



**Reinventing African Chieftaincy
in the Age of AIDS, Gender,
Governance, and Development**

Edited by Donald I. Ray, Tim Quinlan,
Keshav Sharma, and Tacita A.O. Clarke

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22 *Dikgosi* and the Politics of Land in Botswana

Mpho G. Molomo

INTRODUCTION

The land question, broadly defined, articulates an important dialectic between issues of democratic governance and economic empowerment. Since all forms of development can only be done on land, access to it cuts across a broad array of political and development issues. The dictates of economic development, economic diversification, and globalization have put government under increasing pressure to privatize land that was hitherto under communal control. The privatization of land, which hitherto was a public good, through the commercialization of the livestock industry and the development of game farming and tourism has increasingly resulted in the alienation of land from the poor segments of society. In a more profound way, access to it addresses issues of equality of opportunity, empowerment, and social justice. As a governance-related issue, it also addresses the national question, which relates to identity and belonging. As

expressed by Peters (1984), land is about meaning, resources, and power. Land defines power relations in a socio-political and economic sense.

This chapter seeks to analyze how *dikgosi* (chiefs) comprehend the opportunities and challenges of globalization? Broadly, it situates *dikgosi* in the broader development agenda and determines how they have intervened or failed to intervene on land matters to empower their people. Within the wider debate of democratization, it is imperative to discuss the role of *dikgosi* as facilitators of development, especially their role in land allocation. This nexus is important because Botswana is said to be a successful democratic experiment, in part due to its blending of traditional and modern political institutions. In this regard, it is important to determine how *dikgosi* have influenced or failed to influence land allocation. More substantively, it traces the origins of the Tribal Land Boards, which are statutory instruments that relieved *dikgosi* of their role in land allocation. More specifically, it seeks to comprehend the relationship between *dikgosi* and the land boards and, if such a relationship exists, to determine whether it is harmonious or conflict-ridden. Nevertheless, this chapter argues that, although *dikgosi* are statutorily relieved of their role to allocate land, they still have a symbolic association with it. Over the years, the problems relating to the land question have also been compounded by the self-allocation of land, especially in the peri-urban areas. Since these areas are under the jurisdiction of *dikgosi*, have they assisted the land boards in the resolution of the problem?

The land question has also been internationalized arising from the involvement of international capital through direct foreign investment in important investment portfolios in Africa. The internationalization of land is also amplified by the fact that land rights for *Basarwa* have been articulated more forcefully by international NGOs, like Survival International. In what Tevera and Moyo (2002, 13) refer to as the recolonization of Africa, concession for wildlife management areas are usually won by foreign-based safari companies. This chapter sets out to discuss these problems, first by laying out the contextual framework.

THE CONTEXTUAL FRAMEWORK

The land question in Botswana cannot be discussed without locating it within its historical specificity. The history of Botswana is widely documented (Tlou and Campbell 1984; Morton and Ramsay 1987; Mgadla and Campbell 1989), and this chapter conceptualizes the role of *bogosi* in land allocation. During the pre-colonial period, *dikgosi* were absolute sovereigns who ruled their *merafe* (polities) as cultural, political and economic entities. They presided over the *Kgotla* (village assembly), which deliberated on public policy and made political decisions. Invariably, *dikgosi* were always the richest people on the land because they enjoyed tribute from their people, collected taxes, and also controlled *matimela* (stray cattle). They were also custodians of wealth generated through *masotla* (public works projects). In addition, *dikgosi* controlled land and were also responsible for its allocation. They were supported by *dikgosana* (sub-chiefs), who acted as land overseers and held the land in trust for their people. Under this traditional dispensation, land was never for sale but was owned collectively by the community who enjoyed its usufruct, which they passed on to their descendents.

Unlike other countries in the region,¹ the land question in Botswana has not taken the racial divide nor manifested itself in any violent form (Moyo 2001, 311). However, some land was designated for white settler commercial farming and accounted for only 6 per cent of the total land area, and this land comprises a good part of the freehold land in Botswana. At face value, it would appear that Botswana, with a land area of 582,000 square kilometres and a small population of 1.7 million, does not have land pressures. However, in reality Botswana also has severe land pressures in both urban and rural areas. For a country in which the majority of the people are in land-based production, the struggles over land are likely to continue for years to come and perhaps take an even more concerted form as more and more people are alienated from land.

BOTSWANA'S LAND TENURE SYSTEM

Botswana's land tenure system as a social, political, and economic construct specifies the various land uses and also underpins the power relations in society. Botswana operates three types of land tenure and these are freehold, fixed term state grant, and tribal (communal) tenure. After the three Tswana *dikgosi* (Bathoen, Sebele and Khama) successfully negotiated for British protection in 1890; they ceded some of their land to the British, and this land came to be known as "crown land." This land only reverted back to the state after independence in 1966 and was called "State land."² State land awards consist of two forms of land tenure, namely: Fixed Period State Grant (FTSG)³ and Certificate of Rights (COR).⁴ The FTSG, on the one hand, is a tenure that was developed by the post-colonial state out of the realization that freehold permanently alienated land from the state. This tenure comprises about 23 per cent of the land area. It was developed in the late 1960s and was first applied to the development of the Selibe-Phikwe Township. COR, on the other hand, is a title to land that was developed in 1973 as an attempt to curb the mushrooming of urban squatter settlements. Under this title, low-income people are allocated land free of costly title deeds and land transfers. Initially it was a title that was confined to urban areas, but it has since been extended to the rural areas.

Freehold is a form of title to land that is not indigenous to Botswana; it was introduced during the colonial period. This title gives the owner indefinite usage of the land and permanently alienates land from the state. As pointed out by Ramsay, Morton and Mgadla (1996), arising from the gold rush,⁵ the Tati attracted European explorers, and gold was discovered there in 1867. However, since gold deposits in the Tati were not extensive, when its mining declined, the Tati Company sub-divided the land and sold it to European farmers as freehold farms. After the British declared Bechuanaland a protectorate, they recognized the authority of the Tati Concession Company over the land. As a result, the Ikalanga-speaking people living in the area were alienated from the land, and those who remained were taxed by the company. In a similar manner, the land in the Tuli Block, Gaborone, and Lobatse Blocks was ceded to the British South Africa Company (BSA Co.) to build a railway line that would link

South Africa with Rhodesia. However, upon realizing that the land was not suitable for the railway, the BSA Co. sub-divided the land and sold it as freehold farms to Europeans. This move was not resisted by *dikgosi*, as they viewed these farms as a buffer zone that would shield them from the incursions of the Boers in the South Africa.

Although these forms of tenure (freehold and fixed term state grant) are important because they cater to the needs of a disproportionate numbers of rural and urban populations; they are not central to the discussion of this chapter, as they are outside the jurisdiction of *dikgosi*. Tribal land, which constitutes the primary focus of this chapter, comprises about 71 per cent of the national land area and was initially under the domain of *dikgosi*. During the colonial period, this land was known as “native reserves”; during the post-independence period, it became tribal territories. The Tribal Territories Act (Cap. 32:03) defines it as land belonging to particular *merafe* under the jurisdiction of *dikgosi*. However, other districts that were not accorded native reserves during the colonial period were created after independence from state land and some freehold land. These are Chobe, Ghanzi, Kgalagadi, and North East Districts. The Botswana Boundaries Act (Cap. 03:01) defines the boundaries of these tribal areas.

Historically, tribal land was used for residential, arable, and grazing purposes and was communally controlled by *merafe*. During both the pre-colonial and the colonial periods, communal land, as a social safety net of last resort, was an integral part of social policy and was under the control of *dikgosi*. Its allocation was vested under the authority of *dikgosi* and *dikgosana*. Emanating from their hold of land, *dikgosi* created a bond with the people and enjoyed political loyalty. As Schapera (1943) outlined, land was apportioned on the basis of wards and was passed on to descendants. It was also considered to be the heritage of all the people who collectively owned it, and no one could claim exclusive control over it. Only members of the community were eligible to be allocated this land. However, outsiders who had won the trust of the community could be allocated some land (Franklin 1995, 72). The dominant paradigm of land tenure, as articulated above, reflects a close understanding of the Bantu culture, and more specifically the Tswana culture.

It would, however, be incomplete to conclude a discussion of Botswana's land tenure system, as defined by authorities such as Schapera (1943) and Gluckman (1964), without making reference to land ownership and land

rights for *Basarwa*. The land question for *Basarwa* is complex because it is intimately tied to the national question.⁶ Their plight is not just a result of feeling discriminated against due to being accorded a minority status but also being alienated from land. The question is how did this manifest itself? During the nineteenth century, Tswana *dikgosi* and *dikgosana* extracted surplus from *Basarwa* in the form of tribute (ivory, feathers, and skins) and they incorporated them into their own social formation as cattle herders and a servile class. They were often co-opted into hunting expeditions and often given inferior meat⁷ and tobacco in return for their services. Those who were not assimilated into the Tswana culture were relegated to the more inaccessible and difficult ecological conditions of the Kalahari, sinking further into foraging, a condition that defines their absolute poverty. In that condition, they became a reservoir of cheap labour for the cattle farmers who did not and still do not bear the costs of their reproduction⁸ (Wilmsen 1989, 11; Hitchcock 1980, 6; Rogers 1991, 15; Molomo 1999, 192). The subordination of *Basarwa* and other minority groups was promoted by the British policy of indirect rule, which assigned the administrative control of the so-called ethnic minorities to the Tswana *dikgosi*. As discussed in Wilmsen (1989, 284), “Batswana imposed ... native colonialism upon the indigenous peoples” and extracted surplus from them and also exploited their labour. This was not only a condition of the pre-colonial and colonial period; it is a feature that defines Botswana’s social and economic landscape in the post-colonial period.

Patterns of Bantu migration in Southern Africa reveal *Basarwa* as the oldest inhabitants of Botswana; hence, their claim to be the aboriginal people of the Kalahari (Sillery, 1974, 8). The plight of *Basarwa*, whose culture is on the verge of extinction, especially their relationship to land, is an issue that requires some careful consideration. Unlike the Tswana-speakers who evolved a pattern of *merafe* with centralized authority flowing from *dikgosi*, *Basarwa* are organized in a decentralized structure of family bands and clans. Although *Basarwa* raised some cattle, they are renowned for hunting and gathering. It is their hunting and gathering status that has defined their access to land or lack of it. Apparently, *Basarwa* are, without doubt, the most marginalized of the ethnic minorities in Botswana. They are often referred to as “remote area dwellers,” a designation they have acquired as a result of being spatially removed from the major villages and urban centres. In addition, they constitute an underclass that suffers

poverty and deprivation and are socially looked down upon. Their plight was exacerbated by their economic marginalization and the privatization of land through the TGLP farms, and this is further compounded by their relocation from the Central Kalahari Game Reserve (CKGR). Moreover, *Basarwa* remain unrepresented in *Ntlo ya Dikgosi*⁹ (House of Chiefs) and Parliament.

The dominant position that Tswana-speaking Batswana acquired during the pre-colonial and colonial periods, especially in the African Advisory Council and the Legislative Council, afforded them the opportunity to write their history and culture into the independence constitution and subsequent laws. Botswana's land tenure, which reflects the dominant Tswana culture, is a product of this history, and is a reflection of a people's mode of existence. It is a tenure that ascribes land tenure to the Tswana-speakers and other ethnic groups but denies it to *Basarwa*. In other words, it attributes a history to the Tswana-speakers and other ethnic groups and denies it to *Basarwa*, and if at all it is recognized, it is looked down upon and must be assimilated into a "superior culture."

This chapter recognizes the diversity that exists in the cultures in Botswana. More importantly, it compares the *Basarwa*'s social relations to land to those of other Batswana. Perhaps the best way to comprehend *Basarwa* land tenure is, not so much to locate their physical presence on a piece of land, but to "examine the logic of social relations that governs their concept of material possession and its extensions without forcing these into a western model" or Tswana culture (Wilmsen 1989, 165). Wilmsen (1989, 186) that *Basarwa* attitudes to land focus on the bond between a person and the band, but the link between the person and the territory comes from the bond with the community, and that rights to land come from membership in the band. In short, land tenure is vested with band membership, and rights to appropriate the land or its fruits are socially negotiated and granted. Wilmsen (1989, 187), argues that among one of the *Basarwa* groups, people have rights to access land that is part of his '*lefatshe*' (ngo), i.e. 'place or territory,' and this land is inherited.

The characterization of *Basarwa* land tenure as nomadic is contested because, just as the Tswana pastoralists, they "moved up country to the seasonal waters, and each winter they fell back on their permanent water holes." Wilmsen's (1989, 160) analogy is instructive as he points out that:

[Basarwa] land tenure, far from being an ecological given, is a part of a social universe negotiated by [Basarwa] persons in their day to day relations with others, not only those acknowledged to be co-members of a particular group but those of other people who share the same geographical space. Land, and rights to its access and use, is a continually recurring factor in the negotiations.

Wilmsen (1989, 169) argues that wherever people reside, they identify primarily with their birth place. Such an association identifies and locates a person in an “appropriate social geography.”

The dominant cultural paradigm readily recognizes Tswana land tenure and attributes none to *Basarwa*. Indeed, the socio-economic existence of *Basarwa* is at variance with Tswana norms and practices. Unlike the Tswana-speaking and other non-Tswana-speaking groups, *Basarwa* never identified any permanent physical settlements or centralized political structures (Hitchcock 1978; Childers 1981; Schapera 1970). This therefore gave an appearance that *Basarwa* do not have any legal claim over land. However, to the contrary, Wilmsen (1989, 163) provides evidence that:

The [Basarwa] land tenure ... is part of that social universe negotiated by [Basarwa] peoples in their day-to-day relations with others, not only those acknowledged to be co-members of a particular group but those other people who share the same geographical space.

As a result, the relocation of *Basarwa* from the CKGR is seen as a blatant process of dispossession of land. Moreover, *Basarwa*, who are considered the first people of the Kalahari, claim aboriginal title to the land that they are removed from.

The Botswana government, which is at the centre of the controversy of the marginalization of *Basarwa* through their relocation from the CKGR, maintains that hunting and gathering is no longer a sustainable mode of livelihood, and, as such, on account of social justice, they must be brought into mainstream development. Mainstream development implies, among other things, assimilating into the Tswana culture and

engaging in economic activities prescribed by Batswana. As discussed above, *Basarwa*, also regarded as the remote area dwellers, are the poorest of the poor in Botswana. Their poverty is not, as it were, God-ordained but a product of a historical process of subjugation and marginalization. Before the borehole technology opened the hinterland for Tswana cattle herders, *Basarwa* in the Kalahari co-existed with nature and wildlife. Cattle posts pushed them further into the interior, and those who remained co-existed with cattle herders in an unequal manner as herdboys and essentially as an underclass. To be sure, *Basarwa* communities are dispersed throughout Botswana; most are found in the Kalahari, Central District, and in Ngamiland, and also in nearer areas in the Kweneng¹⁰ and Kgatleng.¹¹

Returning to the issue of the CKGR, the colonial administration in 1961, recognizing the plight of *Basarwa* and that of wildlife following the pressures of the encroaching cattle herders, created the reserve as a sanctuary for *Basarwa* to continue their traditional way of life unfettered by the dominant Tswana culture (Roger 1991, 15). At independence, the status of the game reserve remained the same. Section 14(3)(c) of the constitution provides *Basarwa* with some land use rights in the CKGR.¹² However, the National Parks and Game Reserve Act regulated their right to access and use of the game reserve. They are issued special hunting licences¹³ that regulate the number and species of animals they could hunt in the reserve.

Furthermore, under the Remote Area Development Programme (RADP), *Basarwa* are provided with cattle, donkeys, and goats, ostensibly in an attempt to bring them into mainstream development. They are also provided with schools and clinics and some food rations. *Basarwa* communities, including those inside the CKGR, enjoyed these facilities. Problems started after government passed the National Parks Act No. 28 of 1992, which stipulated that domestic animals and people could not co-exist with wildlife. Then government began a process of relocating *Basarwa* from the reserve. Government maintained that the game reserve was designated for wildlife, and, as such, people must be relocated to human settlements where they would be supplied with services. Initially government tried to persuade them to relocate, but when some of them remained adamant, it cut their water supplies and other services. Those who relocated were settled in New Xadi and Kaundwane in the Ghanzi and Kweneng Districts, respectively. Residents of New Xadi also call the

place *Kjoesakeni* or *batla botshelo* (look for life) because it is a place where they have been given a new life in the form of rearing cattle, donkeys, and goats and enjoying other services.

Tourism has been identified as an alternative engine to Botswana's economic growth and is the second major foreign exchange earner after diamonds. The CKGR is the largest game reserve in the country, and it is bursting with great untapped tourist potential. It is speculated that perhaps with the relocation of *Basarwa*, government intends to keep the reserve as a wilderness and pristine environment uncorrupted by human habitation and later develop it into a major tourist destination. Speculations is also rife that, since diamonds are discovered at Gope, the government wants *Basarwa* out of the reserve in order to develop the mine without have to deal with problems of squatter settlements. However, government has refuted these allegations as baseless and malicious, intended to tarnish its good name as a successful model of democracy and development in sub-Saharan Africa. Nevertheless, government maintains that it is within its rights to develop the mine, if it so wishes, and that decision would have nothing to do with the relocation of *Basarwa* from the CKGR.

Emanating from the relocation of *Basarwa*, the relationship between democracy and development has been problematized. Key questions are: 1) should people be removed from land to give way to development? 2) do people follow developments or should developments follow them? Arising from these questions, the government's development strategy to empower *Basarwa* remains a curious phenomenon. Nevertheless, the rising expectation of the democracy dividend arising from the promise of the delivery of democratic institutions explains the frustration faced by *Basarwa* following their relocation from the CKGR. As a result, their relocation from the CKGR by a government that is committed to social justice and equality of opportunity is seen as inconsistent with democratic principles and fundamental human rights.

The decision by government to relocate *Basarwa* from the CKGR has been viewed with mixed reactions. On the one hand, one school of thought maintains that government is justified in its actions because the motive to relocate them is to empower them and bring them into mainstream development. Besides, this school of thought argues, even if they were moved to give way to the development of tourism or to mine diamonds at Gope, that would be in order as they are not the first people to

be relocated to give way to development.¹⁴ People also wonder what is so special about *Basarwa* in that their relocation has provoked such an international outcry. On the other hand, another school of thought maintains that *Basarwa* need to be treated as a special case because they are the poorest of the poor and have historically been disadvantaged.

The relocation of the *Basarwa* has been hotly contested by both national and international NGOs. To advance their course, in 1992, *Basarwa* founded a civil society organization known as First People of the Kalahari (FPK)¹⁵ or in the vernacular *Kweikani Kweni*. FPK was formed to articulate the interests of *Basarwa* who face relocation from the land they consider their ancestral home. Contrary to the assertion referred to above that New Xadi is *batla botshelo* (look for life), Roy Sesana of the FPK calls it *batla mabitla* (look for the graves).¹⁶ He argues that New Xadi is a symbol of their oppression¹⁷ and dispossession; it is the place where people suffer depression and abuse alcohol and other substances, and it is a place they are going to die in large numbers. Roy Sesana maintained that they were negotiating with government that, instead of relocating them from the reserve, they should be given community use zones¹⁸ where they could practice ecotourism. He maintained that in Ghanzi they constituted the majority of the population; yet, the *kgosi*¹⁹ (chief) is not a *Mosarwa* (i.e., one of the *Basarwa*). Furthermore, he lamented that they do not have a *Mosarwa* member of parliament; when it comes to elections, they are just mobilized without knowing for what they are voting. Moreover, he maintains that all other ethnic groups have districts but *Basarwa* have none. *Ditshwanelo* (Botswana Centre for Human Rights) is another national NGO that is opposed to the relocation of *Basarwa*. It maintains that since *Basarwa* are the “first people of the Kalahari,” government should recognize their aboriginal title to land. A British NGO, Survival International (SI), has put the Botswana government under the spotlight by articulating the plight of *Basarwa* at major international meetings. SI has labelled Botswana diamonds as “blood diamonds” because, as they argue, government uses diamond revenues to repress and dislocate other population groups, instead of developing and empowering them. A group of *Basarwa* under the auspices of the FPK, with the assistance of SI have taken the Botswana government to court, arguing that their decision to relocate them from the CKGR is unconstitutional.

On 12 April 2005, Parliament passed a constitutional amendment bill amending sections 77, 78, and 79 with a view to making them ethnically neutral. Although the amendment is widely seen as superficial (that is, not removing the institutionalized inequalities but merely expanding the size of *Ntlo ya Dikgosi*), it has introduced another amendment that is said to disadvantage *Basarwa*. Section 14 of the constitution that provided *Basarwa* with some land use rights in the CKGR has under the recent constitutional amendment been repealed, ostensibly to remove discrimination on the basis of ethnicity. However, *Basarwa* viewed the constitutional clause differently, suggesting that it was not designed to “discriminate against other [ethnic groups] but to protect *Basarwa* against discrimination.”²⁰ The FPK maintained that they intended to use section 14 of the constitution to show that they have a legitimate expectation that they should not be relocated from the CKGR. Nevertheless, government has reassured them that the application of the amendment would not be retroactive; hence, it will not affect their case that is with the courts.

BOGOSI AND LAND

Tlou (1974) argues that *bogosi* was essentially the cornerstone of Botswana’s political organization. During the pre-colonial period, *dikgosi* controlled the “legislative, administrative and judicial powers” in their polities. They were absolute sovereigns, commander in chief of their *mephato* (age regiments), and could call upon them to enforce their laws as well as to declare war. Nevertheless, this did not mean that they ruled like despots; they ruled through a council of elders, and the *Kgotla* was a forum for deliberating public policy, usually through consensus. In addition, the *dikgosi* are the embodiment²¹ and personification²² of their *merafe*. They are affectionately referred to as *mmabatho* (mother of the people), as providers. The manner in which people owed them allegiance is reflected in the Tswana proverb that “*lefoko la kgosi le agelwa mosako*” (the word of the *kgosi* must be respected). Praise poems and *dikoma*²³ (traditional) songs were meant to legitimize rule by *dikgosi*. These songs and praise poems were meant to inculcate a sense of pride and belonging.

During the pre-colonial period, there was a close affinity between land and *bogosi*. *Dikgosi* were respected insofar as they could give his people a basis for their reproduction, and in a traditional setting it meant access to land for residence, ploughing, and grazing their livestock. *Dikgosi* held the land in trust for their *merafe*, which was considered a heritage of the people. It was the prerogative of *dikgosi* and his *dikgosana* to ensure that every household had land for their subsistence. During the first rains, it was the duty of the *dikgosi* to inaugurate²⁴ the ploughing season, and when the crops were ripe they declared *molomo*²⁵ (tasting the first fruits of harvest). In return and to show of allegiance, the people worked on *dikgosi* fields called *masotla*.²⁶ Cattle were also valued for their socio-economic status and were also used to draw political patronage. Through a system called *kgamelo* or *mafia*, royalty and wealthy tribesmen loaned cattle to the poorer members of the community, and this “enhanced the class ranking inherent in Tswana social structure, and strengthened the local elites by giving them direct economic and administrative control over the lower classes” (Wilmsen 1989, 99). As a further show of allegiance and support, people paid tribute²⁷ to the *kgosi*, in the form of trophies from lions and leopards. Immigrants also had to secure permission from the *dikgosi* to settle on their land, and undesirable elements could be banished²⁸ and their land and cattle appropriated.

During the nineteenth century present-day Botswana was in a state of flux in that it was characterized by the movement of people arising from the *mfecane*²⁹ and Anglo-Boer wars, which coincided with a process of state formation. This time, only five Tswana ethnic groups³⁰ had centralized political systems with jurisdiction over their tribal territories and were later joined three others.³¹ *Dikgosi* from these ethnic groups were designated *dikgosi kgolo* (paramount chiefs), and their territories were demarcated as “native reserves” by the colonial government, and later came to be known as tribal lands after independence.

Historically, there has been a congruent relationship between *bogosi* and land. *Dikgosi* controlled and allocated land, but even though they were later relieved of their role to allocate land, there is a residual effect that still associates them with land. Moreover, the struggles for ethnic identity and autonomy, which are intimately bound up with *bogosi*, also play themselves out in the land question. This is so because the Tribal Territories Act subsumes certain ethnic groups under the territorial domain of other

ethnic groups. More fundamentally, during the pre-colonial period, nation-building was a process that involved conquest and assimilation of other ethnic groups and more centralized states became dominant. For instance, in the Central District, there are several ethnic groups such as Bakalanga, Bapedi, Babirwa, Batswapong, and Bakhurutse (among others) under the hegemonic control of the Ngwato *bogosi*. Similarly, in Ngamiland or the North West District, Batawana royalty presides over an area that is also populated by Wayei, Hambukushu, and other population groups. However, the nexus between land and ethnicity is problematic as *dikgosi* are mere ceremonial heads of tribal districts without executive powers.

As Proctor (1968, 59) states, one of the major problems faced by the architects of the new states of Africa has been to carve out a “satisfactory position for tribal authorities in a more integrated and democratic political system.” In addressing this problem, the independence constitution established Botswana as a unitary state, with Parliament serving as the only legislative authority. Perhaps as a balancing act, following from the African Advisory Council and in recognition of the fact that *dikgosi* wielded enormous social and political influence in their *merafê*, the House of Chiefs (*Ntlo ya Dikgosi*) was created, albeit serving only in an advisory capacity. Although the autonomy and independence of *dikgosi* was severely undermined by the new constitutional structure, they still had what could be referred to as residual influence in the people.

To consolidate its political power, the post-colonial state further curtailed the powers of *dikgosi* by passing the Chieftainship Act, the Tribal Land Act, the Local Government District Council Act and the *Matimela* Acts (Proctor 1968; Gillett 1973). While all these acts were significant in eroding the authority of *dikgosi*, the Tribal Land Act of 1968 needs special mention because it relieved *dikgosi* of the powers to allocate land and also created the Tribal Land Boards as statutory instruments responsible for land allocation. Nevertheless, despite the severe erosion they suffered in terms of their powers, *dikgosi* are still accorded a lot of respect and wield a lot of influence. Despite the tenuous relationship that exists between them and politicians, a judicious balance exists between the two institutions; they complement one another in matters of democratic governance. Moreover, respecting land matters, even though they are totally removed from its allocation, except for the role where *dikgosana* give consent when

people apply for land in their areas; as traditional heads of districts, *dikgosi* have symbolic control³² of the “tribal” territories.

The Tribal Land Act placed the jurisdiction of tribal land under the Tribal Land boards within the decentralized structure of local authorities.³³ This act was a critical instrument for reinforcing institutional arrangements in a transition from rule by *dikgosi* to a republican form of government. The Tribal Land boards, which came into effect in 1970, were initially under the district councils, and it was only later that they operated as separate entities. These boards have a tribal designation³⁴ because their jurisdiction is specific to tribal territories. Initially, only tribesmen were eligible to be allocated tribal land. For non-tribesmen to be allocated land outside their tribal home, they required a letter from their *kgosi* ceding them to the new area and an exception from the minister of Local Government, Lands and Housing. However, this was seen to run against the spirit of equality of all citizens. With the amendment of the Tribal Land Act in 1993, section 20(1) of the act was repealed to ensure that a citizen of Botswana could be allocated land anywhere in the country.

Initially *dikgosi* were ex-officio members of the land boards, but it was subsequently determined that their membership led to a conflict of interest as they still wanted to assert the authority they lost and were removed from these boards. Their role in land allocation is limited, through *dikgosa-sana*,³⁵ as land overseers. Throughout the country, there are twelve land boards,³⁶ which are supported by thirty-nine subordinate land boards.³⁷ Each land board has ten members, half of whom are elected³⁸ at the *Kgotla*. The other half are nominated by the minister of Lands and Housing. The land tribunal hears appeals against the main land board while the main land board hears those of the subordinate land boards.

Despite their reduced mandate as their political roles were hived-off to district councils, their judicial role to the magistrates’ court, and their role as custodians of tribal land transferred to the land boards, Section 15 of the Chieftainship Act reserves *dikgosi* a broad mandate in development. The act empowers them to “promote the welfare of members of their tribe” and also to ensure that people are “informed about development projects.” *Dikgosi* are ex-officio members of village development committees (VDCs), and, as such, as part of the bottom-up planning process, they directly influence public policy. Contrary to popular assumption, the deliberations of *Ntlo ya Dikgosi* are not limited to matters of tradition

and custom; they raise developmental issues, and there is often significant overlap on issues they raise with what is articulated by both councillors and parliamentarians.

The Report of the Second Presidential Commission on the Local Government Structure in Botswana (Government of Botswana 2001, 77) argued that land boards were said to be generators of conflict in that their land use plans are not designed with the involvement of VDCs, *dikgosi* and district councils. Regarding the interface between the land boards and district councils, it was reported that the latter often allocate land outside the planning area and thereby making it difficult for the district council to supply such areas with infrastructure and services. In addition, the commission received representation that during the reign of *dikgosi*, land was allocated expeditiously, and there were few disputes. Moreover, the Report on the Review of Rural Development Policy (Botswana Institute for Development and Policy Analysis 2001, 151) noted that *dikgosi* are major players in rural development as traditional heads of villages. *Dikgosi* preside over the *Kgotla* and administer customary law, and as a result adjudicate disputes, some of which are over land. In addition, the centrality of *Dikgotla* (plural of *Kgotla*, the traditional local assembly) is underlined by the fact that they are effective forums for dialogue and debate on public policies, including land reform programs. The overall consensus that emerges from these reports is that, to improve their operational efficiency, the land boards should enhance their consultation with the VDCs, *dikgosi*, and district councils.

Although the *Kgotla* serves as a major forum for public consultation on various development programs, power and decision-making lies elsewhere and not with *dikgosi* who preside over them. *dikgosi* are merely facilitators in the administrative and governance processes. Furthermore, the pressure of development and globalization on tribal land is increasingly privatized and commercialized. Tribal Grazing Land Policy (TGLP), the Pandamatenga Commercial Arable Farming, the New Fencing Policy, the National Master Plan for Arable Agriculture and Dairy Development (NAMPAADD), and the tourism policy are but a few of the policies that affect tribal land.

LAND AND DEVELOPMENT

It is widely accepted that land is a primary factor of production and hence development. This section of the chapter seeks to tease out some of the development programs undertaken in Botswana and assess how their conception and implementation relied on the good offices of *dikgosi*.

The Tribal Grazing Land Policy

Land tenure is at the heart of a successful and co-ordinated rural development strategy; its implementation defines the opportunities and constraints that people face in development endeavours and democratic governance. TGLP developments take place on tribal land, which is communally controlled by the people and is variously regarded as a social safety net for the majority of the rural people. It is considered a social safety net because it is largely through people's interaction with land that rural communities can reproduce themselves and attain sustainable livelihoods. Although urbanization is a growing feature in Botswana, the majority of the population resides in the rural areas, and are thus likely to be empowered or disempowered through rural development programs.

The TGLP was launched in 1975 in an attempt to avoid "tragedy of the commons"³⁹ as well as to increase agricultural productivity. The policy was conceived based on the realization that cattle farming was not only a way of life for Botswana but also the mainstay of the rural economy. The basic assumption of the policy was that when people are given exclusive control over land they are motivated to preserve it and that would lead to better animal husbandry methods and optimum utilization of the rangeland. Moreover, it was envisaged that allocating farmers with large herds of cattle would lead them to relocate into the commercial ranches and thereby relieve the communal areas of overcrowding, leading to better management of the communal areas. With the implementation of the policy, beneficiaries, mostly individuals and syndicates, were awarded exclusive rights to land for fifty year leases. This policy conferred an individual title to land that was hitherto communally controlled. Needless to say, the policy was widely discussed at various *Kgotla* meetings with apprehensions expressed about its suitability and sustainability; and in some

cases it was rejected outright (Peters 1984). Nevertheless, it was adopted as government policy.

The TGLP has since been evaluated⁴⁰ and, while it has not realized its stated goals, there are indications that it has had some adverse effects. Its review revealed that it was premised on wrong assumptions. The stark reality that emerged from the evaluation is that the policy did not relieve the congestion in the communal areas but allowed some people to have dual land rights; that is, exclusive leaseholds and communal land rights. As stated in Molomo (1989, 70), the net effect of the TGLP ranches is that it has been nothing else but the rationalization of *de facto* control of land and conferring on it *de jure* status. This policy has succeeded in polarizing society between the landed and the landless.

The New Fencing Policy

The New Fencing Policy was adopted in 1991 in part as an extension and improvement of the TGLP. Its aims are to improve agricultural productivity by ensuring that land is utilized in an optimal manner. The objectives of the new policy are to fence the remaining communal lands and award them individual titles. Following the dictates of the policy, various land boards⁴¹ demarcated their communal areas for commercial ranches. Without doubt, the commercialization of the livestock sector through fencing off the remaining tribal land is likely to have far-reaching implications. On the one hand, arguably⁴² it is likely to avert “tragedy of the commons” and lead to sustained economic growth. On the other hand, it is likely to have an adverse effect on sustainable rural livelihoods. The capital outlay needed for commercial farming is way beyond the reach of small peasants, and poor rural communities are bound to give way to individual land ownership⁴³ and development. This view is actually corroborated by the revised National Policy for Rural Development (Government of Botswana, Ministry of Finance and Development Planning 2002, 29), which asserts that the development of commercial livestock should introduce “use pays” for national resources so as to discourage marginal farmers and offer new opportunities for efficient farmers. The continuing drive to commercialize agriculture and privatize land leads to the shrinking of communal land. Based on the guidelines of the New Fencing Policy, the commercial farms would encompass all communal areas except for land within

a radius of twenty kilometres of villages and settlements. As a result, there is a noticeable shrinkage of communal land. Indications are that the New Fencing Policy would compound the adverse effects of the TGLP. The net effect of these policies is that privatization alienates land from rural communities and is also likely to widen the income differentials.

NAMPAADD

The National Master Plan for Arable Agriculture and Dairy Development (NAMPAADD) is one of the pillars of the government's rural development strategy. It is to embark on sustainable development through diversified and competitive agriculture and conservation of natural resources to contribute to the achievement of food security, poverty alleviation, and socio-economic growth in partnership with people. Although the agricultural sector contributes only 2.6 per cent of the GDP, it is of vital importance to the economy because half of the rural population or 20 per cent of the country's population depends on agriculture for income and employment.

Although rainfed arable production has been severely constrained by unfavourable agro-climatic conditions that include endemic drought and high summer temperatures, government has through various programs tried to alleviate rural poverty and increase food security. The National Master Plan for Arable Agriculture and Dairy Development (NAMPAADD) articulates the vision and the constraints that face the arable sub-sector. NAMPAADD addresses the main areas in agricultural production, namely rainfed arable agriculture, irrigated agriculture, and dairy farming. Through NAMPAADD, it is envisaged that, with improvements in technology and management using existing resources, the goal towards self-sufficiency would be within reach (Government of Botswana. Ministry of Agriculture 2002, 1). **Nevertheless, while NAMPAADD articulates good intentions for attaining sustainable economic development, its prospects are doubtful if the land question, upon which its developments are premised, is not addressed. NAMPAADD has to address serious land issues.**

According to the Botswana Human Development Report (2005), it is feared that NAMPAADD will "squeeze poor people out of land ownership." For the program to be successful, there needs to be heavy investment

in machinery, implements, and farming inputs such as fertilizer, and the use of technology would mean less reliance on human labour, aggravating the unemployment problem. More fundamentally, NAMPAADD requires that farmers should have 150 hectares of land while the land boards only allocate farmers sixteen hectares. In order to participate in this venture, NAMPAADD encourages farmers to group themselves into cooperatives and encourages non-producing farmers to lease out their land to farming investors.⁴⁴ While in the short term this process would afford non-producing landowners some income, in the long term farmers face the danger of being swindled by unscrupulous investors or even voluntarily selling their land, resulting in landlessness. However, in a bid to ensure that tribal land is not alienated from Botswana, the government has imposed a moratorium on the transfer of tribal land⁴⁵ to non-citizens.

Tourism

The land question is articulated within the broad neo-liberal framework, which is driven by the dictates of privatization. Although their effects are still to fully manifest themselves, the privatization of land, which hitherto was a public good, through the commercialization of the livestock industry and arable farming, the development of game farming, and tourism are likely to lead to the alienation of land from the poor segments of society. As a result, there is great need to rationalize Botswana's land use planning to ensure that as the country adapts to the new global economic order, the poor are not marginalized.

In its quest for economic diversification, the Botswana government has identified tourism as an alternative engine of growth and it is ranked the country's second foreign exchange earner. The development of tourism has put land, which hitherto was under communal control, under considerable pressure in that there are now competing land uses. In this regard, it is important to place *dikgosi* in the broader developmental agenda and to determine whether they are able to articulate the processes of globalization.

In what Tevera and Moyo (2000, 13) refer to as the recolonization of its land through market-based reforms, land and natural resources are allocated to private concerns in the form of concession safari companies, which largely satisfy a foreign clientele. Although the overall authority of the land resides with the land boards, they lack the capacity to carry out

effective environmental land audits to determine whether the concession companies manage it properly. Perhaps more disturbing is the fact that, even though the leases of the concession companies stipulate that the local communities should continue to enjoy their traditional rights in the area of harvesting thatching grass and reeds, there are reports that some safari companies chase them away.⁴⁶ Needless to say, most of these safari companies operate on tribal land. There is no way that *dikgosi* can intervene on behalf of their people, except by raising issues through the *Ntlo ya Dikgosi*.

The drive toward privatization, which puts land and natural resources in private hands, and the increasing role of international capital in the exploitation of these resources has placed the benefit of these resources beyond the reach of Botswana,⁴⁷ especially the rural poor. The tourist industry in Botswana is based on the economic philosophy that scarcity enhances value. As a result, its underlying axiom is that, in order to keep the wilderness in a pristine state, the industry must adopt the principle of high-cost low-density tourism.⁴⁸ However, as a way of giving Botswana a stake in the industry, government has thought up joint ventures between foreign safari companies and community trusts. Community-based natural resources management areas are wildlife management areas in which communities are organized in the form of trusts and enter into joint ventures with foreign safari companies. Joint ventures in Community Based Natural Resources Management (CBNRM) are projected as alternative strategies designed to empower communities in remote areas to participate in natural conservation and management of wildlife and other natural resource development (Twyman 1998).

Ecotourism is emerging as a new way in which natural resources could be harnessed to provide a sustainable rural livelihood without depleting the natural resources. It is variously suggested as a way that *Basarwa* could develop without alienating them from their culture.⁴⁹ It is suggested that, within the broad framework of wildlife management and conservation, *Basarwa* could build cultural villages, which, while conforming to “modern” standards of water-borne toilets, baths, and electric lights, could maintain their traditional thatch structure. Of essence in ecotourism is the fact that *Basarwa* could be able to harness their indigenous knowledge base and their intimate knowledge of the environment, share it with others, and pass it on to future generations. Guests could be treated to game tracking and could also be treated to a variety of traditional dances

and narrations of *Basarwa* culture and history. Moreover, they would diversify their sources of livelihood; they would not depend solely on hunting and gathering, low wages as farm labours and herdboys, and handouts from government.

Notwithstanding the prospects of ecotourism, the power relationships that exist between the safari companies and local trusts are asymmetrical and unequal,⁵⁰ and it does not make sense to talk about these CBNRM's as meaningful partnerships. Moreover, the technical committees that are set up by government to safeguard the interests of the trusts are comprised of civil servants, the majority of whom do not possess special negotiation skills to ensure that the communities get value for money. *Dikgosi* are never members of these technical teams, and there is no way in which they can influence decisions with a view to empowering their people. The power-sharing that is envisaged in the CBNRM's exists only in name. In reality, the concession companies have inordinate powers and tend to marginalize rural communities. This is illustrated, in part, by the fact that safari companies alone, without the input of communities, prepare management plans on the basis of which the concessions are awarded.

SQUATTERS AND SELF-ALLOCATION OF LAND

The land question plays itself in a variety of ways through formal and legal acquisitions and illegal mechanisms. The illegal occupation of land or farm invasions⁵¹ is not only a problem in Zimbabwe but is pervasive in the entire Southern African region. Whilst in Zimbabwe it manifested itself in the form of farm invasions, in Botswana it has taken the form of squatter settlements and self-allocation⁵² of land. This problem has been acute in the peri-urban areas, especially Mogoditshane, which is in the outskirts of Gaborone, the capital city of Botswana. Mogoditshane falls under the Kweneng District, hence under the jurisdiction of the Kweneng Land Board. The inability of government departments to allocate serviced land has led to illegal squatting and self-allocation of land. Respecting land in the urban areas, especially Gaborone, government is not able to provide serviced land to keep up with its demand. In the case of

Mogoditshane, the Kweneng Land Board is said to lack the capacity to keep up with the demand for land.

Self-allocation of land is broader than we imagine. Due to the shortage of served land in the urban areas, people are tempted to speculate with tribal land in the peri-urban areas. First, it covers those who (due to their impatience with the delays in the land allocation process, the pressures of urban development, and the shortage of serviced land in the urban areas) would have illegally allocated themselves land. Second, it covers those who were allocated land by *dikgosi* and such land was not registered with the land boards. Third, it covers those who have been allocated land but would like either to transfer that land or change its use, and because the land boards do not cope with the volume of applications, people go ahead to effect developments without legal sanction.

Mogoditshane, together with other peri-urban areas, was the subject of a presidential commission in 1991, led by a former cabinet minister, Englishman Kgabo, with a view to studying and making recommendations to government on ways to solve the problem of self-allocation of land that was rampant in the country. Based on the report produced by the Kgabo Commission and the subsequent Government White Paper No. 1 of 1992, it became apparent that, in the absence of a coherent and an integrated rural development strategy, government will continuously be faced with the problem of rural-urban migration, which puts pressure on limited amenities in these areas.

The Botswana government has over the years grappled with the difficult problem of sale of land. While government policy prohibits the sale of undeveloped land, it allows for sale of developments on land. It is widely acknowledged that during the pre-colonial and colonial periods, land was able to change hands for a fee; such a transaction was known as *Maremo a selepe* (compensation for developments). This compensation was considered to be the sale of the right to use land rather than of land itself (Government Paper No. 2 of 1992, 16–17). Perhaps what has compounded the land question in recent years is the disproportionality of land values between tribal land, on the one hand, and state land and freehold land, on the other. There are perceptions that tribal land lends itself to low compensation rates because it is held in common with the community. It is argued that, since common law title to land ascribes it to individuals, land values appreciate because there is security of tenure. This issue has been

widely debated and there is sufficient consensus that, while there is a sense of community ownership of tribal land, land has a sense of permanence because as long as they use that land, it cannot be taken away from them. Nevertheless, individually held land may be expropriated, just as can be done with state land and freehold, where government wants to use it for development purposes. Therefore, in a nutshell, the security of tenure for tribal land is not inferior to other types of land-holding. Besides, one can pass on this to children (Government Policy No. 1 of 1992, 6).

Land speculation is rife in Botswana and manifests itself through differential values of land. In cases where the land boards expropriate land (especially field) for the growth of the village, the rate of compensation is often much lower than the market value of that land. Moreover, the compensation is often lower than the replacement cost of the developments. Moreover, private market values are much higher than the official rates. Furthermore, in cases where the land exchanged hands, it usually takes a long time before such a transaction could be effected. As a result of the fore-going problems, people were tempted to take the law into their own hands and self-allocate land.

The Kgabo Report tried to redress this problem by penalizing those who had self-allocated land. Government's ruling on the Mogiditshane self-allocations in the early 1990s was that all the illegally occupied land that was still undeveloped would revert to the land board. However, with respect to illegally acquired land that was already developed, the owners were allowed to regularize their occupation of such land by paying a penalty.⁵³ In government's thinking, the penalty was punitive enough to deter further self-allocation of land. However, it appears that this dispensation sent wrong signals that, if people self-allocated themselves land, they would be required to pay a fine and retain the land and property. Besides, land values in and around Gaborone are so high that the penalty was lower than the market value of similar land.

In clear contravention of the rule of law, Mogiditshane has once again been hit by a wave of self-allocation of land and mushrooming of squatter settlements. In an attempt to enforce the rule of law, government has adopted stern measures of demolishing houses that were built on land that was not properly allocated to them by the authorities. While the High Court of Botswana has temporarily halted the demolition of the squatters, pending its ruling at a later stage, it is clear that the land question is a

multifaceted issue that affect the basis of human existence. Nevertheless, as things stand, *dikgosi* have no role to play in this process, as their jurisdiction does not extend to allocation of land.

CONCLUSION

The conclusions that emerge from this chapter are that the Botswana land tenure system is fraught with serious difficulties. The land tenure system that is put in place by the post-colonial state has not only relieved *dikgosi* of their traditional role of allocating land but has also institutionalized a framework that is informed by the dominant Tswana cultural land practices. Botswana's land tenure does not recognize the traditional land rights of *Basarwa* as hunters and gatherers. As a result, government has found it prudent to relocate *Basarwa* out the CKGR. The relocation of *Basarwa* from the CKGR and government's failure to come up with a constitution that would accommodate all national cultures reflects tendencies of a government that is not fully responsive to people's needs.

Within the wider framework of globalization, government would like to create a favourable environment for foreign investors, and, with tourism as an alternative engine of growth, it is plausible to imagine that *Basarwa* are relocated from the CKGR to make way for foreign investment. If this is the case, capitalist development would have triumphed over the right to livelihood and the survival of *Basarwa* culture. At face value, it would appear that what is being contested in the CKGR is the demand by government to have the natural resource be used for the public interest rather than be only enjoyed by *Basarwa*. But in reality, *Basarwa* are made to give way to capitalist development.

Privatization of land has taken many forms in Botswana, and for a country where the majority of the people come from land-based production (arable and livestock farming), it is likely to lead to inequalities and the widening gap between the rich and poor. Moreover, since globalization transcends national boundaries, land has been "commodified" and auctioned, so to speak, to the highest bidder. With communal land increasingly lost to privatization, invariably people with capital are bound to benefit from land reform programs. Furthermore, through concessions, be

they mineral or safari companies, Botswana is now facing neo-colonialism proper. The post-colonial state has political control while economic control lies elsewhere. In the process, *dikgosi* are further marginalized from playing any meaningful role in land allocation, let alone development.

NOTES

- 1 Zimbabwe is a case in point.
- 2 State land comprises land for urban development, National Parks and Game Reserves, Forest Reserves and Wildlife Management Areas.
- 3 The FPSG is a title in which land is held under a lease in which it is passed from the owner (in this case, the government) to the lessee for a stipulated period of time. Some are fifteen years and the longest lease awarded in Botswana is ninety-nine years.
- 4 COR was developed to arrest the growth of squatter settlements such as Old Naledi and Botshabelo in Gaborone and Selibe Phikwe.
- 5 The discovery of gold in the Witwatersrand in 1886 was part of the overall crusade of gold exploration in the region.
- 6 Consideration of the national question for *Basarwa* is complex and requires a separate study. However, according to Roy Sesana, *Basarwa* are not homogeneous but comprise several dialects, which are mutually unintelligible. Some of these are: Manaro, Baqoo, Bakaukau, Batshila, Bag/anakwe, Babukakwe, Bazunxese, Bak/aneko, Bag/orokwe. Babolongwe are Bakgalagadi who live with *Basarwa*. (Interview with Roy Sesana on 7 August 2000 in Ghanzi.)
- 7 The intestines, head and neck, and hoofs.
- 8 Botswana does not have a minimum wage, and farm labourers are on the main paid starvation wages and sometimes are paid in kind in the form of food and clothing.
- 9 It is hoped that the constitutional amendment arising from the White Paper deriving from the Balopi Commission will address this anomaly.
- 10 In Kweneng District, among other areas, they are found in a small village called Kweneng.
- 11 In Kgatleng, they are found in Bodingwe, Kgomodiatshaba, Khurutshe, and Artesia
- 12 Before their relocation from the reserve, Basarwa settlements could be found at Molapo, Metsi a Manong, Mothomelo, Kikao, Kukamba, and Kgope (Gope). (Roy Sesana in an interview on 7 August 2000 in Ghanzi).
- 13 According to the Wildlife Conservation and National Parks Act No. 28 of 1989, Special Game Licence Section 30 provided that Basarwa could hunt the following animals:

- 4 springbok, 10 monitor lizards, unlimited numbers of jackel, 1 kudu, 10 silver fox, 2 gemsbok, 30 duiker, 30 steenbok, 50 wild cats, 50 bat-eared fox, 10 caracal, and 3 warthog. According to an interview with *Kgosi* Tuelo Sekalabue, at New Xadi on 15 August 2000, many of the animals entailed in their special hunting are animals they do not eat.
- 14 People cite incidents of Selibe Phikwe, Orapa, and Jwaneng, where people had to be relocated to give way to mining developments.
 - 15 This movement was founded by John Hardbatlle, born of a *Mosarwa* (singular of *Basarwa*) mother and a British father. After his death, Roy Sesana took over the leadership of the organization..
 - 16 Interview with Roy Sesana in Ghanzi on 7 August 2000.
 - 17 Roy Sesana asserts that part of their oppression is that the Tswana impregnate their children and the law never apprehends them.
 - 18 However, in an interview with Gilbert Mogapi, he maintained that New Xadi is a Community Wildlife Management Area and they are given a certain quota of animals and the community can decide how to use them. They can hunt for subsistence purposes.
 - 19 At the time the Ghanzi *Kgosi* was Silence Setima of the Bangologa ethnic group.
 - 20 For details, see Phia, 2005.
 - 21 *Kgosi* is often referred to as *mmabatho* (mother of the people); *motho was batho* (man of the people).
 - 22 Among Bakgatla, the *Kgosi* is referred to as *Mokgatla*, among Bagwato as *Mongatlo*, and so on.
 - 23 A Bakgatla *bogwera* (initiation) ceremony song, which says that “tlotlang kgosi e kgolo banna, e chababa digaketse” (men respect your paramount chief as other tribes are up in arms).
 - 24 Traditionally, it was said that *Kgosi e boloisa letsema* (the *kgosi* declares the plowing season).
 - 25 This was a system called *molomo*, where the *kgosi* was given the honour of biting the first harvest, and thereafter the people could harvest their crops.
 - 26 A system in which people came with their span of oxen ploughed the *Kgosi*'s field, attended to weeds, and harvested the crop. The proceeds went into the tribal granaries for the needy as during times of draught.
 - 27 Such gifts are often called *sebuba* (chest). Symbolically breast meat is said to be rich, and only befitting *Kgosi*.
 - 28 A case in point is that during the reign of a *Kgosi*, a group of Bakgatla who were converted to the Zionist Christian Church (ZCC) were banished, and they settled in Lentswe le Moriti in the Central District.
 - 29 These were wars that were fought as a result of incursions of Shaka Zulu and led to dispersions of the Bantu people throughout Southern Africa.
 - 30 These were Bakgatla, Bakwena, Bangwaketse, Bangwato, and Batawana.
 - 31 Balete, Batlokwa, and Barolong.

- 32 For instance, the Central District is often referred to as Khama's and the Kgatleng District as Linchwe's land.
- 33 Other structures of the local authorities are the District Commissioners Office, District Council, and Tribal Administration.
- 34 For instance, the Central District, which is under the jurisdiction of Bagwato, is called the Ngwato Land Board, and the others are Kgatleng Land Board, Kweneng Land Board, Ngwaketse Land Board, Rolong Land Board, Tawana Land Board, and Kgalagadi Land Board.
- 35 In applications for land, *dikgosana* are made to sign an acknowledgment that, to the best of their knowledge, such lands are open and could be utilized for purposes specified in the application. However, in real terms, that is just token consultation as *dikgosana* are never invited to the hearing that considers the application, and the outcomes of such meetings are never communicated to them.
- 36 Respecting applications for boreholes and common law grants, the subordinate land board is only empowered to hear applications and to make recommendations to the main land board.
- 37 The subordinate land board only has the jurisdiction to allocate land for residential purposes and fields for ploughing.
- 38 Initially it was on an open voting system, but now it is on a secret ballot system.
- 39 The underlying thesis of the tragedy of the commons is that, in a situation where resources are communally controlled, it is to no ones interest to regulate its utilization. Therefore, freedom in the commons brings ruin to all. For details, see Molomo (1989).
- 40 A number of underlying assumptions informed the development of the TGLP farms. First, there was the mistaken believe that, in the western sand veld, there were stretches of 'vacant land,' which could be utilized for commercial ranching. Second, there was an assumption that fencing land would lead to better farming methods and preservation of the pastures. The third assumption was that farmers with large numbers of cattle would move into the TGLP farms and thereby relieve the communal areas of overstocking and soil erosion.
- 41 Ngwato, Kgalagadi, Ghanzi, and Tawana Land Boards. Ngwaketse and Kweneng Land Boards are to follow.
- 42 Some of the first TGLP ranches allocated, such as the Nojane ranches, were badly over-grazed, and by and large many of the ranches are simply fenced cattle posts without better faming techniques.
- 43 There are already reports that some of the farms allocated in the Western Sandveld and 4B have already been sold at exorbitant prices, mostly to foreigners.
- 44 For details, see Motshwane (2005).
- 45 See Gabotlale (2005).
- 46 Interview with Moitshepi T. Molelwa Councillor, 9 August 2005, Gumare.

- 47 *Kgosi* Jacoba Pitoro Sedisa maintains that, even though concessions are open to all, they are invariably won by whites because procedures to acquire them are complicated and need lots of money. (Interview on 10 August 2000, Gumare.)
- 48 The assumption is that, if tourism were made accessible and affordable to all, it would be over-run and not attract the much-needed foreign exchange. Invariably, this type of tourism satisfies an export-led demand and the interests of the small local elite. As a result, tourism in Botswana is exclusive. While the laws of the land do not prohibit people from using tourist facilities, they are priced in such a way that an average Motswana cannot afford them.
- 49 Cases in point are projects such as the Gudigwa cultural village and other similar projects at Kwai and Mababe. I. Magole and L. Magole, "Preliminary Findings: Eco-tourism and Socio-Economic Development of Basarwa: The Case of Gwadigwa," seminar at University of Botswana Main Library, 20 April 2005.
- 50 Basarwa depend on the good will of the concession companies.
- 51 In 1990, the war veterans occupied white-owned farms in Zimbabwe.
- 52 Self-allocation of land in Botswana is not a new phenomenon; it first emerged in the 1960s with the development of Gaborone as the seat of government. Old Naledi as a squatter settlement emerged to address the land and housing needs of the urban poor who were not catered to by formal sector housing. With the development of Selebi-Phikwe, in the 1970s, Botshabelo also emerged arising for the same reasons as Gaborone. Self-allocation of land has also been a pervasive feature in Mogoditshane.
- 53 For every plot of the size 40 x 40 metres, the owner was charged a penalty of P5,000, and the levy increased proportionate to the further increase in the size of the plot (Government Paper No. 1 of 1992, 15).

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