

Written in the Sand

The San People, Statelessness and the Logic of the State

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Abstract

The San people of the Kalahari Desert in Southern Africa remain stateless, in a region undergoing rapid modernisation. Like other stateless groups, they exist peripherally within the states that they legally and territorially belong. This thesis, investigates how the San have remained outside the state logic of South Africa and Botswana, through testing James C. Scott's theory of statelessness and its indicators upon the case of the San within the international system.

The study spans from late 18th century colonisation to 21st century globalisation, descriptively tracing Scott's indicators of statelessness through an empirical analytical narrative. A process undertaken using a historical critical method and formative moments.

The answer is two part, firstly that during the 18th & 19th centuries the San remained stateless due to the limitations of the state, weighed against the mobility of the San, with Scott's theory being retained.

Secondly during the 20th & 21st centuries, the San remained stateless yet loosing their autonomy due to state encroachment and consequential distancing practices.

Keywords: San, Statelessness, James Scott, South Africa, Botswana

Word Count: 9,903

List of Abbreviations

ACHPR: African Commission on Human and Peoples' Rights
AIDs: Acquired Immunodeficiency Syndrome
BEIC: British East India Company
BDP: Bushmen Development Project
CBO: Community Based Organisations
CBRM: Community Based Resource Management
CKGP: Central Kalahari Game Reserve
CSCE: Conference on Security and Cooperation in Europe
HIV: Human Immunodeficiency Virus
ILO: International Labour Organisation
IR: International Relations
IWGIA: International Working Group for Indigenous Peoples
KGNP: Kalahari Gemsbok National Park
NGO: Non-governmental Organisation
RAD: Remote Area Dweller
SADP: South African Defence Force
SAP: State Accessible Product
SASI: South African San Institute
SSG: Special Support Group
SWAPO: South West Africa Peoples Organisation
UN: United Nations
UNHCR: United Nations High Commissioner for Refugees
VOC: Verenigde Oost-Indische Compagnie

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1 Written in the Sand

"The day we die a soft breeze will wipe out our footprints in the sand. When the wind dies down, who will tell the timelessness, that once we walked this way in the dawn of time?"

San Wisdom

The San people of the Kalahari Desert have for the past 25,000 years resided in Southern Africa, making them descendants of Africa's first people and indigenous to Southern Africa. The San encompass a predominately hunter-gatherer based tribal structure, today numbering 100,000 individuals within the Kalahari Desert.¹ The San have remained peripheral, lacking a definable nationality as a *de jure* community within one of Southern Africa's, many ethnopolitical conflicts (UNHCR, 2008: iv). The "San" name itself, given to them by neighbouring tribes, means "outsiders". With a political and societal structure based around an oral and visual history, literacy and integration have hence remained low (Simpson, 2013).

As the international system becomes more holistic in nature, the peripheries between states have shrunk, those who live there linger, as stateless subjects without direct governance. So how have the San people remained outside the core of the state? This thesis seeks to describe the San's interaction with state logic over time through the concept of statelessness. In essence there are two alternative descriptions; primarily James C Scott details that said individuals have sought to escape the state, or alternatively that said groups have been shunned by the state. This will be reached by testing Scott's work on stateless societies upon the case of the San.

1.1 Purpose and Research Question

The crux of the research puzzle; is the concept of stateless groups in relation to the state as defined by James C. Scott, applied to a case study of the San people in South Africa and Botswana. The question dissects a historical empirical

¹ The Kalahari Desert encompasses; Namibia, Botswana, Angola & South Africa

narrative, from 18th century colonisation to present day globalisation. Being externally scientifically relevant through concurrency with the 12 million individuals worldwide today categorised as “stateless” or existing without legal representation from a state or a definable nationality. Groups such as the Romani across Euro-Asia, the Bihari in Bangladesh and many of the world’s indigenous tribes from the Sami in Scandinavia to Australian Aboriginals exist in said legal limbo (UNHCR, 2014: 4). In Africa, over half of all Sub-Saharan states have a minority population at risk (Gurr, 1993: 42,43). As with many stateless groups, the plight of the San has reached the global community and is today part of intergovernmental agendas (Suzman, 2001: 6). The design is cumulative through directly testing and adding to a previous study, hence increasing the internal scientific relevance (Teorell & Svensson, 2007:18). Focusing on the concept of statelessness and the role of the state, the thesis aims to contribute to the field of research enveloping patterns of statelessness and the San people in general across three chosen time periods (Teorell & Svensson,2007:22).

The question aims to describe the nature of the San’s relationship with the states’ of Botswana and South Africa. Testing Scott’s theory and description of statelessness through a descriptive study of the San’s relationship with the state over time within the international system against an alternative variation of the definition². Below is the research question.

- *How have the San people remained as stateless subjects to the South African & Botswanan states?*

1.2 Core Theoretical Definitions

The ideas of *State logic* and the *International System* are key in understanding the permutations of the study. They are refined, tested and consequentially, elaborated throughout the operationalisation (Bennett & George, 2005:77) (Esaiasson, 2012:58).

State logic: Territorial exclusivity exacerbated through sovereignty over land/sea and its subsequent subjects. Creating a monopoly of coercive socio-economic centralisation and cultural assimilation around urban cores. Allowing for the projection of a national identity with the capacity of entering into relations with other states (Scott, 2009: 11,12,60) (*Convention on rights and duties of states*, 1933).

International system: The systemic and geopolitical contexts on a global level at

² For an indepth look at said descriptions of statelessness, please see 2.1 Theoretical descriptions of statelessness

any given timeframe, power balances which are unipolar, bipolar or multipolar, encompassing trade, war and the transfer of culture within a society of states. A system that is specifically defined by the era in that it exists. (Clapham, 1996: 3,7)

1.3 Past Research

The San and the concept of statelessness are two relevant issues; the San themselves are well documented by anthropologists, ethnographers, journalists and more recently NGOs. The San have been romanticised as stateless people existing in an “African Eden”. An enticing image for tourist boards, yet reality differs, with ostracisation and peripheral subsistence (Suzman, 2001:1). Relatively little I.R research exists detailing the San/state relationship, key sources being NGO reports from Survival International and the Legal Assistance Centre in Windhoek (Survival International, 2014) (Suzman, 2001:30), which relay San ostracisation. The most similar research is Ted Gurr’s, systemically detailing global ethnopolitical conflicts, denoting the San relationship to the state (Gurr, 1993:20,334).

Linda Colley exacerbates the relationship between colonial British interests and the individuals of said conquered states, discussing the limitations of actual British colonial authority in relation to “others, denoting extra-European spaces (Colley, 2004: 10). Albert Barume of IWGIA details the land rights that indigenous African people hold on a systemic level, following the ACHPR’s report on the culturally significant nature of land retention by indigenous populaces’ (Barume, 2014: 12).

Kenneth Good problematises San poverty in Botswana, against the state’s limited intervention (Good, 1999). Robert Hitchcock details the political climate in which the San have existed during the 20th century (Hitchcock, 1996:15). Thematically Rogério Haesbaert propagates “state spaces” within the context of territoriality in Latin America, the state being defined by territorial fields of power, a balance not unlike that of the San and the states they inhabit (Haesbaert, 2013: 148). *De jure* statelessness, is defined by the UNHCR in their selected reports on the topic, conventions that codified the term “statelessness” within the international polity (UNHCR, 2008: iii). The topic of the “San” and “statelessness,” specifically within the context of international relations theory, is seemingly unusual.

1.4 Limitations of Study

The limits of my study are defined around isolating key eras and decisions, critical to the study. The formative moments are chosen to be empirical cross-sections, representative of each era. The study aims to be generalisable to other San groups not detailed in this thesis,³ creating a theoretical populace of said states to which the San may be externally valid too (Teorell & Svensson: 2007:69). The study is most beneficially formed upon a macro level, due to the distance to the case in question.

The studied states being South Africa and Botswana, though the San exist in five territorial states, the two chosen states hold the largest San populaces, giving them certain representativity on a broader plane. (Teorell & Svensson, 2007:22).

1.5 Disposition

Chapter one; introduction, proposed topic, research question and past research. Chapter two; Scott's Theory of statelessness, descriptions of statelessness and criticism. Chapter three; choice of case, method and operationalisation of indicators, introduction and criticism of empirical material. Chapter Four; empirical analysis of the San and statelessness through three empirical narratives. Chapter Five; concluding arguments to question and descriptions.

³ Namibia, Angola and Zimbabwe are all states in which the San reside, but these areas lie beyond the scope of the study, hence they encompass the theoretical population to which the outcomes are generalisable (Teorell & Svensson, 2007:226).

2 Theory

This section details the theoretical foundation of the thesis, that of Scott's work on stateless societies and the preliminary indicators shaping the variable of statelessness.

2.1 Theoretical Descriptions of Statelessness

Below is Scott's core description of statelessness, which is tested within the empirical case of the San, secondly is an alternative description of statelessness, providing a theoretical counterweight to Scott's work.

- *Scott's description of statelessness:* Peripheral groups and tribes strive to evade and escape the assimilating state core through dispersal over large remote areas, atomised social structures and impenetrable oral histories. Obstacles placed before the state to maintain autonomy (Scott, 2009: 331). E.g. The Arctic Chukchi, in North Eastern Russia.⁴
- *Alternative description of statelessness:* Peripheral groups and tribes exist outside the state core, as the state seeks to distance itself from them, through disassociation, violence or neglect. The state creating obstacles for integration, hence said groups remain stateless, e.g. the Romani throughout Euro-Asia, shunned through ethnic disassociation and discrimination promulgated by the state.

2.2 Theoretical Framework

The theoretical framework emanates from the political scientist James C. Scott's book *The Art of Not Being Governed*, which describes stateless/state evading "hill societies" within the historical context of the Zomia in South East Asia.⁵

⁴ The Arctic Chukchi; though territorially part of Russia, have never been incorporated into Russian or Soviet systems, due to their location and peripheral structure (Nelson, 2014: 80).

⁵ Scott focuses on the notion of "Hill Societies" which entails that societies existing away from the core of the state, often in geographically inaccessible regions, such as at higher altitudes. E.g. villages in the borderlands between Han states, Indic states and Burma (Scott, 2009: 113).

An ungovernable periphery, a contrast to the centralising state core that acts to appropriate and assimilate (Scott, 2009:14,38). Regions geographically differentiated from the core; hold a higher degree of autonomy whilst being distanced from state activity (Scott, 2009:20-24,41). European expansion created new spheres of influence, however these were territorially limited by the location and structure of peripheral stateless societies, consequentially limiting growth (Scott, 2009: 42). The relationship between the state and the stateless, is synergetic; the reality that a stateless group is defined through its relationship to the state at the time (Scott, 2009:26).⁶). Scott's key variable is therefore statelessness, which can be seen through three indicators that subsequently make up the backbone of the study

2.2.1 Geographical Isolation

That stateless groups escape the state-making processes of slavery, taxation and war with the help of the topographical and climatological realities of the region they live within (Scott, 2009:24-25,60). Enabling evasion through the friction of distance, Distances making it logistically unjustifiable to project appropriating force over (Scott, 2009: 165,182-190).

2.2.2 Social structure

The state pools resources to maximise material acquisition to sustain its core populace, influencing the peripheries and its inhabitants. Said cultures are therefore comprised of hunter-gatherers or simple pastoralists (Scott, 2009: 103,162). "Uncivilised practices" opposed to the ideal of state "civilisation" (Scott, 2009: 110, 116).

2.2.3 Mobility

The dynamism of stateless groups emanates from their atomised and mobile structures, which are awkward for the state to govern. Unique societal structures with predominately decentralised and egalitarian makeups, making them incompatible to the state (Scott, 2009:182,326-329).

⁶ Scott details the relationship between upland and lowland peoples, the "state effect," the continual interaction between said groups in South East Asia, Accensuating that one cannot be described or explained without understanding its relationship to the other (Scott, 2009:26,27).

These said choices are made from previous theoretical studies by other researchers in combination with Scott's work, but do *not* pre-conceivably influence by the results, which are reached independently of the choices.

2.3 Theoretical critique

Today the concept of statelessness is problematised by numerous researchers, journalists and academics. A concept, given the pretexts of international law and the rise of the nation-state has created several alternative definitions to statelessness, Scott's being just one variation. Scott's theory (as he states himself) loses some of its potency in the age of globalisation (Scott, 2009:11). Historically one term befitting Scott's narrative is the classical theory of *Terra Nullius*,⁷ which leverages the notion of systemic peripheries, a reality traceable from Ancient Rome to modern day Australia (Geisler, 2012: 16). Today "untouched lands" are rare, due to the systemic and technological shifts created by globalisation; few remain completely autonomous to the state. Distance-crushing technologies such as air travel and the Internet reflect said advances through the consolidation of economies and cultures. The terms of "statehood" and "statelessness" are codified within international law, macro level interventions empowering statelessness and the rights of indigenous people, beyond the state-bound concepts of Scott. (UNHCR, 2014) (U.N, 2007). Robert Gurr details that state expansion leads to contention making processes within minority groups, which leads to distancing from the state. The key point being that the minority/state relationship is defined not by the minority as Scott relays but by the context of the weakness or strength of the state⁸ (Gurr, 1993: 131).

The Hobbesian view of anarchy details "pre-civil" societies existing in a state of nature without the predisposing legal or moral frameworks of the state (Widner, 1995, 130) (Boucher, 1998: 154-156) (Scott, 2009: 189). Alternatively statelessness is a result of contrasting micro level contestations, e.g. the loss of nationality by birth or marriage, placing the individual in a societal limbo, dissolving their social security (Samore, 1951: 476,482,494) (Massey, 2010: 6). Rogério Haesbaert interprets statelessness to be the paradigms of territoriality and multiplicity, with territory as "state space," within which the dominant population exerts its power over other territories, creating "peripheries." The

⁷ *Terra Nullius* is defined by the concept of "Land of no one" a statement relayed as early as in Ancient Rome, as a justification for the acquisition of territories through land annexation. During colonialism the term was subsequently used to judicially legitimise imperial expansion into seemingly empty stretches of land, most applicably in Australia and the African Continent (Gustavus, 2014).

⁸ Strong/Weak states in this case are defined by their economic development and ability to wield said resources (Gurr, 1993: 116).

state therefore controlling specific territories, as Scott denotes, the state acts as an assimilating force (Haesbaert, 2013: 150-155) (Scott, 2009: 108). Statelessness has within the international judicial community, been widely debated, linking it to stateless migrants, refugees from failed states, wars and indigenous groups, all existing beyond or without a state (Massey, 2010: 6).

3 Methodology

The methodological considerations and implications of the study are detailed below.

3.1 Methodological considerations & Choices

The methodological framework sculpts a sustainable and valid intersection of theory, empirical knowledge and methodological reasoning. The study is an *ex-post facto theory-testing case study* of a descriptive nature. The crux is to test the theory (Scott's), to describe his key variable (Statelessness) of three indicators upon one unit of analysis (the San people), against an alternative description. (Esaiasson, 2012: 40, Teorell & Svensson, 2007: 24,26). The research process aims to be as intersubjective as possible to other researchers in the field through displaying transparency in the operational processes and methodological considerations to form a conclusion from the empirical material at hand.

The study is a hypothetically-deductive tracing of indicators, which tests an accepted description of stateless societies, its variables and indicators, measured empirically to ratify their validity (Teorell & Svensson, 2007:50). Although a single case such as the San cannot deterministically disprove an established theory, it can narrow or widen it within a scientific context (Bennett & George, 2005:116). This is the link between Scott's work on the Zomia⁹ and the San's existence in the Kalahari Desert. Two empirical realities which coincide with one another and hence form a justifiable foundation for the usage of a most-likely critical case (Esaiasson, 2012:102,161) (Teorell & Svensson, 2007:154) A strategically chosen case which offers a degree of certainty when shaping its relationship with the theory (Esaiasson,2012:102).

The choice of the San people as the intensive unit of analysis, is that it is a critical case both interesting, topical and relevant to study in the broader polity

⁹ *Zomia*, a vast upland tract of land in South East Asia, which has over the past millennia been home to indigenous stateless societal groups, groups which have been isolated geographically and have primarily existed as hunter-gatherer's or simple pastoralists. A peripheral region of state influence, with the peoples of said areas living as autonomous subjects to the state, the state being Chinese, Burmese and European colonialism (Scott, 2009: 21). An example of a stateless group is the *Miao Tribe* on the Burmese/Chinese border, whom faced threats of assimilation through external cultural and linguistic influences by the state core (Scott, 2009:240).

of research and theory within the international system (Esaiasson, 2012:155)(Bennett & George, 2005:120). The San remain topical in the present day through their lengthy chronology of statelessness, both in the past and present. The stateless nature of the San¹⁰ correlates to an extent to the rest of the San population in Southern Africa, promoting external validity and empirical generalisability (Esaiasson, 2012:109) (Teorell & Svensson, 2007:69,226). The San studied being generalizable to the San of Southern Africa as a whole, not just in the two studied states (Teorell & Svensson, 2007:126,27) (UNHCR, 2008:3,7).

3.2 Historical-critical Method

A historical critical method is the methodological framework that ties the theoretical indicators (X) to the case in question (Y). A method, which is a form of text analysis, describing a series of events, moments and indentures in time. In this case the San's relationship with state logic across a set of three formative moments in history. Focus is placed on the empirical material's validity from a source critical perspective to understand and describe events as pertained throughout written documents. Travel narratives, think-tank reports and codified international legislations form the underlying empirical reason for each historical indenture (Teorell & Svensson, 2007:98). The study traces the three indicators of statelessness through each chosen era to infer historical and critical validity within the empirical material, allowing for the description of systemic processes that have placed the San outside the realm of states (Teorell & Svensson, 2007:104). The empirical material's trustworthiness in the political context of each era's international system is crucial when describing a series of events/patterns (Teorell & Svensson, 2007:104) (Beckman, 2005:15-16). Allowing for possible cases of historical variance or colligation within the case of the San to be exacerbated (Roberts, 2010:275).

The selection of empirical materials is based around strategically chosen formative moments.¹¹ The San, as indigenous cultures, carry a predominately oral history/genealogy, reliance has therefore been placed on textual secondary sources from an outsiders perspective (Scott,1999:230) (Teorell & Svensson,2007:87). An outsider's perspective entails; European travel journals, NGO reports, codified conventions and modern day research. Each applicable source is traced via the indicators through a timeframe, consequentially allowing for a description of the systemic undercurrents of each period (Beckman, 2005:15,16).

¹⁰ For a look at said features of statelessness, please see 3.6.2 Explanation of indicators.

¹¹ Formative moments are detailed below in section 3.5

3.3 Operationalisation

The transformation of Scott's variable into a set of operational and consequently measurable indicators is a central methodological juncture (Esaiasson, 2012:55). "Statelessness" is hence divided into three strategically chosen indicators from Scott's work. As entailing a theory-testing study, the indicators stem from the theoretical narrative. However they still have to be problematised within the context of the empirical material on hand to access their validity (Esaiasson, 2012:60)(Teorell & Svensson, 2007:152).

The chosen indicators are the three most concrete choices within Scott's theory though other authors may choose other alternatives the variable, the three chosen allow for the stratification and extrapolation of the empirical data. Providing natural restrictions in the formation of a descriptive research design, hence designating the validity of said indicators in the case (Esaiasson, 2012:102). Account has been taken into viable conjunctions between the indicators, such as possible co-variation within the case (Bennett & George, 2005:26). The choice of three indicators stem from the time and material-based restrictions placed upon the research, it allows for sufficient variance to formulate an empirical discussion without making it too diluted. The validity of said indicators rests on their proximity to the theoretical definition of Statelessness; the key point being that they have moved down the "ladder of generality" (Bennett & George, 2005:78). A point which can be problematic; but as an already established theory and operationalisation is used, validity rests upon past reasonings through the strategic choices of Scott but also myself in choosing said indicators of statelessness (Esaiasson,2012:60,61)(Beckman,2005:67).

The strategic choice of said indicators is centered on that they are the three most widely used operationalisations of the term statelessness within Scott's theory (ibid). The indicators hold an extrinsic value when applied to another case, a point of validity, but only if we consider conceptual stretching and study the context of said indicators (Badersten, 2006:24,92,93)(Collier & Mahon, 1993: 846). On a broader scope; the validity of the indicators is tested externally against the chosen empirical population of the San across Southern Africa (Teorell & Svensson,2007:69).

If the indicators below are present within the case study, the scope of Scott's theoretical description broadens, but if they are shaped by the state disassociation or distancing from the San, Scott's theory narrows (Bennett & George, 2005:116). All material is tested against Scott's definition of statelessness, providing a contextual undercurrent to each studied era (Beckman, 2005: 20).

3.3.1 Geographical Isolation

1). That societal groups exist in the peripheries of the state, shielded by natural barriers such as deserts or mountain ranges, making it counterintuitive or difficult for the state to project appropriation on a cultural, linguistic or social level. (Scott, 2009:20,165). 2). That topographical realities shape said societies existence, entailing the limits of the state. 3). That said areas are borderland regions between states, existing beyond their “fields of power”. 4). These regions are barren, due to their adverse climatic conditions, such as extreme cold/warmth (Scott, 2009:60,167,71).

3.3.2 Social Structure

1). Stateless tribal systems go beyond the logic of the hierarchical structure of the state, encouraging systemic disunity through the placement of obstacles on the path of state-making and collectivising mechanisms (Scott, 2009:331). 2). These structures promulgate resource acquisition through hunter-gathering, which aims to maximize potential resources away from the core, a structure which clashes with the state’s practices of mass resource acquisition on a industrial level (Scott,2009:103,163). 3). That said systems hold oral and visual histories, restricting state access to said traditions, as they are deeply ingrained to each tribe’s internal heritage (Scott, 2009:229,30).

3.3.3 Mobility

1). Stateless groups exist due to their mobility in evading the consolidating power of the state through migration, therefore countering state expansions. 2). Groups are atomised to such a degree that they can easily disperse to protect against encroaching systems, i.e. the state (Scott, 2009:182,185,187). 3). Mobility enables stateless groups to create shatter zones between states, areas of refuge often inaccessible.¹²

3.4 Selection of Formative moments

Three periods within the international system act as a thematic backdrop for the analytical investigation of the San. Formative moments - specific historical moments that prove justifiable within the research design. Historical indentures

¹² For more on this topic, see the paragraph on *Geographical isolation*.

contextualising the San, whilst limiting the scope of the study through specific chronological confines (Esaiasson,2012:130). The eras hence chosen are Colonisation, Colonialism and Globalisation, three distinct eras within the development of the international system (Mingst & Arreguin-Toft, 2014: 25,26). The choice of timeframes, aims to be as representative as possible of the empirical material available, as the periods they represent, are beyond the viable scope of the study. The dates aim to provide a sufficient cross-section for each era, to be generalisable to a broader context of the San in said periods, a brief context of each period is given below following with a disposition of the chosen material covering each respective era.

3.4.1 Colonisation (1770-1780)

By the late 18th century, Europe held increasing influence upon the African system, in Southern Africa this was shaped by Dutch and British corporate incursions into the interior from Kaapstadt (Cape Town) (Welsh,1998:69).¹³ European expansions were shaped by the drive for resource and land acquisition, the aim being to establish further colonies inland. Southern Africa was systemically fragmented, as diverse tribal units fought over land ownership (Welsh, 1998:79,80). European exploration was driven by mercantilist principles of trade maximisation, Southern Africa became a key point of contention within the international system of trade, be it in sugar or slaves, becoming a connecting hub for trade between European and Asian markets (Pella, 2015:81) (Pella & Ringmar, 2014)(Sparrman,2007:74,75). The San, unlike other tribes were ostracised for existing outside the norms of Afro-European socio-economic integration (Pella, 2015:19).

The work of Swedish naturalists and explorers Anders Sparrman and Carl Peter Thunberg; both journeyed to South Africa on their way to Oceania and Japan respectively during the late 18th century. Both describe and document the *Boishes-man* (San) during the time which they first encountered Europeans with a greater regularity. Secondly *The Cambridge history of Africa Vol. IV* contextualises the overarching systemic patterns of the era.

3.4.2 Colonialism (1850-1890)

The Congress of Vienna brought a century of principal European peace, European multipolarity instead projected three key agendas outwards, Nationalism, Christianity and Civilisation (Global Security, 2011) (Pella,

¹³ Corporate incursions entails the Dutch VOC (*Vereenigde Oost-indische Compagnie*) and the BEIC (British East India Company).

2013:6). Factors which by the mid-late 19th century, in lieu of the Berlin Conference, lead to the great rush for Africa, a civilising conquest projecting said values upon “Savages”, in lands deemed to be *Terra Nullius* (Anghie,1999:2-5)(Pella,2013:9). The consolidation of territory into definable state spaces, came through economic, religious and industrial means (Welsh,1998:195). The “South African State” encompassed a 300 mile inland jut from the Cape Colony, further inland remained the “frontier” (Welsh, 1998:205,207). The early South African state grew through assimilating colonial and native groups through socio-economic integration (Welsh,1999:221,222). The result being San displacement by internal colonisation of coloured and European settlers (SASI,2014).

Focus is placed on Rev. John Mckenzie’s *Day-Dawn in dark places: a story of wanderings in Southern Africa*, from 1882. Complimented by David Livingstone’s travel documentation in South Africa and Botswana in 1858. Thirdly Charles John Andersson’s travel journal *Lake Ngami*, in Southern Africa in the 1850s, where he meets and documents the *Bushmān*. *The Cambridge History of Africa Vol. V & VI* contextualise the systemic realities of the period. Alongside digitised documented resources from the National Archives on colonial legislation and Linda Colley’s work on the limitations of British colonialism in *Captives*.

3.4.3 Globalisation (1996-2015)

With the holistic nature of the international system, African states are becoming more reliant on the global north through economic subsidisation and resource exportation through increased economic liberalisation (Geisler,2012:16) (Munck,2006:178). Today, African states have indigenised power; yet face competition from emerging markets in Latin America and South East Asia. Internal agricultural deficits and an underdeveloped infrastructure unfit in handling the demands of highly populated urban cores, shape societal norms (Geisler, 2012:19). Both Botswana and South Africa are centralised democratic states with urbanised populations, yet the peripheries are economically and culturally restricted, lacking representation (Welsh, 1999:512,514) (Suzman,2001:1).

James Suzman details the legal rights and realities of the San in Southern Africa. Robert Hitchcock’s work on the San and politics of the environment shapes the thematic backbone of the study. With Kenneth Good’s paper on the Botswanan states resettling of the San and the diamond industry. Alongside UNHCR legal documentation on issues of statelessness and stateless groups. Complimented by reports from Survival International and IWGIA.

3.5 Source Criticism

The biggest flaw of the work is the lack of centrality and proximity to the primary sources. As the San, maintain a predominantly oral history, making it difficult to discern and glean primary sources without actually being in situ or holding an in-depth knowledge of the Khoikhoi language (Scott, 2009:34,230)(Teorell & Svensson, 2007:106)(Esaiasson, 2012:258). Leading to the use of secondary sources from an outsider perspective. Which for the first two periods are European sources documenting the San within travel journals; the key is being versed in the political contexts of the international system in which they are written. It is key to understand the authors of these sources and their motives in documenting the San alongside the political undercurrents of the international system of the time¹⁴. However these early sources are concurrent in nature, as they are written in close conjunction with the documented events, e.g through daily diary extracts and observations offering a systematic structure to the sources in their own context (Teorell & Svensson, 2007:104).

The third set of sources emanates from contemporary and well-known international organisations, which increases their subsequent reliability (ibid). The sources are strategically chosen to be applicable to the San within the context of the time in which they are written, giving them relevance both internally and within a broader context of study (Teorell & Svensson, 2007:152).

¹⁴ An example being of David Livingstone and Rev. John Mckenzie, both carry a Christianising undercurrent through their work (Mckenzie,1882:4).

4 Empirical Analysis

A preliminary description of who the San are. Followed by a look at the San/state relationship through Colonisation, Colonialism and Globalisation. Each era is then subsequently tested against Scott's indicators of statelessness.

4.1 Who are the San?

The San people are the indigenous peoples of Southern Africa, predominantly existing as hunter-gatherers, subsisting in small social units in the arid and mountainous regions of Southern Africa, they are defined as “our living ancestors” due to their extended genealogical lineage (Scott, 2009: 15). Over the past two centuries their population has decreased from 300,000 to 100,000 individuals, reasons to which include conflict, state assimilation and genocide (Hitchcock, 1996:13). These groups have been displaced by the systemic shifts of the state through land resettlements and war, the San now existing in six Southern African states.

San groups are not unified; instead they exist as parallel groups speaking over 80 variations of the Khoikhoi/Khoisan language, existing under the common denomination “Bushmen” or “Baswra.” (Hitchcock, 1996:15). They are differentiated from the Bantu majorities in Southern Africa, hence being denoted as “outsiders” in relation to the societal norms of the region. Linguistically the “click-based” language of the San has been traditionally hard to penetrate, adding to misunderstandings and when it comes to legal participation and representation, the need for translation services. Realities the San are economically and practically ill equipped to handle. The San and their situation thus becoming part of many local and international organisations, which levied support for their plight of recognition and identity, hence the fact that they are so well known on an international level (Hitchcock, 1996: 85).

4.2 Colonisation – Creation of a frontier

European powers extrapolated their influence on a wider level through mercantilism within the growing global marketplace, Southern Africa and subsequently the Cape Colony became a strategic halfway house for said network. Leading to an increased internal colonisation of Southern Africa,

instigating meetings with indigenous tribes as the San (denoted *Bosjemen* or *Boshies-men*). The second group; the Khoikhoi (*Hottentots*), were assimilated through trade with the VOC, hence them being denoted more favourably at the time (Sparrman,2008:101,105).

The Dutch were among the key European players by the latter 18th century, establishing a colonial infrastructure based on agriculture and trade through the Dutch East India Company. San encountered were kept at arms length, and were denoted as “savages” or “primitives” in account of their actions in kidnapping and murdering settlers and for the theft of livestock on the frontier in the Roggevald mountains (Thunberg,2007:113). A region which “lay farthest from the Cape” upon the great inland plateau of Southern Africa, an upland area, barren and inhospitable, to which the San retreated in the wake of European inland expansion (Fage & Oliver,1975:449). They were described as the “enemies of pastoral life” going against the logic of state structure in scavenging for resources and maintaining a patriarchal social structure in small secluded communities. The San were unfavourably juxtapositioned to the more assimilated Khoikhoi people, whom now sought recognition from the monarchies of Europe, an example of economic and societal assimilation of an indigenous peoples (Fage & Oliver,1975:444)(Thunberg,2007:217). The primary avenue of power for the Dutch was trade, which ostracised and distanced the San from the state due to their existence as “mere hunter-gatherers”. The dichotomy between the *Trekboers*¹⁵ and the San, lead to systemic tensions cumulating in violent clashes of counter-reprisals on local levels, the technological mismatched San, were between 1770-1780 killed in their thousands by European “expeditions” (Sparrman, 2008:249). The San were abhorred for being societally and culturally different to the incoming European’s, hence being seen as “savages”. As sources at the time relay, the San were used as slaves by white émigrés, a attempt to “humanly civilise” said populations, to bring them in line with state logic, such exercises proved futile, as many San simply deserted and returned to the peripheries (Sparrman,2008:250)(Fage & Oliver, 1975:452).Territory grew exponentially through state expansion outwards from the Cape, stretching both north and east in the pursuit of land for settlement and agriculture. Areas encompassing the Great Southern African Plateau an inhospitable region, and a natural periphery. These large and unwieldy territories were classed as the frontier, the limits of colonisation, state space and civilisation (Sparrman,2008:207). These regions were far from the Cape Colony, so upholding legal and practical jurisdiction on a state level proved problematic, such duties fell to each district itself to handle upon a federal level, practices which essentially created self-governance on local levels, accentuating the racial undertones of colonial society and the subservient status of the San (Fage &

¹⁵ The *Trekboer*: Dutch émigré farmers living on the frontier, who subsequently became all the more detached from the state and the colony itself and in some ways exude a form of statelessness in their own way, in them becoming more “Africanised” (Fage & Oliver, 1975: 450).

Oliver, 1975:449,451).

The San were influenced by the incoming European systems, as various sources cite; the San were addicted to the consumption of tobacco, entailing a basic form of commerce on an individual level between colonials and the San. With the Khoikhoi generally being grouped with the European settlers when denoting “Civilisation”, the San being the “others” or the “outsiders” (Sparrman,2008:72,113,195,218)(Thunberg,2007:208)(Fage & Oliver, 1975:443). The relationship between the San and the State during this early period of external interaction was shaped by claims to land and the technological and resource based superiority extrapolated by the colonists, the San hence being pushed further into the peripheries and unlike the indigenous Khoikhoi, remained beyond the direct influence of European power.

4.2.1 Geographical Isolation

The stratification of the San on a geopolitical level in relation to the Cape Colony was through their geographic positioning, which like Scott’s theory; is demarcated by the states’ distance to the subjects, as they retain a peripheral existence. The San were located in the Roggevald Mountains and on the Great Southern African Plateau, regions which were the frontiers of European expansion at the time, distance being a counter-intuitive factor making it unjustifiable for the Dutch Colony to wield state-making force over (Scott, 2009:68,71). The San hence existed beyond the fields of European power, moving beyond said assimilation, a reality that clashed with that of the Khoikhoi, who were incorporated into the framework of said state. As Scott notes; the state looks to expand in areas with less friction and a higher resource yield with the state being limited by SAP (State Accessible Product), the San evaded the state through their positioning beyond the primitive state-making process of the late 18th century. The arid climate of upland Southern Africa aided the retention of stateless autonomy. As Scott states, the geography of the given region provides a key shield against external influence, allowing for the preservation of societal norms, as it were for the San.

4.2.2 Social Structure

The social structure of the San was seen as “primitive” and “uncivilised” in context to the norms of European state logic. Resource acquisition stemmed from hunter-gathering, which Scott denotes as resource maximisation to distance oneself from the core, yet the San were pushed from the core for that very reason, their social structures’ (Scott, 2009:162). The San retained statelessness through the friction their structures created between them and the state, with the colonists shunning them for their “scavenging,” creating a skew in which the state disassociated itself from the San, whom were seen as “enemies of the

state.” As seen through the ensuing violence projected by the state in repelling their encroachment on frontier communities, patriarchal and family bound communal structures, incompatible with the European framework of structured political and judicial hierarchy.¹⁶ Leading to the rejection of their “simple” structures as opposed to possible assimilation. The ensuing violence seen in the clashes between the San and Dutch Colonist’s is a form of resistance to appropriation, when faced with external pressure (Scott, 2009:128-130). The state’s attempts of appropriation, through inserting the San into the hierarchal structure of the state through slavery, proved their structural incompatibility with the San. The San were seen as economically and politically void in a system that relied on trade to solidify incorporation (Thunberg, 2007:209). The Trekboer, act reversely to the San, originally part of the state, moved away from the core to exist in a stateless, liminal space, an alternative form of escape from state space (Scott, 2009:132-133). Processes which accumulate in the San’s statelessness in regards to the Cape Colony at the time, the state rejecting San’s structures in order to consolidate internal economic and agricultural colonisation. Scott’s indicator stems around chosen autonomy, in this case, autonomy emanates from the state’s actions not the stateless (Scott, 2009:208,209). The San were pushed from the core by the state’s dissappropriation of their structures.

4.2.3 Mobility

As Scott notes; the atomised social structure of fluid stateless entities make it awkward for the state to appropriate force upon them (Scott, 2009:185). In the case of the San, they remained in part distanced from the state by their dispersed and sparsely populated tribal units, enabling them to simply move beyond the grasp of the state. A fact aided by the empirical reality of Southern Africa at this time; large unused territories with limited potential for colonisation as relatively few colonists to colonise said areas existed, the limitations of state growth being advantageous for the San’s autonomy. Resources and manpower to universally assimilate the territory limited the state, hence the San’s ability to move beyond them into shatter zones between colonised areas. Zones which Scott links to escape from the coercive action of state-making (Scott, 2009:24) in this case through the migratory patterns of the San to the Roggevald Mountains and the Orange River area. The concept of mobility is not only shaped by the San’s ability to migrate but the practical and logistical dilemmas said distances created for the early state, lacking resources and the population to appropriate.

¹⁶ As Sparrman notes, the San “are the enemies of pastoral life” (Sparrman, 2008: 109,113).

4.3 Colonialism – Civilising Missions

By the 1850s; Southern Africa was a multipolar system of competing European states vying for resources and territories, following the consequential consolidation of industry and population, the San were either forced to assimilate or migrate (Fage & Oliver, 1976:319). Migration led northwards to the more sparsely populated Bechwanaland,¹⁷ a frontier region away from the industrialising core to the south. The move north led to new societal clashes with the local tribes of the region, the Bechwana, with the San being placed at the bottom of the regional hierarchy as “vassals” (Mckenzie, 1882:58,72). The San distanced themselves from said groups in existing as mostly closed societies culturally impregnable to outsiders, weary of other tribes but also slavery, as the Matabele people had enslaved those to the south. Positioning themselves strategically near waterholes in the Kalahari; a geographical terrain ill-suited for outsiders as Mckenzie, Anderson and Livingstone all duly reiterate (Livingstone, 1858:89)(Mckenzie, 1882:71,77,205) (Anderson, 1856:133). The San existed beyond colonisation but were open to European missionaries journeying through the interior on “civilising missions” projects very much part of the christianising political nature of the international system of the time (Fage & Oliver, 1976:462) (Livingstone, 1958:33). The San became objects of fascination and curiosity, as missionaries detailed the San as “different” in contrasting them to the European frameworks of logic. The San structures did not abide to the judicial-Christian nation-states of Europe and Southern Africa at the time (Fage & Oliver, 1976:478) (Livingstone, 1858:86). The San remained culturally incompatible to state logic due to their abstract social customs and their subordinated social structures (Mckenzie, 1882:6). With the expansion of state activity and the arrival of British imperial influence, Southern Africa received a codified legislation, which upheld a legal framework for state based institutionalisation through centralising production and industry, instigating ingrained racial divisions on a state-level (Fage & Oliver, 1976:353) (Livingstone, 1858:88). Racial segregation accentuated the “primitive” nature of the San within the regional context of Southern Africa.¹⁸ Whilst territorially all geographic areas were ceded to the British Empire, the state exerted its influence over said populations appropriate and centralise local as well as regional governance¹⁹ (Colonial Laws/Validity/1865:n28)(Fage & Oliver, 1976:477). Yet

¹⁷ Bechwanaland; modern day Botswana.

¹⁸ British segregationist policies; led not only to the appropriation of racism as a political norm but as the foundation to the apartheid movement (South African History Online, 2014) To read more on said policies and their impacts see <http://www.sahistory.org.za/topic/segregationist-legislation-timeline-1856-1913>

¹⁹ Territorially, lands under British dominion were codified by their frontiers, though this did not occur until 1895 with the *Colonial Boundaries Act*, which defined “self-governing colonies” giving territorial leverage to the notion of a unified state body in Southern Africa (Colonial Boundaries Act, 1895).

the imperial British state was economically and industrially limited to core areas, due to the immense logistic costs of imperialism, with the vast majority of extra-European regions remaining untouched, systemic evasion rested upon the counter-intuitive obstacles placed by the local populace upon the encroaching state, in this case the San's escape (Colley, 2004:3,5-8, 69). The San were peripheral actors, even if they were on paper, incorporated into imperial territory, they were placed at the bottom of said territorial and societal hierarchy (Mckenzie,1882:64). The lands which they inhabited existed beyond the actual control of the state due to their geographic positioning within the vast, resource scarce and sparsely populated regions of the Kalahari (Mckenzie,1882:68). The state instead focused on resource acquisition through diamond and gold mining to the south, whilst the Kalahari remained a non-viable option for Afrikaner agricultural expansion. The San remained relatively untouched by colonial growth, instead contending with the Bechwana on a regional level. (Mckenzie,1882:69)(Fage & Oliver,1985:360,368) (Colley,2004:24).

4.3.1 Geographical Isolation

With the growth of industrial development and the streamlining of resource acquisition, the state's ability to leverage power over territory increased, creating San migration northwards into the Kalahari Desert. Such actions as pertained by Scott, fall under state-evasion and the autonomous groups' aim to remain outside said state based structures (Scott, 2009:171). The Kalahari Desert was classed as a periphery, an inhospitable environment of little interest to the outsider. The topographical reality expelling outsiders and those unknowing of how to exist within said region, creating friction for possible state expansion (Scott, 2009:165,167). This was the key reason for the state's disinterest in expansion. The threat came from other tribal groups such as the Matabele and the Bechwana, which lead to the San's distancing practices in subsisting within the Kalahari. The topographical reality created an obstacle against potential incorporation into collective hierarchies such as that of slavery or statehood. Scott's theory on geographical isolation as a key indicator to statelessness remains viable in the early colonial era, due to the technological limitations of the state and the distances said areas encompass. The San's statelessness is contributed by the geographical isolation they existed in.

4.3.2 Social Structure

By the early colonial era, European incursions with the San were shaped around appropriations of social structure and organisation. That being the crux of the "Christianising" and "Civilising" missions, which were propagated upon the San. Realities formed by the states' willingness to project assimilation through extent coercion via state logic of the time, i.e "Civilisation." As Scott defines; religion is a core motor in the centralisation of the peripheries, acting to absorb

populations within the processes of “Civilisation” (Scott, 2009: 129,156), but the systemic structure of the San proved unfathomable, due to linguistic, cultural and societal barriers. The retention of an oral and visual history made them impenetrable to outsiders. The fact that the San were vassaled by the Bechwana in Bechwanaland, does underline that they were incorporated into a basic hierarchal system even if they existed in relative independence. As Scott relays, the social structures of the state embody collectivism and centralising coercion, something the Bechwana/San relationship lacked (Scott, 2009:119,208,209). The San remained autonomous to the systemic realities of the time, that being the expansion of European imperial power on an industrial and strategic level. Statelessness accrued as state-based structures focused elsewhere.

4.3.3 Mobility

As Scott notes, flight is a key part of statelessness, a factor seen in the San’s migratory patterns in evading the consolidating forces of industrialism to the south, instigating the shift northwards. Actions, which stem in the mobility of the San’s atomisation to such an extent that the oscillation of appropriating power is hence void, as they avoid large scale “capture” in moving away from the core (Scott, 2009:184). Avoidance is interlinked with the San’s ability to play of both their geographical location and the techniques used in their resource acquisition. As the empirical sources cite, mobility played a key part in the San’s relationship to other tribes in Bechwanaland, allowing them to simply move as before, into unused territories. Territories definable as shatter zones between imperial expansion and the spheres of influence of internally colonising Bantu tribes, hence the San existed between multiple sovereignties that end up cancelling each other out to an extent, creating areas of escape (Scott, 2009:60). Mobility attributed to the limitations of the states’ pursuit of assimilation, which was focused elsewhere to consolidate its resources. Scott’s work remains actual in that the San sought to migrate from the influence of the state, yet the state played only a partial role in said actions, resulting in a strategic advantage for the San. Through migration, structural and societal norms were maintained, still mostly untouched by imperial power and the surrounding tribal structures, this proving key to the cultural and societal retention of the San.

4.4 Globalisation - Internationalising the San

Globalisation has driven the San down two differing paths. The first is accredited to distance crushing technologies such as air travel, the Internet and telecommunications; the reach of the state has dissipated the peripheries. Such as

the state of Botswana and its action in the CKGR,²⁰ an area which is the ancestral home of several San groups, - these groups included the *G/wi* and *G//ana* tribes whom were subsequently evicted between 1999-2002 to New Xade due to prospective diamond mining, arrangements promulgated by the *De Beers Group* and the Botswana government (Good, 2001:6,18).

Such state-based activity existed in lieu of statewide stigmatisation and harassment of San groups,²¹ the Botswanan state adhered to ethnic pluralism, with one dominant group, the Bantu creating conflict with an ethnic minority, the San. The sitting president at the time, Festus Mogae underlined his views of the San bluntly.²² The state categorised said groups as RAD's (Remote Area Dwellers) a categorisation of an autonomous group by the state's Bantu majority²³(Hitchcock,1996:15). Eviction and resettlement in different environments to the San norm restricted the possibilities for resource acquisition in hunting and gathering, which was officially banned in 1967. Leading to various incidents of violence due to "poaching". Land ownership was codified with the *Tribal Land Act* (1968) entailing the right to land access and the right to appeal, yet said state movements bypassed San societal structures and subsequently blocked the San's court appeals (Hitchcock,1996:10,26)(Survival International,2014)(Suzman, 2001:22)(Adams, 2001:6).

With said pretexts, the San lack any form of *de jure* rights to land ownership and consequentially their autonomy, a factor, which leads to the second path of development.

The San have been internationalised through NGOs and the codification of international human rights. The *UN declaration for the rights of indigenous peoples* stipulates that they have the right to the land which they've traditionally owned and occupied (UN/2007/R295/a.26) whilst the fundamental ILO Convention No.107, demarcates the responsibility of the state in question²⁴

²⁰ *Central Kalahari Game Reserve*, today (2015) home to roughly 500 San, though many are threatened by arrests and mistreatment by the SSG (Special Support Group) who were deployed to "control" the situation (Barume, 2014:195).

²¹ San in Botswana are denoted as *Basarwa*, whilst the ruling elite of Bantu origin are *Tswana* (Hitchcock, 1985).

²² Festus Mogae; President of Botswana (1998-2008) Denoted in an interview in the Guardian Newspaper [1996-07-11] how he saw the San Bushmen "*How can you have a Stone Age creature continue to exist in the age of computers? If the Bushmen want to survive they must change or otherwise, like the dodo, they will perish.*" (Good, 2001: 16) (Survival International, 2009).

²³ Early state projects such as the BDP (*Bushman Development Project*) in the 1970s showed preliminary concern for the rights of the San, yet said actions proved unsustainable across large geographic areas and atomised social groups (Hitchcock, 1985).

²⁴ The ILO convention recommends in its introductory article; "*Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.*" To read more see: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0::NO::>

(Barume,2014:27). Motions which on a state level has lead to the Botswanan state assimilating the San into the general populace and giving them new livelihoods, such as pastoralist agriculture as opposed to hunting and gathering, a way of living incompatible to the San (Fihlani,2014)(Ellis,2010:197). Adding to the fact that the San have become vagrant individuals lacking identification of self, nationality and ultimately legal representation in a world of nations, leading to societal degradation through the proliferation of alcoholism and HIV/AIDS. The San have been cast into rural poverty, yet further into the peripheries which are essentially resource-less wastelands (UNHCR,2010:2)(Suzman,2001:10). The San's struggles are formed against an African system rapidly modernising and shifting towards parity with the international system, where nationalism is prioritised over ethnicity, this has created a wedge in the notion of the state and the coexistence between ethnic groups (Gurr,1993:61).

The level of education and literacy remains low, due to societal stigmatisation of San groups, making it difficult for the state to act accordingly (Suzman,2001:49). The resettlement of the San and the subsequent fallout of said events has been lifted to an international level, leading to the development of micro level organisations, through CBOs (Community Based Organisations) in driving grass-root agendas and development through CBNRM (Community Based Natural Resource Management), hence enabling groups to subsist in their new environments, though such programs remain uncommon on a larger scale (Suzman,2001:13,18). Whilst in South Africa the level of appropriation and assimilation has been slightly more successful due to the political landscape of the post-Apartheid state, which identified the Khoisan language constitutionally (Suzman,2001:23). A fact aided by the state's smaller San populace than that of Botswana, therefore being able to effectively wield resettled populaces within a more developed infrastructural network of camps and villages (Hitchcock,1996:15). However some groups of *!Xuu* and *!Kung* San were incorporated as soldiers into the SADF (South African Defence Force), they and their families being consequentially supported by the state on a socio-economic level through the work of the state-run SWAPO (South West African Peoples Organisation), alleviating disparities (Hitchcock, 1996:82). Concessions have been made between the San and the state, organisations have allowed for communication between San communities and the state, increasing understanding and recognition for indigenous rights, as propagated for on an international level. Such projects in South Africa have created a more sustainable environment for the San, allowing for initiatives on a local level, boosting not only the recognition of the San but also their welfare and rights through eco-cultural tourism (Seabell, 2014).

With Globalisation, the San have become more dependent upon the state, but also more internationally renown. Yet with said shifts in the African system, the San have lost their autonomy, lacking *de jure* rights to land access and their

traditions. Factors which have devolved their productivity, participation and potential political representation, as no pan-San ideology exists within these fractured settlements (Hitchcock,1996:43).²⁵ A reality brought to light by the processes of a globalised international system.

4.4.1 Geographical Isolation

With the expansion of distance crushing technologies, the aspect of geographical isolation and peripheries as denoted by Scott is void. As the Botswanan state moved into areas once labeled as “peripheries” and consequentially assimilated and influenced the San. Natural barriers bridged by air travel and the centralising infrastructure of the state. The peripheries in turn being industrialised to supply the core, with the San losing access and rights to land, hence disabling their ability to exist in a topographical periphery. Following state placement in remote areas, lacking resources all together, the San’s ability to subsist has been stemmed. The fact being that the San have been assimilated into the structure of the state in part due to technological advantages, yet remain isolated through their now more remote location, a case of state imposed isolation as opposed to their own active choice. The extreme climate of the Kalahari, which previously shielded them from the state, now damages their isolation through state influence in placing them in said position.²⁶ The San now existing within the field of power of the state, as they are directly influenced by the restrictions placed upon them by the state, in isolating them from the societal core.

4.4.2 Social Structure

The state influences the social structures of the San through said displacements, in so making the tribal structures of statelessness and state-escape void, due to the technological superiority of the state. Scott’s theory is limited in this case as the structure of the state directly influences the San’s abilities to exist as an autonomous structure, cutting off their lifelines through state-based legislation.²⁷ The state imposed livelihoods, damaged the social structure of the San framework. Secondly the fact that the state denotes the San as RADs,

²⁵ The rights of minorities is detailed by the *Conference of Security and Cooperation in Europe* (CSCE). That said groups hold the right to political and cultural participation alongside the right to practice said rights freely and openly (Gurr, 1993:70). A codification of empowerment to minority groups through western ideals of recognition, yet such patterns are difficult to appropriate to the structures of the San.

²⁶ To read more on such events, see survival international’s report *The persecution of Botswana’s Bushmen 1992-2014 “They have killed me”*.

²⁷ The fact that the Botswanan state banned Hunter-gathering practices in 1967, which subsequently stemmed the possibilities of resource acquisition for the San.

categorising them as a different group and shunning them from the structural norms of a “modern day” state, a process which has as seen in the empirical material, negatively impacted the role of the San and their existence within large societies.²⁸ Which is similar to Scott, in the fear of an ethnic zone that differs from the norm, in this case the state. Yet in the case of South Africa, we see how the state has worked to positively influence semi-autonomous development through tourism initiatives and local development projects, the social structure being inclined through external collaboration to maintain said structure of cultural retention.

What is seen is that the reverse of Scott’s theory actually occurs, as the state seeks to first assimilate through modernisation initiatives and then distance itself from the San through resettlement and the stripping of land rights. Oral history being deconstructed by the state through the spreading of educational programs in attempts to assimilate smaller San groups. Scott states the importance of access to potential resources, factors subsequently denied by the state, stemming the San’s ability to function within its social norms. Yet with the appropriation of international human rights conventions, the status of the San has gained leverage through external state actors, which reversely to Scott’s theory, have acted for the normalisation of San’s status.

4.4.3 Mobility

With the codification of state territory, borderland regions between states gain importance, as states uphold the right of individual sovereignty, this stems the freedom of mobility that the San previously enjoyed. Mobility, restricted by the privatisation of land and resources, increases the friction of possible mobility as entailed by Scott’s work (Scott, 2009:25). The factor of decreased mobility being a key point in the narrative of the San in modern day Africa, one which has lead them closer to the state, with the consequential reduction of statelessness but also with an upheld stigmatisation. Atomised social groups, have also been impacted, as resettlement has lead to state-based consolidation of several tribal groups into one geographic location, state-based education programmes clashing with the mobile nature of San groups, as state education remaining static, not willing to appropriate and adapt to the structures and needs of San life. Scott’s final point of shatter zones is thus also void in that the state restricts the possible spaces of refuge for the few remaining San groups. Affecting their ability to co-opt within said space, the idea of state space is now overarching and the San simply exist within it, yet without the mobility of before.

²⁸ See 5.3 Globalisation, and the impact HIV/AIDS and Alcoholism has had on San communities

5 Conclusion

Concluding arguments and retrospective on the question and the two descriptions of statelessness.

5.1 Concluding thoughts to question

The question; *How have the San people remained as stateless subjects to the South African & Botswanan states?* Is as we have seen, an inherently complex one, the status of the San in relation to the state is dependent on the era and context of events. A number of key indicators that have shaped the development of the San in relation to the state over the studied periods are traceable. The statelessness of the San is interlinked with the underlying currents of the era in which they are studied.

The San have remained stateless through their interplay with the political realities of the regions and time in which they are viewed. Being most effective in remaining stateless during the earlier periods of Colonisation and Colonialism. This being down to static form of the state at the time, which limited by small population clusters and Georgian/Victorian technology, struggled to harness the geographical vastness of Southern Africa. Limitations that lead to strategic prioritisations that did not encompass the San. Instead the state moved to consolidate industrial and economic avenues of interest, for the San, this was key to autonomy as seen in the first indicator, Geographical Isolation. Interlinked with the fact that the state during these early periods shunned the San for being “uncivilised” or “savages” in contrast to the institutionalised framework of the state, accentuating the stateless nature of the San, existing outside European zones of influence.

During the latter period of our study, the state of Botswana has been less adept in handling the stateless nature of the San than South Africa, a fact that comes down to San population numbers, the state’s ability to wield resources efficiently and the cultural heritage of the state in question, post-apartheid South Africa being more cautious in propagating ethnic divisions than its northern neighbour.

The state, not limited by the technological constraints of the 18th/19th centuries, has had a huge impact on the San’s existence. Through the purging of obstacles such as distance, technological advances and the privatisation of land, removing the autonomous nature of the San, whom are then ethnically

stigmatised on a societal level, the San remain stateless yet lack autonomy. Similar to that of other indigenous stateless populations around the globe today, which exist in a legal limbo, lacking recognition by the nation they territorially, exist within. The changing factor being the rise of international organisations highlighting said disparities of statelessness to a global audience.

Scott's description of stateless societies and statelessness stems around structural evasion, to avoid the assimilating force of the state. His theory applied to the case of the San results in two distinct divergences dependent on the context of the situations in which the San and state are placed within.

The first being the San actively distancing themselves from the state, not too dissimilar from that of Scott's descriptions of statelessness, this due to the limitations of the state in said context, primarily during Colonisation and Colonialism.

Secondly the fact that the state acts to disassociate itself from the San through stigmatisation on a societal level, this being a modern phenomena, coming in the wake of Globalisation.

Scott's theory has shaped this study and the perspective it is written from, whilst the alternative theory has been a theoretical counterweight aiding reflection upon not just Scott's ideas but also throughout the formation of the empirical narrative.

The key points that corroborate with Scott's theory are seen during the earlier periods of the study, when the San actively avoided the influence of the state, a stateless existence of avoidance, prevention and evasion due to the material limitations of the state at the time. Active evasion of assimilation through the vastness of the Kalahari from the geo-political trends of colonisation at the time, allowed for "escape" as Scott details. Also that the division between state and stateless, is shaped by the state's imaginings and propagation of power relative to peripheral stateless populations, a factor that defines the San-State relationship up until the present day.

During the latter points of our study Scott's theoretical description is weakened, with Globalisation and modernisation, the state approached the San, closing off avenues of escape and centralising peripheries. However it is also worth noting that the state impacted the San during the earlier periods too, through propagating the trade of alcohol and tobacco, negatively affected the livelihoods of the stateless. Allowing for consequential state incorporation on the basis of maintaining the supply for in demand goods through mercantilist structures.

The reality being a reversal of theory to that of Scott's, with the state seeking to distance itself from a peripheral group through disassociation and stigmatisation on a structural and societal level, as specifically seen in Botswana and to a lesser extent in South Africa. Both states have directly influenced the San people, in Botswana, the San have been stigmatised socially and ethnically, leading to their decentralisation. Whilst in South Africa, the state has acted to appropriate through local development projects, via tourism and ecological diversification, influence on a different level, a form of positive appropriation.

In these cases the San are unable to escape the state due to the state's systemic advantages, though the role of the state in being an aggressive coercer as detailed by Scott holds a degree of validity in Botswana. Yet South Africa has acted towards maintaining the autonomous nature of the San through parallel development in aiding said autonomy. The actions of the San (stateless) playing a lesser role than that of the state, which has the resources and infrastructure to wield power and influence on a regional level, this being the key disparity to Scott's description.

Scott's argument of statelessness proves to be viable before the age of Globalisation and interstate dependency. Scott's description is consequentially strengthened on that part, whilst it is weakened during the latter era, where the alternative description could instead be applicable when describing the San's relationship with the state. A relationship that today is shaped around ethnic disparities and discrimination on a societal plane. One fact remains; the three indicators are all repressed as we move forward in time. 1). Geographical isolation is reduced as the state's influence upon the San grows, as the physical distance between the state core and the San group in question shrinks. 2). Social Structure of the San proves to be a point of contention and continual conflict in highlighting the disparities between the logic of the state and the cultural norms of the stateless. 3). Mobility has been stemmed by territorially bound state and technological advancements of state infrastructure bordering off previous routes of escape.

The gradual variable in this case is who propagates said indicators, the state or the San? Each actor shapes a distinct angle on statelessness, both applicable during the development of the San/state relationship. Yet the fact remains that the San today, exist in a similar relation to the state as other stateless groups, in that they are shunned and disassociated from the core by the actions of the state, hence remaining stateless in a world of connections.

The results of this study can act as a pilot study into a more in-depth study of the San's relationship with state machinations, over both a broader perspective encompassing all of Southern Africa or in focusing on just one case. Another point being to actually travel to Southern Africa, enabling first-hand access to San populations and institutional material on another level. This study being

itself applicable to many of the stateless groups within the international system, creating possibilities for comparative studies between systems, how different states have appropriated or approached the indigenous/stateless populations living within their territories.

The San's continual existence has been formed by their distanced relationship to larger collective bodies; their lineage, neither documented digitally nor textually, remains as poetically put, written in the sand.

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