Land beneficiaries as game farmers in the 'new' South Africa:
Land reform in relation to conservation, the hunting industry and chiefly authority in KwaZulu-Natal

By

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Abstract

In South Africa, as in other parts of the continent and beyond; land claims on nature conservation land have in many cases become part and parcel of Community-Based Conservation (CBC) and related discourses such as Community-Based Natural Resource Management (CBNRM). This thesis investigates key socio-spatial and political dynamics involved in the acquisition of private game farms by land reform beneficiaries. This acquisition of private game farms by land reform beneficiaries has in many cases given rise to the so called community game farms/reserves. The two community game farms/reserves studied here are the Ngome Community Game Reserve and Nqabayamaswazi Game Farm in KwaZulu-Natal. The two community game farms are managed by community trusts in partnership with the KZN Hunting and Conservation Association (KZNHCA), a private partner which has in return gained hunting rights on the community game farms. From a scientific wildlife management context, the role of KZNHCA in community game farms is based on a need to transfer 'expert' wildlife management skills to land beneficiaries. In the process, KZNHCA seeks to align community game farms with their previous status as private game farms in terms of economic benefit and wildlife conservation. But, is it realistic to expect that community game farms will resume their old form, from a time when they were managed as family businesses, holiday homes and leisure havens? The thesis explores the processes involved in the continuation of game farming by land beneficiaries and the extent to which community game farming was 'imposed' on beneficiary communities by their representatives, namely: community trusts, chiefs and the former DLA for continuities in land use and 'wildlife production'- after the land transfer. The role of chiefs in community game farming is explained by paying close attention to their vanguard roles in land reform, leading to an increase of land under their control. Land beneficiary perceptions' towards this role of chiefs raises important questions of democracy in the countryside against provisions of the Communal Property Association (CPA) Act partly designed to curtail the power of chiefs on land acquired through land reform.

Key words: Chiefs, Community game farming, CPAs, land reform, land beneficiaries

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Declaration of Originality

I, Mnqobi Mthandeni Ngubane declare that the dissertation/thesis hereby handed in for the qualification... at the University of the Free State, is my own independent work and that I have not previously submitted the same work for a qualification at/in another University/faculty.

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Acronyms and abbreviations

AFRA	Association For Rural Advancement
ANC	African National Congress
BCT	Boschhoek Community Trust
CBC	Community-Based Conservation
CBNRM	Community-Based Natural Resource Management
CLARA Act	Communal Land Rights Act of 2004
CPA	Communal Property Association
DLA	Department of Land Affairs
EKZNW	Ezemvelo KZN Wildlife
ESTA	Extention of Security of Tenure Act 62 of 1997
IFP	Inkatha Freedom Party
KZNHCA	KwaZulu-Natal Hunting and Conservation Association
LTA	Land Reform (Labour Tenant) Act 2 of 1996
NCLT	Ngome Community Land Trust
PLAAS	Institute for Poverty, Land and Agrarian Studies
SANDF	South African National Defence Force
SAPS	South African Police Services
TLGFA Act	Traditional Leadership Governance and Framework Act of 2004

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Chapter 1: Introduction

In KwaZulu-Natal province, as in other parts of the country, there has been a growing trend in the last two decades towards the conversion of freehold commercial land into game farms or private game reserves - a form of economic activity that can be described as 'wildlife production'. In many cases, farm dwellers have been subjected to forced removals to make way for these game farms (Brooks et al. 2008; 2011; Govender, 2010; Ngubane, 2009).While the number of game farms has increased exponentially in the last fifteen years, some game farms are older. For example, the conversion of two Midlands labour (tenant) farms (Aangelegen and Olivesfontein) into game reserves in 1974 and 1982 respectively, highlights that the trend of the conversion from conventional farming to game farming, which came to full-force in the 1990s, began in the 1970s.

Of particular interest here are instances of land beneficiaries being granted private game farms through the post-apartheid land reform programme. Legislation passed from 1994 has allowed communities to claim land through restitution or acquire it through redistribution. It is these beneficiary groups on which this thesis focuses. Some of these communities directly made land claims on privately owned game farms, while others received them indirectly as part of the alternative (compensatory) land package. This comparative study finds basis on both these types of communities.

The first group studied - the Ngome/Zondi community near Greytown - claimed the game farms directly. The other group, the AbeKunene community, was a black landowning community and the subject of a 'black spot' removal from the Wasbank area near Ladysmith in 1968. They received a game farm as compensatory land. Once handed over to land beneficiaries, these game farms become 'community game farms', and this thesis seeks to examine some of the dynamics involved in this transition. The two community game farms studied here are: Kameelkop (recently named Nqabayamaswazi) and owned by the AbeKunene community, and Ngome Community Game Reserve, owned by the Ngome/Zondi community. The farms are not large in extent: Kameelkop is roughly 4000 hectares and Ngome Community Game Reserve is approximately 6000 hectares in size. Estimates of the number of families intended to benefit from this land vary. In the case of Ngome Community Game Reserve, from 500 to 600 families

are claimed to benefit (initially, 100 families were identified in the claim). In the case of Kameelkop, there are a similar number of beneficiary families.

1.1 Rationale for the Study

There is a need to conduct research on the complex land reform process as it unfolds in many different ways. In many cases land beneficiaries are often left to deal with the everyday issues of this process after the land claim has been settled. The study is intended not only as a scholarly contribution to understanding the socio-spatial dynamics of the land reform process in general, but hopes to add to scholarly debate around community-based conservation (CBC) and the relationship between land reform and biodiversity conservation, as well as traditional leadership; environmental and social justice; and democracy.

With respect to 'community-based conservation' (CBC), in the South African context CBC has often been used as a land reform ideology because it is conceived as a rights-based approach to nature conservation in which land beneficiaries are entitled to a share of the benefits – although not necessarily the right to settle on the land or to alter the land use (Ramutsindela, 2002; AFRA, 2004a; Kepe, 2008; 2010). In most cases, beneficiary communities of private game farms decide to carry on with game farming (or advised to do so by external parties). The drive for beneficiary communities of game farms to go on with game farming needs deeper investigation. The study therefore examines the multi-stakeholder relations involved when game farms are transferred to previously dispossessed beneficiary communities through the land reform programme.

Both the Zondi and AbeKunene communities are assisted in managing their game farms by the same hunting entity, the KwaZulu-Natal Hunting and Conservation Association (KZNHCA). Beneficiary communities enter these partnerships due to a shortage of 'wildlife management skills' on the part of community representatives or land-holding trusts that now have legal jurisdiction and ownership of the game farm. As well as KZNHCA, the provincial conservation authority Ezemvelo KZN Wildlife (EKZNW) is involved in the management of the game farms or reserves and the transfer of wildlife management skills.

A similar trend has been observed in other areas of land reform. The new land beneficiaries often require assistance from previous owners, now reconstituted as farming mentors (Walker, 2008;

Boudreax, 2010). Critics have argued that, in land reform circles, the issue of farming skills has gained greater prestige than that of land rights, especially in land claims on high value land (Lahiff, 2009; Walker et al., 2010). Such a state of affairs is attributable to a broader understanding of land reform outlined in 'pro-market' land reform circles that seeks to transform land beneficiaries into commercial farmers – a goal that has often proven unachievable over time in the conventional farming sector (Lahiff, 2009). A similar trend is noticeable when it comes to nature conservation land beneficiaries and beneficiaries of private game farms, who have been portrayed as lacking wildlife management skills and thus requiring assistance from previous owners and the likes of KZNHCA.

The question of land rights restitution in the case of state-run conservation areas has been raised before (Ramutsindela, 2002), and is raised here again in the context of beneficiated private game farms. Such forms of 'conservation partnerships' are widely regarded as a model for successful land reform in line with poverty alleviation and rural development. This notion requires unpacking.

The role of traditional leaders in land reform also requires deeper investigation. The role of chiefs in such settings cannot be ignored, given that chiefs are in most cases at the vanguard of land claims and are often elected as or become chairpersons of democratic Communal Property Associations (CPAs) after the land has been transferred. This study takes cognizance of the general claim put forward by some scholars in the field of land and land reform concerning the 'undemocratic' nature of traditional leadership - since the institution finds its basis on 'hereditary' rather than 'democratic' rule (Ntsebeza, 2005). It hopes to contribute to that debate, not necessarily by debating the undemocratic or democratic nature of the institution of traditional leadership, but instead by providing empirical evidence of positive and negative roles played by Amakhosi in the context of expanding 'community' game farming as a result of land reform.

It is important to study the current role of chiefs in democratic institutions such as CPAs and their changing relations with their 'subjects'. It is argued here that, in the same manner in which the Department of Land Affairs (now the Department of Rural Development and Land Reform) has imposed the idea of 'pro-market' large-scale commercial agriculture on land beneficiaries (Lahiff, 2009), it has done the same in relation to nature conservation land and game farm

beneficiaries via its connections to nature conservation ministries such as Ezemvelo-KZN Wildlife. Such 'expert knowledge-based' thinking (Hebinck, Fay and Kondlo, 2011) gets filtered down to Amakhosi/chiefs who then deal directly with land beneficiaries, advocating the possibility of making money from wildlife through so-called 'community-based conservation'. The 'vanguard-role' of Amakhosi in land reform has led to them having significant influence in 'community' trusts, including arguing for the continuation with game farming as a viable land use after the land claim had been settled.

This role of Amakhosi raises serious questions such as: to what extent has land reform increased the amount of land under chiefly control, as well as their power over this newly acquired piece of land? Does this newly acquired piece of land – the game farm - thus become effectively 'communal' land simply because it is ruled by a chief? What about the provisions of the CPA Act that has made attempts to curtail some of the chiefs' powers in land issues? This should also be understood against the backdrop that in KwaZulu-Natal, Amakhosi continue to be recognized and respected by their subjects (even though there are signs of dissatisfaction as will be discussed later).

The study is not only relevant from an academic perspective: it is hoped that its findings will be useful for the game farm beneficiary communities under study, as well as NGOs in the land sector (particularly AFRA), nature conservationists, hunting and conservation associations, provincial nature conservation authorities and the Department of Rural Development and Land Reform. Most importantly, it gives voice to ordinary South Africans, current or former farm dwellers: the forgotten people who are in most cases failed by the land reform process, the same process that intends to empower them.

1.2 Research aim and objectives

The overall aim of the study is to investigate key socio-spatial and political dynamics involved in the acquisition of private game farms by land reform beneficiaries.

The study has three objectives:

- To investigate how the different legal routes taken through the land reform process influenced the nature of the settlement as well as post-settlement outcomes.
- To investigate the extent to which traditional leadership has promoted community game farms created through the land reform process, and the consequences of this involvement.
- To critically examine the stakeholder partnerships in which community trusts are engaged and their influence on game farm management practices.

1.3 The contribution of this research to existing knowledge

This study is the first scholarly investigation of the socio-spatial and political dynamics involved in the acquisition of private game farms by land reform beneficiaries. In practice, this land has come to be known as 'community' game farms and in some cases 'community' conservation areas and therefore is incorporated into CBC discourses. On the basis of detailed historical and ethnographic research in the KwaZulu-Natal Midlands, the thesis questions romanticized notions linked to the enterprise of community game farming (demonstrated in 'hand-over' ceremonies and associated photo opportunities), and shows how land reform is currently unfolding in somewhat contradictory ways for the so-called beneficiaries of private game farms.

Importantly, the research draws attention to the limited capacity of what had previously been rather small recreational game farms, to provide sustainable livelihoods for several hundred households. Research throws into doubt the promises of 'community' game farming which is often portrayed simplistically in the media. Take, for example, the following statement by the African Conservation Association as they commented in 2004 on the formation of the Ngome Community Game Reserve:

> A successful land claim in the KwaZulu-Natal midlands is about to become a successful hunting concession, with the potential for substantial income for about 600 previously-destitute families. (http://africanconservation.org/forum/news-archives-around-africa/ 3748-first-sa-land-claim-set-aside-for-conservation).

In reality, excluded from such benefits as there are, many community members are pressing for land for livestock farming.

The research also documents how local rural elites and/or chiefs (Amakhosi) appear to have positioned themselves in order to engage in new forms of accumulation within the unfolding land reform process and broader processes of agrarian change. The story told here is significantly shaped by the influential roles of Amakhosi in land reform and subsequent 'developmental' processes of community game farming. Amakhosi argue that they are champions of rural development. However, this study traces what some community members view as the imposition of community game farming as a rural development model onto land beneficiaries by responsible state departments (and more recently the private sector) - via Amakhosi. The study draws on in-depth interviews to illuminate how 'community' game farms have come to be seen as the property of Amakhosi. As a result, and unsurprisingly so, there is considerable resentment on the part of some land beneficiaries towards Amakhosi and/or community trusts, communal property associations and land reform in general. These grievances are fed by land beneficiaries' evolving relations with such institutions and their bitter experience of contradictions within the land reform process itself.

The role played by responsible state departments in community game farming is highlighted too. The study reveals a lack of comprehensive policy, leading to a greater reliance on private partnerships (between communities and the private sector) which are, in practice, quite problematic. Both communities studied here have partnered with a private hunting concern – the KwaZulu-Natal Hunting and Conservation Association (KZNHCA). The study documents the relationship of the KZNHCA to traditional authorities and community trusts in both cases. It then becomes clear how these relations, and the practices associated with them, are linked to tensions within each of the communities – as well as how oblivious KZNHCA officials are to intra-community dynamics. This finding is all the more significant in light of the fact that such organizations and partnerships are supposed to provide 'expertise' to the beneficiary communities to run their game farms.

Finally, the study documents the interesting counter-example of Khobotho private game reserve which did not go the community game farming route because the former white landowner shot all the wildlife on his farm prior to the handover (the Department of Land Affairs failed to compensate him for the game). This contrast adds an intriguing dynamic to 'success' stories of

land reform, as land beneficiaries - some of whom have settled back on the land which used to be a private game reserve - see this outcome (i.e. a 'failed' community game reserve) as a success story.

1.4 Structure of the thesis

This thesis is made up of eight chapters and is structured in the following way: Chapter One gives the rationale, aim and objectives of the study. There are two literature review chapters. Chapter Two discusses scholarly literature on nature conservation and land reform, analysing narratives of community-based conservation, democracy and the natural environment, conservation partnerships, and land reform on nature conservation land. Chapter Three focuses on traditional leaders (Amakhosi) in historical and contemporary context and the relevance of this institution to the current land issue, particularly with respect to state nature conservation land and private game farms affected by land claims. Chapter Four presents the methodology followed by the researcher during data collection. This chapter emphasizes the role of qualitative research in understanding and explaining the socio-spatial dynamics of people in their capacity as individuals, family and 'community' members, especially in rural areas.

Chapter Five moves to the detail of the two communities under study. It aims to locate the study in terms of the history of the two beneficiary communities and introduces the spaces involved or study sites. As a comparative case study approach was adopted in the study, research findings are presented, analysed and discussed in a comparative manner, comparing the two community game farms with one another. The chapter traces the land dispossession experienced by the two communities under study back to the colonial and apartheid period, locating these events within literature on African freehold tenure and black spot removals; labour tenancy, its abolition and outcomes; and implications of these types of removals for farm dwellers. The chapter then traces the trend of the development and proliferation of private game farming in the country, providing a background to the later beneficiation of the game farms (now 'community game farms').

The information in Chapter Five is important background in answering objective (i), namely the question of how the different legal routes taken through the land reform process influenced the nature of the settlement as well as post-settlement outcomes. This question is examined in more

detail in Chapter Six which looks at the settlement arrived at in each case, as well as the subsequent outcomes on the 'community' game farms.

The other focus of Chapter Six is to answer objective (ii), namely the question of the extent to which traditional leadership has promoted community game farms created through the land reform process, and the consequences of their involvement. Objectives (i) and (ii) are closely intertwined because of the leading role played by Amakhosi in both of the case studies.

Chapter Seven is entitled: "Analysis of the stakeholder partnerships", and focuses on objective (iii) by undertaking a critical examination of the stakeholder partnerships in which the community trusts are engaged and their influence on game farm management practices. The question of whether or not 'community game farms' provide a just outcome for land beneficiaries, and whether game farming is in fact regarded by the beneficiaries as a viable land-use option following restitution, is kept in mind throughout the analysis.

This structure enables the researcher to strategically locate empirical evidence from the study within broader scholarly debates around traditional leadership, land issues, community–based conservation (or community wildlife management), as well as 'nature conservation partnerships' between land beneficiaries and the private sector and state institutions, in order to highlight current tensions in the so-called 'community game farming' sector. All the research findings are analysed in cognizance of the historical geographies and spatial dynamics of the two communities as presented in Chapter Five, locating their current problems in land bequeathed from past undemocratic regimes.

Chapter Eight provides the conclusion of the study and recommendations for action and further research.

Chapter 2: Theoretical perspectives on community-based conservation and land reform

2.1 Introduction

This thesis is concerned with the experiences of previously dispossessed rural communities who have become land beneficiaries through the land reform programme. By virtue of being land beneficiaries of a game farm, both the communities under study have also become associated with the idea of community-based conservation (CBC) or community wildlife management. Understanding incorporation into these broader narratives (CBC and land reform) requires a theoretical background and literature review in order to frame this particular research project.

This chapter is divided into three main sections or themes. The first theme is the ideology and practice of community-based conservation. Secondly, the South African land reform programme, in particular restitution, is introduced and discussed. The third section draws these two themes together in a discussion of land claims on nature conservation areas, including the nature of restitution and the politics of the resulting 'nature conservation partnerships'.

Before embarking on the review, it is useful to reflect on a question that has been kept in mind from the beginning of this study. In a SANPAD-funded Game Farming Workshop held in Durban on 23 October 2009, Prof. Marja Spierenburg raised an important question: *What constitutes 'success' in land reform and community-'owned' game farming in South Africa?* Considering the multitude of stakeholders involved in land reform and 'nature conservation partnerships', each with their own definition of success, this is a provocative question. What would 'success' look like for the Department of Land Affairs (now the Department of Rural Development and Land Reform)? The Department of Tourism and Environmental Affairs? Other stakeholders, such as external co-management partners? Members of the beneficiary 'community' itself? Whose definition of success carries the most weight? In the context of 'community game farming', the idea might be viewed as good by the government and nature conservation authorities, but not necessarily by a beneficiary with intentions of livestock keeping and agricultural activities. The same then applies to 'failure': an economically unsuccessful project may be regarded as a failed game farming project by one person, but might be seen as successful by someone else using different criteria.

In the South African context, Ramutsindela (2002) raises the question of whether restitution settlements on claimed nature conservation land should be regarded as 'successful'. On this note, AFRA (2004a) points out that the Makuleke claimants are often cited as a success, but this is not without problems. The Makuleke claimaints did not of course return to their original land, which remains a nature conservation area (part of the Kruger National Park) (Ramutsindela, 2002). While it cannot be disputed that the Makuleke land claim is (was) considered as a pioneering example and flagship for 'community-based conservation', one cannot overlook insights offered in Ramutsindela (2002), that this 'successful' land claim was not so successful for the community. Again, this brings us back to the questions raised above. How do we define success in community nature conservation partnerships? Who benefits from it? What does it mean for the community? And even more confusingly: What is a community? What defines and who constitutes that 'community'? These questions are asked in much of the literature discussed in this chapter.

2.2 The rise of community–based conservation (CBC)

> It is both futile and an insult to the poor to tell them that they must remain in poverty to protect the environment (World Commission on the Environment and Development, 1987 cited in AFRA, 2004a:1).

Community-based conservation, or more broadly Community-Based Natural Resource Management (CBNRM), is an international strategy used as a means to save or protect wildlife and other natural resources and it is rooted in the experience of conservationists working in poorer countries during the 1960s and 1970s (Hackel, 1999).

> In the late 1970s and early 1980s, a variety of Community-Based Natural Resource Management (CBNRM) experiments and initiatives emerged across South Asia that provided the inspiration for subsequent efforts. This early set emerged for various reasons and took various forms. In many cases, they came out of disillusionment with the developmental state (Menon et al., 2007:4).

CBC emerged as a new approach to conservation because experience had shown that traditional top-down exclusionary approaches to protected areas (fortress conservation or the 'fences and fines' approach) were often not effective in reaching conservation objectives. It was recognized

that these approaches alienate local resource users and were actually exacerbating the loss of scarce natural resources in many countries (Brown, 2002).

At the same time, growing concerns raised about the impacts of conservation upon human populations, particularly the forced removals for conservation, generated an interest in 'community' conservation initiatives that try to embrace the need for local input and participation (King, 2007:207).

> Conservation, the argument goes, has led to the displacement of tens of millions of people who formerly lived, hunted, fished and farmed in areas now protected for wildlife, watersheds, reefs, forests, or rare ecosystems (Agrawal and Redford, 2009:1).

Cock and Fig (2002) highlight that throughout the African continent, the establishment of national parks and conservation areas involved the removal, social dislocation, and explicit exclusion of indigenous communities. Africa is by no means unique in this regard. As Kepe et al. (2003:9) point out:

> South Africa's history of resource alienation and forced removals in protected areas is stark in its calculation and legislative base, but certainly is not unique. Throughout the world, cases abound of protected areas being established with little or no regard for communities living within or adjacent to such areas.

It is in part this legacy of the history of forced removals for nature conservation and other social impacts of nature conservation that has led to various attempts towards community-based conservation in many parts of the world. The terms CBNRM and CBC are often used interchangeably and refer to ideas, policies, practices and behaviour that seek to give those who reside in rural environments greater involvement in managing natural resources in the areas where they reside and greater access to benefits derived from those resources (Hulme and Murphree, 2001:4). Menon et al. posit a broad definition of CBNRM:

> Broadly speaking, any situation where the local community is involved in some manner in the management of natural resources in its immediate environment could be called a case of community-based natural resource management (Menon et al., 2007:14).

King too views CBNRM as a broad concept, embracing community-based conservation:

> CBNRM includes a broad spectrum of initiatives, including community-based conservation, community wildlife management, community-based natural resource management, and integrated conservation and development programmes (ICDPs) King (2007:209).

In general, community conservation has been presented as an alternative to strictly protectionist approaches because of the inclusion of local participation and knowledge in natural resource management (King, 2007). Brown (2002:9) identifies three main phases of development in these ideas: first, 'integrated conservation and development projects or ICDPs, which have been implemented around existing protected areas since the early 1980s'; secondly, 'community conservation initiatives'; and thirdly, 'wildlife utilization projects, which emerged in the 1990s'. Brown clarifies that each of these applications assumes a linkage between conservation and development, and each has a slightly different agenda or discourse. Each recognizes the vital need for involvement or participation of people in conservation efforts, but they promote and/or prescribe different strategies to bring this about (Brown, 2002: 9).

Community conservation then is in part 'a response to a set of radical ideas of international provenance that have been introduced (and continue to be introduced) to the conservation agenda' (Hulme and Murphree, 2001:1). According to Brockington (2005), ideas about conservation, development and indigenous or local knowledge have diffused into the emerging ideology of community wildlife management or community conservation. Menon et al. argue that:

> The faith being placed in CBNRM is part of a wider shift away from a state-driven development towards a more 'communitarian' and civil society-driven development. The concept and practice of CBNRM is backed by various academic discourses, ranging from common property theory to traditional knowledge to decentralization (Menon et al., 2007:2).

Since the 1990s, the concept of CBNRM has come to the forefront of rural development policy in developing countries. Governments from South and South East Asia, Africa and Latin

America have adopted and implemented CBNRM in various ways (Menon et al., 2007:1). Some CBNRM projects are driven as rural development projects by states together with NGOs, the private sector and other stakeholders, and some occur as a result of land reform whereby communities find themselves owning nature conservation land previously held in state or private hands. Looking globally there are examples from Canada, India, and Bangladesh (Castro and Nelson, 2001 cited in Brown, 2002:11). There is also the Bucco Reef Marine Park in south-west Tobago in the eastern Caribbean (Brown, 2002). There are CBC projects in Brazil as well, particularly in the Amazon (Brown, 2002). An Australian example is the Anangu Aboriginal co-management of the Uluru-Kata Tjuta National Park (formerly Ayers Rock and the Olga mountain range) (Cock and Fig, 2002).

In sum, King (2007) notes that the popularity of community conservation is attributable to the impacts of conservation upon rural livelihoods, and the rise of 'sustainable development' as the guiding discourse for environmental and development planning.

2.2.1 Benefits of community-based conservation

This part of the literature review discusses what many scholars consider as the benefits of CBC in terms of broad and situation-specific dynamics. The question is: Who benefits from the benefits of CBC? According to Child:

> The people who initiated community based wildlife programmes started with clear evidence from private land: (i) that wildlife enterprises had a comparative economic advantage, (ii) that none of the income from wildlife was benefiting communities, and (iii) that any improvement in this situation must benefit both people and wildlife (Child, 2000:360).

A wide range of sources point out that CBC advocates insist that resources in protected areas should benefit local people, either through direct use or through profits derived from tourism (Brockington, 2000; Francis, 2000; Child, 2000; Hulme and Murphree, 2001). Many rural areas offer at least some of their population a resource base for making a livelihood locally (Francis, 2000:34). It is argued that the wildlife sector is environmentally, financially and economically sustainable and more productive than livestock in terms of profit, foreign exchange and

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employment which are crucial for poverty alleviation (Child, 2000), especially in the African context and developing world. 'Globally, the conservation and tourism sector is being enthusiastically promoted as one of the key mechanisms to catalyze rural economic development' (AFRA, 2004a:1).

According to Hulme and Murphree (2001) CBC goes beyond technical choices or changes in laws or formal organizations, in that it is part and parcel of wider processes of social change and about attempts to redistribute social and political power. As expressed by Cock and Fig, 'The key to the new concept of conservation is that it attempts to link the protection of biodiversity to human benefits ranging from employment of local people to their access to the sustainable utilization of resources within the parks' (Cock and Fig, 2002:135).

According to Hackel (1999:727), CBC programs improve the lives of people in three ways: (i) by allowing people living near protected lands to participate in land use policy and management decisions; (ii) by giving people proprietorship and ownership over wildlife resources, and (iii) by giving local people economic benefit from wildlife conservation. Libanda (2007) supports CBNRM as a rural development strategy in that jobs are created, income at both household and community level is generated, and people are encouraged to plan and manage their own development paths. For communities themselves, the utilization of wildlife provides significant cash income, which can effectively complement their income from livestock keeping, livestock production and crop production, where communities live in or near higher value wildlife areas (Libanda, 2007). On the other hand it is important to take note that, 'much of the literature on CBNRM is falsely optimistic and high expectations have not been achieved, as a result, in Southern Africa villagers are not benefiting from CBNRM' (Mbaiwa, 2004:45).

2.2.2 Community-based conservation in East and Southern Africa

> In the late 1980s and early 1990s a wave of democracy swept across southern Africa, and with it came new policies that allowed communities better access to natural resources, called for their participation in protected area management, and facilitated restitution of land from which they have been forcibly removed (Fabricius et al., 2001:831).

Deducing from the above, the political climate of a particular time in history influences the social structure of that time and also impacts on the future. Such is evident in practices of fortress conservation which preceded democracy in the African context and especially in South Africa. If the ideology of CBC is inseparable from democracy, social and environmental justice (Hulme and Murphree, 2001), then no wonder South Africa came on board and embraced the concept relatively late (Reid, 2001) compared to other southern African countries like Zimbabwe that were liberated earlier.

In East and Southern Africa, CBNRM has been adopted as an approach that aims at achieving rural economic development and more democratic forms of natural resource management (Mbaiwa, 2004:44). In the context of Zimbabwe, Dzingirai (2003:258-9) states:

> With the support of global finance and its clients, the state and private business are inviting communities to lay down their spears and traps and to take part in community-based wildlife conservation, in return for promises of control over wildlife, and revenue and other services generated from safari hunting in rural areas.

One of the most cited CBNRM programmes is Zimbabwe's Communal Area Management Programme for Indigenous Resources (CAMPFIRE) (Hackel, 1999). 'It is a utilitarian wildlife programme developed to appeal to local people' (Hackel, 1999:730). It is generally agreed that CAMPFIRE played a pioneering role in community conservation, especially in the southern African context (Fabricius et al., 2001). Similar programmes began in Zambia in the Luangwa Valley, and conservancies were created on communal land in Namibia (Fabricius et al.,2001; Ramutsindela, 2010). There are also examples from Botswana including the Okavango Community Trust (OCT), Okavango Kopano Mokoko Community Trust (OKMCT), and the Khwai Development Trust (KDT) (Mbaiwa, 2004).

In the South African context, the Makuleke community's involvement in the Kruger National Park serves as an example of CBC (Reid, 2001; Ramutsindela, 2002; AFRA, 2004a). Another South African example is the Mahushe Shongwe Game Reserve, which was initiated in 1986 as the first conservation project in the former KaNgwane homeland (King, 2007), and also the Mkambati Nature Reserve in the Eastern Cape (Kepe, 2008).

In South Africa, fortress conservation meant that benefits derived from conservation were retained for the white minority of the population, and as a result South Africa - like many former colonies - has had a history of conflict regarding its natural resources (Reid, 2001). Drawing from Cock (1991), Walker (1999:270) points out that the experience of apartheid-era conservation left many black South Africans with feelings of deep hostility towards environmentalism, viewing it as a white middle-class concern. On the same note, Cock and Fig (2002) point out that protected areas reflect the power dynamics that have shaped the South African social structure. Under apartheid the majority (black) South Africans were subjected to a 'double exclusion' from national parks: 'the denial of access as visitors and the exclusion from power, authority, and influence in decision-making and policy formulation' (Cock and Fig, 2002: 132). This was aggravated by forced removals for nature conservation in many parts of the country and beyond (Fabricius et al., 2001).

South Africa's 'recent history of racist minority rule' has caused its isolation from international debates for many years and South Africa has lagged behind the rest of southern Africa in implementing 'community-based conservation' strategies (Reid, 2001:137). The end of apartheid and the dawn of democracy marked an end to exclusionary race-based conservation models: now the 'official position of the government is that development and conservation goals should complement each other' in benefit of the people (Walker, 1999:272). P. Walker quotes from a 1997 speech made by Dr. Pallo Jordan, then Minister of Environmental Affairs and Tourism:

> Now that we have shed our pariah status and apartheid policies, we are re-orienting government spending to meet the social and economic goals of the new democratic government…In the past though local communities often bore the costs, they saw very little of the benefits of (eco) tourism. As a result, historically, local people have been alienated from the conservation estate because they received no share of its benefits. By

ensuring that all eco-tourism development projects involve the local communities in a meaningful way, will be able to restore pride of these communities in their natural heritage by giving them access to the sustainable benefits of tourism (Dr. Pallo Jordan, 1997 speech in Walker, 1999:272-3).

Isaacs and Mahommed made much the same points (2000:1) and also explicitly linked conservation to land issues:

In South Africa, the action space for community-based natural resource management is largely created by post-apartheid shifts in natural resource policies and programmes. Natural resource management in South Africa should seek to redress the environmental legacy of the colonial and apartheid eras. The South African government not only faces a legacy of mistrust, dispossession and forced removals, but it also has to restructure the *land distribution regimes* that entrenched white ownership and control over natural resources (Isaacs and Mohammed, 2000:1).

One of the key issues of environmental justice in the country is that of addressing land restitution. Land claims on conservation land have been viewed as being one of the strongest mechanisms for correcting the balance of power between communities and conservation authorities (Reid, 2001:138). Land restitution is also an aspect of the move away from colonially inspired models of conservation focused on preservation, to more indigenous models (Cock and Fig, 2002). In an attempt to redress the history of forced removals the land reform programme has had to deal with the history of forced removals for nature conservation as well. Such initiatives have to some extent crystallized into sometimes contentious community-based conservation projects as will be shown below.

Important questions still need to be answered regarding this 'collectiveness': how much power do rural people have when such initiatives take place, compared with the national governments, (international) NGOs, and global finance institutions that direct/impose 'community-based conservation' from above? This point will be elaborated upon below in the discussion on the land politics or geopolitics of public private partnerships (nature conservation partnerships).

The central question is: can community-based conservation do what its advocates hope despite Africa's severe social, political and economic problems? (Hackel, 1997:228). As Walker (1999) notes, South Africa is struggling to develop conservation models that integrate environmental protection while simultaneously dealing with the forever pressing needs for economic and social development. In the same vein, Walker cautions that the slowness of ecotourism development calls into question whether social and environmental goals can be reached simultaneously in a time frame acceptable to local people, and suggests that 'the slow pace of ecotourism development is ironically in part as a result of other manifestations of the government's commitment to social equity' (Walker, 1999:273).

2.2.3 Problems in community-based conservation

CBC is a contested field. Decker and Chase (1997) speculated that wildlife management in the twenty-first century will have to deal with difficulties of managing wildlife and people to optimize benefits to a society that is living with wildlife, and experiencing the diverse benefits and problems associated with such intimacy. Hackel (1999) argues that the wide implementation and application of CBC programs is questionable in Africa in light of rapid population growth and widespread poverty. Hackel doubts that economic returns from CBC are enough to prevent people from eventually looking for economic alternatives elsewhere. In his own words, Hackel (1999:733) states that 'the programmes are exceedingly difficult to administer, and the simultaneous achievement of social, economic and conservation goals is problematic'.

Homewood (2005) identifies contradictions in CBNRM, in that western conservation goals are foreign to rural communities in sub-Saharan Africa. The so-called 'community conservation' approaches are drawn largely from neo-liberal consumption-based models of wildlife management (De Menore, 2005). Walker points to the lingering effects of historical injustice, stating:

> … in the post-colonial period, the basic structure of colonial conservation policy was largely maintained in many African countries, producing a kind of lingering, embittered stalemate between African states unable to fully enforce conservation policies and local communities unable to fully escape state controls (Walker, 1999:264-5).

This view is expanded in King (2007:217) who argues that 'the rise of the ecological crisis scenario, coupled with sustainable development as the guiding discourse for international development, has expanded, rather than reduced, external control of African landscapes in the post-colonial era'.

In addition, Homewood (2005) points out that forms of land use other than conservation may bring greater immediate benefits to local people, in particular those specifically affected negatively by fortress conservation policies. The victims of forced removals for conservation may not opt for CBC as a land use option unless it is imposed on them, as is the case in many land reform-triggered CBNRM projects in South Africa (Ramutsindela, 2002; Kepe, 2008; Ngubane, 2011).

Unsurprisingly, other critics note that the results of CBNRM have been disappointing:

> The practical implementation of community-based natural resource management (CBNRM) initiatives, however, has fallen short of expectations (Leach et al., 1999:225).

Most CBNRM projects have failed to achieve their objectives, whether in South Africa or elsewhere in southern Africa and beyond. Homewood (2005) in a rather radical tone concludes that 'community conservation' is not ideal, in that the main source of livelihood for rural people - for most of the African population - is herding and (small-scale) farming. The difficulties faced by CBC projects can be linked to 'a failure to adequately understand the complexity of communities, the difficulties in bringing about effective participation, over simplifying assumptions about empowerment, and not fully considering the sustainability implications of interventions' (Brown, 2002:14).

Solutions to the problems of community conservation projects rest upon considering stakeholders throughout all phases. 'The solution is in adopting an approach that is sufficiently robust to encompass the breadth of stakeholder interests that exists and accommodate their ever changing nature' (Decker and Chase, 1997:794). According to Hackel (1999:732), 'Both conservationists and local people must be clear about the goals of conservation and about what will happen if a CBC program fails to achieve them'. Deducing from the above, it seems as if the

solution rests within the people themselves - their consultation and engagement has become a necessity for success **-** whatever the meaning of success is for CBC.

In response to critics, a counter argument is provided by Hulme and Murphree cited in Brockington (2005:101) who argue that community conservation has not been tried and found impossible, it has been tried and found difficult. The point of departure for CBC according to Hulme and Murphree lies in the motivation for political will to combat the particular complex problems facing each scheme in each situation. Cock and Fig worry that, 'As a model, community-based conservation is once again under threat. Without an inclusive vision of nature conservation, its survival will depend on the whims of a few decision makers rather than on large constituency whose interests might be served by such activities' (Cock and Fig, 2002:153). With regards to South Africa, Cock and Fig point out that the main challenge is how to further a transformative vision for its national parks that builds on the basis of environmental justice (Cock and Fig, 2002:153). Genuine participation, meaning involvement of relevant stakeholders, is one of the most important features of CBC: effective participation is a necessary ingredient of these projects but is difficult to achieve in practice (Brown, 2002).

2.2.4 Democracy and the natural environment
Questions are raised in the literature about how to achieve both a democratic outcome and to conserve wildlife or natural resources. Walker (1999) examines the experiences of democratization in three countries in Southern Africa, and considers some of the ways these experiences have reshaped the politics and practices of natural resource management in specific local contexts. He cautions that democracy in this region is ambiguous and incomplete (Walker, 1999). However, he mentions two democratic ideals that can be used to argue for better forms of resource management. The first is that 'democracy promotes greater responsiveness of political leaders to the needs of their constituencies; it can bring increased efforts to promote social and economic development, giving rural people greater capacity to invest in sustainable agriculture and conservation' (Walker, 1999:264).

The second democratic ideal is increased local participation in environmental decision making and management (Walker, 1999). 'Democratic governments may avoid misguided and ineffective policies by promoting greater respect for local perceptions and needs and tapping into

local knowledge and skills through participatory conservation approaches that work for rather than against the interests of affected communities' (Walker,1999:264).

On the other hand Hackel (1999) states that democracy in relation to CBC can be a two-edged sword. He maintains that regardless of democratic promises for rural development, which could theoretically favour CBC, it is also possible that rural democracy will promote, through democratic means, the loss of land for wildlife as rural people gain a greater say in land use decisions. 'Conservationists must not assume that increased democracy, with its presumed attendant decentralization, will be beneficial to conservation efforts' (Hackel, 1999:729). CBC proponents overlook crucial factors such as the likelihood of failure of such initiatives: in order for CBC to succeed it must genuinely cater for the socio-economic well-being of the people (Hackel, 1999).

The next section gives the reader some background to the South African land reform programme, before moving on to a detailed discussion of nature conservation and land claims in South Africa.

2.3 The South African land reform programme

> The South African land reform programme is a response to a highly unequal distribution of land along racial lines and an attempt to redress the injustices of forced removals and other dispossessions. Underlying the sheer magnitude of injustice, whites own over eighty-five percent of the land (Fraser, 2006:1).

The newly elected ANC-led South African government began in 1994 to make laws and implement the land reform programme (Cliffe, 2000). The programme consisted of three main dimensions: land restitution, redistribution and tenure reform.

Restitution is about land restoration; settling claims for land lost under apartheid measures by restoration of holdings or by providing compensation. The aim of the second programme, redistribution, is

…to provide the disadvantaged and the poor with access to land for residential and productive purposes. Its scope includes the urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture. This is achieved through a three stage process, that is approval, designation and actual transfer of land (Nyawo, 2008:36).

As Fraser (2006: 1) notes, the government set the goal of redistributing 30% of total agricultural land by 2014, but has had to admit that this will not be a realistic and achievable target. The target deadline has been pushed forward again to 2025 (Kleinbooi, 2010). The third aspect of land reform is tenure reform, which aims to provide greater security of tenure for all South Africans, especially those residing on commercial farms and the former homelands (Hall, 2007).

The current study is particularly concerned with the restitution dimension of the land reform programme, and thus the restitution programme will receive most attention here. The land restitution programme aims to give back land to those dispossessed of their land rights since 1913, through racially discriminatory laws and practice. Some scholars find this date problematic in itself because it technically excludes restitution of land dispossessions which took place before 1913. Some communities have found ways around this: for example, the Ngome community in this study, dispossessed of its land rights in the pre-1913 period, made strategic use of the land redistribution programme to get back the lost land.

The primary objective of restitution is to promote social justice and reconciliation (Cliffe, 2000). 'The restitution process is rights based. More specifically it provides a "measure of justice" to those that were dispossessed of land rights in the post 1913 period' (Westaway and Minkley, 2003:2). Land claims could be made against any land that was expropriated after 1913 (i.e. after the promulgation of the Natives Land Act), or in cases where forced removals took place (Bosman, 2007:5).

Its scope has widened over time. As Hall explains:

The impetus for restitution came from people forcibly removed from *'black spots'* into the so-called homelands, mostly within living memory, but the programme has come to encompass a much wider range of claimants, including those evicted in urban areas,

former labour tenants on commercial farms, and those who lost land and livelihoods through 'betterment' planning in the homelands (Hall, 2007:98).

Restitution is a process that has to take place under the limitations of the available state resources and within the broad policy framework of the compensating state considering the physical loss of assets. As Roodt explains, 'If restoration is not possible, restitution may take the form of *financial compensation* or in the case of land, *alternative land*' (Roodt, 2003:5) [emphasis added]. Roodt emphasises that the primary aim of restitution is reconciliation (Roodt, 2003:5).

2.3.1 Themes and narratives of restitution

According to Cherryl Walker (2008:34), the master narrative that underpins the project of land restitution in South Africa has two central themes: the trauma of deep, dislocating loss of land in the past, and the promise of restorative justice through the return of that land in the future. This highlights the power of social processes (apartheid and democracy) in the socio-spatial engineering of people, moving from 'negative' to 'positive' state policies implemented by contrasting ideologies (apartheid and democracy). 'The loss was inflicted by a racist state and its supporters by means of a deliberate programme of moving black communities out of areas designated for whites, a process popularly described as one of forced removals' (Walker, 2008:34).

Walker (2008:37) further points out that the narrative of dispossession operates across two distinctive domains. The first is the national political arena that motivates and justifies the present policies, not only for land reform but for social (justice) transformation more broadly. This is quite a one-dimensional narrative. The other domain is more complex – it is that of actual experiences on the ground:

> The other domain is made up of an unruly multiplicity of actual land dispossessions, each with its specific and particular, local dynamics, which may correspond in only the broadest terms with the national account. This is the domain in which national policy must be implemented - where the restitution programme becomes operational and the presumed unity of both 'black South Africans' and the 'community' behind their land claims begin to dissolve (Walker, 2008:37).

In theory the two dimensions are linked, but in reality they are different, and make different demands on the state's land reform programme (Walker, 2008). The national narrative urges that all haste must be made 'in settling as many land claims and redistributing as many hectares in as short a time as possible **-** in providing redress at an aggregated level, as part of national liberation for black people as a collectivity' (Walker, 2008:37). Local applications of the narrative also urge speed in the restitution process. However, 'the Land Claims Commission and Department of Land Affairs soon found out after 1994 that the resolution of the actual land claims requires extended time, not only for investigating poorly documented histories, and identifying the legitimate beneficiaries, but also for addressing the conflict of interests that common occur and for integrating proposed settlements with other state programmes and priorities' (Walker, 2008:37-8).

What distinguishes the local application of the narrative from the national story, is its emphases on attention to the *process* of restitution and not just on the outcomes of the interaction with claimants and affected parties (Walker, 2008). 'Attention to process is particularly important if the commitment to working with the marginal and disempowered within claimant groups including women, is taken seriously, as high-level national policy requires' (Walker, 2008:38). Attention to process would mean moving away from the mythic conception of a homogenous community (discussed in more detail below), and taking into account social differences within communities including gender, wealth, intergenerational conflicts and power dynamics.

2.3.2 Restitution as a rights-based, legally driven process

> Because of the work of the Land Claims Working Group, The Restitution of Land Rights Act was the first piece of 'transformation' legislation to pass in the new parliament; its enactment in November 1994 greeted with cheers from the MPs as they applauded the promise and symbolism of the moment (Walker, 2005:817).

The Restitution of Land Rights Act (No. 22 of 1994) was enacted to guide the implementation of the restitution programme and give it a legal basis (Cliffe, 2000). Since its enactment in late 1994, the Act has been the basis for restitution - the flagship land reform programme of the ANC-led government (Westaway and Minkley, 2003:2). According to Roodt (2003), the Act is

based primarily on the Interim Constitution and was amended in 1997 to bring it in line with the 1996 Constitution. Further amendments took place after the Ministerial review in 1998 (Roodt, 2003). Westaway and Minkley (2003:2) describe it thus:

> The Restitution of Land Rights Act was drafted as a wide-ranging, broadly-encompassing piece of legislation. Its most controversial limitation is that it only applies to dispossession that was effected after the passing of the 1913 Land Act. But it applied broadly to dispossession of land rights wrought through discriminatory processes in the period 1913-1994 (Westaway and Minkley, 2003:2).

Land claims are dealt with by the Land Claims Court, and the Land Claims Commission which were established in terms of the Restitution of Land Rights Act (Bosman, 2007:05). According to Roodt, there were a number of motivations for the establishment of a Land Claims Court in South Africa. Much of the initial thinking was done by a group of individuals from academic, legal and civic organisations under the auspies of the Center for Applied Legal Studies (CALS) at the University of Witwatersrand (Roodt, 2003:11).

Restitution usually involves a number of components (Roodt, 2003:6):

- The restoration of a right;

- The restoration of physical property lost, and/ or

- The compensation of victims;

- The reconciliation of victims and the perpetrators/ beneficiaries of the original dispossession;

- The expectation that the restitution process will contribute in some way to economic upliftment and development.

Kepe et al. (2003) note that the Restitution of Land Rights Act was amended in 1997, allowing claimants direct access to the Land Claims Court and giving the Minister of Land Affairs the power to settle undisputed claims administratively rather than having to put every claim through court adjudication. In 1998, a restitution review process initiated by the Minister of Land Affairs

saw a closer integration of the Commission for the Restitution of Land Rights and the Department of Land Affairs (Kepe et al., 2003:6). However such developments were not without problems, as Carruthers notes: 'Although amicable partnerships and negotiations are encouraged by legislation, these are in fact often compromised by the divisive process of garnering evidence' (Carruthers, 2007:298).

What has been the progress in terms of land restitution? Kleinbooi summarises the situation as for March 2009:

> By March 2009, just 5.3 million of the 24.6 million target hectares (5.2%) had been transferred through the various land reform programmes, including restitution. Over 4000 lodged rural restitution claims had not been processed by 2009, and the restitution programme faced many challenges in resolving land claims, particularly in relation to high value land. Inadequate budgetary allocations, unrealistic deadlines and a lack of adequate post-settlement support for land-reform beneficiaries have continued to hamper both the redistribution and the restitution components of the land reform programme (Kleinbooi, 2010:43-4).

The lack of post-settlement support for land beneficiaries is evident in the case of the two beneficiated game farms that are the focus of this thesis.

The last section of this chapter draws together the literature on community-based resource management and land reform, to highlight debates around the settlement of land claims of dispossessed communities to nature conservation land.

2.4 Nature conservation and land claims in South Africa

This section of the literature review looks at land claims on protected areas and the procedure followed in settling land claims in state conservation areas in the South African context. The debates that have arisen from this, are examined. A crucial idea here is that of public-private partnerships and how these are incorporated into the idea of CBC and land reform. Kepe (2008:312) points out that in almost all cases, co-management arrangements have been created between the successful claimants and the relevant conservation authorities following the settlement of land claims on protected areas.

As Ramutsindela (2003) points out, the history of forced removals for conservation forms a strand in the history of land dispossession in Southern Africa. Fabricius et al. (2001) writing in the context of southern Africa, point out that colonialism and apartheid dispossessed African people of their land rights, and that 'protected areas were seldom established in consultation with local communities…between 1900 and 1990, millions of citizens were forcibly removed from areas proclaimed as nature reserves, national parks, or game reserves' (Fabricius et al., 2001:831). As part of *social and environmental justice*, land claims have been seen as being one of the strongest mechanisms for correcting the balance of power between communities and conservation authorities (Reid, 2001:138).

There is an ongoing debate in South Africa on how to manage land claims on conservation areas (AFRA, 2004b). Ramutsindela notes that land claims on conservation land legitimately falls under the Restitution of Land Rights Act (1994):

> It must be pointed out that the Restitution Act does not specify the type of land that or areas that could be subjected to land claims. The Act is concerned with all victims of racially motivated removals in both urban and rural areas, these include people who were removed from areas earmarked for national parks and nature reserves. Such removals are not unique to South Africa - they form a strand in the history of nature conservation in many parts of the world (Ramutsindela, 2003:43).

What is striking from this debate has been substantial lobbying for restituted land not to be taken out of conservation management (Ramutsindela, 2002; AFRA, 2004b; Lahiff, 2009; Ngubane, 2011), which means that any land use other than conservation is forbidden as part of the settlement agreement. According to AFRA (2004b) land claims on proclaimed conservation areas are being dealt with in terms of the Cabinet Memorandum for the Settlement of Restitution Claims on Protected Areas and State Forests under National Government. The Cabinet memorandum sets out criteria that the state will use in the settling of land claims and contains the following points (AFRA, 2004b:18):

- Conservation has been seen as an issue of white preserve and privilege;

- Restitution must include economic opportunities and redress;

- Conservation is a land management issue (land use) and not a landownership issue. [emphasis added]

According to AFRA (2004b), restrictive conditions can be placed on the land as enshrined in the Memorandum. The Memorandum recognizes that the occupation of conservation land is theoretically a viable option, but certainly, this is not a preferred option (AFRA, 2004b). A typical South African example is the Makuleke land claim in Limpopo province that was settled as a Deed of Grant signed on May 30, 1998, at a ceremony held at Ntlaveni (Ramutsindela, 2002). A Deed of Grant means that the South African National Parks (SANP) gives ownership to the Makuleke community on condition that no mining, farming or permanent inhabitation may take place without the permission of the SANP (Ramutsindela, 2002). 'The compromise reached between the SANP (including state departments) and the Makuleke in 1998 was that the Makuleke could claim restoration of land rights in the Pafuri on condition that they use the area for ecotourism (conservation in general)' (Ramutsindela, 2002:22). Both Makuleke and Dwesa-Cwebe in the Esatern Cape have been 'returned' to communities in terms of agreements that insist on the continuation of conservation management (Manjengwa, 2006). In the words of Walker, 'This policy aims to combine formal claimant ownership of protected areas with the continued conservation status of their land, by means of partnerships between claimant entities and national or provincial conservation agencies' (Walker, 2008:110).

According to Walker (2008:215), a substantial proportion of land that has been restituted in KwaZulu-Natal and the Northern Province is conservation land, which in terms of current restitution policy is to remain designated as 'protected areas', hence not legally available for use by claimants for residential or agricultural purposes. Lahiff makes a similar point:

> Much of the land transferred (or 'delivered', to use the official term) under the restitution programme has been transferred in nominal ownership only, as it remains incorporated into nature reserves and state forests and, in terms of restitution agreements, it is not accessible for direct use by restored owners (Lahiff, 2009:98).

There are a number of options or models to be undertaken for the management of 'community-owned' protected areas, including co-management structures and agreements that cater for skills

transfer where claimants are 'not ready' to undertake their management responsibilities (AFRA, 2004b). As explained later in this review, the Communal Property Act is crucial for land restitution as it allows communities (land beneficiaries) to establish a Communal Property Association (CPA) through which they can acquire, hold, and manage property communally (Reid, 2001).

2.4.1 'Restitution' or not?

AFRA (2004b) points out that the restitution experience of communities has been both positive and negative. The Makuleke case is often cited as a success, but this was not without problems, and the same can be deduced about claimant groups in the Eastern Cape (AFRA, 2004b). Ramutsindela argues that, 'To a large extent, the settlement of the Makuleke land claim through the Deed of Grant does not effectively address racial land ownership patterns' (Ramutsindela, 2002:22). The Makuleke community will remain in the resettlement area Ntlaveni although their land rights rests within Kruger National Park (Ramutsindela, 2002). Kepe et al. feel that 'While they may have won their land rights on paper, in practice local communities are often at the mercy of conservation agencies who tend to pursue conservation goals and the prevention of consumptive use of natural resources at all costs' (Kepe et al., 2003:14).

A radical question posed by Ramutsindela (2002); AFRA (2004b) and Walker (2008) is whether this is really restitution, taking into account the lobbying involved to arrive at a 'consensus' that restricts occupation on the part of the land beneficiaries. This seems to jeopardize the legitimacy of the restitution process itself. Scrutiny has been focused particularly on the power dynamics between conservation authorities and 'conservation land beneficiaries' with regards to fair negotiations and the limited space of choice for beneficiaries to withdraw themselves from conservation (AFRA, 2004b). In addition, AFRA (2004b) points out that conservation might not always be a viable restitution option for land beneficiaries, because there are circumstances in which conservation does not maximize the potential economic and livelihood benefits available to the claimants (AFRA, 2004b). In the words of Walker, whether 'ownership without rights of settlement will be felt to constitute redress is another question' (Walker, 2008:221).

2.4.2 Public-private partnerships in community-based conservation

This section begins by discussing Public Private Partnerships (PPPs) in general and then moves on to discuss how the PPP discourse is conceptualized in community-based conservation. PPPs are cooperative ventures between the state and private business (Linder, 2007). 'The P-P partnership is frequently viewed as a derivative of the privatization movement, which captivated conservative leaders in western liberal regimes on both sides of the Atlantic throughout much of the 1980s' (Linder, 2007:36). PPPs are linked to the broader idea of privatization which emerged as a global concept particularly in western states, as a response to the incompetence of governments, as it was maintained that the private sector can do a better job in consolidating service delivery (Brinkerhoff, 2002).

Advocates of the idea of PPP promote it 'as the epitome of a new generation of management reforms, especially suited to the contemporary economic and political imperatives for efficiency and quality' (Linder, 2007:35). The idea was (is) that private providers would provide higher quality goods and services at lower cost, and the government sector of public providers (service delivery) would shrink accordingly (Linder, 2007). The hallmark of partnership is cooperation and not competition, 'a joint venture that spreads the financial risks between public and private sectors' (Linder, 2007:36). Joint ventures are meant to stabilize unstable markets and work to reduce competitive pressures and not to exploit them (Linder, 2007).

Now that a broader understanding of public private partnerships, joint ventures and the like has been established, attention will shift to see how such ideas and concepts fit into the CBC discourse. Critics argue that 'not only are many of these schemes poorly conceived, but they fail on both fronts; unable to effectively conserve biodiversity and bringing high costs to local people' (Brown, 2002:07). For Kepe et al., 'One has to wonder whether the attempt to reconcile land rights and conservation in Africa is not complicated by the fact that the struggle is between the powerful state (and other interests) and the rural poor' (Kepe et al. 2003:05).

Ashley and Jones (2001:407) define community-private sector joint ventures as 'a contractual relationship between a community or local institution and a private investor, to work together in establishing and operating a single tourism or hunting enterprise'. In former colonial contexts

where land claims are being successfully made, this is an increasingly popular form of natural resource 'co-management':

> With the growing international acceptance of Aboriginal rights, many contractual national parks are emerging from highly political land claim processes that result in land reform and consequent changes to ownership. Contractual national parks have their longest history in Australia where the Aboriginal Land Rights (Northern Territory) Act of 1976 granted title to certain areas in the Northern Territory of traditional Aboriginal owners (Reid et al., 2004:379).

Ashley and Jones (2001:408) point out that 'in Zimbabwe, Botswana and Namibia joint ventures between rural communities and the private sector have been developed within the context of the national CBNRM programme'. This is different to South Africa where joint ventures have been to a greater extent driven by the land reform programme whether in commercial agriculture or in game farming/ranching. In other words, it is the land reform process which has given rise to CBNRM programmes in South Africa through various management agreements and partnerships that land beneficiaries have with the private sector, particularly the hunting and tourism industries.

Most joint ventures in the land reform programme have had an agricultural focus in relation to commercial large scale farming. 'Often these companies involve former land owners, now reconstituted as farming 'mentors' and development experts, along with black empowerment partners' (Walker, 2008:217). Parallel to these developments, has been the emergence of nature conservation partnerships between land beneficiaries of nature conservation land and the private sector, particularly the hunting or tourism industry.

Contractual national parks are becoming increasingly popular in South Africa as a model through which it is hoped that nature conservation, social and rural developmental needs can be met concurrently (Reid, 2001).

> Following the settlement of almost all land claims on South Africa's protected areas, comanagement arrangements have been created between the relevant conservation authorities and the successful land claimants. It is important to note that even though

some officials involved in the management of protected areas that are affected by land claims prefer to use concepts such as joint-management and claimant participation, rather than comanagement, in policy and in practice there is no difference among these (Kepe, 2008:312).

Comanagement is the nature conservation philosophy currently used to reconcile land claims in protected areas in South Africa, and it is undoubtedly modeled after the version used in natural resource management globally, in fisheries, forestry, and biodiversity conservation (Kepe, 2008). Proponents argue that co-management is efficient because it avoids the limitations of state management while also overcoming the problems of only private management or only community management. For example, the limited enforcement capacity of community-based institutions, and the limited understanding of local conditions on the part of the state - shortcomings that seriously undermine both state and local level environmental management - could be addressed by combining the knowledges and strengths of various partners (Isaacs and Mohammed, 2000:2).

As Ashley and Jones note, 'a wide range of joint ventures are developing on communal land inside protected areas, and on land that residents have reclaimed (through the land claim process) from within protected areas, and which the communities choose to keep under wildlife use' (Ashley and Jones, 2001:410). However, with regards to communities *choosing* to keep their land under wildlife/ conservation use, it is debatable whether communities such as the Makuleke 'chose' to be in a joint venture, or whether they were basically forced to, as their land rights were denied to them by being prohibited to occupy their piece of land within the Pafuri area of the Kruger National Park (Ramutsindela, 2002).

For Kepe, while poor rural claimants may 'choose to give up their recently acquired land for conservation, there are reasons to doubt that there is always consensus on such issues' (Kepe, 2008:18). Besides the fact that the community might choose to keep land under conservation, the wording of these documents tends to exacerbate the confusion about land and resource tenure rights (Kepe, 2008:18), and perhaps this is not surprising given the poor literacy level of farm dweller and rural communities. Spierenburg et al. and Ramutsindela agree. 'Although the

Makuleke land claim was successful, a number of conditions were attached to the restoration of land ownership' (Spierenburg et al., 2008:92). 'To a large extent, the settlement of the Makuleke land claim through the Deed of Grant does not effectively address racial land ownership patterns' (Ramutsindela, 2002:22).

While joint decision making has become a norm in dealing with land and park conflicts, it is poorly understood. Conflicts often arise due to the inherently unequal power relations between local people and government and conservation agencies engaged in joint decision making (Kepe et al., 2003:20).

> While it should be appreciated that biodiversity is a national and international imperative, the current comanagement model has emphasized conservation interests over the land rights of claimants. If this is the case, then land reform as a key government policy faces more challenges, perhaps including its very legitimacy within certain government agencies (Kepe, 2008:319).

Spierenburg et al. (2008), writing in the context of transfrontier conservation areas (also incorporated into the CBC ideology) warn that in order to understand local outcomes, it is important to observe the differences between the power and capacities of the different actors involved. Critics note that power relations driven by conflicts of interest inevitably come into play amongst stakeholders in these joint ventures.

For example, Dzingarai (2003) identifies factors within the Zimbabwean programme that suggest unhealthy relationships between the state-supported hunting safari and indigenous communities within CAMPFIRE areas. The hunting firms and the state divide equally the profits derived from wildlife, and little benefits the communities. Even if they do get a share, it is normally constrained by conditions further marginalizing the rural poor (Dzingarai, 2003). This analysis corresponds with insights in Few (2001) regarding the idea of 'containment'. This concept conveys the capacity and power on the part of nature conservationists, government officials, hunting firms and the like, to control (contain) rural communities in the name of nature conservation. Brown (2002:11) drawing from Few (2001) agrees and identifies the normal form of participation in conservation planning as 'containment', where public involvement is managed

strategically in order to avoid conflict and dissent and actually to exert control over knowledge (skills) and action. According to Dzingarai (2003:254), 'environmental organizations used their resources to co-opt people into community wildlife management'.

It is noteworthy that when communities are ill-treated by the state and private business, environmental organizations often remain silent (Dzingarai, 2003). 'Not only do they fail to support the people, the environmental organizations sometimes add their voice to those of the state and private business in terms of how wildlife should be used' (Dzingarai, 2003:254). Dzingarai (2003) notes that these new partnerships are limiting villagers' customary rights to land and disrupting existing household strategies organized around such rights. 'Participation is often employed as part of a top-down management process that includes people in passive forms of co-option and consultation rather than active agents' (Brown, 2002:11). In most cases, 'Issues of power, women's participation, the capacity to actively participate in the management of the operation are not adequately dealt with' (AFRAb, 2004:32).

Kepe (2008) identifies three circumstances in which the comanagement of natural resources is likely to be problematic as a strategy for the resolution of land rights. These are cases in which:

> (i) the motivation for comanagement stems from a concern for natural resource sustainability,
>
> (ii) the motivation for comanagement is as a way for the state to gain legitimacy by involving local people, and
>
> (iii) the state or its agencies are the initiators and key players in comanagement arrangements (Kepe 2008:314).

Of course, these challenges are not exclusively African. Brown (2002:11) drawing on Castro and Nelson (2001), uses examples from Canada, India, and Bangladesh to show similar problems. Perhaps the heart of the matter is that, 'communities with legal rights over valuable assets can still be weak in negotiation compared with the private sector, which has more capital, knowledge and expertise' (Ashley and Jones, 2001:422).

Kepe (2008:319) states that '…given the ambiguity in settlement agreements in land claims affecting protected areas, it can be speculated that these ambiguities do serve the interests of

certain constituencies, including state agencies'. He concludes that one can argue that the current comanagement in claimed protected areas qualifies as being 'crisis-based comanagement' and a new approach is required:

> What is needed is a serious rethink of approaches to reconciling land reform and conservation, including flexible policies which include alternative land uses other than ecotourism, and broader bioregional strategies for conservation that look beyond protected areas in terms of planning, conservation and economic development (Kepe et al., 2003:21).

With regards to solutions, Kepe (2008) highlights an urgent need to invest in thinking about a new model that will consider issues of appropriate power sharing arrangements, and that gives a real voice to land owners (land beneficiaries), if ever community-based conservation is to have any meaningful chance to reconcile land rights with biodiversity conservation. Brown agrees:

> New institutions are thus necessary. These institutions include new legislation and policies, reorganization of government and organization in civil society, and new partnerships between organizations. For example organizing government departments so that environmental conservation, economic development and social services can be coordinated (Brown, 2002:15).

In addition, Ashley and Jones (2001) emphasize as a solution the urgent necessity of creating or supporting robust community institutions with legal rights over land and resources where joint ventures are being developed on communal land. At least South Africa is moving in that direction through the Communal Property Act, under which communities (land beneficiaries) can establish a CPA through which they can acquire, hold, and manage property in common (Reid, 2001). The tenure relations need to be looked at carefully:

> A conducive policy environment, where land rights are clear and tenure secure - and where land administration is democratic and efficient - is needed to enable meaningful participation and commitment to natural resource management by the beneficiaries of land reform (Manjengwa, 2006:16).

According to Ashley and Jones (2001) the solution is partly to be sought in outside facilitation to address power relations stemming from the lack of experience and understanding of 'the conservation industry' on the part of rural communities. Furthermore facilitation is relevant for all stakeholders to develop a greater understanding of each other's needs, fears and aspirations (Ashley and Jones, 2001). National policy and legislation can also play an enabling or a constraining role, in other words success partly depends on the political will of the government of a particular country (Ashley and Jones, 2001). 'It is unlikely that any one joint venture will be replicable elsewhere, but lessons can be learned from those that do succeed' (Ashley and Jones, 2001:423). AFRA notes that 'there are examples where joint ventures and share equity schemes are having positive impact on livelihoods' and stresses that in such examples 'there must be a strong sense of trust and transparency with a real commitment to empowerment and capacity building' (AFRAb, 2004:33). Kepe (2008:317) simply concluded that, 'the argument here is simple: that if the different stakeholders or partners in a comanagement arrangement have a common vision, there are more chances that all parties including local people, will contribute toward a common goal'.

In thinking about comanagement and CBC, there remains a further problem which is briefly discussed in the following paragraphs.

2.4.3 The 'mythic community' critique

> A large body of work concerned with social difference has highlighted the ways that caste, wealth, age, origins, and other aspects of social identity divide and crosscut so-called community boundaries…Serious attention to social difference and its implications has been remarkably absent from the recent wave of 'community' concern in policy debates (Leach et al.,1999:230).

King (2007) highlights that, at the same time as all the excitement and enthusiasm for CBC, there has been an emergence of more sober critiques. Some of these coincide with other research that points out that such initiatives have a simplistic understanding of 'community', and that this simplistic understanding often shapes the ways that community conservation is implemented and assessed (King, 2007). Poor rural communities are often understood as being homogenous and to some extent egalitarian (Leach et al., 1999; Brown, 2002; Agrawal and Gibson, 2004; King,

2007). In most cases, scholarly debate and action on the matter occurs from a detached position, away from the communities in question. As scholars including human geographers and anthropologists have pointed out, such 'crimes' are commonly committed by outsiders whether land and environmental policy makers, scholars and land activists, from the international to the national arena.

King states that serious attention must be given to understanding the way 'social differentiation shapes the impacts and views of conservation planning' (King, 2007:208). That is, 'Presenting communities as homogenous obscures the social differentiation that exists within specific settings, which subsequently shapes the effectiveness of project development and implementation' (King, 2007:209).

Brown suggests that key stakeholders in CBC projects are often invisible to the project planners. A more conceptually useful way of understanding the actors who influence and are influenced or impacted upon by community-based conservation initiatives, demands a more rigorous *stakeholder analysis* that can pinpoint which actors are key stakeholders. Agrawal and Gibson agree, and suggest a focus on institutions rather than communities:

> Community must be examined in the context of development and conservation by focusing on multiple interests and actors within communities, on how these actors influence decision-making, and on the integral and external institutions that shape the decision making process. A focus on institutions rather than 'community' is likely to be more fruitful for those interested in community-based natural resource management (Agrawal and Gibson, 2004:151).

Agrawal and Gibson go on to accuse practitioners as well as many scholars in the area of CBC of 'a widespread preoccupation with what might be called "*the mythic community*": small, integrated groups using locally evolved norms to manage resources sustainably and equitably' (Agrawal and Gibson, 2004:165). In fact, such communities are very rare, should they exist at all. The preoccupation with the 'mythic community' fails to attend to the important differences that exist in any given community. It ignores how differences affect processes around conservation, as well as ignoring 'the differential access of actors within communities to various

channels of influence, and the possibility of "layered alliances" spanning multiple levels of politics' (Agrawal and Gibson, 2004:165-6).

King (2007) looked deeper into these issues using a case study of the Mahushe Shongwe game reserve, the first conservation project in the former KaNgwane homeland. His findings demonstrate that individuals and households within the community make use of a wide range of livelihood strategies that contribute in shaping the ways they engage with, and benefit from, conservation and development. King (2007) insists that social differentiation within his case study shows that conservation and development projects do not have a single impact upon a unified collection of households:

> Community residents view the reserve in strikingly different terms, ranging from its impact upon material access to environmental resources, including educational and conservation benefits, and empowerment and recreational opportunities (King, 2007:217).

The relevance of this issue to the present study is obvious. In community game farming, what does the 'mythic community' critique have to say about land beneficiaries of game farms as a result of land reform? What does it tell us about the DLA's (now the Department of Rural Development and Land Reform) perception towards this particular type of land beneficiary and towards land beneficiaries in general? Are land beneficiary 'communities' homogenous simply because they are land beneficiaries?

2.5 Conclusion

The themes outlined in the above literature review are intertwined and get unfolded in the operation of the two community game farms under study. Since the overall aim of the study is to investigate the key social and political dynamics involved in the acquisition of game farms by land reform beneficiaries (and the resulting 'community game farms'), the first aspect of the literature review introduced Community-Based Conservation (CBC). Scholarship highlights that CBC goes beyond technical choices or changes in laws or formal organization; it is part and parcel of wider processes of social change, environmental and social justice and about attempts to redistribute social and political power (Hulme and Murphree, 2001).This served to broaden

our understanding of CBC and its link with land reform, particularly in South Africa. Debates around land reform in South Africa were then presented. The third aspect of the literature review outlined the process involved in settling land claims on nature conservation land in the country, and explored the implications of resulting public-private (comanagement) partnerships. All the themes discussed in the literature review are intertwined and get unfolded in the operation of the two community game farms under study, Nqabayamaswazi Game Farm and Ngome Community Game Reserve.

Chapter 3: Chiefs and land reform in South Africa

3.1 Introduction

The fact that the two communities under study are led by traditional leaders adds an intriguing dimension to the study and also requires a theoretical background embedded in the literature on traditional leaders in the historical and contemporary context of South Africa. Much has been said about traditional leadership and its 'undemocratic' nature (Ntsebeza, 2005). This chapter contributes to this debate by exploring the role of Amakhosi (chiefs) in the context of post-apartheid land reform and 'community' game farming, viewed in historical context. Thus it is important to reflect back on the historical dynamics of chiefs in relation to their subjects under colonialism and apartheid. This means exploring literature on traditional leadership in the colonial context, tracing it to contemporary South Africa. The chapter concludes with a brief discussion on the specific political dynamics of traditional leadership in KwaZulu-Natal. This serves to provide the backdrop against which the current involvement of Amakhosi in land reform and CPAs must be understood and explained. The chapter will assist in elucidating what Fraser (2007) meant by referring to the institution of traditional leadership as a 'colonial present' in the era of democracy.

3.2 Traditional leadership in South Africa's colonial past

South Africa's colonial past is an inseparable context for the contemporary land question. European settlers backed by whites-only government seized vast areas of land from Africans before and subsequent to the land mark 1913 Natives Land Act, the historical cut-off point for claims for restitution rights (Fraser, 2007:839).

The task of the whites-only colonial government through its early segregationist policies was also to determine the fate of traditional leaders and their subjects. The following quote encapsulates the history of not only South Africa, but also the African continent more generally, and pays attention to strategies employed by colonial administrations (mainly British) towards the African chieftaincy in different places and contexts across the continent:

Although resilient, the institution of chieftaincy across the continent bears the battle scars of having to adapt to survive...During the colonial period in South Africa, the British experimented with two contrasting systems for ruling indigenous African populations. The first was to try and weaken the institution of chieftainship and govern through the

colonial bureaucracy. In South Africa this system was attempted, for example in the Eastern Cape. The second system was to rely on local indigenous rulers to administer and control the African population in a system of 'indirect rule'. This was the system adopted in Colonial Natal by the secretary of Native Affairs, Sir Theophilus Shepstone (1845-76) and became known as the 'Shepstone System' (Beall et al., 2005:760).

When the Nationalist Government came into power in 1948, it adopted a conciliatory approach towards traditional leadership as it was already incorporated and fitted well into segregationist ideas of 'separate development' (Beall et al., 2005). This was also a move to consolidate the labour migrant system for the growing industrial economy of South Africa since tribal authority areas were crucial in the provision of labour (Ntsebeza, 2005). In the same vein, Hart draws on Mahmood Mamdani to argue that the shift from segregation to apartheid following the National Party's electoral victory in 1948 entailed two simultaneous moves aimed at containing the escalation of urban protest: 'the reorganisation of the apparatus of "native control" in both the reserves and urban townships; and forced removals to shift the African population to rural areas and incorporate them into systems of customary rule' (Hart, 2002:68).

The Bantu Authorities Act of 1951 was amongst many Acts that ensured the continuance of chiefs, whether legitimate or imposed on subjects during the apartheid era (Ntsebeza, 2005). Most commentators use Mamdani (1996) to elucidate the point about citizens and subjects, whereby subjects are governed by laws different to those of their urban counterparts and the adoption of indirect rule by the apartheid government to 'contain' the African rural population (Ntsebeza, 2005). The argument is that the apartheid government contained/captured the power of chiefs to rule over their subjects in tribal authority areas through indirect rule (Beall et al., 2005; Ntsebeza, 2005).

This is the account of the role of traditional leadership then, often cited by critics of the undemocratic nature of the institution embedded in its hereditary nature and especially with regard to the 'collaboratory' stance it had under both colonialism and apartheid rule (Ntsebeza, 2005). When Fraser (2007) refers to the institution of traditional leadership as part of a 'colonial present' in the arena of land reform, he refers to the ambiguous and 'collaboratory' roles of

chiefs under both colonialism and apartheid being transferred into the democratic era. He finds their incorporation in the land reform programme as a move that increases their power imbedded in their collaborator stance during colonialism and apartheid.

3.3 Debates about traditional leadership in post-apartheid South Africa

> South Africa is not unique in having to accommodate traditional leadership in its democratic constitution, as several other African countries have recognised the role of chiefs soon after independence from colonial rule. These include Botswana, Zimbabwe, Namibia, and Uganda among others (Sithole and Mbele, 2008:17-18).

Not only African countries, but many others, have wrestled with the problem of dealing with 'traditional authorities' or customary governance in some form and incorporating them into modern democratic states.

> The effective accommodation of aboriginal populations and indigenous institutions in formal democratic governance structures is an issue that has vexed successive administrations in countries as different as Australia and India, so in this regards African chieftaincy is not exceptional (Beall and Ngonyama, 2009:3)

In thinking about the integration of traditional leadership with democracy, it is clear that the institution of traditional leadership is mutable and subject to change. It is not a 'static anachronism', but bears the battle scars of having to adapt in order to survive (Beall et al., 2005). This is true in South Africa too. Ramutsindela points out that Chapter 12 of the Constitution of the Republic of South Africa recognises the institution, status and role of traditional leaders according to customary law. Furthermore, the Constitution makes provision for the incorporation of that institution at various levels of government. For instance, it allows for the establishment of Houses of Traditional Leaders at national and provincial levels. A National House of Traditional Leaders has been established as a statutory body (Ramutsindela, 2001:77).

According to Ntsebeza (2005) there were three closely connected factors which led to the recognition of traditional leaders in post-apartheid South Africa. First was the formation of the Congress of Traditional Leaders in South Africa which acted as a lobby group for traditional authorities. Secondly, 'there was the role of Inkatha in KwaZulu-Natal, especially its role in the

bloody conflict involving the United Democratic Front/ANC in the 1980s and early 1990s' (Ntsebeza, 2005:258). This conflict is considered in more detail in the last part of the chapter. It was feared that challenging this power bloc directly might lead to further bloodshed. Thirdly, there was a broader political and economic context in which the transition to democracy was taking place, which to a large extent was influenced by global and continental trends (Ntsebeza, 2005; Oomen, 2005). Such trends presented a move away from state to non-state actors as non-state actors increasingly assumed the role of central government. The 'resurgence' of traditional leadership is also part of the rise of group rights all over the world (Oomen, 2005).

However, there is a further explanation, one put forward by Cliffe (2004). Cliffe looks at the resurgence of traditional leadership from a land reform and land administration angle, arguing that 'the resurgence of traditional leadership in South Africa is attributable to expediency on the part of the government. The government cannot afford community participation within the land transfer paradigm. Land administration by chiefs is the cheapest option by far' (Cliffe, 2004:356). He points out that chiefs have in most cases been at the forefront of land claims and concludes that the government had no other option, but to work with the chiefs. The structures are there in place anyway, so the government came to a conclusion that, 'we cannot beat them, why not join them'.

The retention of chiefs in South Africa was not a foregone conclusion, as Beall and Ngonyama (2009) point out:

> Yet in the early years of South Africa's transition chieftaincy was hotly debated and remains a matter of contention. Popular opinion divided into two broad viewpoints: the first was that chieftaincy operates as a brake to South Africa's hard won democracy and on processes of democratic consolidation. The second was that traditional authority is integral to African culture and constitutes a different, even a unique form of democracy. In between were pragmatists who believed chieftaincy should be accommodated because it was part of the institutional fabric of the country (Beall and Ngonyama, 2009:3).

Ntsebeza (2005), in his book entitled *Democracy Compromised: Chiefs and the politics of the land in South Africa*, has clearly articulated his stance against traditional leadership based upon

its undemocratic nature embedded in hereditary rule and patriarchy. Other critics include the Legal Resources Centre, the Institute for Poverty Land and Agrarian Studies, gender and legal activists that have publicly challenged the Traditional Leadership and Governance Framework Act and the Communal Land Rights Act respectively, based on human rights (Robins and van der Waal, 2008). As Williams states:

> These debates have been intense and they have highlighted the contested nature of the apartheid past. For example, traditional leaders argued that they were liberators and protected rural populations from the National Party's most pernicious policies rather than being puppets of the Apartheid system. Contrary to the claims that they were decentralised despots, they argued that they were the last remaining vestige of authentic African democracy. And rather than assigning them ceremonial and customary functions, they insisted that they should help administer and implement development projects (Williams, 2009:195).

The source of these arguments was of course the Congress of Traditional Leaders in South Africa and later the National House of Traditional Leaders (Ntsebeza, 2005).

3.4 Traditional authorities in land reform

It is important to explore the attitude of the former Department of Land Affairs (now the Department of Rural Development and Land Reform) towards chieftaincy and its role as a ministry, informed by the broader attitude of the ANC-led government towards the institution of chieftaincy. The next section therefore gives a brief overview adapted from Oomen (2005:72-4) to illustrate the different positions of the two succeeding DLA ministries following the 1994 elections and up till the early 2000s. The ministries, led by the former ministers, Derek Hanekom and Thoko Didiza respectively, maintained different positions concerning the institution of traditional leadership.

Oomen characterises the DLA under the leadership of Derek Hanekom as 'the socialist years'. At this time, from 1994 to 1998, the DLA was vocal and emphatic on its policy towards traditional leadership. As Oomen explains,

> The government was keen to dispose of the land it held in trust, but only to the people and not to undemocratic institutions claiming to represent them...The first legal instrument of this thinking was the 1996 Communal Property Associations Act, that

could acquire, hold and manage property under the guidance of elected committees (Oomen, 2005:72).

As a result, the DLA faced heightened pressure from traditional leaders throughout the three pillars of the land reform programme (restitution, redistribution, and tenure reform) (Oomen, 2005). In elucidation of the DLA's response to their ongoing tug of war with chiefs, Oomen (2005:73-4) quotes a DLA official who had this to say:

> The chiefs are normally the ones to put in the claim. If that claim is validated, we try to break down the chief's power by creating a legal entity like a CPA. We constantly emphasise that he is one of the claimants, and that the legal entity will have a democratically elected board. Initially people protest and stand up for the chief but we explain how it works and that they can, if they want, put the chief at the head of the board. We then spread power by extending it to the whole committee. But at the end of the day a lot of claims are 'tribal' and it is proving very difficult to break down the power of chiefs.

This highlights the vanguard role of chiefs in land reform and the DLA's move to try to dilute or curtail the power of chiefs by synchronising the customary institution with democratic principles as shown above. What also stands out is the difficulty faced by the government and DLA in particular in breaking down the power of chiefs. This difficulty is, however, not surprising considering the ambiguous position the institution of traditional leadership maintained during colonialism and apartheid and into the new era of democracy.

According to Oomen, one of the reasons a new minister with tribal roots was appointed (after the 1999 elections) could have been Hanekom's position with regard to traditional leadership in land reform. However, it is noteworthy that Minister Thoko Didiza's focus was more towards the redistribution of agricultural land and not so much on chiefs, until 'smoke signals' started to emerge from the tenure reform programme, in particular from communal land (Oomen, 2005). This change of emphasis, characterised by Oomen as 'back to traditional communities', only came about when the Minister was forced to consider the role of chiefs in managing communal land. This led to the promulgation of the Traditional Leadership and Governance and Framework

Act of 2004 (TLGFA Act) and the Communal Land Rights Act (CLARA Act) of 2004 respectively, just before the 2004 elections (Oomen, 2005). Some commentators saw this move as a political strategy on the part of the ANC to win the votes of chiefs and their subjects in the 2004 elections (Ntsebeza, 2005).

Both these Acts focus on the power of chiefs within the boundaries of the former homelands, and are silent about beneficiaries of land outside these areas. But the Acts are important in reflecting the broader discourse concerning chieftaincy and the way it is perceived by both its advocates and critics.

According to Beall et al., (2005) the Traditional Leadership and Governance Framework Act of 2004:

> …validated the role of chieftaincy in local government through the leadership of traditional councils where they exist (mainly in rural areas) and by endorsing their operation alongside other local government structures...Where the old tribal authorities exist, established in terms of the Bantu Authorities Act of 1951, they will be simply converted into traditional councils. This significantly entrenches the authority of traditional leaders, and means, in effect, that legislation introduced in the 21st century will give perpetual life to a system of 'indirect rule' dating back to the colonial era and ossified under apartheid (Beall et al., 2005:763).

The CLARA Act has recently been found to be unconstitutional by a court of law (AFRA, 2010). This happened after a court battle against the Act involving lobby groups such as the Legal Resources Centre that challenged with success the CLARA Act on behalf the Makuleke community and others (Robins and van der Waal, 2008). But if CLARA will not be implemented, the TLGFA Act is still in force. Section Three of this Act gave rise to traditional councils under the auspices of traditional leaders to administer communal land. And it is the chiefs in these traditional councils created by the TLGFA Act that have moved to lodge land claims in areas outside of the old communal land, a topic central to the concerns of this thesis and the focus of the next section.

Overall, the negative perception of the ANC towards chiefs has significantly changed in the era of democracy. Terms and conditions, as well as compromises due to political expediency, were involved:

> Since the early days of the transition…when the ANC decided to change its stated policy on chieftaincy and provide it with a formal role in the new dispensation, it was made clear that the price of this accommodation was that chieftaincy had to be 'transformed' so as to make it consistent with the new democratic order. What this transformation would entail, however, was not addressed until the debate and passage of the TLGFA Act in 2003 - nearly ten years after the first and free elections in South Africa (Williams, 2009:191-2).

The next section focuses on the role of Amakhosi in relation to beneficiated land outside the former bantustan areas and associated Communal Property Associations. Most of the existing literature focuses on the role of chiefs in existing communal areas and not necessarily on land governed by chiefs outside the boundaries of communal lands (with the exception of Mathis 2007; Robins and van der Waal, 2008).

3.4.1 Chiefs, beneficiated land and Communal Property Associations

> As a matter of policy, all land allocated under the land reform programme, whether state owned or private to begin with, is transferred in freehold title to individuals or, more commonly, to corporate structures representing groups of beneficiaries - either trusts or communal property associations (CPAs). Together, these tend to be referred as communal property institutions (CPIs) or, more colloquially, 'legal entities' (Lahiff, 2009:93).

Little attention has been paid to the role of chiefs in Communal Property Associations – that is, in the management of beneficiary land located (by definition) outside of the old communal areas. It can be argued that this is to some extent the result of the preoccupation on the part of government with the role of chiefs in local governance and the entrenchment of democracy in the former homelands where 'tribal' 'communities' reside and not necessarily on land outside these areas. This does not mean, however, the traditional authorities confine their attention to the old communal areas - far from it!

By virtue of being freehold title, the newly acquired land (through land reform) is distinguished from land in the so-called communal land - the former homelands - both in content (the fact that it is collective private ownership) and geography (the fact that most of this land is outside the boundaries of communal areas).

This part of the literature review seeks to highlight the fact that chiefs have been at the vanguard of many land claims and in some cases have moved together with their subjects to newly acquired land outside the original boundaries of the former homelands. Critical questions must be raised concerning the governance of such land. Does it become de facto communal land simply because it is ruled by a chief, even if it is outside the conventional communal areas? Land outside the boundaries of the former homelands forms the basis for this research study, since the communities involved have gained title over this land (the private game farms they have been awarded) through the land reform process.

Before embarking on discussion it is imperative to look into the formation of CPAs, as they evolved from Trusts. What was the thinking of the former Department of Land Affairs (DLA) in introducing CPAs as land holding entities on behalf of land beneficiaries? It has certainly become the norm for land beneficiaries to form CPAs that will manage the newly acquired land on their behalf.

It should be noted that in many instances CPAs are locally referred to as Trusts - this is simply the terminology used, these are not necessarily Trusts in the formal sense (i.e. institutions regulated by the Trust Property Control Act of 1998) (Lahiff, 2009). There is in fact a fundamental difference between Trusts and CPAs:

> Trusts are a long established institution (Governed by the Trust Property Act 57 of 1998) and have been set up for many resettlement projects, but they are often considered unsuitable for land reform projects because they vest ownership in non-beneficiaries (the trustees) who are not democratically accountable to the beneficiaries (DLA, 1997; CSIR, 2005 cited in Lahiff, 2009:97).

Trusts are solemnly regulated by the Master of the Supreme Court, and are not open to intervention by state organs such as the DLA (Lahiff, 2009). Recognising this legal difficulty, the DLA developed a new model, the CPA, for 'private collective ownership' of land regulated by provisions of the Communal Property Associations Act of 1996. This Act was specifically aimed at communities receiving land through the land reform programme (Lahiff, 2009). That was one reason the government opted for the development of the CPA as a land holding entity for land beneficiaries.

Another reason for its establishment during the Hanekom years, was to dilute or to some extent curtail the power of chiefs over land newly acquired through land reform. It is perceived by its proponents as a democratic land holding entity that fundamentally deviates from the undemocratic principles of chieftaincy. As expressed by Ramutsindela:

> The post-apartheid government attempted to de-tribalise land ownership patterns through the formation of the Communal Property Associations (CPAs)…On the whole, the CPA represents a departure from the tradition of leaving the administration and/or ownership of land in the hands of the chief (Ramutsindela, 2001:40-1).

Despite this, criticism against CPAs is often based on their lack of efficacy, skills and most importantly the weak individual rights of individuals to the resources concerned. In that way, Lahiff argues that the CPA has been reduced to just another form of collective ownership (Lahiff, 2009:98). To make matters worse, the government is reluctant to monitor CPAs and ensure post-settlement support as required by the Communal Property Associations Act of 1996 (Lahiff, 2009). Lahiff spells this out in detail:

> The provision of land in freehold title to a CPI [communal property institution] is seen by policy-makers as sufficient in itself, without regards to the means by which individual members might gain access to such land, safeguard their land rights over time and create functional institutions for the administration of common property. As shown by numerous studies, failure to give meaningful content to the rights and responsibilities of both individuals and groups to which they belong leads not only to tenure insecurity but also to a loss of the opportunities and material benefits that land reform participants anticipate (Lahiff, 2009:101).

On the ground, key positions in the CPAs are often held by chiefs as will be shown below. In such settings, the problem of access is serious, and those that are often excluded include women and the youth. This shows that the power of patriarchal institutions is having detrimental implications on the lives of women and the youth in rural areas, and speaks to the debate concerning gender inequality and intergenerational conflict as hindrances to rural development.

3.4.2 Chiefs and land reform: a resurgence of traditional authority?
In relation to land claims in Limpopo, Mpumalanga and KwaZulu-Natal, Cherryl Walker points out the noteworthy fact that:

> …many of these community claims are constituted as tribal claims, represented by Tribal Authorities; in these provinces the restitution programme is being harnessed without much debate to a resurgence of traditional leadership institutions and the extension of their authority over community land beyond the former Bantustans (Walker, 2008:216).

Walker (2008:216) draws on a recent analysis in Limpopo to elucidate:

> Interviews with members of claimant communities suggest that many see the restoration of tribal land as key to the reinvigoration of tribal identity and the power and status of tribal leaders. It is not therefore surprising that tribal chiefs (traditional leaders) are to the fore in most of these claims, including holding key positions within many of the CPAs [Communal Property Associations] or Trusts.

The land reform process involving tribal authorities outside communal areas and the 'resurgence' of traditional leadership that comes with tribal land claims have, according to commentators like Walker, occurred somewhat unnoticed. This is partly a result of the focus on the governance of communal areas (the former Bantustans). Debates have been mainly over especially the CLARA Act which has been at the forefront of rural politics (Oomen, 2005) since its inception to its rejection on 11 May 2010 (after it was found unconstitutional by the Constitutional Court of South Africa in Pretoria).

Another example of the 'resurgence' of chiefly power through the land reform process is provided in Oomen (2005:72). In Kalkfontein in Mpumalanga province, there had previously been no chief. However, a Bantustan tribal authority was created in the 1970s:

… and a chief imposed on the community, who immediately began to allocate land to outside supporters and to expel trouble-makers. When the redistribution programme got under way, the original community decided to pool their R15 000 grants in order to 'get away from that chief'. Once they had received a new piece of land from the government, however, the traditional leader started to claim political jurisdiction over that area as well, seeking support from the House of Traditional Leaders and the provincial premier, and causing a conflict which continues up to the present (Oomen, 2005:72).

This highlights the role of traditional leaders outside communal land, on newly acquired land either through the land redistribution or restitution programme. For the Kalkfontein community the land redistribution programme led to them being granted a new piece of land. However, the chief who has no legitimacy amongst these 'subjects' made political jurisdictional claims on this newly acquired land as well. This shows that whether under the land redistribution or restitution programme, chiefs have made 'political jurisdiction claims' over newly acquired land - with or without the consent of their subjects (Mathis, 2007). Such traditional leaders are in most cases at the vanguard of land reform and are often elected as or become chairpersons of the newly created 'legal entities' called CPAs.

In her KwaZulu-Natal case study, Mathis (2007) shows the institution of traditional leadership to be manipulating land reform to reinforce its 'resurgence', which has led to a considerable number of conflicting land claims involving chiefs and their subjects. It appears that in most cases DLA has favoured the chiefs. As Mathis concludes, 'There is no doubt that in many of these cases in rural KwaZulu-Natal, the power of customary authorities over land is being enhanced due to their leadership roles in land claims, with or without the support of their subjects' (Mathis, 2007:116). And particularly with regards to her case study in eMbo-Timuni, Mathis (2007:117) observed that 'The recent land reform process…was seen by customary leaders as an opportunity to reassert their authority over land through potentially gaining control over land outside the current boundaries of their [*Tribal Authority*] TA'. According to Mathis, a conflicting land claim between the Masibuyele Trust, a civil society group and the traditional authority of that area, poses a serious threat to the traditional authority which claims customary rights over the land outside its current political boundaries (Mathis, 2007).

Robins and van der Waal (2008) have explored the Makuleke case in light of this question regarding land reform and the consolidation of chiefly authority. The Makuleke land claim case has been 'portrayed and celebrated as an exemplar of the possibility of wedding traditional leadership to the principles of constitutional democracy, including gender equity' (Robins and van der Waal, 2008:54-5). Makuleke is seen as an example of a community that has 'succeeded in reconciling 'modern' and 'traditional' institutions' (Robins and van der Waal, 2008:55). It is interesting that, in the Makuleke case, the chief subjected himself to elections for chairperson of the CPA (Robins and van der Waal, 2008:66). But this was of course not without problems, as Robins and van der Waal point out. Although the chiefship in this context is seen as 'less autocratic than most others and the chief is viewed fair and approachable', the chief is still regarded as a person whose authority cannot easily be challenged (Robins and van der Waal, 2008:64).

Another issue of concern with regards to the Makuleke community is the claim put forward by the Mhinga Traditional Authority (TA) that the Makuleke chief was merely a headman under chief Mhinga's authority and jurisdiction, and was not a chief. In response, the Makuleke have moved to strengthen their institution of chieftaincy and made attempts for its official recognition as a Tribal Authority. This was done in response to the threat posed by the Mhinga TA (Robins and van der Waal, 2008). In addition, the Makuleke together with the Legal Resources Centre successfully challenged the Communal Land Rights Act of 2004, which would have enabled the Mhinga TA to exert its power over land that belongs to the Makuleke within the Kruger National Park (KNP) (Robins and van der Waal, 2008). As Robins and van der Waal conclude:

> Both the Makuleke and Mhinga communities have sought to strengthen and reposition their respective traditional authorities within the new political landscape of post-apartheid South Africa. However, these strategies are by no means signs of a return to pristine traditionalism, but rather attempts to synthesise claims based on land, tradition and cultural rights alongside demands for land restitution through the modern legal system (Robins and van der Waal, 2008:60).

The story of the Mhinga/Makuleke dispute strengthens Ramutsindela's (2007b) view that land reform has played a significant role in cementing the legacy of apartheid through the extension

of the homelands, and in that way its effects have been somewhat contradictory to what it stands for i.e. to erase the legacy of apartheid. If the court case had favoured the Mhinga rather than the Makuleke, it would have meant that the land within KNP falls under the Mhinga TA. The CLARA Act was perceived to strengthen Chief Mhinga's claims over Makuleke CPA resources, including revenue from its tourist lodges and land inside Kruger National Park as well as its irrigation scheme at Ntlaveni in the Makuleke Area (Robins and van der Waal, 2008:61).

Again, this is in line with Ramutsindela's (2007b) thesis that land reform contributes to the cementing of apartheid legacies through the extension of former Bantustans under chiefly authority, especially when one pays attention to what would have happened if the Makuleke had lost the court case. As Ramutsindela (2007b: 48) notes, 'the trend in the former homelands is for land claimants to move into areas adjacent to the boundaries of those Bantustans.' In other words land reform has enabled land claimants to move out of communal land onto the 'former' private land, which is in most cases adjacent to former Bantustans, now reconstituted as communal land.

In many cases it is the chief who is at the vanguard of the land claim. Often this is the same chief who was forcibly removed together with his subjects to maintain a tribal jurisdiction elsewhere, in whatever homeland the apartheid government saw fit to dump or more politely, relocate them. Land reform has enabled the same chief or his successor to move back to the original (or compensatory) land together with his subjects. But the question is: *Does the newly acquired piece of land then become incorporated into communal land, simply because of the renewed power of a chief?* Ramutsindela certainly maintains that view and is emphatic that land reform has served to increase the amount of land under chiefly jurisdiction, in that way cementing rather than erasing the legacy of apartheid.

Fraser conceives of traditional leaders not as undergoing a resurgence, but as an elite group that benefited from past undemocratic regimes (colonialism, segregation, apartheid) that have abused that power to manipulate the land reform programme to their own benefit. He sees a continuation rather than a change: in Fraser's words, 'Perhaps not surprisingly, given their extensive powers in the colonial and apartheid era, traditional leaders have become prominent actors in the land reform process' (Fraser, 2007:841).

Fraser's argument coincides with other critiques of traditional leadership, particularly in the arena of land reform (Ntsebeza, 2005; Mathis, 2007; Ramutsindela, 2007b). Fraser further asserts that such moves by traditional leaders reflect a 'colonial present' in that colonially created tribal authorities are being bolstered in geography and social life by the land reform programme (Frazer, 2007). In addition to the way restitution has been designed, its implementation has not ensured that the leaders of groups of land beneficiaries are democratically elected rather than constituted or appointed by traditional leaders (Frazer, 2007). Limited resources would appear to be one cause of the state's inadequate response to the challenge of ensuring that land reform does not benefit elite leaders, or that beneficiaries are equally represented in 'community' organizations (Fraser, 2007:841-2).

The discussion thus far has established that the interplay between democracy, power dynamics, boundaries, territory, jurisdiction and the politics of land is inseparable from chiefly politics which therefore has implications for the South African land reform project. Overall, one must admit that:

> Traditional leadership remains salient and in a number of African countries it has been incorporated into formal government structures and systems. A recent turn in the literature suggests that chieftaincy in Africa is undergoing a revival and that there is a return to tradition across the continent (Beall et al., 2005:2).

The story is about chiefs wanting to maintain their authoritative status over rural areas in post-colonial Africa. New African democratic governments remain ambivalent on the issue, while at the same time hoping for the entrenchment of democracy in the remote rural areas where chiefs rule (Ntsebeza, 2005; Beall et al., 2005; Oomen, 2005; Beall and Ngonyama, 2009). By so doing, the new African democratic dispensations have been preoccupied with deliberative means to wed democracy and traditional leadership. Ntsebeza finds such preoccupations contradictory in that decentralisation finds its basis on principles of democracy, representation and accountability which are incompatible with traditional leadership. He finds such principles absent in hereditary institutions which are autonomous of democracy because of the traditional leadership institutions' historical intimacy with colonialism, segregation and apartheid (Ntsebeza, 2005).

The chapter ends with a brief consideration of the history of customary leadership in KwaZulu-Natal.

3.5 Traditional leadership in (KwaZulu) Natal then and now

As already mentioned, the Shepstone system of indirect rule enabled the colonial administration to rule over African populations through their chiefs in colonial Natal (Beall et al., 2005). The Natal Colony created reserves whereby traditional leaders were allowed to rule over their subjects. When the Nationalist government came into power in 1948, it adopted a conciliatory approach towards the Shepstone system particularly because it coincided with segregationist policies of separate development (Beall et al., 2005). 'Most work on traditional leadership in South Africa and KwaZulu-Natal in particular, is concerned with chieftaincy in rural areas. It is here that traditional authorities wield most authority and are often autocratic' (Beall et al., 2005:768). Rural areas are understood here as communal areas, the former homelands or Bantustans where traditional leadership institutions arguably remain intact. However, as this thesis will show, Amakhosi have found themselves in the midst of the administration of land outside conventional communal areas as a direct result of the land reform programme.

A key figure in the context of KwaZulu-Natal is *Inkosi* Gatsha Buthelezi, formerly head of the KwaZulu homeland or bantustan. As Mathis notes, under Buthelezi's leadership the Inkatha Freedom Party (IFP), 'a Zulu nationalist party, has long been supported by the majority of customary leaders in KwaZulu-Natal' (Mathis, 2007:112). After 1994, the IFP was able to retain its electoral majority in the province until the 2004 elections. *Inkosi* Buthelezi in his capacity as a politician made attempts to retain the province through the preservation of the powers of traditional leaders which were crucial for the electoral support of the IFP (Beall et al., 2005). In the 2009 general elections, the IFP lost the province to the ANC. However, it is argued that the ANC's victory in KZN was partly attributable to Zuma's mobilization strategy towards *Amakhosi* - the same way Buthelezi had done in the past (Beall and Ngonyama, 2009). Thus, one cannot consider traditional leadership in KZN in isolation from party politics of the IFP and ANC.

This history has often been a violent one, as Beall and Ngonyama (2009) explain. *Amakhosi* in KZN have become inseparable from party politics; particularly that of the Inkatha Freedom Party (IFP) and the ANC, especially when one considers the violence that erupted in the province in the 1980s and 1990s and 'continues to haunt' the province to date (Beall and Ngonyama, 2009:12).

Most chiefs were involved in the political violence that infected the province two decades ago:

> Traditional leaders in KZN were deeply embroiled in the political violence that swept through the region during the 1980s and 1990s. Being more numerous and having greater salience than in many other parts of the country they held a large degree of authority, particularly in rural areas (Koeble, 2005:11).

Until the late 1970s, the ANC-in exile had hoped that Buthelezi would support an ANC-led national liberation movement and bring in large numbers of isiZulu-speaking supporters. However, when Buthelezi and the ANC leadership fell out, the result was a decade of violence. It began in Durban townships where ANC support was strongest,

> … and spread up the peri-urban corridor to Pietermaritzburg ... It was here that the battle for political support was ferociously fought with the violence spreading from urban and peri-urban settlements to deep rural areas across Natal, and KwaZulu, leaving few places untouched (Freund, 1996 cited in Beall and Ngonyama, 2009:12).

As Beall and Ngonyama explain:

> *Amakhosi* and their *izinduna* called on people in their traditional authority areas and in the migrant workers' hostels in Durban to take up the fight against ANC supporters ... Understanding the legacy of these events is important in explaining why the threat of resumed violence continues to haunt KZN, particularly at election times, and why the fear of a resumption of hostilities in the province sometimes spills over into the anti-politics sentiment (Beall and Ngonyama, 2009:12).

KwaZulu-Natal is no longer the epicenter of such violence. According to Beall and Ngonyama, one compromise that facilitated the end of the violence was the appointment of Inkosi Buthelezi

as a cabinet minister in the first government of national unity; another was 'the decision to accommodate South Africa's traditional leaders in the governance of the country' (Beall et al., 2005:757). Political talks and deliberations in which Jacob Zuma had a role to play in the 1990s (Beall and Ngonyama, 2009), and perhaps also the traditional 'cleansing' ceremony held in July 2010, also had a role to play.

However these tensions have not disappeared: 'political violence flared up again in the run up to the 2009 general elections, including the murder of an ANC *inkosi*, Mbongeleni Zondi, in KZN, leading Zuma to initiate a meeting with Buthelezi to head off an escalation of hostilities' (Beall and Ngonyama, 2009:15). Nkosi Mbongeleni Zondi ruled over the Zondi community near Greytown, an iconic place for its history of the 1906 Bhambatha Rebellion and one of the case study sites in this thesis.

One cannot ignore Taylor's insight: that this shift (restoration of calm) is a sign of 'a politics of denial' about a war that no one wants to admit or recognise (Taylor, 1994 cited in Beall et al., 2005:757). This is of course in relation to the positions taken by the IFP and ANC respectively concerning the violence.

3.6 Conclusion

In conclusion, the institution of chieftaincy across the continent bears the battle scars of having to adapt to survive (Beall et al., 2005:760), and such survival has been to a great extent dependent on the power a particular chiefdom has over a specific piece of land. In the South African context the institution of traditional leadership has had to position itself in response to ever-changing circumstances posed by processes of colonialism, segregation, apartheid and democracy. In all circumstances the issue of land has been an emotive one as the 'arc of dispossession' (Hart and Hunter, 2004) can be traced back to the colonial era.

The democratic era has presented various options of redress (including the land reform programme) for everyone, including traditional leaders. Land reform has therefore given rise to various opportunities of 'land grabbing' for all South Africans including traditional leaders who may be using land reform processes to maintain and extend their power. Commentators have given various explanations of the involvement of traditional leaders in land reform. This chapter

has reviewed such debates, setting the scene for an evaluation of the role of traditional leadership in land reform, community trusts and community game farming in the case of the two communities who are the subject of this thesis.

Chapter 4: Research Methodology

4.1 Introduction

This chapter discusses the research methodology adopted in this study. The study is located within the praxis of human geography and adopts a qualitative approach. The main emphasis here is on the collection and interpretation of qualitative data, and on explaining how this research project was approached. The first part of the chapter describes the nature of qualitative data in general. Thereafter the choice of particular data collection methods for this study is discussed. Brief descriptions of these research methods are given, together with the way(s) in which they were incorporated into this particular study. The chapter concludes with a discussion of the limitations to the study.

4.2 Qualitative research in Geography

Qualitative research in Geography is not new, especially in Human Geography (DeLeyser et al., 2010). In the past, qualitative data collection techniques were on the fringes of our discipline, but are today vital to our current practice of human geography ((DeLeyser et al., 2010:2). As DeLeyser et al. put it,

> … contemporary qualitative geographers engage a 'naturalistic' approach to research - we leave the laboratory and the computer to study people, places, and phenomena as much as possible *in situ*, and seek to validate not only our own perspectives (because we hold ideas about how the world works), but especially also the meanings that the people we work with bring to the topic of study, a topic that itself emerges and always develops through the research process (DeLeyser et al., 2010:7).

Qualitative data may consist of words, pictures and sounds, information that cannot be easily captured in numerical form. That is, qualitative data are usually unstructured in nature (Kitchin and Tate, 2000:211). According to Denzin and Lincoln (2000:3):

> Qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive material practices that makes the world visible. These practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self … [They involve] the studied use and collection of a variety of empirical materials - case study, personal experience; introspection; life history; interviews; artifacts; cultural texts -

that describe routine and problematic moments and meanings in individuals' lives (Denzin and Lincoln, 2000:3) [emphasis added].

Qualitative research is a field of inquiry in its own right which uses a wide range of interpretive practices, with the aim of gaining a much better and deeper understanding of the subject matter at hand (Denzin and Lincoln, 2000). Each interpretive practice visualizes and interprets the world in a unique way, which is why qualitative researchers tend to utilize more than one interpretive practice in a study (Denzin and Lincoln, 2000).

According to Gibbs (2007: x) qualitative research aims to approach the world 'out there' (not in specialized research settings such as laboratories) and to understand, describe and sometimes explain social phenomena 'from the inside' in a number of different ways:

> [First] by analyzing experiences of individuals or groups. Experiences can be related to biographical life histories or to (everyday or professional) practices. These may be addressed by analyzing everyday knowledge, accounts and stories. By analyzing interactions and communications in the making. This can be based on observing or recording practices of interacting and communicating and analyzing the material. By analyzing documents (texts, images, film or music) or similar tracks of experience and interactions.

Qualitative research aims to understand how people construct the world around them, what they are doing or what is happening to them in terms that are meaningful and offer insight. A major component of qualitative research is based on text and writing: from field notes and transcripts to descriptions and interpretations and finally to the presentation of the findings and the research as a whole (Gibbs, 2007: xi).

4.3 Qualitative research methods
A number of methods fall into the category of qualitative research, such as 'case study, politics and ethics, participatory inquiry, interviewing, participatory observation, visual methods and interpretive analysis' (Denzin and Lincoln, 2000:2). As DeLeyser et al. note, in practice, qualitative data collection techniques are used 'in combinations':

… combinations that will be unique to each field site and each field experience; combinations that may even merge in the moment once the research is already underway. Thus, although qualitative geographers plan our research in advance, the complex and ever-changing intersubjective nature of research with human subjects calls for creative approaches to circumstances, the adaptation of old techniques, and the invention of new combinations-both in the planning and during the research' (DeLeyser et al., 2010:7-8).

It is noteworthy that the history of inequality in South Africa has created many marginalized groups of people. This study is concerned with such people, particularly those who are victims of forced removals of the past, and continue to face tenure insecurity problems and the like in this era of democracy. Such an adopted 'emancipatory stance' requires the unpacking of power dynamics, and power dynamics can only be unpacked through qualitative research methodologies. As DeLeyser et al. (2010:8) reminds us:

> …qualitative geographers have sought also to remain genuinely engaged with the communities where we place our work, and often to continue to produce work that is politically progressive and/or actively policy oriented. Importantly, in the midst of this, qualitative work has walked the delicate lines between sympathy for and engagement with those we study while avoiding uncritical cheerleading, even as we work through the awkward positions and issues of engaging with those - often but not always - in positions of power whose practices we might wish to critique.

The two major research techniques used by researchers to collect qualitative data are participant-observation and individual interviews (Madriz, 2000:83). Since participant-observation and interviewing were the main data collection methods employed in this research study, the following sections provide in detail the dynamics of these methods based on a review of literature. The way(s) in which they were incorporated into this particular study are then discussed in more detail.

4.3.1 Ethnography and participant-observation

> An ethnographic approach to qualitative research complements geographers' concerns for understanding and depicting spaces, places, and local-global experiences (Watson and Till, 2010:133-4).

Ethnography is 'the art and science of describing a human group - its institutions, interpersonal behaviors, material productions and beliefs' (Angrosino, 2007:14). It is 'field based, personalized, multifactoral, long term, inductive, dialogic, and holistic in nature' (Angrosino, 2007:14). Ethnographic research aims to gain an in-depth understanding of how individuals in different cultures and subcultures make sense of their daily lives (Hesse-Biber and Leavy, 2006). Ethnographic researchers are primarily concerned with the routine daily lives of the people they study. Ethnographic research allows the researcher to understand the social reality from the participants' point of view, which is why it has become common practice in qualitative research (Hesse-Biber and Leavy, 2006). The ethnographic method provides the researcher with an important window into understanding the social world from the vantage point of those residing within it (Hesse-Biber and Leavy, 2006).

Participant-observation is a primary research tool of ethnography and its practice. This method 'requires the researcher to live or make extensive visits to the setting they are studying, observing as well as participating in the attitudes of those they are researching' (Hesse-Biber and Leavy, 2006:230). More than this, researchers must be sensitive and sometimes even partake in 'everyday geographies so they can become familiar with how social spaces are constituted in various settings' (Watson and Till, 2010:129).

Participant-observation is 'a way of conducting research that places the researcher in the midst of the community he or she is studying' (Angrosino, 2007:2) and in living and acting out the life of the observed. This involves going beyond just being present at the same event, to include sharing life experiences, and becoming a member of the respondent's social world (Kitchin and Tate, 2000). 'In living and acting out the observed community the researcher becomes the *research instrument*' (Kitchin and Tate, 2000:221). In the same vein, DeLeyser et al. (2010) point out that 'we work to acknowledge the researcher's whole person as a research instrument in our interactions with the people with whom we work, and with whom we both collect and construct our empirical materials' (DeLyser et al., 2010:6).

According to Angrosino, participant-observation is not a method in itself, but rather a personal style adopted by field based researchers (ethnographers) who, having been accepted by the study

community (have gained *rapport*), are able to use a variety of data collection techniques to find out about people and their way of life (Angrosino, 2007).

As described by Kitchin and Tate, with participant observation 'the observer reveals their intentions to the observed group from the beginning. The observer than attempts to build trusting relationships with the host community' (Kitchin and Tate, 2000:221). Such relationships depend on gaining rapport referred to above.

After field work and writing the material, to some extent the researcher has become emotionally attached to the communities under study, and hopes that his/her research will make a relevant contribution. This should not surprise the reader as 'qualitative researchers across academic disciplines strive to engage in equitable and emancipatory research practices' (DeLeyser et al., 2010:9). However, on a sad note, Herbert (2010:132) reminds us that:

> Participant-observers must accept that their written products do not have immediate relevancy to subaltern peoples, many of whom struggle daily with the legacies of colonialism and capitalism.

4.3.2 In-depth and group interviews

The interview is probably the most commonly used qualitative data collection technique (Kitchin and Tate, 2000:213), and one of the most common and powerful ways in which we try to understand our fellow human beings (Fontana and Frey, 2000:655). Interviewing has become 'the most feasible mechanism for obtaining information about individuals, groups and organizations in a society' (Fontana and Frey, 2000:655). The widely utilized forms of interviewing involve individual, face-to-face group interchange, mailed or self-administered questionnaires, and telephone surveys. They can be structured, semi-structured or unstructured in nature (Fontana and Frey, 2000).

In-depth interviews, also known as intensive interviews, are crucial methods of data collection for qualitative researchers (Hesse-Biber and Leavy 2006). In-depth interviews use individuals as a point of departure for the research process, and assume that individuals have unique and important knowledge about the social world that is accessible through verbal communication. In-

depth interviews are a particular kind of conversation between the researcher and the researched that requires active asking and *listening* (Hesse-Biber and Leavy 2006).

The primary objective of in-depth interviewing is to gain rich qualitative data, from the respondents' perspective, on a particular subject (Hesse-Biber and Leavy, 2006). In particular, as Hesse-Biber and Leavy point out:

> In-depth interviews are also useful for accessing subjugated voices and getting subjugated knowledge. Those who have been marginalized in society such as women, people of colour, homosexuals, and the poor, may have hidden experiences and knowledge that have been excluded from our understanding of social reality. Interviewing is a way to access some of this information (Hesse-Biber and Leavy, 2006:123).

Kitchin and Tate (2000) point out that a group interview can be a useful alternative or supplement to one-on-one interviews. According to Madriz (2000) a group interview offers respondents a safe environment where they can share ideas, beliefs, and attitudes in the company of people from the same socio-economic, ethnic, and gender background. Drawing from Madriz (2000), Fontana and Frey (2000) point out that a group interview is essentially a qualitative data collection technique that relies upon the systematic questioning of several individuals simultaneously in a formal or informal setting. Therefore this technique straddles the line between formal and informal interviewing (Fontana and Frey, 2000). A group discussion generally consists of a set of three to ten individuals discussing a particular topic under the guidance of a moderator who promotes interaction and directs the conversation. The dynamics of a group discussion often bring out feelings and experiences that might not have been articulated in a one on-one interview (Kitchin and Tate, 2000:215).

4.4 Data collection and fieldwork

Data collection for this thesis was mainly carried out during intensive periods of fieldwork in July 2009; initial information on the AbeKunene community was collected for an Honours thesis (Ngubane, 2010) and during July and August 2010 for both case studies. In addition to these periods, the researcher retained constant contact with the two communities and visited whenever an important meeting was to be held.

During data collection, the researcher adopted a set of qualitative research methods: ethnography and participant observation; individual, group and in-depth interviews. Interviews were conducted amongst members of both communities under study and their representative structures - community trusts and traditional councils. Interviews were also conducted amongst other stakeholders including members of the KZNHCA (the main nature conservation partner to the two communities under study); government officials from the former DLA and the current Department of Rural Development and Land Reform, and amongst the EKZNW officials. The researcher also traced the previous owners of the game farms under study who were happy to share their experiences through interviews, of which two were telephonic. (However, in the process one of the previous owners refused to be interviewed). This led to a small amount of archival research through microfilm records and title deeds in the Deeds Registry in Pietermaritzburg, tracing the history of landownership within one of the farms under study. Through this archival research the researcher was enabled to trace the history of landownership based on title deeds from 1895 in relation to one of the farms under study which was a labour (tenant) farm (see Table 1).

A series of individual in-depth interviews were conducted with key role-players and land beneficiaries, and the aim was to conduct focus group interviews as a supplement to the in-depth individual interviews. In the event, the researcher ended up conducting informal group interviews due to unforeseen circumstances (discussed later in the chapter, in the section on limitations of the study). As reflected above, informal group interviews were used instead of focus-group interviews, as one of the research techniques for both communities under study.

It is worth mentioning that field work for this study was done in rural communities under traditional leadership. By default, this raised questions on issues of gender equity, and intergenerational conflict, so the researcher tried to be sensitive to dynamics of patriarchy, gender and generational hierarchies (McClendon, 1995). During fieldwork the researcher tried to cautiously transgress these boundaries by conducting in-depth interviews in household contexts. Stories were told in the relaxed atmosphere of a household interview conducted in-doors or even outside the house in the shade or during a walk form one household to another. The point is, once in the field i.e. as the research unfolds, the researcher becomes a 'research instrument' (Kitchin

and Tate, 2000; DeLyser et al., 2010), combining qualitative research methods one has studied and develops an individual dimension to it.

The researcher also made use of a digital tape recorder to record the interviews which were translated and transcribed at a later stage. With regard to tape recording the interviews, Kitchin and Tate (2000:218) point out that:

> Audio recording of an interview allows you to accurately record an interview word-for-word with a minimum amount of effort. Recording the interview does allow you to concentrate fully upon the discussion rather than trying to balance conversation and note taking.

With a digital voice recorder at hand the researcher was able to take advantage of these benefits of technology. It should be noted that transcription and translation became part of the process. Interviews with IsiZulu-speaking respondents were translated and transcribed or typed out in English on a daily basis i.e. every night after tape recording the interviews. English-speaking respondents made the transcription process much simpler as there was no need to translate such interviews.

During the field work within the AbeKunene community, the researcher resided in Nqabayamaswazi Game Farm (Kameelkop) and made regular visits to the relocation camp (Vergelegen) where the community is based, and in that way was enabled to do participant-observation. The researcher observed various community meetings, including the 21st anniversary of Nkosi Kunene's *ubukhosi* since he took over from his father in the late 1980s. The researcher also made regular and extensive visits to Kuickvlei which forms part of the alternative land or compensatory land package for the AbeKunene and is located adjacent to Nqabayamaswazi Game Farm (a handful of land beneficiaries have moved there). Research trips included one to Boschhoek farm, or at least to its gate (see Plate 2), the land from which the AbeKunene were forcibly removed, as this was crucial in making sense of the geographies of the AbeKunene community.

To research the other case study, the researcher made extensive visits to Ngome and Ngome Community Game Reserve, adapting similar research methods and conducted interviews amongst members of the community trust and land beneficiaries, including those employed on the community game reserve. In the process and by fortunate coincidence the researcher came across hunters who are members of the KZNHCA who had come to hunt for a weekend in the community game reserve, and thus incorporated them into the research. Due to political tensions in the area, however, following the murder of *iNkosi*, the researcher was careful not to overstay his welcome in the community and did not sleep there overnight as in the first case.

Interactions between the researcher and the community, as well as interviews, were guided by the main areas of interest and the research questions with which the researcher entered the research. These were dynamic and changed as the research proceeded. For example, the interest in the role of traditional leaders in community game farms developed as it began to emerge as a theme from many interviews and conversations. The researcher then went back to literature and developed more questions, followed by further conversations in the field on this aspect.

4.5 Limitations of the study

Several limitations were experienced during the period of data collection. For example, the researcher was hoping to conduct focus group interviews, in particular with the youth of the two land beneficiary communities under study. But that proved impossible in practice as there was no way one could organize for the youth to be in one place at the same time.

In the case of Ngome, the researcher could not reside within the community for safety reasons and thus made extensive daylight visits (this was in the period immediately before, during and after the 2010 soccer world cup). Due to the contentious local politics, it was only possible to be a 'participant observer' to a limited extent in this context (following the murder of the chief).

At Kameelkop and in the relocation settlement where many of the AbeKunene still live, the researcher was usually accompanied by a member of the Boschhoek Trust as a research assistant for the day. This almost certainly had an impact on the way interviewees responded to questions. Understandably, people were not prepared to expose their real feelings about these sensitive issues in the presence of a trustee. There was no way out of this, because the research assistant

was present at all times. The researcher was not in a position to send the research assistant away because there are many households in the relocation camp (Vergelegen), not only those that belong to the AbeKunene community. Therefore a research assistant was required to identify those households that belong to the AbeKunene community.

The researcher was also hoping to visit Boschhoek farm (where the AbeKunene community was forcibly removed from in 1968) with the respondents. However those hopes were shattered by the time-consuming process followed in order to gain access to Boschhoek farm, which remains the territory (training center) of the SANDF. In order to gain access to Boschhoek farm one has to approach Nkosi Kunene in request of an authorization letter. This authorization letter is then taken to Ladysmith Military Camp (which is about 60km away). In Ladysmith a final authorization letter is granted by SANDF, which is then taken to Boschhoek farm. A member of the SANDF present in Boschhoek farm then examines the final authorization letter, and then only access is granted; after a short interrogation process conducted by the SANDF. This is the process followed by the members of the AbeKunene community when they visit their burial sites in Boschhoek farm.

The most disturbing hindrance that the researcher was confronted with in this case study, involved the actions of a male community member (who is also a member of the Boschhoek Community Trust). He was asked by the trust to accompany the researcher as a research assistant for a day, but he refused to talk to women and simply did not want the researcher to interview women, saying they knew nothing. As a researcher aware of the patriarchal nature of society, this was very challenging, but by persisting and due to the fortunate coincidence that some households were only occupied by women, the researcher managed to meet with and interview a couple of women on that day.

Among the challenges that the researcher came across was reluctance on the part of a few key role-players to speak to him. For example in the process of conducting telephonic interviews with the previous owners of the game farms under study, the previous owner of the now dismantled Khobotho game reserve (adjacent to Bhambatha's Kraal) refused to be interviewed. The researcher tried to persist, but was later discouraged as the former owner would not answer

his phone after explaining to the researcher that he does not want to hear nor share anything about Khobotho. This was unfortunate for the researcher, but not surprising (see Appendix 1).

On a practical note, it was difficult to access some of the areas without the use of a four-wheel drive vehicle. The researcher was driving down towards the dismantled Khobotho game reserve unaware of its dismantled state. The road conditions were not ideal for a light motor car, which led to conditions of a minor car accident. Fortunately the researcher was unharmed, but the borrowed family vehicle had some scratches and a wrecked left-hand side-mirror.

4.6 Conclusion
This chapter has discussed the research methodology adopted in this study. The study is located within the praxis of human geography and therefore adopted a qualitative research approach. The main emphasis was on the collection and interpretation of qualitative data, and on explaining how this research project was approached. The first part of the chapter described the nature of qualitative data in general based on literature. Thereafter the choice of particular data collection methods for this study was discussed. Brief descriptions of data collection methods (different forms of interviewing, ethnography etc) were given, together with the way(s) in which they were incorporated into this particular study. The chapter concluded with a brief discussion of the limitations to the study.

Chapter 5: Introducing the case studies: Two historical geographies of dispossession

5.1 Introduction

This chapter reviews the historical geographies of the two land beneficiary groups who are the subject of this thesis. The approach taken here is a comparative one - two community game farms handed over to two different communities were researched. In order to understand the contemporary land issues, the history of dispossession must be understood first and this is focus of the current chapter. The information presented here is based on both secondary literature and, to some extent, on interview material.

Members of the Zondi community are former labour tenants evicted from a 'labour (tenant) farm' earmarked for private game farming/ranching purposes; therefore it is important to provide a historical background of labour tenancy in the Natal colony. In contrast, the AbeKunene community was subject to a black spot removal, therefore it is important to provide a historical review of the apartheid government's policy on 'black spots' and their removal, particularly in the north-western part of today's KwaZulu-Natal province where many such removals occurred during the apartheid period. The histories of these two communities are traced, up to the point of the current land settlement. Figure 5.1 shows the location of the two communities in KZN.

The last section of the chapter provides a brief background to the development of the private wildlife industry in South Africa from the 1950s onwards. As explained, the labour tenants in Ngome (the Zondis) were directly affected by this development as they were displaced by private game farming. And both communities under consideration were granted ownership of private game farms through the land reform process - a new development that is the main focus of this study.
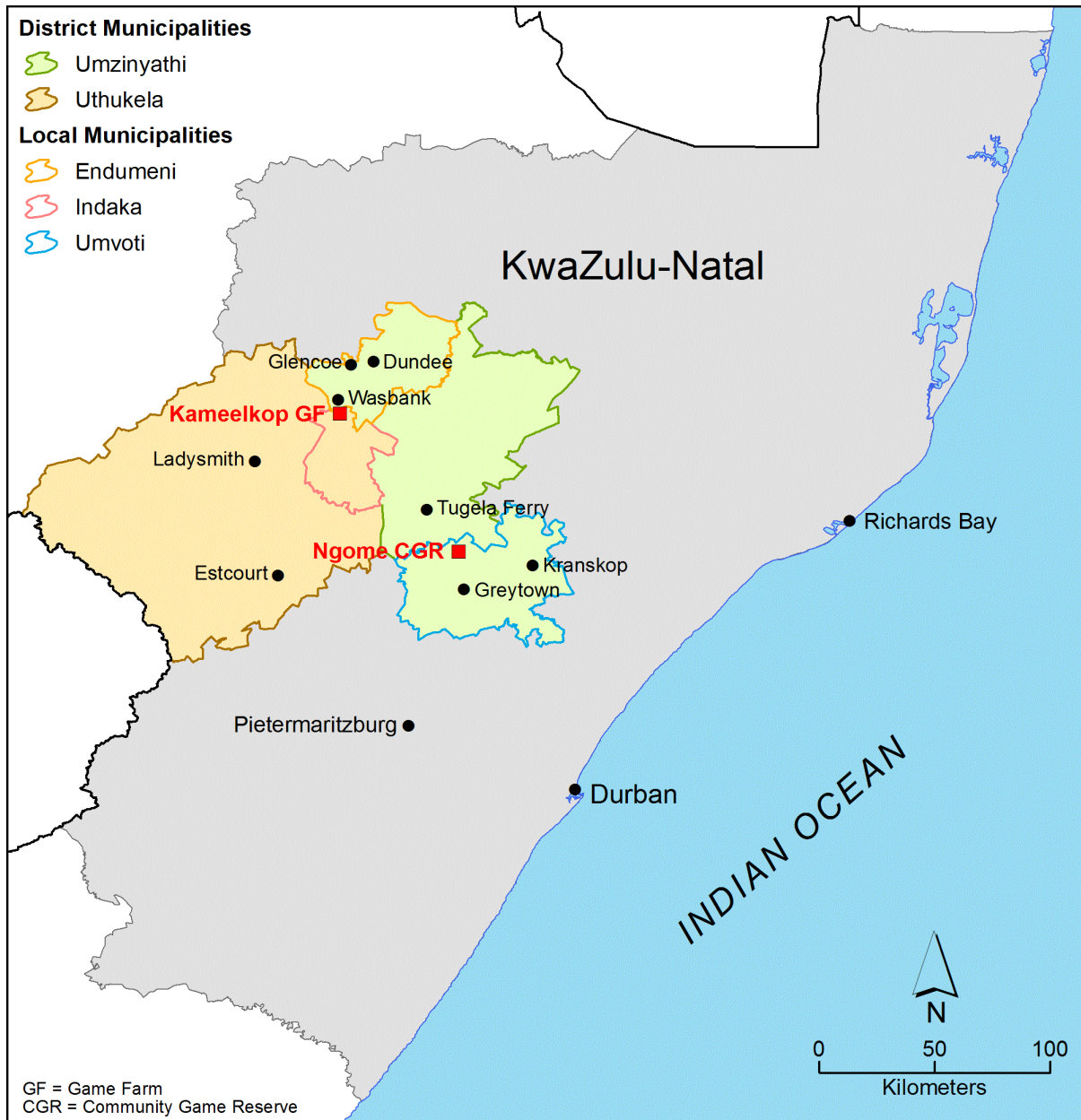
Figure 5.1: Map locating the two study sites in KwaZulu-Natal

5.2 The Zondi community's experience of dispossession and the land claim

The Shepstone system of indirect rule in colonial Natal (Beall et al., 2005; Guy, 2005) forms an important watershed in understanding and tracing the arc of land dispossession (Hart and Hunter, 2004) experienced by the Zondi community. The Zondi chieftaincy was under the control of the Natal Colonial government and became geographically confined to specific parts of uMvoti County as land was increasingly dispossessed by white private landowners of both Afrikaner and English descent. This led to the division of the Zondi community between people living on land

governed by traditional leadership and on white-owned private farms (Guy, 2005). The latter group was then incorporated into the labour tenant system which developed from the latter half of the nineteenth century. The following section provides a brief history of labour tenancy in Natal which is necessary in order to understand the background and geographies of the Zondi community - and in particular, the group of labour tenants living on the two 'labour farms' (Aangelegen and Olivefontein) that were converted to game farming in 1974 and 1982 respectively (Figure 5.2 below).

5.2.1 Labour tenancy in colonial Natal

Labour tenancy was a system of organizing agricultural labour and has its roots in the developmental dynamics and economic history of white commercial agriculture in the Natal midlands from the late nineteenth century (McClendon, 1995).

> The system of labour tenancy emerged whereby the African homestead provided some of its members - especially the young men - to labor for the white farmer for six months of the year. They were paid nominal wages, if anything, and often went into debt with the 'master'. In the six months 'off' the men either 'rested' - that is, worked on their own homesteads on the farm or migrated to the cities, especially Johannesburg and Durban for work at considerably higher wages. This arrangement came to be known as the 'six month system' or *ukusebenza isithupha* (working six months) (McClendon, 1995:39).

The labour tenant system developed out of a gradual shift from earlier forms of land tenure arrangements between Africans and white farmers. Such tenure arrangements included squatting and share-cropping which characterized the latter half of the nineteenth century (Leyburn, 1944). 'Cash tenancy gradually diminished in Natal, with the spread of white settlement and of capitalist agriculture. Pressure was applied on Africans living on white land to convert from cash to labour tenancy and thus provide white farmers with much-needed labour' (Surplus People Project, 1983:28).

As Brooks notes, 'The system of labour tenancy became further entrenched in the twentieth century, when the expansion of white commercial agriculture on the Natal midlands brought most rural Africans [living] outside the reserves into relations of labour tenancy' (Brooks, 1996:31). As a result, labour tenancy became one of the few options for Africans to access land and

simultaneously provided a labour pool for white farmers (McClendon, 1995). It also provided a breakaway from the authority of the chief who sometimes called upon men for forced labour (*isibalo*) on request of the Natal colonial government (McClendon, 1995; Brooks, 1996; Guy, 2005) for mainly the construction of access roads (Guy, 2005). This system was particularly widespread in the Natal midlands and in part represented white farmers' attempts to control the labour of Africans through verbal contracts with *abanumzane* (heads of households) who then commanded the labour of their dependants i.e. young men and sometimes women of his *umuzi* (homestead) for the land owner. It is on this basis that McClendon finds the labour tenant system as a patchwork of patriarchy and customary law further entrenching gender and generational hierarchies within the homestead, leading to an exodus of the youth to towns and cities (McClendon, 1995).

McClendon's (1995) doctoral thesis provides deeper insights into the social and economic history of labour tenancy in Colonial Natal and was developed into a book entitled: '*Gender and Generations Apart. Labor Tenants and Customary Law in Segregation-Era South Africa, 1920s to 1940s.* Gillian Hart and Mark Hunter (2004) reviewed the book and it is interesting that in their summing up, they explicitly mention the development of game farms:

> Vicissitudes of pervasive labour tenancy in this part of Natal trace an arc of dispossession from the nineteenth century to the present, as ongoing evictions of labour tenants make way for game farms. Its origins lie in the expansion of white commercial farming in the late nineteenth century, the displacement of African producers from the rich, well-watered Midlands, and efforts by white settlers in the Midlands to mobilise labour by acquiring 'labour farms' in the dry thornveld districts to the north-east. There emerged an arrangement known as the 'six month system' or *ukusebenza isithupa* through which Africans retained access to land in the thornveld by paying rent in the form of a six-month stint of work on commercial farms in the Midlands (Hart and Hunter, 2004:916).

Hart and Hunter are referring here to strategies on the part of white farmers to secure an African labour force located at some distance from the main commercial enterprise. This included purchasing land in the drier north-eastern (thornveld) parts of the Natal midlands for its use as so-called 'labour farms' (McClendon, 1995; Brooks, 1996) and for winter grazing (Brooks, 1996).

'The 'labour farm' arrangement which arose in the Natal interior, can be thought of as a subset of labour tenancy' (Brooks, 1996: 31). According to McClendon 'labour farms' or 'thornveld farms' in the Weenen districts and parts of Estcourt and Umvoti were owned by absentee landlords who had commercial farms in the surrounding districts of the Natal midlands and sometimes as far as the Orange Free State (McClendon, 1995:52). In explaining the system, McClendon cites a contemporary Weenen Magistrate who pointed out that young men and sometimes women would migrate from their thornveld homesteads to work on commercial farms for six months. Back at home *umnumzane* (the household head) had access to land and grazing which remained unlimited, with the exception of overcrowding and droughts (McClendon, 1995:52).

> Thornveld homesteads were subject to little supervision, but there was usually a farm *induna* (foreman) who assigned plots and called out labour for the farmer much as a chief's *induna* (deputy) would do for the chief (McClendon, 1995:52).

According to Brooks (1996) the situation on 'labour farms' somewhat resembled that in the native reserves as homestead heads and their dependants had more flexibility in terms of labour and land use decisions - in contrast to the situation on conventional farms whereby the landowner/farmer resided on the farm. However this was subject to change in the 1960s. These thornveld farms, mainly located in the Weenen/Greytown area, would be the scene of extensive evictions in the 1960s (Surplus People Project, 1983:28).

5.2.2 Impacts of the state ban on labour tenancy

The labour tenant system experienced major difficulties centred on labour shortages from the 1920s to the 1940s, with an increase of an exodus of young men and women to towns and cities (McClendon, 1995). But the system received a severe blow when the apartheid government in the late 1960s decided to make it illegal. Farm dwellers were to become fulltime waged employees, and if farmers or their tenants refused, the latter would be removed from farms by the state (Surplus People Project, 1983). According to Brooks (1996:48-9) the labour tenant system was seen by many as inefficient, uneconomic and inappropriate to the modern era, hence its eradication.

> Despite the protests of Natal farmers, labour tenancy was dealt its death blow in the 1960s. A 1964 amendment of the 1936 Land Act empowered the Minister of Bantu Administration to either limit or abolish entirely the system of labour tenancy in any district of the country,

by proclamation. In the late 1960s, the government steadily declared district after district as non-labour tenant areas...The process went fairly smoothly in provinces where the system was not as deeply entrenched as in Natal. By the beginning of 1969, only two Natal districts had been deproclaimed (Bergville and Kranskop) (Brooks, 1996:49).

One target area was Weenen, 'formerly place of weeping for Afrikaners, now for African tenants' (Beinart, 1984:284). Massive forced removals of labour tenants occurred in the Weenen districts and victims were loaded onto 'GG-trucks' and dumped in relocation camps in places as far as Madadeni, Msinga, Nkandla (Brooks, 1996); eZakheni, eKuvukeni, eZitendeni, eSahlumbe and other parts of the province. What is interesting is that the ban on labour tenancy was never fully implemented, because it was such an important part of the social system of this part of the country (Brooks, 1996). 'In 1970 the number of labour tenants was put at 400,000' (Hallet, 1984:306). Pockets of labour tenant arrangements continued, as Lahiff explains: 'In one region, comprising northern KwaZulu-Natal and southern Mpumalanga … substantial numbers of labour tenants managed to survive on farms up to the present day, although their rights to land for cropping and grazing are often contested by land owners' (Lahiff, 2009:103).

5.2.3 Labour tenancy in Umvoti County

It appears that the two 'labour farms' studied here (Aangelegen and Olivesfontein), were not affected by the state removals. They were occupied by people owing allegiance to the Zondi chieftaincy, and were later converted into private game farming on their sale to new landowners in 1974 and 1982 respectively.
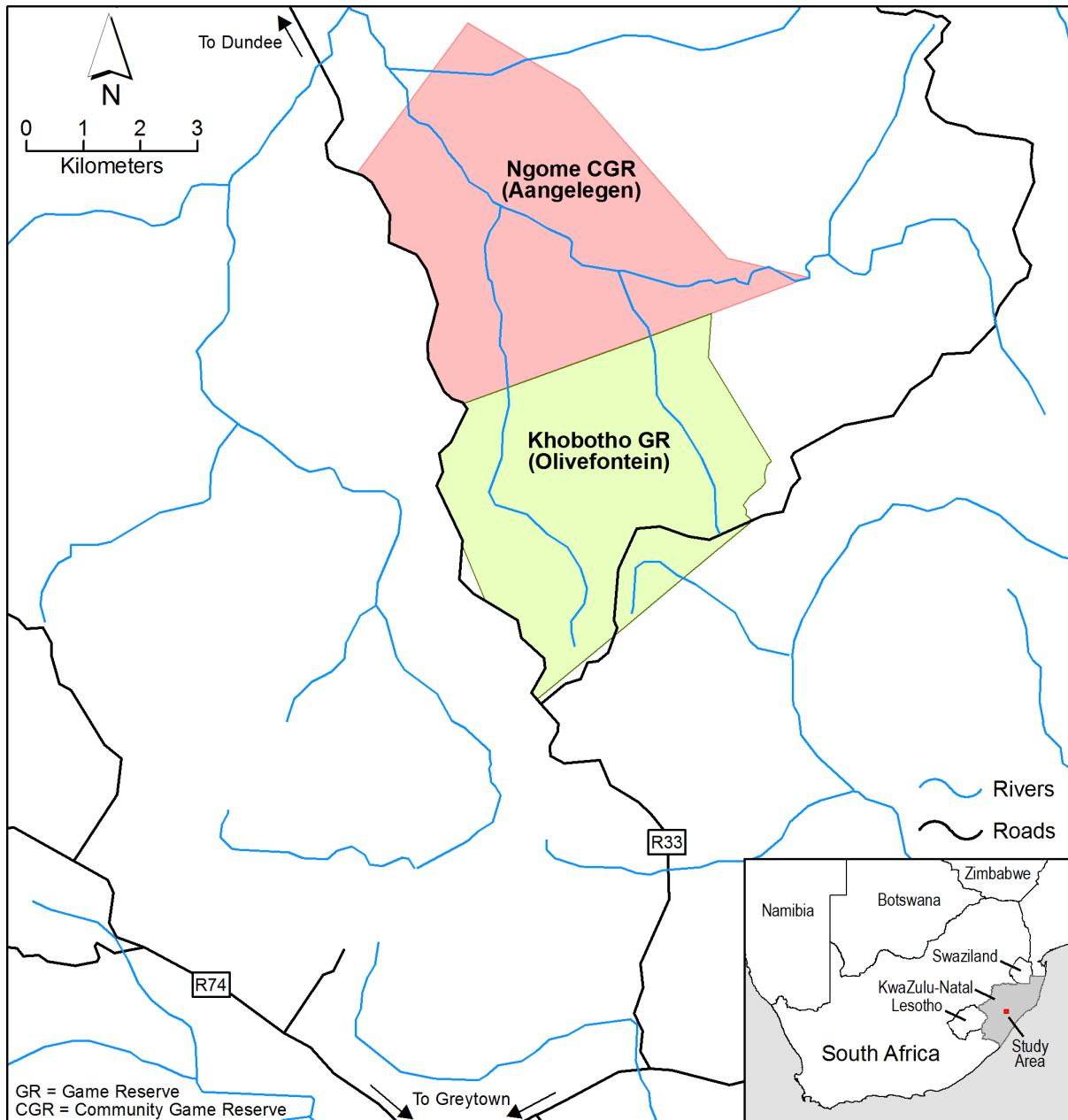
Figure 5.2: Map locating the former Aangelegen and Olivefontein farms

The farms on which the Zondi community lived as labour tenants have their roots in the period of Voortrekker control in the interior of Natal. The short-lived Volksraad (1839-1842) gave out a number of land grants to Voortrekker farmers who were attempting to escape British rule at the Cape. After the British took over the Natal Colony in 1843, the question arose as to whether these land grants were valid or not. Brooks (1996) makes use of Christopher's (1969) doctoral thesis to discuss the particular land settlement in newly declared Weenen County. A number of

attempts were made to formalise the land grants, and the most common solution was to recognise the land claims via a 'quit rent' system. This meant that the claims were recognized as valid as long as a small annual rent was paid to the state (see Brooks 1996). 'In Natal, a total of 584 quit rent land grants were made, most of them in the area adjacent to Pietermaritzburg, extending in a continuous belt to beyond Greytown' (Brooks, 1996:17). One of these was Aangelegen, a labour (tenant) farm owned by an Afrikaner family, the Nels, under the quit rent system. Later, many of the farms were converted to freehold tenure (Brooks, 1996). This was also the case for Aangelegen as it was converted from quit rent to freehold tenure in 1920, a year after its transfer from the father to the son who sold a considerable number of land parcels in the same year on a freehold basis (see Table 5.1).

The farms in this part of the colony were not occupied by their owners. Absentee landlords had more fertile land in accessible parts of the colony, for example outside Greytown and near Pietermaritzburg. Thus as explained above, the northern 'thornveld' farms were left to those Africans who had sought a foothold on the land by becoming labour tenants there (McClendon, 1995; 2002; Brooks, 1996). Archival research into the history of the farm with which we are concerned here, Aangelegen, confirms this pattern (see Table 5.1). Using Aangelegen as a lens, title deeds from 1895 show that some of the previous owners of the property also owned farms elsewhere in Umvoti County, including Seven Oaks, Mispah and various farms outside Greytown (see Appendix 9). This was also confirmed by interviews with former labour tenants of Aangelegen who spent the other six months of the year working on cultivation fields in farms outside Greytown or travelling from farm to farm, making boreholes. Aangelegen was clearly part of a chain of 'labour farms' located in the 'thornveld' region of the Natal midlands (Brooks, 1997). Such findings complement McClendon's analysis that 'labour farms' or 'thornveld farms' in the Weenen districts and parts of Estcourt and Umvoti were owned by absentee landlords who had commercial farms in the surrounding districts of the Natal midlands and sometimes as far away as the Orange Free State (McClendon, 1995:52). A historical analysis through archival research of Subdivision A of Aangelegen provides insight into the social and economic history of Umvoti County as it unfolded within the labour tenant system (see Table 5.1 below).

Table 5.1: Land transactions since 1895 in Aangelegen farm, Umvoti County, Natal

1895	❖ Thuenis Jacobus Nel and Philip Botha become joint-owners (cited in Appendix 5). Under quit rent system.
1911	❖ Thuenis Jacobus Nel becomes sole owner. Under quit rent system (see Appendix 5)
1919	❖ Thuenis Jacobus Nel transfers to his son, Thuenis Roux Nel. Under quit rent system (see Appendix 6).
1920	❖ Thuenis Roux Nel transfers Subdivision 'C' (for £1000); 'D' (for £1,277.4.9) & 'E' (for £1,277.4.9) of Subdivision A of Aangelegen to the van Rooyen family (father & 2 sons). Farm converted to freehold tenure. ❖ Same transfers Subdivision 'B' of Subdivision A of Aangelegen to Adriaan Petrus Botha, descendent of Philip Botha for (for £1000) ❖ Same transfers 'an undivided one-half share in and to Remainder of Subdivision A of Aangelegen' to Jacobus Cornelius Martens on 28th December 1920 for an unknown amount (see Appendix 8)
1927	❖ Maria Francina Martens (wife of J.C. Martens) and Overbreek Radyn Nel transfer Remainder of Subdivision A of Aangelegen to Friedrick Francis Martens & Helena Salomina Hobbs (born Martens), children of Maria Francina Martens & Jacobus Cornelius Martens per 1919 Joint Will (see Appendix 9)
1934	❖ Friedrick Francis Martens & Helena Salomina Hobbs transfer Remainder of Subdivision A of Aangelegen to Heinrich Jacobus Torlage of Redgates, Umvoti County, Natal for £1300
1944	❖ Heinrich Jacobus Torlage 'out of natural love and affection which he bears towards his son, the <u>undermentioned</u> transferee, had truly and legally donated' Remainder of Subdivision A of Aangelegen to his son Erwin Leberecht Torlage (see Appendix 10)
1965	❖ Erwin Leberecht Torlage transfers Remainder of Subdivision A of Aangelegen to George Campbell Hardman for R13000
1969	❖ George Campbell Hardman transfers Remainder of Subdivision A of Aangelegen to Redgate Holdings for an unknown amount to Redgate Holdings (Proprietary) Limited
1974	❖ Redgate Holdings (Proprietary) Limited transfers Remainder of Subdivision A of Aangelegen to Ramsay Daly for R25000 (see Appendix 17) ❖ Ramsay Daly converts the 'labour farm' into a game farm/ranch ❖ A new era of game ranching begins
1997	❖ Ramsay Daly transfers Remainder of Subdivision A of Aangelegen to Ingome Community Land Trust ❖ A new era of community game farming/ranching ❖ Ngome Community Game Reserve

5.2.4 The land dispossession at Aangelegen and the development of Bhambatha's Kraal private game reserve

When Ramsay Daly converted the labour farm, Aangelegen, into a game farm in 1974, this was the point at which the labour tenants who owed allegiance to the Zondi chiefship were evicted from the farm after being issued with eviction notices. Between 15 and 20 labour tenant families were evicted from Aangelegen farm at this point, leaving only three households behind to provide labour. It is perhaps ironic that the new game farm was named 'Bhambatha's Kraal' – referring to the legacy of the famous Zondi chief who opposed British authority in the so-called Bhambatha Rebellion of 1906 (Guy, 2005) - while at the same time developing an exclusive private game preserve which no longer had a place for Bhambatha's people! Possibly the idea of developing a cultural tourism attraction played a role in the choice of name (increasingly, battlefields tourism has been a money-spinner in KwaZulu-Natal province).

A closer look at the timing of the evictions (in 1974 and 1982) shows a continuation of labour tenancy in the Ngome area after it was abolished by the apartheid government in the 1960s. For the former labour tenants, the system of conventional labour tenancy continued until the conversion of the two 'labour farms' (Aagelegen and Olivefontein) to game farming (in 1974 and 1982 respectively) - but even then, some *imizi* were especially chosen to remain residing on the farms, now reconstituted as workers for the game reserves. From one perspective then, the story depicts a continuation of labour tenancy under new conditions. Three *imizi* (households) in each of the two 'labour farms' were especially chosen to stay behind (while the rest of the labour tenants were evicted). Their members were now reconstituted as workers for the game reserve.

The sale of the above mentioned 'labour farms' and eviction of labour tenants to make way for game farming was a deal amongst white private land owners and was not directly influenced by the apartheid government - unlike the AbeKunene discussed in the next section who are victims of a 'black-spot' removal conducted by apartheid government officials commissioned by homeland consolidation policies. That is why these particular labour tenants (the Zondi community) were not provided with relocation camps on their eviction. Instead, the former labour tenants of Ngome had to seek refuge in surrounding communities: Ethembeni (Lutheran)

Mission Reserve, Umvoti district (DLA cited in Zondi, 1998) and within the former KwaZulu homeland where the Zondi clan, Bhambatha's descendents, were geographically confined.

5.2.5 The land claim and settlement

The onset of democracy has enabled the Zondi community to gain title over Bhambatha's Kraal (renamed Ngome Community Game Reserve) through the land reform process in 1997. At first the chief lodged a restitution claim, but was advised that this would not be successful because the land was taken by the trekker republic, many decades before the 1913 Land Act. One way around this was to work through the land redistribution programme, a process facilitated by the fact that the former Weenen and Umvoti counties had been chosen as the area for the province's pilot land redistribution project (Brooks, 1996).

Yet it is important to note that this settlement did not translate to a transfer of title to the actual labour tenants who were evicted to make way for the private game reserve in 1974, or even those that were allowed to stay behind and became its workers. This was because the land claim was not a labour tenant claim, but part of a 'tribal' land claim lodged against a series of farms by Nkosi Khulekani Zondi on behalf of a much broader Zondi community (which included the former labour tenants but did not acknowledge them in any special way).

The situation in which labour tenants are disadvantaged in the redistribution settlement agreement is a common one. One problem is with the pooling of household grants which precedes a redistribution settlement. Labour tenants must pool their grants with other claimants in order to be able to afford the farm earmarked for redistribution. It also follows that decisions on land-use following the claim are not made by the labour tenants but by the community authority structures – in particular the chief and the community trust. These problems have been mentioned by a number of commentators, for example Lahiff:

> In other cases, labour tenants have had to bring in outsiders in order to raise sufficient grant funding to purchase land they already occupy and use, thereby reducing their access to land while upgrading their tenure. This arises because of the policy of settling labour tenant applications through the use of redistribution grants, rather than developing specific mechanisms tailored to the needs of labour tenants (Lahiff, 2009:109).

For the Zondi community the land redistribution application forced the pooling of household grants that led to the purchase of a series of farms including two private game reserves - Bhambatha's Kraal game reserve (on the former Aangelen farm) and Inhlamvunkulu game reserve, incorporated into Bhambatha's Kraal prior to 1994. This had serious implications for the evicted labour tenant households from 1974 – they were prohibited from returning to their original land and did not receive any compensation for their loss. The household grant, which could be regarded as compensation, had been swallowed up in the pooling of grants to obtain the series of farms claimed by the tribal authority under the auspices of the Ngome Community Land Trust.

This outcome is partly because of the fact that this was the infant stages of the land reform programme. It is unfortunate that when the land claim was lodged in 1997, the labour tenants (including those evicted in 1974) were unaware of the Land Reform (Labour Tenants) Act of 1996 and the Extension of Security of Tenure Act (ESTA) of 1997, including provisions for labour tenants to claim the land on which they reside, in the same manner as a land restitution claim. Ironically, the three remaining labour tenant households living within Bhambatha's Kraal reserve were evicted from Ngome Community Game Reserve in 2003 by the then landholding Trust and Nkosi Mbongeleni Zondi (see Plate 6.1). The South African Police Services (SAPS) were used to evict a particularly resistant household.

Much scholarly debate and insight on tenure reform has been focused on the security of tenure of farm dwellers in commercial farms and communal areas, which is not surprising given the large numbers of people that reside in such areas. As Lahiff notes, it is sad and ironic that:

> Both the number of evictions and the total number of people displaced from farms was greater in the period 1994-2004 (the first decade of democracy) than in the last decade of apartheid. The introduction of ESTA (in 1997) would appear to have brought no respite. Indeed, 2003 was the third worst year for evictions over the 20-year period, exceeded only by 1984 and 1982, both years of exceptional drought that impacted severely on the agricultural sector. Two-thirds of evictions were related with the others rising from disputes between owners and occupiers (Lahiff, 2009: 104-5).

As the Zondi case shows, some farm dwellers 'survived' the earlier forced removals for private game farming in the apartheid era, only to be evicted in the democratic era by their own trust and chief. Again there is some irony in the fact that the new dispensation is called the 'Ngome Community Game Reserve' and yet these members of the community have been evicted by their own trust and chief after a lifetime on this land.

5.2.6 From Bhambatha's Kraal to Ngome Community Game Reserve

Ngome Community Game Reserve is situated in Umzinyathi District Municipality, under Umvoti Local Municipality in KwaZulu-Natal. As explained above, it forms part of a series of farms that the Zondi community received through the land redistribution process in 1997. The community game reserve, previously known as Bhambatha's Kraal, was renamed Ngome Community Game Reserve to reflect its transformation from a private to a 'community' game reserve.

It is managed by the Ngome Community Land Trust (NCLT) in partnership with KwaZulu-Natal Hunting and Conservation Association (KZNHCA) and Ezemvelo-KZN Wildlife (EKZNW). The NCLT is a land holding entity entrusted with ownership rights of the community game reserve. This trust was elected in 2004, after the demotion of an earlier trust on allegations of corruption and money laundering. (As discussed later, the earlier trust was advised by a former IFP Member of Parliament who was also entangled in such allegations).

Plate 5.1: Entrance to Ngome Community Game Reserve

5.2.7 The dismantled Khobotho Game Reserve

An interesting contrast to the Bhambatha's Kraal story is provided by the story of the labour tenants on the neighbouring farm Olivefontein. This farm was converted to game farming in 1982 when it became part of the Bhambatha's Kraal game reserve. Several labour tenant households survived the conversion, while others were evicted. The Khobotho Game Reserve is situated in Umzinyathi District Municipality, under Umvoti Local Municipality. It is separated by a boundary fence from Ngome Community Game Reserve.

In 1990, the two owners decided to split into two separate game reserves (Bhambatha's Kraal and Khobotho). In 1996 ownership of Khobotho was transferred to a new owner who held the title deed until 2007. During this time, a labour tenant claim on the farm had been lodged with

the Land Claims Commission but delayed due to a clash with the Zondi traditional authority, as it was viewed as a competing claim.

Finally, in 2007, the ownership of Khobotho Game Reserve was transferred to Izanqawe Trust after the labour tenant claim succeeded. Khobotho was part of a wider labour tenant-based settlement that included two other farms, one of which is a timber farm. The Trust derives its name from Ezanqaweni, a place-name used by the locals to refer to Olivefontein/Khobotho Game Reserve before its conversion from a 'labour farm' to a game reserve. While Nkosi Mbongeleni Zondi became the tenth member of the trust, the DLA had made it clear from the start that it was transferring land specifically to the labour tenants who were forcibly removed to make way for Khobotho Game Reserve in 1982, including the three *imizi* that had been chosen to remain behind as workers for the game reserve. The DLA also made it clear that Nkosi Mbongeleni Zondi should not interfere with 'labour tenant' issues, as he was not a victim of the 1982 labour tenant eviction and thus not a land beneficiary. The outcome here is different from that next door in the Ngome Community Game Reserve. Due to various factors, Khobotho game reserve was dismantled as a game reserve and is being used for settlement and cattle-keeping purposes (see Appendix 1).

Plate 5.2: Vandalized lodge in what used to be Khobotho Game Reserve

5.3 The AbeKunene community's experience of dispossession and the land claim

There is a second community under study. This is the AbeKunene community, located in KwaHlathi, near Wasbank in the Dundee district. They were once landowners in the past and forcibly removed from their land as a black spot removal in 1968. They received a game farm as compensation for their land after a 'successful' land restitution claim. In order to understand their story, it is important to briefly review the history of African freehold landowners and their experience of being identified as 'black spots' and removed during the apartheid period.

However, before embarking on such a review it is important to contextualise the nature and geographies of the Kunene chieftaincy as it migrated south with its 'subjects' from what is known today as Swaziland and settled at Edendale on the outskirts of Pietermaritzburg. From the latter half of the nineteenth century a group of the Kunene people moved south with their chief Sigweje and settled on mission land at Edendale. On mission land the chief was amongst the first to be converted to Christianity and became a figure that can be referred to as a Kholwa (Christian believer) chief. According to Jeff Guy (personal communication, 6 December 2011), a Kholwa chief was not part of the Natal Native Trust, or part of the Shepstone structure. 'Chief' here is more of an administrative title – 'the man in charge'. The Natal colonial government needed someone to talk to, so a senior person in the kholwa community was given the title 'chief' and would receive a title deed on a freehold basis – a very different type of chieftaincy than that found on tribal land. Chief Luthuli's chiefship at Groutville was of a similar nature. In the case of the AbeKunene, Sigweje was already a Swazi chief.

Sigweje formed a syndicate to purchase land with assistance from missionaries. Eventually they found a piece of land with assistance of some financial contribution on the part of the AbeKunene community and moved north to Boschhoek near Wasbank in the Dundee district. The AbeKunene community then stayed in Boschhoek from the 1870s until their 'black spot' removal in 1968.

Some of the community members explained the geographies of the AbeKunene to the researcher:

> The people of Kunene came from Swaziland. They were led by their chief, Sigweje. They stayed for a while in eDumbe, Paulpietersburg. They then moved away and proceeded

towards Pietermaritzburg and settled there. It happened that our great grandfather Sigweje (uKhokho Sigweje) heard the story about the place, Boschhoek that was on sale. He then purchased the land, and passed away shortly afterwards. That place, Boschhoek was purchased in 1870; Sigweje did not make it there and did not see the place because he had passed away. We stayed from the 1870s until the 1960s, when they [the National Party government] began to threaten us (AbeKunene community member, July 2009).

If I were to go back to, when he (Sigweje) passed away in kwaMpumusi, everything [related to the land purchase at Boschhoek] was complete. The head offices were in Pietermaritzburg where the land was purchased. Chief Sigweje managed to sign, after that he became sick. His sickness delayed our departure to Boschhoek (kwaHlathi). Sigweje was succeeded by Lubelo, his brother. When we arrived in kwaHlathi on the land that was purchased, it was Lubelo that was in charge. After Lubelo I can say that we had acting chiefs (*ababambeli*). After Lubelo's passing, there was an acting chief uBhok'felo, and then there was Nicholas (uMbango, uMkhulunyelwa) who passed away in 1965/6 if I am not mistaken. When chief Didumndeni was young there was *ibamba* [a regent] in his place, Godfrey Molefe (AbeKunene community member, July 2009).

5.3.1 African freehold landowners and 'black spot' removals

The origins of African freehold tenure date back to the middle of the nineteenth century when a small peasantry (predominantly Christian or Amakholwa) was emerging within African society in Natal and in other parts of the country (AFRA Report 15, April 1985). Most land purchases by Africans were inland where land was cheaper than along the coast, along the Drakensberg foothills and in the northern districts of the Natal Colony around Ladysmith and Newcastle where little land had been set aside as reserves (AFRA Report 15, April 1985). As a result, a class of black peasant farmers emerged in the region and began producing a surplus for the market (Kane-Berman, 1981). 'For a brief couple of decades this group flourished and grew into a recognisable, frequently prosperous peasantry and it was from this new class of African farmers and entrepreneurs that the first African land owners came' (Surplus People Project, 1983:24).

At this time it was legal in the Natal Colony for black Africans to own land, but this changed after 1913.

Black spots are, as the name implies, islands of black tenure in supposedly white zones. They have in general belonged to the more prosperous strata of the African peasantry who have been able, when it was legal before the land division of 1913, to purchase freehold property, often through companies of ex-wage workers or the agency of the missions (Freund, 1984:51).

During the 1950s, under the Nationalist government, the term 'black spots' was increasingly used to refer to pieces of black-owned freehold land. These farms came under serious threat at this time. As noted above, so-called 'black spots' were the creation of an earlier period of native policy, and their removal had not been a major issue before the 1950s (Platzky and Walker, 1985). However, the continued existence of these African freehold farms was an anomaly in a context where Bantustans were supposed to be the only and traditional homelands of the African population (Platzky and Walker, 1985). The government indicated its willingness to wipe 'black spots' off the map.

According to AFRA Report, 16, April 1982, the term black spot, although widely understood, was 'ideologically charged, an emotive propaganda bred out of white supremacy'. It was often used extremely loosely by the apartheid government officials to describe - or condemn - any black occupied area they wanted to move (AFRA Report, 16, April 1982). In addition to African landowners, it also covered mission settlements. 'Black spots refer to areas where African rural settlement had developed on land they either owned or rented, or on mission owned land within white South Africa' (de Wet, 1984:360). Platzky and Walker (1985) state that 'black spot' is the term that was used to describe both African freehold land and land owned by the church or mission stations leased to individual Africans - in both cases land falling within what the apartheid government had declared a white farming area.

The apartheid government used relocation at different times against different people (Platzky and Walker, 1985). From the 1950s, most of the people who were forcibly removed were victims of the Group Areas Act (in towns), of betterment planning in the Bantustans, and the elimination of black spots and labour tenancy in white rural areas (Platzky and Walker, 1985). Therefore, the narrative of forced removals is a very broad topic involving specific policies implemented by the

apartheid government, which affected people differently. The removal of black spots is part of the historical geography of the AbeKunene community, as they were subject to a black spot removal in 1968.

Such removals were embedded in the 1913 and 1936 Land Acts, which restricted black ownership of land to the reserves or Bantustans (Baldwin, 1975). The passage of the segregationist Land Acts of 1913 and 1936 'put an end to any further purchase of land outside the proclaimed reserves' (AFRA Report, 15, April 1985). While at first land that had already been purchased by Africans was allowed to remain in black hands, this was to change during the apartheid period.

The black spot clearance policies were carried out in terms of homeland consolidation objectives of the apartheid government (Kane-Berman, 1981). Hallet described it as follows: 'This eradication of pockets of African freehold land lying beyond the boundaries demarcated by the 1913 and 1936 Land Acts is perhaps best classified as part of the "consolidation" of "white" South Africa' (Hallet, 1984:315). The removal of black spots began in the 1950s as a response to the apartheid government policy that Africans should live only in Bantustans/homelands (Platzky and Walker , 1985). By removing black spots the Nationalist government wanted to reverse what it saw as the '*beswarting*' ('blackening') of the *platteland* or countryside in the 1950s (Surplus People Project, 1983). The above illustrates the emphasis that the removal of black spots was primarily a response to the apartheid government's policy - that Africans should reside only in Bantustans/homelands, where they 'belonged'.

5.3.2 The eviction of the AbeKunene from Boschhoek
'The apartheid state's programme of "black spot" removals got underway seriously in northern Natal in the 1960s, with the targeting of a series of farms in the Vryheid, Newcastle and Dundee districts' (Walker, 2008:84). One of these farms was Boschhoek farm. The AbeKunene community of Boschhoek farm was removed in 1968, during the period when the removal of black spots reached its peak in northern Natal.

As the Surplus People Project report on Natal noted, in 1968 'black spot removals in Natal shot into prominence with the removal of ten black spots in the Wasbank/Dundee area into Limehill.

These were bitterly opposed by the people affected and generated considerable publicity and international condemnation' (Surplus People Project, 1983:102). One of these was Boschhoek. The AbeKunene community did show some opposition to the forced removal - this is emphasised by a newspaper article referred to below. The amount of media attention this particular black spot (Boschhoek) attracted after the removal is surprising. One of the interviewees highlighted that their removal was published in a newspaper a week after the event. At the Killie Campbell library, a UKZN resource centre in Durban where newspaper archives are kept, the article was traced. It appeared in the *Ilanga* newspaper dated Saturday August 24, 1968. The article quotes the chief of that time, Nkosi Inca Kunene (the father of the current chief), saying: 'We did not want to move. We did not approach the government and requested to be removed, nor did we ask for their assistance and advice. We want to stay here, in Boschhoek' (*Ilanga*, 24/08/68, translation by the author). The article says that the chief was at first reluctant and resisted the removal to the resettlement camp Vergelegen, but was later subjugated to the demands of the apartheid government.

Currently, the lives of this community are entwined with at least four different geographical spaces. These are briefly described below.

5.3.3 Boschhoek farm

Boschhoek farm is located in an area called Hlathikhulu, in Umzinyathi District municipality, under Endumeni Local Municipality in KwaZulu-Natal (AFRA, 2006). On 20 August 1968 the owners were forcibly removed to a relocation camp, Vergelegen, located some 30 kilometers away. A short while after the forced removal, the apartheid government attempted coal mining in the area, which soon failed. Boschhoek farm was later occupied by the army (currently known as the South African National Defence Force) in 1972 and is used as a training camp to date. The AbeKunene community struggled but failed to return to Boschhoek for two decades, before they officially lodged their land claim on 16 April 1996 (AFRA, 2004). The post-apartheid land reform process, and in particular the Restitution of Land Rights Act (1994) made this possible. However, it soon became clear that the idea of returning to Boschhoek itself would be unsuccessful because the state was determined to retain the land as a training camp for the SANDF, due to its 'vital role' in training. The AbeKunene community was then forced to look for alternative land elsewhere. The Boschhoek land claim was settled by way of alternative land.

This was finalised in 2006, ten years after officially lodging the land claim. Boschhoek farm remains under the control of the SANDF, and is utilised for training purposes (Ngubane, 2009).

Plate 5.3: Boschhoek Farm (SANDF warning sign on the entrance gate)

The reader should note the last line of the notice board shown in Plate 5.3; it says 'BY ORDER MIN OF DEFENCE'. This shows the authority the SANDF has over Boschhoek. The researcher could not access Boschhoek partly because of the lengthy process involved in gaining authorization letters, which can only be obtained in the main training camp in Ladysmith after an interrogation process conducted by the SANDF.

5.3.4 Vergelegen relocation camp
The legal basis for the establishment of resettlement camps was provided by the Prevention of Illegal Squatting Act, Act 52 of 1951, thereby overcoming problems of alternative residence, and many people were forcibly removed to these settlements during the late 1960s and early 1970s (Davenport and Hunt, 1974 cited in Baber, 1991:54).

Plate 5.4: A portion of Vergelegen relocation camp (eMahlabathini)

When the AbeKunene community was forcibly removed from Boschhoek in 1968, they were 'dumped' in a relocation camp, Vergelegen, some 30 kilometers away. The AbeKunene have lived here since their relocation in 1968. Vergelegen is sometimes called, KwaHlathi omusha or KwaHlathi, both derived from an indigenous name for Boschhoek, Hlathikhulu. When the AbeKunene community was forcibly removed from Boschhoek (Hlathikhulu) they carried with them the name, Hlathikhulu, which is used in a shortened form (Hlathi) to refer to the relocation camp as well. Vergelegen is situated in Uthukela Disrict Municipality, under Indaka Local Municipality in KwaZulu-Natal. As the AbeKunene community has now lived in Vergelegen for over 40 years, it has become difficult for people to leave the relocation area and settle in Kuickvlei, one of the two farms the community received as alternative land in the restitution settlement. Vergelegen is divided into four sections, as follows: (i) eNumber One, (ii) eNumber Two, (iii) eZihlabathini and (iv) eMahlabathini.

5.3.5 Kameelkop Game Farm (now renamed Nqabayamaswazi Game Farm)
Kameelkop (recently renamed Nqabayamaswazi) Game Farm is situated in Umzinyathi District Municipality, under Indaka Local Municipality near Wasbank. It is one of the two pieces of land (Kameelkop and Kuickvlei) that the AbeKunene community received through the land restitution settlement in 2006 (see Figure 5.3). As explained, the community received the game farm because they could not return to their original place, Boschhoek, which is owned by the SANDF. In other words, the Boschhoek land claim was settled by way of alternative/ compensatory land,

and that is how the AbeKunene community came to own Kameelkop game farm. They recently renamed it Nqabayamaswazi Game Farm. The game farm was previously owned by a white farmer, who participated in its management for a while after the game farm was transferred to the Boschhoek Community Trust.

Plate 5.5: Entrance to Kameelkop (Nqabayamaswazi) Game Farm
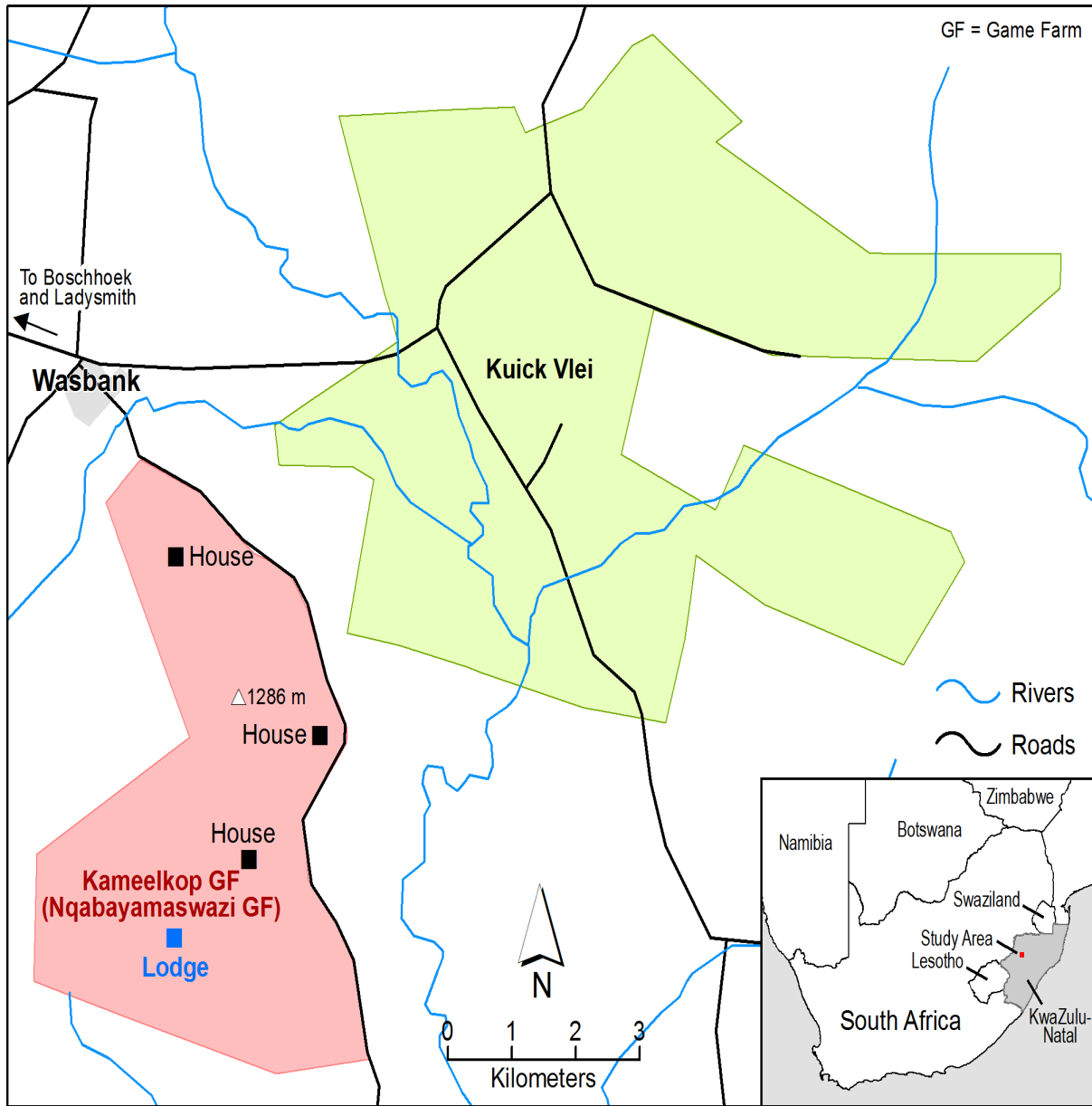
Figure 5.3: Map locating Nqabayamswazi Game Farm in relation to Kuickvlei farm

Plate 5.6: The Boschhoek Community Trust

The Boschhoek Community Trust (BCT) is the main body responsible for the game farm in trust for the AbeKunene community. The Trust derives its name, of course, from Boschhoek farm, the land from which the community was forcibly removed and to which they are unable to return. The chairperson of the Trust is Nkosi Kunene who was elected into the same position. Nkosi Kunene explains:

> ...people said that the land should be governed in the same manner as it was done in Boschhoek. The land was governed by Trusts and iNkosi was the chairperson. When we got the land, people were hopeful that things will remain as they were in terms of the governance of land, and that they will have a role in it, as it was in the past, and that nothing will change in terms of Trust membership and land administration, because its the same iNkosi and Trusts. Our land was governed by seven Trusts, plus the iNkosi as a chairperson. When we received [compensatory] land, we said we are going to apply the same system and registered the Trust with the Land Claims Commission which assisted us to register the Trust. When we got the land back, it was governed by the Trust the same way it was done in Boschhoek - that was very helpful.
>
> As iNkosi, I am there as a chairperson, not as a sole Trustee in governing the land, and we maintained the 'status quo' as it was done in the past. That really assisted us in

maintaining order and keeping 'opportunists' away, because in some cases 'opportunists' see a gap to do things their own way. The fact that we have one Trust that was elected by the people, we did not have such problems. This was helpful in maintaining peace and to become progressive in whatever we are doing, because everybody is involved - they have their own elected representatives who speak on their behalf concerning land issues (Nkosi Kunene, July 2009).

The role of the chief in the community game farm is considered in more detail in Chapter Seven.

Other role-players at Nqabayamaswazi Game Farm include the provincial nature conservation authority (Ezemvelo KZN Wildlife), the former DLA (current Department of Rural Development and Land Reform) and the KZN Hunting and Conservation Association (KZNHCA). As a community game farm, Nqabayamaswazi is an example of community wildlife management. It is run as a hunting farm. A unique aspect here is that, as described, the land claimants (AbeKunene community) did not directly claim the game farm, but received it 'indirectly' as alternative land through the land restitution programme because they could not return to Boschhoek. Ironically, the SANDF has incorporated the original farm Boschhoek into their 'Natural Heritage' programme and so, in addition to the training argument, their decision to keep Boschhoek appears also to be influenced by nature conservation. This was confirmed after a study that guaranteed that the farm was of high biodiversity value (see Appendix 4).

5.3.6 Kuickvlei farm
Kuickvlei is situated in Umzinyathi District Municipality, under Indaka Local Municipality in KwaZulu-Natal. It is one of the two farms (Kameelkop and Kuickvlei) that the AbeKunene community received as alternative land through the land restitution programme in 2006. Kuickvlei is located adjacent to Nqabayamaswazi Game Farm, and it has been designated as settlement land for the AbeKunene community. Kuickvlei has been open for human settlement since the settlement of the land claim in 2006, but most of the AbeKunene community remains in Vergelegen (relocation camp) and has not yet moved to Kuickvlei. Only a handful had settled by the end of 2010. The rest of the community is reluctant to come because they have established themselves in the relocation camp (Vergelegen) over the decades since their arrival in 1968. They have water and electricity, unlike in Kuickvlei where they have to start from scratch (Ngubane, 2009).

Plate 5.7: Entrance to Kuickvlei farm (compensatory settlement land for the AbeKunene community)

As from August 2010, the Boschhoek Community Trust began to clear some vegetation for agricultural activities following a survey that was done by the Department of Agriculture that confirmed the suitability of the area for agriculture. Speculation was that by the end of 2011 ploughing would have begun in Kuickvlei. It is noteworthy that the AbeKunene community is uncertain of their security of tenure in the relocation camp where they are currently residing as well as in Kuickvlei, where they are expected to move in soon.

The situation is further complicated by land tenure security threats and uncertainties imposed by other people verbally claiming the former Kameelkop game farm (Nqabayamaswazi Game Farm). 'There are people claiming Kameelkop to be theirs' (AbeKunene community member, July 2009). 'There are people that were removed from Kameelkop, and they want their land back. They are the AbaThembu clan. They are threatening us' (AbeKunene community member, July 2009). The AbeKunene are regretful that they have taken over land that once belonged to other people.

The last section of the chapter provides a brief background to the development of the private wildlife industry in South Africa from the 1950s. It is worth reiterating that, as explained, the labour tenants in Ngome (the Zondis) were directly affected by this development as they were displaced in the process of establishing private game farms. And both communities under consideration were granted ownership of private game farms through the land reform process - a development that is the main focus of this study.

5.4 A brief history of private game farming in South Africa

This section briefly reviews literature on the formation of private game farms or ranches and their proliferation from the 1950s. As Cousins et al. point out, private commercial wildlife ventures have a range of names, including 'game farms, ranches, reserves, and conservancies - names that often appear to be interchangeable and used according to the owner's preference' (Cousins; Sadler and Evans, 2008:44). Benson offers a useful definition:

> The term 'game ranching' is applied to the management system in South Africa where animals that are managed on private lands either roam freely or are fenced into large pastures and are used as a basis for income. Hunting is the most significant recreational activity of game ranching in South Africa…' (Benson, 1991:498).

Private game reserves are also used for leisure purposes and for ecotourism.

According to Carruthers (2008) colonial settlers assumed that in order for modern agriculture to prosper, the wildlife of Africa should be exterminated to make way for cattle, sheep and goats, and 'throughout Africa in the first half of the twentieth century Agricultural and Game Departments had acted in accordance with this objective' (Carruthers, 2008:160,165). In fact wildlife was considered undesirable competitors for grazing that could be best used to produce domestic livestock (Bothma, 2002:23). However, some farmers in South Africa thought otherwise and provided the property was large enough and the continued presence of antelope did not impact negatively on livestock and other farming operations, it was frequently allowed to remain (Carruthers, 2008:165).

During the twentieth century, conservation efforts worked to 'increase the number of wild herbivores to levels where nonconsumptive use was possible, and even to the point where

consumptive use is necessary' (Carruthers and Pinaar, 1990 cited in Palmer et al., 2006:363). This period coincided with the establishment of state protected areas.

It was only from the 1950s that an unprecedented trend of the proliferation of privately owned game reserves became noticeable (Langholz and Lassoie, 2001; Carruthers, 2008). Ramutsindela explains how the racist private property regime on land was extended to the ownership of wildlife:

> It could be suggested that various forms of wildlife ownership (tenure) do not only follow the same logic of dualism which is found in land ownership, but also differentiate ownership on the basis of race. In other words, the commonalities between land ownership and wildlife ownership go beyond their common attributes as natural resources to include the racial categorization of forms of ownership. Historically, whites in southern Africa who owned land privately extended their private property regime to the ownership of wildlife… (Ramutsindela, 2010:7).

In addition to Ramutsindela's insight referred to above, scholarly debate provides a lens into various explanations for the proliferation of private game farms, ranging from an enabling legal and political environment, to leisure, to monetary gains from the extractive processes such as hunting, to conservation purposes (Muir-Leresche and Nelson, 2000; Krug, 2001; Lindsley et al., 2009). According to Muir-Leresche and Nelson, following the privatization of wildlife management in southern African nations, wildlife tourism on private lands has boomed:

> In the past 50 years Zimbabwe, Namibia and South Africa have altered their legal regimes to give full control over the use of wildlife to private owners of the land on which wildlife is located. Prior to that, private land owners had limited incentives to manage for increased wildlife populations because the state denied them the full opportunity to profit from wildlife production (Muir-Leresche and Nelson, 2000: ii).

The private owners have the authority to determine the timing, place and extent of hunting, viewing or culling of wild game (Muir-Leresche and Nelson, 2000: ii) 'Wildlife was transformed from a burden to an asset for landowners and there was a rapid shift from livestock to game ranching across large areas of southern Africa' (Lindsley et al., 2009:99-100).

Wildlife ranching is often viewed as more profitable than cattle ranching on the semi-arid lands of southern Africa. Proponents argue that it also causes less soil erosion and is generally less environmentally damaging (Muir-Leresche and Nelson, 2000: ii). On the other hand Krug (2001:20) argues that with the exception of some South African provinces and conservancies in Namibia, governments have never actively promoted private conservation and wildlife management. On the contrary, various barrier subsidies exist(ed), undermining private investments in conservation.

According to Krug, the most important factors driving private conservation development are:
- Well defined property rights over land and wildlife resources;
- Farmers have the right to use wildlife and are allowed to trade live game and wildlife products (markets for wildlife resources);
- Wildlife utilisation and wildlife viewing are economically viable due to:
- Strong international demand for wildlife viewing and safari hunting, and
- Strong local demand for venison.

Some state conservationists went the extra mile in driving the proliferation of privately owned game reserves, in particular game farming or ranching. This was noticed in Zululand and Natal from the late 1950s whereby wildlife was 'donated' and translocated from state protected areas (under the then Natal Parks Board) to private land partly as a response to a drought and wildlife population control programmes, which threatened existing protected areas (Kobus, 2007). As Kobus explains:

> Ensuing drought in the late 1950s and the need to control wildlife populations brought about the initiation of the wildlife population control programmes, with night culling being the primary method of control. Game that was captured was translocated to other protected areas and were later made available free of charge to landowners to restock their farms, provided they were able to provide a suitable means of transport for the animals to their farms (Kobus, 2007:19).

Support for wildlife conservation on private land has been particularly strong in KwaZulu-Natal, with protected area managers from official conservation areas initially providing encouragement to land owners by providing excess wildlife for free, and later subsiding wildlife sales and

providing free wildlife management extension services. These measures were largely discontinued once the industry was established in the province (Bothma et al., 2009:158), although Ezemvelo KZN Wildlife's current stewardship programme has similar goals.

In the 1970s, the Natal Parks Board created some momentum for game ranching by restocking farms with excess wildlife from state parks and by providing quality extension services to encourage it (Child, 2009:105). This involved the translocation of wildlife to private land, and therefore simultaneously gave rise to game capturing and ranching industries in Zululand in the late 1960s (Kobus, 2007). One of the products of that time was the Natal Game Ranchers Association (Goodman et al., 2002 in Kobus, 2007:19). Of particular interest for this study is the role of the KZN Hunting and Conservation Association which was established in 1958, initially as a hunting association, which shows that its creation was linked to the proliferation of private game farming in the province.

Hofmeyr (2002) argues that the Natal Parks Board was not the sole player in driving the proliferation of the private wildlife industry in the country. In his article, titled 'South African National Parks as providers of game animals', Hofmeyr claims a similar role for the national conservation agency:

> SANParks has historically made game available for sale for the specific purpose of encouraging the wider distribution of endangered species and in recognition of the important role that the private land-owner played earlier this century and today in conserving indigenous game species. Game is available in three distinct ways: sale, exchange and donations (Hofmeyr, 2002:52).

Carruthers too refers to 'the shared expertise between wildlife management in state-protected areas – especially in the wildlife-rich savanna regions of the then Transvaal – and on private farmland' as a factor promoting the rise of game farming (Carruthers 2008: 161).

After the democratic elections in 1994, the momentum was increased by a number of factors. Wealthy landowners may have declared their lands to be nature conservation areas partly in the hopes of avoiding the government land redistribution scheme (Brinkate, 1996 cited in Langolz

and Lassoie, 2001: 1083). Carruthers explains it in terms of the new international focus on 'conservation and sustainability', as well as pointing out that:

> The political environment in South Africa has also played its part, with the virtual collapse of agriculture owing to closed international markets and an altered agricultural regime without state subsidies, control boards and other organs of state that protected South Africa's white commercial farmers for so many decades (Carruthers, 2008:161).

Cousins, Sadler and Evans (2008:44) have a similar explanation:

> Large-scale conversion of livestock ranches to wildlife ranches (as a result of legislative change and the provision of excess animals from protected areas to private owners) led to numerous species being reintroduced to former domestic livestock farms. In recent years, a combination of forces, such as the decreasing profitability of cattle farming, increased stock theft, and the re-emergence of South Africa into the world community, has resulted in a sector shift to wildlife ranching (Cousins, Sadler and Evans, 2008:44).

It should be noted that this research study is part of a SANPAD-funded research project studying the most recent trend of conversion from conventional farming to game farming in KwaZulu-Natal and Eastern Cape provinces (Brooks et al., 2008, Govender, 2011).

5.5 Conclusion

The main focus in this chapter was to present the historical geographies of both communities under study, tracing their attachment to and detachment from specific places and spaces based on circumstances emanating from their interaction with colonizers and white landowners under various systems of imposed tenure. The first section of the chapter reviewed literature on the developmental dynamics of labour tenancy in colonial Natal as the Zondi community became inextricably linked to this system. The second section reviewed literature on African freehold landownership, later outlawed by the Nationalist government during the 1960s through a process known as 'black spot' removals. The AbeKunene community, a freehold landowning community, was amongst those classified as black spots and was forcibly removed from Boschhoek farm in 1968. Both communities received land settlements under the South African land reform programme that are the subject of this thesis. These settlements and their social and political dynamics are the subject of the next two chapters.

The last section of the chapter traced the proliferation of private game farming in the country, serving to contextualize the wider socio-economic and political environment within which the evolution of game farming occurred – both prior to the democratic era and, more recently, after the 1994 elections (Brooks et al., 2008). We now turn to analysis of the land settlements and the dynamics of the 'community' game farms created as a result of the land reform process.

Chapter 6: Land reform, community game farms and traditional authorities

6.1 Introduction

The research findings presented in this chapter relate to the first two objectives of the study. In conducting the research, it emerged that these objectives are closely intertwined because of the vanguard role played by the traditional authorities in the land claim processes as well as their involvement in post-settlement outcomes. These objectives are: (i) To investigate how the different legal routes taken through the land reform process influenced the nature of the settlement as well as post-settlement outcomes; and (ii) to investigate the extent to which traditional leadership has promoted community game farms created through the land reform process, and the consequences of this involvement. Building on the story already told in Chapter 5, this chapter evaluates the role of the Zondi and Kunene chiefs in land reform, community trusts and community game farming. Both chieftaincies lodged land claims on behalf of their respective communities. These claims have directly or indirectly led to both communities receiving a game farm through the land reform programme. After considering the role of the Zondi chieftaincy in Ngome Community Game Reserve (formerly Bhambatha's Kraal), in both the land claim and subsequent management and operation of Ngome Community Game Reserve, the chapter then turns to Nkosi Kunene and his role in Nqabayamaswazi Game Farm (formerly Kameelkop). A comparison of the two case studies is then presented.

6.2 Summary of legal routes taken in land claims

First however a brief summary of the stories of the Zondi and Kunene communities is provided in table form in relation to their history and how they obtained community game farms. One of the key objectives of this study is to investigate how the different legal routes taken through the land reform process influenced the nature of the settlement as well as post-settlement outcomes. This chapter begins by summarizing the information given in Chapter 5 regarding the trajectory and incorporation of the two communities under study; from a history of forced removals to their recent incorporation into community game farming (see Table 6.1).

Table 6.1 Tracing the geographies of AbeKunene and Zondi communities: From land dispossession to community game farming

	AbeKunene Community	Zondi community 1	Zondi community group 2
	Pre-1994		
Year of land dispossession	1968	1974	1982
Nature of land dispossession	Black spot eviction for homeland consolidation	Private eviction for the conversion from labour tenancy to game farming	Private eviction for the conversion from labour tenancy to game farming
Drivers of land dispossession	The apartheid state	Private land owners	Private land owners
Provision of alternative land	Provided with Relocation Camp	Not provided with Relocation Camp	Not provided with Relocation Camp
	After 1994		
Launching of land claim	1996	1997	1998
Communal Property Association	Boschhoek Community Trust	Ngome Community Land Trust	Izanqawe Trust
Nature of land claim	Restitution claim	Redistribution claim	Labour tenant claim
Type of settlement	Received alternative land in 2005	Received original land in 1997	Received original land in 2007
Resulting land use	Kameelkop (Nqabayamaswazi) Game Farm	Ngome Community Game Reserve	Dismantled Khobotho Game Reserve (See Appendix 1)
Game farming mentor	KZNHCA	KZNHCA	None

This table also provides a reference point for the reader in following the narratives regarding the history of the two communities. Further on in the chapter, timelines for quick reference are also provided summarizing changes in traditional leadership and the actions of the leaders for each community.

Table 6.1 demonstrates that the forced removals of the two communities under study occurred over three decades i.e. from the 1960s to the 1980s. One can safely state that forced removals of people for various reasons occurred in every decade throughout the apartheid era. For the purposes of clarity in Table 6.1, the victims of labour tenant evictions of Ngome are divided into Zondi community 1 and 2, because they occurred at different times (after Bhambatha's Kraal was split into two game farms). Also, Zondi community 2 (from Olivesfontein) was able to lodge a labour tenant claim which Zondi community 1 (from Aangelegen) was not able to do.

Close attention to the dates of settlement of the first two land claims shows that Ngome Community Game Reserve – the redistribution claim - is nine years older than Nqabayamaswazi Game Farm, the restitution claim. This may lead one to assume that success comes with experience, but this is not always the case, as the rest of this thesis will show. Table 6.1 also shows that the AbeKunene land claim took longer to be settled and was settled as alternative land, almost ten years after it was officially lodged. The battle here is one between the powerful state and the poor (Kepe et al., 2003) since the AbeKunene land claim was against the SANDF which still retains their land - Boschhoek farm - for training purposes (see Plate 5.3).

In the case of Ngome community 2, the most recent claim, a different outcome occurred in the trajectory towards community game farming – there was a complete change of land use, as land beneficiaries were given the discretion to dismantle Khobotho game reserve and settle on the land (see Appendix 1). An interesting question is whether the existing community game farms will not perhaps take the Khobotho route in the near future.

The chapter now presents detailed research on the role played by the Zondi and Kunene chiefship in the land claims as well as the establishment of the community game farms/reserves.

Key events involving the Zondi chieftaincy: from land dispossession to the land claim settlement

1995
♦ Nkosi Khulekani Zondi lodges land claim on a series of farms including Bhambatha's kraal game reserve
♦ Land beneficiaries combine grants to purchase the above

1997
♦ Land claim settled in the same year
♦ Bhambatha's kraal renamed Ngome Community Game Reserve

2000
♦ Nkosi Sakhisizwe Zondi installed as chief (iNkosi)
♦ (2000-2002) Nkosi Sakhisizwe Zondi recruits white men to manage Ngome Community Game Reserve
♦ One of the above men was an IFP veteran; Walter Felgate

2003
♦ Nkosi Mbongeleni Zondi dismantles the initial community trust & called for the formation of a new trust
♦ Nkosi Mbongeleni Zondi & the newly formed Ngome Community Land Trust evict game reserve workers who survived the 1974 labour tenant eviction (see Plate 11)

2009
♦ Nkosi Mbongeleni Zondi murdered in Umlazi, Durban early in the same year
♦ New fence erection and extention of Ngome Community Game Reserve begins

2011
♦ New chief nor regent not yet installed

1974
♦ Labour tenant eviction for private game farming (Bhambatha's kraal game reserve)
♦ The Zondi chief was not part of the eviction: as traditional leaders governed outside privately owned land

1998
♦ Nkosi Khulekani Zondi passes on early in the same year
♦ Mr Mzila becomes a regent

2002
♦ Nkosi Sakhisizwe Zondi passes on
♦ Mr Mzila becomes a regent again
♦ Nkosi Mbongeleni Zondi installed as chief later in the year 2002 or early 2003

2004
♦ Nkosi Mbongeleni Zondi an instrumental figure as the construction of new lodge & conference centre begins

2010
♦ Construction of new lodge & conference centre concludes (see Plate 12)
♦ New fence erection and extention of Ngome Community Game Reserve concluded

1974   1995-1997   1998   2000   2002   2003   2004   2009   2010   2011

Figure 6.1

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6.3 The Zondi chieftaincy and the Ngome Community Game Reserve
The land claim that marked the beginning of Ngome Community Game Reserve was settled in 1997 (see Figure 6.1 for a timeline). From that time until the present, the Zondis have had three successive chiefs who have all passed on. Nkosi Khulekani Zondi passed on in 1998, Nkosi Sakhisizwe Zondi in 2002, and Nkosi Mbongeleni Zondi in 2009 (see Figure 6.1 for a timeline). This section of the chapter provides a brief overview and critical evaluation of the role of each chief in turn, with emphasis on the land claim and Ngome Community Game Reserve.

Nkosi Khulekani Zondi was at the forefront of a land claim that led to the Zondi community being granted a series of farms including the private game reserve Bhambatha's Kraal, which was renamed Ngome Community Game Reserve after the transfer. Nkosi Khulekani Zondi passed on a few months after the land claim had been settled in December 1997. It is crucial to note that the farm was transferred to the 'Zondi community' through the land redistribution route (as opposed to restitution or a labour tenant claim).

The process is described by a former DLA Project Officer who worked with the Zondi community on the land claim process. He describes the process that led to the community being granted a series of farms, including Bhambatha's Kraal private game reserve.

> He [Nkosi Khulekani Zondi lodged two things, he lodged the land claim and at the same time he lodged an urgent redistribution application to say: 'There are people here who are in desperate need for land'... I moved in from when Khulekani had registered a land need on behalf of a hundred families or whatever - it was urgently needed land. Once we got going, those hundred families turned into five hundred by the way. That was also before my day.

> So, he [Nkosi Khulekani Zondi] went to the Department and said: 'There's a whole lot of people here. Our land was taken away. The result is that people are very cramped and people don't have access to land to live on. They have no access to land for water, grazing or anything. We urgently need land. I've lodged a land claim to say, under the Restitution Act you need to resolve, but in the meantime can't you help us to get some land?'... I inherited [the project] when there had been some negotiations with some land

owners in the area to buy land urgently for those families to settle on. They were settling in according to *isigodi*, historically they knew where they were from - those were the main people that needed help.

So, that was Khulekani, that's when I knew him, with him I resolved the issue of urgent land settlement. It happened in that the initial two properties for the Ngome Community Game Reserve were bought. He knew those two land owners quite well. The relationship was complicated because people historically always believed that was their land, in which they were right. But he said: 'No, look, we'll keep this as a game reserve, let us have a positive relationship in terms of environmental conservation and also maybe we can earn an income from these farms'. So, that was the purpose of that claim, that application. It was after that, that he then passed away, but it was right at when I was leaving the project, I attended the funeral. But really, my work there was finished (Former DLA Project Officer, October 2010).

Nkosi Khulekani Zondi thus first lodged a land restitution claim which was slow, and was therefore advised by the DLA to opt for a redistribution application in order to fast-track the process. The application had a strong restitution element to it as the farms were identified due to the historical attachment by the dispossessed Zondi people (DLA in Zondi, 1998: 135). Cabinet Memorandum No. 11 of 1997 (4.2), noted that priority should be given in the redistribution programme to a person who has been 'dispossessed of their land but who does not have a claim in terms of the Restitution of Land Rights Act of 1994' (DLA in Zondi, 1998: 135). The Zondi claim succeeded under this provision.

A community member described Nkosi Khulekani Zondi's involvement as follows:
> The chief became involved when the game reserve was sold, when ownership was transferred to the chief because he was in charge of the community. The chief then put people who would work for him [i.e. manage the reserve]. Because of the lack of knowledge about game reserves, *abelungu* then worked for him. But after some time *abelungu* left because they did not treat each other very well … they were *abelungu* that were under the chief and worked for him. He was in charge. Even though they knew the

job, they still had to report to the chief. When a*belungu* left, the chief managed the game reserve together with other stakeholders in the wildlife sector (Zondi community member, June 2010).

Nkosi Khulekani Zondi was at the vanguard of the land claim, but was not himself a member of the land holding Trust that was established after the land claim had been settled. By doing so, he wanted to be outside of the Trust for its autonomy, as required by the CPA Act, although he was its founder. This move by the chief presents a case which is different to the 'normal' situation whereby chiefs are elected or become chairpersons of Communal Property Associations (CPAs) or Community Trusts. According to the DLA Project Officer:

> He [Nkosi Khulekani Zondi] was a young guy, he was very understanding, and we had a very constructive relationship with him. He was not part of the Trust at the time. He lived on a private farm. He didn't live in the valley; he lived, not on his own farm, but somebody else's farm. He was very humble and he was outside of the Trust that had been set up - the land-owning Trust. Basically his argument was that, if he's a part of the Trust and there are problems, disputes between members, he is part of that problem. Actually he's outside of it and he is recognised as a community leader. The Trust can come to him with problems, and then he can intervene as an independent leadership figure. And that was an important difference, because in a lot of other projects the Amakhosi were then the chairpersons of the Trust and it got complicated because there were those roles. And once there were disputes within those Trust structures, it was hard to get someone else to mediate. The chief of that time was completely separate to it, and is the founder - I think in the Trust he had said he is the founder of the Trust but he is not a Trustee. He was not a Trustee. And he was often present in the discussion, but he wouldn't have voting rights, and people would refer to him for guidance (Former DLA Project Officer, October 2010).

On paper, the role of the chief in relation to the Trust and the project as a whole is clearly defined in the settlement agreement. The chief 'is not a Trustee, but his role and position as traditional leader of the community was identified and established' (DLA in Zondi, 1998:133). That is, 'The community consists of a Trust that conforms to the principles set out in the Communal Property Associations Act, 1996 (No 28 of 1996) ... The land will be held

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communally, in the name of Ngome Community Land Trust, the Trust specifically states that all members will have security of tenure' (DLA in Zondi, 1998:140).

As will be shown below, however, the situation on the ground has turned out very differently. The Ngome Community Land Trust, which was founded as a CPA on democratic principles advocated by the former DLA (Oomen, 2005), is being over-powered by the Zondi traditional authority – despite the fact that it 'legally' has more power over the community game reserve as it is entrusted with its ownership rights. This trend appears to have begun after the death of Nkosi Khulekani Zondi.

> He [Nkosi Khulekani Zondi] passed on as soon as he signed the documents. He was succeeded by Sakhisizwe Zondi. Sakhisizwe Zondi was succeeded by the chief [Mbongeleni Zondi] that recently passed on. But the one who signed for the return of the land was Khulekani Zondi (Vice-Chairman of the dismantled Trust, June 2010).

Despite Nkosi Khulekani Zondi's efforts to remain neutral on the community trust, the fact that he signed the legal documents (title deeds) that confirmed the transfer of land to the community is surely attributable to the lack of a sense of ownership over the community game farm on the part of land beneficiaries. Based on the above quotes from a former DLA Project Officer and Zondi community member, it is also clear that after the land claim had been settled, Nkosi Khulekani Zondi became an instrumental figure in convincing the Zondi community about the possibility of community game farming as a viable land use option – i.e. that the game farm needed to be kept as such for the benefit of the community. A general understanding amongst land beneficiaries in both communities under study is that the community game farm/reserve belongs to iNkosi.

From interviews, it appears that Nkosi Khulekani Zondi actually promoted both the game reserve and crop cultivation, and had plans to divide the beneficiated land into two parts, i.e. wildlife (the community game reserve) and crop cultivation. His thinking was based on knowledge of the availability of water drawn from boreholes constructed by the previous owner. Nkosi Khulekani Zondi also invited one of the returnee households to settle on the game reserve in order to safeguard the vacated farmhouse from vandalism. In the future, after the death of Nkosi

Khulekani Zondi, this was to create hostility between this household and the community game reserve authorities. It appears that this particular household belonged to an *induna* under the Zondi Traditional Authority, but it remains unclear whether the position of *induna* had any influence in the decision on the part of Nkosi Khulekani Zondi to invite this particular household into the community game reserve.

After Nkosi Khulekani Zondi's passing in 1998, Mr Mzila, a senior member of the then Zondi Traditional Authority and Ngome Community Land Trust, was installed as a regent and remained in that position until the coronation of Nkosi Sakhiziwe Zondi in 2000 (see Figure 6.1 for a timeline). This is elaborated further by the following quotes from interviews. According to the former DLA Project Officer:

> He [Nkosi Khulekani Zondi] was a very interesting young man, and he passed away. And then [we had] an old man, who has also passed away, Mzila. He was installed as a regent whilst the iNkosi was being selected and he was a much more interventionist old man. We got on well with him, I mean well enough. His relationship was much more direct; he was a member of the Trust already at that point. And then I lost contact with that community, my role was complete, we had purchased those farms and people have moved on (Former DLA Project Officer, October 2010).

The period of the regent, Mr Mzila, coincided with serious transformations in Ngome Community Game Reserve. By now, the previous game reserve manager of Bhambatha's Kraal had been reconstituted as a Training Consultant for Ngome Community Game Reserve, appointed by DLA. During an interview with the former Training Consultant, the latter confirmed that the Zondi community was without a chief when he worked there from 1998 to late '1999 or early 2000' (Former Training Consultant, November 2010).

It seems the next chief, Nkosi Sakhisizwe Zondi, took office after the Training Consultant's departure. Nkosi Sakhisizwe Zondi acted vigorously in relation to developing Ngome Community Game Reserve, especially after the Training Consultant resigned. Nkosi Sakhisizwe Zondi made an initiative to get white 'advisors' on board (including former IFP member of parliament Walter Felgate) to manage Ngome Community Game Reserve. Most likely this

happened due to the Training Consultant's departure and the need for new management of the reserve. Felgate and Nkosi Sakhisizwe Zondi would likely have been acquainted due to their party commitments. A member of the first community trust (later dismantled, as will be described below) said:

> The game reserve needed development. So what Sakhisizwe did was, he attracted two *abelungu* known as Piet Nel and Walter Felgate. We worked with them, and clients would come etc. After that they said hunting is not productive enough. They recommended tourist attraction. So they wrote all that down and filed the documents. After that they built a hotel. But soon after that, chief Sakhisizwe passed on. So Walter Felgate and associate continued… (Vice-Chairman of the dismantled Trust, June 2010).

Unfortunately, one of the two men, Walter Felgate, the former IFP member of parliament, was entangled in allegations of corruption and theft of community funds which led to the demotion of the first community Trust in 2003. This action was taken by Nkosi Mbongeleni Zondi, the third chief in this story, who succeeded Nkosi Sakhisizwe Zondi. Nkosi Sakhisizwe Zondi lived only three years after succeeding to the chiefship (see Figure 6.1).

After his coronation Nkosi Mbongeleni Zondi decided to address the matter of the three *imizi* that 'survived' the labour tenant eviction of 1974 as well as the fourth household that was invited to stay inside the game reserve by Nkosi Khulekani Zondi. These households were evicted in 2003. It is ironic that the four remaining households in the game reserve were evicted in 2003 by their own Trust and chief (see Plate 6.1).

Of the first three households, two agreed to leave the reserve, while the third, more resistant household, was evicted with the assistance of the South African Police Services (SAPS). The fourth household was strategically alienated from the community game reserve by new fencing.

Plate 6.1: Forced removals at Ngome Community Game Reserve in the democratic era

The motive behind such evictions was, of course, the old 'nature conservation' theme that people cannot co-exist with wildlife - a common understanding with regards to the world wide phenomena of forced removals for nature conservation. Such actions by Nkosi Mbongeleni Zondi are unfortunate in the democratic era and represent a case whereby the history of forced removals seems to repeat itself. As researchers note:

> Both the number of evictions and the total number of people displaced from farms was greater in the period 1994-2004 (the first decade of democracy) than in the last decade of apartheid. The introduction of ESTA (in 1997) would appear to have brought no respite. Indeed, 2003 was the third worst year for evictions over the 20-year period, exceeded only by 1984 and 1982, both years of exceptional drought that impacted severely on the agricultural sector. Two-thirds of evictions were related with the others rising from disputes between owners and occupiers (Lahiff, 2009: 104-5).

> Illegal evictions in one province, KwaZulu-Natal, have been reported to outnumber legal evictions by 20 to 1 (Boudreax, 2010: 17).

It is noteworthy that the above estimates are in relation to evictions of farm dwellers from commercial farms. Such farm dwellers also managed to retain their labour tenancy into the democratic era. The final eviction of households from Ngome Community Game Reserve in

2003 presents a different case of new forced removals for nature conservation and adds to the number of cases of farm evictions in the democratic era, particularly those orchestrated by black people against fellow black people (Ramutsindela, 2007a).

After forcing the disbandment of the original trust, a new trust was then established in 2004 and the construction of a new lodge and conference center to the value of R7.6 million continued in courtesy of Tourism KZN and was finalised in 2010 (see Plate 7.1 & 7.2).

Deducing from the above, Nkosi Mbongeleni Zondi was deeply involved in developmental issues of Ngome Community Game Reserve as he managed to dismantle the first Ngome Community Land Trust and establish a new one in 2004. Due to the corruption allegations linked with the first trust, the creation of the new trust facilitated a release of funds by Tourism KZN which were instrumental in the construction of a new lodge and conference center (see Figure 6.1). (Just before this research project began, Nkosi Mbongeleni Zondi was killed in Umlazi, Durban, and thus the Zondis are again without a chief).

The erection of the new fence and extension of Ngome Community Game Reserve in which Nkosi Mbongeleni Zondi was instrumental has raised serious concerns amongst members of the Zondi community, particularly because the new boundary of Ngome Community Game Reserve interferes with their grazing land, water and firewood resources. Nkosi Mbongeleni Zondi is often quoted by community members as the culprit in the matter of the new fence erection. In a striking quotation from an interview, this transition was described as a transition from Ngome being a *community* game reserve, to being a *traditional authority* game reserve:

> You see, that was not negotiated, we just saw the fence. That is because they changed the condition of the game reserve from being a community game reserve to a traditional authority game reserve. It is the traditional authority that governs here, not the [land] beneficiaries - the owners of the land are not governing. The owners of the land are ill-treated by being oppressed by the traditional authority - that is why things are the way they are. The chairman of the Trust is involved with the traditional authority. That is why he was unable to convene a meeting with the land beneficiaries to explain what is going on. The law says the Trust must convene a meeting on a specific date and engage the

community, so that the beneficiaries can express their views, in order for us to develop this [the game reserve]. That all came to an end when we came out of office, and the game reserve was later managed by the traditional authority. This was done by the chief that recently passed on (Member of the dismantled Trust, June 2010).

The above is an extract from an interview with a member of the dismantled Trust who feels dismayed by the new fence erection and extension of Ngome Community Game Reserve, which he feels was done by Nkosi Mbongeleni Zondi who was also instrumental in dismantling the first land holding trust. The respondent views this as an imposition of power of the Zondi Traditional Authority over Ngome Community Game Reserve. This is indeed in contrast with the initial agreement based on the CPA Act, which defines the role of the chief in relation to the Trust as that of customary leader not a major role player (DLA in Zondi, 1998).

When questioned about this, other community members did not feel that Nkosi Mbongeleni Zondi had much of a role in Ngome Community Game Reserve, besides occasionally visiting for leisure purposes:

> No, he played no role. Because if we were really given the land back, then he [Nkosi] would have closed down the game reserve (Zondi community member, June 2010).

> *The research assistant added:* I can clearly state that uNdabezitha [the chief] had no role in the game reserve, besides going there for a braai. He was not that much involved in the game reserve. He went there to do his own things. He went there as a guest, the same manner anyone can stay at a hotel (Zondi community member, June 2010).

> *A third respondent noted:* You see, the law set by *abantu* tends to be difficult. Most of the time *umuntu* [indirect reference to the chief] does not do things transparently - he wants to be the only one benefiting. You see, cattle are not allowed to graze in the game reserve - but the chief's cattle have access inside the game reserve. But ours are not allowed in (Zondi community member, June 2010).

Plate 6.2: Cattle owned by Zondi chieftaincy in Ngome Community Game Reserve

Community members have not been complacent about the above issues; some claim to have raised their concerns (particularly about the new fence erection) with the chief in community meetings before his death. He had promised them that he would look into the matter, and guaranteed that their water and firewood resources would not be interfered with. But things turned out differently after the chief was killed in January 2009.

> We once had a meeting, and Ndabezitha [the chief] was there, and I raised a point about the water - I said that I heard that the river will be fenced off, and I asked him where are we going to get the water from? Ndabezitha said, 'Don't worry Ma, the river will not be fenced off'. But at the end it was fenced off. But what can one say because this was done after his passing. Ndabezitha had already passed on when they erected the fence, but people that were present at this meeting can confirm that I did raise this particular point about water, because I had been informed by my sources that the new fence would be erected (Zondi community member, June 2010).

Other community members are not sure about the exact nature of the chief's role but tend to blame the Ngome Community Land Trust.

He had a role. Even with the new fencing, they erected the new fence after his passing, but claim that he had already signed for its erection. I remember the day we had a meeting at the school, and he reported that there is *umlungu* [white person] that has donated some fencing for the game reserve. We then asked what would happen to the water when the game reserve is fenced off. He said, 'we'll see what we can do about the water'. We were then grateful and thought everything was okay. When he had passed on, no one considered us, they just closed up [the game reserve]. When we try to raise that, no one seems to care: as you can see, the place is closed. The chief played his role because he listened to people that came to him. He would understand and did what you requested him to do. Even with our settlement here - if he were chief then, probably we would have got a place inside the game reserve (Zondi community member, June 2010).

Although some community members claim they were not consulted about the new fence erection, some were present at a meeting where the new game reserve fence was on the agenda. They then queried the new fence erection, afraid that it would 'fence off' their grazing land, water and firewood resources. Nkosi Mbongeleni Zondi appeared to listen to their concerns, but after his death the Trust went ahead with the fencing, claiming that Nkosi Mbongeleni Zondi had already signed for the new fence erection before his passing. In that regard most community members, at least those living close to Ngome Community Game Reserve, are generally unhappy about the new fence erection.

The Zondi community remains divided on the viability of community game farming as a viable land use option. Such divisions were further polarised by the new fence erection which increased the land within the boundaries of Ngome Community Game Reserve, taking away with it the community's grazing land, water and firewood resources. Some community members blame the chief and claim that they were not consulted when these decisions were taken. The situation was aggravated by the unfairness shown by the Zondi Traditional Authority whereby its cattle are permitted to graze inside the game reserve while the rest of the community cannot do the same (see Plate 6.2).

Another problem is that construction on the lodge has halted. As an Ngome Community Game Reserve staff member explained:

> Things were looking good when the chief [Nkosi Mbongeleni Zondi] was still alive - the lodge was then being constructed and was later finished off, because it was half done before. And then they said they are waiting for the furniture to arrive, so that work could continue. But things came to a halt with the chief's passing…You see, the funders that fund this place are sceptical about funding us anymore because the head of the community is no longer with us. It would have been better if there was already a new chief. People from Tourism [KZN] had promised to provide us with furniture, but I think they are aware that there is no chief and are therefore sceptical. The new chief has not been crowned yet – they [the traditional authority] are still in negotiations about the successor to the throne. Everything is at a halt, and I think that is what is holding us back. It was better when the chief was still alive because he was the one representing this place (Ngome Community Game Reserve Staff member, August 2010).

Plate 6.3: Deteriorating infrastructure in Ngome Community Game Reserve

At the time of writing in 2011, the Ngome Community Game Reserve was still at an impasse, and most stakeholders including the Zondi community, developers, government and researchers curiously wait for the coronation of the new chief to see what role he might have. Should the situation be left in its current state, then the future is bleak, as there are already signs of deterioration of infrastructure to the cost of R7.6 million. The above photograph (see Plate 6.3)

was taken on 7 August 2010. Sights like these will shatter the hopes of almost anyone concerned with rural development, and also leave one to wonder why proactive measures are not being undertaken. Everyone awaits resolution of the succession issue, while Ngome Community Game Reserve slowly deteriorates.

6.3.1 A different outcome? Khobotho private game reserve

As described in Chapter 5, an interesting contrast is provided by the labour tenant claim on the neighbouring Khobotho private game reserve. In Khobotho, a different legal route was taken which reduced the chief's involvement as advised by the DLA. In this case, the land was returned to the labour tenants who had been relocated from the farm, including those that were chosen to stay behind for their labour. The Khobotho case has a very different outcome from that at the neighbouring Ngome Community Game Reserve. Because the government was not prepared to pay for the game, the landowner shot the game he owned prior to the handover. Khobotho private game ranch was dismantled and some of the land beneficiaries have already settled on the former game ranch/reserve. A photographic representation of the Khobotho story has been compiled by the researcher and incorporated into this thesis as a poster (Appendix 1).

6.3.2 Reflections on the outcome – Zondi chieftaincy

In hindsight the vanguard role of iNkosi in land reform leading to the Zondi community owning a private game reserve speaks to the move on the part of the chief to use land reform to reignite his power and political jurisdiction. The Zondi chief was not directly involved in the labour tenant eviction of 1974 to make way for game farming, because during the colonial and apartheid eras he was not involved in private land matters outside the Zondi Traditional Authority (see Figure 6.1). As shown in Chapter Five, prior to its conversion to private game farming 37 years ago, what is known as Ngome Community Game Reserve today was a labour (tenant) farm - part of *isithupha system* in the lower 'thornveld' region of Natal. After its conversion to game farming in 1974 the chief was still unrecognised by the white private land owners and labour tenants did not fall under chiefly jurisdiction. A community member explains:

> During that time the chief was not involved in the game reserve. It was a deal amongst *amabhunu* [the white farmers]. If they didn't want something - that was the end of the story - one could not report to the chief (Zondi community member, June 2010).

This was the case because historically the labour tenant system has been autonomous of chiefly authority. Some commentators even point out that labour tenancy provided some form of emancipation for Africans from chiefly control, particularly from forced labour (*isibalo*) sometimes commanded by the chief on behalf of the Natal colonial government (McClendon, 1995; Brooks, 1996; Guy, 2005). After the Bhambatha rebellion, the Zondi chief ruled over the Zondi community within the KwaZulu homeland system and not on private land in white hands.

However, it is noteworthy that regardless of such imposed divisions amongst Africans as a result of direct interaction with the Natal colonial government and white farmers, labour tenants still owed informal allegiance to their chief and broader Zondi community although they had no legal obligations to the chief during the colonial and apartheid eras. This was the case even before the Bambatha rebellion, according to Jeff Guy: 'Bhambatha kaMancinza was a chief in the area and most of his people lived as tenants on settler farms' (Guy, 2005:25). That is the case even today: in KZN chiefs are still recognised and respected by their 'subjects', even though there are signs with dissatisfaction with the institution of traditional leadership as this chapter has shown.

The land redistribution programme enabled the Zondi community and their chief to rally behind a series of land claims including the two game reserves. Such land claims are geographically outside the Zondi Traditional Authority jurisdictional area and were lodged against farms in private hands. But since the Bhambatha's kraal land claim has been settled, a general feeling amongst community members is that the game reserve belongs to the Zondi chieftaincy even though it was renamed Ngome Community Game Reserve. This view is partly shaped by the lead role of Nkosi Khulekani Zondi in the land claim, including his signature that confirmed the return of the land, as well as subsequent 'developmental' roles played by him and his successors in Ngome Community Game Reserve.

The historical geography of the Zondi community is crucial in order to understand and explain this institutional and spatial clash. McClendon offers a clue to this in his argument that historically, 'political segregation re-emphasised the role of chiefs and customary law into the lives of labor tenants who lived in the world of overlapping authorities: homestead heads, traditional leaders, farmers and the state' (McClendon, 1995:5).

In sum, the Zondi community does not have a sense of ownership over Ngome Community Game Reserve, and are of the view that it belongs to the Zondi Traditional Authority although the area is managed by an elected Ngome Community Land Trust. This shows that the Trust which was founded on democratic principles of the CPA advocated by DLA is being over-powered by the traditional authority - even though it legally has more power over the community game reserve as it is entrusted with its ownership rights.

The legacy of such a history and its continuities (Hebinck, Fay and Kondlo, 2011) is too narrowly understood in the land reform programme, regardless of its obvious and subtle social, political and spatial implications. There is not much difference between the above historical quote (McClendon, 1995:5) and the contemporary situation for the former labour tenants of Ngome, besides the erosion of labour tenancy and the rhetorical replacement of traditional leaders with CPAs. Other than that, the former labour tenants of Ngome continue to be entangled in boundary disputes with their 'superiors' who have now changed their costumes.

6.4 The Kunene chieftaincy and Kameelkop (Nqabayamaswazi) game farm
Discussion now turns to the role of the Kunene chieftaincy in the land claim that resulted in the formation of the Boschhoek Community Trust and Kameelkop community game farm (now renamed Nqabayamaswazi Game Farm). As described in Chapter 5, Nkosi Inca Kunene (the father of the current chief, Nkosi Siphiwe Kunene) was part of the 1968 black spot removal of this Amakholwa community. While he attempted to resist, this failed leading to the forced removal of the AbeKunene from Boschhoek, the farm they owned (*Ilanga*, 24 August 1968).

Nkosi Inca Kunene and prominent men within the AbeKunene community did not give up the fight for their lost land since their removal in 1968. They organised themselves to exhaust every possible avenue for the return of the lost land during the apartheid era, and later through a local NGO, the Association for Rural Advancement (AFRA) in the 1980s.

Nkosi Siphiwe Kunene succeeded his father in 1989, inheriting the lead role for the return of the lost land. He officially lodged the land claim in 1996 on behalf of the AbeKunene community (see Figure 6.2).

Key events involving the AbeKunene chieftaincy: from land dispossession to the land claim settlement

1968
♦ Nkosi Inca Kunene forcibly removed with AbeKunene community from Boschhoek

♦ The black spot removal was published in Ilanga newspaper (24/08/1968)

♦ Nkosi Inca Kunene struggle with failure to return to Boschhoek, appealed to AFRA for assistance

1989
♦ Nkosi Siphiwe Kunene succeeds his father and bequeaths forefront role in the struggle to return to Boschhoek

♦ (1989-1996) Nkosi Siphiwe Kunene reconnects with AFRA leading to the land claim

1996
♦ Land claim officially lodged by Nkosi Siphiwe Kunene in his capacity as chief and chairperson of community trust

2005
♦ Land claim settled as alternative / compensatory land almost a decade after being lodged

♦ AbeKunene received Kameelkop Game Farm and adjacent Kuickvlei farm in compensation for Boschhoek

♦ Nkosi Kunene re-elected as chairperson of Boschhoek Community Trust

♦ New era of community wildlife management (based on CBC ideology)

2006
♦ Boschhoek Community Trust approach KZNHCA for a management agreement signed on the same year

2010
♦ Boschhoek Community Trust renames Kameelkop game farm to Nqabayamaswazi Game Farm
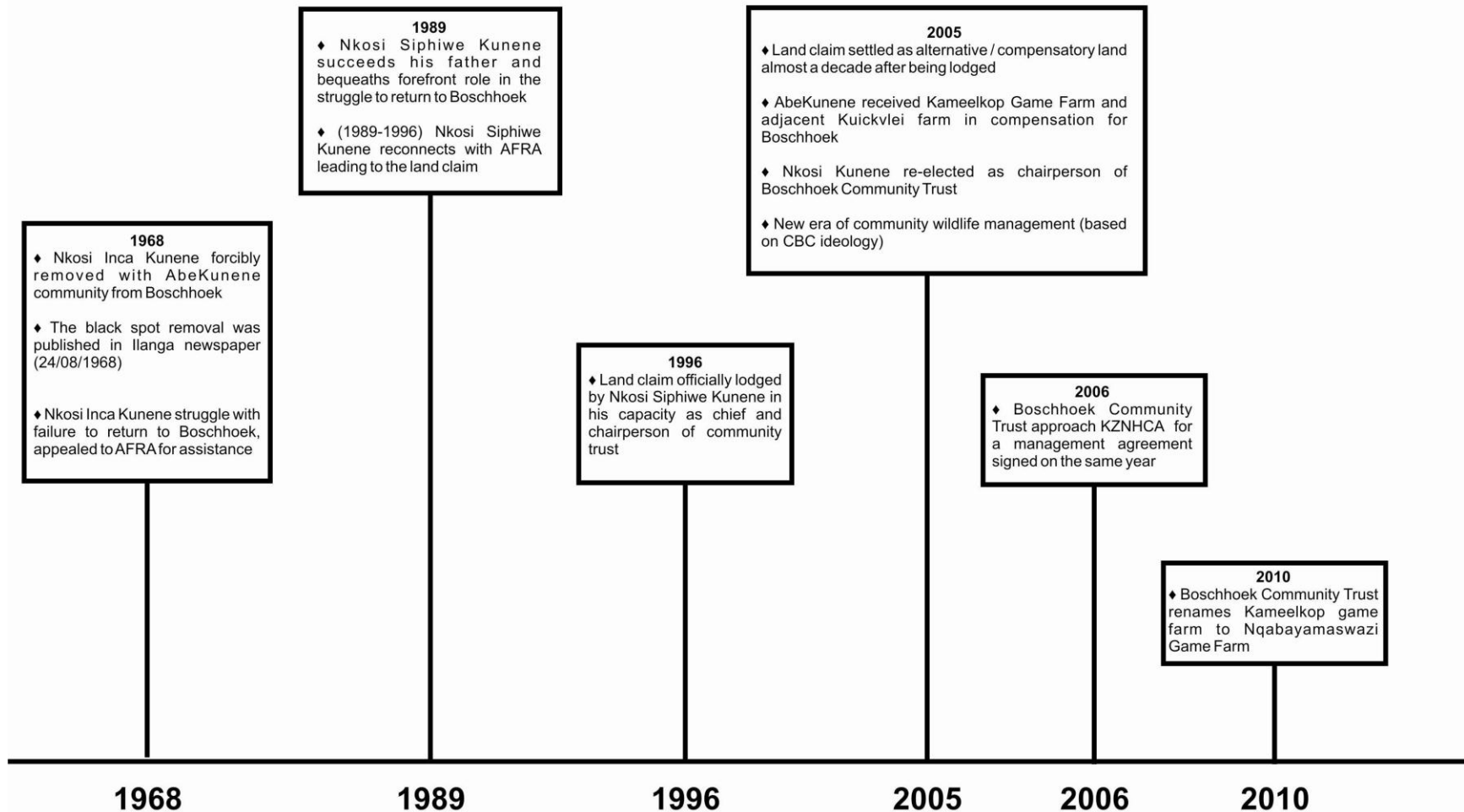
1968   1989   1996   2005   2006   2010

Figure 6.2

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In lodging the land claim, Nkosi Kunene acted within community trusts that have been formed and reformed over time; as such organization was not new for Amakholwa. A new trust, the Boschhoek Community Trust, was formed again when the AbeKunene land claim was settled as alternative land in 2005, almost a decade after it was officially lodged. Nkosi Kunene was re-elected as chairperson of the Trust, a position he maintains until the present day.

Nkosi Kunene presents himself as a great supporter of community trusts and democratic decision-making. The following quote from an interview with iNkosi explains his role from his point of view:

> What we did was, we fought for the return of the land as a community. As iNkosi I had to play a vanguard role, to lodge the land claim and speak on behalf of people, based on our history - where we are originally from. I spoke on behalf of the people, based also on the Trusts, in order to ensure continuity - they know my father, grandmother and grandfather. We had a good relationship with people, and they trusted me, as a result we did not have any competing claims on the same area. In other cases of land claims, a certain community will rise to make an application of a competing land claim based on the same area. In some cases this is done by certain community organizations, be it farming associations or the like. Ours was a different case because we have one leader and therefore we did not have any competing land claims. That worked for us. And I believe that the Land Claims Commission saw that we are an organized community, because we were not divided in our land claim - they then assisted us.

> Another thing that has been of great help is that people said that the land should be governed in the same manner as it was done in Boschhoek. The land was governed by Trusts and iNkosi was the chairperson. When we got the land, people were hopeful that things will remain as they were in terms of the governance of land, and that they will have a role in it, as it was in the past, and that nothing will change in terms of Trust membership and land administration, because it is the same iNkosi and Trusts. Our land was governed by seven Trusts, plus iNkosi as a chairperson. When we received [compensatory] land, we said we are going to apply the same system and registered the Trust with the Land Claims Commission which assisted us to register the Trust. When we

got the land back, it was governed by the Trust the same way it was done in Boschhoek - that was very helpful. As iNkosi, I am there as a chairperson, not as a sole Trustee in governing the land, so we maintained the status quo as it was done in the past. That really assisted us in maintaining order and keeping opportunists away, because in some cases opportunists see a gap to do things their own way. [Due to] the fact that we have one Trust that was elected by the people, we did not have such problems (Nkosi S.S. Kunene, July 2010).

Nkosi Kunene was at the forefront of the land claim that was lodged in 1996 and settled in 2005 by way of alternative/compensatory land which led to the granting of Kameelkop Game Farm to the AbeKunene community. When the land claim was settled, the Boschhoek Community Trust was elected to govern the land, with Nkosi Kunene as the chairperson. This arrangement was adopted from the way land administration was done in the past, when the AbeKunene community still lived in Boschhoek, before their forced removal in 1968. By virtue of being referred to as the Boschhoek Community Trust (despite Boschhoek itself not having been returned), this refers directly to the legacy of the black spot removal and the community's attachment to their original place, Boschhoek farm.

Nkosi Kunene elaborates on the election and formation of Boschhoek Community Trust:

It has become common practice that people are keen on their own elected representatives. That really helped, because people are keen for something of their own creation - the Trusts. The Trust was elected by the community. Since we have Trusts, people have no fear that iNkosi might sell the land one day, for instance, when someone bribes me as iNkosi to sell the land. That makes people to be confident that the land will not be abused, and iNkosi will not abuse his rights. Number two; the Trusts are elected after every five years. Therefore people are generally interested in the performance of the Trust and if the Trust does not perform well, then they will elect another one. It's almost like they are put in a spotlight, people keep a watchful eye on them, and if they fail they will be replaced by a new Trust (Nkosi S.S Kunene, July 2010).

By being at the vanguard of the land claim, Nkosi Kunene (in his capacity as chairperson of the Trust) was following in his father's footsteps who had attempted to resist the black spot removal

of 1968 and made attempts to get the land back by seeking assistance from AFRA (see the timeline, Figure 6.2).

This level of organisation and preparedness is attributable to the fact that the AbeKunene form part of a wider Amakholwa community who have historically been amongst the most educated groups of Africans due to their missionary schooling backgrounds. As Hart (2002) notes:

> Many present and former land owners in freehold areas - including many of those claiming restitution of land rights - are descendants of a highly educated and frequently quite prosperous agricultural and trading class that emerged in the second half of the nineteenth century (Hart, 2002:64).

In addition, Nkosi Kunene holds a Diploma in Education from the University of Zululand and is currently registered for a Masters degree in Governance and Political Transformation at the University of the Free State, which puts him in the position of being a modernist chief. This kind of chief is described by LiPuma and Koeble (2009) as follows:

> At one pole, we find a group of modernists, many of whom have college and post-graduate degrees. Their aim is to transform an institution whose legitimacy stems from its assertion of deep historical roots in what is, from the historical perspective, an imagined colonial past ... To do so, they are drawing upon legislation to fulfil the democratic norms by encouraging the installation of female chiefs, electing women into local councils, having youth representatives in village deliberations (LiPuma and Koeble, 2009:211).

During the interview, iNkosi was asked about his view on the issue of education amongst Amakhosi and he had this to say:

> The workshops that we attend from time to time are very helpful - workshops on human rights and conflict management. Education is so important and has great influence. But *Amakhosi* do govern without having gone through the formal education system, because *Ubukhosi* [chieftaincy] is a divine gift from God. But it should not end there because knowledge is forever developing ... Education is very important. I was lucky in that I had an opportunity to study, but others were not as fortunate, but they make sure that their children do get that opportunity (Nkosi Kunene, July 2010).

At the same time, the AbeKunene community remains divided when it comes to accepting alternative land, and those who are dissatisfied have done something about it - as they have approached AFRA and the former Department of Land Affairs (Ngubane, 2010). Comments like the following were made, not publicly, but behind the chief's back. Some people blame the chief for accepting the alternative land:

> The chief is quite young, he does not know that place [Boschhoek]. He does not know its history nor the way of life for its people. And he does not understand what we are yearning for. He is young, he does not know that place. What we want is for *abathengi* [descendants of those who contributed money in purchasing Boschhoek in 1870] to be given their title deeds back (AbeKunene community member, July 2009).

This quote suggests that age plays a major if not a driving role in shaping various attitudes towards space and place on the part of individuals within the community. Because he is younger, the chief has little emotional attachment to Boschhoek, probably because he did not grow up there. The chief is well aware of the forced removal and he fully understands the restitution programme that led to his community receiving alternative land. Like any 'civil' person he remains in compliance with the agreement to alternative land. This is the angle upon which the chief receives criticism from some members of the community. During the interview, iNkosi acknowledged this point of contention and was not very happy about it:

> There was a difficult man who claimed that he did not want alternative land. He wanted to return to the original place [Boschhoek], and when told about the bombs in that place he said he does not mind being blown up by bombs - all he wanted was his forefathers' land. He approached AFRA, and being difficult as he was, was entertained and listened to by them. He even approached the Land Claims Commission, who were later tired of him. That man was very difficult and went to every department. He could have put us into trouble because he knew which department to go to. His problem was that he was not funded by community funds, he was self-funded (Nkosi S.S Kunene, July 2010).

Now attention will move towards the role of iNkosi as Chairperson of the Boschhoek Community Trust governing over Nqabayamaswazi Game Farm. It is clear that he played a lead role in 'converting' the community to game farming.

Game farming was new to us, but we were very much interested [in business], and that interest was attributable to the fact that when we lodged the land claim we had agreed to make the land profitable once the land claim had been settled. That was so because we had realised it would be a viable way for income generation given the lack of job opportunities in urban areas. The government was also preaching that people should stand up for their own initiative. What we had in mind was that we would grow mealies and fruit because we knew the area [Boschhoek] was good in producing peaches. We had plans of livestock farming as well. We were business-minded from the beginning. When we received the game farm, we received a well organised business, and we did not have to start from scratch - erection of the boundary fence, etc. Everything was there, animals were there, and even accommodation, the lodge was there. All we had to do was to come in and take control.

My role as iNkosi was to make the community understand the importance of the game farm, to change the mindset because all we know is that we must hunt. There are *amaphisi* [organized hunters] amongst community members, so I had to try and explain to them that things have changed - the *inyamazane* that we hunted with dogs in the past was to be respected because it is our source of income. In other words I had to teach them to respect and love animals so that the future generations will also see them in future. I had to teach them not to chop down trees and vegetation; the game farm is not there for firewood. Even the grass is not there for us to burn, but for the animals to graze on, and also for us to thatch our houses and also to sell some of the thatch grass. And also for our children in local schools, we must maintain the game farm in order for them to go on excursions in order to learn about nature. Those were amongst the things we had to do in order to train people on what they should do. I got that knowledge from the Department of Agriculture and the Nature Conservation people, who taught us about nature conservation. So I had to teach them [the land beneficiaries] on that, before we embarked on the business (Nkosi Kunene, July 2010).

Nkosi Kunene does have a leading role in the community game farm and has taken the initiative to learn about nature conservation in order to share that knowledge with the rest of the AbeKunene community. Even though iNkosi is familiar with the general principles of nature

conservation gained from various workshops he has attended, however, the Boschhoek Community Trust and its chairperson have struggled with the day-to-day management issues of the game farm,. The Boschhoek Community Trust therefore approached KZNHCA for assistance in that regard, as discussed in detail Chapter 7.

The Boschhoek Community Trust reports to the community on matters pertaining to the game farm:

> We always have community meetings on a monthly basis in order to update them on what is happening. At the end of the hunting season we report back to the community on the number of game hunted, and money generated from thatch-grass cutting. We have not yet had school excursions. We tell people the amount of money generated in that specific hunting season and our plans. At the end of the year, we have an annual general meeting, just to give a report of progress made on the game farm (Nkosi Kunene, July 2010).

But some of the youth claim they know little about the game farm and most of them have never been there. The following is an extract from a focus-group interview in elucidation of the inter-generational conflict between the Boschhoek Community Trust and the youth.

> *Respondent two replied and said,* 'No, there is nothing, no such meeting has been convened'.
>
> *Respondent three intervened and said,* 'We have not been informed about what is going on inside the game farm'.
>
> *Respondent one continued and said,* 'Perhaps it's only in eMahlabathini [the resettlement area where most of the community still lives] - but in eMahlabathini we have not been told about the game farm. (AbeKunene Youth Focus Group Interview, April 2010).

The Boschhoek Community Trust members are made up of people aged from 50-65, and iNkosi is the youngest. This speaks to the inter-generational conflict between the youth and the Boschhoek Community Trust. This problem is not only recognised by the youth, but one of the staff members in the community game farm acknowledged this factor as a hindrance to development.

But the problem is that the Boschhoek Trust is composed of the elderly. The problem is that the youth and middle-aged people are at workplaces and do not have time. There is an additional committee - those are the people at work. They are busy building their houses; they are young and are still building their houses, so they do not have time. The only one who is helpful is the one working for the Department of Agriculture. If there are opportunities at his work place he lets us know. He made an initiative in order for the soil survey to take place in Kuickvlei. Even with the integration of cattle and game - he is the one that organised the survey to take place in order to determine if such integration can take place (Kameelkop Game Farm Staff member, May 2010).

6.4.1 Reflections on the outcome – Kunene chieftaincy
This discussion cannot be separated from the role of iNkosi in the community game farm, since he is the chairperson of the Boschhoek Community Trust. Nkosi Kunene played a vanguard role in the land claim and later became Chairperson of the Boschhoek Community Trust elected to manage Kameelkop Game Farm (renamed iNqabayamaswazi Game Farm), part of the compensatory land.

However, not everybody is happy with alternative land and blames iNkosi for too easily accepting alternative land. But on a slightly different note one may question the available options for the chief to alter the nature of the outcomes. It seems as if the chief resorted into accepting the alternative land because he saw no other option. In as much as some community members blame the chief for accepting the alternative land package, a closer look at the land reform process reveals that the chief was left with little room to manoeuvre against the SANDF which currently owns Boschhoek farm. He had to pass on the message to his community that Boschhoek farm cannot be returned to them because it remains an important camp for the training purposes of the defence force. This guarantees that the battle is between the powerful state and the rural poor (AFRA, 2004a). Having the above in mind it becomes clear that the chief had little room to manoeuvre, but to accept the alternative land package of which included a private game farm/reserve. Again the chief had to adhere to the precedent set by land claims on nature conservation areas i.e. to keep the current land use as that of 'nature conservation'. Once

again he had to pass on the message to the rest of the community. This role of chiefs is further discussed in the discussion that follows.

6.5 Comparative discussion: The role of chiefs and implications for land beneficiaries
The plight of the AbeKunene chiefship makes an interesting comparison with the Zondi chieftaincy, because, unlike Nkosi Kunene, the Zondi chief was not directly affected by or part of the forced removal of labour tenants to make way for the conversion of the labour (tenant) farm into Bhambatha's Kraal private game reserve in 1974. The Zondi Traditional Authority only became involved in 'private land matters' when Nkosi Khulekani Zondi lodged a land claim on a series of farms including Bhambatha's kraal game reserve. In other words, Nkosi Khulekani Zondi only became involved in the land struggle when the new democratic government created space for such an environment through land reform.

In both communities under study, Amakhosi took lead roles in lodging land restitution claims. But in the first case, Nkosi Khulekani Zondi realized that the land restitution claim would not work – the dispossession had predated the 1913 cut-off date for land restitution claims. The chief was therefore advised by the DLA to opt for an urgent application under the land redistribution programmme which was successful and the land claim was settled in December 1997. In order to make this possible, community grants were combined to purchase a series of farms including the game reserve, Bhambatha's Kraal. However, this had serious implications for the land beneficiaries who had combined their grants, as they could not return to the land from which they were removed in 1974 to make way for Bhambatha's kraal game reserve. This group of the Zondi community includes those who survived the 1974 forced removal and stayed inside Bhambatha's kraal (Ngome Community Game Reserve) until they were evicted by their own trust and chief in 2003.

In the case of the Boschhoek restitution claim, this was a clear case of dispossession under apartheid legislation – it was a black spot removal of Amakholwa landowners. But the outcomes of the restitution process, which was alternative land, did not satisfy some of the AbeKunene community members who still long for their original land, Boschhoek.

Soon after the land claims had been settled, both communities under study established Community Trusts as landholding 'legal entities' to manage the two community game farms. The main difference is that Nkosi Kunene became the chairperson of Boschhoek Community Trust, while Nkosi Khulekani Zondi was a founder, but not a member of Ngome Community Land Trust. He wanted to be outside of the Trust to retain its autonomy and in order for it to consult him should it experience any challenges. This was advised and approved by the DLA at the time as the Department hoped for such a democratic outcome. However, as shown above, in practice all three Zondi chiefs who succeeded Nkosi Khulekani Zondi had a direct, interventionist and active role in Ngome Community Game Reserve – arguably more so than in the case of Nkosi Kunene.

Such a state of affairs highlights the dynamics of power relations involved in situations where a dual system of governance persists, and proves that one authority can eventually dominate the other. In light of the vanguard roles in land reform played by Amakhosi in both communities under study, it can be concluded that they have used the land reform process to reignite their power and also to increase the amount of land under their political jurisdiction. This trend coincides with research findings elsewhere in the KwaZulu-Natal province. As Mather observes:

> There is no doubt that in many of these cases in rural KwaZulu-Natal, the power of customary authorities over land is being enhanced due to their leadership roles in land claims, with or without the support of their subjects (Mather, 2007:116).

It appears that in both communities under study, land beneficiaries did rally behind their chief in processes leading to the land claim. This is shown for example in the signing of the land beneficiary register to determine the number of land beneficiaries which preceded the 'return' of land. In every land claim a list of land beneficiaries is necessary to validate the land claim. But not every land beneficiary is satisfied about the manner in which the land claims were settled and the post-settlement outcomes. For example, in the Zondi community the former labour tenants who were forcibly removed from a labour (tenant) farm on the eve of its conversion to game farming in 1974 remain disappointed that they cannot return to their original land which remains a game reserve. The memory of the 2003 evictions from Ngome Community Game Reserve (see Plate 6.1) can only exacerbate the situation, as the victims saw their removal as being

orchestrated by the chief. In the AbeKunene community there is a group of people who are dissatisfied about the settlement of the land claim as alternative land and still long for Boschhoek farm, their original land. They have approached AFRA to raise their concerns but that was not enough to reverse the land reform process.

In order to understand the land reform process and how it can lead to an extension of land under traditional leadership, one must be aware of the historical geography of the claimants. In linking the geographies of the two communities under study with literature on the role of chiefs in land reform this research supports Ramutsindela (2007b), who argues that the vanguard role of chiefs in land reform and the related post-settlement outcome can be seen as an effective spatial consolidation of the Bantustans and thus a contradiction to the land reform process itself. Fraser (2007) and Walker (2008) highlight the same trend:

> Perhaps not surprisingly, given their extensive powers in the colonial and apartheid era, traditional leaders have become prominent actors in the land reform process (Fraser, 2007:841).

> Interviews with claimant communities suggest that many see the restoration of tribal land as key to the reinvigoration of tribal identity and the power and status of tribal leaders. It is not therefore surprising that tribal chiefs ('traditional leaders') are to the fore in most of these claims, including key positions within many of the CPA [Communal Property Associations] and Trusts (Walker, 2008:216).

The black spot removal of the AbeKunene community in 1968 forms a strand in the history of homeland consolidation. With the onset of democracy, and through the land restitution programme, the AbeKunene have been able to acquire alternative land (Kameelkop Game Farm, renamed Nqabayamaswazi Game Farm) outside the boundaries of their Traditional Authority. Some commentators consider this move on the part of chiefs not only as a consolidation of Bantustans (Ramutsindela, 2007), but as an indication of a so-called 'colonial present', in that a colonially created structure of traditional leadership is able to acquire land outside its 'original' boundaries in the democratic era (Fraser, 2007). This speaks to the 'resurgence' of traditional leadership in the country and beyond (Oomen, 2005; Ntsebeza, 2005).

The lead role of Nkosi Khulekani Zondi in the land claim can be conceived of as a consolidation of the Bantustan considering that land reform has consequently led to an increase in land under the Zondi Traditional Authority. The extension of the Zondi Traditional Authority through land reform is further elucidated by the following quote from an interview with the former DLA Project Officer who worked with the Zondi community on the land claim:

> The jurisdiction of the community? Essentially the Zondi Traditional Authority has been expanded dramatically (Former DLA Project Officer, October 2010).

Interviews with land beneficiaries in both communities under study suggest that the game farms are considered by community members as belonging to the Traditional Authority, which is not surprising given the lead roles played by Amakhosi in land reform. As already stated, this has created a weak sense of ownership over the newly acquired land on the part of land beneficiaries.

Besides the chief having signed the settlement agreement, this weak sense of ownership is further exacerbated by other factors, which will be addressed more fully in the next chapter. In particular, the DLA and other state organs such as EKZNW and to some extent the Department of Agriculture appear to have used Amakhosi as agents of nature conservation thinking that is effectively imposed on land beneficiaries to accept game farming as a viable land use. As shown above, when the Zondi community received the game reserve through the land redistribution process, the chief of that time, Nkosi Khulekani Zondi, played a key role in convincing the community/land beneficiaries that game farming is a viable enterprise and that the game reserve had to be kept in its current land use, as a hunting reserve. The same is true with regards to Nkosi Kunene in relation to Nqabayamaswazi Game Farm and its beneficiaries.

6.6 Conclusion
In conclusion, this chapter has attempted to address the first two objectives of the study which are: (i) To investigate how the different legal routes taken through the land reform process influenced the nature of the settlement as well as post-settlement outcomes; and (ii) to investigate the extent to which traditional leadership has promoted community game farms created through the land reform process, and the consequences of this involvement. Building on the story already told in Chapter 5, this chapter evaluated the role of the Zondi and Kunene chiefs in land reform, community trusts and community game farming. In terms of the legal routes taken through the

land reform process, Nkosi Khulekani Zondi first lodged a land restitution claim which was slow, and was therefore advised by the DLA to opt for a redistribution application in order to fast-track the process. In this case the land beneficiaries were required to combine their household grants in order to afford the land and did so with the hope that their tenure would be secured, particularly those affected by the 1974 labour tenant eviction for the creation of Bhambatha's kraal game reserve. Little did they know of the implications of such arrangements as they cannot return to their original land which remains a game farm - the same reason they were evicted in the first place.

In terms of the AbeKunene community, Nkosi Kunene lodged a land restitution claim in his capacity as chairperson of an elected community trust. The land claim was settled as alternative land, marking the beginning of a new era of community game farming as the AbeKunene were granted a game farm as part of the alternative land package. However, most of the land beneficiaries are not satisfied about the alternative land package and still long for their original land, to which they cannot return, hence they blame the chief for accepting the outcomes of the land reform process.

In both communities under study, chiefs have been at the forefront of land reform and community trusts, even holding key positions such as chairperson of a community trust (in the AbeKunene case). It is therefore not surprising that land reform has contributed to an increase of land under chiefly control. Such a state of affairs coincides with similar research findings elsewhere in the country whereby chiefs have been at the forefront of land claims (Mather, 2007; Walker, 2008; Robins and Van der Waal, 2008; Robins and Van der Waal, 2010). However, land beneficiaries in both communities under study remain dissatisfied with game farming as a viable land use and feel that community game farming was imposed on them by their respective chiefs and community representatives (Trusts or CPAs). As explained in more detail in the next chapter, the chief and community trust in both communities attended various nature conservation workshops and were themselves encouraged by external stakeholders such as the former DLA and EKZNW about the possibility of community game farming.

The main conclusion for this chapter is that the leading role of chiefs in land reform has led to them having significant influence in land reform outcomes shaped by different legal routes they have taken in claiming the land. Such outcomes include the general increase of land under the control of Amakhosi as a direct outcome of the land reform processes. As a result, a general understanding amongst land beneficiaries in both communities under study is that the community game farm belongs to iNkosi. This is in contrast with the initial agreement based on the CPA Act, which defines the role of the chief in relation to the Trust as that of customary leader not a major role player (DLA in Zondi, 1998).

Chapter 7: The role of 'stakeholder partnerships' in community game farming

7.1 Introduction

This chapter aims to critically examine the stakeholder partnerships in which community trusts are engaged and their influence on game farm management practices (objective iii). A striking feature of the community game reserves or game farms is that from the start, the Trusts have relied on outside expertise. On the side of the state, this includes the former Department of Land Affairs (renamed Department of Rural Development and Land Reform) and the provincial nature conservation authority, Ezemvelo-KZN Wildlife. Additionally an increasingly influential role has been played by the KwaZulu-Natal Hunters and Conservation Association (KZNHCA), a private organization that is deeply involved at both Ngome Community Game Reserve and at Nqabayamaswazi Game Farm in the management of the community game farms and the 'transfer of wildlife management skills'. Chiefs and community trusts have jointly or separately been involved in inviting these partners to assist with the management of the game farms, or in the case of the state have agreed to certain outside interventions. Ezemvelo-KZN Wildlife, for example, controls permitting of wild animals and therefore monitors the hunting industry and its operations on private game farms.

This recruitment of 'experts' speaks to the shortage of wildlife management skills in both communities under study. The shortage of skills on the part of land beneficiaries in land reform projects is not new and has been extensively discussed and portrayed as a hindrance to sustainable agriculture. However, such partnerships have proven to be characterised by conflict and shaped by power relations (Kepe, 2008; Ntshona et al., 2010). Fraser (2007) conceives of the role of previous owners who are now reconstituted as farming mentors (Walker, 2008) as a colonial present in that the control of the means of production and 'knowledge' remains on the hands of the white minority. Hebinck, Fay and Kondlo (2011) explain the situation as that of continuities of philosophies of expert knowledge in agriculture. According to the experts, this is the knowledge that land beneficiaries lack, in all aspects of agriculture including wildlife ranching.

This chapter is concerned to probe the motivations of these various 'partners' and to explore the way their involvement has shaped outcomes, particularly in terms of community game farm management practices. This includes the way associated management ideologies such as Community-Based Conservation (CBC) and practices in the commercial hunting industry are shaping outcomes. In what sense are these community game farms CBC? Just because it's wildlife and community, is it CBC? Can CBC be used as a way of running a profitable business? Does this ideology, developed for natural resource management on communal land, have any real meaning on such small pieces of freehold land? How is the autonomy of the Trust in decision-making affected and influenced by increasing and tripartite roles of chiefs, the state and the private sector? In general, what are the agendas of these various partners in relation to community game farming? This chapter tries to address some of these questions.

7.2 The role of the Department of Land Affairs (DLA)

The former DLA, recently renamed the Department of Rural Development and Land Reform, was intimately involved with both claims leading up to the settlement agreement and also in the post-settlement phase of the game farms. For both the Zondi and Kunene communities, the relationship with the former DLA began when their chiefs lodged land restitution claims. Its role in each of the two communities is discussed below.

7.2.1 DLA's involvement at Ngome Community Game Reserve

In relation to the Zondi community, at first Nkosi Khulekani Zondi lodged a land restitution claim on a series of farms, including the game reserve, Bhambatha's Kraal. But the land restitution process was slow for iNkosi and he was therefore advised by the DLA to lodge an urgent application under land redistribution which led to the granting of the Zondi community a series of farms including the game reserve, Bhambatha's Kraal in December 1997. Soon after the transfer of land to the Ngome Community Land Trust in 1997, the DLA appointed the former manager of Bhambatha's Kraal game reserve as a Training Consultant to assist the new owners of the game reserve - a move aimed at addressing the lack of wildlife management skills on the part of Ngome Community Land Trust and staff members of Ngome Community Game Reserve.

The former Training Consultant explains:

I started working there in 1996, February 1996. I took the job knowing that it was under a land claim and I managed it for two years until it all went through. I managed it for Bill Daley [the former owner] until the whole land claim went through and then it became the iNgome Community Game Reserve. And then I stayed on, I was contracted with the Department of Land Affairs as a Training Consultant. After the farms were sold, I stayed on, I stayed there (Former Training Consultant, September 2010).

It seems that the previous owners of Bhambatha's Kraal (Ngome Community Game Reserve) were not approached by the Trust or the DLA about the possibility of a joint venture. During an interview, one of the previous owners was asked about this and he replied:

No, not at all. You are the first person to ask me about Bhambatha, since the day that I left. I have never been approached nor have the other owners of the land have they ever been approached to assist with the farming. We ran a safari hunting business - we had a lot of professional hunters hunting there because we had very good Inyala and we had very good Kudu and Bushbuck. We had a lot of hunting that was going on there particularly. We sold our cattle and we concentrated only on game - we had a lot of game. We were doing good business. In 1992-1994 when this whole process started, we were doing really good business. Despite that fact, they never asked us to assist, they never asked us to pass on the clients to them and they certainly didn't pay me for the game (Bhambatha's Kraal previous owner, November 2010).

However their action in appointing a former manager of Bhambatha's Kraal game reserve as a Training Consultant, shows the role of DLA in advocating the continuation of game farming as a land use to ensure continuity with the previous land use.

Nobody knew [how to manage the farm], so basically what I did was, I carried on managing. There was nobody there that could have dealt with the hunting, or hosted the international hunting clients. There was nobody there that knew how to do it properly…We made some reasonable progress - the farm was paying for itself. We were keeping it going - we were managing the game and the camp. But there were a lot of settlement issues around the game farm. People were settling too close to the boundary. There were people coming in and collecting firewood, and poaching, and all sorts of

things that started to have an impact on the viability of the place (Former Training Consultant, September 2010).

In addition to the Training Consultant advising on wildlife management, as from 1998-2001 the Ngome Community Game Reserve had a Project Officer working on behalf of DLA that made regular visits to the community game reserve. This Project Officer had replaced an earlier one that worked with the Zondi community on the series of farms acquired in the land claim, not only the game reserve. It was known to the DLA official as the 'KwaZondi redistribution project'. This involvement ended after three years. The former Project Officer of Ngome felt that his role was complete after the land claim was settled, saying 'And then I lost contact with that community. My role was complete. We had purchased those farms and people have moved on' (Former Project Officer, October 2010).

This highlights the DLA's approach towards land reform being a project with a beginning and an end point. Such an approach has been criticized by scholars of land reform as well as land activists, including social movements such as the Landless People's Movement (LPM) and NGOS such as AFRA. Since 2001 to date, the Ngome Community Game Reserve has been without a Project Officer. The Trust and the various Zondi chiefs (see Figure 6.1 for a timeline) took the initiative to invite other partners in to help with the wildlife management, as mentioned in Chapter 6 and described in more detail below.

It is interesting that thirteen years after the land transfer, the former Project Officer of Ngome Community Game Reserve acknowledges the fact that it is rather absurd to expect the whole land beneficiary community of more than five hundred people, to have a reasonable share of benefits derived from a small community game farm, which was once a family business or even a leisure farm. 'Approximately half of all South African wildlife ranches are owned on a part-time basis by professional people … and are generally unprofitable' (Bothma et al., 2009:157). In the case of Bhambatha's Kraal and Khobotho game reserves, the former Project Officer explained, it was 'two white guys' that owned them:

> The one guy was a doctor. The other guy was a lawyer from Strauss Daley which is massive legal firm. So, those guys were using them as a weekend thing. They were not worried about the income that they generated there. It's a completely different thing when

you've got a community that's trying to earn an income out of the same kind of operation. I think it was really struggling to make money (Former Project Official, October 2010).

This is a crucial point and one that has perhaps not been sufficiently thought through by the proponents of community game farms. In that regard this crucial point forms part of the recommendations of this thesis. As will be recommended in Chapter 8, proponents of community game farming are to re-visit and restructure policy in relation to land claims on nature conservation land. The next section discusses the DLA's involvement in Nqabayamaswazi (Kameelkop) Game Farm and will be followed by the same discussion with regards to Ngome Community Game Reserve.

7.2.2 DLA's involvement in Nqabayamaswazi (Kameelkop) Game Farm
When interviewed about his involvement at Kameelkop after the handover, the previous owner of Kameelkop Game Farm regretted that he was not asked to serve as a game farming mentor to the new owners of the farm. According to him, he had wanted to stay as a game farming mentor, but the Trust did not want this:

> No. I asked them. It's a pity. I asked them because I knew that with only game the game farm was under utilized. I think in the beginning it was too strange for them, they were uncertain about their position (Nqabayamaswazi Previous Owner, August 2010).

The previous owner seems to understand that at the beginning the land beneficiaries were uncertain of their position, especially in his presence. On that note, it has become a recurring theme in the research – heard from all quarters including the beneficiaries themselves - that game farming is 'too strange' for land beneficiaries. This is not surprising and has been highlighted in broader land reform and CBC/CBNRM circles.

The issue of race was explicitly raised by an AbeKunene community member as the main causal factor for the withdrawal of the previous owner from the community game farm. This community member sees the matter differently from the way it is viewed by the previous owner, stating that, 'At the beginning, we operated the game farm together with the previous owner. But after some time the race issue haunted us, and so he left.' (Kunene community member, July 2009). It can perhaps be deduced that the Boschhoek Community Trust may have felt less or no sense of ownership over the game farm in the presence of the white previous owner. Cherryl

Walker notes that 'often these companies involve former land owners, now reconstituted as farming mentors ...' (Walker, 2008:217). In this case the arrangement did not work.

Interestingly, Nqabayamaswazi Game Farm still had a Project Officer working with the Boschhoek Community Trust on behalf of the Department of Rural Development and Land Reform at the time of writing this thesis in 2011. The current Project Officer replaced an Officer who was highly regarded by the Trust but who resigned from the then DLA in 2007. The former Project Officer was portrayed as a person who made regular visits and kept close contact with Nqabayamaswazi Game Farm (unlike the current Project Officer). A staff member explains:

> When it was still the former Project Officer - there was lots of us [land beneficiary communities], but he came - and hardly two months would pass without us seeing him. [If he could not come], he would make an effort to call and excuse himself.

Things are less satisfactory now, according to game farm management:

> We have told them that: 'You Land Affairs are bad, because at the beginning when you granted us this land (the game farm), the elders said they cannot manage such a business. You then promised to come on board and assist. But now you have distanced yourselves'. I am tired of running after the Project Officer. I do not know what her problem is! (Nqabayamaswazi Staff Member, May 2010).

The current Project Officer referred to by the above quote was interviewed in her office in uMhlaba House (Pietermaritzburg) and she had this to say: 'We hold monthly steering committee meetings ... So far, we have a stable relationship ... There are no problems that I am aware of' (Nqabayamaswazi Project Officer, May 2010). The current Nqabayamaswazi Project Officer denies the current problems at Nqabayamaswazi Game Farm, especially those that have something to do with herself raised by the above quote by a staff member. It is noteworthy that the KZN Regional Land Claims Commission offices where the Nqabayamaswazi Project Officer is based are some 350 kilometers away from Nqabayamaswazi Game Farm. This equates to a three or four hour drive from the city of Pietermaritzburg to Nqabayamaswazi Game Farm on the part of the Project Officer, which partly explains her detachment from the community game farm.

Comparing the last DLA Project Officer of Ngome Community Game Reserve and the current one in Nqabayamaswazi shows differences in the approach of DLA elaborated upon by the following quote from the Nqabayamaswazi Project Officer:

> It is a continuous thing, although it is a project - a project has to end, at the end of the day. There is no ending point so far. But when we are convinced that they can sustain themselves, we will pull out. But in my experience, I have not seen a project sustaining itself. It is highly unlikely (Nqabayamaswazi Project Officer, May 2010).

This is very different from the Ngome case, where the former Project Officer felt that his task was complete about three years after the land claim was settled. The Nqabayamaswazi Project Officer's remarks quoted above reflect broader policy changes in land reform towards post-settlement support, a lesson learned over the years. Of course there is no guarantee that the Nqabayamaswazi Project Officer will not pull out soon, considering that the AbeKunene land claim was only settled quite recently, in 2005. Therefore, it may be too early to tell whether the Nqabayamaswazi Project Officer will stay on and assist the AbeKunene community.

It is also important to point out that the previous owner of Kameelkop (Nqabayamaswazi) Game Farm owned the private game farm as a family business, and currently has several other livestock and game farms in the Dundee area and as well as in Namibia. He did not rely only on Kameelkop as a source of income. As noted above, the former Project Officer at Ngome raised the question of the realities regarding the economic sustainability of small hunting farms expected to generate revenue for whole communities. This is something the Department of Rural Development and Land Reform may still need to take on board in a serious way.

7.2.3 Brief comparison of DLA's involvement in the two community game farms
The main difference between the two study sites is that in Ngome Community Game Reserve the DLA's involvement was short lived and only lasted for about three years after the land claim was settled in 1997. On the other hand in Nqabayamaswazi it has been six years so far, since 2005. Such differences in outcome may reflect a shift in thinking of the former DLA towards post-settlement support, a key performance area recently taken over by the new Department of Rural Development and Land Reform.

7.3 The KwaZulu-Natal Hunting and Conservation Association (KZNHCA)

As scholars have pointed out, deeply embedded in the power relations of many land reform partnerships is a 'top-down' and fixed approach of the land reform model itself that seeks to turn land beneficiaries into commercial farmers in the shoes of their white predecessors in farming (Lahiff, 2009). As Ruth Hall writes:

> In this context new forms of private sector partnership, and even conditionality, have been introduced in an attempt to ensure continuity of production, availability of capital and provision of training (which the state itself has been unable to provide), usually through joint ventures in which private sector partners acquire a proportion of shareholding in return. These models are premised on the need to minimise changes in land use and production, despite restitution, rather than being informed by the livelihood needs, capabilities and priorities of claimants themselves (Hall, 2009:8).

Such agricultural expert knowledge (Hebinck, Fay and Kondlo, 2011) in some cases gets filtered down via traditional leaders to Community Trusts or CPAs which dictate the land use, which happened to be game farming in this study.

This section evaluates the relations between the two community trusts and KZNHCA, a private sector partner involved with both community game farms. By the time KZNHCA came on board, decisions to keep the current land use as game farming were already taken by the Trust backed by the Traditional Authority in each of the two communities under study. The KZNHCA became involved during the last eight years, since 2004. In doing so, it has gained hunting rights for its members on the two community game farms and is also able to portray itself as a 'socially responsible' organization concerned with community development. It has become normative for land beneficiaries of game farms to sign management agreements with the private sector, particularly in the hunting (tourism) industry, due to 'a lack of' wildlife management skills on the part of the Community Trusts or CPAs that represent 'conservation land' beneficiaries.

In the context of community wildlife management, the KZNHCA initially expressed its desire to transfer their expert knowledge, with the hope that ultimately land beneficiaries will be able to operate their game farms in the near future. The KZNHCA presented its involvement with the community game reserves as equipping the new owners with game/wildlife management skills

so that the reserve remains commercially viable as a hunting reserve. Behind this is an educational project focusing on 'conservation' and the concept of local biodiversity in particular. This was explained in full by a KZNHCA official:

> The challenge that we face here is a simple one; here [Nqabayamaswazi Game Farm] and in Bhambatha's [Ngome Community Game Reserve]. That is the skills level of the people involved is completely inadequate to make that what they got into a viable enterprise. The people are not educated from an academic perspective. The approach to what they have is still a very traditional approach. It's there to be used - you chop the tree and you eat the meat, which is short term. I think what we want to do essentially is to establish a longer term management approach with both the communities.
>
> The reason for that is simple. We - until now, we were essentially a hunting association, but we call ourselves KZN Hunting and *Conservation*. The conservation up till now was isolated activities. Our approach is new now. We say the concept of conservation per se is outdated. We need to manage biodiversity. What does conservation mean? I think it's a term that has reached the end of its time. We have to look at the total environmental systems and we have to manage that. It is essential that we hunt here, because it is a fenced area and it's an isolated animal population, so there will be growth beyond the carrying capacity. It is expensive to relocate, to catch and relocate and release somewhere else. So we have to manage the excess numbers. The best way to manage and to generate funds is via the hunting tool.
>
> But hunting is not the first and foremost thing we want to do. For us to be able to harvest the Impala - it must have land to live on, it must have food, it must have water, it must have shelter. All those systems to make this a viable entity must be managed. We must look at the earth in its totality. We can't look at individual elements. That is what we want to teach the people. That is the message we want to get across - that is if you look around you from the soil, to the water, to the air, to the animal, to the plant, [it] must fit in - it must be from here - must be indigenous as far as possible and it must be managed completely (KZNHCA Official, July 2010).

The KZNHCA also presents its involvement with the two community game farms as its 'social responsibility' agenda. From the point of view of KZNHCA, the project at Kameelkop (Nqabayamaswazi) Game Farm is regarded as the association's 'social responsibility' or 'community' project, intended to demonstrate that the hunters' association is socially aware and contributing to 'social upliftment' in the province. As stated on its website:

> In an ongoing effort to provide beneficial support and advice to local communities, our association formalised our agreement with the Boschoek Trust by officially signing the 3-yr Memorandum of Agreement on Wednesday, 5 November [2006]. The community near Wasbank, were the beneficiaries of a land claim when they received a ±4000ha game farm, Kameelkop in Sept 2005 and many of our members have enjoyed hunting there since then … We identified community involvement as an important part of the association's social responsibility and will certainly expand on our involvement with other communities in future.

The fact that the chief supports the project and partnership is explicitly mentioned on the site:
> iNkosi Siphiwe Kunene expressed his excitement about the project, as many communities with successful land claims apparently have no assistance from government or the private sector. He values the role that our partnership will play in ensuring a sustainable project for current and future generations.
> (http://www.kznhunters.co.za/site/awdep.asp?depnum=29367 Accessed on 1 March 2009).

The association provides annual reports for its members that include reports on its involvement with land beneficiary communities. There is some evidence that hunters respond to this portrayal and that they like the idea of contributing to 'social upliftment' by hunting in community-owned game farms. A hunter interviewed at Ngome Community Game Reserve for example, stated:
> One of the reasons that I enjoy hunting, whether in Kameelkop or here [Ngome Community Game Reserve] is because this is a community thing. And I just hope that somehow the youngsters in the community will get to appreciate what they got in the future. I don't know if that will happen (Hunting client, Ngome Community Game Reserve, August 2010).

However, it appears that over the years this objective of transferring wildlife skills so that the Trusts can take over game management themselves, has changed. The association's involvement in these two community game farms has given rise to a new trust (Nemvelo) that soon hopes to take over full management responsibilities on the two community reserves under study as well as others in the province.

The formation of Nemvelo Trust may reflect a painful reality on the ground. A KZNHCA official described all the community game farms in the province as follows:

> But there is a portion of land, 100 000 hectares, that nobody is funding - all the [beneficiated game] farms, all the property given back to the local people. Nobody teaches them how to run it, how to generate money, how to maintain it, how to get people there. Nobody understands marketing, nobody understands finance. And let me tell you, if it stays like that, there will be an uprising (KZNHCA Official, August 2010).

It is worth thinking a little more deeply about the agenda of the hunting association, before looking in detail at its relationship with each of the two communities under study. The KZNHCA needs land-owning partners with hunting operations, so that its members can buy hunting packages and go to specific game farms to hunt. It appears that, initially, the agenda of the KZNHCA was to transfer wildlife management skills to the land beneficiaries until they are able to run the game farms on their own. In that way, the association has been enabled to enjoy hunting rights for its members on the community game farms and considerable authority over management decisions.

Over the years this partnership has led to the formation of a new trust, Nemvelo, which will soon take over management of the community game farms under study and others in various parts of the province. The formation of a new, outside 'trust' to manage community game farms is clearly motivated by the interests of commercial hunting, as hunters gain hunting rights in community game farms. The explanations given to the researcher for the new trust are located within a conservation rather than primarily a sport hunting discourse:

> The association has embarked on a programme to engage with rural communities that have spare land available for conservation matters…Getting involved in the management

of these conservation areas will not only benefit the communities, but also the members of KZN Hunters. However, active involvement in community management is not for the fainthearted …On top of that communication is often very difficult and the funding requirements enormous. Although a big challenge, KZN Hunters are taking it one step at a time and are slowly gaining experience for the road ahead. Someone once said that to make a small fortune out of game 'farming' (managing game in a conservation area) you have to start with a big fortune. Well, KZN Hunters think they can eventually turn the situation around' (KZNHCA, 2011).

This new approach on the part of KZNHCA most likely results from the frustrations they have been facing as partners in their relationships with the community game farm trusts. These relationships are discussed in detail below.

7.3.1 The KZNHCA and Ngome Community Land Trust

The relationship between the Ngome Community Land Trust and KZNHCA began in 2004 with the signing of a management agreement which confirmed the partnership. The association has its headquarters in Pinetown, Durban and is responsible for organising hunting trips, mainly for its members. A sport hunter interviewed in Ngome Community Game Reserve outlined the hunting process from the client's perspective:

> We go through the office in Durban. We do the bookings through them. They do all the layers and will say: 'Right, these animals are available'. The payment goes to them. They've got a committee that works with the communities... (Hunting client, August 2010).

As noted above, the interviewed hunter was keen on the idea that these are community owned game farms and thus feels motivated to contribute to the 'social responsibility' programme of the KZNHCA through his hunting.

The bookings are handled by KZNHCA. Elucidating further on the hunting process, one of the staff members of Ngome Community Game Reserve complained that they really know very little about the organizational details:

We are based here, and when the hunters come we go with them. We do not know what is going on, on the other side, even with regards to their payment it happens on the other side. They just come with a piece of paper indicating the species they had come for. They then shoot that animal, we also record that in our books, and they do the same in their books as well (Ngome Community Game Reserve Staff member, August 2010).

The above quoted staff member is a game guard and his work duties include accompanying the hunters that have come for a hunt in the community game reserve. He interacts with hunters once they are on the game reserve i.e. after they have produced the necessary documents as proof of their booking through the KZNHCA. The hunters are then taken for a hunt around the game reserve by the game guards. The hunter interviewed was satisfied with the experience:

I found that the guys [game guards] are very helpful, good guys to hunt with. We work nicely together. If we want to just walk, that's fine, they will fit in with us and they're knowledgeable of what's happening. They will also stop and explain. I've learnt a lot from them. It's almost the same in Kameelkop - the guys are helpful, they want us to enjoy ourselves. They get disappointed if we aren't successful. And sometimes they don't understand that for us, Andrew and I, and certainly for me it's not about killing the animals, it's about enjoying the hunting. And if I don't get - that's how it is, that's not their fault.

His counterpart joined the discussion and said: It's like fishing, sometimes you win sometimes you don't.

His companion continued speaking: It is not their fault; they have always done as much as they can (Hunting clients, Ngome Community Game Reserve, August 2010).

The actual process of the hunting itself seems to be working fairly well as reflected by the above quote. Discussion will now turn towards the problems and main challenges involved in this partnership. The main problem is that of mistrust between Ngome Community Land Trust and KZNHCA, especially when it comes to the management of finances generated from the hunting process. The KZNHCA official explains:

Bhambatha's community is the opposite [of Kameelkop]. Everything is here [indicates his chest]. They don't allow me to come and train, they don't show me any finances, and there are only two people running that whole thing. I warned them that if we get audited

SARS will ask me - all this money that I paid. And I will show them, because I've got it on my books, and they will be audited as well then, so let's see what the answers will be. They want money now. If the car leaves on Sunday, on Monday they phone me, 'where is the money?' From Bhambatha's [Kraal] there is a lot of mistrust. 'But where is the money, there must be more!' They get pressure from the local community, that say: 'There are lot of people driving out of here with game in their vehicles, but why don't we have a job, why is there not more game guards, why is there nobody running the lodge, why are we local people not getting the benefit?' There's no answer there (KZNHCA Official, August 2010).

Besides the problem of mistrust when it comes to financial matters, the above quote encapsulates high expectations on the part of land beneficiaries who often query about money generated from the hunting, thus putting pressure on Ngome Community Land Trust. The Trust then puts pressure on the KZNHCA, and so the vicious cycle continues. The KZNHCA official explains:

But when this place [Kameelkop] belonged to Gert Ehlers and when Bhambatha's [Kraal] still belonged to Bill Daly and Tim Ivis, lawyers - highly educated people - business people, they were all driving Mercedes Benz, they were all millionaires. This has been given to the people who it rightfully belongs to. But many of them are still eating phuthu and maas. I'm asking why. What is different? The land is the same. The lodge is the same. The eland, the kudu, gemsbok, impala, the *intibane* [warthog] - it's all the same. So what is different? The difference is education. That is the difference (KZNHCA Official, August 2010).

The official cites low levels of education on the part of land beneficiaries as the major causal factor, which is not surprising given the low literacy level of black people as a result of racial segregation, oppression and Bantu education policies. Nonetheless, the above are his observations from KZNHCA's perspective. However, in his observations the KZNHCA official overlooked the significance of the fact that the previous owners owned and operated these game farms as family businesses and/or holiday homes and the like, which partly explains their success. When such game farms are transferred to the whole community made up of hundreds of

people or more, it leaves one to wonder if ever these people would be able to drive in Mercedes Benzes too.

The KZNHCA has been in partnership with the Ngome Community Land Trust since 2004 and one can safely state that if KZNHCA was to pull out of the agreement, the Ngome Community Game Reserve would be left without clients ('loyal' hunters) and would thus collapse, because the Ngome Community Land Trust is nowhere near the 'full understanding' of wildlife management as required by the KZNHCA. Or, to put it more simply, without the KZNHCA, the Ngome Community Land Trust would not be able to manage the game reserve and organise hunting trips in order to sustain the property.

As KZNHCA has no representative residing in or near Ngome Community Game Reserve, the association has remained removed from day-to-day issues and activities of the game reserve ever since the signing of the partnership agreement in 2004 to date. The KZNHCA does visit for meetings with Ngome Community Land Trust, but such occasions are generally characterised by conflict. This was pointed out by the KZNHCA official, whereby he stated that the Trust does not allow him to come and train the staff. Smooth interactions between the KZNHCA and Ngome Community Land Trust only exist on paper: reality is a different story of power struggles and squabbles, mistrust and suspicious behaviour.

This is illustrated by the story of the lodge and conference centre. As noted in Chapter 6, one of the initiatives of Nkosi Mbongeleni Zondi and the new trust was to raise sponsorship from the Department of Economic Development and Tourism for a new lodge and conference centre. The lodge was built (see Plates 7.1 & 7.2) but however has not been opened, as the death of the chief brought everything to a standstill.

In any case, the initiative may not have been a suitable one for the type of hunting clientele that the reserve is currently serving. One of the hunters interviewed on the 7th of August 2010 in Ngome Community Game Reserve had the following to say about the newly constructed lodge:

> Most of the guys in that Association (KZNHCA) …would be quite happy to put their tent in the bush. They don't want a luxury lodge. They don't want to stay in a place like that

lodge over there [pointing to the newly constructed lodge]. They would rather be able to stay simple - sit around a fire at night and hear the jackals and not hear a generator making electricity. And you find that there are fewer facilities like that available to folk. (Hunting client, Ngome Community Game Reserve, August 2010).

Plate 7.1: Plaque commemorating handover of Bhambatha Lodge

Plate 7.2: The newly constructed lodge and conference centre in Ngome Community Game Reserve

The hunter continued:

> Lots of private folk realise that game farms can make far more catering for the foreign tourist, where they work their prices in US dollar rates - and there's that whole luxury theme. A lot of guys in our Association actually don't like that. Maybe we're selfish, that we want this sort of thing. I know it doesn't create a great deal of employment - we don't have waiters and waitresses, barmaids and all that nonsense. So, it's a difficult thing (Hunting client, Ngome Community Game Reserve, August 2010).

The above quote speaks to a lack of communication and common understanding between the Ngome Community Land Trust and KZNHCA, especially when it comes to developmental issues of the community game reserve. A recently constructed luxurious lodge is nonsensical for a simple hunter who wants to get away from his luxurious, yet problematic life, even if it means spending two nights of the weekend in a tent.

KZNHCA is aware of the fact that so-called biltong hunting is the most popular form of safari sport amongst the locals (Cloete; Taljaard and Grové, 2007), and not the luxurious (and more costly) experience expected by an international (trophy) hunter whose visits are very rare in small community game farms/reserves like that of Ngome. 'The game industry rests on three pillars, namely, hunting, live game trade and eco-tourism, of which both trophy and biltong hunting may be seen as the main drivers of the industry' (Cloete; Taljaard and Grové, 2007:71). The newly established 'state of the art' lodge and conference center, an initiative of the Trust and the former chief, thus has no meaning for KZNHCA whose focus is more towards the local hunters upon whom the Ngome Community Game Reserve depends as loyal clients for income generation.

The lodge and conference center has no furniture and has not been operational since its official launch by Minister of Economic Development and Tourism, Mike Mabuyakhulu, who was accompanied by the MEC for Arts, Culture, Sports and Recreation, Mrs Weziwe Thusi in May 2009 (*Greytown Gazette*, 3 June 2009; see Appendix 3). It is unfortunate to see our leaders and politicians in handing over ceremonies and the like, but never to see them again when land beneficiaries are left to find their way out of the dark.

7.3.2 KZNHCA and the Boschhoek community trust

Discussion will now turn to the relationship between the KZNHCA and the Boschhoek Community Trust, the body entrusted with ownership rights over Kameelkop or Nqabayamaswazi Game Farm. This relationship began in October 2006, and has continued over the five year period to date. The KZNHCA is mainly involved with the Trusts in both communities and not the chiefs (although as explained in the previous chapter, the position of chairperson in the Boschhoek Community Trust is held by Nkosi Kunene himself). As already noted, the projects at Nqabayamaswazi Game Farm and Ngome Community Game Reserve are regarded by KZNHCA as the association's 'social responsibility' or 'community' projects, intended to demonstrate that the hunters' association is socially aware and contributing to 'social upliftment' in the province.

A community member seemed happy with the outside help from KZNHCA:

> At the beginning, we operated the game farm together with the previous owner. But after some time the race issue haunted us, and so he left ... [so] Ezemvelo KZN Wildlife assisted us in finding the KZNHCA and [we have] worked together ever since. They look for customers [hunters], the customers pay into their accounts, and they provide us with a report (Kunene community member, July 2009).

The relationship between the Boschhoek Community Trust and the KZNHCA is further elaborated upon by a staff member in the following quote:

> The hunters book through the KZNHCA, and we get a share of the revenue. At the end of each hunting season, the Trust reports back to the community about the status of Nqabayamaswazi, the KZNHCA communicates with the community through the Trust ... The relationship between us and KZNHCA is good because they arrange hunters for us. (Nqabayamaswazi staff member, July 2009).

However, not everything about this partnership is running smoothly. There is a feeling that the hunters association tries to dominate the partnership too much:

> But there is a problem when it comes to the development of Nqabayamaswazi. They tend to dislike state departments that offer us some help, and claim that there is no need for such development. (Nqabayamaswazi staff member, July 2009).

The relationship between the Boschhoek Community Trust and KZNHCA is both positive and negative. For the community, the positive side of the relationship is that revenue is generated during the hunting season. The negative side is the lack of consensus on some of the issues, which is attributable to the differences amongst stakeholders. According to a staff member, one of the problems the community has had with KZNHCA was that of further development of Nqabayamaswazi Game Farm. The issue at stake was, again, the construction of a conference centre. The Boschhoek Community Trust supported the idea, but the KZNHCA disputed it on 'nature conservation' grounds, since the construction of the conference centre may disturb the environment. This issue is similar to that of the luxury lodge constructed at Ngome.

Jeff and Rudi, the two KZNHCA officials were interviewed in July 2009 and described their relationship with the Boschhoek Community Trust as follows:

> The community actually approached us, and asked us to help them manage the game farm. To provide them with knowledge, to train them, education and so forth, especially around the game itself... It was about three years ago, at the end of 2006, if I remember clearly. When we came together, we had a meeting, had discussions and decided that okay: we'll give them the guidelines and help them manage the game farm' (KZNHCA Official, July 2009).

At the time, this was envisaged to be a partnership with a specific goal and time limit: 'When we leave they should know everything and they should carry on with it' (KZNHCA Official, July 2009).

The KZNHCA appears to be enthusiastic and keen for progress at Nqabayamaswazi Game Farm and shows interest in a prosperous future for the community game farm. However, this does not mean that reality should be ignored, especially when it comes to challenges that need to be addressed urgently, such as working to create consent about difficult issues. KZNCHA officials were interviewed again in 2010 and stated:

> There is obviously a bit of improvement, specifically with the hunting season. The hunters' side is alright, but the community has not much improved. We are still battling with making them understand the importance of the management of Kameelkop - to try and change their point of view with regards to how important it is to manage, utilise and

sustain Kameelkop and improve in tackling the projects that we suggest that they must do. That is what is lacking behind. We're not getting to the next step and that's a bit of a concern. There is quite a number of projects and discussions that we pass on that needs to be done here in Kameelkop, specifically on how to utilize and sustain. It is still the hunting side income that is coming in per year. We need to extend that - like we discussed last time [2009 interview]. That's still an issue, there is still nothing really taking place. There are obviously reasons for it, but it's going too slow, I think we can speed it up more ... I still feel that Kameelkop is one of the best, and still going quite well, if I can compare it with some of the others that I am aware of, like Bhambatha's Kraal (KZNHCA Official, July 2010).

According to the KZNHCA official, the main problem the organization is having with the staff of Nqabayamaswazi Game Farm is that they have not shown much improvement in wildlife management. Another issue of concern is the hunting itself which remains inadequate to sustain the game farm. A lot needs to be done in terms of income generation throughout the year, rather than only during the hunting season. But ultimately, the KZNHCA official remains optimistic about Nqabayamaswazi Game Farm and conceives of it as a success story compared to Ngome Community Game Reserve which was not doing well at the time of writing this thesis in 2011.

During the time of research a serious bone of contention in Nqabayamaswazi Game Farm was caused by a serious fire incident that took place in the third week of July 2010 (see Appendix 2). The KZNHCA blamed the staff for the fire. On the other hand, the staff pointed fingers at one another including the game farm manager. The KZNHCA official described the incident and its aftermath as follows:

We have had damage, as you can see they need to [provide supplementary] feed, because the animals are dying off. And it's also of instructions given and not followed through or followed through too late. There was supposed to be fire breaks on the other side because that is where our winds come from and that is where the poachers and the community in Wasbank put the grass alight - and that did not take place and that is one of the reasons we are sitting with this mess now. One of the chalets burned down. The animals are suffering. We had a meeting with the iNkosi, and once again, money is the issue. What

we are doing now is our members are providing the food, and already now up to R70 000. We still have to pay these people one way or the other. I know that the iNkosi made note of it, probably he is working from his side to come up with what he can do to pay these people that help at this stage, because the animals are the main source of income and we need to look after their welfare (KZNHCA Official, July 2010).

The Trust recognizes that KZNHCA was helpful in proving bales and game blocks as food for wildlife:

But the good news is KZNHCA has been very helpful - they have organised bales and game food for the animals. We have also sent a written request to the Department of Agriculture and Environmental Affairs in request of bale and game food donations. The MEC has promised to donate. We remain optimistic, the grass is starting to rehabilitate, and the rain is on its way (Nkosi Kunene, July 2010).

Without the assistance of the KZNHCA and neighbouring farmers, the wildlife would not have survived after the fire disaster due to a lack of food. The written request to the Department of Agriculture and Environmental Affairs touched the MEC who then promised to make donations but these did not in fact reach the community game farm. The KZNHCA opted not to wait for the government, and took the initiative to feed the wildlife. The cost of feeding rose to R70 000 in July 2010, leaving the Boschhoek Community Trust heavily indebted to the hunting association. The staff of Nqabayamaswazi Game Farm alleged that the fire incident was the result of malicious behaviour on the part of poachers from the Wasbank area, who take advantage of the fact that the game farm now belongs to AbeKunene community, and not the previous white land owner whom they used to fear and whose game they dared not poach.

To make matters worse, a few weeks before the fire, the Boschhoek Community Trust had purchased R87 000 worth of cattle to be integrated with wildlife in Nqabayamaswazi Game Farm, an experiment first conducted by the previous owner. It is noteworthy that the reintroduction of cattle in Nqabayamaswazi Game Farm was to a great extent based on the advice of the Department of Agriculture – *not* the hunting association. The Department of Agriculture had earlier advised on the integration of indigenous or Nguni cattle. However, in the

end such advice seems to have been overlooked by the Trust as the cattle introduced into the game farm are not Nguni.[1]

The KZNHCA is not impressed with the purchasing of cattle, especially since the fire outbreak. They see the purchase of cattle as a waste of community funds that could have been utilized after a fire disaster like that which took place in July 2010.

> But it's important that the money gets ploughed back to Kameelkop - the income from this place, because if you look at the books the community bought R87 000 worth of cattle that could have been used for this problem [devastation by fire] that we have here now. I can understand if there is enough money, enough funds, they can buy cattle and obviously sell the cattle and get money from there as well. [But] Kameelkop money should be invested in Kameelkop and maybe not cattle. The focus I think in some areas is not where it should be. We have discussed this with iNkosi, he understands (KZNHCA Official, July 2010).

In sum, the KZNHCA remains optimistic about Nqabayamaswazi Game Farm and there are plans to include the entire AbeKunene community in the activities of the community game farm in order to avoid a repetition of the fire incident. As the KZNHCA official explains:

> Hopefully if you come in another year for another interview, hopefully there will be improvement, because we are putting more people to come and help. The iNkosi promised as well. Because we told him, we need to do fire breaks and we have only four people to do it - they can't do it. So we asked him, 'how big is the community involved here?' and he said, 'it's more than a hundred people'. We actually have to bring all those people because it belongs to them, not to us, and they need to help. All that hundred people need to help with the firebreaks. It will be quick and done, there shouldn't be a hassle. Because next year it might happen again and we need to prevent that, and the only

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[1] The cattle integration was not the only advice offered by the Department of Agriculture to the Kunene community; it also advised on the suitability of soil for cultivation in Kuickvlei based on a suitability study conducted by the same department. This resulted in the clearance of vegetation for crop cultivation. As mentioned in Chapter One, Kuickvlei forms part of the alternative land package the AbeKunene community received in compensation for Boschhoek and is located adjacent to the community game farm. (See Figure 5.3).

prevention is to burn and do proper firebreaks and to manage it. But he [the chief] promised that he will get more people involved. I told him that we are an external party helping. We were appointed here as external parties, we are not part of the community, so he needs to get more people in from the community who are going to help. If Njoko [the game farm manager] decides to leave tomorrow then we are back to the beginning … We need to get more community people more involved - even with the game counts, firebreaks, maintenance, and the management of the whole farm (KZNHCA Official, July 2010).

7.3.3 Reflections on KZNHCA and the community game farms

The KZNHCA came on board after the decision to keep the current land use had already been taken by the Trust and chief in both communities under study. Chiefs have also been invited to nature conservation workshops and seminars in order to make sure that they pass on this 'nature conservation knowledge' to their respective communities. This has been interpreted by land beneficiaries in both communities as meaning that the community game farm belongs to the Traditional Authority and thus they have little sense of ownership over the game farm.

KZNHCA operates a commercial hunting operation, and many of the tensions arise from this. The same discourse of a corporatist 'top-down' approach is shared by the government in its thinking around land reform, which is to turn land beneficiaries into black commercial farmers (Lahiff, 2009). In that regard communities are not empowered to decide the land use they prefer, but forced to keep the current land use for continuation with production, which leaves individual members having less, if any benefits from the land use (Lahiff, 2009).

The main agreement from the beginning of the partnership in both communities was for the KZNHCA to educate land beneficiaries about wildlife management in order to enable them to operate their respective community game farms on their own in the near future. As mentioned above, the KZNHCA strives for the two community game farms to achieve the level of success of their predecessors in game farming, i.e. the previous owners. However success of unlikely for the land beneficiaries considering that the previous owners operated these game farms as family businesses, holiday homes and the like. One is left to imagine the potential benefits each

household would get if benefits from these small farms are to be distributed to the whole community made up of hundreds of people.

The KZNHCA and the two community Trusts under study are in agreement about keeping the current land use as game farming, but this is inseparable from power dynamics, mistrust, and differences in opinions especially when it comes to developmental issues of the community game farms. For example, in Nqabayamaswazi Game Farm the KZNHCA was successful in opposing the construction of a conference center on nature conservation grounds, but failed to do so in Ngome Community Game Reserve where the Ngome Community Land Trust went ahead with the construction of a new lodge and conference center without the KZNHCA's consent (see Plate 7.1 & 7.2). As already stated, some members of the KZNHCA (hunting clients) were left to complain about the unproductive lodge and conference centre. Such encounters directly speak to the power dynamics between the two community Trusts and KZNHCA.

The relationship between the Boschhoek Community Trust (BCT) and KZNHCA is stable, although it is not without problems. However in the relationship between the Ngome Community Land Trust and KZNHCA, each encounter is a battle. This is partly due to the fact that the KZNHCA cannot successfully exert power over the Ngome Community Land Trust (NCLT), unlike in Nqabayamaswazi Game Farm. The NCLT is much more political and suspicious in its approach to KZNHCA compared to the BCT. However, it appears that the BCT is becoming more critical and radical in its approach to KZNHCA as well, evident in its clandestine purchase of cattle to be integrated with wildlife without the consent of KZNHCA. This move is considered by the KZNHCA as a waste of funds which could have been used for incidences such as the July 2010 fire disaster. In the case of Ngome Community Game Reserve, cattle has also come up as an issue. Some members of the KZNHCA have also raised their concerns about cattle belonging to the Zondi Traditional Authority being kept inside Ngome Community Game Reserve, leading to fears of over-grazing (see Plate 6.2).

All these are instances of power struggles shaped by differences in opinions when it comes to developmental issues of the community game farms under study. The main aim of this section was to highlight the above problems in order to show that management agreements between

'community' representatives, in the form of Trusts, CPAs with the private sector are not so romantic after all, as they are conflicted with battles over power in managing community game farms.

7.4 Ezemvelo-KZN Wildlife and community game farming
Discussion will now turn towards evaluating the relations between the two community game farms under study and Ezemvelo-KZN Wildlife (EKZNW). EKZNW is the provincial state conservation authority which not only manages protected areas, but is also concerned with biodiversity conservation on private land, including new community-owned game farms. In addition, the ideology of 'community-based conservation' is an important part of its implementation plans.

Here the agenda is very different from that of the KZNHCA as EKZNW is not driven by profit making motives and the utilization of wildlife through hunting. But they are trying to have an influence on what happens on private game farms. In general, EKZNW can exercise direct control over what happens on private game farms on the province through issuing of necessary hunting permits. As a conservation official explained in relation to its involvement in Nqabayamaswazi game farm:

> The main concern for our department is to conserve biodiversity. That is our core function. But we cannot do that in isolation. In order for the conservation of biodiversity to be meaningful it has to take into account community involvement. Biodiversity conservation has to acknowledge the surrounding communities. In fact we conserve biodiversity inside and outside of protected areas whether in Kameelkop or not. In other words, we have continuous relations with Kameelkop. Our [community] relations form a core function in our duties. We as an organization - we are there to support and advise them. We differ in what we do. We have what we call District Conservation Officers - they offer advice on biodiversity conservation issues. My colleague and I advise them on social issues. So our relationship will not end. If it does, then our existence would be questionable (EKZNW Official, August 2010).

As they are private concerns, not protected areas owned by the state, community game farms like those of the Zondi and AbeKunene communities are not catered for in the EKZNW budget. This

issue was raised by a KZNHCA official who feels that the game farms given to beneficiary communities in KwaZulu-Natal through the land reform programme are a neglected area, and that the state should have a budget to support them:

> There are 32 farms, community reserves like this one, 62 properties into 32 farms or clusters totalling to nearly a hundred thousand hectares. If you look at the hierarchy, at provincial level - the provincial reserves – the government gives Ezemvelo R250 million a year. The Wildlands Trust generates money, also for Ezemvelo. So all your reserves, Hluhluwe, Umfolozi, all those places are looked after, somebody funds that. Look at the game ranches, look at all those nice places, somebody funds that. But there is a portion of land - 100 000 hectares that nobody is funding - all the farms, all the property given back to the local people. Nobody teaches them how to run it, how to generate money, how to maintain it, how to get people there. Nobody understands marketing, nobody understands finance. And let me tell you, if it stays like that, there will be an uprising (KZNHCA Official, August 2010).

The following section looks at the relationship between EKZNW and the community land trusts in each of the case studies.

7.4.1 EKZNW and Ngome Community Land Trust

The community game farms or reserves under study are former private game farms/reserves used mainly for hunting. Therefore, the role of the provincial conservation authority is indirect, unlike in state protected areas where it plays a central role. The following is an extract from an interview with the former Training Consultant of Ngome Community Game Reserve (appointed by the former DLA, as described above). He felt that the provincial conservation authority ought to have provided more support.

> After the community takeover, Ezemvelo KZN Wildlife never came, there was no input apart from getting the permits for the hunting. You have to have a permit in order to hunt. As a game reserve or a game farm, you have to have a permit from KZN Wildlife as an issuing authority in order to allow people to come and hunt there. To make it legal. The only dealings I had with KZN Wildlife when I was still there was applying for permits, that's all. They never came there (Former Training Consultant, September 2010).

However, the situation has improved over the years since the former Training Consultant's departure in 2000. Ngome Community Game Reserve now has an EKZNW official working with the Ngome Community Land Trust on social issues pertaining to the community game reserve. This official assumed his duties in 2009. He has had to deal with a number of problems so far, including the following:

(i)   The illegal slaughter of wildlife by prominent members of the Zondi community for *umkhosi* (*a traditional ceremony*).

(ii)   The issue of the previous owner of the neighbouring Khobotho Game Reserve, who decided to shoot all his wildlife as it was not paid for by the DLA as part of the land transfer.

(iii)   The conflict that led to threats of legal action by Izanqawe Trust against Ngome Community Land Trust over the new fence erection and extension of Ngome Community Game Reserve (which took a piece of land under Izanqawe Trust).

Each of these incidents is briefly discussed below.

In the first instance, a member of KZNHCA went to the game reserve to attend to a power failure in the abattoir and when he got there, he saw hides of *imigakla* which were shot without a permit. This created a lot of tension. The community in some of its actions is breaking the law. The hunting association KZNHCA claims that it is the only party with hunting rights, and was astonished to find some of the game shot without a permit.

> KZNHCA said it was eight *imigakla* that were shot. Apparently the animals were slaughtered to cater for umkhosi [traditional ceremony]. This is against the law. There must be an investigation as to how such a thing took place. I told them that as a community they have rights concerning the game farm and if they want anything they should come and ask for it, because they are now making law enforcement impossible. The law must take its course amongst everybody, everybody must respect the law, there must be a balance. I told them that if they want help on an urgent matter, we must talk about it and do it according to the law (EKZNW Official at Ngome Community Game Reserve, April 2010).

The dispute over the slaughter of wildlife by prominent members of the Zondi community for *umkhosi* says a lot about the sense of ownership the Zondi Traditional Authority has over Ngome Community Game Reserve. In this particular incidence the animals that were slaughtered were used as meat for a traditional ceremony which could not have taken place without the consent of the traditional authority.

A second problem was created by developments on the neighbouring Khobotho reserve (see Plate 5.2 & Appendix 1) when it was handed over to land beneficiaries. The previous owner of the Khobotho Game Reserve wanted to capture and relocate all his wildlife; after the DLA had failed to pay for it under the 'labour tenant package'. This outcome effectively meant that Khobotho could not continue as a game reserve or hunting farm because there was no longer any game (see Appendix 1).

As the EKZNW official working at Ngome stated:

> I met both chairpersons of the two Trusts [the Ngome Community Land Trust and the Izanqawe Trust at Khobotho] concerning a matter about the previous owner who wanted to sell some game on the game farm. One of the Trusts did not want the previous owner to sell the game. I then told the other Trust and DLA to write a letter and apply for a permit. Some game still belong to *umlungu* [the previous owner] because they were not purchased from him and were therefore not part of the labour tenant package. The previous owner wanted the game because it was not part of the land purchase. Eventually he was granted a permit to shoot his game. Subsequently this created a lot of chaos. I then took both chairpersons of the Trust to the previous owner and discussed the matter. We then agreed to hold a meeting on a specific date, but that meeting did not take place (Ngome EKZNW Official, April 2010).

Thirdly, the EKZNW official has had to solve a dispute between Ngome Community Land Trust and Izanqawe Trust (CPA entrusted with ownership rights over the neighbouring dismantled Khobotho Game Reserve). Izanqawe Trust still has authority over the piece of land even though the game reserve was dismantled (see Plate 5.2 & Appendix 1). The dispute that the EKZNW official had to solve was triggered by the new fence erection which incorporated a piece of land

falling under Izanqawe Trust into Ngome Community Game Reserve. As a result, Izanqawe Trust threatened the Ngome Community Land Trust with legal action. But the EKZNW official intervened and managed to stop the matter from going to court, at least for the time being.

7.4.2 EKZNW and Boschhoek Community Trust

'Land Affairs has given them land. It is our role again, to say that this is a biodiversity issue, and come in from that angle' (EKZNW Official, July 2009). The Nqabayamaswazi game farm manager, Mr Njoko, was suggested by the EKZNW and was one of their former officers. 'He was a game ranger from KZN Wildlife – at that time the Natal Parks Board. His knowledge is quite broad, he helps out a lot here' (KZNHCA Official, July 2009). The game farm manager is currently employed by the Boschhoek Community Trust.

This relationship was explained in more detail by one of the EKZNW officials:

> As you can see, [with] brother Njoko - we approached the community and told them about a retired guy who has good experience - that's why Njoko is here. He was working for us in uMfolozi [game reserve]. We noticed that the community cannot manage the game farm on their own. It needs skills, game ranging skills, a person with good experience. So, our involvement comes in because it is our discipline. Land Affairs would not have known what kind of person is needed - they just provided money (EKZNW Official, Kameelkop, July 2009).

Plate 7.3: EKZNW Officials with members of the BCT and Nqabayamaswazi Game Farm Manager

These arrangements show commitment on the part of EKZNW in its contribution in the operation of the community game farm (Ngubane, 2009). However not everything is working so smoothly. Plate 7.4 shows the old farmhouse which is due to be renovated in courtesy of EKZNW. However, this had not taken place during the time of writing this thesis in 2011, i.e. two years after the promise had been made by EKZNW.

Plate 7.4: Old farmhouse to be renovated by EKZNW

The main problem that Nqabayamaswazi Game Farm is having with EKZNW is the issuing of hunting permits, a task of the District Conservation Officer (DCO). There is a lot of frustration around this issue, as a community game farm official explains:

> There were two officials; one was working outside with the community and the other within the game farm. These men are two officials working for Ezemvelo KZN Wildlife. The one we currently have is working with the community. It was better working with the other one because he was closer to us. Now we only have one. But the problem is, they have different roles. The DCO should have been replaced by another officer to occupy his position thereafter. I tried but failed to call the DCO. This means that they [Ezemvelo KZN Wildlife] did not continue with the DCO's files.

> Now we do not have anybody. Even when it comes to the [hunting] permit - we were assisted by KZNHCA. This used to be the DCO's role ... Before the hunting season there is a game count and that number is taken to Ezemvelo. Ezemvelo then examines that number in order to determine how many of the game can be shot, and then I get a permit that stipulates the exact date, the start and end point of the hunting season, and also the species of game that can be hunted. The DCO assisted us with that permit because the hunting

season cannot begin without a hunting permit. This led to KZNHCA assisting us with [getting] the hunting permit this year (Nqabayamaswazi Staff Member, May 2010).

According to the interviewed EKZNW official, a new DCO has filled the vacant post. However that has not made any difference in Nqabayamaswazi because they have not met the new DCO and continue to rely on KZNHCA for assistance in getting the correct hunting permits. Without KZNHCA there would be no hunting because hunting cannot take place without a hunting permit.

These problems are acknowledged by EKZNW officials. The response to the devastating fire at the community game reserve illustrates some of the difficulties. The local fire department failed to extinguish fires in Nqabayamaswazi Game Farm, claiming that it could not work in an area outside of its jurisdiction. This situation was caused by the new municipal demarcation: unfortunately the community game farm straddles two local municipalities causing serious implications to service delivery, particularly in relation to a fire disaster.

Commenting on the fire at Nqabayamaswazi game farm and the fact that it was not contained in time, an EKZNW official noted:

Hope has to be there, but the main problem is the fragmentation of supporting agencies. The same applies to the issue of disaster management - it is the lack of co-ordination. It is a serious problem and it is unfortunate for the citizens of the country. There is hope, but if state departments continue to be fragmented then they are contributing to the failure of projects. Many projects crumble because of the lack of co-ordination. Instead they are fighting amongst each other as it is the case within the fire department and disaster management. If they were serious about helping people then they would have sent their vehicles to meet at mid point.

There is hope for the future because the community led by iNkosi has the passion. If this thing fails, it would be the government that has failed the people. We lack leadership somewhere, somehow. We need someone to make sure that co-ordination takes place, so that things do not become fragmented. But if you ask yourself which state department can

do that, you end up confused because as state departments we come in to do different things, nobody puts us together (Ezemvelo KZN Wildlife Official, August 2010).

The above problems are most likely caused by a lack of policy directly dealing with community-owned nature conservation areas. This finding also forms part of the recommendations of the study discussed in Chapter 8. The next section provides a brief comparison of the role of EKZNW in the two community game farms.

7.4.3 Brief comparison of the role of EKZNW in the two community game farms

In both community game farms, the involvement of EKZNW appears to be to a great extent about the issuing of hunting permits. However there are other important roles such as biodiversity conservation, community liaison and infrastructural development. Unlike the KZNHCA, the provincial conservation authority is not driven by profit making motives, leisure, and hunting opportunities for its members. The main objective of EKZNW in both community game farms is the conservation of biodiversity and to create environmental awareness amongst the community trusts entrusted with ownership rights over these community game farms. In that way the conservation authority has ensured continuity with game farming/nature conservation, which can be said to be in line with achieving broader objectives of biodiversity conservation in the province. However, it is noteworthy that EZKNW mainly interacts with community trusts in both community game farms and has not yet conducted an 'attitude study' amongst the rest of the community members who are the rightful beneficiaries of these community game farms to determine whether they are in consent with community game farming or not.

7.5 Influence of outside partners on chiefs

As noted in Chapter 6, outside partners have had a huge influence on the thinking of chiefs and this has in turn fed into outcomes. Given the dominance of *amakhosi* in the land reform process (described in Chapter 6), this influence has shaped outcomes in important ways. In both communities under study, the DLA and other state organs such as EKZNW and to some extent the Department of Agriculture appear to have used Amakhosi as agents of expert nature conservation thinking. Such thinking is then imposed on land beneficiaries to accept game farming as a land use. This is done in order to ensure continuity with 'wildlife production' after the land claims had been settled.

The quote from Nkosi Kunene is worth repeating here:

> Game farming was new to us, but we were very much interested [in business], and that interest was attributable to the fact that when we lodged the land claim we had agreed to make the land profitable once the land claim had been settled … When we received the game farm, we received a well organised business, and we did not have to start from scratch - erection of the boundary fence, etc, everything was there, animals were there, and even accommodation, the lodge was there. All we had to do was to come in and take control.
>
> My role as iNkosi was to make the community understand the importance of the game farm, to change the mindset… In other words I had to teach them to respect and love animals so that the future generations will also see them in future. I had to teach them, not to chop down trees, and vegetation; the game farm is not there for firewood. Even the grass is not there for us to burn, but for the animals to graze on, and also for us to thatch our houses and also to sell some of the thatch grass. And also for our children in local schools, we must maintain the game farm in order for them to go on excursions in order to learn about nature. Those were amongst the things we had to do in order to train people on what they should do.
>
> I got that knowledge from the Department of Agriculture and Nature Conservation people, who taught us about nature conservation. So I had to teach them (*the land beneficiaries*) on that, before we embarked on the business (Nkosi Kunene, July 2010).

Such an advocacy role for community game farming on the part of Amakhosi is evident in community meetings whereby the leadership appears to be emphatic on the viability of game farming as a land use. Therefore, it can be deduced that the former DLA, EKZNW and other state departments such as the former Department of Agriculture have to some extent imposed game farming over land beneficiaries as a viable land use option via Amakhosi, who then filter this 'expert nature conservation thinking' through representative structures like community trusts or CPAs. Similar conclusions can be drawn in terms of the role of the KZNHCA, even though it came on board after these decisions were taken by the former DLA and community trusts.

Such outcomes are premised on management philosophies such as community-based conservation (CBC) or community-based natural resource management (CBNRM), which are mainly adopted from elsewhere (see Chapter 2). In the introductory section of this chapter questions such as the following were raised: In what sense is this CBC? Just because it's wildlife and community, is it CBC? Can CBC be used as a way of running a profitable business to the benefit of every community member? To what extent are community trusts autonomous in decision-making in light of an increasing influence from outside partners in the name of CBC? How are the agendas of the various partners shaping outcomes? These are the questions raised by this thesis for unpacking in scholarly debate.

7.6 Conclusion

This chapter has critically examined the multi-stakeholder partnerships in which community trusts are engaged and their influence on game farm management practices. In that way, the chapter has evaluated the role of the former DLA, EKZNW and KZNHCA in both communities under study. It drew on interview transcripts to emphasise serious problems confronting land beneficiaries of nature conservation land. Based on such empirical evidence it is clear that the above outside partners and state institutions find themselves embroiled in a complex combination of historical grievances and intra-community power dynamics. What is striking though is the vision and agendas of these various partners which effectively leaves the land beneficiaries without many options in terms of land access. This raises serious questions of restitution and democracy as land beneficiaries cannot settle on their newly acquired land nor benefit from community game farming or CBC/CBNRM practices.

The plight of the land beneficiary in such cases is not surprising as it is somewhat absurd to expect a community of more than a hundred people to benefit from a small game farm or reserve which was once a family business or holiday home. On the other hand it is pleasing to learn that a former project officer of the former DLA, who once worked with the Zondi community realizes this economic fact 13 years after the land claim settlement. But how much influence will such conclusions have on urgent policy changes on the part the Department of Rural Development and Land Reform towards giving land beneficiaries the discretion to decide what land use they prefer, rather than imposing community game farming onto them for the sake of continuity with wildlife production? The main challenge is not only the above problems but the

negative implications they have on land beneficiaries who have entrusted their representative structures with ownership rights over the community game farms. Such implications are mostly shared by marginalized women, the youth, and the elderly; some of whom have no idea what a community trust is and have no idea of the role of the DLA, EKZNW or KZNHCA. These problems could perhaps have been avoided if the elements of power, pride and greed were erased, particularly amongst those who occupy positions of influence in CPAs. Those are people with the necessary power, authority and to some extent political will to effect positive change, not for the present moment, but for future generations who might look back to their forefathers and thus be grateful for a job well done.

It is worth reiterating that even though each of the outside partners or 'stakeholders' has its own agenda in relation to community game farming. However elevating these community game farms to match the level of organization they reached under the previous owners appears to be the main emphasis on the part of these partners. The heart of the matter is that previous ownership situations are difficult to compare with the current situation of land beneficiary communities, particularly in a context where the conversion from conventional farming to game farming involved forced removals. This also questions the broader idea of land reform founded on the goal of turning land beneficiaries into black farmers, an observation often made in land reform circles (Lahiff, 2009). Similar expectations emanate at the interface of community trusts and outside partners; that land beneficiaries must strive to the level of success in line with their predecessors in game farming, i.e. the previous owners. This has proven unachievable over time in both community game farms under study.

The current land use (game farming) is a 'success story' on the part of outside partners and community Trusts/CPAs, including Amakhosi/chiefs. But it is not necessarily the case for land beneficiaries who see this not as a 'success story', but a story of loss, misfortune and disappointment in leaders constituting Trusts/CPAs, including Amakhosi. A success story from many land beneficiaries' point of view would be cattle and goats roaming freely in the landscape, with enough land for human settlement and subsistence crop production, the basics of rural life. But the land reform process has failed them in that regard. Similar findings were found in research conducted by AFRA in KwaZulu-Natal:

The research on the effects of conservation and tourism on land tenure and ownership patterns in KwaZulu-Natal identified conservation and tourism as land use options which have to compete with alternative land use options such as agriculture or housing. The inherent tension in such processes is further complicated when justification for tourism and conservation ventures is based on development ideologies, such as black empowerment or pro-poor tourism, particularly when the other potential land owners are the poor (AFRA, 2004a:3).

The main question emanating from this study is whether this is democracy. On the same vein another question re-emerges, that of whether this is land restitution (Ramutsindela, 2002). These questions will be addressed in the next and concluding chapter of this thesis, Chapter Eight.

Chapter 8: Conclusion

8.1 Introduction

This comparative study has made an attempt to raise the hidden voices of former labour tenants who were forcibly removed from their land during the apartheid period to make way for private game farming, as well as the voices of victims of black spot removals who have been directly and indirectly granted private game farms through the land reform programme. Such an emancipatory stance and approach finds its basis on a 'need to strengthen the voice of the rural poor so that they can clearly articulate the problems and challenges at local level and begin to pose alternative options for addressing the challenges that confront them' (Andrews, 2007:218). Accordingly, this thesis was conceptualized within the qualitative Human Geography praxis and thus 'follows the tradition that seeks to both give voice to those unheard or silenced by the powerful, and also to speak truth, or at least their truths, back to power' (DeLeyser et al., 2010:9).

In the analysis of the way land reform has unfolded in these two contexts, close attention was paid to a specific set of practices, places, and connections, in such a way as to shed light on how broader processes are constituted in practice as well as to suggest terrains of practical action (Hart, 2002:15). The two community game farms (owned by AbeKunene and Zondi communities) provided a lens into the local and much broader historical and contemporary socio-economic and political processes that underpin power dynamics in such settings.

This thesis revealed that such power dynamics are part of a longer history. It reviewed various historical mechanisms of land grabbing exercised by centuries of white supremacy, setting the scene for the apartheid era which included large-scale forced removals of farm dwellers from labour (tenant) farms, as well as Amakholwa from African freehold land in the name of homeland consolidation. This is a necessary precursor to understanding the outcomes of land reform initiatives. The research contributes to understanding the history of labour tenancy and its continuation in various forms, including the experience of labour tenants on private game farms/reserves into the era of democracy.

Another important historical theme extending into the present is the history of *ubukhosi* (traditional leadership) in the land struggle and the role of this institution in land reform, community game farming, and CPAs - which were in part strategically designed by the former DLA to curtail some of the chiefs' powers on land issues (Oomen, 2005). The study records how new histories of 'community conservation' are being created through the land restitution process as private land under commercial game farming is awarded to claimant communities (see Ngubane, 2011).

8.2 Summary of the main findings

The research aim was to identify and investigate key socio-spatial and political dynamics involved in the acquisition of private game farms by land reform beneficiaries. This aim was further broken down conceptually into three objectives. The three objectives can also be posed as questions and the answers suggested by this research are summarized below.

8.2.1 Objective 1

How did the different legal routes taken through the land reform process influence the nature of the settlement as well as post-settlement outcomes?

As shown in Table 6.1, communities under study took different routes through the land reform process based on their historical experience and on what was possible through the available legislation. The land reform programme has three pillars (restitution, redistribution and tenure reform) that claimants can follow in order to access land. Both communities had their chief lodging the land claim on their behalf. The Zondi community first followed the land restitution route and was later advised by the former DLA to opt for land redistribution because their land dispossession predated the 1913 cut-off date for all land restitution claims. The shift to redistribution meant land beneficiaries had to combine their grants in order to afford the price of land. This led to the purchasing of a chain of farms including a private game reserve, Bhambatha's Kraal which was then renamed Ngome Community Game Reserve.

This particular farm has its own social and economic history involving labour tenants who had to be relocated when it (the labour tenant farm) was converted to game farming in 1974 and the few

who remained behind for their labour. Based on their history, the above labour tenants are the 'rightful' beneficiaries of Ngome Community Game Reserve. However, the fact that the Ngome claim was a general clan claim made by the tribal authority, and that Bhambatha's Kraal was returned to 'the Zondis' but not to the actual people who had been evicted from the land (i.e. the labour tenants evicted due to game farming), made a difference. It meant that the 'rightful' beneficiaries of Ngome Community Game Reserve were incorporated into the general clan claim made by the tribal authority. This finding can be linked to what Lahiff (2008) calls the 'forced collectivisation' experienced by land claimants who have had to combine their grants with outsiders in order to afford the price of land. The 'rightful' beneficiaries of Ngome Community Game Reserve could not of course return to their original land because it was to become a 'community' game reserve.

Whilst on the field, the researcher came across the dismantled Khobotho game reserve (see Plate 5.2 & Appendix 1), which provides an interesting contrast, where a labour tenant claim was made. The labour tenant claim was lodged by Izanqawe trust on behalf of labour tenants who were forcibly removed when Olivefontein farm (see Figure 5.2) was converted into Khobotho game reserve in 1982. This group of claimants included those who 'survived' the 1982 eviction and became workers for Khobotho game reserve. For this group of claimants, the land reform process, in particular the labour tenant claim worked in a very different way and set a new precedent in the arena of land claims on nature conservation or game farming land. Khobotho game reserve was dismantled, and the land beneficiaries have (since 2009) begun to settle back on their original land (see Appendix 1).

According to the land beneficiaries, this is a clear indication of success and satisfaction with the land reform programme. However, it must be pointed out that if it were not for financial constraints on the part of DLA, Khobotho game reserve would have continued operating, and perhaps would have also become a community game reserve.

Initially this comparative study was to compare Ngome Community Game Reserve and Nqabayamaswazi Game Farm. As explained above the story of the dismantled Khobotho – like Ngome, also in the past part of Bhambatha's Kraal private game reserve – emerged and was

incorporated into the study. Focus now turns to summarizing how the legal route taken by the AbeKunene community in the land reform process influenced the nature of the settlement as well as post-settlement outcomes.

Nkosi Kunene lodged a land restitution claim on behalf of the AbeKunene community against the SANDF which had occupied their land since the early 1970s. Unfortunately the land claim was unsuccessful as the SANDF retained the land for its importance in the training of the army. The AbeKunene were then offered alternative/compensatory land involving two farms, one of which is a game farm. That is how the community was incorporated into current discourses of land claims on nature conservation land such as community wildlife management or community-based conservation.

The AbeKunene were not part of forced removals for nature conservation, but received the game farm in compensation for the land (Boschhoek) they lost through a black spot removal in 1968. Interviews show that several of the land beneficiaries are unhappy about the compensatory land and still long for Boschhoek. Some of them blame the chief for accepting the alternative land package option. However, it must be noted that while some land beneficiaries can blame the chief, it appears that Nkosi Kunene actually had little room for manoeuvre as the SANDF was not prepared to give Boschhoek back, and even used the 'nature conservation' card in order to keep the land (see Appendix 4). This then guarantees that 'the struggle is between the powerful state (and other interests) and the rural poor' (Kepe et al. 2003:05).

Another factor was the date at which the claims were processed and settled. Land reform has not remained static but has changed over time. Close attention to the Zondi community reveals that the earlier the settlement of the land claim, the earlier the withdrawal of the DLA as a support structure. The Zondi claim was settled much earlier in the land reform programme (in 1997). An interesting contrast is provided by the AbeKunene whose land claim was settled much later (in 2005). The AbeKunene still receives post-settlement support from the former DLA, now the Department of Rural Development and Land Reform. This is attributable to a recent shift in policy on the part of the former DLA towards post-settlement support.

This comparative study therefore suggests that the different routes taken through the land reform programme by the communities under study did have a significant influence on the type of outcome. In terms of questions around social justice, the most 'just' appears to be the Khobotho outcome where labour tenants are returning to land from which they were removed. Neither the labour tenants of Ngome nor the amakholwa of Boschhoek have actually got their land back, and in the case of Ngome, the land settlement amounts to little more than an additional piece of land regarded as 'the chief's game reserve'.

The following section provides a brief summary of the extent to which traditional leaders have promoted community game farms created through the land reform process, and the consequences of this involvement for a just and/or sustainable outcome.

8.2.2 Objective 2

To what extent has traditional leadership promoted community game farms created through the land reform process, and what are the consequences of this involvement for a just and/or sustainable outcome?

This research objective emerged in the course of the community interviews as well as interviews with outside 'stakeholder partners'. It became increasingly obvious that the traditional authority structures (and chiefs in particular) had in fact played a major role in facilitating the transition from private game farming to community game farming on the part of these KwaZulu-Natal land beneficiaries. The thesis raises questions on the power of Amakhosi over newly acquired land through land reform and their influence on democratically elected CPAs. Does this newly acquired piece of land - the game farm - thus become *de facto* 'communal' land because of the power of the chief in determining what happens there? What about the provisions of the CPA Act that attempts to curtail some of the chiefs' powers on land issues? (Ngubane and Brooks, 2011).

There is a debate in academic circles about traditional leadership and its compatibility with democratic rule in South Africa (Ntsebeza, 2005; Oomen, 2005; Fraser, 2007; Ramutsindela, 2007b). This thesis contributes to that debate by tracing the steps through which chiefs asserted

power in this arena. The advocacy and developmental roles of Amakhosi towards nature conservation in both community game farms under study in KwaZulu-Natal was an unexpected finding that emerged strongly from the fieldwork. The research showed that traditional leaders, while they may well act as responsible leaders in many instances, also show undemocratic elements in relation to their 'subjects'. This was especially obvious in the case of Ngome Community Game Reserve. For example, the Zondi Traditional Authority unfairly benefits from Ngome Community Game Reserve in that its cattle are permitted to graze inside the 'community' game reserve while the rest of the land beneficiary community cannot do the same (see Plate 6.2).

Such unfair practices, including the recent fence erection and extension of Ngome Community Game Reserve, have led to some members of the Zondi community resorting to using the 'weapons of the weak' (Scott, 1986) against the community game reserve, cutting some portions of the fence in 2010. Such actions may have also been motivated by the 2003 evictions of game farm workers from Ngome Community Game Reserve by their own community trust and chief (see Plate 6.1). The situation has reached a point where, as one respondent angrily stated:

> … they changed the condition of the game reserve from being a community game reserve to a traditional authority game reserve. It is the traditional authority that governs here, not the [land] beneficiaries - the owners of the land are not governing. The owners of the land are ill-treated by being oppressed by the traditional authority - that is why things are the way they are (Member of the dismantled Ngome Community Trust, June 2010).

It seems that the involvement of the chief in the trusts may have undermined the concept of the CPA as an independent, community-based property association owning and managing the beneficiated farms. In the case of Ngome, the chief assumed a substantive proportion of power over the community game reserve and was instrumental in dismantling the first land holding trust on allegations of corruption and theft of community funds. The chief was also instrumental in the creation of a new trust in 2003 and the eviction of the game reserve workers. The chief appears to have done all of this acting within his capacity as the founder of the community trust. But he was never a formal member of the trust which complicates his role as its founder. Therefore, one may conclude that the chief may have abused some of his power for what he conceived as just or

necessary for the Zondi community. Unfortunately, some members of the Zondi community, in particular those that were forcibly removed from Ngome Community Game Reserve in 2003, blame the chief and the community trust for their eviction.

Land reform needs to benefit the whole community, not only the (rural) elite (Fraser, 2007). The researcher attempted to access land beneficiary perceptions towards their respective chiefs based on their everyday interaction with them in the context of community game farms. Neither of the communities studied is really satisfied with the land reform outcomes and many land beneficiaries in both communities remain dissatisfied with community game farming as a viable land use option. In the AbeKunene case, there is a group of people who feel disgruntled by the fact that their land claim was settled as alternative (compensatory) land, and prefer their original land, Boschhoek farm which is still occupied by the SANDF (see Plate 5.3). They have approached AFRA for assistance, but that was not enough to reverse the land reform process. In Ngome, land beneficiaries dispute the idea of community game farming and prefer crop cultivation, livestock keeping and human settlement as viable land uses. It appears that in both cases the close relationship between the Amakhosi and Community Trusts has excluded other possible outcomes in terms of 'restituted' land.

A radical conclusion is that land reform has to some extent imposed community game farming on land beneficiaries for the sake of continuity with the existing land use of wildlife production and in order to retain (supposedly) economically viable enterprises on the land. Such trends are of course noticeable in other areas of land reform as well, particularly in restitution cases on high value land (Lahiff, 2009; Derman, Lahiff and Sjaastad, 2010). In the process described here, chiefs have played vanguard roles in getting the land back - for example, by driving land claims - and then in advocating the continuation of wildlife production as a viable land use over their subjects, now reconstituted as land beneficiaries.

This thesis therefore raises serious and unavoidable questions about democracy in the countryside. It is on that note that this thesis recommends further research on traditional leadership and the role of this institution in nature conservation and land reform in the country - particularly in KwaZulu-Natal as more communal land is currently being converted to nature

conservation land or used for various forms of wildlife production. The link between nature conservation and chiefs has a longer history which should be explored, for example, the role of Nkosi Mangosuthu Buthelezi as a champion of nature conservation during the KwaZulu homeland period.

It remains a fact that land beneficiaries in both AbeKunene and Zondi communities cannot do much in terms of reversing the land reform process. All they hope for are tangible benefits from community game farming, but they are not getting much at the moment. Community game farming - which has become inseparable from discourses of CBC and CBNRM in South Africa - can become undemocratic, especially in cases whereby it is imposed on land beneficiaries against their consent. Traditional leaders have played a key role, as this thesis shows. But in both communities under study, traditional leaders did not act alone, as they maintained implicit and explicit roles in Community Trusts or CPAs backed by the DLA and EKZNW and eventually the KZNHCA which advocate community game farming as to maintain continuity in (wildlife) production and (they hope) a sustainable economic enterprise. This leads to the summary of the findings of the study in relation to Objective 3.

8.2.3 Objective 3

What is the nature of the 'stakeholder partnerships' in which community trusts are engaged, and what is their influence on game farm management practices?

The issue of insufficient post-settlement support by the state in land reform projects has created a gap for private investors to form farm management partnerships with land beneficiary communities. In many cases, land beneficiaries of high value land have entered into farm management agreements with the private sector in order to ensure continuity with production (Hall, 2009; Lahiff, 2009). This is the case with the two community game farms under study, who have partnered with the KZN Hunting and Conservation Association (KZNHCA). However, the state has not totally distanced itself from these partnerships and is represented by the provincial nature conservation authority, Ezemvelo KZN Wildlife; the Department of Rural

Development and Land Reform, the former DLA, and to some extent the Department of Economic Development and Tourism.

An important finding emanating from these 'stakeholder partnerships' is the dependency of community trusts on the above partners, which raises the following question: For how long will community game farms/reserves continue to depend on the Department of Rural Development and Land Reform and other (state) grants or else private sector partnerships in order to sustain themselves? The handover of expertise is not happening and the hunting association is now being explicit about this in its thinking and documentation. There are ongoing attempts to turn the situation around, some of which have resulted in the formation of Nemvelo Trust, which may soon take over management responsibilities for the community game farms/reserves under study as well as others in KwaZulu-Natal.

It is also noteworthy that there are contestations between the different partners. For example, the Department of Economic Development and Tourism sponsored a community lodge which the KZNHCA is skeptical about. Another example is the 2010 fire disaster in Nqabayamaswazi Game Farm (see Appendix 2), whereby the KZNHCA took the initiative to provide bales as additional feed for the animals whilst they waited for donations from EKZNW that did not reach the community game farm. The KZNHCA has a central role on game farm management practices compared to the state.

There are contestations between KZNHCA and the community trusts as well. For example KZNHCA opposed the construction of a conference centre in Nqabayamaswazi Game Farm on nature conservation grounds, but failed to do so in Ngome Community Game Reserve (see Plate 7.1 & 7.2). Another issue was that of cattle integration at Nqabayamaswazi which the KZNHCA is skeptical about and their view is that it was a waste of community funds that could have been utilized after the fire disaster.

The fact that progress is at a standstill at Ngome Community Game Reserve because of the succession dispute, is troubling because it indicates that most of the state and private sector partners regard the chief as the main person with whom to negotiate.

8.3 The question of failure or success in land reform and 'nature conservation'

The story of the dismantled Khobotho game reserve, also handed over to land claimant beneficiaries – in this case labour tenants – is provocative in considering this question (see Appendix 1). Private game farms or reserves (including those transformed or metamorphosised into community game farms) have been recognized for their 'vital' role in biodiversity conservation (Hofmeyr, 2002; Cousins, Sadler and Evans, 2008). So a failed narrative of community game farming would constitute one strand in the debate and general claim on the part of nature conservationists: that land claims 'pose a threat' to nature conservation (Kepe, 2008; 2010).

The Khobotho experience presents a case whereby a labour tenant land claim led to the end of a private game reserve, taking us back to the 'success' debate in land reform discussed in Chapter Two. Land beneficiaries see the Khobotho experience as a 'success' story, while game farming proponents, sport hunters and nature conservationists remain disappointed. However, if one would assume that one of the principles of democracy is majority rule, then the Khobotho experience is indeed a 'success' story in that the majority of land beneficiaries hold that view; notwithstanding the influence of the various government departments involved.

Perhaps Hackel's 'warning' is worth reiterating here. Hackel (1999) states that democracy in relation to community-based conservation can be a two-edged sword. He claims that regardless of democratic promises for rural development, which could theoretically favour CBC, it is also quite possible that greater rural democracy will promote the loss of land for wildlife as rural people gain a bigger say in land use decisions (Hackel, 1999). 'Conservationists must not assume that increased democracy, with its presumed attendant decentralization, will be beneficial to conservation efforts' (Hackel, 1999:729).

Homewood (2005) points out that forms of land use other than nature conservation may bring greater immediate benefits to communities, in particular those affected negatively by fortress nature conservation policies. In light of the acrimonious legacy of nature conservation, it is most unlikely that victims of forced removals for nature conservation will opt for CBC as a land use option unless it is imposed onto them - as is often the case in land reform-triggered CBC or

CBNRM projects in South Africa (Ramutsindela, 2002; AFRA, 2004a; Manjengwa, 2006; Kepe, 2008; 2010; Ngubane, 2011). Homewood (2005) suggests that CBC may not be appropriate because the main source of livelihood for rural people is herding and farming. This point is perhaps even more valid here given the small size of these beneficiated game farms.

8.4 Reflections on rural discontent

A troubling question raised by this research is the following: what are the long-term consequences of the dissatisfaction with game farming? For how long are land beneficiaries going to be looking in at their 'own' community game farms without reaping any obvious form of benefit? Currently the reserves benefit only a few people employed there for low wages. Interviews with land beneficiaries revealed their frustrations and even wrath, suggesting that should the situation be left to deteriorate, the next step may be invasion of community game farms by land beneficiaries themselves, who are already impatient at the lack of tangible benefits from community game farming.

Such troubled conditions on the ground lead the researcher to conclude that perhaps in the near future there may be various pockets of unrest in the countryside, particularly from within land beneficiary communities. Other research has shown that land invasions often arise at the interface of frustrations, collaboration and mobilization amongst the oppressed. Somewhat unnoticed, land invasions and unrest on nature conservation land have been taking place in the country, for example in the Dukuduku forest (Sundnes, 2011) and more recently further north in Ndumo Game Reserve (Meer, 2010) and Mapungubwe (Maano Ramutsindela, personal communication, 22 August 2011).

It is important to note that farm dweller and rural communities have become more organized than in the past, as noted by Andrews:

> The last ten years have seen a rise and reorganization amongst the different sectors that make up the social layers in the countryside. In the last five years, hundreds of people's organizations such as farmers' groups, crafters' association, rural savings clubs, community development forums, rural fishing associations, farm worker unions and labour tenant associations have been established. There is a growing realization amongst

local people's organizations, social movements, NGOs, land activists and academics of the need to build greater collaboration and joint action amongst these groups' (Andrews, 2007:216).

As Andrews notes, 'There is a need to build strong, independent organizations that are able to hold and engage the government on the commitments it has made' (Andrews, 2007:218). The question is: who is best able to play this role? Is it NGOs, social movements and civil society groups, the private sector or researchers? What role do universities and 'think tanks' have beyond research publications? What kind of synergies can be forged to create tangible benefits, particularly towards land beneficiaries in the context of community (game) farming? These are the questions raised by this thesis and they require further research. In the meantime, however, a few modest recommendations are made here.

8.5 Recommendations

1. It is important for all those involved in community game farms to understand that power dynamics do arise within partnerships and should always be taken into serious consideration. If necessary, mitigating measures should be introduced such as continuous attitude studies amongst every stakeholder that may give rise to practical solutions.

2. Greater sensitivity is called for from the multitude of stakeholders, outsiders and interested parties with different agendas who find themselves in the midst of community game farming or CBC/CBNRM. For example, KZNHCA, the main 'hunting and conservation' partner for the two communities under study, needs to take more time to understand community dynamics and move beyond its fixed approach in the transfer of 'expert wildlife management skills' to land beneficiaries. Officials at KZNHCA were not even aware of the distinction between community game reserves resulting from land beneficiation (as is the case with both farms studied here), and community game reserves developed within communal land areas under direct tribal jurisdiction. All wildlife management land not under the control of individual private (white) landowners is lumped together as 'community game farms' with the exception of state-owned reserves. This issue can be addressed through education to understand nature conservation from a land and agrarian reform angle.

3. Greater sensitivity is also called for in dealing with intra-community power dynamics, including those emanating from the relationship between traditional leadership, Community Trusts or CPAs and land beneficiaries.

4. In light of the above problems, it is recommended for advocates of community game farming to improve the viability of *community* game farming; for example the training programmes which the KZNHCA has already begun to implement. This could in the near future provide sponsorships of youth from the land beneficiary communities with tertiary education bursaries to study across disciplines, not only in the nature conservation arena. It is also recommended that youth in the land beneficiary communities find out what is going on in their community game farms in order to have a sustainable role for their own benefit.

5. This thesis also recommends that the Department of Rural Development and Land Reform (former DLA) and Ezemvelo KZN Wildlife should have a much more active role, in such a way that community game farming is catered for in the budget allocations of the above government institutions. It seems that at present, the state is not taking responsibility for community game farms.

6. A comprehensive policy for community game farms needs to be developed and a full viability study of each individual game farm conducted. It is possible that some of the community game farms would be better utilized in other ways more beneficial to land beneficiaries. Integration of certain livestock (Nguni cattle, Nguni sheep, or goats) with game could be one of the viable solutions.

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The dismantled Khobotho Game Reserve

Cattle herders in what used to be Khobotho game reserve

Vandalized lodge in what used to be Khobotho game reserve

Vandalized abattoir

Vandalized lodge

Labour tenant households that 'survived' the 1982 eviction

Khobotho Game Reserve was dismantled after its transfer to Izanqawe Trust in 2007, and there are three factors attributable to its discontinuity: (I) The DLA decided not to include the game in the land restitution package. (II) The land beneficiaries (labour tenants) disputed the idea of game farming in community meetings and opted for livestock keeping as a land use. (III) The neighbouring Ngome Community Game Reserve served as an important lesson for both the DLA and land beneficiaries in that it does not benefit its land beneficiaries. Izanqawe Trust is disappointed in the DLA for its decision not to include the game in the 'land deal' with the previous owner of Khobotho Game Reserve. It is also disappointed in the land beneficiaries who openly rejected the idea of game farming in the presence of DLA in community meetings. On the other hand the land beneficiaries are of the view that this is indeed a 'success story' as they have started (since 2009) to settle on what used to be Khobotho Game Reserve. They are happy because they have enough land for livestock keeping and agricultural activities

The return of labour tenants evicted in 1982 for the creation of Khobotho Game Reserve
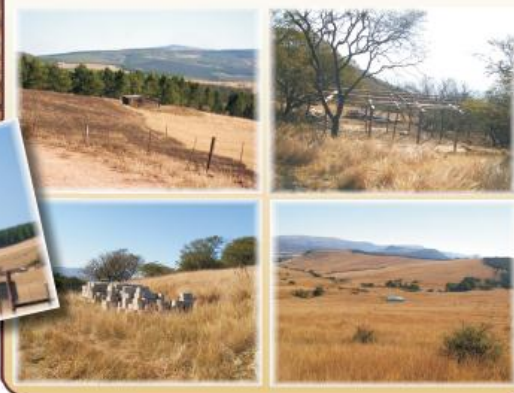
Livestock as a viable land use in what used to be Khobotho game reserve

Appendix 2

111 NO.28   R3 INCL. VAT   July 23 2010   TEL: 034 21 82534/5   FAX: 034 21 82536   nncourier.blogspot.com   dundee.courier@caxton.co.za
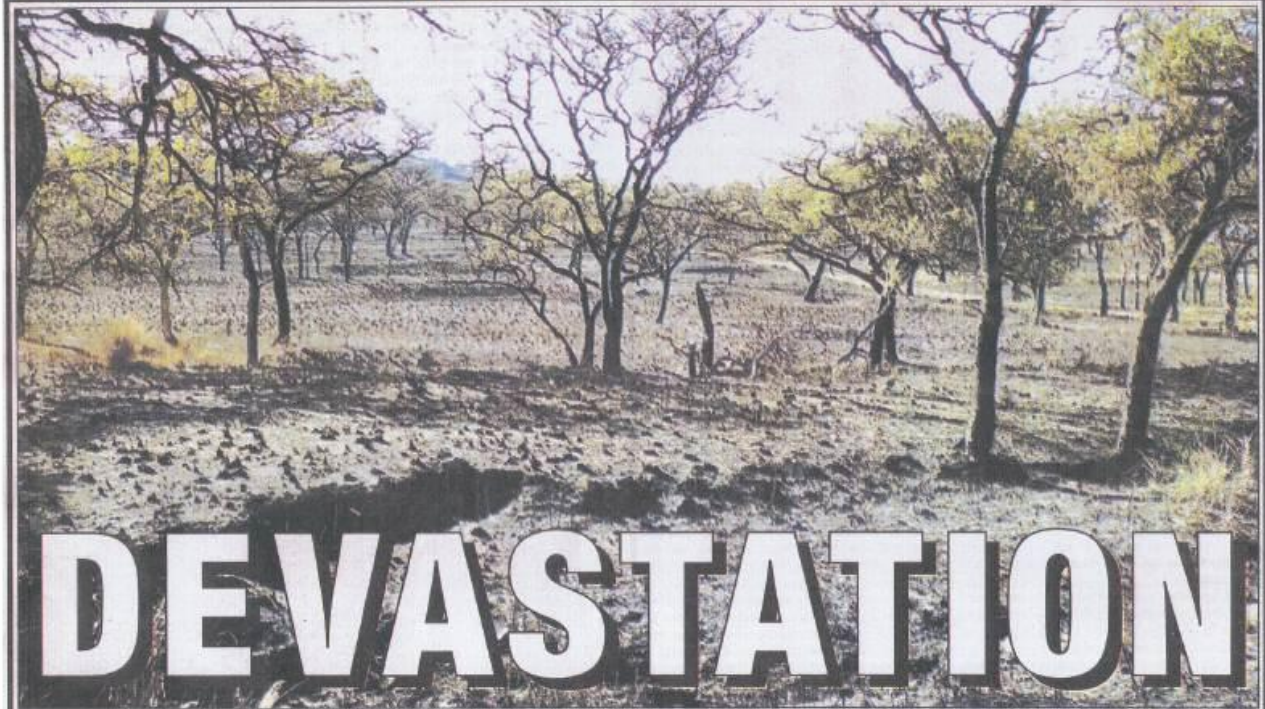
FAREWELL pg 16
Military guard for DHS

CONTROVERSY pg 2
Glencoe residents in a froth over coal loading

FAREWELL pg 18
Uplifting at Sarel Cilliers

DEVASTATION

■ Animals left stricken after ravaging fire

An appeal has been made for hay bales following a devastating fire that ravaged Kameelkop near Wasbank.

Grazing was lost in the fire, leaving the animals stricken.

The KZN Agriculture, Environmental Affairs and Rural Development Department is involved and assisting the KZN Hunter's Association who make use of the property.

One chalet was also lost in the fire.

The incident has been reported to the National Disaster Office who referred it to the Provincial Disaster Office for action.

"In the meantime, local farmers and members of our Association are assisting with providing food for the stricken animals," said Siegfried Kühn, Executive Officer KZN Hunting and Conservation Association.

It is not clear how the fire started but arson has not been ruled out. The property is owned by the Boschoek Trust on behalf of the community.

They are looking for someone who is retired and has the time to spend acting in the capacity as a foreman/overseeing the building operation/ensuring the transfer of kills, for the duration of the building process. In return they will offer free accommodation. Ideally it will suit someone who does not depend on a monthly salary. Building materials will be sourced in and around the reserve. For more information contact Siggi at the offices on 031-709 3904 or email siggi@kzn-hunters.co.za

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Appendix 3

Launch of Bhambatha Lodge in Greytown Gazette Local Newspaper, 3 June 2009

BHAMBATHA LODGE LAUNCHED

BHAMBATHA Lodge at Ngome was recently launched by Minister of Economic Development and Tourism, Mike Mabuyakhulu, accompanied by MEC for Arts, Culture, Sports and Recreation Mrs Weziwe Thusi. This state of the art Lodge comprises eleven chalets and a fifty seater conference hall. Due to the fact that negotiations with the possible funders for furniture and equipment are still ongoing it is not yet operational.

Chairman of the Ngome Community Land Trust Mr Michael Latha thanked the various Government departments which had contributed to the realisation of this project.

Mr Mabuyakhulu promised the Ngome community that the Government will help them by mentoring their self-help initiatives and through the promotion of the arts and crafts. Mrs Thusi who has been the driving force behind this project was very excited by what she saw as a finished product.

A delegation from Bhambatha Lodge and representative of the Ngome Community Land Trust also attended the 11th African Renaissance Conference at the ICC in Durban last weekend.

Various dignitaries from throughout Southern African, the United States and the Diaspora deliberated on various topics under the theme "Uniting the African World". The delegation networked extensively and put the Bhambatha Lodge project and Greytown in particular on the international map.

The Inkosi Bhambatha Zondi statue has been approved by the National Department of Arts and Culture in conjunction with the KZN Premier's office. The Zondi Royal family has been approached to identify the most appropriate site for this landmark. If all goes according to plan it will be unveiled later this year or early next year.

Appendix 4

SOUTH AFRICAN NATURAL HERITAGE PROGRAMME

It is hereby recognised that

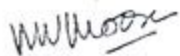*Boschhoek Training Centre*

Site No *112* of the

South African Natural Heritage Programme, owned by

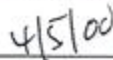*South African National Defense Force*

has been registered for

10 YEARS.

Your continued participation and support is highly appreciated.

M V Moosa
Minister of Environmental Affairs and Tourism

4/5/00

Date

WWF

Department of Environmental Affairs and Tourism

Schneider Electric