



UMBABAT

Mr Glenn Phillips

5 July 2018

The Managing Executive

Kruger National Park

South African National Parks

Dear Mr Phillips

SUBJECT: UMBABAT – RECENT EVENTS FOLLOWING HUNTING OF LION

Your letter dated 26 June under the above heading refers

The Umbabat PNR wish to reply to your detailed and comprehensive concerns expressed and for ease of reference we have copied each paragraph of your letter with our response following.

- SANParks-KNP has reiterated support to sustainable and ethical resource use within the Greater Kruger on numerous occasions, provided that the practice is supported through the Management Plan, an entity's governance is in place, and all relevant Cooperative Agreements and Protocols are in place, monitored and regulated and lastly that all legislative processes are adhered to. SANParks further recognize that sustainable resource use is a legitimate and defensible practice which can positively contribute to conservation and associated socio-economic outcomes, as long as conservation areas can demonstrate and provide the evidence of how such practices are reinvested into the conservation estate, in line with the reasons for which the area was declared and are managed as per Management Plan objectives.*

The Umbabat fully endorse this statement and has done so historically as required and set out in the existing APNR Management Plan. As the reserves all are reviewing Management Plans in view of the NEMPA process, the Umbabat is fully involved in the process, follows all guidelines and sign all required documents.

- The recent media issues following the hunt of a lion in the Umbabat highlighted several aspects that need to be addressed by the Greater Kruger/GLTFCA as collective. It also raises queries with regard to the governance process and feedback loops at various levels.*

The UPNR support a full review of the governance and support process regarding sustainable resource utilisation. We have no problem with complete transparency in the



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principle and we believe it is important that a central policy serves as guideline to the outside world and that no entity that adheres to the collective can selectively enhance or distance themselves from a principled and law-abiding activity as determined by the policy.

- 3. The Greater Kruger is faced by misleading media that is impacting on all, and parties need to realize that this will remain the status quo unless something is done to address the governance issues. As collective, the Greater Kruger will need to invest substantially in pro-active media position statements. This has in fact been highlighted on numerous occasions. It is for this reason that the GEF Protected area program invested substantially into the development of several positions statements a year or two ago, including pro-actively addressing the sentiment around the hunting in the Greater Kruger area. Sadly this process was very poorly supported by some hunting operators in the Greater Kruger. It was only after negative media statements of hunting a "super-tusker" in the Timbavati, that the support of PR experts (including the very same expert that assisted the GEF PA programme), was obtained. And yet again this was poorly supported by the APNR and Greater KNP parties at large. The recent PAIA request by EMS, challenging KNP about hunting in the APNR, is another example. SANParks went to lengths to ensure that the policy framework allows for hunting in open systems, and this aspect was subsequently included in the KNP Management Plan in support of Cooperative governance. Yet KNP received very poor support from certain APNR entities.*

The Umbabat agrees that any gap in interpretation of the policy regarding hunting in the region will lead to media speculation and agenda-pushing. In this respect the details going into the protocol documentation and the co-operation agreement should and must be the only reference point for any aggrieved or interested party. We also must understand that the lobby pushing against this activity is not interested in well-defined and scientific justification of hunting. It is thus imperative that all participants (collective) back a PR process and endorse the policy. It is undoubtedly so that individual members within reserves may differ from the stance of their respective boards and it is within their rights to do so. However, such individuals should be sanctioned if they express their views on behalf of a reserve or the collective. It is without a doubt important that all reserves in or part of the open area express their support for the policy of sustainable resource utilisation, even if they indicate their preference not to participate in hunting on their properties. Without a unified collective support any PR activity will be fruitless as the media will focus on the dissenting voice(s).

- 4. Therefore the recent proposal by Umbabat to obtain support for a collective PR campaign has been noted. This indeed is the any way forward for the Greater Kruger, and has been reiterated by the*



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GLTFCA Joint Management Committee, and highlighted as a key portfolio position within each cluster (e.g. APNR), and at the Executive level. But this can only work if an entity's governance is 100% in order. We are not convinced that this the case within Umbabat. The GLTFCA JMC partners will also need to come to the party, and commit through a formalized process. No pro-active PR is going to work if there are no meaningful relationships and agreements between parties – an opportunity now provided for a window period only as part of the GLTFCA Cooperative Agreement process.

The Umbabat position regarding a PR process (as also explained in our response in the previous paragraph) resonates with your view. We also believe that such a PR process should include all reserves from the South to the North of the border with the KNP and across all entities within the Greater Kruger. With reference to the Umbabat and governance we would like to point out that the differences in the Umbabat with regards to participation in the NEMPA process, does not extend to the compliance with all hunting requirements. The parties making up the federal component of the UPNR has appointed a full-time Warden since 2018 to contribute to all legal and procedural requirements. We are still 100% confident that we followed and complied with all legal requirements. Saying that we also understand that room for improvement is possible either in communication or consulting and that can be discussed within the APNR structures to fine-tune the protocols and assist in any PR exercise.

5. *REF: MTPA-KNP – 16/1/6/1 - GLTFCA Cooperative Agreement*

Whilst it is the mandate of the relevant Provincial Conservation authority (the MTPA in this case) to monitor and regulate conservation areas such as that of Umbabat, it cannot be ignored that Umbabat and the APNR is open to a national asset, and part of the GLTFCA, and hence it needs to adhere to all regulatory principals. Significant time and resources have been invested by the KNP over the past two and a half years to formalise the GLTFCA/Greater Kruger Cooperative Agreement – an exciting but also very difficult journey for all parties. The process, guided by clear established principals contained in GLTP Treaty, for the first time provides the opportunity to be a member of the Executive-decision making in Greater Kruger – GLTFCA, securing the highest level of political and legal support. Yet this has not been fully embraced and further communicated with land owner structures.

6. *Further to the above and as part of the GLTFCA Cooperative Agreement process, major risks and gaps were identified at entity and Cooperative level, with the agreement that each entity will get their own house in order to address these risks as per legal frame work. Entities, including Umbabat, received a report that was prepared by the GEF PA programme, highlighting key areas to be addressed.*



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The Umbabat is fully involved with all the processes and interactions relevant to the co-operation agreement, both directly via attending arranged meetings and as part of the APNR.

The Umbabat has fully endorsed the process and is an active participant in the drive to enable the signing of a comprehensive co-operation agreement.

7. *Sadly is evident that Umbabat's house is not in order, resulting in major negative scrutiny of KNP, but also impacting on the Greater Kruger as destination of choice. The following key concerns have reference:*
 - a. *Umbabat's Federal system and land owners have very fragmented views on the management and core business of Umbabat, raising the question if there is a united and responsible management of the Umbabat as per NEMPAA requirements. The landowners' different views are being raised through different public platforms, social media, emails to KNP, via EXCO documentation ending up in the public domain, and so the lists goes on.*

The movement to a unified Umbabat for purposes of the NEMPA process is ongoing and we have the commitment of nearly all the constituents. In this regard the UPNR has also signed a Memorandum of Agreement with the Kruger to Canyons Biosphere Region (K2C). We have also mentioned at every meeting that the process will not be held up by non-participants and that the registration /compliance will continue even if it means the exclusion of some entities wishing to go it alone. We are confident, at this point in time, that nearly 96% of the Umbabat is willing to fulfil all obligations. Regarding views being expressed in open media we wish to point out that the existing federal structure in the Umbabat (comprising Nkorho and UWCA) makes provision for the activities that have been undertaken by the federal management structure. Actions are being implemented to bring members to order that abuse their individual membership to bring the UPNR in disrepute.

- b. *We are still not sure how far Umbabat is in the process of constituting its Federal system, and whether all parties are member to it? Umbabat needs to be constituted as per NEMPAA, including the assignment of a Management authority. The GEF PA has also invested significant time and resources to support Umbabat to be regularised, but parties still seem to be divided. Issues such as resource use needs to be addressed upfront with all land owner, and consensus need to be attained.*

The process of drawing up a unified single constitution for the Umbabat is already with our consulting lawyers. As mentioned above the constitutional process has the



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support of nearly all in the Umbabat and this process will go ahead, irrespective. The existing federal structure in the Umbabat, comprising Nkorho and UWCA, represents the relevant management authority. The perceived division has been addressed by legal interventions and as stated nearly 96% of the Umbabat is expected to align to the constitution. The outstanding item is the financial plan which will be elaborated on below

- c. *Umbabat's financial model needs to be clearly reflected within the Constitution, and operationalized through the Management Plan. This will provide the necessary transparent basis in terms of the core business. However, this requires that land owners in Umbabat have a common understanding about the financial sustainability and reach consensus on the income models, governance there-off, including risk management at the Umbabat and broader APNR/Greater Kruger level. Land owners currently do not have consensus on this, which is now impacting not only on Umbabat and its ability to manage its affairs as a responsible protected area, but also impacting on the Greater Kruger and cooperative arrangements.*

The financial plan for the Umbabat has been approved in principle from a budget perspective for the next five years. The funding of the budget has led to numerous interventions and an interim funding plan has been tentatively agreed upon, whilst additional proposals from a tourism perspective is about to be discussed. As the Umbabat has a combination of landowner types and is dependent on commercial, levy and hunting income, it is possible that that the financial model might have elements of a federal plan. That has been pointed out by legal counsel to be acceptable within an overall single constitution.

- d. *SANParks-KNP did not support the initial request for the hunting of lion, but takes note that Umbabat submitted supporting information subsequently to the MTPA. However, KNP has not received any official memo as to what has been finally endorsed. This matter will be taken up with the MTPA and LEDET in general, and discussed at the APNR JMC meeting. Formal feedback of approved quotas need to be submitted in writing.*

The Umbabat takes note of the procedural aspect mentioned and as indicated above this can be addressed in the JC meeting of the APNR. As you also stated above there is a need to address some feedback loops at various levels. Again, we wish to reiterate that any improvement in procedural and communication components can only be



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beneficial, but that the legality of the hunt as per requirements is currently watertight and that must and should always be at the centre of any defence and explanation.

- e. The Section ranger of KNP (Houtboschrand) was not informed in advance of the lion hunt that was taking place, and an aircraft was almost deployed as result of this. Communication need to improve in this regard.*

UPNR is relieved that an Aircraft was not deployed. UPNR agrees that communication can always be improved, and we have several suggestions for both the KNP section Ranger and our Warden to consider which are best – and make suggestions to our respective boards for adoption. Alternatively, this matter could be raised at the J.C meeting in mid-July.

The KNP was present & represented at the Stakeholders meeting held on 25th May – the day before the hunt commenced, there must have been a breakdown somewhere in the chain of communication.

- 8. Moving forward, the following matters are of relevance:**

- a. Umbabat needs to be regularised as per NEMPAA framework, which includes the proper constitution of the management authority*

The Umbabat fully recognizes the requirements of the NEMPA Act and is committed to comply as required

- b. Land owners need to attain consensus on the business models (including resource use) and financial sustainability of Umbabat, but also in relation to the larger system. This needs to be reflected in the Constitution and the Management plan:*

The financial/business model is in process of finalisation and will be incorporated in the constitution that is being drawn up.

- c. Umbabat to address internal land owner affairs, including matters raised in the social media and open public domain;*

A comprehensive Umbabat-led set of principles will form part of the constitution and every landowner member will have an obligation to implement punitive measures where these are transgressed by members or shareholders on their property. Currently all reserves are re-assessing their existing own internal codes to address the same principle, as nearly all are signatories to the UWCA or Nkorho constitution.



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- d. *The Management plan needs to reflect resource use as key objective if supported by land owners, as well as the associated measures to monitor it at reserve and cooperative level;*

The Management Plan is already being drawn up by Dr Mike Peel who is the leading specialist in this field and have done the same for numerous reserves in the region. Again, the link between the constitution, the management plan and the co-operation agreement are non-negotiable and will be the driving principle for the management authority.

- e. *The GLTFCA Cooperative Agreement and associated Protocols pertaining to resource use to be formalised;*

The UPNR is fully involved and committed to participation in the agreement and associated protocols.

- f. *Umbabat to inform the adjacent KNP Section ranger and neighbouring reserve Wardens in advance if hunting is to take place;*

Agreed – See point 7(e), above. Considering uploading of criminal data to the common data base, we believe there needs to be better incident verification and communication within APNR (whom are all exceedingly wary / nervous of potential poaching) to avoid false alarms. Our security providers will be requested to input into this matter. Incidentally, the UPNR and KPNR utilise the same security provider, and we have seen first-hand the benefit of this approach in both cross-reserve communication and cross reserve incident handling.

- g. *KNP to be formally informed about any approved changes to requested off-takes, including approvals at the operational off-take committees. It is critical that the feedback loops and flow-process be revisited. This matter will also be taken up with the MTPA and LEDET and needs to be addressed through the review of the Greater Kruger hunting protocol process, facilitated by Ms L Nel from SA Hunters Association.*

The Umbabat will have these communication and administrative gaps in the process addressed in the APNR and JC meetings. Furthermore, the UPNR is a full participant in the review of the hunting protocol and will similarly see to it that the process is as comprehensive as possible to comply with the relevant legal and procedural requirements.



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- h. KNP would like to put on record that there was no further formal letter submitted to the MTPA based on the amended quotas approved by the MTPA, following the original KNP submission of February 2018. The final approval is the mandate of the MTPA, but formal feedback is required. This is also in response to queries received from several parties, including land owners within Umbabat. Note that parties were referred to the MTPA.*

The Umbabat recognises that the procedural gaps or loops between all relevant parties, i.e., approving authority, reserve and KNP needs to be formalised in the protocol. We, however, wish to point out that the communication following the initial KNP letter of 6 February was copied to all parties and that the same happened following the adjusted approval by the authorising authority. In this regard we need to put on record that the legality of the relevant hunt was never questioned before or after the hunt and that we believe any procedural gaps to be addressed must stress that it did not affect the legal requirements to conclude the hunt, but that it can improve governance and reaction to enquiries.

- i. The GLTFCA JMC and GLTFCA Joint Management Board will address independent external auditing of protected areas within the GLTFCA protected area network. This matter will also be taken up with the Provincial Conservation Agencies.*

The Umbabat welcomes all analysis, investigation and auditing of their activities and will support the principle via the APNR when submitted.

- 9. KNP will not support any further off-take requests until the GLTFCA/Greater Kruger Cooperative Agreement and associated Protocols have been signed.*

The UPNR is committed to the signing of the final version of the Co-operation agreement when available and as approved by all the participating parties. We have never expressed any doubt on the relevance of this agreement and do not intend to do so.

The Protocols have been duly signed up to now as required and as we are a participant in the review of this protocol we do not foresee any issue to comply fully with these requirements.



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10. Lastly and most importantly, if Umbabat does not get its governance in place within the next six months, KNP will be left with no option but re-erect the fence.

The Umbabat PNR understands your concerns and you can rest assured that we take the process very seriously and we don't believe it will be remotely necessary to go to such extremes. We appreciate your continuous support and resource availability and we undertake to inform you of our ongoing progress.

The Umbabat is committed to a reserve structure as envisaged across the Greater Kruger / GLTFCA and we will do our utmost to see it successfully implemented

In conclusion we would appreciate an opportunity to meet with yourselves at a convenient time in the immediate future. Please advise on your availability and we will arrange accordingly.

Regards

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