

# Chapter 10

## Accessibility of Land Claims Records at Kruger National Park of South Africa

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### **ABSTRACT**

*This chapter presents a study conceptualized to assess the accessibility of land claims records preserved at the Kruger National Park (KNP) of South Africa. The study used a qualitative method through document analysis and interviews. The sample of the study comprised land claimants and archivists based at the KNP archives. The key finding revealed land claimants use their democratic rights through the Promotion of Access to Information Act of 2000 to request land claim records from KNP archives. The findings aid tools were essential to assess records preserved in the archives even though some of the records were not found in the park.*

### **INTRODUCTION**

South African land claimants faced challenges to access records about forced removal in the park kept at the Kruger National Park (KNP) archives. Access in this chapter is described as the authority granted by an archivist, so that he or she may obtain records from or perform research using archival materials. The land claim was a form of restoring human rights for the people who were dispersed in the land to regain access to records. The land claims program aims to facilitate settlement of land claims in national parks in collaboration with the Land Claims Commission of South Africa (SANParks, 2019). Social justice and the power of records to recover hidden or forgotten memories have become an important memory (Bastian, 2017). Records about the removal of people from parks were kept in the KNP archives. Hence, it was the responsibilities of the KNP archives to provide access to all land records about the past removal of the people which were to be supported through the process of claiming the land to ensure their process into archives was a safe one that does not cause any personal damage to themselves or their families.

DOI: 10.4018/978-1-7998-3729-9.ch010

## **BACKGROUND**

Land dispossession of Africans was central to colonialism and apartheid in South Africa (Kepe, 2013). The majority of South African people's loss of the heritage of land comes as a result of the apartheid laws of discriminating people based on race. The Native Land Act 27 of 1913 restricted the area of land for lawful black South African occupation of land (Jili & Masuku, 2017, p. 551). The Act ensured at least 10% of the South Africa land was being reserved for the Blacks. Other legislation such as the Group Areas Act No. 41 of 1950 denied people to live in areas reserved for white minority, which further extended the principle of removing people. Furthermore, in 1959, the Promotion of Bantu Self Government Act 46 of 1959 was enacted to establish the Bantustans homelands and to establish homeland states. Homeland states include countries such as Venda, Transkei, Bophuthatswana, Venda, and Ciskei (TBVC) (Netshakhuma 2017). These homelands were not recognized as sovereignty state because of the South Africa apartheid laws.

The above-mentioned legislation empowered the apartheid government to remove people from various areas to establish a national park. The removal of people was done through unfair dispossessions, limitation of land rights, human rights abuse, and restriction of the movements of people, all of which have characterized the oppressive period (Netshakhuma, 2017). Because of the apartheid legislation, most of the people were removed from their forefather land as a result of the apartheid law of forced removal. This statement was acknowledged by Tavuyanago (2017) who indicated the reasons for the government to remove black people from their land were to establish a national park system. In line with the racially discriminatory political system of apartheid and consistent with exclusionary approaches to conservation, many people were forcefully evicted from their land to make space for the establishment of protected areas known as the national parks (Krüger et al., 2016).

At the beginning of the 20th Century in South Africa, the colonial Transvaal government, under Paul Kruger, began the process of establishing the national park known as the Kruger National Park by removing the original inhabitants from their homestead to create and expand the park. The government removed inhabitants of the park through intimidation and selective use of violence and without consultations. The result has been the creation of a diaspora of various families and tribes in search of their historical roots (Skelcher 2003). It seems most of the people removed from the park lost their connection to the area and ancestral spirits for such a long time. By March 1991, disposed people demanded their land. Some went so far reoccupy their land. Under the new South African Constitution, the government enacted the Restitution of Land Rights Act. This act allowed people to file claims for the recovery of lost land resulting from the removal of black people going back to 1913.

The year 1994 was regarded in South Africa as a significant milestone of political transformation, although there are still disagreements about land distribution and unequal societies. South Africa gained democracy in 1994 and started the process to redistribute the land to the previously disadvantaged people. The distribution of land processes led to the people who were moved away from the parks to claim land in protected areas such as KNP. Krüger et al. (2016) echoed this statement and noted the majority of people laid legal claim to gain back the land lost on the establishment of KNP. This shows the issue of land reform was the spotlight and their appeared to be political pressure by people on various structures of government to deal with the concern of accessing land records (Iyer, 2017).

Several land claims lodged within the national park were at different stages of settlements, such as QwaQwa land claim at Golden Gate National Park and Colchester land claim (SANParks, 2019). It seems many peoples around the KNP possessed lands in the park of which they were unlawfully removed. The

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