

COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT (CBNRM) IN SOUTHERN AFRICA

An Occasional Paper Series

Constituting the Commons in the New South Africa

**Moenieba Isaacs
Najma Mohamed
Zolile Ntshona
Stephen Turner**



Commons Southern Africa



Preface

This set of papers results from participation by staff members of the Programme for Land and Agrarian Studies in the eighth biennial conference of the International Association for the Study of Common Property, held at Bloomington, Indiana, from 31 May to 4 June, 2000.

We are grateful to IASCP for accepting our proposal for a panel on 'Constituting the commons in the new South Africa', at which these papers were presented. We are also grateful to Dr James Murombedzi and the Ford Foundation for their role in stimulating and funding our participation in the conference, and their support for work at PLAAS on community-based natural resource management. However, we take full responsibility for any inadequacies in these papers, and for the opinions expressed in them.

*Moenieba Isaacs
Najma Mohamed
Zolile Ntshona
Stephen Turner*

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Abbreviations

ANC	African National Congress
BPK	Management Plan Committee
CAMPFIRE	Communal Areas Management Programme for Indigenous Resources
CC	Closed Corporation
CPA	Communal Property Association
CPPP	community-public-private partnership
CPR	communal property resources
DA	Democratic Alliance
DEA&T	Department of Environmental Affairs and Tourism
EDA	Environmental and Development Agency
FA	Farmers' Association
GEAR	Growth, Employment and Redistribution
ha	hectare
IASCP	International Association for the Study of Common Property
IDP	Integrated Development Plan
IF AD	International Fund for Agricultural Development
ITQ	Individual Transferable Quota
IUCN	The World Conservation Union
kg	kilogram
km	kilometre
LSU	large stock unit
MCM	Marine and Coastal Management
NGO	non-governmental organisation
NPB	National Parks Board
PLAAS	Programme for Land and Agrarian Studies
Pty	Proprietary
RDP	Reconstruction and Development Programme
RNP	Richtersveld National Park
SANP	South African National Parks
TAC	Total Allowable Catch
WCRL	West Coast Rock Lobster

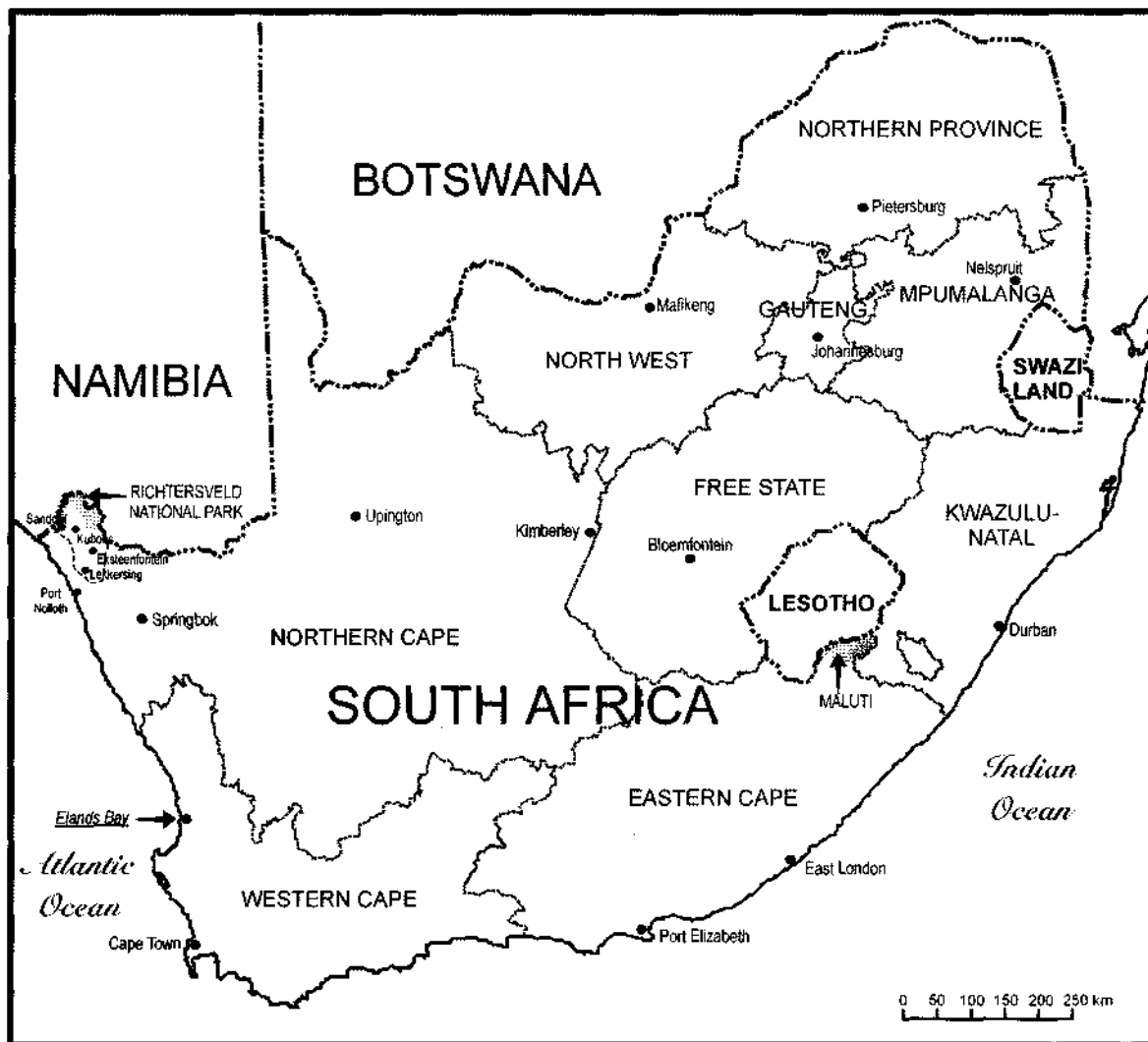


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Summary

At the eighth biennial meeting of the International Association for the Study of Common Property, the Programme for Land and Agrarian Studies organised a panel on the prospects and problems of the commons in the new South Africa. Although the nation's indigenous heritage of common property resource management was grossly distorted and then mostly destroyed by the colonial and apartheid experiences, it remains important to assess the potential contribution of the commons as a framework for livelihoods and a mode of resource governance. The IASCP panel debated these issues and sought to identify the challenges and opportunities facing common property resource management in various sectors of contemporary South Africa. Three of the papers that were prepared for the panel are presented here.

Moenieba Isaacs and Najma Mohamed review co-management as a means of governing natural resources and their users. They argue that co-managing the commons within the new governance structures of South Africa has the potential to promote participatory democracy and improve natural resource management. Inequitable access to and use of natural resources characterised apartheid-era policies and practices. In line with post-1990 democratisation processes, public involvement, participation, community-based initiatives and co-management have been promoted as key aspects of natural resource management policies. Power sharing, empowerment, organisational capacity building and improved natural resource management are some of the key principles of co-management within the South African context. The authors explore the applicability of the co-management concept to the enhancement

of rural livelihoods in South Africa with specific reference to the conservation sector, and coastal and marine resources policy and implementation processes. Co-management initiatives in the fisheries and conservation sectors in South Africa have failed to incorporate many co-management principles, such as joint decision-making and benefit distribution. Instead, co-management has been transformed from a community-based management approach to a more top-down approach. The visibility of market liberalisation and privatisation trends in South African natural resource policies reflects the dominance of such thinking in broader macro-economic policies. Thus, the embeddedness of local initiatives within the broader South African political economy explains why co-management, in its present form, provides little respite for the rural poor. In reality, the 'action space' created by natural resource management policies for community-based natural resource management, is not being claimed by rural communities. A re-definition of co-management, which addresses the realities of the fractured rural communities of South Africa within a liberalised political economy, is required to develop natural resource management systems that address the injustices of the past. Furthermore, co-management concepts should be re-worked to assist in the 'de-marginalisation' of rural communities in South Africa.

Zolile Ntshona assesses governance options for communal rangelands in an area of the Eastern Cape that he has studied. He explains how the democratic government era has been characterised by poor management of rangeland resources in most parts of the rural South Africa. With little fencing and the unavailability of herding labour,

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common property resource management is becoming more difficult to implement in communal areas. He looks at whether common property resource management approaches offer any sort of non-freehold future for livestock production and range management in communal areas of South Africa. People in communal areas depended on government provisions and assistance for more than 30 years during the period of the 'betterment' programme. After the collapse of the programme, grants and policing by the government were discontinued, but people now still expect grants and to be policed by the government. The paper argues that the future will provide positive benefits if a different kind of 'betterment' can be implemented. Pure common property resource management by local communities of resource managers cannot be recreated. The state needs to play a strong role in supporting local users' efforts.

In the third paper, Stephen Turner explores the interfaces between nature conservation and the commons in contemporary South Africa. The history of nature conservation in South Africa epitomises the colonial process of alienating Africans from their land and from their capacity to protect the environment. After decimating the country's wildlife, settlers then gave better treatment to the remaining animals than to the indigenous human population, creating special reserves for them and forcibly removing Africans from these areas. Indigenous sustainable use of wildlife was criminalised as poaching. Whites then used the nature

reserves as recreation areas. These areas remain a national asset in the new, democratic South Africa: a special kind of national commons from which little or no resource extraction is permitted. Trying to contain the discontent of the rural poor living near (sometimes in) nature reserves, conservation authorities now foster a special feeling of 'ownership' and economic benefit among these park neighbours. This is not always welcomed by still privileged, tax paying urban people, jealous of their civic right to enjoy nature in the reserves. Grades and contested meanings of 'ownership' of these special commons are emerging. Meanwhile, through the land reform process, some groups of the rural poor are successfully regaining ownership of nature conservation areas from which their ancestors were removed. These new owners are choosing to retain the conservation function of their newfound common property. They face some standard and some special challenges of common property resource management as they develop systems and plans for running and using these conservation areas. Much broader opportunities and challenges face people across the communal areas (the non-freehold former black 'homelands') of South Africa as they contemplate nature conservation and ecotourism where no formal nature reserves exist. Until land and resource tenure arrangements for the communal areas are clarified, few of the conditions for the successful management of this kind of common property and resource-based enterprise can be met.

1. Introduction

by Stephen Turner

During the colonial era, many African societies saw their indigenous systems and structures of common property resource management disrupted, perverted or destroyed by externally imposed administrations. South Africa experienced extreme forms of this interference. About 13% of its area was retained as 'homelands' for the black majority of the population. The rhetoric of *apartheid* claimed that Africans could live their own lives and practise their own culture in these areas. But indigenous political structures were perverted to ensure that chiefs did not foment opposition to the regime; and indigenous resource management systems were overridden by 'betterment' land use planning programmes to conform to European norms of sustainability and spatial structure.

By the time democracy came to South Africa in 1994, most dimensions of rural governance in the communal areas were in disarray. The traditional authorities were widely discredited (although a version of tribal rule was ruthlessly maintained in parts of some homelands). Local political power was often contested between these discredited chiefs and various 'progressive' and youth groupings. In some areas, modern political structures had completely eclipsed traditional ones, but lacked the institutional capacity to govern effectively. After some decades of control by increasingly corrupt and incompetent homeland governments, many local administrative services and structures were close to collapse.

In natural resource use and management, as in local politics, the trend in many communal areas was for indigenous structures and

systems of governance to be replaced by conditions of open access. This did not often mean anarchy - probably because the livelihoods of the rural poor in the former homelands depended on mining and urban sector income at least as much as they did on natural resource use. But it did mean uncertainty and exploitation for the majority of rural people who did not know how far they could assert their resource rights in the face of the state or of stronger, richer users. In some sectors, such as fisheries and wildlife use, the state and white economic interests had largely excluded the black majority from exploiting or managing the resource. Meanwhile, resource degradation was widespread in the densely populated former homelands. It was common to explain this degradation in terms of incompetent or exploitative African resource use and management. Some Africans would respond that any notion of environmental care had been driven from them by the political oppression and technical arrogance of the colonial era.

Despite enormous achievements in many social and economic sectors since 1994, South Africa's new democratic governments have not distinguished themselves by the clarity or commitment of their rural policies. They are widely accused of a lack of concern for rural job creation, and of lacking ideas in the fields of sustainable rural resource use and management. There is still no clarity about the future of the chiefs. Government is understandably nervous about land tenure reform in the communal areas, which it has not yet undertaken. So communal area livelihoods and resource use drift on; poverty deepens; resource

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degradation continues; and 'rural development' is conspicuous by its absence.

In South Africa, with its political history and its well developed freehold and urban sectors, notions of common property resource management are not widely known or favoured. Nevertheless, some analysts and rural development workers do argue that the commons have a place in the social and economic future of the country. The framework of policy provided by the new Constitution and other legislation certainly allows for this. Researchers at the Programme for Land and Agrarian Studies (PLAAS) at the University of the Western Cape have been among those who have asserted the economic value of the land and natural resources in the communal areas. They have worked to help develop viable concepts of non freehold tenure for South Africa, and have explored practical ways of rebuilding some form of group-based resource management in these areas. Their research has had a practical orientation, and has been undertaken in collaboration with governmental and non-governmental agencies. Key among the NGO colleagues of PLAAS has been the Environmental and Development Agency (EDA), which has worked for sustainable rural development in parts of the Eastern Cape for over 20 years. Since 1997, PLAAS has made advisory and analytical inputs to a pilot EDA programme of 'community based land management' in that province.

From 31 May to 4 June 2000, a number of PLAAS researchers attended the eighth biennial conference of the International Association for the Study of Common Property (IASCP) at Bloomington, Indiana. Together with Moses Jumo and Nick Swan of EDA, four of the PLAAS staff made up a panel on the problems and prospects of constituting the commons in the new South Africa. The panel presented and debated some of the experience and ideas emerging from the work of PLAAS and EDA on the important challenges now facing South Africa in this regard. The commons as Africans used to know them before the colonial era clearly cannot be reconstituted. The question is whether some new version of the commons can be built as a viable part of strategy for the future of rural South Africa.

Sections 2-4 below present the three papers that were given by the PLAAS members of the IASCP panel. Our EDA colleagues have decided not to present their paper as it was at IASCP, but to build it into an overall review and report on their experience with a 'community based land management' programme over the last three years in the Eastern Cape. That review is likely to be concluded by mid 2001. Meanwhile, we at PLAAS hope that the ideas presented in our three papers will be a useful input to the continuing debate on the future of the commons in the South Africa. For our part, we believe that the nation must assure that future.

2. Co-managing the commons in the 'new' South Africa: room for manoeuvre?

Moeniëba Isaacs and Najma Mohamed

2.1. Background

In South Africa, the action space for community-based natural resource management is largely created by post-apartheid shifts in natural resource policies and programmes. Natural resource management in South Africa should seek to redress the environmental legacy of the colonial and apartheid eras. The South African government not only faces a legacy of mistrust, dispossession, and forced removals, but it also has to restructure the land distribution regimes that entrenched white ownership and control over natural resources. The feasibility of common property regimes needs to be evaluated as an avenue for addressing the skewed land ownership patterns of the past (Bromley, 1995). 'Communal' tenure in South Africa occurs on 12.25% of South Africa's land surface, and it is expected that the national land reform process will increase the proportion of land under 'communal' tenure (Shackleton *et al.*, 1998). It is thus critical that investigations into both the viability of group ownership and also the management of natural resources are undertaken.

The development of partnerships between local resource users and other stakeholders, broadly termed co-management, has been a key trend in natural resource management initiatives in South Africa and the rest of the region (Christoffersen, 1997; IUCN, 1999). Limited state capacity to implement conservation and natural resource management policies effectively, and the incapacity of local institutions to enforce rules, distribute benefits equitably and manage natural

resources sustainably, have all contributed to the evolution, development and promotion of partnerships in natural resource management (Lawry, 1990). Co-management arrangements essentially involve the sharing of power and responsibility between user groups and other groups (McCay, 1998). Though there are many definitions of the term, co-management is generally regarded as a middle-range management option between state and community management (Jentoft, 1989) that "covers various partnership arrangements and degrees of power-sharing and integration of local and centralised management systems" (Pomeroy and Berkes, 1997: 466). Key distinctions therefore relate to the degree of local participation in decision making or the extent of devolution to the local level. Co-management arrangements are therefore situated along a continuum, from coerced relationships to organic partnerships (Katerere, 1999).

One of the key benefits put forward by the proponents of co-management is its ability to move beyond the limitations of either state, private or community management. For example, limited enforcement capacity of community-based institutions, and limited state understanding of local conditions = shortcomings that seriously undermine both state and local-level environmental management = could be addressed by combining the knowledge and strengths of various partners. Co-management is said to produce a further benefit of transcending strictly defined property rights (state, private, communal) and combining them in imaginative ways to build productive,

mutually beneficial relationships (Baland and Platteau, 1996).

This paper will assess the impact of co-management in constituting viable and meaningful community-based resource management systems in rural South Africa. The distribution of material poverty in South Africa has a strong rural dimension. 70% of the poor live in rural areas and have limited access to basic services, such as water and sanitation (May, 1998). Natural resource use and harvesting also contribute substantially to the livelihoods of people in the communal areas of South Africa (Shackleton *et al.*, 2000). It is thus important to explore the potential of natural resource management strategies, such as co-management, to build common property regimes in the new South Africa. The findings of exploratory research conducted in two rural communities, co-management of a conservation area in the Richtersveld National Park and of fisheries in Elands Bay, will be presented to assess the potential of co-management in addressing the stark inequalities that face rural people in the 'new' South Africa.

2.2. Natural resources and the emergence of co-management in the 'new' South Africa: an overview

Current natural resource issues in the rural economy of South Africa need to be examined in the context of the political and economic policies that have been in force - particularly with respect to agriculture, forestry, water resources and conservation - during the past century, as well as the unique opportunity of structural reforms in rural areas brought about by the achievement of a democratic society in 1994.

(Van Zyl *et al.*, 1996:237)

In South Africa, a long history of dispossession in the name of conservation, authoritarian conservation practices and a total disregard for meeting the basic needs of the

majority of the population, fuelled a negative perception of the environment (Khan 1990; Cock, 1991). The environmental legacy of apartheid therefore poses one of the greatest challenges to policy reform processes. Understanding the full extent of the effects of institutionalised racism on the people and environments of South Africa, particularly in rural areas, is a prerequisite for meaningful environmental reform measures.

The land legislation of the early 20th century placed 87% of the land in the hands of the white minority. Homelands and rural reserves, 13% of the 1.25 million km² nation territory, were established to house the majority of South Africa's population under some form of communal tenure. A process of not only political but also ecological disenfranchisement of black communities ensued (Durning, 1990). Many of the ecological ills in the communal areas, attributed to poor management of natural resources, are therefore rooted in the context of the political and socio-economic policies that were enforced in all resource sectors. For example, the protectionist policies of the apartheid era, such as market assistance and subsidies for commercial agriculture, bolstered the 'success' of white commercial farmers. The seemingly successful freehold white commercial farmer was said to be "the least independent - and the least market-oriented - of all the entrepreneurs of the apartheid state (Bromley, 1995, 10). The dominance of individual or private property rights is therefore an 'artefact of apartheid' that should be seen within the context of the apartheid project.

The period prior to the first democratic elections in 1994 witnessed the growth of an environmental movement that attempted to link environmental and social justice considerations. This people-centred approach to environmental issues formed part of wider democratisation processes in the country. The formulation of post-apartheid natural resource policies thus incorporates

principles of democracy, such as public participation in the decision making processes. Both the substantive and procedural rights of the 'new' South Africa promote principles of local participation, accountability and transparency in natural resource management. The South African constitution, in its Bill of Rights, includes an environmental rights clause. In addition to adopting sustainability as an important policy principle, recent legislation has given effect to decentralised natural resource management by proposing the formation of community-based institutions for managing resources, such as catchment management agencies. Promoting local governance has therefore been pivotal to the policy reform of natural resource management in South Africa.

A commitment to public participation as a key process in the formulation and implementation of environmental policies in the 'new' South Africa colours natural resource policies. For example, in its formulation of a national environmental policy, the Department of Environmental Affairs and Tourism embarked on an extensive public participation process, known as the Consultative National Environmental Policy Process. A similar trend has been the promotion of co-management or partnership models. These have featured strongly in natural resource policy development processes and legislation. Resource sectors such as agriculture, forestry and water expressly promote the building of partnerships to facilitate the implementation of national policies. Farm equity share schemes, joint forest management and the local government-private sector partnerships in water provision are examples of these partnership models. The contribution of co-management to the sustainable use and management of natural resources has also featured prominently in recent discussions on natural resource management in South Africa (IUCN, 1999; DEA&T, 1999). These discussions revealed the growing importance of partnerships, particularly with the private sector, in

community-based natural resource management in South Africa.

Natural resource policies in South Africa are therefore generally supportive of community-based natural resource management, but are hampered by three key issues. First, policies are fragmented across departments and secondly, there is a gap between policy objectives and implementation. A third issue relates to resource tenure and the failure of government so far to reform the confused and dysfunctional land tenure and administration systems it inherited in the former 'homelands'. There is a need for policy guidelines to ensure that the action spaces created by policy are taken up by rural communities. We concur with Njobe *et al.* (1999: 34) who state that in practice, "partnerships are being forged and mechanisms to ensure the sustainability of these partnerships will need to be put in place". We need to assess whether these partnerships incorporate key principles of co-management, such as power sharing, empowerment, organisational capacity building and improved natural resource management.

2.2.1. Co-management in South Africa

The rationale for the co-management approach in South Africa was strongly entrenched in the Reconstruction and Development Programme (RDP), the vision document of the African National Congress that was subsequently formulated as a government policy guideline document. The RDP focused on three areas: participation/empowerment, economic and institutional transformation towards equity, and stability. Hence, the RDP was a collaborative participatory democracy process at local community level between government and user-groups in decision-making arrangements for natural resource management. However, with the adoption of the Growth, Employment and Redistribution strategy (GEAR) the RDP strategy has become increasingly governmentalised and expert-led (Stewart,

1997). Even more important is the focus on growth and entrepreneurship, leading attention away from community-based initiatives and management strategies.

Nevertheless, the short tradition of co-management in South Africa is characterised by two trends, as we find in Europe and the United States as well. In the one situation, co-management is based on a localised coherent community having responsibility for 'their' resources, either in co-operation with central state agencies or by having delegated responsibilities. In the second situation, we find the co-operative tradition, where government is co-operating with functional groups, representing the fishers, the processors etc. While the first tradition is heavily inspired by Zimbabwe's successful CAMPFIRE (Communal Areas Management Programme For Indigenous Resources) resource management programme that focuses primarily on wildlife, the second stream is more like the old system in marine fisheries, with the important qualification that previously, only the established white companies participated! In both cases we are discussing user group participation, but in the first instance it is based on territory while in the second it is based on function.

What then is the difference between user group participation and co-management? Here it is important to note that co-management as a concept originated from the social science camp as an alternative to the previous unsuccessful top-down management tradition based on government control. It was equally important to come up with an alternative to the privatisation of resources, in the fisheries most often in terms of Individual Transferable Quotas (ITQs). While Jentoft (1989; 1994), as one of the earliest writers on co-management, was eager to specify the concept, later writers have included nearly everything as co-management. They have thereby diluted the concept, making it less useful as a research tool and a management model.

According to Jentoft (1989; 1994), co-management should include a considerable degree of responsibility on behalf of the users, not only token consultations. Furthermore, co-management requires a formal set-up delineating responsibilities and management tasks. Later on the specifications have been less precise. According to Sagdahl (1992), the concept of co-management is widely used but poorly defined.

Berkes *et al.* (1991, 12) suggest that co-management is "the sharing of power and responsibility between the government and local resource users". Berkes (1994) then developed the 'ladder of participation', trying to cover the whole range of user group participation. Although the two extremes on this ladder are rather uninteresting (few modern resource management regimes can be based on 100% government influence or 100 % local influence), the alternatives given in the middle indicate that there are different types of user group participation. Furthermore, the five basic models of Symes (1997) are also based on the same principle, from extreme centralisation of policy making and management functions to the complete devolution of those functions to an autonomous, independent, non-governmental organisation. What is more common in democratic countries is the creation of an 'in between' arena (within the two extremes on the continuum) where user groups can interact (Hersoug and Raney, 1996). When examining the definitions of co-management, the key concept relates to power sharing between the state and stakeholders. Hence, fishers', stakeholders' or user-groups' degrees of interests, influence and participation will vary according to the local community and regional conditions. Consequently, there is no patent co-management model, which can be applied to South Africa's 'marginalised' communities. The models have to be developed specifically, according to the type of resource, type of community and the level of capacity to administer the arrangement.

At this stage it may be worthwhile to distinguish between management in general and the more specific task of resource management. Management may comprise a large number of tasks including the building of infrastructure, credit, education and training, as evidenced in the fisheries sector (Hersoug and Rånes, 1996). Resource management on the other hand is usually confined to the fixing of outtake or resource utilisation and distribution. Much of the unfortunate confusion of the co-management debate is due to a mixing of the concepts (Holm *et al*, 2000). The fact that fishermen are able to share in the controlling of fishing or the allocation of space, does not necessarily prove that they are able to handle the much more intricate question of how much should be fished and how it should be distributed. In order to define resource management at least three minimal requirements have to be considered:

- there has to be an intention of resource management, not unintended effects of measures undertaken for other reasons;
- there has to be some kind of theory linking the resource utilisation to the future state of the resource (this may be formal or more casual, but the idea is important);
- the management measures have to be enforced in practice (not only on paper).

If these requirements are fulfilled we can talk about resource management. If resource management is to function as co-management, we must in addition require that the local users have a significant say in all major decisions regarding the outtake. Defined as strongly as this, there are not many examples of resource co-management in South Africa today. In the remainder of this paper, two co-management initiatives attempted in the conservation and fisheries sectors will be assessed. We will seek to increase our understanding of co-management initiatives, such as the Richtersveld National Park and Elands Bay cases, by

evaluating their potential to create viable community-based resource management regimes.

2.3. A typical fishing community - the case of Elands Bay

What type of community is Elands Bay? According to Hasler (1998: 17), "despite the injustices and inequities of apartheid, the Elands Bay model is an example of community based co-management". However, fieldwork in this area clearly indicates that since the new democracy, local processes in Elands Bay are working against community based natural resource management, and are embracing private entrepreneurship.

In many respects the community is a typical fishing company town. The original settlement was based on farming, while the current village is based on the work available through the two original rock lobster factories. More recently, the community has expanded even further through the tourist business, based on city dwellers coming for weekends and holidays. Today Elands Bay has a population of 1,152 inhabitants, of whom 652 are black, 400 'coloured' and 100 whites. The political affiliation, due to the large black population, is 80% African National Congress (ANC) and 20% Democratic Alliance (DA).

The species involved in the local fisheries include rock lobster, line fish [*jakop piewe*, *hottentot*, *harder*, *snoek* and white mussel), and to a lesser extent pelagic species like sardine and anchovy and finally hake, fished by long liners. The major form of income includes working at the crayfish factory as packers and fishermen, where some are permanently employed whilst the rest are seasonal workers. Other forms of income include working on the potato and wine farms outside Elands Bay in the Piketberg district, and to a lesser extent construction work. The female population work on the potato farms or as packers in the fishing

factories in the area. The salaries in the community range from US \$18 per week at the potato farm to US\$ 0.69 per hour as a packer in the crayfish factory, which is seasonal, while permanent workers in the factory range from US\$ 5 to US\$ 8 per day. The fishermen linked to the factories receive US\$ 0.77 to US\$ 0.89 per kg and this is more or less the price offered by the new entrants in the fishing industry as well.

Just like other fishing communities of the Western Cape, Elands Bay is characterised by a high percentage of alcohol and drug abuse, chronic unemployment and physical abuse of women. Other problems include a high rate of tuberculosis and rapid increase in cases of AIDS. The community is still based on an apartheid style stratification regarding living conditions, infrastructure, economy, housing, and education level. The types of dwellings range from spacious dwellings in the 'white' segment, while you find modest brick houses in the 'coloured' segment and rudimentary, two-roomed government housing and shacks in the informal squatter settlement or in the backyards, in the 'black' segment of the community. Integration between the race groups is minimal to non-existent, mainly limited to the work place. Although the village is located only 300 km from Cape Town, it is rather isolated. A trip to Cape Town may cost up to US\$ 77, as no regular bus service is available. Even a connection to the nearest town, 100 km away, is quite an expedition, requiring private transport on a gruelling gravel road. Except for the whites, most people are stuck in Elands Bay!

2.3.1. Wheeling and dealing - the reallocation process at the local level

The application process for fishing quotas is highly competitive. For West Coast Rock Lobster (WCRL) alone, more than 1,003 applications were made, while 206 were not considered on a technical basis. Of the 797 applicants, 403 scored as 'new entrants' and 188 as existing 'right holders' and only 203

were successful. That means that only one out of every five new *applicants* was successful. The rock lobster resource is more than fully utilised, which means that reallocation implies taking away quotas from old, established companies and giving out to new entrants from previously disadvantaged communities. This results in a highly competitive arena, with only a few winners and many losers producing slander and accusations about corruption and quite frequently, accusations that successful applicants are 'paper quota owners', only concerned with personal enrichment. The main concern that preoccupies the fishing community of Elands Bay is the acquisition of quotas and not the management of the resource. This has led to an increase in individual strategies to acquire quotas, primarily by establishing closed corporations or private companies, thereby reducing the collective concern and the culture of group action within the community (see Figure 1). Even when people create a fisherman's 'co-operative', the number of participants is limited and tends to follow colour lines.

In Elands Bay the competitive players can be classified as the established 'white' industry, new entrepreneurial 'blacks and coloureds', and the large group of unsuccessful players. The racial segregation in the community leads to racially based competition and conflict between the various players for the high value rock lobster industry (Export price per kg is US\$ 18-20). Elands Bay has two major 'white owned' companies (Elandia Visserye (Pty.) Ltd. and Elands Bay Handelsmaatskappy (Pty.) Ltd.) that manage 74 % of the total quotas of the town, while the six new entrants (Alpha (Pty.) Ltd., Bafiaansberg (Pty.) Ltd., Bobbejaansberg Closed Corporation (CC), Ithuba CC, Thandani CC and a co-operative affiliated to the South African Commercial Fisherman's Corporation) share the remaining 26 % (see Table 1). This does not mean that co-operation between them is non-existent. On the one hand we find the new entrants with quotas, but seldom

with boats, processing facilities or marketing competence. On the other hand we find established owners and processors eager to utilise their full capacity. The result is, so far, different types of arrangements, whereby the old processors are hired to do fishing, processing or marketing (see Figure 2). If all stages are included we have what in practical terms is labelled a paper quota transaction, whereby the new applicant is just hiring out his fishing right for a rather

handsome net profit, without any risk involved. However, according to the rules this cannot be done for more than two years, within which the new entrant will have to acquire some form of equity or run the risk of losing the quota.

The interesting question now is to what extent the new entrants will succeed in establishing new ventures, thereby creating more employment than before and creating a wider distribution of the benefits.

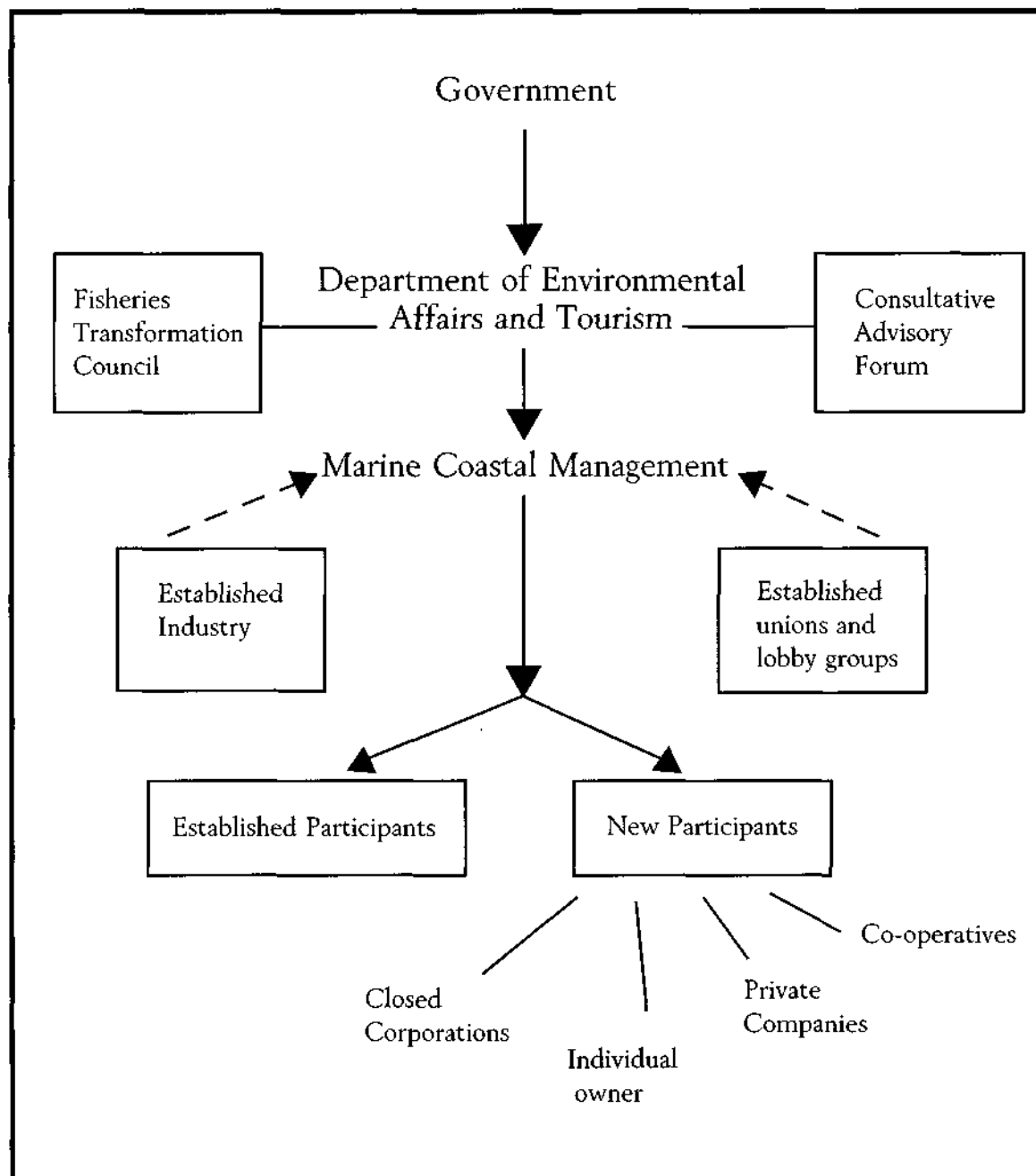


Figure 2. Institutional structure of the South African fisheries.

Constituting the Commons in the New South Africa

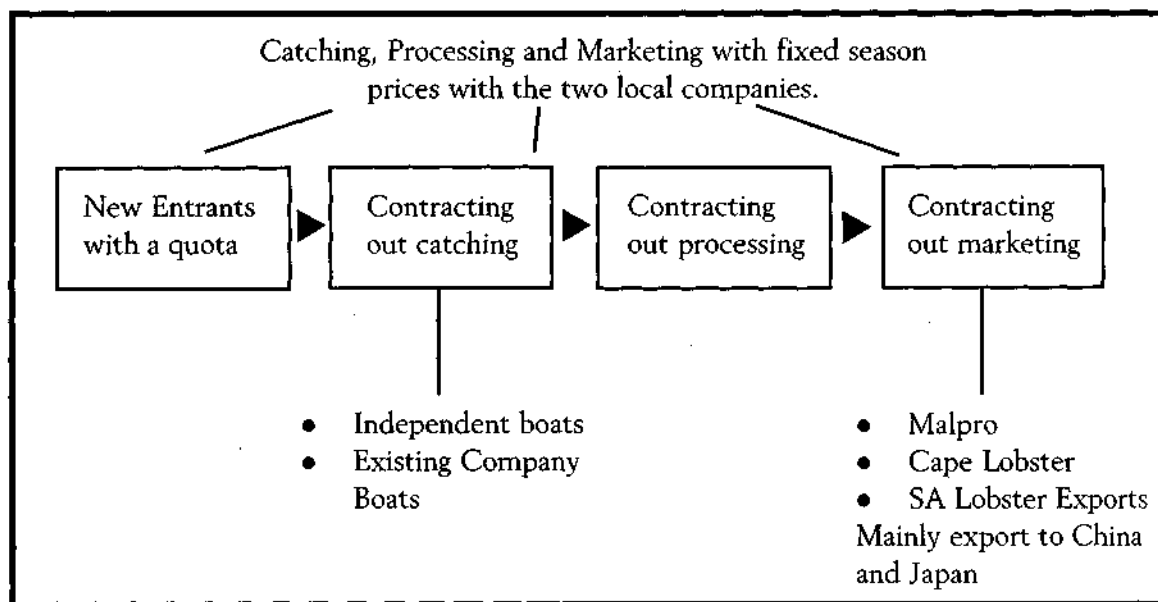


Figure 3. Organisation of new entrants in the West Coast Rock Lobster industry in Elands Bay.

Name	Status	Race	95/96	96/97	97/98	98/99	99/00
1 Alpha Visserye (Pty.) Ltd.	New Entrant	Coloured		5,000	7,000	5,857	5,000
2 Baffaanberg (Pty.) Ltd.	New Entrant	Coloured					5,000
3 Bobbejaanberg Visserye CC	New Entrant	Black		5,000	7,000	5,857	5,857
4 Deseeda Seeprodukte (Pty.) Ltd.	Established Industry	White	7,053	7,277	7,277	6,089	6,089
5 Elandia Visserye (Pty.) Ltd.	Established Industry	White	36,544	37,709	37,709	31,551	31,551
6 Elands Bay Handelsmaatskappy (Pty.) Ltd.	Established Industry	White	55,176	56,933	56,933	47,635	43,348
7 Ithuba Fisheries CC	New Entrant	Coloured & Blacks		5,000	7,000	5,857	5,857
8 SACFC (Co-operative)	New Entrant	Coloured & Blacks					2,840
9 Thandani Fisheries CC	New Entrant	Coloured & Blacks					5,000
Total Amount in Elands Bay			98,773	116,919	122,919	102,846	110,942
Total Amount WCRL			1,500,000	1,700,000	1,913,500	1,601,000	1,613,477

Table 1. Elands Bay quota allocation from 1995/96 to 1999/2000, measured in kg.

In Elands Bay the history so far is mixed. On the one side there are new entrants with limited knowledge of the industry. They often lack skills in planning, organising, and filling in of quota applications, and have limited to no knowledge of the harvesting, processing and market value of the rock lobster. Hence, there is a strong dependence on lawyers to assist not only in the running of the organisation but also in the application process. Questionable joint venture agreements are also being constructed with the local established company with the intention to maintain both their quota allocations. Furthermore, allegations are going around in the community that some of the new entrants are using the profits to invest in other sectors [bars and taxis) rather than investing directly in the fishing industry (see Figure 3). However, on the other side, you find new entrants who have invested in boats, rock lobster traps and vehicles with the intention to harvest their own quota. They also have clear objectives relating to processing and marketing of their own quota in the future.

Worst off are the new applicants who invested heavily in support in order to write the application. With lawyers charging US \$769 per application plus a percentage of the value of the quota if successful, the unsuccessful are saddled with large debts, which they cannot pay for years to come with their meagre incomes. So far most inhabitants are unhappy, either because they have not received any quota at all, or they have received a smaller share than anticipated, or they have received less money from their share than anticipated. This is nothing exceptional, taking the sky-high expectations into consideration. The confusion has created room for the organisational entrepreneur, a creature that is becoming increasingly visible on the national scene as well. In the fishing industry the "organisational entrepreneur" can be defined as someone who uses new opportunities to create a formal or informal organisation within which others can participate actively or non-actively" (Oliver and Marwell 1992: 268-269). The organisational entrepreneur can also be compared to the

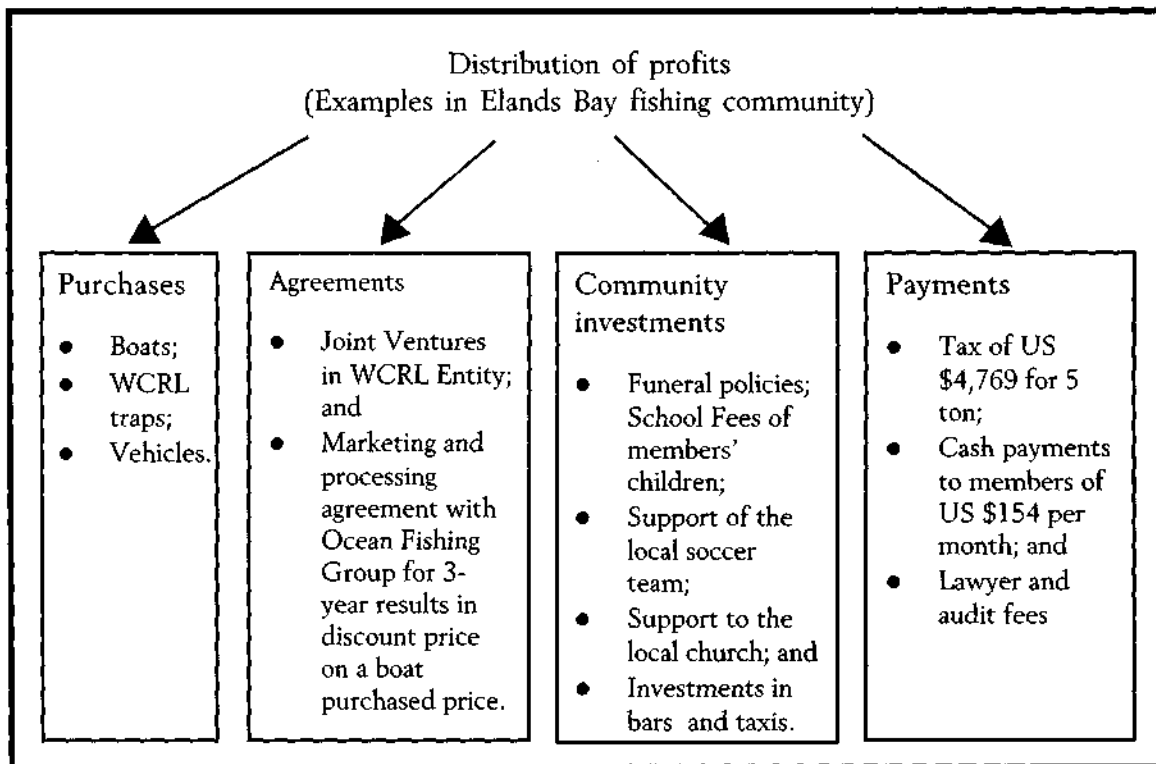


Figure 4. Distribution of profits (examples from Elands Bay).

local elites and gatekeepers who prevent information from filtering down to the rest of the community or, in this case, fishers. They often have the role of leaders; they are the ones who take the initiative to organise the fishermen, all with the aim of applying for quotas. In Elands Bay 'organisational entrepreneurs' consist of the more advantaged and resourceful persons. Hence, their characteristics, skills and strategies include:

- management, entrepreneurial experience, computer courses;
- leadership skills;
- networking with the dominant political party (ANC);
- utilise the media to highlight problems in the fishing community;
- utilise the services of lawyers and attorneys to complete the permit/quota application;
- good communication skills;
- an ability to organise and gain the trust of the fishermen; and
- own other businesses and are expanding into this industry.

It is evident that these entrepreneurs have the power, skills and much stronger financial assets so that they can take advantage of the enabling environment that the government created, at the expense of the poor and the illiterate. But the situation is more complicated than portrayed in the usual rhetoric, whereby the real fishermen are left out while the new entrepreneurs have grabbed the quotas and the money. In Elands Bay the owners of the new companies do not themselves participate in the actual fishing, nor in the processing.

In any case, the community members are not at all concerned with the actual management of the industry or the resource. They are concerned with the allocation of quotas as ways to get rich quick. Neither is the state, represented by the Directorate: Marine and Coastal Management (MCM), particularly interested in sharing any responsibility. MCM fixes the quota, the Minister decides the distribution (based on

advice from MCM), technical regulations are fixed by MCM, and control and surveillance are performed by MCM. Hence, fishers are only responding to top-down initiatives from the government agency. As yet there are absolutely no signs of co-management, even interpreted in its weakest forms as indicated in the diagram below (Figure 4). Furthermore, there is a lack of understanding on the side of the state about the internal heterogeneity, the economic differentiation, the socio-political factionalism and the power structures, not only in the community of Elands Bay but in most rural communities in South Africa.

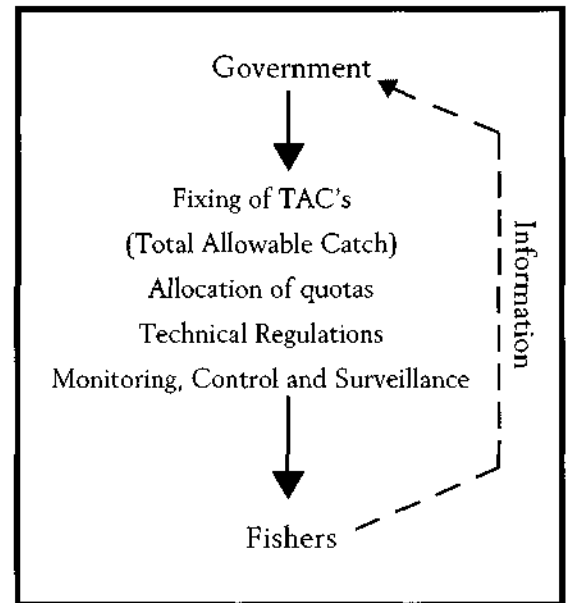


Figure 5. Present system of fisheries 'co-management' in South Africa

2.3.2. Ideals and realities: what can be learned from the case of Elands Bay?

The 'ideal' community in Elands Bay does not exist. Instead, private entrepreneurship is playing a strong role. Certain groups and individuals who form part of the local elites monopolise power structures, quotas and development at the local level by a process of excluding and preventing the real 'marginalised' individuals and groups from actively participating in the local initiatives. On the other hand, given the political position of the state and its commitment to

communities (which certainly include fishing communities), the prospect of a genuine redistribution process does seem positive. Besides, on many occasions the South African government has promoted the goal of co-management. So far there are very few viable projects in practice and one reason is clearly that the actors are poorly organised. Hence, some support for organisational initiatives seems to be a prerequisite for a more realistic approach to the co-management question. Whether fishers are going to be organised on the basis of territory or function will have to be decided on a case-by-case basis. For certain species territory will be appropriate while for others (like hake long-lining), functional groups are probably more convenient. If assistance to community fishing organisations is a priority, then maybe the time has come for co-management. However, before implementing a co-management arrangement in poor fishing communities that in most cases seem to be the ideal setting, certain prerequisites need to be met:

- a relatively large number of new entrants have been brought into the industry with small quotas per entrant (approximately 25 % of the important hake quota and 31% of the WCRL quota). However, the large companies are still dominating, although the trend is definitely working in the direction of a more diversified ownership. But it depends entirely on how the new entrants are organising their quotas and the support structures available to them. At present we have a number of 'paper quota owners', people who have been allocated a small quota and then either sell or lease it to established operators for cash. That is to be expected, since two years to acquire equity is too brief if one does not have any other access to capital than the value of the quota(s). A possible solution would be a dramatic intervention by government in the transformation

certain marine resources, for example WCRL, abalone, hake long lining and white mussels, to particular fishing communities. Currently, there are no particular reasons (except historical) for large companies to be in WCRL. The catching is based on simple technology and so is the processing. Selling on advanced export markets can still be handled by the specialised marketing organisations. On the other hand, hake trawling is highly capital intensive and so is part of the processing (freezing), making this sub sector less viable for new entrants. However, there is a need for a strategic transformation plan with clear and specific goals that strike a compromise, between equity (through reallocation) and stability (regarding employment and foreign exchange);

- lacking entrepreneurial skills, new rights holders are easy prey for more experienced players. There is an urgent need to establish training, especially in entrepreneurial skills. If the policy is to level the playing field, training is a responsibility also for MCM, eventually in 'co-operation' with NGOs and other interested participants. Training should be a requirement for all successful new applicants. The established industry should be made to share in this responsibility, with clear training goals attached;
- many of the new operators do not have any access to credit (other than the value of the quota when sold). It goes without saying that investment in boats, processing or marketing facilities is difficult based just on own earnings. Maybe South Africa already has the necessary institutions to establish credit facilities, but they are certainly not present in the fishing communities. Hence government intervention is needed to support new entrants in becoming more competitive and visible in the industry;

- one way of promoting co-management is the introduction of a resource fee for leasing the fishing right. A resource fee is a means by which society can benefit from giving the fishing industry the privilege of using a national resource. Not everyone can receive a quota as most of the marine resources in South Africa are at maximum capacity level, but everybody can benefit from state income being used for general purposes like education, health and housing.

As pointed out by Hersoug and Holm (forthcoming), strong state participation is a necessary but not sufficient requirement to bring about a more equitable participation in the South African fishing industry. The next step will be to include the new rights/quota holders as well as the subsistence and recreational fishers in some form of co-management. The present system is nowhere near co-management as it is usually portrayed in the CAMPFIRE wildlife programme (Martin, 1986; Cumming, 1990; Jansen, 1990; Bond, 1993; Hasler, 1993; Taylor, 1993) or fisheries (Jentoft, 1989; Ostrom, 1990; Oakerson, 1992; McCay, 1993; Pomeroy and Williams, 1994; Raakjear-Nielsen and Vedsman, 1996). In order to approach such a system the state will have to relinquish control and enhance local capacity, and the local resource users will have to organise themselves.

2.4. The Richtersveld Contractual National Park: co-management or co-option?

The local communities of the Richtersveld, an area rich in mineral and natural resources, entered into a contractual agreement with the then National Parks Board (known since 1996 as South African National Parks) in July 1991. This agreement was a milestone for the implementation of new conservation policies and practices in South Africa. This biologically rich area, situated in the northwestern corner of South Africa, had long been earmarked as a

potential conservation area. The mountain desert environment, with its associated natural endowments, is said to have the most biologically diverse representation of this particular biome. With substantial support from the wider conservation community, the National Parks Board (NPB) entered into negotiations to establish a contractual national park in the Richtersveld. In August 1991, the 162,445 hectares Richtersveld National Park (RNP) was proclaimed.

The people of the Richtersveld, which under apartheid was a 'coloured' rural reserve and is now part of the Northern Cape province, are well aware of the wealth contained within their harsh desert environment. In addition to the arrival of colonial settlers in the late 19th century, rich deposits of alluvial diamonds were discovered in the 1920s. The inhabitants of the Richtersveld were subject therefore not only to colonial and apartheid legislation and development schemes, but also to the exploitation of the region's mineral wealth by state and private mining operators. While many Richtersvelders were employed in the mining operations, very few benefits and improvements were visible in the towns located in the 'reserve'. Instead, wealth was siphoned from the area to fill distant coffers. The difficulties in establishing the contractual park (described below), have to be seen within the context of this legacy of mistrust created by the exploitative mining industry.

The Richtersveld consists of four towns, Kuboes and Sanddrif in the North and Eksteenfontein and Lekkersing in the South. The people of the Richtersveld are amongst the poor in South Africa and both infrastructure and service provision is undeveloped (Eco-Africa, 1999). Two of the Richtersveld towns were only electrified in December 1999, while roads in the area are in a poor condition. This should be contrasted with the concentration of infrastructure around the mining companies. The ANC is the majority party in the

Richtersveld, but other political parties, such as the Democratic Alliance, are visible. In addition to employment at the mines, the 4,000 souls in the Richtersveld depend on the natural resources of the area for their livelihoods. Livestock farming forms an important source of livelihoods, but the mountainous terrain and mining concessions reduce the amount of land available for grazing. Increased pressure is therefore placed on existing grazing lands. An attempt to privatise the communal grazing land of the Richtersveld was met with opposition and was challenged in the Supreme Court in 1989. Communal use of the grazing lands is therefore widespread in the Richtersveld. In the same year, the community objected to the contractual agreement reached by the NPB and the local government for establishing a national park in the Richtersveld. The NPB then had to restart negotiations with community representatives. The park was only proclaimed two years later.

In principle, the process of NPB-community negotiations should have led to community-driven co-management of the RNP. However, poor representation of community interests on the joint management committee results in the conservation agency being, in practice, the lead partner. This is in stark contrast to the principles that underscored the establishment of the park. To some people in the Richtersveld, the park is seen as a '*paper park*' that exists only in the ink on the contractual agreement. Nevertheless, broader political and economic development processes in the Richtersveld have created a space for re-configuring the role of the park in the broader region. It is crucial that privatisation trends observed in other resource sectors, such as fisheries and forestry, not derail the chances for community-based conservation in the Richtersveld.

2.4.1. People and parks in the Richtersveld

Vehement opposition from the Richtersveld communities to the establishment of the RNP led to a court interdict on the eve of

the signing of the agreement for proclaiming a national park in the area. Though the park was to be premised on a contractual model, the communities were not satisfied with the compensatory mechanisms, or with many other conditions as set out in the agreement with the local authority. Negotiations had primarily been taking place between the NPB and the local authority. A Park Resistance Movement [*Parkweerstandsbeweging*] was formed to ensure that representatives from local communities were included in negotiations around the establishment of the park. After lengthy negotiations, an agreement was finally reached in 1991. This agreement addressed community concerns and culminated in the signing of a contract between the NPB and the community of the Richtersveld. The contract agreement specified a number of conditions for the management of the park, such as the establishment of a joint management committee and the improvement of infrastructure in the area. The key differences between the 1989 and 1991 agreements are outlined in Table 2 below.

According to the contractual agreement, a Management Plan Committee (known by its Afrikaans acronym, BPK) was set up to guide the management of the park. The park accommodated the seemingly competitive land uses of conservation, grazing and mining within its borders. Agreements were reached that existing mining operations could continue and that local stock farmers would be accommodated within the park. The farmers were allowed to graze 6,600 livestock in the park, a figure that would be reviewed. The South African National Parks (SANP) would also compensate the stock farmers for the loss in grazing by providing two farms for their use. The contribution of the park can be seen in both direct and indirect benefits for the Richtersvelders (Participatory Research and Planning CC, 1999).

The SANP leases the park land from the Richtersvelders and the monies are then

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distributed by a charitable trust, the Richtersveld Community Trust. The trust, which consists of independent board members, administers the funds, which are primarily spent on educational and social upliftment programmes in the area. Presently, 16 residents of the Richtersveld are employed at the park in both conservation and other positions, while the park also provided assistance in setting up a social worker in the Richtersveld. The initial fears of the community that stock farming would be phased out (as proposed in the 1989 agreement, see Table 2), have been allayed and the park farmers who use the grazing land within the park get assistance and support from the SANP. These tangible benefits do not reflect all the objectives of the contractual agreement, but are nevertheless important signs that some benefits have filtered through to the community.

There have been a number of indirect benefits to the Richtersveld, notably those tied to the realisation of ecotourism. The RNP has increased the potential of commu-

nity-based tourism in the area. A revival of cultural tourism, exemplified in the resurgence of Nama language and culture in the Richtersveld, reflects the shifts in conservation thinking. The vision of the SANP is "to acquire and manage a system of national parks that represents indigenous wildlife, vegetation, landscape and associated cultural assets of South Africa" (Joseph and Parris, 2000: 19). This trend is further strengthened by the emergence of 'social ecology' thinking in the national parks structure. A social ecologist is currently working in the RNP and is involved, along with a German-funded programme, TRANSFORM, in a range of community-based programmes. Though the park has brought important benefits to the Richtersveld, critical questions have emerged as to whether the park is truly a co-management arrangement.

Kiewiet Cloete, a small diamond miner and resident of Kuboeslaughts cynically when told the Richtersveld was heralded as [a] landmark of successful people and govern-

The Richtersveld National Park contract		
Management structure	Pre 1989	Post 1990
	NPB – with input from an Advisory Board (no decision making powers) appointed by local government.	Management Plan Committee with four members from the NPB and five elected from and by the community – one for each of the villages and one to represent stock farmers.
Use of the park	Three zones with gradual withdrawal of all use within one year. 'Corridor west' farms as compensation for grazing.	Utilisation of grazing and other natural resources remains. Stock numbers limited to status quo of 1989 But Ceiling of stock numbers to come down as stock enters the 'corridor west' farms for grazing.
Payment of lease	Into coffers of local government.	Trust formed. Community members elect Trustees (who are outsiders).
Lease period	99 years	24 years + 6 year notice period

Table 2. Incorporating community considerations in the RNP contractual agreement (Archer *et al.*, 1996).

ment co-operation: Because you see a good eye you forget about the bad parts.

(van Sleight and Weinberg, 1998:10)

Important shifts in South African conservation thinking have stemmed from the RNP, such as the framework for co-management of conservation areas. But there have been criticisms that the conditions set out in the contractual agreement have not been fulfilled. The first issue relates to the functioning of the BPK. Four town representatives, a stock farmer representative and four SANP officials constitute the BPK. Community representatives are elected on a biennial basis. There are many problems with the functioning of the park, such as a lack of active participation in decision-making by community representatives of the BPK, as well as poor feedback to communities. The community representatives also have to attend BPK meetings at their own cost and distances between the Richtersveld towns are very long. The poor functioning of the BPK relates both to a lack of capacity to participate in decision making, as well as a lack of community interest in the park. The BPK is seen as an ineffectual committee but at the same time community attendance at elections or feedback meetings is poor. Frequent changes in park management do not facilitate continuity on the side of the SANP and it becomes difficult to build the rapport required for the BPK to function effectively. The fact that the BPK continues to meet is a sign that all is not lost and that the Richtersvelders are still willing to make the park work.

The second issue relates to the development of a management plan for the Richtersveld, which, nine years since the signing of the agreement, has not been concluded. This is critical as the tenuous relationship between conservation, mining and stock farming needs to be guided by sound management guidelines. While these are not in place, transgressions by the resource users cannot be effectively monitored and rectified along

agreed lines. Many other issues, related to mining, grazing and ecotourism in the park, necessitate the development of a management plan. Research currently being undertaken into the sustainability of grazing within the park could be important in kick-starting the development of a plan. The failure of the SANP to deliver on the promises made during the signing of the agreement and the concomitant social problems facing the Richtersvelders, such as unemployment and poor infrastructure, are a third issue impacting on the agreement. However, many of the promises made by the SANP were unrealistic and beyond the scope of a conservation agency (Reid, 2000). This has had serious implications in creating a perception that the park had not delivered on its promises.

Underlying these issues is a history of tension between the northern and southern towns of the Richtersveld, further exacerbating the functioning of the park. In practice therefore, the RNP as it currently stands, is essentially seen as a *paper park* or as Fakir (1996) puts it, a 'compensatory mechanism' in which the SANP is the key decision maker. The community at present does not influence the way in which development in the park takes place. However, a number of processes, which include the transfer of the communal land of the Richtersveld, on which the park is situated, bode well for the future of community-based co-management in the Richtersveld.

2.4.2. From a 'paper' to a people's park

There are at present a number of initiatives that provide an opportunity for restructuring the co-management agreement in the RNP. Transfer of communal lands from the state to the Richtersvelders, local government restructuring, opportunities for community-based tourism development and trans-frontier conservation and development initiatives are a few of the processes currently impacting on the area. In 1998, the government enacted the transfer of communal

lands, held in trust by the Minister of Agriculture and Land Affairs, to the communities living on the land. Communities are then given the option of transferring the land to the municipal authority that will administer and manage the land on behalf of the community, or to form a legal entity, such as a communal property association (CPA), which will own and manage the land. The second option, of forming a CPA, appears to be favoured by the Richtersvelders. This will enhance the proprietorship of the Richtersvelders, who could harness the power given them by legal ownership to participate fully in the management of land, whether it is for grazing, conservation or mining purposes. They will therefore be the legal owners of the land on which the RNP is situated.

Local government restructuring incorporates a number of processes aimed at improving local governance and municipal resource allocation. Municipal boundary demarcation is particularly important in addressing the inequalities of municipal resource distribution and service provision under the apartheid governance system. The participatory, community-driven integrated development planning (IDP) process that has just been initiated in the Richtersveld through a series of community meetings and workshops provides an ideal opportunity to set local development objectives, identify priority areas and develop an integrated vision for the Richtersveld. It is therefore critical that conservation plans be integrated into this process. This could be a unique opportunity to ensure that the national park, which remains an important asset for the Richtersveld, is linked to proposed community conservation initiatives, such as a community 'conservancy' that will link the park to the nearby Helskloof provincial conservation area. Limited opportunities for the expansion of stock farming and the decommissioning of the mines in the future point to the need to investigate other land use options. The Richtersvelders fully recognise the importance of conservation and tourism for the region.

The RNP had 5,000 visitors in 1999, with limited benefits to the community. A number of initiatives in the towns of the Richtersveld illustrate the way in which communities are positioning themselves to establish and run community-based tourism initiatives. As noted above, these include the revival of the Nama culture that is shared by many in the Richtersveld. The Nama language is already being taught in one village and is increasingly being spoken. In one of the villages a campsite was built using traditional Nama techniques. These are known as '*rnatjieshuis*'. Community tourism fora have also been set up and information pamphlets are being distributed. The communities are active in developing the tourism potential of the area and have linked into a new initiative, a consortium of community-based tourism initiatives along the west coast and western interior of South Africa. The 'South-North tourism route' will link a lattice of community-based tourism initiatives that provide a tourism experience vastly different from mainstream tourism in South Africa. The idea is for community-based tourism enterprises situated along this route (which will stretch from Cape Town to Namibia) to market themselves jointly.

Conservation thinking has also shifted towards the notion of trans-frontier conservation. A number of initiatives related to trans-frontier conservation in the Richtersveld have been mooted. This will involve linking the RNP and the Ais Ais Nature Reserve in Namibia, as well as a coastal trans-frontier initiative that centres on the Ramsar site at the mouth of the Orange River. For both the Namibian and South African conservation authorities, mining companies pose the biggest challenge in realising trans-frontier initiatives.

These processes have the potential to transform the RNP from a paper to a people's park in that they strengthen the proprietorship of the Richtersvelders, link conservation and development objectives

through ecotourism, and engage local people in setting development objectives and priorities. In this way, they can create opportunities for re-configuring the role of the park and incorporating conservation into broader rural development planning. The days in which parks were fenced and seen as islands of biodiversity are fast disappearing. For the SANP to avoid the legacy of mistrust and exploitation associated with mining companies in the area, the RNP must be reconfigured, in a practical sense, to share power, build capacity and distribute benefits equitably. However, as in the fisheries and other natural resource sectors, conservation in South Africa no longer enjoys the influential support that it did during apartheid. Macroeconomic changes have prompted broader engagement between the conservation and private sectors.

The SANP has also embarked on a process of commercialisation in which non-core functions, such as lodge development and service provision will be outsourced. The private sector is well placed, in terms of capacity, skills and capital, to perform non-core functions in conservation areas. However, contractual parks bind conservation agencies to identify communities as key partners in conservation development and the increasing ecotourism opportunities that accompany these. In a market increasingly driven by economic growth rather than redistributive or ecological principles, contractual agreements could thus entrench local involvement in protected area management. The lessons learned from the Richtersveld are therefore key in guiding the shift toward greater local involvement in protected area management in South Africa.

2.4.3. Community-based co-management: lessons for the conservation sector

The RNP was the first park in South Africa that was established, in its entirety, on a contractual basis. Since 1991, the contrac-

tual model has increasingly been replicated. Broader developments in South Africa, that include paradigm shifts in conservation, an increase in land claims in and around national parks and changes within the SANP structure, all favour the introduction of the co-management model (Cock and Fig, 1999; Wynberg and Kepe, 1999). For example, the establishment of contractual agreements with two communities that successfully claimed their lands back from the SANP - the Khomani San in Kalahari Gemsbok National Park and the Makuleke in the Kruger National Park - are currently underway. A model of contractual parks, as they are presently configured in South Africa, is provided below (Figure 5). These incorporate the primary goals of co-management partners.

The SANP will therefore increasingly have to engage with different stakeholders and reconcile variable, even competing objectives, into developing parks that work for both nature and people. The most important lessons drawn from the Richtersveld experience are highlighted below.

- the establishment of Joint Management Committees is a critical step in giving effect to the principles of contractual parks. Firstly, one has to ensure that there is clarity about the objectives and that management plans are drawn up in close consultation with community members. Capacity building and training should be tied closely to this process, as limited organisational capacity often exists in rural communities. Though civil society support and technical expertise, such as that of lawyers, are critical during the set-up period of the contractual agreement, external support should lessen with time, yielding to full community involvement. The second issue relates to power sharing within co-management structures, such as Joint Management Committees. This is particularly important in cases where communities are the owners of the land

on which the park is situated, thereby holding a powerful position in the partnership. For this to occur, the power relationships, particularly between the conservation authorities and communities, need to change. The following quote is from the former Director of the Social Ecology Unit of the SANP:

Equal partnership between local communities and National Parks becomes an elusive concept, because the relationship is at best unequal as the control of resources rests with National Parks officials. Those involved in programme development and implementation exercise considerable power over communities. The nature of the relationship between the community and park needs to change fundamentally.

(Dladla, 1998: 7)

- while the motivations for entering into contractual agreements often differ, it is critical that a relationship of mutual

trust and respect exist between partners. The legacy of authoritarian conservation in South Africa behoves conservation authorities to recognise the importance of restructuring people and parks relations. Without this, conservation authorities will be seen, like the mining companies in the Richtersveld, as acting in their own interests. The most fundamental step in this direction would be to place conservation objectives squarely within the broader socio-political and economic landscape. This is one of the most important lessons drawn from the Richtersveld experience;

- a number of processes, broadly aimed at rural restructuring, such as the integrated development planning process and municipal demarcation, have opened up a space for integrating conservation and development objectives. The detailed planning process that the community has embarked upon

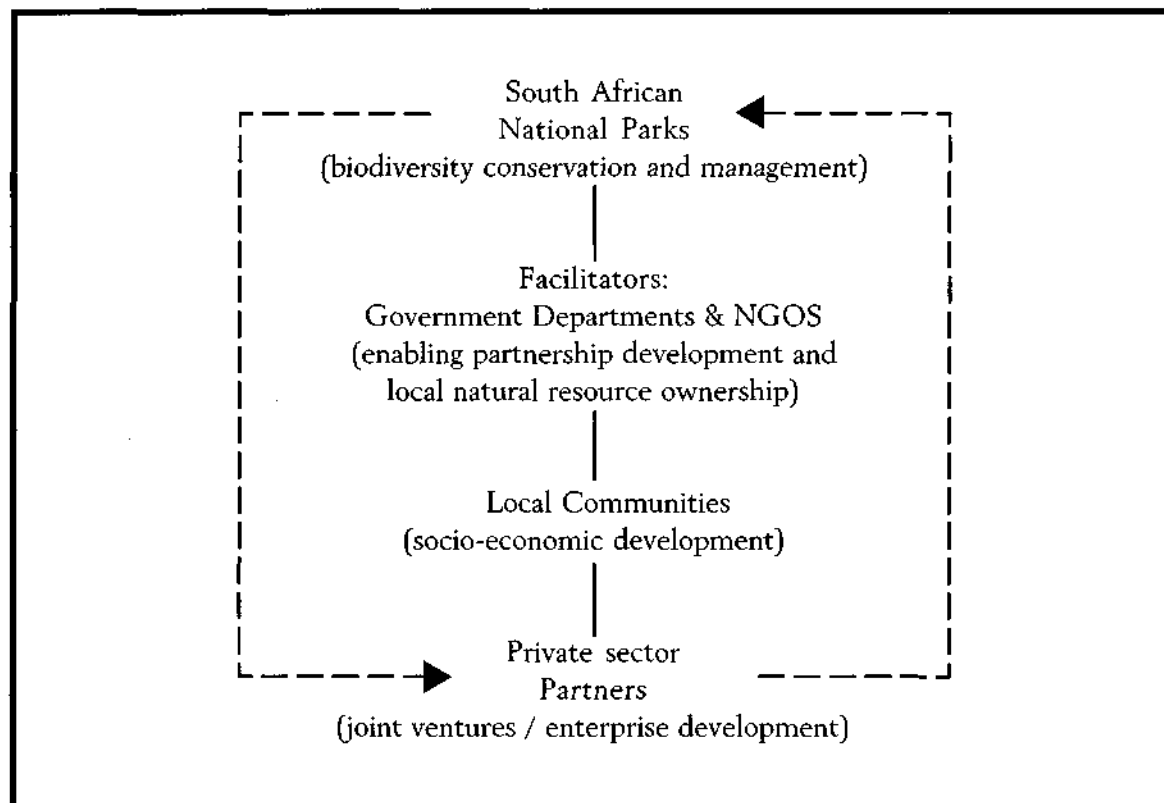


Figure 6. Present system of contractual parks in South Africa.

will result in the development of an integrated development plan for the whole of the Richtersveld. This plan will be submitted to the provincial government, which will disburse funds along the lines identified and prioritised by the people of the area. It is therefore a unique opportunity to ensure that conservation plans are incorporated with proposals for infrastructure and economic development projects;

- the transfer of communal land to a legal entity, a Communal Property Association, will hopefully strengthen the sense of ownership that Richtersvelders have over the area. The park is situated within this communal area. Though SANP has leased the land from the community for the past ten years, the community now has an opportunity to exercise its full proprietary rights over the management of the land.

Tensions between community involvement and the increasing importance of private sector involvement in resource conservation and ecotourism are an important issue for the conservation sector in South Africa. The challenge to communities is to position themselves to occupy the action space created by macro-economic and paradigm shifts in conservation. Broader legal, political and economic restructuring processes, like the local government restructuring processes, are currently afoot in the whole of South Africa. These processes provide an opportunity for local communities to engage fully in setting and prioritising local development objectives. It is only through this active engagement, within the context of rural people's struggles and needs, that co-management initiatives can meaningfully integrate conservation and development objectives.

2.5. Conclusions

Landlessness, unemployment and a lack of basic services continue to be all too common in rural South Africa. Resource management, in the context of communal lands

and common pool resources in South Africa, faces many pressures. While co-management has been put forward as a way to engage rural communities in managing the commons, limited capacity within local communities could result in the usurpation of local needs and priorities by outside goals. Community involvement therefore needs to move beyond coercion and consultation to full participation.

Co-management does provide a framework to develop local incentives for sustainable natural resource use. It can facilitate power sharing for natural resource management and conservation, participation of local peoples, legitimacy, and an opportunity to introduce enterprise-based partnerships with the private sector (Jentoft, 1989; McCay, 1998; Hara, 1999). However, in South Africa, co-management increasingly implies direct engagement of rural communities with market forces. Though sustainable use of natural resources was one of the key goals in the RDP, it has received far less attention in the new macro-economic strategy of the government - Growth, Employment and Redistribution (GEAR). This strategy, premised on neo-liberal trends, such as privatisation and a decrease in social expenditure, has come under criticism from a number of quarters (National Institute for Economic Policy, 1996). While the RDP vision of meeting basic needs and developing human resources remains in the new policy principles, the practical implementation arena is dominated by the neo-liberal vision of GEAR. Tensions between economic growth, sustainable growth and job creation, are not addressed by GEAR. Nor is the focus on individual entrepreneurship in the natural resource sector, which is significantly less job creating than group management, being questioned.

Further cause for concern lies in the absence of sustainable development objectives from the GEAR strategy. This is manifested in decreasing budget allocations to the

Department of Environmental Affairs and Tourism. Fragmentation of environmental policies (Peart and Wilson, 1997) and signs of weakness in the environment movement (Fakir, 2000), further threaten coherent action on environmental issues in South Africa. Researchers are expressing fears about the rapid privatisation and commercialisation processes impacting on communities. For example, rapid privatisation of South Africa's state forests has important implications for community claims on forest plantations (Evans and von Maltitz, 1999). The move towards privatisation and market liberalisation (globalisation) across the southern African region confirm that the private sector is increasingly becoming involved in economic development programmes linked to the utilisation of the region's rich natural resource base. Critical questions are emerging, such as how to reconcile short-term priorities of the private sector, such as profit-generation, with local benefits and goals related to sustainable natural resource use, justice and equity. This is an important source of concern as market considerations could undermine local priorities.

The pressures on the creation of community-based co-management leave little room for communities to manoeuvre and to place themselves in favourable positions. For co-management in both the fisheries and

conservation sectors, there needs to be a clearer understanding of the rights, roles and responsibilities of partners. In both sectors, privatisation looms large on the horizon, organisational entrepreneurs are emerging and there is a lack of organisational capacity at the local level. However, opportunities for redistribution and ownership of the commons exist in both the conservation and fisheries sectors. In order to seize these opportunities, power sharing and resource redistribution have to be made a reality. Even then, co-management will have to be seen more as a long-term process, rather than a fixed short-term goal.

2.6. Acknowledgements

We are grateful to Professor Bjoern Hersoug, Norwegian Fisheries College, University of Tromsø, Norway and Dr. Stephen Turner, Programme for Land and Agrarian Studies, School of Government, University of the Western Cape, South Africa for their input into this paper. Fieldwork and in-depth interviewing with the new entrants and members in the fishing community of Elands Bay was conducted in August 1999 and February 2000. Fieldwork for the Richtersveld case was conducted during March and April 2000. The fieldwork is an ongoing process with short visits to these communities. The assistance of the communities of Elands Bay and Richtersveld is appreciated.

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3. Achieving a brighter future for the communal range lands in Maluti District: strategies and process

Zolile Ntshona

3.1. Introduction

3.1.1. Background

In the early 20th century, the South African government was concerned that land occupied by the African indigenous people was degraded. This culminated in the introduction of the 'betterment' scheme as an approach to address the perceived problem of the spread of degradation.

Efforts to 'rehabilitate' or 'stabilise' agricultural land in the communal areas took shape in the 1930s as the international concern with soil conservation spread into South African policy. The 1932 Native Economic Commission drew attention to the environmental problems in the 'native areas', which it described as severe, an obstacle to agricultural development and a threat to the direction of 'native policy'. It argued that soil erosion, the apparent destruction of grazing areas and the drying up of springs in the reserves needed to be combated. Legislation for the culling of excess stock in these areas had already been enacted by Proclamation 31 of 1939 (although it was widely resisted and not effectively implemented until after World War 2).

Four years after the 1932 Commission, the Secretary for Native Affairs made a statement on land policy with plans for the rehabilitation of the reserves, including surveys of each 'location' (local area) before land reclamation began. Yawitch (1981: 10) has argued that the perceptions driving policy at this time were of Africans as inherently poor farmers "with an irrational

desire to accumulate cattle and an unwillingness to accept crop rotation... It is because of this that the division of the land, the limitation of stock and anti-erosion measures were seen as the ultimate solution to the problem. And it is because such a solution did not take the political and economic factors that had forced reserve agriculture to deteriorate into consideration, that such solutions could not and did not work. It was not necessarily that these measures were a failure in their own terms, but because they were implemented without sufficient consideration of the existing social conditions and the causes of those conditions, they served only to antagonise the local populations."

The strategy of 'betterment' first emerged from these concerns in the 1930s. It combined physical land reclamation measures (such as gully rehabilitation) with land use planning that reorganised and segregated the three principal elements in the communal areas landscape: settlement areas, arable land and grazing land. These measures were sometimes accompanied by other agricultural development measures such as the introduction of stock dipping tanks and the fencing of grazing areas into camps in which rotational grazing schemes were introduced.

The South African Native Trust was established by the Native Trust and Land Act of 1936 to administer those areas set aside for exclusive black occupation in terms of the earlier Natives Land Act of 1913 as well as those additional areas designated for black occupation (and still to be made available)

Constituting the Commons in the New South Africa

in terms of the 1936 Act. The Trust was empowered to adopt remedial, rehabilitative and redemptive measures for the existing reserves and for the land to be acquired. Substantial areas were treated with 'betterment' measures in the late 1930s and the 1940s. But the policy was reinforced and restructured after the report of the Tomlinson Commission for the Socio-Economic Development of the Bantu Areas in 1953. This Commission was set up to "conduct an exhaustive enquiry into and to report on a comprehensive scheme for the rehabilitation of the Native Areas with a view to developing within them a social structure in keeping with the culture of the Native and based on effective socio-economic planning" (Houghton, 1956: 1). The Tomlinson Commission reported that black rural people had no management system for their land. It used the term 'parasitic system of land usage' to describe land use in these areas.

In the pre-'betterment' period, management of the communal range lands in the Maluti district of the Eastern Cape was characterised by herding of livestock, use of beacons and stone packs to mark areas demarcated for grazing, strong leadership from the chiefs and effective collective action among resource users to ensure sound management of common property resources (CPRs) - especially land, range lands and forest resources.

During the 'betterment' scheme, most of these characteristics were substituted by fencing; strong policing from the chiefs (then used as government tools), the government and its rangers; culling of livestock; and a centralised form of management. De Wet and McAllister (1983) wrote that the plan during the 'betterment' scheme was to rehabilitate areas declared for 'betterment' and to make them economically viable. This was to be achieved by dividing rural areas into zones allocated for residential, arable and grazing purposes. Officials charged with monitoring the scheme were

to assess the carrying capacity of the area and, if necessary, to order culling of stock. Planning of these areas was based on the idea of 'economic units'. These were designed in such a way that a family, in order to make the minimum of £60 per year that was perceived as being sufficient to make a living off the land, should have access to arable and grazing land. The units were expected to comprise 3 morgen (about 2.43 ha) of land and 17 head of cattle, each requiring 3 morgen (about 2.43 ha) of grazing land.

De Wet and McAllister (1983) state that in practice, the economic units could not support the number of people that were on the land. 'Surplus' families were therefore expected to have to move off the land. In order for the proposals of the Tomlinson Commission to be successfully implemented, the rural environment would have had to be restructured because people would have to move to newly planned residential areas so that the rest of the area could be made available for cultivation and grazing. Industries would have had to be expanded as well, to provide work for those that would have to move from their old rural homes to new villages and industrial areas. The 'betterment' envisaged by the Tomlinson Commission was in effect not implemented, because funding for establishing the new rural villages and industrial towns was not made available by government. Because the new settlements never got off the ground, there was nowhere to move the 'surplus' population. The idea of 'economic units' was dropped because the Tomlinson Commission had reported that for a black family to make a living from agriculture they would need an income of £120 per year. That would mean that 80% of the rural families would have to move off the land. This was not practical because it would cause social problems, and the figure of £60 was decided upon instead.

The 'betterment' scheme was resented by many because of the manner in which it was introduced. To compensate for the strong

arm tactics of the government, the scheme included attractive agricultural production initiatives to entice the recipients. When the enticement did not seem to be effective, the authorities resorted to the enforcement of the scheme. As part of the scheme, boundaries were demarcated, fencing was introduced, and culling and dipping programmes were implemented. For more than 30 years people have learned to live with the rules and regulations as stipulated under the 'betterment' scheme. This has been their way of living throughout the years. Also, direction from rangers, police, headmen and chiefs is something people have learned to live with.

Although the manner in which the scheme was introduced was unacceptable, people have learned more from the 'betterment' period than from the new democratic era with regard to management of communal range lands. For many, what this era has brought is confusion - fences have collapsed, rangers are no longer in place, range land management is becoming less of a priority, portions of communal land are taken by the elite for private use. Although many bad things happened because of the introduction of the 'betterment' scheme, good things were learned from it too, e.g. livestock improvements and its benefits, including wool production.

3.1.2. Purpose

This paper looks at the future of common property resources with regard to grazing and livestock production. In the midst of all the current complexities (no fencing, no herding labour, few or no rules, no enabling political environment, limited space etc.), what strategies and process could be followed to achieve a brighter future for communal range land management as a form of common property resource management? To help find answers to this question, evidence is adduced from a case study in the Maluti district in the Eastern Cape province of South Africa.

3.1.3. The case study area

As in most of the communal areas in South Africa, the land history of Maluti District has been oppressive and "conducive to poor management" (Turner, 1999: 6). The population of 160,777, according to 1991 figures, was one of the highest of all the districts in the former homeland area of Transkei. According to these figures, the land area of the district was 221,891 hectares, with a population density of 72 people/ km². Table 3 - Table 5 show land use types, estimated potential land use by type and land use patterns in the district.

Land use type	Ha.
Arable land	80,640
Grazing	89,318
Community gardens	4,076
Home gardens	217
Forestry	835
Woodlots	14,000
Nature conservation	183
Non agricultural land	32,622

Table 3. Land use in Maluti District, 1985

Potential land use type	Ha.
Arable land	40,000
Forestry	1,000
Woodlots	2,000
Grazing	175,601
Conservation	
Non-agricultural	
Private Commercial Farming	3,290

Table 4. Estimated potential land use in Maluti District, 1985

Land Use Patterns	%
Arable land	18.0
Grazing	75.2
Forestry	0.4
Other	6.4

Table 5. Land use patterns in Maluti District, 1989-1990

The 1994 livestock figures reveal that the average area per large stock unit (LSU) was 0.84 ha., the number of LSU per dip tank was 2,084 and the number of LSU per dam was 35,431. There were three dams in the district (this presumably refers to engineered dams). The report showed that there were 106,294 LSU in the district, but that the appropriate number based on the recommended carrying capacity was 66,819, which is only 63% of the actual livestock population in the area. There is no explanation in the 1994 report of how this recommended carrying capacity was calculated. There are of course many debates around the issue of carrying capacity, but the figures quoted show the difference between conventional scientific recommendations and the actual use of range land by local stockowners.

According to a study done in the district by Cousins (1997), people keep livestock for multiple purposes. 63% keep them for ploughing, 25% slaughter for meat, 63% use them for milk, 100% for sales and 25% for savings and investment. Reasons for selling cattle in the area included urgent cash needs (12%), cash for household consumption (53%), disposing old and buying in young (30%), the pursuit of business goals (47%) and other reasons, e.g. disposing of livestock by selling to avoid losing them through stock theft (30%) (*ibid.*, 40). Goats were kept mostly for slaughtering and traditional ceremonies (*ibid.*, 44).

Maluti district is divided into 25 administrative areas, each of which is made up of wards - which people commonly refer to as villages.

Management of communal range lands in the district is a mixture of what people practised during the 'betterment' scheme, a little bit of their perceptions of what should happen, an almost 'open access' situation and management of the mobility of animals. There are no forums that sit to stipulate the rules that should be followed by 'members'. In most cases, the elite determine what should happen. This has become the com-

mon understanding among the users, since it is also what was practised during the scheme.

Range land fire, caused by certain individuals, is a matter of concern to big livestock owners. People disagree on when to burn to prepare for the next seasons. Some burn before 'the correct time', according to their individual beliefs about what is best.

Serious clashes have occurred with the recent emergence of farmers' associations. Because the government appears to support these, the elite (mainly members of the farmers' association) in one village have managed to secure one of the communally managed grazing camps for their private use (see section 3.3). The focus of the government is now changing towards supporting those interested in the commercial farming system, and away from the communal farming system. There is a belief among agricultural extension officers that indigenous breeds produce less per hectare than commercial breeds. Government preferences are shown by the fact that there is support for legal entities on land held by different sub-groups. In this approach, communal land is subdivided into different uses by different interest groups. Although this has not yet been implemented, it seems likely that it is the approach most favoured by the Department of Agriculture in the district.

In a study I am currently conducting in the area, I have identified key areas of concern for successful range management. In the next section, these concerns are reviewed within a guiding theoretical framework adapted from a paper by Shackleton *et al.* (1998: 12-37).

3.2. Conditions, factors and criteria contributing to successful management of common property resources: are they met on the Maluti District range lands?

This section focuses mainly on a synthesised theoretical framework adapted from

Shackleton *et al.* (1998). This paper uses their framework to see how it would work in the Maluti district and makes recommendations relevant to the district. This framework is seen as relevant in the district because it addresses issues pertinent to the success of CPR management. The way the 'betterment' scheme was implemented had shortfalls, which the framework addresses. 'Betterment' disregarded indigenous knowledge and governance was centralised. The framework, if ideally followed, brings in new ideas about strategies for successful CPR management. The 'betterment' scheme was implemented with the idea that the government would be at the forefront in the governance of CPR. This framework takes into account most of the concerns that 'betterment' sought to address, but recognises the role played by the community.

This paper uses the framework to identify problems and challenges and considers where the framework can be applicable. This is not to say that the paper rejects the framework, but it does suggest ways in which it can be modified. The modifications are based on the realities in the district and also use arguments of Lawry (1990) on the role that the state can play in successful natural resource management. Lawry (*ibid.*: 407) argued that ... "the modernisation process itself has reduced incentives for individuals to participate in localised collective arrangements, has undercut the economic viability of common property institutions, and has reduced the political legitimacy of local management authorities. Population growth and technological change have increased pressures on natural resources to the extent that minimum common property rules do not provide effective regulation...Local common property management will not emerge simply by giving greater official rein to local action". He expressed scepticism about the effectiveness of autonomous local action in sub-Saharan Africa.

Not everything from Shackleton *et al.*'s theoretical framework is used in this study.

Their framework is divided into the following:

- nature of the resource;
- characteristics of the resource users;
- institutional issues;
- nature of rules, regulations and sanctions;
- economic issues;
- policy issues.

The first three and the last of these six constructs for successful management of CPRs seem to be the most pertinent (in terms of priority) in the Maluti District. From these four constructs, the theory adapted from Shackleton *et al.* is presented and coupled with evidence from the district that supports or differs from it. For each subsection, concluding remarks are provided.

3.2.1. Nature of the resource

3.2.7.7. Boundaries

Boundaries must be clear so that users can know their limits and exclude non-members.

In the Maluti district, the boundaries that are recognised by resource users presently are those of the 'betterment' scheme. Although this is true in many villages of the district, people still regard land of which they were dispossessed as theirs. They collect resources they need whenever they need them from the areas that once belonged to them. This is risky because the current owners of these lands regard this as trespassing.

Also, because there are many ethnic groups in the district, it is often possible for different ethnic groups to neighbour each other. This poses a threat, since one group can disregard the regulations set by a neighbouring group to manage range lands. If livestock not belonging to the villages that constitute a particular area have remained on the other side of the boundary for a long time, they are taken to the headman of the area on which they have 'trespassed'. After

a certain period has elapsed, the government officers dealing with stock theft are called to take them away for impoundment. Although boundaries are clear, they are not well respected. Another example, in one of the villages of Maluti District, is an application made by the Hlubi clan for fencing, although they fear that the Bhaca clan might cut the fence.

3.2.7.2. Resource size

A resource with small boundaries is easier to manage than a resource with large boundaries.

Shackleton *et al.* (1998: 15) argue that in situations where the CPR area is large, considering different use zones may be useful because "rules and regulations would then vary in strength and stringency depending on the zone". Their idea was zones of intensive use as opposed to zones of less intensive use. What the theory suggests is practised by the farmers' association (see section 3.3) in the area. If things were in their favour, they would subdivide the land for intensive and less intensive uses.

3.2.1.3. Supply - demand conditions and dependency on the resource

A high level of dependency on the resource results in more effective management structures to manage the resources.

People across South Africa, including Maluti District, do not focus their livelihood priorities solely on range lands. Social grants, in the form of old age pensions and disability grants, are the safety net for households with elderly people. These grants have diverted the focus from effective management of land and grazing resources for sustenance to products sold in market places. Lately, very few people recognise the impact of good management of natural resources. People, especially those who cannot afford herding labour, get almost nothing from these resources because livestock theft increases every day.

Lawry (1990) states that because of other sources of income and the 'open character'

of village economies, the stimulus for collective action is reduced. These circumstances can lead to competition and not cooperation in the use of communal resources. He argues that for a sustained collective action, the resource in question should be scarce and of "critical importance to the economic wellbeing of a large proportion of the community, and where the transactions costs associated with collective action are less than would be the case if resources were under individual control" (Lawry, 1990: 25).

3.2.1.4. Indicators of CPR conditions

Indicators of the condition of the CPR as a result of regular use are important for CPR management. These indicators could be used to raise awareness among the resource users of their collective or individual impact.

Although this is important, it depends on whose indicators count. Scientists could come with their technical views of the situation, and the presentation of their views could be detrimental or helpful to the way these resources are used and managed. Also, the presentation of local views could be detrimental or useful for range land condition. Local knowledge together with scientific knowledge can produce effective results with regard to indicators.

A joint effort by users and the government is needed. The government must take heed of things perceived as important by the users, and the flip side of the equation is equally true.

To conclude this discussion of the nature of the resource being managed, I suggest that if the 'betterment' boundaries could be reinstated with the support of the government, then the problems alluded to above could be eliminated. Because of the present situation, management of livestock mobility is proving more difficult because there are no fences. People are losing their livestock in big numbers. This has discouraged many from livestock farming.

This 'almost open access' situation also affects people who use communal range lands to collect wild resources. People relate the current state of these communal range lands to the unavailability of these resources for collection. They perceive communal range lands (except for this year after heavy rains) as being in a bad state because some of the resources available during the 'betterment' scheme are no longer available. People who depend on certain communal range lands for survival often clash with livestock holders for the resources not to be grazed by livestock. Harvesters easily achieved their goals when fences were still in place.

3.2.2. Characteristics of the resource users

3.2.2.1. User group size

A small user group is more conducive to successful common property resource management because the costs of communication and decision-making are relatively low, rules are easier to enforce, and social sanctions tend to be more visible and effective.

What the theory fails to state is how small the number of users must be for successful common property resource management. Carney and Farrington (1998) point to the fact that there should be no more than 30-40 members for group agreement not to collapse. They were looking at criteria for assessing the strength of local forest management institutions.

In one village in the district, considered small by many, range management is dominated by the elite group of the village (mainly big livestock owners). They inform everybody in the village where to graze their livestock and when. Although this is understood as a sound communal range land management effort by many, it is resented because of the clashes between the elite (mainly big livestock owners from the farmers' association) and the rest of the population.

The case study below (section 3.3) shows the make up of this elite group, from their establishment to date (see also section 3.2.4.1). The reason this is stated here is because the government is under the impression that these farmers' associations will benefit users. As said above, the agricultural extension officers tend to advise people to farm with commercial breeds only and to dispose of their indigenous breeds. They neglect the multiplicity of benefits derived from indigenous breeds. The account given in the case study below shows the direction that things would go. This current trend (of farmers' associations) would come at a cost for other range land users. If certain portions of the land within communal land are to be 'privatised', then those using range lands not only for livestock grazing but also for harvesting of various resources would lose.

This happened in one village where one of the four camps 'acquired' by the association happens to be rich in wild resources. The association is planning to sell the resources to harvesters. There are serious implications emerging from this. First, the ownership of communal land has passed into private hands through the approval of chiefs. Secondly, the source of livelihood for other members has been reduced tremendously. Thirdly, since people are excluded from the land by the members of the association, this has created the potential for conflict. Lack of information has resulted in the confused situation alluded to above. Members of the association together with some agricultural officers are partly to blame. The confidence of people in agricultural extension officers will be greatly affected because they reiterate the same sentiments as those of the farmers' association. Their involvement has confused the situation even more, as people believe that the association might have legal rights to the land because government officials are in support of their actions.

Carney and Farrington (1998: 17) cite a case in Namibia where "lack of clarity about the legal status of land has led to semi-legal fencing of land by the elite". In South Africa, Maluti District presents a similar case, where the elite have used government's ideas about farmers' associations for their benefit (through land acquisition), thus excluding other people from land that is communally owned.

3.2.2.2. Residence

It is preferable for users to reside in close proximity to, or in the same location as, the common property resource.

This condition is generally met in Maluti. People generally live fairly near to the resource. Although this condition is met, it obviously is not enough for successful CPR management. Other factors combine to overwhelm whatever positive influence this particular condition may have.

3.2.2.3. Eligibility

Members with ownership and access rights to CPRs must be defined, and agreed conditions for eligibility should exist.

This is practised in parts of the district, as outlined above. People have invited officers dealing with livestock theft on several occasions to impound livestock that belongs to other areas. This is not practised in the district at large, but only in some villages. The unavailability of fences has necessitated this practice.

There are known and well recognised big families in each village. People gain access to range land in most cases by being related to someone or by lying about their clan names. They then apply for residence, which automatically entitles people to grazing and other rights. This becomes difficult with arable fields since they were reallocated for people who were present when the 'betterment' scheme was introduced. So newcomers are unlikely to get access to arable land.

3.2.2.4. Degree of homogeneity

Resource users tend to co-operate better when they are not strongly divided by

- natural boundaries;
- different perception of risks of long-term extraction from the CPR;
- cultural antagonisms and
- *substantially different exposures to risk* (Shackleton *et al.* citing Ostrom 1992, 1998: 19)

In most villages around the district there is a great degree of heterogeneity. Villages are highly stratified by social status. The people with the most livestock are the ones who 'contribute' significantly to the management of CPRs. Overall, these conditions regarding homogeneity are not met in the Maluti district.

3.2.2.5. Local understanding and knowledge of resource characteristics

If a CPR is a valuable resource worth the costs of managing it, the perception that benefits exceed costs is more likely to arise when members have relatively full and accurate information about: (i) the physical structure of the resource, (ii) the past actions of other users, and (iii) the relationship of demand to supply. They also need to know how the resource varies in space and time and the impact of use on it.

In Maluti district, people who are vocal about the characteristics of communal range lands and how they should or should not be managed are the few members of the farmers' association. The association (the elite) considers the voices of other people with derision. Although there are valuable resources in the area, their value is not considered by many because they are in great supply. The supply of trees used as fuelwood far exceeds the demand.

3.2.2.6. Awareness of resource use issues

...awareness of the risk of resource overuse as well as the relationship between use behaviour and the state of the resource helps ensure compliance to resource management rules.

Although people have not been 'educated' about the vulnerability of the resource and the consequences of overuse, they are aware of what actions to take to combat the problem when there is a need. But their intended actions are hindered by the unavailability of resources. People are aware that certain wild resources were in the area when a particular style of management was adopted. The collapse of this style of management culminated in the depletion of certain resources, which local people feel is a sign that productivity is declining. There are no mechanisms that can be put in place, because fencing is needed to revive what people think of as ideal.

The discussion above has highlighted issues of concern with regard to the characteristics of resource users. The farmers' association in one village believes to know more than the rest of the population about range management. This has created a huge gap between the two parties. There have been rumours that the government supports actions by the association, but some government officials deny this. The land acquired by the association for private use has brought about the feud in the area. If the government had created an enabling political environment for CPR management, issues like these could be avoided. Extension officers who spend most of their time in government offices could play a crucial role in protecting the interests of the marginalised if they spent more time working in the field within an enabling political environment.

3.2.3. Institutional Issues

3.2.3.1. Ownership status

Security of tenure is important.

There have been proposals that land tenure reform be piloted in this district. A joint effort to help people know their rights to land and be responsible for it would prove fruitful for many. If the process is well administered, effective management of range land resources and profitable invest-

ment in livestock can be achieved. The 'Proposed Land Rights Management Functions According to the Status of Local Rights Holders' (seventh draft, July 1998) might hopefully have brought about good governance of CPRs when finally promulgated. But this draft proposal has been shelved (section 3.2.4.3 below).

3.2.3.2. Existing local organisations

Effective CPR management is likely where resource users have had prior experience.

In the Maluti district, through the assistance of the Environmental and Development Agency Trust (EDA), this has not been a major problem. This NGO's skills have ensured that community based organisations are capacitated. This is not to suggest that there are perfect institutions in the district to manage CPRs, but assistance from EDA ensures some form of co-operation and competence although the process in many cases is frustrated by the elite.

3.2.3.3. Centralisation versus decentralisation at a local level

Resource users should not be prevented by central government from exercising local initiatives. Also, a centralised form of governance at local level (council, executive committee, traditional authority) is necessary.

It has emerged in Maluti that chaos can erupt in the absence of a centralised form of governance of CPRs at provincial and national levels. For example, the farmers' association has taken over one of the four grazing camps in one of the villages and two of the four reserve camps that belong to six villages. It is known to everybody that this might be illegal, but because the government has distanced itself from issues of CPR management, nobody knows for sure what is going on. Although theory suggests a centralised body at a local level (meaning that management functions should be concentrated and capacitated at the local level rather than at higher levels), this paper further suggests that a centralised body at

government level should also be involved to protect the interests of the marginalised among other things. Centralised bodies at local level have proved to be biased. Illegal land acquisitions by some members of the villages have gone through these bodies, e.g. the tribal authority or headman. Although their role is a critical one, a complementary form of management at provincial and national level is imperative. This is a policy question of major concern. An enabling policy and political environment for successful CPR management still have to emerge.

3.2.4. Policy issues

3.2.4.1. The characteristics of the legal and political environment in which the users reside

The state must protect the rights of people living on and using CPRs.

The elite in Maluti district have taken all range management issues into their hands. They decide on everything at the expense of those with no or fewer livestock. The acquisition of pieces of land is one factor that affects those with livestock and those with no livestock, since the latter also collected resources from range lands. Range lands are 'up for grabs', with people believing that government's new approach is for people to organise themselves into farmers' associations and have legal title to areas they want to use for farming.

Also, good governance of CPRs at local level and the support of the government would ensure the sustainability of range land resources and related livelihoods in the long run. The present chaos prompts many to be silent about these issues. Biased headmen and tribal authorities have discouraged many from investing in any way in CPRs. People need a clear-cut position and assurance from the high echelons of government. This would boost their confidence in the management of communal range lands. People need to be assured that all the rules and regulations they set are going to be protected by the government and that

information about CPR related issues is well disseminated

3.2.4.2. Relationship between users and the state; the role of the state

The state should play a crucial role in CPR management.

This has been partially alluded to above. The suggested role of the state and resource users is co-management of resources, as this would prove more effective than purely a decentralised form of governance at local level or a purely centralised form of governance at national and provincial levels (Lawry, 1990). The government is needed to ensure that outsiders do not ignore local initiatives. Lawry argued that co-management would be helpful when dealing with the problem of rule enforcement, especially when the rules have broad support in the community.

3.2.4.3. Proposals for land tenure reform

The government's Department of Land Affairs had been reviewing policy with regard to land and resource rights and management in communal areas such as Maluti District. However, the proposals that had been developed (including the *Proposed land rights management functions according to the status of local rights holders*) have been shelved following the appointment of a new Minister. Nevertheless, proposals such as those that had been drafted are needed for successful CPR management.

The draft proposals identified ten key functions: internal land use planning, land use zoning and development, land allocation, decision making, management and allocation of funds, investigations of entitlement to legally secure tenure or comparable redress, accreditation of Land Rights Holders Structures, registration of land rights, record keeping and enforcement.

This paper comments on four of these functions. These are viewed as being issues of immediate concern with regard to sue-

successful management of CPRs, particularly grazing management.

Land use zoning and development control

If this function were to become operational, the resource use rules and regulations set by local people could be protected by a zonal structure. Under the new municipal demarcations, elections and zoning, a representative of a zone can represent the interests of his/her constituents at a higher level. If this could happen, then people would be assured that their interests with regard to range lands are protected.

Internal land use planning

This, according to the proposal, would focus mainly on decision making for communal resources.

Enforcement

This is the legal and administrative provision to guarantee rights.

Registration of land rights

Under this provision, people should have rights as owners or protected rights holders.

3.3. Case Study: the Farmers' Association

3.3.1. History

The history of the Farmers' Association (FA) goes as far back as the late 1980s. It started with one person buying a Jersey cow, which gave him 25 litres a day. He bought the cow for \$230. Because he was concerned that other cattle might injure it, he went to agricultural officers to ask permission to graze it in a camp, which usually was closed most of the year and opened during winter. The camp was used throughout the year to graze commercial bulls bought with subsidies. The purpose of these bulls was to improve stock. His request was not accepted, but the officers advised him to request a piece of land from the community for private use. This idea did not appeal to him because it was not

normal practice for an individual to request a piece of land from communal range lands for his commercial cow. He thought the community would also turn down his request since he had never seen communal range lands being divided into separate 'parcels' for private use. He then decided to lure a couple of people to join him in requesting the land.

Everybody he approached welcomed the idea. They were then advised to request the land from members of the village. According to the informant I spoke to, people in the village welcomed the idea. They took the matter further to the chief and he approved their application. The application was taken back to the agricultural officers and the magistrate for their approval. The agricultural officers sent their application to a regional office for approval. The livestock owners' application was later approved. In the process of their application being approved, they affiliated under the Eastern Cape Emerging Farmers' Union. They then invited the agricultural officers to demarcate the land they had requested. They were advised on the things they could do and not do with the land. When they presented the matter again to village members, they informed them that the agricultural officers had advised them that the Association should comprise 13 members. They never presented this information when they first went to the villagers to request the land. The idea behind this was for a few people to be capacitated, and that the rest of the village members would then learn from them. Members of the village received this restriction of membership with bitterness and expressed this feeling in many ways. Some grazed their livestock on the piece of land allocated for commercial breeds, and some presented their anger about the camp in meetings. The camp that is allocated to the Association is one of the best in the village. It has a river passing through it and a warm area that could be suitable for livestock in winter.

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There is new information about the camp, which contradicts the report of the Association quoted above. Firstly, it is not only people who were not part of the process of handing over the land who are not happy about it, but also people who were in the village when the transfer happened. This includes some members of the Association as well. The Association sees those who were not part of the process as not progressive. Recently people decided to graze their livestock in the fenced camp of the Association. This was at the core of a serious argument among village members. This prompted one Association member to take away his cow to graze it in better pastures outside the camp. Secondly, the Association claims that it received the idea that 13 initial members must join from the government. But a government officer has stated that this claim could not be substantiated in any way. They later lifted the restriction on the number of members to allow anyone interested to join. This led to the number increasing to 21 members.

3.3.2. Achievements

The Association has not achieved much, except for a few members who own Jersey cows, bulls and rams. The production from the cows is far less than is expected from a commercial breed. Some people have complained that the cows are undernourished. The cows do not belong to the Association but to a few members. There are rams and commercial breed bulls that members own, which are supposed to be circulated among Association members. Buyers of these bulls, when the subsidy was still in place, would receive 50% subsidy from the government. When these were first sold at subsidised prices, the agricultural officers recommended that everyone in the village should benefit. But when subsidies were stopped, people chose with whose livestock they wanted their bulls or rams to mate. Because the bulls graze with other cattle in the village, the village does benefit to some extent.

The Farmers' Association has also established a dairy group, and encouraged red meat producers and woolgrowers to affiliate under it. One Association member said that people are made into puppets by those holding key positions in the Association because only one person determines everything that has to be done. Presently, the Association is open to everybody, but members of the village are sceptical about joining. Some are not happy with the procedure followed by the Association to obtain the land and hence they forcefully graze their livestock in the camp allocated for the FA. Some Association members are also not happy with the handling of matters by other members of the Association. One Association member complained that they usually pass him during mating periods. The rams are supposed to reach each member of the Association, now that the subsidies have been stopped, but it is evident that some members are passed for undisclosed reasons.

The Association is in the process of dividing its land. The agricultural extension officer in the area has already secured fencing materials for them. They know how they are going to divide the land. They have already identified portions within the camp in which they want to grow feed, a place for building a milking parlour, and a dam. Recently, they started to plough feed in one portion of the camp. Each of the 21 Association members paid for the tractor that was used to plough the land.

3.3.3. Vision and dreams

The Association wishes to secure another piece of land for small stock. They are in the process of securing this piece of land. One member of the Association has already erected a shack in this piece of land. Their vision is to form a wool growers' club. They also plan to keep their livestock away from other people's livestock. One member claims that this piece of land is "no man's land". These two camps that they have earmarked are reserves for six villages in

time of drought. Although the process is still far from being finished, Association members have already moved their livestock to this piece of land. They deny other people access to it. They wish to hire somebody to look after their small stock when they have secured the land. Another idea they have is to use the land they are claiming productively. If the restitution process promptly attends to their application, the Association wishes to use the land to keep commercial bulls for red meat purposes. They intend to use land they have already secured for dairy purposes only.

The emergence of this Association has created havoc in the village, as stated above. Not only did they secure a piece of land that is owned communally, they also secured land reserved for six other villages including the one they have acquired land from. Also, the restitution claim that the village is making is in the process of being hijacked by the Association for its 'private' benefits. Their land acquisition stems from the fact that farmers' associations are supported by the government, as a new trend in livestock and agricultural production. This new trend is not in the interest of everybody, since the poorest of the poor remain marginalised.

3.4. Conclusion

This paper argues the importance of recognising the role of government in CPR management to ensure sustainable livelihoods. The argument put forth is that the achievement of a non-freehold future with regard to CPR management (in particular communal range lands where livestock grazes and resources are harvested for sustainable livelihoods) rests on the availability of the 'upper hand' (the government). The government has a duty to protect the rights of individuals and groups, to police and enforce rules set by the users. The situation presently is chaotic, making most users unsure of the current developments with regard to CPR management. Those with

large numbers of livestock are using this period of uncertainty to accumulate pieces of land for private use. Lack of co-ordination of government departments partly causes this corruption.

Many of the other issues discussed above suggest the potential of fencing to eliminate threats and problems associated with the management of communal range lands. People lose their livestock in big numbers because of broken fences. Herding by children is becoming more difficult since they spend most of their time in school. Livelihoods are severely affected in this present situation. The position that this paper takes is that the government should play its part in overseeing management of these resources, offer support in terms of fencing as it did in the past during the resented 'betterment' scheme, protect the rights of people, and ensure security of tenure for sustainable livelihoods. The past 'betterment' scheme applied the concept of creating 'economic units' for people to sustain themselves. It used a centralised form of management, which ended up failing. This paper proposes a joint effort between the government and communal range lands users, following closely the theoretical framework proposed, to ensure sustainable livelihoods through livestock production from well managed range lands. In this way, a different kind of 'betterment' can be achieved.

The theoretical framework as used in this paper would be ideal for the Maluti district. Generally, the framework can work in the district, but the internal politics of each village pose a threat. Ideally, the framework is good but in each village specific challenges and problems should be considered. These challenges and problems include the make up of each village: for example, the capacity of its institutions and the socio-economic status of individuals with regard to achieving positive CPR management. Everything in the rural Eastern Cape has been built or developed

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along the infrastructure developed during the 'betterment' scheme. It is therefore imperative that some of the initiatives of

the scheme (like fencing, and policing) be recognised and built into future policy and practice.

4. Conserving the commons: nature conservation as common property resource management in the new South Africa

Stephen Turner

4.1. Introduction

In the beginning, in Africa, there were the commons. At least, there were commons where there were people in sufficient numbers and with sufficient intensity of land use to make this form of ownership and administration worthwhile. These are the convenient assumptions we like to make about the history of the continent, and against which we compare the multiple dislocations and transformations of the colonial and post-colonial periods.

These colonial changes in resource access and ownership found particularly oppressive form in South Africa, where they culminated in the apartheid system of racial discrimination and economic exploitation. It is still less than a decade since the emerging democratic society was finally able to start seeking ways of redressing these injustices.

As probably the best resourced of all colonial systems, the apartheid regime took nature conservation seriously during the 20th century. It cleared substantial areas of human populations so that it could operate what evolved into a highly professional network of National Parks and other protected areas. Nature conservation, and the ownership of protected nature conservation areas, now present one set of challenges in the massive transformations facing South Africa. These challenges link into a broader question for the newly democratic nation: whether the heritage of the African commons can be used in building new dispensations for owning and managing rural resources.

This paper outlines some of the historical background to the current status of nature conservation in South Africa. It then explores some of the interpretations and combinations of 'ownership' and 'the commons' that currently influence the status of nature conservation there. It concludes with an assessment of whether and how nature conservation can viably enhance rural livelihoods as a form of common property resource management.

4.2. Colonising the commons: the heritage of nature conservation in South Africa

The concept of protecting nature is an ancient one in Africa. It has often been associated with the spiritual and economic importance of various wild resources in African livelihoods. But the idea of setting aside areas exclusively for nature, regulating all human access to these areas and banning all resource extraction from them came to the continent with colonialism. In South Africa, as further north, early European settlers and adventurers slaughtered wildlife on an unprecedented scale. There is a bitter irony in the way in which, after wildlife populations had been decimated, the colonial regime decided to give privileged treatment to the remaining animals by creating special protected areas for them. This commonly involved the forced removal of local African populations out of the new nature reserves to resettlement sites elsewhere. By regulating access and prohibiting hunting and other resource use in these areas, the regime criminalised the indigenous

African subsistence uses that had posed no threat to nature before the settlers arrived.

What followed, through most of the 20th century, was a history of confrontation between the rural poor and official nature conservation authorities. The affected rural people often viewed the conservation of nature as one of the most hostile intrusions by the apartheid regime into their lives. Arrest and imprisonment for poaching (inside and outside protected areas) were common hazards. Besides the police and the army, nature conservators formed a potent third armed force. Among the black majority of South Africans, the public legitimacy of nature conservation - or of any sort of environmental care - was destroyed by the conservation strategies of the minority government.

Meanwhile, rural Africans watched the growth of tourism by whites in the protected areas from which they themselves had been excluded. Recreation by the white minority in these areas was encouraged. Indeed, holiday visits to National Parks and game reserves became an established part of white South African culture during the second half of the 20th century. These parks and reserves were well equipped with holiday camps and road infrastructure to offer comfortable recreation to the increasingly urban, affluent and mobile white population. Meanwhile, subsistence by the poor black majority in these areas was prohibited. Under apartheid, they were also almost totally excluded from any sort of recreational access to the parks and reserves. This further damaged the credibility of nature conservation and of nature-based tourism in the eyes of black rural people. They generally saw that their commons had been colonised; and that their sustainable use of wildlife and other natural resources had been prohibited by a ruling class that had recently decimated those same resources.

4.3. Contested meanings: 'ownership' and 'the commons'

In the simplest formulations, four categories of resource ownership are distinguished in a sort of gradient from lowest to highest value (IFAD, 1995). In situations of open access, there are no property rights and no management regime. Originally, these situations pertained in desert areas of no significant economic value. More recently, they tend to represent the breakdown of other management regimes. In the original and simple gradient, the second category is state land: often vast in extent; of economic value that may not yet have been realised or exploited; and subject to low-cost management by government authorities. The third category would be areas under common property resource management systems. These are typically localised in their spatial coverage; are operated by the people who live among and use the resources they manage; and impose significant transaction costs that are justified by the economic benefits flowing from the managed resources. Finally, individual tenure regimes apply to resources whose economic benefit streams justify the still higher administration costs that such systems impose.

The reality is nowhere near so simple, of course. In a particular country or region, the grossly simplified gradient and categorisation suggested above is filtered, complicated, contextualised and possibly distorted beyond recognition by specific political, social and economic circumstances. This is certainly true of South Africa. Some of the key features of the distorted resource tenure map that has emerged from the history of colonialism and apartheid are as follows:

- having asserted control over the entire national space, the colonial regime assigned increasing proportions of it to the individual tenure of whites. Blacks were relegated to 'own' an ultimate 13% of South Africa, in 'homelands' where a form of African 'commons' was

assumed to persist under the administration of chiefs who were prepared to comply with the authorities. While freehold became the norm for whites and covered most of the country, this mode of tenure was almost totally abolished for blacks;

- in the 'homelands', the State played significant roles in the administration of the 'commons'. For example, chiefs' allocations of residential or arable land had to be authorised by the magistrate, with survey and record keeping by the Department of Agriculture. The Department of Agriculture paid staff to patrol the communal range lands (Ntshona, section 3.1.1 above). Most fundamentally, these 'commons' were State land in the eyes of national law, and were the responsibility of a Minister in the white Cabinet. Clearly, they were far from being the truly locally owned and managed assets of common property theory;
- large areas of conventional State land were also amassed by the regime, for a variety of military, economic, administrative and conservation reasons. Indeed, some 5% of the South African territory was allocated to National Parks and other nature reserves. These were administered by the National Parks Board, by provincial conservation agencies, or by other authorities such as forestry departments. In almost all cases, these parks and reserves were cleared of their human populations (where they existed) through forced removals - sometimes to nearby sites, sometimes to remote places. Some of these removals were violent. They all caused long term hardship. In exceptional cases, such as Kosi Bay, people managed to resist removal and remained resident within what were now protected nature conservation areas;
- in a sense, though, State land used for nature conservation was perceived by whites as a kind of commons. As a small

and beleaguered group, the ruling white South African minority had a more proprietary interest in State property than citizens do in more democratic nations. As recreation in protected conservation areas became an ingrained part of their culture and psyche, whites came to perceive these areas as their privileged property. As I shall show below, it was not until the character of these special 'commons' came to be challenged that this perception found cogent expression.

So, for much of the 20th century, there were ways in which the South African 'commons' were State land; and there was a sense in which some State land was a minority 'commons'. Since the first democratic government came to power in 1994, much has started to change. From the perspective of nature conservation and the commons, some key features of these changes have been the following:

- a land reform programme has been instituted. Under its restitution provisions, people who lost land due to racially discriminatory law or practice since 1913 (the date of the first Land Act) can claim it back. Some of the 67,531 restitution claims submitted were for land that was seized from blacks to make nature reserves. A few of these claims have succeeded. Most are still in process. The most notable success so far has been that of the Makuleke, who have regained their ownership of the Pafuri area at the northern tip of the Kruger National Park. In another component of the land reform programme, qualified groups can secure the redistribution of land by receiving grants with which to buy it on the open, freehold market. In many of the restitution and all the redistribution cases, groups thus become the owners of freehold property. Externally, each group is a single legal person operating within a private tenure regime. Internally, such

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groups are likely to operate some sort of common property regime;

- meanwhile, the much more far-reaching challenges of the tenure reform component of the land reform programme have not been successfully tackled yet. The former 'homelands' are still, officially, the property of the Minister of Land Affairs. On the ground, confusion reigns about tenure and administrative arrangements. Chiefs and 'progressive' groupings often vie for control (Turner, 1999). In some areas, chaos and violence result. In others, people have cobbled together workable systems and have instituted their own land management regimes in the absence of any clear initiative from government;
- for the historical reasons outlined above, the political legitimacy of nature conservation as a continuing occupier of vast expanses of South African natural resources is now widely challenged. The nature conservation authorities recognise this. While maintaining their commitment to the preservation of biodiversity, they now know that they cannot preserve protected areas as islands of privilege in the seas of rural poverty that surround most National Parks and nature reserves. Several strategies have emerged, although it is too soon to say that they are entirely coherent:
- in an attempt to foster better relations with park neighbours, the authorities are promoting various modes of co-management of protected areas, without changing the formal ownership status of these areas. Representatives of neighbouring populations are invited to sit on committees that have oversight over park planning and management, although day-to-day management is retained as the responsibility of the conservation authority staff;
- in related efforts to improve neighbour relations, conservation authorities are trying to enhance local people's liveli-

hoods. Commonly, this involves a variety of income-generating projects in nearby areas linked to ecotourism and the tourist traffic that the parks and reserves generate. In fewer cases, a commitment to sustainable use of protected area resources has emerged in the policies of conservation authorities. Many nature conservators remain opposed to any resource use within their domains;

- some authorities, most notably the KwaZulu-Natal Nature Conservation Service, have tried to build beyond a sense of commitment and caring for the protected area among neighbouring populations. They have urged that local people feel a sense of 'ownership' of parks and reserves. Coming full circle, we now find an attempt to make black people feel that local State land is now a kind of 'commons' - a meaning that is arguably closer to the real meaning of the term than the former interpretation by whites across South Africa that National Parks and nature reserves were their special 'commons';
- more radically, South African National Parks (the former National Parks Board) is increasing its commitment to the concept of 'contractual parks'. These are parks that are not owned by SANP, but by local people. When the idea started, the owners were white farmers who pooled their land to make a National Park. Now, contractual parks are being developed with non white land owners (Reid, 2000). The Makuleke people, mentioned above, have agreed with SANP that their regained Pafuri area will be operated as a contractual park. Earlier, in 1991, agreement was reached for establishment of a contractual Richtersveld National Park. That contract assumes the people of the Richtersveld villages to be the 'owners' of the park. Technically, as this was a 'homeland' for 'Coloured' people, they were not -

although they had used the land for generations. The Minister of Land Affairs is still the legal owner of the Richtersveld and the National Park. Under a special tenure reform law for the former 'Coloured' 'homelands', genuine ownership will shortly be transferred to local residents. (They are currently debating what legal entity will own the land on their behalf.) The Richtersveld contract, like that for the Makuleke, allows for sustainable resource use by the park 'owners'. In the case of the Richtersveld, specified stock owners are allowed to continue grazing agreed numbers of animals in the park.

So, in recent years, the tenure status and socio-economic character of National Parks and nature reserves have been fundamentally challenged. Clearly, the white minority can no longer regard them as a private 'commons'. More interestingly, their status as State land and public assets has been challenged. Contractual national parks are owned by local people, although their contracts allow for biodiversity conservation in the national interest and local and SANP economic interests dictate that all South Africans will be welcome to come and enjoy them. What about other parks and nature reserves? Efforts by the KwaZulu-Natal authorities to foster a local sense of 'ownership' of nature reserves led to indignant letters to the press by urban whites. The letter writers asserted that every citizen of the province had the same ownership rights over these assets. They contested the right of the conservation agency to accord stronger ownership rights to neighbouring (black) people. This is symptomatic of a broader challenge for South Africa and many other countries: how to reconcile local and national interests in resource management. National interests typically want local people to feel a degree of proprietary concern for resources of special importance (such as protected conservation areas), so that the resources can be better managed.

But if local people assert too strong an interest - perhaps by challenging the management or resource use strategies of conservation agencies - national authorities tend to backtrack and assert the status of the resources as public assets for all the country's citizens.

In South Africa, it is too early for any balance to have been struck. What we have at present are:

- 'commons' that are being managed by the State. Technical management of both the Richtersveld and the Makuleke contractual parks is done by South African National Parks. Through a new joint management structure, the Makuleke are rapidly asserting real influence over management decisions, although staff in the field are still SANP employees. The much older joint management structure and process in the Richtersveld remain ineffective. SANP still manages the park;
- some attempts to assign a 'commons' identity to State (provincial) land that is used for nature conservation - opposed, as we have seen, by whites who probably benefited from the previous status of conservation areas as their special sort of 'commons';
- open confrontation between interpretations of the same land as State and common property: cases where protected conservation areas are seen as such by the State authorities, and seen as 'commons' by local people. Not surprisingly, the people of Kosi Bay have never regarded controls by the conservation authority over their use of local resources as legitimate. There have been decades of hostility over their 'poaching' of wildlife in the nature reserve that was created around them and which they continue to regard as their communal property. In the Mkambati nature reserve in the former Transkei 'homeland', Kepe (1997) has documented how neighbouring residents (removed when the reserve was

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formed) contest the legitimacy of prohibitions against resource extraction. They know that 'poaching' is illegal. But that does not make it illegitimate in the more fundamental value system to which they subscribe. For them, these public, protected resources are common property resources;

- although we typically think in Africa of common property resource management as a local affair, the geography of apartheid means that people can now secure restitution of land that is far from the places to which they were forcibly removed. The Makuleke have regained the Pafuri area, and will maintain the status of these commons as a conservation area. They will continue to live in the place to which they were removed, some 75 kilometres away;
- again, we typically think in Africa of common property resource management as providing the framework for a range of economic activities by local people, using the resources so managed for purposes that are often subsistence, or at least not wholly commercial, in nature. The future of the commons as nature conservation areas in South Africa lies elsewhere. The Makuleke are currently negotiating with major investors for the construction and operation of high cost tourist facilities in the Pafuri area, and for commercial hunting on the Zimbabwean CAMPFIRE model. While they intend to manage some resource extraction by community members from the area, their economic plans are dominated by the licensing of commercial revenue generation. Less progress has been made in attracting such investors to the Richtersveld, partly because of the character and remoteness of its natural attractions. But, although community-based ecotourism enterprises are also expected to play a role in many 'people and parks' strategies around South Africa, private sector investment in the

'commons' is expected to be the key to success;

- this has taken South African thinking beyond the notion of co-management of the commons into the current fashionable acronym - CPPP, or community-public-private partnerships. There are two sources for the current drive towards CPPP in the management and use of community-owned nature conservation areas and other aspects of South African economic development. The first, not unique to South Africa, is the backlash against the notion that 'communities' can take over management from the admittedly incompetent state. Instead, it is argued, the capacity and resources of the private sector must be marshalled alongside those of government and local people. The second motive for CPPP, again reflecting international tendencies, is that the state cannot drive economic development by itself. Instead, the private sector must be encouraged to invest in much of the necessary infrastructure - attracted by the economic rewards that it will reap from its parallel investments in new enterprises. Dressed in contemporary South African political clothing, this is supposed to mean that, in the underdeveloped former 'homelands', 'communities' will own land and natural resources; the state and the private sector will co-operate in establishing the long overdue infrastructure that is needed to exploit these areas; and the private sector will invest in ventures from which both it and local 'communities' will profit. With specific reference to nature conservation, this could mean that protected areas, as locally owned 'commons', would become the arena for CPPP. So far, with the possible exception of the Makuleke, all this is more jargon than reality;
- most fundamentally, there are shifts in the political perception of what and whose purposes State property serves,

and how these purposes can or should be reconciled with local interests in owning, managing and using such property as 'commons'. Part of the context for these shifts is the political, economic and ecological debate about how to balance the conservation of biodiversity with the alleviation of poverty.

4.4. Nature conservation on newly gained commons: the challenges

There are two ways in which rural South Africans can constitute 'commons' and dedicate them to nature conservation (with its accompanying potential for ecotourism revenue and enhanced livelihoods). The last two sections of this paper address some of the prospects and challenges that distinguish the two sets of strategies.

Much of the discussion in this paper so far has dealt with the first way, which is distinguished by the clear tenure status of the affected land. In some cases, people regain ownership of nature conservation areas that were taken from them by the apartheid regime. State land becomes the private property of the claimant group. In other cases, such as the Richtersveld, nature conservation agencies make contracts with rural people whose ownership of the area is already clear and uncontested, if not always legally sound. Through the redistribution component of the land reform programme, it is also possible for groups of poor rural people to use state grants to buy freehold land. This land could then be dedicated to nature conservation and ecotourism. Although this strategy is currently popular with many established commercial farmers, who see conservation and ecotourism as more profitable than crops or livestock, very few land redistribution beneficiaries have adopted it so far.

Groups of rural people who seek to build or reconstitute common property resource management in these ways face some

standard challenges. The boundaries of their resources may be unusually well defined - for example, by the fence of the nature reserve. Physically excluding outsiders may be correspondingly easy. But achieving the social coherence needed for a viable common property resource management group is likely to be as difficult as ever. In former homelands, after many decades of apartheid disruption, social cohesion is the exception rather than the rule. There are many obstacles to the agreement of common interests, strategies and leadership among those whom development workers and South African civil servants so glibly call 'communities'. In recent work on three areas where rural people are or might be taking over responsibility for nature conservation (Kosi Bay, Makuleke and the Richtersveld), I found that only the famous and exceptional Makuleke have the sort of social coherence that constituting and managing the commons require (Turner, 2000). Although well favoured for some aspects of the task of owning and co-managing a National Park, the people of the four widely scattered villages of the Richtersveld are poorly equipped in terms of leadership and representation and of social and institutional coherence. Kosi Bay, exceptional in that people still live inside the protected area, is in other ways more typical of 'homeland' social and institutional conditions. People are marginalised and disempowered. Their tribal leadership is far from transparent in its dealings with ecotourism entrepreneurs. Despite (or perhaps partly because of?) decades of well-meaning NGO involvement, there is no coherent representative or management structure with which a conservation or development agency can interact. Although land restitution claims have reportedly been filed, their status is unclear and the protected area remains state property. The project for which I was researching these three areas decided that the challenges in Kosi Bay were insuperable, and that it should withdraw. It could well be argued that the problems of Kosi Bay are

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very common across the former 'homelands', and that this is exactly the sort of place where such projects should redouble their efforts.

Even if some threshold of social and institutional coherence can be crossed, defining the membership of owner groups of these (re) constituted commons, and keeping it clear, are substantial challenges. The owner groups that have emerged so far each constitute several thousand people. Apartheid typically scattered people far and wide. When a restitution claim now emerges, they may have to be sought out from distant cities as authorised claimants. Conversely, many people may emerge with claims that they ought to be members of what they hope will be a lucrative new property-owning arrangement. These claims have to be checked. As time goes on, issues of deaths, marriage and inheritance have to be registered and adjudicated if the owners of the commons are to remain identifiable. Under South Africa's new gender sensitive constitution, the question of women's rights as owners rightly adds complexity to the task. The challenges of maintaining accurate and relatively undisputed membership records for owner groups will become more critical when, as is to be hoped, these groups become the recipients of revenue from their nature conservation and ecotourism activities and if they seek to distribute part or all of this revenue to their members.

Even when, as in the case of the Makuleke, the necessary social and institutional coherence are assured, rural South Africans face major challenges in building the required capacity for managing nature conservation and ecotourism on their commons. At least three kinds of skill are needed: in institutional management; in the many technical fields of nature conservation; and in the many economic and business skills of supervising or operating ecotourism enterprises. Much of this capacity challenge can be summed up with reference to the three key

areas of interaction in which disadvantaged rural South Africans now need to build the capacity to operate as their counterparts' equals. They must be able to operate on par with the technicians in conservation agencies; they must be able to assert and secure their rights in contacts with government; and they must be able to negotiate with and manage the private sector. In all these areas, if they can secure the funds, they may be able to use expert advisers to represent them. But this is only a temporary solution, and the reliability, competence and transparency of such advisers can certainly not be taken for granted. The Makuleke have profited greatly from access to a dedicated advisory group that has provided many services free of charge. But not every group of rural people seeking to manage common property resources for nature conservation and ecotourism is likely to be so fortunate.

There is little sign of the needed capacity being built at present. Again, the Makuleke are exceptional in having launched their own training programme for young local residents in several of the fields just mentioned, and securing donor support for it. A number of other donor-funded initiatives seek to help build the capacity of previously disadvantaged people in the three skill areas. But they are not yet well coordinated and are certainly too young to have had much impact.

Another challenge concerns appropriate institutional formats for common property resource management. As has been noted, new 'commons' are being constituted in South Africa within a framework of freehold tenure. Whatever their internal mode of communal ownership and management, any such group operates as a single legal person from the external perspective of land tenure and administration. As land reform was launched during the 1990s, several legal mechanisms for group ownership, such as trusts and not-for-profit companies, already existed. To make better provision for the special needs of groups

taking ownership of land through the land reform programme - especially through land redistribution - government created another institutional form: the Communal Property Association (Macdonald and LEAP, 2000). The CPA model has been widely and too uncritically adopted for group ownership of assets acquired through land reform. Boilerplate constitutions for CPAs are available and tend to be applied with too little variation to allow for groups' individual circumstances. While the CPA may be an adequate mechanism for the simple ownership of land, experience is showing that it is less suitable for the management of land, resources, money, people or enterprises - all of which are likely challenges in the management of nature conservation and ecotourism as common property. It is not surprising that so much remains to be learned and done in this regard, just six years after the first democratic government came to power. But the challenges of designing and capacitating appropriate institutions for common property resource ownership and management in South Africa should not be underestimated.

A final challenge concerns the legitimacy and viability of nature conservation and ecotourism as activities around which to constitute the commons in South Africa for the 21st century. Because of its history, nature conservation currently enjoys little legitimacy among the rural populations that it dislocated. The leadership of groups now seeking to constitute their commons on this basis must satisfy themselves and their membership that protecting biodiversity is a valid central purpose to which they should dedicate their resources. Their conclusion is only likely to be positive if they perceive that they can build economically viable ecotourism enterprises on the foundations of nature conservation. Looking at the highly lucrative private nature conservation sector in South Africa, with its five star lodges and US dollar tariffs, it is easy to assume that nature conservation and ecotourism on the commons can generate

big money too. This is a dangerous assumption. 'Community'-based ecotourism has scored more failures than successes around the world so far, and South Africa is no exception. The Makuleke are charting a bolder and probably more promising course by negotiating directly to licence private operators to run tourist lodges on their commons. But their circumstances - convenient geography and strong professional advice - may not be easy for other groups to emulate. Realism is vital for rural South Africans seeking to constitute their commons around nature conservation and ecotourism. While these may be valid and viable activities, they are likely to be only one livelihood component among many that must be built and sustained in the group's local area and further afield.

4.5. Constituting and conserving the commons: the broader prospects

The second way for South Africans to enhance their livelihoods by constituting 'commons' for nature conservation is to dedicate so far unprotected, undesignated areas of ecological or ecotourism importance in the former 'homelands' to that purpose. In theory, this second means of constituting 'commons' for nature conservation has much more potential. But it is distinguished by the current lack of clarity over the tenure of land in these 'communal areas'.

Although the challenges of access and marketing should not be underestimated, South Africa's former homelands are rich in ecotourism potential. Despite their history of overcrowding and environmental degradation, they still offer real prospects for the designation of areas and resources for environmental care and protection. But, whatever form of 'commons' we may imagine to have existed in these regions before colonialism, no such framework of institutions and resource management practice remains now. The former South African 'homelands' lack a clear land tenure

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framework or administration system. Open access is the best way to describe the current status of resource tenure and management. So initiatives to constitute new commons in such areas for nature conservation and ecotourism cannot be built into an existing framework of common property resource management. They would have to be constituted as islands of clarified tenure and intensified administration and management in an ungoverned sea of tenure uncertainty.

Although South Africa has gone through years of debate about the best shape for land tenure and local government in the former 'homelands', there has been very little discussion so far about how rural people could set aside, own, or manage areas of natural importance for conservation and ecotourism. Moreover, the debate about tenure reform for these communal areas has yet to yield clear results. Detailed legislative proposals drafted over several years in the late 1990s were set aside when a new Minister of Land Affairs was appointed in 1999. Her proposed strategy for transferring land to 'tribes' is as yet ill formulated and raises many questions about the continuing legitimacy of 'tribes' and chiefs in the modern South Africa. Indeed, the government has been understandably slow to confront the challenge of a meaningful policy about chiefs. An area where it has made more progress has been in the reformulation of local government. But there, too, policy remains uncertain (due to recent major reformulations); practice remains rudimentary; and the appropriate interfaces with land tenure, land administration and any form of common property resource management remain undefined.

In these uncertain circumstances, we can only speculate that there might be two ways in which former 'homeland' residents could work towards nature conservation as common property resource management.

In the first scenario, people would depend upon their own institutional ingenuity,

leadership and capacity for self-direction. This is what the residents of some communal areas are already doing. Although years have elapsed since the democratic government was installed, they see no policy or laws coming from that government with regard to land tenure and administration. So they work something out for themselves. Where local politics permit, some consensual and functional land and resource management arrangements have emerged. In a similar way, it may be possible for locally legitimate groupings, leaders and institutions to identify areas for which they will provide special environmental care and management and in which they will try to develop ecotourism. Most of the standard challenges of common property resource management would have to be faced by these groups. The most fundamental challenge would be to assert and maintain 'ownership' of - and thus management control over - these commons in the absence of any enabling legal framework.

In the second scenario, people would try to work more within the existing legal framework for nature and natural resource conservation. So far, this is just a notion, not yet tested against the facts of available legal provision for the former 'homelands'. (Finding out which laws do and do not apply in these areas is notoriously difficult.) The gist of this notion would be that groups wishing to dedicate areas to nature conservation and ecotourism would have them designated through the existing, formal legal mechanisms as nature reserves, forest reserves, biospheres or some other sort of protected area for which national or provincial law makes provision. On this legal foundation they would build management arrangements that recognise their pre-eminent role as local 'owners' of the protected area; that allow for their sustainable use of resources in the area; and provide for them to generate ecotourism income there. Such a strategy would have the advantage of a more solid legal basis. But sorting out that legal basis, and getting the relevant govern-

mation of protected areas in the former 'homelands', might be impossibly complex. Furthermore, any such protected areas would still lack the most fundamental part of the required enabling legal framework - clear provision for ownership of the land by the local people.

One quasi-legal mechanism that appears particularly attractive in this regard is the conservancy. This is an arrangement between land owners and government conservation authorities that devolves certain nature conservation roles and approved sustainable use benefits to the land owners. Originally developed in KwaZulu-Natal with commercial farm owners, it was borrowed in Namibia and developed successfully with ranchers there. Later, legislative amendments in Namibia made it possible for the conservancy concept to be applied in the communal areas, giving groups of rural people the right to manage wildlife and other natural resources and to profit from their sustainable use [Turner, 1996]. This proved feasible and beneficial even though Namibia had not yet developed clear policy or legislation on land tenure in these communal areas. Now, the conservancy concept has appeared south of the border again and is being applied for the first time in a communal area of South Africa. People in the Richtersveld are discussing the establishment of a conservancy in an area south of the existing National Park. They expect to be able to exert management control over and to reap ecotourism benefits from this area - even though, again, the way in which they could 'own' the conservancy has yet to be legally defined.

I have to conclude that, although various interesting mechanisms for constituting the commons for nature conservation and ecotourism are emerging in South Africa, the enormous complexities associated with the early stage of this country's transforma-

tion make significant progress unlikely in the short to medium term. In a limited number of contractual parks, 'commons' that are formally or informally owned by local people will be dedicated to nature conservation and co-managed with nature conservation agencies. The role of these agencies in the management of these commons will arguably decrease as the owner groups gain management capacity. In the much larger number of conventional protected areas that are legally owned by the state, efforts to foster a sense of 'ownership' among neighbouring people are likely to remain just forms of words. The authorities are likely to concede limited amounts of co-management responsibility to park neighbours, and still more limited amounts of sustainable use by them. Most of the 'people and parks' policy and practice remains experimental and unformed at this early stage in South Africa's democratic history. Meanwhile, the biggest challenges to constituting commons for nature conservation (or anything else) remain in the former 'homelands', where progress will be extremely limited until there is clear legal provision for people to own land and natural resources.

Once again, we must remind ourselves to be realistic about what nature conservation and ecotourism can do for rural livelihoods in even the most promising of legal and institutional settings. In South Africa so far, the groups likely to be involved are so big, and the revenue likely to be generated so comparatively modest, that this can never be the road to riches. But black South Africans know (and rural white South Africans are rapidly learning) that it is rarely wise or feasible to build livelihoods on a single economic activity. They are likely to be realistic about nature conservation and ecotourism being just one strand in a bundle of livelihood components. Analysts and policy people must recognise this too, and try to help ensure that it is at least a strand that does not snap.

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