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## 'Hunting is Our Heritage': The Struggle for Hunting and Gathering Rights among the San of Southern Africa

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### INTRODUCTION

A major concern of San and other indigenous peoples in Africa is whether or not they will be able to maintain their rights to hunting and gathering in the face of major changes in land and natural resource conservation legislation and development projects that tend to favor mining, agriculture, and commercial livestock production. Unfortunately for those people who depend on foraging for part of their livelihoods, there are few states in Africa that permit their citizens to engage in hunting for subsistence purposes [Marks 1984: 65-70; Neumann 1998: 35, 100-111; Gibson 1999: 25-29; Hitchcock 1997, 2000]

Currently the only African country that has national-level legislation allowing subsistence hunting rights is the Republic of Botswana [Hitchcock *et al.* 1996] Two other countries in Africa in the past allowed specific groups of people who traditionally were hunter-gatherers to hunt for subsistence: (1) Namibia, where one group, the Ju/'hoansi San, are allowed to hunt in what was Eastern Bushmanland (now Eastern Otjozondjupa) [Bieseke and Hitchcock 2000], and (2) Tanzania, where the Hadza in the Lake Eyasi region were allowed to hunt without paying fees under the country's *Wildlife Conservation Act* of 1974 [Newman 1970: 59; McDowell 1981; Madsen 2000: 73-75]. In the rest of Africa, those people defined as subsistence foragers generally risked arrest and imprisonment if they engaged in subsistence hunting [Hitchcock 1995, 1997].

A major problem facing hunter-gatherers in Africa was the fact that the governments of the states in which they live, both colonial and post-colonial, have passed conservation laws that restrict the rights of local people to hunt [Marks 1984; Anderson and Grove 1987; Neumann 1998; Gibson 1999; Prins, Grootenhuis, and Dolan 2000]. Sizable portions of African countries were declared national parks and game reserves and were therefore, for all intents and purposes, off-limits to local people. Table 1 presents data on national parks, game reserves, and conservation areas in southern Africa that resulted in the involuntary relocation of resident populations. It can be seen that local people lost their residence and subsistence rights in areas covering as much as 50,000 square kilometers in some

cases in several countries in southern Africa [for a description of how this transpired in the case of the Etosha National Park in Namibia, see Widlok 1999: 25, 34-35; Gordon and Douglas 2000: 54, 123-124].

This situation has changed somewhat in the past decade or so, with some local groups gaining co-management rights in some parks and reserves in Africa. This has been the case, for example, with the ≠Khomani San in Kalahari Gemsbok Park, now a transboundary or transfrontier park involving South Africa and Botswana, that was launched officially on 12 May, 2000. In this case, the Southern Kalahari San filed a formal claim under new South African land legislation, the Restitution

**Table 1.** National parks, game reserves, and conservation areas in Africa that resulted in the resettlement of local populations

Park or Reserve Area, Establishment Date, Size	Country	Comments
Central Kalahari Game Reserve (1961), 52,730 sq km	Botswana	1,100 G wi, G lana, and Boodlongwe Bakgalagadi were resettled outside the reserve in 1997 in nearby areas
Chobe National Park (1961), 9,980 sq km	Botswana	Hundreds of Subiya were resettled in the Chobe Enclave, where 5 villages are in a 3,060 sq km area
Etosha National Park (1907), 22,175 sq km	Namibia	Hai  om San were resettled outside of the park or sent to freehold farms
Gemsbok National Park (1931), made trans-frontier park in April, 1999, 37,991 sq km	South Africa, Botswana	≠Khomani and N amani San were resettled out of the park in the 1930s
Hwange (Wankie) National Park (1927), 14,620 sq km (declared a national park on January 29, 1950)	Zimbabwe	Batwa (Tyua, Amasili) were rounded up and resettled south of Hwange Game Reserve in the late 1920s
Moremi Game Reserve (1964), 3,880 sq km	Botswana	Bugakwe (  Ani-kxoe) San were relocated out of Moremi in the 1960s
Nata Sanctuary (1989), 230 sq km	Botswana	People lost access to the sanctuary and its resources
West Caprivi Game Park (1963), 5,715 sq km	Namibia	Kxoe and Mbukushu were resettled in the early 1960s and Kxoe and !Xuu San went to South Africa in the 1980s

of Land Act, which eventually was settled before it went to court [Chennels 1998, personal communication].

One of the few games reserves in Africa that until recently allowed residents to continue to reside in and to forage was the Central Kalahari Game Reserve in Botswana. In May, 1997, the government of Botswana relocated a sizable proportion of the reserve's population, over 1,100 people, to two sites outside of the reserve, one in the Ghanzi District to the west of the reserve (New Xade), and the other in the northern Kweneng District south of the reserve, Kauduane, not far from Khutse Game Reserve [Hitchcock, Vinding and Andersen 2000]. The populations of the new communities are so large, and the resources in the vicinity of the settlements so few, that the residents are unable to sustain themselves through foraging and must depend heavily on the government of Botswana for support.

Ironically, this is a situation facing many of the former foragers of Africa. Some of them have had to resort to depending on governments or aid agencies for their subsistence. Others have become specialized producers or traders, working as field hands in the fields of other people or taking care of their livestock in exchange for milk, grain, and the right to use the animals for traction purposes [Lee and Daly 1999]. The San and other indigenous peoples have responded to these situations by mobilizing themselves politically. In some cases, they have taken part in demonstrations, as occurred, for example, in Namibia in January, 1997, when Hai||om San blockaded tourists from entering the gates of Etosha National Park. In other cases, they have written letters of protest to government, as was the case when the government of what was then South West Africa (now Namibia) was considering turning parts of northeastern Namibia, where the Ju|'hoansi San reside, into a game reserve in the early 1980s [Biesele and Hitchcock 2000].

The San have also established their own non-government organizations and advocacy groups, two examples being the organization First People of the Kalahari (FPK), and the Working Group of Indigenous Minorities in Southern Africa (WIMSA). Some members of indigenous African groups have sought international attention through the media, and a number of them have spoken before the Human Rights Commission of the United Nations, as was the case, for example, with the N|oakwe of Botswana, two of whose representatives, John Hardbattle and Roy Sesana, spoke at the HRC in March, 1996.

One of the plaintive cries of African indigenous peoples is for recognition by African states and the international community of their basic human rights to life, liberty, and an adequate and secure livelihood. The issue that they are facing is whether or not these strategies will be effective in ensuring the rights of those people who in the past considered hunting and gathering to be part of their cultural heritage.

## HUNTING IN BOTSWANA

Several conclusions can be made about hunting rights in southern Africa.

First, the state has played a major role in determining who has access to wildlife resources and under what conditions. From the perspective of local people, the rights that they had to hunting resources were infringed upon over time by the state. Second, in Botswana at least, hunting was considered a customary right of all the people [Schapera 1943]. When the British government declared Bechuanaland (now Botswana) a Protectorate in 1895, the residents were allowed to maintain their hunting rights on tribal land. As one of the early Protectorate Game Proclamations (no. 19 of 1940) put it, "Any member of a Native tribe may, with the permission of the chief of such tribe, hunt any game within the tribal area lawfully hunted by such tribe, or may within the Territory sell or barter any game killed within such tribal area" [quoted in Schapera 1943: 256-257].

According to local people, both traditional leaders and, later, the colonial government removed hunting rights from local people through the imposition of hunting regulations. In the 19th century, Tswana chiefs declared certain animals such as elephants, giraffes, eland, and ostrich "royal game" and people were not allowed to exploit them [Schapera 1943: 257; Spinage 1991: 9-11, 113-116]. The late 19th and early 20th centuries saw the British Protectorate government passing legislation which limited the numbers and types of animals that could be taken by hunters [Schapera 1943: 256-257; Spinage 1991: 11-20, 86-96]. These laws restricted the types and numbers of animals that could be hunted and the seasons when they could be hunted.

Questions were raised in the 1920s and 1930s about the hunting rights of a specific segment of the country's population: the San. The San, who numbered between 10,000 and 20,000 people in Botswana in the early 20th century, were seen as serfs, *bolata*, people who were supposed to provide goods and services to the dominant groups in the country. The San did not have a voice in public policy discussions, and they were seen as having fewer rights than other groups because of their lack of chiefs and the fact that they sometimes moved from place to place in the bush in search of wild plants and game. Indeed, in 1935, the Resident Magistrate in Ghanzi District said that San were subject to prosecution under existing wildlife legislation because they had no recognized chief [letter from Resident Magistrate, Ghanzi to the Government Secretary, Mafeking, 5 September, 1935, Botswana National Archives (BNA) file S.47/9].

As was the case with land in Botswana, all wild animals belonged to the chief, who held them in trust for the members of the tribe. In situations where a chief organized a collective hunt (*letsholo*), he or she had the right to use all of the animals killed by the hunting party. Usually what happened was that the chief divided up the meat among the people present, and the balance was taken back to the tribal capital where it was cooked in the *kgotla* (the council place) and served to the public. The parts of some animals that were killed by local people were supposed to go to the chief, as was the case, for example, with lion skins, the breast meat (*sehuba*) of eland, southern Africa's largest antelope, or the tusk of elephants that was nearest the ground [Schapera 1943]. San, and members of other servile

groups were supposed to provide chiefs and other high-status individuals with tribute in the form of meat and wild animal skins. They were also supposed to serve as guides on chiefly hunting trips.

It was not until the late 1930s that efforts were made by the British Protectorate Administration and various tribal chiefs to allow San the right to control their own lives. Even in the 1970s, there were still San families that were passed down from one generation to the next by well-to-do Tswana. They often were not paid for their work, and they were sometimes beaten and occasionally killed for attempting to leave their employers [Hitchcock 1978].

In 1978, a legal opinion was issued by the litigation consultant to the Attorney General's Chambers regarding land and resource rights of San. As the opinion noted:

As far as I have been able to ascertain, the Masarwa have always been true nomads, owing no allegiance to any Chief or tribe, but have ranged far and wide for a very long time over very large areas of the Kalahari in which they have always had unlimited hunting rights, which they even enjoy today in spite of the Fauna Conservation Act. The right of the Masarwa to hunt is, of course, very important and valuable as hunting is their main source of sustenance. Without much clearer information it is impossible to give a confirmed opinion about the Masarwa. Tentatively, however, it appears to me that (a) the true nomad Masarwa can have no rights of any kind except rights to hunting. [D. Will, "Opinion in Re: Common-Law Leases of Tribal Land," 23 January, 1978, Ministry of Local Government and Lands (MLGL) file 2/M]

In other words, the Botswana government's main legal body had decided that the San, who made up nearly four percent of the country's total population and a substantially larger percentage of its remote area population, had no land rights but they did have hunting rights.

The 1970s were characterized by San and other peoples in rural Botswana attempting to influence government policies concerning land, resource rights, and development assistance [Wily 1979; Hitchcock 1996]. They did this in part through expressing their opinions during national-level consultation exercises such as those associated with the introduction of the Tribal Grazing Land Policy, a national-level land reform and livestock development program [Hitchcock 1978]. They also did it through speaking to development workers during the course of government surveys. In addition, some San wrote letters to the President, Sir Seretse Khama, until his death in 1980, and later to President Sir Ketumile Masire until he left office in 1998. Eventually, the San began or organize their own advocacy groups and institutions at the local and national levels.

In the late 1970s, San and other rural people were requested to provide information to extension workers, government personnel, and, in some cases,

anthropologists, on hunting issues. One Tyua man from the Nata River region in northeastern Botswana had this to say about hunting and the government's wildlife laws:

Our lives depend mostly on meat, and the laws have kept us from eating. I believe that when God created man, he provided wild animals to be the food of the Masarwa. The Bamangwato depend on their cattle to provide their food. The Kalanga depend on their crops. White people live on money, bread, and sugar. These are the traditional foods of these groups of people, so it can be seen that the law is against us, the Masarwa because it has prevented us from eating. The people who made the law knew that they were depriving us of our food. Even if we raise cattle, we cannot do it as well as the Bamangwato. We cannot raise crops like the Kalanga, and we cannot make money like the white people do. These are the ways of other people. The tradition that God gave us, the Masarwa, is to eat meat. Meat is our life. Small animals to us are not important; we eat kudu, duiker, steenbok, and birds every morning. What we really care about is *big* animals. These are our food; these are what we care about. Depriving us of meat is depriving us of life and of the tradition that God gave us.

Thus, some people in rural Botswana felt strongly that hunting was a crucial part of their cultural heritage. Meat-exchange was an important tradition in their societies, and hunting was viewed as a major part of their identities as people [Hitchcock and Masilo 1995]. As such, they considered hunting to be not only an economic right but also a cultural right.

The government of Botswana responded to these concerns by coming up with a subsistence hunters' license. What came to be called a Special Game License (SGL) was introduced in 1979 as part of the *Unified Hunting Regulations* [Republic of Botswana 1979]. The purposes of the Special Game License were various. First, it was aimed at legitimizing hunting activity by the poorest members of the population, those people who depended in part on wild meat for a living. Second, it was seen as a means of assuring a measure of food security for rural poor people. Finally, it was aimed at allowing people to increase incomes from wildlife utilization.

Special Game Licenses were issued to people defined as Remote Area Dwellers (RADs) over the period from 1979-80 through the late 1990s. Remote Area Dwellers were considered by the Botswana Government to be those people who live in rural areas outside of villages and who depended for their subsistence and income upon wild resources. A major question asked was, "to what extent is it necessary for a person to depend on hunting and gathering in order to be considered qualified for a Special Game License?" Several criteria were offered. First, a person was classified as a hunter-gatherer if he or she was a member of a group that was "nomadic", i.e. the group moved from place to place in order to obtain natural

resources (water, game animals, and "veld foods", wild fruits, vegetables, and roots). Second, a person was considered to be a hunter-gatherer if he or she used traditional weapons in the pursuit of game. Traditional weapons were those weapons such as bows and poisoned arrows, spears, and snares made of local materials. Third, Department of Wildlife and National Parks gave Special Game Licenses to individuals in remote areas if they did not use so-called "hunting aids" such as horses, donkeys, dogs, or vehicles in their pursuit of prey. Finally, some game scouts chose to give people Special Game Licenses on the basis of the kinds of clothes that they wore, that is, if they were not wearing pants and instead wore a breech cloth made of skin, they were considered traditional "hunter-gatherers".

Special Game Licenses were seen by many people in remote areas as crucial to their survival. This was particularly true for elderly people and widows in remote communities, who otherwise were able to get little in the way of animal protein. The licenses also provided a means for obtaining products used in the production of craft items which were sold for cash, thus enabling rural households to diversify their livelihoods. One example of such craft items were skin blankets known as karosses which were sold to traders and sometimes to the handicraft purchasing companies that traveled into the Kalahari in search of goods.

The Special Game Licenses were given to qualified people for free. They are good year-round, unlike other kinds of hunting licenses in Botswana, which are restricted to the hunting season (from April to September). The Special Game Licenses contained a list of the various animals that could be hunted along with the numbers that could be taken; these ranged from 4 hartebeest, 2 gemsbok, and 3 warthog to 30 duiker, 30 steenbok, and 50 bat-eared foxes. Some animals, such as baboons, could be obtained in unlimited numbers if one was in possession of a Special Game License. According to some staff members in the Department of Wildlife and National Parks, the Special Game License was supposed to be phased out after a short period. But by the early 1990s, between 500 and 1,000 of these licenses were being issued annually, and some people had been allocated them every year for nearly two decades [Hitchcock 1996; Hitchcock and Masilo 1995; Hitchcock *et al.* 1996].

The Special Game License was supported by a number of Botswana government officials because it enabled a segment of the society that was considered marginalized to obtain food and income and thus ensure that they did not have to be supported through government assistance programs. There were also those in Botswana who saw the special licenses as a means of providing people with access to sufficient income (assuming they would sell some of the goods produced) so that they would "no longer have to be dependent on the hunting and gathering lifestyle". The notion that hunting and gathering was a "primitive" way of life was common, especially in government circles and among the Tswana elite.

There were a number of criticisms of Special Game Licenses and the people who used them. It was argued in Parliament, for example, that the granting of free licenses, which allowed hunting of animals throughout the year, was tantamount to



giving "special rights" to a class of people, in this case Remote Area Dwellers. It was also argued in Parliament that these licenses allowed people to use hunting methods that were considered to be, as some people put it, "cruel and inhumane". Trapping strategies, for example, were viewed as problematic because they were thought to cause animals severe pain and because the animals in the traps sometimes stayed there for days before dying of hunger, thirst, and shock. It was noted that the numbers of animals that could be hunted on Special Game Licenses sometimes exceeded the numbers that were on the wildlife quota. It was also pointed out that there were animals on the license that were listed as conserved under Botswana faunal legislation, one example being antbear (*Orycteropus afer*).

Some of the most cogent criticisms of the Special Game Licenses came from Department of Wildlife and National Parks personnel, ecological researchers, and safari hunters. They expressed concerns that people who had SGLs would sometimes transfer their licenses to other people who did not qualify for them (such as a person from a major town or a non-citizen hunter). They also felt that people overhunted their licenses on a regular basis. Thus, they felt that the licenses were being abused. Perhaps the most powerful criticism of the Special Game Licenses was that so many of them were being issued to people that they were contributing to the over exploitation of wild animals and thus were a major factor in the decline of wildlife in Botswana.

Local people had their own perspectives on the Special Game Licenses. Most people felt that the numbers and variety of species listed on the licenses were insufficient to meet their subsistence needs. They also felt that there were some animals that were highly significant in terms of their nutritional and social importance that had been removed from the licenses. Elands, for example, were viewed as crucial to San because of their size and their high fat content. There was also a sense of outrage at the fact that baboons (*Papio ursinus*) were on the license. People did not eat baboons, they said, and they were affronted at the thought that the designers of the license apparently believed that they would consider hunting them.

In the early 1990s, the government of Botswana began to reevaluate the concept of Special Game Licenses. Calls were heard for doing away with the licenses altogether. Local people who benefited from the use of these licenses argued vociferously for the Special Game Licenses to be continued, and they pushed for even more licenses to be issued. By the mid-1990s, over two thousand Special Game Licenses were being issued each year [Hitchcock and Masilo 1995]. In 1996, the Regional Wildlife Officer in North West District, where the Jul'hoansi (!Kung) San are located, stopped issuing Special Game Licenses. The result was that people had to turn to alternative sources of subsistence. This was especially problematic in this district because an outbreak of lung sickness (Contagious Bovine Pleuropneumonia, CBP) had led to the decision by the Botswana government to kill all of the cattle in the district, over 320,000 head. The result was that local people lost an important source of subsistence and income, and many of

them had to depend heavily on government food relief and cash-for-work projects.

In 1997, Special Game Licenses were distributed in only three districts: Kgalagadi, Ghanzi, and Kweneng. In 1998, Special Game Licenses were distributed in two districts: Kgalagadi and Ghanzi. The distribution of Special Game Licenses ceased in KD 1, the largest of the Wildlife Management Areas in Kgalagadi District, upon the formal establishment of the Nqwaa Khobee Yeya Trust on June 10, 1998. This Community-Controlled Hunting Area (CCHA) which has three settlements in it: Ukhwi, Ncaang, and Ngwatle, all of which in the past had had a sizable number of people dependent in part upon foraging [Van der Jagt 1995; Hitchcock and Masilo 1995].

The changes in hunting methods and the increased effectiveness of hunting from horseback in the central Kalahari had contributed to the growing perception among ecologists, environmental non-government organizations, and the Department of Wildlife and National Parks in Botswana that efforts were needed to stop hunting on the part of the residents of the reserve. One way to do this was to remove the residents of the central Kalahari to locations outside of the reserve and to the area into a full-fledged game reserve where people were not allowed to hunt anything whatsoever.

In order to get the residents of the reserve to relocate, a series of consultations were undertaken by government officials over the period from 1986 to 1997. There were statements made during the course of these consultations that people would be given large amounts of compensation if they chose to leave the reserve. The people were also threatened in subtle and sometimes not-so-subtle ways. They were told, for example, that drought relief feeding programs would be terminated, and that development assistance such as the construction and maintenance of schools and health posts would cease [Ditshwanelo 1996]. The justification that the officials used for this position was that it is too expensive to provide services to such a remote and widely scattered population.

At the time that the government of Botswana was attempting to encourage people to leave the Central Kalahari, individuals were offered cash compensation for some of their physical assets, mainly their homes. While there were widespread rumors concerning the large amounts of compensation that would be provided (including enough "for a new four wheel drive vehicle,") the payments made were at most a few thousand Pula (around US\$1,000 at that time). Given the resources that people had to give up if they moved out of the reserve, these amounts were, according to local people, far below those that would be required to re-establish themselves at a level at least equivalent to what they had while living in the reserve.

In 1998, it was decided by the government that Special Game Licenses would be issued in some districts only to those communities that chose to become involved in community-based natural resource management projects. In order to qualify for the licenses, the communities had to form trusts or companies before could apply for the wildlife quota for their areas. The problem was that the process of forming and registering these trusts is complex. As of 1998, there were only two

remote area communities which had qualified for government recognition: (1) |Xai|Xai in western Ngamiland, which has the |Xai|Xai (Cgaecgae) Tlhabololo Trust, the members of whom are predominantly Jul'hoansi San, and (2) Ukhi in western Kgalagadi District, which had a quota management committee and subsequently the Ngwaa Khobee yeya Trust, the members of whom are predominantly !Xo (!Ko) San along with some Bakgalagadi. In the case of |Xai|Xai, the wildlife quota was issued so late in the season that people were only able to obtain four large antelopes. The people of Ukwhi were issued Special Licenses but again, these were given to them so late in the year that they went months without the legal right to hunt.

By 1999, people in some communities in which there were sizable numbers of San were seeking to establish community trusts under national-level conservation legislation [Republic of Botswana 1986, 1992]. In 1999, the distribution of Special Game Licenses was done only in Ghanzi District, although the numbers of communities where this was done was substantially reduced. It was only in the Central Kalahari Game Reserve where people residing in communities that had not been relocated in 1997 received sizable numbers of Special Game Licenses.

In March, 2000, the government of Botswana issued new *National Parks and Game Reserves Regulations* [Republic of Botswana 2000a]. In these regulations, it was noted in section 45.1 that "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 animal species and collect veld products in the game reserve, subject to any terms and conditions and in such areas as the Director may determine." What this means, in effect, is that Special Game Licenses will no longer be issued to people. Instead people will have to apply in writing to the Department of Wildlife and National Parks in order to obtain hunting rights in the form of a Director's License. How this can be done has yet to be made clear because apparently individual licenses will not be issued, and no means have yet been developed to allocate subsistence hunting rights to people who have rights in the community use zones (CUZs) in the Central Kalahari.

In the meantime, people continue to be arrested, jailed, fined, and deprived of their assets (e.g. horses, donkeys, weapons, bridles, saddles). The San find this situation very upsetting, since they themselves say that hunting rights are a major priority. They frequently ask why the government and the various organizations with whom they work do not listen to their pleas for help on the hunting issue. As one G/wi San man noted in discussions held in Ghanzi in June, 2000: 'Maybe real human rights – which include rights to food and culture – are not really seen as priorities by either the government or the San organizations.'

One of the areas where San organizations have played useful roles is in representing the interests of people who had been arrested. The SNV Natural Resource Management Advisor at |Xai|Xai assisted the 7 Jul'hoansi who were arrested by the Anti-Poaching Unit (APU) near |Du|Da in June, 1995 for having

killed several large antelopes [4 eland and a gemsbok; see Hitchcock *et al.* 1996:197-198]. The San organization First People of the Kalahari played an important role in relation to the case of the 13 men from New Xade who were arrested on July 14, 1999 for allegedly engaging in illegal hunting. In this case, 7 of the men were arrested inside the CKGR in contravention, allegedly, of section 2(3) of the *Wildlife Conservation and National Parks Act, 1992* [Republic of Botswana 1992]. Six of the men were charged with having killed a gemsbok in GH 10, one of the controlled hunting areas in Ghanzi District, sometimes called the Okwa Wildlife Management Area. They were charged with having contravened section 19(3) of the *Wildlife Conservation and National Parks Act*. The men who were arrested had Special Game Licenses in their possession. This raises the question of whether or not the arrest was appropriate. The trial, which was to be held on July 3-5, 2000 was postponed and has yet to be re-scheduled. It should be noted that when the residents of Old Xade in the CKGR were relocated outside the reserve in 1997, they were told that they would continue to be provided with Special Game Licenses to allow them to hunt in the reserve as well as in the Wildlife Management Area in which New Xade is located.

A strategy that some of the San NGOs have pursued has been to work closely with the members of local communities residing in Community-Controlled Hunting Areas to establish community trusts or associations. These community-based organizations can engage in natural resource-based activities including ecotourism (for data on the community trusts in Botswana involved in conservation and development activities that have a majority San population, see Table 2). Natural resource management and utilization will also be allowed in the Central Kalahari Game Reserve in the areas that have been defined as communal use zones (CUZs) in the *Second Draft Management Plan of the Central Kalahari Game Reserve and Khutse Game Reserve* produced by the Department of Wildlife and National Parks [November, 1998], something that San organizations such as First People of the Kalahari hope will continue to be the case.

Most if not all San organizations have indicated their broad agreement with government of Botswana policy on community-based natural resource management [Republic of Botswana 2000b]. They want to get the wildlife quotas for their areas. Under the current CBNRM policy, people can use the wildlife quotas for their own purposes (for subsistence) if they so choose. They also have the option of allocating all or part of the wildlife quota to a private operator such as a safari company. In addition, they can choose to conserve the resources for purposes of allowing the populations to expand over the long term.

In order to get some idea of the options that communities chose, it is useful to examine some cases. One case is that of |Xai|Xai in western Ngamiland (North West District), which established a quota management committee in the mid 1990s and a community trust, the |Xai|Xai Tlhabololo Trust, in October, 1997. The Controlled Hunting Area (CHA) in which the |Xai|Xai people are residing is NG 4, which covers an area of 9,293 sq km. The |Xai|Xai community consists of 400

**Table 2.** Community trusts in Botswana involved in conservation and development activities that have a majority San population

Name of Trust and Founding Date	District, Controlled Hunting Area (CHA), and Size (in sq km)	Composition of Population, Size	Project Activities
Huiku Community Trust (consisting of 2 communities, Qabo and Groot Laagte), 1999	Ghanzi, GH 1, 3,908 sq km	Nharo,   au  ei San, Bakgalagadi, Herero, 1,013 people	ecotourism, craft sales, planning of a campsite and lodge in a nearby fossil valley
Khwaai Community Trust, 2000	Northwest (Ngamiland), NG 18, 1,815 sq km and NG 19, 180 sq km	Bugakwe San, Tawana, and Subiya, 360 people	ecotourism, craft sales, work at safari lodges, auctioning off of a portion of the hunting quota
Mababe Community Trust, 1998	Northwest (Ngamiland), NG 41, 2,045 sq km	Tsegakhwe San, 400 people	ecotourism, leased out some of the hunting quota to a safari company
Nqwaa Khobee Xeya Trust (consisting of 3 communities: Ukhwi, Ncaang, and Ngwatle), 1998	Kgalagadi, KD 1, 12,255 sq km	!Xo San, Bakgalagadi, and Balala, 800 people	safari hunting, craft production, ecotourism
Xai Xai Tlhabololo Trust, 1997	Northwest (Ngamiland), NG 4, 9,293 sq km	Ju 'hoansi San, Mbanderu, 400 people	leasing out of portion of hunting quota, crafts, community tourism

Note: Data obtained from the Department of Wildlife and National Parks, the Botswana Natural Resources Management Project, SNV Botswana, and Kuru Development Trust.

people, most of whom are Ju|'hoansi San (70%), along with some Mbanderu (Herero) (30%) [Hitchcock *et al.* 1996]. In |Xai|Xai, the amount of funds earned in 1995-96 was as follows: hunting: 4 large antelopes (no sales), craft sales: P13,500.00 (60 people as beneficiaries), tourism P8,000.00 (20 people as beneficiaries), consumer goods sales: P600.00, for a total of P22,100.00 [Edwin Ruigrok, personal communication, 1997]. In 1998-99, according to Charlie Motshubi [personal communication, 1999], the figures for |Xai|Xai were as follows:

hunting: P40,000 (beneficiaries: 20% women, 80% men) of the women, 20% were Ju|'hoansi and 80% were Mbanderu. Phototourism: P20,000 (60% women, 40% men). Of the women, 90% were Ju|'hoansi, 10% were Mbanderu. Craft Production: P20,000, 60% women, 40% men, all of whom were San. The total amount of funds generated at the community level in |Xai|Xai in 1998-99 was P80,000.00.

In 2000, the |Xai|Xai Tlhabololo Trust contracted with a safari operator, Bernard Horton, who has been allowed to lease a portion of the wildlife quota (30%) for NG 4. The rest of the quota was set aside by the community trust board for purposes of subsistence hunting and phototourism. The |Xai|Xai trust anticipates getting P2.5 million in hunting returns over the next several years. As of August, 2000, 24 people were employed in such jobs as hunting guides and camp assistants in the |Xai|Xai area. These individuals are able to earn wages in cash for their work, and they are also provided with food and medicine. The community members benefited from the availability of meat from the animals that were obtained by the safari hunters as well as meat produced through subsistence hunting activities. The skins and other products of these animals were used in the manufacture of crafts such as leather bags which were then sold either directly to visitors or to the Kokoro Crafts cooperative which took the products to Maun for sale.

The greatest returns for community trusts in which San predominate are found in two community-controlled hunting areas close to the Moremi Game Reserve in the Okavango Delta region of Ngamiland. Khwaai Community Trust, which was established in early 2000, has rights over two areas: NG 18 (1,815 sq km) and NG 19 (180 sq km). The majority of the 360 people at Khwaai are Bugakwe San, along with some Tawana and Subiya. In an auction carried out in February, 2000, the Khwai community trust was guaranteed P1.6 million for 2000-2001 in addition to other benefits (jobs, food, and other inputs) for the portion of the wildlife quota that they leased to a safari operator. The people of the nearby community of Mababe, the vast majority of whom are Tsegakhwe San (N=400), leased out a portion of their hunting quota for NG 41, an area of 2,045 sq km, for over P2 million over the next five years.

Overall, safari hunting does provide benefits to people, though the greatest benefits appear to go to those communities where there is a community trust which has a lease over the community-controlled hunting area. The funds generated are used for (1) employment of community members, (2) community projects (e.g. health facilities, schools, community centers, and (3) household or individual dividends (cash payments to community members). In the latter case, the Nqwaa Khobee Yeya Trust in western Kgalagadi District, which has 800 people (435 in Ukhwi, 191 in Ngwatle, and 174 in Ncaang), 65% of whom are !Xo San and 35% of whom are Bakgalagadi. This trust divided the benefits among family groups which consist of both kin and non-kin. These family groups also send representatives to the Settlement Committees of each community, which, in turn,

send representatives to the community trust board. One of the intangible benefits of this kind of approach is that it allows for representation, capacity building, and empowerment and among community members.

It is important to note that the returns to local people from commercial and traditional subsistence hunting are greatest in the community-controlled hunting areas where there are representative bodies that have been able to obtain the wildlife quota from the Botswana government. The benefits to community members are lowest in conservation areas such as the national parks and game reserves. In the Central Kalahari Game Reserve, for example, there has yet to be any agreement that local people will get direct benefits from the commercial tourism operations in the reserve, and it is also unclear whether or not people will be able to continue to hunt in the community use zones of the reserve.

It might be argued that there is one major exception to this generalization: the Kalahari Gemsbok Park, the first officially designated transboundary or transfrontier national park in southern Africa. Kalahari Gemsbok Park, which today covers an area of 37,991 sq km, is shared between Botswana and South Africa. While some 1,000 people in three countries (Botswana, Namibia, and South Africa) could potentially claim rights in the Kalahari Gemsbok Park, thus far, only the ǀKhomani San community is currently receiving compensation from the government of South Africa.

The San organizations at the community, national, and regional levels all maintain that any decisions about natural resource planning and subsistence and commercial hunting should be based on careful analysis of the resource base, the social, economic, and political situation, and on detailed consultations with local people about their needs and aspirations. They want to make sure that the following rights, among others, are recognized: residential rights, hunting rights, gathering rights including commercial rights of veld (wild plant) products, water rights, grazing rights, arable land rights, rights to do business, and cultural rights (e.g. rights to visit graves, rights to practice traditional ceremonies). They have called for particular attention to be paid to security rights and subsistence rights as well as the right to development [for a discussion of these kinds of rights, see Barsh 1991; Milner, and Leblang 1999]. Security rights include the rights to be free from torture, execution, and imprisonment, or rights relating to the integrity of the person. This set of rights is especially important in light of the frequency of allegations of alleged torture and mistreatment of suspected "poachers" by game scouts and other government officials in Botswana, especially in the Central Kalahari Game Reserve [Mogwe 1992; Hitchcock and Masilo 1995]. Subsistence rights are those rights related to the fulfillment of basic human needs (e.g. water, food, shelter, and access to health assistance and medicines). The denial of the right to hunt and gather, according to some people, is an example of restrictions placed on subsistence rights. The San full well the need for conservation of wildlife, plants, and other resources. At the same time, they feel that they should be able to exploit resources as long as they do so sustainably. There are examples of

San communities and associations that have sought actively to restrict the exploitation of certain species and to set limits on the numbers of animals and plants exploited, as seen, for example, in western Ngamiland and the Nyae Nyae region of Namibia [Hitchcock *et al.* 1996]. There are also instances in which social pressure was brought to bear on people to stop exploiting resources that the community felt were in short supply.

The question remains whether or not those people who in the past considered hunting to be part of their heritage will be able to obtain wild animals or whether they will have to turn instead to other ways of earning their subsistence and income. Those San who have opted to move into tourism operations, for example, have often found themselves at the bottom of the socioeconomic ladder, getting jobs as cleaners and waiters but not as company managers. It should come as no surprise, therefore, that the San have sought to organize themselves and to seek ways in which to ensure their subsistence and security rights. One way that they have done this is to seek legal counsel. Plans have been made for legal claims to be made to large blocks of land, including the Central Kalahari Game Reserve. They have also engaged in direct action, blockading roads and preventing tourists from entering national parks in an effort to underscore their plight. Judging from their comments to people with whom the San interact, the members of San communities in general favor peaceful means of dealing with land and resource rights issues. The future of the San depends very much on their ability to convince governments, international agencies, and environmental groups of the importance of economic rights, which they see as a matter of cultural as well as physical survival.

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## Narratives of Identity and Assertions of Legitimacy: Basarwa in Northern Botswana

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For many Basarwa in Botswana, the introduction of the Community Based Natural Resource Management (CBNRM) Programme has provided a context in which rights to land and wildlife can become publically debated and contested. Based on the assumption that decentralisation of management over natural resources will provide local benefits, and thus encourage their conservation, CBNRM has, over the last five years, been introduced to many of the most rural areas of Botswana – areas in which Basarwa often comprise a significant proportion of the population. CBNRM raises issues that are central to the situation of many Basarwa, particularly its promise to reverse the trend of alienation from land, wildlife and natural resources. These are debates in which expressions of identity by Basarwa often play an essential role, particularly as a means of legitimising rights of access to resources. This paper places expressions of identity by Basarwa within the wider contexts of debates over CBNRM, as well as dominant conceptions of Basarwa as people who lack *molao*, or 'law'. In doing so, I argue for new ways of conceptualising and understanding Basarwa identity and ethnicity.

The research upon which this paper is based was conducted over fifteen months in three villages in the northern sandveld of Nagmiland, Botswana: Gudigwa [pop. 650], Khwai [pop. 360], and Mababe [pop. 290] (Figure 1). The residents of Gudigwa and Khwai call themselves Bugakhwe, and those of Mababe refer to themselves as Ts'exa. Bugakhwe and Ts'exa are northern Khwe-speakers, and comprise two of the more than ten language groups in Botswana that are encapsulated by the label Basarwa (or San or Bushmen). Although the main focus of my fieldwork was on the dynamics of 'development' as reflected in CBNRM [Taylor 2001], I dwell in this paper on narratives of identity, and how these are often related to legitimising access to natural resources. In my analysis of identity, I suggest that hunting and gathering is important in understanding Basarwa identities, not because Basarwa represent leftovers of a prehistoric way of life, but because *contemporary* contexts make 'hunting and gathering' an important label of self-designation by Basarwa in certain contexts. In other words, the salience of hunting and gathering today is more as a *symbol* that carries meaning to both Basarwa and their neighbours in the contemporary political economy of Botswana, especially considering experiences of dispossession and alienation from land and