

# Mapindani (Ngotsha – Khubyane) Land Claim Dismissal

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## Land claims in Kruger

By December 31, 1998 almost 40 land claims had been lodged on land within the Kruger National Park. To date, the Makuleke claim in the Pafuri area of the park and the Mdluli claim in the south of the park have been settled. The Regional Land Claims Commission (RLCC) has dismissed two claims. According to Limpopo RLCC spokesperson, Nikiwe Shibambu, negotiations are currently underway for the settlement of the Makahani claim. This covers land in the Punda Maria area.

The Makulekes and the Mdlulis were given back the rights to their original land within the park. According to Wanda Mkutshulwa, spokesperson for South African National Parks (Sanparks), "As part of the settlement agreement it was decided that this land would be used for conservation purposes in perpetuity and they have signed a contractual agreement with the Kruger National Park." Although nothing has happened yet with the Mdluli land, the Makuleke community has introduced tourism activities in partnership with a private company.

Sanparks and the communities work together on several issues. The dismissed claims were the Mhinga claim in the Punda Maria area and the Mapindani claim which covered land from Mphongola to the Olifants River. A closer inspection by the Mpumalanga Regional Land Claims Commission (RLCC) revealed that of the 26 claims in the Mpumalanga section of the park, most of the claims were lodged by different members of the same families.

The Mpumalanga claims are now grouped into the Mahashi, Ntimane, Ndluli and Sambo, and the Nkuna claims. Shibambu says that most of the Limpopo claims cover land in the northern part of the park, and overlap to the adjacent villages in the Giyani and Malamulele areas. The Mpumalanga claims are mostly centred around Skukuza, although there are also claims that affect land next to Pretoriuskop and the Sabie Sands. Of the claims lodged in Limpopo, investigation of four of the claims is fairly advanced, as the RLCC is preparing a "rule three" report.

This will determine if the claim should be settled or dismissed. These include the Muyexe claim in the Shangoni and Tshanga area; Ndindani claim for Shongololo, Byashishi and Mnangwe; Mahlathi claim from Mphongola to the Olifants River and the Madonsi claim for Shangoni, Phugwani, Shahondo, Phonda and Maguwani. Preliminary investigations are underway for the other claims. Shibambu says that as the land being claimed is unregistered and unsurveyed state land, a land mapping process has become necessary to find out the extent of the land claimed.

As many factors are involved in settling the claims, no exact time frame can be given by the RLCC or Sanparks for the finalisation of claims. Mkutshulwa says, "Discussions between the LCC, Sanparks and DEAT (Department of Environmental Affairs and Tourism) are currently looking

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(Department of Environmental Affairs and Tourism) are currently looking at ways of speeding up the process and developing a win-win system for claimant communities and protected areas." Land claims are investigated using the oral history of the claimants, inspection on the ground and archival research. Claimants can have lost both occupational and customary rights to the land, and may have gravesites in the Kruger National Park.

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