

Contested Land: A Case Study of Land Reform on the Municipal
Commonage in Loeriesfontein, Northern Cape Province

By

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Declaration

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the sole author thereof (unless to the extent explicitly otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party rights and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Date: March 2021

Abstract

This thesis focuses on the competing claims to and interests in the municipal commonages of a small town called Loeriesfontein in the semi-arid Karoo region of the Northern Cape Province. The primary aim is to trace the relational dynamics among the organisations and actors that are involved and see how these dynamics are impacting on the potential of the commonage as a valuable resource for local households. Several studies have identified municipal commonages as playing an important but neglected role in land reform. In Loeriesfontein, however, the municipal commonage has become a site of overlapping and competing rights which threaten this potential. This is because two land reform programmes have both targeted the land, namely, the municipal commonage programme and the land restitution programme.

This has led to conflicts and mistrust among three land-user organisations representing 1) small-scale farmers leasing the land from the municipality since the early 1990s (the LOBV), 2) 'backyard' farmers interested in accessing the land (the LOVV) and 3) land claimants represented by the Loeriesfontein CPA which was granted title to some of the commonage in 2017. A lack of clarity about the status of the land and the responsibilities of various government bodies at national, provincial and local level have added to the tensions and undermined the potential of the municipal commonages to contribute to local livelihoods.

The thesis unpacks the history of the land and the organisational dynamics around it as a contribution towards addressing these problems. The conceptual framework used to navigate these issues draws on political ecology as well as understandings of sustainable development and sustainable livelihoods that emphasise the importance of social justice, respecting environmental limits and meeting human needs. The research methodology was qualitative, making use of documentary analysis, archival research, semi-structured interviews and observation.

Key findings are that the competing land policies and their ineffective implementation have constrained the potential of the municipal commonages as a resource. As of late 2019 there were no mechanisms in place to untangle the competing interests in the land and resolve the conflict between current land users and land claimants. Resolving these problems is urgent but will prove challenging and will require investment of time and resources by the relevant authorities. In addition to this, the commonage is a finite natural resource that cannot sustain all the land users and claimants with an interest in it; alternative land but also alternative livelihood options are thus urgently needed to promote sustainable development in Loeriesfontein.

In conclusion, this case study raises important issues for land reform in terms of both policy development and implementation. Careful consideration of the context and needs and wants of the community in question is essential. Also important is to look at land reform more holistically, to avoid the clashes among its various sub-programmes found in the case of Loeriesfontein.

Opsomming

Hierdie tesis fokus op die mededingende aansprake op en belange in die munisipale meentgrond van 'n klein dorpie met die naam Loeriesfontein in die dorre Karoo-streek in die Noord-Kaap. Die primêre doel is om die verhoudingsdinamika onder die betrokke organisasies en akteurs op te spoor en te sien hoe hierdie dinamika die potensiaal van die meentgrond beïnvloed as 'n waardevolle bron vir plaaslike huishoudings. Verskeie studies het die munisipale meentgrond as 'n belangrike, maar verwaarloosde rol in grondhervorming geïdentifiseer. In Loeriesfontein het die munisipale meentgrond egter 'n terrein van oorvleuelende en mededingende regte geword wat hierdie potensiaal bedreig. Dit is as gevolg van twee grondhervormingsprogramme wat albei op die grond gerig is, naamlik die munisipale meentprogram en die grondherstelprogram.

Dit het gelei tot konflik en wantroue tussen drie grondgebruikersorganisasies wat 1) kleinboere verteenwoordig wat die grond sedert die vroeë 1990s van die munisipaliteit verhuur het (die LOBV), 2) 'agterplaasboere' wat belang stel in die land (die LOVV) en 3) grondeisers verteenwoordig deur die Loeriesfontein CPA wat in 2017 titel aan 'n groot deel van die meentgrond gekry het. 'n Gebrek aan duidelikheid oor die status van die land en die verantwoordelikhede van verskillende regeringsinstansies op nasionale, provinsiale en plaaslike vlak het die spanning bygedra en die potensiaal van die munisipale meentgrond om tot plaaslike lewensbestaan by te dra, ondermyn.

Die tesis pak die geskiedenis van die land en die organisatoriese dinamika rondom dit saam as 'n bydrae tot die aanspreek van hierdie probleme. Die konseptuele raamwerk wat gebruik word om hierdie kwessies aan te spreek, berus op politieke ekologie, sowel as begrip van volhoubare ontwikkeling en volhoubare lewensonderhoud wat die belangrikheid van sosiale geregtigheid, die respek vir omgewingsperke en die bevrediging van menslike behoeftes beklemtoon. Die navorsingsmetodologie was kwalitatief en het gebruik gemaak van dokumentêre analise, argiefnavorsing, semi-gestruktureerde onderhoude en waarneming.

Belangrike bevindings is dat die mededingende grondbeleid en die oneffektiewe implementering daarvan die potensiaal van munisipale meentgrond as 'n bron beperk het. Aan die einde van 2019 was daar geen meganismes om die mededingende belange in die land te ontrafel en die konflik tussen huidige grondgebruikers en grondeisers op te los nie. Die oplossing van hierdie probleme is dringend, maar dit sal 'n uitdaging wees en dit sal tyd en hulpbronne deur die betrokke owerhede verg. Daarbenewens is die meentgrond 'n hulpbrin wat uitgeput kan word en nie al die grondgebruikers en eisers met 'n belang daarin kan onderhou nie; alternatiewe grond, maar ook alternatiewe lewensonderhoud is dus dringend nodig om volhoubare ontwikkeling in Loeriesfontein te bevorder.

Ten slotte bring hierdie gevallestudie belangrike kwessies vir grondhervorming in terme van beleidsontwikkeling en implementering. Noukeurige inagneming van die konteks en behoeftes en begeertes van die betrokke gemeenskap is noodsaaklik. Dit is ook belangrik om meer holisties na grondhervorming te kyk om die botsings tussen die verskillende subprogramme in die geval van Loeriesfontein te voorkom.

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Dedication

Dedicated to my mother, Fairuz Davids, for her tireless efforts and support. I would not be where I am today without you.

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List of Acronyms

ANC	African National Congress
CASP	Comprehensive Agricultural Support Programme
CGA	Centre for Geographical Analysis
CPA	Communal Property Association
CRLR	The Commission on Restitution of Land Rights
CWP	Community Works Project
EFF	Economic Freedom Fighters
DALRRD	Department of Agriculture, Land Reform, and Rural Development
DEIC	Dutch East India Company
DLA	The Department of Land Affairs
DRDLR	Department of Rural Development and Land Reform
IDP	Integrated Development Plan
LOBV	Loeriesfontein Opkomende Boerevereniging (Loeriesfontein Emerging Farmers Association)
LOVV	Loeriesfontein Ontwikkelingsboere Vereniging (Loeriesfontein Developing Farmers Association)
LRAD	Land Redistribution for Agricultural Development
LRC	Legal Resources Centre
NRF	National Research Foundation
PAIA	Promotion of Access to Information Act
PLAS	Proactive Land Acquisition Strategy
RDP	Reconstruction and Development Programme
REC	Research Ethics Committee
REIPPP	Renewable Energy Independent Power Producer Procurement
RLCC	Regional Land Claims Court

SAAO	South African Astronomical Observatory
SARChI	South African Research Chairs Initiative
SALT	South African Large Telescope
SKA	Square Kilometre Array
SPP	Surplus Peoples Project
WCED	World Commission on Environment and Development

Chapter 1: Introduction

This thesis explores the competing claims to and interests in the municipal commonages of Loeriesfontein, a small town located in South Africa's semi-arid Northern Cape Province. The primary aim is to trace the relationships among the various organisations and actors that are involved and see how these dynamics are impacting on the commonage as a potentially valuable resource for local households. My underlying interest is in the contribution that municipal commonages as a category of state-owned land could make to sustainable development in the town and to a successful land reform programme in South Africa more generally. Several studies have identified municipal commonages as a potentially useful resource for land reform in the semi-arid Northern Cape (Atkinsons & Ingle, 2018; Vetter, 2013; Twine, 2013; Atkinson, 2013; Lebert, 2004). In Loeriesfontein, however, conflicts between interest groups associated with different land reform programmes, along with the resulting uncertainty regarding who is responsible for managing this land, are undermining this potential. These dynamics speak to the challenges of adjudicating between overlapping claims to land that pit different land reform programmes against each other – in this case, the Municipal Commonage Policy, through which some small-scale livestock owners living in Loeriesfontein have been able to access grazing land for their livestock close to town, and the land restitution programme, which has awarded formal ownership rights in the commonage to a Communal Property Association (CPA) representing land claimants also living in the town (and elsewhere). They also speak to government dysfunction within the larger land reform programme, with state institutions at different levels (national, provincial, and local) failing to act in a coordinated manner in relation to their different responsibilities.

This thesis thus looks at land reform in practice, through a case study of the Loeriesfontein commonage. It builds on a Sociology Honours research project which I conducted in 2017 (Davids, 2017), which focused on the contribution of the municipal commonages of Loeriesfontein to the livelihoods of the small-scale livestock farmers who at that stage were the primary land users as a result of lease agreements signed in the early 2000s with the Hantam Local Municipality. In the course of that research I became aware that there was a land claim on the commonage but the status of the claim and the CPA as its representative was unclear to many of the commonage land users whom I was interviewing. The local conflicts and confusion surrounding questions of ownership, access to and governance of the commonage land emerged as major concerns through that project, which led me to undertake this larger study.

The broad theoretical framing for my study draws on political ecology, which aims to understand the relationship between 'nature' and society by analysing how natural resources are accessed and

controlled and the consequences of these dynamics on environmental health and sustainable livelihoods. I have used this theoretical framework to better understand the multi-layered relationship land users have with the commonage and each other, and how this has been shaped by the history of Loeriesfontein. A key concept that I employ in operationalising this framework in my case study is that of sustainable development. Here I am working with the understanding of sustainable development proposed by Holden, Linnerud, & Bannister (2017), which emphasises the importance of social equity, respecting environmental limits and meeting human needs as three non-negotiable 'moral imperatives' that need to be addressed together, without trade-offs among them. An allied concept I draw on is that of sustainable livelihoods. These concepts and why I have chosen to work with them are presented in Chapter 2.

I begin this introductory chapter with a brief background overview of my case study site and the municipal commonage programme. (These issues are explored more fully in Chapter 4.) I then present the research problem that I am addressing, followed by the research questions that have shaped this study. Lastly, I provide a chapter outline for this thesis.

1.1 Background on Loeriesfontein and the Municipal Commonage Policy

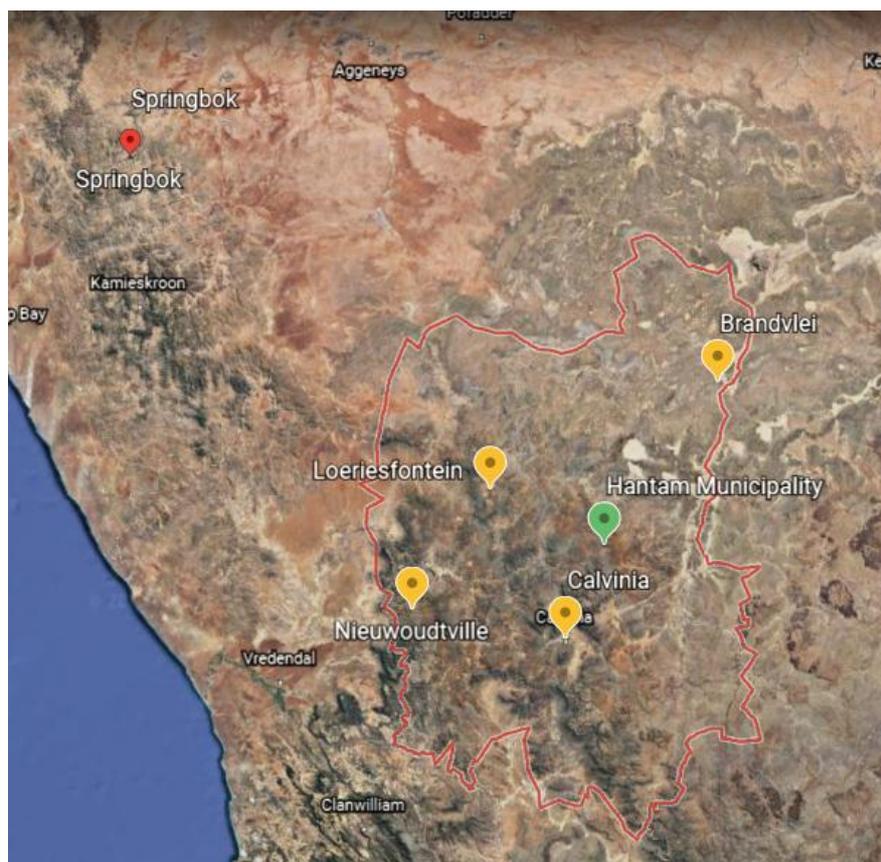
1.1.1 Brief Overview of the Town

Loeriesfontein is a small town in the Hantam Local Municipality of the Namaqualand District Municipality of the Northern Cape that is far from the centres of power. It lies some 90 kilometres north of Calvinia, the headquarters of the local municipality; the most direct road to Calvinia (the R355) is gravel, not tarred (Figure 1.1). Springbok, the headquarters of the District Municipality, is some 250 kilometres away by road and Kimberley, the provincial capital, 660 kilometres away. As of 2011, Loeriesfontein had a population of 2 744 people (StatsSA, 2011). The overwhelming majority of its residents self-identify as *bruin-mense* (brown people, i.e. 'coloured' as per South Africa's still officially used classification of 'population groups'). Afrikaans is the dominant language. The town is located in the semi-arid Succulent Karoo biome, bordering the Nama Karoo biome to the east (Figure 1.2) and, like much of the Northern Cape, was suffering from a severe drought throughout my research period and before.

The town has a long history of racialised land dispossession which stretches back into the 1800s. This history is central to understanding contemporary land conflicts and claims but is poorly documented, as is discussed in greater detail in Chapter 4. Briefly, the origins of the town lie in a colonial land grant in 1860 to a group of pastoralists of mixed European and Khoisan ancestry, the

so-called 'bastards', who emerged as a distinct social group in the Karoo in the colonial period.¹ However, this 'ticket of occupation' was revoked in 1892, as a result of pressure on the Cape government from politically more powerful white farmers who were competing for rights over grazing land and water in the area. This saw most of the beneficiaries of the 1860 land grant stripped of their land rights. The town of Loeriesfontein was formally proclaimed on these lands shortly thereafter, in 1898 (Möller, 1988). The history of Loeriesfontein in the 20th century is not well documented but it is evident that the descendants of the original settlers of Loeriesfontein, reclassified as 'coloured' under apartheid, experienced further land dispossessions in the 20th century, including in the 1970s as a result of the proclamation of segregated white and coloured group areas in the town in 1968 (Möller, 1988). Although, as discussed further in Chapters 3 and 4, I have been unable to determine the exact basis of the land restitution claim on the commonage (because the claim forms in which the claimants would have set this out have not been made available to me, despite numerous attempts on my part to access them), the presumption is that it relates to this history of dispossession and forced removals.

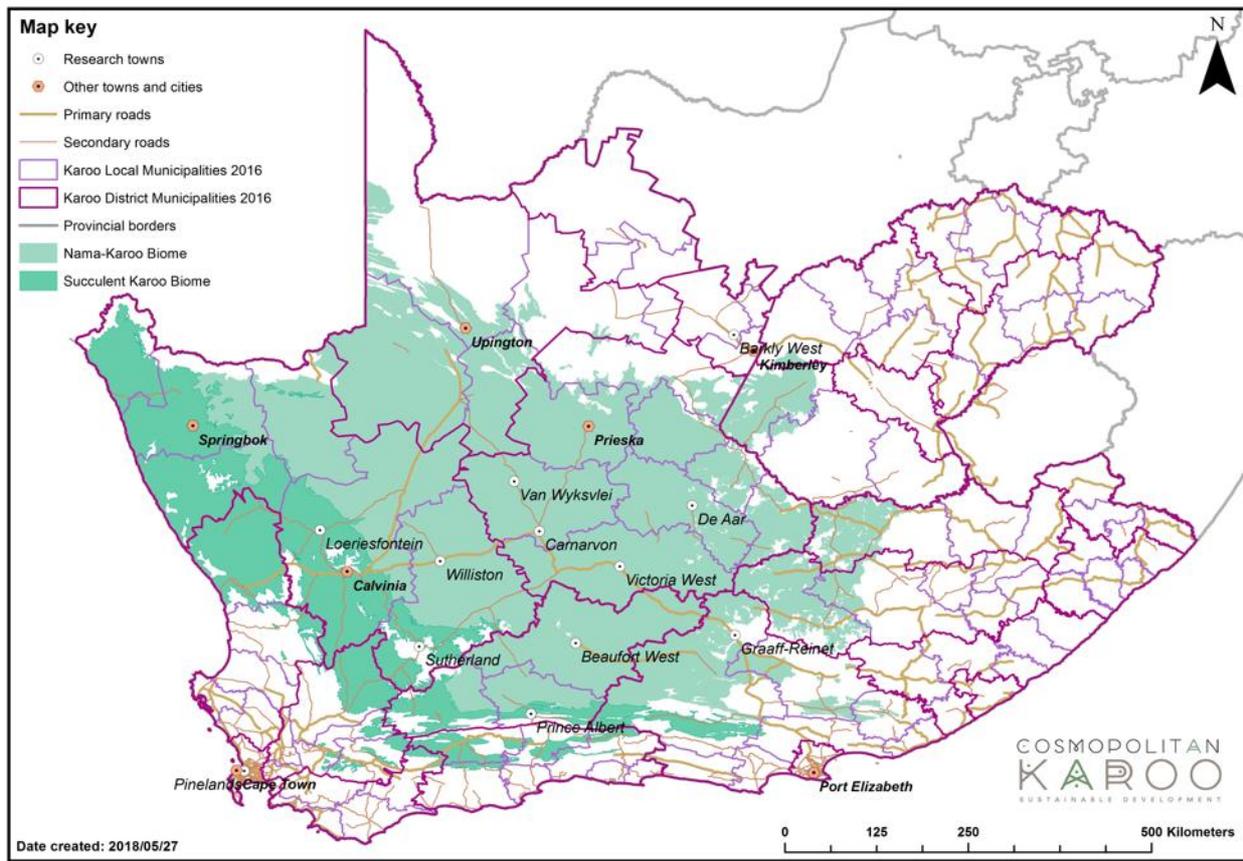
Figure 1.1 The Hantam Local Municipality



(Source: Google Earth, 2020)

¹ This term was in wide use in the 19th century, including by members of the social group themselves.

Figure 1.2 The Nama and Succulent Karoo biomes, showing municipal boundaries and major towns



(Source: SARChI Research Chair in the Sociology of Land, Environment & Sustainable Development, 2018)

Like many Karoo towns Loeriesfontein faces numerous socio-economic challenges, including high rates of poverty and unemployment (Vorster, 2019). While conducting my field work, I had many informal conversations with residents and there was general consensus that the absence of opportunities for growth and development in the town was a serious problem, especially for the youth. The socio-economic problems are clearly reflected in the results of a household survey that was conducted in Loeriesfontein in late 2019 by the South African Research Chair Initiative (SARChI) Chair in the Sociology of Land, Environment and Sustainable Development (Vorster, 2019). Reporting on the survey, Vorster and Walker (2020) describe poverty and unemployment levels in the town as 'extremely high, even by South African standards':

Here, before the outbreak of the Covid-19 pandemic, almost 60% of households had a per capita income at or below South Africa's current "upper-bound" poverty line (R1,227 per month); some 50% of the economically active population was unemployed; almost two thirds of households were recipients of at least one SASSA grant and in close to 50% of households, these grants were the main source of income.

Loeriesfontein's unemployment rate is especially pronounced among the youth (people aged 20-29) with a youth unemployment rate of 60% (Vorster, 2019:37).

In recent years the area around Loeriesfontein has become a site of investment in renewable energy, but the local jobs associated with these developments are mainly low-skilled and temporary. In December 2017 two adjacent wind farms, the Khobab wind farm and the Loeriesfontein wind farm, were officially opened some 60km north of the town (Mainstream Renewable Power, 2020). This renewable energy project has been developed by an international renewable energy company called Mainstream Renewable Power, through its South African subsidiary headquartered in Cape Town. The development of the wind farms impacted positively on many household economies in Loeriesfontein during the construction phase but most of those jobs have since dried up. This was picked up in the socio-economic survey mentioned above, which found that 23% of household members who were described as unemployed when the survey was conducted had worked previously in jobs associated with the construction of the wind farms (Vorster, 2019: 43). As part of its legislated social responsibility commitments, Mainstream has also undertaken a number of community development projects. During my field work in Loeriesfontein in 2018 I became aware of one such initiative funded by Mainstream, called Senze, which focuses on developing entrepreneurship and businesses within the town and has presented an intensive farming initiative to the small-scale farmers of Loeriesfontein.

Residents are also facing major environmental challenges. This is a semi-arid area and Loeriesfontein relies heavily on ground water for its water supply. However, in 2013 the town's well field ran dry, due to the below-average rainfall since 2008 (Mainstream Renewable Power, 2015:12). In addition to this, the Karee dam, located in Calvinia, ran dry in 2017 and again in 2020 (Brandt, 2017; The Republic of South Africa, 2020). This dam serves as a water source for towns in the Hantam Local Municipality. This has forced the Hantam Local Municipality to rely heavily on borehole water pumped from nearby farms to supply Loeriesfontein and the other towns in the Municipality with water. The drought has added to the pressures on the local economy in general and farming in particular, including impacting negatively on the small-scale livestock farmers based in the town who make use of the municipal commonages for grazing. Although the local municipality and the provincial DALRRD have provided some drought relief, the small-scale farmers of Loeriesfontein have struggled to maintain their livestock herds (Joseff, interview, March 2019; Leonard, interview, March 2019; Lucian, interview, March 2019).

1.1.2 The Municipal Commonage Programme

Municipal commonages are made up of land parcels that were registered historically in the ownership of the individual towns that after 1994 were combined to form larger local municipalities. These land parcels usually surround the built-up area of the town and can be made available to town residents for various purposes, including crop cultivation, the grazing of livestock, and the collection of firewood (Atkinson & Büscher, 2006: 437). Today there are two kinds of municipal commonages: 'traditional' commonages and 'additional' commonages. The former was established along with the town and in the apartheid era generally became reserved for the use of white residents, particularly farmers; ownership now vests in the local municipality within which the individual town has been incorporated. The latter have emerged as a result of South Africa's post-apartheid land reform programme. The term refers to land bought specifically by the state for land reform purposes but owned and overseen by the local municipality.

As discussed in more detail in Chapter 2, the Municipal Commonage Programme was introduced in 1997 as part of the land redistribution programme. In the early years of the land reform programme the commonage programme was particularly prominent within the Northern Cape Province where it was regarded as having significant potential in contributing to poverty alleviation and improving livelihoods in rural Karoo towns (Anderson & Pienaar, 2003). By 2003, the commonage programme accounted for the largest transfer of land to black beneficiaries within the land redistribution programme, accounting for 31% of the total land transferred by that time. Most of the land was located within the Northern Cape (Anderson & Pienaar, 2003). However, in 2000 the Municipal Commonage Policy shifted focus from supplementing household income and increasing food security towards favouring emerging small-scale farmers who wished to move towards becoming commercial farmers (Anderson & Pienaar, 2003:2). According to Anderson & Pienaar (2003), this weakened the pro-poor focus of the programme. Further shifts in national policy saw a greater focus on strategies aimed at increasing private land ownership among black emerging and commercial farmers. As a result, the municipal commonage policy was pushed to the side (Anderson & Pienaar, 2004).

Despite this, many analysts argue that municipal commonages still hold significant potential as a source of land that can contribute to more sustainable livelihoods for poor residents of country towns (Atkinson & Büscher, 2006; Vetter, 2013; Atkinson, 2013; Twine, 2013; Atkinson & Ingle, 2018). Commonage land is easily accessible to the community and often the only source of natural resources for grazing and firewood that poor households have available to them. It is also seen as providing a 'stepping-stone' and training ground for small-scale farmers who wish to expand their scope and become commercial farmers off the commonage in due course, while representing an

opportunity for various actors in agriculture to come together and collaborate at the local level (Atkinson & Büscher, 2006). In addition, there is the potential for economic development for the municipality via non-farming activities on the land (Atkinson & Büscher, 2006).

1.1.3 Organisations with an Interest in the Loeriesfontein Commonages

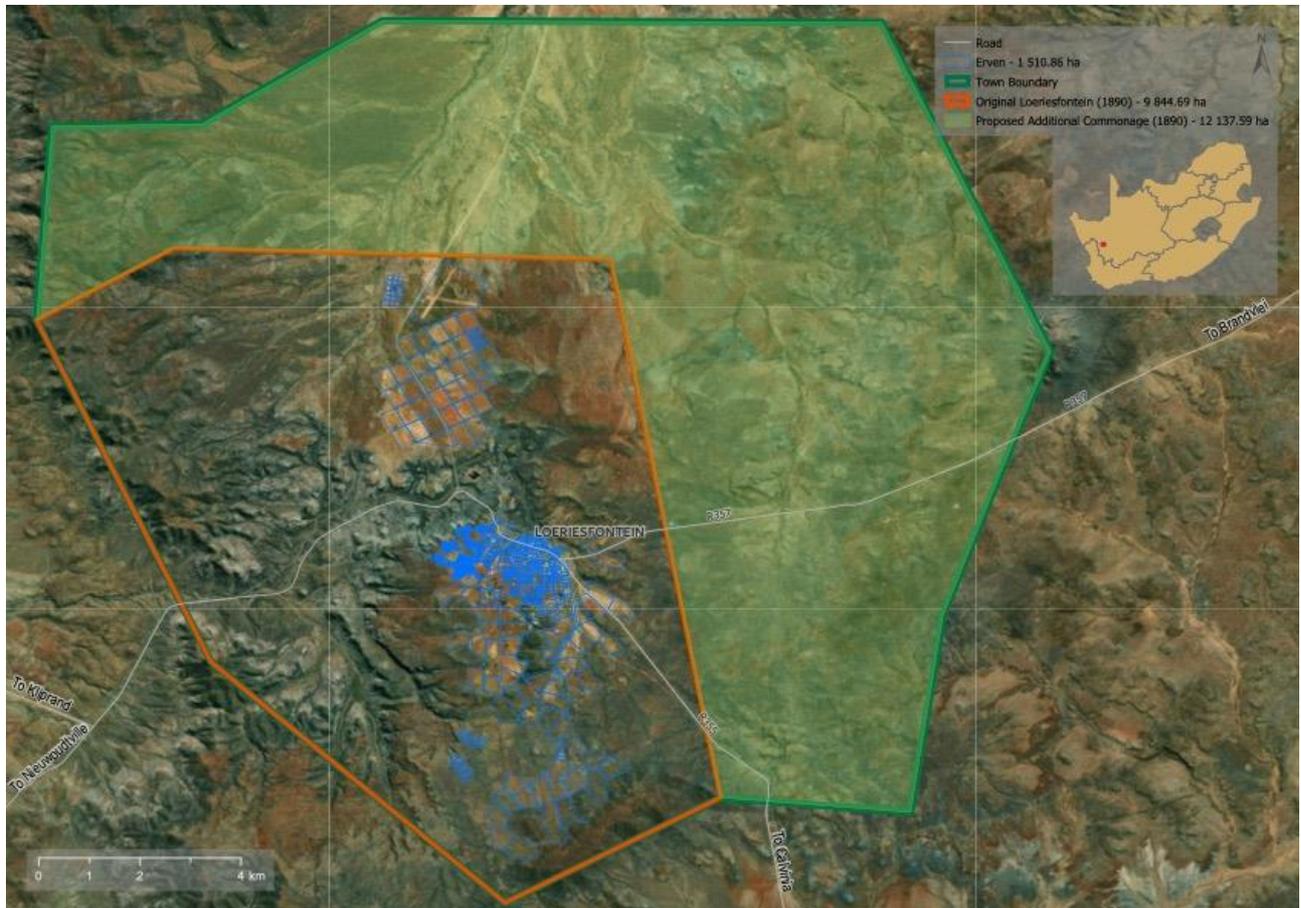
According to the Hantam Local Municipality (2017:1), the total commonage land attached to Loeriesfontein amounts to some 30,000 hectares, of which 11,819 hectares is from a farm that is designated as 'additional' commonage that was purchased for land reform purposes after 1994. This farm, which falls outside the scope of this thesis, is located some distance from the town and is currently being used by an individual beneficiary of land reform (Davids, 2017). According to one of my informants at the Hantam Local Municipality, by 2019 this farmer was operating at the level of a commercial farmer and it was felt that he was a candidate for moving off the commonage and onto a farm of his own (Esther, interview, March 2019).

The focus of this thesis is on the remaining area of approximately 20,000 hectares, which is the 'traditional' commonage surrounding the built-up area of the town (Figure 1.3). Local people describe the commonage as made up of nine farms: Dolfsehoek, Bodam, Noute, Spitsberg, Dirk se Water, Skietbaan, Izakskraal, Die Berg, and Vliegveld. (None of these farm names appear on the most recent official cadastral map.) Small-scale farmers have been leasing this land from the municipality since the early 1990s; it also formed a major component of the land claim lodged in 1996 in terms of the Restitution of Land Rights Act of 1994. Research into the property history of this land, conducted with my supervisor and the assistance of the Centre for Geographical Analysis (CGA) at Stellenbosch University, has established that the 'traditional' commonage land attached to Loeriesfontein is made up of the land covered by the original 1860 land grant to the 'baster' pastoralists, along with land to the north and east of the 1860 land grant that was proposed for addition to it in 1890, before the town of Loeriesfontein was established. (See Chapter 4.) The former covers some 9 845 hectares, the latter 12 138 hectares, making a total of 21 983 hectares for all the townlands.² (This total includes all residential and other erven of the contemporary town.) This spatial history is reflected in Figure 1.3 below, which shows the outer boundary of the current town lands of Loeriesfontein, encompassing the original land grant (bordered in orange) and the 'proposed' commonage land that was added (shaded in green), as well as the property boundaries of the residential and other erven subsequently registered within the town lands, in and around the town

² All areas unless otherwise attributed were calculated within ArcGIS Pro using Chief Surveyor General spatial cadastral data, with the assistance of the Centre for Geographical Analysis (CGA) at Stellenbosch University.

centre (marked in blue). Identifying the actual land covered by the commonage and uncovering its history has been challenging, in large part because of the lack of information regarding the land claim; this issue is discussed further in Chapters 3 and 4.

Figure 1.3 Loeriesfontein town lands, showing 'traditional' commonage lands and town erven



(Source: SARChI Research Chair in the Sociology of Land, Environment & Sustainable Development, 2020)

Through my research I have divided the main organisations involved with the commonage into three groups: land users, government bodies and civil society organisations. In terms of land users, there are currently three organisations with different types of claims to the traditional commonage: the Loeriesfontein Opkomende Boere Vereeniging (LOBV), the Loeriesfontein Ontwikkelingsboere Vereniging (LOVV), and the Loeriesfontein Communal Property Association (CPA). The LOBV is the oldest of the three organisations, having been established in 1993. It represents small-scale stock farmers who have been using the commonage to graze their livestock (mostly sheep) since the organisation was first established. Their main interest in the commonage is for grazing land for their livestock. The second organisation, the Loeriesfontein Ontwikkelingsboere Vereniging (LOVV), is more recent. It was established in 2018 to represent 'backyard farmers' in Loeriesfontein, i.e. residents with some livestock who do not have land on which to graze their stock and rely on open

spaces and verges around their township residences for that (Maverick, interview, October 2018). The LOVV is interested in using the municipal commonages for grazing their herds; at this stage, however, they have not made common cause with the LOBV. It appears that this is largely due to a difference in their basic farming models, with the LOVV preferring to farm collectively while the members of the LOBV prefer to farm individually. The third organisation, the CPA, which is how the claimant body is known locally, was established in 2008 when the land restitution claim that its leadership had lodged on the commonage and some additional properties in 1996 was formally settled.

These organisations and their recent histories are discussed in greater detail in Chapters 4 and 5. Here it should be noted that unpacking the interests of the land claimants has proved particularly difficult. According to the national Minister of Agriculture, Land Reform and Rural Development, in answer to a question in Parliament in December 2019, the original restitution claimants numbered 240, 91 of whom were since deceased (National Assembly, 2019). However, according to the 2018/2019 'Communal Property Association Annual Report' of the national Department of Rural Development and Land Reform (DRDLR) (2019: 78), the Loeriesfontein CPA currently has 800 members; this appears to include relatives of the original claimants and is equivalent to over a quarter of the total population of the town. The interests of this large group are meant to be represented by the CPA but, as discussed in Chapters 4 and 5, the status of the CPA and its responsibilities and rights as the legal landowner have been the source of considerable confusion in the town, including among the small-scale farmers of the LOBV. There are also questions regarding the actual number of claimants with ownership rights in the restituted commonage. According to informants at the Hantam Local Municipality, in 2008 210 households chose the option of monetary compensation and only 30 households opted for their land rights to be restored (Davids, 2017). The status of the CPA leadership has also been a matter of dispute since 2008, with problems around accountability to the larger membership. In December 2019 the national Minister noted in her response to the Parliamentary Question:

There was a need for regularization of the CPA and a new Executive Committee was elected on 05 November 2019. In addition, a panelist has been appointed to assist the CPA on disputes regarding access to the land (National Assembly, 2019).

The main state agencies involved with the commonage (to varying degrees and at different times) span the national, provincial and local spheres of government. Nationally there is the Department of Agriculture, Land Reform, and Rural Development (previously the Department of Rural Development

and Land Reform, DRDLR)³. Provincially there is the Department of Agriculture, Land Reform, and Rural Development (DALRRD) which has an office based in Calvinia. Locally the Hantam Local Municipality was the registered landowner with primary responsibility for managing the commonages until the settlement of the restitution claim. Since then the local municipality maintains it has stepped back from involvement in the management of the traditional commonage because, officials argue, it no longer owns the claimed land. My Honours project (Davids, 2017) revealed a vacuum in the day-to-day management of this land in 2017 and this has persisted since then. Arrangements regarding access, stock numbers, fencing, dipping and predator control are being informally managed among the farmers who continue to make use of this land, with varying results depending on the resources available to the individual farmer. In the words of one farmer I interviewed in 2019:

...jy het net 'n stukkie grond en jy als wat daar kort. As daar 'n pomp is wat stukkend is moet jy dit self regmaak. As die draad stukkend is moet jy dit self regmaak.

[... you only have a small piece of land and you are always short of everything. If there is a pump that is broken you have to fix it yourself. If the fencing is broken you have to fix it yourself] (Lucien, interview, March 2019)

In addition to the organisations mentioned above, several civil society organisations have also got involved from time to time with projects related to the commonage, mainly by providing aid to the small-scale farmers who make use of the land. In the early 2000s and 2010s the land-rights NGO, the Surplus People Project (SPP), which has offices in Springbok and Cape Town, was active, along with the Legal Resources Centre (LRC), a public-interest law NGO. More recently Mainstream Renewable Power has become involved through their social development programme in Loeriesfontein, including funding the local community-based organisation, Senze, to promote businesses within the town.

1.2 Research Problem

The Loeriesfontein municipal commonage is a site of overlapping claims and competing land reform policies. Here the state's land restitution programme appears to be in direct conflict with the municipal commonage programme, with negative impacts on both the goal of redress for past land injustices

³ The national department responsible for land reform has undergone three name changes since 1994. It was the Department of Land Affairs (DLA) from 1994 - 2009. In 2009 it became the Department of Rural Development and Land Reform (DRDLR). In June 2019 the DRDLR was combined with the national Department of Agriculture to become the national Department of Agriculture, Land Reform & Rural Development. To avoid confusion with the provincial department in the Northern Cape with a similar acronym, and because major policy documents used in this thesis predate the June 2019 name change, I use DLA or DRDLR as appropriate.

and the potential of the commonage to contribute to more sustainable livelihoods in the town. As briefly described above, there is conflict and mistrust among the three organisations with overlapping interests in the commonage. At the same time, the lines of accountability among the state institutions responsible for land reform and commonage management are not clear. It is also not clear what mechanisms exist for managing the conflicts and finding equitable solutions. Compounding these problems, much of the information surrounding the status of the land claim and the ownership and management of the commonage is not readily available, even though these are issues that should be in the public domain. Locally based officials themselves appear to be uncertain about the history and current status of the land and of the different interest groups with which they are dealing.

All this is happening in a context of widespread poverty and lack of employment opportunities. As mentioned previously, Loeriesfontein has very high rates of poverty and unemployment. The municipal commonages have offered an additional source of income that has contributed to the livelihoods of those small-scale farmers who have been able to access this resource. However, the land cannot viably support all the potential land users who may wish to make use of it. This is not an environment suitable for intensive agriculture. There are clear ecological limitations on the stocking rates, and after many years of drought the condition of the veld is compromised. Although municipal commonages have been shown to be useful in terms of contributing toward livelihoods and thus poverty alleviation, their potential is not unlimited. At the same time, it is clear that what potential is there is being undermined in the case of Loeriesfontein by the numerous constraints placed on the commonage as a result of the uncertainties introduced by the competing claims to the land and the absence of clear criteria around how this land and the competing interests in it can best be managed.

South Africa has made considerable progress since its first democratic elections in 1994. However, an unresolved issue that has persisted throughout 26 years of democracy is that of land reform. My Honours research project made it clear that within Loeriesfontein the programme of land reform has not been delivering on expectations. However, given the confusion surrounding the groups and their different interests in the municipal commonage, it was difficult to make recommendations on how to improve this situation. Given all the uncertainties it is important to identify the different players and their interests in the land as well as to unpack the relational dynamics among them, as a critical first step towards resolving these problems. This is the primary objective of this thesis. In doing so, I aim not only to understand how these dynamics are impacting on the contribution of the commonage land to sustainable development in the town of Loeriesfontein but also to contribute to debates on the contribution of municipal commonages to the larger land reform programme and sustainable development in the Karoo.

1.3 Research Questions

The following are the overarching research questions that have shaped my research project:

1. Who are the different actors involved in in the Loeriesfontein municipal commonages, what are their interests in this land and what relationships exist among them?
 - a) Among the townspeople, what is the basis of their various claims to the commonage?
 - b) What government agencies are involved and what role do they play?
 - c) What other organisations are involved with the municipal commonages of Loeriesfontein?
2. What is the current status of the land restitution claim and how is it impacting on the municipal commonage programme in Loeriesfontein?
3. What mechanisms are in place for managing the conflicts that have arisen around the municipal commonage land and how effective have they been?
4. What are the impacts of the competing claims to the land on its potential for improving livelihoods and advancing prospects for sustainable development in Loeriesfontein?
5. What is the significance of this case study for the larger land reform programme?

In order to answer my research questions, I have chosen a qualitative case study research design in which semi-structured interviews with key players, observation and archival work and documentary analysis have been my primary methods of data collection.

1.4 Chapter Outline

My thesis consists of six chapters. Following this introductory chapter, in Chapter 2 I discuss the conceptual framework that informs this thesis and review the literature on land reform in general and the Municipal Commonage Policy specifically. In Chapter 3 I discuss my research methodology and the challenges I faced, in particular with regard to accessing information about the history of the commonage and the land restitution claim and the implications for my study. In Chapter 4 I provide an overview of my research site, including a discussion of the ecology of the Karoo and the history of land in Loeriesfontein up until the present, as far as I have been able to piece it together; both issues are essential for understanding the current context in which the struggles over the Loeriesfontein commonage are playing out. In Chapter 5 I present my findings on the organisations, their interests in the land and their interactions, thus addressing research questions 1 – 3 above. In Chapter 6, my concluding chapter, I review the key themes that have emerged from my research and reflect on their implications for sustainable development and land reform in Loeriesfontein as well as more generally, thus addressing my research questions 4 and 5. I also include recommendations for further research.

Chapter 2: Conceptual Framework and Overview of Land Reform in South Africa

In this chapter I first present the key concepts that have informed this research project and discuss how I understand them in relation to my case study. As already noted, I am working with political ecology for my overarching theoretical framing and, linked to that, particular understandings of the concepts of sustainable development and sustainable livelihoods. In section two I present an overview of land reform in South Africa, review the literature on the position of municipal commonages within that, and discuss key land debates.

2.1 Conceptual Framework

2.1.1 Political Ecology

Watts (2000:257) has described political ecology as a theoretical approach that emphasises the importance of ‘understanding the complex relations between nature and society through careful analysis of access and control over resources and their implications on environmental health and sustainable livelihoods’. Much like Watts (2000), Robbins (2011) views political ecology as concerned with understanding the relationship between ‘nature’ and society which, he argues, each exert an influence over the other. According to him (2011:13), political ecologists regard every action as having a ripple effect across a multitude of interconnected networks, both human and environmental. Struggles over knowledge, power, and practice in relation to the natural environment are key issues within political ecology. The environment shapes the way in which these struggles play out but is itself shaped by them. Conducting research through the lens of political ecology thus sheds light on processes of environmental change in relation to issues of equity and sustainability.

I have decided to use this theoretical approach for framing my understanding of the dynamics around the Loeriesfontein municipal commonages for several reasons. Political ecology is helpful for theorising the complex relationship between the land users and their environment. It places an emphasis on social justice and the power relations involved in questions around access to natural resources and the consequences of shifting controls over resources (Turner & Robbins, 2008) – issues which are central to the history of land dispossession in Loeriesfontein as well as to current struggles around the commonage. Understanding the processes that generate social conflict over natural resources is a key focus of political ecology, which looks at the ‘shifting monopolies of environmental control’ (Turner & Robbins, 2008:301). This resonates with my interest in the social dynamics that exist among the various actors involved with the Loeriesfontein commonage and the

impact of this on the potential of this land to contribute to sustainable livelihoods within the particular environment of this small town.

Political ecology's emphasis on understanding environmental dynamics and how they impact on society also seems particularly relevant in a place like Loeriesfontein. The town is located in a semi-arid and marginalised region of the country. In order to understand the prospects for land reform in this town, one needs to understand not only the power relations among the various actors but also the ecology of the commonage lands and surrounding district, and engage the debates on land degradation and biodiversity conservation in the Northern Cape and the implications of this for sustainable development. The issue of environmental health impacts on the possibilities for sustainable livelihoods and highlights local concerns around uncontrolled access to the resources of the municipal commonages of Loeriesfontein. A significant issue that was raised by small farmers belonging to the LOBV during my field work concerned the state of the veld and the 'proper way to farm' in the semi-arid environment of Loeriesfontein. However, political ecology also alerts one to the recognition that the management practices of land users cannot be considered outside of the socio-economic context in which they find themselves and the alternative livelihood opportunities available to them. These considerations have required that I deepen my understanding not only of the Karoo environment, including issues related to climate change and drought, but also of the history of the region and the current socio-economic context of Loeriesfontein as a low-income town with a high unemployment rate. The environmental conditions of the veld cannot be understood simply as the result of mismanagement and misuse by poor land users but should be viewed as a result of the social and economic contexts within which those land users find themselves.

Land in Loeriesfontein has various meanings for the land users, because of the historical context of the town, the material value of land and its contribution to livelihoods, and the emotional connection that small-scale farmers attach to the land, issues that are explored further in Chapter 4. The different meanings of land emerged as a key theme in my Honours project (Davids, 2017). At the same time, however, the role the environment plays in the farmers' ability to farm and their management practices also has to be considered. The drought has affected stocking rates and introduced the added expense for farmers of having to buy feed for their livestock if they possibly can. Under conditions of severe drought, for those farmers who do not have the financial resources to buy feed, farming becomes more of a liability than an aid in supplementing household income.

In working through these issues, I have found political ecology useful for understanding the different positions of the different land user groups in my case study and engaging with both the material and non-material meanings of land they attributed to the commonages. Using political ecology, I looked at how the socio-economic conditions of Loeriesfontein, as well as its history of dispossession and

forced removals, have affected not only the meaning of the land but also what it means to be a farmer.

2.1.2 Sustainable Development

In 1987 the World Commission on Environment and Development (WCED) released a report entitled *Our Common Future: From One Earth to One World*, which defined sustainable development as development that meets the 'needs of the present without endangering the needs of the future' (WCED, 1987). The WCED definition promoted an understanding of sustainable development as involving three overlapping domains, namely, society, environment and economy. Sustainable development, according to this definition, aims to bring society, environment, and economy into a balance by reconciling any conflicts that may occur between them (Giddings, Hopwood, & O'Brien, 2002).

This report and the WCED conceptualisation of sustainable development were extremely influential in the development of subsequent international policy frameworks. In 2000 the United Nations (UN) adopted eight Millennium Development Goals, with the aim of achieving these goals by 2015 (United Nations, 2015). The Millennium Development Goals were subsequently replaced by the UN's Sustainable Development Goals (SDG's) in 2015, which were set out in the UN's *2030 Agenda for Sustainable Development Goals* (2015). From the initial eight Millennium Goals, the SDG's have expanded to 17 main goals that are further expanded to encompass 169 targets. According to the *2030 Agenda* the aim is to achieve these goals globally by 2030.

While the WCED's definition of sustainable development has been very influential in global policy debates, concerns have been raised in the scholarly literature about the way it portrays the relationship between the three domains. Giddings et al. (2002), for instance, argue that this conception views society, environment, and economy as essentially separate, rather than interconnected domains; this then opens up the possibility of trade-offs, in which one of the domains is valued more or carries more political weight and prevails over the other. In many cases this is the economy. The WCED understanding of sustainable development has also been criticised for being too broad and ambiguous in the way in which key terms are defined, Thus Redclift (2005) makes the point that the term 'needs' within the original WCED definition essentially has no meaning because human needs are dependent on the time period, culture and location of the particular society in which they are expressed and thus mean different things to different people at different times.

Nevertheless, despite these criticisms, I have chosen to work with this concept because of my underlying interest in the potential of the municipal commonages of Loeriesfontein to contribute to

sustainable livelihoods in a context where poverty levels are extremely high and economic development that benefits the majority of the people in the town is urgently required. At the same time, the need for that development not to harm the fragile environment of the Succulent Karoo is also very important.

The understanding of sustainable development that I have chosen to use is the one developed by Holden et al. (2016, 2017). Although Holden et al. (2017) have also criticised the understanding of sustainable development informing the SDGs for its shortcomings, which mean this programme does not provide a sufficiently strong basis on which states can build in aiming to meet the objectives of the UN's *2030 Agenda* successfully, they have not rejected the concept but, rather, proposed an alternative conceptualisation of sustainable development. As already noted in Chapter 1, they have developed a model which positions sustainable development as ensuring that three 'moral imperatives' are met, namely, ensuring social equity, respecting environmental limits, and satisfying human needs. Although clear distinctions can be made between the content of these 'moral imperatives', the authors emphasise that all three are non-negotiable and need to be met together (Holden et al., 2017). In other words, in order to achieve sustainable development, all three of them have to be in place and one cannot be traded off against another, i.e., one cannot over-emphasise one of the imperatives and neglect another.

Holden et al. (2017) go to great lengths to discuss what each of the moral imperatives involves. They understand the first, ensuring social equity, via the two principles of justice developed by philosopher John Rawls relating to social and economic equality and political freedom. The first principle concerns the equal rights of all to participate in the social and political spheres of society, such as having the right to vote and being part of political decision-making, while the second principle concerns ensuring that all individuals, in particular the most disadvantaged, have equal opportunities to participate in the social, economic, and political spheres of society and to access resources (Holden et al., 2017). Applying this to the Loeriesfontein commonages, key aspects of social justice in this context would involve not simply a fair distribution of rights to the available resources but also having a voice in shaping decision-making around the management of the resources, as well as expanded opportunities for participation in social and economic affairs.

This principle thus goes beyond formal rights to political freedom to full and equal participation in the political sphere. This has been proposed with the aim of ensuring that not only the voices of disadvantaged people, but also those of 'nature' and of future generations are heard and truly considered. Political freedom through rich participation is framed as being central to governance. Rich participation guards against political neglect, and gives ordinary people the ability to influence societal norms and values, as well as policymaking in society, and thus facilitates discussions and

decision making in order to achieve the goals set by the particular society (Holden et al., 2017). This ties in with the theoretical framework of political ecology discussed above.

The moral imperative of respecting environmental limits works with what has been described as the 'planetary boundaries' approach. Planetary boundaries are understood as 'the safe operating space for humanity with respect to the Earth's systems' (Holden et al., 2017:220). Respecting environmental limits thus requires a focus on what the environment is able to cope with before a tipping point is reached and one has to face the consequences of irreversible change as a result of going beyond that. While Holden et al. are working at a planetary scale, in applying this understanding to my case study, I have had to think about the environmental limits of the municipal commonages. What are the optimal stocking rates for the commonage? How has the drought affected the commonage land and its potential for aiding in sustainable livelihoods? What about climate change and its impact on the Succulent Karoo? This aspect of sustainable development relates directly to my third and fourth research questions.

The third moral imperative, satisfying human needs, is understood as being concerned not only with basic needs (food, water, sanitation, and education), which are considered universal, but also with 'satisfiers' which may differ from context to context but involve the provision of goods and services, or activities that make it possible for people to satisfy those basic human needs, regardless of the context of the society. Here Holden et al. make use of the capabilities approach developed by economist Amartya Sen. Sen's (1999) formulation of capabilities in terms of 'what people are able to do and be' stems from his desire to broaden conventional understandings of economic development so as to recognise freedom as an essential aspect of any development programme aimed at human well-being. Well-being is understood as having 'the freedoms and opportunities to be and to do that people have reasons to value' (Ballet, Koffi, & Pelenc; 2013:29).

According to Sen there are two main elements of the capabilities approach, namely: functionings and capabilities. Functioning refers to what an individual is able to achieve, and capabilities refers to what an individual requires in order to be able to achieve. Functionings are thus the result of the various capabilities an individual has access to, in combination with the various restrictions that could potentially be attached to those capabilities. Thus, the capabilities approach not only focuses on what a person is able to do and be but also on those aspects which may stand in the way of that. An individual's functionings (what he or she can achieve) are subject to being constrained by factors that restrict his or her capabilities, which can be socio-economic or geographical in nature (Ballet et al, 2013). They could include, as in the case of Loeriesfontein, things such as low household income, the quality of the education available, the distance of the town from other towns, the availability and accessibility of services such as banking and transport, and the social connections available to the

family. Loeriesfontein, as already described, is quite a distance from the other towns in the Hantam Local Municipality, a fact which has limited the services available to the community, and reduced opportunities for participation in the local municipality which is headquartered in Calvinia. Although there are some shops, services are limited, as are local employment opportunities. This is reflected in not only the high unemployment rate but also the high rate of poverty within the town. In terms of the quality of education, there is both a primary and secondary school: however, until recently, the secondary school lacked a maths and science teacher and there is a significant high school dropout rate among teenagers. These limitations on the capabilities of the people of Loeriesfontein are discussed further in Chapter 4.

The capabilities approach acknowledges that people and societies are not homogenous and that they (people and societies) vary in their ability to convert their resources into valuable functionings (Clark, 2013). Thus, this approach takes into consideration not only what people are able to achieve, but also the role their socio-economic environment plays in their ability to achieve. This links back to the issue of power highlighted in political ecology.

2.1.3 Sustainable Livelihoods

The concept of sustainable livelihoods is closely linked to the debates on sustainable development. Chambers and Conway (1991) describe a livelihood as being 'made up of capabilities, assets, and activities that are required to make a livelihood' (Chambers & Conway, 1991:6). They then go on to explain that a sustainable livelihood is one that 'is able to cope with and recover from shocks and stress, and is able to maintain or increase the capabilities and assets of the individual and is able to provide opportunities for sustainable livelihoods for future generations' (Chambers & Conway, 1991:6). They also state that these livelihoods should be able to 'contribute to other livelihoods at both local and global levels and in both the long and short term'. I understand this as meaning that livelihoods should build upon each other to create opportunities for other livelihoods in the area or town (i.e. at the local level) and that this could feed into creating opportunities in other towns and perhaps nationally and then globally.

Like Holden et al. (2017), Chambers and Conway use Sen's capabilities approach to focus on what people are able to do, based on the assets that are available to them and their own understanding of their conditions and context. It is also here that Sen's concept of freedom comes into play, meaning that individuals should have the freedom to choose the lives they wish to lead. They should be in a position, socially, economically, and politically, to make choices about the direction of their lives. They should also have access to the rights and opportunities to increase their capabilities.

One of the main strategies available to poor households to improve their well-being is livelihood diversification which can be defined as the attempts made by groups or individuals to increase their income streams from different sources (Hussein & Nelson, 1998). However, this strategy is largely dependent on being able to access different opportunities, and the context within which these individuals find themselves. This raises the question of what opportunities there are for livelihood diversification within Loeriesfontein, a question which I return to in Chapter 5. My Honours project showed that while the commonages are still not able to contribute significantly to sustainable livelihoods, access to the commonages does make a contribution to household income for those who have been able to secure it (Davids, 2017).

Scoones (2014) has developed a sustainable livelihoods framework by which to analyse the intersection of state policies, assets, capabilities and livelihood strategies in which institutions and organisations are seen as playing a central role in shaping outcomes. Institutions can be defined as 'regularized patterns of behaviour or practice structured by the rules and norms of society which have persisted and widespread use' (Scoones, 2014:12). Examples of institutions would be religion, education, the family, and systems of government. Institutions are embedded within power relations and thus involve contestations over practices, rules and norms (Scoones, 2014). According to Scoones (2014:11) 'understanding institutional processes allows the identification of restrictions and opportunities to sustainable livelihoods' – in other words they impact on peoples' functioning and capabilities. Thus, institutions provide the structures within which livelihoods operate; they can promote but also limit livelihoods. An organisation, on the other hand, is more narrowly defined as a group of people who come together to work towards a common goal, such as earning an income or providing a service (Surbhi, 2017). They can include businesses, non-profit organisations and companies (PEDIAA, 2015). The three land user groups in Loeriesfontein are examples of organisations, even if they are weak. It should be noted that while my primary focus in this thesis is on organisations, not institutions, the latter still influence the former. In the case of Loeriesfontein, for instance, the absence of strongly institutionalised systems of local participation in decision-making by the majority of people has persisted from the apartheid era into the present.

Twine (2013) has argued that rural development policies in South Africa should focus on strengthening the livelihoods of the poor, especially in relation to livestock farming. He also argues that rural development policies should promote livelihood resilience as well as enabling disadvantaged communities to escape poverty and improve their standard of living. He draws attention to the potential for livestock farming because livestock can provide multiple benefits to farmers, including food and other resources for household consumption, as well as serving as a form of savings or insurance against future shocks and being a source of income.

The importance of multiple livelihood strategies in Loeriesfontein became evident to me through my Honours project (Davids, 2017). Many of the small-scale farmers using the commonage for grazing look to income from employment as their main livelihoods resource but regard livestock farming as a source of extra income or an insurance policy against difficult times. Their identity as farmers is also a source of pride, with a number of participants in my Honours project describing this as a legacy that they could pass down to their children. Currently the severe drought has negatively impacted their herd sizes but having alternative sources of income lessens the adverse effects of these shocks. The idea of multiple livelihoods and the sustainable livelihoods framework have thus been conceptually useful for addressing my research questions related to the potential contribution of the municipal commonages to the livelihoods of small-scale farmers in an environment like Loeriesfontein. While I conclude that the commonages have and could contribute to sustainable livelihoods, questions arise regarding how many small-scale farmers can benefit in this way and how to address the claims of those who cannot be accommodated on this land. Thus, livelihood diversification is very important within this context. I expand on this issue in Chapter 6.

2.2. Land Reform in South Africa

In 1994, when South Africa's first democratic elections were held and the apartheid regime was officially abolished, the newly elected government under the African National Congress (ANC) inherited a country marred by deep racial inequalities and discrimination. In the introductory chapter to their edited book, *The Land Question in South Africa*, Ntsebeza and Hall (2007) outlined the history of post-apartheid land reform in the first ten years of democracy and identified the 1913 Natives Land Act as a significant piece of legislation in the history of how white settlers came to acquire ownership over most of the land within modern South Africa. However, Beinart and Delius (2014:668) point out that land dispossession and forced removals occurred long before the 1913 Act was passed. They argue that although this Act can be viewed as the foundation of the racially segregated land legislation that wormed its way into South African law in the 20th century, land alienation was neither the major intention nor the outcome of the Act. Of further relevance for this thesis and discussed in more depth in Chapter 4, the 1913 Natives Land Act did not directly affect much of the present-day Northern Cape province, because of the particular history of colonial land dispossession and settlement in this region, most of which, before 1994, formed part of the larger Cape Province.

This section provides a general overview of the constitutional framework and national policy development around land reform, followed by an overview of policy changes and debates since the mid-1990s and then a review of the Municipal Commonage Policy.

2.2.1 The Constitutional Framework for Land Reform

In 1994 the major 'land question' concerned how to address the land inequalities and dispossessions born from South Africa's long history of colonisation and racial inequalities (Walker, 2017:3). The policies that emerged were rooted in the community struggles which gathered force in the 1970s and 1980s in the form of campaigns against forced removals, the evictions of farmworkers from white-owned farms and the confiscation of black-owned land (Kepe & Hall, 2016:7). In 1991 the ANC adopted their Land Manifesto which highlighted the need for land restitution and tenure reform (Cousins & Walker, 2015). As a result of the constitutional negotiations which culminated in South Africa's first democratic elections in 1994, an Interim Constitution (Act 200) was adopted in 1993. The interim constitution made provision for land restitution as well as for the expropriation of land for land reform purposes on the basis of 'just and equitable' compensation.

The general commitment to land reform was carried forward into Section 25 of the 'Bill of Rights' in the final Constitution which was adopted in 1996 (Act 108 of 1996). Of primary relevance are the following three subsections of this 'property clause' which state:

The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis (Section 25(5), Act 108 of 1996);

A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress (section 25(6), Act 108 of 1996).

A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress. (Section 25(7), Act 108 of 1996).

These provisions laid the basis for the ambitious land reform programme that the ANC government launched in the second half of the 1990s, encompassing three main sub-programmes: land redistribution (derived from section 25(5) of the Constitution), land restitution (derived from section 25(7)), and land tenure reform (derived from section 25(6)).

In addition, both the interim Constitution of 1993 and the final Constitution of 1996 made provision for the expropriation of land, with 'just and equitable' compensation. Section 25(2) of Act 108 of 1996 states:

Property may be expropriated only in terms of law of general application—

- (a) for a public purpose or in the public interest; and
- (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

Section 25(3) spelled out the considerations that need to be taken into account in the determination of the compensation;

The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—

- (a) the current use of the property;
- (b) the history of the acquisition and use of the property;
- (c) the market value of the property;
- (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- (e) the purpose of the expropriation.

In 1994 the aim of the government was to transfer 30% of white-owned commercial farming land to black beneficiaries within the first five years of the land redistribution programme as well as to settle all land restitution claims by 2005 (Kloppers & Pienaar, 2014). The Department of Land Affairs (DLA) was tasked with responsibility for the land redistribution programme as well as the financial management of the land restitution programme and the implementation of land claims settlements involving the restoration of land. An initial pilot land reform programme was officially launched in 1995 as part of the Reconstruction and Development Programme (RDP).

The Restitution of Land Rights Act (Act No. 22) was passed in 1994, after South Africa's first democratic election. In 1995 the Commission on Restitution of Land Rights (CRLR) was established, followed by the establishment of the Land Claims Court (LCC). The CRLR had the responsibility of being the public face of land restitution and processing land claims up to the point of settlement (which could take the form of financial compensation or land or, less commonly, alternative forms of compensation), with the DLA having the responsibility of representing the state in the negotiations around the claim settlements and aiding claimants whose land was restored to them with post-

settlement support. The responsibility of the LCC was initially to review and approve all land claims settlements; subsequently the Minister of Land Affairs was given greater authority over the approval of negotiated restitution settlements (Walker, 2012). 1998 was set as the cut-off date for land claims submissions but in 2014 the Restitution of Land Rights Act was amended to allow for the re-opening of the land claims process. This amendment allowed new land claims to be lodged for the next five years, until the year 2019. Subsequently legal challenges led to the suspension of the processing of new claims so as to prioritise land claims lodged before the end of 1998 which were not yet settled (Ramutsundele et al., 2016). A key concern here was that the opening of the claims process could bring about overlapping and competing claims which would threaten the land security of claimants who had already been successful (Cousins, Hall, & Dubb, 2014).

2.2.2 Policy Changes and Debates

Since its inception in 1994, the land reform programme has undergone numerous policy shifts. Despite the ambitions of the ANC government, by the time its five-year deadline had been reached, less than 1% of land had been transferred from white to black ownership through the programme. In addition to this, very few claims had been settled, most of them involving financial compensation and not land (Walker 2008). The number of claims officially recorded as lodged fluctuated as a result of changes in the way claims were enumerated as various audits were implemented. As of March 2001, the total for claims lodged by the end of the cut-off period was given as 68 878 but this figure was adjusted upwards to 72 975 as of March 2003 and to 79 696 as of March 2007 (Walker, 2008: 242).

In order to increase the pace of land redistribution, in 2001 a new policy emerged called the Land Redistribution for Agricultural Development (LRAD). The initial policy aim of the land reform programme had been to promote access to land for poor households, with a strong emphasis on group ownership of land in which beneficiaries would own and use the land together as a community. LRAD replaced the earlier settlement grant system and shifted the focus of land redistribution from being “pro-poor” to building up a class of black commercial farmers. The Comprehensive Agricultural Support Programme (CASP) was developed to complement the LRAD in promoting emerging farmers. Given that the initial target of 30% of land redistributed within 5 years had not been met, this target was shifted to redistributing 30% of land from white to black ownership by 2014 (Ramutsundele, Davis, & Sinthumule; 2016).

However, LRAD was not without its shortcomings and during a National Land Summit in 2005 alternatives were debated. A major concern among land-rights organisations was the shift away from the initial pro-poor stance and the growing focus on the promotion of black commercial farmers. According to Aliber and Cousins (2013) the large-scale commercial farming model does not align

with the realities of South Africa's unemployment crisis and the aspirations of the rural poor. Aliber and Cousins (2013) also criticised the land reform programme for its neglect of communal farmers in the former bantustans.

Another major concern was the principle of 'willing buyer, willing seller' that the government was working with in its land acquisition strategy (Hall, 2007). The slow pace of the programme has been attributed to this approach that was solidified in the 'White Paper on South African Land Policy' of 1997, which was seen as preventing government from being proactive when it came to acquiring land for land redistribution purposes (Hall, 2007). Concerns were also raised that the grants provided to land reform beneficiaries were insufficient and that landowners would sometimes inflate their prices or refuse to sell. The land reform programme has also been criticised for weaknesses in the post-settlement support afforded to beneficiaries (Kloppers & Pienaar, 2014), and for the delays in finalising the settlement of land claims in the case of land restitution. Government institutions and local municipalities lack the resources to provide adequate support to beneficiaries post-settlement (Hall, 2007). As a result, many beneficiaries of land reform have struggled to use their land productively, with reports that over 90% of the land that has been redistributed has not been used productively (Kloppers & Pienaar, 2014).

In response to some of these criticisms, the Proactive Land Acquisition Strategy (PLAS) was introduced in 2006, initially as a complementary policy (Kepe & Hall; 2016). By 2011/12 PLAS had officially replaced LRAD as the primary policy framework for land redistribution. PLAS entails bringing the state into the land market as an active purchaser of land for redistribution purposes. However, this policy has involved the state turning away from its earlier commitment to land ownership on the part of land reform beneficiaries; rather than transferring the land it has acquired to beneficiaries, it leases the land to them instead (Ramutsundele et al.; 2016). In 2013, the State Land Lease and Disposal Policy was introduced which specifies the leasing process of PLAS. The policy states that land can be leased for 30 years with the option of extending the lease for an additional 20 years. It also states that the beneficiaries of this land will only be considered for ownership of the land after holding it for a minimum of 50 years (Kepe & Hall; 2016).

Despite these various land reform strategies that have been introduced since 1994, the amount of land transferred through the land reform programme is still less than 10% of the commercial farmland in the country, thus far from the initial goal of 30% by 2014 (Republic of South Africa, 2019:12). In addition to this the cost of land acquisition has been a contested issue from early on in land reform policy debates (Hall, 2007). In recent years this issue has gained prominence with the call for 'expropriation without compensation' in place of the 'willing buyer, willing seller' approach to land acquisition. The issue of land expropriation without compensation was popularised by the political

party the Economic Freedom Fighters (EFF), after it broke away from the ANC in 2013 (Akinola, 2020). The ANC has since formally endorsed the principle of land expropriation without compensation as a viable option for effective land reform but this issue remains contentious both within the government and without (Akinola, 2020). As already noted, the South African Constitution does make provision for the expropriation of land, with 'just and equitable' compensation. There is a debate on whether this formulation makes provision for the possibility of the state expropriating land with the payment of zero compensation or if this requires a change in the national constitution (Akinola, 2020).

The heavy focus on agriculture in the land reform programme does not address the issue of land use changes and alternatives to farming, nor engage sufficiently with the challenges of farming in arid and semi-arid environments. I make mention of this because of the changing landscape of the Northern Cape, where my research site is located. As discussed further in Chapter 4, the Northern Cape has become a site of numerous large renewable energy and astronomy projects (SKA and SALT) which have drastically changed the landscape. These land use changes have consequences for the people who live within the Northern Cape and further research is required to fully understand their effects. Looking specifically at the Northern Cape, the current trajectory of land reform fails not only to consider land use change within the province but also the environment and ecology of the this province.

2.2.3 The Municipal Commonage Policy

As already noted, municipal commonages are lands owned by the local municipality that are located close to or adjoining the town and can be used in ways that benefit local people. They are common in many South African towns, including in the Northern Cape Province. Today a distinction is drawn between traditional and newly acquired additional commonage lands. As already noted, traditional commonages comprise 'land set aside by the state at the establishment of the town' (Davenport & Gambiza, 2009) which, during the apartheid era, were generally used for the benefit of the white population of the town only. Since 1994 many of these commonages have been identified as suitable for land reform projects. 'Newly acquired' commonages are municipal lands that have been bought by the state after 1994, specifically for the purposes of land reform.

The municipal commonage programme adopted by the DLA in 1997 has played a distinctive role within land reform, as a means of supplementing household income and increasing household food security for poor town-based residents (Anderson & Pienaar, 2003). By 2003, the commonage programme accounted for the largest transfer of land to black beneficiaries within the land redistribution sub-programme, at around 31% of the total land transferred by then. Most of the land

was located within the Northern Cape (Anderson & Pienaar, 2003), Given this early success of the municipal commonage programme, a number of analysts have argued that it still has the potential to contribute significantly to household livelihoods and food security within towns where this category of land exists (Davenport & Gambiza, 2009; Anderson, 2012; Atkinson & Ingle, 2018).

Although the programme has had success in making land available to land-hungry small-scale farmers, its success has been limited. Many analysts have argued that the municipal commonage programme has lacked the management expertise and financial support needed to function effectively and sustainably (Anderson & Pienaar, 2003; Lebert, 2004; Atkinson 2012; Atkinson, 2018). This has led some analysts to argue that municipalities should rather use the land for income-generating purposes. As argued by Ingle (2006), 'until government can offer municipalities a coherent, viable model for commonage management, it would be folly to abandon the system of renting out commonage to the highest bidder'. In his argument, Ingle (2006) advocates municipalities renting out commonage land on a more commercial basis, as this can generate a steady source of much-needed income for local municipalities – if the benefits of using municipal commonages for the purposes of land reform do not outweigh the benefits of renting out these lands, then it should not be done.

In his mini-thesis Puttick (2008) reiterates Ingle's (2006) argument concerning the lack of effective commonage management. However, he takes a different stance on the appropriate response. Instead of reverting to the rental system, Puttick argues that sufficient resources should be allocated to local municipalities so that they can implement effective management practices and thus prevent serious land degradation from occurring within commonages. His thesis looks at the issue of municipal commonages through a conservationist lens and focuses a great deal on the effects of mismanagement on the veld itself, by studying the impact on vegetation within the commonages. Although Puttick's disciplinary perspective is different from mine, I acknowledge the importance of ecological considerations when dealing with issues of land, agriculture, sustainable development and livelihoods in relation to commonage land. My Honours research project also identified the problem of competing claims to commonage land as compounding the challenges (Davids, 2017). While concern with overlapping claims to land has arisen with regard to the re-opening of the land claims process nationally after 2014, my literature review indicates this issue has not emerged as a concern in assessments of the commonage programme itself – hence the importance of my study.

Thus far I have painted a bleak picture of municipal commonages. However, this is not the full picture. As argued by many academics (Atkinson & Büscher, 2006; Atkinson & Ingle, 2018; Vetter, 2013; Atkinson, 2013; Twine, 2013) conditions vary from case to case and municipal commonages hold significant potential for the future development of land reform and as a resource for aiding

sustainable livelihoods. Although it is widely acknowledged that municipal commonages generally lack effective management, farming communities based on commonage land have survived for decades. One of the arguments in favour of municipal commonages is precisely that they can act as a 'stepping-stone' for emerging farmers who are not yet able to operate commercially on their own (Atkinson, 2013). In a recent article Atkinson & Ingle (2018) argue that development analysts should consider emerging small-scale farmers as representing a new economic class and bring class back into the analysis. In their study, they compare data from 2009 and 2018 to show the significant increase of livestock holdings of commonage farmers in the Karoo towns of Carnarvon and Williston.

The updated 2000 Municipal Commonage Policy made a similar case for municipal commonages playing a larger role in the broader land reform programme by making land available to emerging farmers who are both willing and able to advance towards the commercial route (Atkinson & Buscher, 2006). At the same time, it remains the case that commonage land is often the only natural resource poor communities in small country towns have available to them that is easily accessible to people who lack independent means of transport. This is certainly the case in the Karoo. Commonage lands are already owned by the local municipality, which means the cost of having to buy land for land reform purposes is not an issue. There is also the potential for economic growth via non-farming activities, along with opportunities for various actors in agriculture to come together and collaborate (Atkinson & Büscher, 2006). Thus, given the environment challenges and land use changes occurring in the Northern Cape, it could be useful to consider the possibilities of alternative land uses for commonage lands, depending on the needs and wants of the community on whose behalf the municipality is managing the land. It is especially relevant in cases where there might not be enough land to accommodate everyone who wants to use it as farmers, as is the case in Loeriesfontein.

Vetter (2013) has argued that the key challenge for municipal commonages is the way they are perceived by the government. She argues that the focus of the municipal commonage programme should be on diversifying the economic models that are used, taking into account the context of the particular commonage in question. She also states that diversifying multiple livelihood strategies and alleviating the pressures of poverty should be key to the programme. In her paper she outlined how this could be achieved, by acknowledging the critical differences that exist between small-scale farming and commercial farming. The approaches that have been implemented are based on a commercial farming model when what is needed is to consider the needs and constraints of small-scale farmers. However, the clear-cut distinction between commercial and small-scale farming presented by Vetter is contested by Atkinson in her 2013 paper, 'Municipal commonage in South Africa: a critique of artificial dichotomies in policy debates on agriculture'. In her view Vetter (2013) oversimplifies the complexity of policy issues and assumes that the implementation of policies is coherent and true to the formal policy position. She also criticises the distinctions Vetter (2013)

makes between various farming scales, land use practices, and forms of land ownership, stating that these are 'based on artificial and extreme dichotomies' (Atkinson, 2013:29). She argues that what is required is a variety of policies that can cater for different forms of land ownership, land use, and scales of farming and farming practices (Atkinson, 2013). In other words, policy approaches need to be flexible.

Like Vetter Twine (2013) also argues that rural development programmes should focus on improving and diversifying livelihood strategies while creating opportunities for the rural poor to escape poverty by improving farming conditions. The focus should not only be on improving the conditions of small-scale farmers, but on improving the livelihoods of the non-farming members of the community as well. By diversifying livelihood strategies, as well as strengthening those that already exist, the rural poor are able to reduce their exposure to risk and vulnerability to shocks, whether environmental, societal, or personal. Twine (2013) also advocates diversification within livelihood strategies, for example a small-scale livestock farmer using his sheep not only for their meat but also their wool.

If clear and effective management practices can be developed and implemented, the potential for municipal commonages to contribute not only to land reform but also to the upliftment of rural communities is considerable. However, an issue that has received insufficient attention is the importance of ensuring that the environmental health of the veld is maintained, which requires respecting environmental limits and setting appropriate limits to livestock numbers. This issue is discussed further with regard to Loeriesfontein in Chapter 4.

2.3 Conclusion

The theoretical framework of political ecology and the understanding of sustainable development and sustainable livelihoods discussed in this chapter emphasise the interrelationship between nature and society as well as the power relations that are involved, particularly with regards to access to and control over resources. The lens of political ecology, with its focus on power and issues of access and control with regard to natural resources, is relevant for unpacking how the larger policy framework of the land reform programme and the post-settlement process have shaped how the various organisations with an interest in the Loeriesfontein commonage view and interact with both the land and each other. The concepts of sustainable development and the capabilities approach described above are also important for researching the potential of the commonage to contribute to sustainable livelihoods. They draw attention to issues of social justice and rich participation through people's involvement in decision-making, as well as to the significance of institutions in this regard. In addition to this, given the current context of the Loeriesfontein commonages, they raise the issue of exploring what alternative opportunities for sustainable livelihoods are available for small-scale

farmers and the larger community. This is important, taking into consideration the changing landscape of the Northern Cape with the introduction of new land uses such as large-scale renewable energy and astronomy projects, as well as the environmental pressures on farmers (discussed in Chapter 4).

My review of the unfolding of the land reform programme since 1994 and the key criticisms that it has faced raises several important issues to consider further in relation to my case study. One of the key criticisms is the slow pace of this programme, an issue that can be seen clearly in Loeriesfontein, as well as the distinct lack of follow-up support for the beneficiaries of land reform. Given the early success of the municipal commonage programme in the Northern Cape Province in terms of making land available for small-scale farmers to use for grazing, and its documented potential for acting as a stepping stone for emerging farmers, the question arises as to the potential for the municipal commonages of Loeriesfontein to contribute to the larger land reform programme in this way.

Chapter 3: Research Methodology

In this chapter I present the case study research design that I have adopted and discuss my research methods, research ethics and the limitations of this study. Given my interest in relational dynamics and contested claims to land I considered a qualitative research methodology as most appropriate for this project. However, I was also fortunate to be able to participate in and draw on the findings of the SARChI household survey that was conducted in 2019 during my research project, so have included a brief discussion of this in this chapter.

3.1 A Case Study Research Design

The case study research design, as per Bryman (2012), is 'concerned with the complexity and particular nature of the case in question' and entails an in-depth analysis of a particular case of a larger phenomenon (2012:66). Thus, a case could be, for instance, a community, a school or an organisation that is of particular interest because it allows one to look at how issues of broader concern in society play out in a given setting and context. This thesis provides a case study of land reform on municipal commonage land, in which the land restitution and land redistribution policies of the larger land reform programme are at odds with each other. My study focuses on the various actors and organisations that have been affected by the competing claims to the land and the consequences of these contestations on the performance of the municipal commonage programme and its contribution to land reform. The case study is thus of land reform in progress, in a site with a particular environment and history that yet has issues in common with other commonage projects.

The aim of this study is to understand the specific dynamics and circumstances surrounding the Loeriesfontein commonage and thereby explore the potential of municipal commonages to contribute to land reform more generally. The research questions which were presented in Chapter 1 concern context-specific issues such as the relationship between organisations and the management of the commonages. These cannot be understood without taking the history of Loeriesfontein into consideration but also speak to larger concerns that have been raised through other studies of land reform (discussed in the previous chapter). Given the nature of case study research design, the results of the research cannot be simply generalised to other situations where conditions may be very different, but they can raise issues that are important for understanding developments in other cases and for reviewing policy development to make it more effective.

3.2 Research Methods

In researching my case I adopted the following methods of data collection, each of which is discussed below: documentary analysis, including archival research, observation and semi-structured interviews with a range of participants. As already noted, I also participated in a socio-economic survey that was conducted by the SARChI Research Chair during my study which I discuss briefly.

3.2.1 Documentary Analysis and Archival Research

Documentary analysis involves a careful reading and evaluation of documents. According to Bowen (2009:27) 'it requires that data (documents) be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge'. The documents that I have used in my analysis include official government documents such as policy documents and annual reports from the national DRDLR and the Commission on Restitution of Land Rights (CRLR). In addition, I was also able to access archival material concerning the land grant at Loeriesfontein in 1860, which has proved important in unpacking the history of the commonage.

Official Documents

A major source for these documents are official websites, including those of the DRDLR, the CRLR and the Hantam Local Municipality. The CRLR annual reports were useful to gain a better understanding of the process of land restitution in general and within the Northern Cape more specifically. I also looked at documents relating to Communal Property Associations (CPAs) in the Northern Cape published by the DRDLR. Regrettably, however, while the reports added to my general understanding of the status of land reform generally, they have not helped me with regard to the Loeriesfontein land claim itself, which is poorly documented in these reports. Useful documents from the Hantam Local Municipality included the Municipal Commonage Policy and Hantam Municipal Commonage by-laws as well as the Hantam Integrated Development Plan (IDP) and annual reports.

Obtaining official information about the land claim process, including how the post-settlement phase has been handled, has been difficult. A search of the Government Gazette has produced important gazette notices relating to the proclamation of the Group Areas Act in Loeriesfontein and property descriptions of the land under claim after 1998. However, the absence of official documents describing the scope and basis of the land restitution claim has meant there is a major gap in my information which affects my analysis. While one would not expect the original claim form to be

readily available on official websites, one would expect it to be available to credible researchers through official sources. The officials that I have spoken to, both during formal interviews and informal follow-up phone calls, have not been able to help. Through the course of my research I have come to regard this as reflective of the issues the CPA leadership as well as those affected by the land restitution claim have faced when working with officialdom. It helps explain the confusion surrounding the land claim and the overlapping land rights among land users.

When I started my field work in 2018 and again in 2019 I spoke to members of the CPA to find out more about the claim. However, I was unable to obtain specific information about the basis of the land claim and clarify issues around membership. Subsequent efforts to contact officials at the provincial offices of the DRDLR located in Kimberley, as well as conversations with a DALRRD official based in Calvinia, resulted in numerous redirects to other officials which by late 2019 had yielded no results. In an attempt to bridge this gap and access documents pertaining to the land claim I contacted the DRDLR in Kimberley once again in November of 2019 and was told to complete a Promotion of Access to Information Act (PAIA) form.⁴ (See Appendix 1.) I found the form that was required and completed it to the best of my ability but was unsure to which official I should submit it. Thus began a series of e-mails and phone calls to the DRDLR in an attempt to contact the Information Officer who, I was told, is in charge of handling PAIA requests. (See Appendix 2.) In the end I submitted my application to the DRDLR on three different occasions, the first on the 22nd of January 2020, then on the 12th of February 2020, and again on the 3rd of March 2020. I also followed up with numerous phone calls. As of August 2020, when I was finalising my thesis, I had yet to receive a response to my application. The COVID-19 outbreak and the national wide lockdown that followed in late March 2020 could account for some delay but my application was submitted well before the lockdown came into effect. Telephonic follow-up during the lockdown yielded no results, with phones often not answered.

Archival Sources

Although this is not a history thesis, I have dipped into the archives in trying to understand the history of Loeriesfontein. I visited the Cape Town Achieves on two different occasions in 2018 in an attempt to gather some information on the history of Loeriesfontein and look for historic maps that would show the development of the town. However, perhaps because I was not familiar with the workings of the archives, I struggled to find anything significant regarding the town. The most valuable archival documents I have been able to access were copies of documents kindly shared with me by historian

⁴ This refers to the 2002 Promotion of Access to Information Act No.2 which sets out a process for an individual to exercise their constitutional right to accessing information that is within the public domain.

Nigel Amschwand, who had accessed them in the National Archives Depository in Cape Town. These documents relate to the land grant to the 'baster' community in 1860 and the subsequent efforts to dispossess them of their land rights, which is described in Chapter 4. Among the papers was an 1890 map of the area covered by the land grant which has proved invaluable for mapping subsequent developments in the town. (See Figure 4.1 in Chapter 4.)

Cadastral Spatial Information

In the course of my research I became aware of the importance of identifying the municipal commonages and the restitution claim spatially, in order to see their scale and relationship to each other and the town. Obtaining historical property information from officials, however, also proved challenging, and a detailed Deeds Office search was beyond the scope of what I was able to do in the time available for this thesis. After various attempts to enlist professional support, I was referred to the CGA at the University of Stellenbosch and began working with them and my supervisor to match available information, working with property descriptions in Government Gazette notices relating to the Group Areas Act in 1968 and the restitution claim in 2004 and 2008 (Appendices 10 and 11), in relation to the current cadastre, and in that way a much fuller although not yet complete picture has emerged. These efforts resulted in Figure 1.3 in Chapter 1 and the maps presented in Chapter 4 on the history of the town and land claim. Although this endeavour has been largely successful, it was also quite challenging, especially because some of the property descriptions used in the Government Gazette notices on the land claim are not in current use and some of the detail in the official restitution notices does not match current cadastral information.

3.2.2 Field Work in Loeriesfontein

My MA studies ran from 2018 to 2020 during which time I conducted three main field trips to Loeriesfontein of between one and two weeks each. These were supplemented by a couple of shorter trips tied to attend specific meetings, and telephonic follow-up discussions with some informants. Before embarking on my first field trip I drew up a preliminary organisational map based on knowledge gained during my Honours project in 2017. The map included the farmers' association, LOBV, the CPA, and the Hantam Local Municipality as those were the organisations that I was aware of at the time. This map was reworked numerous times as my knowledge of the local players increased, and the final version can be found in Chapter 5. During this time I also visited the Archives in Cape Town.

My first field trip to Loeriesfontein took place in early October 2018, once my research proposal had been finalised and my study had been approved by the Research Ethics Committee of Stellenbosch University (REC) (Appendix 3). This trip lasted for a week. Since I was building on my Honours project of 2017, I was already familiar with the layout of the town and was able to set up a number of interviews beforehand. I also drew up a preliminary organisational map of the organisations that I knew about and a very basic representation of the relationships that existed between them, as I understood them from my Honours research project. Although I had been able to schedule interviews with seven potential informants in advance, once I arrived in the town a number of these were cancelled. I was, however, able to use the time to catch up on developments since my Honours field work and visit the local library where I found a local history that was published in 1988 and had some limited information on the broader history of the town (Möller, 1988). During this time I first learned about the establishment of the LOVV, a new farmers' association, and was able to interview two committee members.

Later that month I visited Loeriesfontein briefly to attend a public meeting held by representatives of the DRDLR to hand over title deeds for some of the claimed land to the Loeriesfontein CPA. (The scope of this is discussed in Chapter 4.) Although this was described as a public meeting, I noted that members of the farmer's association, the LOBV, were absent. During the remaining months of the year and into 2019, I attempted to contact officials at both the CRLR and DRLDR to gain more information about the land claim but without success. As discussed, I was eventually told to complete a PAIA form in order to gain access to the documents pertaining to the land restitution claim.

My second field trip took place in March 2019, during which time I was able to conduct the bulk of my interviews and gather a large amount of additional data through informal interactions and observation. This field trip lasted two weeks. During this two-week period I conducted 16 interviews, including with key informants from both the provincial DALRRD and the Hantam Local Municipality, both located in Calvinia. Once again, however, I had to deal with obstacles, including the unexpected cancellation of a planned meeting of the LOVV concerning an initiative by Senze (the Mainstream funded community-based organisation) to support intensive farming, as well as refusals by some members of the CPA leadership to be interviewed.

My third field trip took place between the end of July and early August 2019. This trip was organised in relation to the conducting of the household survey by the SARChI Research Chair in which my study is located. I served as one of the enumerators as well as general assistant for the researcher who was running the survey. This allowed me to interact informally with the local survey enumerators (young unemployed matriculants) as well as municipal officials based in the Loeriesfontein office. As an enumerator I was assigned to conducting the survey in the Bo-Dorp, the historical centre of the

town in which the small white population of Loeriesfontein resides. This gave me an opportunity to explore a part of the town that I had not been deeply exposed to before. I was also part of the team that conducted a report-back meeting on the survey with the residents of Loeriesfontein in early December 2019.

I had initially planned to conduct a field trip in 2020 with the aim of building on the interviews I had already conducted, getting updates on the plans of the LOVV and checking on the location of sites that had emerged through my research. However, due to the COVID-19 pandemic and the subsequent lockdown restrictions I was unable to do so. I did, however, conduct follow-up telephonic interviews with a few informants to try and fill in some of the gaps in my data.

During my time in Loeriesfontein, I was able to make some general observations about the town. The distance of Loeriesfontein from the other towns in the local municipality is striking. Loeriesfontein is around 70km away from the nearest town (Nieuwoudtville) and around 90km away from Calvinia, the municipal headquarters; although this is shown as the main route to Calvinia on the map it is a gravel road. The town is very isolated, making it difficult for residents to access shopping centres and find work. Also very noticeable is that the town is spatially divided along lines of class and race with the physical divides very evident in the size of plots and the type of housing. The centre of town, the Bo-dorp (also called *die dorp* (the town) by local people), houses the more affluent population and is divided from the working-class township areas by a dry riverbed. This is the area that was proclaimed a 'coloured' group area in 1968. There is also a divide here between a more middle-class section and a section with newer RDP houses which are separated from the middle-class area by a road and an empty field. Additional observations that I made concerned interactions between members of the LOBV and the CPA which could be considered friendly in social settings, even though in relation to the commonage attitudes were quite different and somewhat hostile. During an informal conversation the chairperson of the CPA told me that they would rather not discuss issues of land with the LOBV in social settings because it would just lead to a fight.

3.2.3 Semi-structured Interviews

Semi-structured interviews have been my primary form of data collection. As defined by Bryman (2012:472), semi-structured interviews involve working with a set of questions that guide the interview while allowing the participant to determine the pace and order in which the interview unfolds and to raise issues that may not have been considered by the researcher. This allows the researcher to see how the participant frames and understands the issues being spoken about, an approach which was critical for my study.

Before leaving for field work, I drew up a set of preliminary research questions which were guided by my overarching research questions. I also drew on my Honours project and used my interviews and transcripts from that as a resource in developing interview guides. These are attached as Appendices 4, 5, and 6. Using these guides, I formally interviewed a total of 19 informants (four of them in joint interviews that involved two participants each). I supplemented these interviews with follow-up interviews with members of LOBV and LOVV whom I had already interviewed and informal conversations with numerous people in the field. In addition, I also attempted to conduct a few telephonic follow-up interviews with participants but this was not as successful as I had hoped. (See References.)

The interviews were conducted in the language that the participant was most comfortable with, which in almost all cases was Afrikaans. Language was not a major challenge. Although I am English speaking, I speak and understand Afrikaans. In all cases when I stumbled with the language my participants were understanding and patient, for which I was grateful. Most of my interviews were recorded, with the participant's consent, before I started the recording, in terms of the informed consent form that I had developed (Appendices 7 and 8). Only one participant refused to be recorded and in that case I took detailed notes. As already noted, interviews with key informants on the nature and process of the land claim proved difficult in terms of obtaining clear information about the claim. The key informants that I spoke to regarding the land claim clearly expressed their frustration with the process but provided very little insight into the nature of the claim and the actual process. How to understand this is addressed further below.

Purposive Snowball Sampling

I used purposive snowball sampling to identify people to interview. Given that I had already built up contacts in Loeriesfontein during my Honours project, I had a fairly clear idea about who I should speak to first when returning to the town. I also worked with the preliminary organisational map that I had drawn up to choose participants whom I thought would be most informative about group dynamics around the commonage and land restitution claim. I took advantage of the fact that Loeriesfontein is a small town, and employed snowball sampling in order to obtain additional participants through introductions from previous participants. The three main clusters of informants that I spoke to emerged through the course of my field work: land users, government officials, and civil society organisations.

Originally I intended to make sure that I had an equal number of participants for each of the land-user organisations. However, this proved far more challenging than I had anticipated. In the case of the LOBV, I had already developed good relationships with individual members during my Honours

research project and thus it was not difficult to obtain further interviews with members of this organisation during my MA research. In the end I conducted eight interviews with members of this organisation, two of them in leadership positions and six ordinary members. With the second farmers association, the LOVV, I was able to interview three people in leadership positions and one member. My biggest challenge was to find people who belonged to the CPA leadership and were prepared to be interviewed by me. In the end I managed to interview two people in leadership positions and one confirmed claimant⁵ who had opted to wait for the land. However, getting hard information on the details of the claim was always difficult. A legal firm to which I was referred as having some knowledge about the claim was unable to assist and referred me back to the claimant leadership. In trying to understand these obstacles I have come to the conclusion that they reflect the degree of mistrust and lack of transparency surrounding the claim process which in my case were extended to me as a researcher because I was seen to be associated with the LOBV.

With regards to government officials I selected participants based on their official capacity in relation to the farming community of Loeriesfontein as well as the land claim. Here I made extensive use of government websites to obtain contact information and familiarise myself with the structure of the government institutions. However, as already indicated, communication with officials in the national bodies (the DRDLR and the CRLR) was difficult. When contacting members of the DRDLR involved with the land restitution claim, I was regularly referred to other officials in other offices or bodies, without getting answers. Often it was difficult to get to speak to officials who were not in their offices or answering their phones. It was easier to speak to officials in the Hantam Local Municipality and the representative of the provincial DALRRD based in Calvinia. One of the Hantam officials provided me with great insight into the socio-economic challenges the Loeriesfontein community face. Attempts to schedule telephonic interviews with DALRRD officials in Kimberley were unsuccessful.

My formal interviews with civil society organisations were limited to the Mainstream Social Development Officer and the secretary of the community-based organisation that Mainstream has supported, Senze. Due to time constraints and conflicting schedules I was unable to speak to their chairperson. I attempted to set up interviews with the land-rights NGO, the Surplus People Project (SPP), after I became aware of their work with small-scale farmers on the Loeriesfontein commonage and concerns around the impact of the land claim in the mid-2010s. After contacting the SPP head office in Cape Town I was referred to the Springbok office which has run the work in Loeriesfontein. Unfortunately, I was unable to schedule a formal interview with the appropriate staff member there. My attempts to set up an e-mail or telephonic interviews during the 2020 lockdown did not work out.

⁵ This claimant is also a member of LOBV and has been listed as such in the Reference List

My final set of participants is shown in Table 3.1 below. Of the participants I interviewed, 14 were men and five were women. Notably one of the land users I interviewed was a woman, a pensioner who had joined the LOVV. During my Honours project, I was initially interested in exploring the gender dynamics among small-scale farmers but my focus shifted toward the land restitution claim which I found more pressing. This remains an important topic for further research. While I was unable to properly explore this issue, I have found that although few women regard themselves as farmers in their own right, women within farming households do support this activity in various ways. For instance, it seems common practice for women to aid in the raising of lambs.

Table 3.1: Participants in semi-structured interviews

Pseudonym	Gender	Population Grp	Primary Occupation	Organisation	Position
Land Users					
1. Zaid	Male	'coloured'	Retired	CPA	Leadership
2. Clyde	Male	'coloured'	Mechanic	CPA	Leadership
3. Shane	Male	'coloured'	General Worker	LOBV	Member
4. Brian	Male	'coloured'	Pensioner	LOBV	Member
5. Joseff	Male	'coloured'	Pensioner	LOBV	Member
6. Scott	Male	'coloured'	Construction worker	LOBV	Member
7. Will	Male	'coloured'	Pensioner	LOBV	Member
8. Leonard	Male	'coloured'	Pensioner	LOBV	Member
9. Lucian	Male	'coloured'	Pensioner	LOBV	Leadership
10. Wilbur	Male	'coloured'	Pensioner	LOBV	Leadership
11. Rico	Male	'coloured'	Construction worker	LOVV	Leadership
12. Delia	Female	'coloured'	Pensioner	LOVV	Member
13. Maverick	Male	'coloured'	General Worker	LOVV	Leadership
14. Zander	Male	'coloured'	Taxi Driver	LOVV	Leadership
Government bodies					
15. Katrina	Female	'coloured'	Official	Hantam L.M	Official
16. Esther	Female	'White'	Official	Hantam L.M	Official
17. Lily	Female	'coloured'	Official	DALRRD	Official
Civil society organisations					
18. Marie	Female	'coloured'	Staff	Senze	Staff
19. Karson	Male	'coloured'	Staff	Mainstream Social Development	Staff

3.2.4 Socio-economic Survey

The Loeriesfontein socio-economic survey, conducted by the SARChI Chair in the Sociology of Land, Environment and Sustainable Development, took place in late July/early August 2019. It involved a representative sample of 201 households across all residential areas in the town. During the survey I was one of three postgraduate students linked to the Chair's research programme who worked as enumerators alongside the local enumerators who were unemployed matriculants, recruited with the assistance of the local municipality. (For more on the survey see Vorster, 2019.) Another student and I were assigned to conduct the interviews in the 'Bo-Dorp', all of which were with white individuals. Although Bo-Dorp is no longer a 'whites-only' area, as it became in the apartheid era, it is still inhabited predominantly by white residents (many of whom are commercial farmers who do not live fulltime in the town). One of the reasons why the other student and I were assigned to conduct interviews in this area was because some of the local enumerators, all of whom are identified as 'coloured', had experienced being refused interviews, apparently because of racially motivated reluctance on the part of the white householders approached for interviews. It was thought that my fellow student and I might have more success, as students at Stellenbosch University. We also experienced some challenges. In one instance one householder we approached insisted they did not want to speak to 'people like us' (my fellow student being seen as white and myself as 'coloured'); in this case, however, another household member was prepared to speak to us.

It should be noted that while I participated in the data collection, I was not involved in the analysis of the data nor the writing up of the survey report. However, participating in the data collection was enriching and I have drawn on the survey for understanding socio-economic conditions in the town. It also included some questions related to the commonage. As already noted, I also attended the report-back session in the town in December 2019 when the draft findings were presented and discussed with local people, including municipal officials, other prominent members of the community and some of the enumerators who took up the invitation to the event.

3.3. Data Analysis

This section presents the method of data analysis that I have used. My main method of data analysis has been thematic analysis, complemented by content analysis. I have also draw on organisational mapping as a means of mapping out and reflecting on my shifting understanding of the relationships that exist between the organisations relating to the municipal commonage.

3.3.1 Thematic Data Analysis

Thematic data analysis, according to Braun and Clarke (2012:57), is a 'method for systematically identifying, organizing and offering insights into patterns of meaning (themes) across a data set'. This allows the researcher to make sense of the meanings and experiences that are shared by participants, particularly regarding the issues brought up and discussed with the aim of addressing the research questions presented. This method of analysis looks at the data as a set that is analysed in order to examine the commonalities that exist within the data set and read them in relation to the research questions.

The raw data (audio recordings) were sent to a transcription service to transcribe the audio interviews. The transcription was done in Afrikaans which I then translated into English myself. It should be noted that I received permission from my supervisor to hire this service and the service was required to sign a 'nondisclosure agreement' to maintain anonymity (see section 3.4, Research Ethics). I sorted the transcriptions according to the organisation the interviewee belonged to in order to group the emerging themes relating to the challenges and perspectives within each organisation in the first instance. During the process of thematic analysis a few of the emerging themes overlapped across organisations. Some of the challenges that the organisations faced also overlapped, particularly between LOBV and LOVV, which both expressed a desire for land. The overlap in both themes and challenges are discussed in Chapters 5 and 6. I then did a brief read-through in order to familiarise myself with the data and pick out any recurring issues that stood out immediately. Thereafter I read and reread the transcriptions, highlighting recurring statements and emerging issues, guided by my research questions and conceptual framework as well as my literature review. I drew up a spreadsheet of the emerging themes which I then grouped according to my research questions as well as the concepts they spoke to. The spreadsheet allowed me to identify the themes that emerged from each organisation and track overlaps between organisations. I then reviewed this spreadsheet in relation to the transcripts. Major themes that emerged related to community dynamics, the meaning of farming, the challenges and constraints land users face, and concerns around land management and the land restitution claim.

I used thematic data analysis in conjunction with qualitative content analysis (Schreier, 2014), using the latter to identify and organise significant pieces of information in my transcripts according to my themes and research questions. I also used content analysis to link issues with the information from my documentary analysis.

3.3.2 Organisational Mapping

Institutional mapping is a technique used to plot the relationships between organisations graphically and through that to indicate the networks and power relations at work (McFadden, Priest & Green, 2010:4). While this method is officially called institutional mapping, for the purpose of this thesis I've decided to substitute the term 'organisational' because I have not mapped out all the institutions involved (e.g. family, political parties, religion) but, rather, focused on identifying the key organisations involved as a necessary first step towards a broader analysis of understanding social dynamics around the commonage in Loeriesfontein. I found this method useful for setting out my own understanding of the relational dynamics among the organisations linked to the municipal commonages and identifying possible gaps or overlaps for further analysis. Through this technique I was able to map the extent of contact the groups had with each other as well as any perceived conflict that existed between them. The technique can thus be seen as both a method of research and a tool for data analysis, which is how I have chosen to discuss it here.

As already noted, I started my field work by sketching out a preliminary 'institutional map', based on my previous research and knowledge of the town, which served as a mind map for identifying people to interview. I then added to this over time as my field work progressed. My main sources of information came from asking questions concerning membership and relationships within the various organisations, particularly among the leadership, but I also drew on documents and observation to inform the development of the map. In my data analysis phase I have drawn on the map to assist me in reflecting on the location of the organisations spatially in relation to Loeriesfontein and the role of distance and the isolation of Loeriesfontein geographically in shaping organisational relationships and the management of the commonage and land restitution claim. My final 'organisational map' is discussed in Chapter 5 (Figure 5.1).

3.4 Research Ethics

My research was conducted in line with the ethical guidelines of the University of Stellenbosch and was approved as a low-risk study by the University's Research Ethics Committee: Social Behavioural and Education Research (REC: SBE) (Appendix 3). All my formal interviews were based on the principle of informed consent. To achieve this I drew up an informed consent form in both English and Afrikaans (to cater for the fact that the overwhelming majority of people in Loeriesfontein speak Afrikaans as their first language) which I discussed with participants before starting the interview. I made sure to have extra copies of the consent form on hand in case any participants wished to keep a copy. I also made a point of verbally explaining what my research was about and what the purpose of the consent form was before starting the interview.

As already noted, all but one of my interviews were recorded with the permission of participants. I gained permission from my supervisor to hire an outside party to transcribe the audio recorded interviews (see Data Analysis). In order to comply with REC guidelines concerning confidentiality, I drew up a non-disclosure agreement (NDA) which I required the transcriber I used to sign, stating that the contents of the audio files would not be shared with anyone. All recordings and transcriptions were stored on a password protected computer that only I had access to. In order to ensure the anonymity of participants, I have relied on pseudonyms throughout this thesis in place of participants' real names and have not been specific about the positions individuals hold in organisations.

I have been fortunate in that I did not face any serious ethical challenges in my study. The only ethical challenge I experienced in the field was a relatively minor one when a potential participant requested money or aid in return for doing an interview with me. When I explained that this went against acceptable research practice the individual refused to be interviewed. I found this encounter difficult because the people of Loeriesfontein have given me so much valuable information in the course of my two research projects since 2017, yet I as a researcher have not been able to offer them much in return, beyond the hope that my work will be of use in future initiatives and developments that relate to land use and improving livelihoods within the town. This larger ethical dilemma is something that I have struggled to come to terms with.

3.5 Challenges and Limitations

This study has been challenging for several reasons which I have already referred to. The biggest challenge has been obtaining official information regarding the process of the Loeriesfontein land restitution claim as well as documentation setting out the basis of this claim, which has imposed limitations on my findings. As already detailed, this was not due to lack of effort on my part, including a PAIA application which had not been processed by the time I had to finalise the writing up of my thesis. The implications of the absence of clear information in the public domain is that knowledge about the land restitution process as it has unfolded in Loeriesfontein and what is happening in the post-settlement phase is weak in the town. The confusion that exists on the ground has contributed to the frustrations and tensions among land users and their organisations.

In addition to the problems in obtaining information about the basis of the land claim, I have struggled to put together information on the spatial dimensions of the commonage and the claim, and to relate the official data that is in the public domain, for instance in the gazette notices on the land restitution claim, with contemporary property descriptions. While some of the difficulty relates to challenges in getting access to official data, some relate to my lack of expertise in the fields of GIS analysis,

archival research and the analysis of property records. What has been helpful here has been the services of the CGA at Stellenbosch University in mapping the erven listed in the gazette notices and calculating the area of the various land parcels within the outer boundary of the Loeriesfontein town lands. (See Figure 1.3.) This has enabled me, with the assistance of my supervisor, to match the commonages identified in the gazette notice of the restitution claim with the original land parcels on which the town of Loeriesfontein was established; this work is reflected in many of the maps presented in this thesis.

An additional limitation of this study is my limited sample of 19 respondents for my semi-structured interviews. I have tried to ensure that the distribution was evenly spread across the identified institutions, but this proved to be more difficult and time-consuming than I had initially anticipated. Setting up interviews with members of the LOBV was relatively straightforward as I had already developed good relationships with individuals in this association. Members of the LOVV were also fairly easy to contact, in part because their membership was still very small as they were still in the process of becoming an official farmers' association. The most challenging group to interview was the CPA, with a number of members of the CPA whom I contacted either refusing to be interviewed or not being able to schedule interviews with me; the covid19 lockdown in 2020 added to the challenges, by removing the possibility of setting up more meetings in the time available for my MA thesis. As already noted, I have attributed some of the difficulty to perceptions around my association with the LOBV dating back to my Honours project. Loeriesfontein is a small town and as an outsider driving a distinctive university-branded vehicle, I was easy to spot, and word quickly spread that I was interviewing the farmers who were using the commonage for grazing. The difficulty is reflective of the tensions around the commonage, but it has meant that my participant group is skewed towards LOBV participants and the CPA is under-represented.

It is hoped that future research projects could address these limitations and build on the work presented in this study in order to add to the understanding of how the process of land restitution has unfolded in Loeriesfontein and the negative impacts overlapping land reform programmes have on sustainable development in this (and other small Karoo towns).

Chapter 4: Land and Livelihoods in Loeriesfontein: Ecology, History and Contemporary Conditions

This chapter provides important context and background on Loeriesfontein and the municipal commonages. It begins with a general discussion of the ecology of the Karoo and the environmental constraints that impact on farming in this region. The second section presents a general overview of the history of colonisation and land dispossession in the Northern Cape and then situates Loeriesfontein within that. This historical overview provides context for the land reform initiatives in Loeriesfontein and illustrates the impact the history of the town has had on present dynamics.

4.1 Karoo Ecology

As noted in Chapter 1, from an ecological point of view the Karoo is divided into two biomes, the Nama Karoo and the Succulent Karoo. (See Figure 1.2.) Together the two Karoo biomes cover almost 40% of South Africa (Conservation South Africa, 2020), mostly in the Northern Cape province but reaching also into the Western and Eastern Cape and Free State provinces. The semi-arid environment of this region makes it a distinct social-ecological space compared to the better watered and more densely populated rest of the country to the south and east; it has particular implications for land use, sustainable livelihoods and land reform.

As already noted, Loeriesfontein is located within the Succulent Karoo, albeit in the border zone where the Succulent Karoo begins to merge with the Nama Karoo to the east. The Succulent Karoo is characterised by an abundance of unique succulent plants, most of which are endemic, making it a globally significant biodiversity hotspot (Conservation South Africa, 2020). The biome spans the coastal plains of north-western South Africa as well as the uplands of the Hantam Local Municipality and the mountain chains stretching south into the Western Cape. It covers 87 001 square km which makes it the fourth largest biome in South Africa (Henschel & Lubin, 2018). The biome is further divided into six bioregions. Mean annual precipitation is very low, averaging between 150 and 209mm per year (Henschel et al, 2018: 152) but it is important to note that rainfall is irregular and the annual average conceals larger cycles of dry periods, which can extend into extreme drought as has been experienced in recent years. One of my participants described the impact of the drought as follows:

Maar in ons area in Loeriesfontein, kry ons maar hel. Ek het my skaap verminder al van 120 af tot by 50, vanaf 2011. Want dis net daai een kamp en hy trap vir hom onmiddellik

uit, want dis 'n hele sand...dis so sand besigheid. Al geluk wat ek het as dit reent, dan loop die waters als na my toe. Dan is daai rooi grond, soos nou as jy dit...as daai water afloop het ek groen veld. [But in our area of Loeriesfontein we are just getting hell. I have culled my sheep from 120 down to 50 since 2011. Because its just that one camp, and the sheep immediately trample it flat because it's a whole lot of sand...it's just sand. The only luck I have is if it rains, then the water all runs toward my camp. Then that red ground, as you now...if that water runs, then I have green veld] (Leonard, interview, March 2019).

This quote clearly illustrates the effect the drought has had on the commonage and the effect this has had on the livelihoods of the farmers. With a smaller herd, it becomes harder to earn an income from farming. Furthermore, because the livestock are unable to survive through grazing, the farmers have incurred the additional expense of having to buy feed. In Loeriesfontein the DALRRD as well as some NGO's have contributed by donating feed to the LOBV and LOVV to distribute to their members.

Climate change is a key threat to this biodiversity hotspot. According to the National Oceanic and Atmospheric Administration, January 2020 was recorded as 'having the highest land and ocean surface temperature globally' in the 141 years for which records had been kept (NOAA, 2020). Various bioclimatic models have shown that climate change is expected to be extremely detrimental to the environmental health of the Succulent Karoo (Mucina, Jürgens, le Roux, Rutherford, Schmiedel, Esler, Powrie, Desmet, & Milton., 2006). The Karoo is predicted to become warmer and drier in the coming years, which threatens its biodiversity (Walker, Milton, O'Conner, Maguire, & Dean, 2018). The resulting loss of biodiversity will be devastating for the ecological functioning and economy of the region.

Given the extent to which climate change is already a reality in the region, conserving the rich biodiversity of the Karoo is an urgent policy challenge. This raises questions about livestock grazing and the effects of long-term intensive grazing on the biodiversity of the region. Small livestock farming at different scales (primarily sheep but also goats) is a major land use and source of income within both the Succulent and Nama Karoo. However, overgrazing has been identified as a key factor contributing to the loss of biodiversity and particular concern has been expressed about heavy grazing in the drier areas of the Karoo (Nenzhelele, Todd, & Hoffman, 2018).

In a study investigating the effects of short-term trampling of kraaled sheep, the focus was placed on vegetation, specifically succulent and non-succulent plants (McManus, Goets, Bond, Henschel, Smuts & Milton, 2018). Researchers investigated the effects of vegetation inside the kraals and then compared their results with the vegetation outside the kraals. The main findings were that plant

density had decreased both within and outside the kraals but levels of foliar nitrogen (a natural fertilizer) had increased within the kraals themselves. The process of kraaling could thus improve 'degraded production landscapes' due to the creation of nutrient rich soil (McManus et al., 2018). However, it was emphasised that this was only applicable to short-term intensive kraaling and the study could not speak to the effects of long-term intensive kraaling.

In another study Rutherford and Powrie (2013) looked at the effects of intense grazing on plant diversity in several biomes, one of which was the Succulent Karoo. The researchers used previously gathered data on each of these biomes and read them in comparison with one another. Their thinking is that the Succulent Karoo has had a fairly short history of grazing and would therefore fare worse in terms of plant diversity than biomes that are thought to have had a longer history of grazing. This hypothesis was based on what is called the 'dynamic equilibrium model' which states that semi-arid environments that have a long history of grazing fare better when exposed to intense grazing than environments that have a shorter grazing history, because the vegetation would have had more time to adapt and thus be more resilient to grazing pressures (Rutherford & Powrie, 2013). However, this did not correspond with their results in which the Succulent Karoo seemed more resilient than the other biomes studied.

Given that one of the key concerns with the Loeriesfontein municipal commonages has been the poor management of the veld and camp systems, these debates on biodiversity, veld condition and grazing are important. According to Saayman (2016), it is critical for farmers to understand the condition of the veld in order to better manage their herds. When discussing the condition of the veld the main focus should be on the vegetation which encompasses plant cover, species composition as well as how well these plants grow and if they are suitable for livestock grazing (Saayman, 2016). According to Saayman (2016), in order to make provision for the expected 'dry periods' grazing should allow for 60% of plant cover to be preserved.

This ratio was confirmed to me as relevant for the Loeriesfontein area by the Hantam Agricultural Officer (telephonic interview, September 2020). According to this official, in order to maintain the integrity of the veld, the optimal stocking rates for the Hantam Local Municipality is one small stock (sheep or goat) per 10ha of land and one large stock (cow or ox) per 45ha of land. Given that the area of the Loeriesfontein commonage is approximately 20 000 hectares, this would translate into a total herd of some 2 000 small stock (sheep/goats) on this land. My Honours project found that the stocking rates exceeded the recommended carrying capacity (Davids, 2017) and the condition of the veld has likely worsened since then due to the ongoing drought. This raises the question of how many farmers the commonage can support optimally and in what combination – a smaller number

with larger herds or a larger number with smaller herds. Understanding the grazing capacity of the commonages and the reasons behind the grazing constraints is vital for addressing this question.

Beinart (2018) provides an overview of the history of environmental change of the Karoo from the year 1800. Beinart (2018) argues that environmental change cannot be understood without taking the social, economic, and political history into consideration, which is consistent with the theoretical framework of political ecology discussed in Chapter 2. The introduction of settled small livestock farming at scale within the Karoo had major consequences for the environment. While the number of livestock fluctuated and farming practices changed, livestock farming quickly became a booming industry within the Cape Colony. Due to the increased value of livestock, the number of animals rapidly increased and this placed enormous pressure on the environment. The surge of livestock, along with heavy rainfalls during 1900 and 1902, had a disastrous impact on the environment and eventually led to soil erosion and soil washing, which caused the formation of numerous gullies (Beinart, 2018).

In the early 20th century, various studies were commissioned concerning this phenomenon, such as those by the Drought Commission in 1923 and, later, the Native Economic Commission in 1932. These reports placed huge emphasis on soil erosion. There was also concern around the evidence that the country was 'drying up' (Beinart, 2018). In 1932, in response to these reports, the Soil Erosion Act was implemented. This was followed up in 1946, when the Soil Conservation Act was put into place. These pieces of legislation were an attempt to protect the integrity of the soil as well as local wildlife. Linked to these regulatory steps, over the last century there has been a significant decline in stocking rates in the Karoo, which dropped from a high of 11 million animals in 1939 to about 4 million in 2007 (Hoffman, Skowno, Bell, & Mashele, 2018). This has been associated with a general trend of vegetation recovery. However, overgrazing and overstocking are still seen as major causes of land degradation and biodiversity loss, requiring appropriate policies and good management practices at the farm level.

4.2 Loeriesfontein in Historical Context to 1994

In this section I present a brief history of the settlement of the Karoo, beginning with an overview of the precolonial Karoo and the indigenous hunter-gatherer |Xam people as well as the Khoekhoe pastoralists who first brought sheep to the area, followed by an outline of the colonisation of the Northern Cape in the 18th and 19th centuries. Thereafter I address the history of Loeriesfontein itself, concluding with a very brief discussion of what I have been able to establish about the history of the town in the 20th century to 1994, including the land dispossessions and forced removals that occurred.

4.2.1 Precolonial Karoo

Although sparsely populated, the Karoo has never been empty of people. Morris (2018) looks at evidences of human life and land use in the Karoo. He traces the history of the first inhabitants of Southern Africa through the use of archaeological evidences such as rock art and stone tools. The first people who inhabited what is now known as the Karoo were San hunter-gatherers: the |Xam people (Parkington, Morris, & de Prade-Samper; 2019). Despite limited archaeological research in the Karoo, the studies that have been conducted have been rich and quite detailed (Morris, 2018). One of the most impressive resources available to archaeologists and historians, the Bleek-Lloyd collection, details |Xam folklore originating from the Upper Karoo in the 19th Century. According to Parkington et al (2019: 730), the Upper Karoo was once known to the |Xam people as |Xam-ka lau. Their homeland encompassed a large area between the contemporary towns of Calvinia, Kenhardt and Carnarvon.

The relationship between the |Xam and their environment was very different from the relationship between society and nature in modern industrial society today. The |Xam viewed the environment not as a passive resource to be exploited but as a vibrant, living entity which should be acknowledged and respected, along with all the life within it (Parkington et al., 2019). Places that held significant meaning were often marked with rock art such as engravings. Rituals, especially those related to water, were prevalent. According to Parkington et al., (2019) !Khwa, which referred to water, the water snake, or a rain animal, was a spirit or deity which, if angered, would withdraw from rivers and waterfalls, leaving the land dry.

The Khoekhoen were pastoralists who arrived in southern Africa some 2 000 years ago and, according to archaeological evidence, brought livestock with them, in the form of sheep (Smith, 1993). Archaeologists have attempted to track the movement of livestock by looking for the presence of sheep bones and ceramic pottery. The movement of the early Khoe-speaking people south of the Orange or Gariep River is attributed to changing climate and the need for grazing ground (Smith, 1993). The Nama people, who are one of the oldest indigenous groups in Namibia and the North-western regions of the Northern Cape, descend from the Khoekhoen. Some of them still practice nomadic pastoralism in Namaqualand, which forms part of the Namakwa District Municipality.

4.2.2 The Colonisation of the Northern Cape

In 1652 the Dutch East India Company (DEIC) landed on the shores of what would become known as the Cape of Good Hope. Here they encountered the Khoekhoen and developed a system of trade with them which became the main source of meat for the Company. During the early years of

colonisation, European settlement did not venture far inland because of the DEIC's desire to maintain administrative control and safety (Schoeman, 2013). The DEIC also aimed to keep the livestock trade with the Khoekhoen exclusively under its control and the new settler farmers who began to spread out beyond the settlement at Cape Town were not allowed to engage in private trade. Between 1707 and 1709 the DEIC granted the first grazing permits to settler farmers and by 1714 a loan farm system was in place to allocate rights over individual portions of land to the colonisers. From this time the colony began to expand rapidly along the east coast and into the northern interior. Due to this process of rapid expansion, the Colony faced a food crisis so in response to this, the livestock trade with the Khoekhoen was opened (Penn, 1995).

By the mid-1700s Dutch-speaking settlers had begun moving aggressively into |Xam territory in the interior of southern Africa, with scattered settler farming communities being established in the Roggeveld and Kamiesberg. These farmers were pastoralists, moving with their stock in search of water and good grazing, and came to be known as trekboers (from the Dutch *trekboere*). The first European trekboers settlers moved into the Hantam region around present-day Calvinia in the 1750s. The town itself was established a century later around a Dutch Reformed Church which was established in 1847 (Schoeman, 2013). This process was accompanied by dispossession and suffering of the indigenous people. At the same time, there was also interaction among people. The 'baster' people emerged as a social group in the 18th century as a result of relationships, including marriage, among white and other settlers and the indigenous people of the area.⁶ Afrikaans also emerged over time as a common language.

In 1806 the British took over the Cape Colony from the DEIC and began to establish tighter controls and stronger systems of administration over people in the interior. Before 1847 the northern border of the colony had not been surveyed but, following Amschwand (2017), ran south east from the coast near present-day Springbok to just behind the Hantam Mountains at Calvinia and then eastwards. It was thus south of present-day Loeriesfontein which was not included in the colony. Farms in the colony began to be surveyed and farmers were granted 'quitrent' farms (involving the payment of an annual rent). The movement of people across the colony's northern border continued however, by dispossessed San and Khoekhoen as well as 'baster' and white settlers in search of seasonal grazing.

In 1847 the Governor of the Cape pushed the northern boundary of the colony to the Orange River, thus incorporating the Loeriesfontein area and all the people living in the newly annexed territory into

⁶ In the late 19th century, a large group of Baster people moved north of the Orange River, into present-day Namibia, to escape colonial domination (Afrikaner Way, 2014). They became known as the Rehoboth Basters.

the colony. This land became crown land. At the time 'there was a stipulation that those presently occupying the land in these new territories would be given title' (Amschwand, 2017:18). However, as the subsequent history of Loeriesfontein makes clear, this stipulation did not carry much weight and soon came under pressure from land-hungry white farmers.

4.2.3 The Establishment of Loeriesfontein⁷

The town of Loeriesfontein has its roots in the 19th century history of settlement and dispossession already described briefly in Chapter 1. Its early history has been described by Amschwand (2017) and Vernal (2015). Its origins lie in a land grant made by the colonial government in 1860 to a group of 'baster' pastoralists. According to Amschwand (2017:77) a 'baster' settlement had been established at Loeriesfontein just above the 1847 border 'since at least 1829'. In 1853 they requested the colonial authority to grant them their land at 'Loeriesfontein'. According to Amschwand (2017: 77) the size of the land requested was about 3 000 morgen (2 500 hectares). Despite objections from local white farmers, 'It was then decided that a ticket of occupation be issued for about 4 000 morgen [3 430 hectares] around Loeriesfontein, including a trek path, an outspan for travellers and that the residents construct two large dams' (Amschwand, 2017: 79). The number of households was put at 59 families who would have to pay an annual rent of £7-10.

In 1860 Sir George Grey, then High Commissioner of the Cape Colony, granted this group of 'bastards' a 'ticket of occupation' for a large piece of land around what would be the future town centre of Loeriesfontein. An 1890 map shows this to be much larger than the 4 000 morgen mentioned by Amschwand. According to correspondence in the National Archives in Cape Town various actors were involved in advocating for this, including the Civil Commissioner of Calvinia at the time, who supported the inhabitants of what was by then a Crown Property Farm known as Loeriesfontein. In 1873 the official list of claimants to the ticket of occupation was expanded upon by Sydney Fryer, the Field-Cornet of the ward Achter-Hantam. This document specifies that:

...the land will not be alienated, but held for the use of the persons of colour of mixed race who were in occupation thereof on the first day of January 1860 and of others of the same description who have resided thereon before that date and may have left it, and may be inclined to return there, and of others who may be admitted as residents upon showing that they are entitled to such admission, and should any disputes arise between any applicant for

⁷ This section draws on the copies of archival material provided to me by Nigel Amschwand from the Cape Repository in the National Archives of South Africa in Cape Town, consisting of correspondence and other material dealing with developments in Loeriesfontein between 1860 and 1899. Details of the archival records drawn on in the account in this section are listed under 'Other References' at the end of this thesis.

admission or readmission of any person, such question should be submitted to the Civil Commissioner whose decision is final.⁸

The ticket then goes on to state that the land is jointly owned by the official occupants and that any major decisions are reserved to the government. However, in 13th March 1888 a letter from the then Civil Commissioner of Calvinia, Faure, to the Under Colonial Secretary reported that a petition had been started among white settlers on farms neighbouring the land grant who were calling for the ticket of occupation to be withdrawn. The basis of this petition were claims of livestock theft and that the farm was 'inhabited by troops of vagabonds, who took refuge there to escape the police'. There were also claims that many of the residents did not own livestock, and only six of the original households linked to the ticket of occupation remained. Other complaints concerned the prevalence of syphilis and the theft of an entire wheat harvest (which had occurred years before).

However, upon investigation by Commissioner Faure most of these claims were found to be false. The then Secretary of Native Affairs recommended a few amendments to the 'Ticket of Occupation', pending investigations into the legitimacy of the current occupants' rights to the land. These amendments included that all 'valid' claimants were liable to pay a fee to the Company, depending on the amount of stock they had, and that no person would be able to leave the farm for more than a month at a time without the permission of the Civil Commissioner of Calvinia. This particular stipulation constrained the movement of the people of Loeriesfontein, most of whom practised a degree of nomadism in that they travelled from time to time with their herds in search of water and better grazing. Although there was some back and forth correspondence among officials about the new stipulations, it is unclear whether they were implemented or not.

The matter of the 'Ticket of Occupation' was brought up again in 1889 when local white farmers wrote another letter to the Resident Magistrate of Calvinia complaining of stock theft and another investigation into the matter was conducted by the newly appointed Civil Commissioner of Calvinia, Honey. His report stated that only five of the original occupants remained on the farm and that the land was littered with 'squatters' whom, he claimed, were responsible for committing the stock theft. He also mentioned the lack of structural developments and suggested that the land should be split among the lawful inhabitants in units of 300 morgen each and the rest of the land returned to the government.

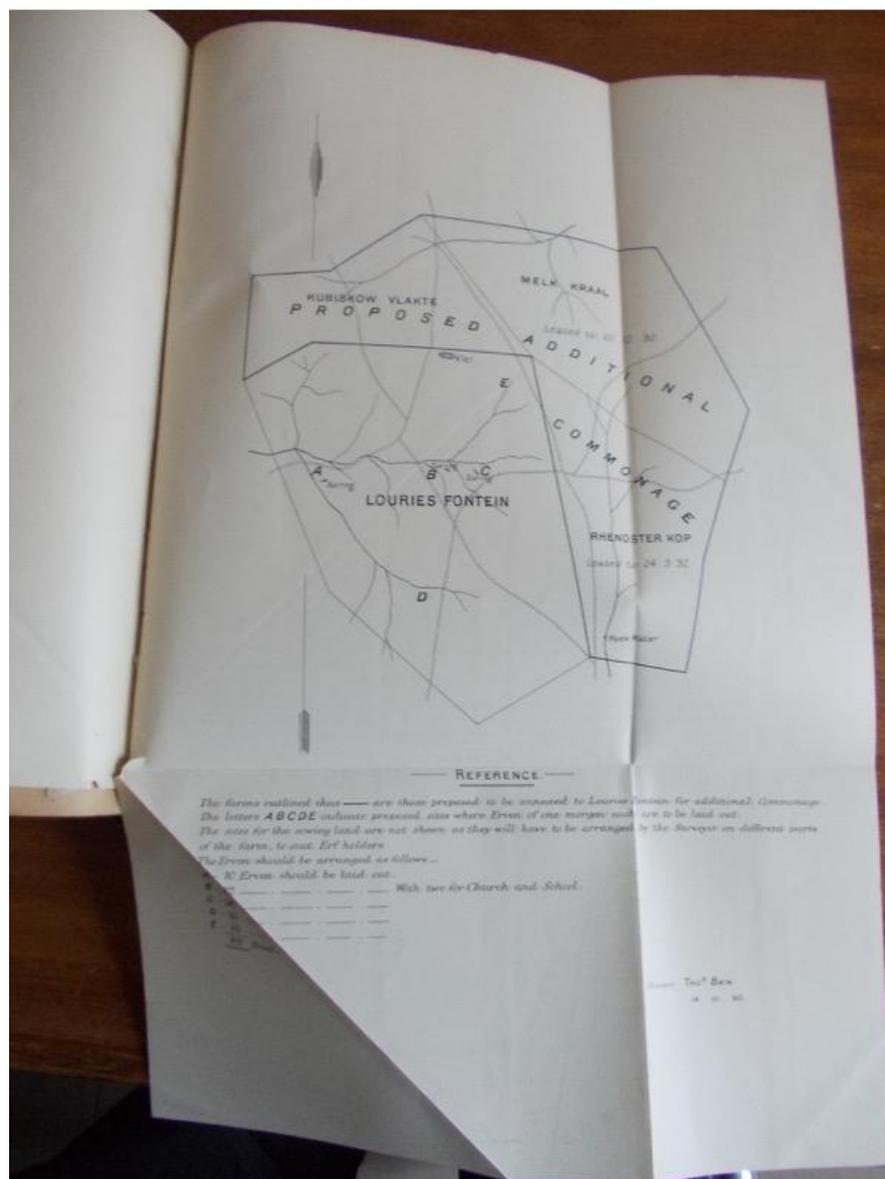
⁸ Letter No. 18: The Surveyor-General to the Assistant Commissioner, no 2,024, dated 9th September 1890. This document forms part of the correspondence between the Civil Commissioner and other officials regarding the Loeriesfontein farm.

However, in the correspondence that followed between the Surveyor-General and the Assistant Commissioner, large discrepancies were found between the reports of Honey and the earlier report of Faure. Honey denied the discrepancies and, finally, on the 20th September 1890 moved to bring the dispute to a close in favour of the local white farmers. At a public meeting the Loeriesfontein people, who were represented by a Mr. J.A.L van der Merwe, were asked to prove their claim to the land. Also in attendance were a large number of white farmers from neighbouring farms. Honey found that 'strictly speaking' most, if not all, of the inhabitants had forfeited their claim to the land by breaking the conditions of their ticket of occupation and that the ticket should therefore be revoked. Eleven 'baster' rightsholders were recommended for exemption.

Among the papers in the Archives in Cape Town is a map dated 14 October 1890, less than a month after this meeting, which shows the original land grant of 'Loeries Fontein' plus two farms described on the map as under lease till 1892 and marked as 'proposed additional commonage' (Figure 4.1). This map also indicates several points within the original land grant where it was proposed that a total of 102 erven of one morgen each could be laid out, including plots for a school and a church. This makes it clear that the decision to convert the land grant into a town had been made by the authorities by then. Of importance for my study, the property boundaries shown on this map match almost completely the boundaries of the current town lands of Loeriesfontein (although the erven that were registered in the course of the 20th century were not laid out in the manner proposed on the 1890 map). The text accompanying the map also notes: 'The sites for the sowing lands are not shown as they will have to be arranged on different parts of the farm, to suit Erf holders.' (See Figure 4.1.)

Although this recommendation was disputed by the residents, in 1892 the Commissioner proceeded to revoke the 'Ticket of Occupation for the majority of the 'baster' occupants. Land was set aside for the 11 occupants who had previously been recommended for exemption, subsequently provision was made for a further 26 'bastards', according to Möller (1988:7); unfortunately I have not managed to establish the precise location of this land, nor the details of its later history. Although it was proposed that the rest of the land should be sold to white farmers, subsequent developments make it clear that if this happened it was not at any scale, with most of the land retained as commonage. In 1894 Fredrick Turner, a white travelling bible salesman established a shop at Loeriesfontein around which other residential and business erven were subsequently laid out to form the small built-up area of the town of today (Schoeman, 2015:148). The town was proclaimed in 1898 and at some stage the 'additional commonage' shown on the 1890 map was also added to the original land grant.

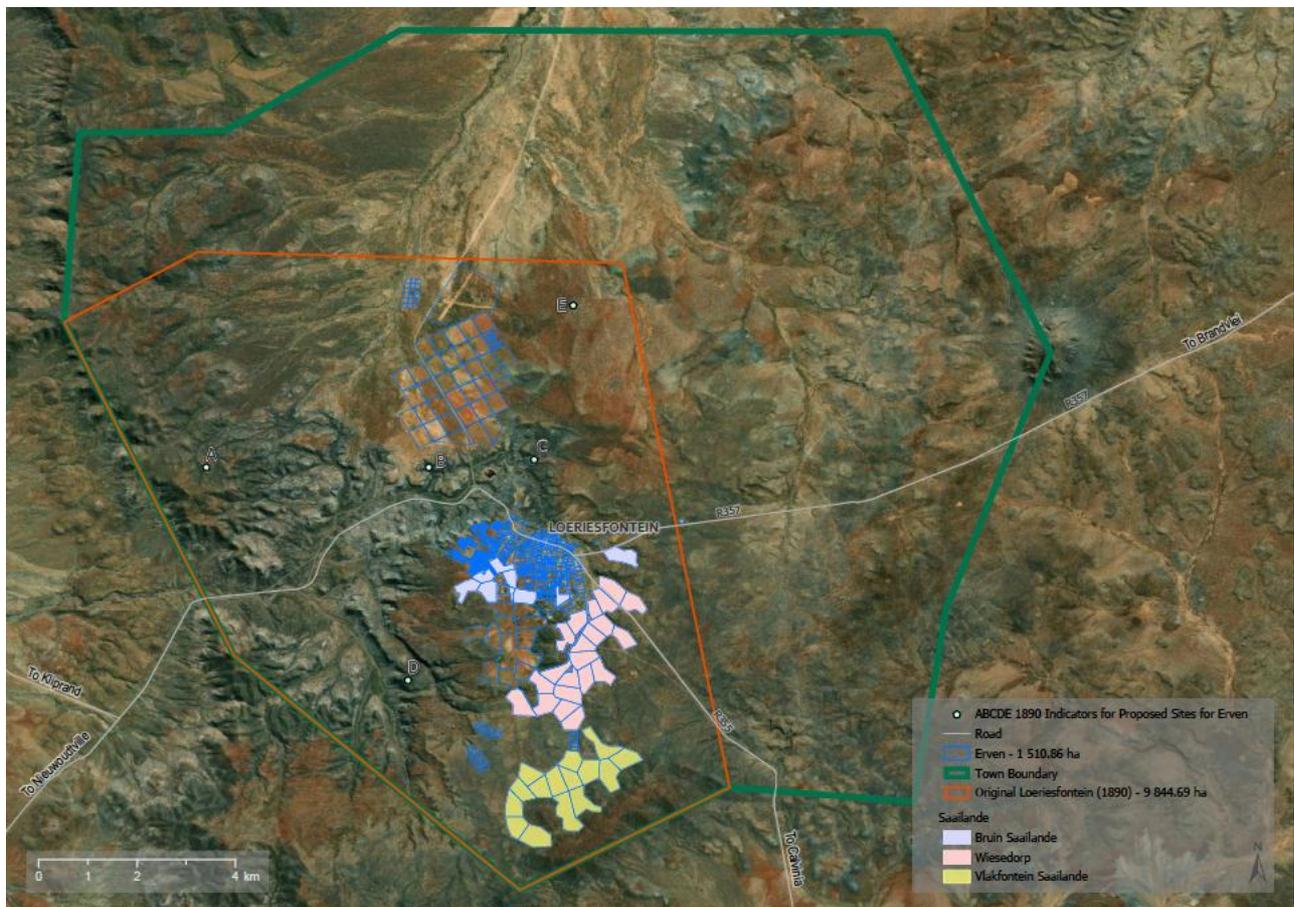
Figure 4.1 Map of 'Louries Fontein' and proposed additional commonage, 1890



(Source: Department of Lands, Mines, and Agriculture, National Archives, Cape Repository, 1893)

In 1904 the first election for a Town Management Board was held. Three board members were chosen, one of whom was a 'baster', Andries Kotzee, and the other two white, namely Fredrick Turner and William Shaw. At the time the population of Loeriesfontein stood at 643 residents, two thirds of whom (435) were described as 'coloured' (Möller, 1998:7). At some stage the Loeriesfontein *saailande* or 'sowing (crop) lands' mentioned on the 1890 map were laid out, mostly to the south of the new town centre. The 2004 Government Gazette notice listing the land under claim gave distinct names to three of the 'sowing lands': *Bruin saailande* ('Brown sowing lands'), *Wiesedorp* and *Vlakfontein saailande* (Government Gazette, 3 September 2004). (See Figure 4.2 below.)

Figure 4.2 Loeriesfontein townlands, showing original land grant, additional commonage, sowing lands and erven



(Source: SARChI Chair in the Sociology of Land, Environment & Sustainable Development)

4.2.4 Loeriesfontein in the 20th Century to 1994

The history of Loeriesfontein in the 20th century is not well documented and more research is needed to fill in the history of the commonage and racialised dispossession that unfolded in this time. One unfortunately rather limited source is a 1988 book, *Loeriesfontein in the 20th century to 1994*, by G.SJ Möller, which provides an account of various developments but glosses over the impact of the racial inequalities that were becoming formalised on the original rightsholders of Loeriesfontein and their descendants. According to him, in 1917 a regulation was passed putting a curfew in place which applied only to *inboorlinge* ('native people') who were not permitted to be on the streets within the town boundaries between the hours of 9:30pm and 4am without a written pass or certificate from an employer or person authorised by the town management (Möller, 1988:8). It is not known how and for how long this was applied.

After 1948 the coming to power of the National Party and the introduction of apartheid-era laws hardened racial inequalities and segregation in the town. The Population Registration Act No. 30 of 1950 set out clear stipulations regarding classifications of race and required that individuals be registered as per the official classification system from birth (Boddy-Evans, 2019). These classifications were based on physical appearances. Four racial categories were outlined, namely; white, coloured, bantu (black African) and other. Based on Möller's text it is clear that the term 'baster' continued to be used in the area, with Möller dividing '*die Gekleurde gemeenskap*' [the Coloured community] locally between *Kleurlinge* [Coloureds] and *Basters* (1998:10). Although more historical research is needed, it appears that the 'baster' people lived in an area known as *Blou Hoekies* [Blue Corners] (Möller, 1988:10). It is likely that these were the descendants of the original 37 families granted access to land in the 1890s. Möller also describes 'some' of this group as distinguishing themselves over the years as skilled builders, craftsmen, fencers and mechanics. He also refers to a '*Kleurlinglokasie*' ('Coloured location') in which housing conditions were very poor, which he blamed on the fact that it was not a 'proclaimed location' and the lack of funds:

Die Kleurlinge was, op hulle beurt, gevestig in die "Kleurlinglokasie" by "Lokasiekop". Sommige het in treurige behuisingsomstandighede geleef. Daar kon nie veel verbeterings vir hulle aangebring word nie, omdat dit nie in geproklameerde lokasie was nie en omdat daar ook nie finansies vir die verbetering van die omstandighede was nie [The Coloureds were, for their part, settled in the "Coloured location" at "Lokasiekop". Some lived in dismal living conditions. It was not possible to provide much in the way of improvements because it was not a proclaimed township and also there were not the financial resources for improving conditions] (Möller, 1988:11).

Writing in 2008, at the time the land claim on the Loeriesfontein commonage was being settled, journalist Amelia Genis referred to research by Megan Anderson of SPP which 'showed that coloured inhabitants of Loeriesfontein were barred from using the commonage in the 1950s' (Legal Resources Centre, 2008, Annexure B). The circumstances surrounding this are not known but it is consistent with apartheid planning. In 1958 Loeriesfontein gained municipal status. An electricity supply scheme was completed in 1960 but it only served the town centre where white residents lived; electricity was only extended to the residential areas where the 'coloured' population lived in late 1985.

A particularly far-reaching piece of explicitly racist legislation was the Group Areas Act of 1950 which made provision for the government to declare segregated 'group areas' for the four different 'races' into which the Population Registration Act of 1950 had divided people. It was introduced in Loeriesfontein in July 1968 by means of Proclamation 183 and 184 (Government Gazette, 12 July 1968). (See Appendix 9.) It has been possible to map the 'white' and 'coloured' group areas on the

Loeriesfontein townlands, using the property descriptions provided in the Gazette notice (Figure 4.3.). This shows that an extensive area was set aside for the white population, taking in all the various *saailande* (the historically designated commonage land set aside as cropland), as well as all the residential and business erven in the town centre ('Bo-dorp). The 'coloured' group area, by comparison, was tiny. The enforcement of this Act followed in phases in the 1970s, once two housing 'schemes' had been built. According to Möller, in June 1970 the 'baster' people from *Blou Hoekies* were 'removed' [*verhuis*] and occupied the 'first' sub-economic housing scheme. In July 1976 the 'old location' at Lokasieskop was moved into 'sub-ekonomiese skema 2' (sub-economic scheme 2). Provision was also made for economic housing in the coloured group area, in a section known as *Rooiblok*, closest to the white group area (Möller, 1988:11).

Figure 4.3 The imposition of the Group Areas Act on Loeriesfontein, 1968



(Source: SARChI Chair in the Sociology of Land, Environment & Sustainable Development)

Möller concludes his discussion of the forced removals under the Group Areas Act by noting '*Vandag is daar van doe vroeëre "lokasies" by "Bloue Hoekies" en by "Lokasiekop" geen teken nie en na alle blyke het die spanning tussen Basters en Kleurlinge heeltemal verdwyn*' [Today there are no signs

of the earlier locations at “Blou Hoekies” and “Lokasiekop” and from all accounts the tension between Basters and Coloureds has completely disappeared.] As the land claim that was later lodged shows, those who suffered under the forced removals did not regard this removal in such a positive light and tensions over land and identity have resurfaced in the present. To what extent local dynamics dating from this earlier period are a factor is an issue for further research.

4.3 Land and Livelihoods in Post-apartheid Loeriesfontein

This section begins with brief overviews of developments in the Northern Cape and Loeriesfontein after 1994 as context for the discussion of the contested claims to the commonage as a result of land reform initiatives since 1994.

4.3.1 The Northern Cape after 1994

After South Africa’s first democratic elections, in 1994, the provincial boundaries were restructured. The Cape Province was split into three separate provinces, the Northern Cape, Eastern Cape, and Western Cape, and Kimberley declared the new provincial capital of the Northern Cape. The ‘25-year review’ by the Province of the Northern Cape (2019) identified a key challenge for the newly minted province as having to dismantle the administration services previously located in Cape Town and move them to Kimberly in order to set up its own administration. This was in addition to the numerous social and economic challenges the apartheid state had left behind. At the same time, local government was reorganised which saw Loeriesfontein losing its status as an independent municipality and being incorporated into the larger Hantam Local Municipality with Calvinia (an hour’s drive to the south) the new administrative centre.

The Northern Cape’s 25-year review identified numerous challenges the province faces in attempting to ease the levels of poverty and unemployment. One of the key challenges noted is the shortage of skilled people, with those that are skilled tending to leave the province to find better opportunities elsewhere (Province of the Northern Cape, 2019). This report also highlights the contribution of the national Extended Public Works Programme and Community Works Programme in alleviating unemployment, with 200 205 job opportunities created by the former since 2004, and 127 056 jobs created by the latter between 2012 to 2019 (Province of the Northern Cape, 2019). The importance of the Community Works Programme was reflected in the 2019 SARChI socio-economic survey conducted in Loeriesfontein, with 36% of the Loeriesfontein work force employed by this programme (Vorster, 2019:39). Despite these positive interventions, 58.3% of the Northern Cape population still relied on social grants as a primary means of income in 2019. Social grant beneficiaries have increased in the province from 232 102 in 2006 to 471 432 in 2018 (Province of the Northern Cape,

2019). This dependence on social grants, as noted in Chapter 1, is also evident in Loeriesfontein (Vorster, 2019:44).

In addition to the ecological issues raised at the start of this chapter, the landscape of the Northern Cape and Karoo is undergoing changes as a result of significant land uses changes that have taken place since 1994. These include major investments in astronomy, notably the building of the South African Large Telescope (SALT) at the South African Astronomical Observatory (SAAO) field station outside Sutherland and the establishment of the Square Kilometre Array project (SKA) outside Carnarvon, and in renewable energy (Walker, 2019). According to the provincial Renewable Energy Independent Power Producer Procurement programme (REIPPP) report, the Northern Cape was home to 33 operational renewable energy power plants as of March 2019 (REIPPP, 2019). As already noted two wind farms have been built in the vicinity of Loeriesfontein and more solar and wind farms are projected to be developed closer to the town. In addition to the local job opportunities attached to them, these projects are required to include some investment in socio-economic development in the towns within a 50-kilometre radius of their operations. However, concerns have been raised that the jobs for which most local people qualify are unskilled and temporary, while the community development projects receiving corporate backing are not necessarily well aligned with what local people want. These concerns have been raised in Loeriesfontein (Malope, 2020).

4.3.2 Socio-economic Conditions in Loeriesfontein after 1994

What is immediately evident when one enters the town is that it is still split spatially by race, along the lines laid down by the Group Areas Act in 1968. Most of the community, who are identified as 'coloured' and account for over 90% of the residents, live furthest from the town centre where most shops and services are found, on the western side of the dry river bed that was established as a border strip by the Group Areas Act in 1968. According to the information residents supplied during the SARChI socio-economic survey, this area is further divided into five neighbourhoods: *Rooiblok*, *Die Dam*, *Ou Skema* [Old Scheme], *Nuwe Skema* [New Scheme] and *Die Land* [The Land]. *Ou Skema* and *Nuwe Skema* are likely based on the two socio-economic housing schemes Möller (1988) described as built for 'bastards' and 'coloureds' in the 1970s. *Die Land* is a post-apartheid sub-economic (RDP) housing project which has been built on or very close to a section of the old *Bruin saailande*. Although it occupies a very small area compared to the other housing schemes, it is the most densely settled neighbourhood in Loeriesfontein, with very small plots. The 'white' community continues to live in what is called '*Bo-Dorp*' [Upper Town], or '*Die Dorp*' [The Town], along with a small number of 'coloured' middle class people. As we discovered during the survey, the white population is today very small, although still dominating the economic sector of the town. Many of

the white residents belong to farmer households and do not live permanently in the town, so a number of the houses appear to be unoccupied during the week.

Major features of socio-economic conditions in Loeriesfontein have already been described in Chapter 1. The socio-economic issues that the residents of Loeriesfontein face include the lack of local job opportunities and consequently high levels of unemployment and rates of poverty. Those that are employed are working in unskilled, low-wage jobs with 31% of the work force doing 'general work' (Vorster, 2019:39). Included in this group are those employed by the Community Works Programme (CWP). With 39% of households not having any members working, it is no surprise that government grants are major sources of income for 64% of households and the single-most important source for almost half of all households. (See Chapter 1.) An additional issue is the quality of education available to the youth of Loeriesfontein. The town has one primary school and one high school which until recently lacked a maths and science teacher; this has, however, since been addressed by one of the socio-economic development initiatives provided by the Renewable Energy company, Mainstream Renewable Power. Based on the 2019 survey, it appears that although most children attend school up until the ages of 16 to 18, after that a sharp decline in school attendance takes place (Vorster, 2019:25).

In addition to this, as has been previously stressed, like most of the Karoo the Hantam municipality is currently in the midst of a drought which has put considerable pressure on its already limited water resources. When I first arrived in Loeriesfontein during my Honours year in 2017, a colleague and I visited the dam in Calvinia which had run dry, forcing the towns of Nieuwoudtville, Calvinia, and Loeriesfontein to rely on just seven boreholes among them. Since then conditions have not much improved. In my conversations with officials of the Local Hantam Municipality the drought was mentioned as one of the major challenges the municipality currently faces. I was also told about a water-works project situated in Brandvlei that is underway to alleviate the municipality's water struggles. The main improvements that were mentioned were replacing the diesel engines with ones powered by electricity, to minimise the cost of fuel, and replacing the asbestos pipes.

4.3.3 The Municipal Commonages owned by the Hantam Local Municipality

It is in this context that the contribution of the land forming the municipal commonages of Loeriesfontein to livelihoods needs to be understood. Of interest here is that according to the SARChI household survey of 2019 the commonage was not a major issue of concern for most respondents. Most respondents did not identify farming as a source of income and of those that did (47%), the level of income it generated was low, averaging around R1 780 per month (Vorster, 2019: 56). Less than 10% of household respondents in the survey sample (17 respondents) reported having access

to the municipal commonages and actively making use of this land; approximately half of this group of 17 households said they or someone in their household belonged to a farmers' association (Vorster, 2019). Interestingly three of the household respondents who make use of the commonage identified themselves as also claimants involved in the land restitution claim (Vorster, 2019), which speaks to the issue of overlapping interests in this land.

Those who stated that they have access to and make use of the land, six reported having a lease with the municipality. The status of the leasing arrangements with the Hantam Local Municipality is unclear. According to officials at the municipality the leases on the traditional commonage land in Loeriesfontein ended in 2008, when the land restitution claim was reportedly finalised (Davids, 2017; Edith, 2019). The one exception is the lease for the additional commonage which was acquired for land reform purposes some distance from the town and is being leased to one emerging farmer. However, at least some small-scale farmers still considered their leases with the municipality as valid, even if they were not being enforced.

Working with the assistance of the CGA described in Chapter 3, it has been possible to map the 'traditional' commonages of Loeriesfontein (Figure 4.2) and the land parcels that were claimed in terms of the land restitution programme after 1994 (discussed further below). However, due to the challenges of accessing all the necessary information in the time available for this thesis, it has not been possible to map the specific lands that the municipality made available to the small-scale farmers of the LOBV within the total area comprising the Loeriesfontein commonage. The available literature talks very generally about the local municipality owning some 20 000 hectares of (traditional) commonage 'for the benefit of its inhabitants' that since 1994 'all previously disadvantaged and poor inhabitants of the town could use' (Genis in Legal Resources Centre, 2008). This was in keeping with the Municipal Commonage Programme of land reform.

According to my informants in the LOBV, the Association was established in 1993, i.e. before the formal transition to democracy, initially with 12 members. According to a report by the Department of Water Affairs (Integrated Water Resource Management, 2015), the LOBV came about in response to a land claim that resulted in its members gaining access to 2 000ha of commonage land. I have been unable to find any documents that verify the accuracy of this report. Given that the allocation was made a year before the Restitution of Land Rights Act was passed and two years before the land claims process opened in 1995, it could not have been a claim in terms of the post-apartheid restitution process. This was, however, a time of transition to democracy in South Africa and it is possible that the local municipality decided it was appropriate to open up access to the commonage. Those who sought access may also have been motivated by memories of the dispossession they and their forebears had suffered under apartheid and before.

My previous research (Davids, 2017) showed that the Hantam municipality applied the camp system to the commonage lands it rented out for grazing, with guidelines in the form of its *Meentgrond Beleid* [Municipal Commonage Policy]. By 2017, however, although the policy was still in place, the local municipality had ceased to exercise authority over its traditional commonages, because of the land claim, leading to concerns around overgrazing and mismanagement of the veld (Davids, 2017). As described below, in 2008 the Hantam Local Municipality transferred the land under claim to the national state (the DRDLR), in preparation for the restitution settlement (Legal Resources Centre, 2008). It also appeared that most if not all of those using the commonages stopped paying rent after 2008, because the Loeriesfontein CPA was now thought to be in charge of the land. However, the CPA was not the formal landowner until 2017, the DRDLR was, and the farmers using the land were operating on their own without any oversight from the state. This led to charges of overstocking and neglected infrastructure. These concerns are picked up in the next chapter.

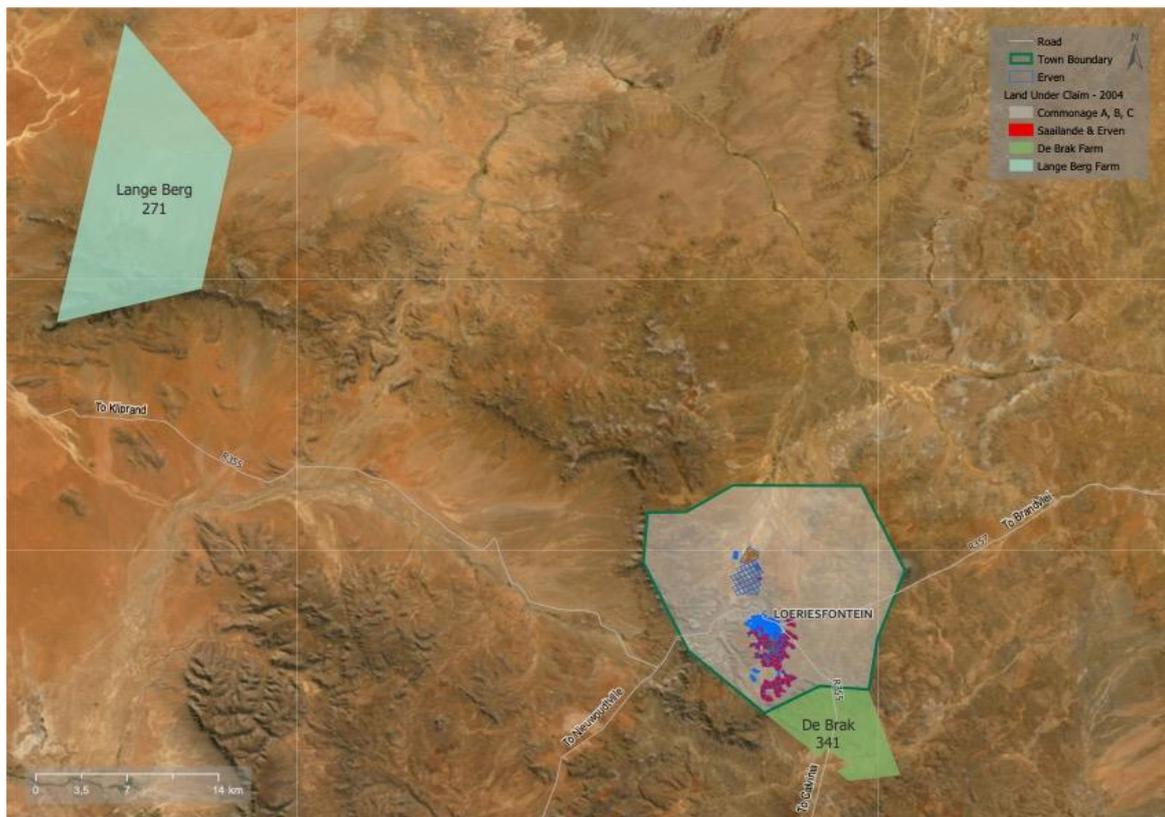
4.3.4 The Restitution Claim

As noted, unravelling all the strands in the restitution claim on Loeriesfontein commonage has been a very difficult task and gaps remain in my information. What is known is that in 1996, a year after South Africa's land restitution programme was launched and within the time frames that applied at the time, a group land claim was lodged by a Mr. Ockhuis on behalf of a large group of claimants. There were also one individual claim lodged by A.M January and one by A.D Farmer on behalf of the Farmer family. For reasons that are not clear it appears that these claims were subsequently combined, it would seem with the agreement of January at least, as subsequently she is identified as a CPA Committee member, along with David Ockhuis. (See Chapter 5.) A list of original claimants issued by the Minister of Rural Development and Land Reform in December 2019 as an appendix to her response to a parliamentary question, contains 240 names, with details regarding ID numbers, residence and some familial relationships. (National Assembly, 2019). Of interest is that a scrutiny of this list reveals that just over 10% of the beneficiaries (26) are listed as no longer based in Loeriesfontein. Although I have been unable to verify the details of the precise basis of the claim, it is assumed that this lies in the history of forced removals already described, including the closing off of the commonages to 'coloured' farmers in the 1950s and the implementation of the Group Areas Act in the 1970s. The earlier dispossession of the 'baster' people in the 1890s may well have been recalled as well, even though this predated the 1913 cut-off date for claims.

This claim would have been lodged with and investigated by the office of the CRLR's Regional Land Claims Commissioner (RLCC) for the Western and Northern Cape which at the time was based in Cape Town (Walker, 2008). Its preliminary investigation into the validity of the claim has not been

located but in 2004 the RLCC then responsible for the investigation⁹ issued a Government Gazette Notice listing the properties under claim that would be subject to further investigation (Government Gazette, 2004) (Appendix 10). The land parcels that were specified included 'Commonage A,B,C' as well as the Vlakfontein, Bruin and Loeriesfontein *saailande* and Wiesedorp, along with a host of other smaller erven. In addition two farms that do not form part of the traditional commonage were also listed: Lange Berg Farm No 271, which lies some 40 kms from the northern boundary of the commonage and the De Brak Farm No 341, which adjoins the commonage in the south (Figure 4.4).

Figure 4.4 Loeriesfontein land claim, 2004¹⁰



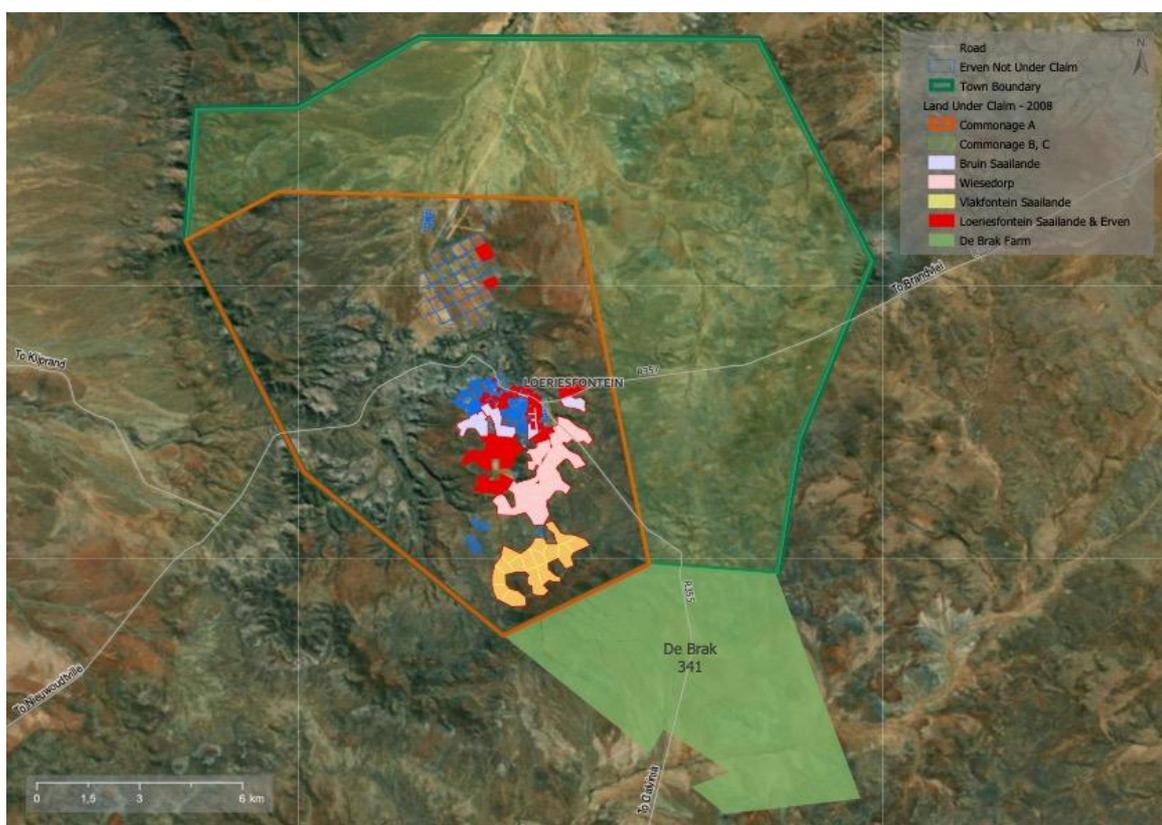
(Source: SARChI Chair in the Sociology of Land, Environment & Sustainable Development)

The claim was later amended in February 2008, a few months before it was 'settled', by the new RLCC for Free State and Northern Cape, to exclude Lange Berg Farm and identify the De Brak Farm as an individual claim (Government Gazette, 2008) (Appendix 11). Figure 4.5 shows the amended claim, with the details of the various properties claimed. The history behind the claims on Lange Berg and De Brak Farms and the reasons for dropping Lange Berg Farm between 2004 and 2008 are not known as the official RLCC report on the settlement of the claim has not been forthcoming.

⁹ By then restructuring in the CRLR had led to the creation of a RLCC office for the Free State and Northern Cape based in Kimberley.

¹⁰ Note that the erven (plots) outlined in blue were not specified as under claim in the Gazette notice.

Figure 4.5 Loeriesfontein land claim, 2008

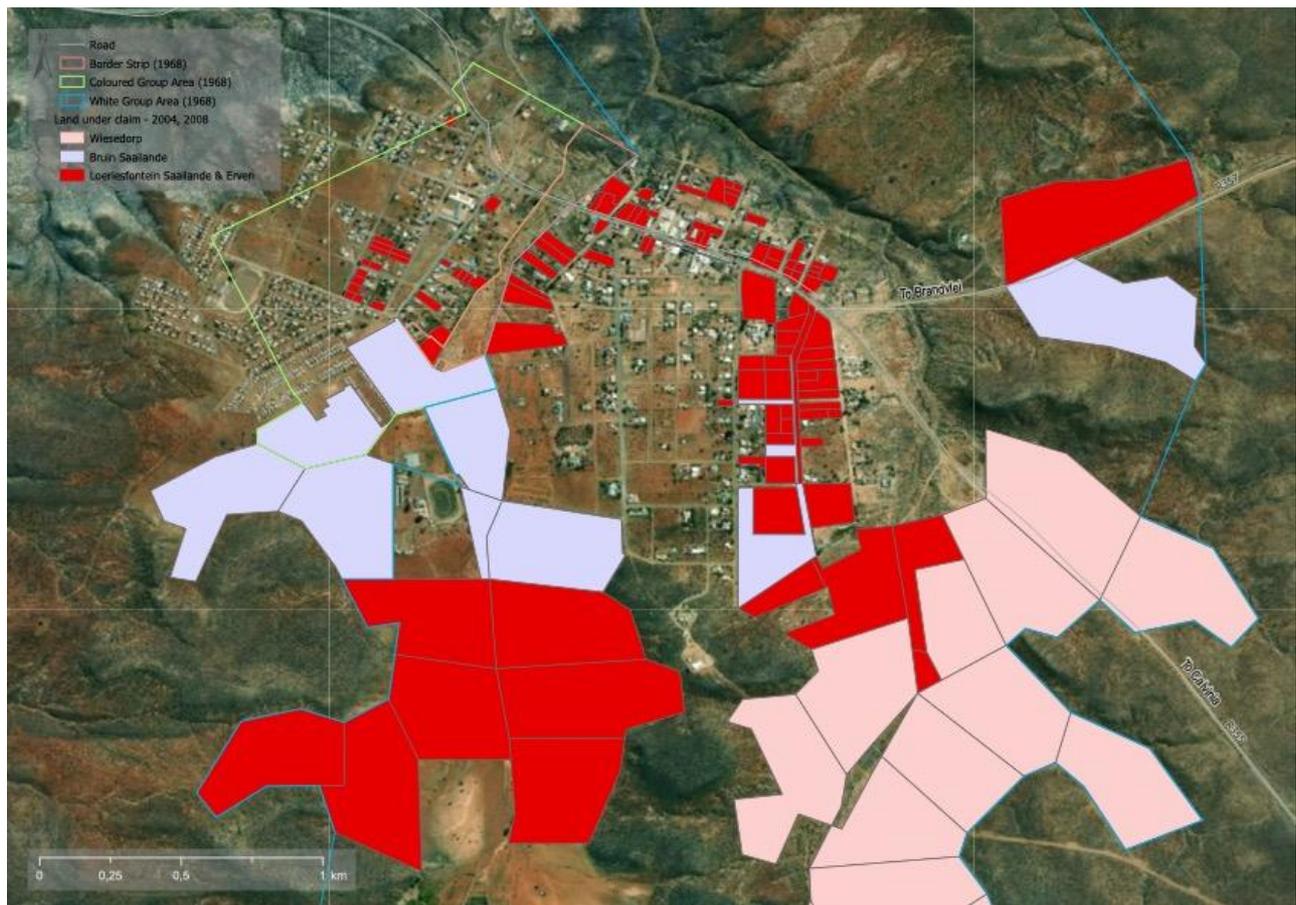


(Source: SARChI Chair in the Sociology of Land, Environment & Sustainable Development)

It is worth noting that the 2008 gazette notice provides the areas of commonage A, B, and C, which made it possible to match Commonage A to the original grant (minus the *saailande* and other erven) and Commonages B and C to the 'proposed additional commonage' land that was added to the Loeriesfontein town lands after 1892.¹¹ With this information it was possible to map the areas under claim in and around the built-up area of Loeriesfontein town, which indicates clearly that the land under claim was not only farming land, but included residential and other erven in the town itself, including in the small business area. The great majority of these plots fall within the area that was proclaimed a white group area in 1968 but a couple of these plots fall within the area designated 'coloured' under the Act. Figure 4.6 shows the residential and commercial erven claimed, plotted on a satellite image of Loeriesfontein, pointing to the history of forced removals and its impact on the social fabric of the town after 1968. More research is needed to unpack the history of these plots.

¹¹ There is a mistake with the area given for the *saailande* and Wiesedorp in the Gazette notice; according to our calculations this area should refer to Commonage A as a whole, not the *saailande* areas which are smaller. I am grateful to Prof Walker for assistance in working this out.

Figure 4.6. Detail of Loeriesfontein land claim, 2004, 2008



(Source: SARChI Chair in the Sociology of Land, Environment & Sustainable Development)

In June 2008 the claim was reportedly settled (Davids, 2017) and the commonage land handed over to the community. However, during my research I found that while the claim was declared settled in 2008, title to the commonage land was not transferred to the community then. Instead, this date marked the establishment of the Loeriesfontein CPA, with the responsibility to represent the claimants as the future registered landowner, and to act on behalf of the claimants once the land was transferred to it. In her account journalist Genis describes the 2008 ‘handover’ as ceremonial and refers to a total of ‘240 claimants consisting of 800 beneficiaries’ (Legal Resources Centre, 2008), the number the DRDLR has been working with since then. Genis also reported that at the time the Hantam Municipality had agreed to transfer the commonage to the state (i.e. to the DRDLR) for free, to settle the claim. The RLCC’s office praised this as a contribution towards the state’s land reform target of redistributing 30% of agricultural land to black South Africans by 2014, but the Hantam Municipality was reportedly unhappy with the lack of compensation and seemed to have been ‘bullied into the transaction’ (Legal Resources Centre, 2008).

Genis also noted that ‘Besides land to the extent of 20 000 hectares, the claimants will receive cash compensation to the amount of R9,4 million – approximately R39 000 each – and a planning and

settlement subsidy of more than R2,7 million' (Legal Resources Centre, 2008). Kobus Pienaar, a lawyer at the Legal Resources Centre (LRC), noted concerns that the transfer of land as well as financial compensation could amount to 'double compensation' which might warrant 'further investigation' (Legal Resources Centre, 2008), but nothing seems to have come of that. As already noted, this account differs from information I received from officials at the Hantam Municipality, who were under the impression that in 2008 the successful claimants were given a choice between getting their land rights restored or financial compensation, with most choosing the latter and only 30 of the 240 claimants choosing to wait for the land to be transferred to them from the state (Davids, 2017). This is one example of the different stories about the settlement of the claim that have circulated since 2008 and fed local confusion and mistrust. Poor communication with local groups on the part of state officials has been a problem throughout the land claim process.

Progress in finalising the settlement after 2008 has also been very slow. In 2017, after I had learned about the claim and the uncertainties around the status of the CPA and the commonage land, I was alerted by members of the CPA to a meeting with officials from the DRDLR at which the actual title deeds to the restituted land were expected to be handed over to them. However, this meeting did not materialise and 2017 ended much the way it started, without any clear signs of progress for the people in Loeriesfontein. According to the Minister of Rural Development and Land Reform, however, in answer to a Parliamentary Question in December 2019, 'Commonage A was transferred to the CPA on 30 March 2017' (National Assembly, 2019). (See Appendix 12.) It thus appears that a portion of the land under claim (Commonage A but not Commonages B and C or the erven) was transferred to the CPA in 2017 but that local people were either not clear or unaware of this.

Finally, in October 2018 the DRDLR sent representatives to Loeriesfontein and a meeting (which I was able to attend) took place at a local pub which also serves as an informal meeting place. At this meeting title deeds were handed over to the CPA but it was still not clear to most people with whom I came into contact what title deeds were handed over, for which part of the claimed land. An interview with a member of the CPA in March 2019 indicated that the leadership was aware that the full extent of the claim that was gazetted in 2008 had not yet been met, but thought that all the commonage land had been transferred. He stated:

Ja, kyk dis mos commonages A, B and C, en van een gedeelte is mos nou die woon erwe en dan is dit die saai erwe, en dan is dit die meent op sigself, die 19 000 hektar wat ons mos nou gekry het. Maar wat die mense nou nie gekry het nie is die saai erwe ... en die woon erwe. [Yes, look, its now commonages A, B and C, and in one part are now the residential plots and then the sowing plots, and then it is the commonage itself, the 19 000 hectares that

we have now got. But what the people have now not got are the sowing plots ... and the residential plots] (Clyde, interview, March 2019).

This quote indicates that the CPA leadership regarded the settlement of the claim as involving commonages A, B, and C, amounting to some 19 000 hectares, plus the *saailande* and residential plots (the latter possibly relating to individual rights in erven in the town that were lost as a result of the Group Areas Act). However, the reply by the national Minister to the parliamentary question in December 2019 about the claim settlement and the date when the Loeriesfontein claimants would receive their 'ancestral land' made it clear that as of the end of 2019 the full extent of the Loeriesfontein commonage had not been transferred to the CPA. No erven were mentioned as restored either. Also of note is that her written response to the question stated that the Hantam municipality was still managing lease agreements with the 'emerging farmers' on the commonage:

Hantam Municipality donated the land (Commonages A, B and C) for restitution purposes. Commonage A was transferred to the CPA on 30 March 2017. However this property is currently being used by the emerging farmers under formal lease agreement with Hantam Municipality. The municipality is yet to issue the tenants with termination letters so that the CPA can fully occupy the land (National Assembly, 2019).

The Minister also reported that 'the CPA can only occupy the land once the current tenants have been relocated elsewhere' and, furthermore, that 'there was a need for regularisation of the CPA', with a new Executive Committee elected in November 2019. However, the Minister's information about the 'emerging farmers' on the commonage does not fit with local understandings on the ground. According to my interview with a Hantam Municipality official (Edith, interview, March 2019) the municipality does not have any active leases with small-scale farmers on the traditional commonages in Loeriesfontein. This was also confirmed to me by participants making use of the land. The mention of the relocation of the small-scale farmers was brought up by the CPA leadership during interviews I conducted in 2018 and 2019, but as of 2020 nothing seemed finalised.

The ministerial reply in the National Assembly raises as many questions as it does answers. According to this official information, only Commonage A (i.e. the commonage deriving from the original land grant of 1860) has been transferred (already in 2017), with problems with the functioning of the CPA an issue. The reply indicates that the rest of the commonage (B and C) is earmarked for 'restitution purposes' but it is not completely clear whether this land will be included in 'this property' which is to be transferred to the CPA at a later date, once the leases with current users have been terminated, or whether that applies only to Commonage A. The reply also suggests that the Hantam Municipality has formal lease agreements with the farmers using it, which is not borne out by my

research, and that there were plans for these farmers to be 'relocated elsewhere', though where and by whom was not specified. These issues are considered further in the next chapter.

4.4 Conclusion

The history of Loeriesfontein that is described above makes it clear that a land reform programme aimed at restitution for past injustices and contemporary socio-economic challenges could have a role to play in contributing to sustainable development in the town, although the number of small-scale farmers the Loeriesfontein commonages could sustain would be limited. However, what is evident from this chapter is that from early on the two land reform programmes have run in parallel in Loeriesfontein, initially it would seem without much or any awareness amongst officials about the other programme and the potential for overlap and conflict. Among those responsible for land reform there also seems to have been no attempt to weigh up the rights of the small-scale farmers who gained access to the commonage in 1993 with those of the claimant group seeking restitution of the commonage (and other land) after 1996 and to seek alternative arrangements that could have acknowledged both groups. Because of the slow pace at which the land restitution process unfolded, small-scale farmers continued to use the commonage land to graze their sheep, while municipal oversight of who was accessing the land and how it was being used fell away. This means that the CPA, which as of 2020 was the designated landowner for some of the land, was left with the challenge of dealing with those already on the land, even though the land claim itself had not been fully resolved and local people were poorly informed about where things stood.

These problems are unfolding in a region that has been experiencing a severe drought. In addition to the effects of climate change on the biodiversity of the Succulent Karoo, livestock grazing, and intensive long-term trampling are also concerns. Issues of weak veld management and high stocking rates on the Loeriesfontein municipal commonages are key issues that have emerged in this regard. Due to the poor management of the commonage lands, the stocking rates of the camps have exceeded the recommended carrying capacity, with adverse effects on the condition of the veld. This is further undermining the potential for the municipal commonages to contribute to livelihoods in a community that is suffering from many problems. The state's uncoordinated approach to land reform, both in terms of land restitution and the municipal commonage programme, does not appear to be in line with the needs and wants of the community and is thus contributing very little in terms of strengthening the capabilities of the community.

Chapter 5: The Actors and Organisations

This chapter builds on Chapter 4 to look more closely at the interests of the different organisations involved with the Loeriesfontein commonage and the relationships among the main actors described in it. It thus addresses my first three research questions:

- 1) Who are the different actors involved in in the Loeriesfontein municipal commonages, what are their interests in this land and what relationships exist among them?
- 2) What is the current status of the land restitution claim and how is it impacting on the municipal commonage programme in Loeriesfontein?
- 3) What mechanisms are in place for managing the conflicts that have arisen around the municipal commonage land and how effective have they been?

In section 1 I discuss the main organisations that are either directly or indirectly connected to the case at hand. I discuss their membership and organisational structure, as well as their role in relation to the commonage. I also point out the challenges that each organisation faces, as they emerged during the interview process. In section 2 I reflect on my organisational map and review the conflicts that have arisen and the extremely limited mechanisms in place to deal with them.

5.1 The Functioning and Interests of the Land Actors and Organisations

As discussed in Chapter 1 I have clustered the main organisations into three groupings: 1) land user organisations; 2) government departments and agencies, and 3) civil society organisations.

5.1.1 Land-user Organisations

The three main land-user organisations in Loeriesfontein, actual or potential, that have emerged through my research are the LOBV, the LOVV, and the CPA.

The Loeriesfontein Opkomende Boereverening (LOBV)

Starting in 1993 with 12 members, currently the association has between 37 and 40 members depending on who one speaks to (Joseff, interview, October 2018; Wilbur, interview, March 2019; Lucien, interview, March 2019). The leadership of the LOBV consists of the chairperson, a sub-chairperson, a secretary, and a treasurer. As of August 2020, members of LOBV were still grazing

their livestock on the commonages, in shared camps. The size of the camps ranges from 400 ha to 800 ha and there are generally 3 farmers per camp (Davids, 2017). In previous research it was shown that there are two ways of accessing the municipal commonages (Davids, 2017), the first being accessing land through the LOBV and the second through informal means of making an arrangement with someone who already has access and thus sharing their camp. According to my Honours project, herd sizes ranged from 50 to around 150 sheep although there were some farmers who had up to 200 sheep. However, these numbers date to 2017 and since then the drought has caused farmers to cull their herds and the average size is likely lower than it was then.

The majority of the LOBV members that I interviewed, both for this project and during my Honours project, are men, mostly middle-aged and elderly, the latter farming to supplement their pensions. Table 5.1 below shows that all the participants in my MA study were male. Two of the younger participants in my sample, Brian (aged 45) and Scott (aged 23) had taken over the farming and livestock from their fathers. Atkinson and Ingle (2018:237) describe commonage farmers in their study (Carnarvon and Williston) as ‘not the poorest of the poor’ but ‘not particularly wealthy either’ which fits with the profile of the farmers I interviewed for both my Honours and MA projects. Most of my participants are part-time farmers. However, my youngest participant, Scott, had been approved for a land reform farm by the provincial DALRRD and was in the process of shifting to a more commercial scale of farming. (This is discussed below.) The aim of becoming a commercial farmer seems to be mostly held by the younger generation as the older farmers view farming as more of a hobby and do not see themselves as able to grow to a commercial level on the commonage. It would also seem that opportunities for land reform are given to younger aspirant farmers.

Table 5.1 Profile of interviewed LOBV members

Pseudonym	Gender	Race	Age	Primary Occupation
Shane	Male	‘coloured’	65	Pensioner
Brian	Male	‘coloured’	45	General Worker
Joseff	Male	‘coloured’	65	Pensioner
Scott	Male	‘coloured’	23	Construction worker
Will	Male	‘coloured’	60	Pensioner
Leonard	Male	‘coloured’	70	Pensioner
Lucian	Male	‘coloured’	53	Pensioner
Wilbur	Male	‘coloured’	68	Pensioner

In my interviews with the LOBV members I asked about the benefits of being part of the farmers’ association. One of the major benefits mentioned concerned drought aid. According to participants,

when organisations like the DALRRD make donations for drought aid to emerging farmers, they work through the leadership of the farming associations, both the LOBV and the LOVV, to assist with the distribution of the donations (feed and medicine) to small farmers. One of the other benefits mentioned is that when it comes to accessing land reform farms, preference tends to be given to members of farmers' associations, as in the case of the aspirant commercial farmer (Scott) mentioned above.

This ties in with the main aim of the LOBV, which is to increase the opportunities for its members to access land. Most feel that the commonage and its camps are too small and they are not able to manage and grow their herds in the way that that would like. This does not mean that most want to become fulltime commercial farmers, but they want better opportunities where they are, for the type of farming they are currently practising. Their situation has been worsened by the drought. They are also unable to practice rotational farming which entails moving their herds from one camp to another in order to give the veld an opportunity to rest. This is currently seen as one of the most pressing challenges that LOBV members are facing. Complaints about insufficient land and poor land management were recurring themes in my discussions with this group.

In addition, a key challenge for the LOBV is the shift in ownership of the commonage as a result of the land restitution claim. This has introduced new uncertainties. The farmers do not feel comfortable making investments in their farming because they do not know how for much longer they will have access to the commonage land. One participant summed it up as follows:

Ons wil hê dit moet afgehandel word sodat jy kan weet...kyk, jy's gedurig onseker. Jy kan nie ... jy wil miskien nog 'n skaap of 'n dingetjie aankoop, maar jy is so bang net more kom hier 'n boodskap dat jy moet af van die grond af, of jy moet wat ookal maak. En dan sit jy, jy het nou skuld aangegaan om nou skaap te koop, of enige iets, of jy het 'n ram geloop koop van R5,000. Nou onmiddellik hoor jy almal moet eers van die grond af want die claimants wil hulle se grond...en dan sit jy mos met 'n uitgawe wat jy nie kan (betaal nie). [We want it to be done so you can know ... look, you're constantly uncertain. You can't ... you might perhaps want to buy another sheep or something, but you are so scared that just tomorrow a message comes here that you have to get off the land, or must do whatever. And then there you sit. You have now gone into debt to buy sheep, or something else, or you bought a ram for R5 000. Now suddenly you hear everyone has to get off the ground because the claimants want their land ... and then you sit with an expense you can't pay] (Lucien, interview, March 2019).

This response encapsulates the challenge the LOBV faces as a result of the land claim on the land they have been using since the early 1990s and points to the conflict in interests that has emerged between the LOBV and the CPA. These concerns featured prominently in my Honours project and by 2019 were still in evidence. At the same time, it appears that a number of LOBV members are claimants themselves, further complicating the picture as they are using 'their' land not as claimants but through the commonage policy which excludes most of the claimants. When I worked through the official claimant list of 2008 that the Minister of Rural Development and Land Reform presented in Parliament in December 2019, I identified one of my eight LOBV participants on the list (and it is very possible that there are family links between other LOBV members and listed claimants).

Of note is that, with the exception of Scott, none of the farmers I interviewed mentioned that they were in line for alternative land, as suggested by the Minister in Parliament in December 2019. This does not mean that such plans were not under consideration somewhere, but it does underscore the point about poor communication around the claim on the part of officials.

In the management vacuum already described, responsibility for managing the commonages rests on the shoulders of the individual farmers who use the land. Management practices are thus dependent on the farmers' preferences. Maintaining infrastructure such as fences and boreholes has become an added expense and puts strain on the relationship among the farmers sharing the individual camps. Brian, who farms with his son, shares his camp with three other men and described his frustrations as follows:

Ek het vir die ander maats op daai stadium gesê ek gaan nie weer – sorry vir die woord – ek het vir hulle gesê ek gaan my nie weer so fool maak soos in die verlede om vir elkeen 'n invoice; ek maak 'n afskrif van die invoice wat die pomp gekos het, dan deel ek dit tussen ons, en ons betaal elke maand daai bedraggie. Maar manne het nie daarvoor gebyt nie, en as gevolg daarvan het ek gesê ek maak my nie weer so fool nie. Ek maak die pomp reg want my skape drink water, ek weet nie wat drink hulle skape nie. [I told the other guys at that stage that I was not going again - sorry for the word - I told them I was not going to make such a fool of myself as in the past, to make an invoice for each one; I make a copy of the invoice of what the (wind) pump cost, then I divide it among us, and we pay that little amount each month. But the guys did not go for that, and as a result, I said I wouldn't be such a fool again. I fix the pump because my sheep drink the water, I don't know what their sheep drink] (Brian, interview, March 2019).

Escaping these problems was an important part of the motivation of Scott who, as mentioned above, had been identified by the DALRRD as a candidate for leasing a land reform farm. According to

Scott, he responded to an advertisement of the DALRRD, with the support of the LOBV. His application required details about the number of livestock he owns (around 150 sheep, 23 pigs and 17 goats) as well as his farming experience. After an interview process he was approved by the DALRRD and was then shown a potential farm to see if it could meet his needs. When I interviewed him he was excited not only about the opportunity to increase his herd size and manage his herd the way he chooses but also by the fact that the land on offer was in much better condition than the commonage:

...ons kry mos nou baie swaar met die droogte en die water probleme wat ons het. Maar as ons nou op daai plaas is, die water is lekkerder, die veld is reg. Ons sukkel maar hierbo. Dit is nie lekker nie. Ek gee elke dag water vir die skape [We are having a very hard time with the drought and the water problems that we have. But if we are on that farm now, the water is better, the veld is right. We are just struggling here (the commonage). It's not nice. I give water to the sheep every day] (Scott, interview, March 2019).

An interesting theme that emerged most strongly in my interviews with LOBV members concerned the term 'farmer' and the non-material meanings that were also involved in shaping what it meant to be a farmer. All of the small-scale farmers that I was able to speak to had family members who helped them with their farming and more often than not, their children were involved as well. Leaving a legacy for one's children in the form of sheep and passing on farming knowledge were seen as important for their identity as farmers, in addition to the number of sheep one had, one's level of experience and whether or not one had access to land.

Loeriesfontein Ontwikkelingsboere Vereniging (LOVV)

For the members of the LOVV who I was able to speak to, being recognised as farmers was one of the key reasons the association was established. According to one of the LOVV members I spoke to, this association was established in 2018 with the aim of providing an organisation for backyard farmers that would give them a platform so that their needs could gain recognition. By backyard farmers I refer to individuals or households who are resident in the town and own very small numbers of livestock but do not have access to land. Hence they farm out of their backyards; animals may be kraaled in these yards at night but during the day they graze in and around the town on open spaces and verges. In the words of one of my participants, their particular needs are not recognised:

Die rede vir dit was, ons het ... in die verlede het ons baie gesukkel met ... omdat ons so 'n groot groep opkomende boere is en kleinskaal se boere, menend, ons sit met mense wat met een, twee, drie, vier skaap sit. En daai mense word nooit eintlik ge-erken nie, en ek het

gedink, iewers moet hierdie mense moet, moet erkenning kry [The reason for it was, we have ... in the past we struggled a lot with ... because we are such a large group of emerging farmers and small-scale farmers, meaning, we sit with people who have only one, two, three, four sheep. And these people are never actually recognised, and I thought, somewhere these people must, must be recognised] (Maverick, interview, March, 2019).

This quote also points to stock ownership as a source of identity and what it means to be recognised as a farmer.

The LOVV founder began going door-to-door to find out if others would be interested in forming a farmers' association. Many backyard farmers agreed and so the LOVV was formed. The leadership consists of the chairperson, a sub-chairperson, a treasurer, and secretary. As of August 2020, when I was able to confirm these details telephonically with Marverick, the LOVV had 60 members, most of them men. Unlike the LOBV, which represents individual farmers with their own herds, the LOVV aims to farm communally, through a co-operative business that they hope will eventually reach the level of commercial farmers. The plan, drawn up by the leadership of the association, entails gaining land as well as a large herd of sheep that will remain the joint property of the association, with profits once they are realised being divided among the membership. Although the LOVV is in conversation with the community-based organisation, Senze, their business plan has been drawn up separately from the intensive farming initiative introduced by Senze (discussed further below). That project is aimed at involving the entire farming community of Loeriesfontein, while the plan of LOVV is specific to their organisation. The aim of the LOVV business plan is to have experienced farmers, who are members of the association, take over the responsibility of managing the livestock. This pooled herd will form what is known as a '*veebank*' (a store of livestock). Once the herd has grown substantially, the aim would be to distribute livestock among the members of the association in order to enable their own farming. Recipients would be expected to contribute two of their sheep per year so that the association could help other members in a similar fashion.

In this manner, the LOVV aims for its members to eventually reach the level of commercial farming whereby they can sustain themselves and their households on farming alone. Currently, their greatest challenge is access to land. The LOVV has approached Mainstream directly for funding that would allow them to lease a commercial farm. The business plan outlines a 5-year plan in which they would ideally receive funding from Mainstream and grow to the level where they are self-sufficient. As of mid-2020, they had yet to receive funding or land.

This is the context for their interest in the municipal commonage. In my earlier discussions with LOVV members, I asked whether they had any interest in using municipal land and was told that they would

prefer to secure their own land and not become involved with the issues surrounding the commonage (Zander, interview, October 2018). However, in a follow-up interview in 2019 the leadership expressed an interest in the commonage, noting that it would be easier to manage their herds on the commonage because of its proximity to the town (Maverick, interview, March 2019; Zander, interview, March 2019). They also stated that they have a good relationship with the LOBV. Their accounts of their relationship with the Loeriesfontein CPA, however, have been mixed. Given the status of the CPA as formal owner of at least some of the commonage, this is not surprising. Given the overlapping claims to the land, it is also unclear how they would go about negotiating access to the commonage.

The Loeriesfontein Communal Property Association (the CPA)

As described in Chapter 4, the Loeriesfontein CPA was established in 2008, as a result of the settlement of the land restitution claim. Given that the three land claims lodged in 1996 (one community and two individual) were settled as a group claim, this required the establishment of a legal entity that could take transfer of the land on behalf of all the members of the claimant group. As mentioned in Chapter 2, a CPA is a legal body which owns and manages land on behalf of the group of individuals that they represent as per the Communal Property Associations Act No. 28 of 1996. It is subject to various regulatory mechanisms intended to ensure that regular meetings with members are held, as well as regular elections of the leadership of the CPA, with the DRDLR the government body responsible for overseeing that this actually takes place.

As previously discussed, the CPA and its status with regard to the land under claim has been a source of confusion among many of the people I have spoken to in Loeriesfontein. Many were not clear about the distinction between the CPA, i.e. the association comprising all the beneficiaries of the claim, and the CPA Committee. While the interests of the Committee have clearly been to advance the claim and get control over the land, it is not clear what the interests of all 800 claimants identified as beneficiaries of the claim in 2008 are. This would be a research project in its own right, especially as many of them were already old and some deceased at the time the claim was supposedly settled. Those who have since died will have left heirs, and, as previously noted, a number no longer live in Loeriesfontein. In addition to this, according to the 2019 household survey, a large majority of the people living in Loeriesfontein do not participate actively in farming and instead look toward jobs as the most preferred source of income. Those survey respondents who did farm or have livestock did not consider farming as generating much of an income (Vorster, 2019:56). This is in line with my own research where most small-scale farmers in the LOBV viewed farming as only a supplementary source of income or even a hobby. However, here there were differences between

the more middle-aged farmers and the small number of younger farmers who viewed farming more strongly as potentially an opportunity to earn a living.

As described in Chapter 4, in 2018 officials from the DRDLR finally held a meeting with the Loeriesfontein CPA at which title deeds to land were officially handed over. At the time this was viewed by those present as a major step toward finalising the land claim; however, as already discussed, as of December 2019 only commonage A had been officially restored to the claimants, and uncertainty remained around the situation with regard to the *saailande* and residential sites.

Some of the confusion surrounding the role of the CPA can be related to the lack of compliance with the Communal Property Association Act. According to the 2018/2019 Community Property Associations Annual Report of the DRDLR (2019), the Loeriesfontein CPA was classified as a non-complying CPA, meaning that it did not comply with the provisions of the Act. According to the Annual Report, the Loeriesfontein CPA had not produced annual financial statements, as required, and not held annual general meetings (2019:78), problems which were confirmed to me by one of my informants (Clyde, interview, March 2019). The Annual Report also makes it clear that the Loeriesfontein CPA was not alone in this regard, with similar problems affecting CPAs in all the provinces, without proper systems for conducting elections, registering new members, dealing with land transactions and managing finances.

What I also found interesting about this DRDLR Report was its figure for the number of members of the CPA, which it put at 800 (2019:78). Thus those regarded as beneficiaries of the claim in 2008, rather than the 240 individuals identified then as the original claimants, constituted the membership of the CPA. However, the Annual Report also showed that the Loeriesfontein CPA did not have an up-to-date record of its membership. Furthermore, as already noted, some local municipality officials were of the view that when the land claim was settled in 2008, only 30 households had opted to wait for land restoration while 210 of the claimants chose financial compensation instead (not in addition). Another discrepancy that I have found is that according to the DRDLR Report (2019:78), the Loeriesfontein CPA had not yet had their land transferred to them, whereas the Minister reported to Parliament in 2019 that Commonage A was transferred to the CPA in 2017 and I was present at the meeting with the DRDLR in 2018 at which title deeds were handed over.

My interviews with CPA members showed that issues around compliance were a source of tension among the leadership in 2018 and 2019, although the tensions were also attributed to personal relationships:

Ons paar? Nee wat, wat die verdeeldheid mos nou bring is persoonlike verhoudings. Die een wil al gehad het ons moet dit doen. Dan sê ek nee, ek weet mos nou daar is mos reels en riglyne. Jy kan mos nou nie doen wat jy wil nie [Us two? No, what the divisions involve are personal relationships. This one wants us to have already done this thing. Then I said no, I know that there are rules and regulations. You can't just do what you want] (Clyde, interview, March 2019)

This informant confirmed that the CPA was not functioning properly and the DRDLR needed to organise elections so that a new leadership could be chosen by the CPA members:

Ons grootste ding ... wat nog vrees is, daar moet 'n nuwe CPA saamgestel word want die ou CPA se tyd het verval. Eintlik moet elke tweede jaar ... 'n nuwe CPA saam...bestuur. Nie die CPA nie, die CPA bestuur. Dis mos 'n Community Property Association, so die...dis gemeenskap grond, maar die bestuur moet elke tweede jaar hernu word. En...dit is nou al vyf jaar dat ons aangaan. Iemand moet uit Kimberley¹² uit, ek het nou met [name]¹³ gepraat, dat hy moet iemand afvaardig om te kom dat die CPA bymekaar kom, die lede, en 'n nuwe bestuur kies. Dan kan die ding loop, dan sal hy aangaan. [Our greatest concern, that is still anxious-making, is that a new CPA must be elected because the old CPA's time has passed. Actually a new CPA must be put together every two years ... to manage. Not the CPA, the CPA management. This is a Community Property Association, so this...it's community land, but the management must be renewed every two years. And...it's already been five years that we've been going on. Someone must come from Kimberley and I have now spoken to [name] and said that he must delegate someone to come so that the CPA can come together, the members, and choose a new management. Then the thing can go forward, then it will go forward.] (Clyde, interview, March 2019).

The CPA's status as interim was also acknowledged as responsible for conflict with other members of the community:

Want kyk, die meeste van die tyd as ons nou praat, dan sê hulle man, julle is nie wettig nie, julle is onwettig...en dis mos nou waar [Because look, most of the time when we are speaking, then they'll say, you are not legal, you are illegal...and that is actually true] (Clyde, interview, March 2019).

¹² The provincial offices of the DRDLR are located in Kimberly.

¹³ The name mentioned by the participant has been removed in order to maintain anonymity.

In my interviews with the CPA leadership about their aims for moving forward, they expressed deep frustration at both the pace and the process surrounding the land claim. (The reference to 2013 is to an event that predates my research period, which had also failed to produce results.)

Kyk, eintlik het ons in 2007, 2008 ... toe is hier mos 'n hengse fees gehou, toe het ons mos al die grond gekry, toe het die Minister mos gekom en die grond oorhandig aan die gemeenskap. Toe het ons die sertifikate gekry. Nou kyk waar is 2007, maar waar is 2013? Daar het niks gebeur tussen daai nie. Ses jaar, en niks het anderste gebeur nie. Wat beteken dit? [Look, in fact, in 2007, 2008, we ... there was this huge feast here, then we got all the land, then the Minister came and handed over the land to the community. Then we got the certificates [for the CPA]. Now look where is 2007, where is 2013? Nothing happened between them. Six years and nothing else happened. What does that mean?] (Clyde, interview, March 2019)

According to the information provided by the Minister in Parliament in December 2019, in answer to questions about the Loeriesfontein claim, by the end of 2019 steps had been taken by the DRDLR to regularise the situation, with a new Executive Committee elected in November of that year (National Assembly, 2019). My attempts to establish the membership of the new CPA Committee as of late 2020, when I was finalising my thesis, was not successful as the person I approached telephonically, who would be in a position to know, proved reluctant to engage with my question. The Minister also stated in December 2019 that a 'Panellist' had been appointed to 'assist the CPA on disputes regarding access to the land' (National Assembly, 2019) but unfortunately it has not been possible to establish what this has meant on the ground in 2020. Given the impact of the covid pandemic on organisations and public meetings it is likely that if this process did get underway, it would still have a long way to go to resolving the tensions within the organisation.

As previously discussed, a major problem for my study has been my failure to obtain official records and substantive information regarding the basis of the land restitution claim. In a brief conversation with an official at the DRDLR I was told that the basis of the land restitution claim lay in forced removals in 1924 (details of which I have been unable to establish) and 1978, the latter presumably referring to removals and loss of land rights in terms of the Group Areas Act. However, this does not account clearly for when and how rights in the commonage were lost, nor why two farms outside Loeriesfontein were included in the 2004 Gazette Notice, one of them again in the 2008 Gazette Notice. In addition to the confusion surrounding the extent of the land claim, the group claim lodged by the Loeriesfontein claimant community covers both residential and commonage rights. This is indicated by the history discussed in Chapter 4 and the different kinds of erven affected by the Group

Areas Act declaration of 1968, as shown in Figure 4.6, but it was also suggested to me by one of the CPA leaders when he referred to grazing rights as well as ownership rights as still outstanding:

Maar die mense moet mos nog hulle woon erwe kry, die is nog daar.... Nou moet daar aandag gegee word want die woon erwe is deel van die meent, dit moet uitgehaal word uit die meent uit. En van die saai erwe is deel van die meent wat daar uitgehaal moet word. Maar nou wil die mense mos hulle erwe he. So, ons kan dit nie...so, daar sal nog weer 'n verdeling inkom. [But, the people must still get their residential erven, that is still there.... Now attention must be given to that because the residential erven are part of the commonage, they must be taken out of the commonage. And the sowing erven that are part of the commonage must be taken out. But now the people want their erven. So, we can't...so a division must still come in] (Clyde, interview, March 2019).

According to this informant, a lawyer was needed to sort out these issues and make sure that each claimant received what was his or her due. This would, however, be a huge expense for the CPA committee, which they could not afford without support from the DRLDR, support which was lacking.

The lack of support they were receiving from the DRDLR was one of the biggest complaints of the CPA leadership:

Kyk, dit is...die hele grond eis se probleem is die regering maak beloftes en dan kom hy nie die beloftes na nie, en dan die gemeenskap kan nie funksioneer sonder finansies nie. Nou het hulle die grond, maar daar is beloftes gemaak [Look, it is...the entire problem with the land claim is that the government makes promises and then he does not keep them, and then the community cannot function without finances, Now they have the land but there were [other] promises made] (Clyde, interview, March 2019).

The CPA leadership (Zaid, 2018; Clyde, 2019) have made it clear that they require financial support in order to function and to manage the commonage effectively. Like some of the LOBV farmers, they have had to use their own funds to advance the restitution process, in their case to drive the administrative aspects of the entire land claim, such as sending emails or printing documents to provide to officials. Given that most of the members of the CPA are either retired, or are small-scale farmers, this expense has strained their financial wellbeing, as Zaid reflected:

Nee, dit, dit was maar 'n proses wat gegaan het, meeste van die tye sonder geld. Dis baie opoffering van jouself met die navorsing. Jy moes mos persoonlik uitgaan en om die goetes te gaan navors en seker te maak.[No, that was really a process that went on, most of the

time without money. It's a lot of personal sacrifice from yourself with the research). You must just go yourself, to research the things and to make sure.] (Zaid, interview, October 2018).

5.1.2 Government Bodies

This brings me to the government bodies responsible for land reform and farmer support. They straddle the national, provincial and local spheres of government. This has meant a complex institutional arrangement, not only for the land-user organisations in Loeriesfontein but for the officials involved as well, who have different mandates and different lines of reporting, to widely separated head offices. Given the different locations and limited time available for my MA project, it has not been possible for me to unravel all the organisational dynamics involved, as well as the larger issues related to how government is structured at different scales. What I present here is primarily a view of these different bodies and their roles from my research site, Loeriesfontein.

The DRDLR (formerly the DLA)¹⁴

The DRDLR is the national department with primary responsibility for land reform; during my study period it also oversaw major land administration functions such as deeds registration and spatial information. Its headquarters are in Pretoria but it has established provincial offices in the capitals of all nine provinces. As indicated in Chapter 2, it has come under consistent criticism nationally for failing to meet its national targets with regard to land reform.

In Loeriesfontein it has been most visible in relation to the land restitution claim and the functioning of the CPA. This is because after the land restitution claim was settled in 2008, the national DRDLR would have taken over from the CRLR and it then became responsible for the post-settlement phase of the land claim, in terms of the division of functions between these national bodies. However, it also has had a role to play with regard to the municipal commonages because of the Municipal Commonage Policy of 1996, even though this responsibility does not appear to have been actively pursued in the case of Loeriesfontein. The most attention I have seen in relation to this in Loeriesfontein was in 2008, when the LRC raised concerns about the fate of the commonage farmers in Loeriesfontein as a result of the state's decision to restore the commonage to land claimants, even though there were already beneficiaries of land reform on the commonage, i.e. the small-scale farmers who were using the land in terms of the commonage policy (LRC, 2008). This speaks to the

¹⁴ As previously noted, in June 2019 the Department of Agriculture and Forestry and the Department of Rural Development and Land Reform were combined.

core of my research problem, about municipal commonages being the site of not simply overlapping interests but overlapping and uncoordinated land reform policies and programmes.

Further complicating the situation in Loeriesfontein is that the town is very far not only from the national offices of the DRDLR (in Pretoria) but also its Northern Cape provincial office, in Kimberley. In Loeriesfontein local people also struggled to differentiate between the national DRDLR and the provincial department responsible for agriculture and rural development. I myself struggled to differentiate between the two bodies at the start of my field work.

The Commission on Restitution of Land Rights (CRLR)

The CRLR took office in 1995 in terms of the Restitution of Land Rights Act 22 of 1994 (Walker, 2008). The CRLR is responsible for receiving and processing land claims lodged in terms of Act 22, including making a preliminary determination whether the claims that are lodged meet the criteria of the Act, based on an initial investigation. It is at this point that claims get 'gazetted' in the Government Gazette, via a notice giving details of the claim, including property descriptions, so that other people with an interest in the claim, including the current landowner, can respond. The CRLR, through its Regional Land Claims Commissioners (RLCCs), is responsible for completing the investigation and managing the negotiations around an appropriate settlement, with final responsibility for approving the settlement resting with either the Minister of Land Affairs or, in contested cases, the Land Claims Court. The Commission has been through various restructuring processes since it first started, which have led to changes in the number and location of its regional offices. In the case of the Northern Cape, this meant that responsibility for managing claims shifted from an RLCC office based in Cape Town to one in Kimberley by the time the Loeriesfontein claim was formally settled. This may be part of the reason why I have struggled to access information about the claim from officials.

With regards to the Loeriesfontein land restitution claim, the CRLR was responsible for the gazette notices about the claim that appeared in 2004 and 2008, as well as the investigations and negotiations that led to the changes in the extent of the land under claim and the agreement around the final settlement that was reached in 2008. After that, the DRDLR took over from the CRLR for the post-settlement process and the CRLR disappeared from the scene. During my field work in Loeriesfontein the role of the CRLR did not come up at all among my participants. Instead the focus was on the national DRDLR and the provincial DALRRD. As noted, my attempts to contact officials at the CRLR to find out about the claim and access the original claim form and investigation reports were not successful, including with regard to my PAIA application. I was thus unable to speak to anybody in the CRLR who could inform me about why the extent of the land claimed was changed in 2008, or what the precise details of the settlement of 2008 were.

The Provincial Department of Agriculture, Land Reform, and Rural Development (DALRRD)

The DALRRD is not responsible for land reform policy, which is the responsibility of national government, but is responsible for farmer support in the province. I was able to interview a DALRRD official who works in the Hantam municipality who seemed to have the most hands-on knowledge about farming in the Hantam municipality, including at Loeriesfontein, and I found our interaction valuable. According to this official, the DALRRD does have a role in working with emerging farmers and supporting those who wish to shift to farming at a commercial scale. In such cases it identifies farms that are for sale and conducts assessments of the agricultural potential of these farms in order to assess their economic viability. It is also involved in the evaluation of potential beneficiaries (such as Scott mentioned earlier).

I was also interested in the challenges the provincial official faces. One of the key issues that came up through my research was managing the expectations of the Hantam farming community. The official stressed that there were limits to what the department could do, although it was trying to meet the expectations of farmers. When asked about how these expectations are managed, the official said that they strive to be open and honest with farmers and to keep clear lines of communication between themselves and farmers. As my case study shows, the existence of high but competing expectations can cause conflict among organisations. What seems to add to the challenge is that the DALRRD official in the Hantam municipality is responsible for handling all the concerns of farmers in the local municipality, including the small-scale farmers across six widely scattered towns, each with their own commonages. The distances to be covered between these towns are great and this puts an added strain on the relationships between the DALRRD and local farmers.

The Hantam Local Municipality

Historically, as previously described, traditional commonage lands have been held by towns with the understanding that they should be used for the benefit of the residents of the town. Since the establishment of the Hantam Local Municipality it has played an oversight role with regard to the commonages that it owns. For the Hantam Local Municipality municipal commonages are also a potential or actual source of income. Before the Loeriesfontein land restitution claim was settled in 2008, the municipality was in charge of the management of the commonage land used by the LOBV but as a result of the claim settlement it was required to donate Loeriesfontein's 'traditional commonage' (Commonages A, B and C) to the national state (i.e. the DRDLR). It thus no longer has a formal interest in the commonages as it no longer owns them. As already described, however, the

DRDLR is of the view that the Hantam Local Municipality still has contracts in place with the small-scale farmers who were leasing land from it; this is not consistent with local understandings.

Among the small-scale farmers using the commonage in 2018, there was, however, still an expectation that the Hantam Local Municipality had a role to play with regards to the commonage. According to one member of the LOBV whom I interviewed in 2018:

Ek het met die munisipaliteit gepraat of ek het hulle gebel om 'n onderhoud saam met hulle ook te het maar [hulle] het gesê hulle is nie eintlik betrokke met die meent grond of met die opkomende boere nie. So dit was 'n bit vreemd vir my

[I spoke to the municipality or I called them to set up an interview with them but they said that they are not actually involved with the commonage or with the emerging farmers. So that was a bit strange to me] (Joseff, interview, October 2018).

In 2019 I was able to interview municipal officials to find out from them about the interest the municipality has regarding the commonage. An official with knowledge of the management of the commonages stated that the municipality no longer had anything to do with the Loeriesfontein municipal commonages because the land now belonged to the Loeriesfontein CPA, with whom they did not appear to have much of a relationship (Edith, interview, March 2019). I was also told that all of the leases the municipality had had with small-scale farmers on the commonage had expired in 2014 and had not been renewed. This is in line with what LOBV members told me, who say they no longer pay rent for using the commonages but are concerned that there is no government body responsible for the management of the infrastructure and oversight of farming practices.

When I asked officials about the challenges the Hantam municipality faces more generally, the main issue that came up in my interviews concerned financial constraints. In the words of one informant:

You don't really get money for anything and this is also a huge problem, the lack of funds. Because our towns are so small and there is a lot of poverty here so the people cannot pay their municipal bills so we don't have money to put into our communities and our infrastructure (Katrina, interview, 2019).¹⁵

¹⁵ This was one of the rare interviews that took place in English

5.1.3 Civil Society

Loeriesfontein is an isolated community and thus not readily accessible to the land-rights NGO sector that is active in larger centres, despite the many socio-economic and environmental challenges its residents face. The coming of the two wind farms, the Khobab and Loeriesfontein wind farms, has brought it into the sphere of the renewable energy sector, with its responsibilities for community development, which has introduced some new possibilities. Through my documentary research I also became aware that a couple of land-rights NGOs, the LRC and SPP, have engaged with the concerns of local commonage farmers from time to time in the past.

Mainstream Renewable Power and Senze

As already noted, as part of their bid to establish its two wind farms near Loeriesfontein Mainstream Renewable Power was required to develop a social development plan for the local community within the sphere of operation of the two wind farms, which in its case was Loeriesfontein (Mainstream Renewable Power, 2015). According to its 'Loeriesfontein Community Prospectus' (Mainstream Renewable Power, 2015) the company has committed to several initiatives aimed at boosting economic development in the town, including the establishment of a community trust for the residents of Loeriesfontein and support for projects related to education, healthcare, infrastructure development and skills development training (Mainstream Renewable Power, 2015). This is a potentially important development but assessing its impact lies beyond the scope of my thesis.

During my field work, however, I became aware of an agency by the name of Senze that is supported by Mainstream as part of its community development initiatives. According to one of its staff members, Senze is focused on developing entrepreneurship in Loeriesfontein (Marie, interview, March 2019). The aim is to help small businesses by assessing whether their business plans are economically viable and assisting these emerging businesses in finding funding to support their development. One of the projects still under discussion during my field work centred on an intensive farming initiative that the company was hoping to implement – a proposal not to be confused with the plans and aims of the LOVV. Senze was in conversation with both the LOVV and the LOBV regarding this initiative but as of late 2020 it was not clear how far these discussions had gone. Judging from the comments I received while conducting my interviews, many small-scale farmers were unsure about the value of such a project. They were also concerned that it should not involve the commonage because of all the unresolved issues already centred on this land.

Land-rights NGOs: SPP and the LRC

I did not encounter SPP and LRC directly in the field during my field work but became aware of them through my documentary analysis as I tried to find out more about the history of the claim. Their main involvement seems to have been at the time that the land claim was being settled, in 2008, when both organisations raised concerns that the donation of the commonage by the Hantam Local Municipality to the state for the settlement of the land claim was defeating the purposes of the Commonage Policy and ignoring the land rights of the small-scale farmers already using the land (LRC, 2008). My attempts to set up a virtual interview with SPP staff in 2020 (during the covid19 lockdown) were unfortunately not successful.

5.2 Organisational Dynamics

5.2.1 Mapping Relationships among Actors and Organisations

In this section I present the organisational map that I developed during the course of my research, aimed at mapping out the relationships among the groups involved with the commonage. Figure 5.1 below shows the organisations that have been discussed above and where they fit spatially and in terms of the different spheres of government (national, provincial, local). The figure consists of five concentric circles covering the international, national, provincial, and local dimensions, the latter split between the Hantam Local Municipality and the town of Loeriesfontein. The international dimension is included because Mainstream Renewable Power is an international company. However, the primary focus is on the distribution of organisations across the national, provincial and local spheres.

As shown in Figure 5.1, at the national level are the DRDLR and CRLR, which also have offices in the provincial capital, Kimberley, 660 kilometres from Loeriesfontein. This is where the head office of the provincial DALRRD is located; it also has an official based in the Hantam Local Municipality in Calvinia. At the local level there is the Hantam Local Municipality, while in the town of Loeriesfontein itself there are three land-user organisations (the two farmers' associations, the LOBV and the LOVV, and the Loeriesfontein CPA), as well as the Mainstream-funded initiative, Senze. SPP, the land-rights organisations has a provincial presence in both Cape Town and Springbok while the LRC is a national body with a provincial presence in Cape Town.

Figure 5.1: Organisational 'map' showing location

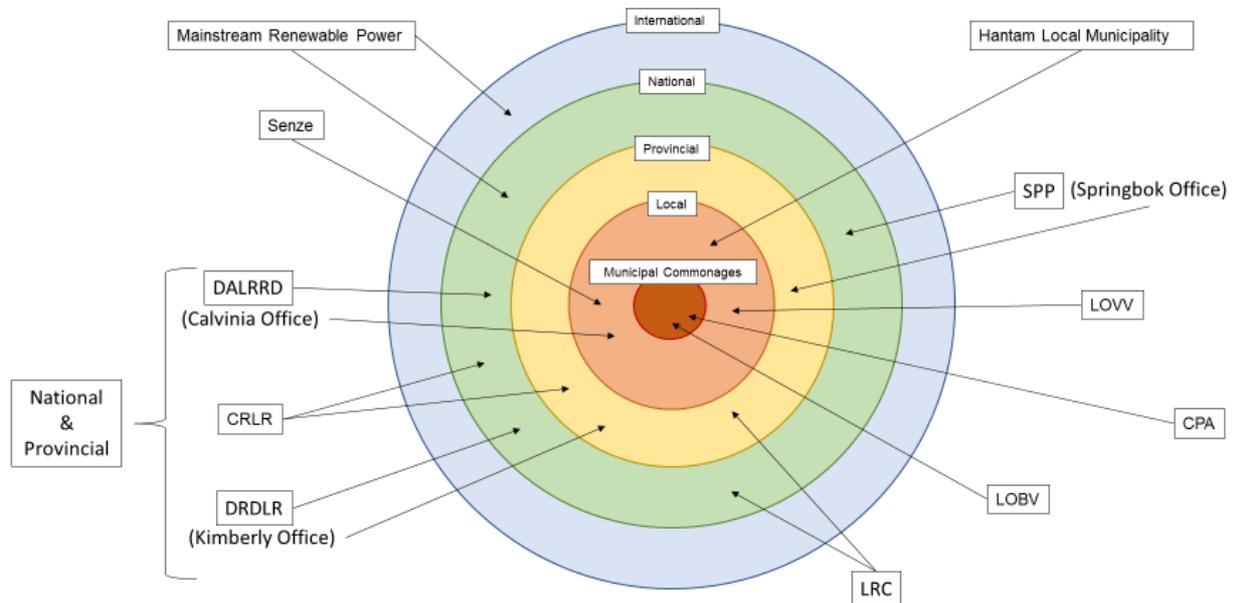
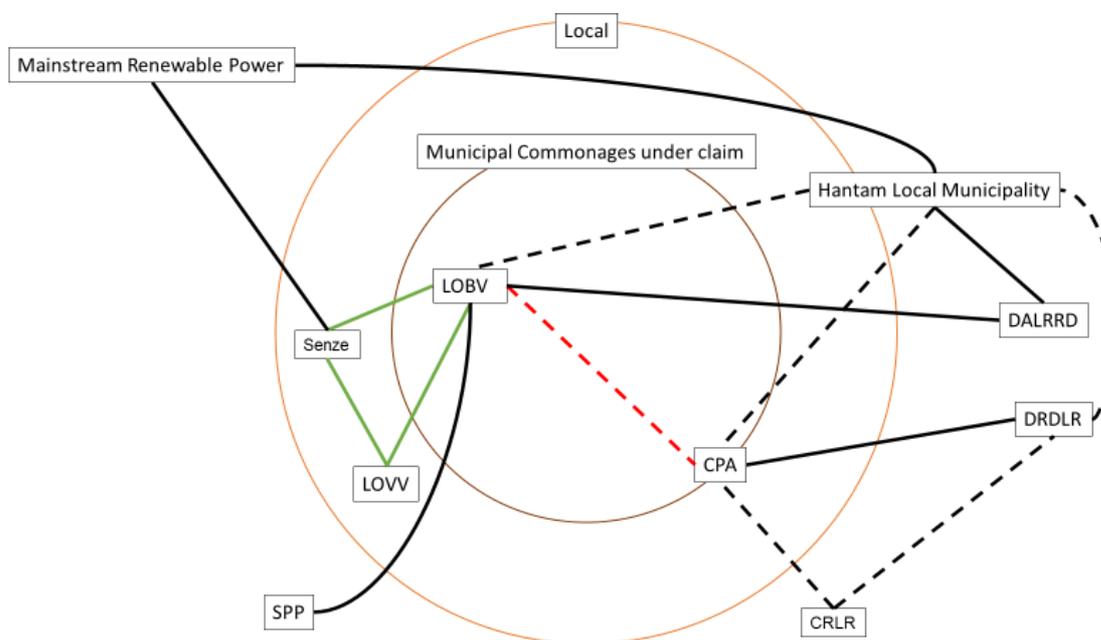


Figure 5.2 below is a schematic representation of these organisations and their relationships with each other in 2018/19. The placement of LOBV in the centre of the municipal commonage is due to their position as the current land users. The position of the CPA on the side of the circle indicates that while they are the legal owners of some of this land they have yet to take over the management and governance of the commonages, while the long-term ownership status of Commonages B and C is not yet resolved.

The solid lines indicate clear instances of contact or relationships between the organisations that I was able to plot in 2018/19, when I was doing my primary field work, while the dotted lines indicate a previous relationship that was not clearly evident to me as a researcher in this period. A red line indicates conflict or tension with regard to interests and objectives regarding the commonage. The green lines indicate clear official contact as well as what I deemed to be a reasonably good relationship.

Figure 5.2: Organisational 'map' showing relationships in 2018/19



Thus the CRLR was an important player in an earlier phase of the land claim but is no longer in evidence; hence the dotted line to both the CPA and the DRDLR. The DRDLR continues to be an important player in relation to the CPA, the LOBV as commonage users, and the Hantam Local Municipality, even if it is not active in these relationships. The DALRRD is interacting with small-scale farmers on the commonage and with the Hantam municipality; its relationship with the LOVV is not certain. The DALRRD has official contact with most of the relevant institutions, but does not have statutory powers with regard to land reform. (Its relationship with Mainstream has not been probed.) Its contact with both farming associations has included farmer support and drought aid. The Hantam Local Municipality no longer has official contact with either the LOBV or the CPA but there is in some evidence of contact with these organisations in this period; its relationship with the LOVV is, however, not clear.

SPP was a presence in relation to small-scale farmers in the past but does not appear to be active in the present. Mainstream Renewable Power (represented here by Senze) has been in communication with the LOVV and LOBV regarding possible future projects. Mainstream has also aided in providing drought relief aid to the farming community of Loeriesfontein, which has linked it to the LOBV and LOVV. They also have official contact with the Hantam Local Municipality due to the construction of their two wind farms in the municipality and the social development initiatives that they are currently supporting in Loeriesfontein. The parent company is a powerful local actor, with

resources, but its priorities are on maximising its investment in its wind farms. My field work has not identified any involvement by it in the contestations around the commonages and the land claim.

With regard to relationships among land users, the organisational ‘map’ shows where the main faultline lies, which is between the LOBV and the CPA. This line is in red. During my field work I received conflicting reports concerning the extent to which they have had official contact with each other as organisations; as noted, some LOBV members are claimants and in a small town like Loeriesfontein informal interaction among key actors in both groups is a regular occurrence. However, it was noticeable to me that the LOBV was not present when the DRDLR came to Loeriesfontein to hand over title deeds in late 2018. Some of my informants mentioned that they have attended meetings and some that they attend but do not speak. However it is clear that the organisations are in conflict with each other, given their different interests in the municipal commonages, and that the institutional channels for resolving these tensions were not active or clear to the parties in 2018/19. My association with the LOBV through my Honours project in 2017 also appears to have been a factor in the reluctance of CPA members to speak to me. The Minister’s Parliamentary Question answer at the end of 2019 regarding the appointment of a ‘panellist’ to assist the CPA resolve disputes does not specify the panellist or the land disputes at issue, whether regarding the different categories of land (*saailande*, commonage and residential erven), or current land users, or both. This is an issue for follow-up work but it seems likely that if the process did get underway in 2020, progress would have been difficult as a result of the covid-related lockdown.

The relationship between the LOBV and LOVV, however, appears to be reasonably good. Several of my participants stated that they had helped each other with regards to drought relief and have attended some of each other’s meetings. During an interview I asked one of the LOVV leaders why there were two farming associations when Loeriesfontein is such a small town. His reply pointed to a general awareness of the value of co-operation, extending even to local white commercial farmers (an important social group who have not featured directly in this thesis):

Ons twee verenigings en die wit kommersiële boere, ons het al redelik samesprekings gehad en vergaderings gehou – hoe kan ons, hoe kan ons onder een sambreel kom sodat ons kan vorentoe beter gehelp word, want die resources daar buite soek papierwerk en dan is daar lack of communication. Ons kan nie eintlik rerig ‘n rede gee hoekom daar twee verenigings is [Our two associations and the white commercial farmers, we have already had joint discussions and meetings – how can we come together, how can we [come] under one umbrella so that we can be helped to go forward, because the resources outside look for paperwork and then there is a lack of communication. We can’t really give a reason why there are two associations] (Maverick, interview, March 2019).

The fact that the LOVV has not targeted the commonage for their plans is undoubtedly a factor in the absence of conflict, though this may change with the LOVV looking with more interest at the commonage as a well-situated piece of land for their members. The goals of the two organisations also differ. The LOBV was formed to represent small-scale farmers who were able to secure access to the commonage in the 1990s; the LOVV has been started to represent a different group of livestock owners, 'backyard' farmers generally with very few animals. In terms of future plans, the LOVV has an ambitious goal of establishing a collective business while the LOBV aims to support its members become more successful as individual farmers, potentially for some at a commercial scale. The LOBV has been running for much longer than LOVV and most of its members have relatively large herds of livestock, compared to the LOVV, ranging from around 50 up to some 180 sheep (Davids, 2017).

5.2.2 Contested Land

The land claim has pitted the CPA and LOBV against each other. A member of the LOBV stated:

Daar is glad nie 'n verhouding nie. Op die oomblik is daar geen verhouding nie. Hier kom mense...hulle kom gewoonlik na die CPA toe maar...dis altyd net...hulle kom net na die mense toe en dan gaan hulle weer. Ons weet nie wat hulle hier gekom maak het nie. Dan kom daai persone van die CPA nie na die gemeenskap toe terug en sê: kyk hier, die mense was nou hier, hulle het dit en dit gekom sê. Maar ons weet niks wat gaan aan nie. Daar is nie op die oomblik 'n verhouding tussen ons en hulle nie. [There is no relationship at all. At the moment there is no relationship. Here come people ... they usually go to the CPA but...it's always just...they just come to those people and then they go again. We don't know why they were here. Then those people from the CPA don't come back to the community and say: Look here, the people were now here, they came to say this and this. But we know nothing about what's going on. At the moment there is not a relationship between us and them] (Lucien, interview, March 2019).

The LOBV members that I interviewed were also anxious for the uncertainty regarding their access to the commonage to come to an end. What this would actually mean for them, however, was not clear. Interestingly, as the reality of the shift of rights of ownership to the CPA became more apparent, some commonage users were beginning to look to the CPA as their new landlord who owed them the support they had previously received as land-users from the local municipality:

Kyk, die CPA gaan hulle mos nou beskikbaar stel om verantwoordelikheid te aanvaar vir die bestuur van die dorp, of die meent. Hulle moet mos kom, soos byvoorbeeld in die munisipaliteit wat die bestuur afgegee het. So die bestuur van die meent moet die CPA nou verantwoordelikheid vat om dit te doen [Look, the CPA is now going to make themselves available to take responsibility for the management of the town, or for the commonage. They have to come, as for example in the municipality that has given up the management. So the CPA must now take responsibility for the management of the commonage] (Brian, interview, 2019).

For its part the CPA leadership is equally anxious to bring the confusion and conflict to an end, so that the legitimate rights of the claimants can somehow prevail:

Wat ons mos nou verlang is dat die CPA proses moet voltooi word en afgehandel word: finaal ja. Dan, die konflik en goeters, mistrust ... en dat dit uit die weg uitgeruim word. En dat die regmatige eisers ook 'n geleentheid kry [What we long for is that the CPA process must be completed and dealt with: final, yes. Then the conflict and stuff, the mistrust ... then that this can be pushed out of the way. And that the rightful owners also get an opportunity] (Zaid, interview, 2018).

At the same time, the confusion is fueling tensions and conflicts within the two organisations. Given the different types of land rights that appear to have been submerged through the consolidation of the two original claims that were lodged into one, as well as the apparent overlooking of the different kinds of land rights that have been dispossessed in Loeriesfontein since 1913, in the investigation that the CRLR and relevant RLCC would have undertaken, this history is now brought into the CPA to sort out. The leadership is aware of the complexity of the claims attached to the commonage and the consequences of this on the claimant community, because some might be in competition with each other. Sorting out the residential erven and historic rights to the *saailande* could cause divisions and conflict within the claimant community. As commented by Leonard, who is both a claimant and a member of the LOBV: *'Ja, ons is almal deel van die eis, maar die...hier is dit 'n verdeeldheid'* [Yes, we are all part of the claim but ...here there is a division] (interview, March 2019).

As already noted there is also conflict among the small-scale farmers grazing their stock on the commonage, in part due to the financial strain of their having to maintain the infrastructure. In the words of one LOBV member:

Ons kan nie lekker saamwerk nie. Dis onse grootste probleem. Die saamwerk gedeelte is sommige wat lekker saamwerk, en dan kry jy nou 'n spannetjie wat nie wil saamwerk nie. So,

die verhoudings is nou so 'n 50/50 storie. Ek meen, dis my ondervinding. Ek weet nie hoe ander dit sien nie. [We cannot work well together. That is our biggest problem. The working together part, some work well together, and the you get your lot who do not want to work together. So, the relationships are a 50/50 story. I mean, that is my experience. I don't know how others see it.] (Brian, interview, March 2019).

Given the number of government bodies with responsibilities for the commonage and the land reform programme being run on it, I found it surprising that during my field work in 2018 and 2019 there were no official conflict resolution mechanisms in place to resolve the evident tensions and conflicts. As noted, the Minister's reference to the appointment of a 'panellist' to address the conflicts affecting the CPA came at the very end of 2019 and it is not at all certain that much could have come from such an initiative in 2020. It is also not clear if the role of this person was to address internal conflicts within the CPA or the position of the farmers who were continuing to use the commonage for grazing, or both. During my field work I had initially intended to conduct focus group discussions with participants from the different organisations; however, when I asked whether there would be interest in such discussions, most of my participants said that they would prefer not to speak about land issues with the members of the other organisations. The strategy among Loeriesfontein residents seems to be to avoid addressing the conflict as much as possible within the community, in the hope that it might go away and/or the confusion somehow be sorted out in their favour by some more powerful body.

5.2 Conclusion

This chapter has reviewed the primary organisations with an interest in the outcome of the competing land reform claims on the Loeriesfontein commonage, namely: the three land-user associations (representing the small-scale farmers who are using the land for grazing, the claimants who have been recognised as the rightful owners of some, if not all, the land and the backyard farmers who are looking for land to expand beyond their current horizons); the government bodies operating at different scales, each with their own mandates with regard to land, and the civil society organisations that have offered some assistance from time to time. While for the land-users the commonage is a source of actual or potential income, it is also tied up with issues around rights, heritage and identity. Furthermore, while the three associations represent different interests in the land, it should be noted that there are overlaps in their membership. There are also differences within the associations, including in the case of the CPA over the different kinds of dispossessed land rights that appear to have been lumped together as a result of the way in which the claim was investigated and settled in 2008.

These rights have yet to be untangled, with the leadership of the CPA suggesting that a lawyer is needed, because of the complexities involved. Based on the poorly documented history discussed in Chapter 4 further research is also urgently needed on the history of land ownership and access in the 20th century. The fact that the CPA's formal membership appears not to be up-to-date makes this an even more difficult task. It would seem that the intervention of a party with clear authority in relation to the land is required in order to address these conflicts and find sustainable solutions. The primary responsibility clearly rests with the DRDLR, but its staff is far removed from Loeriesfontein and it has not been proactive in the past. Thus far the state has proved itself ill prepared and deficient in providing adequate mechanisms of support and conflict resolution. The DALRRD and the local municipality are better placed to understand what is happening on the ground but they lack both capacity and standing in this regard. Civil-society organisations have played a role in the past but they do not have the authority to make binding findings and, if they were to become more involved, would also need to ensure they understand all the layers of rights at stake, and can make a commitment over the time needed to negotiate solutions. In addition to these challenges, the commonage is a finite and very limited resource that cannot sustain all the local people with legitimate interests in and claims to it. These issues are considered further in the next, concluding chapter.

Chapter 6: Conclusion: Sustainable Development and Land Reform

In this chapter I address the 4th and 5th of my research questions, namely:

What are the impacts of the competing claims to the commonage land in Loeriesfontein on its potential for improving livelihoods and advancing prospects for sustainable development in the town, and

What is the significance of this case study for the larger land reform programme?

I address the first of these questions in section 1 where I frame my discussion in terms of the conceptual framework I laid out in Chapter 2. I then turn to the second question in section 2. Before concluding I briefly discuss recommendations for further research in section 3.

Here I also need to acknowledge that due to the lack of information concerning the land restitution claim (particularly the basis of the claim and the process around settling it) as well as my inability to conduct field work in 2020, I have to be cautious about drawing conclusions too quickly, recognising that some of my findings discussed here could be affected by more updated information.

6.1 Impacts on Livelihoods and Prospects for Sustainable Development

The SARChI household survey of 2019 showed clearly the need for improved livelihoods and sustainable development in Loeriesfontein. It is a small town with major social problems. Key findings from this survey included the high levels of poverty and households' dependence on social grants for their income (Vorster, 2019). The survey also showed that for most people in Loeriesfontein, farming is no longer a preferred occupation, an attitude which could be due, at least in part, to the very difficult farming conditions in Loeriesfontein as a result of the drought and limited availability of land. In addition to this, Loeriesfontein is isolated and access to markets is difficult for resource-poor farmers. The establishment of the Khobab and Loeriesfontein wind farms by Mainstream Renewable Power has introduced a new player in relation to the socio-economic conditions of the town. As part of its legislated obligations, Mainstream has implemented various socio-economic development projects, including the establishment of Senze, which aims to help facilitate economic development in the town by promoting local businesses; however as of late 2020 the wider impact of these initiatives is as yet limited.

While it is clear that the commonage has been making some contribution to the individual livelihoods of those households that have been able to access it, the full potential of the commonage in this regard has been severely hampered by the way the land restitution programme and the municipal commonage programme have been overlaid, with neither programme implemented with the other in mind. The slow and confusing process around the restitution programme has added to the problems. A member of the CPA expressed the difficulties that is causing thus:

We, as CPA is also frustrated and we're waiting long, long years now – twenty-two, twenty-four years, we wait. It's not nice and the community, our people are ... the social situation of Loeriesfontein is deteriorating. Here's no work, here's nothing going on here and that's not good for the society (Zaid, interview, March 2019).

It took twelve years for the CRLR to finalise its investigation of the restitution claim that was first lodged in 1996. Since 2008, when the land restitution claim was 'settled' and the first CPA Committee elected, it took an additional ten years before the title deeds were handed over, in 2018. The problems with the 'interim' CPA committee were only finally addressed in late 2019, when new elections were held; at this time the responsible Minister also reported that alternative land for the small-scale farmers on the commonage had still to be acquired. Due to the settlement of the claim in 2008, the Hantam Local Municipality no longer plays the role of overseer of the commonages under claim. Given that there are delays in finalising the ownership of this land, this leaves a glaring gap in the management of the land which has had negative impacts on the conditions of the veld and the relationships between the various land organisations and land users.

At the same time, although most of my participants knew about the land restitution claim, not many were aware of the status of the claim in 2018/19 and the consequences of the resolution of the claim for their access to the land. The absence of formal mechanisms for addressing the tensions between the CPA and LOBV, despite all the agencies depicted in Figure 5.1 that could be tasked with responsibility for this, has made it very difficult to acknowledge the nature and extent of the problems around overlapping rights to and interests in the commonage. This is the context in which the contribution of the commonage to sustainable development needs to be evaluated.

6.1.1 Unequal Power Relations

In Chapter 2 I laid out my broad conceptual framework and the understanding of sustainable development that I have worked with in my thesis. Political ecology has been important for pointing to the importance of power relations around access to and control of resources. As previously noted, Watts (2000:257) defines political ecology as entailing an 'understanding [of] the complex relations

between nature and society through careful analysis of access and control over resources and their implications on environmental health and sustainable livelihoods'. Unequal, racialised power relations with regards to access to and control over resources have impacted the inhabitants of Loeriesfontein negatively since the late 19th century and through the 20th century. This was evident in the way in which the original beneficiaries of the 'ticket of occupation' of the 1860 land grant were stripped of their rights in the 1890s and when people classified as 'coloured' and 'baster' were subjected to forced removals in the 1970s under the Group Areas Act of 1950.

It is however interesting that the town lands of Loeriesfontein were not privatised at the end of the 19th century, nor during the 20th century, but vested in the town as a resource for its residents, so that this resource was still available for land reform through the state's commonage policy in the post-apartheid era. However, unequal power relations between the national and local government have meant that the local municipality seems not to have had any say when the DRDLR decided to settle the land claim in the early 2000s by taking over ownership of the commonage and restoring part of it (Commonage A) to the CPA.

Another instance of power relations can be seen in the different standings of the LOBV and LOVV. This is in terms of these organisations' access to the grazing land for their livestock, with the LOBV representing better-off members of the Loeriesfontein community who were able to use their local standing to secure lease rights over the grazing land of the commonage in the early 1990s. They have received some recognition from government bodies, civil society and the larger community as farmers. In contrast, the LOVV, representing backyard farmers who own very few sheep, have struggled for recognition from government as very small-scale farmers with particular needs. At the same time, both these organisations have struggled to be recognised by the state as interested parties when it comes to the land restitution claim. This raises the issue of the absence of 'rich participation' by local people in the decision-making that affects them, which is discussed below.

6.1.2 Social Equity

As discussed in Chapter 2, Holden et al. (2017) define sustainable development as comprised of three moral imperatives that need to operate together: ensuring social equity, respecting environmental limits, and satisfying human needs. The imperative of social equity concerns political rights and equal participation in decision-making as well as equal opportunities to access resources.

When applying the imperative of social equity to the Loeriesfontein commonages, I question what has been achieved to date through the 2008 settlement of the claim. From what has been discussed thus far, the CPA is now the rightful owner of a major portion but not all of the original 1860 land

grant (Commonage A) but there are other dispossessed land rights stemming from developments in the course of the 20th century that have not been fully resolved, including rights to residential erven and crop land (the *saailande*). At the same time, the rights of other commonage land users have not been accommodated either. The Restitution of Land Rights Act, in terms of which the land claim for the commonage was lodged, was designed to address past injustices but, as can be seen, to date has failed to address all of the land injustices of the past century and, due to the cumbersome processes and lack of rich participation that have characterised it, seems to be in danger of creating new grievances and further instances of perceived or actual injustice. The sense of grievance was evident in the question posed in Parliament to the Minister responsible for land reform in December 2019, which asked when the Loeriesfontein claimants would receive their 'ancestral land' for which, it was noted they 'have been struggling for 25 years'. Instead of resolution of past injustices the settlement seems to have caused further conflict among local land users and claimants.

In terms of 'rich participation' in decision-making as a requirement if development is to be sustainable, the land organisations LOBV and LOVV appear to have been largely overlooked in the discussions and proceedings around the land claim. For instance, only members of the CPA were in attendance at the community meeting where the title deeds of (presumably) Commonage A were handed over in 2018, with my participants in both the LOBV and LOVV seemingly unaware that this meeting had taken place. Although there is talk at a very high level of alternative land being found for the small-scale farmers using the commonage, it appears that no concrete proposals have been forthcoming and the affected land users themselves have not been part of these discussions.

A particular challenge that inhibits rich participation is the spatial position of Loeriesfontein in relation to the centres of power and government bodies responsible for running land reform. As shown in Figure 5.1, the key government bodies (DRDLR and DALRRD) are not easily accessible for the land-users and claimants of Loeriesfontein, with the most accessible official being the official posted from the DALRRD head office in Kimberley to Calvinia, 90km away from Loeriesfontein. The isolation of Loeriesfontein has negatively impacted the already precarious communication channels that exist between land users and claimants on the one hand and government bodies on the other. My own experiences with trying to make contact with and navigate the convoluted hierarchy of government bodies have been challenging, involving multiple unanswered phone-calls and constant referrals to other officials and/or different departments. This is indicative of the frustrations the affected land users and claimants have faced in making contact with government bodies and gaining the information they need, as a result of the inaccessibility and poor communication practices of the state.

6.1.3 Environmental Limits and Human Needs

These dynamics have also played a part in the poor management of the commonage which has impacted on the condition of the veld. This is of significance in considering the imperative of respecting environmental limits that is also critical to the understanding of sustainable development with which I have been working.

With regards to Loeriesfontein, the semi-arid environment means that the natural resources of the commonage have to be managed extremely carefully. The carrying capacity of the land, as discussed in Chapter 4, is very limited (one small stock per 10ha of land and one large stock per 45ha of land). This raises difficult questions about how many farmers the commonage is able to accommodate without negatively impacting the ecological health of the veld. In this regard the management structures in place for the commonages are also important. The breakdown in the formal management systems around the commonage has opened it up to overstocking and its associated overgrazing. The drought has added to the pressures, with the small-scale farmers of Loeriesfontein dependent on drought relief from Mainstream and the DALRRD.

The discussion on Karoo ecology in Chapter 4 emphasises the importance of recognising the environmental limits to how many small-scale farmers the commonage can optimally support. Based on official stocking rates, under optimal conditions the Loeriesfontein commonages can support up to 2 000 small stock (sheep or goats) (working with the rate of 10 hectares per small stock unit). Assuming an average herd size of around 150 sheep (as applied to a number of LOBV farmers in 2017), then the commonage could sustainably accommodate in the region of only 13 of these small-scale farmers – one third of the current membership of the LOBV. If herd sizes were to be restricted to below 150 sheep, then a few more farmers could be accommodated. Nevertheless, in terms of local livelihoods, the contribution of the commonage to sustainable development through livestock farming at scale appears to be very limited in Loeriesfontein. In addition to this, the commonages have already been shown to be under strain due to overstocking. While the commonage can make some contribution to sustainable livelihoods, it is a finite resource that can be easily exhausted. It certainly cannot address the full legacy of dispossession and inequality inherited from the past.

The resolution of the issues surrounding access to and rights over the commonage thus has to be located within a larger programme of sustainable development for the town. As discussed in Chapter 2, this needs to be understood as going beyond simply trying to meet basic needs such as food, water and sanitation, but, as per the capabilities approach of Amartya Sen (1999), investing in people's capacity to function in ways that they value. Here the investment in renewable energy in the area holds some promise through the statutory responsibilities of renewable energy companies

to invest in local social and economic development initiatives as part of their operations. These companies have significant capacity and, in the case of Loeriesfontein, Mainstream Renewable Power's development subsidiary, Senze, is a potentially valuable resource. For this to work, however, the principles of rich participation in developing projects have to be respected and strong oversight is needed to ensure compliance on the part of renewable energy companies.

In looking specifically at options for small-scale farmers the interests of the backyard farmers represented by the LOVV need to be taken on board as well. One of the ways forward should be for the state to find additional land to accommodate those who are committed to farming, that is readily accessible by local people, many of whom do not have private transport that would allow them to travel to land reform farms that are situated far from the town. Possibilities for 'additional commonage' to be acquired around the town should be looked at. Here, since the DRDLR took ownership of the municipal commonage for restitution purposes, it could look at compensating the town through the provision of additional commonage land. However, constraints with regard to environmental limits still apply so, if well managed, these can be part of the way forward but not a final solution on their own for the problems of poverty and inequality in Loeriesfontein.

6.2 Significance for the Larger Land Reform Programme

This case study has highlighted the poor support land reform beneficiaries in both the commonage and restitution programmes have received from the state, as well as the effects this has had on the potential of the commonage to contribute to sustainable development in Loeriesfontein. The lack of reliable information surrounding the land claim, the management status of the commonage and the rights of the small-scale farmers who have been using this land has added to the challenge. What further aggravates these issues is the absence of clear communication channels between government bodies, land users and land claimants, which has increased mistrust and conflict between the land organisations within Loeriesfontein. The lack of transparency with regards to the process of land reform in the town gives an impression of secrecy on the part of key players, even if this is not the intended effect.

The particular history and environmental context of Loeriesfontein are specific to the town but many of the challenges facing land reform in this town are not unique. Concerns around weak management practices in the municipal commonage programme and the absence of adequate post-settlement support for land claimants are widespread. In addition to the lack of post-settlement support for claimants, the processes surrounding the investigation and settlement of the land claim have been very slow and unfriendly towards the affected parties, a finding from this research project which is a common criticism of the land reform programme more generally.

Also of general interest is the way in which the Loeriesfontein commonages have operated as a site of overlapping claims. This issue has been a significant concern within the restitution programme, especially after the reopening of the land claims process after 2014. However, in the case of Loeriesfontein the overlapping claims reflect unresolved competition between the commonage and land restitution programmes, which has inhibited the progress and effectiveness of both these components of land reform. The reality of conflict between land reform programmes and the need to look at land reform holistically in places like Loeriesfontein need to be acknowledged by the state. What is also interesting about the Loeriesfontein case is the way in which it brings the Group Areas Act into the picture, linking small-town urban claims to rural land reform – which is not surprising given the context of Loeriesfontein as a small Northern Cape town in which farming has been a mainstay of the local economy since the late 19th century. The case highlights the problem of responsibility for land reform being distributed across different government bodies in different spheres of government, with separate offices located in different parts of the country and often far from the actual sites of individual land reform projects. It also illustrates the importance of strong civil society organisations and the role they could play in supporting land reform beneficiaries, along with the challenges of sustaining such support over time.

While the case confirms the potential value of the municipal commonage as a (limited) resource for local development and land reform, it also shows that this potential can only be realised when accompanied by strong management structures and integrated with other development initiatives. This case study thus points to the importance of livelihood diversification in land reform projects. Although this issue has not been fully explored in this thesis and requires further research, the previous discussion of sustainable development in Loeriesfontein points to the potential of diversifying land use on municipal commonages, with the land being used to generate other sources of livelihoods and income streams and not limited to farming alone. Given the environmental constraints currently facing the Karoo, and the significant land-use changes taking place across the region, such as the investment in renewable energy, it could be useful to broaden thinking around the municipal commonage programme to incorporate alternative land uses for commonage land as well. Land use diversification opens up opportunities for livelihood diversification which could benefit not only land users but the larger community. This should, however, be considered in relation to the needs and wants of the affected community, with recognition of the importance of local people's involvement in decision-making.

The potential of the municipal commonage programme as a component of land reform has been argued by various authors (Atkinsons & Ingle, 2018; Vetter, 2013; Twine, 2013; Atkinson, 2013; Lebert, 2004), particularly within the context of the Northern Cape. The versatility of approaches that

the commonage policy can, in principle, accommodate, such as being both a stepping stone for emerging farmers wanting to become commercial farmers and a means of supplementing household income and food security for small-scale or part-time farmers, allows for the adoption of a variety of approaches tailored to suit the particular contexts of different communities.

6.3 Recommendations for Further Research

The history of Loeriesfontein, like that of many small towns in the Karoo, is very poorly documented, particularly regarding questions of land ownership, other land rights and dispossession in the 20th century. In this regard the workings of the Group Areas Act in small towns in the Karoo and Northern Cape is not well documented in the literature. Further research into these issues is clearly needed, both for assisting with resolving the outstanding issues regarding the land rights associated with the restitution claim and its settlement, and for addressing the tensions between the CPA and the LOBV. This research will also be valuable for the light it can throw on the broader history of land dispossession in the Karoo and its continued impact on contemporary social challenges.

Another major area for further research (linked to meaningful local consultation) concerns how to diversify livelihoods in Loeriesfontein and other small Karoo towns like it. With regards to land reform, I suggest research into the possibilities for linking commonage land to alternative land uses and not only farming would be particularly valuable, with a view to broadening options for sustainable development that will benefit the majority of local people. This is particularly important in a semi-arid region where the dominant agricultural focus of the commonage programme might no longer be as viable an option as it appeared when land reform policies were first being developed in the 1990s.

6.4 Conclusion

This thesis has explored the competing claims to and interests in the municipal commonages of Loeriesfontein, with the aim of understanding the relational dynamics that exist among the various organisations that are involved and how these dynamics are impacting on the potential of the municipal commonage as a valuable resource for local households.

The history of Loeriesfontein and the Loeriesfontein commonages is one marred by land dispossession and racial injustices that have shaped current relationships and livelihood opportunities in the town. One of the aims of the land restitution programme is to correct the injustices of the past by returning land to its rightful owners. However, as this thesis has shown, the process of settling the Loeriesfontein restitution claim, particularly the manner in which the post-settlement phase has proceeded and been handled by the state bodies with responsibility for it, has fallen short.

It has negatively affected relationships among claimants and between the CPA and small-scale farmers with rights of access to the commonage. Thus far redress for the past has not been achieved.

In my Honours research project I found that livestock farming and ownership of land were closely tied to issues of identity, heritage, and farmers' aspirations around being able to leave a legacy for future generations (Davids, 2017). However, in addition to the commonages holding significant meaning for people in Loeriesfontein, because of their history, land is also a material resource that, in the case of the commonage, is limited in terms of the extent to which it can provide a living, whether fulltime or part-time, for all the people with an interest in it. A difficult policy issue here is that raised in Chapter 4 concerning how many farmers the commonage can optimally support. At this stage what is clear is that before the optimal future use and contribution to sustainable livelihoods of the 'traditional' commonages of Loeriesfontein can be determined, the tangle of overlapping land rights and conflicts among the different land users must first be resolved. I trust that this thesis will make a valuable contribution towards meeting this objective.

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Other References

Semi-structured Interviews

Participant	Affiliation	1st Interview	Location	2nd Interview	Location
Brian	LOBV	19/03/2019	Loeriesfontein	None	N/A
Clyde	CPA	19/03/2019	Loeriesfontein	None	N/A
Delia	LOVV	18/03/2019	Loeriesfontein	None	N/A
Esther	Hantam Local Municipality	15/03/2019	Calvinia	None	N/A
Joseff	LOBV	16/10/2018	Loeriesfontein	13/03/2019	Loeriesfontein
Karson	Mainstream Renewable Power	20/03/2019	Loeriesfontein	None	N/A
Katrina	Hantam Local Municipality	22/03/2019	Loeriesfontein	None	N/A
Leonard	LOBV	19/03/2019	Loeriesfontein	None	N/A
Lily	DALRRD	21/03/2019	Calvinia	None	N/A
Lucian	LOBV	18/03/2019	Loeriesfontein	None	N/A
Marie	Senze	15/03/2019	Loeriesfontein	None	N/A
Maverick	LOVV	17/10/2018	Loeriesfontein	20/03/2019	Loeriesfontein
Rico	LOVV	14/03/2019	Loeriesfontein	None	N/A
Scott	LOBV	18/03/2019	Loeriesfontein	None	N/A
Shane	LOBV	19/03/2019	Loeriesfontein	None	N/A
Wilbur	LOBV	18/03/2019	Loeriesfontein	None	N/A
Will	LOBV	18/03/2019	Loeriesfontein	None	N/A
Zaid	CPA	18/10/2018	Loeriesfontein	None	N/A
Zander	LOVV	18/10/2018	Loeriesfontein	12/3/2019	Loeriesfontein

Telephonic Interviews

Participant	Affiliation	Date
DALRRD Official	DALRRD	4/9/2020
Joseff	LOBV	15/6/2020
Maverick	LOVV	15/6/2020
Wilbur	LOBV	12/10/2020

Archival Material

Department of Lands, Mines and Agriculture. 1893. 'Selections from Correspondence Relating to the Settlement of "Loeriesfontein" in the Division of Calvinia.' Presented to both Houses of Parliament by Command of His Excellency the Governor [G10-/93]. WA Richards & Sons, Government Printers, Cape Town. National Archives, Cape Repository.

1/118. The Civil Commissioner Calvinia to the Under Colonial Secretary, 13 March 1888.

Minute no. 6. Minute by the Honourable the Secretary for Native Affairs, 17 July 1888.

1/200. Civil Commissioner Calvinia to the Under Colonial Secretary, 25 May 1888.

1/308. The Civil Commissioner Calvinia to the Assistant Commissioner, 17 October 1889.

Letter 18. The Surveyor-General to the Assistant Commissioner, 9 September 1890, No. 2,024.

1/341. The Civil Commissioner Calvinia to the Assistant Commissioner, 6 October 1890.

Appendix 1: PAIA Form



J750

REPUBLIC OF SOUTH AFRICA

**FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]**

FOR DEPARTMENTAL USE

Reference number:
.....

Request received by
(state rank,
name and surname of information officer/deputy information officer) on
..... (date)

at
.....
...(place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

.....
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)
18357369@sun.ac.za

E-mail address:

Capacity in which request is made, when made on behalf of another person:

I am a third year Masters Student with the University of Stellenbosch, in the department of Sociology and Social Anthropology.
My supervisor is Professor Cheryl Walker.

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

The records I would like to access are pertaining to the Loeriesfontein Land Restitution Claim of 1996, and which was settled in
2008. The land claim entails 9 of the 10 Loeriesfontein Municipal Commonages. Unfortunately I do not have a reference for this.
.....

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

None

2. Reference number, if available:

3. Any further particulars of record:

I include the registration number of the Communal Property Association linked to the Loeriesfontein Land Restitution Claim

CPA REGISTRATION NUMBER: 08/1133/A

I also include the reference numbers of the land involved in the Loeriesfontein land restitution claim:

REFERENCE NUMBERS OF LAND: KRK6/2/2/B/44/0/0/3, KRK6/2/3/B/44/0/0/2, KRK6/2/2/A/4/44/0/0/1

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

I am still a student and thus am unemployed and I do not earn an income. The information I would like to access is needed in order for me to complete my masters thesis and to graduate.

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

Appendix 2: Email Correspondence around PAIA

 Davids, S, Mej [18357369@sun.ac.za]
Wed 1/22/2020 10:39 PM
To: mamoloka.manaka@drrdlr.gov.za

 **PAIA** Form A.pdf
112 KB

Dear Ms Manaka

My name is Shuaat David's from the university of Stellenbosch. Please find attached the **PAIA** form. I have filled it in as best I could but I am unsure what to fill out in section A that asked for the particulars of the information officer.

Thank you so much for your help.

Kind regards

Shuaat David's
18357369

Submission of **PAIA** form

 **shu-aat Davids** <shuaatd@gmail.com>
to ruan.phillipson, robert.lesabane, pumla.thabatha, CJ, ▾
Wed, Feb 12, 11:38 AM   

Dear Mr. Lesabane and Mr. Phillipson

My name is Shu-aat Davids, and I am a masters student at Stellenbosch University. My project concerns the land restitution claim of the Loeriesfontein municipal commonages. I am hoping to access the documents pertaining to the land claim and have completed a **PAIA** form as best I can.

However, I am uncertain whether the form has been properly filled out and whether additional information is required. I was hoping you would be able to aid me in the submission process.

I have also cc'd my supervisor, Professor Cheryl Walker in this email as well as Ms. Thabatha who has aided me in contacting you. I hope this is ok. I have also attached the **PAIA** form.

Thank you so much for your time and consideration.

I look forward to hearing from you.

Kind regards

Shu-aat Davids
18357369

PAIA Application for Loeriesfontein

2

From: Davids, S, Mej [18357369@sun.ac.za] <18357369@sun.ac.za>
Sent: 03 March 2020 02:21 PM
To: Loumari Francis <Loumari.Francis@drdlr.gov.za>; Walker, CJ, Prof [cjwalker@sun.ac.za] <cjwalker@sun.ac.za>
Subject: Re: Test

Dear Ms Francis

My name is Shu-aat Davids. I am a masters student at the University of Stellenbosch. We spoke on the phone regarding my submission of the **PAIA** form in order to access to documents pertaining to the land restitution claim of Loeriesfontein, which i require for my research.

Please find attached the document. I have also cc'd my supervisor, Professor Cheryl Walker. I hope that is okay.

Thank you so much for your assistance. I appreciate it.

Kind Regards

Shu-aat Davids
18357369

From: Loumari Francis <Loumari.Francis@drdlr.gov.za>
Sent: Tuesday, March 3, 2020 3:15 AM
To: Davids, S, Mej [18357369@sun.ac.za] <18357369@sun.ac.za>
Subject: Test

CAUTION: This email originated from outside of the University. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Loumari Francis <Loumari.Francis@drdlr.gov.za>

Tue 3/3/2020 3:33 AM

To: Ruaan Luzaan Phillipson <Ruaan.Phillipson@drdlr.gov.za>; Robert Lesabane <robert.lesabane@drdlr.gov.za>
Cc: Davids, S, Mej [18357369@sun.ac.za]; Walker, CJ, Prof [cjwalker@sun.ac.za]



 **PAIA** Form A.pdf
112 KB

CAUTION: This email originated from outside of the University. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day Legal,

Kindly assist Ms. Davids with her **PAIA** application for Loeriesfontein as attached.

Contact details are indicated.

Thank You

Appendix 3: Ethical Clearance Letter

NOTICE OF APPROVAL

REC Humanities New
Application Form

7 March 2019

Project number: 7947

Project Title: A Case Study on Land Restitution in Loeriesfontein within the Northern Cape of South Africa

Dear Miss Shu-Aat Davids

Your REC Humanities New Application Form submitted on 2 October 2018 was reviewed and approved by the REC: Humanities. Please note the following for your approved submission:

Ethics approval period:

Protocol	approval	date	Protocol	expiration	date
7	March		6	March	

GENERAL COMMENTS:

Please take note of the General Investigator Responsibilities attached to this letter. You may commence with your research after complying fully with these guidelines.

If the researcher deviates in any way from the proposal approved by the REC: Humanities, the researcher must notify the REC of these changes.

Please use your SU project number (7947) on any documents or correspondence with the REC concerning your project.

Please note that the REC has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

FOR CONTINUATION OF PROJECTS AFTER REC APPROVAL PERIOD

Please note that a progress report should be submitted to the Research Ethics Committee: Humanities before the approval period has expired if a continuation of ethics approval is required. The Committee will then consider the continuation of the project for a further year (if necessary)

Included Documents:

Document Type	File Name	Date	Version
---------------	-----------	------	---------

Data collection tool	Group Discussion Topics	01/08/2018	1
Research Protocol/Proposal	Shu-aat Davids Research Proposal	27/08/2018	8
Data collection tool	Observation	27/08/2018	8
Informed Consent Form	Informed Consent Afrikaans Group Discussion	05/09/2018	1
Informed Consent Form	Informed Consent Afrikaans Individual Interviews	05/09/2018	2
Informed Consent Form	Informed consent_Group Discussion	05/09/2018	2
Informed Consent Form	Informed consent_Individual interviews	05/09/2018	2
Data collection tool	Interview schedule key informants edited	05/09/2018	2
Data collection tool	Interview schedule participants edits	05/09/2018	2
Data collection tool	Textual Analysis	05/09/2018	1

If you have any questions or need further help, please contact the REC office at

cgraham@sun.ac.za. Sincerely,

Clarissa Graham

REC Coordinator: Research Ethics Committee: Human Research (Humanities)

National Health Research Ethics Committee (NHREC) registration number: REC-050411-032.

The Research Ethics Committee: Humanities complies with the SA National Health Act No.61 2003 as it pertains to health research. In addition, this committee abides by the ethical norms and principles for research established by the Declaration of Helsinki (2013) and the Department of Health Guidelines for Ethical Research: Principles Structures and Processes (2nd Ed.) 2015. Annually a number of projects may be selected randomly for an external audit.

Appendix 4: Interview Schedule (Participants)

Semi-structured Interview Schedule: Participants

Date:

Participant Identification:

The interview will cover the following topics:

General Demographics (Farmers and non-farmers/claimants)

- Age
- Gender
- Race
- Home Language
- Education
- Residence/History
- Marital Status
- Children
- Current occupation and livelihood strategies

General Information Regarding Farming (For farmers)

Topics will include:

- Type of farming
- Duration of farming (part-time/full-time)
- Type of stock/number of stock
- Contribution to livelihood
- Challenges
- Amount of hectares/Location of farm

Issues of Management (For farmers)

Topics will include:

- Access to commonage
- Infrastructure
- Environmental and ecological management
- Drought relief

Relational Dynamics (For both farmers and non-farmer claimants)

Topics will include:

- Awareness/opinion of the CPA and FA
- Opinion of the local municipality with regards to the claim and the commonage
- Conflict with other organisations/farmers/claimants

Land Restitution Claim (For both farmers and non-farmer claimants)

Topics will include:

- Awareness of the land claim
- Views/perspectives on the claim (regarding consequences, aspirations, general opinions on the claim)

Appendix 5: Interview Schedule (Commonage Farmers)

Semi-structured Interview Schedule: Commonage Farmers

Date:

Participant Identification

The interview will cover the following topics:

General Demographics:

- Age
- Gender
- Race
- Home language
- Education
- Residence
- Marital Status
- Children

General Information Regarding Farming

- How long have you been farming?
- Why did you start farming?
- What kind of animals do you farm?
- How many animals do you own?
- How large are your grazing grounds?
- How many farmers do you share your camp with?
- How many animals would you guess are grazing on the camp in total?
- How do you manage your grazing land?
- Do you have any aid in land management?
- What do you think about land management?
- How do you think land management could be improved?

Questions Regarding Access

- How did you go about gaining access to the commonage?
- How did you find this process?
- Did you experience any challenges during this process?
- Do you think your experience gaining access differed from that of other farmers?
If so, why?

Questions Regarding Relations with other Commonage Farmers?

- How are your relationships with the other commonage farmers?
- Have you had any major issues or troubles when it comes to interacting with the other commonage farmers?
- If you have experienced issues when interacting with other commonage farmers, were these issues resolved? And if so, were you happy with the resolution?
- How would you describe the Loeriesfontein farmer community?
- How would you describe the relationship between the Loeriesfontein farmer community and the municipality?

Questions Regarding the Land Restitution Claim

- Are you aware of the Land claim placed on the commonages?
- What do you know about the land claim?
- If yes, are you one of the claimants?
- How do you feel about the progress of the land claim?
- How do you feel about the land claim in general?
- What do you think about the future of the municipal commonages?

Questions Regarding the Communal Property Association

- Are you aware of the Communal Property Association?
- If yes, what do you know about them?
- What do you think their role within the community is?
- What would you like their role to be?
- Do you have any expectations of the CPA?
- What do you think the relationship between the CPA and the commonage farmers are like?
- Are you satisfied with the CPA? [conduct]
- Do you think the CPA could do more for the community [Do you think they are obligated to help the community]

Questions Regarding the Farmers Association

- Are you aware of the local Farmers Association?
- Are you a member of the FA? (If so, what is your position within the association?)
- What do you think about the FA?
- What do you think the role of the FA is within the community?
- What would you like their role to be?
- Do you have any expectations of the FA?
- What do you think the relationship is like between the FA and the commonage farmers?
- Are you satisfied with the FA?
- Do you think the FA could do more for the community? [Do you think they are obligated to help the community?]

Appendix 6: Interview Schedule (Key Informants)

Semi-Structured Interview Schedule: Key Informants

Date:

Participant Identification:

The interview will cover the following topics:

General Background Information

- Age
- Gender
- Race
- Home language
- Educational level
- Employer
- Occupation
- Length of time in this position

Knowledge about the commonages

Topics will include:

- Involvement with and responsibilities regarding the municipal commonages
- Management of the commonages (Institutions involved among farmers and state)
- History of the commonages and current land issues

Knowledge about the Land Restitution Claim

Topics will include:

- Awareness of the land restitution claim and its history and current status
- Management of the claim (institutions involved and the process/progress to date among claimants and state institutions)
- Impact of the land claim on the commonage and current land use/users

Actors

Topics will include:

- Organisations and key players involved in the municipal commonages (management/use/users)
- Any activities or collaboration among them
- Environmental, agricultural, and development issues facing the Hantam district, Loeriesfontein, and the municipal commonages

Appendix 7: Informed Consent Form (English)

CONSENT FORM AGREEING TO PARTICIPATE IN A RESEARCH PROJECT

Good day. My name is Shu-aat Davids. I am a MA student in the Department of Sociology and Social Anthropology, Stellenbosch University, South Africa. I am asking you to participate in a research study which will contribute to my MA thesis. The aim of the study is to explore the way in which land reform unfolds within the setting of Loeriesfontein and to understand the dynamics that exist between various actors such as the municipality, farmers, land users, organisations, and other interested parties. As part of this study I wish to collect information from people like yourself who are knowledgeable about these issues.

If you agree to take part in this study, I will ask you to respond to some questions and engage in conversation with me, in which you draw on your experiences and knowledge concerning issues related to my study. Our conversation should take approximately 45 minutes to one hour. Before I proceed, I need your agreement, either orally or by means of your signature, that you are aware of the following:

1. Participation in the study is voluntary, in other words, you can choose whether to take part or not.
2. If you agree to take part, you are free to stop and also withdraw at any time, without any negative consequences. You may also refuse to answer any questions if you are not comfortable with and still remain part of the study.
3. There are no foreseeable risks to you in this research. There will also be no direct benefit to you, including no payment of money for agreeing to take part. However, I expect that my study will add to our understanding of land reform, how it unfolds in Loeriesfontein, and what this could mean for the potential of the municipal commonages to contribute to sustainable livelihoods.
4. You will not be identified as a participant in the study unless you are responding in your official capacity (in which case the requirements of your institution around this will be respected). Otherwise, your identity will remain confidential and protected through the use of a pseudonym/made-up name.
5. If you agree, I would like to record my interview/discussion with you. This makes it easier for me to be sure my notes from our discussion are accurate. If you agree to being recorded, you may still ask for the recorder to be switched off at any time during the interview. The recordings are intended for research purposes only and will not be given to anybody else in the community.
6. All the data I collect will be stored securely and only used for legitimate research purposes.
7. I may publish the results of my study in an academic publication. As with the dissertation, unless you have given permission for your name to be used, your identity will remain confidential in any such publication, through the use of codes or pseudonyms.

If you have any questions or concerns about the research, please feel free to contact one or more of the following:

Researcher: Shu-aat Davids (tel: 0736348134; email: 18357369@sun.ac.za)

My supervisor: Prof. Cheryl Walker, Department of Sociology & Social Anthropology, Stellenbosch University, Private Bag XI Matieland 7602, South Africa; (tel: 021 808 2420; e-mail: cjwalker@sun.ac.za).

Research Division: Ms Maléne Fouché, Division for Research Development, Stellenbosch University, Private Bag XI Matieland 7602, South Africa; tel: 021 808 4622; e-mail: mfouche@sun.ac.za .

ORAL CONSENT/SIGNATURE OF RESEARCH PARTICIPANT

The information above was described to me by the researcher in English. I was given the opportunity to ask questions which were answered to my satisfaction. I hereby consent voluntarily to participate in this study. I have been given/ have been offered but not accepted a copy of this form.

Note any conditions (e.g. participant agrees to be identified):

Name of Participant

Signature of Participant

Date

OR Oral consent given and noted by the Researcher [TICK]:

SIGNATURE OF RESEARCHER

I declare that I have carefully explained the information given in this document to

_____. He/she was encouraged and to ask questions about the interview procedure. This conversation was conducted in English // Afrikaans // XHOSA This respondent chose to give consent via:

Signature OR Oral Consent [CIRCLE AS APPLICABLE]

Signature of Researcher

Date

Appendix 8: Informed Consent Form (Afrikaans)**TOESTEMMINGSVORM OM AAN 'N NAVORSINGSPROJEK DEEL TE NEEM**

Goeiedag, my naam is Shu-aat Davids. Ek is 'n MA-Sosiologie student in die Departement Sosiologie en Sosiale Antropologie, Universiteit Stellenbosch, Suid-Afrika. Ek wil jou graag vra om deel te neem aan 'n navorsingstudie wat tot my MA-tesis sal bydra. Die doel van die studie is om die wyse waarop grondhervorming binne die omgewing van Loeriesfontein ontdek word, te ondersoek en die dinamika wat tussen verskillende akteurs soos die munisipaliteit, boere, grondgebruikers, organisasies en ander belanghebbende partye bestaan, te verstaan.. As deel van hierdie studie wil ek inligting insamel van mense soos jy wat kennis daarvan het.

Indien jy instem om aan die studie deel te neem, sal ek jou vra om op 'n paar vrae te reageer en met my/in 'n groep te gesels oor jou ervarings en kennis van kwessies wat met my studie verband hou. Ons gesprek sal ongeveer 45 minute tot 'n uur duur. Voordat ek verder gaan, moet jy hetsy mondelings of met jou handtekening bevestig dat jy bewus is van die volgende:

1. Deelname aan die studie is vrywillig, met ander woorde jy kan kies of jy wil deelneem of nie.
2. Selfs al stem jy in om deel te neem, kan jy in enige stadium ophou en selfs onttrek sonder dat dit enige negatiewe gevolge vir jou sal inhou. Jy kan ook weier om enige vrae te beantwoord waarmee jy ongemaklik voel, en steeds in die studie aanbly.
3. Hierdie navorsing hou geen voorsienbare risiko's vir jou in nie. Dit hou ook geen direkte voordeel vir jou in nie, en jy sal geen finansiële vergoeding vir deelname ontvang nie. Tog verwag ek dat my studie ons begrip van volhoubare ontwikkeling sal uitbrei en moontlik tot die ontwikkeling van regeringsbeleid oor grondhervorming sal bydra.
4. Jou identiteit as deelnemer aan die studie sal nie bekend gemaak word nie, tensy jy in jou amptelike hoedanigheid deelneem (in welke geval die vereistes van jou instelling in hierdie verband nagekom sal word). So nie, sal jou identiteit vertroulik bly en beskerm word deur die gebruik van 'n skuil- of denkbeeldige naam.
5. Indien jy instem, wil ek graag my onderhoud/gesprek met jou opneem. Dit maak dit vir my makliker om te verseker dat my aantekeninge oor ons gesprek akkuraat is. As jy toestemming gee vir die opname, kan jy steeds in enige stadium van die onderhoud vra dat die opnemer afgeskakel word. Die opnames is slegs vir navorsingsdoeleindes en sal nie aan enigiemand anders in die gemeenskap gegee word nie.
6. Alle data wat ek insamel, sal veilig bewaar en slegs vir werklike navorsingsdoeleindes gebruik word.
7. Ek kan dalk die resultate van my studie in 'n akademiese publikasie publiseer. Soos met die verhandeling, sal kodes of skuilname gebruik word om jou identiteit in enige sulke publikasies te beskerm, tensy jy my toestemming gee om jou naam te gebruik.

Vir enige vrae of probleme in verband met die navorsing, kontak gerus een of meer van die volgende:

Navorsers: Shu-aat Davids (tel: 0736348134 / 0849538650, e-pos: 18357369@sun.ac.za)

My studieleier: Prof Cheryl Walker, Departement Sosiologie en Sosiale Antropologie, Universiteit Stellenbosch, Privaat Sak XI, Matieland 7602, Suid-Afrika; (tel: 021 808 2420; e-pos: cjwalker@sun.ac.za).

Afdeling Navorsingsontwikkeling: Me Maléne Fouché, Afdeling Navorsingsontwikkeling, Universiteit Stellenbosch, Privaat Sak X1, Matieland 7602, Suid-Afrika; tel: 021 808 4622; e-pos: mfouche@sun.ac.za .

**MONDELINGE TOESTEMMING/HANDTEKENING VAN
NAVORSINGSDEELNEMER**

Shu-aat Davids het die inligting hier bo in Engels//Afrikaans//isiXhosa aan my verduidelik. Ek het geleentheid ontvang om vrae te vra, en dit is bevredigend beantwoord. Ek stem hiermee vrywillig in om aan hierdie studie deel te neem. 'n Afskrif van hierdie vorm is aan my oorhandig/is aan my aangebied, maar ek het dit van die hand gewys.

Teken enige voorwaardes aan (bv. dat deelnemer instem om geïdentifiseer te word):

Naam van deelnemer

Handtekening van deelnemer

Datum

OF Mondelinge toestemming verleen en aangeteken deur die navorser [MERK]:

HANDTEKENING VAN NAVORSER

Ek verklaar dat ek die inligting in hierdie dokument sorgvuldig aan _____ verduidelik het. Hy/sy is aangemoedig om vrae te vra oor hoe die onderhoud gevoer sal word. Die gesprek is in Engels//Afrikaans//Isixhosa gevoer. Hierdie respondent het gekies om toestemming te verleen deur middel van:

**Handtekening OF Mondelinge toestemming
[OMKRING DIE TOEPASLIKE EEN]**

Handtekening van navorser

Datum

Appendix 9: Gazetted Declaration of the Group Areas Act (1968) in Loeriesfontein

2 No. 2123

STAATSKOERANT, 12 JULIE 1968

No. 182, 1968.

TOEPASSING VAN SEKERE BEPALINGS VAN DIE WET OP GEMEENSKAPSONTWIKKELING, 1966, IN 'N GEBIED TE KUILSRIVIER, DISTRIK STELLENBOSCH, PROVINSIE KAAP DIE GOEIE HOOP.

Kragtens die bevoegdheid my verleen by artikel *een-en-veertig* van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), verklaar ek hierby dat die bepalings van artikels *sestien* tot en met *drie-en-twintig*, *nege-en-twintig* tot en met *sewe-en-dertig* en *sewe-en-veertig* van genoemde Wet, vanaf die datum van publikasie hiervan, van toepassing is in die gebied omskryf in die Bylae hiervan.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Twintigste dag van Junie Eenduisend Negehonderd Agt-en-sestig.

J. J. FOUCHÉ,
Staatspresident.

Op las van die Staatspresident-in-rade.

W. A. MAREE.

BYLAE.

Begin by die westelikste baken van Erf 1952, Kuilsrivier; daarvandaan suidooswaarts langs die suidwestelike grens van genoemde Erf 1952 tot by die suidoostelike punt daarvan; daarvandaan suidweswaarts langs die middel van die Kuilsrivier tot by die punt waar dit die suidwestelike grens van Perseel 17 (C.Q. 29.31) kruis; daarvandaan noordweswaarts langs die suidwestelike grens van genoemde Perseel 17 en die grense van die volgende eienomme sodat hulle in hierdie gebied ingesluit word: Perseel 16 (C.Q. 29.31), die plaas Ongegund Annex (C.Q. 7.30) en Perseel C (C.Q. 40.26) tot by die noordwestelike baken van laasgenoemde perseel; daarvandaan algemeen noordooswaarts langs die grense van Erf 419 en Algemene Plan 570 LD, sodat hulle uit hierdie gebied uitgesluit word, tot by eersgenoemde baken.

No. 183, 1968.

VERKLARING VAN GROEPSGEBIEDE EN 'N GRENSTROOK INGEVOLGE DIE WET OP GROEPSGEBIEDE, 1966, TE LOERIESFONTEIN, DISTRIK CALVINIA, PROVINSIE KAAP DIE GOEIE HOOP.

Kragtens die bevoegdheid my verleen—

A. by artikel 23 van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), verklaar ek hierby—

(i) dat die gebied omskryf in paragraaf (a) van die Bylae hiervan, vanaf die datum van publikasie hiervan, 'n gebied is vir okkupasie en grondbesit deur lede van die Blanke groep; en

(ii) dat die gebied omskryf in paragraaf (b) van die Bylae hiervan, vanaf die datum van publikasie hiervan, 'n gebied is vir okkupasie en grondbesit deur lede van die Gekleurde groep; en

B. by artikel 25 van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), verklaar ek hierby dat die gebied omskryf in paragraaf (c) van die Bylae hiervan, by die verstryking van 'n tydperk van een jaar vanaf die datum van publikasie hiervan, 'n grenstrook is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Twintigste dag van Junie Eenduisend Negehonderd Agt-en-sestig.

J. J. FOUCHÉ,
Staatspresident.

Op las van die Staatspresident-in-rade.

C. DE WET.

2

No. 182, 1968.

APPLICATION OF CERTAIN PROVISIONS OF THE COMMUNITY DEVELOPMENT ACT, 1966, IN AN AREA AT KUILS RIVER, DISTRICT OF STELLENBOSCH, PROVINCE OF THE CAPE OF GOOD HOPE.

Under the powers vested in me by section *fifty-one* of the Community Development Act, 1966 (Act No. 3 of 1966), I hereby declare that the provisions of sections *sixteen* to *twenty-three*, inclusive, *twenty-nine* to *thirty-seven*, inclusive, and *forty-seven* of the said Act shall, as from the date of publication hereof, apply in the area defined in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Twentieth day of June, One thousand Nine hundred and Sixty-eight.

J. J. FOUCHÉ,
State President.

By Order of the State President-in-Council.

W. A. MAREE.

SCHEDULE.

Beginning at the westernmost beacon of Erf 1952, Kuils River; thence south-eastwards along the south-western boundary of the said Erf 1952 to the south-eastern point thereof; thence south-westwards along the middle of the Kuils River to the point where it intersects the south-western boundary of Lot 17 (C.Q. 29.31); thence north-westwards along the south-western boundary of the said Lot 17 and the boundaries of the following properties so as to include them in this area: Lot 16 (C.Q. 29.31), the farm Ongegund Annex (C.Q. 7.30) and Lot C (C.Q. 40.26) to the north-western beacon of the last-mentioned lot; thence generally north-eastwards along the boundaries of Erf 419 and General Plan 570 LD, so as to exclude them from this area, to the beacon first named.

No. 183, 1968.

DECLARATION OF GROUP AREAS AND A BORDER STRIP IN TERMS OF THE GROUP AREAS ACT, 1966, AT LOERIESFONTEIN, DISTRICT OF CALVINIA, PROVINCE OF THE CAPE OF GOOD HOPE.

Under the powers vested in me—

A. by section 23 of the Group Areas Act, 1966 (Act No. 36 of 1966), I hereby declare—

(i) that the area defined in paragraph (a) of the Schedule hereto shall, as from the date of publication hereof, be an area for occupation and ownership by members of the White group; and

(ii) that the area defined in paragraph (b) of the Schedule hereto shall, as from the date of publication hereof, be an area for occupation and ownership by members of the Coloured group; and

B. by section 25 of the Group Areas Act, 1966 (Act No. 36 of 1966), I hereby declare that the area defined in paragraph (c) of the Schedule hereto shall, on the expiration of a period of one year as from the date of publication hereof, be a border strip.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Twentieth day of June, One thousand Nine hundred and Sixty-eight.

J. J. FOUCHÉ,
State President.

By Order of the State President-in-Council.

C. DE WET.

BYLAE.

BLANKE GROEP.

(a) Begin by die noordwestelike baken van Erf 385, Loeriesfontein; daarvandaan suidooswaarts langs die grense van genoemde Erf 385 en Erwe 386 en 387, sodat hulle in hierdie gebied ingesluit word, tot by die noord-oostelike baken van laasgenoemde erf; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordelike baken van Erf 422; daarvandaan suidooswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 422, Erf 605, oor die 50-vt-pad, en Erf 436 tot by die suidoostelike baken van laasgenoemde erf; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordoostelike baken van Erf 454; daarvandaan suidooswaarts langs die grense van genoemde Erf 454 en Erf 455, sodat hulle in hierdie gebied ingesluit word, tot by die suidelike baken van laasgenoemde erf; daarvandaan suidweswaarts in 'n reguit lyn tot by die noordwestelike baken van Erf 478; daarvandaan algemeen suidweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 478, Erwe 476, 480, 479, genoemde Erf 480 en Erwe 481, 482, 484, 485, 486, 490 en 491 tot by die oostelike baken van laasgenoemde erf; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordelike baken van Erf 508; daarvandaan suidooswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 508 en Erwe 509, 510, 511, 514 en 515 tot by die suidwestelike baken van laasgenoemde erf; daarvandaan suidweswaarts in 'n reguit lyn tot by die suidoostelike baken van Erf 522; daarvandaan algemeen noordweswaarts langs die grense van genoemde Erf 522 en Erf 521, sodat hulle in hierdie gebied ingesluit word, tot by die noordwestelike baken van laasgenoemde erf; daarvandaan noordweswaarts in 'n reguit lyn tot by die suidwestelike baken van Erf 380; daarvandaan noordweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 380, Erwe 379, 378, 377, oor die 50-vt-pad, en Erwe 376, 375 en 372 tot by die noordelike baken van laasgenoemde erf; daarvandaan noordooswaarts in 'n reguit lyn tot by die suidelike baken van Erf 362; daarvandaan noordweswaarts langs die grense van genoemde Erf 362 en Erwe 361 en 360, sodat hulle in hierdie gebied ingesluit word, tot by die noordelike baken van laasgenoemde erf; daarvandaan noordooswaarts in 'n reguit lyn tot by baken geletter g op die kaart van Erf 496; daarvandaan algemeen noordooswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 496, Erwe 497, 502, 503, genoemde Erf 502 en Erwe 504, 507, 919 en 829 tot by die noordoostelike baken van laasgenoemde erf; daarvandaan noordweswaarts langs die grense van Erwe 873 en 461, sodat hulle uit hierdie gebied uitgesluit word, tot by die suidwestelike baken van Erf 459; daarvandaan algemeen noordooswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 459, Erwe 337, 338, 339, 827, oor Hoofstraat, en Erwe 342 en 343 tot by die noordelike baken van laasgenoemde erf; daarvandaan noordweswaarts in 'n reguit lyn tot by die suidwestelike baken van Erf 451; daarvandaan suidweswaarts in 'n reguit lyn tot by die suidoostelike baken van Erf 452; daarvandaan noordweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 452, Erf 444, oor die 50-vt-pad, Erwe 443, 430, oor die 50-vt-pad, Erwe 429, 428, oor die 200-vt-deurgang, en Erf

SCHEDULE.

WHITE GROUP.

(a) Beginning at the north-western beacon of Erf 385, Loeriesfontein; thence south-eastwards along the boundaries of the said Erf 385 and Erven 386 and 387, so as to include them in this area, to the north-eastern beacon of the last-mentioned erf; thence south-eastwards in a straight line to the northern beacon of Erf 422; thence south-eastwards along the boundaries of the following properties so as to include them in this area: The said Erf 422, Erf 605, across the 50-foot road, and Erf 436 to the south-eastern beacon of the last-mentioned erf; thence south-eastwards in a straight line to the north-easternmost beacon of Erf 454; thence south-eastwards along the boundaries of the said Erf 454 and Erf 455, so as to include them in this area, to the southernmost beacon of the latter erf; thence south-westwards in a straight line to the north-western beacon of Erf 478; thence generally south-westwards along the boundaries of the following properties so as to include them in this area: The said Erf 478, Erven 476, 480, 479, the said Erf 480 and Erven 481, 482, 484, 485, 486, 490 and 491 to the easternmost beacon of the last-mentioned erf; thence south-eastwards in a straight line to the northern beacon of Erf 508; thence south-eastwards along the boundaries of the following properties so as to include them in this area: The said Erf 508 and Erven 509, 510, 511, 514 and 515 to the south-westernmost beacon of the last-mentioned erf; thence south-westwards in a straight line to the south-eastern beacon of Erf 522; thence generally north-westwards along the boundaries of the said Erf 522 and Erf 521, so as to include them in this area, to the north-western beacon of the latter erf; thence north-westwards in a straight line to the south-western beacon of Erf 380; thence north-westwards along the boundaries of the following properties so as to include them in this area: The said Erf 380, Erven 379, 378, 377, across the 50-foot road, and Erven 376, 375 and 372 to the northern beacon of the last-mentioned erf; thence north-eastwards in a straight line to the southern beacon of Erf 362; thence north-westwards along the boundaries of the said Erf 362 and Erven 361 and 360, so as to include them in this area, to the northern beacon of the last-mentioned erf; thence north-eastwards in a straight line to beacon lettered g on the diagram of Erf 496; thence generally north-eastwards along the boundaries of the following properties so as to include them in this area: The said Erf 496, Erven 497, 502, 503, the said Erf 502 and Erven 504, 507, 919 and 829 to the north-eastern beacon of the last-mentioned erf; thence north-westwards along the boundaries of Erven 873 and 461, so as to exclude them from this area, to the south-western beacon of Erf 459; thence generally north-eastwards along the boundaries of the following properties so as to include them in this area: The said Erf 459, Erven 337, 338, 339, 827, across Main Street, and Erven 342 and 343 to the northern beacon of the last-mentioned erf; thence north-westwards in a straight line to the south-western beacon of Erf 451; thence south-westwards in a straight line to the south-eastern beacon of Erf 452; thence north-westwards along the boundaries of the following properties so as to include them in this area: The said Erf 452, Erf 444, across the 50-foot road, Erven 443, 430, across the 50-foot road, Erven 429, 428, across the 200-foot thoroughfare, and

418 tot by die westelike baken van laasgenoemde erf; daarvandaan noordweswaarts in 'n reguit lyn tot by die suidwestelike baken van Erf 402; daarvandaan noordooswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 402, Erf 397, oor die 50-vt-pad, Erwe 396, 391, oor die 50-vt-pad, Erf 390 en genoemde Erf 385 tot by eersgenoemde baken.

GEKLEURDE GROEP.

(b) Begin by Baken LB (E.1610/67), Loeriesfontein; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordelike baken van Loeriesfontein-dorp-uitbreiding 10 (T.P. 1371 LD); daarvandaan ooswaarts in 'n reguit lyn tot by die noordelike baken van Erf 316; daarvandaan noordooswaarts in 'n reguit lyn tot by die suidelike baken van Erf 317; daarvandaan noordweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 317, Erwe 318, 320, oor die 50-vt-pad, en Erwe 321 en 322 tot by die suidelike baken van laasgenoemde erf; daarvandaan suidweswaarts in 'n reguit lyn tot by die oostelike baken van Erf 325; daarvandaan suidweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 325 en Erwe 326, 327 en 328 tot by die suidelike baken van laasgenoemde erf; daarvandaan suidwaarts in 'n reguit lyn tot by die suidelike baken van Erf 329; daarvandaan suidweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Erwe 330, 331, 332, 333, 334, 335 en 336 tot by die punt waar die suidoostelike grens van laasgenoemde erf gekruis word deur die verlenging noordweswaarts van die noordoostelike grens van Erf 683; daarvandaan suidooswaarts langs genoemde verlenging en die grense van genoemde Erf 683, sodat dit in hierdie gebied ingesluit word, tot by die westelike baken daarvan; daarvandaan noordweswaarts in 'n reguit lyn tot by die suidelike baken van genoemde Erf 336; daarvandaan noordweswaarts langs die suidwestelike grens van genoemde Erf 336 tot by die westelike baken daarvan; daarvandaan suidweswaarts in 'n reëls reguit lyne deur die westelike baken van Erf 461, die noordwestelike baken van Erf 462 en Baken LA(E.1610/67) tot by eersgenoemde baken.

GRENSSTROOK.

(c) Begin by die oostelike baken van Erf 322, Loeriesfontein; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordelike baken van Erf 343; daarvandaan suidweswaarts langs die noordwestelike grense van genoemde Erf 343 en Erf 342 tot by die suidwestelike baken van laasgenoemde erf; daarvandaan suidweswaarts in 'n reguit lyn tot by die noordwestelike baken van Erf 827; daarvandaan suidweswaarts langs die grense van die volgende eiendomme sodat hulle uit hierdie gebied uitgesluit word: Genoemde Erf 827 en Erwe 339, 338, 337 en 459 tot by die suidwestelike baken van laasgenoemde erf; daarvandaan suidweswaarts in 'n reguit lyn tot by die suidelike baken van Erf 683; daarvandaan noordooswaarts langs die grense van genoemde Erf 683, sodat dit uit hierdie gebied uitgesluit word, tot by die noordelike baken daarvan; daarvandaan noordweswaarts langs die verlenging van die noordoostelike grens van genoemde Erf 683 tot by die punt waar dit die suidoostelike grens van Erf 336

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Erf 418 to the western beacon of the last-mentioned erf; thence north-westwards in a straight line to the south-western beacon of Erf 402; thence north-eastwards along the boundaries of the following properties so as to include them in this area: The said Erf 402, Erf 397, across the 50-foot road, Erven 396, 391, across the 50-foot road, Erf 390 and the said Erf 385 to the beacon first named.

COLOURED GROUP.

(b) Beginning at Beacon LB(E.1610/67), Loeriesfontein; thence south-eastwards in a straight line to the northernmost beacon of Loeriesfontein Township Extension 10 (T.P. 1371 LD); thence eastwards in a straight line to the northern beacon of Erf 316; thence north-eastwards in a straight line to the southern beacon of Erf 317; thence north-westwards along the boundaries of the following properties so as to include them in this area: The said Erf 317, Erven 318, 320, across the 50-foot road, and Erven 321 and 322 to the southern beacon of the last-mentioned erf; thence south-westwards in a straight line to the eastern beacon of Erf 323; thence south-westwards along the south-eastern boundaries of the said Erf 323 and Erf 324, so as to include them in this area, to the south-eastern beacon of the latter erf; thence south-westwards in a straight line to the eastern beacon of Erf 325; thence south-westwards along the boundaries of the following properties so as to include them in this area: The said Erf 325 and Erven 326, 327 and 328 to the southern beacon of the last-mentioned erf; thence southwards in a straight line to the southern beacon of Erf 329; thence south-westwards along the boundaries of the following properties so as to include them in this area: Erven 330, 331, 332, 333, 334, 335 and 336 to the point where the south-eastern boundary of the last-mentioned erf is intersected by the prolongation north-westwards of the north-eastern boundary of Erf 683; thence south-eastwards along the said prolongation and the boundaries of the said Erf 683, so as to include it in this area, to the western beacon thereof; thence north-westwards in a straight line to the southern beacon of the said Erf 336; thence north-westwards along the south-western boundary of the said Erf 336 to the westernmost beacon thereof; thence south-westwards in a series of straight lines through the westernmost beacon of Erf 461, the north-western beacon of Erf 462 and Beacon LA(E.1610/67) to the beacon first named.

BORDER STRIP.

(c) Beginning at the eastern beacon of Erf 322, Loeriesfontein; thence south-eastwards in a straight line to the northern beacon of Erf 343; thence south-westwards along the north-western boundaries of the said Erf 343 and Erf 342 to the south-western beacon of the latter erf; thence south-westwards in a straight line to the north-western beacon of Erf 827; thence south-westwards along the boundaries of the following properties so as to exclude them from this area: The said Erf 827 and Erven 339, 338, 337 and 459 to the south-western beacon of the last-mentioned erf; thence south-westwards in a straight line to the southern beacon of Erf 683; thence north-eastwards along the boundaries of the said Erf 683, so as to exclude it from this area, to the northern beacon thereof; thence north-westwards along the prolongation of the north-eastern boundary of the said Erf 683 to the point where it intersects the south-eastern boundary of Erf 336; thence

kruis; daarvandaan noordooswaarts langs die grense van die volgende eiendomme sodat hulle uit hierdie gebied uitgesluit word: Genoemde Erf 336 en Erwe 335, 334, 333, 332, 331 en 330 tot by die oostelike baken van laasgenoemde erf; daarvandaan noordwaarts in 'n reguit lyn tot by die suidelike baken van Erf 328; daarvandaan noordooswaarts langs die grense van die volgende eiendomme sodat hulle uit hierdie gebied uitgesluit word: Genoemde Erf 328 en Erwe 327, 326 en 325 tot by die oostelike baken van laasgenoemde erf; daarvandaan noordooswaarts in 'n reguit lyn tot by die suidoostelike baken van Erf 234; daarvandaan noordooswaarts langs die suidoostelike grens van genoemde Erf 324 en Erf 323, sodat hulle uit hierdie gebied uitgesluit word, tot by die oostelike baken van laasgenoemde erf; daarvandaan noordooswaarts in 'n reguit lyn tot by die suidelike baken van genoemde Erf 322; daarvandaan noordooswaarts langs die suidoostelike grens van genoemde Erf 322, sodat dit uit hierdie gebied uitgesluit word, tot by eersgenoemde baken.

No. 184, 1968.

TOEPASSING VAN SEKERE BEPALINGS VAN DIE WET OP GEMEENSKAPSONTWIKKELING, 1966, IN GEBIEDE TE LOERISFONTEIN, DISTRIK CALVINIA, PROVINSIE KAAP DIE GOEIE HOOP.

Kragtens die bevoegdheid my verleë by artikel *een-en-veertig* van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), verklaar ek hierby dat die bepalings van artikels *sestien* tot en met *drie-en-twintig*, *nege-en-twintig* tot en met *sewe-en-dertig* en *sewe-en-veertig* van genoemde Wet, vanaf die datum van publikasie hiervan, van toepassing is in die gebiede omskryf in die Bylae hiervan.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Twintigste dag van Junie Eenduisend Negehonderd Agt-en-sestig.

J. J. FOUCHÉ,
Staatspresident.

Op las van die Staatspresident-in-rade.

W. A. MAREE.

BYLAE.

BLANKE GROEP.

(a) Begin by die noordwestelike baken van Erf 385, Loeriesfontein; daarvandaan suidooswaarts langs die grense van genoemde Erf 385 en Erwe 386 en 387, sodat hulle in hierdie gebied ingesluit word, tot by die noordoostelike baken van laasgenoemde erf; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordelike baken van Erf 422; daarvandaan suidooswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 422, Erf 605, oor die 50-vt-pad, en Erf 436 tot by die suidoostelike baken van laasgenoemde erf; daarvandaan suidooswaarts in 'n reguit lyn tot by die noordoostelike baken van Erf 454; daarvandaan suidooswaarts langs die grense van genoemde Erf 454 en Erf 455, sodat hulle in hierdie gebied ingesluit word, tot by die suidelike baken van laasgenoemde erf; daarvandaan suidweswaarts in 'n reguit lyn tot by die noordwestelike baken van Erf 478; daarvandaan algemeen suidweswaarts langs die grense van die volgende eiendomme sodat hulle in hierdie gebied ingesluit word: Genoemde Erf 478, Erwe 476, 480, 479, genoemde Erf 480 en Erwe 481, 482, 484, 485, 486, 490 en 491 tot

north-eastwards along the boundaries of the following properties so as to exclude them from this area: The said Erf 336 and Erven 335, 334, 333, 332, 331 and 330 to the easternmost beacon of the last-mentioned erf; thence northwards in a straight line to the southern beacon of Erf 328; thence north-eastwards along the boundaries of the following properties so as to exclude them from this area: The said Erf 328 and Erven 327, 326 and 325 to the eastern beacon of the last-mentioned erf; thence north-eastwards in a straight line to the south-eastern beacon of Erf 324; thence north-eastwards along the south-eastern boundaries of the said Erf 324 and Erf 323, so as to exclude them from this area, to the eastern beacon of the latter erf; thence north-eastwards in a straight line to the southern beacon of the said Erf 322; thence north-eastwards along the south-eastern boundary of the said Erf 322, so as to exclude it from this area, to the beacon first named.

No. 184, 1968.

APPLICATION OF CERTAIN PROVISIONS OF THE COMMUNITY DEVELOPMENT ACT, 1966, IN AREAS AT LOERIESFONTEIN, DISTRICT OF CALVINIA, PROVINCE OF THE CAPE OF GOOD HOPE.

Under the powers vested in me by section *fifty-one* of the Community Development Act, 1966 (Act No. 3 of 1966), I hereby declare that the provisions of section *sixteen* to *twenty-three*, inclusive, *twenty-nine* to *thirty-seven*, inclusive, and *forty-seven* of the said Act shall, as from the date of publication hereof, apply in the areas defined in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Twentieth day of June, One thousand Nine hundred and Sixty-eight.

J. J. FOUCHÉ,
State President.

By Order of the State President-in-Council.

W. A. MAREE.

SCHEDULE.

WHITE GROUP.

(a) Beginning at the north-western beacon of Erf 385, Loeriesfontein; thence south-eastwards along the boundaries of the said Erf 385 and Erven 386 and 387, so as to include them in this area, to the north-eastern beacon of the last-mentioned erf; thence south-eastwards in a straight line to the northern beacon of Erf 422; thence south-eastwards along the boundaries of the following properties so as to include them in this area: The said Erf 422, Erf 605, across the 50-foot road, and Erf 436 to the south-eastern beacon of the last-mentioned erf; thence south-eastwards in a straight line to the north-easternmost beacon of Erf 454; thence south-eastwards along the boundaries of the said Erf 454 and Erf 455, so as to include them in this area, to the southernmost beacon of the latter erf; thence south-westwards in a straight line to the north-western beacon of Erf 478; thence generally south-westwards along the boundaries of the following properties so as to include them in this area: The said Erf 478, Erven 476, 480, 479, the said Erf 480 and Erven 481, 482, 484, 485, 486, 490 and 491 to the easternmost

Appendix 10: Gazetted Notice of the Loeriesfontein Restitution Claim, 2004

50 No. 26724

GOVERNMENT GAZETTE, 3 SEPTEMBER 2004

NOTICE 1820 OF 2004**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994, AS AMENDED**

Notice is hereby given in terms of Section 11(1) of the restitution Of Land Rights Act, No. 22 of 1994, as amended that claims for the restitution of land rights on the following Loeriesfontein properties;

Reference No's

KRK6/2/2/B/44/0/0/3
KRK6/2/3/B/44/0/0/2
KRK6/2/2/A/4/4A/0/0/1

AREA

LOERIESFONTEIN

PROPERTIES

Erven no's 508/169 to 522/183 known as the "Vlakfontein Saailande"
Erven no's 455/146 to 472/144 known as the "Bruin Saailande"
Erven no's 454/145 to 673/210 known as the "Loeriesfontein Saailande"
Erven no's 474/152 to 494/165 known as the "Wiesedorp"
Commonage A, B, C
Lange Berg Farm No 271
De Brak Farm No 341

DATE SUBMITTED

Before 31 December 1998

CLAIMANTS

Records obtainable from the Commission on Restitution of Land Rights- Northern Cape.

Have been submitted to the Regional Land Claims Commissioner for the Free State and Northern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended, in due course.

Any party who has an interest in the above mentioned land claim is hereby invited to submit, within 30 days from the date of the publication of this Notice, any comments/information to:

The Regional Land Claims Commissioner
Free State and Northern Cape
Private Bag X5007
Kimberley
8300
Tel: (053) 807-5700
Fax: (053) 831-6501

S.T.R. RAMAKARANE
Regional Land Claims Commissioner

Appendix 11: Gazetted Amendment Notice, Loeriesfontein Restitution Claim, 2008

114 No. 30721

GOVERNMENT GAZETTE, 8 FEBRUARY 2008

NOTICE 203 OF 2008**AMENDMENT OF GAZETTE NOTICE 1820 OF 2004 AS CONTAINED IN THE GOVERNMENT GAZETTE NUMBER 26724**

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, No. 22 of 1994 as amended that an amendment in terms of Gazette 1820 of 2004, in Government Gazette no. 26724, be done to exclude the Lange Berg Farm No. 271 on the claims for restitution of land rights on the following Loeriesfontein properties:

Reference No:

Davids Okhuis on behalf of the community of Loeriesfontein and
A.M. January and A.D. Farmer on behalf of the Farmert family.

Property Description :

Erven no's **5081169 to 5221183** Loeriesfontein known as the "Vlakfontein Saailande"
Erven no's **4551146 to 4721144** Loeriesfontein known as the "BruinSaailande"
Erven no's **4541145 to 6731210** Loeriesfontein known as "Loeriesfontein Saailande"
Erven no's **4741152 to 4941165** Loeriesfontein known as "Wiesedorp", the above four measuring **9559** Morgen and **52** Square roods
Commonage A, Band C, measuring **24020** Morgen and **591** Square roods
As well as one individual claim De Brak Farm No. **341** measuring **4492** Morgen and **92** Square roods

Date Submitted:

31st December 1998

Current Land Use :

The land is currently being leased and other portions sold to local farmers

11A bzen submitted to the Regional Land Claims Commissioner for the Free State and Northern

Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended in due course.

Any part who has an interest in the abovementioned land claim is hereby invited to submit, within 30 days date of the publication of this Notice, any comments and information to:

The Acting Regional Land Claims Commissioner
Free State and Northern Cape
P.O. Box 21
Kimberley
8300

Tel: (053) 807 5700

Appendix 12: National Assembly Parliamentary Question 1723, December 2019, on the Loeriesfontein CPA

**NATIONAL ASSEMBLY
WRITTEN REPLY**

QUESTION 1723

**INTERNAL QUESTION PAPER [No 32-2019 SIXTH PARLIAMENT]
DATE OF PUBLICATION: 4 DECEMBER 2019**

1723. Mrs G Opperman (DA) to ask the Minister of Agriculture, Land Reform and Rural Development:

- (1) Whether she will furnish Mrs G Opperman with a list of claimants of the Community Property Association (CPA) of Loeriesfontein in the Hantam Local Municipality who have been struggling for 25 years to receive their communal land;
- (2) (a) what number of claimants of the Loeriesfontein CPA have deceased and (b) on what date will the claimants receive their ancestral land;
- (3) what mechanisms are in place to ensure the CPA of Loeriesfontein becomes sustainable and economically viable?

NW3123E

THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

- (1). Please find attached original list of 240 claimant beneficiaries.
- (2). (a) Of the 240 claimant beneficiaries on the original verified list, 91 are deceased. There is a need to regularly update the verification list by the CPA to replace household representatives of those that passed away.

(b) Hantam Municipality donated the land (Commonages A, B and C) for restitution purposes. Commonage A was transferred to the CPA on 30 March 2017. However, this property is currently being used by the emerging farmers under a formal lease agreement with Hantam Municipality. The municipality is yet to issue the tenants with termination letters so that the CPA can fully occupy the land. The CPA can only occupy the land once the current tenants have been relocated elsewhere.
- (3). There was a need for regularisation of the CPA and a new Executive Committee was elected on 05 November 2019. In addition, a panellist has been appointed to assist the CPA on disputes regarding access to the land.