



CONSERVATION THROUGH PRIVATE OWNERSHIP OF COMMONS AND LAND: A CASE STUDY IN EXCLUSIVITY

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Abstract

South Africa's legacy of apartheid has led to ongoing inequalities in land ownership, with white South Africans holding vast amounts of land. Despite the intricate relationships between land and commons, existing literature has treated these concepts as distinct entities. This study addresses this knowledge gap by exploring the entwinement of land and commons in the context of private ownership and conservation. Through a case study of the Mountain Club of South Africa, this research examines the complex relationships between private land ownership, conservation, and exclusivity. Over the years, there has been a significant increase in conserving the environment privately. In South Africa, the oldest club, the Mountain Club of South Africa (MCSA) has taken on this role for over a hundred years to keep the Magaliesberg region pristine for future generations and to reduce ecological loss. Despite efforts to promote diversity and inclusivity, the club's membership remains white, and its membership fees may pose a significant barrier to entry for low-income individuals and marginalised communities. While members argue that private ownership ensures better land management, the club's limited public access and exclusive decision-making processes raise concerns about equity and sustainability of conservation efforts. This research underscores the need for inclusive conservation practices, highlighting the importance of balancing private ownership with public access to promote equality and reduce exclusivity in the conservation of land and commons.

Introduction

South Africa's conservation efforts are at an intersection; while private ownership of land and commons has been advertised as a key strategy for environmental protection, concerns are growing that this approach may be worsening apartheid era inequalities and sharpening exclusivities. Koot, Buscher & Thakholi (2022) in their study show that research has revealed that the wildlife economy in southern Africa conceals a deeply unsustainable and racialized

system of land and resource ownership. As noted by Ramutsindela (2012, as cited in Koot, Buscher & Thakholi, 2022, p, 124), there has been a surprising “silence on the racial character of land and natural resources tenure.” The promotion of the wildlife economy has, in fact, led to the further concentration of land and resources in private, white hands, exacerbating existing inequalities. (Koot, Buscher & Thakholi, 2022, p, 124). The purchase or attainment of commons by private organisations and individuals, to protect and conserve these natural areas, raises important questions about whether private ownership leads to racial stewardship while perpetuating inequality and exclusivity. This paper assesses the impact of private ownership on conservation and exclusivity in South Africa. This study is important because it shows how private ownership of land continues through newer discourses of conservation.

South Africa is an incredibly beautiful country, from its stunning mountains to its diverse wildlife and flora and fauna. Its cultural heritage is also intensely linked to its land and natural resources. In recent years, it has become increasingly clear that environmental issues like pollution, climate change and resource depletion pose significant threats to our planet. According to Department of Fisheries and Environment (2018), the health of ecosystems is under significant threat from various pressures, including habitat destruction due to land-use changes, climate change, invasive species, and pollution (Department of Fisheries and Environment, 2018, p, 109). Human activities such as overfishing, water abstraction, and external nutrient loading are also major contributors to ecosystem decline. These pressures, if left unchecked will continue to degrade ecosystem health, hence, to deal with these challenges, conservation efforts have become key in South Africa. One of the biggest questions remains, which is how can this issue be solved? One method that has become significantly popular of late is using private ownership of land and commons as a conservation approach.

This research delves into critically assessing the relationship between private land ownership

and exclusivity in conservation efforts in South Africa and evaluate its implications for addressing or perpetuating inequality and promoting sustainable livelihoods and social equity. It will firstly explore the history of land and commons dispossession in South Africa by British and Dutch colonisers. It will subsequently examine the contentious debate surrounding the role of commons in conservation, engaging with Hardin's (1968) theory, which posits that shared resources inevitably deteriorate over time, whereas private ownership fosters more effective environmental stewardship. Interestingly, the perspectives are echoed by some members of the Mountain Club, who argue that private ownership incentivises better care and investment in the land, as individuals are more likely to protect and preserve what is rightfully theirs. Thereafter, it will go on to discuss the various key authors including Hall (2004) and Ngcukaitobi (2021) who argue that the history of dispossession has altered who has benefitted from the land and those inequalities are still existing today despite being in a democratic South Africa with a Constitution that promised to compensate the affected parties during apartheid. Guided by the South African Constitution's provisions on land restitution and redress under Section 25(7), this thesis will investigate the complex relationships between private ownership, conservation, and social justice, with a focus on the Mountain Club's experiences and perspectives. Following this, the research will then delve into the complex history of land dispossession in South Africa, highlighting pivotal moments in history that resulted in the violent removal of ¹black communities from their ancestral lands. This thesis also employs a qualitative research approach, drawing on semi-structured interviews with twelve members of the MCSA including five ranges from Majakaneng providing important insights into the relationships between private ownership, conservation, and equality. The flexibility nature of these interviews allowed for context-specific discussions modified to each participant's

¹ Black refers to individuals of African descent, including indigenous peoples such as the Zulu, Xhosa and Sotho.

experiences and perspectives. This thesis seeks to answer the question: how do private ownership and conservation efforts intersect in South Africa, and what implications does this have on equality?

Theoretical Framework

A history of forced removals and land dispossession: Accumulation through dispossession.

For centuries, South Africa's indigenous population was subjected to forced removals from their land by British and Dutch colonisers, resulting in a complex and painful history of land dispossession. Weideman (2006) in their study show the history of forced relocation in South Africa began as early as 1658, when indigenous Khoi communities were forcibly removed from their lands near the Salt and Liesbeek rivers by Jan van Riebeeck. (Weideman, 2006, p, 7). This marked the beginning of a long history of dispossession, characterized by military conquest, colonial settlement, and legislative manipulation, which were used to strip indigenous communities of their land and rights. When the apartheid government came into power formally in the year 1948, they perpetuated the tendency and passed laws that controlled black people's access to land and forcing them into overcrowded and impoverished areas. Despite it being three decades of democracy, many South African communities continue to struggle for land restitution and recognition of their rights.

This history of coloniality through land dispossession is entwined with the ownership of commons and their conservation efforts in contemporary South Africa. Conservation efforts in South Africa have often been used to justify the removal of indigenous people from their land. National parks and game reserves are an example of places that were created by dispossessing people off their land, and today many of these areas are owned by private companies and individuals. Dominguez & Luoma (2020) in their study highlight that contemporary conservation strategies often perpetuate a long-standing legacy, where the establishment of national parks and protected areas results in the displacement and exclusion of indigenous and

local communities from their ancestral lands. (Dominguez & Luoma, 2020, p, 2). The owners of these private places make money through diverse ways including tourism by hiring black workers on wages. Sebotho & Toteng (2010) in their study show that the development of protected areas usually leads to the displacement of local communities, who previously depended on these areas for natural resources. This exclusion is typically justified on the grounds that human activity is conflicting with conservation efforts.

Private game reserves are a major example of how conservation can be used to defend exclusivity. These reserves are exclusive areas that restrict local access and are often advertised as luxury tourism destinations. They are owned by private companies as well as individuals, who make money by discriminating against local communities. As a result, local communities are barred from their ancestral lands and are relegated to low-paying jobs in the tourism sector, working for the landowners who displaced them. Ngcukaitobi (2021) in his study highlights that evictions had a profound impact on the livelihoods of black people, forcing them to seek alternative sources of income and driving them out of subsistence agriculture and into exploitative wage labour in the mines. (Ngcukaitobi, 2021, p, 87).

Land ownership in South Africa has a complicated past. Today, we see a trend called “green grabbing,” where companies and governments occupy land for conservation, causing local people to lose control and rights. Fairhead, Leach & Scoones (2012) in their study show “green grabbing” to be “the appropriation of land and resources for environmental ends,” implying the transfer of ownership, use rights, and control over resources from the underprivileged to the powerful (p, 237). This Process has led to communities being forced off their land causing them to lose their livelihoods, and seeing their indigenous cultures destroyed. In South Africa, this is especially concerning because it echoes the injustices of apartheid, where people were forcibly from their land.

Although land reform was promised, many South African communities remain landless, still

waiting for restitution. Instead, in some cases, the local communities are offered financial compensation or partnership agreements that do not even give them the same power or control over their own land. This had caused communities to enter into forced negotiations with private companies or the government, rather than just owning the land that belongs to them in the first place. This is a fundamental problem if social justice is ever to be reached in South Africa because it has resulted in stark inequalities between private landowners and communities, which must be confronted in order to redress South Africa's historical and ongoing disparities. In the twentieth century, certain laws were passed that unfairly limited the rights to own land for black people. These laws barred black people from buying or owning land in specific areas and also forced them to leave their homes so that a way could be made for white farmers. This contributed to the rooted inequalities in land ownership that South Africa has today. Mani, Osborne & Cleaver (2021) in their study note that the "separate development" policy, introduced in 1959, led to the allocation of black South Africans to fragmented "homelands" or "Bantustans", which were nominally self-governing territories. This policy effectively disenfranchised black people further excluding them from participation in national political institutions. (Mani, Osborne & Cleaver, 2021, p, 981).

The shadow of apartheid still looms large in South Africa, where profound inequalities in land ownership and access to natural resources remain despite three decades of democratic governance. This legacy of apartheid and colonialism has led to entrenched inequalities in land access, ownership, and management, exacerbating social and economic disparities. For years racial discriminatory laws under the apartheid regime limited the amounts of land black people could own as it was controlled by a small white elite. Coles (1993) in their study shows that the foundation of apartheid was rooted in a system of racial zoning, which reserved eighty-seven percent of land for ownership and occupation by whites, comprising only thirteen percent of the population. Furthermore, Coles (1993) highlights that over three million people, ninety

percent who were black, were forcibly evicted from their homes under apartheid property laws over the course of three decades. (Coles, 1993, p, 701). Furthermore, the 1913 and 1936 Land Acts also unfairly allocated vast tracts of land to white citizens, perpetuating a legacy of dispossession and displacement for indigenous populations. Amend, Petra, Eissing & Amend (2008) in their study highlight that the injustices and fundamental inequalities perpetuated by the 1913 Land Act were also reflected in South Africa's conservation policy. (Amend, Petra, Eissing & Amend, 2008, p, 14).

The history of land in South Africa is marked by accumulation through dispossession, involving the forced removal of '*native*' peoples and the expropriation of their land. "Between 1960 and 1982, approximately 1 200 000 people were forcibly removed from farms, a further 600 000 through ²black spot and ³Bantustan consolidation policies, another 700 000 through urban relocation, some 900 000 through the Group Areas Act and 150 000 for other reasons." (Wiedman, 2006, p, 11). Early dispossession started with the Dutch colonisers who removed the Khoikhoi and San communities from their lands as Europeans took ownership and established farms in the 1650s to the 1800s.

The Glen Grey Act of 1894 introduced individual land ownership for Africans, but with stringent conditions leading to widespread dispossession and fragmentation of communal land. By 1910, the British had seized all the remaining indigenous lands, completing the process of dispossession. This was exacerbated by the 1913 and 1936 Land Acts which had profound effects on the dispossession of '*native*' lands leading to the loss of communal land ownership

² Black spot referred to an area of land that was occupied by black people within a white-designated area, often in close proximity to white-owned farms or towns.

³ Bantustan Consolidation was a forced process where the apartheid government merged black-owned land into larger, isolated areas, removing black people from desirable land and concentrating them into underdeveloped Bantustans.

and the conversion of land to private property.

The Group Areas Act of 1950 was set up by the apartheid government to segregate different races into separate areas. It was also to limit ownership and occupation of land based on racial lines. Non-whites were forcibly removed to selected areas creating divisions between White, Coloured, Indian and Black people. “The Act led to the destruction of places like Cator Manor (Durban), South End (Port Elizabeth), District Six (Cape Town), Fordsburg, Vrededorp, Pageview and Sophiatown (Johannesburg) and to the creation of places like Lenasia, Eldorado Park, Chatsworth and Mitchell’s Plain.” (Wiedman, 2006, p, 12). The Group Area’s Act repeal in 1991, ended forced segregation and removals, allowing people to live and own property regardless of race. This helped to undo apartheid’s spatial legacy, promoting integration and addressing past injustices. However, the legacy of the Group Areas Act (1950) still influences South Africa’s spatial landscape.

The Bantu Authorities Act of 1951 was another key legislation that rooted apartheid’s principles of ‘separate development’ continuing racial segregation and inequality which is seen in South Africa today. It divided black areas into different tribal authorities and legitimized the forced removal of black people to designated areas. Amend, Petra, Eissing & Amend (2008) in their study reveal that the recreation of most national parks and provincial protected areas in South Africa was accompanied by the forced removal of traditional inhabitants, highlighting the violent and dispossession-ridden history of conservation in the country. (Amend, Petra, Eissing & Amend, 2008, p, 16). “For example, tribes such as the “Maluleke tribe,” who were forced in 1969 to abandon 22,000 hectares of tribal land in the spectacular northern part of the Kruger National Park and move to the barren region allocated to them further south.” (Amend, Petra, Eissing & Amend, 2008, p, 14).

The “Restitution of Land Rights Act of 1994 aimed to fix past injustices by returning land to people and communities who were unfairly removed from their land due to apartheid policies.

However, the law only helped those who lost their land between 1913 and 1994, even though land was being taken away as early as the 1800s. A law passed in 1923, the 'native's Land Act, made it illegal for black people to buy or rent land from white people, severely limiting their ability to own land. This led to forced removals, loss of land rights, and the displacement of black people from their ancestral lands:

“As for Africans, the figures for forced removals are staggering. The estimates for 1960 to 1983 exceed three million people, including 1 129 000 people removed as a result of evictions from farms; 614 000 people removed as a result of black spot removal and homeland consolidation; 730 000 people removed under the pass laws from major metropolitan areas, 130 000 people removed from urban informal settlements, owing also to laws curbing ‘illegal squatting’; and 860 400 people removed as a result of group areas act legislation.” (Ngcukaitobi, 2021, p, 22).

The Act was a result of lobbying by white farmers and politicians. After apartheid's end in 1994, the land claims process began to address historical injustices and restore land rights to communities dispossessed of their land. Including more land claims would show a bigger picture of historical injustices and land inequality, leading to a need for more all-inclusive solutions.

According to the South African Government News Agency (2024), Minister of Agriculture, Land Reform and Rural Development, Thoko Didiza, announced that a total of eighty-three thousand and sixty-seven land claims have been settled since the inception of the land restitution programme in 1995 to 2023. (South African Government News Agency, 2024). While this was a step in the right direction as thousands of claims were lodged, many have remained unresolved until today. Similarly, Section 25 of the South African Constitution (1996) only aims to redistribute land to those who lost it after 1913 but ignores those who lost the land before.

Therefore, although the state tries to deal with past injustices, it still continues inequality because it has a vague definition of “previous dispensation” only recognising the injustices that occurred from 1913 onwards excluding the land seizures that occurred before colonial rule. Furthermore, the Constitution’s restitution program only focuses on land claims by individuals, disregarding the community’s land ownership and rights of indigenous communities.

McLachlan (2019) agrees that the colonial-era seizure of land from indigenous pastoral communities in the Cape Colony must be addressed through legislation that allows their descendants to claim restitution for their ancestral lands. “In this contribution it is contended that the exclusion of the descendants of pastoral indigenous communities that lived in the north-west Cape Colony from the land restitution sub-programme leads to unequal treatment of dispossessed persons in democratic South Africa.” (McLachlan, 2019, p, 102). Hence, the 1913 and 1936 land Acts established a system of private property ownership that benefitted white settlers and the apartheid state. However, it led to the displacement and poverty of black people, and this legacy continues today.

McLachlan’s (2019) work provides a historical perspective on how indigenous communities in the Cape Colony were dispossessed of their land from 1652 to 1910. This history is important for understand the long-term effects of land dispossession on indigenous communities and their traditional land management practices. McLachlan’s (2019) work is relevant to this research on conservation through private ownership in that it highlights how colonial land policies excluded indigenous pastoral communities from owning land. This historical exclusion has shaped modern land tenure systems and has affected who has the right to conserve and benefit from land today. It can be argued that this historical context of exclusivity continues to influence conservation practices. McLachlan (2019) also demonstrates how colonial policies shifted land from communal indigenous ownership to private European control. “Then, in an analysis of land rights, it held that the notion of individual ownership is foreign to ‘native’

ideas. Land belongs to the community and to the individual.” (Ngcukaitobi, 2021, p, 41). It is not certain whether exclusivity leads to better environmental outcomes. It is important to question if most conservation efforts rely on exclusive private ownership and if that is the case, the legacy of dispossession is being continued instead of restoring rights to communities that are excluded from land ownership.

Hall (2004) claims that the Constitution supports white people because it made sure that their private property rights were protected in the Constitution of South Africa (1996). “White farmers and industrialists successfully lobbied to ensure that commitments to transformation in the 1993 ‘interim’ Constitution and the final 1996 Constitution were tempered by a ‘property clause’ that recognised and protected existing property rights.” (Hall, 2004, p, 214). However, in African belief, usually, the needs of the community take precedence over individual interests which is seen in the notion of “Ubuntu.” “The purpose of individual existence is intricately linked with the purpose of social existence and cannot be adequately grasped outside it.” (Kaphagawani, 1998, p, 168). Therefore, in African culture, a person’s identity is shaped by their community, as emphasized by Mbiti, who notes that community plays a defining role in a person’s life. “I am because we are, and since we are, therefore I am.” (Menkiti, 2011, p, 171). Hence, the Constitution perpetuates inequality by limiting the possibility of land restitution as well as protecting private property rights which eventually maintains the existing condition of historical dispossession.

Hall’s (2004) shows us how land reform laws impact land ownership, access, and exclusivity. This relates to research on private conservation efforts, which examined how South Africa’s land reform initiatives aimed to rectify historical injustices while navigating market-driven approaches. It is vital to examine whether these land reform policies are promoting private conservation efforts more than challenging the issue of exclusivity which entails making efforts to bring land back to communities.

Furthermore, Hall (2004) criticises market-based reform, contending that it often reinforces existing inequalities instead of changing the ownership structures that are available. The important question that comes up in this study is questioning whether private ownership in conservation is actually making exclusivity worse, or can it align with the broader goals of land reform. Additionally, Hall (2004) discusses how land reform often is not able to accommodate communal land tenure, which is crucial for conservation strategies that rely on collective resource management. If commons-based models are seen as better alternatives compared to privatised conservation, then they might also exclude other groups of people from using the land as they should, if they also had the rights.

Since the issue of land reform is highly politicised, Hall (2004) emphasises how policy decisions are mostly shaped by political and economic interests. Furthermore, her analysis of historical land dispossession and its ongoing impacts is vital for understanding if conservation through private ownership continues past exclusions.

Commons in conservation

The balance between individual interests and collective well-being has long been a challenge in the management of shared resources. (Harding 1968, p, 1244) concept of “*Tragedy of the commons*” states that if “the use of commons is below the carrying capacity of the land then all users benefit. If one or more users increase the use of commons beyond its carrying capacity, the commons become degraded. The cost of the degradation is incurred by all users. Unless environmental factors are accounted for and addressed in land use practices, eventually the land will be unavailable to support the activity.” Advocates of private lands claim that when land is privately owned, the owner has the motivation to protect and manage their property well. This means that they are not competing with anyone and can sustain it for future generations to come. According to Hardin (1968) sharing of commons leads to competition and so everyone wants to maximise what they can from the natural resources which leads to

the land to be depleted within a brief time.

The role of private conservation actors in conservation efforts has been a topic of debate. Thakholi & Busher (2021) highlight the pivotal role of private conservation actors in achieving conservation objectives, with these actors advocating their commercial model as the most effective approach. “However, this perspective is contradicted by recent critiques, which argue that private conservation exacerbates structural inequality by restricting access to land and perpetuating unjust labour conditions.” (Thakholi & Busher, 2021, p, 87). This highlights concerns that private ownership can lead to exclusivity and inequality, limiting access to natural resources and displacing local communities. Eventually, private interests may be prioritised over the common good, discouraging the very conservative goals they aim to achieve.

Hardin’s (1968) concept of the “*Tragedy of the Commons*” implies that where natural resources are shared, they tend to be worn out and degraded since no individual has direct incentive to conserve them. He does not understand the complicated history and social dynamics of the South African setting where the ownership of land and access have been shaped by apartheid. Additionally, Hardin (1968) assumes that local communities are not capable of effectively managing their own resources and yet in South Africa, there are many communities who are exemplary of successfully managing their land and natural resources such as the “Makuleke” community who are situated in the Northern Kruger National Park. “The current community viewpoint is that the Makuleke are going to use their reclaimed land for tourism projects that are expected to generate revenue that will be used to uplift their standards of living, mainly through the construction of public infrastructure.” (Wilson, Tapela, & Queiros, 2003, p, 17).

The notion that private ownership of commons and land is the most effective means of conservation, as perpetuated by colonial thinking such as Hardin’s (1968), is problematic.

Africans have always had ways to mitigate issues such as climate change using their indigenous knowledge systems. Hardin's (1968) approach neglects the value of indigenous systems in managing natural resources. Mwaura (2008) as cited in Adeola, Evans & Ngare (2024), contends that "indigenous knowledge may enable individuals to take initiative on the management of disasters. For instance, mixed cropping readily qualifies as indigenous knowledge and is useful in enhancing crop yield, thus minimizing the effect of selected crop failures." (Adeola, Evans & Ngare, 2024, p, 172). In the context of conservation, this highlights the importance of considering alternative approaches that prioritise community-led management and indigenous knowledge, rather than relying solely on private ownership models that can lead to exclusivity and displacement of local communities.

Harding (1968) essay suggested that common resources are inevitably overused unless privatised or centrally controlled. However, scholars have pointed out that this idea is too narrow, assuming that users are homogenous and ignoring the rules and institutions that communities create to govern shared resources (Ostrom, 1990). In reality, local groups can develop effective governance systems that sustain common resources over time, with design principals such as clear boundaries and collective decision-making (Dietz, Ostrom & Stern, 2003). Yet, local institutions can be influenced by external factors like market pressures and social inequality, which can lead to unequal distribution of resources (Baland & Platteau, 1996). Critical studies have also shown how property regimes, conservation discourses, and historical dispossession shape access to resources, often excluding marginalised groups. In South Africa, the legacy of apartheid has created complex land tenure systems, with marketised conservation often excluding marginalised groups (Cousins, 2007). Recent studies have demonstrated that marketised conservation can exclude farm dwellers and complicate restitution claims, even where local stewardship works are strong (Spierenburg, 2019). Critiques of simplified ecological narratives that justify enclosure are particularly relevant

where conservation rationales are mobilized to resist redistribution (Fairhead & Leach, 1996).

Indigenous knowledge

Indigenous knowledge involves the insights, expertise of ‘native’ communities that has been created over generations. It involves the way people take care of their land and resources and the environment in a natural respectful and well-balanced manner. “Indigenous knowledge (IK) includes the expressions, practices, beliefs, understandings, insights, and experiences of indigenous groups, generated over centuries of profound interaction with a particular territory.” (Grey, 2014, p, 3229). Western knowledge is exclusive as property is owned privately, and it has more to do with the individual than the community. However, the indigenous communities oppose this notion as the community comes first before the individual. For social justice to be achieved, the knowledge that has always been used by ‘native’ communities needs to be recognised and respected while the generations that have used the land for years are not excluded in any form.

Social justice consists of the sharing of resources amongst all people of different races, ages, and genders equally without any favours. This means that any inequalities that were produced due to class or wealth or race are defied, and everyone is equal and has access to basic services such as land. Hence, the remnants of past injustices such as apartheid and the unequal distribution in land ownership are tackled so that everyone can be given equal opportunities and dignity. The consequences of social justice regarding conservation and ownership of land are important. This is because throughout history, land has been held privately in the hands of the white minority during apartheid and that has continued even now. This form of ownership has led to exclusion and inequality for the people that used to use the land for their traditional practices and subsistence. Furthermore, this exclusion in some cases leads to environmental degradation and inequality as the connection that communities had to their land will be lost. For social justice to be encouraged, there needs to be a reconsideration of land ownership

models, recognition of indigenous methods of land conservation without risking the rights of people. This also entails putting in place rules that preserve the land and environment while providing fair access that benefits people without causing any inequality or being exclusive so that future generations can benefit from it.

In South Africa, commercial land use and private ownership have led to land degradation where in some instances, there was overuse or misuse of land for profit and inequality where there was limited access to land and resources for certain communities. This meant that the needs of the communities and conservation efforts were not always prioritised. For example, soil erosion can be connected to the private ownership of land that on average, about twelve comma six tonnes per hectare per year, with ploughed land losing more according to (Du Plessis, 2018). This issue reduces the production of food which causes poverty. Additionally, private land conservation areas (PLCA's), although function better than unprotected areas, they still faced natural land cover problems demonstrating that conserving land privately does not guarantee good conservation or avoid land degradation.

The apartheid property system has had profound social implications. The dispossession of land from indigenous communities during the apartheid era, detached their cultural and livelihoods connections to ancestral lands. This has caused entrenched inequality and reduced access to natural resources. (Cousins, 2007). Therefore, apartheid took away land from many people causing the inequality that exists today. Private landownership has advantages but can exclude local communities from decision-making and economic benefits. This is harmful to both the people and environment.

[Land dispossession under the guise of conservation](#)

Conservation administrations began during the colonial era through protected areas and wildlife reserves as the colonists wanted to dominate people, land, and the wildlife in Africa. The state had the power to control lands and sometimes termed them “wilderness” to justify

dispossessing people and erase their occupancy history and land use. On the African continent, model called the “fortress conservation model” was implemented with the aim of excluding people to reserve nature. There are a number of ways that were used to dispossess people, for example the development of game reserves and national parks that they argued needed protection. In South Africa, an example, is the Kruger National Park in Kenya, the Nairobi National Park. The creation of these parks involved the dispossession of ‘native’ people and the outlawing of customary habits such as hunting. Therefore, conservation did not serve as an environmental scheme alone but one that colonial state to implement and justify inequality and exclusion in land ownership.

The conservation models in South Africa and Kenya expose stark differences in addressing historical injustices and encouraging the involvement of the community. In Kenya, community conservancies have evaluated benefit-sharing and community-led initiatives, although, some clashes are happening over land rights and profit sharing. In South Africa, however, conservation land remains intricately linked to historical white ownership, with private reserves and game farms often strengthening spatial and racial inequalities. (Buscher, Koot & Thakoli, 2024). Comparing the two places draws attention to the need for the conservation models to focus more on equality, community involvement, and righting historical injustices instead of continuing with dispossession and exclusion.

It has been difficult for land reform in South Africa to occur without delay due to conservation titles. Protected areas and private nature reserves are usually protected from land claims which means that communities lose power to re-claim their land. When land like farms are changed to wildlife estates, for instance, the people that used to stay on that farm lose access to the land that once belonged to them, although informally. Integrating land restitution and conservation goals has been hard but it is vital to balance environmental goals with the needs of the community.

Magaliesberg is a key area to study because of its natural beauty and conservation efforts. However, there are also many unresolved land issues of people wanting land, making it a complex intersection of conservation and social justice issues. By studying the Magaliesberg area, we can understand how conservation affects local communities and who benefits more than the others. This can also reveal how conservation is used to maintain power over land, especially when local claims are weak or legal redress is slow.

Historically, conservation in Africa has often led to indigenous people losing their land. However, community-led conservation models can help to prevent this if they prioritize land rights, community consent and secure land ownership as well as sharing the land benefits equally. In Magaliesberg, understanding the history and politics of conservation can show how it affects the redistribution of land and exclusion, stressing its significance for land justice and environmental protection in post-apartheid South Africa.

Furthermore, Hardin (1968) does not consider the serious inequalities that exist in South Africa where some groups are more powerful and have access to resources as compared to others. He ignores the historical context of South Africa, where black people were forcibly removed from their land, resulting in the current unequal distribution of land ownership and access. It involves how people take care of their land and resources and includes their culture and value of nature. Indigenous knowledge disputes the Western way of viewing expert systems.

Although private ownership of land has been increasingly encouraged as an important method for conservation in South Africa, especially due to the government's failure in managing natural resources well, not enough attention has been given to the possible dangers of exclusivity and inequality that may come from this approach. Supporters of private ownership of land contend that it gives an essential substitute to government-led conservation efforts, which are often disapproved because they are usually unsuccessful. Though, such a description overlooks the historical and systemic difficulties that have contributed to South Africa's

conservation situation currently, together with the remnants of apartheid.

Protecting land is important for the environment and the economy, but people disagree on the best way to do it. It is important to evaluate if private landownership is better at managing the environment. One of the theories that supports the study is by Hardin (1968), which states that collective resources can quickly get exhausted whereas individuals protect what they have through private ownership to preserve it for a long time because it is in their self-interest to do. Hardin (1968) posits that the “tragedy of the commons” can be mitigated through the institution of private property, or a similar formalised system. (Hardin, 1968, p, 1245).

Demsetz (1967) says that property rights help people consider the effects of their actions, encouraging them to take responsibility for the costs and benefits of what they do (p.348). By owning something, individuals have a greater incentive to manage it well and think about how it affects others.. He also maintained that it is vital to consider the historical context in which property rights occur. South Africa’s history of apartheid has created lasting disparities in land ownership and conservation with significant racial implications.

Ostrom (1990) challenges *Tragedy of the Commons* which claimed that collective action would lead to failure. She argues that the community of groups can successfully manage resources through collective action. Ostrom (1990) highlights that, contrary to conventional wisdom, communities have successfully governed certain resource systems over extended periods through institutions that diverge from traditional state or market models. (Ostrom, 1990, p, 1). Therefore, the idea that successful landownership should only be private does not work in all contexts and cultures. Ngcukaitobi (2021) in his study shows that Africans traditionally believed in a non-exclusionary possession of land, where collective ownership did not imply a lack of ownership. However, this complex understanding was misrepresented, as evident in the events that unfolded in Rhodesia, twenty years later. (Ngcukaitobi, 2021, p, 39). The Western ideas of land ownership and African ideas are not similar because, Africans work in

communities more than individually.

Some key concepts, such as private property, can be exclusionary in nature. This is because private property owners may seek to restrict access to the resources they manage, as they may be concerned that others will misuse or damage them. Incentives are also another concept which looks at the moral and financial drive of doing conservation. Landowners may be motivated by a sense of stewardship and environmental ethics, realising the significance of preserving biodiversity and the ecosystem for generations to come.

This study's focus on protecting the environment through private ownership of land and natural resources, recognises that this approach can have good and adverse effects. It draws on concepts including sustainability and power dynamics to gauge how private landowners, the government and local communities connect together to shape conservation results and issues of exclusivity and inequality and hopes to contribute to more understanding of this complicated relationship between conservation, land ownership, and exclusivity.

In agreement with the Land Audit Report (2017) and Dominguez & Luoma (2020), Karakilic (2021) argues that “rentierism” is not only about profit but also about controlling access to resources and maintaining power relations. The commons refer to resources that are collectively owned and shared by a community, including natural resources like land and water. However, ‘rentier capitalism’ leads to inequality as the property owners keep getting richer without having to work for it which increases wealth disparity and inequality. Christopher (2020) explains that rentier capitalism is a system where wealth is made by controlling scarce assets, rather than through productive work. In this system, rent is income earned from owning or controlling resources that others need, rather than from working or innovating. Karakilic (2022) adds that this gives asset-holders, or rentiers, significant power in modern economies, as they can restrict access and extract value from scarce resources. This perspective is helpful for my study because it shows how privately controlled land can be used as a tool for exclusion,

power, and inequality, particularly in contexts like South Africa where land ownership is a sensitive issue.

Karakilic (2021) argument is that “rentierism” encloses and commodifies the commons, eroding community autonomy and self-governance through dispossession and exploitation. He highlights the need for a commons-based approach that challenges “rentier capitalism” to promote an equitable and just society. “...I have argued that rentierism or rentier capitalism sets essentially on the enclosure and expropriation of the commons, which can be ambivalent relationship with capital.” (De Angelis, 2013 as cited in Karakilic, 2021, p, 426).

Karakilic (2021) explores how economic practices that focus on generating income through ownership and control, rather than productive activities, rely on taking away shared resources. This is connected to this research on the issue of exclusivity. Karakilic’s (2021) argues that turning resources into exclusive profit-generating assets can hurt communal management and fair access. In conservation, this usually happens when private ownership limits community involvement, leading to social injustice and less effective environmental results. However, community-based conservation models show that involving local communities in managing and benefiting from conservation efforts can improve both social and environmental outcomes. These models challenge the exclusivity of private ownership by promoting inclusive stewardship of our natural resources.

Title deeds make it easy for shared resources such as land and commons to be converted into private property for conservation reasons. However, private ownership through title deeds excludes marginalised communities and traditional users from accessing and managing land, which potentially undermines their livelihoods and cultural practices which agrees with what (Ntsebeza & Hall, 2007) also stated. “South Africa’s democratic transition was intended to include all citizens. Yet, an unacceptably high percentage of the population (we estimate 60 per cent) still has no legally recognised form of land and housing tenure-and the proportion

may be growing.” (Hornby, Kingwill, Royston & Cousins, 2017, p, 486).

Hornby et al, (2017) challenge the need for people to have title deeds to secure land and advocates for customary law to be recognised as title deeds have been used to exclude marginalized groups from land ownership which continues racial and economic inequalities in South Africa. Therefore, they view the “edifice” as a barrier to ownership of land which perpetuates a system that favors private property rights over community needs. "This is based on Western law and within its system, it is seen as a preeminent form of tenure.” (Hornby et al, 2017, p, 485). The “edifice” cannot be applied in the South African context as it has not been successful in ensuring that everyone has equal ownership to land making it skewed.

Hornby et al, (2017) challenges the idea that formal title deeds are the only way to secure land tenure. It shows that many South Africans use informal tenure arrangements, which can provide security but lack formal recognition. In conservation, privatising land can lead to exclusivity, marginalizing communities, and disturbing traditional uses on land. This research connects to the book, *Untitled: Securing Land Tenure in Urban and Rural South Africa*, in exploring how tenure systems affect conservation, the rights of the community and the balance between communal access and private ownership.

De Soto (1989) diverges with Ntsebeza & Hall (2007) as well as Hornby et al (2017) in titling of land and property rights. “The premise of De Soto’s argument is that poor inhabitants of the non-Western world have failed to benefit from capitalism because of their inability to produce capital, despite holding vast assets. The key to transforming assets into capital lies in instituting a system of property rights and information on property that is applied nationally and is legible to ‘outsiders.’” (Musembi, 2007, p, 1458). Hence, De Soto (1989) assumes that there is a direct causal relationship between formalised property rights and economic productivity which will lead to poverty reduction. However, some of the shortcomings with this argument include that he promotes a western idea of ownership which is “individual,” and this does not work in all

contexts, especially in South Africa. Furthermore, he failed to acknowledge that there is also the resultant financialization risk when such assets are commodified and sold. Therefore, De Soto's (1989) argument is flawed as it leads to the exclusion of marginalized communities from owning land which is considered as private ownership leading to exclusivity.

In disagreement with De Soto (1989), Hall (2004) contends that title deeds do not equal security of tenure especially for those in poor places with marginalised people such as rural areas. However, she agrees that the property system in South Africa prioritizes individual property rights over community needs and historical injustices. Hence, alternative tenure options such as communal ownership can provide access to land for those who were previously marginalized.

De Soto (1989) argues that formalising property rights is essential for economic growth. He believes that clear property rights allow individuals to use their assets for credit and investment, stimulating economic growth. However, Musembi (2007) challenges this idea. She argues that imposing formal property rights can disrupt traditional practices, marginalised vulnerable populations, and fail to deliver economic benefits. This is true in rural Africa, where informal and communal land tenure systems are complicated. This current research which is looking at conservation through private ownership and commons explores how privatisation affects access to certain groups of people and promotes exclusivity. De Soto's (1989) ideas suggest that privatisation can lead to more efficient land use, benefiting conservation efforts. However, Musembi (2007) critique highlights the potential downsides, such as eroding communal management systems.

Raidoo (2020) suggests that South Africa's "gated" communities mask social and environmental injustices beneath a tranquil and picturesque exterior, creating a false illusion of peace and serenity while perpetuating inequalities and injustices. These communities present a charming and idyllic façade, hiding the harsh realities of inequality and environmental

degradation, and thereby, perpetuating the very issues they try to conceal. Hence, “gated” communities are a symbol of exclusivity and privilege because they preserve economic and social inequalities as they are not inclusive and lack diversity. “As I shall argue, nature has also been crucial to the development of gated communities in South Africa, particularly in and around Johannesburg.” (Raidoo, 2020, p, 135).

Therefore, gated communities may use conservation as a justification for restricting access and privatizing land, masking their true intentions of exclusion and privilege. The commodification of nature by “gated” communities means that the luxury good is only accessible to those who can afford it. This agrees with Ntsebeza (2005) who critiques land conservation in South Africa as an “elitist endeavor” that prioritizes the interests of the powerful over marginalized, perpetuating displacement, exclusion, and inequality.

In agreement to Raidoo (2020) and Ntsebeza (2006), Khan (2011), in his book titled “*Privilege: The Making of an Adolescent Elite at St. Paul’s School*” inspects the ways in which privilege prolongs exclusivity. Hence, just as the St Paul’s School preserves privilege among its students, private ownership of commons and land for conservation can also continue exclusivity, limiting access to resources and opportunities for those who are marginalised.

Lou (2014) suggests that powerful individuals often strengthen their influence by creating exclusive and stable networks. These networks are hard for others to join and help maintain privilege and power over time. In my study, this idea helps explain how groups like the Mountain Club of South Africa (MCSA) maintain control over conservation areas and land ownership, contributing to ongoing patterns of exclusion and inequality in South Africa’s debates on land redistribution.

They also associate with people like themselves and prioritise their own interests and not what is for the “common good.” Furthermore, Khan (2011) emphasizes how privilege strengthens power dynamics by benefiting those who already have powerful positions. This can be linked

to how the private ownership of commons and land can also support existing power dynamics excluding marginalized communities and continuing injustices. “What we learn from Khan is that while the method of doing privilege has changed, the ability of the elite to reproduce themselves has remained remarkably stable.” (Aurini, 2011, p, 236). Hence, the approaches that the elite use to maintain their privilege may change, but their ability to reproduce and perpetuate their status is endless.

Raidoo’s (2020) work explores how gated communities in Johannesburg try to control nature to maintain order and exclusivity. However, nature often resists control, leading to unpredictable outcomes. This relates to my research on private landownership and conservation because both involve managing natural spaces, often to maintain exclusivity and control. However, since nature is unpredictable, it can challenge such controlled environments. Both private conservation efforts and gated communities limit access to natural spaces strengthening social and economic divides.

In South Africa, land is owned in communities under customary law. However, apartheid laws led to the privatization of traditional land through forced removals such as the Bantustan policy in the 1960s where people were placed in homelands. After 1994, the government allowed for the continuation of private ownership of land to those who had title deeds.

Du Plessis (2022) notes that the traditional African system of land ownership was altered by colonial ideas of private property, which disrupted the natural evolution of indigenous land practices (p. 58). This change was later supported by governments after colonial rule. This perspective is crucial for my research because it shows how past injustices and inequality continue to influence current debates about conservation, private ownership, and land redistribution.

Ntsebeza (2005) argues that traditional authorities worked together with the apartheid regime on issues of land and its division and even deepened the Bantustans. “The question of

legitimacy of traditional authorities is very much associated with their position in and control of land allocation process at the local village and Tribal Authority levels.” (Ntsebeza, 2006, p, 288). Some tribal authorities have used their power to preserve communal land and promote community rights. However, others have been corrupted and have made deals with private mining companies, for instance, for whom they have provided private ownership of land at the expense of the communities. For example, the “Ingonyama Trust” which has been accused of giving land to private buyers and companies without the knowledge of the community. He stated that tribal authorities often collaborated with the apartheid government to dispossess people of their land and served the interests of the elite.

Ntsebeza (2006) also contends that there is inconsistency between the South African Constitution and tribal authorities as they have been protected in the new democracy and yet they were used as instruments of colonial and apartheid rule. They perpetuated the oppression and dispossession of land from indigenous people. “In a nutshell, this book argues that upholding a constitution that enshrines democratic principals in the Bill of Rights, whilst acknowledging a political and developmental role, or roles, for un-elected an unaccountable traditional authority, as the two pieces of legislation referred to above do, is inconsistent and contradictory.” (Ntsebeza, 2006, 287). This contradiction is similar to Ntsebeza (2006), Hall (2004) has also criticized the role of traditional chiefs in land governance, stating that they often perpetuate inequality and undermine democratic principles.

Ntsebeza’s (2006) work examines the role of traditional authorities in land governance in South Africa. He argues that their enduring power over land allocation and administration poses challenges to democratic land reform and equitable access to land resources. This research connects with Ntsebeza’s (2006) which discusses traditional authorities’ control of communal lands, influencing land use and conservation practices. This control can affect private conservation initiatives, leading to conflicts over land rights. Private ownership for

conservation may restrict access to land traditionally used by local communities, raising concerns about exclusivity. Ntsebeza's work (2006) shows how traditional leaders' authority can both support and hinder community access.

The tension between the traditional authority and democratic land governance structures can impact conservation efforts. Ntsebeza (2006) highlights that undemocratic practices in land administration can undermine equitable land reforms. Understanding the role of traditional authorities is essential for conservation practices. Collaborative approaches and community involvement, for instance, can enable more inclusive conservation efforts.

Displacement, Dispossession and the Eraser of Indigenous Rights

Ntsebeza & Hall (2007) argue that there is a multilayered relationship between land, equality, and identity. Ntsebeza & Hall (2007) in their study show that, in South Africa, land ownership not only serves as an economic asset, but also represents a source of identity, a symbol of citizenship, and a highly politicised imperative, given the emotive and contentious nature of continue inequality in land ownership. (Ntsebeza & Hall, 2007, p, 8). The authors contend in their book, "*The Land Question in South Africa*," that land is not just a physical asset, but also a symbol of identity, citizenship, and belonging. They argue that the way people view themselves and their place in society is deeply linked to their relationship with their land. This perspective demonstrates the significance of land in shaping social relationships and economic opportunities.

Ntsebeza & Hall's (2007) argument takes on particular importance in the South African context, where the effects of apartheid and colonisation continue to influence land ownership and access. The authors argue that the historical seizer of land from indigenous communities has led to not only economic disparities, but also the loss of cultural heritage and social equity. This highlights the importance of considering the social and cultural aspects of landownership and conservation, beyond just economic concerns.

The concept of private ownership of commons and land, which is pivotal to this research, raises important questions about exclusivity, equality, and social justice. As argued by Ntsebeza & Hall (2007), the imbalance in land ownership in the hands of a small number of individuals or groups can perpetuate inequality and limit access to resources and opportunities for marginalised communities. Additionally, they argue that the ‘willing buyer, willing seller’ approach which underpinned South Africa’s policies, has not been able to effectively address past injustices.

Ntsebeza & Hall (2007) also contend that private land ownership in South Africa hinders efforts to achieve equality, social justice, and economic growth. They argue that the current land reform process, emphasizing market-based solutions and private ownership, perpetuates the colonial and apartheid legacy, neglecting the historical injustices faced by the majority of black South Africans. “Historically, white settlers in South Africa appropriated more than 90 per cent of the land surface under the 1913 ‘native’s Land Act, confining the indigenous people to reserves in the remaining marginal portions of land.” (Ntsebeza & Hall, 2007, p, 3). They maintained that land is not just used for economic purposes, but it is a source of livelihood, belonging and identity to, particularly black people. Therefore, they promote a different approach that prioritizes community rights, justice and social equality that challenges the dominance of private ownership rights.

The work of Ntsebeza and Hall (2007) provides important understandings into the history of land ownership in South Africa. They clarify how colonial, and apartheid policies created a system where land is unequally distributed. This has a major effect on conservation efforts today. One of the key points they make is that South Africa’s efforts to redistribute land have struggled to balance giving land back to people with making sure the land is used in a sustainable way. This is a huge problem for conservation, where private ownership of land is often viewed as a way to protect the environment, but can also keep local communities out.

Ntsebeza & Hall (2007) also point out that efforts to reform landownership have failed to include marginalised communities in decision-making. This is a challenge that conservation initiatives must also address. They show how private game reserves and conservation areas can protect biodiversity but often do so by restricting access to land and resources that belong to communities. This raises questions about whether private conservation efforts really serve the public interest, or if they just continue the historical pattern of taking land away from local communities.

Ntsebeza & Hall (2007) argue that relying on private ownership for conservation is not enough and that alternative methods, such as community-based land management, are needed. Their work emphasizes the importance of considering social justice in conservation policies, to ensure that environmental protection does not perpetuate historical injustices. This research builds on their analysis to explore whether private ownership enhances or undermines sustainable and equitable land use in conservation.

In his book, *Land Matters*, Ngcukaitobi (2021) provides an in-depth analysis of South Africa's land reform efforts and their outcomes, arguing that these efforts have failed to address historical land injustices and instead perpetuated inequality. The author argues that South Africa's land reform has not been able to deal with historical injustices for land dispossession but have instead continued inequality and exclusivity. Similar to (Ntsebeza & Hall's, 2007) argument, Ngcukaitobi (2021) maintains that the focus on private property rights and market-based solutions has exacerbated the power dynamics of the past, limiting access to land for marginalised people. Additionally, the condition that black people must compensate white landowners is a blunt reminder on how apartheid still has lasting legacies, according to Ngcukaitobi (2021).

During apartheid, the right to vote was linked to private property ownership which excluded black South Africans who had forcibly been separated from their land. Hence, this meant that

black people were forbidden from their land and did not have equal rights as white people to have a say in the political process at the time. Land was taken from black people in different forms such as through deception and force.

The African National Congress' goal was to end racialized land ownership but not private ownership, encouraging expropriation with compensation for white landowners. "Land expropriation for wider distribution seems to have been part of the ANC's official policy since the days of the Freedom Charter. But the abolition of private landownership was not." (Ngcukaitobi, 2021, p, 93). However, the Economic Freedom fighter led by Julius Malema who is promoting the idea of altering Section 25 of the Bill of Rights to "expropriate land without compensation" for the 'common good' or the interest of the public.

Furthermore, Ngcukaitobi (2021) states that land reform policies must give precedence to the rights and needs of those who were dispossessed, instead of concentrating on the economic gains or environmental conservation only. "Apartheid was the expropriation of African land, the expropriation of African labour, and the deprivation of Africans' fundamental rights and freedoms." (Ngcukaitobi, 2021, p, 14). Additionally, he argues that the "willing buyer willing seller" notion has permitted wealthy landowners to uphold their hold on land, while marginalised communities have not been able to have access to land due to lack of resources. (Ngcukaitobi, 2021) writes in his book about how the right to vote during apartheid was linked to private property of land. "By converting ownership to tenancy, the Act stripped Africans in the Cape of their voting rights." (Ngcukaitobi, 2021, p, 81).

Ngcukaitobi's (2021) book, *Land Matters* gives us valuable insights into South Africa's land reform challenges. His analysis is crucial for understanding how private conservation initiatives can either reinforce or challenge historical patterns of exclusion in land ownership. Ngcukaitobi explains how colonial, and apartheid policies continue to shape land ownership patterns in South Africa. Most land is still owned by private individuals and companies, often

at the expense of indigenous and rural communities. This is important for conservation, as many private game reserves and conservation areas exist on land taken from local communities. Ngcukaitobi (2021) argues that market-driven land reform has failed to address historical injustices. He criticizes the reliance on “willing-buyer, willing-seller” policies, which have led to slow and ineffective land redistribution. This critique is relevant to conservation, as many private initiatives rely on voluntary contributions from landowners, ignoring the deep inequalities in landownership.

This research explores conservation as a case study in exclusivity. Ngcukaitobi’s (2021) argument that privatization of land, even for conservation, can perpetuate exclusionary practices is crucial. His work supports a critical examination of whether private conservation genuinely serves the public interest or favours a wealthy minority.

Furthermore, Ngcukaitobi discusses alternative land reform methods, including state-led redistribution and community-based ownership. This aligns with discussions in conservation policy about alternative governance structures, such as communal land stewardship or co-managed conservation areas.

By examining *Land Matters*, this research can position private conservation efforts within a broader critique of South Africa’s land reform failures. Ngcukaitobi’s analysis strengthens the argument that conservation through private ownership may reinforce historical inequalities rather than addressing them. His advocacy for inclusive land policies provides a foundation for considering alternative conservation models that integrate local communities.

There is a complicated relationship between conservation, land ownership, and issues of exclusivity. Skosana’s (2019) research on the controversial politics of gravesite removals in present-day South Africa gives us important insights into the ways private ownership and conservation efforts can impact marginalised communities and their cultural heritage sites. Skosana (2019) asserts that the case study of Tweefontein, Ogies, focuses on the tensions

between conservation, private ownership, and cultural heritage, especially in South Africa's situation which has a history of dispossession and exclusion. "The thesis argues that despite the post-apartheid objective to remedy past injustices, an overriding market-driven rationale within the context of mechanisms of lawful exclusion works to dehumanize what is at stake for African people." (Skosana, 2019, p, ii).

Skosana's (2019) work shows how the removal of gravesites can be viewed as a type of exclusion, where certain groups or individuals are denied access to their ancestral lands or cultural heritage sites. This resonates with the idea of exclusivity in the context of private ownership and conservation, where the protection of cultural heritage sites may be compromised by private interests. "The thesis has highlighted how inadequacies in the law create for a market-friendly mineral law to override the protection of heritage in such a manner as to result in new forms of exclusion for African people; a state of affairs that compels those affected to seek alternative ways to validate their sense of belonging." (Skosana, 2019, p, 159). Furthermore, Skosana's (2019) research emphasises the significance of understanding the historical context of land dispossession and exclusion in South Africa, particularly in the context of land reform and conservation initiatives.

Her research looked at the disputes surrounding the removal of African gravesites in South Africa to make way for mining. Her work demonstrates the conflicts between preserving heritage and community rights as well as the interests of mining companies. The research concentrates on how laws such as those related to heritage and mining interact and impact local communities. While her research specifically examines gravesite relocations, it provides valuable perspectives on land rights, community involvement, and the evolving social dynamics surrounding land use in South Africa. These themes in her literature are applicable to this research on conservation through private ownership because it helps us to understand the conflicts that are happening between private interests such as mining companies and

community rights.

Beinart, Delius & Hay (2017) highlight the historical injustices of land dispossession under apartheid and the ongoing struggles of many black South Africans to secure their land rights. They argue that current land reform policies, including the Restitution of Land Rights Act (1994) and the Land Reform (Labour Tenants) Act (1996), are insufficient to address this complex issue. “South Africa landholders who do not have private title are probably weaker and more uncertain now than they were at the time of the transition in 1994.” (Beinart, Delius & Hay, 2017, p, 9). The authors suggest that the private ownership of land and commons can lead to exclusivity and inequalities in opportunities between distinct groups of people in South Africa. Hence, those who are marginalised should have their interests prioritise.

The Right to Property versus the Right to the Commons: A Constitutional Analysis

South Africa’s post-apartheid land reform efforts have centered on three key pillars: restoring land to its rightful owners, redistributing land to address historical inequalities, and securing tenure rights for vulnerable communities. “A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.” (Constitution of the Republic of South Africa, 1996, p, 10). However, methods were not given clearly and sometimes, the Constitution seemed to contradict. For example, protecting private security while promoting land redistribution. “My key argument is that the entrenchment of the property clause in the constitution, coupled with weak civil society organisations addressing the land question pose major obstacles in the achievement of even the limited objective of the land reform programme in South Africa.” (Ntsebeza, 2011, p, 1). However, the Constitution (1996) also gives the impression that some of these inconsistencies had been solved, limiting expropriation for redistribution and promoting land reform in other ways such as through market-based ways.

Section 25(7) guarantees the right of individuals dispossessed of their land due to discriminatory laws or practices to either recover their land or receive just compensation, a crucial step towards redressing historical injustices and advancing social justice. The promise of land restitution raises significant questions about how private conservation efforts can be balanced with the need to address historical injustices. Conservation efforts can at times exclude local communities and other people from their land and natural resources. However, this is a complicated issue that might not have answers. Although, by exploring the intersection of conservation, private land ownership, and historical justice, this research can help to better understand the opportunities as well as the challenges in this particular area.

One of the key issues to look at is the tension between land restitution and private conservation. When land was unjustly seized from black people in the past, should it be restored to its rightful owners or utilized for private conservation efforts? This is a tricky question and there are valid arguments on both sides. On the one hand, private conservation efforts can help protect the environment and preserve our natural resources. On the other hand, these efforts can also perpetuate historical injustices and exclude local communities from their land.

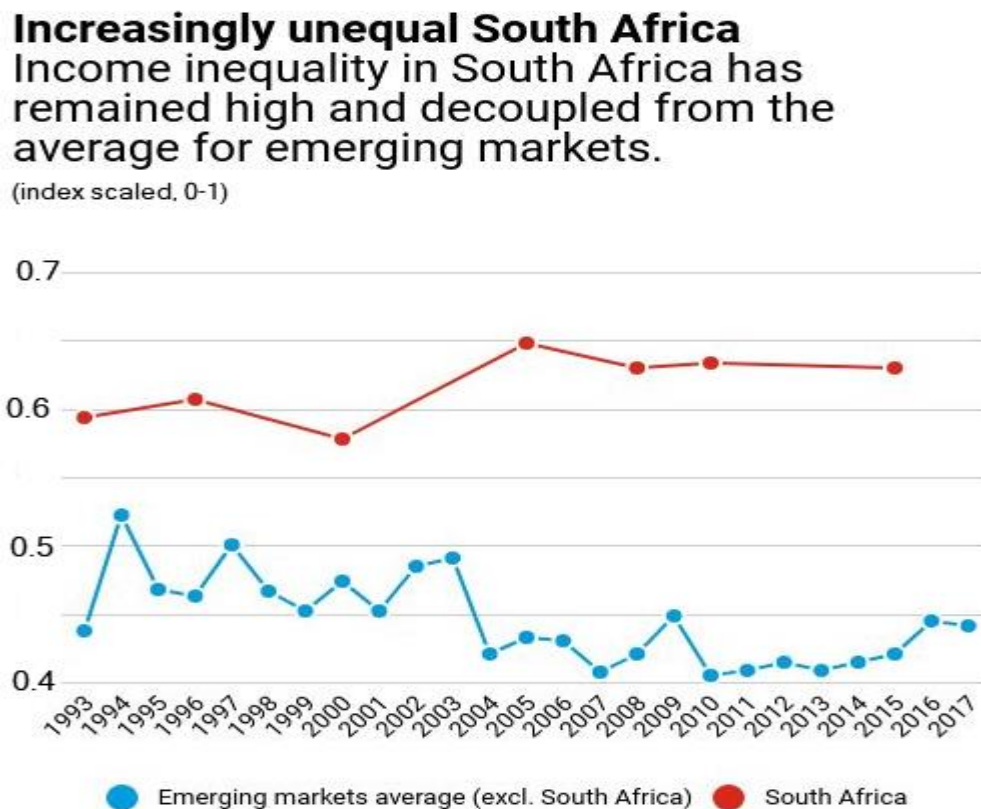
Another significant issue is the impact of private conservation efforts on community access to land and natural resources. Private conservation efforts are believed to restrict community access to land that was once shared, which is unfair. In this context, this study inspects this connection of private ownership, conservation, and issues of exclusivity in South Africa with an emphasis on the social and environmental consequences of this conservation model.

Privatising nature: The Exclusivity of Conservation in South Africa

Conservation efforts in South Africa have mostly depended on private ownership of land and commons, with many protected areas being operated by private companies, individuals, and trusts. Yet, this method has caused fears about exclusivity, the displacement of local people and inequality among the different racial groups in the country.

The legacy of colonial racism can be seen in contemporary South Africa as it remains one of the unequal countries worldwide. “South Africa is known as one of the most unequal countries in the world, reporting a per-capita expenditure Gini coefficient of 0, 67 in 2006.” (Statistics South Africa, 2020).

Figure 1: Inequality Chart



Source: World Development Indicators.

INTERNATIONAL MONETARY FUND

<https://www.imf.org/en/News/Articles/2020/01/29/na012820six-charts-on-south-africas-persistent-and-multi-faceted-inequality>

The private ownership of land by race shows the inequities in the amounts of land that is owned by the different racial groups in South Africa with white people owning most 72% which is more than any other group. “The land audit reveals that Whites own 26 663 144 ha or 72% of

the total 37 031 283 ha farms and agricultural holdings by individual landowners; followed by Coloured at 5 371 383 ha or 15%, Indians at 2 031 790 ha or 5%, Africans at 1 314 873 ha or 4%, other at 1 271 562 ha or 3%, and co-owners at 425 537 at 1%.” (Land Audit Report, 2017, p, 2). This shows how land is one of the privileges that a few own and yet the rest of the country lives in inequality and poverty.

Private ownership of traditional land

Table 1: Private ownership of traditional land

Province	White		African		Coloured		Indian		Other		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
EC	6 047	52	2 747	23	1 492	13	895	8	499	4	11 680
FS	10 034	66	1 684	11	1 977	13	833	5	649	4	15 177
GP	26 622	56	8 887	19	6 220	13	3 640	8	2222	5	47 591
KZN	8 748	29	11 215	37	2 711	9	5 960	20	1 358	4	29 992
LP	8 225	52	4 690	29	1 679	10	777	5	542	3	15 913
MP	7 375	57	2 891	22	1 575	12	722	5	457	3	13 020
NW	12 265	51	7 652	32	2 400	10	1 040	4	764	3	24 121
NC	5 247	73	170	2	1 175	16	404	6	191	3	7 187
WC	11 110	66	558	3	2 898	17	1 330	8	955	6	16 851
Total	95 673	53	40 494	22	22 127	12	15 601	9	7 637	4	181 532

Table 5 reveals that white landowners own far above the national average ha except in Gauteng Province, where their lowest score is the provincial average of 10 ha.

https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf

Data from Statistics South Africa and the Land Audit Report (2017) provide important evidence for this study on conservation and private land ownership. The data shows that South Africa has extreme inequality especially when it comes to wealth and distribution. This supports the idea that private landownership is concentrated in the hands of a few people, raising concerns about exclusivity in conservation.

The Land Audit report also shows that land ownership is still largely in the hands of white individuals and corporations. This raises questions about whether conservation efforts that rely on private ownership might actually reinforce historical inequalities rather than making land more accessible to everyone. This study looks at this issue to see if the exclusivity in

conservation limits access to the communities that surround it. The data also shows the importance of land for the economy and for environmental benefits.

The data also suggests that commons-based conservation models might be a more inclusive alternative to privatised conservation. This is part of what this study also looks to explore whether conservation is used as a justification for maintaining exclusive ownership patterns, despite demands for more equitable land access. Furthermore, whether private conservation combines economic control for the elite or makes ways for other ordinary people to also participate.

The connection between the different pieces of literature

The different pieces of literature all explore the complex relationships between landownership, governance, and exclusivity, especially in the area of conservation. They show how private ownership, communal land management, and access to resources can be in tension. The link between De Soto (1989) and Musembi (2007) debate the impact of formalising land rights. De Soto (1989) argues it leads to economic growth, while Musembi (2007) says it can disrupt communal land systems and lead to exclusion. This relates to this research on private conservation efforts because they usually rely on formal ownership.

Karakilic (2021) and Raidoo (2020) examine how privatisation can restrict access to resources and lead to economic inequality. Karakilic (2021) critiques ‘rentier capitalism’, while Raidoo (2020) looks at how ‘gated communities’ try to control nature. This connection to this research on conservation through private ownership may restrict access while trying to control ecological processes.

Ntsebeza (2006) discusses how traditional leaders maintain control over land, sometimes reinforcing undemocratic governance structures. This is connected to this research topic because private conservation initiatives may need to negotiate with traditional leaders, leading to power struggles over land access and management. All of the works highlight that privatising

land for conservation is not just an ecological issue but also a socio-political one. This study on exclusivity in conservation fits into this debate by examining how economic models, governance structures, and power over access shape who gets to access and benefit from conserved land.

Methodology

This study used a qualitative case study method to investigate the exclusivity of conservation through private ownership of commons and land in South Africa. It uses a qualitative research approach to explore the complex relationships between conservation, private property, and social justice in the Magaliesberg. Qualitative methods help capture the meanings and experiences of individuals within a specific context (Merriam, 2009). A case study approach was chosen, focusing on the Mountain Club of South Africa (MCSA) and its conservation practices. This approach allows for an in-depth examination of how and why private conservation organisations operate in certain ways within real-life contexts, especially when boundaries between the phenomenon and its context are not clearly defined (Yin, 2018). This approach helps us gain a deeper understanding of how conservation, power, and land ownership are connected in the Magaliesberg.

To gather data, I used a combination of interviews, document analysis, and participant observation. By attending the “meets,” getting involved in weeding and attending gatherings with the MCSA, I gained insight into the organisations culture and practices. According to DeWalt and DeWalt (2011), participant observation provides richer data by allowing the researcher to experience things firsthand. This approach also helped me to understand how the MCSA’s ideas about conservation and land ownership play out in practice (Hammersley & Atkinson, 2019). By combining different research methods, I was able to get a more complete picture of how conservation practices relate to issues of private ownership and land redistribution in South Africa. This multi-method approach ensured that my findings were more

accurate and comprehensive.

The case study focused on the MCSA, which, according to its leaders, is a public, not-for-profit organisation that manages and conserves natural areas, including the Magaliesberg region. The MCSA was selected as the case study due to its involvement in private conservation efforts and its impact on local communities. The club's activities, including the removal of invasive plants, provided a valuable context for exploring the exclusivity of conservation.

The Magaliesberg area is unique due to its exceptional features. It is one of the oldest mountain ranges in the world and has different landscape with waterfalls and dome pools, supporting rich biodiversity. In 2015, Magaliesberg was recognised as a specific area by UNESCO, emphasizing its significance for conservation and community use. The area has a combination of protected or private lands, with some parts having rules about how the land can be used, making it an interesting area to study for balancing human activities and conservation.

The Mountain Club of South Africa is not only used for leisure, but they also own the land. The MCSA are the owners of properties such as the Upper Tonquani and kloofs like Cederberg kloofs. They also have registered servitudes that warrant entry into specific areas around the mountain range. These servitudes help to form good relationships with private landowners around the area so that the MCSA members are allowed to access their land. The MCSA is different from the other hiking groups because they have secured long-term access to the land through ownership and agreements. This gives the MCSA control over the area, allowing them to manage visits, set limits, and protect the environment. Hence, there are several ways that the MCSA stands out from other hiking groups including owning and controlling the land they function on meaning that they are just not visitors but protectors of the land. Furthermore, their most important aim is to conserve the land which motivates them to be actively involved in its upkeep. As the oldest and recognised outdoor groups in South Africa, the MCSA has a strong status and formal structure, giving it unique authority to shape conservation and access rules in

the Magaliesberg areas.

By studying the MCSA, this study examines the role of powerful and privileged groups in determining land access and conservation practices. “Studying up” lets us understand how elite groups of people justify their influence over land and negotiate their legality as land stewards, enlightening us into the methods that shape exclusion and conservation in the Magaliesberg areas.

The MCSA plays a crucial role in conservation and land politics in Magaliesberg. As a group of influencing and well-resourced individuals, they have a strong voice in policy decisions, having contributed to the designation of the Magaliesberg Protected Natural Environment and its recognition as a UNESCO Biosphere Reserve. While they frame their ownership and stewardship as serving the public interest by protecting biodiversity and ensuring sustainable recreation, this approach can also entrench exclusionary property regimes, limiting access to land for others. By controlling property and access, the MCSA determines who can use the area and under what conditions, making them a key player in South Africa’s land justice debates.

Data collection involved semi-structured interviews with twelve individuals connected to the MCSA. The interviews were conducted between February and March 2025 and included online interviews with the leaders and three other stakeholders, in-person interviews were done with the five rangers who are responsible for removing invasive plants such as pompom weed, crofton weed, lantana and purple top. The other interview was conducted, in person with the head of conservation, who accompanied me on an invasive plant removal exercise in Magaliesberg. The other interview was conducted with a black female leader of the outreach portfolio and her colleagues in the Mountain Club.

These interviews that were conducted with the different post holders of the MCSA were combined with participant observations made at weeding “MCSA Meets” or “Club Meets.”

These are organised group outings that offer members or guests a variety of outdoor activities like hiking, conservation efforts and climbing. “The MCSA Johannesburg offers a wide range of meets at our beautiful properties. From day hikes, kloofing, trad and sport climbing meets, conservation meets, community development events as well as member talks and socials.” (Mountain Club of South Africa, 2023).

The interviews explored the experiences, perceptions, and perspectives of the participants regarding the exclusivity of conservation through private ownership. The interviews were audio-recorded, transcribed, and analysed using thematic analysis. The data was categorised into different themes related to exclusivity and conservation.

Ntsebeza & Hall (2007) have written on the challenges of land reform and the tensions between private property rights and public interest. They state that the relationship between land, equality and identity is complex. They argue that land ownership in South Africa represents not only an economic asset but also a source of identity and a symbol of citizenship. This perspective emphasises the deep-seated connections between land, culture and belonging. However, the “tragedy of the commons” as described by Hardin (1968), suggest that the degradation of common resources can occur when individual interests are prioritised over collective well-being. This concept has been used to justify the privatisation of land and natural resources, often at the expense of the marginalised communities. In the context of South Africa, the history of dispossession and inequality has had a lasting impact on the distribution of land and resources. Ngcukaitobi (2021) notes the beneficiaries of land ownership have been determined by the country’s history of colonisation and apartheid, with existing inequalities persisting even in post-apartheid South Africa. Despite the promises of compensation and restitution enshrined in the country’s constitution, many communities continue to struggle for land rights and justice.

The research was conducted with ethical considerations in mind. Participants provided

informed consent by signing the consent forms. I also made sure that the research did not harm the participants or the environment. Some of the limitations of the study include a small sample size. Further research could include a larger sample size and more case studies to increase generalizability of the findings.

Images of invasive plant species observed in the Magaliesberg

Pompom weed

Figure 2: Image of Pompom weed.



Yellow weed

Figure 3: Image of yellow weed.



Table 2: Invasive species

4

Table 1: Major Invasive Plant Species of the MPE

Growth Form	NEMBA Category	Invasive Species	Page
Herbs	1b	Pompom weed / Pompom-bossie <i>Campuloclinium macrocephalum</i>	5
	1b	Crofton weed, Mexican devil weed / Ageratina <i>Ageratina adenophora</i>	7
	1b	Purple top, Tall verbena / blouwaterbossie <i>Verbena</i> sp.	9
Shrubs / Trees	1b	Lantana / Lantana <i>Lantana camara</i>	11
	1b	Bugweed / Luisboom <i>Solanum mauritianum</i>	13
	1b	Red inkplant, Forest inkberry / inkbessie <i>Phytolacca octandra</i>	15
	1b	Smooth senna, Arsenic bush / Senna <i>Senna septemtrionalis</i>	17
	1b	Jerusalem cherry / Jerusalemkersie, wilderissie <i>Solanum pseudocapsicum</i>	19
		Cape gooseberry / appelliefie <i>Physalis peruviana</i>	21
	1b	Yellow bells / Geelklokkies <i>Tecoma stans</i>	23
	1b	China berry, Seringa / Sering <i>Melia azedarach</i>	25
	1b	Jacaranda / Jakaranda <i>Jacaranda mimosifolia</i>	27
Cactus	1b	(Sweet) prickly pear / (Doring) turksvy <i>Opuntia ficus-indica</i>	29
	1b	Queen of the night / Nagblom <i>Cereus jamacaru</i>	31

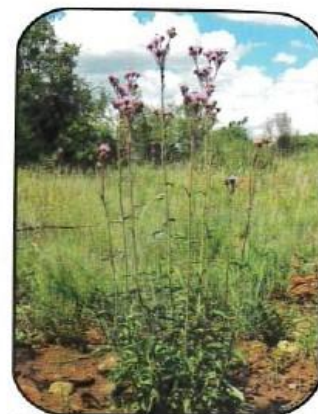
Source: Alien and Invasive Species List, 2020 (Government Gazette Nr: 43726 of 18 September 2020)

Figure 4: Invasive plants.

6



Invading natural grassland, open savanna and wetlands



Leaves clustered at base



Leaves and stems with bristly hairs



Flower-heads and seed-heads

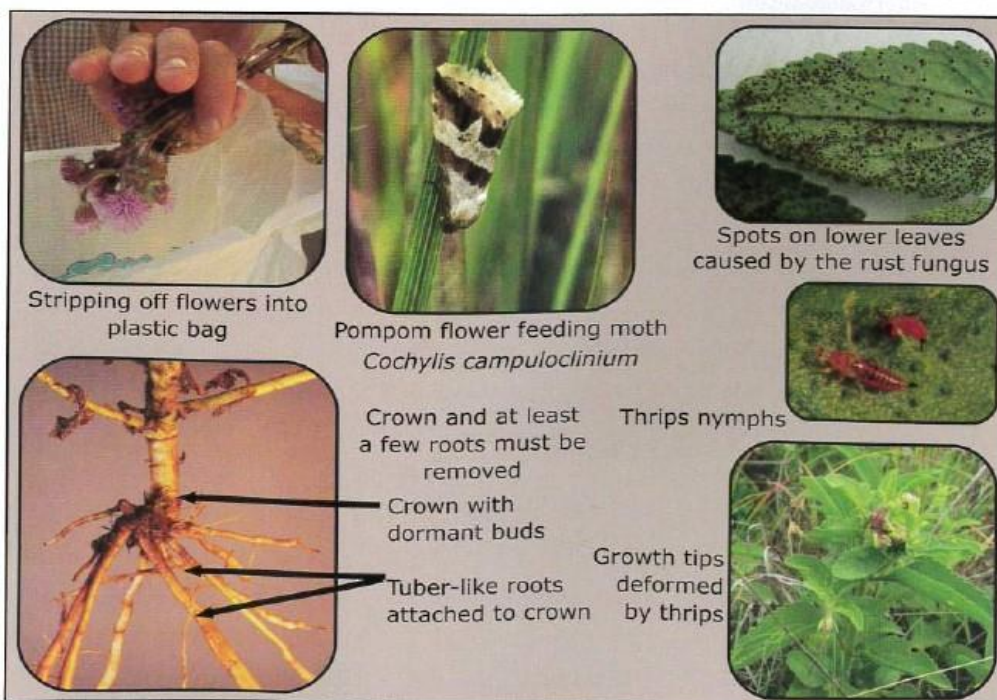


Figure 5: Crofton weed, *Ageratina adenophora*.

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Crofton weed, Mexican devil weed / *Ageratina adenophora*

Origin:
Mexico and Central America.

Description:
Perennial herbaceous multi-stemmed soft shrub, up to 2m. Leaves opposite, rhombic with three main veins. Stems and petioles purplish and covered with glandular hairs. White flower heads, approx. 5mm long, in clusters on tips of stems. Seeds small, bristly, tens of thousands per plant. Stems can root when in contact with soil.

Flowering time: July – October.

Spreading: Profuse seed production. Seeds dispersed by wind and water. Most are viable, but not long-lived. Stems can root when in contact with the soil.

Habitat invaded: Moist habitats, e.g. stream banks, waterlogged soils on slopes and wet cliffs, forest margins.

Biocontrol:

- A shoot-galling fly, *Procecidochares utilis*, that reduces the vigour of the plant, but not sufficient for control or to stop flowering.
- A leaf-spot fungus, *Passalora ageratinae*, that causes spots and browning of leaves.
- Research into additional insect species is ongoing, including a promising leaf rust fungus.

Eradication:

- First strip off flower-heads as per Pompom weed on page 5.
- Try to eradicate before flowering. Uproot plant by grabbing hold of base of plant and pulling. If it does not come out easily, cut off roots close to plant base with a knife or 'crofton cropper' (see tools p. 39) and then lever it out. Roots left behind will not grow again, but buried stems will sprout again. Discard on dry rock, far enough from stream so that plant cannot be swept back into stream, or suspend from a tree to dry out.
- If seen growing on cliffs [usually on seepages] please report exact locality to MCSA Magalies section – only rock climbing specialists should attempt removal.

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Crofton weed invading stream bank
Seedlings germinating in mud







Uprooting young plants by hand
Leaf fungal spots
Shoot galls (left), caused by gall fly (above) - note emergence holes in the galls

Figure 6: MCSA Members Weeding



The MCSA consists of white people. As a black woman researching what turned out to be a white space, I was anxious. I attended the prospective members talk at City Rock in Randburg and I was the only black woman surrounded by white people which made me uncomfortable. I mitigated by discomfort by actively finding ways to connect with other coloured members in the club. Although, my positionality made me uncomfortable, combined with my training in inequality studies, it has given me unique research insights.

Findings/Results

The MCSA Constitution states that the club's primary objective is to promote and encourage mountaineering, rock climbing, hiking and more. Hence, this statement implies that they are focused on recreational activities more than conservation or environmental protection. However, further analysis shows that the club also includes the "protection and preservation of the natural beauty of the mountains and the promotion of conservation" This demonstrates that

the club is committed to environmental protection, but it is secondary to its recreational goals?

Figure 7: MCSA Constitution

2. NAME	
	The name of the Association is
	-The Mountain Club of South Africa – Johannesburg Section
3. OBJECTIVES	
	The Section is a public, non-profit organisation, established for the sole object of promoting the interests of mountaineering primarily in South Africa on a non-professional basis as a recreational pastime conducting its activities for the benefit of the general public and making itself accessible thereto. In so doing its objects, which are essentially the same as those of the Mountain Club of South Africa, <i>inter alia</i> shall include:
3.1	to organise and facilitate mountaineering
3.2	to procure and protect real rights in and access to mountains and mountain area
3.3	to initiate and support actions towards protecting the natural beauty and wilderness character of mountains and to promote their effective conservation management
3.4	to promote the safety and training of mountaineers
3.5	to provide search and rescue services
3.6	to promote the study of mountains and their environments, the preservation of historical and archaeological sites thereon and the dissemination of information on mountains and mountaineering

<https://mcsajohannesburg.org/wp-content/uploads/2019/03/MCSA-JHB-CONSTITUTION-2019.03.13-.pdf>

Their membership requirements require a subscription fee and a probationary period, which suggests that the club has a formal membership structure which may exclude some people. Additionally, the Constitution says that membership is open to “any person who wants to join the club” but it also says that there was a requirement that applications had to be “approved by the committee” which showed the amount of power that the membership had on who was allowed in the club. The main decisions are also made by the Committee, meaning that a few individuals have more power to make the decisions that affect everyone.

Semi-structured interviews were used to collect information from twelve individuals who make up the MCSA. Three themes emerged which are: White stewards: power and exclusivity,

conservation, and labour and in defense of private landownership: privatization of natural resources.

In defense of private landownership: Privatization of Natural resources

Figure 8: Private Property



One significant theme was the privatisation of natural resources. According to one leader, the MCSA is a public and not for profit organisation and anyone who wants to join is welcome to, the member said:

So, in our constitution its noticeably clear what the objectives of the club are and one thing that I must say is that the club is a public organisation, it is not in any way a private organisation. So, it is a public organisation, anyone from the public can join the club. Even if you do not join the club, you can visit the properties, we do charge a permit fee and we limit numbers not just for members but also for permit holders because we want to keep the properties pristine and we want to conserve things. So, just on a side note because later on you do ask a question and I am thinking that it is really an important thing to know that we are not an exclusive private organisation.

This statement suggests that the club is making efforts to bring more diversity or become more

inclusive since it is democratic or open to anyone from the public. Therefore, their conservation goals are trying to consider public interests as well. While anyone is allowed to join even people who are not part of the club, the properties and natural resources are still owned governed in a private manner. Hence, private ownership of land and commons is a complicated issue because there is still control of these natural resources and limitations of what can be done there or not. Additionally, the MCSA says that it is a public organisation that does not make a profit. However, when we look closely, it is a private group. This is because a public organisation is usually run by the government, which is not the case with the Mountain Club. This confusion raises questions about who the club is accountable to and whether it truly represents the public. For instance, a member who is also employed by the Mountain Club in Johannesburg states that they only allow twenty permits per day, there cannot be too many people at the same time because they are trying to maintain the area and not have the trails degraded if there are many people at a time. He also stated that private landowners from around the area do not follow the same rules because they are after money and do not maintain the area and keep it pristine for future generations to come. An employee said that:

You will find that other property owners of land in the Magaliesberg who don't follow the same ways of thinking when it comes to conservation, if you look at a hand of cycling trail or a shelter rock and all these other commercial properties, they will happily let a hundred people on the property a day and their goal is to make money out of it, our goal is to make enough sustainable amount of money to maintain and look after those properties whereas theirs is more profit driven.

One of the leaders of conservation said:

So, if you are a private owner you are actually lucky because you do not have to go through these tender long and laborious paperwork issues that take so long that you

actually lose focus on the goal of what you are actually doing. So, as private we are lucky because we can just get straight to the point but then sometimes when you do not have the funding to do it that would be a problem.

She highlights the advantages of privately owning land as it allows for effective conservation efforts. Unlike the government, the Mountain Club can focus on their conservation purposes without any distractions which makes the conservation a success. Stating that private landowners are lucky because they do not have to deal with government's slow and complicated processes suggests that private conservation is better for conservation because it is faster and more efficient. The issue with this is that it is concerning as private landownership is linked to racial inequality in South Africa. Looking at the history of the country, white people have owned vast amounts of land which has led to exclusivity and unequal access to natural resources. Hence, it is essential to examine the impact of private ownership on conservation and ensure that it does not worsen the current inequalities in the country.

However, there is also recognition that owning land privately is a lot of work and effort so that the area is taken care of well. This can be linked to a sense of stewardship which is one of the main motivators of the Mountain Club's conservation attempts. A community portfolio member said that "What we are doing with this project, we are introducing the next generation to nature and the mountains and the environment and respecting land and that kind of thing."

Figure 9: Outreach Portfolio Image



However, this standpoint raises some questions about who has historically has access to landownership and the resulting sense of stewardship. In South Africa, the legacy of apartheid and colonialism has meant that white people have disproportionately owned and managed most of the land to the exclusion of black people. This has led to a situation where private landownership is closely tied to racial privilege, and the sense of stewardship is often limited to those who have historically held power over that land. Eventually, this emphasises the need for in-depth understanding of private landownership and conservation that tackles and admits the historical and current effects of racial inequality and exclusivity in South Africa.

According to the member:

As a private owner, you have your own responsibility to look after this land that you now own properly which takes time, effort, and all sorts of planning. If it means that you care enough to make that change to put in the effort but when you decide maybe not with private land, but with government or other kinds of land where you bring in a team to come and do the work for you, it's never done with the same quality. This shows that private landownership has a higher standard because there is care and quality

which is said not to be found in government-led efforts. This shows that that the privatisation of nature is justified and so is the private ownership of land.

One of the leaders said:

The government and the biosphere are doing absolutely nothing to assist the Magaliesberg, so I mean it is sad that its like that, but it is also needing a little bit of understanding because the whole of the Magaliesberg is in private hands, mostly private properties and you have seen the map from our website, right?

One member seemed disappointed because they are not getting enough support from the government for their conservation and the right recognition for the work that they are doing. He stated that the biosphere reserve as well as the government are leaving the Mountain Club to do all the work. He also emphasized that there is a dominance of private property ownership in the Magaliesberg area because most of the land is owned by private property owners. This shows how significant private ownership of land is in determining conservation efforts in the area. The findings in some way imply that the Mountain Club's private ownership of the Magaliesberg is not only because they want to do it, but they have to do it because the government support and action is not there otherwise the natural resources will not be taken care of.

Another finding that supports the perception of the privatisation of nature is from the Mountain Club's member who said that:

I think it's the resources to teach people, if you look at it, it would be that, sometimes private places are a bit more expensive than government owned places such as South Africa National Parks (SANParks), you might find that those private organisations or places will have a little bit more resources or willingness to educate people who come there than other places such as SANParks or government organisations. So, one makes it more affordable, one is a little bit more expensive but one has a bit more drive to look

after the place.

So, this suggests that private organisations usually have more resources and enthusiasm towards conservation because they take their time to teach whoever comes into the Club about how to take care of the land and what to do and not to do to preserve it. However, the government usually does not do that, which sometimes leads to the destruction of the environment such as when one person litters another thinks it is okay to litter then more people litter and take plants that they are not supposed to whereas with the Club they are strict about littering and taking care of the plants.

Some members of the Mountain Club believe that private landownership is better because it allows for faster decision-making and more successful. On the other hand, this notion ignores that white people have always owned most of the land in South Africa, which makes it exclusive. Thus, the club's activities and membership are limited to white people, who hold the power to make all the important decisions. This exclusivity is then worsened by the club's focus on private land ownership, which keeps black people and other marginalised people from fully accessing the land and conservation efforts.

The club member states that:

The mountains and streams have religious significance. So, people go into the mountains to do rituals and those are at odds with conservation efforts. So, you will see even some rangers there, they constantly clash with sangomas ritual, why do you have to leave your candles, why do you have to pour bleach into the water and kill the plants.

Figure 10: River in Majakaneng



The connection that people have with land goes beyond its economic value as it is deeply rooted in cultural and spiritual ties. As noted by the conservation leader, “mountains and streams have religious significance,” highlighting the sacred relationships that indigenous communities have with the land. For many people, the natural environment is not just a physical space, but a spiritual realm where they perform rituals and ceremonies to connect to their ancestors and culture. However, this deep sense of belonging and spiritual connection can sometimes conflict with conservation efforts, which may be perceived as imposing western or external values and restrictions on sacred lands.

Likewise, one of the members stated that:

You know there is quite a few places where people think the water is holy and they want to access the water and they want to do their religious activities there which often involves gruesome techniques, if you look at one of the properties, they go there and for instance, they’ve slaughtered a chicken, they leave the dead remains just there and put of their staff in a bottle which is gruesome staff and they light these candles and as

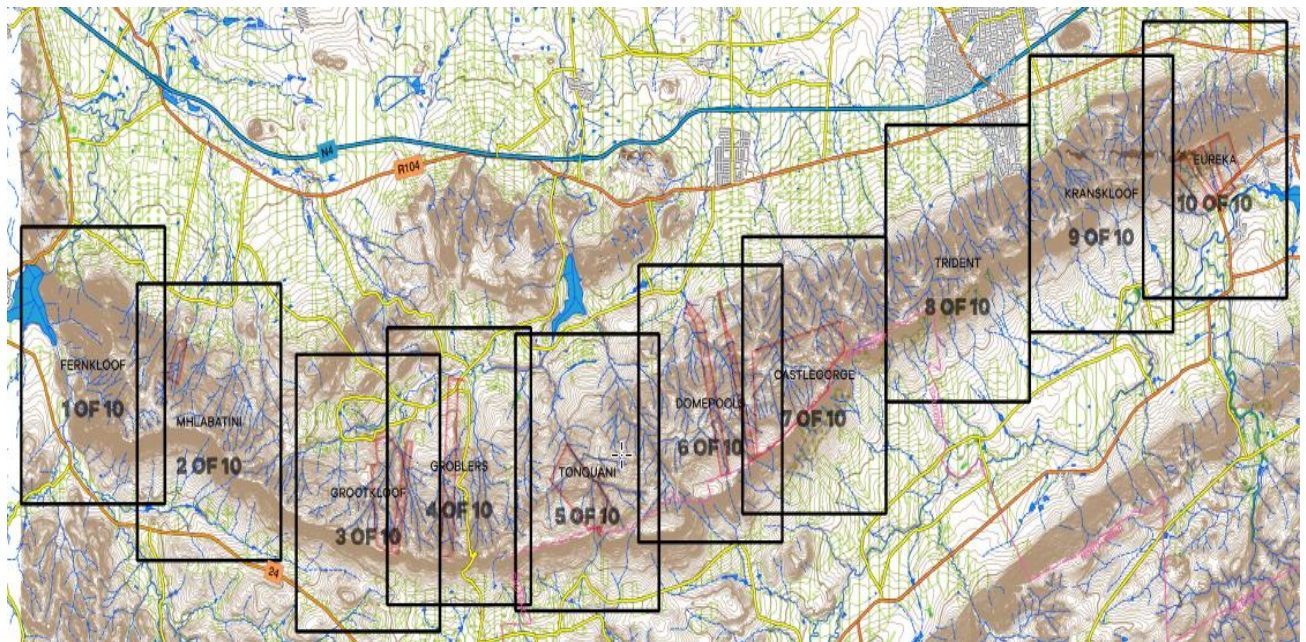
part of the process they have to break a bottle and walk away. So, they break a bottle and leave candles burning. So, I mean I am not there to judge their religion and beliefs but there are a lot of things like that and often its prophets and money-making prophets that bring these people in from all over the country, they pay thousands of rands to come to the Magaliesberg to cleanse them of their sins. There is a conflict of that this and keeping the environment clean.

The MCSA's efforts to take the North-West province to court over environmental issues highlights the importance of having educated professionals, such as lawyers and environmental experts, in conservation efforts. This is particularly crucial when it comes to privatization of natural resources, as seen in the case of the "Kgaswane Country Lodge" which was built illegally within the Magaliesberg protected environment. When private interests are prioritised over environmental protection, it can lead to devastating consequences. Having educated professionals on board can help conservation organisations to navigate complex legal issues and advocate for the protection of natural resources, ensuring that privatisation does not come at the expense of environmental degradation.

One member said:

So, we do have arguments, and we have taken the North-West province, we are going to be taking them to court because they have not upheld their end of the bargain when we flagged this as a problem and they never investigated, so we are forcing them to investigate. So, we do have a bit of power, in terms of ensuring that the provinces, also the government provincial department ensure that all landowners follow the same idea which is not an easy because its dealing with different people, different mindsets and beliefs on land.

Figure 11: MCSA Map Sheet



00 MCSA Magaliesberg Map sheets V1

<https://mcsajohannesburg.org/properties/maps/>

Conservation and Labour

The connection between labour and conservation is also an important subject in this study. The Black rangers who come from the local community of Majakaneng speak about working for the Mountain Club to remove invasive plants at the Magaliesberg Mountains. One leader said, “Let me think of the other strategies, so the employment of the rangers is another one, so we employ them to supplement the volunteer work, and it also gives them an additional income.” The employment of the black rangers by the club looked at as empowering them and providing them with support. One leader also states the same, “We use them to do conservation, and we pay them a day fee of about five hundred and fifty rand and then they go out do either do snaring or weed removal or other conservations that they are directed to do.”

The image below shows rangers removing major invasive plant species of the Magaliesberg.

Figure 12: Rangers at work.



However, the rangers and the leader of the outreach portfolio give their own perspectives on employment. they state that:

I don't know how it is addressing issues of exclusivity, but I know one of the leaders is doing an amazing job especially with the rangers from Majakaneng, she is bringing them in, she is giving them the skills, where I am not very sure and it is because I do not have information that is beyond them 'weeding', what other skills are we giving them? But those guys are a lot more knowledgeable and on the next meet for the community portfolio, they are actually leading it, so they are teaching the kids about alien plants, how to deal with them, how to take out traps that poachers leave. What excites me about Majakaneng is that they have been able to build a trail behind their village and its creating income for them. Conservation is doing an amazing job in that respect but its conserving Mountain Club properties." I do not know, the rangers from Majakaneng, beyond them weeding, what else?

It is vital that rangers have ownership and control over the land they work on. Presently, they are often brought in solely for their expertise on the flora and fauna, which then makes them a valuable asset to the organisation. However,, this approach neglects the rangers' inherent right to the land and their role as stewards of their ancestral land. One of the rangers said, "Our main purpose is to preserve the environment. Especially here at Majakaneng, we preserve the environment by moving away poisonous plants, cleaning illegal dumping sites and we also do snail patrol." By giving rangers, ownership, and control, we can realise their authority and make sure that conservation efforts are truly inclusive and promote equality.

According to another ranger, "We are currently a team of ten now, only five are full time employed. But we want to expand it more because we have a number of organisations and communities that are interested in joining us." There is desire from the community to join the other rangers and also be hired to do conservation work which is what one of the leaders of conservation also mentioned. "One of the things we have tried to do is to grow the rangers, there are five of them, to grow that pool of skilled people who can help private people you need someone, so, kind of like 'Working for Water' have them but know that they do a good job." The Mountain Club wants to train more local people to become rangers. These rangers will help private landowners to take care of their land and protect the environment. This is similar to a government programme called "Working for Water," which employs people to clear invasive plants and restore ecosystems. By training these local people, the club is helping private landowners do work that the government used to do proving the point that private land ownership is justified.

White stewards: Power and exclusivity.

The Mountain Club of South Africa's approach to conservation is shaped by a way of thinking that emphasises private ownership of land. This means that the club supports the idea that private individuals and organisations should own and manage land for conservation purposes.

As a result, the club can be exclusive because it prioritises the interest of its members and private landowners over others. This method can limit access to certain areas and resources and may not always consider the needs of the broader community or public.

Figure 13: MCSA early days!



Image showing the early days of the Mountain Club.

<https://easternprovince.mcsa.org.za/about/history/>

Rock-climbing has remained a white sport in South Africa due to apartheid legacies. According to Khan (2022), “The mountains were therefore, used by black people as a place of back-breaking work, and by white elite as a place for recreation and scientific endeavor.” (Khan, 2022, p, 28). Rock climbing in South Africa is often seen as a white sport because of the country’s history of racism and segregation. During apartheid, black people were excluded from many recreational activities, including rock climbing. This stark contrast shows how black people were denied the opportunity to enjoy the mountains for recreational purposes, while white people were able to use them for leisure and sport.

The Mountain Club of South Africa, which was established in 1891, was initially only open to white members, and black people were only allowed to work as cooks, carriers as well as cleaners. This meant that black people were denied rock climbing as a sport. Furthermore, rock climbing requires expensive equipment and a lot of leisure time, which were luxuries that most black people could not afford during apartheid. As a result, rock climbing became associated with white people, who had more access to resources and opportunities.

The relationship between land, farming and race in South Africa has historically been intertwined with exclusivity and dispossession. During apartheid, land was concentrated in the hands of the white minority, with black people being dispossessed off their land and excluded from land ownership.

In 1991, approximately 80% of the South African population were still prohibited from owning or leasing land in over 80% of the country. Whites (14% of the population) own 83% of the land (including 16% owned by the government and its agencies). It is this unequal distribution of land that underpinned white domination of the black majority. In 1994, 80% of the land was still owned by whites and 50 000 white farmers owned 85% of all agricultural land. This is highly skewed, even when compared to some of the most unequal societies both internationally and/or historically. (Weideman, 2006, p, 7).

The historical context of land reform in South Africa is marked by discriminatory laws that facilitated racial segregation, with the ‘native’ Lands Act of 1913 being a pivotal piece of legislation that forcibly removed black people from their land. The consequences are still being felt today with little that has been done by the democratic government to reduce these inequalities.

One of the Mountain Club of South Africa leaders stated that:

over a hundred years ago, there were these old guys you know from World War 2, they

really wanted to do something adventurous, and mountaineering was kind of born in South Africa and those guys wanted to organise things for themselves and as soon as they got climbing in the Magaliesberg mountain, they realised that they also needed to conserve this.

This demonstrates that the Club was formed by old white males who were well off and World War two veterans which already excludes everyone one else that does not fit into that class.

Mountaineering is usually perceived as something that only white people do. This might contribute to it being seen as exclusive because of which race participates the most and from the kind of background that can afford it. “It is also true that we have a lot of white people in the club and between me and you we can try and figure out why is that and I have my ideas,” according to a member.

To become a member of the Mountain Club as a single person, it costs about 1100 rands per year and they have distinct categories for youths, families, and the elderly. To join the City Rock climbing gym, for an adult it costs about 760 rands to join, the monthly debit is about 710 rands and for children it is 430 rands monthly. The equipment that you hire to use for the day from the helmet to the climbing shoes costs about 440 rands.

A member who is part of the Mountain Club’s community portfolio wing said that it is previously known as the community “outreach,” but it was renamed as that word made people to think of it as charity. She stated that it gave those who are helping from the Mountain Club a privileged position compared to those they are helping. This member highlights that the Mountain Club has cliques meaning that there are social circles within the club that can make it hard for new black members to feel welcomed:

I found that it was “cliquey” at the time and they did not, although they were not part of my climbing journey, I was meant to be a recipient from the Ministry of Sport, they did not support that, they did not tell me but I heard it from the ministry of sport which

upset me because as a member why not just tell me and you go and stop staff that has nothing to do with you so I left the Mountain Club and about three years ago I was approached by the current president because he realised that if there are more people of diverse background on the trails but they are not in the club and we needed to do something about that so I told him my experience and said I was not going to go back to a club that was exclusive, I was going to go back if there is intention and deliberate action to be inclusive.

This member also stated that there was a sense of fear from the old and come club members because they feel that if the change happened, they would lose control, and the new black members might not maintain the club's properties in the same way as they have done. This demonstrates that there is a need to keep the old power they have always had and is exclusive in the sense that there are those white members that are scared of diversity and change within the club leading to exclusivity. They said that:

I think there is a lot of fear of the unknown from people who have always been the custodians of the mountain club but that does not mean, I must make you comfortable, I must be honest and authentic about who I am, I am there God willing to create a space that is comfortable for people like me. So, I do not believe it is currently very accessible and also the other thing, I don't know if you are aware, previously you could not be a Mountain Club member unless someone, two people in the Mountain Club recommended you, you could not, otherwise now you must have white friends that invite you otherwise, you could not and although that is not so in Johannesburg, it is like that in Pretoria.

This quote from the black member who is a leader of the Mountain Club of South Africa's portfolio, emphasizes how the club's membership requirements and practices have historically excluded black people. In the past, you needed to be recommended by two existing members

to join, which effectively meant you needed “white friends” to invite you. This exclusionary practice is linked to the broader issue of racial segregation and inequality in South Africa, which is a key focus for this research. It shows exactly how outdoor recreation and conservation efforts have often been dominated by white people, while black people have been marginalised and excluded.

An interview with the owner of a climbing club in Johannesburg and an associate of the MCSA provided valuable insights into the complexities of private ownership of land and commons. His comments highlighted the challenges of private ownership in ensuring effective conservation, which contradicts the notion that private ownership is inherently superior for conservation. The participant underlined that private ownership does not necessarily guarantee proper maintenance. Furthermore, the participant mentioned examples of poorly maintained farms and public parks, highlighting that ownership structure alone is not a reliable indicator of environmental stewardship:

I know a few people that own large areas of land that “can’t rub two senses together” and really struggle financially, so, a particular farm that we go to quite a lot, they have a huge water problem, and they can do very little about it because they have very little financial means to cover their expenses, hence, it is a problem. So, they own it privately, but it is not in a good condition, so it is really hard one because there are many privately owned things that are just immaculate, they have taken good care of them and have done the right things to maintain the land, public land or not public land.

Furthermore, the members suggestion that certain areas, like the Magaliesberg mountains should be designated as historical places rather than privately owned, challenging the idea that private ownership is the most effective way to conserve common lands. He gave an example of Emmarentia dam and parks cleanups for community led conservation initiatives that might be more inclusive and effective than private ownership models.

The historical exclusivity of mountaineering in South Africa was highlighted by a member of the MCSA's outreach portfolio who noted that the sport was primarily dominated by Afrikaans-speaking individuals. However, she emphasised that efforts are being made to broaden and diversify participation, indicating a positive shift towards greater inclusivity. Nevertheless, she expressed concerns about the diversity of the MCSA's committee, acknowledging that it may not be representative enough. Furthermore, she highlighted the practical barriers faced by disadvantaged children who participate in the MCSA's outreach programmes, citing transport challenges as a significant obstacle to accessing the mountains. Weisz said:

In reality, the transport is expensive, so, when you take kids out to the Magaliesberg, to get the bus and the petrol, I think that is the challenge for a lot of these communities is can the Mountain Club keep paying for transport for these outings that are not under us because they have gone a separate way but can they even afford it, I do not know. "This underscores the need for targeted interventions to address these barriers and promote inclusivity in conservation efforts.

Discussion/Analysis.

Private ownership and conservation: The MCSA's role

The justification of private landownership as an answer to how the government is not doing a decent job at conservation brings up more issues such as how these advocates of private land ownership use that as a way to unintentionally continue exclusion and inequality. According to Golden & Sas-Rolfes (2020), the role of private entities in achieving global protected area targets is becoming increasingly significant. Citing Watson et al (2014), they argue that government action alone will be insufficient to meet these targets, highlighting the need for private entities to play a substantial role in conservation efforts. (Gooden & Sas-Rolfes, 2020, p, 1019). This viewpoint highlights the growing recognition of private landownership as a balancing strategy to government-led initiatives.

The notion that private landowners, such as the MCSA, can undertake conservation efforts more effectively than government-led initiatives, like the 'Working for Water' programme, overlooks the complex and contentious history of land ownership in South Africa. The country's apartheid legacy has resulted in ongoing land disparities, which are not adequately addressed by the narrative of private ownership as a panacea for conservation. This study's findings highlight the intricacies of private land ownership and conservation in South Africa, revealing a multifaceted issue. On one hand, the MCSA's conservation efforts are commendable and demonstrate the potential for private ownership to contribute to environmental protection. However, this perspective must be considered in conjunction with the broader historical and social context of land ownership in South Africa.

Figure 14: MCSA servitude warning.



The Mountain Club of South Africa gets its conservation methods from privately owning land. For example, the system of servitudes permits members to use it for recreational activities such as hiking. Those who are not members of the club, alternatively, are restricted to public access, which only allows them to certain areas and at specific times. These two layered methods in some way continue the exclusivity in the Mountain Club's conservation efforts.

It can be viewed this way, for instance, the way the Mountain Club uses invasive plant removal methods, like weeding, this can be perceived as a representation or metaphor for the exclusion

of certain groups of people because they are seen as foreign plants from the important decisions that are made about the Magaliesberg area. The removal of invasive plants in the Magaliesberg area can be seen as a reflection of the same narratives that rationalize exclusion and inequality in post-apartheid South Africa. As Ballard (2004) argues in “The Ant and the Grasshopper,” certain narratives are used to justify and perpetuate exclusionary practices, often under the guise of neutral or benevolent goals. Similarly, the efforts to remove invasive plants can be viewed as a narrative that reinforces the exclusion of certain groups from decision-making processes about the environment. By framing invasive plants as a threat to the natural order, this narrative perpetuates the notion that certain species- and, by extension, certain people- are “out of place” and must be controlled or eliminated. “Some acknowledge that apartheid resulted in extreme structural inequality in which privileged opportunities of whites were based upon the exclusion and exploitation of others.” (Ballard, 2004, p, 2).

The Mountain Club is opposing the nearby mines that keep expanding into their properties. There are also developers who build townships in the Magaliesberg and are quickly expanding into the conserved areas. One member said:

And to give you some more insights and all of this, if you look at all this mining activity, if you look at the whole area, it is pristine and green, the biosphere is here, and you look at how badly and messed up this area is. It is a constant battle to keep these mines on the north side of the highway because they want to mine on this side, they want to crush the highway.

So, the Mountain Club needs to be recognised for such acts because it shows that they care about the environment and want to keep it looking as it did a hundred years ago so that the future generations can also experience the beauty of this country. However, it essential to acknowledge the country’s complex history of apartheid and its ongoing impacts. This raises important questions about the Mountain Club’s potential inheritance of apartheid-era privileges

and power dynamics, as well as the implications of private ownership on local communities.

Exclusivity and Representation: Demographic dynamics within the MCSA

The Mountain Club's private landownership in the Magaliesberg area is run through a structure that includes members who are part of the committee which makes the important decisions about conservation and land use. The people who run this are white; hence, decisions are made from their perspective which are not really inclusive or representative of everyone inside the club. So, in that sense, the other members might not have the same voice although they are there.

Figure 15: MCSA members removing weeds.



Furthermore, the Mountain Club's leadership structure looks exclusive and elitist as the board is all white. This highlights the racial complexities surrounding private land ownership and conservation in South Africa. This lack of representation makes the club look exclusive. For instance, the rangers do not have the power to hold some leadership positions showing the existing power dynamics of the club. Although some of the members want diversity in the club, some of the old members fear that increasing diversity will make them lose control of their resources that they have worked so hard to keep.

The MCSA may consider the members' interests more, who are mostly white and not the other people who will be the minority in the club. Although there are challenges of the club having a mostly white membership, they are taking steps in the right direction to include people from other races to create more equality within the Club. For example, the community portfolio which is led by a black woman shows how they are moving towards diversity and reducing exclusiveness. Additionally, their plans to increase diversity and promote inclusivity within the club are remarkable because it is important for all people from diverse backgrounds and races to work together in a democratic South Africa which is representative of a 'rainbow nation.'

Labour and Land Ownership: Racial disparities in the conservation sector

Figure 16: Majakaneng.



Figure 17: Majakaneng hiking trail.



The club has hired rangers who come from a community of Majakaneng that was historically displaced but were given back their community. Hence, conservation helps the rangers to earn an income so that they can survive with their families. This shows how the Mountain club is empowering and having a positive impact on the local communities around Magaliesberg which in a way helps to include them to be part of the club. Furthermore, the Mountain club provided support to the Majakaneng community by assisting the rangers in establishing a library and sourcing books, thereby contributing to their educational and community development initiatives.

Below is an image of the Majakaneng Rangers Community Library which was established with the support from the MCSA.

Figure 18: Majakaneng Community Library



According to history, the Mountain Club is over a hundred years old, having been established in 1891 by old, white men in the Magaliesberg region, the land they own was from wealthy landowners as well as a combination of donations and purchases. The origins of mountaineering and rock climbing as a formal sport in South Africa date back to the late 19th century. As noted by Khan (2022), the establishment of the Mountain Club of South Africa (MCSA) in 1891 marked the beginning of this development. (Khan, 2022, p, 27). This historical context highlights the significance of the MCSA in shaping the sport and its ongoing influence on mountaineering and rock climbing in South Africa. This hundred-year-old club, made during colonial times, has it been able to engage with the South African state in the democratic period? Is the introduction of black labour and employees a marker of change?

In the year 1891, the Orange Free State government had already started segregation by the passing of Act 25 which stopped Indians from owning land and living on it and it became one of the first steps that would lead to the forced removals of black South Africans from their

‘native’ land. The Mountain Club attained their land during a time of segregation as and this was a time when black South Africans rights to own and manage land were limited. For instance, the 1913 Land Act denied black South Africans the right to ownership unless they worked for the white masters. They were also disposed from their land and moved to reserves which were inferior areas.

Although it has been over thirty years into democracy, and anyone can go anywhere and join the Mountain club, one way of perceiving it is that the black people from the Majakaneng community area are still not owners of any land because they do not have title deeds but are still coming as labourers for the Mountain Club and so, there is continuation of the apartheid legacies. In South Africa, most land is owned privately, but many small plots of land, especially in informal settlements are not officially registered. According to Beinart, Delius & Hay (2017), this is because these plots are often exceedingly small. (Beinart, Delius & Hay, 2017, p, 14). This is important for conservation because it means that many areas of land are not being managed or protected formally. This can have significant impact implications for efforts to conserve natural resources. The club is still owned by people that owned it during apartheid.

Conclusion

This study looked at conservation through private ownership of land and commons by using the Mountain Club of South Africa (MCSA) – in Magaliesberg region as a case study. It looked at how the Mountain Club has been working hard to be diverse and inclusive but there are still stark inequalities like the cost of participating in club activities that remain expensive for many black or low-income members, limiting their ability to participate. Furthermore, important decision-making positions within the club are still predominantly held by white or affluent members, perpetuating a lack of representation and decision-making power for marginalised groups. Additionally, the club’s activities and events often fail to acknowledge or address the historical ownership and control of the land, ignoring ongoing legacies of dispossession and

inequality.

Despite these challenges, the study highlights the MCSA's commitment to environmental conservation and its positive relationships with the Majakaneng community. However, to truly promote inclusive conservation, the MCSA must prioritise accountability, honesty, and inclusivity in decision-making processes. This includes respecting the rights, culture, and spirituality of diverse groups and promoting environmental awareness and education.

This study emphasises that conservation in South Africa must be grounded in principles of equality, justice, and inclusivity. By acknowledging and addressing the historical and ongoing disparities in land ownership and decision-making power, conservation efforts can truly benefit all people and promote a more equitable and sustainable future.

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