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1. Introduction and Purpose

The Siyancuma Local Municipality Agricultural Commonage Management Policy is established to ensure that municipal commonage land is managed and utilized in a fair, sustainable, and legally compliant manner. Municipal commonage is land owned by the Municipality, set aside historically to benefit local residents (especially those who are landless or emerging farmers) for grazing and other agricultural activities. This Policy aims to:

- Facilitate equitable access to commonage land for emerging farmers and resource-poor residents, consistent with South Africa's land reform and socio-economic development objectives.
- Provide a clear framework for the allocation, use, and management of commonage land, enhancing transparency and good governance in line with applicable legislation.
- Promote sustainable agricultural use of commonage through responsible environmental management and compliance with conservation principles, so that commonage resources are protected for current and future generations.

Align commonage management with the Municipality's Integrated Development Plan (IDP) and the constitutional mandate to advance social and economic development within the community.

This Policy replaces any previous commonage management guidelines or directives and shall be the official Policy of the Siyancuma Local Municipality upon adoption by Council. All commonage users, municipal officials, and any committees involved in commonage oversight must adhere to this Policy.

2. Definitions

For the purposes of this Policy, unless the context indicates otherwise, the following definitions apply:

- **"Municipal Commonage"**: Land owned by the Siyancuma Local Municipality earmarked for communal agricultural use (such as grazing or small-scale cultivation) by eligible local residents. It excludes other municipal land used for non-agricultural purposes.
- **"Council"**: The municipal council of Siyancuma Local Municipality, its successors in title, or any committee or person lawfully delegated with authority by the Council.
- **"Municipality"**: The Siyancuma Local Municipality, including its Council, officials, and any structure or person to whom authority is delegated for commonage management.

- **"Commonage User"** (or **"Lessee"**): A person or legally recognized group (e.g. cooperative or community association) who has been allocated rights to use a portion of the commonage through an approved lease or usage agreement with the Municipality. The terms **"lessee"** and **"commonage user"** are used interchangeably in this Policy.
- **"Lease Agreement"**: A formal contract concluded between the Municipality (lessor) and a commonage user (lessee) setting out the terms and conditions under which commonage land is used.
- **"Emerging Farmer"**: A previously disadvantaged or small-scale farmer (individual or group) with limited access to land and resources, who intends to utilize the commonage for subsistence or developing commercial farming on a small scale. For purposes of this Policy, **"emerging farmer"** shall have the same meaning as **"commonage user"** when such person utilizes commonage land.
- **"Carrying Capacity"**: The maximum number of livestock or level of use that a given parcel of land can sustain without environmental degradation, as determined by agricultural experts in accordance with applicable regulations (e.g. the Conservation of Agricultural Resources Act) and local conditions.
- **"Commonage Committee"**: A committee that may be established by the Municipality to assist in the management of commonage land, which could include municipal officials, Council representatives.
- **"Municipal Manager"**: The Accounting Officer of the Municipality, appointed in terms of the Local Government: Municipal Systems Act, who is responsible for implementing policies and directives of the Council. The Municipal Manager or his/her delegated official oversees the day-to-day administration of this Policy.
- **"MFMA"**: The Local Government: Municipal Finance Management Act, 56 of 2003.
- **"Systems Act"**: The Local Government: Municipal Systems Act, 32 of 2000.
- **"PLAA"**: The Provision of Land and Assistance Act, 126 of 1993, a land reform law often utilized to provide grants for acquiring municipal commonage land for redistribution purposes.
- **"NEMA"**: The National Environmental Management Act, 107 of 1998 and its regulations.
- **"CARA"**: The Conservation of Agricultural Resources Act, 43 of 1983 and its regulations, which among other things regulate the use of agricultural land to prevent soil erosion and overgrazing, and control invasive plants.

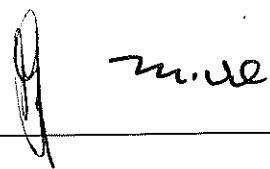
- **“Animal Identification Act”:** The Animal Identification Act, 6 of 2002, which requires livestock owners to register identification marks and mark their animals accordingly.
- **“Commonage By-law”:** Any municipal by-law promulgated by the Municipality that relates to management or use of commonage or municipal agricultural lands (if applicable). In case of conflict, duly enacted by-laws take precedence, but this Policy provides the guiding framework subject to the law.

Other technical terms or references in this Policy shall be interpreted in line with relevant legislation or general usage in agricultural management. Where any definition in this Policy conflicts with a statutory definition, the statutory definition shall prevail.

3. Legal Framework

This Policy is developed and must be interpreted in alignment with the relevant laws and policies of South Africa, including but not limited to the following:

- **The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996):** particularly Section 25 which guides land reform and property rights, Section 24 which guarantees environmental rights, and Section 152 which outlines the objects of local government (including promoting social and economic development and a safe and healthy environment). The constitutional principles of equality, sustainability, and public administration also inform this Policy.
- **Local Government: Municipal Systems Act, 2000 (Act 32 of 2000):** which provides for the core principles, mechanisms and processes needed for municipalities to manage their own affairs. The Systems Act requires community participation in policy development and transparent, accountable governance. It also obliges the Municipality to structure and manage its administration, budgeting and planning processes to give priority to the basic needs of the community and promote the social and economic development of the community.
- **Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)** and associated regulations (including the Municipal Asset Transfer Regulations, 2008): which govern the financial management of municipalities and the disposal or leasing of municipal assets. Commonage land is a municipal asset – any lease or usage arrangement must comply with MFMA provisions ensuring fairness, transparency, and value for money where applicable, while also recognizing the developmental purpose of commonage (as permitted under land reform objectives). Section 14 of the MFMA and the Asset Transfer Regulations outline procedures for the granting of rights to municipal capital assets (like land), including public participation and Council approval requirements for long-term leases.



- **Provision of Land and Assistance Act, 1993 (Act 126 of 1993) (PLAA):** which is a key land reform statute through which national government has provided support (including grants) for municipalities to acquire land for commonage purposes. Where commonage land in Siyancuma was acquired with such assistance, conditions of that acquisition (such as it being used to benefit historically disadvantaged persons and resource-poor community members) must be honored. This Policy gives effect to those land reform intentions.
- **National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)** and related environmental legislation: establishing principles for environmental management that apply to all organs of state. The Municipality and all commonage users must ensure that agricultural activities on commonage are conducted in an environmentally sustainable manner, preventing pollution and ecological degradation, and conserving biodiversity as required by NEMA. Compliance with any relevant provisions of **NEMA**, the **National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)** (with regard to alien invasive species control), and the **National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)** (if applicable to certain commonage areas) is mandatory.
- **Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) (CARA):** and its regulations, which set out duties to prevent overgrazing, erosion, and control weeds and invader plants on agricultural land. Commonage users must adhere to CARA regulations (e.g., not exceeding the carrying capacity of the land, avoiding cultivation on steep slopes without permission, etc.), and the Municipality will enforce these measures on its commonage.
- **Animal Identification Act, 2002 (Act 6 of 2002):** which requires that any person owning cattle, sheep, goats, or pigs (among other animals) must register an identification mark and mark the animals. All livestock grazing on commonage must be properly identified in compliance with this Act to help manage ownership and assist in preventing stock theft or disputes.
- **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)** and applicable provincial planning laws: which govern land use planning and may be relevant if any change in land use of the commonage is contemplated. (However, the commonage is to remain agricultural in use under this Policy unless formally re-zoned or repurposed by Council following due process.)
- **Municipal By-laws and Policies:** including any Commonage By-laws, Environmental Health by-laws, Animal Pound by-laws, or related municipal policies (such as the Animal Pound/Pest Control Policy) that may impose rules on how animals are kept and managed within the municipal area. For instance,

should livestock stray into undesignated areas, the Municipality's pound by-laws will apply.

- **Land Reform Policy and Programs:** The Policy aligns with national land reform initiatives and the White Paper on South African Land Policy (1997) which encourages the use of municipal commonage for assisting the poor with access to land. It also takes cognizance of the principles in the Comprehensive Rural Development Programme (CRDP) and other relevant frameworks that promote emerging farmer support and local economic development.

This legal framework section serves as a guide. In the event of any conflict between this Policy and any law or regulation, the provisions of the law/regulation shall prevail. Municipal officials implementing this Policy must remain informed of any amendments to legislation or new legislation that may affect commonage management.

4. Guiding Principles

The following key principles guide the interpretation and implementation of this Commonage Management Policy:

- **Equity and Redress:** Commonage is a public resource intended primarily to benefit previously disadvantaged and vulnerable members of the community. Allocation and management of commonage must be done in an equitable manner, ensuring fair access for those with the greatest need and historically limited opportunities. This aligns with the constitutional imperative to redress past inequities in land access.
- **Transparency and Accountability:** Decisions regarding commonage (such as selecting beneficiaries, setting lease terms, and enforcing rules) shall be made transparently, documented formally, and be open to scrutiny. The roles and responsibilities of the Municipality, commonage users, and any committees are clearly defined so that each party can be held accountable for their duties. A consistent procedure will be followed for all applicants and users to prevent favouritism or corruption.
- **Sustainability:** The use of commonage land must be ecologically sustainable and economically viable. Ecologically, this means adhering to carrying capacities, maintaining soil, water, and biodiversity health, and complying with environmental laws (NEMA, CARA, etc.). Economically, it means promoting farming practices that can improve livelihoods over the long term without degrading the resource base. The Policy encourages capacity building of emerging farmers so that over time they can progress to fully independent farming operations.
- **Development and Support:** The commonage program is part of local economic development (LED) and rural development. The Municipality, in

partnership with other stakeholders (e.g. Department of Agriculture, Rural Development and Land Reform, agricultural extension officers, NGOs), will strive to support commonage users with advice, training, or facilitation of resources where possible. The goal is to maximize the benefit of commonage in improving household incomes, food security, and skills development.

- **User Responsibility:** Beneficiaries of commonage rights must assume responsibility for the land and resources entrusted to them. This includes paying any agreed rental or fees, taking proper care of infrastructure (fences, water points) and the environment, and respecting the terms of their lease agreements. Users must cooperate with the Municipality's oversight and be proactive in reporting issues or needed maintenance. They should also work in a spirit of cooperation with one another, especially where land is shared among multiple users.
- **No Private Gain at the Expense of Community:** Commonage is not to be used as a vehicle for private speculative gain or subleasing for profit. Users are strictly prohibited from transferring their usage rights to others or using the land for purely commercial rental purposes. The benefit of commonage must accrue to the approved users and the broader community (through local produce, economic activity, etc.), rather than being monopolized by those with greater means. In essence, commonage is a *pro-poor* resource, not to be diverted to wealthier individuals or external entities without a developmental justification and due process.
- **Legal Compliance and Good Governance:** All activities on the commonage must comply with applicable laws and regulations (as detailed in the Legal Framework). The Municipality will govern the commonage in line with good governance practices, including proper record-keeping, regular reporting to Council on commonage matters, and periodic review of this Policy to ensure its effectiveness and compliance with any new legislation or circumstances.

These guiding principles should be considered whenever decisions are made or actions are taken under this Policy. If ambiguities arise in interpretation, a reading that best advances these principles should be adopted.

5. Scope of Application

This Policy applies to all agricultural commonage land owned or administered by the Siyancuma Local Municipality, and to all individuals or groups who use, or seek to use, such land for agricultural purposes under a lease or permission from the Municipality. It covers grazing land usage primarily, but also any other approved agricultural activities on commonage (such as community gardens or small-scale cultivation, if allowed by Council in specific cases).

The Policy binds the Council, municipal officials, any Commonage Committee or similar body that may be established, and current and prospective commonage users. It also guides any partnerships or agreements with external stakeholders (for example, if the Municipality works with the Department of Agriculture to support commonage users, that cooperation will be guided by this Policy's provisions).

This Policy does **not** apply to private land or communal land under traditional authority (as municipal commonage is distinct from tribal communal lands). It also does not override conditions attached to specific commonage properties by donors or funders (for instance, if a parcel of commonage was acquired via a grant that imposed certain conditions, those conditions remain additionally binding). In case certain commonage areas have their own site-specific management plans or rules (approved by Council), those must be consistent with this Policy.

6. Eligibility Criteria for Commonage Access

In line with the objective of empowering emerging farmers and needy residents, the following eligibility criteria shall apply to any person or entity seeking to utilize municipal commonage:

- **Residency:** Applicants must be permanent residents of the Siyancuma Local Municipality area. Proof of residence (such as an ID document with local address, utility bill, or letter from a Ward Councilor) may be required. The commonage is intended to benefit local community members; non-residents are not eligible.
- **Previously Disadvantaged / Emerging Farmers:** Priority is given to applicants from previously disadvantaged communities who have historically had limited access to land. This typically includes Black South Africans (African, Coloured, Indian as per BBBEE classifications) from the local community, in furtherance of land reform objectives. It also includes other vulnerable groups such as women, youth, and people with disabilities who are interested in farming. All applicants should be small-scale or emerging farmers who genuinely lack access to agricultural land — this may be evidenced by factors such as owning few or no livestock grazing rights elsewhere, or not owning farmland.
- **Need and Income:** The commonage is meant primarily for subsistence and livelihood support or as a stepping stone into farming, not for established commercial farmers. Applicants should generally be from low-income households or otherwise have a clear need for support (e.g., unemployed persons using livestock or cultivation for household income). The Municipality may set specific income thresholds or require a declaration of one's employment status and other income sources to establish need. Owning significant assets or alternative land might disqualify an applicant or lower their priority.

- **No Ownership of Alternate Farmland:** An applicant (or in the case of an organization, its members/beneficiaries) who already owns or has long-term lease of agricultural land sufficient for their needs will typically **not** be allocated commonage rights, as the commonage is intended for those without land. Applicants must declare any access to other land. Small homestead plots or gardens may not disqualify someone, but owning a farm or large tract elsewhere will.
- **Livestock Ownership or Agricultural Purpose:** Applicants should either already own a modest number of livestock or intend to acquire livestock (or engage in other allowed agriculture like vegetable farming) upon receiving access. The applicant must demonstrate some farming experience or at least a workable plan for using the land productively. Support (from the Department of Agriculture or mentors) can be considered part of the plan. For grazing allocations, an applicant may be asked to specify the type and number of livestock they intend to graze. The numbers must align with the carrying capacity and rules (see Environmental Compliance section) – typically only a limited number of cattle, goats, or sheep per user will be allowed to ensure fairness and sustainability.
- **Good Standing and Conduct:** Applicants who have previously used commonage or other municipal resources must have a record of good conduct. This means they did not seriously breach past agreements (such as failure to pay applicable fees, abuse of the land, or causing conflicts). Applicants who were evicted or had a lease terminated for cause may be disqualified or put at lower priority, at least for a certain period, to ensure the integrity of the program. Likewise, if an applicant has been involved in illegal activities (e.g., stock theft) this will weigh against their suitability.
- **Organized Groups:** In some cases, the Municipality may consider applications from organized community groups, cooperatives, or associations representing multiple small farmers. Such group applications are encouraged if they promote cooperative use and mutual support. However, the group must have a clear governance structure, designated responsible persons, and meet the same eligibility criteria collectively. The Municipality must be satisfied that the group truly represents emergent farmers and has a fair method of sharing the land benefits among its members. Groups may need to be legally constituted (e.g., a registered cooperative or Non-Profit Organization) for clarity in the lease agreement.
- **Commitment to Compliance:** Every applicant must sign or agree to a Code of Conduct or an undertaking to abide by this Policy and any lease conditions. An applicant unwilling to commit to the rules (for example, refusing to vaccinate livestock or to adjust herd size if required) will not be allocated land. The

application process can include requiring the applicant to acknowledge these obligations in writing.

- **Additional Criteria:** The Municipality reserves the right to set additional specific criteria or documentation requirements in an open call for applications, depending on the context. For example, a call for applications might specify that only residents of a particular town or village (near a specific commonage parcel) may apply for that parcel, or might require a basic business plan. Any such additional criteria will be approved by Council or a delegated authority and made clear in the application notices.

Verification: The Municipality will verify information provided by applicants. This may involve checking municipal records for land ownership, consulting the Deeds Registry for ownership of farms, or requiring affidavits. Fraudulent information or misrepresentation by an applicant will result in disqualification and/or termination of any lease granted, and possibly further legal action.

By adhering to these eligibility criteria, the Municipality ensures that commonage land is allocated to those it is intended to serve, in a manner that is justifiable and can withstand public scrutiny. Applicants who meet the above criteria are not automatically entitled to commonage use – availability of land is limited, and Section **Allocation Procedures** below will outline how the Municipality decides among eligible candidates. The Council may refine these criteria from time to time via policy amendments, to better target the intended beneficiaries or respond to changing circumstances.

7. Rental and Fees:

- A nominal rental fee shall be charged for use of the commonage, to instil a sense of responsibility, while keeping it affordable for emerging farmers. The standard rental may be calculated per hectare or per livestock unit. For example, the Municipality will set an annual fee of **R40 per hectare per year** (VAT inclusive), subject to periodic review.
- Rental fees will be reviewed by Council **annually** during the budget process and may be escalated by a fixed percentage or adjusted to market cost trends. The lease agreement should include the initial rent and the mechanism for annual escalation.

8. Permitted Use of the Property:

- The commonage land is leased strictly **for agricultural purposes** – primarily grazing of livestock as per the allocation, or other specific farming activities expressly authorized by the Municipality (such as cultivation in designated areas, or infrastructure like feedlots if agreed). The lessee **may not** use the land for any non-agricultural or commercial purpose (e.g. mining, business

premises, housing development) and may not erect any residential dwellings for personal habitation (temporary herder shelters might be allowed with permission, but the land is not for housing).

- The lease will detail the type of farming allowed. For grazing leases, it will list the maximum number and type of livestock the lessee is allowed to keep on the land ("stocking rate"). The lessee must not exceed this limit without written permission. The initial livestock count at the start of the lease can be recorded in the lease (e.g. "At signing, the following livestock are authorized and recorded: 10 cattle, 15 goats..." etc.), and any changes must be reported (see Monitoring).
- If cultivation or other activities are allowed, the lease will specify the area and nature (e.g. "Lessee may cultivate up to 2 hectares for fodder crops, subject to practicing soil conservation measures").
- Use of water: If there is a water source on the property (borehole, dam, river rights), the lease will stipulate that the lessee can use available water **only for the purpose of watering livestock or irrigation for permitted crops**, and must do so in accordance with any water use rights and restrictions that apply by law or municipal allocation. Wastage of water or pollution of water sources is strictly prohibited. The lessee must coordinate with other users if sharing the water infrastructure.
- The lessee is responsible to ensure that their use remains within legal bounds. If any permit or license is required for a certain activity (for instance, a water use license for irrigation if above a certain threshold, or an environmental authorization for a particular development), obtaining such permit is the responsibility of the lessee with the support of the Municipality as needed. No illegal cultivation of restricted plants or any illicit activity may take place on commonage.

9. Maintenance and Improvements:

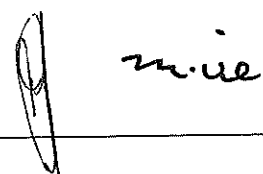
- **Maintenance of Infrastructure:** The lessee is responsible for the routine care and upkeep of all existing improvements on the commonage that they utilize. This includes fences, gates, kraals, water troughs, pumps, windmills, pipelines, and any other farming infrastructure on the allocated land. The lessee must keep these in good working order at their own cost, performing repairs as needed. For example, if a fence is cut or damaged during the lease, the lessee should repair it promptly to ensure livestock remain confined and to maintain the asset. Similarly, water troughs should be kept clean and unbroken.
- The Municipality remains the owner of all fixed infrastructure and may assist with major repairs or capital upgrades if budget allows, but it is not obliged to do so except in cases where multiple users are affected or where the damage

is not due to any user's fault (e.g., flood damage). If a lessee fails to carry out necessary maintenance that is clearly their responsibility, the Municipality may step in to do it and then recover the cost from the lessee or deduct from their deposit. This will be after due notice to the lessee to remedy the neglect.

- **Improvements and New Structures:** The lessee **shall not construct** any permanent structures or buildings on the commonage without the **prior written consent** of the Municipality. Minor structures that are temporary or necessary for agriculture (like movable animal pens, or a small tool shed) may be allowed if the lease or subsequent written permission specifies. If permission is granted for any construction or improvement, it must adhere to any design, environmental, or building requirements set by the Municipality. All authorized improvements made will typically become the property of the Municipality upon termination of the lease **without compensation** (unless otherwise agreed in writing). The lessee may remove any movable structures or equipment they installed provided they repair any damage caused by such removal.
- The lessee may not alter or destroy natural features (such as by bulldozing soil, draining wetlands, etc.) except as part of an approved farming plan and with permission. Any desire to clear new land for cultivation, or to fence new camps, must be approved in writing by the Municipality (which will consider environmental laws and possibly require an environmental impact assessment if significant).
- **Municipality's Maintenance Role:** The Municipality will, resources permitting, maintain any shared or large-scale infrastructure that serves the commonage generally. For example, if there's a main access road, the Municipality might grade it occasionally; or if a borehole and windmill supply multiple users, the Municipality might take charge of major repairs. However, day-to-day maintenance remains with users. The Policy encourages users to form a committee or working arrangement to jointly handle shared maintenance and to approach the Municipality with one voice for any assistance needed.
- The lessee must allow the Municipality reasonable access to the land to inspect and undertake any required works (with notice, except in emergencies). They should cooperate with any contractors or workers sent by the Municipality for infrastructure projects.

10. Monitoring and Access by Lessor:

- As mentioned, the Municipality (through its officials or appointed commonage manager/committee) has the right to enter the property for inspection, monitoring compliance, or for executing any municipal function (like repairing a water line) at **any reasonable time**. Except in emergencies, advance notice (verbal or written) will be given to the lessee. The lessee shall not impede

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access and is expected to assist if needed (for example, gathering livestock for a count).

- The lessee also must attend any scheduled meetings called by the Municipality regarding commonage management (reasonable notice will be given for such meetings, which could be quarterly or semi-annually). These meetings are for sharing information, discussing problems, and reviewing compliance. Non-attendance without valid reason could be considered a breach if it hampers communication.
- If the Municipality establishes a formal commonage monitoring system (like regular site visits by an agricultural extension officer), the lessee should accommodate that. Likewise, if outside stakeholders (e.g. Department of Agriculture) wish to do site visits or provide advisory services, the lessee should welcome such and not obstruct it.

11. Environmental Compliance and Sustainability

Environmental stewardship is a core component of this Policy. All agricultural activities on the commonage must be conducted in a manner that sustains the natural resource base and complies with environmental legislation and best practices. The following rules and measures are established to ensure **environmental compliance** and **sustainable use** of commonage:

- **Carrying Capacity Adherence:** The Municipality, in consultation with agricultural experts (such as the provincial Department of Agriculture or agricultural researchers), will determine the carrying capacity of each commonage parcel – i.e., the maximum number of livestock (often expressed in Livestock Units per hectare) or level of use that the land can support without degradation. This carrying capacity will inform how many animals each lessee or collectively can keep on the land. All commonage users **must strictly adhere to the stocking limits** communicated in their lease or by the Municipality. If there are signs of overgrazing or if drought conditions reduce the carrying capacity temporarily, the Municipality may instruct users to destock (reduce animals) either permanently or for a season. Users are required to comply with destocking directives for the health of the land. Failure to do so will be a breach of the Policy and lease. The Municipality may also choose not to allocate all available grazing at once, keeping some land fallow or resting to regenerate – users should understand this is part of sustainable management.
- **Rotational Grazing and Camp Management:** Where commonage is divided into camps or separate grazing areas, rotational grazing practices should be applied. This means alternating the use of different camps to allow vegetation recovery. The Municipality or Commonage Committee will set a grazing

schedule if needed, or provide guidelines (e.g. "Camp A can be grazed for 3 months then rested for 3 months, switch to Camp B in interim"). Lessees must coordinate to follow these schedules. If the commonage is one open tract, users should collectively avoid continuously grazing one spot – distribution of animals should be managed (salt licks and water placement can help to distribute grazing pressure).

- **Prevention of Overgrazing:** Overgrazing (too many animals on land for too long) can lead to loss of plant cover and soil erosion. Lessees should be vigilant and the Municipality will monitor veld condition. Indicators such as declining grass cover, invasive pioneer plants taking over, or animals losing condition due to lack of feed may trigger interventions. The Policy empowers the Municipality to:
 - Impose a temporary ban on bringing additional animals to the commonage.
 - Mandate removal of a certain number of animals if degradation is observed.
 - Suspend grazing entirely on a portion if needed for recovery (resting the land).
 - Provide or facilitate emergency fodder in severe droughts (subject to resource availability and in coordination with Disaster Management / Dept of Agriculture relief programs) but such interventions will be emergency measures, not routine.
- **Soil and Water Conservation:** Commonage users must engage in practices that conserve soil and water:
 - Avoid ploughing or disturbing areas that are vulnerable (steep slopes, riverbanks) without proper erosion control measures. Any cultivation should be contour ploughed where applicable.
 - Maintain ground cover as much as possible. If vegetation is lost in patches (e.g. around water points), users should attempt to re-seed or allow those areas to recover.
 - Do not drain wetlands or pans that may be on the commonage. These are ecologically sensitive and often provide water for stock. Keep livestock from trampling such areas excessively by maybe fencing them off or managing access.
 - Ensure that watering points like boreholes or reservoirs are not overused to the point of depletion. If multiple users share a borehole, coordinate

usage times. If water tables drop critically, the Municipality may ration water usage.

- Users should report any incidents of pollution (like fuel spills, chemical leaks) immediately. Avoid fueling vehicles or equipment on the land in a way that could leak into soil.
- **Biodiversity Protection:** While commonage is for farming use, it often still hosts native plants and wildlife. Users should strive to protect useful indigenous trees or vegetation that help with shade or erosion control. The cutting down of trees or large-scale bush clearing is not allowed unless authorized as part of a management plan (for example, clearing invasive bush to improve grazing might be allowed with an approved plan). Hunting or snaring of wild animals on commonage is illegal unless done in accordance with wildlife laws and with permission. Users should also be cautious about livestock interactions with any wild species (for example, not poisoning carcasses to kill predators, as this can kill protected species too – any predator control must follow legal methods and be reported).
- **Invasive Species Control:** As noted, CARA and the Biodiversity Act require control of invasive alien plants. The commonage users and the Municipality will work together on this. Common invasive issues in many areas include weeds like **Prosopis (mesquite)**, **Opuntia (prickly pear)**, **Lantana**, etc. Users should not intentionally introduce any exotic plant or grass without permission (some pasture species can become invasive). If chemical control is used, it must be by a responsible person following label instructions to avoid environmental harm. The Municipality may organize community eradication campaigns or source government programs (like Working for Water) to assist; users must cooperate with such initiatives on commonage.
- **Animal Waste and Carcass Disposal:** To protect water and soil, if animals die on the commonage, the user is responsible for proper disposal of the carcass in a timely manner. This might mean burying it deep enough away from water sources or transporting it to an approved disposal site (some municipalities have designated animal pit sites or allow disposal at a landfill with permission). Leaving carcasses to rot can spread disease and attract pests, so it's not allowed. Similarly, large accumulations of manure (if pens are used) should be managed – manure can be composted or spread thinly as fertilizer, but not left in piles where runoff could pollute streams.
- **Chemical Use:** If any pesticides, herbicides, or veterinary chemicals (dips, sprays) are used on the commonage, they must be stored and used safely. The user must prevent contamination of the environment – e.g., not washing out chemical containers in a stream, etc. Unused chemicals and containers should

be disposed of as per environmental guidelines. The Policy could encourage organic or low-chemical farming practices if feasible.

- **Infrastructure Impact:** When installing any temporary infrastructure (like a makeshift kraal), do it in a way that minimizes land disturbance. For instance, avoid heavy machinery use in wet conditions to prevent soil compaction. If vehicles are used on the commonage, stick to tracks to avoid damaging vegetation.
- **Monitoring of Environmental Indicators:** The Municipality will monitor the condition of the commonage through periodic inspections (possibly with the help of agricultural extension officers or environmental officers). This may involve:
 - Taking photographs at fixed points over time to track vegetation changes.
 - Noting the presence of erosion features or recovery.
 - Assessing veld condition scores or species composition.
 - Checking that river/stream banks are stable.
 - Ensuring that no new invasive species have emerged unchecked.
 - Water quality testing if needed (if livestock have access to a river that might also be used by humans, etc.).
 - Such monitoring will be documented, and if negative trends are observed, the Municipality will engage with users to create a remediation plan. This could include reducing stock, resting land, reseeding, or other rehabilitation steps.
- **Environmental Education:** The Municipality, with partners like the Department of Agriculture (extension services) or environmental NGOs, will endeavour to provide training or information to commonage users about sustainable farming. This might include workshops on topics like grazing management, drought planning, soil conservation techniques, fire management, and livestock health in relation to carrying capacity. Empowering users with knowledge is a key part of ensuring compliance – they need to understand *why* certain rules (like stocking limits) are in place and how it benefits them long-term.
- **Legal Compliance and Penalties:** Users are reminded that non-compliance with environmental laws can carry legal penalties. For example:
 - Under CARA, causing excessive erosion or failing to control weeds can lead to enforcement actions by the national Dept of Agriculture.

- Under NEMA, significant environmental damage or pollution can result in compliance notices or even criminal charges.
- This Policy's enforcement (see Enforcement section) will treat serious environmental abuse as a grave breach. The Municipality may report violations to relevant authorities in addition to any action under the lease. Conversely, if users are compliant and environment-friendly, the land will remain productive and available to them.
- **Continuous Improvement:** The sustainability measures may be updated as new information becomes available (for instance, climate change might alter rainfall patterns and carrying capacity; new invasive species might appear). The Municipality will update management practices accordingly and communicate changes to users. Users are also encouraged to propose their own improvements or report environmental concerns proactively.

In essence, every commonage user must act as a steward of the land – taking only what the land can give, and maintaining it so that others and future generations can also benefit. The commonage is a communal asset, and environmental neglect by one user can affect the whole community's asset. Therefore, environmental compliance is non-negotiable and is considered equal in importance to paying the rent or any other obligation.

12. Dispute Resolution

Despite clear rules and structures, disputes or grievances may arise in the implementation of the commonage policy. These could be disputes **between commonage users**, or **between a user (or applicant) and the Municipality**. The Policy provides for mechanisms to resolve disputes in a fair, transparent, and amicable manner wherever possible, before resorting to legal action.

1. Internal Disputes Among Users:

Commonage users might have conflicts over issues like boundaries, shared resources (water points), accusations of someone overstocking or letting their animals stray into another's camp, etc. To handle these:

- **Commonage User Association/Meetings:** If users sharing an area have an association or hold regular meetings (possibly facilitated by the Commonage Committee or municipal officer), minor disputes should first be raised in that forum. Sometimes peer discussion can solve the problem (for example, agreeing on a schedule to use a shared kraal, or group pressure on someone whose animals are causing trouble).
- **Mediation by Commonage Committee:** The Commonage Committee (or even just the ward councilor or an elder farmer on the committee) can act as a mediator. A small meeting can be convened with the disputing parties to hear

both sides and attempt a resolution. The Municipality encourages this approach as it builds community ownership of the commonage.

- **Municipal Intervention:** If peer mediation fails or the issue is more serious (e.g., allegations of theft, or someone refusing to abide by grazing rotations harming others), the affected party should formally report the dispute to the designated Commonage Officer. The Municipality can then step in as an impartial arbitrator. The Commonage Officer or a panel of officials will listen to each party (possibly in writing or in person) and propose a resolution. For example, if two users overlap in grazing, the Municipality may adjust camp allocations or erect a better fence to clearly separate. If one user is clearly at fault (like exceeding their quota and eating grass meant for another), the Municipality can issue directives to that user as per enforcement (which indirectly resolves it for the complainant).
- **Documentation:** It's important that any dispute and its resolution be documented in writing, signed by the parties if they agree to a solution. This serves as a record if problems persist.
- **Inter-user Agreements:** In some cases, the Municipality might facilitate a memorandum of understanding between users. For instance, if multiple people use one water borehole, an agreement on how costs or maintenance are shared can preempt disputes. These can be addenda to leases or simple written agreements lodged with the Municipality.

2. Disputes/Appeals by Applicants or Users Against Municipal Decisions:

These could include:

- A prospective applicant feeling they were unfairly not given access (allocation dispute).
- A current lessee disagreeing with an enforcement action (like they feel a termination notice is unjust), or a complaint that the Municipality isn't upholding its duties (maybe not repairing something as promised).
- General grievances about how the policy is administered.
- The following mechanisms exist for such cases:
- **Informal Resolution with Officials:** The aggrieved party should first try to discuss the issue with the Commonage Officer or relevant official. Often, misunderstandings or errors can be resolved at this level (e.g., an application might have been disqualified for missing info; discussing it might clarify and possibly allow reconsideration if procedural to do so). Municipal officials will be approachable to hear concerns.

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- **Formal Written Complaint or Appeal:** If not resolved, the person can lodge a formal complaint or appeal in writing to the Municipal Manager or the head of the department overseeing commonage. The letter should state the issue clearly (e.g., "I, X, ID..., wish to appeal the decision to terminate my lease / or to not allocate me commonage in the recent process, for the following reasons..."). Depending on the nature:
 - If it's an **appeal against a commonage allocation decision**, the Municipal Manager might refer it to the Council's relevant committee to review the allocation process. The committee can check if the process was followed and if any oversight occurred. If an error is found (say an application was lost or a criterion misapplied), the Council can decide to adjust the decision or possibly accommodate the person if feasible. Generally, because allocations involve multiple people, appeals here are tricky; the goal is to ensure the process was fair rather than reopen for everyone. But Council will consider the merits and possibly plan improvements for next round or remedy if someone truly deserving was overlooked unfairly.
 - If it's an **appeal against enforcement (like termination)**, the Municipal Manager or an Appeal Committee designated by Council will urgently review the circumstances. They may hold a hearing where the user can state their case. If it's found that correct procedure wasn't followed (for example, maybe a warning never reached the person due to address issue) or if the user gives convincing reasons (e.g. "Yes I didn't pay rent because my bank account was hacked, but I have the money now"), the Municipality could rescind or suspend the termination on certain conditions. However, if the enforcement was proper, the appeal may be dismissed. This internal appeal does not preclude the user from later going to court, but it provides a quicker, cheaper resolution possibility.
 - If it's a **complaint about municipal non-performance** (e.g. "The Municipality hasn't fixed the windmill for 6 months and we are suffering"), then the Municipal Manager will investigate and respond with an action plan or explanation. If the complaint is valid, the Municipality should rectify the issue and perhaps compensate or accommodate the users (for example, by providing alternative water supply in interim). If the complaint is not upheld (maybe the users were supposed to fix it themselves per lease), an explanation will be given citing policy.
- **Council Petition:** Users or community members always have the right to petition the Council through established channels (like bringing it up in a ward meeting or submitting a petition via the speaker's office) if they believe there's a systemic issue with commonage management. The Council must then consider the petition and respond.

- **Mediation/Facilitation by Third Party:** In more complex disputes or where trust is broken, the Municipality may consider engaging an external mediator or facilitator. For example, if a group of users has a dispute with the Municipality (like multiple people unhappy with a new policy rule), an independent mediator (maybe from Department of Rural Development or a respected community figure) could be asked to facilitate a resolution meeting. While not binding, this could help reach a mutually acceptable solution or at least clarify misunderstandings.
- **Legal Recourse:** If all internal avenues fail, any party has the right to approach the courts for relief. The user could approach e.g. the Magistrate's Court or High Court for an interdict or to review a Council decision (via PAJA - Promotion of Administrative Justice Act, if they allege the decision was administratively unfair). Alternatively, the Municipality might use the courts to resolve a dispute (like obtaining an eviction order, as mentioned). However, both sides should see litigation as a last resort due to cost and relationship damage. The Policy encourages solving matters within the municipal framework where possible.

3. Principles in Dispute Resolution:

- *Fair Hearing:* Every dispute resolution process should allow both sides to present their viewpoints. The officials or Council members handling it must be unbiased (if someone was directly involved in the decision being appealed, ideally a different person or a higher authority should handle the appeal).
- *Promptness:* Disputes related to someone's livelihood need quick resolution. The Municipality will strive to address complaints within reasonable time. For example, appeals on allocation might be decided within 1-2 months after the allocation (so that if any change is needed it can still be implemented). Enforcement appeals should be handled in a matter of weeks or even days if eviction is imminent.
- *Written Outcomes:* The outcome of a formal dispute/appeal will be given in writing with reasons, to ensure transparency and to guide future actions. For example, if a termination is upheld, the letter will say why the user's explanation was insufficient. If an appeal is successful, the letter will outline the terms (e.g., "lease termination withdrawn, but user is placed on a 3-month probation to clear all issues").
- *Maintaining Relationships:* Especially for internal disputes, the goal is to restore a working relationship. After resolution, the Municipality or committee might do a follow-up meeting to mend fences between parties and clarify expectations going forward. This helps to prevent lingering resentment that could cause future conflict.

4. Special Cases – Community vs Individual:

If there is a scenario where many community members disagree with a particular practice (for example, the community feels one person got too large a share of land), it can become a broader dispute. In such cases, the Municipality should engage in a community meeting or imbizo to discuss the commonage policy and decisions openly. Sometimes disputes arise from lack of information, so transparency (without violating anyone's privacy) can help – e.g., explaining that person X got more land because they had 50 goats and others had 5, but everyone is still within carrying capacity, etc. If the community raises valid points, the Municipality can adjust future allocations but should also ask community to abide by current arrangements till then.

5. Dispute Resolution Clause in Lease:

The lease agreements themselves may contain a clause specifying how disputes related to the lease will be resolved. Often it might say something like: "Any dispute between the parties arising from this agreement shall be negotiated in good faith, and if not resolved within 30 days, may be referred to mediation or arbitration by agreement, or finally resolved by a court of competent jurisdiction." For the purpose of commonage (where power imbalances exist), arbitration might be too formal/expensive, but mediation could be an option. If both Municipality and user agree, they could appoint a mediator (e.g., an advocate or retired official) to recommend a solution. This clause ensures neither party just jumps to court without at least considering an amicable route.

In summary, this Policy provides multiple avenues to handle disputes. The presence of an institutional mechanism (committee, appeals to Municipal Manager/Council) and the emphasis on communication and mediation reflect a commitment to collaborative problem-solving. By resolving disputes fairly, the Municipality maintains trust in the commonage system and ensures that the focus remains on productive use of land rather than conflict.

13. Commonage Oversight and Governance Structure

13.1 A **Commonage Oversight Committee** shall be formally established by the Municipality to support the implementation, monitoring, and governance of this Policy.

13.2 The Committee shall consist of:

- The LED Officer (as Commonage Manager);
- A representative from the Department of Agriculture;
- Chairperson from corporate services committee;
- The Ward Councillor(s) for affected commonage areas;
- Two representatives elected by current commonage users;
- The Senior Manager for Corporate Service;
- Senior Legal Advisor of municipality;
- Co-opted Member(s) (as needed) Environmental Officer, Veterinarian.

13.3 The Committee's key roles include:

- Reviewing and recommending commonage lease applications;
- Advising on disputes and enforcement issues;
- Monitoring grazing capacity and environmental compliance;
- Recommending policy updates;
- Ensuring fair and equitable access in line with eligibility criteria.

13.4 The **LED Officer shall remain the designated official responsible for day-to-day administration and coordination of the commonage programme**, including inspections, communication with lessees, and internal reporting.

13.5 The LED Officer will report directly to the **Senior Manager responsible for Corporate Service**, who shall ensure strategic oversight and departmental alignment.

13.6 The Committee shall meet quarterly and may convene ad hoc meetings when urgent issues arise.

14. Exit and Transition of Beneficiaries Who Become Commercial Farmers

14.1 The primary purpose of the municipal commonage is to serve as a support mechanism for emerging and resource-poor farmers who lack access to agricultural land. As such, access to commonage is intended to be a developmental step toward independent farming.

14.2 In cases where a commonage user has successfully advanced to the level of a **commercial farmer**—as evidenced by their scale of operations, access to private farmland, financial capacity, or support from external commercial agricultural programmes—the Municipality shall initiate a structured **transition and exit process** from the commonage system.

14.3 The following indicators shall be considered in determining commercial status:

- Ownership or long-term lease of private agricultural land elsewhere;
- Consistent livestock numbers exceeding commonage carrying capacity over multiple seasons;
- Access to formal commercial markets (e.g. feedlots, abattoirs, retail contracts);
- Full-time employment of non-family labourers;
- Participation in commercial agricultural finance or support programmes (e.g. Land Bank, AGRIBEE).

14.4 The LED Officer, in consultation with the Department of Agriculture and the Commonage Committee, shall assess each case and prepare a report for Council or delegated authority recommending:

- A notice period for exit (e.g. 6–12 months);
- Referral to appropriate government departments (e.g. DRDLR) for land acquisition or commercial support;



- Structured support to assist the farmer in their transition (where resources allow).

14.5 A farmer who transitions out of the commonage system may re-apply only in exceptional circumstances, and must demonstrate that they no longer have access to land or commercial capacity.

14.6 The Municipality reserves the right to **terminate lease agreements** of commercial-status users with due notice and in accordance with the dispute resolution provisions of this Policy, to ensure space for qualifying emerging farmers.

14.7 This clause aims to preserve the developmental nature of the commonage, promote fairness in land access, and uphold the principle of graduated land reform

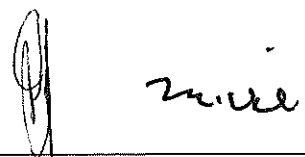
14.8 Municipality will allocate the commonage land to those who meet the criteria for access.

15. Implementation, Review and Adoption

This Agricultural Commonage Management Policy shall come into effect upon its formal adoption by the Siyancuma Local Municipality Council and will remain in force until amended or repealed by a resolution of the Council. The following outlines how the Policy will be implemented and kept up-to-date:

- **Official Adoption:** This Policy is adopted by Council Resolution No. ____ dated _____. Once adopted, all relevant municipal departments and officials will be informed and provided with copies of the Policy. Public notice of the adoption may also be given (e.g., a notice on the municipal website or local newspaper) to inform the community that a formal policy is in place.
- **Initial Implementation Actions:**
 - The Municipal Manager will assign responsibility to the appropriate directorate (e.g. Community Services or LED) for the rollout of the Policy.
 - Existing commonage arrangements will be reviewed in light of this Policy. All current commonage users will be gathered or contacted to explain the new Policy and its implications. Existing lease agreements may need to be aligned: if users already have leases, those will continue until expiry, but any renewals or new conditions might be introduced via addenda in line with this Policy. If any existing practice grossly contradicts this Policy (and is causing harm or unfairness), the Municipality will address it through negotiation or Council decision to ensure compliance over a transition period.
 - Establishment of the Commonage Committee (if not already in existence) will be prioritized. Council or the Executive Mayor will appoint members and schedule an inaugural meeting.

- Templates for application forms, lease agreements, monitoring checklists, warning letters, etc., will be prepared or updated by the administration so that operational tools are ready.
- Orientation/training of municipal staff involved in commonage management will be done so they fully understand the Policy provisions and their roles.
- **Integration into Municipal Plans:** The objectives of this Policy will be integrated into the Municipality's Integrated Development Plan (IDP) and annual Service Delivery and Budget Implementation Plan (SDBIP) as appropriate. Key performance indicators may be set (e.g., number of emerging farmers supported on commonage, percentage of commonage land in good condition, etc.) to track the Policy's impact. The Policy complements other municipal policies such as LED strategies, poverty alleviation projects, and environmental management plans.
- **Public Awareness:** The Municipality will engage in outreach to ensure the community is aware of the opportunities and responsibilities under this Policy. This might involve community meetings in villages where commonage exists, explaining how people can apply and what rules they must follow. It will help manage expectations and generate buy-in from the community at large.
- **Monitoring of Policy Efficacy:** Beyond monitoring individual leases, the Municipality will monitor how well the Policy itself is working. This could involve an annual internal review by the Commonage Committee or administration, asking questions such as: Are the eligibility criteria targeting the right people? Is the allocation process seen as fair by the community? Are rentals and fee structures working or do they need adjustment? Is the land holding up environmentally? Are there unresolved conflicts pointing to policy gaps?
- **Review and Revision:** Circumstances may change over time (for instance, changes in national legislation, or learning from practical experience). The Council will review this Policy at least every **3 years** or earlier if needed. Any proposed amendments will be drafted, and then submitted to Council for approval. For example, if a new national commonage framework is issued by the Department of Agriculture/Rural Development, the Policy would be updated to align with it.
 - Minor amendments (like updating a definition or legal reference, or adjusting fee values in an appendix) can be made by Council resolution as needed.
 - Major amendments (like changing the objectives or whole sections) should involve stakeholder consultation similar to the initial adoption.



- **Record of Amendments:** A history of Policy revisions will be kept (with dates and Council resolution numbers) as an annexure for transparency.
- **Alignment with By-laws:** If the Municipality decides to promulgate a Commonage By-law for better enforceability (by-laws having the force of law and allowing for fines, etc.), the Policy will inform the content of that by-law. The by-law would formalize certain rules (especially enforcement aspects) for legal process. In that case, any conflicts between the Policy and by-law would be resolved by aligning the Policy to the by-law (Council would update the Policy accordingly).
- **Termination of Prior Policies:** This Policy supersedes any prior policies or informal practices regarding commonage in Siyancuma. Upon adoption, all officials and committees should operate under this Policy's provisions. Any lease agreements or permissions granted before will be honoured until change is necessary, but all new arrangements must conform to this Policy.

16. Conclusion:

This Siyancuma Local Municipality Agricultural Commonage Policy provides a comprehensive framework to manage commonage lands for the benefit of local emerging farmers while ensuring compliance with legislation and sustainable practices. By clearly defining how land is allocated, used, and monitored, and by integrating best practices, the Policy seeks to balance developmental objectives with responsible governance.

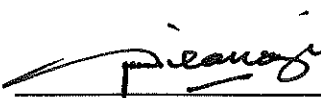
The Council of Siyancuma commits to enforcing this Policy fairly and providing the necessary support to make commonage a success story for the community – a stepping stone from landlessness to self-sufficiency. All stakeholders, including the commonage users, municipal officials, and community members at large, are called upon to cooperate in the spirit of **ubuntu** and shared responsibility, so that the commonage can truly serve its intended purpose of economic empowerment and social upliftment.

SIGNATORIES



Johannes George
Speaker

Date: 21 / 05 / 2025



Madoda Vilakazi
Municipal Manager

Date: 21 / 05 / 2025