



CBNRM and pastoral development in Botswana: Implications for San land rights¹

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Introduction

Throughout the month of November 2006, Botswana and Namibia took upon themselves a leadership role in mobilising African countries to vote against the adoption of the draft Declaration on the Rights of Indigenous Peoples in the 64th UN General Assembly. They were successful; the vote was held on 28th November, and the Declaration was not adopted.

The draft Declaration is not a particularly radical document. It encapsulates many of the arguments that have recently become more widely accepted in development discourse. One of the most contentious assertions proved to be Article 3; 'Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development'.

The main objection raised by western countries such as Canada, New Zealand and USA to clauses such as this was an economic one; that self-determination might extend to claims over mineral resources that have hitherto been national assets. Botswana and Namibia put forward the same objection, extending it even to the necessity of retaining state control of fauna and flora to prevent 'abuse'. However, the primary objection of Botswana and Namibia was a socio-political one; that indigenous is a blanket definition covering virtually all citizens, and that acknowledging rights to self-determination would undermine national unity (Outlule 2006).

This brief flurry of international limelight given on this issue to the two countries in which most San live reinforces the national policies and dominant paradigms that define the paths that 'development' may take, and legitimises particular development aspirations in favour over others. The implications of attempting to pursue a strongly

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singular development path for all segments of the population have been most starkly evident with respect to San populations. By purely economic indicators, San would no doubt be labelled as facing the deepest poverty of almost any segment of the population (notwithstanding that ethnicity is not included in national data collection). Over and above this, San face the challenge of being subject to models of 'development' that have been informed in part by value systems and livelihood strategies far removed from their own.

These wider global and national discourses, values and policies all have a bearing on the choices that San may or may not have in defining and determining their own futures. The most basic resource in such considerations is land and the natural resources that it contains. Without land there are very few options that can be pursued for communities whose cultural heritage, skills base and sense of identity has been related largely to land-based resources. The national context that does not recognise the legitimacy of 'ethnically-based' appeals to define development paths, and which strongly advocates for centralised state control of land and natural resources, provides certain hindrances to San realising development objectives, but it also provides certain opportunities.

This paper examines various trajectories in national policy that have contributed to the dispossession of San from land-based resources, in particular national programmes of conservation and pastoral development. It also examines the Community Based Natural Resource Management (CBNRM) Programme as an opportunity for some San communities to gain a form of access rights to natural resources.

Identity, land, and livelihoods

San in Botswana comprise a distinct minority of about 50,000 in a total population of 1.6 million, or roughly 3% of the population. The non-San population of Botswana is about 50% ethnically Batswana, with the other 47% of the non-San population comprising about 17 other ethnic groups. Nonetheless, San are a distinct minority among minorities, in that as the first peoples of the subcontinent, and have an identity based on hunting and gathering rather than agriculture or pastoralism. Understanding the implications of how the majority population views a lifestyle based on hunting and gathering is key to comprehending the position of Basarwa in contemporary Botswana, and thus their struggles for land rights.

Botswana is a country that has enjoyed tremendous economic growth over the last three decades, achieving for most of these years, thanks to diamonds, the highest economic growth rates in the world. This growth has prompted massive social change, as an almost wholly rural population at independence in 1966 has become rapidly urbanised and integrated into the global economy. In this economy, the persistence of people who hunt and gather for part of their subsistence is seen not in a romantic sense as by many western observers, but an embarrassment. They are, in the eyes of many Batswana, an indication of the failure of the country's prosperity to reach its poorest citizens. Hunting and gathering, and the lack of personal property that this indicates, is strongly

associated with poverty in dominant discourses. This is a poverty that is uncomfortably close to home for many non-San. It was common in the generations before the wealth of the mineral boom for hunting and gathering to be a fallback strategy in times of severe drought or war which temporarily destroyed other forms of livelihood. In the words of a retired civil servant at a consultative workshop on poverty in Botswana:

Our grandparents lived like Basarwa - all Batswana lived like Basarwa.
But we left that lifestyle behind and moved on. It is a tedious life and they must be brought out of it to live like us.

From this point of view, widely shared among non-San in Botswana, the solution to the poverty many San face is clearly assimilation into the practices, norms and values of dominant society (See Taylor 2003).

Although San have a strong heritage of hunting and gathering, most San today would probably express their preference to *not* live *primarily* off subsistence hunting and gathering. San themselves admit it was a difficult lifestyle, with periods of hunger as frequent as times of plenty. Nonetheless, hunting and gathering remains a very important element of the *identity* of most Basarwa, who would like to integrate some hunting and gathering with other forms of gaining a livelihood (see Taylor 2001, Barnard and Taylor 2002). Most of all, San, as any other people the world over, would like to be able to control their own destiny, rather than have it overwhelmingly dictated by a government from which many San feel alienated.

In negotiating livelihood options for the future, whether they include hunting and gathering, livestock raising, or tourism enterprises, control over land is an absolutely central issue. As a Ju/'hoan delegate to a historic regional conference on 'San and Development' held in Gaborone in 1993 explained:

We have so many plans and things to do, but without the right to land, we cannot do any of them. We first need land to call our own, then we can move forward.

Unfortunately, over ten years later, many San in Botswana consider themselves further from this goal than when it was expressed. Expressing a similar sentiment, Roy Sesana, Chairman of First People of the Kgalagadi, told a visiting group of San delegates from northern Botswana in 1998; 'Our human rights are our land. They cannot do anything for us if they take us off our land'.

Rights over land – and thus the resources on it – are a primary consideration by San in considering their future. As the primary productive asset, having access to sufficient land enables survival. Furthermore, rights to land allow different development options for the future to be considered. On a political level, having land to call ones own commands a sense of dignity and respect, a sense of standing in the wider social economy that landless San cannot achieve. Wily (1976:16), for example, observed that relations between San and non-San at Bere, a settlement south of Central Kgalagadi

Game Reserve, improved after they were officially allocated a small tract of land, as it gave them a standing by being able to declare, 'we have a place'. Woodburn (1997) also observed higher levels of discrimination against landless Hadza in Tanzania than against those who were still able to assert a measure of control over land. On a cultural level, preventing social disintegration is also largely dependent on retaining secure access to land.

Conservation and San land rights in Botswana

Several years prior to the international profile achieved by leading opposition to the draft Declaration on the Rights to Indigenous People, Botswana received much public attention for its removal of residents, most of whom were San, from the Central Kgalagadi Game Reserve. In February 2002, the government of Botswana, in the face of domestic and international criticism, cut all services to the residents of the Central Kgalagadi Game Reserve. Claiming it was not 'forcing' residents to leave, the government Minister responsible for overseeing their removal explained that those who wanted to stay could do so, but that they would receive no social services or water. These services would instead be made available in three government-created settlements outside the Reserve. With these conditions, only a handful of the remaining 700 residents inside the reserve expressed their resolve to stay in their ancestral homeland, a vast area that contains no permanent surface water.

Central Kgalagadi Game Reserve was a creation of the British colonial government in 1963. It was unique in southern Africa, in that it was created with the aim of not only nature conservation, but also to protect the rights of the 5,000 or so people living within its 52,347 square kilometre area who wanted to maintain hunting and gathering as part of their lifestyle. Nonetheless, between 1996 and 2002, the government was able to remove almost all the 1,700 residents remaining in the reserve.

The eventual Central Kgalagadi Game Reserve removals attracted global attention and became emblematic for the situation of San land rights in Botswana. The publicity was fuelled by campaigns such as those of Survival International, claiming that Botswana was removing the 'last remaining San' in southern Africa. A 'protected area' approach to conservation has certainly been a significant culprit in dispossessing San communities. In fact, the creation of all major Game Reserves and National Parks in Botswana since the 1940s (which now take up 17.4% of Botswana's surface area) has involved the removal of San. The most recent case simply took place in an era where international opinion deemed it unacceptable.

The high profile of the Central Kgalagadi Game Reserve within the struggles for San land rights, however, risks eclipsing the more invisible processes of attrition that have slowly and in a piecemeal fashion dispossessed a far greater number of San. This is a process that started in the pre-colonial period and is driven today primarily by government policy on pastoral development, in particular the Tribal Grazing Lands Policy (TGLP, 1976) and its successor, the National Policy on Agricultural

Development (NPAD, 1991). The following section situates the current context of rising San landlessness within its historical context.

A brief history of land tenure in Botswana

Neither customary tenure systems nor national legal frameworks have given explicit recognition to the rights of San to own or manage land for the purposes of hunting and gathering. Under customary systems, non-pastoralist societies and minority tribes were excluded from the political hierarchies, and thus did not enjoy explicit tenure rights. There were isolated exceptions, such as on the western fringes of the Okavango Delta and Tsodilo Hills, where San were able to exert control over land they called their own until the mid-19th Century (Taylor et al forthcoming). Nonetheless, in most cases the ability of San to access land has continued only to the extent that no other interests present have been sufficiently important to contest their validity. In a large and sparsely populated country like Botswana (average population density 2.2 people per square kilometre), hunting and gathering, which requires large tracts of land, remained feasible for as long as these areas were not claimed by more powerful groups. Ambiguities inherent in land tenure systems thus functioned to allow continued access to land and the resources on it by San, in spite of having no recognized rights over them

Such fluidity began to be broken down during the colonial period in Botswana, which began in 1885. The first territorial concern of the colonisers was to identify and demarcate the territories of chiefdoms as 'Tribal Reserves'. These were drawn up according to the claims of the eight dominant Tswana tribes, under whom San and other minorities were subsumed. The second concern of the colonisers was to validate land acquisitions by white settlers and companies, which became freehold land. Remaining lands became 'Crown Lands', which were appropriated to the Crown by virtue of it being the protecting power (Ng'ong'ola 1993). The territories of San and other minorities were henceforth submerged under these new land categories. The rights of those who had lived on freehold lands were obliterated, which particularly affected San on the Gantsi Ridge, whose land was ceded to Cecil John Rhodes at the end of the 19th Century. Those who continued to live on Crown lands were tolerated, but their position was precarious as they were, in theory, tenants at the will of the Crown. The remainder of minorities in the tribal reserves, of whom San were the bottom of the ladder, were, as subjects of their Tswana masters, given no distinct tribal rights of their own (ibid.)

Despite the *de jure* changes to land tenure in this period, the actual claims that they represented remained generally weak, apart from over land that had become freehold. *De facto* systems of resource tenure throughout much of the colonial period continued to contain enough ambiguities that those with few formal land titles, like San, were able to continue gaining access to land, even if not as extensively as before.

With independence in 1966, the colonial division of land carried over. Freehold land remained freehold, comprising 5.7% of Botswana's land. Crown Land became State Land, comprising 23% of Botswana's land. Tribal Reserves became Tribal Land, covering 71.3% of Botswana's land. Land tenure in Botswana today represents a profoundly political dilemma of competing claims among different social groups and interest bodies. International conservation concerns consider much of Botswana's landscape as part of a global heritage in need of 'preservation'. Allied with them are tourism interests, which fuel Botswana's fastest growing industry, generating ever increasing revenues and providing hope for employment. Added to these are the claims of large cattle owners wanting to make use of the extensive grazing areas opened up by boreholes and Botswana's expanding road network. The ambiguities inherent in resource tenure have become increasingly restricted, as these more powerful interests have provoked the clear demarcation of rights of access to land and other natural resources. The original inhabitants of the land are increasingly vulnerable to having the remaining ambiguities in resource tenure exploited by those more powerful than themselves. The struggle to legitimate and realise claims to land is one in which certain groups lose out, and so far, San have consistently lost the most.

At the heart of these struggles are debates as to how 'ownership' of land is constituted and legitimated; what constitutes legitimate land use, and thus how can land be legitimately 'owned'. Freehold rights are absolute, and are available to those with the capital to purchase it, which excludes virtually all San. State land remains in the hands of the State and cannot be individually owned. Most State Land is now National Parks or Wildlife Management Areas (See Map 1). Tribal land was customarily held by chiefs who allocated it at the request of individuals or groups of their tribe. As San had no recognised chiefs, they were excluded from allocating land themselves, remaining subject to dominant tribes for land allocations.

The 1969 Tribal Land Act transferred the powers of allocating tribal land to Land Boards, set up for each Tribal Authority. The Tribal Land Act recognises land ownership arising from residential, commercial, agricultural or pastoral use, but not hunting and gathering (which requires much more extensive areas). Hunting and gathering is not regarded as 'productive' use of land, despite its enormous importance to the subsistence of many San, particularly the poorest. Small parcels of land can thus be allocated to any citizen for the first four purposes, but not for hunting and gathering. In this sense, all Botswana citizens have *de jure* equal access to land, but in practice San lose out in two respects. Firstly, few San own significant herds of livestock or have the capital to sink a borehole, and so have difficulty in being allocated land for grazing - the most extensive form of allocation, often 64 square kilometres. Secondly, many San - who are not represented on Land Boards - claim that, because of their depressed status, their applications for land in competition with Tswana often receive low priority (e.g. Moeletsi 1993).

Pastoral development policy

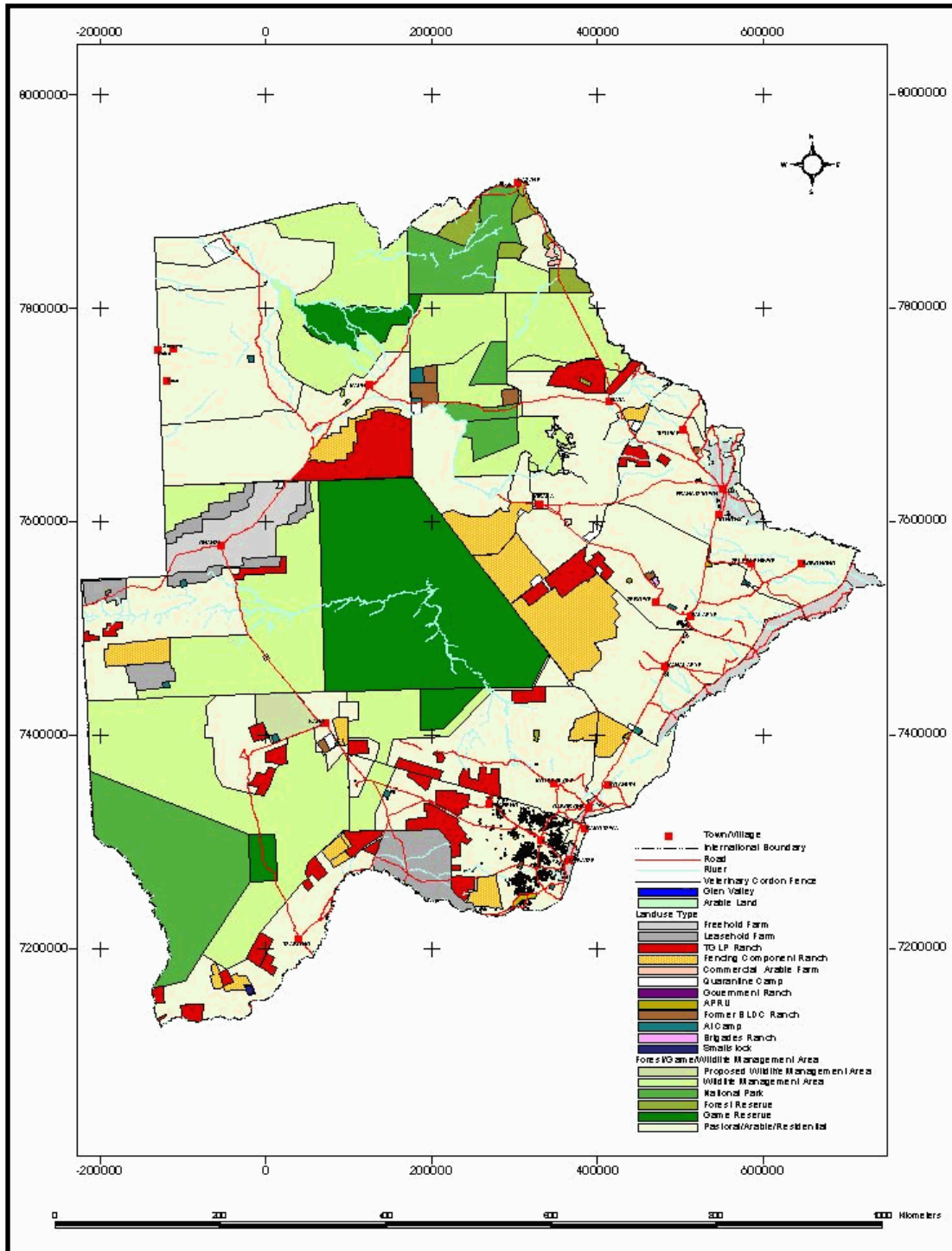
The largest threat to the land rights of San households in post-independent Botswana has been initiated by pastoral development policy. The Tribal Grazing Lands Policy (TGLP) was adopted in 1975 with the specific objective of privatising communal rangelands on Tribal Land. Based on the assumption that the communal land tenure system was a major factor in poor production in the livestock industry, it promoted the creation of large (6,400ha) ranches on communal land that would then be allocated, at a nominal lease rental, to individual farmers. Although the TGLP ranches were generally demarcated some distance from established villages, this was not empty land. A number of studies, such as Hitchcock's 1978 'Kgalagadi Cattle Posts', showed that the proposed TGLP areas were lived in and widely used, particularly by San.

The TGLP White Paper stated its intent to protect 'the interests of those who only own a few cattle or none at all' by the setting aside 'reserve areas... to safeguard the poorer members of the population' (GOB 1975:6,7). However, the subsequent land-use zoning process completely left out such reserve areas. The new owners of the ranches were given exclusive rights to not only the land, but also all the wildlife and plant resources within their ranches. Hunting and Gathering became impossible in these areas, and an estimated 28,000-31,000 people were displaced from the TGLP ranch areas, according to a World Bank report commissioned by the Ministry of Agriculture.

Under TGLP, 342 ranches were demarcated (Mathuba 2003), most of which were 8kmx8km, or 64,000Ha, in extent. Over two million hectares, or approximately 4% of Botswana's land area of 58 million ha, was allocated for ranching in this manner under TGLP in the late 1970s and 1980s. The approach of TGLP was expanded and revamped by the 1991 National Agricultural Development Policy (NPAD). In communal areas assessed as feasible for fencing, NPAD allows owners of boreholes to fence the grazing lands around their borehole (typically 3,600 - 6,400ha), gaining exclusive rights in a 50 year lease to all contained renewable resources. As of December 2005, 602 additional ranches had been demarcated under NPAD, enclosing an additional two million hectares. Approximately eight percent of Botswana's land area has thus been taken out of the common pool under these two programmes (Map 1).

Dovetailing with the removal of scattered populations in TGLP areas was the creation of 'settlements' for San, to encourage their congregation in centres where services such as schools, clinics and water could be provided. Although the provision of such services has been beneficial, the ultimate effect of sedenterisation in this manner has been that having lost access to the land they used to live on, residents remain vulnerable to further dispossession in their new settlements. In keeping with national policy of giving all citizens equal treatment, the settlements are open to all who wish to live in them. In many settlements, non-San cattle owners have moved in to take advantage of free water and cheap labour for their cattle, and once again the San have become squeezed out. The communal areas allocated to each settlement, usually in the region of 10,000-15,000ha, are too small to support hunting and gathering, and nonetheless often become overgrazed by the livestock of newer immigrants. Thus, while the 27 settlements that had been created by 1992 had allocated to them a total of 352,300ha

(Hitchcock 1996:15), the San residents of them had, in effect, very little meaningful control over this land or the resources on it.



Map 2: Land Use in Botswana, showing protected areas (dark green), Wildlife Management Areas (light green), Freehold farms (grey), TGLP ranches (red) and NPAD ranches (yellow).

CBNRM and opportunities to gain common property rights

Faced with progressive dispossession from land, and subject to national policy and legislation that makes no special provisions for their particular needs, or historical circumstances, San in Botswana are therefore constrained to seek land rights within the national frameworks applicable to all citizens. The most promising of these has been the Community Based Natural Resource Management (CBNRM) Programme, and the remainder of this paper examines the evolution of this programme and potential to be used by some San communities to reverse the trends and gain secure access to land.

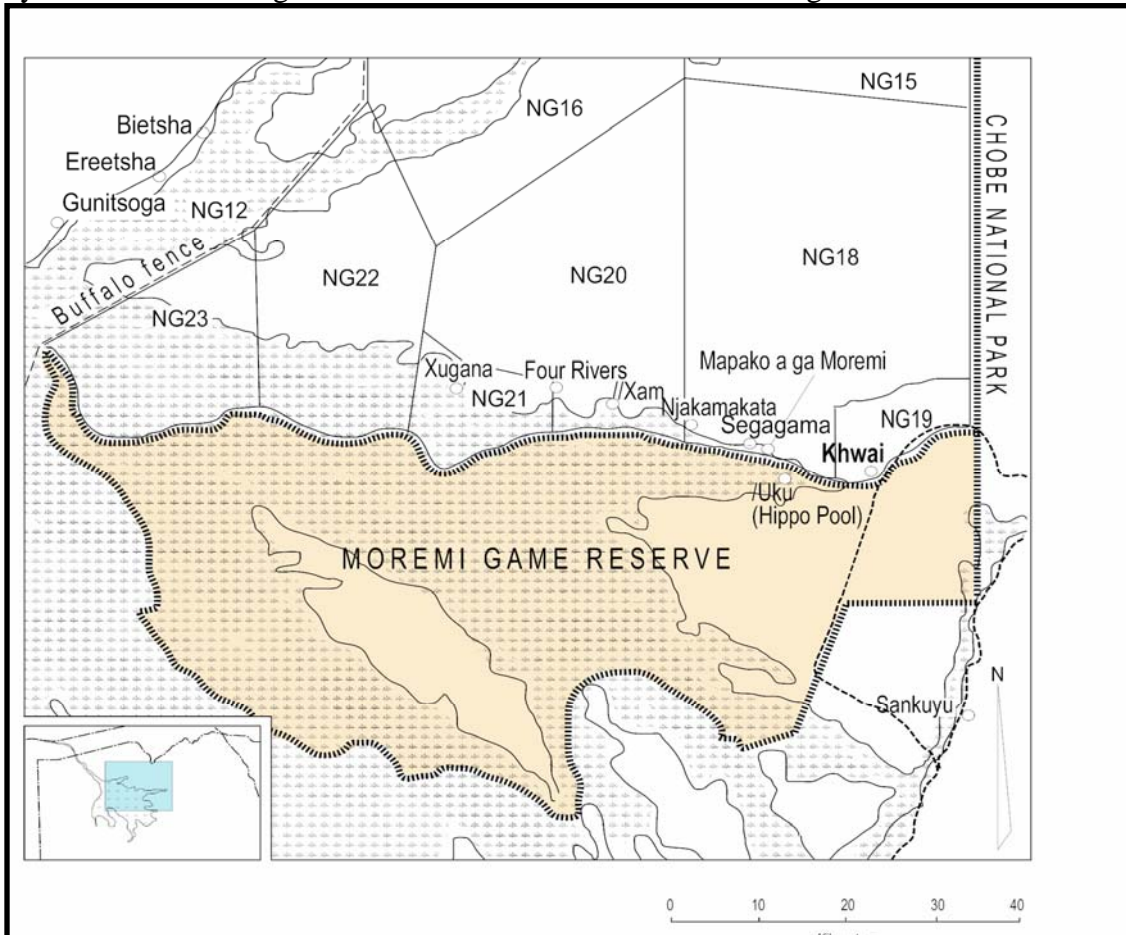
A formal CBNRM programme began in Botswana in 1992. The programme allows eligible communities to be given management rights over a given section of land, often exceeding 100,000ha. Although no ownership rights are transferred to the community, they are given the rights to manage, and benefit from, the resources within their area. CBNRM offers an unprecedented opportunity to formalise limited rights over a large tract of land on a communal level. As it is communities in remote areas that are most eligible for inclusion, where the natural resource to population ratio is relatively high, the majority of villages that have opted to take part in CBNRM are predominantly San villages. Approximately half of the over 50 registered Community Trusts under the CBNRM Programme represent communities that are predominantly San (Taylor forthcoming).

CBNRM was initially designed as a programme to promote more effective local level conservation, under the assumption that allowing local people to more directly benefit from the natural resources in their vicinity would encourage more active conservation them. However, in doing this, it has also provided the framework for local residents to gain at least a limited form of communal control over large tracts of land. A number of San communities, particularly those that have lost land to conservation in the past, have seen CBNRM as an opportunity to regain a form of land rights. In attempting to motivate for management rights over land under CBNRM, these communities have set up committees and legally registered trusts, which have enabled them to gain a political voice and thus motivate for rights beyond those over land.

Case study: Khwai

An example of one such community is Khwai, a village of 360 people situated on the northern border of Moremi Game Reserve. When a formal CBNRM programme was initiated in Botswana in 1992, Khwai was one of the first communities to be approached for inclusion in the programme. Its combination of low human population in relation to the resource base, healthy wildlife populations, and existing tourist traffic, attracted the initiators of CBNRM to attempt to use Khwai as exemplary pilot projects for this new programme.

Nonetheless, it would not be until 2000 that Khwai would register a Community Trust and officially join the CBNRM programme. The reasons for this long delay, and the local-level dynamics in the intervening period, reveal much about the often-hidden dynamics surrounding the devolution of natural resource management.



Map 2: Khwai and surroundings

Central to the contemporary situation of the residents of Khwai is their ethnic status as San. With the exception of two families, all the residents are Bugakhwe, a San group. As such, they have a long history of being alienated from both their land and labour by more powerful immigrant peoples, to whom they often became serfs. A defining moment to their present situation came in 1964, with their removal from the newly declared Moremi Game Reserve to their present location on its northern border. Since then, they have not been allowed into the reserve, except in transit or as guides or employees of the Department of Wildlife and National Parks (DWNP). Their situation again became precarious in the early 1990s as the government began exerting pressure on Khwai to once more relocate their village. Their presence in an area with high wildlife densities on a tourist route was regarded as antithetical to wildlife conservation

and tourist development. A number of families that lived in some of the neighbouring Wildlife Management Areas were moved in the early 1990s and ended up at Khwai. One such family was that of Two-Boy who had lived in an area north of Moremi Game Reserve that was then leased directly by the government to a safari operator, who employed Two-Boy as a tracker (Taylor 2000:88):

The Botswana Defence Force came to my house and asked for me, saying that the soldiers would end up shooting me, as they said I was harassing the animals. But I thought, 'If I am harassing them, why are they still around?' Nonetheless, I broke my village and moved to Gudigwa [the nearest government-created San settlement].

Today we give ourselves nothing, living instead at the hands of white people. I didn't want to fight with the soldiers because I am illiterate and don't know how to protect myself, or my younger brothers and children who were with me. If they had not harassed me, I would still be there.

The promise of CBNRM – the right to manage natural resources in their vicinity – therefore spoke to the heart of the historical context of the people of Khwai, as it does to many other San communities elsewhere in Botswana. The CBNRM Programme prompted intense debate, both within Khwai, and between Khwai residents and the government, on what form CBNRM should take.

In the opinion of Khwai residents, the approach of the officials implementing the CBNRM Programme was paternalistic, in that it in effect left very few management decisions to local residents. They saw this programme as simply a continuation of the paternalistic manner in which they were used to being treated as San. Officials implementing the CBNRM programme were attempting to persuade Khwai, as all other potential participating villages, to form a Community Trust that could then enter into a 'Joint Venture' with a commercial safari operator who would develop the area's tourism potential and pay royalties to the community. The residents of Khwai saw this as compromising yet further their access to land, and paying little attention to their own values and priorities as San over natural resources.

Despite their unwillingness to follow the CBNRM route being encouraged by officials, Khwai residents recognised the potential of the programme as a tool to pursue land rights. In 1994, they elected a committee to oversee the development of a Community Trust. Instead of accepting the assistance offered by DWNP in this process, they chose the services of an individual who was involved with motivating nationally for human rights. Within the village, this committee became known as 'the committee for land'. It was the first time any San community in this area had formed a representative committee with the mandate to negotiate with government.

One of the first tasks of this new committee was to send a delegation to the Minister of Local Government and Lands to ask that the Controlled Hunting Area (CHA) within which their village is situated be leased to Khwai once their Community Trust was registered. This would give them the security they so far lacked to prevent the relocation of their village. The government had initially proposed leasing to Khwai an adjacent CHA, which was extensive, but did not include their village. Their trip was a success, with the Minister undertaking to grant Khwai the lease for both the originally proposed CHA, and the one that surrounded their village once.

The next step for Khwai was to then form a legally registered Community Trust, to receive the land lease and wildlife offtake quota on behalf of the community. This process would take the next five years. The delays were in part due to intense debates within Khwai as to how the quota should be managed. Many of the older generation preferred to continue subsistence hunting, not wanting to have commercial hunters using their land, while many of the younger generation wanted to earn revenue from the wildlife on their quota. An acceptable compromise was eventually reached, by which Khwai would set up their own infrastructure for hunting and photographic safaris, which could then be rented either directly to clients, or to commercial operators on a short term basis. In this manner, they would be able to receive income, but not relinquish control over activities in their area to a 'Joint Venture Partner'.

Another delaying factor in the formation of Khwai's Community Trust was their insistence in stating in the constitution of their Community Trust that theirs would be '*Basarwa* [San] owned'. This statement was taken by the government to be ethnically divisive, and they refused to register the Community Trust on the basis of this clause. Eventually, in 2000, Khwai relinquished and agreed to remove the offending clause so that they could register their Trust, without which they could use neither their land nor their offtake quota for commercial purposes.

In the 2000 hunting season, Khwai marketed their first hunting safaris. Their hunting quota was auctioned in packages to safari hunters, who were obliged to use the safari camp that Khwai was building for the duration of their hunts. Khwai earned BWP1,200,000 (GBP171,500) from this auction, in addition to the 40 jobs that were created for residents. Khwai built three camps, two for hunting during the hunting season, with all being used for photographic safaris out of the hunting season.

Being reliant on the goodwill of concerned individuals caused several problems. Firstly, it has made Khwai vulnerable to external advisors who are not always available. This, for example, exacerbated delays with the registration of the constitution, when the advisor who was tasked with assisting in the registration did not visit Khwai for over a year. Secondly, the lack of consistent support has made it all the more difficult for Khwai to bring to fruition their vision of controlling themselves what happens on their land. Low educational levels have limited the capacity to develop certain aspects of their project, such as cultural tourism, keeping the project heavily dependent on revenues from safari hunting. The management of the project has also

become dominated by a limited number of young men, as only a minority of the village are literate, a pre-requisite for being on the committee.

These challenges proved too great for Khwai, and for their fourth hunting quota (2003 season) they could no longer manage the process themselves, and chose to surrender the limited autonomy they had been able to maintain and lease their whole hunting area to a safari company in the typical blueprint of CBNRM in Botswana. The lack of accountability for financial management and a growing gap between the committee and general community led to the disappearance of over P1,000,000 from the community account, and by 2005, to the suspension by DWNP of allocation of the hunting quota to Khwai. An NGO is currently providing assistance to Khwai to once again meet the conditions to be allocated a hunting quota.

Khwai is now held up by some government officials as an example of why control of wildlife resources should remain centralised and not be allocated to communities. Other commentators (eg Johnson and Rakgoasi 2005) refer to Khwai as an example of how decentralising rights to benefit from natural resources without granting the requisite authority and support to make management decisions according to local priorities. Nonetheless, while Khwai may have failed to manage the natural and financial resources allocated to them in the way that the majority of the community desired, they have been successful in using the CBNRM Programme to achieve their original goal of security of tenure for their village.

Extending the boundaries of CBNRM: potential for land rights

Although the example of Khwai demonstrates both the successes and failures possible in the implementation of CBNRM, the opportunities afforded by the programme may be decisive in struggles by Basarwa to achieve a form of land rights. Despite a lack of support for the principles and practice of CBNRM in some sectors of the Botswana government, there is little likelihood of its official rejection in the foreseeable future. This is in no small part due to the strength and voice that Community-Based Organisations formed under the CBNRM Programme (most of which represent primarily San organisations) have achieved over the last decade of their formation.

Placing CBNRM into the wider theoretical discourses of development over the past decade brings into focus a critical dynamic that has only more recently received significant attention by commentators on CBNRM: that of the power relationships between rural dwellers, the state, and other external interests, and how CBNRM can become a forum by which the rights, or lack of, for rural dwellers to access, use, manage, or own, natural resources so as to control their own destinies are either entrenched or challenged. Recognising the dynamics of power into which CBNRM is inserted brings to the fore questions of governance, and places an analysis of CBNRM – as a potential vehicle for asserting such rights - squarely into the wider trends of land and tenure reform in Africa.

For some, such as Vipenyu Dzingirai, CBNRM simply legitimates a new form of domination of rural populations by the state and private commercial interests (CASS/PLAAS 2005b). His argument resonates with other critical scholarship on CBNRM, which has noted, for example, that the manner in which it has been implemented has been more about management of people than management of natural resources (cf Twyman 1998). That this would take place to some extent is perhaps predictable, considering the propensity of states to use their resources in an attempt to increase the 'legibility', not only of 'wild' environments, but also of what may be considered 'unpredictable' rural populations on the periphery of state control (cf. Scott 1998, Sullivan and Homewood 2003).

The use of CBNRM initiatives as a vehicle for the extension of state power is one example among many of how a 'development' programme of this nature can – perhaps inadvertently - have a de-politicising, and thus disempowering, effect on its client populations (cf. Ferguson 1990). Notwithstanding this, the scales of empowerment can also tip in the other direction. In inviting engagement between rural populations and the state on issues of governance of natural resources, CBNRM initiatives can also encourage the political mobilisation of local populations and provide a forum for such newly-organised entities to articulate their interests in this arena. The new community-based organisations that gain a stature and a voice may then articulate the wider interests of San residents, including land rights, as the example of Khwai illustrates.

Processes of land capture by a privileged minority are often driven by state-led 'reforms', those governing agricultural development in Botswana being a prime example. Formalising common-property management regimes, therefore, is one route to legitimate and formalise a form of control over the commons that may otherwise have been regarded as available for private accumulation. As such, one of the most important contributions of CBNRM may become the crucial role it can play in protecting remaining land in the commonage from further alienation by individual interests. In the absence of legal systems that acknowledge direct community *ownership* of land, the granting of *management* rights may be sufficient recognition of the legitimacy of community control to protect such lands from allocation to outside interests.

The challenges ahead

Whether CBNRM is able to have any significant impact on the land rights of San populations in Botswana depends on how two particular challenges are met. The first is the ability of proponents of CBNRM to maintain its political legitimacy in a political climate that appears to increasingly favour privatisation over common-property management. The second challenge is for CBNRM to expand beyond the Wildlife Management Areas where it currently predominantly operates as a benefit redistribution programme for wildlife revenues into the wider mixed-use zones where most people, including most San, live, and where pastoral development programmes are driving the privatisation of common-pool resources.

The first challenge appears increasingly difficult. Thirty years after the initiation of cattle ranching schemes, and fifteen years after the launch of the CBNRM programme, the ranching of Botswana's communal rangelands continues to attract substantial government investment. CBNRM, in contrast, faces declining support among many decision makers within the Botswana government. The legitimacy of allowing local communities to control, and derive commercial benefits from, natural resources in their vicinity, has been widely questioned by policy makers in Botswana over the past few years. This has in part prompted by the financial mismanagement of Trusts such as that of Khwai, but it also reflects a rejection by some political leaders of the paradigm underpinning CBNRM and a reassertion of the belief that all natural resources are national assets and should therefore be shared at a national level. Nonetheless, the principles of community-based management continue to retain the support of a significant portion of NGOs, development partners, and the technical cadre of the civil service.

The second challenge relates to the first in that unless CBNRM approaches are able to develop beyond the largely protected and semi-protected areas in which they currently operate, and expand into the production landscapes that support the everyday livelihoods of most rural residents in Botswana, CBNRM risks irrelevance not only to Botswana's natural resources most at risk of degradation, but importantly to most of Botswana's rural population, including San.

The possibility of expanding the approach of CBNRM beyond protected areas into mixed-use rangelands is currently being piloted by the Ministry of Environment, Wildlife and Tourism. Between 2002 and 2006, the author was part of a team implementing the Indigenous Vegetation Project (IVP), a pilot project to develop approaches to community-based management of rangeland resources in communal rangelands. The main strategy of IVP, which is due to complete its first phase in 2007, is to assist rural dwellers on a village-wide level to organise themselves so as to develop and implement systems for managing rangeland resources in their area. It is intended that such systems would have their grounding in traditional forms of rangeland management, which have largely disintegrated with the advent of borehole technology and official livestock production programmes. As such, an important focus of the project is on governance; on building the institutional structures and capacity at village level to oversee rangeland management, and on assisting such structures to be empowered to undertake such management through the transfer of management rights from the state to community level. All of the three pilot areas of the project have significant portions of San residents, and the first successful allocation under the project of 40,000Ha is due in early 2007 to Kedia, a predominantly San community.

Conclusion

Botswana's commons have in the past formed a crucial refuge for San to use natural resources over extensive areas, not because they have enjoyed any specific rights to such commons, but due to the absence of any other exclusive claims to such areas. This paper has examined how tenure reforms over the last century in Botswana – as in many

African countries - have promoted ever increasing definition of clear title over land. This has facilitated the individualisation of land tenure over extensive tracts of previously commonly held land, and it is the political and economic elite who have been able to stake such claims. The sum of these processes is that the poorest members of society – of whom San are one of the foremost categories - who rely on access to common resources as a safety net from absolute poverty have found themselves progressively squeezed into smaller and smaller areas.

San in Botswana have faced progressive dispossession from land they have called their own: in the face of immigrations by more politically organised people into the subcontinent over the last two millennia, and in the face of the expanding cattle, conservation and tourism interests of more recent history. This has not always been purposeful dispossession: they have lost land simply by being unable, or unwilling, to defend it against more powerful interests that have more clearly demarcated their claims to this land. Much of the land now encompassed by parks or cattle ranches is a tangible representation of the history and identity of many San who used to call this land their own. It is also a reminder of their alienation from not just their physical space, but from many of the markers by which they have come to define themselves.

This paper has also presented the CBNRM Programme as offering the *only* – and thus *significant* even considering its limitations – widely applicable possibility of securing a form of land rights at a communal level for San populations. These programmes have generally decentralised *management* rather than *ownership* rights over natural resources to the community level, and even then over a limited range of natural resources. However, for states unwilling to accord full recognition of San land rights, approaches such as those established by CBNRM may provide sufficient recognition of collective rights to prevent further loss of commonly-held lands by private interests.

At the root of the poverty faced by many San (and to a lesser extent other rural dwellers in Botswana) is the imposition of models of conservation and development that take little account of local value systems and livelihood options. It is only when such communities gain a political voice that fundamental inequalities can begin to be challenged. The example of Khwai suggests that the CBNRM Programme in Botswana may, perhaps inadvertently, be a catalyst in the process of assisting such communities gain a political voice, and thus significantly altering the political landscape. The rise of San representative organisations, alongside the growth of community based organisations representing the interests of many San communities, is giving San a political voice that – until a decade ago – was unheard. The most endearing contribution of CBNRM is unlikely to be in the short term economic benefits that most programmes appear to realise, albeit on a limited scale. It is much more likely to be in the strengthening and legitimising of claims by often-marginalised communities to extensive tracts of land and its resources on a collective basis, in the face of appropriation by more powerful individuals.

Bibliography

- Ditshwanelo (the Botswana Centre for Human Rights). 1996. *When will this moving stop? Report on a fact-finding mission to the Central Kgalagadi Game Reserve, April 10-14 1996*. Unpublished report by Ditshwanelo, Gaborone.
- Government of Botswana (GOB). 1975. *White paper on the Tribal Grazing Lands Policy*. Ministry of Finance and Development Planning, Government of Botswana.
- Hitchcock, Robert. 1978. *Kgalagadi cattle posts: a regional study of hunter-gatherers, pastoralists and agriculturalists in the western sandveld region, Central District, Botswana* (Two volumes). Gaborone: Ministry of Local Government and Lands.
1996. *Kgalagadi Communities: Bushmen and the politics of the environment in southern Africa*. IWGIA Document No. 79, Copenhagen.
- Johnson, S. and R Masilo-Rakgoasi, 2006. The rise and fall of CBNRM in Botswana: responsibility without authority? Presentation given to the CASS/PLAAS Workshop "Breaking New Ground: New Approaches To People-Centred Natural Resource Management For Development In Southern Africa" Johannesburg, February 2006.
- Moeletsi, B. 1993. *The Tribal Land Act of Botswana: Does it have a place for Basarwa*. Unpublished paper presented at the Workshop for the Promotion of Basarwa Research and Studies, University of Botswana, 17th-18th December 1993.
- Ng'ong'ola, C. 1993. *Legal recognition of traditional land rights: research notes and agenda*. Unpublished paper presented at the Workshop for the Promotion of Basarwa Research and Studies, University of Botswana, 17th-18th December 1993.
- Outlule, S. 2006. Statement by H.E. Mr. Samuel Outlule, Ambassador And Permanent Representative Of The Republic Of Botswana To The United Nations, on Agenda Item 68 Report Of The Human Rights Council, United Nations General Assembly, 10 November 2006, New York, N.Y.
- Perkins, J.S. 1991. 'Drought, cattle-keeping, and range degradation in the Kalahari, Botswana'. In J.C. Stone (ed) *Pastoral economies in Africa and long term responses to drought*. Aberdeen: Aberdeen University African Studies Group.
- Scoones, Ian (ed). 1995. *Living with uncertainty: new directions in pastoral development in Africa*. London: Intermediate Technology Publications.
- Selolwane, O.D. 1995. *Silence of the lambs? Ineffectual NGO influence on policy on the fencing of Botswana's communal rangelands*. Unpublished paper, Centre for Continuing Education, University of Botswana.

- Taylor, Michael. 2000. *Life, Land and Power: Contesting Development in northern Botswana*. Unpublished PhD thesis, University of Edinburgh, Department of Social Anthropology
2001. 'Narratives of identity and assertions of legitimacy: Basarwa in northern Botswana'. *Senri Ethnological studies* 59:157-181.
2002. "'Mapping the land" in Gudigwa: Bugakhwe land, history and territoriality' *Pula, Journal of the University of Botswana*.
2002. The shaping of San livelihood strategies: government policy and popular values. 'Looking for life in the Okavango Delta: government policy and popular values affecting San livelihood strategies'. *Development and Change* 33(3):467-488.
2003. 'Of wilderness, "Bushmen" and development'. In Michael Bollig (ed) *San and the State*. University of Cologne.
- (Forthcoming). 'Trajectories in Community Based Natural Resource Management in southern Africa: what scope for land rights?' In Michael Bollig, Olaf Bubenzer, Hans-Peter Wotzka and Ralf Vogelsang (eds), Special volume of *Colloquium Africanum*, Cologne: University of Cologne
- Taylor, Michael and Alan Barnard. 2002. 'The complexities of association and assimilation: an ethnographic overview'. In Susan Kent (ed) *Ethnicity, hunter-gatherers, and the "other": association or assimilation?* Washington: Smithsonian Institution Press.
- Taylor, Michael, A. Campbell and L. Robbins. Forthcoming. *The Tsodilo Hills*. Chicago: Michigan State University Press
- Wily, Elizabeth. 1976. *Bere and Ka/gae*. Unpublished Manuscript, Botswana National Archives MICRO 809, 24pp.
- Woodburn, James. 1997. 'Indigenous discrimination: the ideological basis for local discrimination against hunter-gatherer minorities in Sub-Saharan Africa. *Ethnic and Racial Studies* 20(2):345-61.