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TRADITION, SOCIAL JUSTICE AND LAND REFORM IN CENTRAL BOTSWANA¹

ROBERT K. HITCHCOCK

INTRODUCTION

A close relationship holds between the goals of development planning and the notions that planners have of what already exists. Hand in hand with certain goals go appropriate notions of the *status quo*. Aiming to “modernise” for the sake of increased productivity, conservation of natural resources, and a fairer distribution of wealth, planners presuppose the existence of the “traditional” as the negative condition that has to be changed. It might be thought that an understanding of the *status quo* or the traditional condition comes first, before the choice of goals. But that is not always so. Information is often fundamentally incomplete or ignored when decisions about policy have to be made by planners. Hence they rely on their goals to guide their thinking about what already exists. In such circumstances, modernising planners reinvent the traditional as a negative stereotype; they derive it from their goals, rather than the other way round. The difficulty is, however, that their plans, when implemented, encounter the cultural realities of the continuing social arrangements. Unintended consequences result, or worse still, radically unacceptable ones. The overall pattern is familiar in nationally planned development: the reform designed by planners at the centre gets subverted by people at the periphery, and a gross disjunction arises between the policy as it is officially formulated and the policy as it can effectively be applied.

The agrarian reform now being implemented in Botswana is an important and highly revealing example of planned social change. It has been described by one of Botswana’s planning officials as “probably the most open and comprehensive land reform programme being undertaken anywhere in the world at this time” (Von Kaufmann 1978: 225). This programme, known in Botswana as the Tribal Grazing Land

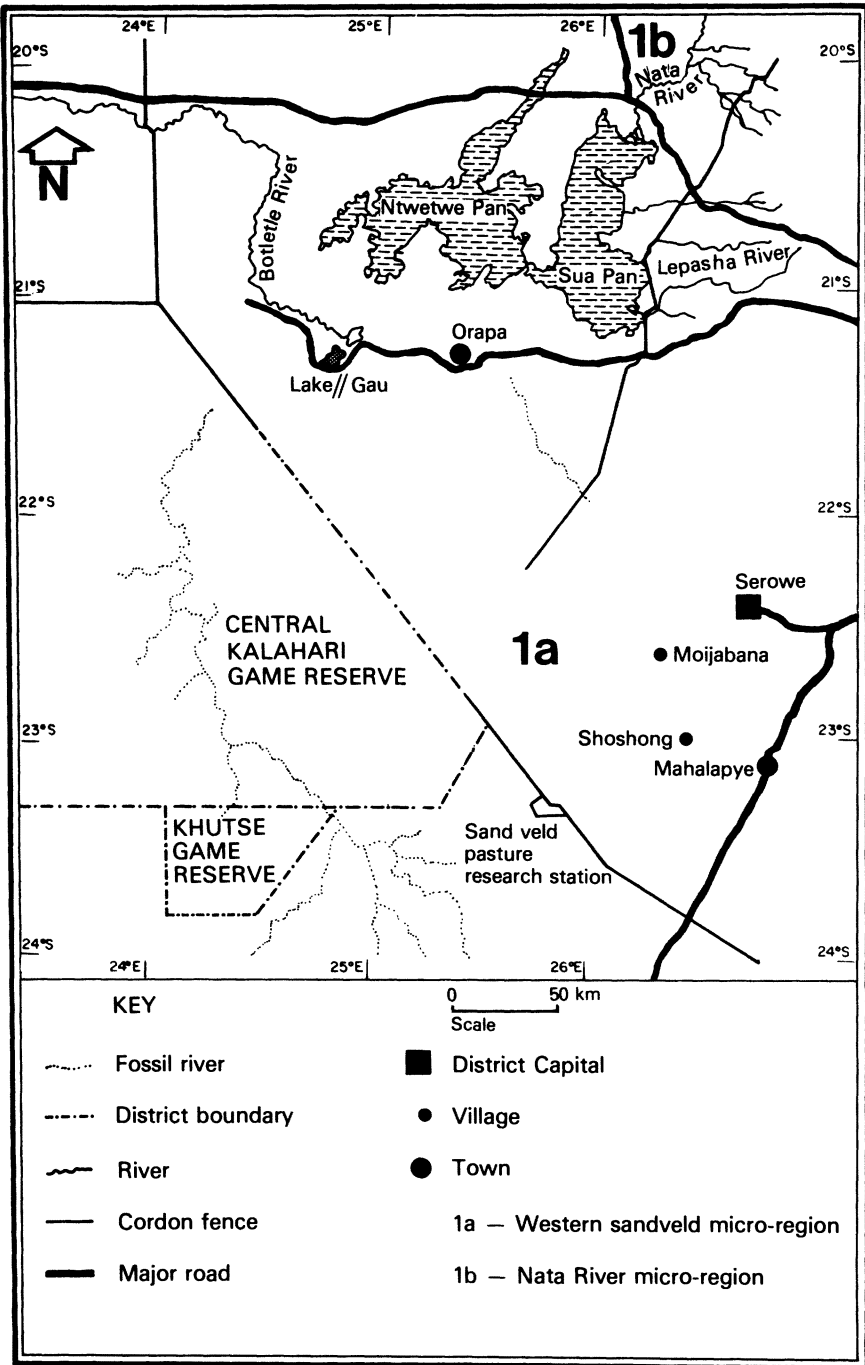
¹ The ethnographic and archival research upon which this paper is based was carried out in 1975–76 and 1977–79. The initial research, much of it in the Nata River micro-region, was supported by grants from the U.S. National Science Foundation (grants SOC75-02253 and BNS76-20373), as well as one from the then Basarwa Development Office, Ministry of Local Government and Lands, administered through the Central District Council, Serowe. Most of the information on the Western Sandveld micro-region and the Tribal Grazing Land Policy was obtained during the course of a consultancy for the Ministry of Local Government and Lands, Government of Botswana. I am most grateful for the financial and logistical support which I received. I would like to thank the residents of the Nata River micro-region and the east-central Kalahari for sharing their ideas and information with me. I am indebted also to the following, among others, for suggestions about land use, tenure, and reform in Botswana: Gakemodimo Mosi, Milane Manyaki, Josias Chwaochu, Elizabeth Wily, Jonathan Jenness, Alec Campbell, Timothy Greenhow, Eric Yaxley, Des Berry, Axel Thoma, Malebogo Oabile, Claus Riexinger, Mac Odell, Malaki Tshweneyegae, Carol Kerven, Jackie Solway, Edwin Wilmsen, Ted Field, Helga Vierich, S. G. Masimoga, Jim Ebert, Melinda Ebert, Jape Ntuane, Sethoni Madikwe, Festus Dikgale, Dennis Blackbeard, Susan Wynne, John Holm, Jack Parson, and Richard Werbner. The responsibility for the ideas contained herein, and of course any errors, is mine alone.

Policy—which I refer to as the Grazing Policy—has three major goals: (1) to improve range management and prevent overgrazing and further environmental degradation, (2) to bring about a greater equality of rural income, and (3) to foster growth and commercialisation of the livestock industry (Republic of Botswana 1975: 1). The government's White Paper (No. 2 of 1975) maintains that the best method of achieving these goals is through changing the traditional system of land tenure in the tribal grazing areas from what is essentially a communal system to one of private leasehold.

It appears as if the planners have a clear notion of the traditional system that must be changed. But it is striking that the features most often mentioned are negative; a *lack* of something or a condition somehow *unrestricted*. Above all, government reports insist that the traditional system of land tenure is structured in such a way that individuals lack the incentive to conserve the range. The Grazing Policy White Paper, for example, describes the traditional system as a “free for all”, and says that under a communal management system it is not in anyone's interest to prevent overgrazing (Republic of Botswana 1975: 5). A government proposal to the World Bank for funding of a large-scale livestock project describes the present land use system as one in which “tribesmen could graze unrestricted numbers of livestock anywhere they chose” (Government of Botswana 1976: 1). The suggestion is that the tribal territory was not managed carefully because it was supposedly not divided: “whole tribal areas are impossible to manage as single units” (Von Kaufmann 1978: 257). Similarly the point is made that grazing land was not fenced and therefore productivity in the traditional system of cattle posts was not high: productivity on fenced ranches was supposedly higher (see especially Animal Production Division 1976: 35, Table 14 and 1977: 25, Table 1). Implicitly, a further negative feature is also often maintained. Vital innovation is taken to be absent from the traditional system; it is static or worse, and this is a reason in itself for replacing the traditional with something modern and thus dynamic.

All of these features along with their supporting assumptions are questionable. Indeed, in my view they are mistaken as a description of tribal land tenure, past or present; and I propose to demonstrate not merely what are the actual features and how they have developed, but also what are the likely consequences of the government's planned social change.

I begin my discussion with an historical account of the past. This shows, among other things, how certain rights in productive zones were connected with political expansion and stratification, and how private interests developed in water resources. The current boom in production for the world beef market is, of course, a very recent phenomenon. But the expansion of cattle-keeping is a long-term trend, and it is important to see large-scale commercialisation and the planned development of ranches in the perspective of history as one immediate change connected with a whole sequence of others. Increasingly, from the mid-eighteenth century pastoralists have penetrated further and further into the Sandveld and the other semi-arid areas in and around the Kalahari. In various ways, they have incorporated diverse people, some even later immigrants, others indigenous, including numerous bands of hunter-gatherers. Tribal



Map 1: Two micro-regions in central Botswana

boundaries were stabilised and legitimised under British colonialism. during the period of the Protectorate, and a total displacement of incorporated people was neither desired nor lawful under the colonially authorised tribal law. Botswana's independence as a nation did not bring with it an end to the state recognition of tribal divisions; on the contrary, the tribe was upheld as the authorised unit of land administration, and being a tribesman continued to be the basis for rights to land. But Botswana's independence did bring with it the possibility of planning new, commercial forms of land management such as leased ranches, and thus the possibility of regarding incorporated people as "squatters" to be displaced for the sake of large-scale commercialisation.

Botswana's Central District is, in many respects besides mere geography, at the very heart of this transformation and the government's planned social change. Within it in the east-central Kalahari is the largest proposed commercial area, the micro-region of the Western Sandveld, which is regarded as having a special importance for the chiefly family of Botswana's first President, since it was his grandfather's personal hunting ground. Given the economic and political centrality of this District and its dominant Ngwato tribe, I focus my discussion on it, while I attempt to relate my observations within it, especially of two separate micro-regions (the Western Sandveld and to the north, the Nata River), to a wider, national context. (See map 1.)

BASIC RIGHTS AND PRODUCTIVE ZONES

There are two principles upon which the Ngwato and, indeed, all Tswana tribal land tenure is based. The first principle is that all members of the tribe are entitled to land. Not only was this true in the past (Schapera 1943a: 149), but the right to land has been reaffirmed in Botswana's *National Development Plan* (Ministry of Finance and Development Planning 1977) and in a recent White Paper (Republic of Botswana 1975: 4). The second principle is that individuals are not allowed to own land. As Schapera (1943a: 46) puts it, "In every instance, the possessor of land is entitled merely to its use, and not to absolute ownership", and he goes on to say that "in Tswana law, land cannot be bought or hired" (Schapera 1943a: 149).

The land was tribal territory, and it was apportioned to social units, usually wards, (on the Ngwato "ward", cf. Schapera 1940: 58) by the chief. Land was allotted in order to meet a variety of needs, including land for residences, crop production, and livestock grazing. The tribal territory was divided into blocks, each of which had an overseer who was sometimes a ward-head or at other times was an appointee of the chief.

Not all land was divided up according to ward affiliation. Large blocks of land distant from the residential and arable areas were turned into grazing areas for livestock. These pastures were divided into grazing districts, *dinaga*, which were allocated to several wards, and an overseer was appointed to oversee the land. Until recently, grazing districts tended to remain more or less fixed, with changes in the overseers and occupants of the districts rather than in their location (Schapera 1943a: 225). Grazing was controlled and efforts were made by overseers to ensure that cattle posts were not too close to one another. In addition to the grazing districts, there were also hunting areas, some of them in the Kalahari

Desert beyond the pastoral zone. The land use system which developed among Ngwato and other Tswana tribes was, therefore, one of productive zones surrounding major villages. Nearest to the centre were the fields. The next zone beyond the arable area was the grazing area, which shaded into the outer zone where hunting was carried out. Allocation patterns differed somewhat in the various zones, with the residential and arable areas being divided up according to ward affiliation, the pastoral zone being divided into blocks used by several wards, and the hunting zone not being allocated to tribal social units at all, except for areas reserved for the chief.²

There were no private rights to hunting areas. Permission to hunt game in certain areas had to be sought. According to Schapera, "Among the Ngwato and other tribes bordering on the Kalahari Desert, the cattle post districts are to some extent regarded also as hunting districts, in that normally only the people using them will hunt there" (Schapera 1938: 211). Moreover, hunting of any type, except specifically for the pot, was forbidden in the area between Serowe and Rakops (i.e., the Western Sandveld micro-region). By the latter part of the nineteenth century the personal cattle posts of the chief, Khama III, were to be found in the Nata River micro-region and his personal hunting grounds were in the Western Sandveld. These two areas, therefore, were intimately connected with the Ngwato chiefly family, and decisions made about land allocations involved the chiefs and their relatives. The people living in the Nata area all said they "were the people of the chief", meaning that they cared for the cattle belonging to the chiefly family.

POLITICAL EXPANSION AND STRATIFICATION

The land allocation system in the tribal territory of the Ngwato could not be separated from the socio-political system. People were given access to land and resources on the basis of their position within the structure of the tribe. As the Ngwato tribe expanded, processes of incorporation resulted in the addition of many non-Ngwato groups. These groups were often allowed to stay in the areas they inhabited, and land allocations were left to their hereditary headmen. Later, however, district governors were appointed in order to make the administration of the tribal territory more efficient.

It is important to stress that the districts created in the nineteenth century were essentially a rendering in more concrete form of already existing groupings based in part upon variations in ethnicity, land use practices, and topography. The Bokalaka District, for example, fell mainly in the high-veld of north-eastern Botswana and was occupied by Kalanga whose livelihood was derived primarily from crop production.

² In either the 1930s or 1940s Tshekedi Khama, then regent of the Ngwato, declared the area from Titire west to Daokoma and south to Mothatse as a "chief's area". Previously, it was a grazing area belonging to the Pedi of Tlhabala under their headman Lerumo Poomore. It is likely that Tshekedi first contacted Lerumo before reserving the grazing for chiefly cattle, although some people there maintained that the chief's or regent's decision by right overrode local grazing jurisdiction. In any event Tshekedi himself moved few if any cattle into the area; instead, it was his nephew Seretse who brought cattle from his cattle posts at Nata and established them around boreholes in the district now known as Gokgosing.

with a lesser dependence on pastoralism. It would be difficult, if not impossible, to understand land tenure and use patterns in the Ngwato tribal territory without having at least some idea of the backgrounds of the various groups occupying its districts.

The social system was stratified, with four different strata making up the tribe. At the apex of the political system was the chief and his family, who, along with other royal relatives, were known as *digkosana*. The next level was made up of *batlhanka*, a term literally meaning "servants" but used here to refer to commoners who were absorbed either through conquest or voluntary submission. The third level was comprised of foreigners, known as *bafaladi* (literally, "refugees"), most of whom lived in areas outside the tribal capital. The lowest level was that of the *malata*, (serfs), many of whom were members of ethnic groups generally held in low esteem.

As the Ngwato chiefdom expanded into more and more remote areas, there was increasing contrast with groups of hunter-gatherers and small-scale pastoralists, primarily Sarwa and Kgalagadi. At first these people were used as guides and hunting assistants, but later they were used as labourers both in the households and on the cattle posts of the Ngwato royalty and prominent commoners. The Sarwa and Kgalagadi, among others, became the *malata*, (serfs) and thus made up the lowest level of the Ngwato social system. Tlou (1977) has drawn a distinction between "voluntary clientship" and serfdom. Under voluntary clientship, immigrants were given civic and property rights, whereas under serfdom resident aliens had no such rights. They were denied ward membership, being attached instead to individual households which passed the serfs down from one generation to the next. They had no access to the courts so there was little chance for redress of wrongs. Perhaps most significant was the fact that in the nineteenth century, prior to reforms by Khama III, serfs were not allowed to own their own property, including land and livestock (Tlou 1977: 384-385). However, it is not clear to what degree the serfs were prevented from participating in tribal activities. Schapera (1938: 252) maintains that Sarwa serfs had no voice in public affairs and were even barred from membership in age-regiments (*mephato*) (see also Tlou 1977: 386). A number of my informants from the Nata micro-region, on the other hand, told me that they did indeed belong to age-regiments and that they participated in public works projects, such as road building. There were some wards consisting entirely of Sarwa (Schapera 1952: 83-84), but these were very few, at least in part because Sarwa groups lacked headmen of their own. Although by and large Sarwa were not granted land on which to plant crops, Joyce (1938: 66) quotes Tshekedi, the Ngwato regent, as saying that any Sarwa who wished could come to him and be given land on which to plough. In practice, however, it appears that even today Sarwa have a very difficult time being allocated land, and I return to this point later.

The long-standing tradition of serfdom in Botswana has contributed to the attitude currently held by some, which maintains that a segment of Botswana society lacks rights to land and property. In the nineteenth century, when blocks of land were ceded to leading tribesmen by the chief, the people on that land became the rightful property of the land holders. But before the turn of the century Khama had declared the serfs to be free to own their own property (Schapera 1938: 252, 1943a:

261–262, 1943b: 84, 1970: 87–90). Later, the Protectorate Administration declared slavery unlawful, but as Hermans (1977: 55) has stressed, by and large the attempts of the Administration to deal with the issue were done on an *ad hoc* basis. Thus, even though labour without recompense was declared illegal in the 1930s, I found that Sarwa were still working for no pay in the Western Sandveld in 1977–78 (Hitchcock 1978a: 317–318).

THE MODIFICATION OF TRIBAL LAND TENURE

Modifications in the system of land tenure came about both because of changing land use practices and specific directives by tribal authorities. Given the principle that land could not be bought or rented, the only ways people could obtain land were: (1) allotment by tribal authorities, (2) inheritance, or (3) borrowing from another tribesman. In addition, people sometimes gained access to previously unallocated land by going to the chief and requesting it. If the individual's need and status (i.e., either a royal, *kgosana*, or important *mothanka*), was considered great enough, and he was of sufficient status within the tribe, he might be granted an area within which to keep his livestock. After that he was considered the overseer (*modisa*) of the area and others who wished to use the land had to come to him for permission.

As the fortunes of an individual ward changed, such as when its headman died or all its cattle were decimated in a drought, the chief and other tribal authorities responded by reassessing the claim of that ward to land. If the ward was considered too poor, then another ward might be given some of the land on which to grow crops or graze livestock. Changing social and economic circumstances of wards, combined with the practice of sometimes granting land to non-ward members, resulted over time in a blurring of ward boundaries and a mixing of claims to specific areas. The gradual breakdown in ward association with specific blocks of land has, in turn, affected the efficiency of land supervision. If an overseer of a grazing area died without a son to succeed him, the office might shift into the hands of an unrelated person. A kind of positive feedback resulted in less and less land being granted to the original ward-members, and the process of ward disintegration speeded up. Today there are relatively few areas which belong solely to individual wards without some non-ward members having customary rights there.

Changes in customary land rights are perhaps most marked in grazing areas. Whereas many arable areas are still designated by the names of the wards which now have jurisdiction over them, this is not the case with grazing districts, in part due to increases in herd sizes. Schapera (1943a: 218) mentions that ideally all ward members kept their livestock at a single cattle post. As herd sizes grew, however, this was no longer possible, and additional cattle posts had to be established. In addition, one reason for keeping all the animals together was for protection against cattle raiding, but systematic cattle theft has decreased markedly in the past century. The communal type of cattle post is now relatively rare, both in the Western Sandveld and in other areas (Hitchcock 1978). Moreover, in the Western Sandveld virtually all of the grazing districts contain cattle posts belonging to people of wards other than those which were originally allocated them. I have also been told by former grazing

district overseers now living in Serowe that a fairly substantial proportion of the grazing districts contain none of the cattle posts of the wards traditionally named as utilising the areas.

THE DEVELOPMENT OF PRIVATE INTERESTS IN WATER RESOURCES

The digging of a well or, later, the sinking of a borehole was one way that individuals could gain certain private rights over specific areas within grazing districts. By right, all open surface waters, including sand rivers, pans, and springs, were considered tribal property; all members of a ward could utilise these waters within their ward's areas. It was also customary to allow travellers passing through an area to use the water both for themselves and their animals. If, however, a person wished to dig a well, he had to seek permission from the overseer of the area, or, if the area was not yet allocated, from the chief. The individual also had to seek consent from the other users of the area, who could refuse him permission if the livestock were already too many. This permission-seeking process can be viewed as one more way by which grazing was controlled in tribal areas.

Whereas surface waters were communally owned, with anyone who wished to do so obtaining water freely, this was not the case with water obtained through modification of the landscape. Tapping of sub-surface water by digging a well or controlling surface water through constructing a dam gave the individual responsible sole use rights over that water. It should be stressed, however, that water was not "owned" by individuals, and it could not be sold, at least among the Ngwato. The chief could still place restrictions on how water was to be utilised; Khama III, for example, decreed that the water in the Metsemasweu River in Serowe could be used only for domestic purposes and not for the watering of livestock. Nevertheless, although the use of water was controlled to a certain extent by tribal authorities, Ngwato law did give a kind of implicit recognition to private rights.

The technological innovation of borehole drilling was of major significance for the development of the Ngwato land tenure system. The provision of new and abundant water supplies in grazing districts resulted in a further breakdown of traditional patterns of ward segregation, and the larger number of water points facilitated the expansion in livestock numbers. At the same time, the cost of drilling was prohibitive, and only the rich could afford the luxury of having their own boreholes. A highly illuminating statement was made by Schapera along these lines when he made the following observation:

"People wishing to use those (boreholes) in the grazing districts must pay a special fee, and the number of cattle allowed to water at each is limited according to the quality of the surrounding pastures. These 'tribal' supplies are therefore not 'common property' in the same way as are rivers, pans, and some dams. Their use is more rigidly controlled, and the payment demanded for it discriminates against the poorer people" (Schapera 1943a: 249).

Areas such as the Western Sandveld, which up until 1940 had only hand-dug wells, were now subject to having the grazing land opened up to large numbers of cattle. Those individuals who had acquired rights

through the establishment of water points now began to see some of their land usurped by wealthy cattle owners who had the financial means to take advantage of the new technology.

Whereas in the past cattle were brought to the Western Sandveld from the east only seasonally, with the introduction of wells and boreholes the livestock could stay in the Kalahari year-round. The increased stocking rate began to result in serious environmental degradation in the vicinity of the boreholes, since the pasture was now grazed permanently rather than seasonally. At the same time as the livestock numbers expanded, the ownership of boreholes moved increasingly into the hands of a limited number of wealthy livestock owners. Unlike the Kgatla District where most of the boreholes are owned by syndicates, private ownership, often of more than one water source, has been characteristic among the Ngwato. In the Western Sandveld two major drilling efforts were undertaken, both financed by the government. One of these drilling programmes was carried out in the Lebung Pan area in 1958, financed by a grant from the Colonial Development and Welfare Fund (Hitchcock 1978a: 158–159). The second drilling programme was undertaken in the Makoba area as part of the drought relief effort in 1965 (Hitchcock 1978a: 158 and Fig. 6.3, p. 161). Over 40 per cent of the boreholes in the region for which I was able to obtain data on drilling dates were sunk in these two periods (Hitchcock 1978a: 162, Table 6.4). Although many of the boreholes drilled in the Western Sandveld were done at government expense, nearly all of them are now in private hands.

The Nata River micro-region had a somewhat different history from that of the Western Sandveld. While this part of the eastern Kalahari shifted from a hunting area to a grazing area, the Nata micro-region underwent a change from a grazing district belonging to the Ngwato royal family to one which came increasingly under the influence of the Kalanga, who have a distinct land use pattern. The Nata micro-region was always seen as a kind of grazing reserve. Werbner (1975: 97) has pointed out that wealthy Kalanga cattle owners, in drought periods, are forced to move their herds out of the high-veld areas, shifting some of them to the middle-veld and others to the state lands. Very wealthy cattle owners keep their herds year-round in areas distant from their homes. In the 1960s and early 1970s, as cattle belonging to the Ngwato royal families were withdrawn from the Nata area, Kalanga herds replaced them. Some Kalanga had been in the area prior to that time, but Tshekedi in at least one case had their houses burned, because by a tribal decree they were not allowed to graze cattle in the micro-region. Cattle were watered from wells dug in the sandy bed of the river, although a few of them were watered from hand-dug wells and boreholes. By the mid-1970s people in the Nata micro-region said that what amounted to a rush for land was occurring, with more and more Kalanga bringing cattle to the area. The major difference between the Western Sandveld and the Nata micro-region was that in the former case, people were gaining *de facto* use rights over grazing through the establishment or take-over of boreholes, while in the latter case cattle owners were using what were still considered to be communal waters and thus were not acquiring prescriptive rights over the area.

The expansion in the numbers of livestock and water sources, not only in the Nata and Western Sandveld micro-regions but in the entire tribal

territory, had the same result: an increase in grazing pressure and, in some cases, severe environmental deterioration. More and more statements were heard which held that unless something was done, serious problems could result. At meetings of the Native Advisory Council in the 1930s, for example, the chiefs and others frequently deplored the deteriorating grazing conditions in the tribal reserves. The Protectorate Administration attempted to take at least a minimum amount of control of land management by issuing a proclamation (The Native Administration Proclamation, No. 74 of 1934). Later, in 1938, the Resident Commissioner, at a meeting of the Native Advisory Council, issued a minute on water development which stated, in effect, that the chiefs had the right to establish limitations on the numbers of animals using tribal water supplies. In practice, however, these proclamations had little, if any, effect on the way grazing lands were used.

NATIONAL POLICY AND CHANGE IN THE CENTRAL DISTRICT

By the time Botswana became an independent country in 1966, the problems of range deterioration were severe in the country as a whole, and not only among the Ngwato and in the Central District. At the same time, there was pressure to undercut the authority of chiefs. Botswana had become a parliamentary democracy, and it was argued that democratically elected representatives should be the ones to decide about the allocation of land. As a consequence of these and other pressures, two major developments followed: first, the introduction of Tribal Land Boards, which went into operation in 1970; and second, the launching of the Tribal Grazing Policy in 1975 (known in the "development-speak" current in Botswana as the TGLP, but to be referred to here as the Grazing Policy). My discussion of these developments focuses on their implications primarily for the Central District and, in particular, the regions of the Western Sandveld and the Nata River. In due course, I will consider the consequences of the fact that the planning initially took no account of hunting and gathering as a valid form of land use and ignored or later rejected hunter-gatherers' rights.

The introduction of the Tribal Land Boards transferred authority over land to a body of elected and appointed members, with the Tribal Authority as an *ex officio*, non-voting member. There has not been a complete break with the past, since statements by ward-heads and other local representatives are relied on by the Tribal Land Board at the District capital and by the 11 Sub-Land Boards in the various parts of the District. Village headmen have rarely been refused land applications, and in some cases have actually been granted land over the strenuous objections of other people, for example, in the case of a large lands area allocated within the grazing region west of Mosolotshane. The difficulties that Land Boards have had in establishing their legitimacy in the eyes of the people of Botswana have been noted by Temane (1977a: 13), and this sentiment is echoed in many statements at government meetings such as the National District Development Conferences.

The major difference between the lower and higher level boards is in the allocations that each can make. The Sub-Land Boards may grant

land for residential and arable purposes but not for grazing. Only the Ngwato Land Board is permitted to handle applications for boreholes. Thus, applications for grazing land in the Western Sandveld are handled by the Ngwato Land Board, while the Sebina Sub-Land Board deals with most of the applications for land in the Nata River micro-region, a point which underscores the different ways in which the Ngwato view land use in the two areas. Four Sub-Land Boards allocate land in the Western Sandveld micro-region, Rakops, Letlhakane, Serowe, and Shoshong, while the Sub-Land Board for the Nata River micro-region is based at Sebina in the Bokalaka area.

The second major development, the launching of the Grazing Policy, came after the government commissioned a *Report on Rural Development* (Chambers and Feldman 1972). This suggested various reforms, with a basic proposal to create several different categories of land under different patterns of tenure (Chambers and Feldman 1972: 133–134). Attention was also paid to the hazards due to the increasing numbers of boreholes in the Central District's grazing areas. The government accepted many of the recommendations in the Report (cf., White Paper No. 2 of 1973; Republic of Botswana 1973), and it became the basis for Botswana's National Policy on Tribal Grazing Land (1975).³

Sir Seretse Khama, the President of Botswana, made a speech announcing the new land development policy on 14 July, 1975. He pinpointed two major areas of growing governmental concern: first, the deterioration of the country's grazing resources, and second the increasing gap between rich and poor (Sir Seretse Khama 1975: 2). The way to reverse these trends, the President argued, was through the introduction of a new system of land tenure which would facilitate an improvement in range management. The policy involved a fundamental change in the existing system, and it was critical that all Botswana understood its implications. The government White Paper (No. 2 of 1975) setting forth the policy was published at the same time (Republic of Botswana 1975) and it also argued that there was need for a new kind of land management system, one which granted private leasehold rights to individuals, on a commercial basis. Only in this way, the White Paper held, would people have sufficient incentive to improve systems of range and livestock management: "Unless livestock numbers are somehow tied to specific grazing areas no one has an incentive to control grazing" (Republic of Botswana 1975: 1). Not only would private leasehold rights over specific areas be necessary, but so, too, would fencing.

³ Because of its relatively recent declaration, there have been relatively few attempts to document the history of the Tribal Grazing Land Policy. Most of the papers about it that have appeared thus far have been written by people directly involved either with implementing the policy (e.g., Greenhow 1976, 1977a, b, in press; Jenness 1977a, b; Von Kaufmann 1978, Willett 1978) or evaluating some of its potential implications (e.g., Odell 1976; Wily 1977a-d; Hitchcock 1976, 1977a, b, 1978a, 1979a; Field 1977). Few assessments of the Policy have been published outside Botswana, one exception being Moody's (1976) discussion. A few in-house reports have appeared, including one for the World Bank (International Bank for Reconstruction and Development), which was an appraisal of the Botswana Government's Second Livestock Development Project (Livestock II). A non-government report on the policy which contained some articles by individuals who were directly involved in its implementation, was published by the National Institute of Research in Gaborone (Weimer 1977).

The Grazing Policy stated that the tribal land should be divided into three different types: (1) commercial, where individuals would be given exclusive rights to areas of land; (2) communal, where the customary tenure system would remain; and (3) reserve, which would not be allocated but instead set aside for the future. In the commercial areas, leases would be granted to individuals, and rents would be payable. The policy held that grazing pressure could be relieved in the already overcrowded communal areas through the removal of large herds to the newly established commercial ranches. Also, rules were to be laid down concerning land use, including the setting of livestock limits in the communal areas. Individuals with too many cattle would be required to move to commercial ranches (Republic of Botswana 1975: 11, Paragraph 40a). The Policy's objectives included encouraging people to fence in the commercial areas, as well as promoting group ranching and controlling the amount of tribal land occupied by an individual (Republic of Botswana 1975: 12, paragraph 41). It is important to note that the leases which were to be granted to individuals in commercial areas would come under section 21 of the Tribal Land Act (Republic of Botswana 1970: 10-11) and would be issued as common law leases, as opposed to customary law.

The Grazing Policy recognised that Land Boards, which were to be the bodies to implement the new system of land allocation, were in need of technical assistance and advice and that they required strengthening (Republic of Botswana 1975: 16, paragraph 49). In the Central District, unlike most of the other districts in Botswana, there was already a Land Board Technical Advisor, as well as two District Officers who assisted the Ngwato Land Board in planning activities. Part VI of the policy laid out the steps to be taken in implementation. Surveys were required prior to the zoning of the land. District planning personnel were to play an integral part in both the preliminary surveying and the later allocation process.

One of the White Paper's directives for Land Boards was as follows: "Decide how much land is left for commercial development *after* taking into account communal, reserved, and national needs" (Republic of Botswana 1975: 11, paragraph 38e). Reserved areas, the policy argued, were to be "safeguards for the poorer members of the population" (Republic of Botswana 1975: 7, paragraph 27). The policy went on to state, however, that "Areas where people already have control of blocks of land, such as sandveld cattle posts, will be classified commercial, unless there is a specific reason for including them in communal zones" (Republic of Botswana 1975: 11, paragraph 37b). Nevertheless, even before the zoning was completed, nearly all of the land was declared either commercial or communal, although some areas were not zoned "pending further investigation". Most district planning personnel intend, once the investigations are completed, to turn the unzoned areas into either commercial or communal land as well. There are virtually *no* reserved areas planned under the Grazing Policy, although some people consider the proposed Wildlife Management Areas to be a kind of reserved land. Thus, whereas commercial land was supposed to be a residual category, zoned only after other kinds of needs were met, it turned out that designating commercial zones was a major target of the zoning exercise. The "safeguards", the land which was to be reserved for use "by those

who have only a few cattle at present", were dispensed with in the zoning process.

The Policy's planners had assumed that there were vast areas of uninhabited pasture land into which ranches could expand. Maps published in government documents, including the *National Development Plan* Ministry of Finance and Development Planning 1977: 146; see also Government of Botswana 1976: 6-7), showed vast portions of the Kalahari as "unused". Anthropological reports, showing that many of these so-called unused portions of the Kalahari actually contained hunting and gathering populations, were apparently ignored by those who drafted the land use maps. Even though Von Kauffmann (1978: 255) maintains that "as a pragmatic first step, government framed the policy in such a way that it acknowledged existing land-use patterns", hunting and gathering appears not to have been considered a valid form of land use by those who drafted the White Paper.

The fact that there were large numbers of hunter-gathers and other non-livestock holders in sandveld areas had to be recognised during the zoning exercise in 1975-76, when district officials recorded water source distributions, grazing conditions, and, in some cases, the population. Although at the time the Grazing Policy was announced, the institutional infrastructure necessary to handle the planning and surveys necessary for zoning was largely non-existent, the Central District had sufficient staff to carry out the survey tasks. The district was divided into three parts: (1) the northern part, designated "NC" for North Central, which covered the area north of a line parallel to 21°30' S. latitude; (2) the central part, designated "CC", covering the area down to a line parallel with Serowe (approximately 22°23' S. lat.); and (3) the southern part, "SC", which covered the southern part of Central District to its borders with Kweneng and Kgatleng. The Nata River micro-region fell in the NC area while the Western Sandveld made up portions of both the CC and SC areas. At the request of the Ministry of Local Government and Lands, members of a team of anthropologists from the University of New Mexico, working in Central District, accompanied the district surveyors. Visits to a large number of cattle posts in the sandveld revealed substantial numbers of people; many of them did not have cattle on the water sources, nor were they employed there (Ebert *et al.* 1976; Hitchcock 1976). It was also found that, contrary to the planners' assumptions, the sandveld areas already contained large numbers of boreholes, many of which did not appear on government or Land Board records or on borehole maps in the files of the geological survey.

What was to happen to the poor was a subject of mounting concern as the planning progressed. The framers of the policy anticipated some of this concern in the introduction to the White Paper:

"There are people who fear what can happen if the old ways of land holding and land use are changed. For example, some fear that the small owners will be forced to move and the rich will come to control all the land. The Government recognizes that these fears exist but is convinced that through careful planning and consultation with the people the dangers can be avoided. Planning will aim to ensure that land development helps the poor and does not make them worse off" (Republic of Botswana 1975: 2, paragraph 7).

a 2

One of the two basic objectives of the policy was stated to be "To safeguard the interests of those who own only a few cattle or none at all" (Republic of Botswana 1975: 6, paragraph 20b).

In order to acquaint the people of Botswana with the proposed land tenure changes, the government mounted a massive consultation campaign that consisted of a series of public meetings held by officials around the country in mid-1975, as well as a mass media campaign in which over 3,000 "Radio Listening Groups" around the country participated (Ministry of Local Government and Lands 1977). Feedback was obtained through report forms which were turned in to the government by the various group leaders. It is said that the campaign was one of the most ambitious and far-reaching attempts to explain a government policy to the people ever carried out in a developing country. Nevertheless, during my survey of the Western Sandveld micro-region, which is to become a commercial area under the Policy, I found not a single person who had been a member of any Radio Listening Group, and practically none of the micro-region's residents had ever heard of the policy (Hitchcock, 1978a, Chapter 13). This was not true in the Nata River micro-region, however; a very active Radio Listening Group was based at Man/otai, a Sarwa village along the middle third of the Nata River (Hitchcock et al., 1976). The reports returned to the government, as well as the questions asked during surveys, showed that people were very concerned about the implications of the policy (see, for example, Ministry of Local Government and Lands 1977: 38). Moreover, few people in the districts felt that there was sufficient land for commercial areas.

Nevertheless, when the initial zoning decisions were made, a number of areas were declared commercial, including two in Central District (see Table 1). Nearly all of the commercial areas turned out to be in sandveld areas. The only exception was Lepasha, located in mopane woodland east of Sua Pan in Central District (Greenhow 1977c). Table 1 shows that by far the largest commercial area in Botswana is the Western Sandveld of the Central District. The Nata River micro-region, on the other hand, was declared communal. The only one of the commercial areas which had had a population survey prior to being zoned commercial was the Western Sandveld; the balance of the areas were surveyed, *ex post facto*. A summary of non-stockholders in the proposed commercial areas compiled by Wily (1978a), revealed that virtually all the areas had substantial populations.

Declaring these large areas of land commercial poses a threat to established residents. Giving exclusive leasehold rights to individuals will mean that the residents of the ranches could be forced to leave at the discretion of the leaseholder. The Co-ordinator of the Grazing Policy admitted this:

"The TGLP did foresee the *exclusion* of persons from commercial areas and provided guidelines to address this problem. It did not attend to the problem of *enclosure* in commercial areas or the land and development needs of those enclosed. Further, it did not address the rights of access for third parties (i.e., those who are not lease holders) to leasehold areas in the course of those persons making a living" (Jenness 1978a: 16).

The White Paper does not directly address the issue of the future of non-stockholders in commercial areas. We have already seen that the only "safeguards" for the poor, the reserved areas, were not implemented.

Table 1: Botswana commercial development areas designated under the Tribal Grazing Land Policy ⁴

District & Size	Commercial Area & Size	Number of Boreholes	Comments	Reference
Southern 28,470 km ²	Central Ngwaketse 3,392 km ²	12	area demarcated and ready to lease once adjudication completed	Wily (1978d) Banks (personal communication)
	Western Ngwaketse 1,482 km ²	30	14 equipped boreholes, 16 unequipped	Wily (1978d) Banks (personal communication)
Kgalagadi 110,110 km ²	various areas 4,992 km ²	-	78 ranches tentatively planned	Thoma (personal communication)
Kweneng 35,890 km ²	Western Kweneng 3,904 km ²	29	61 potential ranches planned	Vierich (1977) Kramer (personal communication)
	North-east Kweneng 1,920 km ²	3	30 potential ranches; communal areas planned	Vierich (1977, 1978a)
Ngamiland 109,337 km ²	Hainaveld 4,544 km ²	34	71 potential ranches; demarcated	Fella (personal communication)
Central 147,730 km ²	Lepasha 768 km ²	12	already demarcated; ready to be adjudicated	Greenhow (1977c) Wiley (1977e, f) Berry (personal communication)
	Western Sandveld 13,000 km ²	100	population survey completed; land use plan drawn up	Ebert et al. (1976) Hitchcock (1976, 1977a, b, 1978a) Wily (1976b)

The White Paper states that one of the objectives of the allocation policy in commercial areas is "to allow access to watering facilities for all cattle owners" (Republic of Botswana 1975:13, paragraph 41e), but nothing is said about access to water for those who do not own cattle. According to the rules under which land will be allocated in commercial areas, commercial leases will not be granted unless alternative watering arrangements have been made for all livestock owners. Moreover, if a

⁴ A similar table to this, containing somewhat different information, is presented in Temane (1978:7). The Land Utilisation Division in the Ministry of Agriculture has data on zoning, which again differ from those presented in this paper, as does the Department of Town and Regional Planning, Ministry of Local Government and Lands, which keeps on file a set of zoning maps (e.g., DTRP Map 708-2A, June 1978). In spite of numerous queries of individuals working in these and other departments, I was unable to learn why there was no standardised set of data on commercial areas in Botswana.

cattle post owner is required to move, he has the right to receive compensation (Republic of Botswana 1975: 14, rules i and l). Again, nothing is said about either alternative watering arrangements or compensation payment for non-livestock holders. There is a very real danger that under the proposed changes in land tenure, a portion of Botswana's population will be deprived of land.

Both district and central government officials are aware of the threatened dispossession of residents in areas that are to become commercial. The Ngwato Land Board pointed out to the Central District Council in February, 1978, that one of the major issues raised by the Policy was "Asking people to move out of commercial areas, which has become notoriously known as the Government's way of removing the poor from the rich man's land".⁵ The land and other rights of non-stockholders were discussed at meetings of the inter-ministerial Land Development Committee (Hitchcock 1978a: 11, Table 1.2) as well as at both the Fourth and Fifth National District Development Conferences. Given the fact that under customary law all tribesmen were guaranteed a right to land, a right reiterated in the White Paper (Republic of Botswana 1975: 4), it is not surprising that concern was expressed for the land rights of people under the new system of land management and allocation.

THE GOALS AND UNINTENDED EFFECTS OF AGRARIAN REFORM

What is the primary goal of agrarian reform in Botswana? Government advisers radically disagree. Some hold that social justice should be the primary goal. Others insist that economic development must come first, and that social development will naturally follow. Thus, some participants in the Fourth National District Development Conference, held in Gaborone in November, 1976 argued that inadequate attention had been paid to the social implications of the Government's agrarian reform programme (*Minutes*, Sections B.7.4.5.2.1 and B.7.6.1.). However, others in the Botswana Government felt that too much attention was being paid to the people, and not enough to the Policy itself. Von Kaufmann, for example, states:

"The move toward more comprehensive development policies remains sound, but there is an incipient danger that as still more problems are discovered, particularly in respect of the land-use rights of non-stockowners, there will be a tendency to shy away and treat decision making with less urgency" (Von Kaufmann 1978: 259).

But a further question has to be asked. Even if the priority is fixed, say in favour of economic development and commercial expansion, are the Policy's effects likely to be in accord with its goals? Is the Policy

⁵ The reference on this letter from the Ngwato Land Board to the Central District Council is L/E/3/1 (b), Annexure "B" dated 24 February, 1978. Another statement by the Ngwato Land Board was that even though a lease is to be given to an individual under the Policy, "existing occupants should not be thrown off" ("A Report of the Land Board's Course Held at Impala Ranch, Francistown from 18 to 20 January, 1977", Central District Council, Serowe, 1 February, 1977). Minutes of Ngwato Land Board/Land Use Planning Advisory Group (LUPAG) meetings also contain statements about the rights of non-stockholders in commercial zones.

based on false assumptions? Its goals are of three major kinds: (1) economic, (2) ecological, and (3) social. For the sake of clarity I consider each in turn separately, although they are, of course, mutually interdependent.

First, some doubts must be raised about the economics of ranches. The White Paper asserts that the stocking rate and profit can be "more than double" on fenced ranches (Republic of Botswana 1975: 5). But where did those who framed the policy get the figures to back up such a claim? The Animal Production Division's (1976, 1977) figures favour ranches but do not show ranches to be twice as productive as cattle posts. More recent figures from the Nojane ranches in the Ghanzi District of Western Botswana, in fact, show that the productivity indicators on ranches are actually *lower* than those on cattle posts (Nick Buck, personal communication). During the course of the Western Sandveld survey, I found that calving rates, an important productivity indicator, were far higher than those estimated by the Animal Production Division (Hitchcock 1978a: 300-301). I also found that the levels of management were higher than had previously been estimated, because people water their cattle daily and also feed them bonemeal and salt. Whereas the Livestock II proposal holds that the rate of return of a cattle post is around 3-3.5 per cent. (Government of Botswana 1976), my own figures show profits in many cases of 14-18 per cent. (Hitchcock 1978a: 302). The economics of cattle post management, in my opinion, have been seriously underestimated. In addition, if the Nojane Ranches, where the first Livestock Development Project was carried out, are any indication, calving percentages and offtake rates will actually decrease on fenced ranches. The point is that in the long run commercial ranches are likely to be less profitable than the long-standing cattle post system in Botswana.

The Policy's second major goal, to stop overgrazing and range degradation, is to be achieved through the granting of exclusive rights to blocks of land and through fencing, neither of which have their roots in customary Tswana law. Again, the White Paper holds that under the traditional system there was no attempt to control grazing. But we have seen that Ngwato did have mechanisms for controlling the placement of cattle posts. Moreover, social pressure was brought to bear on those who dug wells without permission or who kept too many cattle at single locations. The chief had the right to force a person to give up a well, if it was dug without permission. In drought periods, district monopolies were relaxed so that people could move their livestock to areas with better grazing (Schapera 1943a: 245). Mobility was an important response of Tswana pastoralists to drought (Hitchcock 1978b: 94-95), and moving cattle from one cattle post to another is done in the Western Sandveld today when, for example, a bush fire destroys the grazing. Fencing will reduce this mobility. For that very reason, a number of the owners of herds in the Western Sandveld expressed serious doubts about the utility of fencing.

The Nojane Ranches of the Ghanzi District again provide an example of what could happen in other commercial areas in Botswana. Fences were constructed and individuals were given leasehold rights over the land. By early 1979 all the ranches were seriously overgrazed, and a number of the cattle owners had removed their herds. The same ranchers defaulted on their loans. From an economic and ecological

standpoint, the Livestock I Project at the Nojane Ranches was a failure. One can therefore question, with some justification, whether private leasehold rights and fencing will indeed lead to the prevention of overgrazing and to an increase in productivity and profits. A side effect of the Nojane Ranch scheme, incidentally, was the dispossession of a number of the area's residents, who were forced to leave when the cattle owners were given the land (Khumalo 1978: 1). In this sense, the social effects of the project can be seen to be negative as well.

Government planners in Botswana have pointed out that many of the difficulties with the Nojane Ranches will be avoided under the Grazing Policy. They argue, for example, that stock limitations will prevent the numbers of cattle from outstripping the grazing resources on the ranches. But neither the lease application form nor the lease itself (Republic of Botswana n.d.b. and n.d.c.) imposes any stock limitations. In fact, the only development and management duties of the grantee are to "farm the leased land in accordance with the principles of good husbandry" (Republic of Botswana n.d.c.: 4). Land Boards are permitted to include appendices to the lease which could set stock limitations, but statements by Land Board members in Central District reveal that they have no intention of limiting numbers of livestock on commercial ranches. Interviews of cattle owners in the Western Sandveld micro-region indicate that many of them are opposed to the idea of putting up fences (Hitchcock 1978a). As the policy stands now, there are no requirements whatsoever for ranches to keep herd size below certain limits or to fence the land which they will have exclusive rights over.

Another major goal of the Grazing Policy is to prevent water sources from falling more and more into the hands of the rich. For this reason, a freeze on the drilling of more boreholes was announced in 1973 (Republic of Botswana 1973). Yet an examination of the drilling dates for water sources in the Western Sandveld indicates that drilling has not ceased, in spite of the ban. Indeed, the Ngwato Land Board claims it was never given any specific directive for a ban. Of the boreholes for which I was able to obtain drilling data (91 in all), 31 boreholes had been drilled between 1973 and 1977; in other words, over one-third (34.07 per cent.) of the boreholes in the region for which we have data have been drilled since the freeze on drilling went into effect. The majority of the boreholes and wells belonged to individual owners, many of whom owned more than one (Hitchcock 1978a, Chapter 7). None of the owners resided in the Western Sandveld, and most lived in villages and towns to the east or in Gaborone. It is significant that nearly a third of the water source owners I interviewed (37 in all) were civil servants, some of whom had an important say over policy matters relating to the Grazing Policy (Hitchcock 1978a: 184-185). It is open to question, then, whether the Grazing Policy has in fact prevented the water sources from being taken over increasingly by wealthy members of Botswana society.

Commercialisation of the cattle industry may have economic effects that will reduce the standard of living of people presently employed on cattle posts. The likely outcome is contrary to Field's (1977) assertion that the proposed ranches will increase employment, thus resulting in a movement from the crowded communal lands into commercial areas. Instead, employment will actually be reduced and the flow will be reversed, with residents being forced out of commercial areas into the

communal zones (Hitchcock 1978a, 1919a). An increased emphasis will be placed on management skills, and it is likely that the residents of the commercial areas will not be favoured as herders; instead, experienced people from other places will be utilised. Overall, however, the number of people actually resident on ranches will go down, since under traditional management systems the employees are often assisted by family members. Members of the Ngwato Land Board told me, in fact, that if they were required to pay rent for their ranches, they would have to charge their resident employees rent as well. The giving of exclusive rights to individuals will mean that the "excess" people on the ranches, including employees' families and friends, will be forced to leave, not to mention the hunter-gatherers who come in to the boreholes for water.

The Ghanzi Farms provide us with an example of some of the effects of commercialisation and the individualisation of land tenure (see, for example, Silberbauer 1965, Chapter 8; Russell 1976; Russell and Russell 1979; Childers 1976; Guenther 1971, 1973, 1975, 1976, 1977, in press; Wily 1978b). While ranches were established on the Ghanzi Ridge in the 1890s, it was not until the 1950s and 1960s that boundaries were surveyed and fences constructed in earnest. In March 1956, the Development Secretary of the Protectorate took note of the "land tenure chaos" at Ghanzi and recommended that "the whole situation be regularized and controlled at the earliest" (quoted in Russell and Russell 1979: 30). The following year a surveyor began the "regularization" process, re-drawing the boundaries, according to Russell and Russell (1979: 30), "in accordance with rational rather than traditional criteria".

"Rational rather than traditional criteria"—to say this implies that the traditional practices were somehow "irrational", an assumption which is open to question. One wonders, for example, whether the 6,400 hectare (25 square mile, 64 square kilometre) size of the ranches under the Grazing Policy is any more rational than the 100 to 150 square mile grazing districts reported by Schapera (1943a: 225). In any event Russell and Russell (1979: 46, 85) go on to record that commercialisation has resulted in a reduction in the use of local labour in favour of more skilled workers from elsewhere (see also Hitchcock 1978a, Chapter 11, 1979a; Khumalo 1978). In addition they point out that the use of livestock for subsistence is reduced: the owners prefer that the cows' milk goes to the calves rather than to the herders (Russell and Russell 1979: 46). Since milk comprises a major portion of the diet of cattle post residents in Botswana (Hitchcock 1978a: 289–290), a reduction in the amount of milk available could have a very real impact on the people's subsistence.

Solway (1979a, b) has suggested that another effect of commercialisation is a reduction in the use of livestock as a means of reinforcing social relationships. The *mafisa* system, the herding of livestock under agistement, may well be reduced as cattle come to be viewed more and more as capital assets and less as social currency. Yet another potential effect of commercialisation, which will have at least indirect effects on the economic well-being of employees and others on cattle posts, is the reduction in the use of oxen for draught purposes and transport. In addition, cash will come to replace cattle as payment for labour, with a consequent reduction in the ability of poorer people in rural areas to build up their herds. The traditional relationship between herder and

herd-owner, which in some ways resembled a patron-client relationship, but nevertheless was often a very close one, may well be replaced by a more capitalistic employer-employee relationship (Chambers and Feldman 1972: 120). It appears, therefore, that overall the economic effects of commercialisation may not benefit everyone in Botswana society, but will instead favour those who already have the means to take advantage of the new methods of herd management and who are in a position to gain exclusive rights over blocks of land.

By far the biggest problem which has been engendered by the individualisation of land tenure in Ghanzi is the creation of a whole class of "squatters". They are people deprived of land, forced to beg for food and rarely hired as employees on the ranches. The situation has become so critical in Ghanzi, in fact, that large-scale development programmes are being planned in an effort to alleviate the squatter problem on the ranches and around Ghanzi township. If Ghanzi is any indication, the proposed land tenure changes under the Tribal Grazing Land Policy could have an impact which goes far beyond simply commercialisation of the cattle industry, with its spin-off effects on employees and others residing in ranch areas. It could result in the dispossession of literally thousands of people, and in this sense the social implications of the policy are tremendously important, far more so than the economic and ecological effects.

THE SOCIAL IMPLICATIONS OF THE TRIBAL GRAZING LAND POLICY

Although the Grazing Policy White Paper stresses repeatedly that the poor will be able to benefit from the changes in tenure, it says the minimum about how this might occur. It merely promises that reserved areas will be set aside during the zoning process (Republic of Botswana 1975: 7). But reserved areas were not, in fact, set aside; the Policy Co-ordinator pointed this out in 1977 (Jenness 1977a) and again in a thoughtful reassessment of the Policy (Jenness 1978c). Since the Grazing Policy was declared in 1975 it has been found that many of the assumptions upon which it was based were incorrect. There are no vast areas of unoccupied land into which large herds could be moved. In the Western Sandveld micro-region, for example, there are well over a 100 boreholes, and few places are still available to be allocated (Hitchcock 1978a). No stock limitations will be set, and people will not be required to take out a lease even if they have boreholes in commercial areas. Fencing will not be required, and no limits have been set on the number of leases that an individual can have, at least in the Central District. It is also likely that, rather than having people move into the commercial areas, the flow will go the opposite way, back into the already overcrowded communal areas, as people with herds but without water rights are forced to leave commercial areas.

Under the Grazing Policy, rents would be collected to assist those who were not given commercial ranches under leasehold tenure. The White Paper makes this point in a statement to the District Land Boards:

"It is also essential that Land Boards should bear the interests of the poorer people constantly in mind, especially when considering how much land should be reserved for future use, when working out ways to help

groups of smaller stockowners and in collecting rents to use in developing the communal areas" (Republic of Botswana 1975:7, paragraph 28).

As it turned out, the rent to be charged is sub-economic, working out at 4 thebe per hectare or 256 Pula for a 6,400 hectare ranch.⁶ To make matters even more complicated, there is going to be a 3-year grace period when rent will not be payable, ostensibly so that ranchers can use their money to develop their ranches. Interviews of water source owners in several of the areas to become commercial revealed that few of them intend to put up fences and that virtually none of them want to reduce the stocking rate.

The question arises, then, why people might want exclusive rights to land, if they have no intention of developing it beyond the way it is at present and if they are opposed to the idea of paying rent for what in the past has been a communal resource. In my survey of the Western Sandveld, I found that the most commonly voiced reason for wanting exclusive rights was so that the "squatters" could be forced off the land (Hitchcock 1978a: 378-380). In this way the Grazing Policy is playing into the hands of those who wish to remove unwanted people who live around the boreholes but who, under traditional Tswana law, cannot be forced to leave.

At least partly as a result of the attitude of wanting "squatters" off the land, questions began to be raised about the land rights of non-stockholding populations, many of whom belonged to a single ethnic group, the Sarwa. In the Kgatleng District, for example, it was argued in 1977 that the Sarwa were not "tribesmen" and therefore did not have land rights under customary law. The term "tribesman", as used in this sense, was said to be as was defined in the Tribal Land Act, which holds that a "tribesman" "means a citizen of Botswana who is a member of the tribe occupying the tribal area" (Republic of Botswana 1970: 4). In 1899, when the tribal reserves were originally defined, there was no land set aside specifically for Sarwa, nor were any areas defined for them subsequently. By recognising the tribal areas as "reserves", the Protectorate Administration and later the Government of Botswana were in effect stabilising and legitimising tribal territories which were the result of expansionist and incorporation processes that were tied to land use practices involving pastoralism and arable agriculture. Hunting and gathering, although practised by Tswana and other tribes in Botswana, was not viewed as a legitimate form of land use in and of itself. The people living in remote parts of the Kalahari, far from cattle posts and arable land areas, did not have officially sanctioned title to the areas they occupied.

As Wily (1976a) points out, the critical issue of land rights has not received attention in and of itself for the simple reason that the Sarwa are as much citizens as anyone else born in Botswana and are therefore guaranteed rights to property (see the *Constitution of Botswana*, Chapter II, no. 3c). Yet there are some people in Botswana Government who still feel that the Sarwa do not have land rights. The Litigation Consultant

⁶ Taking an exchange rate of Botswana Pula to American dollars of 1 Pula to 1 dollar and 20 cents (\$1.20), this would mean that an individual would have to pay only \$307.20 per year for 25 square miles of Botswana rangeland.

to the Attorney General's Chambers made this point explicit in a reply to a letter from the Land Development Committee in January, 1978:⁷

"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 large areas of the Kalahari in which they have always had unlimited hunting rights, which they enjoy even today despite 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" ("Opinion in Re Common-law Leases of Tribal Land", 23 January, 1978).

There are numerous misconceptions in this statement, but the meaning is clear: because the Sarwa are not tribesmen and because they are nomadic hunter-gatherers, they do not have land rights. I have shown that Sarwa actually were incorporated into the traditional ward system and that at least some of them were members of age-regiments. Khama's tribal reforms around the turn of the century had extended civic and property rights to Sarwa. They also did not have unlimited hunting rights, as restrictions on hunting which extended to all tribal area residents were in effect as far back as the late nineteenth century (Schapera 1943a:257, 1943b:45, 85, 1970:106-107). But the most important point is that this legal opinion ignores Botswana's multi-ethnic ideal and its oft-stated goal of social justice. Denying people rights to land on the basis of their ethnic affiliation goes against everything that the Republic of Botswana says it stands for.

A further point must be made also. There is a gross disparity between legal rights—either at the national level (i.e., as declared in the Litigation Consultant's opinion) or at the District Level of the Tribal Land Board—and effective rights at the local level, as upheld by the people who themselves use and manage the land. Moreover, rights that are specific and well known locally appear vague and undefined to those without local knowledge. These facts have far-reaching consequences for a programme of development that is meant to take prior rights into account. An illustration is helpful to show both the differences in the recognition of rights and also the consequences that are likely to follow. The largest commercial area under the Grazing Policy is the Western Sandveld, and along with data from other parts of the Kalahari, I use it to illustrate how the Policy is likely to affect the rights of both hunter-gatherers and pastoralists.

Writing in 1893 about the eastern Kalahari, Bryden remarked:

"In such a territory as the Kalahari, little explored by natives, and even less known to white men, to allocate boundaries to these various tribal hunting grounds is a matter of absolute impossibility. They are vague and undefined, and even the tribesmen themselves and their chiefs, have very misty ideas concerning them" (Bryden 1893: 139).

⁷ The reference to the letter from the Land Development Committee is as follows: "The Tribal Land Act, 1970 (as amended) in Relation to the Tribal Grazing Land Programme", Savingram LG 2/1/1, Ministry of Local Government and Lands, 11 January, 1978.

Possibly this was true in the nineteenth century, when much of the region was still a hunting area. But the expansion of wells and later boreholes led to a dividing up of the area into grazing districts. Nevertheless, even in 1978 the Ngwato Land Board was still under the impression that the area was undemarcated. The Land Board members stated in a letter to the Central District Council:

“It is accepted that in the furthest part of the Western Sandveld the ward boundaries are not easy to find or that they do not exist at all. But at the same time customary rights in this area are not as numerous as they are in the centre and the east of the district” (Ref. L/E/3/1 (b, 24 February, 1978).

Even the *National Development Plan* held that problems would not be great in grazing areas:

“Some preliminary zoning will be carried out during 1976, mainly in existing cattle post areas, where adjudication of land rights is simple and where farmers have agreed to develop the land in accordance with the policy” (Ministry of Finance and Development Planning 1977: 80).

Nevertheless, the area *was* divided up among wards and groups of wards, and overseers and ward-heads were fully aware of the divisions. An individual wishing to get a water right in the area west of the Ngwato Cordon Fence (the Makoba fence), for example, had to seek permission from the headman of Moiyabana, who had prior rights in the region. Only with a letter of no-objection from him could an individual be granted permission to drill a borehole by the Ngwato Land Board.

There is another order of land divisions which chiefs, ward-heads, tribesmen and Land Board members recognise, and this is the band territory of the Sarwa. Virtually every anthropologist working in the Kalahari has mentioned the territories into which the landscape is divided (see, for example, Schapera 1930: 77, 127, 148, 155, 158; Lee 1965: 47, 53ff., 133ff., 1972, 1979: 58-61, 117-119, 333ff., 422-424; Silberbauer 1965: 43, 69ff., 1972: 295-297; Heinz 1972; Marshall 1960: 333-338, 1976: 71-72, 179ff.; Wiessner 1977: 48-59; Vierich 1977; Hitchcock 1978a: 238-260). Ownership of land among the Sarwa is by a territory owner on behalf of a band, and groups have access rights to specific localities according to their consanguineal or affinal ties to those people who are considered to be the “owners” of the areas. Known variously as *n!ores*, *n//ollis*, or *nos*, these areas cannot be entered by other people without permission first having been sought. Outsiders must go to the territory owner, called the *n!ore k'au* in Ngamiland among !Kung or the *//kaiha* among the Kūa of the eastern Kalahari, and ask if they wish to enter the territory to use its resources, visit, or settle there. Permission is rarely refused, but there have been cases of conflict over access rights, particularly in the Nata River micro-region. As is the case with the Kalanga and other Botswana groups, land cannot strictly belong to people (Werbner 1975: 110); as Silberbauer (1972: 313) puts it, “A band’s territory and its resources are not susceptible to ownership by man (despite the institution of owners), but are the property of the Supreme Being, *N!adima*”.

In spite of the fact that Sarwa territories are frequently spoken of by not only Sarwa but also other people in the Kalahari, there are those

who doubt the existence of a concept of territoriality. In a discussion of land tenure systems in South Africa, Sir Bartle Frere remarks:

“It would seem to be of little use to inquire regarding the land tenures of the Bushmen. . . . They offer, in fact, an almost unique instance of a people without visible territorial rights, or even a shadow of land tenures” (Frere 1882–83 : 259).

The debate over the existence of territories among the Sarwa has been fuelled by recent discussions in the anthropological literature. Yellen and Harpending, for example, emphasise the fluidity of Sarwa land use:

“For the !Kung, although bands do exist, they cannot be defined in terms of specific individuals utilizing discrete territories, even though observations based on a *brief* field study may suggest that this may be the case” (Yellen and Harpending 1972 : 251, emphasis theirs).

This debate, which can perhaps best be seen in articles by Richard Lee (1972) and H. J. Heinz (1972), has led some government officials to insist that anthropologists do not believe the Sarwa exercise claims over specific areas of land. I was told by the newly appointed Commissioner of Lands in a meeting in February 1978, for example, that “Richard Lee says that the Bushmen have no territories. Why then, are you trying to tell me that they do?” The Commissioner during that meeting, incidentally, remarked that traditional Tswana land tenure systems were totally unimportant to land decisions being made in contemporary Botswana. “More relevant”, he said, “are the land tenure systems of Malaysia and Malawi.”⁸

Although some government officials, particularly expatriates, are of the opinion that the Sarwa lack territories and, by extension, land rights, this is not the opinion at the local level. Heinz (1972 : 412), for example, draws attention to the non-random distribution of Sarwa on the Ghanzi Farms, and then makes the following observation:

“The farmer is well aware of territoriality and the conflicts which can arise when he does not take this into account. The pattern of distribution superficially appears to be based on ethnic groupings, but farmers know when their farms lie on ground claimed by a particular Bushman group and will do well to employ Bushmen of that group in that particular area. Thus large farms may have areas claimed by different Bushmen” (Heinz 1972 : 412).

Thus, even farmers on freehold ranches take recognised Sarwa land divisions into consideration. This is not only true now but was the case in the past as well. Arnold Hodson, a Protectorate policeman who accompanied Khama’s son Sekgoma to the Nata River micro-region in 1907, states:

“Bushmen in this country generally have their own well defined districts in which they hunt, and it would be bad form for a Metsi

⁸ A fortunate outgrowth of this meeting, which was held in the Ministry of Local Government and Lands, was the drafting of some of the adjudication procedures which were later incorporated into the Tribal Grazing Land Policy Guidelines. As was recommended by Greenhow (1977a, b), the procedures placed special emphasis on the recognition of customary rights to land in commercial areas.

bothhoko Bushman to hunt in the Sebanene district. They do not like leaving their districts at all, and nothing as a rule will tempt them to do so. If a native wishes to form a cattle post, he sends the cattle to the Bushmen, not the Bushmen to the cattle post" (Hodson 1912: 227).

In these two examples, one in a freehold farm area and the other in a traditional grazing district (*naga*), it can be seen that local ranchers and cattle post owners had to be careful how they dealt with local patterns of land allocation; otherwise, conflicts could result.

The Western Sandveld micro-region, like other parts of the Kalahari, is divided into a number of hunter-gatherer territories. During my survey of the area, I was able to determine that there were at least 31 different *nos*, or traditional Kūa Sarwa territories, located there (Hitchcock 1978a: 247–258). Each of these territories was named and the boundaries, although somewhat diffuse in places, were demarcated on the basis of known geographical features. Some of the territories were arranged in flower petal-like fashion around pans which held water during the rainy season (e.g., Khwee and Lebung), while others incorporated forest and dune areas. The *nos* each had an owner or set of owners who had resided there, in some cases, for generations. In the 1920s, when the Protectorate Administration was compelled to examine the question of slavery in the Ngwato District, officials began to collect data on Sarwa population distributions. Edirilwe Seretse, Khama III's nephew, had compiled a listing of "Sarwa dwelling places" in 1928, and it was included in a letter from the Resident Magistrate to the Assistant Resident Commissioner (BNA S.204/8). One location in Edirilwe's list is Khwee, a pan in the far western portion of the micro-region. Later, in 1935–36, when the "Masarwa Census" was done in the Ngwato District (Joyce 1938), other locations such as Mmaletswai and Shangane were listed as having resident Sarwa populations. Many of their descendants still reside in those areas today. Under customary law as defined for purposes of the Tribal Land Act, in my view they can be considered to have rights to those places, since they have lived there for several generations.

To take an example of how Ngwato view the recognised Sarwa territories in the Western Sandveld, I will focus on the case of the Kukamane area, not far from Khwee on the western side of the micro-region. This area had not had any borehole drilling done until the 1960s drought resulted in the Drought Relief Borehole Drilling Scheme in the Makoba micro-region. One individual who wished to get a water right there went to the ward-head who was the overseer of the grazing district and asked for permission to drill a borehole. The ward-head refused to give his permission, and would not issue the letter of no-objection required by the Ngwato Land Board. A second individual, by contrast, went out to the area and sought out the Sarwa *//kaiha* of the area, asking for permission to establish a borehole there. Once he had obtained the *//kaiha's* consent, he went to the ward-head and after assuring him that he had checked with the *//kaiha*, the applicant was granted permission to drill in the area and received a letter of no-objection which he sought. In this example, it can be seen that the ward-head obviously respected the wishes of the local territory owner enough to want to have his permission first before issuing a letter in support of an individual's request for borehole drilling rights.

The above-cited example is not isolated. I was told during the course of my survey of the Western Sandveld, that cattle owners frequently sought out local *//kaihas* to ask their permission to use their areas, and they also obtained their permission before hiring local labourers. There is no doubt, then, that Ngwato and other groups recognise the land rights of Sarwa. In a sense, the Ngwato Land Board operates on the same basis: they do not grant borehole rights without first having checked on customary claims to an area. But the fact that legal opinions at the central government level hold that Sarwa lack land rights could still result in the dispossession of a significant proportion of the people residing in commercial areas. In the Western Sandveld alone, three out of every four people are Sarwa. If the Sarwa lack land rights under the Grazing Policy, then nearly 3,000 people could be deprived of land in this single commercial area.

It is not only the Sarwa who face the prospect of dispossession, however. Literally every person presently residing in a commercial zone who does not have a water right could be required to leave once leases are signed. In the Western Sandveld, for example, there is a documented population of 3,529, virtually none of whom holds a water right in the area. The water sources are owned by 93 people. The water source ownership distribution is skewed, with a number of people owning more than one borehole; in fact, two individuals own four, two own five, and one owns as many as six (Hitchcock 1978a: 186, Table 7.1). To make matters even more complicated, over a third of the water sources are used by people (so-called "other users") who lack water rights but who have been given permission to keep their livestock there. While few of the cattle post residents in the Western Sandveld hold livestock, these "other users" sometimes hold livestock in large numbers. Thus, it is not merely non-livestock holders who face the prospect of dispossession in the Western Sandveld and other commercial areas in Botswana. Large-scale dispossession must follow if exclusive rights are given to water source owners without some attempt to provide compensation in the form of land to non-stockholders, other users, and employees. Literally thousands of people, along with their livestock, will be forced to move into communal areas. Hence the end result of the Tribal Grazing Land Policy will be the exact opposite of what it set out to accomplish, and social justice will not have prevailed.

CONCLUSION

"We have had enough 'going to the people'. Consultation takes too much time. We should abandon it. We need to go ahead. All this discussion and planning is getting in the way of development. Basarwa, if they are in the way, should be gotten out of the way so that we can put up our fences."

This opinion was expressed by a senior Central District official at a special Land Use Planning Advisory Group meeting in the District capital in January, 1978. His remarks highlight some of the underlying problems and dilemmas of the current programme of agrarian reform. Popular consent and democratic consultation have been taken by the central government to be essential for the implementation of a major reform such as the Grazing Policy. But the social surveys carried out

during and since the consultation reveal widespread fears, doubts, and misunderstandings about the Policy and its implications (Ministry of Local Government and Lands 1977; Oganne 1977; Khumalo 1977). Moreover anthropological research commissioned by the government itself, including my own work, calls into question a whole series of the Policy's assumptions and notions about local-level realities. Indeed, the research shows that the consultation process has missed many of the people whose interests are most vitally at stake.

The proposed agrarian reform was planned initially as a Grazing Policy with an eye to a mirage. That mirage was the Kalahari as a vast area of wide open spaces, of great ranges ready for commercial ranch development and virtually empty of people. The mirage has not vanished, and some are ready to insist that it *must* become a reality, despite the fact that central government is now aware that to introduce fenced ranching on a large scale must inevitably entail human dislocation. It is now recognised that in the proposed commercial areas substantial numbers of people still obtain at least part of their subsistence from hunting and gathering and therefore need large areas of land to maintain themselves. Many, though not all, are in the process of becoming less mobile and less autonomous; they are settling around cattle posts and rely on agriculture and pastoralism for more and more of their livelihood. It is these people, many of whom are poor, who will be most affected by the granting of exclusive rights to wealthy cattle owners.

The Government of Botswana is aware of some of the negative social implications of the Grazing Policy. Recommendations have been made by government personnel and concerned researchers which would allow for the establishing of a process of adjudication in which all people would have the opportunity to register their claims to land (Wily 1978c; Vierich 1978b; Hitchcock 1978a). The planning principle which has guided the work of both researchers and government officials is that people should be free to choose their own way of making a living (Silberbauer 1965: 133; Hitchcock 1978a: 408–409; Remote Area Development Office 1978). Accordingly, recommendations have been made for the establishment of "Hunting and Gathering Areas" and Wildlife Management Areas (Hitchcock 1978a: 414). It has also been recommended that there be *no* programmes of forced settlement or "villagization" since they would not be in keeping with the principle of allowing people to live the way they wish.

At this stage many decisions have yet to be made about the future of the residents in the zones planned for commercial ranching. It is not clear, for example, whether they will be forced to leave or allowed continued rights of access to ranch areas. The Co-ordinator of the Grazing Policy has suggested a set of lease-right alternatives which would allow the residents to continue their use of resources in commercial ranches (Jenness 1977a). Recommendations have also been made for the establishment of blocks of communal land, within commercial areas, which would contain not only schools, health posts, and other social services, but also land for crop and livestock production (Wily 1978b; Greenhow 1978; Hitchcock 1977a, b). It remains to be seen whether those recommendations will actually be implemented or set aside in the same way as the Reserved Areas.

The Grazing Policy provides an excellent example of how the state has attempted to bring about significant socioeconomic change within a Third World country. By attacking traditional institutions as being static and unstructured, policy makers in Botswana have tried to justify the introduction of new kinds of social and economic arrangements. The fact that many of the original assumptions upon which the arguments for change were based have turned out to be incorrect has not resulted in an abandonment of the programme. In a sense, the Grazing Policy can be seen as a means for the political elite to expand its authority. Social justice, which was said to be one of the goals of the Grazing Policy, and indeed, of Botswana's *National Development Plan*, has turned out to be more of a hindrance than a help in terms of getting the Grazing Policy implemented.

Planning of development projects in Third World countries can and must be based on detailed knowledge of local-level realities. Ignoring of traditional patterns of land tenure and failure to consult with traditional tribal authorities has already resulted in the failure of highly capitalised development projects in Botswana (e.g., the Range and Livestock Management Project of the U.S. Agency for International Development; see Willett 1976). In the past the colonial state as a British Protectorate gave its official sanction and recognition to tribal territories that were based on pastoralism, on agriculture, and on tributary relations of various kinds.⁹ At the same time, efforts were made by both tribal authorities and colonial administrators to extend the rights of tribesmen to hunter-gatherers such as the Sarwa. Moreover, until recently, at the local level the territories of hunter-gatherers have been taken into account in the use and management of land, not merely by hunter-gatherers themselves, but by pastoralists and even by freehold ranchers. There is an incipient danger in the new programme of agrarian reform, however, and it has to do with the attitude toward traditional institutions. Portraying traditional institutions as static, or even, in some cases, as being deleterious, may well result in a growing sentiment that the "old ways" should be completely ignored.

How Botswana as a nation now adjusts the interests of hunter-gatherers, pastoralists, and ranchers must deeply affect the kind of state that this country is to become. As one of the few parliamentary democracies in Africa, Botswana is a state that prides itself on its multi-racial stance and its emphasis on economic development. The central government has repeatedly affirmed its commitment to social justice and democratic participation in the making of basic decisions. But it is yet to be seen whether the pressures toward commercialisation will overwhelm and radically change that commitment in practice.

⁹ An excellent description of the nineteenth century tribute system is contained in James Chapman's (1971, Vol. 1:62) notes on his travels in the Eastern Kalahari in June, 1852. As he states, "Khaetsa (a Kalanga) pays tribute to Sekomi, whose messengers are sent on half-yearly expeditions to exact from them and the Bushmen whatever they find in their possession. The tribute consists of ivory, dried flesh, fat, jackal and other skins and hides, feathers, the skulls of jackals from which they boil the fat, caterpillars, and the deposits of an insect on the mopani leaves. The whole of Sekomi's wide domain is taxed in this way". Other descriptions of the tribute system in the Ngwato tribal territory can be found in Livingstone (1857), Bryden (1893), Tagart (1933), and Joyce (1938).

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