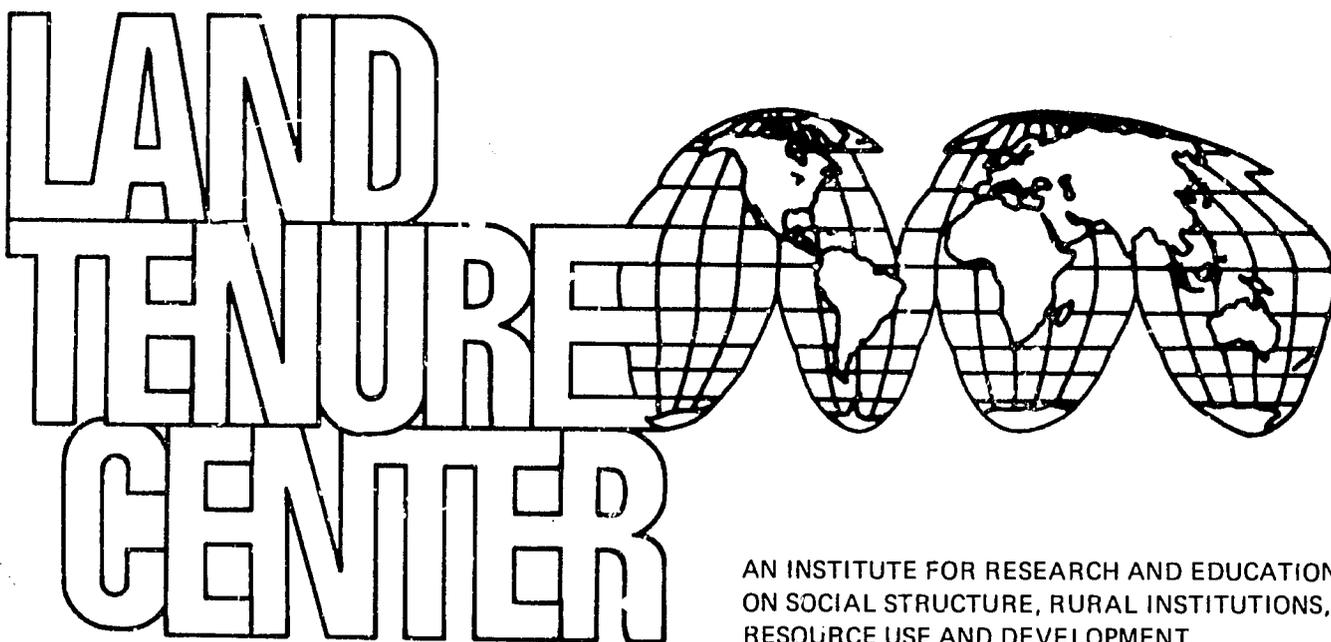


A RESEARCH PAPER

Number 81
March 1985

ACCESS TO AGRICULTURAL LAND AND COMMUNAL
LAND MANAGEMENT IN EASTERN BOTSWANA

by
Ørnulf Gulbrandsen



AN INSTITUTE FOR RESEARCH AND EDUCATION
ON SOCIAL STRUCTURE, RURAL INSTITUTIONS,
RESOURCE USE AND DEVELOPMENT

U.S. ISSN 0084-0815

LAND TENURE CENTER
1300 University Avenue
University of Wisconsin
Madison, Wisconsin 53706

PN-MAT 379

41321

ACCESS TO AGRICULTURAL LAND & COMMUNAL LAND MANAGEMENT
IN EASTERN BOTSWANA

by

Ørnulf Gulbrandsen
University of Bergen

APPLIED RESEARCH UNIT
MINISTRY OF LOCAL GOVERNMENT AND LANDS
REPUBLIC OF BOTSWANA

*

LAND TENURE CENTER
UNIVERSITY OF WISCONSIN-MADISON

March 1985

TABLE OF CONTENTS

	<u>Page</u>
Preface	iii
Terms of Reference	iv
Summary of Conclusions and Recommendations	v
1. INTRODUCTION	1
2. LEGISLATIVE ASPECTS	3
2.1 Traditional Land Tenure	3
2.2 The Tribal Land Act	4
3. PRESENT LAND MANAGEMENT	5
3.1 The Arable/Grazing Conflict	5
3.2 The Role of Traditional Headmen/Lands Overseers	6
3.3 On the Use of 'The Five-Year Rule'	11
3.4 Final Remark	13
4. THE MAJOR AVENUES OF ACCESS TO LAND	14
4.1 Inheritance--Family Transfers	14
4.2 Land Allocations	16
4.3 Extra-Family Transfers of Land	17
4.4 Final Remarks	19
5. BANGWAKETSE	19
5.1 Introductory Remark	19
5.2 Eastern Bangwaketse (except the north-eastern area)	20
5.3 North-eastern Bangwaketse	31
5.4 Access to Arable Land in Central Bangwaketse	32
5.5 Pasture Deterioration and Encroachment	36
6. KGATLENG	41

	<u>Page</u>
7. BAROLONG	44
7.1 Introduction	44
7.2 Declining Use of Arable Land?	46
7.3 Trends in the Demand for Land	50
7.4 Land Board Responses	52
7.5 Pasture Encroachment	53
7.6 From Differentiation to Polarisation	54
8. SOUTH-EAST DISTRICT	56
9. CONCLUSIONS AND RECOMMENDATIONS	60
10. A TENTATIVE PROPOSAL FOR ARABLE LAND ADMINISTRATION	69
References	78

Preface

The study on which this report is based was carried out between mid-November 1982 and the end of January 1983. Its Terms of Reference, which can be found on the following pages, were developed and specified through several meetings with the Land Access Reference Group of the Ministry of Local Government and Lands (MLGL). With this group, also, some of the findings, preliminary analyses, and tentative recommendations were discussed.

The principal area of research has been the Bangwaketse in the Southern District where a relevant fraction of an earlier sample of households was reviewed. In this tribal area, particularly, but also in some other areas--Barolong, Bamalete, Tlokweg, and Kgatleng--a wide range of people was interviewed. In addition to various categories of farmers, interviews and discussions were held with tribal leaders on all levels, Land Board members and staff, agricultural extension staff, District Administration staff, District Councillors, and District Council staff. On the central Government level, officers of the Ministry of Local Government and Lands were interviewed, in addition to discussions held with researchers of the University of Botswana. All these people readily responded to my numerous enquiries and provided me with all kinds of assistance which I hereby sincerely acknowledge.

Practical assistance as well as professional responses were continually extended to me by the Applied Research Unit and the Lands Division of the Ministry of Local Government and Lands. In particular, I benefitted from discussions with Louise Fortmann, Barulaganye Machacha, Mark Marquardt, Morris Nyathi, and Stephen Turner, and from the editorial assistance of John Bruce and Louise Fortmann of the Land Tenure Center.

My thanks are also due to the Hon. Bathoen Gaseitsiwe, M.P., the Bangwaketse kgosi Seepapitso IV, E.K. Gaboutloeloe, and P.M. Sebotho.

Finally, I am particularly grateful to all my Bangwaketse friends who, again this time, received me and my enlarged family with their usual hospitality and kindness.

The views expressed here are of course my own and not necessarily those of the Ministry of Local Government and Lands.

Ørnulf Gulbrandsen
23 June 1983

Terms of Reference

1. The study will make particular reference to the Bangwaketse area, but the researcher will also visit the Kgatleng, Batlokwa, Bamalete, and Barolong areas to discuss the issues below. The project reference group will make preliminary contacts in these areas seeking some of the information the research may require. As far as available data permit, the researcher's analysis of these issues should make comparative reference to these areas in addition to the Ngwaketse situation.
2. Test the hypothesis that:
 - a) female headed households,
 - b) households headed by men under 40,
 are less likely to have access to arable land.
3. In the course of testing this hypothesis, review access strategies open to and analyse the influence of lineage structures and extended family links upon access to arable land. What is the extent and significance of family transfers of land, both now and in the foreseeable future, relative to overall arable access requirements?

Are family land needs generally satisfied by intra-family access mechanisms? When intra-family transfers of arable land take place, what is the size of these family sub-divisions, and is it viable? Do Land Boards take family size into account when considering arable allocations, on the assumption that parts of the household will subsequently be reallocated to the applicant's children?
4. In the light of this analysis, develop an overall model of access strategies and mechanism for arable land, commenting upon the strengths and weaknesses, prospects and policy implications of each part of the model. This should lead to a refinement of the concepts of access and landlessness, with an assessment of the prevalence of the latter.
5. Make policy recommendations to the Ministries of Local Government and Lands and Agriculture and to Land Boards. Put land availability in context relative to the range of other factors necessary for arable production in the communal areas, with particular reference to ALDEP and land related policies of the Ministry of Agriculture. How far should Land Boards take family transfers into account when allocating arable land? Should they in the future make such allocations on the assumption that this transfer mechanism will continue to function? Make other policy recommendations as appropriate.

Summary of Conclusions and Recommendations

Conclusions:

1. There exist households which have no land. These include:
 - a) impoverished households which lack resources to cultivate and so have not applied for land,
 - b) recently established households which have not yet requested land,
 - c) some rural-based people with salaried employment who have not yet obtained land, and
 - d) a few female-headed households refused allotments from parental holdings.

2. While in even the most populous areas some unallocated arable land is still available, land scarcity is developing. The reasons for land scarcity include:
 - a) a population increase,
 - b) an expansion of commercially operated holdings, with increased differences in sizes of holdings, and
 - c) the Land Boards' inability to identify and deal promptly with unused land under the five-year rule, particularly with reference to block allocations made by chiefs to overseers prior to 1968, when the Land Board system was created.

Real scarcity will develop in many areas as claims are made by children alive today, not in the distant future.

3. The effects of land scarcity include:
 - a) development of arable holdings at the cattlepost,
 - b) an increase in land disputes, and
 - c) the beginning of tensions over land between different economic strata in local communities.

4. In many areas the supply of arable land is maintained only by encroachment on pasture. This encroachment will have to be curbed, and when this happens land scarcity will develop rapidly. Attitudes toward land will shift suddenly and a scramble for land may develop.

Recommendations:

1. Clear procedures for the effective enforcement of the five-year rule should be developed by the Lands Division, MLGL.

2. MLGL and in particular the Commissioner of Customary Courts should monitor two types of cases, those concerning large commercial holdings and women's access to land, to determine the adequacy of the handling of such situations; MLGL should consider explaining to Land Boards that they should not discriminate against women applicants; and Government should consider a systematic review of the legal position of women with respect to access to productive resources.

3. MLGL's Lands Division should immediately require Land Boards to implement S.17 of the Tribal Land Act, providing for identification and gazetting of pasture areas; the Attorney-General's Chamber should advise Land Boards on legal measures for preservation of grazing areas; the Lands Division should instruct Boards to observe zoning rules under TGLP and in particular requirements of S.38(e) of accounting for "communal, reserved and national needs" before any commercial holdings are demarcated; and Land Development Committees should not approve any land use plan where this requirement is not satisfied.
4. Considering the increased intermixture of cultivation and pasture, LUPAGs should be encouraged to consider the establishment of grazing cells with small demarcated pastures in arable lands areas. They should also consider the appropriateness of mixed farming units in their areas, utilizing expertise of relevant MOA departments.
5. Effective and comprehensive land use planning is the most promising tool for dealing with the emerging land scarcity; to achieve that end the institutional arrangements for land management at the lands area level will have to be reconsidered (a proposal is made below); MLGL should also strengthen planning capabilities at District level and strengthen Land Board capabilities generally (the recommendations of the Interministerial Committee of Land Board Operations are endorsed).

Proposal for Discussion:

It is suggested that two important needs identified in the report (effective planning at the local level for arable/grazing uses and commercial/traditional cultivation uses, and implementation of the five-year rule) require new institutions at the lands area level. Both require an institutional arrangement which ensures that local farmers participate in enforcement of these policies. This could be accomplished by recognizing distinct farming communities at the lands, with an arable lands advisory board elected in each such unit. Some of these units might be limited to smallholder agriculture while other could permit expanded holdings for commercial agriculture.

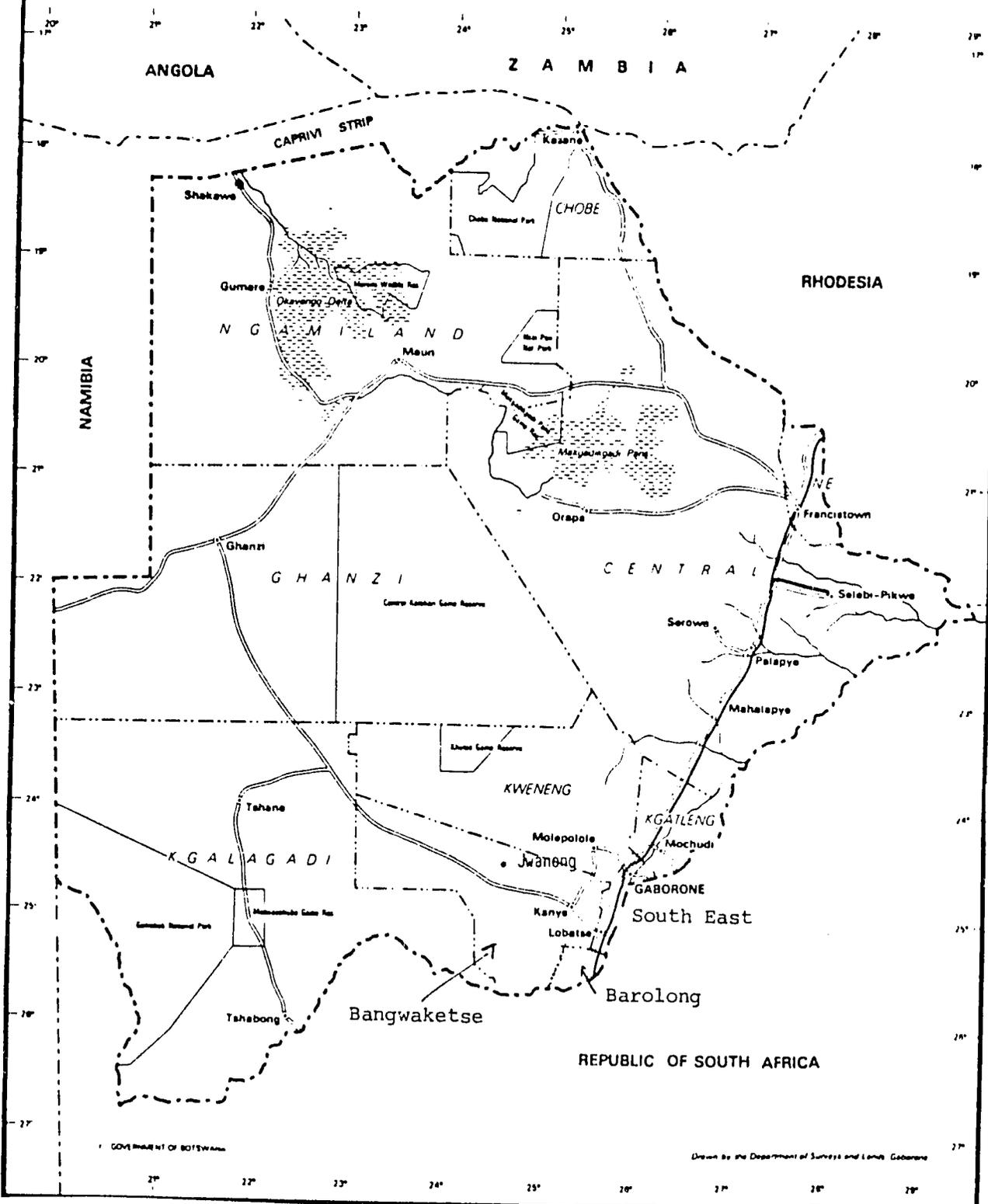
This proposal is tentative and is intended to initiate a badly needed discussion of institutional arrangements for lands areas.

REPUBLIC OF BOTSWANA

MAP 1.1



- Road
- Railway
- District Boundary
- National Park
- River



GOVERNMENT OF BOTSWANA

Drawn by the Department of Surveys and Lands, Gaborone

1. INTRODUCTION

It has been commonly assumed that Botswana's land resources are abundant, but over the last years it has become evident that some definite limits will be widely experienced quite soon. Most visibly the increasing shortage of land has manifested itself in deterioration of pastureland. However, access to arable land has also become seriously limited in several areas.

This transformation involves some critical policy implications. Most importantly both the Arable Land Development Programme (ALDEP) and, even more so, the Tribal Grazing Lands Policy (TGLP) do not recognise the basic limitation on land availability, but act as if it were only a resource which will satisfy recurrent needs provided it is adequately exploited. That is, these policies do not provide any specific guidelines for handling a situation where there is a fundamental gap between available communal land resources and people's need for such resources.

Nevertheless, by the time when these policies were introduced, large proportions of the grazing land were already over-stocked and, in various respects, the arable land requirement could not easily be satisfied. For instance, in one of the preliminary studies for ALDEP the dramatic character of the coming, overall gap between the availability of the demand for arable land was estimated in some detail (see Odell 1978:2ff.).

Of course, such projections cannot be made on the basis of crude estimates only. At least as important is to point out some major factors which, inevitably, will increase the demand for land:

- 1) Although commercial development in arable agriculture for the time being is hampered by poor climatic conditions, it will be argued that this sector is steadily expanding.
- 2) The combination of rapid population increase and a very slow process of job-generation in off-farm sectors of Botswana's economy makes availability of arable land for subsistence farming a fundamental pre-requisite for avoiding wide-range unemployment.¹

In fact, these two principal factors generating land scarcity also encompass emerging conflicts of interest, as priorities inevitably will have to be set among those categories of farmers who demand for land for different purposes. On the level of the farming community this contradiction has

1. Although Professor Lipton's analysis of job-creation vs. job-needs in Botswana is not fully accepted in all relevant ministerial quarters, nobody seems to deny the fact that the sector of subsistence agriculture will have to pay a major role in future employment of the population (see Lipton 1978).

already manifested itself between the few commercial farmers and the numerous smallholding farmers. On the level of Governmental land management policy, land scarcity means that the following fundamental objectives become incompatible: (a) to reduce import of cereals from the Republic of South Africa by enhancing commercial crop production, (b) to ensure subsistence employment among the growing masses of people who cannot find off-farm employment. It is quite clear that those who are presently most articulate politically constitute a strong force upon the Government to give priority to land for commercial production. However, from an overall point of view, the merits of such a priority are doubtful. Although there might be some political reasons to limit the dependency on import of cereals from the Republic of South Africa, there is no immediate need for it in terms of Governmental finances and foreign exchange reserves. Indeed, one of the major developmental challenges is to funnel the large Governmental financial funds into new jobs. Consequently, to the extent the productivity of the subsistence sector is lower than that from the commercial sector, the imports required to compensate for this 'loss' can be justified as a vehicle to ensure maximal employment of people to whom there would be no other alternative but destitution.²

As the following section will explain, the nature of land scarcity does not merely stem from its physical limitations. At least for the time being, arable land scarcity is felt by people as a consequence of the way land is managed and appropriated by large landholders. Thus, as some of my informants were quick to emphasise, in several areas land scarcity is just artificial. This is fortunate because it means that it is still possible to establish remedies. Certainly, given any Governmental initiatives in matters related to people's land rights, administrative and political problems are apt to arise. Yet, the point to be stressed here is that such problems will be quite unmanageable in a situation where scarcity of land has become not merely artificial but definite. In other words, the time for initiatives to improve the land management system is now.

The overall objective of this research exercise is to assess the character of arable land shortage, and to identify the particular constraints upon the individual young men's and women's access to land. It will be argued, however, that the problems involved cannot find their solution on the level of the extended family, kinship groups, etc., for instance by changing the Land Board's allocation policy. Indeed, as already indicated, the principal constraints stem from the current overall land management practices. Therefore considerable attention will be focussed on the Land Boards as land management and planning bodies, and on the impact of overall demographic and economic developments upon land requirements.

In the following section I shall briefly sketch some basic aspects of the traditional tenure system and the major changes of this system introduced by

2. In comparing the two sectors one should, of course, also account for differences on the cost side, such as the import requirements of the capital intensive sector of commercial crop production in contrast to the low capital requirements of the subsistence sector.

the Tribal Land Act of 1968. Section 3 addresses the present management system, aiming at providing a generalised overview of some critical constraints upon implementing the principles of the Tribal Land Act.

Section 4 changes the focus to the individual tribesperson as the various avenues through which customary land grants pass are outlined and into which enquiries are made.

The following sections, 5 through 8, are directed towards each of the tribal areas covered by this research. Particular attention will be paid to the Bangwaketse, which is the principal area for this research exercise, and the Barolong where the situation is quite exceptional and, indeed, somewhat confusing due to recent controversies on how much land is actually cultivated in that area.

Section 9 summarises the main conclusions. The recommendations are discussed and presented in the final section, 10.

2. LEGISLATIVE ASPECTS

2.1 Traditional Land Tenure³

A basic principle in customary Tswana land tenure is that land resources belong to the tribe. These resources were kept in trust for the tribe by the kgosi, who was entitled to make land policy decisions (such as zoning, grazing, and arable areas) only upon intimate consultation with the tribal public assemblies (lekgotla). For the everyday management of the land, the chief appointed trustees to manage each of the arable and grazing districts. These were mostly senior heads of wards which were attached to certain arable and grazing areas. In principle, a ward head could be approached by any adult tribesperson to be allocated a piece of arable land. Alternatively, a person could go directly to the chief, who subsequently would order one of his trustees to find land within his trusteeship.

In general the traditional system appears to have adhered fairly closely to these ideals, ensuring most tribesmen their legal rights to a share of the tribal land according to their needs. There were however, some exceptions. Immigrants from a different tribe were either distributed as sections of the existing wards, or, if they were numerous, they might be allowed to form their own ward within the tribal capital or, most commonly in recent times, in minor villages outside the capital. An area to plough however, was not made readily available, as allocation of suchland mostly remained with the indigenous, senior ward headmen. It is reported that this occasionally led to exploitation of such outsiders. These ward heads or overseers, we shall see, still play an important role in the allocation of land.

3. The most comprehensive and authoritative description of customary Tswana land tenure is to be found in Schapera (1943).

2.2 The Tribal Land Act

Under the Tribal Land Act, "All the right and title of the Chief and tribe to land . . . shall vest in the board . . . in trust for the benefit and advantage of the tribesmen . . ." (Part II, 10[1]). According to the act, "a Land Board shall consult the District Council in the formulation of policy" (11[1]), and the President may give any Land Board directions of a general or specific character" (11[2]). However, the tribal land remains as the communal property of the tribe, to which all tribesmen should have access to a fair share.

It is important to note that the act states: "nothing in this section shall have the effect of vesting in a Land Board any land or right to water held by any chief or other person in his personal and private capacity" (II,10[2]). Indeed, when the Land Act was introduced, it was repeatedly stressed by the political authorities that the Land Boards were supposed to respect allocations made by the chiefs prior to the establishment of Land Boards.

Two particular rights vested with the Land Boards should be noted. The Land Board may cancel a customary grant of land, including those assigned prior to the establishment of Land Boards, on the following grounds:

- 1) due to any law relating to good husbandry (III,S.15[a]),
- 2) ensuring the fair and just distribution of land among tribesmen entitled thereto (S.15[c]),
- 3) "in the case of agricultural land, that for a period of five consecutive years the land has not been cultivated and that there is no sufficient excuse for this" (S.15[e]).

Furthermore, S.17 reads:

- 1) "As soon as practicable after the commencement of this Act, the Land Boards, in consultation with the District Council, shall determine and furnish the Minister with a description of the grazing areas within the Tribal Area.
- 2) "Upon receipt of a description under subsection one, the Minister shall, if satisfied as to the adequacy of the said description, give notice thereof in the Gazette.
- 3) "A Land Board shall not grant rights under this Part to use any land in a grazing area so notified for arable or horticultural purposes without the approval of the District Council".

Thus, the spirit of the Land Act is that the Land Board should assume all responsibilities previously vested in the chiefs, to ensure all tribesmen a fair share of the communal land resources as well as the overall land use planning. However, it should be noted that although the Land Board keeps the land in trust for the tribe (S.10[11]), the act does not require the Board to liaise with the kgotla, but merely to consult the District Councils before final decisions in policy matters.

3. PRESENT LAND MANAGEMENT

3.1 The Arable/Grazing Conflict⁴

No grazing land has yet been gazetted. The Land Boards, in their allocations, have largely followed the zoning already made by the chiefs. However, arable extensions are gradually being made into the grazing areas. This trend had already commenced prior to the establishment of Land Boards, resulting in gradual encroachment of arable lands into grazing areas. In some places such developments were curtailed by the presence of stones and rocks (as in the Malete), while elsewhere they entailed serious reduction of available pasture. The latter development is most apparent and serious in the Barolong. In Kgatleng and Bangwaketse, minor, sub-ordinate communities located outside the tribal capital have experienced an increasing demand for arable lands from the capital village residents resulting in an accelerating encroachment on their pastures. In one of these areas, Southern Bangwaketse, this development has given rise to considerable inter-community conflicts. In other areas, tribal capital residents, who have their cattleposts at distant places, complain about pasture degradation caused by arable expansions from local settlements.

This ever increasing conflict between arable and grazing interests can no longer be solved by moving cattle away from the lands to virgin areas and has resulted in increasing incidences of and disputes over crop damage.

None of the Land Boards have evolved any plans to counteract this trend. The only real response to the problems has come from the farming communities themselves through the erection of drift fences. Such projects have often been assisted by the agricultural field services, but sometimes more than hesitantly approved by the Land Boards which, being without any overall plans, saw the danger of strengthening an apparently irreversible trend.

The Land Boards are confronted by two major problems in dealing with individuals who have developed large fields in areas which are supposed to be for grazing only. First, when the Board takes up issue with such a farmer, he defends himself by claiming that the land disputed was allocated 'long ago' by a local headman/modisa or by the chief himself. If this is satisfactorily proved, the Land Board has no basis for taking further steps. These judgements are however, often very difficult to make due to lack of evidence. And it seems that unless it is satisfactorily proved that the land actually has not been legally allocated, the Land Board is very hesitant to pursue the case. Second, if the Board decides that the land has to be vacated, typically the defendant either ignores the decision or appeals to the Minister. If the Board finds that no notice is taken of their decision, either the case is given up or the Board hands it over to the Ministry.

4. This issue will be dealt with in greater detail in the sections addressing the particular problems in each area.

Drift fencing is, in many aspects, a complex issue. In the present context it suffices to stress that it provides no definite solution to the problem of pasture encroachment. For the fact that grazing around arable fields is curtailed while the distance to grazing areas is ever increasing represents a development which is highly incompatible with two other important trends. During the last decades, the number of farmers owning cattle has been steadily on the increase, while the domestic labour available for herding is generally decreasing. Under these conditions many households have found it difficult or even impossible to keep separate units for grazing and arable purposes. Most typically, cattle are being kept more or less permanently in the lands areas. However, probably in response to the increasing density of arable fields, resulting in poor pastures and the danger of being charged for crop damages, a significant number of farmers have developed arable fields at their cattlepost.⁵

In fact, the desire for a mixed farming arrangement is found not only among those who are unable to operate in two localities. Some of the large cattle owners in the Bangwaketse and Kgatleng have also developed arable lands adjacent to their cattleposts, typically in areas distant from the capital, usually at the expense of access to arable land by remote dwellers. Objections have occasionally been raised by other large cattle owners whose pastures have been encroached, and by local people who see those few patches of fertile soil that can be found in these distant, often sandy, areas being occupied by outsiders.

The Land Boards have made only limited efforts to tour the grazing areas where such illegal self-allocations are most prevalent. It is indicative of the present situation as perceived by the Land Boards that Land Board members claim that "it is indeed very difficult to know what to do, because we have no other land to offer so many people, if they are to be removed".

3.2 The Role of Traditional Headmen/Lands Overseers

The Land Board's problems in assuming effective control over the tribal land results in part from a shortage of arable land and the subsequent encroachment into the grazing land, and in part from the fact that the traditional agencies of land allocation are still in operation. This important point requires discussion in some detail.

According to the procedures adopted by the Land Boards, any application for land has to be accompanied by a declaration of 'no objection' from the ward headman/overseer that the area applied for had not been granted to somebody else prior to the establishment of the Land Board. Indeed, while all powers regarding land were removed from the chiefs by the Land Act, the Tribal Land Regulations amending the act in 1970, entitle the wardhead to state objections (the nature of which not being specified) to the granting of the right being sought.

5. I have dealt with this issue in greater depth elsewhere. See Gulbrandsen 1977 and 1980:243ff.

It has become more and more evident that several overseers abuse their rights to reject applications. Being aware of the increasing scarcity of arable land, some ward heads explicitly state that they have to reserve the uncultivated land left for future generations of their own ward and for expansion of existing holdings.⁶ Some headmen claim, moreover, vast parts of the prior trusteeship as their private holding, or they readily support relatives or other tribesmen who also claim large lands as theirs. (The lands in question often are in the region of one square mile or more). In fact, there are overseers who occupy vast tracts of arable land, while the wards their ancestors originally headed have more or less vanished through out-migration and low rates of reproduction. Thus, it seems that there would presently be no acute shortage of arable land in Kgatleng and Bangwaketse if these traditional trusteeships had been brought under the full control of the Land Boards.

How can it be the case that twelve years after the commencement of Land Board operations, vast tracts of land are still under the considerable control of traditional overseers, especially in Bangwaketse and Kgatleng?

There are several reasons. Most important, the overseers have, by the amendment to the act referred to above, been granted the right to raise objections against particular allocations. In practice this meant that if an applicant did not obtain the overseer's signature, few, if any, saw any reason to approach the Land Board. There are two major reasons why applicants do not appeal rejections to the Land Board: (1) they are accustomed to being rejected on diffuse grounds, i.e. not being wanted in the area concerned, (2) there is still considerable respect accorded the traditional overseers by most tribesmen and therefore there is considerable hesitation to challenge them through appeals to the Land Board. In fact, few people even know that it is possible to make such an appeal.

Those who might be aware of the appeal procedure have no reason to believe that the Land Board has any power to set the overseer's objections aside. Indeed, if they did appeal, the Board would advise the applicants to look for land elsewhere instead of investigating the grounds on which objections were raised.

Furthermore, although the intention behind the act and its amendment possibly was to recognise the ward heads/overseers only as far as they could state whether or not a particular piece of land had already been allocated, this is not clearly stated anywhere. On the contrary, in the Regulations of 1970 the ward heads are granted, unqualified rights to raise objections against allocations (S.7[2]). In the same regulations, there is also a notice about "the ward, if any, in which the land right is sought" (S.7(1)[c]). The effect is that the ward, which is not a geographical locality, but an administrative section in the tribal system, is given status as a unit from which land rights can be obtained, provided no objections, I re-emphasise, are raised by the overseer. Land Board members commonly assume that lands areas

6. At this point it should be recalled that not all wards are assigned a particular lands area.

granted to a particular ward belong to that ward. This assumption is reinforced by the lack of a precise concept in Setswana fully equivalent to the English meaning of 'trusteeship'.

This concept has been reinforced by the way the act was introduced. The purpose of the new tenure system was to put an end to "the arbitrary decisions of the Chiefs". However, H.E., the President himself and the Minister of Local Government and Lands, repeatedly stressed in public meetings that the Land Boards should be very careful not to interfere with allocations of land already made by the chiefs. Their statements were frequently quoted when I asked Land Board members why they had been so inactive vis-à-vis the ward heads/overseers.

There are, of course, good reasons for recognising this as a substitute argument. First, it cannot be denied that the Land Boards have found themselves heavily dependent upon the overseers. Who else can give authoritative statements about what is allocated and what is not? Who else is, in the various lands communities, considered to have a comprehensive knowledge about land rights granted before the Land Boards were established? Indeed, without the land overseers' assistance the Land Boards would quite soon find themselves in a situation where it would be very hard, if not impossible, to deal with land disputes. Moreover, they would immediately run the danger of making allocations which overlap with old land grants. Under such circumstances the Land Board could deal adequately with land allocations alone only after having undertaken an overall investigation and, subsequently, a comprehensive land registration.

One salient problem is that while the customary overseers ensure a high degree of continuity, served and guided by other elders of their respective areas as they are, the Land Boards display a fairly high degree of personnel turn-over. Restricted by the present inadequate administrative and technical apparatus, it goes without saying that the Boards have no capacity whatsoever to compensate for this. In fact, the Kgatleng Land Board authorities stressed the point that lack of adequate records and poor demarcations have resulted in a number of overlapping allocations. Land Board allocations even overlap due to changes in Land Board membership. This is one reason why Land Board members say, "The Land Board is the most hated agency among the local authorities: it is considered notoriously inconsistent and unreliable. Therefore it has lost the people's trust and support".

Precisely this general mistrust of the Land Board, which in various ways was expressed in different places, presents another obstacle the Land Board would face in an attempt to assume greater responsibility for land administration and management. The people have limited confidence in the Land Board, while the traditional authorities are still treated with considerable respect. Thus, as the Land Board under any circumstances will be heavily dependent on the co-operation of the people inhabiting an arable area, it would not be difficult for an officially disregarded overseer to motivate people to jeopardise the Land Board's work. In some cases where a Land Board and an overseer were on poor terms, it was suspected that this was exactly what happened.⁷

7. Unco-operativeness might even stem from resentment that land matters have been transferred to the Land Board (see Machacha 1981,223).

Thus, it is not surprising that to date no attempt has been made to clarify what land has been allocated to particular individuals and what is available for further allocation. However, Land Boards are increasingly concerned with the need to clear up this matter. Indeed, this need is going to be more and more urgent as land available for cultivation runs short, and as the shortage comes to be experienced by influential tribesmen.⁸

Therefore, even if unallocated ward holdings were, according to the Land Act, to be brought under the control of the Land Board, such areas would still have to be identified. This work is apt to be increasingly difficult as time goes on, for two reasons. As land becomes more and more scarce, the overseers will, concomitantly, be more motivated to claim the land as their personal holding, being allocated 'long-ago'. And as witnesses pass away, it becomes a very difficult task for the Land Board to produce sufficient evidence to regain control over the land.

It is frequently suggested that some of the overseers exploit their land control corruptly, such as falsely giving their word of support to people who claim that a particular tract of land was allocated to them a 'long time ago' in order to get a much larger holding than the Land Board presently allocates. I did not have the facilities to document such allegations. However, it suffices here to point to the fact that since the Land Board is instructed to respect allocations made by tribal authorities, and since the overseers were the responsible agency for allocating land, their word has to be given considerable weight. Since independent evidence is rare, it is entirely possible that such corruption exists. It is entirely a matter of the overseers' personal integrity. As time goes on, there will be fewer and fewer people available who can witness against the overseers. At the same time, increasing land pressure is apt to raise the favours people are ready to make and, correspondingly, the temptation felt by the overseers.

The seriousness of this problem can be further illuminated by the fact that unauthorised people are occasionally suspected to assume the position of overseer.⁹ The Kanye Sub-ordinate Land Board has recently found it necessary to request a list of the officially appointed overseers from the Bangwaketse Tribal Administration.

Finally, when the overseers actually co-operate with the Land Board, they are sometimes blamed for performing their duties inadequately: typically signing letters of 'no objection' without on the spot investigation, thus causing overlapping allocations. However, on the overseer's behalf, it should be noted that for performing such duties they are not entitled to any compensation. In the traditional tribal context, considerable prestige was attached to their position and adequate check upon their performance could be

8. There are, of course, a number of commercially oriented, politically articulate people who have no immediate access to a large, traditional holding, and who are therefore highly critical to the prevailing lack of check upon the tribal overseer.

9. See the Inter-ministerial Commission Report, p. 7.

properly articulated in kgotla. With the weakening of tribal institutions, the overseers have lost a source of esteem. Today, the importance attached to their position can be enhanced only through careful management of the power they still have to raise objections against particular land allocations.¹⁰

Hence, one way to look at the problem of the overseers' land control is to see their positions as incompletely incorporated into the modern system of land management. They are left with considerable power which the superior agencies of this system have very limited possibilities of controlling.

Since the overseers are the Paramount Chiefs' deputies and since the chiefs, as ex-officio Land Board members, have still some formal responsibilities in matters related to land, it might be questioned why the Land Board cannot assume control through the tribe which, indeed, is formally a section of the local Government institutions. It is not easy here to give a full answer to this, but the general antagonism between the Land Board and the tribal leaders gives, at least, some accounts. Indeed, one of the chiefs volunteered that he was not prepared to render the Land Board any more assistance, as the members consistently refused, he claimed, to follow his advice. Concerning the overseers, he complained that the overseers had taken advantage of the fact that the Land Act had transferred all powers related to land from his office to the Land Board, and referred to their authority acknowledged in the Land Act. What is important here is that a situation has been created in which the senior tribal authorities are not particularly motivated to render the Land Board any assistance in this field. Further, with the declining importance of the kgotla, the community's possibility of controlling the overseer's operations is far less than it used to be.

In conclusion, let me emphasise that this discussion has identified some critical structural shortcomings of the present land management system but not their magnitude. It seems quite evident that in some areas these features have produced considerable problems in terms of an artificial scarcity of land. The important point is that, in principle, such problems might easily occur everywhere, as there is no adequate structural or organisational mechanisms preventing illegitimate exploitation of the land overseer's position. Rather, correct use of the office is a question of the personal integrity of the individual overseer.

I have treated this issue in some detail, because I think that addressing it in order to prevent a shortage of arable land is already overdue. How the Land Board should attack the challenges involved depends, however, upon what kind of land use system is chosen. Therefore, I cannot state any recommendations on this issue before the actual land use problems and trends in the various areas are treated in more detail.

The particular nature of this challenge should finally be pointed out. Practically all sectors of public administration, previously under the Paramount Chief's authority, are now incorporated in modern Governmental

10. Note that the Land Board has no immediate sanctions against an overseer, because he is considered a deputy of the Paramount Chief to whom he is subject.

institutions. According to the Land Act, this should also be the case for land administration and land use planning. However, such a transformation has, as we have now seen, not yet occurred. The reason for this essentially is that the performance of the relevant tasks and responsibilities--quite unlike in the case of collection of local taxes, etc.--depends upon information which cannot be found in easily transferable files. It is non-written local knowledge which can be obtained by the land administrators only through co-operation with local people. Indeed, precisely this point was acknowledged by the enactment of the new land legislation and in the word of warning, from the President himself, against challenging the traditional land authorities and the allocations already made by them. Because of this the traditional overseers have formally been co-opted into the land administration in terms of a particular role in the proceeding for land allocations.

Local knowledge and people's co-operation is, more than ever, required to bring the land under the Land Board's proper control. The salient question, then, is: how can this be done when those who possess 'local knowledge' are exactly those who might advantage by keeping an exclusive hold on it? I shall discuss this problem below in connection with my attempts to work out recommendations on a new land administration system.

3.3 On the Use of 'The Five-Year Rule'

The rule saying that a customary grant to arable land might be cancelled by the Land Board if the land has not been in use for five consecutive years has,¹¹ it appears, almost never been implemented.¹² Most Land Boards expressed considerable hesitation about using it. It was argued that it could be done only upon application from a particular individual. If the original owner subsequently should be approached, evidence to prove that the land actually had not been in use the last five years would be needed. Provided this was satisfactorily proved, still the Land Board would have, according to the Land Act, to ascertain that there was no good reason for this. The Land Board was very uncertain about what is an acceptable reason. Is it acceptable that the holder did not have any labour or money to clear the field? Could it be argued that sickness or even other occupations had prevented him?

There are, however, numerous instances where it would not be very difficult to ascertain that no good reason exists. For instance, it might be wondered why the five-year rule is not applied to repossess the large holdings claimed by the overseers and also other large holders who were granted their land before the Land Board came into proper operation. When I challenged Board members on this point, lack of adequate enforcement powers was pointed out as the major obstacle. The Land Board is a 'toothless lion', as one of the Board chairmen said. In this connection, the Ministry of Local Government and Lands (MLGL) was vehemently blamed for inactiveness and lack of support.

11. See the Tribal Land Act, Section 15(e).

12. Those cases I have found have been expropriation by landholdings in the village to facilitate public and commercial sites.

Further enquiries on this issue indicated however, that the Ministry is not the only institution to blame. To judge from the files, when a case has been pending in the Ministry for quite some time, the Boards have not been too active in pursuing it. And the reason for delay at the Ministry level is occasionally that the Land Board does not reply when the Ministry asks for further evidence.

Further, among the Land Boards there seems to be considerable confusion about the correct procedures to follow in order to enforce their decisions. The most common procedure is to submit the case to the Ministry, where, according to their experience, either it remains pending or their decision is rejected.

When I suggested that the enforcement power rather is to be found in the courts, considerable hesitation was expressed. One senior Land Board officer responded by stating that "in such a case it would be the court, rather than the Land Board, who assumed the land management authority". Several Board members feared the implications for the Board's local recognition if this body assumed the character of being some kind of a prosecutor in matters related to land rights. Lack of adequate funds to bring a case to court was also held to be a constraint. However, in view of the fact that few or no attempts were made to collect revenues from commercial sites, it is hard to take this argument seriously.¹³

I think we might come closer to an explanation if we simply ask what it would mean to the Board members themselves if they start challenging the large landholders. The answer is quite simple: several of the Board members themselves have held large tracts of land for years while clearing only a minor portion of it for cultivation. In one instance, a senior Board member, having been allocated approximately one square mile of land just before the Land Board came into operation in the early Seventies, was challenged by a large community of farmers. They wanted to erect a drift fence through the area he claimed, because, they argued, "this land extends into the grazing area".

In fact, this case, amongst several others, was brought to my attention by Sub-ordinate Land Board members, in an attempt to illuminate why "the Land Boards are so widely not respected". In the present context it helps to explain why we cannot expect the Land Boards to be particularly active in implementing the five-year rule, let alone enforcing it by the assistance of legal institutions.

However, the suspicions of vested interests aside, there is still a problem of considerable uncertainty among Land Board members and officers about the appropriate procedures for enforcing the five-year rule. It is also

13. See the Inter-ministerial Committee Report on Land Board Operations (Gaborone 1978) which notes that "some Land Boards are reluctant to hire lawyers to take cases to Magistrate's Court. This reluctance is not entirely financial. On consideration, the Committee is surprised that there is not more overt defiance of Land Board decisions" (p. 7).

a problem that the rule itself, as it now stands in the Land Act, is vaguely phrased, and therefore difficult to implement in a number of cases. Eventually, in case a field has been developed, the question of compensation to the holder needs further clarification.

3.4 Final Remark

In various respects, the current use of the communal land resources is out of the Land Board's proper control. In several areas there are numerous unauthorised allocations, frequently encroaching on grazing land. Because no land use planning exercise has preceded land allocations, in some lands areas the fields are located so close together that, in due course, no grazing is left there and the frequency of crop damage is ever increasing. Further, as we shall see in more detail in the subsequent section, the shortage of arable land is rising quite quickly. However, in several localities such a shortage will be completely artificial due to the Land Board's lack of control over claimed, but uncultivated communal land.

While the land management challenges have increased tremendously during the last decade, the capacity and power of the responsible Governmental agencies have not been strengthened accordingly. The Land Boards themselves readily admit their shortcomings, however, frequently blaming the central Government for leaving them with no guidelines, limited enforcement power, and inadequate technical competence, instruments, and training. It is not within my terms of reference to judge as to whether these complaints are justified. But it is relevant to state that the land management agencies, by no means, have satisfactory control over the land resources kept in trust by them for the tribes. This shortcoming pertains to overall planning as well as juridical control over the landholdings. Indeed, the principle of laissez-faire in many aspects dominates the use of land. There is, perhaps, considerable truth in a statement made by one of the Paramount Chiefs: "People now increasingly realise that the Land Board is a toothless body, and they who take the advantage are the wealthy, greedy, and stubborn ones". Hence, the new land management institutions appear to involve a reversal rather than an effective implementation of the official objectives behind the Tribal Land Act: to bring the "whims of a chief to an end".¹⁴

14. Dr. Q.K.J. Masire has stated as a main purpose of the Land Act to put an end to "the arbitrary decisions of the Chiefs," arguing that

'Reactionary and opportunist elements have falsely claimed that this legislation [the Tribal Land Act] is intended to force the small man off his land. Nothing could be further from the truth. On the contrary all tribesmen who make good use of their land for the purpose for which it was granted to them will be safer under this new legislation than they were under the old. They will no longer be subjected to the whims of a chief whose decisions on land matters may be affected by all kinds of considerations which have nothing to do with the interests of the farmer or the nation' (Masire 1969:14) [from Werbner 1980: 137].

4. THE MAJOR AVENUES OF ACCESS TO LAND

4.1 Inheritance--Family Transfers

The Land Act is silent about transfers of customary land rights beyond what pertains to Land Board allocations. Consequently, tribal laws are applied, and in cases of disputes over such rights among heirs, these are usually dealt with by the customary courts. Apart from the Kgatla and Tlokwa, the tribal laws do not seem to differ significantly. The common pattern is that sons are offered a piece of the father's land, if any, as they successively mature and create their own families. The youngest son is offered the parent's developed land, albeit leaving as much of it for either of the parents' needs as long as they are alive. The daughters have no claim on their parents' land unless they remain unmarried. If they marry after having been allocated land, the plot reverts to the father or the boswa if he is dead. This is the main point of divergence of Kgatla/Tlokwa legislation from other tribes: a field, tshimo ya serotwana, should be provided for the wife by her father on marriage.¹⁵ If there is any unallocated land upon the father's death, it becomes a part of the boswa and subsequently is divided by the eldest son according to customary procedures and rules.

It should be noted that very few family disputes arise over the division of the parents' land. This certainly reflects the fact that arable land, until quite recently, has been considered abundant. However, the current trend of land scarcity and the development of very large, valuable fields, will most likely lead to competition over the kind of family property similar to the traditional disputes over family herds. Indeed, the emergence of this trend was noted in Barolong and Bangwaketse where large arable farmers have started to practise the system of tshwaiso (anticipated inheritance) for land in order to eliminate or reduce disputes among heirs. Several informants insisted however, that this kind of fixed property should be assigned only to sons, while moveable property, notably cattle, might also be inherited by daughters through the institution of tshwaiso. This is consistent with a basic Tswana dictum that daughters should, on marriage, be disassociated from their agnates as much as possible in order to restrict their interference in their brothers' and their wives' affairs, which is felt to cause tension and trouble. I pursued this issue by pointing to the fact that an apparently increasing number of women are not married and therefore, remain with their brothers. In that case, most informants responded, the sister should be allotted a share from the holding of her linked brother's land.¹⁶ I was however, not able to elicit any consistent view as to whether he should actually supply her with a portion of his inherited holding.

15. Personal information from Chief M.R. Gaborone on Tlokweg, see Roberts (n.d.) on Kgatleng.

16. According to Tswana custom, parents link each of their sons with a daughter, between whom a relationship of mutual support and trust is expected to develop.

Anticipated inheritance (tshwaiso), it should be stressed, does not mean always that the land is ultimately taken over by those for whom it is designated. It remains with the parents as long as they want to make use of it. (The rationale for the practice is to avoid conflicts over the boswa). Further, while tshwaiso cattle typically are, at the latest, allocated upon the father's death, in the Barolong I found that widows adamantly refused to divide the holding as they continued to farm, occasionally on a very large scale, after their husbands had passed away.¹⁷

A number of informants admitted that customary law was developed in a different context in terms of property values (see Schapera 1943:155) and that it might therefore, not be suitable in a situation where the land has a commercial value, often a high one. They insisted however, that there is no need for any new legislation to handle this. They said that all disputes related to inheritance (boswa) should be dealt with by the Customary Courts. Any defects or shortcomings with the current, customary law would find its expression in the kgotla, and be corrected within this institution when the chief, upon consultation with the tribal assembly, finds it necessary.

I think that this argument can be sustained. The fact that there are very few family disputes over landed property forwarded to the courts indicates that customary law in this field is not of critical importance to people either. In view of the fact that the kgotla system does not always work as it did previously however, there is every reason to recommend that the Governmental land management authorities, particularly the Commissioner of Customary Courts, keep an eye to the court proceedings concerning landed property. There are two aspects particularly to which attention should be directed: large commercial fields, and women's access to land. I am not convinced that the customary law is adequate to deal with the disputes that might arise concerning large commercial fields, which have mostly been developed during the last two decades (and thus have been objects for division among inheritors only to a limited extent). This is because customary law developed under a different system of family relationships and domestic arrangements, a situation of abundant land and very limited cultivation on the individual landholding.

The second aspect pertains to women. According to customary law, unmarried women represent a most marginal category as far as land inheritance is concerned, a marginality which is subsequently transferred to their children. The principal problem is when the parental holding is to be divided, unmarried daughters typically have restricted means (in terms of implements and labour) to plough for themselves as their sons are not yet old enough to supply male labour and purchase draught power (see Gulbrandsen 1980). As we shall see in the subsequent section, this generally has not significantly affected any female headed household's access to land. However,

17. One of my informants--himself a large farmer--told me, with some pride, "You see, my mother is a very able farmer, so when my father died, she straight away told us that there would be no change as far as the farm was concerned. She said, 'Your late father and I have developed this farm--and you know nothing about it--so just keep away and start your own farm'".

this is the result of sufficient land in the parental holding, a situation which is probably not going to last for much longer anywhere. And when land shortage manifests itself within the individual holdings, it is quite obvious that the customary law as well as the particular adaptive problems pertaining to female headed households, present significant problems for women's access to land. The point is then, that since unmarried women's access to a share in the parental holding is, in customary legal terms, rather marginal, and as the young women are not, by far, the most articulate people in the kgotla, the necessity of a Governmental initiative to review their legal rights to land should be considered.

4.2 Land Allocations

Land Board allocations are made on the basis of written applications. As noted, the application should include the overseer's approval. In principle, male applicants over 20 years of age are acceptable, while young female applicants are rejected unless the Board feels certain that they are likely to remain unmarried. It was commonly suggested that a woman of about 30 years of age with two-three children is a reasonable applicant. The Land Board's decision is dependent upon whether the land already held, if any, is cultivated to its limit. If that is the case, an extension or an allocation elsewhere can, in principle, be made. However, in the Bangwaketse and Kgatleng, ensuring that the applicant did not already hold land which was not being cultivated or had never been de-stumped was expressed as a considerable problem. In the instance of young men whose fathers hold land still uncultivated, the Land Board feels it difficult to insist that the father's land should be made available for the son. There are several reasons for this, i.e. the father might claim that it is for his own future use, that he has already allotted it to other of his children, or that the son might prefer to depart from his father/brother because of family controversies.

As concerns the current procedure of land allocation, the Land Board typically deals with a request for land only after the applicant himself has identified a piece of land and produced a letter of 'no objection' from the local overseer. After having interviewed the applicant in the Land Board office, the Land Board visits the locality in question. On this occasion the neighbours should be present in order to avoid encroachment on land already allocated. The provisional demarcation of the area is paced off and the applicant is responsible for fixing corner-poles. The Land Boards are poorly equipped for this. Typically no tape measure is used and no angle is available. Commonly there is not even a sketch map made in the records. The grantee is supposed to replace the provisional demarcation with adequate corner-poles, but the Land Board rarely, if ever, returns to check if this has been done properly. As already noted (Section 3.2), due to considerable turn-over among the Sub-ordinate Land Board members in Kgatleng, it was admitted that new allocations overlapped those made by the Land Board some years ahead.

The land is allocated on the basis of indefinite tenure, allowing parents to allot part or all of their holding to their heirs.¹⁸ Such transfers

18. See the preceding section on inheritance of land.

should however, be registered by the Land Board so a certificate can be issued to the actual holder. This is rarely done, again indicating the low esteem attached to the Land Board compared to the traditional legal agencies where most people bring their disputes over land allocated prior to the inception of the Land Board and where there are no questions of land registration and certificates.

New allocations are now approximately 15 ha in Bangwaketse, Barolong, and Kgatleng, while in Maletse and Tlokweng they are less than 2.5 ha (170 x 140 m). The 15-ha standard has been stipulated upon consulting the agricultural extension agencies which have recommended the size as an appropriate holding for subsistence farming, that is, sufficient land to support an 'average' family's subsistence needs with improved traditional farming methods. However, in all areas the rule says that whenever such a basic allocation is cultivated to its limits, the farmer is entitled to be granted an extension according to the ordinary procedures of land allocation. This also means that all Land Boards allocate land on the basis of general standards irrespective of the number of children, the rationale being that children who want to start farming for themselves are eligible to apply for land from the Land Board.

Over the last years there have been discussions, notably in the Ngwaketse and the Rolong Land Boards, about setting an upper limit upon communal land grants. To exceed this limit, the holder should have to sign a commercial lease and to pay a rent similar to that for commercial plots in the villages granted under the Common Law.

However, there does not seem to be any strong interest for implementing such a rule anywhere. One might speculate that private interests among Land Board members are of some significance, since many are themselves commercial farmers or at least possess landholdings of a size which would involve payment of rent. It should also be noted here that rents are not even collected from significant numbers of Common Law lessees. I shall return to this issue in my recommendations on a new land management system and on the responsibilities to be assumed by the overall Governmental land management agency (MLGL, Lands Division).

4.3 Extra-Family Transfers of Land

None of the Land Boards seemed to have any objection to the customary, extra-family transfers of land, provided these transfers were brought to the Land Board's attention, so proper registration could be made and a certificate issued. Traditionally the most common transfer of land was made on a temporary basis. Typically an unused, cleared field would be made available to a young man who had not yet been able to clear his own land and whose father had no cleared land to provide him.

Temporary borrowing of fields still occasionally takes place. However, informants commonly suggest that it has become more and more difficult. This development is attributed to instances of borrowing of land leading to a permanent claim, and to the spreading awareness of a land shortage. It might also, particularly in an area like Barolong, be due to the fact that people unable to plough their own land might enter sharecrop arrangements. In fact, such arrangements also depend upon temporary borrowing of land, which has

become particularly common in the Barolong, but also frequently occurs in parts of Bangwaketse and Kgatleng. Previously it was not uncommon for fairly big holdings to be generously granted to other people, especially to distant relatives or people who had been particularly helpful. The Land Board has no objections against such transfers, but holds that they should be registered. Customarily, sale of land has been against the law. But compensation for the labour vested in the development of a plot was allowed by the chief; one cow for a field seems to be the common standard still. The Land Boards insist that any land transaction exceeding this standard is illegal.

At this point it should however, be stressed that even if the transfer of land includes registration and a certificate issued by the Land Board, the Land Board has no control over whether the transaction is performed within these limits as long as it is a bilateral arrangement established by the two parties themselves. Generally little is known therefore, about illegal transactions. It can be stated however, that they are not yet very frequent, but they appear to be becoming more common in Kgatleng and there can be no doubt that the increasing scarcity of arable land will accelerate this trend in the most commercialised areas. The conditions for this will be discussed in subsequent sections addressing the situation in the areas covered by the present research.

Traditionally, the Bakgalagadi and Basarwa, being attached to a Tswana master as servants (batlhanka), mostly obtained access to land through their master. The master was then the actual holder of the land, so that when the master-servant bond was dissolved, the land reverted to the master even though it had been de-bushed and cleared by the servant. This is still the current practice, the reason essentially being that a plot at a cattlepost (segotlo), customarily cultivated to serve the herdboys' immediate consumption needs, has never been eligible for formal allocation, and hence, the servant cannot claim it because it is considered as a part of the master's cattlepost.

As has been explained already, all land allocations made prior to the inception of the Land Boards have the same legal status as those allocations made by the Boards themselves. Under the chief's rule however, not all allocations had the same significance. When a man who was not a member of a landholding ward approached a headman to be granted land to plough, the conversation might have been: "Ke go latsa fa" (I am making you sleep here), leaving the length of time he could use the land uncertain. Hence, after some years the headman might approach the one who in the meantime had developed the land, saying, "No, you see that my sons have been growing up, so I need this land", the subsequent standard phrase being: "Ke go nela mo jago ngwago a" (I let you plough this land one more year so that you can prepare for moving to another place).

This was not just a practice in the old days. A man from one of the central Ngwaketse villages recently came to the Kanye Sub-ordinate Land Board chairman complaining that on these grounds the headman wanted to chase him off the land he had developed. However, since this practice is most frequently used against traditionally marginal people who are poorly informed about the current land legislation and allocation procedures, few such cases actually reach the Land Board. Hence, it might well be that such temporary land allocations are not only withdrawn, but that exploitative endeavours of this

nature are still initiated. Indeed, under conditions of increasing land shortage in combination with the existence of large, uncultivated holdings (see Section 3.2), they may become even more prevalent than they currently are.

4.4 Final Remarks

It should finally be stressed that the survey which I have conducted in the Bangwaketse has clearly shown that most land acquisitions take place through transfers within the family network. In fact, only a very few young men have searched for land outside their fathers' holdings. This pattern is strongly confirmed by a review of the applications and actual allocations made by the Land Boards. For instance, out of a total of 3232 allocations between September 1976 and August 1982, the Kanye Sub-ordinate Land Board made only 152 arable allocations, i.e. 4.7 percent.¹⁹ In the other Sub-ordinate Land Board districts, the fraction is somewhat higher, but still indicating that most of the land transfers go from parents to their heirs. This is not because the Land Board, as a land allocating institution, is unknown to people, but because so large a part of the arable areas had been allocated prior to the Land Boards, that claims are maintained in these areas, that the traditional overseers have considerable control over further allocations, and that numerous illegal self-allocations are made in the grazing areas.

5. BANGWAKETSE

5.1 Introduction

The Bangwaketse tribal area constitutes some 25,800 km². A large majority of the population resides in villages located east of 25°E longitude, however, as we shall see, there has been a considerable increase in the number of people from eastern Bangwaketse moving to the west in order to exploit the land resources there. This move is a corollary of heightening pressure upon land which, within the eastern area itself, has resulted in considerable extensions of the arable areas.

The conditions for and the implications of these changes, particularly as they affect people's access to land, will be dealt with in the subsequent sub-sections. Three of these sections will focus upon three major areas: (1) the eastern Bangwaketse with the exception of its northeastern part, (2) the north-eastern Bangwaketse, and (3) the areas roughly west of the 25°E longitude mark. This division is made for the following reason. Most of the eastern Bangwaketse is characterised by a combination of traditional subsistence farming and an expanding sector of mechanised, land consuming, large scale farming. The crowded north-eastern part of the eastern Bangwaketse however, is essentially characterised by smallholding subsistence agriculture. For the present purpose of revealing factors which affect

19. Since the total of 3232 are all customary land grants, it follows that the large majority of allocations are for village residences.

people's access to land, i.e. through the practice of communal land management, a comparison of these two major areas appears to be productive.

The third major area displays a quite different characteristic: arable farming can be practised only in scattered localities as the soil in most places is too sandy and infertile. As already indicated, this large area is very sparsely populated. The problem of access to land stems from a conflict of interest between the local people's subsistence requirements, the commercial interests of cattle owners, and to some extent arable agriculture, represented by wealthy people, essentially originating from the major villages of Kanye and Moshupa.

Finally, since access to arable land in several ways inter-relates with communal grazing land management, this issue will be addressed subsequent to my discussion of the western areas.

5.2 Eastern Bangwaketse (except the north-eastern area)

This area will receive the greatest attention as it was the focus of both the present and the previous research. The area is, in broad terms, characterised by a mixture of numerous smallholding agro-pastoral units and an increasing number of large tractor farmers. The overall expansion of the arable sector is, perhaps, best illustrated by the tremendous extension of areas designated for arable purposes, as well as a considerable unauthorised growth of cultivated fields in the grazing areas (see Section 5.5 below). The commercial, large-scale enterprises are mostly located in the new arable areas in the south-western, western, and north-western parts of eastern Bangwaketse. However, a considerable fraction of the smallholding farmers, due to crowding in the old lands areas, have moved out to these areas as well.

In the present section I shall, with a particular reference to my own sample of farmers who were re-visited during the present research, enquire what these developments mean in terms of people's access to land, now and in the foreseeable future.

Shortly after my arrival in the main area of the present research, it became evident that the situation had considerably changed as far as people's concern about land shortage since 1976/77. At that time, it was hard to elicit a response to the suggestion that availability of land resources was decreasing. Now, people frequently express their worry: "Where shall our children plough? Where shall they graze their cattle?" When I explained my mission, they readily admitted that this is a timely undertaking, "because, as you can see, there is very little land left for people who wish to start ploughing. The grazing at masimo is about to be finished, and the grazing areas themselves are heavily over-stocked". While land disputes were very rare only five-six years ago, it was pointed to the fact that "now people have started quarreling over land"--reflected in an increasing number of disputes being brought to the Land Boards as well as Customary Courts.

How is this trend reflected in people's actual access to land? The survey undertaken on the basis of the previous sample of households has given the following major results: The pattern revealed previously (Gulbrandsen 1980), that almost no men under 30 years of age and few of those under 40 are

ploughing their own fields, still held. This reflects the fact that few of them marry and establish their own house (ntlo) by the age of 30,²⁰ and that under the age of 40 most men are engaged in wage employment. The fraction of men going to the South African mines is less than in 1976/77, especially for those in the 20-30 age bracket. The number of unskilled people who have obtained local employment has risen among those who have left the mines and are now about 40 years of age. Hence, there has not yet been any strong increase in unemployment among the younger generation.²¹ This is consistent with the people's own concept of the situation, although a shortage of local job opportunities is bemoaned not least because it is now realised that local employment might be a possibility.

Because people's involvement in agriculture (with a resulting demand for land) is so closely connected to young men's off-farm employment (see Gulbrandsen 1980:Ch.3), it might be appropriate to review briefly such employment opportunities. This is particularly pertinent as there have been at least two major changes as far as demand for unskilled labour is concerned.

The first of these changes came shortly after my previous field work with the drastic cut in recruitment of mine labour to the South African mines.²² Where this has not yet affected significantly the young men of the present areas, there are two reasons for this: (1) no mine worker has been dismissed by the recruitment agency if he has been keeping up with the contract requirements; (2) the cut in recruitment from Botswana has been most heavy in the distant areas, because the transport costs are to be covered by the mining companies and not the miners themselves. Hence the south-eastern part of the country has been preferred as a recruitment area. One qualification is however, important to make. It is indicated above (see fn. 21, p. 33) that, in contrast to the previous research period, eight young men between 21 and 30 years of age are now without any employment. This is precisely a reflection of the fact that even if recruitment had not been strongly curtailed in the southern-most areas, there are some restrictions on recruitment of 'novices'. Hence, young men often have to approach the recruitment agency repeatedly on the recruitment day before they succeed.²³

20. While the number of married men, younger than 30 years of age, was four out of a total of 79 (5 percent) in 1976/77, the number is now six out of a total of 83 (7 percent).

21. In the previous survey it was revealed that in the 21-30 age bracket all the 79 men had some employment, while the recent research found that among the 83 men in this bracket, eight (10 percent) had no employment. In the 31-40 age bracket, 11 out of 43 males (26 percent) were without employment in 1976/77, while now seven out of 57 (12 percent) had no employment.

22. While the annual recruitment was about 40,000 men by the mid-Seventies, it dropped to c.20,000. The recruitment agency has committed itself to the Government of Botswana not to go below this level.

23. The problem tends to be increasingly difficult as young men from northern districts of Botswana have realised the unequal recruitment and thus, tend to try their chances at the southern recruitment offices.

The other major change having taken place in the Bangwaketse is the opening of the Jwaneng diamond mine. Around 600 unskilled workers and about 500 semi-skilled workers (i.e. men who have primary and some secondary education, being trained in the mine) have been recruited. However, a significant proportion originated outside the Bangwaketse. I found that only ten men of a total of 140 (7 percent) between 21 and 40 years of age have been employed in Jwaneng. It should be added that, unlike the South African mines, there has been very little turn-over in Jwaneng. There are reasons to assume that the workers will not follow the pattern of migrant labourers, almost all of whom return by the age of 40. Hence, there is no reason to expect that Jwaneng will be a major employment factor for the area in the future. Important in this respect are restrictions placed on development of a petty trading sector. Trade is reserved for well established traders from other areas, especially Kanye, probably entailing a lower rate of job creation than if a petty trading sector had been allowed to develop. Finally, it should be pointed out that Bangwaketse working in the Jwaneng mine are located close to areas where they easily can keep cattle and grow crops at the same time as they benefit from wage employment.²⁴

In overall terms then, still a substantial proportion of the young generation adapt themselves to off-farm employment which represents a strong extension of an already well established trend: to accumulate cattle by means of off-farm employment, notably the mines, preparing for establishing an independent agro-pastoral unit. Subsequently the demand for pasture as well as arable land manifests itself. This trend is to be emphasised in as much as the drain of young men to the urban areas has seemingly not increased significantly.²⁵

Even though some of the miners, with the benefit of favourable mine wages,²⁶ have accumulated a fair number of cattle, this is admittedly not yet reflected in a noteworthy rise in arable farming among men younger than 40 years of age, compared to previous observations. For women the off-farm employment possibilities have consistently been far worse than in the instance of men, as the principal source of employment, mine labour migration, is not open to them. Nor has the opening of the Jwaneng mine appeared to have improved their chances of cash income. The drain of women to the urban

24. Among the ten respondents I found employed in Jwaneng, four had established their own farming households, managed by their wives. In one instance the husband was ploughing during the week-end, while in the remaining cases a tractor was hired.

25. While I found in 1976/77 that ten men between 21 and 30 years of age, out of a total of 89 (or 11 percent), had moved out of the sample households to the urban areas, the number was now 16 out of 99 (16 percent). In the 31-40 age bracket the rate was 37 percent in 1976/77 and 35 percent in 1983.

26. The South African mine wages rose sharply from the mid-Seventies and the employment in the mines is, even by people of some secondary education, seen as attractive. In fact, the wages paid in the Jwaneng mine are significantly lower.

centres has, not surprisingly, increased somewhat, however a considerable fraction remains in the villages.²⁷

Given this background, we can establish the actual requirements for and supply of land, now and in the foreseeable future.

First, it should be stressed that due not only to custom but also to practical obstacles, no migrant worker starts farming before he has established his own household to look after the crops and do some post-planting operations when he is away. As I have explained in some detail elsewhere, even after a household has been established, while the male head is still involved with labour migration, there are considerable differences as to what extent arable agriculture is exploited as a supplementary source of income (Gulbrandsen 1980:102ff).

On the one hand there has been an increase in 'junior households' (Gulbrandsen 1980) who are able to operate independently of the extended family pool of labour: an increase from 14 to 21, i.e. seven, or by 50 percent (the total number of this category of farmers, younger than 50 years of age, had increased insignificantly by two or three people). Thus some have succeeded in taking the full benefit of the rising mine wages. On the other hand, while during 1976/77 those junior households which had sufficient draught animals mostly benefitted from the fact that their parents were better off now²⁸, those who manage to accumulate cattle often have parents who depend upon supplementing their own draught animals by those bought by the sons (see Gulbrandsen 1980:94ff.). Hence, the intra-extended family ties of dependency were maintained in these cases, but the lines of support run in the opposite direction. That is, sons once dependent upon their parents now support them. Furthermore, the customary dictum that the senior head's fields should be ploughed first in the spring is still carefully observed. Poor weather conditions during the last years have also discouraged young people from establishing their own farming units.²⁹ Abundant rainfall is critical for the new farming households, since, by the time the parents' field has been ploughed, it may be too late for the children to plough for themselves. Thus, even if a son has his own draught animals and has established his own household, he still might not cultivate his own field as long as his family can live on his wages.

27. In the 1976/77 sample, 12 women out of 88 between 21 and 30 years of age (i.e. 13.6 percent) had moved to the urban centres; now the rate was 19 percent. In the 31-40 age bracket there had been an increase from 25 percent to 29 percent.

28. Animals supplied through anticipated inheritance (tshwaiso), regular inheritance, or bought by themselves--facilitated by the fact that the parents were less dependent upon a share in the son's cash income.

29. Since my previous survey, only six new holdings apparently permanently engaged in cultivation, have been established. Two of them were headed by women more than 40 years of age, while the remaining four were headed by men between 30 and 40 years' old.

Let us look more specifically into the significance of access to land in this context. It should, first, be recalled that practically nobody starts farming before a household is established. I was not able to identify any instance among my sampled families where a man had searched for land before marrying and establishing a household. From where then, have those who actually have started farming, got their land? It is noticeable that merely three of them have applied for and been allocated land by the Land Board. Actually, this is consistent with the general pattern exposed in the gross frequencies of Land Board allocations presented in Section 4.4.

All of the remaining seven had been granted a piece of their father's land, except two, where there was no land to be provided in this way and who got access to land by borrowing a plot from more distant relatives, located close to the parents' holding. It was uniformly explained that no other land was available within the limits of an acceptable distance from the parental locality. As I have explained, this response reflects the fact that in the present lands areas, even in those which have been designated for arable agriculture during the last two-three decades, there is almost no piece of land left which is not claimed by somebody. It should be noted here that since the Fifties, and especially during the late-Sixties and the Seventies, there has, in the Bangwaketse and the Kgatleng, been a considerable movement out of the old lands areas into new areas opened for arable purposes.³⁰ This was a response to crowding in the old areas which left little land for grazing and limited possibilities for expansion among those who had commercial aspirations. Those who found their land exhausted and no other land to expand on where they stayed, also moved out. When they left the father's place, his land was either taken by one or more of the brothers, or a claim was maintained on it. The land, being allocated in the new areas were generally large, rarely smaller than 20-25 ha, occasionally 30-40 ha, and some even more than 100 ha.³¹ Although little or no land was left between these allocations, the fact that most farmers ploughed only a minor part of their holdings left considerable space in between the fields, permitting many of the farmers to graze their cattle in the lands areas most of the year. As already noted, with limited access to manpower and with small herds, this is found to be very advantageous as no separate cattlepost is required if sufficient water is available during the winter. As the following generation now emerges as potential farmers constituting a new demand for arable land, it is faced by a situation in which most arable areas are claimed by individuals or particular overseers. Hence, although only minor parts of the arable areas are under regular cultivation, the land is not readily available to young people.

30. Among the 59 households which in 1976/77 were headed by men more than 50 years of age, 23 (39 percent) had, in the course of the last three-four decades, moved out of the old lands areas; however, no fewer than 17 (29 percent) of them claim that they still have a holding in the old lands areas.

31. I recall that since the Sub-ordinate Land Boards were established, the first allocation was, as a standard, restricted to 15 ha, upon which application for extension could be made.

Let us return to the sample to see what the implications of these features actually are. As already noted, there was a general concern about land shortage, quite different from what I had recorded during my previous field work in the Bangwaketse. The view that land is about to become acutely short was strongly pronounced by virtually all families I interviewed. Since nobody claimed that they had given up trying to get ahold of land, it might be wondered what has led to this changing view. People themselves consistently pointed to the following overall trends:

- 1) Since all land in the arable areas has been allocated and as more and more of it is being taken in use by the new generations, less and less space is left for grazing the cattle.
- 2) A quite recent development--since the mid-Seventies onwards--is the expansion of tractor farming. These farmers, many of whom originally were allocated fairly big holdings, are now facing the limits of their land. These land-eaters aggressively challenge their neighbours by encroaching the border lines, sometimes even making claims in holdings they have been share-cropping. This contention found support in a rapidly increasing number of land disputes, in many of which ambitious farmers appeared to be the defendants.
- 3) While people previously tended to be fairly generous in lending land to people who, for different reasons, had nowhere to plough (typically young people who had not yet any capacity to clear a field), it is now much more difficult to borrow a field, let alone take it over by customary payment. People's own interpretation was the rising concern about the value of land, and the potential it holds for share-cropping with those commercial farmers who found nowhere to expand their enterprise except by entering such arrangements.

Although no strict figures are yet available, it is not difficult to see that the grazing in some of the lands areas is running increasingly short, indeed reflected in a rising problem of crop damage. But again, what does this mean in terms of young people's access to arable land since lack of land does not yet appear as a direct obstacle to establishing a farming unit? In order to pursue the question of what the demand is apt to be, relative to what the parents can supply from their holdings, the size of a reasonable subsistence holding has to be stated. In fact, this is not quite easy, because 'subsistence farming' in Botswana is not a straightforward concept. The reason for this is that very few households presently entirely depend upon arable farming to meet their subsistence requirements. To what extent this pattern will extend into the future is however, by no means clear, especially in view of the increasing discrepancy between off-farm jobs and demand for such jobs, and because of the prevailing uncertainty about South African mines as a source of employment. It is therefore recommended to assume that a considerably larger proportion of the rural households will depend upon subsistence arable farming in the future.

To meet the absolute minimum requirements of an average family's biological survival, it should be supplied with about 1500 kg of grain annually. As it is not reasonable to expect an average productivity beyond about 200 kg per ha among subsistence farmers, this means that about 7.5 ha

should, as an absolute minimum, be available for cultivation. Estimating further, that one fourth of the field should, every year, lie in fallow, we have to add about 2-3 ha. Furthermore, space for a kraal and the lolwapa (the latter to be located sufficiently far from the fields to avoid crop damage by poultry) necessitates an additional hectare. Finally, as people certainly have needs extending beyond the survival requirements, and as input factors entail certain costs also to be covered by this output, it goes without saying that a family entirely depending on farm income has to be supplied with around 15 ha as a minimum landholding.

On the basis of figures on landholdings computed from data collected in 1976/77 and during the recent field work in 1982/83, I have attempted to compare the land requirement among men younger than 40 years of age and unmarried women with the potentials of land available from their parents.

The figures in Table 1 are based upon a sample of 83 households, derived from my original 1976/77 sample. The figures presented reveal that merely 30 out of 83 households have sufficient land to furnish their sons and unmarried daughters with what is considered as a minimum holding of land, 154 (83 percent) of a total of 182 sons and daughters fall into this category. A closer inspection shows that the number of sons and daughters who will have to share a holding of less than 10 ha is 32. When we add to this number the ten whose parents have no land, we arrive at a total of 42 (23 percent) of men and women who, by almost every standard, are indeed marginal as far as access to land is concerned.

On the other hand, there are 10 holdings to which there is no apparent heir, most of which are quite large. There are eight holdings which are more than 20 ha and to which there is only one immediate heir. Although some of these holdings (three) are commercial fields, the figures thus clearly indicate that a substantial portion of the total land held by the household sample has no immediate heir, in the sense that the requirements represented by the sons and daughters as a fraction of the households' total area do not reach the level these households are able to supply by sub-divisions. Hence, the figures indicate that while in a number of holdings there is inadequate land, there are in other holdings considerable land in excess of what the potential heirs to these holdings actually require.

A particular note on women is now appropriate. As already suggested, the women included in this sample are daughters who are not apt to become married and are thus more than 30 years of age. While the number of unmarried women between 31-40 years' old was 23 in 1976/77, it had by 1983 reached 36, and the 41-50 age bracket had risen from 14 to 19. This is a clear indication that the fraction of women who remain unmarried is on the increase. Among the 19 in the 41-50 age bracket, 10 had a field allocated from the parents. However, in most instances these fields were quite small, less than 5 ha. In three instances it was claimed that they had access to the use of the parental land, however, their brothers refused them any particular allotment.³² In

32. However, none of them had attempted to be allocated land by the Land Board, because "I cannot find anywhere in this area, where I can apply for a plot".

TABLE 1
Size of Parental Landholding by Number of Heirs

NO. HEIRS ^a	SIZE OF PARENTAL HOLDING ^b									Total	TOTAL NO. OF HEIRS	NO. HEIRS IN HOLDINGS WITH INSUFFICIENT LAND ^c
	0 ha	1-5 ha	6-10 ha	11-20 ha	21-30 ha	31-40 ha	41-60 ha	61-100 ha	100+ ha			
0	0	0	1	2	2	1	2	1	1	10	0	0
1	1	3	3	4	3	1	3	0	1	19	19	7
2	3	3	2	3	4	1	1	0	1	18	36	22
3	1	2	1	9	6	0	1	1	0	21	63	57
4	0	0	1	4	1	1	0	1	0	9	24	28
5	0	0	2	1	0	1	0	0	0	4	20	20
6	0	0	0	0	1	0	0	0	0	1	6	6
7	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>14</u>	<u>14</u>
Total	5	8	10	23	16	8	7	3	3	83	182	154
No. holdings with insufficient land ^c	5	8	9	17	7	5	0	0	0	53		

^a Included here are all sons between 21 and 40 years of age and all daughters who appear to remain unmarried, who have not moved permanently to urban areas.

^b The 'parental holding' means the total land claimed by the parents, excluding parts of it which have been allocated to heirs for more than 40 years, but including land which has been allocated to heirs between 21 and 40 years.

^c That is, fewer than 15 ha per heir.

the remaining six cases, the women had insufficient labour or assets to undertake ploughing, they had insufficient draught power, and the question of land acquisition had not been a concern to them. Ignorance to the issue of land was, as expected, more prevalent among the women of the 31-40 age bracket where merely two of the total number of 36 unmarried daughters appeared to have been granted a piece of the parental holding. (Three of these allocations had been made since the previous survey). This reflects the fact that although several of these women (eight) had a son who could support them with some cash income, these sons had not yet managed to provide sufficient assets so that the mother could emancipate herself, with her children, from her parental domestic group, and establish her own farming unit. However in due course, most of these women are yet to be in need of land as they appear to follow the same course of life as those of 40 years of age and more who have established an independent farming unit based on their son's income and labour.

When the time comes that their need for land manifests itself, it is not, as it should now be clear, a straightforward process of meeting this need. They will in most instances depend, in part, upon the family pool of draught animals and therefore have to be located near the parental farm. When there is no land available for allocation by the Land Board, they become more or less entirely dependent upon the sub-divisions of the parental holding. So far, their position, in principle, resembles that of their brothers. However, as pointed out in the discussion of customary law on family transfer of land, the women--even if they remain unmarried--are in the most marginal position where the parental holding is inadequate and its sub-division therefore, implies competition among heirs. In fact, as indicated above, scattered cases already show that some female headed households, and subsequently sons in these households, remain without the possibility of supplementing their income with the exploitation of local, communal resources.

Eventually, it should be stated that there is, of course, considerable uncertainty attached to the projections I have attempted to make. On the one hand, the rate of urbanisation might increase, although in view of the anticipated increasing gap between job creation (in off-farm sectors) and the requirement for such jobs does not make this very likely. Due to the present political turbulence in Southern Africa, the option of migrant work in the South African mines might be affected. Although this is not very likely, it should be stated that considerable momentum is apt to be added to the drain of young men to the urban centres of Botswana. This will reduce the demand for land, as the young men's financial ability to establish a small agro-pastoral unit will deteriorate (see Gulbrandsen 1980:127).

On the other hand, land requirements may have been under-estimated in the preceding projections. First, men who are employed in the urban areas often resign around the age of 40-50 and return to the home village where they engage in some subsistence farming. Since the number of men of the household sample who are between 30-50 years of age and who presently live in the urban centres is quite significant, it is most likely that the number of potential heirs to present holdings is considerably larger than what has been estimated. Further, I have based my projections on minimum holdings. In view of the fact that over the last five-ten years, young men's chances of establishing a herd on the basis of mine income have increased, the potential

for more extensive ploughing among those who will settle down as arable farmers over the coming five years is apt to have increased over the 1976/77 levels.

Against this latter point it might be argued that in the same period of time, there have been very few men who have established their own farming unit in order to undertake crop production on a permanent basis. In fact, this is not inconsistent with my principal contention, for there are two good reasons why all those who in due course will present their requirements for land have not already done so. First, during the last years, this area like the rest of Botswana has been affected by poor rainfall, discouraging young people, who still have possibilities of adjusting the period of migrant work to the requirements set by the peak chores in agriculture. Consequently, when the favourable rainfall cycle returns, and as the miners now in their thirties retire from labour migration, there is every reason to believe that the land requirement in the subsistence sector is going to rise quite rapidly.

Finally, it should be added here that while many of the Barolong middle range farmers have lost many of their assets through the mechanism of inflation squeeze, many of the potentially prosperous Bangwaketse farmers have a significant source of assets in cattle wealth. Indeed, as securing off-farm employment will be increasingly difficult for children of wealthy families that are able to pay for a secondary education, it is not unlikely that a much larger fraction of the families which have a reasonable number of cattle, will create their own employment by transferring some of this capital into the sector of arable agriculture.

In conclusion I shall summarise the major points emerging from the preceding exposition.

The enquiry undertaken has not revealed any immediate, acute shortage of arable land supply. That is, there is no case identified where one safely could say that lack of access to land is a manifest constraint upon people who want to do some subsistence cultivation. However, this does not mean that there are no landless people. First, there are a few mature households who have no land because they have never had the assets required to undertake ploughing. Second, there are a large number of men in their thirties, married as well as unmarried, who for reasons explained above, have not yet presented their need for a separate tract of land, as they are still mainly involved with off-farm employment in addition to assisting their parents during the spring chores in agriculture. Third, there are an increasing number of unmarried women who are apt to remain unmarried and subsequently establish their own households. However, due to lack of assets and labour, many of them have not yet made a request for their own land. A qualification on this last point is, though, appropriate: a few cases have been identified where women have been denied a share by their brothers in the parental holding, but they have not been prevented from using the land.

Since the terms of reference also request an examination of the relationship between demand and supply of land in the foreseeable future, and as most people expressed a deep concern about the increasing shortage of land, I have tried to show as concretely as possible, how the relationship, on the level of the individual holdings, between the demand and supply is apt to

manifest itself over the coming decade. In the introduction to this report I argued for the need of reserving land to ensure job opportunities in the sector of smallholder agriculture. The present section has substantiated this point. The majority of those aged 21-40 have remained in the rural areas, and will most likely, constitute a considerable demand for land in the near future (five-ten years).

The demand for land can be presented either to the father or to the Land Board; alternatively a plea can be made a landholder who has more or less abandoned his/her land, but who maintains a claim on it.

It has been explained that the Land Boards have only minor portions of land left for new allocations, mostly located in relatively remote areas with poor water and lacking other infrastructure. As people are increasingly reluctant to transfer their land claims in most instances, the sub-division of family holdings remains the only possibility for young people who want to establish their own farming unit. In order to facilitate the actual needs, we have however, been confronted with the fact that the family holdings have very unequal potential for adequate sub-divisions.

It has been indicated that a small family holding tends to correspond to restricted family capital. Indeed, as we have seen, in some of these families there is no land whatsoever to inherit, because--due to poverty--the parents have been unable to maintain a claim on the land. This means that for many families, despite its imperative, the possibility of extended family co-operation and pooling of resources will be constrained by spatial restrictions.

Further, on the family level the number of sons, daughters, daughters' sons, etc. potentially in need of a share in their parents' holding, varies considerably. The data presented above however, clearly indicate that in a great number of families the land available will be quite insufficient to meet the demand. This finding pertains particularly to daughters and daughters' children. As just noted, it also tends to be the case among poor families. In fact, there seems to be such a great discrepancy between available family land and the potential demand, that even if this demand were estimated significantly lower, there still appears to be inadequate land available in most families in the foreseeable future.

I must now emphasize that this trend will continue and probably accelerate under particular circumstances. In order to specify adequate measures to correct the trend, the major factors constituting these circumstances now need to be specified.

First, large tracts of land designated for arable purposes, remain uncultivated, but are still not under the Land Board's control (see Section 3).

Second, claimed lands more or less kept out of production for many years, even decades, amount to a considerable proportion of some of the lands areas, especially the older ones as, for instance, those in the Moselebe Valley all

the way from Mnathethe down to Dighawana in the extreme south-eastern end of the tribal territory.³³

Hence, if the emerging generation of smallholding farmers shall not suffer from short supply of land, the essential principles of communal land tenure, notably redistribution of land rights, have to be reinforced. In the final section of this report I shall present my recommendations on how this might be done. As a basis for developing an adequate model for a new system of land administration, it is required however, to be aware of certain obstacles, most likely being of an ever increasing importance.

There are, in fact, some good reasons to expect a fall in the profitability of investment in the pastoral sector. Inevitably, this will heighten the interest for commercial crop production and concomitantly, a demand for considerable tracts of arable land.³⁴ To the extent that new land cannot be supplied by the Land Boards, encroachment on pastureland can be expected to increase unless adequate measures are taken to prevent it. Further, the commercial farmers' motivation to enter sharecropping arrangements will rise; in fact, an interest in purchasing fields is apt to emerge.

This development, if not corrected, will increasingly jeopardise the supply of land to smallholders in two principal ways. On the one hand, the expansionist commercial sector will absorb fairly rapidly new land available for allocation at the expense of the smallholders, whose demand will certainly rise at a much slower rate.

On the other hand, an expanding commercial sector will, most likely, cause considerable obstacles to communal land redistribution. This is because people's desire to maintain their land claims does not only stem from a need for security under the condition of an unpredictable future. There is, indeed, also a growing awareness of the immediate benefits of share-cropping, especially in the areas most densely populated by commercial tractor farmers. Actually, such a development might also create the conditions for illegal sale of land. Inevitably, border encroachment and other forms of land disputes are apt to arise and the motivation to use land as an object of transaction in commercial pursuits is likely to develop.

5.3 North-eastern Bangwaketse

The preceding section gives considerable weight to the forces against communal principles of land tenure caused by multiple land claims and commercialisation of arable agriculture. The significance of such

33. Among the 83 households in the present sample, 32 (39 percent) have moved out of the old lands areas and still claim a landholding whence they moved. These holdings are included in the figures on family holdings presented in Table 1.

34. It should here be noted that such a shift in focus for investment also pertains to people in urban employment (see the recent development in the Barolong, Section 7).

commercialisation on people's concept of land rights will be illuminated when we consider the two minor areas--the Tlokweg and Maletse--where there is an acute land shortage, but where commercial agriculture has no foothold (Section 8). There are however, also within the Bangwaketse such areas, notably the north-eastern part of the tribal territory. In parts of this area, such as, for instance, around the village of Ranaka, almost all land that can be cultivated is occupied, predominantly by subsistence farmers.³⁵ Hence, if a man wants to establish himself as a farmer on the basis of a new allocation, he would have to search for land tens of kilometres away. Practically none of them do that, and a community consensus has developed on the redistribution of unused land. Accordingly, when a young man has identified a piece of land which has not been cultivated for quite some years and whose holder or his descendants are not apt to use it in the foreseeable future, he will make a plea to take it over with a minor compensation for the work put into de-stumping and clearing the land according to traditional rates.³⁶ If required, the Sub-ordinate Land Board and the headman will assist in encouraging the holder to leave the land for the one who wants to use it.

It was impossible for me to ascertain to what extent this system works satisfactorily in all aspects. It is however, indicative that, in spite of a nearly total lack of unallocated land, no one could be pointed out to me who had been excluded from subsistence agriculture due to lack of land. In this context therefore, it was unnecessary to refer explicitly to the five-year rule. The tradition of seeing land as a communal resource to be exploited by those in need of it is maintained. Most likely, a critical condition here is that those who vacate their land feel ensured that if they or their descendants, at a later point in time, become in need of a plot to plough, they will be satisfied through the same system of land allocation.

5.4 Access to Arable Land in Central Bangwaketse

Traditionally, the tremendous tracts of land extending from just west of Kanye into the Kgalagadi sandveld have been considered as Bangwaketse cattlepost areas and hunting grounds. Over the last four-five decades, Bangwaketse arable lands have been extended towards the west; however, the vast part of central and western Bangwaketse remains grazing land as the soil in most places is unsuited for arable farming.

The particular groups of these areas, ethnically categorised as Bakgalagadi, Basarwa, and Balala,³⁷ have traditionally been subjects to the Bangwaketse chiefdom and, to a significant extent, recruited as servants to the Bangwaketse royal and other wealthy families. Their subordinate status meant that they were not allowed to take up residence in the tribal capital unless attached as domestic servants to a Bangwaketse family.

35. Pastures, being heavily over-stocked, are thus confined to rocky and mountainous parts of the area.

36. One cow against 'one field'.

37. See Childers 1981:13ff., Schapera 1952, Schapera 1942, Schapera and van der Merwe 1945.

Their cultural distinctiveness has, among many other aspects, been characterised by particular patterns of residence and authority relations. While the Bangwaketse place great emphasis on the village as a politicoritual centre, the ethnic minorities have been found scattered in nomadic bands or small hamlets. The Bangwaketse constitution and politics ensured a firm centralisation of power located in a hierarchy of patrilineally organised kin groups and wards. Indeed, the labour extensive cattle wealth to a great degree laid the foundation for the centralised strength of the Tswana chiefdom, placing it in contrast to the subject peoples whose dispersed settlements and lack of centralised authority to a large extent reflect their mode of adaptation--exploitation of the scattered resources of game and wild fruits in an environment of extremely scarce surface water.

The apparent absence of any manifest resistance from these peoples against the Bangwaketse penetration into their hunting areas does however, not simply reflect the impossibility of challenging the Bangwaketse supremacy. It is also because the establishment of Bangwaketse cattleposts, modest in terms of land requirement until the last few decades, has brought into the area certain advantages: first of all, water, but also employment, which subsequently, has enabled the local people to establish their own herds of cattle.³⁸ Over the years, thus, a part of the population of these areas has been able to emancipate themselves from servitude and from relying on exploitation of the declining game resources. By taking up residence in minor villages established according to Tswana principles and incorporated in the Bangwaketse tribal structure,³⁹ and by depending upon smallholder agro-pastoralism and labour migration, they do not, for an outsider, present themselves as much different from the Bangwaketse proper.

However, a part of the population remains outside the villages.⁴⁰ They are located on a great number of cattleposts or, if not employed by some wealthy cattlemaster, live scattered throughout the veld where natural surface water is most reliable (near a pan, a borehole, or on a dry river bank) and where patches of soil suitable for arable agriculture can be found.

In socio-economic terms, it should be stressed that the peoples of these remote areas are not only dependent on land resources more marginal than further east, their assets are also considerably more restricted (see Childers 1981,37ff.).

38. An additional source available during the present century has, also among these peoples (except the Basarwa), been labour migration, e.g. to 'European' farms south of Molopo River and to the Molopo Farms.

39. A headman has been installed by the Bangwaketse Paramount Chief.

40. A total of 1109 people of this category (remote area dwellers) has been identified in the western and central Ngwaketse, which is 7.3 percent of the estimated total population (15,154) of this region (see Childers 1981,26ff.).

Let us now, more specifically, consider how this marginality manifests itself in terms of access to arable land. I have already explained that the Bakgalagadi servants essentially got access to land through their masters, as a minor piece was made available to them for subsistence cultivation at the master's cattlepost, where the servant was living with his family. Discontinuation of the master-servant relationship meant the servants had to move, vacating the land.

Although the customary terminology (master vs. servant, Mongwaketse vs. Mokgalagadi) has been condemned by the Government, the nature of the relationships is essentially the same.⁴¹ Hence, what has just been described as the conditions under which herding families obtain access to arable land, still prevail. Occasionally, Sub-ordinate Land Board members have explained to me, attempts have been made to encourage the employer to let the employees register the land in their own right. If this is rejected, the Land Board sees no way by which legal allocation can be enforced. Indeed, most masters, unaffected by the current legislation and policy, readily argue, "If this plot is to be registered, it should be in my name, because this is my cattlepost and these people working here are looked after by me"---meaning that, following the customary conceptualisation, "They are my dependants and, accordingly, minor members of my domestic group". Any question about registration is however, typically rejected on the ground that this is merely a plot for the herd-boys at the cattlepost (segotlo hela), which, customarily, has not been liable for allocation by an authority external to the family.

The other major issue pertaining to this area springs from a conflict between pastoral and arable interests. In part, this conflict concerns the relationship between the people of the area and in-coming, wealthy Bangwaketse who, by the chief or the Land Board, have been granted the right to drill boreholes. As water is the most scarce and critical factor in the area, people have tended to locate themselves near such water sources--occasionally creating village-like settlements. The symbiotic nature of this relationship between commercial pastoralists and local people is however, somewhat illusory. No borehole owner sees any benefit in the recruitment of such people as it, in due course, entails competition for the local land resources.⁴² This competition is exaggerated by the fact that many of the boreholes are drilled in the valleys where the patches of soil suitable for

41. As these terms are considered stigmatising, officially Bakgalagadi, Basarwa, Balala, etc. have been replaced by 'remote area dwellers', servant (or bathlanka) has been replaced by 'employee', and 'master' by 'employer'.

42. Presently there is a major controversy between a prominent borehole owner of such a locality and the District Council. The Council wants to erect public facilities due to the size of the settlement, while the borehole owner finds it ridiculous 'because this is my cattlepost'. When the Council offered him a new allocation of a borehole site, he rejected it "because the place is too sandy, and my employees cannot find anywhere to plough there".

agriculture are most frequently found. Hence over the last decades, the competition over land has intensified.⁴³

The 60% increase in the number of private boreholes and the subsequent growth in cattle populations in the district's western areas has caused the infringement of traditional land areas utilised by remote area dwellers by Eastern Ngwaketse cattle owners. Situations have occurred whereby non-stockholders or small stockholders have been pushed off of land areas which they have occupied for many years. In such instances, allocations of arable lands or livestock watering borehole rights have been made to other tribesmen and the customary land rights of the non-stockholder or small stockholder have gone unnoticed or unrecognised. The question of whether or not hunter-gatherer people are tribesmen and thus eligible for holding customary land rights in their traditional hunting and gathering areas remains unresolved by the Botswana Government. Until this issue is clarified by Government policy or law makers, situations of a landless minority and decelerated development that accompanies the loss of land rights will most likely be increased. At this point in time, it is only through the awareness and willingness of district officials and local land boards to investigate and protect the land claims of stockless people in the district that any form of social justice, in terms of remote area dweller's rights to tribal land, can prevail [Childers 1981,72, emphases are mine].

One salient problem of land rights inherent in this inter-community conflict of interest, is the status of grazing land encompassing an allocated borehole. Referring to the current allocation procedure, dictating a distance of 8 km between each and every borehole, borehole owners forcefully argue that the borehole allocation includes the exclusive right to exploit the pastures adjacent to their waterpoint. Indeed, there is, apparently, a justification for this as the land management rationale for spacing the boreholes is to avoid over-exploitation of the pasturage. When I brought this up with Land Board members however, confusion arose, indicating at least, that no policy decision had been made. Nevertheless, this is a timely issue to consider carefully, because it has an immediate bearing upon the status of the land of the local people, who have already found patches to plough in such areas, albeit without being formally allocated land by the Land Board. Indeed, much of the reason for this is that a significant proportion of the 'remote area dwellers' are completely unaware of the land legislation, at least as something pertaining to them. As already noted, they know that they have to give up their small plots when moving away from where they are located as herders, since they have had to accept the herd owner's land rights immediately around his cattlepost. However, as the land in central and

43. It is a well acknowledged fact that the first Land Use Plan, worked out to facilitate the implementation of the TGLP, would exaggerate this trend as very small portions only were left communal, i.e. not zoned for commercial ranching. The rationale for this was to relieve the pressure on the eastern communal areas. However, it is now quite clear that this would not have served such a purpose (see Gulbrandsen 1980, Childers 1981).

western Ngwaketse until recently has been considered as, indeed, abundant, nobody has challenged them to consider land rights, except at the cattleposts and larger settlements. With the rapid expansion of commercial pastoral interests, including fenced ranches, in the area, with the resulting tendency to stock over the carrying capacity, every patch of land increases in value due to scarcity. In this situation, it should now be clear, large proportions of the 'remote area dwellers' will find themselves in a position where land rights--which previously have not been a concept of importance to them--are forcefully to be defended.

This trend is, moreover, pushed by another questionable development. Although some borehole owners claim the pasturage encompassing their waterpoint, there is a growing interest to clear commercial fields adjacent to their cattlepost where patches of land suitable for agriculture are identified. In certain instances borehole owners have assumed the authority to lend land to people under the custom of temporary allotments (see Section 4.3), now taking the liberty to re-draw these allocations for their own use.

This development is, in fact, only one aspect of a general trend: the movement of arable farmers from the eastern villages, notably Moshupa, into the mid-western Ngwaketse. It is commonly acknowledged that this move to a great extent, has been made without the land authorities' consent. Only recently have steps been taken to bring the matter under control.⁴⁴

In conclusion, three principal problems have been identified:

- 1) the problem of legal recognition of the present landholdings,
- 2) the problem of informing the population about their legal rights concerning access to a share in the communal land resources,
- 3) the problem of reserving an adequate portion of the areas concerned for communal needs (this is a matter of both the size of the area and its suitability for arable farming).

5.5 Pasture Deterioration and Encroachment

The communal pasturage is encroached on for two principal reasons: over-stocking, and arable land expansion into the grazing land.

Since the issue of over-stocking falls outside the scope of the present report, I shall restrict myself to a brief note on this. Several years ago, the eastern Bangwaketse was already heavily over-stocked (Gulbrandsen 1978, 1980, 216ff.).⁴⁵ The present situation is not known, but there can be no

44. Upon receipt of several applications from non-local residents for land near a central Ngwaketse village, the Kanye Sub-ordinate Land Board recently decided to consult the local community in a kgotla meeting before any allocations were made.

45. By 1977, the stocking rate was estimated to be 6.9 ha/LSU, while the recommended carrying capacity is 12 ha/LSU.

doubt but that the cattle population has further increased in the eastern grazing areas. The original land use plan was based on the assumption that with commercialisation of the central and western Ngwaketse--where even planners thought land was abundant--the large herds would move out of the eastern, crowded areas, relieving the pressure there. On several occasions I have argued that this assumption was false (e.g. Gulbrandsen 1978, 1980:220), showing that the large herds constitute only a minor proportion of the total cattle population in these eastern areas. I have also made the warning that there is no guarantee that those who establish themselves in the west would abandon their cattlepost in the east. My recent enquiries in the area have convinced me that this concern is, indeed, justified. Those who have been allocated boreholes--and even ranches--are in fact maintaining their footing in the east, allowing their herd there to grow to the size it was before a part of it was moved to the west.

In fact, this illuminates quite well the structural problem of a combined communal and commercial land tenure, which was recently so clearly exposed on some ranches where, when the grazing was completely destroyed shortly after stocking, the animals were distributed on cattleposts in the communal areas.

There are several trends to be discussed concerning pasture encroachment. First, expansion of arable land into pastoral areas with the explicit agreement of the tribe and sanction of the Paramount Chief has, of course, been a normal practice to meet the growing need for cultivation land. Accordingly, over the last decades, considerable areas in the north-west (e.g. Tlenegi), in the west (e.g. Ditojana), and in the south (Malore-Kangwe-Mmusi) have been designated for arable purposes. These decisions were made at a time when land was still seen as an abundant resource. Most of these new lands areas have been occupied by arable farming units while the livestock population has increased tremendously, remaining on severely over-stocked pasturages. In the south, the consequence of this development has been not only pasture deterioration. In some minor communities, notably the villages of Magoriapitse and Mokgomane, the people now find themselves surrounded by arable farming, entailing a serious limitation to their grazing land and a constant problem of crop damage followed by charges (see Gulbrandsen 1980:208-9).⁴⁶ In fact, quite recently this development has been heightened by a chain reaction. After having made a number of pleas to the land authorities to find a solution to their difficulties,⁴⁷ a number of the Mokgomane residents decided to bring their cattle further south, beyond the Sedibeng. Concomitantly however, they challenged the land interest of the people of Pitsane Molopo and other minor communities of the southern-most Bangwaketse territory. A major inter-community dispute thus arose.

46. As 'the land eaters' largely originated from the Bangwaketse capital, Kanye, this conflict is locally cast in terms of ethnic and class suppression. The 'land eaters' are generally wealthy Bangwaketse, while those of the sub-ordinate communities are of Barolong, Bahurutse, and Bakgalagadi origin (only the minor, ruling lineage of Mokgomane is Bangwaketse proper).

47. Including making a demand for tribalising the adjacent Governmental ranch of Sedibeng.

Around 1970, shortly before the Land Act was implemented and Land Boards came into operation, a certain category of Bangwaketse anticipated that the abundance of land (which then was commonly not questioned) would quite soon turn into an absolute scarcity. Hence, they took the opportunity to approach tribal authorities for land. They were granted large tracts of land--in the region of more than one square mile--by them. Subsequently, these large holdings were fenced. Only small portions of many of them have however, been cleared for cultivation. As, at the time, there were no limitations on individual allocations, there was nothing illegal about these large land grants, other than the fact that several of them extended far into areas customarily designated for pastoral purposes. Probably because these ventures were made at a period of interregnum when the Paramount Chief's land authority was being transferred to the Land Board, while the Boards themselves had not assumed the task of allocation, the headman responsible could disregard the traditional procedure, that is, to summon a kgotla meeting for public discussion when an expansion of arable land into a grazing area was in question.⁴⁸

In the first years, precisely because of the general concept of land as an abundant resource, this development--to the extent people at all were familiar with it⁴⁹--did not raise any overall community response. Those who responded were a few wealthy cattle owners with boreholes in the area concerned, who found that these expansions curtailed significant portions of their pastures. Appeals were made to the Land Board and the MLGL, but no steps have been taken to reconsider these allocations. In fact, for a long time the grants could simply have been redrawn by an implementation of the five-year rule. When, with the consideration of a drift fence line, this became a public issue, individuals who were already engaged in the case had no great problem in convincing the communities, through a number of kgotla meetings, that the fact that several of the holders were senior civil servants including a member of the main Land Board, accounted for the lack of action on the part of the land authorities. Inevitably, this case has seriously affected the Land Board's reputation.

The third category of grazing land encroachment involves the cultivation of arable lands at the cattleposts. This development is particularly prevalent in the grazing areas extending from the Kanye-Lobatse road and south-westwards. The Land Board claims that this development was initiated when one wealthy family established a large, commercial field in the area. This case was submitted by the Board to the Ministry, and, as far as I could judge from the file there, no steps have ever been taken to pursue the case. Because of this, the Land Board claims, it found itself as a toothless body, unable to take any action against the numerous people who subsequently copied

48. In fact, the headman in question had, people claimed when the whole matter became a hot issue, exceeded the border line between arable and grazing areas established by the former Paramount Chief and himself.

49. The reason why many were not, is that it did not entail large scale, visible development of the land.

this initial venture.⁵⁰ The Land Board has now toured the area and it has, as far as I understand, come under the impression that the encroachment has reached such a magnitude that, as one Board member volunteered, "If all these holdings should be abandoned, the land available for allocation in the arable areas proper to substitute for what should be abandoned, is quite insufficient".

In order to pursue the question of abandonment, it should first be recalled that the short supply of arable land is, in many aspects, an artificial creation. There are, as repeatedly stressed, large, uncleared holdings in areas designated for arable farming. In these areas, there are, as well, numerous minor holdings which have been abandoned for years. In fact, it was not difficult to trace instances where land was still claimed in 'old' lands areas, while the claimant had moved his/her arable farming to the cattlepost.

It is however, not immediately clear to me whether or not this development, albeit strictly against customary rules of land tenure, is, in all respects, irrational or destructive. This is to say that we cannot without additional thought argue that the development of mixed farming units has to be stopped. Indeed, as I have already explained, this is a trend, which has already been prevalent for many years in the areas designated for arable purposes, which is to the particular benefit of the smallholding units. The instances of commercial farmers referred to in the preceding section clearly illuminate that such a transformation is apt to be seen as rational and beneficial among most farming households.

In view of the overall pressure on the communal grazing land however, in the event such a transformation should be encouraged, it has to be carefully planned and managed by the overall land authorities in order to ensure the preservation of reasonable areas for pastoral purposes. Inevitably, it also requires a change of responsibility for crop damage. The farmers, in their capacity as cultivators, should assume the responsibility of ensuring against crop damage by fencing their land. In fact, this practice has, for obvious reasons, already been adopted by those who grow crops in the grazing areas.

Whether or not such a transformation is advisable is, in part, an ecological question. For instance, does the traditional division of arable areas from the grazing land lead to, from an overall point of view, an optimal exploitation of the land resources? Judged from the current trend, it is quite obvious that, from the viewpoint of the individual farmer and the farming community at least, there appears to be no worry that it might be counter-productive ecologically. It could, for instance, be noted that mixed farming enables the farmers to make use of the kraal manure without any

50. Among those who wanted to criticise the Land Board, these cases were seen as prominent illustrations of the Board's 'uselessness': "You know, when Chief Bathoen ruled this area, he would straightaway dictate people to abandon such lands in the grazing areas. And if people did not respond to that, he would send his men to confiscate their cattle and burn the huts. However, any such case would have been quite unthinkable".

significant problem of transport.⁵¹ The prosperous farmers are quick to make this point themselves.

A question which however, does not yet seem to have been assessed by the farming communities is that if such a transformation should be promoted, significant portions of the present arable areas will have to be turned into pasturage. Since considerable parts of these areas have not actually been cultivated for many years, this might merely be seen as a matter of redrawing land claims, for instance, by implementing the five-year rule. The justification for this would be that the holders are eligible to have land allocated to them in other areas when required, provided they do not already have land elsewhere. But in ecological terms, and under the condition that reasonable grazing resources should be maintained, this transformation presupposes that the land emancipated for pastoral purposes in the arable areas is equivalent to what is turned into crop production in the grazing areas. Through my enquiries among range ecologists and other people of relevant disciplines in the Ministry of Agriculture, I was not able to establish, in broad terms, what the value of abandoned fields actually is in terms of pasturage, how long an abandoned field requires to regain an acceptable capacity as pasture, etc. On the other hand, though, nobody immediately rejected the possibility that such a transformation might be ecologically acceptable.

Another manifestation of poor land management is the failure of Land Boards to reserve some portions of the large lands areas (where the grazing areas are remote from the fields) for pasture. The current trend in some of these areas not only implies that mixed farming units may not be feasible. It also means that, in due course, there will be very restricted pastures there for temporarily grazing the cattle when they are required in these localities to provide draught power.⁵²

Finally, the emergence of a partly irreversible and possibly inadequate land use pattern is however, not the principal problem of the communal areas. The basic problem, of course, is that the areas are already over-stocked. I call particular attention to this because it directly affects the land which can be made available for arable purposes. It is appropriate therefore, also to stress the land use planning commitments which are dictated by the National Policy on Tribal Grazing Land. Most important, Paragraph 38 of this policy demands, "We must have the facts about the present situation, before deciding how big the commercial areas can be. The steps will be: . . . Decide how much land is left for commercial development after taking into account communal, reserved and national needs". In the Bangwaketse, as elsewhere, this requirement has largely been ignored and a large proportion of the tribal territory has been designated for commercial purposes. As indicated in the preceding section, a major revision of the plan had however, to be undertaken

51. In fact, in case of a spatial division of arable land and cattlepost, the transport is felt to be so demanding that few, if any, actually find it possible to use manure.

52. See Odell 1978.

when the 'communal needs' were shown to be much more significant in the central and western Ngwaketse than what they were thought to be. The Revised Land Use Plan has to a certain degree accounted for these needs in the particular areas where the commercial zones are to be demarcated. Still, no attempt has yet been made to examine, in a comprehensive way, the total communal land requirement of the whole tribal territory. In addition to the requirement in the TGLP regulations, the simple fact that the eastern Bangwaketse is heavily over-stocked and, concomitantly, in short supply of arable land, shows that a comprehensive planning exercise is overdue.

6. KGATLENG

This section is limited to laying out some major characteristics of the Kgatleng District,⁵³ with a particular reference to the Bangwaketse which is the most comparable area among those covered in this research.

The similarity with the Bangwaketse was expressed to me when Land Board representatives claimed, "Yes, there is an increasing shortage of arable land, however this is just artificial. The problem is that even if people have not cultivated their land for twenty years, they insist on their claim". And just as in the Bangwaketse the problem of controlling the traditional land overseers was mentioned. It should be noted here that it has been argued that under the latest decades of the chief's rule, the power of land allocation was centralised by the establishment of the Land Granting Committee which made allotments "without the mediation of traditional authorities at the ward level" (Roberts 1980:129). The information I managed to gather clearly indicates however, that the ward authorities' position has resumed considerable strength. There are two important reasons for this. First, by the Land Act, we have seen that the overseers (i.e. the traditional authorities at the ward level) got legal authority to raise objections against allocations. Second, while the Land Granting Committee was a chiefly institution and thus enjoyed the chief's support, the Kgatleng Land Board cannot depend upon the chief's power. Hence I doubt very much that the centralisation of land allocation authority under the chief actually paved the way for the Land Board and the procedures of land allocations as prescribed in the Land Act (Roberts 1980).

In Kgatleng there has also been a movement out of old lands areas, especially those surrounding the capital village of Mochudi. New lands areas have been opened for cultivation north of Mochudi.⁵⁴ There are also ever increasing numbers of farmers in this area who extend their fields from the

53. Special studies on issues related to land include: Opschoor 1980, 1982; Maribe and Opschoor 1980; Roberts n.d.; Roberts 1980; and Arndzen, forthcoming.

54. See Jaap Arndzen (Gaborone: National Institute of Development and Cultural Research, forthcoming).

cattlepost in the grazing areas. No effective steps have yet been taken against these unauthorised self-allocations.

In this tribal area there are not any definite data available on the relationship between demand and supply of land. However, a survey recently undertaken in southern Kgatleng (i.e. in an old lands area) has shown that the land available there is about equal to the minimum land requirement represented by the present farming families.⁵⁵ In view of the fact that the vast majority of them are smallholding units and therefore have a restricted capacity to move to more remote places where land possibly can be obtained, it seems obvious that quite soon people will experience an absolute land shortage. In fact, such a situation will emerge much more rapidly than in the part of the Bangwaketse covered by my survey. Available evidence indicates that the holdings are generally much smaller--at least in southern Kgatleng--and thus, are not adequate for sub-division. Indeed, many holdings are so small that they are apparently not viable (Opschoor 1981:104).

It is not clear to me as to whether there is any functioning system of land redistribution in the most crowded areas south of Mochudi. While some reports indicate that land transactions are fairly common (e.g. Roberts 1980), Opschoor's survey seems to reject this (Opschoor 1981:105).

The most visible trend in the demand for land, my informants consistently stressed, is represented by young, well educated and urban employed men. They are acquiring fairly large lands, applying for NDB loans to buy a tractor, keeping their families at the farm, and moving back and forth to the urban centre of Gaborone where they are employed in high salaried jobs. (See the description of a similar trend in the Barolong, Section 7.) This development evolves as these young families:

- 1) have satisfied their basic needs for household goods;
- 2) have been able to obtain their own transport;
- 3) are primarily headed by men who are civil servants and thus prohibited from involvement in off-farm commercial enterprises;
- 4) realise that arable land is running short;
- 5) recognise the increasing constraint on investment in the pastoral sector.

Another motivation, it should be stressed, is that civil servants in particular tend to retire quite early, and a farm is still widely considered as the preferable place of retirement.

Finally, I shall briefly address the remote area dwellers. These people are mostly located in the traditional grazing areas in the northern and north-western part of Kgatleng. Unlike in the Bangwaketse, a considerable

55. See Maribe and Opschoor 1980:17ff.

proportion is of Basarwa origin, however most of them appear to have given up the basic identification with hunting. Indeed, it has been reported that

87% said they would like to plough, 37.7% do plough, and 44.2% said they grow something. More than one third (38.9%) own livestock, and 83.3% indicated they would be interested in raising poultry. These figures are significant because they indicate the extent to which pastoral/horticultural customs have been adopted by a group said to be hunter-gatherers (Caye and Koitsiwe 1976:6-7).

The most apparent reason for this change is that the majority of these people and their immediate ancestors have adapted themselves to the eastern Botswana environment where the natural conditions for hunting have drastically declined over the last decades, and where the requirement for a hunting licence has been most strictly enforced. Thus what is attractive to the Basarwa in the east is, of course, not hunting, but access to reliable water supplies and cattlepost employment. Consequently, the environment has imposed upon them a new mode of adaptation.

However, as they are not customarily recognised as tribespeople proper, they have not readily been authorised to hold their own arable land.⁵⁶ Indeed, even today this is a considerable problem, as it has recently been reported:

Considerable interest was expressed in owning their own ploughlands. Opinions expressed were as follows: "We need to have fields and homes of our own. It is no good if you are given land as a servant. You do the work of debushing it, you plough it for two months then the master's son or daughter will come from Mochudi and the field will be taken away from you and given to them.

"The Democratic Party keeps telling us that we have a right to land. When the elections come, they pick us up on their tractors so that we could come and vote for them. But when will we see this land?"

The N.W. was officially designated as a 'grazing area' by the Land Board, some time back. Large ploughlands already exist at Kgomodiatshaba, Bodungwane and Khurutshe. This means that the Land Board are unwilling to register further ploughlands in the N.W. for extra rural dwellers. The Land Use Plan will overcome this as it provides for population catchment areas outside the ranches where encouragement will be given to different kinds of development, besides cattle ranching.

In Leshibitse, the headman has requested an extension of the ploughlands area. He is particularly concerned that c/p residents should be allowed to exercise their rights as Batswana to use land. The available ploughland was being used mainly by tribesmen not living in Leshibitse (Copperman 1977).

56. See Nkwe 1982:3.

In principle thus, the conditions to which these remote area dwellers are subject are the same as in the central and western Bangwaketse. What aggravates the problems in the north-western Kgatleng is that the residents there to a great extent are not only landless (at least in a strict legal sense), but also lack 'citizenship':

The problem of whether cattle post residents in the N.W. of Kgatleng have established themselves in the district or whether they intend 'flying to Kweneng' at any moment, has loomed large in discussions about health and education facilities. The question of the advisability of extending these services in the N.W. and also if the Land Board should allow Extra Rural Dwellers to register their ploughlands there bring forth several lines of argument.

The Council, and in particular, the Community Development Department have taken note of government concern about social justice for all Batswana, and are anxious that all c/p residents should enjoy the same opportunities for development afforded to people in the villages, i.e. schools within a reasonable distance; family welfare educators on the spot to instruct the people on such subjects as hygiene, etc.

Opposition has been encountered from those who feel, amongst other things, that c/p residents move about too much and therefore would not benefit from such facilities. Their real home being in the Kweneng. There is also the problem of tribesmanship and the fact that the Land Board is reluctant to allocate land to non-tribesmen. At present there is no legal time criterion for establishing residence of a district. Tribesmanship (residence) is given or withheld by the chief [Copperman 1977, my emphasis].

Available evidence clearly indicates however, that there is far less fluidity of residence than what is claimed among those who want to deny this category of the population infrastructure facilities and tribesmanship (see Copperman 1977, and Nkwe 1982: 3).

7. BAROLONG

7.1 Introduction

In spite of the fact that this area constitutes only a very small part of Botswana's territory, it is responsible for a large proportion of the country's total arable output. A number of factors have facilitated this remarkable increase in commercial farming: favourable ecological conditions (in terms of rainfall and soil fertility) relative to most other parts of the country; proximity to the South African market providing favourable prices; training through employment on European farms beyond the border; and access to second-hand tractors from these same farms. Hence, exogenous factors have to a large extent compensated for the endogenous constraint prevailing in most

Botswana agricultural communities, that of expensive farm labour.⁵⁷ In these terms, the Barolong were in a position to take advantage of Government financial assistance and extension services from the Sixties onwards. They were however, not entirely exceptional in this respect as, for instance, the neighbouring Bangwaketse communities enjoyed several of the same advantages. What makes the Barolong special compared to most other Tswana communities, is the limited possibilities of pastoral production and investment. Hence, while ambitious Barolong achieved capital growth through hard work in commercial arable farming, prosperous Bangwaketse ensured a tremendous increase in wealth by pastoral investment (including borehole investment in the virgin areas of the western pastureland) through exactly the same period when, ostensibly, commercial agriculture took off in the Barolong.

Comaroff has divided the farming community into three major categories. First, there is a small proportion of well consolidated commercial, highly mechanised farming units, typically ploughing 100 ha and more (Comaroff 1977:17ff.). Access to land is, in part, obtained through sharecropping arrangements. This category included in 1974 some 6-9 percent of the farming population. The second category of middle range farmers were typically ploughing more than 20 ha, and would use "a small (often second-hand) tractor, operate with draught animals and/or hire the ploughing service of someone else". In 1974 this category included no less than about 55 percent (Comaroff 1982:98). The third category, constituting some 30 percent in 1974, were smallholders, typically ploughing less than 15 ha (loc. cit.). Finally, Comaroff identified a restricted number of families without any means to plough for their own, constituting a small category of farm labourers (loc. cit.). This category includes a part of the traditional class of servants.

The distribution of the farming population according to level of arable activity, stands in dramatic contrast to what is recorded in any other Botswana agricultural area. Most remarkable, indeed, is the large proportion of middle range farmers.

These features are reflected in the fact that, according to the Land Board's claims, there is almost no more land left for allocations within areas designated for cultivation. Without reducing the seriousness of this contention, it is relevant for our further discussion however, to note that on the basis of an interpretation of the 1975 air photos it has been shown that about 31,000 ha out of about 108,000 ha (which is the total of the Barolong tribal territory) or 28.7 percent had been cleared for cultivation.⁵⁸ When the recognised pasturage merely constitutes some 33,000 ha (about 30 percent of the territory), there is a balance of more than 40,000 ha left. Of course, a part of this is occupied by roads and residential and public sites. But even if we exaggerate the situation and designate some 10,000 ha for such purposes, we remain with an area fairly close to what is today cleared for cultivation.

57. The major factor responsible for this is the payment offered by South African employers, being exaggerated by the notable rise in mine wages through the early Seventies.

58. See Rigby, Cultivated Land Survey, Botswana (1980).

Judging from the enquiries I made in the field, the explanation of this lies in the pattern already explained, also prevailing in the Bangwaketse (and see above, the Kgatleng). Considerable areas are claimed by royal tribespeople, headmen, and other noble members of the tribe whom those authorised to allocate land before the establishment of the Land Boards readily support by confirming allocations (see Comaroff 1977: 39ff.).

7.2 Declining Use of Arable Land?

Although an ever increasing fraction of the tribal land, including the pastures, is thus appropriated by an expanding category of commercial farmers,⁵⁹ the available gross figures on land being ploughed raise a puzzle which is highly relevant to the present issue of access to land. According to Comaroff's account, in the mid-Seventies more than 30,000 ha were being ploughed in the Barolong, while records of recent years indicate a substantially reduced use of land (in 1979/80, 22,713 ha, in 1980/81, 16,509 ha, see Staps 1981:22). Now, on these and other grounds, Comaroff's accounts have been disputed (Heisey 1982, Staps 1981). If Comaroff is correct, all land which had been cleared for cultivation was ploughed in the mid-Seventies. It is possible that this was the case, but no firm evidence has yet been established, if indeed it ever can be (see Comaroff 1982). However, even if we admit that it might have been less, and even if we consider the recent figures to under-estimate the actual use of land, there is no doubt but that there has been a decline in arable activity, or, at least, that there has been a shift from overall prosperity to stagnation. It is important to consider the nature of this stagnation because it has an immediate bearing upon the demand for land.

If I understand Comaroff correctly, his explanation gives particular emphasis to endogenous processes as he holds that "the reasons for their diminishing productivity are to be found largely in the structural effects of the rise of agrarian capitalism itself: the fact that it fragmented the peasantry into local classes whose relative 'success' and 'failure', 'rise' and 'fall', was of needs inversely and antagonistically related" (1982:18). In support of this general statement, he essentially lends himself to a general theoretical consideration of capitalist development in agricultural communities. As I shall discuss in the subsequent sections, the ground is in the Barolong certainly prepared for a class-based transformation of communal land tenure, entailing considerable concentration of the landholdings. It is true that the success of commercial farmers to some extent depends upon the exploitation of a local labour market, primarily recruited, as far as I could determine, from the category of impoverished people without any means to cultivate land for themselves. However, it is nevertheless, not immediately

59. The following qualification should however, be stressed: not all large landholders are prosperous commercial farmers. Some of them are even rather poor and therefore only developed a minor portion of the land they claim. Lack of full coincidence between these categories also follows from the fact that not all of the commercial farmers got their land from a large family holding. Some of them got their large fields during the first years of the Land Board's operation (see Comaroff 1977: 39ff., also see Section 6.5, above).

clear that the ostensible fall in arable production can be explained, as suggested in the above quotation, in terms of inter-class dynamics. Let us consider the question by exploring the present state of the key resource in any agrarian transformation, land, with respect to its distribution and actual utilisation by the various categories of farmers. The purpose of this exploration is to find out whether there might be other key factors responsible for diminishing output from the arable sector. In fact, as it can be argued, it is not quite obvious either that class antagonism or, for that matter, concentration of landholdings, should entail diminishing output. Quite the contrary, any such 'fall' and 'failure', one should expect, would readily make land and cheap labour accessible to precisely those who, otherwise, have the capacity to ensure high yields.

It seems to be beyond doubt that wealthy farmers during the first years of the Land Board's operation managed to appropriate a lion's share of tribal land, occasionally at the direct expense of less wealthy and poor tribesmen's landholdings.⁶⁰ In view of the small pieces of land yet available for new allocations, it is plain that this trend subsequently has imposed serious constraints upon land requirements among poor as well as wealthy farmers. This situation was already prevalent in the mid-Seventies when small as well as big farmers were in full operation. One might hypothesise that the recent decline in total arable activity has resulted from an impoverishment of the lower peasantry, as their lands have been expropriated by large farmers. There is however, no evidence available indicating that this has yet occurred to any great extent. Indeed, it would not be consistent either with the fact that the commercial sector has not expanded significantly, if it has expanded at all, over the last years.⁶¹

Thus, there is apparently no reason to say that the middle and lower peasantries have less access to land in the early Eighties than they had in the mid-Seventies. One, possibly important, reservation has to be made. The tremendous expansion of cultivated land has seriously decreased available pastures, entailing heavy over-grazing and serious problems of herding in order to avoid charges for crop damage. It might well be that this has discouraged cattle investment, resulting in a lack of adequate draught power. Second, there might be a problem of generation shifts. Many of those small and middle range farmers who were active in the early Seventies, are now growing older and--to judge from my Bangwaketse experience with these categories of farmers, mostly depending upon animal draught--may display a declining motivation to raise crops. This is also a corollary of diminishing access to domestic labour as sons leave for wage employment outside the area, in South Africa or the urban centres of Botswana.

60. See Comaroff 1977:Section 4.

61. If the gross output from the arable sector resulted from the failure of small and middle range farmers to get land, this should mean that the land had been appropriated by the large farmers. However, as already noted, in that case the land should have been cultivated by somebody else, and the gross output should have risen because large farmers have more yields per unit area than small farmers.

But what about the new generations coming to a stage where they want to leave urban employment and depend upon farming? Apparently, this process does not work quite in the same way as I observed in the Bangwaketse (see Gulbrandsen 1980), as sons of smallholding families claimed, "My father has no land to allocate me, and every spot in the area around is occupied by other people". In other words, the effects of localised land shortage upon the establishment of smallholding units, as we have good reasons for predicting among the Bangwaketse (see Section 5.2), is apparently already quite manifest in the Barolong.

Poor conditions for recruiting smallholders to replace the older ones of this category who, for various reasons, might become inactive, provide however, only a partial answer to the question of a drop in arable activity. For there is quite clear evidence available indicating that during the "seasons 1979/80 and 1980/81 farmers only ploughed an average of one third of the acreage [in Kgoro-Bethel and Maiphitlwane where] the majority of the fields are in the hands of small farmers" (Staps 1981:23). It is stated that this is essentially due to poor rainfall (loc. cit.). This immediate response to rainfall shows that there has been no overall decline in access to land among the smallholders responsible for the fall in agricultural production. It also indicates that there has not been any significant drop in productive capacity.

This does however, not provide an explanation as to what has caused the apparent drop in production among the middle peasantry. In fact, this category includes a variety of farmers, and I shall suggest what I believe are the most significant factors having affected them.

The most apparent exogenous factors are the significant rise in the price of oil, implements, and farm labour, while crop prices have not increased at the same rate. Hence, the overall profitability has declined for reasons which spring from sectors remote from agriculture itself. The increasing labour cost has affected all commercial farmers who, at least during peak seasons, need to supplement their domestic labour force. They have however, been affected differently according to the extent to which they have been able to replace their need for labour by machines. Hence, the middle peasantry, more than the elite farmers, have been disadvantaged. Further, with declining surplus to invest in fertilisers, etc. the middle range farmers have been unable to compensate sufficiently for the increasing costs of fuel by increasing the yield per unit area. Among those who had a tractor, increasing problems were faced in repaying seasonal loans, and in repairing or replacing broken machinery. Since many have drawn on their pastoral capital in a failing attempt to break through the thresholds to elite farming, they might, in the end, be confined to a limited source of animal draught.

Farmers depending upon animal draught, facing increasing costs of labour, have found share-cropping beneficial, especially as the rate in the mid-Seventies was 1 bag to 4. Others, impoverished through a failing agricultural enterprise, have had no choice but to enter such an arrangement.

This trend has certainly been exaggerated by the declining rainfall through the late Seventies onwards. The commercial farming based on animal draught is especially vulnerable to poor rain. The animals are in

particularly poor condition at the time of the first rain. This rain has to be exploited in order to benefit from the restricted soil moisture. Further, the limited capacity of the animals and the scarce rainfall cause a timing problem for cultivating a middle range holding.

In conclusion, for empirical as well as logical reasons there is no basis to state that there has been any significant redistribution of landholdings to the benefit of the large commercial farmers and at the expense of the middle range and small farmers. The major factors uncovered in the present section are rather:

- a) a declining productive capacity among middle range farmers caused by a combination of inflation squeeze and unfavourable rainfall,
- b) reduced productive efforts among smallholders also due to unfavourable rainfall.

As I shall argue below however, this does not mean that there is no danger of a major shift in land control among these categories of farmers in the future. The fact that such a shift has apparently not yet taken off can be attributed to the following factors:

- 1) unfavourable rainfall has probably also constrained the large commercial farmers to some extent,
- 2) it has still been possible to be allocated some land by the Land Board (see below),
- 3) gradual, unauthorised expansion into grazing land is a strategy which most wealthy farmers pursue where they can,
- 4) to a certain extent the elite farmers seem to coalesce with that category of privileged tribespeople who claim large holdings 'being allocated long ago' (see above).

In other words, what has mainly changed over the last years, if anything but the rainfall has changed, is the productive capacity among middle range farmers, where it probably has declined. And, as repeatedly pointed out, the explanation to this is vested in the complex interplay between exogenous factors and the particular management problems of middle range farming.

Finally, the fact should not be over-looked that although the Land Board has some land to allocate in certain parts of the Barolong, it has every reason to suspect that the proportion of landless people has increased since the mid-Seventies:

- a) There is no evidence that those who were previously without land because they had no capacity to plough, have now acquired this capacity.
- b) Since the Land Board generally only has land available for allocation in remote parts of the Barolong, the same constraints, which were recorded in the Bangwaketse, on co-operation among young people who want to establish themselves as farmers, are likely to be applicable in this area as well.

The significance of this point is confirmed by the fact that few young people outside these particular areas where some land is still available or without sufficient means to operate on their own, apply for land (see below). Indeed, many young people who are not from wealthy families cannot be allocated land by their parents or do not wish to operate within the same farming unit as their parents. Thus, it is possible that a declining recruitment of subsistence farmers from the younger generation has some effect on the declining gross output from the arable sector.

7.3 Trends in the Demand for Land

Even if there has been a substantial drop in the productive capacity of middle range farmers, the pressure for more land is apt to increase. Some uncertainty pertains to the recruitment of smallholder farmers (in addition to those dropping from the middle range category) because there is said to be a drain of young people beyond the South African border. Still, there is every reason to take into account the point which pertains to the rest of Botswana: off-farm jobs cannot possibly satisfy the employment needs of coming generations. A considerable potential of expansion is necessary for smallholder farming families. Since it is quite clear already that the land requirements cannot be fully satisfied by family land transfers, it is likely that there will be an increasing demand for more land among the smallholders.

As regards the middle range farmers, it is extremely difficult to predict whether the productive capacity within this category will expand or decline. First, little is known about their present position as far as distribution of assets is concerned. Second, it is hard to tell to what extent off-farm economic activity will support the activity in this sector. Third, it is an open question to what extent the present inflation squeeze will be modified by Governmental measures or, alternatively, accentuated by rising prices of fuel, labour, and implements.⁶²

What seems quite obvious however, is that even if their own productive capacity drops, the (former) middle range farmers are, because of their fairly large and well developed landholdings, most attractive sharecropping partners for the commercial elite farmers. Hence, they will have every interest in protecting their land rights.⁶³

It seems quite evident that the commercial elite farmers themselves show no sign of degeneration. Quite the contrary, they continuously buy more

62. It might be stressed here that this category is probably the most advantaged, receptive, and capable category of farmers in Botswana to take the benefits of Governmental assistance under the Arable Lands Development Policy (ALDEP). To put in another way, if the Government feels it has to make this national policy effective, it has to ensure, by way of implication, that the Barolong small commercial farmers raise their productivity.

63. With the present terms of 1 bag to 10, and by an average yield of about 1000 kg/ha, a person who holds, say, 50 ha, is in a position to reap about 5000 kg, i.e. about 70 bags of cereals. (An 'average' family needs 15-20 bags annually to cover its basic cereal requirements.)

modern and elaborate machinery, adopting all manners of agricultural innovation to enhance productivity.

The demand for land thus, is continuously on the increase. The extent to which this demand will rise in the future however, is dependent upon a number of exogenous factors which are hard to predict, as also is their articulation with the various categories of Barolong farming units.

Finally, a quite recent trend of demand for land should be taken into account. As already noted, while young people, who are not wealthy and who depend on co-operation with their family to a very restricted extent, approach the Land Board for allocation of ploughing land, a new category of urban based, wealthy young people impose considerable demand for land. From the early Sixties many children of wealthy Barolong were sent to receive secondary education and professional training. Subsequently a number of them have entered well salaried jobs. After having established their homes in an urban centre, and being without the option of cattle investment,⁶⁴ they are now attempting to establish a mechanised agricultural holding.⁶⁵ Having grown up with a commercial farming spirit, and being well acquainted with the development in the Barolong over the last decade, they also realise that the success of such a pursuit depends upon immediate attempts to get land. Typically, they are not being granted land by their parents, even if the parents are holding fairly large areas presently out of use or even totally uncultivated. The advantage enjoyed by this category is that they do not need to establish a firm basis for highly mechanised commercial farming under the hazards faced by the middle range farms. Their capital is based on their high salaried jobs, and thus not vulnerable to either ecological crises or declining rates of profit in agriculture. It is therefore most likely that this category will add considerable momentum to the sector of elite farmers.⁶⁶ When their present need for land is no longer satisfied through the Land Board's allocations of unclaimed land (see below), they will increase the demand for share-cropping land, and they will probably heighten the disputes over claimed land.

64. In the Bangwaketse, urban employed, wealthy young people still predominantly exploit the option of investment in animal capital, while a move into the arable agricultural sector among such people has been recorded in the Kgatleng.

65. Typically, the family is located permanently at the farm, where the wife takes the day-to-day responsibilities of management. Indeed, the Barolong are quick to point out, with considerable pride, "Among us we have a number of women who manage large farms far better than most men could do--they are widows and wives of men who are employed elsewhere and only occasionally come here to look after their farm".

66. It should be noted here that these establishments are not merely profit motivated, but also ensure a place for retirement as urban life is still, in most people's view, seen as a temporary necessity. The basic identifications are with the rural area of birth to which people mostly return.

7.4 Land Board Responses

First, how does the Land Board meet the requirements for land? Perhaps the most clear answer to this lies in the Board's tackling of the demand for land created by urbanised Barolong with the ambition to enter commercial farming (see above). Being under heavy pressure to supply these and other influential people, the Land Board found itself in a position where there was no alternative to allocating land in areas customarily designated for grazing. "We have been heavily criticised for this," one of the Board members admitted, "but what can we do? They⁶⁷ say, 'You tell us that there is no land. But we have got no cattle and no field. Those people who say that we should not take the pastures for ploughing, they have themselves got tracts and tracts of land, and they have got cattle'. So what can we say and what can we do?"

These allocations have triggered a considerable negative response among smallholder families, especially in the areas where such allocations have been made. Occasionally, there have been no less than five-six applications for land from one and the same family. Upon the Land Board's enquiry of such instances, it has been proved that the applicants frequently are their teens and even younger.⁶⁸ Thus Land Board officials do not talk about a scramble for land. The areas in question are mostly located in the south-western part of the tribal area. The smallholding families applying for land live in these areas, while the young, urban based men with commercial aspirations are from all parts of the Barolong.

It goes without saying that the reason why the Land Board finds itself in a position where it cannot see any possibilities but to extend allocations into the pastureland, is precisely lack of adequate control over the arable areas entailing, as we have seen, vast tracts being claimed, but not cultivated.

As already explained, the Land Boards are generally, for reasons which principally also apply to the Rolong Land Board, hesitant to apply the five-year rule and to challenge the traditional land rights. However, in case of this particular Land Board, the uncertainties about procedures apparently prevailing elsewhere, have lately been efficiently corrected by a representative of the Attorney General's Chambers. When it comes to the large holdings of royal family members and headmen, the Land Board has recently entered at least two major disputes which are now pending in the MLGL. As the common view also prevails among these Board members, that the Ministry tends to be of limited support to them, these disputes are very much seen as test

67. I.e. the young people--in fact, the wealthy young people who establish an agricultural enterprise based on an urban income.

68. The reason for this endeavour is that because such smallholders have not managed to cultivate their present holding to its limits, and thus not being eligible for extensions, the only way they find to secure their children's future need for land is to take the chance of presenting them as applicants for new, independent allocations.

cases, indicating whether a more active strategy can now be pursued vis-à-vis the large, uncultivated landholdings. It should be noted here that the local context for such a strategy is not a simple poor-wealthy antagonism. Prosperous, commercial farmers are, at least, as hungry for those acreages as the landless, poor people.

7.5 Pasture Encroachment

Several processes are responsible for a diminishing area for grazing the livestock, most prominently:

- 1) lands are claimed as legal allocations made before the commencement of the Land Board's operation,
- 2) existing lands are gradually extended into pasture areas without anybody's consent,
- 3) the Land Board allocates land within the grazing areas.

Hence, the Barolong find themselves in a situation of dwindling pastures, due in part to legal allocations of arable land. Indeed, the Land Board's allocations are most regrettable because they most likely constitute a justification to those who are motivated to extend into the grazing land on their own.

In view of the fact that the grazing land represents a resource exploited by most tribesmen, it might be asked why the farming community, for instance in the kgotla, has not more forcefully stated objections against this development. One significant point, of course, is that few, if any, of the commercial farmers and thus influential tribesmen, have any aspiration in the pastoral sector. Nor are they dependent upon the pasturage to serve their draught power. On the other hand, their pursuits are well aided by all expansions of the arable land.

A more general point is that structurally most farmers have only two major alternatives. One approach is to invest time and effort in organising a community check on pasture encroachment, from which the individual utility--relative to the cost of effort expended--most likely is low, compared to the benefits from individual attempts to develop and extend the arable holding. This point is the same as the one raised by the relationship between the individual pastoralist's short term utility and the entire pastoral community's long term dependence on grazing resources (see Gulbrandsen 1980:224ff.). The great problem at present, is that considerable momentum to the individual-benefit alternative has been added by the Land Board itself, notably as it has accepted as a priority satisfying immediately individual needs for land. Indeed, the Board has, in principle, through its own practice, announced that there is no basic difference between grazing and arable areas; all areas are potentially available for the purpose of cultivation. Thus, in view of the fact that almost every piece of the Barolong territory is suitable for arable farming, the process of pastureland encroachment might be expected to continue until all grazing land is finished.

As noted, about 33,000 ha are officially recognised as communal grazing land. With a total of about 34,000 livestock units (LSU), there is less than

1 ha of grazing land proper per LSU left. Although there is, theoretically, twice as much land available for grazing (as not more than about 30,000 ha of the total Barolong territory of 108,000 ha is cultivated), there is no doubt that the pasturage as a whole has to serve a livestock population considerably exceeding its carrying capacity (which is 5-8 ha/LSU).

It is beyond the scope of this report to consider the solution to this problem. Since however, the question of perimeter fencing of grazing blocks within the Barolong has gotten considerable attention locally, it should be noted that this idea is now being abandoned. Indeed, where such an arrangement has been tried, in the south-western part of Barolong, the grazing inside the fence was quickly exhausted. However, nobody needed to worry, because the animals could, in this case, be moved to grazing outside the fence.

It is certainly true that the Barolong is not an area for pastoralists. Yet, the majority of farmers basically need to keep livestock as a source of draught power and insurance against starvation in years of crop failure. Hence, the current development is adversely affecting any attempt to ensure the subsistence farmers a share of the Barolong communal land resources. In this sense, the relationship between the large 'land eaters' and the majority of smallholders and middle range farmers depending upon animal draught power, is seriously antagonistic.

The Rolong Land Board members see no solution to this problem within the area itself. Hence, in order to do something about it, the Ngwaketse Land Board has been approached with a plea to allow grazing of Barolong livestock in their area. The plea has been forcefully rejected.

Indeed, the Ngwaketse Land Board is quite right in stating that their areas adjacent to the Barolong are too crowded as they are. It could be added that under the present system of communal pasture management, such a transfer does not address the roots of the problem. In due course, the pressure on pasture would therefore again exceed any acceptable limit set by the carrying capacity itself.

7.6 From Differentiation to Polarisation

As I have recorded in the Bangwaketse, there is also among the Barolong a growing antagonism between the expanding 'land eaters' and the rest of the agrarian community (see Comaroff 1982). Indeed, in this area where competition for land is strongest, land disputes most frequent, and conflicts over share-cropping arrangements so prevalent, such an antagonism is probably most manifest, at least in terms of people's shared understanding and ways to express it.

I shall now argue that in a short time perspective this antagonism is modified by certain ambiguities pertaining to the relationship between these two major categories of the tribal population. In a more long term perspective however, the ground is prepared for reactions of considerable political significance.

If we take as a point of departure, the commercial elite farmers as an ever expanding category, let us consider the strategies they are apt to

pursue. It has been argued that they will represent a substantial demand for land in the future. As long as the Land Board without much hesitation allocates land in the grazing areas, these farmers will, in legal as well as illegal ways, expand their holdings at the expense of the communal pasturage. As soon as a farmer finds this option of expansion, for natural or administrative reasons, depleted, he is apt to enter sharecropping arrangements. Such an arrangement entails however, disadvantages beyond the fact that a minor part of the produce has to be handed over the landholder. Even under the present conditions where the number of landholders offering land for share-cropping has probably been on the increase, most tractor farmers have faced the problem that the holders were unwilling to enter more than one-year agreements. The holder's rationale for insisting on this is tactical. Being highly dissatisfied with the 1:10 bag ratio, some of them have found it possible to play potential partners off against each other, thus achieving a more favourable contract. In order to exploit this option fully, they insist upon renegotiating the contract annually.

For commercial tractor farmers however, this is most disadvantageous. Operating with expensive implements, they are ensured high productivity through large inputs of fertilisers during the first year of operation because the land they share-crop typically has been under a low productive agricultural regime. Hence, if the land has to be left after this initial development of the land's fertility, considerable loss is carried by the cropper. The antagonistic relationship between the share-croppers and the landholders was revealed by several independent croppers, claiming, "Many landholders [purposely reject a second year of share-cropping, and instead plough for themselves] benefitting from our fertilisation of their lands".

So how can the large cattle owners get land already claimed by somebody else? As I have pointed out, under the present system of land management, transferring a piece of land from one holder to another who is secretly compensated by mutual agreement, is no problem. Unlike the cases of Bangwaketse and Kgatleng however, the benefit of selling land is not as obvious in the Barolong where share-cropping arrangements can give considerable annual incomes. As far as my enquiry goes, transactions of this nature are therefore presently very restricted in the Barolong.

Potentially there are at least two transformations which are likely to change the situation. First, a general impoverishment of the middle and lower peasantry might force people into dependence on and, concomitantly, indebtedness to wealthy farmers. There are already scattered cases of people discharging their commitments by giving up the landholding, and more widespread poverty is apt to make such a 'solution' more common. The second transformation which will inevitably occur in the wake of a more acute shortage of land, is an increase in the price a prosperous farmer is willing to pay in order to expand his landholding. The effect this will have upon the frequency of land sale is apt to be strengthened by any change towards impoverishment of the tribal population. However, the prospects are, admittedly, ambiguous. As the large scale commercial farmers feel an increasing land shortage, they are, within the limits of cost-effectiveness, likely to offer the landholders a larger share of the output from a field under share-cropping tenure. Hence, the chances that they shall be able to take over the land will depend upon the acuteness of the landholders' poverty

and perhaps their own ability to manipulate a relationship of indebtedness, bringing the holders into a situation from which they have no other possibilities to escape other than giving up their land.

8. SOUTH-EAST DISTRICT

This district includes the two tribal areas of Bamalete and Batlokwa, plus a number of freehold farms (Gaborone and Lobatse blocks).⁶⁹ The focus of attention here is the two tribal areas. The exceptional characteristics of this district might, perhaps, be best illuminated by the following fact. While the South-East contains merely 0.3 percent of the country's total land area, and in spite of the fact that the district contains some of the most rocky and mountainous landscape in Botswana, 15.5 percent of it is under cultivation.⁷⁰

In both tribal areas (which have their separate Land Boards) I was confronted with the same, apparently paradoxical situation. On the one hand, my informants had no problem in pointing out numerous tribespeople who had no arable land. On the other hand, representatives of both Land Boards were quick to confess that there were still some patches of land left for allocation.⁷¹ It was, in fact, claimed that an arable land shortage did not represent their major concern. The principal worry expressed by both Boards was pasture deterioration resulting from heavy over-stocking of the grazing land.⁷² Second, the expansion of the major villages of Ramotswa and, especially, Tlokweg entails problems, essentially caused by their proximity to the rapidly growing city of Gaborone. Thus the Tlokwa Land Board experiences a heavy demand for residential land from non-Batlokwa, who are employed in Gaborone but who want to escape the heavy costs of housing there. This Board has however, so far successfully managed to resist such a penetration which, if it had been opened to this, would have quite soon resulted in an explosion of requests for residential plots. Nevertheless, such demand has been fairly significant, resulting in an extension of Tlokweg village into the surrounding grazing land, for the effect of Gaborone is, of course, not completely absent. First, unlike most rural areas, in the case of Tlokweg and to a great extent Maletse also the drift to and employment in the

69. About 60 percent of the district comprises Bamalete (670 km²) and Batlokwa (215 km²).

70. Comparatively, in Kgatleng, which constitutes some 1.2 percent of Botswana's total territory, only 6.4 percent of the land is cultivated.

71. I recall that first allocations in these areas are confined to less than 2.5 ha.

72. Current figures indicate that there are only 1.5-2.0 ha/LSU, while 8-16 ha/LSU is the carrying capacity. See "South-East Land Use Plan Revision," Draft (Ramotswa, 1982).

urban centre of Gaborone does not limit the tribespeople's demand for residential plots. Since the jobs are usually located fairly nearby, most people take the advantage of cheap housing in their village. Second, this tendency is heightened through another mechanism. Women tend to apply for a residential plot while single, on the ground that they intend to remain unmarried. However, "as soon as the house is built, a man moves in with her, and they subsequently marry". As the husband is often from another area, the number of new established households easily becomes much higher than what would have been the case if the traditional rule of patrilocal residence had been followed. Third, as there is no legal provision against renting out a house or a room, the high demand for housing in the 'Gaborone region' has encouraged people to establish several residential units in order to benefit from this.

It is very hard to see how this trend can be brought under full control. In fact, the space required for further expansion of Gaborone might, inevitably, lead to a transformation of Tlokweg to a Gaborone suburb proper. The influence of Gaborone and the resulting prevalence of off-farm employment, even among women, is one reason why the shortage of arable land is not acutely felt.⁷³ However, this explanation is not sufficient by itself since in the other areas, notably the Barolong, it has been pointed out that precisely this same off-farm employment might constitute a base for establishing an arable agricultural enterprise. Looking at the conditions for such a venture in the South-East District however, we easily realise at this point that the shortage of land is, indeed, a significant barrier. First, there are very few larger landholdings, meaning that most people would have started with a very small holding. Furthermore, any expansion of an initial allocation would often require moving to a different locality. Appropriation of landed property is, in principle, also possible in these tribal areas. However, it is not common at all, precisely because it does not readily provide an option for systematic enlargement of an arable holding. If such a strategy would have been pursued, farmers would have been compelled to manage land in a number of different localities. When those who potentially have resources available for such ventures are those with fixed occupational commitments in the urban areas, it is easy to understand why this option is not so attractive. Moreover, even if they had had the capacity to supervise, it is not likely that they would find being a landlord the most favourable strategy for pursuing commercial agriculture. What those few who operate as arable 'farmers' do is neither appropriation of land nor share-cropping. Rather, they provide a ploughing service. To a great extent they have thus transcended the constraints set by the spatial structure, and they have emancipated themselves from a vulnerability to exhausted soil and poor rainfall.

In this respect, the South-East District presents itself as very different from the Barolong, where a farmer can take the advantage of expanding his own acreages by share-cropping agreements with just a few landholders, because the landholdings are usually much larger than in the

73. See Kocken and Uhlenbeck (1980) for some current figures on employment among Batlokwa (pp. 38-39). They also indicate unusually high frequencies of education (pp. 41ff.).

South-East District. Since the cropper can move into the 'borrowed' field with all his implements, much higher yields (and therefore profits) can be harvested, compared to what, with a similar arrangement, can be made in the South-East.

In fact, the conditions for arable farming are so poor that it is reasonable to accept people's explanation for the apparent paradox indicated on the first page of this section (p. 79): "No, extremely few young people were interested in ploughing. Even among elder people ploughing is usually not found worth while". Hence large parts of the population of both areas do not even take the trouble to get a piece of land. That they do not should, moreover, be understood with respect to an additional condition. As far as I can judge from my brief examination of the matter, the communal principle of land tenure appears to work quite well. When the Land Boards assist in persuading a holder to give up his land claim, not the five-year rule but the customary understanding of land as a resource which should be available for those who want to till it, is primarily invoked. Upon such an initiative, often assisted by a co-operative tribal authority, the ground is usually prepared for a transfer of the land grant. Hence there is no feeling prevalent, even in Tlokweg, that it is important to hold land for its future value. A combination of three factors seems to be significant here. First, the communal principle ensures people access to a small landholding on request. Second, and as a corollary of precisely this point, people do not find it appropriate to ask for land without any intention of cultivating. Third, and perhaps most important, people do not seem, to the same extent as in other areas, to look upon their off-farm engagement as something to be discontinued by the age of around 40, whereafter farming becomes the main activity. Perhaps the most conceivable explanation to this is that the urban employment does not require any break in the connection with the kin and tribal context. Further, the nature of the employment does not involve the same drudgery and hazards as mine work. Hence it can be extended even into old age.

For this reason and because of the strategy pursued by the tractor owners, there is not any immediate danger of monetisation of arable land. One important qualification to this is however, required: as soon as a future possibility of transcending the barriers between communal land tenure and the rising land demand in the urban sector is recognised by people, the ground is, of course, prepared for a quite different attitude towards land. This would involve resistance to land redistribution and encourage appropriation of land through transactions of various kinds.

In other words, the prevailing landlessness to a great extent appears not to be significantly conditioned by a short supply of arable land. Presumably this does not however, mean that landlessness might be found as a characteristic of impoverished households. But in such cases lack of land seems more to be a function of the lack of other pre-requisites for establishing a farming unit, notably draught power. For, although both tribal areas are, as noted, heavily over-stocked, this is in spite of the fact that there are very few large herds. Available figures indicate that "only a few percent of households have more than 20 LSU and maybe 60% or more have no cattle at all" ("South-East Land Use Plan Revision" 1982:4). Thus impoverishment is not primarily a matter of access to arable land, but a

question of access to cash, through self-employment or family transfers, which, if preferred, can be converted to agricultural produce, e.g. by hiring a tractor. Indeed, especially in Tlokweg a most common practice is that wage earning children assist their parents by making cash available to hire a tractor.

The figures on cattle herd size and distribution indicate that investment in animal wealth is not seen as particularly attractive. Nevertheless, the pressure on land is alarmingly heavy. In the Maletle tribal area, the extension of the Gaborone Dam will aggravate this trend. And, as pointed out at the beginning of this section, the shortage of land as it manifests itself in over-grazing and erosion is of great concern to both Land Boards. The two most immediate remedies, stock limitation⁷⁴ and constraints upon residential expansion into the grazing area, are apparently out of the question. Land Boards want the Government to tribalise some of the freehold ranches in the Gaborone and Lobatse blocks. It is beyond the scope of my terms of reference to assess the feasibility of such an extension of the communal grazing land. However, it is obvious to all that this would not solve the problem. Indeed, it would merely add an additional area to the communal grazing land where the roots of the problem lie in the lack of incentives for farmers to act in ways that preserve the long term benefits of pasture conservation rather than pursue the short term gain of maximising their own animal wealth. Thus, tribalisation of freehold farms represents no solution to the essential problem, unless it is accompanied by an improved system of pasture management which prevents over-grazing. This is to say that it is no solution even if the principle of ranch management were maintained within the tribalised farms. Indeed, such an arrangement would be quite analogous to the relationship between the communal and commercial sectors in the Bangwaketse (see Section 5.5 above, and Gulbrandsen 1980, 219ff., esp.).

Finally, it should be stressed that the Bamaletle and the Batlokwa are not completely confined to their respective tribal areas. For instance, the Kgatleng Land Board has responded to Batlokwa requests for land by declaring, "You will be accepted as long as you do not come as a tribe, but as individuals". Thus, some Batlokwa (but apparently only a few) have moved into the Kgatleng and gotten land in the southern-most part of this tribal area. The same is the case for the Bamaletle who might be expected to move into the Kweneng. Moreover, only a handful of Batlokwa and Bamaletle appear to have made commercial ventures in animal production in the neighbouring tribal areas. However, this information is of questionable reliability since people tend to be secretive about their investments in cattle. Thus, this trend may have been under-estimated.

However, the more obvious and visible pattern of restricted movement in order to enhance access to arable land is consistent with one of my main points: there are economic opportunities which to the vast majority of the population are more attractive than arable farming.

74. See "South-East Land Use Plan Revision" (1982), p. 4.

9. CONCLUSIONS AND RECOMMENDATIONS

9.1 The Terms of Reference principally requests an enquiry into young men's and women's access to arable land, and an examination of the supply of land in order to refine the concepts of land access and landlessness. Particular attention was to be paid to factors promoting landlessness, leading to recommendations counter-acting such a trend with a special reference to overall policies and operations by Governmental bodies involved in land issues.

As far as present access to land is concerned, the evidence gives no reason to conclude that in any of the areas investigated there is an absolute shortage of arable land. This is to say that in each of these areas, even in Tlokweg and Malete, there are still some patches of land which the Land Board can allocate.

In order to talk meaningfully about short supply of land, therefore, conceptual refinement is necessary. The analysis thus has been directed towards two different levels: the level of the individual's land requirement, and the level of the land authorities' management and allocation of communal land. It is necessary to delineate factors which prevent particular individuals from gaining access to such land as is available for allocation. One of the principal constraints appears to lie in the character of the Land Board's overall control of communal land.

9.2 People who have no land include the following main categories:

- (a) Impoverished households which since they do not have the means to operate as arable farmers have not found it relevant to make a request for land. Occasionally, such people have not been able either to maintain their claim in land inherited. (However, many impoverished people have inherited land, meaning that, on the other hand, there is quite a number of such people who have some land). This category of landless people is probably most prevalent in Barolong, Bamalete, and Tlokweg. However, in Bangwaketse and Kgatleng attention has been drawn to the class of cattlepost employes who often enjoy access to land only by virtue of their employment.
- (b) The investigation of a sample of households in the Bangwaketse identified quite a number of recently established male headed households who had not yet established themselves as farmers and who had no separate landholding.
- (c) There is a growing category of employed rural based people who have not (yet) got their own land.
- (d) A few cases of female headed households being refused land allotments from their parents' holding have been discovered.

It may be misleading to characterize these categories as "landless," because their lack of land is apparently not because they have been denied their right to a customary land grant. Even members of the last category would most likely have had their land request satisfied if they had approached the Land Board. Nevertheless, as it will be stressed subsequently, the spatial distribution of unallocated land is in itself a structural factor which prevents some in the above categories from making use of their customary rights. In the instance of the cattlepost employees mentioned above, moreover, there also seems to be a prevailing lack of knowledge of the fact that they are by the Tribal Land Act entitled to land grants with all citizens of their tribal area.

9.3 The present short supply of arable land has manifested itself as follows:

- (a) Since most of the land designated for arable purposes has, at one time or another, been allocated to somebody who, in the vast majority of cases, tries to maintain a claim on it, those who want to extend their land often have to move quite far from where they presently operate. In practice this often means that they, for management reasons, are unable to expand their activity. This point applies to large as well as small farmers who have reached the limits of their present holding.
- (b) The spatial factor has manifested itself as a problem if a father cannot provide his son a viable field by sub-dividing his own holding and if there is no land available in the area where the father is located, because many sons are dependent upon co-operation with father/brothers for ploughing, especially during the first years after establishing a farming unit. This point also pertains to an increasing number of female headed households.

Let me emphasize that the present short supply of land is artificial as it is essentially caused by the current management and distributional problems.

9.4 Projections of the supply of land relative to demand have primarily been made by investigating a sample of households in the Bangwaketse. The analysis took as its point of departure the prevailing conditions of the area concerned:

- (a) the limited amount of land available for Land Board allocation,⁷⁵
- (b) the limited amount of land located close enough to make cooperation between father/brothers possible, and

75. All Land Boards claimed that, without employing the five-year rule, only scattered, small areas were available for arable allocations. This fact was epitomized in the Barolong, where the Board representatives volunteered that allocations were now made in areas customarily designated for grazing purposes (see Section 7.4).

- (c) the refusal by those who do not use their land to transfer it to somebody else.

The question then was asked as to whether existing individual holdings were sufficient to provide prospective heirs (sons between the ages of 20 and 40 and daughters who are unlikely to marry) with an adequate amount of land. Even on the basis of the assumption that all these individuals would not need more than a small amount of land for subsistence agriculture, the analysis has shown considerable discrepancy between demand and supply in a significant proportion of the families investigated (see Section 5.2). Further, this trend will subsequently manifest itself in terms of increasing constraints on extensions of existing farms, probably most rapidly in the large scale farming enterprises. Eventually, if the present trend of commercial ranching in the central and western Bangwaketse is not modified to meet the local needs for arable land, landlessness in these areas will quite soon become prevalent as the area suitable for cultivation is very limited.

With respect to the other areas of enquiry, the present study has clearly indicated that the prospects emerging from the examination of the Bangwaketse sample are quite representative. Most importantly, in areas where land shortage is not yet prevalent, under-supply of jobs in off-farm sectors of the economy in combination with an expanding sector of capital intensive farming, will not only generate a pattern of land use which sets considerable constraints upon smallholding farming, i.e. extended family co-operation and access to pasturage for draught animals. It will, indeed, also create a serious gap between the requirements for subsistence land and the land available to satisfy these requirements, unless the arable areas are extended by considerable encroachment into the communal grazing lands, which are already heavily over-stocked.

9.5 Factors generating land shortage.

The following principal factors seem to be responsible for the increasing shortage of land:

- (a) increasing demand for land, caused by: population increase in combination with limited job creation in off-farm sectors of the economy, a rise in commercial agriculture which recently has been modified by an inflationary squeeze on middle range farmers (see Section 7.2) and poor rainfall, but which is apt to accelerate as climatic conditions improve and the possibilities of investment/reinvestment in the pastoral sector decline,
- (b) the Land Board's lack of control over the large arable holdings, viz. the traditional, chiefly block allocations over which traditional overseers have de facto control, and large, uncultivated arable holdings, mostly allocated before the Land Board came into full operation,
- (c) numerous small and middle range holdings for which there are no heirs are not cultivated for years,

- (d) the Land Board's inability to enforce communal principles of land redistribution according to needs and on the basis of the five-year rule,
- (e) commercial animal production in the remote areas of Bangwaketse and Kgatleng.

Point (a) applies to all the areas covered by the present research, (b) and (c) are of particular significance in the Barolong, probably most of the southern Kgatleng, and the eastern Bangwaketse except for the north-eastern corner. In those areas where communal principles seem to work, they do so by virtue of a grass roots consensus rather than any Land Board power of enforcement of the five-year rule. It has been stressed that this consensus has not been facilitated by surplus land. Quite the contrary, these areas are, indeed, among the most crowded ones. The critical factor, it has been argued, is the degree of commercialisation, since where commercial, mechanised, arable farming is expanding, the reluctance to abandon unutilised land-holdings is strongest and the motivation among land overseers to take advantage of their land control appears to be most prevalent.

9.6 The overall implications of land shortage.

9.6.1 The shortage of land, including crowding and poor pastures in the lands areas, has propelled a number of individuals to develop arable holdings in the cattlepost areas if it is ecologically possible. In the Barolong particularly, unauthorised arable extensions into the grazing area prevail, probably encouraged by the fact that the Land Board itself makes allocations in areas customarily designated as pastures.

9.6.2 As noted in the preceding paragraph, commercialisation and mechanisation of agriculture have in several areas jeopardised the principle of equitable communal land distribution, and even prepared the ground for monetisation of landed property. Various mechanisms thus keep the gateway open for land concentration. It has been argued that such a development will, under the prevailing lack of efficient control over land transfer, likely emerge where land shortage occurs in combination with an overall economic differentiation of peasant farmers, as exemplified in the Barolong situation.

9.6.3 The recent developments have entailed a tremendous inequality with respect to size of landholding, in the Barolong and parts of the Bangwaketse and Kgatleng. It has been argued that this differentiation has not yet manifested itself significantly in relationships which exploit poorer farmers. However, if no measures are introduced, this trend readily leads to further concentration.

9.6.4 Smallholders have suffered from exploitative relationships only to a very limited extent (cf. Section 7.6 above), but they are affected negatively by side effects of the rapid expansion of commercial agriculture, viz. pasture deterioration and the jeopardising of communal land tenure principles.

9.6.5 Heightening land pressure in the wake of commercial agricultural development has also involved a rapid rise in land disputes as well as

intra-community tension and antagonism between economic strata. (See Sections 5.4, 5.5, and 7.6, cf. Comaroff 1980).

9.6.6 These developments have made the management of land far more difficult than it probably ever was under the chiefly system which was generally working under conditions of land abundance. Most seriously, conditions have been created where communal land use planning has become highly problematic, epitomised by the fact that most Land Boards have only a vague idea about what the current land claims are and the actual utilisation of land. As a corollary of this, the Land Boards are embedded in a vicious circle where insufficient knowledge of land use and inadequate land management generates low recognition and confidence among people. This, in its turn, entails constraints upon the Land Boards' operations and encourages land use practices in conflict with laws, regulations, and overall communal needs.

9.7 Remote Area Dwellers.

Two quite particular problems pertain to the remote area dwellers' access to land, as they are squeezed from the following two angles: (1) the legal basis for rights to enable allocations is largely unknown to these people themselves and unclear on the Land Board level; (2) their access to land is increasingly constrained by a rapidly expanding commercial livestock sector.

9.8 Recommendations

9.8.1 The preceding principal conclusions bear out that the basic problem of land availability is a matter of overall land management. It is thus doubtful that the problem of access to land can be dealt with in terms of changing procedures of land allocations, inter-generational family transfers, etc. It is unlikely that the traditional system of inter-generational family transfers of land is going to lapse in the foreseeable future. However, at the point in time when the Land Board makes its allocation it is often impossible to predict the future requirements of a particular family for land. It depends upon the level of production in the future and the number of out-migrating offspring. It can be argued that the practice satisfies the requirement of close localization of available family labor to facilitate extended family co-operation. However, at the same time the inefficiencies in the system contribute to the amount of claimed but uncultivated land. The existence of these areas is of course incompatible with enforcement of the five-years rule (Land Act, Section 15[e]).

In light of all the above, it is not recommended that any change be made in the Land Boards' policies on the size of individual allocations. Instead, it is recommended that land availability should be considered as a question of adequate overall land management. This issue is however highly complex. It is beyond the scope of this report to provide a definite model for overall land management. On the other hand, the report does identify some structural features and trends which are relevant, attempts to indicate some important requirements which an improved land management system will have to satisfy. In Ch. 10, I tentatively suggest one model which appears to me to meet those requirements, as a basis for the discussion of these issues.

9.8.2 The need to reinforce the mechanisms for land redistribution demands immediate attention in various areas of Bangwaketse, Kgatleng, and

Barolong. There is a legislative basis in the Land Act, but there is widespread uncertainty as to when the five-years rule can be applied and as to the appropriate legal procedures. It is recommended that the Lands Division, Ministry of Local Government and Lands, review all pending appeal cases. This should be a part of a more comprehensive attempt to spell out in detail: (a) the conditions under which recourse to the five-years rule is legally appropriate, and (b) the appropriate legal procedures. It should be specified what different kinds of assistance might be rendered the Land Boards by Central Government bodies, like the Attorney-General's Chambers and the various divisions of the Ministry of Local Government and Lands. Such guidelines and instructions, it is further recommended, should be included in the Ministry's Land Board training programme.

Extensive implementation of the five-years rule would not in itself, however, guarantee smallholders their rightful share of the communal land. It will depend upon who receives reallocations of the land taken. Especially in Barolong and in parts of Bangwaketse and Kgatleng, it is possible that enforcement of the rule could be used as easily to create large commercial operations. Any trend of this kind would most likely be easy for land management bodies to identify in terms of the popular response. It would entail an exaggeration of the problem of 'land eaters,' about which most people are quite concerned, especially in areas where commercial farmers presently operate.

In the long run, implementation of the five-years rule will need to be only one element in a broader strategy needed to come to terms with land concentration; the reservation of certain areas entirely for small commercial farmers using animal draught and subsistence farmers. Ch. 10 sketches one model for land management which, as one of its principal objectives, aims at shielding smallholders against commercial expansion.

9.8.3 As suggested in Section 4.2 above, customary legal norms developed in a situation where land had little or no commercial value. In the present changing circumstances it is recommended that MLGL and in particular the Commissioner of Customary Courts monitor court cases involving land. Two types of cases particularly deserve attention; those concerning large commercial farms, and those concerning women's access to land.

It is possible that a new legal regime will eventually be necessary for the large commercial farms. With respect to women's access to land, unmarried women in particular represent a marginal group and this marginality is transferred to their children; their economic position will become more serious as parental holdings shrink. Moreover, current Land Board principles of land allocation are biased against women (see Section 4.2). It is therefore recommended that the Ministry of Local Government and Lands should consider as to whether to explain to the Land Boards that there is no legal basis in the Land Act for their current discrimination. It is further recommended that the Government seriously consider taking the initiative in a systematic review of the legal position of women with respect to access to and rights in productive and other resources.

9.8.4 This report has repeatedly stressed that shortage of land resources has most clearly manifested itself in terms of pasture encroachment

and over-grazing. The preceding discussion quite clearly bears out an urgent need for measures to bring such destructive processes under control. It is thus, recommended that the Ministry of Local Government and Lands, Lands Division, immediately require the Land Boards to implement Section 17 of the Tribal Land Act which dictates identification of grazing areas, subsequently to be gazetted as such. It is further recommended that the Attorney General's chambers instruct the Land Board about the legal measures and procedures relevant for enforcing reservation of grazing areas for pastoral purposes.

Such a step does however, by no means entail a final solution to the increasing problem of deteriorating pasture. Thus it is recommended that the Lands Division, MLGL, instruct the Land Boards to observe the rules for zoning in the National Policy on Tribal Grazing Land, particularly Section 38(e) which dictates an account of 'communal, reserved, and national needs' before any commercial land is demarcated. It is further recommended that the Land Development Committee should not approve any land use plan where this requirement is not satisfied.

9.8.5 In certain areas there is a long distance between grazing and lands areas while, at the same time, the pasture available within the arable areas is rapidly on the decline. In order to remedy this, especially to facilitate farmers where access to draught animals is required during the spring chores, it is recommended that the LUPAGs should be encouraged to consider establishment of grazing cells with small demarcated pastures in arable lands areas. If such pastures are established, the Land Boards will be responsible for adequate gazetting of the pastures according to the Tribal Land Act.

9.8.6 The development of arable fields in the grazing areas creates a special problem. I have pointed out that in some places in the Bangwaketse and Kgatleng this development has gone so far that it is hardly possible to enforce a cancellation of these unauthorised, self-allocated holdings. In line with this, I have suggested that such a development entails an advantage many farmers recognise as important; the establishment of a mixed farming unit (see Section 5.5). Being well aware that an official recognition and authorisation of such a holding would represent a most radical step, I recommend that LUPAGs of those tribal areas where it is relevant, assess whether a shift in the tenure system entailing mixed farming units should be implemented. Referring to my discussion of this issue in Section 5.5, I also recommend that the relevant expertise of the Ministry of Agriculture, notably in the Division of Land Utilisation and the Department of Agricultural Research, research the time required for fallow land to regain fertility. The adequacy of fallow lands for pasture should also be investigated. The LUPAGs should, on the basis of their own assessments and the findings provided by the Ministry of Agriculture, evaluate the alternative land management systems in a comprehensive way. To facilitate these demanding pursuits, relevant Central Government expertise should, where required, be made available to the district planners assisting the LUPAGs. Based on this, recommendations on a comprehensive set of principles for land use planning should be established. Without such a base line, any adequate reinforcement of the customary land system as presently recommended will most likely fail.

9.8.7 In this report, some attention has been paid to the problem of access to land in the remote areas which typically, are inhabited by marginal

population groups and which are encroached upon by commercial farming interests. It is recommended that in the Bangwaketse, the Land Use Planning Advisory Group (LUPAG) should as soon as possible mobilise relevant planning and research capacities to identify areas west of about 25°E where the soil is suitable for arable farming. These areas should be reserved for arable purposes and primarily made available for establishing smallholding farm wards by local people from the central and western Bangwaketse. In order to facilitate this development, implementation of the land use recommendation made by Childers is of fundamental importance (see Childers 1981:80-81).

Furthermore, the Ministry of Local Government and Lands should as soon as possible act to ensure attention to the needs of the remote area dwellers of the Kgatleng/Kweneng borderland. Wherever similar confusion exists MLGL should establish a clear policy which guarantees the access to land and public facilities. Finally, as soon as a land policy pertaining to the remote areas is established, extensive information campaigns should be carried out. This is imperative not only to ensure remote area dwellers' familiarity with their basic land rights but to enable them to undertake the land management responsibilities recommended in this report.

9.8.8 One of the main concerns of this report has been that several of the Land Boards do not have appropriate control over the land which they, according to the Land Act, keep in trust for the respective tribes. Of particular importance are the large block holdings supervised by traditional overseers and the large individual holdings which are not cultivated. It goes without saying that the Land Boards can do no comprehensive land use planning and hardly implement the recommendations on establishing farming wards before these tracts of land are identified and brought under the Land Board's proper control. It has been pointed out that such a venture might be difficult (see Section 3.2). One of the problems suggested is that any provocation of land overseers and large landholders might lose the co-operation of the farming communities. Thus it is important to introduce a system of land management which from the point of view of the vast majority of the farmers will be readily conceived as an arrangement facilitating their control over and access to land. The subsequent chapter suggests a land management system which is intended to serve this objective, among others.

It might be that activation of the farming communities proposed is a sufficient condition to clear up what arable areas are remaining as unallocated land. However, I recommend that the Ministry of Local Government and Lands consider whether such an improved land management system needs to be assisted by commissions or task forces in determining what land has been rightfully allocated, what land requires application of the five-years rule, and what land has not been allocated.

Land issues are of course potentially politically sensitive. At this point it is crucial to bear in mind that as land becomes increasingly scarce, the consequent competition for land will in any case manifest itself as a prominent political issue. This is to say that it is not a question as to whether land will become politically sensitive, rather, it is a question about how land issues are going to affect political life. Indeed, I recorded considerable concern about precisely this question among several Land Board members. One of the Land Board chairmen, referring to the current process of

division of the tribal commonage, for which he saw the Land Board as heavily responsible, expressed deep concern about: "What will happen to us when ordinary people realize what has been going on?" I quote this expression of concern because in the land policy area as a whole, a failure to respond equitably and creatively to changing circumstances might easily prepare the ground for social and political instability.

The political benefits to Government of challenging those who presently insist upon entitlement to large, uncultivated holdings will in the long run be great. It is not evident that even in the short term costs will be very significant. Pursuit of the policies suggested would generate a greater popular concern about the commonage and this would ensure that large land appropriators would remain politically isolated. In my numerous discussions with Land Board members and District councillors, I found few who readily supported the current operations of the traditional land overseers. Certainly, most of them favor measures which would give Land Boards more adequate control over land.

9.8.10 Land is a principal national asset which, husbanded by proper management, constitutes a fundamental, renewable resource for tens of thousands of rural households. However, the land resources in this precarious environment are highly vulnerable to deterioration where there is improper land management. Dwindling land resources would make it impossible to tackle with any success Botswana's critical need for employment creation.

From this perspective, the present low priority given to communal land use planning cannot easily be defended. In fact, the present practice of directing land use planning resources into the commercial areas before the communal areas have been adequately dealt with, is arguably in conflict with the Tribal Grazing Land Policy (see recommendation 9.8.4).

Certainly, there are agencies on the District level (Land Boards, Agricultural Departments, and District Commissioner's office) dealing with the recurrent land use issues (like borehole, trek route, and drift fence applications). However, as repeatedly stressed, presently these agencies have very limited capacity to address the overall land use problems of the communal areas. This is serious indeed because as this report explains (see also Gulbrandsen 1980,230ff.) communal land use planning, under the condition of increasing demand for land, has to be comprehensive. No partial approach to problems in the communal areas (e.g. regulating spacing of water points or rejecting fattening stock at communal boreholes, etc.) will prevent pasture degeneration, though these measures offer promise as elements within the framework of an overall land use plan.

It should be stressed that Botswana is facing an urgent planning problem. Admittedly, the ecological manifestations of a dangerous development can as yet be found in scattered localities only. However, to avoid the rapid spread of such a situation, rather drastic measures may be required. No communal land use plan can be successfully implemented without people's active participation. There is every reason to expect that adequate planning may become more difficult as competition for land increases.

Consequently, I recommend that the Ministry of Local Government and Lands establish more adequate land use planning capabilities at District level, directed to deal with the overall problems of the communal areas.

Beyond this, in terms of improving the land management and planning capacity, I restrict myself to endorsing the recommendations already presented in the Inter-Ministerial Committee Report on Land Board Operations (see 1978:9, 29, and 30-31).

10. A TENTATIVE PROPOSAL FOR ARABLE LAND ADMINISTRATION

This chapter represents an attempt to propose one line of action which would assist in implementing the recommendations set out in Ch. 9. It is not framed in terms of a recommendation because it certainly raises fundamental policy issues which are as yet unresolved. It should also be noted that I did not have the opportunity to discuss it in detail with members of the reference group. Therefore, this chapter should be considered as an attempt to stimulate and to provide an initial focus for a badly needed discussion of how best to organize arable land administration.

10.1 Whether the trend of increasing land shortage is considered a problem depends, of course, on what development in agriculture is seen as most desirable. As pointed out in the Introduction, land shortage inevitably involves the dilemma that the national interest of promoting commercial crop production in order to reduce dependence on imports has to be weighed against another national interest, limiting unemployment, by ensuring as many people as possible their rights to a fair share in the communal, tribal land resources. Since any priority given to the latter alternative certainly is in the spirit of the Tribal Land Act (which stresses the principle of communal tenure)⁷⁶ and since such a priority also seems wise in terms of overall development, I shall concentrate my recommendations on measures which are apt to ensure the new generation reasonable access to arable land in a context of an inevitably expanding sector of commercial agriculture.

10.2 It follows from the data and analysis presented in this report that the basic problems are: (1) to ensure against too high concentration of landownership; (2) to reinforce the principles of communal land tenure, notably mechanisms of land redistribution. Although in some areas access to land is obtained predominantly through family transfers, it appears evident that an increasing number of family holdings are too small to meet the demands represented by the immediate heirs, while land in excess of current needs remains in other holdings (e.g. see Section 5.2). Since the Land Boards have limited vacant land available for allocations--although this might be improved

76. I.e. see Section 15(c) which empowers the Land Board even to cancel a grant of land under the condition "that the cancellation is necessary for ensuring the fair and just distribution of land among tribesmen entitled thereto".

by better control over the land overseers' block holdings--there is a rising need to strengthen the flexibility of land management vested in the principle of communal land tenure. This is also to say that the problem of short land supply impossibly can be improved by larger individual allocations by the Land Board, taking into account the number of the applicant's children on the assumption that parts of the holding will subsequently be reallocated to them.

Apart from the fact that there are considerable constraints upon land available for the Land Board's allocation, it goes without saying that by the time of allocation it will often be very hard to predict how many of an applicant's children will be demanding land. I have therefore recommended that the problem of land allocation/redistribution should be dealt with at the level of the farming community, rather than at the level of the extended family (cf. Section 9.8.1). The challenge of improved flexibility in land management which thus presents itself, can principally be attacked in two different ways. Either the present system of land management, whereby the Land Boards almost exclusively deal with land allocations and planning, should be improved and strengthened. Or one can start thinking about a system of land management which to a much greater extent re-activates the respective landholding communities to take part in everyday land management, reserving the capacity of the bureaucratic bodies mainly for overall administrative, planning, and supervisory responsibilities. I shall sketch a picture of what these alternatives entail in practice. From there my recommendations will be explicated in more detail.

10.3 Reinforcement of the present top-down model of land management, in the first place, would necessitate that tribal land be brought under the Land Board's proper control. In this respect, the problem of the traditional overseers has been singled out as one pertinent constraint (Section 3.2). The alternatives to the present situation are (1) to dismiss them, or (2) to co-opt them, i.e. to establish adequate checks upon them and to provide them with suitable compensation for the tasks they actually perform. If one has to choose between these two alternatives, it follows clearly from my discussion in Section 3.2, that the latter one is definitely preferable. However, a system which really will ensure against acts of corruption will require considerable resources. If this function is to be performed by the Land Boards, they will need both increased staff and resources.

In order to reinforce the communal principle of land redistribution, notably the five-year rule, on the basis of authoritative, bureaucratic decisions, a number of constraints have to be removed. In addition to the Land Board's apparent reluctance to implement this measure, the problem of identifying cases where the rule on legal bases can be implemented remains. On the one hand, the rule itself as it now stands in the Land Act, is poorly phrased and therefore results in considerable ambiguity in the particular cases. On the other hand, even if the conditions under which this rule can be applied were more precisely stated, the problem of establishing sufficient evidence to permit the Land Board, on a legal basis, to cancel a land grant, remains unresolved. Within the framework of a bureaucratic land management model, land registration and running monitoring/registration of actual utilisation of all landholdings presents itself as an imperative requirement, i.e. a requirement which cannot possibly be satisfied within the foreseeable future due to the lack of resources for land management.

In other words, both in respect of the lands overseers' involvement in land issues, and the implementation of the five-years rule (land redistribution), a top-down model seems inappropriate because it is too resource demanding. As a matter of fact, in view of the objective of raising the Land Board's recognition, I do not think that such an arrangement would have been desirable either as it easily would, as some Land Board members fear, antagonise the farming communities (see 6, p. 14). This is to say that it would not be advisable to enforce land redistribution entirely by means of administrative and legal measures. Rather, people must themselves consider reinforcement of communal principles of land tenure acceptable and desirable. It has been explained that this seems to be inversely correlated with the degree of commercialisation. For it is precisely in areas where people have no fear of land grabs that land redistribution is seen as an appropriate mechanism of ensuring people's access to land according to actual need. Hence, it is necessary to shield land for subsistence agriculture against commercial penetration, so as to make those who abandon unused land feel assured that land will be made available to them when they or their heirs again start ploughing.

On the basis of these principal premises for popular involvement in land management and of shielding smallholding lands for subsistence agriculture against commercial penetration and land concentration, I shall, in more detail, sketch an organisational framework within which these overall objectives can be implemented. Let me stress here that these suggestions are based upon two principal considerations:

- (a) As important as protecting the land presently under smallholder tenure against commercial expansion, is to ensure that the smallholders get access to a reasonable share of the land made available for the Land Board's allocation by cancellation of large, uncultivated landholdings and by adequate control over the customary land wards.
- (b) In view of the very limited resources available for land management and land use planning, it is important to consider a system whereby everyday land management responsibilities are as much as possible moved back to the farming communities themselves. As already suggested, such a change readily supports another important objective: to create a system by which people feel their principal, customary land right guaranteed. Among others, this means that resources should not be spent upon detailed cadastre and registration of individual holdings.

Under the organizational framework to be sketched out in the subsequent paragraph, I expect that the farmers will more readily accept the principles of land redistribution. Precisely in accepting this principle, their concern with allocations will be sharpened, and the 'land inventory map' will, as customarily was the case, be based on a community consensus about land distribution and demarcations. There should also be greater community concern about landholders' actual use of land, in light of the recurrent requirement of land redistribution.

Under these conditions the rural people are apt to find their interests better served by assisting the Land Board's implementation of the five-years rule, than by acting as prop and mainstay for overseers in confrontation with the Land Boards. Indeed, it may well be that the farming communities can plan an active role in, for instance, identifying what land is actually unallocated parts of land held by an overseer as trustee.

10.4 In order to facilitate the overall objectives recommended in the preceding paragraphs, the present organizational framework for land management needs to be developed and, in certain respects, changed. The purpose to be served, I repeat, is that subsistence farming communities should be shielded against the expansion of large commercial farmers. Not only is land becoming more scarce in areas where large commercial farmers operate, but others are prompted to pursue their claims to land more urgently and insistently. Therefore, for this purpose of reinforcing the communal principles of land redistribution, demarcated areas must be established into which large commercial farmers cannot expand.

The next step is to consider the appropriate size of such an area and its internal organization. Then we have to take into consideration the other overall objective, to put a cheque upon the land overseers' present control of land.

I suggest that in each farming community (the size of this entity will be discussed below) there should be elected an arable lands advisory committee, into which the lands overseer is co-opted as an ex-officio member. The particular provisions in the Land Act which entitle the land overseers to write letters of 'no objection' should be revised, so that this entitlement becomes vested in the arable lands advisory board. Furthermore, this advisory board should work as a resource body available to the overall land management authorities for the purpose of land use planning and for land dispute settlement. As a matter of fact, there is at present hardly any farming community with which these authorities can interact systematically. By the establishment of District farming communities (see the subsequent paragraphs), each with its arable lands advisory board, the Land Board would have a local body with whom land issues can be discussed. These advisory boards could also assist in the implementation of comprehensive land use plans, and channel feedback on various measures to the District land use planning agencies.

10.5 The size of such an arable land administration unit should not exceed a scale where the land advisory committee, on the basis of general farming community consensus, can identify land which is out of use and thus, eligible for allocation.

10.6 Units could be divided into two major categories so that one category is reserved for small scale arable farming, and where thus, no landholding should exceed, say, 30 ha. If a farmer wants a larger field, he should move to a unit designated for commercial farming. This category of units however, should, on the other hand, not be restricted to commercial farming. Indeed, as in practice there are presently smallholders everywhere, including in those units which will permit commercial farming, such a rule cannot be implemented. The main difference between these two categories of units, then, refers to mechanisms of shielding against commercial expansion/land concentration.

10.7 In the small scale farming units, when a person cannot be allocated a satisfactory piece of land by his father, his/her request for land should be presented to the land advisory committee of the unit which, subsequently, should be responsible for identifying land within the unit being currently out of use. Such a practice might, in due course, raise a need for refining the criteria according to which the five-year rule should be applied, although in fact such a need, it appears, has not yet presented itself as important in the areas where land redistribution is currently common.

Upon identification of suitable land for allocation, the advisory body should state 'letter of no objection' to the Subordinate Land Board which, finally, decides upon the allocation.

10.8 In order to ensure as many tribespeople as possible a fair share in the communal land resources, any landholder should at any time keep one and only one landholding in the small scale farming units. Moreover, no person who has been granted land in a commercial farming unit may claim land in a small scale farming unit. For the purpose of facilitating co-operation in arable agriculture among close relatives, every person should be eligible for allocation of land within the unit where the parents are located. In case a situation should develop where there is no land available for allocation in a particular unit, or where there are other reasons to move (e.g. witchcraft accusations, family controversies, need for co-operation with somebody located elsewhere), the land advisory committee of another unit can be approached. If a tribesperson cannot find any locality where vacant land can be identified, it should be the Sub-ordinate Land Board's and, in the final instance, the main Land Board's responsibility to identify an area where a plot for subsistence farming can be allocated. When the main Land Board finds that a given number of applicants cannot be satisfied, it should present the problem to the tribal lekgotla for consultation. Thereafter, a solution should be proposed to the District Council which should make a recommendation to the Minister of Local Government and Lands as to whether and where new areas can be opened for subsistence arable farming. In this way the central Government is at any time provided an instrument to control the extension of subsistence zones into areas where large scale commercial crop production is permitted, according to the national interests of giving priority to land use either for employment in the subsistence sector or to maximise the gross arable output.

10.9 The commercial farming units might, in principle, be organised as the smallholding farming units. The major difference should, as already indicated, be that the size of the individual holdings should not be restricted as in the smallholding units. However, land is already so scarce in most areas that measures to promote more intensive cultivation are not advisable. Hence when a holding exceeds a certain limit, say, 50 ha, the farmer should have to enter a commercial lease. Such a measure is also advisable from the point of view of promoting land redistribution within the commercial farming units. Payment of rent will discourage people from occupying land they do not intend to cultivate.

10.10 It will be possible in very few areas to demarcate commercial units which include only farmers who are operating on a commercial level from the outset. It might be found desirable to establish a regulation to protect the smallholding units against 'land eaters'. This might be ensured in terms

of a byelaw stating that no landholding of less than, say, 30 ha can be withdrawn for reallocation until ten years after the commencement of the new land management system. (By that time, a sufficiently large fraction of the new generation should have had the chance to start farming the sub-divisions of the parental holding.)

10.11 On the basis of the assumption that it is still desirable to retain the principle of communal tenure on all tribal land, i.e. to avoid monetisation of land, it is reasonable that no transfer of land among farmers on the basis of bilateral arrangements should be permitted (see Section 4.3). That is, when a land grant is abandoned, the land should revert to the Land Board which, upon advice from the land advisory committee, should be free to allocate it to any applicant.

However, with respect to the commercial holdings the question of mortgageability inevitably arises. There is considerable interest in establishing a system whereby commercial land can serve as security for a loan. For land to serve such a purpose, there are, of course, requirements to be fulfilled which go beyond the legality of mortgaging. The land needs to have a recognised market value and there needs to be a basic security of tenure.⁷⁷ Given the increasing shortage of land, there is every reason to expect that a market value on landed property will emerge. Security of tenure is, of course, compatible neither with the present five-year rule nor with the other provisions of Section 15 of the Land Act. However, even if the Government contemplates the necessity of allowing arable land to be mortgaged, the transformation of communal land (or parts thereof) into freehold arable holdings is neither necessary nor desirable (see Bruce 1981:25). The most feasible alternative is probably to develop a system of commercial land grants in terms of a Common Law lease (op. cit.:23). One important advantage of such a system is that the ultimate right of ownership remains vested in the tribe, which means that provisions can be made to assure that land is not reduced to an object of speculative investment. That is, provisions in the Land Act can be amended to give the Land Board the ability to cancel a lease in return for compensation (based on an assessment of the land's market value) in order to ensure that land resources are used to the overall benefit of the country. (It should be recalled that even today large tracts of land are claimed, presumably to a great extent motivated by an expectation of their future market value.)

Such a provision would not however, prevent the concentration of landholdings, the holders of which, in order to use the land, might be encouraged to recruit tenants. As a tenant system would be incompatible with the spirit of the Tribal Land Act (e.g. see Section 15[c]), provisions have to be amended to prevent this.

10.12 The issue of dividing tribal land into smallholding and commercial farming units cannot, of course, be subject to any detailed treatment in the present report. Considerable field investigation is required. However, some principles of division might be discussed. Two questions immediately present themselves:

77. See Bruce (1981:11ff.) for elaboration of this issue.

- (1) How much of the total arable land should be reserved for the smallholding farmers?
- (2) Which parts of the arable land should be designated for smallholding farming units?

It goes without saying that the answer will vary considerably from one tribal area to the other.

We can see this in the two extremes where land is already in really short supply, the South-East District and the Barolong. In the former, it seems quite obvious that any commercial farming unit is out of the question as there is close to no land left for further allocation. Except for a small handful of tractor farmers, the area is most likely to remain as a smallholding farming area where the vast majority exploit agriculture as a minor source of supplementary income (see Section 8).⁷⁸

The Barolong presents itself as the most problematic area with its expanding commercial sector of arable farming. Yet, in spatial terms, the process is not uniform. For instance, the Maiphitlwane and Kgoro-Bethel areas and the western/south-western Barolong are predominantly inhabited by smallholding/middle range farmers. Moreover, there are considerable tracts of land designated for arable agriculture not yet cultivated. Hence, presumably even in this tribal area, it is at least technically possible to identify areas which can be designated for smallholding farming without significantly affecting the current operations of commercial farmers. And where the commercial farmers, for geographical reasons, have to be included, particular provisions can be established so that their holding is adequately demarcated, equipped with a commercial lease, and prohibited from further expansion within the small-holding farming unit. Alternatively, the Land Board might expropriate such an 'odd' holding under the provision of Section 15(c) in the Land Act, compensating the holder, if possible, with an allocation in units designated for commercial farmers. (It should be remembered that there is possibly land available for allocation if the large uncultivated holdings were withdrawn and reallocated.)

In the Bangwaketse and Kgatleng the common pattern, it appears, is that the large scale commercial farmers are predominantly located in areas recently opened for arable agriculture. This means that the 'old' lands areas immediately present themselves as candidates for smallholding farming. And where there happen to be a large scale commercial farmers, the case can be treated as suggested above in the instance of the Barolong.

10.13 How does such a local land management system for arable land relate to the District land management system? As far as establishment of arable land advisory boards is concerned, I cannot see any problem. It would simply bring the land control presently held by the overseers under popular

78. Apart from this, considerable parts of Tlokwenng most likely will be turned into a Gaborone suburb.

influence, facilitating the articulation between the various farming communities and the governmental land decision-making bodies, the Land Boards. This change, I expect, would make Land Boards' rule of arable lands management less demanding and frustrating.

The principal land management problems in eastern Botswana are (a) to avoid deterioration of the communal pastures, and (b) to co-ordinate arable and grazing land utilisation. The first problem is, as everybody familiar with the current development knows, of fundamental importance, critical, and extremely complex. There are at least three principal processes causing the increasing pressure upon the communal pastures: (1) ever-increasing cattle population; (2) commercialisation of large tracts of grazing land, (3) arable land expansion into the grazing land. There is no space here to consider a comprehensive model to come to terms with this most serious development. I want, however, to strongly warn against any piecemeal approach to the problem: communal pasture management will never succeed unless a comprehensive land management system is established which compels the individual herd owner to see his own interests as best served by participating in grazing land management (Gulbrandsen 1980, 226ff.). Previously I have indicated that this might be facilitated by a division of the grazing land into grazing cells (op. cit., 230ff.). However, on that occasion I did not consider the problem of arable land management.

The problems indicated above directly raise the question of whether one should start thinking about mixed farming areas. As I have explained in this report, especially in several localities in the Bangaketse and the Kgatleng the recent development of land use patterns has paved the way for this. Some farmers have begun to cultivate at their cattleposts, while others remain in the lands areas where they also keep their livestock permanently.

In case a mixed farming system is found to be most appropriate, the model of arable land management has, of course, to be refined so as to facilitate considerably more complex organisational requirements. In the present context, I shall limit myself to pointing out one important requirement concerning the relationship between grazing requirements and arable land claims. The farming communities not only have to reach agreement about arable land redistribution, but also how to avoid deterioration of the shared grazing resources. I have argued elsewhere that one necessary condition for the latter is that everybody within a demarcated area be confined to that area. That is, the overall land management system must not permit people to move out as soon as they have contributed to the exhausting of the grazing resources in one particular locality (Gulbrandsen, loc. cit). Under such conditions, one might expect that sooner or later people will find themselves compelled to establish their own effective regulation of pasture utilisation. Admittedly, under the conditions of a mixed farming system, this is apt to become more difficult because both arable and grazing land are to be managed as scarce communal resources simultaneously. For instance, one might expect that people in competition for land as between the different uses will also exacerbate competition for land between individuals.

These complexities are symptoms of the contradictions and ambiguities which arise and require resolution as a communal land tenure system enters into a stage of land scarcity. My point is that these emerging problems

should be resolved as soon as possible. When the competition for land has become acute it may be much more difficult to achieve agreement about a land tenure system which ensures against an undesireably high degree of land concentration, and against a situation where no land user is prepared to take any responsibility for preservation of the land resource.

Even today, the challenge is formidable, because no piecemeal approach to the problem is of any use: it demands a comprehensive and coherent approach. Admittedly, such an approach is an ideal which will probably never be fully realised in practice. Still, I hope I have made the case for such an approach, and made a contribution to a much-needed discussion of the future management of Botswana's communal land resources.

References

- Bruce, J.
1981 Observations on land tenure and housing development in the major villages of Botswana. LTC research paper no. 75. Madison : Land Tenure Center, University of Wisconsin.
- Caye, V.M., and Koitsiwe, S.R.
1976 Report on a survey of Basarwa in the Western Kgatleng District. Mochudi.
- Childers, G.W.
1981 A land use and development plan for remote area settlements in Southern District. Kanye.
- Comaroff, J.L.
1977 The structure of agricultural transformation in the Barolong. Gaborone: Government Printer.

1980 Class and culture in a peasant economy: the transformation of land tenure in Barolong. Journal of African Law 24:1.

1982 Barolong agriculture revisited: gross statistics and subtle explanations. In Barolong agriculture reconsidered. Madison: Land Tenure Center, University of Wisconsin; Gaborone: Applied Research Unit, Ministry of Local Government and Lands.
- Copperman, J.
1977 Interim report on the north-west of Kgatleng. Mochudi.
- Gulbrandsen, Ø.
1977 A preliminary report on group-formation in the Ngwaketse South extension area. Gaborone: Division of Planning and Statistics, Ministry of Agriculture.

1978 A preliminary report on socio-economic aspects of land use in communal areas of Botswana. Gaborone: Division of Planning and Statistics, Ministry of Agriculture.

1980 Agro-pastoral production and communal land use: a socio-economic study of the Bangwaketse. Gaborone: Government Printer.

- Heisey, P.
1982 Agriculture and agricultural target populations in Southern District's communal first development area. In *Basolong agriculture reconsidered*. Madison: Land Tenure Center, University of Wisconsin; Gaborone: Applied Research Unit, Ministry of Local Government and Lands.
- Kocken, E.M., and Uhlenbeck, G.C.
1980 Tlokweg, a village near town. ICA publication no. 39. Leiden: Leiden University.
- Lipton, M.
1978 Employment and labour use in Botswana. 2 vols. Gaborone: Government Printer.
- Machacha, B.N.
1981 Land Boards and land management institutions. M.S. thesis, Land Resources, University of Wisconsin-Madison.
- Maribe, M.T., and Opschoor, J.B.
1980 Land availability and arable lands development in southern Kgatleng. Gaborone: National Institute of Development and Cultural Research, University College of Botswana.
- Masire, Q.K.J.
1969 Botswana democratic party election manifesto. Gaborone: Botswana Democratic Party.
- Nkwe, T.
1982 Social survey report on Kgatleng District. In *Planning for development, Kgatleng District*. Gaborone: Mochudi.
- Odell, M.
1978 'Land'--an ALDEP preparation paper. Gaborone: Ministry of Agriculture.
1980 A land shortage in Botswana: truth or fiction? Gaborone: Institute of Development Management.
- Opschoor, J.B.
1980 Land use and farming in Boladu, 1950-1980. Gaborone: National Institute of Development and Cultural Research.
1981 Environmental resources utilisation in communal Botswana. Gaborone: National Institute of Development and Cultural Research.
- Rigby, W.
Cultivated land survey. Amersfoort, the Netherlands: D H V Consulting Engineers.
- Roberts, S.
n.d. A restatement of the kgotla law relating to land and natural resources. Gaborone: Government Printer.

Roberts, S.

- 1980 Arable land tenure and administrative change in the Kgatleng. *Journal of African Law* 24:1.

_____ et al.

- n.d. The Maletle law of family relations, land and succession to property. Gaborone: Government Printer.

Republic of Botswana

- 1975 National policy on the tribal grazing land. Gaborone: Government Printer.

- 1978 Inter-ministerial committee report on land board operations. Gaborone: Government Printer [for] Ministry of Local Government and Lands.

- 1979 Report of the presidential commission on local government structure in Botswana 1979. Gaborone: Government Printer.

Schapera, I.

- 1942 A short history of the Bangwaketse. *African Studies* 1:1.

- 1943 Native land tenure in Bechuanaland Protectorate. Alice, South Africa.

- 1952 Ethnic composition of Tswana tribes. London.

_____, and v.d. Merwe, D.F.

- 1945 Notes on tribal groupings, history and customs of the Bakgalagadi. Capetown: University of Capetown.

Staps, J.

- 1981 Barolong farms. Geographical structures and land use policies. A need for realism. *Good Hope*.

Werbner, R.P.

- 1980 The quasi-judicial and the experience of the absurd: remaking of land law in north-eastern Botswana. *Journal of African Law* 24:1.