



The Social Imaginary of Geographical Indicators in Contested Environments: The Politicized Heritage and the Racialized Landscapes of South African Rooibos Tea

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INTRODUCTION

Consumed in more than 30 countries worldwide for its sweet aroma and celebrated medicinal qualities, rooibos tea is still cultivated primarily in the region where it also grows wild: the fynbos biome of southwestern South Africa. The South African Rooibos Council (SARC), a non-profit organization established in its current form in 2005 to promote industry interests, seeks to acquire a geographical indication (GI) for rooibos to protect the term as one that refers uniquely and exclusively to tea cultivated in its traditional region of growth. In this chapter, we will explore the historical, political and ecological context in which rooibos figures as a

topical case study of the potential promise and perils of GIs that we introduced in our previous chapter. Multiple stakeholders have strong cultural attachments to rooibos. Historically the subject of trademark battles involving foreigners perceived as usurping a term that should be used exclusively by South Africans, the tea is produced and harvested in an environment characterized by histories of racialized dispossession under apartheid rule, ongoing contestations over land, and shifting identity politics. We suggest that the ‘social imaginary’ that characterizes many arguments in favor of GIs may obscure the complex historical relationships between the rooibos plant, those who control the lands on which it is grown, those who

harvest it, the traditional knowledge of its cultivation and the ecology in which it grows. GI governance regimes should ideally take into account and attempt to ameliorate relations of inequality in the rooibos industry.

Rooibos tea is known around the world for its sweet aroma and medicinal qualities. Celebrated by marketers and scientists for its anti-oxidants and ability to combat stress, sleeplessness and a multitude of other ailments, rooibos is exported to more than 30 countries (South African Rooibos Council, 2014). However, few consumers know that the tea derives from a plant that is cultivated in only one area of the world: the unique fynbos biome of South Africa's Northern and Western Capes. While farmers and many marketers emphasize rooibos's ecological indigeneity, multiple stakeholders also have strong cultural attachments to the plant. Various social groups in the region with distinctive interests describe the tea as central to their cultural heritage. At the same time, rooibos is claimed as a form of national patrimony. Historically the subject of trademark battles involving foreigners perceived as usurping a term that should be used exclusively by South Africans, the tea is produced and harvested in an environment characterized by histories of racialized dispossession under apartheid rule, ongoing contestations over land, and shifting identity politics. Notwithstanding these contestations, the South African Rooibos Council (SARC), a non-profit organization established in its current form in 2005 to promote industry interests, has been working to acquire a geographical indication (GI) for rooibos to protect the term as one that refers uniquely and exclusively to tea cultivated in its traditional region of growth.

We will explore the historical, political and ecological context in which rooibos figures as a topical case study of the potential promise and perils of GIs that we introduced in our previous chapter. There, we argued that the dominant rhetoric promoting the use of GIs has the tendency to project a particular 'social imaginary' that represents communities holistically, possessing singular traditions

and rooted in a particular place characterized by a naturally bounded and distinctive ecosystem. In this chapter, we suggest that although this 'social imaginary' may easily characterize the socionatural contexts of some place-based goods, in the South African context its use may avert political attention from the historical relationship between the rooibos plant, those who control the lands on which it is grown, those who harvest it, the traditional knowledge of its cultivation, and the ecology in which it grows.

Rooibos producers across the socioeconomic and racial spectrum of the region are largely supportive of efforts to retain the *geographical* specificity of the tea known as rooibos and products derived from it. Nonetheless, we will show how the contested ecological, demographic and economic terrain of rooibos complicates any figuration of an undifferentiated 'community' with a naturalized relationship to an indigenous plant. Specifically, we contend that if the prospective GI does not develop institutional forms of governance that take into account the social, economic and political contexts of the tea's cultivation, it has the potential to further entrench existing power relations by conferring benefits primarily upon white farm owners who already control the land and means of production.

ECOLOGICAL, DEMOGRAPHIC AND ECONOMIC TERRAIN

The acquisition of a GI for rooibos tea in South Africa illustrates the complexity of the political, economic, social and environmental factors that may need to be taken into account to evaluate how a GI strategy might impact rural livelihoods and the distribution of industry benefits across an economically and racially diverse socioeconomic terrain. Rooibos tea is a globalized commodity that has become culturally as well as economically significant to South Africa. It is certified as 'Proudly South African', under a

decade-long marketing and nation-building campaign, and the tea is known across the South African diaspora as a healthy national product. It is also an icon through which local residents negotiate and claim their belonging in the post-apartheid nation. It is asserted that rooibos, protected by a GI, is ‘poised to bring about change that will positively benefit a people, a legal system, and a nation’ (WIPO, 2013).

Rooibos grows in a territory that is, nonetheless, unique in South Africa. The demographics of the rooibos-growing region are dramatically different from the rest of the country. It is classified as 80% colored,¹ 15% white, 5% black and less than 1% Asian. The national population is classified as 79% black, 9% colored, 9% white and 2.5% Asian (South African Government, 2012). Ives (2014b: 18) describes this particular racial makeup as characterizing the ways in which both white and colored residents understand the distinctiveness of the rooibos-growing region in which they live; they see themselves as occupying a unique ‘haven’ from the dominant demographics and racial politics of the country as a whole because of the small number of black South Africans in the area.

Rooibos tea derives from a plant endemic to the Western and Northern Cape Provinces of the country and geographically limited to a particular biome, the fynbos, to which it owes its unique color, flavor, nutrient concentration and its reputed health properties as a rich source of anti-oxidants (Pretorius et al., 2011). The biome comprises just 71,337 km² of the extreme southwestern and southern parts of South Africa (Oettle, 2012), which experiences long, hot, dry and windy summers and short, wet winters (Ives, 2014b; Pooley, 2012). Although most accounts acknowledge that wild rooibos had been consumed for centuries, its cultivation for commercial use is generally traced to the turn of the last century after an immigrant trader purchased wild plants from both colored and white farmers. Today, the tea has an established reputation in domestic and international markets. Agricultural economists

have argued for almost a decade that rooibos is a product typical of a particular region of South Africa and its geography, thus providing a clear case for GI protection to enhance the area’s rural development. For example, Bramley and Kirsten contended that rooibos was ideally suited to be an origin labelled product because the link between the good and its territory was due simultaneously to ecological characteristics, local production practices and local culture, thus ideally engaging both natural and human resources in ‘a collective process involving all local actors, thereby activating all the components of the rural economy’ (2007: 62). An orthodox case for GI protection is expressed on the World Intellectual Property Organization website:

Entities such as Rooibos Limited and the South African Rooibos Council are championing the proposed GI for a number of reasons. First, it protects the name from usurpation while allowing all those involved in the rooibos industry in the region – from farmers to exporters – to use it without fear of litigation in foreign markets. Second, a GI comes with specific guidelines for how a product should be produced, and this will ensure that all rooibos is of the same high quality. Third, it adds value for the producers, and a GI would put more power in the hands of the producers and farmers. Fourth, because the GI links an area to a product, it would be a powerful marketing tool for the region, and could be used to promote other activities such as tourism. Fifth, rooibos is produced in a fragile ecosystem, and a GI will help protect the unique biodiversity of the region. Lastly, a GI will ensure that rooibos tea blends are in fact genuine and not diluted, by requiring the product to contain at least 80% rooibos in order for it be labeled as an official rooibos product. (WIPO, 2013)

Although there have been conversations and plans expressed about protecting rooibos as a MICO for many years, industry efforts accelerated after a French company applied for a trademark on the term in 2012. In July 2013 the Companies and Intellectual Property Commission (CIPC) published a notice for public comment in the Government Gazette to indicate that the South African Rooibos Council (SARC) had applied for protection

for the words 'rooibos', 'Red Bush', 'Rooibostee', 'Rooibos Tea', 'Rooitee' and 'Rooibosch' under the Merchandise Marks Act (Act 17 of 1941). Those who would be allowed to use the words include members of the SARC or other parties in the designated region in accordance with the 'Rule of the Use of Rooibos', which dictates that: 'The name ROOIBOS can only be used to refer to the dry product, infusion or extract that is 100% pure Rooibos – derived from *Aspalathus linearis* and that has been cultivated or wild-harvested in the geographic area as described in this application' (Government Gazette, 2013a). Protecting the mark locally is a necessary preliminary step toward achieving international recognition for it as a GI, particularly in regards to EU registration. International protection is important because over 60% of the annual crop of 12,000 tons of the tea is exported to more than thirty countries around the world (Réviron and Benni, 2012: 317). Large-scale farming is the dominant mode of production, producing 98% of the crop on farms ranging from 1,500ha to 2,000ha (Réviron and Benni, 2012: 320). Today, all farmers turn over their tea to one of eight processors, but Rooibos Limited (a private company which 'inherited' the public apartheid-era Tea Control Board's assets) is the dominant processor, taking a full 70% of all rooibos processed (Troskie and Biénabe, 2013: 100).

Small-scale farmers, many of whom are members of co-operatives that cultivate rooibos for the fairtrade and organic market, produce only 2% of total output (on farms of 0.2ha to 18ha; Réviron and Benni, 2012: 320). For example, small-scale rooibos farmers in the remote, arid, Suid Bokkeveld region of the Northern Cape Province established the Heiveld Co-operative (the Heiveld) in 2001. The goal of the Heiveld, which today has more than 50 members, was initially to provide more economically sustainable livelihoods for small-scale, historically marginalized, largely colored farmers, and to facilitate recognition of the contribution of their traditional knowledge in a rooibos

processing and training organization. The Heiveld has received support from local NGOs (the Environmental Monitoring Group and INDIGO, Development and Change) and university researchers who have secured research and development grants. Arable land in the regions is limited, families are spread out, and collective organization proved challenging before the Co-operative helped residents to participate more directly in the processing and marketing of their tea, instead of relying on larger, predominately white-owned, companies. Today, the Heiveld provides rooibos tea for global fairtrade and organic markets.

Members of the Heiveld developed expertise with GIs in order to provide spatial information about production areas to organic certifying agencies (which has also provided them with better knowledge with which to attempt to assert rights to land in the area). Through their work as a co-operative, area residents have become more aware of themselves as a community, investing in local governance, social projects, education, and local packaging of their goods. If fairtrade and organic certification initially enabled these farmers to more than double their profits, both farmers and their NGO supporters worry that fairtrade definitions that allow white commercial farm owners to gain certifications could affect the long-term economic sustainability of such co-operatives:

Whereas the consumer image of fairtrade tends to be of cooperatively minded smallholders, in South Africa, fairtrade producers mainly consist of White commercial farm owners who wish to support their Black and Coloured workers. An EMG respondent claims that 'small farmers are the least politically empowered within the fairtrade system' and notes that standards are developed in Bonn where smallholders have little voice. EMG likewise notes the difficulty facing producer networks ... as they strive to meet increasingly complex standards and certifications that reflect deeply embedded structural inequalities. (Keahey, 2013: 177)

Ironically, the general misrepresentation of rooibos as fairtrade *tea* had negative consequences for small-scale farmers. Had it been classified as an herb (which it more closely

resembles) under fairtrade categories, it would have remained a product restricted to smallholders; once it was designated a tea, hired-labor on rooibos farms was permitted. Thus large commercial farmers facing less challenging conditions for cultivation were able to move into fairtrade channels, lowering prices and capturing the US market (Keahey, 2013: 178). Indeed, in response to these lower prices, many small-scale farmers have emphasized traditional methods of harvesting wild rooibos in the hopes that another niche market can be developed.

The Wupperthal Association has a longer history, originating in NGO, church and European community development efforts in the late 1990s amongst an isolated association of local families, historically described as 'Khoikhoi' in a mission station community founded in the early 19th century (Spath, 2013). Today this area in the Cederberg mountains centers around the Moravian church, and the church owns nearly all of the land in the region, only 7% of which is suitable for farming, of which 4% is used for rooibos (Erasmus, 2013). Most farmers lease their lands from the church, and many can access their rooibos plots only by walking as far as 8km a day. The Association entered fairtrade markets in 1998, and acquired FLO certification as the Wupperthal Cooperative in 2005 (Raynolds and Ngcwangu, 2009). Working with Heiveld, they launched a tea packaging company, Fairpackers, in 2006, in collaboration with an established fairtrade certified rooibos packaging firm. Fairpackers employed 10 people, largely women from producer communities, and built a factory to develop flavored blends and package shelf-ready tea to meet varied buyer specifications. It exported the tea to nine countries (Raynolds and Ngcwangu, 2009: 78). The Cooperative loosely connected 'multiple communities separated into distant outstations accessible only by formidable dirt roads' (Keahey, 2013: 181) and faced transportation and communications challenges. Meeting fairtrade and organic standards was difficult, membership quickly outgrew the Cooperative's capacity

to provide training, and it lost both organic and fairtrade certification in 2009 (Keahey, 2013: 182). During that time, tea prices also fell in part due to competition from large-scale white commercial farms in the fairtrade sector. With mounting tensions in the community, the rooibos farmers divided into several different farming co-operatives, including the Wupperthal Original Rooibos Cooperative (Keahey, 2013: 183).

The Wupperthal Original Rooibos Cooperative (Wupperthal) has formed a fairtrade organization with a smaller membership base of 93 members (as of July 2013), 39 of whom are female (Erasmus, 2013). Women are represented in management and board positions and the group has developed operations with assistance from the Moravian Church – which provided building access – and preliminary industry support via a processing firm. Members took advantage of their own labor to establish a new tea court, reinvesting its first round of fairtrade 'social premium' funds to complete co-operative infrastructure (Keahey, 2013: 187–188). The premium also enabled the community to provide more teachers in the local school and send more children to a regional high school, with a few receiving university bursaries (Erasmus, 2013). Wupperthal hopes to start using premiums to develop tourism infrastructure and create additional permanent jobs in the region. In recent years, another co-operative, the Driefontein Small Farmers' Cooperative, involving 36 families, has started growing fairtrade and organic rooibos, further south in Redelinghuys. The Driefontein Small Farmers' Cooperative sent the first farmer's child to university less than three years after its 2010 founding (Driefontein, 2013).

Although the formation of co-operatives may enhance peoples' sense of community, the precariousness of colored peoples' livelihoods is nonetheless profound. Rooibos farm workers are concerned about the security of their tenure and recognition of their belonging in the region due to the legacies of colonial violence, apartheid laws and economic

inequality. Facing the continual threat of displacement, the colored community appeared trapped in a placeless, liminal state: not white enough under apartheid and not black enough in the post-apartheid nation (Adhikari, 2005). Efforts to secure ownership of lands their families have cultivated for decades have often been unsuccessful and anxiety producing. In the Heiveld area, for example, several families have struggled for years to secure legal title to the rooibos land they farm. This is land on which they have lived continuously for over seventy years and to which they are understood to have customary rights. These families are, however, quite unusual amongst colored peoples for having maintained the capacity to farm their ancestral lands during the apartheid era; most others have been displaced (Legal Resources Centre, 2007). Some farmers claim that the land that co-op farmers hold is insufficient to support their families (Majavu, 2010); legal efforts are underway to obtain restitution of lands in the unusual instances where descendants of ancestral landholders can show historical evidence of dispossession (Majavu, 2013).

In the Wupperthal area, the Rhenish Missionary Society acquired considerable lands, often from local peoples, between 1832 and 1855. Some of these were nominally paid for, but others were 'gifted' to the Society from colonial authorities who did not regard the area's indigenous peoples, denigrated as 'half-castes' or 'bastards' during this era, as having any legal rights to the lands they worked. Many descendants of those whose holdings were subject to transfer continued to regard these transactions as illegitimate well into the 20th century, prompting ongoing legal research into contractual conditions (Strassberger, 1969, cited in Surplus People Project, 2000: 25). Claims to restitution are still outstanding. Driefontein farmers hope that fairtrade premiums on rooibos will eventually allow them to purchase their own lands (Driefontein, 2013).

Reform of South Africa's land tenure security system is perpetually in the offing. In the meantime, colored farm workers face

the continual threat of eviction, which, from the perspective of workers is often exercised capriciously, particularly when a worker is about to reach the age when he might be entitled to a pension (Ives, n.d.: 12). White commercial farmers have turned increasingly towards seasonal employment, creating further displacement for colored farm workers. Many of the colored poor now find themselves 'unable to find steady work on farms, obtain urban jobs, or make a living as small-holders. The precariousness of livelihoods and the dependencies on white farmers, combined with coloured residents' uncertain claims to belonging, formed a particular kind of dehumanizing structural violence' (Ives, n.d.: 11).

SOCIAL AND CULTURAL TERRAIN

Despite contestations over land, most farmers – colored and white alike – celebrate rooibos and its unique relationship to the local ecosystem. Most rooibos tea is sold in bulk, a matter that almost all those who grow and harvest it consider unfortunate because they feel that a 'Proudly South African' product is not being marketed as such in the wider world, and that little 'value' is being added or returned to the country. The desire to engage in more local marketing of the tea is widespread, but, as we shall demonstrate, the means to communicate the way that it is indigenous to South Africa are not necessarily reflective of local social and ecological circumstances. At least one company has adopted the term 'Khoisan' to market rooibos, despite its being the name of a people and a marker of their heritage, which in most jurisdictions would not be a permissible trademark. The fact that the name was considered public domain may indicate that both industry and consumers consider the Khoisan an 'extinct' people. Marketing images that convey an indigenous lifestyle are also conveyed by words like *Intaba*, from the Xhosa language to denote a general idea of a black African heritage unconnected to the area's

farmers, farm workers, or other residents (Ives, 2014b: 72). Despite a manifest lack of social harmony in the region, the imagined community of a rooibos GI is experienced, evoked and expressed in many ways. As Ives recalls, ‘... people and plants in the farming region come together in an imagined geographically rooted world. “Rooibos is the fabric of society,” one resident said, and indeed, the sights, sounds, and tastes of rooibos were everywhere’ (2014a: 2). In many parts of the region, rooibos dominates economic, social, cultural and even family life.

Informants said that rooibos had developed its valuable properties in its ‘proper’ environment and through its cultivation by its ‘proper’ stewards, the families in the region who had lived there for generations. Many white Afrikaans farmers claimed a cultural connection to the ecosystem and a personal attachment to rooibos farming so strong that they felt their blood was mingled with the soil; ‘People are born rooibos farmers’, Henk, an Afrikaans farmer explained. ‘It is who they are’ (Ives, 2014b: 49).

Many farmers spoke of ‘standing by their land’ even in times of drought or low rooibos prices. ‘Why protect that land?’ I asked Jonas, an Afrikaans farmer. He replied firmly, ‘it’s our heritage, no more, no less ... the specialness of the town is ruined by newcomers.’ His language seamlessly moved between natural and cultural preservation. (Ives, n.d.: 32)

An historical survey of the region, its inhabitants, and the racial economy of rooibos production suggests that the issue of rooibos as local heritage is one that evokes pride, passion and considerable pain. As Ives (2014a) delineates it, the rooibos-growing area starts about 200 kilometers north of Cape Town and extends just across the border into the Northern Cape, with most lands lying within the Cederberg municipality. For millennia the area was inhabited by San hunter-gatherers (Adhikari, 2010) with herders, sometimes called Khoi, introducing pastoralism in the first millennium AD (Penn, 2006). These two groups are often referred to by contemporary residents in the rooibos-growing region by

the merged name, Khoisan (both the names of these original groups and whether they should be considered distinct peoples is a matter of continuing academic controversy (Wilmsen, 1989)). The mobile Khoisan left thousands of rock paintings, many still visible on rocks in protected areas, on rooibos farms, and on popular walking trails, a matter that may eventually have legal significance for recognition of indigenous territorial claims.

Europeans arrived in the area in the mid-17th century (Mitchell, 2008; Penn, 2006), at first as pastoralists, who, like the Khoi, made claims not to land but to the waterholes that sustained them and their herds. Often protecting these resources at gunpoint, early white colonists have long been seen as setting the Khoisan ‘genocide’ in motion, killing men and capturing women and children as slave labor for their farms (Adhikari, 2010; Penn, 2006). Private land tenure became codified in the early 19th century, a process characterized by the introduction of surveying, mapping and fencing, all of which served to redefine the landscape and structurally inscribe Khoisan dispossession. As settler colonists built and settled on farms throughout the region they began to demand more labor, which was amassed in the form of chattel slaves (people of African and Asian origins who were often brought from Cape Town) and Khoisan who had been forced into indentured slavery (Penn, 2006). Through this violent history, many of the Khoisan adopted the Afrikaans language and lost both their access to land and their economic autonomy.

COLORED/WHITE FARMING RELATIONS IN ROOIBOS COUNTRY

Land ownership in the rooibos growing region was highly divided by race by the mid-20th century, with nearly all commercial farming of taking place on white-owned lands that were worked by colored labor. Although colored farmers grew the tea on the

meager holdings they could access, by the time an apartheid-era marketing board was formed to facilitate processing and distribution of the tea (the Rooibos Tea Control Board), the industry was nearly entirely controlled by white land owners. Today, the region's colored residents are the largely landless descendants of the exploited class – a mixture of imported slaves and indentured servants – that served the white agricultural community's need for captive labor. In South Africa the term 'colored' refers to people who are descendants of the Khoisan indigenous peoples, black people who assimilated into the Cape Colonial society, children of marriages between members of these groups and people brought to South Africa as slaves or laborers from other African or Asian countries (Adhikari, 2005: 2). In the rooibos region their linkage to both Khoisan and white histories influences colored people's ideas of foreignness and belonging. 'In this context, white and coloured residents often invoked a distinct *ecological and demographic exceptionalism* in which they saw themselves as part of a specific ecosystem in which other South African people and plants were considered alien' (Ives, 2013: 2).

The rooibos industry was built upon the undercompensated labor of dispossessed colored peoples. Recent years, however, have seen a marked increase in black migrant workers from other parts of South Africa and from neighboring countries. Both colored and Afrikaans farmers refer to rooibos as 'indigenous' to the region and black South Africans and immigrants from other Southern African countries as alien to it (Ives, 2014b: 15). Rooibos and the unique fynbos ecosystem in which it grows provides the basis of a perceived ecological exceptionalism while the region's demographics serves to distinguish the populace 'from what one farmer described as the "black hordes" in the rest of the country' (Ives, 2014a: 15). Some colored and white residents have even considered separatist options for the province (Western, 2001).

In her fieldwork, Ives found that colored and Afrikaans residents alike identified

themselves as belonging to the soil and to a natural landscape with resources they regarded as their heritage (Ives, 2014a). Many Afrikaans farmers felt that they were God's chosen people for this land to which they considered themselves 'indigenous', their 'bodies becoming indigenized through exertion in the rooibos soil' (Ives, 2014a: 16). The few colored farmers who did hold land described it as the source of their freedom from employment by whites. They also considered rooibos cultivation to be an expression of the dignity of working with their own heritage and the mark of their authentic belonging in the nation through their connection to the native fynbos landscape. Rooibos farmers regard the plant's cultivation as protecting a natural native landscape against the invasion of new crops that would change the soil composition of one of the last 'properly South African' ecologies (Ives, 2014a: 11).

In other parts of South Africa, many people categorized as colored under apartheid have begun claiming and celebrating their historical relationship to the Khoisan. While these claims have yet to gain many adherents in rooibos country, they are already influencing the ways in which local farmers and farm workers are being identified in the press and by the international certifying bodies with whom they interact, which could have a potential impact on how the equities of a GI dominated by white-owned farms and processing plants are understood. It is important, however, to understand the many differences amongst colored peoples, their representation and their historical experiences. Colored people were codified as a separate 'race' under apartheid laws, occupying an intermediate status between the white minority population and the African majority. They were viewed as descendants of 'extinct' bushmen and products of violent miscegenation, the implication being that colored people were 'deficient in positive qualities associated with racial purity and handicapped by negative ones derived from racial mixture' (Adhikari, 2005: 14). Nonetheless, a vast diversity exists among the colored population. As much as 40% of

the population lives in the Cape Town area (Adhikari, 2005), and this urban population has been the focus of most scholarship and activism around the subject of colored identity (Ross, 2010; Salo, 2003). Experiences of colonialism, relationships to land, and contemporary understandings of colored identity are different in the rooibos-growing region than in Cape Town – a place where the majority of colored farmworkers and farmers have never been (Ives, 2014b: 10).

To complicate matters, it is becoming more widely acknowledged that many peoples deemed colored in South Africa have historical relationships with the Khoisan. Despite the apartheid-era myth that San peoples had been exterminated and the Khoi were extinct, historical research shows many colored people to be direct descendants of those formerly known as bushmen (Lee, 2003: 81). Indeed, in many other parts of South Africa, the colored community has undergone a recent ethnographic self-fashioning as Khoisan (Ruiters, 2006), a means, many academics argue, for colored people to understand their heritage in a fashion that better connects them to the land (Lee, 2003; Western, 2001). In rooibos country, however, many colored residents felt that expressing an historical relationship with bushmen might relegate them to a state of primitivism, extinction, or less than fully human status (Ives, 2014a: 4).

In the broader South African context, however, Khoisan identity has enjoyed a resurgence and reinvigoration through the proliferation of Khoisan art and the organization of conferences and scholarly projects in Khoisan studies (Comaroff and Comaroff, 2009; Lee, 2003). Some Khoisan leaders have refused to be part of the Congress of Traditional Leaders, for example, on the basis of their indigenous rather than tribal identity. Proposed changes to the national law contained in a Bill tabled in September 2013, suggest that 'Khoi-San' will now be recognized as having their own communities, leaders and other authorities without reference to them as 'traditional' groups (Government Gazette, 2013b). A variety of NGOs have supported

Khoisan political movements, particularly those of the Khomani San in the Northern Cape Province, and intellectual property struggles around traditional knowledge and genetic resources such as the hoodia plant (see Darch, this volume) have brought further attention to what are now widely understood to be indigenous claims (Vermeylen, 2007; Wynberg and Chennells, 2009). A National Khoisan Consultative Conference formed in 2001 represents over twenty communities and acts as an umbrella body for Khoisan peoples across South Africa. In most of South Africa, then, the Khoisan people are no longer regarded as extinct. 'Khoi-San communities, leaders and councils' were described in the press as indigenous peoples when statutory provisions were drafted for their recognition by the Department of Cooperative Governance and Traditional Affairs in 2011, but they are not constitutionally recognized as such (Le Fleur and Jansen, 2013).

The United Nations has long recognized Khoisan indigeneity. Forced dispossession from their lands was acknowledged by the Special Rapporteur on Indigenous Peoples, Rudolfo Stavenhagen as the primary basis for their poverty and an obstacle to intergenerational cultural survival; he suggested that their apartheid-era nomination as 'colored' might consign them to perpetual victimization in the post-apartheid South African occupational structure (Stavenhagen, 2005, cited in Le Fleur and Jansen, 2013: 4). Under international pressure, President Zuma acknowledged in 2013 that Khoisan peoples dispossessed of lands prior to the 1913 Native Land Act would have their land claims considered, and the government implicitly acknowledged their status as indigenous peoples by agreeing that they 'have a right to self-determination', while insisting that they must exercise it 'with the assistance/guidance from the Government' (Majavu, 2013). Nonetheless, some organized Khoisan reject the land claims process as insulting to them as an indigenous nation with whom a treaty would be more appropriate (Majavu, 2013). Some activists argue that in the northernmost

rooibos-growing areas, farmers who trace their lineage to the Khoisan have knowledge transmitted through families and are able to point to landmarks which delineate the boundaries of their ancestral lands (Majevu, 2010, 2013).

Embracing a Khoisan identity does not, so far, appear to be widely favored by most colored residents in the rooibos-growing areas, but to the extent that this area is clearly marked by the traditional cultural expressions of Khoisan peoples (rock art to which cultural property claims are now made), there are reasons that it might be considered indigenous ancestral territory. Many researchers see the colored rooibos farmers and workers as descendants of the Khoisan 'First People' whose traditional knowledge of rooibos cultivation has sustained them under conditions of extreme domination and exploitation (Koelle and Oettle, 2010). Indeed, indigenous rooibos is sometimes imagined as a commodity through which the supposedly fraught identity of colored people could be provided with the cultural markers they are seen as lacking, and a more indigenous place-based heritage encouraged through affirmation of their ancestors' cultivation of the tea; as one community worker said, 'The impulse of our project is to restore and bring back heritage to the community, to reinstate lost heritage, give people more a sense of who they are' (Ives, n.d.: 23).

Historical apartheid designations of ethnic homelands and bantustans, however, may make an indigenous territorial strategy less attractive in this region, especially to colored peoples who were historically assigned no such lands. Many white farmers discount or deny the Khoisan origins of commercial rooibos cultivation, and instead celebrate white farmers as the pioneers of the rooibos industry. Indeed, Ives suggests that for colored peoples in the rooibos area, claiming a Khoisan cultural identity to assert a place-based heritage could pose a particular trap, because many white land owners believe that bushmen culture was essentially nomadic, or even less-than-human (Ives, n.d.: 14). Under the pre-apartheid Union of South Africa, they

were considered desert animals, allowed to stay in parks as part of the landscape, and, as recently as 1941, classified as part of the country's fauna, destined to disappear (Meskell, 2012). In this context, many residents of the rooibos-growing region were hesitant to celebrate an explicitly Khoisan heritage, Ives (n.d.) found. Although a few of her informants spoke about a Khoisan cultural heritage which included traditional knowledge of rooibos cultivation that had been stolen by industrial interests, most preferred to express indigeneity in aspirations based on an authentic historical relation of belonging with the region's ecosystem (Ives, n.d.). In short, in rooibos-growing territory 'a highly racialized landscape informed people's understandings of their own essentialized – and embodied – belonging in place' (Ives, n.d.: 22).

CONCLUSION: A ROOIBOS GI FOR SOUTH AFRICAN SOCIAL JUSTICE?

Although efforts to obtain a GI are clearly industry-driven, it has broad support in the rooibos-growing region, in the country generally, from the South African government and in international intellectual property policy circles. Authorship of the scholarly literature on the rooibos GI initiative, however, tends to be dominated by those agricultural economists who have championed it in South Africa (Bramley, Kirsten, Troskie) and Europe (Biénabe), as well as by members of the SARC itself. SARC is represented as a collective organization (Bramley and Biénabe, 2013: 132), and while SARC purports to represent smallholders and wild harvester, few doubt that the governance of the GI will rest with large industry interests (dominated by white South Africans). Internationally, rooibos is represented as a South African product and protection for the name as an assertion of *national* intellectual property. As we have seen, however, the proper holders of goods that are linked to peoples' identities are often disputed; in this

instance, rooibos appears to be understood as essential to the emplaced identities of different social groups with diverse, distinctive and sometimes conflicting interests. Moreover, identities are shifting as peoples reinterpret their history and positioning in the still emerging post-apartheid nation.

SARC will determine the conditions under which the rooibos GI may be used, but Keahey (2013) argues that their processes are far from participatory. The vast majority of colored farm workers do not hold lands, and few have the means to become farmers in their own right or to market their crops or goods. Most lack 'confidence, as well as the business, language, and literacy skills required to effectively navigate the commodity network' (Keahey, 2013: 157). In order to better integrate the various constituencies with interests in rooibos, SARC has promoted the Right Rooibos initiative which propounds an integrated management system that captures key protocols in regards to labor, employment and environmental stewardship (Pretorius et al., 2011). This campaign is designed to 'ultimately realize a stringent industry-wide mark that would enable actors to capture multiple standards and certifications in a single auditing stream' (Keahey, 2013: 166). Socially progressive activists have appealed for greater 'emerging farmer' representation so that colored farmers would have a forum to express their collective interests; many would argue that the Right Rooibos initiative while complying with South Africa's laws on employment equity, does not go far enough. In the farming region Right Rooibos is appreciated more for synthesizing the multiple regulatory demands that cultivators face in order to fulfill various global sustainability criteria than as a guide to ethical conduct or social responsibilities.

In the post-apartheid context, is it unreasonable to suggest that the establishment of a rooibos GI might serve South African aspirations to redress economic injustice and achieve greater social equity? The creation and recognition of the rooibos GI is an important *state* activity and its use and governance could be structured as a public institution. The

South African Constitution and Bill of Rights is recognized around the world as embracing the fullest range of human rights. For the rooibos GI to be constitutional, the conditions for its use should be based on democratic values, social justice and fundamental human rights, including those of equality and participatory governance. The South African government has constitutionally mandated obligations to provide equality of access to lands, water, food security and employment as well as environmental protections (Forbath et al., 2011). Thus a rooibos GI could and arguably should be designed to fulfill a wider social mandate. Social rights in South Africa have been developed to address poverty and to remedy the economic injustices of the past (Christiansen, 2008). Conditions in the rooibos industry cry out for the development of rights-based criteria for the use of a rooibos GI that would squarely address long histories of exploitation, dispossession and disenfranchisement, including some form of redistribution of lands to non-white residents to enable them to maximize the livelihood security that rooibos could provide. Moreover, serious consideration needs to be given to the rights of black migrants from other parts of the country to participate in this industry.

Considerations of social justice in the governance of the GI seem especially necessary because the imagined community constituted by a heritage of rooibos cultivation now faces some of its gravest challenges. Despite the emotional attachment that so many people in the rooibos region have to the plant and their desire to limit its cultivation to a particular region designated by the proposed GI, rooibos is unlikely to stay in its proper place. If the imagined community of GI protections promotes and perpetuates essentialized historical relationships between people, place and products, plants have their own needs. However socially dominant residents' ideas about rooibos's ecological and cultural rootedness may be, many scientists now speculate that climate change will shift rooibos's unique ecosystem – its soil, rain and insects – southward, further down the Cape. Droughts and erratic rainfall

over the last ten years have negatively affected cultivation (Palitza, 2011), and the insects the plant relies upon for pollination are declining in the region. Just as new opportunities for exports of rooibos are opening up for colored farmers, demand for the tea is expanding and activists seeking restitution for lands taken from them, the *terroir* to which the peoples of this region have such a passionate attachment might literally be moving beneath their feet (Ives, 2014a: 27). It is imperative that the GI be structured so as to provide livelihood security and economic opportunities to a greater number of South Africans, rather than privileging particular people, who hold particular lands at a particular point in time.

Certainly a rooibos GI has the potential to protect a regional industry from having a distinctive crop marketed as a placeless commodity in an increasingly globalized system of production and exchange. By marking the relationship of rooibos to an indigenous South African ecosystem, a GI could provide the product and the people involved with its cultivation some relief from the pressures of industrial agribusiness and its tendencies to globalized monocropping, while maintaining the unique health benefits that rooibos grown in this region offers consumers around the world. However, this South African example also shows how deeply enmeshed place-based goods may be in local relations of power and that identifications with culture and territory may be highly racialized. The promise of GIs may quickly dissolve and their perils be realized if we don't consider how the social imaginary of the GI elides social, political and economic inequities within the territories and communities of producers of GI-certified goods and respect rights-based development principles (Aylwin and Coombe, 2014) in developing their institutions of governance.

NOTE

1 The term colored has a unique meaning in South Africa which we describe in detail later in this chapter.

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