



DREAMS DEFERRED: REFLECTIONS ON THE LOCAL STRUGGLE FOR INCLUSIVE LOCAL ECONOMIC DEVELOPMENT IN THE THEEWATERSKLOOF LOCAL MUNICIPALITY

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This In Profile contribution provides insights on experiences of land access struggles by small-scale farmers in Theewaterskloof (TWK) local municipality in the Overberg district of the Western Cape Province. The Trust for Community Outreach and Education (TCOE) chose this specific municipality based on familiarity and years of experiences of organisational support to local small-scale farmers towards securing their land-based livelihood strategies.



BASED on the failure of the national land reform programme to afford the previously marginalised sectors of our society, agricultural sectors in the countryside still reflect the character of apartheid spatial segregation with large commercial farms owned by a minority of white farmers. Moreover, lack of transformation is manifested in the way local municipalities have been continuing to maintain the

legacy of apartheid in the way they manage and allocate land use rights, particularly on commonage, in favour of white commercial farmers.

The central argument derives from the view as held in the White Paper on Local Government (1998) and other policies and legislation that provides scope for local municipalities to play a meaningful role in undoing apartheid spatial segregation. The basis

of the new democratic dispensation was based on tackling the legacy of the Apartheid era, the elements of which remain a defining feature of our society. It is against this background that this paper suggests that certain municipalities are not living up to their mandate of being “developmental” in their approach, as required by the Local Government White Paper and other legislation, and especially as it relates to making use of commonage land.

THE CONTEXT: LOCAL GOVERNMENT POSITION; WHAT DOES LAND REFORM MEAN TO MUNICIPALITIES?

Theewaterskloof municipality is in the Overberg District of the Western Cape Province and was formed on the 12th of December 2000 and named after Theewaterskloof dam near Villiersdorp. The commercial agriculture sector is the backbone of the local economy and the largest employer, which has contributed to population growth, especially in towns surrounded by fruit and wine farms. However, the seasonal nature of farm employment and the extent of farm evictions places many households in the grip of poverty. The government land reform programme has not made much difference in land ownership or land use in the area. Predominantly, owing to high land values in the area, the favourable land reform route notable in the area has been in the form of farm worker Equity Schemes, which allows farm workers using government land reform subsidies to earn a share of ownership on commercial farms they are employed in. Besides this arrangement, there is little land reform that has happened in this municipal area.

Land reform opportunities that exist within state-owned land have not been fully explored despite huge potential of this route to reach the poorest of the poor and allowing municipalities to play a big role in the realisation of this aspect of land reform. According

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to the Department of Land Affairs (now Department of Rural Development and Land Reform), municipal commonage provides opportunities for land reform primarily because it is public land which does not need to be acquired (DLA 1997). Local government is therefore expected to work closely with the Department of Land Affairs to ensure that land reform and restitution processes are incorporated in their Integrated Development Plans (White Paper on Local Government 1998).

The experience on the ground shows that many municipalities continue to be enclaves of the apartheid administration system in that they continue to prioritise white commercial farmers when it comes to commonage land leases. The terms of lease agreements vary significantly between white farmers and black small-scale farmers with the former category getting as long as 99 years whilst the most small-scale farmers get afforded only nine years and eleven months at most. This practice is inconsistent with the ideals of democracy and the conditions under which commonage land should be used. The White Paper acknowledges the fact that previous local governments did little to uplift those that had the greatest need and therefore the new mandate is to redress the imbalances created by previous discriminatory systems. Anderson and Pienaar (2003) noted that the commonage programme contributed to the greatest transfer of land attributed to any one programme within the greater land redistribution programme. Moreover, the Department of Land Affairs maintains that reallocation of commonage to poor residents who wish to supplement their incomes could help address local economic development and provide an inexpensive land reform option (DLA

1997). Sadly, very few municipalities have considered taking up the issue of commonage in this way. From our engagements with the TWK municipality to facilitate land access for small-scale farmers, the municipality maintains that it is not their mandate to provide land to small-scale farmers.

Contrary to this assertion, the municipality's Integrated Development Plan acknowledges a need to develop a clear strategy to unlock the opportunities for agricultural development for emerging farmers in the areas of Riviersonderend, Tesselaarsdal and Genadendal and for that to be possible, land must be made available (3rd Annual Revision 2015-2016). In the same document, the municipality further commits to prioritising making land available for small-scale farmers of Ward 7 (Botriver) and Ward 1 (Riviersonderend) as priority areas one and ten respectively.

REALITIES ON THE GROUND

This section draws on experiences of what has been happening on the ground in small rural towns in the TWK municipality. In these areas, the majority of small-scale (mainly livestock keepers) are facing huge challenges sustaining their land-based livelihoods as they are forced to overcrowd marginal pieces of land under severely insecure tenure arrangements. Despite these conditions, farming households derive reasonably fair amounts of financial returns from their activities. Several efforts made to engage the municipality for access to better and more secure pieces of commonage land have not yielded any positive results thus far. Contrary to finding meaningful ways of supporting them through making available existing commonages for use by small-scale farmers, the municipality continues to lease out its land to surrounding large-scale commercial farmers, some of whom already have more than one farm.

From 2012-2017, local small-scale farmers have been subjected to punitive livestock bylaws marked by large-scale impoundments of their animals. In some cases, such as those in Riviersonderend, members of a local golf club which exists on commonage, had been killing a lot of animals (mainly pigs and goats) that strayed onto the golf course. These circumstances have contributed to large-scale loss of livelihoods as these farmers are unable to recover from loss of livestock. Since 2012, TCOE has been supporting these farmers to access legal representation to ensure that their legitimate rights to livelihoods through farming is observed and protected. TCOE has been working together with local small-scale farmers within the forum of land rights movement to advance a position that livestock impoundments cannot be solved via the courts, but that it requires that we come together with local authorities to find sustainable solutions and secure access to land. Currently, local small-scale farmers from Caledon, Riviersonderend, Greyton and Genadendal are still hopefully waiting for the release of their animals which were impounded in April 2016. The Caledon Magistrate Court ruled for the release of the animals, however the municipality decided to file for a leave to appeal the judgment, which is an action which further dragged out the process. The burning question from the small-scale farmers is: where will their livestock graze? This question arises from the fact that the TWK municipality is busy selling land that the farmers are using. TCOE's experiences working with grassroots formations of the landless people using municipal land to pursue their livelihoods have shown a strong resistance from municipalities to recognise and support local initiatives by people who seek to uplift their economic situation through land use.

In 2016, the Theewaterskloof municipality advertised its intention to sell ERF 959 which is about 235 hectares. This land was and is currently

used by several local small-scale farmers in Greyton and Genadendal for livestock keeping. Local farmers objected to the intention and it was clear from the council minutes that no one in that chamber raised concerns about the situation of small-scale farmers. It took a sustained mobilisation of all small-scale farmers to formulate their position as to why they think the land should not be sold. Through our advocacy, the municipality has since changed its decision and allowed farmers to continue using the land. Recently, the municipality has served the Caledon local farmers with notice to vacate the piece of land (Treyntjies Rivier-No 483) they are using to keep pigs and grazing livestock. Again, this land used to be owned by Public Works and was later donated to the municipality. Several policies (Spatial Planning and Land Use Management Act) categorically affirm the role of municipalities and accordingly place responsibility on them to fulfil their role as land use planning decision makers, as per constitutional mandates and obligations. This mandate is further affirmed in the Local Government White Paper which clearly spells out new responsibilities of democratic local government. The key argument we want to advance here is that public land should prioritise the public interest and unilateral decisions to sell land out from under small-scale farmers is inconsistent with the country's Constitution Act 108 of 1998.

CONCLUSION

The paper concludes by summing up some lessons learnt, as well as further proposing and inviting some

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ideas for future intervention strategies, including policy recommendations. The lessons learnt from the above show the magnitude of the task that lies ahead to redress the imbalances of the past discriminatory regime. With a reasonably sound policy framework, which places responsibility on all spheres of government to addressing existing inequality, it seems there is a lack of coordination to enable successful implementation of development programmes. Considering the example of the Theewaterskloof municipality, it appears that selling and leasing commonage land to those who already have a lot of land could be serving to reinforce rather than undo racially-based spatial segregation. Moreover, the existing commonage policy has not been fully implemented by many municipalities, despite its huge land redistributive and developmental potential. This paper suggests that the TWK municipality needs to revisit its Area Based Planning which clearly describes opportunities for local government to make play a meaningful role in the national programme of land reform. TCOE, together with Mawubuye Land Rights Forum, finds it difficult to justify the selling of state land in the context of such a high demand for land from previously disadvantaged people.

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