

**Private Wildlife Governance in a Context of Radical  
Uncertainty: Dynamics of Game Farming Policy and  
Practice in KwaZulu-Natal, South Africa**

**By**

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## **DEDICATION**

To my parents Mariyapera, Revias and the late Rina Kanyera

## DECLARATION

I declare that the thesis hereby handed in for the qualification of PhD at the Department of Geography of the University of the Free State, South Africa and Department of Organisation Sciences of the Vrije Universiteit, The Netherlands is my own independent work and that I have not previously submitted the same work for a qualification at/in another university/faculty.

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## ABSTRACT

Conversion from livestock and/or crop farming to game farming has been a notable trend on privately owned land in South Africa over the last decades. This change has been characterised by the fast growth of wildlife ranching, reflected in the annual increase in land enclosed by game fences and the high demand for wildlife which is being traded privately and at wildlife auctions. Key environmental and agricultural legislation has been passed since 1994 that impacts the wildlife sector, for instance, legislation on property rights, (re)distribution of resources, and biodiversity conservation in South Africa. The study sought to investigate the extent to which the state is able to impose effective controls over land use activities related to wildlife conservation on private land, and to explore in detail how governance processes actually work on the ground in the province of KwaZulu-Natal. The study explores how the private game farming industry positions itself with respect to existing agricultural and environmental regulations, as well as how the state is responding to the challenge of competing needs over land and wildlife resources that is posed by the game farming sector. The basis of the study was to unravel findings that show interactions, discourses, policy positions, and power relations of stakeholders in the governance of game farming.

Realising the importance of the link between environmental governance and institutions, the thesis uses the idea of institutional bricolage by Frances Cleaver to explore the governance of private game farms through various institutional arrangements. Cleaver contends that formal institutions created through abstract principles are not the primary means through which tensions inherent in the use of natural resources are resolved. Greater focus was therefore placed on how rules, norms and shared strategies get stitched together through repetitive interactions by actors involved in game ranching. Critical realism was the guiding ontological philosophy for this study.

Data was obtained through in-depth interviews with key informants from major stakeholder organisations and communities linked to the private wildlife sector in KwaZulu-Natal province. I also collected data through visits to game farms and private wildlife reserves, and acted as an observer at game auctions, workshops and conferences. Documentary evidence collected also served as primary data. Critical discourse analysis (which in this study also incorporates political discourse analysis) was the major analytical framework.

Evidence presented in this study points towards the fractured state in the governance of the private game farming sector. The state is not a homogeneous and monolithic entity uniformly applying itself to the regulation of the sector. There is no clear direction on the position of private game farming at the interface of environmental and agricultural regulations. The state lacks a clear vision for the South African countryside as shown by the outstanding land restitution and labour tenant claims on privately owned land earmarked for wildlife production. Instead, role players in the game farming sector are using the available governance arrangements to position themselves strategically for their own benefit, even though some of their activities cause tension.

In that process, the private wildlife industry has completely changed the landscape of nature conservation in South Africa. In KwaZulu-Natal the long standing cordial relations between conservation authorities and private landowners have worked to the advantage of the private landowners. The study argues that this transformation of the institutional processes mediating the governance of the private game farming sector has been a long and enduring arrangement emerging organically over time. Changes in the regulatory regime through new laws, amendment of existing laws and unbalanced implementation of existing laws creates an environment of considerable uncertainty for the game farmers who are the major role players in the wildlife sector, yet within this context private landowners do retain significant space for manoeuvre.

**Keywords:** environmental governance; institutions; regulatory environment; institutional bricolage; wildlife ranching; private game farming; biodiversity conservation; the fractured state; Ezemvelo KwaZulu-Natal Wildlife; KwaZulu-Natal, South Africa

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## LIST OF ACRONYMS

AFRA	Association for Rural Advancement
Agri SA	Agri South Africa
ANC	African National Congress
ASGISA	Accelerated and Shared Growth Initiative for South Arica
BEE	Black Economic Empowerment
BSP	Biodiversity Stewardship Programme
CARA	Conservation of Agricultural Resources Act No. 43 of 1983
CDA	Critical Discourse Analysis
CFR	Central Firearms Registry
CHASA	Confederation of Hunters Associations of South Africa
CI	Critical Institutionalism
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COGTA	Department of Cooperative Governance and Traditional Affairs
CPR	Common Pool Resource
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs
DEAT	Department of Environmental Affairs and Tourism
DLA	Department of Land Affairs
DRDLR	Department of Rural Development and Land Reform
EKZNW	Ezemvelo KwaZulu-Natal Wildlife
ESTA	Extension of Security of Tenure Act 62 of 1997
EWT	Endangered Wildlife Trust
FCA	Firearms Control Act
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product

GEAR	Growth, Employment and Redistribution Strategy
GEG	Global Environmental Governance
GWR	Gongolo Wildlife Reserve Company
IAD	Institutional Analysis and Development
ICDP	Integrated Conservation and Development Project
IDP	Integrated Development Plan/Planning
IFP	Inkatha Freedom Party
IUCN	International Union for Conservation of Nature
IWRS	International Wildlife Ranching Symposium
KZN	KwaZulu-Natal
KZNDAEA	KwaZulu-Natal Department of Agriculture and Environmental Affairs
KZNDEDT	KwaZulu-Natal Department of Economic Development and Tourism
KZDNFED	KwaZulu-Natal Department of Finance and Economic Development
KZNHCA	KwaZulu-Natal Hunters and Conservation Association
LPM	Landless People's Movement
MEC	Member of the Executive Council
MI	Mainstream Institutionalism
NCA	Nature Conservancies Association
NDP	National Development Plan
NEMA	National Environmental Management Act 107 of 1998
NEMBA	National Environmental Management: Biodiversity Act 10 of 2004
NGO	Non-Governmental Organisation
NP	National Party
NPB	Natal Parks Board
NWO-WOTRO	Netherlands Organisation for Scientific Research
OECD	Organisation for Economic Co-operation and Development
PEAPA	Political Economy of Agricultural Policy in Africa
RDP	Reconstruction and Development Programme



RLCC	Regional Land Claims Commission
SADC	Southern African Development Community
SAGA	South African Gun Owners' Association
SAHRC	South African Human Rights Commission
SAIRR	South African Institute of Race Relations
SALGA	South African Local Government Association
SANPAD	South Africa Netherlands Research Programme on Alternatives in Development
Sanparks	South African National Parks
SAPS	South African Police Services
SMUWC	Sustainable Management of the Usangu Wetland and its Catchment
SPCA	Society for the Prevention of Cruelty to Animals
SVC	Save Valley Conservancy
TAU SA	Transvaal Agricultural Union South Africa
TFCA	Transfrontier Conservation and Development Area
TIKZN	Trade and Investment KwaZulu-Natal
TOPS	Threatened and Protected Species Regulations
UDF	United Democratic Front
UNEP	United Nations Environment Programme
WB	World Bank
WCED	World Commission on Environment and Development
WESSA	Wildlife and Environment Society of South Africa
WRSA	Wildlife Ranching South Africa
WSSD	World Summit on Sustainable Development

# CHAPTER ONE

## INTRODUCTION TO THE STUDY

Game farming or wildlife ranching on privately owned land has boomed in South Africa, mainly fuelled by land use changes in the agricultural sector over recent decades. The increase in game farming has spawned a number of issues surrounding the character and trajectory assumed by the private wildlife sector in relation to local and global contexts. Game farming on private land has effects on or is inherently linked to for instance, biodiversity conservation, hunting, tourism, agriculture, land and agrarian issues, economic empowerment and rural development.

*Since returning to Springvale in 1996, Craig has seen ecotourism and game farming transform the Alicedale region. He believes this has been detrimental to the region's social fabric, as stock farmers and their workers have made way for large-scale game ranching. "Ranchers were initially buying the marginal farms but in the end they began buying the most productive ones," he says. "Although there are various successful eco-tourism and hunting operations in the area, too many farms are being used more for recreation than production." (Farmer's Weekly, 2 December 2011)*

The above scenario illustrates this trend of change of land use from conventional farming to game farming in South Africa in recent decades (Van der Waal and Dekker, 2000; Smith and Wilson, 2002; Reilly, Sutherland and Harley, 2003; Cousins, Saddler and Evans 2008; Hearne, Santika, and Goodman, 2008; Spierenburg and Brooks, 2014). Transformations from livestock production to wildlife based production have been noted since the 1960s, but since the 1990s the growth of the wildlife sector has grown exponentially (Smith and Wilson,

2002; Hearne *et al.*, 2008; Brink, Cameron, Coetzee, Currie, Fabricius, Hattingh, Schmidt, and Watson, 2011; Snijders, 2012).

Game farming in South Africa represents new forms of nature commodification and this has attracted increased attention from scholars who are interested in developing critiques of neoliberal conservation. Cock (2011: 45) has argued that nature commodification entails the conversion of inherent “social relations into economic relations”, entrenching forms of “social and environmental injustice.” Through commodification of nature, capitalism remains a major threat to ecologies and bodies of all kinds at different scales (Castree, 2003; Higgins-Desbiolles, 2008; Spierenburg and Wels, 2010; Büscher and Fletcher, 2014; Spierenburg and Brooks, 2014). Here “the market sphere internalises the non-market sphere by projecting its principle into the other ... the market sphere transfers its own meaning into the non-market sphere” (Suzuki, 2005: 279). In other words “commodification of spaces” is occurring even in spheres such as nature that were far from the reach of capital (Negi and Auerbach, 2009a: 101). Development based on the welfare of people has been overtaken by emphasis on integration into the global market economy (Bond, 2005; Higgins-Desbiolles, 2008) as the state is not necessarily neutral in the commodification experience (Dagan and Fisher, 2011; Fairhead, Leach and Scoones, 2012).

The South Africa game industry is managed under a market economic system and this offers an opportunity to game ranchers and game meat producers to enter the sector (Hoffman *et al.*, 2005; Bond *et al.*, 2009). This is a manifestation of the ‘financialisation’ of conservation (Sullivan, 2013) among other institutional platforms aimed at achieving the social needs of people from available wildlife resources (Marsh, 2004). International wildlife tourism has also been growing (Tapper, 2006) and fuelling the local South African wildlife sector (Jones, 2006; Bothma *et al.*, 2009). This has resulted from the reintegration of South Africa into the international community post-1994 (Cousins *et al.*, 2008) as part of the transition of South Africa into a democracy (Bond, 2005). However, tourism is increasingly associated with the

exploitation of nature through neoliberalism and this trend has expanded globally for the past 20 to 30 years (Castree, 2008a; Büscher, 2009; Duffy and Moore, 2010). There has been a paradigm shift towards adopting market-based approaches to conservation on the basis of the idea that the creation of an operating environment that is conducive for those who own and manage natural resources, will encourage them to utilise these resources sustainably (Bond, Child, de la Harpe, Jones, Barnes and Anderson, 2009; Cousins *et al.*, 2010; Arsel, 2012; Barret, Brooks, Josefsson and Zulu, 2013).

A growing body of literature is devoted to the study of game farming, but much of that work has focused on the economics of game farming as well as on biodiversity issues (see Van der Waal and Dekker, 2000; Smith and Wilson, 2002; Cloete, Taljaard and Grove, 2007). Only a few scholars have addressed the social and socio-economic impacts of conversions on vulnerable groups in society. However, recently a number of scholars have begun to pay attention to this significant land use change on South African farmland. These scholars are interested in for example, the implications of game farming for local people and the dynamic agrarian issues related to the topical land question in South Africa (Brooks, Spierenburg, van Brakel, Kolk and Lukhozi, 2011; Spierenburg and Brooks, 2014). Literature on the effects of private land ownership in the wildlife sector with regard to the welfare and displacement of farm dwellers, disruption of agrarian livelihoods and other stakeholders is now emerging (Wels, 2000, 2003; Brooks, Spierenburg and Wels, 2012; Brandt and Spierenburg, 2014; Brooks and Kjelstrup, 2014; Josefsson, 2014; Mkhize, 2014; Spierenburg and Brooks, 2014).

Conflicts between exceptional levels of biodiversity and an increasing but underdeveloped human population have been witnessed in some parts of Africa (Büscher and Dressler, 2007; McGranahan, 2008; Miller, Caplow and Leslie, 2012). Thus Tapper (2006: 39) argues for example, that “tourism can only be a suitable strategy for making a contribution to conservation [and possibly poverty alleviation] in situations where wildlife and associated

habitats are sufficiently resilient to withstand the impacts and disturbance that comes from visitation.” But then, this is not always the case.

It is within this context that this thesis looks at the governance of the private wildlife sector in South Africa which is anchored on private ownership of land (and inherently wildlife), and the relations of the private wildlife sector with the state. This study sought to analyse and explain the policy context and regulatory processes governing private game farming, and to analyse the interaction of the actors involved in wildlife-based production, using the case of game farming in KwaZulu-Natal Province, South Africa.

### **Game Farming and Governance of the Private Wildlife Sector**

A game farm is “private land from which domestic stock has been removed and replaced with ‘game’ while a ‘mixed farm’ refers to ‘private land on which combined game and stock farming is practised” (Smith and Wilson, 2002: 2). Wildlife-based production in general includes several forms of “the commercial utili[s]ation of wildlife species, including meat (venison), parts, by-products, sport hunting, aesthetics, and recreation” (Butler *et al.*, 2005: 381). However, there are two dominant forms of wildlife based land use related to their revenue streams. In private nature reserves, ecotourism is the main focus. A commercial game reserve can be either focused on tourism or function as a hunting/breeding farm. These forms of wildlife based land use, or wildlife production, will be generally referred to in this study as game farming, since their challenges, with regard to the focus of the study, are related.

The game farm is taken as the unit of focus reflecting the interplay among various stakeholders and policies, as “reality is socially constructed” (Büscher, 2010b: 273). It serves as a lens through which the interactions, power relations, contestation over resources, and the various discourses involved in the wildlife and agricultural sectors can be unravelled. By their very nature, game farms are subject to a range of regulations

emanating from the Departments of Environmental Affairs, and Agriculture. There is however a lack of clarity as to which government department the game farms really fall under (see Chapters Six and Seven). Thus there is a regulatory environment in the wildlife sector which is characterised by uncertainty. It is important to understand that the state is not a homogeneous and monolithic entity applying itself to the regulation of the sector. This thesis will argue that the fractured state effectively provides space within which the game farmers are able to manoeuvre and to maximise their advantages as private landowners. Their operations are also externally influenced by other role players from the non-governmental sector and civil society (such as the hunters, see Chapter Eight). There is much contention with regard to the policies and regulatory processes governing the private game farming sector. This brings the idea of governance into the spotlight, a major focus of this thesis.

The myopic nature of financial markets has raised new challenges for the sustainability discourse (Allegret and Dulbecco, 2002; Guéneau and Tozzi, 2008; Bleischwitz, Welfens and Zhang, 2010; Ervine, 2011). Scholars have argued that markets on their own are not sufficient to ensure the sustainability of resources, and hence there is need for a wider notion of governance, beyond regulation or 'government' (Common and Stagl, 2005; Guéneau and Tozzi, 2008; Meadowcroft, 2007; McCarthy, 2012).

Bearing this in mind, I adopted the view that "*government* refers to the state, which has the authority to take decisions on behalf of the entire community" ... whilst "*governance* refers also to the myriad other organisations and institutions involved in steering society" (Common and Stagl, 2005: 358, my italics). Governance refers to a "process by which the repertoire of rules, norms, and strategies that guide behavio[u]r within a given realm of policy interactions are formed, applied, interpreted, and reformed" (McGinnis, 2011: 171). Governance is also perceived to have many dimensions, such that it is dynamic and a means to an end, not an end in itself (Scanlon and Burhenne-Guilmin, 2004). The focus on natural resource

governance is linked to the notion of sustainable development (Meadowcroft, 2007; Lange, Driessen, Sauer, Bornemann and Burger, 2013). It also includes power relationships, and accountability (Scanlon and Burhenne-Guilmin, 2004; McGinnis, 2011) as “private actors, social alignments, and citizens each have important resources and the power to obstruct policy interventions, but they also have different perceptions and interests” (Eshuis and Klijn, 2012: 2).

Li (2007), for example, uses the idea of an assemblage of various agents to understand the governance processes in community forest management in Indonesia. With regards to perceptions, Heberlein (2005) suggests that as found in Sweden, we should talk of wildlife caretaking where human beings are viewed as equal with nature as compared to wildlife management where human beings are in control of nature. So setting policies becomes even more difficult since different parts of society have different values towards natural resources (Wagner, 2001; Hirsch, Adams, Brosius, Zia, Bariola and Dammert, 2010). A governance perspective thus incorporates analysis of skewed power relations and resource ownership amongst the various actors in society, as well as different perceptions of these resources (Olowu, 2003a; Meadowcroft, 2007; Hirsch *et al.*, 2010).

The Commission on Global Governance’s (1995: 2) definition is appropriate in this study in that it that takes governance as:

*...the sum of the many ways which individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to perceive to be in their interest.*

Governance is linked to institutions. According to Crawford and Ostrom (1995: 582) institutions are:

*Enduring regularities of human action in situations structured by rules, norms, and shared strategies, as well as by the physical world. The rules, norms, and shared strategies are constituted and reconstituted by human interaction in frequently occurring or repetitive situations.*

Institutions are systems of rules, whether formal or informal (Fleetwood, 2008). Strategies, norms and rules result in different types of institutions (Schlüter and Theesfeld, 2010). North (1990: 3) defines institutions as:

*The rules of the game in a society or, more formally, [are] the humanly devised constraints that shape human interaction. In consequence they structure incentives in human exchange, whether political, social or, economic. Institutional change shapes the way societies evolve through time and hence is the key to understanding historical change.*

These institutions can be local governments, government agencies and the majority of organisations that are described and explained by rules, norms and shared strategies (Imperial, 1999) and whose participation in a network results in high threshold of environmental outcomes (Newig and Fritsch, 2009). Institutions, for example, play a critical role of overseeing the change in adaptation strategies in the face of climate change to enhance sustainability (Berman, Quinn and Paavola, 2012). Institutions are critical in this study because they “play more or less significant causal roles with regard to most environmental changes involving human action” (Young, 2002: 4). The conversion from conventional agriculture to wildlife ranching is viewed as one of these changes.

Realising the link between governance and institutions, I drew upon the idea of institutional bricolage by Frances Cleaver to analyse the governance of private game farms through various institutional arrangements (see Chapter Two). Cleaver (2012) contends that



studying only more formalised institutions created through abstract principles does not really throw light on the inherent tension involved in the use of natural resources. She thus draws attention to the way rules, norms and shared strategies get “stitched together” through repetitive interactions by actors – in this case, the actors involved in game ranching – who are seen as “bricoleurs.”

In this study, the KwaZulu-Natal provincial government, local municipalities, non-governmental organisations, community groups, private game farmers are some of the institutions and role players. In asking questions about the nature of the governance system put in place to take care of the operations of the private game farming sector and its effects, there is also a need to focus on the institutions themselves, as it is these that put those governance systems into practice. This means studying the role of various players as bricoleurs who are included or excluded in different spheres of governance, thereby shaping the resulting governance arrangements as part of a complex institutional framework.

### **Rationale for the Study**

The observed trend of conversions to private wildlife production is a manifestation of a plethora of issues including contestation over place and access to resources (see Evers, Spierenburg and Wels, 2005); post-apartheid social and economic restructuring to meet ever pressing needs; a neoliberal economic approach adopted to solve a myriad of problems; questions of social justice; contemporary conservation politics; and the effectiveness of government policy. In his work on land reform in South Africa, Fraser (2007) captures some of these issues by asserting that current policy formulations often end up perpetuating colonial power relations in the present. In this sense, the “colonial present” is shaped by South Africa’s pursuit of neoliberal policies such as “water privatisation, ‘efficiency drives’ and restructuring of state assets to (re)create the conditions for accumulation and secure a more advantageous position for South Africa in the international division of labour” (Fraser 2007: 842).

Many scholars argue that a major result of the South African government's neoliberal positioning (Harvey, 2005, 2006; Büscher and Dressler, 2012) as well as the terms of the negotiated democratic Constitution (which included a property clause that acts to guarantee white farmers' 'veto' over land), is that the extent of social and material change is not sufficiently transformative (Fraser, 2007: 843; Kahn, 2007; Walker, 2008; Atuahene, 2011b). The narrow definition of institutions based on private property rights of landowners (Atuahene, 2011b) is exclusive to the extent of impeding broad participation and achievement of conservation goals (Edwards and Sharp, 1990). The issue of land juxtaposes conservation and agriculture, and other social, political and economic issues from different perspectives. For instance, wildlife ownership is tightly connected to land ownership (Gray and Teels, 2006; Snijders, 2012). One could also argue that associated practices of neoliberal commodification hinder the process of transformation (Büscher and Dietz, 2005; Büscher, 2010a) in the wildlife sector. A study by Josefsson (2014), argues that the conversion from cattle farming to game farming, contributes to the perpetuation of the 'colonial present' by inhibiting socio-economic transformation in rural areas.

This study places the role of the state in the spotlight as the guardian of society through its governance mechanisms. The South African government is confronted with a context in which the status quo of the prosperity of the middle classes under neoliberal policies is pitted against the urgent need to improve the material wellbeing of the majority poor. Unless such issues are addressed, this necessarily undermines democracy as a participatory social force (Cuthbertson, 2008). The persistent skewed ownership of land within the post-1994 democratic dispensation justifies questioning of the role of the state in confronting those challenges of social justice, and transformation within the broader economy.

As stated, this study focuses on matters related to the game farming sector. Land, with its wildlife resources, is a focus of this study and is seen as part of 'space' that in turn "is often

regarded as the fundamental stuff of geography” (Thrift, 2009: 95). In the discipline of geography, space is no longer seen “as a fixed and absolute container within which the world proceeds” but instead is conceptualised “as a co-production of those proceedings, as a process in process” (Thrift, 2009: 95). Space is a contested domain, and we can examine the social construction of space and its inherent social relations (Harvey, 1990; Kaal, 2015). For example, uneven geographical development has been experienced due to fundamental changes in the capitalist system (Neves and Igoe, 2012).

This view invites us to examine the production of the status quo with its unequal access to resources, and provides scope to look at those issues using the South African private wildlife sector as a lens. South Africa is caught between the “rock” of the dynamics and geopolitics of capitalism (Palermo, 2007: 540), as reflected in its neoliberal economic policies, and the “hard place” of meeting the needs of the majority poor. As will be seen in Chapter Five the current skewed relations in terms of possession of land, wealth and other means of production are partly the result of the historical processes of dispossession of indigenous people (see White, Borras Jr., Hall, Scoones and Wolford, 2012). Linked to this, Harvey has developed a useful concept of “accumulation by dispossession” (Negi and Auerbach, 2009b).

The legacy of skewed land ownership and its associated power relations is explored in Chapter Nine by explaining the link between land reform and game farming manifested through problems of unsettled land restitution claims in the study area. Land which has been successfully claimed has not been handed over to the claimants because of various reasons for instance; government would not have paid compensation to the former landowner. The status of such land becomes questionable making it difficult for the interested parties to work out an amicable solution. The Department of Rural Development and Land Reform which handles these issues comes under the spotlight. These issues point towards the fractured state in practice through governance of game farming at the local

level. While land reform is seen as a serious threat by many in the sector, the Department of Rural Development and Land Reform is itself divided on what attitude to take to game farming enterprises.

The environmental movement in South Africa has revolved around two broad discourses of environmental justice and sustainable development (Cock, 2004) and I argue that game farming has tentacles around these two discourses. The challenge of achieving environmental justice (Sikor, Martin, Fischer and He, 2014) in the South African context raises the question of the relationship between humans and the environment under the “competing agendas of neoliberal agricultural policy and agrarian justice”, given the background of “unequal access to natural resources by marginalised groups” (Moseley, 2007: 5; see Büscher and Dietz, 2005). This study strives to analyse this tension and the institutional characteristics influencing processes within the various sectors straddled by the game farming industry.

As noted above, conversion from livestock and/or crop farming to game farming has been a notable trend on privately owned land in South Africa over the last decades. This change has been characterised by the fast growth of wildlife ranching, judged by the annual increase in the areas enclosed by game fences and the high demand for wildlife which is being traded privately and at wildlife auctions (Reilly *et al.*, 2003; Cloete *et al.*, 2007; Hearne *et al.*, 2008). This remarkable shift from conventional farming to game ranching (Lindsey *et al.*, 2009) has important implications. Lindsey *et al.* (2009) hint that this transition has not been an entirely positive one from an environmental point of view. They point to the lack of monitoring of the ecological impact of this industry and its land uses resulting in unorthodox practices within the sector. This is partly due to the fact that the wildlife sector has grown gradually ahead of regulation (Cousins *et al.*, 2010).

Yet key environmental and agricultural legislation has been passed since 1994 that affects the wildlife sector as provided for in the constitution (Olivier, 2013). Legislation is critical since it is “designed to mediate the different levels of institutions linking constitutional principles to shape organizational and individual behavio[u]r” (Basurto, Kingsley, McQueen, Smith and Weible, 2010: 524). These areas include the realm of property rights, land (re)distribution and biodiversity conservation. These policy changes have partly been driven by the need to integrate South Africa into the international community (Higgins-Desbiolles, 2008) and also to bring about transformation. Key international conventions of interest include the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the 1992 Convention on Biological Diversity (Common and Stagl, 2005; United Nations Environmental Programme, 2007; Trouwborst, 2015), introduced in an effort to stem biodiversity loss and illegal trade in wildlife species that pointed to the ineffectiveness of the governance on biodiversity (Swiderska, Roe, Siegele and Grieg-Gran, 2008). These international conventions also bring their own dimension of challenges associated with global governance (Olowu, 2003a; Trouwborst, 2015) as South Africa relates to other countries. There was also pressure to bring about much needed economic and social transformation in a democratic state (Carnegie *et al.*, 2002; Bond, 2005; Hamilton, 2006; Moseley, 2007).

### **The Research Problem, Aim and Objectives**

Game farming juxtaposes the wildlife sector (associated with conservation and tourism) and the agricultural sector, as they are all anchored on land whose resources need to be sustainably utilised to meet a broad spectrum of needs for the diverse South African population. Game farming can thus be viewed as a lens through which to study the broad challenges facing a democratic South Africa, and to interrogate the regulatory and policy framework in the agricultural and wildlife sectors at their interface.

Since the end of apartheid, considerable efforts have been made to restructure the state and the South African economy. This has been happening against the backdrop of slow land reform, continuing farm worker/dweller evictions, poor working conditions, and further marginalisation of the majority population (Mosley, 2007; Woolman and Bishop, 2007; Cuthbertson, 2008 see also South African Human Rights Commission, 2003, 2007, 2008). This is coupled with threats to biodiversity (Higgins-Desbiolles, 2008; McGranahan, 2008) which some attribute to the fact that “more and more things conventionally labelled as ‘natural’ ... are now being commodified” (Castree, 2003: 273), while others consider the commodification as a solution to the threats. The policy context is characterised by the persistent skewed nature of land ownership (Cousins *et al.*, 2008; Bond *et al.*, 2009), and in the dualistic structure and deregulated nature of the agricultural sector (Carnegie *et al.*, 2002; Ashton, 2009; Tregurtha, Vink, and Kirsten, 2010; Aliber and Cousins, 2013). Structural inequality in ownership of land through race is a hallmark of the colonial legacy in South Africa, Namibia and in Zimbabwe prior to the ‘fast track’ land reform or displacement of private landowners (Kariuki, 2009). The role of the state is also critical in the context of South Africa as Torgerson (2007) highlights the colonial connotations of globalisation which increasingly entrenches the hegemony of the West (see Fraga, 2006).

All these issues raise the question of the role of the state in this context. The challenges associated with wildlife ranching incorporate the question of “how to encourage private landowners to conduct wildlife management on their property” (Butler, Teaschner, Ballard and McGee, 2005: 382) but I argue that they also include the role of the state in ensuring that the needs of the public in that sector are met. The state is a central player in South Africa’s democratic transition, such that even under a “free-market” economy it must play its function as a driver for change, to the extent of even challenging the neoliberal aspects of globalisation (Cuthbertson, 2008: 296).

Khan (1994) argued that the study of South African conservation history tends to sideline the 'land question', whereas conflict over land is at the core of the political history of the country and is inseparable from the history of conservation (Khan, 1994). She also argued that the positive role of black people in the conservation of wildlife had been downplayed (Khan, 1994). This thesis identifies a further gap, that of the study of governance in the wildlife sector, which has developed in such a way that it has become positioned between the conservation and the agricultural sector. The wildlife sector is not mentioned by Tregurtha, *et al.*, (2010) in their review of agricultural policies and support instruments in South Africa for the period 1994 – 2009. This could be a sign of lack of horizontal integration, for example in the food security sector, and across other departments such as: Social Services, Water, Environment, Trade and Industry, and Transport (Ashton, 2009). This is a significant gap in which this research is positioned, with a focus on the interface between the agricultural and wildlife production sectors.

The aim of the study is to critically understand the influence and workings of the policy process and governance contexts at the interface between agricultural and wildlife sectors, in light of the trend of conversion of conventional farming to game farming using the case of KwaZulu-Natal Province, South Africa.

To achieve this aim the following objectives were formulated:

1. To identify the role of the state other players particularly at the lower two tiers of provincial and local government in the governance of the private wildlife sector in South Africa and KwaZulu-Natal in particular.
2. To explain the operations of the game farmers in the agricultural and wildlife sectors in response to the inherent policy and governance contexts.
3. To explain the role of the state in response to the competing needs over land posed by the game farming sector.

## Contextualising the Study

This study is located in the KwaZulu-Natal Province (Figure 1). The study was a constituent part of a research programme entitled: “Farm Dwellers – The Forgotten People? Consequences of Conversions to Private Wildlife Production in Eastern Cape and KwaZulu-Natal Provinces.” The research project was funded by Netherlands Organisation for Scientific Research (NWO-WOTRO) and the South Africa Netherlands Research Programme on Alternatives in Development (SANPAD). The research programme was a partnership between the Vrije Universiteit in Amsterdam, Netherlands, the University of the Free State and the University of Cape Town, in South Africa.



Figure 1: A Map of South Africa showing KwaZulu-Natal Province

There are already some studies that have been conducted in KwaZulu-Natal Province under this research programme particularly through funding from SANPAD. The topics of these studies include game farming and land restitution (Brooks, *et al.*, 2011; Ngubane, 2009),



farm dwellers' sense of place (Lukhozi, 2008), the relationship between landowners and farm dwellers (Kolk, 2008), conservation and conflicts in constructs of 'nature' and 'culture' (Josefsson, 2009) and, power, spatial settings and livelihoods on farms (Van Brakel, 2008). My study was intended to build on these prior studies in the KwaZulu-Natal Province with a particular focus on two of the objectives of the NWO-WOTRO research proposal. These objectives were; to analyse the policy context and current regulatory processes governing land-use changes related to farm conversions from conventional farming into game farming, and to analyse the power relations involved at the local level in conversions to wildlife-based production respectively.

The KwaZulu-Natal study was also conceptualised in conjunction with a national study on the game farming industry which developed an institutional approach to wildlife ownership in post-Apartheid South Africa (Snijders, 2015). In addition, the research team working in the Karoo region of the Eastern Cape Province probed consequences of farm conversions into game farms for farm workers' and dwellers' tenure security, the land question in the Eastern Cape (Mkhize, 2012), and re-configuration of power and belonging on trophy-hunting farms in the Karoo (Brandt, 2013).

In KwaZulu-Natal, much of the previous work within this project had been carried out in the KwaZulu-Natal Midlands particularly in the Uthukela District Municipality. That is the major reason why case studies at the local level were selected from Uthukela District Municipality (Figure 2). The idea was to make use of the information that had already been gathered (which was used as a basis to formulate the NWO-WOTRO research proposal for further study) and also to make use of contacts that were already established. Emnambithi Local Municipality was chosen since it is where the administration of the Uthukela District Municipality is situated, in the town of Ladysmith. I also chose to work in Umtshezi Municipality because one of the local municipalities within the Uthukela District Municipality includes jurisdiction over land that is strongly contested due to a very high profile case,

namely the proposed Gongolo Wildlife Reserve (GWR) that has dragged on for more than ten years (see Chapter Nine). The other part of the proposed Gongolo Wildlife Reserve falls under a local municipality within the contiguous uMgungundlovu District Municipality. This is one of the challenges, where areas under a single project span across different local and provincial administrations and hence they subsequently become subject to different regulations emanating from each administration.

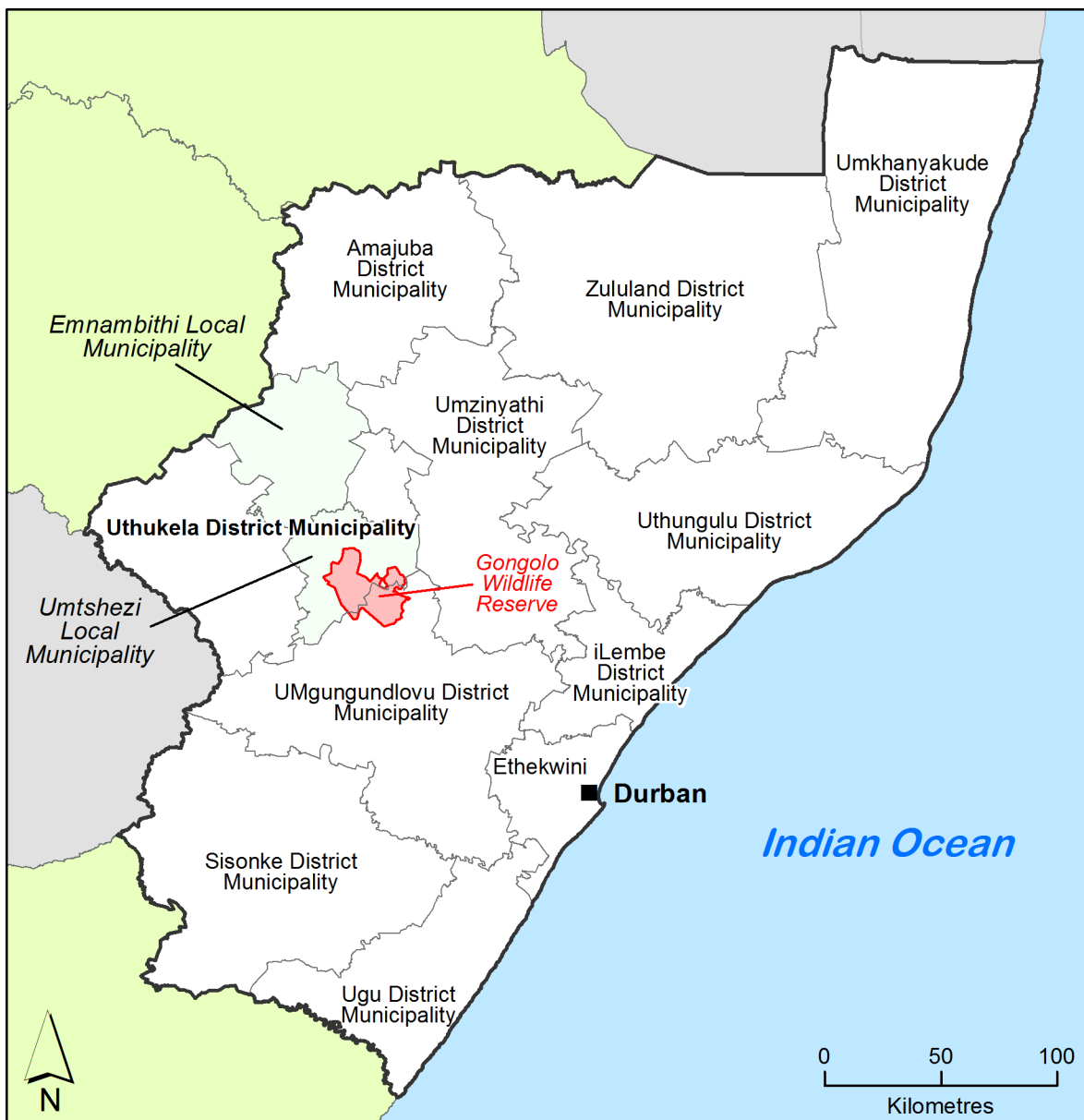


Figure 2: A Map of KwaZulu-Natal Province showing the Location of Uthukela District Municipality

## **Significance of the Study**

The thesis attempts to make a contribution towards understanding “human-environment relationships” as the “*raison d’être* of geography” (Castree, 2002: 358). This attempt is in line with the reasoning that “people and nature are inextricably linked in a socioecological system” (Morrison, 2014: 961). This study is relevant to the current problems facing the country with respect to the regulation of the broad agricultural, environmental sectors, including the private wildlife sector. The lack of a coherent game farming policy is a case in point. The government is also challenged by issues that are directly linked to the private wildlife sector. These issues relate to land rights, wildlife conservation and social justice (Weber *et al.*, 2006; Boudreaux, 2010; Sikor, Martin, Fischer and He, 2014) with regards to the status of communities who are not benefitting from this sector and yet lay claim to the same resources that are under private ownership. Rural development has also come under the spotlight, particularly under President Jacob Zuma’s administration which came to power after the 2009 general elections and amplified the shift towards the concept of the developmental state (see Jara and Hall, 2009). Natural resources that include wildlife could be used to contribute towards uplifting people’s living conditions in the rural areas for example, if agriculture is well integrated into the value chain of industry (Kay, 2009). A more pronounced focus on rural development as part of the developmental state is one of the reasons why the national Department of Land Affairs (DLA) was ‘transformed’ into the Department of Rural Development and Land Reform (DRDLR). With this in mind, it was timely to look at how the state would further its developmental agenda through mobilisation of natural resources.

Due to the historical background of land ownership in South Africa, most of the prime land is in private hands. Private property and the market play a critical role in a capitalist system which explains uneven power relations between different classes of people (Palermo, 2007). When it comes to nature conservation, a lot of studies have focused on the tension between the management of national parks or public protected areas and the surrounding

communities. Given the increasing extent of high fences that have been erected by game farmers, one wonders whether this is the best way through which the government can manage the wildlife resources that the country is endowed with. As Bennett, Ainslie and Davis (2010) argue, the fence has become a signifier of ownership of land and can be a source of conflict over natural resources. This is very significant, particularly if such a trend has the effect of locking out other stakeholders from wildlife resources at a time when there should be a drive to bridge the gap between the poor and the rich under the democratic dispensation since 1994.

In most cases, research has the overall goal to discover something that is not yet known (Hughes and Sharrock, 1997), or to produce new knowledge. It is therefore important to undertake empirical investigations in order to obtain primary data (Jeppeson, 2005). This study also explored other secondary sources to substantiate empirical findings, as well as sought to bring in new ideas or different ways of analysing issues at stake. Studies need to move from theory through empirical application and back to theory (Stoker, 1995) for example, at the science-policy interface (Cartledge, Dürrwächter, Jimenez and Winder, 2008). The theoretical framework of institutional bricolage was used to examine the situation on the ground in KwaZulu-Natal, thus throwing new light on the institutional context of game farming. The study is structured to look at the private wildlife governance in a context of radical uncertainty by focusing at the dynamics of game farming policy and practice in KwaZulu-Natal, South Africa. It is hoped that this study will both contribute to and stimulate debates and discourses in wildlife governance, politics and policy and the environmental sector at large.

### **Structure of the Thesis**

Chapter One introduces the thesis. Chapter Two discusses the theoretical framework of institutional bricolage by Frances Cleaver employed in this study. Chapter Three places the governance of private wildlife ranching in South Africa in the broad context of environmental

governance and wildlife issues, from the global to the regional level. This is followed by Chapter Four which explains the research methodology (including the guiding philosophy) and data collection techniques that I adopted. Chapter Five looks at the history of KwaZulu-Natal Province with particular reference to the historical context of land ownership.

The data collected are analysed in four chapters. Chapter Six discusses the broad regulatory processes involving the private wildlife sector at national level and in the provincial departments of Agriculture and Environmental Affairs, and Rural Development and Land Reform. Chapter Seven focuses on the operation of the private wildlife sector in KwaZulu-Natal Province and its long-standing relationship with the provincial conservation authority, Ezemvelo KwaZulu-Natal Wildlife. In Chapter Eight the focus is on the radical challenge caused by hunting and the role of non-state actors. The last data analysis chapter is Chapter Nine which delves into the link between land reform and game farming manifested through problems of unsettled land restitution claims. Chapter Ten offers concluding remarks by discussing the overall issues to this study and linking them to the theoretical framework.

## **CHAPTER TWO**

### **INSTITUTIONAL BRICOLAGE IN ENVIRONMENTAL GOVERNANCE**

#### **Introduction**

This chapter explores the theoretical perspectives employed in this study on the governance of private game farming. Theoretical concepts are important to ground the empirical study in the quest to create meaning and to generate new knowledge. The relationship between theory and the empirical is intricate and crucial. For instance, social theories are not in any way devoid of empirical scrutiny; theories do not only permeate the tools of empirical social research but they also enlighten the social world we wish to study (Joas and Knobl, 2009). There is a vast array of theoretical issues that “range from empirical generalisations to comprehensive interpretive systems which link basic philosophical, metaphysical, political and moral attitudes to the world” (Joas and Knobl, 2009: 17). The social sciences focus on human interactions and aim for reflexivity to produce situated knowledge grounded in particular ideals and interests, so as to gain insight into specific contexts (Flyvbjerg, Landman and Schram, 2012; Schram, 2012). They are thus well positioned to contribute to discussions concerning the values and interests that are critical to the social, political and economic advancement of a given society (Flyvbjerg *et al.*, 2012).

#### **The Critical Role of Institutions**

This section builds upon the conception of governance and institutions alluded to in Chapter One. Current discussions of multi-level environmental governance are focused on the “fugitive” nature of power which is no longer viewed as confined within formal institutional authorities (Farrell, 2004: 472). There is a ‘new governance’ approach, characterised by a gradual change from a focus on hierarchy to heterarchy, and which also involves “participatory dialogue and deliberation, devolved decision-making, flexibility rather than

uniformity, inclusiveness, transparency, institutionalised consensus-building practices” (Gunningham, 2009: 146; Emerson, 2012). High levels of networking have emerged among the public and private sectors, resulting in new forms of environmental governance despite formal hierarchies (Eckerberg and Joas, 2004; Smith and Stirling, 2007; Hysing, 2009). Governance modes have changed (Lange, Driessen, Sauer, Bornemann and Burger, 2013), including in African countries, with the impetus to effect rapid economic growth and social development (Howlett, 2009). Policy making is a dynamic process, best seen in terms of a conception of power that is multi-layered. Actors who exert power “are always embedded in historically and socially constructed structures, for example, in terms of institutions and discourses” (Arts and Tatenhove, 2004: 347).

In studying environmental governance I began with the seminal work of Elinor Ostrom on the Institutional Analysis and Development (IAD) Framework. While I became increasingly drawn to critiques of mainstream approaches, in particular the concept of institutional bricolage employed by Frances Cleaver, it is useful to begin by reviewing the IAD framework as it represents an influential mainstream approach. The IAD framework was designed by Elinor Ostrom and her colleagues linked to the Indiana University Workshop for Political Theory and Policy Analysis (also known as the Bloomington approach to institutional analysis) in their study of common pool resources and the tragedy of the commons (Aligica, 2006). The thrust of the Indiana University Workshop for Political Theory and Policy Analysis was to come up with a theoretical underpinning that could be used to analyse institutional arrangements (Ostrom, 2010).

The unit of focus of the IAD framework is the action arena, which is made up of actors who are found within particular action situations and influenced by external variables (Aligica 2006; Clement, 2010; McGinnis, 2011; Ostrom, 2011). These actors can be individuals and organisations that decide on resource management issues using information on how actions are related to anticipated outcomes, as well as costs and benefits that go with those actions

and outcomes (Imperial, 1999; Aligica 2006; Ostrom, 2011). The actors also have preferences, information-processing capabilities, selection criteria, and resources (Aligica, 2006). As the actors interact within their action situations they cause outcomes that have a feedback into the external variables and the action arena (Clement, 2010). According to Aligica (2006: 87) action situations are “the social space where individuals interact, exchange goods and services, engage in appropriation and provision activities, solve problems, or fight and these are affected by a set of factors – the *rules* organising inter-individual relationships, the attributes of a *physical world*, and the nature of *the community* within which the arena is located” (see also Ostrom, Gardner and Walker, 1994).

There are three external variables identified by the IAD framework. These are “the biophysical conditions (that is, the physical state of the environment where actors evolve), the attributes of the community and the rules-in-use”; in short, these variables “represent nature, society and the rules that govern nature-society interaction” (Clement, 2010: 132; McGinnis, 2011). These variables are seen to shape the nature of interactions among the individuals and the organisations found within the action arena (Imperial, 1999; Ostrom, 2011). Socio-spatial relations are of course implicit in these interactions (Jessop, Brenner and Jones 2008).

A key feature of the IAD framework is that it is multi-layered with three important levels of analysis of natural resources management (Clement, 2010; McGinnis, 2011). First there is the “operational level, where decisions directly affect resource access and use”, followed by “the collective-choice level, where the rules that govern resource access and use are designed” and last is “the constitutional level, where decisions affect the rules that govern how decisions are taken at the collective-choice level” (Clement, 2010: 133). Identifying the core of policy discrepancies requires a multi-level approach that is capable of connecting the decisions of participants across institutional levels (Clement, 2010). For example, Andersson and Ostrom (2008) proposed that theories of polycentricity should be applied in



analysing the multilevel dynamics of decentralised natural resource governance (see also McGinnis, 2011). Basurto and Ostrom (2009) also suggested the use of a diagnostic theory in order to analyse how resource users are able to organise themselves or to establish conditions conducive to solving collective-action problems. They emphasised the need to look at the conditions that facilitate sustainability of resources and the strength of institutions over time.

Ostrom (2005: 822) cites examples where the IAD framework has been further developed and used to analyse a broad spectrum of empirical situations. These cases include: “the study of land boards in Botswana (Wynne, 1989); ... [and] the change from group ranches to private ranches among the Maasai of Kenya (Mwangi 2003)” (Ostrom, 2005: 822). Indeed, this approach has been used to study “the effect of rules on the outcomes of common-pool resource settings throughout the world ... and the effect of formal decentralisation laws on local-level outcomes” (Ostrom, 2005: 822). The study of common pool resources in Tanzania has informed the approaches to payment for ecosystem services (Fisher, Kulindwa, Mwanyoka, Turner and Burgess, 2010). Siddiki, Weible, Basurto and Calanni (2011) used part of the IAD framework to show its effectiveness in demonstrating the institutional connections at different levels of analysis of policies that influence Colorado State aquaculture in the USA (see also Blomquist and de Leon, 2011).

The IAD framework is part of a school of thought called institutional ecological economics which differs from free-market approaches (Slavíková, Kluvánková-Oravská, and Jílková, 2010). The particular focus of institutional ecological economics is the institution, with due respect to the formal and informal rules as they influence human values and preferences in their interdependence with environmental resources, including how these are governed particularly at the local level (Slavíková *et al.*, 2010). Here the governance structure is conceptualised as neither fully decentralised nor centralised, but one that promotes the coexistence of poly centres under a multi-level governance system that cedes authority from

national governments to supra- and sub-national participants (Slavíková *et al.*, 2010). The authority of the professional bureaucracy has thus been questioned with the emergence of more interactions among institutions at various government levels and the rise of multilevel governance (Reitan, 2004).

However, as Slavíková *et al.*, (2010) point out, this approach is somewhat ambiguous as regards the question of state power. On one side the state, using the legitimacy of democratic elections (Edigheji, 2005), establishes rules and (re)distributes property rights which then affect the regulation of access to natural resources. Slavíková *et al.*, (2010) indicate that the process of democratic elections is not perfect but serves as the best mechanism for the expression of the collective will of a society. On the other side Bromley (1991) presents a scenario of government failures in decision-making (see also Barnard, 2007) which eventually leads to degradation of communal natural resources. Slavíková *et al.*, (2010) then conclude that the core focus of the state ought to be on establishing and safeguarding robust institutions for sustainable governance.

In this regard Ostrom (2008: 1) indicates that it is very important to avoid falling into the analytical and policy trap of “deriving and recommending ‘panaceas’”. Policy scholars and policy makers should not assume that all parts of the world can be easily described by linear and predictable social, economic, and ecological processes (see Duit and Galaz, 2008). There may be a need to restructure institutions or bring in new ones after carefully mapping a given situation, and paying attention to the ecological, economic and social dimensions of the issues at stake, with use of transparent social dialogue (Slavíková *et al.*, 2010).

Critics of the IAD framework note that the issue of power relations is not well articulated in this approach. Clement (2010: 135) argues that “a major limitation to its application across governance and government levels is an inadequate consideration of the role of power and

interests in the crafting of institutions.” This is supported by Mehta, Leach and Scoones (2001: 7) when they insist that:

*there is a central need to incorporate power into the analysis, to address diverse loci of power, how power relations shape and are shaped by practices around institutions and natural resource governance, and the ‘structural’ constraints on apparently fluid processes.*

Clement (2010: 135) invokes Foucault’s (1975) argument that “power is not the instrument of a dominant state, but rather is situated in the daily enforcement of social and political practices”, an idea which I find relevant to my study. With respect to Foucault, power works according to “relations between and across trajectories and involving people, institutions, bureaucracies and various cultural fields within the state” (Schirato, Danaher and Webb, 2012: 46). Clement (2010: 138) further argues that:

*Discourse analysis is also particularly pertinent in the representation of power proposed by Foucault: power is expressed by the multiple micro-practices of a myriad of actors distributed among the society. In this perspective, discourses are both an expression and instrument of power and knowledge, which continuously transform society.*

Power should also be conceptualised from the bottom going up the hierarchy (May, 2006) “to reveal how mechanisms of power have been colonised by more general or ‘macro’ forms of domination” (Smart 1983: 83). Power works as a mechanism that controls discourse such that “what one can say and how one can say it is restricted” (Nicolet-Anderson, 2012: 160). This is relevant in this study which attempts to unravel the power relations among the actors involved in the governance of private game farming.

The next section presents work and arguments developed by Cleaver to argue for an analytical shift from what she calls Mainstream Institutionalism to Critical Institutionalism. As already mentioned, while initial reading on the IAD framework proved useful, I have found myself increasingly drawn to the notion of institutional bricolage as elaborated by Frances

Cleaver. These ideas became important in the specific approach to environmental governance adopted in this study. Cleaver explores an approach to environmental governance which focuses on practices of 'bricolage' in explaining outcomes. In the next section, the major tenets of institutional bricolage are outlined and then an African example (Tanzania) explored in some detail. Lastly, I present the way that I envisaged institutional bricolage to help illuminate the governance of the private wildlife ranching sector in KwaZulu-Natal Province and thus contribute to the debates surrounding the governance of natural resources in post-apartheid South Africa.

### **From Mainstream Institutionalism to Critical Institutionalism**

Long-standing institutions are conventionally seen as the basis for good governance and social equality as they provide an enabling environment for the free expression of people's needs and force accountability from service providers or those in power (Cleaver, 2012). There is an assumption in the international policy arena "that institutions with clear roles, rules and lines of accountability will help to shape desirable governance arrangements of transparency, accountability and probity" (Cleaver, 2012: 1). However Cleaver (2012) argues that these intended results are not always guaranteed and she calls for an understanding of - and enquiry into - why this is the case and why development initiatives often fail to reach their goals. She distinguishes between two main schools of thought regarding institutions and natural resource management. The first is Mainstream Institutionalism (MI) which focuses on common property resource management and is related to the New International Economics (Slavíková, *et al.*, 2010). The Institutional Analysis and Development framework by Elinor Ostrom (presented above) belongs to this New International Economics, and hence is classified as part of Mainstream Institutionalism.

In the MI framework, the function of institutions is to provide information and guarantees in relation to the conduct of others, to provide attractive conditions to do good for mutual benefit, and to check for and punish bad conduct. All these conditions are expected to guide

individuals to make the right choices and decisions. As Cleaver argues, the actions of resource users are seen as making it “possible both to craft new institutions and to ‘make good’ the *deficiencies of indigenous arrangements* [italics my own] through careful design” (Cleaver, 2012: 10). These institutions are therefore identified by persistent ‘Design Principles’ related to the most enviable characteristics of the resource managing society and its governance systems (Berge and van Laerhoven, 2011; Cleaver, 2012). The MI approach is widely used on the policy front because it is seen to transcend neoliberal economic thinking by incorporating the widely accepted notion of devolved “local management and ‘ownership’” (Cleaver, 2012: 8).

However, a second school of thought called Critical Institutionalism (CI) criticises the rational choice and functional assumptions propounded by MI, placing more emphasis on the complicated institutions enmeshed in daily social life, their evolution and the interaction “between the traditional and the modern, formal and informal arrangements” (Cleaver, 2012: 8). In this case, regulations and processes guiding institutional arrangements are not clear cut. The MI approach is unable to properly take into account how “people’s complex identities and unequal power relations shape resource management arrangements and outcomes” (Cleaver, 2012: 9). Institutional bricolage is here identified with CI. Those who adopt this approach emphasise the manner in which low level decision making is entangled with national and global level issues. Cleaver (2012) willingly concedes that CI ideas do not offer clear trends to policy-makers. In this study, it is my intention to use the institutional bricolage approach to gain insight into the different levels of the private wildlife production systems in their overall governance context. The tenets of CI are now explored in more detail.

Cleaver (2012) uses three criteria to explain Critical Institutionalism namely; the nature of the institutions, institutional emergence and evolution, and the nature of human behaviour. The institutions dealing with natural resources management, she argues, are not necessarily

designed for that purpose because they are often vague, have multiple functions, they are ever-changing and are less susceptible to intentional crafting than is suggested by Mainstream Institutionalism (Cleaver and Franks, 2005; Cleaver, 2012). The institutions are more appropriately viewed as a blend of the dichotomies proposed by MI. Thus they assume many characteristics at the same time, such as being formal and informal, multi-purpose, short-lived, or more or less transparent in their operation (Cleaver, 2003; 2012). This implies that access and use of natural resources can be arbitrated by many institutions at the same time. According to Cleaver, these institutions:

*include designed arrangements of varying degrees of publicness and formality (committees, associations, user groups, burial societies), institutionalised interactions as embodied in kinship and social networks, relations of reciprocity and patronage and sets of norms and practices deeply embedded in the habits and routines of everyday life (Cleaver, 2012: 14).*

Thus instead of the narrow approach and the construction of design principles found in Mainstream Institutionalism, under Critical Institutionalism there is more weight given to “the non-comparability of various ‘messy’ contexts, the inter-relating of global and local factors and the impact of social and economic changes over time” (Cleaver, 2012: 14; see also de Koning, 2011). Critical Institutionalists propose that the formation and development of new institutions happens through daily practices, standards and associations such that they can fade, or can be simultaneously irregular and strong. There is also “institutional blending” which happens “when, for example, ‘informal’ or customary institutions emulate state bureaucracies (adopting ‘official’ stamps and constitutions) and when ‘formal’ institutional arrangements become blurred when operationalised through social relationships and practices, such as patronage” (Cleaver, 2012: 14). This shows that the processes of institutional formation and development are not as straightforward as the Mainstream Institutionalists would wish them to be. This ‘post-institutionalist thinking’ gives some understanding of “the ‘messiness’ of local institutional arrangements” and the formation of

new institutions due to processes of bricolage (Cleaver and Franks, 2008: 163). There is need therefore, to look at the contingencies associated with the crafting of institutions entrenched in particular social contexts.

### **Contentious Issues in Studying Institutions**

The short introduction to Frances Cleaver's (2012) book, *Development through Bricolage: Rethinking Institutions for Natural Resources Management*, is titled "Why Focus on Institutions?" Here she raises pertinent points also applicable to the governance of the private wildlife sector which is the focus of this study. Cleaver (2012) highlights her intention to look at the means through which institutions arbitrate the relationships between people, natural resources and society. She hopes to enliven theory through exploring the interface between social structure and individual agency using institutions (see also Cleaver, 1999; 2004). She is interested in understanding the functioning of institutions in specific contexts, and why the outcomes favour certain people while sidelining others (Cleaver, 2007).

Cleaver finishes the introduction to her book by emphasising that her work (similar to that of Marxist geographers like David Harvey, 2003) "raises the questions we need to ask if institutions tasked with natural resource management are also to promote equity to access and distribution, to further social justice" (Cleaver, 2012: 1). As Harvey (2003) points out,

*Uneven geographical conditions do not merely arise out of the uneven patterning of natural resource endowments and locational advantages, but, even more importantly, are produced by the uneven ways in which wealth and power themselves become highly concentrated in certain places by virtue of asymmetrical exchange relations (Harvey, 2003: 32).*

In putting forward the ideas of Critical Institutionalism, Cleaver (2012) identifies some issues that pose challenges in the attempt to understand institutions. The first one concerns how to navigate through the complex functioning of institutions given that institutions are basically

*what people do*, hence it is difficult to freeze and analyse them. This dynamic nature of institutions emanates from the hidden operations of power, the informal negotiation and twisting of regulations, different worldviews that shape participation and the different ways through which institutional configurations affect different people (Cleaver, 2012; see also Emerson, 2012).

The second issue concerns framing, scale and the focus of institutions. Alert to the risk of sidelining critical trends of social and political change, Cleaver suggests that institutional analytical frameworks should position local configurations into the broader context of governance. Critical Institutionalists are interested in micro-processes of bargaining and the access to resources brought into effect by social networks (Cleaver, 2012). These are the same micro-processes which are used by the actors in exercising power (Clement, 2010). In this regard, Cleaver is perhaps more sympathetic than Harvey to a post-structuralist perspective on power. For example, Cleaver supports Peters' (2004) argument that "analyses of land use and property rights that are influenced by post-structuralism correctly emphasize local diversity, adaptability and negotiation and are important in countering over-simplified economic models of tenure" (Cleaver, 2012: 18).

The third challenge is that of connecting the social nature of institutions and the resources under study – which obviously have material characteristics. As Cleaver (2012: 20) puts it:

*The physical properties of the resource shape human-made arrangements (institutions and infrastructure) and also can be shaped by them. The material nature and spatial location of the resource and its management through infrastructure and technology affects rights of access, claims to property and the potential for commoditification. So people may claim individual tenure for land they have improved ... In these ways, investments in creating and maintaining infrastructure, often organised through institutional arrangements, are a material form of creating property rights.*



This is illuminating when considering the wildlife resource held under private ownership which is at the heart of this study.

A fourth challenge is that of analysing how power works in terms of the broad issues of public management of resources, and bringing to the surface the 'invisible' workings of power relations when dealing with institutional analysis. Cleaver (2012) alleges that Critical Institutionalists are inclined towards writing about the use of power by marginalised people, paying less attention to the actual and enduring outcomes of power (see also Franks and Cleaver, 2007). Cleaver (2012: 22) aptly says that "if natural resources are governed through polycentric institutional arrangements, then we need to uncover the workings of power through such overlapping domains and practices." The 'invisible' operations of power involve the influence of such factors as ideology, belief, and norms in decision-making and the manner in which power is maintained (Cleaver, 2012).

Lastly, though Critical Institutionalism uses social theory to amplify human agency, there remains the challenge of coming to grips with individual versus collective action (Cleaver, 2012). In trying to understand individual action Cleaver draws attention to other factors lying behind socially organised reasoning affecting resource use and management, besides economic motivation (Cleaver, 2007). Overall, her argument is that "whilst such processes of institutional formation and functioning may be complex, multi-layered and negotiable they result in unfair outcomes for many people" (Cleaver, 2012: 50). In most cases these institutional processes have many unintended consequences.

### **The Meanings of Bricolage**

In adopting this concept, Cleaver (2012: 33) explains that "bricolage is a French word meaning to make creative and resourceful use of whatever materials are at hand, regardless of their original purpose." Bricolage is "'making do' with whatever is at hand" (Mair and Marti, 2009: 420). By applying the notion of bricolage from one discipline to the other, Baker

and Nelson (2005) define the concept in terms of actors working through the deployment of the various resources available in order to tackle new challenges and opportunities. Cleaver adapted and enhanced the idea of bricolage from its use by prominent anthropologists “to explain the combination of practical creativity and constraint in processes of institutional formation” (Cleaver, 2012: 33). She draws from concepts by Claude Levi-Strauss and Mary Douglas. Cleaver (2012: 33) starts with Levi-Strauss’ (1966) concept of *intellectual* bricolage, that is, “that people creatively draw on heterogeneous repertoires in their thinking, combining and recording these, inventing analogies and witty parallels, classifying phenomena.” These repertoires and their diversity are constrained by the make-up of their inherent societies, such as levels of technology and divisions of labour. In explaining the work of intellectual bricolage, Levi-Strauss makes an analogy of treating the bricoleur as a learner handyman as compared to a seasoned engineer (Levi-Strauss, 1966; Cleaver, 2012).

Cleaver (2012) goes on to refer to ideas from Mary Douglas’ (1987) book *How Institutions Think*, who further developed these ideas. Douglas embraced Levi-Strauss’ ideas, regarding them as applicable to the manner in which people think in variably developed societies (Cleaver, 2012). Douglas advanced these ideas by using them to evaluate rational choice assumptions with regard to collective action, revealing how human cognition and individual activity is actually directed and institutionalised by processes of bricolage (Komakech and van der Zaag, 2011; Cleaver 2012).

Cleaver builds further on the idea of bricolage to give details of the processes of institutional formation and functioning. Bricolage is taken to be made up of adaptive processes through which people imbue the arrangements “of rules, traditions, norms and relationships” with “meaning and authority” (Cleaver, 2012: 34). In the process of doing so, old configurations are altered and new ones created, though these innovations have to be related authoritatively to permissible manners of doing things in order to be accepted. These

modified arrangements refer to daily responses to varying situations. Cleaver asserts that “we are all bricoleurs” as the progress of our daily lives is made up of a lot of multi-tasking, though institutional bricolage means more than just “making up and making do” (Cleaver, 2012: 34). Processes of bricolage will not simply work, rather institutions need to “be legitimised and imbued with authority” for these processes to have any takers “and to endure over time and space” (Cleaver, 2012: 34).

To advance the idea of institutional bricolage, Cleaver then asks the critical question of “how exactly do such processes of innovation, adaptation and legitimation occur in respect to institutions?” (Cleaver, 2012: 34). In the previous section on critical institutionalism, some of the gaps in the mainstream institutional analytical framework were highlighted, emphasizing the demand for well-developed models related to human agency and deeper insight into the “ways in which the outcomes of socially constructed institutional processes are patterned” (Cleaver, 2012: 35). Cleaver points out that an understanding of social theory, which “suggest[s] that human arrangements (such as institutions) are formed in the dynamic interplay of individual action with social structure and that such processes both enable and constrain progressive change in particular ways”, can be used to attend to some of these limitations (Cleaver, 2012: 35). She however points out that theory cannot go further to pinpoint how the interplay takes place in particular contexts, and “that the concept of institutional bricolage offers a way of analysing and understanding just how institutions are socially formed and practised” in these instances (Cleaver, 2012: 35).

Using the last criterion, Critical Institutionalists also do not agree with the limited rational choice idea of Mainstream Institutionalism where human behaviour is seen as calculated or trained, and where shared interests in resource acquisition are viewed as the basis for joint participation (Cleaver, 2012). Critical Institutionalists look instead at the various factors that have an impact on human agency. Cleaver (2012: 15) describes the nature of human behaviour as propounded by Critical Institutionalists as follows:

*... strategic livelihood choices (about the use of the resources) are critically influenced by social concerns (such as the need to live in peace with neighbours), by psychological preferences (for example for cooperation over confrontation) and by culturally and historically shaped ideas about the 'right way of doing things'. Individuals, invested with complex identities and affinities, may operate within a number of overlapping but diffuse networks or communities in multiple locations. In this model people can purposefully plan their actions in relation to the collective, but this is likely to be informed by 'emotional', 'moral', or 'social' rationalities as well as economic ones. Actions and preferences are also shaped by non-conscious factors – by taken-for-granted everyday practices and embedded ideologies. For Critical Institutionalists, the workings of power and the patterning of inequality means that some people are more able to shape collective rule making and benefit from the outcomes than others. Rather than being designed, or even crafted, institutions are patched together, consciously and non-consciously, from the social, cultural and political resources available to people based on the logic of dynamic adaptation.*

Cleaver (2012) concludes that institutions are a consequence of what people do; the institutions are persistently influenced by people in order for them to remain viable. She emphasises that institutional processes are continually changing; they appear in various guises in different situations making them hard to classify in terms of a particular makeup (see also Cleaver, 2000b; Cleaver and Franks, 2005).

### **A Deeper Look at Institutional Bricolage**

Institutional bricolage, then, is “a process by which people consciously and unconsciously draw on existing social and cultural arrangements to shape institutions in response to changing situations” (Cleaver, 2001: 26). Cleaver contends that more formalised institutions created through abstract principles do not really provide the proper means to intervene to solve the inherent tension involved in the use of natural resources. There are three aspects

of institutional bricolage which need to be highlighted. Firstly, bricoleurs have multifaceted identities and norms; secondly, there is a degree of cross-cultural borrowing coupled with the creation of multi-purpose institutions; and thirdly, there is a focus on 'what works' and thus a high incidence of mechanisms conducive to cooperation, respect and non-confrontational interaction (Cleaver, 2001).

Cleaver uses the concept of agency and shows how it anchors the process of institutional bricolage:

*Following Giddens (1984) we can see the individual as a possessor of agency as well as specific and often multiple social identities, which may change over life courses. Different bricoleurs are thus likely to apply their knowledge, power and agency in respect of social relations, collective action and resource management in differing ways. The result is a rich diversity of pliable institutional arrangements. Rather than seeing people as rational and essentially economic-resource appropriators, we can reconceptualise them as conscious and unconscious social agents, deeply embedded in their cultural milieu but nonetheless capable of analysing and acting upon the circumstances that confront them (Cleaver 2001: 29).*

Thus people are presented as starting to use and modify already existing customs and practices to provide mechanisms through which new institutions serving a variety of functions are formed. This is not deliberate but is something that develops gradually in their use of natural resources and daily interactions in life. The resultant institutions, from the perspective of institutional bricolage, are "invariably uneven in functioning and impact, and are often fuzzy assemblages of meaningful practices, which overlap and serve multiple purposes" (Cleaver, 2012: 45).

Public actions and interests cannot be divorced from the private. Similarly, the formal manifestations of management cannot be divorced from the informal, nor modern authority

and institutions from the traditional ones (Cleaver, 2000; 2012). Institutions are embedded in social structures and there is a continuous engagement amongst people who are socially, historically, and ecologically connected and who etch diverse institutions with varying extents of formality and organisation (Cleaver, 2000; 2012). Bricoleurs are those people involved in the process of bricolage (Komakech and van der Zaag, 2011) in various capacities, particularly in the development of new institutions based on what they already have. There is emphasis on the “multiple identities of the bricoleurs, cross-cultural borrowing, and multipurpose institutions”, aspects that are critical to gain an insight into institutional change as the bricoleurs put together different parts of institutional ideas resulting in a new institutional set up (Sehring, 2009: 65; see also Cleaver, 2012). The multiple identities of the bricoleurs may be based on their various aspects such as economic wealth, special knowledge, official positions, kinship and marriage which can be used to explain their role or influence within a particular institutional set up (Komakech and van der Zaag, 2011; Poppe, 2012). Institutional bricolage thus provides a productive way of thinking about the governance of the private wildlife sector in KwaZulu-Natal, and is used as the main conceptual framework in this thesis.

Institutions are created through improvising out of daily practices, where people assemble institutional mechanisms to attend to emergent challenges and changes in their immediate environments (Cleaver, 2012). It is a matter of taking institutional mechanisms that already exist and innovating to create a modified version. Cleaver cites four aspects of what these institutional arrangements entail. The first mechanism involves the “taken-for-granted” practices that people can willingly agree to without misgivings (Cleaver, 2012: 46). The second arrangement involves the old and agreed-to practices, but this time they have been modified to suit new situations. Thirdly, there are institutional mechanisms which are taken from other institutional provisions elsewhere and brought into the current institutional formulation processes. Lastly, there are completely new arrangements that are innovatively formulated to meet new challenges or changes.

The institutions that are crafted through bricolage hardly ever serve just one function. Cleaver (2012) asserts that even if they start by focussing on one cause, the institutions go on to develop to incorporate other functions. In this way institutions resulting from bricolage are continually changing. So, bricolage itself is not a completely stable process as it results in irregularity and alternating institutional arrangements. This results in vague boundaries of the new institutions.

Since institutional bricolage is a patchwork involving the old and the new, the ultimate result coming out of the process should be something that is relevant and in synch with everyday practices. On a practical level, Cleaver (2012) argues that bricolage has the advantage of saving on the transaction costs of adapting brand new institutional mechanisms. Since they are built up from what is already there, the new institutional arrangements must help satisfy one of the critical roles of institutions, which is to cut back on mental energy to enable people to use them without having to deliberate on them every time. These built up processes make institutions “path dependent” in their development, for instance by drawing upon tradition (Cleaver, 2012: 47). Through using the current systems such as norms, rules and traditions to shape new institutions, the bricoleurs help to reduce the transaction costs associated with starting completely new institutions, and may allow an easier fit with new institutions that would then gain acceptance more easily (Komakech and van der Zaag, 2011). This will enable the new institution to survive.

The terms “conscious” and “unconscious” in the definition of institutional bricolage given above are hallmarks of the concept. At one level, bricoleurs craft institutions with deliberate intent. When it comes to natural resource management, Cleaver (2012) says that new institutional arrangements can be shaped by daily ways of life based on a critical awareness of the drive behind them. However there are also ways in which bricolage happens without people readily noticing how this influences their lives. These unconscious elements have an

important implication in shaping people's capacity to act depending on their social connections and situations. Thus, the way they act and interact with institutions are influenced by factors such as "sex, ethnicity, caste or religion, spatial location and physical wellbeing, their wealth, caring responsibilities, politics and aspirations" (Cleaver, 2012: 48).

A major characteristic of institutional bricolage which is central to this study is the articulation of the notion of power. Cleaver expresses the idea that institutional bricolage is "an authoritative process, shaped by relations of power", where "individual bricoleurs are able to exercise different levels of influence over the formation and functioning of institutions, as a result of their social positions" (2012: 49). She argues that power does not just influence institutional operations in obvious ways, but also in ways that are hidden. This can involve dissuading actors from open confrontation regarding "inequitable access to natural resources". It is just these "taken-for-granted" aspects of institutions, coupled with the drive "for them to be socially workable [which] ensure[s] the reproduction of social inequalities" (Cleaver, 2012: 49).

There is thus a possibility that institution-building through bricolage will advance the interests of particular people, since power is involved in the process – though there is room for both involuntary and conscious crafting of institutions (Sehring, 2009; Komakech and van der Zaag, 2011). People involved in bricolage are constrained by the institutions while at the same time they are involved in the reconfiguration and reviewing of the institutions (Sehring, 2009: 65). Institutional bricolage ultimately is seen as a way to view institutional transformation as leading to the creation of different, not necessarily new institutions but a blend of current structures and the new concepts (Sehring, 2009: 65). In this process, unfairness can also be confronted "through public negotiation and in the daily practical enacting of resource access where endless variations on bending the collective rules are possible" (Cleaver, 2012: 50).



Cleaver (2005) views the concept of social capital as an apolitical way of explaining agency, specifically when it comes to how poor people represent themselves (see also Cleaver, 1998a). Cleaver refers to Bourdieu's reasoning that it is not adequate to simply ascertain the occurrence of a network or social institution, but it is also imperative to look deeper into its composition and practices (Cleaver, 2005). She argues that there is a risk of it being taken for granted that individuals can capitalise on network links and take part in institutions to extricate themselves from compromised positions. Thus these individuals are often viewed as if they were themselves responsible for their lack of social capital and their subsequent sidelining (Cleaver, 2005). As agency is moulded through social arrangements and social capital, it is important to study how everyday life interactions connect to the operations of institutions (Cleaver, 2005). One of the key questions, then, is: "How do the daily and routinized relations between people produce social and cultural norms that shape patterns of institutional inclusion and exclusion?" (Cleaver, 2005: 894).

### **Using Institutional Bricolage to Understand Resource Management Dynamics in Tanzania**

I now refer to a case of the application of institutional bricolage discussed by Cleaver on her work in another African context, the Usangu basin in Tanzania. The Usangu is the central low-lying area which is part of the Upper Ruaha catchment covering an area of 21 500 square kilometres feeding into the Great Ruaha River (van Koppen *et al.* 2004). The Usangu plains receive an average annual rainfall of 600-800 mm characterised by a rainfall gradient of 1 500 mm experienced on the escarpment which is drained by five perennial rivers and numerous intermittent rivers. In 2004 the population in the area was around 1.3 million and this had rapidly increased due to an influx of migrants who were mainly cultivators from the southern high veld and came from various ethnic groups. There was also in-migration from central and northern Tanzania by pastoralists who made up 18% of the population. Other migrant movements include in-migration by the Baluchis from Iran in the 1940s, together with the Masaai and Sukuma pastoralists originating from northern

Tanzania (Cleaver, 2012). van Koppen *et al.*, (2004) note that the livestock herders went on to increase further downstream after some of the wetlands were closed in 2002, resulting in further strain on the land and water resources in those areas (see also Maganga, 2003).

Cleaver (2001) outlines the situation that confronted the Usangu basin regarding resource use amongst the various groups with different interests. The Usangu basin was seen as facing challenges due to the strain on its grazing land and fresh water resources. This was considered critical because if the Ruaha River was to dry up, there would be spiral “effects on the perennial swamp (the *ihifu*, an area of precious biodiversity), on hydroelectric power generation, on irrigated agriculture and on the wildlife tourism potential of the downstream Ruaha National Park” (Cleaver, 2001: 26). The increasing need for land for irrigated agriculture would limit pastures and cattle movement in the surrounds of the village. This resulted in the cattle herders confining their livestock in the *ihifu*, risking more damage to the susceptible resources.

The Sustainable Management of the Usangu Wetland and its Catchment (SMUWC) project was commissioned to look at the causes of resource exhaustion and helping to build capacity at the local level for the collective management of the area’s environmental resources (Cleaver, 2001; Cleaver and Franks, 2005; 2008). This project which started in the 1990s was financed by the U.K. Department for International Development (DIFD) (Cleaver, 2001). Cleaver provides an analysis of the institutional governance issues and outcomes in this case.

Conflict over water was observed, caused mainly by various factors including too high a demand on water resources for irrigation, overstocking and deforestation, disturbance of ecological systems, and lack of proper land management plans (Mulagwanda, 2002; Maganga, 2003). Cleaver (2001) also notes that constant changes in the ecological, social and economic milieu became part of life around the Usangu basin, triggering unpredictable

situations. This was because of mounting population pressure, climatic changes, and variation in the levels of resources, resulting in adoption of different coping strategies such as increasing areas under cultivation and grazing. Liberal economic approaches exacerbated the instability of livelihoods, also creating large-scale cyclical labour movements and “commercialisation of natural resource use” (Cleaver, 2001: 27). Large-scale development strategies such as huge hydroelectric and irrigation projects had also impacted water supplies and land use.

Cleaver (2001) underlines that policy makers held firm beliefs concerning the capability, reliability and effectiveness of local government institutions to tackle these challenges. The depiction of resource conflicts in Usangu basin was basically that there are rival “groups of users conflicting over limited 'open access' resources such as water and land” (Cleaver, 2001: 27). Furthermore, “such resources are frequently characterised as 'fragile' and 'depleted' by conflict-ridden overuse” (Cleaver, 2001: 27). There is also the impression that the land and water resources in question were at the centre of conflict “between entrepreneurial 'modernising' agriculturalists and intransigently 'backward' pastoralists”, and that these resources are merely 'open access' (Cleaver, 2001: 27). It was also believed that local regulatory mechanisms such as ‘traditional’ systems were absent or weak, while the formal village arrangements were virtually ineffective, dishonest and rent seeking. In other words, development organisations believed there were no proper management of access to and use of land and water resources.

In view of this scenario, the proposed solutions were characterised by putting faith in new formal institutional mechanisms to take care of resource management in a collective manner. Proposals were formulated by Land and Natural Resource Management Committees which Cleaver argues bear the hallmark of Ostrom’s (1990, 1992) common property management theory. These Land and Natural Resource Management Committees were supposed to work in an official and clear manner to be effective and gain the support of the public

(Cleaver, 2003). Duties of these committees included, among others, “to assess land and water use trends, introduce land registration, formulate village land-use plans, allocate land and water rights, draft by-laws, and identify and resolve conflicts”, and they were supposed to be representative (Cleaver, 2001: 27). From this grassroots level, the committees were then to be connected to other tiers of resource management provisions. Eventually these structures would fit into the model of ‘robust’ institutions framed on the basis of ‘design principles’. Thus the theories on which common property management interventions drew in this case, were those identified under Mainstream Institutionalism.

Cleaver then applies her ideas of institutional bricolage to look at this case. As highlighted in this chapter, the three main focus areas are: “the multiple norms and complex identities of the bricoleurs; the practice of cultural borrowing and adaptation of institutions to multiple purposes; and the prevalence of common social principles which foster cooperation (as well as conflict) between different groups of stakeholders” (Cleaver, 2001: 30; see also Cleaver, 2003; Franks and Cleaver, 2007; Poppe, 2012).

In terms of the identification of the bricoleurs, mainstream institutional theory is found wanting in its ability to give suitable social descriptions of the resource users. Cleaver (2001) criticises the mere identification of formal roles as they recreate inherent inequalities, and influence and strengthen other subtle differences, thereby perpetuating social divisions. Emphasising one shared characteristic gives a poor representation of people’s multifaceted social and livelihood characteristics. For example, “in Usangu, ... people's interests do not fit easily into the agriculturalist/ pastoralist divide” (Cleaver, 2001: 30; Maganga, 2003). A substantial number of 'pastoralists' are in fact partly sedentary agriculturists, while other 'pastoralists' are migrant labourers and local gold miners, all in efforts to be economically self-sufficient. By the same token, Cleaver (2001) also identifies agriculturalists who produce surplus which they use to acquire cattle. All these identities still fall short of comprehensively representing the complexity of these people’s motives or loyalties. Even

when it comes to gender, analysts should go beyond the classification of 'men' and 'women', as issues such as age, social status, and position in daily lives have a bearing on each person's passion and ability in relation to natural resource management (Cleaver, 1998b; 2000a; 2004).

In common property resource management theory and its translation into policy, community norms and practices are seen to be arranged by representatives of resource users into formal institutional mechanisms. Cleaver (2012) argues however that these standards and customs, and networks of reliance and collaboration are produced and deliberated beyond official institutional arrangements. Thus, institutional bricolage happens in a broader forum than just the discernible configurations of the official resource management organisations. Cleaver (2001) points to evidence from Usangu regarding the presence of various settings of decision making and the critical role of households, together with broad social relations, in the formulation of standards and customs for resource utilisation. She gives an example of children and young people who herd livestock, thereby influencing resource use. However these people are not accounted for in the formal institutions. This raises questions, she says, concerning the arbitration processes between the formulation of rules-in-use and their subsequent arrangement into collective mechanisms of resource use. Cleaver (2001) concludes that institutional bricolage is better at revealing the multi-faceted sites of the formulation of institutional mechanisms.

The idea of bricolage is premised on improvising from the current trends, customs, standards and mechanisms to fit a new role, and the argument is that this happens by both mindful checking of some ways of life and (un)intentionally allowing others in crafting institutions. Cleaver (2001: 31) gives an example from Usangu that exemplifies this point:

*The simultaneous acceptance and questioning of traditions can be illustrated by the case of 'Rahel', a Maasai woman who is also a born-again Christian (Pentecostalist) and an elder of the church. She belongs to a Maasai women's*

*choir, which functions as a women support group, and all members of the household take part in a collective labour group of ethnically mixed neighbours for agricultural work. Her husband has not converted to Christianity and is the hamlet leader and a leading member of local and national Maasai cultural and political structures. 'Rahel' sees both advantages and disadvantages to the household of their diverse cultural and social networks. Her strong Christian beliefs lead her to question certain manifestations of Maasai culture, such as consumption of alcohol, bad language used at ceremonies and the worshipping of spirits. She approves, however, of the links which her husband has forged through his Maasai leadership activities and the social support provided through marriage arrangements and extended kin networks.*

People thus adopt complex cultural identities, for instance accepting certain practices while at the same time they can question others. Deliberation or contestation of these practices can happen at various levels of society bringing out profound and diverse institutional forms.

When it comes to cultural borrowing, Cleaver (2012) asserts that unofficial institutions and choices regarding natural resources management are culturally entrenched. Different ways of living cannot be simply credited to technically and economically inclined coping strategies in diverse situations. Rather, they are drawn from various contextual settings that are imbued with figurative meanings. Institutions formulated through institutional bricolage in the diverse Usangu basin were noticed to be complex, allowing interaction between the “formal and informal, traditional and modern domains” (Cleaver, 2001: 31). For example:

*Farmers in Usangu commonly refer to 'traditional' smallholder irrigation systems. However, this 'tradition' has a relatively recent and exotic provenance, as modern rice irrigation technology was introduced into Usangu by Baluchi immigrants from Iran in the 1940s. 'Traditional' smallholder irrigation management draws on adapted committee structures introduced under government and NGO*

*development projects (now mostly defunct) and on 'indigenous' collective labour arrangements (Cleaver, 2001: 32).*

Here Cleaver (2001) shows that even if custom can be used to legitimise certain institutional mechanisms, it is not necessarily embraced by all stakeholders, neither can it be seen as the most important determinant. Thus there is a possibility of 'borrowing' between different ethnic groups in what Cleaver (2001: 32) refers to as "the leakage of cultural rules and meanings across ethnic divides", which is a hallmark of bricolage. As this happens, the divide between traditional and the modern becomes vague. The same is true of the distinctions between 'formal' institutions and those that are socially and culturally entrenched (see also Maganga, 2003).

Multipurpose institutions are also a major characteristic of institutional bricolage (Cleaver, 2000b, 2001; 2012). Such mechanisms of decision making and collaboration amongst the bricoleurs can be directed towards tackling emergent challenges. For example, Cleaver cites an example of members of an evangelical church choir in Usangu who are also found performing functions together in credit groups, labour groups and 'traditional' ceremonies. Under those circumstances "such embedded institutions combine productive and social functions and draw on both traditional and modern forms" (Cleaver, 2001: 32).

Cleaver (2001) discusses the conflict that was so rife in the Usangu community. She refers to the project and policy frameworks that view conflict as objectionable and assume that it should be prevented or promptly done away with. Under formal institutional mechanisms there is more focus on a transparent approach to dissent and the imposition of sanctions on the wrongdoers. Cleaver (2001) agrees that conflict is inherent in society and must be minimised, but its presence is a sign of deeper issues that need to be addressed. In her study in Usangu Cleaver (2001) noticed a general trend to avoid conflict, particularly in

cases where there would be more benefits of access to resources accrued through mutuality and collaboration.

The agricultural and pastoral communities in Usangu interacted through various means such as “labour exchange, the use of draught power and by intermarriage as well as by church and club membership” (Cleaver 2001: 33). These relations benefitted the parties both directly and indirectly. This illustrates how reports of conflicts over resources needed to be balanced by evidence indicating prevention and reduction of conflict. Social respect connected to moral conduct was deeply entrenched within the communities and this helped to deal with conflict issues. The urge to encourage cooperation even in cases of conflict was apparent. Such mechanisms are not always visible in the design principles of formal institutional forms. Cleaver (2012) notes however that it would be wrong to over-emphasise the case for conflict prevention and understanding as many instances of ongoing suspicion and mistrust were also picked up in Usangu.

Cleaver (2012) draws some important conclusions from this case of institutional bricolage in the Usangu plains in Tanzania. First, it is critical to comprehend the multiple ways through which people navigate their daily lives and get access to natural resources in order to derive meaning and sustain their livelihoods. For instance, institutional processes can be both inclusive and exclusive and the character of social networks can strengthen or lessen the effects of such situations. Through paying attention to the process of bricolage, Cleaver (2001) observed in Tanzania that it is possible for the intentional redrafting of “the rules” to “favour the poorest and most vulnerable households” (Upton, 2009: 1408). Stakeholders are able to make use of the prevailing cultural and social situation, thoughts and the previous institutional arrangements in influencing and explaining the reasons for new institutions (Upton, 2009).



However it is very important to understand the relationship between agency and outcomes under conditions where even compassionate and socially acceptable institutional rules can work to the detriment of the vulnerable who have limited resources and low status in a community. In general, the intricate character of multiple governance mechanisms means that they have the capacity “to create opportunity, through processes of bricolage, of borrowing, and contestation, for different voices to be heard” (Cleaver, 2012: 106). There is scope for the man-made mechanisms to influence distribution of natural resources in a liberating way. However Cleaver (2012) further argues that the extent to which institutions based on varied reasoning can bring about or perpetuate inequalities, or subvert networks of reliance and collaboration, also needs attention. As she states, “a major challenge then to those concerned with building institutions for the management of natural resources is to avoid reproducing socially and historically embedded injustices” (Cleaver, 2012: 106). To reinforce natural resource management, there is a need to formulate strategies based on the “underlying principles and social effects of institutions, not merely on their visible form” (Cleaver, 2012: 106).

In essence, Cleaver suggests that development initiatives can draw on the concepts of institutional bricolage to enhance the management of natural resources (Benjaminsen and Lund, 2003; Jones, 2011). In addition to the Tanzanian case, Cleaver also presents cases of institutional bricolage in other contexts, such as the analysis of water governance in rural Zimbabwe (Cleaver 1995; 1998c, 2000b, 2012). The Tanzanian example however is sufficient to show how the theoretical insights can be applied.

### **Contextualising Institutional Bricolage into Private Wildlife Governance Systems**

Cleaver uses institutional bricolage to draw attention to the ways in which “resource management and collective action are borrowed or constructed from existing institutions, styles of thinking and sanctioned social relationships” (Lund, 2006: 692). The question of how stakeholders involved in the private wildlife sector navigate through the complex of

institutions therefore is a fundamental issue of governance. Thus far, institutional bricolage has been applied mainly to water governance issues. The nature of water as a resource has important implications that could have influenced the way issues have been deliberated and their impact on the outcomes of institutional processes. For instance, water has been analysed as a common property resource through this theoretical framework of institutional bricolage. Here I am analysing the wildlife as a privately owned and managed resource.

A big difference in the context in South Africa is that the wildlife resource under examination here is a privately owned resource, associated with the institution of private land tenure – whereas the work of Ostrom and Cleaver has been associated with common property resources under very different tenure systems. In this context, I argue that institutional analysis needs to be widened by going further than just looking at conventional authority structures – such as the state - by including community and familial structures and customs, and exploring the process of institutional bricolage which allows new institutions to develop on the basis of prevailing social and cultural arrangements (Toner, 2003; Suzuki, 2005). There is a need to look at how rules, norms and shared strategies get ‘stitched together’ through repetitive interactions.

In this study I view the private game farmers as the entrepreneurs (see Chapter Seven for discussion of the intricate identity of the game farmer) who are operating in a market economy which according to the South African Constitution guarantees private property rights. Schirato, Danaher and Webb (2012: xxiii), discussing the work of Foucault, argue that “neo-liberalism constitutes a permanent critique on behalf of market forces of the limits and extent of state and government mechanisms”, suggesting that other forces rather than the state have significant power in such a context. I am going to highlight some of the tensions arising there from with regard to the voices of the actors involved in private wildlife governance, bearing in mind the background of the land issue in the South African province of KwaZulu-Natal, and its conservation history.

In my focus on institutions, I also consider the issue of structure and agency, as Cleaver describes below, to scrutinise the bricoleurs:

*Agency matters to the form institutions take. Individuals are resource appropriators but their actions are also shaped in relation to identity, attachments and the configuration of societal structures. Agency is operationalized in collective contexts; not just in public decision-making spaces, but through intersecting networks of social, political and professional relationships at a variety of scales. It is also strongly shaped by the ability of local actors to link their initiatives to wider authoritative discourses – in these cases, international discourses about decentralization, democratization and globalised environmental management (Cleaver, 2012: 204).*

With this in mind, I have tried to understand the actions of those who directly own or have access to wildlife resources and the manner in which they project their ideas with regard to the regulation of the sector by the state. This is important in order to appreciate the basis of the workings of institutional processes. As Cleaver says, “critical realist thinkers offer one explanation by suggesting that the structures (or resources) of society are mediated into effects (events, outcomes) by mechanisms. Mechanisms do not reliably produce the same outcomes for everyone, even in similar contexts” (Cleaver, 2012: 40). These mechanisms have to be contextualised, for example, through the various ways in which people interact based on their power relations. I therefore aim to explore the different governance mechanisms in the wildlife industry and how they are working out to produce different outcomes, with variable impacts on the stakeholders concerned. The major tenets of institutional bricolage theory that I articulated in this chapter are employed throughout the research.

## **Conclusion**

This chapter provided an in-depth discussion of the theoretical framework adopted in this study of the governance of the private wildlife sector in KwaZulu-Natal, South Africa. I looked at the major characteristics of institutional bricolage and attempted to relate them to institutional processes shaping the major discourses taking place in the wildlife sector. I believe there are a number of strengths offered by the chosen theoretical framework. It focuses on institutional processes underpinning governance of natural resources. It pays particular attention to issues of structure and agency. The treatment of power relations in the theoretical framework is inclusive of both open and subtle workings of power (Palermo, 2007). Finally, the idea that institutions elude design and that they are socially embedded was central to this study. The challenges associated with the study of institutions were discussed and these have been kept in mind as the analysis developed.

## **CHAPTER THREE**

### **CONTEXTUALISING THE GOVERNANCE OF GAME FARMING**

#### **Introduction**

This chapter places the governance of the wildlife sector in South Africa within the context of broad wildlife related and environmental governance issues. There is a plethora of literature on environmental issues, but for the purposes of this study, global environmental governance perspectives are briefly reviewed before narrowing down to the South African scene in terms of the relevant conservation and agricultural policies, land issues, and the wildlife sector. Little research has been done on the operations of the privately dominated wildlife sector and its interface with the agricultural and land sectors, and the question of how they could be integrated and coordinated to achieve sustainability, social justice and economic empowerment of the majority population, given South Africa's chequered past, remains an open one. This study is positioned in this particular context.

#### **The Influence of Global Environmental Governance on National Regulatory**

##### **Frameworks**

Issues of global environmental governance (GEG) are not the major focus of this study, but they are important as they are pervasive enough to influence policy in South Africa. Most environmental problems are not confined within national boundaries (Arts, 2005) as the idea of nature has become pervasive in the new millennium (Castree, 2000). Environmental issues too have dominated public discourse especially government circles (Castree, 2002). Thus it has been widely recognised that environmental regulation can be better achieved through multilateral agreements (Common and Stagl, 2005; Hart, 2007), hence the emergence of global environmental governance. Global environmental governance refers to "the sum of organizations, policy instruments, financing mechanisms, rules, procedures and

norms that regulate global environmental protection” (Najam, Papa and Taiyab, 2006: 9). Such a governance system, “which consists of the sets of rights, rules, and decision-making procedures that are created by humans to guide actions, including those that may have disruptive impacts on biophysical systems”, can be regarded as an institutional filter that mediates between human actions and biophysical processes (Kotchen and Young, 2007: 150).

The development of GEG can be traced back to 1972 (Arts, 2005), when the United Nations Environmental Programme (UNEP) was formed by the UN General Assembly following the United Nations Conference on the Human Environment in Stockholm during that year. The number of organizations, multilateral agreements, agencies, funds and programmes that deal with environmental activities at a global scale has increased tremendously since then (Najam *et al.*, 2006; UNEP, 2007). There are now more than 500 international treaties (Najam *et al.*, 2006; UNEP, 2007) and other agreements related to the environment, including 323 regional agreements as well as 302 further agreements that were established from 1972 up to the early 2000s (UNEP, 2007). Trouwborst (2015) for example, examines the role of the international regulatory arrangements in the conservation of carnivores. However there are major challenges of co-ordination, overlapping responsibilities culminating in duplication of work, and increased pressure on ministries and governments, not to mention the lack of financial support (Andresen, 2001).

Within the context of the development of global environmental politics and policy processes, there also emerged the framework of sustainable development (Najam *et al.*, 2006). Sustainable development was widely accepted after the World Commission on Environment and Development’s (WCED) report, entitled *Our Common Future*, in 1983 (Common and Stagl, 2005). Subsequently the Earth Summit in Rio de Janeiro of 1992 came up with Local Agenda 21, and this was followed by the World Summit on Sustainable Development, held in Johannesburg in 2002 to assess the implementation of Local Agenda 21 (Common and

Stagl, 2005; Meadowcroft, 2007). The United Nations Conference on Sustainable Development of 2012 (Rio+20) was a follow up to the 2002 World Summit and was meant to bolster measures for the implementation of sustainable development (United Nations Conference on Sustainable Development, 2012).

Since the period leading to the 1992 Rio Summit up to now, there was an inclination towards a neoliberal order that places markets at the centre of environmental governance with its dominance extending to the global South (Okereke, 2008; see also Bond, 2002, 2006c; Büscher, 2009; Arsel and Büscher, 2012; Büscher and Arsel, 2012). The neoliberal order is characterised by the “eclipse of the interventionist state in many parts of the world” (Castree, 2008a: 140). Prukop and Regan (2005) noted the insidious upsurge in the privatisation of wildlife resources. Environmental improvements are attached to the value of land where property rights are secured and thus saleable to gain profits (Yandle, 2004). The property rights in this case go beyond the mere ownership of land by including the right to use the land and “the right to commercialize services generated from natural assets” (Muradian, Corbera, Pascual, Kosoy and May, 2010: 1203) for which private game farming is relevant. For example, Harvey (1990: 419) highlights the seriousness of the definition of the property rights and that they are a part of how the capitalist system is organised to spread its effects:

*The spread of capitalist social relations has often entailed a fierce battle to socialize different peoples into the common net of time discipline implicit in industrial organization and into a respect for partitions of territorial and land rights specified in mathematically rigorous terms.*

Privatisation associated with globalisation (Allegret and Dulbecco, 2002) has increased and causing both positive and negative consequences on the environment (Von Weizsäcker, Young and Finger, 2005; Ervine, 2011) for instance, by even causing harm to wildlife (Spierenburg and Wels, 2010).

International environmental law has developed rapidly over the past three decades and this has made a great impact in the international governance of protected areas (Scanlon and Burhenne-Guilmin, 2004). Proponents of environmental governance claim that a new dispensation in the management of protected areas has been built spanning environmental, social and economic objectives, and (in theory at least) including the interests and aspirations of local people (Scanlon and Burhenne-Guilmin, 2004). Despite the fact that sustainable development garnered some political will, environmental issues remain low on the policy agenda of regular politics while poverty alleviation, economic growth, security, education and health are the most favourable policy items (United Nations Environment Programme, 2007). Perhaps with the exception of global warming and climate change, political aspects of adapting to long-term environmental challenges have received scant attention (Sprinz, 2009). Sustainability policies and sustainability politics are not always in alignment (Sneddon, Howarth and Norgaard, 2006). Transnational and domestic non-governmental organizations have emerged, ushering in non-state, market-driven governance systems with the aim of developing and implementing environmentally and socially responsible management practices (Cashore, 2002; Duffy, 2006). Non-governmental organisations have also increased tremendously to participate in international negotiations and they too have influenced global environmental politics (Gulbrandsen and Andresen, 2004; Duffy, 2006).

The current market-driven approach, however, has been heavily criticized. Bond (2002, 2006c) criticises the World Summit on Sustainable Development for its inclination towards the commodification of nature. Bond, Dada and Erion's (2009) critique of carbon trading is one example. Bond (2006c: 339) also articulates that the Millennium Development Goals maintained the status quo of "adverse power relations, unreformed global-scale institutions and capital accumulation patterns that work against the poor and the environment." Commodification also extends to labour according to Marx (Palermo, 2007; Buck, 2009; Razavi, 2009). According to Harvey, capitalists can even gain profit without further capital



investment through just taking advantage of wage-labour (Buck, 2009; Negi and Auerbach, 2009b; Harriss-White, 2012). Snijders (2012) similarly critiques the private ownership of South African wildlife which involves “putting a monetary value on the world’s biodiversity” as one of the ways through which commodification of nature occurs (Castree, 2003: 285).

Neoliberalism in its various forms from a critical realism perspective (Castree, 2006) and its connection to a “diversity of biophysical resources, geographical scales, places, and actors” (Castree, 2008b: 153) is inclined towards the consumptive use of nature (Büscher and Dressler, 2012; Coffey and Marston, 2013). Castree (2008a; 2008b: 154) argues that “in a capitalist world, attempts to neoliberalise nature can be understood as ‘environmental fixes’ that are, in theory at least, ‘rational’ for private producers and also the state (as a key regulator of human – environment interactions).” The same can also be contextualised in the South African case given the government’s neoliberal leanings and the boom of the wildlife sector under ‘private producers.’

Bond and Dugard (2008) give an example of the corporatisation of water in South Africa while Barret (2013) highlights the spread of commodification in environmental governance through peace parks in southern Africa. The surge in payments for ecosystem services (PES) in the past two decades shows the growing influence of market approaches to conservation (Wegner, 2015). The study of PES programmes on livelihoods in countries such as Costa Rica, Mexico, Vietnam, China including South Africa have shown to be “more effective in environmental terms than [being] socially equitable” (Calvet-Mir, Corbera, Martin, Fisher and Gross-Camp. 2015).

Although the new era of global environmental governance is characterised, according to Arts (2005), by a ‘multi-rule’ system, this does not necessarily lead to a sudden shift from government to governance (Lange, Driessen, Sauer, Bornemann and Burger, 2013). There is segmentation and fragmentation of the governance system across levels and functional

areas (Biermann and Pattberg, 2008; Meadowcroft, 2007). Bulkeley (2005) states that environmental governance needs to be analysed beyond the nested hierarchies and levels of decision-making, often occurring in isolation. Also, a distinction needs to be made between the territoriality of states versus the fluid nature of non-state actors. A “multidimensional ‘system’ of global environmental governance” (Najam, Christopoulou and Moomaw, 2004: 23) has developed and it is inherently fragmented (Biermann, Pattberg, van Asselt and Zelli, 2009). The idea of “window dressing” also means that a country’s consent to an international environmental agreement does not necessarily translate into action (Atkinson, 2015: 154).

The study of international environmental cooperation has shown that international institutions promote common interests, though distributive issues are not prominent and this is reflected in the mainstream neoliberal institutional discourse (Dai, 2008), fostered by the ‘Washington Consensus’ (Bond, 2003b; Castree, 2009). While concerns over North-South equity, equality and fairness in environmental regimes have been raised, efforts to reform these institutions have not been impressive despite appreciation that a social justice approach is necessary in formulating institutions for global environmental governance (Doherty, 2006. Okereke, 2008; Bond, 2007; Bond, Dada and Erion, 2009). African ruling elites, for example, have largely failed to challenge this skewed North-South power balance (Bond, 2006b). The focus on regulation and the pretext that global concerns need multilateral agreements to overcome the challenges, often leads to dualism between international cooperation and state action, since it overlooks the local causes of global problems and exaggerates the effectiveness of globally crafted solutions (Sanwal, 2004). In addition a “commonality-within-difference” situation arises as multi-lateral institutional arrangements have a unique effect on regions and their inherent resources (Castree, 2008a: 137).

The role of NGOs (mainly with an international footprint) as part of the governance context in the conservation arena is also crucial. In this regard, Igoe, Sullivan and Brockington (2009)

point out three major points from Mac Chapin's (2004) paper "A Challenge to Conservationists." The first one is that an increasing amount of funds meant for biodiversity conservation worldwide are in the hands of a few powerful NGOs which are the Nature Conservancy, Conservation International and the World Wide Fund for Nature, with the Wildlife Conservation Society and the African Wildlife Society having been suggested by Dowie (2009). The second point is that the growth of these conservation NGOs has occurred at the same time with dismal performance of conservation initiatives associated with "local and indigenous communities, together with increased conflicts between these communities and global conservation practice" (Igoe, Sullivan and Brockington, 2009: 4). For example, in 2003 Conservation International opened a camp in Gudigwa village in northern Botswana where they asked the communities to back conservation of wildlife so that they would experience development through premium cultural tourism (Cohen, 2009).

However, Conservation International declared the project a "commercial failure" five years later due to blunders in the implementation stages of the project, thus dashing the ideal of using the project as an example of how to tackle "biodiversity conservation and poverty alleviation" (Cohen, 2009: 15). The last point is that Chapin took issues with the increasing dominance "of the World Bank, bilateral agencies, and corporations on conservation NGOs" (Igoe, Sullivan and Brockington, 2009: 4). The argument is that in such a scenario the conservation NGOs are hamstrung "to be critical of the environmentally and socially disruptive spread of corporate enterprise, including extractive industries" (Igoe, Sullivan and Brockington, 2009: 4) thus neglecting the damage of commercial-based conservation to the environment (Neves, 2009). As shall be seen in Chapter Five the World Bank was itself instrumental in the setting up of nature tourism initiatives in KwaZulu-Natal Province.

South Africa is a signatory to numerous international laws, conventions, and protocols that have to do with the environment, its conservation and sustainable use. These agreements have an impact on the way the South African state etches out its own trajectory of

environmental regulations. At the same time, while South Africa's neo-liberal macro economic and political stance augurs well with the sustainability discourse, the imperative to address apartheid legacies poses challenges. Bond (2002: 20) observes that:

*South Africa's inherited environmental challenges and the policies, projects and laws that emerged to address and in important ways, to compound these problems, together illustrate the elite's chosen macropolitical route: neoliberalism disguised by sustainable-development rhetoric.*

South Africa's embrace of the international regulations and global economic dictates has thus not been without challenges (Bond, 2000, 2003a).

There are three major sources of relevant wildlife regulations which are the "international treaties and agreements, national legislation; and provincial ordinances" (Rumsey, 2009: 394). In the next section, reference will be made to those international regulations that particularly relate to the interface between the agricultural sector and wildlife sector. International agreements include: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 1973; the International Convention on the Conservation of Biological Diversity of 1992; and the Protocol on Wildlife Conservation and Law Enforcement in the Southern African Development Community (Rumsey, 2009).

### **Game Farming and South African Wildlife Regulatory Issues**

In South Africa as of the year 2000, there were an estimated 5000 fenced game ranches and 4000 farms of mixed game and livestock occupying a proportion exceeding 13 % of the total land area of the country (Hearne *et al.*, 2008). In addition there were some 3000 livestock farms that were in the process of converting to an integrated game and livestock production system in 2000 (Hearne *et al.*, 2008). As of 2003 there were around 9000 commercial game-fenced farms in South Africa occupying about 17 million hectares (Reilly *et al.*, 2003).

Close to 80% of South Africa's land is privately owned (Cousins *et al.*, 2008; Department of Rural Development and Land Reform, 2013) the majority of whom are white owners, compared to for example, 72% of the United States of America's land area (Kammin, Hubert, Warner and Mankin, 2009). The game ranching sector makes use of about a third of the country's available grazing land for its purposes (Cloete *et al.*, 2007). The wildlife ranching sector has been growing fast, and is increasingly recognised as an agricultural enterprise, given the annual increase in the areas enclosed by game fences and the high demand for wildlife which is being traded privately and at wildlife auctions (Reilly *et al.*, 2003; Davies-Mostert, 2014). There has been a decline in cattle numbers with game ranching taking over as a formidable presence in the agricultural sector as a whole. Game ranches occupied 3.6 million hectares by August 1998 and this accounts for 26% of the Limpopo Province's total surface area (Van der Waal and Dekker, 2000). A study in Gauteng Province showed that 67.6% of a total area of 115 913 hectares covered by wildlife properties were privately owned (Reilly *et al.*, 2003). In the Northern Cape Province in 2005 there were 1109 game ranches exempted from certain hunting regulations and these accounted for 22% of the cumulative number of exempted ranches in the country (Cloete *et al.*, 2007).

Cousins *et al.*, (2010) assert that the initial drive towards game ranching had much to do with personal needs of self gratification but with time this extended to profit seeking, conservation, and the fact that it was considered more sustainable as compared to conventional agriculture. However Cousins *et al.*, (2010) also go on further to give other factors that relate to the political and legal changes. Firstly, subsidies in agriculture have decreased and the agricultural sector has been largely deregulated. There has been a decline in the profit levels in cattle farming (Cousins *et al.*, 2008) while on the other hand, theft of domestic stock has increased considerably (Cousins *et al.*, 2008). Secondly, the Game Theft Act No. 105 of 1991 bestowed rights on farmers to own game dependent on the provision of appropriate fencing (Child, 2009b; Snijders, 2012). Ownership of wildlife by private landowners had started as early as 1975 in Zimbabwe through the Rhodesian Parks

and Wildlife Act (Jones, 2006) while in Namibia this happened from 1967 (van Schalkwyk, McMillin, Corli Witthuhn and Hoffman, 2010). This private ownership of wildlife through legislative means can be taken as a state's way to advance its ideology at a particular juncture as what happened in China's rubber industry (Jianchu, 2006). Eloff and van Niekerk (2005: 125) state that "a change in attitude towards game has also contributed to an increase in numbers as huntable game is no longer regarded as 'state game' and is considered to belong to the game ranch owner."

Amendments have been made to the Share Blocks Act No. 59 of 1980, a piece of legislation that deals with conservancies, biospheres and other protected areas. These changes in tandem with new labour laws (South African Human Rights Commission, 2007) are thought to have instigated the shift from conventional farming to game farming (Carruthers, 2008b). Other reasons include: new ideas stressing the need to isolate wildlife from livestock; shifts in conceptions of nature, conservation, wildlife management and sustainable development; the sharing of knowledge between experts from state protected areas and those in privately owned farms; and the drive to satisfy the demand for protein for a growing human population (Gray and Teels, 2006; Carruthers, 2008b; Cousins *et al.*, 2010). The favourable changes surrounding game farming give credence to "the emerging consensus that economic growth is related to more institutional capital than financial capital", hence the focus on institutional processes mediating the governance of management of natural resources (Child, 2009b: 109). Institutional frameworks governing natural resources in Africa have gone through transformation, as argued in Chapter Five, through European settler influence (Brown and Lassoie, 2010).

At the national level the Constitution of the Republic of South Africa Act 108 of 1996 modified the framework for governance of the environment (Rumsey 2009). Critical national legislation under this supreme law includes:

- National Environmental Management Act 107 of 1998;

- National Environmental Management: Biodiversity Act 10 of 2004;
- National Environmental Management: Protected Areas Act 57 of 2003 and Amendment Act 31 of 2004;
- Ownership of Wild Animals: Common Law and The Game Theft Act 105 of 1991; and
- Animal Protection Act 71 of 1962 (Rumsey 2009) (see also Appendices I and II for lists of key environmental and agricultural legislation respectively that impact the private wildlife sector in South Africa).

The 1991 “Ownership of Wild Animals” Act is especially important as it declared wildlife on private property, the property of the landowner rather than the state. This facilitated the fast development of the game farming sector. Why was there a need for regulatory legislation? Hamman, Vrahimis and Blom (2003) argue that largely due to the growth of the game farming industry, there has been translocation of wildlife around the country without due attention to historical species distribution patterns or genetic factors, hence the need to control that and other related activities. For example, Lindsey, Romanach, and Davies-Mostert (2009) comment on the introduction of exotic species (fallow deer *Dama dama*, Barbary sheep *Ammotragus lervia*, red lechwe *Kobus leche*) and species regarded as invasive (Eurasian boar *Sus scrofa*) onto game farms. Exotic species “are not native to a given region because they occur naturally somewhere else”, while endemic species “are those that are *found only* in a given area and nowhere else” (Bothma, 2005: 98). Bothma (2005: 98) further says that, “the word indigenous is derived from the Latin word *indigena*, which means to be born in a specific place.” Exotic species are often introduced in order to augment the variety of animals available for trophy hunting and farmers can go as far as to alter the genetics to produce competitive forms of wildlife as hunters are prepared to pay a premium price for them (Lindsey, Alexander, Frank, Mathieson and Romanach, 2006; Lindsey, Roulet, and Romanach, 2007).

The high demand for the new forms of species exerts pressure on the game farmers to increase introduction of exotic species, but this has negative veterinary, ecological and genetic implications (Lindsey, *et al.*, 2006). My observations of deliberations at inaugural Wildlife Ranching South Africa (WRSA) Congress held in Limpopo Province from 10-12 April 2013, confirmed that game breeding is a fledging subsector in the game farming sector, though concerns about undesirable products were raised. Breeding of wildlife species has become part of the economic rationale behind game farming within the broad trend of “private[z]ation, commodification and deregulation” of wildlife in South Africa (Snijders, 2012: 504). Using the Rule of Gauss, Bothma (2005) argues that species which are similar should not inhabit the same environment, as the indigenous species can be eventually replaced by an exotic species which might be aggressive. This is because if the exotic species does not manage to outperform the indigenous species, it will not survive in that environment (Bothma 2005). Concern extends to the introduction of endemic species to southern African areas beyond their historical distribution, for example the black wildebeest (*Connochaetes gnu*) in Namibia and blesbok (*Damaliscus pygargus phillipsi*) in the Lowveld region of South Africa (Lindsey *et al.*, 2009).

The introduction of these exotic species is purely driven by their ability to easily adapt (for example, blesbok) and their attractive value for the tourism, hunting and live sale activities undertaken by game farmers. In this way tourism is increasingly associated with the exploitation of nature through neoliberalism (Büscher, 2009; Duffy and Moore, 2010). Other examples include the nyala (*Tragelaphus angasii*) and the buffalo (*Syncerus caffer*), much valued by the trophy hunting industry (Bothma, 2005). This introduction of extralimital species has negative effects such as hybridisation, reduction in the survival rate of those species introduced, as well as causing deterioration of the habitat and the displacement of species that originate within that area (Bothma, 2005; Cousins, Saddler, and Evans, 2008; 2010). Conservationist bodies are now facing a strong lobby from the wildlife producers who want to be permitted to treat wildlife in the same manner they do domestic stock (Bothma,



2005), and this is a contentious issue which has not been extensively explored by scholars (but see Snijders, 2015).

A further aspect is the genetic manipulation of species to create unusual colour variants, that is, cross breeding species to produce new breeds attractive for hunting trophies. Intensive captive breeding methods are used to produce 'new' variants, which is regarded as potentially harmful because when these species are introduced into the extensive wildlife systems, they have a potential to genetically pollute the naturally occurring populations leading to the extinction of subspecies and also the likelihood of spreading parasites and diseases (Cousins *et al.*, 2010). The spread of diseases does not only affect the wildlife, but even the human population that utilises wildlife and the danger is that it can happen when just one infected animal escapes from confinement (Bothma, 2005).

Ethically doubtful hunting practices, such as 'canned hunting', and 'put and take' hunting, are also a concern (Cadman, 2009; Lindsey *et al.*, 2009; Cousins *et al.*, 2010; see Chapter Eight). The Department of Environmental Affairs and Tourism (2005) expressed concern that there are many breaches of the principle of a fair chase and the humane treatment of animals. Persecution of predators is also rampant (Cousins *et al.*, 2008; Cousins *et al.*, 2010). These issues are a cause for concern for authorities. They depict more of the business imperative of game ranches than the conservation side, thus having a detrimental effect on biodiversity (Cousins *et al.*, 2008; Lindsey *et al.*, 2009; Cousins *et al.*, 2010). In Africa generally, the weakness of government, the decline in rural incomes, increased availability of hunting technology and the growth in the human population have contributed to declining numbers of bush meat species (Crookes and Milner-Gulland, 2006). Meanwhile the human-wildlife conflict in Africa is on an upward trend and there is need for appropriate policy decisions to ameliorate such conflict and also boost conservation efforts (Browne-Nuñez and Jonker, 2008).

Lindsey *et al.*, (2009) blame inappropriate regulation for contributing to low biodiversity conservation on game ranches and they cite the regulations in South Africa, Namibia and Botswana that require ranches to have perimeter fencing for the farmers to be able to use wildlife. They argue that this has had the effect of compartmentalising game ranches into mean sizes within the range of 8.2–49.2 km<sup>2</sup>. Small game ranches limit natural ecological processes such as immigration, emigration and predation that require intensive management, while overstocking is prevalent leading to ecological degradation (Cousins *et al.*, 2008; Lindsey *et al.*, 2009). In view of such developments Lindsey *et al.* (2009) suggest that to improve the contribution of game ranching to conservation there is a need to craft better regulations or introduce incentives for land uses that are ecologically friendly. For example the legislation introduced in South Africa that relates to threatened and protected species would go towards addressing issues of translocation, unethical hunting activities and setting of hunting quotas (Lindsey *et al.*, 2009).

The White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity of 1997 was drafted with the intention of meeting the country's international and national conservation obligations (Cousins *et al.*, 2010). This formed the basis for the Biodiversity Act 10 of 2004, which legally provides for management of biodiversity and regulations of protected, endangered, alien and invasive species (Cousins *et al.*, 2010). In October 2005, a report was released by the Department of Environmental Affairs and Tourism from a panel of experts appointed by the Minister (Department of Environmental Affairs and Tourism, 2005). This report dealt with issues around the state of the hunting sector, its regulation, its impact on conservation, and best practices for hunting from the international arena (Cousins *et al.*, 2010). According to the Department of Environmental Affairs and Tourism (2005) there were three general principles which guided the panel appointed by the Minister. These principles include: sustainable utilisation of wildlife, humane treatment of animals and the principle of fair chase (Cousins *et al.*, 2010). The 2005 report culminated in the formulation of the Threatened or Protected Species

Regulations (TOPS) of 2007 that were effected in 2008, as well as the drafting of the Alien and Invasive Species Regulations (AIS) of 2009 (Cousins *et al.*, 2010).

Whilst the national government has managed to set uniform regulations (for example, TOPS) for threatened and protected species, the provinces have the jurisdiction to “regulate ‘ordinary game’” (Rumsey, 2009: 420). However, the provinces are still in a process of harmonising their regulations to be consistent with these new national regulations since some of them had retained their pre-1994 wildlife policies. In addition, most of the provinces had earlier developed their own policies to match the National Environmental Management: Protected Areas Act No. 57 of 2003 and the National Environmental Management: Biodiversity Act No. 10 of 2004 (Rumsey, 2009), complicating the translation of new national legislation to the provinces. The complication occurred in part due to the administrative reorganisation of the country into nine provinces since 1994, whereby “nine new environmental structures were superimposed on the existing provincial and homeland conservation institutions” (Snijders, 2014: 186). From another angle, Cousins *et al.*, (2010) challenge the introduction of new TOPS regulations to wildlife ranches in South Africa, arguing that these regulations will cause some ranchers to desert their current conservation friendly land uses. Crookes and Milner-Gulland (2006) argue that policy interventions in the venison trade need to be context specific and also should balance the needs of the stakeholders. They acknowledge that the overall management of the sector is complex.

Carruthers (2008a) comments that South Africa is considered number three in the world in terms of biodiversity conservation. However in spite of the ratification of the Convention on Biological Diversity in 1995 and the subsequent development of relevant national policies in South Africa, there is massive loss of species (Cousins *et al.*, 2008). Loss of species is attributed to the effect of human activities (Morrison, 2014). The country comes second out of 19 southern African countries in terms of the highest number of threatened species. Scholes and Biggs (2004) explain that the major causes of the loss of species and habitat

are the conversion to cultivated land, expansion of urban areas, invasion by alien species, and the growth of the plantation forestry sector.

In another article, Carruthers (2008b) describes the scientific and cultural changes that promoted the use of wildlife and views the expansion of wildlife ranching as a milestone in the transformation of agriculture in South Africa. Hoffman, Crafford, Muller, and Schutte (2003) referred to the tourist industry as the fourth largest in the South African economy. Conservation tourism is a growing subsector of ecotourism, and includes what is called volunteer tourism whereby the tourists pay to participate in conservation projects in the host area (Cousins, Saddler and Evans, 2009). Private game ranchers are also involved in the breeding of rare species which would otherwise be threatened if the game ranchers were not involved in the sector (Cousins *et al.*, 2008), although the value of this contribution is contested by conservationists.

The game industry is anchored by three major activities which are trophy and biltong hunting (the dominant driver), live game sales, and ecotourism (Cloete, Taljaard and Grove, 2007). Radder and Bech-Larsen (2008) assert that there are approximately 200 000 hunters who practice commercially regulated hunting, who are referred to as biltong hunters (that is, they hunt lower value animals for sport, as opposed to expensive trophy game). In a study of the hunters' motivations and values in South Africa, Radder and Bech-Larsen (2008) conclude that the hunters cherish more the experiential and social dimensions of hunting than doing it for the meat.

In their research, Hoffman *et al.*, (2003) found that tourists who come to South Africa like game meat or venison, and they are aware of its health benefits, thus providing a market niche for game meat exports. However on the domestic scene South African consumers do not have enough knowledge about the health benefits of venison as compared to how they view meat from livestock (Hoffman, Muller, Schutte, and Crafford, 2004; Hoffman, Muller,

Schutte, Calitz, and Crafford, 2005). The marketing of game meat is not standardised in South Africa leading to production and selling of game meat of varying quality (Hoffman *et al.*, 2004). The highly publicised scandal in 2013, when donkey and even kangaroo meat were found in regular 'beef' products in South Africa, is a case in point.<sup>1</sup>

In addition to personal motivation, several explanations of the shift to game farming have been put forward and these relate to the nature of the economic, political and social environments in which the farmers find themselves entangled. Cloete *et al.*, (2007) assessed the financial implications of a switch from cattle farming to game ranching in the Northern Cape Province using comparative economics. Their conclusion was that there is a higher gross margin derived from game ranching in comparison to cattle farming, but the process of conversion from cattle farming to game ranching is challenging and not immediately profitable in most cases.

Despite possible conservation benefits, wildlife ranching has its limitations. One of the limitations is the skewed representation of wildlife species and their habitats in favour of those that are in demand, particularly the "Big Five" in the savannah biomes (Cousins *et al.*, 2008). The "Big Five" are a group of dangerous African game animals which are the lion, buffalo, rhino, elephant and leopard (see Kamuti's (2013) discussion of rhino poaching in Africa as the greatest threat to the survival of this flagship species). Due to the thrust for profit, management of game ranches is not necessarily done for conservation as shown by the lack of ecological management plans and trained staff, a poor understanding of ecological principles, overstocking, and overgrazing (Cousins *et al.*, 2008). Clearance of invasive species is often not properly handled on game farms as it requires commitment of financial and time resources (Cousins *et al.*, 2008). Damage to wildlife by the game-proof fences has also been noticed together with an effect of limiting natural processes, for

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<sup>1</sup> See "Meat we eat in our wors may be worse" *Daily Dispatch*, 27<sup>th</sup> March 2013, <http://www.dispatchlive.co.za/news/meat-we-eat-in-our-wors-may-be-worse/>, Accessed: 30/03/2013.

example disruption of migratory routes and hindrance of access to critical resources (Cousins *et al.*, 2008). Game farming also presents a challenge to the concept of carrying capacity as a way of determining how much stock a farmer should keep (Benjaminsen, Rohde, Sjaastad, Wisborg and Lebert, 2006).

Lindsey *et al.*, (2009) favour the formation of conservancies to overcome some of the problems associated with the increase in game farming such as overstocking, targeting of predators and the genetic manipulation of species meant for hunting. These problems have been noted due to the significant shift away from livestock farming to game farming in southern Africa, partly attributed to legislative changes (Lindsey *et al.*, 2009). The conservancy is viewed as “a group of neighbouring mixed farms that under auspices of the provincial conservation authority, is managed according to a single management plan and has a strong conservation ethic” (Smith and Wilson, 2002: 3). Lindsey *et al.*, (2009) express a number of ecological benefits that can be derived from conservancies. Conservancies include diverse habitats that have the potential to suit more species particularly those large mammals that require larger areas. The problem of persecution of predators as it occurs in small fenced game ranches will be solved as conservancies allow a significant yield from the ungulate population thus, it is argued, promoting a shift to ecotourism and high value trophy hunting (versus biltong hunting).

Lindsey *et al.*, (2009) indicate that already lions, wild dogs or cheetahs have been reintroduced in up to 70 game reserves in South Africa, the majority of which are privately owned. When the internal fences within a conservancy are removed, this promotes ecological resilience due to the pooled animal populations and reduced effect of rainfall variability across the vast expanse of the conservancy (Cousins *et al.*, 2008; Lindsey *et al.*, 2009). Cooperation amongst the farmers will enable the application of an integrated management strategy with aligned objectives for their collective good. Conservancies are an established feature on many KwaZulu-Natal farms, as discussed in Chapter Seven.

Scholars have argued that conservation also contributes to development through for example, the Integrated Conservation and Development Projects (ICDPs) in South Africa where people reduce their direct use of natural resources in protected areas for purposes of conservation by getting alternative sources of income (Dahlberg and Burlando, 2009). However these ICDPs face the challenge of inadequate compensation or replacement of these natural resources, creating problems with the communities involved (Dahlberg and Burlando, 2009). At the same time wildlife resources can play a critical role in subsistence economies by not only satisfying household needs but through generation of income from trading those resources (Botha, Witkowski, Shackleton and Fairbanks, 2004). It is debatable, however, how much privately owned game farms contribute in this regard.

Cousins *et al.*, (2008) express the concern that if there is a decline in demand for wildlife, South African farmers would switch to more viable land uses with potentially disastrous consequences for biodiversity conservation. This is possible for example, with increasing emphasis on maximising returns on investment in conservation (Murdoch, Polasky, Wilson, Possingham, Kareiva and Shaw, 2007). Another concern is that neoliberal policies are inclined towards the consumptive use of nature (Jones, 2006; Büscher and Dressler, 2012) with an effect on the local ecosystems that prioritise certain species over others (Jones, 2006; Northcott, 2012) or “the development of funds of natural capital on private lands for marketable commodities at the expense of ecosystem services that benefit the public” (Lant, Ruhl and Kraft, 2008: 969). Harvey (2003: 100) says:

*Capitalism perpetually seeks to create a geographical landscape to facilitate its activities at one point in time only to have to destroy it and build a wholly different landscape at a later point in time to accommodate its perpetual thirst for endless capital accumulation.*

Farm conversions then, in my view, constitute the modification or destruction of the previous form of economic activity contributing to capital accumulation, to the birth of a new system

that is adaptable to prevailing economic conditions to perpetuate capital accumulation (see Negi and Auerbach, 2009a; Arsel and Büscher, 2012; Büscher, 2012; Büscher and Arsel, 2012). Thus this process of farm conversions constitute “the history of creative destruction written into the landscape of the actual historical geography of capital accumulation” (Harvey, 2003: 100). So as Cousins *et al.*, (2008) hint, there is no guarantee that the landscapes used for game farming will remain the same, such that if they are going to change then this will give credence to the question or doubt about the idea of conservation propped up by the game farmers. The global financial crisis has been a revelation of the “contradictions of neoliberalism” (Castree, 2007; 2009: 185; see also Moyo, Yeros and Jha, 2012) and this resulted in the restructuring of environmental governance through reducing financial support for conservation (Büscher, 2012; McCarthy, 2012; Fletcher, 2013b).

Cousins *et al.*, (2008) and Bond *et al.*, (2009) continue to discuss the recent boom in privately owned wildlife ranches in South Africa and link this trend to a potential for contribution to conservation in the country. This is significant in light of dwindling national and provincial financial support for conservation and the small proportion (5%) of land covered by statutory protected areas in South Africa (Cousins *et al.*, 2008) just like the high proportion of privately owned land with critical ecosystems in New Zealand (Edwards and Sharp, 1990). Bond *et al.*, (2009: 39) argue that “the economic success of wildlife production not only contributes to biodiversity but legitimizes wildlife as a primary form of land use” as it augurs well with the economic growth rhetoric. A major contribution attributed to privately owned ranches with regard to conservation is that they help to maintain the natural habitat (Cousins *et al.*, 2008) resulting in the surge of wildlife conservation in southern Africa in general (Child, 2009b). This goes on to benefit conservation by creating additional space for more diverse species, reintroduction of certain species (including predators) in areas where their numbers have been drastically reduced or eliminated (Cousins *et al.*, 2008). Marnewick, Beckhelling, Cilliers, Lane, Mills, Herring, Caldwell, Hall and Meintjes (2007) attribute the increase in of cheetahs (*Acinonyx jubatus*) to the



conversions from cattle production to wildlife based land use, since the biggest proportion of the cheetah population in the country is found beyond the public protected areas. For example, in KwaZulu-Natal Province the cheetah population which had been wiped off in the 1930s was restored through trans-location of the species from Namibia from the 1960s to 1970s (Marnewick *et al.*, 2007). However Bond *et al.*, (2009: 39) note that “a residual feeling [lingers] in some sections of southern African society that private wildlife conservation, despite its economic and ecological contribution, is not a legitimate enterprise and that land used for wildlife is in some sense under-used.”

### **South Africa’s Agricultural Policy**

South Africa’s agricultural policy reflects its macroeconomic policy. Agricultural policy is broad as it is also intertwined with other sectoral policies regulating trade, environment and labour. Hence the analysis of South Africa’s agricultural policy in this study will focus on those issues affecting private wildlife production where they have an interface. A report written by Tregurtha, Vink and Kirsten (2010) shows the lack of coverage of the role of the wildlife sector, despite the fact that this sector has a relationship with and contributes to the agricultural sector.

Major characteristics of the South African agricultural economy are its dualistic structure (Hall, 2004; Hall, Wisborg, Shirinda and Zamchiya, 2013) and its neoliberal and deregulated nature (Carnegie, Cooper, and Urquhart, 2002; Ashton, 2009; Tregurtha, *et al.*, 2010). Tregurtha *et al.*, (2010) view the South African agricultural economy as composed of the large-scale, commercial sector, consisting of 45,818 farming units, with about 82 million hectares of productive land, and on the other hand 14 million hectares of the ‘small-scale sector’, consisting of 1.3 million agricultural-based households predominantly in the former homelands. Capital in commercial agriculture has agglomerated towards corporations (for example in seed, fertiliser, pesticides and the food value chain) along the broad agricultural value chain (Bernstein, 2013; Martin, 2013.). This consolidation of agricultural capital is

further subsuming and sidelining the peasantry (Amin, 2012). Overall, South Africa's agricultural policy also illustrates the dominant role of private capital. For example, through the Growth, Employment and Redistribution Strategy (GEAR), the government intended to establish a free market pricing system within the agricultural sector (Bond, 2005) so as to be competitive on the global scene (Bernstein, 2013) where tariff restrictions would be set within GATT (General Agreement on Tariffs and Trade) targets (Carnegie *et al.*, 2002; Bond, 2004).

An important aspect is the post-apartheid land reform programme (see the section below on land issues in South Africa), encompassing land redistribution, restitution and tenure reform and also "agricultural support programmes to disadvantaged farming communities" (OECD, 2006: 1). For example the Micro-Agricultural Finance Scheme is a state sponsored programme to make micro and retail financial services more accessible in rural areas (OECD, 2007). The Department of Rural Development and Land Reform (DRDLR) is critical in the successful execution of the agricultural policies, particularly when it comes to the issue of alleviating poverty through sustainable livelihoods. But the challenges in that department relating to capacity, knowledge levels and its bias towards livestock production are a hindrance to that goal (Ashton, 2009).

Nevertheless agriculture contributes about 3% to South Africa's Gross Domestic Product (GDP) and a significant proportion of employment on commercial farms, amounting to about 10% of total employment in the country (OECD, 2007; Tregurtha *et al.*, 2010). Despite the small direct contribution of agriculture to the overall economy, it is well integrated vertically with other industries, and facilitates linkages regionally and internationally (OECD, 2007; Tregurtha *et al.*, 2010). Hence, by contributing more than 8% of the country's exports as primary agricultural products, it is a net foreign exchange earner (Tregurtha, *et al.*, 2010). This puts agriculture with its connection to land and its inherent resources in the spotlight.

## **Land Issues in South Africa**

In the eighteenth and especially nineteenth century, South Africa was regarded as suitable for settlement by a number of colonial powers, notably the Dutch and the British. European settlers with the support of whites-only governments took control of vast expanses of land from Africans (some of which was under a budding African peasantry producing for new markets related to mining) before and after the Natives Land Act of 1913 (Fraser, 2007). This Land Act apportioned 7% of the land to the “native reserves” and prohibited Africans from buying land elsewhere (Francis and Williams, 1993; Fraser, 2007). Other Africans had their land confiscated, and/or were forced to pay taxes in cash, and so took up wage labour in the mining sector. According to Fraser (2007) the situation of the Africans was made worse as compared to many other African countries, in the sense that those who lost their land and were forced into wage labour in South Africa were prohibited from permanently settling in the cities (see also Chapter Five).

The state established a group of ‘Native Reserves’ (later referred to as ‘Homelands’), occupying about 13% of the land area by 1936, from which Africans would then migrate to the cities to work under controlled conditions (Fraser, 2007: 839). The National Party came to power in 1948, and that was the beginning of apartheid in South Africa which had its own ramifications with respect to the land question and the life of the Africans. Native reserves were expanded into ‘homelands’, an ideological category. The process of establishing the homeland areas involved massive forced removals, through which as many as 3.5 million people were relocated or dislocated from their land in various ways. In the homeland areas, traditional leaders were given enormous powers with respect to land, labour, and gender relations (Fraser, 2007).

South Africa passed through phases of marginalisation of the majority African population to the benefit of the minority white population (O’Laughlin, Bernstein, Cousins and Peters, 2013). This situation is aptly described by Fraser (2007: 840) who states that:

*One final dimension of South Africa's colonial past to consider is that the pre- and apartheid-era South African polity promoted a whites-only commercial agricultural sector, the advancement of which was a major reason for dispossession and forced removals. South Africa's white farmers were major beneficiaries of colonialism, not just because the sector developed on land seized from Africans: rather, and especially under apartheid governments, the state sought to develop agriculture according to a model in which large scale farming would draw heavily on state subsidies, protectionist measures, and use of cheap African labour.*

The skewed land ownership still persists in South Africa well after the 1994 dispensation of multiparty democracy.

Fraser (2007) notes that agriculture in the country has undergone deregulation, a process completed by the post-apartheid government. The empowerment of agribusiness has been one result in this neoliberal period as the state reorients and “acts exclusively in the interests of the corporate-financial elite” (Prabhat, 2014: 10). Francis and Williams (1993) wrote about the transition to democracy as it occurred. This phase was characterised by the abolition of racially-based land measures and enactment of new legislation such as the 1991 “Land Act” that provided the legal basis for the transformation of South African agriculture to new forms of capitalism. They pointed out the dissonance between the principle of prioritising individual property rights against other forms of rights in land, while simultaneously trying to regulate the division and use of land for conservation and commercial development (Hamilton, 2006). According to these scholars, underlying these policies was an assumption that Africans are not capable of farming. The new laws in effect entrenched the position of land-owning whites, in that it worked against the broadening of access to rights in land that were for a long period reserved for them. In the same vein Francis and Williams (1993: 381) pointed out that in 1993, government according to the new

laws ruled out “any form of redistribution of agricultural land whether by confiscation, nationalisation or expropriation” pending the development of a coherent land reform policy.

Taking note of the unequal distribution of land in South Africa, where whites, who comprise 5% of the population, possess (together with large commercial interests) about 87% of the land, the country’s land reform programme was formulated at this time (Manji, 2001). The purpose of land reform was “to redress the imbalances of apartheid, foster national reconciliation and stability, underpin economic growth and, lastly, improve household welfare and alleviate poverty” (Manji, 2001: 330). The country’s land reform programme set a target to redistribute 24.6 million hectares (30%) of commercial agricultural land (which is mostly in the hands of whites) up to 1999 (Hall, 2004; O’Laughlin *et al.*, 2013). However, the land reform programme has been progressing at a snail’s pace (Hall, 2004; O’Laughlin *et al.*, 2013). Walker (2005) contends that by 2005, the restitution, redistribution and tenure programmes cumulatively gave a total of some 2.8 million hectares, or 3.4% of commercial farmland, handed over to black beneficiaries between 1994 and mid-2005. For the period up to close of 1999 an amount of land below one million hectares (1.2%) under white ownership had been redistributed prompting the target of 30% to be postponed to 2014 (O’Laughlin *et al.*, 2013). This was far well below the target. So O’Laughlin *et al.*, (2013: 8) further state that “by March 2011, however, only 7.2 per cent (6.3 million hectares) had been transferred, and the official target date for achieving the 30 per cent target has now been set at 2025.” Failures in land reform are regarded as a “blot” on the accomplishments of South Africa’s democracy and the critical question of the role of land as a basic source of livelihood in the fight against poverty is still facing policy makers (Cuthbertson, 2008: 297).

As noted, the land reform policies and programmes have three facets (Walker, 2005; Hamilton, 2006; Moseley, 2006, 2007). These are: land redistribution, land restitution (returning land to those who were dispossessed) and tenure reform, intended “to secure and strengthen the land rights of both farm workers and residents of ‘communal areas’” (Cousins,

2009b: 422). The land redistribution programme is based on the World Bank's model of negotiated land reform which relies on the voluntary sale of commercial farms at fair market value (Moseley, 2007; Bernstein, 2013). Bond (1999, 2002, 2003a, 2004, 2005) articulates the influence of the World Bank in the adoption of a neoliberal South African macroeconomic policy and criticises both the Bretton Woods institution and the South African government (see also Patnaik, 2012). While broadly there are questions around the strategy of market-based agrarian reform (Borras Jr, 2003; 2009; Patnaik, 2012) land restitution has also been criticised in the manner through which it has been conducted (Walker, 2008). In many instances, land beneficiaries are forced into partnerships with white-owned agribusinesses (for example, see Shaker, 2003).

Cousins (2009b: 421) contends that the "land question" is still a highly contentious issue (see also Du Toit, 2013) given the promises by the African National Congress (ANC) leadership to revisit the 'willing seller willing buyer' principle upon which land acquisition is based, in order to address the failure of land reform. Land activists from NGOs as well as social movements such as the Landless People's Movement (LPM) have been very vocal on matters concerning the need to address the land question (Hall, 2004). Violence targeted towards farm workers and owners is also connected to access to land (Hall, 2004). There is evidence of loss of production on some of the land that has been transferred to Africans.<sup>2</sup> So land reform is confronted with the dilemma of proceeding in a way that does not compromise agricultural production for food security and meeting other critical needs. The conversion of livestock farms to game farms brings further ramifications to this dilemma.

Fraser (2007: 840) usefully describes the current context as "South Africa's colonial present", characterised by two key dimensions. The first one is the continuing dominance of South Africa's white farmers in terms of the entrepreneurial and technical skills that are essential

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<sup>2</sup> This was reported for instance, as "Black South Africans may lose farms" *Marketplace*, 21<sup>st</sup> April 2009, <http://www.marketplace.org/topics/world/black-south-africans-may-lose-farms>, Accessed: 02/05/2010

for commercial agriculture, due to their background of sole privilege as legitimate farmers. This is compared to the lack of technical, marketing, financial, and legal skills for commercial farming by the historically disadvantaged groups. So in the absence of adequate education and training, this situation still persists, further worsening the stereotype of emerging African farmers. Regardless of the uniqueness of South Africa's land reform programme, its results and restrictions show continuity with the past (Fay, 2009). This is a reflection of the ruling party's adoption of neoliberal macroeconomic policy since 1994 that worsened inequality on the basis of race, class and gender (Bond, 1999, 2004; Martin, 2013.). So South Africa is still confronted with the 'land question' in terms of how to proceed with redistribution of land as part of tackling its socio-economic and political challenges (O'Laughlin *et al.*, 2013).

The other dimension is that traditional leadership has entrenched its power under the post-apartheid government in a manner similar to the influence it enjoyed during the apartheid era in the homelands. Traditional leadership has been bolstered with the Traditional Leadership and Governance Framework Amendment Act of 2003, and other similar bills and laws (Claassens, 2013). Ntsebeza (2003) refers to this situation as extraordinary in the sense that it contradicts the democratic Bill of Rights in the Constitution which enshrines governance through elected representatives. Thus it is argued that the continued power of traditional authorities over land perpetuates their upper hand in the land reform programme as they wield much power, which could be detrimental to the common citizens in need of land (Cousins, 2007). These two dimensions contribute to a situation which can be described as a 'colonial present'. Drawing from Fraser (2007: 259) a study by Josefsson (2014) on game farms in KwaZulu-Natal's 'Battlefields Route' confirms the colonial present which further manifests itself through socio-spatial relationships, where "practices on the ground safeguard colonial relationships by reinforcing ideas of old boundaries and identities."

Francis and Williams (1993: 403) noted in 1993 that “there are numerous questions about land, which are, at the same time, questions about the dynamics of gender relations, access to employment, control of labour, rights to property, market opportunities, and state actions.” This remains the case. The adoption of South Africa’s constitution and neoliberal approaches to the economy (Bond, 2005; Narsiah, 2007) have been given as some of the reasons for the current situation with regards to the land question, particularly the fact that most changes in the lives of the majority have not been transformative enough (see Bernstein, 2013). Thus Bond (2006c: 4; see also Bond, 2000) suggests that for example, Mbeki’s global reform programme was characterised by “the left talk” symbolised by “radical rhetoric” in conjunction with the “walk right” of adopting global neoliberal settings and institutions thereby continuing the effects of the dissonance of capitalism such as uneven development. More broadly in southern Africa, post-colonial land reform programmes have brought disastrous consequences with regard to “employment and poverty, and in particular for the weakest groups in rural labour markets” (Bernstein, 2004:203; see also Amin, 2012; Harriss-White, 2012; Bernstein, 2013; Neves and Du Toit, 2013). To this effect Bernstein (2004:203) poses the question, “how might the political formations of the Left present their answer to classes of poor peasants and workers, whose support they seek and whose interest they claim to represent?”

Real agrarian reform that is redistributive and rooted on solid foundations of economic development and social justice remains critical in developing countries, though in the view of many scholars the market cannot be effective as compared to the state (Borras Jr, 2003). In India for example, some questions are also posed “on the conventional role of the state in protecting the farmers and farm workers by conserving the agro-ecosystems, natural resources and the environment that shapes their livelihoods” (Viswanathan, 2014: 65). On the other hand Manji (2001) argues that the capacity of the state in Africa to carry out land reform is severely limited, such that the process may be driven more by the actions of private individuals within the state, than by state policy. For example, in South Africa, land



has been made available to farm workers through the use of private-farm worker partnerships (Manji, 2001). This implementation of land reform may be characterised as taking place in the shadow of state-enacted law (Manji, 2001; Walker, 2005). The farm worker beneficiaries are disempowered if their white partners choose not to abide by the rules (Moseley, 2007). These schemes also are of little benefit to farm workers as they simply help commercial farmers to reduce the likelihood of strike action and to spread their financial risk (Manji, 2001). All these state interventions are still a far cry from the direct state action associated with radical land reform. It is not impossible that land reform could occur through the illegal seizure of land. Some protected areas have been invaded already, for example the invasion of Ndumo Game Reserve in northern KwaZulu-Natal.<sup>3</sup>

The central role of the state remains a hallmark of South Africa's democracy, such that even under a "free-market' economy" it must play its function of the driver for transformation to the extent of questioning the neo-liberal aspects of globalisation (Cuthbertson, 2008: 296). In many African contexts, the state has been forced to surrender its monopoly on regulatory decisions, to democratic institutions to manage land tenure issues (Manji, 2001). To some extent this has had negative repercussions (Cuthbertson, 2008). It has become apparent that some African states did not foresee where land reform would take them and issues arising from there go beyond narrow conceptions of property to include issues of democratisation and governance (Manji, 2001; Du Toit, 2013). A South African example is the Mkambati area of the Eastern Cape Province, where changes in the post-1994 context of land reform, nature conservation, and spatial development initiatives have had a great impact on local processes, as discussed by Kepe, Cousins and Turner (2001). Thus the role of the state in rural transformation is important and complex, and its most important obligation is the dignity of its citizens (Woolman and Bishop, 2007). This calls for the

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<sup>3</sup> See "Nkosi takes on invasion" *IOL News* 14<sup>th</sup> July 2011, <http://www.iol.co.za/news/south-africa/kwazulu-natal/nkosi-takes-on-invasion-1.1098604>, Accessed: 16/07/2011.

reformulation of the land question in the context of demographic, ecological and social constraints (Walker, 2005).

Research on Namaqualand in South Africa's Northern Cape Province illustrates these tensions. Namaqualand is regarded as "a biodiversity hotspot region with a high number of endemic species", but given its past of racial and social injustice it is inconceivable, according to scholars, that conservation would or should be prioritised with disregard to livelihood security and poverty alleviation (Benjaminsen, Kepe and Bråthen, 2008: 239). These scholars point to the existence of a powerful local conservation network in Namaqualand which is a proxy of the global biodiversity or global environmental governance drive at play, which views farming by poor communal people as a threat to biodiversity, while neglecting other facets of sustainable development such as equity and economic issues (Benjaminsen *et al.*, 2008). This situation, which leads to the compromising of poor people's rights to decent livelihoods, ultimately works against the coveted goal of achieving conservation (Benjaminsen *et al.*, 2008). Benjaminsen *et al.* (2008: 240) aptly conclude that "while some countries such as South Africa have attempted to reconcile the need for biodiversity conservation and the need to secure rights and livelihoods of the poor, conservation continues to dominate when there is a trade-off between the two sides."

According to Manji (2001), there are five main reasons for the slow implementation of the South African land reform programme. The first reason is unclear policies and procedures found within the department charged with land matters, coupled with lack of support from other government departments. Secondly, there is a shortage of staff and trained personnel. The third one is the lack of political will to implement policy changes (see also Moseley, 2007). Ntsebeza (2003: 76) suggests that due to the ANC's "urban bias, its pragmatic outlook, and broad-based organisation, with a diversity of opinions" it is "under no pressure to resolve the issue of democracy in the rural areas." The fourth one is that conflicts at

community level and resistance among the 'beneficiaries' of the laws can hold up the process of implementation. Finally, the implementers may stall progress in various ways.

While these and other factors like corruption, inadequate or misguided macro-economic and fiscal policies, and incompetent management, may have contributed to slow land reform, Hamilton (2006: 133, 136) proposes that "the real problem is the constitution ... the devil is not in the detail, but rather in the framework." The fundamental challenge that is thus far unresolved is "how to organise economic and political institutions to determine and satisfy the needs of citizens" (Hamilton, 2006: 134). The final 1996 constitution has a set of rights, safeguards or guarantees, which are entrenched for all South Africans, while simultaneously stipulating measures to remedy and redress the injustices of the past (Walker 2005; Hamilton, 2006; Cousins, 2007; Moseley, 2007). Significantly, the constitution includes a property clause which guarantees private property rights (Bond, 2005). Of particular interest is facilitation of the entrenchment of agricultural capital during the transition period in South Africa hitherto (Bernstein, 2013).

Hamilton argues that the other reason is rooted in the ontological form of rights, with special reference to the fact that rights are viewed in law as synonymous with properties of persons (Hamilton, 2006). The consequences of the 1913 Land Act are the apparent land evictions that continued right up to 1991 (Hamilton, 2006). As noted, from 1960 to 1976 about 258 000 blacks were removed from 'black spots' and the elimination of black squatters and labour tenants from white farms in particular, was prioritised by the then government, especially after the Natives' Trust and Land Act was instituted after 1936 (De Beer, 2006). The South African Human Rights Commission (2003) says that about 1 570 233 farm dwellers vacated the farms due to evictions between 1984 and 1994. In light of this situation, the South African constitution could strengthen procedures that allow for "needs-based institutional critique" and strive to change institutions in line with satisfying needs, as compared to using the current "hegemony of (human) rights-based constitutions" (Hamilton,

2006: 139). Land issues are important in this study as will be shown in Chapter Nine which is concerned with their position at the nexus with game farming.

### **The Plight of Farm Dwellers**

The predicament of farm workers on commercial farms (permanent and seasonal labourers) is that of being among the poorest groups in South African society (Moseley, 2007; Woolman and Bishop, 2007) and in Africa (Chambati, 2013a; 2013b). The farm workers live under insecure and low living standards (Hall, *et al.*, 2013). In the southern African region, less attention is paid to farm labour as compared to issues relating to ownership and use of land (Rutherford, 2014). Difficulties in the commercial farming sector have caused a decline in farm worker employment (Moseley, 2006; 2007). For example, wage labour in the farming sector has declined since 1994, as a result of the fear by employers that they might lose control over land (Sender and Johnston, 2004). For instance, in the Western Cape Province the number of permanent farm workers (211 808 permanent farm workers out of 940 815 for the entire country), has gone down by 14% as from 1993 (Moseley, 2007). A study by Moseley (2007) has shown that permanent farm worker positions have been reduced by commercial farmers in favour of seasonal and contractual farm labour to allow for greater flexibility and to avoid having to comply with certain legal protections now required with regard to workers. With their high levels of poverty and experience in farming, farm workers would have been suitable targets for land redistribution (Moseley, 2007). However, due to their “narrow range of skills, their deep sense of disempowerment, and a lack of subsistence ethic” Moseley (2007: 8) concludes that farm workers have been largely “proletarianized” (see also Chambati, 2013a; 2013b).

Farm labour in South Africa has been described as a form of servitude characterised by rampant evictions as a threat and reality of this sector, amongst other problems. Thus “the *de jure* feudal order of farm work under apartheid has given way to *de facto* serfdom” (Woolman and Bishop, 2007: 598; see also South African Human Rights Commission, 2003,

2007, 2008). The South African Human Rights Commission (SAHRC) (2003) suggests that while government instituted the Extension of Security of Tenure Act No. 62 of 97 (ESTA) in order to address the predicament of farm workers, their conditions have not improved and illegal evictions have persisted due to power imbalances between farm workers and farm owners (see also Hall, 2003; Cousins, 2009a). Tenure security laws provide weak forms of rights to farm dwellers and there is a major problem of insufficient institutional capacity, coupled with poor monitoring mechanisms (South African Human Rights Commission, 2008). The government's lack of clarity on its position on farm dwellers' rights and the ease with which farmers are able to get rid of farm dwellers when they no longer need them, are further factors (Cousins, 2009a).

The farmer clearly has power over the farm workers (Van Brakel, 2008). The chief cause of these skewed power relations is that farm workers work and live on the farm where they are provided with housing as part of the terms of their employment contracts, such that a loss of employment is associated with the loss of accommodation (Woolman and Bishop, 2007). In this situation, farm workers end up heavily dependent upon the farmer for employment, tenure security as well as for other rights (Woolman and Bishop, 2007; Cousins, 2009a). Some of the other contributing factors to the plight of farm workers under ESTA include collusion of magistrates and police, lack of effectiveness of the legal aid system, low capacity within the now Department of Rural Development and Land Reform, and breach of law by landowners (Woolman and Bishop, 2007). The plight of farm workers/dwellers in the game farming sector was the crux of the overall research programme of which this study is a part (see for example, Brooks and Kjelstrup, 2014). This thesis is cognisant of the issue but focuses mainly on the context of the policy and regulatory framework within the private wildlife sector.

## **Conclusion**

This chapter has traced the emergence of the global environmental governance phenomenon. Despite acceptance of the principle of sustainable development, environmental issues have not received much attention as compared to other policy issues such as economic growth at the national level. South Africa is a signatory to numerous international environmental agreements and obligations which affect how the country develops its environmental policies and regulations. The South African constitution adopted in 1996 laid the groundwork for the governance of the environment as well as land. A number of important legislative interventions have occurred since then, but challenges persist in the regulation of the wildlife sector in South Africa, some of which are closely referred to in this study. One of these challenges is connected to the relationship between agricultural and environmental policies when it comes to wildlife regulation. In addition, the persistent dualistic structure of the agricultural sector marginalises the majority population and neither the state nor the private game farming sub-sector have responded effectively to issues such as the plight of farm workers and dwellers.

## CHAPTER FOUR

### METHODOLOGICAL APPROACH

#### Introduction

Now I turn to the research methodology, which relates to the “beliefs about knowledge and existence” (Caelli, Ray and Mill, 2003: 6) that I adopted in gathering the necessary data to answer my research questions, thus shaping this inquiry. This chapter begins by providing a synopsis of the qualitative nature of the study and a discussion of critical realism as a guiding ontological philosophy. This is followed by a short section on stakeholder mapping and analysis. After describing the nature of the data needed to answer the research questions, I discuss the various data collection techniques implemented in the research project. The study was confined to the KwaZulu-Natal Province and within this, to selected local municipal areas. It is therefore necessary to specify the exact nature of the inquiry in these areas and also the processes of data collection that I carried out.

Data processing involved transcription of in-depth interviews, collation of the data, analysis and content-review of documentary evidence from secondary sources. In terms of analysis, I drew on critical discourse analysis, a useful approach because it emphasises issues relating to power relations which are critical for governance. The last section of the chapter is a self-reflexive account of the research experience. The process of research is fraught with many challenges which I will highlight in the context of my position as a black Zimbabwean researcher working in KwaZulu-Natal, South Africa, since these challenges and experiences partly shaped the outcome of the study.

### **Qualitative Nature of the Study**

A qualitative research design was selected. This is because the nature of the issues at hand neither called for establishing a cause-effect relationship, nor making generalisations as would happen in quantitative studies. The study envisaged gaining in-depth knowledge from a relatively small sample of target respondents, hence it was intensive (Jeppesen, 2005), making it “strong on causal explanation and interpreting meanings in context” (Sayer, 2012: 21). Such an approach is well justified even if the sample is purposive (Coyne, 1997; Curtis, Gesler, Smith and Washburn, 2000; Patton, 2002) or may be regarded as small (Glicken, 2003). This inquiry is therefore particular in attending to the research problem in its context (Flick, 1999; Patton, 1999). The fact that a select group is purposively targeted based on their critical role to the research makes it easier to discover the “logic of the situation” (Sayer, 1992: 248), and the account given in this thesis is a situated one: the context in which the select group of research participants operates is not just the background (Grbich, 2013). Instead, looking at the nature of the context in terms of how it is structured and how the agents under scrutiny are part of it and interact with it, is viewed as very important in working out an explanation (Sayer, 1992). Qualitative research is based on the assumption that individuals are able to formulate social reality (Kvale, 2002) through meanings and interpretations which are transient and contextual (Sayer, 1992; Grbich, 2013).

In the study most of the information required was qualitative, that is, involving processes, activities and relations. An intensive research design was required since the study was seeking in-depth knowledge of a particular phenomenon (Jeppesen, 2005). The intensive research design is preoccupied with how processes work themselves out in a given situation (Sayer, 1992). With reference to the Critical Realist method as advocated by Sayer (1992), it stresses the need to examine each agent exhaustively in terms of context, by looking at the actual relations amongst the identifiable agents so that interdependencies between activities can be brought out. This makes “... the results more vivid because they describe the individuals and their activities concretely” (Sayer, 1992: 242). The aim of this study was



to unravel findings that show interactions, discourses, policy positions, and power relations of stakeholders and actors in the governance of private game farming in South Africa and contribute to the broader debates in that respect.

It was important to collect the data in a manner that was flexible and sensitive to the context of the research environment (Remenyi, 2012) where I operated intermittently for two years. As a researcher, I was also aware that the gathering of qualitative data involves summoning various sense experiences and thus was open to using various methods that would generate the relevant data (Remenyi, 2012). In doing so I also brought my subjective inclination in the research (Stake, 1995) in line with the idea that “truth is a very elusive concept, which shifts depending on whose truth is being portrayed” (Grbich, 2013: 4). This offered me the scope to determine what really constitutes data for my research project. I tried to remain aware of my position as a researcher in relation to the respondents and the data. Instead of maintaining a detached position, most of the research data was co-constructed between the participants and me as a collaborative process (Denzin and Lincoln, 2002; Cho and Trent, 2006). (I reflect on this aspect in more detail below). While use of quantitative data in this study was secondary, some data of this nature was collected in order to help answer the research questions (Remenyi, 2012).

### **Critical Realism**

Critical realism is regarded as valuable in environmental research and was adopted as the guiding ontological philosophy for this study in order to confront the question: “what kinds of things really exist in the world?” (Hughes and Sharrock, 1997: 5). According to Clement (2010: 140-141), critical realism:

*does not reject the existence of a “real” world; but acknowledges that our understanding of the structures of the society and of the biophysical world is partial and depends on social and political framings that influence research*

*approaches. All environmental problems are perceived differently according to cultural beliefs, the claim of belonging to a social group or political reasons.*

In critical realism, knowledge is viewed as fallible (Proctor, 1998; Jeppesen, 2005; Moon and Blackman, 2014) and it is difficult and even unproductive to attempt a “grand perspective” (Jeppesen, 2005: 4). Knowledge can neither be absolutely objective nor subjective but instead it is a culmination of the interaction of the subject and object (Proctor, 1998; Sandberg, 2005; Moon and Blackman, 2014). The knowledge that we have about reality is partial and socially constructed (Forsyth, 2001; Kvale, 2002; Sandberg, 2005) and this could apply to nature as well. Critical realism is a philosophical tradition that attempts to transcend both natural and social sciences, hence it is compatible with a wide range of substantial theories (Mutch, 2005; Wikgren, 2005). This offered some flexibility (Moon and Blackman, 2014) to this study in the choice of the theoretical framework.

According to Wikgren (2005) critical realism is a concept in the philosophy of science that started with the British philosopher Bhaskar’s (1989) use of the concept in social theory. Wikgren (2005) goes on say that critical realism has subsequently been used by others such as Archer (1995, 1996, 2000); Sayer (1992, 1999); Layder (1994) and Collier (1994, 1998). Critical realism stems from a philosophical realist theory concerning the world, human agency and how they interact with each other. Critical realism adopts an ontological view that “there exists a mind-independent reality and truth is correspondent with fact” (Wikgren, 2005: 14; see also Yeung, 1997). This happens while also accepting “the hermeneutic notion that knowledge is communicatively constructed, that our concepts and beliefs are historically generated and conditioned, and that the explanatory knowledge produced through realist analysis will always be open to challenge and subject to change on theoretical and empirical grounds” (Wikgren, 2005: 14).

Critical realism was also attractive to me because it involves an interest in social change or emancipation through its explanatory critique, where in trying to account for the generative

mechanisms that give rise to particular events and institutions, one will be simultaneously involved in a critique of those mechanisms in determining social action (Yeung, 1997; Wikgren, 2005). I decided to use critical realism as an underlying platform to view the contentious issues of ownership, access and control of natural resources (specifically wildlife) with respect to the South African situation and their contribution to broad debates on biodiversity conservation and sustainable natural resource utilisation.

Human relationships and societies are distinctive, but changing and complex, where we have to “contend with institutions, structures, practices, and conventions that people produce and transform” (Miles and Huberman, 1994: 4). This can pose a challenge when using a realist approach to derive some understanding. Processes of meaning-making by humans take place within the confines of their social structures which may seem invisible but are real, such that “social phenomena, such as language, decisions, conflicts, and hierarchies, exist objectively in the world and exert strong influences over human activities because people construe them in common ways. Things that are believed become real and can be inquired into” (Miles and Huberman, 1994: 4). Thus social science should strive to go beyond merely describing the world in the eyes of its members (Wikgren, 2005). In this respect “men never construct their knowledge from scratch” (Bhaskar, 1998b: 52; see also Crotty, 1998: 9; Grbich, 2013: 7).

Bhaskar (1991) gives three central tenets of critical realism. The first is that critical realism is “transcendental”, which means that it deals with issues beyond common thought or experience, referred to by Ehrbar (1998:1) as “second-order reasoning.” The term transcendental is used to mean “any philosophy based upon the doctrine that the principles of reality can be discovered by studying the processes of thought”, which is in line with Kant’s idea that “knowledge is based upon certain a priori elements of experience” (Holt-Jensen, 1999: 127). There is acknowledgment of the existence of a thing in its own right which is knowable but beyond this empirical reality there are structures and mechanisms

which may not be knowable (Archer, Bhaskar, Collier, Lawson and Norrie, 1998; Jefferies, 2011). These structures and mechanisms are objects of knowledge “which endure and operate independently of our knowledge, our experience and the conditions which allow us access to them” (Bhaskar, 1998a: 19). This approach therefore calls for a deeper analysis of the issues at hand.

The second reason that this approach can claim to be “critical” is that critical realism allows for a conditionally critical hermeneutics, that is, text interpretation (Bhaskar, 1991). Texts are not taken at face value but must be understood within the contexts within which they were generated. Thirdly, critical realism “exhibits a mechanism of ideology-critique, which can be generalized to the critique of social systems on grounds of their incapacity to allow the fulfilment of other human needs, wants and interests” (Bhaskar, 1991: 142). In fact, society must have some powers within the “intentional actions of men; and men must be causal agents capable of acting self-consciously on the world” (Bhaskar, 2008:9).

There is a relationship between Marxism and critical realism (Bhaskar, 1991; Ehrbar, 1998; Bhaskar and Callinicos, 2003) which is quite helpful in this study. Drawing on Marx, Collier (1998: 259) argues that “there is surely some ontological relation between nature and society; both are aspects of the real world, awaiting empirical discovery; nature is prior, both in time and in order of ontological dependence; society can only exist because nature is such that human life and social production are possible.” So a critical issue to the thesis is the underlying concept of nature and how it influences the positions or views taken by those stakeholders, for instance their views on game farming and how it should be governed. Different stakeholders hold different views (Kaal, 2015) which are justified on the basis of their own world views and backgrounds. For example, social class influences people’s views and this is relevant in this study (as part of critical inquiry) as to who does or does not own resources or, in Marxist language, the means of production (Gray, 2014; Smetona, 2015).

By adopting this philosophy, I intended to capture those views held by stakeholders and contextualise them to create the understanding of governance in the private wildlife sector sought in the study. For example, stakeholders can be included with the idea of evaluating the effect of conservation policies and initiatives to various communities (Ferraro, Hanauer, Miteva, Nelson, Pattanayak, Nolte and Sims, 2015; Sainsbury, Burgess, Sabuni, Howe, Puis, Killenga and Milner-Gulland, 2015). Nature, as a contentious concept (Hajer and Versteeg, 2005) which has different meanings to a broad spectrum of people in various locations, has been a major concern of geographers and science as a whole (Ginn and Demeritt, 2009; see also Cock, 2007). For example Parker, Mars, Ransome and Stanworth (2003: 39) present the following opposing views about nature:

*...we can consider nature as a realm of material existence which is self-subsistent, that is, not dependent on human agency. In this case, it is external to humans, operating according to its own processes and laws. On the other hand, humans are also part of nature, one kind of animal among others, which can be said to have their own 'human nature', or their own species characteristics. [Others have seen] the properties of individuals as flowing from the properties of the species, an approach brilliantly developed by the young Karl Marx.*

These different conceptualisations of nature emanate from a variety of social practices, and nature can be accepted as a social construct (Haines-Young, 2009; see also Lock and Strong, 2010). Thus “conservation is typically treated as ontological, both as practice and as an ostensible movement” (MacDonald, 2010a: 270) depending on the view of the actor. This justifies the adoption of the critical realist way of analysing the issues proposed in the study.

Thus in line with the (critical) realist ontology, I adopted the epistemology of constructionism as the two “turn out to be quite compatible” (Crotty, 1998: 11). I took constructionism to be associated with Crotty’s (1998: 9) view that “There is no meaning without a mind. Meaning is not discovered, but constructed. In this understanding of knowledge, it is clear that

different people may construct meaning in different ways, even in relation to the same phenomenon.” Gray (2014) also concurs that critical realism has an inherent subjectivity in the generation of knowledge and that this goes well with constructionism. As Crotty (1998: 63) further elucidates, “To say that meaningful reality is socially constructed is not to say that it is not real ... constructionism in epistemology is perfectly compatible with a realism in ontology – and in more ways than one.” I took this match as a fundamental underpinning to choosing social constructionism as an epistemology to analyse the way respondents frame governance of private game farms. The idea of constructionism is particularly important in this study in the sense that what it is that people construct on private game farms stems from and feeds into ideologies. As shall be seen in later chapters, these are the same “ideologies that benefit some people while disempowering others” (Lock and Strong, 2010: 2).

### **Planning the Study**

In setting out to conduct research it is an expectation that philosophical and especially epistemological issues are thought through as a basis for choosing suitable methods of enquiry before venturing into the field (Hughes and Sharrock, 1997). It is important to develop a sense of what data should feed into the research and how that data will be acquired (Remenyi, 2012). In this case, the data required had to help to answer the key questions posed at the beginning of the study. There was need to gather data that would unravel the various discourses emanating from the various stakeholders in private game farming who were targeted by the research. In that sense, the key questions guided the inquiry and informed the data collection methods and how they were implemented.

I needed data that would help me conceptualise the institutions which are part of wildlife governance, and help to understand the interactions of actors and organisations. Policy and legislative related information was required which would serve as a starting point for looking at the governance contexts surrounding the private game farming sector. I first collected information with regard to the South African game farming policy environment, in order to

isolate the role of the state in the sector. This included looking at the relationships across the relevant government departments and the influence of the game farming policy at the interface of the agricultural and environmental sectors. There was also need to look at the vertical relationship of government departments from the national level to the local, with more emphasis on the provincial tier and local government within the chosen case study sites. The relationship between state organs and the private game farmers is at the core of my study, so it was important to look at the interactions through various institutional processes between the government and the private wildlife sector. Yet the issue of governance cannot be complete without looking at the influence of other actors involved in game farming. Each stakeholder identified in the study had a part to play in terms of their core activities and relations with other parties as is revealed in later chapters.

Let me tease out some of the pertinent issues the study sought to tackle at the provincial level with regard to Ezemvelo KwaZulu Natal Wildlife (EKZNW), the provincial conservation authority, as a major stakeholder mandated with biodiversity conservation in KwaZulu-Natal Province. I sought to find out the position Ezemvelo KZN Wildlife took with regard to private game farming in the province, both in formal policy and in practice. The policy together with the regulatory framework would then be followed up by exploring the mechanisms that Ezemvelo KZN Wildlife has put in place for their implementation. I was interested in how successful or otherwise Ezemvelo KZN Wildlife was in managing to implement the policy and regulations; in the programmes the organization had put in place to work with the private game farming sector in the province; and in what members of the provincial conservation body regarded as successes and challenges in this regard. This would lead to discussions of the relationship between Ezemvelo KZN Wildlife and private game farmers. In relation to this idea, I went on to look at the concerns raised by private game farmers in the course of implementation of Ezemvelo KZN Wildlife's policy and regulations and subsequently how the conservation authorities were dealing with those concerns. There was focus on the role of other state organs that have a bearing on game farming, and their relationship with

Ezemvelo KZN Wildlife and other actors such as the not-for-profit conservation sector in the province. I was intrigued to find out what makes Ezemvelo KZN Wildlife unique in biodiversity conservation as compared to provincial conservation boards in other South African provinces.

All the respondents, whom I interviewed, including those from Ezemvelo KZN Wildlife, are listed in Appendix III. Due to the diverse nature of the actors involved in game farming and its governance, a detailed interview guide had to be prepared for each sectoral respondent. The interviews were semi-structured and at times follow-up conversations were organised with the same respondent. Questions were formulated based on the research aims, and these were used to guide the in-depth interviewing process. The in-depth interviewing process was flexible such that the researcher always had a chance to think about the responses coming from the interviewee and if necessary, to request a second interview. (The in-depth interviews are discussed in detail later in the chapter). Subsequent documentary evidence was also sought and analysed on the same basis of contributing answers to the research questions.

It is also important to note that it soon became evident, in line with my theoretical framework, that some respondents had multiple identities as bricoleurs in the game farming sector. Hence there was need to integrate questions covering their areas of involvement to identify how they manage to wear different 'hats' at the same time (or at different times), and thus capture their views so as to critique them in that light.

Organisational and institutional information on the various stakeholders also fed into the research. I had to acquire information relating to the KwaZulu-Natal Province and the Uthukela District Municipality, which encompasses the Emnambithi Local Municipality and the Umtshezi Local Municipality, in order to lay the background for the case study approach. Observing interactions of the various stakeholders would reveal the power relations amongst



them, so it was important to establish the presence/absence of links and the factors influencing the power relations. The discourses emanating from these interactions could then be elaborated. Selection of respondents was done initially through stakeholder mapping, as outlined in the next section.

### **Stakeholder or Institutional Mapping and Analysis**

Stakeholder or institutional mapping and analysis were the major way of starting the data gathering process. Mapping is a well known geographical technique of representing the world, and from this perspective “social theories can be seen as well as a species of maps: maps of social reality” (Aligica 2006: 81). I decided to use this approach in light of the developing link between the stakeholder approach and scholarship on questions of sustainability and sustainable development (Clifton and Amran, 2011), as well as environmental resource management (Carsten, Christensen and Tarp, 2005; Schiller, Winters, Hanson and Ashe, 2013). Stakeholders are regarded as, “groups or individual who can affect or are affected by an issue” (Schiller, Winters, Hanson and Ashe, 2013: 1; see also André, Simonsson, Swartling and Linnér, 2012) due to their social identity (Crane and Ruebottom, 2011) or involvement (Ozesmi and Ozesmi; 2003; Carsten, Christensen and Tarp, 2005). The goal was to identify these stakeholders and their “interests” (Orts and Strudler, 2009) in the governance of private game farming.

Identifying the stakeholders was not a clear cut process (see Orts and Strudler, 2009; Crane and Ruebottom, 2011) though it needs to be done in a systematic but versatile manner (André, *et al.*, 2012). In order to locate the target respondents, I drew upon Henriques and Sadowsky’s (1999) concept of stakeholder types. These stakeholder types are: regulatory stakeholders, organisational stakeholders, community stakeholders and the media. The regulatory stakeholders in my case included the state represented by the various arms of government through its three spheres (national, provincial and local). The organisational stakeholders were, in particular, the game farmers (either represented by their respective

associations or as individuals), as they are the major group of actors that interact with the state in relation to the governance of their operations. The community stakeholders were the farm dwellers, and different categories of non-governmental organisations, for example the Association for Rural Advancement (AFRA) and the Endangered Wildlife Trust (EWT). The media category refers to all the forms of mass communication from which I drew data, for example, newspapers, news magazines, and radio broadcasts (see section on the media below). Duffy (2006) used the idea of stakeholders in the study of environmental governance in Madagascar and identified an intricate relationship of actors such as transnational non-governmental organisations and the World Bank as a major influence on policy-making in conservation.

I did not include non-human animals as stakeholders in the stakeholder mapping process, because in this study while the wildlife is central to the game farming industry, it is regarded as the “resource” over which the various human actors exert control and which they contest. The focus was on how the human stakeholders interact amongst themselves in the governance of privately owned natural resources in the form of wildlife, that is to consider, as Clifton and Amran (2011: 123) argue, the various human versions of “what is good for the [non-human] organisms” in this social and environmental context. I do acknowledge the limitations of an approach which regards animals primarily as resources – or in this case, commodities which are farmed on game farms and have commercial value – but in general the agency of the animals themselves is not a key theoretical concern.

The snowball technique as a major way of identifying stakeholders (Schiller, Winters, Hanson and Ashe, 2013) was instrumental in my pursuit of the relevant prospective respondents for the open-ended in-depth interviews. This was part of a broad strategy that I implemented which started with identifying the categories of stakeholders for example, in the mapping of stakeholder preferences as was done by Hansen (2010) and as described by others such as Schiller *et al.*, (2013). This allowed me to identify and categorise the different

stakeholders and institutions that would constitute the major sources of primary data for this study (see Appendix III for a full list of research participants whom I interviewed).

The Departments of Environmental Affairs, Labour, Agriculture, Tourism, Rural Development and Land Reform at the national, provincial and local levels have all been taken to represent the state through the various policy papers, acts, ordinances, or by-laws they administer, which represent the interface of policies and processes that the study seeks to understand. In this province, the semi-autonomous provincial conservation board, Evemvelo KZN Wildlife plays a key role. In addition, quasi-governmental organisations and non-governmental organisations in the form of farmers' organisations, civil society, and farm dweller organisations were critical to the study since there is recognition of the increasing role of non-state actors (Cashore, 2002) which is also applicable in the conservation arena in the South African context.

In the selection of stakeholders, it was useful to keep in mind that "persons, organisations, communities, neighbourhoods, institutions, [and] society" can qualify as stakeholders (Chellan and Bob, 2008: 293). This idea was helpful in this study because through using the snowball technique, it allowed the inclusion of actors who had critical information necessary to address the research questions. I began gathering data from stakeholders and/or institutions based at the provincial level and then proceeded to gather data at the local municipal level.

The case of the KwaZulu-Natal Province is a compelling one with respect to how the governance of private game farming plays itself out as compared to other provinces. Under the three tier government system in South Africa, each province has the leverage to craft regulations, of course in line with the constitution and national legislation, which affect various sectors under its jurisdiction. KwaZulu-Natal Province has some unique features in terms of the wildlife or conservation sector. For example the province was quick to adopt the

Threatened or Protected Species Regulations (TOPS) of 2007 which govern the sustainable utilisation of wildlife, that were crafted at the national level. KwaZulu-Natal Province is unusual in having a strong semi-autonomous statutory conservation body, Ezemvelo KwaZulu-Natal Wildlife (formerly the Natal Parks Board) with responsibility for wildlife in the province. KwaZulu-Natal Province is the only one out of nine provinces in South Africa that does not have a statutory or public protected game reserve under the auspices of the South African National Parks (Sanparks). This means that Ezemvelo KZN-Wildlife has the overarching responsibility of biodiversity conservation in both its statutory reserves and the private game farming areas without direct influence from Sanparks.

Other critical stakeholders identified through the stakeholder mapping process included (not in any hierarchical or particular order) the Provincial Department of Agriculture and Environmental Affairs; Provincial Department of Rural Development and Land Reform; Endangered Wildlife Trust; Gongolo Wildlife Reserve Company; KwaZulu-Natal Conservation and Hunters Association; Association for Rural Advancement; Uthukela District Municipality; Umtshezi Local Municipality; Emnambithi Local Municipality; and the individual game farmers.

### **The Case Study Approach**

According to Yin (1989: 23), “a case study may be defined as an empirical enquiry that investigates a contemporary phenomenon within its real life context, when the boundaries between phenomenon and context are not clearly evident, and in which multiple sources of evidence are used.” There are important issues raised in this definition, namely, empirical enquiry, contemporary phenomenon, real life context, the fact that boundaries are not clearly evident, and the need for multiple sources of evidence (Remenyi, 2012). These issues applied to my study as I sought to empirically gather data in KwaZulu-Natal province on the governance of private wildlife ranching. I had to go into the field to learn about contemporary conservation discourses in the chosen areas and I used different methods to gather the

necessary data on the governance of private wildlife ranching. As a qualitative researcher, I tried “to preserve the *multiple realities*, the different and even contradictory views of what is happening” (Stake, 1995: 12) with respect to how the diverse actors in game farming see governance of the sector.

Case studies are flexible and allow for the mixed-mode method of gathering data (Stake, 1995) that I adopted in this study. Though there are historical and contextual issues that were involved in the study, private game farming was tackled in a manner focusing on contemporary issues. The thesis is case study oriented, starting from the provincial level, through the local municipal level and down to the game farm as the smallest unit of focus. The findings cannot be easily generalised, as each case study is treated as a unique entity which has its own contingent factors (Minichiello, Aroni, Timewell and Alexander, 1990; Stake 1995; Flyvbjerg, 2006.). However, this does not mean that case studies have no value outside the specific case study area as, although not generalizable, they can be suggestive of broader trends and/or social processes.

An explanation has already been given in Chapter One on the reasons why I chose the Uthukela District Municipality, which encompasses the Emnambithi Local Municipality and the Umtshezi Local Municipality as part of the geographical context of the study (See Figure 2 in Chapter One). The case study method was again used at the local municipal level, where individual private game farmers were selected for the study. The local level is important because it is where the interface and interplay of policies is manifested from decisions taken at different higher levels of governance systems. For example, the ethic of 'thinking globally, acting locally' underpins the Local Agenda 21 framework of sustainable development after the Rio Earth Summit of 1992 in the implementation of global aims, and the Convention on Biodiversity follows a tiered hierarchy from national, to regional, to local levels for action of biodiversity conservation which is incorporated into the South African

local government system. This stimulated my interest to delve into the dynamics of the governance of private game farming down to the local municipality level.

### **Data Collection Techniques**

The central research question is important not only in identifying the study population but in assisting with the choice of suitable methods, including the right questions in order to eventually obtain the necessary data (de Leeuw, 2005). A mixed-mode design (Creswell and Clark, 2011) was chosen for this study in order to use data collection methods that would complement each other to optimise the data collection process, given that each method has its strengths and weaknesses (Whittemore, Chase and Mandle, 2001; de Leeuw, 2005). Kincheloe (2001: 687) supports Denzin and Lincoln's (2000) proposition of using a variety of methods in research in order to gain "multiple perspectives" to "uncover new insights, expand and modify old principles, and re-examine accepted interpretations in unanticipated contexts." Hughes and Sharrock (1997: 12) make the point that "no technique or method of investigation is self-validating", and there is no particular method which on its own sufficiently attends to challenges associated with competing explanations (Patton, 1999; 2002). The data collection techniques that I used in the study are described below.

#### **In-depth Interviews**

Limb and Dwyer (2001) note that qualitative methodologies in geography include a diversity of techniques, including in-depth, open-ended interviews. They argue that qualitative methodologies are appropriate for an in-depth, intensive approach rather than an extensive or numerical approach. These qualitative approaches have common characteristics, such as "... an inter-subjective understanding of knowledge, in-depth approach, focus on personality and power relations, contextual and interpretative understanding" (Limb and Dwyer, 2001:6; see also Kvale, 2002; Feindt and Oels, 2005; Grbich, 2013). The major primary data collection technique in this study was the in-depth interview.

Minichiello *et al.*, (1990) assert that the major goal of in-depth interviewing is to gain an understanding of the importance of human experiences from the point of view of the interviewee, of course with the interpretation of the researcher. This is done through capturing the respondent's own words in the interview process, which has an open-ended question format, with a less structured interview protocol than in questionnaire-type interviews. The interview process is iterative, giving many chances for the interviewer to ask for clarifications, to check the reliability of the data and even make a follow up later (Minichiello *et al.*, 1990). Questioning by the interviewer will be directed by the interviewee's responses and the questions can therefore be asked in any sequence following the introduction of the key issues. The researcher also needs to set the tone for the interview, and allow sharing of experiences in order to create meaning (Vandermause and Fleming, 2011). Thus the whole process will allow "the researcher to discover contradictions and ambivalences within what 'on the surface' may seem to be a simple reality" (Minichiello *et al.*, 1990: 8). Most importantly, "the aim is to understand the interpretations people attach to their situations", (Minichiello *et al.*, 1990: 8) as part of the social construction of knowledge (Denzin and Lincoln, 2002; Cho and Trent, 2006).

Chirban (1996) draws attention to five elements that a good interviewer will take note of. The first one is self-awareness, which relates to the personal disposition of the interviewer in terms of needs, motives, and perspectives. The second one is authenticity, whereby the interviewer has to be attentive, and has to pay attention to the need for genuine communication. The third element is attunement, where the interviewer goes further to "explore the context, situation, and experience of the interviewee because these may be just as important, often more important, than one's answer to a question" (Chirban, 1996: 4). The attuned interviewer "learns significant information about the interviewee's nature, choices, values, and life" (Chirban, 1996: 4). Fourthly, the interviewer must be alert to how his personal characteristics may help or hinder, go hand in hand with and influence the interviewee to enable an authentic exchange of ideas. In my study, as argued later in this

chapter, I had to pay attention to the issue of reflexivity, which Lincoln (2002: 337) refers to as “critical subjectivity” – for instance in paying attention to my influence on the research participant’s voice and ultimately the point of view expressed (Flick, 1999). Lastly, a new relationship develops as a result of the interviewer being in a position to “express support and action” in the way the interaction takes place (Chirban, 1996: 7).

In carrying out interviews for this study, these issues were important to show sensitivity to the idea of maintaining a good rapport with respondents. In this case, a good rapport was generally achieved through careful planning and a courteous approach towards prospective respondents, even though this did not yield the intended positive effect in all cases. Further reflections on the impact of my personal characteristics as a researcher are included in the last section of the chapter.

The approach of in-depth, open-ended interviews was chosen for this study for several reasons. Such interviews are a clear way of allowing people to speak for themselves about their own views and experiences of the world (de Vos, 1998; Smith, 2001) and the meanings they ascribe to it (Valentine, 2001). Valentine (2001: 44) states that in-depth interviews also “... generate a lot of information very quickly.” My experience, in the interviews that I conducted, was that the interviews themselves were informative and generated useful data, but it took a lot of time and effort to secure each one. Still, once secured, the in-depth interview “allows the researcher to cover a wide variety of topics, clarifies issues raised by the participant” and allows the researcher to “follow up unanticipated themes that arise” (Valentine, 2001: 44).

Face-to-face interviews have the advantage that they allow freedom in content and structure, for example by choosing the wording to use, the way you explain questions to respondents, and the ability to raise questions or issues in the ‘nick of time’ as the interview proceeds (Kumar, 2005). In-depth interviewing has theoretical roots in what Kumar (2005:123) refers



to as the 'interpretive tradition' which has gained much ground in the social sciences following serious challenges to the positivist approach (Sandberg, 2005). According to Taylor and Bogdan (1984: 77), in-depth interviewing is "repeated face-to-face encounters between the researcher and informants directed towards understanding informants' perspectives on their lives, experiences, or situations as expressed in their own words." It thus involves repeated face-to-face interaction between the researcher and the respondent with intent to understand the latter's perspectives, and ideally creates a good rapport between the two participants (Kumar, 2005).

One important group of interviewees in this case were people widely regarded (or who regarded themselves) as "experts" in their field. Scientific expertise is particularly valued in the context of biodiversity conservation as Carrozza (2015) stresses how such knowledge is critical for policy- and decision-making. Bogner, Littig and Menz. (2009) explains why such "expert" interviews are useful. For one thing, the expert can suggest other potential respondents and this was crucial in the snowball technique that I used to identify prospective respondents. With the background support of a known "expert", it was easy to gain the confidence of the next expert to whom I was referred. These respondents were passionate about the topic and would lend themselves to assist with their understanding of the research process and issues under discussion. This was an encouraging factor in generating data, particularly as the expert and me as the interviewer shared a common scientific background. In this study, all the respondents spoke English, thus helping to reduce the time involved in the data gathering process once access was granted.

Glicken (2003) notes that interviewing people can be time-consuming, and the way you are attracted to or repulsed by the subject may influence the data you get as well as your interpretation of it. There is also the danger of overly identifying with the subject and perhaps a tendency to pay more attention to responses that represent your own views (Glicken, 2003). There is a need to acknowledge that research methods work within a

framework of assumptions, in particular theoretical assertions about the nature of society, social actors, and their interaction (Hughes and Sharrock, 1997). For example, interviews rely on theoretical claims of how the interview process is managed to optimise the validity of the respondent's views (even though the idea of "validity" has positivist origins) (Winter, 2000). It is however possible to invoking the idea of credibility in qualitative research as a way to ensure quality and rigour (Emden and Sandelowski, 1998; Rubin, 2000).

In collecting data for this study, I sought to make the interview process as interactive as possible, but without losing sight of the original intention which was to investigate the topical questions of the study. The idea was to facilitate a mutual exchange of thoughts, emotions, feelings and beliefs, which would in turn help to identify the various discourses that the study sought to uncover. This approach was adopted in light of Sayer's (1992: 245) argument that:

*... with a less formal, less standardised and more interactive kind of interview, the researcher has a much better chance of learning from the respondents what the different significances of circumstances are for them. This also enables the researcher to refer to and build upon the knowledge gained beforehand about the specific characteristics of the respondent.*

Through extending the interview process where necessary to allow ample time for the interviewee to express him/herself, this approach also gave room for unanticipated issues to emerge.

The disadvantage of the method, according to Valentine (2001), is that it depends to a large extent on the interpersonal and listening skills of the interviewer. In order to cater for this shortcoming I used a voice recorder to capture the interviews (for later analysis) when I was given the permission to do so, though this was not a magical solution to the challenges associated with the interview process itself. It is very possible that the interviewer may not be well understood by an interviewee who also might not be prepared to share his/her experiences. Aitken (2001) contends that power relations are still exercised in the interview

process, even though it is collaborative. In theory, reality can be constructed from the world of the interviewee by obtaining an 'insider view' of the social phenomenon under study (de Vos, 1998: 300), but the extent to which one becomes a real insider is debatable. These issues will be discussed below in relation to the challenges that were encountered in the field. However, Aitken (2001) says that in-depth interviewing is attracting considerable attention in geography because as our knowledge of the method grows, our questions and concerns indicate greater sensitivity to a myriad of personal, political and place-based processes.

I also used triangulation in data collection techniques (Yeung, 1997: 57) in order to integrate sources (Onwuegbuzie, Leech and Collins, 2012) and thus improve the credibility of the findings by making it possible to "check" the authenticity of the data (Minichiello *et al.*, 1990). Triangulation is said to contribute to the quality of the research (Emden and Sandelowski, 1999; Whitemore, Chase and Mandle, 2001). One way that I used to validate my findings, involved cross checking some information from respondents based in the same institution (Sayer, 1992) or from information collected in subsequent interviews from the same respondent. This was done by interviewing a number of members of the same institution (for example a number of District Conservation Officers from EKZNW) in the study. Some of the respondents were interviewed more than once to follow up on some issues which they had raised in their first interview and also to seek more information on the latest developments that had taken place in the intervening period after the first interview.

### Observation

I often acted as an observer during the fieldwork, for example during visits to game farms and wildlife reserves, by attending game auctions, and by attending formal congresses in the sector, such as the inaugural Wildlife Ranching South Africa (WRSA) Congress held in Limpopo Province from 10-12 April 2013. (Following the international conference organised by WRSA in 2011, this was the organisation's first national meeting). On all these

occasions, I recorded field notes (Onwuegbuzie, Leech and Collins, 2012) of my “impressions of events, processes or people [that I] encounter[ed]”, (Remenyi, 2012: 49) during fieldwork. For example, the nature of debates by the delegates at the WRSA Congress and the subsequent resolutions were of great importance. There are a lot of nuances that come along with informal conversations and these are critical in shaping one’s thoughts, especially concerning complex and controversial subjects such as that discussed in this thesis. There were numerous occasions on which I discussed broad and sector-specific issues relating to wildlife and to the governance of the private wildlife ranching in particular. These discussions occurred at wildlife auctions, as well as sector and academic conferences or workshops.

I was also aware that the interview site itself offers a lot of insight through observation of the interactions of participants in the context – that is, the context can reveal much about the position, identity and role of each participant in relation to other actors (Elwood and Martin, 2000). Interviewing game farmers on their game farms was one such example. During the course of my field work I was fortunate to attend a number of conferences and workshops that were relevant to my study. These offered further opportunities for observation and allowed me to ask questions. While attending these various meetings, I was engaged in data collection through casual conversation, observation, by writing notes from speakers and also making audio recordings. The various meetings are described briefly below.

The first such meeting was the KwaZulu-Natal Conservation Symposium held from 19-21 October 2010. The conference was organised by Ezemvelo KZN Wildlife and held at their head office in Pietermaritzburg. The theme of this conference was: “Presenting the science and practice of nature conservation in KwaZulu-Natal and beyond.” This happened at a very opportune time, at the start of the project. Since Ezemvelo KZN Wildlife was a major target organisation, I got invaluable insight into contemporary conservation issues in the province from the organisation’s point of view, was able to introduce myself to a number of my future

respondents, and made many contacts. The opportunity to interact with prospective interviewees was a way of identifying key issues that I would in turn focus on in the main data collection phase of the research.

The International Wildlife Ranching Symposium (IWRS) organised by Wildlife Ranching South Africa (WRSA) from 10-13 October 2011, in Kimberley, South Africa, was another important occasion. I presented a paper at this conference and also interacted with delegates in the role of “student assistant” at the registration. The theme of this conference was: “The business of conservation – science, livelihoods and values”. The international perspective in this symposium helped me to gain knowledge concerning international wildlife issues and it was interesting to see how the South African game farmers were working to position themselves on the international stage. Following up from this, I was an observer at the inaugural WRSA Congress from 10-12 April 2013 in Modimolle, South Africa where members of the WRSA went about their business of discussing sector specific issues affecting their operations. It was a great opportunity to witness their deliberations and interact with their members for those three days while collecting valuable information about experiences of game farmers and their interaction with other actors in the sector.

With regard to the agriculture and land sectors, I attended the Political Economy of Agricultural Policy in Africa (PEAPA) conference in March 2013 in Pretoria organised by Future Agricultures. Issues concerning agricultural policy were also of significance to my study, since I was interested in the interface of agricultural and environmental policies owing to their convergence around private game farming as a unit of focus. I then attended the “Land Divided” Conference in Cape Town, also held in March 2013. The year 2013 had an historical significance to South Africa’s land question, as it marked the centenary commemoration of the 1913 Natives Land Act. Being part of this conference and also being in a position to present my preliminary findings, was a good opportunity for me to hear about

other research on land issues in the region and reflect on the historical context of the issues pertaining to my study.

As noted earlier (in Chapter One), my study was part of a bigger research programme entitled: “Farm Dwellers – The Forgotten People? Consequences of Conversions to Private Wildlife Production in Eastern Cape and KwaZulu-Natal Provinces”, funded by the Netherlands Organisation for Scientific Research (NWO-WOTRO). The group of doctoral students involved shared research findings within the research group and other stakeholders through workshops. Part of the research programme involved presenting the findings and engaging with a range of stakeholders in the two provinces. The stakeholders invited to the workshops were drawn from our research respondents who included game farmers, farm dweller communities, government authorities and other interested parties. Thus, I attended the game farming workshop organised for the Eastern Cape region in Port Elizabeth in February 2011. I then participated in the two game farming workshops that were organised for the KwaZulu-Natal-based studies in April 2012. The first workshop was held in Pietermaritzburg and the participants were mainly the various government departments and NGOs involved in the sector. This was followed by a workshop in Dundee where game farmers and farm dwellers were also present and had an opportunity to voice some of their concerns and thoughts.

#### The media

I also collected information by keeping track of issues emanating from the mainstream media. This involved for example, making systematic checks and keeping track of relevant issues (such as predator management and illegal hunting) in periodical publications like newspapers (for example, *The Witness*, *The Times*), as well as targeted sector magazines such as the *Farmer’s Weekly*, *Wildlife Ranching*, *Magnum* and *The South African Hunter*. This was done for a period of three years, 2010 to 2012. The idea was to gather sentiments in relation to discourses that have a direct link to the study. These various media platforms

invite the various stakeholders to participate by airing their views with regard to wildlife issues, such as the ongoing fierce debate on predator management (see Chapter Eight). I had the privilege to interview one person who was mentioned in an issue of the *Farmer's Weekly* with reference to the discourse on predator management. This form of interaction in turn had the effect of illuminating discourses that are a major focus of this study. Such collection of data was done bearing in mind that each media outlet represents particular interest(s) and/or group(s), hence the need to be critical when dealing with such sources. However the interactive nature of each interest group publication made these important sources for this study.

#### Library Research

Secondary sources enabled me to develop a review of the literature, including previous research of relevance to this thesis. This has been presented in Chapter Three through the survey of literature. I also collected specific primary data by spending time at the libraries of the Association for Rural Advancement (AFRA) and Ezemvelo KwaZulu-Natal Wildlife. The KZN legislature also has a good library which I made use of in my study and my interaction with their staff was invaluable. The data collected from these libraries include internal and external organisational publications such as reports, magazines, minutes of meetings, and environmental plans. This type of research mainly involved content-analysis of such documents.

#### **A Description of the Fieldwork**

The research began with a familiarisation tour of the KwaZulu-Natal Province in 2010 to make contacts. As noted, this tour was timed to coincide with the KwaZulu-Natal Conservation Symposium in September 2010 in Pietermaritzburg, the provincial capital of the KwaZulu-Natal Province. Fieldwork then took place intermittently over a two year period starting in March 2011 up to March 2013. I held in-depth interviews with respondents as the research proceeded after a back and forth process of firstly contacting the person and

agreeing on the final appointment. This type of conversation allowed me to learn about the context of each interviewee, who then often led me to the next respondent. Such a relationship helped me to establish the links between the agents in the context of their circumstances. This 'snowball' technique was useful in allowing me to obtain important information at first hand because of being referred to key respondents. These people were sometimes gatekeepers and thus also able to open doors for me, if they chose to do so.

A multi-pronged approach was used to make the first contact with each prospective respondent. There was a contact phase of writing emails or making telephone calls, followed by the response phase involving receiving feedback (positive, or negative). Contact details of some respondents were initially obtained from my colleagues in the SANPAD research group who had previously carried out their research in the same study area. Some of the information was gleaned from institutional websites or publications like newspapers and news magazines. Once positive feedback was received, I would proceed to ask for an appointment and then physically visit the respondent to carry out the interview. In some cases, I then made arrangements or provision for a follow up interview. Further contacts were made by referrals through the initial contacts with regard to my research. Once an interview was granted I emphasised to the interviewee that information collected from the interview was strictly for study purposes.

I also sought consent for using the names of respondents in the study while also offering the informants the option of anonymity. This included the state officials interviewed. Therefore wherever names of officials are mentioned in this study, it is either that their consent was granted or these names and their designation were obtained from the public domain. I did this to protect the identity and safeguard the integrity of research participants, some of whom shared unexpected and sensitive information.



Data collection started in earnest in March 2011 in Pietermaritzburg, the provincial capital. Interviews were conducted with provincial level departmental officials. These were mainly drawn from the Department of Agricultural and Environmental Affairs, and the Department of Rural Development and Land Reform. I had many interviews with officials from Ezemvelo KwaZulu-Natal Wildlife apart from visiting their library on numerous occasions to collect documentary evidence about the organisation and its activities. As noted above, I also managed to attend two game auctions, one of which was of live game in the bomas at the Hluhluwe-Umfolozi game reserve in northern KwaZulu-Natal.

Also in Pietermaritzburg, I took time to interact with and interview the staff of AFRA, a land rights NGO, in addition to using their library and office facilities. Through AFRA, I was introduced to farm dwellers who reside in areas affected by game farming to try to understand their plight. I made visits to the offices of the KZNHCA and also interacted on several occasions with their members.

After the work in Pietermaritzburg, I had to travel further afield. This aspect of the fieldwork was carried out through developing contacts with game farmers and municipal officials in the Uthukela District Municipality, which encompasses the Emnambithi Local Municipality and the Umtshezi Local Municipality that were chosen for the study. During this phase, I visited game farmers on their farms which gave a local-level perspective that could not be obtained in any other way.

### **Data Processing, Analysis and Interpretation**

Transcription of interviews is an important element of data processing that has a bearing on the outcome of the research. After reflecting on the transcription decisions and the possible impact that this could have on the understanding of the participants and the meaning of the research, I adopted the view that whatever was articulated in an interview should be viewed as an “interview-discourse”, which contributes to construct a certain level of reality

(Cruickshank, 2012: 45). Due to the interpretive challenges associated with hiring a transcriber (Tilley, 2003), I had to do my own transcriptions of interviews. I took a denaturalised approach to transcription which “suggests that within speech are meanings and perceptions that construct our reality” (Oliver, Serovich and Mason, 2005: 1274). This approach blends well with the critical discourse analytical approach that was used for this study. The focus of the critical discourse analyst is to develop a deep understanding of the participant’s circumstances through his/her conversation and so the interview, followed by the written transcript, is the methodological tool of choice to capture the discourses (Olivier *et al.*, 2005).

In terms of analysis, it is a challenging task to put together a narrative or analysis based on a multiplicity of sources which may be related or may be disparate. The intention was to pick up the major strands that would constitute the various discourses and also those unique issues coming out from the research. To make sense of the information, I used coding of the data coming from the interviews, to get a deeper understanding of the issues. This was followed by a process of discovering links of concepts (Kinchin, Streatfield and Hay, 2010) that I later grouped into themes (Onwuegbuzie, Leech and Collins, 2012) in order to develop propositions that constitute the thesis. Using the critical discourse analytical framework, there was a process of evaluation of words, ideas, and the themes emanating from the research to capture the core of the story, weave the story together and finally present it in a way that would be meaningful to the community of scholars, practitioners and other interested stakeholders.

In the process of reflecting on the findings from the research, I presented my work at conferences and several postgraduate seminars at the University of the Free State, South Africa, the VU in Amsterdam, Netherlands, and the University of the Western Cape, South Africa. I received invaluable feedback, getting “critical reflection” from different audiences

(Whittemore, Chase and Mandle, 2001: 535) which contributed quite a lot to shape this thesis.

### **Critical Discourse Analysis**

In analysing the data, I drew on critical discourse analysis which I felt would assist in activating the main ideas of the theoretical framework. I adopted the view of Philips and Hardy (2002: 3) that:

*Discourse, in general terms, refers to actual practices of talking and writing. We define a discourse as an interrelated set of texts, and the practices of their production, dissemination, and reception, that brings an object into being. In other words social reality is produced and made real through discourses, and social interactions cannot be fully understood without reference to the discourses that give them meaning.*

Each of the actors in the wildlife policy arena (the “bricoleurs”) are giving meaning to the world as they see it, even if in their mind they are stating “facts”. So the data analysis process involved the search for the discourses in their various formats as they have been identified in this definition.

Prior to the “linguistic turn” of the 1980s, there had been a tendency to view “language as transparent”, such that in interpreting linguistic data like that found in interviews, the social content was treated as self-evident without paying attention to the language used (Fairclough, 1992: 2). However, language cannot continue to be treated as “unproblematic” (Sayer, 2012: 6) or as “neutral” (Lock and Strong, 2010: 2). Since the “linguistic turn” in social theory, language is now viewed as playing a critical role within social phenomena (Fairclough, 1992: 2). These changes are characterised by the loosening of the strict demarcations between the social sciences, and the emergence of a broad spectrum of theory and practice within various disciplines (Fairclough, 1992). There is an enhanced awareness about language because language has become a prominent feature of current

social practices. For example, it is recognized that as we move into the 'knowledge-based' economy, language is now playing a critical economic role (Chouliaraki and Fairclough, 1999: vii).

Fairclough (1992) argues that there is a dialectical link between discourse and social structure. Discourses are contextual in that they come from the interactions that take place between social groups and their associated societal structures, which need to be understood if we are to understand the discourses themselves and their effects (Philips and Hardy, 2002). Fairclough (1992: 66) says that "the discursive constitution of society does not emanate from a free play of ideas in people's heads but from a social practice which is firmly rooted in and oriented to real, material social structures." The idea that discourse is socially constitutive is borrowed from Foucault's idea of the discursive formation of objects, subjects and concepts (Fairclough, 1992; Sharp and Richardson, 2001; Hajer and Versteeg, 2005). Gomm (2009) views discourses as evidence of the ways through which individuals or groups derive meaning in the world. Thus discourse analysis is taken in line with the "social constructionist tradition in the social sciences" adopted in this study where "reality is seen as socially constructed" (Hajer and Versteeg, 2005: 176; see also Sharp and Richardson, 2001).

Fairclough distinguishes three aspects of the constructive effects of discourse and emphasises that the relationship between discourse and social structure should be viewed dialectically. Firstly, discourse contributes to 'social identities' and 'subject positions' for social 'subjects' and types of 'self' (Fairclough, 1992: 64). The second aspect is that discourse helps construct social relationships between people. Thirdly, discourse also plays a role in the construction of systems of knowledge and belief. These three effects match respectively to three functions of language and dimensions of meaning which coexist and interact in all discourse – what Fairclough calls the 'identity', 'relational', and 'ideational' functions of language (Fairclough, 1992: 64). The identity function relates to the ways in

which social identities are formulated in discourse. The relational function relates to how social relationships between discourse participants are brought into being and negotiated, and its processes, entities and relations (Fairclough, 1992: 64). The ideational function relates to how language is used to represent what happens around us.

Discourse is inseparable from the understanding of the social world in what Hajer and Versteeg (2005: 177) refer to as “the embeddedness of language in practice” (see also Coffey and Marston, 2013) and it is the role of discourse analysis to unearth how discourse is produced (Philips and Hardy, 2002). Put differently, “discourse analysis views discourse as constitutive of the social world” (Philips and Hardy, 2002: 6). Thus discourses are not there to merely reflect or represent social entities and relations, but “different discourses constitute key entities in different ways, and position people in different ways as social subjects, and it is these social effects of discourse that are focused upon in discourse analysis” (Fairclough, 1992: 2). Fairclough (1992) states that the study of discourse is “three dimensional” in the sense that there is connection of texts to discourse, situating them in a historical context through their reference to a given mix of actors, relationships, and practices that make up the situation under study (Philips and Hardy, 2002:4). The ‘text’ dimension focuses on language analysis of texts (Fairclough, 1992; Sumares and Fidélis, 2011). Incorporating the aspect of historical change shows how different discourses come together under particular social conditions to formulate a new and complex discourse (Fairclough, 1992).

Discourse analysis can be used in the analysis of a vast array of social domains, including organisations and institutions (Jørgensen and Phillips, 2002) which is significant for this study. Environmental discourse analysis is also well developed (see Hajer, 1995). Such analytical methods are discursive in the sense that they are used to do an interpretive analysis of text with the aim to reach an understanding of a discourse and its function in making up social reality, and thus these methods are inevitably reflexive due to their

constructivist epistemology (Philips and Hardy, 2002; Hopkins, 2007). The 'discursive practice' aspect, which is centred upon the concept of intertextuality, focuses on the nature of the text production processes and subsequent interpretation, such that an instance of discourse is viewed simultaneously to be a piece of text, an instance of discursive practice, and an instance of social practice (Fairclough, 1992: 2). Social and cultural reproduction partly occurs through discursive practices (Jørgensen and Phillips, 2002).

The 'social practice' aspect focuses on issues related to social analysis like the institutional and organisational circumstances of the discursive practice, and the constitutive effects of discourse (Fairclough, 1992: 2). As social practice, discourse is in fact in a dialectical relationship with other social dimensions (Jørgensen and Phillips, 2002). Thus, "social practice has various orientations – economic, political, cultural, ideological – and discourse may be implicated in all of these without any of them being reducible to discourse" (Fairclough, 1992: 66). Discursive practice is constitutive in two ways – conventional and creative. So it helps to reproduce society (social identities, social relationships, systems of knowledge and belief), while also contributing to the transformation of society (Fairclough, 1992: 65).

It is important to note that discursive change is not just one-directional or top-down, it involves a struggle in the formulation of texts and the nature of discourses, such that people affected by a discourse from above may embrace it or resist it or bring changes to that discourse (Fairclough, 1992; Hajer and Versteeg, 2005). This idea was useful in noting how discourses play themselves out amongst the various stakeholders involved in game farming.

In critical discourse analysis, discourses are viewed as generally biased towards the powerful and intended to mislead the powerless (Gomm, 2009). There is close examination of the ways social power can be abused, of dominance and of how inequality is brought into being, reproduced and eventually resisted in the social and political arenas (Van Dijk, 2003).

Many critical discourse analysts adopt a clear position of wanting to understand social inequality, bring it to the fore and eventually resist it (Van Dijk, 2003). There is a thrust for the research focus of critical discourse analysis to be directed towards “both the discursive practices which construct representations of the world, social subjects and social relations, including power relations, and the role that these discursive practices play in furthering the interests of particular social groups” (Jørgensen and Phillips 2002: 63; see also O’Riordan, Mahon and McDonagh, 2015).

Discourses are also political (Wilson, 2003; Feindt and Oels, 2005; Hajer and Versteeg, 2005) as they involve power, its sources and how it is exercised by individuals and different types of groups. Critical discourse analysis is thus a critical approach which has a political commitment to social change by taking the side of the oppressed social groups (Jørgensen and Phillips, 2002), for example in the realm of conservation (Sumares and Fidélis, 2011). Political discourse analysis is an approach to analysing political discourses that complements the development of CDA (Fairclough and Fairclough, 2012). In this study, policy discourses were important as they are viewed as a means of interpreting a spectrum of policy concepts to give meaning to a ‘policy domain’ (Arts and Tatenhove, 2004: 343). This was important in unpacking the policy context of the private game farming sector.

Discourse in the form of a political practice produces, keeps, and alters power relations and the collective bodies such as classes, blocs, communities, and groups within which power relations are found (Fairclough, 1992). As an ideological practice, discourse makes up, deepens, keeps and modifies how the world is signified from different perspectives in power relations (Fairclough, 1992). Discourse as a political practice is also a site of power struggle and Fairclough argues that Gramsci’s concept of hegemony provides a good framework to conceptualise and inquire into the political and ideological aspects of discursive practice. Fairclough bases his analysis of social practice on the type of domination which is rooted in alliances, assimilation of subordinate groups, and securing approval. Thus discourse

analysis goes beyond just power relations by also looking at how power relations and power struggles influence and change discursive practice within a society or institution (Fairclough, 1992).

Fairclough and Fairclough (2012) look at political discourse as basically a type of argumentation that can be used to support a decision. In making a decision, agents must consider the reasons that support a provisional course of action and those reasons that are opposed to that action, including the reasons that are for or against alternative lines of action. The basis of this assertion is that politics concerns making choices in response to the particular circumstances and goals. Politics is about selecting policies and taking action which is grounded in practical argumentation. Fairclough and Fairclough (2012: 4) emphasise this point as follows:

*... in analysing political discourse, it is crucial to ensure that the focus on how events, circumstances, entities and people are represented does not obscure or displace a focus on what agents do ... we must clearly investigate and analyse what agents do in response to the crisis, including what they do discursively (in what they say or write). Our claim is that in politics they engage in argumentation, and particularly in practical argumentation, including deliberation. [A] focus on what agents do would have to involve reference to argumentation, and narratives, explanations and imaginaries would have to be seen as embedded within arguments.*

These ideas were considered in light of the circumstances surrounding the actors involved in the private game farming sector, each of whom was putting forward to me their particular arguments and discursive constructions, with inevitable political content.



### **Challenges Encountered in the Field and Reflections on Positionality**

A critical consideration in qualitative research is that I had to be reflexive during and after the data collection process in order to make meaning of my study in the attempt to construct knowledge (Guillemin and Gillam, 2004; Walker, Read and Priest, 2013; Cui, 2014; Probst and Berenson, 2014). The data collection process was a learning curve full of challenges that required going back to the drawing board many times. An initial daunting problem in the data collection process was securing the coveted interview appointment. It was a back and forth process of communication with prospective respondents until an appointment was successful or when I decided that it is effectively impossible. A typical example of failure to secure an interview is what happened at the Provincial Department of Cooperative Governance and Traditional Affairs (COGTA) which deals with local government and traditional authorities. My intention in engaging them was to get an overview of governance and their role with respect to Uthukela District Municipality where my two case municipalities are located. So I wrote an email highlighting what my study was all about and requesting an appointment with the relevant official. I got a string of legislation (which was a good starting point) in response, but ultimately that is all I got from them. Further efforts including phone calls and visits to their offices did not yield positive results. So I had to rely on documents and my interviews with officials at the local government level.

Similarly, I had an informal conversation with Dr. Bandile Mkhize, the then Chief Executive Officer of EKZNW at a game auction on 3rd June 2011 and he showed interest in my study but further efforts to secure an appointment with him did not work. However all the challenges associated with securing interviews had to be seen in light of the fact that respondents are people who were fully committed to their respective occupations and research interviews would act as distractions from their busy schedules. Thus, I am grateful to all those who assisted with my research.

These issues were crucial in the manner that I conducted my study as a qualitative researcher. I had to bear in mind how my role influenced the research process (Winter, 2000), being cognisant of the nature of the relationship that developed between the researcher and the researched (Walker, Read and Priest, 2013). I had to be conscientious about these issues each time (Hunt, 2010) when I was conducting an interview or having an informal conversation with a respondent, because they contributed in shaping the meaning that I would derive from those interactions. To this effect I kept a journal of my experiences throughout the research period and I have used this information to reflect on my research odyssey.

Also, the research touched on sensitive issues, so getting people to talk about such issues (for instance, related to land) required careful handling. Land is a subject that is so emotive and one would never be sure of the best way to handle it. This feeling happened regardless of who I was talking to each time, especially given the role of race as a facet of identity (Parker and Lynn, 2002). In this particular case, race was often influential in how people view the land issue in South Africa. I am an African researcher, and I believe that this made some prospective respondents initially hesitant, particularly on the side of game farmers and government officials. I can aptly quote the words of one of the bank officials whom I met at a game auction, who stated, “this is scary stuff” (Interview with a bank official at a game auction at Isibaya Casino, 3 June 2011, Durban).

The process of soliciting views from the key informants was always going to be a difficult one. It required a lot of patience and understanding. So, there was a lot of time involved in setting up interviews (three months on average for some interviews before I started reconsidering the possibility of landing an interview). Under such circumstances securing appointments was difficult and so interviews were often hard to come by. This also had to be understood in the context of the “insider-outsider” dynamics at play (Merriam, Johnson-

Bailey, Lee, Kee, Ntseane, and Muhamad, 2001; Visser, 2001) because the way prospective respondents perceived my intentions was critical. I will discuss this in more detail below.

There are many occasions when concerted effort to solicit for interviews drew a blank. This includes countless emails that were never replied to or calls not picked up. These circumstances delayed the research process, but I had to be patient and wait for the next possible opportunity to interact with prospective respondents. Nevertheless, I took this as the nature of the study that I had embarked on. Where it was completely impossible to secure interviews, I had to resort to searching for documentary evidence available in the public domain, or being attentive to hints from third parties on some of the issues I had hoped to discuss with the initially targeted respondents.

The expanse and disparate nature of the game farms necessitated a great deal of travel. Extensive travel was made necessary by the fact that the majority of interviews took place within the confines of the interviewees' premises as part of qualitative research which often occurs "in place", the work environment or the game farm. These interview sites are referred to by Elwood and Martin (2000) as constituting 'microgeographies' that have a bearing on power relations enacted through such material spaces, making the study time and context bound (Grbich, 2013; Kaal, 2015).

The power relations kept on changing (between the researcher and research participants) throughout the research process (Karnieli-Miller, Strier and Pessach, 2009). The field work period extended to two years as flexibility was needed to accommodate various political-temporal contingencies (discussed below). Unforeseen circumstances arose that constantly demanded going back to the drawing board. Overall, the research process was a challenging but deeply enriching experience (which also included emotions) (Widdowfield, 2000).

Politically, the KwaZulu-Natal Province has a history of being a volatile area as compared to other provinces in South Africa (see Chapter Five). I had to suspend my research during the local government elections in May 2011 and the national census of August 2011 as a precautionary measure. On the 17<sup>th</sup> August 2012 one of the councillors from Umtshezi Local Municipality, whom I was scheduled to interview, was shot and killed in Estcourt under seemingly politically motivated circumstances. The municipality was previously under the control of the Inkatha Freedom Party until 2011 when the African National Congress won a majority in the local government elections. I learnt of the bad news a few hours after it happened, just a day before our scheduled meeting, through an intermediary who was familiar with the councillor and had made arrangements for the meeting.

As Visser (2001: 237) says, “the mode of entry to both informants and information is not only framed by researcher positionality but by the research topic itself relative to the political cycles of a particular institution in a particular spatial setting.” I found this relevant to my situation. During the fieldwork period, about 35 murders suspected to be politically motivated were reported in areas such as Margate, Vryheid, Dundee, KwaMashu, Estcourt, Greytown, KwaDukuza, Umlazi T-section, Jacobs and SJ Smith hostels within KwaZulu-Natal Province (reported in the media as follows: KZN ANC Estcourt councillor shot dead; wife injured, <http://www.timeslive.co.za/politics/2012/08/20/kzn-anc-estcort-councillor-shot-dead-wife-injured>, Accessed: 21/08/2012). This level of politically motivated violence is associated with instability within the KwaZulu-Natal Province. This contingent situation which was emotionally upsetting had an effect on the further conceptualisation and implementation of the research process, particularly with regard to what I was able to do at that point in time. However, I had to soldier on; as Mukeredzi (2012: 1) asserts, “the snags and surprises, the feelings of frustration, fear and anger that go with researching participants in politically unstable settings should not stall the research process but instead, [be] handled with flexibility and patience, and used as motivation to continue.”

In the interviews that I conducted I was forced to reflect on my positionality throughout each conversation, particularly in relation to my identity (Lincoln, 2002; Hopkins, 2007; Kamuti, 2014b). Linda Alcoff's view of positionality, as articulated by Maher and Tetreault (1993: 118), is that:

*... gender, race, class and other aspects of our identities are makers of relational positions rather than essential qualities. Knowledge is valid when it includes an acknowledgement of the knower's specific position in any context, because changing contextual and relational factors are crucial for defining identities and our knowledge in any particular situation.*

Researchers go into the field with preconceived views about the subject under investigation, the circumstances to scrutinize, and the respondents to interact with (Merriam *et al.*, 2001). When the researcher shares particular traits such as race, culture, and class with respondents there is an assumption that they will easily get access, share meanings and ultimately validate outcomes of such research (Merriam *et al.*, 2001). When the researcher does not share these traits, as in my case, different dynamics came into play. These aspects of positionality may also include personal experiences of carrying out the research (Hopkins, 2007) and the positions of the researcher can easily change (Merriam *et al.*, 2001). In this case, the respondents expressed willingness to assist, within their understanding of the research process and issues under discussion. I found this an encouraging factor particularly where the interviewee was an "expert" and therefore information-rich (Coyne, 1997; Patton, 2002), often sharing a common scientific background with me as the interviewer.

Qualitative researchers, be they insiders or outsiders (as neither have exclusive advantage), cannot be guaranteed that what they observe, interpret and represent is free from their identities and positionalities (Chavez, 2008). There is a need to interrogate the role of the researcher in terms of the power relations involved "in researching, re-presenting and writing the lives of people" and how to face them (Soni-Sinha, 2008: 518), as the researcher in a

sense wields more power than the participant (Kvale, 2006). This awareness of positionality is also part of the ethical considerations that require reflection throughout the research process (Hopkins, 2007; see also Rubin, 2000). Critical geographers have demonstrated how important it is to reflect “critically upon the multiple positionalities of the researcher” and to think through “the ways in which various identities may influence and shape research encounters processes and outcomes” (Hopkins, 2007: 386). In this regard Peshkin (2001: 242) argues that “we are never free of lenses through which to perceive.” Our respondents also have their own lenses through which they perceive us. Thus my research journey became characterised by researcher-researched dynamics of insider/outsider interactions (Cui, 2014) with each position having its own influence.

As a researcher I was always in a dilemma of how to react appropriately to the different ways in which each interview encounter would pan out. How I navigated through the different challenges influenced the overall result of the research, hence it is important to reflect on this. I found that I would often alternate between outsider and insider positions (Dwyer and Buckle, 2009). Just like in a normal conversation, it was not only me putting questions across to the respondents, they would also ask me questions, critical questions that would in turn expose myself or my position, and raise other issues or influence their responses in the later part of the conversation. I would try to be neutral in order to conceal my views but it was a difficult balancing act (Patton, 1999). My thrust was always to minimise my role through asking open ended questions and letting the participants take more time expressing their views. However, as it turned out in some situations, instead of being the participant researcher of the study, I would end up becoming a subject of the study myself (Chavez, 2008) when the conversation shifted attention from the respondent to me. This interaction resulted in reciprocity because of the dynamic power relations that assisted in eventual knowledge construction on both my part and that of the research participants (Lincoln, 2002; Sandberg, 2005; Ben-Ari and Enosh, 2012).

I had to reflect on my impact on the research process and how I was affected as well (Crang, 2003; Widdowfield, 2000; Katz, 2013.). In a number of situations my respondents would want to know about myself, in particular with reference to my name which sounded odd from the perspective of KwaZulu-Natal as it is clearly not South African. In turn I would allay their fears or reassure them from their suspicions by confirming that I am a Zimbabwean. I was very aware of the reaction such a response might elicit from my respondents and I was prepared to converse in a way that would not jeopardise the whole interview. For instance, this often led to discussion of the current situation in Zimbabwe because of its scorched-earth political and economic policies that led to political and macro-economic instability since 2000 (see Nyamunda, 2014 for an analysis of the Zimbabwe land crisis and the government's political and economic policies). More often than not such reference was made in sympathy, and I was asked how people are surviving in Zimbabwe under difficulties given the horrible news reports that the respondents had come across about the country over the past decade. This kind of reference would come either before the interview commenced or at the end of the interview, which in my view influenced much of what transpired during the interview. Such interactional developments certainly influenced the research in the search for meaning from the findings (Roulston, 2011). My challenge was both not to let this dominate the interview while simultaneously recognising how respective positionalities were shaping the results.

The opening up of this question was inevitable since my research involved the issue of land in the southern African context. With reference to the Zimbabwean case the land issue pitted the minority white commercial farmers against the government. The Zimbabwe situation was characterised by the violent expropriation of land from white farmers without compensation. There was therefore the temptation to draw parallels between the situation in Zimbabwe and that anticipated in South Africa. Such anecdotes would pop out within the interview process and there was a general expression of apprehension that the scenario experienced in Zimbabwe may unfold here in South Africa with disastrous consequences if

the government does not handle the situation carefully. For example, one landowner interviewee stated: “this is Africa man, and tell me, you are from Zimbabwe, you never know what is going to happen next” (Interview with game farmer, Estcourt, 7 March 2013). This was said when I was asking about his outlook on the relations between game farmers and the government. Such interactions were highly revealing for me as a researcher.

During the interviews, I found my sympathies being engaged in sometimes unexpected ways. For example, I tended to sympathise with some game farmers who face the threat posed by illegal dog hunters, some of whom come from affluent black communities. Illegal dog hunting in KwaZulu-Natal also occurs as ‘taxi hunting’ (See Chapter Eight) and can be very destructive to game farmers’ operations. I often found myself sympathising with game farmers because they were so articulate in expressing their viewpoints which painted a ‘real’ picture of their experiences and what is happening on the ground. As Connelly and Clandinin (2006: 375) argue, “people shape their daily lives by stories of who they and others are and as they interpret their past in terms of these stories.” Thus I needed to analyse these conversations in this particular context. These lived experiences also have to be scrutinised in relation to how they are shaped by the broad discourses emanating from the social, political and economic environment in which the participants find themselves, in line with the Marxist notion of these experiences being a result of ideology (Clandinin and Rosiek, 2007).

I had to reflect on this issue deeply, especially in light of what one interviewee from AFRA described as a deeply entrenched position of farmers in the sector in relation to their stronghold on land spanning a number of generations (See Chapter Nine). The interviewee pointed out that the entrenched control over land by the white farmers cannot be easily wished away. Hence farmers possess immense power over land which they use to their advantage despite the glaring signs of the need for land reform and transformation that could lead to empowerment of black people in the fledging wildlife sector. It is my contention that



there is need to address the imbalances in the ownership and access to natural resources in South Africa for the sake of sustainable peace and development. This assertion is based on my assumption that, “inequalities are deeply embedded in everyday social life in systematic, but often taken-for-granted ways” (Korth, 2002: 381), hence the need to have a critical analysis.

## **Conclusion**

This chapter has taken the reader through the various aspects relevant to the research methodology and my approach to the fieldwork. This study is premised on a critical realist ontology and a constructionist epistemology. I acknowledge that knowledge is fallible and can neither be absolutely objective nor subjective. Processes of meaning making by humans are shaped within the confines of their social structures which may seem invisible but are real. It was my job to try to understand these. Thus interviews, among other data collection techniques that I used, involved an inter-subjective production of knowledge. In analysing the data collected, I adopted a critical discourse analytical technique to identify the major discourses and explore power relations in the governance of private game farming. The chapter also reflected on issues of positionality and power. Overall, as reiterated by (Caelli, Ray and Mill, 2003), I have attempted to advance my philosophical positioning as a researcher through outlining my methodological approach and also by making clear the analytical lens used to interpret the data.

## **CHAPTER FIVE**

### **BACKGROUND TO THE PROVINCE OF KWAZULU-NATAL**

#### **Introduction**

This chapter provides background information about the KwaZulu-Natal Province, in order to place governance of the private wildlife industry into context. I start by describing the province as it is today in terms of the physical context and administrative boundaries. Thereafter the chapter outlines the historical background of the province, up to South Africa's democratic transition. The history of conservation in the province is discussed as this has a bearing on contemporary conservation politics and practices. The question of land use, which influences private game farming, is critical in this study and is also included. For example, there is a reflection on the potential of nature-based tourism, which includes wildlife ranching, to promote economic and social transformation in a province that is poverty stricken. Governance issues in that respect are critical especially in the rural spaces that bear remnants of historical processes of alienation of the majority population from their land and wildlife resources. This background which is grounded in the history of the province is important in setting the scene for the theoretical perspectives of institutional bricolage used to illuminate the governance of private wildlife ranching. This chapter advances the idea that an understanding of historical processes is necessary in thinking through the way wildlife production systems are currently run in terms of the interests of the stakeholders involved as actors in the private wildlife sector.

#### **The Physical Context and Administrative Boundaries**

The KwaZulu-Natal province is located between 26°50'–31°10' South and 28°50'–32°50' East, in the eastern part of South Africa (Eeley, Lawes and Reyers, 2001). Attractive to the tourist industry, it is a coastal province, stretching from Port Edward in the South through Swaziland

up to Mozambique further north, covering a 600 kilometre-long coastline with beautiful beaches along the Indian Ocean (Cadman, 2007). The province has three international borders, with Mozambique and Swaziland to the north, and Lesotho to the south-west. In addition to the international borders there are three provincial borders with the Eastern Cape to the south-west, and Mpumalanga and the Free State Province to the north-west. Pietermaritzburg is the provincial capital of KwaZulu-Natal Province, but the city of Durban in eThekweni metropolitan area, with a population of 3 442 361 (Statistics South Africa, 2011b), is the largest in the province. Other substantial towns in the province are Ladysmith, Newcastle, Richards Bay, Ulundi, and Eshowe.

The climate of the KwaZulu-Natal province is greatly influenced by the Indian Ocean, in particular the warm Agulhas current which causes a wide coastal belt of subtropical climate of high humidity, high temperatures and high summer rainfall in the range of 900–1200 mm per annum (Fairbanks and Benn, 2000). This results in the region experiencing warm moist summers and cool dry winters. Proceeding further into the interior, the Drakensburg Escarpment exerts its physiographic and altitudinal influence on temperature and moisture resulting in a gradual change in climatic conditions. The uKhahlamba-Drakensberg Mountains are a vital water catchment area, as rainfall from here flows into many rivers in the province which empty into the Indian Ocean (Cadman, 2007).

In terms of biodiversity, KwaZulu-Natal Province is part of the Maputaland–Pondoland–Albany “hotspot” that stretches into Swaziland and Mozambique. About one sixth of the country’s indigenous forests occur in the province, and about 25% of these forests are found within formal conservation areas (Eeley *et al.*, 2001). The province also has all the three forest types found in the country: the Afromontane, coastal and scarp forests (Eeley *et al.*, 2001). These three forest types have varying species diversity, regeneration capacities, evolutionary histories and statuses, and they are important in conservation of the country’s biodiversity (Eeley *et al.*, 2001).

Goodman (2003: 843) identifies the major ecosystems in KwaZulu-Natal as follows: “marine coral reefs, rocky reefs, beaches, estuaries, coastal lakes, moist lowland and upland grasslands, dry forests, moist forests of various kinds (depending on altitude), and semiarid savannah systems, all of which contain the mega fauna typical of these habitats in Africa.” For example, the 350km<sup>2</sup> Lake St Lucia is Africa’s largest estuary, while Lake Sibaya “is the deepest natural freshwater lake in South Africa” (Cadman, 2007: 8). These landmark features are found in Zululand, the region north of the Thukela River, and they are part of the Great St Lucia Wetland Park (now called the iSimangaliso Wetland Park) which was declared a World Heritage Site in 1999 because of its rich biodiversity (Cadman, 2007). Some of this biodiversity is endemic to this province (Hurford, 1995).

Going further inland in the province, the vegetation is dominantly a blend of grassland and thorny *Acacia* trees, whose leaves and seed pods are eaten by wild animals such as the giraffe (*Giraffa camelopardalis*) and kudu (*Tragelaphus strepsiceros*), while cattle also feed on the seed pods (Cadman, 2007). The terrestrial ecosystems support a diverse range of wildlife. This is one factor which encouraged private landowners to invest in game farming as a viable alternative to conventional farming. As explained below, it is the role of the provincial authorities to carry the critical function of managing sustainably the biodiversity in areas under their jurisdiction and elsewhere in the province (Eeley *et al.*, 2001).

The state and nature of ecosystems in KwaZulu-Natal are important as they form the basis for the wildlife production systems. In this case, the mix of the spectacular landscapes, rich biodiversity and prevailing climatic conditions make wildlife production systems attractive. It is important to bear in mind, however, that as Pascual and Perrings (2009: 151) argue, “there are differences in the way that social groups identify and value biodiversity-based services ... investment/disinvestment decisions [are] made in the context of a certain set of preferences, ‘value systems’, moral structures, endowments, information, technical

possibilities and social, cultural and institutional conditions.” This shows that the biophysical characteristics favourable to wildlife-based land use are only one aspect to consider, as decisions into actual wildlife production are influenced by a mix of factors as Pascual and Perrings (2009) hint.

KwaZulu-Natal is the third smallest province in the country, but with a relatively high population density. The Census 2011 data shows that KwaZulu-Natal now has 94 361 km<sup>2</sup> of land area (see Table 1), an increase from 92 305 km<sup>2</sup> in 2001. The increase in land area in KwaZulu-Natal occurred as a result of the shift of the national boundary into the Indian Ocean in the north eastern part of the country to include the iSimangaliso Wetland Park.

Table 1: Percentage Distribution of Land Area by Province, 2011

<b>Province</b>	<b>Percentage of Total</b>
Northern cape	30.5
Eastern cape	13.8
Free State	10.6
Western cape	10.6
Limpopo	10.3
North west	8.7
Kwazulu-natal	7.7
Gauteng	1.4

Source: Statistics South Africa (2011a).

These administrative boundaries do not always correspond with the various bio-geographical areas, as a single natural region may cut across municipal or provincial boundaries. Privately owned land may also cross provincial boundaries. For example, in this research a discussion with a District Conservation Officer (DCO) working for Ezemvelo KZN Wildlife revealed that there are game farms (on the fringes of Newcastle and Utrecht) that straddle the KwaZulu-Natal and Mpumalanga Provinces which have different wildlife control regimes,

causing difficulties for such game farmers (Interview with Miranda Sikhakhane, 20 February 2013, Newcastle).

The district municipality of uThukela, chosen as the case study focus in this thesis, is found in the west of KwaZulu-Natal between the Free State Province to the north-west and Lesotho to the south-west (See Figure 2 in Chapter One). Within uThukela, you find the main economic centre of Ladysmith besides other smaller centres such as Estcourt and Weenen. The area between Pietermaritzburg and Ladysmith is referred to as the KwaZulu-Natal Midlands. This area is dominated by private landownership (commercial farms), and is characterised by gently sloping hills but relative plains towards Ladysmith (Cadman, 2007). This area is mainly where the case studies are situated. UThukela district has five local municipalities out of the 234 local municipalities currently in the administrative setup of the country (Statistics South Africa, 2011a). These are Emnambithi and Umtshezi which are part of this study in addition to Indaka, Okhahlamba, and Imbabazane (See Figure 2 in Chapter One). The following section presents some statistics from these regions in order to gain a sense of the human context.

### **The Demographic Context**

The population of KwaZulu-Natal province stands at 10 267 300 according to the Census 2011 data (see Table 2). This is the second highest in the country after Gauteng Province, the commercial hub of the country, at 12 272 263 (Statistics South Africa, 2011a). Approximately one fifth of South Africa's population live in KwaZulu-Natal. As can be seen in Table 2, the population growth rate of the province slowed down from 2.2% for the period between 1996 and 2001, to a modest 0.7% for the period 2001 to 2011 (within time spans of five and ten years respectively and it should be noted that this is one of the provinces hardest hit by the HIV/AIDS epidemic). The population pyramids of the province also show that the population is relatively young as the majority of the population is aged below 35

years. Table 2 indicates population figures for the province as a whole, as well as for the local and district municipalities where the case studies are located.

Table 2: Population Growth Rates of Two Local Municipalities (Umtshezi and Emnambithi), uThukela District Municipality, and KwaZulu-Natal Province

Area	Total Population			Population Growth Rate	
	1996	2001	2011	1996 – 2001	2001 – 2011
Umtshezi	47 693	60 087	83 153	4.6%	3.2%
Emnambithi	178 514	225 459	237 437	4.7%	0.5%
UThukela	556 550	657 736	668 848	3.3%	0.2%
KwaZulu-Natal	8 572 302	9 584 129	10 267 300	2.2%	0.7%

Source: Statistics South Africa (2011b).

Although the population of Umtshezi Municipality grew at a high rate, it has lower population numbers as compared to Emnambithi Municipality. This is partly because Emnambithi Municipality includes the town of Ladysmith which is the biggest urban area in uThukela District. There is an extremely high dependency ratio of 62.7%, 60.7%, and 70.9% throughout the chosen municipalities of Umtshezi, Emnambithi, uThukela district respectively (Table 3). The dependency ratio for KwaZulu-Natal Province is 58.8% (Table 3).

When these dependency ratio figures are viewed together with the high unemployment rates of 39.6% and 33% in uThukela District Municipality and KwaZulu-Natal Province respectively, this presents a dire situation. The provincial administration is under immense pressure to put mechanisms in place to ameliorate poverty experienced by the majority of the people. Some of these mechanisms involve unlocking the potential associated with natural resources including land through a transformative process, since as explained below there is skewed ownership in favour of a minority population.

Table 3: Dependency Ratios of Two Local Municipalities (Umtshezi and Emnambithi), uThukela District Municipality, and KwaZulu-Natal Province, 2011

Area	Population Aged 14 Years and Younger	Population Aged 65 Years and Older	Population Aged between 15 and 64 Years	Dependency Ratio (Percentage)
Umtshezi	28 568	3 480	51 105	62.7
Emnambithi	79 042	10 606	147 789	60.7
uThukela	246 345	31 269	391 369	70.9
KwaZulu-Natal	3 279 519	508 052	6 479 730	58.5

Source: Statistics South Africa (2011a; 2011b).

The issue of race seems to be inescapable when thinking about South Africa. Even in the post-apartheid period, the census records people's identities according to the racial categories prescribed by apartheid and it may be that this is necessary in order to assess measures for redress. 'Black' Zulu-speaking people constitute the largest group in KwaZulu-Natal (Table 4). There is also a significant presence in terms of people of South Asian origin, followed by "white" South Africans.

Table 4: "Race" Groups as Measured in the 2011 Census

Area	Black African	Indian/Asian	White	Coloured	Total
Umtshezi	75 024	4 836	1 907	1 135	82902
Emnambithi	217 855	10 427	6 367	2 329	236978
uThukela	636 394	16 023	11 437	3 923	667777
KwaZulu-Natal	8 912 921	756 991	428 842	141 376	10 240 121

Source: Statistics South Africa (2011b). Please note that the totals of these figures are like this from the source and do not tally with the total population figures of each respective area given in Table 1 above.

Given the historical background of the ownership of the means of production including land in KwaZulu-Natal, this is very significant to this study given that the majority of private game farmers are from a previously advantaged group (white people). The biggest share of land under other agricultural enterprises and economic sectors is also still white-owned. There are now also a few black game farmers, members of the emergent black elite in the country. Juxtaposing these white game farmers with the emerging black game farmers illustrates



Bond's (2004) idea of the transition from race to class apartheid in South Africa. These historical imbalances still exist in contemporary South Africa. Taking note of this situation is important in unpacking the discourses that emanate from the different stakeholders in terms of the governance issues surrounding natural resources including the wildlife sector.

### **History of KwaZulu-Natal Province**

As Tomaselli notes, “the researcher is never isolated from a broader community of inquiry that includes both past and future inquiry into the subject-matter” (Tomaselli, 2012: 10). It is important to understand that in the region known today as KwaZulu-Natal a major portion of land and inherently its resources in the province were transferred from the majority African population into the hands of the minority white population and subsequently privatised, as happened in other southern African countries (also settler states) (Child, 2009a). This account begins with the period of the Zulu kingdom, followed by white settlement that resulted in the establishment of the Natal Colony, and the subsequent destruction of the Zulu kingdom. I will then briefly cover the apartheid period and lastly touch on the democratic transition resulting in the formation of KwaZulu-Natal Province. These historical processes have a bearing on key issues from this study related to conservation and the wildlife governance systems which are covered in Chapter Six.

#### The Zulu Kingdom

Zulu is basically “a clan name, referring to the descendants of Zulu, a man who lived perhaps more than three hundred years ago in the vicinity of the middle reaches of the White Mfolozi River” (Guy, 1982: xvii). Derwent (2006: 4) gives an account of the origins of the Zulu kingdom by referring to Zulu oral tradition, which says that Mandela who “settled in the late sixteenth century on the banks of the Umhlatuze River” is the father of the Zulu people. The name ‘Zulu’, meaning ‘people of the skies’ or ‘people of heaven’ is said to have been derived from one of Mandela’s sons Derwent (2006: 4). In the eighteenth century, the Zulu were a relatively minor and inconsequential Nguni tribe. At that time the Zulu were

subjects of a powerful Mthethwa clan, under the leadership of Dingiswayo, who had subdued and assimilated many other small clans to secure trade routes and access to natural resources like pastures (Derwent, 2006).

The Zulu began to assert their power in the region under Senzangakhona at the turn of the century. Senzangakhona was followed by his son Shaka (born in 1787) (Derwent, 2006). The early years of the nineteenth century were marked by instability in the south-east African region characterised by fights for territory and political control amongst the chiefdoms, and Shaka successfully led his chiefdom to outdo his rivals during the Mfecane (Guy, 1982). The Mfecane describes the period of upheaval characterised by the resultant conflict that happened in south-east Africa. For instance, Shaka defeated the Qwabe in the south and pushed the formidable Ndwandwe under the leadership of Zwide northwards (Derwent, 2006). Thus by around the mid 1920s, the Zulu kingdom dominated “in the region between the Mfolozi River to the North and the Thukela River to the south” (Derwent, 2006: 4), an area that is still colloquially referred to as Zululand. Shaka had many royal kraals like the one at kwaDukuza close to the Thukela River (Cadman, 2007).

It was during this time of Zulu dominance in the region that the kingdom received white traders and adventurers, forerunners of the forces that would later face Shaka's successors and eventually destroy the Zulu kingdom (Guy, 1982). The arrival of the foreigners marked the period of conflict that would then ensue in this region. Shaka was assassinated in 1828 by his brother Dingane, who went on to become the Zulu king.

#### White Settlement and the Natal Colony

British traders who had arrived in this region in 1824 started a small town that later became Durban on the coast of the bay called eThekweni (Cadman, 2007). Initially, these traders concentrated on hunting and buying ivory and hides, but they later ventured into farming having noticed the fertility of the soils. Rowell (1902) described the arrival of the English

traders led by Lieutenant F.G. Farewell, who was an ex-officer of the Royal Marines, and how they established the town of Durban. They communicated with Shaka who allowed them to settle around the bay. New people kept on trickling into the area and links with the greater world were initiated, to the extent of having an American vessel visit Port Natal in pursuit of trade. Almost 190 merchants and others from Cape Town signed a petition to the English monarch, requesting to occupy the country as a British colony, but the request was turned down based on financial constraints. After eleven years had elapsed without municipal government, residents organised a meeting and resolved that they would form a township and an electoral governing body. They raised funds to clear the bush and set aside space for a church and schools. They named the new town D'Urban in honour of the Governor of Cape Colony, Sir Benjamin D'Urban, who accepted the gesture.

The Voortrekkers of Dutch origin also arrived from the Cape in the region between the Drakensberg Mountains and the Indian Ocean in search of land at the end of the 1830s (Guy, 1982; Cadman, 2007). Both Guy (1982) and Cadman (2007) agree that the Zulu were hesitant to attack the Trekkers but they went on to fight against them anyway. They fought on several occasions including the Battle of Blood River, also called the Battle of Ncome (Cadman, 2007). The Zulu were defeated and the Zulu kingdom went on to split when Mpande, Dingane's brother, sought the Trekkers' assistance to dislodge Dingane who later died in the Lubombo Mountains (Guy, 1982). Mpande took over as king in 1840 and his reign lasted for more than 30 years. His son Cetshwayo succeeded him in 1872. The Voortrekkers went on to settle and created the short-lived Republic of Natalia in the land given to them by Mpande as a reward for their assistance. They began farming but the entire region was taken over in 1843 by the British who set up the Colony of Natal.

Cadman (2007) also refers to the arrival of Indian indentured labourers in the 1860s, imported by the British to work in the sugar cane fields of the Colony. The Indians were to

play a critical role in the economy of KwaZulu-Natal as traders, shopkeepers and in being professionals such as lawyers and doctors.

The ultimate destruction of the independent Zulu kingdom, now limited to the region north of the Thukela River, is well articulated by Guy (1982). Cetshwayo kaMpande's reign lasted for only eight years. The British army with the support of colonial forces invaded the Zulu kingdom on 22 January 1879. They initially suffered a defeat in the battle of Isandlwana. However the Zulu military system was weakened and ultimately the Zulu king was taken abroad to exile. The invasion of 1879 was followed by ten years of civil war. Various means were used to undermine Zulu unity such as taking advantage of differences within the ranks of the Zulu society. For example, "partition was attempted, unsuccessfully in 1883 and successfully in 1887, when political authority was divided between the Transvaal and Britain" (Guy, 1982: xix). The Boer republic of Transvaal was involved due to the Boers having gained access to large areas of Zulu land during the civil war. The final blow to the Zulu kingdom came when the Zulu capital at Ulundi was destroyed. This was followed by the exodus of large numbers of Zulus "to work on the farms, railways, mines and in the homes of neighbouring colonists" (Guy, 1982: xix).

These developments marked the beginning of a new political, economic and social system which Guy (1982: xxii) aptly describes as follows:

*... Zululand was invaded in 1879 to facilitate the absorption of the Zulu people into the developing southern African capitalist system by the forcible acquisition of Zulu land and Zulu labour. The intention of those who planned the invasion of 1879 was to terminate Zulu political independence and free Zulu labour by means of a decisive military victory. The Zulu army thwarted this and as a result the war became merely the first stage in a prolonged process during which metropolitan and colonial forces undermined the strength of the Zulu by exploiting divisions within their society, and brought about a civil war which left*

*the country and its people open to political subjugation and economic exploitation.*

In losing their power and independence the Zulu faced many difficulties. Eventually the short-lived entity of British Zululand was ceded to the Colony of Natal in 1897. Under the 1903-5 Zululand Delimitation Commission, more Zulu land was expropriated in the early twentieth century to make way for white settlement and agriculture. There was an unsuccessful uprising by the Natal Zulu in the 1906 Bambatha Rebellion.

The patrilineal lineage system is one of the characteristic features of the Zulu which did not change at the time when the people were coerced into the South African capitalist system. The Zulu people had developed a robust social system in which the wealthy possessed cattle (Cadman, 2007), the ownership of which was directly related to both political and material power (Guy, 1980). In the Zulu kingdom, ownership of cattle determined the number of wives one would have (as cattle were exchanged for women's reproductive power through the practice of *lobola* or bride wealth), thus affecting "the size of lineage, homesteads, production communities, and number of producers" (Guy, 1980: 114). Centralised control of cattle in an environment in Zululand suitable for such land use allowed optimum utilisation of pastures, and Guy argues that the kingdom derived its strength and resilience partly from the physical environment which permitted human productivity (Guy, 1980). So the rise of the Zulu kingdom needs to be understood in this context of "the productive potentialities of the physical environment and the way in which it was exploited and changed by southern Africa's pre-colonial farmers" (Guy, 1980: 118).

As Duminy and Guest (1989) argue, the pervasive influence of the European economy was a hallmark of the south-east African region prior to the incorporation of the Colony of Natal (which by then included Zululand) into the Union of South Africa in 1910. This was the era of British industrial dominance and the expansion of British imperial power around the world. At first, Britain's interests in Southern Africa were primarily motivated by the strategic

significance of the region “in relation to British commercial interests in India and the Far East” Duminy and Guest (1989: xxiv). Later, the discovery of minerals such as diamonds and gold made southern African valuable in itself. The Western dependence upon natural resources from the South still continues up to today (Patnaik, 2015).

Duminy and Guest (1989) go on to articulate the negative impact of the growth of Natal’s economy on the colony’s physical resources and environment. In the pre-colonial period, they argue, African people lived in relative harmony with their natural environment, in the sense that even if they “needed vast numbers of animal skins for clothing, feathers for ornamentation and saplings for stockades and huts, there was no wholesale plundering of these natural resources” (Duminy and Guest, 1989: 429). In cases where the carrying capacity of the land had been exhausted due to over-utilisation, the Africans would allow that land to lie fallow by moving to a fresh piece of land (Duminy and Guest, 1989). Guy (1980) on the other hand argues that the decline of the physical resources was one of the reasons behind the decline of the Zulu Kingdom.

One of the impacts of the settlers, in tandem with African hunters, was the organized slaughter of wildlife to meet the needs of Victorian style and the extractive tendencies to clear forests for agriculture, a process that went hand in hand with fencing off of land (Duminy and Guest, 1989). By the mid-1870s most of the herds of animals had disappeared, despite the institution by the Colony of Natal of its first game law in 1866 (Guy, 1980). The slaughter of wildlife was also instigated by settler-farmers as a tsetse-fly control measure (Steele, 1979; Carruthers, 2013) after restrictions on hunting were lifted during the First World War (Brooks, 2001) in order to create a conducive environment to raise domestic stock by limiting the transmission of diseases (Steele, 1979). Later a preservationist ethic returned as the Natal Parks Board and its predecessor boards strove to develop first the Hluhluwe game reserve, and later the Umfolozi game reserve which had been the centre of game culling and tsetse fly operations (Brooks, 2005). Steele felt that resistance to the Natal

Parks Board's introduction of greater security measures such as "security outposts, or guard camps, [or fences] around the game reserves" stemmed partly from the fact that earlier on, farmers and sport hunters had been encouraged by the provincial administration to slaughter rather than protect wildlife (Steele, 1979: 6).

In the nineteenth century, 'native reserves' had been designated under the so-called Shepstone system and were intended to provide land access to the African population. However, these areas were inadequate and not equally distributed across the colony. Brooks, Spierenburg and Wels (2012: 209) aptly describe how the system disenfranchised local people, especially in parts of the colony where there were few such reserves:

*Few 'native reserves' or communal land areas were designated in the western part of the Natal Colony, with the result that from the 1870s, black people in the region needed to find places to live on white-owned farms. Informal (verbal) contracts were negotiated between farm owners and the heads of local Zulu-speaking households, in which the homestead head undertook to ensure that the members of his household performed labour for the farmer. In exchange, the homestead head gained access to grazing land for cattle and a place to establish his homestead or umuzi.*

This western part of the then Natal Colony includes the Midlands area where this study was conducted.

Thus many people ended up living as "squatters or labour tenants on privately-owned farmland", and even those on native reserve land were "trapped in a system from which the only eventual outlet for many would be to enter the labour market" (Duminy and Guest, 1989: 429). Beinart (1980: 120) describes the Africans who became "labour- or rent-paying tenants, farmers-on-the-half or squatters" in those areas where whites had total control of large swathes of land. (In the reserves, although squeezed into a smaller area overall, there was little alienation of land and communal land tenure persisted). The practice of labour

tenancy was very widespread in the Natal Colony (Lambert, 1995). In present day KwaZulu-Natal, this has important implications for the welfare of farm dwellers within the new democratic dispensation. The position of farm dwellers - former labour tenants - is fundamentally affected by the conversions from conventional farming to game farming highlighted in this study (see the issue of the proposed Gongolo Wildlife Reserve in Chapter Nine). Studies elsewhere for instance, in the Eastern Cape Province also show that people who have been resident on farms up to now also experienced the worst impacts of proletarianization (Evans, 2013; Mkhize, 2014).

### The Apartheid Era

After the destruction of the Zulu kingdom, 'native reserves' such as those in the Natal Colony were designated north of the Thukela River also. Guy (1982) argues that the Natives Land Act (Act No. 27 of 1913), promulgated by the Union of South Africa, simply reinforced this spatial order and only minor changes were made through the 1936 Native Trust and Land Act. The same pattern was maintained in the later KwaZulu 'homeland', with the result that the pattern of land ownership in the region was fractured with a mosaic of 'tribal' or communal land (the KwaZulu homeland) as well as "of white settlement and white corridors which dominated the most important areas of development, the resources, ports, and communication routes" (Guy, 1982: xix).

Through the Development Trust set up under the auspices of the Native Trust and Land Act of 1936, the state took firmer control of the land that would later be designated as homelands (Ntsebeza, 2003). The homeland of KwaZulu became self-governing in 1977 (Saunders and Southey, 2001). Some of the major features of the homelands during the apartheid period include massive population movements, environmental challenges, poverty, and poor labour conditions (Beinart, 1994). To make matters worse, tribal authority structures were made part of government structures of administration and they became more autocratic as they gained greater power (Ntsebeza, 2003). Traditional leadership has



persisted after the end of apartheid (Ntsebeza, 2005). In the post-apartheid province of KwaZulu-Natal (in which former 'white' Natal was reunited with the KwaZulu homeland), traditional leadership from the defunct Bantustan system was closely integrated into new governance structures (Beall, Mkhize and Vawda, 2005).

Access to and control of land has always been contentious and has strongly influenced organised political struggles starting from the early decades of the twentieth century (Beinart, 1994) up to now. For the greater part of the twentieth century, people in South Africa were expected to live in areas defined by racial identity. After 1913, this became more explicit and strongly enforced (for example, after 1913 black people were not allowed to purchase land on the open market, whereas in the former British colonies such as Natal, this had been possible). During apartheid, forced removals were implemented to enforce spatial separation and black-owned land was targeted as 'black spots'. According to Cock (2011; 2014), the environmental movement during the apartheid era was used as a conservation tool that disguised the lack of consideration of people's social requirements.

There was a struggle in the country against this system. The labour strikes in Durban for better work and living conditions around 1974 are an important landmark of this struggle in the KwaZulu-Natal Province (Cadman, 2007). The situation was complicated however by the power of the KwaZulu homeland under Chief Gatsha Buthelezi, and the last years of apartheid were marked by conflict between members of the major political groups of the ANC-aligned United Democratic Front (UDF) and the Inkatha Freedom Party (IFP) under Buthelezi. This intensified from the 1980s to the transitional period of the early 1990s resulting in numerous deaths. For example, from 1985 to 1995 over 10 000 deaths were recorded and more than 30 000 people were made homeless in the province as a result of the low-level civil war between the IFP and ANC (Haysom, 2002).

## Democratic Transition and the Birth of KwaZulu-Natal Province

South Africa went through a constitutional process resulting in a negotiated settlement which occurred in two phases; the establishment of binding principles, and the implementation of the agreed principles into the constitution (Haysom, 2002). The first phase started in 1993 up to April 1994, and was characterised by a multi-party forum agreeing on constitutional principles and adopting an Interim Constitution (Haysom, 2002). This paved the way for historic democratic elections in April 1994.

Amendments were made to the interim constitution during this period of negotiation. With respect to the Inkatha Freedom Party's (IFP) demands, there are significant changes that were accepted which are relevant here (Steytler and Mettler, 2001). The first one is that it was agreed to retain the name "Natal" but add it to the name of the former homeland, "KwaZulu". This led to the amalgamation of the former province of Natal and the KwaZulu homeland into one province, called KwaZulu-Natal. In terms of conservation management, each had its own conservation authority and these were amalgamated in 1997. (The history of conservation in the region is discussed in the next section). The second change is the recognition and the protection of the institution of traditional authority structures and the recognition of the Zulu King. The interim constitution allowed for the full legal reincorporation of all homelands into the new South Africa (Southall, 1994).

The elections gave birth to the National Assembly that acted as a Constitutional Assembly. Haysom (2002) describes the second phase of the constitutional process, which started in May 1994 up to February 1997 resulting in the production of the celebrated South African Constitution. Nine provinces were designated, replacing the former four provinces, each with great differences in terms of natural capacity, human development, and material wealth (Hawker, 2000). But even if the political boundaries of the apartheid era disappeared in the legal sense, their legacy is still an imprint in the population and social geography of South Africa (Fox and Lemon, 2000).

The de Klerk government began to repeal the body of discriminatory legislation, for example, through the Abolition of Racially-Based Land Measures Act (1991) followed by the amending legislation of 1993 (Saunders and Southey, 2001). As noted earlier, the democratic government elected in 1994 faced the challenging task of redressing the land imbalances without provoking a backlash from those holding onto the land, the majority of whom were whites. As a result, a 'property clause' was included in the Constitution which provided a guarantee that private property rights would be respected. At the same time, government embarked on a programme of land reform. The Restitution of Land Rights Act of 1994 is one such measure meant to redress the longstanding effects of the unjust land laws. Under this law, "expropriated land was to be returned, or alternative land provided, or compensation paid to those whose claims were valid" (Saunders and Southey, 2001: 102). This was to have an impact on the wildlife sector as discussed later starting from Chapter Six.

It can be argued that even though economic factors are not decisive, there is "an overall correlation between the level of economic development and democracy" in a country (Giliomee, 1995: 98). With the advent of democracy in South Africa, there were high hopes of economic development that would transform the lives of the previously disadvantaged majority African population. The democratic government adopted various policies and implemented various programmes in major sectors of the economy to this end such as the Reconstruction and Development Programme (RDP), followed by the neoliberal Growth, Employment and Redistribution Strategy (GEAR), and the Accelerated and Shared Growth Initiative for South Africa (ASGISA). Recently there was the adoption of the National Development Plan (NDP) (Republic of South Africa, 2012). In addition, transformation of local councils into developmental local government, with autonomy over its resources and land use (both public and private), was a transitional measure adopted soon after 1994 (Pycroft, 1998) (see Chapters Six and Nine).

## History of Nature Conservation in KwaZulu-Natal

This section gives a brief account of the history of nature conservation in this region, within this broad historical narrative. As already noted, historical and political factors such as the colonial processes of dispossession, racial segregation, discriminatory regulations and the apartheid system that was imposed in 1948 disenfranchised African people including in their relationship with land and the environment (Khan, 1994). These colonial processes had the effect of alienating African people from their land, disconnecting them culturally and spiritually from their environment, thus impacting negatively on their perceptions about nature and its conservation (Muir, 2002; Draper, 2003a, 2003b; Bond *et al.*, 2009). These colonial processes also caused “the decline of smallholder African agriculture” (Neves and Du Toit, 2013: 94). The colonial game protectionist concept sidelined Africans (Cock, 2014) and outlawed their hunting practices on the assumption that African hunters were not responsible enough, portraying them as environmentally destructive (Pickover, 2005; Child, 2009a). In essence, the rural African people became losers in the struggle for resources (Draper, 1998, 2003a).

Khan (1994) raised another crucial point, that not much attention or credibility is given to customs and taboos in the traditional systems that were used by the African people to protect their environment and natural resources (see also Child, 2009a). Player (2014) repeats the idea that large expanses of forests and grasslands were reserved for the exclusive utilisation of the Zulu royal family, including the area between the Black Umfolozi and the White Umfolozi, today represented as “Shaka’s royal hunting ground” (Natal Parks Board, undated a; but see Brooks, 2000). This area is currently part of the central area of the Umfolozi side of the present greater Hluhluwe-Umfolozi Game Reserve. As shall be seen in later chapters, some of the current perceptions of various stakeholders towards nature and biodiversity conservation are shaped by this historical context: there is still substantial polarisation in terms of how and what could be the best possible ways of accessing, protecting and utilising natural resources, in this case wildlife.

Nature conservation in KwaZulu-Natal has been presented in a good light for instance, as shown through the writings of the well known conservationist Ian Player who has represented the views of his former game guard Maqubu Ntombela (Player, 1967, 1995, 2007, 2013; 2014; Williamson, 2006, Brooks 2008). Hurford (1995: 53) repeats the standard story:

*The province has a long history of conservation. It was at Umfolozi and Hluhluwe that the first land was set aside for animal protection in 1895, three years before the birth of the Sabi Reserve – later to become Kruger National Park. Umfolozi is known for its population of black and white rhino, rescued from extinction in a campaign by conservationist Ian Player. Among a host of other private and provincial reserves is the Itala Game Reserve ... with more than 70 species of mammals protected within its boundaries.*

Thus the province of KwaZulu-Natal is presented as being well known for its biodiversity conservation record. This is shown, for example, in Elliot's (1996) coverage of the province's pioneering work in introducing the 'wilderness' concept into South Africa, which was closely associated with Ian Player (Draper 1998). As argued in this thesis, KwaZulu-Natal Province has its own way of running the wildlife and conservation sectors, derived from this history, which makes it quite unique. Despite changes and new challenges, the provincial conservation authority in the post-apartheid period has clearly taken advantage of the capacities and practices that it inherited from this historical context. As demonstrated in Chapter Seven, this illustrates Cleaver's (2012) argument that bricoleurs modify already existing practices to provide mechanisms through which institutions serve a variety of functions.

Before describing in more detail the institutional arrangements for conservation in the province, it is worth expanding a little on the rhino story, an area where the province's

conservation authority has been especially applauded. As Brooks shows, the colonial authorities had long paid particular attention to the preservation of white rhino (see Brooks, 2006). Carruthers (2013: 195) says that “by the early twentieth century ... a few [white rhino] – around 25 – managed to survive at the junction of the Black and White Umfolozi Rivers in Zululand.” However Brooks (2001, 2006) and Rookmaaker (2002) suggest that the surviving white rhino population could have been much higher, around 200 prior to 1929, the numbers having initially been intentionally estimated to be in the 20s in order to paint an impression of a dire situation and hence to justify the lobby to government to act urgently. This involved putting the white rhino on Schedule C (thereby becoming Royal Game), allowing their hunting only upon securing a permit from the authorities. Rhinos were protected even after the Umfolozi Game Reserve had been officially de-proclaimed between August 1920 and 1930 due to pressure from the settler farming community as a result of the nagana disease (Brooks 2001, Rookmaaker, 2002).

As Steele (1968: 113) points out, one of the major reasons why the Natal Parks Board undertook “Operation White Rhino” in the 1960s was “the cold fear that if a disease or calamity should overtake the white rhino here, they would be gone forever to the lasting disgrace of mankind” (see also Harthoorn, 1970). Ian Player and Nick Steele are prominent figures within white South African conservation circles and served as game rangers in the Zululand reserves (Steele, 1968, 1971, 1979; Harthoorn, 1970; Draper, 1998; Player, 2013; see also Chapter Seven in relation to the conservancy movement). The “rescue” of the southern white rhino (*Ceratotherium simum simum*) code-named “Operation White Rhino” happened between 1961 and 1966 (Player, 1967, 2013; 2014; Brooks, 2006; Carruthers, 2013). With the help of veterinary physiologist Dr. A.M. Harthoorn, a team of game rangers and game guards who included Ian Player, Nick Steele, John Clark, and Maqubu Ntombela managed to develop better means to immobilise (by developing the M99 drug), capture, transport, and release the rhinos and introduce to integrate them successfully to their new habitats (Steele, 1968; Player, 1967, 2013; Harthoorn, 1970; Brooks, 2006; Carruthers,

2013). (See Chapter Six for the current controversy surrounding the M99 drug). As Steele (1968: 122) recounts, Ntombela “was the official tracker of Operation Rhino.”

The name of such a rescue initiative shows that it was military in character, similar to other conservation efforts which targeted specific endangered species in the period after the Second World War (Steele, 1968; Adams, 2004). Ian Player even acknowledges that:

*Operation Rhino, which we named in honour of the rhino, also owed its terminology to our respect for those men who fought in various actions in the Second World War. Our small group were like soldiers, tightly disciplined and dedicated to the task (Player, 2013: xxx).*

Ian Player who was the supervisor of the field operations for Operation Rhino (Steele, 1971; Player, 2013) had participated in the Second World War (Draper, 1998). At that time there were about 600 to 700 white rhinos remaining in the world, mainly concentrated in the Hluhluwe/Umfolozi Game Reserve complex (Player, 1967; Waldram, Bond and William, 2008).

By 1986 at least 3 000 white rhinos had been translocated out of the Hluhluwe/Umfolozi Game Reserve complex leaving the reserves with their estimated carrying capacity of around 900 animals (Natal Parks Board, 1986). Emslie and Brooks (1999) put the white rhino population in 1929 at 150 (a conservative estimate, as mentioned above), and this increased to 4 137 as of 1987. The Natal Parks Board translocated 2 648 southern white rhino from Hluhluwe/Umfolozi Game Reserve between 1967 and 1981 (Emslie and Brooks, 1999). In the same vein the Natal Parks Board has played a critical role in the conservation of the black rhinoceros *Discornis discornis* in South Africa. There was concern that this rhino species too was concentrated in one region and so efforts were made to widen the geographical extent of both species by relocating some of them elsewhere around the world (Player, 1967; Player, 2013). Carruthers (2013: 196) argues that, “the technology developed in KwaZulu-Natal not only saved the rhino but also revolutionized wildlife conservation; it led

to the creation of many game reserves in southern Africa and thus spawned the sustainable eco-tourism industry.”

In terms of administrative arrangements, the Natal Parks Board through Ordinance 35 of 1947 became a statutory body on 1 December 1947 with Colonel Jack Vincent OBE as its first Director under Douglas Mitchell, who was the Administrator of Natal in 1945/46 (Natal Parks Board, 1986; Natal Parks Board, undated a). Prior to that, nature conservation in Natal was administered through a succession of boards starting from the Natal Fisheries Board (1916), the Inland Fisheries Board (1935), up to the Zululand Game Reserves and Parks Board (1939). (For the latter, see Brooks, 2005). The Natal Parks, Game and Fish Preservation Board came into being on 1<sup>st</sup> December 1947 in terms of Ordinance 35. The first Director of the Natal Parks, Game and Fish Preservation Board was Colonel Jack Vincent OBE, who had participated in the Second World War. It was during Colonel Jack Vincent’s leadership that Operation White Rhino was undertaken in 1963 with Ian Player, who was the Chief Conservator for the Natal Parks Board in Zululand (Steele, 1971), as supervisor of the field operations (see Draper, 1998 and Brooks, 2006). Operation Rhino earned a good reputation for the Natal Parks Game and Fish Preservation Board for its successful saving of the white rhino by spreading the population of the species across southern Africa (Player 1967; 2013). Thus, even today these populations of white rhino across southern Africa show genetic linkage and origin to the species in the Umfolozi Game Reserve.

The Natal Parks Board was a semi-autonomous statutory body which consolidated control over game, fisheries and recreational parks in the province and resisted centralisation attempts (Brooks, 2004). John Geddes-Page succeeded Colonel Jack Vincent as Director in June 1963. During Geddes-Page’s time, the Natal Parks Game and Fish Preservation Board was renamed the Natal Parks Board (Draper, 2003a). All major dams in Natal also



came under the management of the NPB with respect to nature conservation and human recreation. When Geddes-Page retired in 1988, Dr George Hughes succeeded him.

According to de la Harpe *et al.*, (2009: 204) a major reason why the Natal Parks Board was a semi-autonomous body “with its own governing board, was to free it from the bureaucratic controls of direct government and to make it independent of political influence.” As part of this process, the Natal Parks Board moved to a greater reliance on tourism, opening up game reserves as tourist destinations from the 1940s (Brooks, 2005). This enabled it to mobilise financial resources and public goodwill to support and thus strengthen its conservation efforts (de la Harpe *et al.*, 2009). One of the reasons why governance of conservation under the Natal Parks Board has been successful was the adoption of “management practices that are more closely related to those used by private-sector commercial organisations” (de la Harpe *et al.*, 2009: 190).

However, this process was not unmarked by conflict. The Natal Parks Board’s attempts to consolidate its conservation efforts met with resistance from white private landowners and African communities from the 1950s into the 1980s (Draper, 1998; James, 1999). For instance, there were forced removals of African people to create more space for game reserves (Brooks, 2005, 2006). Nick Steele chronicled the nature of the resistance in the case of Operation White Rhino. Steele (1979: 127) says:

*The protracted operations to capture displaced white rhino began in an atmosphere of hostility and cynicism, emanating not only from the farmers, the government officials and the tribesmen, but also from a proportion of our colleagues. This painful opposition from some of our own men led to bitter arguments.*

Draper (1998) also points to Ian Player’s impression that the resistance was severe except in a few cases including that of Chief Mangosuthu Buthelezi, a long-time supporter of wildlife

conservation. In the 1970s, under Buthelezi's leadership, the government of the newly declared homeland of KwaZulu put its own nature conservation body in place, that is, the KwaZulu Bureau for Natural Resources (BNR), which later became the KwaZulu Directorate for Nature Conservation (DNC). Steele moved from the Natal Parks Board to the BNR at Buthelezi's request. This conservation body claimed to include local communities in its conservation efforts, and argued that the local communities were the major beneficiaries of their natural resources. There was still substantial conflict, however, between the Bureau and local communities in some parts of northern KwaZulu. The BNR also had set aside its own formally protected areas, in addition to taking over reserves that had been under the jurisdiction of the NPB but were now geographically within KwaZulu's territory.

After the reintegration of the KwaZulu homeland at the end of the apartheid period, the Natal Parks Board and the KwaZulu Department of Nature Conservation were amalgamated to form the KwaZulu-Natal Nature Conservation Service (NCS) in 1998 (Foggin and Münster, 2000; Emslie and Brooks, 1999; Goodman, 2003). This merger took place "after a protracted process of negotiation which reflected ... historical tensions" between Chief Mangosuthu Buthelezi's KwaZulu's Bureau of Natural Resources headed by Nick Steele at that time and the Natal Parks Board (Draper, 1998: 818).

The name of the newly merged KwaZulu-Natal Nature Conservation Service was later changed to Ezemvelo KwaZulu-Natal Wildlife (EKZNW) and the first Chief Executive Officer was Dr George Hughes, formerly head of the Natal Parks Board. Ezemvelo is an isiZulu word referring to nature or natural resources. Khulani Mkhize later went on to become the new Chief Executive Officer after some restructuring of the agency. This is the agency that currently manages around 8% of the province through 110 protected areas proportional to 7127.9 square kilometres of its land area (Foggin and Münster, 2000; Goodman, 2003) while overseeing biodiversity conservation in the rest of the province. These changes were instituted after the watershed 1994 democratic elections and were initiated by the then MEC

for Environmental Affairs in KwaZulu-Natal Province. The main reason for this change was the need to streamline all conservation activities (a process which was not smooth for such a big organisation) to be under one umbrella body in line with the formation of the new KwaZulu-Natal Province.

### **Review of Land Tenure and Economic Planning in KwaZulu-Natal**

The last part of this chapter gives a brief overview of land-use and land tenure arrangements in the province, as well as the position of nature-based tourism within economic planning. KwaZulu-Natal Province is a critical region linked to sub-tropical agricultural and forestry production, but it has also experienced a high demand for industrial development which is to some extent at odds with the thrust for opportunities in relation to conservation based tourism (Fairbanks and Benn, 2000). Important landowners in KwaZulu-Natal Province include the Ingonyama Trust Board (which controls the communal or tribal tenure land that was previously under the KwaZulu homeland), corporate entities (including Tongaat Hullet, Sappi, and Mondi), municipalities, the state, private individuals, and Community Property Associations (Ingonyama Trust, 2012).

KwaZulu-Natal Province includes about 6.5 million hectares of land under commercial farming (Davis, 2007). An estimated 82% of this land is suited for extensive livestock production, while only 18% is suitable for arable agriculture (Davis, 2007). It has been estimated that about 10% of the land in KwaZulu-Natal is fallow (KwaZulu-Natal Department of Economic Development and Tourism, 2012). Almost 8% of the land in the province is classified as degraded due to inappropriate and uncontrolled use (Department of Agriculture, 2002). Within this context, there are different discourses arising from conflicting viewpoints and projections regarding the utilisation of natural resources for the benefit of various groups; for example, the case of differences between private game farmers and surrounding Zulu-speaking communities who own livestock is examined in later chapters.

The Ingonyama Trust Land requires more discussion. According to the Ingonyama Trust website there is 2.7 million hectares of Ingonyama Trust land in KwaZulu-Natal Province administered by the Ingonyama Trust Board (See Figure 3). This amount of land is about one third of the land in the province (Baldwin, 2011) and more than half the population of the province live on this communal land (Ingonyama Trust, 2012). Most of the land under Ingonyama is concentrated in the former KwaZulu region (Ntsebeza, 2003) in the homeland system instituted under apartheid (previously, these were native reserves, as explained above). The Ingonyama Trust articulates its claims to legitimacy on its website. The Zulu people, it is argued, under different clans have the right to ownership of the land by virtue of their historical occupation of such, even dating back to the pre-colonial era (Ingonyama Trust, 2012: 10):

*These clans are under the institution of Traditional Leadership with Inkosi in Council as the head of the clan. The Traditional Council is a body corporate in terms of the law which administers the affairs of each clan. In turn all traditional leaders form the component of ubukhosi (kinship), with His Majesty, the King as the Head of the Zulu nation. He is the head of the nation while the Traditional Leaders are the body thereof. The allocation of land on the ground by these Traditional Councils is in terms of the Zulu indigenous law.*

This setup is evidence of deeply entrenched Zulu tradition in the control of access and use of natural resources, although it must be remembered that much of current practice derives from communal property law dating back to the colonial period.

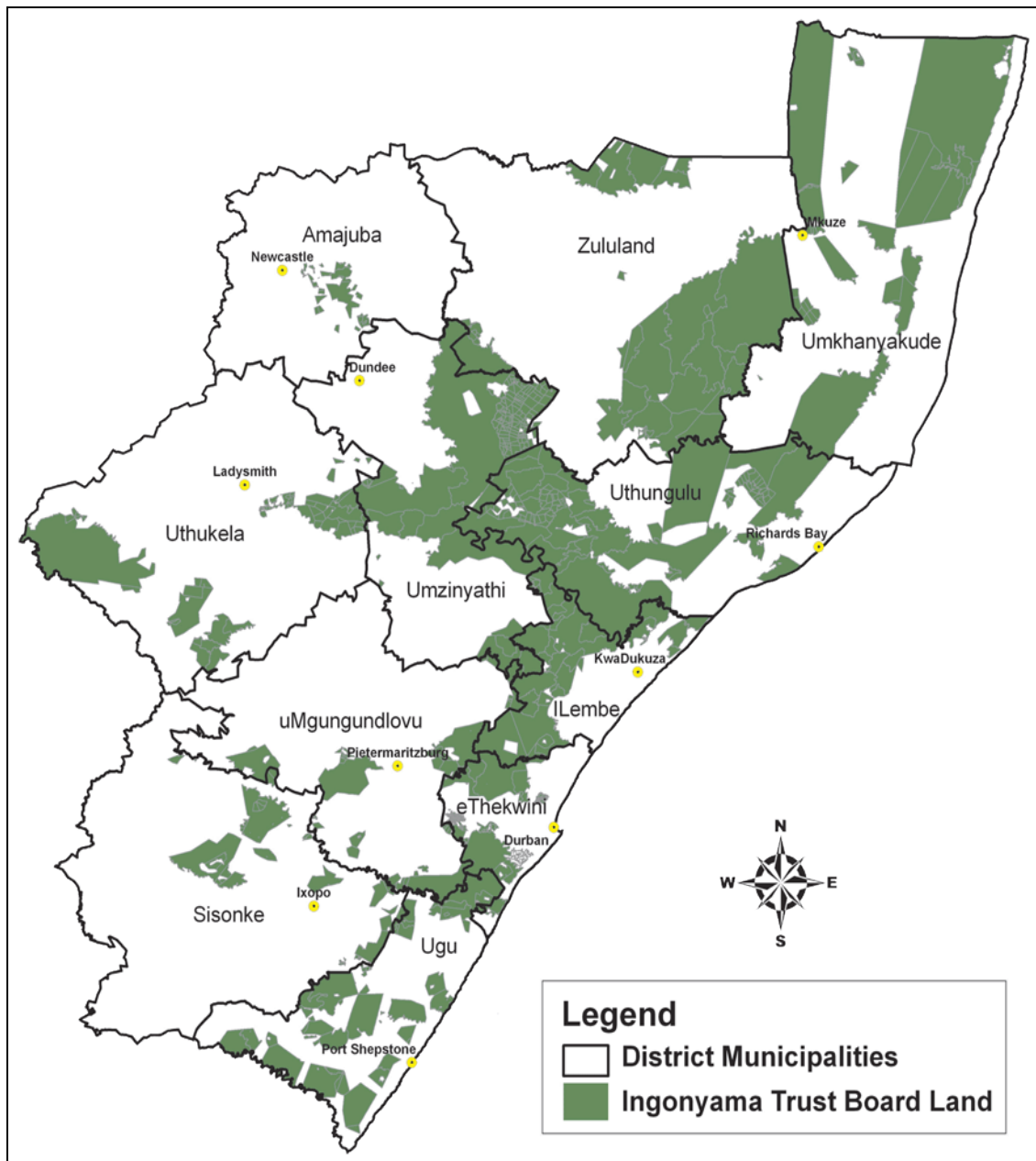


Figure 3: Ingonyama Trust Board Land in KwaZulu-Natal

Source: Ingonyama Trust [Online] URL: [http://www.ingonyamatrust.org.za/web/wp-content/uploads/land\\_map\\_transp.gif](http://www.ingonyamatrust.org.za/web/wp-content/uploads/land_map_transp.gif) Accessed: 02/08/2011.

Former President de Klerk assented to the KwaZulu-Natal Ingonyama Trust Act in 1994, just before the watershed democratic elections, to allow Zulu King Goodwill Zwelithini to be the sole trustee to administer the land with the expenses to be paid by the newly formed KwaZulu-Natal Province (Klug, 1995; Letsoalo and Thupana, 2013). The KwaZulu-Natal Ingonyama Trust Amendment Act 9 of 1997 paved the way for the establishment of the

Ingonyama Trust Board “to function as landowner-in-law of Ingonyama Trust land” (Ingonyama Trust, 2012: 10). One of the major functions of the Ingonyama Trust is to manage the land on behalf of the people for their material and social benefit. For example, the Trust has a real estate division that oversees property development on its land, and leases out some of the land, but rarely does it sell any land (Marongwe, 2003). The trust also oversees the administration of tenure rights that even include those of massive public infrastructure. The system is broadly referred to as a system of communal tenure as there is no individual land ownership on these lands.

The economic views of the provincial authorities, and opportunities formulated by the private sector, are now briefly discussed. Given the high rates of unemployment and dependence, there are major challenges facing the provincial authorities in formulating a coherent economic vision. What is interesting is that high rates of unemployment persist despite high levels of economic growth, which begs the question of how the benefits of this growth are distributed – an issue that is also of importance when studying the impacts of conversions to game farming. According to the April 2014 issue of the *South African Local Government Briefing* KwaZulu-Natal is the second poorest province, after the Eastern Cape Province, with its South African Multidimensional Poverty Index having dropped by half from 0.10 in 2001 to 0.05 in 2011<sup>4</sup> (see also Neves and Du Toit, 2013). It is also reported that about 23% of the province’s households earn less than R620.00 per month.<sup>5</sup>

The Gross Domestic Product per Region (GDPR) of the province of KwaZulu-Natal grew steadily from 1995 reaching a high of 5.9% in 2007 (Trade and Investment KwaZulu-Natal, 2012a). The GDPR is currently at R299.1 billion per annum, and grew faster than the national economy from 2000 at a rate of 4.3% except in 2009 when there was a decline of -1.9% and the province lost 117 000 jobs (KwaZulu-Natal Department of Economic

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<sup>4</sup> See “KwaZulu-Natal and Eastern Cape the poorest provinces, with Msinga the poorest municipality in SA” *South African Local Government Briefing* April 2014.

<sup>5</sup> Ibid.

Development and Tourism, 2010). The province of KwaZulu-Natal boasts the second largest economy in the country after Gauteng, contributing approximately 16% to the national gross domestic product (GDP) (Trade and Investment KwaZulu-Natal, 2012b). In its promotional material, Trade and Investment KwaZulu-Natal states that the province is rated as a powerful centre for industrial development in the region and it offers a competitive tourism environment as well. Emphasis is placed on its diversified economy which encompasses capital-intensive manufacturing, transport, communications, and finance and business services in addition to agriculture, forestry, fishing and accommodation sectors. The manufacturing sector in KwaZulu-Natal is also the second largest in the country after Gauteng Province and it contributes about a third of the country's manufactured exports and 20% of the province's employment (Trade and Investment KwaZulu-Natal, 2012a).

Extolling the attractions of the province, Trade and Investment KwaZulu-Natal (2012b) states that KZN has a number of formidable competitive advantages which include abundant natural resources, two harbours (Durban, which is the busiest harbour in Africa and Richards Bay, which is the biggest), King Shaka International Airport, the Dube Trade Port, and a pleasant climate. This puts KwaZulu-Natal in a competitive and strategic position by linking the country to the rest of the world. The province is endowed with a lot of water resources hence its agricultural sector is well established. There is a significant proportion of small-scale farmers on communal lands (Dubb, 2012), while the sugar industry is one of the large scale commercial farming activities in KwaZulu-Natal supporting the livelihoods of about one million people (Deloitte Management Consultants, 2010). However, the historical growth of large scale commercial farming is steeped in the dispossession of black people of their land (Dubb, 2012).

In 2012 the KwaZulu-Natal Department of Economic Development and Tourism (DEDT) published its "green economy" strategy for the province with the aim of transforming the provincial economy to realign it with national policy. The DEDT poses that the idea of a

green economy shows a rethink of the conventional 'business as usual' economic model. The green economy approach is premised on the recognition of the limits exerted by environmental systems, such that the economic system should be subsumed and influenced by the environmental assets existing in a specific locality. This should involve changing the structural makeup of business, infrastructure, and institutions for them to adapt to sustainable ways of production, distribution, and consumption. Cock (2014) argues that the green economy in its transformative formulation could be an option for sustainable development but this is at odds with the South African government's take which is neoliberal in outlook as part of the broad agenda of commodification. Since the state has embraced such a trajectory, and having taken centre stage in propping up the green economy approach (Death, 2014), it is important to ask how these ideas will translate into action and what will be their likely impact on the poor as part of social and environmental justice.

The KwaZulu-Natal Department of Economic Development and Tourism (2012) cites a United Nations definition of the green economy as one that "results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities" (United Nations Environment Programme, 2010: 4). However the KwaZulu-Natal Department of Economic Development and Tourism (2012: 5) goes on to formulate its own definition of the green economy suitable for the province, as follows:

*[The aim is] the development of an economy where there is a shift towards the goal of 'resilience' rather than growth, greater social equity and justice, and investment in the protection and enhancement of the environmental asset base, thereby reducing environmental scarcities and risks.*

The green economy is a contested concept (Faccar, Nahman and Audouin, 2014) and criticism has been levelled against the concept for instance, for its neoliberal leanings (Cock, 2014) and contradictions (Death, 2014). There are, therefore, many discourses on the green economy which illustrate the agendas of those who say them as well as the power relations within them (Kamuti, 2015).



The budget policy speech for the 2010/2011 financial year was given by the KwaZulu-Natal Member of the Executive Council (MEC) for Economic Development and Tourism, Michael Mabuyakhulu, on 13<sup>th</sup> April 2010 in the KwaZulu-Natal Legislature.<sup>6</sup> This speech stated that tourism contributes 10% (R30 Billion) to the GDP of the province. Out of this overall tourism income, nature tourism has a significant local economic impact in KwaZulu-Natal (The World Bank and Development Bank of Southern Africa, 2002). The province receives about 1.3 million foreign tourists and 13.9 million local trips (about 35% of the national total) annually (Trade and Investment KwaZulu-Natal, 2012a). This makes the province a comparatively popular destination in the country and the southern African region.

According to Deloitte Management Consultants (2010), the province has benefitted from the upsurge in tourism to the country since 1994, “buoyed by the integration of the country into the world economy coupled by its beauty, idyllic climate, rich history, cultural diversity and good customer service.” In the year 2007 tourism is estimated to have contributed about 8.1% to the country’s GDP, around 400 000 direct jobs and earnings worth R60 billion of foreign exchange (Rivett-Carnac, 2009). Aylward (2003) outlines how the World Bank Research Committee and the World Bank’s Africa Region sponsored a research project entitled “*Nature Tourism and Conservation*” that was undertaken from 1999 up to 2002. According to Aylward (2003), the province was selected by the World Bank to boost the Bank’s capacity to offer appropriate policy advice to its target clientele at a global level concerning important environmental, social and economic issues linked to enhancement of nature tourism. The Bank chose the case study of KwaZulu-Natal Province, South Africa with its affiliate organisation, the Ezemvelo KwaZulu-Natal Wildlife, for this project to “assess how various policy, institutional, and managerial alternatives can enhance nature tourism’s contribution to biodiversity conservation, economic development, and social equity, with a

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<sup>6</sup> Budget Policy Speech 2010-2011 Delivered by KwaZulu-Natal MEC for Economic  
<http://www.kznded.gov.za/Portals/0/BUDGET-SPEECH%20final.pdf> Accessed: 23/07/2013

particular focus on the intermediary role played by alternatives for increasing money flows from conservation activities” (Aylward, 2003: 3). (See Bond, 2005 for a critique of the World Bank’s influence in South Africa).

The KwaZulu-Natal core tourism experiences are beach (coastal holiday areas), wildlife (both public protected areas and private game farms), scenic (such as the Drakensberg mountains), and heritage (for example historical battlefields) (KwaZulu-Natal Department of Economic Development and Tourism, 2009). The province boasts two World Heritage Sites which are the Greater St Lucia Wetlands Park (now Isimangaliso), and the Ukhahlamba/Drakensberg Mountain Reserve (Muir, 2002; KwaZulu-Natal Department of Economic Development and Tourism, 2009). Plans are afoot to develop and transform the tourism sector so that it achieves destination competitiveness (KwaZulu-Natal Department of Economic Development and Tourism, 2013). The government encourages public private partnerships in the tourism sector (especially in the coastal and wilderness areas) to strengthen the role of the private sector, reducing the strain on public resources while maintaining the ecological integrity of habitats and balancing the needs of the broader community (Elliot, 1996; Trade and Investment KwaZulu-Natal, 2012a).

Tourism will no doubt continue to play a critical role in the economy of KwaZulu-Natal with its recognition in the New Growth Path. The New Growth Path is an economic policy framework adopted in 2010 by the South African government to enhance economic growth, employment creation and equity through infrastructure development and partnerships in key economic sectors (South African Government, 2010). This thesis attempts to examine how government is managing this task with reference to developments taking place in the private wildlife sector which is also part of the tourism sector. Further questions also arise when one analyses the likely implication of the notion of the “New Tourism” which describes the search by tourists for an understanding of everyday experiences in host countries, interacting with

the real locals and also caring about the impact of their visit (KwaZulu-Natal Department of Economic Development and Tourism, 2013).

A study by Chellan and Bob (2008) in the uKhahlamba Drakensberg Park area has shown that there may be negative economic impacts to the host communities which perpetuate the inequality in the industry. Evidence from a study of “small-scale nature-based tourism as a pro-poor development intervention” in KwaZulu-Natal, indicates that even if the natural environment can be used to support a pro-poor approach to tourism development, it does not necessarily work as a solution or mean that far reaching changes will follow (Hill, Nel and Trotter, 2006: 163). This is despite efforts that show a shift in approach from exclusion of African communities, though sometimes driven by elites, to the promotion of their active participation in issues relating to their interests such as tourism (Brennan and Allen, 2001; Muir, 2002; Draper, 2003a; Draper, Spierenburg and Wels, 2004; Brooks *et al*, 2012).

## **Conclusion**

This chapter has introduced the reader to the KwaZulu-Natal Province, including the history of conservation in the province, part of which persists and shapes present day conservation practices. The historical background of KwaZulu-Natal Province shows the sidelining of the African population in terms of access to land and its associated natural resources under the unjust systems of colonial conquest, forced removals, and apartheid. In the same vein institutional processes that governed human-nature relations then were altered or destroyed in favour of modified or new institutions. This was done for various reasons, one of which was to create reserves of labour to work in the imperial capitalist economic system (Bond, 2005). This act of alienating African people from their land had impacts on their traditional economic and environmental management systems. Unequal and inequitable distribution of and access to resources in present day South Africa, including KwaZulu-Natal Province is partly because of these historically induced differences.

Due to its particular history, on one hand KwaZulu-Natal Province has inherited large areas of land under communal tenure and run by the Ingonyama Trust. On the other hand, a major portion of land and inherently its resources in the province were transferred from the majority African population into the hands of the minority white population and subsequently privatised, as happened in other southern African countries. There is often poor integration between land under private tenure (largely white-owned) and communal tenure lands, thus setting in motion different streams of institutional bricolage processes in the governance of wildlife resources.

South Africa being part of the international community is also not spared from globally induced forces that impinge on the local situation (Narsiah, 2007). At the dawn of democracy the new government inherited a burden of the need to improve the life of the previously disadvantaged. How does that improvement proceed in a case where a few people control the lion's share of the economy? Nature tourism is seen as one of the economic sectors that can be used to unlock the developmental potential of an area and the wildlife sector plays a core function in these endeavours. The nascent role of the World Bank (representing global capital) has been alluded to in this chapter, reflecting how it locally influenced the governance of the private wildlife sector through its involvement in South Africa's democratic transition in general and in nature tourism in KwaZulu-Natal in particular. As highlighted in Chapter One, changes have taken place in the South African regulatory framework which has implications for the private wildlife sector. The role of the state has drastically shifted albeit in an economic structure which is still reflective of the old order.

The following chapter starts to unpack the governance arrangements around the private wildlife sector. Chapter Six shows findings with respect to contemporary governance systems in KwaZulu-Natal associated with the wildlife sector, paying more attention to the private sector that owns the bulk of the land in the province. This will begin to unravel the

intricate power relations that exist among the role players and how they position themselves in that mix.

## **CHAPTER SIX**

### **THE FRAGMENTED STATE: UNCERTAINTY IN WILDLIFE GOVERNANCE ARRANGEMENTS**

#### **Introduction**

This chapter is a discussion of the fractured state, showing how different government departments at national and provincial level effectively operate in silos and how game farmers take advantage of that situation. It highlights issues related to dynamics in the formal governance of private game farming in KwaZulu-Natal Province. In analysing the governance of private game farming, I start by looking at the state since it is the custodian of all natural resources including wildlife. The state has the legal mandate to protect and maintain biodiversity. The idea here is to emphasise the role of the state as a point of departure in laying out the regulatory mechanisms with regard to wildlife and how the state interacts with other stakeholders. I am taking this approach to ignite the analysis of the whole matrix of relationships that exist amongst the various role players and stakeholders.

On the one hand, the actions of stakeholders outside the state are a reaction to what the state is projecting in terms of policy pronouncements and regulatory practice. On the other hand, it is also conceivable that some of the stakeholders have acted ahead of state regulations and that the state has had to play a catch up role by being nudged to act in light of new developments in the wildlife sector. The state facilitated the early development of game farming through legislation but has not been able to keep up with further developments in the private wildlife sector. The changes in legislation and regulations provide room for game farmers to manoeuvre, but at the same time these changes also create uncertainty for game farmers. Key environmental, agricultural and land reform

legislation passed since 1994 affects the wildlife sector though sometimes without providing a clear regulatory framework.

I explore the role of the state in the governance of the wildlife sector in South Africa and KwaZulu-Natal in particular, looking at all three tiers of government. I also take cognisance of the need to view these governance arrangements in relation to the position of game farming at the interface of the agricultural and environmental sectors. It is crucial to explain the role of the state in response to the competing needs over land in the game farming sector. The argument advanced in this chapter from the evidence is that there is uncertainty in wildlife governance mechanisms. In the absence of clear guidance, various actors have been playing the role of 'bricoleurs', stitching together day to day practices that enable the private wildlife sector to operate and keep thriving.

### **Setting the Scene: Game Farming Regulation in the Context of Post-Apartheid South Africa**

The broad policy context in South Africa is crucial in forming the basis for sector-specific policies; for example the national environmental policy in turn cascades down to the private wildlife ranching sector. The first chapter of the National Development Plan (NDP) is entitled "Policy making in a complex environment". As the report notes, "The current financial crisis has highlighted the increase in economic inequality globally and given rise to a call for efficient market policies that also embrace principles of social justice" (Government of South Africa, 2012: 76). This suggests that economic issues have precedence over social issues as shown by the "call for efficient market policies" that is in turn expected to "embrace principles of social justice."

While policy making in South Africa in general is immersed in a complex environment, it is not merely coincidental that policy making in the wildlife sector is also shrouded in a context of uncertainty as argued in this chapter. The contradictions of a neoliberal framework in

policy formulation alluded to in Chapter One are reflected in the governance of natural resources (in the form of wildlife in this case) as argued in this thesis. National legislation and regulations are under constant review and measures not intentionally aimed at game farming may end up impacting on the sector anyway.<sup>7</sup> Cousins, Saddler and Evans (2010) made the important observation that the wildlife sector has grown ahead of regulation, with the state unsure of its role in regulating private landowners.

At the national level, the private wildlife industry effectively pits the Department of Environmental Affairs and the Department of Agriculture, Forestry and Fisheries against each other as major bricoleurs in institutional processes that govern the private wildlife sector. This situation places game farming at the interface of these two Departments in terms of the major regulations that impact on the sector. Thus, this situation has much significance in understanding the operations, overall outlook and trajectory of the game farming sector. Legislation under the Department of Environmental Affairs (DEA) that has a direct effect on the private wildlife industry is listed in Appendix I while that under the Department of Agriculture, Forestry and Fisheries (DAFF) is listed in Appendix II. I shall not delve deeply into the details of each of the pieces of legislation here, as my interest lies mainly in the identification of the issues that were raised by the various stakeholders, who of course react to the various pieces of legislation or regulatory processes.

The important role of the Department of Rural Development and Land Reform (DRDLR) in game farming is obscured in the tussle between the DEA and DAFF, but as shall also be illustrated in Chapter Nine, the DRDLR has a critical role to play. In the meantime I will start to argue here that the DRDLR's position on land has serious implications for the operations of the game farmers. The Department of Tourism also has an influence on issues relating to the packaging of the wildlife industry as part of the tourism sector.

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<sup>7</sup> In a bid to cater for or catch up with developments in the agricultural and environmental sectors with regards to land, rural development, game farming and biodiversity conservation, the South African state is shifting its policies and laws governing the natural resources such as land and wildlife as argued in this thesis.



In terms of institutional bricolage, the scenario just described can be explained through the various government departments acting as 'bricoleurs' representing the South African state's policies and regulations. While each department brings its own thrust and focus in meeting a common goal, they also have overlaps and points of differences in how they operate. In reality the involvement of various departments at different levels of governance inherently brings with it diverse interests, a situation that Cleaver (2012: 45) terms "fuzzy assemblages of meaningful practices." Sometimes certain institutional processes tend to dominate others, thus pointing the governance arrangements towards a particular trajectory. For instance, the role of the DRDLR on game farming is obscured in the tussle between the DEA and DAFF and yet issues concerning land are significant to game farming. There is also disagreement about which department should be leading the process of streamlining all the regulations on game farming.

The DAFF took the initiative of developing a game farming policy, while the DEA has been leading its traditional crusade for biodiversity conservation in the country. In the Government Gazette of the 7<sup>th</sup> July 2006 (Notice 874 of 2006), the then Department of Agriculture published a policy on game farming and called for public comments. Important issues relevant to this study were raised in this proposed policy on game farming and these are highlighted here. The document notes that:

*While game farming may have been recognised as an agricultural activity by the former Department of Agricultural Development in 1987, this was not formalized during the amalgamation of the Departments in 1993, with the result that uncertainty still exists as to where this sector belongs (Department of Agriculture, 2006: 5).*

To date there is no coherent game farming policy in South Africa. That 'uncertainty still exists' in the sector, not only as to where it belongs but in terms of the modalities of their operations, is partly connected to this background. A clear game farming policy would act as

the guiding framework to base different forms of legislation crafted to regulate the private wildlife sector. Game farmers are currently operating on the basis of abiding by the different pieces of legislation and regulations emanating from these two major departments from mainly the national and provincial levels, and to a lesser extent from the local level.

The proposed game farming policy makes reference to concerns that were raised at the Land Summit of 27-30 July 2005 with regard to the upsurge in game farms, in particular the suspicion that this surge was a ploy by landowners to oppose any possible change in land ownership (Department of Agriculture, 2006). There was, it stated, a fear that landowners would be able to cite 'conservation' significance as a justification for the fact that the land is no longer to be used for conventional agricultural purposes. This situation of converting land to game farming could thus be a form of gate-keeping on the part of the current owners of private land.

In my own interaction with various actors, I have concluded that it is a difficult point to prove. There are cases that I came across where game farmers have offered their land for sale to the government or they have not contested restitution claims, and yet government has been dragging its feet to settle such cases. In cases where I asked this question to game farmers, they would not agree to the charge but cited mainly economic reasons associated with the factors favourable to game farming as an investment. (One example is my interaction with Collette on 6 March 2013 in Estcourt, the only female game farmer among those whom I interviewed). In any case, if this was a strategy, it has not been particularly effective in KwaZulu-Natal Province. An official from the KwaZulu-Natal Regional Land Claims Commission indicated to me in 2012 that within the land they had bought in the province in the last couple of years there were many game farms (Interview with Walter Segooa 18<sup>th</sup> July 2012, Pietermaritzburg; see also Ngubane and Brooks, 2013).

Two proposals were advocated for in the game farming policy as part of addressing some of the concerns raised by the Land Summit (Department of Agriculture, 2006). The first one is about creating a national register for game farmers. The second recommendation was the mandatory assessment and permitting system for any changes in land use before they are allowed to take place. These proposals would require linking legislation from both the then Department of Agriculture (DoA) and the then Department of Environmental Affairs and Tourism (DEAT) in support of National Environmental Management Act No. 107 of 1998 (NEMA) regulations, with respect to Environmental Impact Assessments (EIAs) and other requirements. These mechanisms would supposedly facilitate community decision-making in the case of common pool resources and also help to discourage the development of too many private game farms. These recommendations point to the potential role of two national government departments as key bricoleurs in advancing the regulatory mechanisms in the sector, but in reality the recommendations have not been implemented.

In light of the need to revisit the prevailing land tenure system, the DRDLR came up with a Green Paper on land reform in August 2011 whose first vision is:

*A re-configured single, coherent four-tier system of land tenure, which ensures that all South Africans, particularly rural blacks, have a reasonable access to land with secure rights, in order to fulfil their basic needs for housing and productive livelihoods (Department of Rural Development and Land Reform, 2011: 4).*

The 2010 predecessor to the 2011 Green Paper stressed the significance of both “continuity and change” (Department of Rural Development and Land Reform, 2010: 1). Continuity was understood as the need to proceed with already existing ideas incorporated in the Freedom Charter of 1955, the South African Constitution of 1996 and the Reconstruction and Development Programme of 1994 (Department of Rural Development and Land Reform, 2010). However taking into account the need to address the current impacts of the apartheid legacy, as well as incorporate ruling party resolutions, and embrace new developments such as the ‘green economy’ and the idea of a developmental state, there

was realisation of the need to change the trajectory of the land reform process (Department of Rural Development and Land Reform, 2010). These changes, it was claimed, would mark a radical shift of the state's policies governing land tenure and subsequently distribution, access and use of natural resources, with ripple effects on the economic and social fronts. For example, the state has made pronouncements on its intention to move away from the 'willing-buyer, willing-seller' principle in the acquisition of land for redistribution purposes (see Jara and Hall, 2009).

I will argue in this study that available evidence suggests that the various government departments operate in silos (see Kamuti, 2014c). For example, while game farming could certainly be having an impact on other sectors of the economy and society, the conversion from conventional farming to game farming is happening without being tracked. Thus the scale of game farming nationwide is not accurately known. (The response of the KwaZulu-Natal Department of Agriculture and Environmental Affairs to land use changes showing this lack of coordination will be discussed below). A proper land audit, initiated in 2010 by the Minister of Rural Development and Land Reform, is yet to be completed. So far a report by the Chief Surveyor General released in September 2013 mainly shows how much land in the country as a whole is in private hands (79%), as against the state (14%), and the rest is not yet accounted for (Department of Rural Development and Land Reform, 2013). There is no official information yet about the racial composition, or local ownership against foreign ownership of land out of the 79% of land owned privately (Department of Rural Development and Land Reform, 2013). Chris Barron writing in the *Sunday Times* of 8 March 2015 said that "Foreigners own 3% of the land in South Africa and very little of this is productive farmland. Most of it is game farms and recreational farms."<sup>8</sup> If Barron is correct, the proposal by the government to ban foreign ownership of land would have an impact on the game farming sector although not a major one.

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<sup>8</sup> See "Zuma stance may harvest a food crisis" *Sunday Times*, 8 March 2015.

In connection with the changes mooted in the Green Paper on land reform the South African President Jacob Zuma at the State of the Nation address on 12 February 2015 said that:

*In terms of our new proposed laws, a ceiling of land ownership will be set at a maximum of 12 000 hectares. Foreign nationals will not be allowed to own land in South Africa but will be eligible for long term lease. In this regard, the Regulation of Land Holdings Bill will be submitted to Parliament this year. Through the Land Reform Programme, more than ninety thousand hectares of land have been allocated to small holder farmers, farm dwellers and labour tenants. The process of establishing the Office of the Valuer-General is underway, which is established in terms of the Property Valuation Act. Once implemented the law will stop the reliance on the Willing Buyer-Willing Seller method in respect of land acquisition by the state.<sup>9</sup>*

This seems to be an indication of the new legislation that will come into place on the basis of the Green Paper on land reform.

On the issue of a proposed cap on land ownership, the then Deputy Minister of Agriculture Pieter Mulder said in an interview with the *Farmer's Weekly* of 16 September 2011 that:

*Although better than the first draft, the Green paper on Land Reform is still a cause for concern. This will have a big impact on food security and will be detrimental to both the economy and the land reform process. Currently, 15% of the farmers produce 80% of the country's food, but the land ownership platform will ruin these numbers.<sup>10</sup>*

Pieter Mulder is the leader of the Freedom Front Plus and this statement could be taken to represent his constituency which constitutes the white landowners or famers, some of whom are participants in game farming. As Jara and Hall (2009) suggest, the argument of the

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<sup>9</sup> See "State of the Nation Address by His Excellency Jacob G. Zuma on the occasion of the Joint Sitting of Parliament, Cape Town" 12 February 2015 [Online] URL: <http://www.thepresidency.gov.za/pebble.asp?reid=19024> Accessed: 11/03/2015.

<sup>10</sup> See "Land reform Green paper better; not ideal" *Farmer's Weekly* 16 September 2011.

negative impact of land reform on food security is a discourse emanating from agrarian capital composed of white commercial farmers and agribusiness to project and protect their interests, especially their stronghold on land. Jara and Hall (2009: 214) argue that in this way agrarian capital has managed “to secure a weak legislative and policy framework, which it has exploited to block meaningful land reform.” However, since he was part of government during President Jacob Zuma’s first term from 2009 to 2014, Pieter Mulder’s statement shows that there were divisions in government.

These few examples referred to in the Green Paper on land reform illustrate how land and land reform are key concerns in game farming, thereby drawing in the DRDLR as the lead department – even though it appears to have little role in setting game farming policy. It must also be noted that, whilst concerns such as that regarding foreign ownership have been raised, the South African government is working to attract considerable foreign direct investment to fuel economic growth and development, thus further entrenching the dominant role of foreign capital with limited social transformation (Government of South Africa, 2012).

The lingering question in the regulation of the private wildlife sector relates to which one among the government departments is the lead department to direct the overall conduct of the sector in order to create an environment of certainty and stability. As mentioned above, challenges in the game farming industry emanating from the tussle between the DAFF and DEA are further complicated by issues relating to land; particularly those connected to outstanding land claims under the restitution programme, which are handled by the Department of Rural Development and Land Reform (see Chapter Nine). A combination of interests involving all these departments constitutes a mosaic that has resulted in ongoing tension between the state, private landowners, other actors in game farming and rural communities. This is not a uniquely South African experience. In the regulation of biomass markets in Kenya, for example, “different institutions have overlapping responsibilities, which

leads to institutional confusion” (Wood and Garside, 2014: 3). This seems to be the situation prevailing in the regulation of the game farming sector in South Africa given the tension caused by how the various government departments interact.

The proposed game farming policy document acknowledged that support mechanisms were disjointed and lacking a widely accepted vision (Department of Agriculture, 2006). In particular, it was noted that there was little coordination and cooperation of the stakeholders in the game farming industry, with consequent negative repercussions for the sector. According to this document, the lack of coordination was characterised by the absence of directives on the allocation of responsibilities to government, coupled with the lack of a platform to enable the much-needed coordination and cooperation (Department of Agriculture, 2006).

In a media briefing on the 6<sup>th</sup> February 2006, Phumzile Mlambo-Ngcuka (the then Deputy President of South Africa) speaking on the Accelerated and Shared Growth-South Africa (ASGISA) strategy, noted key constraints to sustainable growth. One of those constraints, she said, was “deficiencies in state organisation, capacity and leadership”. According to Phumzile Mlambo-Ngcuka, “certain weaknesses in the way government is organised, in the capacity of key institutions, including some of those providing economic services, and insufficiently decisive leadership in policy development and implementation all negatively impact on the country’s growth potential” (Government of South Africa, 2006: 3). These challenges facing the state affect the way the game farming sector is operating and being regulated given its increasing role and complexity in the South African economy.

Intra-governmental relations are critical in the execution of the state’s mandate to effect sustainable utilisation of natural resources. If there is no widely accepted vision, then it is difficult to tell which way the wildlife sector is headed in order for each actor to play their part in relation to the other(s). Intra-governmental relations here are taken as the interactions

between the relevant government departments at different levels. There is poor vertical and horizontal integration, as well as a lack of the direction that an agreed upon game farming policy would provide. This is presenting a gap in which the bricoleurs are 'stitching together' institutional practices. Applying the concept of institutional bricolage at the level of government, the various departments straddled by game farming would constitute the bricoleurs, as each department serves a particular mandate. A game farming policy would have constituted the glue that allow the government departments to communicate effectively about the state's stance with regards to the regulation of the sector, through their regular interactions as guided by formal and informal processes. Thus institutional processes (formal and informal) regulating the wildlife sector would develop and keep changing in adjustment to the changes in circumstances.

It should be noted however that according to the institutional bricolage approach, formal processes of regulation on the basis of design principles are not enough to yield the desired result of accepted and acceptable governance. In this instance, game farmers are key bricoleurs. In contrast to the state departments, game farmers through their various representative organisations seem to be united in voicing their concerns to the government. They constitute a strong special interest or lobby group. Many of these organisations voice complaints about the state's actions. For example, game farmers and hunters allege that the public participation processes are not done well (Wildlife Ranching South Africa, 2012). The game farmers through the organisation Wildlife Ranching South Africa say that they participate in various forums where they are invited by government, but thereafter there is no feedback. The next thing that happens is the publication of new regulations to which they must conform, as for example in the case of new controls regarding the M99 drug, used in tranquilizing game for relocation (Wildlife Ranching South Africa, 2012). These decisions, in the view of the game farmers and hunters, are made without adequate consultation.



In a study of the economics of game ranching in South Africa, Musengezi (2010: 128) points out that government departments apply “command and control methods to ensure compliance and fail to reflect more contemporary approaches of incentives and co-management.” This depicts a situation that Newig and Fritsch (2009) refer to as monocentric governance. However, in this study the extent of involvement of other role players suggests that the state does not currently dominate in the governance of the wildlife ranching sector, as farmers have largely thrived in the challenging policy context. Muradian and Rival (2010: 93) contend that in reality environmental governance is done through a blend of “governmental command-and-control, market tools and community-based institutional arrangements” in the management of natural resources. They argue that such a medley of approaches is suitable to deal with difficult situations that arise from the governance of natural resource use. A study by Fisher, Kulindwa, Mwanyoka, Turner and Burgess (2010) in Tanzania, shows that it is beneficial to take some positives from common pool resource (CPR) management approaches which may be community-based and implement them within the framework of payment for ecosystem services (PES) incorporated in market-oriented governance systems.

Nevertheless, the public participation process is fraught with challenges associated with the power play that ensues amongst players who have vested interests, particularly in countries with a new democratic history characterised by inconsistency and lack of capacity (Paavola and Hubacek, 2013). In their analysis of the success of PES programmes, Muradian, Corbera, Pascual, Kosoy and May (2010) emphasise that lack of trust amongst stakeholders can be a hindrance to achieving the environmental targets even when there are economic benefits. The democratic record of the current South African government is relatively short and given the tough negotiated process of the democratic transition, there are strong elements of mistrust between the state and private game farmers in the new democratic order.

Earlier on the view was raised that the wildlife sector has grown gradually ahead of regulation and hence the state is playing “catch up” in order to rein in the private landowners. In this context, there are concerns about the effectiveness of the regulations and the veracity of the approach in the situation of uncertainty that has ensued. Thus it is important to realise that “regulations need to be accompanied by political will to tackle the power-hold of vested interests because simply improving the formal regulations ... is not enough to bring about a wholesale improvement in governance” (Wood and Garside, 2014: 3). When the state does respond by stipulating regulations, there is tension which is reflective of the power relations of the stakeholders based on their interests and projections in the governance of the private wildlife ranching sector. There is need for the stakeholders to admit the diversity in views and understand the political nature of policy-making processes involving biodiversity (Spierenburg, 2012).

In this context, institutional bricolage is a process that is nevertheless happening but resulting in different solutions that sometimes are good for one party, and not for the others. The process may also fail to generate solutions and the actors reach a deadlock in the negotiation of institutional arrangements, hence the tension. The next section explores selected contentious issues to show how this process works itself out in practice.

### **Contentious Issues in Game Farming from National Level**

The first contentious issue associated with game farming, which was noted in the draft game farming policy, is the risk of transmission of particular diseases by game to livestock with disastrous effects (Department of Agriculture, 2006). This issue is provided for in the Animal Diseases Act No. 35 of 1984. A possible solution, suggested in the proposed policy document, was stricter spatial zoning, where specific wildlife species would not be introduced into certain areas so as to reduce the impact of diseases spreading across species (Department of Agriculture, 2006).

This issue was evident at the 2011 wildlife auction run by Ezemvelo KwaZulu-Natal Wildlife (EKZNW) on 3<sup>rd</sup> June (personal notes on my observations at the auction). Sales at this auction were lower than usual due to a recent outbreak of foot and mouth disease in northern KwaZulu-Natal. Certain species that were affected in the public protected areas were not offered for auction, since this would have spread the disease to far reaching areas as buyers of wildlife come from all over the country. For example, there was an overall restriction on the translocation of cloven-hoofed animals outside the foot and mouth control zones and this resulted in the withdrawal of 200 *nyala* from the auction.<sup>11</sup> These animals would have fetched around R800 000 for the Ezemvelo KZN Wildlife, but they could not be taken out of northern KwaZulu-Natal.<sup>12</sup>

An intervention proposed in the game farming policy was that a primary animal health care system should be considered within the framework of a government subsidy and support programme for the budding game farming sector (Department of Agriculture, 2006). These proposed interventions are what the game farmers have been pleading for, given the government's deregulation of the overall agricultural sector. From a veterinary point of view, it is not surprising that game farmers have more often requested to be located under the Department of Agriculture and Forestry (DAFF) (rather than Department of Environment (DEA) as a lead government department, where they would have a better chance of receiving such support.

The welfare of animals in terms of their capture, transport, handling and holding facilities, was also noted as an issue for regulation in the proposed game farming policy, especially in light of the international wildlife trade where these animals would be considered for farming purposes (Department of Agriculture, 2006). There was thus a proposal in the draft policy

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<sup>11</sup> See "FMD Hampers Movement of Game for Ezemvelo Auction", *Farmer's Weekly*, 10 June 2011. The Veterinary Services under the Department of Agriculture intervened because they are also supposed to ensure the safety of both livestock and game. When a disease outbreak like this happens an export ban is instituted. This is what happened to South Africa in this case, resulting in the country losing foreign exchange revenue. It will take a long time for the situation to be rectified and for the ban to be lifted.

<sup>12</sup> See "Ezemvelo loses R800 000 after FMD ban on nyala", *The Witness*, 13 April 2011.

that guidelines based on international standards should be developed for the sector. This idea was critical given that legislation then mainly empowered animal welfare societies and government officials to intervene in situations of cruelty to animals, but without specific provisions for certain activities of concern.

My observation of a second and live auction of wildlife by EKZNW on the 1<sup>st</sup> of October 2011 left me convinced that the provincial conservation authorities are serious about the welfare of the animals (personal notes from the live auction, 1<sup>st</sup> of October 2011, Hluhluwe-Mfolozi Game Reserve). I observed that there was strict adherence to the implementation of provincial regulations to that effect. A buyer of game would be awarded a permit to translocate animals on condition that they use transport either provided by EKZNW or transport that had been certified by the authorities to be suitable for that purpose. Great care had been exercised, starting from the capture of the animals and their subsequent transfer from the game reserve to the holding facilities where buyers would view them before the auction commenced. Yet there are no nationally applicable regulations to control the subsequent actions of game farmers once the animals had been purchased.

In South Africa the issue of so-called canned hunting has caused a great deal of concern in the wildlife industry and in the public sphere, in terms of the welfare of animals that are bred and kept in captivity, and with regard to questions around the ethics of the hunting exercise itself.<sup>13</sup> Canned hunting is understood as “where animals are shot in enclosures with no chance of escape” (Lindsey, Romanach and Davies-Mostert, 2009: 100). Canned hunting is a contentious issue that will be discussed in Chapter Eight which focuses on the hunting sector.

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<sup>13</sup> A panel of experts appointed by the environment minister to look into canned hunting even recommended banning of the practice, see “South African Panel Recommends Canned Hunting Ban” <http://www.ens-news.com/ens/oct2005/2005-10-25-04.html>. Accessed: 12/09/2010.

Part of the problem emanates from the 1+9 principle where each of the 9 provincial authorities has to craft its own regulations which are compliant with the national legislation (Snijders, 2014). In this respect, the provinces are not allowed to formulate weaker laws in their areas of jurisdiction, but in some provinces the conservation authorities have little power to intervene. So there is lack of uniformity of approaches to canned hunting from one province to the other. KwaZulu-Natal, with its autonomous statutory body Ezemvelo KZN Wildlife which has much leverage over all the protected areas in the province, should be better equipped to deal with breaches. Sport hunters in the province are organised in the form of the KwaZulu-Natal Hunting and Conservation Association (KZNHCA), which strongly rejects canned hunting, saying that it is wrong and not morally justifiable (Interview with Sigfield Kuhn, KZNHCA Representative, 15 July 2011 Pinetown).

Another contentious issue is that of government regulation of the M99 tranquilizer drug. This issue relates to game farmers' relationship with the Department of Agriculture and Forestry (DAFF). As noted, the relationship with DAFF is in most respects a close one, as this is the government department that is viewed as most sympathetic to the game farming sector. Currently venison or game meat is recognised as an agricultural product under the Marketing of Agricultural Products Act, 1996 (Act 47 of 1996) (South African Government, 2011). Within the DAFF there is the Directorate: Animal Production which aims to ensure "the sustainable management, management use, and ecological protection of range and forage resources, as used by both livestock- and wildlife (game)-production systems, across provincial boundaries."<sup>14</sup> And of course the Department of Agriculture took the initiative in developing the draft National Game Farming Policy, which aims to:

- support the effective management of viable game-farming systems;
- ensure the sustainable management of natural resources;
- facilitate the development of norms and standards for sustainable game farming;
- promote and support equitable access to health management;

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<sup>14</sup> See "Ezemvelo loses R800 000 after FMD ban on nyala", *The Witness*, 13 April 2011.

- establish a national game-farm and animal database;
- facilitate promotion and marketing;
- deal with relevant food-safety issues,
- promote research, training and support services, and
- promote and support equitable access to and participation in the sector.<sup>15</sup>

The ultimate aim of the then DoA (now DAFF) in developing the discussion document was to develop a “One Game Farming Policy for South Africa”, in order to address the numerous shortcomings that were apparently stifling the industry from the perspective of multiple stakeholders, with the buy-in of cabinet and concerned Departments, for subsequent implementation at all spheres of governance (Department of Agriculture, 2006: 8). It is not surprising therefore, that game farmers have been openly showing leanings towards DAFF and complaining more about the DEA.<sup>16</sup>

Nevertheless, some tensions also exist between DAFF and the game farming community. The issue of M99 is a case to illustrate the tension in the relationship between game farmers and the DAFF. M99 is a drug called etorphine which is used to tranquilise animals. The drug has a long history of use in the wildlife sector, with for example Player (1967; 2013) reporting to have first used it in 1963 during Operation White Rhino (see Chapter Five). However, the South African Veterinary Council introduced new regulations in 2012 that prevented game farmers from using the drug to immobilise animals in cases of emergency.<sup>17</sup> The regulation involved a change in Rule 10 of the Veterinary and Para-Veterinary Professions Act (Act 9 of 1982) on 8<sup>th</sup> June 2012 to allow tighter control of the usage of the

<sup>15</sup> South Africa Yearbook 2011/12 – Agriculture, Forestry and Fisheries [http://www.gcis.gov.za/sites/default/files/docs/resourcecentre/yearbook/2011/08\\_Agriculture.pdf](http://www.gcis.gov.za/sites/default/files/docs/resourcecentre/yearbook/2011/08_Agriculture.pdf), Accessed: 16/09/2013; Department of Agriculture, Publication of Policy on Game Farming for Public Comments, Government Gazette Notice 874 of 2006, 7 July 2006.

<sup>16</sup> In my interactions with game farmers they have expressed their need to report more and deal with the DAFF. I suppose it is because currently game ranching is acceptable on the basis that game is recognised as an agricultural product under the Marketing of Agricultural Products Act, 1996 (Act 47 of 1996) (South African Government, 2011). This piece of legislation is administered by DAFF.

<sup>17</sup> See “Game farmers seek solutions”, *South African Hunter*, June 2013.

drug by restricting its administration by veterinarians only (Wildlife Ranching South Africa, 2012). The main reason for this restriction is that there is evidence suggesting that corrupt officials including veterinarians and game rangers buy the drug and in turn sell it to poachers<sup>18</sup> (see also Kamuti, 2013). The poachers prefer to dart rhinos because it is a silent method as compared to shooting which is difficult from a helicopter. The drug is also very strong as a fully grown white rhino can be easily immobilised within five minutes<sup>19</sup>, a situation which can expedite a swift poaching incident.

Game farmers were enraged. One delegate at the WRSA inaugural congress in April 2013, for example, repeated former United States of America President George Bush's statement that, "you are either with us or against us" (personal notes from the WRSA inaugural congress), to express his displeasure of the state's move to ban the use of M99. The WRSA even took this issue to court (Wildlife Ranching South Africa, 2012). However, Dr Kobus du Toit, who is a veterinarian and leading scientist, indicated that the WRSA had gone to court prematurely.<sup>20</sup> This is because, according to Kobus du Toit, if anyone can provide evidence that he/she is able to dart an animal and goes on to pass a competency test, they would still be given permission to use the tranquillizer.

Most game farmers appeared to recognize the need for control of the use of the drug and accepted that only trained people and veterinarians were allowed to administer it (personal notes from the WRSA inaugural congress). However, concern was expressed that there are few qualified veterinarians in the game farming sector and they are not usually available in times of need. Dr Johan Kriek, a veterinarian and private game reserve owner, made a suggestion at the WRSA inaugural congress of establishing a network of veterinarians across the country that can provide advice to farmers over the phone and also work as

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<sup>18</sup> See "Dye and Poison Stop Rhino Poachers", <http://blogs.scientificamerican.com/guest-blog/2013/05/09/dye-and-poison-stop-rhino-poachers/>, Accessed: 16/06/2013.

<sup>19</sup> See "Dye and Poison Stop Rhino Poachers", <http://blogs.scientificamerican.com/guest-blog/2013/05/09/dye-and-poison-stop-rhino-poachers/>, Accessed: 16/06/2013.

<sup>20</sup> See "Game farmers seek solutions", *South African Hunter*, June 2013.

mentors for the less experienced game farmers. In October 2011 I had the privilege of visiting Dr Kriek's private game reserve called Mattanu in the Northern Cape Province. This was during the proceedings of the International Wildlife Ranching Symposium where he demonstrated darting of a black wildebeest (*Connochaetes gnou*) from a helicopter using the M99 drug. I had the chance to speak with him again at the WRSA Congress in Modimolle, Limpopo Province in April 2013, where he expressed the same suggestion regarding a veterinary network for game farmers.

The policy document on game farming acknowledged that the National Environmental Management Act, 1998 (Act 107 of 1998) was the preserve of the then DEAT to lead in the implementation of particular national environmental management laws (Department of Agriculture, 2006). This is understandable on the basis that the environmental portfolio requires the skills and capacity to administer environmental regulations. However, there is acknowledgement in the policy that even though National Acts look easy to interpret, there have been discrepancies at provincial level, especially in relation to the movement of animals and the introduction of species to areas where they did not naturally occur. Each province has its own "take" on the same issue, which makes it difficult for game farmers when they have to deal with different provincial authorities.

The 1+9 principle (wildlife regulations from the 9 provinces under one national regulatory framework) may be having a negative impact on game farming, at least from the perspective of the national game ranching bodies. The 1+9 principle is a form of decentralisation in the management of natural resources where the central government cedes "power, authority and responsibility ... to lower level institutions" (Jones, 2006: 486). However, there are matters currently administered at provincial level that game farmers feel ought to be centralised, such as those pertaining to the issuing of rhino hunting permits (personal notes from interviews with game farmers). The game farmers argue that if there is a single national office issuing rhino permits it becomes easy to track, control and manage the scourge of



rhino poaching. They have the idea that there should be an official who is always available to ensure approval of permits within 24 hours and that this is crucial since they will be serving taxpayers.

Permitting in general is a contested issue. Game farmers expressed frustration with the fact that officials have different levels or powers of approval of permits. For example one official would have the jurisdiction to approve of permits for impala, but not other antelope. There was a question as to why certain officials should not be delegated to approve of a wide range of permits. There was also an allegation by some delegates at the WRSA inaugural congress in April 2013 that some officials are corrupt (personal notes from my observation of the WRSA inaugural congress).

As alluded to in Chapter Three the national government has managed to set uniform regulations for threatened and protected species (TOPS regulations), while the provinces have the jurisdiction to “regulate ‘ordinary game’” (Rumsey, 2009: 420). It has been noted that the provinces are still in a process of harmonising their regulations to be consistent with the new national regulations since some of them had retained their pre-1994 wildlife policies. In KwaZulu-Natal Province, the Chief Executive of the KwaZulu-Natal Nature Conservation Board indicated as far back as 2006 noted that redundant legislation was complicating Ezemvelo KwaZulu-Natal Wildlife’s fulfilment of its biodiversity conservation obligations<sup>21</sup> (see Chapter Seven). In addition, most of the provinces had earlier developed their own policies to match the National Environmental Management: Protected Areas Act No. 57 of 2003 and the National Environmental Management: Biodiversity Act No. 10 of 2004 (Rumsey, 2009), complicating the translation of new national legislation to the provinces.

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<sup>21</sup> Minutes of Meeting of the KwaZulu-Natal Nature Conservation Board No.75/No.1 of 2007 27 June 2007 starting at 10:30AM.

The introduction of “nine new environmental structures [that] were superimposed on the existing provincial and homeland conservation institutions” (Snijders, 2014: 186) had the effect of doing away with some of the existing institutions governing wildlife resources soon after the transition to democracy. Therefore, the problems experienced here are partly a result of the challenges brought by the concurrency of the environmental function as enshrined in the constitution. That is, there is one national department, with nine provincial conservation authorities that concurrently can have different policies, provincial acts, ordinances, regulations to control private game farming on top of the public protected areas in their jurisdiction. This is in addition to the more than 260 local authorities who also have their level of powers to enact by-laws governing the use of natural resources within their boundaries.

The proposed policy document asserts that as long as there is no harmonized *modus operandi* inclusive of all important guidelines, regulations and other provisions, this will hinder the development of the game industry and hence negatively impact on the “sustainable utilisation” of the wildlife resource (Department of Agriculture, 2006). The proposed policy suggests that the development of the game farming policy be certified by Cabinet and implemented by provincial and local governments in order for the effort to create standard procedures (Department of Agriculture, 2006). So while game farming is thriving, it is because of taking advantage of loopholes in the institutional arrangements. The operations of the relevant government authorities have not managed to achieve overall standard procedures as yet, as shown by the challenges of the 1+9 principle.

On the one hand the state has facilitated the development of game farming through legislation (such as the Game Theft Act of 1991), but on the other hand has not been able to keep up with further developments in the private wildlife sector. Currently the challenge of developing a harmonious working relationship between the various actors in the game farming sector remains. The game farming policy developed under DAFF is suffering a ‘still

birth'. There is still no coherent game farming policy despite efforts from DAFF (as shown by issues raised in the Government Gazette). In particular, there is a tussle between DAFF and the DEA which administers the key legislation based on its mandate of biodiversity conservation, which has a huge impact on game farming. At one level, the changes in legislation and regulations and the lack of clarity may provide the room for game farmers to manoeuvre, yet at another level the changes do create uncertainty for game farmers. This is not dissimilar to the situation in the United States of America where the management of wildlife habitat on privately owned land poses challenges emanating from the complex interaction of such factors as rights and responsibilities bestowed upon landowners, the state's obligation to regulating the wildlife sector and the public good dimension of wildlife on private properties (Kammin, Hubert, Warner and Mankin, 2009).

### **Roles and Actions of the Provincial State**

This section deals with the game farming regulatory issue at the KwaZulu-Natal provincial level. While influenced by national government regulations, the provincial level has a degree of autonomy due to the 9+1 system.

#### **The KwaZulu-Natal Department of Agriculture and Environmental Affairs**

Uniquely, the agriculture and environmental affairs sectors are bundled together in the same KwaZulu-Natal Department of Agriculture and Environmental Affairs (KZNDAEA). Supposedly this should enhance coordination between these two sectors to facilitate the interaction between the department and game farmers. However, their work is more inclined towards the agriculture side as compared to the environmental angle. From my observation, this is understandable because of the formidable role played by the Ezemvelo KwaZulu-Natal Wildlife, the statutory provincial conservation body which has historically fulfilled the conservation mandate. While also part of the provincial state, EKZNW operates separately from KZNDAEA.

The KZNDAEA has a concern in general regarding conversion of land use from conventional agriculture to any other land use, be it gated estates, golf estates, normal residential units or game farming (Interview, Zibusiso Dlamini, 20<sup>th</sup> June 2011, Pietermaritzburg). It does not appear that they are concerned that agriculture may be replaced totally as such. The interviewee suggested a wider concern about land use patterns, as they do not have a system of monitoring land use changes. The official indicated that representatives from the KZNDAEA do participate in various forums including game farming, but they need experts on the ground telling them accurately what is happening to agriculture in the province. There is a Land Use Regulatory Unit which should be doing that but unfortunately it is understaffed. Government apparently has challenges attracting skilled people to work in this unit based on the salaries they offer. The official indicated that while this unit had been in existence for the previous four years, they do not know the scale of the land use changes and there is no accurate information. The ideal situation would be to start with baseline information as to what is happening to agriculture in the province and thereafter start to take note of all the changes in land use.

The official from KZNDAEA put it to me that agriculture is also about protecting natural resources, as their department operates using the Conservation of Agricultural Resources Act No. 43 of 1983 (CARA) (Interview, Zibusiso Dlamini, 20<sup>th</sup> June 2011, Pietermaritzburg). CARA is national legislation administered by DAFF, hence at provincial level it is implemented by the KZNDAEA to implement sustainable utilisation of natural resources. Certainly game farming has led to the degradation of some areas, as noted by Davies-Mostert (2014). This is also raised in the proposed game farming policy document, notably in those cases where there is herbivore production there are concerns regarding overstocking and consequent overgrazing, bush encroachment and disappearance of palatable grass and plant species (Government of South Africa, 2006). There has also been competition for resources between game animals and domestic stock on the same piece of land, if such mixed farming is practised without consideration of compatibility of respective

species suitable to a particular biome or habitat (Government of South Africa, 2006). This is contrary to the view emanating from the WRSA that:

*More than 80% of South Africa's agricultural land is only suitable for the extensive grazing of ruminants. Many studies have shown that game animals are better suited to these marginal agricultural areas of South Africa, utilising better the vegetation (grass and bush) and being far more resistant to the diseases and parasites that make the raising of cattle and sheep so difficult in especially the bushveld areas of the country. It is also clear from much research that game animals do less damage to the vegetation in these areas where cattle and sheep farming have caused denudation, desertification or bush encroachment.<sup>22</sup>*

The WRSA is presenting that much of the land in South Africa is not suitable for conventional agricultural activities. The game farmers' contention is that wildlife ranching is the most appropriate land use activity that also contributes to biodiversity conservation and managing the habitat.

This does not automatically follow however. According to the KZNDAEA official, farmers need to be informed accordingly so that they can make proper investment and stocking decisions in a way that is not detrimental to the natural resources they vitally depend upon. For instance, game animals need to be kept in areas where they do not depend much on human intervention such as supplementary feeding in order for the species to survive. However, this is not the case in some instances where there is manipulation of species to suit market demand. The issue of mixed livestock and game farming is still a contested one, as the animals could be in competition for the same food source. This competition has also happened when people from the surrounding communal areas drive their livestock to graze on privately owned land. This situation has fuelled a lot of tension when game farmers complain of trespassing on their properties (see Chapter Eight). These issues have come out strongly in my study but they are beyond the purview of the KZNDAEA.

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<sup>22</sup> See "Harvesting wildlife for food" by Peter Oberem *Wildlife Ranching* 5(3) 2012.

The official from KZNDAEA pointed at the crux of the challenge regarding implementation of the regulations, referring to the lack of capacity for monitoring:

*I do not think we are doing much in terms of compliance issues. Yes the policy and regulations are there but are people responding to these? We do not have a system of monitoring these things. Say a farmer puts a conversion application in terms of CARA. We would assess it and the [farmer after] meeting all the requirements – that will be the last time we hear about the [farmer]. We will not follow up on what happens later. That is where government systems are failing. We should have some form of monitoring mechanism that says we approved land use changes over the last two to three years, so let us go and check whether there has been compliance. (Interview, Zibusiso Dlamini, 20<sup>th</sup> June 2011, Pietermaritzburg)*

The official went on to give a hypothetical example, where the KZNDAEA might have granted the conversion of land use application on specific conditions. He then suggested what could happen if they do not go back to the farms and check on the compliance with departmental requirements. Without necessarily wanting to accuse the farmers of being mischievous, he acknowledged that it is human nature that if no one is policing you, you may police yourself to a certain degree and maybe out of ignorance you do things that you should not have done. This transgression would then only be realised when it becomes evident that the development is actually detrimental. In such a case, he argued, if officials had been proactive in the first instance, they would have advised the farmer accordingly so that the situation would not get to this stage. These are the dynamics that characterise the bricolage process, as the bricoleurs may act in a way that is at variance to formal regulations due to contingent conditions at their level.

I asked how the Department might close such a gap. The official suggested that he would go for integration, which is currently difficult because each concerned department is operating in a silo. For instance, they might check as officials from agriculture and say everything is fine, but someone from the biodiversity perspective may find out that something is not right. So agriculture can do its best but if there is no monitoring from other departments then there will be a problem. I probed further on how often do the departments cooperate? The official did not mince his words:

*That is where the danger is because it [cooperation] is not happening. The biggest problem is that there are no skills in government. The scope of these issues is much broad[er] than agriculture but people should appreciate where others come in, in the same space. (Interview, Zibusiso Dlamini, 20<sup>th</sup> June 2011, Pietermaritzburg)*

The KZNDAEA does work with the EKZNW on the biodiversity stewardship programme (see Chapter Seven) which however has a limited effect on the sector given the small number of farmers participating in that programme as compared to the overall number of game farmers in the province.

The official went on to affirm that in his department there is a degree of confidence in the agriculture sector that the farmers operate as a farming community, and that they themselves know what is happening and where. He said that most farmers are pretty much conservationists, environmentalists and principal advocates of government programmes; indeed some of the policies and programmes originate from the farmers. Some farmers do report other farmers, for instance if they find someone doing something for which permission has been denied, they become inquisitive. It is only when the departmental officials visit the farms to investigate that they find out that what the farmer has been doing is illegal. On that note then the official acknowledged that there is a great deal happening “out there” that government is not aware of (Interview, Zibusiso Dlamini, 20<sup>th</sup> June 2011, Pietermaritzburg). This “confidence in the agriculture sector” shows that the government officials recognise the

role of the game farmers as bricoleurs of the regulatory processes in the sector. The “confidence” may also be indicative of power relations and the influential farming sector as a legacy of the apartheid past, and reflect the state’s lack of confidence in its abilities to control what is happening on the ground (but see Scott, 1998).

#### Ezemvelo KwaZulu-Natal Wildlife (EKZNW)

As explained, Ezemvelo KwaZulu-Natal Wildlife (EKZNW) is a strong semi-autonomous statutory conservation body in KwaZulu-Natal Province. The organisation carries the mandate of ensuring conservation and sustainable utilisation of natural resources in KwaZulu-Natal Province that is, in both public protected areas and private properties. So EKZNW plays a formidable role and is a major player in maintaining biodiversity conservation in KwaZulu-Natal. EKZNW uses various mechanisms to implement national and provincial environmental policies and regulations. For example, it has always issued hunting licences. The organisation also implements the permitting system, and the new Threatened or Protected Species (TOPS) regulations have added an extra layer to the regulatory regime. The District Conservation Officers from EKZNW also have to go out to private land and work with game farmers to ensure that they implement and stick to environmental plans, for instance by inspecting whether the fencing is adequate and the stocking levels are appropriate. The role of EKZNW, in particular in terms of its relations with the game farmers, is discussed in detail in the following chapter as it is crucial to wildlife governance in the province.

#### **Local Authorities and Game Farmers**

The local government level is where one would expect a lot of interaction between game farmers and various arms of the state. This section goes on to discuss the state’s local level structures and interactions among the actors involved in game farming. I was surprised to discover through my interaction with municipal officials and game farmers alike, that game farmers do not interact much with local authorities when it comes to their operations.



However, it became clear that at the local government level it is a different 'game' altogether as local municipalities do not have much leverage on land use, especially on private land. Local government falls under the Department of Cooperative Governance and Traditional Affairs (COGTA). Local authorities are preoccupied with issues relating to service delivery for their residents and that is where they put much of their effort and resources. The service delivery protests by residents (Bond, 2010) are testimony of challenges to service delivery at local municipal level. The influence of the provincial Department of Environmental Affairs and Agriculture (or for that matter of Rural Development and Land Reform) is not really felt in the administration within the sphere of local government. These provincial departments instead deal directly with the game farmers from their regional offices scattered across the province.

However, it was noted during the period of fieldwork there were some developments at national department level that might have a future impact on the local level with a link to game farm operations. In 2011, the Department of Rural Development and Land Reform was proposing to hand over powers that relate to the spatial planning and land-use management to municipalities, through the Spatial Planning and Land Use Management Bill.<sup>23</sup> The Bill states that "all land development applications must be submitted to a municipality as the authority of first instance."<sup>24</sup> This proposal was not popular with the farming sector. Agriculture South Africa (Agri SA), a confederation of agricultural unions in South Africa, expressed concern that more power relating to the sustainable use of agricultural resources may be shifted from the agriculture department to the municipalities if the Draft Bill published in the Government Gazette on 6 May 2011 is signed into law. The proposed Bill will substitute the Development Facilitation Act No 67 of 1995, Removal of Restrictions Act No of 84 of 1967, the Physical Planning Act No 88 of 1967 and will affect all

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<sup>23</sup> See "Bill could let municipalities decide on agri land use", *Farmer's Weekly*, 3 June 2011; "Bill must protect agricultural land, say unions", *Farmer's Weekly*, 1 July 2011.

<sup>24</sup> *Ibid.*

national, provincial and pre-1994 laws linked to land-use management and land development.

Notably, the Bill provides for the creation of new institutional bodies such as the Land Use Regulators at the local government level as well as a Planning Tribunal. According to the *Farmer's Weekly* of 1<sup>st</sup> July 2011, agricultural unions such as the Transvaal Agricultural Union South Africa (TAU SA), have expressed concern that these new institutions may burden the taxpayers; and according to Annelize Crosby, the Agri SA Legal and Policy Advisor, "these regulators may not have necessary focus or expertise to adequately protect agricultural land for food production purposes."<sup>25</sup> Agri SA argues that if the Bill is to succeed, there have to be exceptions that should be made clear in the provisions of the Act, as, in the words of Annelize Crosby, "we all know what municipalities are capable of."<sup>26</sup> This argument is made on the basis of the need to maintain food security (given the prevailing global food crisis). Agri SA argues that this is in the national interest and that government should therefore safeguard land of high agricultural potential. Local authorities in South Africa do indeed have challenges with service delivery issues, as shown by the high rate of qualified annual audits from the Auditor General.

Another development relates to the changes to the Local Government: Municipal Property Rates Amendment Bill made in July 2012.<sup>27</sup> As reported in the *Farmer's Weekly* of 29 July 2011, Agri SA Deputy Executive Director Johan Pienaar said that:

*Agricultural properties get a discount, which isn't to exceed 25% of rates on residential property. This was not previously applied to game farms. But now the same benefits that accrue to the rest of agricultural land will also be applicable to game farming.*

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> See "Some good news, but more clarity needed on property rates bill", *Farmer's Weekly*, 29 July 2011.

However, on-farm tourism facilities such as guesthouses, lodges, and bed-and-breakfasts are not included in these benefits as they are not used for agricultural purposes. Their rates will be charged at the commercial level which is two or three times that of residential property varying in relation to each municipality. In reaction to this provision, the Wildlife Ranching South Africa's Land Affairs Director, Borrie Erasmus, as noted in the *Farmer's Weekly* of 29 July 2011, expressed the negative aspects of the Bill, stating:

*Accommodation on game farms, be it lodges, self catering units or guest houses, are all used by hunters, many of them from abroad. They bring in important foreign exchange, which is what South Africa wants. We think it's partly discriminatory as we don't have services from municipalities, such as water and refuse removal.*

The South African Local Government Association (SALGA), as reported in the August 2012 issue of the *South African Local Government Briefing*, is also concerned with the encroachment of national government on issues that are provided for by the constitution to be the purview of local government. SALGA argues that some of the issues are already adequately covered by existing legislation for example, that the Municipal Structures Act allows an institutional framework to cater for the planning needs of a municipality; hence there is no need of a Planning Tribunal.<sup>28</sup> So there are regulations which will likely take effect at the local level which may not be necessarily targeted at game farmers but will affect them anyway.

All these developments add to the milieu of uncertainty that confronts the game farmers on a regular basis. This is in line with Musengezi's (2010: 128) findings that:

*Frequent changes in rules and regulations leave ranchers with a sense of uncertainty towards the future. This can result in short-sighted behaviour as*

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<sup>28</sup> See "New land use legislation encroaches on municipalities' constitutional powers, MPs told" *South African Local Government Briefing* August 2012.

*ranchers try to maximize profits before policy changes. A facilitated, participatory approach to wildlife production by regulators could provide wildlife producers with the support needed to reduce uncertainty, maximize profitability and foster an environment of understanding where conservation and social goals could be achieved.*

The regulations applied to the wildlife sector could be well intentioned but the situation as described here dilutes their effect. This is indicative of the diverse views between the role players depending on their positions and power relations. For example, Slavíková, Kluvánková-Oravská and Jílková (2010: 1369) speak of the tension between “traditional neoclassical environmental economists” who point at market collapse versus the “free-market economists” who highlight “inefficient regulation” and call for “individual property rights for natural resources as a solution” to the numerous environmental problems of resource use. The free market economists advocate for less state involvement in the market because of “inefficient regulation”, hence the need to allow and protect private property rights. The private ownership of land and its natural resources is the situation that is prevailing in the wildlife sector in South Africa.

I attempted to find out how the district and local municipalities in the case study areas viewed the activities of game farmers and private wildlife reserves in the areas under their jurisdiction. In the context of European environmental governance, Paavola, Gouldson and Kluvánková-Oravska (2009) argue that both horizontal and vertical interaction of actors and tiers at different scales can either promote or thwart environmental governance of biodiversity. As in the United States of America, coordination of state level policies at the lower tiers of government remains a challenge which thwarts their efficacy (Balme and Ye, 2014). In South Africa, district municipalities play a developmental and administrative function within their areas of jurisdiction which include a number of local municipalities.

### **UThukela District Municipality**

Issues relating to wildlife would presumably fall under the environmental section of a municipality; however it proved difficult to pin down exactly which office is engaged with game farming. The office that I was referred to at first at the uThukela District Municipality, deals with environmental health issues. I was then referred to the local economic development section but the person responsible here indicated to me to go to the tourism office. In the tourism section of the district municipality they deal with game farmers on the basis of promoting tourism within the district municipality. The official indicated that they did not have much practical support to offer game farmers, saying, "We do not even have a budget for game farmers" (Interview with Sne Madondo, 28<sup>th</sup> February 2013, Ladysmith).

However the footprint of the provincial conservation authority does exist within the uThukela District Municipality. Ezemvelo KwaZulu-Natal Wildlife as part of its implementation of biodiversity conservation in the province is assisting the uThukela District Municipality to develop and put in place a Biodiversity Sector Plan (a copy of which I got from Gents Mazibuko after an interview on 1<sup>st</sup> March 2013, Ladysmith). The Biodiversity Sector Plan is a requirement under the Biodiversity Act which Ezemvelo KwaZulu-Natal Wildlife administers and it for instance, lists threatened species or those that require protection in a particular area.

### **Emnambithi Local Municipality**

A tourism official at the local municipality highlighted the Emnambithi Municipality's efforts which theoretically involve game farmers (Interview, Zanele Ntshingela, 1<sup>st</sup> March 2013, Ladysmith). A Community Tourism Organisation has been instituted and made up of various tourism role players including the game farmers. This organisation is aimed at promoting tourism within the local area and it was created on the basis of KwaZulu-Natal Tourism Act No. 11 of 2002. However, there have been demarcation problems to determine the exact municipality where particular private game reserves fall, and not all game farmers participate

in this Community Tourism Organisation even if parts of their properties are located in Emnambithi Municipality.

#### Umtshezi Local Municipality

Umtshezi municipal officials hold meetings with the district municipality, but a municipal official confirmed that they do not get material support related to game farming from the district municipality. Given my experience at the district municipality, I was not surprised that the tourism official from Umtshezi Municipality whom I talked to was unenthusiastic when talking about game farmers. Communication between the municipality and game farmers is not well coordinated. The official said that game farmers do their own business on their private properties such as chalets, lodges and camp sites without much interaction with the municipality. The municipal officials have tried to involve them through a forum similar to the one in Emnambithi Municipality but the farmers have not been willing to engage. The municipality carries out Integrated Development Planning “road shows” into the wards, but referring to the game farmers, the official said: “we do not see these people” (Interview, Umtshezi Municipal Official, February 2013, Estcourt).

The municipal officials have been working with the proposed Gongolo Wildlife Reserve (GWR) officials to incorporate the project into the Integrated Development Plan of the municipality. The official I interviewed was not sure, however, if the proposed Gongolo Wildlife Reserve will continue because there were a lot of complications. Nothing has materialised in that respect because there is a lot of resistance to the project (discussed in more depth in Chapter Nine). The municipal official said they have also realised that some of the private game reserves in the area are on land that belongs to the municipality. How the game farmers extended their operations into municipal land is something the municipality will have to find out and develop an approach to solve that problem.

A tourism facility operator within the municipality was not generous with his comments about the performance of the local municipal administration. Referring to the absence of bold decision-making, he said, “they always spin round and round on the same place and fail to move forward” (Interview, Paul, Tourism Facility Operator, 20<sup>th</sup> February 2013, Estcourt). Part of this concern was attributed to a case where there is municipal land with wild animals on it and nothing much is happening in terms of sustainably managing the resources found on that land. Surprisingly, in the Auditor General’s report showing poor municipal management of public financial resources, Umtshezi Local Municipality was the only one in the province to receive a clean audit in the 2011/12 financial year.<sup>29</sup> This is contrary to the view that the local municipal administration “fail to move forward” when in fact they manage public financial resources prudently.

I interviewed a game farmer located about 10 kilometres to the west of Estcourt Central Business District in Umtshezi Municipality. The landowner has interacted with municipal officials, to whom he has expressed his displeasure regarding the actions of the land beneficiaries settled next to his game farm. He has attempted to work with local councillors (elected officials) and the municipality to resolve these issues:

*The negatives associated with game farming have to do with land given to the people by the state, something that has come up next to us over there, and there are a lot of problems from those people. There is a problem; they steal our fence, they come and steal wood, and poachers come from them. I have spoken to councillors but still we cannot control it. We work hand in hand with a councillor and his team which seems to help a little to solve the problems.*  
*(Interview with game farmer, 7<sup>th</sup> March 2013, Estcourt)*

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<sup>29</sup> See “Local government audit results have “generally regressed” says auditor-general’s 2011/12 report” *South African Local Government Briefing* August 2013.

This shows the extent of interaction between game farmers, local authorities and local people, which is rather minimal and often characterised by frustration on both sides. This is reflected in the discourse of stereotyping of others as in the farmer's mention of "problems from those people." The relations between the game farmer and the local communities constitute some form of what Wels (2003) refers to as negative 'reciprocal exchange' because of the tension over access to natural resources. It is probable that a trend of decentralisation (Balme and Ye, 2014) of the control of natural resources has undermined the local authorities (Spierenburg, Steenkamp and Wels, 2008) following restructuring of local government in South Africa after 1994. As the situation prevails, like the trend observed in Africa (Olowu, 2003b), local authorities do not have much say as there is decentralisation of duties without the necessary decision-making powers.

## **Discussion**

It is inconceivable that the state of affairs in relation to regulations would remain the same over time. There is always going to be dynamism in the interactions between the state authorities and game farmers as guided by the applicable regulations. The frequent changes in the regulations in the form of new legislation or amendments to existing legislation or regulations can be considered as normal processes of institutional refining in order to suit new imperatives and situations to meet various goals. It appears that it is the content of the changes and the manner in which they are brought into effect which is a bone of contention among the various role players, especially the game farmers who have to bear the brunt of having to satisfy the new requirements.

Going back to Chapter Two, the reader is reminded of the issues that Cleaver (2012) identified that pose challenges in an attempt to understand institutions. The first one concerns how to navigate the complex functioning of institutions in light of the idea that institutions basically constitute what people *do*, thus making it difficult to freeze them so that one can have an extract to analyse the institutional processes in a static way. As Cleaver



(2012) contends, the dynamism associated with institutions (which is being witnessed here) is a culmination of the hidden nature of the operations of power, the informal negotiation processes and twisting of regulations, different world views that shape participation and the different ways through which institutional configurations affect different people. The fact that the state can change regulations so frequently shows that they have the power to effect changes to suit their perceived objectives.

However, the state is not operating in a vacuum and the game farmers always take issue with government departments, even to the extent of going to court as the matter of WRSA's reaction with regards to regulation of the M99 drug shows. Certainly various role players have different worldviews which serve as the basis of their participation in game farming in whatever way. For example, a game farmer told me that she is participating in game farming because it is an investment vehicle, in order to diversify from other conventional agricultural activities (Interview with Collette, Game Farmer, 6<sup>th</sup> March 2013, Estcourt). This view can be contrasted with for example, another game farmer who is interested in saving wildlife. All of them are affected by the institutional configurations differently.

This research also highlights the extent to which the framing, scale and the focus of institutions shapes outcomes. As described earlier, the different government departments are structured in a way that is causing tension as they interact with each other on the issues surrounding the game farming sector. In terms of scale, the tier system shows some levels of devolution of power from the national, through the provinces down to the local level. Since the state is the custodian of all natural resources including wildlife, the state has the legal mandate to protect and maintain biodiversity. That legal mandate is the major focus of state institutions though game farmers are there for different reasons. Cleaver (2012) suggests that institutional analytical frameworks should position local configurations into the broader context of governance. As noted, the agriculture and environmental affairs sectors are uniquely bundled together in the same KwaZulu-Natal Department of Agriculture and

Environmental Affairs. This has been good to avoid overlaps with the EKZNW's activities, since it is a semi-autonomous body which reports to the same KwaZulu-Natal Department of Agriculture and Environmental Affairs. However, as I have shown above, this is not actually how it works in practice, partly due to EKZNW's historically dominant role in conservation in the province and also due to the various government departments operating in silos.

A third challenge in understanding institutional process relates to the social nature of the institutions and the material characteristic of the resource under study. Institutions are embedded in social structures and there is a continuous engagement amongst people who are socially, historically, and ecologically connected and who shape diverse institutions with varying extents of formality and organisation (Cleaver, 2000; 2012). As different bricoleurs claim ownership, it must be remembered that they are historically and socially connected to land and wildlife resources in a particular way for each group. Cleaver (2012) also contends that the physical attributes of a resource influence institutions and the infrastructure put in place for its governance. The idea is that the resource's material nature, spatial location and the mechanisms through which it is managed using infrastructure and technology all have an impact on access, claims of ownership through tenure and property rights. Cleaver (2012) further argues that using investments to create and maintain infrastructure to harness a resource using institutional processes is virtually creating property rights. As indicated in Chapter One, the Game Theft Act No. 105 of 1991 bestowed rights on farmers to own game dependent on the provision of appropriate fencing (Child, 2009b; Snijders, 2012). These are property rights associated with the wildlife resources under private ownership connected to the general property rights enshrined in the South African Constitution, in this case which are linked to land ownership. Thus, as Snijders (2012) asserts, wildlife ownership is tightly connected to land ownership.

Cleaver's institutional bricolage approach to natural resource governance was framed in relation to the governance of common property resources while this study focuses on a

privately owned resource. Under common property resource ownership, interests have to suit the public good or generality of the community in relation to individual requirements. In Chapter Two I highlighted that Cleaver mainly applied institutional bricolage to the governance of water issues which is a resource that has its own implications in the crafting, maintenance and alteration of institutions relating to its use. In my conceptualisation of the governance of wildlife as a privately owned and managed resource, I contend that the state still has a critical role to play in its governance, given that it is a resource which still has public implications. This is in line with the idea that governance is “the sum of the many ways which individuals and institutions, public and private, manage their common affairs” (Commission on Global Governance, 1995: 2), in other words a broad concept which incorporates the government together with other role players. Thus Cleaver (2000, 2012) argues that public actions and interests cannot be divorced from the private, neither the formal manifestations of management from the informal, nor modern authority and institutions from the traditional ones.

It is the kind of rules and the manner in which those rules (that is, institutions) are implemented by the state using the powers invested in it which affects its level of involvement in the governance of the sector even if there is private ownership of the resource. In this case the government has shown that it can flex its muscle by setting in motion regulations with some ripple effects in the sector (given the negative reaction of the industry players such as game farmers). However, the critical limitation on the part of the state to implement its regulations due to lack of capacity and poor coordination between government departments and between the three tiers compromises its role.

## **Conclusion**

This chapter has argued that at the national level, the schism between the DEA and DAFF results in a lack of clear direction regarding the state’s position on the private game farming sector and how to effectively influence the operations of game farmers towards socially and

environmentally sustainable practices. It is clear that the state is not a homogeneous and monolithic entity applying itself to the regulation of the sector. There is no clear direction on the position of private game farming at the interface of environmental and agricultural regulations. The uncertainty that exists in the sector, not only about where it belongs but in terms of the modalities of its operations, can be partly attributed to the schism between the DEA and DAFF. There is little consideration by other role players of the role of the Department of Rural Development and Land Reform, especially on the impact of its position on land reform, which has an effect on game farming and vice versa.

Meanwhile the role players or actors involved in the formulation and development of a game farming policy are proceeding in their interactions as bricoleurs. The challenges encountered at state level with government departments not speaking with one voice are indicative of the challenges faced by formal state institutions in intervening to mediate longstanding tensions over access to and use of natural resources. At the provincial level there is a strong conservation entity in the form of Ezemvelo KwaZulu-Natal Wildlife and its predecessor the Natal Parks Board, which has a long history and strong tradition of co-operation with private landowners in the province (See Chapter Seven on how these actors interact). At the local level, local municipalities are preoccupied with service delivery issues.<sup>30</sup>

That said, the lack of coordination between Ezemvelo KwaZulu-Natal Wildlife, the KwaZulu-Natal Department of Agriculture and Environmental Affairs, and the Department of Rural Development and Land Reform in dealing with issues related to the effects of game farming is not necessarily all negative for game farmers. While the game farmers may complain about strict environmental regulation in the province, and the irritations of bureaucracy relating to permitting and other issues, the benefits they gain from the combination of a

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<sup>30</sup> See "Local government audit results have "generally regressed" says auditor-general's 2011/12 report" *South African Local Government Briefing* August 2013.

divided state and the presence of a strong, autonomous conservation body are considerable. The fractured state (see Kamuti, 2014c) described here may actually provide space in which the game farmers are able to manoeuvre and to maximise their advantages as private landowners (see also MacDonald, 2010b).

This chapter has also highlighted contentious issues in the study of institutions in accordance with Cleaver's (2012) propositions. The social nature of institutions and the material characteristic of the resource under study shape the institutional framework put in place to govern the resource. The chapter has illustrated how challenging it is to navigate through the complex functioning of institutions since institutions are basically what people do, which is difficult to freeze and analyse. The state governance machinery through polycentric institutions has challenges in coordinating wildlife policy, though elements of the desire to involve concerned parties in the governance context are present. The next chapter focuses on the game farmers themselves and their actions in relation to the state, both of which can be seen as "bricoleurs", piecing together old and new practices in this emerging arena.

## **CHAPTER SEVEN**

### **THE PROVINCIAL CONSERVATION AUTHORITY AND GAME FARMERS AS INSTITUTIONAL BRICOLEURS**

#### **Introduction**

This chapter focuses on the relationship between the game farmers and the provincial conservation authority, Ezemvelo KwaZulu-Natal Wildlife (EKZNW). It views these actors as 'bricoleurs' who interact on a daily basis using new national regulations (such as Threatened or Protected Species regulations) as well as established historical practices to 'stitch together' ways of operating that are quite distinctive to this context. Thus the actors both consciously and unconsciously draw on daily practices to shape new institutional processes in a contested but also mutually beneficial way. The chapter reviews several arenas in which the provincial conservation agency interacts with private landowners including game farmers. These are: permitting processes, conservancies, the Biodiversity Stewardship Programme, game auctions, combating rhino poaching and regular interactions between conservation officials especially District Conservation Officials and game farmers, for example when the officers visit game farms to conduct inspections and help the farmers with the drawing and implementation of environmental plans.

The chapter argues that the fractured state (described in Chapter Six), in fact provides space within which the game farmers are able to effectively manoeuvre and to maximise their advantages as private landowners. In the absence of clear regulatory frameworks Ezemvelo KwaZulu-Natal Wildlife and the game farmers are operating as actors improvising together every day practices – that is, operating as bricoleurs. The game farmers do not only work according to formal policies and regulations; they improvise as well as drawing on the way things were done historically. That is especially the case in a context like this, where they

are able to draw on old practices from the Natal Parks Board era. This chapter then is about the relationship between Ezemvelo KwaZulu-Natal Wildlife and the game farmers which is wider than simply EKZNW's 'regulatory concerns' (although those would come into it). It also includes what the game farmers get out of the relationship - how they realise more benefits than the often articulated discourse of problems, benefits which are related to their historical close relationship with the former Natal Parks Board. The theory on institutional bricolage is providing a lens through which to understand these processes.

### **Improvising Together Practices for Private Wildlife Governance in KwaZulu-Natal**

New practices such as the permitting processes associated with the Threatened or Protected Species (TOPS) regulations, discussed below, are being improvised together with existing practices derived from the long relationship between private landowners in the region and the provincial conservation authority. In the past, the former Natal Parks Board worked extensively with private landowners to encourage them to protect wildlife on their farms, and many aspects of this relationship extend into the present.

#### **A Brief History of Interactions**

As briefly described in Chapter Five, the Natal Parks Board was formed in 1947. In the period just after the Second World War, Natal held discussions with other provincial structures of the Cape, Orange Free State, Transvaal concerning the kind of management of nature conservation they intended to put in place.<sup>31</sup> The provinces of Cape, Orange Free State, Transvaal chose to have provincial departments (see Carruthers, 2008b), but Natal elected to put in place a semi-autonomous parastatal entity financially supported by the province.<sup>32</sup> The parastatal's activities would be controlled by a Board made up of staff "drawn from members of organised agriculture, the judiciary, legal fraternity, business

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<sup>31</sup> Natal Parks Board. Undated a. Brief History of Natal Parks Board. Natal Parks Board: Pietermaritzburg.

<sup>32</sup> Ibid.

community and non-governmental agencies.”<sup>33</sup> These Board members would be people who had exhibited a clear interest in nature conservation and they would bring in their experience and skills to the Board led by a Director who would be an “ex officio” member.<sup>34</sup>

The organisation grew, and by the 1980s the Natal Parks Board consisted of four divisions namely: Conservation, Research, Recreation and Interpretation.<sup>35</sup> The Conservation Division was by far the biggest of these four divisions and took care of the provincial game and nature reserves, together with nature conservation matters beyond the public protected reserves. The board’s major responsibility was “for nature conservation in Natal, to promote the wise use of natural resources in perpetuity, and to prevent the degradation of the environment”<sup>36</sup> with a full mandate to do so, and its budget being mainly financed by the province besides revenues it earned through tourism. For example, the budget for the period 1985/86 indicates an expenditure of R37.5 million against an approximate revenue of R9 million.<sup>37</sup> The rest of the budget was financed by the Natal Province.<sup>38</sup>

Game Rangers under the Conservation Division of the Natal Parks Board performed duties such as law-enforcement, anti-poaching tasks, upkeep of fences and firebreaks, maintenance work to prevent or reduce erosion, destruction of alien species, attending to visitors and also accompanying guests on wilderness trails.<sup>39</sup> The Conservation Division also had a game capture unit for translocating animals from some reserves to others, or private zoos, game parks and game ranches in the same province, or to elsewhere in South Africa and abroad.<sup>40</sup>

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Natal Parks Board. Undated b. Natal Parks Board: A Summary of Several Key Performance Areas. Natal Parks Board: Pietermaritzburg.

<sup>36</sup> Ibid.

<sup>37</sup> KZN Nature Conservation Service – Annual Report 1999 – 2000

<sup>38</sup> Ibid.

<sup>39</sup> Natal Parks Board. Undated a. Brief History of Natal Parks Board. Natal Parks Board: Pietermaritzburg.

<sup>40</sup> Ibid.



The NPB increasingly valued the role played by private landowners in conservation as shown by their inclusion in conservation efforts. By the late 1970s, it was argued that focusing on conservation in the public protected areas alone would not be adequate to ensure conservation of wildlife in the province. As a result, in order to broaden conservation beyond public protected areas, the Board recruited personnel referred to as zone officers to take up this role.<sup>41</sup> The zone officers were responsible for encouraging conservation and creating awareness across a diversity of habitats stretching from the coast to the Drakensberg.<sup>42</sup> Their duties included amongst others law enforcement and extension services, with much emphasis on issues such as game and vegetation management, control of problem animals, and conservation of wetlands on privately owned land.<sup>43</sup>

The officers inspected the premises of landowners and were empowered to issue licences for the rearing of wild animals in captivity, as well as the collection of indigenous plants. The game section of the Conservation Division was also responsible for advising the farmers on the type of wild animals, birds or fish they could introduce on their properties without affecting their existing farming operations.<sup>44</sup> The advice offered was at this time based on the premise that any introduction of new game species would be peripheral to whatever form of conventional agriculture that might have been carried out on a particular property (Steele, 1979). Conventional agriculture was more dominant on such properties than what it is today. The situation is different now, where in some properties there has been complete conversion from conventional farming to game farming and rearing of wild animals has become the major activity of the entire farming enterprise.

These institutional processes were not always smooth. Nick Steele chronicled the nature of conflict within the Natal Parks Board and by landowners as for instance with regard to

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<sup>41</sup> Natal Parks Board. Undated b. Natal Parks Board: A Summary of Several Key Performance Areas. Natal Parks Board: Pietermaritzburg.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

Operation White Rhino (Steele, 1979). Overall, however, these efforts to engage landowners placed the Natal Parks Board in a good working relationship with many of them for more than twenty years of its overall tenure, making it adaptable to new challenges in a dynamic South Africa. The authorities were able to establish a common understanding and shared goals and benefits with farmers around the discourse and practice of conservation, not merely enforcing regulations. After the end of apartheid, new institutional processes for the governance of wildlife resources were 'stitched' together by the concerned actors, drawing on past practices and relationships.

It is critical to note the institutional implications of these changes. The historical development of the state conservation body has been shaped by multiple challenges as the organisation reacted to political developments in the country as well as the day to day challenges that were encountered in conservation efforts in the province. I argue that the realisation that conservation in the public protected areas only was not adequate for conservation of wildlife in the province was a turning point in the application of conservation efforts in Natal. This development changed the focus of the conservation authorities to seriously consider working with private landowners, not merely on the basis of enforcing regulations but on the basis of a common understanding, shared goals and benefits. In this way, new institutional processes for the governance of wildlife resources were improvised together by the concerned actors. This is particularly evident in the development of conservancies in the 1980s.

### The Conservancy Movement

The conservancy concept started in Natal in 1978 and it focused on privately owned agricultural land with the thrust of conserving indigenous plants and animals. This was an initiative of the partnership between the authorities and the private landowners themselves. Nick Steele was instrumental in the development of the conservancies in the then Natal Province when he came up with the 'Farm Patrol Plan' in 1975 (Wels, 2000; 2003; 2015).

Nick Steele worked for the Natal Parks Board from 1956. He started as a ranger and went up the hierarchy to become a senior warden (Steele, 1968) before falling out with the Board, after which he was removed from the more prestigious Zululand game reserves and posted to the Natal Midlands. Wels argues that the major motivation to start conservancies was the need to reduce and stop poaching on the participating neighbouring properties by providing security for instance, along the joint perimeter of all the properties (Wels, 2003; 2015). Steele subsequently left the NPB to start the rival KwaZulu homeland conservation authority. Draper notes that “the Natal Parks Board claims the credit for having 'developed the conservancy system (now used in other African states)' but makes no mention of Steele's name in regard to this boast” (Draper, 1998: 817).

Nick Steele, while working for the NPB, designed the Farm Patrol Plan which suggested ways through which neighbouring farmers would join hands to tackle poaching in their efforts to conserve wildlife (Wels, 2000; 2015). Farmers resisted some of the conservation efforts, and “the plan did not meet with the unanimous enthusiasm of the private landowners straightaway” (Wels, 2000: 150). The first conservancy was the Balgowan Conservancy which was established on the 14<sup>th</sup> of August 1978 (Wels, 2000). As noted above, the major tenet of the conservancy concept was the employment of game guards who would patrol the participating properties to stem poaching (Wels, 2000; 2015). Conservancies were made up of land holdings where the owners committed to pool their resources to conserve wildlife resources on the consolidated properties. It was a voluntary cooperative initiative by the neighbouring landowners. The idea of conservancies became an important conservation strategy on privately owned land outside the public protected areas under the management of the Natal Parks Board (Wels, 2000; 2015).

The Natal Parks Board supported conservancies through providing extension services on administrative and wildlife management issues, helping in producing a newsletter (*The Guineafowl Newsletter*) to keep landowners informed, availing facilities for meetings, training

conservancy game guards, and organising conservancy-related events.<sup>45</sup> By the late 1980s, there were 138 conservancies in Natal covering about one million hectares proportional to 17% of the province's land area that was patrolled by 420 game guards.<sup>46</sup> This number of conservancies rose to 168 in 1994 covering 1.4 million hectares of land in the province (Wels, 2000). Landowners involved in conservancies formed the Natal Wildlife Conservancy Association in 1982 to represent their interests, for instance by publishing the newsletter and distributing it to its members to keep them abreast of relevant developments in their sector (Wels, 2000). The success of the idea of the conservancy led to its spread to other provinces in South Africa, and subsequently to other countries like Namibia and Zimbabwe (Wels, 2000; 2003). General issues relating to conservancies have been discussed in Chapter Three (see Smith and Wilson, 2002; Lindsey *et al.*, 2009).

The formation and running of conservancies is related to Schutz's (2010) suggestion of the concept of 'common-interest communities' of landowners who are diversifying through small-scale nature based land uses. This is noted for example in Schutz's research in the Great Plains of the USA. According to Schutz, common-interest communities are where neighbouring landowners would collectively take action to "enhance the economic, social, and environmental sustainability of grasslands and the populations that use them" (Schutz, 2010: 2320). Due to the small scale and fragmented boundaries of the properties involved (Schutz, 2010), it would be attractive for the landowners to take advantage of economies of scale once they pool their resources, sharing the costs as well as subsequent revenues. This is an arrangement that benefits from the exercise of private law supporting private property rights (Schutz, 2010) and relies on voluntary participation. In the Great Plains example, the landowners were responsible for developing their own legal arrangements to

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<sup>45</sup> Information obtained from an undated and unpublished article entitled; "Natal Parks Board: A Summary of Several Key Performance Areas" obtained from the library of Ezemvelo KwaZulu-Natal Wildlife on the 14<sup>th</sup> April 2011.

<sup>46</sup> *Ibid.*

govern their operations, thus leading to the establishment of new institutions for the governance of their natural resources.

In Natal, the formation of conservancies and the Natal Wildlife Conservancy Association by private landowners should be seen as a form of adaptation to collective challenges they faced at the time. This can be seen as a case of institutional bricolage in which actors used the available knowledge, relationships, resources and prevailing institutional mechanisms to craft new institutions by improvising on their daily experiences and common challenges. The move from just joining a conservancy to forming a conservancy association shows the increasing representation of the game farmers' interests. Thus these institutions have adopted multiple functions besides the original single focus that they were created for. In this way private landowners in the context of this thesis have shown a high level of cohesion and organisation, gaining leverage, reputation and respect in conservation circles in the country and around the world.

In post-apartheid South Africa, new forms of institutional bricolage are being employed to build on and further adapt these existing practices. It is notable here that game farming started quite early on in KwaZulu-Natal and was actively stimulated by the Natal Parks Board, in particular by the provision of game animals originating from the protected areas, at first for free and then later sold in game auctions. (Game auctions remain an important feature of the relationship between private landowners and the conservation authority, and will be discussed below). These interactions resulted in quite close relationships between farmers and the Natal Parks Board, later Ezemvelo KwaZulu-Natal Wildlife. Nevertheless as shall be shown below, even given this quite close relationship, Ezemvelo KwaZulu-Natal Wildlife still has difficulties in keeping track of what happens on game farms and experiences difficulty in enforcing legislation. For example, the introduction of new game species on farmers' properties to cater for the new market inevitably creates some tension with the conservation authorities.

## **Current Interactions between Ezemvelo KwaZulu-Natal Wildlife and Game Farmers**

As explained, Ezemvelo KwaZulu-Natal Wildlife (EKZNW) is a semi-autonomous parastatal entity financially supported by the province since the end of the Second World War. Currently it operates under the KwaZulu-Natal Department of Agriculture and Environmental Affairs (KZNDAEA). EKZNW carries the mandate of ensuring conservation and sustainable utilisation of natural resources in KwaZulu-Natal Province. In pursuit of this mandate, Ezemvelo KwaZulu-Natal Wildlife implements two sets of legislation: national, for example, Threatened and Protected Species Regulations under National Environmental Management: Biodiversity Act 10 of 2004; and provincial, for example, Natal Conservation Ordinance 15 of 1974. The major provincial nature conservation legislation in force in KwaZulu-Natal is as follows: Natal Nature Conservation Ordinance 15 of 1974; KwaZulu Nature Conservation Act 29 of 1992; and KwaZulu-Natal Nature Conservation Management Act 9 of 1997.

The major ways through which EKZNW interacts currently with game farmers include the permit system and the Biodiversity Stewardship Programme (BSP), besides regular inspections on private land. In addition, auctions where game from public protected areas is sold to private game farmers offer a chance for strengthening conservation efforts on privately owned land within the province. Chapter Six highlighted the point that government departments often fail to cooperate. The fact that KwaZulu-Natal has an integrated department of environment and agriculture should help in preventing such silo-like behaviour; but because the province has such a strong conservation agency, conservation is still in terms of policy-making separated from agriculture.

### **Permitting**

Many activities related to wildlife (especially hunting or moving an animal) require a permit to be issued by the conservation authority. The permitting system is a particularly interesting field in which to study the everyday regulatory practices in KwaZulu-Natal. In an interview

with Waldo Bekker in Pietermaritzburg on the 3<sup>rd</sup> of May 2011, I learnt a great deal about the permitting system. Bekker was at that time a District Conservation Officer in the Natal Midlands. District Conservation Officers are the equivalent of the old “zone officers” in that they work outside the protected areas, with private landowners. Bekker said that the KwaZulu-Natal Province was one of the earliest provinces to adopt the contentious Threatened or Protected Species Regulations (TOPS) of 2007 that were crafted at the national level. This means that a hunting permit is always needed, whether the proposed hunt is for management purposes or if it is an ordinary sale to a customer. If the game farmer intends to cull game on his farm, the District Conservation Officer through whom the application has been lodged should indicate on the application that the hunt is for management purposes. He/she would also have visited the farm and satisfied him/herself that there really is a need to effect that management decision. Normally an ordinary permit is issued, but if the species is on the TOPS list, a TOPS permit must be issued.

There are District Conservation Officers throughout KwaZulu-Natal Province who deal with the permit system. Aspects of wildlife ranching that must conform to legislation include ownership, the species kept on the farm, hunting, ecotourism, capture/trans-location and the supply of wildlife products such as meat, skins and trophies. There are numerous types of permits issued in line with national legislation such as National Environmental Management: Biodiversity Act 10 of 2004, the Threatened and Protected Species Regulations and provincial Natal Conservation Ordinance 15 of 1974. Extension officers visit game farms and deal with the game farmers on biodiversity issues.

With regard to TOPS in particular, it was interesting to note that the TOPS permits are generally not very expensive for individual hunters. According to another EKZNW official, if a farmer is to be given a permit for a hunter to hunt a leopard, he or she will have to pay R500.00 [US\$50 at mid-2013 exchange rates] and an additional R100.00 [US\$10] for a TOPS permit since the leopard is included on the threatened or protected species list

(Interview with Kirsten Bond, 29 June 2011, Pietermaritzburg). However, according to TOPS requirements, the buyer, seller and the person who will dart the animal all need to have a permit and all these parties complain that this process is unnecessarily cumbersome (personal notes on interviews with game farmers). The official indicated that they had no option but to just implement national legislation.

Whilst initially, numerous challenges were encountered mainly concerning interpretation of the regulations and how they should be implemented, the conservation officials and game farmers interviewed felt that 'teething' problems in the implementation of TOPS were now resolved (personal notes on interviews with game farmers and District Conservation Officers). The new set of practices appeared to be gaining legitimacy, being increasingly integrated into existing daily interactions between the District Conservation Officers and the game farmers. This integration can be seen as a way through which institutional bricolage processes are gradually developing to shape how wildlife resources are used.

It is difficult to ascertain the effectiveness of the TOPS legislation on achieving its intended objectives with respect to ensuring the sustainable utilization of wildlife. But the fact that the state has recently attempted to introduce amendments to TOPS regulations suggest that there are real challenges in its implementation and subsequent effectiveness (personal notes from my observations at the inaugural WRSA congress in Modimolle, Limpopo Province). This recent move to introduce amendments to TOPS legislation has caused consternation amongst game farmers. For instance, Gert Dry, president of Wildlife Ranching South Africa from 2013, said at the inaugural WRSA Congress that their organisation would only support new TOPS regulations that work for their vision of the 'green economy in wildlife ranching' (personal notes from my observations at the inaugural WRSA congress in Modimolle, Limpopo Province). Peter Oberem, then vice president of the WRSA, said on the same occasion that the Minister of Environmental Affairs had given the WRSA top priority to provide input on the amendment of TOPS regulations (personal notes from my observations



at the inaugural WRSA congress in Modimolle, Limpopo Province). In Peter Oberem's view, this gesture was a sign that government was taking the game farmers seriously, and clearly they do constitute a powerful lobby.

In interviews with officers from Ezemvelo KwaZulu-Natal Wildlife, they acknowledge the fact that there is increasing pressure from the national game farming organization Wildlife Ranching South Africa. WRSA argues that game farming is over-regulated since farmers need different permits to hunt/capture, transport, and sell game. The Department of Environmental Affairs is seen to be 'going overboard' in regulation of game farmers and the regulatory processes are viewed as unnecessary bureaucracy. However, for the conservation authorities the regulations are important. For instance, in KwaZulu-Natal there are certain species that cannot be put in a certain area because of historical distribution, for example, bringing Gemsbok (*Oryx gazella*) from the Kalahari to an area in the coastal region. Eland (*Taurotragus oryx*) in Limpopo province are, it is argued, not the same as the eland in the Drakensburg (eland are better suited to the ecological context of the Drakensburg). In line with this reasoning, a study of the geographic distribution of giant sable (*Hippotragus niger variani*) subspecies populations based on their physical characteristics has shown that sable may look alike while they actually have genetic differences (van Vuuren, Robinson, VazPinto, Estes and Matthee, 2010). This has critical management implications as some of these subspecies are considered to be endangered (van Vuuren *et al.*, 2010).

This gives justification on the part of the conservation authorities to strictly adhere and enforce regulations that limit practices of bringing certain species to private properties in the province. This strict enforcement has led to a strong view from the side of game farmers that they should be regulated by the department of agriculture, not the department dealing with environment and conservation (as discussed in Chapter Six). The game farmers want to operate in an economic environment equal to cattle farming, and some express frustration

that the ecological context does not allow it (Interview with Game Farmer 1, 19 April 2011, Pietermaritzburg). There is a dominant view that the permit system is not in the game farmers' favour, and there is more that could be done to reduce the bureaucracy (Interview with Waldo Bekker, 3<sup>rd</sup> of May 2011, Pietermaritzburg).

This is exacerbated when the property happens to cross provincial boundaries. A District Conservation Officer indicated to me that there are cases for instance, where game farms on the fringes of Newcastle and Utrecht (towns in KwaZulu-Natal Province) extend over to Mpumalanga Province (Interview with Miranda Sikhakhane, 20 February 2013, Newcastle). The owners of such properties have to comply with regulations from both the KwaZulu-Natal and Mpumalanga Provinces. This is one of the challenges, related to demarcation, where sometimes areas under the same ecological conditions span different local and provincial administrations. Therefore, the game farmers concerned subsequently become subjected to different regulations emanating from each administration and hence not harmonised. Farmers blame conservation authorities for loss of business because of delays in issuing permits.

There are also other points of grievance in addition to permitting. The authorities are hesitant to approve the introduction of hybrids or colour variants into the province. In other South African provinces, extralimital species have been introduced into private game reserves with the idea of attracting more tourists and improving their wildlife experiences (Maciejewski and Kerley, 2014). KwaZulu-Natal is the only province in South Africa which does not allow colour variants of game for example, the golden wildebeest, black impala, black and white kudu. (It should be noted, however, that many game farmers in KwaZulu-Natal are proud of their contribution to conservation and are proud of this fact). There are compliance issues, where farmers are breaking the law, for example hunting animals illegally, catching animals illegally and selling them illegally. However, permits of different types, for example, an ordinary hunting permit or TOPS permit in terms of these regulations

are issued daily, and up to 300 hundred permits can be issued monthly (Interview with Waldo Bekker, 3<sup>rd</sup> of May 2011, Pietermaritzburg).

A District Conservation Officer outlined to me what happens if a farmer wants to start a game farm from scratch (Interview with Waldo Bekker, 3<sup>rd</sup> of May 2011, Pietermaritzburg). The farmer has two choices of how to register their intention with the provincial authorities (commercial game reserve or private nature reserve). There is separate legislation for registration as a commercial game reserve and as a private nature reserve. A private nature reserve is where ecotourism is the main focus. A commercial game reserve is a hunting/breeding farm. Officers from Ezemvelo KwaZulu-Natal Wildlife visit the farm to make assessments, for example of carrying capacity to determine the type of species and number of animals. The kind of species to be put on the farm and numbers in terms of carrying capacity are also assessed. Ezemvelo KwaZulu-Natal Wildlife also offers advice on management practices, for example, fencing, private security force or game guards, and the burning regime. This advice is offered as a service from the organisation. All these processes allow for numerous interactions between the conservation authorities and the game farmers which generally results in the establishment of working relationships.

The District Conservation Officer indicated to me that there had been a substantial increase in the number of applications for new permits in the previous 9 or 10 years, which had now levelled off somewhat (Interview with Waldo Bekker, 3 of May 2011, Pietermaritzburg). Introduction permits were awarded very often and, he stated, there were big farms that were still being proclaimed. For example, in cases where farms were given back to communities through the land claims process, a number of such farms were established as game farms (see Ngubane and Brooks 2013, as well as Chapter Eight for a discussion of community owned game farms).

From the point of view of the conservation authorities, interaction with private landowners is of great importance. In KwaZulu-Natal Province as in many parts of the country, conservation land outside formal protected areas constitutes a greater proportion than the public protected areas. For instance, in terms of species protection, 90% of the Oribi species are conserved on private land with a sizable portion of those farms being in the KwaZulu-Natal Midlands (Interview with Samson Phakathi, 3 November 2011, Midmar) (see Chapter Eight for a discussion of the challenge of the survival of the Oribi species as an endangered animal). This thrust helps to explain why the focus on biodiversity conservation on private land is increasingly important from the point of view of EKZNW.

As far back as 2006 the KwaZulu-Natal Nature Conservation Board noted that some parts of the current legislation and ordinance were outdated, and their use was putting the EKZNW in a difficult position.<sup>47</sup> A year later, the Chief Executive indicated that redundant legislation was complicating Ezemvelo KwaZulu-Natal Wildlife's fulfilment of its biodiversity conservation obligations.<sup>48</sup> The Natal Nature Conservation Ordinance 15 of 1974 is a classic example. A District Conservation Official indicated that some of the fines stipulated in the regulations are no longer deterrent enough (Interview with Lynne Ruddle, 5 March 2013, Dundee). The permit fees are ridiculously very low. These fees are still being charged as an incentive on the basis of the idea that private game farmers are being generous and courteous enough to carry out biodiversity conservation on their properties. The situation on the ground has since changed from the conceptualisation and practice of biodiversity conservation for the sake of it, to a contemporary one that is more oriented towards the market.

Due to the low costs, farmers can afford to ignore the requirement to renew some of their annual permits. In 2011, an officer from EKZNW told me that there were cases of farmers

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<sup>47</sup> Minutes of Meeting of the KwaZulu-Natal Nature Conservation Board No.78/No.6 of 2006, 27 October 2006.

<sup>48</sup> Minutes of Meeting of the KwaZulu-Natal Nature Conservation Board No.75/No.1 of 2007, 27 June 2007.

who had not renewed their annual permits to maintain game since 2006 (Interview with Kirsten Bond, 3 June 2011, Durban). Perhaps those farmers had stopped keeping game on their properties, but they are still obliged to inform the conservation authorities with regard to those changes. I asked the official what happens under such circumstances when farmers do not renew their permits for a long period, and she said that the situation will depend on whether the relevant District Conservation Officer decides to charge them or not. Compliance to conservation regulations has tended to depend on goodwill due to each conservation official's rich experience of working in a particular area. They generally have some idea of what is taking place on respective private properties in the district (Interview with Lynne Ruddle, 5 March 2013, Dundee). In my conversations with game farmers in the Weenen area for example, I noted that Waldo Bekker has a cordial working relationship with them. However the working arrangement between District Conservation Officers and game farmers is clearly not adequate to monitor all game farms spread across the vast expanse of the province, hence some farmers can get away with failing to renew some of their permits. Given widespread agreement that some of the regulations are outdated, game farmers find gaps on which to capitalise. This is made easier due to the fact that the various government departments are far from being of one mind with regard to the regulation of game farming (see Chapter Six).

#### The Biodiversity Stewardship Programme

The KwaZulu-Natal Biodiversity Stewardship Programme (BSP) was launched on the 21<sup>st</sup> November 2008.<sup>49</sup> The major drive behind the KwaZulu-Natal Biodiversity Stewardship Programme has been to encourage and support the private landowners to seriously consider conservation on their properties. The stewardship programme is meant "To secure conservation status of areas with high biodiversity values in both private and communally-owned land, ensuring that landowners will enjoy tangible benefits for their conservation

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<sup>49</sup> KwaZulu-Natal Nature Conservation Board: Annual Report 2008/9.

actions and expanding biodiversity conservation outside of formally protected areas.”<sup>50</sup> In some ways, this can be seen as the successor to the earlier conservancy movement, because it too provides a way for private landowners to engage with the provincial conservation agency.

The KwaZulu-Natal Nature Conservation Board’s definition of stewardship is “the wise use, management and protection of that which has been entrusted to you.”<sup>51</sup> It is within this framework that stewardship in conservation terms is taken to mean wise use of natural resources that the private landowners have been ‘entrusted with’ on their properties, which are beyond the conservation authorities’ direct management and control (unlike the formal public protected areas). The stewardship is envisaged as some form of collaborative management of natural resources on privately owned land. This arrangement was put in place to achieve the goals of maintaining natural environmental systems together with the biodiversity and ‘ecosystem services’ they avail to the current users. The need to ensure sustainable use of the natural resources for current and future generations is also imperative.

The stewardship unit of the EKZNW developed a framework<sup>52</sup> to guide the implementation process of the stewardship programme through the various categories which the private landowners can choose once they decide to enter the stewardship agreement as follows:

- Nature Reserve (under the National Environmental Management (NEM): Protected Areas Act 57 of 2003)
- Protected Environment (under the NEM: Protected Areas Act 57 of 2003)
- Biodiversity Agreement (under NEM: Biodiversity Act 10 of 2004)
- Conservation Area (informal registration of site)

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<sup>50</sup> KwaZulu-Natal Nature Conservation Board: Annual Report 2008/9, page 18.

<sup>51</sup> KwaZulu-Natal Nature Conservation Board Annual Report 2006/7, page 19.

<sup>52</sup> Ibid.

The stewardship unit also made assessment of the legal framework of the stewardship programme, since all respective proclamations and agreements entail legal contracts.<sup>53</sup> The stewardship unit went on to formulate relevant tools and procedures based on a pilot programme involving eight sites from across the province including land under varying land tenure systems.<sup>54</sup>

This practice was seen as fitting together with the post-apartheid People and Parks Programmes of the 1990s, which aimed to promote custodianship and ownership of natural resources by their actual users.<sup>55</sup> According to EKZNW, up to 80% of the priority biodiversity habitat in the province is found outside of the public protected area network, and only 53% of priority species were being conserved within the public protected areas.<sup>56</sup> Consequently targets were set to meet the shortfall by bringing in a certain number of hectares from either private, communal, municipal or government land under some form of formal conservation where the land use is secured and guaranteed to be used for that purpose. The stated target was to bring 1.4 million hectares or 14.5% of the area of the province under some formal conservation land-use so that there is adequate conservation of the province's biodiversity.<sup>57</sup> For example, the Midlands Mistbelt Grassland is a critically endangered vegetation type outside protected areas (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg). To secure such a vegetation type the EKZNW had to enter into a partnership with landowners.

EKZNW set targets to achieve its mandate to conserve biodiversity on the basis that the state conservation organ requires adequate representation of vegetation types, animal species and habitats across all landscapes in the province. The Biodiversity Stewardship Programme was established to achieve conservation targets while meeting the needs of

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<sup>53</sup> KwaZulu-Natal Nature Conservation Board Annual Report 2006/7.

<sup>54</sup> Ibid.

<sup>55</sup> KwaZulu-Natal Nature Conservation Board: Annual Report 2008/9.

<sup>56</sup> <http://www.kznwildlife.com/index.php?/About-Stewardship.html> Accessed: 24/10/2011.

<sup>57</sup> Ibid.

landowners, bearing in mind that conservation involves costs such as maintenance, rehabilitation, and fencing. There are also opportunity costs incurred when refraining from use of the land to produce alternative tradable commodities. The burden of costs may not be proportional to the returns that accrue to different actors involved or carried by those who end up benefitting from conservation efforts (Burger, McKenzie, Thackston and Demaso, 2006). So, stewardship gives incentives to help the participating farmers.

According to an EKZNW official working on the Biodiversity Stewardship Programme, the issue for the organization was not the lack of a conservation culture per se, but rather the lack of security for conservation as a land use (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg). For example, in many sites of conservation significance including what EKZNW terms natural heritage sites, and in communal conservation areas, the landowners could easily change land use without commitment to conservation. There was a lack of resources which constrained the EKZNW in actually purchasing land that would be brought under formal conservation.<sup>58</sup> According to Ruiters, earlier stewardship efforts had not succeeded strategically due to lack of legal security and they were cumbersome, with up to 25 stewardship alternatives which brought confusion.<sup>59</sup> The new stewardship programme has provided a mechanism where there is a contractual agreement with the landowner, and both parties are committed to ensuring conservation as a secure land use. Ruiters noted that the stewardship concept was also aided by legislation from the national level that the provincial conservation authorities were now implementing. For example, the provincial Nature Conservation Act has been superseded by the National Environmental Management: Protected Areas Act 57 of 2003 (NEMA). The NEM: Biodiversity Act 10 of 2004 is also another instrumental piece of legislation assisting the stewardship programme which focuses on areas outside the protected areas network.

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<sup>58</sup> <http://www.kznwildlife.com/index.php?/About-Stewardship.html> Accessed: 24/10/2011.

<sup>59</sup> Ibid.



In order to get stewardship benefits, the landowner enters into a contractual agreement with EKZNW in the form of biodiversity agreements or through formal proclamation as a protected area, either as nature reserve or an area of pristine environment. The landowners would then commit themselves to uphold conservation legislation. A protected area can be declared for a minimum of 30 years up to 99 years or in perpetuity; the same also applies to a protected environment, while a biodiversity agreement is less onerous, and can start with a minimum of five years' commitment. There is some flexibility on the time the landowner wants to commit to and also in terms of restrictions he/she is willing to adhere to. In the case of a nature reserve, the strictest form of agreement, the added restrictions are combined with fiscal incentives to the landowner. A lower commitment by the landowner implies lower incentives.

Conservancies, communal conservation areas, sites of conservation significance, and national heritage sites have no legislation backing them and there is flexibility when the landowner can opt out of the agreement or the category that is chosen. For sites of conservation significance, the EKZNW awards a certificate to the landowner to acknowledge the importance of such an area which might be a breeding area, a nesting site, a forest patch or a wetland. Sites of conservation significance must have a high value in terms of biodiversity. Here the landowner must certify that the land use is conservation and that the area is to be kept natural. There is no formal agreement on how the landowner should manage the land – in this case, it is general biodiversity legislation which applies.

The next level is the biodiversity agreement, which spells out what the landowner may or may not do for example; he/she may not introduce alien species, he/she will clear alien plants, and he/she may not change the land use to ploughing unless that activity is specified or catered for in the management plan. There is flexibility to change to another category but from the point of view of EKZNW this provides at least some security regarding the land use continuing as conservation.

A nature reserve is where the primary land use is strictly conservation and any other activity has to complement conservation for example, ecotourism, hunting (for management purposes), hiking and accommodation. Both the protected environment and nature reserve are proclaimed where the primary land use for the property or portion of the property under that category is conservation, but the protected environment is more flexible and suitable for a group of landowners that want to work together to conserve a piece of land, and prevent change of land use. It is also suitable for a mixture of agricultural and conservation land uses where the declaration of the protected environment does not have to be endorsed on the title deeds of the land. There are a number of participating landowners from the forestry industry, crop farmers and livestock farmers under this category. EKZNW advises the landowner on modest stocking rates which vary from farm to farm depending on the condition of the veld based on the impact of the previous land use and also vegetation types. The idea is that indigenous species would be able to sustainably exist on the land as the goal of conservation (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg).

The game custodianship policy being developed under the BSP was still being crafted in 2011, when I talked to an official about it (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg). Here EKZNW would give the landowner a certain number of game animals to manage. The landowner would stock his/her land for what is deemed to be the lifespan of that species, for example, the Oribi which is an endangered species has a lifespan of 15 years. The landowner would be the custodian of the species for 15 years and thereafter the surviving offspring are deemed to belong to the game farmer. This provision is ideal for a game farmer who wants to participate in the BSP but does not have the resources to buy game. The official said that new state finance regulations do not allow state assets to be donated to a private individual, so the custodianship agreement would cater for the landowner's lack of resources in this case. These animals can increase the income of the landowner eventually as this is a huge incentive in terms of boosting tourism, as well as due to the high prices of game (running into hundreds of thousands). The animal species

involved range from small antelope such as the Oribi to the black rhino, elephants or other endangered species that would be introduced to areas where they were no longer present.

The incentives that the BSP provides are not by any means supposed to act as an income for the landowner or to increase their revenue. The incentives are meant to make the landowner reach a break-even position, that is, he/she virtually does not have to pay for the conservation costs. The incentives range from the fiscal type such as tax exemption and rebates, property rates exemption and rebates, and conservation management costs such as for fencing, and training of game guards. These incentives however, have to be made relevant to each landowner.

Property and tax incentives which apply to private landowners are structured differently and they work differently for different landowners. For example, one of the fiscal incentives is that the landowner can claim back the value of the land he or she has held under conservation for a period of ten years. So for the landowner who for instance, has bought his land for R10 million, this is a huge incentive, but for a farmer whose land has been owned for a long time such as a number of generations then it is not significant. So depending on each landowner's circumstances, EKZNW works out the incentives and the landowner will decide if he/she is comfortable with them. Under tax incentives, when the land has been declared for 99 years or more the landowner can claim management expenses when they are indicated in the management plan. They can then get a tax break on those management expenses.

For a nature reserve, the landowner is exempt from paying property rates. This incentive has proved to be popular with the participating landowners as according to the EKZNW official they were asking why the conservation authorities have not been "ringing the bell loudly" about their availability (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg). The EKZNW official said that while these incentives are available, they

are not the way in which the conservation authorities seek to bring farmers on board in the stewardship programme. The reason is that the incentives work differently and they are different for each landowner. The conservation authorities would not want to raise the expectations of a landowner who may be disappointed and discouraged at a later stage to participate in the programme. The primary objective is to leave a legacy for the land that is secured for its value, ecosystem services, and species as the primary reason to participate in the programme. So by offsetting management expenses this makes it more viable and more worthwhile for landowners to consider conservation seriously and hence participate in the programme.

These incentives were also still being worked out by developing memoranda of agreement with partner organisations to come on board. For example, the Working for Water Programme and the Working on Fire Programme run by the national Department of Environmental Affairs were some of the partnership programmes to the BSP. The idea was to widen the support for the BSP so that stewardship sites can receive high priority in terms of funding for the management expenses that are critical for maintaining biodiversity.

The EKZNW also works with the Department of Agriculture to look at the agricultural requirements of the landowner, and assess the condition of the veld on the properties. EKZNW also draws expertise from the Pietermaritzburg-based Institute of Natural Resources in that respect. The Wildlands Conservation Trust has been an important partner in facilitating agreements with landowners, acting as facilitators in processing applications, and supporting the landowners. The Botanical Society of South Africa is also involved in assessing and evaluating sites, and determining their biodiversity conservation value. Conservation International, the multinational NGO, has been involved from the start of the BSP by providing funding to support pilot projects based on different land tenure systems and a range of land uses. For example, Conservation International provided funding used

for training staff, fencing, burning regime, and alien plant control, which effectively was co-management of the sites.

At the time of the fieldwork, EKZNW were making efforts to further widen the net and form new partnerships, by signing memoranda of agreement with other non-governmental organisations to expand the programme. This assistance to landowners would enable the adoption of new sites. Some of these NGOs are: Wildlife and Environment Society of South Africa (WESSA), Birdlife SA, and Wildlands Conservation (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg).

The involvement of NGOs in the biodiversity stewardship programme is part of a global trend involving private sector involvement in nature conservation (Holmes, 2010; Spierenburg and Wels, 2010; Ramutsindela, Spierenburg and Wels, 2011), often tied to development goals of the global South (Rootes, 2006). The involvement of these conservation NGOs is gaining traction (Taylor and Lawrence, 2012). Critics point to the negative aspects of this trend. Minority elite groups can gain a disproportionate influence in conservation, as experienced in the Dominican Republic (Holmes, 2010) or Tanzania (Benjaminsen, Goldman, Minwary and Maganga, 2013). While scholars note that “there is little systematic knowledge about the nature, extent, and trends of international aid for projects that link biodiversity conservation and development goals” (Miller, 2014: 341), Brockington and Scholfield (2010: 552) argue that the conservation NGOs promote a “conservationist mode of production” which combines “wildlife and biodiversity conservation with capitalism.” (See also Brockington and Duffy, 2010; Igoe, Neves and Brockington, 2010; MacDonald, 2010b; Fletcher, 2013a).

These conservation NGOs have developed a close relationship with the private sector (Rootes, 2006; Igoe, Sullivan and Brockington, 2009; MacDonald, 2010a), including under the auspices of the Convention on Biological Diversity and the Global Environmental Facility

(MacDonald, 2010b). For example, environmental policy in Madagascar has become market-orientated on the back of conservation NGOs' intervention and mediation that emphasises payment for ecosystem services (Froger and Méral, 2012). In Ecuador, resources have continued to be commercialised by private interests despite the power of the state (Arsel, 2012). In South Africa, initiatives such as the BSP have yet to be examined by critical scholars from this point of view.

In an interview on the 25<sup>th</sup> of October 2011 Pietermaritzburg, Derek Ruiters gave some insight into the progress of the BSP. The BSP started with one manager and one facilitator and now (as of the time of the interview) they have one manager and four facilitators. Each facilitator is working with at least 10 to 15 sites since EKZNW limits the number of sites that they are able to handle or service at a time. Once those sites are proclaimed or declared, the BSP facilitators work with the District Conservation Officer teams based throughout the province which frees up facilitators to other sites. The number of sites that EKZNW is working with has increased from the eight pilot sites in 2008 to at least 50 at the time of research. As of November 2011 there were 8 to 10 formally declared nature reserves, two biodiversity agreements and one protected environment. Since its inception in 2008, the BSP has gained in popularity throughout the province, according to the officials interviewed. This was confirmed in my interactions with hunters, who agreed that the farmers on whose land they hunt have expressed interest in having their properties included under this programme. The demand to participate in the programme far exceeds the EKZNW's capacity to take on the new landowners.

It takes an average of a year to a year and half from when the application to participate in the programme is accepted, to the date of proclamation. A procedures document spells what those milestones are in the process from when the application is accepted to the date of proclamation. One game farmer complained to me that the stewardship programme takes a lot of time, and there is also only a small group of officials from EKZNW involved so

obviously they deal with only a certain number of farmers (Interview with Game Farmer 4, 28 October 2011, Midmar).

The programme aims to target areas of biodiversity regardless of where they are found, based on the condition of the land. Criteria for participation include the presence of endangered species, the value of the potential ecosystem services, climate change adaptation, and management effectiveness. The BSP has been more successful in engaging private landowners than in extending its reach to land under a communal property regime. While the total acreage of communal properties may exceed the total acreage of private land under BSPs, the actual number of BSP projects involving communal property sites is smaller than the number on freehold land.

EKZNW is aware that it has limited power in a context where the landowners might have very strong economic requirements like jobs, small businesses for generating income, and food production which is not the mandate of EKZNW. So EKZNW brings in partner organisations that can satisfy those needs to free up or enable the landowner to look at the biodiversity aspect. The EKZNW official acknowledged this by saying, “it is hard for a hungry starving man to be concerned about the last threatened butterflies on his property as that same piece of land can be used for planting crops” (Interview with Derek Ruiters, 25 October 2011, Pietermaritzburg).

Success of the programme so far is measured by the hectares added to stewardship, and the species whose habitat has been secured. Legislation and the BSP agreements allow the sites to be audited annually and reviewed after five years, and so the landowners will be assessed based on the management plan regarding their progress towards achieving biodiversity conservation. The farmers still retain a great deal of leverage in the BSP as the EKZNW does not have unlimited access to the private landowner’s property once it becomes part of the BSP, though terms and conditions concerning access are subject to

negotiation at the consummation of the agreement.<sup>60</sup> It should however be noted that in terms of the Restitution of Land Rights Act 22 of 1994, land under freehold tenure cannot be declared as a protected area in the BSP if there is a pending land claim.<sup>61</sup> Therefore, any outstanding issues relating to land claims need to be resolved with the Land Claims Commissioner first before a property can be considered for the BSP.

The challenges encountered in the implementation of the BSP and the extent to which they are dealt with speak to the refining of institutional bricolage processes by the various bricoleurs to their satisfaction. These institutional bricolage processes are influenced by the agency, power and social relations of the bricoleurs in ways that are either conscious or unconscious, either obvious or hidden and either intentional or unintentional. So while, for instance, the game farmers as bricoleurs may be constrained by institutions, their continual interaction with other bricoleurs in the sector influences institutional transformation in light of how they exercise their power in relation to their interests.

From the perspective of institutional governance, one striking feature that emerges from the interactions between the various actors in the private game farming sector is the formation of formal and informal local alliances or networks. The Biodiversity Stewardship Programme is an excellent illustration. There are various forms of partnerships at various levels where actors voluntarily participate for perceived benefits that flow from jointly tackling issues or challenges confronting the sector. There is space for the individual game farmer to exercise agency, to do what is necessary to promote his or her interests through various platforms. These relationships have not only evolved between Ezemvelo KwaZulu-Natal Wildlife and the private game farmers, but they have broadened to bring in the private sector which supports conservation through the various non-governmental organisations. The clientele base of the game farmers such as tourists and hunters also play a critical role as they are

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<sup>60</sup> <http://www.kznwildlife.com/index.php?/FAQ.html> Accessed: 25/10/2011.

<sup>61</sup> *Ibid.*



the lifeblood of the sector. As the wildlife industry is becoming more demand driven, locally and globally, the game farmers respond by formulating products and services which are tailor-made to meet the expectations of the customers, including international tourists and/or hunters.

### Game Auctions

On the 3rd of June 2011, I attended the first Ezemvelo KwaZulu-Natal Wildlife Auction of the year at Sibaya Casino in Durban. Ezemvelo KwaZulu-Natal Wildlife takes these auctions seriously as they are a critical revenue generation opportunity. There is a unit within the organisation's commercial division which focuses on its game auctions (Interview with Rahman Devduth, 14 April 2011, Pietermaritzburg). In this case it was a game auction conducted on behalf of Ezemvelo KwaZulu-Natal Wildlife as part of its management strategy for the protected areas (and as an alternative to culling). Although the auction did not earn as much as in earlier years, proceeds from the auction were in excess of R8 million (as compared to R11 million for 2010). As mentioned in Chapter Six, some animals were withdrawn from the auction because of the outbreak of foot and mouth disease in northern KwaZulu-Natal.

These game auctions have become an institution in South Africa and are conducted by both private and state agencies, but they were pioneered by the Natal Parks Board in the 1980s. The annual growth in revenue from similar auctions shows the increasing importance of the wildlife ranching industry to the South African economy in driving the ecotourism and hunting sector (for example, the 1998 auction organised by KwaZulu-Natal Nature Conservation Service netted R11 million, a very large amount at the time).<sup>62</sup>

The then Chief Executive (Dr Bandile Mkhize) of Ezemvelo KwaZulu-Natal Wildlife highlighted that these wildlife auctions were good for the organisation and also important for

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<sup>62</sup> KZN Nature Conservation Service – Annual Report 1999 – 2000.

conservation. The provincial conservation authorities, he said, hold the game ranching industry in high regard because of its synergistic role (personal notes from Dr Bandile Mkhize's speech at the Game Auction at Isibaya Casino, Durban, 2 June 2011). He mentioned that some proceeds from the auction are used to assist communities close to public protected areas. This is important in encouraging them to value wildlife and the hope is that they would in turn help towards conservation efforts. The auctions also help to maintain biodiversity by spreading the wildlife to other areas in the country where numbers had dropped, while at the same time reducing environmental pressure from the source areas which are mainly the overstocked public protected areas. The auctions, he said, are also playing a critical conservation function in leading to the introduction of wildlife in new areas. Of particular importance was the fact that these efforts would complement the initiatives to protect the rhino which has become an easy target for poaching.

At the auction I made some observations and gained some insight into the industry. Among those in attendance, there were no black people amongst the registered buyers. This situation suggests that this industry is very much white dominated and appeared exclusive. Judging by the prices that the animals fetched (for example, a male white rhino went for R350 000), the private wildlife sector is a capital intensive industry, thus making it a formidable barrier for a new business person to enter. Another observation was that this is an event that was well organised in terms of logistics and financial support for those already participating. The event is sponsored by one of the country's top four banks. There were also a number of insurance and specialised transport companies as well as a private auctioneer. Interestingly, when I talked to the bank officials, they would not divulge how much they had spent to sponsor the event. It was not company policy to do so, but one of the officials mentioned jokingly that it is actually a lot of money and that there is a lot of negotiation before coming to a round figure (Interview with Bank Official, 3 June 2011, Isibaya Casino, Durban). The bank had been sponsoring the auctions for the past six years, it is one of their annual events and they see themselves doing it well into the future.

Clearly the private game sector is a serious business venture, of course done in the name of conservation (see Brockington and Duffy, 2010). The conservation authorities have been quite aware of that for a long time as shown by this statement from the KwaZulu-Natal Nature Conservation Service in 1999:

*While we are constantly sharpening our pencils and looking to enhance income from our revenue-producing assets, only the most brutal marketer would subscribe to leaving conservation solely to the vagaries of market forces. As scientific research continues to show, the natural world is a delicate and highly complex system of interrelated forces, the tempering and even destruction of which can lead to intractable and sometimes irreversible damage.*<sup>63</sup>

At that time, the Board had noted that socio-economic factors were influencing resource use both within and outside of protected areas, and in that respect the organisation needed to liaise with resource users in the province in order to formulate suitable incentives governing sustainable use.<sup>64</sup> This imperative has been partly met by the initiation of the Biodiversity Stewardship Programme. The Board also noted a challenge of inadequate human and financial resources to drive “the development and implementation of a provincial strategy for sustainable resource use.”<sup>65</sup> Direct state support for conservation in the province undoubtedly declined after 1994, as it did in other provinces, fuelling more commercial approaches to wildlife (see also King, 2009).

#### Fighting against Rhino Poaching in KwaZulu-Natal

Another area of co-operation between private landowners and the provincial conservation agency is in the combating of rhino poaching. According to the *Farmer's Weekly* issue of 3 August 2012 KwaZulu-Natal Province experienced a decline in rhino poaching, from 39 killed in 2010 to 34 killed in 2011, contrary to the increasing rate of rhino poaching countrywide

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<sup>63</sup> KZN Nature Conservation Service – Annual Report 1999 – 2000, Page 4.

<sup>64</sup> Minutes of Meeting of the KwaZulu-Natal Conservation Board No.74/No.2 of 2005 24 February 2005.

<sup>65</sup> Ibid.

(Kamuti, 2013). Dr Bandile Mkhize, the then Chief Executive Officer of EKZNW, talking to the *Farmer's Weekly* said that:

*Of the 24 rhino killed in KZN this year, 12 have been on privately owned land. The private sector has become a soft target. Ezemvelo has implemented an anti-poaching strategy, increased its security and tightened operational loopholes. In 2011 we created a new unit, the KZN Rhino Project, to support private rhino game farm owners. ... the unit works with private game farms to reduce the number of poaching incidents.*<sup>66</sup>

This initiative shows that among other measures instituted at national level to stem the problem of rhino poaching countrywide, KwaZulu-Natal Province has adopted its own mechanisms. It is quite unique to find a state organ formulating a strategy specifically to support the private game farm owners.

The KZN Rhino Project is spearheaded by EKZNW's rhino security co-ordinator Jabulani Ngubane.<sup>67</sup> Some of the major activities from the EKZNW's side in support of this initiative include helping the private game farmers with equipment, provision of training and guidance on anti-poaching activities. Here, we are witnessing a situation where the state authorities are implementing conservation on private land not only through application of the law but by further involvement through placing the necessary resources at the disposal of game farmers. It is therefore not surprising that the rate of rhino poaching on privately owned land in KwaZulu-Natal has been relatively low. This has also been attributed to high security measures put in place by landowners to secure their investment. The security measures on their properties are also effective partly because their properties are more manageable than extensive public protected areas.

The ratio of properties where rhinos are kept is very low as compared to those with other more common species, and also when compared to the overall number of game farms in the

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<sup>66</sup> See "Race to save the rhino", *Farmer's Weekly*, 3 August 2012.

<sup>67</sup> Ibid.

province (Interview with Game Farmer, 4 March 2013, Ladysmith). A District Conservation Officer with whom I interacted cited to me a case of a landowner who has not experienced rhino poaching because he has deliberately maintained a low profile about the presence of the animals on his property (besides the heavy-handed security measures) (Interview with Lynn Ruddle, 5 March 2013, Dundee). International clients who make up a niche market are the target for such game farmers, so there is no need to publicise their “products” on the local market. This is indicative of the global reach of the local wildlife industry, where farmers establish a niche market of high paying clients who enter the country quietly and conduct their hunting and tourist activities on private properties such as in this case without drawing much attention.

Led by EKZNW, the KwaZulu-Natal Province has adopted a strong position of lobbying for the legalisation of a trade in rhino horn. As a result the province together with other key players in the sector managed to sway the national government to adopt the same position. One notable key figure in this respect is the late doyen of rhino conservation Ian Player (see Player, 2013), who supported the Ezemvelo KwaZulu-Natal Wildlife’s stance of legalising rhino horn trading. He requested international wildlife management groups to rally behind the provincial authority’s lobby to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to lift the worldwide moratorium on rhino horn trading and went further to say:

*It is urgent that we develop new strategies to cope with this crisis. The sale of rhino horn accumulated from natural mortality is a strategy I believe we need to adopt. This is nothing new. In the 1960s, the Natal Parks Board sold rhino horn on the open market.*<sup>68</sup>

The rationale behind legalising the trade in rhino horn is that the regulated sale from privately- and state-held stockpiles of horn will bring down the speculatively high demand for the commodity. At the prices of around US\$40 000 per kilogramme of rhino horn, the state

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<sup>68</sup> See “Worldwide collaboration needed to save the rhino”, *Farmer’s Weekly*, 20 July 2012.

and private owners of rhino horn will accrue substantial financial resources that they will use to support rhino conservation. This, it is argued, will go a long way to ensure the survival of the critically endangered species.

Challender and MacMillan (2014) for example argue that stringent enforcement of laws is not a strategically effective method to stem poaching, since intervention methods in the form of regulation are being superseded by the impetus behind poaching and trade in wildlife products. Powerful drivers of poaching include premium and thus attractive prices in the market, increased levels of poverty creating a chasm between areas of supply and demand, and high intensity of enforcement, for example in the form of bans in trade (Challender and MacMillan, 2014). In this regard Challender and MacMillan (2014: 484) suggest the need to bring incentives and increase capacity for wildlife conservation within local communities in the interim, followed by putting mechanisms that depress prices “by re-examining sustainable off-take mechanisms such as regulated trade, ranching and wildlife farming, using economic levers such as taxation to fund conservation efforts.” This would be a medium term strategy with the ultimate aim of reducing demand through social marketing frameworks that increase awareness and action.

Ferreira, Botha and Emmett (2012) in their study of rhino poaching in the Kruger National Park, South Africa advocate for strategies that bridge the gap between supply and demand within the market of poached rhinos, as the current intervention to limit supply by increasing security of the rhino population is not resulting in decrease in poaching. Ezemvelo KwaZulu-Natal Wildlife’s lobby for legalising rhino horn trading seems to be moving towards this direction of playing an influential role in the rhino horn market as a strategy to stem poaching. Ezemvelo KwaZulu-Natal Wildlife was tasked to develop the proposals to present to CITES. According to Dr Bandile Mkhize, then Chief Executive Officer of Ezemvelo KwaZulu-Natal Wildlife:

*Legal horn would be defined as that emanating from natural mortalities; horn confiscated through court convictions and horn forming part of the existing substantial national stockpile. The horn would be micro-chipped, chemically analysed and certified.*<sup>69</sup>

It must be noted that thus far the efforts of the country have not succeeded. At the sixteenth meeting of the conference of parties to the Convention on International Trade in Endangered Species of Fauna and Flora of 3<sup>rd</sup> to 14<sup>th</sup> March 2013, South Africa together with Namibia were each only “allowed an annual quota of five black rhinos for trophy hunting”, and the country is now preparing for the next conference of the parties which it will host in 2016.<sup>70</sup>

In the meantime, cooperative efforts by EKZNW and private landowners to set up a joint approach to combating environmental crime in KwaZulu-Natal Province have resulted in the establishment of the Ezemvelo KZN Wildlife Crime Working Group.<sup>71</sup> The Ezemvelo KwaZulu-Natal Wildlife Crime Working Group is chaired by EKZNW and is made up of representatives from various state departments such as Justice, South African Police Services (SAPS) and Immigration. Such an initiative is a unique entity in the country but in line with a trend of militarisation of conservation witnessed in South Africa’s Kruger National Park in the efforts to combat an equally offensive way of rhino poaching (Lunstrum, E. 2014). Some successes have been scored through the initiative of the working group. These successes include effective investigation and prosecution resulting in high conviction rates and a crackdown on rhino poaching syndicates. It can be seen that in this approach there is involvement of the security sector and the justice system. This case supports a more general argument that (illegal) trade in high-value wildlife (the flagship rhino species in this case) can lead to serious national security concerns in developing country economies, in

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<sup>69</sup> See “Race to save the rhino”, *Farmer’s Weekly*, 3 August 2012.

<sup>70</sup> See *Earth Negotiations Bulletin*, Vol. 21, No. 83, <http://www.iisd.ca/download/pdf/enb2183e.pdf>, Accessed: 12/10/2013.

<sup>71</sup> KwaZulu-Natal Nature Conservation Board: Annual Report 2006 – 2007.

addition to the general natural management and policy issues which all need to be prioritised (Douglas and Alie, 2014; see also Brashares, Abrahms, Fiorella, Golden, Hojnowski, Marsh, McCauley, Nuñez, Seto and Withey, 2014).

### **The Intricate Identity of a Game Farmer**

Game farmers are not necessarily a homogenous group of people (Kamuti, 2014b, 2014c). They may face similar challenges but they differ on how to address those challenges. Many stress their own independence, saying “the government does not need us” (Interview with Game Farmer 3, September 2011, Estcourt); or “the farmer should put [in] predator-proof fencing that protects his animals, protecting his investment from predators” (Interview with Game Farmer 5, 21 November 2011, Nottingham Road). A clear cynicism with regards to the state is indicated in such comments as “this is Africa, what do you expect?” (Interview with Game Farmer 9, 7 March 2013).

There are internal differences depending on the issue at stake, for example, the issue of differences among game farmers on how to deal with predators is dealt with in detail in Chapter Nine. However when it comes to promoting the cause of game farming they are very much united though they belong to different organisations. This confirms the view of Eshuis and Klijn (2012: 11) that “governance processes take place in an individualized world where behavioural patterns of citizens have become less connected to traditional institutions”, ushering in a new era characterised by fluid alliances and flexibility in terms of what policy positions or initiatives the individuals can support.

Many game farmers are investors or risk takers (Interview with Collette, Game Farmer, 6 March 2013, Estcourt). This is shown through the expenses involved to set up and maintain a game farm and the turnaround time to break even. Some of the game farmers have diversified operations, that is, mixed livestock and wildlife production to hedge them against risk (Game Farmer 9, 7 March 2013, Estcourt). All these game farmers present themselves



as a special group of South Africans who are working very hard against great odds given the uncertainty in the policy and business environment in which they perceive themselves to be operating. Most are aware of negative public perceptions about the significance of game farming as a hindrance to accessing land and its inherent resources. Many present themselves therefore as caretakers rather than owners of the land. For example, one game farmer said:

*Just because you have a piece of paper that says you own land is meaningless because actually what you are is a caretaker. I understand what people who shout about taking land do not understand. (Interview with Game Farmer 6, 13 July 2012, Estcourt)*

Indeed there is a lot of effort and resources put in place by the game farmers in order to make the sector viable and sustainable in line with market principles. The nature of game farming as a capital intensive venture makes it difficult for new entrants to penetrate the sector, so by implication game farming becomes a class issue. Game farmers have power over wildlife since this resource is found on their land which is privately owned. Freehold tenure with its associated benefits of property rights is bolstering the stronghold of game farmers on land. Thus the game farmers see government and many of its policies, such as those related land reform, to be threatening to their interests.

Not only land reform is perceived as a threat, but also other policies, for instance those aimed at improving wages and working conditions on farms. For example, one game farmer had the following explanation for his decision to change from traditional agriculture (stock farming) to wildlife:

*There are added issues, one was crime, two was the most dreadful stock theft and three the cost of production – labour costs and so forth made farms that used to make profit in the past no longer profitable. (Interview with Game Farmer 2, 23 September 2011, Pietermaritzburg)*

This kind of farmer feels threatened and is not sure of what tomorrow holds. It is in this context that comments such as those cited above are made, for example “the government does not need us” or “this is Africa, what do you expect?” Such a game farmer relies mainly on the ‘rule of law’ to protect himself and his assets, and is aware that game farms constitute islands of wealth within a sea of poverty. It must also be acknowledged that there are game farmers who face real threats particularly from the surrounding communities. There is real uncertainty regarding government policy and handling of their issues – the “radical uncertainty” referred to in the title of this thesis. These issues will also be articulated in Chapters Eight and Nine which focus on the issue of illegal hunters and the nexus between land reform and game farming respectively.

At the inaugural congress of the WRSA on 10<sup>th</sup> April 2013, Peter Oberem, the Vice President of WRSA, expressed great admiration for their new member Cyril Ramaphosa, who was elected as the Vice President of the ruling African National Congress in December 2012. Ramaphosa is now the vice-president of the ANC and Deputy President of the country. The WRSA were looking towards making use of Ramaphosa’s contacts in the ruling party and business world. There is also expectation of help from Ramaphosa in influencing government policy to favour the wildlife sector in future.

Cyril Ramaphosa owns a game farm in Limpopo Province. He entered the media spotlight in 2012 following his R19.5 million bid for a buffalo cow, called Tanzania, and her four-month-old heifer calf at the Piet du Toit Game Breeders Auction in Limpopo Province.<sup>72</sup> He later publically apologised for flaunting such wealth in a country with deepening poverty.<sup>73</sup> Whilst not securing that buffalo cow, Ramaphosa still used the “budget on other animals” for his business.<sup>74</sup> In an interview with the *Farmer’s Weekly*, Ramaphosa said that:

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<sup>72</sup> See “Talking bull with Cyril Ramaphosa”, <http://www.farmersweekly.co.za/article.aspx?id=22178&h=Talking-bull-with-Cyril-Ramaphosa>, Accessed: 23/09/2013.

<sup>73</sup> See “Ramaphosa apologises for buffalo bid.”

<http://www.timeslive.co.za/local/2012/09/20/ramaphosa-apologises-for-buffalo-bid> Accessed: 17/08/2015

<sup>74</sup> Ibid.

*I have made many Afrikaans friends. I'm finding that there's a lot of commitment to change and to securing a common future for the industry, where all those who have been excluded historically will be included. That to me is quite comforting.*<sup>75</sup>

This was also very comforting for the game farmers, knowing that at last they have someone from the ruling party who understands their sector as he is now part of it. Ramaphosa was scheduled to address the WRSA inaugural congress but for unknown reasons did not attend the occasion.

Cyril Ramaphosa's case shows a trend of the emergence of a new brand of black game farmers in the country. A notable case in KwaZulu-Natal in my area of study is a private game reserve owned by Mzi Khumalo (see Chapter Nine) who is also hailed as an anti-apartheid struggle icon. I visited his game farm to try to secure an interview with any relevant person. I talked to the security guard who was manning the gate to ask for any person of authority whom I could talk to with regard to my research. The security man made a call and indicated to me that there was someone coming to attend to me. The person who came was a junior manager and he told me that the manager was not available (Junior Manager, Mawela Game Reserve, 22 February 2013, Estcourt). He asked me to put my questions in writing and send them through electronic mail (address supplied). My further attempts to get answers for my questions drew a blank and there was practically no other way that I could use to get hold of the manager or any relevant person from that game farm. This would have been quite a good case for my study to hear of the experiences of such a rare type of business ownership. An official from the proposed Gongolo Wildlife Reserve (see Chapter Nine) told me that there were some of the so-called Black Economic Empowerment people in their project. Unfortunately the official was not at liberty to divulge names of these members of the black bourgeoisie, so I was unable to follow this up.

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<sup>75</sup> See "Talking bull with Cyril Ramaphosa", <http://www.farmersweekly.co.za/article.aspx?id=22178&h=Talking-bull-with-Cyril-Ramaphosa>, Accessed: 23/09/2013.

Actors in the game farming sector can be viewed as bricoleurs with multiple identities. I encountered quite interesting cases of such individuals in the field. The multiple identities of the game farmers as bricoleurs can be seen and may be based on their entrepreneurial acumen, economic wealth, special knowledge or official positions which enhance their influence within a given institutional arrangement (see Komakech and van der Zaag, 2011). Some game farmers are not completely reliant on game farming, that is, they have other economic activities that they participate in. One game farmer whom I interviewed belongs to the Game Rangers Association of Africa where he is a special representative on its Africa committee. He also works for a non-profit conservation organisation and is the head of a section that is responsible for deploying guard dogs as a viable strategy for predator control. Lastly he sits on the KwaZulu-Natal Hunting Advisory Committee. This man looked quite confident in wearing all these hats and skilfully fielded questions which he answered from the different perspectives.

Such game farmers exemplify the strengthening of the process of institutional bricolage described by Cleaver (2012), by acting as individual agents while also representing multiple social identities (see Chapter Two). Game farmers as bricoleurs make use of their “knowledge, power and agency in respect of social relations, collective action and resource management in different ways” thereby giving effect to a complex “diversity of pliable institutional arrangements” (Cleaver, 2012: 29). This trend of assuming multiple identities and therefore different roles is also visible among prominent people in hunting circles (see Chapter Eight), most of whom are involved in hunting as a pastime, meaning that they make their living through other professions in other sectors of the economy.

## The Discourse of Overregulation

Contrary to the idea that wildlife is a fugitive resource which cannot be completely compartmentalised (Kameri-Mbote, 2002), high security fences have now been erected in the countryside due to continual and growing investment in the private wildlife sector. This has resulted in the emergence of a new set of issues which a range of actors including the state are grappling with. The discourse of overregulation of the private wildlife sector is the rallying point for the majority of game farmers. It sometimes sounds like a 'war cry' against the conservation authorities. It is rare in a conversation with a game farmer for him/her not to express misgivings about too much regulation from the state which is against their business model of game farming. For instance a game farmer cited what looks like a simple process that can get him into problems:

*I will tell you how strict they are. I find a python that died in the river, we brought him back and then I skinned him, I put the skin on salt. Then I phone Ezemvelo, Waldo the District Conservation Officer, and I say to him I have got a python here, he is dead, I want to skin him and I want the skin tanned. He would say, give me his length, give me your ID number, phone number and then come through and pick up a licence from me. To transport the skin from the farm to a taxidermist, if the police caught me with that thing and without a licence, they would arrest me. Yes they are very strict. (Interview with Basil Rosenband, 27 February 2013, Weenen)*

As shown in this excerpt the farmer has a good working relationship with the District Conservation Officer but finds the stipulated regulations unnecessarily onerous.

The provincial conservation agency has considerable sympathy for the KwaZulu-Natal game farmers. For example, farmers tended to complain about aspects such as the highly bureaucratised permitting system. The District Conservation Officer expressed some sympathy for this view:

*Farmers say that they are over-regulated, particularly with the permit system which has a strong compliance focus. They cannot do what they want to do, like what they would do with cattle. I do not think that the permit system currently is in their favour, I think we can do a lot to minimize the bureaucracy and paper work with regards to applying for permits, which is their biggest problem.*

*(Interview with Waldo Bekker a District Conservation Officer, 3 May 2011)*

Comments like these show a continuing strong bond between, in particular, District Conservation Officers and the landowners with whom they work. There is also recognition of the failure to implement the regulations consistently in a well-coordinated manner due to various reasons relating to lack of capacity (for instance, in terms of trained personnel, funds, vehicles, and time). Officials argue that capacity constraints on their side are a reality which they cannot run away from, so not all permits can be worked on promptly (personal notes from interviews with conservation officials).

Constantly changing regulations and introduction of new ones is not doing much to reduce the uncertainty facing the sector. The applicable regulations need to be streamlined and integrated within one lead department. In the constitution, environment is a concurrent function and this is the reason why there are various national Acts, Regulations, Norms and Standards in addition to the various provincial Acts, Ordinances, Regulations, Policies and Strategies. This set-up makes it difficult to align all legislation, resulting in inefficient coordination and differential control through legislation. For example, there are different time slots to trans-locate game between the provinces.

In this case the state is taking on more challenges than it can deal with by constantly playing a catch up game through incessant review of regulations, probably to close some “grey areas.” At a deeper level, game farmers are affected by the state’s response to two clashing imperatives: the need to maintain biodiversity integrity through nature conservation, and the economic drive to make money from the natural resources through trading in wildlife and

wildlife-based products and services. Other concerns are subsumed within these two major issues, for instance the state's (re)distributive function in relation to the ownership and access to wildlife resources and the best way of sustainably using them. Thus, there is inevitable tension between stakeholders and government resulting in confusion and frustration in the wildlife industry.

There is an apparent paradox here. On the one hand, too much regulation is said to be stifling the industry – while on the other hand the state is said to be lagging behind in regulating the industry, as game farming is in some way ahead of policy or regulation. As argued here, conditions conducive to cooperation, respect and non-confrontational interaction certainly exist on the ground in KwaZulu-Natal. This is the case despite ongoing tension among the role players in game farming. This is exhibited through partial compliance by game farmers to the regulations that hinge on their operations: as discussed, there is a strong tradition of cooperation between EKZNW and game farmers.

Christopher Merrett writing in *The Witness*<sup>76</sup> quoted Alexis de Tocqueville, a nineteenth century French political philosopher, who said that: “There is no country in which everything can be provided for by laws, or in which political institutions can prove a substitute for common sense and public morality.” This saying is relevant to both the state and game farmers in that there is room to look beyond the formal legalistic route, and this involves the institutional bricolage of interactions and relations that benefit the actors in their desired goals. In this context of uncertainty and lack of clarity, game farmers are forging ahead within the space they are provided and using different coping mechanisms to flourish to their own benefit. Furthermore in KwaZulu-Natal the long standing cordial relations between conservation authorities and private landowners have worked to the advantage of the private landowners. So this transformation of the institutional processes mediating the governance of the private game farming sector has been a long and enduring arrangement, emerging

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<sup>76</sup> “The curse of legalism”, *The Witness*, 31 March 2011.

perhaps without conscious intent of either party. In the process, the private wildlife industry has completely changed the landscape of nature conservation in South Africa.

### **Different Opinions on the Contribution of Wildlife Ranching to Conservation**

The private wildlife sector in the Southern African context is largely dominated by the discourse that “what pays stays.” There has to be revenue generated in relation to the relevance of the species and those revenues would in turn be ploughed back in the nurturing and protection of those species. This view is of course contrary to pure ecological principles regarding the role of each organism in a particular ecosystem niche (Costanza, 2001; Dybas, 2001; Franz, 2001; Sievanen, Campbell and Leslie, 2011). Attaching value to certain species is inevitably a selective process which will exclude other ‘less valuable’ species leading to their neglect and subsequent degradation, loss or eventual extinction.

Determining the optimum economic value of wildlife resources is however a complex process, and one characterised by uncertainty (Burger *et al.*, 2006). The idea of attaching value to certain species is part of a broad perspective which argues for quantitative valuation of nature’s services to humanity in terms of quantities and prices (Brockington, 2011; Benjaminsen, Goldman, Minway and Maganga, 2013). Clearly such an approach places more emphasis on market interests than social imperatives (Cock, 2014). This idea began gaining momentum in KwaZulu-Natal through hunting in the period of development of conservancies, with the idea that the latter could become self-sustaining (Wels, 2000). This discourse is strongly promoted by the hunters themselves (see Chapter Eight).

As already noted, game farming has brought with it new challenges such as the introduction of extralimital species, colour variants, trophy breeding, and intensive captive breeding, in addition to the fierce debates regarding predator control. These issues all show the increasing influence of private sector concerns in attitudes to nature. Thus, there are disparities between different actors regarding their views as to whether these issues really



promote biodiversity conservation or whether this is just a commodification of nature without regard to natural processes. Game farmers as a group tend to react negatively to every attempt by government to impose controls with regard to these issues, and can be disparaging of people they consider to be 'greenies' or environmentalists (see Snijders 2014).

South Africa is a country saddled with high levels of poverty, inequality and unemployment. While game farming makes a significant economic contribution, the distributional disparities within the economy are also reflected in the structure of game farming sector. I observed at the Ezemvelo KwaZulu-Natal Wildlife Auctions the high composition of whites versus blacks, and regard the capital intensive nature of game farming as being an excluding factor (personal notes). Such issues are however downplayed in the way game farmers present the sector as a contributor to the welfare of the disadvantaged population, particularly those who are directly affected by game farming. For example, extravagant claims that wildlife production leads to job creation are made, but need to be tested more carefully (Spierenburg and Brooks 2014).

A brief reference to the need for transformation at the inaugural WRSA congress suggests that game farmers recognise that they cannot continue business as usual without paying at least lip service to spreading the cake to the disadvantaged population. The discourse is thus about emphasising the economic fundamentals derived from the private game farming sector. The rhetoric emphasises the growth of the sector in Rand (monetary) terms, the number of jobs created, and its enormous potential in these and other respects. It was not surprising to hear Jacque Malan, a former president of the WRSA at their congress saying that the permit system is outdated and inappropriate due to its roots as a conservation-oriented system. Malan went on to say, "We are no longer using candle light anymore. We should switch on the lights so that we can see. Game farming is a commercial enterprise just like stock or sheep farming."

While Malan acknowledged that, “we need a system to control [public protected] parks under strict biodiversity principles”, he argued that “we need a system to cater for the green economy to create jobs and grow the economy”, the implication being that biodiversity conservation should be confined to public protected areas only. The discourse of the ‘green economy’ is a contested concept (Bär, Jacob and Werland, 2014; Faccer, *et al.*, 2014; Kamuti, 2015) including within the private wildlife sector.

The move towards “farming with wildlife or game animals” as an acceptable agricultural practice downplays the biodiversity conservation imperative, though in practice game farmers do use the card of biodiversity conservation as a trump card and justification for their activities. One game farmer, for example, stated in an interview that:

*Private game farming contributes a lot to conservation because the state-controlled land is not controlled properly. The more private controlled land, the better the conservation. Look at what happened in Zimbabwe where the government violently expropriated land from white farmers without compensation.*

*(Interview with Game Farmer, November 2011)*

Private owners, he is arguing, are better protectors of conservation land than the state, particularly in an African context. This is a story that is put forward by game farmers to justify their control over land and render it socially acceptable. The story connects nature conservation with economic development that is supposed to benefit wider communities than just the land owners. (The reference to the politics of land in Zimbabwe as a justification is especially revealing, as discussed in Chapter Nine).

The discourse of the ‘green economy’ is widespread in the sector. Brockington (2011) argues that one should not focus only on the economic side of the payment for ecosystem services since factors such as institutional arrangements, power relations and social relations amongst the actors affect the outcomes of its equity and efficiency dimensions. Payment for

ecosystems services is part of the commodification of nature (Brockington, 2011), which is widespread. For example, the abandonment of community conservation in Chimalapas, Mexico to models of conservation that encourage payment for ecosystem services shows a shift towards what Doane (2014: 233) calls “accumulation by conservation.” This shift is characterised by implementing conservation programmes that favour private property rights (see also Büscher and Fletcher, 2014). Sullivan (2013) describes this form of accumulation as primitive ‘eco-accumulation.’ This is contrary to evidence that, world-wide, well-kept forests or ecosystems are mainly in regions under the stewardship of local communities (Doane, 2014; Facer, Nahman and Audouin, 2014).

The conservation part of the story and its contribution to economic development remains questionable. The United States of America appreciates the role of privately owned wildlife ranches but there is no reliable information concerning productivity and the strategic status of the sector in conservation (Kammin, Hubert, Warner and Mankin, 2009). In South Africa, research into private game farming’s contribution to conservation suggests that game farms are increasingly causing degradation of the habitat at a rate greater than livestock (Davies-Mostert, 2014). The regulation of environmental issues is complex and inherently characterised by legal and political contentions (Smith and Stirling, 2007; Muinzer, 2015). Even in North America, indigenous wildlife is taken as a public good but private property rights virtually offers landowners access to wildlife thereby causing tension (Butler *et al.*, 2005; Weber, García-Marmolejo and Reyna-Hurtado, 2006). It is difficult to come up with a definition of property that is suitable for wildlife conservation (Naughton-Treves and Sanderson, 1995) especially in a situation where one’s rights should not interfere with other’s rights (Costanza, 2001).

Furthermore, the discourse of the green economy in the wildlife sector and its linkage to biodiversity conservation can be related to the push by South African game farmers to also project an identity associated with caring for nature which is claimed to be their lifeblood.

The critical role of language can be noted here. In this way, they are also laying claim to the land.

Some of these views projected by the wildlife industry are contrary to government's view under its legal mandate to ensure biodiversity conservation, especially through the Department of Environmental Affairs. Awareness of these dangers is one reason why, in KwaZulu-Natal province at least, the state is trying to use the Biodiversity Stewardship Programme to try to ensure biodiversity conservation on privately owned land. In connection to the controversial regulations regarding trans-location of game between provinces, an official from the Department of Environmental Affairs said that it is always imperative to put in controls as part of checks and balances to take care of risks that are either ecological or disease-related (personal notes from a speech by an official from the Department of Environmental Affairs at the inaugural WRSA Congress in Modimolle, Limpopo Province on 11 April 2013). Game or floral species in the receiving area might be at risk and this needs to be firstly checked and addressed if there is a problem before a permit is issued.

This inevitably looks different from the point of view of game farmers, who have to negotiate the complex permitting systems. Kotchen and Young (2007: 150) make the apt comment that:

*The performance of governance systems is highly sensitive to contextual factors, such as the fit between ecological and jurisdictional boundaries and the interplay between discrete systems of rights and rules. In the absence of a clear understanding of the relevant biophysical and socioeconomic systems, governance systems can generate unforeseen, unintended, and undesirable consequences.*

## **Conclusion**

At the provincial level there is a strong conservation entity in the form of the Ezemvelo KwaZulu-Natal Wildlife with a long history and strong tradition of conservation in the province. The conservation authority has forged strong bonds with private landowners, some of whom have become game farmers. Everyday interactions between the organisation and the game farmers are reflective of contemporary institutional bricolage. The chapter has viewed game farmers and the conservation authority as bricoleurs improvising together in order to shape new institutional processes that go beyond the formal institutions. Various arenas were identified in which the provincial conservation agency interacts with private landowners including game farmers and other role players in the sector. These arenas for instance, permitting processes, the Biodiversity Stewardship Programme, game auctions and combating rhino poaching, can all be viewed to be institutional bricolage in practice. Different bricoleurs exercise agency, power and social relations in ways that extend old or shape new institutional arrangements.

At the same time, constant changes in the formal regulations are creating an unstable environment in the sector. There is a lack of coordination between Ezemvelo KwaZulu-Natal Wildlife, the KwaZulu-Natal Department of Agriculture and Environmental Affairs, and the Department of Rural Development and Land Reform in dealing with issues related to the effects of game farming especially with regard to the rural communities in the province. Chapter Six showed that at the local level, municipalities are preoccupied with service delivery issues. As argued, the state is not a homogeneous and monolithic entity uniformly applying itself to the regulation of the private wildlife sector.

It is within this milieu that game farmers are forming formal and informal local alliances or networks to improvise together rules, norms and shared strategies through repetitive interactions. In the past, the formation of conservancies in KwaZulu-Natal was spear-headed by the Natal Parks Board and consolidated in the form of the Natal Wildlife

Conservancy Association created in 1982 by private landowners. The move from simply joining a conservancy to forming a conservancy association shows the increasingly organised representation of the farmers' interests thus cementing a formidable power base. Private landowners at that time displayed a high level of cohesion and organisation through which they gained leverage, reputation and respect in conservation circles in the country and around the world.

The close relationship between landowners and the provincial conservation agency is still apparent. The current game farmers are also capitalising on the grey areas in legislation and regulations to advance their cause in an environment that is plagued with uncertainty and unclear direction towards which the wildlife sector is moving. The overall argument here is that game farmers are forging ahead using the bricolage process as a coping mechanism within the space they identify in the gaps in governance of the private game farming sector. The fractured state provides space in which game farmers are able to manoeuvre and to maximise their advantages as private landowners. While game farmers may complain about strict wildlife regulation in the province, the benefits they gain from the combination of a divided state and the presence in this province of a strong, autonomous conservation body are considerable. Game farmers use their close relations with Ezemvelo KwaZulu-Natal Wildlife but also the tensions between the different institutions to create room for themselves to manoeuvre.

## CHAPTER EIGHT

# LEGAL AND ILLEGAL HUNTING IN THE CONTEXT OF PRIVATE WILDLIFE GOVERNANCE

### Introduction

The hunting sector is significant because it is an anchor of the private wildlife ranching sector in the form of sales for fresh meat, trophy and biltong hunting. Present day trophy and meat hunting has attached some economic value to wildlife, and as seen earlier, this provided incentives for farmers to convert from livestock to game farming.<sup>77</sup> The hunting tourism phenomenon is an encouraging factor for individuals or communities to conserve wildlife (Samuelsson and Stage, 2007). Hence it is important to look at where the hunting sector fits in the governance of the private game farming industry. This chapter therefore focuses on the hunting sector and role players that have a direct link with the private game farming sector, starting with the historical recognition of hunting in KwaZulu-Natal.

The chapter aims to unpack struggles within the hunting sector in the form of controversies associated with contestation over access to natural resources, as well as different views on how the hunting sector should be governed. The KwaZulu-Natal Hunters and Conservation Association is a critical player given their regulatory concerns and relations with other actors in game farming. The concerns and actions of this body are a major focus of the chapter. Attention is also given to the question of illegal dog hunting on game farms, which may also be associated with threats to vandalise property. Predator control is of concern and different role players in the sector are divided on the question of the persecution of predators.

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<sup>77</sup> See Peter H. Flack's original article "Go for the Kill" in the *Financial Mail*, (169) 3, 6 December 2002, but reproduced in the inaugural *Africa Indaba Newsletter* 1(1) January 2003 for the Safari Club International African Chapter to promote "Conservation of Wildlife, Education of the Public and Youth about Conservation and Hunting, and the Protection of the Right to Hunt."

All this is looked at through the lens of institutional bricolage in terms of how the various bricoleurs navigate through the regulatory environment and also interact with each other to deliberately and unconsciously shape institutional arrangements. In this respect we will witness that the major bricoleurs are not only negotiating with each other but they also have to respond to external influences – not only poor but also more affluent local hunters who hunt illegally on private land. These illegal hunters have no access to the state (unlike the land claimants in Chapter Nine), and are currently excluded from the process of bricolage. In this sense, they constitute a radical challenge to the game farming enterprise.

### **Historical Recognition of Hunting**

In the 1980s, the Natal Parks Board recognised hunting as “Man’s age-old sport” and noted that it can significantly contribute to wildlife conservation (Natal Parks Board, Undated b). The conservation authority defined hunting as “a rational use of a natural resource and if correctly and ethically practised as a sport it can enhance an appreciation of nature and benefit wildlife conservation” (Natal Parks Board, Undated b). In line with the prevailing conservation thinking then however, the Board did not permit hunting in any protected area under its control except in areas previously known as public resorts.

The control of hunting in colonial contexts such as this has historical roots, as Adams (2004: 24) notes:

*British legislation developed the southern African approach of issuing regulations about what could be shot, and by whom, on close seasons and licences. In addition, licences set a limit on the numbers of each species that could be killed, and demanded a list of what had been killed when the licence expired.*

Hunting also contributed to the establishment of protected areas and associated tensions: “as colonial hunters tried increasingly to establish a monopoly over game reserves in Africa, tensions with subsistence hunters mounted” (Jones, 2006: 484). The “environmental history



of colonial powers” shaped the relationship between power and nature (Ax, Brimnes, Jensen and Oslund, 2011: 1), and it can clearly be seen that vestiges of these tensions remain.

In the late 1980s, the Natal Parks Board encouraged and supported hunting by creating hunting opportunities for controlled hunting in areas that were proclaimed as Controlled Hunting Areas. The Natal Parks Board proclaimed two Controlled Hunting Areas; one close to Mkuze Game Reserve and a second one in the Spioenkop Nature Reserve (Natal Parks Board, Undated b). The Mkuze Controlled Hunting Area was created in 1987 with an area of 4200 hectares and sharing a boundary with the 34 000 hectare Mkuze Game Reserve with an assortment of large mammals occurring originally in that area (Natal Parks Board, Undated b). The Board created a variety of hunting packages for both local and international hunters during the hunting season that runs from 31<sup>st</sup> March to 31<sup>st</sup> August every year (Natal Parks Board, Undated b). The Spioenkop Controlled Hunting Area was proclaimed in June 1991 with an area of 1200 hectares found on the northern extent of the Spioenkop Dam (Natal Parks Board, Undated b).

The conservancy initiatives discussed in Chapter 7 also promoted hunting on private land. Wildlife utilisation increased particularly through commercial hunting as a push to make a conservancy pay for itself (Wels, 2003). So hunting then became viewed as the most appropriate way of wildlife utilisation. Wels (2003: 18) argues that this status given to hunting was steeped in “the imperial tradition and social identity of whites in southern Africa in which hunting always played an important and dominant role” (see also Adams, 2004; MacKenzie, 1988; Ax, Brimnes, Jensen and Oslund, 2011).

### **The KwaZulu-Natal Hunting and Conservation Association**

In 1959, a group of hunters who were concerned about the sustainability of hunting started an association which became the KwaZulu-Natal Hunters and Conservation Association (KZNHCA). The word ‘conservation’ is a later addition to the name, as the KZNHCA has

sought to reposition itself as conservation-friendly. At the time of the interview which I conducted with a top representative of the KZNHCA in July 2011, there were 2062 members on their books, not all of whom are active members because some are older, while some of them are still too young to hunt. There are different categories of members of the KZNHCA; ordinary members (who are the majority), juniors, wives and associates who all pay different subscription fees per year.

Membership of the KZNHCA is by application only. The representative of the KZNHCA described to me what the applicant goes through to be admitted into the association. The applicant must be recommended by a member of the association who is in good standing. The applicant answers a questionnaire that asks questions like; why do you want to hunt, do you understand the legislation, do you understand that hunting with dogs is illegal for instance, do you have a firearm? The applicant is then introduced to the training courses. 'Occasional hunters' and 'dedicated hunters' are the specific categories of hunters that exist under the law. The dedicated hunters are people who are really serious about hunting. From a legal perspective, the dedicated hunters can obtain, by means of this specific classification, particular benefits such as more firearms, and more rounds of loaded ammunition. For the dedicated hunters to be able to enjoy those benefits they take training courses to be taught about shot placement, snake bite, sunburn, and learning about the ordinances. They will then write a test so that they can be tested on their knowledge. The applicants take a shooting test to assess their skills level and they are encouraged to practise their skills and physically exercise to remain fit and thus become good hunters.

What is a 'good hunter' in this context? My research respondent stressed the point that a "good hunter" is an ethical hunter. Part of being an ethical hunter is that the hunter makes a quick and clean kill by placing the bullet correctly. The hunters must understand the area where they hunt; they must understand the target, its anatomy, the area where the bullet must be placed in order to ensure a quick and clean kill. The representative of the KZNHCA

explained: “So a hunter is not a person with a firearm who goes to the bush and makes a big noise; a hunter is far more than that” (Interview, 15 July 2011, Pinetown). So the member goes through a rigorous process to become a hunter. If the applicant comes without recommendation or if there is anything in the person’s background that makes the KZNHCA executive suspect that he should not be a member, then they will not accept the applicant.

A good hunter will not engage in unethical practices such as shooting from a vehicle or shooting at a water hole where an animal has to come to drink. Good hunting ethics exclude all the elements that take the skill of the hunting away and only concentrates on the shooting. For example, the KZNHCA does not approve of canned hunting saying that it is wrong and not morally justifiable. The representative of the KZNHCA reiterated that:

*It is still not justifiable that you raise something in captivity, that animal eats from you, and to offer him to be something to be hunted, it is wrong for us. He can only be offered to be shot but not hunted. The animal does not have a natural instinct to escape, does not have the means to escape, if he cannot fend for himself you cannot hunt him, you can only shoot him. Many of these animals that are put up for hunting are fed by man since birth. To me that is not a wild animal anymore and you cannot hunt a tamed animal, you can only shoot a tamed animal. So we do not support canned hunting and we will never. (Interview with a KZNHCA Representative, 15 July 2011, Pinetown)*

Jacque Malan, a former president of the WRSA, said at their congress that “TOPS was introduced because of canned hunting” (speech at the Inaugural WRSA Congress, April 2013; see also Chapter Three). The issue of canned hunting has caused a great deal of consternation within the wildlife sector with the animal protection organisations being the fiercest critics of the practice.<sup>78</sup> Unfortunately with different provincial regulatory regimes

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<sup>78</sup> See for example, “South African Panel Recommends Canned Hunting Ban” <http://www.ens-newswire.com/ens/oct2005/2005-10-25-04.html> Accessed 12/09/2010;

there are different approaches to canned hunting in line with the implementation of the TOPS regulations. In KwaZulu-Natal canned hunting is not acceptable and is actively policed as it is this that is seen to have generally tarnished the image of the wildlife ranching sector.<sup>79</sup>

The KZNHCA is striving for self-regulation, and tries to ensure that its membership sticks to hunting ethics. The KZNHCA also works on the basis that members know one another and if somebody does something wrong the association will be informed accordingly. They have a disciplinary committee where if anybody is found guilty of any misconduct, they decide on the validity of this case, whether it warrants any intervention from the association or not. Members can lose hunting privileges or they can lose membership. If information comes to their notice, the KZNHCA will investigate the case involving the person who is implicated and if necessary they take disciplinary action. For the dedicated hunter to keep his status according to the South African Police Service (SAPS) regulations, and from the legal perspective, he must give written confirmation of his activities; for instance, where he has hunted and what he has hunted, so it is easier to control. This should theoretically make it possible to detect wrongdoing. In my view, however, this system of self-regulation has loopholes and it is subject to abuse as the monitoring mechanisms described by the hunters are not foolproof. Self regulation in this respect is not enough as a lot can happen on someone's property without the notice of the conservation authorities or the police. The discourse of self-regulation may be part of an attempt on the part of the hunters to present themselves in the best possible light.

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“Predator Breeders Win Canned Lion Appeal” *The Times*, 29 November 2010, [Online] URL: <http://www.timeslive.co.za/local/article788777.ece/Predator-breeders-win-canned-lion-appeal> or “SA Farmers Fingering in Lion Smuggling” 27 May 2013, *The Times*, [Online] URL: <http://www.timeslive.co.za/thetimes/2013/05/27/sa-farmers-fingering-in-lion-smuggling>

<sup>79</sup> See Kevin Crowley “South Africa hunters say best way to save wildlife is to kill it! Money works in mysterious ways” *Mail and Guardian* 22 June 2015. <http://mgafrika.com/article/2015-06-22-south-africa-hunters-say-best-way-to-save-wildlife-is-to-kill-it-money-works-in-mysterious-ways/> Accessed: 22/06/2015.

The passion for hunting and the hunting experience are motivating factors for someone to become a hunter. I was struck by one of the hunters who expressed his deep passion for hunting, as follows:

*There is a beautiful Spanish proverb which says that; you do not have to kill in order to have hunted, but in order to kill you must have hunted. I can go to the bush for a week and not kill anything, but I am hunting. So for me the experience is far more than hunting. It is preparing, it is going there. It is doing what we have been doing for the last 2000 years. We are all essentially hunters and gatherers, it is in our bones, it is part of my heritage to hunt, it is part of me and it is part of my whole existence. We live to hunt and we hunt to live. (Interview with a hunter, 15 July 2011)*

This hunter meant that hunting is more than pulling the trigger. Pulling the trigger is just the climax of the hunt. Pulling the trigger will be the end result but getting there, tracking, getting up in the morning, making a camp fire, enjoying nature, listening to the sounds, following up; that all is part of the hunting experience. So one can hunt for the whole day but not kill anything; one cannot just go out and kill an animal without hunting it.

Conservation of biodiversity emerged as another motivating factor for hunters though this is highly contested (Lindsey, Roulet and Romanach, 2007). As noted, the rhetoric of conservation is strongly articulated by the KZNHCA. In my conversation with the representative of the KZNHCA, he said that, “hunters are real conservationists, because they pay” (Interview, 15 July 2011, Pinetown). He cited the annual value of the hunting industry in the country of more than R7bn which comes out of the hunters’ pockets and stated that, “this money keeps farms going, that keeps populations going, that keeps reserves going” (Interview, 15 July 2011, Pinetown). He reminded me of the way business people think these days, that they will only keep something on a piece of land if it is economically viable. Wildlife is thus comparable to cattle and sheep which have a price on their head, and the same is expected for game.

This view was also corroborated by one of the District Conservation Officers whom I interacted with (see Chapter Seven). If game has value it has a reason to exist, and to a large extent the hunter determines the value of game, followed by the ecotourist. If the hunter is willing to pay for an animal then there is reason for a farmer to keep the animal on the game farm, because the farmer is generating income by owning a specific animal that the hunter is looking for. So game has become a very competitive commodity compared with livestock (Interview with Waldo Bekker, District Conservation Officer, 3 May 2011, Pietermaritzburg).

Conservation is an expensive practice and the question of who carries the conservation costs has lingered in the sector. Murdoch, Polasky, Wilson, Possingham, Kareiva and Shaw (2007) emphasise the need to use scarce financial resources efficiently in the conservation realm by taking care of all the costs involved and they suggest incorporating the return-on-investment framework. So the link between hunting and conservation is that there is value in game because it can be hunted. The representative of the KZNHCA put it across as follows:

*It is important to understand our philosophy that hunters are conservationists. We hunt not only to enjoy the meat or to enjoy the experience but we also hunt to make a financial contribution. That money goes back into restocking of the farms, into maintaining infrastructure, into paying the people actually working there; the guides, the trackers, the skinners, the people cleaning the lodges and things like that. So we firmly believe that through hunting and the money we put in, about R7 billion a year, vast amounts of that goes back into that same industry to maintain stock levels, to improve infrastructure and to ensure that what we love most, that is, hunting is actually available for the future and future generations as well. If there was no monetary link I do not think that hunting could have contributed to conservation. (Interview with a KZNHCA Representative, 15 July 2011, Pinetown)*

The KZNHCA representative then went on to claim that it was the hunters who started the rhino protection efforts. According to his understanding, the hunters had realised the devastating effects of the slaughter that had happened many decades or even centuries ago and that it could not continue (see Chapter Five). While hunting may indeed contribute to conservation especially on a commercially run entity, in this interview the KZNHCA representative over-emphasised the role of hunting in conservation without giving a hint of some of the transgressions of hunters.

Be that as it may, the discourse of “if it pays it stays” has become dominant in the wildlife ranching industry of late and in nature conservation in general. Ironically the discourse also says the “best way to save wildlife is to kill it.”<sup>80</sup> This discourse forms part of the bottom line of the wildlife ranching industry and it has dominated contemporary conservation narratives which stress commodification, for example, the idea of putting value on nature or payment for ecosystem services (Büscher, 2010; Büscher and Dressler, 2012).

The obvious concern with this discourse of “if it pays it stays” is that this view is contrary to ecosystems thinking, in which the role or niche of each organism is seen as valuable in making up a functional and self-contained ecosystem (Costanza, 2001; Dybas, 2001; Franz, 2001; Sievanen, Campbell and Leslie, 2011). Each organism and its role needs to be understood (Dybas, 2001), thus ecology poses questions of the state of human/nature relationships (Torgerson, 2007). If farmers adopt the “if it pays it stays” principle it would imply that they will be selective in their wildlife ranching operations, by pandering to the hunters’ market dictates through keeping those animals that bring in income ahead of those that are not in demand. In this way, it is possible to argue that hunters are not truly contributing to biodiversity conservation as such because biodiversity conservation needs to be carried out in its totality by valuing all the organisms in an ecosystem. Biodiversity

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<sup>80</sup> Ibid.

conservation needs to go beyond a fixation with species by setting up “adaptable and resilient” institutional arrangements governing natural resources “which can respond effectively to inevitable economic, social, and environmental change” (Cowling, Knight, Faith, Ferrier, Lombard, Driver, Rouget, Maze and Desmet, 2004: 1675).

This debate shows how difficult and challenging it is to integrate natural sciences and social practices towards common conservation goals and initiatives, perhaps especially when land is privately owned (Carpenter and Gunderson, 2001; Franz, 2001; Büscher and Wolmer, 2007; Minter and Miller, 2011; Sievanen, Campbell and Lelsie, 2011).

The representative of the KZNHCA tried to draw a connection between their hunting activities and conservation in the following manner:

*But that is where I think good management is essential, and I am glad to hear that you call it biodiversity management, because it has got a deeper meaning to me than just conservation for instance. It is not only about the animal, it is also about the soil, it is about the water, it is about the leaf and about the grass, it is about the whole thing that will be necessary to sustain the species living on a specific piece of land. So I think we have a far greater role to play than just to harvest a specific animal or species because of specific size. (Interview with a KZNHCA Representative, 15 July 2011, Pinetown)*

However, it is difficult to see how market-based hunting would result in this holistic approach that the representative of the KZNHCA was trying to paint.

The connection between hunting on game farms and conservation is a major debate. It is not only a South African debate. A study by Collier and Kremetz (2006) on management practices of the white-tailed deer (*Odocoileus virginianus*) populations on private lands in Arkansas, USA revealed manipulation of harvest restrictions beyond the minimum levels set at state level. This provides reasonable grounds for the state to put laws or regulations that



confirm the state's hesitancy to let go of its power and influence on the conservation status of certain wildlife species and general biodiversity conservation especially that it is happening on privately owned land.

An official from the Endangered Wildlife Trust appeared to imply that there is already sufficient regulation in South Africa:

*The law is clear because if for instance an animal is not protected then you can use hunting as a management tool. So the government and other organisations are trying to keep certain pristine areas and conserve them. But if a farmer decides to go the direction of game farming as a means of making money there are regulations to that effect. (Interview with Tim Snow, 18 November 2011, Nottingham Road)*

The protection he was referring to here is in connection with the Threatened or Protected Species (TOPS) regulations (see Chapter Seven). The 'pristine areas' are those under the public protected areas and other private nature reserves like those under the Biodiversity Stewardship Programme where hunting is prohibited. However these 'pristine' areas are insufficient to cover all the habitats and ecosystem types of the country. Hence the government has made overtures to extend its tentacles to the control of privately owned game farms to make a meaningful contribution to biodiversity conservation, which is not necessarily market-driven but aims to be representative of all the habitats and ecosystem types of the country.

In Zimbabwe and Namibia, recreational hunting stimulated an increase in areas put aside for wildlife conservation under private and communal ownership that is, besides public protected areas (Leader-Williams, 2009). In South Africa the number of large mammals has leapfrogged from around 600 000 at the start of the 1960s to about 24 million currently<sup>81</sup> and

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<sup>81</sup> This figure is according to Professor Wouter van Hoven of the University of Pretoria as quoted by Kevin Crowley "South Africa hunters say best way to save wildlife is to kill it! Money works in mysterious ways" *Mail and*

this can be partly attributed to hunting. These numbers are striking when compared to Kenya which has experienced a decline of 80% as of 1977 when hunting was stopped.<sup>82</sup> However, according to Ainsley Hay, the spokeswoman of the National Society for the Prevention of Cruelty to Animals (NSPCA), these numbers represent wild animals that “not truly in the wild” which refer to “managed populations in contained areas.”<sup>83</sup> Ainsley Hay’s argument is that these wild animals are reared mainly for hunting and so she questions “How is that conservation?”<sup>84</sup>

A third argument used by hunters to justify their sport, is related to its benefits for black South Africans. The representative of the KZNHCA explained to me the link between hunting and conservation which occurs through community benefits. Members of the KZNHCA are now shifting focus towards hunting on community-owned game farms (see also Ngubane and Brooks, 2013). The KZNHCA are targeting the areas that were taken under land reform and given back to their rightful owners. The land is now owned and managed by a person that most of the time does not have the necessary knowledge or skills, and KZNHCA believe this is where they can make a difference. The idea is to get “the community” to understand the critical aim of conserving those areas so that in future KZNHCA members can go there to hunt, and also for other activities, “maybe to fish, maybe to look at chameleons, maybe to go and take pictures of butterflies”; which is beyond hunting (Interview, 15 July 2011, Pinetown). In his view, hunting then becomes a contributing factor to the benefit of the community to which such land belongs.

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*Guardian* 22 June 2015. <http://mgafrica.com/article/2015-06-22-south-africa-hunters-say-best-way-to-save-wildlife-is-to-kill-it-money-works-in-mysterious-ways/> Accessed: 22/06/2015.

<sup>82</sup> This is according to Mike Norton-Griffiths an American zoologist as quoted by Kevin Crowley “South Africa hunters say best way to save wildlife is to kill it! Money works in mysterious ways” *Mail and Guardian* 22 June 2015. <http://mgafrica.com/article/2015-06-22-south-africa-hunters-say-best-way-to-save-wildlife-is-to-kill-it-money-works-in-mysterious-ways/> Accessed: 22/06/2015.

<sup>83</sup> See Kevin Crowley “South Africa hunters say best way to save wildlife is to kill it! Money works in mysterious ways” *Mail and Guardian* 22 June 2015. <http://mgafrica.com/article/2015-06-22-south-africa-hunters-say-best-way-to-save-wildlife-is-to-kill-it-money-works-in-mysterious-ways/> Accessed: 22/06/2015.

<sup>84</sup> *Ibid.*

The South African land reform programme and associated land ownership changes has altered the focus of the hunters who previously went to hunt on privately owned land, but are now hunting on community owned land. Ngubane and Brooks (2013) argue that KZNHCA is concerned that due to all the game farms in the province that are being delivered to communities through land reform, hunting opportunities in the province will shrink and these hunting areas will be “lost”. Hence they support community game farms. The representative told me that the KZNHCA hunters have to learn to operate under this new dispensation where they cannot simply hunt, but must assist the communities to maintain their areas because that is their major means of income. That becomes a community benefit and if the land beneficiaries do not know how to manage the area as a reserve or community conservation area, once the game is gone that will be a loss to the hunters and community members alike. In addition, not all the areas affected by land reform are good for farmland or agricultural activities, and that will pose challenges to the livelihoods of the community. So the KZNHCA hunters have positioned themselves to have a bigger role to play than just hunting.

In line with this thinking around hunting on community-owned game farms, the KZNHCA formed the Nemvelo Trust (see Ngubane and Brooks 2013). In July 2011 I attended one of the formative meetings of the Nemvelo Trust and I learnt about the seriousness of the hunters in undertaking the venture. By that time the Nemvelo Trust had already secured contracts with two land beneficiary communities for KZNHCA to hunt on the community-owned game farms (see Ngubane, 2009; Ngubane and Brooks, 2013). The Ngome Community Game Reserve around Greytown, and Kameelkop Community Game Farm next to Ladysmith in KwaZulu-Natal Province are cases where wildlife ranching has continued as the major land use after successful land restitution (Ngubane and Brooks, 2013). However, Ngubane and Brooks (2013: 399) are critical of the new institutional set up of the community game farm concept “which works to conflate or deny the distinct historical identities of the beneficiary groups.”

I was told that the income derived from the hunting goes straight back to the community. The KZNHCA assist the community with getting financial results audited by external auditing practices. The community control their money, but KZNHCA teaches them how to control costs, and how to run the bank account. KZNHCA also assists them with things like fire breaks, maintaining their fences, maintaining the lodges, and doing reservations for them (hunters book their hunting trips through the KZNCHA office in Durban). These are examples of capacity building as this is critical to help the community to sustain their projects. As the representative told me, most of the areas are fenced; however:

*somebody must maintain the fence, somebody must maintain the roads, somebody must make sure there is water, that there is grass, there are trees, and all the animals must be there if they are going to be harvested. The people must benefit from their resources directly. (Interview, 15 July 2011, Pinetown)*

The KZNHCA's perspective is that the link between hunting and conservation is through the community that eventually benefits. If it were not for KZNHCA members' hunting, those farms would not have income except when somebody comes from a private perspective, hunts a few animals and pays them some money. This would not guarantee good prices for the community's game.

The advantage of the arrangement between the KZNHCA and the new owners is that the parties agree well in advance, about the hunting clients' credentials, accommodation and they operate with the necessary approval from Ezemvelo KwaZulu-Natal Wildlife regarding which animals can be hunted at various prices. That becomes a contractual issue between the KZNHCA hunters and the community so that, after every hunt, the community members can check against the agreement on which animals have been hunted and the money earned. Also, the local hunters go for a wide spectrum of animals as compared to the overseas hunter, who needs one or two specific species with big sizes as trophies. The KZNHCA representative argued that it does not help to get a high price on one or two

animals, leaving many other animals that must be “taken off” for meat. Overseas hunters are mainly trophy hunters while the local hunters are more interested in hunting for meat (so-called “biltong hunters”). The majority of local hunters do not hunt to make a living – they have other professions where they derive income to sustain themselves, hence their multiple identities, but they eat what they hunt.

The KZNHCA’s shift towards hunting on community owned farms and forming alliances with such communities is an indication of a gradually changing land ownership situation. The hunters are positioning themselves strategically to keep on drawing from the same resources which they have benefitted from for a long time, albeit under the custody of different owners. This is another process of bricolage where the hunters are developing new relationships on the basis of being able to read between the lines in terms of the prevailing situation of gradual changes in the land ownership. These new working relationships, which are indicative of new institutions particularly in favour of the hunters, are not necessarily being drawn on a clean slate. The KZNHCA as an institution is going beyond striving for self-regulation of its membership with regard to hunting ethics, by playing a management function on community-owned game farms. The KZNHCA has gradually developed to serve more than its core purpose that it was originally created for. The formation of a completely new institution in the form of the Nemvelo Trust is an effort to adapt to new circumstances, in this case, based on articulating the needs of both hunters and new landowners. At the same time, hunters come from different backgrounds making them bricoleurs with multiple identities.

Such an arrangement that focuses more on local people is part of a conservation paradigm that emphasises “local ownership and local management” (Büscher and Dietz, 2005). This sounds good, but in reality it often yields disappointing outcomes. Emerton (2001: 226) argues that cases of community-based conservation in southern Africa have shown that “benefit sharing forms a necessary, but rarely sufficient, condition, for local communities to

economically gain from wildlife conservation” as the benefits are not guaranteed to be of adequate value to compensate for the costs incurred in wildlife conservation. For example, a study on the economic impact of hunting in Namibia showed that income derived from hunting on privately owned land is higher than that derived from communal conservancies (Samuelsson and Stage, 2007). In another case, the institutional framework in the Mala Mala Game Reserve<sup>85</sup> in Mpumalanga Province (one year after settling of the land claim) is already showing reconfiguration in light of the tension that has ensued over benefits.

### **Concerns of the Sport Hunters and Relations with Other Parties**

Landowners and hunters alike have raised concerns about the Firearms Control Act (FCA) 2000 (Act No. 60 of 2000). The Act, which has now been in place for fifteen years, seeks “to establish a comprehensive and effective system of firearms control” (Republic of South Africa, 2001: 2). Game farmers and hunters argue that the legislation is cumbersome and is not being implemented correctly. According to an article in the *Farmer’s Weekly*:

*The Central Firearms Registry (CFR) has had to resort to printing out firearm competency certificates on paper because proper certificate printers have run out of ribbon. This has given disgruntled gun owners even more ammunition against the implementation of the Firearms Control Act (FCA).<sup>86</sup>*

In the same article, it is reported that the South African Institute of Race Relations (SAIRR) had been called in to intervene due to the increasing complaints concerning the implementation of the FCA.<sup>87</sup> In that respect the SAIRR issued a report with the title: “*Research and Policy Brief: Why the Firearms Control Act Failed and What Should be Done*”

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<sup>85</sup> See “Mala Mala Limbo” written by Siphosiso Masombuka in *The Times* of 4<sup>th</sup> May 2015, <http://www.timeslive.co.za/thetimes/2015/05/04/mala-mala-limbo>. Accessed: 04/05/2015. The Mala Mala Game Reserve is South Africa’s most expensive land restitution case up to date after compensation of almost R1Billion to the previous landowner for the benefit of 950 households.

<sup>86</sup> See “Implementation of Firearms Control Act degenerates into a Farce” *Farmer’s Weekly* 15 July 2011.

<sup>87</sup> *Ibid.*

*about it.*<sup>88</sup> The document argues that “As long as the law remains unworkable, South Africa won’t have an effective mechanism to regulate the flow of legally held firearms in the country – a real security threat.”<sup>89</sup> The SAIRR suggested the need to rewrite the regulations so that the state would have the buy-in of law abiding citizens. This situation shows the challenges of the formal institutional processes which in this case lack flexibility attuned to the needs of those they are supposed to guide or govern. Hence the protestations by the hunting lobby in the country. In other words this situation is calling for the reformulation of the current institutions or the formation of new institutions altogether.

I was told that some landowners have formed a company to buy firearms to protect themselves personally, rather than buying as individuals (Interview with Tim Snow, 18 November 2011, Nottingham Road). The interviewee further said that if a private firearm is stolen in South Africa the owner can be prosecuted, and this is a concern. The KZNHCA representative interviewed does not believe that the South African Police Service (SAPS) has the resources to implement it properly. Huge frustrations exist in the hunting sector in that the problems experienced are a result of introduction of legislation without proper consultation with all role players. The KZNHCA further allege that because of that background and because of severe shortcomings within the SAPS in terms of information technology, manpower, skills and management, the implementation of the legislation leaves a lot to be desired. These frustrations in the hunting fraternity lead to breakdown of good relationships between the hunters and the police, and the government in general.

The KZNHCA official complained about the SAPS and its ability to issue firearms licences:

*There is a lack of administrative knowledge, there is a lack of ability, lack of capability and in many cases there is a lack of applying their minds. They are*

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<sup>88</sup> See “Research and Policy Brief: Why the Firearms Control Act Failed and What Should be Done about It” South African Institute of Race Relations, <http://irr.org.za/reports-and-publications/research-policy-brief/research-and-policy-brief-why-the-firearms-control-act-failed-and-what-should-be-done-about-it-21st-june-2011> Accessed: 02/08/2011.

<sup>89</sup> Ibid.

*rejecting applications for instance, competence certificates, for licensing for no real reason or up to 4 or 5 years after the submission of such applications. They simply tell you, we have lost it, just reapply. (Interview with a KZNHCA Representative, 15 July 2011, Pinetown)*

The hunters have formed many forums where they discuss as an industry the way forward. Each forum in turn liaises with government, mainly the Department of Environmental Affairs. They also have the SAPS consultative forum, where as an industry they sit with the police and share their frustrations with them and what they think can be improved upon. These meetings unfortunately do not involve all the role players, and are rather limited, as they are only composed of the police and a few hunting associations. At present, the KZNHCA makes submissions when they are invited or even when they are not invited. So the KZNHCA is constantly engaged with government through the Confederation of Hunters Associations of South Africa (CHASA) which has 21 member organisations, through the South African Gun Owners' Association (SAGA), through legal channels with lawyers and other channels. The KZNHCA also bring many court cases against the police for failing to implement the legislation properly.

In institutional bricolage terms this situation can be viewed as the exclusion of bricoleurs in the processes that gradually shape (patch together) the resultant institutional arrangements. So whilst hunters are making efforts to liaise with the police, the issue is complicated in that it is not only a police issue, it is also a government issue, it is a legal issue, and it is a national issue. Changing legislation is a long and complex process. Given the number of bricoleurs and the complexity of changing legislation, this set up can be understood through the "fuzzy assemblages of meaningful practices" suggested by Cleaver (2012: 45). The institutional arrangements that eventually emerge through this process continue to be modified through engagement and dynamic institutional bricolage.



The KZNHCA also expressed a concern regarding the Norms and Standards for the hunting sector set by the Department of Environmental Affairs. One example is the specified bullet widths to be used to hunt buffalo, for instance. The KZNHCA lamented the lack of consultation by government officials on issues concerning hunting such that the role players do not have input into the new regulations when they are introduced:

*We have a problem with the fact that some activities are described in semantics that makes it sound acceptable but in reality it is not. The problem with the legislator and us is that we will always want a little bit more from the legislation and he wants to take a little bit away from the role player and that we will never stop. But what we are asking is that if you want to legislate something that has anything to do with hunting and hunting activities, whether it is with animals in captivity, whether it is colour variants, whether it is minimum bullet width, speak to the role players and all the stakeholders and get all the facts on the table and let us be scientific about this and not only listen to the one with an obsession because they scream the hardest unfortunately. (Interview with a KZNHCA Representative, 15 July 2011, Pinetown)*

The concern about lack of adequate consultation of all the concerned parties by government was also echoed by the WRSA for example, in the restrictions of the use of the M99 drug on game farms (see Chapter Six). In cases where government does invite the KZNHCA to make submissions, the KZNHCA alleged that government often does not take heed of their input. The official cited a situation where in meetings the government officials assure the role players that certain issues will not be legislated, only to realise later that the matter has been gazetted. Such matters become difficult or impossible to reverse once they have been gazetted because of the lengthy bureaucratic processes needed to do so.

These are challenges that can be explained by different ways through which bricoleurs engage each other in negotiations to the crafting of working solutions that include regulations

and social relations. The role of discourse amongst the bricoleurs is critical for them to advance their ideas and arguments to forge ahead in whatever suitable way. Despite the complaints that its suggestions fall on deaf ears, it must be remembered that the KZNHCA is a recognized bricoleur and is invited by government to some forums, whereas other affected parties (like local communities) are not afforded the opportunity.

The KZNHCA has good relationships with other role players in the sector. Notably they have a close relationship with the provincial regulator, Ezemvelo KwaZulu-Natal Wildlife. For instance, at the time of my interview with the KZNHCA representative he was very keen to introduce me to a particular official from Ezemvelo KwaZulu-Natal Wildlife. When he took me to the room where the EKZNW official was, there was no need for the introduction because I had met and interviewed the official prior to this meeting. However, it was from this occasion where I learnt that the Ezemvelo KwaZulu-Natal Wildlife official was also a hunter. This raised interesting questions around his identity as a bricoleur and I even wondered whether there a conflict of interest might not arise if this official works for the regulatory authority, when he is a hunter and working with fellow hunters at the same time.

Within CHASA the KZNHCA is the second largest hunting association. The KZNHCA official described the relationship by saying that, "We have a good relationship with most other associations but of course you cannot live in peace with everybody. We try to do it as far as possible but we are a proud member of CHASA" (Interview with a KZNHCA Representative, 15 July 2011, Pinetown). He admitted that sometimes they have difficult meetings when strong individuals hold different opinions, but at the end of the day CHASA aims for consensus no matter how long it can take and they always try to reach decisions amicably. He also acknowledged conflict with other associations. However they always sit around a table to resolve their differences as they are working for the same objective. The unity of purpose brings them together, and it appears that the sport hunters are more organised and coherent as a group than the game farmers.

The tension between animal rights activists and hunters is palpable and this is an age-old conflict without any clear resolution (Leader-Williams, 2009). The KZNHCA argues that animal rights activists are overly emotional because of their 'obsession' with the killing of wild animals. As the official said:

*What we believe is that the moment you become obsessed with something you cannot be rational about it anymore. It is clear that the moment man has intervened anywhere man has to manage where he has intervened. We put a fence around an area and put animals inside the fence and there is no lion or leopard or caracal or hyena that can predate, that can catch the sick and the young, then who must control the numbers, who must manage the sick and the excess stock that can only be hunted? But we see it as a management application; we see it as a necessary thing that we do to make sure that the biodiversity is maintained. (Interview with a KZNHCA Representative, 15 July 2011, Pinetown)*

The KZNHCA reasoning is that animal rights activists do not see things in totality like the hunters and they simply oppose without suggesting any alternative. However, as noted above, the conservation claims made by the KZNHCA may be somewhat exaggerated. The controversies around sport hunting are world-wide and are not easily resolved. For example, efforts to leverage sport hunting in Mexico resulted in the introduction of exotic species and the programmes implemented did not uplift the local communities economically as was envisaged due to inadequate "institutional regulation" (Weber *et al.*, 2006: 1480). Introduction of exotic species through conservation fencing sometimes results in wiping out of the indigenous population (Somers and Hayward, 2012). So the introduction of those species needs to be carefully done if it is done at all (Maciejewski and Kerley, 2014).

## **Conflicts over Illegal Hunting**

Environmental regulations (Appendix I) provide the basis for what constitutes legal hunting in South Africa as they lay out the norms and standards which are followed by professional hunting bodies like the KZNHCA. The issuing of permits is a major bone of contention in terms of delineating legal or illegal hunting. Dog hunting is illegal in South Africa where the dogs actually attack the animal and bring it down (Interview with Tim Snow, 18 November 2011, Nottingham Road). Dogs are allowed only in certain circumstances; to point at birds which the hunter will flush and shoot, or to trace a wounded animal.

On farms in the KwaZulu-Natal Midlands, there is an ongoing conflict between the private landowners and the illegal hunters who come from the surrounding communities. Traditional dog hunting, while illegal, occurs often on private land. According to game farmers, the illegal hunters trespass into the farm and sometimes they subsequently vandalise private property. There are many cases recorded in KwaZulu-Natal of farmers having been attacked, and also the other way round with dog hunters having been attacked because of trespassing on private property (personal notes from interviews with game farmers). As outlined in Chapter Five the issue of illegal hunting is etched in a history of labelling European hunting as a noble sport and labelling African hunting as poaching, for that is the root of some of the current hunting regulations.

The Endangered Wildlife Trust (EWT) is particularly concerned with this issue. The EWT, an NGO dealing with conservation of endangered species or threatened species, has been quite active in the conservation of the Oribi (*Ourebia ourebi*) on private land in the province, particularly in the Midlands region. According to the EWT, the number of the Oribi species is going down mainly because it is a soft target for this form of illegal dog hunting. The EWT official whom I interviewed indicated to me that a survey conducted by his organisation in 2009 showed that there were less than 3 000 Oribi left in the country and that the numbers kept going down due to illegal dog hunting, which accounts for more than 80% of the decline

(the decline is also due to habitat loss) (Interview with Sam Phakathi, Midmar, 3 November 2011). Thus the Oribi is a threatened species.

The same EWT official gave me some insight into this challenge of illegal dog hunting. He explained that in South Africa, hunting associations are dominated by white people who are subject to procedures and are well positioned to conduct a legal hunt. On the other hand, the majority of illegal dog hunters are African people who in most cases are not exposed to these processes. However, even if they are willing to submit to the procedures, there is the challenge of where they will hunt, because they still need to get permission from the landowner in order for them to come and hunt. On the other hand, traditional hunting with dogs is a long-standing practice. Africans have been hunting like this for a long time and even the KwaZulu-Natal policy procedures recognise that African people used to hunt.

The long-standing tension between game reserve owners and conservation authorities on one side against the surrounding communities on the other side, has some historical basis as “hunting was the norm amongst the local African as well as white populations” (Draper, 1998: 820) but it was “criminalised” by the settler regime (Jones, 2006: 489). Pickover (2005: 20) adds to this by saying that:

*Trophy hunting not only helped to finance colonialism; with imperialism, wild animals in Africa came to be seen as the personal property of the hunting elite. The British big-game hunting tradition was in many ways linked to issues of class, elitism and the military, and perpetuated cultural notions of masculinity. In the colonial era, European hunters believed that their monopoly of the right to hunt made them superior to other races and that their civilisation increased ‘the beauty, courage and physical power of the race.’ Subsistence hunting was regarded as uncivilised and bad, while sport was civilised and good. The same stereotypes – poaching versus trophy hunting – persist today.*

In this respect people who go to hunt in protected areas or on private property are regarded as poachers. The tension between surrounding communities and protected areas dates back to the time when the protected areas were proclaimed (see Steele, 1968, 1971, 1979). It is also evident on privately owned land. This long drawn out conflict is one reason why Nick Steele designed the Farm Patrol Plan to stem poaching on farmland, especially farms that became part of conservancies (see Wels, 2000, 2003).

The EWT have tried to encourage the implementation of a special permit system for traditional hunting, with the permits being obtained through EKZNW. But again there is conflict because it is not easy to obtain hunting rights for the illegal hunters. Overall, there is a situation whereby a certain group of people within society is benefitting through hunting since they have properties, or can legally access private properties, and can afford hunting permits. Then there are the African people who either do not have land at all or else they have land without game. They are also not well acquainted with legal hunting procedures. The challenge is that many rural people cannot afford to pay for hunting because it is quite expensive. According to the EWT official, such people “still have an idea that the animals belong to God and a farmer cannot claim to own all the animals” (Interview with Sam Phakathi, Midmar, 3 November 2011). So they argue that they should be allowed to go and hunt as it was the case historically. They thus continue to engage in illegal hunting and resist permitting.

In their assessment of illegal hunting on farmland in KwaZulu-Natal, Grey-Ross, Downs and Kirkman (2010) cite poverty as a driver to incidents of poaching by local communities, coupled with their cultural, social and recreational needs. Farm workers or dwellers who lose their jobs – sometimes due to the conversion of the farm to game farming – end up not having a source of income and some resort to poaching and vandalism of property.

One interesting point is that the 'poachers' (illegal hunters) are not only poor people who hunt to improve their livelihoods, but also more affluent Africans, who appear to contest the exclusivity of the game farms. A second form of illegal dog hunting in KwaZulu-Natal is known as 'taxi hunting.' It is called taxi hunting because the hunters put all their dogs in a minibus taxi and they go to a farm and hunt illegally (Interview with Tim Snow, 18 November 2011, Nottingham Road). Sometimes the taxi hunters threaten the landowner with vandalism and destruction of property: if the landowner does not allow them to hunt they will burn out his farm every year. The farmer is thus forced to apply every year for a permit or licence to allow that community to come and hunt.

A respondent from the EWT described the situation:

*The hunters then come with their dogs and hunt for a reedbuck, they will kill that reedbuck. The farmer even provides potatoes and onions in the pot, perhaps because it is a negotiated truce to avoid the anarchy of that situation. It is quite widespread. (Interview with Tim Snow, 18 November 2011, Nottingham Road)*

Game farmers endure such grim situations on a regular basis which negatively impacts on their operations. If the farmer wants to retain the value of this farm, he has to do this; otherwise the damage inflicted by organised dog hunters would actually reduce the sale price.

This has some relationship to research on illegal bushmeat hunting in the African savannah (Lindsey *et al.*, 2013). A study of illegal bushmeat hunting in the surrounds of the Serengeti in Tanzania revealed that increase in wealth is also related to higher levels of bushmeat hunting, as this fuels demand based on enhanced access and demand for sophisticated hunting technology (Fischer, Naiman, Lowassa, Randall and Rentsch, 2014). However another study on illegal bushmeat hunting in the Serengeti in Tanzania revealed that there is a relationship between illegal hunting and low income, and factors such as destruction of crops and limited livelihood alternatives were cited (Nyaki, Gray, Lepczyk, Skibins and

Rentsch, 2014; see also Foerster, Wilkie, Morelli, Demmer, Starkey, Telfer, Steil and Lewbel, 2011; Lindsey *et al.*, 2013).

In the case of taxi hunting in South Africa, the EWT official argued that the taxi hunting is best understood as a form of gambling. This hunting is a test of the hunters' dogs and the competitors bet on the dogs' skills. The fastest dog which will be the first to catch an animal will win a prize, sometimes as much as R30 000 for a kill. The prime purpose of their outing is not necessarily to hunt for an animal, but to gamble on the dogs' performance. From my inquiry it came out that the people who engage in this form of hunting are not poor, and are often based in cities and towns. I was told that in some cases the people arrive on the farms with expensive off road vehicles with their dogs in the back. So these illegal hunters are not paupers; they are affluent people who are not hunting for subsistence.

Dog racing is not legal in South Africa. At one time, there were discussions around legalising dog racing as an alternative to illegal dog hunting. However animal rights activists especially the Society for the Prevention of Cruelty to Animals (SPCA) objected to that on the grounds that if a dog is not a good racer, it will be ill treated. The same could not be argued for the horse racing industry because a horse has a higher value and could be used productively for alternative tasks – it could be a good riding horse, it could be used for polo or it could be a good farm horse. Dogs are more easily expendable.

Clearly there is still a need to address the interests of the African hunters as to why they are engaging in that activity. The EWT argues that more must be learned about illegal dog hunting in terms of which animals are targeted, at what times do the people hunt, and how much do they know about environmental laws related to dog hunting. There is also a need to understand the illegal hunters' conceptualisation of hunting. The EWT has been running workshops for the hunters and other role players around environmental laws, dog hunting



and animal protection. Education and awareness is important because the communities do not know much about the protected species.

The EWT invited the dog hunting stakeholders to meetings. These included: members of the police, the hunters themselves, non-governmental organisations and traditional authorities. The reason for the meetings was to understand the practice, how widespread it is, the role of stakeholders, and also to hear the side of the hunters themselves because they need to be listened to. There is recognition that people have been hunting for quite a long time so therefore it is necessary to sit down with them and find a means of meeting them halfway for them to cooperate. The EWT has also developed information resources which they give to farmers as well as the hunters. In a North American context, there have been suggestions that the best way to resolve such conflicts would be to “remove access controls from the private landowner and allow public access to private land”, in other words making it legal to trespass (Butler et al., 2005: 382). Clearly modalities would have to be worked out between the various actors should this occur in the South African context.

One EWT official argued that the focus on these illegal hunters meant that the practices of landholders and licensed hunters are often left unexamined. The EWT official argued that, by the same token, research is needed to assess the damage caused by professional hunters who also engage in illegal practices. This can be even more destructive. If a professional hunter ends up using spot lights with his gun, for example, the animal will not stand a chance while the dog hunter is not guaranteed of catching an animal (Interview with Tim Snow, 18 November 2011, Nottingham Road). Another EWT official pointed out that special permits are given for other forms of hunting; for example, if a landowner wants to shoot animals from a vehicle that is not always an illegal form of hunting. He may want to reduce wildlife on his livestock farm. The conservation authorities may give him permission to shoot only 20% of the herd and he will be allowed to shoot from a vehicle at night with a

light because it is an efficient and effective way of harvesting, so there is a particular reason for giving such an illegal methods permit.

The EWT officials indicated that they believe this to be largely a matter of cultural prejudice. The conservation authorities view the use of dogs as an unethical hunting method not accepted by society at large, so that is why they cannot give a permit. This is seen as unfair and it also contradicts the situation of the better-off illegal taxi hunters when the landowner actually gets a licence/permit for them to hunt (albeit under duress) (Interview with Tim Snow, 18 November 2011, Nottingham Road).

Some of the game farmers admit that at times they are able to get away with conducting certain activities unlawfully, because law enforcement is unable to patrol everything. I was told of unethical game farmers who buy a rhino from an auction, transport it to the farm and two days later they shoot it with one of the unethical hunters. An interviewee defended this practice:

*If you are an international hunter and you come to shoot a rhino; you buy that animal from me, so how can I prescribe to you what you may or may not do with that product? The scale of such activities cannot be ascertained. (Interview with a Game Farmer 5, 21 November 2011, Nottingham Road)*

The idea expressed by this game farmer is that the power of the dollar overrides the ethical considerations in the hunting process, resulting in the transgression of the relevant regulations without a trace. This is a sign of lack of a follow up system by the conservation authorities which the private landowners can capitalise on, a situation that is perhaps indicative of weak institutions.

Hunting of wildlife encompasses a whole range of things for example, you cannot trespass on private or state land (seen legally as poaching). One needs to enter a property with

permission of the landowner, with permits and licences as provided for by the law. The question then is, are hunters sticking to those regulations? There is no straightforward answer to this question. A study noted a link between poor governance related to political corruption and the decline in endangered species in developing countries (Smith, Muir, Walpole, Balmford and Leader-Williams, 2003). The rules are bent and broken, and any ambiguity in the legislation is exploited to the full. Gerhard R. Damm, in the *African Indaba Newsletter* which promotes hunting, put a caveat to the implementation of the principles of Fair Chase and Hunting Ethics<sup>90</sup>. Gerhard R. Damm argues that implementation of those principles depend on individual behaviour as they are not regulated properly by law, with subsequent scant prosecution.

The EWT and other stakeholders formed a forum headed by the Hawks (a special investigative unit of the South African Police Service) in Pietermaritzburg. The drive behind the forum is to try to pave the way for finding an alternative to illegal dog hunting, even if it means seeking political intervention since it is a big issue. Police are not able to deal with these matters on their own. For example, if a farmer shoots dogs because of trespassing, that is an offence. But the police might end up dealing only with the illegal hunters, when the farmer himself has also acted unlawfully. The EWT official suggested that there is a need for an *indaba* (dialogue) on the matter, but government must take the lead. It is a challenge to get rid of illegal dog hunting. All that can be done at present is to try to mitigate it. At the same time, EWT takes the view that if there are ways of meeting the different groups of illegal dog hunters, these should be followed up.

The EWT official hinted that one challenge for the forum was that the illegal hunters found it difficult to attend. These hunters were invited but they often did not attend because the police were observing them at the meetings. So the EWT official had to approach the hunters personally and assure them that he was the one driving this process without any

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<sup>90</sup> Gerhard R. Damm "Reflections about 'Fair Chase'" *African Indaba Newsletter* 1(3) May 2003 page 7

idea of pointing fingers but wanting to find a solution. So in these meetings this official wears two different hats to try to ease the relations between the stakeholders. The EWT does not just go to the communities to tell them what to do. Interestingly, this official spoke of “cultural biodiversity”, meaning there is recognition of traditional dog hunting as a cultural tradition amongst African people. He wanted the communities to discuss the issues among themselves, to raise their concerns and also make suggestions.

When illegal hunters put game farmers under siege through covert means, it is a manifestation of the competition for access to resources which are under private ownership given the countrywide historically skewed distribution of land. This is indicative of the challenge formal institutions face in intervening to mediate the longstanding tension in the access and use of natural resources. The relationship between private landowners and the surrounding communities (black African people) should also be looked at from a perspective that blacks see themselves as disadvantaged because historically part of their land was taken away from them (See Chapter Five). However, up to now the skewed situation still persists and the majority desperately needs to access the land and wildlife resources – whilst at the same time, those who own them now are expending much effort in conserving them (and in the case of game farming, are benefitting financially too).

In a study of wildlife crime and poverty in Uganda, Harrison *et al.*, (2015) identified the following as the drivers of wildlife crime: subsistence needs, commercial interests, perceived injustice, cultural traditions and political influence, elements of which have all been seen in this case. And Kotchen and Young’s point with regard to power in governance systems is a very relevant one here. As they state, “because specific governance systems tend to favo[u]r the interests of some participants over others, efforts to (re)form these institutional arrangements are sensitive to the structure of power or influence in human societies and virtually always involve hard bargaining” (Kotchen and Young 2007: 150). The illegal hunters are now resorting to non-formal means of challenging and accessing natural resources,

based on their sense of being disadvantageded by the formal processes that are taking too long to redress historic imbalances. This is perhaps part of the hard bargaining necessary to reform the present institutional mechanisms.

In the meantime, the Department of Environmental Affairs has published draft regulations paving the way for professional hunters to register nationally, in a bid to close the loopholes in the hunting regime, for example, by restricting hunters to a single permit to hunt in one province at a time. As noted in the Government Gazette No. 36744 of 13 August 2013, the Minister of Water and Environmental Affairs introduced draft regulations requiring the national registration of professional hunters, hunting outfitters and trainers. Most importantly the draft regulations demand that an individual may not operate as a professional hunter, hunting outfitter or trainer unless he or she is registered in terms of the new national regulations. The regulations are meant to prevent province hopping where a professional hunter, outfitter and trainer flouts hunting regulations in one province and thereafter moves to another province. Such a person would now be required to have a provincial permit to operate in a specific province.

Negotiation is a powerful institutional bricolage tool. Here we witness the bricoleurs engaging in various platforms in their interactions using different discourses to represent their interests in the wildlife sector concerning all issues, for example related to what constitutes legal and illegal hunting. However other 'bricoleurs' who feel disadvantaged or excluded engage in radical and disruptive actions which are illegal.

### **Persecution of Predators**

Hunters and livestock owners have historically reacted violently towards predators, animals that are seen as competitors as they kill livestock or valuable ungulate wildlife. There is an

ongoing debate on predators in the mainstream media.<sup>91</sup> This is a reflection of debates in the wildlife sector about how to approach the issue of predators that prey on livestock and game causing huge losses to farmers. For example, it is claimed that predators cause losses of up to R1.4 Billion a year to the small-stock industry.<sup>92</sup> So persecution of predators is not only confined to game farms but it is also prevalent on livestock farms.

There are two opposing views; one which advocates for killing of predators to reduce their numbers and thus reducing their impact, and the other one which promotes the use of non-lethal measures. The issue of predators has set groups of role players against each other based on the predator control method they support. Game farmers who have predator animals as part of their portfolio find themselves in conflict with neighbouring stock farmers or other game farmers because it is difficult to confine predator animals to the game farm. This tension is evident from the view of a representative of a predator management forum:

*Bona fide livestock farmers cannot allow game farms or weekend retreats to breed predators that disperse into the district and make it impossible for them to profitably rear lambs and kids. In general, we would like the owners of wildlife properties who have little knowledge to become more active and take more interest in their communities. Game farmers who do not exercise effective predator control find their populations of smaller mammals diminishing. Night hunters say small game species are more abundant on sheep farms where predators are controlled than on game farms where they are not.*<sup>93</sup>

Animal protection groups or organisations like the EWT are against the persecution of predators, some of which are listed under national legislation as threatened or protected species. I interviewed one representative from the EWT who is a game farmer and who

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<sup>91</sup> See "Taking Action on Predator Control", *Farmer's Weekly*, 16 November 2011; "Increasing Predator Tourism Causes Worry" *Sveriges Radio*, 17 November 2010 [Online] URL: <http://sverigesradio.se/sida/gruppsida.aspx?programid>.

<sup>92</sup> See "Uniting against Predators", *Farmer's Weekly*, 22 July 2011.

<sup>93</sup> These are words of Arthur Rudman, Chairperson of the Glenconner and District Predator Management Forum. See "Taking Action on Predator Control", *Farmer's Weekly*, 16 November 2011.

belongs to the Game Rangers Association of Africa. This man also sits on the KwaZulu-Natal Hunting Advisory Committee and he does work connected to the International Union for Conservation of Nature (IUCN). His various roles have apparently shaped to a great extent his views on “predator persecution.” His argument started by pointing out the differences between a game reserve and a game farm. In a game reserve, the expectation is that all species are welcome there, that is, predators and prey should have a natural interaction. On the other hand, a farmer who turns to game farming using the Game Theft Act expects to continue with farming “as usual.” Thus game farmers expect that they should kill predators, and enclose their animals in the same manner as livestock farmers.

In the view of this man, this is an unrealistic expectation. The interviewee said:

*What about a rural farmer in Limpopo or wherever who has 20 goats? What does he do with his goats at night? He puts them in the kraal and makes sure that he protects them because he cannot afford to lose them. But a commercial farmer has got a thousand sheep or 2 000 sheep, he leaves them in the veld up there in the mountain, no dog, no shepherd, no kraal, and he expects them to be safe there. We live in Africa and you must understand that there are predators. (Interview with Tim Snow, 18 November 2011, Nottingham Road)*

In other words, he was saying that the farmer has the responsibility to care for his own assets and should not resort to killing predators.

I probed further, saying that however game farmers argue that shooting the predators is the best protection for their stock. The respondent replied that, in the EWT, “we say “prevention is the cure’; it is not, ‘prevention is better than cure’”. In his view:

*Farmers have a tendency to shift blame and they expect that government should do this or that for them, why should it be so? You cannot shoot every predator whether it is a damage causing animal or not. You cannot expect the taxpayer to*

*subsidise the protection of their investment. (Interview with Tim Snow, 18 November 2011, Nottingham Road)*

The argument is that it is the responsibility of the farmer to install predator-proof fencing that protects his animals, thus protecting his investment from predators. The request or expectation is not unreasonable, in the view of this respondent, because a hunter may pay R100 000 for, say a black impala hybrid, which is enough to secure 5km of game fencing. (Note that these colour variants are not, however, allowed in KwaZulu-Natal province). However in conversations with me, game farmers cited the issue of predators as one of their major challenges besides poaching when talking about their fences, which they spend a lot of resources to maintain. Van Schalkwyk *et al.*, (2010) contend that those who advocate for the persecution of predators are likely to continue on that trajectory as long as there is some viable commercial value derived from farming with selected wildlife species.

The EWT has a programme through which they place guard dogs with sheep and goats. The idea is that guard dogs may provide farmers with an alternative to killing predators. The dogs are trained and placed with livestock at 7-12 weeks of age which is a critical bonding period. They bond with the animals and defend them. The instinct of these dogs is strong and they are sterilised at the age of 6 to 8 months to prevent them from wandering. By 18<sup>th</sup> of November 2011 when we had the interview, the EWT official indicated that they had placed 53 dogs on farms in that year. I was told that about 90% of the receiving farmers report a decline in stock losses.

Marker, Dickman and Macdonald (2005) conducted a study in Namibia from January 1994 to November 2001 on commercial and communal farms where they assessed the use of 117 livestock-guarding dogs on livestock attacks. They found that there was a steep decline in livestock losses with 73% of the farmers acknowledging both the reduction and seeing the economic advantage of owning a livestock-guarding dog. Another study by Potgieter,



Marker, Avenant and Kerley (2013) from 2000 up to 2010 in Namibia on the use of guard dogs also showed a reduction in stock losses with a positive impression from the farmers. In a three-year study of the costs and effectiveness of lethal versus non-lethal carnivore control methods on 11 livestock farms in South Africa, McManus, Dickman, Gaynor, Smuts and Macdonald (2014) found that attacks by predators on livestock increased when lethal methods were exclusively used on two farms, while the attacks decreased on half of the properties where non-lethal methods only were used.

Those who do not support the persecution of predators for instance, the EWT official, also have a biological argument which they present to support their view (see “Predators on Private Land” *Farmer’s Weekly*, 5 August 2011). The argument is that if you continue to persecute any population, if you put them under pressure, you will invoke a survival reaction and will end up with more predators than you started with. Continued persecution will result in faster breeding in a survival response. This is a complex issue, they argue, and you are not solving the problem by killing predators. The EWT official whom I interviewed had put this argument forward in an article in the *Farmer’s Weekly* (see “The Truth about Predator Management”, *Farmer’s Weekly*, 5 August 2011). He said he had made reference to a peer reviewed journal article in an effort to debunk the ideas presented in an earlier article (by Prof. H.O. de Waal entitled “Unite Against Predators” in *Farmer’s Weekly*, 22 July 2011) which he felt was biased in favour of killing predators (Interview with Tim Snow, 18 November 2011, Nottingham Road).

In the article referred to by the EWT official, Prof. H.O. de Waal had emphasised the idea that predator numbers were out of control and causing widespread damage and subsequent losses to livestock farmers with far reaching consequences on employment. He wrote that:

*Over the years, the Predator Management Forum has lobbied the departments of agriculture and environmental affairs about the impact of predation on South Africa’s livestock. Many farmers and ranchers trying to control predators*

*received no government support. Despite claims to the contrary, there was no official vision or commitment to this challenge. In addition, the two departments involved – agriculture and environmental affairs – are working in isolation. Now, however, government has made nearly R140 million available for a programme to combat increasing predation. But money alone isn't enough. The fragmented efforts of private predator control enterprises might be effective on a limited scale, but when we're talking about vast geographical areas, we need a concerted and co-ordinated system of predator management.*<sup>94</sup>

This excerpt reprises some of the issues that have been highlighted earlier in this thesis, namely that game farming takes place at the interface between the Department of Agriculture, Forestry and Fisheries, and the Department of Environmental Affairs. This issue of predation illustrates the nature of the fragmented state (see Chapter Six).

Tim Snow responded by rejecting the idea that a 'concerted and co-ordinated system of predator management' was necessary. In his view:

*This would be problematic for many reasons, not least of which is the fact that my taxes should not be used for something which I oppose. The conflict between those who seek to wipe out predators and environmentalists arises because many farmers have been using the same methods since Europeans arrived in South Africa without reducing stock losses. Many of these methods are archaic, barbaric and ineffective, and no, they can't be defended by comparing how a jackal, for example, kills a lamb. Humans should be above animals and humane behaviour is expected from us, especially when we have a choice. After 350 years of predator persecution, there's still a problem because the effect of the management actions is ignored. Killing all predators is only temporarily effective and poisons often kill non-target species. But when farmers adopt a long-term,*

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<sup>94</sup> See "Unite against Predators" in *Farmer's Weekly*, 22 July 2011.

*pro-active system, aimed at protecting livestock, solutions become more effective.*<sup>95</sup>

This shows how fierce the debate is between the two camps with no end in sight. In this regard the EWT maintain their position of promoting non-lethal methods of predator control. However, Justin Bowen writing in reaction to Tim Snow's response said: "Another fact that is overlooked is that breeding is directly proportional to nutrition, so how can the statement 'populations revert to the original number in about five years' be confidently asserted?"<sup>96</sup> His idea is that there should be population control to reduce pressure on environmental systems.

A recent study by Parker, Whittington-Jones, Bernard and Davies-Mostert (2014) showed that the attitude of subsistence pastoralist communities towards highly endangered African wild dogs (*Lycaon pictus*) in nearby two protected areas in northern KwaZulu-Natal was positive overall (58% of respondents). Parker *et al.*, (2014) attribute this positive attitude to low stock loss levels due to wild dogs and high levels of awareness amongst the respondents. In the very different context of India, research showed that there is some sympathy for the conservation of snow leopards and wolves even when farmers lose livestock to these wild carnivores. This is attributed to a Buddhist worldview, in that belief in a hierarchy from "individual to higher levels of social organisation" determines their attitudes towards wildlife and conservation initiatives (Suryawanshi, *et al.*, 2014: 1657). Many farmers in South Africa, however, support the killing of predators.

## **Conclusion**

This chapter has focused on a central aspect of the game farming industry and its regulation, namely debates over hunting. This study has highlighted several cases where various actors adopt different roles, and it is clear that participants in the hunting arena are often bricoleurs adopting multiple identities when it suits them. Controversy is prevalent on the

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<sup>95</sup> See "The Truth about Predator Management, *Farmer's Weekly*, 5 August 2011.

<sup>96</sup> See "Predator 'Truth'" *Farmer's Truth* 11 November 2011.

question of the contribution hunting makes to conservation, and also on issues related to canned hunting and predator control. Tensions exist between the hunting fraternity and government with respect to the implementation of the Firearms Control Act No. 60 of 2000. However on the ground, there is apparently close co-operation between KZNHCA and the provincial conservation authority. Sport hunters belonging to the KwaZulu-Natal Hunters and Conservation Association make a financial contribution and have a significant impact on the wildlife sector, given their level of organisation and how they articulate their concerns with authorities and other role players.

Meanwhile the KZNHCA's shift towards hunting on community owned game farms and forming alliances with such communities is an indication of a gradually changing land ownership situation. The hunters are positioning themselves strategically to retain access to the same resources from which they have benefitted for a long time, albeit under the custody of different owners. This is a process of bricolage where the hunters are developing new relationships on the basis of being able to read between the lines in terms of the prevailing situation of gradual changes in land ownership. These new working relationships have resulted in new institutions emerging to safeguard the interests of the hunters, and it is observable that KZNHCA as an institution is going beyond its original mandate by playing a management function on community-owned game farms.

Debates rage over forms of 'illegal' hunting, and these debates reflect profound social tensions in the region. This chapter noted three kinds of illegal hunting activity. The first is illegal dog hunting practised by poor people who reside in communal areas adjacent or close to game farms. Illegal hunting of this kind brings to the fore the conflict between the traditional Zulu hunting and a legalised form of hunting. The second is illegal taxi hunting carried out by well off black people. Conflicts over these two forms of hunting are premised on the intractable question of access to natural resources that have been privatised and commodified under the private ownership of land as part of property rights enshrined in the

South African Constitution. The illegal hunters see themselves as marginalised under a system that favours the landowners to own and control access to wildlife resources. Putting landowners under pressure becomes one way through which the illegal hunters can benefit from those resources regardless of the consequences. The EWT has attempted to bring these hunters, who are currently not recognized as role players, into the system, giving them the opportunity to act as bricoleurs in framing environmental governance solutions. So far, this has met with limited success.

The third form of illegal hunting (so-called canned hunting) is practised by some professional hunters acting together with game farmers in circumstances that are not traceable by the conservation authorities. This is viewed primarily as a policing issue.

All these controversies point towards the ambiguous place that hunting occupies in this context. Despite its role as an anchor to the sector, ethical and legal questions around various forms of legal and illegal hunting remain, and hunting as a primary activity creates different actors that all compete in the arena of private wildlife governance in the province. The discourses surrounding what constitutes legal and illegal hunting are often strongly oppositional depending on which side of the 'fence' each bricoleur stands.

## **CHAPTER NINE**

### **EXPLORING THE GAME FARMING/LAND REFORM NEXUS: WHERE BRICOLAGE FAILS**

#### **Introduction**

Some game farmers have singled out land reform as the greatest threat to their sector. On the other hand landless communities support land reform (in the form of land restitution in this case), and argue that the rise of game farming is denying them the opportunity to earn a livelihood through access to land. This chapter discusses the intricacies of the link between land reform and game farming to unpack this situation. In the study area there are land claims involving private properties that have been - or are in the process of being - converted to game farming. One particular and intriguing case relates to the complications associated with the proposed Gongolo Wildlife Reserve (GWR) which is envisaged to cover a sizeable part of the Umtshezi Municipality. The state is caught up in a dilemma of taking game farms as drivers of local economic development while also needing to respond to the urgency of land reform and restitution. In this particular case, some government departments (including district and local municipalities) buy into the arguments in favour of the proposed game reserve, while others are more ambivalent, so the whole process is stalled.

This state of affairs also reflects the challenges that have been encountered in the land restitution programme (De Villiers, 2003; Walker, 2008), with implications for South Africa's agrarian reform. In this chapter I explore the institutional implications of the interactions between game farmers, state authorities, other organisations and communities at the local level through the example of the GWR. Institutional bricolage pays attention to power differences among the bricoleurs which may result in unequal outcomes (Clever, 2012). However, what of situations in which the bricoleurs get into a deadlocked situation? In this

case attempted institutional bricolage does not seem to be working for the moment: there is stalling of the process at the game farming/land reform nexus. Given the historical imbalance of land distribution, the increasing role of game farming/wildlife ranching has complicated the land question due to the clash of interests of the actors involved.

### **The Game Farming/Land Reform Nexus**

The previous two chapters have shown the fractured state characterised by the schism between the national Departments of Agriculture, Forestry and Fisheries versus Environmental Affairs, and at the provincial level the KwaZulu-Natal provincial Departments of Agriculture and Environmental Affairs, and Rural Development and Land Reform, plus Ezemvelo KwaZulu-Natal Wildlife. All these departments tend to operate in silos. At the local level, municipalities are preoccupied with service delivery to residents as a major priority, thereby sidelining issues related to control of private game farming. South Africa's second decade into democracy has been characterised by an increase in protests by municipal residents linked to lack of or poor service delivery (Alexander, 2010; Nleya, 2011).

The actors favouring conversion to wildlife production find themselves confronted by the land issue and the post-apartheid state's land reform programme. A critical issue playing itself out at the local level thus concerns the nexus between game farming and land reform, particularly through the land restitution programme. One major problem is that of unsettled land restitution claims. Much of the land that has been successfully claimed has not been handed over to the claimants because of various reasons, for instance, government would not yet have paid out compensation to the former landowner. The status of such land becomes unclear making it difficult for the interested parties to work out an amicable solution. This raises questions about the role of the Department of Rural Development and Land Reform which handles these issues. The case of the land dispute in Gongolo area discussed in this chapter illustrates the complications due to the clash of interests by the bricoleurs involved (see Brooks *et al.*, 2011; Cobbinah, Black and Thwaites, 2015).

Given the historical imbalance of land distribution alluded to in earlier chapters, the increasing role of game farming has further complicated the land question. On one hand, the complications arise from the game farmers' identification of land reform as the greatest threat to game farming (personal notes from interviews with game farmers). On the other hand, landless communities support land reform and they allege that it is the emergence of game farming on their watch which is denying them the opportunity to earn a livelihood through access to land (as the Gongolo case illustrates). As noted, the institutional framework in the Mala Mala Game Reserve<sup>97</sup> in Mpumalanga Province one year after settling of that land restitution case is already showing reconfiguration in light of the tension that has ensued over benefits. Mixed results from the Gongolo and other cases show that institutions for natural resource management do not necessarily develop in line with design principles but go through an ongoing process of institutional bricolage and development.

### **Background to the Gongolo Wildlife Reserve**

This chapter unpacks the example of the Gongolo community where land restitution has not taken place, largely due to the alternative proposal of establishing a large private game reserve or wildlife estate. At the same time, the private wildlife development has not taken place either, due to the unresolved land claims. This chapter builds on earlier work (see Brooks *et al.*, 2011) and on in-depth interviews conducted with the players involved. The major part of the land under dispute is in Umtshezi Local Municipality while the rest is in the neighbouring municipalities of Okhahlamba and Mpozana. Umtshezi and Okhahlamba local municipalities are in Uthukela District Municipality while Mpozana is in UMgungundlovu District Municipality.

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<sup>97</sup> See "Mala Mala Limbo" written by Siphosiso Masombuka in *The Times* of 4<sup>th</sup> May 2015, <http://www.timeslive.co.za/thetimes/2015/05/04/mala-mala-limbo>. Accessed: 04/05/2015. The Mala Mala Game Reserve is South Africa's most expensive land restitution case up to date after compensation of almost R1Billion to the previous landowner for the benefit of 950 households.



Gongolo (see Figure 4 below) is an area that is between Estcourt, Mooi River and Weenen covering over 40 000 hectares of farms owned by 16 landowners. Farm dwellers in Gongolo<sup>98</sup> lodged restitution and labour tenant claims on these farms before the 31<sup>st</sup> December 1998 deadline in terms of two pieces of legislation, that is, the Restitution of Land Rights Act (No. 22 of 1994) and the Land Reform (Labour Tenants) Act (No. 3 of 1996). All land claims should have been finalised by 2008 but this was not the case (Boudreaux, 2010) including this Gongolo claim. Almost 80 000 rural- and urban-based land claims were lodged by the 31 December 1998 deadline but 4 296 claims were still outstanding by 31 March 2009 especially from the rural areas; the greatest number (1 652) of these were from KwaZulu-Natal Province (Boudreaux, 2010). Recently the Restitution of Land Rights Amendment Act (No. 15 of 2014) was passed in order to extend the deadline<sup>99</sup> for lodging land claims from 31 December 1998, as was provided for in the Restitution of Land Rights Act (No. 22 of 1994), to 30 June 2019. The Restitution of Land Rights Amendment Act (No. 15 of 2014) also specifies the need to give precedence to outstanding (by 29 June 2014 when the Amendment Act came into effect) land claims that were lodged by 31 December 1998.

The process of claiming land is complex as Walker's (2008) account attests. Atuahene (2014) identifies five phases, namely lodgement, validation, verification, negotiation and valuation. In Gongolo, claimants lodged claims as 7 *isigodi* (otherwise referred to as wards) under two traditional authorities: Mchunu with 3 wards and Mthembu with 4 wards. The amaChunu *isigodi* are Phofini, Nhlanguwini and Mhlumba while the amaThembu *isigodi* are Matshesi, Mngwenya, Ntunda and Nontethe.<sup>100</sup> A third community called Motane lodged a

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<sup>98</sup> Gongolo which is the name used to refer to this area is derived from one of the rivers that runs through the area. This is according to AFRA's "Community Status Report 2011."

<sup>99</sup> The South African President referred to the issue of the opening of another window for citizens to launch fresh claims. See "State of the Nation Address by His Excellency Jacob G Zuma on the occasion of the Joint Sitting of Parliament, Cape Town" 12 February 2015 [Online] URL:

<http://www.thepresidency.gov.za/pebble.asp?reid=19024> Accessed: 11/03/2015.

<sup>100</sup> This is according to AFRA's "Community Status Report 2011" and the same information was also corroborated by a chairperson of the committee representing the claimants.

restitution claim which took seven years (up to February 2006) as compared to the other two which took three years (up to February 2002) to be confirmed and gazetted.<sup>101</sup>

An official from the Regional Land Claims Commission (RLCC) told me that people in the KwaZulu-Natal countryside live under what are called *isigodi*. While the very crude translation of an *isigodi* is “ward”, an *isigodi* is not precisely a ward but rather a group of people who have a similar kinship and similar lineages to a particular chieftainship, and that group of people is spread in a particular area. That area is called an *isigodi*. According to the official, the *isigodi* is deeply entrenched in people’s everyday lives and it has been like that for centuries. In that respect a new *isigodi* cannot be easily established; it does not happen like that. Old *isigodi* have been established a long time ago, and one of the reasons there are such serious issues with land reform in KwaZulu-Natal is because of where individuals have made claims as against where their *isigodi* belonged and under what traditional authority. Such a situation could be what has been in play in Gongolo.

Adherence to the *isigodi* in the context of the land restitution programme can be interpreted in the sense that it was convenient for both the land claimants and government officials to validate and verify the land claims according to the phases described by Atuahene (2014). Walker (2008) gives intriguing accounts of people’s stories of “loss and hurt” to authenticate their identities as this was crucial to a successful land claim. However state authorities appear to view *isigodi* as a static institute with rigid boundaries, whilst Jianchu (2006: 261) notes that:

*Local knowledge is not necessarily static, pristine, and culturally specific; it is dynamic and continuously evolving. Emancipating local knowledge requires*

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<sup>101</sup> See “Gongolo Court Case Briefing”, <http://www.pambazuka.org/images/articles/522/Gongolo%20Court%20Case%20Brief%2023%20March%202011.pdf>, Accessed: 5/12/2012; and “Gongolo Heads of Argument”, <http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

*recognition that ethnic identity and social networks are reshaped and modified by cultural changes, land use, resettlement, and development policies.*

Jianchu's (2006) argument is that the state needs to make use of this knowledge and integrate it into modern research and policy initiatives through a flexible approach to innovations and allowing indigenous people to develop their own solutions (see also Fraga, 2006; Walton, 2010; Sarkar and Montoya, 2011). This approach would involve allowing local people's livelihood strategies to evolve gradually resulting in the development of institutions of governance of natural resources. This is because the people embody a broad spectrum of formal and informal social arrangements of how they interface "with resources and ecosystems, on the distribution of rights to access, and responsibilities to stewardship" (Lertzman, 2009: 339).

In the case of Gongolo, people in each *isigodi* would then access land and use natural resources in accordance with local institutional processes determined through their social, economic and cultural values and norms. I suggest that the proposal to displace farm dwellers and establish a game reserve through externally induced institutional processes illustrates a failure to appreciate the *isigodi* as part of critical social socially embedded institutions of the local people. Ultimately there is tension witnessed in Gongolo and subsequently illustrated through the challenges in the whole institutional bricolage framework. The land question has been emboldened as a "territorial right, a concept recently associated to the resistance of rural people and traditional communities against land expropriation as caused by so-called development" (Sauer, 2012: 86). Thus O'Laughlin (2013: 175) argues for example, that "land should belong to those who have been dispossessed, regardless of the economic implications of particular constellations of property relations."

During the early 2000s, several of the 16 landowners who own farms that were part of the land being claimed formed a private company, Gongolo Wildlife Reserve (GWR) and produced a draft proposal laying out their initiative of forming a large private game reserve. It appears that this occurred following government's delay in buying the land to settle the land claims. The farmers had meetings with different stakeholders including government to sell the idea of establishing a wildlife reserve. In response, the Gongolo people formed a committee<sup>102</sup> from the 7 *isigodi*, which is made up of 15 representatives. This committee articulates and represents the interests of the farm dwellers in their interactions with landowners, government and other concerned role players like the land rights non-governmental organisation the Association for Rural Advancement (AFRA). The formation of the committee provides a way through which poor people have organised to represent themselves, thus exercising some agency to extricate themselves from precarious positions. The Gongolo Committee chairperson is also the chairperson of the KwaZulu-Natal branch of the Landless People's Movement. This is an example of the multiple identities of bricoleurs which can be based on their economic wealth, special knowledge, official positions or even kinship (Komakech and van der Zaag, 2011).

The Gongolo Committee started to negotiate with the landowners and the government, especially the then Department of Land Affairs (now Department of Rural Development and Land Reform), and the Regional Land Claims Commission (RLCC). This kind of negotiation between a committee (representing the claimants) and government is similar to other restitution cases in the country (Atuahene, 2014). According to the land restitution process once land has been successfully claimed, government takes steps to purchase the land from the current owner (Boudreaux, 2010; Atuahene, 2011a). The land can then be restored to its rightful owners who were once disadvantaged or some form of compensation is worked out in the form of money or with land elsewhere (Boudreaux, 2010; Atuahene, 2011a).

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<sup>102</sup> This committee does not have a particular name and for convenience purposes I will be referring to it as the Gongolo Committee. The committee represents the interests of the residents and claimants of the Gongolo region that is under claim but earmarked for the proposed Gongolo Wildlife Reserve.

Information that I got from the Gongolo Committee and the RLCC substantiate that government was going to buy the land. This is understandable in the context that “restitution claims are all claims against the South African state, not against individual land owners” (Boudreaux, 2010: 15). However the Gongolo Committee later realised that government was in favour of the proposed game reserve.

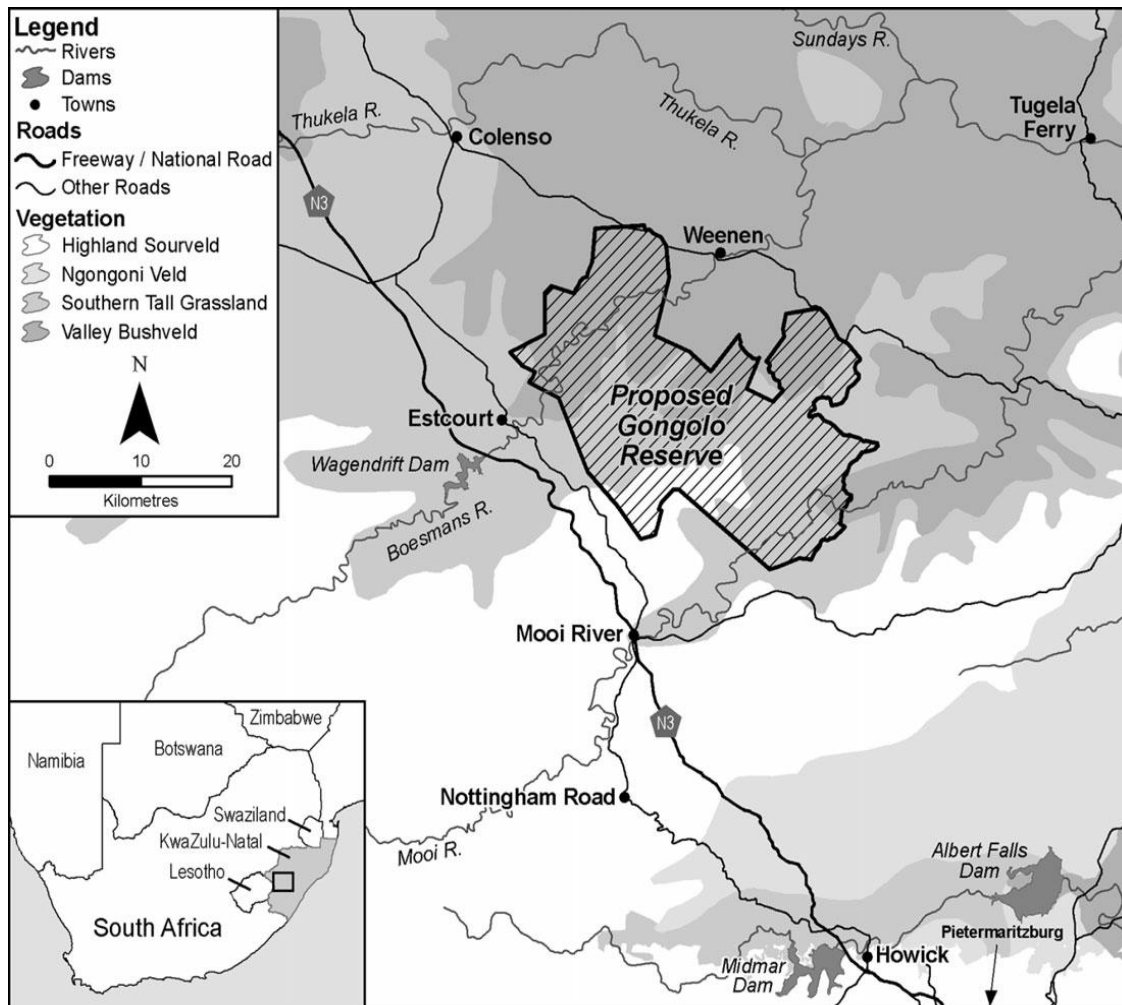


Figure 4: Map showing the Location of the Proposed Gongolo Wildlife Reserve (from Brooks *et al.*, 2011: 261)

The landowners went ahead to appoint a consultant to plan for the development of the GWR (interview with Stephen Hulbert, 15<sup>th</sup> March 2011, Pietermaritzburg). According to an official from AFRA, the plan is an ambitious development with golf courses and spas (see also Brooks *et al.*, 2011). The landowners intended the reserve to be a major attraction in

KwaZulu-Natal, something that would compete with Hluhluwe-Umfolozi Game Reserve and even Kruger National Park. Research by Brooks, Spierenburg and Wels (2012) in the Gongolo area shows that farm dwellers (mainly labour tenants) are viewed as a hindrance to the realisation of the “wilderness dream” that developers hope to realise on the former farmland. This is also the case in other contexts, for example the perception of local people as a hindrance in the development of Transfrontier Conservation and Development Areas (TFCAs) (Wittmayer and Büscher, 2010).

The creation of such ‘third nature’ dreams involves reworking landscapes to support a certain level of wildlife to ‘pristine’ levels that are then packaged for the international tourists (Hughes, 2005; Büscher, 2010b; Brooks *et al.*, 2011), thus excluding local people and their constructions of nature (Büscher and Dressler, 2012). For example, Wels (2002: 64) highlights that “Europeans long for pristine African landscapes” in light of the image that cultural tourists have or expect about Africa. The idea of this proposed reserve has been modelled on such ideals, and this is similar to the way in which transfrontier conservation areas have been framed backed by neo-liberal leanings (Ramutsindela, 2007) resulting in the enclosure of resources that could benefit the local people (Spierenburg, Steenkamp and Wels, 2008; Ervine, 2011). In the Gongolo case, the landowners allowed their farms to be included in the venture and in return they got shares in GWR.

Such projects are often contested. De Villiers and Van den Berg (2006) present the Makuleke land claim in Kruger National Park as one of the ‘trailblazers’ of the land restitution programme. Critics argue, however, that such a neoliberal approach to land rights of the current owners does not cater for the need for transformation (Atuahene, 2007; 2011b) in order to restore the ‘dignity’ of the disadvantaged people (Atuahene, 2014). Tensions coupled with minimal benefits to the community caused by the neoliberalisation of conservation on the Makuleke land claim have been acknowledged (Tapela and Omara-Ojungu, 1999; Ramutsindela and Shabangu, 2013).

### **Restitution versus Wildlife-based 'Development'**

Working for the Gongolo land claimants, AFRA commissioned a study to assess the environment, soil types, and rainfall patterns and to find out whether people can still use the land for production (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg). Some parts were identified as fertile and can still be used for cropping and grazing purposes while other parts were found to be suitable for game farming. That is why some claimants were not completely opposed to game farming especially if there was support from government and other stakeholders. This environmental assessment is important to ascertain the nature of resources in Gongolo area that have caused so much contestation and also for the ultimate resource users to plan accordingly. As Cleaver (2012) argues, one of the contentious issues in the study of institutions is the challenge of linking the social nature of institutions and the resources which have material characteristics. So the "physical properties of the resource" have a reciprocal relationship with "human-made arrangements ... the material nature and spatial location of the resource and its management through infrastructure and technology affects rights of access, claims to property and the potential for commodification" (Cleaver, 2012: 20).

The idea of restitution was attractive to the landowners and community members who supported it since government would buy some of the land for the claimants. However the landowners envisaged that once the restitution had taken place, the claimants would be compensated with land *elsewhere*, on the periphery of the GWR where the farmers would be prepared to put up houses – or the people would get financial compensation for the land (interview with GWR official, 21 August 2012, Estcourt). There were promises of permanent and temporary jobs<sup>103</sup> and shares in the game reserve for the community. However the challenge that lingered is; how exactly were the communities going to benefit from the initiative, which would result in their displacement from the GWR?

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<sup>103</sup> See "Bureaucracy stalls almost 2 000 jobs" by Fiona Macleod in the *Mail and Guardian* of 29<sup>th</sup> July 2011, <http://mg.co.za/article/2011-07-29-bureaucracy-stalls-almost-2nbsp000-jobs>, Accessed: 21/10/2011.

Due to the popularity of game farming as a generator of foreign investment as well as an economic growth engine, the provincial authorities were impressed by the GWR plan. The provincial government through the Finance and Economic Development Department in the province with Zweli Mkhize as the Member of the Executive Council (MEC) of that department at the time supported the idea because it was addressing local economic development concerns. The GWR project was apparently going to boost the economy of the province and the country<sup>104</sup>, so Zweli Mkhize supported the idea of its establishment. Indeed, the Department of Finance and Economic Development was instrumental in supporting the GWR proposal as the provincial Department of Rural Development and Land Reform was not visible in this instance. This is a manifestation of the explanation by Cleaver and Franks (2005) and Cleaver (2012) that institutions dealing with natural resources management are not necessarily designed for that purpose as they are often vague, they have multiple functions, they are ever-changing and that they are less susceptible to intentional crafting.

A report of a meeting hosted by AFRA and the Gongolo Committee in Pietermaritzburg on the 24<sup>th</sup> June 2008 shows the views of the MEC responsible for the department. He clearly felt that the objections of the farm dweller community were trivial and that the plan should go ahead:

*Although he accepted the invitation he needed to clarify that his Department does not specifically deal with land issues but economic related. However he was concerned that a number of people have been given back their land only to find that they are not cultivating it which defeats the good intention of land reform. He stated that sometimes people change land use from what the land was used for before and this makes the economy to go down, because people stop the*

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<sup>104</sup> This information is from a document entitled: Outcome of the Gongolo Dialogue on Future Land Use Options, Imperial Hotel, Pietermaritzburg, 24 June 2008” prepared by AFRA.



*production. He reiterated that this is not an easy issue as he has spoken to different people many times about the Gongolo issue including the Commissioners of the Land Restitution, the Gongolo communities and the farmers. He remembered that other people on the side of the community have even accused him of favouring the farmers' side. The MEC warned that working the farm is not child's play but it's heavy and it needs all the money. However, even if you have a lot of money it is not guaranteed that you will succeed unless you have a passion and a sound plan. Since Gongolo place is very big, therefore people should know that it ought to make more money as well. The MEC also challenged the Chairperson of Gongolo to stop arguing, work together and come up with a plan. There is a challenge of investments in the absence of a proper strategy; this would collapse and there are skills needed, markets and management of finances. (Kwazulu-Natal Member of the Executive Council for the Department of Finance and Economic Development, 24<sup>th</sup> June 2008)<sup>105</sup>*

In pressing to go ahead with the plan, government may have missed a chance to gain legitimacy for the project through its acceptance by all stakeholders particularly the local community. Legitimacy requires an element of visible justice and the power relations of parties involved have to be addressed. This may have been an opportunity to enhance the new institutional setup in the governance of natural resources especially by giving agency to the disaffected parties (Sandström, Crona and Bodin, 2014).

This meeting was one of those rare opportunities where the major role players such as the Gongolo Committee, AFRA, GWR representative and government officials including the Regional Land Claims Commissioners and local authorities would meet in one room and deliberate on the Gongolo issue. Unfortunately officials from the Department of Rural Development and Land Reform were absent at this meeting although their department is the

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<sup>105</sup> Ibid.

one that should play the leading role in settling the issue.<sup>106</sup> The chairperson of the Gongolo Committee expressed the view of the community that their quest to secure land rights seemed to have been forgotten 10 years on since 1998 when they lodged their restitution claim.

The affected District Municipalities of uThukela and uMgungundlovu also supported the idea of the GWR.<sup>107</sup> The Umtshezi Local Municipality which has the bulk of the GWR land and which is a struggling local authority saw the opportunity of itself developing. This context of the thrust of developmental local government, especially if it encourages involvement of residents (Ntsebeza, 2002), explains the support for the GWR proposal by the municipalities. The Regional Land Claims Commissioner at that time also said that the project was good since “the land is not good for livestock but wild animals.”<sup>108</sup> An official from AFRA wondered in an interview whether the province supported the farmers as compared to supporting the farm dwellers, because the farm dwellers’ plans for the area are mainly small scale or subsistence farming (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg).

Even if trade-offs exist due to conservation (Hirsch, Adams, Brosius, Zia, Bariola and Dammert, 2010; Drutschinin, Casado-Asensio, Corfee-Morlot and Roe, 2015) there is no practical comparison that has been undertaken of the financial benefits that accrue from the farm dwellers’ versus the farmers’ plans in the Gongolo land claim. This lack of consideration of farm dwellers’ plans can be taken to reflect that view that “small-scale food production, processing and marketing are considered ... to be unproductive, inefficient and incapable of producing quality outputs reliably” (Adolph and Grieg-Gran, 2013: 2). However, according to Aliber and Cousins (2013) smallholder farming can be far reaching in terms of the large number of beneficiaries and improvement of their livelihoods, though there is need for contextual support (see also Aliber and Hart, 2009; Aliber and Hall, 2012; Mutopo,

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<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

Manjengwa and Chiweshe, 2014). Small scale food production, despite being sidelined (McMichael, 2009), may in fact have direct effects in alleviating poverty and malnutrition and contribute to lessening the global outlook of poverty (Adolph and Grieg-Gran, 2013). Evidence from the Eastern Cape Province in South Africa suggests that indeed most of the land reform beneficiaries utilise their land for crop and livestock purposes on small scale subsistence and commercial basis (Chitonge, 2013). In Zimbabwe, land redistribution “created opportunities for landless peasants to diversify livelihoods by allowing them greater mobility and access to land and natural resources” (Mkodzongi, 2013: 345; Mutopo, Manjengwa and Chiweshe, 2014).

Elsewhere, Li (2011) argues that large scale land acquisition has not resulted in poverty reduction. Integration of contemporary ecological systems with indigenous knowledge systems presents powerful approaches to the sustainability discourse (Lertzman, 2009). However, the Gongolo situation illustrates that government and landowners as bricoleurs were more powerful in articulating and influencing the discourse of going ahead with the proposed game reserve with disregard to the disaffected communities who constitute the claimants.

In the eyes of the provincial authorities, the landowners’ plan looked better. Government’s position was thus complicit with the landowners and there was dragging of feet in settling land claims resulting from the history of land dispossession in the area.<sup>109</sup> The government has been drawn towards banking on the private sector to work with land reform beneficiaries as a way to speed up the land reform programme (Jara and Hall, 2009; Hall, 2009). Government’s position can be related to Boudreaux’s (2010: 14) critique of South Africa’s “land reform as social justice.” Boudreaux argues that many “post-colonial African governments have continued the sorry story of ineffective political representation, ethnic or

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<sup>109</sup> See “Gongolo Heads of Argument”, <http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

religious discrimination, and misuse and abuse of local resources” and South Africa is no different (Boudreaux, 2010: 14).

If capital tends to entrench itself and work against transformation and empowerment, then government is complicit in neglecting its people. Such a situation can be considered in line with Harvey’s (2003: 89) assertion that:

*Capital accumulation through price-fixing market exchange flourishes best in the midst of certain institutional structures of law, private property, contract, and security of the money form. A strong state armed with police powers and a monopoly over the means of violence can guarantee such an institutional framework and back it up with definite constitutional arrangements. State formation, coupled with the emergence of bourgeois constitutionality, have therefore been crucial features within the long historical geography of capitalism.*

On the surface, it appears odd that, as government is the custodian of all the land restitution processes as shown by the legislation to redress the skewed ownership of land, the restitution did not proceed as expected. Why not? AFRA suggests that government’s consideration of the idea of local economic development swayed its position. In addition, the fact that people had drafted (with the assistance from AFRA) their own land use plans was not well received (interview with AFRA Official 2, 9<sup>th</sup> November 2011, Pietermaritzburg).

The GWR proposal can be seen in a similar light to current African ‘land grabs’ involving large-scale land transactions intended to drive economic development whilst often neglecting food security (White *et al.*, 2012; Lavers 2012; Costantino, 2014). Contrary to what is witnessed in Gongolo, land use planning can be inclusive rather than being driven to achieve a particular goal or targeting a particular stakeholder (Koontz, 2005). Local communities should be given an opportunity to etch their livelihoods on their land based on their social institutions and practices inherent in their culture (Sarkar and Montoya, 2011;

Child and Child, 2015). In the proposed Gongolo land use plan people made significant demands from the government in terms of support and this could have made government unsupportive of land transfer directly to the claimants. Hall notes that the lack of post-settlement support was causing failure of land redistribution projects elsewhere in the country (Hall, 2009). For government, it was perhaps easier to give the land up to the private sector.

AFRA also argues that since land reform started, government has not shown political will to address the restitution issue. This differs, according to Jara and Hall (2009), from the first decade of democracy in South Africa when there was a clear political will supporting restitution. An official from AFRA noted that the lack of political will is especially clear in cases of claims that have political significance (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg). He regarded Gongolo as one of them, given the existence of the GWR proposal drafted by the landowners who form part of Agri SA, a powerful white dominated agricultural organisation. As Jara and Hall (2009: 215) contend, “Agri SA has invested heavily in its close relationship with the highest echelons of government.”

There was a question of power at play here and government was perhaps more sympathetic to landowners than it was to farm dwellers or landless people. There is no comparable force behind farm dwellers. There is no powerful social movement that speaks for the interests of the farm dwellers (the Landless People’s Movement has not been influential). To this effect Hall (2009: 19) notes that “the level of organisation and political voice of the rural poor is low, rural social movements are extremely weak and fragmented, there has been a failure up to now to build strong alliances with the organised labour movement.” Meanwhile the discourse of the ‘loss’ or ‘decline’ in foreign direct investment in agriculture and the imminent ‘collapse’ of commercial agriculture is strongly articulated through posturing by commercial agriculture (de Jager, 2009; Jara and Hall, 2009). This is not an unusual situation in rural Africa where the voices of rural residents are weak (Poulton, 2014).

Government's prescription of how beneficiated land should be used (Shaker, 2003; Hall, 2009) is one of the causes of the challenges or even failure of some land reform projects. This is also taking place in Gongolo as government backed the landowners' option even after the land claims had been ratified by the Land Claims Court. AFRA does not see government supporting the claimants; landowners have the financial muscle while the people's plan needs government support to succeed (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg). According to this AFRA official, government is more lenient to farmers because the more land they deliver to the people, the more government becomes indebted to the beneficiaries in terms of post-settlement support. The failure is then exploited by commercial farmers creating the impression that it will also become a threat to food security and exports which are dependent on white farmers' production.<sup>110</sup> Thus the commercial farmers blackmail government on the basis of ensuring food security.

The AFRA official went on to argue that when the Minister of Rural Development and Land Reform says that 90% of land reform projects have failed (Twala and Selesho, 2013), that shows a lack of political will to continue on that trajectory and there is a tendency to recapitalise those projects where land has already been transferred back to black people. So it seems in Gongolo there is no political will to settle the claims, rather government is in favour of the game reserve to prop up KwaZulu-Natal's tourism role. Government is now hesitant to enter into projects where it will fail and needs more resources to bail out the projects. Where there is a 'better' option with prospects of success such as game farming, this is more attractive.

With regard to the people's concerns on the GWR proposal I had some interaction with the chairperson of the Gongolo Committee. He pointed out one major issue of lack of consultation of the people by the landowners, suggesting that is why a certain group of the

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<sup>110</sup> See "Land reform Green paper better; not ideal" *Farmer's Weekly* 16 September 2011.

people were against the GWR from the start. He said that the farmers came to inform the farm dwellers, or rather demanded that they were going to do the project. They wanted them to drop the land claim or accept compensation for the land. In an interview the chairperson of the Gongolo Committee went on to say that:

*The other thing that confuses, which makes people angry, is that the farmers introduced this thing as if they are going to employ people again to earn more than R1200 per month. The people said that this means that we are still going to be in a situation similar to that under apartheid government and we are still going to be slaves. It is not like this thing is going to be for everyone. There is no clear benefit for the people except jobs. They said they are going to lease the land from us for 99 years for money to come to the community. This is not clear as to how much and how will that money come and reach the community. Our biggest fear is that we do not have anything in our hands, so even if we agree today it seems we will only be workers and slaves again. There has always been a question that remains unanswered: What will be our role if this game reserve is established? (Interview with Gongolo Committee Chairperson, Pietermaritzburg, 20 August 2012)*

The concern of the Gongolo Committee Chairperson invokes the Marxist argument that “the subsumption of labo[u]r to capital was described as occurring in successive historical stages: formal subsumption occurs when labo[u]r begins to work for capital, rather than for itself” (Buck, 2009: 98). The implication here is that the Gongolo community would stand to benefit from the project mainly as employees, given the promise of jobs for local people as alluded to earlier.

The following statement gives a hint of how the proposed GWR is envisaged to benefit the local community:

*What came out was if you imagine two circles, in the centre bit you have your big five game reserve, around it you create what we call lifestyle opportunities that can be an 18-hole golf course with the likes of what is at sun city, eco-venture areas, time share areas, spas and all those things. So if you imagine a golf course, you can build houses, or houses around it, you can imagine the employment potential that you are creating. If you have a hotel there is need for a facility to clean clothes. You could get women to come and get trained so I could get to a bank and ask to loan them capital to start a clothes cleaning company. (Interview with GWR official, 21 August 2012, Estcourt)*

Land-based livelihoods such as those of the farm dwellers cannot easily be compensated for, and the Gongolo people are reluctant to move off the land and risk their whole future. To date the unsettled land claims have succeeded in stalling the Gongolo project. However there is a growing feeling of powerlessness on the part of the claimants with regard to how they will participate in the project to make ends meet (see also Torri, 2011). The powerlessness of the claimants is due to the unevenness of economic and social status which can cause negative perceptions that “undermine social reconstruction” (Atuahene, 2010: 69). The chairperson of the Gongolo Committee confirmed this concern in an interview when he said that:

*If GWR or government would make it clear, the better. This is because we do not have money, they have money, we do not have the skills and they have the skills. We need to check these things. Who will be there? It is their wives and kids because they have skills. (Interview with Gongolo Committee Chairperson, Escourt, 9 March 2013)*



In the interviews AFRA officials clearly articulated the organisation's position towards the GWR. Their reasoning was that the affected people wanted to have their land rights addressed first and then the idea of the game reserve would be discussed thereafter when the people have the land in their hands. So the position of AFRA was that of supporting the idea that landowners should recognise the status of the farm dwellers. This idea was based on the fact that there are labour tenants (more than a hundred households<sup>111</sup>) who are currently residing on the properties that are earmarked for the game reserve in addition to restitution claimants (some of whom are scattered over the province). The Land Reform (Labour Tenants) Act (No. 3 of 1996), which is part of the basis of the Gongolo land claim, empowers people working on the farms to own portions of the same land (De Villiers, 2003; Boudreaux, 2010). It is a complex situation from the land reform point of view because there are restitution claimants, labour tenants and just farm dwellers who are farm workers or living on the farms without the status of being bona fide labour tenants. This is in addition to the two tribal authorities and a couple of municipal boundaries that intersect in the contested area.

These different status positions illustrate different power relations among the actors as well as a milieu or bricolage of institutions which are intertwined in a way that reflects a move towards a plurality of institutional settings under bricolage. This illustrates the 'messy' contexts of institutions governing natural resources mentioned by Cleaver (2012) under Critical Institutionalism. The resultant institutions from the perspective of institutional bricolage are "invariably uneven in functioning and impact, and are often fuzzy assemblages of meaningful practices, which overlap and serve multiple purposes" (Cleaver, 2012: 45).

An instructive example is Ervine's (2011) work on an Integrated Conservation and Development Project (ICDP) in Mexico. Ervine (2011: 68) argues that as the ICDP became

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<sup>111</sup> See "Gongolo Heads of Argument", <http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

more neoliberal, the implementers of the programme did not realise that they needed to see “property not as a thing, but as a social relation” where its ownership is a result of “negotiation and acceptance” – failing which it is owned through “violence and dispossession.” This is rather an apt description of matters at Gongolo. As mentioned in Chapter Two, liberal economic approaches exacerbated the instability of livelihoods in other contexts too, for example the Usangu basin, Tanzania where the “commercialisation of natural resource use” caused large-scale cyclical labour movements (Cleaver, 2001: 27).

In the Gongolo case, the farm dweller claimants and AFRA’s position was against the GWR proposal that the people should be relocated and give way for the establishment of the game reserve. People did not like that idea of relocation as they also had their own aspirations of using the land to advance their livelihood strategies. The possible relocation of people from the claimed land which they need restored, is a critical threat since the “separation of agricultural households from land is an ongoing and central reality of our times, and the social effects have been disastrous” (Negi and Auerbach, 2009a: 100; see also Brooks and Kjelstrup 2014). In a study about resettlement of people to pave way for the Limpopo National Park in Mozambique, Milgroom and Spierenburg (2008) noted that while initially most residents refused to move, later, due to different pressures, some residents changed their views, and new alliances were concluded, just like in the Gongolo case. Lunstrum (2013: 1) argues that uneven power relations due to “unequal interactions with other actors” bolster the state’s power in going on with similar projects (see also Lunstrum, 2010).

An official from the Regional Land Claims Commission was interested in the claimants’ position and in the role of the *isigodi*. He told me that the members of the different *isigodi* said, “Excuse us; based on what, why, you want to take our land, what for?” He went on to elaborate that the landowners’ disregard or lack of understanding of the people affected was contributing to the problem. His objection however is stated in very paternalistic terms:

*You are dealing with a community that does not understand a concept even if you try to explain it to them. It is not that they do not understand but it is just that the way you explain the concept to them is not to their level of comprehension because you do not understand them that way. If you have these dynamics, believe me in KwaZulu-Natal you will not do anything, it becomes seriously complicated. The complication is that you do not understand why there is serious resistance to what looks like a very rational business proposal. It is because the language you are talking, the translation to the people who are affected, they simply do not understand you. Until you come down to their level and make them understand what you are trying to do then they will say fine, since you put it that way let us think about it. (Interview with RLCC Official, Pietermaritzburg, 30 July 2012)*

The issues singled out by the RLCC official point to the disregard by the landowners of the people's views, aspirations, meaning and attachment to the value of their land. The official referred to the region as a deep rural area where the people depend very much on the land and have strong ties to the land. The GWR is an interesting project but according to his view the investors did not do enough research in terms of understanding the area that they were going to work in and they did not understand the people.

This tension can be related to the tension experienced in the case of the Save Valley Conservancy (SVC) in the south-eastern Lowveld of Zimbabwe. Wels (2003: 3) depicts a situation of negative "*reciprocal exchange* between the joint venture partners ... a private wildlife conservancy and its neighbouring communities" who demanded land. In another example, relocation of residents of Massingir Velho village in Mozambique to pave way for the Limpopo National Park disregarded their "intimate place-based memories of two prior displacements and related understandings of land rights and sacrifice" (Lunstrum, 2010: 131).

There is an internal debate within AFRA about the option of game farming. An official from AFRA argued that the game farming option in South Africa is overrated (interview with Stephen Hulbert, 15 March 2011, Pietermaritzburg). He expressed serious reservations about the ability of game farming ever to provide meaningful returns to poor people or farm dwellers. This reveals the uneasy relationship between actors who are involved at the interface of conservation and development discourses (Büscher and Dressler, 2007). Gongolo is not yet a game reserve but this case shows how farm dwellers can be marginalised, as one of the cases of “environmentally induced displacement” (Bose and Lunstrum, 2014: 5; see also Lunstrum, 2010) since their rights are not protected in comparison to the power of current landowners.

This situation raises questions over the sustainability of “nature-based tourism as a rural development strategy” (Hill, Nel and Trotter, 2006: 173). For the GWR to happen people would have to be displaced. As the official argued in an interview:

*Ecotourism has become the magical formula in South Africa. You talk about the problems in South Africa and how you would get out of them, everyone is talking about ecotourism. Yes it could grow as a sector, it could contribute to GDP but South Africa has grown in terms of people affected by the sector. I met these guys at GWR and spoke to them about the point they would break even and they said it is guaranteed that they are going to make money. There is a lot of wishful thinking in strategising. (Interview with Stephen Hulbert, Pietermaritzburg, 15<sup>th</sup> March 2011)*

This sentiment is of course from the position of standing with the marginalised people at the grassroots level, as AFRA has been working with them for quite a long time now.

This kind of criticism of ecotourism is also offered by Fletcher (2013a: 36), who suggests that ecotourism is put upfront as a solution to a spectrum of problems, yet it is in fact a way of

instituting “neoliberal environmental governance.” The links between ecological systems and livelihoods exist but there is little articulation of how this results in the reduction of poverty (Suich, Howe and Mace, 2015). Ojeda (2012) argues that ecotourism exacerbates land-grabbing on the basis of the ‘green’ approach of conservation as a viable land use. Such “green grabs” resemble “new forms of appropriation of nature” which are steeped in “histories of colonial and neo-colonial resource alienation in the name of the environment ... whether linked to biodiversity conservation, biocarbon sequestration, biofuels, ecosystem services, [and] ecotourism” (Fairhead, Leach and Scoones, 2012: 237). Discourses of the ‘green economy’ have been criticised for not adequately taking into consideration social issues (Bär, Jacob and Werland, 2014; Cock, 2011; 2014) as they tend to privilege the economic dimension despite their sustainable development roots.

Another AFRA official took a less hard-line view, arguing that game farms are now a reality in South Africa and there is need to look at what is working, what are the best practices and what are the lessons that can be learnt from those that are succeeding (interview with AFRA Official 1, 15 March 2011, Pietermaritzburg). Still, he said, the chances are that a farmer who is making some profit is not going to show it unless you see his books. The challenge then would be to show how the area around his farm is gaining from the interaction with tourists when they come in and out of the farm, so that people can benefit. In that regard the official felt there might be a gap which provincial government could fill by demanding that certain would-be game farmers or corporations (like the GWR) must contribute to the local communities. Hall (2009; 23) supports the idea that government could add “a social obligations clause in the Constitution ... which affirms the right of landless people who occupy unused land for basic livelihood purposes” in order to provide them with necessary protection.

The game farmers need to have the buy-in of the local people for them to cooperate. Most game farmers seem not to bother with people outside the boundaries of their privately

owned land. But if local authorities would oblige them to cooperate then perhaps it could work out better for the local people. A study of the Moepel Farms in Limpopo Province, South Africa by Senyolo, Chaminuka and Belete (2015) concluded that beneficiaries of land restitution would accrue incomes which are at least seven-fold from wildlife based land use as compared to livestock farming. However Senyolo, *et al.*, (2015) argue that the option of wildlife based land use would only succeed if there is facilitation of the cooperation and involvement of the communities (with interested partners) as the anchors of such a project.

This AFRA official suggested that probably the game farmers in their defence will say that they are not antagonistic to the local community (interview with AFRA Official 1, 15 March 2011, Pietermaritzburg). However one must take into account the history of forced removals in South Africa (Atuahene, 2010), a history which is exemplified in this area earmarked for inclusion in the GWR. People in the area have suffered a fifty-year history of evictions, going back to the state's attempts to outlaw the practice of labour tenancy in Natal. The official said that:

*The man who is the Chief Executive Officer of GWR is not a stupid man. He talks politely and they want to see the restitution case of the community resolved. It is just that they do not want the community to move back there. They want the community to have money to sell them a section of the area which will become a settlement. (Interview with Stephen Hulbert, Pietermaritzburg, 15<sup>th</sup> March 2011)*

This thrust by private wildlife developers shows that they are determined to go on with the project despite the longstanding resistance by the communities who are still sceptical about the game reserve. The Gongolo case presents a situation where there is a dilemma to balance between the thrust of (foreign) capital investment to enhance 'economic development' and the rights of indigenous people (Foster, 2012).

### **Gongolo as an Ongoing and Intractable Saga**

The saga has taken many twists over the years characterised by institutional challenges, conflict and breakdown in communication amongst the key players as experienced in other restitution cases (Walker, 2008; Atuahene, 2014). In 2004, AFRA reported that divisions had arisen within the Gongolo Committee which were exacerbated by the Regional Land Claims Commission's support of some committee members and the farmers (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg). A further complexity is the implication of traditional authorities in game farming because it is lucrative and because money goes to the chief, who will not resist a big business coming to say; let us open a game reserve here.

Initially, the Regional Land Claims Commission was going to buy the land and make an *Inkosi* (Chief) a trustee, but the Gongolo Committee requested that a judge and a lawyer be added as trustees. The Regional Land Claims Commissioner proceeded to appoint the *Inkosi* as a sole trustee without the committee's approval. Subsequently the community took the Regional Land Claims Commissioner to the Land Claims Court. The court action was an affront to the *Inkosi* and traditional authorities in Gongolo, and this precipitated conflict between the *Amakhosi* (chiefs) and the Committee. The Land Claims Court made several landmark decisions which the chairperson of the Gongolo Committee confirmed in one of our conversations. The buying of land would proceed, the power of the *Inkosi* as a sole trustee was rescinded and the legitimacy of the committee would be overseen by the Regional Land Claims Commission according to the Order of the Court.

The AFRA official who was working with the Gongolo community indicated to me that traditional authorities (Mchunu and Thembu) have no specific role in regard to this project (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg). It is the Gongolo Committee that is leading the process on behalf of the claimants. This Committee has a relationship with the two traditional authorities where the committee regularly gives feedback to the traditional authorities for consultation purposes. The traditional authorities are aware

that the land does not belong to them but rather to their subjects, since when the land is transferred to the people it will be held under a legal entity and not by them as traditional authorities. The chairperson of the Gongolo Committee said that actually the committee was put in place with the blessing of the traditional authorities from whom the committee carries its mandate to represent the communities (interview, 9 March 2013, Estcourt).

The RLCC official had this to say about the traditional authorities:

*You have a group of people who have well entrenched traditions, these guys have a very sound ear of what their people are saying because they are there on the ground, and they are not aloof. They say as long as it is good for our people this is not a problem, but talk to our people first. One of the things that I have learnt about the Zulus is that they listen to their inkosi, so when an inkosi makes an instruction he must be very careful because everybody will follow that instruction to the letter. So the Amakhosi are very careful about what is best for their people, because they listen to each other. (Interview with RLCC Official, Pietermaritzburg, 18 July 2012)*

This may then be viewed as an important institutional set up of practices, rules and norms that work well for the people. However, the fact that the committee took the Land Claims Commissioner to court because he appointed the *nkosi* (traditional authority) as sole trustee also shows some tensions with traditional authorities. Ntsebeza (2005) is one of the scholars who are deeply critical of the continuing power of traditional authorities in a democratic South Africa. On the other hand, Settler (2010: 52) contends that the South African state's "protection of indigenous authorities through legislation serve[s] to domesticate and exclude such organic, indigenous institutions and social movements from matters of state making." This is a wider debate that cannot be developed here.

Many problems have arisen due to the government's choice of course of action, and one can lay the blame on government which is relegating its responsibility. As noted above, there are



two types of claims which are overlapping and they are being dealt with by two arms of the same department. That is, the Department of Rural Development and Land Reform (DRDLR) (formerly Department of Land Affairs) is dealing with labour tenant claims, and the Commission on Restitution of Land Rights (CRLR) at provincial level is dealing with restitution claims. There is confusion between these two arms as they are not talking to each other in terms of processes of resolving the claims. When the process started it was mainly the DRDLR's District Office in Ladysmith that was dealing with labour tenants. Several years down the line they discovered that there were land restitution claims. In the view of DRDLR, the Commission came and hijacked the process and that created all the problems. There have been different Land Claims Commissioners and each Commissioner has his/her own view of how the Gongolo issue should be resolved. So when he/she leaves office another Commissioner comes with a different strategy.

The claimants have had mixed reactions to the game reserve; some do not like the idea at all, while others say if the land is transferred to them first, they are not opposed to the idea of the game farm but they want to have a strong negotiating position. They can lease the land to the GWR syndicate and they want to determine the price that it has to pay for the land. So if they negotiate when their status is not acknowledged, they would not be in a position to make such demands. The process should be such that they are in a strong position to negotiate with the farmers. Others were saying they do not want the game reserve, "we want to use the land for cropping and grazing purposes and if there are dangerous animals they will pose a threat to our livestock and our lives" (Interview with Gongolo Committee member, March 2013, Estcourt; similar sentiments were also echoed by Sphiwe Mabaso, Secretary – KZN Region of the Landless People's Movement on 5<sup>th</sup> August 2012, Pietermaritzburg). At the time of research, this was the situation between government, communities and AFRA and there was a stalemate. The land claim had not been resolved and there was no clear direction of what will happen next.

Land claims in Gongolo have been a complex process. There has been a back and forth process of accusations and counter-accusations between the GWR and the RLCC. A GWR official said that initially the government supported the project but then everything came to a halt. The following is how he expressed his frustration:

*Although we expected land claims we did not expect them to be corrupt. All of a sudden in 2002 we were told that there were all these restitution claims. The regional commission decided that they wanted to destroy the Gongolo project. My belief is that they saw this golden egg and decided that we can have some of this for ourselves if we get rid of the Gongolo [project people] and then we can have it. The whole thing went wrong because they decided then to rubbish the idea of the game reserve for instance, saying it is just the white people wanting to get rich. It all got absolutely ridiculous where they would not negotiate.*  
*(Interview with GWR Official, Escourt, 21 August 2012)*

The GWR official disputed the land restitution claims on the basis that there were “no Africans who had settled in the Gongolo area when the whites took over the land.” He referred me to one of the landowners; a fourth generation farmer who also sold one of his two farms to the GWR. The landowner agreed that when he was young he used to drive around with his father to look for people to come to work on their land (Interview with Barry Simons, 21 February 2013, Mooi River). Therefore GWR in their arguments only recognised labour tenant claims.

The GWR official constantly referred to corruption by government officials in the conversations that I had with him (Interviews, 21 August 2012, Escourt; 13 February 2013, Mooi River). He could not divulge names but he hinted that there were a number of influential people who offered to assist with getting the project to move forward in return for some favours. There were also other rich black people who were willing to become

shareholders in the company once it started operating and for him this was going to be good for the business once it starts operating. In 2011 the *Mail and Guardian* singled out Vusi Khanyile, then chairman of Santam (a financial services corporation) who was born in the town of Mooi River, as one of the black shareholders who had joined the GWR as a shareholder.<sup>112</sup>

The GWR official further indicated to me that at first they were not really concerned about the restitution claims as the government would purchase the land, and the GWR would lease the land back to allow the project to develop. The process of forming the reserve is already underway. Once the GWR Company had been set up, the company bought land from the willing landowners. Farmers who sold their land to GWR were given shares in the company as payment for the land (they were not given any money). The idea was that once government bought the land under the land reform programme, GWR would come to an arrangement with government and the communities to lease the land to allow the project to develop. Money in the region of R150-180 million anticipated for the land would then be reinvested in the project. The GWR official said, "Now the history of land reform here is that the dreadful white farmer takes his money and disappears into the Caribbean and has a good life" (Interview, 21 August 2012, Estcourt). He wanted to argue that this would not happen in the Gongolo case.

The fact that the GWR had already bought out some of the landowners also complicated its relationship with the RLCC when government needed to buy the land for restitution to the claimants. The RLCC official explained to me that in buying the land GWR assumed rights over the properties and they had to register those under the title of GWR. The transfer of land ownership is an expensive exercise which GWR undertook involving the previous

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<sup>112</sup> See "Bureaucracy stalls almost 2 000 jobs" by Fiona Macleod in the *Mail and Guardian* of 29<sup>th</sup> July 2011, <http://mg.co.za/article/2011-07-29-bureaucracy-stalls-almost-2nbsp000-jobs>, Accessed: 21/10/2011.

landowners who were now shareholders. The RLCC official proceeded to explain in an interview as follows:

*However restitution is not part of that deal. With restitution, when they say property description, what they do is to go to the Deeds Office and find out who is the current owner of that property. So no property transfer will happen for that property. We come here (RLCC) and do a letter to the farmer so that we can offer him a certain amount of money for that land. The problem is that the farmer and GWR are fighting as to whom we should buy the land from. As RLCC we say in the Deeds Office this is the owner therefore the farmer is the person we are legally bound to buy that land from. GWR would not hear any of that. (Interview with an RLCC official, 30 July 2012)*

Some of the properties were not transferred because they were under claim but there was already an agreement between GWR and the original landowner.

To make it even more complicated there was a disagreement regarding the price of the land, as the RLCC official went on to explain:

*To throw the spanners in the works GWR comes to us and says, you want this land, no problem, we want R54 000 per hectare for the 35 000 hectare area. But not every hectare of land in that 35 000 hectare area is worth R54 000, some of the areas are worth R700. That is the amount [R54 000] they wanted from the first Commissioner who was here. The second amount they landed up at was R35 000 per hectare and we told them that we cannot buy land from you if you are not the owners. (Interview with an RLCC official, Pietermaritzburg, 30 July 2012)*

This issue about land prices is also behind government's argument that the willing buyer willing seller method of land acquisition has delayed land reform because the farmers speculate on land prices, hence the introduction of the Green Paper on Land Reform in 2011

to try to address some of these issues (Twala and Selesho, 2013). The GWR official rebutted this idea by arguing that although he has no doubt that there are people who tried to inflate the value of their land to get government to buy it, in a free market the greater the demand the greater the price of land. He cited the example of an area on the KwaZulu-Natal north coast where he said that there was really nothing on the land. The then Commissioner, the person the GWR was having problems with, paid the landowners on the north coast about R100 000 per hectare and she said this was because it had potential. So to him there was nothing wrong with the Gongolo land price suggestion because this land too has potential. To him if government goes so far as to stop the willing buyer willing seller policy, it means they are manipulating the market and that is dangerous. Debates around the strategy of market-based agrarian reform are still ongoing (Borras Jr, 2003; 2009).

The dispute dragged on for a decade, going to the courts<sup>113</sup> and as far as the Parliamentary Portfolio Committee on Rural Development and Land Reform. This drove the then Minister of Land Affairs Lulama Xingwana to sign a notice of possible expropriation of the land on 31<sup>st</sup> October 2007; though it is a decision which was not implemented.<sup>114</sup> Subsequently due to this long drawn dispute some of the landowners who had an agreement with GWR opted to withdraw from the arrangement. Confidential documents shared with me show cancellation of agreements between GWR and some individual landowners, as the latter have started to consider offers from government to dispose of their land.<sup>115</sup>

The RLCC official denied the allegation by the GWR official of false land restitution claims:

*There was talk that the claims were not valid but everybody forgot to do a little bit of digging when they pronounced that the claims were invalid. The Section 42D*

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<sup>113</sup> See "Gongolo Heads of Argument",

<http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

<sup>114</sup> This is according to a memorandum that was signed by the Minister on 31<sup>st</sup> October 2007 to approve a notice of possible expropriation of the disputed land after a deadlock was reached and therefore a dispute declared.

<sup>115</sup> This is according to a settlement agreement between Gongolo Wildlife Reserve and Maint Farms CC and David Mervyn Green Will Trust as legal personalities linked to the individuals who have signalled their withdrawal from the Gongolo Wildlife Reserve venture.

*is a signed document that says yes this is a valid claim. The claims became valid when the minister signed that Section 42D approving that the land be disposed of to the claimants. Now the issue of the claims being invalid goes out the window completely unless of course you write to the minister to reverse that or if you go to court and a decision is made that the minister was wrong. (Interview with RLCC official, 9 March 2013, Pietermaritzburg)*

As a result the official attributes 90% of the delays and complications regarding the Gongolo land claim to the actions of the GWR. This is in a context where further delay in the land reform process in South Africa may even lead to land invasions (Tong, 2014) or instability (Atuahene, 2014).

The GWR official regrets that one of their mistakes was that of letting government officials make the bid to the community on their behalf. As he put it:

*The mistake we made was that the Department insisted, absolutely insisted that [since] they supported the project it was their role to liaise with the community while actually what they did was that they poisoned the communities against GWR in a nasty way. (Interview with GWR official, Estcourt, 21 August 2012)*

As shown here there was tension between GWR and the government, particularly the Regional Land Claims Commission, in relation to how the handling of the Gongolo land claim later unfolded. For GWR to have let government officials lobby the community on their behalf and subsequently tell them how the land should be used constitutes an oversight which is symptomatic of the neglect by 'outside' organisations of the aspirations of indigenous communities (Chernela and Zanotti, 2014). For example, Shaker (2003) criticises government for forcing land restitution beneficiaries into partnerships with white-owned agribusinesses.

AFRA and the Gongolo Committee have been making frantic efforts to get the Regional Land Claims Commissioner to address the people on the issue. However the biggest

challenge has been that the office of the Regional Land Claims Commission has a reputation for high staff turnover. An RLCC official whom I interviewed corroborated this assertion:

*That is the problem with this claim. Very few people have stayed with it for more than a year. I am the only individual now who has known this case for four full years. I was not part of the decisions that were made, I do not know why, but I am the project officer for this claim. (Interview with RLCC official, Pietermaritzburg, 9 March 2013)*

He pointed out that senior officers are hesitant to make decisions regarding this claim. I then asked whether it is perhaps because a lot has happened in this situation without a solution, making those decision-makers hesitant to take a definite position. The official said:

*Look, claims are tricky. The problem with a claim is this, the elements associated with one claim is quite a lot and unless you have been with a claim between one year and one and half years you will not make a sensible decision. Any decision you will make will probably be not a sensible decision because claims are very sensitive, a lot of things are involved and when you make a decision you have to consider all those elements that you have learned in that one and half years. (Interview with RLCC official, Pietermaritzburg, 9 March 2013)*

An AFRA official told me that, in one of the rare meetings in 2010 between the Regional Land Claims Commissioner and the community, the Commissioner said that the issue was no longer only under the auspices of land reform legislation but was going through politicians. He said he would come back to them later after consulting head office (interview with Ndabe Ziqubu, 9<sup>th</sup> November 2011, Pietermaritzburg). This is an indication of political interference in the Gongolo land claim.

With such a long drawn out process, the GWR people have lost patience. They are not convinced that the Commission is able to resolve this issue and they took the issue to the

courts as of March 2011.<sup>116</sup> The landowners want the court to take a final decision on what should happen, but their position is that they want the court to declare that even though there is a legitimate claim there should be no transfer of land to the people. The farmers need the claimants to be given compensation so that they can continue with their proposal of establishing a game reserve. This stance is further complicating the issue such that even if the court decision is in the farmers' favour it will set a precedent and it will also further negate the situation of land claimants.

At one time GWR wanted the relevant restitution cases to be moved from the RLCC to the provincial land reform office in the Department of Rural Development and Land Reform.<sup>117</sup> The GWR's position was presumably informed by their allegation that there were spurious land restitution claims and so they did not recognise the validity of those claims. This position is linked to the fact that GWR only acknowledged labour tenant claims, as indicated by the GWR official who told me that only the farm dwellers who resided on the farms were valid claimants. Labour tenant claims were dealt with by the provincial land reform office as indicated earlier. So by the same token the farmers would also have wanted the restitution claims to be dealt with by the land reform office. By 2008 the GWR took the government to court because government was taking so long to settle the claim and asked the court to declare the claim invalid.<sup>118</sup> They wanted the judge to order government to compensate the restitution claimants with land elsewhere and also to award the land to them to continue with the business.<sup>119</sup> At the time of the end of the research the court case had not been concluded.

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<sup>116</sup> See "Legal Move has Land Claimants Worried" *The Witness*, 31 March 2011; "Gongolo Court Case Briefing", <http://www.pambazuka.org/images/articles/522/Gongolo%20Court%20Case%20Brief%2023%20March%202011.pdf>, Accessed: 5/12/2012; and "Gongolo Heads of Argument", <http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

<sup>117</sup> Ibid.

<sup>118</sup> See "Gongolo Heads of Argument", <http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

<sup>119</sup> Ibid.



The following words from an AFRA official in 2007 encapsulate the challenges encountered in the Gongolo situation in a way that is still relevant in the unending wrangle:

*The overall challenge for us as well as the community is happening in the midst of uncertainties with regards to the direction in which both the department of Land Affairs as well as the restitution commission [are going]. There has not been any cooperation between these government departments themselves as well as the community. At the moment the community is planning on the land that they are not entirely sure whether they will be granted ownership of. On the other hand pushing forward with the ideas of planning would be motivation enough for the government to settle the matter as is proposed by the community.<sup>120</sup>*

Currently it is difficult to predict the exact path that the Gongolo wrangle will follow because of the complexities alluded to. Information from the interviews indicated that at the same time the community is increasingly divided; in former years they were always saying no, they do not like the business of the game reserve, but because people are tired some are now saying let it proceed, since they need jobs. Intra-group dynamics within the community members have an effect on the land user rights and thus the ultimate land use.

A further twist to the Gongolo issue is provided by the fact that one of the landowners (a white farmer) sold his land to Mzi Khumalo, a businessman who is also an anti-apartheid struggle icon (see Chapter Seven). This happened when the Gongolo Committee was working hard to halt the proposed GWR development (this farm is also within the boundaries of the Gongolo land that is under claim). Unfortunately the new landowner did not take heed of the plight of the land claimants. The new landowner relocated one of the resident families and left others to settle on a portion of the farm. He started to fence the area with the intention of introducing game, but not as part of the proposed GWR. The Gongolo

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<sup>120</sup> "Community Based Planning in Gongolo – October 2007" an internal AFRA document dated 23<sup>rd</sup> October 2007.

Committee met with the then Department of Land Affairs officials together with representatives of the farmer in Pietermaritzburg to try to sort out the problem, as this was infringing on the rights of the farm dwellers settled on the property. There are a number of families inside even up to now, although the portion of the game farm is contiguous to where they live. The new landowner continued to fence the area and brought in animals like zebras, kudus, giraffes and even rhinos. He also built some accommodation facilities on the property.

The chairperson of the Gongolo Committee said that when they met Mzi Khumalo, he told the Committee that they cannot stop him doing what he wants to do because he is involved with politicians like the Premier of the province. The chairperson of the Gongolo Committee cited this as the main reason why they failed to stop this development. The chairperson was also advised by one senior member of the DRDLR that it would not be possible to stop the new landowner from doing what he wants to do. The DRDLR official told the Gongolo Committee that it is not easy to stop a black person doing what he wants on privately owned land. Firstly, it is not easy to take a farm from a black person. As he said, “we are taking properties from the whites to the blacks so it is difficult to take land from a black person to another black person.” Secondly, it is not easy to stop the business because it is happening on his private property though without consideration of the intricate land issues (Brooks and Kjelstrup, 2014).

The RLCC official also supported the idea of the new black game farmer:

*The land is still under claim, there is no doubt about that, but we still need to go to him. He is a black person, what is the point of buying land from a black person? My theory was that if there is a black person who owns land in the claimed area, the beauty about it is that that piece of land can be taken out of the claim and he can do better business, the business will outflow to the claimed land*

*which later will also be owned by other black people anyway. (Interview with RLCC official, Pietermaritzburg, 30 July 2012)*

This sentiment shows that government was prepared to bend over backwards to suit the needs of an individual at the expense of a group of disadvantaged people (the farm dwellers). This is an example of institutional blending explained by Cleaver (2012: 14) in which “‘formal’ institutional arrangements become blurred when operationalised through social relations and practice, such as patronage.”

A study in the Cradock District of the Eastern Cape Karoo also confirms this phenomenon of the entrenched position of white landowners and their continued stronghold on land in democratic South Africa, now cemented through further investment into farm conversions to game farming and thus remaining exclusive (Mkhize, 2014. See also Salverda (2013) on the entrenchment of the elite status of Franco-Mauritians through owning swathes of land in Mauritius from the colonial era). In another study in the same area of the Eastern Cape, Brandt and Spierenburg (2014) show that white farmers are able to bolster their hold on land under the guise of conservation, thus making the game farms a serious contested space due to the exclusion/inclusion dynamics brought about by erecting fences to protect game, with inherent displacement of farm dwellers. This is similar to what Torri (2011: 62) refers to as the ‘guns and fences’ approach or what Barrett, Brandon, Gibson and Gjertsen (2001: 497) term the ‘fences-and-fines’ approach.

Such conflict and sometimes the deprivation of livelihood alternatives steeped in uneven power relations is evidence of what may be termed the ‘social injustices of conservation’ (Büscher and Wolmer, 2007; Sullivan, 2011) or the ‘unexpected consequences of protected areas’ (West and Brockington, 2006; Greiner, 2012). Governance mechanisms effected through fences and other punitive measures by the state to achieve globally crafted market-based conservation goals cause spatial conflict, for example in the case of communities around the iSimangaliso Wetland Park in northern KwaZulu-Natal (Hansen, 2013).

The chairperson of the Gongolo Committee expressed his fear which in my own assessment of the situation seemed real and eminent:

*But our own fear is that his [the black landowner's] neighbouring farmers are collaborating with him to consolidate this farm with their farms to make a big game farm and maybe it will make a big impact. Originally this farm was a cattle farm. (Interview with Chairperson of Gongolo Committee, Estcourt, 9 March 2013)*

Though the new landowner did not give land to the people where they are staying, the people are waiting for government to purchase that portion of land for them since it is part of the land under claim. A study on private game farms and the tenure security of farm workers and dwellers by Mkhize (2012: 181) in Cradock, South Africa showed that:

*Continuing land consolidation has the effect of entrenching already racially exclusive and unequal rural land regimes. Under these conditions, farm workers and –dwellers remain tenure insecure on farms. Prospects for land ownership are near zero unless State policy formulation is enacted in this regard.*

It is fascinating that in this Gongolo case there is the added element of a black person taking actions to consolidate his land to the detriment of fellow black people, a forceful process that in my view agrees with what Barret, Brooks, Josefsson and Zulu (2013) call the silencing of local voices.

Since the time when this claim started, the farmers have been leaving the farms. As a result, jobs are declining; there is poverty in the area. Due to the pending claim there is not much agricultural activity taking place. Since farmers have already left, their land is occupied by labour tenants who are not doing much cropping though they have livestock in large numbers, more than what they able to keep during the time when the farmers were still around. That is why some people are now supporting this GWR concept because it will come with jobs. This shows the lack of alternative livelihood strategies for the people.

The DRDLR announced in January 2013 that they are now prepared to buy all the land within the boundaries of Gongolo but they need to de-gazette the claim before they proceed. When the Gongolo residents claimed the land the government gazetted the claim to acknowledge that indeed there were people who were dispossessed of their land. Now they are saying there is no need to gazette the claim since they are going to buy all the land that is why they need to de-gazette the claim. The RLCC official explained to me that de-gazetting means that the RLCC officials must go back to re-investigate and identify the individuals who were removed from those plots and map the places that the people were removed from so that they can buy that land. If the landowners do not take government's offer to buy that land the authorities will expropriate it.

The chairperson of the Gongolo Committee confirmed that they were at a stage of negotiating with the government on how that will affect their rights (Interview, 9 March 2013, Estcourt). The GWR is saying that they need to sell the land to government but they still need to continue with the game reserve. The DRDLR is making offers to the landowners and the RLCC is doing valuations of the land and they promised to finish this by the end of 2013. In all these developments the Umtshezi Municipality has not been much involved. The municipal officials used to visit the Gongolo area with their projects like that of building toilets. So, supposedly the municipality will be called on to roll out infrastructure once the case has been finalised.

When the Gongolo Committee met with the DRDLR in early 2013 they were told that government is going to buy the land from the landowners but government is not going to give it to the people; they will hold on to it (Interview with chairperson of the Gongolo Committee, 9 March 2013, Estcourt). Even the properties that were not under claim will be bought by the Land Reform Office because there are a lot of labour tenants there. The chairperson of the Gongolo Committee stated that most farms bought by government for land reform and

handed over to beneficiaries were being damaged and were devoid of development. So in his view government would be helping by holding onto the land. However, he emphasised that people need to be part and parcel of what the government is planning to do if they hold onto the land. This is on the basis that the people also have their business plan which they were going to hold workshops to refine. On the other hand, the landowners are eager to get their money first and then they will consider investing in the GWR project (Email communication from a GWR official, 9<sup>th</sup> January 2013).

The GWR official hopes that the concerned parties are going to sit down and see the future plan and that is when people will give a chance to this GWR proposal because the land is big. People will choose this option because it is good business, but they will do but only after they get their land. In my conversations with AFRA officials, they wish for a negotiated settlement and they are busy trying to coordinate a process of negotiation between the landowners and claimants. In preparation for those negotiations AFRA have been assisting the land claimants on how to develop their positions, how to present them and also how to argue for those positions. These positions will be taken to the DRDLR. Whether government will accept or reject the people's proposal is another issue though AFRA does engage the DRDLR to keep them abreast of developments. AFRA's argument is to strike a deal that is good for the farm dwellers.

Surprisingly, it seems the Gongolo Committee and the GWR task team are now going to work together to push this issue through. It is the first time they have worked together, as all along they have been working on different sides. The Gongolo Committee has been meeting with the GWR's Chief Executive Officer, the Chairperson of the GWR and the GWR task team and they are prepared to work together with them if they are going to have a stake in the venture. In my most recent communication with a GWR official he was somewhat upbeat about the prospects of proceeding with the project:

*Things have moved forward with the Gongolo in so far as the Department has finally accepted the restitution claims on the land were illegal and corrupt. This is not the communities that were corrupt but the Regional Land Claims Commission! The Department of Land Affairs is now in the process of purchasing the land under redistribution which is exactly what our proposal was 10 years ago. They will then hold the land until a sustainable land use is agreed. My concern is that the RLCC has denied the communities the opportunities they deserve for a decade. Whether we can move forward with the project is now uncertain. It is a shame that the Commission whose mandate is to champion land reform has become the biggest problem in land reform. (Email communication from a GWR official, 9 January 2013).*

Up till the end of fieldwork, the game reserve did not come into being, government never bought the land and the investment of the landowners never materialised resulting in certain landowners pulling out of the GWR project after ten years without any progress.<sup>121</sup> Land restitution stalled despite the land claims having been lodged in 1998. However some labour tenants still remain on the farms and retain land access for their herds of cattle, though the GWR had misgivings about continuation of cattle farming in the area (Interview, 13 February 2013, Mooi River).

### **Institutional Implications of the Gongolo Case**

Thinking in terms of institutional bricolage, the formation of the Gongolo Committee is relevant as it was a new institution that emerged as a result of a perceived threat to land access. The Gongolo Committee is difficult to classify as a formal or informal institution, but rather is a blend of the two. It is a completely new institution formed out of the need by and for the community to champion their cause. In that manner the institution does not have the

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<sup>121</sup> This is evidenced by copies of confidential documents in my custody indicating settlement agreements between the Gongolo Wildlife Reserve Limited and the legal entities representing the landowners.

characteristics of a formal institution crafted on the basis of design principles. Unfortunately this means it has sometimes been overlooked, for example the refusal of a Regional Land Claims Commissioner to recognise the Gongolo Committee as representative of the Gongolo community – at one time she appointed one of the two *Inkosi* as a sole trustee to hold on to the land in anticipation of the settling of the land claim. Since the court verdict on its legitimacy, the Gongolo Committee is still standing as it was when it started and has gained credibility as a formally recognisable institution with power to represent the community. Such organisation has been witnessed elsewhere, for example in the community management of forest resources in Kenya where community associations have become autonomous to set up their governance structures, rules and processes (Mogoi, Obonyo, Ongugo, Oeba and Mwangi, 2012).

Thus a new institution came out of practices of the community particularly through its approval by the two traditional authorities in the area, who at one time had some misgivings about its existence and role. This is an example of how rules, norms and shared strategies get stitched together through repetitive interactions. The case of the Gongolo Committee shows the formation of pliable institutions that are going to suit their circumstances. This Gongolo Committee has gone further to perform other functions thus showing gradual change and the multiple roles of institutions.

As noted earlier, the Gongolo Committee chairperson is also the chair of the KwaZulu-Natal branch of the Landless People's Movement. He invited and introduced me to his KwaZulu-Natal committee. They had just finished a two day workshop discussing general land reform issues in the province, a workshop sponsored by the Church Land Programme. We deliberated at length on issues concerning land and game farming in the province. The involvement of the Gongolo Committee chairperson in all these platforms has one common denominator of fighting for land rights for his community. The Gongolo Committee chairperson is assuming overlapping, multifaceted identities and roles of utilising the



available mechanisms or of taking any possible opportunity. In this sense, he is a clear example of an institutional bricoleur.

The support of established institutions has also been important. AFRA has been with the Gongolo community since 1998, providing logistical and material support to the Gongolo Committee to assist them in articulating their cause on various platforms (interview with AFRA Official 1, 15 March 2011, Pietermaritzburg). This is the result of networking on the part of the affected people to gain leverage to advance their cause to access land resources.

The actions of private capital are very important in this instance. A key actor has been the Gongolo Wildlife Reserve Company in which the landowners have shares and an appointed Chief Executive Officer, and in effect are speculating on the possible future of this project. The Chief Executive Officer of Gongolo Wildlife Reserve Company is a British national and a former diplomat who served his country in South Africa during the 1990s, a time when the country was going through negotiations for a democratic transition. He managed to mobilise offshore financing for the Gongolo Wildlife Reserve project and thus he represents international capital. He has also formed close relationships with landowners, game farmers and powerful politicians in the province.

The role of the state has been ambiguous. The discourse of the economic imperative in settling the land claim took precedence over other imperatives, in particular the restoration of land rights to the Gongolo community. The discourse used is characterised by the use of such terms as investments, markets and finances, particularly by the MEC for the KwaZulu-Natal Department of Economic Development in referring to the Gongolo issue – whereas the Gongolo community's prime motive was to ensure that their land rights were addressed first. Lack of stability within the Regional Land Claims Commission is one of the causes of failure in settling the Gongolo land claim and delays in settling other claims in the province. In addition there is conflict with other government institutions, thereby an ambiguous stance

towards game farming. This led to other actors resorting to formal institutional processes of litigation to compel this state entity to speed up the settling of the Gongolo land claim, though this did not yield positive results.<sup>122</sup>

Similar processes are seen elsewhere in southern Africa. For example, land rights did not take precedence over the expected economic benefits of creating the Limpopo National Park and subsequently incorporating it into the Great Limpopo Transfrontier Park when Massingir Velho villagers were relocated in Mozambique (Lunstrum, 2010). In essence, these are cases of failure of formal institutional processes to mediate in resource management decision issues. Thus Paavola (2007) notes that there is need to look at the possibility of modifying institutions to ease conflicts over environmental resources in the interest of social justice, as compared to being concerned only with their efficiency. However Paalova's (2007: 93) major focus on "formal and state-centered governance solutions" sidelines some of the informal processes that institutional bricolage is advancing.

An interesting actor in this case is the black game farmer who has bought one of the farms, thus emerging as a black landowner in the sector in an area that is under dispute and on which a large number of previously disadvantaged communities (farm dwellers) are clamouring for land. This raises questions for institutional governance. If regulations should apply to all the concerned parties who need to access natural resources, why is this landowner treated differently? Government officials even admitted openly that it is difficult to take land from a black person, and they did not intervene when the new landowner evicted labour tenants from his land to make way for his own game reserve. Removals to make way for wildlife-based enterprise have had serious consequences for the affected labour tenants despite the legislation meant to protect them (Kahn, 2007, Brooks and Kjelstrup, 2014).

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<sup>122</sup> An example is the court action by the Gongolo Wildlife Reserve. See "Gongolo Heads of Argument", <http://www.afra.co.za/upload/files/heads%20of%20argument%20gongolo.pdf>, Accessed: 5/12/2012.

The effect of game farming on farm dwellers (often the forgotten people) is the same, whether it is practiced by white or black landowners. The issue of power relations based on individual agency is coupled with the assumption or adoption of multifaceted identities and norms that are favourable to the bricoleurs. In this case, the status of the individual has been elevated to a level of bending the rules in his favour. The common denominator here is capital, on the back of political influence, which has become a hallmark of elite transition in South Africa (Bond, 2005).

The meaning of land and its resources to the Gongolo community is certainly clashing with that of the landowners who are interested in setting up the reserve which will offer substantial opportunities for property investment in a “private wildlife estate.” For farm dwellers, it is more important to sustain their livelihoods based on their existing practices, blended with their interpretation of current trends and new post-apartheid land rights. The denial of the people to access the resources is inimical to their rights, and resembles “traditional exclusionist approaches to wildlife conservation which were largely based on denying community access and gain from wildlife” (Emerton, 2001: 208). These historic processes have to be understood in their context (Walton, 2010). I do not think it is the failure of game farmers to understand the needs of the communities. It is a question of game farmers seeing theirs as the better option. Game farmers are not the only hindrance to the community’s access to land. Game farmers have managed to articulate their case using the available platforms under the auspices of local economic development, property rights, rule of law and, constitutionality and the state authorities have bought in.

In further consideration of Frances Cleaver’s (2012) ideas, Jessica de Koning (2011) uses the ‘Rock-in-Pond’ analogy and this can be used to scrutinise the stumbling of institutional bricolage in the Gongolo case. The ‘Rock-in-Pond’ analogy indicates a plurality of institutional settings that emerge when institutions avoid design and are reconfigured as articulation, alteration and aggregation work together in different ways. The rock in this case

can be taken to represent the competing thrusts for land restitution and game farming, while the pond represents the people and their socially embedded institutions. According to de Koning (2011) 'articulation' can be seen as the rock hitting on ice. As a result "the bureaucratic institution bounces off the shield of socially embedded institutions" (de Koning, 2011: 215), resulting "in a situation resembling a clash, a friction or a discord between the different types of institutions" (de Koning, 2011: 216). In the Gongolo case, this would mean the tension of institutions resulting in the failure of the introduction of game farming to the community of land claimants due to implementation of their own land use plans in accordance with their social and cultural values.

'Alteration' is like when the rock hits "half frozen water" (de Koning, 2011: 215). In this instance, "the bureaucratic institution leaves a mark on the local institutional framework but does not achieve its original objective" such that it "results in a modification in the institutional framework" – so the outcome is difficult to determine (de Koning, 2011: 215). It seems that direct implementation of game farming in accordance with the investors' initial plans, which disregard the aspirations of the land claimants, will not be possible. Maybe there will be an outcome more similar to the community game farms discussed by Ngubane and Brooks (2013) where land beneficiaries themselves become game farmers (see Chapter Eight).

With respect to 'aggregation' the rock sinks into the pond signifying that "external regulations and norms are to a certain extent adopted and combined with the local institutions" (de Koning, 2011: 215). The result of aggregation is where bureaucratic institutions are compatible with the socially embedded institutions (de Koning, 2011). In this case aspects of game farming would possibly be incorporated into the local people's natural resource management plans as the rightful owners of the land. In the case of the new landowner who went on to establish a game farm on disputed land, restitution on the part of the land claimants did not succeed and this institutional set up resembles de Koning's (2011)

alteration. These pluralities of institutional settings that emerge from the interaction of the bricoleurs reflect the changing circumstances and shifting alliances with time. In Gongolo, the bricoleurs seem to be tentatively on a path of convergence drawing from the long period of tension and divergent views on how the land restitution should be resolved to make decisions on the land use.

## **Conclusion**

The Gongolo land claim is an example of the contestation for land resources informed by different imperatives and meanings emanating from different groups, that is, landowners on one side and the labour tenant and restitution claimants on the other side. The contestations at local level have thus far prevented a major corporate investment programme based on wildlife from going ahead (see Brooks *et al.*, 2011). State authorities using formal institutions or governance mechanisms have struggled to intervene to ease the situation. The game farming/land reform nexus has shown the challenges associated with the struggle by the state to balance between the needs of the poor majority and elite capital.

As noted by the AFRA official in an interview in November 2011, it is probable that the province supported the landowners rather than supporting the farm dwellers because the latter's plans for the area focus mainly on small scale or subsistence farming. No feasibility study was conducted comparing projected financial benefits of the two alternative plans, yet, in the eyes of the provincial authorities, the farmers' plan looked better than the other. There is a gap, which provincial and local government could fill by demanding that certain would-be game farmers or corporations contribute to the local communities. The game farmers should gain the buy-in of the local people and build co-operation in the manner explained by Sehring (2009) to blend indigenous and contemporary institutions on the basis of dynamic social and economic conditions affecting all bricoleurs (see Atuahene, 2010; Cobbinah *et al.*, 2015).

The role of AFRA in the Gongolo land claim has been instrumental in strengthening the ability of the local community to articulate their cause. The involvement of non-state actors like AFRA and the Gongolo Committee shows the fugitive nature of power which is no longer confined within formal institutional authorities as suggested by Farell (2004). The latest cooperation between the Gongolo Committee and the Gongolo Wildlife Reserve Chief Executive together with his Gongolo Wildlife Reserve Task Team shows the changes in the configuration of power relations amongst the actors. The actors are shaping new institutional processes based on advancing their interests in a manner that is less confrontational in this case. Cleaver argues that new governance arrangements emerge “through public negotiation and in the daily practical enacting of resource access where endless variations on bending the collective rules are possible” (Cleaver, 2012: 50). So these troubled negotiations are an important part of institutional bricolage.

## CHAPTER TEN

### CONCLUSION

#### **A Context of Radical Uncertainty**

In conclusion, I return to the theme of “radical uncertainty” referred to in the title of this thesis. The data presented in Chapters 6, 7, 8 and 9 have revealed different aspects of what I have termed “radical uncertainty” as a key context for wildlife governance – particularly the governance of privately owned wildlife – in the province of KwaZulu-Natal. First, the state as a key player is fractured and is far from a homogeneous and monolithic entity uniformly applying itself to the regulation of the private wildlife sector. As demonstrated in Chapter Six, the Departments of Agriculture and Environmental Affairs both feel that they should lead the sector as its primary regulator and this is unresolved.

The study sought to look at how the state is responding to the competing needs for land and its resources that is posed by the growth in the game farming sector. National government faces a number of key imperatives in the current era related to addressing the negative legacies of apartheid, and these include aspects such as job creation, poverty reduction, land issues, and so on. In addition to these political pressures, national government has to ensure food security and is certainly open to arguments presented to it by organised agriculture. The lack of a pro-poor agricultural policy is a reflection of a broader trend in Africa (Jara and Hall, 2009; Poulton, 2014).

These uncertainties are reflected at the provincial level. The Departments of Agriculture and Environmental Affairs together with the Department of Rural Development and Land Reform are operating in silos at the provincial level. In KwaZulu-Natal province there is a strong conservation entity in the form of Ezemvelo KwaZulu-Natal Wildlife with a long history and

strong tradition of conservation in the province. This organisation has long-established relationships with private landowners, for example through the conservancy movement of the 1970s and 80s (Wels, 2000, 2003, 2015). Due to the strong presence of EKZNW, KwaZulu-Natal is one of the most tightly monitored provinces in terms of the game farming sector (from a biodiversity point of view). However there is a lack of coordination between Ezemvelo KwaZulu-Natal Wildlife, the KwaZulu-Natal Department of Agriculture and Environmental Affairs, and the Department of Rural Development and Land Reform in dealing with issues related to the effects of game farming especially with regard to the rural communities in the province. At the local level, there is a myriad of tourism, and local economic development imperatives wedging in the mix of private game farming governance mechanisms, all of which according to critics like Ramutsindela and Shabangu (2013) are profoundly shaped by the merger between capitalism and conservation.

Thus it is difficult to map out how the various institutional processes will pan out to give a coherent picture of the status of game farming, which in many ways has moved ahead of state regulation. Game farming is spanning a number of sectors such as agriculture, environmental affairs, tourism, land reform and rural development (incorporating local economic development), hence the 'identity crisis' of the sector. Significantly, the way that governance of the sector is playing out is not primarily a result of deliberate intentions, as the formal processes are (re)interpreted through the various interactions of the different arms of the state and the role players in the sector. In this light, it can be taken that "the challenge is to scale up participatory governance institutions so that they equitably represent the full range of stakeholders, including those who are not directly engaged" (Adolph and Grieg-Gran, 2013: 3). This challenge has been witnessed for instance, in the case of where 'illegal hunters' are not actively involved in the institutional bricolage process.

At a national level, the 'identity' of the game farming sector is unclear. Although on paper game farming is recognised as a legitimate enterprise, the way the state interacts with the



wildlife sector points in a different direction. There is a clash of two major imperatives; the need to maintain biodiversity integrity through nature conservation, and the economic drive to support a living from the natural resources through trading in wildlife and wildlife-based products as well as developing ecotourism. This clash of imperatives happens despite the fact that “people and nature are inextricably linked in a socioecological system” (Morrison, 2014: 961) or that “biodiversity and development are intrinsically linked” (Drutschinin, Casado-Asensio, Corfee-Morlot and Roe, 2015: 7). This is part of the dilemma of whether conservation should prioritise biodiversity integrity or development (Minteer and Miller, 2011). However, the push for ‘game farming’ to resemble conventional farming is causing a lot of challenges for the environmental regulation authorities. The numerous issues include for instance, intensive wildlife (captive) breeding, trophy breeding, predator control, illegal dog hunting, canned hunting, colour variants of animals, and the introduction of species not naturally occurring in the particular area (extralimital species).

Other concerns are subsumed within these two major issues for instance, the (re)distributive function in relation to the ownership and access to wildlife resources and the best way to sustainably using them. Thus contrary to the idea that wildlife is a fugitive resource which cannot be completely compartmentalised (Kameri-Mbote, 2002; Jones, 2006), the high fences being erected in the South African countryside due to continual and growing investment in the private wildlife sector confirm the point that “arguably, the commons are best known as that which is being enclosed by capitalist entrepreneurs” (Berge and van Laerhoven, 2011: 161; see Death, 2014). This is symptomatic of processes witnessed in historical geography of the enclosure of land into private ownership – a process by no means confined to South Africa (Sidaway, 2009; see Chapter Five).

In Cameroon, the upsurge in the commercialisation of common pool resources led to their over-exploitation (Brown and Lassoie, 2010). In South Africa, there is more investment into private game farming despite the odds in terms of regulatory instability in the sector. These

investors largely see no need to go beyond market considerations as a way of valuing nature (Mace, 2014; Nel, 2014; Sukhdev, Wittmer and Miller, 2014). However, scholars have called all those involved in conservation “to analyze the justice of ecosystem governance in addition to their effectiveness and efficiency” (Sikor, Martin, Fischer and He, 2014: 1). As argued in Chapter One, wildlife ownership is tightly connected to land ownership (Snijders, 2012) where “the political determination of property regimes is critical to conservation, especially with regard to wild fauna” (Naughton-Treves and Sanderson, 1995: 1265). In South Africa the hold of private landowners on land has been enhanced to extend to their ownership of wildlife causing the tension that has been witnessed in the land reform programme. Land reform’s inherent nexus with the governance of the private wildlife sector causes further complications as “no single property form is adequate for wildlife conservation” (Naughton-Treves and Sanderson, 1995: 1265).

Stakeholders or role players in the game farming sector are using the available governance arrangements (hinged on private property rights) to position themselves strategically for their own benefit, even though some of their activities cause tension. From the point of view of the game farmers, constant changes in the regulatory regime through new laws, amendment of existing laws and unbalanced implementation of existing laws creates an environment of uncertainty to the game farmers who are now major role players in the wildlife sector. The constant changes create an unstable environment for the game farmers to play an active role in both conservation and contribute to the much needed transformation of the economy.

A case in point is the unintended ‘discriminatory’ effect of the anticipated changes to the Local Government: Municipal Property Rates Amendment Bill. On the one hand, game farming is going to benefit from the provisions of these changes in the same way as agricultural activities. This means that game farming is being identified with agriculture. However, game farming is also associated with on-farm tourism accommodation facilities such as beds-and-breakfasts, lodges and guest houses. These facilities are integral to the

success of game farming but they will not receive preferential treatment under the proposed Amendment Bill. Game farmers who currently are able to effectively ignore local government structures are concerned about the power that may be ceded to local government under the new legislation. Local government is often chaotic and local municipalities are preoccupied with service delivery issues to residents of towns.<sup>123</sup> These are some of the ramifications that result from the push to develop the institutional arrangements associated with hierarchical control (Olowu, 2003b).

But the broader context of “radical uncertainty” perceived by game farmers has to do with the land issue which remains persistent. This radical uncertainty can be tied to the “classical agrarian question” which has implications on the “national question and its land and peasant components” (Moyo, Jha, and Yeros, 2013: 93; see also Moraes, 2012). As private landowners, the game farmers are fully aware of the political importance of land and, as they discussed with me, of the experience of landowners in Zimbabwe who endured widespread land dispossession without compensation. In case of Zimbabwe this “radical shift in agrarian property rights” has popularised the persistent agrarian question in a unique fashion (Moyo and Yeros, 2005a: 3; Moyo *et al.*, 2013). Unlike game farmers in some other provinces, game farmers in KwaZulu-Natal have been directly affected by land reform, as a number of game farms have been claimed and transferred to land beneficiaries (either through labour tenant claims or restitution claims).

The Gongolo Wildlife Reserve example discussed in Chapter 9 is instructive in this regard. It shows how these processes are working out at the local level, at what I have termed the “game farming/land reform nexus.” Different groups have different world views based on their practices and beliefs of how to use wildlife resources found on land which is inequitably distributed. So, there was a need to unpack the idea of competing needs over land and how

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<sup>123</sup> See “Local government audit results have “generally regressed” says auditor-general’s 2011/12 report” *South African Local Government Briefing* August 2013.

the government has fared in that respect as hinted by Jones (2006). The enduring contest for land in the Gongolo area has pitted various role players against each other with no workable solution in sight. Government's position appears to have been complicit with private capital, as there was dragging of feet in settling land claims resulting from the history of land dispossession in the area. In this case, "the strength of the state has become contextual and entrepreneurial rather than, as was the previously the case, something derived from constitutional and legal strength of the state institutions" (Pierre and Peters, 2000: 194). On the other hand, private capital is frustrated because as it seems the "dream" might slip away due to land reform. In the process everyone including game farmers, farm dwellers and land reform beneficiaries are feeling ignored or marginalized by government.

For game farmers, the context of "radical uncertainty" over land related to the tensions in the country is also suggested by their perceptions of government actions – as is illustrated by statements like, "the government does not need us", or "this is Africa, what do you expect." The fact that in some cases game farmers have been held to ransom by people who wish to conduct traditional dog hunts on their farms, and do so through threats of arson, confirms this context of "radical uncertainty." That illegal dog hunting appears widespread provides evidence against Institutional Design Principles for instance, of clearly defined boundaries and clearly defined user groups (Clever and Franks, 2005). Dog hunters, who are not included in institution-making processes, appear to be offering a 'radical challenge' to private property rights in the countryside.

It has also been illustrated in this study that the state is behind in regulating the industry, that is, game farming is in some way ahead of policy or regulation. The state is actually struggling to control the industry. This gives credence to Harvey's (2003: 91) assertion that

*Not all states act in an appropriate way, of course, and even when they do they exhibit a variety of institutional arrangements that can produce quite different results. Much has therefore depended on how the state has been constituted*

*and by whom, and what the state was and is able or prepared to do in support of or opposition to processes of capital accumulation.*

Constantly changing regulations and introduction of new ones without active involvement of the affected parties in the process is not doing much to reduce the uncertainty facing the sector. The available regulations need to be streamlined and integrated within one lead department to give “normative consistency” that has merits such as “clarity in policy design, a principle of equality in access to environmental goods, and the capacity for central government to implement policy without bargaining with sub-national units” (Balme and Ye, 2014: 149). However, power politics is crucial in directing the process of policy making (Wagner, 2001).

In their analysis of environmental governance in an uncertain world, Mehta, Leach and Scoones (2001: 2-3) identified social and political uncertainties amongst other factors where:

*Changing socio-political configurations often lead to uncertainty, as do multiple forms of political action or development intervention, which can interact to generate unanticipated outcomes. Uncertainty is experienced very differently in different places, and amongst people distinguished by wealth, background, gender, social or political affiliation, and so on. Differentiated experiences of and capacity to cope with uncertainty, we believe, increasingly define the contours of inequality within and across countries, regions and social groups.*

Their argument is that we are living in a world which is experiencing an upsurge of change in ecological, social, political and economic arrangements causing complex interactions whose results are difficult to grapple with and predict. This is so when it comes to the governance of natural resources such that “conventional models which have guided the study of environment and development interventions, based on notions of equilibrium and predictability, fail to hold up” (Mehta *et al.*, 2001: 1). In this study it has been shown that environmental governance issues, especially the institutions that mediate resource use, are

becoming increasingly complex to understand starting from the global and permeating down to the local level. So institutional bricolage appears as a new analytical tool to think through the ways institutions may evolve and be malleable in order to fit the context of the day to day interactions of actors, who aim to suit their interests in a way that blends formal and informal processes.

### **Game Farming through the Lens of Institutional Bricolage**

In this context of radical uncertainty, the various actors in the sector can be viewed as “institutional bricoleurs”, stitching together workable governance practice on the basis of day-to-day interactions (Cleaver, 2012). For example, the study has highlighted the interaction that takes place between the conservation authorities and game farmers on a regular basis through processes such as the permitting system, game auctions and the biodiversity stewardship programme. Other actors have also emerged in the study, some of them unexpected. For example, non-state actors such as AFRA have worked hand in hand with affected communities to help them articulate their land rights ahead of the interests of capital investment and state authority in the support for game farming.

Another actor or “bricoleur” is the sport hunter. As described in Chapter 8, the KZNHCA’s shift towards hunting on community owned farms and forming alliances with such communities is an indication of a gradually changing land ownership situation. These new working relationships which are indicative of new institutions particularly in favour of the hunters are interesting examples of institutional bricolage. Hunters have created new institutions or extended the role of their parent organisation to take care of their interests through securing hunting concessions on community-owned game farms. The actors in game farming adopt different identities to take advantage of the roles associated with those identities to advance their interests, thus shaping new institutions and institutional processes of interaction with other actors.

Role players, especially the game farmers have sensed the 'vacuum' or leeway created by the 'inactive state' to mutate and act, sometimes unchecked, but also to some extent within the limits or parameters of the law or on morally justifiable grounds. However, serious breaches have also occurred, even under the guise of sticking to the rule of law. The stakeholders have used what is provided for in the regulations and made the best of it to meet their needs or expectations. A few have gone too far ahead (for example through 'canned' hunting) of what is provided for on the basis of their interpretation of the prevailing conditions. They are simply interpreting what is available in their own terms and formulating conditions that fit them. They are making do with what is available. These bricoleurs are using what they are picking from the available governance arrangements to tailor outcomes favourable to them.

Thus game farmers are forging ahead within the space they identify and using different coping mechanisms in this uncertain situation to flourish. In that process the private wildlife industry in South Africa has completely changed the landscape of nature conservation backed by contemporary neoliberal discourses. In KwaZulu-Natal the long standing cordial relations between conservation authorities and private landowners has worked to the advantage of the private landowners. So this transformation of the institutional processes mediating the governance of the private game farming sector has been a long and enduring arrangement emerging without conscious intent of both parties. Changes have also occurred in recent years due to the fact that now many more institutions are involved in the governance of private game farming.

There is thus a mixture of conditions conducive to cooperation, respect and non-confrontational interaction on one hand and insidious tension on the other hand among the role players in game farming. This is exhibited through partial compliance by game farmers to the regulations that impinge on their operations. There is a strong tradition of cooperation between EKZNW and game farmers. This is an example of how rules, norms and shared

strategies get stitched together through repetitive interactions (Cleaver, 2012). However, when illegal hunters put game farmers under siege through covert means, it is a manifestation of the competition for access to resources which are under private ownership given the historically skewed distribution of land. This situation indeed confirms that “because specific governance systems tend to favo[u]r the interests of some participants over others, efforts to (re)form these institutional arrangements are sensitive to the structure of power or influence in human societies and virtually always involve hard bargaining”, (Kotchen and Young 2007: 150). The illegal hunters are feeling marginalised under a system that favours the landowners to own and inherently access wildlife resources. Putting landowners under pressure becomes one way through which the illegal hunters can benefit from those resources regardless of the consequences. This is indicative of the challenge of formal institutions to intervene to mediate the longstanding tension in the access and use of natural resources.

Thus new institutions are emerging to serve contingent needs and these institutions may end up becoming durable governance mechanisms (Cleaver, 2012). The enduring conservancy initiative is a typical case in point, where landowners and conservation authorities have co-operated in enhancing biodiversity conservation. Another new institution emerged in the Gongolo case study, where the Gongolo Committee was formed from the different *isigodi* to contest the establishment of the Gongolo Wildlife Reserve on land the farm dwellers claimed under the restitution programme. Thus a new institution came out of practices of the community particularly through its approval by the two traditional authorities in the area, who at one time had some misgivings about its existence and role. The case of the Gongolo Committee shows the formation of pliable institutions to suit their circumstances. This Gongolo Committee has subsequently been recognised as a ‘legitimate’ institution and has gone further to perform other functions, thus showing gradual change and the multiple roles of institutions and role players. The fact that the chairperson of the Gongolo Committee is also involved in the Landless Peoples Movement is not coincidental. The people of Gongolo



have shown some form of agency by organising themselves. Even though power relations are lopsided and not stacked in their favour the people have managed to stand up to the formal authoritative institutions and capital, to resist the establishment of the game reserve.

The state is struggling to control developments on private land. There is need to strengthen institutions dealing with private wildlife ranching. At the national level, a policy dialogue has been initiated through the Wildlife Forum (Snijders, 2012). This is essential to facilitate the development of a clear policy on game farming. The question of the position of game farming at the interface of agriculture, environment, tourism and rural development (incorporating land reform) should be addressed. As the initiative of the Wildlife Forum shows, some actors in government aim for the development of an integrated approach to solve the rift between the Department of Agriculture, Forestry and Fisheries and the Department of Environmental Affairs. Alignment of departmental functions and regulations along national, provincial and local spheres will bring policy consistency and pave way for better implementation. There is need to identify and iron out the discrepancies brought in by the implementation of the 1+9 principle (alluded to in Chapter Six). This will help to address the issue of weak institutions noted in the study. A clear and consistent game farming policy will increase stability in the wildlife ranching sector.

Using the analytical lens of institutional bricolage has shown that interaction amongst the bricoleurs (stakeholders, actors or role players) leads to the modification of existing institutions and the evolution of new ones. Negotiations amongst the bricoleurs at different forums and spheres of government have been going on for quite a long time since game farming became a formidable sector in the agricultural and environmental spheres and the economic arena, notwithstanding its social repercussions. Now government needs to tap in and harness the outcomes of such institutional bricolage processes. So strengthening of institutions dealing with game farming will happen through modification of existing institutions in a way that is building on outcomes of institutional bricolage hitherto. The same applies to

strengthening of institutions by crafting new institutions on the basis of outcomes of a protracted institutional bricolage process. In this way government will catch up with developments in the private wildlife sector. The consultative process in the issue of whether or not to trade in rhino horn is an example of institutional bricolage processes in practice, as part of seeking a solution to rhino poaching.

In connection with the game farming/land reform nexus, government needs to follow land restitution as part of restorative and/or transitional justice (see Atuahene, 2007; 2010; 2011a; 2011b; 2014). This is a process that gives agency to the marginalised and poor people. Part of the reasons why bricolage stalled in this respect is that government's position has been ambivalent. Government's position can be likened to the "institutional ambivalence" faced by a Maori community in its attempts to gain restoration of Lake Whakaki in New Zealand, despite a high level of agency based on "community aspirations for sovereignty" (Coombes, 2007: 60). The game farming/land reform nexus has shown that institutional bricolage theory does not take into account the possibility of bricoleurs reaching a deadlock.

The issue of socio-economic development in rural areas will occur through empowerment of poor people by bringing them into the mainstream economy. This will happen through giving them control and access to productive assets. This stems from the proven idea that smallholder agriculture brings positive outcomes in improving the livelihoods of the participants (Aliber and Hart, 2009; Aliber and Hall, 2012; Aliber and Cousins, 2013). The big capital investments will benefit only a few people with limited possibilities to trickle down to poor people like land restitution beneficiaries. It has also been shown that government's imposition of particular land uses to land reform beneficiaries has not yielded the intended results (Shaker, 2003). Giving people control and access to productive assets also applies to communities surrounding game farms (who often trespass and kill wildlife and destroy property) in order to increase their livelihood alternatives.

Perhaps the idea of “adaptive co-management” with the aim of “developing the capacity of all actors for responsible game ranch management” can be explored (Brink, *et al.*, 2011: 113). This suggestion is premised on the understanding that “the capacity for responsible management is developed over time through successive steps, from knowledge generation, communication and knowledge sharing, awareness raising, leadership and trust building, policy adaptation, monitoring, certification, and, ultimately, sustainable management” (Brink, *et al.*, 2011: 113). These processes of adaptive co-management are in line with the institutional bricolage processes explained in this thesis. Mechanisms to improve overall governance, especially to fight political corruption, are also recommended to stem the decline in biodiversity in developing countries (Smith, Muir, Walpole, Balmford and Leader-Williams, 2003).

### **Reflections on the Shift to Game Farming as a Form of Nature Commodification**

The phenomenal growth in game farming in South Africa goes hand in hand with the increasing trend in the commodification of wildlife worldwide (Brooks, Spierenburg, van Brakel, Kolk and Lukhozi, 2011; Snijders, 2012; Spierenburg and Brooks, 2014). International capital has played a critical role in this process on the back of the rhetoric of biodiversity conservation and sustainable development within a neoliberal framework which advances market economics. There is a shift of power away from producers to consumers – in the context of game farming – where game farmers have been gearing their products/services to meet demands of the international market. The landowner markets his property through networking with regular local and overseas clients. This is indicative of the global reach of the local wildlife industry where farmers establish a niche market of high paying clients. Local and external capital is entrenching itself through the private wildlife sector at a time when there is pressure for redistribution of resources and transformation in the South African economy. The growth in the wildlife sector is acting as a new frontier for capital investment in the developing world under conditions of a persistent agrarian question (Moyo and Yeros, 2005b; Spierenburg and Brooks, 2014).

It is notable that “the government uses many policy instruments and, by so doing, it allocates resources, redistributes income, and influences levels of activity” (Tanzi, 1997: 4). The state somehow surrendered this ‘allocative’ function of wildlife resources to the private sector. The state’s ‘withdrawal’ is symptomatic of its buckling to advances in global finance, a process that has become more aggressive in the late twentieth century with devastating effects to the peasantry (Moyo and Yeros, 2005b). With regard to the environment, this withdrawal is noticed through the shift from “government to governance to PES [payments for ecosystem services]” (Wegner, 2015: 3). The state needs to recapture this power in order to bolster its allocative responsibility. These resources have historically been allocated to a minority through forcible means of conquest and occupation. Once the allocative function is emboldened, then government should move to speed up the redistribution process which will in turn influence transformation in terms of mainstreaming economic participation of the previously disadvantaged majority population. This approach will help to reduce the challenges associated with the plurality of governance arrangements.

Game farming is to a large extent a business disguised as conservation. This assertion is not to say that there is no conservation whatsoever on game farms. There is no need to discount the contribution of private farming to biodiversity conservation. It is the packaging of the private wildlife ranching sector that tries to mask its capital imperative. I do not think game farming has remained the same as it was historically, since it emerged as a sector to secure the conservation of wildlife and biodiversity in general. A lot of changes have taken place which point to the increasing market orientation, such as selective breeding (for instance, for horn length and other qualities), and formation of clusters in the wildlife sector to cater for certain flagship species. On the other hand “changes in the state of an ecosystem generate surprises for scientists and great uncertainties for stakeholders and policymakers” (Carpenter and Gunderson, 2001: 456). Conservation programmes cause

social changes which in return impact on the same environments that people seek to nurture (Miller, Caplow and Leslie, 2012).

The fugitive nature of wildlife and its subsequent compartmentalisation through game farming point towards the double-edged significance of the fence. The fence is used curb human-wildlife conflict (Kesch, Bauer and Loveridge, 2015), to protect animals from escaping and thus ensuring individual ownership legalised through the Game Theft Act 1991 (Act No. 105 of 1991). However, on the other hand the fence helps to act as a gatekeeper to prevent intruders, which works well for the game farmer but excludes the locals. This situation is contrary to the environmental justice movement in South Africa which gravitates towards “social transformation directed to meeting basic human needs and rights” (Cock, 2004: 6). This situation of fencing has also been noticed in the study of power relations and belonging on trophy-hunting farms in the Karoo Midlands in the Eastern Cape (Brandt, 2013). A clear boundary has been set for a resource that all concerned actors could have some form of access to, and this is seen to be misplaced as “such boundary acts are always false attempts to shut-out ... translocal ties that in part *constitute* those places” (Castree, 2007: 135). These boundaries between game farms and sometimes densely populated surrounding communal areas are steeped in the historical separation of white and black people characterised by “mutual distrust, stereotyped ideas about each other’s identities and ‘normal’ behaviour, which in conjunction with each other prevented the two groups from initiating or even considering any form of positive reciprocal exchange” (Wels, 2003:19).

Similar contestations can also be seen in the context of Hansen’s (2013) use of Lefebve’s theory of the production of space to tease out the role of creation of spaces by the state through fencing to secure the iSimangaliso Wetland Park in KwaZulu-Natal Province, which in fact has alienated the local people. In this study, it is the creation of ‘islands’ of exclusive spaces by private individual actors using the available legitimate provisions such as the guarantee of private property rights, that has continued to alienate local people. This can be

interpreted with Castree's (2007: 107) reading of David Harvey when he refers to "the rich specificities of people and place." Thus questions about indigenous rights to "self-determination" (Coombes, 2007: 60) in relation to this "geographical apartheid" (Castree, 2004: 133) keep popping up.

Many game farms are set up specifically for hunting purposes, and the controversies within the hunting sector are outlined in Chapter 8. This plays out in the form of controversies over access to natural resources, how the hunting sector should be governed and the issues concerning predator management. Unending conflicts between game farmers and people from the surrounding communities involved in illegal hunting are a challenge to existing arrangements. Contestation by 'illegal hunters', including the 'taxi hunting' described in Chapter 8, poses a radical challenge to private property and associated wildlife resources. Efforts to include these actors as formal stakeholders and to engage them in discussion have so far been largely ineffective, and this remains unresolved.

This study has sought, and future studies should seek, to open avenues for more discourses, debates and practices that contribute to conservation policies that facilitate broad-based and socially just natural resources governance. Future research directions include a number of aspects. First, the structural constraints in government departments, and how they operate and interact with other actors in the governance mix, merits further scholarly attention in future. This needs to be looked at in relation to the idea that the power of government has some limits, since the government is becoming more dependent on other actors in the formulation and achievement of public policy as "none of the actors has sufficient resources and power to implement policies on its own" (Eshuis and Klijn, 2012: 11). In this regard, the role of conservation NGOs needs to be further investigated with emphasis on how they are advancing a 'conservationist mode of production' that further propels capitalism, as suggested by Brockington and Scholfield (2010). In addition, greater research engagement with so-called illegal hunters and communities neighbouring private game

reserves is also recommended. Their views are often represented or assumed by the formal stakeholders, but more direct engagement than was possible here should be attempted in future studies.

For now, this thesis has attempted to open up the complex topic of private wildlife governance in the contested context of post-apartheid South Africa. The lens of institutional bricolage has been used to elucidate the complex dynamics at play on the ground in the South African countryside. The thesis shows the dynamics of the governance of private wildlife sector and its resources which will continue to be a contested topic into the future.

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## **Appendix I: Legislation under the Department of Environmental Affairs that impact on Game Farming**

National Environmental Management Act, 1998 (Act No. 107 of 1998)

National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)

National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004):  
Threatened or Protected Species Regulations (Gazette No. 29657 of 23 February 2007)

National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)



**Appendix II: Legislation under the Department of Agriculture, Forestry and Fisheries  
that impact on Game Farming**

Animal Disease Act, 1984 (Act No. 35 of 1984)

Animal Identification Act, 2002 (Act No. 6 of 2002)

Animal Improvement Act, 1998 (Act No. 62 of 1998)

Animals Protection Act, 1962 (Act No. 71 of 1962)

Game Theft Act, 1991 (Act 105 of 1991)

Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996)

Meat Safety Act, 2000 (Act No. 40 of 2000)

The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)

Veterinary and Para-Veterinary Professions Act (Act 9 of 1982)

### Appendix III: List of Cited Interviews<sup>124</sup>

<b>Interviewee</b>	<b>Position</b>	<b>Organisation</b>	<b>Date</b>	<b>Place</b>
Stephen Hulbert	Director	AFRA	15 March 2011	Pietermaritzburg
AFRA Official 1	Information Officer	AFRA	15 March 2011	Pietermaritzburg
Rahman Devduth	Head: Natural Resources Trade Division	EKZNW	14 April 2011	Pietermaritzburg
Game Farmer 1			19 April 2011	Pietermaritzburg
Waldo Bekker	District Conservation Officer	EKZNW	3 May 2011	Pietermaritzburg
Bank Official			3 June 2011	Durban
Kirsten Bond	Officer: Permits	EKZNW	3 June 2011	Durban
Zibusiso Dlamini	Senior Manager	KZNDAEA	20 June 2011	Pietermaritzburg
Kirsten Bond	Officer: Permits	EKZNW	29 June 2011	Pietermaritzburg
KZNHCA Representative	KZNHCA Representative	KZNHCA	15 July 2011	Pinetown
Hunter	Hunter		15 July 2011	Pinetown
Game Farmer 2			23 September 2011	Pietermaritzburg
Game Farmer 3			29 September 2011	Estcourt
Derreck Ruiters	Biodiversity Stewardship Programme Facilitator	EKZNW	25 October 2011	Pietermaritzburg
Game Farmer 4			28 October 2011	Midmar
Samson Phakathi	Field Officer	EWT	3 November 2011	Midmar
Ndabe Ziqubu	Agrarian Reform and Development Programme Co-ordinator	AFRA	9 November 2011	Pietermaritzburg
AFRA Official 2	Junior Researcher	AFRA	9 November 2011	Pietermaritzburg
Tim Snow	Programme Manager	EWT	18 November 2011	Nottingham Road
Game Farmer 5			21 November 2011	Nottingham Road
Game Farmer 6			13 July 2012	Estcourt
Game Farmer 7			14 July 2012	Ladysmith
Nontokozo Ngwabe	Project Co-ordinator	DRDLR	18 July 2012	Pietermaritzburg
RLCC Official	Project Co-ordinator	RLCC	18 July 2012	Pietermaritzburg
RLCC Official	Project Co-ordinator	RLCC	30 July 2012	Pietermaritzburg

<sup>124</sup> Please note that this list includes all the key informants and some of the interlocutors with whom I had casual conversations, but some of the latter may still be missing.

Appendix III: List of Cited Interviews (Continued)

<b>Interviewee</b>	<b>Position</b>	<b>Organisation</b>	<b>Date</b>	<b>Place</b>
Sphiwe Mabaso	Secretary – KZN Region	Landless People’s Movement	5 August 2012	Pietermaritzburg
Gongolo Committee Chairperson	Chairperson	Gongolo Committee	15 August 2012	Pietermaritzburg
Gongolo Committee Chairperson	Chairperson	Gongolo Committee	20 August 2012	Pietermaritzburg
GWR Official	Chief Executive Officer	GWR	21 August 2012	Estcourt
Game Farmer 8			22 August 2012	Ladysmith
GWR Official	Chief Executive Officer	GWR	13 February 2013	Mooi River
Paul	Tourism Facility Operator	Tourism Facility	20 February 2013	Estcourt
Miranda Sikhakhane	District Conservation Officer	EKZNW	20 February 2013	Newcastle
Barry Simons	Landowner		21 February 2013	Mooi River
Junior Manager	Junior Manager	Mawela Game Reserve	22 February 2013	Estcourt
Basil Rosenband	Game Farmer		27 February 2013	Weenen
Sne Madondo	Senior Tourism Officer	Uthukela District Municipality	28 February 2013	Ladysmith
Umtshezi Municipal Official	Tourism Officer	Umtshezi Municipality	28 February 2013	Estcourt
Zanele Ntshingela	Tourism Officer	Emnambithi Municipality	1 March 2013	Ladysmith
Gents Mazibuko	Integrated Development Planning Manager	Uthukela District Municipality	1 March 2013	Ladysmith
Musa Kubheka		KZNDAEA	1 March 2013	Ladysmith
Lynne Ruddle	District Conservation Officer	EKZNW	5 March 2013	Dundee
Collette	Game Farmer		6 March 2013	Estcourt
Game Farmer 9			7 March 2013	Estcourt
Jacques van der Merwe	Game Farmer		7 March 2013	Estcourt
Gongolo Committee Chairperson	Chairperson	Gongolo Committee	9 March 2013	Estcourt
RLCC Official	Project Co-ordinator	RLCC	9 March 2013	Pietermaritzburg