



Modes of Land Control in Transfrontier Conservation Areas

a case of green grabbing

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DECLARATION

I, Lerato Thakholi, know the meaning of plagiarism and declare that all of the work in the dissertation -Modes of Land Control in Transfrontier Conservation Areas: a case of green grabbing- save for that which is properly acknowledged, is my own.

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ABSTRACT

In light of the current literature on green grabbing, this study is motivated by the need to understand whether TFCAs are characterized by green grabbing and what form they take if indeed they are unfolding there. It investigated the modes of land control and transfer - within the Lesotho component of the Maloti Drakensberg Transfrontier Conservation Area and South Africa's Greater Mapungubwe Transfrontier Conservation Area – in order to explore the politics of land in TFCAs through the green grabbing lens.

Global environmental organizations are increasingly calling for more terrestrial and marine resources to be protected from the looming global environmental crisis. The knowledge production about environmental problems, threats and solutions are often articulated at the global level through reports and conventions and are expected to be adopted at the local level. One such solution to loss of biodiversity that has enjoyed increasing support in southern Africa is the concept of the Peace Parks in the form of Transfrontier Conservation Areas. With the land question an ever brooding cloud over southern Africa, this study finds itself interrogating TFCAs and the land questions they raise. Taking into consideration the current land claims in South Africa, the contested issue of traditional authorities and the problems associated with communal land tenure.

The study used hegemony as a lens through which to understand how conservation initiatives at the local level are an amalgamation of how the global environmental bloc has conceptualized conservation both as a practice and an idea. One such idea that has been widely popularised is the need for more land for conservation purposes. This approach allowed the identification of environmental international conventions and protocols as a first step in a series of prongs that legitimizes green grabbing. Furthermore, it used property rights to explore how legal green grabbing occur, that is, how property rights are used by private land owners as well as the state to appropriate more land, and in some instances how property rights were used to resist the encroachment of conservation in the frontier.

The findings reveal a stark difference in how private land and communal land were incorporated into the MDTFCA and GMTFCA. Whereas people on communal land are often involved when negotiations are well underway, private land owners can shape how the development of the TFCA should progress. Furthermore, they can broker deals with the state that enable them to benefit from the TFCA.

The study shows that both the GMTFCA and the MDTFCA are a matter of land and resource control and transfer. In the GMTFCA, when the state was unable to secure land by direct purchases, it had to employ other less overt forms of control. In Lesotho because land purchases by the state are impossible, the state has used a process of land control. These modes of land control are not static, the state has to adapt to the times in order to meet its conservation objectives.

The study affirms previous claims that green grabbing involve multiple players and networks, some of which involve local peoples and, perhaps most importantly, some of these green grabbings are legal. It echoes studies that have documented multiple expressions of resistance and engagement with the grabbing's. It further shows that while much of the literature has focused on large scale land deals green grabbing also occur on small properties with the same consequences.

It concludes that TFCAs are not absolute green grabbings, but are a vehicle for how the state incorporates different land tenures into these spaces as a result of the pre-existing property rights. This in turn determines the nature of land acquisition. The study calls for a re-imagination of the concept of green grabbing, especially where the grabbings are legal.

CONTENTS

DECLARATION	i
ACKNOWLEDGEMENTS.....	ii
ABSTRACT.....	iii
LIST OF FIGURES.....	vii
LIST OF TABLES.....	vii
LIST OF ABBREVIATIONS	ix
1 CONSERVATION AND THE LAND QUESTION	1
1.1 Introduction	1
1.2 How We Got Here	3
1.3 Green Grabbing, a Factor of Property Rights.....	8
1.4 Aim of the Study	12
1.5 Structure of Dissertation.....	14
2 LEGITIMIZING GREEN GRABBING.....	16
2.1 Introduction	16
2.2 Global Environmental Hegemony	16
2.3 Land Grabbing.....	20
2.3.1 Contemporary Land and Green grabbing	20
2.3.2 Justifying the grabbing	22
2.3.3 Resisting the Grabbing	25
2.4 Property Rights	28
2.4.1 Property Rights as an Enabler	28
2.4.2 The ‘Commons’ and Land Administration.....	32
2.5 Conclusion.....	33
3 RESEARCH METHODOLOGY	35
3.1 Introduction	35
3.2 Justifying the Method	35
3.2.1 Documentary Analysis.....	36
3.2.2 Semi-Structured Interviews	36
3.2.3 Quantum Geographic Information System.....	38
3.2.4 Case Study	38
3.3 Study Sites.....	40
3.3.1 Greater Mapungubwe TFCA.....	40
3.3.2 Maloti Drakensberg TFCA	42

3.4	Phases of Data Collection.....	44
3.5	Maps.....	45
3.6	Interviews.....	47
3.7	Content Analysis	49
3.8	Challenges and Constraints.....	50
3.9	Ethics.....	52
4	ENCLOSING COMMUNAL LAND IN THE MDTFCA	53
4.1	Introduction	53
4.2	History of Land Tenure in Lesotho: a Context for the MDTP.....	53
4.2.1	Local Governance.....	57
4.3	Creating the MDTFCA in Lesotho.....	59
4.3.1	History of Conservation Initiatives in Lesotho	59
4.3.2	Maloti Drakensberg Transfrontier Programme	62
4.3.3	Range Management Areas.....	67
4.4	Living in the MDTFCA.....	73
4.5	Conclusion.....	75
5	MODES OF LAND CONTROL IN THE GMTFCA	76
5.1	Introduction	76
5.2	Creating the GMTFCA.....	76
5.2.1	Evolution of Land Use in the GMTFCA	77
5.2.2	Realizing Smuts' Dream	79
5.3	Claiming Space in the GMTFCA.....	84
5.4	Land Claims	92
5.5	Living in the Frontier	95
5.6	Conclusion.....	98
6	CONTROLLING LAND IN THE FRONTIER.....	100
6.1	Introduction	100
6.2	Enabling Conditions for green Grabbing.....	101
6.3	The Global Vying for Local Land.....	103
6.4	Controlling Communal Property in the Frontier.....	104
6.4.1	The Kings' Land	104
6.4.2	Land Claims	108
6.5	Private Property in the Frontier.....	111
6.6	Private Sector in TFCAs	115

6.7	TFCAs as Communal Property Green Grabbing	117
6.8	Conclusion.....	119
	REFERENCES.....	120
	APPENDIX A LIST OF PARTICIPANTS IN LESOTHO	135
	APPENDIX B LIST OF PARTICIPANTS IN SOUTH AFRICA.....	136
	APPENDIX C QUALITATIVE QUESTIONS.....	137
	APPENDIX D MAPS OF OTHER TFCAs	138
	APPENDIX D 1 Map of Kgalagadi TP with awarded land claims (Source, Author)	138
	APPENDIX D 2 Farm Parcels in !Ai-!Ais/Richtersveld TP (Source, Author)	139
	APPENDIX D 3 Farm Parcels in Lubombo TFCA (Source, Author)	140
	APPENDIX D 4 Farm parcels in South Africa’s GMTFCA (Source, Author)	141
	APPENDIX D 5 Farm parcels in South Africa’s GLTP (Source, Author)	142

LIST OF FIGURES

Figure 1.1	TFCAs and TPs in Southern Africa (PPF, 2015)	5
Figure 3.1	Greater Mapungubwe TFCA (SANParks, 2013).....	41
Figure 3.2	Map of field sites in the Maloti Drakensberg TFCA (MDTF, 2008)	43
Figure 3.3	Fieldwork Timeline (Source, Author)	44
Figure 3.4	CSG map of South Africa’s Mapungubwe TFCA and the Northern most section of South Africa’s Kgalagadi TFCA (CSG, 2014)	45
Figure 3.5	Topographic Map of Northern Section of the Maloti Drakensberg TFCA (CSG, 2014).....	46
Figure 4.1	Map of the Proposed Lesotho National Park (McVean, 1977)	60
Figure 4.2	Suggested Parks and Reserves in Lesotho (McVean, 1977).....	61
Figure 4.3	Topography of Khomo-Phats’oa Managed Resource Area (Lechmere-Oertel, 2008b).....	65
Figure 4.4	MRAs and CCs in Lesotho, with the Sani Top MRA highlighted (Lechmere-Oertel, 2008a)	70
Figure 5.1	Vhembe Private Nature Reserve (Union of South Africa, 1967).....	79
Figure 5.2	Land Ownership in the Core (Source, Author)	82
Figure 5.3	De Beers Installations in Mapungubwe National Park (Source, Author)	83
Figure 5.4	Map of the modified buffer zone of Mapungubwe World Heritage Site (UNESCO, 2014)	85
Figure 5.5	Prohibition or restrictions area in the GMTFCA (Source, Author)	88
Figure 5.6	Zoning of Mapungubwe National Park (SANParks, 2008)	91
Figure 5.7	Land claims in Mapungubwe by the Machete and Tshivhula (Source, Author)	93

LIST OF TABLES

Table 1.1	TFCAs in South Africa	6
Table 3.1	Key questions for officials and local people.....	50
Table 4.1	Zoning system for UDPWHS and SNP	63

Table 5.1 Land within the core of Mapungubwe National Park	80
Table 5.2 MNP Zoning Plan	89

LIST OF ABBREVIATIONS

BIA	Biodiversity Implementation Area
BNC	Basutoland National Council
BNP	Basotho National Party
BPA	Biodiversity Priority Area
DEA	Department of Environmental Affairs
DMMCCP	Drakensberg/Maloti Mountains Catchment Conservation Programme
CAMPFIRE	Communal Areas Management Programme for Indigenous Resources
CBD	Convention on Biological Diversity
CBNRM	Community Based Natural Resource Management
CC	Community Councils
CSG	Chief Surveyor General
DDC	District Development Committee
EIA	Environmental Impact Assessment
ERMC	Community-Based Environmental Resource Management Committee
EU	European Union
FDI	Foreign Direct Investment
FIAN	Food First Information and Action Network
FPP	Friends of Peace Parks
GA	Grazing Association
GEF	Global Environment Facility
GLTP	Great Limpopo Transfrontier Park
GMTFCA	Greater Mapungubwe Transfrontier Conservation Area
HIA	Heritage Impact Assessment
IFPRI	International Food Policy Research Institute
IIED	International Institute for Environment and Development
IUCN	International Union for Conservation of Nature

JMP	Joint Management Plan
KAZATFCA	Kavango-Zambezi TFCA
KNP	Kruger National Park
LAPIS	Lesotho Agricultural Production and Institutional Support Project
LHWP	Lesotho Highlands Water Project
MCLWHS	Mapungubwe Cultural Landscape and World Heritage Site
MDTP	Maloti Drakensberg Transfrontier Programme
MDTFCA	Maloti Drakensberg Transfrontier Conservation Area
MFLR	Ministry of Forestry and Land Reform
MRA	Managed Resource Area
MRC	Managed Resource Committee
MTEC	Ministry of Tourism, Environment and Culture
NEMA	National Environment Management Act
NGI	National Geo-spatial Information
NGO	Non- Governmental Organization
PPF	Peace Parks Foundation
QGIS	Quantum Geographic Information system
RAINS	Regional Advisory and Information Network Systems
RMA	Range Management Area
SADC	Southern African Development Community
SANParks	South African National Parks
SAPAD	South African Protected Area Database
SNP	Sehlabathebe National Park
TBPA	Transboundary Protected Area
TFCA	Transfrontier Conservation Area
TNCs	Transnational Corporations
USAID	United States Agency for International Development
UDPWHS	uKhahlamba Drakensberg Park World Heritage Site

UAE	United Arab Emirates
UNEP	United Nations Environment Programme
VDC	Village Development Committee
WHC	World Heritage Committee
WMA	Wildlife Management Area
WWF	World Wide Fund for Nature
ZAWA	Zambia's Wildlife Authority

1 CONSERVATION AND THE LAND QUESTION

1.1 Introduction

The whole spectrum of conservation areas, from national parks to community conservancies are premised on the need for land. This often means a change in how land is used, by whom the land should be used and by whom it should be managed. These pieces of land are a kaleidoscope of different interpretations and meanings, they are an amalgamation of peoples' histories and they exist in a physical as well as a social continuum which becomes broken or altered when borders are erected and conservation enclaves are created. That conservation areas are established on physical territory requires an interrogation of this territory. An analysis of the history of this territory enables a thorough understanding of the contemporary context. A study of that critical moment when the physical continuum is broken or altered facilitates an understanding of how land is converted into conservation and the consequences thereafter.

According to the United Nations Environment Programme (UNEP) there are currently 20.6 million km² (15.4%) of terrestrial and inland water areas covered by protected areas (Juffe-Bignoli, 2014). The world over, there is a need to enclose more land into conservation in order to curb the looming environmental crisis. This is exemplified in conventions such as the Convention on Biological Diversity (CBD) and the commitment of countries to meet biodiversity conservation targets such as Aichi target 11. There is consensus among environmentalists that if the current status quo of business as usual does not change then detrimental and irreversible environmental changes are inevitable. The solutions, they suggest, include increase in renewable energy consumption, curbing unsuitable development, conserving already threatened ecosystems by strengthening existing conservation areas and creating new conservation areas (Teske et al., 2015). One such type of conservation initiative that has enjoyed increasing support from regional blocs and development agencies has been the concept of the peace parks which are the subject of this study.

Transfrontier Conservation Areas (TFCAs) are large ecological regions that straddle the borders of two or more countries and include a national park and multiple resource use areas, where consumptive and non-consumptive resource utilization is permitted (Suich et al., 2003). They embody a whole host of social, political as well as economic dimensions, all of which are interlinked and are enacted in the local, regional and global arena. TFCAs are also known as peace parks, transboundary protected areas and cross border conservation areas. While TFCAs permit multiple resource use, transfrontier parks are solely for conservation purposes although exceptions can be made for indigenous communities to perform rituals. The concept of the peace park lies first on the premise that by collaborating, state parties will likely foster good relations. Moreover, that in the event of conflict, the environment will remain protected. Lejano (2007) notes that by using the territory as an instrument of peace is perhaps ironic considering that territorial issues have often led to violent conflict. Ramutsindela (2007) also observes that the location of transfrontier conservation areas in Africa does not overlap with regions of border disputes.

Secondly, it is suggested that by removing physical boundaries wildlife as well as people will move freely unhindered. For conservation this means that fragmented ecosystems will be consolidated. For communities it is suggested that this will facilitate easy movement of people that were separated by colonial borders, and that TFCAs will alleviate poverty (Hanks, 2003). While the argument implies a process of doing away with borders Sinthumule and Ramutsindela (2014) suggest that de-bordering in TFCAs is merely a transformation of the functions of the border. They argue that far from bringing nature and people together as proponents suggests, TFCAs in fact accentuate the borders between society and nature and between different sectors of society. Proponents of TFCAs have used peace, conservation of biological diversity and poverty alleviation to justify the need to convert land to transfrontier conservation area, an endeavour that appears noble and simple. However, literature has since exposed some of the challenges and contradictions that plague the concept of transfrontier conservation. Spierenburg et al. (2008) document the development of the Makuleke land claim within Great Limpopo Transfrontier Parks (GLTP), Kruger National Park (KNP). Their study highlights the multiple players and their interests in the settlement and post settlement of the Makuleke land claim. They bring to the fore some of the pertinent issues related to traditional authorities in communal lands in post-apartheid

South Africa. Land related issues are not unique to the GLTP. In Zambia's Kavango Zambezi TFCA (KAZATFCA) Metcalfe and Kepe (2008) discuss communal land on which the state intends to form wildlife corridors. It becomes apparent in their discussion that the need to tame communal land in order to conform it to transfrontier conservation standards can be contradictory at the regional level where elephant sport hunting is permitted to be marketed in Botswana, Namibia and Zimbabwe but not permitted in Zambia. Hunting has since been banned in Botswana. As with the GLTP, the issue of traditional authorities comes up in Zambia where Zambia's Wildlife Authorities (ZAWA), traditional authorities and the forest department, control different aspects of land and resources within communal land which sometimes leads to diverging aspirations about the desired land and resource use. Therefore land remains a very important aspect of inquiry into conservation areas in southern Africa. The history of the creation of some conservation areas in South Africa coupled with the democratic government's land restitution process has opened up opportunities for local communities to claim land in conservation areas. This has in turn forced the government to find ways of fulfilling its obligation to disenfranchised communities while keeping national parks intact. The Mier and San communities land claim in Kgalagadi Transfrontier Park along with the Machete land claim in Mapungubwe National Park and the Makuleke claim in KNP all speak back to the urgency with which the land question ought to be addressed in conservation areas.

1.2 How We Got Here

The concepts that have underpinned conservation of biological diversity have evolved, from the much criticized national parks to Community Based Natural Resource Management (CBNRM) that brought much hope to people, and now cross border conservation areas. National Parks continue to be criticised for denying local people access to resources and for expropriating land (MacKenzie, 1997, Akama et al., 2011, Haller and Merten, 2013) in what has become widely known as fortress conservation. As the name suggests, CBNRM aimed to shift the focus of conservation management from the state to communities. It has in recent times come under fire for failing to deliver the promised benefits to communities (See Dressler et al. 2010). The shift towards cross border conservation areas has been sparked by the projected loss in biodiversity and a new interest in large-scale conservation initiatives

(King, 2010). King suggests that these three approaches are not mutually exclusive, for one TFCAs advocate CBNRM in the form of wildlife corridors in the Selous-Niasa wildlife corridor (See Noe, 2014). Furthermore, that transboundary conservation emerged from pre-existing national parks. On this shift, Büscher (2010) states that transfrontier conservation did not replace CBNRM but has instead allowed proponents to better link conservation with 'modes' of neoliberal political conduct.

In southern Africa, transfrontier conservation areas are endorsed by the Southern African Development Community (SADC). In Article 4 of *Protocol on Wildlife Conservation and Law Enforcement* the member states agree to promote conservation through the establishment of transfrontier conservation. In the EU, the Alpine Convention between Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia and Switzerland as well as the EU, works towards the sustainable development and protection of the Alps across political borders. Apart from regional bodies international Non-Governmental Organizations (NGOs) such as the International Union for the Conservation of Nature (IUCN) and World Wide Fund for Nature (WWF) as well as donor agencies such as Global Environment Facility (GEF) and the Dutch Postcode Lottery support TFCAs by allocating funds for cross border conservation projects. According to the IUCN's Protected area database there are currently 227 transboundary protected areas in Asia, Africa, North America, Central and South America and Europe. Most of them are party to an international convention including but not limited to Ramsar Convention, WHC (World Heritage Committee) and the CBD (Convention on Biological Diversity) (TBPA, 2007). Much like TFCAs in southern Africa, the main argument for the establishment of TBPA by the IUCN is that political borders do not reflect natural boundaries. By removing these obstacles it is suggested that ecosystems will benefit, there will be socio-economic benefits as well as cultural heritage benefits, benefits for the day to day management of an ecosystem, and lastly this will foster good relations between nation states (Vasilijević et al., 2015).

The proliferation of TFCAs in southern Africa (Figure 1.1) has sparked intriguing conversations some of which have been related to land: these include Ferreira (2004) who

explores some of the challenges of realizing tourism development in GLTPs Gonarezhou National Park due to poaching and land invasions by communities who had been forcefully evicted in 1975. Lunstrum (2013) uses the concept of articulated sovereignty to argue that far from eroding state power, donor funding for TFCAs enables the state to create a physical presence through infrastructural and institutional development in often inaccessible places. In the Maloti Drakensberg TFCAs Büscher (2012) captures how payment of ecosystem services is based on neoliberal ideology. Noe (2014) on the other hand outlines the creation of the Selous-Niassa wildlife corridor, by converting village land to Wildlife Management Areas (WMAs) in Tanzania where land is considered public property.



Figure 1.1 TFCAs and TPs in Southern Africa (PPF, 2015)

As the previous paragraphs have demonstrated global attention has shifted towards cross border conservation initiatives and not only ideologically but so too has the funding (Bücher, 2010). TFCAs are reconfiguring political borders and constructing new nature-people relations. It is therefore imperative to continue to investigate their development in relation to land. As Ramutsindela (2015: 176) succinctly states “current strategies for nature

conservation cannot be assessed independently of the land question in South Africa". The land question is important for the study of TFCAs because at the regional level it reveals SADCs approach to cooperation which will ultimately influence how conservation land is used for the purpose of regional integration. There are currently six TFCAs between South Africa and its neighbours (Table 1.1 and Appendix D).

Table 1.1 TFCAs in South Africa

TFCAs	Countries: South Africa and	Size (Km²)	Approximate No. of farm parcels	MoU/ Treaty Signed
!Ai- !Ais/Richtersveld	Namibia	6,222	3	2003-Treaty
Kgalagadi	Botswana	37,991	71	2000 Treaty
Greater Mapungubwe	Botswana and Zimbabwe	4,872	238	2006 MoU
Great Limpopo	Mozambique and Zimbabwe	35,000	436 (Southern section only)	2002 Treaty
Maloti Drakensberg	Lesotho	8,113	1,807-KZN 608-FS 380-EC	2001 MoU
Lubombo	South Africa, Mozambique, Swaziland	10,029	Songimvelo-42 Usuthu-4 Ponta-18 Nsubane-207	2000 Protocol

(Source, Author)

Furthermore, because TFCAs are a new way of doing conservation means that more land will be released into these cross border conservation initiatives and this will be consequential for local peoples' livelihoods. In addition, land remains a contested issue in southern Africa due to issues related to the traditional authorities, land claims and competing land uses. Perhaps most importantly, the consequences of fortress type conservation initiatives have been manifested the world over, the environment and the

people therein cannot afford another conservation initiative that further alienates people from their land. It is therefore imperative that we interrogate TFCAs and the land questions they raise.

As the definition of TFCAs states, TFCAs include multiple resource use areas such as agriculture and extraction of natural resource such as straw for thatching and medicinal plants, activities that are not permitted within a national park. The core of the TFCA i.e. the national park is often exclusively owned by the state -with exceptions such as Mapungubwe- the rest of the area of the TFCA consists of multiple land holdings such as private game reserves, private and communal land as well as wildlife management areas. These land holdings make up a mosaic of private, state and communal land. As Table 1.1 shows, in South Africa's Maloti Drakensberg TFCA alone, there are more than 2, 795 land parcels, in national parks, game reserves and communal areas to mention a few. Apart from the diverse land uses and land tenures in TFCAs, in South Africa specifically, there is the issue of land reform that has three components, namely, restitution, redistribution and tenure reform. TFCAs affect the profiles of land parcels, and their availability for land reform. In his discussion of land claims in TFCAs, Ramutsindela (2015) concludes that the demand to incorporate more land into conservation, more so in TFCAs, has undermined the process of land reform in southern Africa.

This research therefore, seeks to add an important aspect to the discourse of TFCAs, by looking at, the 'land question'. While land is often times referred to in literature, there are a few explicit critical enquiries into the land question in relation to TFCAs. The study asks the question: how is land, with diverse tenures, histories, land uses and ownership consolidated and enclosed into a single unit of cross border conservation? That is, what modes of land control and transfer are employed in order to make a piece of land part of a transfrontier conservation area? This is fundamentally an inquiry into the politics of land. When exploring the politics of land in southern Africa researchers have discussed issues related to land claims in protected areas, where it has become increasingly apparent that "the state, as the landowner at the time of a land claim by a surrounding community, cannot be expected to represent the best interests of its citizens (the land claimants), while simultaneously seeking to meet national and international obligations for protected area coverage" (Cundill at al.,

2013: 177). Adams (2001) documents widespread tenure insecurity on communal lands in southern Africa as well as land restitution as a result of past land expropriations. Ntsebeza (2005) on the other hand explores the roles of traditional authorities especially in land allocation in a democratic South Africa, considering their controversial role in the apartheid state. On gender, Walker (2003) argues that the commitment of the South African state to the land reform gender policy has not translated into substantial changes on the ground, and this, she argues, is due to the limitations within the land restitution process itself. Commenting on land related policy development for women, Walker (2013) suggests that policies should not only recognise the diversity within 'women' but also consider the relationship between land and non-land related issues in promoting gender equality. Hall and Cousins (2015) argue that land reform has been hijacked from its original purpose because it does not address the structure of land ownership and control in democratic South Africa.

The politics of land therefore refers to any such process or activity that occurs on a piece of land with defined boundaries such as a farm, national park, wetland or communal land and in which the power relations between different stakeholders are manifested in a tug of war to claim territory. Specific to this research is the modes of land control and transfer in six of South Africa's TFCA's (Appendix D). By exploring this phenomenon, this research will bring to the fore different stakeholders, their interest and how these are manifested onto the physical landscape. In so doing it will reveal the tactics that people use in order to claim space in a TFCA and the policy context within which all of this occurs.

1.3 Green Grabbing, a Factor of Property Rights

This research draws from the land grabbing and green grabbing literatures. As green grabbing is fundamentally about power and how it is executed to claim territory by dictating use and access rights. This research also draws from the literature on property rights. Land grabbing is not a new phenomenon. It underlined the scramble for Africa and conservation-led land expropriations during colonialism that are now intensified. What distinguishes contemporary land grabbing from earlier land alienations is the complexity of the deals, the new players, the tactics they employ and the diverse motives driving them. This research

draws from literature on contemporary land grabbing because it promises to reveal the multiple players and networks that are formed, and the tactics that the state, business and communal peoples use to claim their stake on territory in the frontier. Furthermore, the green grabbing lens offers a unique avenue into this new way of doing conservation because it exposes the processes that are involved in releasing land into conservation. Understanding these processes is more relevant to TFCAs that are an amalgamation of national parks and CBNRM initiatives. The inquiry into TFCAs is also an inquiry into the expansion of national parks and reconfigurations of CBNRM.

Much like land grabbing, green grabbing is not a new occurrence. However due to the current global environmental movement the motives for expropriating land for green ends have become even more diverse. The advantage of using both literature on land grabbing and green grabbing is that they enable me to explore and understand the various ways that land becomes appropriated for the inclusion and exclusion of others. Moreover the literature makes clear the different participants and networks that are formed, and thereby opens up possibilities for examining multiple local expressions of not only resistance to the grabbing but also of engagement with the land grabbing.

Since the 2008 economic meltdown, large scale acquisition of land have received much attention from the media as well as academia in what has come to be known as land grabbing. The media has documented the acquisition of large tracts of land around the world mostly in Africa and South America. News reports have selectively reported land deals that involve specifically large tracts of land, with the involvement of countries and multinational corporations. Cotula (2011) suggests that even though media attention has focused mainly on land deals for agriculture there are other factors driving the land rush such as mining, petroleum, timber plantations and tourism. Furthermore, there has been a biased representation of 'mega deals' while land deals on smaller tracts of land have gone underreported. The Land Matrix, a global independent land monitoring initiative has thus far documented 1034 concluded land deals and 200 intended land deals on 37 626 133 ha and 16 814 957 ha respectively (Land Matrix, 2015). Due to the secrecy that land deals are

shrouded in, it is difficult to get reliable data, nevertheless this gives us an idea of the magnitude of these deals. Literature suggest that after the 2008 economic crisis there was a move by emerging economies such as China, United Arab Emirates (UAE), India and South Korea to secure their own food production (Anseeuw et al., 2012). And, one way to do this has been to acquire land in developing countries. At the forefront of the inquiry into large scale land deals, has been Grain an NGO which documented some of these large-scale land deals in their 2008 report *SEIZED*. Borras and Franco (2012) note that this was followed by other accounts from organizations such as Food First Information and Action Network (FIAN), International Food Policy Research Institute (IFPRI), International Institute for Environment and Development (IIED) and the highly controversial report released by the World Bank in 2010 *Rising global interest in farmland*.

Borras et al. (2012) observe that the current discourse on land grabbing has broadened the spectrum of this debate by exploring multiple threads within 'land grabbing'. While the initial inquiry into land grabbing focused on the highly popularised cases in Africa and South America there has been a concerted effort by academics to critically engage with large scale acquisitions of land beyond this frame. Some of the work has included that of Hall et al. (2015) which explores multiple expressions of resistance from the grassroots in response to land deals. Rulli et al. (2013) use a hydrological model to quantify impacts on fresh water resources as a result of land grabbing. Amidst the abounding literature on the global land rush in the south Van der Ploeg et al. (2015) offer an analyses of land grabbing in the north with a focus on the European Union (EU), while Desmarais et al. (2015) explore land grabbing and land concentration in Canada. Finally, Hall (2012) documents land acquisitions by South African farmers in other Africa countries. This critical inquiry has provided a nuanced understanding about the political and socio-economic dimensions of each case study. Although the cases covered differ, they are all manifestations of power relations between different interest groups and how power is used to acquire land.

The global discussion on large scale acquisition of land has incorporated acquisition of land for environmental ends in what John Vidal coined green grabbing (Vidal, 2008). This too has

attracted some attention from civil society groups, NGOs and academia. Green grabbing refers to any large scale acquisition of land for environmental ends such as biofuels, conservation and carbon offsets (Fairhead et al., 2012). Literature on green grabbing has looked especially into land expropriation for biofuels (Leach et al., 2012) and carbon offsets (Benjaminsen et al., 2011). Given the urgency of nature conservation arising from global environmental change there is a need to examine more closely how green grabbing takes place. Some work has gone into this, for example, Green and Adams (2015) discuss green grabbing as a manifestation of the neoliberalization of Tanzania's Wildlife Management Areas. Benjaminsen and Bryceson (2012) look into expropriation of local peoples land and resources for wildlife and marine conservation again in Tanzania. Other studies that have explored conservation as a form of green grabbing include Neimark (2012) who explores the evolution of periwinkle extraction in Madagascar from 50 years ago. Lunstrum (2015) followed this perspective when she examined conservation-related relocation of residents in Limpopo National Park, which forms part of the Great Limpopo TFCA.

The preceding paragraphs demonstrate that while the term land/green grabbing have masked the multiplicities within land deals, there has since been more robust inquiries into land deals. It could be argued that the over representation of mega 'deals' has left land deals on smaller parcels of land underreported. This research hopes to add to the conversation on land deals from a transfrontier conservation perspective. In light of the global environmental crisis that calls for more land to be conserved, cross border conservation areas have been popularised as the new efficient way of doing conservation. It therefore remains imperative to explore in detail how land appropriation is approached especially in areas where tenure insecurity prevails and land restitution is on the agenda. Moreover transfrontier conservation areas represent more than just a conservation initiative. In southern Africa they represent SADCs commitment to regional integration.

As stated in the previous section, green grabbing is fundamentally about power over property. Ostrom and Hess (2007: 1) state that "a property right is an enforceable authority to undertake particular actions in specific domains". Schlanger and Ostrom (1992) identify

five particular actions as a result of property rights: access, withdrawal, management, exclusion and alienation. The right to exclude, manage and alienate are of particular relevance to green grabbing because such rights enable a group or an individual to have access rights and withdrawal rights. The right to manage enables a group or an individual to regulate use rights, and finally the right to alienate enables a group or an individual to “sell or lease management and exclusion rights” (Ostrom and Hess, 2007: 11). The way in which conservation areas are organised from CBNRM to national parks, is premised on the right to exclude, to manage and to alienate. The fact that individuals and groups can confer use rights to some and exclude others essentially enables green grabbing to occur as a result of private property. As stated above most land grabbing in southern Africa is legal and this is a result of the right of private property. Green grabbing is not limited to private property, but also takes place on communal lands where resources are shared and managed under the auspice of common property. Here, traditional authorities have the right to exclude, to manage and to alienate. Many cases have been documented where traditional authorities conferred use rights to big businesses without consulting their subjects (Gausi and Mlaka, 2015). Therefore common property rights as well as private property rights can result in legal and illegal land expropriations. This study will identify moments where private and common property rights are used or abused in order to control or transfer land for the sake of TFCAs. This is essentially a study into the politics of land.

1.4 Aim of the Study

In light of the current literature on green grabbing, this study is motivated by the need to understand whether TFCAs are characterized by green grabbing and what form this process takes if indeed it is unfolding there. It investigates the modes of land control and transfer - within the Lesotho component of the Maloti Drakensberg Transfrontier Conservation Area and South Africa’s Greater Mapungubwe Transfrontier Conservation Area – in order to explore the politics of land in TFCAs through the green grabbing lens. Of interest to this research is how different parcels of land (communal, state, private) are incorporated into transfrontier conservation areas.

The first objective of this research is to document various forms of land tenure in the six

Transfrontier Conservation Areas in South Africa. As previously mentioned, discussions about land in TFCAs have fallen short of quantifying the types of land locked up in South Africa's TFCAs. This was done in order to get a baseline quantification of the number of land parcels within each TFCA. Sections 3.2.3 and 3.5 offer a comprehensive explanation about the value of the maps and how they were created while Appendix D fulfils the first objective by providing a visual representation of the expanse of the six TFCAs. . The second objective is closely related to the first objective in that it goes further by pulling out two cases from the six sites in order to further explore land related issues in TFCAs. The second objective therefore determines how communal land is transferred or controlled in Lesotho's MDTFCA and how both communal and private land are transferred or controlled in South Africa's GMTFCA. By exposing these modes of land transfer and control in the two cases the study hopes to bring to the fore land related activities of different actors operating in TFCAs. The decision to choose two TFCAs as opposed to two sides of one TFCA was based on the desire to understand how different TFCA projects approach the land question. South Africa's GMTFCA and Lesotho's MDTFCA were chosen due to the widely different socio-economic contexts. This includes the history, land tenure systems, land uses and users. The political context in each country was also seen as significant for understanding the politics of land in TFCAs (See Chapter 3).

This research is informed by literature on green grabbing and power and property relations because the ability of a group to declare a space as a transfrontier conservation area relies on their authority to exclude other land use types, to legitimize other groups' ownership and use, and to mediate peoples' relationship with nature. Hence acquisition of large scale tracts of land for conservation purposes is a manifestation of how the power of property can determine and legitimize by who land is owned and how this land can be utilised. This study hopes to contribute to the current literature on green grabbing by exploring how the politics of land unfold in transfrontier conversation areas. Furthermore it is relevant to the current property rights debates that explores and investigates the dynamic interrelations between property control, access and ownership of resources and the power nodes between each. As Hall (2011) suggests land grabbing in southern Africa is largely legal which adds to the urgency of understanding how they occur.

1.5 Structure of Dissertation

Having just introduced the dissertation, the second chapter reviews literature on green grabbing as well as land grabbing. The choice of theoretical background has already been explained. What this chapter will do is to frame the current global environmental crisis as a hegemonic agenda. The review focuses on external pressures for land grabbing, a brief history, a discussion of contemporary green grabbing, some of the main justifications for large scale acquisition of land and the multiple expressions of local resistance to land grabbing. This will lead the discussion into property rights and how these have been used and abused in order to appropriate land.

The third chapter discusses the choice of methodology and how it was applied in the research. The choice of methodology was informed by the research question which required a qualitative approach. It explains how documentary analysis and semi-structured interviews were chosen as the main qualitative data collection techniques. For example, GIS was used to map farm parcels in each TFCA in order to document land in South Africa's TFCAs. Data for the maps was sourced from both documentary analyses as well as semi-structured interviews. Documentary analysis of pre-existing documents such as annual reports, management plans and treaties for each TFCA offered a baseline understanding of the historical context for the formation of the TFCA. Semi-Structured interviews on the other hand were used to fulfil the specific research objectives as they allow unexpected meanings, perceptions and interpretations to come up in the dialogue. The chapter is concluded by outlining some of the challenges and constraints of the research as well ethical considerations that informed the research.

The fourth chapter explores the politics of land in the Maloti Drakensberg TFCA using fieldwork data from Mokhotlong, Maseru and Qacha districts. The departure point to understanding land issues in Lesotho is the premise that all land belongs to the Basotho people and the King holds it in trust for the nation. This has informed how the MDTFCA was established. The discussion on communal land also touches on the local governance structures that play a key role in natural resource management. In Lesotho these have taken

the form of Range Management Areas that were re-established by the Maloti Drakensberg Transfrontier Programme (MDTP)¹ phase.

The fifth chapter takes the discussion on the politics of land further by drawing on field work data from Mapungubwe. While the focus in Lesotho was mainly on communal land, the discussion on Mapungubwe TFCA in South Africa pays attention to different players in this space. These include the state, land claimants, mining companies, NGOs and private land owners. Their involvement in the GMTFCA is contextualized within the history of the area. Much attention is given to the consolidation of the core, Mapungubwe National Park, which is a mosaic of contracted private land, state land and communal land. The chapter gives voice to the local community by bringing up their interpretations of the GMTFCA.

In the concluding Chapter 6, I emphasize the main findings of the dissertation in light of the green grabbing and land grabbing discourses. The chapter makes it apparent that the land policy environment in each country, compounded by international protocols and conventions, creates an enabling environment for green grabbing. That the same processes that have been documented in large scale land deals have also been observed in smaller land deals. Furthermore, by exploring the modes of land control and transfer in communal and private land it becomes clear that states differ in their approach to communal and private land. Whereas private land owners are involved from the initial stages peoples on communal land are often only involved after MoUs or treaties have been signed. The analysis of the modes of land control enables us to answer the question of whether TFCAs are indeed green grabbing. Having just outlined the structure of the paper, the chapter that follows expands analysis of green grabbing by incorporating property rights as a dimension of both land and green grabbing.

¹ MDTP was the first intervention aimed towards the establishment of the MDTFCA. The MDTP lasted from 2000-2008. At the end of the project the newly established institutions were supposed to be absorbed into the relevant ministries.

2 LEGITIMIZING GREEN GRABBING

2.1 Introduction

As stated in the previous chapter, this research is informed by literature on green grabbing as well as property rights. This chapter discusses ways in which conservation and property rights intersect to shape green grabbing. The chapter begins with a discussion on the global environmental hegemony, which is followed by a reflection on green grabbing as a concept and a practice. Attention is paid to the arguments that have been used to justify the grabbing as well as some of the multiple expressions of resistance to this process. In the last part, the chapter discusses property rights from a private as well as a communal perspective.

2.2 Global Environmental Hegemony

Discourses on hegemony have since critiqued the domination of certain ideas that leave little, if any room for diversity (Wilshusen et al., 2002, Plehwe et al., 2007). While dissecting Gramsci's conceptualization of hegemony Femia (1987:24) states that hegemony is "an order in which a common social-moral language is spoken, in which one concept of reality is dominant, informing with its spirit all modes of thought and behaviour". Femia's distillation of hegemony speaks to the way in which conservation as a concept has been constructed, that is, nature should pay for its own protection. This idea that capitalism should come to the aid of nature has captured the imagination of conservationists and practitioners the world over, and prevails within the mainstream conservation movement (Brockington and Duffy, 2010). Femia (1987) also notes that this intellectual hegemony is mainly propagated through civil society such as religious and educational institutions, and that this ideological domination ought to be grounded in economic activity. Within the mainstream conservation movement, conservation NGOs have been the disciples of this normalized notion that capital is the only solution for the global environmental crisis. Brockington and Scholfield (2010: 552) investigate the role of Conservation NGOs in Sub-Saharan Africa, they argue that conservation NGOs are "integral to a 'conservationist mode' of production which intertwines wildlife and biodiversity conservation with capitalism". Perhaps most important to the notion of hegemony, is their observation that conservation NGOs are also creating

material and ideological conditions for the capitalist mode of production. This merger between capital and conservation has culminated in the roll out of projects that seek to extract financial returns from conservation. This section discusses the multiple concepts of reality that have been prescribed as the only way to do conservation.

Issues related to environment governance have been taken over by interest groups that seek to propagate certain ideas over others. Shiva (1993) examines the dominance of the concept 'global environment' that has taken precedence and has been granted legitimacy over the 'local environment'. She argues that the global environment is a politicized space in which a few local can exact their power over the world. In her view the emergence of the global environment has stifled and even erased the multiplicity of environmental problems and solutions. Conservation NGOs have been main agents of knowledge production. The main proponents of TFCAs in southern Africa, the PPFs slogan reads 'Global Solution' "indicating that the peace parks concept as they see it are the perfect conservation/development constructions that can appropriately be implemented throughout the globe" (Büscher, 2010 : 20). Apart from cross-border conservation initiatives, other solutions to this loss of biodiversity in South Africa include: special nature reserves, nature reserves, forest protected areas, world heritage sites and national parks. These protected areas account for 6.5 % (DEA, 2009) of South Africa's terrestrial protected areas. They have been critiqued for being based on a western preservationist philosophy (Nogrove and Hulme, 2006) pushed by international conservation organizations (Romero and Andrade, 2004) in an attempt to save Africa from Africans (Nelson, 2003).

The concept of a global environment implies that the global trumps out the local. Interest groups have to fashion a global environmental lexicon of threats and solutions that can be transposed from the abstract and applied to the local. International conventions have been a mode through which certain ideas about threats, solutions and knowledge in conservation have been propagated throughout the globe. These include the Brundtland Report, the Agenda 21, Ramsar Declaration and the UNCEDs Rio Declaration on Environment and Development, to mention a few. The later popularized the catch phrase of sustainable

development, which Haque (1999) commenting on developing countries, suggested that the roll out and adoption of neoliberalism in the global south has hindered any realization of sustainable development. Furthermore some conservation initiatives themselves are guided by neoliberal ideology. Büscher (2010) notes that the shift from CBNRM to transfrontier conservation enabled proponents to broaden the scope of neoliberal political conduct in conservation, such that TFCAs do not replace CBNRM but rather create more opportunity for neoliberalized nature. Commenting on the Brundtland Report, Visvanathan (1991: 378) succinctly states that “[it] must be seen not as a statement of intention, but in terms of the logic of the world it seeks to create and impose”. Take for instance the CBDs Aichi Target 11 that calls *for the* conservation of 17% of the world’s terrestrial and inland water and 10% of coastal and marine waters by 2020. Thus far 15.4% and 8.4% have been conserved respectively. Ramutsindela (2015: 180) states that “biodiversity targets set at the global level become, or are expected to become, blueprints for conservation at the regional and national level”. The requirements for large tracts of conservation land forces states to choose between conservation and infrastructural development. For developing countries this means weighing the immediate economic returns from extractive industries against those of conservation. Furthermore where mining can at times offer immediate numerous jobs, protected areas often times cannot promise large scale employment of local peoples.

Drawing from Gramsci’s conceptualization of hegemony, the Aichi target 11 is another mode through which the global environment can exact an ideological hegemony over a multiplicity of locals. This ideological superiority that has informed the conservation targets of many countries is based on a hegemonic bloc, which is composed of development agencies, conservation NGOs such as WWF which have endorsed the Aichi targets. The Aichi target 11 has become the benchmark for many southern African countries. This is made obvious by the number of signatories to the CBD and the increasing number of protected areas in the region. Apart from offering guidelines for increasing the expanse of protected areas, Target 11 acknowledges that the rights of indigenous, local and vulnerable peoples should be respected. However, much like what has been observed with the establishment of national parks, target 11 states that “protected areas *should* be established...” this is the prescriptive tone that denies local people the right to choose whether they want to use

their land for the CBD type conservation initiatives if for conservation at all. It supposes conservation as the default land use after which indigenous, local and vulnerable people are consulted. Having said that, the 'local' too has agency in how conservation initiatives are framed. For politicians this often includes willingly signing up to these conventions while for local communities this includes multiple expressions of overt and covert resistance or actively engaging with the land grab in order to gain some benefits.

The IUCN recognises only six protected area management categories with varying degrees of land uses and four governance types. It notes that 65% of the protected areas in their World Database of Protected Areas have an IUCN management category, and that 88% have an IUCN governance type. The percentage of protected terrestrial areas in Lesotho, Namibia, Swaziland, Botswana, South Africa and Mozambique is 0.5%, 43.2%, 3.0%, 37.2% and 6.5% respectively (World Bank, 2014). All the listed countries are signatories to the IUCN conventions, and therefore have to find ways to incorporate additional land into conservation management in order to comply with the CBD (Sinthumule, 2014). Corson and MacDonald (2012) state that international environmental institutions such as the CBD are creating conditions for green grabbing. This is the departure point from which this dissertation analyses TFCAs in the region, that is, as a means through which states can meet the conservation targets set out at the global level. Therefore, conservation initiatives cannot be considered outside Shiva's (1993) 'global environment'. For this is the space where ideas, perceptions and knowledge are created and re-configured by the conservation consortium that can amass enormous amounts of donor money to affect how numerous localities do conservation. Visvanathan (1991: 379) states that "development is a compact between nation-state and modern western science to reduce all forms of difference -all ethnic forms, all ethnic knowledges - to create a flatland called modernity". Without using the word hegemony, Visvanathan captures succinctly what development entails. By using this description as a lens into conservation initiatives it becomes apparent that the way through which conservation has come to be understood, that is, fencing off sections of the environment, is in itself an erasure of the multiple ways through which people have successfully lived within their environment.

2.3 Land Grabbing

Large scale acquisitions of land are fundamentally about power and how it is used to control people, tame landscapes and capture resources. Hence, this inquiry into TFCAs is informed by the discourse of green grabbing and notions of power and property in order to engage with the politics of land in cross border conservation areas in southern Africa. Literature on land grabbing and green grabbing reveals the complexity of large scale acquisitions of land while the discourse on power and property shows the multifaceted relations between power and authority and how these have been utilised to tame landscapes. Hence the section that follows will discuss the development of contemporary land grabbing, the main justifications for the current surge in large scale acquisitions of land and some of the local multiple expressions of resistance. The discussion will be framed within the environmental hegemonic bloc.

Land grabbing is “any contentious acquisition of large scale land rights by a foreigner or other outsider, whatever the legal status of the transaction” (Pearce, 2012: viii). The ‘legality’ of these transactions depends on institutionalized domestic property rights in the host country, and they are “perfectly legal means of dispossession or reallocation” (Alden Wily, 2012: 752). Matondi et al. (2011: 1) offer a more comprehensive definition, they state that land grabbing also includes “exploration, negotiations, acquisitions or leasing, settlement and exploitation of the land resource , specifically to attain energy and food security through export to investors’ countries and other markets [...] the major tendency is for domestic interests to be in collusion or alliance with external interests”. Green grabbing on the other hand refers to the appropriation of land and resources for environmental or green ends such as biofuel plantations, protected areas, forest concessions and carbon offsets (Blomley et al., 2013).

2.3.1 Contemporary Land and Green grabbing

Much of the earlier discussion on large scale acquisition of land has been lumped under the banner of land grabbing thereby giving the provocative notion that powerful vested interests swoop into a place and violently evict local inhabitants, denying them any form of rights and access to their lands. While this may be true for some, if not most transactions,

the diverse process and actors that facilitate the transfer of land from the public domain, into private or state ownership and or use have been masked by this. Contrary to what the media has publicized under the catch phrase land grabbing, not all large scale land acquisitions precipitate into loss of land rights and livelihoods. Hall (2011) succinctly states that the term land grabbing obscures the diversity of structures, legality and the role of domestic elites as well as government partners that are involved in the acquisition of land. In Ethiopia, domestic investors account for land deals that cover 286, 000 ha and US\$ 12.6 million whereas Foreign Direct Investment (FDI) accounts for 210, 000 ha and US\$ 10.8 million (Cotula et al. 2009). Large scale acquisitions of land are composed of a myriad of stakeholders and vary from direct dispossession of small holder farmers to incorporation into commercial value chains. While the term land grabbing has been an essential mobilizing tool, Borras and Franco (2010) propose land 'sovereignty' as a conceptually more inclusive framework.

Land grabbing is not a new phenomenon, what sets contemporary land grabbing apart from colonial land grabbing is the context within which contemporary large scale acquisition of land are transacted and the multiplicity of entities involved in these transactions. The neoliberal setting as well as the sovereignty of states has facilitated as well as hampered this new wave of land grabbing. Sassen (2013) critically discusses the 'disassembling of national territory' whereby contemporary land grabbing is enacted in a context of autonomous formal nation states. She suggests that the "massive increase in land acquisitions by foreign buyers/leasers after 2006 is one such reassembling of bits once fully part of national sovereignty. It is also an accelerated disassembling of national sovereign territory" (2013: 27), thereby creating conditions where non-state entities have the governing power to determine land use rights and access within a nation state. Having said that, Matondi et al. (2011) argue that contemporary land grabbing is as much alike as colonial land grabbing in that they facilitate the increasing control of Africa's land resources by non-Africans, and this, they suggest, is the fundamental meaning of land grabbing. Lunstrum (2015) refers to this as neoliberal repurposing, in which large tracts of land a *re-purposed* for the production of food and ecological aims.

Fairhead et al. (2012) suggests that some of the modes of control of green grabbing include the wholesale alienation of land and the restructuring of rules that pertain to access, management and use. Most of these large scale land deals are characterised by long term leases as opposed to direct purchases (White et al. 2013). For this reason Makki and Geisler (2011) suggest that the term 'land grabbing' could be a misnomer. Buyers and leasers include governments and foreign corporations (South Korea in Madagascar, South Africa in Mozambique, United Arab Emirates in Sudan, Saudi Arabia in Ethiopia, China in Congo etc.) sovereign wealth funds, conservation NGOs, foreign firms and investment banks, often working in collaboration with each other (Sassen, 2013). The deals involve a negotiated transfer of legal property rights often with states that do not have the capacity to regulate and monitor the deals, and where states are custodians of communal land (Margulis and Porter, 2013). Green grabbing as well as land grabbing are manifestations of a complex interplay between privatization, financialization, the management and manipulation of crisis and state redistribution (Harvey, 2003, Fairhead et al., 2012). Ykhanbai et al. (2014) observe that there has been de-proclamation, downsizing and downgrading of protected areas from 1960-2010 and that many of these have been from state protected areas. Moreover in countries such as Ethiopia, Kenya and Mongolia conservation lands have been converted to commercial agriculture.

2.3.2 Justifying the grabbing

Both land and green grabbing are fundamentally about the different ways people place value in and gain value from nature. Apart from nature being valued for its spiritual and cultural aspects, its monetary value has been exploited and legitimized by science and subsequently institutionalized by powerful international bodies such that individual, autonomous states that seek legitimacy and funding in the global arena have to adopt these principles. Neumann (1998) suggests that the creation of national parks in the mid-1980s facilitated the consolidation of state power and legitimacy nationally and internationally. This is not to suggest that other valuing systems are abandoned but rather, faced with a dominant narrative that is entrenched in neoliberalized ideology, diverse ways of valuing nature have been side-lined in order to propagate this one ideal. In some instances neoliberalized nature has co-opted other valuing systems in order to benefit financially from

them, such as the marketing of cultural tours that choose specific aspects of culture in order to present them to ethical consumers.

And naturally the laws of demand and supply dictate that as inhabitants of land grabbing countries enjoy the spoils of biofuel from Sudan and wonder at the splendour of the Tayrona National Park in Colombia, local elites and their foreign partners will continue to expand to the far reaches of the world, acquiring land in order to meet the demand of the ethical consumer. This economic valuation of nature lies on the financial-scientific-policy nexus (Fairhead et al., 2012). Meanings become attached to these tracts of land and are often articulated in terms of the highly controversial global environmental crisis of population growth, extinctions, habitat loss, urban sprawl and the like (Adger et al., 2001). Just like land grabbing, justification for green grabbing has been based on the crisis narrative that utilises resource scarcity, climate change and population growth to create a compelling narrative about the looming dystopia. Fairhead et al. (2012: 245) succinctly states “...green grabs is the construction and perpetuation of a sense of crisis”. Ybarra (2012) shows that the forest crisis narrative has been utilised to enclose one third of Guatemala’s territory while one million people were still displaced after 36 years of a civil war. Though justification for land grabbing and green grabbing differ, they both play on the same ideology of crisis and are entrenched in market principles.

The construction of local people’s identities in relation to green agendas becomes integral to how the international community perceives them (Fairhead et al., 2012). In Guatemala’s Maya forest, NGOs framed migrant farmers as a threat to conservation due to their slash and burn practices (Ybarra, 2012). The same tactics has been employed in some African countries where deforestation has been attributed to subsistence farming (Kaoneka, 1999). Often missing from these narratives is an explicit condemnation of highly extractive industries such as mining. In light of this it becomes paramount that the environmentally conscious parties close off the land to protect it from the supposed threat. The crisis narrative becomes pertinent to green grabbing because in it the threat is articulated and moreover the profile of the group or persons who pose the threat and those who have the solutions is constructed. Therefore conservationists and advocates of carbon offsets -armed with science- can save the environment from the bad local.

In addition to the crisis narrative both land and green grabbing depend on as well as propagate the marginal lands narrative. With the use of satellite imagery and GIS mapping advocates of green and land grabbing suggests that there are large tracts of empty, marginal, underutilised tracts of land that can be appropriated in order to combat food insecurity, produce green energy, sequester carbon and protect endangered species and habitats. This conceptualization of land as empty has been criticized for the methods and proxies utilised to classify it and perhaps most importantly, by whom these lands are classified. This again brings into question the construction of identities within the environmental crisis narrative. Nalepa (2012: 417) states that “the idea of ‘marginal land’ is an expression of selective geographical knowledge that reflects a bias toward resource productivism by taking disparate lands with their own distinct socio-natures and crafting an aggregated, static, newly minted commodity supply zone.” These supposedly marginal empty lands are often utilised by local peoples for livestock grazing, seasonal or shifting cultivation and subsistence hunting (Ykhanbai et al., 2014)

Noe (2013) narrates how the interests of investors and conservationists were placed above those of local communities in Tanzania’s Wildlife Management Areas (WMAs) in the Mbarang’andu district. In 2009, the Wildlife Division granted a sport hunting lease (2009-2012) to Game Frontiers of Tanzania Ltd –a private hunting company. A year later Mbarang’andu Community Based Organization was granted wildlife user rights (2010-2013) on the same land. As if these overlapping land uses were not conflicting enough, in 2010, ten mining companies were granted prospecting and mining licenses for the same area until 2016. Noe (2013: 12) concludes that “the establishment of WMAs...[strengthened] access and control of village lands by the government and private investors (who are often foreign to the community) and local elites while limiting the same by the local communities.” For this reason she suggests “WMAs are new conservation enclosures and a form of green grabbing.” Sachedina’s (2010) investigation into the African Wildlife Fund (AWF) in Tanzania’s WMAs revealed that AWF continued to fund a Babati district game officer that was responsible for the evictions of families within the Burunge WMA. Also, the Minjingu and Vilima Vitau villages claimed they never approved the establishment of the WMA. Within WMAs local people still have rights over the land albeit with land use restrictions.

In Guatemala's Laguna Lachua National Park, the National Council of Protected Areas enclosed a piece of land belonging to a community that had state issued land titles and paid taxes, the officials concern was that if they recognised one claim, poor people would invade the park to seek the same recognition (Ybarra, 2012). Disregard for local peoples basic human rights seems to have become the norm rather than the exception in conservation initiatives. The two case studies tell a tale of: privatization of land and resources, exclusion and disenfranchisement of local people, forced evictions, legalization of disenfranchisement, the fetishization of land and nature for the ethical consumer and the conceptualization of the good and bad local. The good local refers to those who aligned themselves with mainstream conservation ideals. This has become synonymous with some contemporary conservation measures.

Both green grabbing and land grabbing are entrenched in neoliberalized ideology that seeks to expand the far reaches of capitalism. It involves the violation of human rights by a myriad of actors, the change of property relations that are embedded in specific socio-political histories and the financialization of nature. All this culminates into the fluid negotiated power relations between north-south, south-south and local elite-poor communities to mention a few.

2.3.3 Resisting the Grabbing

Far from being docile, communities around the world have been mobilizing to resist land and green grabbing and to expose these unjust dispossessions. However, there has been a selected coverage of these multiple expressions of resistance. It is often suggested that all communities are opposed to land deals with little documentation of those that have participated in large scale land deals for various reasons. In addition most news reports have concentrated on overt forms of protests. Nonetheless, a major participant in these protests has been local and international NGOs who have partnered with local people to protect their land. Gilfoy (2014) notes that the narrative produced by NGOs about land quickly becomes about the NGOs intervention. Furthermore, that NGOs have played such big roles in these protests has meant that our understanding of the local narrative has been shaped

by “the institutional prisms, imperatives and methodologies of advocacy networks. (Gilfoy, 2014: 3).

In Cambodia, Cameroon, Liberia and Cote d’Ivoire the NGO ReACT assisted locals that have been affected by the industrial oil and rubber plantations owned by the Socfin, a Belgian company in which the Bolloré group owns 39% (ReACT, 2015). The company was criticised by local communities for the plantations which they argued were built on land that had been grabbed and poor employment practices (Norman, 2015). In April 2015 local people in Cameroon blocked the entrance to the Socapalm factory and plantation, in Liberia some local people surrounded a Socfin plantation to confront management. In Cambodia, about 100 people in the Mondulkiri province demanded their ancestral land back outside a Socfin office (ReAct, 2015). Protests against Socfin have also been held outside the company headquarters west of Paris and at a shareholders general meeting in Luxembourg (Norman, 2015). These are the types of protests that catch media attention but local people have been more creative in their resistance against land and green grabbing. Cavanagh and Benjaminsen (2015) discuss more subtle forms of protest in Uganda’s Mount Elgon National Park. In 1989 Uganda’s National Parks were upgraded after many years of post-independence turmoil. While upgrading Mount Elgon from a reserve to a national park in 1993 parliamentary conservation rangers and National Resistance Army personnel evicted 100, 000 people from 25, 000 ha of land (Vangen, 2009). In 2001 more people were evicted from the area. It is for these reasons that rural communities engaged in various forms of resistance in order to secure their livelihoods. Cavanagh and Benjaminsen (2015) discuss four types of tactics that people have used. First, nonviolent tactics, such as planting crops in parts of the protected area that are not frequented by park rangers. Second, there were militant tactics in 2009 and 2010 by which locals burnt Uganda Wildlife Authority outposts. Third, discursive tactics by communities, where they have attempted to gain support from NGOs, the media, human rights groups and the like. Lastly they used formal legal tactics where communities sued UWA and the Ugandan Attorney General through the high court. Other forms of resistance have included organised conferences such as the *International Farmers Conference to Stop Land Grabbing*. The conference was held in Mali in 2011, and participants from Africa, Asia, South America and Europe came together to share some of their experiences as well as to form new alliances.

As mentioned in the previous sections governments have been engaged in land grabbing as well, often time colluding with Transnational Corporations (TNCs) to expropriate land from local peoples. However, as has been noted in numerous literatures about the heterogeneity of 'community', government too is a heterogeneous entity, with multiple departments and ministries that sometimes push conflicting agendas for land use. In 2007 Regional Advisory and Information Network Systems (RAINS), a Ghanaian based NGO, helped to suspend work on a *Jatropha* plantation in northern Ghana. The site was being developed by BioFuel Africa, a subsidiary of BioFuel Norway (Nyari, 2008). Using the environmental assessment regulations and also working in collaboration with the Central Gonja District and the District Chief Executive, RAIN managed to stop work on the land (Nyari, 2008). Recently in an attempt to challenge the way local people have been represented as either passive victims or unified resisters to land grabbing *The Journal of Peasant Studies* published a collection that documents local multiple expressions of resistance (Hall et al., 2015). This included work that challenged the common narrative in land grabbing discourse of local peoples always resisting land deals. Larder (2015) shows that despite some opposition to the much cited Malibya (a company set up with the support of the Libya Sovereign Wealth Fund) land deal in Mali which include 100,000 ha of land, some local rice farmers along with the *Syndicat des exploitants de l'Office du Niger*- a rice farmers union, wanted to be included in the project. In the Mexican Chiapas, Castellanos-Navarrette and Jansen (2013) found the perceptions of some local farmers with environmental NGOs regarding palm oil production oppositional. Two small environmental NGOs; *Otros Mundos Chiapas* and *Maderas del Pueblo del Sureste* were outspoken about the state programme for oil palm plantation in the Chiapas. They were arguing against the dependence of peasant farmers on transnational companies which often results in greater consequences than benefits. This was contrasted by farmers whom Castellanos-Navarrette and Jansen (2013) noted have engaged in as opposed to resist oil palm production despite their awareness of criticism from environmental groups. Poor and middle income farmers supported the oil palm programme which offered greater livelihood opportunities without land dispossession. This ideological disjuncture has meant that environmental NGOs receive little support from local farmers.

2.4 Property Rights

2.4.1 Property Rights as an Enabler

Essentially green grabbing is underpinned by issues of power over property. This dissertation uses the concept of property rights and land control in order to explore the modes of land control in TFCAs. Having just discussed green grabbing as a concept and a practice, this section discusses private property rights and how these are exercised to claim territory. In the first chapter we noted that most green grabbing are perfectly legal transactions. An inquiry into green grabbing has to consider the structures that permit these large scale land deals to occur. Schlager and Ostrom (1992: 250) point out the difference between rights and rules which are often used interchangeably, rights, they argue “refer to particular actions that are authorized [whereas] rules refer to the prescriptions that create authorization”. Therefore the ability of one entity to legally change land use and land ownership to the detriment of the previous user is scaffolded by rules and actions that make up property rights. The five rules and actions I noted in Chapter 1 (Ostrom and Hess, 2007) are relevant to the analysis of green grabbing. Green grabbing, legal or otherwise is premised on the rules of exclusion, alienation and management. Fairhead et al. (2012: 237) succinctly state that green grabbing involves “the wholesale alienation of land, and in others the restructuring of rules and authority in the access, use and management of resources that may have profoundly alienating effects”. Therefore, whether legal or illegal, green grabbing is paradoxically based on the rules and activities associated with property rights.

The extensive literature on property brings to the fore the relationship between the property-less, propertied and the central authority. It reveals the instruments that are employed to encroach on territory and those used to resist the encroachment. Lawson-Remer (2013) suggests that protecting the property rights of some people -often the more privileged- requires preventing others from using the resource in competing ways. This is exemplified in apartheid South Africa where the property rights of white South Africans were brokered and secured at the expense of black Africans in one of the most detrimental land grabbings in the region.

A person or group that controls land and or resources (with or without a title deed) has the power to prevent others from using the resource in competing ways, this is a matter of exclusion and management. Furthermore, enclosure of nature such that only a select few have legal access to it, concentrates power in the hands of the privileged who can in turn mediate people's access and thereby relationship with nature (Ravenscroft et al. , 2013). The previous section discussed the main justifications for large scale land deals, one of which was this notion of 'marginal empty lands' which is premised on the need to convert 'idle' land into economically productive land. Lawson-Remer (2013) observes that much of these large scale land deals are occurring on legally 'owned' state land -often as a result of the colonial legacy. However much of these supposedly empty lands have been occupied and used by local people. These state owned lands are "used and managed according to customary tenure norms, through a complex web of traditional usufruct rights and collective ownership rules" (Lawson-Remer, 2013: 320).

While property rights are fundamental to understanding how power and authority are legally exercised over land, conceptually 'control' is much more telling as it could be the result of property rights but indeed is not limited to property rights. Land control enables us to explore both legal and illegal green grabbing. Sikor and Lund (2009: 6) succinctly state that "property rights may or may not translate into 'ability to benefit'; and access may or may not come about as a consequence of property rights". A case in point is the settlement of the Makuleke land claim in the Kruger National Park within the GLTP, where restrictions were placed on the types of development that the community could undertake. There the agreement explicitly stated that the land could not be utilised for anything but "conservation and associated commercial activities" (Ramutsindela and Shabangu, 2013: 447). The Makuleke community have a formal title deed but their ability to benefit from their land and their relationship with nature is mediated by a central authority. Unlike a conventional title deed holder they are unable to exercise full authorship on how to utilise their land and resources.

TFCAs are fundamentally about protecting nature, which often entails; encroaching on communal and private property to create wilderness by enclosing nature and restricting land use and ownership in order to meet requirements for protecting biodiversity. On the

basis of this they are essentially about power and property relations. As a factor of private property, the propertied elite adjacent to national parks often have greater bargaining power than those who reside on communal land. Ostrom and Hess (2007: 4) note that “Private-property rights depend upon the existence and enforcement of a set of rules that define who has a right to undertake which activities on their own initiative and how the returns from that activity will be allocated”. Here I refer to the GMTFCA where farmers within the Mapungubwe NP have continued farming despite pressures to consolidate their land into the TFCA thereby using their private property rights to resist the encroachment of conservation. Conversely communities along the Shingwedzi River in Mozambique’s portion of GLTP were deliberately denied the same opportunity to decide whether they would merge their land with that of the TFCA when their land was declared a national park without free prior and informed consent and wildlife was subsequently released onto their land (Spierenburg et al., 2008). This is not to suggest that communities have no agency but rather when it comes to negotiating and articulating their demands they are often denied the space to do so. Tourists and wildlife on the other hand are granted uninhibited movement within TFCAs, whereas local communities long established cross-border livelihoods are perceived as a security threat and are being policed (Wolmer, 2003). In this case, the central authority manages the landscape by controlling the access of locals and tourists and in turn their relationship with nature. In South Africa, white farmers and an emerging black elite have a stronghold on land in the frontier. Benefits that are obtained from the enclosure of nature and from tearing down the fence between game reserves (private property) and TFCAs -such that wildlife moves freely between these spaces- become concentrated with the elites. Property prices have been known to increase in areas that have become consolidated with the TFCA.

Therefore most green grabbing are a violation of property rights as in the case of Guatemala’s’ Laguna Lachua National Park where communities had property rights as per their state issued land tittles. Despite this the national parks authority enclosed the land thereby violating local peoples’ property rights (Ybarra, 2012). Green grabbing can also be an exercise of legal property rights which result in human rights violations where the state as the legal ‘owner’ of customary resource can handover use rights on communal, utilised property. In Tanzania’s WMA’s mining and prospecting rights were granted to 10 companies

on the same land that communities had been granted wildlife user rights although Noe (2013) notes that the legality of the mining and prospecting rights is debatable.

The capacity to exercise degrees of power and authority on property is often legitimized by a central authority which is often the state and or traditional authority. This legitimization by the central authority can be in contravention of the existing property rights, or the use of existing property rights to 'legally' alienate land and resource users. This brings us to the role of the state in the power and property nexus. Moments that threaten to undermine or reconstitute the private sectors as well as the state's iron grip on natural capital are often met with state intervention that protects as well as legitimizes the interests of the state and the private sector. For example, the cabinet of South Africa ruled that all land claims within the Kruger National Park (i.e. 60% of the park) will be settled financially, no land will be transferred and the land in question will continue to be used for conservation purposes (van Rooyen, 2011). Through this ruling, the property rights of land claimants within KNP were annihilated, while simultaneously fortifying state control over KNP and bolstering SANParks property rights. This ruling is 'legal' in as much as it was approved by the cabinet. Prior to this, in 1998 the Makuleke community's land claim within KNP was approved on condition that the land continue to be used for conservation purposes. Thereby protecting the fetishized image of South Africa's 'flagship' National Park and in turn the interests of the private sector.

Contrary to previous assertions that TFCAs threaten state power, Lunstrum (2013) suggests that partnerships between the state and extra-territorial actors can help the state consolidate power in these often peripheral areas. Funding from various organizations such as the PPF, GEF as well as the German Development Bank have assisted states in establishing a presence in these sites. In Mozambique's GLTP, GEF funding helped to zone protected areas, to develop management plans and to rehabilitate infrastructure such as roads and staff housing (Lunstrum, 2013). In Lesotho's MDTFCA funding from GEF enabled the state to create new institutions that would oversee the roll out of the MDTFCA. The state is therefore able -through funding- to strengthen existing institutions and create new institutions in order to control spaces on the frontier, which often times were far removed from state's physical presence. The state can also create policies that enable gross

expropriation of land thereby making land and green grabbing legal. A case in point is South Africa's 1913 Natives Land Act by which Africans were legally expropriated of their land. In this vein it remains imperative to interrogate the legal land deals that culminate in gross human rights violations.

2.4.2 The 'Commons' and Land Administration

While the previous section explored property rights in general this section will briefly look at the development of tenure systems in communal areas that have been the main site of land and green grabbing. Ykhanbai et al. (2014) notes that pastoral landscapes such as rangelands have been targeted for conservation land grabbing and state land acquisitions due mainly to ambiguous property rights. The discussion on rangelands will be picked up in Chapter 4 where I explore Range Management Areas in Lesotho's MDTFCA. While some land grabbings have been a direct violation of existing legal communal property rights making them illegal, some of these land grabbings have been legal only in as much as the state is the 'owner' of communal land. Cousins and Claassens (2004: 139) write that communal tenure refers to an area where there is a "degree of community control over who is allowed into the group, thereby qualifying for an allocation of land". Furthermore, what is often referred to as 'communal tenure' are mixed tenure regimes composed of individual, family and subgroup rights.

Before the advent of colonialism in southern Africa, land administration was handled by local authorities such as chiefs or headmen and the concept of individual tenure was unknown to people. Although the legacy of colonial policy varies in every country, a commonality that can be observed in southern Africa is the introduction of private land tenure and the employment of chiefs by the colonial rulers as permanent land administrators. This allowed the colonial power to exact their authority in remote places at minimum costs to them in a form of indirect rule (Mamdani, 1996).

Ntsebeza (2004) observes that in South Africa, traditional authorities became collaborators to the colonial and apartheid system. The same was observed in Lesotho, where chiefs were used to serve the colonial administrators and not so much the interest of the people as it

will be shown in Chapter 4. Adams and Turner (2005) note that while colonial authorities' imported statute law these were often operated alongside existing customary law. This meant that, extensive changes to tenure occurred mostly in urban areas or administrative centres while rural areas were often unaffected. Most rural areas remained subject to customary tenure and chiefs as land administrators. This however excludes areas that were forcefully taken by white settlers for farming (Adams and Turner, 2005). A case in point is the Mapungubwe Cultural Landscape where farms were expropriated from black people to white farmers, more of this in Chapter 5. Despite the drastic change in tenure systems, some elements of the indigenous tenure system survive and were codified (Poulter, 1972 Cousins and Claassens, 2004). For much of the 19th century different systems of land rights co-existed in South Africa's Transvaal due to the weak Boer State. In Natal the British allowed the chiefs to deal with matters of land administration. Fundamentally a discussion on land and resource rights in southern Africa is a discussion about community livelihoods (Nelson, 2003), the point is explained in detail in Chapters 4 and 5. Communal property has undergone considerable changes in the past century. Much like private property the rules and actions that make up communal property have been modified to create a land market while simultaneously enabling the state to remain the 'owner' of communal land.

2.5 Conclusion

An understanding of land grabbing and green grabbing has to take into consideration the regional as well as the global context within which each grab is occurring. In light of this, it is important to understand hegemony as a central feature of the current rush in large scale land deals. The chapter has shown that external pressures push and enable sovereign nation states to acquire more land for conservation. Research into green grabbing has made great strides in documenting and analysing the surge in large scale land deals. Literature on green grabbing and land grabbing has helped us think through some of the complexities in the land deals, revealing the multiple networks that are sometimes constituted by local elites. Furthermore there is a plethora of literature that has discussed at length the reasons behind contemporary green grabbing, citing the 2008 economic meltdown as a wakeup call for some countries to produce their own food in other regions. While communities have often been documented as actively resisting land grabbing, it has become more apparent that local people's engagement differs from context to context, and indeed some local peoples

have actively supported green grabbing. Despite this, much of the focus has remained on land deals that have occurred on large expanses of land. There remains a need to investigate land expropriations that occur on small tracts of land that have similar alienating effects. A critical inquiry into these highly popularized and normalized ideas about how conservation ought to be done will enable us to further understand how countries opt for conservation over other development demands.

The chapter has shown that property rights are an enabler because the rules and actions that underpin property rights can be used 'legally' to disenfranchise people while at the same time blatantly ignoring the property rights of some in order to alienate them from their land illegally. This contradiction is further compounded by the ability of the state to fashion new rules that fortify the property rights of some at the expense of others. Therefore property rights or lack thereof help us to understand the processes and systems that enable green grabbing to occur. Lawsen-Remer (2013: 320) succinctly that "Nowhere is the conflict between property rights for the powerless and economic development...more apparent today than in the land grabs currently unfolding across much of the global south". The next chapter will provide a detailed explanation of how data for this research was collected.

3 RESEARCH METHODOLOGY

3.1 Introduction

Lund (2014: 227) notes that “the opening questions are merely a first step in a long series of gradual precisions, and one often ends up answering a slightly different question from what one set out to ask.” This research had set out to investigate green grabbing within South Africa’s six TFCAs (See Figure 1.1). However, a scoping exercise in Lesotho revealed that green grabbing was merely the tip of the iceberg and what was needed was a broader concept to frame the research and hence the politics of land was chosen because it enabled a more comprehensive inquiry into the complex relationship between land and nature conservation. This research was therefore designed to investigate and explore the modes and processes through which different types of land tenures and land uses are modified and tamed in order to fit them into transfrontier conservation. This chapter will explain how the research objectives were accomplished. It will first discuss the approaches that were utilised and why these were chosen. Secondly, it will demonstrate how these were used in this research by outlining the different phases of the research. I will wind down the chapter by discussing the challenges and constraints as well as ethical considerations.

3.2 Justifying the Method

Punch (2013) suggests that the method chosen should follow the research question. After considering the research question it was apparent that in order to fulfil the research objectives a qualitative approach was better suited because it “seeks to describe, decode, translate [...] naturally occurring phenomena in the social world” (Maanen, 1983: 9). Furthermore, a qualitative approach to research can better capture perspectives and interpretations that can often not be captured by a quantitative approach. Both these factors were integral to this research as it aimed to explore modes of land control in TFCAs as well as land owner’s perceptions of TFCAs. Two main techniques were used to collect the qualitative data namely documentary analysis and semi-structured interviews. According to Ritchie (2003) these two broad techniques fall within naturally occurring data and data generation respectively. Along with the two qualitative data collection techniques, Quantum Geographic Information Systems (QGIS) was utilised to represent data cartographically.

3.2.1 Documentary Analysis

Prior to doing fieldwork, I had to familiarize myself with property rights and land tenure regimes in both Lesotho and South Africa. This required a review of the evolution of land tenure which is documented in various publications, such as government reports, gazettes and notices. Policies related to land, environment and conservation were studied to get a sense of the current policy environment in each country. Moreover, I read pre-existing literature on green grabbing as well as TFCAs to familiarize myself with the current debates in TFCAs and green grabbing. In addition, I read through existing official texts, such as annual reports, international treaties, and management plans of specific national parks, in order to get a baseline understanding of TFCAs. I spent time at the SANParks Library going through the archives. Documentary analysis was useful in that it revealed the history of the development of Range Management Areas, the national parks in question and TFCAs, and thereby created the context for the study. Ritchie (2003) notes that documentary analysis is important, especially when the history of events is relevant to the current situation. Moreover, Wolff (2004: 288) implores us not to reduce documents to the “function of information containers but should be treated and analysed as methodologically created communicative features”. Documentary analysis alone cannot provide a comprehensive picture of the research question (Ritchie, 2003) hence why semi-structured interviews were used in order to triangulate the data (See Stake, 2005) and to reveal more perspectives.

3.2.2 Semi-Structured Interviews

Semi-structured interviews were conducted within two cases, the Maloti Drakensberg TFCA and the Greater Mapungubwe TFCA. Schultze and Avital, (2011) note that interviewing ought to help research participants go beyond superficial layers of their experience in order to generate informative, novel accounts of the phenomenon. Furthermore, that the researcher can frame the questions so as to leave room for unexpected meaning added to the appeal of semi-structured interviews. Semi-structured interviews are structured to some degree in that the researcher sets the theme of the interview and there are a few specific questions that leave enough room for the participant to freely enter the conversation (Drever, 1995). By using this technique many issues came up that were specific to Lesotho and South Africa. Moreover some similarities were identified especially with

people who reside on communal land in Lesotho and South Africa (more on this in Chapter 6).

The interview process is far from a neutral space, it is an active interaction between the researcher and the participant (Fontana and Frey, 2005). Furthermore Creswell (2013) observes that recent discussions about qualitative interviewing stress the need for reflection about the power dynamics between the researcher and the participant. This situation is even more complex with the presence of a guide or an informant. Having grown up in Lesotho and being fluent in Sesotho I thought the 'field' would be a relatively easy space to navigate. In both case studies in Lesotho, that is, Mokhotlong and Sehlabathebe, I was accompanied by guides from the village who showed me around and introduced me to possible participants. Interview questions were translated to Sesotho and all interviews were conducted in Sesotho. My guide in Sehlabathebe was a daughter of the area Chief. People were undoubtedly more forthcoming with information due to her presence. In both Sehlabathebe and Mokhotlong I walked from house to house interviewing participants, often times I was offered *Motoho* (Porridge) or a cup of water. With the help of other participants and my guides I used snowballing sampling to identify participants. My privileged position was never lost to me. Poverty rate in Lesotho is 57.1% (UNDP, 2015), a reality that confronted me every single day in the field. The fact that I am studying outside of Lesotho afforded me some legitimacy with participants.

In South Africa on the other hand my fear came with being a black young female going to conduct research in a predominantly Afrikaans speaking farming community. South Africa's apartheid past made me weary about how I would be perceived by the participants. Nevertheless, everyone I interacted with was more than willing to help, and more often than not would suggest more people I could interview. This snowballing method of identifying relevant interviewees was developed in the field rather than being pre-determined. In both the MDTFCA and GMTFCA informants were chosen on the basis of their participation in the initial stages of the TFCA development. Secondly, people who have continued to work on the TFCA in the relevant ministries were deemed important

informants for the study. Thirdly, communities were chosen according to their location within the TFCA as they would have a better grasp of the development of the TFCA (See section 3.6).

3.2.3 Quantum Geographic Information System

Quantum Geographic Information System (QGIS) is an open source geographic information system. In recent times it has traversed the bounds of geography and is now used in various disciplines such as sociology (see Verd and Porcel, 2012) and ethnography in what Matthews et al. (2005) refer to as geo-ethnography. QGIS was used as a tool to map different land tenures in TFCAs as well as land claims in order to fulfil the first objective of the research. Matthews et al. (2005: 86) state that “GIS is an effective tool in analysis. Maps can suggest interpretations that we might otherwise overlook.” Maps give us a visual representation of data and therefore a different perspective from the written text. Biffle and Thompson (2006) describe geo-ethnography as a qualitative study that brings together physical space(s) and human voice(s). Moreover they list six methods of data collection that provide the geo-ethnographer material for analysis. They include narrative interviewing, study of archival information, collection and study of artefacts, photographic imagery, contextual mapping and integrated descriptions of physical, social and personal landscapes. This speaks of the different material sources that can be utilized by geo-ethnographers to map social activities. In the same vein I used data sourced from document analysis as well as semi-structured interviews to produce GIS maps (Appendix D). These were used simultaneously with shapefiles to complete the maps as discussed below.

3.2.4 Case Study

Documentary analysis, semi-structured interviews and QGIS were utilised within specific cases. Creswell (2014) makes a distinction between five qualitative approaches to research, namely; ethnography, grounded theory, phenomenology, narrative and case study approach. The same approaches are referred to as strategies by Denzin and Lincoln (2005) who add on to the list historical, action research and clinical research. Conversely for Stake (2005) the case study is not a methodological choice but rather a selection of what to study.

Nevertheless, Creswell (2014) notes that one of the challenges of employing the case study strategy is that one ought to identify which bounded system to study. Stake (2005) suggests that cases should be chosen on the bases of their ability to give the greatest insight of a particular phenomenon and also their accessibility.

For the scope of this research, South Africa's GMTFCA and the Lesotho component of the MDTFCA were chosen for further analysis because more settings would inhibit the amount of time spent in each site (Hammersley, 1995). Yin notes that (2004: 16) "a case study is an empirical study that investigates contemporary phenomenon (the 'case') in depth and within its real-world context especially when the boundaries between phenomenon and context may not be clearly evidenced". For the scope of this research the phenomenon refers to the land politics in transfrontier conservation areas and the context would be South Africa's Greater Mapungubwe TFCA and Lesotho's Maloti Drakensberg TFCA. Schofield (1990) suggests that cases should be chosen to produce many categories and properties and that maximizing the differences between cases increases the properties relating to the core category. GMTFCA is composed of state, private and communal land, within this there are a myriad of land uses and types of land users whereas Lesotho's MDTFCA is composed of only communal land with a lot less land uses and types of land users. The GMTFCA and the MDTFCA were chosen for in-depth inquiry due to the widely different land tenure systems, land uses as well as the political context in each country that have the potential to yield many properties relating to the politics of land in TFCAs. Moreover, the policy contexts as well as economic resources of both countries differ substantially and this has informed how each TFCA was established. This will become more apparent in the Chapters 4 and 5.

One of the common criticisms of case studies is generalisability, that is, whether it is possible to use the case to speak to other contexts or phenomena. This research has chosen two out of the six TFCAs in South Africa. The aim of this research is not to generalize *per se*, but rather to explore some of the modes specific countries use to establish TFCAs. This is dependent on the socio-political contexts which vary across the SADC region. However,

similarities within TFCAs can be drawn such as the existence of low income communities in some TFCAs as well as an elite group in others. Furthermore the fact that all SADC countries are signatories to the CBD affects how conservation is done in the region. Stake (2005: 443) succinctly states that “a case [...] gains credibility by thoroughly triangulating the descriptions and interpretation, not in a single step but continuously throughout the period of the study”. The following sections will explain how these aforementioned techniques were utilised in the research.

3.3 Study Sites

3.3.1 Greater Mapungubwe TFCA

Greater Mapungubwe TFCA is located at the confluence of the Limpopo and Shashe River. The area has been home to many groups over the years from the earliest Zhizho farmers and hunter gatherers (900-1020 AD) to the Leopard Kopje people (1020-1220) and finally a great kingdom that was located at Mapungubwe hill from 1220-1290 AD (Carruthers, 2006). Pikirayi (2005) notes that archaeological evidence points to a state that had trading connections with eastern Africa and Asia between AD 900 and 1300. The heritage wealth that Mapungubwe embodies cannot be overstated, it represents pre-colonial African ingenuity that many thought did not exist. It is for this reasons that the area has been a site of cultural and biological conservation. Often, TFCAs use the conservation of biological diversity as the main justification for their creation. Mapungubwe National Park -(the core of the GMTFCA)- is an anomaly in that it is not situated within a biodiversity priority habitat which were identified by the South African national conservation assessment (SANParks, 2006). While some national parks boast of the big five (Rhinoceros, Elephant, Lion, Buffalo and Leopard), the cultural heritage is what sets Mapungubwe apart.

The GMTFCA (Figure 3.1) straddles the borders of South Africa, Zimbabwe and Botswana at the confluence of the Shashe and Limpopo River on 590, 900 ha (PPF, 2015). The MoU to establish the GMTFCA was signed in 2006 by the state parties and prior to this in 2003 South Africa’s Mapungubwe National Park was declared a World Heritage Site due to the remarkable evidence of early cultural and social changes in southern Africa between AD 900

and 1300 (UNESCO, 2003). In Botswana the TFCA area includes Northern Tuli Game Reserve a consortium of 27 private properties on 72, 000 ha of land. The Zimbabwe portion of the GMTFCA incorporates the Tuli Circle Safari, Maramani communal lands, Machuchuta communal lands, Sentinel Ranch, River Ranch and Nottingham Estate. Both communal lands are Wildlife Management Areas under the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) which aimed to devolve wildlife ownership to people who live on communal lands (Murombedzi, 1999).



Figure 3.1 Greater Mapungubwe TFCA (SANParks, 2013)

The South African component of the TFCA is composed of the core area and the expansion zone which allows for multiple and mixed land use options (DEA, 2014b). The core area includes Mapungubwe National Park, Venetia Limpopo Nature Reserve and other contracted private properties. The expansion zone includes the Vhembe Game Reserve, Limpopo Valley game reserve, Magalakwena Estate and freehold land along the Limpopo River (DEA, 2014b). The Ministry of Environmental Affairs and Tourism designated SANParks as the national coordinating agency for the GMTFCA. In 2009 the proclaimed buffer zone of

the Mapungubwe Cultural Landscape and World Heritage Site (MCLWHS) was 265, 900 ha. It incorporated private game reserves, game farms and mining operations. Due to concerns about the size, it was reduced in 2014 and is now 133, 600 ha. Land uses in the GMTFCA includes mining, conservation, game farming, and fruit and vegetable farming all spread out on a mosaic of private, communal and state land.

3.3.2 Maloti Drakensberg TFCA

Lesotho and South Africa have been collaborating since the 1980s for the conservation of the Maloti Drakensberg Mountains. In 1997 both countries signed the Giants Castle Declaration which committed them to the collaborative and sustainable management of the Maloti Drakensberg Mountains by means of establishing a cooperative transfrontier and development programme (MDTP, 2008b). In 2001 the MoU for the establishment of the MDTFCA (Figure 3.2) was signed. Lesotho and South Africa received US\$ 7.4 and US\$ 7.92 million, respectively, from the World Bank. The MDTFCA straddles the border of Lesotho and South Africa on the eastern and southern boundary between Lesotho and South Africa and aims to collectively protect and manage the region's cultural and biological diversity. The Drakensberg Mountains are one of the World Wide Fund 200 Global Ecoregions. With plant endemism estimated at 51.5%, it is one of eight South African Biodiversity Hotspots (Sandwith, 2003). In addition, the Maloti Mountains are the head waters of the Orange River basin that traverses Lesotho, South Africa and Namibia, it is thought to provide 20-30% of the water needed by the Sub-continent (MDTP, 2008b). The major development in the region is the Lesotho Highlands Water Project that services an estimated 50% of Gauteng's water needs. Sandwith (2003: 158) suggests that threats to this region include "alien plant invasions, soil erosion, paths and tracks, inappropriate fire management regimes, inadequate security, poor management of cultural resources and inadequate controls on visitor use".

The South African component of the MDTFCA is spread across the Free State, Kwa-Zulu Natal and Eastern Cape, and incorporates private, state and communal land. In Lesotho the

MDTFCA is spread across 5-10 districts². Land uses include settlements (0.5%), cultivation (18%), rangeland (79%), wetlands (1.6%), and developments such as dams, mining, roads and plantations (0.6%)³ (MDTFCA, 2008) on mostly communal land which the King holds in trust for the nation.

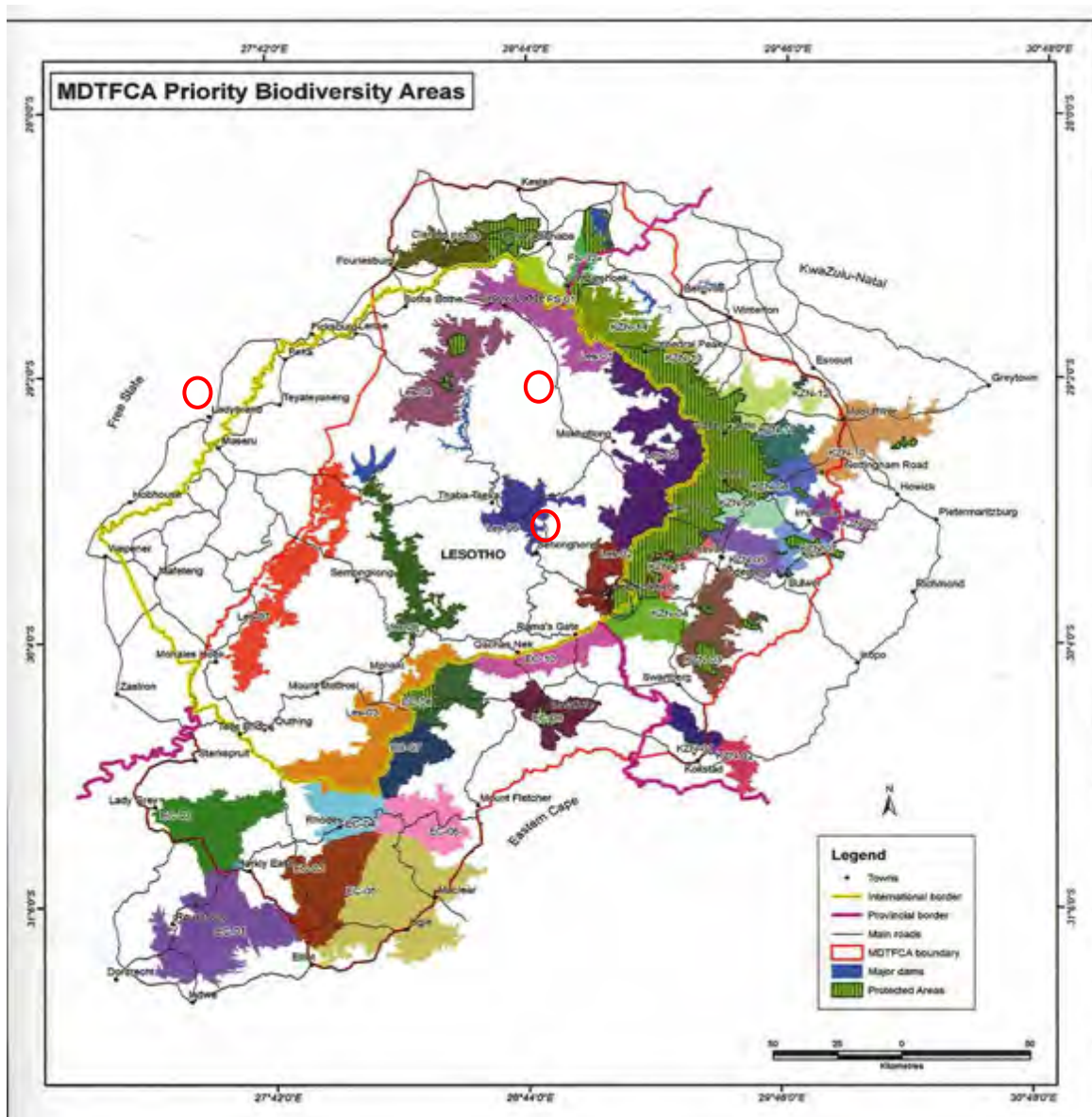


Figure 3.2 Map of field sites in the Maloti Drakensberg TFCA (MDTF, 2008)

² Official documents depict two maps of the MDTFCA, one hugs the eastern escarpment, while the other covers more than 70% of Lesotho.

³ These percentages refer to the initial boundary of the MDTFCA which is much smaller than the revised boundary.

3.4 Phases of Data Collection

Documents such as Memorandum of Understanding (MoU), treaties, World Heritage nomination dossiers and various government reports enabled me to identify parcels of land that are incorporated within the TFCA. Furthermore, they allowed for an analysis of how these parcels of land are consolidated into transfrontier conservation. In addition to this, government reports and archived emails⁴ were sourced from the SANParks archive in Pretoria. All of these were put through the process of documentary analysis that was outlined in the previous section. Gibson and Brown (2009) note that documents can offer distinctive data more so when combined with other data generation methods. They make a distinction between analytically focused and analytically filtered documentary methods. The former being those that generate data for the research question, while the latter do not generate data but instead filters data according to their relevance to the research (Gibson and Brown, 2009). This research used both the analytically filtered and analytically focused methods. The research was conducted in different phases outlined in Figure 3.3. The figure below outlines the phases of data collection.



Figure 3.3 Fieldwork Timeline (Source, Author)

⁴ SANParks library in Pretoria archives email correspondences with landowners

3.5 Maps

Apart from the survey of land tenure regimes and land uses conducted by Cumming et al. (2012) little is known about the state of land in TFCAs. Hence the first objective of the research aimed to map land parcels in South Africa's TFCAs. The purpose being to have a better grasp of the state of land in TFCAs, i.e. the number of farm parcels, land tenure, land under claim and potentially land uses (Table 1.1 and Appendix D). Phase 1 of the fieldwork occurred from June-November 2014. During this period I rigorously created maps that depict farm parcels in TFCAs as well as land claims while some weeks were spent waiting on data from the sources.

Firstly, I had to familiarize myself with the specific TFCA, through government reports, MoUs, and treaties that at times listed the properties included in the TFCA boundary. UNESCO reports also came in handy where a TFCA is also recognised as a World Heritage Site. In addition, various news agencies reported on the settling of land claims. Such information was useful for creating land claim maps in TFCAs. Secondly, time was spent on the CSG mapguide (Figure 3.4), a computerized online map of all the land parcels and administrative boundaries in South Africa (CSG, 2013). Along with the farm boundaries the CSG mapguide has each farm name on the farm parcel. Screen shots of each TFCA on the CSG mapguide enabled me to compile a spreadsheet of all the farm names in each TFCA. These were corroborated with maps sourced from National Geo-spatial Information (NGI) in Mowbray, Cape Town (Figure 3.5). These maps have a 1:50 000 resolution and clearly show farm parcels as well as farm names.



Figure 3.4 CSG map of South Africa's Mapungubwe TFCA and the Northern most section of South Africa's Kgalagadi TFCA (CSG, 2014)

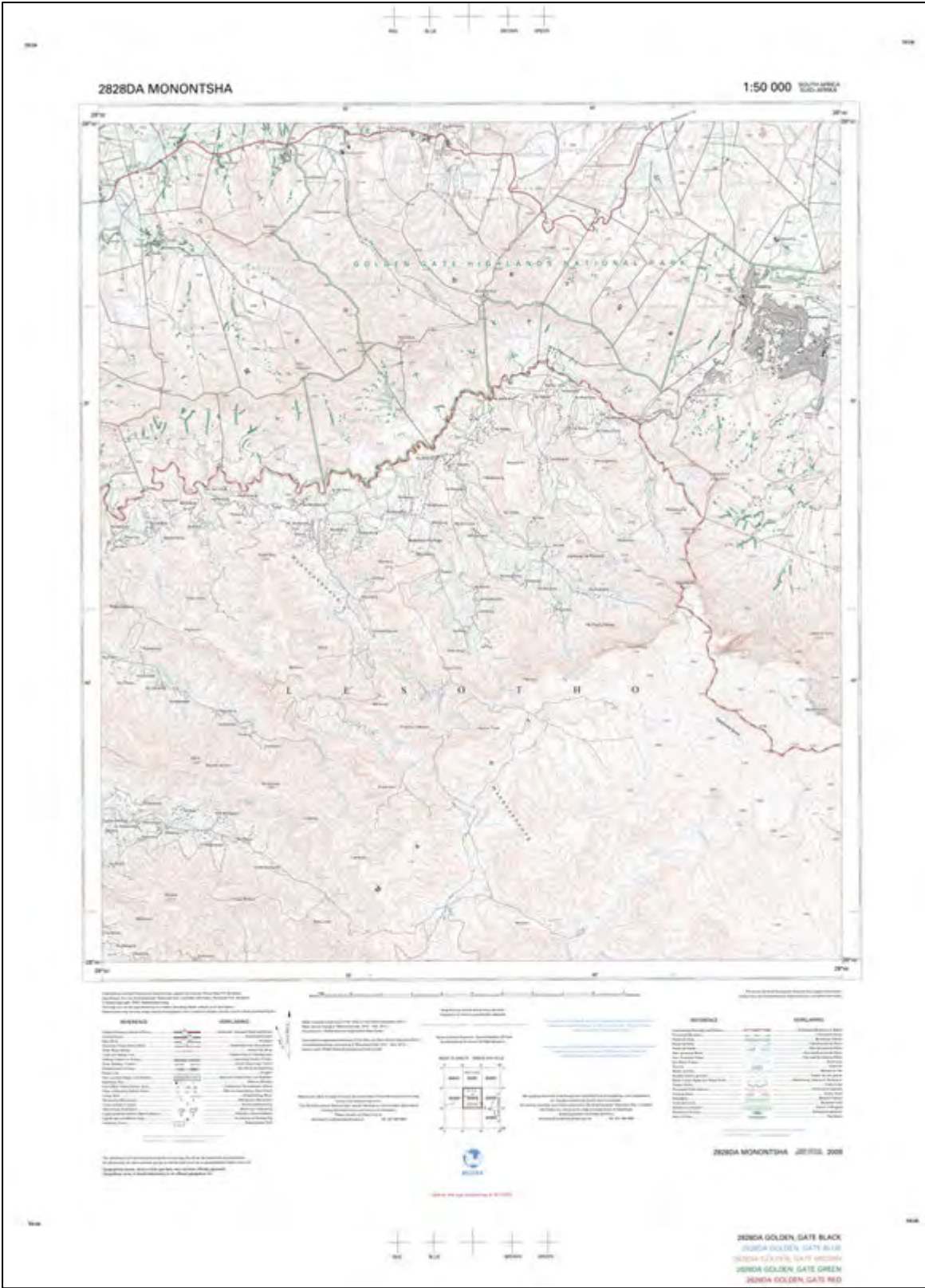


Figure 3.5 Topographic Map of Northern Section of the Maloti Drakensberg TFCA (CSG, 2014)

Thirdly, ESRI shapefiles were sourced from the Chief Surveyor General (CSG) in Pretoria in order to produce GIS maps. The files have multiple layers including farm portions for each province. The farm portion layer has information about the region, size, parcel number and portion number for each farm in the attribute table. This was superimposed with the protected area layer from the DEAs, South African Protected Area Database (SAPAD) which has ESRI shapefiles for protected areas in South Africa. At this point I was able to select only the farm portions in the protected area and delete the rest. The farm names from the first spreadsheet were then added to the new attribute tables. National and provincial boundaries layers as well as, roads and rivers for each TFCA were added to the map. Finally, topographical maps were sourced from Google Earth to complete the map.

This exercise was completed for each of South Africa's TFCAs. Protected area layers were extracted from the 2014 Quarter 2, Version 2 release data, which is a quarterly data release of South Africa's conservation areas from SAPAD.

3.6 Interviews

When the maps were completed I then went on to the 'field' where I interviewed people. As previously mentioned, semi-structured interviews were chosen because they allow the interviewee to bring up points of views that have not been anticipated (Hopf, 2004). Interviewees were chosen according to their participation or role in the TFCA. In South Africa, participants were called beforehand to schedule an interview, where participants could not meet in person I interviewed them over the phone. In the Lesotho highlands, due to the lack of contacts prior to the fieldwork my first point of call, as is the custom, was the chief who would then give me the go ahead to conduct interviews in their jurisdiction. In Lesotho interviewees include people who were involved in the Maloti Drakensberg Transfrontier Programme (MDTP). MDTP is a World Bank funded programme that was tasked with establishing the MDTFCA between 2000 and 2008. When the project ended the role of facilitating the MDTFCA was taken over by Ministry of Tourism, Environment and Culture (MTEC), which has been the National Coordinating Agency of Lesotho. Some people

in the MTEC have since moved on to other ministries. Officials at MTEC in Maseru were generous enough to share with me their contact details.

Phase 2 of the research was conducted in Mokhotlong, Lesotho, where I spent a week conducting interviews. My first point of call was the MTEC office which is located in the middle of town. Here I met the Environment and the Tourism Extension Officers. During this time I went to the Range Department, and the Ministry of Local Government and Chieftainship Affairs both of which have been involved in the MDTP Phase. As the MDTP re-established Range Management Areas (RMA) in Mokhotlong it was important to conduct interviews with chiefs located within the Mokhotlong-Sanqebethu RMA as well as with livestock owners.

Phase 3 of the fieldwork was conducted in Qachas-Nek, the first point of call was again MTEC where I was able to interview the Sehlabathebe National Park field ecologist. The rest of the week was spent in the village Ha-Mavuka which is located 10 km from SNP and lies within the Khomo-Pats'oa RMA. Here I interviewed the chiefs as well as land owners, one afternoon was spent in SNP where I managed to interview the current Park Manager and previous acting Park Manager (See Appendix A). From here I moved on to Maseru where I was able to conduct further interviews with government officials this made up the fourth phase of the fieldwork.

In March 2015 I conducted fieldwork in South Africa's Mapungubwe cultural landscape. Here I interviewed land owners in the area, a former park ranger and the current park manager. This made up the fifth phase in the fieldwork with a total number of 17 interviewees (Appendix B). Telephonic interviews were also conducted with land owners who were at the time not in the area. On heading back to Cape Town I managed to interview an official at the Department of Rural Development and Land Reform in

Polokwane as well as an official at the DEA in Pretoria. A fieldtrip⁵ to Mapungubwe on 23-24 September 2015, in which a guide and an official provided new information, helped me to update my results.

Specific questions (Appendix C) were formulated for officials and for local people in both Lesotho and South Africa. These were tailored according to the context in order to flesh out the issues of relevance such as Range Management Areas in Lesotho which were not identified as a point of inquiry in South Africa. Even though the questions differed slightly they were geared towards understanding the politics of land in South Africa and Lesotho. Morse (1995) note that qualitative research reaches a point of saturation where new data only reaffirms what has already been collected. This was the case when interviewing locals especially in Sehlabathebe where people's narratives began to echo each other.

Finally, in the sixth and final phase of the fieldwork follow up interviews were conducted in Maseru in April. This gave me an opportunity to clarify some issues that had come up during the fourth phase of the fieldwork, this brought the total number of interviews in Lesotho to 24 (Appendix A).

3.7 Content Analysis

The process of transcribing interviews began in the field itself in order to capture the data while it was still fresh to my mind. This formed the first part of content analysis as it created an opportunity to start engaging with the text. Riessman (1993: 60) states that "close and repeated listenings, coupled with methodic transcribing, often leads to insights that in turn shape how we choose to represent an interview narrative in our text". When this was completed the data was organized in accordance with the main questions of the research (Table 3.1). There were specific questions for authorities and for local people, the researcher then went on to organize the data according to the specific questions. This

⁵ The field trip was part of a conference on *resource sovereignty, nature conservation and livelihood in southern Africa* hosted at the University of Venda from 23-25 September 2015.

allowed me to organize my primary data and to identify gaps in the data. Gibson and Brown (2009) note that by organizing the data in this fashion creates a clear narrative for analysis.

Table 3.1 Key questions for officials and local people

Locals	Officials
If you were asked that this land become part of the TFCA what would you say or do	How was land made part of the TFCA
If the land is made part of the TFCA how should it be used	If people refuse to have their land become part of the TFCA what will you do

(Source, Author)

3.8 Challenges and Constraints

Initially I was counting land parcels manually from the CSG mapguide and painstakingly writing down every farm portion, until a chance encounter with someone at a seminar who told me the information could be obtained in shapefile format from NGI. Obtaining the right ESRI shapefiles took longer than initially anticipated. In hindsight an activity that could have been done in 3 weeks took longer because it took me sometime to finally figure out where I can obtain the right shapefiles. The task of creating the maps themselves proved to be very tedious especially for the MDTFCA that has more farm parcels than other TFCAs. Nevertheless after a few trials and errors the task became easier. In addition, ESRI shape files for the northern section of Great Limpopo TP (GLTP) did not include farm parcels, I was therefore unable to create a comprehensive land parcel map of the GLTP. Furthermore, the boundaries of some TFCAs cut through a single farm parcel, which means that while the maps are not a precise depiction of the expanse of some TFCAs, they offer an excellent visualization of the vastness of TFCAs and the number of individual land parcels they lock up. I was unable to carry out the same exercise in Lesotho due to the lack of land parcel shapefiles. However, government reports and interviews with both officials and land owners enabled me to explore land issues in the MDTFCA.

Getting about in Lesotho was very difficult. For field work in Mokhotlong and Qacha I relied on public transport which was reliable but not frequent. My family was kind enough to drop me off in the highlands where I was left to my own devices. Mokhotlong town was easy to navigate because every government department was within walking distance. To get to the villages outside of town I had to rely on very scarce and expensive public transport, this confined me to villages along the main taxi route.

From Qacha town I took a 6 hour long bus ride to reach Sehlabathebe, a trip that was interrupted by two break downs. Not to mention the number of times all passengers had to get off the bus to decrease the weight so that the bus can make it to the top of a hill. The breath-taking scenery and crisp fresh air made up for it. In Sehlabathebe there are no local taxis and I stayed 10 Km outside of the park. Needless to say trips to the park were challenging. On one occasion I was afforded the opportunity to walk through SNP unaided back to the village. Again the sheer beauty of the Maloti Mountains made up for it. It is on this day I hired a bicycle from a young man and cycled just about 7km on mountainous terrain. My fieldwork in the Lesotho highlands was characterized by very long walks and hikes, nothing novel to the people who call the Maloti Mountains home. Initially, I was weary of being guided by the daughter of the chief in Sehlabathebe due to the power dynamics that could ensue during an interview. However, it is important to note that my guide is a single mother of two who has failed to get employment in the park despite her catering certificate. This to me suggested that her father's prominent position has done little in the way of securing favours for her. Much like youth in the village, she too complained about the lack of employment of Sehlabathebe youth in SNP.

Getting about in Mapungubwe was easy. The challenge came with scheduling interviews, some land owners did not reside in the area so I could not schedule a face to face interview. However, I managed to interview them over the phone. While my fieldwork in Lesotho was characterised by very long walks, fieldwork in Mapungubwe was characterised by long drives due to the distance between different properties.

3.9 Ethics

I did not withhold my identity or background from the participants. Upon meeting a potential participant I stated my name, the institution where I come from and the aims of the research. I outlined the context within which the research is conducted i.e. how land is made available for the development of transfrontier conservation areas and what I hope my research will add to the knowledge on the development of transfrontier conservation areas. All this information was communicated verbally after greetings were made.

Having done this I outlined my specific research aims and the general information I would like from them. Lastly I informed participants that my research is done for academic purposes only. A reference letter was also obtained from my supervisor stating my name and the aims of the research. The content of the letter were explained verbally to those who cannot read. All participants were informed that their participation in the research is completely voluntary and anonymity will be the default approach. Where it is necessary to refer to the positions of participants in order to validate the data I will frame the text in such a way that it will not reveal the identity of the participant. I did not knowingly put any of the respondents in danger. According to the Association of Social Anthropologists of the UK and Commonwealth (Africa, 2005) anthropologists ought to recognise that their responsibility towards participants extends beyond the time frame of the research. This is not an anthropological research, however, the guideline can be used in all fields requiring human interaction, the researcher will therefore be aware of the responsibility towards participants well beyond the completion of the thesis. Ethical clearance was also obtained from the University of Cape Town.

Having employed the aforementioned methods, Chapters 4 and 5 will outline the key finding in the MDTFCA and the GMTFCA respectively. Chapter 6 will discuss at length the modes of land control in both case studies while drawing similarities and differences between the cases.

4 ENCLOSING COMMUNAL LAND IN THE MDTFCA

4.1 Introduction

This chapter explores the development of land tenure as well as local governance in Lesotho from the mid eighteenth hundreds in order to locate the development of SNP and the MDTFCA in a wider political context of Lesotho. Contemporary land tenure in southern Africa is a product of colonial rule as well as post-independence multiple interventions and missions. Some of these missions were sponsored by the United Nations to review land tenure, which for a long time had been perceived as a stumbling block for Africa's development. While introducing new policies, the colonial administration would often codify some customary laws in order to appease locals. The codification of customary tenure in southern Africa led to the petrification of rules which are no longer relevant and "thus deprive customary law of its natural flexibility and adaptability" (Poulter, 1972: 161).

4.2 History of Land Tenure in Lesotho: a Context for the MDTP

Before the advent of colonialism in Lesotho- chiefs had the responsibility and obligation for allocating land to their subjects under the principle that all land belongs to Basotho. Franklin (1995) suggests that the chief's position would later become beneficial to the colonial state, which in 1903 set up the British National Council (BNC). The BNC effectively solidified the position of chiefs, which until then, had been rather fluid. In 1843 when the Boers encroached on present day Eastern Free State in South Africa, bringing with them, among other things, the idea of individual land ownership, Moshoeshoe I sought British alliance which is outlined in the Napier Treaty of 1843 (Juma, 2011). This alliance marked the end of traditional chieftainship and the beginning of a type of chieftainship that would serve the colonial administration (Juma, 2011). However, this was later undermined by Sir Alan Pim who in his 1935 report suggested bureaucratic measures to replace some of the duties of the chiefs (Franklin, 1995). Furthermore, the report dealt extensively with environmental degradation such as soil erosion and water pollution.

Prior to 1884 when Lesotho was officially handed over to Britain from the Cape Colony (Nyeko, 2002) rules were made at *pitso*, a public assembly where initiated elderly men were consulted by Moshoeshoe I (The Paramount chief) and decisions were reached by consensus in a democratic process. When Moshoeshoe I died in 1870, his son Letsie I became the Paramount Chief. It is during this time that the idea of replacing Pitso with the National Council started to circulate, however due to disagreements about the structure of the council between Letsie I and the Resident Commissioner, Sir Marshal Clarke, the plan never took off. Furthermore some chiefs opposed the idea for fear that it would reduce their power. In 1891 Letsie I died and was succeeded by his son Lerotholi, who revived the issue of the Council and in 1903 the Basutoland National Council (BNC) held its first meeting (Juma, 2011). While *pitso* remained, the official process of enacting laws became vested with the BNC, to which some members suggested that the Basotho traditional laws be compiled. A committee of 24 members was then put together and they came up with 24 rules, which covered matters related to succession to the chieftainship, allocation of land and other issues related to Basotho life. The rules were named the Laws of Lerotholi after the Paramount Chief.

Membership of BNC was exclusive to the British commissioner, his five appointees, the paramount chiefs and 94 chiefs and headmen and a handful of commoners (Nyeko, 2002). Thus began the process of vesting power with the few elites of which Poulter (1972) - commenting on the BNC- suggests that it started to reflect the interest of chiefs and their supporters. *Pitso* were open to men who had been initiated, however the BNC made rule making exclusive to the chiefs and the British Commissioner. Poulter (1972: 149) suggests that the decline of the *pitso* central to rulemaking was a deliberate move from the commissioner "albeit with the concurrence of the chieftainship".

From 1903-1978 the Laws of Lerotholi were amended extensively in order to cope with the changing times. Hence the 1979 Land Act came after a succession of economic missions in Lesotho in response to criticism from both locals and the international community about the limitations of the Laws of Lerotholi. First of this was the 1960 Morse Mission, headed by

Professor Chandler Morse, second was the Chacko Mission in 1965, thirdly the British Ministry of Overseas Development Economic Survey Mission. In addition to the missions there were multiple studies such as that of Dr. Vernon Sheddick published in 1954. They all concluded that Lesotho's land tenure was inhibiting economic growth. Manji (2006: 31) states that "the emergence of land reform on to national political agenda in the late 1980s can be understood only in the context of wider pressures for the liberalization of Africa's economies".

Legislative intervention in 1960s culminated in the promulgation of the Land Act 1979 which sought to "consolidate and amend the laws related to land thus providing for; grant of tittle to land..." (GoL, 1979). The land act limited the chiefs power (more so in urban areas) to determine land use and access which had been outlined in the Laws of Lerotholi of 1903. This power to grant tittle and to revoke an allocation was transferred to the Land Committee established by the Minister (Juma, 2011). It also made it possible for individuals to apply for property tittle, a provision that had not been made in the Laws of Lerotholi. Franklin (1995: 4) suggests that the 1979 Land Act was "encouraging capitalist developments on arable land through allowing for the transfer of cropland from smallholders to supposedly more efficient entrepreneurial farmers with the capital to maximize production".

The development of Lesotho's land policies is a product of international interventions and trending hegemonic ideas. Of late, one such idea is that of Hernando de Soto who suggests that emancipation from poverty lies in the formalization of property rights, which will in turn give the poor access to credit (de Soto, 2000). Manji (2006: 46) succinctly states that "the main thrust of the new land laws is to liberalize land tenure [...] and to provide for and encourage foreign investment in land." The Laws of Lerotholi and the Land Act of 1979 both made it impossible for non-Basotho to own arable land in Lesotho. In addition the purchase and acquisition of land was prohibited (Poulter, 1969). The Land Act 1979 was followed by more policies that regulated land, these included Land Regulations of 1980 and 1992. Land policies changed in 1986 and 1992 due to Lesotho's tumultuous past during military rule.

Investigation into the land related issues by the Land Policy Review Commission in 2000 recommended a land tenure system that will facilitate the operation of a land market (Selebalo and Effler, 2002). Furthermore it called for customary land tenure to be abolished and that land held under customary tenure should be converted to leasehold tenure (GOL, 2000). Thus, in alignment with international trends a new Land policy was promulgated in 2010 with most of the recommendations in the 2000 review commission considered. The Land Act of 2010⁶ Section 6 (c)-(g) states that a 'foreign enterprise' 'commonwealth or foreign government' may hold title to land in Lesotho albeit with some conditions.

The Land Act of 2010, section (50) 1 states that there are circumstances under which land may be expropriated for public purpose or public use, these include water and land conservation. Sections 49 (1) and (2) state that for land held under lease, the minister shall, in consultation with the local authority and the lessee publish a notice in the gazette that the land is required. The Environment Act of 2008⁷, section 66 (1) makes provision for the conservation of biological diversity by forming national parks and managing of buffer zones. Furthermore it states that the ministry has the authority to issue guidelines for land use methods that are compatible with conservation of biological diversity. The Land Act of 2010 and the Environment Act of 2008 directly affect how TFCAs are established in Lesotho. The Environmental Act does not make provision for the establishment of TFCAs specifically however it makes provision in section 66 (B) for the Director of Environment, in consultation with the line ministry- to issue guidelines for the selection and management of protected areas and buffer zones in order to promote the conservation of the various terrestrial and aquatic ecosystems of Lesotho. The Land Act on the other hand outlines how the state will acquire land for conservation purposes from a lease holder.

¹The Land Act 2010 will "provide for the grant of titles to land, the conversion of titles to land, the better securing of titles to land, the administration of land, the expropriation of land for public purposes, the grant of servitudes, the creation of land courts and the settlement of disputes relating to land; systematic regularisation and adjudication; and for connected purposes." (GoL, 2010)

⁷ The Environment Act 2008 "makes provision for the protection and management of the environment and conservation and sustainable utilization of natural resources of Lesotho and for connected matters" (GoL, 2008)

A shortcoming of the Land Act is that it does not make provision for a holder of a Form C⁸. Due to the history of land tenure development in Lesotho only 1% of the rural population in Lesotho possesses formal title deeds (BOS, 2013). The Land Act makes the rural population vulnerable to unfair expropriation of land because a substantial proportion is not in possession of a lease. Consequently by the time SNP was declared a wildlife sanctuary in 1970 the stage had been set for unlocking nature's capital producing potential.

Colonialism made land 'a thing' in Lesotho while globalization opened up Lesotho's land markets. "The concept of treating land as a commodity is foreign to most African traditions, yet the economic environment and globalisation dictates that these beliefs should be reassessed" (Selebalo and Effler, 2002: 8). This is a far cry from how land was perceived when the missionaries first arrived in Lesotho in 1843. Moshoeshoe I observed "the selling, or renting, of lands, has been hitherto a practice wholly unknown to us and I believe to all Bechuana nations" (Eldredge, 2002: 48). Therefore the plan to neoliberalize Lesotho's land has been successful though with some resistance from chiefs who have systematically been alienated from land administration since the Laws of Lerotholi were codified. The Land Act of 2010 vests the powers of land allocation with political councillors who issue a lease upon allocation. However, because chiefs are still in possession of Form C, it has been reported that chiefs still allocate and expropriate land by predating documentation of land allocation (Daemane, 2012).

4.2.1 Local Governance

The main sites of conservation in Lesotho are Range Management Areas. The Laws of Lerotholi vested the management of rangelands in chiefs to regulate grazing (MFLR, 2011). Much like land policy, local governance also underwent substantial changes in Lesotho. The two are similar in that, with time, they both chipped away at the power of local chiefs. One such moment was in 1943 when district councils were established with chiefs acting as ex-officio members along with other nominees (Mofuoa, 2005). This section will therefore

⁸ Prior to 2010, upon acquiring land a recipient was issued a Form C document from the chief, this has since been replaced with a lease to be issued by the district council

review local land governance in Lesotho because this has been a site of great contestation between chiefs and local councillors due to the changing rangeland management policies. These conflicts continue to be played out in the MDTFCA.

In 1968, two years after independence, the newly elected Basotho National Party (BNP), repealed the 1943 Act. However upon realising the need for other local structures the BNP government set up District Development Committees (DDC) and Village Development Committees (VDC) under the 1969 Local Government Act (Mofuoa, 2005). The aim of the VDC and the DDC was to execute bottom up planning and coordination of development activities (Kimane, 1985 as cited in Mofuoa, 2005). Due to the lack of technical and managerial capacity as well as the limited financial resources, and explicit guidelines about the composition and elections of these institutions both the DDC and the VDC failed to govern effectively (Mofuoa, 2005). A Department of Range Resource Management official (Interview, 23 April 2015) notes that due to misunderstandings about the roles of the chiefs and the VDC, especially when it came to natural resource management, conflict ensued which sometimes created a power vacuum.

During the military rule in Lesotho which spanned from 1986-1993, local government went through more changes with the new regime repealing the Local Government Act of 1983. At the local level Article 2 (1) of the 1986 Order established VDC which effectively replaced Village Development Councils. Interestingly the Military Orders in a series of articles increased the chief's powers in the governance of local affairs (Mofuoa, 2005). This was not to last long, the Local Government Act of 1997 placed natural resource management with the Community Councils. Section 2 of the Local Government Act of 1997⁹ states that community councils responsibility include; control of natural resources, environmental protection and grazing control. Daemane (2012: 168) notes that the Act "cemented their [chiefs] exclusion and replaced them greatly in terms of power for controlling and administering use of various communal resources including land".

⁹ An Act to make provision for the establishment of Local Authorities and for the purpose of Local Government in Lesotho and for matters incidental thereto (GoL, 1997).

An official from the Department of Range and Resource Management (Interview, 23 April 2015) again notes that this new Land Act did very little to deal with previous challenges. There remained uncertainty about the role of the local council and the chiefs which has again created tensions in some villages. As I noted the development of the Land Act and the Local Government Act is similar in that with time they both limited the powers of the chiefs in land administration and natural resource management. Both of which have created tensions between chiefs and local governance structures. This then is the context within which the MDTFCA was established in Lesotho. This brings us to a discussion of the development of the MDTFCA.

4.3 Creating the MDTFCA in Lesotho

4.3.1 History of Conservation Initiatives in Lesotho

By the time the MoU of the MDTFCA was signed in 2001 there were multiple conservation initiatives in the country, some between Lesotho and South Africa. This section will outline some of the key conservation interventions in the area from 1977 to 2001 in order to place the establishment of the MDTFCA within a wider historical context that has been awash with external funding which has shaped how conservation is done in Lesotho. It will discuss Managed Resource Areas (MRAs) at length because according to the MDTP MRAs “are the main administrative units through which conservation will be implemented” (MDTP, 2008b: 6).

A couple of years after Sehlabathebe National Park was established, the IUCN’s 1977 *Nature Conservation in Lesotho Report* proposed the creation of Lesotho National Park (an area much unlike the current MDTFCA in Lesotho) which traverses the eastern escarpment from Oxbow to Sehlabathebe National Park (SNP) (Figure 4.1). The report suggests that the wilderness area be free from all developments though grazing would still be permitted, furthermore that land use in the buffer zone remain unchanged though with strict restrictions as provided for in the Land Husbandry Act of 1969. The area in question was delineated by Dr. McVean after spending two months in Lesotho doing field work and

interviewing government officials. The map below shows the proposed wilderness area and the buffer zone.



Figure 4.1 Map of the Proposed Lesotho National Park (McVean, 1977)

The report further suggested other reserves across the country (Figure 4.2) with varying degrees of conservation management. It suggested grazing be eliminated in some areas and burning of vegetation be ceased.



Figure 4.2 Suggested Parks and Reserves in Lesotho (McVean, 1977)

It is a long time since the proposal of the Lesotho National Park which never took off, however what is striking is the similarities in the project area which is perhaps unsurprising owing to the location of the afro-alpine zone. In addition to the research funded by the IUCN, in 1981 USAID funded the Range Management Division¹⁰ to conduct a range inventory of Lesotho's rangelands, which was undertaken from 1983-1986, this would be the last National Rangeland Inventory in Lesotho (MFLR, 2011). The aim of the study was to “assess rangeland condition; determine livestock carrying capacity and to improve management of rangelands” (MDTP, 2007:15). Bücher (2013) suggests that the history of the MDTP dates as far back as the 1950s when South Africa and Lesotho commenced negotiations about the Lesotho Highlands Water Project (LHWP). More than meeting South Africa’s water needs, there were concerns about the degradation of the catchment area of the Orange River whose head waters are in Lesotho. This called for a second arrangement with Lesotho that would aim to protect the Lesotho mountain ecosystem. And, so in 1982 the South African government funded the Drakensberg/Maloti Mountains Catchment Conservation Programme (DMMCCP) after recognizing the importance of protecting the afro-alpine zone

¹⁰ The Range Division was established in 1979 under the Ministry of Agriculture and in 2003 it was moved to the Ministry of Forestry and Land reclamation and renamed the Department of Range Management Resources (MFLR, 2011)

(MDTP, 2007). Bücher (2013) also notes that the first person to catalyse this project was an employee of the Natal Parks Board. From 1986/89 DMMCCP had developed into a research programme which aimed to form a framework for an integrated land use plan (MDTP, 2007). In 1998 DMMCCP was funded by the European Union, the programme was spearheaded by the Natal Parks Board in South Africa and the Range Management Division in Lesotho. Therefore while the MDTP officially commenced in 2001, prior to this there had been years of collaboration between Lesotho and South Africa. It is during this time that Lesotho began to adopt internationally conceived notions of conservation which have persisted to this day.

4.3.2 Maloti Drakensberg Transfrontier Programme

Unlike other transfrontier conservation areas in the region that have been a result of multiple interventions, the Maloti Drakensberg Transfrontier Conservation area (MDTFCA) was the result of one intervention, the Maloti Drakensberg Transfrontier Programme (MDTP) from 2003-2008 (Bücher, 2013). The project and associated activities were funded by the Global Environment Facility (GEF) with the World Bank acting as the implementing agency. The first step towards defining the MDTP project area required extensive research in the region's ecological expanse and the state in which it was in. This culminated in the report published by Maloti Drakensberg Ecological Consultants cc, which also utilised data from previous conservation initiatives that were funded by the GEF. TFCAs depend heavily on external funding, it would be near impossible for states to amass the kinds of funds that have been pouring in from organizations such as the PPF, Dutch Postcode Lottery and Swedish Postcode Lottery to mention a few. It is therefore worth considering the prime role that external funders play in facilitating the expropriation of land for TFCAs and also the type of conservation initiatives that they support.

The MDTP yielded a vast amount of spatial data. An MDTP Official stated that "we mapped important ecological areas so that we can help the two governments if they wanted to create new protected areas" (MDTP Official, interview, 16 January 2015). Furthermore, referring to the MDTP he suggested that "the management plans were the main product

that we got from that”. The management plans are of paramount importance because they outline the geographical extent of the project area, the ecological features and management recommendations for specific species and habitats in RMAs. Some of the recommendations are that wetlands should be off-limits to livestock, no farming should occur in wetlands, avoid releasing any pollution in river systems, avoid catching fish in the stretch of river south of the town of Sehlabathebe which borders SNP, implement a strong system of rotation grazing and controlled burning. Fairhead et al. (2012: 237) observe that green grabbing often entails “restructuring of rules and authority in the access, use and management of resources that may have profoundly alienating effects”. Moreover, Ravenscroft et al. (2013) note that enclosures of nature often concentrates power in the hands of a select few. In the MDTFCA this includes the CCF and local governance structures such as the chief and local councillors and Managed Resource Committee. There are currently no land use restrictions outside of formal protected areas everything still remains a management recommendation.

Nevertheless, a Joint Management Plan (JMP) was developed for the uKhahlamba Drakensberg Park World Heritage Site (UDPWHS) and Sehlabathebe National Park jointly called the Maloti Drakensberg Transfrontier Park in 2012. This park is set to be the core of the MDTFCA. Apart from the JMP of UDPWHS, the other management plans do not outline land uses. The JMP outlines the zonation system for both the UDPWHS and SNP. The latter is based on *Parks Canada zoning system* which has five types of zones, although SNP only recognises three of them, these are;

Table 4.1 Zoning system for UDPWHS and SNP

Wilderness (Zone Class II)	<ul style="list-style-type: none"> - The purpose of the wilderness zone is to preserve and maintain the identified area in a wilderness state. - Management will be aimed at preserving the natural environment setting. Internal access will be by non-motorised means only, whilst activities consistent with resource preservation will be allowed. Development will be restricted to primitive trails and pony trek facilities. - Any developments such as trail huts will be subject to an
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	EIA. The sites will be accessed by horse for management and maintenance purposes.
Natural Environment (Zone Class III)	<p>-An area that will be maintained as natural environments and which can sustain a minimum of low-density outdoor activities with a minimum of related activities</p> <p>- The extent of the natural environment providing outdoor opportunities.</p> <p>-Internal access will be by non-motorised and limited motorised means. If any accommodation development takes place, it will be restricted to rustic, small-scale, permanent, fixed-roof structures for visitor use and operational use. Camping facilities, if any, will fit in with this theme and will be rustic or semi-primitive.</p>
Services and Development (Zone Class V)	<p>-This zone will include all the areas with a high concentration of visitor or management services such as the lodge, environmental centre/group camp, reception centre and Park HQ facilities.</p> <p>- Management will be oriented to emphasizing the SNP setting and values in the location, design and operation of the visitor support services and Park administration and operations functions.</p>

(Adapted from SNP Management Plan MDTP, 2008a)

Land use restrictions in SNP are not entirely new. A park management plan was developed in 1990 and differs very little from the new zoning plan (MDTP, 2008a). Locals are permitted free access rights to the park, however, in terms of use rights, local communities enjoy very little. The 2008 management plan suggests that it will “investigate the need and possibility of harvesting floral resources for thatching and for medicinal purposes” (MDTP, 2008a: 21). Thus far, local people still complain that they are not allowed to harvest grass for thatching. Furthermore grazing in the park is not permitted and it is identified as ‘illegal’. In terms of aquatic resources the management plan states that “the utilisation of the aquatic resource is currently almost non-existent. In future it can be expected that with a growing number of tourists, pressure on the aquatic resource will increase. The resource will be utilised for

recreational activities such as fly-fishing as well as for the extraction of water” (MDTP, 2008a: 20). What the plan is effectively declaring is that tourists will have access to the publicly owned aquatic resources within SNP while local people’s access remains ambiguous. A reoccurring observation is that TFCAs are increasingly becoming play grounds for outsiders while local people are denied use rights. SNP’s management plan focuses solely on the core and does not make mention of the buffer zone. However the Khomophats’oa MRA¹¹ (Figure 4.3) -one of the oldest RMAs in the country- which borders SNP and incorporates 17 villages- forms somewhat of a buffer zone, that none of the official documents recognises it as such.

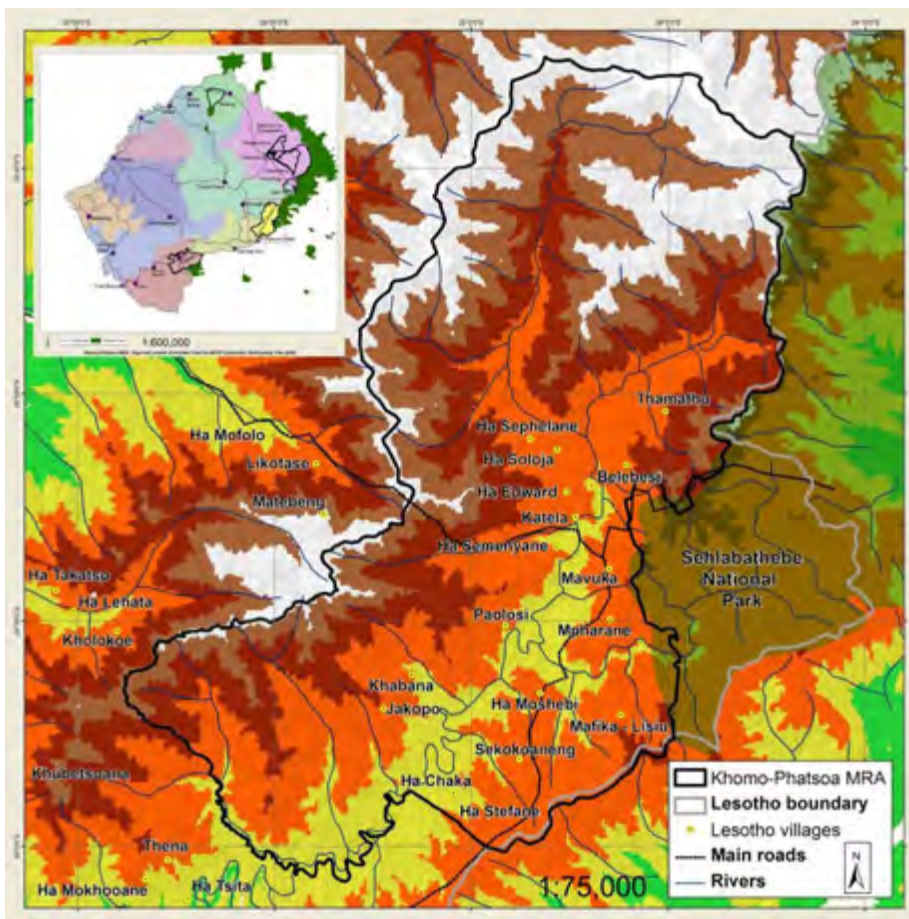


Figure 4.3 Topography of Khomo-Phats’oa Managed Resource Area (Lechmere-Oertel, 2008b)

The governance of the Khomo-Phats’oa MRA (Figure 4.3) rests with the Khomo-Phats’oa Community Council (CC) as per the Local Government Act of 1997. The Managed Resource

¹¹ When the MDTP was established, the project implementers decide to change the name Range Management Areas (RMAs) to Managed Resources Areas which is a conservation type recognised by the IUCN

Committee (MRC) -a sub-committee of the Community Councils- is tasked with implementing and enforcing the management plan. It therefore functions as the natural resource management arm of the CC (MDTP, 2007). The tasks of the MRC are sustainable management and conservation of biodiversity, environmental protection, cultural heritage preservation and promotion and sustainable range management (MDTP, 2007). When outlining the history of local governance in Lesotho, the challenges between the CC and the chieftainship were alluded to. A Department of Range Management official (Interview, 23 April 2015) states that currently the Department of Range Management is working on a Range Management Policy that will address some of the governance issues.

Essentially the “overall objective [of the MDTFCA] is to protect the exceptional biodiversity of the Drakensberg and Maloti Mountains through conservation, sustainable resource use, land-use and development planning.” (MDTP, 2012: iva). According to the 20 year biodiversity action plan, conservation refers to the establishment or expansion of protected areas. This is supported by the Convention on Biological Diversity (CBD) of which Lesotho is a signatory. Sustainable resource use on the other hand refers to regulating consumptive uses such as fly fishing and prohibiting activities such as harvesting medicinal plants and grass for thatching. Land use and development planning are accounted for in the zonation system.

All the respondents concur that there is no formal agreement between the state and chiefs or local communities outlining: land use and access rights, benefits-sharing and consent of the communities to be part of the TFCA. A senior MTEC official (Interview, 16 January 2015) stated that “there are no formal agreements between the state and local communities because parliament and cabinet endorsed the agreement” suggesting that only the state had the power to determine if the project goes ahead or not. In terms of land uses in the MDTFCA, thus far, both the Department of Range Management and the Department of Environment have been able to offer are land use suggestions in the rangelands. Outside of formal protected areas, like RMAs and Community Councils there are no binding land use restrictions, everything such as rotational grazing remains voluntary. The Department of Range Management is currently working on a Range Management Policy that will try and inhibit range degradation. As a Department of Range Management official stated “what we

are looking to do is to have a situation where, to be a member of a GA remains voluntary but the conservation of a rangeland is not". Here a Department of Range Management official refers to rotational grazing. He suggests that even though membership to a GA will remain voluntary the Range Management Policy will provide for compulsory range management through rotational grazing. The MDTP was at the time facilitating the drafting of MRA by-laws which will provide a legal framework for enforcing land use activities in the MRAs (MDTP, 2008b). The by-laws are still yet to be enacted thereby making all management recommendations merely suggestions.

Land tenure in the MDTFCA did not change as the land remains communal. In rural areas where only 1% of the population has formal title deeds (BOS, 2013) 58.7% of the people still possess Form C¹² or have no legal document at all (34.3%). The Land Act 2010, section 49 (1) and (2)¹³ makes provision for lease holders only and does not make mention of Form C holders. Form C holders are therefore left vulnerable to unfair expropriation of land. Having said that, a senior MDTP Official (Interview, 15 January 2015) in Lesotho states that "we did not change tenure, all we did was to help people come up with strategies that will help them manage their land in a sustainable manner, within the existing tenure [...] We are simply helping people within the existing land tenure system to manage their resources properly". This came in the form of management recommendations, which were referred to earlier. Apart from formalizing SNP and facilitating the creation of the MDTFCA, much attention and resources were geared towards RMAs and establishing grazing associations in order to help locals 'manage their resources properly'. The following section will therefore discuss RMAs as the main site for conservation of biological diversity on communal land.

4.3.3 Range Management Areas

In 1979 Range Management Areas (RMAs) and Grazing Associations (GA) were established by the Ministry of Agriculture in response to high levels of over grazing and subsequently

¹² Prior to 2010, upon acquiring land a recipient was issued a Form C document from the chief, this has since been replaced with a lease to be issued by the district council.

¹³ Section 49 (1) and (2) states that for land held under lease, the minister shall, in consultation with the local authority and the lessee publish a notice in the gazette that the land is required by the state for public use such as conservation. The lessee or lawful occupier is then give 3 months from the date the compensation is settled to vacate the land.

soil erosion and gully formation. The objectives of RMAs included the improvement of rangelands and quality of animals through a better breeding stock, empowerment of local communities, local ecotourism projects, support of local communities and strengthening capacity of local authorities (MFLR, 2013).

By 1983 USAID-Lesotho was supporting the establishment of the first Range Management Area (RMA) in Sehlabathebe where livestock owners were organized into a Grazing Associations (GA) - a group of organized farmers within an RMA. The aim was to place the responsibility of range management with livestock owners (MDTP, 2007). The Sehlabathebe RMA now forms an unofficial buffer of SNP, though the area in question has expanded somewhat. The RMA boundaries were chosen considering the rangeland user pattern and the socio economy of the residents (LAPIS, 1991).

When MDTP MoU was signed in 2001 there were multiple conservation initiatives in the country that produced data which was ultimately used in delineating and configuring management plans. Moreover, the concept of a cross border conservation initiative between Lesotho and South Africa had already been suggested by some reports and both countries were already collaborating on some conservation programmes. As the only formal protected areas in Lesotho SNP (6.952 ha), Bokong Nature Reserve (1.952 ha) and Ts'ehlanyane Nature Reserve (5.394 ha) account for only 0.6% the country's surface area (MDTP, 2008b). As a result of this RMAs are of paramount importance in the conservation spectrum of the Maloti Mountains. As I noted in Chapter 1 the main modes through which conservation is practiced have evolved from fortress conservation, CBNRM to cross-border conservation initiatives. Lesotho, too, has experienced this wave of change from the establishment of SNP in 1970, which was characterised by coercion and disenfranchisement of local people. The establishment of the first range management areas in 1976 which are a form of CBNRM and now the MDTFCA. Throughout this period Lesotho had been a recipient of scientific knowledge that is framed at the global level as well a donor funding that has enabled the practice of internationally recognised conservation initiatives to the exclusion of other forms of conservation. As Femia (1987) notes intellectual hegemony ought to be

grounded in economic activity, and according to Büscher (2010) national parks, CBNRM and TFCA's enable neoliberalization of nature to flourish.

The Lesotho highlands are subdivided into three regions: A-summer rangelands/ high altitude grazing area, B-Winter rangelands and, C-village grazing areas. The RMA programme through GAs introduced rotational grazing whereby livestock is supposed to graze in the high altitude grazing areas from October to April. Before the onset of winter, herd boys are expected to drive the livestock down the escarpment to the winter rangelands (Department of Range Management official, interview, 23 April 2015). Due to stock theft and poor law enforcement some livestock owners do not adhere to this and prefer to keep their livestock in the village grazing areas. A combination of misappropriation of funds and lack of follow up workshops resulted in the failure of RMAs to meet their objectives. Another shortcoming is that they only included livestock owners. In addition, the lack of prioritization and negligence from the institutions tasked with implementing range statutes led to the collapse of RMAs (LAPIS, 1991).

The MDTP along with the Department of Range Management tried to revive Range Management Areas - under the new name Managed Resource Areas (MRAs) - with their associated Grazing Associations by establishing Community-Based Environmental Resource Management Committees (ERMC). The aim of MRAs is to "put the management of natural resources directly under the communities who are utilising these resources" (MDTP, 2005) and to oversee the planning of sustainable use of natural resources. In 2003 a group led by the Ministry of Tourism Environment and Culture (MTEC) assessed the state of rangelands in Mokhotlong and made inquiries about the collapse of grazing committees (Ministry of Local Government official, interview, 18 January 2015). An official in the Range Management Department notes that RMAs and MRAs are synonymous with each other, however the MDTFCA refers to them as MRAs while the Department of Range Management still refers to them as RMAs. MDTFCA officials opted to use the term MRAs because it is recognized in the IUCN's Protected Areas Category System vi (Department of Range official, interview, 23 April 2015). This reveals the continued efforts to make institutions compliant with what has become globally accepted as the norm. It reaffirms Shiva's (1993) observation about the global environment that seeks to erase the multiple environmental solutions and problems.

The MDTP suggests MRAs address management of all natural resources whereas RMA's are restricted to sustainable use of forage resources, RMA's are therefore seen to fall within MRAs (MDTP, 2007).

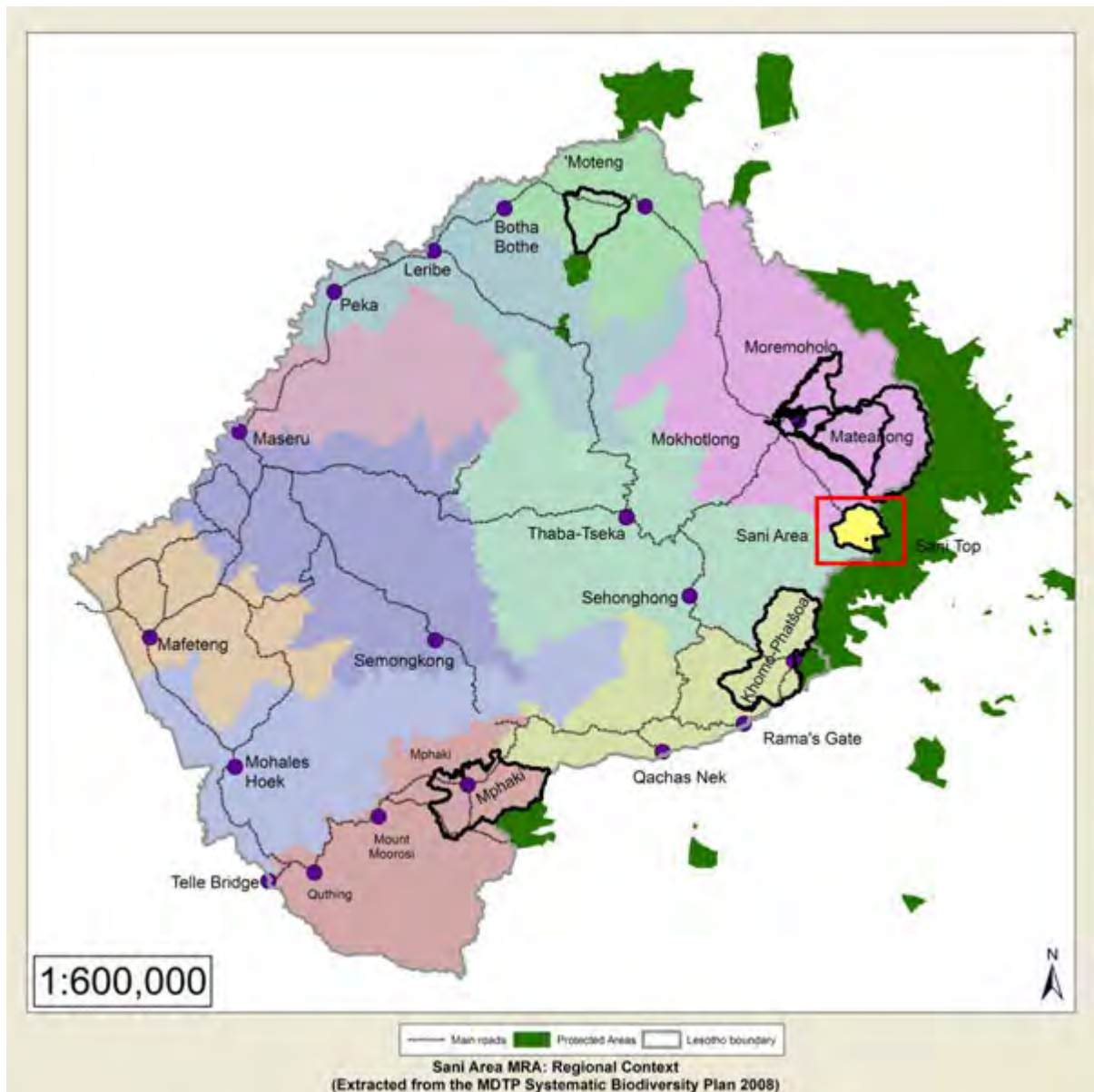


Figure 4.4 MRAs and CCs in Lesotho, with the Sani Top MRA highlighted (Lechmere-Oertel, 2008a)

There are currently 28 Biodiversity Implementation Areas (BIAs) in the MDTFCA, seven of these are in Lesotho. BIAs coincide with Biodiversity Priority Areas (BPAs), these are areas that were identified to be ecologically important and in need of management. Between 2004-2008 the MDTP contracted Maloti Drakensberg Ecology Consultants cc to conduct a

biodiversity assessment of the Maloti Mountains. The report published in 2007 suggests that MRAs and Community Councils (CCs)¹⁴ (Figure 4.4) within the Lesotho's MTFCA "are the main administrative units through which conservation will be implemented" (MDTP, 2008b: 6). By 2008 there were two MRAs that were operational in the MDTFCA, namely the Mokhotlong/Sanqebethu MRA and the khomophats'oa RMA. They are managed for sustainable use of rangelands such as harvesting of resources and grazing control.

There are no individual grazing rights in Lesotho. All grazing is communal meaning that every single member of a village has a right to use the communal rangelands whether they are a member of a Grazing Association or not (Department of Range Resource and Management official, interview¹⁶ April 2015). There are currently over 20 GAs in the country some of which are dormant while others are still active, however membership to a GA is voluntary due to the constitutions provision for freedom of association. Chief of Village 1 in Mokhotlong stated that "what they were interested in is grazing regimes so that livestock is not in one area and the carrying capacity is not exceeded." This was met with some opposition because as the Chief further clarified "livestock owners felt like they were being removed, they were unhappy because they were not allowed to let their animals graze in those areas anymore. Also they tried to limit the number of cattle that they could own. They were unhappy. There were many meetings and they complained because such projects place restrictions on grazing areas, making them smaller. Perhaps the problem was with the way they articulated themselves" (interview, 21 January 2015).

Overstocking is cited as one of the major challenges of the Lesotho highlands, with an estimation of 40-80% overstocking rate (MFLR, 2011). This has made overstocking a primary concern for many conservation initiatives hence the MDTP attempted to re-introduce rotational grazing. Due to this, livestock owners in Mokhotlong became concerned about the possibility of imposing a livestock charge to discourage overstocking. However, as Chief of village 1 stated "they [livestock owners] have since calmed down because the project ended without being successful, or the government did not show concern." When the

¹⁴Khomo-Patsoa MRA, Mateanong CC, Mokhotlong-Sanqebethu MRA, Moremoholo CC, Moteng MRA, Mphaki CC and Sani RMA.

project ended [in 2008], participation in project activities waned due to the lack of funding. A few respondents suggested that because there are no incentives to go to meetings and workshops livestock owners stopped taking their cattle to winter grazing areas.

Sani Top (Figure 4.4) in Mokhotlong was gazetted as a Selected Development Area in 2012 as part of the MDTP initiative. According to one official, the community was consulted from the onset and throughout the process, “we had a public meeting at the conceptual and development phases, they had input there. Also when we were trying to gazette we had input from communities.” (MTEC Extension officer 1, interview, 22 January 2015).

The process of conforming land use to the standards of a TFCA is an ongoing one. SNP official 4 stated that the Community Conservation Forum¹⁵ (CCF) is due to be registered with the law office at which time they will be able to enter into agreements with the state on behalf of the community. The official commented that “when they are registered then we will sign a MoU between the CCF and government. Outlining how benefits will be shared, how they will benefit.” This will effectively place the power to negotiate the interests of the community with the select few. Resident 1 (interview, 28 January 2015) observed that there has been a tendency to elect people on the basis of their economic standing in the community. Furthermore, she complained about the way the CCF chooses people for employment in the national park.

The only feasible way to create conservation spaces in the Lesotho highlands is through MRAs which are characteristic of CBNRM projects. The land tenure system which is mainly communal as well as the financial capacity of the country has enabled the state to employ modes of land control and not land transfer. These modes of land control have included land use planning, the strengthening of pre-existing institutions and the creation of new institutions.

¹⁵ A liaison between the park and community. They are elected by the community every 5 years and are composed of representatives of livestock owners, entrepreneurs and traditional healers.

4.4 Living in the MDTFCA

Projects reports are good at masking the lived experience of the said project, often dedicating page after page of the report to what was done, by whom, and how much. This section will outline the lived experience of communities in the MDTFCA. It will go beyond documenting the project activities by narrating the MDTFCA from the perspective of the people who live within the cross border conservation area.

There was a public meeting before the establishment of the TFCA but it has since emerged that the public meeting had more to do with the state informing people about the initiative and not so much about requesting input by the public, as Chief of village 2, a village just outside SNP, within the MDTFCA suggested “we were not consulted if we want this to go ahead, the governments spoke among themselves.” (Interview, 28 January 2015). Despite this, both young and old people showed a keen interest in the project, the demand for employment opportunities resonated with all the community members that were interviewed. People lamented that they have to bear the brunt of living with a closed off conservation area, where they cannot derive use benefits therefore the least the government could do is employ people from Sehlabathebe. The main benefit people would like to receive from MDTFCA is that the landscape be used to create employment opportunities for residents of Sehlabathebe village. A resident of Ha-Mavuka stated that “If we could get jobs and sweep here and there then we would benefit from the park” (Resident 1, interview, 28 January 2015).

The people of Sehlabathebe have not forgotten the events that led to the establishment of the park in 1970 and the years that followed where the community was not allowed in the park to gather thatch grass or to allow their cattle to graze. One respondent vehemently suggested “they would rather burn it than let us use it!” (Resident 2, interview, June 2013), referring to fire breaks. Their resentment for the park is compounded by the fact that few people from the surrounding villages get employment opportunities in the park. Of the ten permanent staff only three are from Sehlabathebe (SNP Official 1, interview, 29 January 2015). Apart from the employment opportunities, respondents want to be able to use their land without fear of punishment. Livestock owners lament that there is not enough rangeland for all the villages in the area and indeed that Sehlabathebe holds the prime

rangeland. For livestock owners more rangelands in the MDTFCA would result in better livestock. Some livestock owners have had to resort to taking their cattle over the escarpment into Kwa-Zulu Natal, where they risk their livestock being confiscated or stolen. “If the rangeland still served the people there would be no reason for us to go to South Africa” (Resident 3, interview, 29 January 2015).

For some residents, the park inhibits them from making their trip to South Africa substantially shorter. Currently residents have to travel to Ramatsiliso’s gate to get to Underberg, a town in South Africa. If a road was built within the park then this trip would be a lot shorter. As one respondent declared “we are very keen for the TFCA if they open the road so that we can travel faster, we like this initiative [...]. The public was told about the TFCA. But mostly they said they are happy because then there will be a road. (CCF member, interview, 29 January 2015). Currently people are not allowed to walk through the park into South Africa because it is considered trespassing. A senior official at SNP stated that “most of the challenges experienced are from communities; Illegal grazing, cross border stock theft, trespassing and illegal fires” (SNP Official 2, interview, 28 January 2015). Despite the hope that the TFCA will bring tangible benefits to the community, one respondent stated that “we would really want the park to be made smaller because it was put here without public consideration.” (Resident 4, interview, 28 January 2015). People did not have grand aspirations of being co-owners or even receiving a community development fee from the park. For residents of Sehlabathebe it all boiled down to a means to improve their quality of life.

When responding to the question of consent, it seemed like the idea that some people might opt not to be part of the TFCA was unimaginable. The incredulous response from one official suggested that because cabinet had approved it, it was impossible for people not to want to be part of the TFCA. This should be considered in light of the fact that according to some respondents in Sehlabathebe, when the Ministry of Tourism, Environment and Culture (MTEC) called a public meeting it was not to consult with people but simply to tell them about the TFCA.

4.5 Conclusion

The creation of the MDTFCA was characterised by institutional capacity building through the creation of new institutions and strengthening of existing institutions. Due to lack of primary data some time and resources were spent conducting research on the region's biodiversity and social context. The MDTFCA was defined with no changes in land tenure.

This chapter discussed the lived experience of the Maloti Drakensberg TFCA as only the residents of Sehlabathebe and Mokhotlong could express it. It further outlined the processes that led to the establishment of the MDTFCA in Lesotho, placing this within the historical context of conservation initiatives in Lesotho. Attention was paid to MRAs because these are the main administrative areas through which conservation is done in Lesotho. While alienation of land in the MDTFCA was preconditioned by the way in which communal land is organised in Lesotho, private property rights and market forces were key to the creation of the GMTFCA in South Africa, as the next chapter will show.

5 MODES OF LAND CONTROL IN THE GMTFCA

5.1 Introduction

This chapter analyses the politics of land in South Africa's portion of the Greater Mapungubwe Transfrontier Conservation Area (GMTFCA). It continues the discussion from the previous chapter by lifting up the historical background of the GMTFCA and the process by which it was created. It discusses modes of land control in South Africa's TFCA, a case with multiple expressions of property rights that is, the GMTFCA. First, an outline the history of Vhembe Dongola National Park renamed Mapungubwe National Park in 2004 is provided. The discussion is followed by a closer examination of the creation of Mapungubwe National Park (MNP) which is the core of the TFCA in South Africa. This is framed around the different actors within this space, namely the government, local people and NGOs. Lastly the chapter delves into how different land owners interpret the GMTFCA. All of this is a deliberate attempt at bringing to the fore some of the politics of land in South Africa's GMTFCA.

5.2 Creating the GMTFCA

MNP was officially opened on 4 September 2004. A year before this the then Vhembe Dongola National Park was declared a World Heritage Site. The governments of Botswana, South Africa and Zimbabwe signed the MoU for the GMTFCA in 2006. But the making of what is today the GMTFCA began long before 2004 and indeed continues beyond the signing of the MoU. South Africa's GMTFCA is composed of MNP which constitutes the core in South Africa as well as privately owned land which forms the buffer of the core area. A useful way to think about Mapungubwe is to understand it as an area with multiple layers. The first being the national park, secondly, the World Heritage Site and its buffer zone and thirdly the TFCA. Upon these layers there are a myriad of land uses as well as land tenures. All of these layers are superimposed on one landscape, each of which has a particular aim. Of interest to this research is the TFCA layer to which the National Park forms the core and the world heritage status forms one of the justifications for the establishment of the TFCA.

5.2.1 Evolution of Land Use in the GMTFCA

The Natives Land Act (No: 27) of 19 June 1913 and subsequent legislation initiated mass dispossession and displacement of 'natives' in South Africa and created Bantustans that spread across 13% of South Africa (Hall, 2014). Due to these racially discriminatory laws, Africans were forcefully removed from their land. Some of these areas were deemed black spots in what the government of the National Party had declared white designated areas (Skelcher, 2003). Black spots were farms that Africans had purchased and settled on for a long time, people who occupied these areas were forcefully removed (Cousins and Claassens, 2004). These included areas such as Lake St. Lucia in Kwa Zulu Natal where between the 1950s and 1960s residents were evicted because the Natal Parks Board wanted to develop the area for gum tree plantation (Skelcher, 2003). In Mapungubwe people were removed from the area in the early 1930s and 1940s (Chirikure et al., 2010). The residents included the Lishiba, Musholommbi, Machete and the Tshivhula communities, they were relocated to Alldays, Musina, Taaibosch, Makgato, De Frede and other parts of Venda while others remained on as farm labourers (Ralushai, 2002).

In the 1920s after a botanical survey was established, a couple of botanical reserves were created in South Africa, one of which was the Dongola Botanical Reserve. The project was under the patronage of Dr Pole Evans who was in good standing with General Jan Smuts, then Prime Minister of the Union of South Africa. This area included the farm Greefswald, on which Mapungubwe hill is located, and eight other farms (Carruthers, 2006). By 1943 the government's intentions to create a wildlife sanctuary had been made public. The plan received great opposition from farmers in the area who hoped that at the expiry of their leases on the farms, the state would convert the farms into freehold land, and that it would make available more farms to soldiers returning from the Second World War (Ramutsindela, 2015). Berry and Cadman (2007) note that this did not perturb Jan Smuts and Pole Evans who had already secretly started negotiations to create an 'interstate sanctuary' between South Africa, Bechuanaland and Rhodesia. By 1944 Dongola had been elevated to the status of a Wildlife Sanctuary spanning 27 farms on an area of 60, 000 ha (Sinthumule, 2014). The Wildlife Sanctuary was gazetted in 1947 under the Government Gazette number 4173 to be managed by the Dongola Wildlife Sanctuary Board of Trustees. This area included the farm

Greefswald and 77 more farms on 160, 688 ha (Berry and Cadman, 2007). Negotiations with the Rhodesian Corporation which owned much of the land in Southern Rhodesia and the British South Africa Company in Botswana went well under way until February 1948 (Berry and Cadman, 2007). The 1948 presidential elections in South Africa saw the defeat of Jan Smuts and the rise of the National Party under D.F. Malan. In 1949, the newly elected National Party government repealed the Dongola Wildlife Sanctuary Act of 1947 and dissolved the board of trustees in order to appease their voters. This came after the much cited Battle of Dongola (See Carruthers, 1992) and was due to a strong Afrikaner Nationalist ideology and much contestation from local Northern Transvaal farmers who feared losing their farms (Carruthers, 2006). Afrikaner nationalism is an ideology that seeks to advance Afrikaner interest, at the time this include ownership of land by Afrikaners.

Carruthers (2011: 266) notes that “this political battle between the Smuts government and the opposition National Party was of such consequence that, on coming to power in 1948, the new government gave priority to the abolition of the Dongola Wild Life Sanctuary and this was accomplished in 1949”. The expropriated farms were opened up to resettlement to the Afrikaner farmers even though climatic conditions were then unfavourable. It was during this time that citrus farms began to emerge (Fleminger, 2008). In 1967 Den Staat, Samaria and Greefswald were proclaimed the Vhembe Private Nature Reserve (8746 ha) in the Government Gazette 3291 (Figure 5.1). Two years later Greefswald was taken over by the South African Defence Force because of its strategic position at the border with Botswana and Zimbabwe. The Vhembe military base was established and for the next 15 years the farm was used as a rehabilitation centre for drug addicts and homosexuals (Fleminger, 2008). During this time access to the farm was restricted.

The history of the Mapungubwe is inextricably linked to the tumultuous history of South Africa. The events that took place during the rule of the National Party have gravely affected the contemporary landscape. A discussion of Mapungubwe therefore has to reflect on how the socio-political landscape in the area changed.

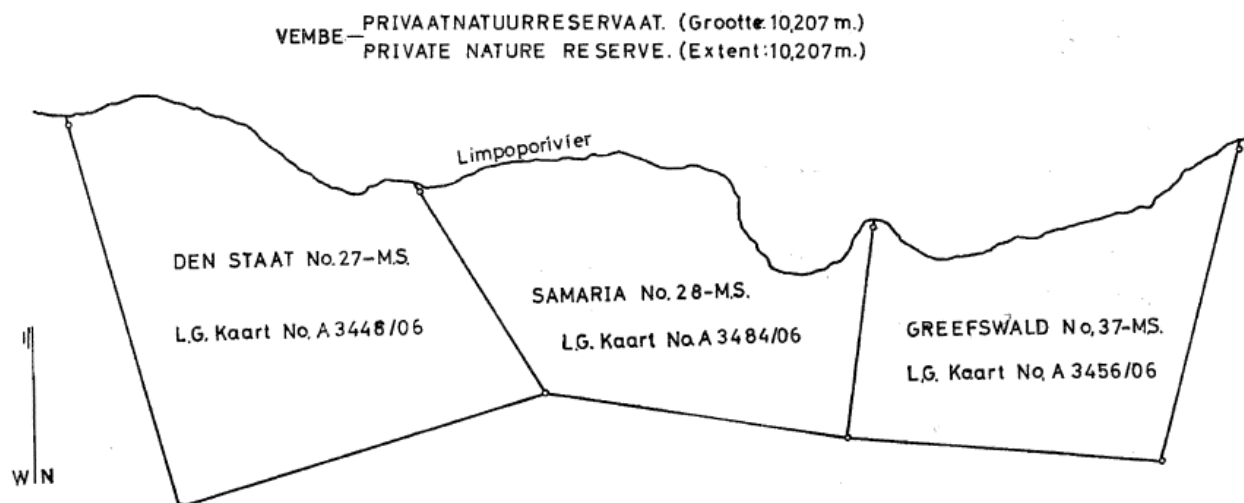


Figure 5.1 Vhembe Private Nature Reserve (Union of South Africa, 1967)

5.2.2 Realizing Smuts' Dream

In post-apartheid South Africa, SANParks, the national conservation agency has been purchasing parcels of land in the area in order to form the Vhembe Dongola National Park. The first three properties to be gazetted as part of the National Park were Den Staat in 1998, Greefswald (2000) and Reidel (2001) (DEAT, 2002). Since then SANParks has been actively consolidating the core of the then Vhembe Dongola NP by purchasing land or getting into contractual agreements with private land owners. Vhembe NP was renamed Mapungubwe National Park in 2004 and two years later the MoU for the GMTFCA between the three countries was signed. Masalesa (2014: 54) states that “on 6 June 2006 the three countries achieved Smuts’ dream”. The Peace Parks Foundation (PPF), De Beers, The National Parks Trust and WWF-SA assisted SANParks by facilitating negotiations with land-owners and buying up farmland to consolidate the core area (PPF, 2015). This came after negotiations between land owners in the core and SANParks fell through because SANParks wanted to buy up every farm and some land owners were not interested to sell (Berry and Cadman, 2007).

Along with the purchases made by SANParks, Friends of Peace Parks (FPP) have also purchased land within the buffer area (Figure 5.2). FPP was established by De Beers and the PPF in 2000 as “a non-operating company administered by the foundation [PPF] to ensure

that its policies are carried out and its policies adhered to” (PPF, 2013: 46). In addition to these purchases, De Beers sold the farms Janberry and Hamilton to SANParks in 2005, to which SANParks donated 9 white rhino and 6 black rhino to De Beers as part of the agreement (Berry and Cadman, 2007). Once the properties are acquired secondary fences are dropped in order to create a larger ecologically unfragmented space. The list below (Table 5.1) shows properties that have been incorporated into the core of MNP, Some properties have been gazetted while others have only been proclaimed.

Table 5.1 Land within the core of Mapungubwe National Park

Farm Name	Year Gazetted	Size (ha)	Owner
Armenia 20	Contractual land Not yet Proclaimed	856.5	FPP
Armenia 20.1	Contractual land Not yet Proclaimed	69.4	FPP
Athens 31	2009	532.8	Magdalena Dorothea Cathrina Venter
Balerno 18.1	2003	305.0	SANParks
Den Staat 27 remainder	1998	1842.2	SANParks
Den Staat 27.1	2009	1807.5	Machete
Greefswald 37	2000	2503.8	RSA
Hackthorne 30	2009	1034.2	Magdalena Dorothea Cathrina Venter
Hamilton 41 Remainder	2004	359.5	SANParks
Hamilton 41.2	2004	65.1	SANParks
Janberry 44	-	-	-
Janberry 44.1	2008	755.5	SANParks
Little Muck 26	Contractual land Not yet Proclaimed	2147.6	FPP
Machete 29	2009	959.1	Alexander Duncan MacWhirter

Modena 13	2009	215.7	Modena Citrus Pty Ltd
Modena 13.1	2009	1031.4	Borganum A B
Mona 19	Contractual land Not yet Proclaimed	560.4	Friends of PPF
Pont Drift 12	2009	1044.4	Borganum A B
Pont Drift 12.5	2009	199.2	-
Reidel 48.1	2001	2569.8	National Park Trust of South Afrca
Reidel 48	-	352.2	Limpopo Diamonds Pty Ltd?
Rhodes Drift 22 Remainder	Contractual land Not yet Proclaimed	865.0	FPPF
Samaria 28	2008	432.0	SANParks
Samaria 28.1	2009	864.0	Gerard Michel Tomby Moerdyk
Samaria 28.2	2009	864.0	Irma Leonora Vermeulen
Samaria 28.3	2008	432.0	SANParks
Schroda 46	2001	929.0	De Beers 99 years
Schroda 46.4	2001	929.0	De Beers
Schroda 46.7	2001	1295.4	De Beers
Schroda 46.8	2003	420.0	De Beers
Tuscaneen 17.1	2009	868.0	PPF?
Tuscaneen 17.3	2004	1301.0	WWF SA-99 years from October 2003 with an option to renew for further 25 years
Weipe 47	2009	1077.4	Roos Trust
Welton 16.3	2008	708.0	National Park Trust of South Afrca and SANParks
Welton 34	2009	184.8	Kariba Trust

Adapted from (Sinthumule, 2014, DEA, 2002, SANParks, 2013)

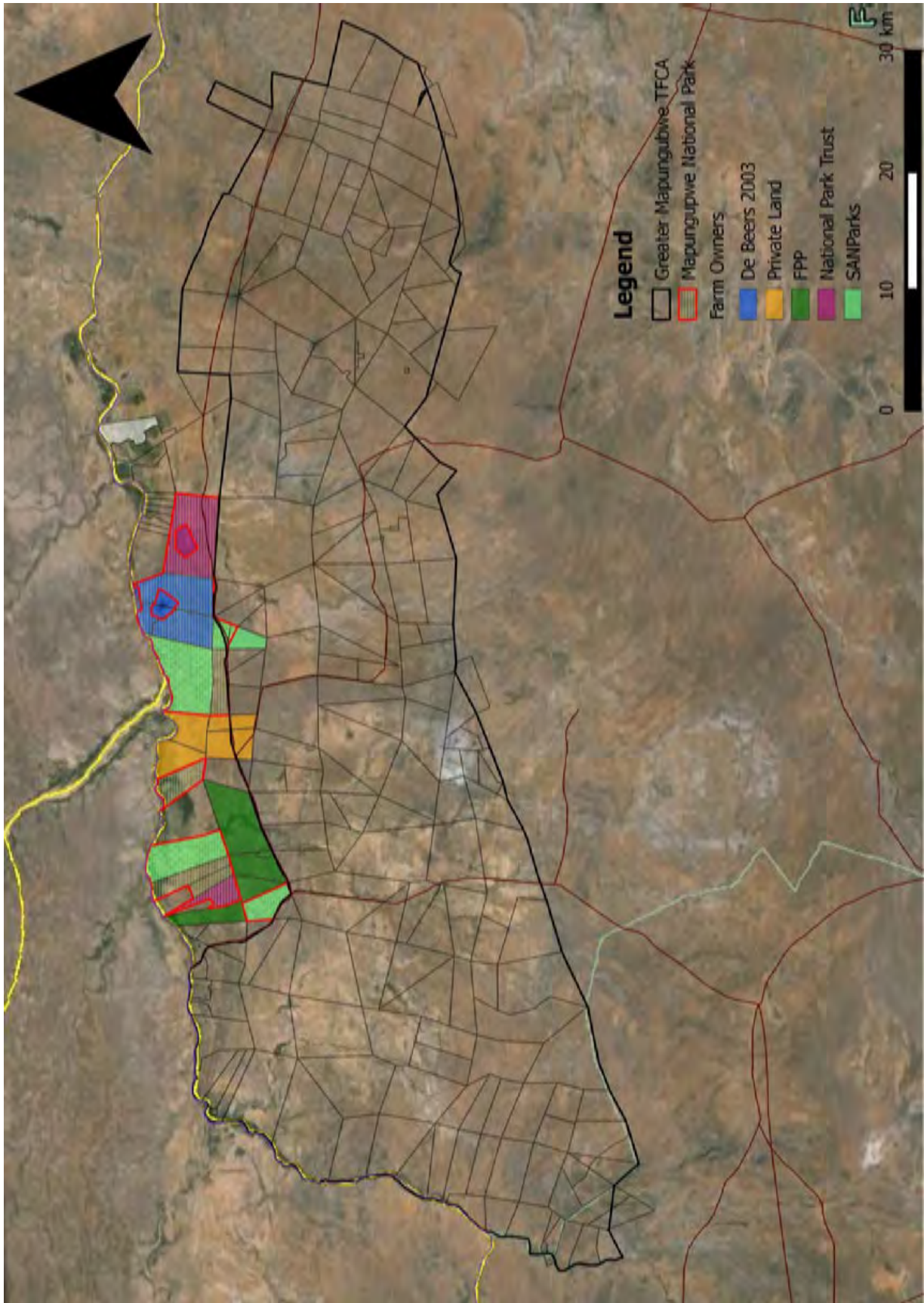


Figure 5.2 Land Ownership in the Core (Source, Author)

As Table 5.1 and Figure 5.2 above show PPF, FPP, De Beers as well as WWF-SA own tracts of land within the core of MNP. These private farms have been contracted to SANParks under lease agreements for a period of 99 years with an option to renew for further 25 years. For the farms Schroda in addition to the 99 year lease agreement between SANParks and De Beers there is also a once off payment of R 1000 to De Beers (Berry and Cadman, 2006). Farms that were proclaimed in 2009 as part of MNP are privately owned within the core and are under the management of SANParks. “In a contract park SANParks takes over the security and maintenance. Farms like Riedel, Armenia, Venetia, little muck, SANParks drops the fence and the visitors move freely. The owner does not lose rights or privileges. The accommodation establishment remains that of the owner e.g. PPF or De Beers but become more attractive to tourists” (Park official 1, interview 27 February 2015).

As part of the contractual agreement between De Beers and SANParks, De Beers is permitted access into MNP for the maintenance of the water pipeline from the Limpopo River to Venetia mine which is about 50km south in the buffer zone (DEAT, 2002). There is also infrastructure in the northern section of MWHS these include electrical wires on poles, electrical link and transformer stations a dam and a pump house complex (Figure 5.3).



Figure 5.3 De Beers Installations in Mapungubwe National Park (Source, Author)

De Beers also has water abstraction points and a water pipeline running through Mapungubwe World Heritage Site (MWHS) (De Beers, 2013). Apart from that, De Beers employees fish in Schroda dam from time to time (MNP Guide, conversation, 23 September 2015). Schroda dam is located on the farm Schroda which has been contracted to SANParks to be managed as part of MNP.

5.3 Claiming Space in the GMTFCA

As I noted, SANParks has been systematically consolidating land to increase the expanse of MNP by purchasing farms and entering into contractual agreements with private land owners. Other land owners and interest groups in the area have also used various strategies to claim their space in Mapungubwe. This section will discuss some of these strategies.

In June 2014 the South African Cabinet approved the new buffer zone of Mapungubwe World Heritage Site (Figure 5.4). SANParks (2008) notes that a buffer zone is an area within which activities such as land use change can influence the park. This came after suggestions that the buffer proclaimed in 2009 was too big at 237, 100 ha. According to a review “there is a strong view that the 2009 proclaimed buffer zone is too large and therefore not practical for a coherent environmental management plan as well as for a balanced approach considerate of the South African development priorities around the world heritage property, in the context of competing land uses.” (DEA, 2014b: 6), the same sentiment was expressed by an archaeology researcher (Conversation, February 2015). The new buffer area is substantially smaller at 104, 800 ha.

Land owners in the area have expressed dissatisfaction with the reduction of the buffer zone, along with this were concerns about the lack of public consultation before it was approved. A respondent noted “People wanted a bigger buffer zone...People think that just because they are in the buffer zone that they are safe from mining but that is not the case.” (Resident, interview 24, February 2015).

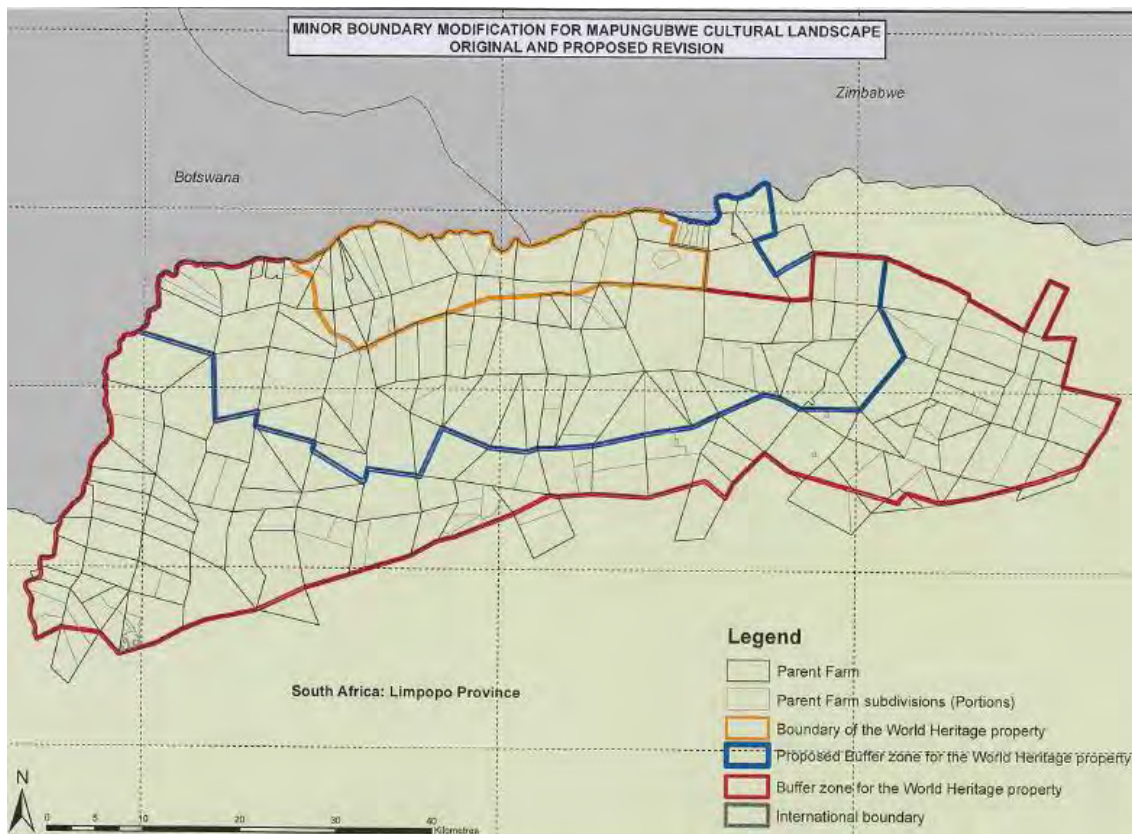


Figure 5.4 Map of the modified buffer zone of Mapungubwe World Heritage Site (UNESCO, 2014)

Due to the rich mineral deposits and heavy mining activities in the area some residents have expressed concern about the encroachment of mining into this ‘wilderness’. For some landowners their location within the buffer zone of the cultural landscape will protect the area from more mining activities. However, as a SANParks official noted, “Most of the area is under prospecting for minerals. The chance of getting a mining license is less for properties in the buffer zone, it’s not impossible but it makes it harder.” (Park official 1, interview, 27 February 2015).

Mapungubwe has rich mineral deposits mainly coal and diamonds. The two operational mines are Vele colliery and Venetia mine owned by Coal of Africa and De Beers, respectively. Vele colliery is a subsidiary of Limpopo Coal (Pty) Ltd and Coal of Africa Limited (CoAL). It is an open cast coal mine 16 Km east of MNP that was granted a New Order Mining Right in March 2010 (CoAL, 2012). Due to its mining operations close to the MCLWHS Vele received a lot of bad press. Most noticeable was from the group Save

Mapungubwe Coalition, a group of nongovernmental organizations including the Endangered Wildlife Trust, WWF-SA, BirdLife South Africa and Mapungubwe Action Group. In August 2010 the coalition interdicted Limpopo Coal from continuing any mining and related activities on the Vele mining area as the mine did not hold a water licence. In addition to this the company had commenced with construction of roads, above ground storage of dangerous goods, the construction of a sludge dam, activities within the 1:10 flood line of the Limpopo River and the installation of a water pipeline network without prior environmental authorisation in terms of the National Environmental Management Act (NEMA) (DEA, 2010).

In July 2011 Vele colliery was granted an environmental authorization in terms of section 24G of NEMA to continue with the activities that had commenced without authorization. A Memorandum of Agreement was signed between SANParks, DEA and CoAL (DEA, 2014b), and operations resumed in November of the same year. In September 2013 the three parties reached an agreement in which CoAL committed to an offset amount of R 55 million payable in 5 phases over a period of 25 years. The Biodiversity Offset Agreement was signed in 2014 (DEA, 2014a). The agreement has received much criticism, with some seeing it as a meagre pay off (Resident, interview, 24 February 2015).

Along with the backlash from environmental heritage groups UNESCO has also been vocal about mining in Mapungubwe. In 2010 UNESCO expressed concern about the granting of the mining license to Limpopo coal in an area that had been proposed as a buffer zone. It further urged the state to stop the mining project until the World Heritage Centre/ Advisory Bodies mission assesses the mining impact (UNESCO, 2012). A WHS/ICOMOS reactive monitoring mission visited the property in February 2011 and again in January 2012. In the report compiled by Lazare Eloundou (WHC) Dag Avango (ICOMOS) mining still poses a great concern to the integrity of the MCLWHS. Furthermore the report suggests that the government establish a buffer zone on the eastern side of the property. A large number of prospecting rights have been granted in the buffer zone of which 20 are related to the coal seam running south-west from Vele. In addition to this coal companies have been

purchasing properties in the buffer zone, to which UNESCO suggested a clear protection policy within the buffer zone that prohibit open cast and underground mining (UNESCO, 2012). When mining operations halted at Vele in 2011, Siya Thembana Trading Ltd undertook a Heritage Impact Assessment (HIA) for CoAL for submission to the DEA. The HIA suggested the buffer zone be reduced to which UNESCO commented “the mission team is concerned by the recommendation of the HIA to reduce the extent of the buffer zone. It is our view that the buffer zone needs to be expanded – not decreased. This expansion should take place in the area east of the Mapungubwe cultural landscape core area” (UNESCO, 2012: 44). A clearer protection policy has since been issued and the new reduced buffer includes a buffer to the east of the property, as shown below.

As previously stated, De Beers has a mining operation in the area, Venetia Diamond Mine. Mining operations in Venetia started in 1992 by De Beers Consolidated Mine Ltd. The mine lies south of MNP and is located within the De Beers owned Venetia Limpopo Nature Reserve. The Venetia mine consists of 12 kimberlite pipes of which only two are currently being explored. The mine draws water from the farm Schroda which is located 50 km away in the core of MNP (DEA, 2014b). As mentioned earlier, the contractual agreement between SANParks and De Beers enables De Beers to access MNP for maintenance of its infrastructure (Figure 5.3). Apart from CoAL and De Beers, other mining companies in the area include Anglo American Coal which has been provided with thermal coal exploration rights (Figure 5.5) by the Department of Mineral Resources (DEA, 2014b). It owns land within the buffer zone which is currently being managed as private game farms. These properties include the farms Sardinia 43MS, Lucca 54MS and Coila 58MS portion 1 (DEA, 2014b). Nonetheless the Minister of Mineral Resources released a statement regarding properties in the buffer of the MCLWHS in the Government Gazette 38004 published in September 2014. The Minister “restrict[ed] the granting of any mining right to the extent that the mining action, activity or process concerned must first be modified in such a manner that there shall be no physical impact whatsoever on the surface of the land, and secondly, that no further applications for prospecting rights or mining permits will be granted in respect of the following farms...” (Figure 5.5). The list included Sardinia 43MS,

Lucca 54MS and Coila 58MS all which are owned by Anglo American Coal and lie within the buffer zone.

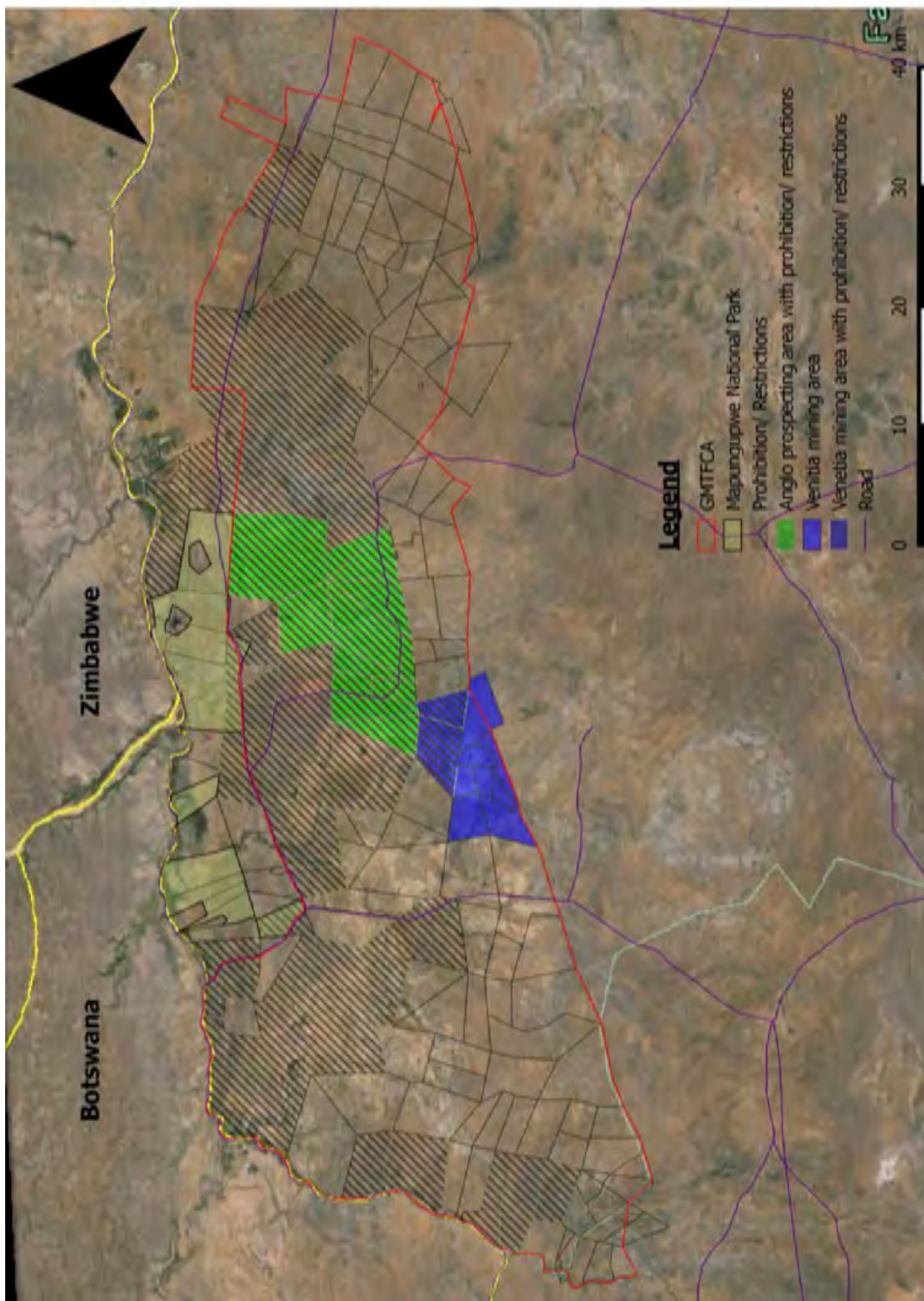


Figure 5.5 Prohibition or restrictions area in the GMTFCA (Source, Author)

Commenting on mining in the area one respondent noted, “Anglo bought farms along the north south area. They are currently continuing the farming operations. The farms are in the

buffer zone. But it does not matter. It is just a matter of time before they start mining.” (Resident, Interview 24 February 2015). A park official stated that companies that had been granted prospecting license would be given prospecting rights elsewhere (Park official 1, conversation, 24 September 2015).

Land use restrictions in the core i.e. MNP are clearly outlined in the management plan. As per the Protected Areas Act 2003¹⁶ a protected area has to have a management plan which includes the zoning plan (Table 5.2, Figure 5.6) indicating what activities may take place in different sections of the area. The management plan recognises three zones:

Table 5.2 MNP Zoning Plan

Zone	General Characteristics	Biophysical Conservation Objectives
Primitive	Generally retains wilderness qualities, but with basic self-catering facilities (concession facilities may be more sophisticated). Access is controlled. Provides access to the Remote Zone, and can serve as a buffer.	The zone should be kept in an almost completely natural state, and deviation from a natural/pristine state should be small and limited to restricted impact footprints. Any facilities constructed in these areas, and activities undertaken here should be done in a way that limits environmental impacts. Road and infrastructure specifications should be designed to limit impacts.
Low Intensity Leisure	The underlying characteristic of this zone is motorised self-drive access with basic facilities. The numbers of visitors are higher than in the Remote and Primitive Zones.	The zone should be kept in a largely natural state. Deviation from a natural/ pristine state should be minimized and limited to restricted impact footprints as far as possible. However, it is accepted that some

¹⁶ Norms and standards for the management of protected areas in South Africa under Section 11(1) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), set out in the Schedule hereto.

		damage to the biophysical environment associated with tourist activities and facilities will be inevitable.
High Intensity Leisure	The main characteristic is that of a high density tourist development node, with modern amenities, where more concentrated human activities are allowed	The zone must retain a level of ecological integrity consistent with a protected area. The greatest level of deviation from a natural/pristine state is allowed in this zone, and it is accepted that damage to the biophysical environment associated with tourist activities and facilities will be inevitable, however no activities or infrastructure should be allowed which compromise the overall objectives and purpose for proclamation of the park

(SANParks, 2008)

The map below (Figure 5.6) shows the zoning of Mapungubwe National Park. According to the Minister of Mineral Resources further prospecting and mining rights will not be granted on the listed farms, however any activities that will or have been permitted have to be modified according to the Government Gazette 38004 of September 2014. A tool that was often cited as a means through which mining development can be stopped is the Environmental Impact Assessment (EIA), the NEMA no 107 of 2014 outlines the Environmental Impact Assessment Regulations.

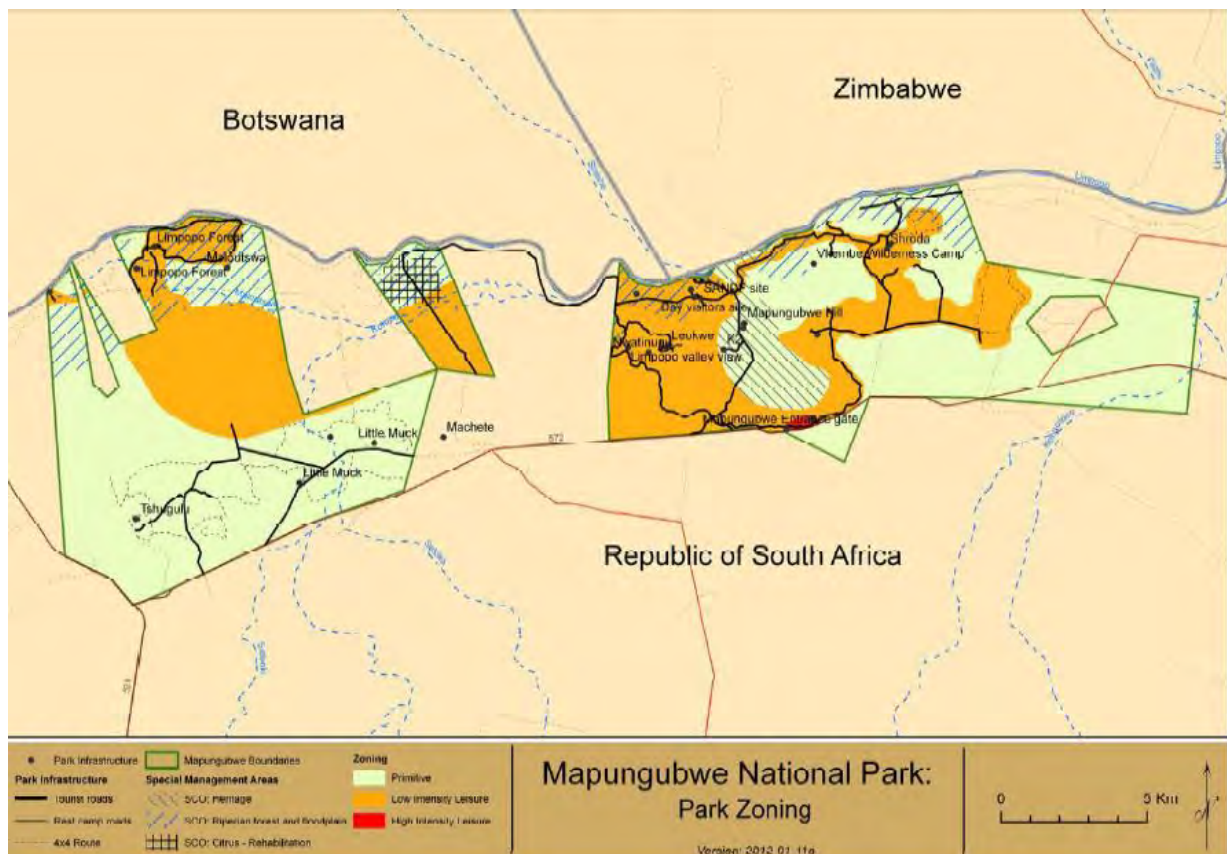


Figure 5.6 Zoning of Mapungubwe National Park (SANParks, 2008)

According to the MNP management plan all developments and interventions in the Mapungubwe Cultural Landscape (i.e. the core and the buffer zone) are subject to an EIA process. A senior Park official of MNP noted that “All that can be done is regulation. We do not have managements right over the buffer zone... SANParks would have to go through the EIA process. And only through the legislative process can we give input.” (Park official 2, interview, 28 February 2015). The previous Park Manger also noted “The EIA process helps us to align the development in the area with the Sustainable Development Framework of MNP...We always put forward comments in the EIA process.” (Park official 3, interview, 4 February 2015).

Therefore while SANParks cannot dictate what developments can take place within the buffer zone, they can actively participate in the EIA process as an interested and affected party. A park official (Park official 1, interview, 27 February 2015) stated that “We do not

dictate how people should use their land, they are free to some extent. The development in the buffer zone has to be regulated within the environmental management law". A public consultation meeting held in July 2014 just after the new buffer zone was gazetted revealed that there remained much uncertainty about the buffer zone. Interested and affected parties echoed the same problem that there had not been enough public consultation about the new buffer zone. People were also unsure about the land uses that are allowed in the buffer zone. A representative from Anglo America noted that activities that are allowed in the buffer zone have not been made explicit, especially whether prospecting in the buffer was permissible. Another participant enquired about the status of farming (DEA, 2014b). The fact that MNP has a heritage status bestowed on it by the World Heritage Committee means it has to comply with internationally defined best practice for a World Heritage Site such as land use restrictions in the core and buffer zone.

5.4 Land Claims

In 1994 as part of addressing past injustices the newly elected democratic government adopted the Restitution of Land Rights Act 1994 which sought "to provide for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 as a result of past racially discriminatory laws or practices" (RSA, 1994). This allowed victims of forced removals from Mapungubwe to seek restitution. Accordingly Land Claimant 1 lodged a claim in 1998 on approximately 75 farms in the area (Figure 5.7). Other claims came from the Tshivhula, Lemba and Vhatwanamba community, thus far the claim lodged by the Machete on the property Den Staat has been approved though not settled (Land claims commission official, Interview 4 March 2015), because the claimants are yet to receive title to their land. According to a SANParks official the farm Machete has also been given back to the land claimants and they have received a title deed for this farm only. Whether they will cede it to SANParks to be managed as part of MNP is yet to be seen (Park official 1, conversation, 24 September, 2015). Prior to the approval of the claim George Hodgson - the owner of the farm- was involved in commercial farming. Den Staat lies between the eastern and western portion of MNP and it is one of the last pieces in the jigsaw puzzle of what could be a consolidated MNP. After the claim was approved some of the Sematla

community- who are beneficiaries of the Machete- moved back onto Den Staat and are currently engaged in subsistence farming.

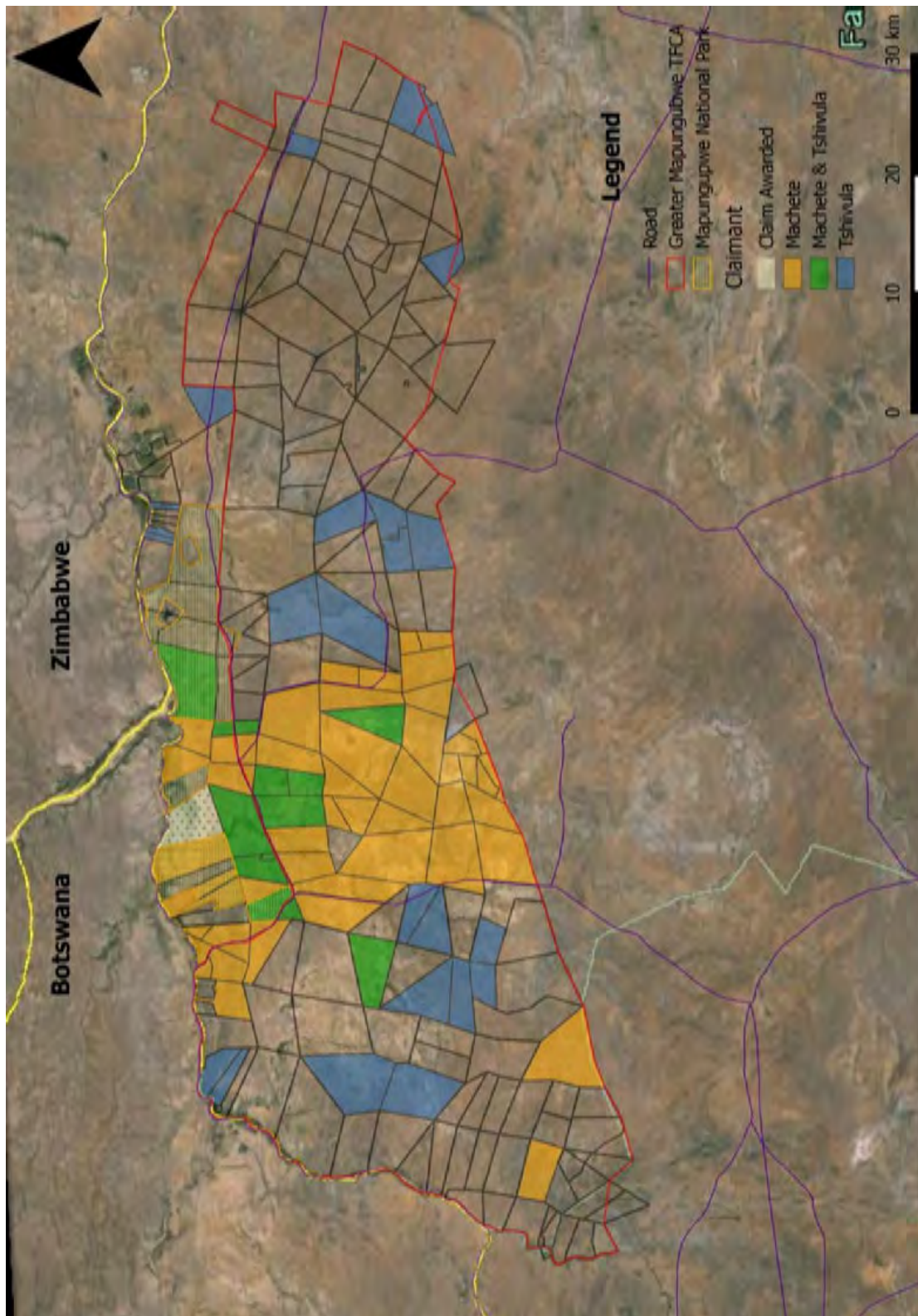


Figure 5.7 Land claims in Mapungubwe by the Machete and Tshivhula (Source, Author)

While communities have gone forth and used the legislation to regain land that was lost to them under the apartheid regime including land within national parks, the state has not sat idly by, but in fact has been actively reconfiguring what restitution entails. The Restitution of Land Rights Act 1994 makes it possible for claimants to claim land anywhere in the country. Upon realizing that this included national parks, the state was swift to act to ensure that national parks remain intact. For this reason in 2002 Cabinet proposed the Cabinet Memorandum No. 5 2002 which approved restoration through the transfer of title without settlement rights. The memorandum allows for claimants to benefit economically without undermining the “economic viability, financial sustainability and holistic management of protected areas especially national parks, World Heritage Sites...” (LCC, 2013: 8). In May 2007, the ministers of Environmental Affairs and Tourism and Agriculture and Land Affairs approved and signed an inter-ministerial Memorandum of Agreement (MOA) on land claims in protected areas.

The MOA set out the principles that must be followed when dealing with claims in protected areas, the main premise being ownership of land by claimants without physical occupation (DEA, 2007). In 2009 a National Co-Management Framework was developed by the DEA, which outlines co-management models and the pros and cons for each. This means that for any farm within a national park a community will not be granted their property back but instead the state will explore other options, such as financial compensation and or co-management agreements. This came after the much cited Makululeke claim in the Kruger National Park which was approved in 1998 (see Ramutsindela and Shabangu, 2013). For the farms that have been claimed within the Mapungubwe National Park such as Greefswald the South African policy is quite clear that no physical occupation of land will occur on property within a national park. Commenting on the farms under claim in MNP a land claimant (Land claimant 1, interview 4 March 2015) stated “I do not imagine a situation where SANParks is bought out. We do not want to lose our land, we do not want to sell it.” To the claimants the prospect of selling Den Staat is unfathomable considering their plight during apartheid. The farm represents possibilities that until recently were exclusive to white people only, such as land ownership, greater access to financial institutions and perhaps most importantly a secure home.

5.5 Living in the Frontier

South Africa's GMTFCA is home to a whole host of people with multiple interests. The 'community' is composed of game and citrus farmers, land claimants, and mine workers. All these people impose on the landscape particular land uses. This section will explore how different land users interpret the GMTFCA. It will refer back to the history of the region that has been outlined in the first section in order to place the current situation in the historical context. TFCAs in themselves are not naturally occurring, they are a concept that tries to undo another concept i.e. borders, they alter how people interact with their environment. They also bring with them internationally conceived notions about conservation. It is no wonder then that GMTFCA is a blend of different and sometimes conflicting interpretations and ideas that are often informed by peoples' history and what they imagine for the future.

As discussed in the previous section the Machete community and Tshivhula community lodged claims on numerous farms such as Greefswald. Chirikure et al. (2010: 34) notes that "with this history of forced evictions, defining the community at Mapungubwe proved problematic." Nevertheless the Machete were granted the land claim on the farm Den Staat after lodging a claim in 1998. There are currently about 200 people who live on the communally owned farm Den Staat and engage in subsistence farming (Land claimant 2, interview 28 February 2015). Their livelihoods depend on the freedom to be able to plough their land without repercussions. Being part of MNP would mean that they might have to abandon all farming practices. Not to mention the human-wildlife conflicts that would ensue. A land claimant stated, "we do not want to be part of the park because of our livelihoods. If we do not plough then we do not live. We have been oppressed for too long. We have struggled for too long." (Land claimant 2, interview, 28 February 2015). There is already discontent about wildlife from the park that crosses into the farm, especially elephants that have been reported to cause the greatest damage to crops. On the point of becoming part of the park if given the opportunity a land claimant remarked that, "conservation and farming are not compatible. On the one hand you have crop farming. Elephants damage crops and walk all over the crops" (Land claimant 1, interview, 4 March 2015), and further commented that "If the TFCAs were to benefit the community then it is worth considering removing the fence between the 2 properties." Another land claimant

(also noted “we want the TFCA, they said things will be easier. They said there would be another meeting. But we are still waiting.” Land claimant 3, Interview 28 February 2015). Title deed for the farm Den Staat has not been transferred to the community. The Land Claims Commission suggests that because there is infighting the state is unable to handover the title deed. It is for this reason that the community has not received a post settlement grant. These allegations were vehemently denied by land claimant 1 (interview, 4 March 2015) who stated, “I disagree with this notion that there are disagreements within the community. If they were interested in solving these supposed issues then they would take a keen interest, they would have held meetings with the two families but they have not.”

For the farms that have been claimed within the park the South African policy is quite clear that no physical occupation of land will occur on property within a national park. There is therefore hope that if the claims within the park are approved and settled the community will become shareholders or enter into co-management agreement with SANParks. Land Claimant 1 stated “We would rather the community is given a stake in the park. We would hope for a transfer of skills such that the community members too can work in the park” (interview, 4 March 2015).

Masalesa, a tourist guide in the park, and the nephew of Sematla is in support of the TFCA. According to him people used to move freely between the three countries. When there was drought or war in one place they could move uninhibited to areas of rainfall and safety. He noted that political boundaries were unnatural and families had been separated due to the erected fences (conversation, 23 September, 2015). In relation to the land claims on Greefswald and the surrounding farms, Masalesa believes that the park should be left intact for the sake of conservation and there should be no physical occupation. Although perceptions differ about how the farming-conservation issue should be handled, the main concern for both the Sematla and the Machete is an improvement in their quality of life, and if the TFCA can offer that through employment opportunities then all the better.

For land owners with tourist establishments on private game farms, the TFCA is a welcome initiative. It represents another marketing avenue which people can use to market the area and their specific establishments. Furthermore, it is expected that by removing the secondary fences to consolidate farms to the national park, property prices will increase substantially. An owner of a game farm noted that “if you drop off the secondary fences the value of the property will increase due to the association with GMTFCA...Hunting will still be allowed, but with a quota, one will not be bound to hunt on their property alone” (Private Property Owner 1, interview, 2 March 2015). Mapungubwe is the richest cultural landscape in South Africa, for some land owners the cultural heritage as well as the biological diversity in the area ought to be protected from possible damage that could ensue from mining development. A private property owner further stated that, “we want to be part of this [TFCA] because this is the last chance we have to protect our heritage” (Private Property Owner 1, interview, 2 March 2015).

The political as well as the economic situation in Zimbabwe has forced people to search for greener pastures in South Africa. GMTFCA lies along approximately 120km on the Limpopo River west of Beit Bridge and has been a site of illegal border crossings into South Africa. Moreover labour intensive agricultural activities that take place along the Limpopo River in South Africa attract job seekers. Sentiments vary about the presence of immigrants a manager of a lodge observed that “just about 50% of the employees on private property are made up of Zimbabweans...Zimbabweans are more hard working than South Africans” (Lodge manager, interview, 24 February 2015). Conversely a private property owner along the Limpopo River stated “the first problem that we have are illegal immigrants that cross the river. They pass through the farm so we want the TFCA so that they can take care of the security and control illegal immigrants” (Private property owner 2, interview, 3 March 2015). The issue of illegal immigrants is not new to the South Africa- Zimbabwe border. Every TFCA has to grapple with cross border security issues that include the transfer of illegal products, border crossing, poaching, theft and trafficking. For this reason Bilateral Security Working Groups have been created in order to tackle the cross border safety and security issue (GMTFCA TTC, 2010).

Along with tourist establishments the GMTFCA is home to some of the largest commercial farms. The produce includes tomatoes, citrus fruits, and potatoes on 8, 994 ha (Sinthumule, 2014). Farming is considered a very lucrative business in the area with soil and climatic conditions that are conducive to vegetables and citrus fruits, not to mention the abundant water from the Limpopo River. It is no wonder then that fruit and vegetable farmers are opposed to consolidating their land to the TFCA as this would undoubtedly require that they change their land use practices. When asked why landowners would opt to be part of the GMTFCA one park official responded that the benefits lie “with being part of a larger conservation area. Farmers can liaise with their counterparts on the other side” (Park official 1, interview, 27 February 2015). It is unsurprising that peoples’ views and perceptions about the GMTFCA differ widely. The ‘community’, composed of land claimants, private game farmers, commercial citrus farmers and mining companies expressed different and sometimes conflicting ideas about how the land use in Mapungubwe should be configured. The differences are mainly attributed to how the TFCA will affect their livelihoods.

5.6 Conclusion

This chapter outlined the modes of land control and transfer that are employed in the GMTFCA. It has become apparent through this study that SANParks alone has not been at the forefront of trying to claim space within the GMTFCA through land purchases and policy amendments. Mining companies too have been systematically purchasing land in the area. Pro conservation land owners have welcomed and supported the buffer zone. Previously disenfranchised communities have lodged claims on farms, and vegetable and citrus farmers have opposed the encroachment of conservation. Finally, the ‘state’ that is, DMR and DEA have also been actively shaping developments in the landscape. All of this has occurred within the enabling policy context of the country.

Whereas the state as the ‘owner’ of communal property has been the main agent in shaping the outcomes of the MDTFCA, due to private property rights people in the GMTFCA have been able to use their rights to either broker deals in support of the TFCA or to resist the

TFCA. The following chapter will bring together these two seemingly different case studies to discuss whether the modes of land control employed in the GMTFCA and the MDTFCA are green grabbing.

6 CONTROLLING LAND IN THE FRONTIER

6.1 Introduction

This research documented the number of farm parcels and land tenures in the six Transfrontier Conservation Areas (TFCAs) between South Africa and its neighbours (Table 1.1 and Appendix D). It also investigated the modes of land control and transfer - within the Lesotho component of the Maloti Drakensberg Transfrontier Conservation Area and South Africa's Greater Mapungubwe Transfrontier Conservation Area – in order to explore the politics of land in TFCAs through the green grabbing lens. Green grabbing was useful in framing this inquiry because it exposes the diversity within land expropriations and the power dynamics between different parties and how this is used to tame landscapes. This dissertation acknowledges that the focus of green grabbing is large scale acquisition of land for environmental ends such as carbon sinks, conservation of biological diversity and biofuels. As literature has shown, green grabbing involves outright evictions and sometimes “the restructuring of rules and authority, in the access, use and management of resources that may have profoundly alienating effects” (Fairhead et al., 2014: 1). Green grabbing also involves new actors and alliances, and their proponents often suggest that they address the global environmental crisis (Corson and MacDonald, 2014).

This chapter will outline the key modes through which different parties, that is, the state, residents of communal land, land claimants, and the private sector claim territory. All these modes of land control raise the question about whether TFCAs are a form of green grabbing and if so how and whether they conform to what literature has thus far suggested. As I noted in Chapter 2, green grabbing, whether ‘legal’ or ‘illegal’, are scaffolded by property rights. In order to contribute to the current literature that explores the diversity within land deals, this chapter will therefore, highlight the ways in which different actors have exercised their property rights in order to claim territory. It will also discuss the diversity of pre-existing and newly established structures that have been exploited to appropriate land in the GMTFCA and the MDTFCA. This will be framed around 3 specific groups, the state, private sector and local communities, in order to bring the fore the different modes of land

control on communal and private land in TFCAs. In so doing this chapter aims to expose the different contexts within which diverse forms of land control and transfer take place.

6.2 Enabling Conditions for green Grabbing

Discussions on the politics of land in the MDTFCA and GMTFCA in Chapters 4 and 5 respectively, first looked into the history of land in both countries because histories of land are integral to those of conservation. The MDTFCA incorporates communal land, which according to the Land Act of 2010 is held in trust by the King. The nature of communal land is in itself fraught with unconstitutionality, that people in urban areas can elect a representative while people in rural areas are 'subjects' of chiefs is in itself problematic. In both Lesotho and South Africa I discussed the challenges that came about due to chiefs being used by the colonial administrators and the apartheid regime in Lesotho and South Africa respectively to serve the interest of the ruling powers and not local people. In addition to this co-optation of the chieftainship, there was an emergence of local committees that were tasked with land allocation mostly in urban areas, but over time this has spread to rural areas. Simultaneously, while the chieftainship was being moulded to serve the colonial administrators in Lesotho, land tenure was also undergoing some considerable changes. This was due mainly to economic missions in the 1960s that suggested that Lesotho's land tenure system at the time was inhibiting economic growth. This has culminated in a land policy that supports capitalist development that enables foreign ownership of land and the transfer of land through sales. The Land Act 2010 allows land appropriations by the state from lease holders. It however does not make provision for Form C holders and this leaves people without lease vulnerable to land expropriations as their property rights are ambiguous. Consequently in 2000 when the MoU of the MDTFCA was signed there was an ambiguous land administration policy that created confusion about the roles of chiefs and local councillors in resource control and land allocation. In addition only 1% (BOS, 2013) of the rural population in Lesotho had formal title deeds, this again leaves much of the people living within the MDTFCA vulnerable. Therefore, the way in which communal land is organized in Lesotho enables an environment conducive for unfair land deals.

As I discussed in Chapter 3, South Africa's property rights are more diverse than that of Lesotho. Whereas land tenure in Lesotho is predominantly communal, South Africa makes provision for private land ownership as well as communal land. On communal land, chiefs are the main custodians of land, an issue that has been discussed extensively in the rest of Africa, where it has been found that chiefs themselves are often implicated in large scale land deals (Gausi and Mlaka, 2015). The nature of private land on the other hand enables private land owners to use their property rights to transfer land without transferring ownership, which means that both parties benefit from the agreement and land can be locked away in multiple legal agreements. The way in which the South African government has approached land claims in national parks allows for the state itself and the private sector to 'protect' national parks from other land uses and land claimants. Ostrom and Hess (2007) note that property rights are made up of a set of rules and actions. These set of rules and actions are not set in the proverbial stone. What was observed in Mapungubwe is that where these rules threaten the interests of the state, the private sector and some NGOs the rules are changed whereas the property right remains the same. Therefore, the policy provisions for communal property, land claims and private property in South Africa create opportunities for land owners (mostly white South Africans) to benefit more so than the landless. Communal land and the way in which the state approaches land claims in TFCAs create opportunities for land expropriations.

South Africa's diverse land policy environment and relative economic strength has enabled it to employ more strategies of land control, which are impossible in Lesotho due to its socio-economic context. The sum of MTEC recurrent and capital budget for 2014-15 is R 160.3 million (GOL, 2015) while SANParks alone had a total income budget of R 1.3 billion for 2014/15 (SANParks, 2014). Coupled with the fact that South Africa's land tenure system is more diverse than Lesotho's, South Africa has been able to configure more forms of land control by both the state and private interests, which are discussed in the next sections. Therefore, this dissertation argues that the pre-existing legislative environment in both Lesotho and South Africa are such that land can legally be expropriated from communities. The following sections will explore the moments in which TFCAs are characteristic of green

grabbing bearing in mind that the establishment of TFCAs is dependant of favourable land tenure regimes.

6.3 The Global Vying for Local Land

Both Lesotho and South Africa are signatories to the CBD, the GMTFCA and MDTFCA are both WHS and Lets'eng la Letsie which lies within the Mphaki Community Council in Quthing District of Lesotho is a Ramsar Wetland. Each of these conventions comes with its own set of expectations about how land should be utilised. These include which types of land uses should be permitted within a certain radius, how much conservation land should be set aside and how the land should be managed. These conventions arm the state with international support from development agencies and also it affords the states legitimacy in the global arena. These international conventions are perhaps the first node in a series of prongs where land expropriation is legitimized. TFCAs are currently being popularised as the regional solution to loss of biodiversity, to alleviating poverty and fostering peace. They are supported by SADC which calls for states to support conservation through transfrontier conservation areas. In this 'global' environment these regional as well as international agreements support each other in a legitimization process. Just to show how far states will go to adopt these conventions, prior to the MDTP, rangelands under conservation management were referred to as Range Management Areas but so as to comply with international norms the MDTP went and changed the name to Managed Resource Areas which is a conservation typology recognised by the IUCN.

In 2001 Lesotho and South Africa signed the MoU for the MDTFCA and in 2006 the MoU of the GMTFCA was signed between South Africa, Botswana and Zimbabwe. The GMTFCA (4900 km²) agreement explicitly states which pieces of land will be included in the TFCAs. The MDTFCA (8113 Km²) MoU on the other hand offers a geographical description as well as a map of the TFCAs, this area incorporates more than 65% of Lesotho's area. As Lunstrum (2013) and Duffy (2001) noted, contrary to previous assertions that TFCAs reduce the sovereignty of the state, through external funding the state is able to establish a physical presence in these frontiers. The country's national park, SNP, benefited from the MDTP

intervention which was funded by the GEF. The MTEC was able to construct a new tourist establishment which is currently being managed by collaboration between Khali Hotels (a Lesotho company) and Zambezi Kanyemba Safaris (a South African Company). Prior to this, the state managed the old accommodation facilities. Opening SNP up for this type of private sector management is tantamount to neoliberalism where we see the roll back of the state as the necessary condition for the enhancement of private sector interests.

In addition to this, funding through the MDTP enabled MTEC and the Department of Range Resource Management (DRRM) to establish eight Range Management Areas and associated Grazing Associations in the eastern and south escarpment. Without funds from the GEF it would have been impossible for Lesotho to amass the kind of funds required for these activities. This brings into question the role of external funders such as USAID, World Bank, German Development Bank and the like in facilitating land expropriations. Important to note here is that these institutions have funded other projects that have culminated in the expropriation of land without compensation such as the Lesotho Highlands Water Project's Katse Dam (See Tilt et al., 2009) which was partly funded by the World Bank. Therefore these regional agreements can be seen as another moment that paves the way for the state to lock land into conservation for the exclusion of competing land uses and land users. This will be discussed further while considering how communal land is absorbed into TFCAs.

6.4 Controlling Communal Property in the Frontier

6.4.1 The Kings' Land

Lets'eng la Letsie, located in the Mphaki Community Council in the Quthing district, was declared a Ramsar wetland in 2004. Livestock owners continue however, to graze their cattle in the area. Attempts to fence it off by the state were met with great opposition from livestock owners. Apart from SNP, this is by far the most explicit way the state has attempted to claim territory by placing land use restrictions and criminalizing some activities. 'Legally' locals are not allowed to graze their cattle in the wetland although they continue to do so citing good grasses and water abundance in the area. Not adhering to the rule is a form of resistance for the sake of survival. Of the 18 villages adjacent to Lets'eng la

Letsie 62.1 % owned sheep, cattle or goats. Of this 39% owned cattle outposts at Lets'eng la Letsie (Lanna and Turpie, 2009). Apart from selling livestock, income generated also comes from the sale of wool, mohair and milk. Letseng la Letsie is inextricably linked to the survival of local residents. Closing it off -fortress conservation style- without an alternative for local people would gravely affect their way of making a living. Ravenscroft et al. (2013) noted that enclosures of nature concentrate the power in the hands of a few people who can in turn determine how other people engage with the environment. As mentioned in the previous section this attempted green grabbing is really just a manifestation of the regional agreement that saw the Lesotho government locking up more than half of the country into a regionally binding agreement without the knowledge of local people.

Apart from SNP and Lets'eng la Letsie, RMAs enable the state to create CBNRM enclaves within which it can control land uses through local land administrators. As discussed in Chapter 4, all the MTEC and DRRM have thus far been able to do is offer land use suggestions that are not enforceable. Although the state has thus far failed to enforce land uses, it is really just a matter of time before clear range management policies are enacted. Here, it is worth noting that the MDTFCA is eight years into the 20 year development strategy which began in 2008. The plan includes a Protected Area Network Expansion Strategy which involves creating statutory protected areas on state land, contractual agreements between private and communal land owners to create statutory protected areas, and the protection of biodiversity through stewardship programmes in non-statutory protected areas. Furthermore, the 20 year strategy calls both Parties to seek additional national and international status such as WHS and Ramsar, in what the previous section referred to as a legitimization process. Therefore, along with RMAs, the MDTFCA through statutory (e.g. national parks, nature reserves) and non-statutory (stewardship programmes, community nature reserves) protected areas will be able to encroach on the frontier by controlling and transferring what is legally the Kings land. Whether this translates into green grabbing will depend on how these private (in South Africa) and communal lands (in both South Africa and Lesotho) are appropriated. However, as the discussion on the GMTFCA will show, the state's approach to communal and private lands often benefits the private sector. In addition, the MDTFCA 20 year strategy states that there are no foreseeable non-statutory

protected areas in Lesotho, which begs the question how then will communal land be incorporated into the TFCA. This will be discussed in the following sections.

Apart from the encroachment on wilderness through non-statutory and statutory protected areas, both states' have jointly developed a Bilateral Security Strategy through which a Bilateral Security Working Group was established. This strategy calls for *efficient policing, cost effective surveillance, monitoring programmes, combined patrols and reaction capabilities*. This essentially boils down to more security presence and activities to deal with 'high risk cross-border criminal activities' such as drug, livestock and firearm smuggling. Apart from policing illegal cross-border activities at the regional level, local people who are supposedly using natural resources from SNP and UDP will also be policed by park management. As Fairhead et al. (2012) suggest, green grabbing includes the restructuring of rules that pertain to access, management and use of land, this is exactly what statutory and non-statutory protected areas represent. To this, this dissertation would like to add policing as a key enabler and facilitator of green grabbing that is, policing of illegal cross border activities as well as local people by officials in order to maintain or establish control of land in the frontier.

The state's modes of land control cannot be studied without referring to land administrators who are uniquely positioned at the local-national interface. In Chapter 4 I discussed local land administration issues that emerged from the roll out of policies that left chiefs at the periphery of land allocation and resource management. These same issues have also played out in RMAs due to their ambiguous resource management policies that left chiefs and local counsellors unclear about which governance structure was in charge. As per the laws of Lerotholi of 1903 the role of land allocation, resource management and allocation of grazing areas was bequeathed to chiefs. However due to a change in local governance and resource control, the past 48 years has seen a reconfiguration and even an erosion of these responsibilities. Most significant was the introduction of the VDC and the DDC in 1969s Local Government Act, whose roles in terms of land allocation and resource management were unclear. Lesotho's Local Government Act of 1997 further transferred some of the land

administration duties from chiefs to community councillors. Again the Act was not clear about the role of chiefs in resource management including rangelands which are now part of the MDTFCA. This has created tensions between the community councillors and chiefs as this was seen as a move to further alienate Chiefs from issues related to land. Due to Lesotho's tenure system and the dispersal of communities in the highlands the only feasible conservation initiative is CBNRM in the form of RMAs. As Ykhanbai et al. (2014) noted pastoral landscapes such as rangelands have been a target for conservation related land grabbing. When the MDTP was rolled out there were issues pertaining to land and resource control. It could be argued that the TFCA itself enabled the continued resource management conflict between local district councils and chiefs. This tug of war for power over land administration in order to remain relevant persists across Lesotho. The MDTFCA created a conservation stage for this to continue not just over land allocation but within resource management as well.

Most of the inhabitants (45%) of Lesotho's MDTFCA were unaware that they were now part of a TFCA. Those that knew (25%) stated that they were told after the inception of the project and were unclear about the direct benefits to the community. Sinthumule (2014) made the same observation in the communal lands of Zimbabwe's GMTFCA that most people had not been consulted before the establishment of the GMTFCA. As the previous section has outlined, apart from international conventions and protocols another node in the process of land control that states embark on are the regional agreements. That communities are informed about a TFCA after negotiations at the regional level have been concluded speaks to the failure of the 'public participation process'. By the time communities are reeled in the process of establishing the TFCA -if they are included at all- the TFCA project is well under way. Community participation is skewed towards *how* the community will participate in the TFCA rather than *if* and *how* they want to be part of the TFCA. This is perhaps the greatest gross land grabbing at the regional level that has been overlooked. That the state can commit communal property to these agreements is a violation of the rights of communities. From this regional perspective, where the state offers up communal land without consulting local people whose livelihoods are attached to that land, TFCAs are indeed a form of green grabbing. While the state is the legal 'owner' of

communal land in Lesotho, Lawson-Remer (2013) notes these tracts of lands are managed according to traditional usufruct rights, also that the states 'ownership' of land is a legacy of colonial rule. As Margulis and Porter (2013) have observed land grabbing often occur where the state is a custodian of communal land.

Within Lesotho's MDTFCA the state's current modes of land control on communal land are manifested through CBNRM programmes such as RMAs which allows the state to control the frontier through the institutions of chiefs and local councillors. When the MDTP phase ended along with international funding, MTEC failed to incorporate it into the ministry. For this reason, activities on the ground ceased to operate and people stopped complying with the rotational grazing plan. That livestock owners continue or have reverted to grazing their cattle in winter grazing areas (close to the villages) during summer is a form of resistance to the change in land use. This covert form of resistance has been cited in many communities that are faced with unsuitable or taxing new land use regulations. Where this happens, people find ways to claim territory by continuing with their livelihoods though with some adaption (See Cavanagh and Benjaminsen, 2015). Some respondents in the study noted that there was an improvement in rangelands especially winter grazing areas where the carrying capacity is often exceeded. As Castellanos-Navarette and Jansen (2015) observed about farmers' engagement with land grabbing in Mexico, some livestock owners in the Mokhotlong-Sangebethu RMA participated in the MDTP projects due to the benefits that came with the project. These included workshops on stock improvement training, financial training, and herder training to mention a few. In the next section I show how rights to land are critical for the community's voice in the GMTFCA.

6.4.2 Land Claims

As I noted earlier, the community of Mapungubwe is far from homogenous. There are two broad groups, land claimants and farm owners and even within the later differences can be drawn between citrus farmers and owners of tourist establishments. The Machete and Tshivhula lodged separate claims on the farms within the TFCA (Figure 5.7). Even if the claims are found to be valid, the community of Machete will not live on the land due to the

MoA between the Minister of Agriculture and Land Affairs and the Minister of Environmental Affairs that restricts land use options in protected areas. The MoA alone has ensured the continued control of all the contracted and purchased farms within Mapungubwe for the next 99 years regardless of whether the land claims are successful or not. This affirms Ramutsindela's (2014) assertions that demand for conservation land pre-empt the outcomes of land claims in TFCAs. Property rights are therefore not absolute, whether private or communal, the state is able to change the rules and actions that make up a certain property right in order to ensure the continued control over land and resources. Sikor and Lund (2009) note that property rights do not ensure that one will benefit from those rights.

The land claims themselves -lodged before the signing of the MoU- will ensure that the Machete and Sematla remain key stakeholders in the formation of the GMTFCA. Other residents have expressed their dissatisfaction with how one farm under claim, Den Staat, has been utilised since occupation by land claimants. They cite compaction by cattle as one of the threats to the wetlands. Den Staat is poignantly placed right in the middle of the western and eastern sections of MNP. The Machete and Sematla continue with subsistence farming and have cattle on the property. Declaring land use as unsuitable is one way of exercising control over land and people even in the case of a successful claim. As Nelson (2003) notes a discussion about land and resource control especially on communal lands, is fundamentally a discussion about livelihoods. That the Sematla prefer to continue farming as opposed to joining the TFCA is not because they are against conservation, but rather that their survival depends on them being able to farm. Because the Sematla and the Machete do not conform to mainstream conservation ideals that would potentially affect their livelihoods, they represent the 'bad local' as discussed in Chapter 2. How the state settles these claims is guided by the MoA between the Ministers of Environmental Affairs and Agriculture and Land Reform and the National Co-Management Framework.

The National Co-Management Framework produced by the DEA reaffirms its commitment to the CBD which in turn means more land for conservation. In it, what constitutes

communal property has been reconfigured such that claimants are denied full ownership to use their land. On this issue Sikor and Lund (2013, 6) succinctly state that “property rights may or may not translate into ‘ability to benefit’; and access may or not come about as a consequence of property rights”. Furthermore, this speaks to what Lawson-Remer (2014) stated, that protecting the property rights of some people -often the more privileged- requires preventing others from using the resource in competing ways. The state endeavours to protect national parks from becoming fragmented and from occupation by claimants. Furthermore, it prevents land claimants from using *their* land to suit their needs but instead imposes land use options that are in line with conservation and ecotourism that benefit the privileged few. Even though these restrictions have occurred on small parcels of land, they culminate in the restructuring of the rules that pertain to use and management of resources and consequently have alienating effects (Fairhead et al., 2014). The adverse consequences of the implementation of the National Co-Management Framework are synonymous with green grabbing. Here the state has changed the rules and activities in order to re-configure what communal property rights within national parks mean. While the restitution of land rights seeks to make the landless black majority in South Africa land owners, I argue that the National Co-management Framework is gravely unconstitutional in that it subjects land claimants to continued landlessness in democratic South Africa especially where claimants are given financial compensation. The framework perpetuates an apartheid status quo where a substantial proportion of land was under white ownership.

Cartographically, both Lesotho and South Africa have been able to erase the presence of poor communities. Priority biodiversity areas do little in the way of representing the rampant poverty that plagues the inhabitants of the Maloti Mountains. Commenting on Liqobong, a proposed protected area in the north-east of Lesotho, Wittmayer and Büscher (2010) note that the maps failed to reflect local land use and that the area was considered sacred by local people. Similarly, by representing wetlands only on Den Staat erases the history of the Machete and the Sematla inhabitants who were dispossessed of their lands. Although park management plans do not explicitly refer to ‘empty, marginal, under-utilised lands’ that were discussed in Chapter 2. The GIS imagery that has been produced while mapping these TFCA has focused on the biodiversity of the region, to the exclusion of the

local inhabitants and the history of the area. Such mapping represents them as marginal, unutilized lands devoid of history.

Of paramount importance for the land claimants in the GMTFCA and the residents of the MDTFCA is a means to make a living. People in both communities are by no means against conservation, however, where conservation threatens their livelihoods then it becomes difficult to reconcile it with their means for survival. A stark difference between the two communities is their property rights. The Sematla and Machete are awaiting title to their land that might enable them to broker deals. Conversely it remains to be seen what changes the 2010 Land Act in Lesotho will produce with regards to communities bargaining power. I argue that the way in which Lesotho and South Africa have attempted and in some cases succeeded to control communal property in the frontier is tantamount to green grabbing. A parallel that can be drawn between the two TFCAs is the continued marginalization of people on communal land: by committing their land to the TFCAs without their knowledge and consent, by creating CBNRM enclaves through the proposed statutory and non-statutory protected areas that convert land use and change access rules and lastly by subjecting land claimants to a continued state of landlessness. This has been met with some resistance, for people in the MDTFCA by 'illegally' gathering natural resources within SNP and not following the rotational grazing plan. In the GMTFCA the Sematla and Machete continue with their 'unsuitable' land use on a farm right in the middle of MNP.

6.5 Private Property in the Frontier

Having just looked at the nature of green grabbing on communal land in the MDTFCA and GMTFCA this section summarizes the politics of land in private property in South Africa's GMTFCA, it emphasizes how the state incorporated and continues to incorporate private land into transfrontier conservation. This can be contrasted to how communal land was made part of the MDTFCA and GMTFCA in the previous section.

As I noted in the previous chapters SANParks purchased a portion of Den Staat (1842.2 ha) which was gazetted as part of MNP in 1998. This was one of many land purchases by SANParks that created present day MNP. The process of purchasing was met with some resistance from landowners who were not interested in selling their property. This explains why SANParks was forced to consider a different mode of land control that would still facilitate the aims of a consolidated MNP. The PPF, DeBeers and the National Parks Trust facilitated negotiations with land owners which eventually led to some contractual agreements. As white et al. (2013) notes, most of these land deals are characterised by long leases instead of outright purchases. Literature shows that acquisitions of land are characterised by new alliances and sometimes unlikely alliances (Fairhead et al., 2014). That the PPF, a conservation organization, and De Beers an extractive company have formed this alliance speaks to literature that has critiqued the marriage between extractive industries and conservation NGOs (See Igoe and Brockington, 2007).

The creation of MNP and subsequently GMTFCA through land purchases and contractual agreements resulted in not only land control but also resource control, which culminated in massive loss of livelihoods. This is exemplified in the purchase of the farm Rhodes Drift (865 ha) by the FPP, that was contracted to SANParks. Although this was not an overt forced removal, the purchase of commercial agricultural land by FPP, followed by the transfer of management responsibilities from FPP to SANParks in the contractual agreement, not to mention the doing away with commercial agriculture for conservation purposes, has resulted in farm workers losing their homes and their jobs in order to make space for tourists and wildlife. This is the lived experience that never makes it to the glossy promotional material of conservation area. These 'inadvertent' alienating effects of contractual agreements coupled with the change in land use from agricultural production to conservation are indeed green grabbing. This green grabbing is legal in as much as the land purchases and transfers are enabled by the provisions of private property rights. Contrary to much of the literature on green grabbing, these acquisitions of land in the GMTFCA have occurred on many but small parcels of land. Furthermore, they have not occurred in one instance but over a couple of years. As such it represents an alienation of land by the state.

The contractual agreement between SANParks and the aforementioned organizations are for 99 year lease with the possibility of 25 year renewal. As a park official noted “...the owner does not lose rights or privileges. The accommodation establishment remains that of the owner e.g. PPF or De Beers but become more attractive to tourists” (Interview, 27 February 2015). This way both SANParks and private land owners can benefit from the agreement. Consider the farm Samaria owned by the Vermeulen Trust where over the years the trust has attempted to finalize an MoU with the SANParks. Among some of the provisions in the agreement is that the SANParks reimburses the Trust R 30 000 per annum for the loss in hunting revenue because SANParks requested that hunting stop on the farm due to the proximity with MNP. Important to note again is that Samaria too is under land claim.

The contractual agreement between SANParks and private land owners essentially means that for 99 years the piece of land will be locked away into conservation to the exclusion of other competing land uses. Take for instance the farms Little Muck (2147.6 ha), Armenia (856.5 ha) and Mona (560.4 ha) which were purchased in 2000 by PPF and contracted to SANParks that are now under land claim. These farms will not be handed over to the claimants for the reasons explained above. Therefore, through these purchases and contractual agreements SANParks can present a larger conservation area to potential tourists while at the same time meeting international conservation targets. The PPF and De Beers can handover conservation management to SANParks not to mention the added benefit of being associated with a National Park. Contrast this to how land is controlled on communal lands. To this end, it appears that the PPF along with De Beers have been deliberately purchasing land within the GMTFCA and colluding with the SANParks to lock up parcels of land into conservation away from the reaches of communal people in order to realize their dream of peace parks in southern Africa. The same process helps SANParks to achieve its plan of consolidating MNP. The National Co-Management Framework offers a brilliantly legal platform for the state to keep land claimants out of their land while enabling the expansion of conservation by one farm at a time. Again we see the use or abuse of

property rights by private land owners, PPF, De Beers, WWF-SA and SANParks to ensure that General Jan Smutss' dream of a transnational park is realized regardless of the land claims. Private land owners avoid dealing with the looming land claims by legally selling their land to PPF and De Beers. Finally, by gazetting the farms as part of MNP, SANParks ensures that these farms will never be used for anything else but conservation.

Whereas communities are brought in after the MoU or treaty has been signed, private land owners and big business shape how the TFCA is established. While the state has thus far only controlled communal land, private land can be controlled through contractual agreements and market driven land transfers. A stark example is the MoU between NOTUGRE and the Botswana government regarding NOTUGRE's private land that is committed to the TFCA. No such agreement exists with communal land owners because they do not have as much bargaining power as private land owners. The MoU states that a representative of NOTUGRE will sit on the management committee (MANCO) of Botswana's GMTFCA and that the Botswana government "agrees to procure that MANCO shall have permanent representation on the Trilateral Technical Committee" (DWNP, 2005, 5). This gives private land owners in NOTUGRE a space in the regional sphere to affect how the TFCA will be established.

SANParks incorporation of private land into the TFCA is the slow systematic adaptive encroachment on private land to create wilderness. These exchanges that bounce land off from one owner and land use to another further entangling it in a suit of legal property rights strongholds makes it impossible for claimants to claim a stake on territory. This is a subtle, slow, institutionalized form of green grabbing that enjoys legitimacy in the international arena because South Africa can boast increasing land under conservation to meet its Aichi Target 11. While Sassen (2013) has observed the disassembling of national territory by acquisitions of land by foreign buyers or leasers, what has been observed in both the MDTFCA and the GMTFCA is rather the systematic shoring up of pieces of land in order to increase the reach of the state. This goes to say then that depending on which

party has the power to confer use rights over land either the state or private interests can result in increased state sovereignty or disassembling of national territory.

As I noted in chapter 5, in September 2004 the Minister of Mineral Resources placed restrictions on mining on several private farms and declared that no further applications for prospecting or mining permits will be granted. Mining companies that had already been granted prospecting rights in the area will be granted prospecting elsewhere. This came after years of UNESCO demanding there be clear land uses in the buffer area. The EIA process was cited by three officials as a tool that SANParks can engage with in order to curb 'unsuitable development'. Due to MNP, SANParks can comment on the EIA of any development in the area as an interested and affected party. Both cases speak of the many hands in the pie that is Mapungubwe. In both cases different organs of the state use the pre-existing policy in order control land use in Mapungubwe.

All these modes of land control (contractual agreement, land use restrictions) and transfer (purchase) that the state employs on private land culminate in the restructuring of rules that pertain to access, management and use (Fairhead, 2012). Furthermore, they reveal the negotiated transfer of property rights and use rights between the state and private interest who employ their right to property to broker these deals. However, from the private land owners' perspective this is not green grabbing but rather a mutually beneficial agreement. From the perspective of land claimants these modes of land control and transfer are green grabbing orchestrated by the state and private interest to lock land away into conservation from the looming claims. By interrogating modes of land control on private as well as communal land it becomes apparent that TFCAs are not homogeneously green grabbing.

6.6 Private Sector in TFCAs

Having just discussed modes of land control and transfer on private property, this section will pick up the issue of private property from the private sector's perspective. The conservation versus farming conflict is not unique to the land claimants alone. Some

commercial citrus farmers in the GMTFCA have opposed the development of the TFCA citing good soils and easy access to water as a reason to continue farming in the area. The TFCA conflicts with their livelihood, a point that was raised by the Sematla. Their involvement in the TFCA would require they abandon farming. Lunstrum (2015) refers to this as neoliberal repurposing where land is repurposed for other activities. By holding on to land and practising farming in the area SANParks hopes to consolidate into MNP, the farmers are using their private property rights to resist the encroachment of SANParks and conservation projects on their farms. By resisting the expansion of the geographical footprint of conservation, commercial farmers are inadvertently supporting the livelihoods of thousands of farm workers in the area. Having said that, it is worth remembering that these farms were grabbed from indigenous peoples in the 1930s -in one of the biggest land grabbing in South African history- hence the current land claims.

For owners of tourist establishments the TFCA is a welcome initiative. For this group the reduction of the buffer area in 2014 was not welcome. Landowners had the perception that if more properties were located within the buffer zone then mining development would not be permitted in the buffer area. The landscape gets its appeal from the flat plains littered with the mopane bush and interrupted by random hills while the scenery makes the general aesthetics of the area. Mining is perceived as a threat to this 'pristine' landscape. Much like private land owners in NOTUGRE this group too has more bargaining power in the TFCA. As one private property owner stated that property prices are likely to increase when secondary fences are dropped thereby allowing free movement of animals (Interview, 2 March 2015). Allowing wild animals that are essentially public 'property' onto private property, such that a handful of private sector entities can benefit from public goods unduly privileges land owners adjacent to national parks. Private property owners who want to become part of the TFCA in Mapungubwe are also attempting to negotiate issues such as hunting quotas which are not permitted within a national park but represent a substantial proportion of their revenue.

As I noted in Chapter 5 mining companies are a prominent feature in this landscape. One that is not always welcome. Due to the high mineral resources in the area, mining companies too have claimed territory and continue to do so. However, as the previous sections demonstrated, De Beers has facilitated SANParks control of conservation land but it too has been involved in land purchases for mining. Anglo coal has thermal exploration rights on land in the buffer area. One respondent commented that the farms are currently being used for game farming purposes but it is just a matter time before mining commences (Resident, interview 24 February 2015). What is striking here is that most of these farms that are being transferred from one owner to another are under claim. The Restitution of Land Rights Act 1994 states that sales on properties that have been listed in a notice should only be done when a one months' notice has been given to the commissioner and that they should be done in good faith.

Apart from the accommodation facilities that are being operated by Khali Hotels (a Lesotho company) and Zambezi Kanyemba Safaris (a South African company) there has been little in the way of a prominent private sector presence involved in the MDTFCA. The mining operations within the MDTFCA in the Mokhotlong district have not proven to be an active stakeholder thus far. Therefore while an active private sector with financial leverage and bargaining power can be observed in the GMTFCA, the same cannot be said about the MDTFCA.

6.7 TFCAs as Communal Property Green Grabbing

The modes of land control that have been observed in the MDTFCA and the GMTFCA are not unique to TFCAs. What this research did in fact was to place a frame around a pre-existing enabling socio-political and economic context. A context that enables land owners and controllers to benefit more than non-land owners from conservation. A context within which the state can lock up people's land in a regionally binding agreement without their knowledge. Moreover a situation where private interests and the state can easily transfer land between each other such that at each point of transfer the land becomes entangled in a suit of legal agreements, further alienating it from other users and uses. This is the case in

Mapungubwe where private land owners with title deed to their land have further inundated their piece of land in more binding agreements by contracting it to SANParks. Stamping these pieces of land with the seal of conservation of biodiversity signals support for the 'global' environment that was discussed in Chapter 2. How different groups can claim territory is a matter of the capital they have and the policy environment, although some land grabbing are inextricably illegal (Hall, 2011). Of concern here is that green grabbing in the MDTFCA and GMTFCA is 'legal'.

What is going on in Mapungubwe can only be described as a tug of war between different land users, where every interest group wants to claim their stake in the area and can justify why. Mining companies speak of the job creation and economic benefits that come with extracting minerals. Different conservationist groups (game reserves, SAHRA, SANParks) use biological as well as cultural diversity in the area to justify why the place ought to be protected from extractive industries. Some private land owners speak about conservation of biodiversity while advocating hunting. This is all in light of place making, that is, conceptualizing, establishing and constantly re-configuring what Mapungubwe means in order for each party to remain relevant. Mapungubwe cultural landscape is a superficial landscape constructed by different of interest groups. The mere presence of fences is an explicit indicator of the human territorial history of land expropriations.

What was observed in both the GMTFCA and the MDTFCA is a matter of land and resource control and transfer. In the GMTFCA, when the state was unable to secure land by direct purchases, it had to employ other less overt forms of control. In Lesotho where land purchases by the state are impossible, the state has used a process of land control. This has not been strong due in part to the failure of MTEC to absorb the MDTP into the ministry when donor funding ended. These modes of land control are not static, groups have to adapt to the times in order to meet their conservation objectives.

6.8 Conclusion

It has since been suggested that the term land grabbing and thereby green grabbing obscures the diversity of structures, legality and the role of domestic elites as well as government partners that are involved in the acquisition of land (Hall, 2011). What this research has shown is that green grabbing does not only occur on large tracts of land, but can also be characterised by the slow and legal encroachment to create wilderness. This as literature suggests, involves unlikely networks and sometimes with the participation of locals. Where Lesotho's MDTFCA can be seen as absolute green grabbing on communal land, the GMTFCA is less straight forward due to how land control and transfer has been approached on communal and private properties. Much like the MDTFCA, land control on communal land in the GMTFCA is a form of green grabbing whereas land control on private land is a mutually beneficial agreement between SANParks and private land owners. However, due to the fact that most of the privately owned farms in Mapungubwe are under claim, these transactions between the SANParks and private land owners are potentially land grabbing in the sense that the original black land owners will find it hard to get their land back.

By interrogating modes of land control and transfer, this research was able to explore forms of land grabbing in TFCAs. It concludes that green grabbing in TFCAs is a complex process that depends on existing land tenure regimes and these become instrumental towards environmental ends, namely TFCAs. Moreover, whereas the term green grabbing invokes the expropriation of land in one swooping moment, this research suggest a re-imagination of the concept green grabbing especially where the process is legal. I propose green grabbing in TFCAs as a set of key moments in the process of creating the conservation area: from signing onto the CBD, to signing the MoU or TFCa treaty to changing local property rights. All these are key moments where green grabbing is enabled, legitimized and perpetuated.

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APPENDIX A LIST OF PARTICIPANTS IN LESOTHO

Senior MTEC official	Department of Environment	Male
Senior MTEC official 1	Department of Tourism	Female
MDTP Official	Senior official at MDTP	Male
MTEC extension officer	MTEC official Mokhotlong	Male
Local government official 1	Worked with MDTP via Khotla	Male
Local government official	Local council Mokhotlong	Female
Chief of village 1	Chief in Mokhotlong	Male
Chief of village 3	Chief in Mokhotlong	Male
Resident 5	Livestock owner	Male
SNP official 3	SNP senior official	Male
SNP official 1	SNP senior official	Male
SNP official 2	SNP senior official	Male
Resident 4	Community member	Male
Resident 5	Community member	Female
Resident 2	Community member	Female
Resident 1	Community member	Female
Chief of village 2	Chief in Sehlabathebe	Male
Resident 3	Community member	Male
CCF member 1	Community Conservation Forum	Male
CCF member	Local counsellor	Female
Department of range official	Range officer	Male
Department of range official 1	Range officer	Male
Researcher	Social Science Researcher	Female
MTEC Extension officer 1	MTEC official mokhotlong	Female

APPENDIX B LIST OF PARTICIPANTS IN SOUTH AFRICA

Park official 2	MNP senior park official	Male
Guest	Guest at lodge	Female
Lodge Manager	Manager of lodge	Female
Researcher	Researcher in Mapungubwe	Female
Park official 3	Previous park manager	Male
Ranger	Ranger at MNP	Male
Land claimant 3	Beneficiary of land claim	Male
Land claimant 4	Beneficiary of land claim	Female
Land claimant 2	Beneficiary of land claim	Male
Private property owner	Tourist establishment owner	Male
Park official 1	MNP senior park official	Male
Private property owner 2	Private property owner	Male
Land claimant 1	Land Claimant	Male
Land claims commission official	Land claims commission official	Male
DEA official	Senior official at the DEA	Male
MNP guide	MNP guide	Male
Archaeology researcher	Researcher	Male

APPENDIX C QUALITATIVE QUESTIONS

Land Owners

If you were asked that this land become part of the TFCA, what would you say or do?

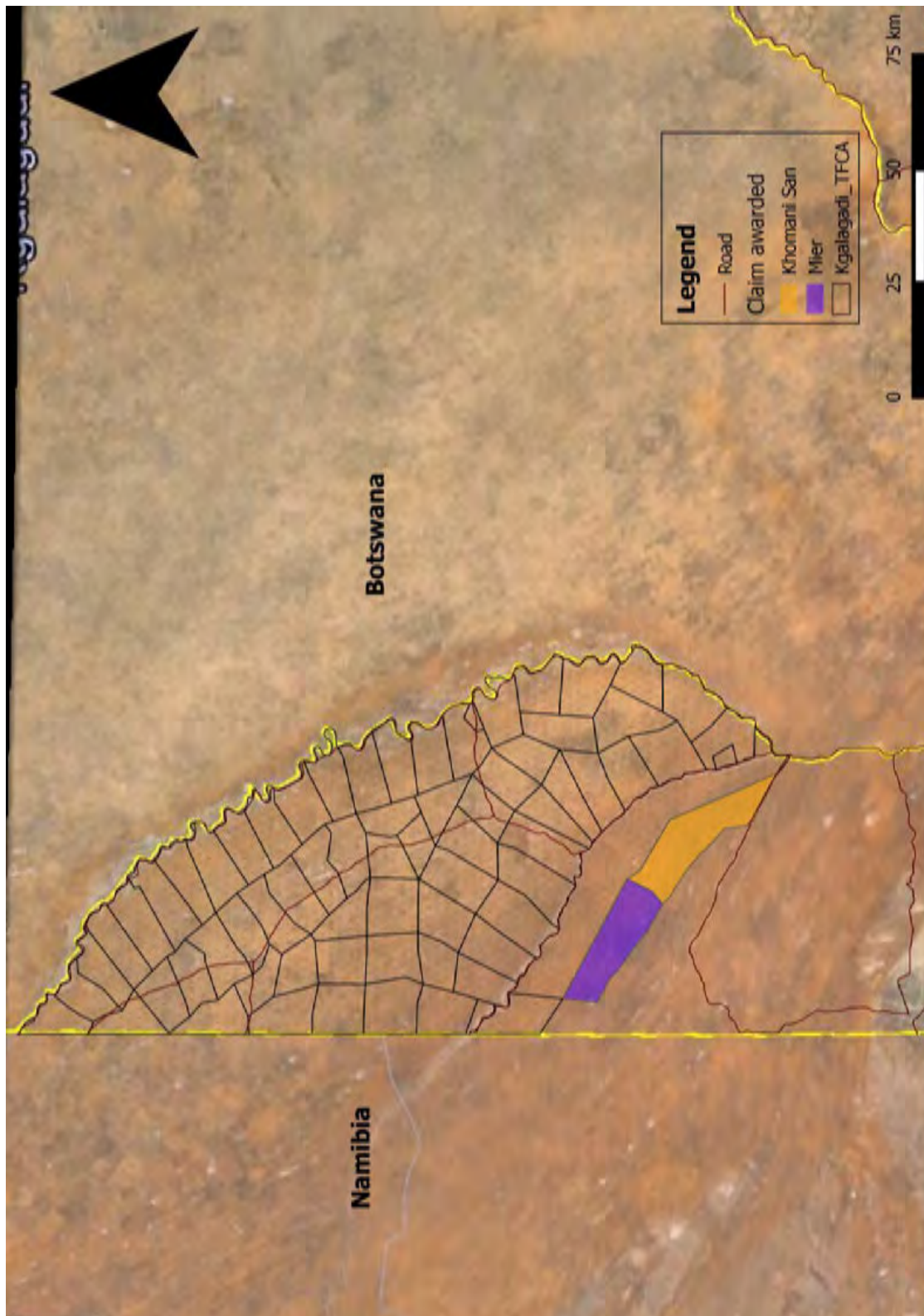
If the land is part of the TFCA how should it be used?

Authorities

How was the land made to become part of the TFCA?

If people refuse to have their land become part of the TFCA, what will you do?

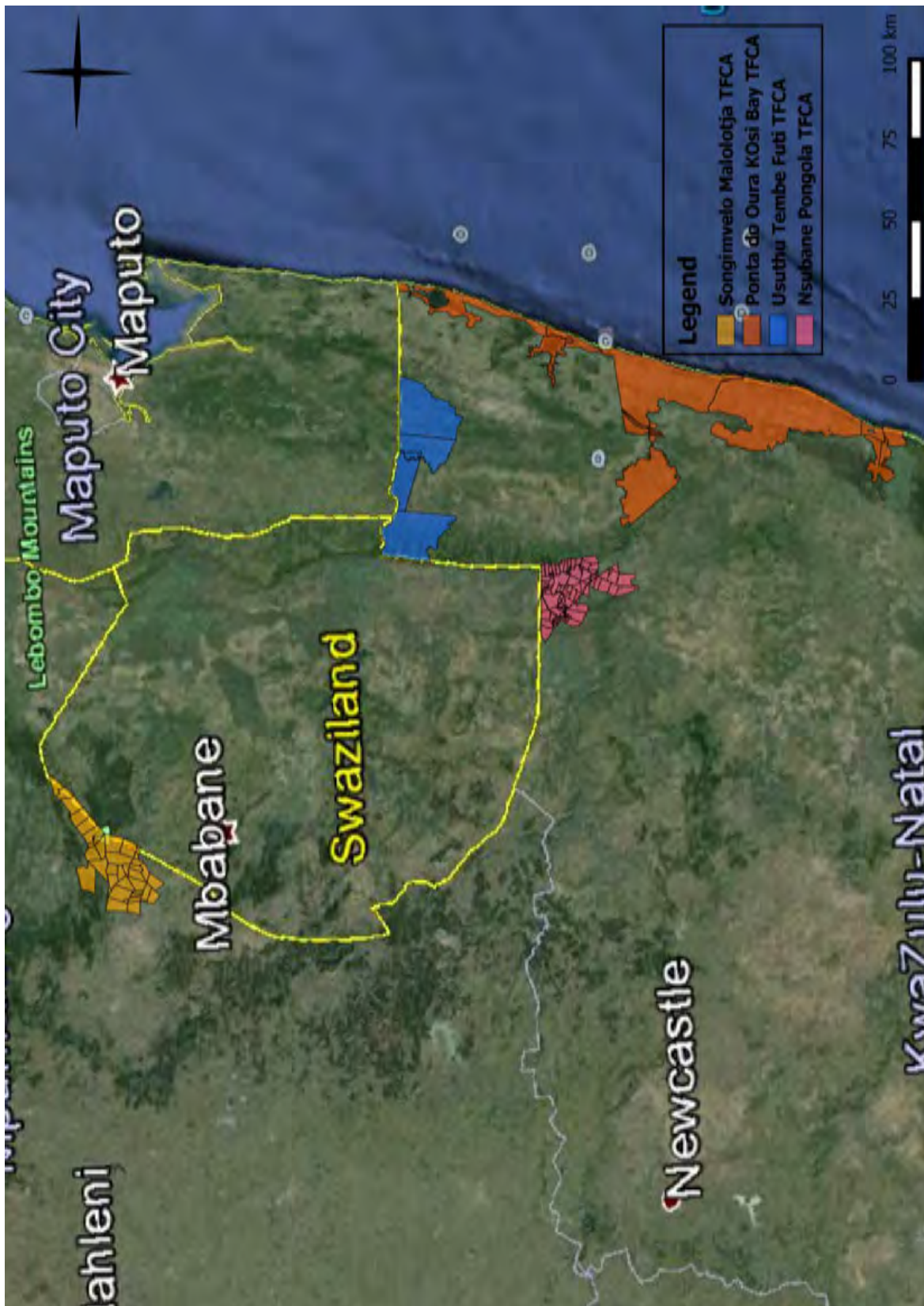
APPENDIX D MAPS OF OTHER TFCAs



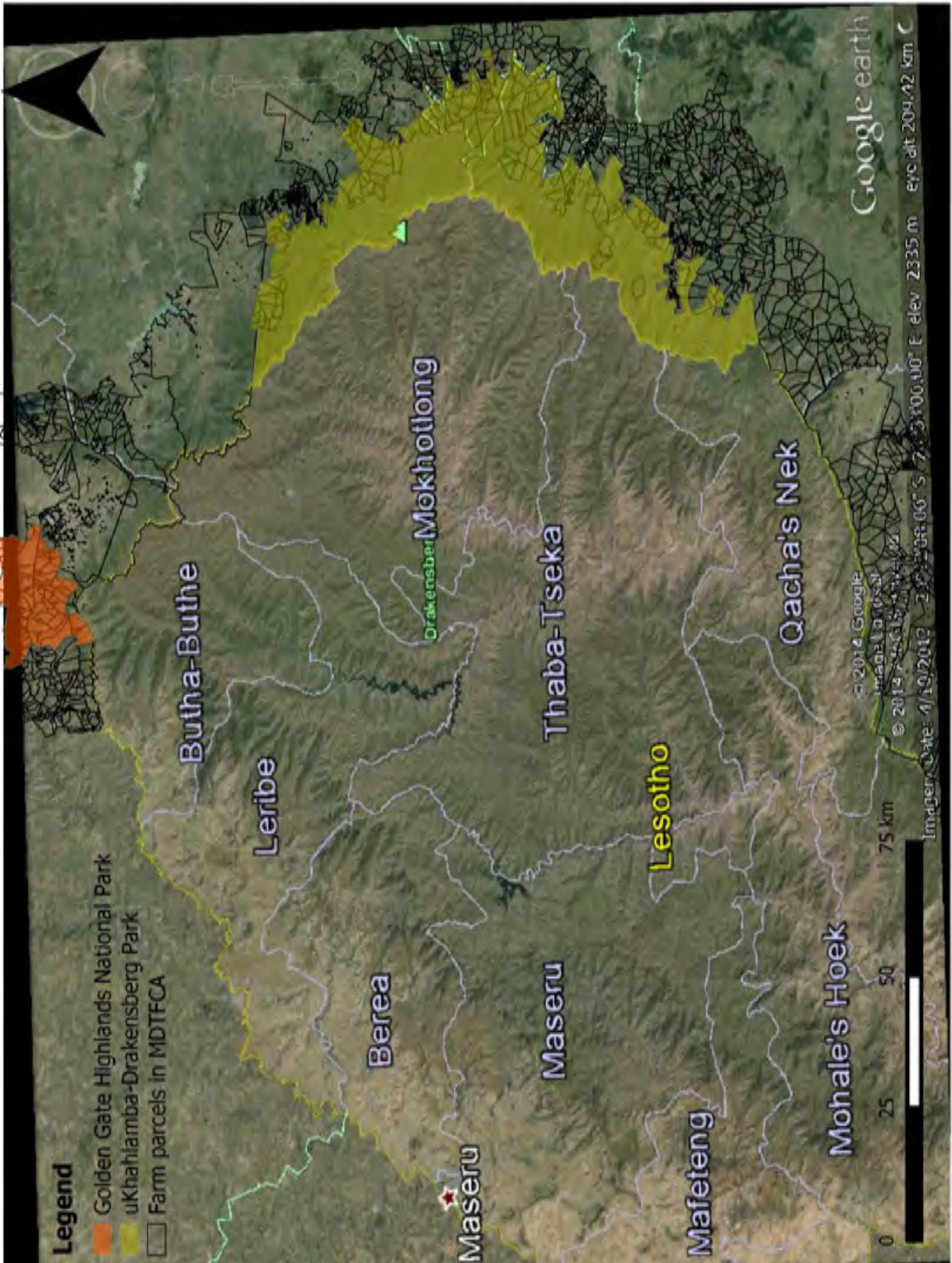
APPENDIX D 1 Map of Kgalagadi TP with awarded land claims (Source, Author)



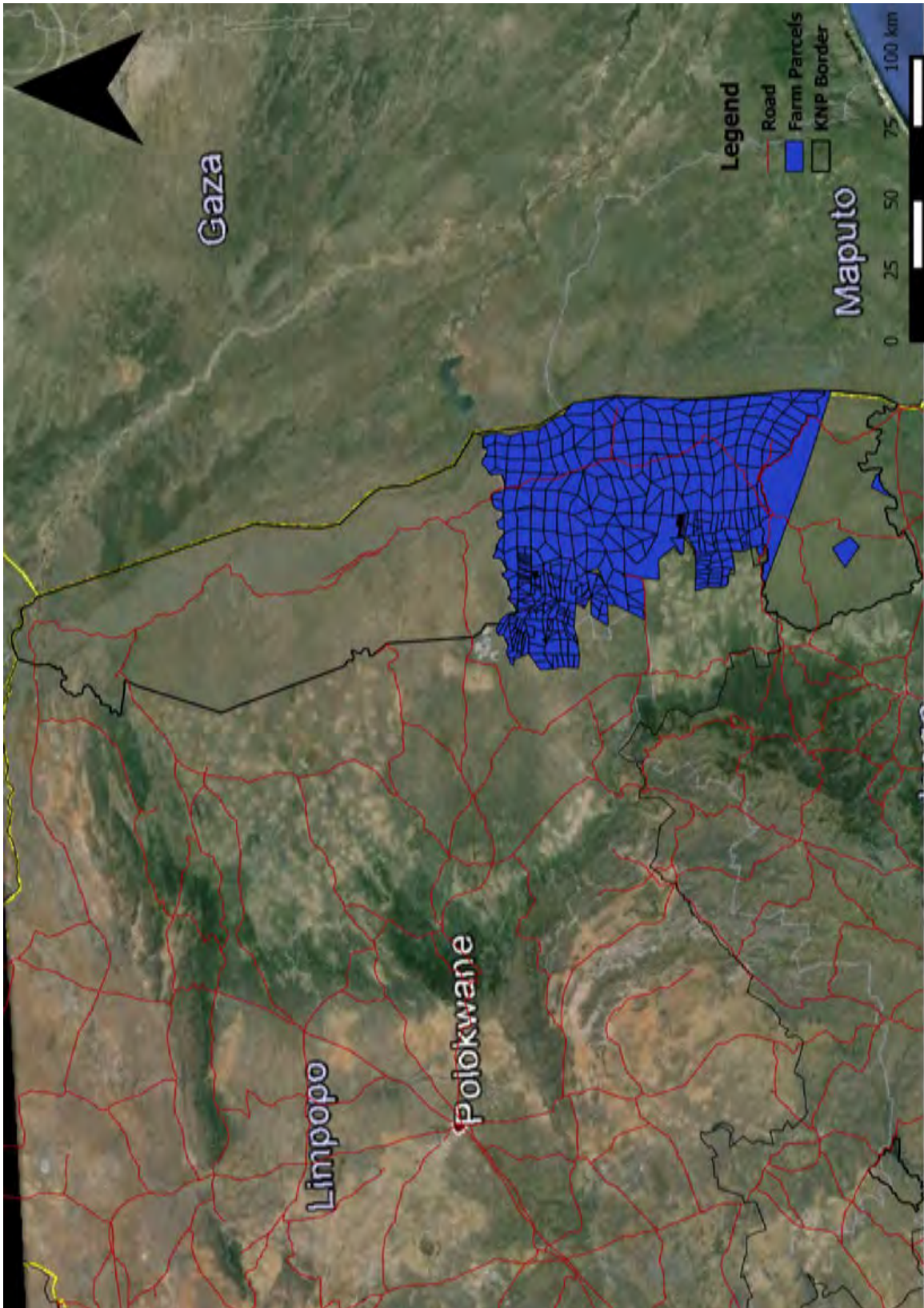
APPENDIX D 2 Farm Parcels in !Ai-!Ais/Richtersveld TP (Source, Author)



APPENDIX D 3 Farm Parcels in Lubombo TFCA (Source, Author)



APPENDIX D 4 Farm parcels in South Africa's GMTFCA (Source, Author)



APPENDIX D 5 Farm parcels in South Africa's GLTP (Source, Author)