

Annex H

Exceptional Circumstances Letter

Forestry Scientific Services
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**RE: BASIC ASSESSMENT FOR THE BHANGAZI CULTURAL HERITAGE LODGE,
ISIMANGALISO WETLAND PARK, SOUTH AFRICA**

The iSimangaliso Wetland Park is a World Heritage Site located in the coastal and inland areas of north-eastern KwaZulu-Natal. Between the 1950s and 1970s, people living on the Eastern Shores were forcibly removed. Through the South African Government's Land Reform Programme, the land claim for this area has been settled through cash compensation, an allocation of community levies, and traditional access rights to graves on higher ground to the north-west of the Bhangazi Lake. Development rights to a portion of land, which comprises the Bhangazi Heritage Site on the south-east of Lake Bhangazi South, have also been granted. The institution formed by the former-claimants is the Bhangazi Community Trust.

The Bhangazi Community Trust, in agreement with the iSimangaliso Wetland Park Authority, was given vested authority to develop a tourism facility to display the cultural heritage of the Bhangazi local community. This development is proposed to be located in an area within the iSimangaliso Wetland Park (part of the St Lucia World Heritage Site) and zoned as Cape Vidal Limited Development Zone. See Figure 1 for the site location.

Figure 1 Site Location within the iSimangaliso Wetland Park



- A restaurant and pool complex, located in a disturbed area outside the forest. This specific site is currently totally devoid of indigenous vegetation and is largely covered by an old derelict building, a remnant of the Bhangazi Fishing Camp.
- Staff housing positioned on two separate disturbed areas within the old Bhangazi fishing camp (brownfields sites).
- Development within the forest, limited to guest chalets, a viewing deck and pedestrian boardwalks only- the latter of which will make use of pre-identified cleared or semi-cleared areas (including old camping spots).
- All the chalets within the forest will be developed on elevated decks. Circulation between chalets will be via elevated timber boardwalks (no infrastructure will be built on the ground).
- Access via an existing road (off the Cape Vidal Road).

The motivation for 'exceptional circumstances' is as follows:

- The proposed development should be placed in broader context of the 358,534 ha iSimangaliso Wetland Park. The Bhangazi Lodge development site, which is 5.06 ha in size, will develop in accordance to best practice environmental, social and governance guidelines. In addition, the proposed development is compliant to the iSimangaliso Development and Environmental Guidelines (2013), which provides strict site-specific parameters for previously identified development nodes within the Park.
- The Bhangazi Community, which was forcibly removed from their land between the 1950s and 1970s, acquired their land rights through the South African Land Restitution process. As such, the Bhangazi Community trust was granted the right by the iSimangaliso Wetland Park Authority, as per an agreement signed by both parties on March 2006 to develop this tourism facility within the World Heritage Site. According to this agreement, "...the primary purpose of the Bhangazi Heritage site is for the interpretation of the cultural heritage of the Bhangazi community..." This leaves no other development alternative for the Bhangazi Community Trust.
- In addition to the above point, According to Section 2(1) of the Restitution of Land Rights Act 22 of 1994, "*A person shall be entitled to restitution of a right in land if- (d) it is a community or part of a community dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices...*". As such, the continuation of this project would ensure that the Bhangazi Community Trust's rights according to the Restitution of Land Rights Act 22 of 1994 are met.
- The development in question meets national imperatives as well as local and community development priorities. In so doing, the key objectives supporting the proposed development is in line with the key outcomes of the Biodiversity Economy Lab and Rhino Lab, which form part of Operation Phakisa. It is also estimated that the development of Bhangazi will create 90 jobs during the construction phase (of which 67 of those will be new jobs) and 61 jobs during the operational phase.
- Finally, the South African government has also identified tourism as a priority sector that is fundamental to wider transformation of the South African economy. The proposed development will showcase a community public private model where previously

disadvantaged communities implement tourism-based enterprise development opportunities in partnership with conservation authorities and the private sector. This model not only provides for tangible community benefits linked to entire tourism value chain, diversify the local economy in areas adjacent to conservation areas, and strengthen local communities' governance structures within rural nodes. This will ensure that local communities realise the tangible benefits from protected areas in South Africa through tourism, and negate the need for them to pursue illicit activities as those provided by wildlife crime.

The affected area is not expected to be a significant size seeing as that a significant part is an already developed area (which will be demolished), as previously mentioned and will not require any cutting down of trees. Furthermore, the accommodation units will be built on raised platforms, and as a result require very little site clearance.

Section 3(3)(a) of the National Forests Act of 1998 (Act No. 84 of 1998), as amended states that "*...natural forests must not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits*". As such, the development in question meets national as well as local and community development priorities by way of providing job opportunities by way of creating 90 jobs during the construction phase (of which 67 of those will be new jobs) and 61 jobs during the operational phase.

In addition, iSimangaliso Wetland Park was identified as the South African anchor tourism project of the Lubombo Spatial Development Initiative (which has now evolved into the three-country conservation and development initiative known as the Lubombo Transfrontier Conservation Area), capable of establishing a tourism core. As a result, tourism in the area gains a great marketability platform and in turn enables the economy in the region to grow. It is also entirely appropriate in all respects in line with redressing the forced removal of people off their ancestral land. The cultural heritage and identity of the area will be maintained while promoting growth of the community through economic development and tourism by offering additional/ alternative facilities and activities for visitors to the area.

Lastly, the development also allows communities to derive tangible benefits from conservation and protected areas, which is an important national directive and in line with the objectives of the national People & Parks Programme (born out of the World Parks Congress held in Durban in 2003).

With this said, it is important to note that the Bhangazi Community was part of a Land Restitution Project whereby the Bhangazi were forcibly removed from their land between the 1950s and 1970s. Restitution was then provided to the Bhangazi community as described above. As such, the Bhangazi Community trust was granted the right by the iSimangaliso Wetland Park Authority, as per an agreement signed by both parties on March 2006 to develop this tourism facility within the World Heritage Site. This leaves no other development alternative for the Bhangazi Community Trust. The Bhangazi Community Trust is now responsible for maintaining and managing the lodge and concession area, expecting tangible benefits, especially from training and capacity building in the tourism sector.

Yours sincerely,

ERM