

ANTINOMIES OF ACCESS

Social Differentiation and Communal Tenure in a Namaqualand Reserve, South Africa

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INTRODUCTION

This article provides some perspective on the consequences and specific nature of colonial expansion in the remote North Western corner of South Africa forming the border with Namibia, called the Richtersveld reserve in the region of Namaqualand. It attempts to contribute to the ongoing discussion about the future of these semi-arid rural areas reserved for the so-called coloured people by examining the origins of these reserves and engaging in the argument about the results of the reserve policy for the residents of the Richtersveld. The article also compares the marginal (isolated)² North Cape reserves with the much larger and more significant bantustans. Finally, it discusses the failed implementation of the policy of economic farming units in relation to conceptualisations of the merits and demerits of communal and individual land tenure. The article moves from a historical and comparative perspective of reserve policies in South Africa as a whole to the local conditions in one village of the Richtersveld reserve, Lekkersing³, and finally to the experiences of one stock-farmer in Lekkersing, Joseph Cloete.⁴

Although 'hidden from history',⁵ a virtually insignificant geographic entity in the South African landscape and a small affair in the political economy of the country at large, the Richtersveld, and Namaqualand generally, have enjoyed rather more research attention than this modest importance appears to warrant.⁶ The emphasis of much this research has been on: the specific characteristics of the so-called coloured reserves (henceforth, rural reserves); the sense of community⁷ and security provided by these areas; the identity and diverse ethnic backgrounds of the people; the migrant nature of the bulk of the population; the possibilities and problems of stock and crop farming; the dynamics of local power structures and alliances; the role of the missionaries and the peculiarities in the conquest of the indigenous people; the impact of this dispossession on the paths of peasantisation and proletarianisation and the response of the people to the various attempts of state intervention into the organisation of production in the reserves.⁸

The central focus of this paper is the abortive attempt at individualisation of the communal grazing areas in Namaqualand. A number of questions are immediately posed by this episode of state intervention in the Namaqualand reserves. Why did the apartheid government, specifically, the tricameral parliament, try to implement individualisation through the policy of economic farming units (henceforth, efus) in the coloured reserves when it had failed so dismally, almost four decades before, in the African reserves? Much has been done on the effect of the efus on the local residents as well as on the people's response to the policy. Yet, the rationale for the policy remains unexplored.⁹ Of course, policies cannot be understood in a vacuum. The variety of reactions of people for whom the policy is intended may shape that very policy in many different ways. Resistance can compel governments to abandon particular versions of policy. But, this is still merely one factor, albeit exceedingly important, in the overall direction of policy. It remains to be asked, how and by what is the policy driven? What was the ideology behind the policy? What mediating influences were

used by the government to implement the policy? How prepared was the government to press ahead with the policy even in the face of concerted opposition? How did the policy relate to broader issues of the market and the state, of efficiency and equity? Now that the policy of efus has been abandoned what should take its place: a revamped version of communal tenure or a renewed attempt at individualisation?

The different answers to these questions and the manner in which they are structured around policy for the new government are relevant for the future of these reserves. It is the contention of this paper that the nature of social differentiation has a profound impact upon the possibilities for a communal solution as different groups of people with unequal access to the means of livelihood and wealth have diverse interests in land. In Lekkersing, Namaqualand, a small minority of prospective livestock farmers owns sizable flocks of sheep and goats. These are the people who are demanding an expansion and concentration of their access to land and greater opportunities for the accumulation of capital. Demands such as these do not easily disappear.¹⁰ Simultaneously, the less fortunate reserve residents, especially those with smaller flocks of sheep and goats also have rights to the land which they will not easily give up. Those who devise policy will have to be quite deft in dealing with such diverse interests. Will it be possible to formulate a feasible policy which takes account of the rights to land of the impoverished displaced proletarians in the reserves, the demands for opportunities for capitalisation by the large livestock owners and the necessity for the efficient management of the resources of the reserves? Attempting to freeze the rights to land of all the present occupiers, irrespective of the extent to which that right is exercised, is, unquestionably, ahistorical. On the other hand, unfettered privatisation and individualisation will have the inevitable effect of further divisions within the community. Having won the battle against the individualisation of their communal land under the previous apartheid regime, the residents of the reserves are confident that they can defend their rights to the land in a new democratic South Africa. The question which remains however, given the distortions of the present communal system, is whether the current manner of managing local resources is beneficial to the local residents as a whole as well as to the environment of the area.

ORIGIN OF THE NORTH CAPE RESERVES

'Staanplekkie, Woonplekkie en Sitreggie'

Colonial control was extended to the Orange River in the North Cape by the middle of the nineteenth century. At the time, the land was occupied by a variety of indigenous groupings, mainly Namaqua, Korana and San. Much of what is today the Richtersveld was held by one Kido Witbooi, a descendant of Adam Kok. The land held by Witbooi, prior to annexation, was so vast that he was compelled to appoint lieutenants to assist him in its control. Paul Lynx (possibly, Links) was thus appointed to oversee land matters in the area today known as the Richtersveld (Luyt, 1981:78-81).¹¹

The process of colonial expansion and dispossession was slow and uneven. Although Witbooi ostensibly controlled the land on the North West coast, "...from time to time his country was encroached upon at Port Nolloth and a large tract of country was *quietly taken possession of* by the Cape Government and portions sold" (emphasis added). A contemporary observer, de Villiers Graaf noted that, "...The present (in 1891) chief, Paul

Links, son and successor of the late Paul Links now occupies only a small portion of his late father's great tract of country, known as the Richtersveld and the government have caused beacons to be erected securing to him certain boundaries. Paul Links, I believe, objected to these lines".¹² White settlers, who tended to spread beyond the colonial boundaries directly seized large tracts of land.¹³ Yet, colonial control was inchoate and allowed for considerable autonomy in the running of local affairs even after annexation of the North West Cape (Carstens, 1966:17). In fact, while the area formally fell under the control of the British Government in 1847, no direct colonial representative was sent there until 1855 and no tax was expected of the people as a contribution to the colonial revenue until 1909 (Luyt, 1981:122; Marais, 1939:75). Formal British rule, if not direct occupation, together with the missionary presence, ensured the dissolution of the pre-existing political authority. Rudimentary as it undoubtedly was, the traditional leadership was replaced by institutions of authority and administration set up by the colonial government and the missionaries.

The reserves of Namaqualand originated as mission stations of the London Missionary Society and Wesleyan Church which were replaced in 1839 by the Rhenish Mission Society of Germany (Marais, 1939:75). The Richtersveld apparently only became a reserve following the passage of the Mission Stations and Communal Reserves Act in 1909 (Klinghardt, 1979:6).¹⁴ The Ticket of Occupation, or Certificate of Reservation for the area was only issued in 1930.¹⁵ The local residents perceived that they had the right to use the land for grazing and residence and indeed practised these rights for a long time prior to the issue of this certificate. From their perspective, when the certificate was issued, it merely confirmed longstanding rights and practices in the area.¹⁶

The missionaries did not enjoy the same secular powers in the Richtersveld as they had in other Namaqualand reserves. An evangelist, Johann Frederich Hein, being the first indigenous minister ordained in the Rhenish Mission Society at the age of 68 years, established a church and small school at Koeboes in Northern Richtersveld in the 1890's, half a century after his work began there. But, the missionary impact on the local population did little to disturb the social organisation of the Richtersveld reserves (Boonzaier, 1980:18; Carstens, 1966:206). While the missionary presence was significant in the peasantization of the local population of other reserves, the autonomy of the people of the Richtersveld undermined this possible influence. In any event, besides the energetic Hein, missionary activity in the Richtersveld towards the end of the nineteenth century was limited to monthly communion services in Port Nolloth and some house visits in the vicinity (Cornelius, 1980:375).

The creation of a labour supply in Namaqualand **"...a marvellously improvident people"¹⁷**

If results may be an indication of causes then it was not coincidental that the colonisation of the North Western Cape should have occurred in 1847 when the boundary was extended from the Buffels River to the Orange River. For, the incorporation of Namaqualand into the Cape colony narrowly coincided with the discovery of copper in the area. Just one year before colonisation, the South African Mining Company was formed, opening its first mine in Namaqualand in 1852 (Sharp, 1984:7). The question of mining rights stimulated intense opposition on the part of the indigenous population. They argued that the 'ticket of occupation', which had been issued in their favour by the colonial government, gave them

exclusive usufruct over the land in the reserves, that they have never forfeited this right in any way and consequently, the colonial government had no claim to any portion of this land. In some reserves, the local population temporarily prevented the commencement of mining operations on this basis. However, the government continued to issue mining licences to whites even within the proclaimed reserves and claimed the right to dispose of the mineral resources of the region, as Southey, the colonial secretary, asserted, "...mining was not one of the purposes for which the land was appropriated by the natives prior to the extension of the colonial boundary to the Orange River, so no ticket of Occupation issued after that time could recognise any right in that respect on the part of the natives" (cited in Luyt, 1981:124-127). Residents were allowed by the colonial government to utilise the top soil of the reserves, which they rightfully regarded as their own land, but they would have no jurisdiction over mining at all.

There were some colonists, possibly those who were desirous of reserve land, who argued for the abolition of the reserve system as a whole (Sharp, 1984:9). On the other hand, WG Scully, resident magistrate of Namaqualand, made it clear that the disintegration of the reserves would not suit the interests of the farmers and miners at all, because of their irregular labour needs. This was so because the demand for copper fluctuated so violently on the international market and the price for the metal corresponded very narrowly with this demand. Similarly, the bulk of farm labour was necessarily seasonal and concentrated around the period of harvest (Sharp, 1984:8). Thus, both the mines and the farms could not support a labour force of settled full-time proletarians. A system of reserves under a distorted version of communal land tenure would admirably serve these particular needs. By maintaining communal tenure under conditions of confined reserves, the pre-existing form of land holding was necessarily distorted. It was transformed and distorted precisely because it was maintained under colonial rule. There were a number of other advantages for the colonist in corrupting the indigenous system of land tenure. Not only did it become increasingly difficult for a formerly independent people to subsist in the reserves, but the system of communal tenure also prohibited the concentration of land-holdings and consequently prevented the reserve residents from commercialising their agriculture and accumulating capital. Sacrificing the growth of an independent class of peasants in Namaqualand, had the effect of sharply curtailing alternatives to wage labour (Luyt, 1981:109-110).

One of the ironies of colonialism in South Africa is the side-by-side existence of a large indigenous population and acute shortages of labour on the mines, farms and later factories. Namaqualand was no exception. By the 1880's employers complained bitterly about inadequate labour supplies even though the form of labour required was so unstable. In some cases they were forced to import labour from faraway St Helena and even Mozambique (Luyt, 1981:143). In his evidence before the Select Committee on Namaqualand Mission Lands and reserves, Namaqualand resident magistrate, Scully, forcefully argued the case for the creation of an adequate labour supply in the following terms, "...you would do away with agriculture entirely. If at ploughing or harvest time the farmers cannot get hands they can do nothing". His solution to this problem reveals much about the link between official reluctance to tamper with communal tenure (except, of course indirectly by restricting it to the reserves) and the formation of a class of wage labourers in Namaqualand.

My idea is to leave the locations as they are in as far as tenure goes, and to put

regulations in force which will act like a sieve and eliminate the idle and lazy from amongst them...The residue - those that remain - would be taxed and in order to pay that tax they would have to go out to work...(moreover)...The practical effect of the introduction of this principle would be to make them work, and I should make the tax such that it would have the effect of forcing a large proportion of them to go out and work.¹⁸

The colonial preoccupation with the mobilization of labour in Namaqualand was ostensibly premised on the idea that the inhabitants of the reserves were idle, unproductive and prone to immorality. At least part of the justification for the colonization of Namaqualand was the moral right which the colonists assumed in imposing the 'dignity of labour' upon the indigenous inhabitants. A second important factor, no doubt, was that the local people were not exploiting the mineral resources of the area. It appeared logical also that since they were technologically incapable of doing this, it had to be done by somebody else.

Slowly, the people of Namaqualand succumbed to the necessity of wage labour. Their brief period of peasant self-sufficiency, after being colonised, was doomed by the reserve system as such but also by the emerging competition from white farmers, the droughts and their inability to generate sufficient capital to sustain reproducing flocks and to continue cultivation (Sharp, 1984:14). Natural disasters and social processes provided a potent combination in the transformation of the social organisation of the people of Namaqualand. While the reserve residents lost portions of their land,¹⁹ drifted into debt, and were prodded into wage labour, some white farmers were able to commercialise their agriculture through state subsidies, grants, transport concessions, favourable credit facilities, tax and drought relief, access to large tracts of land, and the availability of local labour (Bundy, 1979:116). Other white farmers entered employment but under conditions which were beneficial rather than exploitative (Sharp and West, 1984:11). Thus, by the time that the Mission Stations and Communal Reserves Act was passed in 1909, the process of proletarianisation was well-advanced in Namaqualand and reserve residents were least equipped to resist it or to derive real benefits from it.

Coloured Reserves and the Bantustans

Variations on the theme of Segregation

This act was a watershed in the history of land tenure policies in Northern Cape as the accepted but fluid practice of ruling and treating the indigenous people differently from the colonists would now be regularised by an Act of parliament. The Act drew substantially on a number of important forerunners, notably Cecil John Rhodes' Glen Grey Act of 1894 which marked the beginning of a policy of separate rule for parts of the colony designated as reserves (Hendricks, 1990:31). Thus, it is unsurprising that these two pieces of segregationist legislation should resemble each other so very closely.

The Council system of local government proposed by the Glen Grey Act is virtually indistinguishable from the Boards of Management proposed by the 1909 Act. In both cases local autonomy was replaced by a new system of appointed and elected officials. While in Namaqualand, except in the Richtersveld, it was the secular authority of missionaries which was removed, in the case of the Glen Grey Act, it was the power of chiefs which was undermined. The communal land tenure system suffers a grave distortion in both since its

area of implementation would be confined to reserves. The restrictions placed on alienation of the land, the control over the grazing commonage and the conditions of access and security of tenure are just about identical (Hendricks, 1990:31).²⁰ In addition, just as the Glen Grey Act imposed a Labour Tax on men who could not prove that they had worked for a wage for at least three months of the year, Act No 29 of 1909 imposed a similar tax on adult males to force them into work on the mines (Sharp and West, 1984:9). While the reserve system, mooted in the Glen Grey Act, was given much clearer expression in that much-maligned law, the Native's Land Act of 1913; the 1909 legislation had the same impact on so-called coloured reserves and both laws stimulated concerted opposition.

By 1912, the government hoped to impose the provisions of the 1909 Mission Lands and Communal Reserves Act. However, opposition to the implementation of the Act was virtually unanimous in Namaqualand. In the Richtersveld, in particular, according to the local magistrate, DC Giddy; "...the natives have instructed a local attorney to apply to the supreme court for a declaration of rights...natives base their claim on prescriptive rights acquired prior to and since annexation".²¹ Giddy travelled all over Namaqualand in an attempt to spread the legitimacy of the new law. Wherever he went he was met with determined resistance (Luyt, 1981:164). Residents simply refused to elect the new boards of management in terms of the law. In the 1913 annual report on Native Affairs for Namaqualand the extent of this resistance is poignantly expressed;

Owing to the enforcement of the Communal Reserves Act, the natives were somewhat disturbed during the first nine months of the year and it was necessary on several occasions to send out strong police patrols...In one reserve the majority of the people are petitioning parliament to withdraw the Act and in another reserve the people still refuse to meet any Government Officials.

In the same year, Giddy appealed to the government for amendments to the Act to allow for stricter control over the areas. He argued that, "To punish individual offenders wholesale for breaking the Board's regulations would not be very effective. It would be far better to strike at the root of the evil, namely, unauthorised public meetings and the unlawful assumption of authority *by the will of the people*" (emphasis added).²² One would be hard-pressed to find a more bald statement on the colonial disregard for local democracy and the assertion of colonial power notwithstanding the 'will of the people'.

The affinity of the two laws, of course, was not absolute. While restrictions would be placed in the way of African urbanisation through influx control and the pass laws no such legislative impediment was imposed on coloureds. Furthermore, territorial segregation with its corollary, the migrant labour system, was relentlessly compelled upon Africans. The government, on the other hand, vacillated on the very definition of people who would be categorised as coloured (Sharp, 1984:11). Despite these differences, control over these coloured reserves was vested, just like the bantustans, in the Department of Native Affairs until 1944 when the Department of Lands transferred this control to the Department of Welfare. After all, it was only in 1950 that the Population Registration Act was passed, allocating everybody in the country to a particular racial category as defined by the government, and the coloureds, so defined, were finally removed from the common voters roll in 1956. Africans had likewise been removed two decades earlier by the Hertzog Acts of 1936.

Clearly, the apartheid design of territorial segregation and political separation had differential consequences in different localities and on different people. Only by 1963 with the passage of the Rural Coloured Areas Act and the transfer of control over these reserves to the newly-formed Department of Coloured Affairs was some finality in the racial order of these areas as separate rural Group Areas actually achieved by the government (Klinghardt, 1979:8). Unlike Africans, there was no legislative compulsion for Coloureds to remain domiciled in these reserves (Boonzaier, 1980:23). Yet the reserves have persisted notwithstanding the heavy dependence of the residents on the remittances of migrant workers. While the reserve system for Africans appears to be directly linked to the creation, mobilisation and control over wage labour, this explanatory connection is more tenuous for the coloured reserves. Apartheid policy and the necessity for a secure supply of labour were not incontrovertibly linked.

No doubt, for Africans, a pseudo egalitarianism was imposed in the reserves with little possibility to undertake proper farming, concentrate land holdings and accumulate capital as the major role of the reserves was for human residence; the labour reservoir par excellence. Apartheid policy thus profoundly shaped the nature and location of African proletarianisation. The distorted system of communal land tenure in the African reserves facilitated the settlement of as many people as possible in the reserves (Hendricks, 1990). In contrast, people regularly absconded from the reserves of the North Cape allowing those who were left behind a semblance of access to means of production (Sharp, 1984:8-9). The rate of permanent urbanisation was much more rapid for so-called coloureds than it was for Africans. The reserve system and migrant labour were not central to the path of proletarianisation of workers defined as coloured. This is not to suggest that coloured residents of reserves were immunised against the expansion of the colonial government and the extension of capitalist relations. On the contrary, they were also compelled into wage labour in order to survive. The difference is that they were not forced out of the urban areas back to the reserves as many Africans had been. In fact, residence in reserves was something of a privilege since it provided a semblance of social security and access to land and livestock. Formal membership to communities in these reserves thus sets the reserve residents apart from workers outside the reserves (Sharp, 1984:17).

The registered occupiers, as those with formal membership were called, as well as the non-registered occupiers, were not in any sense trapped in the reserves as Africans were confined to the bantustans.²³ The question posed by Klinghardt (1979:9) about the survival and continued existence of these reserves despite the fact that there were no legal restrictions placed on the movement of people is relevant. The answer lies partially in the strong 'sense of community' that has emerged among the people of the North Cape reserves (Boonzaier, 1980:115-118; Klinghardt, 1979:10, citing Sharp, 1977). Access to land and the meaning it holds for the people rivets their consciousness to the area where they are registered members of a community. The privilege of this membership differentiates reserve residents within the working class generally. Even if they are not systematically engaged in agriculture, and gain little materially from their access, they have usufruct over potential means of production denied to workers in the urban areas and a low cost plot for residence (Sharp, 1984:17). However, this privilege is increasingly threatened as the distinction between registered and unregistered occupiers becomes less significant and the reserves are bound by the new North Cape government to allow all comers to settle. Obviously, these newcomers will eventually also demand access to the grazing commonage.

One of the most common assumptions about the construction of these reserves is that they were designed to 'protect' the indigenous people from the worst effects of European expropriation of their land. Krohne and Steyn (1991:2) though clearly not apologists for Apartheid policy, argue that, "...without the legal institution of the reserves, residents would probably have lost all their land. These areas offered refuge against the cruelties of apartheid and gave the community a measure of social security, even though they simultaneously formed part of the broader apartheid policy".²⁴ This assertion poses questions which are vitally important to an understanding of the reserve system as a whole. Were the reserves formed exclusively by the state to serve the labour needs of the colonists? If this is the case then how were the interests of miners and farmers expressed politically in reserve policy? Are the reserves the results of a partially successful struggle by the indigenous people against total expropriation? Were they indeed designed to protect reserve-dwellers from the ominous competition of invading whites who had the capital and other state assistance to purchase large tracts of their land? Bessie Head answers in the negative,

*I live in a little village...I live in a country called the Protectorate. I don't know what kind of protection that is. I think we are being protected from being able to see. We, the black, should not see how we are being treated by the Europeans.*²⁵

It is clear that the reserve system had the consequence of serving the interests of mines and farms. However, this does not mean that one can explain the existence of the reserves in terms of who benefits most. The consequences of the system are not necessarily its causes as well. Indeed, some of the consequences may very well not coincide with the original intentions to set up reserves. Also, there are a variety of different interests which were directly connected with the reserves. The missionaries, the rural boers, the reserve-dwellers, the mining, farming and fishing industries, the central state were all concerned in different ways with the reserve system. Matters are complicated even more by the internal differentiation within these groups. One consequence of the reserve system is clearly that the local people have not been completely dispossessed of their land. This may have been the intention of some missionaries and certainly the majority of the reserve-dwellers, but, it appears that this was not intended by the mining, farming and fishing industries. Setting up the reserves served the labour needs of the latter yet it had the unintended consequence of safeguarding a substantial portion of the land of local residents. Despite all these complications, it is revealing that the Namaqualand reserves drifted into irrelevance and isolation as the mines closed in the early part of this century (Marais, 1939:83). Correspondingly, the urgency of the state in attempting to extend its control over the reserves dissipated into "official inertia" (Sharp, 1984:8). The imperative to send out police patrols, to undermine popular resistance, to force the people into acquiescence, dissolved as the demand for labour on the mines dried up.

THE FAILURE OF INDIVIDUALISATION

Economic Farming Units in Lekkersing, Richtersveld

For fifty years the system of communal tenure remained unchanged until the passage of the Rural Coloured Areas Act No. 24 in 1963 (Sharp, 1984:8; Klinghardt, 1979:8).²⁶ Yet again, there are striking parallels between the development proposals of this Act and the Betterment and Rehabilitation legislation of the late 1930's and mid 1940's for the African

reserves (Hendricks, 1989). Essentially, these development plans were intended to divide the rural population into a middle peasantry, the so-called bona fide farmers, (even the terminology was the same), and full-time proletarians with access only to a residential site but not to grazing land nor arable land and other means of production.²⁷ The idea was by no means new. Already in 1856 the Cape colonial government appointed a Commission of inquiry into the "Granting of Lands in Freehold to Hottentots".²⁸

Earlier attempts at individualisation in the Eastern Cape were coupled with military and political designs to act as a buffer between the colony and the independent peoples of the area (Hendricks, 1990:25-26). Following the influential report by the assistant surveyor-general, S Mellvill in 1890 (G 60:1890), the Mission Stations and Communal Reserves Act of 1909, made provision for the land to be surveyed and to be issued under title to individual residents of the reserves. The conditions of title were extremely restrictive. The land could not be alienated, transferred, ceded, leased, mortgaged or rendered liable to execution for debt without the previous consent of the Governor; nor shall any land be capable of subdivision or of being held in joint occupation or ownership" (Act 29 of 1909).²⁹ There were numerous justifications for this attempt at individualisation. In his evidence before the Select Committee on Namaqualand Mission Lands and Reserves, J D Hugo, put forward the opinion that,

The progressive class can make no improvements under the conditions that land is occupied as at present, because others would benefit by such improvements...Have it (the land) cut up and titles issued to the persons having allotments of land.

In agreement, Surveyor G Alston argued,

...whenever they squat on commonage they find that it is to their own advantage to keep their spring and surroundings in as uninviting a condition as possible in order to prevent others coming in and sharing with them...I asked a farmer once whether he could not spare a piece of veld for my horses and he refused. I asked him why and told me that if he did so he would have other people down on him in no time to take their share.

In contrast, W C Scully, resident Magistrate of Namaqualand, argued before the same Select Committee, that the, "...country is not suited to individual tenure."³⁰ There were a two main reasons for this position. Firstly, from his experience as magistrate, he suggested that the reserves were without authority. There was no institution or body which had the power to direct or control the utilisation of the commonage for pasturage of stock nor was there any arrangement for the cultivation of the arable land. The very bad state into which the areas had fallen was attributed to this lack of authority or institutional control over land utilisation. His second reason contained a powerful technical argument against individualisation. The poor rains of the area necessitate the constant movement of stock to the limited available water holes or springs. People are thus bound to be migratory due to the climatic conditions. This movement would be impossible if the land was cut up into individual allotments. The stock farmers of the area would be ruined if they did not have this freedom to move as the climate dictated. Scully's solution was that the land should be vested in trust for the community, rather than be issued to individuals.³¹

In effect, although the communal system was undermined by its restriction to reserves and by territorial segregation, it remained in force until the attempted implementation of the economic farming units in early 1980's. The provisions for the introduction of individual tenure in the 1909 legislation were simply not implemented. As in the bantustans, the maintenance of communal tenure in the reserves was related to broader issues of assimilation and integration of indigenous people into the central institutions of the society (Hendricks, 1990:25-29). Even the 1963 legislation was half-heartedly implemented and it was repealed by the passage of the Rural Coloured Areas Law, No 1 of 1979 in the Coloured Persons Representative Council (CPRC). Central control over the reserves was now transferred to the CPRC - but not for long. The CPRC was disbanded the very next year and the Minister of Internal Affairs assumed responsibility over the reserves. After the introduction of the tricameral parliamentary system, administration of the reserves fell under the Minister of Local Government and Housing and subsequently under the Minister of Budgetary and Auxiliary Services in the House of Representatives.

The separate coloured House of Representatives, in the tricameral parliament, was principally responsible for the implementation of the system of economic farming units. Forty years earlier, the central state had justified its intervention in the African reserves on the alarmist reports of ecological decline, even desertification (Hendricks, 1990:94-98). The same was to happen in Namaqualand. Rural decay was attributed to overstocking. The argument suggests that indigenous people have an irrational desire to accumulate large numbers of livestock irrespective of the damage this does to the environment. The proposed solution to the problem would deal specifically with 'modernising' the form of land holding in the reserves and managing the livestock population. The idea of overstocking as the cause for environmental deterioration became the basis of Hardin's (1968) "Tragedy of Commons". Essentially, he used the case of communal access to grazing to demonstrate the problem of a system which encourages the maximisation of short-term individual benefits, by bringing in as many animals as possible, without caring for the future resource base or for other uses of the commonage. In a world of finite resources, it may be rational for the individual to rear as large a flock as possible but it is irrational from the point of view of the community as a whole since this will inevitably lead to the over-exploitation of the soil and the destruction of the common pasture. Based on this analysis, the policy designed to overcome the degradation of the soil was the individualisation of land tenure arrangements in the reserve.³²

In the case of Namaqualand as in the African reserves, this would be done through the enforcement of a system of allocating Economic Farming Units (again, the same terminology) or in Afrikaans, as the Tomlinson Commission described it, '*vollebestaansboerderyeenheid*'³³ to prospective farmers (Hendricks, 1990:127). The response of the local residents to the new development plan varied from reserve to reserve. Implementation of the plan itself was uneven. By the mid 1980's it was recognised that some reserves were simply too small for the plan to be viable, in other reserves, resistance by means of court action reversed government plans. Further, there were reserves where these very plans were enforced by the board of management without consulting the residents at all (Dunne, 1986:97-100). The Richtersveld fell into the latter category. Although legislation was passed in 1963, the provisions of the Act were accepted by the Richtersveld Board of Management only in 1981. Units were duly divided and hired to the few registered occupiers in Southern Richtersveld around Lekkersing and Eksteenfontein who were fortunate enough to own 200 or more head

of stock and to be defined as *bona fide* farmers (Krohne and Steyn, 1991:28). The Northern Richtersvelders from Koeboes objected. They broke away from the South in 1984 and consistently refused to implement the system until it was abandoned, despite considerable pressure from the state (Dunne, 1986:100).

It would be misleading to suggest that opposition to the introduction of Economic Farming Units was unanimous in all of Namaqualand. Certainly, those with large flocks of livestock benefitted enormously from the development scheme. Mr J Hein from Lekkersing, a descendant of the evangelist Hein, expresses the position of those in possession of an Economic Farming Unit;

U weet, dit is so dat as jy verantwoordelik is vir a stukkie grond vir n eenheid, dan moet jy mos sorg dat dit darem nie misbruik word nie. Dis algemeen as jy klompie vee het dan kan jy gaan wei waar jy n stukkie veld sien, dan trek jy soontoe en jy kan daarop wei sonder dat jy gehinder word ensovoorts maar nou is dit nie die geval nie...Kyk, die man wat nou eenhede kry, hy betaal 'n sekere bedrag, 'n hoeveelheid vir daardie eenheid, meer as wat die gewone okkupeerder van die Richtersveld betaal. En hy moet eintlik ook net op daardie eenheid moet hy klaarkom...ek dink dit sal ook afneem die ontevredenheid...in verband met die boerdery en die ekonomiese eenhede... [You know, it is so that if you are responsible for a piece of land then you must see to it that the land is not abused. It was accepted that one could graze stock on any piece of land without hindrance from others. But this is not the case any longer... Look, the man who has a unit pays a certain for it, more than the ordinary occupier pays in Richtersveld. This unit has to suffice for all his grazing needs... I think the discontent against economic units will eventually decline.] (cited in Redlinghuis, 1986:15-16).

State intervention in the reserves in the form of Economic Farming Units in effect implied that the grazing commonage would be converted into individual allotments for the *bona fide* farmers. Clearly, the majority of reserve residents could not qualify to become farmers in terms of the prescriptive definition of the scheme. They would be denied access to the commonage and thus utterly dependent upon wage labour for their survival. Yet, the type of employment opportunities in the area are extremely precarious. It was impossible for the majority to make a living simply on the basis of seasonal labour on the farms or contract labour on the mines and fishing industry. Access to livestock and land was vital for survival in a reserve community as the following committee indicated,

As dit die bedoeling was dat die gebiede...moes dien as 'n uitsluitlike bron van lewensbestaan vir die mense dan is byna al die plekke oorbevolk. As die gebiede egter beskou word as n staanplekkie, n woonplekkie (of soos die Kleurlinge dit noem n, "sitreggie"!) vir elk en 'n gedeeltelike aanvulling in die lewensonderhoud moet die inkomste verkry deur uitwerkery daarby dan is daar nog plek in die gebiede. [If the purpose of the areas was that they should serve as the exclusive source of livelihood for the people, then they are overpopulated. However, if the reserve is viewed as a small place to stand, a small place to live or (as the coloureds refer to it as a small place to sit) for everybody to derive only a portion of their subsistence and to rely instead on outside employment, then there is room in the areas for more people.]

(Verslag van Interdepartementele Komitee Betreffende Kleurling Anngeleenthede op Kleurlingsendingstasies, Reserwes en Nedersettings, UG No33/1947:6)

Sharp (1984:17-18) also argues in this connection, "What was necessary was not the actual possession of livestock, lands or implements at that given moment, but the possession of the right to have these things at some time in the future...it was the right of community membership which provided the guarantee that a supplicant would be able to reciprocate the help of a benefactor should the tables be turned late on". Under these conditions it is unsurprising that the majority of the reserve residents would be opposed to a scheme which denied them access to the possibility of social reproduction and the dignity of reciprocity. After all, they were struggling for effective control over access to their means of livelihood.

Yet, does the resistance of the people and their demand for free access to the commons necessarily result in an efficient system of managing the commons and can the pre-existing system be re-introduced in a reformed fashion to allow for effective control over grazing? It would appear that this is unlikely. The colonial disruption of the indigenous system of land tenure has left an indelible imprint on it - so that the existing system only superficially resembles its predecessor. The question of tenurial reform should thus be seen in relation to the broader issues of social inequality and environmental protection.

The Practice of Planning in Lekkersing³⁴

There were altogether 23 coloured rural reserves in South Africa, or places reserved for residence by people defined as "coloured". The Richtersveld is one of six of these reserves situated in Namaqualand, the others being: Steinkopf, Leliefontein, Concordia, Kommagas and Pella (Boonzaier, 1987:480). It is the largest of the reserves covering an area of well-over half a million hectares. There are about 2 700 people living in the Richtersveld, six hundred of whom live in Lekkersing, the capital of the Southern part of the reserve (SPP, 1995:34).

Towards the end of 1978, an agricultural officer, Cornelissen, addressed a meeting of the Management Board of Lekkersing in connection with the division of the grazing commonage into economic farming units. He demonstrated a map of the Richtersveld with the proposed boundaries for these units. The proposal was accepted by the meeting and a committee was appointed consisting of the following local residents: A Joseph, AC Joseph, J Joseph, W Domrogh and H Cloete.³⁵ This committee was charged with the responsibility of assessing the applications for economic farming units and allocating these to the successful applicants. Altogether 36 grazing camps were demarcated in the Southern Richtersveld, ranging from about 6 000 hectares to nearly 10 000 hectares and most of these were allocated. The rent for these units varied from R150 to R200 per annum. More often than not, two or more farmers used the same unit. In practice then, the supposed official concern for overgrazing was mere rhetoric. In fact, one of the major complaints of the owners of units was that the amount of land available to them was too small. They argued that they previously had access to about 500 000 hectares of pasture. Of course, they did not consider the fact that other farmers also had access to the same grazing fields. This means, obviously, that they did not

actually have access to the entire 500 000 hectares. Indeed, they were sharing this access with other livestock farmers. The commonage surrounding Lekkersing and Eksteenfontein were left with about 1 000 hectares each for all those livestock farmers who were not allocated an economic farming unit (Boonzaier, 1987:485-490).

The scheme was rejected from its inception. Not only were the people not consulted about the division of the land, those who did not get a unit were not informed about the decision at all. The land was physically fenced in 1980 and farmers started formally occupying their units and paying rent in 1982. Similar applications of the policy were evident in six other reserves. The affected inhabitants of the Leliefontein reserve, assisted by non governmental organisations such as the Surplus People Project and the Legal Resources Centre, took their case to the supreme court. They won the case and the sub-division of the area was set aside in 1987. Similarly, the Steinkopf division of land was abandoned the very next year, in agreement with the D Curry, then Minister of Local Government, Housing and Agriculture in the House of Representatives.

It took a bit longer to happen in Lekkersing. Early in 1989, at a joint meeting of the newly-formed Gemeenskaps Organisasie (Community Organisation) and the Management Board in Lekkersing, the matter was raised by members of the committee. Especially K Stoffel, who had just written a letter of complaint to Minister Curry about the units, argued that the units benefitted only a small portion of the community (including the members of the board) and that the policy should be abandoned. His proposal was however turned down by the Board. It took six months before the state finally set aside the system of land division. Since mid 1989 thus, grazing has reverted to the communal system in Lekkersing. Everybody again has access to the commonage. The major bone of contention now it appears is not access as such but informal mechanisms of control which seem to afford the large stock owners preferential access to the best grazing land. But, this privilege is being challenged by the small-stock owners. Often, local residents, usually the large stock owners, refer to the lack of respect of fellow livestock farmers. They point to the manner in which any livestock farmer may choose to graze stock anywhere on the commonage, irrespective of whether certain parts of the commonage had, over the years, become associated with particular farmers. The evidence suggests that there is an open access system of tenure in the area rather than a regulated communal system. A kind of "free for all" clearly not conducive to the effective management of the limited resources in the reserve (Bromley, 1991:22).

● The Case of Joseph Cloete³⁶

Joseph Cloete was born in 1920 in Noufontein in the Lekkersing district of the Richtersveld. Round about 1870, his great-grandfather had moved from Kommagas, a neighbouring reserve, to Kubus in the Northern Richtersveld. As far as his memory stretches and as far as he can recall the narratives from his father and grandfather, all his forefathers were livestock farmers.

Joseph Cloete's grandfather moved from Kubus to Noufontein when he got married. As custom determined, his father had given him some livestock and educated him in the art of rearing sheep and goats. He built a round mat house (matjieshuis) and gradually established a home for himself and his family. His wife bore him six children, four sons and two daughters, all of whom set up home and farmed in Noufontein.³⁷ All of Joseph Cloete's

paternal ancestors were Basters³⁸ but his mother was a Nama-speaker, descendant of the Namaqua people.

Joseph Cloete schooled in Lekkersing. He passed standard four (i.e. six years of schooling) at the age of seventeen, having begun school at the age of ten. He was compelled to leave school in order to tend to his father's stock. His father was an enterprising livestock farmer. He had about six hundred goats, 250 sheep and about four cows kept mostly for milk. At the age of twenty-four Joseph Cloete got married. He had two daughters both of whom are married. In 1946, two years after his wedding, again, as custom determined, his father let him choose one hundred sheep and goats and made him farm independently. Joseph Cloete was a committed hard-working farmer and his flock reached about eight hundred after a mere six years of independent farming. He would sell about three hundred every year and maintain a flock of about five hundred. His market was formed by whites in neighbouring Port Nolloth, specifically farmers named Vloors Brand and Serfaas van Zyl. Joseph Cloete's livelihood was entirely dependant upon the sale of his stock. Yet, due to the particular race relations dynamics in the area, the price for the stock that he sold was determined by the buyers.

He had a summer grazing area, between Lekkersing and Jammerfontein, and winter grazing field, between Lekkersing and Vredefontein. In those days, he argues, other stock farmers respected an area that had over the years become associated with one's stock. This was not a case of random free access to grazing, but an informal mechanism of grazing control on the commanage. In theory, of course, everybody had access to the commonage, but the actual practice of using the land for grazing was determined very much by the manner in which the land was 'occupied' by particular farmers. Often, there would be joint access to grazing by family members, but this was done more for the convenience of having only one shepherd tending the animals. It was extremely rare for different people's livestock to graze on the same field. This was socially unacceptable to the community of stock farmers, and people generally conformed to this informal normative control.

Contrary to the assumption that communal access to the commanage necessarily leads to overgrazing, Joseph Cloete's narrative is one of local institutional mechanisms of grazing control and care for the environment.³⁹ The state's intervention in Lekkersing in carving up the grazing commage into camps, depriving Joseph Cloete and others of their grazing rights, had the effect of destroying the pre-existing institutional framework and dividing the community between those with and those without economic farming units.

As with the rest of the reserve residents, Joseph Cloete was not consulted about the introduction of the camp system and economic farming units. He had heard rumours about the possible implementation of the scheme but he was not invited to apply for a unit himself. He was utterly opposed to the system as he was quite happy with the system of communal access. It allowed him to accumulate as much stock as he could manage and he made a reasonable livelihood from it. This lack of consultation would be one of the technical factors in the case brought against the state in the implementation of the policy of efus.

One fateful day in 1980, a fence was erected between Joseph Cloete's round mat house and the Noufontein. The fence was about three metres from his house and it neatly separated his place of abode from his grazing area. He was compelled to break his house down and to

rebuild it on the Noufontein side of the fence so that there would be no hindrance for his stock. About two years after the fence was erected Jakob Diergaardt came to Noufontein to claim the grazing area as his own and to inform Joseph Cloete that he had to move with his house and his stock. The latter claimed that it was his birthright and refused to move.

Jakob Diergaardt took the matter up with the Lekkersing Management Board and the police in Port Nolloth and Joseph Cloete was duly summoned to appear in court on a charge of trespassing. Although Cloete only had R400.00⁴⁰ in the bank, he appointed a lawyer to defend him. It was his livelihood and his birthright at stake. The lawyer charged him R150.00, 40% of his life's savings. He was acquitted of the charge but the magistrate instructed him to move within three months.

Joseph Cloete approached Willem Cloete of the Northern Richtersveld Management Board to ask whether he could graze his stock in their area but he was not successful. Instead, he was fortunate to be allowed to set up his stock post in Gert Links' economic farming unit close to Lekkersing. Although this was illegal in terms of the new camp system, it was widespread in Lekkersing and puts the lie to the technicist notion of carrying capacity of the soil. Gert Links extended this hospitality to Joseph Cloete for five years. But during this time Cloete's flock dwindled to 300 head of livestock. Cloete was again forced to move. This time to the overgrazed and depleted commonage in the vicinity of Lekkersing where his stock dwindled to 100. It should also be noted that Joseph Cloete was compelled to sell his stock under very unfavourable market conditions. It was well-known that there was simply insufficient grazing in the commonage surrounding the village of Lekkersing and that the stock-owners would have to sell in great haste to prevent both the death of their stock and the further depletion of the environment. The forced sale of livestock thus resulted in huge losses for those unfortunates who did not have access to an economic farming unit. In the process, state intervention in the shape of the system of economic farming units, had the effect of dispossessing the majority of reserve residents of sizeable portions of their livestock.

Today, Joseph Cloete has 56 sheep and 90 goats. He sells a few stock to the locals for slaughter, but his livelihood is more dependent upon the state pension that he receives rather than from his livestock farming. His stock now grazes in the same area that he had occupied in Gert Links' former unit. He complains bitterly that the large stock owners do not respect his grazing area and goes as far as to suggest that there should be some mechanism for implementing stock reduction so that everybody in the community has an equal chance to use the commonage. Just as the large stock owners complain about the small users of the commonage encroaching on grazing which they have claimed as their own property, the small stock owners see the large stockholders as using an unfair portion of the entire commonage.

There are a number of farms surrounding the Richtersveld on state land which formerly used to be rented by white farmers. These are the so-called corridor farms. Presently, six local farmers from the Northern Richtersveld are renting these farms on an individual basis and debarring the rest of the residents from entering the area. The people of the Richtersveld are claiming this land on the basis that it formed part of the original area of the Richtersveld. This land claim is organised by the transitional council which is the local governmental structure embodying both members of the old Management Board and the new democratic organisations in the area. If the land is granted to the people of Lekkersing and becomes

freely available to the livestock farmers of the area, it will certainly lessen the present burden of overgrazing and denudation of the soil. Joseph Cloete as well as many other local farmers are desirous of the land of corridor farms since the grazing is so much better on these farms. He goes as far as to say that, "... the land is alive and it is land of milk and honey". He looks to the release of the corridor farms as the salvation for his stock farming. However, even these farms will be confronted by the problems of unequal access to grazing land if the land is merely passed on to the transitional council as part of the broader commonage. There needs to be a much more dynamic interpretation of the diverse needs within the community, rather than merely leaving everything to chance and allowing everybody to do just as they please.

Joseph Cloete's case illustrates just how grossly unfair the system of economic farming units was for the residents who were denied access to the grazing commonage. The individualisation of the commonage all but destroyed him. As he complains, "Dit het vir my geheel kla gemaak" [It finished me]. However, the system of open access which has taken its place does not permit much in the way of grazing regulations and concern for the conservation of the soil.

CONCLUSION

The problem of efficient resource management in the former coloured rural reserves is complicated by the diversity, even opposition, of interest groups within the reserves. It is a problem that cannot be adequately addressed without an understanding of the peculiar processes of colonial dispossession and state intervention in the North Western Cape reserves. This article has attempted to demonstrate exactly how the pre-existing form of land-holding was undermined and distorted, not only by the abortive attempt at individualisation in the 1980's, but by nearly one and half centuries of colonial rule.

Individualisation of communal tenure is a thorny issue. But this does not mean that the answer lies in freezing the people of the reserves in a kind of pre-colonial existence. There needs to be a more dynamic acceptance of the possibility for social transformation. The question to be asked, of course, is whether the reserves can be maintained as islands of communal tenure in a sea of privatisation. Moreover, whether this system, in its revised form, can result in the efficient management of the limited resources of the reserves. From the evidence that I have collected, I doubt this very much. Notwithstanding the currently popular notion that communal tenure does not necessarily lead to the "Tragedy of Commons", my view is that you will be hard-pressed to convince those who have newly-won their right to grazing that it is in their long term interest to reduce their stock. Too much has happened in the interim, by way of colonial disruption of the pre-colonial system, for it to be re-introduced without disastrous consequences for the environment.

There can be little doubt that the system of communal tenure enjoys the support of the majority of residents in the reserves. This is not surprising at all. The majority of the people live on the edge of poverty. They will want to protect any right which may afford them some possibility for improving their position. However, it is quite obvious that all the residents of the reserves do not make equal use of their equal right to the commonage simply because they do not own the same number of livestock. The large livestock owners

inevitably use more of the commonage than the small holders and their interests in relation to the future of the reserves often do not coincide. Even those who do not own any livestock also have the right to eventually use the commonage. It is extremely difficult to reform such a system of private livestock ownership on collective property, distorted as it has been by colonialism and the state's intervention in the 1980's.

It is extremely hazardous to periodise exactly when the local regulation of grazing broke down giving way to the tendency towards a free access situation. But the timing of this disintegration does seem to coincide with the abortive introduction of individualization. Increasingly, the lack of respect for one's grazing area, which stock-holders these days complain of, indicates the advanced stage of the destruction of the local grazing regulation and control. In all probability, this lack of respect is caused by a vigorous assertion of the small-stock holders of their rights to the grazing commonage. It is a point of friction which is virtually impossible to regulate without undermining the communal rights of each to the grazing area. The social differentiation of the reserves lies at the heart of the problem. The communal system was premised on a relatively egalitarian social structure. Under conditions of gross disparities of wealth and poverty, where the large livestock owners are also the teachers, small businessmen, shop-keepers, government bureaucrats, the small stock owners are also workers in the neighbouring mines, farms and fishing industry, and where a tiny minority of the population regard themselves as full-time farmers eking out an existence from the sale of stock, the perpetuation of the system is, in the long term, not beneficial to the environment nor to the farmers.

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NOTES

1. This article is based on work originally done together with Jeff Lever and Jimmy Ellis in a research project commissioned by the Land Development Unit at the University of the Western Cape. I have expanded my section of the report into this article. I am grateful to Jeff and Jimmy for their generosity in allowing me to present this piece and thankful for the insights gained during our collaboration. I was also extremely fortunate to have a resident from Lekkersing, Francis Simpson, a final year

theology student at the University of the Western Cape, assist with the interviews. Finally, I am grateful to the people of Lekkersing for their warm hospitality, their wit and their detailed knowledge of local traditions and history.

2. Kotze (1943) called Namaqualand, "... 'n geïsoleerde gemeenskap" [an isolated community]
3. Popular local folk singer, David Kramer, composed the following song on a migrant labourer returning to the village of Lekkersing:

Matchbox Full of Diamonds

*O ja vanaand stap ek alleen
Op die pad na Lekkersing
Daar's 'n wet wat jou kan mal maak*

En 'n wind wat die reën kan bring

*Oh yes, tonight I walk alone
On the road to Lekkersing
There's a law that can drive you
mad*

*And a wind that can bring the
rain*

*I'm carrying a cardboard suitcase
And a plastic Christmas tree
I bought a tin of canned peaches
And a jacket that fits me*

Chorus

*Matchbox full of diamonds
Bucket full of rain
I'm as happy as a hotel
In the springtime
When the flowers bloom again*

*Miskien vir jou is die plek lelik
Maar vir my is die plek mooi
Hoekom sal ons nou hierbly
Want die Here het ons hier gegooi*

*Perhaps the place is ugly for you
But it is beautiful for me
Why should we live here
Because we were cast here by
God*

Chorus

*Well I'm walking back to Lekkersing
And I'm following a telephone pole
It's dark under God's blanket
But the sun shines through the holes*

*Four hours I've been walking
Under a sky that never cries
I've got a matchbox in my pocket*

I paint a rainbow in my eyes

Chorus (2)

4. Joseph Cloete played a leading role in local resistance against the government scheme of dividing up the communal grazing area into camps. He was the first applicant in the successful supreme court case against the state, and the most articulate of the local farmers who had lost their access to grazing land through the application of this scheme.
4. Davenport's (1987) textbook history of South Africa, for example, has no reference to the Richtersveld at all, and it only contains two marginal notes on Namaqualand as a whole. Van der Merwe's (1945:58) popular account of the 'thirstland' describes the Richtersveld as, "...die eensaamste en onbekendste deel van Namaqualand," which translates as 'the loneliest and least known part of Namaqualand'.

This was not always the case. Sharp (1984:9) citing Smallberger, suggests that during the mid nineteenth century, copper from Namaqualand was the second most important export (after wool) in the Cape Colony.

6. The privilege of membership to these reserves has been defined as citizenship or in Afrikaans 'Burgerskap' to highlight the local franchise which the registered occupiers enjoy.
7. Beginning with the pioneering work of Carstens in 1966, a number of theses, monographs, conference papers and articles have followed mainly from the Anthropology department at UCT. Luyt's (1981) UCT Sociology thesis and Redlinghuis' (1981) UWC thesis being important exceptions in this regard. See also van der Merwe (1945:58).
9. John Sharp' (1990) perceptive paper refers to this point but does not address it systematically.
10. Interviews with local stock farmers, Jan De Wee and Jacob Diergaardt, and the formation of the Richtersveld Boerevereniging to specifically promote the interests of stock farmers point to the minority but strong opinion that farming should be done on an individual basis.
10. For a vivid account of pre-colonial leadership, land and livestock ownership as well as political alliances and conflict in Namaqualand, see Luyt (1981:78-85)
11. LND 1/358; L4911: D de Villiers Graaf to Mr Sirenright, 15 January 1891 continues his letter thus, "...Some three years ago, the lease of a farm was put up to publication and leased to a Mr William Carstens, Paul Links objected to the lease and the government cancelled it and restored to him his property". In his report, the assistant-surveyor general, Mellvill (1890:61), corroborates this position, "Paul Links and his people are strongly opposed to the land near the Orange River mouth being excluded from that to be occupied by them, and I promised to represent this to

the Government" his own view however, was that the fertile banks of the Orange River, "...should not be left in the hands of the natives, who are utterly incapable of developing the great natural resources it possesses in the way of rich arable land...together with an unfailing supply of water for irrigation".

12. In 1947, an interdepartmental committee on coloured mission stations, reserves and settlements submitted its report (UG No 33/1947). On the land issue the following quote is instructive; " U komitee het orals ondervind dat Kleurlinge nou meteens aanspraak maak op groter grond as waarop hulle woon, met die bewering dat sekere gronde van hulle afgeneem is en dat hulle oorspronklike groter gronde gehad het en dat die grond hulle privaat eiendom is". [Your committee found the unanimous demand by coloureds for more land than that they occupy in the present reserves. Thier contention is that certain portions of their land had been expropriated, that they had access to greater amounts of land and that the land was their private property.
13. Sharp and West (1984:4) however argue that the reserves commenced as mission stations of the Rhenish Mission Society of Germany with the Richtersveld starting, "...just beyond the colonial boundary, and... incorporated when the boundary was extended to the Orange River in 1847".
15. The nature of this right to hold land in the Richtersveld is vital to discussions about the possibility of invoking the doctrine of aboriginal title in favour of a land claim for areas surrounding the boundaries of the reserve. Clearly, annexation did not extinguish indigenous rights to the land. On the contrary, the creation of reserves provided statutory security for indigenous rights to occupy the land. Even if the certificate of reservation was extremely prescriptive, paying far greater attention to the rights and privileges of the Governor-General and the Crown than to those of the local residents, it still legally recognised the rights of occupation and use of the land by the local inhabitants. In this sense, the residents of the reserves were spared the full impact of colonial dispossession. They retained a substantial portion of their land under conditions not unlike those to which they were accustomed from about the beginning of the eighteenth century and beyond. This is not suggest that the reserves were isolated pockets of relative privilege frozen in a pre-colonial existence, but to demonstrate the peculiar nature of state intervention in the reserves. While the Ticket of Occupation clearly afforded the residents access to land in the demarcated reserve, it had the simultaneous effect of preventing such access outside the reserve. Colonial dispossession thus took the form of restricting indigenous access to land exclusively to the reserves.
16. (LRC) See Joseph Cloete's affidavit before the Supreme court of South Africa in the case between Cloete and others against the minister of the Budget, Support Services and Agriculture in the House of Representatives (first respondent), the Southern Richterveld Management Board (second respondent) and Gert Links and others (third, fourth and fifth respondents)
17. S Mellvill, assistant surveyor, Evidence before the Select Committee on Namaqualand Mission Lands and Reserves. A.7-1896:6. He continues,

Sometimes they have good seasons and they raise tremendous crops which they sell. But the people are improvident, and if the following year the crops fail, th improvident among them sponge on their more prosperous neighbours or sell what little they have for a mere trifle.

18. W G Scully Evidence before the Select Committee on Namaqualand Mission Lands and Reserves. A.7 -1896:20.
18. The Interdepartmental Committee Report UG No 33/1947:3&52, for example, thus justified the loss of land for the reserve-dwellers,

Een rede waarom gronde in die laaste jare kleiner word, is dat die Kleuringe nog altyd buite hulle grense gewoon het en hierdie Kroongronde gebruik het. Dit is in die laaste jare aan Blankes toegeken en die Kleurlinge moes binne hulle grense terugtrek wat die indruk gewek het dat die grond van hulle weggenem is. [One reason why the reserves appear to have become smaller is that the coloureds have occupied land outside of the reserves. Over the last few years, this land has been allocated to whites and coloureds have been forced back into the boundaries of the reserves. This has created the impression (sic!) that they have been dispossessed of their land.]

The Advisory Board of the Richtersveld, consisting of six members from Kubus and two from Lekkersing, also sold a portion of the area for £2000.00. There was little control over the revenue collected through taxes since there was no list of registered occupiers and no receipts were issued for these payments. A number of white farmers, thirty altogether, hired land from the board for the purpose of stock farming. The Interdepartmental Committee found the situation whereby the local residents represented by the Board would regularly collect rent from the white farmers totally unacceptable,

Aan die anderkant moet dit vir die klompie blankes vernederend wees om raadslede vir weiding te smeeek...Hulle moet onder andere die vee van die boer tel of die boer se opgawe aanvaar. Hierdie stelsel is ongesond. Die klompie blankes sal elders moet versorg word. [On the other hand, it must be humiliating to the few whites who have to beg the coloured Board of Management for grazing rights. They have to, inter alia, count the stock of the white farmer or accept his tally. This system is unhealthy. Other provision will have to be made for the whites in this area.]

See also (SPP, 1995:35-37) for a short historical exposition of the diminution of the Richtersveld as the indigenous occupation of land became more and more restricted.

19. Mission Stations and Communal Reserves Act, No. 29 of 1909. Bylae Z in UG No.33/1947.
20. 1/SBK 5/6/1. DC Giddy to Secretary for Lands, 24 October 1912.

21. 1/SBK 5/6/1. DC Giddy to Secretary for Native Affairs 31 December 1913. Besides the unintended irony that the will of the people should be unlawful, Giddy further argued:

Owing to the attitude adopted by the communities of Leliefontein and Komaggas it is at present quite impossible to effectively carry out the provisions of the Act. At Leliefontein a section of the community has elected a "Raad" which works openly in opposition to the Board of Management and the former having sufficient followers to carry out its wishes, the latter is practically a figurehead. At Komaggas much the same thing is happening except that there no open resistance is shown to authority. Here the people simply remain passive as regards official instructions but they continue to manage their own affairs in their own way. Public notices issued by the board of management are destroyed and disregarded, public works are interfered with and the "Raad" meets openly and issues its instructions which are observed by the majority of the community regardless of their legality.

23. Boonzaier (1979:6-7) suggests that the distinction between registered and non-registered occupiers was not quite as stark in the Richtersveld as it had been in the other reserves. The lack of pressure on the land and the low level of missionary influence were partly responsible for the ease with which people could enter the Richtersveld and become members of the community. This situation changed in 1949 when about 300 Bosluis Basters [Tick Bastards] were allowed to enter and settle in the reserve. Most of them settled in Eksteenfontein (previously called Stinkfontein) but some found their way into Lekkersing as well.
23. This point is typically made by M.Vos in 1909, "...die doel van die regering was om die Hottentotte te beskerm teen indringing van naturelle of blankes deur aankoop, huur of andersins, en hulle van genoeg weiveld vir ten minste een geslag te voorsien". Bylae S, Geskiedenis Van Namakwaland. Verslag UG No 33/1947. Similarly, Boonzaier (1980:123) states, "...one of the main functions of the missionaries was to protect the people from encroaching Basters and Boers".

The Surplus People Project (1995:21) elaborates the position thus,

Colonial expansionism was certainly intended to be for the gain of the colony and it is sure that concern for the interests of the indigenous people did lie behind the extension of the colonial boundary...But the move was presented to the indigenous people as one which would benefit them and offer them protection from those who might seek to harm them. They expressed their willingness to take on British citizenship in return for a promise that their land would be safeguarded from encroachment.

24. Bessie Head (1993:163) From her short, short story, 'Poor Man'. Although Head is obviously referring to the Bechuanaland Protectorate, the principle of ostensible protection is applicable to the Namaqualand Reserves as well.

5. Klinghardt (1979:8) in particular suggests that this was part of the Apartheid process of systematically separating coloureds from other groups to become in Sharp's (1984:12) words, a "Coloured volk-in-wording".

27. The Interdepartmental Committee on Coloured Mission Stations Reserves and Settlements (UG 33,1947:13) proposed the following,

Die oplossing behoort dus orals te wees om twee groepe inwoners te he: Die een groep wat getoon het dat hulle goeie boere is, die grondbewerkers. Hulle sal die grootste gedeelte, indien nie hoofsaaklik nie, hulle lewe uit boerdery maak. Hulle toestande wat betref landbou en veeteelt moet verbeter word tot die optimum. Hulle sal self hulle bydrae hiertoe moet lewer, self deelneem aan die atiweteite. Hulle sal in al die voorregte wat daar geskep word deel moet he bv. bouerf, stukkie fyntuinggrond onder water, saailande en weiding d.w.s. waar hierdie kondisies daar is of daar gestel kan word. Die volgende groep sal die huisbesitters wees. Dit is die mense wat uitwerk en vir die grootse gedeelte hulle lewe maak deur uitwerk en wat geen boere is nie. Hulle sal net geregtig wees op 'n bouerf maar afhanklik wees van hulle werk... In die toekoms sal hulle half-geskoolde manne wees. [Thus, the solution everywhere should be to divide the residents into two groups: the one group should have a proven record of farming. They will derive the bulk of their livelihood from farming. Their farming conditions will be improved to the optimum. They will also have to make a contribution to the betterment of the areas and they should have access to all the following privileges: building plots, garden plots, arable lands and grazing fields. The other group will be workers. They will be people with outside employment. They have no interest in farming. They will have access to a building plot but they will be totally dependent upon outside work for their livelihood. In the future, these workers could become semi-skilled.]

28. Cape of Good Hope. Minutes of Evidence taken before the Select Committee of the House of Assembly on Granting Lands in Freehold to Hottentots. 1856.

29. Appendix Z. (UG 33:1947:82-88). Act No 29 of 1909. To provide for the Better Management and Control of certain Mission Stations and certain Lands reserved for occupation of certain Tribes or Communities, and for the granting of Titles to the Inhabitants of such Stations and Reserves. The short title for the act would be "Mission Stations and Communal Reserves Act, 1909".

30. Minutes of Evidence. Select Committee on Namaqualand Mission Lands and Reserves. 1896:2-42.

31. A revised version of this position has been recently put forward by the Surplus People Project (1995:29).

32. In a frontal attack on this analysis, Bromley (1991:22) argues that Hardin has confused common property regimes with open access situations. The latter, depending on its institutional acceptability can be an efficient manner of managing common property. Mace (1991:280-281) argues that the debate has not been resolved

yet.

33. This translates literally as, 'full subsistence farming units'.
34. The data for this section was obtained from the files of the office of the Board of Management in Lekkersing.
35. Richtersveld Bestuursraad Notules, 1:12:1978.
36. The information in this section was obtained from Joseph Cloete's affidavit before the supreme court of South Africa in the case between Cloete and others against the Minister of the Budget, Auxillary Services and Agriculture in the House of Representatives (first repondent) and Gert Links and others (third, fourth and fifth respondents) and from interviews with Joseph Cloete conducting in Lekkersing.
37. The literal translation of Noufontein is narrow fountain or spring. Presumably, there was sufficient water and therefore grazing for the extended family to survive.
38. The Basters or in english, Bastards, were Afrikaans speaking people of mixed origin.
39. Twenty years after Hardin's seminal article, Reader (1988:51-52) responded with some evidence of local regulation of grazing to ensure the viability of the land which they hold.
40. 1£ = R5.60