



A literature review into South Africa's attempt to create a nudist beach at Ray Nkonyeni Municipality, KwaZulu-Natal

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Abstract

The tourism industry has grown in leaps and bounds in South Africa, since the first democratic elections in 1994. The peaceful elections which resulted in the election of Nelson Mandela, as the first democratically elected president of South Africa, was the beginning of the growth phase of tourism in South Africa. The tourism industry has shown sustained growth, that it is regarded as a panacea for the plethora of challenges facing many countries. For the past 24 years since 1994, tourism has experienced growth rates that have been above the GDP growth of the entire South African economy. International tourism has growth and South Africa receives around 10 million international tourists. The majority of tourists come from neighbouring countries, titled as regional tourists. In the case of international tourists, the tourists come from Western countries, whilst African destination are long-haul, requiring travel by air. Western tourists remain the major market for developing countries such as South Africa, which seek to increase their share of the global market. Tourism is disproportionately important for African economies, whilst Africa receive less than 10% of international tourism receipts.

Tourism is attracted because of labour-intensive jobs, its ability to diversify the economy of a country and its ability to have an impact on the greater economy of a country. African countries are focusing on tourism to diversify into the services sector of the economy, and tourism acts as a domestically consumed export. The sustained growth of tourism is attractive, as tourism is the world, largest industry, which has the benefit that the value adding can occur at the destination area. The emergence of tourism after 1994 as an economic sector has witnessed the emergence of forms of special interest tourism. Sports tourism was the first type of special interest tourism to gain prominence, with the hosting of the Rugby World Cup, and the 2010 FIFA World Cup. Medical tourism, regional tourism, adventure tourism, religious tourism, and hedonistic tourism have grown since 1994. The growth of special interest tourism, has seen the emergence of new markets and sub-cultures, at a rate faster than political gaze falls upon them for understanding. This has led to conflict between regulators, and the increasing specialization of tourists markets. Naturalism is experiencing a growth trajectory and people that are not traditional naturalisms, are increasingly consuming naturalist and nudist destinations. In the case of South Africa, there are no legalized nude zones under government control, as the majority are in private hands.

Keywords: naturalism, nudism, public protector, natourism, South Africa, Mpenjati.

Introduction

Tourism is the world's largest industry, and has attracted the attention of politicians and business because of its sustained growth. Tourists travel to the destination country, to spend their hard earned money, benefiting the local economy, hence tourism is increasingly preferred by destination countries. Almost all countries have jumped on the tourism bandwagon. The increase in global wealth, and the emergence of fast growing countries, has increased the critical mass of people willing to consume tourism. "Tourism is in many ways a new type of industrial revolution for many countries with the main difference being that it is a smokeless industry that has provided service sector employment, revenue and impacts" (Page & Dowling, 2002: 10). The global competition for creating jobs and economic growth, has also ensured that countries improve their competitiveness in the provision of tourism services. The growth of tourism is associated with the growth in jobs, because of the labour intensive nature of tourism. "Many countries consider tourism as a means to increase income, generate foreign currency, create employment and increase revenue from taxes. With the benefit that tourism



offers to a country, it is not surprising that developing countries are viewing tourism as a means of alleviating poverty” (Botha, 2012:2).

“Tourism product consumption is a process; guests travel to the destination which is in a fixed location. This is one of the characteristics of the tourism product offering, leading to tourism product offerings that are treated as export because they are consumed at the destination area due to the inseparable nature of tourism products and services” (Henama & Sifolo, 2013: 2). “International tourism is an invisible export in that it creates a flow of foreign currency into the economy of a destination country thereby contributing directly to the current account of the balance of payments. Like other export industries, this inflow of revenue creates business turnover, household income, employment and government revenue” (Archer & Cooper, 2001: 65). When the tourists are at the destination area, they increase the tax coffers of the state, as state may apply several types of taxes, associated with tourism consumption. Countries with fragile economies, which depend on primary agricultural products, can use tourism to diversify their economies. This has been the experience in many small island economies, from Cuba to Mauritius.

Tourism destinations attract tourism because of the positive economic impacts such as labour intensive jobs, tourism acting a catalyst for other industries, the attraction of foreign exchange and foreign direct investment that comes with tourism. As mining is cutting jobs, tourism has the potential to save those jobs due to the labour intensive nature of tourism jobs. This means that the growth of tourism ideally leads to a growth of jobs. Today, South Africa attracts more foreign exchange from tourism than gold mining, hence tourism is regarded as the ‘new gold’ (Henama, Acha-Anyi & Sifolo, 2016:1). “Tourism has been an economic messiah for South Africa, as perennial job losses has resulted in the increase of poverty associated with unemployment” (Henama, 2017:6). The structural problems in the South Africa economy, such as a high rate of unemployment, the worst inequality, and a growth traps that limits economic growth, continue to persist. Tourism has emerged as consistent producer of good news such as being a contributor to economic growth and jobs. In the year 2016, the international tourism arrivals to South Africa increased by 13% year-on-year, which was in stark contrast to the 1% economic growth that South Africa’s economy is struggling to achieve. “An understanding of economic determinants associated with tourist consumption behaviour is of paramount significance for a host country, as economic benefits from tourism flow from tourists’ spending” (Divisekera, 2010:629).

Without the robust growth experienced by tourism, the economic reality of South Africa would be abysmal, for a country that experiences an upward trajectory in unemployment (27.7%). South Africa which has a high rate of unemployment, is surprisingly, a country that has a low rate of entrepreneurship activity. Tourism, which is primary private sector led, has certain sectors that have low barriers of entry that make it an attractive sector for entrepreneurship. Entrepreneurship is imperative because the majority of new jobs are created by small firms, which becomes the new driver of economic growth. Archer & Cooper (2001) noted that tourism seems to be more effective than other industries in generating employment and income in the less developed often outlying regions of a country where alternative opportunities for development are limited. “Tourism not only creates jobs in the tertiary sector, it also encourages growth in the primary and secondary sector of industry. This is known as the multiplier effects” (Rusu, 2011:70). Tourism does lead to entrepreneurial activity as opportunity entrepreneurs seek to cater for the ‘new needs’ that tourists may have, not catered by local businesses. In addition, existing businesses would also benefit from increased traffic such as shopping malls, retail outlets, and food and beverage businesses.

“It is generally believed that tourism will develop backward linkages in an economy resulting in the creation of cost savings called external economies. This happens, for example, when an improvement to local services like transport or electricity is due to tourism but additionally provides a benefit to everyone in the area” (Lea, 1988:48). According to Tauoatsoala, Henama and Monyane (2015) the tourism industry is promoted by government because it creates



opportunities for small, medium and micro enterprises (SMMEs). “Tourism is a fragmented industry, which means the purchase of one includes the purchase of products from several establishments. This associated with the fact that the majority of tourism enterprises are small, medium and micro enterprises, means that the tourism industry can benefit the local economy much deeper” (Henama, 2017:6). Strydom, Mangope and Henama (2017) noted that the majority of small firms in tourism, continue to create a plethora of job opportunities for thousands of South Africans. According to Henama (2012) before the first democratic election in South Africa in the year 1994, the tourism industry was not a major economic activity and contributor to GDP. South Africa was once again open for business and international tourism grew to explore this new destination as noted by Henama (2017).

“The tourism industry has been identified as a key growth sector because of its contribution to the South African Gross Domestic Product (GDP)...The tourism industry has been viewed as a historical driver of economic development in the context of South Africa as a developing country” (Apleni, Mxunyelwa & Vallabh, 2017:1). “South Africa is the first African country to have hosted a mega sporting event, the 2010 FIFA World Cup and the tournament increased the exposure and prestige of not just the continent but specifically South Africa” (Henama, 2013:60). The hosting of a successful 2010 FIFA World Cup improved the global image of South Africa, as a site for investment and tourism consumption. The 2010 FIFA World Cup more than any other mega event represented international place marketing. A positive image is imperative for a country that seeks to attract tourists, as perception is very imperative in the tourism industry. For example, the terrorist attacks of 11 September 2001, in the United States, was of benefit to the image of South Africa as there was a new global standard on perception about personal safety and security. The tourism industry is a highly fragmented industry, which means the purchase of a tourism industry, is associated with the purchase and the consumption of a variety of products and services produced by a plethora of providers.

This means that the tourism value chain, includes a variety of players, which means that the tourism value chain can have a greater financial impacts, than other economic sectors. “The travel and tourism industry-which includes transport, accommodation, catering and recreation-is part of a broader travel and tourism economy, which includes businesses that supply the industry” (Wayne, 2009: 1). “Tourism is distinct from other sector, in that, it is cross-cutting sector and it involves a big diversity of services and professions, which is linked to many other economic activities and policy areas. It is made up of five different sectors; these are: accommodation, food and beverage services, recreation and entertainment, transportation and travel services” (Akinboade & Braimoh, 2010:149). “Tourism is a coordination-intensive industry in which different products/services (transportation, accommodation and so on) are bundled together to form a final tourism product” (Zhang, Song & Huang, 2009:347). Tourism and leisure consumption has been integrated into the habits of the middle classes. The institutionalisation of the routine of holidays, has meant that leisure consumption has amplified throughout the world. The location of holidaying within the dominant consumer culture, has meant that consuming leisure products is regarded as the ‘in-thing’ to do.

“Another advantage is that tourism is a product that has potential to be consumed over the lifetime of an individual as new destinations are visited and old ones are revisited. The institutionalisation of the vacation as a normal part of society as people move up the social strata is imperative as it has increased the number of tourist as many countries have experienced rapid economic growth, wealth and associated normal middle class consumption that includes tourism” (Henama, 2014: 2). “Today, the desire to travel and to be a tourist is practically universal, and tourist’s practices pervade many areas of social life” (Wood, 2005:1). According to Henama and Sifolo (2017) tourism has a responsibility to improve the standard of living of locals and their Quality-of-Life. This depends upon the tourism industry being developed to achieve pro-poor objectives, which ensure that the locals benefit disproportionately from the tourism industry. This is associated with reducing the leakage from the tourism expenditure, and retaining the majority of the expenditure from tourists within the tourism economy. Tourism-led local economic development (LED) has been adopted as a



means of diversifying economies that are increasingly depressed by mechanisation and job losses.

Research Methodology

The research methodology used was a desktop study and literature review. The literature review was of an exploratory nature due to the limited body of knowledge on the subject with regards to South Africa. The objective of this review was to summarise and critically analyse relevant research and non-research literature on the topic under discussion (Viljoen & Henama, 2017:2). "Secondary analysis is an empirical exercise that applies the same basic research principles as studies utilizing primary data and has steps to be followed just as any research method" (Johnston, 2014:619). "Conducting a literature review is a means of demonstrating an author's knowledge about a particular field of study, including vocabulary, theories, key variables and phenomena, and its methods and history" (Randolph, 2009:2) and this is what this study stressed.

Special Interest Tourism

"Tourism is the practice of travelling for pleasure, education or business. Tourism is also about tourist's personality, attitudes, values and lifestyles. It incorporates new experience, meeting people, places, traditions, cultures. This is closely linked to psychology, which actually examines motivation for travelling, individual needs and satisfaction" (Simkova & Holzner, 2014:660). The international tourism market is increasingly changing, as customer diversity and heterogeneity are increasingly prevalent. Tourism which is a reflection of a dominant consumer culture, which today is dominated by millennials, who will dominate tourism consumption for the next 5 to 10 years. Weiler and Hall (1992) noted that special interest travel (SIT) is travel for people who are going somewhere because they have a particular interest that can be pursued in a particular religion or at a particular destination. Cooper and Hall (2013) noted that SIT is distinguished as the travellers motivation is determined by a particular special interests (the demand or consumption characteristics).

According to Henama (2014) SIT has been closely associated with the growth of a form of 'new tourism'. Henama & Sifolo (2015) the desire to attract more tourists has been shaped by the emergence of special interest tourists. Boniface and Cooper (2009) noted the characteristics and behaviours of the new tourist are the following:

- Are critical and discerning-they have travelled frequently and know what they want.
- Have considerable consumer and technology skills, for example in manipulating their trip to take advantage of last-minute bargains.
- Are motivated by wanderlust-they travel out of curiosity and cultural reasons rather than for sunlust.
- Have values which encourage the ethical consumption of tourism and they will choose destinations and companies on this basis.

"It has been observed that South Africa's travel and tourism industry is highly concentrated and dominated by a small group of large, mostly owned, tourism organisations" (Rogerson, 2005:628). Special interest tourism has changed this reality, as small businesses with specialist knowledge dominate the special interest tourism market. South Africa has growth its share of SIT with medical tourism, wellness tourism, farm tourism, adventure tourism, business tourism, sports tourism, religious tourism and volunteer tourism. Nude recreation is a form of SIT.



Nude recreation as an Attraction

“Attractions includes places of interest that exhibit natural or cultural value, has historical significance, offers natural or build beauty, or create leisure, adventure or amusement experiences” (Henama, Jansen van Rensburg & Nicolaidis, 2016:2). According to Cook, Yale and Marqua (2006), attractions are natural locations, objects or constructed facilities that have a special appeal to both tourist and local visitors. Swartbrooke (1998) acknowledged that there are four main types of attractions:

- Features within the natural environment,
- Man-made buildings, structures and sites that were designed for a purpose other than attracting visitors such as religious worship, but which now attracts substantial numbers of visitors who use them as leisure amenities,
- Man-made buildings, structures and sites that are designed to attract visitors and are purpose build to accommodate their needs, such as theme parks.
- Special events.

The existence of nude resorts and nude destinations acts an attraction for nude tourists. “Within the tourism and environmental science literature, it is recognised that tourism activities are dependent upon the concept of attractively: without this element in a given context, it is unlikely that tourists visitations will occur” (Page & Dowling, 2002:10). Naturism is therefore a tourism product that attracts customers to a locality, and the core benefit is to live and exhibit characteristics associated with naturalism. “Despite the extensive research on various forms of travellers’ motivation, research on nudists’ motivation is limited. A notable exception includes studies that explore the motivations of users of nudist camps” (Andriotis, 2016:239).

Naturism in the World

Naturism is more than just taking the clothes, naturalism is associated with living in respect and in harmony with nature. “Naturism (or nudism) is a multi-faceted concept that varies both geographically and overtime; the primary element of naturism or nudist subculture is going without clothes” (West, 2017:2). Andriotis (2016) noted that naturism is a lifestyle with ideological and philosophical roots. And a place regarded as a site for naturalism consumption, will acquire ideological and philosophical association.

“Nudism can be personal/family or social. Personal/family nudity is practiced in the private sphere. Social nudism is practised in a social setting with other outside the immediate family. Social nudism can be practiced at home with friends, at a club, beach, resort, or other public space. Some individuals use nudity as a political tool or as a prank; this is not true social nudity. Social nudity is not intended to be deviant, rather, it is intended to be normative” (Black, 2014: 471).

“According to nudists, the exposure of the sun’s beneficial rays on all parts of their bodies would help them become A1 citizens” (Daley, 2005:151).

Dissatisfaction with one’s body and body image is a noted as a growing problem, and naturalism has the potential to improve one’s self image and self-perception about their bodies. “Naturism may have a positive effect due to feedback about one’s own body” (West, 2017:3). Furthermore, attending a nude resort has emerged as a bucket list activity, and this had increased nude tourism. “After more than 80 years, nude recreation continues to grow as more people choose clothes-free vacations. Society’s awareness of the naturalness of nudism continues to go forward, and those who practice social nudism/naturism look forward to the day when their chosen lifestyle no longer has to be practices behind tall wooden fences or on remote sandy beaches” (Mussell, 2006:8). “Places are thus socially and culturally determined and many have various meanings that will shape, and be determined by, the behaviour adopted by individuals. A place is thus a space with social practices and meanings” Monterrubio (2013:149).



Naturism is a form of tourism motivation and influencer of tourism consumption that has receives a paucity of academic gaze. According to Andriotis (2016) naturism is a form of tourism that evolved from the need and desire of tourists for a special kind of nude recreation, and is defined with the main motive to participate in nude activities in conjunction with other ancillary types of motives such as sightseeing, socialisation, experiencing culture, nature and so forth.

Naturism began as a self-help reform movement in reaction to the debilitating aspects of industrialisation and urbanization during the late nineteenth century. At a time when medicine could neither explain nor cure diseases, many people believed that crowded and unsanitary cities, tenement housing, restrictive Victorian clothing, and oppressive working conditions all led to poor health and rampant illness. Some observers concluded that what people needed was exposure to the natural healing elements or fresh air, sunlight and water-preferably with loose or absent clothing. An informal coalition of natural lifestyle reform movement took shape, combining clothing reform, vegetarianism, abstinence from alcohol and tobacco, and naturopath. Inevitably, some pioneers suggested that nudity must be an integral part of lifestyle reform. In 1896, when the modern Olympics were revived, it sparked a cultural interest in all things Greek and again drew attention to classical nudity (Mussell, 2006:2).

McGregor (2016) noted that tourists from all over the world flock to a tiny French seaside town of Cap d' Agde, where getting naked is mandatory. The area had a 'nude' designation from the 1960s making it a mandatory nudity area, instead of being a clothing optional area. "Tourism is a mainstay of Florida's economy with 107 million visitors in 2015 spending an average of \$244 million per day employing 1.2 million people...Nude tourism is another niche special interest tourism (SIT) market that holds billion dollar potential for the Florida economy with the following numbers:

- 34 nude resorts
- 5,100 total rooms at nudist resorts
- 1.2 million annual rooms sold in 2016
- 2.2 million annual nudist visitors
- 22 million annual nudist visitor nights
- \$4.3 billion annual nudist visitor direct expenditure
- \$7.4 billion annual total economic impact (American Association for Nude Recreation', 2017: i).

Social nudity because it cannot be consumed in public areas, because of the paucity of legal nude beaches leads to nude recreation becoming the exclusive preserve in privately owned areas. Such private areas would normally be nude resorts that would require a nude an entry fee. This then makes nude recreation an elitist project for those that can afford the entry fee. "Social nudists may be discriminated against for their lifestyle and often try to keep it secret, perhaps making them reluctant to identify themselves as nudists even in a confidential research study" (Story,1987: 208).

Naturism in South Africa

South Africans consume nudity, in naturalist zones, the vast majority of them are beaches. Naturalist places that are in private hands, also exist. Almost exclusively all the beaches where naturism is practiced, are illegal because the municipal by-laws have not been amended to allow for nudity. Sowetan (2014) noted that the top five naturist hotspots in South Africa are the following:

- Sun Eden Naturist Resort (north of Pretoria)-this is the premier naturist resort in SA and has been going for about 15 years.
- Schoonloof Game Ranch (80km NW of Sun City)-situated on about 4500 Ha this is a bush getaway of note.



- Sandy Bay-historically one of the busier and more popular.
- Umhlanga Lagoon beach-another popular venue on the East coast.
- Riverbend Cottages-secluded in the Magaliesberg range and on the banks of a river this is a really beautiful venue.

Ray Nkonyeni Municipality and Mpenjati Beach

According to Ray Nkonyeni Municipality (2017: 1-2) “Ray Nkonyeni is a newly established Local Municipality which emerged as a result of the merger between the former Hibiscus Coast and Ezingolweni Local Municipalities. It is a category B municipality and falls within Ugu District Municipality. It is commonly referred to as South Coast given its geographical location in relation to the southern coastal part of KwaZulu-Natal. The municipality has its administrative seat in Port Shepstone and Ezingolweni Town. It stretches along the coastal strip from Hibberdene to Port Edward covering 67km and about 60km into the interior primarily via N2 to Eastern Cape. The Indian Ocean borders the Eastern part of the municipality, while on the Southern part runs Umtamvuna River which is the boundary between KZN and the Eastern Cape. Ray Nkonyeni (particularly Port Shepstone) is a regional service centre that also provide services to the northern Eastern Cape. The strategic location of Ray Nkonyeni Municipal area in relation to the province of Eastern Cape implies that there may be trading activities that take place between these two areas.”

According to Ugu District Municipality (2014) unemployment in the district remains high with almost 30% of the working age population being unemployed and data shows that 14% of Ugu’s households have no income. The Hibiscus Coast Municipality has been renamed the Ray Nkonyeni Municipality and it is located around the coastal city of Port Shepstone. The 500m Hibiscus Beach that was declared a nude beach is between Trafalgar and Palm Beach on the South Coast according to Mkhize (2014a). Mpenjati Beach is (Mkhize, 2014b) the Mpenjati Beach is a secluded area between Margate and Port Edward, is close to Mpenjati Nature Reserve, between Trafalgar and Palm beaches”. The Mpenjati Nature Reserve is situated on the KwaZulu Natal South Coast 20 km south of the popular holiday destination of Margate. A 250 metre stretch of beach that falls under the Mpenjati Nature Reserve at Trafalgar on the south coast, was given nude-beach status by the local municipality in late 2014, officially opening the following Easter. Mpenjati beach is a small strip of the Trafalgar beach roughly 140 kms south of Durban on the Hibiscus Coast.

This is KwaZulu-Natal's first nudist beach and the only official nudist beach in the country (The likes of Sandy Bay are unofficial nude beaches). The opening of the beach did not come without complications. Months of applications, appeals and public backlashes were the result of the municipality's decision, resulting in a near crisis as a Concerned Citizens Group argued against the go-ahead. There are certain rules that accompany the beach's status as a nudist beach. These include: the prohibition of photographs, unless everyone in the picture agrees to its being taken; no staring at anyone; no suggestive behaviour (one news article put it this way: “swaying of hips is allowed, but pole dancing wouldn't be, if you get our point.”; you must always take a towel with you to the beach (probably in order to cover any unpredictable 'reactions', which are also not allowed); and rude comments, offensive language, racism, sexism, and homophobia are forbidden” (SA Venues, 2017:1). The rules that must generally be observed at a nudist beach are the following:

- No photographs may be taken unless everyone in the picture agrees to it being taken and gets to see it afterwards.
- Staring is not allowed, because “it’s rude whether you have clothes on or not”.
- “No sexual behaviour of any kind”. This includes dancing in a provocative manner, sitting on someone inappropriately, swapping saliva or inappropriate touching.
- Always take a towel and make sure you sit on it when on other people’s furniture.
- “Unpredictable erections” must be covered up.



- Rude comments such as obscene or offensive language, racism, sexism, homophobia or sexual or erotic material are forbidden.

In October 2014, the Hibiscus Coast Municipality announced that they had approved an application to have Mpenjati Beach, near Margate, as a nudist friendly beach according to Mkhize (2014a). The application had been submitted by the KwaZulu-Natal Naturalist Association and this was approved by the Hibiscus Municipality, as their research and representation made by the KZN Naturalist Association had won them on the idea that the economic spin-offs far outweighed the negative impacts, as this would attract local and international tourists to the municipality. This was imperative for the economically deprived areas, as a means of using tourism-led local economic development.

Table 1: Timeline of activities to Mpenjati nude beach

2014	Mpenjati nude beach approved by the Hibiscus Coast Municipality
2015	16 September, a complaint is lodged by Reverend M Effanga on behalf of the Concerned Citizens of the Hibiscus Coast Municipality to the Public Protector
2016	The nude beach status was halted, awaiting a decision by the Public Protector.
2016	05 September 2016, the date by which the all stakeholders to make submissions to the Public Protector
2017	The Public Protector rules against the proposed South Coast nudist beach

Sources: Several sources in References

Opposition to the nude beach

According to ANN7 (2016) for almost two years nudists roamed freely around Mpenjati, until the Public Protector indicated that there had been insufficient consultation and the municipality had contravened its by-laws. Mngoma (2017) noted that a Concerned Citizens Group led by Reverend Mike Effanga was been the main opposition to the nude beach. ANN7 (2016) noted that the Concerned Citizens was made up of businesses, residents and faith-based organisations, who believed the decision to approve the nude beach as being flawed. What is without doubt, is the fact that the beach has been an unofficial haven for nudists bathers for the past 30 years. The municipality by approving the nudist beach, was responding to a proven tourism market segment that frequents the beach. According to Pretorius (2017) the council relaxed the specific bylaws and approved the request from the KwaZulu-Natal Naturist Association for the establishment of the nudist friendly beach before making its own application to the Department of Environmental Affairs and KwaZulu-Natal Ezemvelo, as required by law. Pretorius (2017) noted that a municipal by-law is amended and adopted through a formal process in terms of the Local Government Systems Act. Furthermore, the municipality had ignored the public consultation process, which in the majority had disagreed with the prospect of the nude beach.

According to Davis (2016) the Mpenjati nude beach is located on the Trafalgar Marine Protected Area, designed to protect the marine environment and to educate the marine about marine environmental issues, and turning the area into a nude beach would be counter-productive to educational programmes for children. The South African Naturalists Association would apply again to get the beach declared a nude beach and this would ensure that the municipality follows the correct procedure. The Office of the Public Protector (PP) ruled against the proposed nudist beach on the South Coast and according to Mngoma (2017), the Public Protector says RNM, when still known as the Hibiscus Coast Municipality, acted improperly when handling the application to establish the beach.

The municipality did not follow proper procedures and prescripts; therefore the beach is illegal. It suggested "...specific remedial action which should be taken within 30 days if the municipality should want to pursue the matter" (Pretorius, 2017:1). The Public Protector is a Chapter Nine Institution, recognised by the Constitution of South Africa, to support democracy. The judgements of the Public Protector are binding and can only be altered by judicial review. A re-application must be submitted by the nudist association, whilst taking the PP judgement for review, may be costly. Taking the PP judgement for judicial review can be possibly



premised on Chapter 2 of the Bill of Right, Section 14 (The right to privacy) and Section 16 (Freedom of expression).

Conclusion

Naturists because of a myriad of risks associated with practising nudity in public areas, which are naturally beaches, have opted for privately owned properties, where they are able to practise nudity freely. "Situating nudist camps on privately owned land in the bush was, in part, a practical response to the laws of indecent exposure and obscene behaviour" (Daley, 2005: 152). Nudists resorts and beaches must be operated in such a way that they do not disturb the community, that will be the host at the destination. For example, Turkey, which is a Muslim country, experienced its only nude resort that catered almost exclusively for foreigners according to Dubai (2010) which was closed six days after it had been opened in 2010. The majority of international tourists are Westerners and tourism is a major economic sector in Turkey. According to Becker (2015) it is noted that several tourists were deported from Cambodia for posting nudes taken in the temples at Angkor. Such unfortunate incidents, have led to the growth of an international movement against tourists at destination areas. This is aggravated by the abysmal behaviour and conduct of tourist at the destination area, disregarding local rules and norms.

The global rush to jump on the tourism bandwagon, has seen destinations trying to gain a competitive advantage in the tourism industry by differentiating their product offerings. According to Zhang, Song and Huang (2009) the highly competitive environment of the tourism industry has forced tourism firms to look for ways to enhance their competitive advantage. Africa has not tapped into the naturalism tourism market, which is showing growth as a niche market. South Africa on the African continent therefore dominates with the sheer number of naturalist resorts and products, the majority of them, are privately owned. Local government in South Africa is prescribed by law to be developmental, in line with the neo-liberal policy posture that was adopted by democratic South Africa. "Key features of LED are that it usually seeks to encourage economic growth in an areas and to diversify the local economic base into sectors other than those in which recent hardship has been experienced...One sector that has performed particularly well in this context is tourism" (Nel & Binns, 2002:185).

According to Manuela Jr. and De Vera (2015) the tourism industry requires diligent and deliberate public policy as well as an implementation strategy for realising sustainable economic benefits to a country. The municipal officials at RNM must be commended for leadership in thinking outside the box in trying to achieve tourism-led LED. The Ray Nkonyeni Municipality by approving the nude beach, had sought to initiate create an enabling environment for tourism to flourish. This was based on a clear understanding that nudity has been practiced in the area for over 30 years, and by approving the nude beach, the municipality sought to designate the area, for nudity under legal prescripts. Public support in tourism development is very imperative, because the citizens at the destination area, must become the major beneficiaries of the existence of tourists. The focus must not be exclusively on the economic benefits, but this includes a gaze on the social and environmental impacts of tourism. "Gaining promising community support for the tourism industry involves an examination of how local residents' attitudes are formed towards tourism" (Ozturk, Ozer & Caliskan, 2015:233).

The presence of tourists at the destination area must improve the Quality-of-Life of residents and benefit residents. "QOL refers to one's satisfaction with life, and feelings of contentment or fulfilment with one's experience in the world. It is how people view or what they feel about, their lives...The tourism industry can and often does, facilitate and contribute to the QOL amenities that help the communities to attain desirable living environments" (Andereck et al., 2007:484). The nude beach approval and the involvement of the Office of the Public Protector had captured the national discourse in South Africa. In other words, the publicity that was gained should be used by the Ray Nkonyeni Municipality, as a means of attracting more tourist arrivals to the area. According to Nel and Binns (2002) place marketing involves actively



publicizing a town a town's assets, both imagined and real. The reality is that nudists will continue their pilgrimage to Mpenjati Beach, and the local government will continue to 'turn a blind eye' to the nudist transgression, because the nudist cash injection is addressing pressing social challenges such as unemployment which contributes towards poverty.

Other socially "undesirable activities" such as gaming and gambling have been approved and are confined to designated gaming areas, contributing towards the national GDP. In the absence of legalisation, illegal gambling would have flourished. Naturism shall continue to flourish in privately owned nude zones, and at illegal beaches, and this presents government with the challenge of regulation in the face of social disobedience. In order for nude recreation to enter a new growth phase, it needs to manage and repackage the image deficiency that it experiences. As noted by Daley (2005) nude recreation was associated with illicit pleasure, and rife sexual innuendos. "Nudists may be viewed as being more sexually permissive and/or perverse in our society because nudity is often equated with sexuality" (Story, 1987:197).

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