

**Land Tenure, Land Use and Land Reform at Dwesa-Cwebe, South Africa:  
Local Transformations and the Limits of the State**

by

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## **Summary**

Post-1994 land reform policies have had limited effects on land use in the communities surrounding Dwesa-Cwebe Nature Reserves in South Africa's Transkei region. Likewise, prior state interventions have largely been resisted and ignored. Instead, community-driven processes, influenced by the regional political economy, have shaped diverse patterns of changes in land use. These relate to the diverse livelihood styles in the area: different patterns of education, labor migration, and consumption have affected local use of land and forest products. Activities planned under land reform, however, may threaten local control of land tenure and use.

**Keywords:** land tenure, protected areas, villagization, forests, South Africa

## **INTRODUCTION**

This paper offers a long-term perspective on the limits of state-based land reform in the Transkei region, one of few land reform sites within one of South Africa's former African labor reserves. The Dwesa-Cwebe Nature Reserves (DCNR) are the site of one of the first successful claims involving a protected area under South Africa's post-1994 land restitution policies, and one of the earliest sites to see the creation of new landholding institutions under tenure reform policies. Yet in late 2005, four years after the resolution of the claim and thirteen years after the

struggle for restitution began, the claim and related tenure reform measures had few effects on local land use, either or outside the reserve.

The nature and effectiveness of state action around Dwesa-Cwebe has varied over time and space; despite the novelty of land reform, its consequences and limits show continuities with the past. The first section of the paper describes the limits of existing and past state interventions into land tenure and use at Dwesa-Cwebe, and how—largely in the absence of direct state intervention in land tenure and use—rural people with divergent “livelihood styles” (de Hahn and Zoomers 2005) have created distinct patterns of agricultural and residential land use, housing, and forest use. I then discuss potential contradictions between community-driven changes in land use and the agricultural and land tenure proposals created under the land restitution process. Finally, in the conclusion I review the implications of this case for understanding land reform more broadly, focusing on the value of the concept of “livelihood styles,” the importance of giving attention to locally-driven and community-led processes of land use change, and the importance of viewing contemporary interventions in relation to histories of successful and unsuccessful state intervention.

## **BACKGROUND: LAND AND THE STATE IN AFRICA**

Debates over land tenure and land reform in Africa have focused attention on the degree and nature of state intervention in rural society. Influential studies have emphasized the weakness of colonial and postcolonial African states’ attempts to establish “hegemony on a shoestring” (Berry 1993: 22), the discrepancies between land policies and practices, the local institutions that exist alongside state-sponsored systems of tenure, and the embeddedness and negotiability of land rights (e.g. Berry 1993, Platteau 1996, Shipton 1989, Juul and Lund eds. 2002. In a recent critique, however, Pauline Peters has argued against an unquestioned assumption of “the

incapacities of the state” (2004: 294, citing S.F. Moore 1998: 33; cf. Peters this issue). As she puts it, “the interventions of states in African rural societies may not be ‘hegemonic,’ but the degree to which their ‘intrusive’ acts...influence the patterns of access to and use of land needs to be a question rather than a conclusion that they have limited effect” (Peters 2004: 294).

In contrast to the literature on the rest of sub-Saharan Africa, much research on tenure in South Africa (written with an implicit or explicit aim of critiquing the apartheid regime) through the early 1990s tended to anticipate a powerful state, capable of forceful intervention in rural African society. Work often focused on a description of land policy, its “distorting” effects on communal tenure and chiefs and headmen, and the distributive consequences of apartheid on landholding in the country as a whole, without detailed attention to local practices in areas where Africans retained access to land (e.g. Hendricks 1990, Haines 1984). As Cross argued in 1991, these assumptions left a need for attention to “the administrative gap between what the state and its bureaucracies prescribe and what people on the ground are actually doing.” While “the state’s success under apartheid in limiting black land-ownership and land access...is well-known,” Cross noted, “what is less often seen is how far the state has actually failed to control land practice itself in relation to its African population” (Cross 1991: 64).

At Dwesa-Cwebe, the question of the state’s capacity finds multiple answers. State conservation agencies have largely succeeded in establishing and maintaining control over the Dwesa and Cwebe forests (later the Dwesa-Cwebe Nature Reserves) over the past century. Administrators' interventions in the land outside the reserves, under so-called “communal” tenure, have had fewer effects, creating space for locally-led innovations and transformations in land use.

## COMMUNITY-LED TRANSFORMATIONS IN LAND USE

The lack of state intervention in the area—outside of the Nature Reserves reflects longstanding administrative weaknesses that date to the 19<sup>th</sup> century (Fay 2003, Andrew 1992). It has enabled community-led processes of land use change: in similar ecological settings, and with livelihood systems that both combine wage labor, agriculture and livestock-keeping, the communities adjoining the Dwesa and Cwebe sectors of the reserve have nevertheless developed quite different patterns of land use. While these communities have been under the same legal system of so-called “communal” tenure, and have been subject to the same land use regulations, their practices have diverged significantly.<sup>1</sup> When the state intervened through villagization policies in the 1970s and 1980s, the effects of these policies were shaped by, and reinforced, pre-existing trends in land use.

I analyze divergent patterns of land use in relation to two historically-grounded “livelihood styles” (de Hahn and Zoomers 2005) that have emerged on the Dwesa and Cwebe sides of the Mbashe River since the 19<sup>th</sup> century, and illustrate how they have given rise to divergent patterns of land use. These correspond to the “School” and “Red” “resistance ideologies” described by Mayer (1980) and others in the literature on Xhosa-speaking populations, but I prefer to characterize these as “livelihood styles” here because the term draws attention to the ideological, aesthetic and material dimensions of livelihoods. Moving beyond a materialist focus on “trade-off of capitals” in livelihoods studies, De Hahn and Zoomers define a livelihood style as “a specific cultural repertoire composed of shared experiences, knowledge, insights, interests, prospects and interpretations of the context; an integrated set of practices and artefacts...; [and] a specific ordering of the interrelations with markets, technology and institutions; and responses to policies” (de Hahn and Zoomers 2005: 40), a formulation that highlights the interconnection of the symbolic and material dimensions of economic action.

This paper aggregates material from the two communities on the Cwebe side (Cwebe and Hobeni) and takes Ntubeni as representative of general trends on the Dwesa side. The analysis

draws on my fieldwork in Hobeni and collaboration with Robin Palmer and Herman Timmermans, who worked in Ntubeni and Cwebe; unless otherwise indicated, figures are from household surveys conducted between May and August 1998. I conducted roughly sixteen months of ethnographic fieldwork in the region, while living in Hobeni, between April 1998 and October 1999, and made follow-up visits in August 2003 and September-October 2005. I have also conducted archival research in the Umtata, Pretoria and Cape Town archive depots and reviewed aerial photos of the area. The fieldwork included a household survey, covering 80 randomly selected households (of 223) in Hobeni, participant observation, card sorts, transect walks, life histories, plot histories and other participatory research methods. Palmer and Timmermans conducted surveys, interviews and focus groups in Ntubeni and Cwebe in 1998 and 2003. Detailed discussions of methodology appear in Fay and Palmer 2002 and Fay 2003. In contrasting the broad patterns of land use change at Cwebe and Dwesa, I do not attempt to examine intra-community differentiation in detail, or diverse patterns of use of marine resources and engagement with tourism.<sup>2</sup>

### ***Regional history and the origins of contemporary livelihood styles***

The contemporary livelihood styles of the peoples on either side of the Mbashe River can be traced to the late 19<sup>th</sup> century. The colonial period created enduring cultural and socioeconomic differences in the Dwesa and Cwebe communities, which have continued to influence land and resource use.

The current populations primarily settled following the 1877-78 frontier war, in which the expanding Cape Colony pushed eastward into previously independent African polities. On the Dwesa side, the colonial administration wanted a buffer zone to separate the defeated Xhosa king Sarhili from his allies, and settled loyalist Mfengu in the vacated land to the north and west of the Dwesa forest and to the west of the Mbashe River. Refugees from Natal, the Mfengu had

allied with the colonial administration, and embraced Christianity and Western education. By 1887, a local school had won the praise of the administration, and in 1893, the Magistrate noted that the 'industrious Fingoes' had begun cultivation of cash crops (Fay, Palmer and Timmermans 2002).

In the early 20<sup>th</sup> century, Dwesa residents successfully produced maize for the market, continuing to do so longer than most rural Africans. By the 1940s, state subsidies and other supports to white farmers had largely undermined market production by Africans (Bundy 1988), but residents of the Dwesa side still produced maize for the market even in bad years, exporting it to nearby districts and further afield. In the following decades, however, price controls, lack of local storage facilities, and quality controls undermined local trade and export of Transkeian maize (Andrew 1992: 55).

As in most of the African areas of rural South Africa, as agriculture declined, migrant labor became the mainstay of rural livelihoods. When Dwesa residents joined South Africa's migrant labor work force, they primarily went (and continue to go) to the economically diverse labor markets of Cape Town in search of work. By the 1990s, a distinct pattern of migration was in place: in 1999, the proportion of the population absent from the Dwesa community of Ntubeni (37 percent) was roughly twice that in the Cwebe communities; moreover, women made up the majority of migrants (Fay and Palmer 2002: 151). Nearly a third of households had multiple generations absent, suggesting that entire nuclear families were migrating to town; moreover, 38 percent of households had an absent student, reflecting the value placed on education and the perception that urban schools are better (Fay and Palmer 2002: 153). Most adults had some education; only 13 percent had not attended school (Fay and Palmer 2002: 156-157).

The population of the Cwebe side has different origins, and distinct patterns of religion,

education and labor migration. After the 1877-78 frontier war, on the Cwebe side the armies of the defeated Gcaleka Xhosa king scattered throughout the area just east of the Mbashe. They established homesteads<sup>3</sup> around the Mbashe river mouth and in the grasslands above the forest, and many of their descendants currently live in the villages adjoining Cwebe forest. Residents of these areas rejected Christianity and education; mission schools that had been established at the turn-of-the-century had fallen into disuse by 1908, and schools did not reopen in most of the Xhora magisterial district, where Cwebe is situated, until the 1960s. For most of the century, the district was a stronghold of a self-consciously traditionalist “Red” Xhosa culture (cf. Mayer 1980, McAllister 2001).

Agricultural production for the market appears to have ended earlier on the Cwebe side, in part because maize was redirected to ceremonial and labor-mobilizing beer drinks rather than the market (Cook 1934). By the 1930s, an anthropologist working just north of Cwebe would observe that “a bare subsistence at a low level [characterizes] the present economic situation of the Bomvana” (1934: 31-32), and magistrates reported that people there relied on maize imported from across the Mbashe (Fay, Palmer and Timmermans 2002).

Labor migration took a different course on the Cwebe side. Migrants headed to the mines of the Witwatersrand, initially lured by cattle advances. Particularly in the days of single-sex hostels, mine labor allowed workers to minimize their expenditures on urban temptations, and labor migration was ritually incorporated into a rural-based moral system which stressed the imperative to “build the homestead” (Mayer 1980, McAllister 2001). The demographics of the migrant population have differed accordingly. Labor migration has remained largely limited to adult males in contrast to the Dwesa communities. Nearly two men were absent in 1998 for every woman, and only about 20 percent of the population was absent, roughly half the

proportion as at Dwesa (Fay and Palmer 2002: 151-153). At the same time, this pattern of migration has made Cwebe migrants particularly vulnerable to mine retrenchments associated with fluctuating metal and mineral prices.

The long-term effects of differing patterns of education and labor migration are evident in access to cash incomes. At Dwesa in 1998, 59 percent of households had a member in full-time employment, compared to 43 to 47 percent in the Cwebe communities (and 82 percent in a national sample from 1993; May 2000). Moreover, 55 percent of Dwesa residents had a member in part-time or self-employment, compared to only 11 to 14 percent in the Cwebe communities.

### ***Population and Land scarcity***

The livelihood styles described above have affected the landscape by affecting population density and perceptions of land scarcity and availability. Local-level time-series data are scarce through the 1960s, but it is possible to outline regional trends. For the Xhora magisterial district, where Cwebe is situated, the population density rose from 34 people/km<sup>2</sup> in 1904 to 86 people/km<sup>2</sup> in 1996, while in Cwebe itself, it increased from 56 people/km<sup>2</sup> in 1904 to 133 people/km<sup>2</sup> in 1998. For the Gatyana magisterial district, where Dwesa is situated, the population density rose from 49 people/km<sup>2</sup> in 1904 to 119 people/km<sup>2</sup> in 1996 (Muller and Mpela 1987, Wentzel n.d., Timmermans 2004). For Ntubeni itself, the figure was 107 people/km<sup>2</sup> in 1998 (Timmermans 2004: 40-41).<sup>4</sup>

Timmermans has analyzed recent population trends in the two areas since the 1960s. In Ntubeni (on the Dwesa side), population appears to be declining through urban migration; in Cwebe (on the Cwebe side), population appears to be increasing, leading to perceptions of land scarcity. As discussed above, a larger and more diverse proportion of the Dwesa population

takes part in temporary urban migration. In addition, there has been permanent outmigration. Based on aerial photos covering nearly 50 years and interview data, Timmermans has estimated that Ntubeni's population has been declining by 0.6 percent annually since 1962, and notes that a majority of informants stated that it had "either stayed the same or decreased" (Timmermans 2004: 75). The Cwebe side reveals a contrasting trend: here, the population appears to have been increasing at 1.1 percent annually, and 75 percent of those surveyed perceived the population as increasing (Timmermans 2004: 75).

Not surprisingly, these trends were reflected in perceptions of land scarcity. On the Dwesa side, at Ntubeni, Timmermans does not recount complaints about access to land. On the Cwebe side, complaints were commonplace: residents associated rising population with "inability to obtain a residential and/or arable site, more crowded residential areas, and a reduction in the amount of grazing" (Timmermans 2004: 76). Residents of Hobeni (on the Cwebe side) also complained of localized scarcity, and in both Cwebe and Hobeni, new homesteads had recently been established in areas that had formerly been used exclusively for grazing and/or agriculture.

### ***Shared Experiences of State Intervention***

Dwesa and Cwebe residents were equally exposed to the state's interventions. The first of these was the Forest Department's "territorialization"<sup>5</sup> of the Dwesa and Cwebe forests through official demarcation in the 1890s, with an aim towards commercial exploitation. By the 1930s, the Forest Department had evicted the African residents of the forests, who settled among those living in the grasslands outside the forests (Fay, Timmermans and Palmer 2002: 52-56). Local residents retained some access to forest products for building, fencing and medicinal use, and

continued to graze their livestock in the glades within the reserve boundaries, upon payment for permits. In 1978, however, influenced by lobbying from conservation organizations, the Transkei “homeland” government established the Dwesa-Cwebe Nature Reserve. In the midst of severe drought, it subsequently fenced the forests, stocked them with wild animals, and cancelled all local harvesting and grazing access.

While the Forest Department and its institutional successors (the Transkei Department of Nature Conservation, Eastern Cape Nature Conservation and the Eastern Cape Parks Board) have regulated land use and activities within the forests, the land outside the forests was under the nominal control of the Native Affairs Department, administered through local traditional authorities (chiefs, headmen and subheadmen).

The NAD’s interventions in local land use were less effective than those of foresters and conservation authorities. Unlike more politically important and potentially rebellious inland parts of the Transkei, where the state’s control over tenure was more robust (cf. Ntsebeza 2005), in the areas around Dwesa and Cwebe, official land administration from the late 19th century to the present has been understaffed and underfunded.<sup>6</sup> Through the 1940s, state interventions in rural society did not take the form of territorialization or zoning, and no significant efforts were made to regulate land use outside of forests.<sup>7</sup>

A break with this pattern occurred with “betterment” (cf. de Wet 1989), an apartheid-era program of forced villagization and zoning-based land use restrictions. Betterment was imposed after longstanding resistance, though not fully implemented, in the Dwesa communities in the 1970s and the Cwebe communities in the 1980s. Soon thereafter, in 1989, implementation of betterment villagization was cancelled, after the military coup in the Transkei under General Bantu Holomisa.

With the exception of the short-lived and incomplete betterment villagization policy, land tenure and use largely remained under local control. Under official regulations, traditional authorities controlled land: headmen would allocate land to household heads, technically subject to ratification by the district magistrate and tribal authority. The land allocated consisted of a residential site (including space for an attached garden), and where fields were available, one field per wife.

In practice, district officials' registration of land holdings relied on local knowledge of borders and neighbors, rather than cadastral surveys. Most land allocated was never registered with the magistrate or tribal authority, and headmen and their subjects alike found ways to circumvent the administration's regulations on land use and transfer. Given the weakness of state structures, the security of local land rights has relied instead in most cases on decisions taken by subheadmen and male homestead heads in the neighborhood (a group of clusters of 30-50 homesteads under a subheadman).<sup>8</sup>

### *Agricultural land use*

Local control of land has allowed divergent changes in agricultural land use on the two sides of the Mbashe. At both Dwesa and Cwebe, residents have followed a regional trend in the southeastern Transkei towards expanded cultivation of gardens adjoining homesteads, beginning in the mid-20th century (Andrew 1992). This trend was facilitated by the weakness of the local administration; local magistrates occasionally warned headmen about allowing their subjects to expand their gardens well beyond their residential sites, but aerial photos and oral evidence make it clear that these concerns scarcely affected local land use practices (Fay 2003).

In both communities, cultivation is best seen as a supplement to income from labor

migration and state pensions. Residents of Dwesa and Cwebe generally cultivate for a portion of their household subsistence, and rely on purchased food for the balance. Output recorded by Timmermans (2004: 112) in both communities was comparable, averaging 160 kg of maize/household in Ntubeni (Dwesa) and 171 kg of maize/household in Cwebe.<sup>9</sup> Only nine percent of Dwesa residents and 2.7 percent of Cwebe residents described themselves as cultivating crops for sale (Palmer and Timmermans, unpublished data) while at Hobeni (Cwebe), nine percent of surveyed residents reported selling produce, although only one respondent sold more than one item (Fay 2003: 289). In general, in Hobeni, food not consumed at home was redistributed in the community, in response to requests from family and neighbors, as payment for hired labor, or—for maize—through conversion to beer.

Residents of Dwesa and Cwebe cultivate in gardens adjoining their homesteads. In the Dwesa community of Ntubeni in 1998, 97 percent (all but one) of the surveyed homesteads had gardens (Timmermans 2004: 111). On the Cwebe side, 79 (Cwebe) to 91 percent (Hobeni) of homesteads had attached gardens. Rates of cultivation at Dwesa and Cwebe were similar; between 80 and 88 percent of homesteads had cultivated their gardens in the previous year. Although garden sizes vary considerably between homesteads, mean size at Dwesa (.28 ha) was considerably larger than at Cwebe (.17 ha) (Timmermans 2004: 111). Garden cultivation has advantages over cultivation in remote fields, particularly if labor is scarce (Andrew 1992, McAllister 1992): because gardens are generally smaller than fields, they are easier to fence; because of their proximity, they are easier to manure and guard against theft and animal damage, and it is easier for women to integrate work in gardens adjoining their homesteads with other domestic tasks. People also cultivate a wider variety of crops in gardens; while fields are generally exclusively given over to beans, maize, and occasionally pumpkins, gardens often hold

a range of additional vegetables (e.g. cabbage, tomatoes, potatoes, sweet potatoes, onions) and occasionally tobacco. On the Dwesa side, households grew an average of 3.9 crops, compared to 3.2 at Cwebe (Timmermans 2004: 112) and 2.7 at Hobeni (Fay 2003: 287), reflecting both dietary preferences and the larger proportion of cultivation taking place in gardens at Dwesa (see following).

The Dwesa and Cwebe communities differ in their use of land distant from their homesteads: on the Dwesa side, local residents have almost completely abandoned cultivation in remote fields, while on the Cwebe side, fields are cultivated and in high demand, generally cropped with maize and occasionally pumpkins and/or beans (Fay 2003: 286). At Ntubeni (Dwesa) in 1998, 27 percent of homesteads reported having access to a field, but nearly three-quarters of those with fields had not used their field in the year prior to the survey. In Mendwane, the easternmost community on the Dwesa side, aerial photos reveal that many fields above the flood plain had been abandoned between 1962 and 1981. The situation appears similar to Shixini, about 20 km to the southwest. There, field cultivation had long been declining; the area of fields cultivated in 1982 was half that in 1942, and half of field owners reported in 1991 that they had not used their fields in the past 10 years (Andrew 1992: 114).

In contrast, on the Cwebe side, field cultivation remains widespread. In 1998, 72 percent of homesteads in Hobeni and 84 percent in Cwebe had access to fields; 90 percent of people in Hobeni with fields and 73 percent at Cwebe had cultivated them in the previous year. Aerial photos suggest that this is a longstanding practice; in 1981 aerial photos of Hobeni, roughly the same area appears to be under cultivation as in 1962; the exceptions to this are areas where new homesteads were established in old fields, but these often have large gardens. Greater demand for agricultural land is another factor contributing to perceptions of land scarcity at Cwebe

relative to Dwesa.

Residents of the Dwesa communities and nearby areas cite many reasons for abandoning field cultivation including lack of fencing, drought, damage by livestock and wild animals (Timmermans 2004), declining soil fertility, lack of labor (Timmermans 2004; Andrew 1992), and lack of traction (Andrew 1992). It is difficult, however, to determine which of these were actually motivations, and which are *ex post facto* justifications. Given the importance of labor for maize cultivation, labor shortages are a likely constraint at present. The pattern of education and migration among the Dwesa communities limits available labor, with more children in school and more women migrating to town. Moreover, agricultural work parties are much less common on the Dwesa side: in the 2003 survey, only one of the 38 Dwesa households surveyed had a member who had participated in a work party for agricultural purposes (Palmer and Timmermans, unpublished data).

In contrast, on the Cwebe side, ecological and social factors compound to explain the continuity in field cultivation. Fields in the area are relatively productive, especially on the substantial flood plains of the Mbashe and Ntlonyane rivers. Maintaining fields also allows people to manage climatic risks by cultivating in diverse micro-environments. Fields on the flood plain of the Mbashe, about 2km walk and 200m down from the residential area in southern Hobeni, are said to be very productive in dry years, but susceptible to water damage in wet years, while the gardens at residential sites are less productive in dry years but can take full advantage of rainier years.

Because only men of working age generally migrate, in contrast to the temporary migration of entire nuclear families at Dwesa, more labor is available in the Cwebe communities. Labor and traction have remained highly mobile through work parties and ploughing companies,

allowing poorer homesteads with land to continue cultivating. These institutions—associated with beer parties and the ‘Red’ traditionalist subculture that flourished around Cwebe—appear particularly important. Access to extra-household labor for weeding appears to be the single most important factor determining maize output on the Cwebe side (Fay 2003: 289-293). While work parties for agricultural purposes were almost completely absent at Ntubeni in 2003, at Cwebe, 16 of 36 households surveyed had participated in work parties (Palmer and Timmermans, unpublished data). Of these, 15 were for weeding, the critical labor bottleneck in maize cultivation.

### *The diverse effects of villagization*

In the midst of these divergent trends in land use, the state instituted a program of land use planning and forced villagization, known in South African administrative jargon as “betterment.” By restricting people to a 50m x 50m plot for their homestead and garden, the policy was at odds with local innovation in agriculture, which was based upon the expansion of gardens. All of the Dwesa-Cwebe communities were ordered to move under betterment planning during the 1970s and/or 1980s, creating depopulated buffer zones around the border of Dwesa-Cwebe Nature Reserve.

While detailed reports on betterment on the Dwesa side are unavailable, it appears that removals were incomplete. At Ntubeni, residents were ordered to move (Timmermans 2004: 76), but in 1998, only seven of forty households surveyed reported having moved because of betterment. Aerial photos from Mendwane suggest that removals there were more complete, at least adjoining Dwesa forest, where homesteads visible in 1961 aerial photos are absent in 1982 and later photos. Betterment also probably contributed to the pattern of field abandonment, as

many of those removed were situated further from their fields.

On the Cwebe side, removals were also incomplete. People living in the neighborhoods adjoining the Nature Reserve were scattered among the homesteads of neighborhoods in “villages” further from the forest. In more remote areas, further from main roads, people were ordered to move to the new villages as well, but most did not do so. Villagization also did not lead to a decline in field-based agriculture on the Cwebe side. Despite being further away, those who were removed continued to use their old fields, and most began cultivating at their former residential sites, which were not reallocated by the state.

For those living in the new “villages,” betterment had adverse consequences, creating tensions between the prior inhabitants of these areas and new residents. Many prior residents had their gardens and homestead sites subdivided to accommodate newcomers, and all lost the possibility of expanding their homestead gardens on the small sites allocated under villagization. Concentrating people and livestock also led to unprecedented localized pockets of erosion (Fay 2003: 302; cf. de Wet 1989: 339).

The enforcement of betterment policies was short-lived, however. In 1987, General Bantu Holomisa seized control of the Transkei, inaugurating a period that, to many outsiders, appeared to bring the Transkei to the verge of anarchy. By 1989, the Holomisa government had cancelled enforcement of betterment (Fay 2003).

Residents of the Dwesa and Cwebe side of the Mbashe responded differently to the end of enforcement of betterment policies. On the Dwesa side, nearly all removed people appear to have remained in their villagization sites. In part, this is attributable to a material dimension of their livelihood style: preferences for domestic architecture.

Dwesa residents built more permanent structures after they were forced to move.

Relatively wealthy and aspiring to an appearance of “modernity,” they preferred purchased building materials—cement bricks, corrugated iron roofs, etc., and rectangular houses. At Ntubeni (on the Dwesa side) in 1998, the split between roofs of thatch (generally used on round huts or “rondavels” in South African English) and purchased zinc sheeting (generally used on rectangular houses) was roughly 50/50, whereas at Cwebe, over 90 percent of houses were roofed with thatch. Likewise, nearly a quarter of houses at Ntubeni used purchased prefabricated pine rafters, compared to 7.5 percent at Cwebe (Timmermans 2004: 119-121). These figures reflect the relative wealth of people on the Dwesa side, but also cultural preferences for more “modern” or “traditional” houses (cf. Deliwe 1992). In a study of a community similarly divided between educated churchgoers and traditionalists, Deliwe wrote that “[rectangular structures] are associated with Western culture, whilst [circular houses are] associated with African culture,” with most round buildings in “an area sometimes called the ‘place of the reds’ ...by the local people” (Deliwe 1992: 83). In the “place of the reds,” the distribution of houses was comparable to Cwebe: of 90 structures, 81 (90 percent) were rondavels, and nine (ten percent) were rectangular. “By the same token, most...rectangular buildings [were] in areas sometimes called locally ‘the place of the Christian converts or the place of the Western educated’” (Deliwe 1992: 83-84). Of the 119 structures in this area, 35 (29 percent) were rectangular or square while 74 (62 percent).

At Dwesa and Cwebe, these differences are not simply an expression of identity; they have also affected the feasibility of moving back after villagization. Dwesa residents, who have invested heavily in “modern” housing in their post-betterment sites, have been deterred from sacrificing these investments by returning to their former sites.

In contrast, on the Cwebe side, inspired in part by the political changes in South Africa,

beginning in 1993 people undertook a community-led land reform, by returning to their pre-villagization sites.<sup>10</sup> By 2005, most had returned. Again, housing patterns conditioned these actions. Thatched rondavels, constructed either of mud bricks or of mud plastered onto a wooden framework, could be reconstructed at peoples' pre-betterment sites with relatively less expense.

Prior to forced villagization, Cwebe residents would reconfigure their homestead sites and shift the locations of homesteads, periodically relocating their houses, kraals and gardens to take advantage of localized soil fertility and to allow cultivated land to fallow. In the areas where people resisted betterment, they have continued to do so, but in the betterment "village," where people were resettled amidst existing residents, maintaining this flexibility in land use was impossible, given the small plots and artificially dense population.

Moving back has restored this flexibility in land use, and is likely to ameliorate some of the erosion caused by villagization. As areas within the "village" have been ploughed under and converted back to gardens, and as the paths around homesteads and gardens shift to accommodate changing land uses, they are being removed from the human and animal traffic that has led to the erosion. Likewise, people returning to their pre-villagization sites have left space for future reconfigurations of land use. Since 1993, the residential pattern in these areas has come to approximate the older pattern of settlement on ridges. Homesteads are generally 75m or more apart, with space for future reconfiguration of huts, kraals and gardens, and room to shift exhausted land out of production and open up more fertile land.

The Dwesa-Cwebe land claim also facilitated the reversal of betterment. Early in the negotiations, the forests were temporarily opened under a permit-based system in 1995, which was suspended in 1999 and cancelled in 2001, but which made building materials affordably

available during the period when people on the Cwebe side began returning to their former sites (Fay 2003: 310-314). While the ecology of the forests remains poorly understood, Timmermans' work suggests that extraction between 1995 and 1998 was within the regenerative capacity of the forest (Timmermans 2000: 239; cf. Timmermans 2004). Despite Timmermans' conclusion, and attempts to incorporate it into the Dwesa-Cwebe Development Plan and the management plan for the forests, the current reserve management has not allowed any harvesting since 2001. While illegal cutting has taken place sporadically, enforcement has been aggressive and several local residents were sentenced to year-long prison terms for cutting in 2004.

### ***The Expansion of Wooded Land***

At Dwesa-Cwebe, the environment outside the forests has been a dynamic actor: changes in land cover over recent decades—influenced by divergent patterns of land use and settlement—have affected present and potential future land uses. The area is affected by “bush encroachment,” a process seen to degrade grazing land through the “encroachment by generally unpalatable trees and shrubs at the expense of palatable grasses over a time span of several decades” (Hudak 1999: 56; cf. Lent *et al.* 2000). Field abandonment and villagization in the Eastern Cape has typically created conditions which promote bush encroachment, primarily by *Acacia karoo* (known locally as *umnga*), a tree described as “the most important woody invader of grassland in southern Africa, and [able to] greatly reduce the productivity of grassland” (O'Connor 1995: 214). *Acacia karoo* is a species that can establish itself in thick grass, particularly in moist conditions as at Dwesa-Cwebe, and grazing may promote the growth of seedlings once established (O'Connor 1995: 221). Invasion by *umnga* can take fallow fields and former homestead sites out of cultivation permanently. Former sites and fields, if left uncultivated for more than about seven

years, are especially susceptible to the growth of *umnga*. Concerned about the availability of grazing land, and on the Cwebe side, land for agriculture, local residents share ecologists' negative assessment of bush encroachment. One man from a village outside Dwesa Nature Reserve characterized *umnga* as "Satan," explaining that it "destroys everything and brings an end to grasslands and open areas."

Bush encroachment is visible in comparisons of aerial photos of southern Hobeni (on the Cwebe side) and the community of Mendwane, located directly across the Mbashe River on the Dwesa side. In Mendwane, people were removed under betterment in the 1970s, and abandoned their fields during this period. In the 1961 aerial photo, the fields on both sides of the river are similar, free of shrubs except for scattered grave sites within fields. In 1982, 1999 and 2006 photos, the fields in Mendwane are filled with invading shrubs, while the Hobeni side remains under cultivation and free of bush encroachment.

On the Cwebe side, after betterment villagization, people continued to use their old residential sites as fields, thereby keeping them free of *umnga*. By returning to their pre-villagization sites, and continuing to cultivate in their fields, people on the Cwebe side have restricted the spread of *umnga*. On the Dwesa side, where people moved into betterment "villages" abandoned their fields, many former residential sites are so thickly covered with *umnga* that cultivating or building would require a very labor-intensive clearing operation. Shaped by the different agricultural and residential land use practices of Dwesa and Cwebe residents, bush encroachment has reinforced these divergent patterns.

## **THE FUTURE OF STATE INTERVENTION**

Even as they were transforming land use outside the Dwesa and Cwebe forests, local residents

were excluded from the forests. This exclusion inspired their land restitution claim, ultimately resolved successfully in 2001. As the site of a land claim, in which land ownership was transferred to a community trust, one might expect that land uses at Dwesa-Cwebe Nature Reserve might be changing drastically. This is not the case. Early in the negotiations, the claimants agreed to maintaining the reserve's protected status, under a system of joint management, swayed by—or at least willing to entertain—the argument that tourism development in a protected area offered the best hope for improving local livelihoods (Palmer et al. 2002). The land restitution agreement included the stipulation that the DCNR would remain a protected area, leased by the state from the new landowners, with conservation and tourism remaining the only land uses. Tourism development has been limited to an upgrade of an existing hotel within the Cwebe sector of the Nature Reserve, despite the Wild Coast Spatial Development Initiative (SDI), a high-profile attempt to attract tourism investors in the late 1990s which ultimately failed to attract bidders. By mandating continued protection of the DCNR, land restitution has in effect given a renewed legal basis, now with formal local consent, for the longstanding pattern of local exclusion from the forests.

The land restitution process had two major legal-administrative effects with considerable potential to transform land use and tenure in the villages adjoining the reserves, however. As part of the restitution settlement, the communities are to receive grants, lease payments, and compensatory payments totaling more than R14 million, as well as rental income from tourism facilities within the Nature Reserve. These funds are being channeled through recently-established local government structures, opening the region to developmentalist planning and interventions under the 2003 Dwesa-Cwebe Development Plan (Amatole District Municipality 2003). Progress has been slow for a number of reasons, including successive waves of new legislation on local government, redemarcation of local government districts, the tendency of understaffed local government to rely on consultants (cf. Hart 2002: 235-238, 259-262), and the transfer of the Cwebe area from one district council to another. As of October 2005, when the activities described in the plan were supposed to be concluding, local government had just

appointed a consulting firm to coordinate implementation of the overall plan.

Under the restitution agreement, Dwesa-Cwebe has also become a site for tenure reform, but governmental and community structures have both been slow to implement tenure reform. Proposed tenure reforms at Dwesa-Cwebe has consisted of three elements. First, the land outside DCNR was nominally transferred to seven Communal Property Associations (CPAs), one representing each of the seven villages adjoining the reserves. In the absence of resources and a clear local mandate, though, the CPAs have not intervened in local tenure practices; they exist primarily as legal structures to facilitate any future outsider investment in the area and their future status is uncertain (see below). Second, the 2003 Dwesa-Cwebe Development Plan contained an ambitious plan to survey and title land, and possibly rezone land use, but, as noted above, in late 2005 the institutional arrangements that might allow the implementation of these plans were just coming into place. Third, national legislation, the Communal Land Rights Act of 2004, may potentially allow for the transfer of the CPA land (and the DCNR) to tribal authorities, recognizing tribal councils as “communities” in favor of existing CPAs, a step which would undermine existing community leadership structures and control over land and development planning. The law has not been brought into effect, however, and it currently faces a constitutional challenge by the Makuleke community (another community involved in a land claim on a protected area) and three others, with hearings scheduled for October 2008.

To date, then, the limited effects of land reform at Dwesa-Cwebe have followed a longstanding pattern: the conservation arm of the state has maintained its control over Dwesa and Cwebe forests, while local government has remained largely ineffective.<sup>11</sup> The post-1994 state has not effectively intervened in land tenure and land use in the areas outside the Nature Reserve (where the state has long had a strong, but spatially constrained presence), despite policies which

give it great long-term potential to intervene.

The absence of local government intervention is likely to change in coming years, once the implementation of the Dwesa-Cwebe Development Plan gets underway. I focus here on the relation between current land use and tenure patterns and the tenure reform proposals contained in the Development Plan.<sup>12</sup> While the plan is clearly a carefully prepared document, with evidence of fieldwork in the communities, participatory planning, and a consultation of some of the relevant academic literature, it still contains several recommendations that seem not to take into account local tenure and agricultural practices.

The first area of concern in the Development Plan are its proposals for agriculture. Early in the document (Amatole District Municipality 2003: 81-82), it sets out a set of reasonable if vague recommendations involving training and provision of inputs to support household gardens.<sup>13</sup> This approach would support the direction of agricultural change at both Dwesa and Cwebe, where people have been expanding and increasing their reliance on their gardens for decades. Like most documents written by committees (in this case, six consulting firms), the plan is inconsistent. When one reads the “Action Plan” and the actual budget allocation of R600,000, there is an alarming shift to establishing community gardens (one non-irrigated, one irrigated), and no mention of household gardens (Amatole District Municipality 2003: 103-4). Given that all existing agricultural land is under the control of individual homesteads, that this pattern of ownership has allowed for ongoing agricultural production, and that lack of agricultural labor appears to be a significant constraint on agriculture, any attempt to introduce community gardens seems misguided. Community gardens are likely to end up competing, probably unsuccessfully, with individual households’ gardens and fields for labor and inputs. As McAllister argued years ago, with respect to Shixini, strategies should instead build on what

people are already doing—expanding and intensifying cultivation in their gardens (McAllister 1992).

The second area of concern in the plan is its ambitious set of proposals for tenure reform. The budget allocates R3.4 million—nearly a quarter of the total funds the communities are receiving in their land restitution claim—to land use planning and surveying. It calls for determination of property boundaries and registration of individual ownership, although the details of the procedures to be followed are not specified. Given that there are 2,270 homesteads in the Dwesa-Cwebe communities, most of which have more than one discrete land parcel, this seems like a recipe for an incomplete tenure reform, likely to create ambiguity and conflict (cf. Shipton 1989, Platteau 1996).

There is also the prospect that the new Communal Land Rights Act will survive its constitutional challenge; potentially, this could lead to the legal transfer of the land of both Dwesa-Cwebe Nature Reserve and the communities outside the reserves to tribal councils comprised of apartheid-era tribal authorities (chiefs and headmen). Prior to the passage of the Act, the Dwesa-Cwebe Land Trust expressed its opposition to the Act and the possibility of transfer of local land to tribal authorities in a document submitted to a public hearing on the Act (Dwesa-Cwebe Community Consultation 2003: 2). As I have argued at length elsewhere (Fay 2005), these proposals would entrench land tenure administration at a level far remote from the neighborhood councils where existing decisions about land allocation and tenure are made, and place it under the aegis of Tribal Authorities who are on the payroll of state, without downward accountability to land users.<sup>14</sup> They would also create the risk that Tribal Authorities might attempt to enter into deals with tourism operators on Dwesa-Cwebe land without local consent, as has happened in one of the communities involved in the constitutional challenge to the CLRA

(Ntimane 2006).

What is clear from the proposals contained in the Development Plan (and more starkly in the simple fact that the community's restitution funds were transferred to local government, rather than to the Dwesa-Cwebe Land Trust, the legal owner of the land, and in the possibility of the transfer of land to Tribal Authorities under the CLRA) is that land restitution and tenure reform has considerable potential for outsiders to assert their presence in an area where it has scarcely been felt before. If this is the case, land reform may be the process through which local control of land tenure and use is lost.

## **CONCLUSION**

This case has broader lessons to offer our understanding of land reform and the limits of the state.. Local residents' preferences, practices and opportunities regarding education, urban employment, housing, and recruitment of local labor have all influenced land use practices. In the absence of significant state intervention, and in similar ecological settings, the communities adjoining the Dwesa and Cwebe sectors of the reserve have developed divergent patterns of land use. The concept of livelihood styles, including their aesthetic and symbolic dimensions, draws attention to local aims and consumption preferences, and their material consequences for local land use; it has enabled me to elucidate the divergent directions of land use change in the absence of the state. As I have shown in my critique of the Dwesa-Cwebe Development Plan, inattention to these processes may lead to proposals that are at odds with the direction of local innovation and practice.

I have also highlighted the importance of recognizing community-driven processes of land reform. Cwebe residents undertook a community-driven land reform to reverse the negative

effects of betterment villagization. As in their efforts to manage forested land outside the Dwesa-Cwebe Nature Reserves (Fay 2007), local residents have been proactive, aiming to manage resources and effect changes where the state has been unwilling or unable to intervene. Recognizing the limits of state-led land reform directs attention to processes of change that affect land tenure and land use but which fall outside the ordinary template of state or NGO programs. As Stephen Turner has written of community-based natural resource management (CBNRM) in southern Africa, there is a need to give attention resource management in areas where the state is weak, aloof or absent. As Turner puts it, “people [in] communal areas are far from giving up on ‘everyday’ [locally-grounded] CBNRM. But their achievements and needs go largely unheeded in ‘development’ policies and processes” (Turner 2004: 20). By reconceiving land reform as a process that is as likely to be community-driven as state-driven, our attention is refocused on local processes of change that may both be deserving of support, and at odds with the direction of state-driven policies.

Finally, the case points to the importance of viewing land reform in light of prior state interventions. The very language of land “reform” implies a sharp break with the past, a transformation or amelioration of past conditions (cf. Fay and James 2008). But land reform may entail many continuities: first, there is a spatial continuity in the reach of the state—the forests remain an area of intensive state control, while the areas outside have not been significantly affected by land reform. Second, in the Dwesa-Cwebe Nature Reserves, land reform has re-entrenched existing land uses under a new legal regime: if anything, land reform has enabled the state to tighten its control of the reserves; having legally resolved the restitution claim through payments and promises of ecotourism, the reserve management has built new fences and renewed its commitment to preventing local extractive use. Third, in the areas

outside the reserves where the state historically had seldom intervened (with the exception of betterment, which was reversed through local initiative in Cwebe), its presence has remained elusive, while land use and management have remained under local control. Fourth, while they remain unimplemented, official visions for the land outside the reserves (like the plans for many other land reform sites in South Africa) show important and unfortunate continuities with the assumptions about rural society and land use embodied in betterment planning, in part reflecting institutional continuities in the government agencies, agricultural training institutions, and consulting firms involved (cf. Hebinck and Fay 2006), as well as unrealistic expectations about the availability of labor for community gardens. Examining contemporary land reform in relation to the longer history of state interventions into rural society reveals the ways in which land reform may embody and reconstitute continuities with past patterns of state attempts at control, and local resistance.

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*Figure 1: Map of the Study Area*

Note: Modified from Timmermans (2004).

## NOTES

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<sup>1</sup> Divergent paths of land use are unsurprising given the complex factors behind land use change. As Haberl *et al.* observe, "social and economic driving forces can lead to completely different patterns of land use in regions with similar natural conditions" (Haberl *et al.* 2001: 3); they attribute land use change to "natural factors,...socio-economic driving forces,...[peoples'] visions or interpretations [of] land uses or landscapes, and...interactions between all three" (Haberl *et al.* 2001: 3). Walker (2004) draws attention to the effects of rural-urban commodity exchanges and labor migration on land use, points familiar in different forms in the literature on rural southern Africa (e.g. Murray 1981, Andrew 1992).

<sup>2</sup> Fay and Palmer 2002, Fay 2003 and 2005 discuss intra-community differentiation at length, including the role of neighborhood structures in land allocation and management, and gendered access to land. Fay and Palmer 2000 and Palmer *et al.* 2002 also examine engagement with tourism, while Timmermans 2004 and Shackleton *et al.* 2007 examine marine resource use.

<sup>3</sup> Homestead is the common translation for the Xhosa term *umzi*, referring to a social network—a co-resident patrilineal family, typical two or three generations—and to a set of physical assets: houses (usually 2 or 3), a residential site, livestock kraals, granaries, and other domestic structures. The term has a moral and affective resonance in Xhosa that is not adequately conveyed by the English term.

<sup>4</sup> Earlier figures specific to Ntubeni are not available. The difference in densities between the districts dates to the earliest census in 1891 (Muller and Mpela 1987), and may be a long-term consequence of Gatyana residents' participation in, and Xhora residents' rejection of, the 1857 cattle-killing (Fay, Timmermans and Palmer 2002: 49-50).

<sup>5</sup> The notion of territorialization denotes attempts by state actors to control social action by controlling space; in forestry it is often marked by a shift from species-based controls to demarcation of forest areas (Vandergeest and Peluso 1995).

<sup>6</sup> In the mid-1960s, the coastal districts only had three to six agricultural officers, compared to twenty or more in inland districts (Fay 2003: 90).

<sup>7</sup> Interventions were "limited to regulations on trading and missionary activities,...consumption of liquor,...use of forests and thatching grasses,...use of roads,...eradication of noxious weeds and veld fires, and East Coast Fever regulations" (Andrew 1992: 45).

<sup>8</sup> As I have shown in a study of intra-community tenure practices in Hobeni, neighborhood tenure practices vary in relation to the kinship composition of local neighborhoods, evident in patterns of inheritance, allocation of new sites and fields, subdivision of existing sites, and relocation, and affecting local perceptions of land scarcity, the rate of establishment of new homesteads, and the size of plots allocated (Fay 2005).

<sup>9</sup> Timmermans does not provide standard deviations or other measures of distribution, but notes that overall crop yields varied from as little as 11kg to as much as 1700kg (Timmermans 2004: 112).

<sup>10</sup> This appears to have happened across much of Xhora district and in parts of neighboring Mqanduli; for a fuller discussion see Fay 2003.

<sup>11</sup> This generalization has two exceptions: first, early in the land claim negotiations, residents were temporarily allowed access to forest produce from Dwesa-Cwebe Nature Reserve (discussed above); second, for a minority within Cwebe, the claim facilitated *de facto* but

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technically illegal access to grazing in the reserves (Fay 2007).

<sup>12</sup> My comments here are based on the August 13, 2003 draft of the development plan. In other publications, Robin Palmer and I have discussed the implications of sociocultural differentiation at Dwesa and Cwebe for access to benefits under proposed ecotourism development at Dwesa-Cwebe (Fay and Palmer 2000, 2002).

<sup>13</sup> The agriculture proposals also make the problematic claim that because gardens “have tended to increase in size, at the expense of fields” a distinction between the two is “meaningless in practice” (74). The former statement does not recognize that the pattern at Cwebe (of continued field cultivation alongside garden expansion) is different from that at Dwesa.

<sup>14</sup> The Act also contains measures for individual survey and registration of Deeds of Communal Land Right, with the same potential pitfalls described in the discussion of individual titling in the prior paragraph on individual titling under the Development Plan.