mt./ha @ R 1 000/Mt. provides a gross income of R 1000); Madumbies (8-10 Mt./ha sold at a price similar to sweet potatoes gives one an income of between R 6 000 - R 10 000/ha.) Numerous other vegetables could also be grown however, they provide numerous problems of their own with the required use of water.

Lastly, the report from Cedara determined the carrying capacity of the land in terms of livestock at between 4-5 ha per large stock unit. Therefore, it can be deduced that the total area of the site (approximately 421 ha) would only accommodate 93 head of livestock. As 570 families are intended to settle in the area, not every family would be able to own livestock (the average number of cattle per family is 0,2). This is in conflict with the families' traditional lifestyles.

b) Environmental impacts:

The consulting engineers commented on the potential environmental impacts in the area and made recommendations for mitigating these negativities in a report written in December 1994 (Steffen,

Robertson and Kirsten; 1994). The report noted that the planning process had been moulded by political forces and so it had not been possible to undertake a formal Environmental Impact Assessment. Broadly, the following potential impacts on the environment, as a result of development, were noted.

(i) Surface and Ground Water Pollution :

The area was extremely sensitive to such pollution and thus 'highly unsuitable for development' (Steffen, Robertson & Kirsten; 1994:7). Sewerage waste from septic tanks, leaking sewerage pipes, containment tanks, herbicides and pesticides and, domestic effluents, was expected to lead to pollution. This would have an impact on a wide range of users as ground and surface water forms a complex continuum in the entire Richards Bay area.

(ii) Disturbance / destruction of terrestrial, wetland and aquatic habitats :

The high densities of development anticipated in the future, would lead to a loss of habitats for both flora and fauna due to clearing of vegetation for wood as fuel, building materials, traditional medicines and crafts (reeds). Also, livestock should not be allowed in the area as it leads to overgrazing and further vegetation destruction. With the loss of vegetation, ground-water runoff is increased and so exacerbates the problems of soil depletion and erosion.

Mitigatory measures that the consultants suggested stressed the importance of water borne sewerage (especially before sub-division of the lots takes place). This was considered essential due to the high permeability of the soils and the shallow ground water. Considerable depletion of the natural environment will take place to allow for development thus, it is vital that cattle should not be allowed in the area as they would further deplete the natural vegetation and moreover, the communities must be made aware of sustainable practices (Steffen, Robertson & Kirsten; 1994).

A small portion of the household was engaged in formal employment, a few in part time employment or self employed. There were high numbers of retired people while only a few receive pensions. These facts impact the level of dependency in the family and thus, the reason for large households. There was an average of 9-10 people in households which in turn impacts upon the level of services provided, for example, how often a ventilated pit latrine would be emptied. There is a large number of school going children which draws planning to the immediate needs of one primary and one secondary school.

Levels of income in the household were reported to be low thus, overall, the community was a poor one which in turn, influenced the level of services which could be afforded by the people. The survey reflected that people expressed a willingness to pay for services but the actual ability to carry this out is questionable. The people have few assets outside of cattle and goats and few liabilities. Their levels of savings were low and so, access to financing through a bank or building society would be limited. Of the respondents, more than 59% had goats and 37,5% owned cattle. There was an average of three head of cattle per household (De Clercq & Dimba; 1994:16). These numbers are well above the carrying capacity mentioned above so, it is evident that the question of livestock poses a serious problem in the new settlement.

The majority of the people indicated that they were willing to build their own houses once relocated. Thus, there was the important need for an assistance program in this regard. Their current dwellings reflected what could be expected to be built once relocated. These were five roomed 'houses' comprised of numerous huts. This gave one an indication of the large house size that would be required to accommodate the household. Therefore, once again, the need for an assistance program such as block making was stressed. In terms of services; the people prioritized water, electricity and then sanitation.

The implications which this survey provided for the planning of the settlement are apparent. The people are a poor community and thus, only rudimentary services and infrastructure are affordable.

In fact, most of the families top structures would be owner built using traditional building materials.

5.3. The Planning of the Mandlazini Agri-Village

Planning was aimed at facilitating the resettlement of 570 families (determined by the land's carrying capacity) of the Mandlazini Group of the Mthiyane Tribe on "the site". The families were to be resettled in accordance with the 'agri-village' concept so as to accommodate a subsistence lifestyle. Thus, the community required land for both residential and agricultural purposes in addition to community services, facilities and infrastructure.

The planning and development of the settlement (by consultants for the Richards Bay Town Council and the Community), was facilitated by the fact that the land was unoccupied and undeveloped. Site constraints which influenced development were based on the aforementioned reports. Furthermore, future expansion of the airport would have to be accommodated in the area therefore, development in the expansion zone should be restricted and in the area which would fall into the noise zone once expansion had gone ahead. Secondly, a report on Metropolitan Open Space Planning for Richards Bay indicated that the areas of coastal forest, riverine and swamp forest and reed marshes needed to be conserved because they were vital in the hydronic functioning in the preservation of the water quality of Lake Mzingazi. The report further suggested that a buffer should be maintained, to keep the vegetation along the shoreline of the Lake intact, for both aesthetic and recreational purposes (CSIR; 1993).

In the planning process, four categories of land uses were identified:

- i) Land for use as wetland cultivation, this totalled 43,6 hectares and was largely extensions of the drainage network in the area. These areas were identified as suitable for agricultural purposes.
- ii) Areas totalling 237,3 ha suitable for residential development and dry land agriculture.
- iii) A land use area (65,2 ha) of restricted development due to the noise zone from the air traffic.

Although agricultural activities could take place in this area in the interim period, no residential development should be allowed in this restricted area. An area of approximately 76 ha would be required for future expansion of the airport, within the next 15 - 20 years. Although no permanent structures should be allowed to be developed in this area, to avoid future claims and complications, agricultural activities could be contemplated in the interim.

iv) Land for conservation use: There were also numerous areas totalling some 103 hectares, comprising main stream courses, swamp forests, wetland and coastal forest vegetation, which were not suitable for development purposes and should be conserved.

The following standard parameters were assumed for calculating the options available for the development of the site into a settlement area:

wetland plots : 1500m² (based on an analysis on allotments in Reserve 4 of Richards Bay)

dryland plots: 1 hectare for economically viable agricultural units or 4000m² as requested by the community.

Working with the area, the planners concluded that the best option to provide economically viable allotments of 1 hectare required the use of the settlement and restricted areas. The hectare plot would include the homestead as well. At best, this would satisfy 228 families. Further 290 x 1500m² agriculture plots could be accommodated in the wetland area, thus a family would qualify for both a wetland and dryland allocation. If the restricted area was omitted from residential development then a complete imbalance would occur between 178 x 1 Ha residential/agricultural, 50x 1ha agriculture and 290 x 1500m² wetland agricultural allotments.

Working within the settlement and restricted areas to accommodate the community's preference for 4000m² allotments, 579 families could be settled in the area. This however limited the family to one allotment only, as the area could not accommodate further wetland lots even if the airport extension area was included. An alternative was that 1 acre (0,405 ha) residential plots be confined to the residential area, housing 445 families which would qualify for further agricultural plots which could

be positioned in the wetland, restricted and airport areas.

Another option put forward to the Mandlazini Joint Committee was to create 445 one acre (0,405 ha) residential plots and only a further 290 wetland agricultural plots while leasing the airport and restricted area to a commercial timber company which in itself would provide the community with a considerable source of income (estimated at R 49670 annually).

A further option was to develop a 'village node'. In such a scenario 350m² plots would be developed to accommodate 570 families in the settlement area. The balance of the area could be farmed communally or comprised of:

- 290x1500m² agricultural plots
- 280x6750m² dryland agricultural plots
- 75 hectares of communal dryland agricultural land.

The advantages of a village node include efficiency in service provision and increased surrounding land for agricultural purposes. This option would also provide the maximum number of residential lots. If each family was to be accommodated with both an agricultural and residential lot, it is unlikely that more than 445 families would be able to settle in the area.

The planners brought it to the community's attention that areas for a community centre and sports fields were also required with a yard for block making (Table 1).

Table 1: Options available for residential and non-residential distribution

Source: Metroplan (1994a:8)

CATEGORY	AREA (HA)	NUMBER UNITS			
		RESIDENTIAL		NON-RESIDENTIAL	
		1,0ha	0,4ha	1,0ha	0,4ha
Settlement	237,3*	178	445	-	-
Restricted	65,2	50 -	124 -	- 50	- 124
Airport	76,0	-	-	57	142
Wetland	43,5	-	-	290 x 1500m ² plots **	

- * 75% developable to make allowance for roads, community facilities, schools etc.
- ** +/-18 plots within the Airport Extension zone would have to be allocated on a temporary basis

The community was adamant that each family (total 570 families) should receive a 4 000m² plot. Thus the planners had to allow for the demand of the community within the given site constraints (nature of site, agricultural capacity, environmental sensitivity and airport expansion) to formulate a plan. The plan which was agreed upon apportions the settlement into the following areas (Figure 9):

1. Residential : 8 - 10 discrete areas which would accommodate the 570 x 4000m² plots to provide for residential purposes and for some on site agricultural activity (150 ha).

2. A total area of 87 hectares comprised of 7 sectors, which would serve as communal agricultural tracts to allow each family with approximately 1 526m² to cultivate.
3. A noise restriction area of some 35,5 ha in which residential settlement was not to be allowed but where some communal grazing/agriculture could take place.
4. Airport expansion area of approximately 74 ha in which settlement was not allowed but agricultural activities could be allowed in the interim.
5. The plan set aside some 27-38 hectares of land for two secondary and four primary schools to accommodate the anticipated densification of the settlement. In the interim the area can be utilised for communal agricultural purposes.
6. The plan set aside land for a community centre, a focal point for bus and taxi services and associated communal and commercial uses.
7. Conservation; the wetland, swamp, riverine forest and main drainage areas were identified as conservation areas in consistence with the broader MOSS requirements (Metroplan; 1994a)

5.4. Level of Services

The 'initial' services provided in the Mandlazini agri-village were:

- * A community hall which was funded by the Zululand Joint Services Board using Alusaf Hillside temporary accommodation materials (Photograph 4).
- * A primary school which was made possible through a donation from Alusaf (Photograph 5).

- * Water, from the existing airport reticulation operated through storage tanks. However supply is limited and can not cater for fire fighting purposes. This service was funded by the Zululand Joint services Board (cost approximately R 100 000).
- * Sanitation; there is a septic tank system called calamite tanks in place. This requires desludging approximately every 18 months to 2 years. There are two tanks per site so that one may be used while the other is emptied. This sanitation system was funded by a capital development fund and cost approximately R150 000 (Photograph 6).
- * The provision of electricity was to be facilitated by the upgrading of the airport and the expansion of Birdswood residential area, in terms of the provision of bulk infrastructure. 11kv was to be supplied from the north of the airport, underground to avoid encroachment into the airspace, and thereafter overhead on wood poles to the community centre, where the supply was stopped in the initial stage. The cost of this was funded by the capital development Fund for the power supply to the centre costing approximately R 15 000,00. It is estimated that the cost of power supply to the Mandlazini community will be R 128 000,00.
- * Access was provided by means of gravel access and internal roads. This was funded by the capital development fund and the public improvement fund, the total cost of which being R714000 (Richards Bay Town Council; 23.03.95).



Photograph 4: The Mandlazini Community Center



Photograph 5: The settlement's primary school. In the foreground is an indication of the conditions on which the school, and most of the settlement, was built. The sports fields lie to the left of the photograph and are the same condition as the area in the foreground.



Photograph 6: The services provided include two calamite tanks (on which the owner must build their own top structure) and standpipes.

The following infrastructural works still has to be completed:

- upgrading of roads and drainage
- levelling of some sites
- in the long term; water borne sewerage
- assistance, facilitation and training in terms of block making and increasing agricultural productivity.

When considering the handing over of responsibility to the Council, the cost of the maintenance of services was considered. Estimates received from the Council were :

Roads: to upgrade approximately R 2 847 000

water tariffs: estimated quantity of 5kl per month at R1,285/kl. equalled a cost of R 6,43. In round figures an estimate of R10,00 per month for water.

refuse: weekly at R9,20 per household

electricity: monthly cost estimate of R25,50 assuming 150 kWh are used monthly at a rate of 16,044c/kWh (Tolmay; 1995b).

5.5. The Financing of the Development of the Mandlazini Agri-Village

When conditions of designation (in terms of Act 126 and the pertinent points of agreement {mentioned under negotiation process}) of the site were considered, a pertinent point was that alternative sources of funding would be explored for the planning, design, development and maintenance of the project to ensure that the project was affordable and that there would be sustainability of the development.

Numerous sources were explored by both the Council and the Mandlazini Development Committee. As a result of the respective enquiries, the Department of Land and Regional Affairs agreed to allocate money for the purchase of the land once the land had been designated as a settlement area by the Administrator in terms of the Provisions of Land for Settlement Act (126 of 1993). The said Act provided state assistance for both the development and acquisition of land in terms of sections 10 and 11 respectively. The purchase price of the land being R6315000.00, the Department of Land Affairs agreed to subsidise the Trust an amount of R 4 275 000.00 while the balance would be lent to the Trust, to be repaid over a period of five years, with interest. Another source of income for the development of the settlement was the KwaZulu-Natal Provincial Housing Board which had approved the application of the Mandlazini Trust for assistance in terms of the Project Linked Subsidy Scheme. The Subsidy Quota was R8,868,750 (Annexure 1 in Integrated Planning Services; 1995). In addition to the aforementioned sources of funding, 30% of the costs of the installation of a reliable water supply and access roads was to be funded by the Housing Boards BCIG (Bulk Connector Infrastructure Grant) program (Bosman; 1996).

Funding was therefore anticipated from both the Department of Land Affairs (R6, 315 million) and the Provincial Housing Board's project linked subsidy scheme (R8, 868 million). With the change in the Department of Land Affairs policy, the grant per beneficiary was increased from R 7 500 to R15 000. So, the amount to be received from the Department of Land Affairs increased to R8, 55 million (it must be noted that the original amount that would have been granted was the cost of the land, that being the greater amount between the cost of the land or a grant of R 7500 per beneficiary). This entire changed amount of funding from the Department of Land Affairs was to be in the form of a grant whereas the previous one had a loan component. However, with the change of policy, the increased amount precluded the Provincial Housing Board's subsidy amount therefore, the Trust found themselves with less than the original amount by R 4,051 million. The council was therefore approached for assistance.

The Council decided to donate the land back to the Trust less the original cost of the land. Their reasoning being that the land costs were now considerably higher and that this was the first time that Act 126 had been applied in an urban area. In terms of Council Resolution 3186, Council agreed to grant the balance of the purchase price obtained for the site, less certain specified amounts (the purchase price of the land paid by the Trust less the original cost of the land (R74,13/Ha); 5% grant amount, consultants fees paid by council, compensation to Boma and ZAI), to the Mandlazini Community Trust (Tolmay; 1995). In addition to this 'donation' the Council provided an extra approximately R350 000 for the community hall and agricultural support (Integrated Planning Services; 1996) (see restoration agreement in section 4.4.3. for details).

In November 1995, an agreement was signed between the Richards Bay Transitional Local Council and the Mandlazini Community Trust, wherein the Local authority agreed to lend the Trust the amount of two million rand to enable the trust to finance the first phase of the development of the proposed Mandlazini Agri-village (Richards Bay Transitional Local Council; 1995).

5.6. Responsibilities in the Development of the Agri-Village Settlement

The responsibilities of the key role players were primarily as follows:

Richards Bay Town Council:

This authority was responsible for the needs and requirements of Richards Bay as a whole as well as the beneficiaries of the Mandlazini settlement. It served to facilitate development where applicable by amending by-laws, where possible. At the same time, it was responsible for the application of laws and the exercise of controls for which it had legal responsibility. This role player was also responsible for certain services for which it has a legal responsibility, to ensure a healthy community. Richards Bay Town Council also provided the Mandlazini Community Trust with financial support to support the Trust from funds received by the Department of Land Affairs.

The Mandlazini Trust:

The Trust was registered in terms of the Provisions of the Trust Property Control Act 57 of 1988 (Tolmay; 1994b). It was made up of a total of six members, three appointed from the Mandlazini community and the remaining three from Council. The Trustees were to hold office for a period of three years subject to certain conditions. The objectives of the Trust were in short:

- * to hold the land on behalf of the Mandlazini Group of the Mthiyane Tribe and subsequently determine the beneficiaries (with the Mandlazini Development Committee and inkosi uMthiyane) and pass ownership to the individual beneficiaries.
- * to provide advice and assistance to the Tribe in terms of the management and administration of the land subject to the legal provisions.
- * Assist the community with the upgrading and development of the settlement.
- * To raise, receive, manage and disburse funds in pursuance of the objectives of the Trust.

The Trust was to be accountable to both the community and the Richards Bay Council, both of

whom, could at any time request reports and information on the Trust. Disputes between the Trust and any second party were to be resolved by normal legal proceedings.

The Mandlazini Development Committee:

According to the minutes of a progress report (Richards Bay Town Council; 17.08.93), the Mandlazini Development Committee (previously known as the Interim committee), was recognised by the community at Ntambanana and had the necessary political, legal, international and religious support for its requests and claims.

The responsibilities of the Mandlazini Development Committee were to identify and express the needs of the Mandlazini Community, of both the beneficiaries of the agri-village settlement and those remaining in Ntambanana, to the Mandlazini Community Trust and Richards Bay Town Council. It also served to promote socio-economic and community development and gain the necessary support for this where appropriate. It is also the function of this body to assist and promote orderly settlement in, and ongoing management of the agri-village settlement and, to liaise with the community and inkosi uMthiyane on a regular basis on issues concerning the settlement and ongoing management of the area (McCormack in Mandlazini Community Trust; 22.09.95).

5.7. Conclusion

In addition to layout, factors such as the financing of the development, the level of services to be provided and the responsibilities of key actors in the project, are all important considerations in the planning process. Ideally, such issues should be resolved at the project formulation stage. However, in reality, to resolve all such issues before implementation may prove to be impossible. This is especially in the face of political pressures for occupation of land. The appropriateness of the planning in the context of the Mandlazini agri-village project will be assessed in the following chapter.

CHAPTER SIX

ASSESSMENT OF THE CASE STUDY

This chapter considers some of the facts of the case study which have been outlined in chapters four and five. The issues which surround a subject such as competition for land are numerous. This report has attempted to remain focused on the vital points in terms of the development of a nature reserve and tourist resort versus a low income settlement, with specific emphasis on planning related issues. Of course, this on its own is a broad sphere.

The case study is assessed under three broad headings. The first is in terms of what determined the decision-making process and how trade-offs were dealt with. This includes a discussion on what alternatives were considered.

The second section considers the concept of the agri-village which was used in planning the settlement. What the definition of the term is in regards to the literature is recalled and the appropriateness of the term in the context of the study is considered.

Numerous planning related issues are examined. The issues such as tenure form; roles of key actors; control of future development and financing of the project, challenge the sustainability of the development.

Chapter six does not intend to make any subjective conclusions. Rather, it raises numerous issues which were relevant to the planning process. A number of questions are asked in the assessment, however, many remain unanswered.

6.1. Examining the Decision-making Process

One of the first questions which the case study raises is "did the town of Richards Bay require a tourist development to boost its' economic base?" To this there is not a simple answer. The answer will vary with the respondents. A 'middle class suburbanite' may demand a high environmental quality while at the same time recognising the need for low-income housing and development but 'not on my doorstep' (Seneque Smit & Maughan Brown; 1994a:73). Conservationists may take an extreme approach to environmental protection while commercial groups may have a positive attitude towards the possible investment in the town. For the poor (namely, rural residents and informal settlers) the environment is regarded in consumptive terms, thus for them there is no demand for a conservation area (Seneque Smit & Maughan Brown; 1994a:73).

Richards Bay did already boast numerous tourist attractions and the new 'industrial tourism' at that time (refer to 4.1. for definition of industrial tourism). The competition for the site in question was, in the researcher's opinion, complicated by the fact that the area was (and still is) zoned 'undetermined' according to the Town Planning Scheme. Thus, there was no zoned planning direction as such for the site. However, the wetlands in Richards Bay (situated on the site) are indicated as areas desirable for conservation on the 'Environmental Atlas for KwaZulu Natal' (Town and Regional Planning Commission; 1994) although, they remain unproclaimed. Moreover, according to the MOSS framework, planning direction was provided to conserve the areas of the Lake which may be affected by development. Therefore, the direction of planning was towards an ecotourist destination with conservation and revenue generation.

In the decision-making process, in terms of the competing interest groups, the actual returns from the development of the resort as opposed to the benefits to the settlers of the low income settlement in question would have had to have been weighed up. Possibly, before any decision was made by the Council in terms of the future land use of the site, a cost-benefit analysis should have been done.

The claim of the Mandlazini Group of the Mthiyane Tribe raised the important issue of land

restoration in South Africa. Perhaps, the people would have been better off if they succeeded in their claim as rightful owners to the land but, rather than taking occupation of the land, allowed the development of the ecotourist facility to proceed and reap the benefits from ecotourism (as discussed in section 3.2). It was put forward to Council, the possibility of reconciling both uses however, according to one of the ZAI team, the development of the nature resort part of the reserve was eliminated by the occupation of the settlement. With the termination of the short term lease agreement between the Council and the Developers and the consequential resettlement of the Mandlazini Group, Council forfeited a lot in financial terms, not only as a result of the compensation claimed by the prospective developers but the additional cost of the land which was subsequently donated to the community. This cost will inevitably be incurred by the ratepayers of Richards Bay. Although the compensation amount (approximately R 320 000), was small compared to the land value, additional costs included the loss of land value; the loss of a rates base and the costs in managing a poor community (in terms of the expense of providing community services, physical services and social infrastructure).

A possible alternative was to resettle the people in another area. However, this option was precluded as the community were inflexible in their demand and because land related issues are sensitive in terms of reconstructing South Africa and righting historical wrongs. The negotiation process and subsequent agri-village development was motivated by mutual desire to redress historical wrongs and consequential hardships which the people had faced, not only in terms of agricultural potential in Ntambanana but, also the lack of social and economic development.

Council did what they saw at the time to be in the better interests of not only the Mandlazini people but the wider community of Richards Bay. This was in the threat of land invasions and possible poor publicity to the town which would have had negative consequences on investment. Thus, in this case study, the trade-offs in the development process were determined by political factors. Council capitulated under duress. Another trade-off (perhaps also political) was that the Council decided to settle the matter so that they were still ultimately in control rather than the possibility of the people taking the matter to higher authorities which would over-rule the municipality. However, the Mandlazini people themselves wanted to be independently in control of the agri-village. They envisaged being a 'local authority' of their own. Council therefore

misread the intentions of the Community during the negotiation process as the Mandlazini Group were not interested in the wider community of Richards Bay.

At the time that Council was faced with this challenge, the Commission on Land Allocations, and the related legislation, was not in place. Thus, the situation was unique and without precedent. The situation was settled in terms of Act 126. Today, because the issue was about righting the historical wrong of removing the Mthiyane Tribe because of 'black spots', the matter would be channelled through the Land Claims Commission and the Land Claims Court. The said Act 126, was not the most applicable act in this case as the Act applies to rural land, not municipal land. Perhaps a more appropriate route to have been taken in the above circumstances would have been the Less Formal Township Establishment Act (LEFTEA). This act would have facilitated the development of the agri-village which, as it is apparent in the conceptual framework, is a piece of legislation which has a direct bearing on the establishment of agri-villages (as earlier outlined in the literature review).

6.2. Reflecting on the 'Agri-village' Concept

The above brings the research to the point of questioning the concept of an agri-village in terms of the Mandlazini settlement. In allocation of the area to the people, it was stated that 'only settlements as provided for in the agri-village context shall be entertained on the land' (Tolmay; 1994a). In the conditions of designation the concept of the agri-village was referred to as 'the creation of a self-sustaining community by cultivating cash crops through productive small-scale farming methods' (Richards Bay Town Council; 26.09.95:2). The planning consultants appointed to undertake the planning of the settlement, explained the concept as referring to one of the following:

1. *'either a concentration of nodes of residential/community development within communal/designated garden lot areas, managed on a co-operative basis, or*
2. *the more traditional low-density, small garden lot (or subsistence agricultural land holding), often styled in the more first-world context as a 'small holding',*

its size being relevant to the ability of the occupant/s to live thereon and produce economically viable produce to sustain their livelihood' (Metroplan; 1993;2).

The consultants did acknowledge the fact that there was no consensus of what an agri-village was and described the term as little more than a 'buzz word'.

Considering what the findings of the literature review are in terms of the concept of an agri-village, the Mandlazini settlement is not a 'true' agri-village. The agri-village concept was a specific response to settlement needs in a rural context although interest was shown from parties, other than farmers, to broaden the concept. According to a planner who was involved in conceptualising the planning of an agri-village, when the Natal Agricultural Union initiated research into agri-villages, the allocation of large plots (such as those in the case study of Richards Bay) was not what planners had envisaged. In the context of Reserve 6 the term 'agri-village' is just a label. Using the concept of an agri-village was possibly a way of arguing for a traditional lifestyle and municipality accepted large residential plots (Mr Totham; personal communication). In the other suburbs of Richards Bay, the average size plots are approximately 1500m². Being in an urban area, the agri-village would be subject to the town planning scheme once it was zoned. Sub-division of the sites was anticipated although it is questionable whether these will be registered in the deeds office. The approved layout also sets aside a site for a community centre and associated commercial activities, but which by-laws are applicable, is still questionable.

Having assessed the fact that the biggest misnomer about the settlement is that the term 'agri-village' is used, there are numerous planning considerations which must be considered. If the people had been settled according to a villagisation programme, as described by Dewar (1995) in the literature review, the provision of services and infrastructure would possibly have been of a higher standard. This would have been the result of concentration of homesteads providing sufficient threshold for efficient provision of services. A larger area would have, as a result of the clustering of households, been allocated for agricultural purposes. Such planning may have resulted in more sustainable use of the natural environment especially in terms of the sensitive wetlands.

6.3. Evaluating the Planning Process

This case study demonstrates the numerous considerations which have to be determined in the planning process which, in the case study, extended over numerous years. The following decisions needed to be made in order to give effect to the agreement for the restoration of the land and subsequent planning:

- the precise nature and definition of the community
- the precise extent and locality of the land
- the type of tenure system in which the land would be held and used
- the basis on which Council would restore the land to the community and,
- the planning and legal steps to give effect to the transformation.

The planning process was however made difficult by the fact that the decision had political overtones and there were unyielding demands from the community. As a result a Need and Desirability analysis and thorough Environmental Impact Assessment were not done. Such reports should have been crucial in informing planning regarding the site due to the sensitive nature of the physical environment. The agricultural and environmental reports mentioned in section 5.2. gave clear warning signs of the sensitivity of the area and importance of careful planning. A series of maps and a report was compiled by CSIR to analyse the vegetation within the Borough as an aid to Metropolitan Open Space System planning. This data informed Council on the sensitivity of the site however, Council had at the time when the CSIR was commissioned in July 1993, ultimately resolved the issue in terms of the necessary resettlement of the Mandlazini Group of the Mthiyane Tribe in solution to their claim.

Richards Bay's economic future and prosperity rests on efficient and appropriate planning. A poorly planned settlement within the municipal boundaries could deface the town considerably. With the political basis on which planning had to proceed, planning was further complicated by the fact that the sensitive nature of the natural environment demanded a high level of services while, the community is poor and thus affordability was a major constraint on development options.

In early 1996, approximately 50 families had already settled in the area yet the question of zoning still remained unanswered. This was specifically relevant in terms of how the community hall and surrounding area was to be zoned so as to allow future commercial development in the area. There also remained the question of responsibility: who would be responsible for the ongoing maintenance of the community hall and sports fields? The Richards Bay Town Council would only maintain their own property so there was the choice that the people might have to forfeit being totally independent and give up some responsibility and thus ownership to the Council. If it was handed over to the Council, the people would have to pay rates etc. Although the school building was complete, there also remained the question of whether the Department of Education would take responsibility of it. The question of applicable by-laws was also being looked into in early 1996 - which laws are applicable and which, and to what extent should, they be relaxed? The main bylaw was in terms of building standards; it is a possibility that the building inspector is to act as an advisor to ensure safety rather than for the implementation of laws.

Now that the initial phase of resettlement of the first families is complete, the inefficiencies in agricultural practices seems to be becoming apparent. The plots of 4000m² are too small for agriculture to take place in an sustainable, economic manner. To get the soil to suitable fertility levels for agricultural production requires 'thousands of tons of organics' (Mr. Wilson; personal communication). This would affect the water quality in Lake Mzingazi. The Project managers and the Municipality sought agricultural advice from the department of Agriculture at the University of Zululand. One option, that is being thought of to improve the yield in the area, is hydroponics. Moreover, the Centre for Low Input Agriculture Research and Development (CLIARD) has been approached to undertake the training of a small number of the community members in the fields of poultry (broilers) and small garden agriculture. At the end of such training, it is the intention of the course to leave the community members with two village extension workers who will reside in the village (being members of the Mandlazini Group) and provide advice on agricultural related issues.

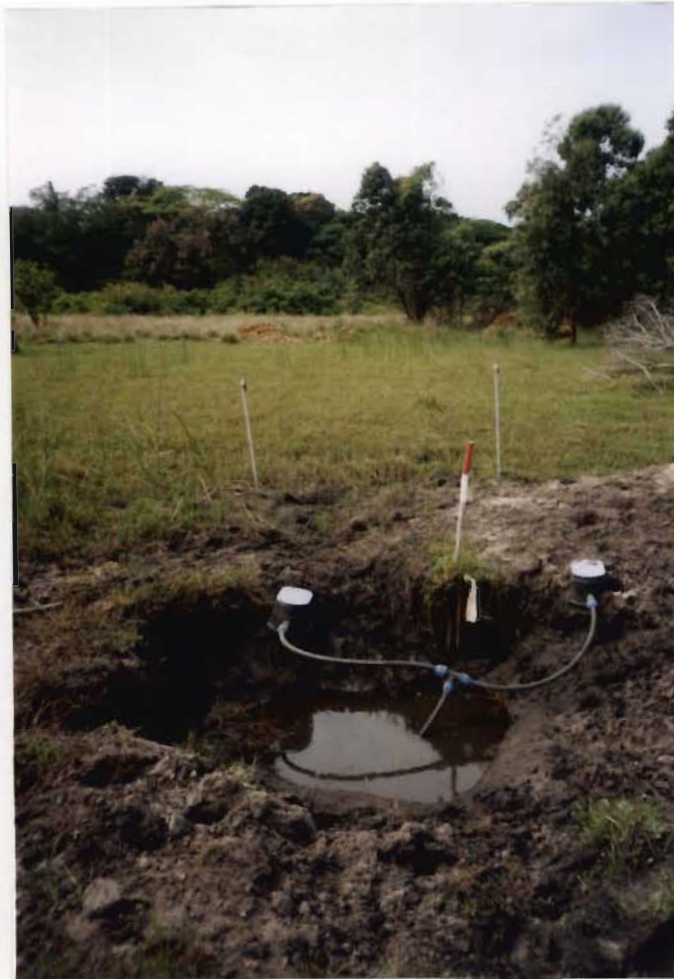
The matter of livestock in the area remains a pressing issue. The sensitive nature of the natural environment requires the exclusion of livestock from the site (or numbers severely limited) however, this is in conflict with the people's culture. In the background of photograph two (taken

in October 1996), it is apparent that livestock has already been brought into the settlement.

There appears to still be an issue of financing the settlement. This is related to the question of who will ultimately be responsible for the community hall and sports fields. The Development Committee wanted the settlement to be independent of the Richards Bay Local Authority however, they have insufficient funds. Moreover, the settlement is within an urban area thus, the basic precepts of the Richards Bay Town Council should be accepted and with this, the associated costs (eg rates and payment for services). At the time of research, the community were not accepting the basic precepts of the Council.

The type of tenure system to be held in the settlement area requires brief discussion for analytical purposes. Tenure refers to 'the way that the land will be held by or on behalf of the community' (Legal Resources Centre; 1994:6). Existing law in South Africa generally requires a freehold tenure system in urban areas while in tribal areas the land was held by the State or a parastatal body. It was traditional in the sense that there was communal tenure. Ownership was to the community under the decision-making powers of the inkosi and traditional leaders. "Ownership" of an individual 'plot' was also given to each family (often an extended family) under the household head. Under freehold tenure, ownership is granted to an individual who can market the land (that is, buy and sell). "The site" falls within an urban area therefore, freehold tenure should apply. However, when the people originally occupied the land, there was a traditional tenure system in place. Thus, which of the two is applicable in the resettlement of the community? Issues such as "in which form will the communal agricultural land be held", "Will ownership be granted to the individual?", "If so, whom?" and "What will happen in regards to the transfer of the land when the individual owner dies?" had to be considered. Many of these issues had not adequately been resolved at the time of writing (Legal Resource Centre; 1994).

Another factor planning had to take into consideration was the high ground water table. This was made apparent from the onset but, due to the Community's demand for larger plots, planning had to make use of the lower lying land. Photograph 7 illustrates the problem of the ground water. A problem in terms of the high water table on the site has already manifested itself with a problem of the calamite tanks 'popping up'.



Photograph 7: This picture illustrates the problem of the high water table.

All these matters question the sustainability of the agri-village. The community are poor so lack of funds limits development. In terms of planning, lower income groups should ideally be situated closer to the market place (that is, the areas of employment and/or when fresh produce can be sold). It is also questionable whether the top structures, which have been erected for 'the interim period', will be replaced. With densification, will the settlement result in little more than a rural slum? Especially in light of the fact that decisions were purely political and development was not in agreement with the high water table and environmentally sensitive areas. What is the

possibility of future full urbanisation of the agri village settlement? Photograph 8 illustrates the topstructures which have been erected for the `interim period'. In the foreground is an indication of the subsistence agricultural practices which are being undertaken.



Photograph 8: A homestead in the agri-village.

These questions suggested that the process was not adequately considered. What materialises from the facts is that planning did not play a fundamental part in the resettlement of the tribe. However, this judgement cannot be made when considering the pressure that the Council was faced with. A `Traditional', strategic planning process appears not to apply in such circumstances as, planning must respond to the context in which it takes place in order to `remain effective and useful' (Alexander in Laburn-Peart; 1991:10). The situation has to be dealt with in the best possible way. Ideally, occupation would not have been allowed to take place prior to the completion of the planning process and the delivery of tenure to the ultimate beneficiaries.

However, in challenges such as the case study, the community wanted to take occupation as soon as possible to secure their assets. This is also partly a response to the very real threat of land invasions and a fear of 'squatter' settlements springing up virtually overnight.

If the resettled community begins to question their environment in reaction to the problems (mentioned above) that are beginning to become apparent, a question likely to be asked will be one of accountability. Responsibilities were clarified with the Mandlazini Development Committee being representative of a community who wished to take responsibility for their own upliftment. The committee represented the community's needs in terms of social and economic upliftment. The Mandlazini Community Trust carried the responsibilities of a developer while the Richards Bay Town Council played a supportive role, responsible for governmental duties while also representing the interest of the wider Richards Bay public. What seems apparent in questioning accountability is that the Council did not at any time involve themselves directly in negotiations with the community at Ntamabanana. It was through the Mandlazini Development Committee that negotiations took place with the people and it was through the Committee that feedback was received by the Council on their demands and that the community at Ntamabanana consented to the agreements which had been reached.

6.4. Conclusion

The above is a selection of issues which one considers in terms of a classical case of competition for land. The settlement of the Tribe is an ongoing process thus, it can be anticipated that an assessment of the case study after settlement is completed and all the families are established, may raise a range of other issues which have, as yet, not manifested.

The case study and the subsequent assessment attempts to provide lessons for planning and development in the following chapter. It must be realised that although the issue of competition for land has been a pressing issue for countries throughout the world for centuries, the context in which South Africa has to meet this challenge is unique, with its historical basis of separate

development. The pilot land reform programme being implemented at present in South Africa is intended as a learning experience for land reform in the country.

CHAPTER SEVEN

LESSONS FOR PLANNING AND DEVELOPMENT

The lessons which are suggested for planning in this chapter are formulated using the background of the previous chapters in this report, with emphasis on the case study.

The classical case of competition between land uses, provides insight into the related issues, contributing guidance for future planning. With specific relevance to the chosen case study is that the one competing interest was of low income people demanding to return to their original land. This is a pressing issue facing South Africa at present, with numerous land claims being lodged with the respective land claims commissions. According to the Regional Land Claims Commissioner for KwaZulu-Natal, as at the beginning of December 1996, approximately 50 000 regional and 11 000 national land claims had been lodged.

The fact that the second interest group in the area could possibly provide the region with economical, industrial, social and environmentally viable spinoffs, by means of tourist investment and job creation, makes the case study all that more interesting. It touches on the age old debate: does one provide employment opportunities first, the incomes derived from which, people can use to satisfy their basic needs (food, shelter and clothing) or, do one's basic needs have to be satisfied first before one can actively engage in the economic sector? In addition to the question of basic needs and employment, there remains the question of where does the environment fit in; it too has a right on its' own merit to be protected.

However, to answer this question is beyond the scope of this paper. The focus of this final chapter is on what can be learnt from the study of Reserve 6.

7.1. Lessons for Planning

The most apparent lesson from the study of Reserve 6, is that future development planning must accept that in a post-apartheid South Africa, so called 'third world' planning is a reality. The term 'third world', refers in this context, to the acknowledgment of both formal and informal sectors. Planners must accept a more integrated approach to planning, with formal and informal sectors neighbouring one another. This case alluded to a residential environment in which a middle income urban settlement (Birdswood) is adjacent to a low income, rural settlement (Mandlazini agri-village). One only has to look at a metropolitan centre, such as Durban, to realise that this is already a reality in commercial spheres, with street traders outside of formal stores.

This 'third world' planning requires an acceptance of traditional systems of tenure. Planning has traditionally precluded this traditional form rather, housing delivery systems usually require ultimate individual ownership in the form of freehold tenure. In fact, this is a prerequisite before the present KwaZulu Natal Housing Board subsidies will hand over grant monies. Although a benefit in 'western' tenure systems is, amongst others, that title deeds (with freehold tenure) can be used as security for credit and are considered an incentive for investment, there are numerous positive facets to traditional tenure systems. Positive factors of this tenure form are, briefly, that individual ownership can be extended to another family; security in ownership is forever for the land to be passed from generation to generation and, in the traditional tenure system, the whole community has access to common land while, the western system tends to distinguish between the 'haves' and 'have nots' (de Klerk (ed); 1991). It is therefore recommended that alternative forms of tenure are looked into further.

Related to the question of appropriate tenure, is planning control. How should planning integrate a poor, non-urban community into an urban environment? In such a circumstance, there is the situation where traditional lifestyles versus urban bylaws and control. This is an imperative consideration for planning especially where these traditional settlements neighbour established urban residential areas. For example, how would planning overcome a situation where the new, traditional settlement calls for Ventilated Pit latrines (VIP's) while its' neighbouring suburb has a full water borne sewerage system?

In reaction to the above challenges facing planning, there is the requirement of increased community participation in planning (a wide topic of its own). Planning is required to adopt an approach which converges 'top down' and 'bottom up' planning. This was evident in the Mandlazini settlement where a key actor in the process was the community itself in the form of the Mandlazini Development Committee and the Trust. The community wanted to ultimately run the area as a separate authority but, with time, it was realised that for proper management, some of the facilities and services may have to be handed over to the Richards Bay Town Council. In land issues, it is the role of the public sector to ensure adequate land and monitor overall programmes. The case study informs planners that the public sector still has a role to play in development planning in providing guidelines for development; finance grants; planning facilitation and training to enhance capacity building. In some cases of conflict, the local authority may also take on a mediatory role. Thus, 'top-down' planning should take on a more facilitatory role in the planning process.

Another broad lesson that one learns from the case study is that redistribution is unable to provide for everyone. In the case of the Mandlazini people only 570 families of the tribe could be accommodated in the resettlement programme. Therefore, there is the need to complement redistribution programmes with rural development which will act as 'safety nets' in conjunction with programmes for improvement in urban (informal) groups.

It is apparent that when land is designated as a settlement area, planning requires rational decision-making in issues concerning the affordability of the land, its location and, to balance this with access to work and other opportunities. Small scale agriculture in the study required proximity to the urban centre, as well as, integration into the urban lifestyle, in order to derive satisfaction from an urban existence. Furthermore, it is apparent that planning is not simply concerned with the use of one piece of land. Land use of one area affects that in another. For example, the development of Rem. 7638 in Reserve 6 in Richards Bay would have an impact on the neighbouring Birdswood residential area: with an increase of traffic through the area, to the new settlement, and as a consequence access and transportation routes may have to be improved in future.

There are numerous realms of planning, all with the ultimate goal of 'filling' in the apartheid spatial framework. This includes economic restructuring, with an acceptance of small scale farmers, in the case of Richards Bay; rural reconstruction, with stronger links to the urban areas and; urban reconstruction which, in part, is an attempt to reconstruct racially based planning policies. With this, planning needs to incorporate social reconstruction. This is a distinct lesson from the case study - there must be an integration of all South Africans into a common society.

The case study has also informed planning on the importance of environmental planning being an integral part of the planning process. Environmental aspects should be integrated into each phase of planning from initiation to implementation and monitoring. This is strongly tied to a further lesson learnt which is understanding the complex processes of land allocation (past, present and possible future). The case study attempted to balance land redistribution for human settlement with environmental considerations. Planning solutions in this regard are not always complete but rather, require an incremental process. The settlement of the Mandlazini People in terms of the agri-village concept was seen as part of an incremental planning process to incorporate the community into an urban environment.

The study also informs development planning of the challenges with which it is faced in the new South Africa. Planning can no longer merely follow a simple strategic approach with certain 'steps' to be carried out in the process. A 'Process' is ultimately what planning must be considered as. The amount, effectiveness and appropriateness of planning should be determined at the beginning of the planning process with the goal formulation and problem definition. These and the circumstances in which planning is to take place determine the nature of planning (Mabin; 1990). Planning should adopt to circumstances with the intention of minimising conflict between competing interest groups, with the aim of reaching a co-ordinated outcome.

Furthermore, Planning must be in a position to provide input into the situation. It should not only be incorporated in the layout design but, play a guiding role in development. Planning must be above sectional interest (that is, 'professionalism'). It should be the planners role to provide the overall picture of the situation, regardless if he/she is a private consultant or works in the public sector. In the study, planning should have provided insight into the implications of development

to the Mthiyane Tribe, the future of Richards Bay as a whole and for the proposed developers of the tourist resort.

7.2. Conclusion

This dissertation has taken an evaluative approach in researching competition between land uses. Without detracting from the importance of other land uses, this case study sought to illustrate the conflict involving probably two of the most important land uses at present in South Africa - conservation of the natural environment and human settlement.

These land uses had competing interests in Reserve 6 of Richards Bay. The nature in which these interests were played out was determined by a political decision-making process and therefore all the issues involved were not open to discussion, because of their sensitive nature. Therefore, an investigation into possible alternatives for the development of the site was precluded.

Research may have indicated that the site was unsuitable for sustainable human settlement. However, due to the historical background of the land, the consequential resettlement of the Mthiyane Tribe may have been the most advantageous location according to the perceptions of the said tribe and, in the face of political threat, to the town.

The study has, overall, provided an important lesson for the requirement of an incremental planning process which converges top-down and bottom-up approaches. It has clearly illustrated that demand for land is a complex issue which must accommodate a range of people with different requirements. To resolve this, it is clear that planning cannot only be comprised of rural and urban reconstruction, but needs to adopt a professional interest in the social reconstruction of people, into a common society.

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- Hansen, A (Mr) - Consultant (previous member of ZAI team), 06.11.96.
- Hooyberg, I (Ms) - John P Lang Associates CC (former planner for the Richards Bay Town Council), April, October & November 1996.
- Lang, J (Mr) - John P Lang Associates CC (former member of Metroplan team), April, October & November 1996.
- Lubout, P (Prof.) - Head of Department, Department of Agriculture, University of Zululand, 08.10.96.
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- Nel, M (Mr) - Assistant Town Secretary (Estates), Richards Bay Town Council, April & October 1996.
- Pitout, K (Ms) - Local Government and Housing, Natalia, Pietermaritzburg, 17.10.96.
- Sandworth, T (Mr) - Head of Planning, Natal Parks Board, Pietermaritzburg, 16.10.96
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- Walker, C (Ms) - Regional Land Claims Commissioner: KwaZulu Natal, 16.10.96.
- Wilson, A (Mr) - Lecturer in Plant Production and Soil Science, Department of Agriculture, University of Zululand, 08.10.96.

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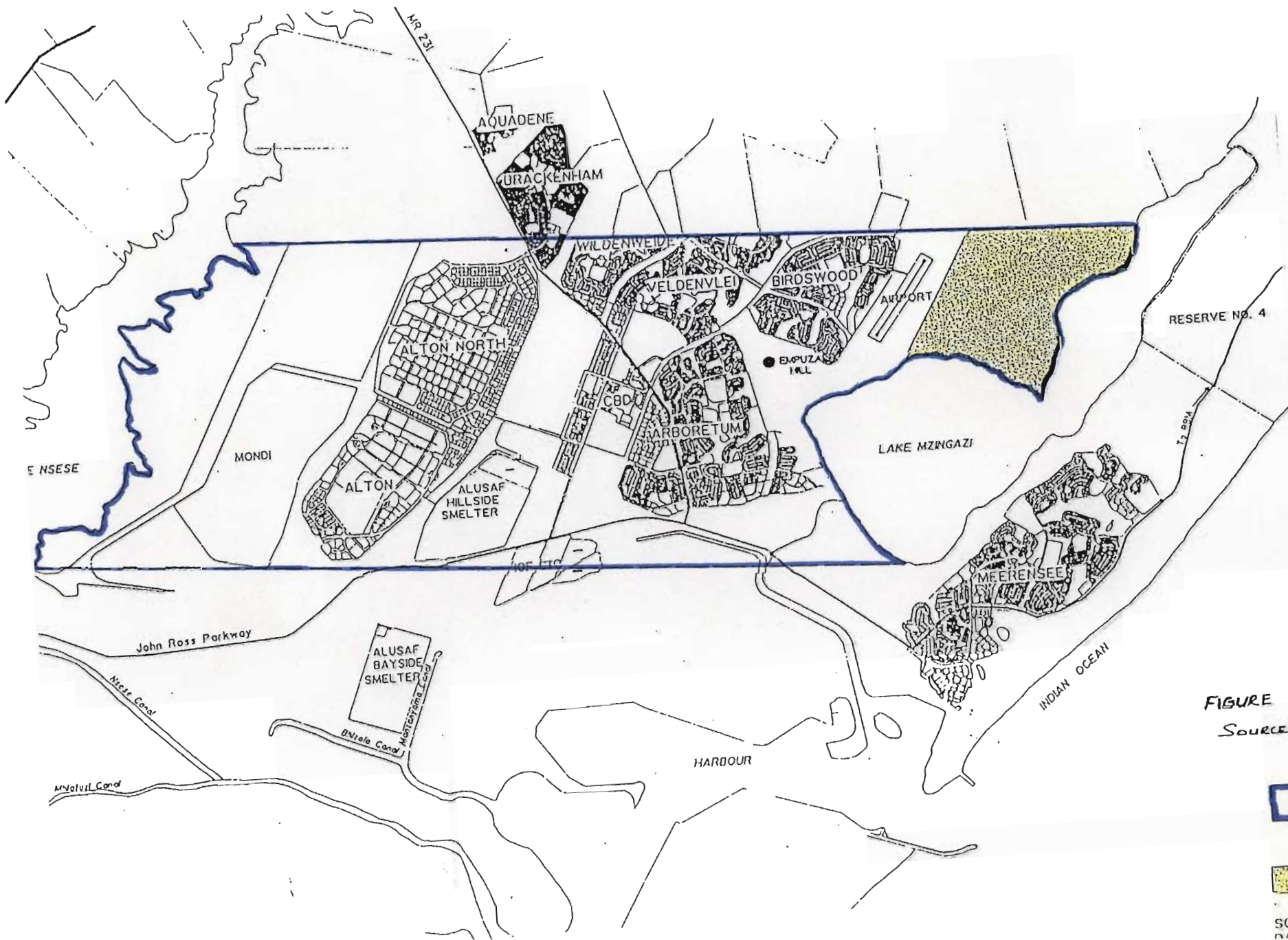



FIGURE 1: LOCALITY PLAN
 SOURCE: METROPLAN

 FORMER RESERVE 6
 BOUNDARY

 THE SITE

SCALE: 1:50 000
 DATE: JUNE 1994



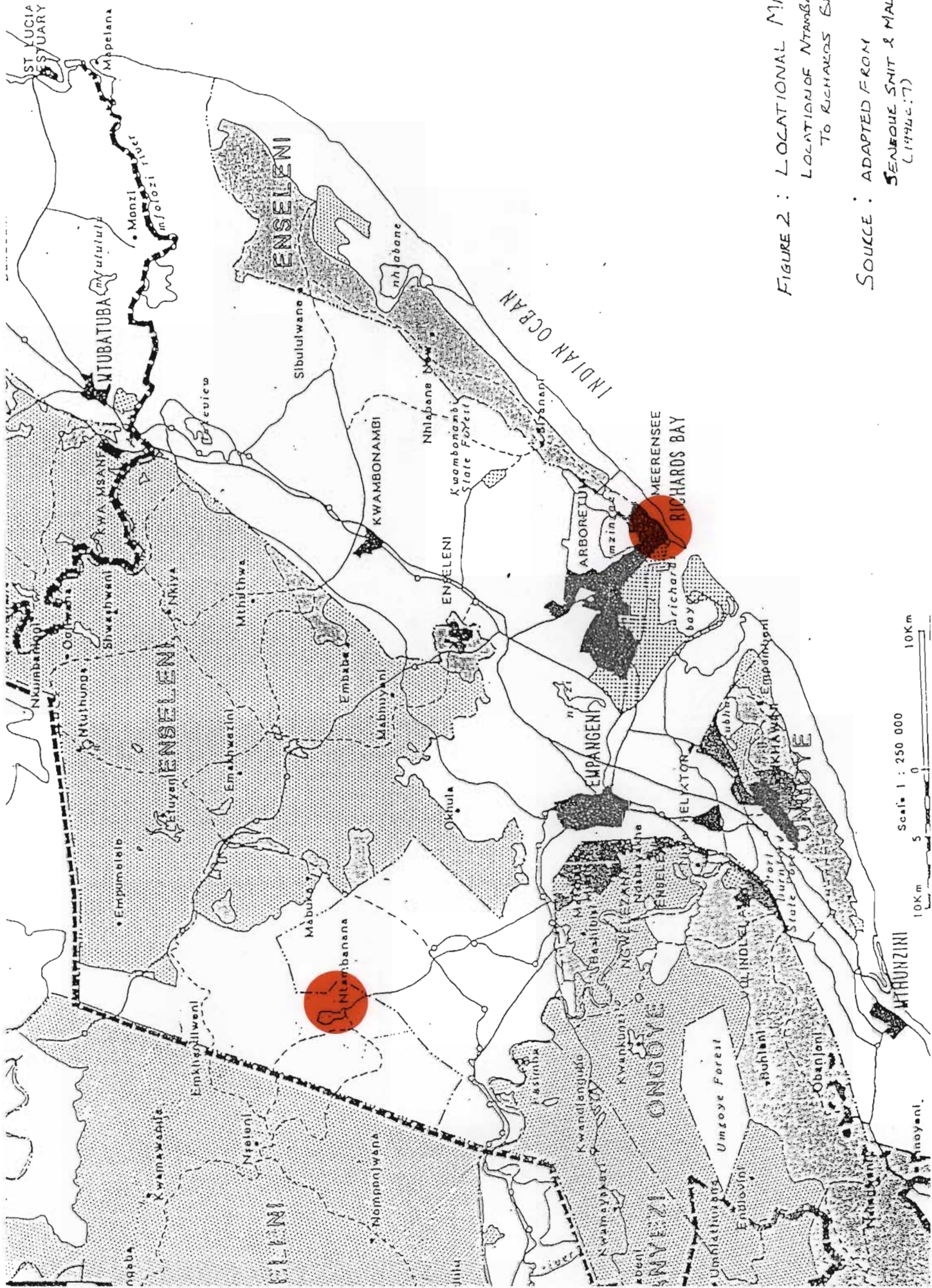


FIGURE 2 : LOCATIONAL MAP
 LOCATION OF NTSHABANE
 TO RICHARDS BAY

SOURCE : ADAPTED FROM
 SENGUPE SMIT & MAUGERAN
 (1994:7)

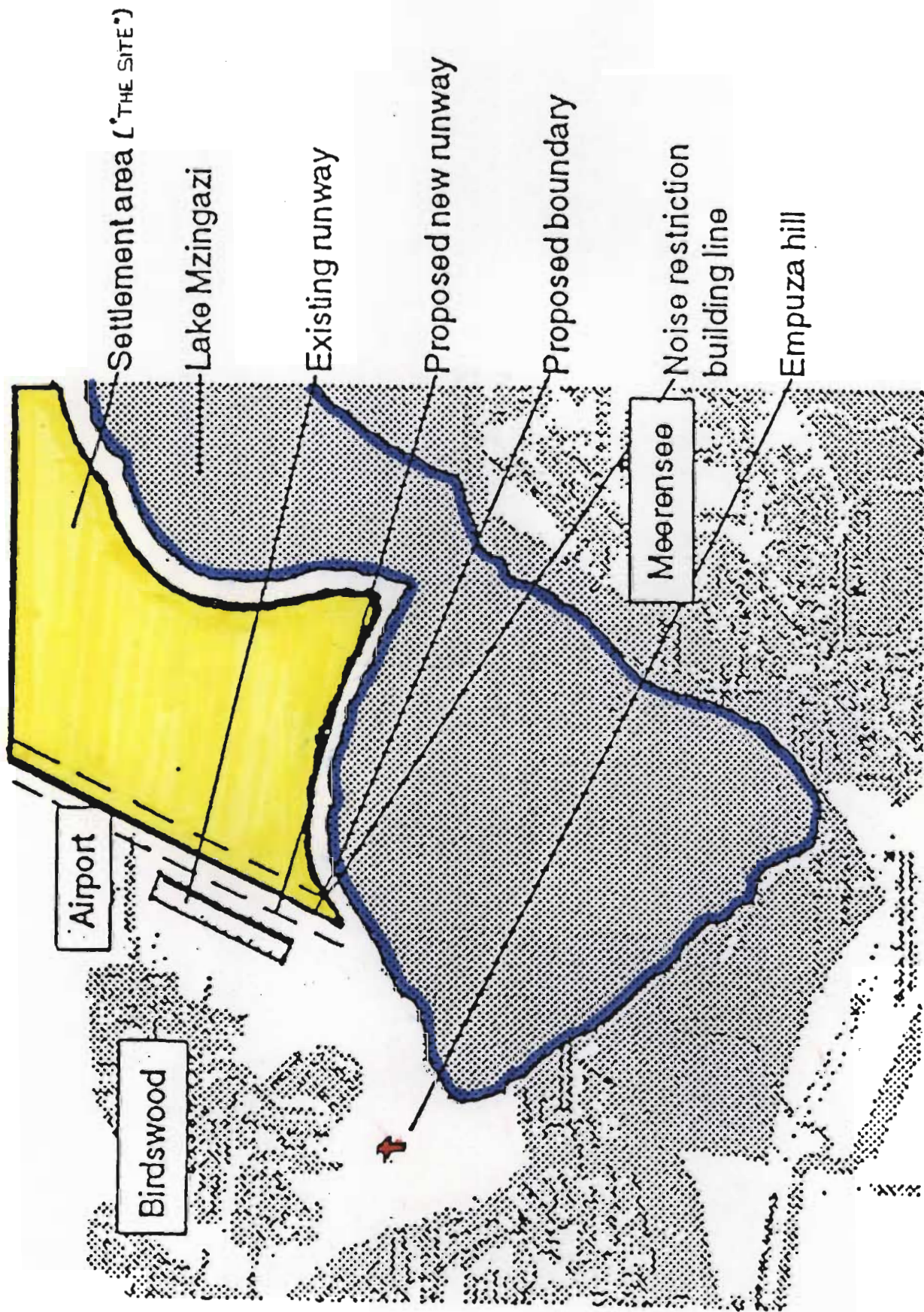


FIGURE 3 : THE SITE
 (REM 7638 OF RESERVE 6)
 SOURCE : R.B.FORUM (1994:2)

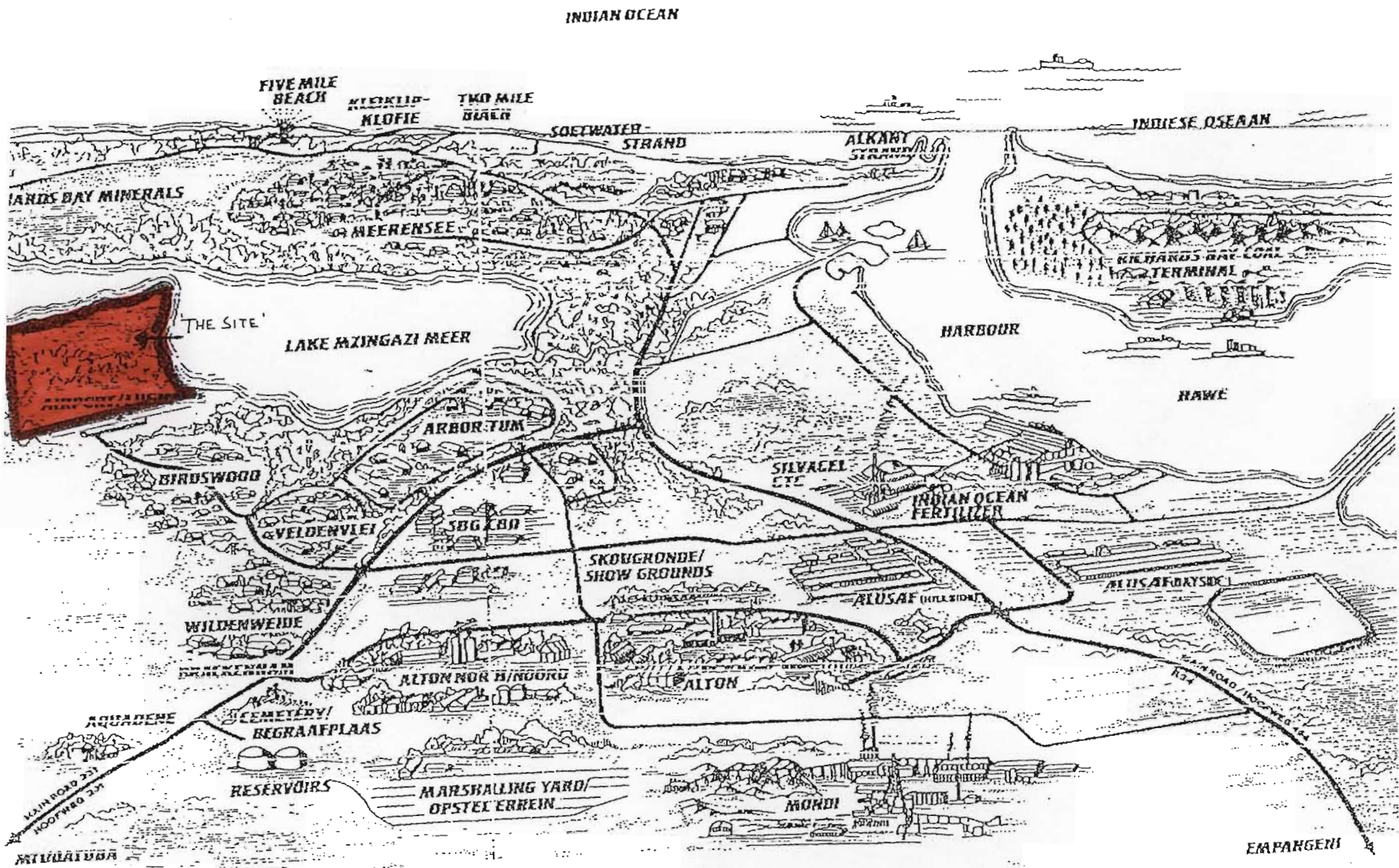


FIGURE 7 : SUB-REGIONAL CONTEXT OF SITE

SOURCE : TUZI GAZI INFORMATION CENTRE

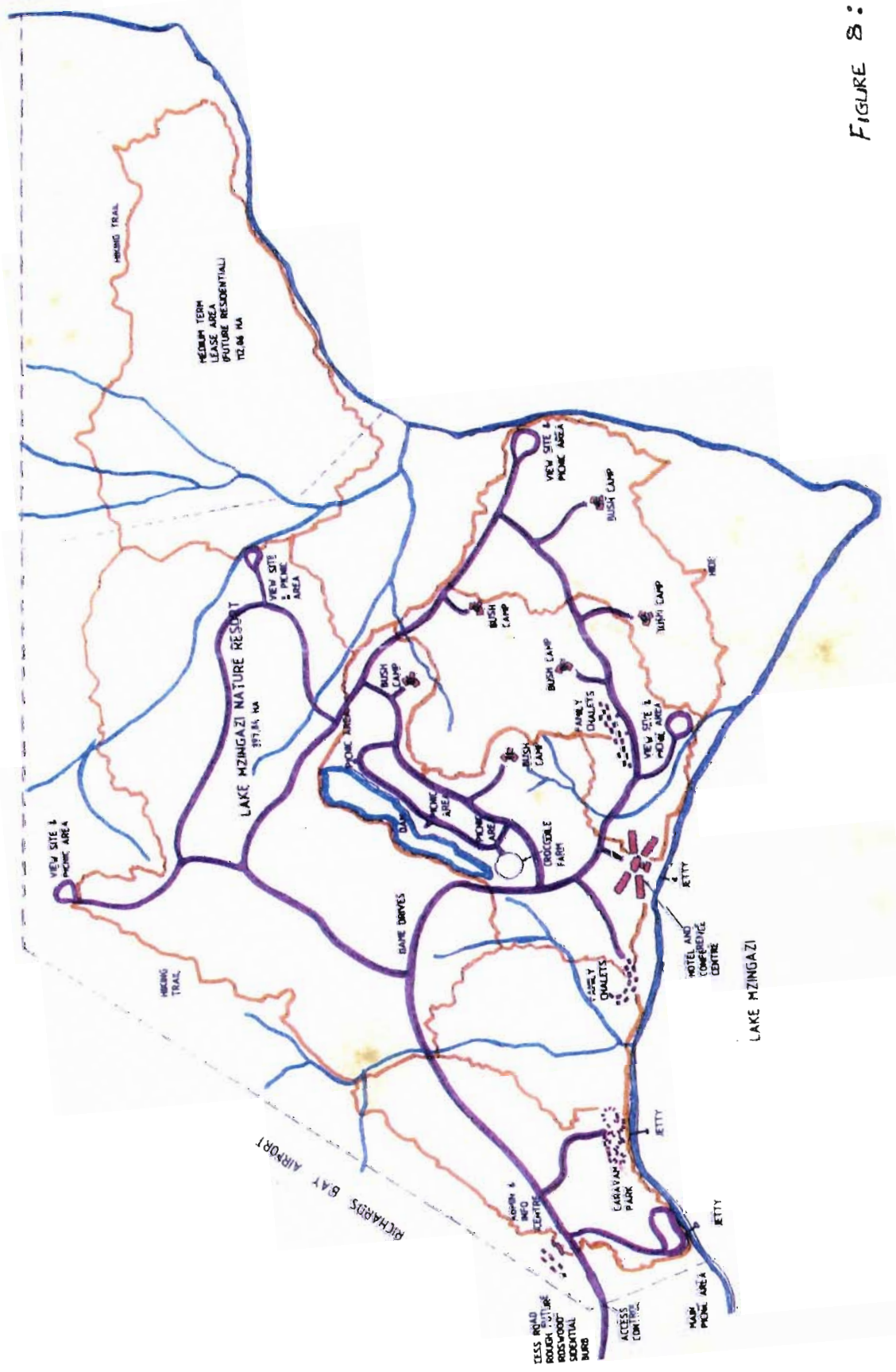


FIGURE 8: LAKE MZINGAZI RESORT
CONCEPT LAYOUT

SOURCE : BOMA (1991: ANNEXURE B)

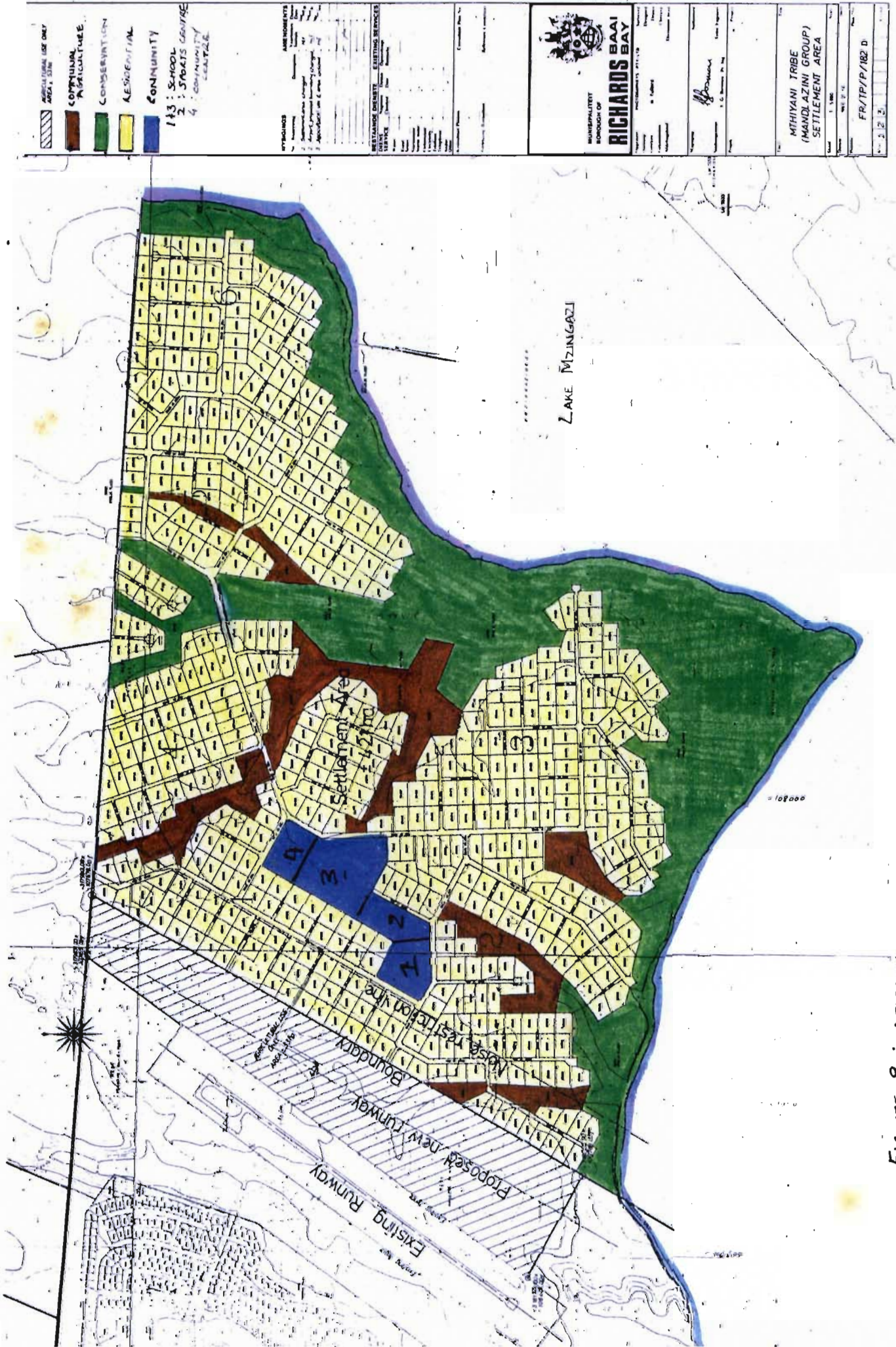


FIGURE 9 : APPROVED LAYOUT : MANDLAZINI AGRI-VILLAGE

SOURCE : MTHIYANI TRIBE

ANNEXURE A

Ms SL Griffiths
11 Meller Crescent
Umbilo
4001
02 July 1996

The Chairperson
Mandlazini Community Trust
Private Bag X1004
Richards Bay
3900

Sir / Madam

Re : Data on the Mandlazini Agri - Village

This letter serves to ask your permission for access to documentation regarding the development of the Mandlazini Agri - village in Reserve 6 of Richards Bay.

I am a masters student in Town and Regional Planning at the University of Natal, Durban, and am doing my dissertation on issues related to the competition for land. I would appreciate it very much if I was given permission to use Reserve 6 as a classical example and so, take an evaluative perspective in my dissertation.

Your assistance would be greatly appreciated.
Thank You.

Yours faithfully



S L Griffiths (Ms)

ANNEXURE B

Ms S L Griffiths
11 Meller Crescent
Umbilo
Durban
4001
07 October 1996

The Chairperson
Mandlazini Community Trust
Private Bag x1004
Richards Bay
3900

Sir / Madam

Re : Data on the Mandlazini Agri - Village

Further to my discussion with Ms Wendy Forse, in Mr M. Nel's office, on the 07 October 1996, please find the enclosed copy of my letter of 02 July 1996.

I confirm the following :

- * my study is short termed, commencing in October 1996 for completion by 22 November 1996.
- * the study will not take a subjective approach and thus no conclusions will thus be reached.
- * the focus of my study will be on the planning principles and the implementation thereof.

I hope that the completed document will provide some insight for the community and perhaps act as a means of assessment to the community's benefit.

Your co-operation in permitting me access to the relevant documents will be much appreciated.

Thank You.

Yours Faithfully



S L Griffiths (Ms)

ANNEXURE C

DEFINITION OF KEY CONCEPTS

Conservation: The protection and preservation of the biodiversity of natural environments. An environment which is deemed a conservation area may be specially protected by law against undesirable changes. Conservation areas may be incorporated into a town's open space system or be utilised as a nature reserve/tourist resort. In the case of the latter, an income is derived from the pleasures of the natural environment, in the form of ecotourism.

Council: This shall mean the Richards Bay Town Council.

Ecotourism: Conservation development which produces incomes for a country while conserving the natural biodiversity of the environment. It is for this uncontaminated natural state that people travel to the area to appreciate the scenery and/or learn from its habitats. The amount of tourism is determined by the area's carrying capacity so as not to exploit the environment but to maintain it in a sustainable manner.

Rural Traditional Settlement: The arrangement of homesteads so as to facilitate the maintenance of a cultural way of life wherein fealty is paid to an inkosi and crops may be grown and live animals kept primarily for subsistence reasons.

The Committee: This shall refer to the Mandlazini Development Committee, previously known as the Mandlazini Interim Committee.

The Community: This shall refer to the members of the Mandlazini Group of the Mthiyane Tribe who originally resided in Reserve 6 and were subsequently resettled.

The Site: The term 'the site' refers to the area formally designated as Rem. 7638 of Reserve 6 in Richards Bay.