

## Social dialogue in agriculture - Western Cape

Lucretia Arendse

### Introduction

The inequalities and injustices of colonialism and apartheid resulted in many black South Africans being marginalized, oppressed and being denied land ownership. The 1913 Natives Land Act dispossessed thousands of people of their land, [1] limiting land ownership to only seven percent and later to 13 percent through the 1936 Native Trust and Land Act of South Africa. This Act restricted black South Africans from buying and occupying land, and limited their freedom of movement, in order to produce cheap labour. People were forced to find work far from home, and influx control measures and forced removals were introduced to contain people. The Group Areas Act of 1950 provided the legal basis for forced removals of three and a half million black South Africans between 1960 and 1983 [2]. With the abolishment of influx control measures in 1986 and the Group Areas Act many people migrated to the cities, which were ill equipped to deal with the large numbers partly leading to the socio-economic challenges still prevalent in society today, e.g. poverty, homelessness, landlessness, and other social ills. On the 30 June 1991, the Land Act of 1913 was repealed but the impact of past legislation continues to beset South Africa.

Accordingly, the South African government adopted the National Development Plan 2030 (NDP), in 2012, which is a roadmap to reduce inequality and poverty. The Department of Agriculture, Land Reform and Rural Development (DALRRD), in Chapter six of the NDP, outlined how they intended reforming the Agriculture Sector, stating that 'land reform will unlock the potential for a dynamic, growing and employment-creating in agricultural sector [3].

They envisioned an integrated and inclusive economy that involved the expansion of agricultural activity, effective land reform and the promotion of sustainable rural development.

Their aim is to:

1. Increase food security and create employment in the agriculture sector;
2. Improve agriculture production and food safety;
3. Develop the agricultural value chain through greater market access;
4. Promote an inclusive rural economy

In line with these objectives, the Western Cape Department of Agriculture's (WCDOA), the provincial arm of the DALRRD, for over twenty years, planned to transfer two farms, one in the Kannaland Local Municipality and one in the Oudtshoorn Local Municipality, in the Klein Karoo, to their respective communities.

These communities were replete with complex, internal issues of conflict and mistrust between community stakeholders, which made the transfers challenging. The communities were divided on the ownership of the farms, the boundaries of the farms, and to whom they should belong, and a special process therefore had to be followed to resolve these conflicting narratives.

The WCDOA decided to embark on a social facilitation process to address the deep rooted conflict issues and IJR was commissioned to assist in realizing this vision. The practice note describes the process that IJR embarked on to facilitate policy implementation in the agricultural sector.

[1] South African Government.gov.za Official Information and Services/Land Reform. <https://www.gov.za/issues/land-reform>

[2] South Africa: Overcoming Apartheid Building Democracy. <https://overcomingapartheid.msu.edu/multimedia.php?id=65-259-6>

[3] South African Government.gov.za/Official information and services: Land Reform <https://www.gov.za/issues/land-reform>

## Outlining the process

IJR's vision of building fair, democratic, peaceful and inclusive societies, its methodology of bottom-up reconciliation and its dialogical approach contributed to the process of transformation in the Western Cape Agricultural sector. The process employed is outlined below.

### Objectives of the process.

1. To ensure that the complex and multiple challenges that exist on the two farms are addressed constructively and inclusively, thereby benefiting all stakeholders.
2. To continue supporting the panels, encouraging them to accept ownership of local dialogue and its implementation.
3. To ensure the efficiency of dialogue by providing access to ongoing capacity building for the panels, as well as expert facilitation support when required.
4. To ensure that communities are capacitated to identify and resolve issues of conflict on their own.
5. To provide support to communities during the transfer process and the implementation of the Turnaround Strategies.

**In phase one** of the project IJR was contracted to facilitate this process. IJR's strategy was to develop a process that would be inclusive, community lead, transparent, informative, and one that would build trust amongst members. It was designed to prepare the communities to make informed decisions about the farms' transfer process, identify the issues that existed in the community, and discuss strategies to deal with those issues. A panel of individuals from the community that represented or had a good standing within the different sectors and interest groups in the community would be established and introduced to the basic skills of conflict analysis and the facilitation of negotiations. This capacitation would assist them in leading the process once IJR had exited their communities.

IJR first identified and consulted with most of the stakeholders in those communities to ascertain their understanding of the ownership of the farms, the conflict within the communities, and the conflict around the ownership of the farms.

After eighteen months of in-depth community

consultations, we were able to surface the issues in the communities that needed urgent attention. They consequently established a network of community members, called a Panel[1], from each of the stakeholder groups. This Panel would be the first to engage with the issues and then to make proposals to their stakeholder groups and the broader communities on how those issues can be addressed or resolved. The Panel did not have the mandate to make decisions on behalf the community, but to discuss the issues amongst themselves, decide on proposals and then present those proposals to their broader stakeholder groups.

**In phase two** the Panels, were capacitated with dialogue and facilitation skills. They were given a foundational understanding of conflict systems and how to assess the various types of conflict. They also received practical training in basic dialogue and facilitation skills. The Panels then started to address some of the conflict issues in their communities. Some members exited the Panels and others joined along the way. The Panels, however, consistently strived to be as inclusive as possible.

**In phase three** the panels, with the support and guidance of IJR, had to decide on the ownership of the farms and steer the processes. They had to identify and collectively decide on a legal entity for the transfer of the farm, and also decide who will manage the process of the establishment of the legal entity, once IJR has exited the process. They had to continue to deal with issues as those arose and have stakeholder meetings, including Government Departments, with the necessary parties.

We sought to strengthen functional relationships between stakeholder groups that would enable them to take charge – in a sufficiently inclusive manner – of the processes of negotiations. The focus was therefore not on the substance of an agreement or on achieving partisan political goals, but simply on the inherent capacity of a community to take charge of its own future in a truly inclusive manner. The clear benefits of this approach are twofold: it deepens the quality of ownership by the community of the process and its outcomes; and it fosters conflict transformation capacity within the community.

This approach is based on substantive theoretical and practical work by John Paul Lederach, a world-renowned leader in the field of conflict transformation[4][i]. More importantly, perhaps, it has been informed by South Africa's own experience with "self-mediation". This refers to the way in which South Africa refused external mediation or facilitation during the critical period of 1990 -1994 and rather based its strategy, particularly during the Kempton Park process, on self-mediation[5][ii]. It was also the strategy when implementing Local Peace Committees between 1992-1994, and the strategy, with some variation, proposed by the FARE Report.

Hence, the creation of "panels". These bodies are not "committees" that wield authority or any form of formal power. They are rather voluntary groups that, by their inclusive and flexible nature, may serve (i) as platforms where a first level of in-depth dialogue takes place regarding the matters that need transformation; and (ii) as bodies that facilitate community meetings and processes where the actual decision-making must take place. The 'Panels' are, by deliberate choice, informal, open-ended, inclusive, and pragmatic vehicles to initiate and facilitate the communities' internal dialogue processes, as well as the negotiations between the communities and state actors.

In the third phase of the project the main strategy was therefore to accompany the panels as they actively take full charge of the various dialogue and negotiation processes. The key concept here is

[4][i] See John Paul Lederach 2005. *The Moral Imagination. The Art and Soul of Building Peace*. Oxford: Oxford University Press. See also Andries Odendaal 2017. *Stitching different fabrics into one cloth. A Report on the Effectiveness and Relevance of the "Spider-approach" of the Natural Resource Conflict Transformation Center-Nepal*. <https://www.nrctc.org.np/publications/conflict-transformation-spider-multistakeholder>.

[5][ii] See Andries Odendaal 2014. *South Africa: Ending Apartheid through "Self-mediation"*, in Ministry for Foreign Affairs of Finland 2014. *Conference on National Dialogue and Mediation Processes*. Publication of the Ministry for Foreign Affairs 4/2014. [https://um.fi/documents/35732/48132/national\\_dialogue\\_and\\_ternal\\_mediation\\_processes\\_perspectives\\_on\\_theory\\_and/2b4b061f-0970-5e4a-fce7-236cd2fe5ba0?t=1525860112592](https://um.fi/documents/35732/48132/national_dialogue_and_ternal_mediation_processes_perspectives_on_theory_and/2b4b061f-0970-5e4a-fce7-236cd2fe5ba0?t=1525860112592)

"accompaniment". IJR deliberately assumed a lower profile while encouraging and supporting the panels in taking charge of the different processes.

'Accompaniment' does not imply passivity. But it does imply that IJR's activities centred on the key question whether the panels are sufficiently operative and able to act on their initiative. We were less prominent in organizing meetings and workshops but rather focused on the remaining needs of the panels. The intention, therefore, for the remaining terms, was "to fade away" in a manner that would leave the panels truly empowered. The onus was on panels to determine the need for meetings and processes. Our priorities, during this stage, were:

1. Making sure that all relevant issues that need attention were identified and addressed.
2. Ensured that ongoing effort was made to improve the inclusive quality of the processes.
3. Most importantly, it meant that the concerns of panel members regarding their own ability and confidence to take control of the process were prioritised.
4. Ensured that the agreement with the WCDOA regarding the activities were honoured.

## What was achieved in this project?

### a. IJR made the following contributions:

- It created the panels as platforms that were inclusive, transparent, and fair, allowing participants to engage with one another without discrimination against anyone.
- It encouraged full stakeholder participation by consistently reaching out to stakeholders that did not initially join the process.
- It sought to empower the communities by identifying their assets, needs and opportunities, and by reaffirming their rights and responsibilities.
- It was instrumental in the facilitation of learning and development processes. IJR demonstrated the ability to assist by transforming complex pieces of information into essential knowledge.

- It promoted trust building by imparting some skills in this respect, and by consistently working at enhancing the communities' confidence in their own capacity.
- It assisted the community to focus on the most important issues and challenges regarding this process, resolving or managing them as appropriate.
- It did not allow the process to deviate from its strategic focus by closely monitoring the process and by encouraging a focus on what was essential.
- It endeavoured not only to enhance cooperation in the community, but also to strengthen the relationship between the community and the relevant government actors. The distrust of the community in these governmental bodies was deep, but it improved significantly during this process.

**b. The process that was followed enabled the following:**

- It enabled various stakeholders to engage in a dialogue process despite initial distrust and despite the complex nature of the challenge.
- It brought government closer to the community.
- It brought divided communities closer to one another and facilitated an improved working relationship.
- It gave the community a safe space to raise their views. It also allowed communities to speak out about the wounds of the past; and community members felt better thereafter and were able to move forward.
- It ensured that the correct information was transferred to the communities, which was always critical.
- It located the ownership of the process in the community. The communities were the only decision makers.

**c. What did the panels achieve?**

- The Panels displayed resilience, commitment, and excitement to take the process forward.
- They participated keenly in learning exercises.
- Despite all the stress they had to endure, they managed to sustain the process over a significant period.
- They managed, against significant odds, to win and sustain the confidence of the wider community in their process.

- They practiced internal dialogue (as opposed to seeking dominance or manipulated outcomes) at their meetings.
- They kept the community informed about developments and, always, respected their responsibility towards the community.
- They reached consensus among themselves on the way forward and achieved the buy-in of the community.

**d. What were the concrete outcomes?**

- The Panels engaged in rigorous dialogue among themselves on the most appropriate model to follow and submitted their consensus proposals to the respective communities.
- The Panel was taken, by WCDOA, to see an example of a success story of a farm that was transferred to its community. This gave them valuable insight and an appreciation of the complexities of running a farm. They gained a better understanding of what it entailed when a CPA owned the land, and a Pty Ltd ran the farm.
- The Panels were informed, at a special session enabled by WCDOA, of the various models of collective farming that existed.
- The Panels, in October 2023, engaged with the existing Turn-Around Strategies (TAS) developed by the Cape Agency for Sustainable Integrated Development in Rural Areas (CASIDRA). They were able to express their critique and to inform the second draft of the strategy. They assertively asked to see the farms' financials to ascertain the viability of the farms. In March 2024 Casidra did a second TAS presentation to the Panel on the feasibility of the suggestions made by the Panel in October 2023. These were very fruitful meetings which require further research and report back sessions. The TAS process will, post March 2024, be facilitated by the WCDOA and Casidra.
- In March 2024 the one Panel got a mandate from their community to further the process on their behalf of the community and to make all the necessary arrangements to register a CPA for the transfer of the farm.
- Also in March 2024, the other community formally endorsed the Panel's proposal for the other farm to be transferred to the existing CPA. The CPA will henceforth do all the necessary engagements for the farm to be transferred.

## What lessons have we learnt?

- The process of consultation and building mutual confidence and functional relationships is never completed. New challenges will, on this route, appear and will need to be dealt with. The panel and other role-players will have to manage the stakeholder relationships in the same way as past difficulties had been managed.
- The process confirmed that the bottom-up, community lead approach will increase the possibility of community by-in, which will ensure sustainability of the process once IJR & WCDOA have exited.
- The conflict systems approach (spider's web) of identifying all role players and allowing them to be part of the solution to the issues or conflicts that exist in the community, is appropriate and a very effective approach in the context where communities are divided on several issues.
- The Panel members were volunteering for three years. They used their own data, and offered up their time for workshops, meetings, and discussions on the WhatsApp group. There was no compensation. Perhaps stipends could be made available in future. Some members were unemployed with families who have needs.
- Communities need a safe space to address the wounds of the past and speak about how the conflict has come about. This is not only cathartic, but it contributed to better mutual understanding. One cannot have an effective process if there are underlying divisive conflict situations.
- Having the support of an independent facilitator helped the Panel members stay focused and on track. It encouraged them to move forward.
- The building of capacity is necessary in these processes. We saw the difference in meetings between members who were capacitated in the conflict systems approach (spider's web) with listening and dialoguing skills, to those who joined the Panel at a later stage. Those not capacitated often listened to respond and not to understand, which caused a to-and-fro of the same information.
- It is crucial that all stakeholders, especially government departments, are fully present and engaged in meetings with the communities. The communities interpret the presence of these departments at meetings and the openness to engage them as a sign of respect.
- It is important to have decisions taken at community meetings formally documented, through minutes and attendance registers. The March 2024 community meetings agendas were very specific and were facilitated in a way where conclusive decisions were taken, i.e. proposed and seconded by community members; and any other persons were given a chance to disagree. This process is important for decisive action that needs to be taken. It removes the argument from would-be spoilers that proper processes have not been followed.
- It is essential that all stakeholders, especially the community members, are given a space to voice their opinions, frustrations, and needs. Denying them that space could lead to frustration and eventually possible conflict. Create a safe space for engagement without prejudice and bias, a space where people are seen, heard and respected.



Recommendations

Issue	Recommendation
Bureaucratic vs transformative processes	<p>Conflict transformation processes are not tick-box exercises. They require building relationships and trust with the parties concerned, which invariably takes time. Communities should be allowed to properly deal with their issues, differences, and conflicts so that true transformation can take place. These process are organic and should be allowed to develop at its own pace, with the encouragement of the service provider to keep the process moving.</p> <p>Delays in the process, because of bureaucracy, could cause a break in momentum in the process and possible mistrust between the community, government and the service provider. (E.g. Five months' delay between the service provider's contract one and contract two).</p>
Be prepared for ongoing and new challenges.	<p>Continuous facilitation by the panel, supported by the relevant government departments is appropriate.</p> <p>It is normal and natural that new challenges will emerge, such developments should be dealt with the same urgency as the rest of the process.</p>
Various Government Departments, working on the same process, should have a single objective when working together on that project.	<p>Various government departments that are working together should meet before embarking on a process and develop a plan of action on the implementation of the project and how to get their staff at national, provincial &amp; local levels involved in the process.</p> <p>Government Departments should ensure full participation of all their staff members at all levels. It was challenging to get municipal representatives and certain departments to meetings.</p>
Trust the service provider's processes when they are the approved service provider.	<p>Government Departments entrust processes to those who can facilitate those processes and should have confidence in the service provider's processes and expertise.</p> <p>Government Departments and Service Providers should agree on the process before the process starts, so that there's clear understanding on the rationale, and to avoid any unnecessary changes in processes that could delay implementation of the process.</p>

## About the author

### Lucretia Arendse

Lucretia Arendse is Project Leader in the Sustained Dialogues Programme, based at the Institute for Justice and Reconciliation.

# ABOUT THE INSTITUTE FOR JUSTICE AND RECONCILIATION

The Institute for Justice and Reconciliation (IJR), established in 2000, is a pan-African organisation that works collaboratively with governments, inter-governmental and civil society actors to contribute towards building fair, democratic and inclusive societies across the continent, through transitional justice and peacebuilding interventions. The IJR's work is informed by the insights gained from working with governmental stakeholders and grassroot communities in countries such as Burundi, Central African Republic, Ethiopia, Eastern Democratic Republic of the Congo, Lesotho, Malawi, Mozambique, South Sudan, South Africa and Zimbabwe. Historically, the IJR has worked on interventions in Ghana, Kenya, Nigeria, Rwanda and Uganda. Internationally, the IJR has provided strategic and technical advice to stakeholders in Colombia, South Korea, Sri Lanka, Thailand, UK and USA.

The IJR is a trusted advisor to key decision makers and inter-governmental actors on transitional justice and peacebuilding initiatives, and engages with the AU, Southern African Development Community, EAC, Intergovernmental Authority on Development, International Conference on the Great Lakes Region, European Union and the United Nations (UN) system. The IJR has partnered with the UN Development Programme (UNDP) on a number of in-country interventions in Africa. On this basis, in 2021, the IJR was tasked by the UNDP to develop its Guidelines on Mental Health, Psychosocial Support and Peacebuilding. The IJR has positioned itself as a provider of choice of reliable qualitative data on public perception in the areas of peace and security. The pioneering South African Reconciliation Barometer enables the IJR to be the leading African think tank in terms of providing public opinion data in these areas. We welcome collaboration with like-minded partners and invite you to find out more about our work on our website: [www.ijr.org.za](http://www.ijr.org.za).

The IJR expresses its appreciation to the Swedish International Development Agency (SIDA) and the Swedish government for its generous support to the Institute. This publication was made possible by the generous funding of the Open Society Foundations. The views expressed in this policy brief remain those of the author.



**OPEN SOCIETY  
FOUNDATIONS**



## **CONTACT US**

Tel: +27 21 202 4071

Email: [info@ijr.org.za](mailto:info@ijr.org.za)

[www.ijr.org.za](http://www.ijr.org.za)

## **Physical and Postal Address**

105 Hatfield Street

Gardens

8001

Cape Town

South Africa

The opinions expressed in this paper are those of the authors and do not necessarily reflect the views of the Institute for Justice and Reconciliation (IJR). Contributions to the IJR practice note and policy brief series are made by authors in their personal capacity