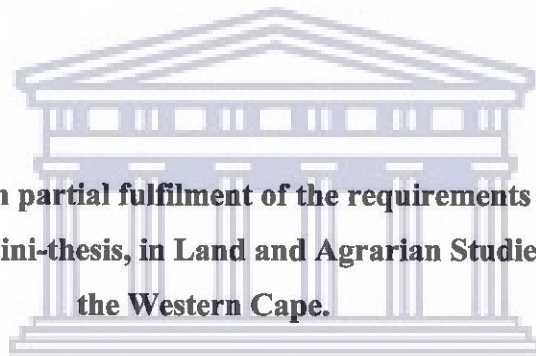


**THE ROLE OF LOCAL GOVERNMENT IN COMMON POOL RESOURCE
MANAGEMENT: THE CASE OF MUNICIPAL COMMONAGE IN THE
NORTHERN CAPE**

Anja Benseler

**A minithesis submitted in partial fulfilment of the requirements of the degree of
Master of Philosophy, mini-thesis, in Land and Agrarian Studies, University of
the Western Cape.**



**UNIVERSITY of the
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KEYWORDS

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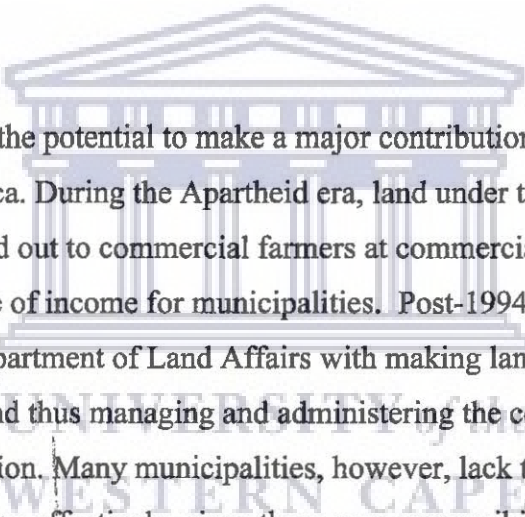
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ABSTRACT

THE ROLE OF LOCAL GOVERNMENT IN COMMON POOL RESOURCE MANAGEMENT: THE CASE OF MUNICIPAL COMMONAGE IN THE NORTHERN CAPE.

Anja Benseler

M.Phil minithesis, Land and Agrarian Studies



Municipal commonage has the potential to make a major contribution to land redistribution in South Africa. During the Apartheid era, land under the control of local government was leased out to commercial farmers at commercial rates, which ensured an important source of income for municipalities. Post-1994, municipalities have been tasked by the Department of Land Affairs with making land available to the previously disadvantaged and thus managing and administering the commonage for purposes of poverty alleviation. Many municipalities, however, lack the institutional and resource capacity to do so effectively, since these new responsibilities have not been matched by the necessary support from provincial and national government departments. In most instances, the officials who deal with commonage related issues do not have the time, agricultural background or budgetary resources to deal with commonage management. This has resulted in commonage being viewed by many as an “unfunded mandate”.

The Northern Cape has been allocated the largest amount of commonage since 1994 and most of the research surrounding commonage has focused on this region. The province thus is the focus area of this thesis.

This thesis examines the different dimensions of municipal capacity to manage the commons in the light of current Common Pool Resource theory. It poses the question

if the municipality, as it is currently functioning, is suitable as an instrument to manage a Common Pool Resource such as commonage in the Northern Cape.

The thesis draws on the on-going collection of empirical data on commonage management conducted by the student for the Human Sciences Research Council (HSRC). It is also based on an extensive literature review of the current Common Pool Resource theory at local and international level. The theory is applied to the empirical data in order to analyse the appropriateness and sustainability of current commonage management practices.



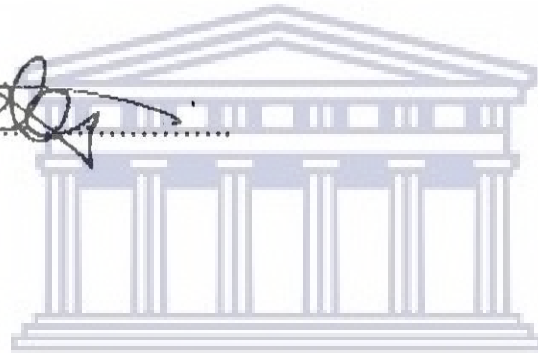
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DECLARATION

I declare that "The role of local government in Common Pool Resource management: the case of municipal commonage in the Northern Cape" is my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete reference.

Full name. Anja Benseker Date. 12.05.2004

Signed. 



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CHAPTER 1. INTRODUCTION

Rural areas in South Africa are characterised by severe levels of poverty. According to the Integrated Sustainable Rural Development Strategy, 70% of the South African population that is classified as poor, lives in rural areas. Simultaneously, 70% of all rural residents are poor (Republic of South Africa, 2000: 6).

Agricultural activities play a significant role for the rural poor in the creation of livelihoods. Especially the most marginalized poor rely heavily on agriculture as an alternative income source with 81% of income derived from agricultural activities. More generally, 36% of rural households produce agricultural products, which they sell or consume themselves. (Carter and May, 1999: 6-8)

The commons are defined as a resource that is available to the general public without restrictions and they have been seen as a primary source of livelihoods throughout the centuries. For communities the commons represent an important natural asset, which presents an opportunity towards income diversification, risk aversion and food security.

Theories about Common Pool Resources (which refers to the common resource specifically such as a tract of land, the ocean or a forest) have been developed as early as Grecian times with philosophers such as Aristotle commenting on the use of common lands. Despite this it is only in the late 1960s that clear theoretical strands have emerged that attempt to explain use and management of the resources (Broomley, 1992: xi and Hardin, 1968: 1245 and Dietz, Dolsak, Ostrom and Stern, 2003: 8).

In South Africa Municipal commonage is a kind of Common Pool Resource that is owned and managed by a municipality whereby the land is made available for public use for agricultural purposes. Donges and Van Winsen (1953: 303) quoted in Anderson and Pienaar (2003: 2) define municipal commonage in the following way

Commonage or common pasture lands are lands adjoining a town or village over which the inhabitants of such town or village either have a servitude of grazing for their stock, and, more rarely, the right to cultivate a certain portion of such lands, or in respect of which the inhabitants have conferred upon them by regulation certain grazing rights.

Another definition, that is provided by the Department of Land Affairs (1997: 1) is

“The term municipal commonage is traditionally given to land, owned by a municipality or local authority, that was usually acquired through state grants or from the church. It differs from other municipally owned land in that residents have acquired grazing rights on the land, or the land was granted expressly to benefit needy local inhabitants. Municipal commonage is not the same as communally owned land held in trust by the state and usually occupied and administered by tribal authorities.”

Commonage is part of the South African land reform programme, which aims to redress inequalities of the Apartheid government. Land reform is seen as one of the main agents towards reconstruction and development. Within this context the vision for land reform is to redress the injustices of the past through aiming at a more “equitable redistribution of land ownership” in order to “reduce poverty and contribute to economic growth” (Department of Land Affairs, White Paper on Land Policy: 1997: 8). These aims are reflected in the three-pronged approach of land restitution, land redistribution and tenure reform.

The policies that fall under the redistribution programme are Land Reform for Agricultural Development (LRAD), equity schemes, commonage, and non-agricultural enterprises. Land redistribution deals with the provision of access and rights to land for residential and agricultural purposes. Beneficiaries include the poor and previously disadvantaged, labour tenants, new entrants to agriculture, women and farm workers. The aim is to improve income and quality of life, support livelihoods, increase the number of black commercial farmers and ultimately to redistribute 30% of all agricultural land to the above mentioned groups up until 2015. (Department of Land Affairs, n.d.: 1).

Municipal commonage is prevalent in seven out of nine South African provinces. Within the South African land reform programme, commonage “accounts for the greatest transfer of land attributable to any one programme within the greater land redistribution programme” (Anderson and Pienaar, 2003:1). Land redistribution through municipal commonage has been particularly prevalent in the Northern Cape where 67% of all land redistributed is commonage land, compared to 16% for the rest of the country (Anderson and Pienaar, 2003: 1).

Due to this, commonage in the Northern Cape has enjoyed more attention in terms of research than in other provinces, with various studies having been conducted in the area (Pienaar and Anderson, 2003; Anderson, 1996; Wellman, 2000; Surplus People Project, 2000, 2001 and 2002; FARM Africa, 2003).

Very few of the studies conducted thus far have approached commonage from a local government point of view, emphasising mainly the impact that commonage has on communities. Local municipalities in South Africa are legally obliged by the Municipal Systems Act (No.32 of 2000) to be developmental organisations that “move progressively towards the social and economic upliftment of communities and the provision of basic services to...the poor and the disadvantaged” (Republic of South Africa, 2000). In most of the rural areas in the Northern Cape, municipal commonage is one of the primary developmental resources that are available to communities and municipalities. Despite this very few studies have concentrated on the institutional management of commonage and what is required of municipalities to manage the land in a development-promoting manner.

The Surplus People Project (SPP) and Legal Resources Centre (LRC) (SPP and LRC, 2001 and 2002) as well as recent studies by FARM Africa have concentrated on the management of the commonage by closely engaging with municipalities in the development of contracts, commonage management committees and the organisation of the land users. These studies, however, once again focus on specific case studies and do not provide an overarching view on commonage use and management.

It is for this reason that the aim of this study is to conduct an audit of commonage use of the whole of the Northern Cape in order to determine the capacity of the current municipal institutional structure to manage a Common Pool Resource such as commonage.

The theoretical framework against which the data has been analysed is Common Pool Resource theory. There are three leading Common Pool Resource theories that have emerged in this field of research: Hardin's "Tragedy of the Commons" theory, New Institutionalism and Contextualism. The thesis examines the appropriateness and sustainability of current commonage management practices in the light of these theories.

The central research question of this study is:

Are Northern Cape municipalities, as they are currently functioning, suitable as instruments to manage a Common Pool Resource such as commonage?

The thesis draws on a survey conducted by the student for the Human Sciences Research Council (HSRC).

The study was conducted by means of telephonic interviews with each of the 26 municipalities in the Northern Cape in order to attain a comprehensive overview of the commonage in the whole province. The interviews were based on open-ended questionnaires and were conducted with senior staff- mainly municipal managers or municipal commonage experts within the municipalities.

The study thus serves two goals:

Firstly, to provide a *detailed* picture of each municipality's commonage situation by means of in-depth interviews with each municipality and secondly, the collation of this information into a comprehensive *overview* of the trends and issues surrounding commonage management in the Northern Cape by means of comparison and analysis of the individual interviews.

The thesis is set out in the following chapters:

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Chapter 2: Theoretical Overview. This chapter sets out definitions of Common Pool and Common Property regimes. It also provides a review of CPR theory and provides an outline of commonage research conducted in the Northern Cape. Additionally a brief review of the developmental obligations of local government is provided in order to provide the context in which commonage management takes place in the South African case.

Chapter 3: Methodology. A detailed outline of the research approach is provided. The questionnaire is discussed and the strengths and weaknesses of the research are assessed.

Chapter 4: Commonage management in the Northern Cape. This chapter presents and analyses the research findings as attained through the telephonic interviews.

Chapter 5: Recommendations to the improvement of commonage management in the Northern Cape. This chapter discusses two major determinants to why commonage management is not effective in the Northern Cape. It provides recommendations concerning the way forward in commonage management, especially the additional institutional capacity that will be needed for effective commonage management. It relates the findings of the original research question by offering suggestions to more effective management.

Chapter 6. Conclusion. This chapter reviews the main findings of the study and applies the theories described in Chapter 2 to the findings of the research.

The importance of this study is that firstly, no such detailed study has been conducted to date. Secondly, it provides a comprehensive overview of commonage management during a period of municipal transformation that is of potential interest to relevant departments, policy makers, academics, the general public and municipalities. This study addresses not only municipal commonage but also the larger developmental obligations that municipalities have to subscribe to in terms of the Municipal Systems Act.

It should be kept in mind that this study attempts to merge two different fields: land reform and local government. Both of the fields need equal understanding in order to provide a comprehensive picture of the challenges that both fields are facing.

CHAPTER 2. THEORETICAL OVERVIEW

Over the last 50 years, different theories regarding the management of Common Pool and Common Property natural resources have emerged. Some authors argue that Common Pool Resources create an incentive to exploit a natural resource such as land to the extent that it is entirely exhausted. Others maintain that with the right institutions in place, Common Pool Resources can be managed effectively. A third category of thinkers assert that socio-political and socio-economic factors play a determining role in the behaviour of the resource users and thus have to be considered when determining land management practices.

This chapter provides a definition of “Common Pool Resources” and “Common Property” and describes various theories of Common Pool Resources management, focusing specifically on the development of effective management institutions. The different theories will be discussed, after which a brief analysis will be provided, demonstrating how the respective theory is applicable to the current commonage situation in South Africa.

2.1 Defining Common Pool Resources and Common Property

Before defining CPRs it is necessary to clarify the meaning of the “commons”.

The common is a resource that is characterised by common use and is determined by two factors: Subtractability and non-excludability. The former implies that one person’s utility from the resource implies a subtraction of the group’s utility and the latter implies that exclusion of users from the resource is costly.

These two factors entail that people have a tendency to overuse a resource as “one person’s use subtracts from the benefits available to others” (Dietz et al, 2002: 18, Ostrom, 1990: 30; Ostrom, 2002: 1; Ostrom, Gardner and Walker, 1994), which can lead to degradation and ultimately destruction of a resource. In addition to this, due to the fact that the commons is a public good and that exclusion is expensive, the free-rider problem emerges which results in some users not contributing to the cost-sharing of using the commons.

“Commons” can either be defined as “a diversity of resources or facilities” or as “property institutions that involve some aspect of joint ownership and access” (Dietz, Dolsak, Ostrom and Stern, 2002: 18). These two meanings are translated into “Common Pool Resources” and “Common Property” respectively and are discussed consecutively below.

A *Common Pool Resource* “focuses on the characteristics of the *resource* rather than on the human arrangements used to manage it” (Dietz et al, 2002: 17, italics added by author). A Common Pool Resource can be defined as a resource or a facility that is either natural or man-made, which is available to the public and thus vulnerable to overuse and degradation.

There has been some confusion about the definition of *Common Property*. Many practitioners refer to “Common Property” as a *resource*, thus a “Common Property Resource”. It has become common practice amongst many practitioners to utilise the terms “Common Pool Resource” and “Common Property Resource” interchangeably and abbreviating both these concepts as “CPR’s”. This has given rise to some confusion about the application of the terms.

Hesse and Trench (2000), for example, use the term “Common Property Resource” to refer to both the resource management system and the physical resource itself. Hesse and Trench state that Common Property Resources can refer to a set of “rights and obligations concerning a thing” but they “can also mean the thing itself” (Hesse and Trench, 2000: 6). Similarly, Johda and Bhatia (1998) do not make a distinction between a Common Pool and a Common Property Resource as Johda and Bhatia refer to Common Property Resources as “those resources in which a group...have co-equal

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use rights, specially rights that exclude use of those resources by other people” (Johda and Bhatia, 1998: 1)

In another example by Edwards and Steins (1998a), the term “Common Property Resource” is limited to situations where rights determine that “the resource will be shared co-equally”. These rights “are exclusive to a well-defined set of people”. (Edwards and Steins, 1998b: 1). In contrast, Common Pool Resources are resources that are used by groups of individuals who jointly utilise the resource.

Despite the above, some authors state that “Common Property Resources” do not exist and that one should separate the “Common Property” from the “Resource”. Bromley (1992: 4) argues that “(t)here is no such thing as a Common Property Resources; there are only resources controlled and managed as common property”. Common Property thus refers to the “management arrangement”, that is comprised of rules that are “used to govern and manage the behaviour and actions of humans using (the commons)” (Dietz et al, 2002: 18; Oakerson, 1990: 10).

Despite these different definitions, for the purpose of the thesis, reference will be made to “Common Property” and “Common Pool Resources” as defined by Dietz et al., Oakerson and Bromley. The former refers to the management regime or management arrangement of the resource that is “created by humans”. (Dietz et al, 2002: 17).

The latter, Common Pool Resource, refers to the resource itself and not on the “human arrangements used to manage it” (Dietz et al, 2002: 17). Common Pool Resources are characterised by the fact that exclusion from using the resource is costly and “one person’s use subtracts from what is available to others” (Dietz et al, 2002: 18). There are several kinds of property rights regimes that can govern Common Pool Resources, such as public ownership by the state, private ownership and ownership by a community (Dietz et al, 2002: 18). A Common Pool Resource can also be an “open access” resource that is not subject to any rules of usage and there is no level of excludability.

The following section will provide brief overviews of the main theoretical arguments surrounding Common Pool Resources and their respective institutional implications.

2.2 Theoretical overview

There are three main theoretical strands that describe Common Pool Resource use: Hardin's "Tragedy of the Commons", New Institutionalism and Contextualism. These three theories are discussed below from a commons management point of view.

2.2.1 The Tragedy of the commons

Garret Hardin's article "The Tragedy of the Commons" sparked the debate on common property management and introduced "a new interdisciplinary field of study" into the social sciences. (Dietz et al, 2002: 6). Hardin illustrates his theory by making reference to a pastoral commons that is used by herders.

According to Hardin,

"Each man is locked into a system that compels him to increase his herd without limit - in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all."

(Hardin, 1968: 1244).

Hardin argues that it is in each user's best interest to maximise his or her own use of the commons. Adding one additional stock unit to a tract of communal land will provide a net individual benefit to the user. The negative impact of additional overgrazing is, however, shared by all herdsmen and the cost is thus carried by the group (Hardin, 1968, 1244).

According to Dietz et al (2002: 11), Hardin implies that the human conscience does not play a role in the utilisation of the commons (Dietz et al, 2002: 11), since if the users do not maximise their own utilisation of the land, then someone else will.

Hardin thus argues that the user is a rational individual who is driven by self-interest and maximisation of economic benefit. Hardin's theory is referred to as an example of the prisoner's dilemma: the choice of two rational actors is determined by potential individual self-gain. Both individuals choose the outcome that will be most beneficial for themselves, only in the end to add to the ultimate disadvantage of both parties (Dietz et al, 2002: 4; Ostrom, 1990:3; Runge, 1987: 22).

Consequently, Hardin proposes mutual coercion as the means by which to regulate the use of the commons. By this Hardin means that coercion is "mutually agreed upon by the majority of the people affected" (Hardin, 1968: 1247). Hardin implies that users are not able to organise themselves in using a common and that rules governing the commons have to be determined externally, through administrative law (Hardin, 1968: 1245). Hardin thus states that in order to prevent degradation of a Common Pool Resource, either the state has to govern the commons or the resource has to be transformed into private property (Haller, 2002: 7).

One of the key criticisms of Hardin's work is that it fails to distinguish between "open access land" and "Common Property". Open access conditions exist where no rules and user rights are in place to regulate the use of the resource. Many theoreticians, however, contend that Common Property is not an open access situation as users are limited by rules in order to prevent overuse. In the latter situation, the users do not act only from self-interest, but consider the protection and the promotion of the resource as a primary priority in order to perpetuate its sustainability (Dietz, 2002: 12 and Haller, 2002: 7).

2.2.2 New Institutionalism: Rules and regulations as central determinant to Common Pool Resource management

In response to Hardin's claim that administrative law (i.e. the state) is needed to effectively govern the commons, the New Institutional approach emerged. In contrast

to the state-centric approach embraced by Hardin, the New Institutional approach focuses on the impact that “individual incentives, strategies and choices” have on the formation and development of institutions and how they are influenced by the political and economic sphere (Ostrom, 1990: xi). Institutions are seen as central to Common Pool Resource management. As Haller (2002: 10) puts it:

Institutions are seen...as formal and informal “rules of the game”, such as constraints, norms, values and rules. These give incentive to groups and individuals, and also structure human action and interaction, especially in economic activities, in collective action and in sustainable resource use.

The New Institutionalists’ main argument is that the commons have to be managed through sets of rules and regulations that are either externally imposed or, ideally, internally developed by the users themselves.

Elinor Ostrom is the main proponent of this approach and Ostrom’s work is seen as ground-breaking in its critique of Hardin’s theory. One of the central themes to the New Institutional paradigm is the importance of rules for resource management. Central to Ostrom’s theory is that successful Common Pool Resource regimes are characterised by user groups who manage themselves through a set of rules and regulations that the users have determined and developed themselves. Ostrom has defined a set of variables, or criteria, to determine if Common Pool Resource users are likely to develop self-managing institutions. These variables, which are referred to as “design principles”, underlie Ostrom’s rule-based focus. They are based on similarities that Ostrom has identified within a wide field of case studies on Common Pool Resource that are sustainable over the long term. (Ostrom, 1990: 91; Ostrom, Anderies and Janssen, 2003: 13; Cousins, 2000: 14).

The presence of these design principles in a Common Pool Resource situation ensures that it is “conducive to an increased likelihood that self-governing associations will form”(Ostrom, n.d.: 5). Ostrom does emphasise, however, that a Common Pool Resource that is managed effectively by the users has to be nested in a “larger regime” which can provide information on the natural resource, assist in the

monitoring of the resource and provide impartial conflict resolution arenas (Ostrom, n.d.: 5). Ostrom's design principles are briefly listed here as they will be used when analysing the findings of this research.

Firstly, Ostrom states that Common pool resources have to be characterised by clearly defined boundaries (Ostrom,1990: 91).

Secondly, appropriation rules that determine "time, place, technology, and/or quantity of resource units" have to be established. Ostrom distinguishes between "resource systems" and "resource units". The former refers to the overall commons such as grazing lands, forests or fishing grounds. The latter term refers to the individual units that the users benefit from utilising the resource system. Examples of this are tons of grazing consumed by cattle on grazing land or tons of fish caught in the fishing grounds (Ostrom,1990: 30). Appropriation rules should be congruent with the provision rules that are determined by the local conditions such as "labour, materials, and/or money" (Ostrom, 1990: 92). This means that the resources that are available need to be in harmony with resources that the community can provide in terms of human, physical or financial capital.

Thirdly, individuals who utilise the resource can change the operational rules by which they govern the commons through community participation and collective inputs (Ostrom, 1990: 93).

The fourth criterion is that there should be an effective monitoring system that requires accountability to the users of the resource (Ostrom, 1990: 94).

The fifth design principle is that offenders against operational rules are to be sanctioned by co-users or external officials that are accountable to the users. This has two effects: firstly, it deters people from breaking the rules and secondly, it provides users with the sense of assurance that other users comply to the rules. This creates a sense of security that all user rights are protected. (Ostrom, 1990: 95).

The sixth criterion is that effective conflict resolution mechanisms are in place to be utilised when there is conflict between the users or between users and officials. This

mechanism is to be at local level, easily accessible and must ensure quick response (Ostrom, 1990: 100).

The seventh criterion states that users should have the rights to “devise their own institutions” and these remain unchallenged by “external government authorities” (Ostrom, 1990: 101). This prevents external government agencies from imposing rules on the users, which are not appropriate to the local circumstances.

Finally, “(a)ppropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organised in multiple layers of “nested” enterprises (Ostrom, 1990: 101). This means that effective rules have to be established at all levels of Common Pool Resource management: for example, the users may be subject to a different set of rules than the management system. Similarly, rules at local, provincial and national levels have to be clear in order to ensure a comprehensive approach towards the utilisation of the Common Pool Resource. (Ostrom, 1990: 102).

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The design principles listed above form the core of Ostrom’s theory as they are seen as the cornerstone criteria for the establishment of successful Common Pool Resource management.



In response to Ostrom’s ground-breaking theory, several variations of New Institutionalism emerged (Haller, 2002: 10). One example is the assertion that management institutions have to be developed by means of multi-stakeholder negotiation (Brown, 2000: 2-7). This approach corresponds to Ostrom’s eighth design principle of the nested enterprises. Cooperation and collaboration is needed between different stakeholders, who have interests in a Common Pool Resource in order to ensure the sustainable development of the resource.

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Some New Institutionalists, in turn, have found Ostrom’s design principles to be too limiting and focussed on the strict institutional environment of a Common Pool Resource management. New Institutionalists have expanded on Ostrom’s design principles by including contextual factors that determine location-specific circumstances and which have a great impact on the kind of institutional arrangement needed for a specific commons. One example is Agrawal (2003), who provides a

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synthesis of Wade (1994), Ostrom (1990) and Baland and Platteau's (1996) facilitating factors to the development of managing institutions. Factors such as the size of the group, the existence of leadership, group heterogeneity, clearly defined boundaries of the resource, dependency levels amongst group members, user rules and monitoring mechanisms are listed (Agrawal, 2003: 54-55).

As can be seen from the above, New Institutionalists concentrate on the establishment of institutions that are based on rules and regulations for Common Pool Resource management. The institution is seen as central to the management of the resource and predetermined design principles such as those defined by Ostrom can be applied to any Common Pool Resource situation. New Institutionalists ascribe failed Common Pool Resources management to the lack of "effective group management regimes necessary to allow the sustained use of the resource base over time." (Bromley, 1992: 12).

In response to this rigid focus on "one size fits all" institutions, a group of theorists emerged who claimed that it is not only the institution that determines the successful management but that contextual factors (such as culture, socio-economic and political circumstances) play an essential role in determining the way in which a resource is utilised.

2.2.3 Power, meaning and culture: engaging anthropological insights into Common Pool Resources and the rise of the Contextualists

Although Ostrom is seen as a major figure in the development of a counter-theory to Hardin's adverse theory of the tragedy of the commons, several researchers have started challenging Ostrom's ideas. The point of departure for the Contextualists is that rules and the compliance to rules is not as clear as assumed. Rather, the "reglementary processes" of imposing and enforcing rules take place at several levels within society and are characterised by "ambiguities, inconsistencies, gaps, conflict and the like" (Moore, 1975, quoted in Cousins, 2000: 15). Rules provide a set of guidelines for people's behaviour but they cannot determine people's behaviour. This

means that there is a discrepancy between what rules prescribe and what actually occurs in practice.

This approach towards understanding the dynamics of Common Property is determined by understanding that rules are played out in an environment that is characterised by power, politics, culture, socio-economic factors and allocations of meaning. (Cousins, 2000: 15). Studying “rules is a very limiting approach to understanding property”. Rather it is necessary to understand “property as everyday practices” in order to comprehend the dynamics under which users act (Vandergeest, 1997 quoted in Cousins, 2000: 16).

The “rules versus practice approach” has been supported by several theoreticians. One example is a study of forestry co-management in Mexico where local elites were smuggling timber from the commons (Klooster, 2000: 14). Local communities opposed this practice due to a sense of obligation and integrity towards the resource. The study shows that the mutual monitoring function of the commons to counter timber smuggling is not the result of rule enforcement that ensures that everyone complies to the rules of the game (the fifth design principle) but is the result of feeling obliged to avoid free riding. As Klooster puts it, “seeing a few enrich themselves with common properties while abrogating the livelihood rights of others violates a basic moral code.” (Klooster, 2000: 15).

The context within which Common Pool Resource management takes place is of central concern to Contextualists and they focus on the anthropological aspect of the commons. Contextualists affirm that New Institutional theories of common property ignore “local and historical specificity” (Mosse, 1998: 8). One example is a study conducted on the Indian tank irrigation systems, which concludes that “collective action is strongly shaped by structures of power and authority and... cultural construction rather than calculated payoffs” (Mosse, 1998:8).

These studies, along with many others, challenge the New Institutional theory that is built on clear design principles based on static rules, the existence of homogeneous user groups, clearly defined boundaries, operational rules, monitoring systems and conflict resolution mechanisms. Contextualists state that Ostrom’s work is based on

highly idealized situations, which ignore the flexibility of user groups that are characterized by social, cultural, political and power relations.

One of the most widely quoted advocates of the Contextual approach is Pauline Peters who argues for the “social embeddedness of a commons”. (Peters, 1987: 34). Peters approaches the study of the commons not through the individual but rather through the social, political and cultural circumstances in which the commons exist in order to “explain the individual calculus”(Peters, 1987:34). Peters also places a lot of emphasis on the incorporation of meaning, which includes cultural meaning systems, symbols and values that users ascribe to the use of a Common Pool Resource.

Peters criticises Ostrom’s approach on the basis that it reduces important aspects of cultural and social interaction that impact on common property management to rules and regulations. Ostrom states, for example, that

“the multitude of social differences, unequal power, competing interpretations, and contested claims are subjugated by the premises of ‘collective-choice arrangements’ (Ostrom’s design principle 3) and ‘conflict resolution mechanisms’ (principle 6)” (Peters, 2002: 13).

Peters draws on several theoreticians (Mehta, Leach, Newell, Scoones, Sivaramakrishnan and Way, 1999) to criticise New Institutionalism for defining effective Common Pool Resource management as consisting of homogenous communities. This neglects the fact that communities are only in the rarest of cases really homogeneous and are characterised by power relations and socio-economic cleavages (Mehta et al, 1999: 15).

Peters concludes that although rules and institutions do play a central role in Common Pool Resource management, theoreticians should not neglect equally important factors such as the social, cultural, power and political relations that determine the interaction between users (Peters, 2002: 16).

There are several strains of the Contextualist approach, each focusing on a different aspect of the impact that the social, cultural, political or economic context and environment has on Common Pool Resources.

One example is the use of social, cultural and power variables in the evaluation of user's behaviour in their use of a Common Pool Resource (Kopelman, Weber and Messick, 2000). Social motives determine the individuals' attitudes towards the utilisation of the resource. On the one hand, for example, there are groups who act out of "pro-individual" motives, which echoes Hardin's theory of individual gain-maximisation. On the other hand, there are groups that act out of "pro-social" motives, which encourages co-operation to maximise the benefits of the group. (Kopelman et al, 2000: 5). Several factors contribute to the group being either pro-social or pro-individual. For example, one factor is the level of trust between users and level of pride of the community (Kopelman et al, 2000: 10 and 35). Another factor is culture, since differences in cultural values and norms create different levels of interaction between users (Kopelman et al, 2000: 12). Culture determines the behaviour and consequently the type of institutions that are developed by the Common Pool Resource users. Essentially, in order to develop effective institutions, the cultural background of the users has to be considered and forms the foundation of the institutions in order to create a common understanding, cooperation and legitimacy within the group. (Richerson, Boyd and Paciotti, 2003: 405; Dietz et al, 2003: 324)

Further determinants of successful Common Pool Resource management are factors such as the extent of communication between users (the better communication channels exist, the more pro-social the group), group size (larger groups are less pro-social than smaller groups) and power, status and leadership (pronounced power-play by some individuals leads to more individualistic behaviour) (Kopelman et al, 2000: 24, 26, 28 and 33).

Another salient determining factor of successful of Common Pool Resource management is reciprocity (Fendandez, 1987 and Falk, Fehr and Fishbacher, 2003). This means that individuals will interact and cooperate in a commons environment as long as they have "an expectation that the interaction has long-term and enduring

potential” and the potential exists for “reproducing the culture with which (the group is)...most intimately associated” (Fernandez, 1987: 285 and 287.) This sense of mutual reciprocity develops from the historical evolution of the use of the Common Pool Resource. Fairness and reciprocity are “powerful determinants of human behaviour” and people have an interest in “fair outcomes and fair treatments” above individual and ego-centric behaviour (Falk et al, 2003: 159).

Contextualist thus approach Common Pool Resource management from an anthropological point of view in that they argue that the contexts within which the commons are used determine the management practices to be employed.

Contextualists affirm that a predetermined set of rules and institutional design principles cannot be applied across the board. Investigating the social, cultural, political and economic circumstances of each case is essential for the establishment of successful management of the commons.

2.2.4 Finding a balance between New Institutionalists and Contextualists

A group of theoreticians have emerged who attempt to combine the two theoretical strands by creating a fusion between rigid institutionalism (eg Ostrom) and broad cultural and contextual influences (eg. Peters). They state that although institutions are essential for the management of Common Pool Resources, norms and values have to be included as essential parts of institution building (McCay, 2003: 362).

Institutions “are more than ‘rules of the game in society’” (North quoted in McCay, 2003: 361). They are manifestations of the “cultural, cognitive, and ecological realms” of individual and group behaviour and traditional, “historical, political, sociocultural, and ecological” elements are embedded in the lives of the resource users, which should be considered in the formulation of a broader conception of institutions. (McCay, 2003: 362 and 1987: 215)

Theoreticians who attempt to merge New Institutionalism and Contextualism argue that although rules and institutions are important, they are not sufficient in the establishment of a successful Common Properties (Edwards and Steins, 1998a, 1998b, 2000 and 1999). Institutional success depends on the inclusion of contextual factors

such as the “social, cultural, economic, political, technological and institutional environment” which influence and determine the institutional framework for resource management (Edwards and Steins, 1998a: 1). “Internalised norms and values”, “social relations” and “the level of trustworthiness of social environment” (Bravo, 2002: 14) determine effective institutions. The different elements reinforce each other: the institution is shaped by culture and social relations, while inversely, culture and social relations are shaped by the institution, eventually creating an environment where each element informs the other and adapts accordingly.

Institutions are shaped over time, within specific “spatial circumstances” and nested in a fixed set of rules and norms (Apestequia, 1998: 4). Institutions are not only shaped by the group and its individuals but also create “a stable pattern of interaction that is internalised by the individuals”, “enhance(s) routines” and creates “incentives and disincentives” for co-operation (Apestequia, 1998: 4). Although Apestequia stresses that institutions *shape* the “personal sphere... their preferences, the outcome function, the selection mechanisms and the payoff functions” they do not *determine* it (Apestequia, 1998: 6). The group or individual and the institution therefore interact in a mutually informing way.

Edwards and Steins (1998b) argue that the more complex a Common Pool Resource becomes, the more interdependent the users become. This calls for the renegotiation of the resource in order to avoid “over-exploitation, alienation of traditional users and inter-user conflicts” as is the case when the resource is opened up to new users (Edwards and Steins, 1998b: 1). Factors that help in averting this process include the creation of a local “platform for interaction”, on which users can clarify issues such as representation, heterogeneity, decision-making, facilitation and social learning (Edwards and Steins, 1998b: 9). The establishment of predetermined design principles, rules and regulations prevent the users from making inputs on local platforms that are valuable to the development of a successful Common Pool Resource management system. Furthermore, Edwards and Steins assert that institutions should not be rigid, as “strategies in the collective action arena are constantly reshaped” and this should have to be accommodated as institutional change (Edwards and Steins, 2000: 1 and 1999: 554).

As can be seen from the above, theories about Common Pool Resource Management abound. Whereas “the tragedy of the commons” predicts over-exploitation of the commons, New Institutionalists refute this by stating that Common Pool Resource users are capable of establishing their own regulatory environment, which prevents overuse. Contextualists in turn state that rules and regulations are insignificant if the contextual factors that are unique to every Common Pool Resource situation are neglected. Finally, there are also several authors who attempt to merge the New Institutional paradigm with Contextualism by arguing that in order to run a commons effectively one needs rules and regulations that are determined by locally specific criteria.

The next section provides an overview of the debates that are specific to the South African situation and discusses municipal commonage in the Northern Cape, commonage policy and the nature of local government in South Africa.

2.3 Municipal commonage in South Africa - policies and debates

A large amount has been written on Common Pool Resource management in Southern Africa. It is important to note, however, that in South Africa research has focused mainly on the communal lands and *not* on municipal commonage. The former is comprised of ex-homeland areas, that are managed by traditional authorities, which contributes approximately 13 % of the total South African land surface. Municipal commonage is land located adjacent to a town that is owned and managed by the municipality. The municipality is responsible for making the land available to the residents of the town for grazing and agricultural purposes.

Literature on communal land in South Africa is very rich and numerous studies have been conducted on this topic (von Maltitz and Evans, 1998; Shackleton, Maltitz and Evans, 1998; and Benjaminsen, Cousins and Thompson, 2000; Lipton, Ellis and Lipton, 1996; Lipton, De Klerk and Lipton, 1996). Since this thesis is, however, concerned with commonage and not communal land, the theoretical overview will not concentrate on literature concerning the latter.

2.3.1 The Northern Cape- Municipal commonage as the main land reform tool

The Northern Cape has received more attention in terms of natural resource management with specific reference to commonage than any other province. Several NGOs (Surplus Peoples Project and FARM Africa), independent consultants and academics (Programme for Land and Agrarian Studies at University of the Western Cape) have been involved in the study of the commons in the Northern Cape, which has resulted in several published papers and research documents (Anderson and Pienaar, 2003; Wellman, 2000; SPP and LRC, 2001a, 2001b, 2002; Anderson, 1996)

One of the first comprehensive studies that was conducted on municipal commonage, sparked the debate around commonage as a land reform tool. The study was conducted by SPP and the Land and Agriculture Policy Centre (LAPC) and served as a precursor for the commonage policy developed by the Department of Land Affairs (Anderson, 1996: 1). The report provides a description of how the “restitution of commonage land rights” should be utilised to address rural poverty and to redress Apartheid policies of concentrating resources in the hands of the white minority. (Anderson, 1996: 1). The motivation for the study was threefold, namely that firstly, “the original purpose of commonage i.e. for the use and benefit of the towns’ inhabitants, (had) been undermined by historical and current usage”, secondly, that utilisation of commonage for the previously disadvantaged and acquisition of additional commonage could contribute to the creation of opportunities for the rural poor and thirdly, “many rural towns have commonage land” (Anderson, 1996: 1).

Several themes have emerged from the limited number of comprehensive studies and case studies that have been conducted on municipal commonage in the province. One of them is the emphasis on aftercare to municipalities and commonage users. Most authors (Wellman, 2000; Anderson and Pienaar, 2003; SPP and LRC, various dates) state that it is essential to provide aftercare support on two levels:

Firstly, concerned departments (DoA, DLA and DPLG) have to assist *municipalities* in the establishment of institutional structures and assist them in the realisation of municipal commonage as a Local Economic Development opportunity (Wellman,

.2000: 31). Departments should assist municipalities in providing them with the necessary skills and resources to be able to manage commonage effectively. This also applies to the promotion of commonage as part of the LED initiative. Anderson and Pienaar (2003: 26) state that this might require the deployment of additional staff to local levels. Furthermore commonage should feature strongly in municipal Integrated Development Plans (IDPs) in order to promote commonage as a municipal development priority (Cartwright, Harrison and Benseler, 2002).

NGOs such as FARM Africa, SPP and LRC have been providing the after-care necessary for effective commonage management. FARM Africa, for example, has established a commonage management plan and commonage committee for the Khai Ma (Pofadder, Witbank and Onseepkans) municipality in co-operation with the municipality and the users. FARM Africa has also assisted the town of Strydenburg (Thembelihle municipality) with the establishment of a commonage management plan and a functional commonage committee.

Similarly, SPP and LRC have conducted in-depth research in the area and they have developed a package on municipal commonage that provides several documents that are of assistance to municipalities. (LRC/SPP package on municipal commonage, 2000). For example, SPP and LRC have developed an overview of steps to be taken for the development of institutional management structures for the Concordia municipality that serves as an example or template for other municipalities. SPP and LRC address issues specific to commonage management and the legal aspects of clarifying users rights, establishing contract, grazing arrangements and commonage regulations as well as guidelines towards the establishment of commonage committees.

Secondly, concerned departments have to provide assistance to *commonage users* through improved extension services (Anderson and Pienaar, 2003: 27). For example, skills development programmes should be provided to users in order to promote their farming skills and support should also be provided to financially strong users to step off from the commonage by becoming commercial farmers through the LRAD programme. (Wellman, 2000: 32)

Another strong theme that has emerged from the research conducted on municipal commonage is that “(n)o land should be transferred to a municipality for commonage purposes until allocation criteria and legal arrangements are in place” (Anderson and Pienaar, 2003: 28). This means that user rights, contracts and land use management plans etc have to be in place *before* the users access the land. If these criteria have not been clarified, and users access the land without appropriate control-mechanisms in place, then their enforcement at a later stage becomes very difficult. The LRC places special emphasis on this aspect of commonage management (Pienaar, 2000; SPP and LRC, 2000, 2001 and 2002) and has attained support from stakeholders in the public and private sector. This approach, of establishing the rules, regulations and rights before the users access the commonage, has elements of the New Institutional paradigm.

Research in the Northern Cape on commonage management is very limited. Only a few comprehensive and general reports have been compiled and most data is comprised of descriptive case studies. The Department of Land Affairs has developed a commonage policy that sets the framework within which commonage management is prescribed to take place. This is discussed below.

2.3.2 Department of Land Affairs Commonage Policy

The policy governing the use of commonage is set out in the Commonage Manual as developed by the Department of Land Affairs (DLA, 2000). The manual consists of three sections. The first is the policy itself in which it sets out the guidelines according to which a municipality should establish, administer and maintain its commonage land so as to fulfil the goal of providing land for subsistence and emergent farmers for land reform purposes at local level. The second part is the “user guide” or “workbook” in which it provides guidelines for the implementation of commonage projects. The third part is the “toolkit” in which concrete step-by-step guidance is provided for commonage management as well as templates of forms and contracts are provided.

According to the Commonage Manual (DLA, 2000: 9) there are two kinds of commonage: Municipal commonage and tribal commonage. The former is land that is

located adjacent to a municipality and is owned and administered by the municipality, whereas the latter is communal land that is subject to tribal management and where the tribe is recognised as a “juristic person” (DLA, 2000: 9). Tribal commonage refers to the “extension of traditional or communal land through the acquisition of land for the use as commonage” (DLA, 2000: 9). The land is to be accessed and used by tribes to address food security needs.

It should be noted that this thesis focuses only on *municipal commonage* where municipality is the legal owner of the land on which identified users should gain access for agricultural purposes. Tribal commonage will not be addressed in this thesis as municipalities are not involved in the management or administration of this land.

There are two kinds of municipal commonage:

1. Old commonage that belonged to municipalities since their inceptions or was acquired from commercial farmer or the church before 1994.
2. New commonage that is acquired by municipalities through the Grant for Acquisition of Land for Municipal Commonage that is set out in the Provision of Land And Assistance Act (No.126 of 1993). The grant also allows for the release of funds for infrastructure development on the commonage(DLA, 2000:11).

It is important to mention the Transformation of Certain Rural Areas Act (TRANCRAA) (No. 94 of 1998) as it has important implications for municipal commonage. The Act is the first “comprehensive legislation to reform communal land tenure in South Africa” (Wisbourg and Rohde, 2003: 1) in that it aims to repeal the Rural Areas Act of 1987. It aims to make provision for the transfer of communal land in 23 former coloured reserves (also referred to as Act 9 land) to municipalities, communal property associations or “another body or person approved by the Minister” (Wisbourg and Rohde, 2003: 1). Communal land is used in common by a community and is held in trust by the Minister of Land Affairs.

Namaqualand consists of six Act 9 areas in which TRANCRAA was implemented with the facilitation and assistance of SPP;

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- Leliefontein
- Richtersveld
- Pella
- Concordia
- Steinkopf
- Komaggas

These are substantial tracts of land (1 188 670ha in total) (Legal Resources Centre, 2003: 9) that could in near future be transferred to municipal ownership as commonage. The LRC states that if the old Act 9 land is transferred to Municipalities, “the land will be administered in terms of grazing and allotment regulations that have been recently prepared by inhabitants and promulgated by the four local municipalities in whose area of jurisdiction the communal land is situated” (Legal Resources Centre, 2003: 9).

It should be kept in mind that the focus of this thesis is only on municipal commonage and that communal land and municipal commonage should not be confused. As mentioned in Chapter 1 the formal definition of municipal commonage of the Department of Land Affairs explicitly excludes land held in trust by the state.



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2.3.3 Developmental local government and Commonage

The role of local government in South Africa is essentially developmental oriented. It has been identified as the primary developmental institution as it is located closest to the community and is the primary service delivery agent.

Local government powers and functions are set out in the Constitution under Chapter seven. Of importance to the developmental obligations of local government are the following sections:

- Section 152 (1), which stipulates that local government has to “promote social and economic development”.

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- Section 153 (a) links to this in that it states that local government must “structure and manage its administration, and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community”

Traditionally, municipalities were responsible for service delivery functions such as water and sanitation and waste management. The Constitution expands these to include developmental objectives such as poverty-eradication, job-creation , promotion of Local Economic Development (LED) (Integrated Development Planning for Local Authorities, 2001).

The Local Government White Paper interprets the Constitutional provisions on local government (Atkinson, 2002: 4). The White paper raises the issue of “developmental local government” and promotes the concept of municipalities developing an Integrated Development Plan that sets out the developmental priorities of individual municipalities (Craythorne, 2003: 15). The plans were developed as a means by which municipalities are to assess the developmental needs within their municipality and the community and address these as short-, medium or long-term objectives (Integrated Development Planning for Local Authorities, 2001).

The idea of “developmental local government” is cast in stone by the Municipal Systems Act (No. 32 of 2000). The Act sets out the

“principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all”

It emphasises the promotion of basic services to specifically “the poor and the disadvantaged.”

Due to the relatively recent nature of the municipality being declared as a developmental organisation, very little research has been undertaken on the actual functioning of a municipality under this mandate. Few authors have come forward

with proposals for the institutional design of the municipality (Atkinson, 2002: 7; Buso, Pienaar, Makgoba and Atkinson, 2003). There are very few comprehensive overviews available on the developmental mandate of local government (Craythorne, 2003). Secondary data is mostly fragmented and focuses on single issues within local government (see, for example, Mogale, n.d.; Cashdan, 2000; Bijela, 2000; Davids, n.d.; Hologram, 2003, Bekker and Van Zyl, 2002; Akharwaray, 2002; Akharwaray, Botes and Atkinson, 2002)

Commonage management is part of the developmental mandate of local municipalities. In many rural towns, municipal commonage is the only natural resource available to the community. Therefore it has great potential as a base resource for local economic development. Additionally, as mentioned in the introduction, commonage presents an opportunity to improving rural livelihoods. Commonage also features as a development priority in most municipal IDPs.

Most municipalities in the Northern Cape have been managing commonage since their inception. Although the land was public land all along, it is only after 1994 that, within the land reform context, the emphasis was placed on making the land available to the previously disadvantaged. The “developmental local government” mandate underpinned this process and resulted in fundamental changes in the municipal commonage management system. It added new responsibilities onto the original municipalities commonage management functions. The changes and challenges that municipalities are facing within their new task and obligations are discussed in chapter 4 below.

CHAPTER 3. METHODOLOGY

3.1 Background

As mentioned in the introduction, commonage in the Northern Cape is one of the major contributors to the South African government’s land redistribution programme. Each of the 26 local municipalities in the Northern Cape owns commonage land that is being made available to emergent farmers. Despite this, there is no detailed

information base available on the extent of the commonage in the Northern Cape, usage of the land, and municipal commonage management in the area.

It is for this reason that the aim of the research is to determine the status quo, successes and failures in Northern Cape commonage management in order to provide a comprehensive study that is of interest to relevant departments, policy makers, academics and the general public.

The study serves two goals:

- Provide a detailed impression of each municipality's commonage situation by means of in-depth interviews with each municipality
- Collation of this information into a comprehensive overview of the trends and issues surrounding commonage in the Northern Cape by means of comparison and analysis of the individual interviews.

3.2 Approach

Due to the fact that very little secondary data on municipal commonage in the Northern Cape is available, primary data was collected for the accomplishment of this study. Since the thesis focuses on commonage from a municipal management point of view the municipality was identified as the key research unit.

Due to the demarcation process most cases municipalities do not have complete and comprehensive collections of information regarding their commonage. Due to this and due to the fact that the study is based on the collection of primary commonage data, the most appropriate research instrument identified for this approach was the utilisation of questionnaires that were completed by means of interviews.

Due to the scope of the study (covering the whole of the Northern Cape) interviews were conducted only with municipal officials in order to collect commonage data. Interviews were conducted with the most senior municipal staff members- notably

municipal managers- as they would be the most knowledgeable on the occurrences within their municipality. They would also be able to refer the researcher to alternative senior staff who are responsible for the management of the commonage.

In order to gain a comprehensive set of data on municipal commonage, the researcher decided to *not* select a specific sample of interviews, but rather to interview *all* municipalities. The reason for this is twofold:

Firstly, as mentioned above, the researcher wanted to compile a comprehensive and detailed picture of municipal commonage management in the Northern Cape and did not want to risk missing important data.

Secondly, each municipality's commonage circumstances differ. Due to this deducting generalisations from a selected sample of commonage cases would generate inaccurate results and would thus question the validity of the study.

Due to the high financial cost that would have been incurred if on-site interviews were conducted, telephonic interviews were selected as the preferred method of interview. Interviews were conducted with senior staff members of all 26 local municipalities in the Northern Cape. Appendix B sets out a list of interviewees. Interviews were conducted during April to October 2002.

Interviewees were identified from Gaffney's Local Government in South Africa (2000/2001) in which municipalities and their municipal managers are listed alongside municipalities' contact numbers.

3.3 Process

The research process involved a number of steps conducted over a period of six months. These steps were repeated in each individual interview with each municipality.

Introductory telephone call

Interviewees were contacted telephonically. This proved to be problematic in some cases as municipal managers were not always readily available. The researcher

explained the background and the reasons for the study to the interviewees and requested a telephonic interview. In most cases permission for an interview was granted immediately, with the interviewee providing a date and time to schedule the interview. The researcher gave the interviewee a minimum of three days between the initial telephone call and the interview in order to prepare the questions on the interview schedule.

Provision of interview information

After the initial, introductory telephone conversation, the researcher faxed the interviewee a formal letter of introduction and the questionnaire. The letter of introduction contained a more detailed exposition of the background and the reasons for the study.

Follow-up

In most cases, follow-up telephone calls were made to confirm receipt of the fax and to reconfirm the agreed interview date and time.

Interview

The interviews took 20-30 minutes on average. There were cases, however, where interviewee responsiveness was exceptional and interviews stretched between 45 minutes and an hour.

In most cases the municipal manager directed the researcher to a senior official in the municipality either because the municipal manager did not have the time to attend to the interview or because the senior official had more expertise in the commonage field.

In 12 cases municipal managers or municipal officials filled in the questionnaires themselves and faxed them back to the researcher. Most of the questionnaires were complete and comprehensive and did not require follow-up telephone calls. In only one case (Kareeberg) the questionnaire was filled in only partially and the interview was followed up telephonically. Apart from this case, all interviews were completed in one session.

Processing of the data

Once the interviews were conducted, the interview notes were written up electronically. Each interview was written up separately in order to facilitate comparison and analysis of content.

Feedback workshop

A feedback session was provided to municipal officials and other stakeholders in Kimberley on 07/03/2003. Municipal officials who had been interviewed were invited, as well as extension officers, NGOs (SPP and LRC) and commonage users to attend the feedback workshop at which the findings were discussed and commonage related issues were debated.

3.4 The Questionnaire

The questionnaire aimed at providing a broad picture of current commonage management practices in the province. It is comprised of open-ended questions allowing for follow-up questions by the researcher (such as "If yes- why?"/ "If no- why?"/"Please elaborate/explain".)

The questionnaire consisted of 32 questions that were divided into the following eight categories:

- *Size of the commonage*, to determine how much land municipalities have at their disposal, how many camps they have and if municipalities are aware of the cadastral positions of their commonage
- *Acquisition of commonage*, to determine when municipalities obtained their commonage, if they were granted commonage after 1994 and from whom the land was acquired.
- *Use of commonage*, to determine the profiles of the users (township residents, commercial farmers, emergent farmers and the income categories of the users) and for what purposes they are using the commonage (small or large scale stock. Additionally, this category includes questions on the level of assistance from

government departments and NGOs. Furthermore the section includes a question on commonage users acquiring private farming land and what municipal officials think the sentiments of the commonage users are towards the land (i.e. if they develop a "sense of ownership").

- *Infrastructure on the commonage*, to determine the levels of infrastructure provision on the land, maintenance and payment responsibilities.
- *Management of the commonage*, to determine how the municipality organises the users and manages the land including issues such as formal organisation of commonage users, method by which users gain access to the land, contractual arrangements, municipal supervision of the land, reporting mechanisms to the municipality, council involvement and technical assistance from the Department of Agriculture to the municipality.
- *Financial management of the commonage*, to determine if commonage users receive accounts for the rental of the land, to determine the levels of rental that the users are charged, to determine the payment culture of the users, how the municipality reacts in the case of non-payment and how the municipality utilises the income generated from the commonage.
- *Integration of commonage into the IDPs*, to determine if commonage has been identified as a developmental priority and to determine if municipalities realise the potential of commonage as an effective local economic development tool.
- *Environmental issues*, in order to determine if the commonage is used in an environmentally sustainable way, if there is any environmental damage on the land, if any steps have been taken to remedy environmental damage and if the Department of Environmental Affairs has provided any support to municipalities.

3.5 Organisation and analysis of data

As mentioned above each interview was typed up separately. The data was then analysed by means of grouping each municipality's answers to each question. This was done by means of creating a table for each answer in which the 26 municipalities' responses were reflected.

For example, for question D 2 (see Appendix A for the interview schedule) the following table was created regarding the condition of the infrastructure, the party responsible for the repairs and the party responsible for the payment of repairs.

Municipality	Condition of infrastructure	Party responsible for repairs	Party responsible for payment of repairs

This method provided separate tables for each question or issue area and allowed for comparison of responses between municipalities. This also allowed for the establishment of frequencies of responses, for example the number of cases where the municipality is responsible for the payment of infrastructure repairs.

3.6 Research strengths and weaknesses

Interviewees generally were helpful and supportive. There were only two cases (Kgatelopele and Warrenton) where the researcher had real difficulties in arranging an interview with senior officials due to non-availability or failure to keep to arranged interview dates and times.

Generally, there was a very good response from all the interviewees. In some cases, (Kamiesberg, Renosterberg, Vaalharts-Morobeng, Khara Hais, Sol Plaatjie, Kgatelopele, Frasuwil and Nama Khoi) interviewees provided additional information such as contracts and commonage maps. In one case, Emtanjeni Municipality, the respondent sent, via post, all the commonage documentation that they have available at the municipality to the researcher. This additional information served to supplement questionnaires.

Additionally, most interviewees expressed their willingness and enthusiasm to be part of future commonage studies; some of which extended invitations to the researcher to visit their commonage. Only two municipalities stated that future involvement was an

issue that the council had to decide over and that the interviewees could thus not commit to responding to this.

Several research problems, however, were encountered. Although initial response to the request for interviews was very good, setting up interviews proved to be problematic in some cases. Interview schedules that were faxed to the municipalities got lost or were not forwarded to the municipal manager. Interviewees were often not available for interviews due to tight time schedules and the response times for some interviews were thus highly delayed which required constant follow-up.

Secondly, the fact that the interviews were conducted over the telephone rendered personal engagement with the interviewees difficult.

Thirdly, in one of the cases (Kenhart) the language barrier posed to be a problem: respondents insisted that the questionnaire was translated into Afrikaans. The researcher translated the questionnaire and re-sent it after which the response was very positive.

Fourthly, the workshop at Kimberley revealed that some municipal officials and extension officers questioned the accuracy of the data collected in the survey. It was stated that in some cases, interviewees did not provide the correct information concerning details such as the size of the commonage, the number of commonage camps, acquisition of the commonage and others.

The case of the Karoo-Hoogland Municipality provides an example of the discrepancies between the data attained through the interviews and the data attained at the workshop.

Table 1. Discrepancies between interview information and workshop information

Town	Information provided in telephonic interviews	Information provided at HSRC workshop with municipality	
		Old commonage	DLA land
Sutherland	22 490 ha	2 700 ha	7567 1682
Fraserburg	40 032 ha	14 800 ha	5187

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			5646
Williston	23 278 ha	7 000 ha	4639 642
TOTALS	85 800	Total: 49 863 ha	

The figures demonstrate that there is clearly a massive discrepancy between the information obtained in interviews (85 800 ha) and the information provided at a municipal workshop (49 863 ha). Such internal discrepancies concerning commonage information are common in municipalities as they do not have up-to-date data bases on their commonage.

It should thus be noted that the accuracy of the information has thus not been verified and should be treated with caution.

Information discrepancies can be ascribed to several factors:

Firstly, with the municipal demarcation process and the amalgamation of several towns into one municipality, information on commonage was lost. Additionally, with the loss of staff who had institutional memory of commonage, newly amalgamated municipalities did not have full information about the commonage of their composite towns. Although the amalgamation process took place in 2001, many of the municipalities still have not collated commonage information for all the towns. This resulted (in Hantam and in !Kei !Kariep Municipalities) in the need for interviews with two different officials, one from each of the former municipalities that now composite the new municipalities, in order to attain the complete commonage information for that municipality.

Secondly, in two cases (Thembelihle Municipality and Ubuntu Municipality) the municipal manager had been suspended at the time of the interviews. This resulted in interviewing less senior officials with very little commonage background.

Despite these difficulties, the interview process proceeded smoothly without any disruptions. All 26 interviews were conducted successfully and in a satisfactory manner. On the one hand the data provides a detailed overview of the individual

municipal commonages. On the other hand the collated data provides comprehensive picture of the municipal commonage in the Northern Cape.

CHAPTER 4. MUNICIPAL COMMONAGE MANAGEMENT IN THE NORTHERN CAPE.

4.1 Historical background

Municipal commonage is a key tool towards economic development of communities. Especially in poor rural areas, it presents an opportunity for income diversification, household income subsidisation and acts as a sustainable food source. Owning a few stock on the commonage is a secure asset for pensioners and the poorest of the poor (Ellis, 1999: 2; Shackleton, Shackleton and Cousins, 2000a: 39; Shackleton, Shackleton and Cousins, 2000b: 2)

In the past, commonage was rented out to commercial farmers on a tender or auction basis. The highest bidder would secure the lease. This ensured a revenue base for the municipality, and required minimal management on the part of the municipality. Municipal involvement was restricted to the signing of the contract, and the collection of the tariffs on a monthly or annual basis. The farmer was in most cases responsible for the maintenance of the infrastructure, except where stipulated otherwise in the contract. (Anderson and Pienaar, 2003: 2-4)

After 1994, commonage was realised as a means to land redistribution due to three factors: Firstly, the land was already available: it belonged to the state and was located in most cases close to the towns. Secondly, land reform beneficiaries (previously disadvantaged town residents who were keeping livestock in the residential areas and were in dire need of land) were identified and present. Thirdly, the managing institution, namely the municipality, also was in place. Additionally, the residents have “certain rights to this land” (White Paper on South African Land Policy, 1997; Anderson and Pienaar, 2003: 4).

In 1996, the DLA thus started the municipal commonage programme by assisting municipalities to acquire land for commonage purposes on the condition that it was

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made available to the previously disadvantaged, and by establishing a pilot commonage project in Pofadder in the Northern Cape. In 1997 the DLA developed the Municipal Commonage Programme (see section 2.3.2) that became part of the Land Reform programme.

During the period of 1997 to 2000 commonage enjoyed a lot of attention as a land reform tool. The Northern Cape has acquired the most commonage post-1994 with 67% of all new commonage being acquired in the Province. (Anderson and Pienaar, 2003: 10). This, however, changed with the appointment of the new Minister of Agriculture and Land Affairs and the implementation of the Land Redistribution for Agricultural Development (LRAD) programme in 2001 which was regarded as the primary “‘engine’ of land redistribution” (Anderson and Pienaar, 2003: 6). The commonage objective now changed to being twofold: “providing access to land for supplementing income (subsistence user system), and as a stepping stone for emergent farmers” (DLA, 2000: 8).

There are 26 municipalities in the Northern Cape and all of them own “old commonage” that they obtained either with the inception of the town, or at a later stage from churches or commercial farmers. (Anderson and Pienaar, 2003: 2). Sixteen of the 26 municipalities have obtained additional commonage after 1994, through the Department of Land Affairs.

4.2 Background to municipal commonage management

4.2.1 The Grant for Acquisition of Municipal Commonage

Municipalities acquire commonage land through the Grant for Acquisition of Land for Municipal Commonage that is provided by the Department of Land Affairs. The grant also makes provision for the acquisition or repair of commonage infrastructure. The grant does *not*, however, make additional funds for post-implementation and Operations and Maintenance (‘aftercare’) available (Department of Agriculture, 1997).

The funds for aftercare therefore have to be drawn from the municipal coffers, and in most cases the municipalities do not have the financial nor technical expertise and capacity to manage commonage effectively. For example, the municipal officials who deal with commonage management do not, in the majority of the cases, have the necessary agricultural background, nor the skills or the time to do these additional tasks. (Cartwright et al, 2002: 29)

4.2.2 The Commonage Committee

In terms of the commonage policy, DLA also prescribes the formation of a commonage committee in each of the municipalities. It should be comprised of representatives of the Department of Agriculture (i.e. the agricultural extension officer), the municipal council, members of the emergent farmers union, and members of other NGOs such as commercial farmer's unions. The committee is responsible for the management of the land and for the identification and selection of the users of the land. This is due to the fact that DLA does not have any guidelines regarding the identification of the beneficiaries of the purchased farms, except for the broad proviso that they should be selected from the previously disadvantaged community. Another function of the committee is the establishment of a land use management plan, which sets out the daily management of the commonage, and how, and by whom, the land will be used and administered (DLA, 2000: 26-27).

Many municipalities have been struggling to establish effective management systems. One of the reasons is that national commonage policy is not very clear on guidelines for commonage management at local level. It does not set out different legal options for the establishment of a commonage management body and does not recommend that the commonage management plan must form a part of the Integrated Development Plan (IDP) of municipalities. If this had been done, it would have ensured the formalisation of commonage as a development priority and the establishment of a budget for the commonage within the municipal budget. (Pienaar, 2001: 1). Additionally, local circumstances differ, which necessitate custom-made options for commonage administration.

(no Budget)

4.2.3 Determining commonage beneficiaries

Selecting users who will be able to use the land is a difficult task as theoretically every town resident is eligible to access the commons. Practically, however, allocating limited land to a large pool of users and stock is in most cases not possible. This renders the establishment of access criteria and criteria as to who is eligible to the land a very sensitive matter. Section 4.3.1.4 below provides a few examples of how this was approached by municipalities in the Northern Cape.

In its commonage policy, the Department of Land Affairs identifies two types of commonage users according to their need for land: subsistence farmers and emergent farmers (DLA, 2000: 8). The former keep a few livestock units for household consumption purposes. This group is not necessarily interested in increasing its livestock as it serves mainly as a security net and is usually part of a larger income diversification strategy pursued by these farmers.

Emergent farmers, in contrast, tend to have larger herds and focus on increasing their stock numbers. They devote more attention to the farming enterprise, and in most cases, aim at becoming commercial farmers. Their incomes are to a much larger proportion derived from their livestock than subsistence farmers; however, they may not yet have reached levels of self-sufficiency.

Cartwright, Benseler and Harrison (2002) argue that the categorisation of subsistence and emergent farmers is adequate but needs to be supplemented by a third category, namely a group that can be called “proto-commercialists” (Cartwright et al, 2002: 11). This group has typically accumulated a large herd. These farmers need their own land on which they can pursue their farming practices. Although there are only few individuals in most of the towns who own over 100 head of goats or sheep, they occupy large tracts of the commonage at the expense of users who are in dire need for the land or those who have livestock but are placed on waiting lists because the commonage is overcrowded. Ideally, proto-commercialists should, through the LRAD grant, access funding to acquire their own land.

According to the municipal officials interviewed for this research, most of the commonage users can be classified as subsistence farmers, with a low- income levels. According to the interviewees there are very few proto-commercialists who envisage becoming commercial farmers and who have moved off the commonage to farm independently.¹ In some cases, there are also commonage users who have permanent employment in the town and keep large numbers of stock on the commonage (see also Cartwright, Harrison and Benseler, 2002). This poses the question of access to the commonage: should the poor population groups who use the commonage as a means towards income substitution, or the rural middle-class be given preference to access the commonage?

The fact that commonage is limited to the previously disadvantaged has had a limiting effect in that white commercial farmers are not allowed to utilise the new commonage at all. For example, the Siyathemba Municipality has acquired irrigation land through the DLA. The Municipality and the extension officer have identified a white commercial farmer who is willing to utilise the commonage in co-operation with emergent farmers for a certain number of years, and in the process, train and mentor them in irrigation farming. His involvement would diminish gradually over a stipulated time-period, after which he would withdraw totally and leave the emergent farmers to apply their newly acquired skills in cultivating the land. This initiative, which would foster a mutually beneficial relationship between a commercial farmer and emergent farmers is, however, not at present legally possible due to the limiting clause in the notarial deed that prevents not-previously disadvantaged persons from using the land.

¹ This information was attained from the questions

C 2. How would you classify the income of the users of the camps? (e.g. indigent, lower income group, middle income group)

C3. What do they use the commonage for? (e.g. large-scale extensive stock-farming, small-scale stock-farming, small-scale crop-farming). Can you tell us more about the types of stock or crops? and C 6 Have any users subsequently acquired private land, either (a) by giving up their commonage, or (2) by getting new land in addition to the commonage?

See Appendix A for the questionnaire.

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4.3 Municipal commonage management in the Northern Cape

This section sets out the findings from the research conducted in the Northern Cape. It first focuses on providing a general background to municipal commonage in the Northern Cape. It then concentrates on the management aspect of the commonage by the municipality and the relation between the users and the municipality. The final section discusses the support services from external departments and NGOs.

4.3.1 Audit of commonage in the Northern Cape

4.3.1.1 Size of the commonage

Municipalities in the Northern Cape possess large tracts of land. The total commonage in the Northern Cape, as established during the interviews, amounts to approximately 1 640 000 ha². The size of the commonage per municipality depends on the size of the old commonage, the acquisition of new commonage and the grazing capacity of the land.

Table 1 sets out the sizes of the commonages per municipality. These figures are based on the interviews conducted with each municipality and show that within municipalities the figures vary greatly which indicates that commonage distribution across the province is not uniform.

Table 2. Size of commonage according to Municipality.

Town/Camps/Fields	Size
Dikgatlong	10 141
Emthanjeni	20 420
Gamagara	1 459
Ga-Segonyana	4 998
Hantam	40 554
Kai!Gariep	23 218
Kamiesberg	52 109
Kareeberg	21 184
Karoo Hoogland	85 800
!Kheis	12 291

² - It has to be noted, once again, that these figures are mere approximations as they are based on the often flawed information provided by the municipalities.

Kgatelopele	9 874
Khai Ma	68 268
Khara Hais	12 976
Kimberley	Approx 3 340
Mier	75 269
Nama Khoi	Approx 126 923
Renosterberg	7 151
Richtersveld	2 700
Siyathemba	19 584
Siyancuma	20 300
Thembelihle	20 000
Tsantsabane	7 000
Ubuntu	19 950
Umsobomvu	9 689
Vaalharts Morobeng	No answer
Warrenton	No answer
TOTAL	
675 198 ha	

Appendix C provides a detailed breakdown of each town's commonage fields.

Most of the municipalities stated that they are in possession of the geographical (cadastral) positions of their commonage, although only few could provide detailed indications of their land's location. Municipalities rely on maps and aerial photographs, and six out of the 26 municipalities were not able to provide any indications of their commonages' formal geographical positioning.

4.3.1.2 Gaining access to the land

In most cases (Kgatelopele, Renosterberg, Kai!Garib, Kimberley, Ubuntu, Richtersveld, Nama Khoi, Kamiesberg, Ga-Segonyana, !Kheis), emergent farmers gained access to the land through a period of negotiations with the respective municipalities. With the pressure placed on the municipalities for land reform, several municipalities advertised that they had commonage land available and called for applications from emergent farmers. In Calvinia, in the Hantam Municipality, Surplus People Project (which is a NGO that focuses on land reform projects) assisted in prospective commonage users getting access to the land.

In the rest of the cases, for example Tsantsabane, !Kei!Gariiep, Hantam (excluding Calvinia) and Thembelihle, the land was put out on a tender basis in which the emergent farmers had to compete with commercial farmers. This process prevents the previously disadvantaged to access the land as they often do not have the resources to compete competitively with commercial farmers. Additionally, this process favoured emergent farmers who were financially strong and thus does not favour assisting the needy. In Siyancuma, however, preference was given to the emergent farmers, although their tender was at a lower value than that of the commercial farmer.

In terms of the New Institutional theory the approach of letting users access the land before the rules that regulate the *use* of the land are determined, suggests problematic implications for future management (see section 4.3.2.2). According to New Institutionalists rules and regulations govern the commons and neglecting to determine these can result in a Common Property regime failing.

4.3.1.3 Utilisation of the commonage

Due to the arid climate, the main type of stock grazed are Dorper sheep and 'Boer'-goats. To a much smaller extent, cattle, pigs and draft animals are kept. Crop farming is very limited and was encountered only on small parts of the commonage in Kimberley, Kamiesberg, Dikgatlong and Nama Khoi. Additionally, at the time of the interview, the Richtersveld Municipality was planning an irrigation project. The Farmers Union had acquired funds from the Department of Land Affairs for the development of the project along the Orange river. Similarly, the !Kheis Municipality was investigating the planting of lucern on 100 ha of the commonage that would be irrigated with water from the Orange river.

Although the emphasis is on small stock farming, commonage is also utilised for local economic development (LED) projects in some Municipalities. In most towns in the rural Northern Cape the only natural resource that is available to communities is municipal commonage. It is thus used for local economic development initiatives such as communal vegetable gardens, chicken farming, piggeries and even local bakeries. In Emphanjeni, for example, the female emergent farmers in Britstown have fenced

off a part of the commonage that they irrigate with borehole water. These initiatives form part of the creation of a subsistence livelihood as a safety net and as a means of income diversification. Additionally, it provides women with an opportunity to contribute to household income generation from the commonage, due to the fact that traditionally, women have been marginalized in small stock farming since this is regarded as an activity reserved for males (Cartwright et al, 2002: 14).

4.3.1.4 Commonage infrastructure

The issue of infrastructure provision and maintenance by municipalities proves to be a sensitive one. Under the leases to commercial farmers, infrastructure maintenance was conducted by the farmers themselves. With the acquisition of new municipal commonage, the burden fell on the municipality to repair the infrastructure such as the repairs of fences, windmills, dams and compounds ('kraals'). Although most of the commonage is equipped with the necessary infrastructure, its condition is highly questionable.

Nine of the municipalities stated that their infrastructure is in a bad condition, while ten stated that their infrastructure is in a good condition. Levels of infrastructure conditions vary according to different tracts of commonage within the municipality; seven municipalities stated that the infrastructure on some of their commonage is in a bad condition. This can be ascribed to the municipal amalgamation process, for two reasons. Firstly, towns with commonage that was well maintained were amalgamated with towns where the commonage had been neglected. Secondly, with the centralisation of powers and functions in the main town, which is the seat of the municipality, the satellite towns have been neglected in terms of staff and management capacity.

In most of the cases, the contracts between users and municipalities stipulate that the users are responsible for the maintenance of the infrastructure. Most of the municipalities deny that they are responsible for maintaining the infrastructure, although they are the legal owners and are obliged to do so in their managerial and administrative capacity. The reason for this can be traced back to the era when

commercial farmers used to lease the land and it was their responsibility to maintain the infrastructure, except for major infrastructure repairs. Emergent farmers do not have the financial capital nor the expertise to maintain the infrastructure themselves. Similarly, rural municipalities often do not have the financial or the staffing capacity to see to infrastructure maintenance. However, in ten out of the 26 cases municipalities do maintain the infrastructure on the land. In such cases the municipality acknowledges its ownership and thus responsibility for infrastructure maintenance.

In some municipalities, an agreement has been reached between the users and the authorities. For example, according to the commonage official in Ubuntu Municipality³, the municipality provides the financial and physical capital, while the users provide the labour for the repairs. In the Tsantsabane Municipality, the users repair the infrastructure and then send an invoice for the material used to the municipality, which then deducts the amount from their monthly rent.

Not only do these practices foster a partnership between the users and the municipality, but they also foster a sense of responsibility amongst the users and thereby release the municipality from having to tend to the repairs themselves. Naturally, this presupposes that the users have the necessary skills and knowledge to do the repairs themselves, which is not always the case. The disadvantage of this kind of relationship is mutual dependency since the users are dependent on the municipality to provide them with the materials of funds to acquire the materials and the municipality is dependent on the users to provide the skills and labour. Delayed response times (for example commonage users repair the infrastructure but the municipality delays payment) may lead to frustrations experienced by both parties.

In some of the interviews, it emerged that municipalities want to rid themselves of the burden of having to deal with commonage. One example is in Pofadder, where the municipal manager⁴ stated that they have reduced the rental of the commonage on the condition that users maintain the infrastructure themselves. The municipality has

³ K. Hugo, 20/08/2002

⁴ L.D. Beukes, 25/04/2002

withdrawn from commonage management to such an extent that the only function that remains is the annual collection of the rental for the land.

Another example is the Emthanjeni Municipality, where, according to the commonage official⁵ they are phasing out the clause in commonage contracts that stipulate that the municipality is responsible for infrastructure maintenance. This practice has several advantages, namely that it relieves the municipality from the administrative burden, nurtures a sense of responsibility amongst emergent farmers and reduces potential frustrations that both parties may feel due to being dependent on one another. An example is the Siyathemba Municipality where the emergent farmers have taken over infrastructure maintenance, which has led a definite improvement of the assets. Despite this, the failure of the municipality to deal with infrastructure maintenance may lead to the break-down of the commonage infrastructure and may render the land unusable in the long run. (Cartwright et al, 2002: 13)

Table 3 provides an overview of the infrastructure provision in the different commonages. It sets out the condition of the infrastructure, as well as the party/parties responsible for the repairs and the party/parties responsible for the payment of the repairs. The table shows that in most cases, the party that is responsible for the repairs is also responsible for the payment of the repairs.

Table 3. Infrastructure condition, party responsible for the repairs and payment to the infrastructure

Municipality	Condition of infrastructure	Party responsible for repairs	Party responsible for payment of repairs
Dikgatlong	Good condition	Municipality	Municipality
Emthanjeni	Partially: some of the commonage is in a good condition while others are not	Depending on the contracts the lessees or the municipality are responsible for repairs. Commercial farmers are self-sustained while the municipality helps the emergent farmers.	Depending on the contracts the lessees or the municipality.
Gamagara	Good condition	Users	Users
Ga-Segonyana	Poor condition: fencing is being stolen to the extent that the municipal insurance is refusing to pay	The municipality and the users: the municipal engineer does the actual repairs.	The municipality and the users on a 50/50 basis: costs are carried by both parties and then the municipality's engineer does the repairs

⁵ J. Oberholzer, 26/08/02

Hantam	Good condition	Depending on the town either the lessee or the lessor or both	Depending on the town either the lessee or the lessor or both
Kai-Gariep	Keimoes: In a poor condition Kenhardt: good condition	Keimoes: Users Kenhardt: users and municipality	Keimoes: Users Kenhardt: users and municipality
Kamiesberg	Poor condition	Users: pay a monthly tariff to the municipality, which is used to repair the commonage.	Users
Kareeberg	Good condition	Users for normal maintenance	Municipality for big repairs and maintenance
Karoo Hoogland	Fair to good condition	Municipality	Municipality
!Kheis	Poor condition	Users due to lack of formal contracts	Users
Kgatelopele	Poor condition	Users	Existing facilities by users; new upgradings by municipality.
Khai Ma	Fairly good condition	Users	Users
//Khara Hais	Partially: some of the commonage is, while others are not.	Users/emergent farmers	In some cases the emergent farmers; in other cases repair costs are levied against the rent.
Kimberley	Good condition except for Riverton where fencing is in bad condition	Municipality. Fences: fixed on a 50/50 basis between municipality and users.	Municipality: Commercial farmers are self-sustained; emergent farmers are helped by municipality. Lack of finances, however.
Mier	Good condition on the new commonage	Municipality	Municipality
Nama Khoi	Poor condition.	Municipality	Users- payment does not occur
Renosterberg	Poor condition.	The users: the contracts state that the emergent farmers are responsible for the repairs. Currently the municipality is doing repairs.	The emergent farmers are supposed to pay but the municipality helps them.
Richtersveld	Poor condition	Mostly the users do repairs themselves but municipality helps them	Municipality
Siyathemba	Good condition in Nickerkshoop and Marydale but not in Prieska	Lessees are responsible for repairs. New contracts have been implemented which stipulate this.	Lessees are responsible for payments.
Siyancuma	Poor condition	Municipality on condition that the accounts are paid.	Municipality on condition that the accounts are paid.
Thembelihle	Good condition	User is responsible for maintenance of infrastructure once it has been put in place by the municipality.	Lessees are responsible but problem with emergent farmers not paying. Municipality then intervenes and helps them.
Tsantsabane	Condition was bad but has improved	User repairs the damages and the municipality refunds him/her by subtracting amount from monthly rental.	Lessee repairs and municipality remunerates for the costs accrued.
Ubuntu	Fairly good	Municipality provides the	Municipality. Users are

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		material and the user provides the labour. Minor problems are to be fixed by the user.	supposed to maintain the equipment but if major problem then municipality pays.
Umsobomvu	Good condition	The users and the municipality	The users and the municipality.
Vaalharts-Morobeng	Good condition	Users	Users
Warrenton	Poor condition as most of the infrastructure is very old.	Municipality as it's the owner	Municipality (commonage revenue is used for repairs)

4.3.2 Municipal Management

The following section discusses municipal commonage management and administration.

4.3.2.1 Beneficiary Organisations

The interviews revealed that in most municipalities, the commonage is still used by a combination of emergent and commercial farmers. Whereas the new commonage is made available to the previously disadvantaged, the old commonage is still used by commercial farmers. Emphasis is, however, increasingly being placed on municipalities to make the old commonage available for the previously disadvantaged as well.

Whereas commercial farmers used to rent large tracts of land for their livestock at substantial rental rates, the land is now rented out to a large group of emergent farmers who each own a relatively small number of livestock and who lease the land at very low rates. Compared to the commercial farmer, who farmed in an individual capacity, the land is now utilised by a large group of users. This renders management and control much more difficult than in the past.

In most cases, the emergent farmers are organised into representative bodies such as Emergent Farmers Committees or Small Farmers Associations. There is usually one association per town, which represents the interest of the emergent farmers using that

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tract of commonage. In some cases, however, there are multiple commonage tracts in one town, which are occupied by multiple interest groups. For example, the municipal manager of the Khai Ma Municipality⁶ stated that there are two emergent farmers organisations using the two commonages in the town: the Pofadder Emergent Farmers and the Kourries Emergent Farmers, and they operate under the umbrella organisation of the Khai Ma Kleinvee Boere Vereeniging.

Several problem areas concerning the emergent farmers associations have been identified.

Firstly, in most cases the committees are informally and loosely organised, lacking legal status. One solution would be for such committees to register as trusts. This would increase their legality in voicing their demands and give them more bargaining power with their municipality and for increasing their credibility with government departments.

Secondly, there is the problem of lack of representation within the committee where in some cases emergent farmers associations do not include all interest groups. Most organisations consist of stock owners only, and do not include poultry farmers or vegetable gardeners. This problem was encountered in De Aar (Emtanjeni Municipality), where a group of residents voiced their interest in establishing a vegetable garden and a bakery on the commonage, which was not supported by the stock owners.

A further problem is that of fragmentation of the emergent farmers' committees. There are cases where different emergent farmers organisations are interested in the same tracts of commonage. The extension officer of Siyathemba⁷ stated that there are four groups in Prieska who are interested in two tracts of land: the 'Besproeing Sonskyn' group are interested in irrigation farming; the 'Gariiep Opkomende Boere' who want to buy their own farm for communal use; the 'Siyathemba Opkomende Boere' who are using one part of the commonage; and the 'Prieska Kleinboere' who are using another part of the commonage. When asked if there were any problems

⁶ L.D. Beukes, 25/04/2002

⁷ E. du Toit, 27/05/2002

between the groups, Mr du Toit, the regional extension officer, stated that each group has different interests and these do not conflict.

The examples above demonstrate the diversity of contextual factors that characterise commonage in the Northern Cape. According to Contextualists, these contextual factors are essential in understanding the dynamics of commonage interest groups.

4.3.2.2 Contracts

Although municipal officials stated in the interviews that commonage users and the Municipality underwent an in-depth negotiation phase (see section 4.3.1.2) in which the terms and conditions for the commonage use were determined, this was not always the case. The extension officer of Siyancuma⁸ stated that with the pressure placed on the municipalities for land reform, municipalities often handed the land over to the emergent farmers without drafting contracts, assuming that these would be developed at a later stage. Failure to implement contracts from the onset rendered the later enforcement of contracts and payment on the users very difficult. This links with New Institutionalism, which emphasises that initial development of rules and regulations are essential to the successful Common Pool Resource management. Failure to impose rules and regulations could, in the worst case scenario, lead to commonage land reverting into “open-access” land and could be subject to Hardin’s “Tragedy of the commons”.

Despite this, contracts have been signed with the users of the commonage in 19 out of 26 cases. The extent of their enforcement, however, remains questionable. Table 4 sets out the details of contract availability and enforcement.

⁸ E. du Toit, 27/05/2002.

Table 4. Existence of signed and enforced contracts

Municipality	Existence of contracts: Yes/No	Reinforcement of contracts
Dikgatlong	No	NA
Emthanjeni	Contracts have either expired or have not been signed yet.	NA
Gamagara	Yes	Yes
Ga-Segonyana	Yes	Yes
Hantam	Except for in Calvinia the contracts are signed.	Yes; except for in Calvinia
Kai-Gariep	Keimoes: No, Kenhardt: Yes	Keimoes: No Kenhardt: Yes
Kamiesberg	Yes: on the new commonage; No: on the old commonage.	No
Kareeberg	Yes	Yes
Karoo Hoogland	Yes	Yes
!Kheis	At the time of the interview no contracts had been signed but the process was rolling and contracts were supposed to be signed on 01.July 2002	NA
Kgatelopele	Yes	-
Khai Ma	Yes	-
//Khara Hais	Yes	Partially
Kimberley	Yes	Yes
Mier	Yes	Yes
Nama Khoi	Yes	No
Renosterberg	No	NA
Richtersveld	No; in the process of developing contracts	NA
Siyathemba	Yes	Yes
Siyancuma	Yes but have expired. Renewed contracts have not yet been developed.	NA
Thembelihle	Yes	Yes
Tsantsabane	Yes	Yes
Ubuntu	Some contracts have been developed but does not cover all emergent farmer. Interviewee not entirely sure	Yes
Umsobomvu	Yes	-
Vaalharts-Morobeng	Yes	-
Warrenton	Not known	NA

Another issue, that is once again ascribable to the amalgamation process, is that contracts may be in place in one part of a municipality but not in another. For example, according to the commonage official of the !Kei!Gariep Municipality⁹, contracts are in place in Kenhardt but not in Keimoes. Another example is the Hantam municipality where, according to municipal officials¹⁰, contracts have been signed with all the commonage users except those in Calvinia. Enforcing contracts on a

⁹ Strauss, 04/09/2002

¹⁰ K. Fourie, G.J. Engelbrecht and N. Viljoen, no date
<http://old.dwc.ac.za/>

group of people who where under no contractual obligation before the demarcation process, is difficult. It is often a source of conflict when groups from the same municipality who have to pay tariffs compare themselves with groups who do not. This practice can encourage a culture of non-payment.

One of the problems that has emerged when the municipalities sign contracts with the emergent farmers committees is that they are not legally binding entities. In several cases, the municipalities signed contracts with the committees and when disputes arose, the municipality could not take legal steps against the committee. It is thus advisable that contracts are rather signed with individuals users or alternatively that the committees create legal entities such as a trust.

4.3.2.3 Municipal capacity to supervise the commonage

Municipal staff was asked if the municipality has enough staff and financial support to tend to the commonage in an satisfactory way. Except for two cases (Umsobomvu and Kareeberg), all the municipalities stated that additional capacity is needed for effective land management due to the fact that the offices are understaffed and thus not sufficiently equipped to deal with commonage. It was emphasised that one or two additional officials are needed in each municipality, who have the necessary agricultural background to tend to the commonage on a full-time basis.

In some cases the head of the technical department (for example, in Thembelihle, Warrenton and !Kheis) is responsible for the commonage. The technical official concentrates, however, mainly on infrastructure repairs and does not provide other, for example, stock related support. In other cases the commonage is managed by the administrative official such as in Pofadder (although this function is limited to the annual collection of the tariffs only); the agricultural extension officer, such as is the case in Siyathemba; councillors in Kareeberg; and a nature conservationist in Ga-Segonyana.

As mentioned above, historically, commonage was rented out to commercial farmers on a tender or auction basis. This ensured a fixed revenue base for the municipality,

and required minimal management on the part of the municipality as the commercial farmers in most cases maintained the land him/herself. With the realisation of commonage as a means towards land redistribution and in the light of the developmental local government mandate, municipalities were charged to lease out the land to the previously disadvantaged. This had two implications: Firstly, this entailed that the fixed revenue that was pinned at a commercial rate, fell away. Secondly, municipalities are now responsible for the management and administration of several farmers on the land and for the maintenance of the land.

Hence, despite the fact that commonage management used to be a municipal function from the start, new responsibilities have been devolved to municipalities by the Department of Land Affairs. These functions have, however, not been met with the necessary financial resources and capacity building.

To illustrate this, commonage management is usually part of the job-description of officials who are responsible for other work as well and who operate in an understaffed environment. In their current capacity, the municipal officials who are responsible for commonage related issues do not have the agricultural background to deal with them. They also do not have the time to facilitate and mediate between the different stakeholders and thus to build a working relationship. Furthermore, they do not have the financial resources to provide for infrastructure repairs and training for emergent farmers. Due to this the interviews revealed that commonage supervision in most cases is characterised by irregular contact with users. According to staff in four Municipalities, namely Gamagara¹¹, Kimberley¹², Mier¹³, and Nama Khoi¹⁴ there is no supervision of the land by the municipalities.

Table 5 illustrates the extent of municipal supervision of the use of the commonage. It also shows municipal capacity to supervise the commonage in terms of staff availability, commonage officials' time and skills.

¹¹ J.S. Witbooi, no date.
¹² M. Steyn, 20/08/2002
¹³ C. Philander, 05/06/2002
¹⁴ W. T. Cloete, 11/06/2002

Table 5. Capacity to supervise the use of the commonage

Municipality	Supervision of the commonage	Municipal capacity to supervise the commonage its staff, time and skills
Dikgatlong	Random inspections	-
Emthanjeni	Irregular inspections	Inspections done by the Agricultural Extension officer and an official from Land Affairs who make the municipality aware of any problems on the commonage. The municipality its self does not have an official who can see to all these things.
Gamagara	No supervision	Lack of staff and skill to tend to this
Ga-Segonyana	Supervision is conducted	Supervision done by the municipality: the person responsible for the nature reserve also supervises the commonage: has the skills but not the time: need an additional capacity on full-time basis.
Hantam	In three of the four towns there is no supervision except for in Calvinia	-
Kai-Gariep	Keimoes: supervision will be done Kenhardt: irregular basis	Supervision will be done by the commonage committee and council officials. Kenhardt: lack of staff
Kamiesberg	Supervision is conducted	Supervision done by the commonage committee. In the municipality there is a lack of staff to manage the commonage properly.
Kareeberg	Regular sporadic spot checks	Check-ups done by a council official with farming background
Karoo Hoogland	'Veld wagters' and the commonage committee	-
IKheis	Sporadic monitoring exercises	Monitoring is done by the technical official, but more staff is needed: 2-3 full time officials dealing with commonage and infrastructure would be needed.
Kgatelopele	Visual inspections	Does not have sufficient staff for this.
Khai Ma	Supervision is conducted	Supervision done by the commonage committee
//Khara Hais	Supervision is conducted.	Supervision done by the municipality, but there is no official whose specific task it is. There is only the commonage committee.
Kimberley	No supervision	Check ups are initiated when problems are brought forward by the emergent farmers.
Mier	No supervision	Lack of staff.
Nama Khoi	No supervision	Lack of staff.
Renosterberg	Occasional and irregular visits	Visits done by the mayor, who is a farmer and consults with the farmers. He takes queries to the municipality where meetings are held to sort out the problem. There is no staff, except for the mayor who fulfils this function.
Richtersveld	Supervisory trips	Checks done by the Farmers Union and the commonage committee. Municipality is busy establishing someone who will accompany them so that the municipality is represented.
Siyathemba	Bi-monthly check up	Checks done by the Agricultural Extension Officer and an assistant. Ideally a senior municipal official plus assistants would be needed.
Siyancuma	Spot checks	Checks done by an official from the Infrastructure and Development department. A full-time official to oversee the land would be necessary
Thembelihle	3-monthly inspections;	Inspections done by the Technical dept of the

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	more often in summer	municipality. An additional person for the supervision of the commonage in each of the towns would be better.
Tsantsabane	3-monthly inspections	Inspections done by the municipality who address the lessees if there is a problem. The municipality is understaffed, though.
Ubuntu	6-monthly survey on the land to determine number of animals on the land	Survey done by municipality. Other than that no real supervision. Lack of staff and time to deal with commonage related issues.
Umsobomvu	Supervision is conducted	The municipality does have sufficient staff, skills and time to supervise the land.
Vaalharts-Morobeng	Ad hoc inspections	-
Warrenton	Regular supervision	Supervision done by the head of Public Works, who is tasked with this by the council. He reports to council. Problem of lack time: someone is needed who has more time to attend to these issues.

Very few municipalities have developed land management policies for their commonage; and where this was done, it took place with the help of an external agency or NGO. The Karoo-Hoogland Municipality is an example where the Surplus People Project assisted in the development of a land management policy, that determines which portion of commonage is to be used by which farmers. Another example is that of Pofadder, which although being the first commonage that was acquired by the DLA specifically for use by the previously disadvantaged, took seven years to develop a service delivery plan and a land management plan with the support of the NGO FARM Africa.

4.3.2.4 Communication channels between the commonage users and the municipality

In only seven of the cases (Kamiesberg, Karoo Hoogland, Mier, Nama Khoi Richtersveld, !Kheis and Umsobomvu) do formal reporting mechanisms exist between the commonage users and the municipality where monthly or quarterly reports are submitted to the municipality.

In most of the other cases reporting is either demand-driven, which means that complaints have to be submitted to the municipality in writing as they arise, or reporting is informal. This is the case in Warrenton, Vaalharts-Morobeng, Ubuntu,

Siyancuma, Emthanjeni, Ga-Segonyana, Kimberley, //Khara Hais, Hantam, Thembelihle and Khai Ma.

In two cases, Kai-Gariep and Dikgatlong, reporting takes place in some towns and not in others. This is, once again, ascribable to the demarcation process.

In six of the cases (Gamagara, Kareeberg, Kgatelopele, Siyathemba, Renosterberg, Tsantsabane) however, there is no formal reporting mechanism. This highlights the lack of interaction between the emergent farmers and the municipality and also the lack of interest from both sides to inform one another of the developments on the commonage. Developing an effective reporting mechanism could enhance communication and collaboration between the parties involved.

4.3.2.5 Council involvement

In eight of the municipalities (Gamagara, Kareeberg, Kgatelopele, Kimberley, Mier, Tsantsabane, Vaalharts-Morobeng and Ubuntu), no commonage related issues were discussed at council level in the last six months, which shows a lack of involvement of the council and municipality in commonage related issues.

Where councils did discuss commonage (in the remaining 18 cases), issues such as land management, contracts, infrastructure repairs and overgrazing were discussed. Due to the fact that council members are sometimes also part of the commonage committees (where they have been established), they are able to bring forward issues that arise within the commonage committee. It is thus an effective way in which the municipality can be involved and be made aware of problems.

4.3.2.6 Financial management

In most of the Municipalities, the users do receive accounts; mostly on a monthly basis or on a six-monthly basis. Table 6 sets out the account profile and the levels of rental levied from emergent farmers

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Table 6. Levels of rentals levied and levels to which accounts are received.

Municipality	Level to which commonage users receive accounts for their rentals	Levels of rentals levied
Dikgatlong	None	NA
Emthanjeni	Where the contracts are in place accounts are sent out	No uniform pricing strategy: Varies from R20 /small stock unit/year in Britstown, R20 000/year in Hanover and 35c/ha in De Aar.
Gamagara	Do receive accounts	Low levels for emergent farmers; the rest (commercial farmers) pay according to the tender.
Ga-Segonyana	Accounts are sent out on a monthly basis	Some lessees pay according to the amount stipulated in the tender document while the emergent farmers pay according to head of livestock. Tariffs are determined on a sliding scale: those who earn below a certain income pay less rent for the commonage. (see below)
Hantam	The users do not receive accounts in Calvinia but they pay on a quarterly basis	According to lease contract or R 1.50/ha/year; R 3/ha/year or R 20/ha/year.
Kai-Gariep	Keimoes: The users will receive accounts. Kenhardt: 6 monthly accounts	Keimoes: R50/month/lessee Kenhardt: -
Kamiesberg	Do receive accounts	Small stock: R 0.50/head/month and large stock: R 3/head/month.
Kareeberg	No accounts are received-payment according to lease contract	The lessees pay according to the lease contract which were determined via public tender.
Karoo Hoogland	Historical commonage: yes; new commonage: no.	-
!Kheis	Do receive accounts.	R5/farmer/month irrespective of the amount of animals grazing
Kgatelopele	Do receive accounts	As determined in the tender.
Khai Ma	Do receive accounts	R 1000 p.a. + 14% VAT/ commonage
//Khara Hais	Do receive accounts	-
Kimberley	Do receive accounts on a monthly basis	R 600/month as a once off amount. Levies for the commercial farmers are according to their lease contracts.
Mier	Do receive accounts	About R0.50/ha
Nama Khoi	Do receive accounts	They are billed with monthly service accounts.
Renosterberg	Do receive accounts	Depending on the town: R 600/year or R 200 /month for the emergent farmers.
Richtersveld	Do receive accounts	25c/small stock unit and R2.60/ large stock unit
Siyathemba	Do receive accounts on a monthly basis	R 60/month: irrespective of the amount of animals grazed on the land. Two parts of the commonage are grazed for free.
Siyancuma	Do receive accounts on a monthly basis	R 10-R12/ha/month.
Thembelihle	Do receive accounts on a monthly basis	R 600/month for the emergent farmers, commercial farmers pay per ha on an annual basis.
Tsantsabane	Do receive accounts on a 6-monthly basis.	Levels of rent differ from camp to camp: better land is rented out at R 28/ha whereas less good quality land is rented out at R 12/ha.
Ubuntu	Do receive accounts although the contracts state that accounts aren't necessary.	Emergent farmers: about R 1/month/livestock unit
Umsobomvu	Do receive accounts.	

Vaalharts-Morobeng	Do receive accounts	-
Warrenton	Annual payment	Payment on an annual basis

An interesting finding is the large discrepancy of tariffs levied between municipalities. For example, in the case of Richtersveld, the municipal manager¹⁵ stated that 25c is levied per small livestock unit per month. In contrast to this in Siyancuma R10-12 per ha per month is levied.

The rates paid by commercial and emergent farmers differ greatly. Whereas commercial farmers pay market related priced according to the rate determined in their tender, emergent farmers pay much lower tariffs.

Differences in tariffs are ascribable to different grazing capacities and land use practices. Uniform grazing tariffs should be developed within a consistent framework that consists of elements such as the grazing capacity, monthly/quarterly/6-monthly or annual payment rate, payment per stock unit and the like.

There are also discrepancies within municipalities. An example of internal tariff structure discrepancies is Emthanjeni Municipality, where the emergent farmers in Britstown pay R 20/small stock unit/year, whereas in Hanover farmers are charged R20 000 per year for a camp of 971 ha and in De Aar the tariff is 35c per ha. A further example is that of Renosterberg Municipality, where in Philipstown the emergent farmers collectively pay R600/year whereas in Petrusville they pay a collective fee of R 200/month.

Once again this phenomenon is ascribable to the municipal amalgamation process but will have to be addressed in order to reach conformity.

In some of the municipalities, inflexible tariff structures that prescribe uniform fees irrespective of number of stock grazed are also problematic as they create the incentive to increase numbers of stock without risking having to pay an increased fee. This practice can easily lead to overgrazing. For example, in Siyathemba, the amount of R 60/month per emergent farmer is levied for parcels of land that vary between 370 and 390 ha. This amount is levied irrespective of the number of animals grazed on the land, which encourages overgrazing as it does not limit stocking rates.

¹⁵ J. Cloete, 11/06/2002

A potential model for the determination of tariffs is provided by Ga-Segonyana Municipality, where a sliding scale tariff determination practice is used. The split tariff structure is determined by the income earned: people who earn below R 1000/month pay R 5 per large livestock unit per month, R 1 per small livestock unit and R 0.50 per pig. People who earn above R 1000/month pay, pay R 12.71c per head of big livestock, R 2,86 per head of small livestock and 50c per pig. This allows for the differentiation between the subsistence farmer or the indigent and those who earn above that level (emergent farmers and proto-commercialists) and thus accommodates both kinds of farmers on the commonage.

4.3.2.7 Payment culture

The interviews revealed that the payment rate in 12 of the municipalities (Warrenton, Vaalharts-Morobeng, Tsantsabane, Khai Ma, Kgatelopele, Karoo Hoogland, Kareeberg, Kamiesberg, Hantam (except for Calvinia), Ga-Segonyana, Kai-Gariep (except for Keimoes) and Gamagara) can be regarded as adequate. In seven of these cases, the payment rate varies within the municipality: whereas the payment rate is good in some towns/on some tracts of the commonage land, its bad in other towns/other tracts of commonage land (Dikgatlong, //Khara Hais, Renosterberg, Siyathemba, Siyancuma, Ubuntu and Umsobomvu.)

In seven of the municipalities (Emthanjeni, !Kheis, Kimberley, Mier, Nama Khoi, Richtersveld, Thembelihle), there is a very low and irregular payment rate. One example of this is !Kheis, where 70% of the users do not pay their fees on a regular basis by the cut off date agreed on in the contracts. In Griquaastad in the Siyancuma Municipality, some commonage users' payments have been in arrears since 1996.

Commonage users mostly pay directly to the municipality. In some cases, however, payment is channelled through the users' committees. This has the advantage of relieving the municipality of the burden of having to collect the money from the emergent farmers themselves. The disadvantage, however, is that in most cases the emergent farmers' committees are loosely grouped and thus have no legal standing.

This has two implications: (1) many of the organisations struggle to collect the rates from the emergent farmers and (2) the municipality cannot hold them responsible in the case of non-payment. Only contracts that are signed with individuals, therefore, are legally binding.

Different responses were given to the question whether commonage users are developing a sense of ownership and responsibility for commonage land. Most municipalities stated that the users are aware that the land that they are using is communal land and belongs to the municipality. There are, however, also cases where the users identify with the land and develop a sense of ownership of the land. This is especially prevalent amongst the emergent farmers who treat the land as if it was their own. This is the case in Renosterberg, Thembelihle, Kareeberg, Siyathemba, Siyancuma and Ga Segonyana. The cultivation of a sense of ownership by the emergent farmers shows the need and desire to own their own land.

4.3.2.8 Ring-fencing of the income

The interviews revealed that in the past the revenue generated from leasing the commonage to commercial farmers flowed back into the central coffers and acts as a means to cross-subsidise other municipal rates, taxes and functions. With the transferral of the land to the previously disadvantaged, the maintenance costs to the municipalities are much higher and an argument can be made for ring-fencing the income from the commonage. This means that the income is kept aside by the municipality to be used purely for commonage-related developments.

The interviews revealed that in only nine of 26 cases does the income generated by the commonage, flow into a separate account, namely Kamiesberg, Karoo Hoogland, //Khara Hais, Mier, Nama Khoi, Richtersveld, Siyathemba, Thembelihle and Warrenton. In the rest of the cases, the money flows back into the central municipal coffers.

One of the main arguments against making historical commonage available to emergent farmers is the fear of the municipality losing a fixed revenue stream from

the commercial farmers. In the case of Hanover in Emthanjeni Municipality, where commercial farmers still rent the old commonage, approximately 15 % of the total municipal revenue is derived from the commonage. (Cartwright et al, 2002: 19). Due to the culture of non-payment of rates and taxes of the town residents, however, the percentage that the commonage contributes is inflated relative to the income that is received by the municipality. If this is taken into account then the percentage resulting from the commonage income amounts to 40-50%.

4.3.3 Support from external agencies - Government Departments, NGOs, commercial farmers

In eight of the 26 municipalities emergent farmers have not received technical support¹⁶ from external agencies including agricultural extension services. Table 7 indicates the support provided to commonage users by government departments and NGOs. It should be kept in mind that these indications are based on municipal views and may not correlate with support that was really provided to commonage users.

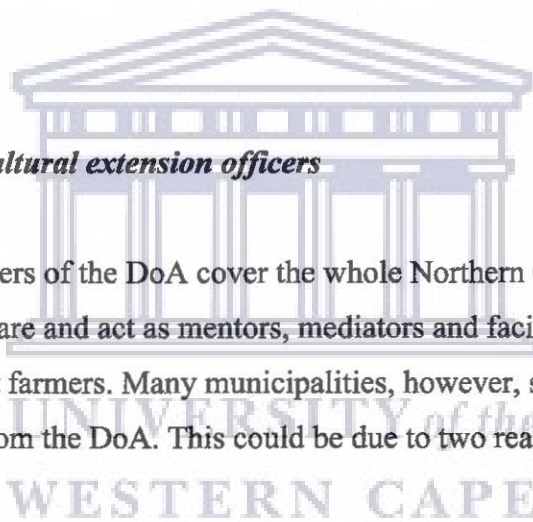
Table 7. Assistance provided by external agencies

Municipality	Support and technical assistance from external agencies, DoA and other departments
Dikgatlong	Partially
Emthanjeni	DBSA: implementation of a Spatially Integrated Management Information System
Gamagara	None
Ga-Segonyana	DWAF: weed control. Otherwise no support from any of the Departments
Hantam	Only in Calvinia; in the rest of the towns: none.
Kai-Gariep	Keimoes: DoA, Kenhardt: None
Kamiesberg	DLA: 'Land Care' project and provision of training
Kareeberg	Commercial Farmers Union and DoA
Karoo Hoogland	Historical commonage: none; new commonage technical assistance by DoA
!Kheis	DoA (Agricultural Extension officer), Landbank and Farmers unions provide technical assistance
Kgatelopele	None
Khai Ma	Dept Animal Health
//Khara Hais	DoA
Kimberley	None (not that the interviewee knows of)
Mier	DoA
Nama Khoi	None

¹⁶ This includes animal health support, skills development in stock farming, infrastructure repairs etc.

Renosterberg	None
Richtersveld	DLA and SPP
Siyathemba	DLA, Farm Africa and DoA (technical support)
Siyancuma	DoA, Land Reform and Environmental Health
Thembelihle	Financial assistance from Landbank and LED funds
Tsantsabane	DoA: once a year inspection of commonage and determination and evaluation of carrying capacity and need for rehabilitation of the land.
Ubuntu	DoA: technical and financial assistance: usage of land and land management.
Umsobomvu	Government Departments, DoA
Vaalharts-Morobeng	Hartswater: DoA Jan Kempdorp: None
Warrenton	Dept of Labour DLA and DoA; however no ongoing assistance although they should be seen as part of the team and their facilities accessed more often

Interestingly, emergent farmers in eight municipalities have not received any support from external agencies.



4.3.3.1 Support from agricultural extension officers

Agricultural Extension officers of the DoA cover the whole Northern Cape area and provide post-transfer after-care and act as mentors, mediators and facilitators to municipalities and emergent farmers. Many municipalities, however, stated that they do not obtain any support from the DoA. This could be due to two reasons:

- A real lack of involvement of the extension officers with the municipalities and emergent farmers.
- The municipalities are not *aware* of the existence of an agricultural extension officer, as is the case in Kareeberg where the municipality was unaware of the help that the emergent farmers were receiving and the interaction between the extension officer and the commercial farmers.

One of the problems that were identified during the interviews is that the geographical boundaries within which the extension officers operate do not coincide with the boundaries of the newly amalgamated municipalities. This means that in some cases, different extension officers are responsible for covering different towns in the same municipalities. Extension services should be coordinated within municipal boundaries

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so as to prevent cross-cutting activities. This will enhance cohesion amongst commonages within a municipality and prevent fragmentation.

Limited support has also been provided by the Department Water Affairs and Forestry (DWAF), mainly in the form of weed-control and the elimination of *Prosopis* trees. Additional support has been given by the Department of Health due to animals that are kept in the townships cause health hazards. Additionally, the Animal Health unit of the DoA and the Department of Environment have provided some support to emergent farmers.

4.3.3.2 Lack of communication between stakeholders

There is a general lack of communication between all the stakeholders in commonage management. In De Aar, for example, there is a lack of communication between the municipality, the agricultural extension officer, the commercial farmers, the commonage committee and the emergent farmers unions. The different stakeholders lack knowledge of each other's interests and needs. For example, the emergent farmers in De Aar still do not have access to the land acquired for them, due to quarrels about the content of the contract drafted by the municipality. Subsequently, the emergent farmers engaged a lawyer to address the problem, which only deepened the mistrust on all sides¹⁷.

According to Contextualists, communication between both parties is essential for stakeholders to comprehend the contextual and environmental factors (that are characterised by power, social, economic and political relations) within which each party operates. Effective communication is essential to successful Common Pool Resource management. As demonstrated above, however, this is not always the case.

¹⁷ Mr. J. Oberholzer, 26/08/2002 <http://etd.uwc.ac.za/>

4.3.4 Commonage as a development priority within Municipalities

Commonage is part of the developmental mandate of municipalities as it contributes to the development of rural livelihoods and can be used as a natural resource for LED purposes. Despite this, many municipalities in the Northern Cape still regard commonage as a burden to the municipality and do not realise its developmental potential.

4.3.4.1 Commonage in IDPs

Commonage is included in most of the Northern Cape municipal Integrated Development Plans, but very few specific projects have been identified. Five municipalities have not included commonage in their development plans. In several cases, projects such as the increase of land for commonage users, the improvement of the infrastructure and the promotion of the emergent farmers have been identified. The lack of representation of commonage in the IDPs demonstrates that municipalities have not yet realised the development potential of the land. The table below sets out commonage representation in Municipal IDPs. It should be kept in mind that this table is based on municipal officials' responses and might thus not accurately reflect the contents of the IDPs.

Table 8. Commonage in Municipal IDPs

Municipality	Are commonage related issues included in the IPD?	If so what are the proposals in terms of development of the commonage?
Dikgatlong	Yes	Empower the potential farmers on farming and business issues.
Emthanjeni	Yes	Status quo determined in the IDP; no real projects set out
Gamagara	Yes	Acquisition of more land.
Ga-Segonyana	No	NA
Hantam	Yes/no depending on town	Only included in Calvinia
Kai-Gariep	No	NA
Kamiesberg	Yes	Capacity building and training sessions in cooperation with mentor farmers, lucerne planting, establishment of feeding lots, pool for renting farming equipment, olive farming,

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		establishment of a mill for corn, development of an abattoir.
Kareeberg	No	NA
Karoo Hoogland	Yes	Several projects such as wool industry, vegetable farming, tulip industry, expansion of chicken farming, commercial and emergent farmers interaction, infrastructure maintenance
!Kheis	Yes	Stock take of the current commonage land, training of emergent farmers as well as capacity building, provision of more land to the emergent farmers and development towards commercial agricultural farming practices, better cooperation between commercial farmers and emergent farmers as well as road maintenance in the area.
Kgatelopele	No but provisions will be made in the revision	NA
Khai Ma	Yes	Sustainable development in order to create socio-economic upliftment
//Khara Hais	Yes	Only the principles dealing with land availability.
Kimberley	No	NA
Mier	Yes	Infrastructure maintenance.
Nama Khoi	Yes	Upgrade infrastructure and train/educate farmers to use the land for their own upliftment.
Renosterberg	Yes	Development of a goat farming initiative in the region, infrastructure repairs and maintenance
Richtersveld	Yes	No specific projects have been developed; in the first year of the IDP implementation no projects will be implemented. Projects have been developed concerning the development of the emergent farmer as well as irrigation farming.
Siyathemba	Yes	National Field Ram project to determine the most adaptable breed for the commonage, Stock bank, Middle East goat production project.
Siyancuma	Yes	Planting lucern and vegetables, promotion of irrigation crops, tourism and the exploitation of diamonds
Thembelihle	Yes	Want to employ an economist who will investigate the sustainability of possible projects for the commonage development.
Tsantsabane	Yes	The commonage is included as a status quo but there are no projects set out for the development of the commonage.
Ubuntu	Yes	Not very development oriented; only increased land provision for commonage users.
Umsobomvu	Yes	-
Vaalharts-Morobeng	Yes	-
Warrenton	Yes	Crop farming, manufacturing pest control chemicals, Economic Integrated Development Study to determine economic development potential for the farms.

4.3.4.2 Using commonage to boost Local Economic Development (LED)

In most rural towns in the Northern Cape commonage presents a key tool to economic development. In some cases commonage is the only natural resource available to a community that provides an opportunity for income diversification and household income subsidisation.

<http://etd.uwc.ac.za/>

Commonage should thus not only be limited to agricultural purposes but it can also be used for LED programmes, tourism initiatives and other community initiatives. The interviewees identified various potential LED initiatives for emergent farmers such as involving them in the local abattoirs, establishment of feeding lots on the commonage and the promotion of commercial goat and cattle farming based on a public private partnership.

The interviews revealed that in the Northern Cape there are two projects that promote the economic development of small farmers:

- The Kalahari Kid initiative, that exports goats meat to the Middle East. The organisation focuses specifically on small and emergent farmers for meat production and provides training and skills development. The organisation requires emergent farmers to register as a closed corporation before entering into contracts with them. This initiative provides a stable market for emergent farmers and encourages them to become commercially oriented.
- The 'stock bank' led by FARM Africa, in which farmers borrow the animals and use them for reproduction purposes and return the animals to the stock bank. This ensures that the lineage of the farmers stock improves and farmers have access to animals for reproductive purposes.

Some municipalities did have innovative ideas concerning LED development on the commonage. For example, the commonage official¹⁸ from Kamiesberg foresees the establishment of feeding lots ('voer kraal) where small and emergent farmers can place their herds to improve their condition before the stock is marketed which will result in a higher income for the seller. Another idea is the establishment of an olive project on the commonage. The proceeds of this would be used to improve the infrastructure on the commonage.

The Municipal Manager of !Kheis, Mr Ferrus, identified the planting of lucerne on the commonage. According to Mr. Ferrus, it would still have to be determined if this is economically viable.

¹⁸ J. Ellis, 20/05/2002

Despite these ideas towards LED promotion, municipalities generally do not use their commonage for LED promotion purposes, which demonstrates that municipalities do not realise the potential of their commonage.

4.3.4.3 Sustainable Environmental Management

Seventeen of the municipalities reported some degree of environmental degradation of the commonage including overgrazing and erosion. This is mostly due to the limited amount of commonage land available to small farmers. However, the lack of land management plans, which sets out the grazing guidelines also contribute to overgrazing. Ideally, a provincial land management plan should be developed as well as individually tailored grazing plans for each of the municipalities.

Furthermore, overgrazing is ascribable to the fact that emergent farmers are not sufficiently informed about grazing capacities and should receive more training in this respect.

In most of the cases remedial steps have been taken with the help of the Agricultural Extension officers. Very little support, has however been received from the Department of Environmental Affairs; only six municipalities have received assistance from the department.

Table 9 sets out the responses of municipal officials concerning environmental degradation of their commonage. In addition the table demonstrates the support attained from the Department of Environmental Affairs.

Table 9. Commonage use and environmental degradation

Municipality	Has commonage use led to the degradation of the natural environment?	Have steps been taken to remedy this?	Assistance from the Dept of Environmental Affairs
Dikgatlong	No	The project team is responsible	No
Emthanjeni	Overgrazing and erosion is a problem	The DoA discussed this with the emergent farmers	No
Gamagara	Overgrazing	Camps have been rested	No
Ga-Segonyana	Only problem with deforestation	Deforestation clause with support from DWAF	No
Hantam	No	NA (stock numbers are limited)	Yes: in two of the towns and No in two of the towns
Kai-Gariep	Keimoes: NA Kenhardt: Partially	Keimoes: NA Kenhardt: No	Keimoes: NA Kenhardt: No
Kamiesberg	Overgrazing and veld has been trampled	Decrease the number of donkeys in the camps, awareness promotion, grazing management programmes and Grazing and Sowing land regulations	No
Kareeberg	No	NA	No
Karoo Hoogland	-	-	-
!Kheis	Danger of overgrazing but not dangerous yet; deforestation	DWAF and council is aware of the potential problem and want to thus control the land	Yes: liaison and exchange of information but no formal assistance.
Kgatelopele	No	NA	No
Khai Ma	No	NA	Yes
//Khara Hais	Yes: illegal overgrazing	Use of the municipal pound	No
Kimberley	Yes: overgrazing and erosion.	Municipality has tried to approach the emergent farmers committee but no positive outcome	No
Mier	Yes; due to drought	Commonage was divided up into camps	No
Nama Khoi	Overgrazing	Setting a limit to the stock totals of every farmer	Yes: determined the grazing capacity of the farms.
Renosterberg	High degree of overgrazing and erosion on the commonage	None	No
Richtersveld	Overgrazing	Business plan will limit the number of animals allowed on the land	No
Siyathemba	Overgrazing and erosion	Education and training by an NGO, Dept of Labour: developed a business plan and offer training to combat this.	No
Siyancuma	Yes: Griquastad: problem with overgrazing	The Dept of Environmental Affairs was called in and conducted a study and determined the lands carrying capacity	Yes

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Thembelihle	Occasional overgrazing, erosion, invader plants and trees	DoA as been a approached to determine the grazing cap, as well as DWAF for the invading plants	No
Tsantsabane	A little bit of overgrazing	DoA investigates and evaluates the land once a year	No
Ubuntu	Serious case of overgrazing	DoA was called in which decreased the amount of animals in the camps of the emergent farmers and withdrew the animals until the land had recovered	No
Umsobomvu	Overgrazing, erosion, proliferation of noxious weeds and salination of the soil.	Yes/No	No
Vaalharts-Morobeng	No	NA	Yes
Warrenton	Initial problems with overgrazing	Some of the user were reallocated to new commonage	No

4.4 Concluding remarks

This Chapter demonstrates that commonage management in the Northern Cape is characterised by a range of diverse practices. Each case demonstrates that municipalities devise their own customised strategies according to their capacity. Despite this, municipal capacity remains the key to effective commonage administration but the findings demonstrate that the capacity is not in place in most cases. The section below provides suggestions to the improvement of municipal commonage management practices.

CHAPTER 5. RECOMMENDATIONS TO THE IMPROVEMENT OF COMMONAGE MANAGEMENT IN THE NORTHERN CAPE.

As can be seen from the findings, most municipalities in the Northern Cape are not geared to manage commonage issues effectively. Two sets of reasons can be brought forward to explain these inefficiencies.

Firstly, municipalities suffer form organizational and capacity defects to address their developmental mandate in general. Municipalities are not geared to be developmental organizations and to address developmental problems. The reason for this is that

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municipalities used to be service providers, that concentrated on traditional service delivery functions such as refuse collection, water and sanitation provision and the collection of rates and taxes. These are input related functions. With the emphasis on “developmental local government” the focus is on the promotion of output related functions, where the municipality is required to deliver certain developmental outputs. Within their current capacity, however, municipalities are not capable to promote development in their jurisdictions.

Secondly, within the municipality, commonage management practices are not adequate. This is ascribable to several factors, amongst others insufficient guidance and support from relevant government departments, insufficient municipal capacity and funds and inadequate municipal organizational structure to deal with commonage management issues effectively. User rights, the organization of the commonage committees and land use management have to be addressed in order to ensure effective commonage management practices.

Although these two factors are separate issues they are closely interlinked: municipal commonage management cannot be successful without internal organizational restructuring.

Based on these two overarching reasons for ineffective commonage management, the following two sets of recommendations can be made to the establishment of effective commonage management structures.

5.1 Organisational restructuring

As can be seen from the research, most municipalities in the Northern Cape are struggling to provide effective commonage management and administration. There are several reasons for this, which will be elaborated on below.

Ineffective development management within the municipality in general and commonage management specifically is rooted much deeper in the current local

government structure and is part of the larger developmental challenges that municipalities are currently facing.

Most municipalities are comprised of a head office in the main town and outlying offices in the satellite towns. With the amalgamation process, powers and functions have been centralised in the main town where the municipality is seated. In most cases, the municipal functions in the satellite towns have been minimised. These outlying offices simply deal with the collection of tariffs and basic operations and maintenance functions as their capacity and staff has been reduced to the minimum.

The Municipal Systems Act (2000) states that municipalities have to become developmental agencies, concentrating on the implementation of projects that have been identified in their Integrated Development Programmes (IDPs). Akhtarwaray, Atkinson and Botes (2002: 4) suggest that with municipalities becoming increasingly pressured to be developmental institutions, development functions tend to be driven from head offices, since the satellite offices lack the staff or budgets to do so. This has two implications. Firstly, due to understaffing, existing staff at the head office increasingly take on developmental activities, along with their existing strategic functions. Secondly, satellite towns are further marginalized as development is driven from the central town.

For example, in the Emthanjeni Municipality, satellite towns are being neglected as is the case of Britstown where the contracts of the emergent farmers have expired but the municipality has not yet taken any corrective steps. Additionally, interaction and communication between the emergent farmers in the satellite towns and the central municipality is lacking. Contrastingly, there is much more interaction between the De Aar municipality (where the head office is located) and the De Aar emergent farmers than with the Britstown emergent farmers. (Akhtarwaray, Botes and Atkinson, 2002: 17).

As mentioned above, powers and functions have been centralised from the satellite towns towards the head office. This means that there are regional municipal offices in each of the satellite towns with minimal executive authority. There is no regional equivalent in the main town as the municipal head office and the regional office have

been collapsed into one entity. Currently, the municipal head office often drives the operational functions as well as the strategic functions such as policy-making, monitoring and evaluation and the management of municipal programmes. This type of situation is problematic, since it confuses head office functions (strategic functions/ input related functions) and outlying office functions (operational/ delivery functions/output related functions).

Ideally, the regional offices (of which there should be one in each of the municipal towns) should be responsible for the municipal developmental functions, whereas the head office should be responsible for the strategic management and administrative functions (Akharwaray, Botes and Atkinson, 2002: 17).

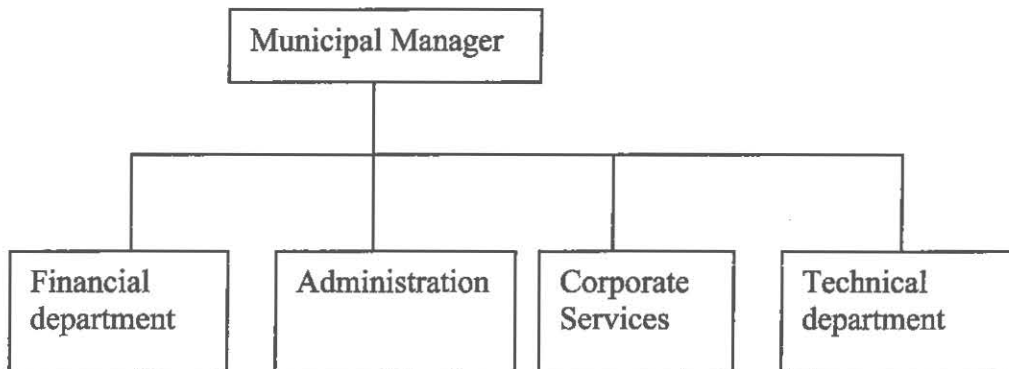
There are thus two problems at municipal organisation level:

- The centralisation of decision-making at head office level, and the corresponding decline of outlying offices
- A confusion of strategic and operational functions at head office level.

In order to remedy this dilemma outlying offices should be provided with the necessary capacity in terms of staff and resources to become the developmental hubs and concentrate on the operational outputs of the municipality. Furthermore, the equivalent to the regional offices should be created in the main town in order to distinguish between operational and strategic functions. Municipalities will thus have to undergo severe internal organisational restructuring to be able to face the developmental challenges bestowed upon them.

Currently, most municipal head offices do not make provision for developmental functions. Their organograms consist of two or three line departments which cover municipal strategic functions and one line department that tends to the operational and service delivery functions, as shown in the following figure:

Figure 1. Common Municipal Organogram structure



Developmental functions, which are highly output driven are usually located under one of the above line departments, and most often they are dispersed amongst several line departments. For example, the LED function may be located in a different line department than the official who is responsible for the commonage committee or the Environmental Health officer. The spread of developmental functions across line departments means that they are not addressed collectively and thus efficiently (Akharwaray, Botes and Atkinson, 2002: 17).

Several changes will have to be made to the organisational structure of the municipality in order to provide an institutional space within the organisation for commonage management and other municipal developmental obligations. One suggestion is to develop a single and separate line department from the other line departments. Whereas the latter concentrate on the original municipal functions of service delivery (input related functions), the separate line department would concentrate on fulfilling the developmental mandate of the municipality. LED, commonage, environmental health and project implementation as prescribed by the IDP (output related functions). The department should be headed by a senior official in supervisory capacity with several implementation staff working under him/her of which at least one should be functional in each of the regional offices (i.e. the outlying towns). This would ensure that commonage and other neglected developmental functions receive the necessary attention to ensure effective implementation and management.

5.2 Adequate management procedures for municipal commonage

This section provides an overview of commonage committee related issues that need to be addressed to manage commonage effectively.

A fundamental problem that hinders effective commonage management is that the national commonage policy is not very clear on guidelines for commonage management at local level. The policy does not set out different legal options for the establishment of a commonage management body.

According to the Commonage Manual (DLA, 2000: 7) the municipality is the legal owner of the land on which identified users should gain access for agricultural purposes. The land is transferred to the municipality by means of a noterial deed and may not be alienated without the permission of the Premier. According to the noterial deed the municipality is obliged to establish a management or commonage committee (DLA, 2000: 8).

The committee's aim is to ensure that the commonage projects are implemented effectively. All stakeholders are to be represented on the committee including the municipality, the beneficiaries and the extension officer from the Department of Agriculture. Another function of the committee is the establishment of a land use management plan which sets out the daily management of the commonage and how and by whom the land will be used and administered (DLA, 2000: 26-27).

These committees are, however, in the rarest cases functional. For example, the Pofadder commonage, which was the first commonage to be transferred to the previously disadvantaged post-1994, has only now, after eight years, established a commonage committee with the support of the NGO FARM Africa.

One of the main problems (as set out in section 4.3.5) is that commonage committees only operate in an advisory capacity and thus have no executive powers to implement actions. The Legal Resources Centre (LRC) and Surplus Peoples Project (SPP) argue that committees need executive powers in order to attend to the day-to-day

functioning of the commonage. For example, in the case of an emergency, such as breakage of a windmill, immediate service delivery is required, which cannot wait for council to convene before action is taken. (SPP and LRC, 2001: 1).

According to the SPP and LRC (2001: 7) there are two options by which commonage committees could attain executive powers. The first is to define the committee as a legal private entity that stands independently from the municipality. The advantage of this option is that the commonage committee could develop its own constitution at its own discretion. The disadvantages, however, are that the committee would either be dependent on funds from the municipality or on the income generated by the commonage lease. Since these fees are often minimal it remains questionable that the income generated from the commonage would cover the administrative and managerial fees of the private entity. Another problem is that the entity is entirely self-reliant and cannot expect municipal support.

The second option has both private and public characteristics and prescribes the establishment of a commonage committee as a municipal entity as outlined in the Municipal Systems Act (No. 32 of 2000). According to provisions made in the Act, the commonage committee becomes a municipal entity that subscribes to a service delivery agreement with the municipality. Ownership of the land remains with the municipality whereas the managerial and administrative functions are decentralised to an external agency, that remains linked to the municipality. The entity thus manages the commonage on behalf of the municipality. (SPP/LRC Presentation at the HSRC Kimberley Commonage Workshop, 2003: 6)

According to the LRC and SPP (2001: 7) the advantages of this kind of commonage committee are numerous: Firstly, it eases the burden on the municipality in having to deal with day-to-day commonage administration and management. This function becomes the responsibility of the legal entity, which should be equipped with the necessary commonage expertise and experience. The municipality remains responsible for the commonage but delegates daily management functions to the commonage committee, which has the executive powers to act independently as the need arises. The entity is compelled to work in cooperation with the municipality, which acts in a supporting and monitoring capacity and the entity attains the

administrative support from the municipality. Furthermore, the municipality's infrastructure can be used and the entity has its own sub-budget, which is linked to the municipality's financial system since it falls under the municipality's financial management system.

Additionally, the commonage committee's management plan that has been approved by the municipality under its legal entity status should become part of the municipality's IDP. This formalises commonage as one for the primary developmental resources of the municipality and ensures that the management plan will be implemented effectively as part of the developmental framework of the municipality.

There are, however, also disadvantages to this approach of developing a commonage committee as a legal entity, namely that the municipality has the power to change the constitution of the committee. Moreover, the Act prescribes that a municipal official or a councillor is to be the chairperson of the committee. (SPP and LRC, 2001: 7). This can be problematic if either of the two do not have agricultural and land reform expertise.

For municipalities, the approach of establishing commonage as a municipal entity has several implications: A commonage management plan has to be established along with a code of conduct for the different stakeholders. Due to the limited capacity within municipalities, the process should be undertaken by, or in correspondence with a NGO such as Farm Africa, SPP or LRC (Specific steps to be considered in the process of developing a commonage management plan are elaborated on below).

The following section sets out procedural suggestions for the establishment of commonage management plans, identifying users, determining user rights and establishing contractual obligations for commonage users.

This chapter addresses the organisational deficiencies in terms of commonage management and makes recommendations towards organizational restructuring at municipal level in order to provide institutional space for developmental outputs.

CHAPTER 6. CONCLUSION

Municipal commonage in South Africa is an highly understudied field with research focusing mainly on case studies in the Northern Cape. There are only a limited number of academics and NGOs that have elaborated on the more fundamental questions underlying commonage management. Importantly, very few of the studies have approached this issue from a municipal point of view. This study attempts to bring together two different fields (commonage as a land reform tool and local government within its developmental mandate) to explain how each one informs and determines one another. The study provides a description of commonage in the Northern Cape and focuses specifically on the capacity of the current municipal institutional structure to manage the land.

Common Property and Common Pool Resource theory is used as the theoretical framework against which Northern Cape municipal commonage is evaluated. Hardin's "Tragedy of the Commons", New Institutionalism and Contextualism are the three main strands against which commonage is analysed. It is against this background that the question is asked whether Northern Cape municipalities, as they are currently functioning, are suitable as instruments to manage a common pool resource such as commonage.

The findings demonstrate that commonage management in the Northern Cape varies greatly not only between municipalities but also between towns. Whereas in some cases the commonage management has broken down completely, other cases have demonstrated successful commonage management practices. Municipal commonage in the Northern Cape can be analysed in the light of the Common Pool Resource theory set out in chapter 2.

The findings show that in some cases, municipalities have postponed the establishment of contracts and corresponding grazing rights with the users which entailed that many commonage users were able to access land without being legally bound to contribute to infrastructure maintenance, payment of fees, or grazing limitations.

In New Institutional terms this means that the rules and regulations that should govern the commons have not yet been established. In these instances commonage approximates “open access” land. Despite the fact that commonage is managed by an external agency and limited access criteria are in place¹⁹ the lack of rights, contracts and management arrangements has resulted in the land being overused, which has resulted in severe environmental degradation.

Lack of a regulatory system has resulted in users utilising the land in their individual capacity and to their individual benefit and has encouraged a “free for all” mentality amongst some users. This demonstrates that Hardin’s theory of the Tragedy of the Commons is applicable to some case of municipal commonage in the Northern Cape since lack of adequate management and control structures have led to users exploiting the land for their own individual benefits.

Despite this, the research also shows that, in most cases, managing rules and regulations are in place. Although some commonages still operate within Hardin’s theoretical framework and are not bound by institutional rules and regulations, the DLA’s commonage policy prescribes the establishment of institutional structures to regulate the use of the land.

New Institutionalism is applicable in this regard as the establishment of effective rules, management arrangements (such as the commonage committees) and capable institutions to govern and implement them are essential to the effective regulation of commonage use. New institutionalists set the foundation for the establishment of a sound management system for common pool resources.

As mentioned in section 2.2.3, however, rules and regulations are not the only determining factors in the establishment of successful commonage management and use. The findings have demonstrated that contextual relations and social dynamics often determine the uniqueness of a commonage situation. The socio-economic and power relations of each commonage have to be understood before appropriate rules and regulations can be developed. This implies that there is no “one size fits all”

¹⁹ Access criteria require minimal standards such as having to be a town resident or a tax payer to the town.

solution but that each municipality has to develop a customised set of arrangements that are appropriate for its specific situation and circumstances on the commonage.

The findings can be explained in the light of all three theories of Common Pool Resource management as each one provides important insight into the commonage debate.

The findings demonstrate that the two main determinants for the failure of effective commonage management in most of the municipalities in the Northern Cape are the following:

Firstly, municipalities, within their current organizational structures, are not geared to address their developmental mandate. Commonage is one of local municipalities developmental responsibilities. This implies that under the current institutional structure, municipalities are not able to address commonage management (and other developmental obligations effectively).

Secondly, commonage management practices are not adequate as they lack national and provincial support and municipalities are not geared in terms of staff and funds to address commonage management effectively.

Several suggestions are made towards the improvement and rectification of these two issues. They address organizational restructuring and provide suggestions to effective commonage committee structures.

In conclusion, municipal commonage is not a new phenomenon to Municipalities. However, the shift of emphasis to making the land available to the previously disadvantaged and within the mandate of developmental local government, commonage management has been redefined for municipalities. Commonage management, within its current developmental mandate, is, therefore, still a very new phenomenon to municipalities and in many cases municipalities feel overwhelmed by this task.

This research demonstrates that in order to fulfill municipal commonage's potential as a land reform tool, and in order to fulfill the developmental mandate of local government, municipalities will have to undergo an internal restructuring process in order to make provision for effective commonage management structures and systems. Additionally, commonage management practices will have to be clarified within municipalities. These are tasks that will require the financial and capacity support and commitment from government departments (Department of Land Affairs, Department of Agriculture and Department of Provincial and Local Government) in order to meet these challenges.



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APPENDIX A INTERVIEW SCHEDULE

MUNICIPAL COMMONAGE SURVEY: FREE STATE AND NORTHERN CAPE

Questionnaire: Chief Executive Officer

Name and position of interviewee:

Name of Local Municipality:

District Municipal area:

Province:

Telephone:

A. Size of Commonage in your Municipality

1. How many "camps" or "fields" does your Municipality own?
2. What is their size?
3. Do you have the cadastral positions of the various camps?
(This means either (1) That they have it on any map, or (2) that they have an aerial photo of it).

B. Acquisition of commonage

1. When were the various fields purchased by the municipality?
2. From whom were they purchased?
3. Has your Municipality acquired any land from the Department of Land Affairs since 1994?

C. Use of commonage in your Municipality

1. By whom are the various camps used? (e.g. township residents, commercial farmers, emergent farmers).
Note that Use and Control may be different – one group may have decision-making power, while another group actually uses it.
2. How would you classify the income of the users of the camps? (e.g. indigent, lower income group, middle income group)
3. What do they use the commonage for? (e.g. large-scale extensive stock-farming, small-scale stock-farming, small-scale crop-farming). Can you tell us more about the types of stock or crops?

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4. Are there camps which were previously used by commercial farmers, and are now used by township residents or emergent farmers?
5. To your knowledge, have the users of the commonage received any technical or financial assistance from Government Departments, NGOs, farming co-operatives, farmers' unions, or donor agencies?
6. Have any users subsequently acquired private land, either (a) by giving up their commonage, or (2) by getting new land in addition to the commonage?
7. Have any of the users "privatized" commonage land – i.e. they treat it as if it belongs to them?

D. Infrastructure on the commonage

1. What infrastructure exists on the commonage? (e.g. fences, dams, windmills, troughs, enclosures, etc).
2. In your opinion, is the infrastructure in good condition? Who is supposed to repair the infrastructure? Is it being looked after properly?
3. Who is supposed to pay for repairs and improvements?

E. Management of commonage

1. How are the users of the commonage organized? (E.g. stock committees, community property associations, etc).
2. How did they get access to the commonage? By tender? Was there a period of negotiation or training?
3. Has the Municipality signed contracts with the users of the commonage? If so, are the contracts enforced?
4. How does the Municipality supervise (i.e. monitor or control) the use of the commonage? (Does it have sufficient staff, with sufficient time and skills to supervise?)
5. How, if at all, do the users of the commonage report to the Municipality (e.g. monthly or quarterly reports). Is there a required format? Are reports followed up by municipal action?
6. Has your Council discussed issues related to the management of the commonage during the last year? If so, what kinds of issues?
7. Has your municipality received any technical assistance from the Department of Agriculture? Any other departments?

F. Financial management

1. Do the users of the commonage receive accounts for rentals? If so, what levels of rentals are levied?
2. Do they pay regularly, either to (1) Users' committee or (2) Municipality?
3. How does the Municipality deal with non-payment?
4. How is the revenue received as rentals utilized by the Municipality? (Is it used to upgrade the commonages, or does it flow back into central Municipal coffers?) I.e. is revenue "ring-fenced"?

G. Integrated Development Plans

1. Is the development of your commonage included in your local municipal IDP? If so, what are the proposals with regard to economic and infrastructural development of the commonage?
2. In your opinion, how can commonages be utilized most effectively as part of Local Economic Development? Explore ideas!!

H. Environmental issues

South Africa is a signatory of the International Convention To Combat Desertification, which places an obligation on SA government bodies and citizens to address the causes of land degradation.

1. In your opinion, has commonage use in your Municipality caused the natural environment to deteriorate? If so, how? (e.g. overgrazing, erosion, proliferation of noxious weeds, salination of the soil).
2. Have any steps been taken to remedy this?
3. Have you received any information or assistance from the Department of Environmental Affairs regarding environmental management?

I. Future steps

Would your Council like the HSRC/University of the Free State to select your Municipality as a case study for in-depth research of commonage management and economic development? (Such a case study would include current usage, as well as future development options).

Many thanks for your assistance!

APPENDIX B LIST OF INTERVIEWEES

Name	Telephone number	Fax number	Interviewee	Date
Kalahari Kgalagadi District Municipality				
Ga-Segonyana Municipality	(053) 712 1095/6	(053) 712 3581	Mr Henning: Commonage Official	17/05/2002
Gamagara Municipality	(053) 723 2261	(053) 723 2021	Mr. J.S. Witbooi: Municipal Manager	Interview was filled in and sent back: 30/04/2002
Namaqualand District Municipality				
Richtersveld Municipality	(027) 851 8229	(027) 851 8366	Mr. J. Cloete: Municipal Manager	11/06/2002
Nama Khoi Municipality	(027) 712 2071	(027) 712 1635	Mr. W. T. Cloete: Head of Community Services	Interview was filled in and sent back: 05/07/2002
Kamiesberg Municipality	(027) 652 1014	(027) 652 1148	Mr. J. Ellis: Commonage Official	Interview was filled in and sent back: 29/05/2002
Hantam Municipality	(027) 341 1011	(027) 341 2750	K. Fourie, G.J. Engelbrecht and N. Viljoen: Municipal Officials from each town.	Interview was filled in and sent back
Frasuwil Municipality	(053) 391 3003	(053) 391 3294	Mrs. van Sitter: Municipal Manager	Interview was filled in and sent back
Khai Ma Municipality	(054) 933 0066	(054) 933 0252	Mr. L. Beukes: Municipal Manager	Interview was filled in and sent back: 25/04/2002
Karoo District Municipality				
Ubuntu Municipality	(053) 621 0026	(053) 621 0368	Mr. K. Hugo: Commonage Official	20/08/2002
Umsobomvu Municipality	(051) 753 0777	(051) 753 0574	Mr. J. Roussouw: Commonage Official	Interview was filled in and sent back: 28/05/2002
Emtanjeni Municipality	(053) 631 0927	(053) 631 0105	Mr. J. Oberholzer: Commonage official	26/08/2002
Kareeberg Municipality	(053) 382 3012	(053) 382 3142	Mr. A van Schalkwyk: Municipal Manager	Interview was filled in and sent back: 19/04/2002
Renosterberg Municipality	(053) 663 0041	(053) 664 0046	Mr. W. du Toit: Municipal Manager	22/05/2002
Thembelihle Municipality	(053) 203 0005	(053) 203 0490	Mr E. Saayman: Municipal Official	25/06/2002
Siyathemba Municipality	(053) 353 5300	(053) 3531386	Mr E. du Toit: Agricultural Extension Officer	27/05/2002
Siyancume Municipality	(053) 298 1810	(053) 298 2019	Mr A. Ryk: Commonage Official	21/08/2002
Siyanda District Municipality				
Mier Municipality	Call 1025 and ask for Mier 19		Mr. C. Philander: Municipal Manager	Interview was filled in and sent back: 05/06/2002.
!Kei!Gariep Municipality	(054) 431 6300	(054) 431 6301	F. J. Strauss: Commonage Official	04/09/2002
//Khara Hais Municipality	(054) 332 5911	(054) 332 1762	Mr Richter: Commonage Official	Interview was filled in and sent back: 05/07/2002
!Kheis	(054) 833	(054) 833	Mr. Ferrus: Municipal	20/05/2002

Municipality	0138	0388	Manager	
Tsantsabane Municipality	(053) 313 0343	(053) 313 1602	Mr. D.W.S. Ross: Municipal Official	24/06/2002
Kgatelopele Municipality	(053) 384 0013	(053) 384 0326	Mr. Shangwima: Municipal Manager	25/06/2002
Frances Baard District Municipality				
Vaalharts-Morobeng Municipality	(053) 474 0143	(053) 474 1768	Mrs N. van Heerden Assistant manager: Administration (Land, Property, Legal and Registration)	Interview was filled in and sent back 18/07/2002
Kimberly Municipality	(053) 830 6911/ (053) 830 6266	(053) 833 1005	Mr M. Steyn: Commonage official	20/08/2002
Dikgatlong Municipality	(053) 531 0671/2/3	(053) 531 0624	Mr. S.M. Grobelaar: IDP Manager	Interview was filled in and sent back, 10/10/2002
Warrenton Municipality	(053) 497 3111	(053) 497 4514	Mr Moreme: Commonage Official	05/08/2002



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APPENDIX C LIST IF MUNICIPALITIES AND THEIR SIZES

Table 10. Size of commonage according to Municipality.

Town/Camps/Fields	Size
Dikgatlong	
Barkley West	3615
Delpoortshoop	2585
Windsorton	3054
Rooibult farm	887
Total	10 141
Emthanjeni	
De Aar	2807 ha
Hanover	8323ha
Britstown	9290ha
Total	20 420
Gamagara	
Deben	1 170 ha
Kathu	119.4 ha
Dingleton	170 ha
Total	1 459
Ga-Segonyana	
C	401
D	540
E	479
F	543
G	469
H	
I	539
J	57
K	
L	60
M	91
Gemeenskaps Kamp 1	464
Gemeenskaps Kamp 2	663
Gemeenskaps Kamp 3	692
Total	4998
Hantam	
Nieuwoudtville	521
Louriesfontein	19 722
Brandvlei	19 311
Calvinia	1000
Total	40 554
Kai!Gariep	
Keimoes: 27 camps	8218
Kehart: 5 farms	Approx 15 000
Total	23 218
Kamiesberg	
Leliefontein	32 627
Garies	4413
Soebatsfontein	15 069
Total	52 109
Kareeberg	
Carnarvon: 25	9226
Vanwyksvlei: 7	5009

Vosburg: 19	6949
Total	21 184
Karoo Hoogland	
Sutherland	22 490 ha
Williston	23 278 ha
Fraserburg	40 032 ha
Total	85 800
!Kheis	
Deurshoek (Brandboom)	3800 ha
Dassiekop (Groblersshoop)	3000 ha
Opkomende boere (Groblersshoop)	600 ha
Topline	4500 ha
Wegdraai	391 ha
Total	12 291
Kgatelopele	
21 camps	9874
Total	9874
Khai Ma	
29 camps	68 268
Total	68 268
Khara Hais	
Hondejag: 20 camps	5500 ha
Olyfenhoudtsdrift: 6 camps	7476 ha
Commonage	Unknown
Total	12 976
Kimberley	
Richie	Approx 280
Commonage around Kly	Approx 630
Farm at Riverton: Langleg	980
Farm at Winserton	850
Farm bordering on Kly	Approx 600
Total	Approx 3340
Mier	
About 165 camps	75 269
Total	75 269
Nama Khoi	
32	126 923
Total	126 923
Renosterberg	
Petrusville: 6	5902
Philipstown: 2	1249
Total	7151
Richtersveld	
Port Nolloth	2700
Total	2 700
Siyathemba	
Prieska: Oranjesig and Geduld	Approx: 4000
Marydale: Marydale commonage and Marydale trust land	Approx 11 584
Niekerkshoop: Mooipoort	Approx 4000
Total	19 584
Siyancuma	
Douglas: 4	+6000 ha
Griquastad: 10	+7300 ha
Campbell: 14	+7000 ha
Total	20 300
Thembelihle	
Hopetown :pre-amalgamation: 4	9000
Strydenburg: pre-amalgamation: 11	11 000

Total	20 000
Tsantsabane	
8 camps	Approx 7000
Total	7000
Ubuntu	
Loxton	10 522
Victoria West	5 808
Richmond	3 620
Total	19 950
Umsobomvu	
34 camps	9689
Total	9689
Vaalharts Morobeng	
No answer	
Warrenton	
2 farms	No answer
TOTAL 675 198 ha	



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