

## **'South Africa: A World in One Country': Land Restitution in National Parks and Protected Areas**

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### **INTRODUCTION**

A RECENT ISSUE OF *Conservation and Society* (Volume 4, Number 3, 2006) debated the issue of relocation of people from protected areas. Almost every one of the thought-provoking contributions to this debate makes a plea for more integrated, sensitive, and sophisticated scholarship on the important social, economic and political issue of displacing or removing people from national parks and other protected areas. What the journal also makes clear is that in order to clarify events that have become obscured by passing time and by a cacophony of confusing voices, far more integration of existing work—bureaucratic, academic, scientific, sociological and activist kind—is required. It is correct to emphasise that while the literature has burgeoned, it has not clarified, as it is to assert that a more nuanced and helpful debate will be facilitated through careful evaluation of situational specifics such as local history, ecology, locality, community, national land regime and the like. As Rangarajan and Shahabuddin, as well as Brockington and Igoe, point out, conflating all 'evictions' of 'communities' from 'national parks' into a single generalised universal narrative has polarised diverse perspectives and established a discourse of conflict rather than a dialogue (Brockington & Igoe 2006; Rangarajan & Shahabuddin 2006). There is no doubt that by drawing attention to the matter more broadly, *Conservation and Society* has raised the

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debate and will have changed the way future questions will be framed, evidence used and relocations from protected areas more finely interrogated.

South Africa is one of many countries in which there are questions around what the future holds for those who were removed from places that are presently utilised for biodiversity conservation and eco-tourist exploitation. But as is the case elsewhere, people's claims against protected areas in South Africa are related in isolation. They often focus specifically on one community, or even one faction of a community, and in this way become divorced from any wider context. It is impossible to address the gaps in any detail here and my purpose is merely to raise a few points that bear out the call for more careful and detailed case studies as far as South Africa is concerned.

### ***The National Socio-Economic, Political and Environmental Context***

For many decades South Africa has been marketed as 'the world in one country' and this remains an accurate description of this multi-faceted nation. Its history, societies and politics are often referred to as 'exceptional' and indeed they are complex, paradoxical and unpredictable.

The study of South African evictions from national parks and restitution of land needs to be appreciated within an overarching national context of a new Constitution and the coming to power of a black majority government in 1994 (with almost two-thirds of the vote). In no sense can South Africa's present government be called 'colonial'. On the contrary, it is actively dealing with the legacy of colonialism and apartheid with an aggressive agenda of 'transformation' and the redress of past inequities. With multi-racial democracy, nine provinces replaced the previous four, eleven official languages the previous two, new Cabinet portfolios were created and others rearranged, and the civil service was reorganised. Remedial legislation was introduced, the most important (from the point of view of national parks and evictions) being that of land reform, a principle that comprises land restitution, land redistribution and land tenure. In other words, when evicted communities in South Africa seek restitution, they are not negotiating with a recalcitrant or reluctant government as might be the situation elsewhere. Therefore, unlike the cases cited by Redford and Sanderson, South African government officials do not 'disparage local people and know little about their lives and hopes' (Redford & Sanderson 2006: 380). Only 13 years ago, those now in government were themselves marginalised local people under apartheid, and consequently there is both understanding of and commitment to the plight of the poor and landless, not dismissal of it.

Although it is a national priority, land reform is not a simple process. The structures of governance are complex. South Africa is governed by a tripartite alliance (not a political party) consisting of the African National Congress (now merged with the National Party, the party of apartheid), the Congress of South African Trade Unions and the South African Communist Party. Rela-

tions between the alliance members are sometimes uneasy, particularly around economic principles and socialist and populist agendas. There are also numerous and vocal political parties but all—including the official opposition, the Democratic Alliance—are very small. In tandem with the national government, each of the nine provinces has a measure of autonomy and its own premier and a full range of cabinet members (Members of the Executive Council). There are two land regimes in the country: there is ‘owned’ land, either by the central and provincial governments as ‘state land’, or by private individuals and businesses but there is also ‘communal land’. This last category is not held in individual tenure but is allocated by traditional leaders. For historical reasons, communal land is often unsurveyed and lacks adequate maps, making reform or restitution difficult<sup>1</sup>. The fact that traditional leadership still exists (the institution was shored up by apartheid) and continues to have considerable power within the government brings with it a second legal system that operates alongside the modern one. At times this dichotomy creates an uneasy or even confrontational combination of non-democratic traditional patriarchal leadership hitting against a democratic legal system. Society itself is in a constant flux of socio-political and economic change, characterised by frequent and violent discontent against poor service delivery, declining labour needs, overwhelming poverty, many thousands of illegal and legal immigrants and refugees (particularly from Zimbabwe), and a population of which almost half are unemployed and of which almost a quarter suffer from HIV/AIDS.

Since 1994, new environmental legislation has been introduced and older laws relating to the environment altered and/or tightened. Evictions must be situated within the changing structures and objectives of the various (and rather confusing) entities within the protected area estate. There are national and provincial parks and game reserves as well as the ‘national parks’ of apartheid’s former ‘homelands’, world heritage sites, forest, marine, biosphere and other recognised reserves (under different legislative regimes) and private conservation areas, the last-named being mostly eco-tourist operations. In all of these land uses, employment and other legislation strongly favour previously disadvantaged black South Africans and there are quotas and other requirements as well as advantages for black businesses in terms of the law.

There is a cascade of South African governmental and other bodies engaged in and with environmental and land issues. Central government departments, particularly the Department of Water Affairs and Forestry (DWAF), own large areas of land so as to manage the country’s small patches of indigenous forest, commercial plantations, dams and watersheds at a national scale. The Department of Agriculture and Land Affairs (the two portfolios have been combined) is responsible for issues around land equity and reform as well as for maintaining productive land use in an era of agricultural decline. This has been dramatic. From some 20 per cent of Gross Domestic Product (GDP) in

the 1920s, agriculture had shrunk to just 3.4 per cent in 2004. South Africa's agricultural subsidies are among the lowest in the world, at 2.7 per cent of total output (compared with 22 per cent in the United States and 45 per cent in the European Union) (Centre for Development and Enterprise 2005: 1–11). This means that it is extremely challenging to engage in viable agriculture and, as a consequence, reclaiming national park or protected area land does not guarantee either financial or food security for claimants. Nor is South Africa typical of the rest of Africa, because it is agriculturally poor with very strong commercial, mining, service, manufacturing and industrial sectors that make up 96.9 per cent of GDP (World Bank). Employment is therefore at a premium.

The Department of Environmental Affairs and Tourism (DEAT) is responsible for the state's share of protected areas that is managed by a parastatal body, South African National Parks (SANParks). From this department also devolves provincial and municipal environmental responsibilities (each province also has 'national parks' and game reserves that operate outside of the jurisdiction of SANParks). SANParks manages twenty national parks in terms of its enabling legislation, but there are more than 400 other protected areas in South Africa. While SANParks owns just over half of the total protected area, most of this comprises two enormous national parks, the Kruger National Park (19,48,528 ha) and the Kalahari Gemsbok National Park (9,60,029 ha). By contrast, some of the smaller national parks, such as Agulhas (8528 ha), Bontebok (3388 ha) or Wilderness (7688 ha) are nothing more than large zoos or recreational areas and they, and perhaps others as well, do not conform to Category II of the IUCN system (Hall-Martin & Carruthers 2003). Many of the provincial game reserves are far larger. There is no law that prevents people from living in national parks or keeping domestic stock among wildlife (the Richtersveld National Park was a precedent in this regard), but wherever dangerous wild animals such as the 'Big Five' (elephant, lion, buffalo, leopard and rhinoceros) have either been introduced or allowed to continue to exist, human occupation—of course—not possible. DEAT is also responsible for much of the environmental and tourism legislation and for South Africa's international obligations, such as membership of the World Conservation Union, UNESCO's World Heritage programme, Biosphere Reserves, Ramsar sites, the Biodiversity Convention and the like.

Each of the nine provinces also has departments that are responsible for environmental conservation. The names of these portfolios serve to indicate the different provincial conservation priorities and partner areas. For example, Limpopo Province has a Department of Economic Development, Environment and Tourism, Gauteng and North West both have Departments of Agriculture, Conservation and Environment, while the Western Cape has a Department of Environment, Agriculture and Development Planning. Some provincial governments own and manage protected areas themselves, others have devolved this responsibility to parastatal boards organised along lines similar to SAN-

Parks, such as the North West Parks and Tourism Board or KwaZulu-Natal's Ezemvelo KZN Wildlife.

South Africa's natural environments are equally complex. The ecological wealth is unique, it is megadiverse (the third most biodiverse country in the world, after Indonesia and Brazil) containing at least ten biomes, numerous areas of high local and regional diversity, and an entire floral kingdom, the Cape *fynbos* (World Conservation Monitoring Centre 1992). Despite its rich ecology, South Africa is a small country (1,219,912 km<sup>2</sup>) with limited environmental resources. Its western half is extremely arid and, with the exception of parts of the south-western Cape and some of the east coast, there is an acute lack of arable land (only 13.7 per cent can be regarded as arable) (Centre for Development and Enterprise 2005: 10). In recent years, the major form of diversification by commercial farmers (mostly whites) in the drier parts of the country has been into game ranching (wildlife farming). This is not to be confused with 'wildlife protection' as such. It has gained in popularity as a replacement for beef, dairy and sheep (wool) farming, because of lower subsidies, the need for less labour and government inducements to use the environment more sustainably through eco-tourism, trophy and recreational hunting and venison production. South Africa's black rural poor, on the other hand, rely on the communal lands to eke out a living from subsistence crops (mostly maize) and by keeping small herds of diverse domestic stock.

Given this socio-economic and ecological framework, it is hardly surprising that South Africa's urban centres are growing, as they are in Africa as a whole. Of a total population of around 45 million, the ratio urban/rural exceeded 50 per cent in 2001 (World Bank), it presently stands at 60 per cent, and it has been estimated that 80 per cent will be urbanised within a generation. Durban, for example, doubled between 1970 and 1980 (Jenkins 1997). Many of the South African poor have two dwelling places, one in the communal areas—an 'ancestral' home, where the elderly, women and the very young are generally supported by rudimentary farming activities and the remittance of money from urban-based activities. (South Africa has an old-age pension but no basic income grant or other unemployment subsidy.) The other 'home' is often in the sprawling townships and informal settlements (squatter camps) around cities such as Cape Town, Johannesburg and Durban in which the government provides housing, although to nothing like the extent required. The greatest demand for land in South Africa, therefore, is not for agriculture but for serviced properties and houses that have water, sanitation, electricity, communications, policing, education and health care situated either in or on the outskirts of cities and towns where there are potential opportunities for employment or for informal entrepreneurial ventures such as hawking. Providing people with avenues to a variety of livelihood strategies is therefore important.

Moreover, the majority of South Africa's protected areas do not comprise quality land, having been originally established in remote parts of the country

or in places unsuitable for agriculture. Economic benefit from national parks therefore needs to be compared with that which would potentially be derived from other development schemes. Increasingly, South Africa's protected areas are envisaged as cash cows for economic development and service delivery rather than biodiversity protection or ecosystem services luxuries. They are not funded by the government and their mandate is to deliver eco-tourism (often stated to hold economic promise for future South Africa) that generates employment and economic growth in this sector. Thus, in the words of Hector Magome, a SANParks senior manager, '... in order to survive, SANParks must make money...' (Hall-Martin & Carruthers 2003: viiii). So as to become more profitable money spinners, some national parks under SANParks jurisdiction and in the North West (among other provinces) have given concessions to private businesses (public-private partnerships) to operate luxury lodges and other enterprises in order that income is maximised, employment opportunities created, capacity-building encouraged and Black Economic Empowerment targets met.

The themes of both the World Summit on Sustainable Development (Johannesburg 2002) and the World Parks Congress (Durban 2003) demonstrated conclusively that South Africa's protected areas exist for the benefit of *people*. As early as 1994 a department of Social Ecology was instituted within the SANParks organisation and its mission is to manage the country's national parks 'for the benefit and spiritual well being of the citizens' (Fabricius et al. 2001; Hall-Martin & Carruthers 2003).

### ***Protected Areas and the Land Restitution Process***

As mentioned above, South Africa has a well-structured land reform process with three key areas. The first is the restitution of rights in land (not necessarily restoration) to those communities who were deprived of those rights for racially based reasons and without equitable compensation. It is usually on this basis that evictions are reversed. The second, land tenure reform, relates specifically to South Africa's farm workers and to communal land under traditional tenure, while the third is the overall redistribution of land from white to African ownership and control. Restitution legislation is unequivocal and it is governed by the *Restitution of Land Rights Act* No. 22 of 1994 (and its amendments) that puts into force Section 25(7) of the 1996 Constitution: 'A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws and practices is entitled ... either to restitution of that property or to equitable redress'. The 1913 date refers to the implementation of the *Native Land Act* that formally divided South Africa into a 'white' and 'black' countryside and prohibited ownership by one group of land demarcated for the other. As apartheid took final form over subsequent decades, a plethora of racist land laws resulted in the establishment of African 'homelands', 'national states' and 'self-governments' and the forcible re-

moval of some 3.5 million people (mostly, but not exclusively black Africans) between 1960 and 1983 in urban and rural areas (Centre for Development and Enterprise 2005).

The deadline date for land claims submissions expired at the end of December 1998 and the government aims to have completed restitution by 2008 (put forward from 2005) ([www.gov.za](http://www.gov.za)). Despite the simplicity and clarity of the legislation with its defined cut-off date (there is no 'first nation' status or claim to rights if dispossession occurred prior to 1913), and the emphasis on justice and redress, the procedure for validating a land restitution claim can be cumbersome. The *Restitution of Land Rights Act* operates through an administrative procedure in each province and/or access to a special Land Claims Court. The mere lodgement of a claim does not guarantee its validity. Every claim has to be recorded, screened and investigated in detail. If upheld, the claim is gazetted and finally settled. These steps require enormous amounts of taxpayers' and donor money and staff skills. Many claimants are illiterate, personal documents are missing, there are family and community disputes, and land in the former homelands is unsurveyed and there are no title deeds. Those against whom the claims are made (the state and/or private individuals and groups), have the right to submit documentation of their own. The long delays and bureaucratic inadequacies have led to heightened emotions, tension, overblown rhetoric and unrealistic levels of expectations. Although amicable partnerships and negotiations are encouraged by the legislation, these are in fact often compromised by the divisive process of garnering evidence. Although more difficult to adjudicate, urban claims are often settled with a monetary payment, while rural claims may drag on for years. At the end of March 2007 some 79,696 claims had been lodged and 74,417 settled. In the process, more than 8,10,292 ha was transferred to claimants (at a cost of over R1 billion) while R2 billion has been paid out to claimants in cash or other compensation. It is possible that land restitution will cost the state in excess of R13 billion (Hall 2004; Centre for Development and Enterprise 2005; Xingwana 2007).

It is in this context that the less than a dozen land restitution claims (although there may be multiple claimants) against SANParks must be evaluated. The question needs to be asked why it is that these restitution claims against government-owned protected areas generate such intense debate. As Kepe has argued, claims against national parks have over-shadowed land restitution gains in other forms of protected areas, for example, forests and wetlands (Kepe 2004). For example, without much fanfare, some 18.28 million hectares of forestry land was returned to residents who had been forcibly removed by the *Forestry Act* of 1941 ([http://www.pbs.org/newshour/bb/africa/land/ct\\_safrica.html](http://www.pbs.org/newshour/bb/africa/land/ct_safrica.html)). Certainly, unlike forestry areas, 'national parks' have an aura of 'moral goodness' around them (Carruthers 1995) and this perhaps accounts for the publicity. It is the case in Australia and North America (Canada in particular) that national parks and other protected areas are deliberately used to

assert the bargaining power of a previously marginalised political constituency seeking human rights and environmental justice (Hall-Martin & Carruthers 2003; Trigger & Griffiths 2003). As far as South Africa is concerned, one needs to reiterate that, with rare exceptions (see below), the constituency is a majority: the Africans.

While international attention certainly ratchets up the focus on national parks, there are, in addition, two government policies in operation that are difficult to reconcile and around which vocal differences of opinions can be aired. Sustainability and biodiversity conservation is as fundamental to state policy as is land restitution and it is clear that the government believes that land claims by individuals and groups must be achieved in the national interest by 'taking into account the intrinsic biodiversity value of land and seeking outcomes which will combine the objectives of restitution with the conservation and sustainable use of biodiversity' (De Villiers 1999; Wynberg & Kepe 1999; Hall-Martin & Carruthers 2003).

The national objective is therefore to encourage the most appropriate and sustainable form of land-use. However, as explained earlier, this is often not farming, but perhaps eco-tourism, small enterprises and other schemes that accelerate the delivery of education, training, services and diverse social goals. In this regard, it is worth quoting the words of Lulama Xingwana, the Minister of Agriculture and Land Affairs, at the ceremony to hand over land rights restored to the communities of Maphelane, False Bay, Makhas, Umngobokazi, Jobe, Myeni and Zikhali from the Great St. Lucia Wetland Park (a protected area and World Heritage Site):

*Today is a happy day, for restoration has come to the people of this area', she said. 'Today we are witnessing the fulfilment of the promise of our Constitution ... I want to commend all the people who have been at the forefront of the process to see the settlement of this claim. We thank them for their courage. They had vision and believed that one day the people's rights to the land of their forefathers would be restored ... For the settlement of this claim, the state has committed a total of about R89 million. The significant thing about this piece of land is that it has been declared a World Heritage Site. I am saying to the people of this community: this government is on your side, work together with the local and provincial government structures to tap into the available assistance programmes, to improve your livelihood and thus make an impact on the kind of life that your children and children's children will have ... I am pleased that the communities comprising the Greater St. Lucia Wetland Park have agreed to restoration of rights without physical occupation, and that the current use of the land will be maintained. In terms of the settlement agreement that will be signed today, the property will be managed with the community by the Greater St Lucia Wetland Park Authority. The skills transfer*

*through training, mentorship and experiential management must take place in order to ensure that the claimant gets optimal benefit out of the settlement of this claim (Xingwana 2007).*

But as the case studies will demonstrate, it is often at the post-restitution phase that further challenges develop.

### CASE STUDIES

I would like to draw brief attention to just three of the land claims that have been initiated against South African protected areas in order to show the variety that exists and how important it is to disaggregate community, protected area and specific circumstances within the context outlined above.

#### *The Kruger National Park*

The Kruger National Park, a savannah landscape on the eastern boundary of Limpopo and Mpumalanga provinces bordering on Mozambique, is South Africa's best-known national park and it is therefore not surprising that the most publicised of the land claims against SANParks has been that of the Makuleke community in the northern part of the Kruger National Park (De Villiers 1999; Glazewski 2000; Steenkamp 2000). After a protracted battle against the then Transvaal Province and even though the community had the strong support of the then Department of Native Affairs, in 1969, the Makuleke community was removed from 23,700 ha of land between the Levhuvhu and Limpopo Rivers in order to expand the Kruger National Park to the north. Evidence suggests that they have lived in this area for about 200 years. After their enforced eviction they were provided with alternative land on which to settle, outside the park and to the south of their ancestral land. In 1995, they applied for restitution. The issue was complex because matters such as whether the alternative land was *adequate* compensation to the community, the biodiversity value of the area and the lack of experience in this kind of negotiation on the part of the Makuleke, their advisors and SANParks heightened the debate. In 1998, the claim was eventually resolved with an Agreement that specified that while the land rights of the Makuleke would be restored, the people would not re-inhabit this area, but would manage it jointly as a protected area with SANParks. In doing so, the community would derive an income from sustainably utilising the wildlife and developing tourist facilities (Hall-Martin & Carruthers 2003).

With the assistance of the state, advisors, consultants and non-governmental organisations (NGOs), the Makuleke have benefited from their successful claim. However, in doing so, they have earned the envy of other communities, who were not evicted for racial and conservation reasons, but among whom the Makuleke were forcibly settled after their eviction. Groups such as the

Mhinga have tried to lodge a claim in the belief that they too need some form of compensation for the overcrowding that they suffered. Of course, this is not within the purview of the land restitution programme, although government is keen to accommodate this point of view within partnership arrangements and the general ambit of land reform. Other difficulties have arisen within the 1700 strong Makuleke community in connection with leadership struggles and the contest between a modern youthful politicised element and the traditional leadership structures. It is not a tightly organised 'community' (De Villiers 1999). According to the Endangered Wildlife Trust, a local NGO, that runs a training programme in the area, what the Makuleke have received in education for employment in nature conservation and tourism jobs, has been more beneficial to them than reverting to unsustainable farming and pastoralism (Endangered Wildlife Trust 2005). They also receive an income because they have formed a partnership with Wilderness Safaris to run a tourist lodge, and one which should prosper financially because it lies within the most renowned national park in South Africa (*Sunday Independent*, 24 July 2005).

There are a number of other land claims against the Kruger National Park, some of which may be upheld, others not (Bunn c.1999) and they may play out quite differently, particularly if they are in the southern part of the Kruger National Park where the surrounding population density is far higher than it is in the north.

#### ***The Kalahari Gemsbok National Park***

The Kalahari Gemsbok National Park (KGNP), in the Northern Cape Province, is the second largest national park in South Africa and it forms part of a much larger desert area which extends into central Botswana and Namibia. It is therefore ecologically quite different from the Kruger Park, but it is also distinct historically, politically, economically and culturally. For many decades settlers considered the inhospitable Kalahari the 'the very last place outside the Arctic regions where man would choose to dwell' (Schwartz 1928). As for the hunter-gatherer San (Bushman) people who inhabited this landscape, they were far lower on the scale of humanity than African blacks who owned livestock and had impressive technological and agricultural skills, such as the Makuleke. In 1931, the KGNP was established from parts of the old Cape provincial Gordonia Game Reserve and private property, a process that was easily accomplished because settlers were reluctant to live in this agriculturally unproductive area, far from markets. At first it was not opened to visitors and the records indicate the presence of the small groups of resident San was tolerated and that only occasionally were they encountered. Public attention was drawn to these people when they were exhibited at the 1936 Empire Exhibition as 'living fossils' (Rheinallt Jones & Doke 1937) and in 1941 next to the national parks a 'reserve' of some 12,000 ha was established for them, together with one named Mier for 'coloured' people. This appears to have

suiting the park warden, because once the national park was opened to tourists in the 1950s, a San group, family or individual accused of not being 'traditional', of not having 'pure blood', of hunting or spoiling the tourist experience could be removed into the reserve. Other San people left the national park voluntarily, preferring to be with their relatives and friends outside. In presenting the land restitution claim, Khomani San leader Regopstaan Kruiper remembered that his group was accused of hunting too often and with too many dogs, so the dogs were summarily shot, the people given rations and instructed to leave the park (Basson 1997).

In September 1995, the 'Khomani San', a group of about fifty people led by Dawid Kruiper, whose family entertained tourists at a resort in the Cedarberg Mountains of the Western Cape with nightly dancing and singing, submitted a land restitution claim over two areas—one inside the national park and one outside it. At a conference 2 years later the claimants publicly linked their desire for restitution to spiritual, linguistic and cultural revival, but also to strategic alliances around Coloured identity politics in the province (Bank 1998). At first SANParks resisted the land claim, disputing whether this was, in fact, the group who had lived in the national park and objecting to the framing of the claim on the basis of an 'indigenous people', a designation that has no meaning in South African law. However, the claim had political resonance at that time and this shaped the way it played out. First, the volatile politics in the Western Cape Province required the government to woo the 'coloured' vote in order to establish a larger majority in the Province. Second, coloured people themselves—and within that group the San in particular—were trying to coalesce around being accorded some kind of 'first nation' status and thereby establish a national presence with a discrete ethnic identity within a broader African population in which they felt marginalised. So the Khomani San, as this small group called themselves, were courted by politicians, who promised in 1998 that their language Kabe, would be taught in schools and become one of the official languages of the Northern Cape. In addition, the Khomani were assured that 11 February each year would be declared a public holiday, National Bushman Day (*Sunday Independent*, 15 February 1998). Negotiations and considerable publicity around the land claims took place during 1997 and 1998, during which time the Khomani San were encouraged by the government to join up with other people in order to create a larger 'community' who could sustain the claim and together benefit from the land restitution that would be made (Carruthers in Trigger & Griffiths 2003).

In March 1999, the Khomani San—by then augmented to a group of about 300 people—won their land restitution claim and there was celebration for the restoration of dignity and an apology for past wrongs. The claim was settled in two parts, by buying out farms south of the national park (43,000 ha for R15 million) and handing them over, and also by giving the community some 25,000 ha within the park itself, to be administered jointly with SANParks. Justice seemed to have done, the community became the richest landowners in

the area and its future seemed assured. But newspaper headline 5 years later called it 'A case study in how land reform could be botched' (*Sunday Independent*, 17 October 2004). It did not take long for the community that had coalesced to fight the claim to become divided into 'traditionals' (who wanted to revert to a forager lifestyle) and 'moderns' (who wanted to engage with the tourist industry and other enterprises). Leadership and organisation was poor. There were accusations that the Communal Property Association that had been founded in the post-restitution phase was sidelining the original Kruiper family and that the government was not providing adequate ongoing financial support and skills training. There was even a murder (*The Star*, 20, 22 and 29 October 2004). Belinda Kruiper, a national park employee who married into the group, tells a sad and moving tale of the community, beset with problems that include alcohol and other substance abuse (Bregin & Kruiper 2004). As Robins has explained, government officials, lawyers, donors and NGOs had helped to fabricate a working ethnic identity to facilitate a successful land claim and restore lost land and lost dignity to secure a viable future, but they could not foresee the splintering of the people themselves thereafter (Robins 2000, 2001).

#### ***The Pilanesberg National Park***

The land claim against the Pilanesberg National Park, instigated by Chief Pilane of the Bakgatla in 2002, is still unresolved, and it has been difficult to obtain firm data about the various aspects that would be germane to this response. An overview of Pilanesberg's history is briefly that it was communal land that was transformed into a game reserve in 1979 by the then 'homeland' government of Bothuthatswana under its leader Chief Lucas Mangope (Caruthers in Griffiths & Robin 1997). The reserve, attractively situated within the crater of an extinct volcano, was established to complement a nearby casino named 'Sun City' at a time when casinos were permitted within 'homelands' but not within the boundaries of 'white' South Africa. Its original mission was to provide an additional attraction for casino visitors and, because no wildlife lived in the crater, considerable numbers of all species were introduced. The local Tswana pastoralists belonging to Chief Pilane's Bakgatla community were evicted (the area has an extremely interesting and turbulent history of seesawing evictions/relocations/purchases of land by blacks and whites and a full analysis would be rewarding). As Ringdahl (2003) and others have noted, this national park was unusual in being the first protected area in South Africa that was 'utilised for the benefit of the local population'. Having first contested the establishment of this national park and protested against their eviction from it, the benefits to the surrounding communities by way of proceeds from gate fees, products from wildlife and environmental education began to flow (Ringdahl 2003). Presently, the Pilanesberg is a very popular wildlife destination because it is within range of Johannesburg and it

is profitable. In 2002, Chief Pilane, a local traditional leader, launched a land claim against the North West provincial government (Professor Bernard Mbenga pers. comm.) which has not yet been concluded. Because of the profitability of the national park, it is extremely unlikely that it will be deproclaimed and opened to cattlemen once more.

### CONCLUSION

*Conservation and Society* has put out a timely call for detailed scholarship that may challenge accepted ideas and fine tune them. Resolving the issue of displacement from protected areas can only benefit from closer multidisciplinary attention, solid reflection and problematising terms such as 'community', 'protected area' and 'evictions' rather than over-simplifying them. Moreover, South African history can provide examples of where local communities refused to be evicted from potential protected areas. One of these is the Magaliesberg, a mountain range between Pretoria and Rustenburg, in which, during the 1970s, white resident farmers successfully contested the efforts of the provincial nature conservation authorities to expropriate their lands and, in the event, founded a 'Protected Natural Environment' (Carruthers 2002) in which they could continue to live. Another is the Dongola Wild Life Sanctuary along the Limpopo River in the northern most part of South Africa, a contested national park project of the 1930s and 1940s, that was abolished after a brief life (1947–1949) from pressure from white farmers (Carruthers 1992). The Richtersveld campaign of the 1980s, on the other hand, was led by 'coloured' pastoralists and subsistence farmers who successfully fought off the national park authorities to win a contract national park in which they can continue to keep their flocks and which they co-manage with SANParks (Hall-Martin & Carruthers 2003; Reid et al. 2004).

### Note

1. Chiefs have the power to donate land for game reserves, as, for example the case of the late Chief Msimba Tembe who established the Tembe Elephant National Park in 1983 on 'tribal' land ([www.tembe.co.za](http://www.tembe.co.za)) and the Mpakeni community's Mthethomusha Game Reserve adjacent to the Kruger National Park ([www.mpumalanga.com/parks/mthethomusha.asp](http://www.mpumalanga.com/parks/mthethomusha.asp)).

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