

Biodiversity Conservation in Land Reform: The Continuities and Discontinuities of Colonial thought and Practice. A case Study of the Dwesa-Cwebe Nature Reserve

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ETHICS STATEMENT

A principle of voluntary consent will be highly upheld during the course of this research project. Interviewees and key informants will be assured of the confidential nature of the research and that their contribution will not be made public without their consent. Interviews will be carried out with utmost respect for the cultural practices and behavior in the area.

ABSTRACT

The demise of the apartheid regime, South Africa's colonialism of a special kind, essentially had to be followed by a coherent programme to redress the historical injustices that the indigenous black people were subjected to. Among the most heinous injustices ever done was the systematic dispossession of black people from their land, to be displaced into areas that provided little potential for development. The dispossession of black people from their land entailed more than just the physical alienation from the land; it also had the strong colonial objective of stripping black people of their dignity. One of the many reasons for the dispossession of the land from black people was the colonial and apartheid regime's commitment towards establishing nature reserves and national parks for the purposes of biodiversity conservation. The nature conservation discourse has remained strong even after the demise of these discriminatory regimes. Biodiversity conservation and the preservation of ecosystems have occupied a prominent role in the development discourse in South Africa and globally. The more recent approaches to the discourse have been on putting conservation as the basis from which all development springs. But even with this, there has been a lot of effort, wittingly or unwittingly, to craft the discourse in apolitical and ahistorical terms. There has been little effort to dissect the historical colonial thinking that still persists in the biodiversity conservation sector, and the factors that help sustain in thereof. The primary aim of this research therefore was to disentangle these 'colonial gestures' in biodiversity conservation and locate conservation within the framework of our colonial present. The main objective of this study is to assess and dissect the presence of the colonial motives and thinking, in the processes of policy development and programme implementation in as far as biodiversity conservation is concerned. I did this by primarily focusing on the Dwesa-Cwebe area as the case study. The study adopted a two-pronged qualitative approach to answering the research questions. The approach was chosen on the basis of the complexity of the social and political process that it will have to deal with. The first approach was an extensive and thorough review of the literature on land dispossession, as well as biodiversity conservation. The focus was primarily being on the exclusion of black people from the ownership and use of productive resources such as land. The second prong was the evaluation of the Dwesa-Cwebe restitution case, and the kind of agreement the community entered into with the conservation authorities in the Eastern Cape.

Key words: *land reform, biodiversity conservation, colonialism, land dispossession, Dwesa-Cwebe*

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CHAPTER 1: BIODIVERSITY CONSERVATION AND LAND REFORM

1.1 BACKGROUND TO THE RESEARCH PROJECT

A key defining feature about the history of Africa, and South Africa specifically, is the history of colonial conquest and the debilitating effects this has had on the economic and social demography of the continent. The long history of systemic dispossession of land and resources from indigenous peoples by few conquering western settlers took different forms in different countries. In South Africa in particular, the dispossession of Africans from their land took a very brutal form. The extent of dispossession in South Africa for instance is detailed in the volume by Platzky and Walker (1985). The dehumanizing and deleterious effect this had on social and economic life is also captured by Ntsholo (2010).

The dehumanizing nature of land dispossession created a rallying point for the colonized people and inspired a generation of leaders who fought for the emancipation of African people from not just colonialism and racial suppression, but also against imperialism and the capitalist economic models that imperialism came with. So the struggle transcended resource ownership, and essentially became about how to better organise productive resources in a manner that would benefit all citizens equally. This is now the conundrum facing liberated South Africa. Those who were dispossessed of their land now need their land back, and those in power need to make sure that they redistribute land in an equitable and socially justifiable manner. This provides a compelling case for a comprehensive land reform programme that takes into account the need for historical redress, as well as the need to sustain and improve livelihoods.

There is little argument that the livelihoods of a large portion of the global population are directly linked to the exploitation of natural resources. This relationship between livelihoods and natural ecosystems becomes more acute in the underdeveloped parts of the world where people's daily livelihood activities entail an intimate relationship with nature in one way or the other. This intimate relationship was more prevalent in an African community, people were indivisible from the natural ecosystem around them, and defined themselves with the firm understanding that they were an important part of a bigger ecosystem.

This intimate relationship between people and nature somehow got eroded as a result of the colonial conquest which manifested itself through the alienation of Africans from their land. In what Proctor (1998) would call an 'absolutist' perception of reality in relation to nature, the west placated the traditional perceptions of the human-nature relationship, defining human beings outside of nature, and pinning the blame on the deteriorating pristine state of nature to unscrupulous human incursions. According to this narrative, a certain amount of energy and effort should be spared in seeking to keep human interference as far away from nature as possible in order to salvage the little that is left of the natural ecosystem. This view links the deteriorating state of natural resource to an exploitative relationship between nature and humans, and that this relationship is simply one that is driven by human greed to accumulate more and more. According to this narrative then, the deterioration of the pristine environment can only be prevented through systematically putting legislative barriers between humans and their interaction with nature. The thinking here is that exploitative human interaction with nature is localised, and that there are no external and global pressures on the ecosystem. Therefore solutions to the problems of overexploitation of nature can be realised through dealing with the problem at a local level, fencing off pieces of land considered to be too important and preventing

people from interacting with nature. This perception, according to those who held it, was the absolute truth, and any other forms of natural resource management that were not in sync with this perception would not form part of the mainstream in policy making and implementation. From thenceforth, protected areas and nature reserves became the norm, the only means through which nature can be protected, and the legislative means through which human beings could be kept well outside of nature. This creates challenges relating to balancing the needs of conservation and other livelihood sustaining land uses. The anomaly in this thinking however is that almost all the time, those determining the importance of an area and the need for its preservation are outsiders, who see themselves as empowered enough to be taking land use decisions on behalf of local people.

In South Africa, and specifically in the context of redressing historical injustices brought about by the dispossession of people from their land through land reform, the challenge is how does the state balance the need to redress the injustices of the past, while simultaneously preserving key ecosystems. Can these two objectives be reconciled? Are they reconcilable within the context of the history of land dispossession in South Africa and the philosophy of protectionist conservation?

1.2 THE RESEARCH PROBLEM

The conservation of our natural resources has occupied centre-stage in the development discourse, at least since the publication of the Brundtland report (UN, 1987), which introduced the term “sustainable development”. In South Africa, the conservation sector is facing the twin challenges of preserving biodiversity and securing key ecosystems; and of developing the sector as an alternative development model for the country, and in the process demystifying the sector

in the eyes of black people who were unceremoniously removed from their lands to make way for nature reserves.

In 2004, Derek Gregory published a book entitled 'The Colonial Present', wherein he analyses the US's involvement in the wars in Iraq and Afghanistan, as well as the perpetual conflicts between Israel and Palestine. The central theme of the argument he pursues in the book is that it is no longer fashionable to crudely occupy other countries in the colonial sense, but that other means can be used to achieve the very same colonial objectives of appropriating to the colonising country the resources of the colonized. He argues it so convincingly when he says "the capacities that inhere within the colonial past are routinely reaffirmed and reactivated in the colonial present" (Gregory, 2004: 7). This phenomenon of the continuance of the colonial norms and practices in our supposedly 'post-colonial' present is the central theme of this study. As it relates to the central focus of this study, the focal area will be on assessing whether or not the very notions that drove and enabled the dispossession of land from black people and their exclusions from natural resource management through protectionist's notions of conservation are still finding expression in contemporary biodiversity discourse and practice.

The discourse on land reform and biodiversity conservation in South Africa is at a crossroads. Participants in this discourse find themselves defending two seemingly irreconcilable imperatives; the need to redress historical imbalances and secondly, the need to conserve South Africa's rich biodiversity. Over the past few years, there have been attempts to erode the barriers between these two national imperatives. It has been a tale of demystifications, there is a renewed and concerted effort on the part of the advocates of conservation to demystify biodiversity in the eyes of black people who, for historical reasons were left on the margins of the land and

somehow developed a very antagonistic attitude towards matters of contemporary biodiversity discourse¹. This task is made ever so difficult by the fact that the history of land dispossession is still very fresh in the minds of most black people; it is a very emotional subject. And the fact that people were dispossessed of their land in very inhumane and militaristic methods to make way for the creation of nature reserves and parks makes the relationship between the beneficiaries of land reform and nature conservation authorities peculiar

In this research, I sought to find out if in South Africa, the discourse and policy positions taken since 1994 with regard to land reform and biodiversity conservation dismantles, or sustains and legitimizes the ‘capacities that inhaled in our recent apartheid past’ (Gregory, 2004). The need for land reform emanates out of a very painful historical period in the country, making land reform a very powerful emotional and political subject (Walker, 2010). Notwithstanding this fact however, the need for conserving biodiversity is presently a hot political subject, it has transcended the realm of just science into a powerful global political tool. The debates on conservation strategies in general and climate change adaptation in particular at multilateral levels are demonstrative of the political dimensions of conservation; in that the negotiations seem to be less about biodiversity and more about the exercise of political and economic muscles of the more developed parts of the world

1.2.1 RESEARCH OBJECTIVES

The overarching objective of this research is to assess if the colonial/apartheid notions that informed biodiversity conservation and the dispossession of black people from their land are still

¹ I know this because I have been working in this field for the past 6 years, and have taken the lead in establishing a land reform and biodiversity stewardship initiative

finding expression today in the way the discourse on conservation and protected areas is managed where the interests of conservation intersect with those of land reform.

The more specific objective of this research is as follows:

- Assess in detail the continuities and discontinuities of colonial and apartheid thought and practice in as far as these relate to contemporary biodiversity conservation discourse, using the Dwesa-Cwebe Nature Reserve as a case study

1.2.2. RESEARCH QUESTIONS

- What were the implicit or explicit colonial notions that informed protectionist biodiversity conservation and to what extent were these demonstrated in the establishment and management of the Dwesa-Cwebe Nature reserve?
- Does the present co-management agreement between the Dwesa-Cwebe community and Eastern Cape Parks and Tourism Agency dismantle or sustain the colonial notions that led to the marginalization of the Dwesa-Cwebe community?

1.2.3. RESEARCH METHODOLOGY

The study employed qualitative research methods. The approach was to review the historical process of dispossession with the view of gaining deeper insight into the processes and thinking behind blocking people's access to their land resources for the creation of the Dwesa-Cwebe Nature Reserve. This was done by reviewing historical documents, the history of the claim submitted to the Department of Land Affairs, interviewing key community informants and Non-Governmental organizations working in the Eastern Cape Province. Most of the data collected

however was through an extensive review of literature, and this was aimed at gaining a deeper understanding of the prevailing notions that necessitated the dispossession of the Dwesa-Cwebe community from their land.

I sought to understand the key factors contributing to the desire of the white regimes of our colonial and apartheid past to alienate black people from their land, and juxtaposed these factors with the literature on notions of protectionist conservation and contrasted that with colonial notions of native capacity to manage resources. I focused on, but was not limited to:

- ✓ The factors that led to the dispossession of people
- ✓ The explicit or implicit racial notions of African ability to control resources that motivated the dispossession?

Careful consideration was given to such factors as:

- The presence in the settlement agreement and the institutional mechanisms, of the factors that drove colonial and apartheid plunder in the country. These, I later understood were somehow more implicitly stated in the documentation I reviewed, and required painstaking assessment of these implicit colonial gestures

1.3. THE HISTORICAL INJUSTICE: LAND DISPOSSESSION IN GENERAL

Land inequality in South Africa and the resultant poverty and underdevelopment of the majority of blacks are not by default; these are products of a very systematic historical design. Many use the event of the promulgation of the 1913 natives Land Act as a reference for when land dispossession commenced in South Africa, even the government's land restitution programme uses 1913 as a year from which it acknowledges land dispossession. But in actual fact, white settlers dispossessed Africans from the moment they first arrived in South Africa. (Platzky and Walker, 1985; Mbeki, 1992; Daniels, 1989; Bundy, 1979; and Letsoalo 1987). The volume by Platzky and Walker (1985) is thus far the most authoritative piece on the history of land alienation after the enactment of the 1913 Land Act. The purpose of this section however is not to dwell much on the history of land dispossession, but rather to briefly demonstrate that land dispossession was not just isolated to dispossession for the purposes of establishing nature reserves, but that it was a wide ranging indiscriminate act against black people.

Hall and Ntsebeza (2007:110) state that through the 1913 Natives Land Act, whites appropriated to themselves more than 90% of the land in the country, leaving the black indigenous communities in marginal reserves which were often overcrowded and generally unproductive. As a result of these dispossessions, a country of two societies was created as president Mbeki once argued. One white and prosperous, and the other black and marginalised. After 1913, successive legislative mechanisms were put in place to further disenfranchise black majority while supporting the white minority. Platzky and Walker (1985) estimate that by the end of formal apartheid in 1994, about 3.5 million African people had been dispossessed of their land. Richard

Levin (1997) argues that even this large number is an underestimation of the actual extent of land dispossession because land dispossession was a historical and generational tragedy, and as such it would be very difficult to quantify.

This condemned African people to poverty and underdevelopment, alienating them from their culture and productive resources. It also altered that sense of sameness and indivisibility between human beings and nature, a notion that perceived humans as being an integral part of the ecosystem upon which humans were dependent for their livelihoods and spiritual fulfilment. The process of dispossession had real economic and emotional effects. Quoting a respondent in a village in Mpumalanga, Ntsholo (2010:95-96) notes;

“Land and livestock meant everything to us, and we were deprived of both these items, when they did this to us, they did not only rob us of our rightful possessions, they robbed us of our life and humanity. When we came here, people who used to be upstanding members of the community suddenly became drunkards, they had lost their desire to live, and they were just empty shells in human bodies. A great number of them even committed suicide when they saw the conditions under which they had to live in this place. It was horrendous.”

Dispossession created high levels of mistrust between African people and white people in South Africa. One of the respondents in the same study that Ntsholo did, when asked about his willingness to work with white people on the newly reclaimed farms had this to say;

“My son let me tell you something. We could not go to school because of the white farmers, our parents died because of the white farmers, we as the elders had to lead senseless lives because of these white farmers. We are suffering, our children are suffering and I attribute all that to the

white farmers. They cannot be trusted, they are evil people. So going into business with them is a very bad idea. Isn't there somebody somewhere who can mentor our children other than these white farmers? These people are still hard-core racists, they will pretend to be good at the beginning because they want to do to us what they did to our forefathers, they will use us and when their pockets are full, and they will discard us. They will bring trouble to the Moletele people once again as their fathers did to us back then." (Ntsholo 2010:121)

The above demonstrates that the land represents a multiplicity of things; dignity, honour, worth and a sense of being. The dispossession of black people from their land meant the stripping from them of their worth and dignity. Therefore, the return of this land back to those from whom it was taken would also represent the restoration of their sense of being.

1.3.1. REDRESSING HISTORICAL IMBALANCES

The new democratic government in 1994 then had to deal with the vast legacy of inequality created and sustained by apartheid. Dealing adequately with the land question was/is crucial in massaging the ruling party's core constituency, and breaking, once and for all, the barriers to development created by successive colonial and apartheid governments. The scope within which the African National Congress led government could operate was very limited though, primarily because they ascended to power through negotiations not through revolutionary means. Within the limits set by the constitution, the ANC sought to redress historical imbalances through a constitutionally embedded land reform programme. Ntsholo (2010) outlines the government's approach to land reform, quoting from the constitution, as follows:

- The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to and on an equitable basis (Section 25(5)). (Land redistribution)
- A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress (Section 25(6)). (Land tenure reform)
- A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress (Section 25(7)). (RSA, 1996) (Land restitution)

The primary objectives of land reform were clearly spelt out in the 1997 White Paper on South African Land Policy as:

- To address the injustices of racially-based land dispossession of the past
- To cater for the need for a more equitable distribution of land ownership
- To use land reform as a tool to reduce poverty and contribute to economic growth
- To ensure security of tenure for all
- To facilitate the creation of a system of land management which will support sustainable land use patterns and rapid land release for development (DLA, 1997)

That these objectives have not been realised is not the focus of the thesis, and the practical realities of resettled black farmers will also not be entertained here. I am highlighting this to show that the focus of the land reform programme is, or at least ought to be on the principal

imperative of dismantling a structure of land holding that benefited a particular group while marginalizing another in the country. Walker (2008) refers to land reform discourse that has emerged since the dawn on democracy as ‘narratives of loss and restoration’ because there is a deep expectation of social and economic redress among those who get resettled to the land. They expect to finally claim back that which was taken away from them. Hall (2004) however cautions against putting much emphasis on the emotional and historical narrative while ignoring the developmental potential that land reform could bring to the country. Chimhowu (2006) argues that the poverty reduction potential of deracialised land tenure has never been exhaustively explored by African governments. There is no clearly defined mechanism linking a more deracialised land holding to concrete poverty reduction and development measures, and there is little support to those who now find themselves with the land asset. I will however not dwell much on these, the objective of this section is to link land reform firmly within the agenda of dismantling colonial and apartheid legacies of uneven development and distribution of land, and later on, will argue that the land reform programme, within the context of biodiversity conservation specifically, has fallen short of realising this objective of dismantling colonial and apartheid constructs of conservation. Rather, there is an uninterrupted continuation of the very discourse and practices that maligned and dispossessed black people

In the following section, I will look at the arguments for biodiversity conservation, and then locate these arguments within the national imperative of redressing historical land imbalances. My argument will move from the premise that the nature and content of contemporary biodiversity conservation discourse is such that it reinforces the discriminatory thinking that informed the dispossession of black people from their land in the first place.

1.4. THE BIODIVERSITY CONSERVATION NARRATIVE

In his groundbreaking articulation of the notion of ‘political ecology’, Robins (2004) dismisses the view that seeks to understand the workings of the natural world outside the interference of human beings as highly apolitical in orientation in that it is predicated on the assumption that the natural world can function outside of the influence of human beings. He argues that disturbances in ecological systems are primarily as a result of the functioning of the political economy. It is the lifestyle and economic choices of mostly the developed world that impacts on the functioning of ecosystems in the less developed world. At a theoretical level, this argument is more in sync with that advocated by Andre Gunder Frank (1972) when he deals with broader issues of underdevelopment. Frank’s main argument is that Africa is underdeveloped today primarily because of the capitalistic mode of production imposed on the continent through colonialism and the quest for capitalist dominion the world over. This relationship essentially entails exploiting the rich natural resources found in Africa for the benefit of developed western countries. As Walter Rodney (1972) so aptly articulates it, colonial Africa fell firmly within the global capitalist economy, but only served this economy as a resource from which surplus was drawn to feed the global centres of capitalism. Through colonialism and the global system of capitalism which it served, African labour was utilised to exploit African resources and African products, and then repatriate the profits to the colonial ‘mother’ countries. So the same process that got European colonizers developed also managed at the same time to under-develop African countries.

These are the political dimensions that Robbins (2004) seeks to bring to the discourse on natural resource management in his argument about natural resource management being inherently

political. All decisions relating to natural resource management, and the institutional structures put in place to ensure sufficient preservation of natural resources, are inherently not immune to political and economic forces at play at the national, regional and global levels. In the same way Rodney (1972) and Frank (1972) discuss the mode of capitalist exploitation of the periphery (in this case Africa and the rest of the underdeveloped world) by the capitalist core (the US and most of Europe), Robbins (2004) also locates ecological decision making in the same vein.

But what is the nature of biodiversity conservation narrative in South Africa? According to Masuku Van Damme and Meskell (2009), the notion of protected areas emerged for the first time in the late 1890's with the establishment of the Hluhluwe-Umfolozzi Park, which was formed without any legislation and had no national park status, and then Kruger was established soon thereafter, but only granted national park status in 1926 under the then Union of South Africa's legislation. The creation of these parks entailed forceful removal of indigenous communities from their ancestral land, as was the case with the removal of the Makuleke community in Kruger. It was under the Union that national and provincial conservation agencies were instigated, and legal tools for their governance established. The National Parks Act was enacted in 1926, and the National Parks Board later that year. Kruger National Park was then a legally established national park, named after a former president of the Transvaal. There was great symbolism behind naming the park after Kruger, drawing on the colonial heroic and biblical emotions that Kruger cultivated among Afrikaners. These emotions later would manifest themselves in the management of the park.

Some argue that there was no common criterion driving the establishment of the parks, and some parks were named as such even though they had no credible ecological importance, and many

that had majestic biodiversity that deserved to be protected never received such protection (Carruthers, 2003). Carruthers (2003) further argues that the management of these parks and the benefits of such were only limited to the upper and middle class white people.

The drive towards establishing protected areas during the colonial and apartheid era in South Africa was predicated on the philosophical assumption by conservationist and colonialists that Africans were savages of nature, who took no interest in protecting nature for future generations (Masuku Van Damme and Meskell, 2009). This led to the exclusion of Africans from any participation in matters related to biodiversity conservation, and it is this exclusion that led to limited participation of African people in conservation post 1994 (Moore and Masuku Van Damme, 2002).

Towards the end of apartheid however, there were significant changes on the discourse on biodiversity conservation at the international level. In 1987 the UN commissioned Brundtland report that I mentioned earlier was published, promoting the notion of sustainable development, and putting people at the centre of conservation endeavours. The report was very scathing on the alienation of people from their lands, ascribing to this alienation the glaring inequalities the world over. Poverty and underdevelopment were a direct result of this alienation. But this report had no impact on South African conservation policy. It was only under the democratic government that the National Environmental Management Act of 1998 was promulgated; paving way for a more people centred approach to natural resource management.

But there has been little change in the operational content of conservation since then, and the conflict between conservation and land use aspirations of those who were once dispossessed of their land has only been heightened. The Makuleke restitution case in Limpopo and the

Richtersveld restitution case in the Northern Cape are just two such examples. In both these cases, people who were removed from their ancestral land successfully claimed their land back through the land restitution programme. But because their land now formed part of the protected area network, these communities were given back rights to their land, but were never given back land use rights. This means that on paper, the communities are the owners of the land, but at a practical level, South African National Parks dictates the kind of land uses allowed. The kinds of benefits accruing to the communities are very minimal at most, if any at all.

It is with cases like the two above that questions need to be raised about the role of conservation and protected areas in fostering reconciliation and reducing poverty and underdevelopment in areas where conservation and land reform priorities merge.

1.5 OUTLINE OF THE MINI-THESIS

This thesis is spread out over five chapters. The first chapter gives a broad overview of the history of the land question and biodiversity conservation generally, and in South Africa particularly. It is also this chapter that articulates the identified research problem, questions and methodology. In Chapter Two, I focus the attention of the thesis to colonialism and how that shaped the land question in South Africa up to this day. In the same chapter, focus is also given to natural resource management and the biodiversity conservation narrative. The various strands of thought on biodiversity conservation are explored. Chapter Three focuses on the case study area itself, and gives a brief background of the location and geographical characteristics of Dwesa-Cwebe. Focus is the paid to the history of colonial conquest and dispossession at Dwesa-

Cwebe for the purposes of establishing a nature reserve. This chapter ends by outlining the processes followed to claim back the land after the first democratic government took power in South Africa. Chapter Four pays attention to the Dwesa-Cwebe land restitution Settlement Agreement, in an attempt to dissect continuities and discontinuities of colonial thought and practice in the manner settlements are arrived at in cases where land restitution claims are lodged on protected areas. The last Chapter then discusses Dwesa-Cwebe as South Africa's example of continuing exclusion of black people from the management of their land and natural resource, and the continuing dominance of the colonial and apartheid thought and practice on matters relating to biodiversity conservation

CHAPTER 2: COLONIALISM, NEO-COLONIALISM AND NATURAL RESOURCE MANAGEMENT IN SOUTH AFRICA

2.1. COLONIALISM AND THE LAND QUESTION

In this chapter, I attempt to go back to the rationale behind the colonial project of land dispossession and seek to understand its social and economic consequences on the African people in South Africa specifically. I locate land dispossession firmly as an objective of the colonial project of plunder and domination. It must be noted that in this entire thesis, I use the words ‘colonialism’ and ‘apartheid’ interchangeably. I am convinced that apartheid, and all forms of white supremacy that preceded it and succeeded formal colonialism were just special types of colonialism.

In the South African context, colonialism and apartheid were particularly brutal in annexing resources and displacing indigenous communities from their land. The successive colonial and apartheid regimes had ensured the destruction of African people’s hold over their destiny by enacting a series of discriminatory laws and practices aimed at alienating Africans from their land. What we have as an economic structure today, its skewed and dualistic nature is as a result of those practices (Ntsholo, 2010).

I had elsewhere detailed the history of land dispossession and the challenges that the current government’s land reform programme faces (Ntsholo, 2010). There is exhaustive literature on land dispossession and the effects that this had on the lives of African people in South Africa,

from the period after the first white settlers arrived in the country, to the formation of the Union of South Africa in 1910, the introduction of the 1913 Land Act(Union of South Africa, 1913) up to the Group Areas Act and the Betterment Scheme removals. Many scholars (e.g. Platzky and Walker, 1985; Mbeki, 1992; Daniels, 1989; Bundy, 1979; and Letsoalo 1987) paint a detailed picture of dispossession prior to 1913. But because of the scholastic limitations of the time, there seems to be a much more exhaustive record of the removals that happened after 1913, and perhaps that is the reason the land restitution component of land reform had 1913 as a cutoff date for land claims. The most authoritative of these dispossession accounts has to be the one by Platzky and Walker (1985). They trace the origins of the Bantustan policy of the apartheid government back to the creation of African reserves in the 19th century. They note that before the discovery of gold and minerals, land was the primary economic resource available, so stringent control over access to land meant control over access to wealth. As argued in Ntsholo (2010), some of these authors articulate the history of land dispossession from the ‘wars of dispossession’ that were waged by whites in their quest to annex as much land as possible, especially after the discovery of precious minerals in some parts of the country (Mbeki, 1992).

In 1994, the post-apartheid government instituted a three legged land reform programme to redress the injustices of the past and construct a new and equitable society where people were not to be judged on the basis of their skin colour. The Restitution of Land Rights Act 22 of 1994 was among the first pieces of legislation passed by the ANC government after winning elections in 1994. The purpose of the Act is to:

“to provide for the restitution of right to land in respect of which persons or communities were dispossessed under or for the purpose of furthering the objects of any racially based

discriminatory law, to establish a commission on restitution of land rights and a land claims court, and to provide for matters connected therewith” (RSA, 1994).

Over the years, because of the perceptions of failure of land reform projects, some of which have been described by Hall (2004) as the failure to reconcile the imperatives of redressing the debilitating legacy of racial discrimination; and addressing the present day socio-economic imperatives. Walker (2005) however argues that the realization of the goals of social justice, redress, and rebuilding communities that were destroyed by apartheid is proving to be an elusive ideal, primarily because it is dealing with a complex web of factors, the histories of past dispossessions and present day commitments to reconstruction, the intersection of the symbolic process of dispossession and the material era of restitution and development, the rights that claimants have to reclaim their long lost land and the developmental agenda of the country, the conceptualization of the national restitution agenda and the complexity and dynamism of local communities.

It was this complexity of the land question I think compelled the government to promote joint ventures between land claimants and established players in the private sector. I think this is crucially important as it deals directly with the notions of partnership that I will deal with later in this thesis. In 2008, the then Department of Land Affairs authored a policy document entitled *Strategic Sourcing and Partnership Framework*, which describes the rationale for strategic partnerships in land reform as follows:

“The slow pace of land reform has created a huge backlog in terms of delivery. Many new settled black farmers are worse off after acquiring land due to the lack of sufficient post settlement support to the beneficiaries of land reform... The question is how an enabling and favourable

environment can be created where the private sector and government can jointly participate in achieving the goals set out for the National Project of Land reform. There is therefore an urgent need to adopt innovative and radical approaches to speed up the delivery of land reform, to deal with the backlog, and to ensure sound asset and financial management.

Land and tenure reform cannot be undertaken without strategic partners thus the need to come up with a strategic sourcing strategy that will speed up land and tenure reform. These partnerships will therefore give rise to pre-agreed goals, approaches/strategies and certain roles which should be fully understood by all parties involved. The partnerships are meant to foster an enabling environment for ease, speed and sustainability of the land reform intervention. Sustainable initiative will be achieved through only such strong partnerships” (DLA, 2008:4-5).

Criticism of this approach came from many corners, Derman et.al (2006) and Lahiff (2008), and mostly was concerned with what I would call ‘continuity’ of apartheid perception of African ability to administer land. At the core of this approach was the belief that African people who successfully claimed back their land could not make it work. The perception is that the intervening years between the time when people were dispossessed of their land and the time at which their land rights were restituted has led to massive deskilling of the people. Therefore, black people could only make effective use of the land if only they have established white land owners as partners. I have also criticised it elsewhere (Ntsholo, 2010), and identified four potential problems with this approach, and these are:

“Firstly, even though land reform and restitution in particular, is a constitutionally enshrined and important political and developmental project in the country, the state has in all abdicated its responsibility of carrying out developmental land reform and left this to the markets in the form

of strategic partners. The arrangement is not even and has condescending elements. Not even because the very strategic partners who are partnering with the community are the immediate previous owners of the land, and they received market related compensation for the land. They never left the land and are now camouflaging their stay on the land as strategic partners. It is condescending because even though on paper Communal Property Associations have the majority shareholding in the enterprises, the strategic partners make all the decisions, they know all the markets, and they have unfettered access to both upstream and downstream markets in the agri-business chain.

Even though the main focus of the strategic partners is on making profit, the state saw it fit to task them with the responsibility of developing and imparting skills to the very people whose suffering is as a direct result of the strategic partners or their predecessors. This arrangement, if made a permanent feature of South African land reform, poses a real danger of land reform policy that is impractical and out of touch with the realities faced by people on the ground. The state remains the centre of policy development in the country, but the role played by the government in land reform is dramatically shrinking. The strategic partnership model has the potential to further widen the disjuncture between policy and practice.

Secondly, the strategic partnership model has obvious flaws in as far as its community capacity development responsibility is concerned. The strategic partners are expected to identify and train promising members of the community to prepare them for eventual take-over of the running of the farms. This idealistic view ignores the obvious fact that the strategic partners are commercial farmers, they neither have the time nor the capacity to undertake social assessments and identify skills gaps in the community.

Thirdly, the strategic partnership model is overly fixated with maintaining the current production methods and practices on the farms. There is no attempt to restructure production methods and align them with the requirements of and pressure from the community. The present production methods may have worked when there were fewer land owners, but it cannot be said that they will equally be successful when there are thousands of people who have a stake on the farms. The subdivision of the land into smaller but effective units was never investigated. There may be no fit between the requirements and expectations of the community and what the strategic partnership model can offer.

The fourth problem I have with the strategic partnerships is that it is all about the people without the people. The strategic partnership model puts commercial farming at the centre of restitution. It does not address livelihood issues. This to me poses real dangers and is defeating the ends to which land reform should be working towards, the redressing of historical injustice, and the democratisation of the economy” (Ntsholo, 2010)

So, based on the above, a conclusion may be reached that land reform in South Africa is not primarily concerned with radically changing the inequalities brought about as a result of land dispossession and colonial plunder, but rather seeks to reform it while maintaining its key characteristics. The nature, form and approach of the state in land restitution on high value agricultural land is almost similar to the approach taken to land restitution on high value biodiversity. And I highlight the continuity of thought and practice above to demonstrate the thinking of the state about the presumed capabilities of black people in South Africa, and the duty the state therefore has to be a nanny to these people who have no wherewithal at all to enable them to captain their own destiny.

This thesis aims to assess if this same argument of continuity in thought and practice still persists in land reform done within the context of biodiversity conservation. And as it would be shown later in the following chapters, it seems as if change brought about by the 1994 settlement has not actually changed anything.

2.2 DIMENSIONS OF POWER IN NATURAL RESOURCE MANAGEMENT

The field of natural resource management has been slowly moving towards the mainstream of both national and international discourse over the past few decades. For historical reasons, the field of natural resource management/ biodiversity conservation has taken the unenviable label of being an elitist and a predominantly white sector, and this may be more pronounced in South Africa than in other countries. The history of fortress and discriminatory conservation practices fed this perception that biodiversity conservation was only meant for satisfying the aesthetic needs of the white community, without paying due consideration to the vast socio-economic struggles of the majority of the country's citizens. With such theoretical assumptions as the tragedy of the commons (Hardin, 1968), which advanced a particular theory about common property resources that was later discredited, the conservation of our natural resources has been hamstrung for a very long time because it sought to divorce the most marginalized sections of humanity from their surrounding natural resources. The philosophy of protectionist and exclusionary biodiversity conservation has placed the conservation of biodiversity above all other priorities. Because of this history, conservationists worked in isolation from the communities around which their work was centred, and they emphasized that strict regulatory

conditions were the only way to conserve the rich diversity of natural resources (Pimbert and Pretty, 1995).

Over the past few decades, this dominant narrative has however seen dramatic changes. These changes became mainstream with the publication of the Brundtland report in 1987 (UN, 1987). This report emphasized that the management of natural resources had to happen within a sustainable development paradigm. The report defined sustainable development as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ (UN, 1987). This kind of development would be one that emphasizes the ‘triple bottom line’ approach (Elkington, 1997), an approach that seeks to balance the needs of society from a socio-cultural perspective, the needs of the economy from a growth perspective, as well as the need to conserve our biodiversity, which is a resource base from which the other two needs depend. This has placed society at the centre of conservation innovations and discourse ever since.

The natural resource management field is laden with varied conceptual understandings. For a while, the dominant perspective has been that of protecting natural systems because of nature’s inherent value, not because of any beneficial relationship natural systems have with human beings. This overly western perspective of nature has advocated for the sustenance of the non-human world, where natural systems flourish without any human interference. Robins (2004) dismisses this view as highly apolitical in orientation, it is predicated on the assumption that the natural world can function outside of the influence of human beings. Disturbances in ecological systems are primarily as a result of the functioning of the political economy. It is the lifestyle and economic choices of mostly the developed world that impacts on the functioning of ecosystems

in the less developed world. Robins calls these dynamics ‘political ecology’, a field that illustrates the political dimensions of environmental narratives and decision making.

This notion is taken a step further by Proctor (1998), who argues that nature is inherently socially defined, and that our understanding of nature is less universal. The argument questions the absolutist stance of our scientific world on matters relating to nature, and that natural resource management decisions are context specific and are informed largely by a particular society’s specific understanding and relationship with natural ecosystems at any specific time. Proctor (1998), just like Robins (2004), dismisses the notion of ‘wilderness’ existing outside of the influences of the human world, and that in one way or another, people’s notions and relations to nature are highly determined by prevailing cultural, societal and economic conditions.

Eder (1990) and Foster (1999) locate the debate on environmental matters within an ideological framework. Eder argues that the discourse on nature conservation is essentially a debate about what type of development modern societies should engage in. The environmental crisis is very limiting on prospects of growth and development and forces decision makers to rethink developmental paths premised on the exploitation of nature. This developmental dilemma calls for even more in depth diagnosis of the environmental problems of our time, and break off the barriers in scholarship between environmental problems and sociological traditions.

For the past two and a half decades, the concept of sustainability and sustainable development has gained some prominence. The high point of those advocating for development that encompasses human, ecological and economic aspects was the 1992 United Nations Conference on Environment and Development which made the declaration that gave birth to Local Agenda 21 for instance. This conference however was preceded by the Brundtland report in 1987

mentioned earlier. It emphasized a kind of development that is fully aware of the limit that nature has. Such development has to be self-perpetuating, enhancing the capabilities of human beings to extricate themselves out of poverty, in a manner that does not compromise ecosystems and a region/country's economic potential. This thinking has dominated world thinking since then.

Alf Hornborg (2003) however challenges some of the assumptions underlying sustainable development thinking. He identifies two strands of debate in as far as sustainable development is concerned; the first is the notion of 'zero-sum' perspective, a notion that argues that there is a direct correlation between natural resource exploitation and degradation in the underdeveloped world, and the affluence of the developed world. The second strand of thinking is what Hornborg calls the 'cornucopia', which generally advocates for more economic growth as the surest way of ameliorating land use pressure in the underdeveloped world. The latter kind of thinking refuses to admit that the developed world manages to live the way it does primarily because it is dependent on resource exploitation in the underdeveloped world.

He locates his argument firmly within the thinking of such dependency theorists as Samir Amin (1972) and Immanuel Wallerstein (1976). The argument is very Marxist and moves from the premise that overexploitation of resources in the underdeveloped world is the primary source of wealth accumulation in the developed world, and therefore the notion of sustainable development as currently understood is simply a way of making the developed world, as the centre of capitalist accumulation ease their sense of guilt as the primary perpetrators of resource exploitation in the underdeveloped world.

The biodiversity conservation discourse and practice, more especially within the context of our colonial past and our neo-colonial present, can therefore be understood as entailing the 'core and

periphery' dynamic. The strands of thought in biodiversity conservation are still dominated by proponents of protectionist conservationists who constitute a very tiny core of thought leaders on biodiversity conservation in South Africa, who are predominantly white, and at some stage in the evolution of the country, were wholly white. At the far-off periphery are black people with a strong historical and emotional connection to the land, but who have for generations been excluded from any decision making processes about their own land because of racial notions of their capacity to manage and conserve biodiversity

2.3. CONSERVATION BY EXCLUSION

To understand the context through which I am viewing biodiversity conservation, it is important to first look at the basic tenets behind conservation thinking, not only in South Africa, but look at the drivers of conservation thinking the world over.

The loss of biodiversity and the rampant destruction of natural habitat has always been a matter of serious concern. It is a concern because many have realised that the lives of many in the world depends on the services provided by healthy and well-functioning ecosystems. A response to this challenge has been the proliferation of large protected areas. It is argued that the approach of fencing off large tracts of land as protected areas has helped conserve vast amount of biodiversity, and protected a large number of species from extinction. The central theme to the idea of protected areas is the ideology of protectionism.

At a more philosophical and ideological level, the central theme of the establishment of protected areas is the philosophy of 'protectionism' (Himmelfarb, 2006). Himmelfarb argues that the key

component of the protectionism philosophy has always been the displacement of people from their land to make way for biodiversity protection, people who depend on the natural resources for their upkeep. The language used in advancing the protectionist ideal is often couched in an apolitical language, while the process of establishing protected areas is itself an intensely political one, with serious implications for multitudes of rural and marginalized people (Himmelfarb, 2006).

Brian King (2006) argues that at the very beginning, the colonial conquest and intervention in Africa was premised and typified by a romanticization of African landscapes and peoples for the benefit of the colonial powers. This also contributed to the expansion of conservation areas and the separation of indigenous people from the natural resources and the territories on which they depended on for their survival. In South Africa specifically, the management strategies employed in protected areas meant that black people in particular were excluded from the landscape within which they had always operated (Van Damme and Meskel, 2009). This maintenance and perception of national parks as grandeurs of white privilege cause many problems, chief among which was the resentment and growing animosities between black people and those responsible for managing these parks.

Despite the dawn of democratic rule in South Africa, which also sought to eradicate all form of racial discrimination and nurture a society based on equality and mutual respect, there has been little change in the operational content of conservation since then, and the conflict between conservation and land use aspirations of those who were once dispossessed of their land has only been heightened. The Makuleke restitution case in Limpopo and the Khomani San restitution case in the Northern Cape (Kepe, Wynberg and Ellis 2003) are just two such examples. In both

these cases, people who were removed from their ancestral land successfully claimed their land back through the land restitution programme. But because their land now formed part of a protected area network, these communities were given back rights to their land, but were never given back land use rights. This means that on paper, the communities are the owners of the land, but at a practical level, South African National Parks dictates the kind of land uses allowed. The kinds of benefits accruing to the communities are very minimal at most, if any at all.

It is with cases like the two above that questions need to be raised about the role of conservation and protected areas in fostering reconciliation and reducing poverty and underdevelopment in areas where conservation and land reform priorities merge. Has the integration project spearheaded by the leadership after 1994, and the demise of leftist and nationalist blocks in South African political discourse has given white people, who have been the beneficiaries of the dispossessing effects of protectionist conservation, a room to imagine a more congenial geography?.

2.4. NEO-LIBERAL CONSERVATION AS THE ANSWER?

This definition and visioning of a new and inclusive conservation framework necessitated by the fall of colonialism and apartheid entailed the rebranding of biodiversity conservation as a developmental alternative in itself. This entailed talking about biodiversity in economic and social terms, and by attempts to combine both the conservation and social and developmental goals. The idea with this thinking is that if people manage to get some form of economic/monetary gain from biodiversity, then they will be more inclined to favour its protection. (Sullivan, 2006)

Sian Sullivan (2006) however notes the departures between the inclusive rhetoric, and the reality in the implementation of community oriented approaches to conservation, the problematic and corrupt distribution of income, the confusion generated by the proliferation of resource management institutions, and the poor outcomes for biodiversity protection. She goes on to argue that fine and fences, which were the order of the day when fortress conservation was still the flavour of conservation thinking; and the emerging thinking on community empowerment and participation in conservation may actually be two sides of the same coin. The ‘fabric’ of this thinking, she argues, is ‘dynamically woven and produced from some key threads of thought and practice’ and these are:

- ✓ The shifting of the ‘empowerment’ discourse and of local practice into global domains of modernisation, governmentability, decision making and global desires. this, she terms ‘discomforts of localized existence’ a phenomenon wherein the factors that determine the value of biodiversity are located elsewhere
- ✓ The uncritical acceptance of the commoditisation process of natural resources, and the naturalisation of the global market values, which are again, produced elsewhere. This then permits a process where biodiversity conservation is perversely and cynically transferred into big business.

The above clearly demonstrate neoliberalism at work; it produces a ‘business as usual’ approach to conservation thinking and practice. The framing of biodiversity conservation in terms of market value and all other forms of monetary gain, the species and hectares conserved, surely reproduces the value frames that generate the biodiversity losses and exclusions associated with fortress conservation (Sullivan, 2006). She further argues that if we indeed agree that the ‘new

conservation' thinking is in itself a product of neoliberal approaches to the environment, and to people as merely human resources, then its potential to be a truly liberating and developmental alternative is severely limited in terms of how qualitatively different this new approach to conservation would be.

In an interview with Morrissey (2012), Bram Buscher defines neoliberal conservation as “the attempt to make the conservation of nature compatible with capitalist market dynamics. It is therefore not a particular programme, but rather a set of mechanisms, practices or interventions that aim to make capitalism and conservation compatible that can be inserted into, or mixed with other forms of conservation” (Morrissey, 2012:13). It is these sets of mechanisms that make it difficult to clearly delineate neoliberal conservation as a distinct theoretical subset of capitalism. Buscher et.al (2012) argue that neoliberal ideology is understood to be accompanied and made manifest through distinct governmentalities, and embodied practices in social, natural, and epistemological realms. When these are combined, they work as a very effective bio-power with unparalleled influence to constrain and regulate life and lives in a significant way.

As for the effect of this approach to conservation on human well-being, Buscher, as argued in the interview with Morrissey (2012) is very harsh in his verdict. He argues that in all the projects that he has been exposed to in Southern Africa whose aims were to approach conservation through neoliberal thinking, the effect on livelihoods was simply not there. There were neither negative nor positive effects (Morrissey, 2012). He attributes this failure to the preoccupation with abstract processes of governance, research, planning and marketing, whose sole aim were to create an enabling framework for the integration of biodiversity conservation into capitalism through such strategies as eco-tourism and payments for ecosystem services. In such an

arrangement, Morrissey (2012) argues, nature and rural communities become ‘underlying assets’ for what has become the primary source of neoliberal conservation, namely; idealized images within the realm of branding, public relation and marketing. This phenomenon has the effect of not only displacing large group of marginalized people, but also highlights the contradictory intensification of both natural resource extraction, and biodiversity conservation.

This is classical capitalism at work, disguised as progressive natural resource management. The theory here basically means that nature can only be saved through selling nature, that the very same factors that led to the vast deterioration of the ecological integrity of an area can be used to reverse that deterioration (Buscher et.al 2012, Morrissey, 2012, Sullivan 2006). Buscher et.al (2012) note that while conservation is generally portrayed as the noble, ‘save the world’ from the excesses of human endeavour ideal, it is in actual fact a function of embedding nature into capitalism, with increasing opportunities for capital expansion.

If contemporary biodiversity conservation can be classified as neoliberal in nature, and capitalist in content, can it therefore be explained through the theory of primitive accumulation as developed by Karl Marx (1865), and the theory of accumulation by dispossession as argued by David Harvey (2003)? I am of the strong view that there is a very strong link between the colonial project of land dispossession, the development of capitalism in the continent generally and in South Africa specifically, and the neoliberal nature of contemporary biodiversity conservation with its profit making and dispossessing characteristics manifested by the acts of enclosure as will be clearly demonstrated by the Dwesa-Cwebe case study.

At the centre of it all is the land question and the organisation of rights to land and land use rights. Amanor (1999) in his study of land rights in Ghana argues that the drive towards

privatisation of land has led to more marginalisation of poor peasants and those concerned with subsistence farming and growing non-export crops. This form of organisation in managing and utilising natural resources (the promotion of subsistence farming and production of non-export crops) is viewed as backward by mainstream capitalist thinking. Hyden (1986) and Sayer (1991) are particularly scathing of the communality principle in managing natural resources, and blame the lack of firm private property and titling regimes for most of what is wrong in Africa and in most developing countries. Hyden (1986) in particular is of the view that Africa cannot develop to its full potential because of her resistance to the full development of capitalism. But it is this uncritical embrace of capitalism that led Amanor (1999: 141) to observe that “land relations within communities have evolved to reflect the commodification of land under export crop production and extractive industry. They reflect the interests of the dominant landholding classes and their relations with international and national capital rather than the solidity of the community”. Berry (2002) offers similar insight into how the move towards the commodification of land and natural resources almost inevitably leads to the conquest of land by those with more power, leaving the poor more marginalized. This phenomenon is primitive accumulation in practice. Within the context of natural resource management, Alice Kelly (2011) defined primitive accumulation as:

“..as neither simply accumulation via violent means, nor a necessarily immediate process. By my definition, primitive accumulation involves the act of enclosure of a commons, whether that be the enclosure of land, bodies, social structures, or ideas. I argue that though primitive accumulation is an on-going process and while at times it occurs rapidly and obviously, it can also be an extraordinarily slow and veiled process, with the act of enclosure sometimes well removed from the act of accumulation. This distance, whether it be in time or space, may render

the relations between the act of enclosure and capital accumulation obscure. This accumulation may be diffuse as it lays the social, economic and infrastructural groundwork for future means of accumulation. Primitive accumulation may also be the creation of capital for the first time through the commodification of things that previously lay outside of the realm of capitalism”.

(Kelly, 2011: 68)

The definition above is basically the crux of my argument in this thesis, and in this chapter, I have sought to trace the neo-colonial and neoliberal nature of natural resource management in general, and the management of biodiversity in particular.

2.5. CONCLUSION

The purpose of this chapter was to synthesize the problem of land and resource management within the context of our colonial history, and perhaps, our neo-colonial present. The historical project of land dispossession may have been driven by colonial and apartheid notions of what black people could or could not do with the land, but what is clear from the literature is that the main motivation was a deeply held racist belief that people of European descent were inherently superior from the indigenous African communities, and therefore had divine rights to own and be stewards of the land and its resources. This phenomenon will be explored at great length on chapter 5

The birth of democracy and dawn of freedom in South Africa was meant to have actively sought the restoration of black people’s dignity by lost land and rights to land. The land reform programme that was introduced in 1994 was meant/should have been meant to create and recreate the social and economic identity of black people. But questions still remain around the

real imperative for land reform; is it just to redress historical injustices? Is it to be seen as a means to catalyze a more sustainable rural development paradigm? Are there other global forces at play currently that complicate even more the discourse and policies on land reform? Have the little reforms that have been affected had any identifiable impact on the livelihoods of the people? And even more importantly, has our land reform been accompanied by an equally important strategy of reforming the structure of the agrarian and rural economy? Who benefits from land reform? How are the beneficiaries chosen?

These are all pertinent questions that should be answered in order to structure the debate on land reform and natural resource management in a meaningful manner.

The philosophy of protectionism in biodiversity conservation may have lost its flavour in biodiversity conservation discourse, but it has never lost its content. Within the land reform context, the drive to prescribe land use options for people who have successfully claimed their land back is tantamount to rubbishing the claimant's intellectual capacity to think and manage their land in a manner that would be viable to the sustenance of their own needs and requirements. The drive for the commodification of nature and generally the neoliberal approach to conservation has potential to further create conditions for the dispossession for the second time, of the less powerful by the more powerful. This is legitimized continuation of the dispossessing characteristics of colonial and apartheid thought and practice in biodiversity conservation

CHAPTER 3. COLONIAL AND APARTHEID DISPOSSESSION AT DWESA-CWEBE

3.1 THE STUDY AREA

The Dwesa and Cwebé Nature Reserves are located on either side of the Mbashe River estuary approximately 250 km north-east of East London. The Mbashe River is one of the major rivers on the Wild Coast and effectively isolates the two reserves from each other, as the river can only be crossed by boat (Matose, 2009; Fay 2007, Kostauli 2011, DLA 2001). However, there is radio communication across the river and the reserve is managed as a unit. The Dwesa side of the Nature Reserve is approximately 3500 ha in extent, and the Cwebé side is 2200 ha, making the reserve about 5700 hectares² in total (Matose 2009, Fay 2007, Palmer et.al 2002) but there are uncertainties about the exact boundaries, and the reserve on the Cwebé side is unfenced. Together the Reserves occupy a narrow coastal strip of approximately 14 km long and 1-2 km wide. The Mbashe River separating the two reserves marks the boundary between the Agulhas warm temperate and Natal subtropical inshore marine biogeographic zones. The eastern boundary of the Dwesa-Cwebé Nature Reserve is the high water mark that forms the inshore boundary of the Dwesa-Cwebé Marine Protected Area (MPA). The MPA extends 6 nm out to sea from the high water mark, and extends from the western bank of the mouth of the Suku River to Human's Rock just north of Nqabara Point. The MPA also includes the tidal portion of the Mbashe River (Palmer et.al, 2002).

² This needs verification however. When I interviewed the Dwesa-Cwebé reserve manager, he indicated that the reserve is about 13000 ha in total

Road access from the N2 to both Dwesa and Cwebe Nature Reserves is moderate. The roads are tarred from the N2 to both Willowvale and Elliotdale, but thereafter the roads to both reserves can become quite poor after rain. As a rule access to the two main entrance gates is reliable, but points within the reserves may not always be accessible after heavy rain.



Palmer et.al (2002) argue that The Wild Coast (particularly Dwesa-Cwebe) was “spared ravages of unrestrained coastal ribbon development and is probably the only substantial section of unspoilt coastline in the Eastern Cape. The nature reserve is surrounded by seven local villages namely: Hobeni, Mendwane, Ntlangano, Mpume, Ngoma, Ntubeni and Cwebe. The Dwesa-Cwebe Land claim was lodged with the Regional Land Claims Commission in September 1995

with assistance from the Transkei Land Service Organization (Tralso). The claimants were the local communities from the seven villages. The land rights for these communities were restored back in 2001 when the Dwesa-Cwebe land claim was settled.

3.2 FROM DISPOSSESSION TO RESTITUTION

The evolution of Dwesa-Cwebe as a Nature Reserve has undergone significant and complex metamorphosis over a period of time. But central to this evolution are two factors, namely: the intensification of the role of the state over the years, and the deepening of the divide between the reserve and the communities in and around the reserve over a period of time. This evolutionary metamorphosis is the chief factor still hovering above the complex management arrangements at Dwesa-Cwebe today. Matose (2009) and Fay (2007) describes the area as comprising two culturally distinct groups of Xhosa speaking people, but forged together in unity by the struggle for the restoration of their rights to land . The Eastern Cape Parks Board (2007) indicates that the Dwesa and Cwebe Forests were established as Demarcated State Forests in 1891 and 1893 respectively and were managed as separate entities.

Prior to the demarcation of the Dwesa-Cwebe area as forest reserves, authority over the land was the domain of traditional leadership. Palmer (1998), argues that the pre-colonial Dwesa-Cwebe area was under the control of successive Xhosa traditional regimes. Under recorded history, Ngconde is the first Xhosa King to be associated with the area. His palace was near the Mbashe River which now divides the Dwesa and Cwebe sides of the reserve, and he reigned in the area

from the mid-17th century. The Bomvana were another group to have claimed the areas as their own. This group came from the Natal and their Chief Gambushe was given the land by King Hintsa, who was a successor to King Ngconde and a ruler of the Gcaleka Xhosa. The land was under Hintsa's authority, but he made no use of it as he and his subjects occupied the area west of the Mbashe River (Matose, 2009; Palmer 1998). Matose (2009), Palmer (1998) and the DLA (2001) then argue that over a period of time, a distinction was made between these two areas. The area west of the reserve, now comprising the Dwesa side of the reserve became known as the land of AmaGcaleka; while the area to the east, comprising the Cwebe part of the reserve, came to be known as the land of AmaBomvana. A third group called AmaMfengu, who were refugees who had escaped King Shaka of the AmaZulu nation arrived later on, and further complicated the management regimes of the land in the area. This third group settled on the west of the Mbashe River on the Dwesa side of the reserve. Palmer (2003) categorises the inhabitants of the area into two distinct groups over a period of time and space; the AmaBomvana and AmaGcaleka before the mid-19th century, and the AmaBomvana and AmaMfengu thereafter.

The first 'key' period in the marginalisation and dispossession of the African people from their land in the Dwesa-Cwebe area came with the colonial frontier war of 1878, wherein the entire Transkei region was put under the management of the white settlers. During this time, the power that the chiefs had was systematically eroded, and most authority over land was vested in the office of colonial magistrates of the time who were allocated the various districts in the Transkei. (Matose, 2009; Palmer et.al 2002). However, during this first period of dispossession, local people still maintained their residency inside what would be the Dwesa-Cwebe reserve, but the level of control that Africans had on their land was significantly reduced.

Then at about 1891, a Dr JS Henkel, a key role player in state forests in South African at the time, studied the Dwesa-Cwebe area and came to the conclusion that the residents posed a significant danger to the forest as they would be more than likely to start fires, and their presence in the reserve was generally inconvenient (As cited in Palmer, et.al, 2002). It was at the instigation of Dr Henkel then that the second ‘key’ period of the dispossession of African people began. Matose (2009) says that it was the visit of Dr Henkel that initiated, in earnest, the end to residency by the local people in the reserve. Ntshona et.al (2010) report that the two forest reserves were established under the then Cape Colony’s Forest Act of 1888, and that these would be converted into nature reserves later on. Palmer et.al (2002) report that communities were gradually removed from the demarcated area after the demarcation was made official from 1894 onwards, but people continued to live in the demarcated area but had to get permits. This continued up until 1924. He also reports that the first commercial exploitation of the forest hardwoods began in earnest in 1904, and roads to the area were constructed in the 1920 to ease access for commercial purposes.

Matose (2009) argues that the main motivation for the establishment of the Dwesa-Cwebe as a secluded area was mainly to do with economics. As part of the colony at that stage, the Dwesa-Cwebe area had to be seen to be making economic sense to keep, and one of the most valued resources were the forests as they contained valued hardwoods. The intervention of the state in the forested areas therefore was aimed at raising revenues.

The emphasis at the time was management and conservation of indigenous forest reserve for both conservation and commercial purposes (Kostauli, 2011). Palmer et al (2002) note that from the period the area was demarcated as in the 1890’s to about 1903, local people still were able to

utilise the natural resources of the area for a variety of reasons. According to the settlement agreement, in 1903, the Dwesa and Cwebe areas were then declared as state forests, but still the land continued to be used by the communities subject to minor controls (DLA, 2001). As a result of this declaration, the Forestry Department took over the responsibilities of regulating land uses in the reserve, and then enforced rules regulating the use of natural resources in the area, and prohibited such activities as the unauthorized harvesting of forest wood, hunting, cultivation and many other activities that had been up to that stage important livelihood sources for the people of the area (Matose, 2009; Kostauli, 2011; Palmer et.al, 2002)

According to the DLA (2001), the period between 1900 and 1950 witnessed removals at a large scale of the Dwesa and Cwebe communities from the state forests, which were then relocated to the land adjacent to the fenced reserves of Dwesa and Cwebe. This would then constitute what I call a third 'key' moment in the gradual process of dispossession of African people for the purposes of consolidating the conservation area. During this period however, people continued to use the natural resources of the area, albeit under controlled conditions. The Haven Hotel and the other cottages in the reserves were constructed during this period as a means to attract tourists and build the reserve as a tourism attraction (Matose, 2009; Palmer et.al 2002). The authors argue that while the locals were not allowed to graze their livestock inside the reserve, but carried on doing so anyway illegally; the white owners of the tourism ventures were allowed to do so, and indeed went on to graze their livestock inside the reserve.

Matose (2009) emphasizes the difficulties of the time in as far as the management of the state forests was concerned. There were two departments with seemingly contradicting views. The first one was the Forest Department, which championed the seclusion of the forests and denying

communities access to the forests. On the other hand, there was the Native Affairs Department, which was more supportive of the communities being allowed to use the reserve for their livelihood needs (Matose, 2009; Palmer et.al, 2002). These contradictory stances by the two departments are important for perhaps another debate on whether natural resources, biodiversity in particular, can be managed in a sustainable manner if extractive uses are allowed. And as Palmer et.al (2002) argue, it was not clear even at that stage to the experts whether or not local people's use and harvest of the forest resources would not encourage more sprouting of the forest hardwoods.

The fourth 'key' dispossession moment, and the last one under apartheid, then took place during the period between 1970 and 1989. The DLA (2001) indicates that forced removal took place during this period as a result of what was then termed 'betterment planning'. These removals, the DLA argues, "constituted dispossession of rights in land as a result of past racially discriminatory laws and practices, in that the forced removals were based upon the race of the claimants, and were carried out with neither consultation, due process nor compensation" (DLA, 200:6) It is a point of interest that the post-apartheid Department of Land Affairs would only categorise the fourth dispossession moment as the one that was motivated by ideals of racial discrimination and marginalisation of African people based on their skin colour. And that it is only these removals that were carried out without consultation, due process or compensation. Not at any one stage across the country were dispossessions carried out with the consent of those from whom land was taken. But I will come back to these points in latter chapters. Palmer et.al (2002) and Matose (2009) outline the objectives of the 'betterment planning' removals as to 'divide land into discrete residential, arable and residential areas; the relocation of people from their dispersed homestead sites into villages; the fencing of residential areas and grazing camps'

(Matose, 2009:633). It was during this period that most of the people in Dwesa and Cwebe were forcibly removed from the reserve after they were banned from accessing the resources in it. The aim of the removals was to create a buffer zone between residential areas and the reserve, premised on some scientific theory that the separation of people from the natural resources which the state then sought to conserve would help the management and conservation of natural resources (Matose, 2009). The betterment planning removals also had a significant impact on the organisation of societal authority in Dwesa and Cwebe, and in many other parts of the Transkei.

This period of dispossession was the most thorough of all the other moments alluded to earlier. Matose (2009) however traces this period back to at least about 1930 and argue that the policies developed prior to 1930 were put into practice in a ruthless manner between 1930 and up until the end of apartheid. It is during this period, he argues, that communities around Dwesa-Cwebe lost complete residency within the reserve, more especially after the Transkei region became a 'self-governing' homeland.

In 1975 Dwesa and Cwebe were established as Nature Reserves in terms of the Transkei Nature Conservation Act No.6 of 1971, but retained their status as Demarcated State Forests (DLA, 2001). The emphasis was conservation and tourism, where some mammals were introduced and tourism facilities were developed. The Department of Agriculture and Forestry in Transkei managed this from 1978. In 1992 the reserves were renamed National Wildlife Reserves in terms of the Transkei Environmental Decree of 1992 under the Eastern Cape Provincial Government. After the first democratic elections in South Africa in 1994 the reserves reverted back to the Republic of South Africa, again retaining their status as Demarcated State Forests. At this time

management of Dwesa-Cwebe was assigned to the Provincial Department of Economic Affairs, Environment and Tourism (DEAET). The emphasis has been on conservation and tourism. In 1998 the Dwesa-Cwebe Marine Protected Area was proclaimed under section 43 of the Marine Living Resources Act of 1998.

Preceding the establishment of the reserve, there was a study conducted by Moll in 1974 that recommended that the area should be given a conservation status because of its important scientific value, and the threat to this value posed by the interaction between the local people and the natural resources of the area. The study suggested a whole range of limits to be placed on natural resource use in the area (Ntshona et.al; 2009). According to Palmer et.al (2002), Ken Tinley was then roped in to develop a reserve management plan. It was Tinley (1975), argues Palmer et.al (2002), who made the recommendations around the zoning and management of the facilities inside the reserve. Most importantly, he made provisions for the continued use of the natural resources within the reserve by the local communities. The recommendations, as cited in Palmer et.al (2002) are as follows:

- Thatch and weaving grass collection should be allowed to satisfy tribal requirements and reduce the fire hazard in the forest;
- Rotational harvesting of shellfish should be implemented;
- Herbalists should be given full cooperation in the collection of traditional medicines from the forests but overuse should be guided against
- The serving of local food should be promoted
- Fresh produce should be supplied by local people

- Two thirds of any revenue accrued should go to the local regional authority for distribution to neighbouring communities. The remainder should go to the central government
- Locally recruited field guides should be sourced and used
- The collection of forest products should continue
- Bee-keeping should be promoted on the periphery of the reserve
- Close cooperation with peripheral communities should be encouraged
- No line or spear fishing should be allowed, although the netting of fish in the estuaries by local fishermen under supervision should be considered
- If the introduction of wildlife were to be considered, then only animals that occurred there in the past should be re-introduced

These recommendations sought to promote an inclusive regime of natural resource management. They are also, in stark contrast with the dominant ‘scientific’ discourse at the time, much represented by Moll (1974) and others that argued for an exclusivist approach to conservation. As Palmer et.al (2002) would later observe, Tinley’s (1975) observations were ignored, and people were progressively excluded from the management of their natural resources.

3.3 RECLAIMING THE LAND

I will deal extensively with the post-restitution dynamics at Dwesa-Cwebe in the next chapter, but here I just want to briefly outline the process followed and the intricacies of the land claim and at least explore what Fay (2001:8) describes as: “In closing the reserves, the state contributed to

the eventual constitution of Dwesa-Cwebe as a socio-political entity and imagined community. It was not a clear-cut process of territorialisation; no official designated Dwesa-Cwebe as a community or sought to create an administrative structure for the region. Rather, the actions of the state created a population of dispossessed people with a shared experience of exclusion and a basis for future solidarity”

It was then this shared ‘experience of exclusion’ that brought back together the communities of Dwesa and Cwebe to agitate for the reclamation of their lost land and the resources on it (Fay, 2007). The struggle for the reclamation of the land by the people of Dwesa and Cwebe began in earnest in the early 1990’s. It was during a devastating drought in 1993-94 that the struggle for the land gained heightened momentum (Fay, 2007). During this period of drought, the residents of the villages surrounding Dwesa-Cwebe would enter the reserve on several occasions to try and harvest the natural resources in what Palmer (2003) calls a ‘mass, coordinated and destructive protest’. This protest was too much to handle for the conservation authorities, and footage of villagers with the resources they allegedly ‘poached’ from the reserve was splashed on television screens nationally. This challenge to the conservation authorities and the newly formed provincial government in the Eastern Cape was temporarily dealt with through the immediate restoration of the permit-based access to the reserve and the establishment of village based Conservation Committees whose jobs it was to promote the joint management of the reserves by the communities together with the conservation authority (Palmer, 2003). It was after this arrangement that the leaders who formed part of these Conservation Committees sought assistance from the Transkei Land Service Organisation (Tralso) and another NGO, the Village Planner (TVP) to help them submit a land claim as per the provisions of the new Restitution of Land Rights Act 22 of 1994 promulgated by the new African National Congress (ANC)

government (Fay, 2007; Palmer, 2003). Fay (2007) emphasizes that Tralso had not proactively sought to work with the communities, but rather, the local leaders sought Tralso's assistance. He argues that this process contributed to the 'constitution of the community in that local village leaders started collaborating to coordinate their protests and negotiations with the conservation authority, while Tralso was handling the Dwesa-Cwebe land claim as a single case. It was also during this time, as Palmer (2003) argues, that seven Communal Property Associations were created to represent the interests of the surrounding villages in the land claim.

The settlement agreement notes that after these protests mentioned above, and the establishment of the village committees, a meeting was held in 1995 at Mendwane location, whose main purpose was to negotiate an interim solution to the problems experienced around access to the natural resources at Dwesa and Cwebe Nature reserves. It was at this meeting that the communities demanded the unconditional return of their custodianship of the land and its resources. It was at this meeting that the Eastern Cape Department of Nature Conservation agreed that:

- “The communities should have access to the sea and the forest resources based upon the principle of sustainable utilisation as permitted by law
- The communities should participate in the management of the nature and forest reserves, and
- The communities should benefit from the proceeds of eco-tourism” (DLA, 2001:6-7)

The land claim that was then submitted was based on these facts. After this initial meeting mentioned above, the community representatives had a series of other meetings with the state,

wherein they (the community) agreed and committed themselves to the retention of the reserve as a conservation area in the national interest, and in partnership with the state, in ‘perpetuity’.

The DLA (2001) goes on to indicate that as a result of participatory process involving the land claimants, and the Eastern Cape department of Economic Affairs, Environment and Tourism, a Management Planning Framework for the Dwesa and Cwebe Nature Reserves was developed, which aptly outlines the vision of the reserve as to:

“Jointly manage the area in a manner that conserves the biodiversity, while seeking to optimise the benefits to the Dwesa and Cwebe community, based on the principles of sustainable utilisation”.

The Management Planning Framework summarises the mission statement with these core elements:

- Conservation of biodiversity
- Sustainable use of the reserves for local and regional economic benefit, and
- Participation, on an equal partnership basis, of the local community in the planning and management of the Dwesa and Cwebe Nature Reserves

The negotiations with the state for the restitution of land rights were based on the principles mentioned above, and according to the Settlement Agreement, all the parties were engaged and all reached an agreement on the terms and conditions of the overall settlement of the claim. One of those agreements was that to assume collective ownership of the land under claim, the community had to register the Dwesa-Cwebe Land Trust representing each of the seven villages that are claimants to the land. Each of these villages, as mentioned above, is in turn represented

by a Communal Property Association. The Trust, according to the agreement reached, would manage the reserve in partnership with the State represented then by the Department of water Affairs and Forestry (DWAF), and the provincial Department of Environmental Affairs³.

In 1997, the then Minister of Land Affairs, Mr Derek Hanekom, agreed to the restitution of land rights in the protected area, but only on condition that it continued to be managed as a conservation area (Palmer, 2003). For their part, Palmer argues, the community accepted that conservation was the only feasible land use option if the promised goal of eco-tourism led development was to be realised.

It was under these conditions then, that the Dwesa-Cwebe community had their land ‘returned’ to them formally in 2001, thereby completing, at least on paper, the cycle from the colonial and apartheid era dispossession to an era of restitution, hoped to bring about significant transformations in the rural countryside.

If indeed the restitution of land rights generally, and the restitution of land rights in protected areas specifically dismantles the colonially designed superstructure of the domination of African people by the minority race will be the subject of the next chapter.

3.4 CONCLUSION

In 2010, based on a study I did in Mpumalanga and Limpopo, I argued that:

³ The management authority of the reserve has since been transferred to the Eastern Cape Parks and Tourism Agency.

“The experience of the brutal apartheid and colonial project of dispossession left an indelible mark on the psyche of the people. People lost more than just land, they lost their livestock and lost their homes, they lost their livelihoods as well. After more than three decades in the wilderness, is it really possible to reconstruct lives once lived? Is it really possible to fully restore everything that was lost through dispossession? The restitution component of the land reform programme in South Africa focuses on restoring land back to those who lost it through racially motivated programmes, but as can be seen from the case of the Moletete, people lost much more than land. The people of Moletete seem to know what they want out of the settlement of their restitution claim, they want their livelihoods to improve, they want jobs and education for their children, they want better healthcare, and all these are outside the ambit of the restitution programme as currently constituted. This displaces the notion that land reform alone can be a panacea for rural development if it is structurally and conceptually separated from other developmental programmes of the state” (Ntsholo, 2010: 126)

If land dispossession had such a deleterious effect on those whose land was unceremoniously taken away, I think in order for the country to reverse the impacts of dispossession, there needs to be a thorough understanding of the driving philosophy behind dispossession. For the purposes of this study, even a broad understanding of this philosophy behind the massive and inhumane dispossession of Africans from their land will not be sufficient unless it is viewed from within the context of protectionist conservation alluded to in previous chapters. Within the South African context, and as with other dispossession cases, the dispossession of people from their land to make way for nature reserves and national parks takes an acute racial dynamic.

The motive for the dispossession of the Dwesa-Cwebe community was primarily for protectionist conservation as clearly demonstrated in the manner people were gradually removed from their land, and secondarily for economic reasons as demonstrated by the construction of hotels and other accommodation facilities for tourists, for the benefit of a select group of white people. But the manner of doing this had strong racial and colonial connotations. A careful exploration of both these factors is needed, and will be touched on briefly in chapter 6, although I believe that these warrant another comprehensive study.

CHAPTER 4: BURDENSOME OWNERSHIP: THE UNSETTLING SETTLEMENT

4.1 CONTEXTUAL BACKGROUND

The many years victims of land dispossession spent in the wilderness of nothingness, of sub-humanness, and of being ‘pariahs in the land of their own birth’ as Sol Platjie (1916) would say, were the key foundational blocks for a relentless and oftentimes bloody struggle for the return of lost lands, not just the return of land as an isolated entity, but the return of land as a symbolic embodiment of people’s dignity and humanity. Post the 1994 democratic settlement, this yearning for the return of all that was lost would later be characterised by Cheryl Walker as a ‘narrative of loss and restoration’ (Walker 2005).

The settlement of land claims in general, and land claims in protected areas in particular has been and continues to be a very complex exercise. This is as a result of a variety of factors, among which are intra-community dynamics, which may include differential class, gender and age dynamics within a community; but also, these challenges are compounded by sometimes conflicting government priorities. For land restitution cases in protected areas, it would rather seem that the conservation imperative trounces the historical redress imperative in terms of government priorities.

In October 2002, the cabinet, under the leadership of President Thabo Mbeki, approved a settlement framework for land claims in protected areas that prescribes that land claims on protected conservation areas, and where claimants would want the restoration of their rights in land, should be settled by the ward of ownership of the land, but without physical settlement by the claimants (Mdintswa, 2013). Such settlements would include partnerships between land claimants and conservation agencies responsible for protected area management, to achieve

‘effective biodiversity conservation of the area, including economic viability, holistic and coherent management’.

One may argue then that the primary focus in settling land claims on protected areas is therefore the continuation of management regimes that were facilitated and somehow strengthened by the factors that led the land claimants losing their land in the first place. The promotion of economic benefits and sharing of benefits with claimant communities becomes a secondary and peripheral issue. In this chapter, I will look at the settlement arrangements put in place for the Dwesa-Cwebe Nature Reserve. I identify trends in the relationship between conservation and land restoration that are consistent with the trends and philosophical framework that led to the dispossession of the people of Dwesa-Cwebe in the first place.

4.2. THE DWESA-CWEBE LAND CLAIM SETTLEMENT.

As briefly alluded to in the previous chapter, the protracted struggle for the restoration of land by the Dwesa-Cwebe community resulted in the land being finally ‘transferred’ back to the community in 2001. The conditions of settlement negotiated and agreed upon are also briefly mentioned in the previous chapter, but I intended to extensively deal with the settlement of this claim here.

According to the Settlement Agreement (SA) signed in 2001, it is mentioned that first and foremost, the state agrees to restore the land back to the Dwesa and Cwebe community, but only partially. This also was on condition that the community constitute itself into various legal entities. The seven villages surrounding the nature reserve would each organise and elect a

Communal Property Association (CPA) that would act as a representative of each village on matters relating to the land. These CPA's would then elect a Dwesa-Cwebe Land Trust (The Trust) that would oversee the overall management of the land in partnership with the conservation agency.

The transfer of the reserve to the community with title deed restrictions was a means of ensuring that the land would remain a conservation area into perpetuity. It was the Trust, so argues the SA, which gave its consent to the government to manage the area as a nature reserve forever. Because of time and space limitations of this research, I did not go deeper in examining the nature of the negotiations between the government and the community, but from available literature and from speaking with a few informants, it is made clear that the community agreed to manage as area as a nature reserve because at the negotiating table, promises were made about ground-breaking development that would be brought about by development of eco-tourism as an economic alternative for the area.

The SA also outlines very clear conditions of use for the newly restored land, and these are as follows:

- That the reserve shall be utilized solely as a National Protected Area
- That no part of the Reserve may be used for residential, agricultural, or other development purposes, save for low density nature-based tourism development as indicated by an environmental impact assessment, and as approved by a competent authority
- The Trust may not alienate any portion of the Reserve, other than to the State or to a competent authority authorised by the State

With the above conditions in mind, the Trust then entered into an agreement with the relevant government departments which indicated that the Reserve would be run under a co-management agreement between these departments and the Trust for an initial period of twenty one years from 2001 to 2022. This agreement would then be renegotiated at least a year before it expires. What is interesting however is that there is a clause in the SA that specifies that should this agreement be cancelled or terminated for whatever reason, then the full management powers in respect to the reserve will be reverted back to the State until a new agreement has been concluded again. More concerning is clause 8.6 of the SA, which reads as follows:

“In the event if a material breach of the Community Agreement by the Trust, or in the event of a material dispute, or of any other non-performance by the Trust, with the result that the agreement is rendered unable to properly function, the relevant competent authority shall be entitled to suspend the Community Agreement and to exercise sole management of the Reserve until the breach has been remedied” (DLA, 2001:10)

Of interest in the above quote is that there is an explicit assumption that it could only be the community, represented by the Trust, which would agitate for the breach of the contract. There is no provision whatsoever on what the ramifications would there be should the State be in breach of the contract.

As for the monetary compensation due to the community as a result of the settlement, the Trust was granted a sum of two million one hundred thousand (R2, 100, 000.00). This sum was paid for as compensation for the lease of the land in perpetuity, and the commitment of the Trust to keep the land as a Nature Reserve. The conditions for the use of these funds stipulate that the funds must be invested by the Trust in an interest bearing account, and not be utilised for any

other purposed for a period of ten years. However, the interest from these funds could be used to further the aims of a development plan that would also have to be approved by a relevant government authority.

In addition to the above, the then Department of Land Affairs made a payment of one million six hundred thousand rands (R1 600 000.00) to the Trust in accordance with the provisions of the Restitution Act to compensate for the fact that the community was not going to take physical occupation of the land. The Reserve itself was then valued at R3.2 million. The compensation paid thereof was based on one half of the total value of the Reserve, and would be used for the purposes of developing the community and the area at large.

At the time of the settlement, the community of Dwesa and Cwebe numbered a total of two thousand, three hundred and eighty two (2382) households. As part of the compensation arrangements, each of these households received the Restitution Discretionary Grant and the Settlement Planning Grant, amounting to R3000.00 and R1440.00 per household respectively. The total sum of these grants amounted to ten million five hundred and seventy six thousand and eighty rands, and this money was paid to the Trust to be used for settlement planning, agricultural, and educational and development projects for the benefit of the community.

4.3. RESERVE MANAGEMENT AND DISPUTE RESOLUTION

The SA is very clear on where the authority for the management of the reserve lies. At the time of the signing of the SA, it stipulated that:

“The Department of Water Affairs and Forestry (DWAF), shall in collaboration with its delegated management authority, namely the Provincial Department of Economic Affairs, Environment and Tourism (DEAET), assume State responsibility for the management, continued use and further development of the Reserve as a National Protected Area” (DLA, 2001:11)

The SA further notes that the Reserve will be managed in partnership with the community as per the provisions of the agreement. This partnership agreement will then be premised on the principles outlined below:

- The community shall enjoy favoured status in terms of benefits from eco-tourism employment opportunities, resource rights, input to management policies in accordance with the management plan
- The conservation authority and the community shall regularly review mechanisms and principles underlying the agreement in order to ensure that the objectives of the joint venture are being met
- The development of tourism will be encouraged as an appropriate means of ensuring that the community receives appropriate financial and associated benefits from the joint venture
- The Trust shall remain co-responsible for, and will contribute towards the costs of managing and maintaining the Reserve

- Neither the Trust nor the Department of Water Affairs and Forestry shall engage in any private partnerships or commercial ventures with any third party regarding the development and exploitation of the Reserve, without prior written approval by the other
- No decision in contravention of the provisions of the National Forests Act 84 of 1998, the Marine Living Resources Act 18 of 1998, the National environmental Conservation Act 73 of 1989, or any other legislation applicable to the Reserve, may be taken, and any attempt to do so shall be of no force or effect

In so far as the infrastructure in the Reserve is concerned, the Haven Hotel was transferred to the Trust, which assumed all the rights and obligations for the Hotel. The cottages inside the Reserve, which had people who were occupying them were also transferred to the Trust, but under the condition that the Trust would lease these back to the occupants.

In the years that followed, things changed a bit. In 2004 DEAET assigned the management of all Provincial Parks (including Dwesa-Cwebe) to the newly established conservation agency called the Eastern Cape Parks Board (ECPB). In 2007 the Marine and Coastal Management directorate of the Department of Environmental Affairs, signed over the management of Dwesa-Cwebe Marine Protected Area to the Eastern Cape Parks Board. After the Zuma administration came in in 2009, the Eastern Cape Tourism Board and Eastern Cape Parks Board amalgamated to form the newly established Eastern Cape Parks and Tourism Agency (ECPTA). To date, Dwesa-Cwebe falls under the management of the ECPTA. The emphasis is still on conservation and tourism, and the settlement arrangements mentioned above still remain intact.

The ECPTA's role is to ensure that the nature reserve is managed according to applicable legislation, policies and planning frameworks through a developed reserve strategic management

plan. The Dwesa-Cwebe Nature Reserve conserved coastal forests are amongst the largest remaining indigenous coastal forests on the Eastern Cape Coast, and they have a unique floristic composition. The reserve also conserves a southern sourveld grassland type that is not protected elsewhere. Furthermore, the Dwesa – Cwebe ecosystem complex that includes the Marine Protected Area (MPA) and the estuarine environment, provides a habitat critical to the survival of a number of collapsed fish stocks.

The primary purpose of the reserves then is the *conservation of this unique biodiversity* (my emphasis).

While conserving biodiversity, the secondary purpose is to sustainably use the biodiversity of the Reserve for:

- The development of high quality nature-based tourism infrastructure, facilities and services;
- The delivery of socio-economic benefits to local communities on communal landholdings immediately adjoining the Reserve;
- Better integration of the Reserve into adjacent land use planning and development; and
- The development of opportunities to increase income generation without compromising the integrity of the area's biodiversity.

Section 42 of the Protected Areas Act of 2003 provides for the co-management of a protected area by the management authority and the new owners. The management authority may enter into an agreement with another organ of state or local community for co-management of the area by the parties (Department of Environmental Affairs, 2010). The Protected Areas Act of 2003

further stipulates that this co-management agreement may provide for the following (1) the delegation of powers by the management authority or agency. (2) Use of natural resources. (3) Development of economic opportunities within and adjacent to the protected area. (4) Access to the area. (5) Capacity building within the local areas. (6) Financial support and other support to ensure effective implementation of the co-management agreement. (7) The apportionment of income generated from the management of the protected area (8) Occupation of the protected area or portions thereof.

4.4. CONCLUSION

The purpose of this chapter was to first highlight the settlement arrangements that the Dwesa-Cwebe community entered into after years in the wilderness, after relentless struggles for the reclamation of their dignity that was stripped away when they were dispossessed of their land. The second was to highlight the continuities in conservation practice that still find expression even under a purportedly democratic and majority black regime. While the meaning of the settlement agreement in relation to the question of continuities of colonial discourse and practice in contemporary conservation management will be dealt with in the next chapter, it is important to note some very glaring indicators in this one.

The first indicator is that the SA clearly prescribes that the primary objective of the reserve would remain conservation. The area has been declared a national protected area, and this will remain the case forever. As much as this on its own is noble enough, the trouble is that this commitment to maintaining the area as a conservation area against all odds retains the colonial thinking that led to the establishment of the reserve in the first place.

The second indicator is the stipulation that there should be no extractive use of natural resources in the area, and that the only use permissible is limited eco-tourism. This is no game changer as well for the community-conservation tension that was created prior to, during, and after the process of land dispossession was completed.

The third indicator is the artificial partnership created between the community and the conservation authority. Most of these joint ventures have never succeeded because they do not take into consideration the differential power dynamics between community members who are mostly less educated and knowledgeable, and the representatives of the conservation agencies.

The fourth indicator is directly related to the third, the differential power vested on the different partners in this settlement agreement. The rights and obligations that the Trust and the ECPTA have in relation to the management of the Reserve reflect a deep-seated colonial disdain of the ability of African people.

The fifth, and I believe the most significant, is the whole agreement in its entirety. The fight for the restitution of the land that blossomed in the early 1990's was about access to resources, and about the desire of the community to assert itself on matters relating to the governance of natural resources. This SA provides no traces of inclusion of the needs and aspirations of the community. The primary and seemingly non-negotiable was/is the conservation of biodiversity. The Dwesa-Cwebe community got their land rights back, but not their land use rights. They are in much a space as they were before the restitution of the land.

CHAPTER 5. BIODIVERSITY ACCUMULATION BY DISPOSSESSION? THE CONTINUITIES OF COLONIAL THOUGHT AND PRACTICE

“Take up the White Man’s Burden-
Send forth the best ye breed-
Go bind your sons to exile
To serve your captives’ need;
To wait in heavy harness,
On fluttered folk and wild-
Your new-caught, sullen peoples,
Half-devil and half-child.” Rudyard Kipling

5.1. BIODIVERSITY CONSERVATION: SOUTH AFRICA’S COLONIAL PRESENT? THEORETICAL REFLECTIONS

My interest in doing this research was to assess if colonialism, apartheid and their dispossessing effects have ever really died, or if they have just been reformed into more acceptable language and tactics. From the limitations that this research has, it could be argued that the key characteristics of imperialism and capitalism are still ever so present and are manifested in the manner resources are controlled in South Africa. At the center of it all is the drive to expand capitalism into sectors not originally thought of as serious in as far as capital accumulation is concerned.

As a point of departure, I premise my argument upon the conviction that South Africa today is, as a result of her history a dualistic society. This argument was once pursued by the former president Thabo Mbeki, and the argument basically goes like this: South Africa is a country of two economies, one is white and prosperous, and another is black and on the margins of the economy. This is a historical fact born out of years of exclusion from the economic mainstream of the majority of black people in the country and systematic strengthening of the white community. The country is a typical microcosm of the core-periphery relationship as articulated by Frank (1972) and Rodney (1972) above. Black communities were systematically marginalised, and through their marginalisation and exploitation, white communities managed to develop themselves to be at an economic and social level far higher than black people.

These divisions between these two communities manifested themselves in the management of natural resources. Black people could not manage any because they had no land; it was forcefully taken away from them through colonialism and apartheid land dispossessions. The intervening years between the time they were dispossessed of their land and the time the land got returned to them was very critical in shaping the relations between African people and white people on one hand, and African people and nature on the other hand. The possession of productive resources gave white people significant economic and psychological power over African people, who were powerless and dependent on white people for employment to sustain their livelihoods. This helped develop a very unequal and paternalistic relationship between these two segments of the South African society. White people got more quality education, more technical skills and could negotiate complex agreements with relative ease, while on the other hand African people got substandard education, their skills set was limited to very menial kinds of labour, and modern

day technical skills were foreign to them, and surely, their understanding of contemporary biodiversity issues would differ from that of whites..

This means that white people who have had the benefit of decades on near monopoly control of natural resources are still in a pole position to define the ideological and philosophical direction as far as biodiversity conservation is concerned. The only difference in post-apartheid South Africa is that the State, led by a black liberation movement is used as a conveyor of this philosophy of natural resource control. In cases where the interests of the conservation sector, which has done very little to demystify itself among most black South Africans, come into conflict with the interests of historical redress for the benefit of the black people who were once (and still are) on the margins of the economy, it is mainly the agenda of the previously advantaged group that prospers. The structural, operational and philosophical underpinnings of conservation and African people that prevailed under colonialism and apartheid are still finding expression even today under modified mechanisms like community based natural resource management and such contested terms as sustainable development and climate change adaptation.

Taking stock from the Chinese proverb “when business is bad, just paint the store”, the conservation sector has been at pains to be seen to be defining a new agenda for conservation driven development for the benefit of the previously disadvantaged. But in reality, very little conservation induced development has gone towards the upliftment of the previously disadvantaged black people. The terms that have been coined like Community Based Natural Resource Management and co-management agreements are just terms that camouflage the ugly

truth that conservation is still benefiting the aesthetic value attributed to it by the upper and middle class white community.

The pressing socio-economic priorities of the beneficiaries of land reform are placated by the desire to see more and more land under formal protection. The new democratic government has thus far not been able to clearly articulate any strong desire for land reform that seeks to extricate African people from the shackles of colonial and apartheid induced poverty and underdevelopment. This vacuum has made it possible for the colonial and apartheid thinking on Africans and their relations to land to re-emerge, albeit in a much modified language. The central problematic remains, Africans remain spectators in the management of their land through imposed notions of land use, notions that were cultivated through colonialism and apartheid. This has made land reform to lose most of its historical purpose, that of restoring the dignity that was so brutally taken away from Africans through forcefully removing them from their land. Giving Africans land rights but limiting their land use rights is patronising and again, cultivates the notions of Africans as people with no wherewithal to manage their own land in a sustainable manner, using their own culturally and socially defined mechanisms to manage natural resources.

Karl Marx originated the term 'primitive accumulation', referring specifically to the phenomenon of capitalist expansion that entail the disenfranchisement and dispossession of the less powerful by the more powerful to satisfy the demands of the capitalist class for more land and resources that would enable the expansion and development of capitalism (Marx, 1977). Negi and Auerbach (2009) argue that the concept primitive accumulation, as developed by Marx, transcends mere dispossession and also entails such factors as colonialism, the exploitation and murder of indigenous people, slavery, and the technology of public debt as 'chief moments' in

the process of primitive accumulation. It is through this plunder and dispossession of indigenous peoples that the capitalist system was/is able to generate the surpluses it so needs to keep itself alive. David Harvey (2006) expands the theory of primitive accumulation even further, arguing that even though the very basis of primitive accumulation was concerned primarily with increasing production, the appropriation of land and resources can sometimes happen without 'production'. This form of appropriation, which he calls 'accumulation by dispossession' can take the form of appropriation without investing in wage labour because of the crisis of over accumulation of resources in relatively small geographical areas.

The growth and development of capitalism is contingent on the dispossession of indigenous people by the powerful capitalist classes. It is this argument that Hobson (1902) and Lenin (1999 edition) argued for very strongly. For example, in his study of Imperialism, the first author to do a detailed synthesis of this phenomenon, John Hobson (1902) defined imperialism as the "endeavour of the great controllers of industry to broaden the channel for the flow of their surplus wealth by seeking foreign markets and foreign investments to take off the goods and capital they cannot sell or use at home". One need to note here that the emphasis inferred here is simply on the markets and on foreign investment. Kruger (1955) refutes this one-dimensional view of imperialism by arguing that there is a distinct difference between a company concerned with the expansion and growth of its reach, and a state concerned with expanding its control and authority to areas far beyond its location. Using Hobson's (1902) thesis, it may be argued that imperialism was not something that the European forces embarked on had a choice of doing or not doing, circumstances that are inalienable to the capitalism they pursued actually forced them to seek new territories. It is for this reason that Lenin wrote his book entitled *Imperialism, the*

Highest Stage of Capitalism’ in 1939, where he built on the work of Hobson and argued that the main goal of imperialism was monopoly capitalism.

Using this thinking above, one could argue that colonialism was just imperialism’s methodological prong, that the objective was pretty much the same, being the accumulation of resources from elsewhere for the benefit of the mother countries. This can be argued to be true here in South Africa. The annexation of African land by the raging European colonisers and their offspring was motivated by a number of factors; chief among them was the need to entrench European imperialism. Lenin (1999 edition) argues that the colonialism was the highest and the last stage of the spread and embedding of the capitalist project the in the world. By its very nature, colonialism entailed the annexation of vast amounts of land and other resources from the less powerful, and engaged in ‘predatory wars of plunder’ to advance the course of the development of capitalism .

But there was more to European invasion and colonisation in Africa than just the need to consolidate the development of capitalism. Rudyard Kipling (2003)’s 1909 poem above aptly captures the feelings prevailing at the time, and which to an extent still dominate conservation thinking today, but expressed in more implicit forms. This strong belief, by white people of European descent, that they had a divine mission to bring light into the dark continents occupied by nations who were not white, was and still is very strong, particularly in the South African context. The state has demonstrated gross inability to deal with the flaws of this thinking, and its deleterious effects. Natives or black people were/are seen as the white man’s burden, people with insufficient intellectual capacity to make full use of the resource wealth of their respective

countries. The former Governor-General of the French Indo-China, Albert Sarraut, wrote this in 1931:

“While in a narrow corner of the world nature has concentrated in white Europe the powers of invention, the means of progress, and the dynamic of scientific advancement, the greatest accumulation of natural wealth is locked up in territories occupied by backward races who, not knowing how to profit by it themselves, are even less capable of releasing it to the greater circular current that nourishes the ever growing needs of humanity.” (Quoted from Agrawal, 1997)

Agrawal (1997) interprets this vile articulation of the west’s belief about other races and nations as ‘imperial impatience when confronted with obstacles in alienating resources controlled by ‘backward races’’. Agrawal, in the same paper, also quotes an American writer of the 19th century, Richard Davis, who, after visiting Honduras, had this to say:

“There is no more interesting question of the present day than that of what is to be done with the world’s land which is lying unimproved; whether it shall go to the great power that is willing to turn it to account, or remain with its original owner, who fails to understand its value. The Central Americans are like a gang of semi-barbarians in a beautifully furnished house, of which they can understand neither its possibilities of comfort, nor its use”

Agrawal argues that these notions may not have been as entirely self-serving as they sound now. The west and the rest of the colonial powers somehow sincerely believed that they had some divine enlightening role to play, to ensure the welfare of these backwards races they found in the colonies they occupied. These notions and beliefs were to be the foundation blocks of a much

racialised relationship between the colonisers and the indigenous people of the colonised territories. Achille Mbembe (2001) deals comprehensively with colonialism and the notions of control employed during colonial times. He argues that in the west's eyes, Africa and Africans generally, even though they possess the same physical characteristics as those possessed by the whites, Africans belong 'to a world we cannot penetrate'. It is an attitude of mind that denies the existence of any self, but its own. So in western thought, it was inconceivable that there would be people considered human enough to be on the same level as the rest of the western world, more so if the 'other' people were not of the same colour. Curtin (1974) attributes this thinking and belief system to what he terms 'scientific racism', which is racism based on some ill-fated scientific experiment, conducted primarily by white scientists, with no credible methodology, which concluded that people who were not white were of inferior intellectual capacity.

Whether colonialism was motivated by purely economic factors as Lenin (1999 edition) argued, or by other factors like their feeling responsibility towards 'enlightening' 'darkened' continents like Africa; this drive to colonise Africa in particular had immediate and long term effects, some of which we are still experiencing now. This involved massive dislocation of people from their land, and de-culturation of untold proportions whose aim was to make Africans as European as they possibly could be. For the interest of this thesis, I place the apartheid and pre-apartheid policy of land dispossession in South Africa firmly within the context of colonial plunder and domination. This, I argue, was driven by a belief system that was informed by the notions of incapacities of black people, their destructive nature, and generally their unsuitability to be stewards of land and the natural resources found on it.

At Dwesa-Cwebe, the manifestation of this thinking is for all to see, but more horrifying is that there is now a State led by mainly black people that is perpetuating this thinking. As with the strategic partnership model on land restitution farms debate alluded to earlier, the State is actively involved in belittling the capacity of the black Dwesa-Cwebe land claimants to manage the land in a way that would benefit the community in one way or another. The condescending provisions of the Settlement Agreement for instance, have some presumptuous clauses about what implications there will be in cases where the community violates the provisions of the agreement, but no such clause for what will happen when the State violates the agreement, as has proven to be the case.

5.2. DWESA-CWEBE: AN UNBRIDLED CONTINUATION OF COLONIAL THOUGHT AND PRACTICE

In chapter four, I outlined in detail the history of land dispossession at Dwesa-Cwebe going back to the 1800's, and continuing up to the 1970's. Central to this dispossession was the prohibition of natural resource use by the local African people. The various administrative regimes that regulated the use of the protected area at different historical point had one underlying denominator, and that is the exclusion of African people from their land in order to consolidate and expand the protected area network. The expansion and consolidation of the protected area network was but one motivation of two key drivers of dispossession. The second one was the appropriation of the economic potential that the forests in the area offered. The two are however interlinked; the expansion of the protected area network was a means of ensuring that there was sufficient land for economic and recreational purposes of the few white people who, through the

State, had the sole control over the resources of Dwesa-Cwebe. This is a key characteristic of colonial practice, and as argued by Harvey (2003) and Marx (1865) above, and a key constitutive factor in the expansion of capitalism. The use of State power and influence to dislodge and dislocate the less powerful for the benefit of the captains of capitalism. The only difficulty in pursuing this line of argument however is that most protected areas, and Dwesa-Cwebe included, are controlled by the State. But there is a thin line between State control and private benefit in the context of racialised resource control during both the pre- and post-1994 period in South Africa. And indeed as Kelly (2011) argues that even though protected areas are not commoditized, the often violent acts of enclosure and dispossession linked to the creation of protected areas may lead to private benefit, and expand the conditions under which the flourish of capitalism is encouraged.

Kelly's (2011) argument above is only lacking in its understanding of protected areas as not qualifying enough to be commodities. Protected areas are commoditized massively, at least in South Africa. As mentioned in Chapter 4, the forest wood and the commercial value it was thought to have had was one of the key motivating factors for declaring the Dwesa-Cwebe as a protected area, even before the 1913 Land Act formally prohibited African people from owning land in areas other than those designated for them. Under the guise of protecting an important ecosystem, a protected area was created for the appropriation of this natural resource, and in the process destroyed whatever was communal in the use of these resources. Communal enclosures are a key characteristic of primitive accumulation. The subsequent construction of the Haven Hotel and the other cottages in the Reserve only adds credence to this argument. The creation of Dwesa-Cwebe as a protected area and the dispossession that this entailed opened up space for capital to grow.

And the control of this capital flow was deeply racialised. Africans were removed from the land because they were African, members of a race that was viewed as sub-human, people who could not sensibly manage their own land and resources in it properly. Against their own scientific advice, the dispossessing regime allowed fears and perceptions of rampaging natives to cloud empirical studies about what would be recommendable resource use options. This then demonstrates that the interest then was not to ensure the conservation of natural resources, but rather the dislocation of the African people whose presence in the land would be an obstacle to the vision of expanding the protected area network and for the select few to accrue as much benefit as was possible from the natural resources of the area. The view that the African people were deleterious savages to the ecosystem of the land was not based on any empirical evidence, but it was strong nonetheless. The people who had co-existed with the natural ecosystem for centuries were suddenly nature's iniquitous neighbours. Underlying this colonial thought and practice, once again was a deeply rooted racist belief that natural resources and the wealth they possessed could not be left at the hands of an underdeveloped race.

These practices and beliefs are finding expression in the modern day management of the Dwesa-Cwebe Nature Reserve. The motivations used period when people were dispossessed of the land are still applicable today. Even though the settlement agreement makes provision for controlled utilisation of natural resources, in practice, this is not the case⁴. The community of Dwesa-Cwebe still cannot access resources to their land, the same way they could not enjoy free access to the land under pre-1994 regimes. The Dwesa-Cwebe Land Trust ⁵and the Communal Property

⁴ Personal communication with an anonymous informant

⁵ I was also informed that the Trust had almost collapsed by the end of 2013, as a result of a number of factors, among which are the lack of adherence to the democratic principles enshrined in the Trust's constitution. But chief among the reasons is the demoralisation people felt as a result of lack of progress on the promises made at the time of settlement.

Associations of the seven villages are legal entities with no real authority over the land, other than, at least for the DCLT, the partial control of the various grants given as part of the settlement agreement.

These arrangements render the community and their interests as peripheral to the central focus of the reserve, the conservation of natural resources. This central focus was decided for the community without them, and it was decided back during the times of colonial and apartheid conquest. This has been carried through the post-1994 period camouflaged in language that promises change but entrenches continuities in thought and practice. The philosophical wedge driven between the African people and the surrounding ecosystem by the agents of colonial and apartheid plunder had as a central theme the mutual exclusiveness of the imperatives of natural resource conservation and harmonious existence of the African people. This theme has defied the racial equality mantra that the post 1994 establishment tried to inculcate. The conservation sector, as demonstrated by the Dwesa-Cwebe case, has skilfully sang the same tune with the general populace as far as the transformation imperatives of the country are concerned, but it has continued its dance, unabated, for generations.

5.2.1 THE STATE AND THE CONTINUATION OF COLONIAL PRACTICES

The balkanization of Dwesa-Cwebe into a protected area would not have had a chance of succeeding were it not for the central role of the State. This may sound very obvious because it is the State that owned the Reserve before it was claimed, and it is the State that manages it after it was ‘successfully restituted’ back to the people of Dwesa-Cwebe.

The central role that the State grants itself in the management of the Dwesa-Cwebe Reserve is curious, and somehow conflicting with the State’s own commitment to transformation and

democracy. As Fay (2013) argues, the eco-tourism development that were envisioned, and which were used as bait to the unsuspecting community, were premised upon transferring property titles and allowing the Trust to conduct business with outsiders on behalf of the community, as a duly recognized legal entity. But the Settlement Agreement does indicate, unequivocally, that land uses other than conservation and highly regulated eco-tourism are prohibited. Fay (2013) continues to explain this dynamic when he argues that the ownership that the Trust was given at the settlement of the claim did not include any management rights or responsibilities to the Trust. The Eastern Cape conservation authority continues managing this reserve on a 21 year co-management agreement that they cannot simply get out of. As Fay argues “the reserve is nominally owned by the community but remains solidly under State control; it is explicitly not a tradable commodity, as the Trust may not alienate any portion of the reserve, other than to the State or to a competent authority authorised by the State” (Fay, 2013:174)



The cartoon above aptly captures the community-state dynamics of the settlement of the Dwesa-Cwebe restitution claim, and domineering role the government still continues to play.

5.3 CONCLUSION

The post-1994 State has been at pains in articulating their transformation ideals, but in practice, is there a major difference between the current government and the pre-1994 regimes that actively sought to marginalize and dispossess Africans? Evidence from this case study seems to suggest that there is no difference whatsoever. The state-craft at play today seems to be re-enforcing the philosophical wedge driven by the colonial and apartheid regimes in as far as the relationship between the African people and nature is concerned.

While the dispossession and alienation of African people from their land was initially based on racial and colonial notions of African ability, as clearly captured by Rudyard Kipling's (2003) poem at the beginning of this chapter, was scorned and had forces mobilised to fight against such alienation; the continued dislocation and alienation of African people from their land, using legislative mechanisms of the democratic government, receives no such scorn. The language of the post-1994 establishment has changed indeed, it is a language of hope and equality; but the practice has not been altered at all. The prohibition of people through legislative mechanisms from utilising their land the way they see fit is tantamount to dispossessing them for the second time. The argument that the national interest should at all times overshadow narrow individual and communal interest does not hold much credibility in this case as it does not serve the interests of the locals, the very interest of the locals that were never taken into consideration during the colonial and apartheid period. Questions need to be asked as to who sets the agenda in

as far as conservation is concerned? Is it not the very same people who pushed for dispossession in the first instance? If they are, are these people then qualified to define what a national interest should be? An exhaustive study of the discontinuities and continuities of colonial, apartheid, and let it be said, racist policies and practices still needs to be undertaken. This being a mini-thesis greatly limited the scope of the probe. What drives a State, led by a 'liberation movement' to actively partake in the continued disenfranchisement of the very people the liberation movement fought for? Is the State aware of the implications of its own policies on land reform and biodiversity conservation?

The same argument used by the State, that successful land claimants do not possess sufficient capacity to manage the land that they have successfully claimed, and therefore in need of a big brother to assist, can also be used in reference to the State. A liberation movement that spared nothing to liberate the people of South Africa seem to possess little capacity to comprehend the dynamic of policy making and their implications thereof, and this therefore leaves room open for influential white conservationist to set the agenda once more, ensuring an unbridled continuation of the past.

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