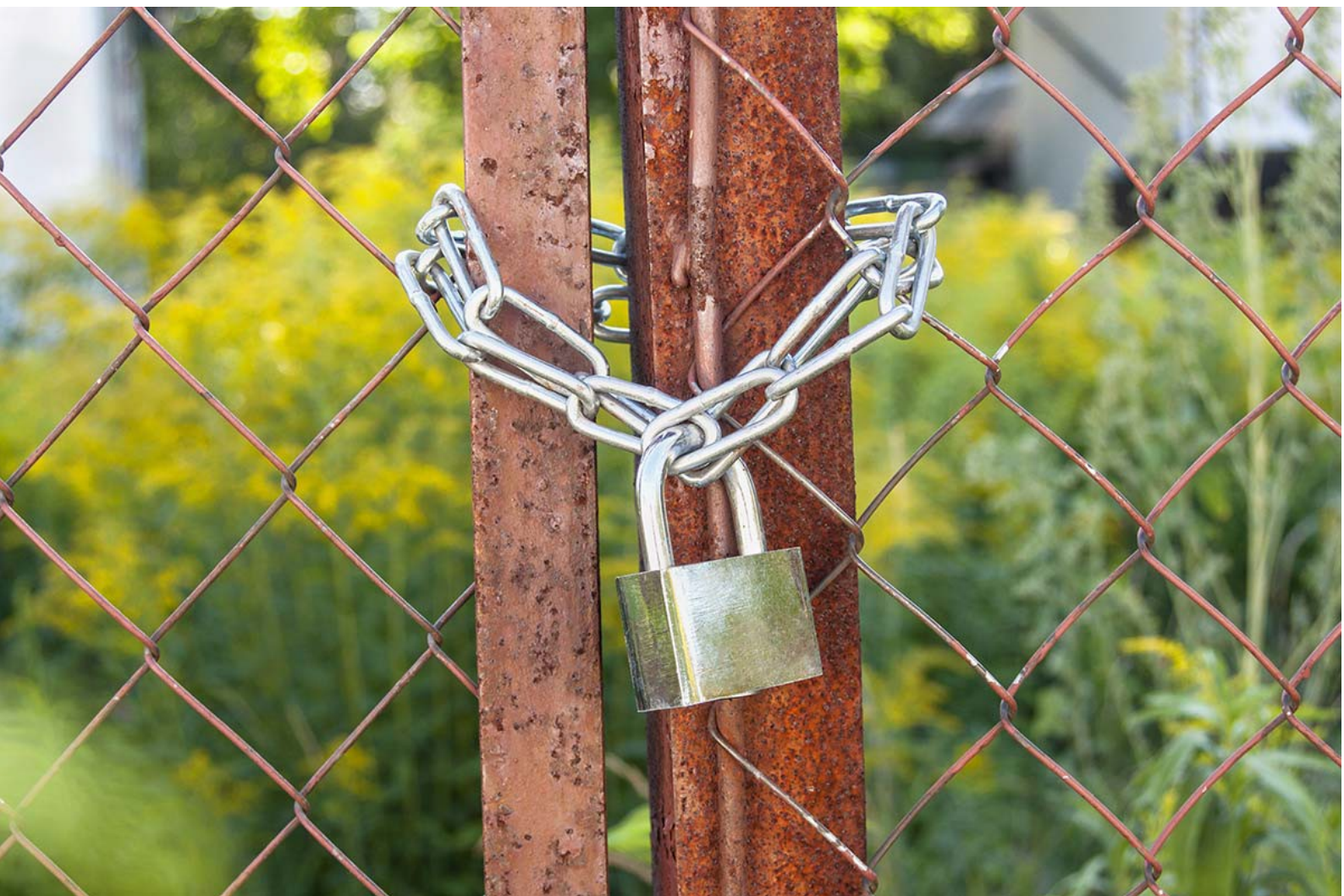




RURAL SAFETY

CENTER OF EXCELLENCE

APPROACH TO GAIN ACCESS TO FARMS



PROTOCOL FOR ACCESS TO FARMS

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FARM ACCESS PROTOCOL

PREAMBLE

The Rural Safety Strategy, as developed and applied by the South African Police Service, makes provision for the implementation of a protocol to manage access to farms, to support a safe farming environment.

The operational zone for the Defence Force and the police comprises the area from the borderline up to 10 km into South Africa.

In light of the high incidence of crime in rural farming areas and attacks on farm dwellers, the following groupings of visitors shall access farm property based on the arrangements set out herein.

1. SECURITY SERVICES

This includes the South African Police Service and the South African National Defence Force.

- 1.1 Preferably by prior arrangement. This arrangement falls away if the land owner himself or the person in charge of the property is the subject of an action by the security services. **Arrangement reached in terms of an agreement with the police during Mei 2002.*
- 1.2 In clearly marked vehicles and members of the security services, must wear uniforms.
- 1.3 Report immediately to the owner/or person in charge of the property when entering the property and show appointment certificate.
- 1.4 Inform the owner/or person in charge of the nature and duration of the proposed visit.
- 1.5 Land owners undertake to co-operate with security forces in the execution of their duties.

2. OTHER OFFICIALS WHO IN TERMS OF STATUTORY PROVISIONS HAVE THE POWER/RIGHT TO ACCESS PROPERTY TO CARRY OUT THEIR DUTIES

This group includes inspectors of the Department of Labour, Home Affairs, Health, Agriculture, etc.

- 2.1 A prior arrangement/ appointment with or permission from the owner or person in charge of the property is essential to facilitate access.
- 2.2 When the property or premises is accessed, it must immediately be reported to the owner or the person in charge of the property.
- 2.3 The official must identify him/herself properly; explain the nature of his/her business and how long he/she would remain on the property.
- 2.4 The official will not be able to undertake any tasks or actions other than those for which permission was granted.
- 2.5 If the official does not succeed in making an appointment because he cannot make contact with the owner or person in charge of the property, or because the request for an appointment was denied, he/she should approach the local farmer association or provincial agricultural organisation or South African Police Service for assistance.

3. PRIVATE PERSON WHO IN TERMS OF STATUTORY REQUIREMENTS MAY VISIT THE FARM

This includes people who, for example, have a right in terms of the Extension of Security of Tenure Act to visit occupiers on a farm.

- 3.1 Only per prior arrangement/appointment with the owner or person in charge of the property.
- 3.2 The visitor may only use the previously identified route to the farm worker houses or ancestral graves.
- 3.3 There must be a clear agreement regarding the duration of the visit.
- 3.4 The visitor may not undertake any activities other than those for which he/she had been granted written permission.

4. PRIVATE PERSONS WITHOUT STATUTORY RIGHTS

This includes, for example, researchers, political organisers, union organisers, religious workers, etc.

- 4.1 Per arrangement to meet farm workers at a suitable public venue away from the farm.
- 4.2 Agricultural producers will make it possible for workers to attend such meetings, including the provision of transport, if practical, to the relevant venue.
- 4.3 Only in highly exceptional cases will the persons be allowed to access the property and then with a very explicit arrangement with the owner or person in charge of the property and subject to such conditions as may be prescribed.

5. BURIALS ON FARMS

This includes family members who wish to visit burial sites of ancestors buried on farms.

- 5.1 Only per prior and written permission and arrangement from the owner or person in charge of the property.
- 5.2 Written permission must state clear access and the route to the burial site to be followed.
- 5.3 There must be a clear arrangement regarding the duration of the visit as well as the number of people that will attend.
- 5.4 The visitors may not undertake any other activities than those which they have been granted written permission and they may not pollute the route to the site as well as the burial site.
- 5.5 These arrangements must be reasonable from both sides, preferably negotiated and reduced to writing.

6. VISITS TO FARMS IN THE OPERATIONAL ZONE

This includes authorized members of the Defence Force, the police, government officials, contractors and private persons who wish to visit these farms and/or, persons with statutory rights to access such property.

- 6.1 A prior arrangement with the owner or person in charge of the property is essential to facilitate ease of access. A liaison structure should be establish between land owners and security services to facilitate this process.
- 6.2 Government officials including security service members and contractors must be properly identified. Security service members must have an appointment certificate available at all times.
- 6.3 Vehicles used by officials shall be official government vehicles, which should be easily identifiable. Vehicles of contractors shall be clearly marked as belonging to the contractor.
- 6.4 Persons visiting these properties will not undertake any tasks or actions other than those necessary in terms of statutory requirements or in the case of private persons and contractors, only actions which permission was granted for and polluting of the property will not be permitted.
- 6.5 The making of open fires is prohibited and will only be permitted with the express and written approval and conditions set out by the landowner.
- 6.6 Hunting of game and the collection of fire-wood is strictly prohibited and damage to the *fauna* and *flora* will not be permitted.
- 6.7 No interference with landowners or departmental locks will be permitted.

- 6.8 Landowners undertake to co-operate with persons who need to access farms in the operational zone in the execution of their duties.

See annexure 1 for more information

7. GENERAL

- 7.1 Agricultural organisations and the broad farming community's approach would be to stabilise the security situation using this *modus operandi* and will not use the protocol to unreasonably deny access to people who have a bona fide right to enter the property or who have requested access to the property.
- 7.2 Officials and persons who wish to gain access to the property must understand the emergency situation which currently exists on farms and must not make themselves guilty of provocative or threatening behaviour, while access to farms shall be limited to what can reasonably be regarded as essential or desirable.

8. NOTICE BOARD

The following notice board was accepted by Agri SA's General Affairs Chamber for use.

REG VAN TOEGANG VOORBEHOU RIGHT OF ADMISSION RESERVED  PLAAS PROTOKOL FARM PROTOCOL	CBA 19
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The notice board consists of two parts, namely a farm protocol section and a section reserved for a farm number. Both Agri SA's group logo and the provincial organisation of Agri SA may be attached to the board.

ANNEXURE 1

GUIDELINES FOR ACCESS TO FARMS ON THE RSA BORDER

- **FOREWORD**

The current access to private land bordering on the RSA and the International border on which specific government departments have to exercise their responsibilities is a matter of major concern to affected landowners as well as government departments.

Security and losses due to criminal activities on farms is extremely important to landowners who need to ensure that all the families and property on their farms are properly protected. Coupled to this, is the safety and security issue on farms which have highlighted the need to implement initiatives to control the movement of government officials, their contractors and persons requiring access to farms. This guide will assist government departments in facilitating access to farms through proactive communication and identification of officials and contractors in accordance with the Agri SA farm access protocol.

Although specific government departments have statutory rights to enter farms in order to patrol, maintain and to protect the integrity of the international border fence, it must always be remembered that as visitors they should pay appropriate respect to landowners and their interests at all times. The statutory rights of departments to access farm property to carry out their duty is acknowledged.

Claims against government departments arising from inappropriate behaviour during visits can lead to strained relationships between all parties and should be avoided.

The annexure provides guidelines to be implemented to facilitate access to farms for government department officials, contractors (performing work on behalf of government departments) and private persons.

- **GUIDELINES TO FACILITATE ACCESS TO FARMS IN THE OPERATIONAL ZONE**

A Provincial Liaison Committee should be established between the relevant parties to ensure sound stakeholder relationships. This committee should comprise of all relevant stakeholders and will meet on a regular basis to discuss all issues pertaining to access and communication channels regarding the international border. This committee should be used to develop a long-term approach to enter especially game farms where amongst other, dangerous animals and scarce species with a high value is being kept.

- **SPECIAL OPERATIONS / SAPS / SANDF AND OTHER GOVERNMENT INSTITUTIONS**

Due to the nature of these operations it may be difficult to inform all parties who might be affected. Government departments will endeavour to involve local organized agricultural structures in such operations in a manner that will contribute to the successful prevention of criminal activities, without endangering the lives of innocent persons and to promote co-operation between stakeholders.

- **IDENTIFICATION GUIDELINES**

All government officials will carry official identity cards containing their photographs, indicating that they are employees. Landowners may verify the presence of government officials telephonically with the relevant and designated contact person. Government officials may only carry official fire-arms issued to the individual officer.

Government contractors will carry identity cards displaying their photographs, indicating that they are contractors. Letters containing their contractual appointment as well as whom to contact will be given to each contractor.

- **GUIDELINES TO DEAL WITH FENCES AND GATES**

The climbing or crawling over or through fences without permission of the landowner is prohibited in terms of the Fencing Act (Act 31 of 1963) and visitors should take note of this section. Government Departments will provide their own locks to officials to be used in all cases and in such a manner that it securely locks the gate. Gates should be left as land owners intended.

In order to assist with any possible claims, Government officials should keep a log of each gate that is used stating:

- The position of the gate with reference to a GPS position, gate number and farm name.
- The state in which it was found (open or closed);
- The time;
- The name and designation of the official;
- Any other appropriate information (condition of locks, etc.).

Because dual-use is made of gates by government departments and landowners, each departmental lock shall be locked separately into the chain-link, separate from the landowners lock as to permit all parties to gain access without inconveniencing either party. No interference with landowners or departmental locks will be tolerated. The cutting of locks is strictly prohibited.

- **GUIDELINES FOR DEPLOYING HELICOPTERS**

Where helicopters are deployed, care should be taken in conjunction with the responsible departmental official and the landowner not to cause any disturbance or harm to livestock such as ostriches or other scares and expensive game species. Low flying over game farms should be avoided at all cost. Notice of aerial patrols should be communicated through the liaison committee in advance to ensure that all affected parties are informed.

- **GUIDELINES TO PREVENT DAMAGES DURING A VISIT**

Any damage caused by officials to any gate, fence, or property shall be reported to the relevant officials of government departments and the landowner through established communication channels. Extreme care must be taken with fires and will only be permitted with the express and written approval and conditions set out by the landowner. Government officials and their contractors will at all times refrain from littering and must remove any refuse when leaving.

- **GUIDELINES TO DEAL WITH FAUNA OR FLORA**

No *fauna* or *flora* including fire-wood will be collected or removed from any farm by a visitor without the written permission of the landowner, in which case cognisance will be taken of appropriate legislation pertaining to *fauna* and *flora*.

Access to game farms should be arranged with the appropriate landowners through the Liaison Committee because these farms have both dangerous as well as very expensive game. This will contribute to the safety of the visitor as well as the prevention of claims against government departments in the case of death or loss of expensive game. Officials entering all farms may only carry officially issued fire-arms.

Owners of game farms should be encouraged to label farm gates with the following information:

- That it is a game farm housing dangerous animals
- Contact details of the owner

- **GUIDELINES PERTAINING TO THE USE OF ROADS**

Government officials shall as far as possible only use the border line roads or the roads as determined and agreed upon with the landowner. Extreme care must be taken not to damage roads during the rainy season. The landowner's permission shall be obtained for the use of any other roads. In all cases care shall be taken to not cause any damage in the process and driving through the veldt must be avoided as far as possible.

- **GUIDELINES TO DEAL WITH COMPLAINTS**

The Liaison Committee should be used to deal with all complaints. Relevant officials from government departments will keep a record of all complaints received from landowners regarding the conduct of officials when entering farms.

Local organised farmer associations will keep a record of all complaints received from government departments regarding the conduct of landowners.

All complaints must be investigated, addressed and closed to the satisfaction of the department, provincial agricultural organisations and the landowner.

