



**CONSERVATION MANAGEMENT AND INTERGOVERNMENTAL
RELATIONS: THE CASE OF SOUTH AFRICAN NATIONAL AND
SELECTED PROVINCIAL PARKS**

by

LIANNE PRISCILLA MALAN

**Submitted as partial fulfilment of the requirements for the D Admin (Public
Administration) degree in the Faculty of Economic and Management Sciences,**

University of Pretoria

Promoter: Prof dr P A Brynard

**PRETORIA
AUGUST 2000**



ACKNOWLEDGEMENTS

I wish to express gratitude to the following:

The Almighty Father for His grace.

My husband, Henri, for his constant love and support.

My parents for their interest and encouragement.

My promoter, Prof Brynard, for his astute leadership and support.

TABLE OF CONTENTS

SUMMARY	xiii
OPSOMMING	xv
INTRODUCTORY CHAPTER	1
GENERAL OVERVIEW OF INTERGOVERNMENTAL RELATIONS AND CONSERVATION MANAGEMENT	1
FRAME OF REFERENCE	8
POSSIBLE RESEARCH PROJECTS WHICH COULD EMANATE FROM THIS STUDY	9
APPLICATION POSSIBILITIES OF THE RESEARCH RESULTS	9
METHODS OF RESEARCH	10
PROBLEM STATEMENT	10
STRUCTURE OF THESIS	12
CHAPTER 1: INTERGOVERNMENTAL RELATIONS IN SOUTH AFRICA	13
1.1 INTRODUCTION	13
1.2 DEFINING RELEVANT CONCEPTS PERTAINING TO INTERGOVERNMENTAL RELATIONS	14
1.2.1 Intergovernmental relations	14
1.2.2 Co-operative government	17
1.2.3 The process of intergovernmental relations, intergovernmental roles, structures and institutions	19
1.3 THE SOUTH AFRICAN SPHERES OF GOVERNMENT	20
1.3.1 National governmental in context	21
1.3.2 Provincial government in context	23
1.3.3 Relations between national and provincial legislation	23

1.3.4	Dispute settlement mechanisms in intergovernmental relations	25
1.3.5	Local government in context	25
1.3.6	Organs of the state	27
1.4	THE INTERDEPENDENCE OF GOVERNMENTAL BODIES	27
1.4.1	Constitutional and legal resources	27
1.4.2	Financial resources	28
1.4.3	Political resources	30
1.4.4	Resources for information-sharing and consultation	31
1.5	APPROACHES TO INTERGOVERNMENTAL RELATIONS	32
1.5.1	Constitutional/legal approach	31
1.5.2	Democratic approach	34
1.5.3	Financial approach	34
1.5.4	Normative-operational approach	35
1.6	THE INFLUENCE OF FORMS OF GOVERNMENT ON INTERGOVERNMENTAL RELATIONS	36
1.6.1	Unitary form of government	36
1.6.2	Federal form of government	37
1.6.3	The unitary and federal debate in South Africa	38
1.7	CLASSIFICATION OF GOVERNMENTAL RELATIONS	40
1.7.1	Vertical intergovernmental relations	41
1.7.2	Horizontal intergovernmental relations	44

1.8	NORMATIVE GUIDELINES IN THE STUDY OF INTERGOVERNMENTAL RELATIONS	45
1.8.1	Acknowledgement of the political supremacy of the Constitution	45
1.8.2	Maintenance of public accountability	46
1.8.3	Promotion and maintenance of public efficiency	46
1.8.4	Adherence to South African administrative law	46
1.8.5	Acknowledgement of current community values	47
1.8.6	Maintenance of high ethical norms	48
1.8.7	Social equality and social justice	48
1.9	PEOPLE IN INTERGOVERNMENTAL RELATIONS	50
1.9.1	Basic values and principles	50
1.9.2	Fundamental rules of conduct	51
1.10	FACTORS THAT MAY INFLUENCE INTERGOVERNMENTAL RELATIONS	52
1.10.1	Policy and intergovernmental relations	52
1.10.2	Organisation of governmental institutions	53
1.10.3	Fiscal and financial variables	58
1.10.4	Personnel and human resource planning	59
1.11	STRUCTURES FOR INTERGOVERNMENTAL RELATIONS	60
1.11.1	Legislative intergovernmental institutional arrangements	60
1.11.2	Executive intergovernmental institutional arrangements	61
1.11.3	Administrative intergovernmental institutional arrangements	66
1.11.4	Advisory intergovernmental institutional arrangements	67

1.12	CHALLENGES FACING INTERGOVERNMENTAL RELATIONS	71
1.12.1	Strengthening co-ordination	71
1.12.2	Operational principles regulating intergovernmental structures	72
1.12.3	The reporting role of intergovernmental structures	72
1.12.4	Institutional capacity of provincial and local governments	72
1.13	CONCLUSION	73
CHAPTER 2:	A COMPARATIVE ANALYSIS OF INTERGOVERNMENTAL RELATIONS	75
2.1	INTRODUCTION	75
2.2	INTERGOVERNMENTAL RELATIONS IN BRAZIL	76
2.3	INTERGOVERNMENTAL RELATIONS IN INDIA	81
2.4	A COMPARISON OF INTERGOVERNMENTAL RELATIONS IN BRAZIL AND INDIA WITH SOUTH AFRICA	86
2.5	CONCLUSION	89
CHAPTER 3:	CONSERVATION MANAGEMENT IN SOUTH AFRICA	91
3.1	INTRODUCTION	91
3.2	DEFINITIONS OF RELEVANT CONCEPTS	92
3.2.1	The meaning of environment	92
3.2.2	The meaning of conservation	93

3.2.3	The value of environmental conservation	96
3.3	THE MANAGEMENT OF CONSERVATION	98
3.3.1	Goals of conservation	99
3.4	POLICY AND CONSERVATION MANAGEMENT ✓	100
3.4.1	Procedures for co-operative governance	100
3.4.2	Conservation and environmental policy goals	102
3.4.3	The influence of policy issues on conservation ✓	104
3.5	APPROACHES TO CONSERVATION MANAGEMENT	105
3.6	GUIDING PRINCIPLES FOR CONSERVATION MANAGEMENT	107
3.6.1	Ethics and conservation management	110
3.7	MANAGEMENT EXPLAINED	111
3.8	MANAGEMENT FUNCTIONS	112
3.8.1	Planning	113
3.8.2	Leading	117
3.8.3	Control	124
3.9	MANAGEMENT SKILLS	128
3.9.1	Decision-making	128
3.10	VALUES AND CONSERVATION MANAGEMENT	132

3.11	INTEGRATED ENVIRONMENTAL MANAGEMENT	133
3.11.1	Defining the concept <i>integrated environmental management</i>	133
3.11.2	General objectives of integrated environmental management	134
3.11.3	The principles of integrated environmental management	135
3.12	CONCLUSION	136
CHAPTER 4:	SOUTH AFRICAN NATIONAL PARKS AND PROVINCIAL PROTECTED AREAS	139
4.1	INTRODUCTION	139
4.2	CLARIFICATION OF TERMS	140
4.2.1	National parks	142
4.2.2	Protected areas	144
4.3	THE SOUTH AFRICAN NATIONAL PARKS AND THE KWAZULU-NATAL AND MPUMALANGA PROTECTED AREAS	149
4.3.1	South African National Parks	149
4.3.2	Institutions for KwaZulu-Natal protected areas	153
4.3.3	Institutions for Mpumalanga protected areas	157
4.4	A CENTRALISED OR DEVOLVED MANAGEMENT STRUCTURE FOR PROTECTED AREAS	161
4.5	FINANCIAL RESOURCES OF PROTECTED AREAS MANAGED BY THE SOUTH AFRICAN NATIONAL PARKS AND THE KWAZULU-NATAL AND MPUMALANGA PROVINCES	166

4.6	THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM	169
4.7	CONCLUSION	170
CHAPTER 5:	A MODEL FOR INTERGOVERNMENTAL RELATIONS PERTAINING TO CONSERVATION MANAGEMENT	172
5.1	INTRODUCTION	172
5.2	THE RELEVANCE OF STRUCTURES FOR INTERGOVERNMENTAL RELATIONS PERTAINING TO CONSERVATION MANAGEMENT	173
5.2.1	The National Council of Provinces (NCOP)	174
5.2.2	The Cabinet Cluster and Budget Forum	177
5.2.3	Forum for South African Directors-General (FOSAD)	178
5.2.4	The Intergovernmental Forum (IGF)	178
5.2.5	Committee of Ministers and Members of the Executive Councils (MINMEC)	180
5.2.6	The Committee for Environmental Co-ordination (CEC) and the National Environmental Advisory Forum	191
5.3	A MODEL FOR INTERGOVERNMENTAL RELATIONS PERTAINING TO THE MANAGEMENT OF NATIONAL PARKS AND SELECTED PROVINCIAL PROTECTED AREAS	194
5.4	CONCLUSION	198
CHAPTER 6:	CONSERVATION MANAGEMENT AND INTERGOVERNMENTAL RELATIONS: AN EVALUATION	201



6.1	INTRODUCTION	201
6.2	INTERGOVERNMENTAL RELATIONS IN SOUTH AFRICA	202
6.3	A COMPARATIVE ANALYSIS OF INTERGOVERNMENTAL RELATIONS	204
6.4	CONSERVATION MANAGEMENT IN SOUTH AFRICA	205
6.5	SOUTH AFRICAN NATIONAL PARKS AND PROVINCIAL PROTECTED AREAS	206
6.6	STRUCTURES FOR INTERGOVERNMENTAL RELATIONS PERTAINING TO CONSERVATION MANAGEMENT	208
6.7	A MODEL FOR INTERGOVERNMENTAL RELATIONS PERTAINING TO THE MANAGEMENT OF NATIONAL PARKS AND SELECTED PROVINCIAL PROTECTED AREAS	208
6.8	CONCLUSION	210
CHAPTER 7:	BIBLIOGRAPHY	211

TABLES

i	A HISTORICAL OVERVIEW OF THE MOST IMPORTANT LEGISLATION PERTAINING TO ENVIRONMENTAL MATTERS IN SOUTH AFRICA	5
1/1	CABINET CLUSTERS	64
1/2	THEMES OF THE INTERGOVERNMENTAL RELATIONS AUDIT	70
2/1	PROBLEMS CREATED FOR INTERGOVERNMENTAL RELATIONS BECAUSE OF THE USE OF THE SIXTH SCHEDULE IN THE CONSTITUTION OF INDIA	82
2/2	LEGISLATIVE, ADMINISTRATIVE AND FINANCIAL INTERGOVERNMENTAL RELATIONS IN INDIA	84
3/1	THE VALUE OF ENVIRONMENTAL CONSERVATION	96
3/2	COMPONENTS OF SOUTH AFRICA'S APPROACH TO CONSERVATION	106
3/3	GUIDING PRINCIPLES FOR CONSERVATION MANAGEMENT	108
3/4	REASONS FOR THE IMPORTANCE OF PLANNING FOR CONSERVATION MANAGEMENT	114
3/5	PHASES IN THE PLANNING PROCESS	115
3/6	EXAMPLES OF ABILITIES AND CHARACTERISTICS OF SUCCESSFUL LEADERS	118
3/7	LEADERSHIP STYLES	120
3/8	INFLUENCE PROCESSES IN LEADERSHIP	121
3/9	DIFFERENT TYPES OF CONTROL	126
3/10	STEPS IN THE RATIONAL DECISION-MAKING PROCESS	129
3/11	TYPES OF DECISIONS	131
4/1	CLASSIFICATION OF TERRESTRIAL AND MARINE PROTECTED AREAS IN SOUTH AFRICA	141
4/2	SURFACE AREAS OF THE NATIONAL PARKS OF SOUTH AFRICA	143
4/3	PROTECTED AREA CATEGORIES	145
4/4	CATEGORY II - NATIONAL PARKS AND EQUIVALENT RESERVES	147



4/5	STRATEGIC AREAS FOR TRANSFORMATION OF THE SOUTH AFRICAN NATIONAL PARKS	150
4/6	CATEGORIES FROM WHICH MEMBERS OF THE KWAZULU-NATAL NATURE CONSERVATION BOARD SHOULD BE APPOINTED	154
4/7	FUNCTIONS OF THE KWAZULU-NATAL NATURE CONSERVATION BOARD	155
4/8	OBJECTIVES OF THE MPUMALANGA PARKS BOARD	158
4/9	UNITS IN THE CONSERVATION DEPARTMENT OF THE MPUMALANGA PARKS BOARD	160
4/10	FACTORS FAVOURING A CENTRAL AUTHORITY OR PROVINCIAL AUTHORITY FOR PROTECTED AREAS	162
4/11	PROVINCIAL INSTITUTIONAL ARRANGEMENTS PERTAINING TO CONSERVATION MANAGEMENT	164
5/1	CRITICISMS AIMED AT THE NATIONAL COUNCIL OF PROVINCES	176
5/2	THE ROLE, PROCEDURES AND ADMINISTRATION OF THE MINMEC: ENVIRONMENT AND NATURE CONSERVATION	182
5/3	THE PROCESS OF INFORMATION-SHARING IN THE WORKING GROUP: CONSERVATION AND BIODIVERSITY	186
5/4	THE ROLE OF ELECTED AND APPOINTED OFFICIALS	189

FIGURES

1/1	A SYNOPTIC ILLUSTRATION OF THE NATURE AND CONTENT OF INTERGOVERNMENTAL RELATIONS	16
1/2	THE NATIONAL, PROVINCIAL AND LOCAL GOVERNMENT	26
1/3	APPROACHES TO GOVERNMENTAL RELATIONS	33
1/4	EXTRAGOVERNMENTAL RELATIONS	41
1/5	SOCIAL EQUALITY AND SOCIAL JUSTICE	49
2/1	THE RELATIONSHIP BETWEEN THE FEDERAL GOVERNMENT AND DIFFERENT FEDERAL UNITS IN BRAZIL	78
3/1	CONSERVATION - A FUSION OF INTERACTING THEMES	95
3/2	CONTROL AS A MONITORING PROCESS	124
4/1	THE CORPORATE PLAN OF THE SOUTH AFRICAN NATIONAL PARKS	153
5/1	COMMITTEE OF MINISTERS AND MEMBERS OF EXECUTIVE COUNCILS	184



ANNEXURES

A	THE CONVENTION ON BIOLOGICAL DIVERSITY	222
B	SOUTH AFRICAN NATIONAL PARKS	246
C	DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM	247

SUMMARY

CONSERVATION MANAGEMENT AND INTERGOVERNMENTAL RELATIONS: THE CASE OF SOUTH AFRICAN NATIONAL AND SELECTED PROVINCIAL PARKS

by

Lianne Priscilla Malan

Promoter : **Prof dr P A Brynard**
Department : **School of Public Management and
Administration**
Degree : **D Admin (Public Administration)**

The purpose of this study is to investigate conservation management and intergovernmental relations with reference to the national and selected provincial parks. A model of co-operative government and a state that presupposes diverse and continuous interaction between the three spheres of government are established by the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*. Organs of state such as the South African National Parks and conservation management authorities in the selected provinces of KwaZulu-Natal and Mpumalanga, which are concerned with the management of national parks and provincial protected areas, should therefore establish structures to promote intergovernmental relations. No research investigating intergovernmental relations pertaining to conservation management in particular has previously been conducted. The conclusions and findings from this research may assist individuals in national and provincial departments and statutory organs of state to introduce and assist in the formulation of legislation regarding intergovernmental relations pertaining to conservation management.

In this thesis the universal principles as well as the nature and content of intergovernmental relations in South Africa, are **firstly** investigated. **Secondly**, intergovernmental relations in three other states and its applicability to intergovernmental relations in South Africa are explained. **Thirdly**, conservation management and various management functions and skills are analysed. The structures and functions of the South African National Parks as well as the KwaZulu-Natal and Mpumalanga provincial conservation authorities are **fourthly** described. Intergovernmental relations between the mentioned authorities concerned with conservation management are investigated and the mechanisms and structures for the promotion of intergovernmental relations pertaining to conservation management are analysed. A model for intergovernmental relations pertaining to conservation management is **lastly** developed and recommendations regarding the promotion of intergovernmental relations are made.

It is concluded that it is possible to develop a model for intergovernmental relations pertaining to conservation management, with specific reference to the management of national parks and provincial protected areas. The current informal system and structures for intergovernmental relations, not prescribed by legislation, proves to be ineffective. The shortcomings of the current structure and institutions for intergovernmental relations need to be acknowledged and addressed by policy makers.

OPSOMMING

**BEWARINGSBESTUUR EN INTEROWERHEIDSVERHOUDINGE: DIE
GEVAL VAN SUID-AFRIKAANSE NASIONALE EN GESELEKTEERDE
PROVINSIALE PARKE**

deur

Lianne Priscilla Malan

Studieleier : Prof dr P A Brynard
Departement : Skool vir Openbare Bestuur en Administrasie
Graad : D Admin (Publieke Administrasie)

Die doel van hierdie studie is om bewaringsbestuur en interowerheidsverhoudinge met betrekking tot die nasionale en geselekteerde provinsiale parke te ondersoek. 'n Model vir deelnemende regering, en 'n staat wat diverse en deurlopende interaksie tussen die drie regeringsfere voorstaan, word deur die *Grondwet van die Republiek van Suid-Afrika*, 1996 (Wet 108 van 1996) voorgestel. Staatsinstellings soos die Suid-Afrikaanse Nasionale Parke en bewaringsbestuurinstellings in die geselekteerde provinsies van KwaZulu-Natal en Mpumalanga, wat met die bestuur van nasional parke en provinsiale bewaringsgebiede gemoeid is, behoort strukture daar te stel wat interowerheidsverhoudinge sal bevorder. Geen navorsing oor interowerheidsverhoudinge met betrekking tot bewaringsbestuur in die besonder, is voorheen onderneem nie. Die gevolgtrekkings en bevindinge wat uit hierdie navorsing voortspruit kan bydra om individue in nasionale en provinsiale departemente, asook

staatsinstellings in staat te stel om wetgewing oor interowerheidsverhoudinge met betrekking tot bewaringsbestuur daar te stel.

In hierdie proefskrif word **ten eerste** universele beginsels, asook die aard en inhoud van interowerheidsverhoudinge in Suid-Afrika ondersoek. **Ten tweede** word interowerheidsverhoudinge in drie ander state en die toepaslikheid daarvan op interowerheidsverhoudinge in Suid-Afrika aangespreek. **Ten derde** word bewaringsbestuur en verskeie bestuursfunksies en -bekwaamhede geanaliseer. Die strukture en funksies van die Suid-Afrikaanse Nasionale Parke asook die bewaringsowerhede in KwaZulu-Natal en Mpumalanga word beskryf. Interowerheidsverhoudinge tussen die genoemde bewaringsowerhede word **ten vierde** ondersoek en meganismes en strukture vir die bevordering van interowerheidsverhoudinge met betrekking tot bewaringsbestuur word geanaliseer. 'n Model vir interowerheidsverhoudinge met betrekking tot bewaringsbestuur word **ten laaste** ontwikkel en voorstelle wat met die bevordering van interowerheidsverhoudinge verband hou, word gemaak.

Die gevolgtrekking wat gemaak word, is dat dit moontlik is om 'n model vir interowerheidsverhoudinge in bewaringsbestuur, met spesifieke verwysing na die bestuur van nasionale en provinsiale bewaringsgebiede, te ontwikkel. Die huidige informele stelsel en strukture vir interowerheidsverhoudinge, wat nie deur wetgewing aangespreek word nie, word as oneffektief bewys. Beleidmakers behoort die leemtes in huidige strukture en instellings wat gemoeid is met interowerheidsverhoudinge te identifiseer en aan te spreek.

INTRODUCTION

GENERAL OVERVIEW OF INTERGOVERNMENTAL RELATIONS AND CONSERVATION MANAGEMENT

A model of co-operative government and a state that presupposes diverse and continuous interaction between the national, provincial and local spheres of government are established by the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*. The above-mentioned interaction between the spheres of government is called intergovernmental relations. The study of the different relations between the three spheres of government is very complex because of the increasing number of government institutions, organs of state and people involved in the various government bodies as well as the growing number of functions performed by these institutions and people.

Particular functions and powers are allocated to the spheres of government and may be divided between powers exclusive to one sphere of government (Schedule five of the *Constitution of the Republic of South Africa, 1996 [Act 108 of 1996]*), concurrent powers shared between two or more spheres of government (Schedule four of the *Constitution of the Republic of South Africa, 1996 [Act 108 of 1996]*) and specific constitutional powers. To regulate and govern the interactions and co-operation between the three spheres of government, a set of principles for co-operative government and intergovernmental relations is stipulated in Chapter three of the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*.

The origin of the current system of intergovernmental relations date back to the abolishment of the two-tiered national-local system of government, to a three-tiered government, namely national, provincial (four provinces) and local tiers of government, to accommodate the political identities of the Boer republics and the British colonies in 1909

(Levy and Tapscott, 1999:1). The Provincial Councils were subordinate to the national legislature but also had the power to promulgate laws and ordinances and therefore little legislative competition existed between a provincial and national government. An Administrator, who acted as a Chief Executive Officer of the Provincial Council, was appointed by the Prime Minister and was, in effect, an agent of the national government (Levy and Tapscott, 1999:2). The Administrator could only be removed from office by the State President. The Provincial Councils, which did not have significant law making authority, were later abolished in 1986 and some authority was devolved to the Coloured and Indian houses of the tri-cameral Parliament that had been established in the early 1980's. Provincial Administrators were then political appointees of the ruling political party. Close relations existed between the national and provincial governments because provincial governments represented regional branches of the national government. Intergovernmental relations consisted of the co-ordination of functions and activities and the integration of concurrent responsibilities (Levy and Tapscott, 1999:2). The structures of intergovernmental relations were also poorly defined within the self-governing black homelands and in the late stages of the apartheid era, intergovernmental relations were characterised by increasing administrative inefficiency and minimal popular legitimacy.

The concept of intergovernmental relations was introduced by the *Interim Constitution of the Republic of South Africa*, 1993 (Act 200 of 1993) which established three tiers of government, namely national, provincial and local tiers but no principles were introduced to formalise intergovernmental relations. A large number of intergovernmental structures was established in 1994 to co-ordinate the various functions of concurrent national and provincial competence even though no legislation was in place to regulate and monitor these structures. The importance of an Act of Parliament to provide for structures and institutions to promote and facilitate intergovernmental relations is recognised by Section 41(2) of the current *Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996). Although the envisaged legislation is not in place yet, the process of drafting such

legislation has begun. The drafting of legislation and the formulation of policy to implement legislation will require an informed process of planning and decision-making. For the purpose of this study, the focus will be on intergovernmental relations between the national and provincial spheres of government pertaining to conservation management in particular.

Conservation is a philosophy which is directed at the manner and timing of resource utilisation and is subject to various interpretations of a political and economic nature. Literature focusing on the development and evaluation of conservation is numerous. According to O'Riordan (1977:8) the word *conservation* stems from the British in India, where forests were named *conservancies* and were protected for the maintenance of soil stability. The term *conservation* has since then been used to identify various periods of political activity, either when public policy was aimed at improving the management of resources or when the political interests of individuals or groups making use of resources were threatened (O'Riordan, 1977:8). Conservation is not a static concept and when reduced to its basic meaning, conservation may be described as a philosophical and conceptual framework that has reference to the following:

"the preservation and promotion of biodiversity, ecosystems and ecological processes and includes the sustainable use of plants and animals for the benefit of humankind (Kumleben Report, 1998:5)".

Our present day technological and scientific society make more demands on the preservation of environmental quality and values and priorities become more important when utilising scarce resources to promote conservation. Proper management and clear constitutional, social and institutional guidelines are necessary to face the challenges facing conservation. Intergovernmental relations between the South African National Parks and the selected KwaZulu-Natal and Mpumalanga nature conservation authorities are analysed because of their involvement in conservation management.

Conservation management in South Africa can be traced back to the arrival van Jan van Riebeeck in the Cape in 1652 and the formulation of the first hunting laws in 1663 (Hugo *et al.*, 1997:160). South Africa was abounded by game and in the years that followed a lot of wildlife was hunted down and a number of species became extinct. In 1897 the Hluhluwe and Umfolozi Game Reserves were established for the conservation of wildlife and soon thereafter the Sabie Game Reserve in 1899. The Sabie Game Reserve was forgotten during the Anglo Boer War in 1899 and it was only after the peace statement that the same area was declared a protected area with James Stevenson-Hamilton as the first head of the park. After acquiring more land the Sabie Game Reserve became the first national park and was renamed the Kruger National Park (Hugo *et al.*, 1997:161). The promulgation of other national parks soon followed.

The South African National Parks has over the years been concerned with the protection and relocation of rare and endangered species. Under the management of The South African National Parks, national parks have developed from fenced-in conservation areas, for example the Kruger National Park in 1926, to national treasures which reflect a spirit of goodwill, consultation and reconciliation in joint park management and socio-economic undertakings (Tema, 1997:52).

An overview of the most important legislation pertaining to environmental matters and therefore also conservation management in South Africa is important. Hugo *et al.* (1997:164) states the following pertaining to conservation management and legislation:

“ the conservation of decentralised areas has little value unless they are backed by general legislation pertaining to countrywide conservation of land, sea, air and water”.

Legislation regarding conservation management in South Africa should be aimed at protecting natural resources and should acknowledge that the conservation of land, sea, air, water and wildlife is an asset of international, national and local value. An overview of the most important legislation is summarised in Table i.

Table i: **A historical overview of the most important legislation pertaining to environmental matters in South Africa**

National Parks Act of 1962 was promulgated to manage the South African national parks.

Mountain Catchment Act, 1970 (Act 63 of 1970) heralded the environmental era as far as environmental legislation was concerned in South Africa.

The year 1970 was declared "Water year" and 1973 was labelled "Green heritage year". During this decade various universities took up the challenge by creating chairs in conservation research and teaching.

In 1972 the Habitat Council was established and in 1974 the Environmental Planning Professions Interdisciplinary Committee (EPPIC).

In 1972 a pollution subsidiary committee of the prime minister's Planning Advisory Council brought out a report under the title: Pollution in South Africa.

The Department of Planning was renamed the Department of Planning and the Environment in 1973 and in 1975 the *Physical Planning Act*, 1967 (Act 88 of 1967) was amended and renamed the *Environmental Planning Act* to make provision for the consideration of environmental factors during land use planning. Soon afterwards the Department of Environmental Affairs was formalised.

A White Paper on a national policy regarding environmental conservation was compiled in 1980. A direct outcome of this was the *Conservation Act*, 1982 (Act 100 of 1982).

To date, the most significant legislative development related to holistic environmental concerns has been the *Environmental Conservation Act*, 1989 (Act 73 of 1989). According to this legislation, the then Council for the Environment used to advise the Minister of Environmental Affairs and Tourism on policy and other matters while a new

body - the Committee for Environmental Management - advised the Director-General of the Department on matters affecting activities which may influence the utilisation and conservation of the environment.

A White Paper on environmental policy appeared in 1997 and was followed by the *National Environmental Management Act*, 1998 (Act 107 of 1998).

Source: Hugo, M.C., Viljoen, A.T. and Meeuwis, J.M. 1997. *The Ecology of Natural Resource Management: The quest for sustainable living*. Pretoria: Kagiso Tertiary. p. 165-166.

The KwaZulu-Natal Nature Conservation Board is renowned for its conservation successes and celebrated its 50th anniversary in December 1997. The KwaZulu-Natal Nature Conservation Board first started with Douglas Mitchell (member of the Provincial Executive Committee) and the Chairman of the Zululand Reserve Board (William Power) debating the future of nature conservation in Natal with members of the then National Parks Board of Trustees in 1946. After agonising over a decision on how to set up the province's nature conservation system the Natal Parks Game and Fish Preservation Board was formed and came into existence on 1 December 1947. This above-mentioned Board was a semi-autonomous parastatal nature conservation body charged with administering and managing the province's wildlife heritage and was funded by the province but would have wide-ranging decision-making powers. The name later changed to the Natal Parks Board and their activities concentrated on three aspects, namely bio-diversity conservation, ecotourism and community conservation (Hughes, 1998:2). After the promulgation of the *KwaZulu-Natal Nature Conservation Management Act*, 1997 (Act 9 of 1997) the Board became known as the KwaZulu-Natal Nature Conservation Board and a new institution called the KwaZulu-Natal Nature Conservation Service was established to manage provincial parks and protected areas in the province.

Prior to the elections in the Republic of South Africa in 1994, three conservation agencies existed in the area that was to become Mpumalanga, namely the Eastern Region of the Transvaal Provincial Administration, the KaNgwane Parks Corporation and the KwaNdabele Conservation Division. These three conservation authorities formulated proposals for a conservation structure for the new province driven firstly by their own initiative and later by a Provincial Advisory Committee (General Manager: Research and Development, 2000). The Provincial Advisory Committee was a structure formed to address all the provincial governmental issues. After the 1994 election a process was put into place to form a statutory board for conservation in Mpumalanga. Because of a lack of political support for a statutory board in Mpumalanga, a commission of inquiry was set up to investigate a possible structure for conservation management in this province. A recommendation was made that nature conservation in Mpumalanga should be managed by a statutory organ of state, but that it should be charged with becoming self-sufficient over a period of five years. This recommendation was endorsed by Cabinet and the legal process was allowed to continue. The Mpumalanga Parks Board is currently regulated by the stipulations of the *Mpumalanga Parks Board Amendment Act, 1998* (Act 9 of 1998). The KwaNdabele component of the original three conservation bodies was never fully supportive of the establishment of an organ of state and a political and geographical split was inevitable. The KwaNdabele component is now part of the Directorate of Nature Conservation in the Department of Agriculture, Conservation and the Environment in Mpumalanga. It could be stated that no research pertaining to intergovernmental relations with regard to conservation management in particular has been undertaken. Although a number of research projects have separately addressed the issues of intergovernmental relations and conservation management, this study is unique in the sense that the relations between the national and provincial spheres of government, governmental bodies and organs of state as well as its impact on conservation management will be analysed. The conclusions and findings from this research may assist people in national and provincial governmental departments to introduce and assist in the formulation of legislation pertaining to intergovernmental relations and conservation management.

FRAME OF REFERENCE

The thesis will be limited to the study of intergovernmental relations only, focusing on conservation management. The nature and complexity of the total field of study of governmental relations would have been too comprehensive (bearing in mind that governmental relations comprises inter, intra and extra governmental relations) and therefore a careful demarcation of the field of study was necessary. After consideration of the total scope of the study of governmental relations, it was decided that the thesis will analyse and explain vertical and horizontal intergovernmental relations even though the study could have been limited to either horizontal or vertical intergovernmental relations.

A further demarcation of this study was necessary due to the number of spheres of government in South Africa. The South African Government is divided into three spheres of government namely national, provincial and local spheres and for the purpose of the thesis, the focus will only be on intergovernmental relations between the national and provincial spheres up until December 1999. The choice to focus on the national and provincial spheres of government only is a result of a decision to analyse conservation management pertaining to the South African National Parks and selected provincial parks. Section 44(1)(a)(ii) together with Section 104(1)(b)(i) of the *Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996) provide for concurrent national and provincial legislative competence to particular spheres of government and according to Schedule four of the *Constitution of South Africa*, 1996 (Act 108 of 1996), one of the concurrent functions is nature conservation, excluding national parks, national botanical gardens and marine resources. National parks are mentioned as an exception as being an exclusive national competence with the implication that other conservation issues are the responsibility of provincial government. The principles of co-operative government and inter-governmental relations should be adhered to where concurrent competence exists and, therefore, the necessary demarcation (Chapter three of the *Constitution of the Republic of South Africa*, 1996 [Act 108 of 1996]). Provincial parks (protected areas) in KwaZulu-Natal and

Mpumalanga were selected because the KwaZulu-Natal province has the largest number of protected areas while the largest national park is situated in the Mpumalanga province (*Infra* paragraph 4.2.2).

POSSIBLE RESEARCH PROJECTS WHICH COULD EMANATE FROM THIS STUDY

Seeing that the development and formulation of legislation pertaining to intergovernmental relations are still in progress, this research may assist role players in the drafting of formal legislation on intergovernmental relations especially between the national and provincial spheres of government. The conclusion from the analysis of structures and institutions concerned with intergovernmental relations may lead to further research to evaluate the efficiency of such structures and institutions. The need for governmental bodies and organs of state to co-operate with one another when addressing issues pertaining to conservation management on national and provincial level, may encourage researchers to analyse structures and institutions involved with conservation on the local sphere of government.

APPLICATION POSSIBILITIES OF THE RESEARCH RESULTS

The results of this research comprise the following:

- i. normative research with regard to intergovernmental relations and its application as well as the influence of management functions pertaining to conservation; and
- ii. empirical research on the role of intergovernmental relations between the government institutions and organs of state concerned with conservation management, namely the South African National Parks as well as institutions in KwaZulu-Natal and Mpumalanga involved in the management of protected areas.

Consequently officials and academics studying either intergovernmental relations or conservation management may benefit from the results of this research. This research may contribute towards addressing problem issues relating to intergovernmental relations and conservation management in other provinces.

METHODS OF RESEARCH

Although the focus of this research is limited to national and provincial intergovernmental relations pertaining to conservation management with reference to the South African National Parks and selected provincial protected areas, more comprehensive literature regarding these issues was analysed. The methods of research applied during this study may be described as follows:

Firstly, a study of relevant literature regarding intergovernmental relations and conservation management was undertaken. The purpose was to establish criteria concerning the topic of research against which the practice could be evaluated. Processes and models for and the classification of intergovernmental relations and conservation management were analysed. Literature studied comprised of books, journal articles, legislation, government reports, theses and dissertations. **Secondly**, an empirical study was undertaken. Interviews were conducted with relevant role players involved with intergovernmental relations and conservation management.

PROBLEM STATEMENT

The motivation for the study of intergovernmental relations pertaining to conservation management was a result of a lack of information and formal legislation regarding intergovernmental relations pertaining to conservation management. A need additionally existed for formal guidelines to assist the relations between different spheres of government, especially relations regarding conservation management. The aim was to

analyse the current structures and institutions for intergovernmental relations within the South African National Parks and the KwaZulu-Natal as well as Mpumalanga protected areas to identify problem areas and to propose measures in order to ensure their efficient functioning. A further aim was possible amendment of the structures and institutions in order to ensure the promotion of conservation management in South Africa.

The hypothesis for which support is sought may, after thorough research, be formulated as follows:

1. Although certain intergovernmental processes are provided for in the *Constitution of the Republic of South Africa, 1996* (Act 108 of 1996), the absence of legislation aimed specifically at regulating, monitoring and controlling of intergovernmental relations may confuse governmental bodies and organs of state dealing with conservation management.
2. Current informal and pre-constitutional structures and institutions aimed at promoting co-operation and intergovernmental relations are mostly ineffective and inefficient with no real decision-making authority.
3. The management of conservation areas such as national parks and provincial protected areas is necessary to address issues and problems relating to conservation in South Africa.
4. The division of administrative responsibility and functions relating to conservation management between national government institutions, such as the South African National Parks, and provincial nature conservation authorities such as the KwaZulu-Natal and Mpumalanga conservation authorities, necessitates effective formal and informal structures to promote intergovernmental relations and co-operation.

5. Formal and comprehensive structures for intergovernmental relations can be developed that may lead to more effective co-operation between national governmental institutions and provincial authorities concerned with conservation management.

STRUCTURE OF THESIS

Apart from the introductory chapter the thesis comprises six chapters. A literature study as well as empirical research contributed towards the testing of the mentioned hypothesis.

A summary of the different chapters is outlined in the following paragraphs. **Chapter one** analyses the nature and content of intergovernmental relations in South Africa. Different concepts pertaining to intergovernmental relations and legislation applicable to intergovernmental relations are explained. **Chapter two** describes intergovernmental relations in three other states and its applicability to intergovernmental relations in South Africa. **Chapter three** focuses on the analysis of conservation management. The various management functions are explained and its applicability to conservation in South Africa. In **chapter four** the structures and functions of the South African National Parks and the KwaZulu-Natal as well as Mpumalanga provincial conservation authorities are described. The role of the Department of Environmental Affairs and Tourism as the guardian of conservation management is emphasised. Intergovernmental relations between the South African National Parks and the selected provincial conservation authorities as well as mechanisms and structures for the promotion of intergovernmental relations pertaining to conservation management are analysed, developed and explained in **chapter five**. In **chapter six** conclusions as well as recommendations are made and the various problem statements are tested. **Chapter seven** contains the bibliography.