STILL SEARCHING FOR SECURITY

The reality of farm dweller evictions in South Africa

by Social Surveys and Nkuzi Development Association
Marc Wegerif, Bev Russell and Irma Grundling
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Written by Marc Wegerif, Bev Russell and Irma Grundling
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Cover photograph: By Jurgen Schadeberg. When this picture of 14-year old Francis Davis, who is from a farm in the Western Cape, was taken in March 2005 she was unable to continue with her education. Towards the end of 2005, Nkuzi and Social Surveys offered to assist her to study further but, by that time, she had left home and was working on a farm. She refused to return to school, saying she saw no purpose in doing so.

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A short documentary of farm dweller evictions has been produced by Social Surveys to accompany this publication. This is available on DVD from Social Surveys and Nkuzi.
In the home of Francis Davis and her family on La Provence wine estate in the Western Cape.
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### Acronyms and abbreviations

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<tbody>
<tr>
<td>AgriSA</td>
<td>Agriculture South Africa (formerly the South African Agricultural Union)</td>
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<td>ANC</td>
<td>African National Congress</td>
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<td>CLRA</td>
<td>Communal Land Rights Act 11 of 2004</td>
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<td>DFID</td>
<td>UK Department for International Development</td>
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<td>DLA</td>
<td>Department of Land Affairs</td>
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<td>DoL</td>
<td>Department of Labour</td>
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<td>ESTA</td>
<td>Extension of Security of Tenure Act 62 of 1997</td>
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<td>FHR</td>
<td>Foundation for Human Rights</td>
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<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<td>LCC</td>
<td>Land Claims Court</td>
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<td>LRAD</td>
<td>Land Redistribution for Agricultural Development programme</td>
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<td>LTA</td>
<td>Land Reform (Labour Tenants) Act 3 of 1996</td>
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<td>NAFU</td>
<td>National African Farmers' Union</td>
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<tr>
<td>NGO</td>
<td>non-governmental organisation</td>
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<td>Nkuzi</td>
<td>Nkuzi Development Association</td>
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<td>NLC</td>
<td>National Land Committee</td>
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<td>PLAAS</td>
<td>Programme for Land and Agrarian Studies, University of the Western Cape</td>
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<tr>
<td>RDP</td>
<td>Reconstruction and Development Programme</td>
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<td>RLT</td>
<td>Rural Legal Trust</td>
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<td>SAHRC</td>
<td>South African Human Rights Commission</td>
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<tr>
<td>SAPS</td>
<td>South African Police Service</td>
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<tr>
<td>SLAG</td>
<td>Settlement/Land Acquisition Grant</td>
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<tr>
<td>SPP</td>
<td>Surplus People Project</td>
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<tr>
<td>Stats SA</td>
<td>Statistics South Africa</td>
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<td>TAU</td>
<td>Transvaal Agricultural Union</td>
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<td>UIF</td>
<td>Unemployment Insurance Fund</td>
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Glossary of terms

For the purpose of clarity, the following definitions have been used, some of which already existed and some which were introduced for this study.

**Current household**  People who lived together as a family at the time of participating in the research. This includes sharing facilities for cooking and eating, and sleeping on the same premises at least two nights a week.

**Evictee/ evicted household**  The members of a current household who lived together on a farm as a farm household and left the farm for the same reasons. This is also the unit of analysis used in this study.

**Evictee**  A farm dweller who has been evicted.

**Evictions**  The process through which farm dwellers are forced against their will to leave farms and their homes by the deliberate actions of the owner or person in charge, sometimes assisted by third parties. An eviction affects people who did not want to leave the farm and who did not leave voluntarily or for personal reasons. The evictions process can include instances where people were: told to leave the farm and believed they had no option but to comply; received written notice to leave the farm from the owner or court and believed they had no option but to comply; or were forced to leave the farm because conditions were made intolerable for them.

**Farm dweller**  Any person, other than the owner, who is living on a farm. At the National Land Summit and other forums, questions have been raised about whether ‘farm dweller’ is an appropriate term. Long-term farm dwellers and labour tenants have said that the term ‘farm dweller’ does not fully capture the strength of their connection to the land and suggest a more appropriate term would highlight their status as indigenous people of the land. Despite the debate, no suitable alternative terminology has been identified, so we have continued in this study to use ‘farm dweller’, taking cognisance of the limitations of the term.

**Farm household**  People who lived together as a family on a farm at the time that they had to leave the farm. They would have shared facilities for cooking and eating, and would have slept on the same premises at least two nights a week.

**Farm**  A piece of land used primarily for agricultural purposes, either currently or in recent years. Farms are generally within an area not demarcated as urban, but do not necessarily include all land outside urban areas.
| **Farm worker** | A person who works on a farm regularly, whether full-time, part-time or seasonally. A farm worker is not necessarily a farm dweller as some do not live on the farm. |
| **Illegal evictions** | Evictions from farms implemented with no due legal process. |
| **Labour tenants** | Farm dwellers who derive their rights to be on and use land through the provision of labour to the land owner. The Land Reform (Labour Tenants) Act (LTA) uses a more complex definition that, amongst other things, also requires labour tenants to prove that their parents and grandparents were labour tenants. |
| **Legal evictions** | Evictions from farms that were implemented in terms of a court order. |
| **Occupiers** | This definition is a legal construct derived from the Extension of Security of Tenure Act (ESTA). It refers to people who are not owners of land but who live on a farm (any area not demarcated as an urban settlement) with express or tacit consent of the owner or the person in charge. Occupiers are protected by the provisions of ESTA. |
| **Relocation settlements (also displacement areas)** | All settlements and areas in South Africa where people have moved to after leaving farms, including other farms. It was beyond the scope of this study to capture the movement of evictees to neighbouring states and beyond. |
| **Secondary occupants** | Occupiers or farm dwellers who have derived a tenure right on a farm due to their relationship with someone who has tenure rights on the farm, according to the owner, person in charge or the courts. It is important to note that, despite certain court decisions, there is no such class of occupants under ESTA which creates independent tenure rights for all occupants. |
STILL SEARCHING FOR SECURITY: The reality of farm dweller evictions in South Africa

In the home of 89-year old Leah Bruintjes who is threatened with eviction from Buffelsdrift farm in Oudtshoorn
Foreword

The history of South Africa is one of massive and well-orchestrated land dispossessions, from the colonial era until the demise of apartheid. Most of these dispossessions happened in the farming areas where farm dwellers were displaced from land that they had always considered home. The ongoing displacement of people from the land has not been documented since a study carried out by the Surplus People Project in the early 1980s. That study revealed just how ruthless and inhumane the National Party government was in its efforts to retain political and economic privilege for the white minority.

Nkuzi Development Association, in conjunction with Social Surveys, has sought to document the recent history of evictions of rural dwellers based on a comprehensive survey of people displaced from farms for the period 1984 to 2004. For this they must be complimented. For the first time since 1994, empirical evidence has been put on the table for the government and its policy makers to consider in earnestly addressing the needs of this most marginalised community. This survey and book is also a powerful tool for NGOs to start engaging government meaningfully and for them to review their strategies to provide services to rural dwellers. I am honoured to have been asked to contribute a foreword to this work of historical significance; a work that I hope will provide a face to this faceless community that has for centuries been ignored by successive governments, including the current, democratically elected one.

Since 1994, the government has put in place policy, legislation and institutions to ensure the protection of the rights of the vulnerable in society. Tenure legislation has been passed with the intention of protecting farm dwellers from arbitrary denial of their rights to land. This survey sought to find out, amongst other things, whether the mechanisms that have been introduced have indeed achieved their stated goals.

Much has been written about access by farm workers to institutions that have been set up to protect them. To some, institutions that have been set up to protect the rights of farm workers have not been accessible while to others, these institutions have been providing a vital service to their intended beneficiaries. This study reveals the true state of affairs on the ground and will hopefully assist us in mapping a new way forward.

Through the years of working in this sector, it has become clear that not enough resources have been allocated to the protection of the rights of farm dwellers and farm workers. Not enough training has been given to institutions that are tasked with enforcing their rights and there has been little will from these institutions to stop the erosion of the few rights farm dwellers and workers are afforded by the legislation.

The Land Claims Court has, through its interpretation of the law, systematically and gradually eroded the rights contained in the tenure legislation that was aimed to protect farm dwellers. The Department of Land Affairs has not provided dedicated resources to protect the rights of farm dwellers. The prosecuting authority and
the police rarely take cases that are brought by farm workers seriously and have, in many cases, refused to prosecute farmers who are in contravention of tenure legislation. There are no clear plans within municipalities to accommodate or provide services to people from farms.

The very few NGOs that work in the land sector are constrained by a lack of resources and are threatened by a forever shrinking funding pool. Lobbying and advocating by these organisations for the rights of farm dwellers has generally been poor.

In the middle of this are people with their own dreams and aspirations, but without a voice and the necessary resources to make themselves heard. We should appreciate that we are dealing with people who are truly disempowered, who need a space to tell their own stories, and who need institutions that are sympathetic and responsive to their needs. A fundamental shift in the government’s strategy is needed if we are serious about integrating farm dwellers into the mainstream of society.

Letlhogonolo Gaborone
National Programme Manager: Rural Legal Trust
Preface and Acknowledgements

The National Evictions Survey was carried out primarily by Social Surveys who developed the methodology, conducted the field research, and analysed the data. Social Surveys carried out this work in partnership with Nkuzi Development Association (Nkuzi) and both organisations are responsible for the production of this book, based on the findings of the survey.

The original idea for the National Evictions Survey grew out of the work of Nkuzi as it assisted farm dwellers to understand and defend their land tenure and other human rights. Nkuzi is a South African NGO that started operating in 1997. The founders of Nkuzi first focused on assisting dispossessed people to lodge land claims. This was grounded in the belief that the land claims process would overcome the legacy of forced removals and inequalities in land access that have left black South Africans crowded into areas of limited economic potential. However, as Nkuzi staff went to different villages to discuss and assist people with land claims, they were approached by black farm dwellers who were not trying to claim land lost during the apartheid era. Rather, they were recent victims of evictions from farms, or were under threat of eviction. It became clear that a lot still had to be done to stop a continuing dispossession of black people from their land.

Nkuzi works throughout Limpopo and Gauteng provinces doing what it can with limited resources to deal with the eviction cases its staff members come across, as well as doing work on other land and agrarian reform matters. In 1998, Nkuzi became part of the Foundation for Human Rights (FHR) funded National Farm Dweller programme that was originally co-ordinated through the National Land Committee (NLC) and implemented in each province by NLC affiliates. In 2001, Nkuzi was one of the organisations involved in forming the Rural Legal Trust (RLT) that established legal teams in all nine provinces of South Africa to assist farm dwellers facing threats to their tenure security. For its part, the government, through the Department of Land Affairs (DLA), brought in a number of pieces of legislation to try to strengthen the tenure rights of farm dwellers. The DLA also has staff in each provincial office responsible for implementation of this tenure legislation.

The government and civil society-led programmes have, with limited success, tried to monitor evictions largely based on compiling data on the evictions cases that they have dealt with. Even where this has been reasonably successful – the best efforts being the work of the Association for Rural Advancement (AFRA) and the Land Legal Cluster in KwaZulu-Natal, and the RLT nationally – the data on cases handled has provided no basis for assessing the full number of evictions that have occurred. There has been no empirical data to indicate the total number of cases and, therefore, it has not been possible to calculate the percentage of all cases that have been identified and dealt with through the interventions of such organisations. Basic questions such as whether or not evictions are increasing or on the decline have, until now, remained unanswered.
From 2000 and notably at the National Land Tenure Conference held at the end of 2001, there have been discussions about the need to amend legislation dealing with the tenure of farm dwellers. One of the gaps however has been the lack of comprehensive and accurate data to assist in assessing the impact of the existing legislation.

Nkuzi started to explore solutions to the lack of data on evictions and came up with the idea of identifying evictee households in the areas where they currently live. In 2001, a very small survey was carried out in an informal settlement near the town of Bela-Bela (formerly Warmbaths) to find out how many people in the settlement had been evicted from farms. The results showed both that it was possible to identify households that had been evicted from farms, and that there are large numbers of evictees in some settlements.

In February 2003, Nkuzi met with Social Surveys to discuss the possibility of a national survey to establish the scale of evictions from farms. Social Surveys is an independent research organisation with 18 years of experience in social, development and policy-related research, including the development of innovative methods for dealing with difficult research questions. Part of the reason for the information vacuum to date has been the lack of an appropriate and robust methodology to measure the number of evictions from farms in South Africa. It required the experience and innovation of Social Surveys and their key staff to develop a methodology that could fill this gap. They set about, initially at their own cost, developing an approach that could provide credible figures for the number of evictions that have occurred in South Africa. In the discussions it quickly become apparent that a number of other related questions should also be answered, such as the causes and impact of evictions, which were subsequently incorporated into the research.

The project and the basic methodology developed by Social Surveys were discussed with a number of potential funders, the DLA and other stakeholders. Once funding had been secured, the project started in earnest in 2004 with detailed development of the methodology and a pilot phase (see the methodology chapter for more details). The main field work started in September 2004 and continued to mid-2005, carried out by Social Surveys and its experienced team of field workers.

This project would almost certainly have never come about if it were not for the workers, paralegals and lawyers of land sector NGOs1 around the country who continue to work tirelessly in the defence of farm dwellers’ rights. This is challenging and often undervalued work but without it, thousands more would have lost their land rights and the problems that farm dwellers face would have remained as invisible to the rest of society as farm dwellers themselves often are.

The Social Surveys field team (see Annexure 2) did the hard work: walking the villages, towns, townships, informal settlements and farms to interview people when it was hot and dusty, and when it rained. They listened patiently as people shared their often painful experiences and brought the information back for analysis.

1 The organisations that Nkuzi has enjoyed collaboration with and that continue to assist farm dwellers in defending their rights deserve acknowledgement here: AFRA (Association For Rural Advancement), AnCRA (Association for Community and Rural Advancement), ECARP (Eastern Cape Agricultural Research Project), FSRDA (Free State Rural Development Association), LAMOSA (Land Access Movement of South Africa), LRC (Legal Resources Centre), LHR (Lawyers for Human Rights Stellenbosch office), RLT (Rural Legal Trust and all its partner organisations), SCLC (Southern Cape Land Committee), SPP (Surplus People Project), Trac MP (The Rural Action Committee Mpumalanga) and WFP (Women on Farms Project).
It is this work on the ‘front line’ that is the foundation for any research of this nature and the commitment and enthusiasm of the field researchers will always be appreciated.

The National Evictions Survey could not have been implemented and this book would not have been produced without the generous support of the project’s funders: Atlantic Philanthropies; the Foundation for Human Rights; the DLA (allocating USAID funding); and the Open Society Foundation. Thank you to all these funders and special appreciation for the support and encouragement of Gerald Kraak of Atlantic Philanthropies and Seema Naran of the Foundation for Human Rights.

Although no longer part of the team by the end of the project, Katharine Hall played a key role in the project design and initial consultations while she worked at Social Surveys. Dr Mike Muller of the University of the Witwatersrand confirmed the validity of the sampling frame and statistical analysis. Professor Wim van Averbeke of Tshwane University of Technology double-checked the approach to the statistics, in particular the methods of weighting findings to calculate national figures. His thorough analysis and positive response were appreciated and gave the team added confidence in the findings.

The Programme for Land and Agrarian Studies (PLAAS) at the University of the Western Cape has assisted indirectly through its continued compilation of information on land reform in South Africa and ongoing contributions to land reform debates. More direct contributions to this project have been made by Ruth Hall and Dr Edward Lahiff of PLAAS. Ruth Hall’s reports on the situation of land reform have been an invaluable source of information and her sharing of additional information and ideas is most appreciated.

The members of the reference group for this project gave freely of their time and ideas, providing encouragement and critical inputs at important points in the project from the initial design of the survey to the approach to disseminating the findings. Thanks to all the Reference Group Members: Aditi Maheshwari (National Treasury); Dan Mabokela (NLC); Jomo Ntuli (DLA); Michael Aliber (Human Sciences Research Council); Nic Opperman (AgriSA); Seema Naran (Foundation for Human Rights); Sophia Christoforakis (DLA); Vusumzi Moyo (South African Human Rights Commission); and Zandile Nkonyane (DLA).

Thanks to Jurgen and Claudia Schadeberg for the pictures that bring life to this book and remind us that behind the statistics are real people with their own lives, fears, hopes and aspirations.

Analysis on data was carried out primarily by Irma Grundling, with Marc Wegerif, Bev Russell and Irma Grundling doing the writing. Teresa Yates of Social Surveys assisted with editing. Stephen Heyns was responsible for the final copy-editing of the whole book and Nicola Spurr for the proofreading. Limeblue did the design.
The other staff of Nkuzi and Social Surveys who assisted in various ways on the project are too many to mention here, but are all appreciated for their inputs.

The final thank you must go to the thousands of people who took time to respond to our questions and shared openly about their experiences on farms, off farms and when being evicted. Their contributions and suffering will not have been in vain if the information shared in this book is taken seriously by all who read it and contributes to actions that improve the lives of those evicted and those still living on farms.

*December 2005*
Munyadziwa and his mother outside the one room shack that he lives in with his wife and two children in Paradise.
Pic: Tshililo Manenzhe, Nkuzi.
Paradise

As my colleague and I arrived at chief Nekhunguni's house, he came to greet us with none of the formalities that some traditional leaders demand. We sat in the shade of a small tree on old chairs brought for us by a young girl. A hundred metres away, a crowd of people, mostly children, were collecting water from the water tank, the only one in the village. Girls carrying twenty litre containers of water passed by and now and again, a makeshift cart loaded with water containers would throw up some dust as young boys, standing on the cart like Roman charioteers, tried to whip more pace out of the uninterested donkeys.

I was in Paradise on a dry winter's day, the air still a little cool, but the sun already merciless at nine in the morning. Paradise is a village on the edge of the Nzhelele Valley just north east of where the N1 passes through the Hendrik Verwoerd Tunnels. This is part of the former Venda homeland that apartheid planners and politicians like Verwoerd saw as the place for all Tshivenda-speaking people to live. The Nzhelele valley became overcrowded as communities removed from surrounding areas were dumped there for the realisation of Verwoerd's dream of a South Africa for whites only.

Nekhunguni told us that there are now 758 stands in the village and he estimated that more than 200 of them have been allocated to people who have come to the area from white farms. Some people came from the farms looking for a place where their children could stay in order to attend school (there is no school in Paradise, but it is not far to a school in the neighbouring village) and others are 'dumped by farmers in the night'. Nekhunguni believes farmers are bringing people to his village because it is close to the road, but no farmer has ever come to talk to him about it: 'they come to throw them away and then go'. The following day those evicted come to the chief for help and he allocates them a place to stay.

We looked through an old school exercise book where all the allocations of land for 2005 are recorded, along with a note saying where the new arrivals had come from. In the first six months of 2005, 19 new stands in the village had been allocated to families coming from farms.

While we were still sitting under the tree, Nekhunguni called a woman who he saw passing to come and talk to us as he knew her to be from the farms. Thikolelwi told us she had come to the village around Easter 2002. Before that, she had lived her whole life on farms in the Mopani area about 100km away. Thikolelwi, in bare feet and wearing a bright red hat, was animated and lively in telling her story. She said she missed the farm life, especially having a place where she could plough and having grazing land for animals. On the farms she used to collect firewood; now they have to buy paraffin as there is no firewood in the area. Problems started for Thikolelwi when the farmer complained that he did not want children on the farm and he used to shout and threaten them. He was a man known for beating people and the workers and people living on the farm called him 'Ndadza' ('thunderstorm').

On the day of the eviction, Thikolelwi's husband was away (she believes the farmer deliberately waited until her husband was not around). The farmer came to where they stayed; the children ran away in fear and the farmer sent Zimbabwean workers to chase after them. He also told Thikolelwi that he did not want to see her or her family on the farm anymore.

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2 The names of the Chief and the village are real but the other names are pseudonyms to protect the identities of those involved. All are Tshivenda names with particular meanings: Thikolelwi (‘no one can undermine or shame me’), Munyadza (‘a downtrodden person who feels worthless’), Shavhani (‘run away, escape’), and Alilali (‘no rest in the world’).
Thikolelwi was afraid but she could not leave without finding her five-year old daughter Shavhani who had not come back since, terrified of the farmer, she had run away. The farmer came back later and Thikolelwi told him that she would go, but not before they had found the missing child.

Thikolelwi and other farm workers spent the night looking for Shavhani, a night of tears and fear that Thikolelwi will never forget. They found Shavhani the following morning hiding in a porcupine’s hole, her clothes were torn and she was bruised, cold and hungry. Thikolelwi and her children left immediately and stayed for a few days with farm dwellers on a neighbouring farm. When her husband returned a few days later they arranged transport and came to Paradise. Thikolelwi’s husband refused to work for the farmer anymore. For some time after the eviction, Shavhani would wake in the night crying and screaming, Thikolelwi took her to a clinic for treatment and says that she is now fine, although Thikolelwi is still bitter about what happened.

Thikolelwi and her husband are now unemployed. They live on government child support grants that amount to R360 per month and earn a bit of money from brewing and selling beer. Thikolelwi would like land for ploughing and says that she and her husband are very good at farming, having grown many crops over the years including maize, sorghum, watermelons, pumpkins and other vegetables.

While we were talking, Thikolelwi’s younger brother Munyadziwa passed by carrying a loaf of bread from the spaza shop. Thikolelwi called him to join us and explained that he had also been evicted from a farm along with their mother Alilali who soon also joined us under the tree. Munyadziwa, along with his wife, their two children and Alilali were evicted from another farm in Mopani in June 2004. Alilali had lived on the farm for a long time — she could not remember for how long or how old she is, but all of her ten children were born on the farm.

Early in 2004, the previous owner of the farm told them as he was leaving that he was selling the place. In June, new owners came and said they did not want any people on the farm, but Munyadziwa and his mother refused to go. The owner came back with a truck and workers and said they must leave immediately, Munyadziwa and Alilali still refused, but the workers simply went into their house and started loading the truck and the farmer said he would shoot their donkeys. When asked how he had reacted, Munyadziwa shrugged his shoulders with an air of resignation: ‘What could I do? They just took our things. I do not know what evil thing I had done to be chased out of the farm.’

Alilali, who must be around 70 years old, is still bright eyed and more vocal, switching from Tshivenda to her mother tongue, Xitsonga. ‘He is a white person, we are black people; we could do nothing,’ she said. She is still angry with the way they were treated: ‘they chased us the same as they chase dogs.’ After a pause she adds more reflectively, ‘I like that place, my children grew up there.’

When all their possessions, except some chickens that disappeared and three donkeys that Alilali’s son-in-law took to a neighbouring farm, were loaded they were driven to Paradise. The truck driver was going to dump them on the side of the road but they asked him to at least drop them at Thikolelwi’s place.
Later Thikolelwini’s sons were sent with a cart to fetch the donkeys. When they had been on the farm these donkeys were used for ploughing the family’s small field. Alilali said they used to grow watermelons, pumpkins and peanuts, one of her favourite foods. It took the boys three days and nights, sleeping in the open on the side of the road, to return from the farm riding the donkey cart.

Munyadziwa now survives with some assistance from his mother who gets a state pension. He had been working on a neighbouring farm but there was no way for him to get there after the eviction. We went with Munyadziwa to his stand near the edge of the village where plots have been roughly demarcated on the steep slopes at the foot hills of the mountains. The border of each stand is marked with large piles of rocks and stones that the new occupants are trying to clear from the arid soil.

Munyadziwa and his family live in a one-room shack made from old zinc sheets; they cook in the open and there is no toilet yet, only the beginnings of a hole dug into the stony ground. Alilali has no house of her own and she says when she can get some building materials she will build on Munyadziwa’s stand. For now, she finds a place to sleep with different relatives in the village. The house that she and her husband built and lived in for decades is far away and probably now destroyed.

Resources are scarce in Paradise, and there is no assistance from the municipality or other government agencies in settling new arrivals in the village. All Nekhunguni can do is offer families a piece of land where they can build and live. The Department of Education has promised to build a school and he has identified a site for this but they now say they have no money to do so. Nekhunguni is also worried that the village relies on one borehole, but his main concern is that they have no land for ploughing and grazing of livestock. Despite this Chief Nekhunguni had no complaint about people coming to the village. ‘Where can I take them?’ he asked. ‘They are people’.
The beauty of farms around Wakkerstroom in Mpumalanga hides a long history of land conflicts and evictions in the area.
STILL SEARCHING FOR SECURITY: The reality of farm dweller evictions in South Africa
Introduction

Johannah Boya prepares a meal on the farm Tweefontein in Limpopo province.
Issues of evictions and tenure security on farms need to be seen in the broader context of the agricultural sector, conditions on farms and land reforms in South Africa. Since 1994, South Africa has embarked on an ambitious programme of land reform, including the passing of new legislation designed to redress imbalances in land holding and to secure the land rights of historically disadvantaged people. Land reform was conceived as a means by which the state could not only redress the injustices of the past but also promote development. This is being pursued in terms of three main programme areas: land restitution – aimed at restoring land to those unfairly dispossessed since 1913 as a result of racially discriminatory laws and practices; land redistribution – based on a system of discretionary grants that assist certain categories of people to acquire land in order to create more equitable access to land; and land tenure reform – intended to secure and extend the rights of those who have insecure tenure due to past discrimination, weak or unclear legal protection or inadequate systems of land administration.

This survey is relevant primarily to the tenure reform programme and focuses on the particular tenure issues affecting farm dwellers. Since 1994, a number of pieces of legislation have been enacted with the intention of regulating and improving the conditions and rights of farm workers and farm dwellers. Despite the new legislation, black people living on farms in South Africa remain amongst the most vulnerable people in society. Many farm owners blame new tenure and labour legislation and policies, such as the recently proclaimed minimum wage, for increased retrenchments and evictions of farm workers. The new laws are also alleged by some farm owners and analysts to have contributed to a deterioration of relations between farm owners and farm workers. Workers’ unions and NGOs assisting farm dwellers tend to claim that evictions and other abuses of rights on farms are due to the power of landowners and therefore call for the strengthening and more effective enforcement of legislation to protect farm dwellers.

Apart from the efforts of the Department of Land Affairs, a number of NGO initiatives – such as the National Farm Dweller programme and the Rural Legal Trust – are aimed at assisting farm dwellers to understand and defend their tenure rights. However, prior to this study, there has been no credible data available on the number of evictions taking place and therefore no objective indicator of the overall impact of these programmes and the related legislation. The absence of standardised systems amongst farmers to record the status of employees and resident farm households, as well as difficulties in gaining access to farm dwellers to obtain primary data, has exacerbated this information vacuum.

An assessment of the circumstances within which evictions occur would be incomplete without looking at the economic factors affecting the agricultural sector. The last decades have seen the deregulation of the agricultural sector with the removal of marketing boards, subsidies and almost all tariff protection. This has taken place in an increasingly globalised market environment, which sees South African farmers competing with growers from Chile, Israel, New Zealand and other countries. Massive agricultural subsidies to European and North American producers still dominate the structure of global agricultural markets. These factors
have contributed to the total employment in South African agriculture falling from around 1.3 million in the mid-1980s to less than 1 million in 2002. (Stats SA & NDA 2000:32; Stats SA 2005).

**Figure 1: Map of South Africa**

Being evicted can be devastating for farm dwellers as it is often accompanied by the loss of work and income, the loss of access to land for own production, the loss of homes, as well as other negative effects such as the breakdown of family and social structures and disruptions to children’s education. Having accurate information on these phenomena is essential for the development of appropriate responses. It is therefore crucial to overcome the current constraints and find ways to acquire the farm eviction data that will enable ongoing monitoring of eviction trends, assist in evaluating the impact of legislation and programmes, and inform further policy and programme development.

Social Surveys partnered Nkuzi in this project, developing a new and innovative methodology that would address the information needs identified above. The approach developed for the eviction survey built on previous experience, such as a pioneering study that measured the size and scope of the non-profit sector in South Africa, which, like farm evictees, is widely spread and largely undocumented. Social Surveys was also responsible for conducting the survey, which involved an extensive exercise to identify the number of evictees in a sample of different
settlement types. This provided the basis for extrapolation to the total population to provide an eviction profile for the country. Short of undertaking a national census in order to identify evictees, this was regarded as the most rigorous and reliable way of determining the number of evictees in the country.

This book, based on the findings of the National Evictions Survey, will expand on the context within which the issue of evictions needs to be understood and explain the methodology before elaborating the most important findings of the survey. The implications of these findings will be touched on as they are discussed throughout and summarised, along with some recommendations in the final chapter. This study provides essential information for anyone working on land reform, agricultural development, and farm worker and tenure rights issues. The information provided on the changing circumstances of farm dwellers, one of the most marginalised sectors of South African society, is also of great importance to anyone interested in the development of modern-day South Africa and has relevance for other societies in transition.

Mr Twala in front of his house on Devon farm in Gauteng. His eviction was prevented with assistance from Nkuzi.
Methodology and study objectives

The Lekoto family in a temporary shelter on the road side after they were evicted from a farm in Limpopo.
Study objectives

The overall objective of the project was to gather and disseminate accurate information on the extent, nature and impact of evictions from farms to be used in developing future legislative and programmatic interventions. It is hoped that the provision of empirical data, developed through a methodology that key stakeholders accept as objective, will be an important contribution to debates aimed at understanding and finding solutions to the situation of farm dwellers. More specifically the project aimed to determine the:

- number of people evicted from farms in South Africa for the 21-year period 1984–2004;
- cause and nature of evictions during this period;
- impact of evictions on the livelihood of evictees, as well as on the settlements within which evictees have settled; and
- implications of evictions for local and national government.

The main reason for the 1984 cut-off date is that information obtained from respondents becomes less and less reliable, due to factors such as memory loss over time and evictees passing away. The pilot process of this study also found that going back too far led to evictions being confused with forced removals during the apartheid era. As forced removals constitute a very different type of eviction, it was necessary to ensure that they were excluded from the figures (Nkuzi & Social Surveys 2004). We felt it was important, however, to establish reasonably long-term eviction trends, including a substantial period before the first democratic elections of 1994.

Background research and literature review

An extensive background search of the literature was undertaken to provide input into the design of the methodology and instruments. This process included looking at relevant literature on other research that had been conducted, relevant legislation impacting on farm dwellers in South Africa, as well as land reform, tenure rights, rural migration and eviction issues.

Although no previous research has successfully quantified the extent and impact of evictions from farms on a national scale, other studies that have explored eviction issues provided useful insights. Other secondary data sources that were used included population census data (1996 and 2001), the Census of Commercial Agriculture, the Rural Survey, the Labour Force Survey, records of Land Claims Court decisions, South African Human Rights Commission reports, academic papers, and a range of policy reviews and discussion documents.
Consultation process

Formative consultation process

The research team from Nkuzi and Social Surveys engaged in a broad-based consultation process that continued throughout the study and was integral to its design and popularisation. The initial phase of the consultation process was aimed at drawing, as widely as possible, on the knowledge and experience residing in organisations and individuals focusing on land tenure issues, farming, farm evictions and rural migration. The research team met with a range of organisations that conduct research or provide legal, social, financial and other kinds of assistance to evictees or land owners, obtaining invaluable input for the formative stages of the study design. Amongst other things, stakeholders provided information and guidance on key indicators for the development of the sampling frame and the methodology and also highlighted particular areas of concern that needed to be addressed. As far as possible, these inputs were factored into the final design.

Reference group

The need to have a reference group was identified in the early stages of the project. The reference group regularly assisted in reflecting on the research process, the methodologies used, as well as on the findings and the interpretation of the results. The reference group served two main purposes: firstly, consistent input from a group of people who would bring a range of different experiences, perspectives and expertise to the project; and secondly, assistance in facilitating the engagement of key stakeholders with the study.

Popularisation process

If the results of the study are to have an impact in the sector, they need to be used by the key players involved. The extensive and ongoing consultations throughout the planning and implementation of the project were believed to be an essential part of building an awareness of, and interest in, the study and establishing its credibility in the eyes of those who could best make use of the results.

Therefore, in addition to the consultation processes mentioned above, efforts to popularise the project have included giving inputs in various workshops and forums. In particular, the survey was presented and workshopped with the field-staff of the National Farm Dweller Programme, a group of NGOs that defend the rights of farm dwellers in all provinces of South Africa. The project was also presented to and workshopped with the DLA national ESTA/LTA Network comprising DLA staff dealing with the implementation of farm tenure legislation in each province.

3 See Annexure 1 for a list of government departments and other organisations consulted.
Theoretical framework

For any study of this size and complexity to be focused and useful, it needs to be located within a relevant theoretical framework. The framework provides direction for the sample frame, the instruments to be used and for the analysis and interpretation of the study results.

Livelihood models are commonly used for analysing household survival and development strategies, making this an appropriate framework for analysing the impact of evictions on affected individuals and households. This study used, as a starting point, the livelihoods model of the United Kingdom Department for International Development (DFID) and adapted it where necessary to cater for the specific project requirements (DFID 1999). (See Figure 2). The livelihood strategies are analysed within the context of the risks that create vulnerability and the structures, institutions, laws and other societal factors that limit or enable the full utilisation of a household’s capabilities. Livelihood strategies are seen as sustainable when they can survive shocks, do not degrade the environment and build, rather than deplete, the assets of the household. While there are a variety of different livelihood frameworks, most agree that people have access to and utilise a basic set of ‘assets’ and the extent of access to these ‘assets’ is a critical determinant of people’s livelihood possibilities.

Figure 2: DFID sustainable livelihoods framework (DFID 1999)
The ‘assets’ can be divided into five main categories. For the purposes of this study, specific variables were attached to each of these categories, summarised as follows:

- **Natural capital variables** include access to land, water for production, air quality, forests, fisheries, wild animals and vegetables.
- **Physical capital variables** include access to housing, secure shelter, levels of overcrowding, basic services, energy sources, communication, infrastructure and transport.
- **Human capital variables** include demographics, level of education and school attendance, skills, potential to find employment, leadership potential and health status.
- **Financial capital variables** include savings, livestock, social grants and pensions.
- **Social capital variables** include settlement size and density, levels of social support within communities, levels of participation in organised activities, and levels of crime, violence and social degeneration.

### Sampling frame

The primary challenge of the quantitative survey methodology was the development of an appropriate, nationally representative sampling frame that would enable the study to quantify the number of farm evictees in South Africa for the 21-year period 1984–2004. In order to develop such a sampling frame, a cutting-edge approach utilising a geo-demographic segmentation model was developed by Social Surveys specifically to address the sampling demands of this study. The model used as its basis the Stats SA population census data (1996 and 2001), which have been geo-referenced linking all relevant variables within a geographical information system (GIS).

Variables were classified according to their relevance in the adapted livelihoods framework and introduced into a process of cluster analysis. This was applied to the data, making it possible to classify every settlement in the country into 22 primary clusters. As the livelihood framework variables were introduced during the clustering process, differentiation of settlement types resulted in the settlements within each of these different clusters or settlement types having similar characteristics with regard to human, physical, social and financial capital. In this way, each one of the settlements4 in the country were disaggregated into one of 22 different clusters based on its livelihoods profile.

Using these clusters as the sampling frame for the survey, i.e. drawing a random sample of settlements within each cluster to conduct the survey, provided the following methodological advantages:

- It ensured that all settlement types were represented in the survey, making it possible to determine from the results of the study the range of different

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4Settlements refer to ‘sub-place’ according to the census classification.
settlement types that are most likely to be displacement areas where farm dwellers settle after being evicted.

- It facilitated extrapolating from the findings the estimated number of evictees within each settlement type, as well as the estimated total number of evictees in the country.
- It enabled the evaluation of the impact of the eviction on the livelihoods of the evictees against the background of a settlement with specific livelihood characteristics.
- It also provided a predictive model that can be used as the basis for ongoing monitoring and evaluation of the evictions, so essential if this critical component of tenure reform is to be effectively monitored and evaluated in the longer term.

Figure 3: Development of sample frame
Most databases in South Africa are urban focused and do not distinguish between different types of rural settlements, tending to group all rural settlements together as a single homogeneous cluster. Such an urban bias would be problematic for a study of this nature where no assumptions could be made at the start about the types of areas evictees would be found. Thus, the rural component of the sampling frame had to be carefully developed in a way that gave an equal weighting to rural and urban areas and recognised the differences in types of rural settlements. The positive result of this is the creation of one of the first national frameworks in South Africa to give equal weight to the classification of urban and rural areas (Social Surveys & Nkuzi 2004).

There was some concern that new informal settlements, often likely to be farm dweller displacement areas, might have evolved after the 2001 census and would not be reflected in any of the datasets used for the development of the sampling frame. For this reason, every municipality in the country was approached for information regarding settlements established in their areas since 2001. The response was very positive and, through this process, it was possible to identify 32 new informal settlements that had been established since 2001. These areas were incorporated into the model and the pilot confirmed that some of them had evolved as a direct result of evictions from farms.

The sampling frame includes farming areas, as it is known that some evictees find accommodation on other farms. This enabled the study to identify the total number of evictees who found accommodation on other farms, as well as the number who now live in non-farming areas.
Pilot study

Before the broader study began, site visits and a pilot study were carried out in known evictee displacement areas. The objectives of the pilot were to determine:

- Whether the proposed methodology would successfully determine the prevalence of farm evictions in South Africa.
- The appropriate basis for the development of the sampling frame – issues such as whether the sampling frame should be based on settlements at ‘enumerator area’ (EA), ‘sub-place’ or ‘place’ level (as defined by Stats SA census data).
- Whether the proposed key informants for the scoping exercise would provide the type of information necessary to determine if areas sampled are potential farm dweller displacement areas or not.
- Whether, by using a random sample with a sampling interval of ±5, it would be possible to determine what proportion of households in each area were evictee households.
- How effective the prevalence questionnaire was in determining whether an ex-farm dweller was a farm evictee or not.
- How successfully the socio-economic impact questionnaire measured the impact of a farm eviction on an evictee household according to a livelihoods framework.
- Whether the sample profile for the local impact component of the study could successfully elicit the type of information required to assess the impact of evictions from farms on local communities and government.
- Whether the instruments used in this process were effective in obtaining the type of information required.
- Whether the study objectives could be achieved using the defined unit of analysis.

The pilot phase commenced with scoping carried out in seven areas – four in Gauteng and three in Limpopo – and continued with surveys conducted in five settlements – three in Gauteng and two in Limpopo. A total of 468 short prevalence and 25 more detailed socio-economic impact questionnaires were completed. On the basis of the results, considerable time was spent determining what could be improved in the instruments and approach used (Nkuzi & Social Surveys 2004).
Study approach

The study was divided into five components as follows:

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**Phase One**

Once the sampling frame was finalised, an initial national scoping exercise was undertaken involving 300 settlements drawn at random from across the 22 clusters in the sampling frame. An investigative research process was then undertaken within each of the 300 settlements identified. This involved a range of interviews with community leaders, service providers, NGOs and local government officials within each of the settlements in the sample. The bulk of this investigative process, particularly in urban areas, was conducted telephonically with only a few, predominantly rural areas, requiring face-to-face interviews.

Jackson Shezi lives in an informal settlement in Gauteng, he was evicted from a farm ten years ago.
This exercise had four main aims to:

1. Identify ‘new’ settlements established since 2001 not already identified in the municipal self-completion questionnaires.

2. Divide the original sample of settlements into:
   • unlikely farm dweller displacement areas;
   • potential farm dweller displacement areas; or
   • confirmed farm dweller displacement areas.

3. Avoid wasting time and resources by eliminating, from Phases Two and Three of the study, settlements where evictees were unlikely to be found. This made it possible to free up resources to focus on those settlements that had, or were likely to have, displaced farm dwellers.

4. Verify the extent to which there was a direct correlation between settlement type and displacement area.

Although unlikely farm dweller displacement areas were eliminated from the second phase of the research (i.e. they were not surveyed to measure prevalence and socio-economic impact), their ‘zero’ eviction prevalence ratios were recorded and are reflected in the survey results. The next level of fieldwork proceeded only in potential and confirmed displacement areas. There is the possibility that a small number of farm evictees exist within the areas not surveyed, resulting in a slight undercount of the total number of evictees. The ‘scoping’ exercise was, however, thorough enough to ensure this would be a small and therefore statistically insignificant undercount.

The results of the scoping exercise were fed back into the sampling frame, verifying the hypothesis that there was a correlation between settlement type and those areas where displaced farm dwellers were living. Verifying this correlation is important, as it will provide researchers with a predictive tool that will make future surveys and interventions considerably easier and more cost-effective because sampling can now be limited to certain settlement types.

**Phase Two**

Phase Two comprised an evictee prevalence survey (see Figure 4). A random sample of 75 settlements, representing all settlement types or clusters, was drawn from the settlements identified in the scoping exercise as potential or confirmed displacement areas. Within each of the settlements sampled, a proportionate random sample of households was selected using a sampling interval of five and a short 20-minute interview conducted within each selected household. A total of 7 759 interviews were conducted through this process. The aim of this exercise was to determine the number of ex-farm dwellers living in each area and the number, if any, who had been evicted from a farm.
The total number of evictees, calculated as a proportion of the total population in that area, yielded the prevalence of evictees in that area. This prevalence was calculated on both individual and household levels, and was combined with the results of all other areas within a particular settlement type to obtain a total count of evictees in each settlement type. A weighting factor was then applied to each settlement type and the accumulated results obtained from each of the settlement types were then extrapolated to the total population, providing an estimate of the total number of evictees in the country.

Identifying the unit of analysis

In any analysis of impact on livelihoods, it is important to differentiate between the individual, the household and a social group. Although this study was primarily focused on the impact of an eviction on the evicted household, it was found that the household structure itself often degenerates as a direct result of an eviction. If this were ignored in the development of the research methodology, it could either have resulted in an undercounting or a double counting of evictees. It would also have ignored the important social consequences for evictees and their families, thereby undermining the measurement of the socio-economic impact of an eviction on an evictee household.
For the purpose of the study, the household unit of analysis was therefore defined as:

Members of the current household who lived together as a farm household on the farm and left the farm for the same reasons.

This approach took into account that a current household could have more than one unit of analysis as a result of members having been part of different households while living on the farm(s) and that people who had lived as one household on a farm may have split up to form more than one current household. It further allows for the analysis of the impact of evictions on the structures of the farm household as well as that of the current household.

Identifying evictees

One of the issues at the heart of this study was to reliably identify those who have been evicted and to differentiate these from others who left the farm of their own choice. The study was introduced to respondents as research about people from farms and they were not asked if they had been evicted, but rather asked if they had ever lived on a farm and, if so, why and how they left. The term eviction did not appear on the instrument. The researchers also had to avoid asking any leading questions that could influence responses.
Even when respondents interviewed in the prevalence phase stated that they had been evicted, they were not automatically classified as evictees. The research team drew up criteria for determining whether or not a person from a farm had been evicted, based on the information gathered (see glossary). The impact interview, which included a number of open-ended questions on how and why people left the farms, was used to confirm, according to strict criteria, whether the respondent and their household had indeed been evicted. If there was any doubt remaining, the household was not classified as an evictee household.

Throughout the study, the project team took a cautious approach on matters that could affect the calculation of the number of evictees, preferring to have full confidence in the final figure as a minimum number of evictees rather than risking any exaggeration of the scale of the problem.

**Phase Three**

Phase Three investigated the socio-economic impact of evictions on evictee households through 355 interviews. Almost all evictee households\(^5\) identified in Phase Two were re-interviewed with a much longer questionnaire, taking 60–120 minutes to complete. This second interview confirmed whether or not the household had in fact been evicted, and also explored in greater detail the nature and cause of the eviction, as well as the socio-economic impact of the eviction on the household. Since this was a panel sample (i.e. the same respondents were interviewed a second time), it enabled the accuracy of the information to be confirmed. This also resulted in the impact sample being a sub-set of the prevalence sample, making the link between the prevalence data and the impact data considerably stronger. Once again, the results were extrapolated back to each settlement type as well as to national level, thereby providing a profile of the socio-economic impact of evictions on evictee households across the country.

**Phase Four**

This phase was a local impact assessment, done through a further survey within a random sample of 30 of the areas where evictees were found (i.e. those areas covered in Phase Three), to determine what impact the evictees moving into that area had had on the settlement as well as on local government. Semi-structured interviews were conducted with local government officials, clinic sisters, teachers and NGOs in the area. This phase was further complemented by conducting a number of interviews with officials from the national departments of Education, Health and Housing.

**Phase Five**

Phase Five was a corroboration process, in response to suggestions from certain stakeholders during the consultation process that it would be important to try and verify the findings using other sources of information. While verifying all information obtained in the survey is virtually impossible due to logistical constraints and the

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\(^5\) The field teams attempted to return to every household thought to have been evicted. Only a few could not be found again as they were no longer living where they had first been interviewed.
requirements of confidentiality, it was agreed that it would be valuable to obtain broader insights and different perspectives on evictions in highly affected areas. For this reason, a corroborating process was undertaken through interviewing landowners in four areas where Phase Two had found that a high number of evictions had taken place. In this way, a more complete picture and a wider range of perspectives were obtained about evictions in the area and how and why they may occur.

**Limitations of this study**

- It is possible that certain of the areas classified, on the basis of the scoping exercise, as unlikely displacement areas might have had a small number of evictees living in them, resulting in a slight undercount.
- The study is limited to the last 21 years. Even with this limitation, there might be a certain undercount from the earlier years, for example, where evictees have passed away.
- The number of evictee households found and interviewed in both the prevalence and impact phases of the study was 355. Since we were not able to control where they were located, the provincial breakdown is to some extent limited, since the sample size was too small to produce very reliable figures for different provinces. Despite there being the risk of a fairly high margin of error, some provincial figures are included in the report as they give a strong indication of provincial trends.
- The impact phase was a panel study in which we returned to interview the same respondents identified in the prevalence phase. Unfortunately, it was not possible to find every respondent. However, since only a few households could not be traced, the resulting sample of over 99% makes this an insignificant limitation. The only two relocation settlement types where we were unable to find respondents a second time were smallholdings and industrial areas. This was partly due to the sample of evictee households in these two settlement types being so small. Furthermore, evictee households living in these types of settlements appeared to be more transient than in other areas.
- The study did not attempt, for logistical reasons, to identify evictees who may now be in other countries, in particular neighbouring states. It is well known that a large number of people from neighbouring states work on South African farms, legally and illegally.
Contextualising the study

Jacob Molefe watching over his cattle that graze beside roads and railway lines since he was forced to remove them from the farm where he has lived for 25 years.
Chapter summary

This chapter gives a broad overview of the context within which the evictions identified in this study took place. Key historical developments, especially those related to land tenure and land reform, before and during the period of this study (1984–2004), are touched on to give a sense of the factors that have had some bearing on the evictions that have taken place.

Box 1: The story of Kas Maine

Charles van Onselen beautifully and in great detail narrates the story of the life of Kas Maine in his book *The seed is mine: The life of Kas Maine, a South African sharecropper*. Kas was a sharecropper, cobbler and traditional healer. He was always a man of the soil who, even in the last days of his 91 years of life, dreamed of expanding his farming and buying a piece of land for himself.

This study of evictions from farms starts from 1984, by which time many people like Kas Maine had already been removed. Throughout most of his adult life, Kas had organised his own production on land belonging to white owners through negotiating various forms of sharecropping arrangements to maintain access to land. From this production, he supported himself and his family, including a number of wives and many children. Of course, he always provided a share of the crops to the land owners as well.

In 1948, as the National Party came to power and started drafting its apartheid legislation, Kas harvested his largest-ever crop. After the owner had taken his share and all costs had been covered, Kas and his family ‘still had a thousand bags of sorghum, five hundred and seventy bags of maize, and more than two hundred bags of sunflower seed’ (Van Onselen 1997:306). In the political climate of the day, such success for a black man was not the foundation for a prosperous future but a recipe for disaster as jealous farmers rallied around the National Party cry of *die kaffer op sy plek en die koelie uit die land* (‘the kaffer in his place and the coolie out of the country’) (Van Onselen 1997: 305).

Kas was forced to move on, but still managed to enter into further sharecropping arrangements, avoiding being reduced to a wage labourer and for as long as possible staying out of the overcrowded ‘native reserves’.

Finally, in June 1967, faced with forced removals and the expropriation of the few remaining black farmers, Kas and his family had no choice but to move to the village of Ledig in a ‘reserve’ area that would later become part of the ‘bantustan’ of Bophutatswana. ‘...it took thirty-five years and fifteen farms for the likes of Hendrick Verwoerd and his supporters to get the Maines where the Nationalists wanted them’ (Van Onselen 1997:410).

Kas died in his shack on 25th September 1985 in the dusty village of Ledig (Van Onselen 1997:531).
Historical overview 1652–1984

Soon after establishing the first permanent settlement of Europeans in South Africa in 1652, Jan van Riebeck and his company started to banish the indigenous people from the land.

“The Kaapmans shall permanently dwell on the eastern side of the Salt River and the fresh river Liesbeek, as the pastures on this side are not even sufficient for our own needs.” (Journal of Jan van Riebeck, entry dated 5 July 1658, cited in Platzky & Walker 1985:71).

As white settlers took over or were allocated land, many black farmers were either removed completely or forced to reach an agreement with the new ‘owner’. Some black farmers gave the ‘owner’ a share of their crops, others entered into labour tenancy arrangements in terms of which they provided free labour for up to six months a year for the privilege of staying on what had been their land.

“Well, we knew that this law [the 1913 Land Act] was as harsh as its instigators were callous…but it must be confessed that we were scarcely prepared for such a rapid and widespread crash as it caused in the lives of the natives.” (Plaatje 1916:81).

The 1913 Land Act formalised at a national level the racially determined access to land. This built on the already racially defined access to land established in the colonial era, including the African reserves, and consolidated the foundation for later apartheid land policies and forced removals. The 1913 Land Act ‘reserved’ less than 8% of the South African land area for black occupation while the remaining 92% was for white ownership and use. This law was correctly seen as such a significant attack on the rights and lives of black South Africans that it galvanised African intellectuals and leaders of the time to form the South African Native National Congress, later renamed the African National Congress (ANC). The 1936 Native Trust and Land Act made provision for the possible expansion of the ‘reserves’ to a maximum area of just 13% of the country. Thus was created the 13:87 percent division of land that has come to symbolise the racial inequality in land ownership and access that South African liberation.
movements have struggled against, and the land reform programme of post-apartheid South Africa is still trying to address.6

By the time the National Party was voted into power by the whites-only electorate in 1948, unequal access to land was already thoroughly entrenched. The apartheid state consolidated this situation to ensure that no black person was allowed to own land; black people could only reside on a farm at the discretion of the white owner, rent accommodation in black townships, or live in ‘native reserves’ (later ‘bantustans’) with permission from a traditional leader. The goal was that ‘eventually there will be no black South African’ explained Cornelius Mulder, the Cabinet minister responsible for ‘black affairs’ in 1976 (Sparks 1990:136).

The apartheid policies, just as the colonial policies before them, faced ongoing resistance. A key symbol of this resistance is the Freedom Charter that articulated a vision for a democratic South Africa and ‘became a great beacon for the liberation struggle’ (Mandela 1994:151). The Freedom Charter was adopted in June 1955 by more than 3 000 people of all races who gathered from around the country in defiance of police intimidation. Confirming the importance of land, the Freedom Charter proclaimed boldly that ‘[t]he land shall be shared among those who work it!’

In contrast to the call of the Freedom Charter, the apartheid state continued with forced removals. The 1960s saw attempts to abolish labour tenancy in order to get black people off land in ‘white areas’. Labour tenants were either forced to leave the land or remained as wage labourers without the access to land that they had enjoyed in the past for their own ploughing and grazing. Labour tenancy was extremely exploitative in that it forced people to provide free labour in order just to stay on land that had often been theirs historically. However, it provided one of the only opportunities for black farm dwellers to maintain their own independent production. Through that production, many labour tenants were able to sustain a better quality of life than meagre farm wages would have allowed. Labour tenancy survives to this day in parts of Mpumalanga and KwaZulu-Natal due the resistance of land owners and tenants who both benefit from the system.

While black agriculture was systematically destroyed, the white farming sector was built with the help of black labour and government gifts of land, subsidies, market protection and ‘drought relief’ handouts that continued to the last days of apartheid. Alongside the racially inspired policies of the apartheid state, subsidies and new technologies such as combine harvesters encouraged capital-intensive farming and contributed to a steady drop in the number of farm employees from the mid-1970s onwards.

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6 Budlender et al. 1998 contains a good overview of legal land issues.
In the early 1980s, the Surplus People Project (SPP), established by a group of people who saw the importance of focusing attention on forced removals, identified the number of forced removals that had taken place across the country from 1960 to 1983. They found that in the 23 years up to 1983, a total of 3.5 million people had been forcibly removed. Of these, 1.1 million people were removed from white farms, making up ‘the largest category of removals’ in South Africa during that period (Platzky & Walker 1985:30).

SPP saw the forced removals of this period as central to the apartheid system and essential for its survival. Many forced removals were aimed at making black people live in one of the ten bantustans that were intended to become ‘independent’ but were still totally dependent on South Africa. This was a key part of the grand apartheid strategy aimed at making black South Africans aliens in the country of their birth.

Historical overview
1984–2004

Throughout the period covered in this study of evictions from farms in South Africa, there have been economic and political changes, some of them dramatic, that directly affected the extent of evictions from farms, the agricultural sector, and the number of people employed on farms.

In 1984, there were around 1.3 million farm workers in South Africa and an estimated 4.3 million black people living on white-owned commercial farms. At this time, the deregulation of the agricultural sector began in earnest alongside continued state subsidies. This followed the deregulation of the financial sector in the 1970s that had a knock-on effect on agriculture as farmers became exposed to market-related interest and exchange rates. The declining value of the Rand, amongst other factors, led to input costs for agriculture increasing faster than output prices, putting a squeeze on profitability.

In 1984, a new Constitution was adopted that gave limited representation to ‘coloured’ and ‘Indian’ voters within a racially-divided legislature that remained dominated by whites and had no place for the majority ‘African’ population. This cynical attempt to reform apartheid while leaving the fundamentals intact was vigorously opposed by democratic forces, including the United Democratic Front (UDF) that had been launched in Cape Town in August 1983 at a meeting attended by over 1 000 delegates. The UDF was to become a key formation in the struggles against apartheid that continued to gain momentum.

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7 Calculated from the census and other data quoted in Platzky & Walker (1985:17–18)
Political instability became a feature of the late 1980s and early 1990s with mass mobilisation, increasing insurgent attacks by the armed wings of liberation movements, worker strikes and international sanctions. The government responded with states of emergency, mass arrests and banning of organisations. The heavy-handed police and military actions in South Africa and military actions in neighbouring states were expensive and increased the international condemnation of South Africa. The continued mass uprisings at home and military setbacks at the hands of Cuban and Angolan troops in Angola made the situation even more untenable.

One of the inevitable consequences of the political instability was poor economic performance. Real growth per capita declined and inflation rose, steadily reaching 18.6% in 1986. By 1987, South Africa’s growth rate was among the worst in the world. Commercial farmers had to contend with the challenging economic environment as well as the specific pressures on them due to liberalisation of the agricultural sector. During the 1980s, however, they continued to receive substantial financial assistance from the state – around 27 000 white farmers received R1.7 billion and benefited from other subsidies to a total of R2.35 billion (Kirsten & Van Zyl 1996:231). The subsidies farmers received did not seem to benefit farm workers as job losses continued to rise in the sector resulting in reduced numbers of people living on farms.
Negotiations for the resolution of the crisis in South Africa, or at least ‘talks about talks’, started in the mid 1980s, with meetings between the business community, the government and representatives of liberation movements. Soon after State President PW Botha had been replaced by President FW De Klerk in 1989, political organisations were unbanned on 2 February 1990, and, nine days later, Nelson Mandela was released from prison. However, it was not until December 1991 that formal negotiations on the political future of South Africa started at the Convention for a Democratic South Africa (Codesa).

For farmers, the severe drought of 1991/92 was of even greater concern than the political turmoil and changes in the country. Agricultural production dropped and there was a negative impact on the economy as a whole. A ‘drought relief’ package for white farmers in 1992 included R2.4 billion in debt relief and an additional R1 billion of drought relief (Kirsten & Van Zyl 1996:231).

Reform processes in the early 1990s included making a range of pieces of labour legislation such as the Basic Conditions of Employment Act and the Unemployment Insurance Act applicable to farm workers for the first time. The political changes in South Africa led to the opening up of new international trade opportunities. This also increased the pressure for continued liberalisation in the agricultural sector as South Africa became part of international trade agreements such as the General Agreement on Tariffs and Trade (GATT) deal which was concluded in April 1994. South African farmers had to start competing with international producers while subsidies continued to be phased out although, as mentioned above, some large ‘drought relief’ payments were still being made.

The ‘property clause’ of the new Constitution was hotly debated during the negotiations at Codesa while, at the same time, discussions began in earnest about a possible post-apartheid land reform programme that had, amongst other challenges, to deal with the situation of farm dwellers. While discussions on future reforms were taking place, the existing government took some important steps such as repealing legislation that limited access to and ownership of land on a racial basis.

Despite the combined impact of the difficult negotiations process and the political violence that racked the country, resulting in the deaths of thousands, the first non-racial democratic elections in South Africa took place on 27 April 1994. The ANC, led by Nelson Mandela, came to power with 62.7% of the vote, but ruled for the first years as the major partner in a Government of National Unity that included members of the old government and other opposition parties. Land reform was one of the myriad of challenges the new government faced. Over 80% of the agricultural land was owned by approximately 58 000 white farmers, while 15 million black South Africans lived in overcrowded homelands and an estimated three million lived with almost no tenure security on white-owned commercial farms.

The Reconstruction and Development Programme (RDP), the ANC’s published platform for the 1994 election, identified land reform as: “the central and driving force of a programme of rural development. Such a programme aims to address effectively the injustices of forced removals and the historical denials of access to land. It aims to ensure security of tenure for rural dwellers.” (ANC 1994:20).
These ideals were, however, being introduced alongside the almost complete removal of remaining subsidies and protections for the agricultural sector. This created a situation where South Africa had, and still has, one of the lowest levels of agricultural support in the world. South African farmers have to compete in global markets still affected by massive subsidies paid to European and North American producers and with steadily worsening terms of trade.

Many farmers have risen to the challenge and done well in the less regulated environment by becoming responsive to market conditions and cutting costs, others have gone out of business as shown by the dramatic drop in the number of commercial farming units.

One change in land use, arising from the changing economic conditions, that has often come up as a cause of job losses and evictions is the conversion of farms from agricultural production to game farming and tourism ventures. South Africa has approximately 6.6 million hectares, or 5.6% of the land, falling within public protected areas and parks. A further 7% of the country is estimated to be used for private game reserves and between 18% and 24% is used for game ranching (Krug 2001:8, 22; Katerere 2002:29). Game and tourism operations generally require less labour than other forms of production and it is often work that farm workers with low levels of education are poorly equipped to perform.

Against this background, the ‘interim’ South African Constitution that had emerged from the negotiation process in 1993 protected existing property rights, but also required the government to deal with land issues. Among other things, the current (1996) Constitution requires the drafting of legislation to give those with insecure tenure as ‘a result of past racially discriminatory laws or practices’ secure tenure or comparable redress (Section 25(6)). The Constitution goes on to assert in Section 26 that ‘everyone has the right to have access to adequate housing’ and says that ‘no one may be evicted from their home…without an order of court’ and ‘no legislation may permit arbitrary evictions’.

The new government tried to deal with the legacy of the past and comply with its constitutional obligations by passing a range of pieces of legislation to bring improved conditions to workers and other vulnerable members of the society. Some of the key laws affecting the agricultural sector and life on farms are:

- Land Reform (Labour Tenants) Act 3 of 1996 (LTA)
- Extension of Security of Tenure Act 62 of 1997 (ESTA)
- Labour Relations Act 66 of 1997
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998

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In 1993 there were 57 980 farming units in South Africa. This dropped to 45 818 by 2002. (Stats SA 2005:8).
The Restitution of Land Rights Act 22 of 1994 and amendments made to it early in 2004 to give increased powers of expropriation to the Minister for Agriculture and Land Affairs also raised serious concerns for farmers. Some farmers have evicted people, believing that having black people living on their land might make them more vulnerable to land claims.

By the time of the 2001 census, there were close to 2.9 million black people living on farms and smallholdings. Some commentators have estimated the number to be higher and noted the difficulty of carrying out a census on often inaccessible farms. It is well known that, despite their important economic contribution, most farm dwellers live in extreme poverty. A Department of Labour study conducted in 2000 found that children of farm workers are more likely to be stunted than any other group of children in South Africa (DoL 2001). Reports from the South African Human Rights Commission (SAHRC) and NGOs such as Human Rights Watch have confirmed that evictions and other human rights abuses remain widespread on farms, although there was little information available on the scale of these problems.

In 2002, a Strategic Plan for Agriculture was adopted by the National Department of Agriculture. It was drawn up at the initiative of the Presidency after discussions with farmers’ organisations. Although farm owner organisations AgriSA and the National African Farmers’ Union (NAFU) were involved in drafting the strategic plan, there was no involvement from any organisation representing farm workers or farm dwellers. The strategic plan has as its objective increased prosperity for the sector but makes no mention of improving the conditions for workers on farms and does not mention dealing with tenure insecurity and evictions of labour tenants and other farm dwellers. Labour on farms is mentioned only as an input cost that is deemed uncompetitive compared to international standards (NDA 2002:13).

In 2003, the Department of Labour introduced a sectoral determination to regulate employment conditions in South African agriculture. This came into effect on 1 March 2003 and imposed a minimum wage of R650 per month in some magisterial districts and R800 in others. A year later, these amounts were increased to R713.65 and R871.58 respectively. The sectoral determination also specified other conditions of employment such as maximum working hours and minimum safety standards.

In particular, labour tenants require security of tenure, and legal defence and advice offices must be established to assist farm workers in cases of eviction (ANC 1994:26).

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10 At the end of 2005 the exchange rate was around 7.5 Rand to 1 Euro.
Table 1: Farm employment trends in South Africa

<table>
<thead>
<tr>
<th>Year</th>
<th>Regular employees</th>
<th>Casual employees</th>
<th>Total paid employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>807 341</td>
<td>516 411</td>
<td>1 323 752</td>
</tr>
<tr>
<td>1986</td>
<td>816 660</td>
<td>534 781</td>
<td>1 351 441</td>
</tr>
<tr>
<td>1987</td>
<td>795 283</td>
<td>559 230</td>
<td>1 354 513</td>
</tr>
<tr>
<td>1988</td>
<td>724 439</td>
<td>495 209</td>
<td>1 219 648</td>
</tr>
<tr>
<td>1990</td>
<td>728 414</td>
<td>456 262</td>
<td>1 184 676</td>
</tr>
<tr>
<td>1991</td>
<td>702 323</td>
<td>413 239</td>
<td>1 115 562</td>
</tr>
<tr>
<td>1992</td>
<td>656 772</td>
<td>394 425</td>
<td>1 051 197</td>
</tr>
<tr>
<td>1993</td>
<td>647 839</td>
<td>445 360</td>
<td>1 093 199</td>
</tr>
<tr>
<td>1994</td>
<td>620 000</td>
<td>302 000</td>
<td>922 000</td>
</tr>
<tr>
<td>1995</td>
<td>602 000</td>
<td>289 000</td>
<td>891 000</td>
</tr>
<tr>
<td>1996</td>
<td>610 000</td>
<td>304 000</td>
<td>914 000</td>
</tr>
<tr>
<td>2001</td>
<td>–</td>
<td>–</td>
<td>960 489</td>
</tr>
<tr>
<td>2002</td>
<td>481 75</td>
<td>459 445</td>
<td>940 820</td>
</tr>
</tbody>
</table>


Elizabeth and Shelley, workers on Vrede farm, say they are treated well and earn R30 per day as temporary workers.
Post-apartheid land reform

The new government that came to power in 1994 developed a three-pronged land reform programme – restitution, redistribution and tenure reform – that is explained in the White Paper on South African Land Policy published in 1997, but already debated extensively and informing implementation strategies before that. An important part of the land reform programme was intended to address the situation of farm dwellers living on other peoples’ land with insecure tenure.

Restitution involves a legal and administrative process, governed by the Restitution of Land Rights Act. Through this process, people can make claims for the restoration of rights to land that they lost after 19 June 1913, due to racially discriminatory laws or practices. If claims are successful, they can be settled with the return of land or an alternative form of compensation.

Land redistribution aims to facilitate the redistribution of 30% of agricultural land to black owners. The policy identifies ‘labour tenants’ and ‘farm workers’, along with others, as specific beneficiaries that the programme should assist (DLA 1997:38). However, no strategy has been put in place to ensure that such farm dwellers do in fact benefit. The White Paper says that land redistribution will be implemented through a ‘willing seller-willing buyer’ process with the government providing discretionary grants and other support services to enable black buyers to obtain land. The ‘willing seller-willing buyer’ approach came in for heavy criticism at the National Land Summit held in July 2005 and the summit resolved that this approach should be abandoned on the grounds that it is one of the main reasons why land reform delivery has been so slow.

Tenure reform has two distinct components to it: one that intends to provide legally secure tenure for people living on communal land; and the other, which is most relevant to this study, that deals with securing the tenure of people, such as farm dwellers, living on land belonging to others.

Pre-1994, it was extremely easy for land owners to obtain court orders to evict farm dwellers. The process was handled in magistrates’ courts under common law procedures and, provided the person applying for the eviction order was the owner of the land, he or she could obtain an eviction order without having to provide any reason. Normal court procedures applied and there were no special notice requirements to give consideration to the fact that people were losing their homes. There was also no need for alternative accommodation or land to be available. A large number of eviction orders were default judgments issued in the absence of those being evicted and a far larger number of evictions were implemented without any court process at all.
One of the new pieces of legislation passed by the democratically-elected government was the Extension of Security of Tenure Act, commonly known as ESTA. ESTA says that no person should be evicted from land that she or he has permission to be living on, without a court order. The Act applies in all rural areas (anywhere outside a proclaimed township) and creates a procedure to be followed when applying for an order to evict people. Those who have lived on a farm for more than ten years and are over 60-years old or unable to work due to a disability are allowed to stay on the farm for the rest of their lives, unless they breach conditions defined in ESTA or in the agreement in terms of which they stay on the farm. In practice, many people continue to be illegally evicted by owners who resort to extra-judicial means such as threats and intimidation. The SAHRC found in 2003 that court-ordered evictions are a small percentage of all evictions and concluded: ‘[t]here is widespread non-compliance with ESTA’ (SAHRC 2003:177).

ESTA requires, in terms of Section 9, notice of an intended eviction application to be served on the local municipality and the Department of Land Affairs. However, DLA has no clear policy or procedure for how it responds to these notices. ESTA also requires that, under some circumstances, occupiers should be given alternative accommodation if they are to be evicted.
Importantly, if a farm dweller’s right of occupation on the land is deemed to have been due to their employment on the farm, their resignation from work or dismissal through proper procedures under the Labour Relations Act is grounds for eviction. This has been held by the courts to be the case, regardless of any longer history of occupation on the land by the farm dweller that in some cases predated the employment arrangement.\(^{11}\)

One of the shortcomings of ESTA is that it fails to create a procedure, through courts or other structures, for farm dwellers to be able to get confirmation of their rights to land. They are left waiting to use the limited procedural rights afforded by the Act to defend themselves, if and when a land owner initiates an eviction process. Section 4 of ESTA empowers the Minister of Agriculture and Land Affairs to create long term tenure security for ‘occupiers’ as defined in the Act and others, but this provision is hardly used as can be seen from the fact that only 36 such projects have been implemented in the eight years that ESTA has been in place (DLA & NDA 2005:61). Without long-term tenure security, farm dwellers continue to live as tenants on other people’s land and, even where evictions are prevented, ongoing harassment is common.

The Land Reform (Labour Tenants) Act, as amended in 2000, provides labour tenants the same procedural rights as other occupiers in terms of ESTA. The Act also provided a time-limited opportunity for labour tenants to claim ownership of the land that they occupied and used. By the March 2001 closing date, some 20 400 such claims were lodged, the majority coming from Mpumalanga and KwaZulu-Natal. By June 2005, only 175 of these claims had been settled (DLA & NDA 2005:61).

One of the obstacles to labour tenants gaining ownership of land through the LTA is the difficulty in proving that they are indeed labour tenants in terms of the Act. The LTA requires that any persons claiming to be labour tenants are providing labour to the owner of the land in return for the use of land; that their access to land on the farm is the primary remuneration received for their labour; that they had a parent who was a labour tenant; and that they had a grandparent who was a labour tenant. This combination of factors can be quite difficult and expensive to prove in court. Another obstacle is the limited assistance that DLA provides to secure the land in cases where persons have managed to prove that they are labour tenants. DLA provides only the amount of the Settlement/Land Acquisition Grant (SLAG) – R17 500 in 2005. Where the land occupied and used by the labour tenant is valued at more than this, the labour tenant has to come up with the balance of the money, something that is impossible for many to do. In some cases, this has pushed labour tenants to borrow money they are not able to repay.

\(^{11}\) HJ Van Rensburg v Peter Magodi and three others, Land Claims Court case 52R/01.
In 2000, ESTA and the LTA were amended to ensure that labour tenants that had previously been excluded from the provisions of ESTA were covered. Thus, for purposes of legal evictions, all farm dwellers essentially fall under the same piece of legislation. The amendments made to ESTA in 2000 also gave rights for occupiers to bury relatives on the land where this was an established practice in the past.

Both ESTA and the LTA require courts to make decisions with regard to evictions that are ‘just and equitable’. The courts are also given powers to order the payment of compensation to people evicted.

The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act provides procedures for owners to evict illegal occupiers and affords the occupiers some procedural rights in the eviction process. This Act has been largely used in urban areas and on farms where occupiers have not had permission to occupy as required by ESTA. Important Constitutional Court and Supreme Court of Appeal judgments, such as in the Modderklip and Grootboom cases, have confirmed the duty of the state to respect people’s right to a home. In these cases, government has been instructed not to evict without alternative accommodation and to implement programmes aimed at ensuring access to housing for all. The extent to which these legal precedents have found their way into government practice remains debatable.

A key factor in the extent to which people are able to properly exercise their rights in terms of the law is whether or not they have access to legal advice and, if matters go to court, to legal representation. This is also a key component to the fulfilment of the right to have a dispute resolved before a court as established in Section 34 of the Constitution.

In 2001, Nkuzi, represented by the Legal Resources Centre, won a case in the Land Claims Court confirming the right of indigent farm dwellers to legal assistance when facing eviction. The court also confirmed the obligation of the state to provide such legal assistance. This ruling was important as there was no programme in place to ensure access to legal representation and, up to that point, the government had denied having any obligation in this regard. Despite the court ruling, by the middle of 2005, there was still no systematic mechanism in place to give farm dwellers the legal assistance they have a right to.

The Legal Aid Board (LAB) is the state institution responsible for the provision of legal services for indigent people, but it has tended to prioritise criminal defence work. The LAB has in the past not seen evictions – civil rather than criminal matters in terms of the legal procedures – as its responsibility. Therefore, the LAB has not made dedicated resources available for this type of work or developed systems that could reach farm dwellers, for whom it is difficult to get to the towns where LAB Justice Centres are located.

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20 400 Labour Tenant Claims were lodged by March 2001, by July 2005 only 175 of these had been settled. (DLA & NDA 2005:61).

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12 President of the Republic of South Africa v Modderklip Boerdery (Pty) Ltd, Constitutional Court case CCT 20/04; President of the Republic of South Africa v Modderklip Boerdery (Pty) Ltd, Supreme Court of Appeal case 16/03; Government of the Republic of South Africa and others v Irene Grootboom and others, Constitutional Court case CCT 11/00. See www.constitutionalcourt.org.za for easy access to most South African Constitutional Court judgements.

The Rural Legal Trust (RLT), an NGO initiative established in 2001, set up a legal team in every province of South Africa to handle land and farm dwellers’ cases. The RLT teams have handled thousands of cases, but with only one attorney per province, even assisted as they are by paralegals, they are clearly not able to reach all areas or handle all cases.

Up to July 2005, the land reform programme of the government had provided land or improved land rights to 164 185 households. Of these, 90 282 were through the restitution programme and 73 903 through the redistribution and tenure programmes (DLA & NDA 2005:31–3). It should be noted that, in many cases, this does not mean that beneficiaries have actually got onto, or benefited from, land.

Only 7 543 farm dweller households have gained long-term tenure security through the implementation of just 201 projects in terms of tenure reform programmes: 36 through ESTA; and 175 settled labour tenant claims in terms of the LTA. DLA claims that some projects for farm dwellers are implemented under the SLAG or LRAD (Land Redistribution for Agricultural Development) programmes, but there is no information available to quantify this.

The total land delivered through the land reform programme is approximately 2.36 million hectares. Of this, only 100 000 hectares – less than 5% – was acquired specifically for farm dwellers. Clearly, the current policies and programmes are doing little to provide farm dwellers with land of their own.

Table 2: Households that gained access to land or improved their tenure security since 1994

<table>
<thead>
<tr>
<th>Beneficiary households</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Restitution*</td>
<td>90 282</td>
</tr>
<tr>
<td>Redistribution*</td>
<td>66 360</td>
</tr>
<tr>
<td>Tenure for farm dwellers (ESTA &amp; LTA)</td>
<td>7 543</td>
</tr>
<tr>
<td>Total no. of households that gained land or tenure security from land reform, up to July 2005</td>
<td>164 185</td>
</tr>
</tbody>
</table>

* No information available on how many farm dwellers benefited from these programmes

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14 DLA has claimed that 1.2 million individuals have benefited from land reform (DLA 2005:22), but this figure includes all the restitution beneficiaries who received cash compensation and no land.

15 This figure was calculated by adding all beneficiaries of claims where some return of land was involved and excluding those where only cash compensation was paid. Ruth Hall of PLAAS assisted by providing the detailed lists of all settled claims that she obtained from the Regional Land Claims Commission offices.

16 The figure includes all LRAD beneficiaries as households despite the fact that some households include more than one beneficiary. Unlike SLAG, it is individuals who apply for and receive LRAD grants, but there is currently no information available to enable a more accurate assessment of how many people and households have really benefited.

17 Nkuzi has worked with the majority of land claims settled with the return of land in Limpopo province. In many of them more than 80% of the claimants have neither returned to the land nor received any direct benefits. A similar situation pertains in a number of redistribution, especially SLAG, projects where numbers of people listed as beneficiaries have received no benefit from the land.

18 This is calculated from the most recent DLA figures (DLA 2005:22–4). DLA claims a total of 3.1 million hectares (DLA 2005:22), but this includes state land that has been disposed of. It has been found that much of the state land transferred was already occupied by the beneficiaries and is also counted already as land returned through settled land claims and approved redistribution projects (Wegerif 2004b:41).
DLA keeps no records of the extent to which farm dwellers benefit from redistribution and restitution. However, independent studies have shown that they benefit very little. A study of LRAD projects in Limpopo found that, out of 251 beneficiaries, only a single one was a farm worker. Further, the study established that workers employed on the land acquired are paid far below the minimum wage (Wegerif, 2004b:37). Aside from not benefiting, farm dwellers and farm workers can be at risk from land reforms as they are displaced by new land owners and occupiers, as has happened over the last few years in Zimbabwe. There is little data available on this phenomenon in South Africa, but problems have been identified in some areas, such as Magoebaskloof in Limpopo, where farm dwellers have been evicted apparently as a result of the gazetting of land claims.

The lack of focus on farm dwellers in the implementation of the land reform programme is unfortunate and somewhat surprising, especially given the intentions of the Freedom Charter and their identification as intended beneficiaries in the White Paper on South African Land Policy. It would also make good sense to involve farm dwellers as they are both on the very farm land that the government aims to transfer and have farming experience. Gavin Williams (1996:216) has pointed out that ‘where labour tenancy continues to flourish, they are often among the most skilled and experienced workers’. Despite this, land redistribution has not been accessible to farm dwellers. DLA offices are located in towns and open during normal working hours whereas farm dwellers are in rural areas and often work full-time. Farm dwellers also lack access to basic information such as the location of DLA offices and DLA has not taken proactive steps to reach farm workers or farm dwellers.

Where farm dwellers have had access to assistance, they have been able to make much better use of the new tenure laws to defend their rights. This is illustrated by the large number of threatened evictions of farm dwellers that have been stopped once paralegal and/or legal intervention has been undertaken. The Rural Legal Trust dealt with 648 cases of threatened eviction in 2002/03 and only 250 actual evictions, as well as 137 eviction cases that were in court and not yet resolved (RLT 2003:9). Similar trends have continued with the RLT in 2003/04 handling 607 threatened evictions and 282 actual evictions as well as other cases of violations of rights and judicial proceedings (Gaborone personal communication).

The problems of the land reform programme, including the plight of farm dwellers, were highlighted at the National Land Summit, convened by the Ministry for Agriculture and Land Affairs and attended by more than 1 000 delegates from around the country in July 2005. Amongst the many resolutions adopted by the summit were the following:

- A moratorium on all evictions until new legislation and programmes are in place to properly defend farm dwellers;
- Separate tenure rights from labour arrangements – dismissal should not lead to a person losing their home; and
- Government must proactively acquire land, using expropriation where necessary, for the creation of sustainable settlements for farm dwellers. (http://land.pwv.gov.za/Land_Summit/). 19

19 The full text of the resolutions adopted at the National Land Summit on security of tenure on commercial farms are in Annexure 4. By December 2005 there was little indication of what would be done with regard to these resolutions.
Chapter 4

The scale of evictions

Rachel Paulse and Benjamin Parsons in their home on a wine farm in the Western Cape.
Chapter summary

This chapter provides, for the first time, a figure for the number of people who have been evicted from farms in South Africa over the past 21 years, from 1984 to 2004. Almost 1.7 million people have been evicted from farms over this period. The disquieting reality of the scale and uninterrupted nature of these evictions, brought to light through this study, reveals startling weaknesses in the legislation passed since 1994 to protect the rights of farm dwellers, and its implementation. The lack of awareness amongst farm dwellers of their rights has resulted in the majority of farm evictions (whether legal or illegal) going unchallenged. Even when farm dwellers are aware of their rights, they are generally not in a position to enforce them. In practice, therefore, the majority of evictions from farms have been illegal, with landowners able to carry out evictions without following any due process. The lack of repercussions from the authorities does nothing to curb this disregard for legislation. Farm dwellers who do take initiative to defend their rights are generally unsuccessful.

Almost 60% of adult evictees, representing close to half a million people, lived on the farms from which they were evicted for more than ten years, with 41% having lived on the farm in excess of 15 years. These farm dwellers are not just transient workers; they are people who have lost their family homes and way of life.

One of the most disturbing findings of this study is that almost half of all evictees are children, most of whom were born on the farm from which they were evicted. This brings a whole new perspective to the issue of farm evictions, placing a range of social obligations on the state to ensure that these children’s shelter, educational and nutritional needs are addressed. This is critical, as further findings have demonstrated that the ability to meet these needs is seriously jeopardised by the eviction and the ability of families to recover after being evicted is certainly not guaranteed.

In total, just over three quarters of those evicted from farms are women and children and they are more likely to be evicted than men. This is because the judicial interpretation of ESTA and the attitude of many land owners has, in practice, defined women’s and children’s tenure rights as secondary, being acquired indirectly through their relations with employed men.

The main reason for farm dwellers being evicted relates to farm workers losing their jobs and, as a direct result, the family having to leave the farm. This is at least in part due to the connection between employment and land tenure rights.

In terms of the eviction process, a quarter of farm dwellers were evicted by means of constructive evictions – active steps to make life untenable for farm dwellers in order to give them little choice but to leave the farm. The type of actions involved in these evictions include farm dwellers being physically and verbally abused, their household services being cut off, their livestock taken away or killed or their houses demolished.
The number of evictions and implications for legislation

Considering the previous lack of accurate information regarding the sheer number of evictions from farms in South Africa (Hall 2003:9), it is not insignificant that for the first time it is possible to indicate, with some certainty, the enormity of this problem. According to the results of this first national study undertaken in South Africa, aimed at measuring the extent and impact of farm evictions, 1.7 million people have been evicted from farms in the past 21 years. The large majority of these people have been evicted illegally with only a small percentage having received a court order, which is the minimum requirement for a legal eviction according to the Constitution and ESTA, promulgated in December 1997.

Box 2: Definition of ‘evictee’ and ‘displaced farm dweller’

An evictee is a person who was forced against his or her will to leave the farm and home by deliberate actions of the owner or person in charge. These people did not want to leave the farm and did not leave voluntarily for personal reasons. They were:

- told to leave the farm and believed they had no option but to comply
- received written notice to leave the farm from the owner or court and believed they had no option but to comply
- were forced to leave the farm because conditions were made intolerable for them.

A displaced farm dweller is a person who lived on a farm and left the farm either through being evicted or out of his or her own choice. Those who this study considered to have ‘chosen to leave’ were not instructed or forced to leave by direct actions of the owner or person in charge on the farm.

It should be noted that the estimated number of 1.7 million evictees in South Africa represents a conservative calculation. For the purpose of the study, all cases where there was any doubt about whether or not a displaced farm dweller was actually evicted from the farm, were not regarded as evictions.

In total, the study established that in the past 21 years, 4.2 million people have been displaced from farms, with only 20% of those having left of their own volition. The remaining 80% had to leave due to some external pressure. In analysing the reasons for farm dwellers who were not evicted having left the farm, it was found that these ranged from being too sick or old to work any more, parents or husband
wanting to leave, to children having to leave the farm due to their parents or grandparents dying and no one being left to take care of them. It can be seen from these reasons that there may well have been forms of coercion that led many of these people to decide to leave the farm. However, these could not be counted as evictions as there was no evidence of an intention to evict by the owner and the respondents also saw the decision to leave as their own choice even if it was in response to difficult conditions. With a better awareness of their rights, many of these people may not have chosen to leave. This may have meant they would still be on the farm, or the farmer could have used overt means to evict them.

Of the 4.2 million that were displaced from farms, 12% found accommodation on other farms with the remaining 3.7 million having left farms altogether.

**Table 3: Numbers of farm dwellers displaced and evicted**

<table>
<thead>
<tr>
<th>Displaced</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Displaced from farms, including evictees</td>
<td>4 183 427</td>
</tr>
<tr>
<td>Displaced from farms but relocated to other farms</td>
<td>498 714 (11.9%)</td>
</tr>
<tr>
<td>Displaced from farms completely</td>
<td>3 684 714 (88.1%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evicted</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Evicted from farms</td>
<td>1 679 417</td>
</tr>
<tr>
<td>Evicted but relocated to other farms and smallholdings</td>
<td>109 185 (6.5%)</td>
</tr>
<tr>
<td>Left farms completely due to evictions</td>
<td>1 570 233 (93.5%)</td>
</tr>
<tr>
<td>Legally evicted by means of a court order</td>
<td>19 300 (1.15%)</td>
</tr>
</tbody>
</table>

An analysis of eviction trends over the past 21 years, which included a comparison of the average number of people evicted from farms during different periods, revealed that, on average, fewer people were evicted in the ten-year period leading up to the first democratic elections compared to the ten-year period 1994–2004.

As there is no clear evidence that the enactment of ESTA and the LTA was able to curb eviction trends, this raises serious questions about the effectiveness of the implementation of legislation, as well as the impact of the government’s tenure reform programme. The objectives of the tenure reform programme as described by DLA are to address the inequalities between owners and occupiers by formalising informal rights, upgrading weak rights, and setting in place restrictions on the removal of rights to land (DLA 1997). On the basis of the findings of this study, it would appear that these objectives are certainly not being met. Only just over 1% of farm evictions have followed any legal process, and the majority of farm evictees did not appear to be aware of their rights during the eviction or have access to any legal recourse when facing the threat of eviction. It is therefore hardly surprising that few did anything to challenge their eviction.
Direct quotes from evictees who were interviewed provide some insight into the lack of awareness that people had regarding their rights, or any recourse open to them, and the consequent powerlessness that so many of these families felt on being evicted.20

“I was devastated after having worked for his father for so long. I wanted to talk to him but he did not listen...I had no choice.”

“We accepted that it was their place so we left.”

“I felt powerless as there was nothing I could do; it was the farmer’s property so I left.”

“We wanted to open a case but were too afraid so we left.”

“There was no one we could approach. If we said something they would have beaten us up.”

“We asked him for our money but he didn’t give us anything so we had to accept it and leave.”

“I had nothing to defend myself and I was too fearful to confront him. He treated us as if we had no rights.”

“I was cross because I was about to deliver a baby and had nowhere to go.”

“We were not happy we had nowhere to go with our livestock ...we grew up there and had always lived there.”

When evictions took place

Study results summarised in Table 4 illustrate eviction trends from 1984 to 2004, demonstrating that evictions occurred consistently throughout the period.

The main peak in evictions occurred in 1992 following the severe drought of 1991/92. The next highest number of evictions in any year was in 1984, following a protracted drought from 1982 to 1984. The evictions in 1992 may also be indicative of the general insecurity felt by some farmers concerning their land rights and political future during the negotiations process that had started in the lead up to the first democratic elections. However, the very low number of evictions in 1993 seems to confirm that drought was the major factor.

20 Extensive quotes from the evictees interviewed have been used in this and other chapters in an attempt to provide texture and understanding of the circumstances under which farm dwellers were evicted. The names of the respondents cannot be provided for confidentiality reasons.
The low level of evictions in 1993 corresponds with a recovery in agriculture that made this one of the few years when an increase in the number of employees on farms was recorded. This rise in farm employment and low number of evictions came off a low base, following years of job losses and the large number of evictions the year before.

The large number of evictions in 1994 and large drop in farm employment from 1993 to 1994 seems to be partly a product of the sense of uncertainty about the future that farmers had with the first non-racial elections and a new government coming to power. Just as important was the continued deregulation in the agricultural sector and South Africa becoming part of the global economy, thus facing international competition and having to comply with trade agreements such as the General Agreement on Tariffs and Trade that South Africa became party to in 1993.

Maria Sithole and her daughter on Enselspoort farm where they have lived for over 20 years. The farm owner is now trying to evict them.
### Table 4: Eviction trends 1984–2004

<table>
<thead>
<tr>
<th>Years</th>
<th>Evictees</th>
<th>Displaced farm dwellers</th>
<th>Significant events</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% No.</td>
<td>% No.</td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>9.5 159 996</td>
<td>4.5 188 254</td>
<td>Protracted drought from 1982–84.</td>
</tr>
<tr>
<td>1985</td>
<td>3.3 53 153</td>
<td>4.2 175 704</td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td>5.9 97 684</td>
<td>4.5 188 254</td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>2.1 35 463</td>
<td>2.8 117 136</td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>2.9 48 918</td>
<td>3.6 150 603</td>
<td></td>
</tr>
<tr>
<td>1989</td>
<td>3.8 63 591</td>
<td>5.2 217 538</td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>4.1 68 435</td>
<td>5.6 234 272</td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>1.1 16 513</td>
<td>3.6 150 603</td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>0.4 6 784</td>
<td>2.9 121 319</td>
<td>SA becomes party to GATT and continues deregulation of agricultural sector.</td>
</tr>
<tr>
<td>1995</td>
<td>5.0 83 575</td>
<td>5.1 213 355</td>
<td>June – Publication of Labour Tenants Bill.*</td>
</tr>
<tr>
<td>1997</td>
<td>7.7 126 196</td>
<td>4.3 179 887</td>
<td>February – Publication of tenure security Bill; December – Promulgation of ESTA</td>
</tr>
<tr>
<td>1998</td>
<td>3.8 63 771</td>
<td>4.4 184 071</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>5.4 87 503</td>
<td>4.2 175 704</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>3.4 57 030</td>
<td>4.4 184 071</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>1.5 22 924</td>
<td>7.2 301 207</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>3.6 59 878</td>
<td>4.7 196 621</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>8.2 138 308</td>
<td>7.0 292 840</td>
<td>March – Introduction of the minimum wage and other minimum conditions of employment for farmworkers.</td>
</tr>
<tr>
<td>2004</td>
<td>3.4 56 813</td>
<td>5.3 221 722</td>
<td></td>
</tr>
</tbody>
</table>

*Even though the Bill was enacted as the LTA the following year, it had retrospective application from the time the Bill was published.*
Other peaks seen in the eviction trends coincide with the enactment of LTA in 1996 and ESTA in 1997 as might have been expected given possible concerns of farmers (e.g. the cost of conforming to new legislation) and resistance of landowners. However, these peaks are not as significant as those in 1984 and 1992.

The percentage of people evicted from farms during 2003 was more than double that of any of the previous three years. This coincides with the introduction of a minimum wage for farm workers and the regulation of other basic conditions of employment for farm workers on 1 March 2003. These regulations required that any person working on a farm for more than 27 hours per month be paid a minimum wage of R650 or R800 per month, depending on the districts where they worked (DoL 2001). Among other things, a limit was set on the number of working hours. During this period, a high proportion of evictions from farms were due to employment-related reasons and involved disputes around wages, retrenchments and dismissals. More people were evicted due to being retrenched or fired in 2003 than in the previous three years. Clearly these regulations had a considerable impact on the employment status of farm workers and consequently on their ability to remain on farms.

From the mid-1980s to the mid-1990s, the number of farm workers dropped from around 1.3 million to under one million (Stats SA & NDA 2000:33). This trend corresponds with the large number of farm dwellers leaving and being evicted from farms. From 1996 to 2002, employment on farms appears to have stabilised to some extent, although there has been a shift to more casual workers replacing full time and permanent workers (see Table 1). The rate of evictions and the number of people leaving farms, however, seems to have continued and, if anything, increased.

The most significant trend revealed in Table 4 is that, in spite of the peaks and troughs seen in the data, there has overall been a steady and continuous flow of evictions since 1984 that is not abating, in spite of legislation meant to bolster the rights of farm dwellers.

The survey results do not support the argument frequently put forward by farm owners that there were fewer disputes between farm owners and tenants and fewer evictions prior to the introduction of Acts like ESTA, and that it was in fact these Acts that caused much of the subsequent tension between farm owners and farm dwellers (Crosby personal communication; Hall 2003:21). Although the number of evictions did increase slightly around the time these Acts were put in place, the consistent pattern of evictions before and since indicates that, while the Acts have done little to prevent evictions, they are also not a significant cause.

One of the primary weaknesses in the implementation of legislation is that the responsibility has been left with farm dwellers to defend their own rights with no effective support. Less than 10% of farm workers are unionised, and these unions tend to be weak and under-resourced. Farm dwellers who are not working are even more poorly organised, while the state has been largely reactive and has done little to create awareness amongst farm dwellers as to their rights (Hall 2003:9). The situation is quite different for landowners, many of whom are members of
well-resourced unions such as AgriSA and the Transvaal Agricultural Union (TAU) that have taken it upon themselves to educate their members (Crosby personal communication).

The weaknesses in implementation of land tenure laws also apply to the labour laws, with farm employees seemingly not equipped or adequately supported in exercising their labour rights. Only 3% of people who were evicted due to losing their jobs approached the Commission for Conciliation, Mediation and Arbitration or some other authority in an attempt to exercise their labour rights. This has contributed to 69.4% of farm dwellers being evicted as a direct result of one of their family members losing their job on the farm.

The result is that land owners/employers are not being forced to follow legal processes, either in terms of the land tenure laws or the labour laws, and consequently these laws are largely ignored. The notion that farm dwellers should at least be provided with alternative accommodation, as required by ESTA for some categories of occupiers, is also largely ignored. Of the 355 households that were interviewed in depth about their eviction experience, only one had been found alternative accommodation by the farm owner.

Figure 5: Job-related reasons for farm evictions
Those most directly affected by evictions are women and children. Children under the age of 18 make up almost half (49%) of all those evicted while a further 28% of evictees were women. This means that just over three quarters of all those evicted from farms in the past 21 years are women and children. These results can in part be explained by the direct relationship between employment status and land tenure rights and the failure of land owners and the courts to recognise women and children as having their own independent tenure rights.

Figure 7: Gender of main breadwinner on the farm
It is clear from Figure 7 that the majority of the main breadwinners in farm dweller households are men. This fact, combined with the farmer’s view that tenure rights are directly connected to their employment, ensure that many women and children are only ‘tolerated’ on farms due to their relationship with a male farm worker (Hall 2003:22; Crosby personal communication).

When ESTA was developed, considerable effort was made to protect the independent rights of all family members by not creating different classes of primary and secondary occupiers. Despite this, the way the courts, in particular the Land Claims Court (LCC), have interpreted the Act has resulted in tenure rights being accorded to ‘primary’ occupiers. These ‘primary’ occupiers are normally men who are seen by the farm owners, many farm dwellers and courts as the main employees on the farm and the heads of the farm dwellers households (Hall 2003).

The extent to which women and children’s tenure status is dependent on a male employed household member is demonstrated in some of the quotes taken directly from the questionnaires in response to the question ‘why did you leave the farm?’

Mathew and Selina Mthimunye in front of their house on a farm in Mpumalanga. They have faced threats and intimidation since a new farm owner told them to leave in 2003.
“My husband married another wife.”
“My father got too ill to work so we all had to go.”
“The farmer forced my father to go on pension and leave the farm.”
“The farmer fought with my husband so we were asked to leave.”
“My husband was killed and I had to leave because the farmer did not want women without husbands or fathers that could work on the farm.”
“The farmer did not want children and livestock on his farm so we had to go.”
“The new owner did not want unmarried women on the farm, only men, so I had to leave.”

Employment status of evictees while on the farm

Although many of the wives, mothers and daughters living on the farm are employed by the farmer, as is illustrated by the results summarised in Table 5, this is more often in a lesser capacity through part-time or seasonal work which men do not generally do. This correlates with the findings of the Employment Trends in Agriculture Report which states that the agriculture sector employs more women on a part-time basis than any other sector of the economy (Stats SA & NDA 2000:30).

Table 5: Employment status of evictees on farms before being evicted

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male adult</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time</td>
<td>252 107</td>
<td>66</td>
</tr>
<tr>
<td>Not employed</td>
<td>131 155</td>
<td>34</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>383 262</td>
<td>100</td>
</tr>
<tr>
<td><strong>Female adult</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time</td>
<td>202 909</td>
<td>44</td>
</tr>
<tr>
<td>Part-time</td>
<td>42 235</td>
<td>9</td>
</tr>
<tr>
<td>Seasonal</td>
<td>14 941</td>
<td>3</td>
</tr>
<tr>
<td>Not employed</td>
<td>206 459</td>
<td>44</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>466 544</td>
<td>100</td>
</tr>
<tr>
<td><strong>Children under 18</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time</td>
<td>19 683</td>
<td>2</td>
</tr>
<tr>
<td>Part-time</td>
<td>14 763</td>
<td>2</td>
</tr>
<tr>
<td>Seasonal</td>
<td>12 302</td>
<td>2</td>
</tr>
<tr>
<td>Not employed</td>
<td>763 832</td>
<td>94</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>810 580</td>
<td>100</td>
</tr>
</tbody>
</table>
There are also significantly more unemployed women living on farms as compared to men. Although, surprisingly, the full-time average income of men and women did not differ substantially before 2000, in the past five years a notable difference has emerged, with men now earning considerably more than women (Figure 8).

**Figure 8: Average income of full-time farm employees by gender**

![Bar chart showing average income of full-time farm employees by gender over different periods.](image)

It should be noted, however, that these income figures do not take into account the in-kind benefits such as food rations, housing, access to the land and services where they do exist. Even where these benefits do exist, the general wages in this sector appear to be extremely low. The fact that these figures exclude payment in kind may account for the increased difference between male and female wages in the last five years, as there has been a trend towards more payment in cash and less in kind. This was accelerated with the introduction of a minimum wage. Farmers were often providing payment in kind to the male in the household (who the farmer saw as the head of the family) and, as they withdrew these benefits, they compensated to some extent with increased cash remuneration.

The increasing difference between wages for male and female farm workers is probably also a reflection of the increasing use of women as casual and part-time workers. By reducing the number of hours worked, farmers can try to avoid having to meet the minimum wage requirements. At the same those who have continued as full-time workers, mostly men, have seen some increase in their cash income.

The 1996 Agricultural Survey reported that average earnings of workers were R419 per month in that year, and the 2002 survey found workers earned R551 per month on average.
Table 6 demonstrates the very low level of salaries that most farm workers are paid, with 66% of men and 91% of women being paid R500 or less per month as recently as the past five years. This falls short of the R650 and R800 minimum wages imposed in March 2003 (DoL 2002). Those workers paid less than the minimum wage before 2003 are more likely to have been affected by the minimum wage, possibly losing jobs and being evicted, than those who were already earning close to or above the minimum wage. This may account to some extent for the study sample reflecting lower incomes than the national average. It should also be remembered that the agricultural survey and agricultural census rely on information provided by the employer whereas this survey relied on information provided by the ex-employees. Both sets of respondents may have reasons to slightly under- or overstate wages.

Table 6: Incomes of adult full-time agricultural employees

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than R201</td>
<td>69.0%</td>
<td>77.4%</td>
<td>64.7%</td>
<td>55.3%</td>
</tr>
<tr>
<td>R201–R500</td>
<td>17.0%</td>
<td>22.6%</td>
<td>35.3%</td>
<td>10.5%</td>
</tr>
<tr>
<td>R501–R1 000</td>
<td>11.0%</td>
<td>-</td>
<td>-</td>
<td>26.3%</td>
</tr>
<tr>
<td>More than R1 000</td>
<td>3.0%</td>
<td>-</td>
<td>-</td>
<td>7.9%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than R201</td>
<td>56.0%</td>
<td>90.3%</td>
<td>47.1%</td>
<td>22.7%</td>
</tr>
<tr>
<td>R201–R500</td>
<td>41.0%</td>
<td>9.7%</td>
<td>52.9%</td>
<td>68.2%</td>
</tr>
<tr>
<td>R501–R1 000</td>
<td>3.0%</td>
<td>-</td>
<td>-</td>
<td>91.0%</td>
</tr>
<tr>
<td>More than R1 000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Of the 810 580 children evicted from farms, 46 748 (6%) had been involved in child labour while living on the farm. Of these, 42% were employed full-time by the farmer, resulting in them not being able to access any kind of formal schooling. The 12 302 children who were employed as seasonal labour would also not have been able to attend school during the harvest season, making their later integration back into formal schooling problematic at best, and putting them at a considerable educational disadvantage. The large majority of the children working on the farms were between the ages of 11 and 15 years old, with 4 250 being ten or younger. Some (2.3%) of the household evictions recorded in this study were as a direct result of families attempting to resist child labour, examples of which can be seen in the following quotes.
“I refused to work for the farmer when I returned from school. He said I didn’t want to work and was only interested in schooling… so we had to leave the farm.”

“The farmer wanted to force my younger brother to leave school and come to work for him… no one was working on the farm and he said we could not live for free so he chased us away.”

“The farmer wanted my brother to work for him after school and my father refused so he told us to move out of the house he built us and gave us a traditional house. He stopped our food rations, he took our livestock and made life miserable and intolerable.”

“He wanted my young kids to look after his goats and sheep and I refused so he beat me and said I had to get off the farm.”

“I was very young and the farmer wanted me to work on the farm. He physically abused me… I ran away because of the conditions I had to work under.”

Figure 9: Proportion of child evictees employed on farms 1984–1993; 1994–2004
Employment of children in this manner is a direct violation of the constitutional rights of children. The Constitution states in Section 28 that children have a right not to be required or permitted to perform work or provide services that are inappropriate for a person of that child’s age, or place at risk the child’s well-being and education. In addition, the Basic Conditions of Employment Act 75 of 1997 provides that no person may employ in farming activities a) a child under 15 years of age, or b) who is under the minimum school leaving age in terms of any law, if this is 15 or older. The South African Schools Act 84 of 1996 requires every parent to cause every learner for whom he or she is responsible to attend a school until the last day of the year in which the learner reaches the age 15 or the ninth grade, whichever comes first.

It is encouraging to note however, that the majority of children evicted from farms who were found to have been working on farms were employed in the 10-year period before 1994 (71%), with considerably fewer having being employed on farms since the current Constitution was put in place and basic conditions of employment legislation was extended to cover farm workers. However, the continued use of child labour on farms, even if at fairly low levels, is still a cause for concern and needs to be addressed.
Length of time evictees lived on the farm

In total almost 60% of adults evicted from farms had lived on those farms for more than ten years (Table 7). This represents almost half a million adults. The disruption for these evictees, compounded by the way in which most of them were evicted, must have been difficult to handle, not only due to them having to leave their homes and primary income source, but also a way of life that they had been engaged in for a considerable period of time. Many evictees had even longer roots in the farming areas from which they came, as they had lived on neighbouring farms in the past.

Table 7: Length of time adult evictees lived on the farm

<table>
<thead>
<tr>
<th>Length of stay on farm before eviction</th>
<th>Proportion of adult evictees</th>
<th>Number of adult evictees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 years</td>
<td>13.9%</td>
<td>118 263</td>
</tr>
<tr>
<td>5–10 years</td>
<td>27.6%</td>
<td>234 837</td>
</tr>
<tr>
<td>11–15 years</td>
<td>17.3%</td>
<td>146 984</td>
</tr>
<tr>
<td>More than 15 years</td>
<td>41.2%</td>
<td>349 722</td>
</tr>
</tbody>
</table>

Almost 15% of all adults and 56% of children who were evicted from farms were born on the farm from which they were evicted (Figure 10), which is likely to have made the eviction even more devastating as they had never known any other way of life. Clearly these were not transient or temporary workers, but people and families whose homes have been taken away from them.

Figure 10: Proportion of evictees born on the farm they were evicted from
A total of 10.5% of those adults who had lived on the farm for more than ten years (53,200 people) said that they had been evicted because they were too old or too sick to work on the farm anymore and were therefore forced to leave. In terms of ESTA, these farm dwellers would, at least from 1997 onwards, be classified as long-term occupiers and therefore should have been allowed to remain on the farm for the rest of their lives.

Table 8: Length of stay of those evictees born on the farm (years)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Children (under 18)</td>
<td>38.3%</td>
<td>34.9%</td>
<td>14.9%</td>
<td>12.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adults</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23.3%</td>
<td>31.5%</td>
<td>35.6%</td>
<td>8.2%</td>
<td>1.4%</td>
</tr>
</tbody>
</table>

Figure 11 illustrates according to age ranges those who had lived for more than ten years on the farm and were, despite the provisions of ESTA, evicted because they were considered too old or sick to work anymore. The 40% aged from 40 to 49 years who fall into this category were all asked to leave for health reasons. Most of those who were 50 or over had to leave due to being considered too old to work on the farm.

Figure 11: Percentage of people, according to age, who lived over ten years on the farm and were evicted for health/age reasons
Provincial distribution of evictions and evictees

The largest numbers of evictee households are found in Gauteng and KwaZulu-Natal (Table 9). This is a reflection partly of the number of evictions in these provinces, but also the extent to which evictees are finding their way to provinces with the largest urban centres, especially around Gauteng.

Table 9: Current location of evicted households by province

<table>
<thead>
<tr>
<th>Province</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gauteng</td>
<td>44 713</td>
<td>22.4%</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>40 122</td>
<td>20.1%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>21 358</td>
<td>10.7%</td>
</tr>
<tr>
<td>Western Cape</td>
<td>21 159</td>
<td>10.6%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>19 362</td>
<td>9.7%</td>
</tr>
<tr>
<td>North West</td>
<td>17 566</td>
<td>8.8%</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>16 568</td>
<td>8.3%</td>
</tr>
<tr>
<td>Free State</td>
<td>14 172</td>
<td>7.1%</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>4 591</td>
<td>2.3%</td>
</tr>
<tr>
<td>Total</td>
<td>199 611</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

The largest number of evictions appears to have occurred in KwaZulu-Natal (Table 10). This figure and most of the other figures correspond with the farm employment trends in each province. KwaZulu-Natal went from having the highest number of farm employees in 1988 – over 200 000 – to having the third largest number – just 113 4012, by 2002. The Northern Cape, with the lowest number of evictions, has a relatively low total number of farm workers and also saw an increase in farm employment from just over 70 000 in 1988 to 99 251 by 2002. The large number of evictions in Gauteng are in contrast to the small number of farm workers in that province (29 537 in 2002), although there have been substantial reductions in the farm workforce. It appears that the high number of evictions in Gauteng relates to the large number of people living, but not working, on farms and smallholdings.

21 All farm employment figures quoted here are sourced from the Farmworkers' Research and Resource Project Farm Labour review (FRRP 1996) and Statistics South Africa’s Census of commercial agriculture (Stats SA 2005).
Table 10: Number of households evicted by province

<table>
<thead>
<tr>
<th>Province</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>KwaZulu-Natal</td>
<td>41 918</td>
<td>21.0%</td>
</tr>
<tr>
<td>Gauteng</td>
<td>27 746</td>
<td>13.9%</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>25 949</td>
<td>13.0%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>24 353</td>
<td>12.2%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>21 758</td>
<td>10.9%</td>
</tr>
<tr>
<td>Western Cape</td>
<td>21 159</td>
<td>10.6%</td>
</tr>
<tr>
<td>Free State</td>
<td>16 967</td>
<td>8.5%</td>
</tr>
<tr>
<td>North West</td>
<td>15 769</td>
<td>7.9%</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>3 992</td>
<td>2.0%</td>
</tr>
<tr>
<td>Total</td>
<td>199 611</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Process evictions

The vast majority of evictions were carried out with no formal or legal procedure being followed. The process by which households were evicted from farms appears to have been fairly arbitrary with, as already seen, just over 1% of evictions having followed any legal process.

Over 90% of evictees only received verbal notice that they had to leave the farm (Figure 12), with less than a third of evictees indicating that they had been given sufficient time to leave (Figure 13). The time given to leave the farm is an important factor especially considering that: many of these people had been living on the farm for a significant period of time, some for their whole lives; they had to find new places to live and new schools for children; and some had to find a place for cattle and other livestock. As in other areas of the eviction process, however, little thought seems to have been given to these factors. Short notice periods for evictions also further reduced the possibility of farm dwellers getting assistance to challenge the eviction.

Figure 12: Way in which evictees were told to leave
Figure 13: Perceptions of whether enough notice to leave the farm was given

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Uncertain</th>
</tr>
</thead>
<tbody>
<tr>
<td>28%</td>
<td>47%</td>
<td>17%</td>
</tr>
</tbody>
</table>

Gavin Dunn, a farmer in KwaZulu-Natal who is being driven out of business by land invaders claiming ownership of the land.
In 12.7% of eviction cases, the land owner was assisted in the eviction process, mostly by police, soldiers or other government officials (Table 11). Considering that 99% of evictions were not legally sanctioned, it would seem that the assistance provided by the various officials was not authorised. It is clear (and confirmed by the stories gathered during the survey) that, faced with this type of authority, evictees were completely defenceless. Although in this chapter the imbalance in power relations between the land owner and farm dweller has already been highlighted more than once, it has to be said that this involvement of officials, whether authorised or not, tips the balance of power even further away from the evictee.

Table 11: Third party involvement in evictions

<table>
<thead>
<tr>
<th>% of evictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police/soldiers</td>
</tr>
<tr>
<td>Friends of farmer/other farmers who were his friends</td>
</tr>
<tr>
<td>Foreman/supervisor/workers’ committee/people working for the farmer</td>
</tr>
<tr>
<td>Family of the farmer</td>
</tr>
<tr>
<td>Government officials</td>
</tr>
<tr>
<td>Municipal officers</td>
</tr>
</tbody>
</table>

Profile of farms from which people were evicted

The majority of farms from which people were evicted were privately owned with the overwhelming majority of the owners being white (Figure 14). As many as 6% of the farms were owned by the government. Even though 6% is a relatively small proportion, it is still an indictment that as many as 21 157 families were evicted from state-owned farms, especially as 45% of those evicted from government farms were evicted after 1994. Agriculture was the main activity carried out on 93% of farms from which people were evicted, 4% had non-agricultural businesses and another 4% were primarily for residential use.
In an attempt to gauge the scale of the farming operation on the farms from which farm dwellers were evicted, respondents were asked how many workers were on the farm when they left. From the results in Figure 15 it can be seen that more than two thirds of the farms that people were evicted from employed more than ten people and more than a quarter were fairly substantial operations employing over 50 people. It seems that employers of such large numbers of people should have been aware of the laws and able to comply with them.
Assistance received by evictees

Two thirds of evictee families had seen the need for assistance when faced with eviction, but 74.9% of them did not know where they could get the assistance required (Figure 16). The type of help most evictees felt they needed was of a legal nature, suggesting that the evictees had some awareness of possible legal recourse, even if they did not have a full understanding of their rights.

Figure 16: Type of assistance needed by evictees

Two thirds of evictees indicated a need for assistance when evicted.

75% of evictees did not know where to go for the type of assistance needed.

The Sithole family, under threat of eviction from the farm where they live in Gauteng.
In total, only 7.5% of evictee households interviewed were able to find someone to assist them. Even amongst these few who received assistance, the majority were not satisfied with the assistance received as, in most cases, very little was done and even less achieved. The following quotes illustrate the experiences of farm dwellers who got as far as approaching authorities for help, clearly demonstrating the difficulty farm dwellers have in exercising their rights.

“They advised me on the procedures to follow to take him to court but I could not take him to court as I had no money and no representative.”

“I couldn’t do anything – they wanted me to bring a payslip and the farmer did not want to give me a payslip.”

“Went to the police but did not ask – we were afraid because they were friends of the farmer.”

“We left the farm because there was nothing we could do – we had reported the case at the police station but didn’t hear anything.”

“We went to seek legal advice. The lawyer communicated through telephones which were not helping. We went to another lawyer who said he wrote the farmer letters but nothing helped.”

“My mother went to the labour department and they told her that they will help her but they didn’t and we left the farm.”

“I listened to the advice of the investigating officer and left the farm.”

“He was afraid that he would have to pay minimum wages after elections... we tried to get assistance but the police told us we had one month to leave the farm.”

“We did nothing because he had a policeman helping him.”

“We did nothing because we were afraid because the farmer was a policeman.”

In certain instances it would seem that the officials who could have assisted farm evictees actively aided their evictions instead, further obstructing any access to legal options that evictee families might have had.
Reasons for being evicted

The precarious status of their tenure on the farm means that, for any one of a number of reasons, farm dwellers could lose their income, their home, their schooling, and their way of life and be left with absolutely nowhere to go. Although some of these eventualities do seem to be outside the control of the land owner (for example, a farm being liquidated), in most cases evictions are at the discretion of land owners. The decision as to whether farm dwellers remain on the land or leave is completely up to them.

According to international and South African law, the right of access to adequate housing and to protection from forced or arbitrary eviction is well entrenched (COHRE 2004). However, it is clear from the results of the survey that land owners have little regard for these rights and laws, leaving farm evictees vulnerable, with limited options open to them and little, if any, opportunity for legal recourse. This section demonstrates the vulnerability of farm dwellers and the relative ease with which they are evicted from farms with little or no due process, and with no intervention from the authorities to ensure that evictions are legal or fair. This situation is further exacerbated by evictees being less than equipped to effect any of the rights that are constitutionally and legally theirs and, in most cases, not even being able to access advice or assistance.

Just over three quarters of evictees have only a primary school education, with 37% having no education at all (Figure 17). The ability of farm dwellers to exercise their rights is compromised by these low education levels; the relative isolation of farm dwellers on farms, where many cannot even receive visitors; as well as physical and financial barriers to finding lawyers or being able to access the assistance of the authorities (COHRE 2004).

Figure 17: Highest level of education among adult evictees
Table 12: Main reasons for having to leave the farm

<table>
<thead>
<tr>
<th>Reason for having left the farm</th>
<th>Total households</th>
<th>Sub-total households</th>
<th>Workers</th>
<th>Non-working farm dwellers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment-related reasons for being told to leave the farm</td>
<td><strong>69.4%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm sold/change of ownership meant that we lost our jobs</td>
<td>17.3%</td>
<td>20.6%</td>
<td>14.1%</td>
<td></td>
</tr>
<tr>
<td>Main employee on farm was fired so everyone had to leave</td>
<td>15.7%</td>
<td>31.2%</td>
<td>22.3%</td>
<td></td>
</tr>
<tr>
<td>Farm liquidated/insufficient money to pay workers/employees retrenched</td>
<td>10.1%</td>
<td>7.1%</td>
<td>6.2%</td>
<td></td>
</tr>
<tr>
<td>Main male employee on the farm died/no one left to work on farm so we were told to leave</td>
<td>10.7%</td>
<td>0.0%</td>
<td>28.3%</td>
<td></td>
</tr>
<tr>
<td>Main employee in household became too sick/too old to work so everyone had to leave farm</td>
<td>6.5%</td>
<td>5.0%</td>
<td>3.0%</td>
<td></td>
</tr>
<tr>
<td>Fired because they became unionised/went on strike</td>
<td>2.6%</td>
<td>2.8%</td>
<td>0.4%</td>
<td></td>
</tr>
<tr>
<td>Fired due to disputes around wages and food rations and working hours</td>
<td>6.5%</td>
<td>4.1%</td>
<td>2.1%</td>
<td></td>
</tr>
</tbody>
</table>

It is clear from the answers to this question that some respondents described the process that was used to force them to leave, while others gave what they saw as the reasons the farm owner wanted them to leave. Despite these different types of answers, they give important insights into both why and how people were evicted.
### Table 12 continued

<table>
<thead>
<tr>
<th>Reason</th>
<th>18.9%</th>
<th>9.9%</th>
<th>6.1%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmer deliberately made working/living conditions so intolerable that we had no choice but to leave</td>
<td>18.9%</td>
<td>9.9%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Housing-related reasons</td>
<td>4.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing taken away/ farmer no longer wanted people living on farm/ couldn’t rent any more</td>
<td>4.3%</td>
<td>7.8%</td>
<td>7.4%</td>
</tr>
<tr>
<td>Change of activities on farm</td>
<td>3.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change of activities meant they wanted the space where our houses were/no longer needed us and were asked to leave</td>
<td>3.3%</td>
<td>1.4%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Child labour reasons</td>
<td>2.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmer wanted the children to work and we refused so were told to leave</td>
<td>2.3%</td>
<td>1.7%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Other</td>
<td>2.0%</td>
<td>4.6%</td>
<td>3.8%</td>
</tr>
</tbody>
</table>

The scale of evictions

Chapter 4

Deliberate mistreatment by farmer/person in charge left them no choice but to leave

Farmer deliberately made working/living conditions so intolerable that we had no choice but to leave

Housing-related reasons

Housing taken away/ farmer no longer wanted people living on farm/ couldn’t rent any more

Change of activities on farm

Change of activities meant they wanted the space where our houses were/no longer needed us and were asked to leave

Child labour reasons

Farmer wanted the children to work and we refused so were told to leave

Other
Evictions due to job loss

The inextricable link between land tenure and employment status (or lack thereof) appears to be one of the strongest causes of farm evictions, with more than two thirds of evictees giving employment-related reasons for having been evicted. The farm dweller’s employment status is therefore critical in determining the extent of any farm dweller’s tenure vulnerability. There is a clear tenure hierarchy. Adult male employees with formal employment on the farm have the strongest tenure from a land owner’s perspective. Other adult male members of the household employed on the farm would appear to have the second highest level of security while, as already discussed, women and children clearly have a lower tenure standing. The highest level of eviction risk comes about where there is no longer any household member employed on the farm, regardless of how many generations of the family may have lived on that farm. This usually occurs when the main employee in the household dies or becomes too ill or too old to work, even where there are other household members still employed on the farm.

Of all those evicted with no farm employee in the household, 28.3% were evicted after an employed member of the household had passed away. It must be a particularly distressing experience to lose one’s home and livelihood immediately after losing a loved one who was often also the main breadwinner. Some of those evicted in these kinds of circumstances were children left without any adult family member to provide or care for them, let alone assist them to exercise their land tenure rights.

Job losses due to being fired

The cause of 15.7% of the evictions was the main family breadwinner being fired. The most common reasons for evictees having been fired appeared to relate to accusations of petty theft often associated with farm produce, or breakages/loss of farm property. On very few occasions were the police ever called to investigate, something which would perhaps have allowed the farm dwellers some form of defence before being dismissed then evicted. Nor was there any other process to establish the validity of the accusations. Failure to involve the police seems to

“We lived on the farm where my parents worked. When they died we had to leave as we were too young to work on the farm.”

“My father and mother worked on the farm. My mother died and my father kept on working but then one day he just left us there without a word. So the farmer chased us … our hearts were broken because we were still attending school there and we did help on the farm in the afternoon.”
indicate that many of these were not serious crimes or the accusations were simply false. The poverty of many farm dwellers, as elaborated in later chapters dealing with the impact of evictions, meant that they were often fairly dependent on small amounts of fresh produce, such as fruit and vegetables, that their meagre wages did not permit them to buy. For people in such circumstances to be fired and evicted from their homes for petty theft of small amounts of farm produce appears extremely harsh, even assuming the theft did occur. Such events are not uncommon, as the quotes from evictees illustrate.

Other reasons given for being fired involved what appeared to be fairly serious social and sometimes violent conflict between land owners and farm dwellers.

A number of farm workers were also fired for taking unauthorised time off. On occasion this was due to illness or pregnancy in circumstances where employers gave workers no leave time.

The experiences of some women on farms, who were essentially refused any maternity leave, shows another dimension of women’s vulnerability as farm workers and farm dwellers.

Most of the reasons for having been fired would appear to signal a singular lack of any kind of understanding or humanity in the relationship between land owner and farm dweller. In none of these instances was any kind of due process observed or, in the case of accusations of theft, judicial process followed, which would have at least allowed the employee to be heard. Instead, the outcome in all instances was that the employee and his or her family lost their jobs and their homes. These scenarios are indicative of the extent to which farm dwellers are at a considerable disadvantage in their relationship with the land owner. This

“I was accused of stealing the money from selling watermelons.”

“We used some milk, he [the farmer] wanted to sell, for ourselves and our children.”

“I was accused of stealing a wheelbarrow and some mieliemeal.”

“My husband drove the tractor to plough the fields; when the tractor broke my husband was blamed.”

“The farmer’s sheep were stolen and we were accused of not looking after them.”

“The farmer let his dogs come straight for my daughter and they bit her so terribly... I was furious, I planned to poison them to death and I did... He said to me: ‘do I think my child is more important than his dogs’ and I had to leave.”

“I was beaten by the person in charge [the brother of the farmer] when I took lunch break. One day I hit him back.”
Chapter 4  The scale of evictions

“The farmer just left the farm and he left us without telling us why – all services were cut off so we had to leave... we think the farm was repossessed.”

“The farmer died and we were just left on the farm with no jobs and no money, no services... we had to go or we would die... no one cared about us, the farmer’s wife wouldn’t even talk to us... I was heartbroken.”

Job losses due to the farm ceasing to operate

One of the reasons given by evictee families for losing their jobs was the demise of the farm where they had been employed. The steady decline in the number of (predominantly white) commercial farms, from 57 980 in 1993 to 45 818 in 2002, has resulted in shrinking employment opportunities on farms (Stats SA 2005:8). This has shown up clearly in the pattern of people displaced and evicted from farms, with at least 10% of those evicted having been put in that situation due to the farm’s operations being closed down, liquidated or no longer being profitable enough to support its labourers. These farm dwellers were either then asked to leave the farm, or chose to leave of their own accord because they could no longer support themselves. The vast majority of those evictees who lost their jobs and homes in this way have had to leave the agricultural sector altogether.

Some of those who had to leave farms that were no longer operationally viable only left when they realised that there was no management left on the farm and that without wages and services they had no alternative but to leave.

Job losses due to disputes around wages and food rations

The payment of evictees who worked on the farm often seemed erratic, with different amounts being given in different months. They were further often not sure whether they would receive their food rations or not. A substantial number of those evicted from farms were also unhappy with the low wages that they received. These factors resulted in disagreements between land owners and farm dwellers, which ultimately resulted in families being forced to leave the farm.
Job losses due to unreasonable working hours or work on public holidays

The working hours and conditions of farm dwellers were frequent causes of disputes which resulted in farm workers being dismissed. Instances were cited of employees being expected to work double shifts, even on public holidays such as Christmas Day, and having to work from the early hours of the morning. This kind of extended working hours was rarely accompanied by any extra pay. Employee reactions to these situations led, in a number of cases, to employees being fired and then evicted from the farm.

Constructive evictions

A quarter of all the evictee households suffered a constructive eviction that involved severe mistreatment by the land owner. The main areas that resulted in farm dwellers having to leave the farm because their lives were made intolerable are detailed below and best illustrated with direct quotes from those affected.

Physical and verbal abuse

This frequently involved physical beating of farm dwellers, including children, resulting in situations where respondents indicated that their injuries were so severe that they were then unable to work.

“The people from the government told me that the farmer should pay me R850 and not R150. When I talked to him he said that he would rather sell the farm than give R850 to a kaffir.”

“There were many disagreements with the farmer when he stopped giving us our mielie meal like before... he even shot my son’s cattle after we told him we weren’t leaving... we were not even allowed to eat the meat of our cattle.”

“The farmer insisted that we work on Christmas Day and when we refused he said we should leave.”

“We used to get into arguments about leave and pay and he wanted us to work double shifts and I could not work like that.”

“My grandfather had to start work at 3am, cleaning the dams of the livestock and, when he refused the farmer chased us all away.”

“When my mother died, the farmer did not want to bury her on the farm – she was buried by the government after three months. My father’s grave is on the farm. I was very young and the farmer wanted me to work on the farm. He physically abused me...I ran away.”
Verbal abuse, often of a racial nature, was frequently part of the process of being evicted and sometimes seems to indicate a racial dimension to the farmer’s decision to evict.

Visitors and children not allowed on the farm

Lack of visiting rights was a problem for many farm dwellers, particularly when it precluded spouses and children from entering the farm, leaving farm dwellers cut off and isolated from their closest family members. Children living on the farm were often only just tolerated and, in a range of situations, families had to leave the farm altogether when the farm changed hands and their children were no longer permitted to live on the farm.

Livestock not allowed or limited on the farm

In a number of instances, the livestock which supplemented the wages of farm dwellers and represented the only assets they had, were taken away or killed and farm dwellers were told that grazing was no longer permitted.
The majority of those that were evicted for these reasons were evicted prior to the promulgation of ESTA in 1997 (85.7%), with only 14.3% being evicted during the period 1998–2004.

**Water and electricity and other facilities being cut off and houses being destroyed**

A classic form of constructive eviction is the demolition of people’s houses and cutting off their services, rendering their living situation untenable. As already seen from previous quotes, once there is a dispute between landowner and tenant, destruction of homes or the cutting off of services is a very effective way of getting unwanted farm dwellers to leave.

**Other reasons for having been evicted**

Other reasons that evictees gave for having been evicted from a farm included the changing activities on the farm resulting in the farmer needing the land occupied by farm dwellers for other purposes. Also mentioned were instances of workers joining unions against the farmer’s wishes, and workers expressing their resistance to their children having to work on the farm, usually at the expense of their formal schooling. There were also a few cases where evictees reported that farmers were unhappy with or worried by the political changes in the country.

**Legal evictions and legal issues**

As has been mentioned above, there have been very few evictions that have gone through the legal process, compared to the overall scale of evictions. Nevertheless, it is worth exploring the use of the legislation that has been passed, especially as passing legislation has been the main intervention of the state to address the situation of farm evictions.

ESTA requires all eviction orders granted in magistrates courts to be reviewed by the Land Claims Court (LCC). The idea behind this was to ensure that these matters are properly handled, especially in the light of the belief that many magistrates may favour white land owners. In farming areas, the majority of magistrates are white and many were appointed during the apartheid era. When reviewing eviction
orders, the LCC can uphold the eviction, overturn the order and make a new one, or reject it and send it back for the magistrate to reconsider. Between the time ESTA came into effect at the end of 1997 and the end of 2004, the LCC reviewed 645 eviction cases from magistrates’ courts. They have set aside around 25% of the eviction orders and confirmed the rest.

The LCC has also handled approximately 525 other cases in terms of ESTA and the LTA. Some of these are eviction cases that have been taken straight to the LCC. It is not clear from LCC records how many are eviction matters and finding out would take an amount of time that was beyond the scope of this study.

There is limited information kept at the LCC. For example, all files of confirmed evictions are sent back to magistrates’ courts and no records of these are kept at the LCC beyond the case number, the court it came from, and a note to say the eviction was confirmed. There is no information on whether or not the person being evicted had legal representation, there is no information on the reasons for the eviction, and there is no indication of how many people were affected. Even when cases are brought directly to the LCC, there is little data compiled on cases. The only way to find even fairly basic data such as the number of people affected is to study the case files themselves. This lack of accessible data makes monitoring of court processes difficult.

Despite the Nkuzi judgment, which found that indigent farm dwellers whose tenure is under threat are entitled to legal representation and the government has an obligation to ensure that this right is fulfilled, there has been no noticeable action by the LCC to ensure legal representation in cases that come before them and that they review. The Judge President of the LCC has said that the court checks that people are legally represented and, where this is not the case, the court usually refers them to organisations like the Legal Resources Centre for assistance. The Judge President also said that they will ‘almost always dismiss default judgments’ (Bam personal communication). However, an inspection of the eviction case files in the Worcester Magistrates’ Court revealed that six out of the seven evictions confirmed by the LCC in the first four months of 2005 had been default judgments because the people being evicted were not present and had no form of representation in court. The RLT says it has received no referrals from the LCC, despite offering to provide legal assistance in eviction cases where the farm dweller has no representation (Gaborone personal communication).

In one of the cases heard in Worcester in 2005, the magistrate noted that the farm dweller faced with eviction was entitled to legal representation, but went on to say that, since the farm dweller was not present, it was impossible to inform him of this right. The magistrate proceeded to grant the eviction order, and the order
was later confirmed by the LCC. The question of alternative accommodation was also addressed in some of these cases, with the presentation by the land owner to court of letters from estate agents confirming availability of houses or flats to rent at monthly rental amounts ranging from R1 500 to R3 000, far beyond the reach of the farm dwellers in question.

The one case in Worcester where there was legal representation raises further concerns around the court’s interpretation of legislation. The farm dweller evicted was, according to court papers, 70-years old and it was a ‘no-fault’ eviction. He was moved from the four-room house with an inside toilet that he had occupied for 38 years to a three-room house with an outside toilet. This decision is hard to fathom in the light of ESTA’s creation of stronger rights for long-term occupiers (those over 60 or disabled who have lived on the farm for ten years or more).

Despite weaknesses with regard to legal representation, people have managed to stop evictions and have access to the land restored when they have been wrongly evicted. The success of ESTA appears to have been largely in the creation of procedural rights for farm dwellers and, in a number of cases where procedures have not been followed, the LCC has been quick to order the restoration of rights. The weakness in the legislation is that it creates no real or substantive rights to land. If land owners follow the procedures, it seems possible for them to get eviction orders against almost anyone on their land, albeit through a rather lengthy and sometimes costly process.

The inability of the legislation to prevent evictions on the scale they have occurred appears, given the limited use of the court process, to be largely a weakness of implementation. However, it is also a product of legislation that creates little in the way of real rights and court decisions and interpretations that have not done as much as they could have to advance the rights of farm dwellers. Theunis Roux argues that the LCC has ‘ignored or rejected pro-poor legal arguments that could have been used to justify an alternative outcome’ (Roux 2004:23). One of the cases that Roux uses as an example is Die Landbou Navorsingraad v Klaasen (LCC 83R/01) in which the LCC found that an eviction order against a member of the household that is seen to be the primary occupier can be used to evict other household members who are seen as deriving their rights to be on the land from the primary occupier. In practice this means ‘women and children farm workers in South Africa are once again being routinely evicted along with their husbands’ (Roux 2004:12).

The perception of many that one cannot get justice for farm dwellers from the courts also discourages farm dwellers and those assisting them from trying to legally enforce rights.

23 The ruling in the Klaasen case came despite an earlier LCC ruling in the case Conradie v Hanekom and another (1999 (4) SA 491 (LCC)) in which a different LCC judge found that a farm worker’s wife could not be evicted simply because her husband had been evicted, since she had her own rights as an occupier. The Klaasen case has set a precedent that has been followed since then and reinforced the common practice of land owners treating women as secondary occupiers – there only because their husbands, fathers or brothers are there.
Key points of this chapter

• Dispossession of black South Africans from the land has continued unabated in post-apartheid South Africa. Almost 1.7 million people have been evicted in the 21 years between 1984 and 2004, and more than half of these evictions occurred since 1994.

• New tenure legislation has had little impact in speeding up or slowing down the rate of evictions.

• Over two thirds of evictions were in some way work-related, whether the person affected worked on the farm or not.

• Most evictees spent considerable time on the farm, with 58.5% of all adult evictees having lived on the farm for more than ten years and 14.9% of all adult evictees having been born on the farm.

• Many farm dwellers are not farm workers: 39.7% of adult evictees had not been working on the farm they were evicted from.

• The evicted farm dwellers were poor and vulnerable, earning on average less than R500 per month and 37% of the adults had no formal education.

• Almost half (49%) of all evictees were children when they were evicted.

• Women are more vulnerable to eviction than men.

• Two thirds of those interviewed had wanted assistance when faced with eviction, but over 83% of them did not know where they could find assistance. The most common requirement was for legal assistance.

• Only just over 1% of evictions involved a legal process. The interpretation of legislation when cases do go to court appears to be out of step with the intentions of the legislation. Judgments have been consistently ‘anti-poor’, giving farm dwellers no confidence in the legal process.
Perspectives from commercial farmers

Tina de Jager, a successful farmer in the North West province.
Introduction

This chapter summarises the views of commercial farmer respondents interviewed in what the project refers to as a ‘corroboration process’. More critical reflection on these opinions and findings are contained in Chapter 9. While the heart of the study involved getting information from people who have been displaced and evicted from farms, it was seen to be important to get other perspectives on how and why evictions occur, in particular, to get the views of farmers.

Four areas were selected for the corroboration exercise: Frankfort in the Free State, Brits in North West, Heidelberg in Gauteng, and Napier in the Western Cape. The first three areas were selected because they had a high number of evictions. Napier was selected because, although the number of evictions there was relatively low by national standards, it was relatively high for the Western Cape. The sample of areas is small and the interviews conducted were qualitative in nature. Therefore the results are not necessarily representative of the national picture but the information still provides a useful insight into the perspectives of farmers.

Information for the corroboration was gathered through conducting qualitative, in-depth interviews. During the interviews, the information gathered by the survey on the prevalence of evictions in the area was shared with the respondents to gauge their reactions. Seventeen local farmers were interviewed. In Napier, interviews were also conducted with farm workers and a social worker. The farmers interviewed were in leadership positions of the local structures of AgriSA and TAU, or organised through those local structures. Interviews were also conducted at a national level with AgriSA and NAFU.

Because the views of NAFU on evictions were very different from the other farmers’ unions and local farmers, these are dealt with separately at the end of the chapter. The rest of the chapter is based on the views of local farmers who are all involved with AgriSA or TAU.

In all areas, respondents could not speak to the specific figures for the number of evictions (nor were they expected to). However, they were able to indicate factors that may have contributed to people leaving farms, possibly through evictions. The respondents also tended to focus on factors affecting the labour situation on the farms generally, rather than evictions specifically.

The information gathered through this process focuses on farming trends in targeted areas. It has enabled an assessment of the credibility of our findings on evictions based on surveying the views of people displaced from farms in the same area. The views and concerns of farmers also provide useful perspectives that need to be considered in discussing ways to improve the tenure situation of farm dwellers.

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24 The interview with the social worker was arranged by the farmers.
25 AgriSA is the largest union of commercial farmers. The membership and leadership remains predominantly white although there are some black farmers who have joined. The Transvaal Agricultural Union (TAU) is the other main commercial farmers union. TAU continues to have a white-only membership and is generally considered to be more conservative than AgriSA, especially in matters such as their approach to land reform. The National African Farmers Union (NAFU) has only black farmers in its membership. These farmers range from very small producers to some quite large black commercial farmers.
Four local area perspectives

In each area, there are specific factors related to the form of agriculture and other local developments, such as urbanisation and mining, which have impacted on relations between farmers and workers and levels of employment.

Brits

Many of the farms around Brits are small (in the past ±40ha), involving intensive production under irrigation which relies on water from the Hartebeespoort Dam. Many of the farmers used to make a reasonable profit from tobacco production. However, a drop in the quality of water from the dam from 1986–89 resulted in a high chlorine content in the tobacco (tobacco with a high chlorine content does not burn well). This reduced the demand and prices paid for tobacco from the area at a time when farmers also faced competition from low-cost Zimbabwean tobacco imports. Ultimately, farmers were forced to produce other crops, such as paprika, some of which required less labour. Market changes, especially in the paprika market from 1994–96, caused farmers to produce other crops, mainly vegetables. These changes affected the number of full-time workers required on the farms.
The township of Bapong near Brits in North West province is home to around 2 850 households. Just over 930 of these households lived on farms in the past, and 364 of them were evicted. The evictions were spread fairly evenly across the years, although there were peaks in the numbers in 1995 and 1996.

The township of Ratanda near Heidelberg in Gauteng province has a population of 3 400 households. A total of 980 households lived on farms in the past and 460, nearly 50%, of these left due to being evicted. Evictions in the area seem to have occurred in large numbers in some years, with almost no evictions in other years. The largest number of evictions took place in 1986, followed by 1998, 1996 and 1990.

Some workers left farms to find work elsewhere when there was local growth in the industrial and construction sectors, notably from 1983–85. This caused some labour shortages, although these were balanced to some extent by the collapse of tobacco production. More recent mine expansions have had little immediate impact on the availability of labour, but a large number of people are moving into townships and ‘squatter camps’ in the area. Now children of farm workers prefer to seek employment on the mines or local industries rather than working on farms.

Farmers who make use of part-time labourers report an alarming increase in ‘illegal immigrants’. These people are not able to speak Setswana, English or Afrikaans, but are in possession of new, valid South African identity documents. They are also younger, harder-working and more productive than local workers.

Farms in the Brits area are still not large, but an increasing number of farmers hire land on which to produce their vegetables or citrus, sometimes extending the area they cultivate up to around 70ha and more, although farms larger than 80ha are still the exception.

Farmers who make use of part-time labourers report an alarming increase in ‘illegal immigrants’. These people are not able to speak Setswana, English or Afrikaans, but are in possession of new, valid South African identity documents. They are also younger, harder-working and more productive than local workers.

Farms in such areas are still not large, but an increasing number of farmers hire land on which to produce their vegetables or citrus, sometimes extending the area they cultivate up to around 70ha and more, although farms larger than 80ha are still the exception.

**Bloekomspruit (south of Heidelberg)**

Farms in Bloekomspruit are reasonably large in size (300–800ha), but the production, predominantly dry land grain, does not require many workers, especially with large scale mechanisation. In the early 1990s, increases in the effectiveness of chemical weed killers had greatly diminished the need for labour. Later the availability of large equipment and improved technology, especially of large tractors, ploughs and planters, led to the loss of more jobs. They also used to employ a large number of workers, mostly women, to collect maize dropped during the mechanical harvesting. However they no longer do this due to the combination of the high risk of labour disputes and low profits on maize.

Mines and Eskom plants, which opened in Bloekomspruit around 1985–89\(^2\), attracted a large number of workers from farms. In Heidelberg and Bloekomspruit, farmers have submitted an Agri-BEE [black economic empowerment in agriculture] development plan for a community to the south of Heidelberg. They are actively supporting the development of this project and see this as their contribution, and a sign of their commitment, to transformation in the agricultural sector.

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\(^{26}\) Setswana is the main indigenous African language spoken in the area.

\(^{27}\) Mines have operated in the area previously, but the focus of this research was on the factors affecting evictions during the 21 year period for which eviction information was gathered for this study.
Frankfort

The Frankfort area is predominantly grain-producing and has suffered severe pressures for the same reasons as Bloekomspruit – rising input costs and poor market conditions. Frankfort farmers seem to have been more negatively affected by the introduction of the minimum wage than those in the other areas, probably due to generally lower farm worker wages prior to the imposition of minimum wage as compared to the other areas surveyed here.

Another reason for job-shedding is the change of land use from grain farming to animal and mixed farming. There are also an increasing number of urban-based buyers who have purchased an estimated 5–10% of farms in the district. These farms employ fewer people and are often converted to animal and game farming. Frankfort is thought to be attractive to buyers from Johannesburg, as it is the last affordable farm land within an hour and a half’s drive from the city of Johannesburg.

Napier

Napier is a small farming town in the south-eastern part of the Western Cape. Farms around Napier are involved in grain and livestock farming with some now going into fynbos and wine production. The farmers interviewed were surprised to hear that there had been a large number of evictions in the area, but nevertheless shared information on some of the possible reasons for the evictions.

Economic pressures and periods of drought have caused a number of farmers to leave the area. The remaining farms have expanded to achieve economies of scale. The number of farms around Napier has dropped from 136 in 1994 to only 81 in 2005. A large company has bought a lot of farms in the area and increased mechanisation, including the introduction of enormous tractors and other machinery. They no longer require the same number of workers that the farms used in the past. In Napier, the minimum wage regulations did not, according to the respondents, have a negative impact, as most farmers had already been paying workers at or above the level of the minimum wage.

Mafube location outside Frankfort in the Free State is home to around 600 households, 278 (46.5%) of them from farms. Of these, 76 households had been evicted. Evictions of people who now live in Mafube occurred in small numbers almost every year. However, by far the largest number, just under 25% of all the evictions, took place in 2003. The other year with a large number of evictions (13%) was 1991.

The township outside Napier in the Western Cape accommodates just over 660 households, 84 of them from farms. A total of 39 of these households were evicted. No evictees who had been evicted pre-1993 were found in the area. The largest number of evictions occurred in 1998, followed by a substantially lower number in 2003.
Droughts

A drought in 1984–85 and another severe drought in 1991–92 caused a drastic drop in production and incomes for the farms and they had to lay-off labourers that they could no longer afford to pay. Farmers in Napier also reported drought from 1996–2000, but it is not clear how widespread that was.

Deregulation and international competition

In 1994 local markets, in particular the grain market, were deregulated. Subsidies and protections were removed, but farmers were expected to compete with overseas producers who still received subsidies. Declining maize prices, coupled with increasing input costs and international competition, have had a serious impact on the economics of large scale dry-land farming.

High input costs, of which labour is one element, coupled with lower profit margins because of opening of trade with international markets have made farming a tricky economic balancing exercise. Farmers faced with economic pressures find that labour is one of the few cost elements in the production system that can be more easily manipulated.
Mechanisation and improved technology

An embargo on the importation of heavy farming equipment was lifted in the mid-1990s, drastically changing the technology available, especially for large scale dry-land maize production. Where previously four or five tractor drivers would be needed to plough the fields and keep them weeded, with two assistants per tractor to maintain planters and ploughs, just one large tractor was now able to plough larger fields in a shorter time. New large tractor, plough and planter technology has continued to improve so that one person can operate and maintain them. Planting is more precise with the latest developments including the use of Geographic Positioning System (GPS) technology to guide the tractor. This has all been good for farm production, but drivers and other workers have lost their jobs as they are no longer needed.

Political and legislative changes

Political and legislative developments in the period 1994–98 had a negative impact on confidence of farmers and the economic viability of the sometimes already precarious farming systems. The changes also raised tensions between farmers and workers as expectations changed and legislation attempted to shift relationships. New legislation was seen as a threat to farmers and caused them to take positions that would leave them less vulnerable to the possible impact of these laws on their assets and the economic viability of production.28

There is an increasing use of labour consultants and employers’ associations to deal with all labour matters, including the tenure of those living on the farms. TAU members use the Agricultural Employers’ Association (AEA) to handle all aspects of labour-related issues on their farms in a legally correct manner. This means that many farmers do not enter into any of the processes concerned other than providing their side of the story in a particular situation.

Farmers argue that they are not resisting new legislation, but will do all in their legal power to protect their economic interests and their land. All the new laws and regulations are complicated and complying with them is an additional cost that has to be factored into the business. They do not want their farms to become what some describe as ‘squatter camps’ for people who the farmers can no longer afford to employ or who have been dismissed for disciplinary reasons.

The impact of new legislation has largely been absorbed by the sector so, barring any major new policy developments, it is envisaged that changes in the labour force on farms will be affected primarily by purely economic factors in the future.

28 The laws that farmers mentioned as having been a concern included the Restitution of Land Rights Act; the LTA; ESTA; Sectoral Determination regarding the Farming Sector in terms of the Basic Conditions of Employment Act; the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act; the Land Affairs General Amendment Act 61 of 1998; the Land Affairs General Amendment Act 11 of 2000; and the Land Affairs General Amendment Act 51 of 2001.
Labour laws and regulations

A surprising number of farmers said that minimum wages were a good thing for farm workers, but these also had the negative effect of farmers withdrawing all other benefits they had previously provided. These benefits often include food rations and additional social support, such as taking workers to hospital for free and allowing workers to take some vegetables home at harvest time. Some farmers believed that there is an increasing incidence of underfeeding of children of farm workers since the shift to higher cash wages and the related loss of benefits such as food rations.

The negative impact of the minimum wage for farm viability is obviously felt more on farms and in areas where wages were lower in the past, such as around Frankfort. More worrying than the minimum wage itself is the 10% per annum increase – far above inflation – that has been imposed for the two years since the minimum wage was introduced.

Many farmers now calculate workers’ salaries on a daily minimum amount. When required, they then ‘negotiate’ with workers living on their farms to go without pay for those days when there is no work to be done. Workers seem to agree to this, although the farmers acknowledged that the workers ‘don’t like it very much’. The farmers indicate that their farming enterprises are so precariously balanced that they cannot afford to pay people when there is no work to be done.

Respondents acknowledged that labour is one of the input factors that farmers try to manage for increased output and reduced costs, with resulting insecurity especially for farm workers with low levels of education. However, it was noted that farm workers, especially those closer to urban areas, are becoming better informed about their rights and the processes that should be followed when there are disputes.

One widespread response to new regulation of labour has been an increased enforcement of bureaucratic requirements by farmers, such as insisting on sick notes from doctors when people take a day’s sick leave. Some farmers say that, due to the prohibition on child labour, they require any person they employ to prove their age with an identity document. Increasingly, farm workers are also sent to state agencies such as police and government hospitals when they need assistance. For example, whereas in the past farmers were more likely to assist in the resolution of disputes between workers, they now call the police or tell workers to call the police themselves.

There were a number of reports of farmers who had in the past kept medicines to give to sick workers, but now refuse to do so in case they are held liable for any negative effect of the medicines. Some farmers now refuse to provide free transport as they used to. Their workers now have to pay for transport if they need to go to town, such as when consulting a doctor. These changes of approach have sometimes angered farm workers who feel the farmer is unfairly withdrawing a service that they used to be willing to provide. Farmers also reported that there is very little action from the police when they are called to assist farm workers.

However, some farmers continue to provide medicines to their workers.
Tenure laws

The most common complaint is that farmers have to continue providing housing and services to farm workers who have been fired from work. They feel that this causes ‘social problems’ and poses a security risk. Farm dwellers not working on farms are perceived by farmers as perpetrators of crimes, often committed against other workers.

Farmers do not see why they should be responsible for provision of housing and services for people who do not work for them. Farmers invest in better houses to attract workers, but there is no point in investing in housing if it is going to be used by people who are not working on the farm. The state should take responsibility for those who do not work on farms and long-term settlements for farm dwellers should be off-farm settlements.

What increases the bitterness of farmers is that they do not see the same requirements placed on other businesses such as mines. They say it is too expensive to evict people through the legal process. These factors cause resentment among farmers towards the law, since they feel that they have been unfairly singled out for attack and they feel their property rights as land owners are being infringed.

Box 3: AgriSA’s view on ESTA

AgriSA believes that ESTA as presently formulated is a source of conflict on many farms and court cases can be prohibitively expensive. Landowners experience problems with occupiers who exceed numbers of livestock agreed upon and who are sometimes aggressive towards the landowner and his family. It does not make sense, and is a recipe for conflict, to force people to live together on the same farm where the relationship has broken down. Rather, the state should, in conjunction with landowners and occupiers, identify alternative land where occupiers can be relocated to when there is no longer an employment relationship between the parties (Crosby personal communication).

Changing labour trends

There is an increasing use of part-time labourers, with a preference for women as they are perceived to be more diligent. However, farmers experienced a lower level of productivity with part-time workers as they have less control over them. Farmers felt that, in the past, the workers and farmers ‘watched out for one another’, but now the reliance on more part-time and temporary workers has caused a breakdown of that type of relationship.
A declining number of young people are prepared to work on farms and the age of labourers is increasing, with many workers being over 40 years old. In the past, people living on farms and their children were exposed to farming and were later recruited as farm workers. The youths coming from town have not been exposed to farming and do not make good farm workers.

An emerging development is a shortage of available labour. A number of farmers are having difficulty getting adequate labour and there is a sense that the agricultural sector has reached the end of the downsizing trend seen over the last decades. With young people often not willing to work on farms, HIV/Aids affecting the work force, and fewer potential farm workers living on farms, it is becoming difficult to find workers and farmers are becoming aware of this as a possible problem in the future.

Workers moving to towns and townships

It has become common practice, especially if close to urban settlements, to appoint as few full-time workers as possible and have as few people as possible living on the farm in order to avoid having to deal with tenure issues for farm dwellers. Farm labourer homesteads are being demolished after people have left farms with the absolute minimum number of homesteads being left for the remaining full-time workers. The remaining homesteads are also only upgraded to the minimum standards and only if the farmers can afford to do so.

Leah Bruintjies with her daughter and grandchildren; threatened with eviction from Buffelsdrift farm.
Where there is a nearby township, farmers are encouraging workers to get a stand and apply for ‘RDP houses’. Some labourers indicated that they also prefer this situation and choose to move to townships in order to be closer to town, sometimes in response to their children saying ‘there is nothing to do on the farm’. Others are preparing for retirement by building houses in nearby townships and villages. There is generally better access to facilities in town such as shops, churches, medical services and pension pay points.

In remote areas, farmers are finding that they have to keep more people on the land in order to have access to sufficient labour. For this reason they employ more full-time workers and avoid practices such as paying only for days worked.

Views on ‘evictions’

The farmers interviewed felt that the term ‘eviction’ is too harsh and stressed that farm labourers are only fired and removed from farms for economic or valid disciplinary reasons. They said it is crucial to distinguish between legal and illegal evictions. Despite farmers not agreeing with the laws and regulations, most try to implement dismissals and evictions in compliance with the legislation. They acknowledge that this has not always been the case and that there may be a small minority of farmers who treat workers harshly and do not follow fair procedures, perhaps in some cases because of the high cost of following the procedures. Some of the respondents felt that the few who do abuse workers give farmers a bad name.

A number of farmers claimed that they always used to allow retrenched farm workers time, up to six months, to find alternative accommodation, and they would wait a few months before putting pressure on the person to move. Now they say they follow the minimum requirements of the law.

There are concerns that discussions on land reform and evictions are too ideologically-driven and the few cases of non-compliance with the law are used to make negative generalisations about all farmers. Farmers would like to have the economic realities that they have to deal with better understood and given more attention in debates.

Over 59% of evictees found in the four areas where farmers were interviewed felt they were not given enough time/notice to leave. Over 50% of the evictees got notice to leave of a week or less, and 14% were only given one day or less to go.

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30 Houses built under the government’s housing programme. Housing provision was originally part of the Reconstruction and Development Programme (RDP) after 1994.

31 The term ‘eviction’ was apparently not well understood by some of the respondents who saw it as meaning to chase someone away without reason.
A perspective from NAFU

NAFU sees farm dwellers as potential members, although it does not have many such members yet, as it believes that many farm dwellers farm for themselves and have farming skills. The predicament of farm dwellers is therefore important to this organisation and it is keen to see how it can get more involved in reaching out to farm dwellers and dealing with eviction issues.

NAFU stressed the power imbalance between the land owners and farm dwellers and argued for recognition of the right of farm dwellers and labour tenants to live on the land they work. NAFU argued that farmers need to change from seeing farm workers only as ‘labour units’ to understanding that farm dwellers are people, many of whom have lived for generations on farms and regard the farm as home. Despite strong sympathy with the plight of farm dwellers, NAFU acknowledged that some black farmers might at times be forced to evict due to economic pressures. Ultimately it saw the implementation of a far-reaching land and agrarian reform programme as the solution to the difficult situation of farm dwellers.

Key points of this chapter

Black and white farmers have some of the same economic interests, but they appear to have very different attitudes towards farm dwellers and evictions, with black farmers identifying strongly with the plight of farm dwellers. The points below are primarily based on the views expressed by white farmers with the perspectives unique to NAFU captured above.

- Farmers make their decisions around farm workers and farm dwellers for economic reasons.
- The biggest factors leading to reductions in the work force on farms have been droughts, deregulation and exposure to international competition, and in some areas the minimum wage for farm workers.
- Farm sizes are growing as smaller ones go out of business and those farmers who survive seek economies of scale by consolidating smaller farming units and turning to more large-scale mechanisation.
- New legislation regulating labour and tenants on farms is an additional cost and risk to farmers.
In response to labour legislation, farmers have reduced the range of benefits that they provide to workers creating what could be seen as a more ‘normal’ employer-employee relationship, but also in some cases making conditions worse for workers.

Tenure legislation has caused farmers to minimise the number of people living on their farms, leading to more farm workers living in townships and villages. In particular, they let far fewer new people come onto farms, although more remote farms still find they have to let workers live on-site.

Most farmers see themselves as complying with the law, but they will do what they can to protect their farming business and assets such as land. They acknowledge that a minority of farmers do treat workers harshly and violate the law.

Labour is one of the few costs of production that the farmer can manipulate to cut costs when under financial pressure.

Farmers feel that they are unfairly targeted compared to other industries and that the economic factors informing their decisions are not understood or appreciated.

There are indications that it is becoming harder to attract labour and there may be future labour shortages. This is already causing farmers to think more about how they can keep experienced workers that they have.

Information gathered on the farming trends in each area match the findings on the number of people displaced and evicted from farms. Notably, three of the four high prevalence sites visited were predominantly grain farming areas (one of the harder hit sectors over the last decade) and all four sites had experienced pressures on farm viability, a reduction in the number of farms, changes in the crops grown, or increased levels of mechanisation of the farming systems.
The impact of evictions on the livelihoods of farm dwellers

Chapter 6

Elsie Jacobs at the polluted river that her family relies on for drinking and washing water since the farmer fired her husband and cut off their water supply.
Introduction

The United Nations defines an eviction as the removal of individuals, families or communities from their homes, land or neighbourhoods against their will. Evictions are distinct from other forms of displacement as they are **involuntary, permanent** and involve **some element of coercion or force** (Guggenheim & Cernea 1993). This definition encapsulates, at least to some extent, the degree to which an eviction is a devastating ‘shock’ for an evictee household. When forced to move, evicted household members have to deal with the loss of their land and home, their social networks and often their jobs. This chapter explores in greater detail the institutional, physical and socio-economic impact of evictions on the lives of people who have forged a way of life on farms, often the only way of life they know, but which, as a result of being evicted, they are forced to abandon.

The livelihoods framework is used as the basis for evaluating the impact of evictions on farm dwellers by assessing the impact of the eviction on the livelihoods of evicted households. This will be achieved by determining the extent to which the ‘shock’ of the eviction has affected evictee households’ access to and utilisation of physical, natural, financial, human and social capital. These are the assets that households had access to and utilised on the farm prior to eviction, the assets they had to rely on to overcome their vulnerability as a result of having been evicted, and what they utilise now in order to sustain their current livelihood strategies.

**Box 4: Definition of a livelihood**

A livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future while not undermining the natural resource base (DFID 1999).

Physical capital

For the purpose of this study, the impact of the eviction on the physical capital of the evicted household is evaluated in terms of:

- the physical environment of evictee households, i.e. type of settlement;
- their access to shelter;
- their access to basic amenities such as water, sanitation and sources of energy; and
- their access to facilities such as transport, communication, schools, healthcare, police and shops.
The physical environment

One of the direct and most obvious consequences of farm evictions is the forced relocation of evictees to a new physical environment. Evictees have to find alternative accommodation, as well as strategies to survive with the limited resources at their disposal. The nature of the physical environment and ‘type of community’ that the evictee households relocate to will impact on the livelihood options open to them including their access to physical capital.

Types of relocation settlements that evictee households moved to

This survey has revealed that farm evictee households in South Africa are currently residing in the types of settlements listed below. For purposes of this study these are referred to as relocation settlements.

- **Urban settlements including:**
  - formal urban settlements
  - informal urban settlements.

- **Rural settlements including:**
  - farms
  - informal rural settlements
  - rural townships
  - traditional rural settlements.

- **New settlements.**

- **Smallholdings.**

- **Industrial settlements.**

Figure 18 illustrates that most evictee households have settled in urban settlements and more specifically in formal urban settlements. It should be emphasised, however, that the formal urban settlements chosen by evictee households for relocation do not represent high income urban areas, but rather typical township areas that tend to be located on the periphery of metropolitan centres or outside bigger towns. Although these townships are referred to as ‘formal urban’, they generally have a large proportion of backyard shacks and outbuildings which present the less formal face of this settlement type. It is often to these types of dwellings that evictee households move within a ‘formal urban’ settlement.

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32 Annexure 3 contains a full list and explanation of settlement types.
33 The Social Surveys Segmentation model that formed the basis for the sampling of this study is based on, inter alia, the 2001 census. At the time of the census these ‘new settlements’ did not exist and it is only through the process of conducting this study that they were identified. For this reason there are no population figures for new settlements.
The ‘new settlements’ that have been identified by this study cannot be included in Figure 18 in order to illustrate the proportion of evictee households residing in these settlements because there are no formal census population figures available for these settlements. This means data gathered in the process of conducting interviews within these settlements cannot be weighted back to a national figure. However, the significance of these areas as relocation areas is illustrated by the fact that 1.3% of the evictee households included in the survey are currently living in these ‘new settlements’.

**Pull-factors motivating relocation**

Evictee households have different motives for choosing a specific type of settlement to relocate to. These are generally linked to the issues about which they are feeling most vulnerable immediately after having been evicted. For the purpose of this analysis, these are defined as relocation pull-factors.

The main pull-factors in the relocation of farm evictees are described below and are illustrated in Figure 19.
“I was born here and my family was still here.”
“Most people who had to move from farms came here.”

“We wanted to get a dwelling and permanent ownership.”
“We wanted our own place... we could get it here.”

“We had nowhere to go and this was the nearest place.”
“It was not far from the farm and we could get transport to that place...”

“It is closer to schools, clinics, police and town...”
“There were employment opportunities...”

... it was the only job I knew.”

**Existing social networks** – 42% of evictee households choose to relocate to areas where they had existing social networks. Evictee households often return to the settlements in which they were born, grew up, or where they have relatives, whilst some evictees select settlements where they know other ex-farm dwellers are living. From a social capital perspective, these social networks act as a safety net, often critical for the immediate survival of the evictee household.

**Possibilities for greater security of tenure** – 30% of evictee households choose to relocate to a settlement on the basis of the livelihood opportunities that they feel it could provide them. Most of these opportunities relate to being able to access shelter and greater security of tenure. It is not surprising that this would be a priority amongst so many evictee households, considering the unilateral eviction process and loss of homes that they experienced.

**Accessibility** – 13% of evictee households choose to relocate to a settlement close to the farm from which they had been evicted, purely on the basis that these settlements are the most accessible. These choices are motivated by the evictee household having no money to spend on transport and the need to find accommodation as soon as possible after the eviction.

**Employment opportunities and access to healthcare and schooling** – 12% of evictee households choose to relocate to settlements where they think there would be better job opportunities and/or better access to educational and healthcare facilities.
Familiarity – 0.5% of evictees choose to move to other farms, mainly because the situation on the farm is familiar to them and farming is the only job they know they can do.

Figure 19: Relocation pull-factors

Type of settlements chosen for relocation

The type of settlements that evictee households choose for relocation cannot be evaluated without taking into account the pull-factors that motivate the relocation, as these are significantly different for the different types of settlements. Figures 20 to 23 illustrate the correlation between relocation pull-factors and the settlement types evictees currently live in.

It is evident from Figure 20 that those evictee households for whom relocation is motivated by the need for greater security of tenure generally tend to move to urban settlements. Of these households, 45.8% settled in informal urban settlements and a further 20.8% settled in formal urban settlements. Those who move to rural areas select rural townships which also tend to have better access to housing and infrastructure with clearer tenure rights.
Figure 20: Relationship between relocation settlement type chosen and greater security of tenure

As could be expected, no pull to a specific settlement type is illustrated for evictee households that choose where to move on the basis of social networks (Figure 21). For these households, it is not the type of settlement that influences their decision of where to move, but rather the location of their friends or families.

Figure 21: Relationship between relocation settlement type chosen and social networks
Where accessibility of a specific settlement is the primary motivating factor in the choice of area to relocate to, evictee households tend to move mainly to rural townships and to informal urban settlements (Figure 22).

**Figure 22: Relationship between relocation settlement type chosen and accessibility**

![Relationship between relocation settlement type chosen and accessibility](image)

It was expected that evictee households for whom access to employment opportunities, schooling and healthcare facilities were the primary motivating factors in choosing where to move to would relocate mainly to urban settlements. However, the employment opportunities on other farms appear to be the most important factor as half of those who moved for the abovementioned reason moved to other farms (Figure 23).

**Figure 23: Relationship between relocation settlement type chosen and employment and other opportunities**

![Relationship between relocation settlement type chosen and employment and other opportunities](image)
Other families that moved for reasons associated with employment and access to infrastructure are spread across rural townships or urban formal and informal settlements as expected.

Not surprisingly, all evictee households that decided where to go on the basis of looking for a familiar environment, moved to other farms.

**Figure 24: Rural-urban distribution of evictee households by relocation pull-factor**

If relocation pull-factors are evaluated within an urban-rural context, it is clear that evictee households whose choice of relocation settlement was motivated by greater security of tenure chose to relocate to urban areas. In contrast those households for whom their choice was motivated by access to employment and other opportunities, as well as those who sought familiarity in relocation settlements, chose to relocate to rural areas. As could be expected, those households for which relocation was motivated by social networks and accessibility of a settlement neither preferred urban or rural areas as this choice was determined by either the location of their networks or the type of settlement most accessible from the farm from which they are evicted.

**Number of moves since being evicted**

It would not be a surprise for evictions to trigger a series of moves before evicted households finally settle on a more permanent basis. However, more than two thirds of households moved only once, having moved directly to their current place of residence since being evicted and only 7% have moved more than twice (Figure 25). Interestingly, neither the type of settlement these households chose for
their first move nor the motivation behind choosing a settlement appears to have influenced the number of times an evictee household moved. This is possibly, at least in part, due to limited options open to evictee households, combined with limited resources restricting the viability of moving again.

**Figure 25: Number of times moved since being evicted**

![Figure 25: Number of times moved since being evicted](image)

Figure 26 summarises the reasons given by evictee households that have moved more than once after the eviction. The most important reason given for evictee households moving more than once is to achieve greater security of tenure, with 54.5% of these households giving reasons such as ‘I bought a stand’ and ‘we got a house’. A further 13.6% of evictee households that relocated more than once after the eviction did so within the same settlement in order to gain more permanent access to a house or stand. These evictees view the first place they moved to as a temporary arrangement necessary in order to survive immediately after the eviction. The subsequent relocation represents an enhancement of their tenure status by obtaining a house or a stand of their own, thus providing them with far greater security and an opportunity to improve their livelihood.
Preference for living on a farm

Some studies (e.g. DoL 2001:28) have found that approximately 50% of farm workers would prefer to live on farms. This survey confirmed a similar figure in finding that, of evictees still living on farms, 44% would prefer to continue living there. However, only 27.5% of evictee households whose members now live off-farm indicated a preference for living on a farm. This finding is significant in that it provides some indication of the negative impact that the eviction had on the household and their perceptions about living as a tenant on a farm.

The motivation behind the preference of those households that would prefer to live on a farm is summarised in Table 13.
Table 13: Motivation for preference; households that want to live on a farm

<table>
<thead>
<tr>
<th>Motivation for preference</th>
<th>% of those households that prefer farm life</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to ‘assets’:</td>
<td></td>
</tr>
<tr>
<td>• ‘we always had food’</td>
<td>44.3%</td>
</tr>
<tr>
<td>• ‘we had water’</td>
<td></td>
</tr>
<tr>
<td>• ‘we had access to wild fruits and vegetables’</td>
<td></td>
</tr>
<tr>
<td>• ‘free rations’</td>
<td></td>
</tr>
<tr>
<td>• ‘we were provided for by the farmer’</td>
<td></td>
</tr>
<tr>
<td>Quality of life on the farm:</td>
<td></td>
</tr>
<tr>
<td>• ‘farm life is peaceful and not so fast’</td>
<td>29.1%</td>
</tr>
<tr>
<td>• ‘the peace, the quiet and there is no crime’</td>
<td></td>
</tr>
<tr>
<td>The farm is home:</td>
<td></td>
</tr>
<tr>
<td>• ‘I feel I belong there’</td>
<td>11.4%</td>
</tr>
<tr>
<td>• ‘I grew up on the farms’</td>
<td></td>
</tr>
<tr>
<td>• ‘we were born there’</td>
<td></td>
</tr>
<tr>
<td>• ‘our grandparents are buried there’</td>
<td></td>
</tr>
<tr>
<td>• ‘that is the life I know’</td>
<td></td>
</tr>
<tr>
<td>Employment-related:</td>
<td></td>
</tr>
<tr>
<td>• ‘it is the only job I know’</td>
<td>6.3%</td>
</tr>
<tr>
<td>• ‘I cannot find such a job in the location’</td>
<td></td>
</tr>
<tr>
<td>Additional opportunities for generating income:</td>
<td></td>
</tr>
<tr>
<td>• ‘I could sell chickens’</td>
<td>5.1%</td>
</tr>
<tr>
<td>• ‘I could sell vegetables and things’</td>
<td></td>
</tr>
<tr>
<td>Other reasons</td>
<td>3.8%</td>
</tr>
</tbody>
</table>

Most evictee households (72.5%) prefer not to live on a farm anymore. The reasons for their preference are summarised in Table 14.
### Table 14: Motivation for preference; households that do not want to live on a farm

<table>
<thead>
<tr>
<th>Motivation for preference</th>
<th>% of those households that do not prefer farm life</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Quality of life:</strong></td>
<td></td>
</tr>
<tr>
<td>• 'life is better here'</td>
<td>39.2%</td>
</tr>
<tr>
<td>• 'we have a better quality of life now'</td>
<td></td>
</tr>
<tr>
<td>• 'we suffered on the farm'</td>
<td></td>
</tr>
<tr>
<td>• 'life was difficult on the farm'</td>
<td></td>
</tr>
<tr>
<td><strong>Control over their own destiny:</strong></td>
<td></td>
</tr>
<tr>
<td>• ‘don’t like being controlled by someone else’</td>
<td>17.0%</td>
</tr>
<tr>
<td>• ‘don’t want to live under whites anymore’</td>
<td></td>
</tr>
<tr>
<td>• ‘I am free now’</td>
<td></td>
</tr>
<tr>
<td>• ‘farmers exploit people’</td>
<td></td>
</tr>
<tr>
<td><strong>Access to facilities:</strong></td>
<td></td>
</tr>
<tr>
<td>• ‘there were no facilities for my children to go to school’</td>
<td>16.0%</td>
</tr>
<tr>
<td>• ‘too far from facilities’</td>
<td></td>
</tr>
<tr>
<td>• ‘I now have better access to things’</td>
<td></td>
</tr>
<tr>
<td>• ‘there is no infrastructure’</td>
<td></td>
</tr>
<tr>
<td><strong>Treatment by farmer:</strong></td>
<td></td>
</tr>
<tr>
<td>• ‘the farmer was cruel’</td>
<td>12.9%</td>
</tr>
<tr>
<td>• ‘we were not treated as persons’</td>
<td></td>
</tr>
<tr>
<td>• ‘the farmer was bad’</td>
<td></td>
</tr>
<tr>
<td><strong>Employment conditions/salary-related:</strong></td>
<td></td>
</tr>
<tr>
<td>• ‘work on the farm is hard’</td>
<td>10.3%</td>
</tr>
<tr>
<td>• ‘we had to work weekends’</td>
<td></td>
</tr>
<tr>
<td>• ‘I could not work for that salary, the work was hard’</td>
<td></td>
</tr>
<tr>
<td><strong>Insecurity:</strong></td>
<td></td>
</tr>
<tr>
<td>• ‘we could be chased again’</td>
<td>3.6%</td>
</tr>
<tr>
<td>• ‘farmers chase people’</td>
<td></td>
</tr>
<tr>
<td>• ‘you can be told to leave at any time’</td>
<td></td>
</tr>
<tr>
<td>• ‘you don’t know what will happen tommorow’</td>
<td></td>
</tr>
<tr>
<td><strong>Other reasons</strong></td>
<td>1.0%</td>
</tr>
</tbody>
</table>
As can be seen from the above perceptions, most farm evictees emphatically reject the conditions on the farms where they lived. Over 60% do not want to return to farms, citing reasons related to the poor treatment they received, tenure insecurity and lack of services and facilities. It is important to remember that these are evictees who did not leave by choice, demonstrating again their powerlessness to act against those conditions while still living on the farm. There is also an unambiguous sense of the tenure insecurity felt by many farm evictees while living on the farm. This concern is reinforced by the significant number of households that chose the settlements they went to in order to improve their tenure status.

The relocation settlements where evictees find themselves do not seem to have a significant bearing on whether evictee households would prefer to return to live on a farm or not, as is illustrated in Figure 27. As expected, the only exception to this is households that have relocated to other farms.

Figure 27: Percentage of evictee households that prefer to stay on a farm by relocation settlement type

“The farmer took our things and placed them outside the house. In the evening we came to sleep we found our things outside. We then put them back in the house and he came and removed them again and destroyed the house we were living in ... he did not say what was the problem, he just said that he did not want anyone on the farm anymore ... we did nothing because the farmer was with a policeman who helped him to get rid of us... we were in the streets for days.”
Access to housing

Access to shelter is one of the single most important aspects of physical capital, without which it is virtually impossible for any household to have a reasonable quality of life. The Constitution makes access to housing and shelter a basic human right.

By definition, evictees have lost their homes, making it essential for them to find some form of alternative shelter. The Reconstruction and Development Programme provides a useful guide to what would constitute adequate housing. The RDP suggests that housing should be durable and provide protection from the weather, as well as reasonable living space and privacy. This has been used as a guide for measuring the impact of evictions in terms of the aspects elaborated below.

• **Access to formal housing** – as the extent to which dwellings protect households from the weather was not measured in the eviction study, the assumption is made that formal-type structures optimally provide such protection. Formal housing is also assumed to have advantages in terms of providing greater physical security against would-be intruders and being more durable than most other forms of housing.

• **Privacy** – in this regard, collective-type housing facilities (such as hostels), rooms within the dwellings of others, backyard shacks and outbuildings not constructed for housing purposes are regarded as compromising the privacy of households and therefore being less favourable to occupy.

• **Access to reasonable living space** – in this regard the ratio of household members per dwelling type is explored.

As already seen, security of tenure is also a critical factor and therefore will also be taken into account when measuring the impact of the eviction on housing. Figure 28 illustrates the impact of the eviction on the type of dwellings evictee households occupy.
From a housing perspective, it would appear that, for the most part, evictee households are worse off than they were while living on the farm. Although the largest proportion of evictee households are still living in formal accommodation, the proportion is smaller than prior to the eviction. A larger proportion of households are living in hostels and rooms in other people’s houses, with an adverse effect on their levels of privacy. Whether the evictee households lived on the farm in formal, informal, or traditional structures, it is striking that a substantial number – almost 25% – no longer have homes of their own.

**Security of tenure**

Security of tenure depends on the extent and strength of rights that people have to land. It is a complicated concept with a range of different possible interpretations. It is dependent on legal status and also on more intangible factors, such as the cultural paradigm of the society – the extent to which one understands and values the legal system or values a set of possibly contradictory social and cultural norms. The involvement of customary law in land matters in South Africa complicates the matter further, especially in rural areas.

Not surprisingly, evictee households had a wide range of different perceptions of their tenure rights and these often had little relation to what the researchers knew about their legal status (Figure 29). It was not possible within a study of this scale, and one not specifically designed for that purpose, to establish issues such as the meaning of ‘ownership’ to the respondents and the bundle of rights that ‘ownership’ included for them. Therefore, this study focuses on the perception evictees had of their tenure security, which is in itself an important indicator.

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**Figure 28: Proportion of evictee households per dwelling type (pre- and post-eviction)**

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Prior to eviction</th>
<th>After eviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal</td>
<td>47.0%</td>
<td>39.0%</td>
</tr>
<tr>
<td>Informal</td>
<td>36.5%</td>
<td>31.0%</td>
</tr>
<tr>
<td>Traditional</td>
<td>11.2%</td>
<td>4.1%</td>
</tr>
<tr>
<td>Hostel</td>
<td>0.2%</td>
<td>8.8%</td>
</tr>
<tr>
<td>Room in house</td>
<td>1.9%</td>
<td>13.8%</td>
</tr>
<tr>
<td>Backyard shack/outbuilding</td>
<td>3.3%</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

---
Figure 29: Perceived tenure status on land/plot/stand prior to and after eviction

![Graph showing perceived tenure status]

Figure 30: Perceived tenure of the dwelling occupied by evictee households in relocation settlements

![Graph showing perceived tenure of dwelling]

Chapter 6: The impact of evictions on the livelihoods of farm dwellers
The difficulty in establishing the exact nature of tenure rights should not undermine
the importance of the issue. Without security of tenure, evictee households will
continuously live with the reality that they are not in control of their rights to the
property they occupy. Given the experience of having been evicted at least once, a
continued fear of potential eviction could be expected to have a significant impact
on their peace of mind, quality of life and the commitment that these families have
to the relocation settlements they have chosen.

This is especially true because tenure rights are interlinked with so many other
aspects of a sustainable livelihood. Finding alternative accommodation with secure
tenure could therefore be considered to be one of the most critical factors in
successful relocation of evictee households.

It is known that all evictees were evicted from someone else’s land – from a
legal perspective, they therefore did not own the land they were on. Despite this,
22.1% of evictee households claim that they owned the land on which they lived
while on the farm. This mindset or relationship with the land could be seen as
understandable, given that many of those interviewed were born on the farm. If this
is the way in which evictee households regarded the land, the loss of that land must
have been even more devastating.
With regard to their current homes, there is also some confusion about the nature of evictee households’ tenure rights. For example, many living in informal settlements claim to be owners of the land, yet many of these settlements are illegal and some are even under threat of removal. Just over 40% of evictee households currently residing in rural settlements on communal land also report that they own the land, yet it is known that this land is formally registered as the property of the state. The pending implementation of the Communal Land Rights Act (CLRA)\(^\text{34}\) may be another threat to the rights of evictees now living in communal areas, especially as they are often new settlers within these villages.

It was not possible to establish the exact nature of tenure rights contained in the various arrangements, such as rental, that evictee households had on farms and have in relocation settlements. The number of people evicted confirms that whatever rights they thought they had on the farms, even where they had written agreements, were not very strong in practice. The finding that over 70% of households in the relocation settlements have no documented rights to their homes indicates many may not be any more secure where they live now.

In terms of the perception of security of tenure on the land, it would appear that evictee households are somewhat better off in their current situation with a third of households considering themselves to be owning the land on which they are living now, as compared to only 22.1% having had this perception while still living on the farm. However, when it comes to ownership of the dwelling they were living in at the time of the interview, only 12.8% of the evictees felt that they owned the dwelling, compared to 29.7% who believed they owned the dwelling while on the farm. This is partially explained by the fact that many evictees while on the farm had lived in shacks and houses they had built themselves with their own building materials, while in the relocation settlements many are living in rooms or outbuildings belonging to someone else.

The responses to the questions on tenure arrangements do not paint a very coherent picture, but a few salient points do emerge. The majority of evictee households on-farm and off-farm do not have very clear tenure rights, with the majority living with no documented or clear rights in situations where they simply live rent-free or are allocated the use of the land. A slightly higher percentage of people are now having to pay rent compared to when they were on the farm, increasing the financial burden of the household. Clearly, the sense of tenure security that some had on the farm proved to be illusory and, given the type of settlements that they live in now, many may continue to find themselves vulnerable.

### Relationship between time since the eviction and housing type

Relocation for evictee households implies finding both alternative accommodation, as well as alternative sources of income. Their struggle and desperation in this regard is illustrated by the references of many respondents to the time immediately after the eviction.

\(^{34}\) The CLRA was signed into law in July 2004, but by December 2005 had not yet come into effect. Amongst other things, the CLRA creates a process for communities, and possibly individuals, to become owners of the land that at present is the property of the state.
For this reason, the following analysis looks at the impact on housing from a perspective of the length of time since the eviction to determine whether this is a factor that needs to be considered in the assessment of access to shelter.

There is no clear correlation, as illustrated in figure 31, between housing type and length of time since leaving the farm. The implications of this are that households are often unable to fully recover from the ‘shock’ of being evicted, at least from a housing perspective. This is likely to be exacerbated by the low income, education and literacy levels of farm dwellers.

Figure 31: Relationship between type of dwelling occupied by evictee households and time since the eviction

 “… we had nowhere to go…”
  “We were desperate and just had to find a place to stay.”
  “We waited for three days for our pay but we left with nothing…”
  “… we just came here and lived in the shack…”
  “… we could not afford anything else…”
**Living space**

In South Africa, overcrowding is generally a strong indicator of poverty as people are not able to afford housing that can accommodate their needs. Overcrowding has been demonstrated by various studies to have an impact on health, education, childhood growth and development. The living spaces provided by dwellings of evictee households are therefore evaluated in terms of the following:

- the **number of rooms available** per dwelling type; and
- the **extent of crowding** per dwelling type – i.e., the average number of people per room, per dwelling type.

Figures 32 to 34 compare the situation on the farm prior to eviction with the situation of evictee households within relocation settlements. The data indicates that there is a slight increase in the number of households that are overcrowded post-eviction, especially those having 2–3 people per room. This seems to come largely from the increase in people crowded into backyard shacks where there is an average of three people per room in the relocation settlements. The slight increase also arises from the increase in the average size of households after being evicted.

Overall though, one would have to conclude that the eviction has not had a significant impact on the living space of evictee household members. There has been no substantial change in either the average number of rooms available per evictee household, or the extent of crowding within households.

**Figure 32: Average number of rooms per dwelling type**

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>No. of rooms – farm</th>
<th>No. of rooms – current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Informal</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Traditional</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Hostel</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Room in house</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Backyard shack/outbuilding</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Both on the farm and in the relocation settlement after the eviction, the number of people per room is far from ideal, with more than 60% of households living with two or more people per room. Worse still is the finding that well over a third of households live with more than three people per room.
Access to infrastructure

Access to infrastructure is an important component of any sustainable livelihood and in South Africa this tends to be directly linked to the type of settlement people live in. In many participatory poverty assessments it has been found that a lack of certain types of infrastructure is considered to be a core dimension of poverty. A lack of access to services and facilities such as water, sanitation, energy and transport impacts negatively on the sustainability of the livelihoods of households. The impact of infrastructure varies from the health implications associated with poor water quality and poor sanitation facilities, to the effects of time spent collecting fuels and water that may otherwise have been utilised for other more productive activities (DFID 1999).

In analysing the effect of the eviction on access to infrastructure, the extent of access that evictee households had whilst living on the farm prior to the eviction is compared with the extent of access they have within relocation settlement types. The following aspects of infrastructure are explored:

- access to adequate safe drinking water
- access to sanitation
- access to energy sources
- access to other facilities including:
  - public transport
  - communication
  - shops
  - churches
  - educational facilities
  - healthcare facilities
  - police stations.

It should be emphasised that, although access to infrastructure is explored within the context of the relocation settlement types, the extent of the access experienced by evictee households is not necessarily the same as that of other households within that settlement type. Most evictee households live at a basic subsistence level with their access to infrastructure often being limited by lack of money. For example, despite widespread electrification in formal urban settlements, many evictee households living in these settlements do not use electricity for cooking and heating as they cannot afford to do so.

Access to adequate safe drinking water

In most countries around the world and in South Africa, access to water is considered a basic human right, fundamental to life. Furthermore, water is an essential element for achieving other human rights such as adequate food and nutrition. In evaluating the impact of the eviction on the physical capital of evictees, access to water cannot be ignored.
Any assessment of access to water should take into account:

- physical access to water sources;
- the quality of drinking water; and
- the amount of drinking water available per household.

The quality and quantity of drinking water is as important as physical access to water sources, as illustrated by the World Health Organisation (WHO), which estimates about four million deaths per year are attributable to water-related diseases such as cholera and hepatitis (UK Parliamentary Office of Science and Technology 2002:3).

For the purpose of this study, access to piped water is considered to be access to safe drinking water. There are, of course, limitations to this approach, but it was beyond the scope of this study to do any verification of water quality. As it is the responsibility of the health division of a local authority to monitor the hygiene and quality of water provided by the government to residential settlements, it would be fair to assume that piped water under such circumstances is of an acceptable quality. The quality of piped water on farms is more unknown as it is often provided by the farmer with the authorities having little responsibility.

Water sources such as rainwater, wells, rivers, dams and water tankers were not included as safe water sources. Many studies undertaken by the WHO, the Department of Health and various research institutions have demonstrated that these sources of water cannot be relied upon as safe sources of drinking water. This is based on the contamination and irregularity of water supplies, as well as the contamination of water during the process of transportation to the dwelling and during storage.

Table 15 is a comparison of the extent to which evictee households currently have access to safe (piped) drinking water as compared to the access they had while still living on the farm.

Everyone has the right to have access to... sufficient food and water (Section 27(1), Constitution of the Republic of South Africa).
Table 15: Access to drinking water; % of evictee households

<table>
<thead>
<tr>
<th>Main source: drinking water</th>
<th>Farm situation (prior to eviction) %</th>
<th>Current situation: Total %</th>
<th>Rural relocation settlements %</th>
<th>Urban relocation settlements %</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-house taps</td>
<td>32.5%</td>
<td>13.4%</td>
<td>10.8%</td>
<td>13.9%</td>
</tr>
<tr>
<td>In-yard taps</td>
<td>18.1%</td>
<td>53.9%</td>
<td>45.1%</td>
<td>62.5%</td>
</tr>
<tr>
<td>Communal taps</td>
<td>12.4%</td>
<td>19.2%</td>
<td>16.4%</td>
<td>15.3%</td>
</tr>
<tr>
<td>Open water source</td>
<td>24.0%</td>
<td>7.8%</td>
<td>18.8%</td>
<td>2.8%</td>
</tr>
<tr>
<td>Rain water</td>
<td>2.8%</td>
<td>2.8%</td>
<td>2.7%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Tanker</td>
<td>10.1%</td>
<td>2.1%</td>
<td>5.2%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Other</td>
<td>0.0%</td>
<td>0.9%</td>
<td>1.0%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Proportion of households with access to piped water: 63.0% 86.5% 72.3% 91.7%

Proportion of households with access to a perceived adequate amount of water: 68.2% 55.3% 58.1% 53.9%

Proportion of households with access to adequate and safe drinking water: 32.1% 49.5% 39.1% 54.8%

The difficulties of measuring the adequacy of the water supply of households have been discussed by many water research studies. For the purposes of this study, it was decided that the most feasible way to measure adequacy was to interview household members and establish their perceptions of the adequacy of water supplies.

The different types of water sources that evictee households have access to within their current settlements varies considerably from what they were used to on the farm prior to the eviction. On the whole, the quality of drinking water appears to be better, with more than three quarters of evictee households now having access to piped water (safe water). With regard to their access to an adequate amount of water, however, evictee households seem to be worse off since moving, with
significantly fewer households having access to an adequate supply of water. The adequacy of the water supply as experienced by urban households appears to be slightly better than that of rural households although, interestingly, two thirds of those living in traditional rural areas considered their water supply to be adequate. This could be due, at least in part, to lower expectations in these areas as compared to those living in more urban settlements.

As can be seen from Figure 35, significantly more evictee households living in urban areas have access to both an adequate water supply, as well as safe drinking water. It is significant to note that, even in these areas, there are not many more than 50% of evictee households with a water supply that could be considered satisfactory.

**Figure 35: Percentage of evictee households with access to adequate and safe drinking water (pre- and post-eviction)**

Access to sanitation

Diseases related to inadequate sanitation and poor hygiene are amongst the highest causes of morbidity and mortality in developing countries, especially amongst children under five years (WHO & UNICEF 2001). Like access to adequate safe drinking water, access to sanitation is a key component in livelihoods enhancement as it has major health and other associated implications. Furthermore, the value of the privacy and dignity associated with access to suitable toilet facilities should not be underestimated.
In evaluating access to toilet facilities, the following factors have been taken into account:

- access to a facility;
- the type of facility available to those households that do have amenities; and
- availability of own toilet facilities vs. shared facilities.

Table 16 gives an overview of access to toilet facilities, comparing the current situation of evictee households with their situation prior to being evicted.\textsuperscript{35}

### Table 16: Access of evictee households to toilet facilities

<table>
<thead>
<tr>
<th></th>
<th>Post eviction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Farm situation (prior to eviction)</td>
</tr>
<tr>
<td>Proportion of households with access to toilet facilities</td>
<td>78.2% 10.3% 70.6% 70.2%</td>
</tr>
<tr>
<td>Proportion of households with access to own facilities (as a proportion of those with access)</td>
<td>69.0% 51.2% 46.6% 53.5%</td>
</tr>
<tr>
<td>Type of facility available to those who have access</td>
<td>Flush/chemical</td>
</tr>
<tr>
<td></td>
<td>Pit</td>
</tr>
<tr>
<td></td>
<td>Bucket</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

The following conclusions could be made with regard to the impact of the eviction on the access of evictee households to toilet facilities:

- Relocation settlements provide evictee households with less access to toilet facilities than they had on the farm.
- Significantly fewer households in relocation settlements have access to their own toilet facilities, compared to the situation on the farm.
- Relocation settlements provide better access to flush and chemical toilets compared to the pit latrines that over two thirds of evictee households were using on the farm.

\textsuperscript{35} All comparisons have been done by utilising the Chi-square test to compare the distributions within relocation settlement types with the distribution on the farm prior to the eviction.
Access to sources of energy

Research has shown that there is a direct relationship between the lack of adequate energy sources and poverty indicators such as infant mortality. It has also been found that inadequate access to energy sources is one of the driving forces behind urbanisation. This section therefore addresses the extent to which access to different energy sources is affected by the eviction.

For the purpose of this analysis, the focus is on energy sources utilised for cooking and heating, as well as energy sources used for lighting. Figure 36 illustrates the main forms of energy usage while still on the farm, as compared to usage in relocation settlements.

Figure 36: Energy sources utilised for cooking and heating

The energy usage patterns of those that moved to other farms after having been evicted have not changed significantly, with the majority still being dependent on wood for their cooking and heating needs. However, the sources of energy consumed by those households that moved to other types of settlements differ substantially from when they were on the farm, as illustrated by Figures 36 and 37. The use of wood as the primary energy source for heating and cooking is greatly reduced in all settlement types. Those who live in rural settlements tend to use considerably more paraffin while evictees that moved to urban settlements tend to rely on a combination of electricity and paraffin for cooking and heating purposes.

The energy usage patterns of those that moved to other farms after having been evicted have not changed significantly, with the majority still being dependent on wood for their cooking and heating needs. However, the sources of energy consumed by those households that moved to other types of settlements differ substantially from when they were on the farm, as illustrated by Figures 36 and 37. The use of wood as the primary energy source for heating and cooking is greatly reduced in all settlement types. Those who live in rural settlements tend to use considerably more paraffin while evictees that moved to urban settlements tend to rely on a combination of electricity and paraffin for cooking and heating purposes.
From an impact perspective, these trends have both positive and negative implications. For those household members who no longer have to rely on wood as their primary fuel source, there is a possible benefit as collecting wood is a time-consuming burden – especially for women who are generally regarded to be primarily responsible. Within relocation settlements where other fuel sources are utilised, this time could become available for more productive tasks such as income-generating activities and education. However, this needs to be seen in the context of extremely low household incomes and the fact that households that lose access to firewood are now forced to pay for other fuels such as paraffin and electricity.

The use of wood for cooking on traditional wood stoves (as is often the case on farms), is a major source of concentrated air pollutants and many studies have illustrated the negative health effects, especially on women and children, of long-term inhalation of fumes from wood stoves. Therefore, the increased utilisation of electricity, a far cleaner energy source, is an important benefit for some evictee households. However, even more households have turned to paraffin or coal and some continue to use firewood. The indoor pollution levels resulting from the use of paraffin and coal for cooking and heating has proven to be even higher than for wood and is therefore, from a health perspective, not an improvement from the time they lived on the farm. Paraffin is also one of the highest causes of child mortality as a result of it being commonly stored in cool-drink bottles (which children may accidentally drink) and the fire risk associated with paraffin stoves and heaters.
Although having access to services such as electricity is one of the driving forces behind the urban relocation of many rural families, the reality of having to pay for such services is often a real problem for the invariably poor evictee households still recovering from the ‘shock’ of having been evicted. Even in those settlement types where electricity is available, less than half of evictee households use it for heating or cooking, turning instead to energy sources such as paraffin which they find cheap and accessible.

The financial status of evictee households living in informal settlements often forces them to utilise waste materials as a fuel source which also generates high indoor pollution levels. These fuels are therefore highly detrimental to the health of household members, particularly children under five years. (Clarke 1991).

**Figure 37: Energy sources utilised for lighting**

![Energy sources utilised for lighting](image)

Candles are the main source of energy used in almost all settlement types for lighting. Those evictee households that relocated to urban settlements, including rural townships, are more likely to have access to electricity than they did on the farm. Despite this, a large proportion of people, even in the urban areas, still depend on candles for lighting.
Access to other facilities

Inadequate and unreliable infrastructure and facilities is a fact of life for many farm dwellers. In the context of assessing the impact of the eviction on access to facilities and infrastructure, the following are considered:

- physical access to the facility – i.e., walking distance from the dwelling to the facility; and
- use of public transport, availability and cost.

Physical access

In order to gauge the physical impact of the eviction on the evictee households, the walking time to various facilities from the evictee’s home was used as the primary indicator. The types of facilities used in this assessment are as follows:

- public transportation access points
- shops
- spaza shops
- churches
- pre-school facilities
- education facilities – primary and secondary schools
- healthcare facilities
- police stations.

There is a significant improvement in the access that evictee households have to the abovementioned facilities, compared to when they lived on the farm. This is not insignificant, considering that a fair proportion of evictee households gave access to facilities as the key motivating factor for selecting the settlement that they moved to, as well as the reason they gave for not wanting to move back to a farm. Even those that settled on other farms appear to have better access to these facilities than when living on the farm from which they were evicted, although access is not as good as it is for those in other types of relocation settlements.

The improvement of access to public transport, secondary schools and healthcare facilities are most significant, while the response rate with regard to access to pre-school centres was extremely low. Most respondents are clearly not aware of such facilities or do not consider them to be important.36

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36 This analysis was therefore not regarded as a valid reflection of the actual situation and was consequently not included in the tables.
Table 17: Access to facilities (% of evictee households)

<table>
<thead>
<tr>
<th>Farm situation (prior to eviction)</th>
<th>Current situation: Total</th>
<th>Rural relocation settlements</th>
<th>Urban relocation settlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walking distance from public transportation access point</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;30 min walk</td>
<td>5.8%</td>
<td>93.8%</td>
<td>88.0%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>79.3%</td>
<td>1.3%</td>
<td>2.5%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>14.8%</td>
<td>4.9%</td>
<td>9.5%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Walking distance from shops</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;30 min walk</td>
<td>20.0%</td>
<td>61.8%</td>
<td>54.1%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>58.1%</td>
<td>20.3%</td>
<td>27.0%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>16.1%</td>
<td>14.3%</td>
<td>14.8%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5.9%</td>
<td>3.6%</td>
<td>4.0%</td>
</tr>
<tr>
<td>Walking distance from spaza shops</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;30 min walk</td>
<td>7.4%</td>
<td>93.9%</td>
<td>98.4%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>7.9%</td>
<td>4.4%</td>
<td>0.2%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>17.4%</td>
<td>1.7%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>67.2%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Walking distance from church</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;30 min walk</td>
<td>23.8%</td>
<td>75.9%</td>
<td>63.5%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>25.7%</td>
<td>19.9%</td>
<td>36.3%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>50.5%</td>
<td>4.2%</td>
<td>0.1%</td>
</tr>
</tbody>
</table>
## Table 17 continued

<table>
<thead>
<tr>
<th>Walking distance from primary school</th>
<th>Farm...</th>
<th>Current...</th>
<th>Rural...</th>
<th>Urban...</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;30 min walk</td>
<td>63.8%</td>
<td>91.7%</td>
<td>95.6%</td>
<td>89.7%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>32.4%</td>
<td>6.7%</td>
<td>3.3%</td>
<td>8.4%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>3.8%</td>
<td>0.9%</td>
<td>1.1%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0.0%</td>
<td>0.7%</td>
<td>0.0%</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Walking distance from secondary school</th>
<th>Farm...</th>
<th>Current...</th>
<th>Rural...</th>
<th>Urban...</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;30 min walk</td>
<td>7.6%</td>
<td>71.5%</td>
<td>44.5%</td>
<td>85.3%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>16.7%</td>
<td>17.7%</td>
<td>33.6%</td>
<td>9.5%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>45.6%</td>
<td>8.4%</td>
<td>21.0%</td>
<td>1.9%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>30.1%</td>
<td>2.5%</td>
<td>0.9%</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Walking distance from healthcare facilities</th>
<th>Farm...</th>
<th>Current...</th>
<th>Rural...</th>
<th>Urban...</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;30 min walk</td>
<td>1.5%</td>
<td>64.5%</td>
<td>67.7%</td>
<td>62.8%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>46.5%</td>
<td>18.4%</td>
<td>17.2%</td>
<td>19.0%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>33.3%</td>
<td>15.5%</td>
<td>14.2%</td>
<td>16.2%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>18.7%</td>
<td>1.6%</td>
<td>0.8%</td>
<td>1.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Walking distance from police station</th>
<th>Farm...</th>
<th>Current...</th>
<th>Rural...</th>
<th>Urban...</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;30 min walk</td>
<td>8.7%</td>
<td>36.1%</td>
<td>32.2%</td>
<td>38.1%</td>
</tr>
<tr>
<td>30–60 min walk</td>
<td>7.6%</td>
<td>56.6%</td>
<td>61.3%</td>
<td>54.1%</td>
</tr>
<tr>
<td>&gt;60 min walk</td>
<td>6.6%</td>
<td>5.2%</td>
<td>5.3%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>77.1%</td>
<td>2.2%</td>
<td>1.3%</td>
<td>2.6%</td>
</tr>
</tbody>
</table>
Public transport: Adequacy of availability, utilisation and costs

Although relocation settlements provide evictee households with better access to public transportation (i.e., in terms of the walking distance from the dwelling), access to public transportation needs to be further assessed in terms of:

- utilisation of public transport by households;
- adequacy of availability of public transport; and
- costs of public transport.

Figure 38 gives an indication of the extent to which public transport is utilised in each relocation settlement type, compared with the use of public transport on the farm prior to the eviction. Access to transport has dramatically improved but utilisation, although much better, is not as significantly changed, probably due to the costs that many are still unable to afford.

Figure 38: Access to and utilisation of public transport

Results shown in Figures 39 to 42 clearly indicate a significant improvement in the access that evictee households have to public transport and their utilisation of this facility to gain access to educational and healthcare facilities as well as (to a lesser extent) police stations. Only evictee households currently living in new settlements have almost unchanged access to transport for getting to primary schools.

As use of public transport is related to access, adequacy and cost, it would be necessary to evaluate the impact of the eviction on utilisation of public transport in relation to these factors. Although the average cost for a return trip using public transport was measured, evictees found it difficult to provide accurate information regarding their situation while still on the farm.37

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37 As the available data on the cost of public transport while on the farms is not considered reliable, the impact of the eviction on the utilisation of public transport is evaluated only in relation to access (within 30 minutes’ walk) to transport and the perceived adequacy of such transport.
Figure 39: Relationship between access to public transport within 30 minutes’ walk of the dwelling, adequacy of public transport and the utilisation of transport by evictee households to access primary schools

Children of farm dwellers making the hazardous journey to a farm school near Plooyburg in the Northern Cape.
The impact of evictions on the livelihoods of farm dwellers

Figure 40: Relationship between access to public transport within 30 minutes’ walk of the dwelling, adequacy of public transport and the utilisation of transport by evictee households to access secondary schools

Figure 41: Relationship between access to public transport within 30 minutes’ walk of the dwelling, adequacy of public transport and the utilisation of transport by evictee households to access healthcare facilities
Evictee household members are more likely to use public transport within relocation settlements because it is easily accessible – irrespective of whether the facility they are getting to is within 30 minutes’ walking distance or whether the available transport is regarded as being adequate.

By contrast, when evictee households still lived on the farm prior to the eviction, access to public transport was poor and available transport was perceived to be highly inadequate. Utilisation levels of public transport were therefore low.

It is only with regard to primary schools that the relationship between access to public transport and its utilisation is less significant. Whilst living on the farm prior to the eviction, although low, public transport was more often used to get to primary schools since these tended to be considerably further away. Although in relocation settlements children are more likely to use public transport to get to primary schools as compared to when they lived on the farm, they are less likely to use public transport to get to primary schools than to other facilities.

When it comes to secondary schools, they were even further away when living on the farms, but utilisation of public transport was extremely low as the majority of people did not continue to secondary school. The distance and lack of adequate transport no doubt contributed to the high drop-out rate.
Public transport: Access to place of work of main breadwinner

In the case of farm dwellers, where the main breadwinner of a household generally works on the farm, he or she does not need transportation to get to the workplace. Once evicted, however, and living in relocation settlements (aside from on other farms), this is not the case. The eviction does not only affect the distance from the workplace and therefore the time it takes to get to work, but also the means of getting to work and consequently the cost of doing so.

In relocation settlements (aside from other farms), 96.9% of the breadwinners of evictee households have to walk for more than 30 minutes to get to work and therefore have to rely on public transport in spite of the fact that the majority of breadwinners consider this transport to be inadequate.

Figure 43: Relationship between distance from workplace, adequacy and utilisation of public transport for breadwinners of evictee households

The fact that every one of the main breadwinners who are employed in evictee households has to use public transport to get to work illustrates how unsuitable the relocation settlements they live in are, as far as access to work is concerned. This is partly a result of apartheid-era spatial planning that put poor black people far from towns and most work opportunities. It also shows the extent to which those evicted continue to find themselves in the same inappropriately-located settlements.

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38 Farms have been excluded from this table as the farm dwellers do not require any transport to get to work.
Table 18 summarises the cost implications of having to use public transport to get to work from the relocation settlements. The cost of just the main breadwinner getting to work is at least 10% of the total monthly household income. Considering that 66.7% of evictee households have a current average household income below the poverty line, the implication of this transport cost for household livelihoods is serious.

Table 18: Cost implications for breadwinners of evictee households in relocation settlements having to use public transportation to get to work

<table>
<thead>
<tr>
<th>Relocation settlement</th>
<th>Average cost per return trip to place of work</th>
<th>Average monthly cost to get to workplace</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal rural settlements</td>
<td>R9.03</td>
<td>R180.57</td>
</tr>
<tr>
<td>New settlements</td>
<td>R7.37</td>
<td>R147.41</td>
</tr>
<tr>
<td>Rural urban settlements</td>
<td>R8.00</td>
<td>R172.42</td>
</tr>
<tr>
<td>Traditional rural settlements</td>
<td>R8.62</td>
<td>R160.00</td>
</tr>
<tr>
<td>Urban settlements</td>
<td>R8.00</td>
<td>R161.35</td>
</tr>
<tr>
<td>Informal urban settlements</td>
<td>R7.95</td>
<td>R158.97</td>
</tr>
</tbody>
</table>

Grace, Wilhemina and Sara were farm workers until the government assisted them to get their own farm where they now grow cotton, maize and wheat.
Human capital

Introduction

‘Human capital’ refers to people and their ability to be economically active or their ability to pursue livelihood strategies. Human capital therefore represents the knowledge, skills and good health that enable people to be productive. Human capital is a prerequisite for households to make use of or obtain other types of capital in order to achieve positive livelihood outcomes.

This section explores the impact that evictions have on human capital variables and assesses the extent to which this has a bearing on the ability of households to develop new livelihood strategies after being evicted.

Poor health and a lack of education are often seen as core dimensions of poverty; this is clearly reinforced by this study of evictions from farms. The lack of awareness of rights, in terms of both land tenure and employment, as well as extremely low levels of education are significant factors that made households vulnerable to evictions and reduced their ability to adapt to new environments post-eviction.

Human capital is looked at through an assessment at the household level of the following indicators:

- household size and structure;
- knowledge, awareness and education levels within the household;
- health status of the household; and
- attitudes and values of the household.

The value of human capital at a household level can be looked at by assessing the amount of labour available and the quality of that labour in terms of the ability of household members to contribute to livelihood strategies. Having a large family may assist in ensuring availability of labour, but can also lead to increased demands on limited household resources if there are too many unproductive household members. The quality of the household members in terms of their ability to contribute to livelihood strategies and the ratio of the productive to unproductive members is always important, regardless of household size.

Household size

The average size of households after the eviction (5) is higher compared to that on the farm prior to the eviction (4.7) (Figure 44). This increase in the average household size is largely due to a significant increase in the average household size in rural relocation settlements (5.9) as the average household size in urban
relocation settlements (4.6) does not differ much from that on the farm prior to the eviction. The most significant increases of household size in rural relocation settlements occur in traditional rural areas where these larger families are mostly due to evicted households relying on their kinship and patronage networks, resulting in their moving in with other relatives thus swelling the size of the original family units. Households are either extended vertically with members of two to three generations of the family, or horizontally by the addition of the spouses and children of siblings in rural areas. The form of the household often changes over time as it struggles to survive in changing conditions. This is less possible in the urban areas where access to space is limited in the overcrowded informal settlements and townships to which the largest proportion of evictee households in this survey moved, and even less possible for those in hostels and rooms in other people’s houses.

**Figure 44: Average size of evictee households pre- and post-eviction**

(number of people per household)

<table>
<thead>
<tr>
<th>Household structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the results illustrated in Figure 45, it is clear that the eviction has a significant impact on the composition of the household. On the farm, prior to the eviction, most households (71.7%) were a nuclear family comprising parents and their children. Post-eviction, the proportion of extended families increased significantly, especially in rural relocation settlements. This was, at least in part, due to land owners resisting the settlement of extended families on the farm and the tendency of farmers to want as few non-working members of the household to be living on the farm as possible. After the eviction, evictee households used the support networks of extended families in order to survive.</td>
</tr>
</tbody>
</table>
The most significant increase in the proportion of extended family households is found among evictee households in traditional rural areas and new settlements. This finding explains the fact that these relocation settlements show the most significant increase in household size and further also supports the finding that evictee households within these settlements rely on larger families and the other family members for survival.

Evictee households relocating to other farms are least affected by the eviction in terms of change in household composition and size, due to a continuation of the same conditions as experienced before being evicted. For example, the size of the family living on the farm is likely to be limited by the land owner.

**Figure 45: The impact of the eviction on the composition of the household**

![Bar chart showing the composition of households before and after eviction.](chart.png)

The income-generating potential of evictee households at the time that they relocate and have to build new lives for themselves will be affected by the age structure of the household as well as factors such as the level of skills and education amongst household members. On the farm, livelihood strategies depended largely on the number of individuals within the household able to find paid work on the farm or contribute to the household’s own production on the land. When looking at income-earning potential, age and gender appear to be important factors.
Age structure of evictees

Naturally, those generally considered to be of working age (16–65 years of age) are more likely to be productively employed. It also emerged from this study that those above 55 years are far less likely to be employed than younger adults (see Figure 46), perhaps indicating some age discrimination. With only 13.8% of evictees in the 55–65 year age range being employed, it is clearly hard for older people to find new jobs when evicted from a farm, exacerbating the difficulty of establishing a new life post-eviction for older evictees. The poverty faced by evictee households, both on and off the farm, creates pressure on the household to utilise or allow the utilisation of child labour in order to contribute to household incomes. Thankfully, this occurred in only a fairly small percentage of evictee households.

Figure 46: Age structure of evictee households

Figure 47 summarises the relationship between age and employment status – illustrating the fact that those in the 16–55 year age range have the best potential for finding employment. The income-generating potential of evictee households is therefore limited by the fact that 42% of all evictees are younger than 16 or older than 55.
An important finding in terms of child labour is that those under 16 who are currently working in rural areas work as casual employees on farms or in rural townships; while those in urban relocation settlements who are under 16 and working are more often involved in the informal sector. Around 6% of children were involved in labour on farms prior to being evicted, indicating again that there has been a significant drop in child labour in rural areas, including on farms, where only 2.8% of children are now involved. Of concern, is the finding that an increased percentage (8.1%) of children within evicted households are now involved in child labour in the urban settlements. Those older than 65 and still working are predominantly those who have relocated on farms and are employed on these farms.

Gender profile of evictees

Gender is also an important determinant of the likelihood of people being employed. This is reflected in findings of this study and by other sources of information, such as Statistics South Africa. The agricultural census of 2002 found that not only are there overall more men employed on farms than women, but far more of the full-time employees on farms are men – 319 414 men compared to 138 217 women. More women are employed as casual and seasonal workers – 246 276 women compared to 213 169 men (Stats SA 2005:11). This gender differentiation pertains to many other economic sectors as well, making it all the more difficult for women evicted from farms to find employment, especially as they will generally have less work experience than men.

Figure 48 gives an overview of the gender profile of evictees within the age group 16 - 65, while Figure 49 illustrates the relationship between employment status and gender in the 16 - 65 age group.
Figure 48: Gender profile of evictees 16–65 years

Figure 49: Proportion of evictees employed per gender 16–65 years
From Figures 48 and 49, it can be seen that women are far less likely to obtain employment, significantly affecting the income-generating potential of evictee households, especially as 53.3% in the 16-65 age group are women. Both men and women have significantly less chance of finding employment in rural settlements than they do in urban areas.

Households with a larger number of males of working age were more likely to relocate to other farms or to urban relocation settlements and rural townships. There is a long history in South Africa of men seeking work in urban areas and men tend to be more mobile. It is also not surprising that households with more males would relocate to other farms where men with farm work experience have a better chance of finding work.

Households with significantly more women tend to relocate to informal settlements and to traditional rural areas. Many female-headed households indicated that, when evicted, they returned to where they were born or where they had relatives. Traditional rural settlements are mostly in former homelands and are referred to as ‘home’ by some who were born there.

It is interesting that female-headed households are more likely to move to informal settlements than male-headed households. The latter seem to find it easier to be accommodated in formal settlements. This further confirms the marginal status of female-headed households and the barriers they face in getting access to formal housing and other services.

**Education, skills and knowledge**

Education, skills and knowledge are crucial determinants of an individual’s employment prospects and are therefore crucial elements of human capital. Knowledge and access to information is important for the empowerment of individuals and enables them to act to improve and shape their livelihoods. Knowledge includes the level of awareness of their rights and assistance that may be available to them. These factors have been explored through looking at the following variables:

- literacy and educational levels of potential income earners – i.e., of evictees in the age group 16-65;
- skills levels of potential income earners;
- school attendance for evictees of school-going age; and
- knowledge and awareness of evictees about their rights, as well as their knowledge about financial support that they could access.

**Literacy and educational levels of adults of working age**

Farm worker studies have confirmed that farm workers and farm worker families have the lowest levels of education and literacy of all labour groups (DoL 2000: 36).
This is confirmed by the finding that 71% of working age individuals in evictee households (16–65 years) have had either no education at all, or have achieved only some primary schooling (Figure 50). This survey found no member of an evicted household with any tertiary education. It is clear that the employment and income-generating potential of evictee households is significantly affected by their lack of education and literacy.

Interestingly, there does not appear to be a significant difference between the education levels of male and female adult evictees. Despite this, male evictees are far more likely to have been employed than female evictees, both on farms and in other relocation settlements.

Figure 50: Gender analysis of the proportion of evictees of working age (16-65 years) who have obtained different education levels

Skills level of potential income earners

According to Nieuwoudt and Groenewald (2003), there has been a substantial shift in the nature of jobs in favour of more skilled workers in the agricultural sector. The employment of managers, for example, has increased by 370% since 1995 and the employment of professionals and technicians has increased by 150.4% since 1970. This shift has tended to favour male more than female farm workers with almost 20 928 male ‘farm managers/farm foremen’ compared to just 2 816 women in this category of employment (Stats SA 2005:11). While the lengthy working experience of many farm workers, especially men, may stand them in good stead for better jobs on farms, the low levels of education probably preclude most from jobs requiring higher level skills. The increasing demand for high skills levels on farms may contribute towards evictions as land owners seek employees with skills that current farm dwellers do not have.

---

39 While 41% of the labour force on commercial farms are women, only 12% of management positions are held by women (derived from Stats SA 2005).
The impact of evictions on school attendance

Farm schools provide the only educational opportunity for the children of most farm dwellers. However, these schools only provide farm dweller children with primary education. Access to secondary schools is extremely limited (see the discussion on access to facilities above). Furthermore, farm schools do not provide a conducive environment either for attendance or for learning, since most farm schools lack basic facilities (CALS 2005). Data presented at the 2000 Farm Schools Conference confirmed the lack of facilities – buildings in 19% of farm schools were described as either ‘weak’ or ‘very weak’, just over 80% of these schools had no telephones, 76% were without electricity, 43% had no water inside the building or on the site, and 17% had no toilet facilities at all (ERP 2005).

School attendance and access to better educational facilities is necessary to ensure that farm children have better opportunities than their parents did. This is one area where households might be in a better position post-eviction due to improved access to both primary and secondary schools in relocation settlements.

It seems that living off-farm has not only led to better access to schools, but also to better attendance of schools for evicted households in off-farm relocation settlements (Figure 51). Children of evictee households that have relocated to other farms still illustrate the lowest attendance in the 6–9 and 16–18 year age groups when compared with children in the same age groups in other relocation settlement types.

Figure 51: School attendance per age group in relocation settlements
Knowledge and levels of awareness of evictees

Knowledge and awareness are difficult concepts to measure. For the purposes of this study, the following variables were assessed:

- knowledge of rights as employees;
- knowledge of rights as farm dwellers; and
- knowledge and ability to claim financial support.

Knowledge of evictees about their rights

As discussed in an earlier chapter, evictees are generally not aware of their rights as farm dwellers and, if they are, they tend not to have the knowledge or resources to obtain the assistance they need to exercise those rights. This section takes a more in-depth look at evictees’ understanding of their rights.

Tables 19 and 20 give an overview of the responses of evictees when asked firstly about their rights as employees and then about their rights as farm dwellers. The tables illustrate that over 36% of evictees do not know what the rights of farm workers and farm dwellers are and a further 10% believe that farm dwellers have no rights at all. This left approximately 50% of evictees completely disempowered to take any action against their eviction from the farm and still vulnerable where they live now due to their lack of knowledge of rights. The 36% of evictees who know nothing about the rights of employees were vulnerable to exploitation when on the farm, and continue to be just as vulnerable if they find work now. With no knowledge of their rights, they have no basis for negotiating better pay and working conditions that could improve their livelihoods.

Table 19: Evictees’ understanding of their rights as employees

<table>
<thead>
<tr>
<th>Description</th>
<th>% of evictee respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don’t know about employee rights</td>
<td>36.2%</td>
</tr>
<tr>
<td>The right to fair and balanced remuneration:</td>
<td></td>
</tr>
<tr>
<td>• ‘a salary according to my duties’</td>
<td>21.5%</td>
</tr>
<tr>
<td>• ‘to be paid for the work I do’</td>
<td></td>
</tr>
<tr>
<td>• ‘to get a decent salary’</td>
<td></td>
</tr>
<tr>
<td>The right to fringe benefits:</td>
<td>7.9%</td>
</tr>
<tr>
<td>• ‘a pension fund’</td>
<td></td>
</tr>
<tr>
<td>• ‘sick leave’</td>
<td></td>
</tr>
<tr>
<td>• ‘medical aid’</td>
<td></td>
</tr>
</tbody>
</table>

41 Unemployment insurance from the Unemployment Insurance Fund (UIF).
### Table 19 continued

<table>
<thead>
<tr>
<th>The right to be protected:</th>
<th>7.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'to be registered for UIF’</td>
<td></td>
</tr>
<tr>
<td>• 'to get a month’s notice before being fired’</td>
<td></td>
</tr>
<tr>
<td>• 'to be compensated when I am fired’</td>
<td></td>
</tr>
<tr>
<td>• 'to have blue cards’</td>
<td></td>
</tr>
<tr>
<td>• 'a proper work contract’</td>
<td></td>
</tr>
<tr>
<td>• 'employer must follow contract conditions’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to be treated with respect and dignity:</th>
<th>6.8%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'to be treated with respect’</td>
<td></td>
</tr>
<tr>
<td>• 'respect between employers and employees’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to be heard/stand up for oneself:</th>
<th>5.7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'to complain when I am not treated well’</td>
<td></td>
</tr>
<tr>
<td>• 'to talk when something is wrong’</td>
<td></td>
</tr>
<tr>
<td>• 'to report my employer’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to decent and safe working conditions:</th>
<th>5.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'the right to normal working hours’</td>
<td></td>
</tr>
<tr>
<td>• 'to work the hours that the law says’</td>
<td></td>
</tr>
<tr>
<td>• 'safe working conditions’</td>
<td></td>
</tr>
<tr>
<td>• 'to work freely and comfortably’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to be informed:</th>
<th>3.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'to be made aware of my rights and benefits’</td>
<td></td>
</tr>
<tr>
<td>• 'to be informed about changes’</td>
<td></td>
</tr>
<tr>
<td>• 'to be informed about my contract’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to equality:</th>
<th>1.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'to be treated equally’</td>
<td></td>
</tr>
<tr>
<td>• 'to be treated the same as others’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to representation:</th>
<th>1.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'to belong to a union to represent me’</td>
<td></td>
</tr>
<tr>
<td>• 'to get representation when I need it’</td>
<td></td>
</tr>
<tr>
<td>• 'not to be ignored’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Basic human rights to be recognised:</th>
<th>1.1%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 'not to be harassed’</td>
<td></td>
</tr>
<tr>
<td>• 'not to be oppressed’</td>
<td></td>
</tr>
<tr>
<td>• 'not to be abused’</td>
<td></td>
</tr>
</tbody>
</table>

---

40 Proof of employment and salary must be provided on a blue UIF card when claiming from the Fund.

---
### Table 19 continued

<table>
<thead>
<tr>
<th>The right to opportunities and growth:</th>
<th>0.8%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• ‘the opportunity to attend meetings’</td>
<td></td>
</tr>
<tr>
<td>• ‘to be trained and get skills’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to freedom of association:</th>
<th>0.4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• ‘to belong to a political party’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to gender equality:</th>
<th>0.4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• ‘I should have the same job that a male does’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employees have no rights</th>
<th>0.4%</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Other</th>
<th>0.4%</th>
</tr>
</thead>
</table>

### Table 20: Evictees’ understanding of their rights as farm dwellers

<table>
<thead>
<tr>
<th>% of evictee respondents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Don’t know</td>
<td>37.5%</td>
</tr>
<tr>
<td>The right to fair labour practices:</td>
<td>13.1%</td>
</tr>
<tr>
<td>• ‘minimum wages’</td>
<td></td>
</tr>
<tr>
<td>• ‘to get the money that we work for’</td>
<td></td>
</tr>
<tr>
<td>• ‘normal working hours’</td>
<td></td>
</tr>
<tr>
<td>• ‘to have public holidays off’</td>
<td></td>
</tr>
<tr>
<td>• ‘to work like other employees’</td>
<td></td>
</tr>
<tr>
<td>• ‘not to be fired without warning’</td>
<td></td>
</tr>
<tr>
<td>• ‘to have a blue card’</td>
<td></td>
</tr>
<tr>
<td>• ‘not to be fired without compensation for years worked’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The right to land and secure tenure:</th>
<th>11.9%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• ‘to own a piece of land’</td>
<td></td>
</tr>
<tr>
<td>• ‘not to be chased out of my house’</td>
<td></td>
</tr>
<tr>
<td>• ‘to have my own house on the farm’</td>
<td></td>
</tr>
<tr>
<td>• ‘to have cattle …’</td>
<td></td>
</tr>
<tr>
<td>• ‘to plough the land and plant for myself’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Farm dwellers don’t have rights</th>
<th>9.3%</th>
</tr>
</thead>
</table>
The right to a house and basic amenities (i.e., not linked to tenure but rather to access):
- ‘to have a house with electricity and toilets’
- ‘to have houses with water and electricity’
- ‘to have access to basic services’

<table>
<thead>
<tr>
<th>The right to be treated with respect and dignity:</th>
<th>5.4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>- ‘to be treated like human beings’</td>
<td></td>
</tr>
<tr>
<td>- ‘to be treated with respect’</td>
<td></td>
</tr>
<tr>
<td>- ‘to be treated normally’</td>
<td></td>
</tr>
</tbody>
</table>

Basic human rights to be recognised:
- ‘not to be oppressed’
- ‘not to be abused’
- ‘not to be assaulted’

<table>
<thead>
<tr>
<th>The right of freedom of association and choice:</th>
<th>4.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>- ‘to go to my church’</td>
<td></td>
</tr>
<tr>
<td>- ‘to express my Africanness’</td>
<td></td>
</tr>
<tr>
<td>- ‘to have a social life’</td>
<td></td>
</tr>
<tr>
<td>- ‘to control my own life’</td>
<td></td>
</tr>
<tr>
<td>- ‘to be free to make my own decisions’</td>
<td></td>
</tr>
<tr>
<td>- ‘to go where I want to go’</td>
<td></td>
</tr>
<tr>
<td>- ‘to be visited by children and relatives’</td>
<td></td>
</tr>
</tbody>
</table>

The right to benefits:
- ‘to receive employment benefits’
- ‘pension fund’
- ‘to get food’
- ‘to get fruit and vegetables for free’

<table>
<thead>
<tr>
<th>The right to be treated with respect and dignity:</th>
<th>3.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>- ‘to be treated like human beings’</td>
<td></td>
</tr>
<tr>
<td>- ‘to be treated with respect’</td>
<td></td>
</tr>
<tr>
<td>- ‘to be treated normally’</td>
<td></td>
</tr>
</tbody>
</table>

The right to be informed:
- ‘to be notified of changes on the farm’
- ‘to be told when the farm is going to be sold’

The right to education

| 0.8% |
It is clear that, although the knowledge among evictees of their labour rights is still not adequate, there is much better knowledge of labour rights than of tenure rights. Only 12% of evictees are aware of having any specific land and tenure rights.

When asked what rights they thought they had as employees, the evictees mentioned their right to fair and balanced remuneration and fringe benefits. Most respondents also identified employment-related rights as part of the rights of farm dwellers, illustrating the importance of employment issues for farm dwellers and perhaps also some confusion or lack of knowledge of the difference between rights of employees and those of farm dwellers.

The right to be treated with respect and dignity was one raised in response to questions on both labour and tenure rights by a substantial number of evictees. Even though evictees had low levels of knowledge about their rights, 61.3% of evictee households were of the opinion that their rights were violated whilst on the farm.

Table 21: Evictees’ perceptions of rights that were violated on the farm

<table>
<thead>
<tr>
<th>Right</th>
<th>% of respondents who felt their rights had been violated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to decent working conditions and fair remuneration</td>
<td>26.5%</td>
</tr>
<tr>
<td>Right to protection against mistreatment</td>
<td>17.6%</td>
</tr>
<tr>
<td>Right to secure tenure</td>
<td>12.6%</td>
</tr>
<tr>
<td>Basic human rights</td>
<td>10.0%</td>
</tr>
<tr>
<td>Right of freedom of choice/movement/association</td>
<td>7.5%</td>
</tr>
<tr>
<td>Right to be treated with respect and dignity</td>
<td>5.0%</td>
</tr>
<tr>
<td>Right to be heard/stand up for myself</td>
<td>5.0%</td>
</tr>
<tr>
<td>Right to education</td>
<td>3.8%</td>
</tr>
<tr>
<td>Right to have visitors</td>
<td>3.8%</td>
</tr>
<tr>
<td>Right to have livestock and use the land</td>
<td>3.1%</td>
</tr>
<tr>
<td>Right to housing and basic amenities</td>
<td>2.5%</td>
</tr>
<tr>
<td>Right to information and to be informed</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

Knowledge of evictees regarding access to government financial assistance

Pensions and social grants reduce poverty and have a positive impact on the economic opportunities of households receiving grants. Studies on the impact of social grants at household level show that grants increase school attendance and
promote looking for jobs, and that the provision of social grants translate relatively quickly into enduring positive impacts on labour market participation, employment success and wages. In addition, social grants have positive, indirect effects on economic growth through improved education (Skweyiya 2004). The proportion of evictee households with knowledge of possible financial assistance from the government is illustrated in Figure 52.

**Figure 52: Proportion of evictees with knowledge of government financial assistance**

Only 18.4% of evictee households are aware of possible financial assistance available from government. Although this is a fairly small percentage, it represents a substantial increase of 681.5% from the percentage of households that had knowledge about social grants whilst they were still living on the farm.

The dramatically increased knowledge of available grants is partly due to the availability of more grants now than in the past, and it must be kept in mind that the respondents are drawn from people evicted over the last 21 years. The increase is also a tribute to the substantial increase in the roll-out of government grants over the last years, especially since 1999. However the fact that over 80% of respondents know nothing about grants that they may be entitled to must remain a cause for serious concern.

Evictees in urban informal settlements had the lowest level of awareness, with only 5.9% of respondents aware of grants available to them. This reflects the difficulty that the state is having in delivering services to these areas and especially to vulnerable groups, such as evictees, in such areas. Even those still living on farms now have a better knowledge of grants than most respondents in urban areas.
Health status

The ability of an individual to be productive depends to a greater or lesser extent on the health status of that individual. There are, however, numerous aspects that need to be taken into account in determining the health status of an individual and the impact of the eviction on this. In terms of the objectives and scope of this study, it was decided that measuring the impact of evictions on the health status of individuals would not be feasible. The health-related variable that has been looked at, in the section on physical capital, is access to healthcare facilities.

September Boya sought help from Nkuzi when he and his family were threatened with eviction.
Attitudes and values

The attitude of the respondents, especially in relation to how they would like to improve their livelihoods, was explored. This is important as an indicator of how evictees would be able to make use of livelihood opportunities. The attitudes of adult respondents would also have an influence on children within the household and therefore a long-term impact on the potential of the family to generate its livelihood.

Responses to the question on how evictees would like to improve their lives were categorised in terms of the following:

- by taking responsibility for creating better livelihoods for themselves and their children
- by waiting for external intervention to help them create better livelihoods for themselves and their children.

Although this analysis provides a very crude overview of the predisposition of farm evictees, it is interesting to note that 54% of respondents indicated that they want to take responsibility for creating better livelihoods for themselves. This is quite a high percentage, given the unfortunate experiences of eviction that they had been through. Some of the responses that illustrate this are well captured by quotes from evictees.

Less positive is the finding that 30.6% of evictee households believe they are ‘owed’ external support to help them build better lives as they feel that they have been wronged by the eviction. Typical responses of this type are also illustrated by quotes from evictees.

Evictee households adopting this stance are considerably less likely to be able to successfully adapt to their new circumstances and create sustainable livelihoods, even if they have many of the other elements of ‘capital’ in place to assist them.

Around 6% of evictees felt that nothing should, or could, be done for them. This opinion was given in some cases because the respondents were happy and content with their lives, but more often, especially
with older people, because they have given up any hope that there is a future for
them or their children as illustrated by a male evictee who simply replied, “I would
like to die as I am hopeless. I cannot provide for my family.”

Social capital

‘Social capital’ refers to the institutions, relationships, values and norms that shape
the quality and quantity of a society’s social interactions. Social capital can therefore
simply be defined as the existence of a certain set of informal values or norms
shared among members of a group that encourage and enable co-operation among
them, resulting in individual as well as collective well-being.

According to the World Bank, increasing evidence shows that social cohesion is
critical for societies to prosper economically and for development to be sustainable.
Social capital is therefore not just the sum of the institutions that underpin a society
– it is the glue that holds them together (World Bank 2004).

The importance of social capital in the lives of farm evictee
households has already been illustrated by the fact that
existing social networks are regarded as the most important
pull-factor in choosing a relocation settlement after being
evicted. Many evictee households rely on the assumption
that social networks will assist them financially, emotionally
and/or physically, increasing their resources and, as a result,
giving them a greater chance of survival during the crucial
period directly after the eviction. An analysis of these social
networks revealed the importance of relationships with
family members, friends and members of the communities
or organisations that they consider themselves to be part of:

• 86.2% of evictee households that selected settlements to
relocate to on the basis of their having social networks
in those settlements, relocated to settlements where
members of their families lived
• 7.8% relocated to settlements where they had friends
• 4.9% relocated to settlements where they knew other ex-
farm dwellers were living
• 1% relocated to settlements where they had existing links
with associations such as a church.

Further analysis of the relative importance of different family members in terms of
providing a safety net for evictee households can be seen in Figure 53. This graph
illustrates the value of close relatives, with parents, children and siblings representing
the strongest social links for evictee households at the time they had to leave the
farm.
The impact of the eviction on social capital

For the purpose of measuring the impact of the eviction on the social capital of evictee households, the following indicators were used:

- Extent of involvement in groups, associations or organisations – representing a measure of the structural component of social capital within settlements. More specifically for the purpose of this study the focus is on the involvement of household members in:
  - burial/family societies
  - stokvels\(^{42}\)
  - churches or other religious groups
  - other organisations.

- The perception that evictee households have of the social cohesion within their relocation settlement as an indicator of their sense of duty and obligation towards each other.

- The extent of exposure to violence and crime – if social capital reflects the extent of cohesion within a society, the existence or extent of violence and crime may be an indication of the absence or degeneration of social capital within a society. Exposure to violence and crime is therefore explored by looking at evictee households in terms of their exposure to:
  - killings
  - physical violence, such as being beaten, threatened with a weapon, shot or stabbed
  - sexual violence
  - other crimes, such as theft or fraud.

\(^{42}\) A stokvel is a savings club in which members all contribute an agreed amount at a regular interval, and each member has a turn to take all the money contributed by the other members. In a stokvel of 12 members who have all agreed to pay R100 a month, each member will have a turn to receive a lump sum of R1 200 in one month of the year.
Involvement in groups, associations or organisations

Table 22 provides an analysis of the impact of the eviction on evictee households in terms of their involvement in groups, associations and organisations. This analysis indicated a significant shift towards membership once evictee households had relocated after the eviction. This information also confirms the lack of organisational capacity among farm dwellers and their vulnerability on farms.

Table 22: Proportion of evictee households involved in associations, groups and organisations

<table>
<thead>
<tr>
<th>Farm situation (prior to eviction)</th>
<th>Farms informal rural</th>
<th>New settlements</th>
<th>Rural township</th>
<th>Traditional rural</th>
<th>Formal urban</th>
<th>Informal urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion of households with members involved in burial/family societies</td>
<td>9.3%</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
<td>98.5%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Proportion of households with members involved in stokvels</td>
<td>10.6%</td>
<td>88.5%</td>
<td>94.3%</td>
<td>81.5%</td>
<td>88.2%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Proportion of households with members involved in churches or other religious gatherings</td>
<td>89.4%</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
This trend is thought to be, at least in part, due to the culture of *ubuntu* (discussed below) that clearly exists in the relocation settlements, resulting in the evictee household being encouraged to join existing structures. Even amongst those households that have relocated to other farms, there is a significantly higher level of membership of burial and family societies, stokvels, churches and other religious associations after the eviction. This is perhaps due to some improvements in the extent of freedom of association on farms today and improved working conditions, giving farm dwellers more time for activities outside work as compared to the situation in the past. Another factor could be that evictees choosing to locate to another farm would, in the light of their eviction experience, choose a farm that offered a better sense of security and stronger social networks.

Considering that many of these households were relatively isolated on the farms where they came from, with a number of them not even being allowed visitors, they would in all likelihood have embraced new social opportunities very willingly. By joining these organisations, evictee households would also have been able to integrate into the communities more easily and, in the process, be able to use these structures as support systems that could provide some kind of buffer against the ‘shock’ of having been evicted. The psychological support and social links that this social capital must have provided evictee households is likely to have greatly reduced their feelings of vulnerability and provided them with a range of possible opportunities that would have enhanced their chances of re-establishing their livelihoods.

**Evictee households’ perceptions of social cohesion within relocation settlements**

In terms of the perceptions of evictee households with regard to social cohesion within relocation settlements, the following indicators have been evaluated:

- the extent to which evictee households feel accepted by the relocation community; and
- the extent to which they have received assistance from organisations within the relocation community.

**Extent to which evictee households feel accepted in relocation settlements**

Figure 54 illustrates that evictee households, across the board, feel accepted into the communities (relocation settlements) to which they have moved. This is a significant factor that has greatly contributed towards their being able to re-establish their livelihoods.
For evictee households that feel accepted within their relocation settlements, there is a general sense of identity and belonging. This can at least to some extent be attributed to their extensive involvement and participation in organisations and associations, thereby assisting their integration into existing community networks. It can also be attributed to the strong social networks that many evictee households already had with members of the community. However, the importance of the general sense of ubuntu in these communities, that comes through so strongly in Table 23, should not be underestimated, particularly in the context of the treatment that many evictee households experienced while on the farm.

Ubuntu is a common southern African concept that can be roughly translated as ‘humanity to others’ – in other words being hospitable, friendly, caring, compassionate and sharing what you have. It is clear that for more than 60% of evictee households it is this spirit of ubuntu within relocation settlements that makes them feel accepted and helps them to survive. The concept of ubuntu defines individuals in terms of their relationships with others. A strong sense of ubuntu reflects strong social cohesion within the community and therefore high levels of social capital.

It could thus be concluded, especially considering the lack of other resources at their disposal, that evictee households rely, to a large extent, on social capital for their survival in relocation settlements. They utilise formalised structures and rely on support from newly-formed interpersonal relationships, as well as social networks established before they moved into the relocation community, such as family.
Table 23: Reasons why evictee households feel accepted within relocation settlements

<table>
<thead>
<tr>
<th>Reason</th>
<th>% of evictee households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sense of closeness/warmth/belonging/identity:</td>
<td>38.2%</td>
</tr>
<tr>
<td>• ‘people are friendly’</td>
<td></td>
</tr>
<tr>
<td>• ‘we live well together’</td>
<td></td>
</tr>
<tr>
<td>• ‘we talk, we laugh’</td>
<td></td>
</tr>
<tr>
<td>• ‘we have lots of friends’</td>
<td></td>
</tr>
<tr>
<td>• ‘we live in harmony/peace’</td>
<td></td>
</tr>
<tr>
<td>• ‘people just welcomed us’</td>
<td></td>
</tr>
<tr>
<td>Sense of understanding and support for each other:</td>
<td>27.2%</td>
</tr>
<tr>
<td>• ‘people understand each other and support each other’</td>
<td></td>
</tr>
<tr>
<td>• ‘we are the same and we help each other’</td>
<td></td>
</tr>
<tr>
<td>• ‘we share the same sufferings and we help each other’</td>
<td></td>
</tr>
<tr>
<td>• ‘they helped me to get a place to stay’</td>
<td></td>
</tr>
<tr>
<td>• ‘people treat each other like human beings’</td>
<td></td>
</tr>
<tr>
<td>Absence of problems/conflict:</td>
<td>27.6%</td>
</tr>
<tr>
<td>• ‘we have not yet encountered any problems to prove otherwise’</td>
<td></td>
</tr>
<tr>
<td>• ‘we do not fight with our neighbours’</td>
<td></td>
</tr>
<tr>
<td>• ‘we do not argue amongst ourselves’</td>
<td></td>
</tr>
<tr>
<td>Existing social networks facilitated acceptance:</td>
<td>6.2%</td>
</tr>
<tr>
<td>• ‘I grew up here; they knew me’</td>
<td></td>
</tr>
<tr>
<td>• ‘I knew the people; they accepted me here’</td>
<td></td>
</tr>
<tr>
<td>• ‘my family/friends were here so the people accepted me’</td>
<td></td>
</tr>
<tr>
<td>Other reasons</td>
<td>0.8%</td>
</tr>
</tbody>
</table>
Extent to which evictee households received specific assistance from organisations within relocation settlements

Although evictee households are heavily reliant on the social capital within relocation settlements for their survival after the eviction, the assistance they require cannot be limited to the support and integration they receive from other members of the community. When evictee households arrive in relocation settlements, their situations are generally desperate. They need a range of types of assistance from financial and legal, to help in accessing shelter and employment. However, it would appear from the results of this study that there is either a lack of formal structures or organisations aiming to provide this type of support, or these structures and organisations are not effectively reaching evictee households.

Most evictee households (92.2%) have not received any form of assistance or support from formal organisations within relocation settlements. Those who have received some form of support are mainly those who relocated within urban-type settlements (including formal and informal urban settlements as well as rural townships) as is illustrated by Figure 55.

Figure 55: Distribution of evictee households, per settlement type, that received assistance from organisations within relocation settlements

Table 24 summarises the type of assistance received by evictee households within relocation settlements, illustrating the lack of support in terms of basic needs and therefore the necessity of evictee households relying on personal networks or relationships with other members of the community for their survival.
Table 24: Type of assistance received by evictee households from formal organisations

<table>
<thead>
<tr>
<th>Relocation settlement type</th>
<th>Organisation providing support</th>
<th>Type of support received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farms</td>
<td>Community leaders</td>
<td>Basic needs like water</td>
</tr>
<tr>
<td>Informal rural</td>
<td>Churches</td>
<td>Funeral arrangements</td>
</tr>
<tr>
<td></td>
<td>Social workers</td>
<td>Food parcels</td>
</tr>
<tr>
<td></td>
<td>Traditional leaders</td>
<td>Allocate place to stay</td>
</tr>
<tr>
<td>Informal urban</td>
<td>ANC</td>
<td>Food parcels</td>
</tr>
<tr>
<td></td>
<td>Social workers</td>
<td>Help to get grants</td>
</tr>
<tr>
<td>Rural township</td>
<td>Councillor committee</td>
<td>Help to get electricity and piped water</td>
</tr>
<tr>
<td></td>
<td>Police forum</td>
<td>Help make dwellings safe</td>
</tr>
<tr>
<td></td>
<td>Social workers</td>
<td>Food parcels</td>
</tr>
<tr>
<td>Urban</td>
<td>ANC</td>
<td>Food parcels/burials</td>
</tr>
<tr>
<td></td>
<td>Municipality</td>
<td>Food parcels</td>
</tr>
<tr>
<td></td>
<td>Transport company</td>
<td>Financial help</td>
</tr>
<tr>
<td></td>
<td>Social workers</td>
<td>Food parcels/access to grants</td>
</tr>
</tbody>
</table>

Exposure to violence and crime

In analysing the extent of evictee households’ exposure to violence and crime, the assumption is that shared values and norms within settlements keep the levels of violence and crime low. When these norms and values cease to exist however, social capital breaks down and the levels of violence and crime rise. To further analyse social capital within relocation settlements, the exposure of evictee households to violence and crime was explored in order to determine whether there is evidence of the degeneration of social capital in specific relocation settlement types.

Table 25 gives an overview of the relationship between violence and crime and the relocation settlement types within which evictee households reside. These results do not provide any evidence that there is a specific relocation settlement type that could be linked to more consistent patterns of violence and crime and therefore to a degeneration of social capital. Relocation settlement types with reduced social capital could be expected to provide a less supportive environment to evictee households.
Table 25: Proportion of evictee households exposed to violence and crime

<table>
<thead>
<tr>
<th></th>
<th>Farm situation (prior to eviction)</th>
<th>Farms Rural</th>
<th>Informal rural</th>
<th>New settlements</th>
<th>Rural township</th>
<th>Traditional rural</th>
<th>Formal urban</th>
<th>Informal urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion of households with members exposed to killings</td>
<td>4.0%</td>
<td>0.0%</td>
<td>2.9%</td>
<td>3.7%</td>
<td>4.4%</td>
<td>0.0%</td>
<td>5.4%</td>
<td>3.3%</td>
</tr>
<tr>
<td>Proportion of households with members exposed to physical violence</td>
<td>15.7%</td>
<td>84.6%</td>
<td>88.6%</td>
<td>96.3%</td>
<td>89.7%</td>
<td>60.0%</td>
<td>93.2%</td>
<td>88.3%</td>
</tr>
<tr>
<td>Proportion of households with members exposed to sexual violence</td>
<td>1.2%</td>
<td>3.8%</td>
<td>2.9%</td>
<td>11.1%</td>
<td>1.5%</td>
<td>1.5%</td>
<td>4.1%</td>
<td>1.7%</td>
</tr>
<tr>
<td>Proportion of households with members exposed to other crimes</td>
<td>6.8%</td>
<td>7.7%</td>
<td>0.0%</td>
<td>11.1%</td>
<td>2.9%</td>
<td>0.0%</td>
<td>8.1%</td>
<td>5.8%</td>
</tr>
</tbody>
</table>

It is alarming that 91.6% of evictee households reported having been subjected to incidences of physical violence within relocation settlements and that these events took place in all relocation settlement types, irrespective of the apparent level of social cohesion. Perhaps the answer to this mystery can be found in the perceptions of informants interviewed for the local impact section of the study (Chapter 7) – many of these respondents talked of farm evictees as often being different from particular groups within the broader community and isolated from them. It is possible that the sense of belonging experienced by many farm dwellers is within sub-groups of the wider community that may well be comprised largely of people still seen as outsiders by many other community members.
The large increase in the experience of violence seems to be a reflection of the generally high and, for most of the period that the study covered, increasing levels of crime in the country. According to the South African Police Service, over 674 000 cases of assault (common assault and assault with intent to do grievous bodily harm) and robbery with aggravating circumstances were reported in the year 2003–04 and there has been a steady rise in the incidence of these crimes across South Africa from just over 500 000 cases in 1994–95 year (SAPS 2004). With such a high incidence of violent crime in the country, it is conceivable that over 90% of evictee families would have experienced such an event, often unreported to the police, at some time over the years. It should also be taken into account that evicted farm dwellers are vulnerable members of the community who are often located in the type of areas known for high crime rates and poor policing, such as informal settlements.

The relatively low incidence of violent crime experienced by respondents while on farms prior to eviction points to farms being a relatively safe and crime-free environment.
Financial capital

‘Financial capital’ in the livelihoods model refers to the financial resources people use to achieve their livelihood objectives including:

- available stocks, which would refer to savings, cash and liquid assets such as livestock and jewellery; and
- regular, reliable inflows of money such as pensions, grants or other transfers from the state and remittances from household members living elsewhere.

The use of the term financial capital in the livelihoods context does not follow a strict economic definition of financial capital in that it includes both cash flows and investments. The intention is to broadly look at the cash or cash equivalent that people have access to and can use to support their livelihood strategies.

Although financial capital is possibly the most versatile of the five categories of assets in the DFID sustainable livelihoods model, in that it can be easily converted into other assets such as physical capital, it is the asset that tends to be the least available to the poor. Because the poor tend to lack financial capital, other types of capital are relatively more important to them than to others (DFID 1999). This is borne out very strongly in the findings of this study, where it was found that a very small proportion of households have any kind of real financial capital that could be of assistance in rebuilding their livelihoods.

For the purpose of evaluating the impact of evictions on the financial capital of evictee households the following indicators are explored:

- the keeping of livestock as a common and important mechanism for accumulating and storing value for many rural people; and
- regular, reliable inflows from pensions and other social grants.

Keeping of livestock

The proportion of evictee households keeping livestock reduced from 44.8% on the farm prior to being evicted to 9.3% in relocation settlements where they are currently located. Much as this figure shows a dramatic decline in livestock owned by evicted households, and the access to land that went with that, it hides the full scale of the loss of this form of financial capital. A further analysis of the change in the type and number of livestock owned pre- and post-eviction shows the full extent of the losses (See Figure 56). Those households that kept livestock whilst living on the farm mainly focused on cattle, keeping an average of 8–10 head of cattle. In relocation settlements however, evictee households that keep livestock focus primarily on poultry, keeping ten chickens on average. Needless to say, the difference in the value of cattle compared to poultry is highly significant.
Figure 56: Analysis of the type of livestock kept before and after the eviction by evictee households that still have livestock

Pensions and social grants

Figure 57 reflects the proportion of evictee households that are aware that they qualify for financial assistance from the government in the form of social grants or pensions and the proportion of evictee households that actually receive this type of assistance. According to the information gathered in this survey, only 4 345 evictee households currently receive pensions whilst 77 904 could qualify; 18 837 receive child support grants whilst 219 473 qualify and 1 518 receive disability grants whilst 1 676 qualify.

Therefore, although the impact of social grants and pensions could not be underestimated in terms of their contribution to the alleviation of poverty and the improvement of the livelihoods of households, the majority of eligible evictee households do not appear to be successfully accessing either child grants or pensions. If those households that appear to qualify for child grants or pensions could access these forms of financial capital more successfully, it would be of great assistance in establishing sustainable livelihoods in the new areas where they have settled.
Figure 57: Relationship between the proportion of evictee households qualifying for pensions and social grants and those receiving them

![Bar chart showing the relationship between evictee households qualifying for pensions and social grants and those receiving them.]

Figure 58: Proportion of households that are aware of qualifying for, and households that receive, social grants and pensions

![Bar chart showing the proportion of households aware of qualifying for and receiving social grants and pensions.]
Interestingly, slightly more of those living in rural relocation settlements are both aware that they qualify for child support grants (13.2%) and receive child support grants (12.2%) compared to those living in the urban relocation settlements. There is very little difference between urban and rural settlements in terms of disability grants or pensions, however, with less than 3% of households either receiving any benefit or being aware that they qualify. Considering the poverty-stricken status of most evictee households after being evicted from farms, access to these types of grants would be of considerable assistance.

Despite the significant increase over the last years in the overall number of people receiving social grants, the low uptake among the majority of evictee households means they have missed an opportunity to access financial capital. It is imperative that the state meet its obligation to create awareness of pensions and social grants and assist evictee households to access these. Many poor people, especially those who were isolated from towns, such as farm dwellers, lack the important official documents that are required for grants, such as birth certificates and identity documents.

When comparing the situation of evictee households living on the farm with their access to social grants in the current relocation settlements, only 0.6% of evictee households indicated that they received pensions prior to the eviction, while none of the evictee families appeared to receive child support grants. These low figures are at least in part due to the fact that many of the farm evictees may have left the farm before apartheid-era racial restrictions on access to grants were abolished.

From the results of this section, it is clear that most evictee households have virtually no financial capital and therefore rely on other forms of capital for purposes of re-establishing their livelihoods. The levels of financial capital held by the minority who have some in the form of livestock or access to pensions and social grants are also low.

Natural capital

‘Natural capital’ describes the natural resources such as land, water and plants that people access and use as part of their livelihood strategies. Natural capital is generally most important to those who derive all or part of their livelihoods from natural resource-based activities such as farming. Natural capital is particularly important for farm dwellers who often work some land themselves and access other natural resources such as water, wild fruit and vegetables, and firewood. Among other things, natural capital contributes to a balanced diet, and provides clean air and a healthy environment. By doing this, it also makes an important contribution to human capital through its influence on people’s health and well-being (DFID 1999).
With regard to the impact of the eviction on the livelihoods of evictee households, access to the following forms of natural capital\(^{45}\) are explored:

- wild fruits, vegetables and animals;
- firewood;
- thatch\(^{46}\); and
- land.

Table 26 and Figure 59 provide an overview of the impact of the eviction on the access of evictee households’ access to these forms of natural capital. Although not all households had access to natural capital while living on the farm, it would appear that for those evictee households that did, the loss of this access had a very negative impact on their livelihoods. The impact of losing their natural capital can be seen from the finding that of those evictees who would prefer to still be living on a farm, 44% said the reason for this preference was the access they had had to fresh produce and firewood.

### Table 26: Proportion of evictee households with access to different natural resources

<table>
<thead>
<tr>
<th>Farm situation (prior to eviction)</th>
<th>Farms</th>
<th>Informal rural</th>
<th>New settlements</th>
<th>Rural townships</th>
<th>Traditional rural</th>
<th>Formal urban</th>
<th>Informal urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion of households with access to wild animals</td>
<td>3.6%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Proportion of households with access to wild vegetables</td>
<td>17.2%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Proportion of households with access to fruit</td>
<td>6.3%</td>
<td>15.4%</td>
<td>28.6%</td>
<td>11.1%</td>
<td>25.0%</td>
<td>40.0%</td>
<td>27.0%</td>
</tr>
<tr>
<td>Proportion of households with access to firewood</td>
<td>40.0%</td>
<td>7.7%</td>
<td>11.4%</td>
<td>33.3%</td>
<td>10.3%</td>
<td>20.0%</td>
<td>8.1%</td>
</tr>
</tbody>
</table>

\(^{45}\) None of these aspects of natural capital refer to anything cultivated, provided by other people, or purchased. This analysis refers only to what can be gathered or hunted. For example, ‘firewood’ only refers to the firewood that family members were/are able to collect. The analysis did not consider access to medicinal plants.

\(^{46}\) Although information on access to thatch was gathered, it turned out that none of the households included in the study could provide significant input with regard to access to thatch — either prior to the eviction or thereafter — this was therefore not analysed.
The most significant impact of the eviction on access to natural capital is the substantial reduction in access to free firewood. As 61% of farm households relied on wood for purposes of cooking and heating while on the farm, the importance of this becomes clear. Most evictee households have relocated to settlements where they have to purchase firewood or other sources of fuel for cooking and heating, putting additional demands on already limited finances. Many of these households were forced, due to the evictions, to use coal, paraffin and waste materials as their main fuel supply to replace the firewood they had previously used. All these fuels are more noxious than wood in terms of the pollution they emit and therefore are more likely to have a detrimental effect on the health of the evictee household members. The high level of access to firewood in new settlements, relative to other relocation settlements, is believed to be due to clearing of trees in and around the new settlements and is not likely to be sustainable.

**Figure 59: Proportion of households with access to natural capital**

In terms of access to land, the extent to which evictee households were growing maize and keeping livestock has been used to indicate the proportion of evictee households that had access to land for their own production on farms prior to being evicted.

The impact of the eviction on access to land is illustrated by Figures 60 and 61 which indicate, as could be expected, that evictee households that have relocated to urban settlements are most affected.
The loss of land to grow maize must have had a negative impact on the diet and health of evictees. They lost the opportunity to contribute their own maize to the supply of staple food eaten throughout the year and the benefit of eating fresh maize during harvest time. It has also had an impact on the already precarious financial situation of most evictee households that now have to purchase maize to replace that which they were able to grow for themselves while still on the farm.

Figure 61: The impact of the eviction on the proportion of evictee households keeping livestock

<table>
<thead>
<tr>
<th></th>
<th>Farm (prior to eviction)</th>
<th>Relocation settlements: Total</th>
<th>Rural relocation settlements</th>
<th>Urban relocation settlements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>44.80%</td>
<td>9.3%</td>
<td>17.3%</td>
<td>5.2%</td>
</tr>
<tr>
<td></td>
<td>59.4%</td>
<td>26.7%</td>
<td>33.0%</td>
<td>23.5%</td>
</tr>
</tbody>
</table>
The substantial loss of land for grazing cattle has had a considerable impact on evictee households, as, for many farm dwellers, the ownership of livestock not only provided some use benefit, but also represented the only form of financial capital they had. Losing grazing land through evictions resulted in evictees having to get rid of their livestock, often at a great loss, due to being forced to sell under difficult circumstances. In some cases this situation was exacerbated by land owners killing or confiscating the livestock of farm dwellers.

One of the less tangible impacts of the loss of natural capital is the forced change of lifestyle. Inherent in the collecting of natural resources and the utilisation of land for one’s own production is a way of life that many evictees were deeply rooted in.

From these findings, it can be seen that, whilst living on the farm, the access that evictee households had to natural capital formed a crucial part of their survival strategies, often supplementing pitiful wages that were below the poverty line. After the eviction, households, many of whom had lost a wage income, had to survive without the direct benefit of natural resources and somehow find cash to purchase essentials such as firewood and maize. This combination of pressures had a devastating impact on the livelihood potential of many evicted households.

Livelihood outcomes

‘Livelihood strategies’ are the different ways households use the capitals and assets at their disposal to make a living, withstand shocks and stresses, and recover after a shock such as being evicted from a farm. ‘Livelihood outcomes’, in the context of farm evictions, refers to how successfully evictee households are coping with day-to-day living within their new environment. Although a variety of indicators could be utilised to measure the success of livelihood strategies, in terms of evictee households, their employment status and income levels will be utilised to describe their livelihood outcomes.

Employment status

Figure 62 illustrates the employment status of evictees in relocation settlements, 16–65 years old who are not in school.47

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47 Formal or informal employment.
From an employment perspective, the graph demonstrates that the eviction has had a slightly more negative impact on those that moved to rural areas, with 8% fewer adults being employed as compared to when they lived on the farm. The most highly affected group are those that moved to traditional rural areas where only a third of adults are employed. Interestingly, in comparison, slightly more of the adults that moved to informal rural and urban areas are employed than were employed while living on the farm. The higher employment levels in informal areas may be in part due to households moving closer to employment opportunities at the expense of formal housing and access to better services.

If more than one household member were able to find work, this would enhance the livelihood options for the household. This possibility is severely limited by the difficulties women have in finding work, as shown by the consistently lower employment levels amongst women than men. The implications for female-headed households are even more severe.

---

48 Prior to being evicted, 60.3% of all those in the 16–65 age range were employed.
## Income levels

Table 27: Income levels for evictee households in relocation settlements

<table>
<thead>
<tr>
<th>Average monthly income</th>
<th>Farms now</th>
<th>Informal rural</th>
<th>New settlements</th>
<th>Rural townships</th>
<th>Traditional rural</th>
<th>Formal urban</th>
<th>Informal urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;R1 000</td>
<td>50.0%</td>
<td>54.3%</td>
<td>44.4%</td>
<td>63.2%</td>
<td>60.0%</td>
<td>51.4%</td>
<td>58.8%</td>
</tr>
<tr>
<td>R1 001–R2 000</td>
<td>42.3%</td>
<td>28.6%</td>
<td>29.6%</td>
<td>25.0%</td>
<td>40.0%</td>
<td>32.4%</td>
<td>26.9%</td>
</tr>
<tr>
<td>R2 001–R3 000</td>
<td>7.7%</td>
<td>11.4%</td>
<td>14.8%</td>
<td>8.8%</td>
<td>0.0%</td>
<td>13.5%</td>
<td>6.7%</td>
</tr>
<tr>
<td>R3 001–R4 000</td>
<td>0.0%</td>
<td>5.7%</td>
<td>11.1%</td>
<td>2.9%</td>
<td>0.0%</td>
<td>2.7%</td>
<td>5.9%</td>
</tr>
<tr>
<td>&gt;R4 000</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>1.7%</td>
</tr>
<tr>
<td>Percentage of households below poverty line</td>
<td>61.5%</td>
<td>65.7%</td>
<td>59.3%</td>
<td>67.6%</td>
<td>80.0%</td>
<td>64.9%</td>
<td>64.2%</td>
</tr>
</tbody>
</table>

Tello Setloboko a small farmer in the Eastern Cape, he sells wool, cotton and cattle.
Table 28: Main source of income of evictee households

<table>
<thead>
<tr>
<th>Source of Income</th>
<th>Farm (prior to eviction)</th>
<th>Current situation (post-eviction)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Rural total</td>
</tr>
<tr>
<td>Formal employment</td>
<td>55.8%</td>
<td>52.1%</td>
</tr>
<tr>
<td>Informal employment</td>
<td>40.8%</td>
<td>17.2%</td>
</tr>
<tr>
<td>Sales</td>
<td>0.0%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Grants</td>
<td>0.7%</td>
<td>15.9%</td>
</tr>
<tr>
<td>Pensions</td>
<td>1.5%</td>
<td>7.0%</td>
</tr>
<tr>
<td>Other</td>
<td>1.3%</td>
<td>6.7%</td>
</tr>
<tr>
<td></td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Average household income:
- 1984–1994: R133
- 2001–2004: R662

When looking at the impact of the eviction on employment at a household level, the proportion of households where the family’s main source of income was from formal employment remains more or less the same as when the household was living on the farm. However, informal employment has dropped substantially since leaving the farm. Significantly more households are now dependent on grants and pensions compared to before the eviction. Households living in rural areas are even more dependent due, at least in part, to their lower employment levels. This puts considerable pressure on the state as more and more households depend on grants for their survival.

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49 This refers to total household income, which combines the financial capital income flows including grants, pensions and remittances from other households and income from employment.

50 None of these figures are inflation-adjusted, meaning that in real terms the incomes when on farms were not as low as they may at first appear.
Growing of maize and/or vegetables to supplement the household income

It is clear from the results illustrated in Figure 63 that evictee households grow maize mainly for household consumption purposes and have done so whilst living on the farm prior to the eviction as well. For evictee households that have relocated to urban settlements and rural townships, there seem to be more opportunities, for the few who still have land to grow maize on, to sell maize to supplement the cash income of the household.

Figure 63: The impact of the eviction on the utilisation of maize produced by evictee households

With regard to vegetables grown by evictee households, Figure 64 illustrates that these are, like maize, also grown mainly for household consumption purposes. In this regard, however, most relocation settlements provide evictee households with the opportunity to sell vegetables to supplement the household income.
Keeping of livestock

In addition to the growing of products such as maize and vegetables, livestock like sheep, goats, poultry and dairy animals are also vital for the food and nutritional security of many poor households and create opportunities for increasing household income. Figure 65 shows that while most evictee households, before and after the eviction, kept livestock for household purposes, a fairly large number, 27.2% were selling livestock prior to being evicted. This important contribution to their cash income has reduced dramatically since being evicted.
Figure 65: The impact of the eviction on the utilisation of livestock owned by evictee households

Livestock belonging to the Sithole family living on Enselspoort farm in Gauteng.
Linkie and Fin Steenkamp have lived and worked on Doornhaag farm, owned by the De Jagers, for 17 years.
Introduction

Preceding chapters have provided some insight into the impact of evictions on the lives and livelihoods of evictees. An important aspect of evictions that cannot be underestimated is the fact that these evictions also have an impact on the communities they relocate to. There are implications for service delivery because this represents new demands on the often already limited capacity of authorities responsible for rendering these services. The aim of this chapter is therefore to provide some insight into the manner and extent to which:

- the relocation community is affected; and
- local authorities responsible for the provision of services are affected.

Organisations and authorities that work at grassroots level within these communities were considered to be in the best position to provide insight into the realities the communities and those serving them face. Information was therefore obtained by means of in-depth interviews conducted with identified key respondents including:

- municipal officers from planning, development and financial sections;
- municipal health and social welfare officials;
- ward councillors;
- school principals;
- other community leaders, such as spiritual leaders; and
- members of NGOs active within relocation settlements.

Although these respondents were considered to be in the best position to provide the information needed for this analysis, it was clear during the interview phase that respondents did not always have access to appropriate statistics to provide quantitative support for their views. These interviews did, however, provide a more qualitative perspective on how communities are affected by the influx of people from other areas.

Impact on urbanised relocation settlement communities

It has been clearly illustrated in preceding chapters that poverty and the perception of better opportunities often push evictees towards cities and more urbanised or developed centres. Many of those evictees who choose to relocate to urban (formal and informal) settlements and rural townships attribute their relocating to these settlements to the fact that they have lost the land they had access to, that rural relocation settlements provide them with few job opportunities, and that there are few schools and clinics in rural areas and the distances to these facilities are greater.
For these evictees, urban settlements and rural townships are perceived to hold much promise with regard to employment opportunities and better access to health and educational facilities.

“I would estimate about 90% of the people come from farms. Very few people grew up here.” (Ward councillor, informal urban settlement).

“50% are from farms.” (Clinic sister, informal urban settlement).

“They believe that there is employment and informal business opportunities … now you find in every corner there is somebody fixing cars, selling tyres, having hair salons, fixing exhaust pipes.” (Primary school principal, informal urban settlement).

“They move in without permission and build their shacks … they have called the area ‘Enkanini’ which means ‘forced entry’.” (Priest, urban settlement).

“People are waiting for RDP houses so they just move in here and build shacks.” (Ward councillor, informal urban settlement).

It is therefore not surprising to find a high awareness of the presence of ex-farm dwellers, as well as the reasons for their moving into these settlements, amongst community members. Perceived reasons for farm dwellers relocating to more urbanised settlements include:

- better access to educational and health facilities; and
- more job opportunities.

The perception is however that ex-farm dwellers are more likely to relocate to informal urban settlements or that they revert to illegal squatting in formal settlements as they cannot afford other means of accommodation. Backyard shacks and informal settlements therefore mushroom in urban and rural townships, putting significant pressure on local authorities and provincial government to provide housing and infrastructure in these settlements.

The influx of people from other areas into townships and informal urban settlements has a significant socio-economic impact on these communities. Although it is not possible to isolate the specific impact of the influx of ex-farm dwellers into these communities, the impact of the general influx of people provides some insight into the effects of the urbanisation that evictions contribute to.
Unemployment

In response to a request to identify the most significant impact of the influx of people from other areas into urbanised settlements, most respondents agree that high levels of unemployment are the most significant – quoting unemployment figures ranging from 40% in some urban townships to 80% in some informal settlements.

It is ironic that the perception of employment opportunities is one of the driving forces behind the urbanisation process, which results in an oversupply of job-seekers in urban areas competing for a small number of jobs.

Unemployment results in poverty, which in turn has a series of consequences:

• physical weakness and malnutrition within the household, as a result of a lack of food and inadequate nutrition, puts an additional burden on schools and healthcare facilities that attempt to provide feeding schemes;
• the inability of households to cover the costs of education leads to low levels of education and high levels of illiteracy as a result of children leaving school early;
• poor access to housing results in high levels of overcrowding, with large families living together in small spaces, which contributes to the spread of contagious diseases, such as tuberculosis, and the exposure of young children to domestic violence and sexual activity;
• as many as 80% of households in some informal settlements depend on child welfare grants and pensions for their survival;
• a rise in teenage pregnancies and HIV infections as a result of women selling sex in order to provide for their families; and
• increased alcohol and drug abuse, especially amongst unemployed males, which often leads to the increased incidence of domestic violence and sexual abuse.

Deteriorating health status

The provision of primary healthcare in townships and informal settlements is seriously affected by urbanisation. As local authorities do not have adequate statistics to enable effective proactive planning for urbanisation, primary healthcare facilities in townships and informal settlements often have insufficient capacity to provide effective primary healthcare:

• facilities are understaffed with the workload in some instances doubling from one year to another e.g., the nurse-to-patient ratio increased from 1:30 to 1:74 in one clinic visited;
• insufficient staffing means that many patients have to be turned away from clinic facilities unattended to, often after waiting in queues for hours;
Local impact

Chapter 7

• inadequate supplies of medical equipment and medicines to meet the needs of the community; and
• the lack of proper clinic facilities and services in some informal settlements sees these areas being provided service by means of satellite clinics – e.g., a satellite clinic visiting a community of 15 000 people three times month for four hours at a time.

Having to stretch scarce resources in order to deliver services results in a deterioration of the health status of these communities. As a result of only being able to deal with the day-to-day demand for care, the health status of communities is not monitored effectively over time and sufficient proactive preventative healthcare measures are not put in place. This further exacerbates the current cycle of crisis management of healthcare in these communities.

The prevalence of HIV/AIDS is reported to be extremely high in urbanised communities with a high influx of people from other areas. Low educational levels and illiteracy among ex-farm dwellers are perceived to contribute significantly to high infection rates. The high prevalence of HIV/AIDS in turn leads to increased numbers of AIDS orphans, child-headed households and street children in these communities.

Deteriorating educational services

Educational services in urbanised settlements are significantly affected by the influx of people into these areas. Similar to healthcare facilities, educational facilities in these settlements are being overloaded and therefore constrained in delivering quality services.
Schools have to deal with an ever-increasing number of learners, but their capacity in terms of human and financial resources is not being strengthened. Many schools deal with this problem by introducing morning and afternoon classes. Although this arrangement enables schools to accommodate more learners, the quality of education is affected as teachers are overworked and often still have to deal with classes of up to 70 learners (compared to the recommended level of 30–40 learners per teacher).

In order to meet the need for more classrooms and facilities within budgetary constraints, additional informal structures are often added to existing formal school structures. These structures are often without electricity, phones or sanitation facilities.

Rising crime levels

High levels of crime often go hand-in-hand with high levels of unemployment. Because of poverty, people turn to crime for survival and, as a result, communities are unsafe. There is concern about a general increase in:

• robbery and theft;
• illegal gun transactions;
• drug dealing;
• gang activities;
• domestic violence; and
• sexual abuse.

According to an SAPS inspector in a rural township, police services are seen as inadequate in many communities as a result of the shortage of personnel and other resources.

A serious concern is the perceived increase in corruption and fraud that exploits those most in need, such as evictees.

Deteriorating social networks

With regard to social networks, it is clear that urban settlements provide better opportunities in terms of being able to join burial societies and stokvels and the like, as well as participation in community meetings and activities, and decision-making with regard to the development and the organisation of the community. Although it is often assumed that this provides opportunities for individuals to build social networks within the community, the perception is that the social networks within
the community as a whole are not strengthened by people from other areas moving into the community. People settle in their new communities by associating with others from similar backgrounds or circumstances. These different groups within the community do not integrate effectively and therefore the community as a whole does not gain in terms of stronger social networks.

**Infrastructure and development delays**

Changes in the size and shape of communities affect all areas of service delivery. Most urbanised settlements faced with a regular influx of people from other areas do not have the infrastructure or the capacity to deal with the situation effectively. Development is delayed because planning cannot keep up with provision of services and, further, because official statistics do not keep pace with the influx of people into the community.

Because there is no spatial planning, the community becomes disorganised – people put up shacks wherever they want to, making service delivery virtually impossible. This is accompanied by constraints in terms of human and financial resources that result in:

- long waiting lists for low-cost housing;
- slow service delivery in terms of infrastructure such as water, sanitation and street lights;
- insufficient transformer capacity to provide electricity results in many illegal electricity connections;
- ineffective maintenance of sewerage systems leads to regular blockages; and
- ineffective management of illegal dumping of waste and solid disposal causes a health risk.

Local authorities also complained of a lack of space for the development of:

- recreational facilities; and
- burial grounds.

There is a lot of fraud. It is only when you know people in high places that you get something. The councillors even sell RDP houses to get the money themselves. (Spiritual leader, formal settlement).

Corruption is a big problem; local officials are selling land to the desperate ones. (Municipal officer).

People from farms come from a different social orientation and when they come here they have to learn a new way of living. They associate with other people from farms and sometimes they find it difficult to integrate into the community. People reject them because they are different, they sometimes feel inferior. (Ward councillor).

We even have shacks in the open spaces where the children used to play... you cannot see where we used to walk – it is covered with shacks. (Professional nurse, informal settlement).
Impact on rural relocation settlements

Farm evictees relocating to rural settlements such as other farms, traditional settlements or rural informal settlements mostly do so because these settlements provide them with a familiar environment within which they feel comfortable, and which may be close to the farm from which they were evicted. As these settlements are not generally perceived to provide the same kind of opportunities as more urbanised areas, the influx of people into informal rural and traditional settlements is significantly smaller. It is therefore not surprising to find that, although these communities are affected in a similar way to urbanised communities, there is a less severe impact.

In traditional relocation settlements, people from other areas are allocated stands on which they have to build their own dwellings. Although sanitation and water services are not well provided in these settlements, this could not be attributed to the influx of people into the settlement, but rather as part of a long history of very poor service provision. Overcrowding of educational facilities and public transport is, however, more closely linked to the influx of people into the area.

In informal rural settlements, the impact of an influx of people into the community is similar to that in informal urbanised settlements, although the community is less severely affected. It is only with regard to educational facilities (which are inadequately provided in rural settlements) that the impact is even more significant in rural informal settlements, resulting in teacher-to-learner ratios increasing to as much as 1:80 in some schools visited. That is more than double the prescribed 1:30–40.

Joshua Twala a labour tenant in Mpumalanga who suffers ongoing harassment from farmers who have threatened him, killed his dogs and fired shots at his house.
Impact on local authorities

According to the Constitution:

- **Everyone has the right to have access to adequate housing.**
- **Everyone has the right to have access to:**
  - healthcare services;
  - sufficient food and water; and
  - social security.
- **Everyone has the right to basic education and to equal access to educational institutions.**

Given the basic rights of evictees to have access to housing, water and basic services as well as healthcare and education, this section tries to provide an estimate of the annual costs to local authorities in South Africa if they were to ensure that evictees’ rights are secured.

Based on the fact that, on average, 18,146 households have been evicted from farms annually since 1994, and that 16,822 of these households have relocated to settlements other than farms, it is estimated that the costs described in Table 30 will be incurred annually if farm evictees that have not relocated to other farms are to be provided with RDP housing, basic services (as described in Table 29), education, and primary healthcare facilities.

### Table 29: Level 1 basic services for settlements

<table>
<thead>
<tr>
<th>Service</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>Communal standpipes</td>
</tr>
<tr>
<td>Sanitation</td>
<td>Sewage collection/disposal</td>
</tr>
<tr>
<td>Electricity</td>
<td>5–8 Amp or non-grid electricity</td>
</tr>
<tr>
<td>Roads</td>
<td>Graded</td>
</tr>
<tr>
<td>Storm water drainage</td>
<td>Earth-lined open channel</td>
</tr>
<tr>
<td>Solid waste disposal</td>
<td>Communal (residents)</td>
</tr>
</tbody>
</table>

---

51 These and other socio-economic rights must, according to the Constitution, be progressively realised within the resources available to the state.
Table 30: Estimated annual costs to provide farm evictees with housing, basic services, education and healthcare

<table>
<thead>
<tr>
<th></th>
<th>Estimated no. of units per annum</th>
<th>Estimated cost per unit (based on crude average estimates provided by local authority representatives and other informants)</th>
<th>Total cost incurred per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>RDP housing</td>
<td>16 822 households</td>
<td>R13 138.82 to provide a stand, R18 791.64 to build a 30m² house (Source: Department of Housing)</td>
<td>R537 131 198</td>
</tr>
<tr>
<td>Basic Level 1 services</td>
<td>16 822 households</td>
<td>R2 000 (Source: cost estimates provided by various local authorities)</td>
<td>R33 644 000</td>
</tr>
<tr>
<td>Education</td>
<td>30 325 children between the ages of 6 and 18</td>
<td>R700 per capita (Source: Cost estimation provided by Department of Education as well as individual schools)</td>
<td>R21 227 539</td>
</tr>
<tr>
<td>Health services</td>
<td>85 664 evictees</td>
<td>R200 per capita (Source: Department of Health and individual clinics)</td>
<td>R17 132 782</td>
</tr>
<tr>
<td>Total costs per annum to provide all evictees that have relocated to settlements (other than farms) with housing and basic services, as well as all evicted children between the ages six and 18 with education, and all evictees with primary healthcare services</td>
<td>R609 138 519</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Aspirations of evictees

Chapter 8

John Malgas with his wife on the farm Kaapzicht where he has worked for more than 30-years from 7am to 7pm daily for R220 per week.
Introduction

The main hope we have for this research project is that it may contribute to actions that improve the lives of farm dwellers still on the farms and those who have been evicted. Therefore, the evictees interviewed were asked what they thought should be done for farm dwellers and how they would like to improve their own lives. This short chapter captures the responses to these questions, giving some indication of the suggestions and aspirations of the evicted farm dwellers themselves.

Aspirations for themselves

Not surprisingly, the most common improvement evictees want in their lives is for a job, or a better job than they have at the moment. It is not just the unemployed who seek a job, but also many who eke out a living from temporary jobs and informal micro-businesses who see a full-time and more formal job as the way to a more secure future.

When asked about their ambitions and aspirations for the future, it became clear that many farm dwellers are farmers at heart. The evictions not only robbed them of their source of income, their homes and their possessions, but also of their identities as ‘farmers’; identities that were cultivated on the farms where many worked for land owners and also engaged in their own production. Despite the tenure insecurity and other human rights violations experienced by many of the evictees, more than 20%, just fractionally less than those who prioritised employment, would like to return to life on a farm. Ideally, they want a piece of land they can call their own, that they believe they will be able to produce on to improve their livelihoods.

A substantial number of the evictees, over 17%, see improvements in their lives coming from access to government grants or an increased grant amount, with a similar number of respondents wanting improved housing and services. The expectations of government grants and services and the dependency that it indicates is a cause for concern. Over 34% of respondents are waiting for government to provide, even though the question they were asked is: ‘how would you like to improve your life?’ A more encouraging result is the 11% of respondents who want to start their own business of some kind.

Some people have argued that the priority in South Africa is job creation and that there is no significant interest in land reform, farming and land for production (CDE 2005). Our findings confirm the obvious reality that not everyone wants to be a farmer and having a job is important, but they also show that a significant proportion of people are interested in agriculture if given the opportunity. We should also not make the mistake of assuming that those who prioritise getting a job or starting their own business have no interest in farming. Farming is a real option.
for these people if it can offer the jobs and business opportunities they want. The situation is not an ideal one where people have the opportunity of getting work and choosing the types of jobs they want; it is a question of what can realistically be provided to meet people’s needs, even if this does not necessarily fulfil their dreams. For many of the poor, with low levels of education and limited or no work experience, an expanding agricultural sector and related businesses could, especially in rural areas, offer the best chance of employment. Table 31 gives an overview of the aspirations of evictees.

Table 31: Aspirations of evictees

<table>
<thead>
<tr>
<th>Aspiration</th>
<th>% of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better/full-time employment</td>
<td>22.0%</td>
</tr>
<tr>
<td>Own a piece of land to farm and generate an income to support the family</td>
<td>21.6%</td>
</tr>
<tr>
<td>Financial assistance in terms of grants/increase in grant amounts</td>
<td>17.7%</td>
</tr>
<tr>
<td>Better housing with basic services</td>
<td>17.2%</td>
</tr>
<tr>
<td>Opportunity to start own business</td>
<td>11.2%</td>
</tr>
<tr>
<td>Education/training for oneself or one’s children</td>
<td>4.3%</td>
</tr>
<tr>
<td>Content with current situation/no further aspirations</td>
<td>3.4%</td>
</tr>
<tr>
<td>Have given up hope</td>
<td>1.3%</td>
</tr>
<tr>
<td>Other</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

These two quotations serve as an example of the longings of those evictees who want to return to the life they knew on the farms.

“I just want to go back to the farm as here I am not at peace.” (59-year old male evictee, Bronkhorstpruit, Gauteng).

“I like farming very much and it will be my dying wish if somebody can buy me a farm and its equipments so that I can do farming …that will improve my life.” (42-year old male evictee, Slovo Park, Free State).
Suggestions for farm dwellers

The most common improvement suggested for farm dwellers involved provision of houses or improvements to housing. This recommendation, made by around 30% of respondents, was often accompanied by a call for the provision of basic services such as water and electricity.

Improvements in salaries, benefits and working conditions was the second most frequently-made set of suggestions, at just over 22%, reflecting the importance of employment conditions for farm dwellers who are often also farm workers.

After improved working conditions, giving farm dwellers land of their own was the most common suggestion and was made by over 17% of the respondents. Many evictees emphasised the need for farm dwellers to have land for production and some also suggested government support to assist farm dwellers with farming.

The other major intervention suggested by over 13% of the evictees was to educate farm dwellers about their rights and to make other interventions, mostly by the government or farm workers’ unions, to defend those rights. Some also suggested prosecution or some form of punishment for exploitative and abusive farm owners.

A range of other suggestions were made, including general suggestions of respecting farm dwellers and treating them with dignity and providing better education. A few respondents suggested that farm dwellers should move to townships where they could get better services. Other issues mentioned by some were to ensure access to clinics and churches and to allow farm dwellers to live with their children and families.

“They should have projects for pensioners – land where they can grow maize and keep chickens.” (65-year old female evictee, Tshiame B, Free State)

“There is nothing they can do for me now!” (75-year old female evictee, Phomolong, Gauteng).

Mary, Mimi, Magdaline and her daughter Veronica. The church that owns the farm is trying to evict them so that it can sell the land.
Conclusions

Benjamin and Rachel with their family on the steps of their house on a farm in the Western Cape.
The most striking finding that emerges from this survey is the sheer scale of the eviction problem and, in addition to evictions, the large number of people leaving farms. To have close to a million people evicted from farms in the ‘new’ South Africa, suffering what the United Nations Commission on Human Rights has described as ‘a gross violation of human rights’, must worry us all. To find that close to half of those evicted are children should drive home the urgent need for action to address this situation. Children are particularly vulnerable and deserving of protection as confirmed by the Constitution, which promises additional protection for children including the right to have ‘basic nutrition, shelter, basic healthcare services and social services’.

The continuing dispossession of black people of land from the apartheid era well into the post-apartheid era is a shock and cause for great concern. More black people have been evicted from white farms in the first ten years of democracy than were evicted in the previous ten years under apartheid rule. Judging from the estimates of the Surplus People Project (Platzky & Walker 1985), it seems that even in the heyday of apartheid, fewer black people were forced off farms than in the honeymoon decade of our new democracy. SPP concluded that the forced removals of the 1960s and 1970s were central to the apartheid system and essential for its survival. What then should we make of continued evictions from farms today?

The tenure insecurity of farm dwellers in South Africa today is a product of the colonial and apartheid history of the country. The need to deal with this situation was acknowledged in the negotiations that led to the first democratic elections in 1994 and is reflected in the Constitution of South Africa. The Constitution requires the government to give secure tenure or ‘comparable redress’ to people who have insecure tenure because of past racial policies (Section 25(6)). It also declares that no one may be evicted without a court order (Section 26(3)). It is all the more disturbing, then, that over the last ten years so little has been done and so little has changed for farm dwellers.

The reasons behind evictions appear, from the trends and the perspective of farmers interviewed, to be largely economic. Over two thirds of evictions had a direct link with employment factors on the farm, even for those evictees who were not themselves working on the farm. The biggest problem is that while farmers are making and enforcing decisions based on their best economic interests, the farm workers – over 90% of whom are not unionised – and farm dwellers have no power to defend their own economic interests. The powerlessness of farm dwellers, combined with inadequate enforcement of rights, means there is nothing that effectively counters the often narrow self-interest of land owners.

**Forced removal of black South Africans from farms**

<table>
<thead>
<tr>
<th>Period</th>
<th>Number</th>
<th>Average per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960–1983</td>
<td>1 100 000</td>
<td>47 830</td>
</tr>
<tr>
<td>1984–1993</td>
<td>740 000</td>
<td>74 000</td>
</tr>
<tr>
<td>1994–2004</td>
<td>940 000</td>
<td>85 450</td>
</tr>
</tbody>
</table>
Conclusions

The largest number of evictions occurred in years following severe droughts when farmers were under extreme economic pressure. The next largest number of evictions occurred in 2003, coinciding with the regulation of basic conditions of employment on farms and including the imposition of a minimum wage. We do not believe that this unfortunate response to regulation of conditions on farms should become a reason for the removal of such regulation or an argument against further regulation where required. The conditions of poverty and super-exploitation that existed on farms justified an intervention by the state to set certain minimum standards acceptable in our post-apartheid society. The preceding decades of job-shedding in the agricultural sector also make it clear that job losses, while perhaps accelerated in 2003 by the minimum wage, cannot be blamed on regulation. It is not necessarily bad in the long run if certain interventions by the state accelerate modernisation and change in the form of increased mechanisation and end what must already have been marginal production on some farms. The most unfortunate finding is that no provision was made to deal with the foreseeable unintended consequences of the new regulations.

New tenure laws have been passed but these have weaknesses that leave farm dwellers as tenants with very limited rights on someone else’s land. Even where court processes are used there is a widespread belief that these processes are biased in favour of land owners. The eviction orders granted against unrepresented farm dwellers and the ‘anti-poor’ interpretations of the courts in a number of cases seems to justify this concern (see Roux 2004). The land owner-friendly decisions coming from the courts discourage farm dwellers and those assisting them from making use of legal process. With no access to legal representation and advice it is in any case impossible for most farm dwellers, even if they have some idea that their rights are being violated, to defend themselves.

Tabia and William Majapolo (seated on the chairs in the centre) with their extended family who were all threatened with eviction from a farm in Limpopo.
Conclusions

There has been no consistent provision of legal services by the state for farm dwellers, despite an obligation to provide such services, leaving it to ad hoc initiatives from some provincial DLA offices and, more often, NGOs that struggle to operate effectively with limited resources.

Women were found to be more vulnerable to evictions and often discriminated against by land owners, the courts and other farm dwellers. The clearest manifestation of this discrimination is the treatment of women by land owners and courts as secondary occupiers, deriving tenure rights purely from association with males in the household. This situation requires particular attention to be given to the defence of women’s rights and discrimination against women, especially by the courts, should be challenged.

Despite weaknesses in the legislation, the fact that so few evictions have followed any kind of legal process (just over 1%) makes it clear that an even larger problem is a lack of effective implementation. In hindsight, and looking at the scale of the problem as now revealed, it becomes obvious that no adequate and systematic implementation plan has been put in place. Available resources have been limited and no specific budgetary allocation has been made for the implementation by DLA of laws such as ESTA. Without a coherent and well-resourced programme of information dissemination, enforcement and monitoring, it should come as no surprise that implementation has been poor.

For most of the respondents the eviction was a traumatic event. Sometimes it was accompanied by threats and violence. There was often fear and a sense amongst farm dwellers that they could not challenge the eviction or approach the land owner to negotiate. Most of the evictees were given very little time to leave, exacerbating the disruption to their lives. Evictees had to, under difficult circumstances, re-establish their lives including finding a place to stay, getting a new source of income and arranging schooling for children. This all had to be done with almost no financial resources. Even where the evictees had been working full-time on the farms, they had been living a hand-to-mouth existence below the poverty line. There was and remains no assistance from the government for most evicted people. The one factor that seems to have enabled evictees to survive is the social and familial networks that they were able to turn to.

Evictees, even those evicted years ago, continue to live in poverty with over 60% of evictee households living below the Stats SA poverty line of R322 per person per month, and the balance of evictees are only marginally better off. Extremely low levels of education (37% of adult evictees had no formal education at all and less than 25% had gone beyond primary school) combined with work experience limited largely to farming, have made it difficult for farm dwellers to establish new lives off-farm. It has been even more difficult for older people and women. Less than 14% of evictees in the 55–65 age range were able to find employment, highlighting the negative consequences of eviction for older people, many of whom have given a lifetime of service on the farms from which they were evicted. Only 18.8% of adult women evictees found employment after being evicted, compared to 59.5% of men, leaving many female-headed households in dire straits.
Conclusions

Despite the higher level of unemployment amongst evictees after eviction compared to when they lived on farms, the average household still managed to increase its cash income, largely due to higher wages for those who are working and a dramatic increase in the takeup of government grants. The benefit of an increased cash income is, however, offset by increased expenses such as paying for transport to work. The main breadwinners in evicted households spent an average of over R150 per month on transport to work, an expense they did not incur when working on the farm. Most evicted households also incurred expenses for the purchase of electricity, firewood, and paraffin used for heating and cooking that they had received for free or as part of the employment package when on the farm.

While on the farm, evicted households had benefited substantially from access to natural resources, such as firewood and wild vegetables, that they could collect for free. These benefits, along with access to land for their own livestock and production of staple foods such as maize, were largely lost after the eviction, taking away important contributions to people’s livelihoods.

A clear trend has been the shift in the livelihood strategies of evictees to more dependence on the state, largely through receiving state grants, from a situation where they previously had more independent livelihoods based on farm employment, their own production and access to natural resources. Around 23% of evicted families rely on state grants and pensions as their main source of income. This is ten times the number of families who relied on these as the primary source of income when they lived on the farms. Despite this big increase in dependence on government grants, it was found that there are still large numbers of evictees who appear to be entitled to grants and pensions, but are not yet accessing them.

Most evicted households have undoubtedly found themselves in settlements with better access to services such as schools, shops and transport than they had on farms. However, a lack of access to finance and their marginal position within their new communities severely limits the extent to which evictees are able to utilise these services. Even in formal urban settlements, less than 40% of evicted households are using electricity for cooking and heating.

Around a third of the evicted farm dwellers interviewed knew nothing about their tenure rights. Those who had some sense of their rights felt powerless to challenge their evictions and wanted assistance, but the vast majority of them did not know where they could get such assistance. The main form of assistance they wanted at the time of the eviction was legal. Many felt the need for someone who could represent them and talk to the owner. Ultimately, very few of the evictees received any kind of assistance.

The fact that so many people can be evicted with so little attention being given to the issue illustrates just how vulnerable and neglected farm dwellers are. When on the farm, farm dwellers are invisible to most of the rest of society, especially the largely urban-based decision-makers and researchers. The average urban citizen sees and hears little about farm dwellers. The middle and upper classes are even less aware. Even for those who travel through rural areas, the majority of farm dwellers remain unseen, they are off the main roads, their houses often behind a
clump of trees or on the other side of a hill. Evicted farm dwellers continue to be unseen, slipping into informal settlements, on the periphery of townships, and rural villages. We only notice that there are more and more shacks, sometimes next to small towns in farming areas, and often on empty land around urban centres and as part of haphazard extensions to existing townships and already crowded rural villages.

Over two thirds of all evictees found their way to urban centres, contributing substantially to urbanisation. They are also invariably finding homes within the poorer parts of the urban centres and, even in these areas, are amongst the poorest people. The expansion of informal settlements, in size and number, is not only due to people being displaced from farms, but there is no doubt that evictions are contributing to this phenomenon.

Aside from the obvious problems of evictions, the large number of people who are leaving farming areas, both by choice and through evictions – over 3.7 million since 1984 – has implications for farming and the nature of rural areas in the future. There are already indications that the work force on farms is ageing and HIV/AIDS is taking its toll, leading to the risk of labour shortages on farms. Any labour shortages could prevent agriculture taking advantage of the current improvements in the economy and improved terms of trade that the South African government and other developing countries have vigorously pushed for in international forums, such as the World Trade Organisation, over the last years.

Jan and Mietjie Mattys with their and a neighbour’s children, all evicted from a farm where Jan worked for 11-years. They claimed land and it was returned to them, but it is of no benefit yet.
Conclusions

The exodus from farms is a disaster for the land reform programme that, amongst other things, is seeking to bring new farmers into the sector and use agriculture as one of the drivers of rural development and poverty alleviation. Many have argued for a land reform programme to include the subdivision of land into more productive farming units, creating more opportunities for small farmers and more job opportunities within labour-intensive production systems. However, the opposite process is going on, with more black families evicted from farms since 1994 than have gained access to land through the government's land reform programme. At the same time, the number of commercial farming units has been declining.

The extent to which the changes in agriculture are inevitable or products of distortions and particular policy choices is subject of much debate that cannot be resolved here. We certainly believe that there is room for far more production and job or livelihood creation in South African agriculture. This is informed by the low levels of productivity on many 'commercial' farms and the increasing amount of land being converted to recreation and conservation uses with negative consequences for farm dwellers and little, if any, benefit to the rural and urban poor more broadly.

The attachment many farm dwellers have to farm life should not be underestimated. More than half the children and 15% of the adults evicted were born on the farms they were evicted from. Over 58% of adults had lived for more than ten years on the farm they were evicted from, and many had previously lived on other farms in the same area. There are those, especially of the younger generation, who have become used to a more urban life and would not dream of returning to a farm, but there are others who still feel they know farm life and want no other. Most of those not wishing to return to farms cite reasons such as the poor treatment on farms and the lack of services. Despite these problems and the bad experiences of many evictees, as many as 27% wanted to return to life on a farm.

Tragically for the agricultural sector and the land reform programme, the country is continuing to lose black farmers through evictions. People who want to farm, have experience and, in many cases, were involved in their own production, are being forced out of farming. Many evicted farm dwellers had their own livestock (45%) and grew their own crops (59%) but, after being evicted, most had to give this up. They lost access to land and lost livestock and other farming assets during the eviction process. This obvious target group for land reform initiatives has been largely ignored; less than one in 20 of the households that have benefited from land reform are part of the tenure reform programmes aimed at farm dwellers.

The continued evictions of black farm dwellers is consolidating apartheid spatial planning, with black families being removed from the same areas declared in the 1913 Land Act to be for white occupation and finding themselves in townships and villages allocated for black occupation throughout the apartheid era. As well as being politically problematic, this has practical implications such as the distance that these poorest members of the society have to travel to places of work, with almost every one of the main breadwinners from the evicted households interviewed...
having to utilise public transport to reach work. It is also telling that unemployment levels are higher among evictees in formal urban settlements and rural formalised townships than in the informal settlements in the urban and rural areas. Clearly the formal settlements that evictees have access to are largely inappropriate for finding work.

The communities where evictees settle are the same places where the government is having most difficulty in delivering services, as was brought harshly to light by a succession of protests and riots related to poor service delivery around South Africa during 2005. The service delivery challenge is clearly exacerbated by the large-scale influx of evictees that has not been anticipated and planned for.

Possible interventions

We believe that a multi-pronged intervention strategy is needed to strengthen the legislation, improve its implementation, and proactively implement long-term developmental solutions. There needs to be a strengthening of farm dwellers’ rights in the law and a systematic, well-resourced programme to ensure awareness of rights and enforcement, including action against transgressors. However, it is clear that, even with better implementation, legal interventions will not create long-term solutions to a problem of this scale. A developmental intervention is needed with the focus on creating new settlements within farming areas that give farm dwellers homes and production opportunities of their own. While the creation of such settlements should in the long term reduce the ongoing tensions and evictions associated with farm dwellers being on someone else’s land, there may be increased problems during the implementation period. This requires improved legislation and enforcement to protect rights during the implementation process. We should also not be so naïve as to believe that all situations of tenure insecurity can be solved. For this reason, appropriate tenure regimes that include the protection of people living on land belonging to others, backed by programmes of implementation, must remain part of the long-term vision of what is needed in farming areas.

Strategies are also required to ensure that those who do move off farms, whether through evictions or out of choice, are able to integrate into sustainable communities where they can enjoy a reasonable quality of life. Planning around the influx of people from farms is especially important for the type of urban settlements where it has been found that the majority of evictees go.

This study has established clear factors that are likely to lead to an increased number of evictions. Monitoring these and preparing responses to counteract or deal with evictions at times and in places of high risk will be an invaluable part of a systematic approach. There is likely to be a large number of evictions at any time that there is increased financial pressure on farms, such as during droughts, if there is a worsening trade situation for particular crops, and when new labour or other laws and regulations come into effect. Changing land use and farming operations – whether due to mechanisation, new business opportunities, certain crops becoming unviable, or other factors – are all likely to lead to increased evictions. All of these factors can be monitored at a local and national level, and responses made in time to avert evictions, or to deal with the consequences of evictions.
Conclusions

In creating new settlements, the pull-factors that evictees identified as informing the choice of where they settled after being evicted can serve as a useful guide to what farm dwellers are looking for in a settlement. The factors attracting farm dwellers to farm life and those discouraging them can also serve as a useful guide in the design of land reform projects that target farm dwellers. What emerged strongly in the study is the importance for evictees of: attachment to social and familial networks; secure tenure; proximity to where they lived before; employment opportunities; and access to services, especially schooling for children.

While working on longer-term solutions, it is essential that some immediate steps are taken by government and civil society to deal with the current crisis of continuing evictions. The government should take a lead in dealing with the immediate crisis through interventions such as providing legal services and more resources for monitoring and enforcement, while putting in place mechanisms to ensure more permanent solutions. At the same time, while government’s response continues to be inadequate, a critical role remains for NGOs and funders in the sector to defend the rights of farm dwellers, while advocating for and contributing to the development and testing of alternative and lasting strategies.

Interventions to tighten up legislation and improve enforcement are likely to provoke similar responses to those seen in the past with, for example, the imposition of the minimum wage. This requires a holistic approach that includes strategies to deal with the range of unintended consequences of the intervention. Obviously improved enforcement, in particular of deterrent measures, could assist but it will also be necessary to have alternatives in place such as making available land and other support measures to enable retrenched and evicted farm dwellers to re-establish themselves in improved conditions.
One of the recurring arguments in debates on how to deal with farm dwellers in South Africa is between those – mostly land owners – who want to see ‘off-farm’ settlements and those – mostly workers’ unions and NGOs – who want to see ‘on-site’ settlements. Land owners tend to envisage farm dwellers moving from where they are to new settlements, while advocates for farm dwellers rights believe that many long-term dwellers should be entitled to stay where they are. Meanwhile, government officials tasked with implementation of the tenure programme are primarily interested in the creation of what they consider to be ‘sustainable’ settlements, with lowering the cost of service delivery being the overriding consideration.

We believe that there cannot be blanket solutions imposed for all situations and the element of choice for those concerned must always be respected. There are long-term, sometimes lifetime, occupiers who should be entitled to stay where they are if they wish to. There are circumstances where acquiring the land already occupied by farm dwellers in order for them to have secure homes, by expropriation if necessary, is the most cost-effective and just solution. In other circumstances, it may be more appropriate to establish a new settlement in a farming area where none currently exists. A range of options need to be made available and flexible standards may be required to accommodate different settlements in farming areas that meet the needs of farm dwellers and are appropriate for the circumstances in that area. What must be avoided is the continued removal of people against their will, especially to settlements that offer no future and simply further entrench the inequities of the apartheid spatial framework.

Improved education for farm dwellers must be a priority as this is one of the keys to improving their chances of succeeding in other sectors and on farms, especially with increased skills requirements in modern farming and the increasing number of conservation and tourism ventures.

The limited social networks and organisations in farming areas is a key area for intervention. Improved social capital will start to provide better flows of information to farm dwellers and create opportunities for farm dwellers to organise to defend their rights and drive development initiatives. Organisation could start with initiatives such as burial and savings societies. These and other intervention strategies need to be investigated further, in particular by NGOs. Any progress in developing improved social capital will assist in reducing the powerlessness of farm dwellers since effective unionisation will unfortunately remain beyond the reach of farm dwellers for some time to come.

One area around which there is some level of agreement between farm owners and farm dwellers, albeit with differing motivations, is the need for farm dwellers to have homes of their own. This can give farm dwellers the independent tenure security they need and relieves farm owners of the burden of accommodating people on their land, with all the inconvenience and possible demands for services that go with that. The downside for farmers is that they will increasingly have to compete with other possible employers for workers as the workers live more independently with better opportunities to look for other forms of employment. Essential for
farm dwellers is that they not only get homes of their own, but also get their own independent production and income-earning opportunities. Without providing real economic opportunities, new settlements will not be viable and will perpetuate a dependency on the same farms, but with farm owners no longer carrying any responsibility for the survival of farm workers, their families and communities.

Work can still be done to improve the situation of already evicted farm dwellers where they are. This could be part of broader programmes that are needed to benefit poor people in general, many of whom face similar constraints to evictees. The suffering that evicted farm dwellers have been through, and some of the particular circumstances they face, can also justify programmes that target farm evictees specifically. It is possible to go to the types of settlements where it has been found that there are likely to be a high number of evictees and to promote programmes to respond to the specific needs of evictees.

Far more needs to be done within land reform programmes to ensure that farm dwellers are targeted and do benefit. Given the interest in land that many evicted farm dwellers still have, they could also be specifically targeted with proactive interventions. The skills that many current and ex-farm dwellers have, and their interest in farming, make them ideal candidates for land reform.

On numerous occasions, President Thabo Mbeki has spoken with passion about the importance of government, in partnership with others, working to eradicate poverty and discrimination to ensure a better life for all, in particular for the poor (Mbeki 1999; 2002; 2004). Responding to this challenge requires far greater attention to be given to addressing the plight of farm dwellers, who rank amongst the poorest and most marginalised in our society. More specifically, the success or failure of land and agrarian reform must be judged by improvements in the defence of farm dwellers’ rights and the extent to which they benefit from the redistribution of land and changing power relations in rural areas.
Zilene Cupido is the 15-year old daughter of farm workers in the Western Cape.
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Personal communications

This book was based on interview questionnaires completed with evicted farm dwellers (details in Chapter 2), and on interviews with 17 farmers and one social worker (details in Chapter 5). In addition, information was gathered from the following representatives of six key organisations:

Judge Fikile Bam, Land Claims Court (interview)

Annelize Crosby, AgriSA (written reply to questions)

Letlhogonolo Gaborone, Rural Legal Trust (interview)

Mangaliso Khubeka, Landless People’s Movement (interview)

Sipho Khumalo, Food and Allied Workers’ Union (interview)

Teddy Matsitela, National African Farmers’ Union (interview)
Annexure 1: Organisations and government departments consulted before and during implementation of the research

AgriSA
Association for Community and Rural Advancement
Association for Rural Advancement
Atlantic Philanthropies
Department of Finance (Treasury)
Department of Land Affairs
Department of Land Affairs: Chief Directorate for Tenure and Redistribution, Tenure Directorate; Monitoring and Evaluation Directorate; and officials from provincial offices who are dealing with farm tenure issues.
Eastern Cape Agriculture Research Project
Food and Allied Workers Union
Ford Foundation
Foundation for Human Rights
Free State Rural Development Association

Human Sciences Research Council
Land Access Movement of South Africa
National African Farmers’ Union
National Land Committee
Programme for Land And Agrarian Studies
Rural Legal Trust
South African Human Rights Commission
Southern Cape Land Committee
Surplus People Project
The Presidency: Policy Coordination and Advisory Unit
The Rural Action Committee, Mpumalanga
Transvaal Agricultural Union
Women on Farms Project
Annexure 2:

Members of field teams

Eric Mauwane (Manager)  Mohau Maboe
Khathu Mathavha (Manager)  Mpae Bokaba
Angie Semenya  Mpho Mchaza
Barbara Makhale  Nelisa Mlonyeni
Benjamin Honwana  Noga Kobe
Charles Kunene  Pule Ndimande
Collet Ngwane  Semakaleng Mokgoko
Daphney Mathivha  S’nakho Mange
Dumisani Ngema  Thabo Rakgwadi
Faith Mavhungu  Tshegofatso Leeuw
Hangwani Tshisikule  Vuyokazi Ngxamngxa
Jacob Besnaar  Zanele Mgimet
Linah Mamabolo  Coleman Mabunda (Pilot only)
Michael Motlhaga  Hebron Mashangwane (Pilot only)
Mogale Magaoga
Annexure 3: Description of settlement types

The primary dataset used in the Social Surveys model is the Stats SA national census. The National Evictions Survey has used the Stats SA definitions of various settlement types. The range of settlement types in which evictee households have settled are described below.

- **Urban settlements** – heterogeneous densely populated settlements located within proclaimed local authorities:
  - *Formal urban settlements* – residential settlements mainly comprising houses, flats, hotels and boarding houses, although often also including a considerable number of backyard shacks.
  - *Informal urban settlements* – residential settlements with mainly informal/shack type dwellings on land which has not been proclaimed as residential areas and where there is limited access to basic services.

- **Rural settlements** – small, homogeneous and less densely populated settlements within non-urban areas of the country including:
  - *Farm settlements* – populations residing on commercial farms normally with large sections of cultivated land or fields that are used for grazing.
  - *Informal rural settlements* – population concentrations in non-urban areas mainly with shacks/informal dwellings and limited provision of basic services.
  - *Traditional rural settlements* – settlements/villages on communal land predominantly in the former homelands and falling under the administration of a traditional authority. Housing normally includes formal, semiformal and traditional dwellings such as huts and rondavels. Traditional rural settlements are characterised by more than one structure per plot with most households involved in some sort of agricultural production, although often on limited land.
  - *Rural townships* – densely populated areas, sometimes formalised as townships, within non-urban areas of the country. Housing includes formal and informal dwellings and these settlements differ from other rural settlements with regard to the level of infrastructural development and service provision. Infrastructure is more developed than in other rural settlements and there are high levels of service provision.

- **Smallholdings** – settlements represented by small farms usually on the outskirts of towns and cities. Activities on smallholdings are mainly small-scale intensive farming, although some are used purely for residential purposes and sometimes for other business purposes.

- **Industrial settlements** – settlements situated within areas where manufacturing takes place. Light industrial areas are smaller and usually concentrated closer to town/city centres. Heavy industrial areas are found near main roads, railways, harbours and airports.
• **Hostel settlements** – settlements situated in proclaimed urban areas where hostels are provided as housing for employees by employers such as mines, factories, and power stations. Public hostels are also included under this definition.

• **Institutions** – settlements with mainly collective living quarters usually represented by more than one building on a very well-defined piece of ground and which are usually fenced or walled in. These settlements include hospitals, prisons, hotels, army barracks, and educational facility hostels.

• **Recreational settlements** – settlements situated within nature reserves, forest areas, public entertainment areas, golf estates, parks and botanical gardens.

• **New settlements** – settlements that are mainly informal rural settlements in nature but which have been established after the 2001 census and are therefore not reflected within current national population estimates. These areas have however have been identified by the farm eviction survey as evictee relocation areas.
Annexure 4:

Resolutions on ‘Security of tenure on commercial farms’ as adopted at the National Land Summit (27-31 July 2005)

Terminology

• The commission was not happy with the terms ‘farm dwellers’ and ‘farm occupiers’. An alternative term was not finalised, although one suggestion was something along the lines of “indigenous people” or ‘Abantu bendabuko’. However, in this report we have continued to use the term ‘farm dweller’

Urgent actions

• A moratorium on all evictions until new legislation and programmes are in place to properly defend farm dwellers. (Not supported by Agr-SA: legal evictions should still be possible, and municipalities should have programmes to accommodate those affected)
• A Presidential Commission of Enquiry into the situation of farm dwellers, including review of previous evictions and other violations of people rights on farms
• Government must, in partnership with civil society, develop a coherent and proactive strategy to secure farm dwellers’ rights, with a large and dedicated budget, and dramatically increase its capacity to both protect rights and secure independent land for farm dwellers

Enforcing the laws

• DLA, the Dept of Labour, Home Affairs (due to the abuse of illegal immigrants on farms), police, prosecutors, courts and the Legal Aid Board must commit themselves to enforcing people’s rights (land rights, protection of livestock, access to graves, visitors rights, freedom of movement) and providing free legal services to farm dwellers, with immediate effect
• Farm dwellers must be allowed to participate in Community Policing Forums on equal terms with farmers and all other stakeholders, and get time off work to do so
• The abuse of the Trespass Act to evict farm dwellers must end, as it no longer applies to farm dwellers – it has been amended by ESTA
• DLA needs new powers for enforcement of tenure laws and the human resources to use these powers, as do other departments such as Dept of Labour
• Farm dwellers should not be forced to pay rent for living on and/or using the land for livestock and other purposes
• Transformation and monitoring of the police is urgently needed, to overcome their bias against farm dwellers and ensure immediate action against farmers that violate the law (and in particular tenure laws)
• DLA and the criminal justice system must ensure prosecution and suitable sentences for violators of tenure rights

Amending the laws

• Government must amend and amalgamate ESTA/LTA by the end of this financial year, with the full involvement of all stakeholders. (Agri-SA supports the review of ESTA and LTA provided that an inclusive consultative process is followed.)

• Amendments to LTA and ESTA should strengthen the rights of farm dwellers, including the following:
  • The current definition and rights of long term occupiers under ESTA is not good enough, therefore create a class of long term non-evictable occupiers with a revised definition (i.e. they cannot be evicted regardless of crimes or violation of agreements);
  • Separate tenure rights from labour arrangements – dismissal should not lead to a person losing their home;
  • Create a direct legal route for farm dwellers to have their tenure security (and other rights such as the right to visitors) confirmed;
  • End the discrimination against women that positions them as minors whose land rights are dependent on a male household head;
  • Create enforceable rights to service provision;
  • Ensure protection of farm dwellers’ livestock and proper valuation and compensation for these; and
  • Ensure strong burial rights and access to graves in accordance with people’s culture.

(Agri-SA cannot support the proposed amendments without careful consideration; it could never agree to the separation of tenure rights from labour arrangements. It will make inputs on an Amendment Bill)

Land

• Government must proactively acquire land, using expropriation where necessary, for the creation of sustainable settlements for farm dwellers and to give long-term recognition of their rights within commercial farming areas. (Agri-SA is in favour of off-farm rather than on-farm solutions and expropriations should be a measure of last resort.)

• To enable access to land of their own for farm dwellers the following are recommended: review of the property clause; a one person-one farm rule; limitations on farm size; the subdivision of large farms; the end of the willing-buyer willing-seller approach. (Agri-SA’s view is that the property clause is a critically important part of the democratic compromise and should not be tampered with.)

Development

• Land that farm schools are on needs to be expropriated in order to secure their future, and the state must provide adequate resources and support to ensure that children on farms receive a high quality education
• Include farm dweller settlements as part of Integrated Development Plans and ensure service provision as part of municipalities’ responsibility for the defence of farm dwellers rights and support for the development of long term solutions

• All development projects, particularly those requiring approvals from departments of environment and tourism, must not be allowed to proceed without first securing the rights and getting the agreement of any farm dwellers on affected land. (*Agri-SA feels that farm dwellers should be consulted only if their rights are directly affected by the proposed development.*)

**Empowerment**

• Government and civil society must implement well-resourced programmes to build farm dweller organisation and capacity, including education to defend their rights and engage effectively in development planning and in driving their own development

• Farm dwellers must be have complete freedom of association to join unions and other organisations that can inform them of their rights and help them defend those rights

• Specific programmes are needed to empower women on farms and support them in asserting their rights.

**Accountability**

• A statutory structure must be created at the local level in order to monitor and enforce the implementation of the law; this should include all law enforcement agencies and farmers, who must play a more active role in finding solutions and ensuring respect for people’s rights

• Stakeholders, government and farmers must subscribe to a code of conduct and be held accountable

• Farmers who abuse workers and illegally evict farm dwellers must be expropriated. (*Agri-SA cannot agree to expropriation as a penalty.*)

**Communal land**

• Insufficient time to discuss communal land (former Bantustans, former “coloured” reserves) or urban land tenure (informal settlements etc)

• Strong feeling that DLA must further consult with the affected communities

• One recommendation was that these consultations take place within the Communications Strategy planned by the Department

• But some people feel strongly that this will not constitute adequate consultation.

**Communal land – some problems**

• Currently a lack of clarity on who owns “communal land”

• As a result people are experiencing problems with municipalities, who see it as state land

• Major problems in areas where land was transferred to “tribes” by the former Lebowa government, and “tribes” are under traditional leaders who were former homeland government Cabinet Ministers

• Some communities have requested LRC to challenge the CLRA in the Constitutional Court. On the grounds that it undermines rather than secure their rights.
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“This book on evictions has an all too familiar ring to it, with the people expressing the same resignation to their fate as they did nearly forty years ago. The Apartheid regime was almost universally condemned for its forced removals policy but the new one seems to be getting away with it.”

Cos Desmond, author of “The Discarded People” (published in 1967) that documented Apartheid era forced removals

“This study confirms that the fundamental issue is socio-economic rights. The challenge is to ensure that farm dwellers enjoy their full socio-economic rights as other citizens do”.

Glen Thomas, Director General, Department of Land Affairs

“A very important contribution to recording and interpreting the history of the oppressed and marginalised and hopefully a contribution to changing the course of that history for the future”

Shadrack Gutto, Director, Centre for African Renaissance Studies, University of South Africa

Black farm dwellers, living on farms that are still almost exclusively white owned, remain amongst the poorest and most vulnerable people in the South African society at the beginning of the twenty first century. This book presents the findings of a national survey of evictions from farms that has for the first time established how many farm dwellers have been evicted and the impact this has had on the livelihoods of the families affected. The survey used an innovative methodology and involved carrying out over 8,000 household interviews to establish credible data on this important, but under researched topic.

This book deals with evictions from farms that occurred from 1984 to the end of 2004, a period of dramatic changes in South Africa. During this time the first nonracial democratic elections were held and a constitutional democracy based on respect for the human rights and dignity of all has been established, yet for millions of farm dwellers little seems to have changed.