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# Land, Livestock and Leadership among the Ju/'hoansi San of North Western Botswana

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**Abstract:** In Africa, indigenous peoples have had difficulties in gaining secure legal rights to land and resources. The Ju/'hoansi San of the Republic of Botswana have had to contend with governmental decisions that have not allowed groups to claim land on the basis of customary tenure or long-term occupation. This article examines some of the innovative ways in which the Ju/'hoansi have dealt with the issues of land and resource rights, including carrying out detailed mapping of their ancestral territories and using Botswana government policies on community-based natural resource management to their advantage in gaining greater control of land, water and wildlife resources.

**Keywords:** indigenous people, land rights, Ju/'hoansi San, community-based natural resource management

**Résumé :** En Afrique, les Autochtones ont eu de la difficulté à obtenir des droits stables à la terre et aux ressources. Les San Ju/'hoansi de la République du Botswana ont eu à lutter contre des décisions gouvernementales qui ne permettaient pas à des groupes de réclamer des droits territoriaux sur la base de coutumes ancestrales ou d'occupation prolongée. Cet article examine quelques façons ingénieuses dont les Ju/'hoansi se sont servi dans la question des terres et des droits aux ressources, y compris faire un relevé détaillé de leurs territoires ancestraux et se servir des politiques du gouvernement du Botswana sur l'administration des communautaires des ressources naturelles pour gagner un plus grand contrôle des terres, de l'eau et des ressources de la flore et de la faune.

**Mots-clés :** peuples autochtones, droits territoriaux, San Ju/'hoansi, gestion communautaire des ressources naturelles

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Many of the problems facing indigenous peoples today are the result of global processes, especially the expansion of economic development and the international trade of goods and services (Bodley, 1999; Gedicks, 2001; Maybury Lewis, 1997). In the face of competition for land and resources and, in some cases, lack of recognition by nation-states of minority peoples' rights, indigenous peoples in various parts of the world have sought to claim ancestral territories and assert what they see as their basic human rights (Anaya, 1996; Durning, 1992; Hitchcock, 1994; Hodgson, 2002). In some parts of the world, such as Australia, New Zealand, and Canada, indigenous peoples have made some progress in recent years in obtaining land and resource rights (Fleras and Elliott, 1992; Young, 1995).

In Africa, peoples who define themselves as indigenous, such as the San of southern Africa and the Pygmies (Batwa) of central Africa, have generally had difficulties in obtaining legal rights to land and resources (Barnard and Kenrick, 2001; Veber, Dahl, Wilson and Waehle, 1993).

The indigenous peoples of southern Africa have utilized a variety of means to obtain land and resource rights that include lobbying government officials, often to little avail, and engaging in direct action. Their efforts to lay claim to ancestral territories on the basis of "indigeneness," the notion that San peoples were "first comers" or were "native to the areas where they lived," have often received negative responses from the governments of nation-states in Africa (Barnard and Kenrick, 2001; Saugestad, 2001). In 1997, the Hai//om San of Namibia blockaded the entrance into Etosha National Park in Namibia in 1997 in order to bring national and international attention to their desire to reclaim their ancestral lands which they had lost in the late 19th and 20th centuries (Dieckmann, 1997: 142). The only indigenous peoples in Namibia who have been able to obtain some degree of control over a portion of their ancestral lands are the Ju/'hoansi, who in 1998 were able

to establish what in Namibia is known as a conservancy, an area of communal land within which residents have the rights to resources and the economic benefits that derive from those resources (Biesele and Hitchcock, 2000; Hitchcock, Yellen, Gelburd, Osborn and Crowell, 1996). The approximately 1 800 Ju/'hoansi San of Botswana, on the other hand, have not been able to obtain secure land and resource tenure rights. The reasons for this situation are complex, but they are due in part to the fact that the Botswana government (Africa's oldest democracy and the home to some 47 675 people who define themselves as San or Barsarwa [Suzman, 2001]) has been unwilling to grant land rights to groups who make claims on the basis of customary rights and traditional livelihoods (Hitchcock, 2002a; Wily, 1979).

This article examines the recent and contemporary ethnographic and political situations of the Ju/'hoansi San of Botswana, and it addresses the complex issues surrounding land and resource rights. It draws upon the detailed work of Richard Lee and the Harvard Kalahari Research Group and other social and natural scientists and development personnel who have worked with the Ju/'hoansi in north western Botswana (Hitchcock et al., 1996; Lee, 1979; 2003; Lee and DeVore, 1976; Wilmsen, 1989). I pay particular attention to the Ju/'hoansi residing in two communities in the North West District (Ngamiland) of Botswana, XaiXai (/Ai/Ai) and Dobe. The article concludes that although the Ju/'hoansi of Botswana have yet to obtain secure *de jure* legal rights to land and resources, they have made some progress toward gaining *de facto* control over the areas in which they reside. The Ju/'hoansi have been able to do this through the use of some innovative strategies and through building coalitions with other groups and organizations.

## The Ju/'hoansi San of North Western Botswana

The Ju/'hoansi (San) have been described in the past as hunters and gatherers. Today, the Ju/'hoansi live in settled lives usually near water points and have diversified economic systems that combine some foraging with food production, cash earned through jobs and the sales of crafts and other goods, and, some cases, dependence on food relief and cash provided by the nation-states where they reside. While some Ju/'hoansi reside on freehold (private) farms belonging to other people, there are others who live in villages and in small decentralized communities spread across portions of the northern Kalahari savanna (Biesele and Hitchcock, 2000; Lee, 2003). In Botswana, virtually all of the Ju/'hoansi reside in

communities that include people from other groups, notably Herero (Mbanderu), Tawana<sup>1</sup>, and Ham-bukushu, all of whom are agropastoralists who speak Bantu languages. These communities range in size from several families to several hundred people. The Ju/'hoansi spend the majority of the year in these settlements, ranging out for brief periods in the rainy season to stay at places where water has accumulated so that they can collect wild foods and, as they put it, "get away from all the noise of the settlements." Some of this noise, they note, derives from the lowing of cattle and the sounds of goats, donkeys and chickens that people keep near their homes.

In the past, the Ju/'hoansi lived in bands—groups of people who were tied together through kinship, marriage, friendship and reciprocal economic exchange systems that numbered between 25 and 50 people (Lee, 1979; 2003; Marshall, 1976). Leadership of these bands was relatively diffuse, and decision making was based on consensus. In recent years, Ju/'hoan headmen have begun to be recognized in Botswana, and Ju/'hoansi have become part of Village Development Committees and other local community institutions.

A relatively small proportion of the Ju/'hoansi in north western Botswana have been able to build up sufficient livestock numbers to be self-sufficient. And even these people have faced major constraints, one example being outbreaks of livestock diseases, the worst being the spread of Contagious Bovine Pleuropneumonia (CBPP) (Hitchcock, 2002b; Hitchcock et al., 1996) that led the government to slaughter all cattle in the North West District in 1996. Since that time, the Ju/'hoansi and their neighbors have attempted to re-establish their herds, but most of them have yet to reach the numbers that they had prior to the government's action. Today, the Ju/'hoansi have relatively high rates of unemployment, and those that do have jobs generally receive relatively low wages, such as those males who herd cattle on the cattle posts of other people (Hitchcock et al., 1996; Suzman, 2001).

One of the problems faced by the Ju/'hoansi and other San is that the Land Boards of Botswana, set up in the 1970s as a replacement for traditional authorities (chiefs), have generally been reluctant to grant rights over blocks of land for grazing to San, arguing that they have no need for such land since they are, in their view, "mobile hunters and gatherers" (Tawana Land Board members, personal communication, Maun, Botswana, 1995; see also Wily, 1979). The Land Boards sometimes grant rights to residences (homesteads) and to arable land, but thus far in North West District the Land Board

has been unwilling to grant grazing and water rights to San communities.

Since the 1970s, some Ju/'hoansi have sought to obtain *de facto* control over land and resources through the establishment of wells, which, under Tswana customary law, are considered improvements on the landscape and thus deserving of recognition as investments. It was not until the early part of the new millennium, however, that the Ju/'hoansi were able to obtain a formal water right from the Land Board. This achievement would not have been possible were it not for the efforts of many Ju/'hoansi and the assistance of San support groups such as the Kalahari Peoples Fund and other non-government organizations, notably the Trust for Okavango Cultural and Development Initiatives (TOCaDI) (see Biesele, this volume).

### **The Land and Resource Tenure Systems of the Ju/'hoansi San**

In the past, Ju/'hoansi sometimes gained access to land through approaching individuals in their own communities who had stewardship over that land. These people were often elderly Ju/'hoansi, both males and females, who were recognized as having long-standing rights to an area and who were considered land managers. Known among the Ju/'hoansi as *kxai kxausi* or *n'ore kxausi* (Marshall, 1976: 184-195), the territory "owner" has the responsibility for organizing and managing natural resource related matters. The *n'ore kxausi* made their decisions on the basis of whether or not it was felt by the community that there were sufficient land and resources available to sustain additional people. Such decisions were usually taken on the basis of public consensus, or, as one Ju/'hoan man put it, a "big talk."

The land use system of the Ju/'hoansi was seen by them and by outsiders as being flexible and adaptable to change. The problem that arose, however, was that the Ju/'hoan land authorities were not recognized as such by other peoples who moved into their areas and established occupancy rights. Over time, therefore, the authority of the Ju/'hoan *n'ore kxausi* was eroded, leaving many Ju/'hoansi in the position where they had to seek help from non-Ju/'hoan leaders, some of whom tended to give preferential treatment to members of their own groups.

At XaiXai in 1973-74 and in Dobe in 1975, some Ju/'hoansi dug wells and attempted to apply for water rights from the Tawana Land Board, but they were unsuccessful in getting these rights, and the water points eventually were taken over by other people along with their livestock. By the 1980s, the Ju/'hoansi were

frustrated and angry and felt that they were being discriminated against on the basis of their ethnicity. The Botswana government, for its part, took a position that allocations of land and development assistance should not be based on ethnicity but instead should be based on need (Hitchcock, 1980; 2002a; Wily, 1979). As one Botswana government official said to me in 1988, "We give land and development assistance to people regardless of their ethnic background; we help all people as citizens of the nation-state of Botswana."

The problem faced by the Ju/'hoansi and their neighbours was that most of them lived in remote communities that did not contain sufficient numbers of people as to be considered above the threshold (500 people) where development assistance was provided by the North West District Council and the government of Botswana.

The Ju/'hoansi of XaiXai and Dobe decided to take matters into their own hands and lobbied the Botswana government for recognition of their rights. They attended district-level and national meetings, some Ju/'hoan leaders visited Namibia and one Ju/'hoan representative attended a meeting of the Working Group on Indigenous Populations (WGIP) of the United Nations which was held in Geneva, Switzerland. The Ju/'hoansi built coalitions with San from other parts of Botswana, and in 1996 they joined with San in neighbouring countries to establish the Working Group of Indigenous Minorities in Southern Africa (WIMSA), a regional San networking and advocacy organization.

In the 1970s, the Ju/'hoansi, with the aid of anthropologists and wildlife biologists, were able to obtain a Special Game License for subsistence hunting (Hitchcock et al., 1996). Individual Ju/'hoansi also wrote letters to the president of the country and to Members of Parliament, seeking recognition of their rights as citizens of Botswana to land and resources (Megan Biesele, Axel Thoma, personal communications, 1992, 1995, 2001).

In the 1990s the people of XaiXai, both Ju/'hoansi and Herero, were assisted through a program involving community-based natural resource management (CBNRM) and institutional capacity-building funded by SNV, the Netherlands Development Organization. They were able to establish and run a community-based organization that became known as the XaiXai Tlhabolo Trust. In 1995-96 the XaiXai people established a governing body and wrote up a constitution for the trust. Once the constitution was agreed upon, the XaiXai Trust applied to the Botswana government for permission to receive the wildlife quota for the area from the Department of Wildlife and National Parks. The trust council then

decided how they wished to allocate that quota, giving some of it to community members who were allowed to hunt for purposes of subsistence, and setting aside some of the quota for lease to safari companies that placed bids to oversee hunting and photographic safaris at XaiXai.

At Dobe, the Trust for Okavango Cultural and Development Initiatives, which was founded in 1999, began to assist the 100 or so Ju/'hoansi and Herero residents to dig wells and to seek water rights for those wells (see Biesele, this volume for a discussion of the KPF). In so doing, the Ju/'hoansi were hoping that they could get rights not only to the water but also to the surrounding grazing for their livestock, which were beginning to increase in number after having been decimated in 1996.

TOCaDI conducted participatory rural appraisals and did community-based needs assessments at Dobe, and worked with the members of the community in establishing and enhancing community institutions. Local people from Dobe and other Ngamiland communities were employed by TOCaDI to work at the grassroots level. At the same time, TOCaDI and the Ju/'hoansi worked with district authorities and other non-government organizations in working out strategies for establishing community organizations and getting land and water rights.

An objective of the Ju/'hoansi in Dobe was that they have the same degree of control over their area as did the people of XaiXai. They approached this problem by digging wells in the areas surrounding Dobe where Ju/'hoan families visited during the wet season. Without rights over the area surrounding Dobe, a community-controlled hunting area (CCHA), the community could not legally charge fees to tourists for camping there. As one Dobe Ju/'hoan woman put it, "We want to *own* the land around Dobe, not just have access to it." By 2002, water had been struck in boreholes in several of the areas near Dobe, and Ju/'hoansi had filed requests with the Tawana Land Board for allocation of water rights. Progress was being made in the establishment of community trusts at Dobe and in some of the areas nearby.

There were efforts in the late 1990s to map the *n!oresi* in the Dobe area using local Ju/'hoan informants working in conjunction with personnel trained in the use of Geographic Positioning Systems (GPS) instruments. The maps that were created from this work were used in Land Board and other district-level meetings in order to argue for the efficacy of the traditional Ju/'hoan land use and tenure system as the foundation for an innovative decentralized system of resource control and management.

The impacts of the community mapping efforts in the Dobe area have been profound. They helped awaken a sense of collective identity among the Ju/'hoansi. They also helped instill in local community members the desire to learn more about past land use and resource management patterns. The Ju/'hoansi understand very well the fact that maps are far more than flat representations of landscapes that enable people to orient themselves on the ground; instead, as they put it, "Maps are power." They can be used in a variety of ways, not least of which is to legitimize claims over land and resources. They have been useful in generating donor interest and obtaining support in the international arena.

In December, 2002, a water festival was held at Shaikarawe, another community in which San predominate in northern Botswana. It was this community where, only a few years before, the Tawana Land Board and the North West District Council had ruled that the land on which the San lived was no longer theirs but rather belonged to a non-San man who had taken over the water point there. The San appealed the case and, with the help of Ditshwanelo, the Botswana Center for Human Rights, they were granted the right to return to Shaikarawe, where they immediately began to dig a well. Eventually, with the support of San community-based development organizations, Ditshwanelo, and outside donors, the San of Shaikarawe prevailed, and today they have *de jure* rights over the water point and surrounding grazing, and they are in a position where they can control their own lives. As one man put it, "Without land, livestock, and leadership, we would still be living on the fringes of someone else's cattle post."

## Conclusions

In the latter part of the 20th century, the Ju/'hoansi of north-western Botswana employed a multi-pronged set of strategies in their efforts to gain control over land and natural resource rights. They have used their traditional system of land use and management, the *n!ore* system, as a foundation for managing their land. At the same time, they have been quick to seize on opportunities offered by new Botswana government policies involving land and natural resource management, engaging in well-digging efforts and making formal claims to government land management institutions for land and water allocations. Unlike some other San groups in Botswana, they have not tied their claims to indigenous identity but rather have co-operated closely with non-San groups in seeking land and resource rights. They have built coalitions and formed alliances with Ju/'hoan groups and other San groups in neighbouring countries.

The Ju/'hoansi of north western Botswana have been careful about the ways in which they have asserted their collective identity. On the one hand, they have proclaimed their identity as Ju/'hoansi in struggles for recognition and rights at the community level, but they have been careful not to make such claims at the national level in Botswana, realizing full well that the idea of indigeneness does not sit well with government officials in the country (Hitchcock, 2002a; Saugestad, 2001; Sylvain, 2002). The Ju/'hoansi have accepted the government's classification of them as Remote Area Dwellers in order to access government programs and they have utilized other government programs to their advantage such as those aimed at providing livestock and agricultural inputs. As one Ju/'hoan woman at Dobe put it, "We know that the government wants us to have livestock and crops and to live like other people, so that is why we get these things whenever the Ministry of Agriculture offers them."

The Ju/'hoansi of Botswana have learned a great deal from their interactions with other groups involved in the larger world indigenous rights movement. They have learned about new ways to negotiate with nation-states, and they have put this knowledge to use at the local level, the national and in the international arena. They have also benefited from collaboration with international NGO's, donors and researchers.

Finally, the Ju/'hoansi and their neighbours in north western Botswana have purposely linked their systems of governance with conservation and development efforts. They have established multiethnic community-based institutions that have sought and received government recognition. These community-based bodies have been able to generate income for their members, sometimes in substantial amounts, as was the case with the XaiXai Tlhabololo Trust who in 2001-02 made some \$200,000 and were able to generate over a dozen jobs for local people (Bernard Horton, Charlie Motshubi, personal communications, 2002). Without having participated in Botswana's community-based natural resource management program and the work of the various non-government organizations engaged in integrated conservation and development programs, the Ju/'hoansi would not have been able to obtain the rights to land and resources around communities in north western Botswana, and they would still be marginalized minorities, living in, as one Ju/'hoan woman put it, "a sea of poverty."

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## Note

- 1 The Tswana predominate politically but not numerically in the North West District of Botswana. They are a Setswana speaking group for whom the district Land Board is named.

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