

# Conservation and censorship in the KwaZulu bantustan

by Christopher Merrett

In 1992, an article was published in *Index on Censorship* (IoC) about conservation in the KwaZulu bantustan.<sup>1</sup> This briefly described, in just 29 sentences, three examples of inter-related censorship: forced removal of Maputaland residents; suppression of a Pietermaritzburg school play, *Kosiplay*, about it; and possible surveillance of Wits social anthropologist and human rights activist David Webster linked to his assassination in Johannesburg on 1 May 1989. The article touched on a number of sub-themes such the targeting of the Association for Rural Advancement (AFRA), regional censorship, quasi-military style conservation and suppression of the voice of rural people.

Grand plans for conservation in Maputaland had kicked off with removal of about sixty people to create Tembe Elephant Park.<sup>2</sup> Now there was potential removal of two thousand more around Kosi Bay, first reported by Bryan Pearson shortly after its proclamation as a nature reserve in August 1988. He used the example of David Mthenjwa who had been farming at Kosi Bay for forty years in ecological harmony; the proceeds of which had put three of his children through university. Now, KwaZulu Bureau of Natural Resources (KBNR) officials had hacked down his banana trees and uprooted his pumpkins in the Malangeni swamp forest. This area had been farmed for generations, but there is evidence that population pressure was now causing ecological damage. An eight-foot-high fence, ostensibly to control hippo, cut farmers off from their land and there were allegations of assault and vandalism by KBNR guards. Lives had been degraded and claims of ‘conservation with consensus’ were in Pearson’s opinion a sham.<sup>3</sup>

It was widely agreed that there was a chasm between professed KBNR policy and practice; and that the idea of voluntary removal was a myth.<sup>4</sup> Locals felt there was more concern about animals and conservation than about people;<sup>5</sup> with accusations that development was designed to favour white tourists.<sup>6</sup> AFRA’s view was that this was a case of forced removal because ultimately people had no choice; with the all-too-familiar consequences of immiseration and socio-economic

dislocation. Promises of hundreds of jobs stemming from tourism were regarded as over-inflated.<sup>7</sup> People were alienated in spite, and perhaps because, of liaison between KBNR and official structures; and a protest group, Isididi (small hut in Thonga), was formed after twelve leaders seceded from the Thembe-Thonga Tribal Authority in August 1989. Nick Steele’s unwillingness to meet community members was bitterly resented.<sup>8</sup>

Accounts of assault and intimidation by KBNR staff were well-reported. A man had been arrested simply for objecting to the game fence. Accused of being a communist, he spent a week in custody before charges of incitement were dropped.<sup>9</sup> An unwillingness to be named and identified suggested a climate of fear and censorship of the disempowered.<sup>10</sup> Indeed, people were turned against the concept of conservation because of poor consultation and a law-enforcement approach: ‘many Maputaland people are bitterly opposed to the [KBNR]’s conservation practices’ and ‘there is hatred in the hearts of people’.<sup>11</sup> There was widespread evidence that people had lost immediate access to the resources that had enabled an adequate living; and that monetary compensation was insufficient and inappropriate.<sup>12</sup> Problems were exacerbated by a colonial planning mindset married to inefficiency and incompetence within the bantustan government.<sup>13</sup>

These reports inspired a Carter High School (Pietermaritzburg) staff member to write a play, which was performed twice at the school by Standard 9 pupils and then offered to a wider audience at the University of Natal’s Hexagon Theatre on 24 October 1990. The KBNR protested, although none of its staff appeared to have seen the play; the Department of Education caved in and the performance was pulled.<sup>14</sup> The KBNR targeted AFRA as it had supplied information to the playwright. Steele adopted a familiar position: AFRA was foreign and church-funded; deceitful and anti-KwaZulu; and was politicising an apolitical issue – conservation.<sup>15</sup> AFRA in turn regarded this as slanderous.<sup>16</sup> Steele made preposterous claims that the lives of schoolchildren were being endangered.<sup>17</sup>

The decision to ban the play was criticised in the local press. An editorial in the *Natal Witness* strongly objected to censorship of legitimate public debate and defended the right of a school to deal with a significant contemporary issue that was ‘topical, relevant and, almost by definition, controversial’. Earthlife condemned blatant censorship.<sup>18</sup>

After David Webster’s murder, it was suggested that while engaged in fieldwork among the Thembe-Tonga people in the Kosi Bay area he had been under surveillance by the KBNR’s special operations unit that reported to Steele. Webster’s political activism covered detention without trial and (ironically) hit squads, but there was speculation that he had become aware of links between South Africa and Renamo across the Mozambique border.<sup>19</sup> KBNR surveillance was highly likely because it was feared he was also collecting data about removals. And there was a chance that information about him had been passed to a police death squad. As Eddie Koch reported, ‘it is probable that [spies] passed on intelligence about [Webster’s] work to ... Military Intelligence and this information would have been available to members of the Civil Co-operation Bureau.’ Ill-feeling between Webster and KBNR officials was well-known.<sup>20</sup>

It was admitted that paramilitary training was given to KBNR guards relating to land mines and the use of rifles at Babanango; and 60 mm mortar training by the SADF’s 121 (Zulu) Battalion at Ndumu and Tembe to Renamo. And there was no disputing the fact that KBNR employed veterans of the Vietnam and Rhodesian wars: the names of American Ed Ostrowsky and Rhodesians Rusty Bye, Pat Devy and Des Archer were reported. Steele was open about his military links.<sup>21</sup>

This overall scenario was taken to represent a new form of regional and semi-privatised repression, muscular censorship enforced at a distance from central government. Such a view was confirmed in dramatic and unexpected fashion when Steele sued the author of the *Index* article for defamation.<sup>22</sup> Because of the sum of damages claimed (R30 000) the case went to the Supreme Court.<sup>23</sup> Why did Steele choose this course of action over a short article that used no more than information already well-aired in the South African press, and published in an obscure periodical that had fewer than a hundred sales in South Africa, mostly library subscriptions.<sup>24</sup> The answer seems to lie in the personality of Steele and the political circumstances of the KwaZulu homeland.

Steele was, in his own judgement, anti-apartheid

and liberal. But he had a very close relationship with Mangosuthu Buthelezi, the homeland strongman, whose political ambitions were indistinguishable from Zulu ethno-nationalism. Steele respected black people in a way many whites perhaps did not. But he also identified with conservative strands in black society such as Inkatha, which had a record of violence and human rights abuse; and his view was essentialist, making gross generalisations about ‘the Zulu’.<sup>25</sup> In the terminology of the time Steele might be described as a supporter of multiracialism. Wels suggests that Steele was a white Zulu who found a home with Inkatha as both anti-communist and anti-apartheid. He also hints that Steele and his conservation crusade might have been exploited by Buthelezi.<sup>26</sup>

Like his fellow wilderness advocate, Ian Player, Steele wanted to preserve the Zululand landscape by keeping people out of it as far as possible. In a throw-back to imperial sentiment, he evoked a mystical, primeval and supposedly authentic Africa in which the rhino, which he did much to save, exemplified genuine Africa. His preservation imperative coincided with a fascination for the military and he had links with a number of state and private outfits including some with questionable backgrounds such as the Rhodesian Selous Scouts. As Malcolm Draper points out, Steele spent his whole ‘conservation career in uniform in a paramilitary “war” in defence of nature’; and exhibited ‘unthinkingly disciplined militarism and obedience to bureaucratic dictates’ that were ironically at odds with his self-perceived individualism.<sup>27</sup> In his role in the KwaZulu bantustan he was close to Inkatha, which in turn had growing links with the South African military and other security agencies. The nature of this co-operation was shown beyond doubt by the Truth and Reconciliation Commission (TRC).<sup>28</sup>

Steele’s anti-communism put him in close communion with American military and intelligence organisations. One was Wilderness Conservancy (WILDCON) whose osprey logo was virtually identical to that of the Selous Scouts responsible for covert warfare and dirty tricks in the second chimurenga in the 1970s in Rhodesia. At home Steele was involved in setting up the Endangered Species Protection Unit (ESPU) of the South African Police operating from the death squad headquarters at Vlakplaas, which was linked to Ko-evoet, the counter-insurgency unit that acted brutally in Namibia. Indeed, in southern Africa game ranging and counter-insurgency were often interchangeable.<sup>29</sup>

The problem with Steele’s brand of anti-communism

was that it made no distinction between communist-trained terrorists, ordinary poachers and various anti-apartheid activists. Wells, for instance gives examples of his hostility towards the End Conscription Campaign (ECC) as well as AFRA.<sup>30</sup> And securing game reserves similarly overlapped with protecting the country against perceived subversion. Transferred from Zululand to the Natal Midlands in 1974 after a major rift within the Natal Parks Board (NPB), Steele did good work in establishing conservancies to protect farmland fauna and flora. Yet this was eventually overwhelmed by securitisation. He was seconded with generous terms to the KBNR from the NPB in 1983.<sup>31</sup>

Buthelezi, Inkatha and the KwaZulu government had a taste for lawfare. For instance, in 1990 Buthelezi's attorneys, Friedman and Friedman, threatened legal action over Mzala's book *Gatsha Buthelezi: Chief with a Double Agenda*. It was alleged to be defamatory, although no evidence of this was ever offered, and libraries and bookshops were ordered to remove copies from their shelves. The attempted ban proved short-lived, but the book has never been widely available in South Africa.<sup>32</sup> It was in this context that a summons was served on 16 February 1993 on Christopher Merret [*sic*].

It claimed that the offending *Index* article was read widely worldwide; was per se defamatory of Steele on various grounds; and portrayed him as a 'dishonourable person and of low moral fibre'. Legal opinion was divided. An opinion drawn up for Venn, Nemeth & Hart suggested that the article might be considered defamatory; that claimed damages should not exceed R8 000 in a civil case; and that a successful defence could well lie in truth, fair comment and public benefit. The defendant's lawyer believed that the case had no merit and was purely intimidatory given the careful mining of extant sources and the article's purpose in drawing attention to the human rights of powerless people.

The defendant's employer, the University of Natal, believed that the case had ramifications for academic freedom and soon offered R5 000 to cover damages, although its insurance did not allow for assistance with legal costs; while AFRA offered its solidarity. The publisher and editor of *IoC* offered publicity, the value of which was questioned in the circumstances.<sup>33</sup> The Neethling judgment was referred to in relation to a public interest defence.<sup>34</sup> Staff at *IoC* commented that the case could 'spearhead a legal advance ... at some expense to your peace of mind.'<sup>35</sup> On 28 April a defendant's plea concerning truth, fair comment and the

public interest was duly entered; and modest financial support was offered by the local branch of the Library and Information Workers Organisation.

Matters then moved spasmodically with a discovery affidavit of 23 July that yielded all press sources and fat files of reports from the KBNR special operations unit surveillance in particular of the Mozambique border. These yielded a great deal of interesting information, but no specific mention of Webster. Clearly the unit was not just after poachers and cross-border smugglers, but was trading in military information. Significantly, it was monitoring the Centre for Community Organisation, Research and Development (CORD). There is no known connection, but in November 1993 the rural development worker at the Thuthukani farmers' co-operative at Manguzi near Kosi Bay, Clare Stewart, was abducted and murdered. The case has never been solved.<sup>36</sup>

On 7 September, the Media Defence Trust confirmed that it would finance legal costs up to R15 000 (they turned out to be R16 500). The case was set down for three days from 24 November, but Steele upped the stakes, and committed an error of judgement, by engaging senior counsel. There was speculation that the Natal judge-president might try the case. The probable trajectory of the court proceedings was a finding of defamation followed by argument around truth, fair comment and public interest that could involve multiple witnesses and up to eight days.<sup>37</sup> The costs of this (R250 000 for each side) seemed destined to favour only the lawyers and were as much of a risk for the plaintiff as the defendant.

Consequently, on 23 November an out-of-court settlement was reached involving R20 000 in damages and an apology that any reader might have understood to mean that Steele was a censor, involved in forced removal and indirectly involved in Webster's death. Not only was this conditional, but it addressed the unsaid and simply drew renewed attention to the article. The defendant's lawyers expressed regret that what might have been a landmark case had ended.<sup>38</sup>

The defendant, however, could not afford to lose it; nor, ironically, win it. It left him with a feeling of having been 'mugged and assaulted' for writing what amounted to an opinion piece. The plaintiff's funding remained a mystery but it was presumably the KBNR, whose days were numbered. The state of bantustan financial administration was revealed in the mid-1990s when the provincial auditor-general declined to look at the KwaZulu Directorate of Nature Conservation: 'I have no intention of wasting the time of our staff trying

to find efficiencies and systems where none exist.’<sup>39</sup> In December 1993 the Neethling judgment was reversed on appeal so the wisdom of abandoning the case was confirmed: a public interest defence was no longer so convincing. However, there was the hope that ‘some of those who wield power and influence now may not be sitting so comfortably’ after 27 April 1994.<sup>40</sup> In the meantime Steele interpreted the outcome as a victory. Fieldworkers at KwaDapha in the Kosi Bay area reported that he now behaved as if he were untouchable.<sup>41</sup>

This short-lived saga was redolent of the authoritarianism of the apartheid era. Criticism and questioning were resented; and tolerated only so far. Reading through AFRA’s extensive list of publications, one is struck by their well-researched, logical and moderate tone that raised crucial questions in sober fashion. But Buthelezi clearly had the organisation in mind when in September 1989 he verbally attacked academics and ‘do-gooders’ who politicised conservation.<sup>42</sup> He and Inkatha had a record of suing critical University of Natal staff. And this was a culture that would have appealed to a person like Steele with a militaristic approach and a conviction that he knew the ‘authentic’ Africa and its indigenous people.

But more specifically, why had Steele targeted an obscure article and not press coverage by the *Weekly Mail* or AFRA publications read by thousands; and not chosen to sue the publishers of *Index*, journalists or the directors of AFRA? This had all the characteristics of a SLAPP (strategic lawsuit against public participation) action whose purpose is exemplary and intimidatory: an individual journalist or academic is largely defenceless against legal assault by the rich and powerful and such cases are designed to induce future self-censorship.<sup>43</sup> Lawyers warned the defendant that after this experience he was a ‘marked man’. It is not entirely clear what they meant by this. But he worked for the university and had clearly obtained information from AFRA, for whom his wife worked as a researcher and writer.<sup>44</sup> It is not impossible that a degree of personal animus was involved.

## NOTES

- 1 Christopher Merrett, ‘South Africa: conservation capers’ *Index on Censorship* 21(6) 1992: 31.
- 2 ‘Animals versus people: the Tembe elephant park’ *AFRA Newsletter* 6 (March 1990). To achieve the projected Maputaland National Park, it was estimated that 60% of the population would have to be removed.
- 3 Bryan Pearson, ‘Paradise lost’ *Natal Witness*, 10 December 1988; *Maputaland: Conservation and Removals* (Pietermaritzburg: AFRA, 1990 – Special report; 6): 15, 22, 25.

- 4 Eddie Koch, ‘Nature’s fertile dream ... where only people don’t flourish’ *Weekly Mail*, 28 October 1988; *Maputaland*: 19.
- 5 Strini Moodley, ‘Controversy surrounds a natural paradise’ *Natal Witness*, 27 June 1989. Moodley also listed cassava, potatoes, tomatoes, onions and cabbage as crops successfully grown by small farmers.
- 6 Nicola Cunningham-Brown, ‘Kosi Bay Reserve disruption of families’ *Natal Mercury*, 19 June 1989. She quoted Richard Clacey of AFRA as saying there should be a better-balanced approach to conservation.
- 7 ‘Removals, compensation and the Kosi Bay nature reserve’ *AFRA Newsletter* 5 (March 1990).
- 8 ‘Kosi Bay nature reserve: the problem of consultation’ *AFRA Newsletter* 4 (February 1990); Lakela Kaunda, ‘Controversial play highlights Kosi Bay dilemma’ *Echo*, 1 November 1990; Sam Sole, ‘The Maputaland dream’ *Sunday Tribune*, 17 April 1991.
- 9 *Maputaland*: 22.
- 10 Koch, ‘Nature’s fertile dream’.
- 11 *Maputaland*: 3, 27; Moodley, ‘Controversy surrounds a natural paradise’.
- 12 Georgina Hamilton, ‘Nature lives and we die, claims local’ *Sunday Tribune*, 26 March 1989.
- 13 *Maputaland*: 5.
- 14 Margaret von Klemperer, ‘Storm over school play’ *Natal Witness*, 25 October 1990; Duncan Harrison, ‘Play stopped because of “repercussions”’ *Natal Witness*, 26 October 1990.
- 15 Von Klemperer, ‘Storm over school play’.
- 16 Harrison, ‘Play stopped because of “repercussions”’; Alex Craib, ‘Conservation, consultation and confusion’ *Natal Witness*, 3 May 1990.
- 17 Kaunda, ‘Controversial play highlights Kosi Bay dilemma’.
- 18 ‘Editorial’, *Natal Witness*, 26 October 1990; Kaunda, ‘Controversial play highlights Kosi Bay dilemma’.
- 19 Eddie Koch, ‘Game rangers used to track Webster’ *Weekly Mail*, 8 November 1991; Eddie Koch, ‘Report gives new twist to Webster murder’ *Weekly Mail*, 4 December 1992; Stephen Ellis, ‘Of elephants and men: politics and nature conservation in South Africa’ *Journal of Southern African Studies* 20(1) 1994: 53–69.
- 20 Koch, ‘Game rangers used to track Webster’. The CCB was a dirty tricks outfit that operated out of the South African Defence Force headed by Magnus Malan. It was responsible for the hit squad that killed Webster in Eleanor Street, Troyeville; and the man who pulled the trigger was Ferdi Barnard.
- 21 Koch, ‘Game rangers used to track Webster’; Koch, ‘Report gives new twist to Webster murder’; Malcolm Draper, ‘Zen and the art of garden province maintenance: the soft intimacy of hard men in the wilderness of KwaZulu-Natal, South Africa, 1952–1997’ *Journal of Southern African Studies* 24(4) 1998: 820.
- 22 The defendant in the case and writer of the *Index* article, then employed at the University of Natal in Pietermaritzburg, is the author of this piece.
- 23 Case 471/93.
- 24 In mid-1992 it was estimated that the worldwide circulation of *Index on Censorship* was just over 7 700, of which 81 ended up in South Africa (Philip Spender (*IoC*) to Christopher Merrett, 15 November 1993).
- 25 For this characterisation of Nick Steele see Harry Wels, *Securing Wilderness Landscapes in South Africa: Nick Steele, Private Wildlife Conservancies and Saving Rhinos* (Leiden: Brill, 2015) especially 60–61. See also Draper, ‘Zen and the art of garden province maintenance’.
- 26 Wels, *Securing Wilderness Landscapes in South Africa*: 137.



- 27 Draper, 'Zen and the art of garden province maintenance': 821.
- 28 Truth and Reconciliation Commission of South Africa, *Report: Volume Three* (Cape Town: TRC, 1998): 221–223.
- 29 Wels, *Securing Wilderness Landscapes in South Africa*: 69, 72, 76. Koevoet also had strong links with Inkatha.
- 30 *ibid*: 62.
- 31 For an account of Steele's relationship with the NPB see George Hughes, *The Natal Parks Board: A Conservation Adventure* (Pietermaritzburg: Natal Society Foundation Trust, 2024).
- 32 Chantelle Wyley and Christopher Merrett, 'Universities and the new censorship: Mzala's *Gatsha Buthelezi: Chief with a Double Agenda*' *Critical Arts* 5(4) 1991: 98–115.
- 33 David Maughan Brown to Christopher Merrett, 3 March 1994; Christopher Merrett to Mary Kleinenberg (AFRA), 7 March 1993; Christopher Merrett to Philip Spender and Andrew Graham-Yooll, 12 March 1993.
- 34 Lothar Neethling, head of the South African Police forensic branch, had sued *Vrye Weekblad* for defamation over dirty tricks allegations. Judge Johan Kriegler had dismissed the plaintiff's case on the grounds that while the details of the press report in question might not have been entirely true, publication was in the public interest.
- 35 Philip Spender to Christopher Merrett, 27 April 1993.
- 36 Christopher Clark, *Clare: The Killing of a Gentle Activist* (Cape Town: Tafelberg, 2022).
- 37 Deon Schaup (Venn, Nemeth & Hart) to Olga Chalunda (Media Defence Trust), 15 December 1993; Christopher Merrett to Olga Chalunda, 31 March 1994.
- 38 Christopher Merrett to David Maughan Brown, 1 April 1994.
- 39 Hughes, *The Natal Parks Board*: 194.
- 40 Christopher Merrett to Philip Spender, 3 and 13 December 1993.
- 41 Chantelle Wyley to Christopher Merrett, [date unknown] July 1994. However, within three years he was dead in his early 60s.
- 42 *Maputaland*: 16.
- 43 Christopher Merrett, 'Legal system beyond reach of ordinary people' [letter] *De Rebus* February 1994.
- 44 Patricia Merrett was one of the authors of *Maputaland*; and a prominent member of the Black Sash, a major sponsor of the End Conscription Campaign, which was anathema to Steele.