

Kalahari San foraging, land use, and territoriality: implications for the future

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Abstract

On December 13th, 2006, the San and Bakgalagadi of the Central Kalahari Game Reserve won an important legal victory in the High Court of Botswana after a long and expensive legal case. The decisions of the three High Court Judges guaranteed that people who had been removed from their ancestral territories in the Central Kalahari would be allowed the right of return, and they would be able to gather and hunt as long as they had subsistence hunting licences. The attorney general of the Government of Botswana ruled that people returning to the reserve would not be allowed access to services, including schools, health posts, and water facilities.

The question remains, will people who have been living settled lives and who have had livelihood supports provided by government and non-governmental organisations be able to sustain themselves as foragers again in the Central Kalahari? In order to evaluate this question, information on San mobility, land use, territoriality, foraging, farming, and socioeconomic organisation were compiled. It is concluded that returning to a foraging lifeway in the future will pose both challenges and opportunities. Efforts will need to be made to ensure that the people returning to the Central Kalahari are able to draw upon scientific and cultural knowledge, traditions, and practices from a wide range of sources and have water provided by the state if they are to be able to sustain themselves over the long term.

1 Introduction

In 1968, Richard Lee published an important paper on hunting and gathering societies, 'What Hunters Do for a Living, or, How to make Out on Scarce Resources' (Lee 1968). He raised several issues in this paper, among them:

- 1 whether subsistence foraging was focused primarily on hunting, and
- 2 if the foraging way of life was 'generally a precarious and arduous struggle for existence' (Lee 1968:30).

In another important paper, published in *Human Ecology* in 1972, Lee examined !Kung (Ju/'hoansi) spatial organisation from an ecological and historical perspective (Lee 1972). In this paper, Lee looked at

the organisation of groups and the ways in which they array themselves on the land. He examined how the Ju/'hoansi used land over time and how they dealt with issues of land holding and land management.

Lee's approaches are well-suited to assessing foraging, mobility, and land use in other parts of the Kalahari and elsewhere in the world. In this paper, we examine these issues in another part of the Kalahari Desert, one that is drier and which lacks some of the features of the northwestern Kalahari such as permanent water holes and 'superabundant' resources like mongongo nuts (*Ricinodendron rautanenii*). We focus on the central Kalahari region of Botswana (figure 1) where local people, many of whom were part-time foragers and food-producers,

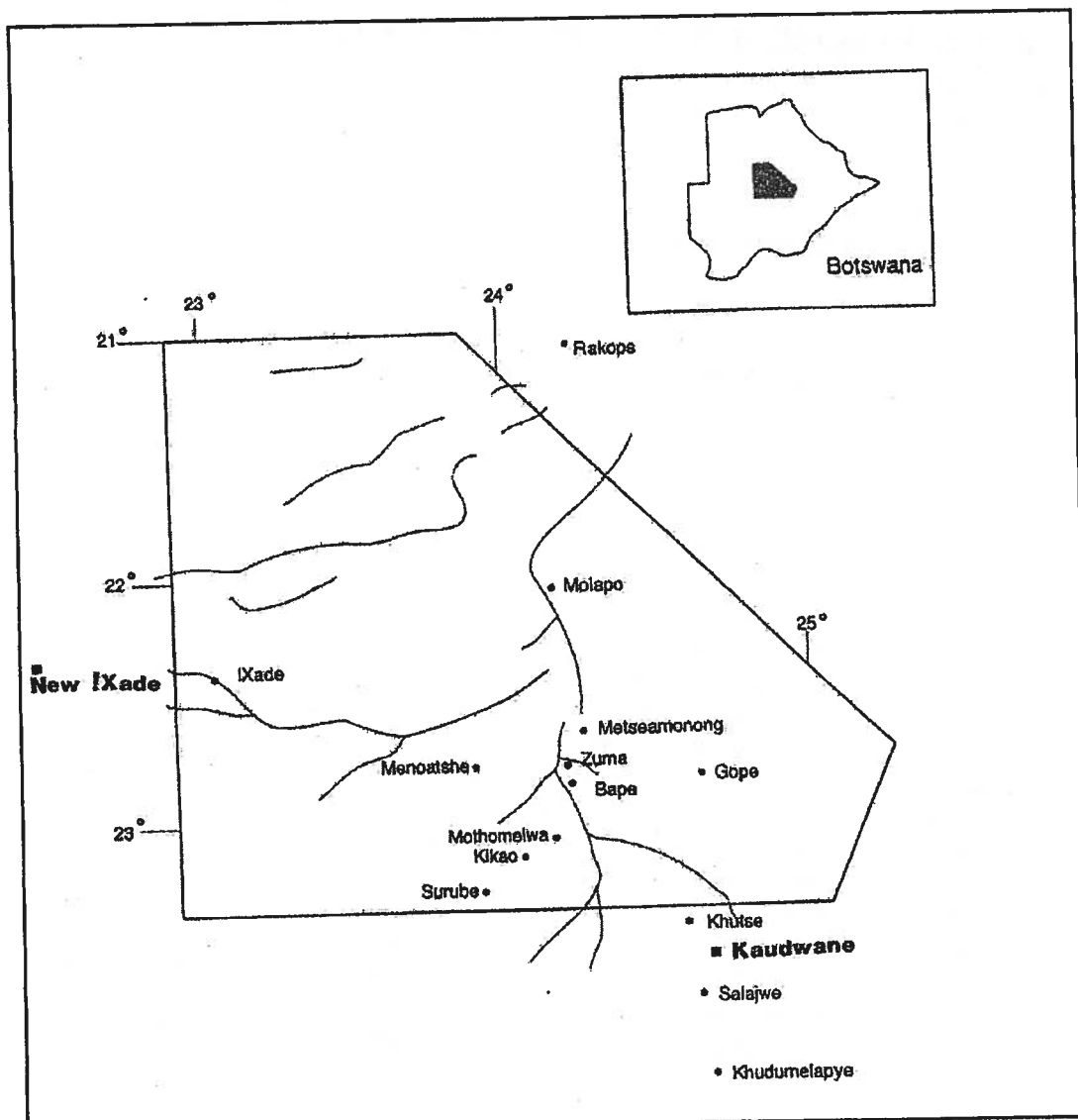


Figure 1 Central Kalahari Game Reserve, Botswana

were relocated out of a game reserve in 1997 and 2002 (Hitchcock 2002; Saugestad 2005; Taylor 2007).

The issues of hunting and gathering and mobility and land use strategies among San populations have been contentious topics among anthropologists and development workers involved with San populations (Silberbauer 1965, 1981; Solway & Lee 1990; Wilmsen 1989, 1993, 2003; Wilmsen & Denbow 1990; Hitchcock & Brandenburgh 1991; Lee 1992; Lee & Guenther 1991, 1993; Gordon & Douglas 2000; Hohmann 2003; Marshall 2003). There is no question that the degree of dependence on hunting and gathering among San has declined considerably over the past 50 years. San groups that in the past had

employed foraging strategies, moving over the landscape in order to obtain food and other goods, to visit relatives and friends, and to engage in trade and exchange, are today residing in settled villages and are heavily dependent on food provided by the Botswana government (Cassidy et al 2001; Hitchcock et al 2006). The knowledge of how to go about hunting and gathering is less extensive than it used to be, and children are not learning as much about foraging from their parents and other relatives as they did in the past.

Rights to land and natural resources have been major issues for indigenous and minority peoples in southern Africa in the late 20th century and into the new millennium (Saugestad 2001; Hitchcock &

Vinding 2004). Legal cases have been filed against southern African governments by groups seeking redress for losses of land and resources in the past. To take one example, the !Khomani San of South Africa brought a case to the Land Court in South Africa in the mid-1990s. The case was settled out of court in 1998 and resulted in the granting of co-management rights over portions of the Kgalagadi Transfrontier Park and the allocation of 25,000 hectares of land adjacent to the park (Robins 2001; Chennels & DuToit 2004). Another legal case was filed by a group of Nama, Kholkholi-speaking pastoralists in the Northern Cape of South Africa. While the case was dismissed initially, it was appealed by the Nama and the Legal Resources Centre and brought to the Constitutional Court. This case was decided in favour of the Nama in October, 2003, allowing them grazing and resource rights in the Richtersveld National Park and, significantly, rights to sub-surface natural resources, the first of its kind for indigenous peoples (Chan 2004; Patterson 2004). For a list of some of the major cases involving indigenous peoples in southern Africa, see table 1.

On December 13th, 2006, San and Bakgalagadi residents of the Central Kalahari Game Reserve, the largest protected area in Botswana, won an important legal victory in the High Court of Botswana after a protracted legal case. This case, the longest and most expensive one ever heard in Botswana, focused on the removals of people from a protected area and the denial of access to water and wildlife resources (for discussions of some of the issues raised in this case, see Saugestad 2005; Hitchcock et al 2006; Taylor 2007). The decisions of the three High Court judges guaranteed that people who had been removed from

their ancestral territories in the Central Kalahari would be allowed the right of return, and they would be able to gather and hunt as long as they had subsistence hunting licences.

The day after the court ruling, the attorney general of the Government of Botswana, the Hon. Athalia Molokomme, ruled that people returning to the reserve would not be allowed access to services, including schools, health posts, and water facilities. The question remains, will people who have been living settled lives and who have had food, water, and other goods provided to them by the Botswana government and non-governmental organisations be able to sustain themselves as foragers again in the Central Kalahari?

In order to evaluate this question, data on San mobility, land use, territoriality, foraging, farming, and socioeconomic organisation were compiled. People from the Central Kalahari Game Reserve were interviewed in 1988, 1990, 1999, 2000, 2004, and 2005. Based on what they had to say, returning to a foraging lifeway in the future will pose both challenges and opportunities for the people who choose to go back to the Central Kalahari.

2 The Central Kalahari Game Reserve

The Central Kalahari Game Reserve (CKGR) in Botswana, the largest protected area in the country, was established in 1961 on the recommendation of an anthropologist, George Silberbauer, who was the Bushman Survey Officer for what was then the government of the Bechuanaland Protectorate (see Silberbauer 1965, 1981). The Central Kalahari Game Reserve, at 52,730 square kilometres, is the second largest conservation area on the African continent and was one of the few in Africa to include a human population. At the

Table 1 Indigenous rights cases in southern Africa

Group	Locality	Country	Issue	References
!Khomani San	Kgalagadi Transfrontier Park	South Africa	Land rights, co-management rights	Chennels (2002); Chennels and Du Toit (2004)
Nama	Richtersveld National Park	South Africa	Mineral rights, grazing rights	Chan (2004); Patterson (2004)
G//wi, G//ana, Bakgalagadi	Central Kalahari Game Reserve	Botswana	Land rights, subsistence hunting rights	Saugestad (2005); Taylor (2007)
Khoe San	Popa Falls Prison Farm, Okavango River	Namibia	Land rights	Hitchcock et al (submitted)
Hal//om San	Etosha National Park	Namibia	Land rights	Dieckmann (2001, 2007)

time of the Central Kalahari reserve's establishment, it was estimated that there were some 3000 – 5000 people either residing in or using the region (George Silberbauer, personal communication). Some of them moved in and out of the area, depending on rainfall and local and regional social and economic conditions.

Between the time of its founding in 1961 and the mid-1980s, a number of changes occurred that affected people and habitats in the Central Kalahari Game Reserve. Boreholes were drilled in various parts of the Central Kalahari for purposes of providing water to wildlife, mineral exploration, and domestic water use by people. The Remote Area Development Programme of the government of Botswana established a school, a health post, and government offices at IXade in the Central Reserve (Tanaka 1980). Some households in the Central Kalahari kept domestic animals, including horses, donkeys, goats, and dogs, but, it is important to note, no cattle. A number of the residents of the Central Kalahari grew crops, including watermelons (eg, *Citrullus lanatus*, //nan), maize (*Zea mays*), sorghum (*Sorghum vulgare*), and cowpeas (*Vigna unguiculata*) (Ikeya 1996). Crop failures were common due to periodic dry conditions as well as pests such as crickets.

One place that saw significant changes in the numbers of residents over time was IXade, the largest community in the reserve, which had a permanent borehole that was established initially in the early 1960s but was re-drilled and equipped by the government of Botswana in 1979. IXade had 200 people in it in 1964, the same number in 1971 (1971 Botswana Population Census), 147 people in 1976 (Sheller 1977:1), 947 in 1981 (Central Statistics office data), 860 in 1985 (Government of Botswana 1985), 791 in 1989 (Remote Area Development Programme and Ghanzi District Council data), 528 in 1991 (1991 Botswana Population Census), and 701 people in 1996 (Ditshwanelo, the Botswana Centre for Human Rights data). By late 1997, there were virtually no people living in IXade since the government of Botswana had come in to the reserve in trucks and removed the residents of IXade and other communities in the Central Kalahari and resettled them in two large settlements on the peripheries of the reserve.

In 1985 the government of Botswana had appointed a commission of inquiry to look into the Central Kalahari Game Reserve issue, prompted in part by concerns about environmental degradation around IXade and other communities and by what was argued to be

declines in wildlife numbers, ostensibly because of over-hunting (see Government of Botswana 1985). The decision of the Botswana government, after reviewing the 1985 report, was that people in the reserve should be encouraged to move out of the reserve in order to enhance 'development opportunities'. Between 1986 and 1996 the government of Botswana held a series of public discussions and meetings (known as *kgotla* meetings) in the Central Kalahari and in the district capitals of the two districts most involved with the Central Kalahari, Ghanzi District and Kweneng District. While responses to the idea of being relocated out of the reserve into government-supported settlements varied, the government concluded that residents of the reserve were largely favourable to the idea of moving (see the Botswana government website www.gov.bw for a discussion on the Central Kalahari relocation issue).

In May–June, 1997, some 1100 people, mainly G/wi and G//ana San and Bolelongwe Bakgalagadi, were relocated out of the reserve to two large settlements, one in eastern Ghanzi District (New IXade, also known as Kgoesakani or Kgo'esakani), and the other in north-eastern Kweneng District (Kauduane). Some compensation was paid to people when they were resettled, although the amounts, according to local people, were relatively low and a number of people were missed out. One of the problems faced by people who were moved to New IXade in Ghanzi District was that there was no local water, and water at first had to be trucked to the place and eventually a lengthy pipeline had to be constructed. From the perspective of many of the new residents of New IXade, the area was relatively bereft of wild plant and animal resources, unlike the places from which they came.

In response to the government's decision to relocate people out of the Central Kalahari, a number of Botswana non-government organisations established a Negotiating Team to work with the government of Botswana in seeking solutions to the impasse over the Central Kalahari Game Reserve. The negotiating team included First People of the Kalahari (FPK), a San organisation that had been established in 1993, in part as a response to some of the concerns about the government's plans for the Central Kalahari. Other organisations that were part of the negotiating team included Kuru Development Trust, (now, the Kuru Family of Organisations), the Working Group of Indigenous Minorities in Southern Africa (WIMSA),

Ditshwanelo, the Botswana Centre for Human Rights, and the Botswana Christian Council. The Negotiating Team held its first meeting at D'Kar, Ghanzi District, Botswana in June, 1997. Representatives of the negotiating team later met with various ministers and high government officials, including, at one point, the outgoing president of Botswana, Sir Ketumile Masire, in Washington DC in 1998.

The negotiating team, concerned that they were not making headway in their efforts to secure the rights for residents of the Central Kalahari to stay in their areas, decided to engage in a multifaceted set of strategies to assist the people of the reserve to assert their rights. These strategies included the following:

- 1 mapping of territories and areas used by people in the Central Kalahari using Geographic Positioning Systems instruments and drawing on information from current and former residents of the reserve (see Albertson 2000)
- 2 an information dissemination campaign to familiarise people with the options that they had available to them
- 3 collaboration with government officials including ones from the Department of Wildlife and National Parks in talking to residents of the reserve and coming up with a management plan that they hoped would include community use zones inside of the Central Kalahari Game Reserve
- 4 preparation of background materials in case negotiations failed and the filing of a legal case was necessary (Hitchcock 2002).

The negotiating team and the people collaborating

with it produced substantial amounts of data and information which they shared with the residents of the Central Kalahari and, in some cases, with the Botswana government and the media in an attempt to influence decision-making and policy.

In spite of these efforts, in January, 2002, the Botswana government informed the remaining residents of the Central Kalahari Game Reserve that they were shutting down the wells and stopping all food deliveries inside the Central Kalahari Game Reserve. In February, the Botswana government and two District Councils, Ghanzi and Kweneng, began moving people and their possessions out of the Central Kalahari. The numbers of people relocated in February, 2002 were 342 to New IXade, 179 to Kaudwane, and 17 to a new settlement in Central District, Xeri. By March, 2002, it was estimated that there were less than two dozen people remaining in the reserve. According to Botswana government figures, compensation paid to people totalled 4.4 million Pula in cash (approximately US \$900,000) to 730 households, and 2,300 cattle and 2,018 goats were given to 602 people (5 head of cattle and 15 goats per beneficiary) (www.gov.bw/index.php/). Interviews with people who had been relocated out of the Central Kalahari indicated that at least some people who were moved who had had assets such as homes and livestock did not receive compensation for their losses. In a number of cases, families were split during the relocation process. The response of at least some of

Table 2 Group size, range size, and mobility of Central Kalahari Game Reserve populations prior to resettlement in the late 1990s and early part of the new millennium

Group Name(s)	Number of Groups	Group Size(s) and Average	Range Size(s) and Average	Number of Moves	Reference(s)
G/wi	6	21-85 (57)	457-1,036 km ² 779.67 km ²	6-15	Silberbauer (1981: 193, 196, 246)
G/wi	>2	up to 70, One was 120	777-1036 km ²	—	A Campbell (1964, pers comm)
G//ana and G/wi	9	7-57	4,000 km ²	11	Tanaka (1980:79, 117, Table 20)
G/wi, G//ana, Bakgalagadi	11	41-167 98.73	505-4,323 km ² 222.64 km ²	4-10	Sheller (1977:21, 34)
G//ana	13	3-98 (33)	5,000 km ²	—	Osaki (1984:56)
G/wi, G//ana, Tshila, Kgalagadi	6	3-65	3,950 km ²	1-8	Albertson (2000)

those people who were being relocated was that they were being 'evicted for conservation' and 'because they were poor and powerless'.

On February 19th, 2002, lawyers for the people of the Central Kalahari, John Whitehead, Glyn Williams, and Rahim Khan, filed a legal case in the High Court of Botswana (*Roy Sesana, Kiewa Setlhobogwa, & 241 Others v the Attorney General of Botswana* (case no 52 of 2002)). The case was dismissed on a technicality by the High Court. The dismissal was appealed, and it was ruled that the case should be heard in the High Court. The Central Kalahari legal case began with hearings at New Xade in Ghanzi District in July, 2004. Only 3 witnesses gave testimony, including two San along with George Silberbauer, now a retired anthropology professor living near Poowong in South Gippsland, Australia. In the period between July and November, 2004, intense discussions occurred among some of the applicants (those who brought the case before the court) who were not happy with the way that the case was being argued. It was decided that new lawyers were necessary and that additional funds and support had to be sought from the international community to pursue the balance of the case.

The third and in many ways most important phase of the case occurred between 2004 and 2006. An international lawyer, Gordon Bennett, who had written about indigenous rights (see Bennett 1978) and who was based in England, was brought in as the lead lawyer on the side of the Central Kalahari people, and he was assisted by Duma Boko, a Motswana lawyer who now is head of the Botswana Law Society. Opposing them was Sidney Pilane who presented the Botswana government's case. Some of the expenses in the latter phase of the trial were covered by Survival International, an indigenous rights organisation based in London. By the time the final judgment was reached for the case, 134 days had been spent in court, there were 4,500 pages of legal documents, and 19,000 pages of trial transcript (Saugestad 2005:1).

3 Territories and land use in the Central Kalahari

An important part of the legal case from the perspective of the San and Bakgalagadi was the description of the ways in which they used the land in the past and at present. In the 1950s and 1960s, it was possible to characterise the G/wi and G//ana of the Central Kalahari region as foragers in that groups moved residences

around the landscape among a series of resource 'patches', gathering foods on a daily basis (Binford 1980:5-10). Sizes of groups fluctuated, depending in part upon seasonal and short-term resource availability (for data on Central Kalahari group sizes, mobility, and territory [range] sizes, see table 2). It should be noted that the populations in the Central Kalahari also engaged in 'logistical' strategies (Binford 1980:10), with task groups ranging out from residential camps in search of resources for relatively extended periods of time, collecting sizable numbers of melons or procuring animals that they processed for storage and then bringing the resources back to camp.

The landscapes where the San of the Kalahari Desert resided in the past and from which they earned their living were divided into a number of tracts or territories (in G/wi, a *n/u*, or more properly *n/uma* (George Silberbauer, personal communication, November 1, 2007)). These areas were generally well known among local people, and they recognised them as belonging to specific groups (Cashdan 1984; Bishop 1998; Hitchcock & Bartram 1998; Albertson 2000). The territories represented the basic subsistence and residential areas of local groups, and they generally contained a number of different kinds of resources, including places where water could be found during some parts of the year (eg, pans, springs), wild animals, wild plant foods and medicines, and trees, shrubs, and grasses for building materials, shelter, and fuel.

In the past and in some cases currently, people could often identify the territories by name and describe where their boundaries were. The territories were areas within which groups moved and where they foraged, engaged in exchange, and, in some cases, kept domestic stock and raised crops. In the Central Kalahari some of the territories were arrayed around pans, while others were found along fossil river valleys such as the Okwa and Deception Valleys. An important feature of many if not most territories was the presence of old residential locations (camps) and places where people buried their dead. Virtually all territories had places that were viewed as having spiritual significance according to San and Bakgalagadi spokespersons and First People of the Kalahari. As Jumanda Gakelabone, a member of First People of the Kalahari, put it in an interview in 2005, the people of the Central Kalahari had 'ancestral territories' that contained 'the homes of the living

and the dead'. While this conception of territories seems more appropriate for Australia than for the Kalahari, it is clear that the notion of 'sacred space' was being used as part of the argument for the need for people to return to the Central Kalahari Game Reserve.

Among the G/wi, G//ana, Tshila, and Kua San in the Central Kalahari, the resources in the territory were supposed to be shared among the members of the land holding group. The sharing of resource areas associated with territories was organised along lines of kinship, historical association, and specific local resource availability (Cashdan 1984; Hitchcock & Bartram 1998; Albertson 2000). In order for a group to enter another group's territory, permission had to be sought from representatives of the group, usually from those individuals in the group who have resided in those territories the longest and/or who had the greatest degrees of familiarity with and historical connections to the area. Some of these people were ones whose parents, grandparents, or great-grandparents were born in specific areas of the Central Kalahari and who were viewed by others as having extensive knowledge about the areas where they lived.

One of the strategies for coping with drought or catastrophic resource failure was move to other places in the hopes that they had sufficient resources to sustain a larger number of people. Usually people asked permission to visit the territories of people with

whom they already had social connections, such as those created through marriage (affinal ties) or ones that came about through trade partnerships (reciprocal exchange ties). There were cases, however, when permission was refused, especially in times of extreme drought. This was said to have occurred in the Central Kalahari in the early part of the 20th century, for example, when a lengthy drought saw large areas affected, so much so, according to informants, that even the large trees along dried-out fossil river beds died off.

In these kinds of environments, the availability of information on the distribution, availability and abundance of resources and the presence and activities of other groups is crucial. People would go out from their residences to obtain resources or to watch their herds or work their fields. When doing so, they would monitor the state of the habitat, seeing if there were signs of trouble (for example, bush fires moving toward them, or Department of Wildlife and National Parks officials or police seeking people who were engaged in hunting). This information was then reported to people back at camp so that the members of the group could make decisions about how best to respond. As one G/wi informant put it, 'There are more reasons for moving around than just finding food. We also want to get information on what other people are doing.' A Kua woman said that as far as she was concerned, mobility was a strategy for her to

Table 3 Community Trusts in Ghanzi District, Botswana That Are Involved in Integrated Conservation and Development Activities

Name of Trust and Date of Founding	Controlled Hunting Area (CHA), Support Organization	Number of Villages Involved, Population Size	Project Activities
Huiku Community Based Conservation Trust, 1999	GH 1, Komku Development Trust	2 villages (Groot Laagte and Qabo), 1,013 people	Community tourism, lodge, crafts, veld products
D'Kar Kuru Trust, 1999	Dqae Qare freehold farm, D'Kar Kuru Trust	1 village, (D'Kar), 943 people	Community tourism, crafts, lodge at Dqae Qare in Ghanzi Farms
Kgoesakani (New IXade) Management Trust, 2000	GH 10, government of Botswana	1 village (Kgoesakani) 1,094 people	Community tourism, crafts, related to Central Kalahari Game Reserve
Xwiskurusa Community Trust, 1996	GH 10 (1,248 km ²), Permaculture Trust	3 villages (East and West Hanahal, Ka/Gae), 1,247 people	Community tourism, crafts, veld products
Chobokwane Community Trust, 1999	GH 11, Komku Development Trust	1 village (Chobokwane), 489 people	Community campsites, crafts, veld products

Note: Data obtained from the Ghanzi District Council, the Kuru Family of Organizations, and the IUCN CBNRM Support Program (www.cbnrm.bw and www.iucnbot.bw)

'visit her friends and get gifts,' some of which, she said, were necklaces and bracelets made of ostrich eggshell beads. The ostrich eggshell beads in some cases symbolised exchange relationships and alliances among G/wi, G//ana, Kua, and other groups in the central Kalahari.

One of the arguments of the Botswana government about how people in the settlements outside of the Central Kalahari would be able to support themselves was through the use of community based natural resource management strategies. Table 3 presents data on community trusts engaged in integrated conservation and development activities in various parts of Ghanzi District, the district in which the Central Kalahari Game Reserve is located. It can be seen that the trusts are seeking to support themselves through a number of strategies ranging from community-based tourism to craft production and the commercial exploitation of wild plants. These trusts are provided with technical assistance by the Botswana government and by non-government organisations. One such organisation is Permaculture, which assists local communities through the promotion of sustainable agricultural and land management strategies. One of the problems with these community trusts is that many of the benefits go to the safari companies or elites operating in them, and the income and meat resulting from hunting gets to relatively few of the households.

In Ghanzi District, the Kuru Family of Organisations (KFO), a support organisation established in 1986, has worked with local communities who produced cochineal (*Dactylopius coccus*), a small insect that feeds on prickly pear cactus (*Opuntia ficus indica*). Cochineal is a high value product used in the manufacture of carmine dye, a product that is used in food colouring and cosmetics. The problem, however, was that the marketing of the product was not easy, and the program did not bring about the benefits that it had anticipated (Bollig et al 2000).

Similar concerns exist in community-based natural resource management and tourism projects in Botswana, where it is men who get most of the cash-producing jobs. While women do get some work in the tourism industry, it is often as cleaners, maids, and domestic workers for safari company managers. Women have pointed repeatedly that the work that they do is not being rewarded at the same levels as that of men. 'Equal pay for equal work' is a cry heard

more and more from San and Bakgalagadi women in Botswana.

4 Subsistence strategies of the San and Bakgalagadi of the Central Kalahari region

Subsistence of the G/wi, G//ana, Kua, and Tshila San of the Central Kalahari in the past was diversified, with a significant degree of dependence on wild plant foods (Silberbauer 1965, 1972, 1981; Tanaka 1980; Vallente-Noailles 1993). More recently, San and Bakgalagadi in the settlements received a sizeable proportion of their food from government sources (Ikeya 2001; Hitchcock 2002). Some people did raise crops and keep livestock in the areas around the settlements, but crop yields were low and herd growth rates were minimal, in part because people dispatched some of their animals in order to meet food needs. Wild plant gathering tended to be done by adult females, with some contributions by children and adult males. As is the case with the Ju/'hoansi (Biesele & Barclay 2001), G/wi, G//ana, Tshila, and Kua San women in the Central Kalahari expend considerable energy monitoring 'the state of the bush', bringing back information on the status of resources and telling men in the camps about the tracks of wildlife that they had seen. Information on the state of the resources in specific areas was obtained by small groups and individuals who ranged out from camps for a variety of purposes, including resource procurement, visiting friends, or engaging in exchanges with other groups.

Hunting was done usually by adult or teen-aged males. In the past, some of the hunting was done using bows and arrows or spears. Large mammals, usually antelopes, were sought after avidly by hunters, although usually hunting parties were lucky if they were able to obtain one. Many hunting trips were rewarded only with small animals, and gathering of wild plants served as a buffer for hungry hunters. George Silberbauer, who worked in the Central Kalahari in the period from 1958 to 1966, saw various hunting techniques used by G/wi hunters. In order of frequency, these hunting techniques were: shooting animals with bow and poisoned arrow, snaring, catching springhares by hook, running down, spearing, clubbing, and meat robbing (Silberbauer 1981:206). There were changes in these hunting strategies over time, some of which related to the introduction of new kinds of technologies and the use of domestic ani-

mals in hunting, including the use of dogs, donkeys, and horses (Osaki 1984; Hitchcock 2002).

Hunting from horseback, as Osaki (1984) has shown, was a very effective way to obtain large antelopes, especially gemsbok (*Oryx gazella*). In a five-month period in 1982-83, a total of 91 large animals were obtained by hunters from IXade (Osaki 1984:52-54, Table 1). The estimated total amount of meat obtained in that period was 23,700 kilogrammes. Of that amount, 22,800 kilogrammes (96.2%) were gotten with the aid of horses. The balance of the meat was procured on foot either with bows and arrows or with spears and dogs (Osaki 1984:53). The area over which hunters ranged in search of game expanded to 5000 square kilometres, and the numbers of group expedition hunts in which people attempted to obtain several large animals at a time increased significantly (Osaki 1984:53-56). Long distance hunting was also facilitated by using donkeys to transport meat back to residential locations. These kinds of mounted hunting techniques are not allowed any longer under Botswana wildlife laws (see Republic of Botswana 1992), and they were the reason that at least some hunters were arrested for illegal hunting in the Central Kalahari.

In March, 2000, the government of Botswana issued new *National Parks and Game Reserves Regulations*. Section 45.1 of these regulations makes the following point:

Persons resident in the Central Kalahari Game Reserve at the time of the establishment of the reserve or persons who can rightly lay claim to hunting rights in the Central Kalahari Game Reserve, may be permitted in writing by the Director (of Wildlife) to hunt specified animals species and collect veld products in the game reserve, subject to any terms and conditions and in such areas as the Director may determine.

San and other remote area populations in Botswana had the right to hunt using Special Game Licences (subsistence hunting licences) in Botswana from 1979 until the issuing of the new wildlife regulations in the 1990s (Hitchcock & Masilo 1995). In some cases, districts stopped issuing the Special Game Licences, as was the case with Ngamiland (North West District) in 1996. Other districts, notably Ghanzi District, where the Central Kalahari Game Reserve is located, continued to issue these types of hunting licences until 2002.

There were cases where people even in the possession of licences ran afoul of the law, as occurred

in July, 1999 when 13 men from New IXade, one of the Central Kalahari resettlement locations, were arrested for allegedly engaging in illegal hunting. Since the men arrested had Special Game Licences, those licences for subsistence hunters, the charge of hunting without a licence was thrown out of court. Eventually, the cases against the men were dismissed after the efforts of a Motswana lawyer, Rahim Kahn, were successful. In June, 2005 a group of San men hunting in the reserve allegedly was arrested and allegedly they were tortured by the wildlife officials who detained them. One member of this group Selelo Tshiamo, died from his wounds in early September, 2005. Allegations about torture and mistreatment of people who were arrested for hunting violations had been reported earlier (see, for example, Mogwe 1992) but no formal investigations have been conducted by the government or independent agencies to determine whether or not these charges could be verified.

One of the arguments for removing people from the Central Kalahari was that the wildlife was being threatened by the presence of people engaged in wildlife resource utilisation. The data suggest otherwise. A 1998 report by the Department of Wildlife and National Parks on the Central Kalahari and Khutse Game Reserves showed that the wildlife population in the Central Kalahari had doubled from the mid-1980s to 1996, based on aerial wildlife census data obtained by personnel flying for the Department of Wildlife and National Parks. Judging from data collected on wildlife exploitation by both anthropologists and ecologists (see, for example, Tanaka 1980: 30-39, 66-69; Silberbauer 1981:204-220; Osaki 1984; Mark Murray, personal communications, 1988, 1990, 1994), the exploitation rates of wild fauna in the Central Kalahari were below the levels of replacement.

The president of Botswana, Festus Mogae, said publicly in 2004 that people could hunt in the Central Kalahari Game Reserve if they used traditional methods (that is, bows and arrows and spears), but according to government spokespersons, this was not the position of the Ministry of Wildlife, Environment, and Tourism or the Ministry of Local Government. The lack of clarity on the subsistence hunting issue left local people in a position where they could be arrested for following what they believed was the law. The alleged mistreatment of people for carrying out subsistence procurement activities remains a sore point among remote area populations in Botswana.

5 The conclusions and implications of the Central Kalahari legal case

When the final results of the Central Kalahari legal case were read by the three High Court judges on December 13th 2006, hundreds of hours had been spent by the lawyers and witnesses in court. The three judges disagreed on a number of issues, but there was unanimity on the issues of the land rights of Central Kalahari residents at the time of the relocation and that the government had acted wrongfully in stopping subsistence hunting licences. Justice Maruping Dibotelo concluded that the termination of services in the Central Kalahari was lawful and that people had been consulted sufficiently prior to the termination of those services. Justice Unity Dow, the next High Court judge to speak, said that consultations had been inadequate, that the principles of compensation had not been explained to the residents of the Central Kalahari sufficiently, that the cessation of services to the residents was unlawful, that indigenous people had rights, the removals were unlawful, and so, too, was the stopping of granting people Special Game Licences for purposes of subsistence hunting.

The final High Court judge to speak, Justice Mphahlele, concluded that the government had tried to persuade people to relocate outside of the reserve for a decade, that provision of services was expensive and that the restoration of services would cause problems. He went on to say that the residents of the reserve had prior rights to occupation of the land, that the residents were deprived of their rights 'wrongly and without their consent', that the government had not acted legally in stopping the distribution of special game licences, and that the residents of the reserve had the right to enter the reserve without having to seek permits from the Department of Wildlife and National Parks. The final judgments of the High Court were:

- 1 the government was not required to restore services in the reserve
- 2 the stopping of services was lawful, and
- 3 the removals of people and denial of their land and subsistence rights in the Central Kalahari were unlawful (rulings of the High Court, on file in Lobatse, Botswana and in the Botswana National Archives in Gaborone).

The day after the High Court ruling, December 14th, the Attorney General issued a statement that outlined

the position of the Botswana government on how the court's decisions would be implemented (Molokomme 2005). This statement held that only the 189 surviving individuals on the original court case along with their children could return to the Central Kalahari, that services would not be restored, that domestic animals would not be brought into the Central Kalahari, and that people choosing to return to the reserve would still need to apply to the Department of Wildlife and National Parks for Special Game Licences. Subsequently, on December 19th 2006, the Botswana government announced that it would not appeal the decision in the Central Kalahari case. A small group of people, some 40 in number, returned to the Central Kalahari on January 20, 2007 and began the process of establishing new homes. By the end of 2007, there were some 70 people in the reserve, attempting to make a living from gathering of wild plants, some of which they had to use for water, since the Botswana government refused to establish water points in the reserve or, in some cases, to allow them to take water in to the reserve with them.

From the perspective of Central Kalahari residents and former residents, the removals of people from their land, the destruction of water facilities, and the restrictions on their means of earning a livelihood amounted to the denial of basic human rights. While many people who were moved out of the Central Kalahari appreciated the fact that the Botswana government provided services outside of the reserve, they note that they still faced problems of poverty, lack of employment, and little in the way of training. According to some residents of the settlements, the conditions in the resettlement camps were unhealthy, and people had to cope with social, nutritional, and economic difficulties. A number of the residents of the settlements voted with their feet, returning to the Central Kalahari, but government officials sought to dissuade them, and some families and individuals were required to leave the reserve again.

The people who have moved back to the Central Kalahari have faced some severe constraints. Not only do they have to get water from pans during the rainy season, but in the dry season, they have to resort to the use of melons and roots to meet their moisture requirements. Since December, 2006 several dozen people have been arrested for allegedly violating hunting laws in and around the Cen-

tral Kalahari. The Botswana government's Ministry of Wildlife, Environment, and Tourism has yet to issue the Special Game Licences for people, in spite of the ruling of the high Court. There have been reports, none of which have been investigated, of people being mistreated while in the custody of Department of Wildlife and National Parks game scouts and Botswana police. Some people have been detained without trial. Tensions among the groups living in the Central Kalahari are rising, something that is also true among some of the residents of the settlements on the peripheries of the reserve. According to local people, nutritional stress, HIV/AIDS, and conflicts are on the rise in the settlements. At the same time, according to people in the settlements, the promised rural development and community-based natural resource management programmes have yet to be put in place in such a way that poverty is alleviated.

The question remains: will people who have been living settled lives and who have had food, water, and other goods provided to them by the Botswana government and non-government organisations, be able to sustain themselves as foragers again in the Central Kalahari? At this stage, the answer is a qualified yes. At least some of the people who have returned to the Central Kalahari retain their knowledge of how to maintain themselves through foraging for wild plants and animals. The existence of social alliances with people outside of the reserve enables some of the residents of the reserve to get access to food and other goods. The biggest constraint that they face is the availability of water, and some of the returnees who remember the old ways are resorting to using sip-wells (places where water is sucked out of the ground using a straw and the mouth as a kind of vacuum), melons, and roots to meet their moisture needs. Whether or not this is a sustainable long-term strategy remains to be seen. Discussions continue as to whether the people of the Central Kalahari should file another legal case against the government of Botswana in order to force the issues of provision of subsistence hunting licences and water. There have also been discussions concerning whether or not the government and private companies such as Gem Diamonds, which since June, 2007 has had the licence for exploitation of diamonds at Gope in the Central Kalahari, should provide some of the benefits of any diamond mining

that is to take place directly to the people of the Central Kalahari, something that both the Botswana government and the company are resisting, arguing that sub-surface resources belong to the state or the companies to which the government has given prospecting licences.

It is anticipated that the people who have returned or will be returning to the Central Kalahari will need to have access to information from other people, some of whom remained in the settlements on the peripheries of the reserve. This information may include knowledge of the types, locations, and temporal availability of resources, the kinds of technologies necessary to exploit those resources, and the understanding of which groups have long-standing rights to specific areas. Without this information, it is likely that there could be conflicts over resources and spaces in the reserve. The lack of clarity of the government's plans and those of mining companies and tourism companies operating in the reserve adds to the uncertainty facing the people of the Central Kalahari.

Some of the people of the Central Kalahari have approached the Negotiating Team consisting of Ditshwanelo (the Botswana Centre for Human Rights), the Working Group of Indigenous Minorities in Southern Africa, and the Kuru Family of Organisations in attempt to resurrect the negotiating process with the Botswana government. They have outlined what they think a viable solution might look like. Some of the suggestions that they have include the following:

- 1 the right of return should extend to all former residents of the reserve, not just those who were claimants in the legal case
- 2 the right to engage in traditional subsistence pursuits
- 3 the right to water
- 4 the right to medicinal plants and the benefits from them (commercial and otherwise)
- 5 do not seek return of compensation paid to people for relocation and loss of assets
- 6 the drawing up of a new Central Kalahari Game Reserve Management Plan in consultation with the residents
- 7 involvement of local people in all decisions regarding planning in the Central Kalahari Game Reserve
- 8 a share of any revenues generated by the conservation area, tourism, or mining
- 9 allow local people to participate in businesses, including tourism and safari operations, inside of the reserve

- 10 freedom of access to information (eg, on mineral exploration, discoveries, and plans for exploitation)
- 11 an independent inquiry into the events of the past several years, including allegations of torture, mistreatment in detention, and death threats should be initiated.

Clearly, people residing in the Central Kalahari Game Reserve will need to draw upon both scientific and cultural knowledge, traditions, and practices from a wide range of sources if they are to be able to make it as foragers. At the same time, they will need to have sufficient resources from the state, including water, so that their basic needs are met. Hopefully, the San and Bakgalagadi of the Central Kalahari will not have to go back to court in order to ensure that they can exercise their social, economic, and cultural rights.

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