

Property killed a peace park dream: The entanglement of property, politics and conservation along the Gariep

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ABSTRACT

Theories of property highlight power relations and their distributional and spatial effects. The power of property is seen as necessary for the defence of nature but is also instrumental for opening nature to destructive forces, especially global capitalism. In this paper we expand the debate on property and nature conservation by showing that access to land and the arrangement of tenure regimes that govern it are crucial for the establishment of peace parks in southern Africa. To date, no peace park in the region has private land serving as its core area. We argue that the establishment of the core areas of peace parks depends on the configuration of property regimes and the power relations embedded in them. The possibility of establishing peace parks lies in the successful negotiations with property rights holders and the consequent rearrangement of land use options. These negotiations are much harder with private landowners, mainly because private property presents legal and financial challenges distinct from state and communal land regimes. In Southern Africa, private property is historically entangled with white identity and landownership. We substantiate this argument by drawing on empirical evidence from the failed attempt to create two transfrontier conservation areas across the Namibia-South Africa border, the Gariep Transfrontier Park in the late 1990s and the Lower Orange River Transfrontier Conservation Area in 2008. We ascribe this failed attempt to unsuccessful negotiations between the Peace Parks Foundation and white farmers, the inability to create a core area from scratch, and the historical tenure arrangements that evolved along the Lower Orange River over more than a century. The conceptual value of the case study is twofold. First, it contributes to understandings of conditions under which the idea of peace parks materializes or fails. Second, it underscores the agency of property regimes in nature conservation.

1. Introduction

The rise of transboundary peace parks in post-apartheid Southern Africa in the 1990s has been analysed from various vantage points, including colonial history (Mavhunga and Spierenburg, 2009), politics (Wolmer, 2003; Duffy, 2006), neoliberalism (Ramutsindela, 2007; Büscher, 2013), ecology (Suich et al., 2009; Andersson et al., 2012), and tourism (Chiutsi and Saarinen, 2017). Though the creation of these parks depends, and also impacts on land use, there has been a lack of sustained analyses on the relationship between landownership and peace parks. This paper seeks to fill this void by demonstrating the ways in which property rights not only underpin power relations in peace parks, but also determine the possibilities for establishing these parks. In other words, the possibility for creating peace parks is enhanced or

limited by existing property rights arrangements. As we shall see below, the failure by peace parks planners to negotiate with property rights holders meant that the core areas of the proposed peace parks could not be established. This begs two questions. The first is the degree to which the Peace Parks Foundation and other proponents have influence and power enough to negotiate outcomes that incorporate private farms. The second is whether peace parks in Southern Africa could be established without the use of state land. These questions draw attention to property and power relations.

Property is a complex concept with multiple meanings that are shaped by histories, legal systems and cultures. Notwithstanding these various contexts, property configures power relations and the relationship between people and tangible and non-tangible things. In Western societies property is often associated with individual ownership (Hahn,

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2007) while in many non-Western societies the boundaries between individual and common property are blurred (Ribot and Peluso, 2003). The three property regimes that are important for our discussion in this paper are private, state, and communal. We separate these regimes for analytical clarity as they are entangled together in certain contexts. For example, in South Africa, the rights of individuals are often inseparable from those of, say, the family. Since the colonial era, underlying ownership of communal land (typically administered under customary tenure norms) has been the state in much of Africa. Colonialism rendered Africans the legal tenants of the state and reduced African landholding to “interests of occupation and use ... rather than real ownership” (Alden Wily, 2011, p. 741). Following independence, African states either adopted colonial land laws or further constrained customary land ownership. Post-independence Botswana is exceptional in that it increased the amount of land under customary tenure though inequalities in land in that country remains an issue (Alden Wily, 2011; Kalabamu, 2019; Manatsha, 2020).

State, communal and private lands are involved in peace parks but with variation in the ways in which they impact on the establishment of these transboundary parks. State owned land - in the form of protected areas - is normally used as a core area of peace parks; communal land is easily incorporated into peace parks as it is owned by the state; and private land is the most difficult to incorporate because it presents legal and financial challenges distinct from state and communal land tenure regimes. In the context of Southern Africa private property joins together two matrices of power, namely white identity and landownership that can be mobilised in support of or in opposition against peace parks. Though subjected to government regulations, private property rights were historically assigned to the white minority populations in Namibia, South Africa and Zimbabwe. For example, in the 1970s, white farmers owned almost half the land in Zimbabwe, 86 per cent of the land in South Africa and 43 per cent in Namibia (Lipton, 2010). White landowners also dominated agriculture and the game farming industry (Spienburg and Brooks, 2014). These patterns of landownership are important for understanding the dynamics of land and conservation. Hughes (2010) has argued that whites rooted themselves in Southern Africa by monopolising the land, and by incorporating environmental conservation into the production of white identity. Suzuki (2018) added that white farmers responded to land redistribution in Zimbabwe by constructing themselves as moral subjects through the environment.

To demonstrate the importance of landownership in the creation of peace parks, we begin this paper by presenting evidence of the role property regimes play in nature conservation, including the establishment of peace parks in Southern Africa. This is followed by discussion on the evolution of property relations in the border region of the Northern Cape and Southern Namibia as background to the difficulties of establishing Peace Parks planned in the area. We argue that the Gariiep and later the Lower Orange River Peace Parks did not take off as planned due to the dynamics of private property.

2. Property regimes, conservation and peace parks

Communally held land, freehold land and state land are dominant forms of tenure in a legal system that govern property relations. These three property regimes are involved in nature conservation in Southern Africa in various ways. Land owned by the state has been key to the establishment of national parks that in turn served various functions for the state, namely they are part of the iconography of nationhood, they reinforce the sovereignty of the state, consolidate state borders and promote geopolitical goals, economic development, and conservation (Beinart and Coates, 1995; Adams, 2003; Frost and Hall, 2009; Ramutsindela et al., 2020). Under the current global environmental crisis, the state is seen as an important actor in the acquisition of land for conservation because it has the power to mobilise its rules and authority to protect the natural resources in its territory. Conservationists recognise the importance of the state in implementing environmental solutions,

including the expansion of existing protected areas and the creation of new ones. For example, in 2010, states – as signatories of the Convention on Biological Diversity - set the Aichi Targets by which they aim to bring 17% of terrestrial and inland water and 10% of coastal and maritime areas under protected status. Of relevance to the theme of this paper is how land is acquired for conservation purposes. States in the Global South have been forced to release their land for nature conservation through the debt-for-nature swaps, i.e. the re-arrangement of national debts by governments in return for supporting nature conservation projects, including giving away land for these projects (Macekura, 2016). State ownership of land has also enabled green grabbing: new methods, channels and techniques for land and natural resources expropriation for the promotion of environmental objectives (Apostolopoulou and Adams, 2015). Thus, state ownership of property has led to two environmental outcomes; it enabled the creation and expansion of conservation areas such as national parks and game reserves and facilitated the expropriation of natural resources such as land, forests, and fisheries for production and foreign direct investment (Messerli et al., 2014; Johansson et al., 2016).

In the context of peace parks, state land has been instrumental in making national parks available as the nuclei of these transboundary parks. All peace parks listed on the Peace Parks Foundation website in October 2020 (Great Limpopo, Lubombo, Kavango-Zambezi, Malawi-Zambia, /Ai/Ais-Richtersveld, Kgalagadi, Greater Mapungubwe, Maloti-Drakensberg, Liuwa Plains –Mussuwa, and Lower Zambezi-Mana Pools) had a national park as one of their components (Fig. 1). In the case of Lubombo, the state-owned Tembe and Ndumo game reserves serve as key sites for the peace park on the South African side while Hlane Royal National Park in Swaziland acts as its anchor. The point in both cases is that the establishment of peace parks in Southern Africa relies heavily on state owned properties. As it will become clear below, communally owned land has been used to either augment conservation areas through various community-based conservation initiatives or to create corridors that connect fragmented conservation areas.

In Southern Africa and elsewhere, conservation initiatives in communally owned land appeared in the form of community-based natural resource management (CBNRM), conservancies and wildlife management areas (WMAs) (Dressler et al., 2010; Stone and Nyaupane, 2014; Twyman, 2017). A common feature of these initiatives is that they involve setting aside communal land for conservation-related activities that would potentially stimulate the local economy in poverty-stricken rural areas (Mkono, 2019). In the case of CBNRM, communal land is used as a site for wildlife conservation and tourism development as evident in Botswana (Lenao, 2017). For their part, conservancies in communally owned land serve as a reservoir of wildlife outside protected areas (Morton et al., 2016). They facilitate the transfer of surplus wildlife and their ownership from the state to local people even though the ownership of land remains in the hands of the state (Jones et al., 2015). A case in point is the Namibia’s communal conservancy approach (Gargallo, 2020). However, wildlife management areas perform quite a different role: they serve as spaces for the creation of corridors for the movement of wildlife within a nation state and across state borders, as the Selous-Niassa corridor in Tanzania shows (Bluwstein and Lund, 2018). These three community-based conservation initiatives have been criticized for their failure to live up to their expectations as a bottom-up approach and for the unequal distribution of revenue as a result of neoliberal reforms, the rent-seeking state, and the dominance of the private sector (Leach et al., 1999; Blaikie, 2006; Wright, 2017). Of significance to the theme of this paper is that these initiatives perpetuate the ambiguity of land tenure in that they emphasize land use rather than landownership in countries that have not fully resolved the problem of colonial land dispossession (Büscher and Ramutsindela, 2016). In South Africa and Zimbabwe a racialized dual land tenure regime persists in part because colonial land tenure regimes have not fundamentally changed. Much of communal land in Southern Africa is in fact state land. Hence, the state has the upper hand on land use in communal land. We

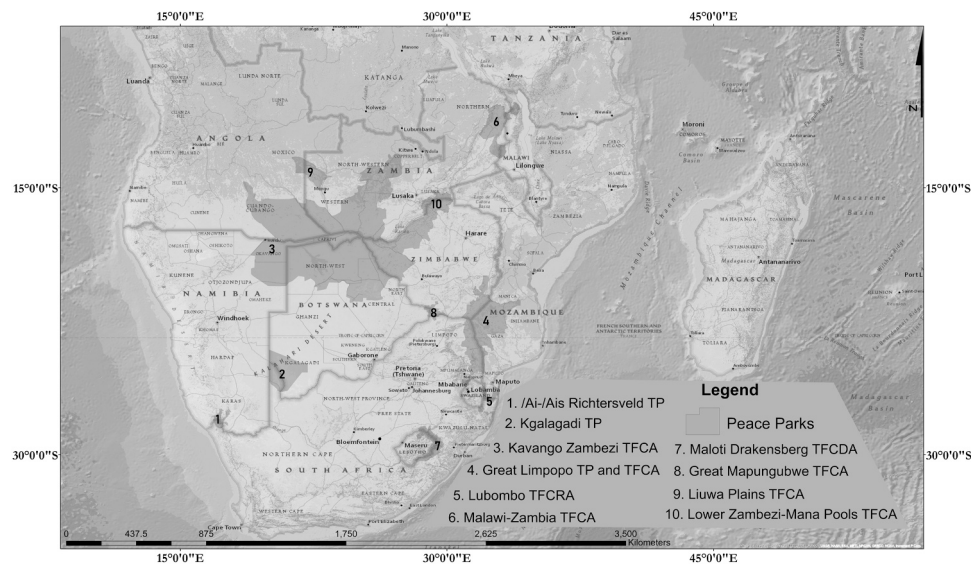


Fig. 1. Location of Gariep peace park.

argue that residents of communal areas where their rights are weak are vulnerable to land loss. The state could confiscate communally used land as an important strategic choice and advocates for peace parks could work with the state to secure communal land as a path of lesser resistance. Private landowners are able to resist land expropriation by the state because they have strong and legally protected rights. They have the choice to use their land for conservation, or not. With stronger and legally protected rights private land holders were better able to resist expropriation.

The ambiguity of tenure and the geography of communal land in relation to the sites of peace parks have played an important role in the establishment of peace parks. They resulted in the incorporation of communal land into the planning and mapping of peace parks by environmental non-governmental organizations with the backing of the state. As most of this communal land is owned by the state, local people have little or no say in the use of their land for purposes of creating or expanding peace parks (Ramutsindela, 2007). For example, they have been relocated to give way for peace parks as evident in the creation of the Great Limpopo Peace Park across the Mozambique-South Africa border (Spienburg et al., 2008). Specifically, Mozambicans were relocated from Coudata 16 to allow for the creation of Limpopo National Park in 2001 and its amalgamation with the Kruger National Park. In other cases, WMAs are created on communal land to connect isolated protected areas forming part of a peace park and to enable the movement of wildlife. A case in point is the use of 103 WMAs to connect 20 national parks and 85 forest reserves across the landscape of the Kavango Zambezi Peace Park involving Angola, Botswana, Namibia, Zambia and Zimbabwe.

Gooden and t Sas-Rolfes (2020, p. 1029) commented that conservation requires “institutional arrangements that blend private, communal, and state roles”. However, the dynamism of land in its physical and socio-relational sense not only reveals the fluidity of the meaning of land but also suggests that interactions with land cannot be fixed into closed categories. Thus, the interaction of the state and land, communities and land, and the private sector and land are relational and are underpinned by a spectrum of land rights and the power embedded in them. The assignment of rights in communal areas in countries such as Botswana, Lesotho and Namibia has not translated into security of tenure (Alden Wily, 2011; Manatsha, 2020). The well-defined individual rights in private property empower individual landowners to determine how their land could be used for nature conservation and how they participate in conservation initiatives (Sinthumule, 2014). For example, individual property owners have established conservancies or nature

parks on their property as a strategic choice to add economic value to their land and for tax relief where the taxation regime permits (Gooden and t Sas-Rolfes, 2020). They have also used their land as donation to conservation initiatives or other projects. The point here is that private landowners have the power to influence conservation projects through their land rights, and, as we will show, this influence is visible in peace park projects.

Private landowners exercise considerable power in negotiating the terms in which their properties are involved in the establishment of peace parks. These terms include the way rights are exercised on portions of their land forming part of a peace park, and the form of participation in the affairs of peace parks. Private land rights holders in the Greater Mapungubwe Peace Park are an example of this. The park involves the Northern Tuli Game Reserve (NOTUGRE); some 75,000 ha conservancy established in the 1960s on private land and owned by white game ranchers on the Botswana side of the peace park (Sinthumule, 2014). These game ranchers participate in the Greater Mapungubwe Peace Park through an agreement with the government of Botswana. Some white landowners on the South African and Zimbabwean side have refused to incorporate their land into this park but have instead continued to use their land for agriculture, photographic tourism and trophy hunting (Sinthumule, 2014). Nowhere is the power of private property more visible in peace parks than in the proposal for the establishment of the Gariep and Lower Orange River peace parks to which we turn our focus.

3. History of property rights in the area

Landownership is a central aspect of power in the area that was earmarked for the creation of the Gariep and Lower Orange River TFCAs. In the late 1990s the Peace Parks Foundation conducted a feasibility study for the creation of the Gariep TFCA in which it was concluded that most of the land is privately owned (Bezuidenhout, 1997). The area of the initially planned Gariep TFCA did not include communal lands at all, although there would have been communal lands close by around Pella mission station. Instead – maybe rather surprisingly, given the fact that most conservation initiatives focus on communal land – only the private farmland between the Augabries Fall National Park and Pella were considered. Communally owned land featured in the second plan for the much larger Lower Orange River TFCA in 2008. In both cases, the area incorporates complex histories of land use and land rights that are worth exploring to understand how the consequent patterns of landownership impacted on the two plans for the peace park under discussion.

3.1. Colonial encapsulation and mission lands south of the Gariep

The first wave of land annexation in the area came from the northward movement of people from the Cape colony, mostly so-called Baster, Oorlam, Griqua and a few white people who married to Basters.² These groups became increasingly successful landowners and farmers in the area between the Olifants and the Gariep from the mid-18th century onwards (Penn, 2005).³ Even before the Cape colony's official annexation of most of this area in 1847, land began to be allocated to first Baster and later white farmers. For the area along the Orange River, around what became a mission station in Pella – and therefore probably also in the area around the planned TFCA – “the first loan-farms were given to rich farmers from the Cape colony in 1776” (Legassick, 2016, p. 3). At first, this allocation seemed not to have put much pressure on the population that lived there at the time, as these loan farms were based on rather loosely specified property rights and mostly given to owners living far away (Dye and La Croix, 2020, p. 34). This meant that the groups who lived in the area before, could still sustain their nomadic or semi-nomadic economy of hunting and gathering (San) and pastoralism (Khoikhoi) as the new owners did not need clearly marked or even fenced parcels of land to signify landownership. But with the increasing appropriation of most of the land for commercial livestock farming in the 19th and 20th century, and later mining, such a culture was no longer possible, and the original population was killed (Adhikari, 2010) or pushed into small ‘communal’ reserves (Hoffman and Rohde, 2007). Legassick described the history of areas north and south of the Orange River in the late 18th and throughout the 19th century as frontier history, defined by colonialism and mutual acculturation and characterized by migration, war and revolt (Legassick, 2010, 2016). It was also during this time that the first Christian mission stations were set up in the area, aimed at incorporating people into forms of settled agriculture, capitalist trade and of course Christianity (Legassick, 2016).

After the annexation of the region between the Olifants River and the Gariep in 1847, the colonial grip intensified and the racial division deepened. All newly annexed land became crown land, meaning that it could be allocated or sold in freehold to farmers. Although legally it was still possible for Baster people to buy such land, it became more difficult and in the course of the second half of the 19th century most of the land south of the Orange became commercial sheep farms for white farmers – many of the Baster and Oorlam had to leave for further north (today Southern Namibia) or became administrators or foremen on white-owned farms. Others founded their own commandos (armed groups) and/or stayed on the edge of the colony (Griqua, Vallender, etc), sometimes resisting the white farmers and the colonial administration in different alliances, and at other times allied with the colonial state as a bulwark against people from the interior of the continent or to put down resistance from internal groups of San and Khoikhoi (Legassick, 2016,

² These groups were at different times and under changing names often organised in so-called commandos, who were formed among people who moved out of the Cape Colony from the 18th century. Most of these people had a mixed ancestry of so-called Khoi and white European, they mostly spoke Cape Dutch, were often well educated, Christianised, used fire arms and wore ‘European cloths’ (Penn, 2005; Legassick, 2016). As for many colonial and post-colonial contexts, to name so-called ethnic groups is a sensitive issue. We only refer to such ‘ethnic’ terminology when these labels are unavoidable for a better understanding of the context. They do not stand for a clearly defined or distinct group of people.

³ We use the term *Orange River* and *Gariep* interchangeably, as both names are officially used in South Africa and both names were used in naming the planned transfrontier conservation areas. On the Namibian side the river is officially called Orange River, Nama speaking organisations are promoting the name !*Garip*, arguing that “Gariep” is a simplified Afrikaans way to spell the originally Khoekhoegowab name. The river is sometimes also called #*Nūlarib* (Nama), *Oranjerevier* (Afrikaans), *Senqu* (!Orakobab) or *IGqili*.

pp. 14–16).

Linked to the annexation of land and new racial ordering of land-ownership are two developments in the late 19th century. They became crucial for later social and economic developments of the particular area along the river from the Augrabies Falls to the Ocean: the establishment of Christian missions and the beginning of canal-building for agriculture along the middle (and later lower) Orange river. Missionary activities in the area probably began with the establishment of the London Missionary Society (LMS) station in Warmbad (1806), north of the Orange river; 1809–1912 in Pella, just west of the where the Gariep peace park was planned; and in 1815 in what was called ‘Afrikaner’s Kraal’, northeast of Onseepkans (Dedering, 1997). Following these first settlements of Christian missionaries was a long and complex history of changing mission societies (London Missionary Society, Wesleyan Mission, Rhinish Mission, Catholic Mission), attacks, resistance, movements and collaboration of diverse groups in the area (Dedering, 1997).

What is important is that these missions became powerful actors in the repartitioning of land. In Pella for example, land was given to the Rhenish Mission by the British resident magistrate in 1840. The mission used the land to settle the existing semi-nomadic population close to their mission station so they could control and proselytise them better. On the other hand, particularly for many Khoisan and later also Baster, the land that belonged to the missions was often the only option to get some protection from the encroachment of their land by white settlers (Surplus People Project, 1995), and sometime gave protection from attacks by other groups and commandos. While many of the missions tried to get land titles (for themselves, not for the people living on the mission lands), they hardly achieved that in the 19th century. Only in 1881, the Pella mission’s boundaries were surveyed and defined by the Governor. This meant that the land was no longer available for allocation to private white farms, but this did not mean that people who were settled on the mission lands were registered as landowners. The titles stayed with the mission or the missionary. When most of the land that was still under leasehold by white farmers was turned into freehold at the beginning of the 20th century, it was these mission lands that remained the only place where non-white people were allowed to live and have their own cattle.

The state took administrative control of these mission areas through the Mission Stations and Communal Reserves Act 29 of 1909 and many acts and amendments following it (Pienaar, 2000). Throughout most of the 20th century, these areas were a reserve of cheap labour for the surrounding commercial farms and mining, as well as a place for the resettlement of forcefully removed “coloureds” from other parts of South Africa (Wisborg and Rohde, 2005, p. 411). Thus, the mission lands of the Northern Cape laid the spatial foundation of the “coloured reserves” under apartheid (Rohde and Hoffman, 2008). This meant that they remained state property even after 1994. Only with the land and administration reforms of the late 1990s and early 2000 some of these former mission lands were integrated into larger municipalities and land ownership was often handed over to communal trusts (Wisborg and Rohde, 2005).

3.2. Land dispossessions North of the Gariep

Although the Namibian side of the planned peace park hardly attracted any interest in the reports by the initiators, it formed part of the planned transfrontier conservation initiatives. Hence it is also worth looking at what led to today’s land right pattern on the northern shore of the Orange River. While many of the processes were similar to what happened south of the river, there were also major differences. One of them is that European land seizure started later. By the mid-19th century, the territory that later became Namibia can still be understood as roughly divided between two different forms of agriculture and land use. In the far north, settled agriculture in combination with cattle keeping was predominant. In these areas relatively strong centralized political entities developed (Hayes, 1992). More to the South, in the arid areas, people were mostly relying on a pastoral system with very high mobility

and no fixed boundaries between different entities, other than some loosely defined areas of influence of “small chiefs” (Werner, 1993). Both systems were not based on landownership, but on the rights to use land for grazing, planting, harvesting or hunting. It was during this time that European missionaries and traders, and settlers from the Cape became more influential in southern Namibia, sometimes leading to conflicts over the use of land and resources (Wallace, 2011, p. 46–47).

The process of land dispossession in Namibia throughout the 20th century can best be understood through the lens of German colonial rule that divided the territory into two main parts – the so-called police zone, that was reserved for white settlement and farming, and the areas outside of this zone, where whites were not allowed to settle or own land. This general land pattern is still relevant today, and the areas we talk about in this paper were all part of the police zone. The police zone meant the area in the center and the South that became mostly privately-owned farmland or mining areas, or was unproductive desert. To complicate this pattern, there were so-called native reserves inside the police zone some of which were later consolidated into homelands. This means that, similar to the areas south of the river, the colonial powers established a landownership pattern to the north of the river based on the division between white-owned private farms, and so-called ‘native reserves’ with communal land systems (Miescher, 2012).

After the occupation of Namibia by South Africa under the League of Nation Mandate after the First World War, the South African government started a programme to allocate farms to ‘poor whites’ from South Africa with generous financial support. These farmers had access to cheap labour (from northern Namibia, but also from the small reserves within the police zone) and the guaranteed land rights led to a rapid expansion of white farmlands in the south of Namibia (Werner, 1993). After the Second World War, the South African administration appointed the so-called Lardner-Burke commission to assess the conditions of white settlers within the police zone and developed a policy to address the growing need for farmland. The commission suggested an extension of the police zone and the surveying of new farms on the edges of the zone. The idea behind the survey was to ensure that each farmer family should have a farm that allows for a sustainable income. White farmworkers should no longer be on the farms, but rather find employment elsewhere, and also white farmers who did not own farms, but only had grazing rights were pushed into either leasing or buying farms or leaving. With these extensions of farmlands, the remaining non-whites were pushed even further out of the productive lands (Miescher, 2012).

This expansion continued until the early 1960s when most of the land in the Police Zone was privately owned farmland for whites. To reach this goal, the South African administration had removed large numbers of black people – either by lukewarm promises of new land in the reserves or more often by direct violence, burning houses, destroying watermills, and at least in one case by bombing the area with planes (Werner, 1993). Apartheid South Africa’s vision of a completely racially segregated space reached its peak with the establishment of the Commission of Enquiry into South West Africa Affairs better known as the Odendaal Commission in 1962, leading to the final phase of forced removals and a further shift in colonial settlement policies.

In the area North of the Orange River, the implementation of the recommendations of the Odendaal Report did not only result in the transfer of a large amount of land from non-whites to whites, it also led to one of the last attempts to seize large areas of land in Namibia for white settlement, namely the land from the so-called Bondelswarts. In order to consolidate the disparate reserves into one centralised homeland, the Bondelswart Reserve (and the two much smaller reserves close by) were to be taken over by white farmers and the population removed to the newly created Nama homeland. It was during this time, that South Africa’s move towards including Namibia as a “fifth” province into South Africa was on its highest (Silvester, 2015). This could be seen by the recommendations of the Odendaal Commission to purchase six farms along the Orange River to create an irrigation settlement for coloured farmers, and maybe even connect Steinkopf and Pella coloured reserves

of South Africa with the coloured reserves in Namibia (Kössler, 2000; Moore, 2021).

Although most of the people in the reserve were relocated, willingly or by force, resistance was kept up throughout the 1970s (Moore, 2021). And in the case of the Bondelswart reserve also they managed to keep the land as communal land, that is nowadays owned by the Namibian government and administrated as a communal conservancy.

3.3. A complete dispossession?

The increasingly strict segregation of society and of land use in the 19th and 20th century on both sides of the river did not work as planned by the governments. Many forced removals took longer than expected and some people started to move back shortly after they were removed. Irrigation farming, which was an important activity in the region, experienced these fluidities. In the South African colonial narrative, irrigation agriculture in the area began with the building of the canals around Upington by the Dutch Reformed Church missionary C.H.W. Schroeder in the late 19th century. However, Martin Legassick showed that Schroeder took his ideas from Abraham September, a member of the so-called Baster community, who canalised water from the Orange River to water his farm. He was later removed and fought for years to get back his farms (Legassick, 1996).

Besides this well-known and documented example, many interviews with people in the area support the view that irrigation agriculture was not ‘invented’ by the white colonialists. Rather people living along the river used to irrigate field and gardens before the arrival of whites in the area, and that some families managed to remain on their irrigated fields even during the times of forced removals and segregation in the 20th century. For example, some inhabitants of the small settlement of Witbank used to have their irrigated fields already in the first half of the 20th century. When they were removed in the 1950s, some managed to rebuild small irrigation systems on a river island close to Keimoes (Interview, J.J., 24.11.2018, Pofadder), where they were still doing subsistence farming in 2021. Others from the same village moved to the communal lands in Pella or Richtersveld but came back with some of their goats to the Witbank area in the early 1980s (Interview, C.C., 24.11.2018, Witbank).

It was not only farmers with small irrigation plots that managed to resist the forced removals by the colonial and apartheid governments, but also livestock farmers. Particularly in the rocky and difficult to reach parts of the river bed, many families managed to keep up their herds. With Namibia’s independence in 1990 they mostly settled on the northern banks of the river and made use of the disputed course of the river (Interview, W.B., 19.01.2020, Gabis). In 2015 the Namibian high-court ruled that the land they occupy cannot be claimed by the private farm owner on the Namibian side, because *de jure* this land does not belong to Namibia (Rickard, 2015; Lenggenhager and Rosengarten, 2020).

What all of these examples show, and this is important for the understanding of the planned conservation areas in the region is that even though the initiators of the peace parks simplified the land question as private land and only inhabited by the farm owners and their workers, there were and still are other people living in the area, and many of them were never informed about the plans. In the 1997 plans for the Gariep TFCA Bezuidenhout stated that in the proposed area “except for some agricultural developments near the Orange River, no settlements were recorded” (Bezuidenhout, 1997, p.1). Nevertheless, on all the maps he attached to his study, Onseepkans appears as part of the conservation areas. It remains unclear whether he considers this settlement of more than 1000 inhabitants at the time only “an agricultural development” or whether his maps were not precise. Nonetheless, this historical background shows the complexity of land use and contested land ownership and land-rights that does not fit into the description of the area – in the feasibility study – as “privately owned farmlands”. Below we discuss how this complexity impacted on plans to establish the Gariep and

Lower Orange River TFCAs across the Namibia-South Africa borderlands.

4. Planning the Gariep transfrontier park in the 1990s

In the mid-1990s the South African Government, the World Bank and the Peace Parks Foundation (PPF) began to push the idea of transfrontier conservation areas (TFCA) and transfrontier parks (TP) along the borders of South Africa. Generally, the distinction between a TFCA and TP is based on land use, with a TFCA accommodating a mosaic of land use while a TP is restricted to protected areas. In practice, what begins as a TFCA might end up being a TP or vice versa. Hence, there is often confusion on what is being established as it was the case with the Gariep cross-border conservation plans. For example, *Jardine (1998)* speaks of the Gariep transfrontier conservation *area*, although what she suggests later rather adheres to one single type of land-use, while *Bezuidenhout (1997)* in his feasibility study speaks of a *transfrontier national park*, a term that was no longer used by the PPF afterwards.

In 1997 the Peace Parks Foundation published the first plans for conservation areas across international borders in regions considered of high conservation and tourism value. One such area was envisioned on both sides of the lower Orange River between the Augabies Falls and the Vioolsdrift border post. In the same year the Peace Park Foundation tasked Hugo Bezuidenhout to prepare a reconnaissance study to find a suitable zone for the establishment of a TFCA (*Bezuidenhout, 1997*).⁴ He looked at two areas, one between Goodhouse and Onseepkans, and the other upriver between Onseepkans and Augrabies. He considered the first area less suitable for a TFCA because it included settlements and had less biodiversity. However, he considered the second area, from Onseepkans to Augrabies suitable and suggested to do more thorough research (*Bezuidenhout, 1997*). His recommendations led to a second feasibility study, commissioned by the PPF and supported by a group of postgraduate students of the University of Cape Town. Out of this, at least two more thorough reports on the planned Gariep TP emerged, including a conservation overlay evaluation (*Jardine, 1998*) and a plan for ecotourism development in the area (*Owen, 1999*). Although both concluded that the region would be of high conservation and tourist value, the plans disappeared for many years thereafter.

One of the reasons for abandoning the plans was that most of the land in the planned TFCA was at the time privately owned (*Jardine, 1998; Owen, 1999*). The Gariep TP would have included at least twenty commercial farms on the South African side and more than ten on the Namibian side (*Owen, 1999: 20, Bezuidenhout, 1997*). *Jardine* stated that “in order to convert the Gariep area into a conservation area, land must either be purchased or be concentrated into a national park by negotiation” (*Jardine, 1998, p. 4*). In other words, she suggested two possible approaches to reach the goal of conservation area. The first was to buyout large areas from private farmers and turn them into a conservation area. The second was to convince farmers to incorporate their private land into a conservation management plan without giving away their property rights. *Owen (1999, p. 43)* combined the two approaches when arguing that “the most favourable option was considered to be a compromise which would combine the purchase of core areas, which include those areas that are of particular conservation importance, with an inclusion of land on a contractual basis”. *Owen* went further to consider purchasing and dismantling the existing viticulture operation within the envisaged core area (*Owen, 1999, p. 42*). As we noted above, in all of the TFCAs and TPs that were proclaimed successfully, there was no need to purchase land for purposes of creating a core-area as the state already owned them – mostly in form of existing national parks or communal land.

Both studies on the Gariep Peace Park agreed that buying the land for

conservation would allow for stricter control and would speed up the process, but *Jardine* calculated that it would cost R20 million (at the time around USD4 million) to do so for the South African part of the conservation area alone. “If financial resources were unlimited then this [buying up the area] would not be an important issue – the entire area could be purchased immediately, at any cost, and the valuable conservation land would automatically be included in the larger area of land purchased” (*Jardine, 1998:10*).⁵ Like *Owen*, she supports the idea of “compromises” between different land uses, wherein it would be crucial to negotiate with all landowners in the area.

Both options did not seem to be worth even trying. The plans for the Gariep TP did not materialize and the Peace Parks Foundation concentrated on facilitating TFCAs on communal areas or already existing national parks, where land rights were favourable to the establishment of TFCAs without having to buy land or negotiate with individual farm owners to establish a core area. Over the next years, several TFCAs and TFPs were established along the borders of South Africa and its neighbouring countries. Among them was – close to the planned Gariep TP – the Kgalagadi TP established in 2000 by amalgamating two contiguous national parks, namely the Gemsbok National Park in Botswana and the Kalahari Gemsbok National Park in South Africa.

This practice of relying on state land, especially existing national parks can also be seen in the Lower Orange River, where instead of pursuing the plan for the Gariep TP, it was the /Ai-/Ais-Richtersveld Transfrontier Park (ARTP) that gained momentum and was formally proclaimed in 2003. The reason why the ARTP overtook the Gariep TP was that there were already protected areas on both sides of the border. It is worth emphasising that the core of the ARTP on the South African side is the Richtersveld National Park established on communal land in 1991. On the Namibian side of the ARTP is the state protected area, the Ai-Ais/ Hot Springs Game Park. To return to the point, a combination of state and communal land facilitated the establishment of the ARTP. This condition did not exist in the area earmarked for Gariep TP as we showed above.

5. A new effort – the lower Orange River management plan and TFCA in the 2000s

With the difficulties of having a “strict” conservation approach on privately owned land in mind and the experiences of other large-scale multi-use TFCAs, the PPF and the governments of Namibia and South Africa came up with new plans for TFCAs on the Lower Orange River in 2008. These new plans no longer considered buying privately owned farmland or even completely changing the land-use on the farms towards conservation. Instead, they thought to convince the farmers to reduce activities and to consider taking down some of their fences (Interview, K.C., 26.11.2018, Kakamas). The new vision moved away from establishing a small transfrontier park towards a big TFCA that would encompass diverse landowners and land uses within the larger area of the lower Gariep. The requirement for such a project was for farmers to agree on some restrictions in their land use and land management, with the promise of making profit from conservation and tourism, that would also be supported by joint marketing of the entire region. The core areas of this conservation area would consist of existing national parks along the river (ARTP, Augabies NP). This confirms our argument that the establishment of peace parks is highly dependent on state land, especially national parks.

This new transfrontier resource management area (as it was called) was pushed forward by the managers of the /Ai-/Ais-Richtersveld Transfrontier Park, because they defined the joint river and resource use as a central aspect of their park, and wanted to extend this cooperation beyond the boundaries of the park. The resulting Lower Orange River

⁴ This area is upriver of the /Ai-Ais Richtersveld, that was also already proposed for a transfrontier Park and that was finally established in 2003.

⁵ To our knowledge, the ideas of large buyouts by the PPF or any other organisation was never seriously discussed for this area.

Management Plan was first drafted in 2008, facilitated by the private consulting company 'Ecotourism Afrika' and financed by the Water and Forestry Department of South Africa. Although this plan was not only meant to promote a TFCA, it was initiated by the PPF and the planning was done with a "TFCA drive" (ARTP JMP, 2008, p. 4). One main goal was to create a TFCA within the area of the Lower Orange River Management area (ARTP JMP, 2008, p. 5).⁶

Instead of purchasing land to protect the most biodiversity-rich areas along the river, this second plan for a TFCA aimed at creating "clear management guidelines" in order to "maximise the value and benefits which may arise from the ARTP and Lower Orange River" (ARTP JMP, 2008, p. 4). The authors of the plan saw this as "unlocking the ecotourism potential of the river" (ARTP JMP, 2008). The planned TFCA would include the entire area from the Augrabies Falls to the mouth of the Orange River, with three so-called nodes or panning clusters. These should be the areas of the former plans for the Gariep TFCA, the area around Witbank and Goodhouse (more or less the area that Bezuidenhout dismissed in the 1990s) and the already existing ARTP.

This new plan required a change in the approach towards land-ownership. With such an enormous size the new plan was to convince most of the landowners to generally support the idea of a TFCA in the lower Gariep area and then develop more particular "integrated conservation and development plans" for the sections that would become part of the TFCA (Interview, P.V. 22.01.2019, Melkbosstrand; ARTP JMP, 2008, p. 57). It was clear from the beginning that in order to convince landowners all integrated development plans would still allow the highly profitable irrigated cash crop production along the river, as well as mining in the hinterland. The plan would accept various types of land uses and allow landowners to extend their business operations (Interview, P.V., 22.01.2019). Unsurprisingly this approach brought to the fore diverse land uses in the private farms in the area. While some of the farms were still owned by the old farmer families, many were sold to incoming entrepreneurs or companies. New farm owners often had a plan to make profit from their farms, either through tourism, through irrigation, or through a combination of land uses. More than one of these new farm owners made it clear in interviews how disappointed they were about the "obstinacy" of the old farm owners who did not want to give up their livestock farming (Interview, K.V., 01.02.2020, Kakamas). This often-generational difference in land use proved to be a big obstacle for the promoters of the TFCA.

Opinions of people living in the area who did not own farms seemed to have mattered less. This confirms observations by several researchers in the region (Ramutsindela, 2007; Sinthumule, 2014; Lupiya, 2019). Consultations that have taken place with communities during the establishment of peace parks fall into two broad formats. First, consultation takes place with communities who have successfully claimed their land located within areas designated for peace parks. These communities participate in joint management boards of the parks involved in a peace park project as the examples of the Makuleke community in the Kruger National Park (part of the Great Limpopo) and the people in the Richtersveld National Park (part of the Ai/Ais-Richtersveld) have shown (Ramutsindela, 2007). Second, consultation takes place with communities occupying land critical for the establishment of a peace park. Here consultation is aimed at changing land use and is often backed up by coercion as the case of the Kavango-Zambezi Peace Park has shown (Lupiya, 2019).

To return to the point, at the time of the second plan for a TFCA in the area, land ownership on the South African side of the river included large parts of communally owned land. This land is made up of mostly former freehold land that was given back to the inhabitants of the former coloured reserves through the policy of land restitution. On the Namibian side, some of the old white-owned farms were redistributed

through land reform. However, there are still people living in the area who have no land rights or even official land use permits. None of these people seem to have heard of the plans for the TFCA when we conducted our research in 2018 and 2020, hence it was difficult to assess their position on the TFCA project.

This said, large parts of the areas of the planned TFCA remained in the hands of private, white, commercial farmers. This is particularly true in the area between Onseepkans and the Augrabies Falls – the area that was the focus of the Gariep TFCA in the 1990s. The Peace Parks Foundation's project coordinator and facilitator for the LORMP and the TFCA hardly remembered any problems with the private landowners. He was convinced that they could all be mobilised towards the goals of the TFCA (Interview, P.V., 22.01.2019). For him, this was due to the farmers' awareness of the fragility of the environment and the decline of commercial livestock farming. Interestingly, the Lower Orange River Management Plan barely discussed the role of the private commercial farmers in the planning. One of the few things the plan mentions is that the private landowners "requested clarity [...] from the respective Governments to recognise their rights as landowners" (ARTP JMP, 2008, p. 66).⁷ This is further evidence that property regimes matter in the establishment of Peace Parks.

The coordinator's conviction that white farmers could be mobilised towards a TFCA led him to pursue a plan for a TFCA in the eastern part of the proposed TFCA, where there are private farms between the Augrabies Falls and Onseepkans (Interview, P.V., 22.01.2019). According to farmers in the area, he was successful in promoting closer collaboration between most of the farmers to create a new TFCA on their land. In his view, this area was the most suitable and promising, because there were hardly any "communities" (Interview, P.V., 22.01.2019). In other words, it took about ten years to change the general attitude of seeing the white farms as being a 'problem' for conservation towards the farm owner as loyal supporters who would voluntarily commit to the goals of a TFCA. The coordinator was quoted as saying "the nice thing about it [TFCA] is that the state does not necessarily need to buy out more farming land. Thus, a real peace park is here in the making – a sought after brand for cooperative marketing" (Claassens, 2008).

However, the coordinator's assumption, that the white farm owner will be loyal to the peace park ideas turned out to be more difficult when their own land would be affected. Particularly the livestock farmers were not happy about the plans, and many felt overrun by the attempts to create a peace park. In her 2008 reader's letter to the magazine *Landbouweekblad*, Erna Claassens, a farmer in the area, described the peace park project as "conservation imperialism (*bewaringsimperialisme*)" (Claassens, 2008). The opposition against the project was based on two main factors. First, there was unhappiness with opening the international border between Namibia and South Africa. This is clear from a livestock farmer who commented in an interview that the border "serves as a buffer for many problems like crime, livestock diseases, refugees, problem animal, smuggling etc." (Interview, R.L., 20.02.2020, e-mail). Second, and more importantly for the argument of this paper is that the peace park plan was seen as a hindrance to the exercise of property and land use rights.

Representing the views of many farmers in the area, Claassens saw the TFCA as a threat to the meat production and the food security of the entire region. She said that it was easy for the consultants in the beginning to convince people, because the plans, according to her, would not affect the owners of the vineyards along the river, and that the impacts on small-scale farmers on communal land were not yet clear. The stakeholders that would be affected most directly, namely the

⁶ The PPF further employed a coordinator for the project who was involved in the negotiations and planning of the LORMP and supplied the report with maps.

⁷ Interestingly many scholars described the change of land use from livestock farming towards conservation and wildlife farming as a way for white farmers to re-invent them as custodians or stewards of the land, rather than landowners. This made it easier – at least morally – to uphold and support their landownership. (Spienburg and Brooks, 2014)

commercial farms that produce meat were deliberately left out of the negotiations for the peace park. Many livestock farmers, were concerned that the movement of wildlife across the border would spread animal diseases to the detriment of livestock farming (Interview, R.L., 20.02.2020, e-mail). In 2020 a farmer remembered that “it was precisely the diversity of the farmers in the proposed area that makes this such a big problem. If our livestock farmers need to take down the fences to allow humans and animals to migrate freely, what about the viticulturists who electrify to keep the baboons out of the grapes?” (Interview, R.L., 20.02.2020). She argued that the initiators of the peace park were aware of this diversity and deliberately proposed a new land use that supports farmers who had no interest in farming, whose farms were too dry or small to keep livestock or who already invested in tourism or grape farming. Also, the peace park would not be an option for farmers with no access to the river and no other touristic attraction on their land.

Compared to the first plan for the Gariep TP, the LORMP represents a shift away from the idea of a protected area to the PPF’s imagined landscape of tourism and investment. The focus was no longer on physically buying, fencing, and developing conservation areas – but about what the PPF used to call “securing space” (Spienburg and Wels, 2006). In other words, a huge area along the lower Orange River was promoted as one landscape, a landscape of ‘possibilities’, peace, and development. While such a top-down, neoliberal approach worked out for many peace parks involving state and communal lands, it failed on the privately-owned farmlands along the lower Gariep, where the white private farm owners used the power of property to oppose the peace park plan. Thus, white farmers had the right to say no to the proposal to create a peace park on their land, mainly because they could exercise their land rights protected in law. The state or any organization could not arbitrarily impose land use options on private land. In contrast, people in communal areas, where underlying ownership is held by the state, are easy to push around. We reiterate that the failure by the PPF to convince white farmers to contribute their land to the second peace park resulted in the abandonment of the project at the end of 2008.

People involved and affected by the plan for the peace park hold different views on why the plan did not materialize. The then coordinator of the TFCA, who was dismissed from his position in 2008 blames the failure to changes in the highest management of the PPF and internal friction. Some of the farmers who supported the TFCA plans, blame Claassens’ letter for sensationalizing the plans. They argued that “her personal attacks” on the PPF in the widely read *Landbouweekblad* “made the PPF angry and defiant” (Interview, K.V., 01.02.2020). Other farm owners who were in support of the park saw the reason for abandoning the plans in the people who opposed it.

6. Conclusion

We recounted the history of land dispossession and ownership in the Northern Cape and southern Namibia to highlight why and how the pattern of landownership developed on both sides of the Orange, where the Gariep and Lower Orange River TFCAs were proposed. It was this pattern of landownership that complicated the establishment of the peace parks. In the first plan, there was no state or communal land on which to anchor the TFCAs, and the attempts to purchase land on which to create a core area failed. The second plan required farm owners to bring their land into a larger conservation area along the river on condition they enter into agreements with proponents of the peace park regarding land use and management. This plan failed due to opposition to the top-down neoliberal project by local (white) property owners.

As observed in other peace parks such as the Greater Mapungubwe, a strong opposition to the peace park project along the lower Gariep came from white landowners. This begs the question why a clientele that is often very outspoken and supportive of the Foundation’s conservation initiatives would turn against the PPF’s plan on the lower Gariep. A farm owner who invested in a guest house close to the river answered this question well: “for the Ruperts [a wealthy family that founded the PPF]

and the likes it’s better to lose one peace park than to lose the support of hundreds of white farmers for all the other parks” (Interview, G.M., 25.11.2018, Pofadder). We have argued in this paper that white farmers as private property owners have the power to influence the establishment of peace parks, where the use of private property is critical for the establishment of these parks.

The plans for the Peace Parks along the lower Gariep that never became a reality indicate how the configurations of property regimes determines the fate of peace parks – and more generally nature conservation in Southern Africa. To turn privately owned farms into a larger conservation area needs much more effort and money than to do the same with communal and state lands. Our paper has shown that, in the absence of protected areas, establishing a peace park on privately owned land is highly dependent on negotiations with property owners, with regard to land purchases or land use options. In communal areas, the tendency is for the state or neoliberal conservationists to revert to top-down and coercive methods as the preferred pathway to accumulating land for conservation. Our paper draws attention to the need to understand the establishment of peace parks in southern Africa and elsewhere within the context of land tenure regimes. The power of property demonstrated by white farmers implies that the land rights of people in communal areas should be strengthened to enable them to negotiate better outcomes from conservation projects or even to completely refuse if the outcome does not fulfil their demands.

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