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PRESS RELEASE

STRAY ANIMALS IN MUNICIPAL AREAS

On Tuesday the 7th of March Agri Eastern Cape, and four (4) other Applicants successfully obtained a Court Order against Ndlambe Municipality; the Municipal Manager, and Executive Mayor compelling the Municipality to put in place procedures to enforce Bylaws with regards to the keeping of animals within the residential areas of the Municipality and on its commonages and open spaces. The current uncontrolled influx of animals into residential areas and commonages has resulted in significant animal diseases transmission risk to neighbouring commercial farms. Furthermore, the risks posed by stray animals to motorists and private property are obvious. Repeated requests to the Municipality to address this problem over many years resulted in very little action being taken. Unfortunately, Organised Agriculture was left no option but to approach the Courts to remedy this situation.

It must be re-iterated that Agri Eastern Cape is not opposed to animal ownership by residents. We are aware that the ownership of animals by some residents is important for economic, and cultural reasons, but that de-pasturing of animals on the commonages, and the keeping of animals within residential areas is regulated by Municipal Bylaws which need to be enforced in the interest of all the residents of the Municipality.

With livestock ownership comes the responsibility of ensuring that animals are kept in a manner, so as not to create a danger or nuisance to others. The unregulated de-pasturing of animals on the Municipal Commonages has led to severe overgrazing, and the general degradation of these valuable resources, and has led to unsustainable agricultural practises.

Although it is unfortunate that the failure of the Municipality to adequately address these issues despite repeated requests over the course of many years necessitated this Court Action, the actions of the Municipality since receiving the Application need to be highlighted.

The Municipality, after the filing of papers, conceded that they did in fact have an obligation to enforce the Bylaws and relevant National Legislation in this regard, and willingly entered into negotiations with the Applicants to speedily find an acceptable solution to the problem, without entering into a lengthy court battle.

A proposed rectification plan was tabled by the Municipality which after negotiations between the parties, formed the basis of Tuesdays Court Order. This order by agreement has saved both time and legal costs for all concerned, and will enable the rectification process to begin immediately. Many of the steps outlined in our original Notice of Motion were circumvented due to the Municipalities positive approach to the Application.

The decision by Agri Eastern Cape to lodge this application was only taken after the prospects of success in this matter was determined by a detailed legal opinion. As an Organisation we were certain of a successful outcome in our favour, and as such, the willingness by the Municipality to finally accept their responsibility for Bylaw enforcement without wasting funds on unnecessary litigation must be seen in a positive light.

The establishment of an ownership register required in terms of the order, will also establish who of the cattle owners have significant numbers of animals, and who should be assisted by the Department of Rural Development and Land Reform. These farmers must be considered for, and have access to farms purchased by the Government for Land Reform purposes. These farmers must be commended, and assisted to become commercial farmers in their own right, something that will never happen while they are trying to farm on degraded commonages, and within residential areas.

Agri Eastern Cape hopes that with this Court Order as a basis for negotiations, its Affiliated Associations will be in a position to engage with their respective Municipalities to ensure similar rectification plans are embarked upon, to solve similar problems in their respective areas without further unnecessary legal action.

Doug Stern
President Agri Eastern Cape



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