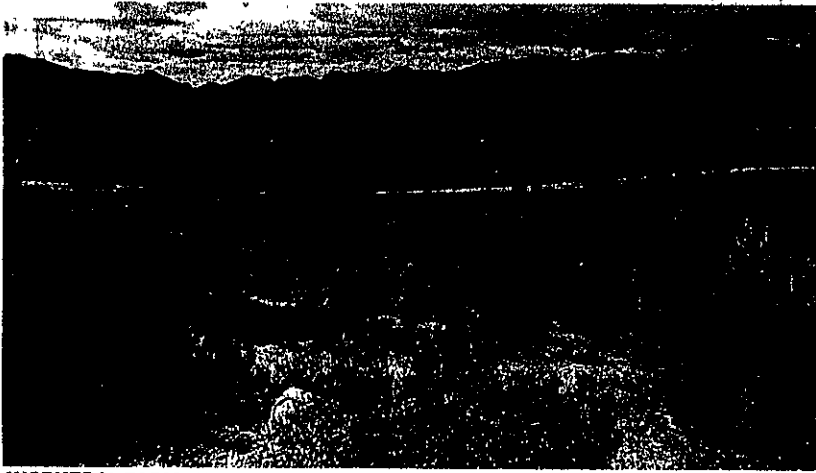


AGRICULTURE - LABOUR

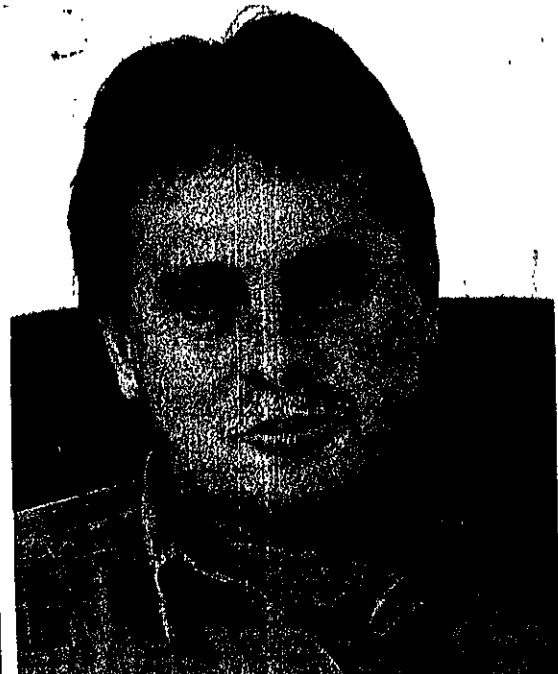
1996



WORKERS' FARM: Klipfontein, the 250 ha state farm in Villiersdorp which local farmworkers plan to cultivate for a living.



FREE TIME: Johan Booyen, a member of the Villiersboom Farmers' Association. He will remain a full-time farmworker on Vyeboom while working on Klipfontein in his free time.



MANAGER: Andries Fourie, general manager of Vyeboom Farm, believes the Villiersboom Farmers' Association is a positive step for agriculture.

Safe tenure, better living for workers

AN amendment to the Development Facilitation Act will give farmworkers access to a government grant to improve their living conditions, as well as secure occupational rights on farms.

The director of the Department of Land Affairs' redistribution programme, Nico van Rensburg, said the amendment would allow the Minister of Land Affairs to help farmworker households to get R15 000 each if there was agreement about tenure between the workers, farm owner and minister.

If the farmworker left the farm, there would be an obligation on the farmer to pay out a value equal to that of home improvements the farmworker had made.

The amendment will come before parliament early in the year.

Labourers get a chance to farm for themselves

ESTELLE RANDALL
Labour Reporter

FARMWORKERS who have never before had the chance to farm for themselves may soon be producing export apples and pears in the fertile Villiersdorp area of the Overberg.

A total of 43 farmworkers who work on farms in Villiersdorp have combined to form the Villiersboom Farmers' Association and are planning to get access to the 250 ha state-owned farm, Klipfontein.

This is the first state-land transaction in the Western Cape between the Department of Land Affairs and farmworkers.

Nico van Rensburg, the Department of Land Affairs' redistribution programme director, met aspirant farmers in November to explain what state assistance they could expect.

Mr Van Rensburg said there was a grant of R15 000 for each household, whether they leased the land or bought it outright.

If the farmworkers decided to buy the farm, the R15 000 for which each household qualified would have to be used to cover the costs of purchase as well as basic services.

If they decided to lease Klipfontein, they would be able to use the R15 000 for acquiring the equipment and infrastructure necessary to make a living from the farm.

To get the R15 000 grant per household, communities must have a project proposal.

For this, they would get a planning grant, which would be six percent of the estimated cost of the project.

The Rural Foundation, which has been working with the Villiersboom Farmers' Association, has applied for a planning grant on their behalf.

Their request will now go to a Department of Land Affairs' priorities committee, which meets monthly.

Mr Van Rensburg said a decision was likely soon.

The department was undertaking a valuation of the land, which would determine what the lease or purchase price would be.

Results of the valuation would help the farmworkers to know what finances they would need to borrow from a financial institution.

Mr Van Rensburg said a short-term lease of the farm could range from 11 months to nine years, while a long-term lease would be nine years and longer.

The Department of Land Affairs was not able to specify how much state land was available in the Western Cape.

Western Cape regional director Mr Jean Ehlers said his department was preparing a state-land register, expected to be completed by the second half of 1996.

ARG 8/1/96

Farm family face eviction or jail

By Simon Zwane

MICHAEL Mofokeng has never in all his 50 years had reason to fear the police. He has always been a law-abiding citizen, a loyal farm labourer who has never seen the inside of a prison or courtroom.

Now he lives like a fugitive in the ghost house that used to be his family's home. His children no longer run willingly to any car that stops next to the house.

In recent times cars have only brought misery to him and his family. They have brought people who tore down the the family's home, bundled their belongings together roughly and dumped them on the roadside.

The tombstone Mofokeng had built for his late sister was also desecrated. Police who had been asked to evict his family have also visited them in cars.

The Mofokengs had lived in peace like all farm tenants until two months ago, when the new farm owner decided he no longer needed their services.

Since then they have been evicted from the farm near Harrismith, arrested, given a suspended sentence of six months' imprisonment with a fine of

He believes he is owed money for pension, R50 wages for two months, his wife's wages and six bags of mealies from the past two years' harvest

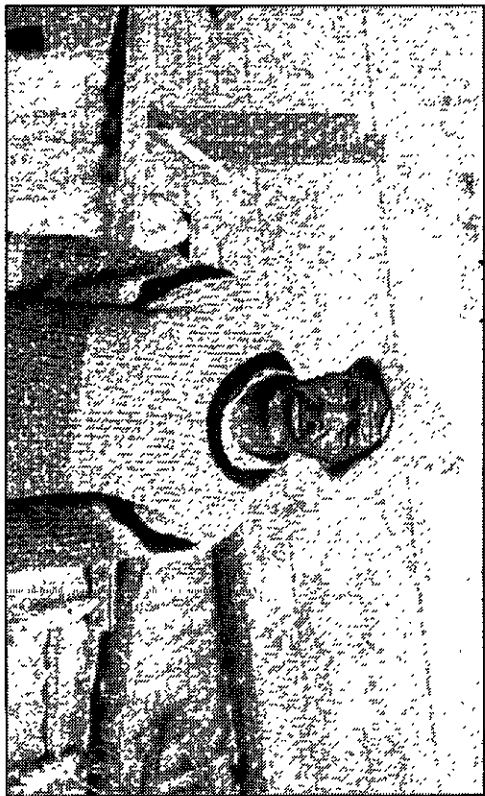
R2 000 and their cattle impounded.

Their water supply has also been cut off, forcing the family to rely on a small stream used by farm animals.

Mofokeng's problems started when Dan Grabe, the farm owner who had employed him, died in 1982. The farm then became the property of Grabe's son Lawrence.

Mofokeng claims that Lawrence had never liked him. He alleges that Grabe junior had always threatened to evict them as soon as his mother Ina died.

Although the farm had come under Lawrence after his father's death, his mother still had the right to use and



Michael Mofokeng ... and his family have to leave the farm they regarded as home for 20 years.

occupy it until her death. This had apparently prevented Lawrence from evicting Mofokeng and his family, and his sister Letia Mahlasela and her family.

On Christmas Day last year Mrs Grabe died - and so did Mofokeng's right to continue living on the property he had occupied for more than 20 years.

He had dedicated his entire life to the farm and, for R25 a month, had looked after the owner's livestock, tilled the soil and helped with harvesting. His wife, daughters and sister had also taken turns in helping with the upkeep of the farm.

From 1982, after the death of Grabe senior, until the death of Mrs Grabe, the Mofokeng family had looked after

the farm, including the farmhouse on their own without any supervision.

Mrs Grabe had moved in with her daughter in Maritzburg immediately after her husband's death. When Mrs Grabe died, the death knell was also sounded for the Mofokengs' right to enjoy the land they had come to regard as home.

They were given notice in March to vacate the land but the family, who say they have nowhere to go, defied it. An eviction order against their 16 cattle was then obtained.

Last month the family was found guilty of trespassing and sentenced to a suspended prison term of six months. They were also warned to vacate the land by today or they would be sent to jail.

Mofokeng is, however, unconcerned about this. He laughs when told he will be sent to jail if he refuses to move by today.

"I am not going to move here until all my dues are paid," he says. He believes he is owed money for pension, R50 wages for two months, his wife's wages and six bags of mealies as ration from the harvests of the past two years.

Task team to tackle KwaZulu evictions

Louise Cook

THE land affairs department is to set up a special task team to defuse tensions over farm evictions in KwaZulu-Natal.

In a public tender released yesterday, the department said the four-strong team would try to resolve the "crisis situation" in the province. The tender is part of a wider plan to subcontract work to the private sector and non-governmental organisations.

The Natal Agricultural Union (NAU) slammed the decision, claiming the department was merely "manufacturing crises".

But department director Lala Steyn said that up to 40 000 labour tenants in the province and

(H) BD 9/1/96
Mpumalanga faced eviction, with 1,2-million workers nationwide facing eviction. The Institute for a Democratic Alternative for SA has already been drafted in to mediate in Mpumalanga.

Steyn said the task team — to be appointed this month — would have to enforce the proposed Land Reform Labour Tenants Act once Parliament passed it in March.

NAU president Graham McIntosh said there was no crisis, except the province's lack of housing and alternative accommodation.

"The department and its client non-governmental organisations are manufacturing crises ... (it) is looking to fund some organisation it feels comfortable with to do its work," he said.

Strong backing in assembly for draft land law

TYRONE SEALE
Political Staff

DRAFT legislation that gives labour tenants a chance to become the owners of land they occupy and protects them against unfair evictions has been given overwhelming approval in the national assembly.

However, parties such as the Freedom Front, Inkatha Freedom Party and Democratic Party, licking their wounds after a 226-35 defeat in the assembly after IFP MP Koos van der Merwe's call for a division of the house, are gearing up for tough debate in the senate.

While the African National Congress and National Party supported the bill, speakers from the smaller parties rejected the draft legislation out of hand or, in the case of the Pan-Africanist Congress, pledged conditional support.

Opening the second reading debate on the bill yesterday, Land Affairs Minister Derek Hanekom said the bill had been

largely accepted by all involved parties as an acceptable and reasonable measure that would contribute to peace and prosperity in the countryside.

The bill regulates the conditions under which labour tenants may be evicted, including the nature of compensation to be paid to them in the event of an eviction.

Specifically, it states that labour tenants may be evicted only if they fail to provide labour in terms of the contract or are guilty of serious misconduct or if the owner of the land has specific needs for the land in question.

The Land Claims Court is the body responsible for overseeing the process of evictions; which may be carried out only after a court order is obtained.

The bill is retroactive from June 2 last year, the date it was gazetted, and it means labour tenants who left a farm or were evicted after that may apply to the Land Claims Court for a reinstatement of rights

(3) (4) ARG 16/11/96
within a year of the bill becoming an Act.

The bill provides for a four-year period within which labour tenants will have the right to apply to buy the land which they have historically used and occupied. It provides for the state to help labour tenants in this purchase. It specifies that the land owner is entitled to compensation for the land, as provided for in the constitution.

Where conflicts arise between tenants and land owners during a purchase, a mediator may be appointed to help resolve the dispute. Should the mediation fail, the application for purchase will be forwarded to the Land Claims Court, which will appoint an arbitrator to decide the matter. Either party has the right to appeal against the decision of the arbitrator or the court.

Mr Hanekom said the bill was an attempt to extend basic human rights, legal protection and access to resources to one of the most oppressed groups

ings of South Africans.

IFP MP Harriet Ngubane dismissed the bill, saying it failed to provide a precise time-frame in which labour tenants would acquire the land they occupied and used, and this meant there was no clear programme for the abolition of labour tenancy.

Regulations on evictions and the criteria for acquiring land had to be made clear before the IFP could support the bill.

Pieter Grobbelaar (FF) said the retroactivity of the legislation would make life unbearable on farms where there had been evictions since June last year.

The Freedom Front was opposed to the means by which the draft legislation was controlling a private arrangement between the farmer and the labour tenant, who was paying for the land with his or her labour.

DP MP Mike Ellis said his party could not support the bill in its present form.

Bill for protection of labour tenants passed

Star 16/1/96
BY PATRICK BULGER

At its first meeting of the year, the National Assembly approved the Land Reform (Labour Tenants) Bill yesterday - one of several land reform measures drawn up by Land Affairs Minister Derek Hanekom that were not considered last year.

The Inkatha Freedom Party, the Democratic Party and the Freedom Front voted against the bill which was passed by 226 votes for to 35 against.

Introducing the bill, Hanekom described labour tenants as "one of the most oppressed groupings of South Africans". He said "It (the bill) also attempts to create conditions that would restore stability and certainty to some of South Africa's most conflict-ridden rural areas."

Hanekom also said tenants had no protection under the law and they had been subjected to arbitrary evictions as farmers feared radical new legislation to protect tenants' rights and even to dispossess farmers.

The bill regulates the conditions of eviction of tenants and states they may only be evicted if they failed to provide labour, were guilty of serious misconduct

or if the farmer had a specific need for the land.

Tenants would be given four years to apply to purchase the land they occupied. The state would help them to buy land. Mediators would be appointed in cases of dispute.

The NP supported the bill, saying it provided a legal mechanism for farmers in disputes.

The IFP said the bill failed to outlaw labour tenancy and the FF said it interfered with the land rights of farmers.

The DP said the bill would entrench labour tenancy but the party was in favour of measures to regulate evictions. The PAC voted for the measure.

The bill has to come before the Senate before it becomes law. It is retroactive to June 2 1995.

Sapa reports from Witbank that 75 cases of farm evictions were reported in Mpumalanga in the past three months.

According to Mpumalanga Land and Labour Commission chairman Ivor Jenkins, the number of reported cases was contrary to the perception that "thousands" were being forcefully removed across the province. He stressed, however, this did not diminish the seriousness of the matter.

MAJOR PARTIES BACK RURAL REFORM

Bill gives farm tenants right to buy land

THE LAND REFORM BILL was passed yesterday with support from the ANC, PAC and NP, which was satisfied that most objections had been dealt with.

THE Land Reform Bill was an attempt to restore stability to conflict-ridden rural areas and remove labour tenants from the legal twilight zone, Land Affairs Minister Mr Derek Hanekom said in the National Assembly yesterday.

Mr Hanekom said labour tenancy was a semi-feudal system that had continued outside the law in Mpumalanga and the northern parts of kwaZulu/Natal, where labour tenants exchanged their labour for the right to occupy and use a portion of farming land.

A provision in the bill giving labour tenants the right to apply to buy the land they had historically used and occupied would increase the number of black farmers and landowners, he said.

Land Affairs committee chair-

man Chief Patekile Holomisa (ANC) described the bill as a practical step to restoring land rights to indigenous South Africans.

"Malicious farmers" trying to evict tenant labourers before the bill came into law had been thwarted by a clause making it effective from its Government Gazette publication date last June.

NP land affairs spokesman Mr Andries Beyers said the NP supported the bill, which provided a legislative remedy for land owners in situations of conflict.

"We share the view of the Council of SA Bankers that this bill will have a significant impact on the rights of existing agricultural property owners as well as the expectation of labour tenants."

The party was satisfied most of the agricultural unions' objections

had been accommodated.

The IFP's Ms Harriet Ngubane opposed the bill, however, saying labour tenancy was a "shameful practice" and the bill failed to abolish it. She called on Mr Hanekom to refer the measure back to the committee to be redrafted.

Freedom Front MP Mr Pieter Grobbelaar also opposed the measure. It affected the land rights of the individual and would lead to chaos. It was incomprehensible that any knowledgeable farmer could support it.

Mr Mike Ellis of the Democratic Party opposed it on the grounds that it created more problems than it sought to address and would perpetuate labour tenancy. However, the DP did support those sections in the bill dealing with evictions.

It was also supported by the Pan African Congress, despite "flaws".

The bill was passed after a division by 226 votes to 35, with the IFP, DP and Freedom Front voting against. — Sapa

(4) 16/1/96

Agricultural union will lobby for alterations to tenants Bill

(4) BD 17/1/96

Louise Cook

THE SA Agricultural Union (SAAU) yesterday showed signs of greater acceptance of the Land Reform Labour Tenants Bill, passed on Monday in the National Assembly by an overwhelming ANC majority, but provincial farming unions strongly rejected the Bill in its present form.

The union said the Bill had been "greatly improved" since the first draft.

SAAU director Kobus Kleynhans said Land Affairs Minister Derek Hanekom had taken into account farming needs. But the union would continue to push for changes to force labour tenants who retired to provide the farmer with a substitute worker. Cost implications to farmers who needed the piece of land occupied by the labour tenant also needed changing, he said.

Provincial unions, including the Natal, Free State and Transvaal unions, slammed the passing of the Bill "in its present form".

Natal Agricultural Union president Graham McIntosh, who last week appealed to President Nelson Mandela to delay the passing of the Bill, said the union would get the Helen Suzman Foundation and the Human Sciences Research Council to validate facts showing that labour tenants were paid better than farm workers, and that only 5% of farmers maltreated labourers.

Free State Agricultural Union president Piet Gouws called for changes to make the Bill "more practical", saying it jeopardised property rights.

But the National Land Committee, representing 300 landless communities, welcomed the Bill, saying it too would push for

"further changes", but refusing to say what the changes were.

The controversial Bill was rejected by farmers last year because it allowed for labour tenants — farm workers who are paid by the use of land rather than in cash — who had been on farms for two generations to gain property rights on the farm, backed by financial help from government.

Wyndham Hartley reports that the ANC in KwaZulu-Natal welcomed the Bill and slammed the IFP for its opposition to a measure that would protect black labour tenants from right-wing farmers.

ANC provincial spokesman Dumisani Makhaye said the approval of the Bill "comes at a time when right-wing farmers in areas like Vryheid, Nqutu, Dundee and Wasbank are on a massive campaign to evict black land tenants".

Land reform bill will create problems — DP

SPECIAL CORRESPONDENT

JOHANNESBURG: Legislation to give ownership of land to labour tenants would become "an albatross around the neck" of Land Affairs Minister Mr Derek Hanekom, DP spokesman Mr Errol Moorcroft said yesterday.

In a statement following the National Assembly's passing of the Land Reform (Labour Tenants) Bill on Monday, senator Mr Moorcroft said his party had no problem with the second aim of the bill, which was to prevent eviction of tenants from farms.

The bill is expected to affect about 40 000 tenant farmers in kwaZulu/Natal and Mpumalanga by allowing them to buy the land

they occupy on farms in exchange for providing labour to their bosses, most of whom are white. The farmers would be obligated to sell it.

The DP said the bill, still to be passed by the senate, was an irony as labour tenancy had been outlawed for 30 years.

"The protagonists of the bill have described the practice as slavery, yet the bill gives statutory recognition to labour tenancy," said Mr Moorcroft. Mr Hanekom should explain this contradiction.

The DP had found it difficult to oppose a bill in context of the need for reform and a more equitable distribution of land, but the measure threatened to do "far more harm than good".

Crisis looms in rural areas

By **MONDLI MAKHANYA**
Political Reporter

Rural organisations have warned of "an unprecedented crisis in rural areas" if farmers carry out their threats of mass eviction of tenants in response to government land reforms.

Farmworkers Research and Resource Project (FRRP) spokesman Hilton Toofo said farmers were mobilising themselves in "open defiance" of the Government by threatening mass evictions of tenants.

Several provincial farming unions have warned they will be forced to get rid of tenants if the Senate passes the Land Reform Bill, which was approved by the National Assembly on Monday. While the South African Agricultural Union has partially welcomed the bill, saying it was an improvement on the last version, provincial unions have taken a more militant line.

Farmers' organisations and tenant

(4) Star 18/1/96
movements are readying themselves for a lobby season in the run-up to the Senate debate on the matter in February. Public hearings have been scheduled to allow all parties to put their views to the Senate's Select Committee on Land affairs.

The FRRP and other rural organisations have given the bill a cautious thumbs-up, arguing that it is fraught with shortcomings. They said that by applying only to "second generation" labour tenants, the bill meant that workers who have lived on farms for more than 30 years fall outside the ambit of the law.

Arguing against the purchase of land by labourers being "a central tenet of the bill", the FRRP said many workers had worked very long on farms for little pay and that automatically earned them a right to land. It said paying for land was "unpalatable" to many labour tenants and that government subsidies given for land purchases should rather be utilised in development initiatives.

Bill 'may result in farmers' exodus'

4 BD 18/1/96

DURBAN — Commercial farmers in KwaZulu-Natal may emigrate to neighbouring countries to avoid the effects of the Land Reform (Labour Tenants) Bill, Natal Agricultural Union president Graham McIntosh said yesterday.

Sapa reports the Bill, which was passed by the National Assembly on Monday, enables labour tenants to purchase farmland they occupy from the landowner. Farmers are obliged to sell land or provide alternative compensation to genuine labour tenants.

Farmers have criticised the Bill, believing it will adversely affect property values, create conflict between workers and farm owners and threaten the profitability of commercial farms.

"I think if this kind of unreasonable legislation keeps on coming through, farmers will leave," McIntosh said.

McIntosh said farmers were also concerned about a possible influx of landless people to commercial farms hoping to benefit from the Bill.

The SA Agricultural Union would consider challenging the Bill in the Constitutional Court should the Bill be approved in the Senate, he said.

The new Bill also prevents the arbitrary eviction of labour tenants, who are loosely defined as rural farm workers with historical links to land they have used and occupied in exchange for labour.

Various organisations have welcomed the Bill as a "break-through" for previously disadvan-

tagged farmworker communities.

The Association of Rural Advancement said: "We believe the Bill does no more than confirm in law what already exists: That portions of farms are not being used by farmers. The Bill puts all landowners under the same obligations and thus levels the playing field."

Louise Cook reports farming unions calling for further changes to the Bill yesterday sparked off demands from labour tenants for free land.

A government grant was available for the deal but farmers' unions rejected the Bill in its "present form".

Landless community representatives hit back, saying payment for land was "unpalatable". They called for the state grant to be used for development and the farm land to be given to labour tenants for free.

Farmworkers' Research and Resource Project, representing labour tenants on 500 farms in Mpumalanga, said it was also unacceptable that the Bill excluded labour tenants who had worked on farms for years but were born elsewhere.

National Land Committee spokesman Jabo Dada said the Bill needed "tightening up" to provide for free land. Government had succumbed to pressure from farmers and would not have the money to sustain land purchases in the long run. The committee would fight the farming unions' demands, he said.

Two land rights bills passed, but the IFP digs in its heels

(2)(4) 2 Nov 25/11/96

Cape Town - Two land reform bills edged a step closer to becoming law yesterday when Parliament's land affairs committee passed them, with reservations from the Inkatha Freedom Party.

The Communal Property Associations Bill enables communities to form property associations

to secure rights to land, and the Interim Protection of Informal Land Rights Bill secures the land rights of communities for two years pending more comprehensive tenure reform.

Although the communal property bill was amended so that it does not refer specifically to tribal

communities, the IFP indicated that it opposed both bills and would make its opposition known when the bills reached the National Assembly stage.

Yesterday, however, the bills were passed with only reservations being expressed by the IFP.

- Political Correspondent.

LABOUR TENANTS

DEFUSING CONFLICT

FM 26/1/96

The passage through parliament of the controversial Land Reform (Labour Tenants) Bill saw the small minority parties united in opposition to the ANC. The Freedom Front, Democratic Party and Inkatha lodged strong objections.

There is a possibility of a challenge through the Constitutional Court, though President Nelson Mandela did not publicly respond to Natal Agricultural Union president Graham McIntosh's request for postponement of the Bill. Hanekom's legal advisers have obviously considered the matter and Mandela can presumably proceed to sign the Bill into law.

Perhaps surprisingly, the NP supported the Bill in the debate. Land Affairs Minister Derek Hanekom has been careful to canvass major agricultural lobbies for support and some grey areas appear to have been sufficiently clarified to satisfy the majority Afrikaner party.

The Bill has two main aims:

- To enable labour tenants to buy farmland (with government assistance) that they have occupied for at least two generations, trading their labour for tenancy; and
- To end summary evictions of these tenants in advance of what had been feared would be punitive, redistributive seizure of "white" farmland.

At least some farm lobbies have been persuaded that redistribution is not an issue. As Hanekom explains: "It brings labour tenants out of the legal twilight zone they have occupied for decades. It addresses the problems caused by the fact that the unlawful and unofficial status of labour tenancy has meant that tenants have not had legal protection or recourse in cases of injustice."

A retrospective moratorium on evictions was introduced on June 2.

Hanekom said: "The Bill places the contractual relationship between tenant and farmer as the basis of an arrange-

ing in their overlords, the farm owners. The clearly defined entitlement to government subsidy is modified by the period over which the tenants must have lived on and worked the land, which pre-empted precipitate land invasions.

Market-related payments are envisaged — accompanied by a year's grace for those summarily evicted and four years for tenants to stake claims. Hanekom believes the Bill redresses a situation in which black tenants "probably would have been farmers and landowners, cultivating their own land, had apartheid laws allowed them to do so."

The Freedom Front objects, citing compulsion on farmers to break up their

land holdings — possibly in defiance of the still unresolved property clause in the Bill of Rights. Inkatha argues that those evicted in the past do not have sufficient recourse to reparation as they will have to seek redress through the Land Claims Court, which would be difficult for the homeless and destitute.

The DP is in favour of the rights accorded evicted tenants but its land affairs spokesman, Senator Errol Moorcroft, is suspicious of the legal entrenchment of labour tenancy: "Labour tenancy has been outlawed for 30 years, yet the Bill now gives statutory recognition to labour tenancy and serves to perpetuate it as a legal practice. Farmers and labourers may now legally enter into tenancy agreements.

"The Minister should decide whether he agrees with those who label the sys-



Hanekom . . . attempting to redress an historical injustice

tem as slavery, in which case he must explain why he is perpetuating it, or else he must tell us why he disagrees with those who claim that it is simply a labour contract which has been entered into between two informed people and which carries significant benefits for both."

Hanekom sees the Bill as "an attempt to extend basic human rights, protection under law and access to resources to one of the most oppressed groupings of South Africans."

No-one appears to know how many labour tenants there are — 40 000 is one estimate — nor how many could be covered by the Land Reform Bill. But now that there is a law governing a frequently chaotic sphere of economic activity, it seems only fair that formerly antagonistic sides should be brought together in formal structures to defuse mistrust and conflict. ■

ment that will result in security of tenure under clearly defined terms . . .

"It will also enable black rural people with a knowledge of agriculture to own land for the first time in their lives, for both residential and productive purposes [which] can only strengthen the fabric of rural society."

The Bill will defuse a long-standing cause of legal rancour arising from labour tenants having been subject to a form of slavery with all legal power vest-

Farmworkers given grant to buy land

(4) ST(M) 28/1/96
By JEREMY WOODS

THE face of the agricultural industry in the Western Cape is set to change now that government has passed its Land Bill last week, giving farmworkers a R15 000 grant to purchase farmland.

"While R15 000 is not a lot of money, it allows a group of farm workers to combine their grants and put the money into a trust. We can then gear up, through loan finance and equity participation, to buy into a commercial farming proposition where there is an existing experienced partner," says Hannes le Roux, the managing director of NewFarmers.

NewFarmers is a recently formed organisation to help members of developing communities to buy stakes in commercial agricultural enterprises.

Its mission statement says it aims "to create opportunities for viable farming ventures, focus-

ing on developing communities, through project development, loan finance and equity participation."

NewFarmers has two objectives.

The first is to broaden the ownership base in agriculture. The second is to integrate clients from developing communities into the main stream of agriculture.

And the new organisation packs a powerful financial punch.

Its shareholders list Dr Anton Rupert, the KWV, Outspan, Unifruco, and most of the top financial institutions from Sanlam to Standard Bank.

"One of our major priorities is to expand our capital base, currently some R10-million," says Mr le Roux.

"We have screened some 30 projects over the last year of which 12 have been earmarked for further investigation."

Four projects, three in the Western Cape, have already reached an advance stage of planning and Mr le Roux is optimistic that these deals will be signed by the middle of the year.

"We want to break new ground as far as ownership patterns are concerned as well as contribute to land and agricultural reform across the country."

Mr le Roux says that where workers become involved as co-owners, productivity on the farms can improve by as much as 30 percent.

"There is a wealth of expertise among agricultural workers, particularly among the deciduous fruit and citrus sectors and we would like to make these people entrepreneurs for a new farming generation."



New Bill offers some protection for labour tenants

Certain white farmer organisations are opposed to the new legislation, writes Nomfuno Luphondwana

Star 30/1/96

(4)

The publication of the Land Reform (Labour Tenants) Bill on June 2 1995 and its subsequent passing by Parliament has sparked mixed reactions.

In strict terms, labour tenancy is a semi-federal relationship between a landowner and a tenant which obliges the tenant to provide free or virtually free labour to the landowner in exchange for the right to occupy and use a portion of the landowner's land.

For some blacks who were dispossessed through apartheid, labour tenancy was used as the only practical mechanism for acquiring land.

The system was outlawed by the Bantu Laws Amendment Act of 1964. Nevertheless it has survived, mainly in the KwaZulu

Natal and Mpumalanga provinces.

As there was no law governing the system of labour tenancy, labour tenants were left at the mercy of the farmer. In certain parts of the country, a farmer has an almost god-like status and has the power to evict, impound livestock and destroy his tenants' possessions if he pleases.

The present power imbalances between farmers and labour tenants is based on centuries of discriminatory laws which have systematically prevented blacks from entering into ordinary contractual relations of sale and lease.

It is this that gave rise to the current abuses of power and unilateral actions by farmers marked by arbitrary evictions and, sometimes, the harassment of labour tenant families. As labour tenants have never

earned wages, most of their capital and worldly possessions are bound up in their homesteads and in their livestock.

Thus, if evicted, they lose all the assets the family may have built up over the years. In such an event, they are forced to settle in transit camps - some sort of rural township - with nothing to sustain them.

The publication of Land Reform (Labour Tenants) Bill has been welcomed by organisations like the National Land Committee. Although not flawless, it goes a long way in addressing the problems of labour tenants.

Unfortunately, the passing of the Labour Tenants Bill by Parliament has stirred negative reaction from certain farmer organisations and political parties.

The National Land Committee supports the Bill because it aims, among other things,

- change the power imbalances be-

tween farmers and labour tenants;

- protect labour tenants from arbitrary evictions;

- give labour tenants rights to land and begin to provide security of tenure of the land; and

- make it possible for labour tenants to acquire land.

It is not surprising that some organisations affiliated to the South African Agricultural Union, as well as some political parties, were opposed to the passing of the Bill. However, some SAALU affiliates were among the parties who were consulted and drawn into the process of amending the contents of the Bill that they now vehemently oppose.

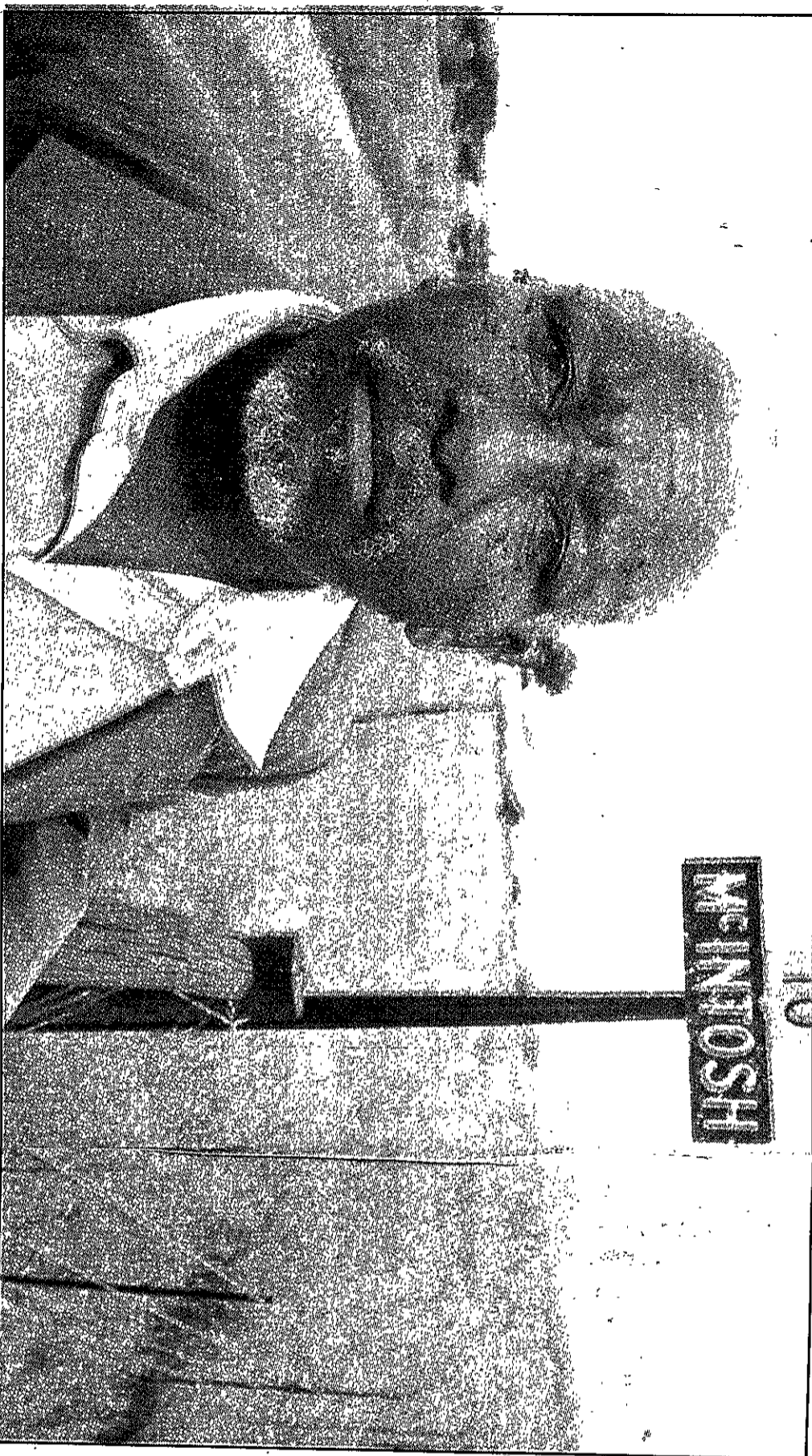
The Bill is welcome, but has the following gaps that need to be addressed:

1. It excludes long-term first generation labour tenants, which is a potentially a large number of the labour tenants who qualify.
2. The Bill merely gives labour tenants a provisional right to land. The full right will depend on whether government has sufficient subsidy to buy the land.

Another area of concern relates mainly to the practical implementation of the Bill. In this regard, a call is specifically made to the Ministries of Justice and of Safety and Security to ensure that magistrates and police officers are thoroughly briefed.

The implementation of the Bill needs to be monitored and it is imperative for every stakeholder to be involved to ensure that proper implementation takes place.

■ *Nomfuno Luphondwana is the media and publicity officer of the National Land Committee.*



SPACE INVADER . . . Maghingana Madondo, who claims there is no limit to the number of homes he can build

Picture: BRETT ELOFF

Former DP man hits the roof over labourer's house

By ANDRÉ JURGENS

THE head of the Natal Agricultural Union is taking a retired labourer to court for building a wattle-and-daub home on his farm.

Maghingana Madondo, a 71-year-old pensioner, has spent all his life on the farm Rongpoortspruit, near Estcourt, where he worked the land and tended cattle since he was 15 years old.

But building a home there for his soon-to-be married son, Thomas, has landed Mr Madondo in hot water with the farm's owner, Graham McIntosh, who has asked the Maritzburg Supreme Court to order Mr Madondo to demolish the house.

Mr McIntosh this week

declined to comment and refused the Sunday Times access to his farm to interview Mr Madondo or to photograph the building.

In an affidavit before the court in December last year, Mr McIntosh claimed Mr Madondo had breached his terms of employment and residence by building the house.

He said Mr Madondo was allowed to live on the farm during his retirement, as long as he did not build any structures without approval.

But Mr Madondo denies being part of such an agreement and will challenge his former boss in court on Wednesday.

In a replying affidavit, Mr Madondo said that in 1967 he was given a plot on the farm by its owner at the time, known to him only as Mr James.

No limit was placed on the number of huts he could build on the plot for his kraal.

He said he was entitled to expand his kraal provided he built on the land allocated to him for residential purposes, and Mr McIntosh knew this.

In January 1994, Mr McIntosh allegedly gave Mr Madondo six months to leave the farm, but backed down when lawyers intervened.

Mr Madondo said he had refused to sign a subsequent agreement allowing him to stay on because it did not allow him to erect any more buildings on his plot.

Mr McIntosh — who was a Progressive Federal Party MP for Maritzburg



UNACCOMMODATING Graham McIntosh

in the early 80s and worked for the Democratic Party until South Africa's first democratic elections — said in his affidavit that he noticed the wattle-and-daub structure only in December last year.

By that stage its construction was advanced and its corrugated iron roof had already been erected.

"I respectfully submit that the erection of that structure amounts to a spoliation of my possession of that portion of the farm," he said.

He claimed his rights to the land had been infringed and that other workers would be encouraged to follow Mr Madondo's example.

The farm is owned by Kainos Estates of which Mr McIntosh and his wife are directors.

Mr Madondo said Mr McIntosh had not objected

to him adding on to his kraal before.

He had built 12 huts before Mr McIntosh took over the farm 14 years ago and another five since then.

Over the past 56 years, Mr Madondo has taken two wives and fathered 15 children. His son teaches on the farm.

"Whenever there was a wedding in our family and my son would bring a bride to our kraal, a separate room would be built to provide a bedroom for the newly wed couple," his affidavit said.

It was "necessary to afford the newly wed couple the privacy that they were entitled to by having a separate room of their own," and Mr McIntosh knew about this custom, Mr Madondo said.

He claimed the court interdict was an attempt to intimidate him.

Mr McIntosh estimated it would take Mr Madondo and his son two weeks to demolish the building.

But evicting the occupants would give rise to difficulties.

In terms of Section 3b of the Illegal Squatting Act of 1951, Kainos Estates had a right to demolish the structure, he said.

"I have, however, been further advised that in similar kinds of applications, persons who have erected such structures have attacked the provisions of the Act as being contrary to the provisions of the constitution.

"This has led to prolonged litigation and delayed the enforcement of the rights of the owner."

(4) ST 4/2/96

Grabouw farmhands strike over hostel

(4) (452)
Labour Reporter

ARG 7/2/96

ABOUT 170 farmworkers at the Applethwaite Farm in Grabouw have gone on strike over conditions.

The regional secretary of the South African Agricultural, Plantation and Allied Workers' Union (Saa-pawu), Edward Jackson, said they stopped work because black workers were being housed in a separate, single-sex compound whereas Coloured workers were housed in family units on the farm; drinking water supplied to workers was from the source used to irrigate orchards; and management was refusing to negotiate new job grades.

The farm management was not available for comment as it was meeting workers and union representatives in an effort to resolve the problems.

Mr Jackson said black workers' wives were allowed to visit them for only a month at a time.

He said matters came to a head when one of the wives, with a four-day-old baby, was told to leave the farm last week because her month had expired.

Workers at neighbouring farms had indicated they were prepared to take solidarity action if this was necessary.

Farmworkers hold solidarity stoppage

ARG 8/2/96
Labour Reporter

WORKERS at three Grabouw farms have stopped work in solidarity with 410 Applethwaite farm workers who were issued with dismissal notices.

About 200 workers from the Monteith, Transpalmiet and Dusseldraai farms stopped work yesterday.

Western Cape regional secretary of the South African Agricultural, Plantation and Allied Workers' Union (Saapawu) Edward Jackson said Applethwaite management had informed the union they would apply for a court interdict to get the dismissed workers to leave the farm.

Mr Jackson said the workers stopped work on Tuesday because black workers were being housed in a separate, single-sex compound while coloured workers were housed in family units; there was alleged discrimination in the wages of black and coloured workers doing the same jobs; drinking water supplied to workers was the same as that used to irrigate orchards and management was refusing to negotiate new job grades.

Farm management also did not want to give the union recognition for its members who were seasonal workers and who formed the bulk of the workforce.

A meeting between the union and farm management scheduled for the afternoon failed to take place when management insisted that workers return to work or face dismissal.

Later in the afternoon management issued workers with dismissal notices, giving them 24 hours to vacate the farm.

Tireless campaigner for workers' rights



WEIGHING THEIR OPTIONS: South African Agricultural, Plantation and Allied Workers' Union (Sapaawu) shop stewards from the Applethwaite farm in Grabouw, and their Western Cape regional secretary, Edward Jackson, discuss what steps to take after 421 workers were dismissed following a work stoppage.

Picture: ROY WIGLEY, The Argus.

□ Union ponders dismissals

ESTELLE RANDALL
Labour Reporter

(4)

~~8/2/96~~

ARRS 8/2/96

JOSEPH Benjamin's wiry frame is well known in the Grabouw area. A worker at Applethwaite Farm, he is also a vice-president of the South African Agricultural, Plantation and Allied Workers' Union (Saapawu), launched by Cosatu last year.

All his members have just been dismissed after a work stoppage but he is calm — a calm that has been nurtured through five years of work at the farm.

Mr Benjamin has himself been dismissed and reinstated before.

"I was dismissed last year for 'inciting' employees to go on an illegal work stoppage," he recalled. He was reinstated in July 1995 after being suspended for two months. But he has continued with his organising activities at Applethwaite — and elsewhere in Grabouw.

The union has a presence at 12 farms in the area and he claims credit for bringing them into the fold. He arrived at Applethwaite five years ago as a labourer, attracted by the secure housing — which he may now lose if the dismissals go ahead.

"In 1993 when the Agricultural Labour Relations Act was introduced I got so excited," he said. "That was when I started to organise."

This organising happened secretly at first and he made few inroads in winning workers' confidence.

"People were scared. They feared that I would have a lot to say to them but would be silent in front of management. Once before someone who worked here had tried to organise and he was dismissed. So when I came to them to talk about the union, people didn't want to be associated with me."

His big break came after someone reported his activities. The management instructed him to address a meeting of workers in the farm hall. This was the chance he had been waiting for.

"All the workers were there," he said. "They listened to me for an hour and at the end got to their feet and cheered. That same night they all came to sign up with the union."

Nine months later farm management and Saapawu signed a recognition agreement.

Now there are seven elected shop stewards and channels to negotiate. And there is much with which workers are unhappy. In particular, they want what they term racial discrimination in their working conditions to end.

Mr Benjamin gave the example of the wages which he earned as a supervisor and the wages of colleague and fellow-shop steward Bosman Gwanya, also a supervisor.

"I am earning R225 a week," Mr Benjamin said, "while Bosman is earning R147 a week. This is less than the R155 a week which some coloured labourers are earning."

He pointed also to the different housing allocated to African and coloured workers.

While permanent coloured workers on the farm live in family accommodation, Africans have to live as migrants. And there is the case of an alleged assault on the union's Western Cape vice-chairman, Mammie Damm, by a manager. Mr Damm has laid a charge and the matter is under investigation.

These are some of the catalysts behind the stoppage on Tuesday. Now there are the dismissals which, if they succeed, will undo all Mr Benjamin's work.

Injured workers evicted

By WALLY MBHELE (4)

FREE STATE farm workers who were involved in a bloody car accident - allegedly caused by the farmer's son - are being sacked and evicted from the farm without pay.

The workers - some of whom incurred permanent disabilities in the accident - are allegedly being targeted by farmer Archie Bartleman, who accused them of various offences, including theft.

One worker died, another broke his spinal column and a third is experiencing mental retardation as a result of head injuries sustained in the accident, which occurred on June 25 last year.

The two badly injured workers were recently evicted from the farm after they could not cope with the hard labour entrusted on them.

Six others were treated for minor injuries before being discharged.

They were not compensated for their injuries.

They were all working at Wonderkop farm in Ladybrand.

The 11 workers were allegedly cramped onto the back of a bakkie while being transported to Ficksburg CP 11/2/96

They allege that the farmer's son, Rudolph, was driving at a high speed. The bakkie overturned when he tried to negotiate a sharp curve.

The farmer's son and a worker who shared the front seat with him, were the only people who did not sustain any injuries.

Mmile Thakedi (59) was one of the workers who was involved in the accident. He was evicted shortly after being discharged from hospital.

"While some of us were still on sick leave, he sent a message that we should come back to work if we did not want to be fired," said Thakedi, who is now employed at another farm.

He said his dismissal followed a question he asked about why he was

suddenly ordered to go and milk cows when he was still busy loading cabbage onto the truck.

Another worker, Petrus Mothibedi, voluntarily left after he was allegedly threatened with death after being accused of stealing potatoes.

In an apparent reference to Abram Mohapi, who died in the car accident, Mothibedi alleges the farmer told him: "One of you has helped by dying. You are the next to follow."

Among the ten workers who were involved in the accident, only four are left at the farm. They told City Press their future at the farm was uncertain.

"He destroyed all the forms we were given at the hospital and dumped them into the dustbin when we asked him to fill them," said one worker.

Bartleman refused to comment. Before banging down the phone, he told City Press he would sue if the paper "interfered" with his workers.

Group aims to turn farm workers into shareholders

(4) (5)
Louise Cook

BD 12/2/96
A NEW agricultural organisation with private sector backing is poised to broker deals between commercial farmers and farm workers worth R55m in a bid to broaden the ownership base in commercial farming.

NewFarmers Development Company, whose major shareholders include Absa, Sanlam, Rembrandt, KWV, Unifruco, Outspan and Kynock Fertiliser, was launched recently to create opportunities for viable farming ventures, focusing on developing communities, through project development, loan finance and equity participation.

The company is a response to government's call for the private sector to initiate projects that will turn land reform into an opportunity to stimulate economic growth and job creation.

NewFarmers MD Hannes le Roux said at the weekend the deals, expected to be signed by July, involved setting up fruit export ventures in the western Cape and Mpumalanga. The projects would create at least 400 new jobs in the first two years.

The company planned to mobilise share capital through a pri-

ivate placing to local and overseas shareholders by mid-April.

Talks had been held with local and foreign financiers, including the Development Bank of SA, Industrial Development Corporation, International Finance Corporation, Commonwealth Development Corporation and the French Development Bank.

"The fact that NewFarmers enjoys the financial backing of some major roleplayers in the economy without doubt leads to the acceptance of its credentials by potential future business partners and stakeholders," he said.

One of the company's objectives is to broaden the ownership base in commercial agriculture by structuring and investing in partnership deals between developing communities, mainly farmworkers, as well as existing commercial farmers, NewFarmers and other investors.

"We want to break new ground as far as ownership patterns in agriculture are concerned as well as contribute to land reform across the country. Where workers become involved as co-owners on farms, productivity improves by as much as 30%."

There was a wealth of expertise among farm workers, he said.

'Farm slavery must end'

POLITICAL WRITER

(4)
ET 14/2/96

FARMWORKERS were being treated like slaves in South Africa, Labour Minister Mr Tito Mboweni and ANC secretary-general Mr Cyril Ramaphosa said yesterday.

This had to end, Mboweni said at a news conference.

"Farmworkers are often employed in conditions similar to those of slave labour," Ramaphosa said in Parliament during the debate on the President's speech. Many of the large estates owned by big companies were just as guilty, he said.

Creating a better life for all South Africans could not be the responsibility of the government alone.

Elevating farmworkers

(4) Sowetan 14/2/96

By Abdul Millazi
Labour Reporter

The Green Paper proposes changes that will improve working conditions and wages

THE DAYS WHEN farmworkers were treated like slaves are over and the time has come for them to be treated like all other workers, Labour Minister Tito Mboweni said in Cape Town yesterday.

Mboweni was addressing a Press conference to announce the release of a Green Paper on a new Employment Standards Statute which would replace the Basic Conditions of Employment Act and the Wages Act.

Although still subject to negotiation by labour, business and government at the National Economic Development and Labour Council (Nedlac), the new legislation is aimed at ensuring that all workers' rights, including farm and domestic workers, who are excluded by current legislation, are protected by law.

Mboweni argued that the Basic Conditions

of Employment Act (BCEA) and the Wages Act needed to be changed because they were inadequate as they did not cover all workers.

He also pointed out that although the BCEA covered areas such as working time, overtime and overtime pay, annual leave, sick leave and maternity leave, it did not set minimum wages.

The Ministry of Labour has also proposed the protection of contract workers, temporary workers and part-time workers and restrictions on Sunday work.

It also proposed the disbanding of the Wages Board and the formation of the Employment Standards Commission which would ensure that the proposed legislation was implemented and adhered to by employers.

The legislation would, however, exclude members of the security forces such as the army and the intelligence service. Members of the South African Police Services and Correctional Services would be covered.

Mboweni said his Ministry would also be looking at another Bill which would deal with the eradication of racism in the workplace. A report on this is expected to be released in June.

The Green Paper - a discussion document - was welcomed by both organised labour and business. Business SA chairman Mr Bokkie Botha said it was too early to comment.

However, Botha said business's main concern was the cost the proposed changes would add to the country's economy.

ANC senators query farm tenants' Bill

Wyndham Hartley

BD 21/2/96

CAPE TOWN — The Land Reform Labour Tenants Bill was approved by a Parliamentary committee yesterday after unexpected opposition from ANC senators, who asked why tenants' rights to land expired after a year if they were not exercised.

Land Affairs director-general designate Geoff Budlender explained that if a father had failed to take up his rights to the land and neither he

nor his sons were prepared to offer labour for the right to remain on it then they would have one year to vacate the land.

The committee adopted numerous amendments to the Bill which were the result of compromises between the National Land Committee and the SA Agricultural Union, and submissions by the judges of the Land Claims Court. After debate in the Senate today the Bill will again have to be considered by the National Assembly.

(4) (2)
**Dismissed
farm staff
back on
job today**
ARC 22/2/96
ESTELLE RANDALL
Labour Reporter

DISMISSED Applethwaite farm workers in Grabouw, all members of Cosatu's South African Agricultural, Plantation and Allied Workers' Union (Saapawu), have been reinstated after intervention from the Western Cape Department of Labour.

The 410 workers, who were dismissed on February 6 after going on an illegal stike, returned to work today after Western Cape Director of Labour Brian Williams succeeded in getting management and the union to meet.

Farm management declined to comment, but Saapawu praised the role of the provincial department in helping to resolve the dispute.

"The department and its director, Mr Williams, played a crucial role in helping management and Saapawu resolve the dispute. This is a welcome change in the Department of Labour," said Edward Jackson, regional secretary of Saapawu.

Workers went on strike earlier this month because, they said, African workers were being housed in a separate, single-sex compound while coloured workers were housed in family accommodation, and African and coloured workers doing the same jobs earned different wages.

Farmworkers now allowed to buy land

LEGISLATION giving labour tenants a chance to buy the land they use and occupy was passed by the senate today over the opposition of the Freedom Front.

The Land Reform (Labour Tenants) Bill now has to go back to the national assembly to have senate amendments ratified.

Senator Dries Bruwer (FF) said the principle that farmworkers were entitled to property rights where they worked was wrong.

If taken to its logical conclusion it meant that a city worker should be able to get property rights "in some or other way" at his place of employment.

He favoured land redistribution if it was scientifically done, but this bill had a political motive.

- Sapa

(4)

(~~3~~)

FRG 22/2/96

Labour tenants can now buy land they farm

By **PATRICK BULGER**

Cape Town - The Senate yesterday passed legislation which gives labour tenants the right to buy the portion of land they farm.

Land Affairs Minister Derek Hanekom, speaking during the debate on the Land Reform (Labour Tenants) Bill, described the legislation as "modest but historically significant" and said it would

help labour tenants, who were "one of the most oppressed and fragile groupings in our society".

Although labour tenancy is technically illegal and has been discouraged for decades, up to 60 000 labour tenants still work on land on farms in the Piet Retief area in Mpumalanga and in Kwa-Zulu Natal. Labour tenants occupy a piece of land on a farmer's farm in exchange for their labour

but they have no rights to the land.

The new law gives them rights against eviction and provides for the state to offer financial assistance to help them to buy the land.

Hanekom's law, which passed through the National Assembly last month, was opposed by the Inkatha Freedom Party, the Democratic Party and the Freedom Front.

④ Star 22/2/96

IN BRIEF

Workers demonstrate

MORE than 200 workers at the West Rand's Olifantsylei livestock farm and neighbouring sewerage plants yesterday held a march to demand the dismissal of the farm manager whom they have accused of being a racist and corrupt.

South African Municipal Workers Union (Samwu) secretary Mr Victor Mhlongo said the manager, Mr Hendrick Olivier, had for five years physically and verbally abused his workers and shot their dogs.

The farm is owned by the Greater Johannesburg Transitional Metropolitan Council and is administered by the Directorate of Water Affairs and Waste. Directorate Human Resources director Mr Brian Trim declined to comment on the matter.

Sowetan 22/2/96

A rotten life on the 'fruit route'

MFG 23-29/2/96
 Rehana Rossouw talks to the fruit-pickers at the centre of a political row

THE "fruit route" which wanders through the Boland town of Grabouw is not as well known as the Cape's wine route, but the panorama it offers is easily on a par. Apple trees weighted down with stalkings and golden delicious apples send a sweet perfume wafting through the air.

Hidden behind the valleys and dales strudded with trees are huge packing sheds, where conveyor belts send thousands of apples hurtling towards hundreds of women who grade and select the best for packaging and export around the globe.

It's apple season in the Cape and the harvest needs the labour of thousands of people to pick and pack the fruit. Seasonal workers are roped in for a three-month period until the end of the harvest in May. Most live in the area, raise their children and spend their income there, but will be precluded by Western Cape Local Government MEC Peter Marais from participating in the rural councils on May 29 if they work for less than six months a year.

The majority of the seasonal workers at Mizpah Farm in Grabouw are women, colourfully decked out in green

scarves and overalls and white boots. Maria Windvogel has lived in Grabouw for 13 years. Every season she waits anxiously for the farm manager at Mizpah to let her know whether there is work for her at the packing shed.

"My mother, my sister and I only have fixed employment for three months every year. At the end of the season we have to ask for other work and most of the time it's work outside in the orchards," she says.

"I don't really like working the orchards because it's so tiring. When the trees are pruned they expect the women to carry the heavy ladders all over the orchard all day. We're doing the work men used to do before because women work so much harder but they get paid less than men.

But when the farmers give full-time work, the men get those jobs. A single mother like me can't find work and farm housing, but a young man without a family will find it easier to get a house."

Windvogel would like to vote on May 29 as there are many issues she would like addressed by a rural council — like housing and improved conditions at the farm school her children attend.

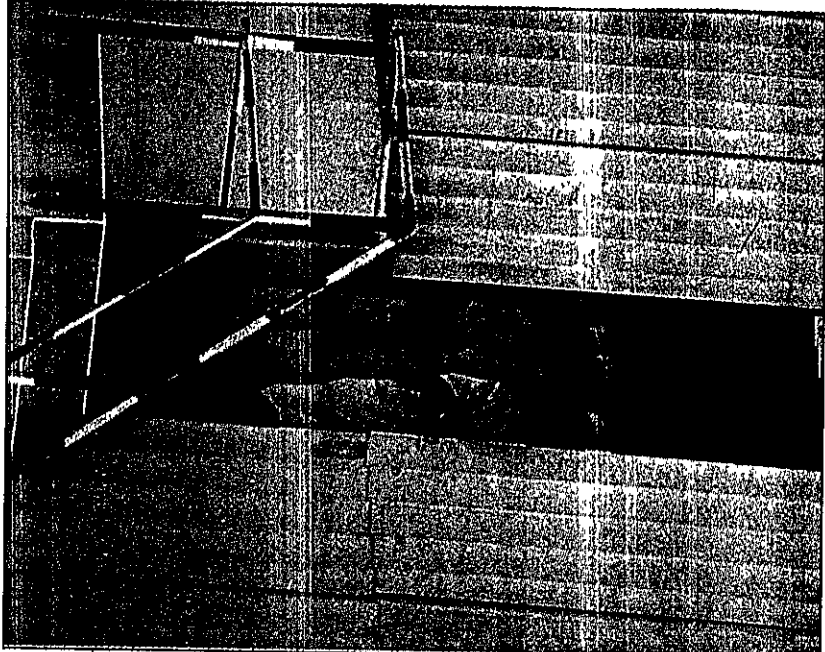


PHOTO: ROOGER BOSCH
 Fruitless labour: The majority of seasonal workers are women, but they still earn less than the men

"I voted in 1994, but didn't enjoy it at all. The farmer where I was working loaded all the workers on to his truck on the afternoon of the last day of voting and said we must all go and vote for the National Party. I did what he said and only found out afterwards

that I could have voted for anyone I chose.

"This time round, I know who I want to vote for. I want to vote for the people who are going to make life better for the seasonal workers. If the union puts people up to stand in the elections, they will get my vote."

The 1991 Agricultural Survey, conducted by the Western Cape government, showed there were 79 281 seasonal workers employed in the region. The lowest income in the Little Karoo, was R515 a year and the highest, in the Cape metropolitan area, was R1 010. According to researchers Andrianaetha Kriztinger and Jan Vorster, whose report was finalised in November last year, up to 72% of all seasonal workers are women. "The use of female workers has increased on nearly half the farms over the past five years."

They added that the extension of

Farmworkers row threatens Cape elections

Rehana Rossouw

WITH both Western Cape MEC for Local Government Peter Marais and the African National Congress threatening court action, the elections scheduled for May 29 in the Western Cape are in jeopardy again.

The ANC is disputing a model proposed by Marais for rural local government which it says disenfranchises farmworkers. Marais counters that the model was promulgated last December, and that the ANC's protests have come too late.

The ANC's objection is that if the model is implemented, it is likely to remain in force until the next local government elections, after 1999.

The ANC says Marais's proposal — that transitional rural councils have 60% of their councillors nominated on the basis of half the positions going to farmer organisations and half to farm-worker organisations — gives unfair representation to farmers.

It also objects to the definition of a farmworker, which excludes any person working on a farm for less than six months of the year.

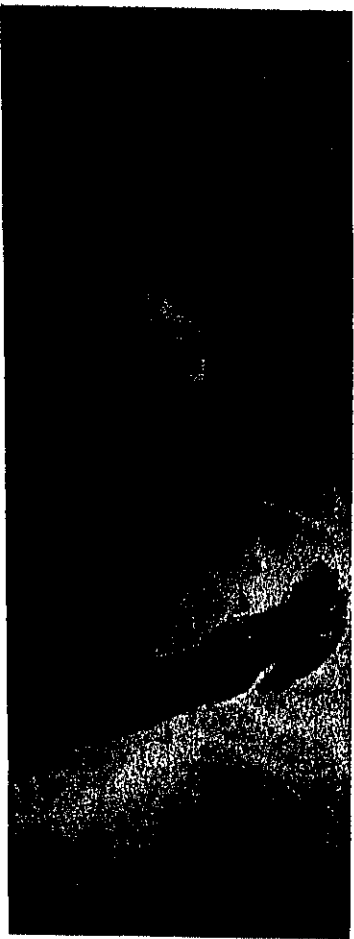
the Wage Act to the agricultural sector could result in farmers decreasing their permanent workforce.

But workers like Windvogel have seen an increase in their earnings in the past two years, largely because of the efforts of the South African Agricultural and Plantation and Allied Workers Union (Sapawu).

Jeanne Fredericks, the gender coordinator of Sapawu, works full-time at Mizpah and is the only female forklift driver in the region.

Fredericks says if the union nominates her as a councillor, she will probably be prepared to stand, as the position offers a greater chance to improve the lot of seasonal workers.

"Marais has made sure seasonal workers can't speak for themselves. But he's in for a big surprise if I get on to the council," she says with a cheeky grin.



Waiting for the

promised land...

M+G 23-29/2/96



Ann Eveleth

EVICTED farm labourers in KwaZulu-Natal's pilot land reform district risk losing their life savings as tensions between a rural town council and land reform officials escalate.

About 36 families evicted from white farmland surrounding the sleepy KwaZulu-Natal Midlands town of Colenso face further impoverishment following delays in land redistribution.

Caught between an impatient Transitional Local Council (TLC) and a cash-strapped land reform programme, the labourers stand to lose their livestock — and their futures — while opposing bureaucrats point fingers at each other.

Last month the TLC impounded 260 cattle and goats it claimed trapped on private property and wreaked havoc in the town.

Community representative Victor Mkhize said the families were forced to sell cattle "to buyers who were waiting at the pound" in order to raise the R80 per head fee to free their animals.

The incident elicited claims of police brutality from the cattle owners, a counter claim by the town clerk that they had issued death threats to councillors.

A new order to impound issued last week has the community on tenterhooks, wondering when they may have to rescue their animals from the pound — and how much of their meagre savings they will lose this time.

A temporary reprieve was granted by the TLC, but one councillor warned Mkhize the cattle would be impounded "any day now".

Evicted from the land they called "home for years, the displaced gravitated to Colenso's Nkanyez town-ship with nothing but their animals



PHOTO: DAVEBUZAND

Greener pastures: With their cattle impounded, evicted labour tenants are desperate for the land reform plan to get them grazing land

to show for their lives' work. Living in small plastic tents and makeshift mud kraals on municipal township land, the families are desperate for grazing land and growing impatient with the promised land reform.

A proud descendant of Chief Albert Luthuli, Muntokatenjo Luthuli, says he and his family were evicted from a Ladysmith cattle farm after 10 years of service to the owner. Now the 20-member family lives in four huddled buildings with the animals practically underfoot.

Luthuli says the impounding caused great hardship: "We need the cows and goats for milk, for meat and to sell when we have no money to feed the children. If they take them from us we will have nothing".

Mkhize said most of the families were evicted from a single Colenso farm they had lived on "for generations", after a new farmer bought the land. "People who were born and

bred on the farm were kicked off and dumped at the side of the road with nowhere to go."

The township and the old town council agreed to give the people temporary residence while a permanent solution was sought. But as time passed and the promised resettlement did not take place, the new TLC grew impatient with cattle roaming on to private property.

"We agreed if the cattle wandered into town they could be impounded, but (the council) sent in the Internal Stability Unit to impound the cattle from the kraals," claimed Mkhize.

Town clerk Chris Beyers said the TLC voted to impound the cattle last October, but gave the families 60 days notice to remove them from municipal land: "They were eating washing on the line and damaging gravesites in the cemetery.

Ratepayers complained and the land reform department is ducking and

diving. Black evictees know there's R35-million available for this district. Not a cent of that money has been spent."

District land reform manager Peter Green said the resettlement plan was "a lengthy process" as the farm the community wants was "beyond their means". With only R15 000 of government subsidy available per homestead for land and infrastructure, the community would have about R300 000 for the land — half of the R600 000 offer currently under discussion.

The land reform programme is negotiating a loan to enable the community to purchase the farm, but this would take time: "in the meantime, we need to get the local farmers and the TLC involved and make it their concern. At the moment it's a situation of somebody else's problem."

Green says attempts to seek co-operation from the TLC have met

with little success: "We would like the council to make land available for the cattle to graze as a short-term solution. We don't seem to be able to find other land and the council doesn't want to budge."

Beyers said the land reform department was trying to shift the blame: "The TLC is responsible to the ratepayers. Is it the responsibility of council to provide grazing land for free? Local authorities tolerated those people for more than two years now. They're not ratepayers and they're not our responsibility," he said.

Land Affairs spokesman Helmut Schlechter said little could be done to force local authorities to assist land reform, but the situation could soon change. The Green Paper on Land Affairs, released this month, suggests "moves are afoot to enact legislation to require local authorities and parastatals to bring their land into line with land reform".

Farmers oppose proposed right to buy land

By **NORMAN CHANDLER**
Pretoria Bureau

Farmers remain opposed to the principle of the Labour Tenants Act and are objecting, as well, to actions being taken by some farmworkers in occupying land that does not belong to them.

The new law would allow workers to buy land they occupy with government money.

According to Transvaal Agricultural Union president Dries Bruwer, "no right-thinking person who understands normal marketing principles can support this legislation".

"It is obvious that the Minister of Land Affairs, Derek Hanekom, is subtly introducing the communist system of land ownership in South Africa. Socialism ruined the economies of eastern Europe and many African countries."

The SA Agricultural Union also voiced its objection.

(4) Star 26/2/96

Germans set up SA office

Stephen Laufer

~~446~~ (63)
NORTH Rhine-Westphalia would open an advice office in Johannesburg for small and medium-sized businesses contemplating investing in SA, the German state's economics and tourism minister, Wolfgang Clement, announced yesterday.

Clement is in SA for the German industrial and technology trade fair in Johannesburg and to intensify contacts with Mpumalanga.

A skills enhancement programme for tourism managers from Mpumalanga had been agreed on at the weekend and a tourism school for the province was under discussion. Clement said his province would also help plan a new international airport for Mpumalanga.

The German state had set almost R1,5m a year aside for assistance to Mpumalanga, with the state chambers of industry and trades contributing an additional R250 000 for skills transfers.

BD 27/2/96

Labour tenants' rights

④ Sowetan 28/2/96

By Sowetan Correspondent

A MODEST, BUT HISTORICALLY significant, piece of legislation was passed last week and is likely to become law by April. The Land Reform (Labour Tenants) Bill provides labour tenants living on white-owned farms with protection from eviction and the right to acquire land.

Labour tenants are defined as people living on farms who have or had use of arable or grazing land on the basis that they provided labour to the owner or lessee of the farm. It includes the family and descendants of labour tenants.

Farmworkers are not covered by the Bill. They are defined as people who are employed on a farm and whose payment is mainly in cash, not the right to occupy and use land for their own purposes.

About a third of the 3,5 million people who were forcibly removed came from farms. And unlike other forced removals, labour tenant evictions continued and increased during the period of negotiations and also after the April 1994 elections.

Despite these evictions and repeated attempts to outlaw labour tenancy, estimates say there are between 190 000 to 250 000 tenants closely associated with elements of labour tenancy living on white-owned farms in KwaZulu-Natal alone.

Weak bargaining position

Up to now, labour tenants were in a weak bargaining position in relation to landowners. Since they had no protection in law, landowners could unilaterally withdraw occupational rights, regardless of how long families had lived on the land. The Prevention of Illegal Squatting Act and the Trespass Act and civil ejectionment procedures could also be used to enforce evictions.

This made tenants one of the most vulnerable groups, despite the potential benefit they could derive from the new land reform programme. Until today.

The Bill makes the protective tenancy aspect operative from June 2 1995, when it was passed by Cabinet, not when it becomes law. This means that tenants who were evicted from June 2 1995 may have their land rights reinstated.

While the Bill does not ban evictions, it subjects these to specific criteria and the Land Claims Court.

Farmers who want to evict tenants must give the Director-General of Land Affairs and the labour tenant concerned at least two months notice. This allows time for the Department to try to mediate and settle the dispute.

Even if mediation fails, the eviction will

Until now, labour tenants were in a weak bargaining position in relation to landowners who could unilaterally withdraw occupational rights, regardless of how long the vulnerable families had lived on the land....



Flashback ... A Mogopa family after they returned to their land. Most people who were forcibly removed under apartheid came from farms.

only be legal if the Land Claims Court makes an order to that effect.

To get such an order, landowners must show that tenants have breached a contract, are guilty of misconduct or that the owner has very specific needs for the land.

If the Land Claims Court grants such an eviction order, the landowner must pay evicted tenants compensation for houses they have built on the land and for unripened crops.

Tenants who are 65 years or older, or who are unable to provide labour because of a disability, may not be evicted.

The protective tenancy provision, by making it more difficult for farmers to evict, makes it more attractive for both tenants and the farmers to seek mutually acceptable solutions to their land disputes.

Labour tenants, as one of the poorest groups of South Africans, are unlikely to be able to

compensate landowners themselves or to raise money to do so.

And while the Bill makes provision for the Government to pay this compensation, it is unlikely that the Government will be able to do so for all labour tenants at once.

Finding acceptable local solutions is also important because the problem of labour tenancy cannot be solved through Government buying alternative land and resettling tenants there. Labour tenants generally want rights to specific pieces of land.

In a motivation about the Bill, its drafters point out that the protective tenancy aspect and the right of long-term occupants to acquire rights to land are internationally accepted and widespread practices.

In South Africa these aspects are contained in the Rent Control Act of 1976 and the upgrading of land rights laws introduced under the former government such as the Upgrading of Land Tenure Rights Act of 1991.

Alongside the protective tenancy aspect of the Bill goes the right for tenants to acquire land they

have historically occupied and used. Those who opt to buy land must apply to do so within four years of the Bill becoming law and may get a state subsidy to help them raise money to buy it.

In such cases, the landowner will be compensated. How much compensation the owner gets is determined by the Land Claims Court considering factors such as market value, how the land was acquired, how the owner will use the land, when last the owner used the land and what labour the tenant provided.

Owners may make alternative proposals about which land labour tenants should acquire and the Bill provides for mediation around this.

Because the practice of labour tenancy is limited to certain parts of the country, it is argued that the Bill will have no effect on productive farmers.

Farmers likely to be affected are those who have not become competitive.

Farmworker 'abandoned'

5/3/96 Argus 4

Epileptic Gauteng employee far from home

ANDREA WEISS Staff Reporter

AN epileptic farmworker who lived all his life on a farm in Meyerton, Gauteng, was allegedly abandoned in Cape Town by the Meyerton farmer, who told him he had sold the farm and the police would help him find his family.

After spending a weekend at the Cape Town station, Elias Thyumbu, 40, was directed to the Western Cape provincial government buildings by social workers. Police working at the security desk, in turn, contacted the African National Congress provincial office, where administrator Steven Mboobo stepped in.

Mr Thyumbu said his employer, Johan van Rensburg of the farm Goolhoek, had told him on Tuesday last week that they would be travelling to Kimberley to deliver sheep and would be returning home by the end of the week. The two men travelled to Kimberley and Hopetown, after which Mr Van Rensburg headed for Cape Town.

Mr Thyumbu said he had asked why they were going to Cape Town, to which Mr Van Rensburg had replied that he had sold the farm and was taking Mr Thyumbu back to where his family had come from. "He said to me that he was going to Johannesburg,

and I could not go with him because I was sick. He gave me R10 and said I had enough pills. He told me to go to the police."

Mr Thyumbu said his father had not come from Cape Town but from the Transkei, and had lived in Meyerton since the 1950s. He was born on the farm and was the only remaining worker there. The farmer dropped him at Cape Town station.

After spending the weekend at the station, police there sent him to Caledon Square, where he was referred to the Welfare Department in Queen Victoria Street, and then sent to the provincial legislature for help.

Mr Thyumbu said he wanted to get back home as he had money in his dwelling on the farm, as well as a cow, sheep, pigs and chickens.

The ANC appealed to the public to help Mr Thyumbu, who did not have the R116 for the train-fare home. ANC member Cameron Dugmore said it was worrying that the social welfare was unable to respond quickly to Mr Thyumbu's plight, adding that the conduct of the farmer was "disgraceful".

Efforts to trace Mr Van Rensburg were unsuccessful, with the telephone number listed for a J Van Rensburg giving the discontinued signal.



DUMPED: Farmworker Elias Thyumbu, 40, from Meyerton in Gauteng, was dumped in Cape Town by his employer, who told him he had sold the farm and that he should go to the police for help.

Picture: BRENTON GEACH, The Argus.

Northern Province	Stolen cheque/forged signatures	R5 400	Unknown	1994/95 F.Y.	Bank refused whole amount
	Fraud	R17 000	School principal	1994/95 F.Y.	Sentenced to two years
	Forged invoices	R1 326	School principal	1994/95 F.Y.	Pending court case
	Fraudulent payment	R4 200	*School principal *Supplier	1994/95 F.Y.	Under SAPS investigation
	Stolen cheques	R80 263	Official	1995/96 F.Y.	Under SAPS investigation
	Purchasing of personal goods with project funds	R118	Acting school principal	1995/96 F.Y.	Case closed/Money was paid back
	Theft	R800	Relative of school principal	1995/96 F.Y.	Under SAPS investigation
	Increased order to cater for personal needs	R1 568	Members of project committee	1995/96 F.Y.	Under SAPS investigation
	Forged cheques	R11 269	School principal	1994/95 F.Y.	Under SAPS investigation
	Misuse of project funds for personal gain	R32 991	Project committee chairperson	1994/95 F.Y.	Under SAPS investigation
KwaZulu-Natal	Claims i.r.o. fictitious school	R37 600	Project committee	1994/95 F.Y.	Under SAPS investigation

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THURSDAY, 7 MARCH 1996

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INTERPELLATION

The sign * indicates a translation. The sign †, used subsequently in the same interpellation, indicates the original language.

Housing of farmworkers: progress made

1. Senator A E VAN NIEKERK asked the Minister of Housing:*

Whether any progress has been made in respect of the manner in which the housing of farmworkers is to be dealt with; if not, why not; if so, (a) in what manner will such housing be dealt with and (b) when will the relevant procedures be implemented?

S138E INT

THE MINISTER OF HOUSING: Mr President, in reply to the first part of the question, substantial research by the widely representative Joint Technical Committee on Rural Housing was carried out to divine a new housing subsidy scheme and institutional framework which will meet the specific needs of rural communities, including farmworkers. This work has been continued in the Standing Committee on Integrated and Co-ordinated Development of the National Housing Board, the standing committee that deals with this issue.

Because of the legacy of inequity between communities, and the need for a co-ordinated and coherent approach, the work has centred on the development of a subsidy instrument which would meet the needs of rural communities, including farmworkers, within the mainstream of housing delivery mechanisms.

In reply to the second part of the question, the institutional subsidy which was announced in October 1995 is considered to be the most appropriate instrument to address the needs of farmworkers, who often do not have the option of freehold tenure. The operationalisation of the institutional subsidy is at the discretion of the various provincial housing MECs, and is dependent on the capacity in the relevant provincial departments.

According to information received from the provinces, the institutional subsidy is already in operation in seven of the nine provinces.

THURSDAY, 7 MARCH 1996

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Senator A E VAN NIEKERK: Mr President, at a meeting held on 7 July 1995, representatives of the Departments of Housing, Agriculture and Land Affairs, and the SA Agricultural, Plantation and Allied Workers' Union, the SA Agricultural Union and the National Union of Farmworkers, agreed to an approach in terms of which the R50 million budgeted by the Department of Agriculture for farmworker housing, was to be transferred to the Department of Housing with the view of supplementing the funds of the provincial housing boards which would finance the to-be-selected pilot initiatives for farmworker housing.

The R50 million was to be used to finance projects to test two main options, namely off-farm and on-farm projects. I also understand that a certain Dr H Dohly was finalising criteria for evaluating farmworkers' projects as early as July 1996.

No announcement has been made about these projects. As far as we are concerned, they do not really exist. Not one farmworker was financially assisted in obtaining a house under this new scheme in terms of which this R50 million is applicable. The people who benefited from the previous assistance given by the Department of Agriculture, namely the farmworkers—poor rural people—are at the receiving end of the non-delivery of the hon the Minister of Housing. Is the hon the Minister of Land Affairs who, with the late Minister Slovo, invoked suspicion by asking who really benefited from the previous scheme, to be blamed? Or is it perhaps the hon the Minister of Agriculture?

I pose the question. Was this House misled? We were made to believe that the R50 million was to be kept and reallocated to assist farmworkers to get better housing. However, it now seems that it was used to finance pilot projects. [Interjections.] We need to know what is left of that money. Will this amount be rolled over to next year's Budget? What happened to the DM50 million that was earmarked for farm housing about a year ago?

The three relevant departments are discouraging the culture amongst farmers of improving the living standards of their workers, and through this are depriving these people and their children of better living conditions.

Senator N SINGH: Mr President, I think I can inform Senator van Niekerk that the R50 million will be rolled over to next year's Budget. How-

ever, I want to agree with the hon the Minister that this is a complex issue. There is a joint technical committee that has made certain recommendations. The scheme that was in place under the Department of Agriculture was not entirely acceptable, because there were criticisms to the effect that farmers were benefiting and enriching the value of their assets by putting up new dwellings.

I appreciate a co-ordinated and integrated approach to trying to address the need for housing for farmworkers. We should be mindful of some of the people who work in sugar estates. These people give their lives—30 to 40 years of service—to sugar estates, only to be told when they retire or if the breadwinner dies, that they have to move out within three months. It becomes very very traumatic for these workers who give their lives, their sweat, their blood and their tears for these sugar companies. I think, when looking at farmworkers, the hon the Minister should also examine that situation. [Time expired.]

Senator E K MOORCROFT: Mr President, Senator Van Niekerk has raised a specific question here. I wish to comment in more general terms.

When I see the strides which have been made in rural farmworkers' housing over the past few years, thanks to the subsidies which are being made available, and when I see the conditions under which the people who have moved to towns have to live, then I believe the real need lies in the squatter camps rather than on the farms.

For that matter, I would compliment what farmers have done for their farmworkers and say that if there are funds available, we should look at where the real need is, and that is the squatter camps. I cannot think of one farmworker I have seen on any farm, who has to live under conditions comparable to those in which people have to live in the squatter camps of towns.

*Senator J A JOOSTE: Mr President, before these funds, which had been available in the previous dispensation, were frozen, approximately 10 117 houses were built during the previous financial year with this subsidy of R76 million. This includes a part that was rolled over, and a contribution of R428 million which was made available by the employers. In other words the agricultural community itself. The entire project was dropped and a great backlog has been building up.

The important point is that the farmworkers are

part of the agricultural community. We shall battle until farmworkers receive a fair dispensation, similar to other components of the economic community of the country. We do not want politics to drive a wedge between the farmworkers' community and the owners of farms, because they form a unit. I concede that the previous scheme was perhaps not perfect, but we cannot suspend an entire scheme for four or five years until something has been negotiated, because we will never be able to eliminate the backlog. We should continue with the scheme as it was and rectify the mistakes. [Time expired.]

*Senator B J VAN DER WALT: Mr President, the standpoint of the FF is that the funds have been carried over to the Department of Housing, and that the provincial housing boards, as we heard here in the Chamber yesterday, will play a role in the regional development of housing. The FF therefore takes the view that we should see how the provincial housing boards are going to handle the question of housing for farmworkers in their particular regions.

We would like to request that once the recommendations of the technical committee, to which the hon the Minister made reference, are available, they should be conveyed to the National Housing Board as quickly as possible and afterwards channelled to the provincial housing boards so that we could form an idea of how they envisage handling and developing the critical aspects of housing for farmworkers in certain regions.

Senator V M TYOBOKA: Mr President, firstly I would like to respond to the statement made by Senator van Niekerk. The question of nondelivery is not the responsibility of the Ministry of Housing. It seems as if the hon senator is irresponsible, because he forgets that the legacy of fragmented institutions, the arrangement of the past, was created by his party, the NP. That is why right now we are faced with problems in the rural and farm areas. This is the only Minister so far who I can say is doing her best to address the needs of the rural farmworkers.

Concerning the moneys the hon senator is complaining about, I can say that the Minister of Housing is very responsible. Her officials have to sit down and plan for the effective utilisation of each and every cent and they are accountable, unlike the NP.

Another thing that we must remember very well is that we do not have to doubt the programmes that

have been introduced by the Minister to address the needs of the farmworkers and also the rural farmworkers.

Senator A E VAN NIEKERK: Mr President, I want to congratulate the hon the Minister with her praise singer, but I shall leave it at that. [Laughter.]

*On 18 May 1995 I issued the warning, and I quote from Hansard 1995, col 981:

... that it is unfair to the employees if this money is kept frozen. . . .

We are talking about the R50 million with respect to their housing—

... while there is no other scheme on the table.

It is now nearly 10 months after this warning, and the money was not only frozen, but used. What is the excuse? Are the farmworkers, the good people of the land, too decent, not enough of a pressure group? Or should agriculture start mobilising them so that their voices could be heard? We should not allow that to happen. We know that money is a problem.

We should rather motivate the employer, like in the past, to make a contribution in a meaningful way and to help farmworkers and their families to live in better circumstances and even acquire the right to property where this is practically possible. Or have those colleagues on that side of the House already forgotten about the needs of the people at the grass-roots level? If they have forgotten that, the NP will remind them regularly. [Interjections.]

The MINISTER OF HOUSING: Mr President, this is quite an interesting debate, in that we are hearing interesting things, all of a sudden, from people who have left farmworkers under desperate conditions in the past and whipped them. We have a record of people who died on the farms, because they were whipped by farmers. We have a record of the fact that children below the age of 18 were forced to work on the farms. Yet all of a sudden the hon senator is appearing to be protecting the rights of the farmworkers. [Interjections.] Welcome to the camp of those who care about the people! [Interjections.] May I be given an opportunity to respond?

*Senator A E VAN NIEKERK: Mr President, may I ask the hon the Minister a question?

The PRESIDENT OF THE SENATE: Order! The Minister will first complete her two minutes. The Minister may proceed.

The MINISTER: I would like to give my responses to some of the issues that have been raised. [Interjections.]

The PRESIDENT OF THE SENATE: Order!

The MINISTER: I would just like people not to confuse issues. We have received DM50 million from the Germans, and that package comes with instructions, owing to the way in which the German institution accounts for its use of funds. Because of their terms of reference we have had to delay the distribution of this amount, in order to ensure that the institutional framework is in place. We are now ready to tell hon senators that that amount of money will be utilised as soon as the National Housing Finance Corporation starts operating. Because of the requirements of the Germans, we cannot simply distribute it as we could any amount which we control, so that amount will be administered and managed by the Finance Corporation.

To give direct subsidies or mortgage finance to individual farmworkers—that is separate from the subsidy scheme which the Ministry is instituting—farmworkers, like other people who do not have adequate shelter, have been given the opportunity to have access to what is called an institutional subsidy. Through that subsidy, farmworkers on any individual farm can come together, amass their resources and form what we call a Company 21 institution or agency. That is going to allow them legally to acquire property which they can occupy.

However, as soon as they lose the opportunity of working on that farm, they can move on to another location and they will be given a subsidy to relocate to their new surroundings. Therefore, it is not as if they will have no accommodation when they leave that institution.

The PRESIDENT OF THE SENATE: Order! The hon the Minister's time has expired, except for 30 seconds. Does the Minister wish to take a question?

The MINISTER: In short, I am trying to say that all the moneys that are available for rural housing can be accurately accounted for, but we are not going to allow a situation where a specific unit within our society, because it has some kind of benefit, is going to rush us to apply subsidies outside the requirements of policy. [Applause.]

The PRESIDENT OF THE SENATE: Order! The Minister has three seconds to her credit. Would she like to take a question? [Interjections.]

*Senator A E VAN NIEKERK: Mr. President, I would like to ask the hon the Minister whether she could possibly table her allegations with regard to the so-called new campaigners for the farmworkers, who were supposed to have committed certain deeds in the past, in the form of evidence.

The PRESIDENT OF THE SENATE: Order! That is not a question pertinent to the debate. Debate concluded.

QUESTIONS

†Indicates translated version.

For oral reply:

*1. Sen J SELFE—Education. [Question standing over.]

Senator B T NGCUKA: Mr. President, may I request that the question stand over to give us an opportunity to see where the hon the Minister is. Senator E K MOORCROFT: Mr. President, if we as senators are required to be here in order to put our questions, I believe it is only a courtesy for the hon the Minister responsible also to take the trouble to be here. It is very unsatisfactory that we have no Minister here to answer this question.

The PRESIDENT OF THE SENATE: Order! That was in part the reason for changing the Rules.

Senator B T NGCUKA: Mr. President, I merely requested that the question stand over until later today so that we could enquire about the Minister. We have not had word from him. He may still be coming. Alternatively there may well be good reason for his not being here.

*2. Sen E K MOORCROFT—Environmental Affairs and Tourism. [Question replied to after Question *17.]

International airlines: extra flights to/from SA
*3. Sen E K MOORCROFT asked the Minister of Transport:

Whether any applications have been received from any international airlines for permission to introduce more flights to and from South

Africa: if so, in each case, (a) when was the application received, (b) which airline made the application, (c) what was the request and (d) what was the response from the South African Airways?

S67E

The MINISTER OF TRANSPORT:

Yes, international airlines have filed applications with the Department of Transport to increase the number of flights to and from South Africa. The following applications were received via correspondence since the beginning of 1995—

(1) Application received: 26 January 1995

Airline: EgyptAir

Request: To introduce a third weekly service and to add Cape Town as an additional entry point.

Response from SAA: SAA had no objection to EgyptAir operating a third frequency and serving Cape Town as an additional entry point into South Africa.

(2) Application received: 28 August 1995

Airline: EgyptAir

Request: To introduce a fourth weekly service and to add Durban as a third entry point into South Africa.

Response from SAA: SAA indicated that they are unable to support the request as they are of the opinion that EgyptAir is bolstering the South Africa/Egypt route with sixth freedom traffic (i.e. traffic conveyed to destinations other than South Africa and Egypt). This matter will be addressed during formal negotiations in the near future. There is, however, a pending application from SAA to introduce services to Egypt.

(3) Application received: 12 October 1995

Airline: Emirates Airlines (United Arab Emirates)

Request: To increase its frequencies from two to three per week.

Response from SAA: SAA could find no "incentive" to support Emirates' request for a third frequency. After a round of discussions between the airlines both airlines have agreed to certain commercial

principles and SAA indicated that they would support the application for an additional frequency which has since been granted.

(4) Application received: 27 October 1995

Airline: JAT, Yugoslav Airlines

Request: To introduce one flight per week between Johannesburg and Belgrade.

Response from SAA: SAA didn't see any justification for the introduction of services at this stage, due to insufficient traffic from Eastern Europe. However, in the national interest, JAT's request was granted.

(5) Application received: 7 November 1995

Airline: Alitalia (Italy)

Request: To increase the current five weekly frequencies to seven.

Response from SAA: SAA considered that there is no justification for this request, due to the extent of Alitalia's sixth freedom activities in Europe, regardless of the fact that SAA is not serving the Italian market. This matter will be the subject of further bilateral discussions.

(6) Application received: 9 January 1996

Airline: Qantas (Australia)

Request: To introduce a fourth frequency between South Africa and Australia.

Response from SAA: Response still awaited.

(7) Application received: 5 February 1996

Airline: Air Lanka (Sri Lanka)

Request: To introduce two weekly frequencies.

Response from SAA: Not received yet.

Further requests for increases in flights were also dealt with in bilateral air services negotiations—

A list of countries with which Memoranda of Understanding have been completed after further rounds of bilateral negotiation is available for examination.

All of the European and Eastern countries specified in this list have requested additional capacity into South Africa. It is, unfortunately,

not possible to provide a detailed explanation regarding the actual requests of the various countries as this is a matter for ongoing negotiation weighing up reciprocal benefits in each case.

SAA has, however, been reluctant to support requests for additional capacity into South Africa. The primary reason for this lack of support is based on their conviction that sixth freedom traffic is being conveyed, regardless of the fact that SAA does not operate services to certain destinations, e.g. Belgium, Italy.

However, requests for additional capacity with respect to African countries were fully supported by SAA.

Interception and Monitoring Prohibition Act: amendment

*4. Sen J SELFE asked the Minister of Justice:

Whether he intends introducing legislation to amend the Interception and Monitoring Prohibition Act, 1992 (Act No 127 of 1992), to bring it into line with legislation relating to intelligence matters; if not, why not; if so, when will such legislation be introduced?

S68E

The MINISTER OF LAND AFFAIRS (for the Minister of Justice):

Yes. My Department is presently investigating the possibility of an amendment to the Interception and Monitoring Prohibition Act, 1992 (Act 127 of 1992), at the request of the Select Committee on Justice (Senate) so as to bring it in line with the National Strategic Intelligence Act, 1994 (Act 39 of 1994), and the Intelligence Services Act, 1994 (Act 38 of 1994). It is difficult at this stage to say when this legislation will be introduced into Parliament. During the course of the investigation comments regarding any proposed amendments will have to be obtained from the judiciary and all other interested parties.

*5. Sen W F MNISI—Welfare and Population Development. [Question replied to after Question *17.]

The PRESIDENT OF THE SENATE: Order! There is no one to answer the question, but before we proceed to Question 6, I shall ask the Secretariat to draw the attention of the Depart-

Govt offers to buy fruit farms for workers

Patrick Wadula

GOVERNMENT has offered to buy three bankrupt Mpumalanga farms from Crookes Brothers for R16m for the 600 farm labourers who work there.

Land affairs department communications director Maurice Smithers said the ministry had made the offer earlier this week, and

the JSE-listed company was still considering it.

The three fruit farms — Lomati, Doornkraal and Ooshang — were liquidated at the end of last year after owing almost R28m to creditors.

Crookes Brothers bought the farms after they were liquidated, with the intention of turning them into sugar plantations, but it was prevented from taking

control of them by the workers, who feared retrenchment.

Smithers said government planned to make R15 000 available to each household through the Inala Trust, formed by the farm workers to manage the farms, for a total of R9m. The department would advance the farm workers the remaining R7m, repayable within a year.

BD 8/3/96

Labour tenants may soon be landowners

By **KARIN SCHMKE**
Gauteng Reporter

Gauteng's labour tenants who have farmed land they leased from the Government on 30-day contracts for the past 20 years could soon own the land if the Gauteng legislature decides today to implement a programme that will allow them to buy land from the province.

The proposed Gauteng Farmer Settlement Programme was re-

Star 12/3/96
vealed at a public meeting yesterday and was hailed as "innovative" and "precedent-setting" by contributors, including Trish Hanekom, chairman of the legislature's standing committee on conservation and agriculture.

The programme is marked by its unusual protection of both the possible beneficiaries and the state's assets, in that the provincial government will be entitled to re-acquire land it has sold if the owners use it for any purpose

(4)
other than agriculture.

Around 140 000ha of state-owned land is affected by this programme, but Hanekom said not all of it would be sold off in this way as some of the land may later be used for development or conservation.

If the legislature adopts the programme today, mechanisms for the sale of land are expected to be in place by May 1. Hanekom was confident the programme would be adopted.

Eviction of farmworkers probed

(4)

Farmers' actions taking place because of delay in passing of bill

BY NORMAN CHANDLER
Pretoria Bureau

A special task force is investigating a nationwide spate of evictions by farmers of their workers.

The evictions, most of them ordered by courts of law after applications had been made by farmers, have been taking place because of a delay in the the enactment of the Land Reform (Labour Tenants) Bill, now being debated in Parliament.

When the bill becomes law it will be very difficult for farmers to evict workers who were in their employ before June 2 last year.

The Department of Land Affairs says the task force, which will operate for a year, has been put in place because a "crisis situation" is developing in rural areas as a result of evictions, "some of them outside the law, some as a result of old court orders never carried out

and some from new court orders".

It adds that "the situation is creating a spiral of increasing tension and suspicion".

Hundreds of farmworkers, notably in Mpumalanga and Kwa-Zulu Natal, have threatened to invade farmers' land, and this has resulted in warnings from the

Department warns of crisis in platteland

South African Agricultural Union and its provincial affiliates that "every form of resistance" will be taken against the invaders.

The department says conflict resolution has been successful in some cases.

"The initiative is an attempt to

break the cycle of spiralling tensions by binding grassroots stakeholders into a process of local negotiations. The forums aim to gradually establish platforms of equal levels of discussion and committed partnerships between current landowners and emerging landowners. To be proactive rather than reactive has led to the formation of the task force," it says.

The task force's role is to intervene in cases of sudden eviction, with the brief to establish local forums to deliver land and development to the tenants involved.

In terms of the new bill, people who were labour tenants on June 2 last year have the right to occupy and use part of the farm they have been allowed to occupy and use by contract with the landowner, and cannot be evicted unless they waive their rights contained in a written agreement.

Meanwhile, the land reform

programme now extends to every province.

Land reform pilot projects are taking place in a broad band from the Botswana border to Kimberley, in the southern Cape from west of Mossel Bay to Jeffreys Bay, in the central Eastern Cape (large parts of which fell in the former Ciskei), in

Bid to end cycle of spiralling tension

Northern Province north-west of Pietersburg, in Mpumalanga, parts of northern Gauteng, North West Province, the Free State and northern KwaZulu Natal.

The department has received 5 202 requests for restitution and 182 for redistribution of land.

Star 13/3/96

Farm land released to rural poor

4

By Pamela Dube
Political Staff

sewetaan
14/3/96

FARMWORKERS, labour tenants and rural women will soon be able to become proud owners of state-owned agricultural land.

The adoption of an amended Gauteng Farmer Settlement Programme policy this week by the Gauteng Legislature opened doors of opportunity to the provinces' poor rural citizens for extensive agricultural farming.

Presenting the amended policy, the chairwoman of the Standing Committee on Agriculture and Environment, Dr Patricia Hannekom, said the main beneficiaries would be farmworkers, labour tenants, share croppers and women.

Subsidy assistance

Beneficiaries of the programme are those qualifying for subsidy assistance in terms of the Settlement Support Grant. The target group for the grant are those earning less than R3 500 a month.

But, Hannekom said, those earning more will also be able to buy the land if they can raise money elsewhere, such as at banks.

The policy also addresses the insecurity of tenure often faced by women "due to the patriarchal nature of our society, allowing for the property rights to be held independently of matrimonial status", Hannekom explained.

The amended policy also extends the leasing period from 30 days to three years.

These leases will include an option to purchase if the provincial government disposes of the land at the end of the lease period.

Hannekom said this will allow adequate time for the tenant farmer to establish the viability of a proposed operation.

Labour tenants to get the land they occupy

(4) CT 2/13/96
TWENTY-FIVE KwaZulu-Natal labour tenant families who faced eviction in December last year can now have the land, which has been designated for settlement by Land Affairs Minister Derek Hanekom.

The land in Vryheid would be bought at a market-related price of R285 000 under the Grants and Services of the Land Reform Programme and there would still be money over from the grant for each household's development and transfer costs, the ministry said in a statement.

This was typical of what could be achieved when everyone worked together, it said.

Instead of evicting the families the owner had been prepared to discuss the issue with the threatened families and was willing to sell them the land.

Hanekom had designated the land for settlement on Tuesday, enabling a formal agreement to be finalised, the statement said.

● An application by about 5 000 Tembisa squatters for leave to appeal against an eviction order was dismissed in the Rand Supreme Court on Tuesday.

The squatters were appealing against an eviction order obtained by the Edenvale-Modderfontein council last month. They were given 30 days to leave the Mthambeka Section area.

Counsel for the squatters Janie Kotze said he was not sure what his clients' next move would be. — Sapa

Bitter fruits of labour

Wineland farmworkers claim they are paid R1,90 and a bottle of wine for a day's work

**ADELE BALETA and
TASLIMA VILJOEN**
Staff Reporters

SEASONAL farm labourers in outlying rural areas are being lured onto farms in the winelands, including Paarl, Wellington and Stellevosch, with false promises of fair wages and decent accommodation.

But when it comes to delivery, many farmworkers have found themselves worse off than before. Community organisations and advice offices in wineland towns report that unfair labour practices, assaults and evictions are rife on most farms in the area.

In a recent case, Paarl farmer Louis Kirsten allegedly paid

his workers as little as R1,90 after deductions and a bottle of wine for a 13-hour day's work. That's about 14,5 cents an hour.

Community workers said farmworkers from Victoria West had been promised a free meal, accommodation and a reasonable wage. But when they arrived, the 75 farmworkers and their families were housed in six small dark rooms with little sanitation. Instead of free meals, they had to pay for food bought from the farmer's shop. The money was deducted from their R12 a day wage packet.

Pay slips shown to SATURDAY Argus by the workers showed deductions for punishment (*straf*) for backchatting the farmer, failing to call him

■ Abuse of farmworkers by unscrupulous farmers continues unabated despite a new Labour Relations Act which offers labourers protection against unfair labour practice.

"baas" and being absent due to illness.

The workers tried to leave after enduring these conditions - described by community worker Marthinus Gouws as "inhumane" and "revolting" - for four weeks, but Mr Kirsten allegedly prevented them from doing so.

Some workers contacted the local ANC office, which sent some of its members with a representative from the Department of Labour to visit Mr Kirsten. After negotiations with the farmer's lawyer the workers

were allowed to leave. Transport was organised to take them home.

When contacted about the matter Mr Kirsten refused to comment.

Nicky Taylor of the Centre for Rural Legal Studies said unfair labour practices occurred regularly on some farms. She said it was difficult for advice offices and other paralegals get legal recourse for seasonal workers because they were hard to track down.

"They can be scattered over

(4) AR 4 30/3/96
some distance and it's difficult to get them together to enforce their rights. When they go home it's not easy to get them back to court.

"If the matter is taken to the civil court then the case has to be heard in a court close to where the infringement of their rights occurred. In this case the workers from Victoria West would have to come to Paarl," she said.

Ms Taylor added it was an unfair labour practice to house workers in inhumane living conditions. "The issue can be referred to the agricultural court, but by the time the case is heard the workers will have gone home," she added. Punitive deductions were also

a criminal offence, she said, adding that workers could go to the Department of Labour to make sure their rights were enforced.

"If the farmer refuses to remedy the problem the department must refer the matter to the criminal courts and once again in the worker's distance from the court complicates matters. Very few cases are referred by the Department of Labour," Ms Taylor said.

She said a green paper on labour relations had proposed the setting up of an employment standards commission which would address wages in particular sectors such as farming, but that the proposal had not yet been implemented.

Safety plan for workers

(13)(4)

THE Get Ahead Foundation and the National Occupational Safety Association yesterday announced a plan to provide safety and health training for agricultural workers. *Sowetan 16/4/96*

The programme, aimed at helping farmworkers to improve their health and safety in the workplace, was officially launched by Get Ahead Foundation chairman Dr Nthato Motlana.

The project will provide training in all aspects of occupational safety legislation.

Get Ahead Foundation managing director Mr Don McRobert said some of the most common injuries affecting farmworkers were back injuries and contamination from the handling of pesticides.

"Agricultural work is the second most hazardous occupation in South Africa, yet the most neglected when it comes to health and safety," he said. - *Sapa*.

Kriel confronts demo by 30 workers at Stellenbosch college of agriculture

CHENE BLIGNAUT
Staff Reporter

(4)

ARG 20/4/96

A VISIT to the Elsenburg Agricultural College near Stellenbosch yesterday by Western Cape Premier Hennis Kriel was disrupted by protesting workers.

While Mr Kriel was telling future farmers in the college hall of their responsibility to contribute to the housing of rural workers, college staffers were protesting loudly outside the building about the state of their own homes.

Mr Kriel said the agricultural sector could help the province with the implementation of the local RDP programme by sharing responsibility for housing, health care, education and care for the elderly among rural workers.

The establishment of small farmers should be a priority, he said, emphasising the importance of scientific and business training for farmers.

The itinerary of the morning visit had to be rearranged quickly when about 30 workers blocked the entrance to the building where Mr Kriel was having tea with senior staff.

Members of National Union for Education and Health Workers and the Public Service League, they demanded to show Mr Kriel the "dark side" of the college.

Spokesman John Andrews said the department spent millions of rands on campus renovations and preparations for the premier's visit, while no money had been available since 1994 to improve the squalid conditions in which they were living.

Campus security personnel and SAPS vehicles sidetracked the protestors while Mr Kriel was whisked off to the college hall for his address.

A college labour relations spokesperson said the workers represented a very small percentage of the staff.

He said funds had been allocated to upgrade houses in the Vaaldraai community, but the workers were not happy with the pace of development.

After Mr Kriel left, the workers were invited to meet with the college management, but they declined the invitation.

Workers on farms set to join unions

(4)
BY FRANCOISE BOTHA

CT(BR) 22/4/96
Cape Town — The Labour

Relations Act, expected to be introduced in May, will include agricultural workers in its scope for the first time and will probably result in a sharp increase in the unionisation of the country's estimated 1,4 million farm labourers, agricultural sector commentators say.

Grant Twigg, the general secretary of the Farm, Food and Rural Workers' Support Association, said only 12 percent of the workers employed in the primary agricultural sector were unionised but the figure could increase once the Act was introduced.

A spokesman for the agriculture department said the process of unionisation could be slow and would depend on the unions' ability to get themselves organised.

Unions would have the right to address farm workers and could demand access to farms.

Jan Booysen, the manager of consultation services for KWV, said it had been difficult for the unions to get into the agricultural sector.

"This is largely because in the wine industry alone there are more than 5 000 farms and they would have to go to each one," he said.

A spokesman for the agriculture department said the Western Cape could lead the way in unionisation because the farms in the region were smaller than elsewhere.

Twigg said there were already signs that the unionisation of farm workers was rising.

The Act is not expected to please everyone, however.

André van Niekerk, a labour law consultant to Anglo American and a member of the Act's drafting team, said last year that the Act went against the grain of trends in international labour law.

He said South Africa would be introducing legislation with the specific purpose of extending organisational rights to unions and entrenching the right to strike.

Booyesen said reaction to the legislation could put a strain on employee-employer relations and conflict could result.

The labour and agriculture departments agreed but neither was bracing itself for conflict of any magnitude in the sector.

Twigg said a number of unionised farm workers might lose their jobs because of the right to strike: "The workers will have to repay the farmers for the rations and accommodation used while they are striking, which will put them under pressure. The unions (will) have to provide the workers with financial assistance. To do this, they will have to maintain their membership. If they cannot do that, they will not get worker support."

Farming unions warn on strikes

Louise Cook

(4) (4) (4)
BD 24/4/96

AGRICULTURAL unions yesterday added their voices to a barrage of criticism from political and business organisations on Cosatu's call for a national strike next Tuesday.

The unions warned that farm strikes were still illegal and would lead to "large-scale" job losses on farms. Transvaal Agricultural Union manpower committee chairman Laurie Bosman said workers would not be paid if they did not work. Strikers would run the risk of dismissal, he said.

Free State Agricultural Union manpower committee chairman Daan Slabbert also warned of job losses if union leaders were guilty of "irresponsible actions" on April 30. Workers would "carry the consequences".



'Tot system must be banished'

ET 25/4/96

(4)

PAARL. President Nelson Mandela urged members of KWV yesterday to use their "considerable influence to help eliminate once and for all the last remnants of the tot system."

"None of us should rest until this devastating practice is forever consigned to the past."

He said KWV produced a world-class product, but one that could harm people, their families and their life expectations if used irresponsibly.

He praised the industry's efforts in raising public awareness.

Mandela was speaking at the co-operative's annual meeting in Paarl where he was honoured by the wine industry for his contribution to sanctions being lifted and the opening up of international markets.

KWV presented him with a scroll.

The wine industry should carry on to become a world leader,

Mandela said.

But it should realise that the inherited dispensation of regulation, controls, licensing and competition under which KWV had thrived was now under review.

The industry had to become more competitive without protection.

The tripling of the wine industry's exports over the past three years reflected a remarkable achievement at seizing opportunities when sanctions were lifted, the President said.

The challenge now was to maintain this success through quality and service in a highly competitive market.

KWV chairman Mr Lourens Jonker said South Africa's re-entry into international markets could result in an additional 5 000 jobs by the year 2000.

At this stage, 45% of farmers' expenses related to human

resources, he said.

A sensitive balance had to be struck between making use of mechanisation and additional labour, he added.

In collaboration with the Rural Foundation, KWV would launch two projects — one focused on children living on wine farms, and the other aimed at upgrading health needs, Jonker announced.

A pre-primary school project aimed at assisting disadvantaged children would be implemented on a number of farms.

A parallel project would be undertaken to deliver primary health services in rural areas where public health services were not available.

Mandela was welcomed at the presentation by the Paarl-Wellington Regional Choir.

A group of children, from the Ernita pre-primary school, presented him with two paintings. — Sapa



REACHING OUT: President Nelson Mandela delighted the crowd which gathered outside the Paarl Town Hall yesterday when he spontaneously scooped up a little baby and stopped to chat. Mandela had just completed an address at the annual general meeting of the Ko-operatiewe Wynervaardigers (KWV) where he had been presented with a scroll of honour.

PICTURE: ANDREW BROWN

severance packages on 25 August 1995. At my request two stayed on with PACT until 30 November 1995 and the two who are still with PACT are there on a contract basis until the end of April. This request was necessary in the wake of several resignations. Had more senior managers resigned the stability of PACT would have been threatened. I should add, however, that I was unaware that these individuals had taken their severance packages when I asked them to stay on.

Last year the Council of Culture Ministers placed a moratorium on retrenchments at PACT until their new democratic Boards were in place. This was an attempt to ensure that retrenchments did not take place in an improper manner.

Notwithstanding these details, I have launched an investigation into the purpose and management of the funds in question to ascertain whether inappropriate payments may have occurred. This investigation is being assisted by a team of advisers who, at this stage, are consolidating all information relating to the funds. This consolidation will serve as a basis for deciding on the most appropriate steps to be taken. This may entail a forensic audit investigation of the funds to evaluate their legitimacy as it relates to the new Board at CEO.

As you are no doubt aware, I have appointed a new Board of Directors and CEO of PACT to govern the organisation in accordance with a revised mandate. In addition, this will initiate a process which will ensure that the requirements of the Department of State Expenditure are met for the 1997/98 budget cycle.

Provincial rugby/cricket teams

*32. Mr M T MAFOLO asked the Minister of Sport and Recreation:

- (1) Whether he or his Department has requested any rugby and cricket bodies to change the names of provincial teams to correspond with the new names of the provinces; if not, why not; if so, what was the response in each case;
- (2) whether any such bodies have indicated that they will comply with the request; if

not, why not; if so, as from what date will each team be known by its new name?
N322E

The MINISTER OF SPORT AND RECREATION:

- (1) No. The sports bodies have their own boundaries that differ from sport to sport. In the draft White Paper a suggestion to change is being mooted, but due to tradition such change will take a long time.

- (2) We will have to formally canvass sport's agreement on the matter and agree on acceptable timeframes.

Mpumalanga: farm tenants evicted

*33. Mr J S MGIDI asked the Minister of Land Affairs:

- (1) Whether it has been brought to his or his Department's attention that some farmers in the Province of Mpumalanga are continuing to evict farm tenants; if so,

- (2) whether he or his Department has investigated the matter; if not, why not; if so,

- (3) whether he or his Department intends taking any steps aimed at stopping such evictions; if not, why not; if so, what steps?

N323E

The MINISTER OF LAND AFFAIRS:

- (1) Yes.

- (2) Yes.

- (3) Yes.

- (1) Information sessions were held during which farm workers, labour tenants and land owners were informed about the provisions of the Land Reform (Labour Tenants) Bill and the implementation thereof. Information on, *inter alia*, protection under common law and labour legislation was also communicated.

- (2) Repeated calls were made to farm owners not to evict labour tenants. Both farm owners and labour tenants have been encouraged to act with constraint in dealing with conflictual situations and to make use of the

channels available to settle their disputes.

Attention has also been given to the functioning of the Mpumalanga Land and Labour Committee (MLLC). A mediation service is available through the Department to resolve disputes.

- (3) The Labour Tenant (Land Reform) Act has been signed by the President. The Department of Land Affairs also has a Settlement/Land Acquisition Grant available to assist farm tenants to acquire the land which they presently occupy, or alternative land. This grant also applies to farmworkers, and other people in need of land. The details of this grant are contained in the Green Paper on Land Policy, which is available.

Floods: reconstruction of roads/bridges/public buildings

*34. Mr J S MGIDI asked the Minister of Public Works:

Whether, in view of the damage caused by the recent floods, his Department intends adapting its programmes in order to assist in the reconstruction of damaged roads, bridges and public buildings; if not, why not; if so, what are the relevant details?

N324E

The MINISTER OF PUBLIC WORKS:

The scope for redirecting the existing Department's National Public Works Programme to address the damages caused by the recent floods, is very limited.

The Community Based Public Works Programme received R250 million from the RDP fund. This amount has been directed to small-scale, community based rural infrastructure projects throughout the country. A further R100 million has been allocated to medium sized pilot projects in all the provinces.

As of March 1996, almost all the funds (R350 million) have been committed to projects. Where commitment has not been completed, provinces are finalising project appraisal. The Department has always and is still requesting more funds for the programme as the demands for rural infrastructure and job creation are obvious for everyone to see.

However, the Provincial Works Departments, under whose jurisdiction roads and bridges fall, are trying their level best to contain the damage caused by recent floods.

Paying out social pensions in Western Cape: tender

*35. Ms S C VAN DER MERWE asked the Minister for Welfare and Population Development:

- (1) Whether a certain company, the name of which has been furnished to his Department for the purpose of his reply, has been awarded the tender for paying out social pensions in the Western Cape; if so,

- (2) whether the said company has commenced the payment of such pensions; if not, why not; if so, where are the pay points;

- (3) whether the said company has tendered for similar contracts in any other provinces; if so, in which specified provinces;

- (4) whether any contracts in the said provinces have been awarded to this company; if so, in which specified provinces;

- (5) whether he or his Department is taking any steps to have the said company disqualified from tendering for pension payment contracts pending the outcome of the investigation by the Office for Serious Economic Offences into allegations of corruption and allegations of the payment of bribes to officials of the Department and public representatives; if not, why not; if so, what steps?

N326E

The MINISTER FOR WELFARE AND POPULATION AND DEVELOPMENT:

- (1) Yes, the tender for paying out pensions has been awarded to NISEC by the Western Cape Provincial Government. The scope of the tender is limited to the payout of cash at paypoints and does not include other methods of payment such as bank payments and Post Office payments;

- (2) yes, at paypoints in George, Lawaankamp, Mossel Bay, Kaysna, Sedgelifd, Plettenberg Bay, Riversdale, Albertinia, Heidelberg, Oudshoorn, Beaufort West, Murrayburg, Guguletu, Langa, Nyanga, Khayelitsha, Linguluthu, Mfuntuni,

'Dop system' lives on as 'gift'

(4) CT 2/5/96

LINDIZ VAN ZILLA
STAFF WRITER

PRESIDENT Nelson Mandela's call for the notorious "dop system" to be abolished appears largely to have been heeded, but a visit to the Robertson district revealed that a similar system is still operating on several farms there.

Although farmers in the area no longer substitute wine for wages, farm labourers are still being issued large quantities of free wine daily.

Labourers are given a dop (small can) in the morning, another at lunchtime and a full bottle of wine at the end of the day's work.

Robertson's mayor Mr Peter Bruintjies, who accompanied a Cape Times team to one farm, expressed outrage at what he called a "practice out of the slave era". It was, he said, "totally unacceptable today".

Last week Mandela admonished farmers for the system and called for it "to be eliminated once and for all".

Addressing KVV members in Paarl, he urged them to help destroy the "devastating practice" that "harmed people, their families and their life expectations".

But if the labourers no longer get wine instead of wages, many continue to depend on free wine handouts on several farms in the Vinkrivier and Elandia areas.

A leader among the farm labourers, Mr Henry Jansen, said that after a while labourers became totally dependent on the wine.

In some cases labourers had to drink wine or go thirsty. "They aren't offered coffee or tea — only wine," he said.

"If a labourer drinks more than half a litre a night he goes to bed drunk and his home suffers and his children suffer."

Mr Kerools Olckers has worked on the farm Elandria for more than 20 years, and the dop system has been in use for as long as he can remember.

The bottle of wine he takes home is low-grade "mos", not suitable for the market.

He said he works from 7am to 6pm and is given wine twice a day — a glass at lunchtime and a bottle in the evening. He also gets a dop on Saturdays and a half a bottle on Sundays. The morning dop had been discontinued on Monday.

"The wine is not part of our wages; it is given to us as a present," he said.

The labourers take their bottles to the store in the evening and the farmer fills them with wine at a tap.

The system is voluntary, but Olckers has never refused. "When we are tired

we look forward to it," he said. "I drink a bottle of wine every night, but it doesn't affect me."

The farmer, Mr A Cilliers, could not be reached for comment.

Bruintjies said he had lived for 10 years on a farm where the dop system was practised.

"It breaks people's morale and their family life. How does a drunk father care

for his family? What respect do children have for parents who drink all the time?" He called for farm labourers to be paid more money.

Olckers is paid about R240 for three weeks' work. After food deductions, he receives about R160.

Mrs Hanna Olckers showed us her husband's last pay slip. Food they bought from the farmer came to R24 69

She is unhappy about the amount they paid for food. "It could never have come to so much," she says.

She is unable to calculate exactly how much her groceries cost, and is too scared to question the farmer.

But there is at least a measure of regularity in the labourers lives: They know that tomorrow evening they will come home with a bottle of wine.



ANOTHER DAY, ANOTHER DOP: Farm labourer Mr Kerools Olckers arrives home after work each night with a bottle of wine — a "present" from the farmer.

PICTURE : BENNY GOOL

Farmers bar ANC campaign

Sowetan 3/5/96

Farmworkers may again be deprived
by employers of voting opportunity

By Waghled Misbach
Political Reporter

FARMERS HAVE BEEN blocking local government election candidates in the rural areas from canvassing on their farms, and in one case have even threatened to shoot canvassers, the African National Congress has claimed.

The head of the ANC's rural task team, Marius Fransman, said yesterday that farmers wanted the ANC to give them five days notice before they are allowed to speak to voters on their farms.

But Fransman said that this notice period was only valid for the 1994 election. According to current law, canvassers are only required to inform farmers that they will be coming to speak to workers after working hours, said Fransman.

In one incident in the Overberg area, ANC advice office workers were told by farmers that if they tried to enter their farms without the five-day notice period, farmers will "not hesitate to shoot them".

Fransman said that the farmers were being backed by the Western

Cape Agricultural Union - a body representing farmers.

The Western Cape Agricultural Union could not be reached for comment at the time of going to press.

However, Fransman said farmworkers were among the most exploited workers in the country, who were still being paid according to the notorious "dop" system. This is the system where farmers pay workers with wine every day, as part of wages.

Other problems that had to be dealt with in the rural areas included assaults on workers, child labour, evictions, land claims, basic services in the rural areas, and housing, he said.

"There have been a number of assaults on workers in the past few weeks in many areas, and the ANC is currently laying charges against farmers," said Fransman, also predicting that the ANC may not win in the rural areas.

The party received a mere nine per cent of the vote in the 1994 general election - but was confident of making major gains. The ANC was focusing its campaign on the 27 transitional representative councils which will be elected on May 29.

QUESTIONS

†Indicates translated version.

For oral reply:

Executive Deputy President (Mr T M Mbeke)

Senator H G MAKGOTHI: Mr President, I have been directed by chief Whip Ncutka to apologise, because he will be late for this sitting, and to request that the questions which appear on the Question Paper for reply by Deputy President Mbeke stand over until next week, because the hon Deputy President is not available today.

*1. Sen S D FISHER—Executive Deputy President (Mr T M Mbeke). [Question standing over.]

*2. Sen L J SWANEPOEL—Executive Deputy President (Mr T M Mbeke).† [Question standing over.]

Ministers:

Questions standing over from Thursday 28 March 1996:

Housing for farmworkers: proposals

*2. Sen A E VAN NIEKERK asked the Minister of Housing:†

- (1) Whether she or her Department is considering implementing proposals for the building of housing for farmworkers; if not, why not; if so, what are the relevant details;
- (2) whether she or her Department has consulted any bodies with regard to these proposals; if not, why not; if so, which bodies;
- (3) Whether any such bodies have commented on these proposals; if so, what was the nature of their comments;
- (4) whether she will consider tabling such comments; if not, why not; if so, what are the relevant details?

S146E

Senator J A JOOSTE: Mr President, I have to apologise for Senator Van Niekerk. He could not be present this afternoon, because he had to leave on a flight to Kimberley and could not make it to

the sitting. I therefore request that the answer to the question be tabled.

The PRESIDENT OF THE SENATE: Order! It is possible for the hon the Minister to answer the question verbatim or, as the Romans would put it, viva voce, that is by word of mouth. Alternatively, she may table the response. What would the Minister prefer to do? Is she ready to answer the question?

The MINISTER OF HOUSING: Mr President, I am ready to answer the question if that is going to be useful, given that the person who requested the answer to this question is not present. The reason I am saying this is that I am responding to this question for the second or third time in this House. I wonder if I shall not be asked for a fourth or fifth time to come and respond to the same question, unless somebody will receive it on the hon member's behalf.

The PRESIDENT OF THE SENATE: Order! It is completely within the discretion of the hon the Minister to decide whether to answer now or not, or to have the question stand over until the next time, when the hon senator will be present. What would the hon the Minister prefer?

The MINISTER OF HOUSING: I will answer the question.

- (1) Yes. Farmworker housing was dealt with in the framework of rural housing by the Joint Technical Committee: Rural Housing (chaired jointly by the National Housing Forum and the Department of Housing), with a view to developing a new housing subsidy scheme and institutional framework for rural housing. This work is being continued in the Standing Committee Integrated and Coordinated Development of the National Housing Board. Various alternative approaches to farmworker housing were investigated. Resulting from the legacy of fragmented institutional arrangements in the housing sector (which lead to huge disparities between communities), as well as the necessity for a coordinated and integrated approach, the focus is on a subsidy instrument which will address the needs of farmworkers and rural communities in the "mainstream" of housing delivery mechanisms. Within this framework

farmworkers' housing needs can be addressed as follows:

- (i) In the case where farmworkers are housed in an approved town (with freehold tenure), they can (provided the household income is less than R3 500 per month) qualify for a housing subsidy on either an individual or project basis.

- (ii) The Institutional Subsidy, announced in December 1995, is currently the most appropriate subsidy instrument to address the needs of farmworkers who cannot get freehold tenure (as is often the case with workers living on farms). This subsidy instrument provides for the creation of a legal entity, such as for example a Section 21 company envisaged in terms of the Companies Act. Such a legal entity receives the subsidy and manages the assets in terms of the conditions of establishment of the entity. The advantage of such an approach is that it is flexible to adapt to the varying conditions in rural areas and that farm workers, when they have such a need, may give up their share in the scheme and may access a *de novo* subsidy elsewhere. The implementation of the institutional subsidy was left to the discretion of the various provincial ministers of housing and is dependent on the capacity of the relevant provincial department. According to information received from the provinces, seven provinces have to date implemented the institutional subsidy.

- (2) Yes. Farmworker housing was addressed in the widely representative Joint Technical Committee: Rural Housing and the further development of the scheme (specifically regarding the wider promotion thereof and possible additional institutional arrangements) is currently being addressed by the Standing Committee Integrated and Coordinated Development of the National Housing Board.

Approximately 24 organisations were consulted, and made their input. The Department of Agriculture was requested last year to consider the transfer of the

farmworker housing function to the Department of Housing as well as an amount of R50 million which had been earmarked for farmworker housing in the 1995/96 financial year. In spite of reminders we have not had a reply to date.

- (3) Yes. The various alternative approaches were discussed in the Joint Technical Committee Rural Housing and verbal comments were given. The Standing Committee on Integrated and Coordinated Development envisage that a workshop on rural housing (including farmworker housing) will be held in order to obtain further comments. During the workshop the refinement of the various subsidy instruments and the institutional arrangements will be further discussed.

- (4) No. Written comments were not requested.

Housing for farmworkers: directives by German bodies

*3. Sen J A JOOSTE asked the Minister of Housing:

- (1) Whether any German bodies have laid down any directives with regard to the administration of money appropriated by them in respect of housing for farmworkers; if not, what is the position in this regard; if so, what directives;
- (2) whether her Department has to date succeeded in meeting these requirements; if so, what are the relevant details; if not, (a) why not and (b) when will her Department be able to meet such requirements;
- (3) whether it has already been decided how this money will be used; if not, why not; if so, what are the relevant details?

S147E

The MINISTER OF HOUSING:

- (1) Yes. During 1994 the German Minister for Economic Cooperation announced that a grant of 50 million Dm had been made available for farm worker housing. During a number of negotiations with the German Government it was agreed that the scope of the grant be broadened to focus on rural housing. Various proposed rural housing projects were investigated with the assistance of consultants funded by Germany.

Flowing from the investigations and the negotiations with the German representatives it has been agreed to use the grant to establish a Rural Housing Loan Fund (RHLF). The terms and conditions of the setting up of a Rural Housing Loan Fund (RHLF) and the transfer of the funds to the RHLF have been negotiated with the German Bank for Reconstruction (Kreditanstalt für Wiederaufbau (KfW)). The functions of the RHLF will *inter alia* be the following:

- (i) It will fund pilot lending schemes for housing purposes at wholesale level in rural areas, through appropriate intermediaries, to (poor rural) households not earning more than twice the prevailing subsistence level (MSL), presently ± R1 740 per month.

- (ii) Provide wholesale financing to qualifying intermediaries satisfying the criteria of the Fund, for purposes of on-lending to borrowers in rural areas, eligible under the criteria of the Fund and mainly in the market eligible for government housing subsidies.

The RHLF will be managed by the National Housing Finance Corporation on an agency basis and will have its own distinct legal identity (Section 21 company). A board of directors will be appointed to accept ultimate responsibility for the fund. The role of the Board will include:

- Deciding on loan and default policy;
- appointing and overseeing the Fund Manager;
- appointment of auditors;
- approving disbursements and monitoring progress and performance of retail lenders.

It has been agreed that the RHLF will be managed on business principles and that interest rates will be market related. This is in line with the recommendations of the Interim Report of the Commission of Enquiry into the Provision of Rural Financial Services (the Strauss Commission).

- (2) Yes. The Department of Housing is currently, in consultation with KfW, in the

process of appointing consultants to establish the Section 21 company and to prepare lending criteria for consideration by the Board of Directors. It is envisaged that the RHLF will be established within six weeks of the appointment of the consultants.

- (3) Yes. See the explanation in paragraph (2) above.

Senator J A JOOSTE: Mr President, I would like to thank the hon the Minister of Housing for her answer. It is an extensive answer and I will study it further when we receive it in writing. Arising out of the hon the Minister's reply, this company and the board of directors have now been set up. Given that the funds that were channelled towards housing for farmworkers through agriculture have now come to a standstill, we have not built one single house for farmworkers on the basis on which we did before for the past two years. How long is it going to take before farmworkers can have access to the money so that we can carry on building houses for them?

The MINISTER OF HOUSING: Mr President, in my response I did say that within six weeks we would be able to begin to operate on that farm. Secondly, I wonder if the hon senator is aware that the R50 million which is to be transferred from the Minister of Agriculture is not yet in our budget. It is still with agriculture. Thirdly, during the discussions it became quite evident . . .

The MINISTER OF AGRICULTURE: [Unaudible.]

The MINISTER OF HOUSING: It is true, I have been checking with my officials [interjections.] The fund is still in the Ministry of Agriculture's budget. We feel that it is inappropriate to address issues of housing for a sector within a particular environment in isolation from the need for rural housing in all the rural areas. We would rather operate with a policy that affords all rural people housing, instead of selecting certain sectors.

At the same time we recognise the fact that the needs of rural workers are quite different. That issue is being discussed by the MECs in their constituencies in order to find out from the farmworkers themselves what kind of housing they would appreciate. However, we are providing alternatives within the framework of our policy.

Senator J A JOOSTE: Mr President, further arising from the hon the Minister's reply, I would

like a further response in respect of what she has just said. If a whole process is being set in motion now for another enquiry with regard to farmworkers, we as a farming community are worried that it is going to take another three to five years before we can start building houses. With this whole rural scheme, does the hon the Minister not think that the farmworkers will fall by the wayside so that eventually they will not be participating in the scheme as they should have been participating?

THE MINISTER: Mr President, I do not think our policy will enable us to do that, because we are now providing housing for all citizens within a particular income bracket who need it. There is no way in which we will ignore them. We have already started providing housing in the rural areas, where the facilitation process has been completed in terms of proclamation of the land and the availability of land for the occupants, but also in terms of the National Housing Board being able to provide subsidies. We have rural projects in Wingeriville, where it will be possible to allow people to move into their houses. It is within the rural housing policy, so there is no way in which we can ignore rural farmworkers.

THE MINISTER OF AGRICULTURE: Mr President, since I have been drawn into this argument, I have a further question arising from the hon the Minister's reply. Since the funds from Agriculture were not transferred to the Ministry of Housing, were any requirements set by the Department of Agriculture; if so, when were they set and how? Were those requirements set by the Department of Agriculture for the transfer of the funds compiled with? [Interjections.]

THE MINISTER OF HOUSING: Mr President, I find it very inappropriate for one colleague to set up guidelines for another colleague. The fund is going to be operated within the framework and the requirements of State Expenditure or Finance. This also applies to housing. I do not see how can I relate to agricultural terms rather than housing terms, because I think that would create a lot of problems. What we are saying is that in the past housing was provided for the different sectors of our population in a discriminatory manner.

We now have one national housing policy to provide for all citizens who require housing and who qualify within the requirements of the policy, and that is what we are going to act upon. We are not going to discriminate or set special terms and

references for a particular sector in our community.

However, because of our history, farmworkers have been subjected to unacceptable conditions. We are going to go back to them and tell them that this Government is ready to provide housing for them, and ask for their input as to the kind of housing that they want. I think that is within the framework, because even in urban areas and other rural areas, outside the farming areas, we go back to the communities and ask for their input as to the kind of housing they would like to have.

THE MINISTER OF AGRICULTURE: Mr President, arising out of the hon the Minister's reply, I would like to know the answers to the following questions. Were the conditions set by agriculture of such a nature that the hon the Minister could not comply with them, because if she could have complied with them, the money would have been handed over?

THE MINISTER OF HOUSING: Could the hon the Minister tell me about those conditions, because I am not aware of any special conditions that we have to respond to? All we need to know is that a decision was taken in 1994 that all housing should be administered and managed under the Ministry of Housing, and this is what we are about to do. What we need is for the Ministry of Agriculture to transfer the funds. That will be accounted for, and we will put the funds into a common coffers that will be managed by the National Finance Corporation, as it is going for all housing finance needs. [Interjections.] I think the hon the Minister is just dilly-dallying on the fund, that is all.

THE PRESIDENT OF THE SENATE: Order! I will allow follow-up questions. Does Senator Mashamba have a follow-up question? He may raise a point of order or rise on a point of personal explanation, but not otherwise.

SENATOR T G G MASHAMBA: Mr President, on a point of order: I just wonder whether the hon Ministers could not spare us this and discuss the issue in the Cabinet, because right now I am a bit concerned, Mr President.

THE PRESIDENT OF THE SENATE: Thank you, Senator Mashamba. I do not think that is a point of order, but you have said your piece. [Laughter.] Does Senator Redcliffe have a genuine point of order or a genuine follow-up question?

Hansard

SENATOR C R REDCLIFFE: Mr President, arising out of the hon the Minister's reply, I just want to find out whether, in view of the fall of the rand, in terms of that R15 million benchmark that she was talking about, any adjustment has been made in terms of that figure.

THE MINISTER OF HOUSING: I think we will keep on adjusting until we adjust no more, because the rand will continue to fall and rise. So I do not think it is an appropriate question.

THE PRESIDENT OF THE SENATE: I am not going to allow gender issues to creep into the debate just yet. We are not going to pre-empt the Bill. Hence I have to see Senator Taunyane, and then I will see the chairperson of the housing committee.

SENATOR D P TAUNYANE: Mr President, the Minister of Housing has already covered what I wanted to say.

THE PRESIDENT OF THE SENATE: That is a very good point you have made! [Laughter.]

SENATOR J L KGOALI: Mr President, on a genuine point of order: The hon senator is out of order as regards what he is asking the hon the Minister. That, to me, is quite genuine. It has nothing to do with the fall of the rand. We are discussing issues related to housing. If they want to ask follow-up questions together with Senator Van Niekirk, they must go to the Cabinet and discuss the matter as colleagues and not do so here. We have business to attend to.

THE PRESIDENT OF THE SENATE: Order! That is not a point of order, but I think the hon chairperson has fulfilled her duty to protect the minister, and she has done so properly.

Browde Commission: investigation into corruption

*6. Sen C R REDCLIFFE asked the Minister for the Public Service and Administration:-

- (1) Whether the Browde Commission has made any allegations that the State is obstructing its investigation into corruption in the former homelands; if no, what is the position in this regard, if so, what are the relevant details;
- (2) whether investigating officers of the Browde Commission have been refused entry to government offices in Umtata; if not, what is the position in this regard; if

so, (a) why and (b) who gave the instruction that such investigating officers be refused entry;

(3) whether he intends taking any steps with a view to imparting transparency and openness to the commission's investigation; if not, why not; if so, what steps?

SI 50E

THE DEPUTY MINISTER OF DEFENCE (for the Minister for the Public Service and Administration): Mr President, I have a genuine apology from the Minister who unfortunately has had to travel abroad. He requested that the question either stand over or that I, on his behalf, give his genuine reply.

THE PRESIDENT OF THE SENATE: Order! I think that that may be of public importance. The hon member is here and the hon the Minister is mandated to exercise his discretion. He may use that discretion in favour of responding publicly to the question.

THE DEPUTY MINISTER: Thank you, Mr President.

(1) No, according to the Browde Commission it had not made allegations that the State had obstructed its investigations. The Commission indicated in its report that a lack of sufficient number of investigators to investigate cases submitted to the Commission, had hampered the progress of the Commission;

(2) (a) and (b) yes, according to the Browde Commission an investigating officer of the Commission was on one specific occasion instructed by a so-called "Crisis Committee" to leave the government office in Umtata in which he was working. The office was found locked upon his return the next day. The Commission confirmed that no official instruction had been given to this effect and that it was an illegal obstruction conducted by certain members of the Department of Justice in the Eastern Cape. The Commission indicated that the action by the "Crisis Committee" stems from the fact that it was of the opinion that the Browde Commission did not have jurisdiction in the matter being investigated, because the com-

Eviction order stays

(4) CP 19/5/96

No help for kicked-off pensioner

By BENISON MAKELE

JOHANNES MASILELA (90) was devastated after the Bronkhorstspuit Magistrates Court threw out his civil claim on Friday.

Masilela, formerly of Witklip 23 farm in Bronkhorstspuit, had sought to have his eviction order from the farm he had lived on for 30 years as a labour tenant rescinded.

His long stay at Witklip 23 was brought to an abrupt end when bulldozers destroyed his huts and he, his belongings and two wives were loaded onto an open truck and dumped in the open veld.

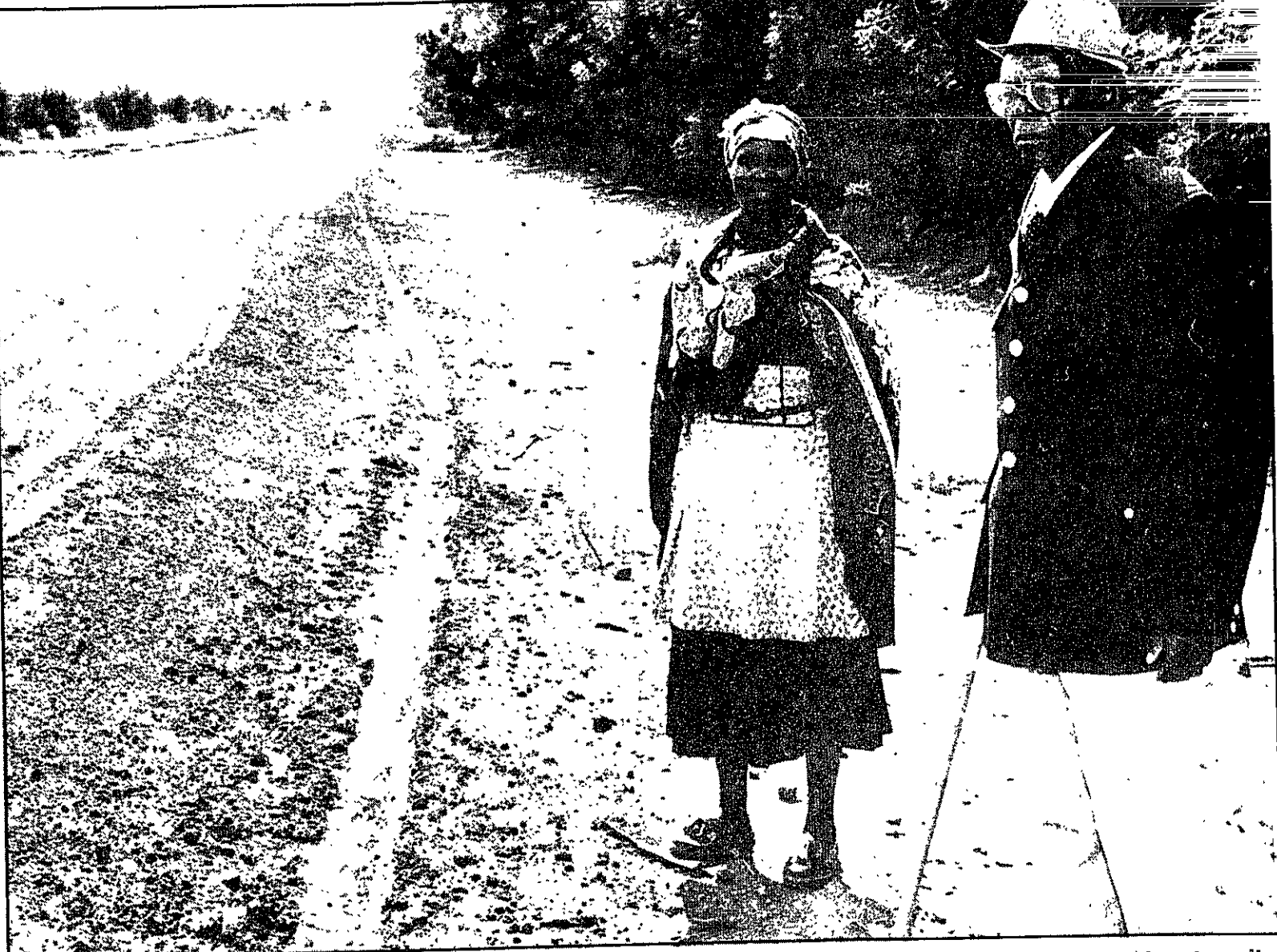
Behind he left his unharvested maize crop, seven cattle and a homestead in ruins.

Masilela had, in papers before the court, claimed he had bought the 25 morgen plot from which he was evicted, for R60 000 from Susanna Kapp and had already paid more than R50 000 in monthly instalments of between R400 and R500 over the past 10 years.

But Kapp disputed this in court, saying she had sold the portion to Adrian van Staden when Masilela could no longer afford to pay his rental.

Van Staden subsequently evicted Masilela by default judgement.

The old man's pro amico (as a friend) lawyer Jonas Sibanyoni had argued that Masilela qualified as a labour tenant in terms of the Native Trust and Land Act 18 of 1936 and, since the promulgation of the Land Reform Act of 1996,



DUMPED . . . Johannes Masilela (90) with one of his wives after being thrown off Witklip 23 farm near Bronkhorstspuit.

■ Pic: THULANI SITHOLE

an action to evict a tenant can only be lodged with the Land Claims Court.

"The magistrates court has no jurisdiction to grant an eviction order against my client," he argued, and also queried the signatures on the lease agreement as his client

is illiterate.

On Friday, the court left the jurisdiction issue in the matter open and it further ordered Masilela to negotiate with the farmer so he may reap his crops and, if the farmer cannot allow him to do so, he may claim damages.

According to Sibanyoni, the only option left for Masilela to get his "constitutional right to a fair trial" is to go to the Land Claims Court, but the snag is he does not have money for such a venture as he is a pensioner.

He noted that it was strange

that the farmer had been granted legal aid where his client's request for assistance had not been granted.

Masilela's lawyers are now planning to request assistance from the legal aid board so that he can get "a decision based on justice".

Act formalises communal ownership of property

4 (2)

ARG 28/5/96

Municipal Staff

COMMUNAL landowners have finally been recognised and now can take tenure of their own piece of the country.

Recently President Mandela signed the Communal Property Association Act, which enables members of disadvantaged and poor communities to collectively acquire, hold and manage property.

The Act makes provision for the creation of a legal entity called a Communal Property Association. Communal land can be registered in the name of an association which will consist of members and have a constitution complying with the democratic standards of the country's Bill of Rights.

A land affairs department spokesman said the new Act was one of four pieces of legislation aimed at giving effect to the government and the department's commitment of providing security of tenure.

Others included the Land Reform Labour Tenants' Act and the Upgrading of Land Tenure Rights Amend-

ment Bill, which were almost through the parliamentary process and were expected to be signed by the president within a month at the most.

Many people in the country held land through communal systems whether in the urban or rural context. Group ownership was preferred in many communities because of the social and economic functions it fulfilled.

The spokesman said it had always been easier for people to raise the cash necessary to acquire land through group contribution schemes. Yet the law had up till now never provided for simple and appropriate forms of group ownership.

"Many group ownership systems have come to exist informally and outside the law where people participating therein are continuously vulnerable to eviction."

He said the department was committed to a land policy which provided for security of tenure under a variety of forms of ownership.

Group ownership recognised

Louise Cook

THOUSANDS of disadvantaged communities, including squatters and rural people vulnerable to eviction, will have security for the first time with the signing into law of the Communal Property Associations Act.

The Land Affairs department said the first applications from thousands of poor communities wanting secure tenure rights were expected to reach government within weeks.

"The Act was designed to provide a rela-

tively simple mechanism through which group ownership systems could be recognised.

"Individual property ownership has been well supported in the past, legally and in terms of deeds offices. But it is the intention of government to ensure other forms of tenure, including communal tenure, receive the same support as individual tenure.

"The Act represents a first step in securing group property..."

Land affairs department legal adviser Margo Pienaar said the first communities likely to benefit were in the Eastern Cape. Applications were expected soon.

The costs of registering a Communal Property Association were not clear, but she said they would be "negligible".

The "national" land

committee, representing landless communities, said government was responsible for all costs involved in registering the body. Pienaar was unable to confirm this.

Cape Town-based Surplus People Project said various communities in the western and northern Cape would apply immediately to form communal property associations.

The land affairs department said the new Act would facilitate access to credit to buy land.

The department said it had always been easier for people to raise cash to buy land by means of group contribution schemes, yet until now the law had not provided for simple forms of group ownership.

The Act would legally entrench group ownership, it said.

(4) (3) BD 29/5/96

Hanekom: 'I'll expropriate if necessary'

Farmers may go to court over squatters

ARG 1/6/96

JEAN LE MAY
Staff Reporter

THE dust has not yet settled around a group of about 20 Simondium squatter families involved in a tug-of-war over land with the Cape Metropolitan Council (CMC), the province and an action group formed by farmers.

The Simondium Action Committee (SAC), elected by 850 people and headed by export-grape farmer Robert Morley, is all set to go to the Supreme Court asking for the setting aside of an order that the squatters should be undisturbed until a settlement had been reached.

And, Derek Hanekom, Minister of Land Affairs, has indicated he may be prepared to "purchase or expropriate" private land on which to settle them, if no state land is available.

Mr Morley told SATURDAY Argus the SAC wanted the squatters out of the area because they were "selling mandrax and dagga to local farm workers, who are living under the whip of threats and intimidation from the squatters".

Asked if the police had been told about the alleged drug-dealing, Mr Morley said: "They know. Now, we are going to insist that they act on the information."

■ Land Affairs Minister Derek Hanekom has said he is prepared to buy or expropriate private land to house the Simondium squatters if no public land is available.

He said a suggestion had been put forward that the squatters should go to an "agri-village", on land in the Meerlust forest owned by Safcol, the company which took over former state forests when they were privatised.

But, SATURDAY Argus has learned that the Meerlust forest housing is used for its workers by the provincial department of nature conservation "and there may be problems with squatters coming here", according to a spokesman.

Meanwhile, two African National Congress MPs, Ben Turok and Liz Abrahams, have become involved in the squatters' problems.

Professor Turok told SATURDAY Argus he had undertaken to take up the matter of the squatters' alleged wrongdoing with the authorities. He said Mr Hanekom "had indicated he was sympathetic to the establishment of a housing area for residents on public land. If

this was not available, and should private land not be available for sale to the government, he either would negotiate to buy such land or expropriate as necessary".

The minister said amounts up to R15 000 would be granted to individuals to buy plots and infrastructure, with the remainder to be used to buy building materials.

The squatters' problems began last year when the provincial roads department moved them from the verge of the main road through Simondium, where they were living, to a portion of the farm Nieuwehoop.

Last month, the CMC asked the court to evict the squatters from this land which, it turned out, was owned not by the province, but by the former Winelands Regional Services Council. Another complication was that the squatters did not want to move to Klappmuts, near Stellenbosch, where the province had planned to house them. They said they were born and bred in Simondium, to which they were deeply attached, and planned to stay there.

Acting Judge Burger postponed the court action indefinitely, ordering that the squatters be left undisturbed until a settlement had been negotiated.

vineyard workers and wine estate bosses which topped the poll in the Stellenbosch rural council – has put a different complexion on the once-powerful wine lobby.

JEAN LE MAY
Staff Reporter

THE Stellenbosch Landbou Vereniging (SLV) topped the poll in the election for the rural transitional representative council (TRC) in Stellenbosch, with a catchy slogan which lost a lot in the translation: "Stem trekker en maak plaaslewe lekker" (Vote for the tractor and make farm life worth living).

The party logo was, naturally, a tractor. Chairman Beyers Truter told SATURDAY Argus that the SLV was formed shortly before nomination day, when two long-established, local agricultural associations decided to join hands to fight the election.

The strategy paid off.

The SLV attracted 2 106 votes, narrowly beating the National Party's 2 100.

The African National Congress polled 1 517 votes and the Democratic Party 279, meaning that the SLV and the NP each got three seats and the ANC one seat on the TRC.

The SLV win was out of kilter with ANC results in other rural areas: ANC Cape leader Chris Nissen has claimed that the party pushed up farmworker support from nine percent in 1994 to an average of 32 percent this week.

Significantly, the SLV victory also demonstrated that the wine lobby could be shifting its support from its traditional allies in the NP, although NP spokesman Jan Kruger's comment was cautious: "I wouldn't go so far as to say that", he said.

However the most surprising aspect of the victory was that the two associations should have been diametrically opposed, if the conventions of politics in the region had been observed.

One of the associations, the Stellenbosch Landbouwerkers Komitee (Stellenbosch Agricultural Workers' Committee) was formed by (mostly) local vineyard workers.

The other, the Stellenbosch Landbougenootskap (Stellenbosch Agricultural Society), by wine estate bosses.

All were connected with household-name wine estates, which demonstrated that the traditional influence of the wine lobby was by no means defunct, although it showed some new faces.

The SLV committee comprised four workers and four wine estate bosses and its chosen platform was no-nonsense local issues, keeping away from party politics.

The party campaigned for local government to be run in such a way as to improve social and economic conditions for country people.

It stressed improved educational and sporting facilities for young people – "Children who play sport all weekend will stay out of trouble" – and wanted strict control of development in the Stellenbosch area, to preserve its rural emphasis.

The SLV also wanted tourism properly co-ordinated and pushed for a safety and security forum involving all the inhabitants.



PULLING TOGETHER: Jan Hendriks and Beyers Truter, front, and Kerneels

Farmers in trouble over unpaid UIF

~~Thousands~~ ⁴ thousands of farmers, including Transvaal Agricultural Union president Dries Bruwer, could face prosecution for failing to comply with the Unemployment Insurance Act, the Department of Labour said yesterday.

The office of the unemployment insurance commissioner has handed 1 630 cases to public prosecutors' offices, and the department was investigating a further 5 930 cases for possible legal action, it said.

The act was first amended in 1993 to include farmworkers, but a grace period was granted until March 1994. Farmers had to start paying unemployment insurance from April 1 1994. - Sapa.

SAPA 13/6/96

Hanekom told he is 'playing with fire'

Clash looms over plan for tenure rights

BD 13/6/96

4

Wyndham Hartley

CAPE TOWN — Land Affairs Minister Derek Hanekom put government and the country's farmers on a course of confrontation last night when he announced plans to secure tenure rights for farm workers.

Hanekom told senators he intended to develop legislation and other means to give farm workers security of tenure on the farmer's land they lived on.

Freedom Front senator Piet Gous, also president of the Free State Agricultural Union, described the minister's statement as the biggest shock he had had in all his years in Parliament. He said Hanekom was asking farmers to kill the economy.

Agriculture Minister Kraai van Niekerk said that if Hanekom tried to force the measure on farmers, he was "playing with fire".

Introducing his budget vote in the Senate, Hanekom said that despite the enactment of land reform legislation, "there are still many, many reported cases of evictions of farm workers".

Stressing that these workers were born on the farms and had no other place to go to, Hanekom said there was a moral and political responsibility to secure their tenure.

"I think we all agree that there is something intensely immoral about people being forced to leave their

homes even if they are not the title-holders to the properties," Hanekom said. He offered no details of what he had in mind, but said he would call a conference of worker organisations, organised agriculture and non-governmental organisations in the near future "to consider effective legislative and other measures to address this unfortunate situation".

Gous warned Hanekom that he was about to lose the co-operation of organised agriculture. Deputy Land Affairs Minister Fanus Schoeman said the minister would force farmers to mechanise and sacrifice labour. He said he should not seek solutions to problems in a way that created more problems.

Farmers' unions expressed fears recently that the Land Reform (Labour Tenants) Act was the thin end of the wedge which would culminate in government grabbing farm land.

However, the SA Agricultural Union has co-operated so far and negotiated with Hanekom in formulating land reform legislation.

On restitution of land, Hanekom said there were 7 095 claims before the restitution commission. Some had been resolved while others would soon be referred to the Land Claims Court.

He announced that in the redistribution programme, the land affairs de-

Continued on Page 2

Tenure (4)
BD 13/6/96
Continued from Page 1

partment had transferred 8 164 hectares to 1 021 households which had received R27m in financial assistance. The transfers had taken place in the last quarter of the 1995/96 financial year and accounted for 75% of the department's capital budget.

Hanekom promised that, with the R70m received from the RDP office, most of which has been rolled over into the current financial year, the rate of delivery in terms of redistribution of

land would accelerate.

Meanwhile, Sapa, reports that the restitution commission has announced the settlement of the first land claim in KwaZulu-Natal.

The claim is one of about 3 000 received by the commission's provincial office since it opened in April last year.

The commission said yesterday the present landowner and representatives of the Cremin community near Ladysmith would sign the agreement in a ceremony this afternoon.

The community consists of about 14 families who were forcibly removed from their land in 1977.

Storm of protest in debate on tenure

Wyndham Hartley
and Louise Cook

CAPE TOWN — Land Affairs Minister Derek Hanekom, amid a storm of protest from opposition parties, said yesterday he would not prescribe to farmers on tenure for farmworkers.

Hanekom told an extended committee of the National Assembly during his budget vote that he had no solutions to the problem of tenure security for farmworkers, but "I do know that there is a very real problem which we will have to address. We must explore together the solutions to this problem."

During the debate opposition members again warned him that giving farmworkers tenure rights would cause much harm. A senior NP source said he was relieved Hanekom had clarified his position, as this would avoid a host of pre-emptive evictions.

Hanekom told the National Assem-

bly that 20% of the population lived on white-owned farms. While it was true that many were not badly off, it was also true that when they lost their jobs many also lost their homes.

He insisted there was a political and moral obligation on all parties, not only the ANC, to find a solution.

Hanekom was unapologetic about his declared intention of consulting organised labour, farmworkers and other non-governmental organisations. He said organised agriculture formed an important part of the consultation process and pointed to the conference he had pledged to call on the issue.

SA Agricultural Union president Chris du Toit warned yesterday that farmers would "urgently reconsider" employment strategies if Hanekom intended tampering with property rights on farms.

Continued on Page 2

Tenure

Continued from Page 1

Du Toit said 16% of SA's population directly or indirectly derived their livelihoods from farming. "The minister clearly does not grasp the fact that service termination is governed by labour laws."

The Free State Agricultural Union has asked farmers not to lay off "a single worker" before talks between government and farmers have taken place. The union's president, Piet Gous, said workers were being used for political mileage. But he added: "Only when it is established beyond doubt that the minister does intend grabbing land, is it time for farmers to act."

Drew Forrest reports that land affairs director-general Geoff Budlender said his department, the housing department and organised agriculture were discussing ways of strengthening farmworkers' tenure rights by giving them access to the national housing subsidy scheme.

The subsidy could be used for the construction of off-farm "agrivillages" or for housing on farms. Other possibilities were the purchase of equity in farming enterprises or of portions of farms, where homes could be built.

However, Budlender said such options, which depended on giving workers some form of ownership, did not solve the problem of tenure security for those in tied housing.

Comment: Page 8

Farmers will be ⁽⁴⁾ prosecuted

Source 14/6/96

By Abdul Milazi Labour Reporter

THE Department of Labour is to prosecute 5 930 farmers who are not contributing to the Unemployment Insurance Fund (UIF).

Department spokesman Mr Jerry Majatladi said yesterday that farmworkers lived under slave conditions where they did not have pension schemes, and to compound their problems, some farmers did not contribute to the UIF.

He said this had left scores of dismissed farmworkers without income, unlike workers in other sectors who received allowances from the UIF contributions while looking for jobs.

Majatladi said the UIF commissioner had already taken action against farmers who were not paying, and the public prosecutor was currently handling 1 630 cases.

Farmers were previously excluded from the UIF Act, until it was amended in 1993. However, the government gave them a period of grace until March 1994.

Unemployment Insurance

Majatladi said farmers had to start paying unemployment insurance from April 1994, and many had not paid. The department intended prosecuting Transvaal Agricultural Union (TAU) president Mr Dries Bruwer and his colleagues, after the union had vowed not to pay, claiming that the rules of the fund were not acceptable to the farming sector.

He also claimed that many agreements between the previous government and his union had been broken.

"Regarding Bruwer's allegations that several agreements were broken by the previous government, perhaps it should be mentioned that the former department of manpower had entered into discussions with various interested parties, including the TAU, but no formal agreement was reached with any union," Majatladi said.

"The statement that the rules of the UIF were unacceptable to farmworkers cannot be appreciated by the department. The department had gone to great lengths to reach all employers and employees in the sector."

Bruwer was yesterday not available for comment.

Farmers urge Hanekom to be circumspect

(4) (S)
The Transvaal Agricultural Union said yesterday it had called on Land Affairs Minister Derek Hanekom to approach his new portfolio of agriculture minister with greater circumspection.

Should he not heed the call, TAU president Dries Bruwer would have no choice but to ask President Nelson Mandela to appoint Deputy Land Affairs Minister Thoko Msane in Hanekom's post.

The call was made in view of a statement by Hanekom that the security of tenure and occupational rights of farmworkers had to be guaranteed.

"This statement is a sign of Hanekom's wrong perception of the working of the agricultural economy," the TAU's declaration read.

"Hanekom's statement is a sure sign that he is creating a conflict situation with farmers even before taking over his new portfolio," said the union.

- Sapa

1 Star 15/6/96

Stop evictions - Hanekom

By CHIARA CARTER

LAND AFFAIRS Minister Derek Hanekom wants to stop the eviction of farm workers - but has been warned he might face strong opposition from farmers.

Earlier this week, Hanekom told parliament that government had a "moral and political responsibility" to ensure farm workers enjoyed security of tenure and occupation rights.

A meeting of worker and farmer organisations would be convened to discuss measures, including legislation.

Hanekom stressed that many farm workers were born on farms and had nowhere to go.

"I think we all agree there is something intensely immoral about people being forced to leave their homes, even if they are not the title deed holders," Hanekom said.

But not everyone agreed.

The announcement was slammed by the National Party and Freedom Front.

National Party politicians warned that Hanekom ran the risk of losing the support of organised agriculture and that measures to stop evictions might instead stimulate greater

mechanisation and job-losses.

The president of the Orange Free State Agricultural Union, Freedom Front senator Piet Gous, said Hanekom's suggestion was the "biggest shock" he had ever experienced in parliament.

Hanekom's announcement came in the wake of several legislative measures aimed at securing tenure by protecting informal rights and allowing for a variety of different types of tenure.

The two other aspects of the Land Reform Programme are restitution of land rights lost through apartheid measures and providing financial and technical help to would-be landowners who would have little chance of owning land without state help.

Hanekom said 7 095 land claims had been lodged with the Land Claims Commission since it opened in May last year. Most of these claims had been registered in KwaZulu/Natal, the Western Cape and Gauteng.

More than 8 100 ha of land had been transferred to 1 021 households in terms of the redistribution programme.

The Land Claims Court was about to tackle its first restitution case.

Search your...

(4)

Hanekom at war again

ST 16/6/96

By RAY HARTLEY
Political Correspondent

THE Land Affairs Minister, Derek Hanekom, fired another volley in his battle to improve the lot of farm workers this week when he called for legislation that would give farm workers security of tenure on farms.

Addressing the Senate, Mr Hanekom said: "We have a moral and political responsibility to ensure farm workers enjoy security of tenure and acceptable occupational rights in their modest homes."

The suggestion has been denounced by the Transvaal Agricultural Union, which

described it as "a sign of Mr Hanekom's wrong perception of the working of the agricultural economy".

Last year Mr Hanekom fought a running battle with farmers over his decision to allow labour tenants to own the land they were allowed to use as compensation for their labour.

Mr Hanekom said: "The reality, however, is that there are still many evictions of farm workers — people who were born on farms and have no other place to go."

"There is something intensely immoral about people being forced to leave their homes, even if they are not the title deed holders to the property."

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On barren ground

The government's campaign to subsidise access to rural land will reap an unintended harvest, writes **GRAHAM McINTOSH**

ST 10/6/96

(4)

ROCKY Drift is a huge farm of over 5 000ha on the edge of the Kwazulu Natal Midlands, near the hamlet of Muden. It is being bought from a commercial farming enterprise with help from the Department of Land Affairs.

Eight Zulu-speaking families and one English-speaking family still live on the farm, which is suitable only for extensive livestock farming though scenic and beautiful. It can produce at least 100 tons of beef a year and that beef feeds the nation, costs the state nothing and raises taxes and other levies.

Under its land reform pilot programme, the Department of Land Affairs plans to settle 230 families on this farm. These families will be able to buy Rocky Drift by pooling their R15 000 housing allowance from the department, and have R1,75-million left over in change.

The families will form a trust which will hold the title deed. This type of transaction, where a commercial farm is bought by families who form a trust and pool their housing grants, is occurring in other provinces.

The advantage of such a transaction is said to be that more people will be able to gain access to land. But ap-

plications for planning and settlement grants for Rocky Drift under the land reform pilot programme show that all the applicants have access to land but they don't like living where they are because their tenure is insecure, they feel uncomfortable because of violence or "insecurity" (that is, tribal discrimination), are overcrowded and their cattle are being stolen.

These are not landless people, but a landed community upgrading itself at state expense.

There are, however, more serious downsides. One could describe Rocky Drift as a rural timeshare development for the lower end of the market. People do not earn a living there but earn it elsewhere and go there for rest. Sadly, it is not a market because the members of the trust cannot sell their shares, nor can they use them as collateral to secure other investments. No longer can Rocky Drift be bought and sold. It is now out of the land market and those 230 families and their descendants are stuck with an unsellable wasting asset.

A further problem arising from ownership by a trust or community is that there is no accountability and enforce-

ability of the requirements of sustainable rural living, such as water supplies, firebreaks, fences, soil conservation and public liability. Eventually, most of the people will migrate to the urban centres because the reality is that jobs, services and accommodation are more important than land. In the meantime its neighbours will have to endure cut fences, illegal grazing and theft of livestock.

Tracey Simi describes a further problem in the National Land Committee's *Land Update* (May 1996) when she writes, "The utility satisfied by political justice is often unsustainable if economic aspirations of the beneficiaries are not realised... In many cases, by the time a farm is divided up, each household is left with little land. In many cases families will be forced to subsist."

Rocky Drift won't be divided up but it will become one commonage with designated house sites according to the "Vision for Settlement". The reality will be that a viable commercial farming operation will become an unsustainable rural settlement, a rural slum.

"Willing buyer, willing seller" is no solution when you have state grants being leveraged by greedy or needy

buyers acquiring land from greedy or desperate sellers.

Is it right that R15 000 government grants are being used for acquiring rural land by people who are already housed, instead of being used for meeting the need for housing in urban areas?

There is already widespread abuse of grants by people who get onto more than one list, already have homes, or go onto the list and never reside on the property that has been acquired.

Is this a responsible way to govern?

The Department of Land Affairs and the Department of Agriculture must decide whether they believe it is in the interests of future generations to allow productive commercial farmland to become rural settlements and, if so, how much land and under what conditions.

Rocky Drift is an apt name to describe a land reform campaign that will turn our farming areas into an economic and environmental wasteland.

● *Graham McIntosh is president of the Natal Agricultural Union, a former PFP Member of Parliament and a graduate of the universities of Cape Town and Cambridge*

Hanekom stirs a hornets' nest in agriculture

Wyndham Hartley

CAPE TOWN — Land Affairs Minister Derek Hanekom sent shock waves through the corridors of Parliament and through the meekie fields of organised agriculture last week when he announced the land tenure of farm labourers.

He said he was calling a conference between labour, farmers, non-governmental organisations and stakeholders to investigate what action will be taken. The reaction was immediate.

Free State Agricultural Union President, Freedom Front Spansant for Piet Gous, said he was

shocked. The NP's departing Agriculture Minister Kraai van Niek-erk said he was "playing with fire". The assumption, right or wrong, was that permanent rights to residence on farmers' land for farm workers was on the cards.

Later in the debate, and again the next day, Hanekom stressed that he had no solutions. He said he wanted an acknowledgement with the evictions of farm workers and, further, a commitment to finding a solution together.

Clearly there are two ways of doing things. The first one is the way the Land Reform Labour Tenants Act began its passage into law. It was drafted in secret and

simply tabled — to the horror of the farmers' unions. They were then engaged in the amendment during the Parliamentary process until a roughly consensus document was achieved. The other way, taken this time, is to make the shock announcement and then to try and get the farmers on board in finding a solution.

The labour tenants legislation, when it was tabled, carried with it an important brake on any hard-line reaction from farmers. It said that when the legislation finally became law it would be effective from the date it was tabled. In other words evictions that took place on the strength of the draft law would be punishable once the law

was in place. Some non-governmental organisations believe that labour tenants were indeed evicted during this period, but it is common cause that the retrospective nature of the law was effective in halting large-scale evictions.

Hanekom and his department took much criticism for making the labour tenants Act retrospective or a healthy legislative practice. This time he has taken the bull by the horns and announced his intentions. Indications are it could seriously backfire on him.

There are about 1.2-million farm workers. They and their dependants who live on white farms amount to about 20% of the pop-

ulation. The conclusion is inescapable, there are many non-productive people living on farms. For example the elderly, and the very young, who may be related to a farm worker, or are simply a part of the extended family.

There is no question that they are vulnerable if farmers get bloody minded and decide to remove all those that are not productively employed on the farm.

Hanekom is also right that they are vulnerable if there is a change in ownership and the new owner either wants no labour, different labour or reduced labour.

Substantial evictions of labour in the agricultural sector will dramatically increase the homeless in

SA, hence Hanekom's need to do something about it. If, however, he forces the issue, those evictions seem guaranteed.

It must be said that it would be a gross injustice if farmers began a series of pre-emptive evictions. Injustice because they have, under the protection of old colonial and later apartheid laws, enjoyed a feudal access to labour which denied the farm workers and their families land and labour rights.

We only have to consider the traditional payment in kind practices over the decades which trapped farm workers in poverty.

Workers who have been born to parents who themselves were born on farms and have supplied feudal type labour to farmers clearly should be allowed a place to see out their old age.

By the same token it is absurd to suggest that if a house is part of your service contract and the moment you lose your job, through either incompetence or harsh economic realities, that you should retain rights to that home.

Perhaps part of the answer is that there should be a period of grace before the jobsless become homeless. Workers cannot simply be evicted immediately when they lose their employment.

Clearly something has to be done and if Hanekom can harness the financial muscle of organised agriculture into providing a housing solution for farm workers then that is first prize. Hanekom himself said that clearly the dependence of farm workers on farmers for their homes had to be broken.

It means, on one level, that any amount of abuse has to be tolerated in order to avoid being put on the street. A mutual agreement, maintaining the status quo if the effort to medium term, would have the benefit of allowing state sponsored agrivillages to get off the ground without significantly adding to the homeless and jobless.

Responsibility shifts for farm housing

Louise Cook

BD 21/6/96

PRETORIA — Government had not wrapped up details of a revamped farm worker housing subsidy, but R80m as well as “functional responsibility” would be transferred from agriculture to the housing department, housing department director-general Billy Cobbett said yesterday.

A farm worker housing subsidy run by the agriculture department was halted in March last year when the housing department made a bid to carry on with the scheme. Public Service Commission approval to transfer R80m set aside for farm worker housing was obtained only recently.

Cobbett said it might be necessary to “review the housing subsidy proce-

dures to cater more effectively for the circumstances of farm workers.

“To this end a number of pilot projects, yet to be identified, are envisaged in consultation with the departments of agriculture and land affairs.”

Housing department deputy director Neville Karsten said a committee with representatives from various departments would be reactivated.

Tenure security of farm workers caused tension in farming circles recently when incoming Agriculture Minister Derek Hanekom suggested land rights for workers on the farms they worked on. A special conference to thrash out the problem would be held.

Land affairs director-general Geoff Budlender said he wanted to see a solution to the lack of tenure security.

THE article by Graham McIntosh of the Natal Agricultural Union on this page last week reflects an erroneous interpretation, perhaps intentionally so, of the land reform programme.

Blacks in rural areas still suffer insecurity of tenure, landlessness, hunger, poverty and underdevelopment as a result of apartheid policies which forced them off their land of birth and denied them the right to become its owners.

Unless these issues are resolved, rural areas will continue to be plagued by instability and social unrest. The land reform programme is designed to bring justice to the victims of forced removals by addressing the land needs of the poorest and most marginalised sectors of our society, and by fostering economic growth through giving aspirant farmers access to land. By doing so, we will lay the foundations for a strong and vibrant rural sector, characterised by growth and stability.

The main thrust of Mr McIntosh's argument seems to be a belief that only commercial farmers should be allowed to make a living in our rural areas. Furthermore, he confuses the concept of "access to land" with that of "tenure security", and refers to "landed communities" — workers, labour tenants or land owners?

To equate the position of a farm worker living on a farm with that of a landowner, or with tenure security for that matter, is not possible. Tenure security of farm workers depends on their continued employment. We intend to open up opportunities for people such as these to become landowners in their own right should they so wish, enjoying all the benefits that go with land ownership.

If this means, as in the case of Rocky Drift, that people buy a farm communally in order to have tenure security and a resource for producing some food, then we will do so. If it means that the wife lives and works on the farm and the husband works in the city, that is in order. We do not have the right, nor do we wish to be prescriptive in telling people how to run their lives.

South Africa is a developing country in which off-farm income is an accepted and necessary contribution to run a successful farming operation.

Mr McIntosh believes that communal settlement projects are doomed to failure. He alleges that communal ownership precludes accountability, leads to environmental degradation and unsustainable land use. I would like to refer him to the relevant legislation in this regard, and specifically to the Communal Property Rights Act. It provides for a proper planning process in



Objections raised against his land reform programme have lost sight of overriding objectives, writes DEREK HANEKOM

Like it or not, this farm plan will work

(4) ST 23/6/96

which the feasibility and sustainability of a settlement project enjoys the highest priority. It sets the parameters within which such a settlement will be possible, regulates land use, addresses environmental concerns, and sets binding rules for communal property trusts. This Act is a key mechanism through which the government enforces the need for sustainable use of communal land.

Mr McIntosh says that the neighbours of such communities "will have to endure cut fences, illegal grazing and the theft of livestock". This may be so at present, but the land reform programme is a means of changing the situation. The provision of tenure security and the creation of stable property relations is an important contributing factor to the resolution of these problems.

Mr McIntosh and organised agriculture should throw their weight behind our programmes to ensure that they do succeed. As the neighbours of new landowners, they have an important role to play in making them full members of the rural community, by supporting their farming endeavours and transferring skills wherever possible.

The government has structured the

system of land acquisition in such a way as to prevent the abuse of grants. If Mr McIntosh can supply me with proof of such abuses, I will take immediate and forceful steps to act against transgressors.

Rocky Drift is an important initiative in that it gives people the opportunity, for the first time in their lives, to own land, build their own livelihoods and to live decent lives. They are ultimately responsible for its success or failure. The active involvement and support of the Natal Agricultural Union with this community may go a long way in ensuring the success of this venture.

We are one of only a few countries engaged in land reform today. It is a serious and, in many ways, unique programme thrust upon us by a history of brutal dispossession. We have no choice in the matter — we owe it to our people to address these inherited realities. In this, every South African has a role to play.

Without giving people access to land and security of tenure, many other government programmes become meaningless. It is fundamental to the principle of allowing people to do things for themselves, and to breaking bonds of slavery and dependence.

We also do not, however, regard land reform as an end in itself. People need land for their basic housing requirements, they need it to graze their cattle and for cultivation, and for other economic activities such as eco-tourism. Our objective is to ensure that beneficial and sustainable use of land follows from access and security of tenure. The decision to combine the Ministries of Land and Agriculture must be seen as a positive step in this direction. Land reform then falls within the context of other policy objectives, such as achieving food security, improved incomes and job creation.

In the final instance, there is the legitimate quest for justice. Perhaps one of the greatest steps we have taken as a people embarking on a journey to a democratic and just society was the broad acknowledgement from within all sectors of society of the rightness of a process of land restitution, to bring justice to the victims of forced removals. We do not intend repeating the injustices of the past by arbitrarily dispossessing people of their land; organised agriculture acknowledges this and supports the restitution process.

We need the support of each and every South African to make this process work. Mr McIntosh should join us in this — generations to come will thank him for it.

● Derek Hanekom is the Minister of Land Affairs

YES?

ad back's continued A van Stopped select them

A NATIONAL conference will focus attention this week on the plight of women farmworkers.

The conference, to be held in Grahamstown, aims to raise the profile of women working on commercial farms as a special group to be included in policy formulation and law-making. It is a culmination of the National Women on Farms Programme, which has included a series of local and regional workshops with women.

As with several other sectors of the economy, very little reliable statistical information is available on farmworkers, and particularly women.

This is one of the findings of the reports of the Comprehensive Labour Market Commission. Both documents were released last week and will help shape government policy.

restructured so that they switched to more labour-intensive production patterns?

At a legislative level, a recent proposal from the department of labour for a new employment standards law was significant. It has been proposed that this new law covers farmworkers, seasonal workers, contract workers and part-time workers. It is proposed also that new minimum working hours and payment for overtime be set.

The report of the Comprehensive Labour Market Commission also has made proposals for wage regulation in the agricultural sector.

Although the commission supported collective bargaining between employees and employers to regulate wages, it recommended that where there were gaps in the collective bargaining system, statutory measures, such as the Wage Board and wage determinations, should be used.

However, the commission cautioned that the Wage Board should set minimum wages "at modest levels", and should monitor the impact of its determinations.

In its review, the ILO noted that trade unions in agriculture also could be helped if the Wage Act was extended and the Wage Board was able to set minimum wages and conditions.

"Such minimum wage laws could encourage farmers to negotiate with trade unions, and emerging agriculture trade unions could play a role in monitoring the implementation of the laws."

The ILO pointed out that negotiated higher wages would be possible only if trade unions were able to become effective bargaining agents on farms. The new Labour Relations Act (LRA) extended organisational rights and rights of access to trade unions. But, gaining these depended on the trade union achieving substantial representativity.

This was difficult for trade unions organising in the agricultural sector as many farmworkers lived on their employers' property and the Trespass Act made access to private property conditional on consent of the person who controlled it.

To deal with this situation, the ILO suggested the LRA should be amended to make it easier to organise on farms. Besides its recommendation on a minimum wage, the Comprehensive Labour Market Commission also recommended that in agricultural sectors which were highly capital-intensive, a minimum wage should be combined with measures which reduced the incentive to favour capital intensity.

This would do away with very low wages which characterised the sector at present and would increase employment. The ILO said there was much scope for the government to promote agricultural wage employment through subsidies, tariffs, drought relief and direct aid.

The government also could focus public infrastructure investment, such as irrigation and rural feeder roads, in areas with proven potential for labour-intensive crop and agricultural processing enterprises capable of competing on the world market.

This absence of reliable statistical data had often led to "crude assumptions" being made, said the ILO.

One of these "crude assumptions" was that many African rural households depended on remittances from male, urban employees. However, few working-age rural women had been recorded as employed in formal employment.

Nevertheless, the ILO said data suggested that self-employment in agriculture played only a minor role in the income of poor households.

It was likely the poorest households depended heavily on the wages of rural women workers. In the light of this, key policy questions to consider included:

- What interventions would achieve a rapid improvement of wages and working conditions of those already employed in the agricultural sector, and how could wage-earning opportunities be expanded in the short-term?
- How could incentives for large-scale farmers be

(4) AR 25/6/96

Conference to highlight plight of women on farms

Call for review of farmworker's housing policy

(4) ~~12~~
AKG 28/6/96

Municipal Reporter

SOUTH AFRICA'S housing policy would have to be reviewed so that it could cater more effectively for the needs of farm workers, according to the country's director-general of housing William Cobbett.

He said the ministers of Housing, Agriculture and Land Affairs had agreed to transfer the functional responsibility - for the rights of farm workers to have access to adequate housing - from the Department of Agriculture to the Housing Department.

"An amount of R80 million is to follow the function and the money will be used to extend the application for the existing housing-subsidy scheme to farm workers.

"For practical reasons, it may be necessary to review housing-subsidy procedures to look after the needs of farm workers.

"To this end, a number of pilot projects are envisaged, in consultation with the Department of Agriculture and with Land Affairs," said Mr Cobbett.

Manie Schoeman, the National Party spokesman on agriculture and land affairs, said his party

agreed that the security of housing was of material importance to farm workers, particularly with regard to their position after retirement.

"However, care should be taken that the search for a solution does not jeopardise this security.

The statement by Land Affairs Minister Derek Hanekom that legislation will be studied to address the problem, means farm owners will take a new look at the number and type of labourers they require.

"It is unrealistic to expect farm owners to provide statutory permanence to farm workers and their descendants on their farms.

"If farm workers prefer to remain on a specific farm, a system of life usufruct in a specific house can be investigated," he said.

Mr Schoeman said the NP was prepared to join the South African Agriculture Union and other parties in making an in-depth study of housing security for all farm workers, whether in the closest town, in worker villages or on the farms concerned.

Built on the sweat of female exploitation

BONGIWE MHLANGENI

For thousands of women like Cecilia Tiki, working on a farm means giving away their rights. Tiki has been a farmworker for about 20 years and over the years has experienced poor housing and low pay. She has suffered from having no education, and no privacy. She has few work rights and benefits, and has even been subjected to physical abuse.

In the last three years, Tiki has worked as a casual labourer at a farm in Leandra, Mpumalanga. Her three sons were employed to work at the farm. They work 12 hours a day six days a week. They earn R150 a month – a typical salary for farmworkers.

She says she and her sons were dismissed last month and they were all evicted on June 5 once they began protesting about their living and working conditions.

The same day Land Affairs Minister Derek Hanekom called for legislation that would give farmworkers security of tenure on farms.

Tiki's case has now been brought to court by The National Women on Farm Programmes (NWFP) after its attempts to mediate between Tiki and the farmer failed. The NWFP says the farmer did not want to discuss the case.

Although Tiki was not the one officially employed at the farm, she was regularly called to the farmer's house to clean the floors, do the laundry and wash dishes. At times she would be asked to help out in the plantation. For a day's labour, Tiki says she earned not more than R20.

Her stay on the farm was part of an unofficial deal her sons, who are in their 20s, automatically agreed to when they were employed and wanted their mother to stay with them. She was allowed to stay on condition she agreed to work in the main house whenever she was asked.

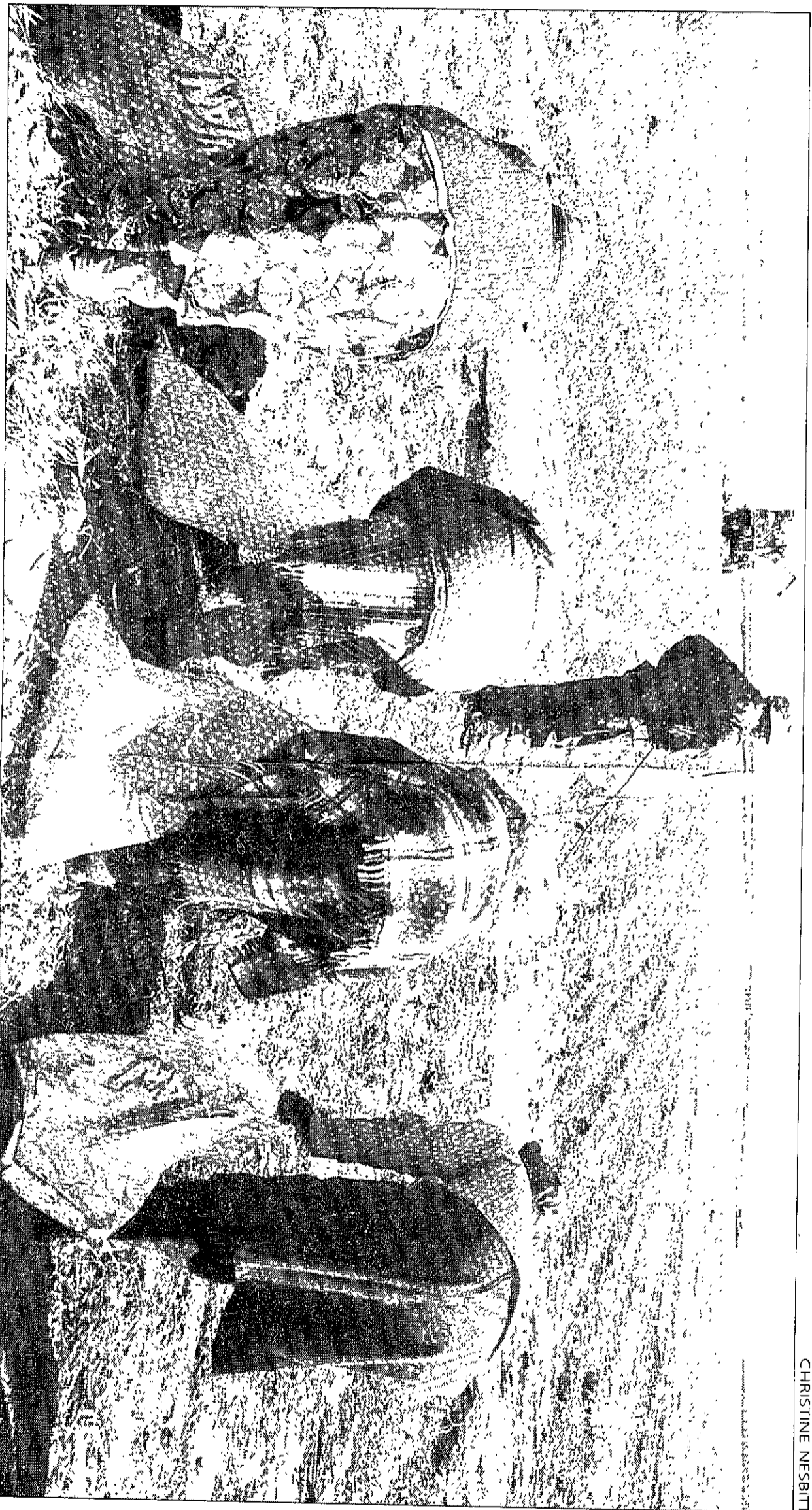
Tiki's life is not unusual. She is one of thousands of women farmworkers employed as casuals or used as part of a package brought by a male employee.

When his female relatives or children work on the farm, they

Despite moves toward reforms, the lot of the female farmworker remains a pitiful one

4 Star 8/17 196

CHRISTINE NESBITT



Slavery fields ... women often have to work for nothing in exchange for accommodation or the promise of continued work from the farmer for their husbands or sons.

do not receive a wage, instead what they earn is given to the man to supplement his wages.

It's part of an agreement with the farmer that the women and children will do chores in exchange for accommodation.

After years of abuse at the hands of farmers, last month Tiki and other women participated in

one of a series of workshops organised by the NWFP to discuss their problems and explore solutions.

These workshops are also used to provide a networking base for women farmworkers and to also inform them of their rights.

power from farmers to decide who should have access to housing, water, health and education," says Tiki.

These statistics are likely to tell a worse story as long as farm work is still viewed as a man's job, says NWFP spokesman Rosselyn Tetela.

Few women farmworkers are aware of their rights, the execution of the new legal provisions is slow and enforcement mechanisms are inadequate, Tetela says.

that work against women farmworkers receiving equal treatment to their male counterparts. These include the fact that as men's labour is defined as skilled labour, most women are used to acquiring accommodation in exchange of labour on demand and that women are categorised as casual labourers.

Another problem with having women as casual workers is that they are not commonly paid for injury, they lose their wages when they are ill or cannot work because of bad weather conditions and are often not provided with protective work clothes," she adds.

With the R80-million government housing subsidy scheme for farmworkers due to be released soon, the main concern Tiki has is that women may be the last to benefit from it because of a lack of information.

She says women as casual workers have no independent right to housing even though they may be working on a full-time basis while men are often housed on the farm because they are regarded as more valuable.

Tiki is also concerned about how the scheme will affect people like her who have been evicted and lost jobs as farmworkers.

At the moment Tiki lives where she was left by the police after her eviction. She has no roof over her head, water or electricity. She had to build a new shack but still has to walk long distances for water.

"Right now democracy is far from us. Women on farms believe they should accept abuse as part of the lives and we have to find a way of changing that.

"We also have to find a way of making the laws and the constitution real in our lives," says Tiki.

Farm family face eviction or jail

By Simon Zwane

MICHAEL Mofokeng has never in all his 50 years had reason to fear the police. He has always been a law-abiding citizen, a loyal farm labourer who has never seen the inside of a prison or courtroom.

Now he lives like a fugitive in the ghost house that used to be his family's home. His children no longer run willingly to any car that stops next to the house.

In recent times cars have only brought misery to him and his family. They have brought people who tore down the the family's home, bundled their belongings together roughly and dumped them on the roadside.

The tombstone Mofokeng had built for his late sister was also desecrated. Police who had been asked to evict his family have also visited them in cars.

The Mofokengs had lived in peace like all farm tenants until two months ago, when the new farm owner decided he no longer needed their services.

Since then they have been evicted from the farm near Harrismith, arrested, given a suspended sentence of six months' imprisonment with a fine of

He believes he is owed money for pension, R50 wages for two months, his wife's wages and six bags of mealies from the past two years' harvest

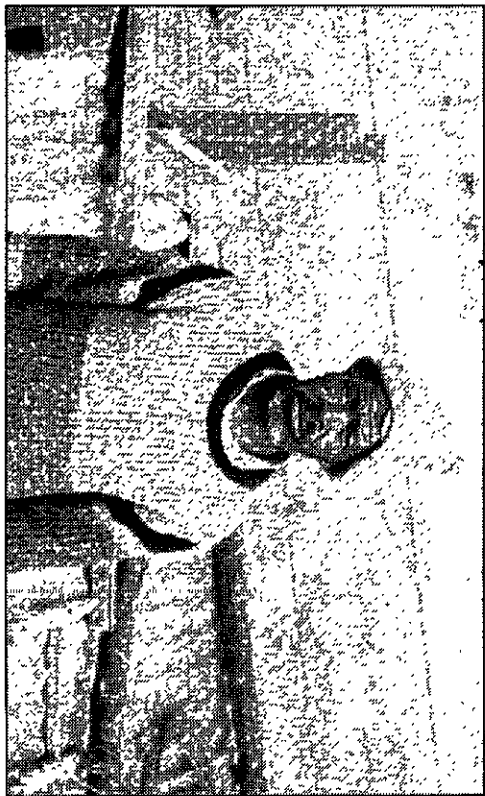
R2 000 and their cattle impounded.

Their water supply has also been cut off, forcing the family to rely on a small stream used by farm animals.

Mofokeng's problems started when Dan Grabe, the farm owner who had employed him, died in 1982. The farm then became the property of Grabe's son Lawrence.

Mofokeng claims that Lawrence had never liked him. He alleges that Grabe junior had always threatened to evict them as soon as his mother Ina died.

Although the farm had come under Lawrence after his father's death, his mother still had the right to use and



Michael Mofokeng ... and his family have to leave the farm they regarded as home for 20 years.

occupy it until her death. This had apparently prevented Lawrence from evicting Mofokeng and his family, and his sister Letia Mahlasela and her family.

On Christmas Day last year Mrs Grabe died - and so did Mofokeng's right to continue living on the property he had occupied for more than 20 years.

He had dedicated his entire life to the farm and, for R25 a month, had looked after the owner's livestock, tilled the soil and helped with harvesting. His wife, daughters and sister had also taken turns in helping with the upkeep of the farm.

From 1982, after the death of Grabe senior, until the death of Mrs Grabe, the Mofokeng family had looked after

the farm, including the farmhouse on their own without any supervision.

Mrs Grabe had moved in with her daughter in Maritzburg immediately after her husband's death. When Mrs Grabe died, the death knell was also sounded for the Mofokengs' right to enjoy the land they had come to regard as home.

They were given notice in March to vacate the land but the family, who say they have nowhere to go, defied it. An eviction order against their 16 cattle was then obtained.

Last month the family was found guilty of trespassing and sentenced to a suspended prison term of six months. They were also warned to vacate the land by today or they would be sent to jail.

Mofokeng is, however, unconcerned about this. He laughs when told he will be sent to jail if he refuses to move by today.

"I am not going to move here until all my dues are paid," he says. He believes he is owed money for pension, R50 wages for two months, his wife's wages and six bags of mealies as ration from the harvests of the past two years.

Subsidy is a far-away dream for farmworkers

(4) M+G 12-18/7/96

Vuyelwa Vika in East London

XELEGU DLILANGA (78) spends his days sitting in the sun hoping for a miracle — a piece of land and a home to call his own.

Dlilanga and his wife Nowait (76), are labour tenants on Byletts Farm in Cintsa East, near East London. They share a house with two of their eight children and five grandchildren.

Looking across the valley to a deserted farm that Dlilanga says was owned by a black family before they were forcibly removed, he says: "Sometimes ... sitting here and looking over there, I can actually see where my house would be.

"If the government agreed to give us settlement grants for that farm, I would borrow wings from a wild bird and fly over that land. I would run even though I walk with difficulty now."

Dlilanga, who has lived most of his life on farms in this area, came to Byletts in the early Seventies.

But his family is allowed to stay on the farm only because one of his daughters, Veliwe, works in the farmhouse. If she were to lose her job tomorrow, the entire family would be forced to abandon their home.

Like most of the estimated 1,2-million farmworker households in the country, the Dlilangas have never owned a home of their own, and they feel betrayed by the government's R15 000 housing subsidy.

Although in theory the subsidy applies to urban and rural households, in practice no farmworkers have benefited from it, because they cannot prove tenure of the land they live on. The same applies to people living on traditional land.

Housing Director General Billy Cobbett concedes that the govern-

ment has got itself in a knot over housing for farmworkers.

It wants to improve farmworkers' houses — among the most appalling in the country — but it wants to benefit the farmworkers, rather than add to the assets of white farmers.

That's hard to do — as long as farmworkers don't own land.

A sum of R80-million, allocated for farmworker housing under the Department of Agriculture, went unspent and is now being moved to the Department of Housing. But the Department of Housing says there's not much it can do until tenure issues in the rural areas are resolved.

The Green Paper on Land proposes that the government help create "off-farm settlements" or "agri-villages", where unoccupied land on or adjacent to commercial farms is bought by farmworkers with the help of a government loan.

Eastern Cape Deputy Permanent Secretary for Local Government and Housing Ndumie Gwayi says this land will be developed for residential and farming purposes with full rights of ownership for the farmworkers.

"But everything has to happen on a willing buyer, willing seller [basis]," she said.

A group of farmworkers in the Kroomie area — nestled between Adelaide and Fort Beaufort — has asked local commercial farmers to sell them some land. This would allow them to commute to their jobs on nearby farms, while having a home of their own.

If they succeed, theirs will be a test case of a revolutionary new approach to farmworker housing.



FACING EVICTION: Elderly farm labourers Mr Apools Fortuin, 88, and his wife Mina, 77, have been ordered to leave their house on an Oudtshoorn farm after a former mayor of the town turned his back on them. Apools has worked on the farm since he was 13, and his wife — who is now blind and partially paralysed — worked as a maid in the farmhouse for several decades. The former mayor, Mr Arnold de Jager, promised to help the couple but nothing has been done.

PICTURE: BENNY GOOL

Elderly couple to lose lifelong home

LINDIZ VAN ZILLA AND
JACKIE CAMERON

A FORMER mayor of Oudtshoorn has turned his back on two elderly and ill labourers who have worked on a family farm since childhood — and now they face eviction.

Mr Apools Fortuin, 88, and his wife Mina, 77, have been given two weeks to find an alternative home after spending their lives working for Mr Arnold de Jager, the town's former mayor, and his family.

Fortuin, who suffers from heart complications, was born on the Buffelsdrift farm and started working for the De Jager family when he

was 13.

His wife, now blind and partially paralysed as a result of several strokes, worked as a maid in the De Jager farmhouse for several decades.

A distraught Fortuin told the Cape Times earlier this month that he had been told to move out of his home because the farmer had found somebody younger to work on the farm.

"I started working here as a young man, I got married on the farm and I am 'knaend' (ceaselessly) still here. Now I am being told to get off the farm."

He stopped working two years

ago and the couple have been living off a small old age pension and disability grant.

At the time De Jager said he would assist the couple with alternative accommodation, but nothing has been done.

This week they received a lawyer's letter giving them a final warning to leave within 14 days or an eviction order would be sought.

The farm is technically owned by De Jager's nephew, but was hired by the former mayor until June. Now the new lessee, Mr Piet Fourie, says the couple are not his problem and that he needs the house for labourers.

His lawyer, Mr James King, said yesterday that De Jager had told Fourie he would find an alternative home for the Fortuins, as was common practice for all farmers in cases where labourers had worked for them for many years.

He said Fourie had given notice to other labourers who live on Buffelsdrift but work on neighbouring farms.

"The whole situation is unacceptable for my client. He needs the houses urgently for his own workers."

An angry De Jager said: "In the beginning I offered to give them alternative housing on my farm

but Mr Fourie came to me and said he won't give them notice. I have houses on my farm but they are all occupied."

The couple's son Mr Apollis Fortuin, who gave up his job in Cape Town and took up a post at an Oudtshoorn holiday resort to be closer to his parents, said neither he nor his siblings were in a position to help his parents.

"Not one of us can accommodate them. They have spent their whole life there. They want to die and be buried there."

Fortuin said he had contacted the African National Congress for assistance.

(4) CT 12/7/96

Labour tenancy appeal

(4) Star 19/7/96

Land Affairs and Agriculture Minister Derek Hanekom appealed to farmers and farmworkers yesterday to act together to find solutions to problems relating to the eviction of farm hands.

Addressing a meeting in Pretoria on labour tenancy, he called on farmers to act with compassion when tackling problems which might lead to evictions.

The SA Agricultural Union, organisations representing farmworkers, the Legal Resources Centre and other stakeholders have been given until August 12 to submit proposals on how problems surrounding labour tenancy could be resolved. - Political Correspondent.

Minister set on security for farm workers

(4)
By CYRIL MADLALA
ST 21/7/196

The Minister of Agriculture and Land Affairs, Derek Hanekom, has vowed to halt the eviction of farm workers despite strong opposition from farmers.

This week he gave interested parties one month to make suggestions aimed at granting security of tenure to the country's 1.2 million farm workers. Draft legislation will be pushed through Parliament before the end of the year.

Hanekom said he was determined to push ahead with legislation to halt "illegal or undesirable" evictions which have continued despite retrospective legislation to curb them.

Farmers use labour legislation to dismiss workers, forcing them to vacate farms.

This week Hanekom said: "We need to look at legislation to address this because not only labour laws have an impact on farm workers. They are also affected by laws against trespassing and illegal squatting."

His announcement in Parliament last month that he would take legislative measures to enhance the status of farm workers led to an outcry from farmers who feared their properties would be expropriated as a result.

This week he convened a meeting of key players including the South African Agricultural Union, the Land Affairs Committee and worker representatives to discuss tenure security for farm residents.

National Land Committee director Brendan Pearce said evictions that destabilised people's lives would render the government's land reform policy unworkable because they would encourage squatting and rural townships.

Pearce said evictions were unconstitutional and he urged the government to use all means, including expropriation, against farmers who evicted workers.

But a member of the South African Agricultural Union's management committee, Kobus Kleynhans, said farm workers were well protected in law and in the Constitution, and it was "quite a story to terminate an employment contract".

He said a ban on evictions was unthinkable because it entailed banning a farmer from exercising his right to hire and fire and to decide who was accommodated on his property. Expropriation was also unacceptable, he said.

Black farm schools hit by arsonists

By Lulama Lutti

THE black farming community in Free State has been living in fear over the past three months following a spate of attacks in which farm schools have been set alight, some completely gutted, by unknown people.

Because of the freezing conditions, pupils at some of the schools visited by *Sowetan* this week have been sent home.

Police have identified six farm schools in the Ficksburg, Senekal and Rosendal areas of eastern Free State which were burnt, some razed to the ground.

At Caledonia Primary School children now sit on plastic chair frames and bricks outside the charred remains of their four-classroom school.

As temperatures plummeted to around zero degrees, pupils were told not to come to school yesterday.

Pupils from Somerhoogte Primary on the farm Jakkalsfontein, whose four-classroom school was completely destroyed by a fire on May 31, now share classes with those at Harmonia Middle School, which was also partially damaged on the same day.

Somerhoogte principal Mrs Julia

Makaonyane said there had been no schooling since the building was set on fire about seven weeks ago.

"The schools in the province closed on June 21 for the winter holidays, but we have not had any classes since June because of the fire.

"Standard 5 pupils had all their books destroyed in the fire. So were teaching aids and everything else that belonged to the school," said Makaonyane.

Promised help

She said the department of education had promised to help, "but we have not received anything yet".

"When schools reopened on July 16 we still had no teaching equipment and children had no books and we had to send them home. We only started teaching on Wednesday this week," she said.

While police are still hunting for the suspected arsonists, a teacher and a farmer have several theories regarding the attacks.

According to Mr Jan du Preez, of the farm Katerina in Senekal, the Pan

Africanist Congress might be responsible for the attacks.

"The slogan, 'True Freedom - Black Power', is it not a PAC (slogan)? They were quite active in Lesotho and it Lesotho is not far from here. If they want to attack white farmers that is okay. But why destroy black schools. That does not make sense to me," said Du Preez.

However, the teacher, who cannot be named for fear of reprisals, said there had been moves by black people to buy farms in the area recently.

Some of the farmhouses that have also been burnt in the area are uninhabited. The teacher said there had also been moves by the Free State government to buy the farm schools and place them under their control.

The schools are still owned by farmers whose influence includes having a say in the appointment of teachers.

Police spokesman Captain Solly Mosia told *Sowetan* yesterday that police were investigating the arson attacks.

Police had also taken steps to safeguard other schools in the area.



Brothers Monk (standing) and Awu Motaung, pupils at Caledonia Primary School near Ficksburg, stand inside the charred remains of what used to be their school. Yesterday they were sent home because the cold weather made it difficult to study outside.

PIC: VELI NHLAPHO

(4) (Sowetan) 19/7/96
Free State farming communities living in fear after spate of attacks

Farmer threatens to block deal which will put 374 black families on one farm

(2) Siza 30/7/196

Vryheid - A northern KwaZulu Natal farmer has threatened to sue Land Affairs Minister Derek Hanekom should he sanction the sale of a R4,3-million farm to a landless traditional chief and his followers in Vryheid.

The province's department of land affairs has recommended that the 5 700ha farm Driekwart be sold to 374 families under Zulu chief Johannes Mdlatlose, who applied for land 13 years ago.

Final approval rests with Hanekom, who last month intervened to speed up the sale after Mdlatlose gatecrashed a meeting with farmers and put his case to the minister.

Kenneels Greyling, whose farm borders Driekwart, has objected to the sale.

He says Driekwart's owners, Lood and Hendrik van Rensburg, stand to make a huge non-taxable profit from the sale of the farm they inherited, but his land will devalue.

As an example, Greyling points to farms bordering Madadeni which devalued drastically when the New-

castle township encroached on their borders. He says the farm owners are unable to sell the land, even at ridiculously low prices.

Greyling claims Driekwart cannot be optimally utilised by 374 families, and an independent report commissioned by the department backs his view.

The report found the land could be commercially viable if farmed by no more than 20 farmers, a view shared by an official of the Agricul-tural Credit Board.

The proposed land sale has been

further complicated by hostilities between Mdlatlose's Othaka Tribal Authority and the Hlahindlela Tribal Authority of S M Mdlatlose.

Mdlatlose and his followers are squatting on land in Belkumthetho, near Emondlo, owned by the Hlahindlela group.

The official who has drawn up the report for Hanekom, Johannes van Dam, has been negotiating with the two groups in an attempt to prevent conflict.

Several meetings have been held with little apparent success, yet Van

Dam says he has recommended that the land be designated anyhow and that urgent attention should be given to develop Belkumthetho.

Should problems arise, "we'll deal with it then", says Van Dam. He stresses that Hanekom will make the final decision after he's informed of all the facts.

Another land affairs official says the sale of Driekwart is an attempt by the present government to correct an administrative error made in 1964, when the former government incorrectly allocated the land at

Emondlo to the Hlahindlela Tribal Authority instead of the Othaka Tribal Authority, but changing that would result in faction fighting.

Hlahindlela Tribal Authority chief S M Mdlatlose has warned that those Othaka families who remain behind on his land will have to submit to his authority. There is concern that he will chase the people off his land.

The 374 families plan to pool their R15 000 government housing subsidies, a total of R5,61-million, to buy Driekwart. - Sapa.

Farm labour evictions increasing — Idasa

Louise Cook

EVICTIONS of farm labourers were being stepped up in the past two weeks in the main agricultural areas, ahead of the proposed new tenure security laws, observers said.

However, farmers denied allegations that they were "offloading" surplus workers. No records of evictions were kept, but the Institute for Democracy in SA (Idasa) said there were indications of increased evictions in

(4) EP 30/7/96
Mpumalanga, Gauteng, Northern Province and KwaZulu-Natal.

Idasa spokesman Ivor Jenkins said the gradual increase was possibly due to farmers fearing new tenure security laws planned by Land and Agriculture Minister Derek Hanekom.

Transvaal Agricultural Union labour director Willie de Bruyn said some farmers facing financial problems were told by banks and financiers to cut back on their over-employment to save costs.

Fruit pickers still waiting for the new South Africa

By Khathu Mamalla

TWO YEARS AFTER the general election which ushered in a new South Africa, farm labourers near Duitvelsdooft in Northern Province are still waiting for the dawn of a new order.

"We keep on hearing about the new South Africa but we are still waiting for our lives to be transformed," says Mr Peter Radlabala (30), who works on a fruit farm.

He starts work at 6am and knocks off well after 5pm. His job is to pick avocados - every day he has to fill 40 crates. If he fails to reach his target, he will automatically lose his job, he says. "My job is tough. Those crates are very heavy and we have to climb trees to get the avocados. I can't afford to take a break because if I fail to reach the target, I will lose my job.

"And I can't risk losing my job. I have a wife who is unemployed and a child to support," says Radlabala, who dropped out of school in Standard 5 because of poverty.

When workers complain about their working conditions, he says, their employers tell them to leave the farm and go elsewhere as there are many people who would kill to get the same job.

"The boss keeps telling us that we are very lucky to be employed while millions of other people in the country are without jobs," says Radlabala.

R400 a month for trying to pick 40 crates of avocados each day

“We have a job to do. We employ pickers and that is their job. We don't discriminate between men and women hired to do the job”

In an attempt to improve their working conditions, labourers joined the South African General Workers Union. The farm management is totally opposed to the union and many workers have been intimidated in attempts to get them to shun it.

"While in many places workers can easily join a union and continue to work without encountering problems from management, on this farm joining a union is like waging an armed struggle.

"Management is completely against the union. Those who have

joined have become enemies of management. Dozens of workers who have joined the union have been dismissed.

"Consequently, the union can't have a recognition agreement with management because the majority of workers have been forced to stay away from the union."

One of about 70 workers who was allegedly fired for joining a union is Mr Elia Mojela (27). Mojela was fired in June after he failed to reach his target of 40 crates a day.

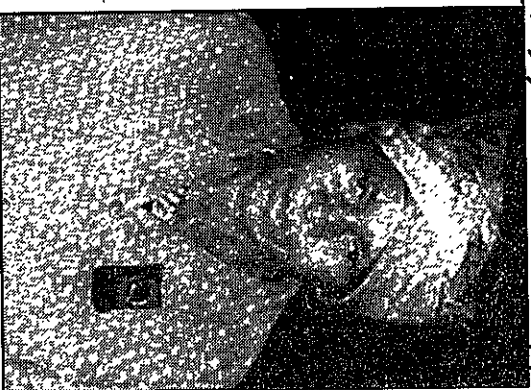
"Although I failed to reach the target, I honestly believe the main reason for my dismissal is that I joined the union and was encouraging other labourers to join.

Instill fear in workers

"I was not given a hearing before I was dismissed. It was obvious the employer only wanted to have an excuse to get rid of me and to instill fear in other potential union members," says Mojela.

He says he does not know where to get another job. Like other labourers on the farm, Ms Mmamantubini Mashapha earns R400 a month - even though she has been working there for more than 10 years.

Experience, it seems, does not



Mmamantubini Mashapha ... too much work and too little money.

count. "Even if another worker can get a job here today, his or her monthly wage will still be R400 a month. The money is too little - and the work is too much.

"However, I cannot afford to give up because I am a single mother of five children," says Mashapha.

Another problem she experiences at work is climbing the avocado trees. She says she sometimes falls from the trees.

Another labourer, Mr Matome Oupa Ramoshaba (24), injured his waist when he fell from a huge tree on

July 13. He says he can hardly walk but his employer told him to return to work or seek employment elsewhere. "I am hurting. I do not know what I will do because my boss obviously wants me to work," says Ramoshaba.

Company personnel manager Mr Alan Snyman denies the workers' allegations. "It is not true that we do not allow workers to join a union.

"The fact of the matter is that there is no recognition agreement with Sagawu because the union has few members. The workers do not want the union and management cannot be held responsible for that."

Asked whether women were forced to climb trees to pick avocados, Snyman says: "We have a job to do. We employ pickers and that is their job. We don't discriminate between women and men hired to do the job."

On the 40 crates each worker has to fill a day, Snyman says the company has certain targets to reach.

Treated like slaves

However, Sagawu provincial secretary Mr Kidox Mogale complains that farm labourers continue to be treated like slaves even after the adoption of a new Constitution which protects workers' rights.

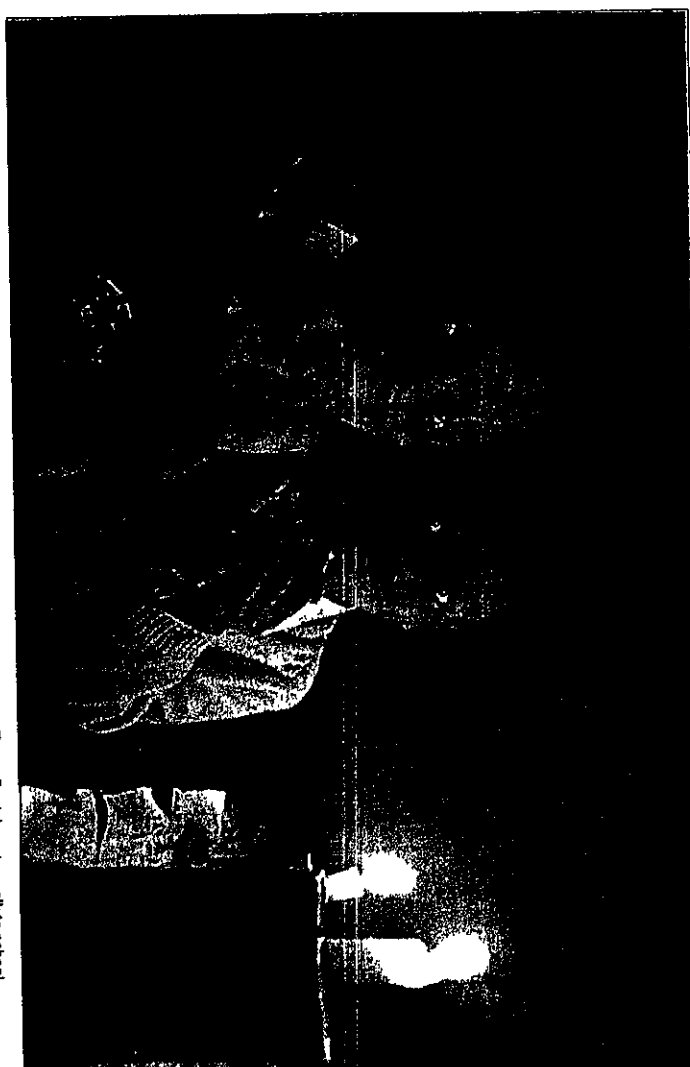
"The Bill of Rights is just a piece of paper for these workers. It is very difficult for them to be unionised because they have to choose between their jobs and the union," he says.

(4) Sawetan 1/8/96

Where the new SA is still a fairy tale

CT8|8|96

PUPILS at the Stockwell Primary School near Ashton walk up to eight kilometres to school every day barefoot and shivering in thin shirts and sweaters. In the afternoon, they walk the same distance back. But their teachers are trying to make a difference to these half-starved children. **DIANE CASSERE** and photographer **BENNY GOOL** went to investigate.



GETTING READY: In the cold morning by candlelight, Jan and Willemina Pietersen get ready to set off on a five-kilometre walk to school.

It is 6.30am on a chilly winter morning in Ashton, near Robertson, and we are waiting for the pupils of Stockwell Primary School to come down the Swellendam Road on their way to classes.

With us is Mrs Paluca Abrahams who has Jan Pietersen, 12, with her. He often spends nights at her house to avoid the long walk to school and she is buying him some basic items. Like long pants and a jersey to wear to school in place of the shorts and thin top he is wearing. He has no shoes and Abrahams has started a "buy by" to get him some.

The school's principal and teacher of standards two, three and four (there is no five), Mr Andrie Swanepoel, joins us later and shows us where many of the school's 47 children live: the furthest are just over eight kilometres away and the closest about three.

By 7am all the children are on their way. Swanepoel says it takes them about 70 minutes on average to get to the school, and classes start more or less at 8am or when everybody gets there. "Break detention" for lateness in the morning, as in city schools, cannot be a consideration because of the conditions these children live in.

There is also no question of these children not wanting to go to school, where they are given

lunch; their parents work in near feudal conditions under which they are paid between R35 to R75 a week, according to the two teachers. Says Abrahams: "The biggest evil here is alcohol. What little they have, they spend on drink, not on the children."

Swanepoel says that some of the farms still practise the *dep system* — paying labourers in part with wine. There is little interest from the local farmers in the school and its children.

In our group is Jan Pietersen and his sister Willemina, 10, brother and sister Bernard, 7, and Anne, 12. Piaathies, cousins Nicholas, 12, and Nicholas, 11, Jacobs and Jan

Adoms, 7. The two Piaathies children have the furthest to walk.

Because the gravel hurts the feet of those children without shoes, they walk on the tarred shoulder of the busy Swellendam road. Trucks and cars whizz past them at high speed and I fear for their lives, but somehow they make it every day.

Abrahams, who teaches the sub A, sub B and Std 1 children, and Swanepoel take the children on outings to Cape Town, Worcester and other places of interest, but only one or two of the farmers whose lands the parents work on ever respond to requests for sponsorship for these trips.

Challinor, organised two or three sponsors among the farmers and they had water brought to the school. Before that, we had none.

We have now been able to start a garden as well," said Swanepoel, who lives in Montagu and has been at the school for five years.

The mayor of Ashton, Mr Rashid Syrid, also helps where he can and donates milk to the school two days a week. The other food the pupils get — bread, peanut butter and jam, and "milkshake" mixes — comes from the Peninsula School Feeding Organisation, says Swanepoel. The Robertson Municipality supplies medicinal sugar, powdered milk and golden syrup, so lunch is por-

ridge about twice a week.

Asked if it is difficult to walk to school on cold, winter mornings, the children say that it is worse in the summer when it is already hot when they set out and scorching when they go home.

"They often fall asleep at their desks in the summer because they are so tired from walking," confirms Abrahams.

Teaching the children about personal cleanliness is also a battle, she continues: "The parents often come home late from work and don't tell them to wash themselves and their clothes. Pupils often come to school dirty, and we wash them."

"We also keep a brush and comb in the classroom."

The countryside the children walk through is beautiful and many of the farms prosperous. But for the children of Stockwell Primary, the promise of the new South Africa is just a fairy tale.

BARFOOT: Cousins Nicholas (left) and Nicholas Jacobs on the long walk to school — cold, hungry and shoeless

Give us a shout before the **Deafening roar greets** **Aluminium**

Farm equity scheme a blueprint for the future

Reneé Grawitzky

BD 14/8/96

(4)

SIX hundred farm workers in Mpumalanga have become part owners in a fruit farm which faced closure and have committed themselves to finding an equity partner from the private sector — in an endeavour to save their jobs and combat evictions.

In the latest edition of the SA Labour Bulletin, Umanyano Media Service director Kally Forrest explained how the farm workers agreed to enter into an equity participation scheme where they would ultimately jointly own the farm with private-sector investors.

Forrest said Inala Farms was liquidated last year after being bought by a combination of private investors and the KaNgwane Economic Development Corporation in 1994. When the farm was liquidated, the owners approached the land affairs department which agreed to authorise a feasibility study on the farm's future.

Forrest said the study proposed an equity share model with each household getting a R15 000 land reform grant from the department to buy into the farm. The study concluded that as workers would need to raise R16m to buy the farm, it would have to find an equity partner to invest another R7m.

Forrest said the department agreed to a grant of R9m in the form of the land reform grant to families and a R7m loan interest free for six months.

The farm was being run effectively and efficiently by a management committee made up of five workers' committee representatives, farm managers and an accountant. This committee has applied for a planning grant from the department to launch a workers' trust which would focus on education and training and educate workers about the equity scheme.

David Cooper of the Land and Agriculture Policy Centre said in the same article that current land reform policies were taking place "within the context of redressing apartheid wrongs rather than as part of an overall economic policy."

He said the department or other government agencies would have to do more than simply provide grants, but should be developing clear guidelines to assist workers who wished to go the equity partnership route. "A systematic programme of worker education and empowerment is essential if such schemes are to succeed."

Forrest said if this scheme worked, it would be an important signal to government on a method of helping the poor and growing the economy.

Views on land tenure stream in

Louise Cook

(S)(4)
BB 15/8/96

PROPOSALS on tenure security for farm workers — currently the target of evictions by many farmers who fear for their land rights — streamed into the office of Agriculture and Land Minister Derek Hanekom this week.

Hanekom was planning legislation on tenure security for SA's 8-million farmworkers and called for written submissions from farmer and worker organisations by Monday this week.

SA Agricultural Union chief director Kobus Kleynhans said the union remained adamant about tenure security being a labour — not a land — issue. "The Labour Relations and the Basic Conditions of Employment Acts protect workers"

But the SA Agricultural, Plantation and Allied Workers' Union, representing farm workers, said additional legislation was needed to protect farm workers. "Evictions are not an industrial relations issue but a political one," the union said.

Move to stop evictions of farmworkers

BY JUSTICE MALALA
Political Staff

Cape Town - Land Affairs and Agriculture Minister Derek Hanekom is considering introducing legislation to curb spiralling evictions of farmworkers by landowners.

At a briefing in Parliament yesterday, Hanekom said submissions by farmworkers' unions and other bodies suggested that legislation should be introduced to protect farmworkers who were under threat from evictions by farmers.

"It is not in anyone's interest

that the evictions continue. They may be legal but they are forced, and many people - including myself - believe that they should not go on," he said.

Hanekom also said he would be appointing another commissioner to the Land Restitution Commission to speed up the process of land restitution. More than 8 000 applications for restitution of land had been received so far, he said.

"I am not satisfied with the pace of the process. Land redistribution creates an opportunity for people to return to their land and

also to give those who never had a chance a go at the land."

On the evictions, Hanekom said the number of cases of evictions on farms were cause for concern.

"It is a minority of farmers who are guilty, and not the majority. But as the evictions continue, the image of the 'white South African farmer' is tainted, a certain image comes through."

He said one of the long-term solutions to squatting on farms included the creation of agri-villages where housing could be subsidised by the Government.

MC

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Star 20/8/96

Jo'burg municipal wo

Workers walk off jobs.

Ambulance service, bus drivers, traffic officers, sanitation, water and electricity staff all down tools over rates of pay

BY MELANIE-ANN FERIS AND
TROYE LUND

Municipal services were disrupted in Greater Johannesburg today as workers downed tools to force the Transitional Metropolitan Council to agree to wage demands.

Early this morning workers began gathering at the Rissik Street traffic offices and buses were expected to stop running after peak hour.

Human resource spokesman Sontyboy Matsaso said council officials from several departments had left their offices.

Employees from all departments, including emergency, fire department and ambulance service staff, bus drivers, employees from electricity, water and sanitation departments as well as traffic officers, downed tools at 9am.

The two unions of the council, the South African Municipal Workers' Union (Samwu) and Independent Municipal and Allied Trade Union (Imatu) met last night and agreed to gather at the Traffic Department offices in Village Road early today and march to the civic centre.

"The 100% increase executive councillor posts have been given over the past few years compared to the 4% increase middle management downwards have got in the same period of time has made workers angry.

"The car allowance increase MPs have given themselves is more than most council employees earn in a year. Workers are at the end of their tether," said a

spokesman for Imatu today

He asked not be named because he is a uniformed employee.

By the time of going to press the GJTMC had received no official indication from workers on their intention to strike. The council was only aware of a meeting being planned by workers for today.

Yesterday, hundreds of angry traffic officers, municipal bus drivers and GJTMC administration staff gathered in Village Road in the city centre from where they intended to embark on a spontaneous march.

They decided to postpone the march until they had "more strength in numbers" and set out

See picture
Page 2

to recruit their colleagues to march today.

The disgruntled employees indicated they were tired of negotiating for better wages and that they needed to resort to action to force the council's hand.

They claimed that their salaries were so poor that some employees took home nothing after deductions.

Jeff Cox, industrial relations officer for Imatu, said the action was totally spontaneous and had been sparked by the workers' anger.

Samwu officials could not be reached this morning before the march and were not prepared to comment when approached last night.

One of the march co-ordina-

tors, Fraser Ramokgopa, said the strike action had started with traffic department officials but had swelled to all GJTMC departments and all substructures by today.

"The executive committee will also have to make a decision at their meeting today," Matsaso said.

Workers are demanding a R500 increase for employees earning less than R5 000 and a 10% increase for all those earning more than R5 000.

"Senior traffic management who have been in service for 12 years and more are earning between R5 000 and R6 000.

"This is nothing like the real world," he said.

"Lower salaried employees, most of them working in dangerous situations, are lucky if they take home a few hundred rand after deductions. They cannot support a family," said the Imatu spokesman.

The issue of danger pay for council employees and that increases given to members of Parliament, provincial legislatures and councillors be scrapped are issues to be included in the memorandum handed to GJTMC officials today.

Further demands are that no disciplinary action be taken against workers and that their gradings be addressed.

Municipal workers in Kimberley "provisionally" returned to work yesterday after a four-day wage strike.

Samwu workers there are demanding a R350 across-the-board increase for workers.



Putting the boot in ... James Small to fall into line, is compared with United's striker Eric Cantona, se fence and launching a kick at a f

Judge me by n says James 'C'

BY BARRY GLASSPOOL

James Small, dubbed the "Eric Cantona of South African rugby" by Springbok coach Andre Markgraaff - hit back today, saying he should be judged by his on-field performances.

Small has been left out of the national team for the second Test in a row, with the coach comparing his antics to that of tempestuous French football genius Can-

Board to limit farm evictions

Louise Cook

(4)
BD 22/8/96

THE Mpumalanga provincial government was setting up an evictions board to limit evictions of farm workers in the province, sources said yesterday.

Evictions on farms in Mpumalanga had increased recently, prompting Land and Agricultural Minister Derek Hanekom to consider the expropriation of farms where large-scale evictions were taking place.

At the same time, about 600 SA Agricultural, Plantations and Allied Workers' Union members staged a protest march in Middelburg, near Witbank, yesterday, demanding a repeal of "repressive laws", an end to unfair dismissals, poverty and poor conditions, and an immediate end to evictions.

The union gave government an ultimatum to respond positively by August 30, saying that it would launch various campaigns to achieve its goals.

Farm beating left worker brain-damaged, court told

ARG 23/8/96 (4)

Supreme Court Reporter

A FARM worker has told the Cape Supreme Court of seeing another employee being beaten by a farmer's son after being accused of slaughtering a sheep.

Koos Terblanche was giving evidence in a civil hearing instituted by Simon Ndoni, of Jansenville.

Mr Ndoni seeks R330 000 in a damages action against George farmer Cornelius Fourie Loock, father of the alleged attacker.

He claimed that Mr Loock senior had beaten him and left him tied to a tree in an attack which had left him brain-damaged and partially sighted.

In 1994 Mr Loock was acquitted by the Regional Court in George of charges of attempting to murder Mr Ndoni.

Mr Terblanche said yesterday he had warned Mr Ndoni that Mr Loock suspected him of slaughtering one of his sheep.

Minutes later, he said, Mr Loock had come to them and

told Mr Ndoni to get in his bakkie.

He later saw one of Mr Loock's sons hit Mr Ndoni on the head.

Earlier the court heard the evidence of Jors Smit, one of a team of forestry workers who found Mr Ndoni tied to a tree in the Knysna forest.

Mr Smit said one of his men had heard someone cry for help. When they had investigated, they had found Mr Ndoni. His head had been covered with blood and his eyes had been swollen shut.

Mr Loock has said in papers that he suspected Mr Ndoni of stock theft and placed him under citizen's arrest, but he tried to escape. He said he had used necessary force to prevent him escaping and tied his hands.

He denied assaulting Mr Ndoni.

Mr Ndoni was later acquitted of a theft charge. Mr Loock has denied that the charge was wrongful and malicious.

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THE NATION

Brain-damaged worker sues farmer for R330 000

By CHARL DE VILLIERS

(4) ST (BT) 25/8/96

A FARMWORKER who was found severely beaten and tied to a tree after being "arrested" for stealing a sheep four years ago is suing a farmer for damages of R330 000.

Simon Ndoni, 44, claims that the farmer, Fourie Loock, repeatedly beat and kicked him, tried to drag him behind a bakkie and then tied him to a tree in a pine plantation near Knysna and left him to die.

Loock, at the time an apple farmer in Haarlem, in the southern Cape, was subsequently found not guilty of attempted murder.

According to details of his claim for damages lodged with the Cape Town Supreme Court, Ndoni's injuries during the ordeal

have left him brain-damaged, psychologically disturbed and permanently disabled.

This week, he sat slumped on a court bench and listened as his lawyer, John Whitehead, set out to persuade Mr Justice Deon van Zyl that Loock was responsible — and owed his client R330 000 in damages.

Ndoni claims that on April 6 1992, Loock kicked and beat him repeatedly, tried to drag him behind a bakkie and then tied his hands and drove him nearly 70km down a tortuous mountain pass to an isolated plantation above Knysna.

There, he alleges, Loock hit him over the head with a heavy wooden post before suspending him from a tree and driving off. According to Loock, however, Ndoni escaped

from the back of the moving bakkie while he was driving him to the police station in Uniondale.

The 46-year-old former farmer, who sports a handlebar moustache and now lives in George, claims that he made a "citizen's arrest" after suspecting Ndoni of stealing a sheep.

He alleges that Ndoni tried to escape while they were still on the farm and he bound the farmworker's hands and put him on the back of his bakkie so that he could take him to the police.

However, about 22km from his farm, Loock claims, Ndoni jumped off while the vehicle was travelling at between 45 and 65km/h.

He says Ndoni, whose hands were still tied behind his back, managed to propel himself over the

side of the bakkie and into the road from a sitting position.

The fugitive, he claims then allegedly scrambled over a fence and ran away.

The farmer says he did not bother to go after him.

Ndoni was found in the early hours of April 8 — nearly 48 hours after the "arrest" — by foresters who heard his cries while clearing firebreaks near Kop se Bos, off the road which links Knysna to Uniondale via the Prince Alfred Pass.

The foresters searched for about an hour before their bakkie's lights fell on Ndoni.

He was sitting on the ground, dehydrated and delirious, his hands tied behind him around a pine sapling. His wrists were bound

with orange nylon cord which is used for bailing lucerne.

The foresters called the police by radio and the injured man was driven to



DISABLED

Simon Ndoni is

suing a Langkloof farmer for damages after being beaten senseless, abducted and left tied to a tree to die in a plantation above the Knysna forests

Pictures: GARTH STEAD

hospital in Knysna. He spent eight days in hospital and was then taken into custody while being investigated for stock theft.

He was acquitted two

months later on June 15.

According to Whitehead, the court will show that Ndoni's injuries were not, and could not have been,

caused by falling or jumping off the back of a bakkie.

It was highly improbable that the escape had taken place at all, he added.



BACK IN COURT . . . Fourie Loock, acquitted on a charge of murder, is now facing civil action

Distillers earnings beat expectations

By Françoise Botha

Cape Town — Distillers, the wine and spirit wholesaler and producer, has posted a 34 percent increase in earnings a share to 93,5c for the year to June 30 from last year's 69,8c.

The surge was achieved off a 22,8 percent increase in turnover to R1,53 billion. It was well ahead of mid-year market expectations, which predicted an earnings gain in the region of 20 percent. Trading income climbed 24,4 percent to R232 million on slightly improved margins. Net income after tax increased from R108,1 million to R140,6 million.

Merwe Botha, the group finan-

cial manager, said yesterday that improvements in the distribution and manufacturing side of the business had allowed the company to service substantially larger volumes with the same infrastructure. Plans were in place to expand capacity, he said.

A final dividend of 42c has been declared, bringing the total for the year to 59c, comfortably up on the 49c 1st year.

Botha said that growth prospects for the year ahead were positive, but he stopped short of saying that the earnings growth could be maintained at the same level.

Industry participants said that any macroeconomic decline would take between six and nine months to

filter through to the liquor industry.

Sales could be dampened by the limited availability of high-quality wine and a price increase in Scotch whisky, which are expected to come into effect later this year. As a protective measure, inventories were increased by 23 percent to R500,7 million.

The balance sheet showed a 42 percent increase in cash to R142,5 million, of which about R77 million would be spent this year on expanding capacity and improving efficiency.

A further R13,7 million of planned capital expenditure had already been contracted out. The net asset value a share rose from R5,3020 to R5,7970.

(3) WINE ET (NR) 27/8/96

Injured worker sues farmer for R300 000

EUNICE RIDER
SUPREME COURT REPORTER

CT 27/8/96

(4)

A BRAIN-DAMAGED former Unlondale farm worker is suing a farmer for R300 000 in the Cape Supreme Court for allegedly seriously assaulting him, tying him to a tree and leaving him to die in the Knysna Forest, in April 1992.

The farmer, Mr Fourie Loock, 45, and his sons Mr Daniel Benjamin Loock, 19, and Mr Marthinus Christoffel Loock, 20, were acquitted of kidnapping and attempting to murder labourer Mr Samuel Ndoni, 42, by the George Regional Court, in 1994. It was found they had used only as much force as was necessary to arrest him.

Ndoni suffers from brain damage and post-traumatic stress syndrome, and is only partially sighted, allegedly as a result of the assault.

The court heard the three men had accused Ndoni of stealing a sheep and had beaten him with a fence pole.

In the earlier court hearing the three men admitted using force "to subdue" Ndoni, while making a "citizen's arrest" and tying his hands behind his back, intending to take him to a nearby police station on the back of their bakkie.

They said they had loaded him on to the back of their bakkie and were driving to the police station when Ndoni "jumped off" and ran away, escaping into bushes at the side of the road.

But Ndoni has claimed that after a severe beating and assault at the hands of the farmer and his sons, they took him into a remote part of the Knysna forest, tied him, in a barely conscious state, to a tree and left him to die.

He was found two days later by a forestry official.

Ndoni spent six weeks in jail on a charge of cattle theft before he was acquitted.

He said during his time in jail he was still suffering from the effects of the assault and attempted murder, and was regularly taken to the George hospital for treatment.

Describing Ndoni's head and other injuries to the court yesterday, Dr Johan van der Spuy told the court it was "unlikely" that Ndoni would have suffered the injuries he had sustained by falling off the back of a bakkie.

The hearing continues before Mr Justice DH van Zyl.

Mr JR Whitehead appears for Ndoni and Mr PB Fourie appears for Loock senior.

Workers in bid for famed wine estate

The cultivation of wine at the Cape has a tradition intimately associated with European settlement dating back to 1652. This tradition could soon change as one of the Stellenbosch area's famed estates, Devon Valley, prepares for a possible takeover by a black business consortium as part of a bid to advance black economic empowerment. Labour Reporter ESTELLE RANDALL examines the issue. **ARL 28/8/96**

THE 340-year white ownership of South African wine farms is about to change with the imminent purchase of a Stellenbosch wine estate by a black consortium.

By next week, the Devon Valley Development Corporation (DVDC) is expected to conclude an agreement to buy the 447ha Devon Valley wine estate from Gilbeys. An independent valuation of the estate put its market value at R11.37 million, but it is understood the selling price to DVDC may be lower.

Kelid Prolegay, Gilbeys' human resources director, was cautiously optimistic about the pending sale which Gilbeys has been negotiating with the DVDC for the past three months.

"We're hoping it will be finalised with the corporation, but if it isn't we won't separate a straight commercial deal. We've also been negotiating with another local party," he said.

Gilbeys' corporate social investment executive, Thian Copt-brink, said the deal with the DVDC would be unique because it was being driven by people from disadvantaged groups.

The DVDC has been given preference to conclude an agreement with the company by next Friday. This will be a final offer to purchase and will detail the conditions of sale and the selling price. About a month later, written guarantees of investment will be required.

The DVDC includes workers on the Devon Valley farm, black professionals and the Stellenbosch and Gugulethu RDP forums. It hopes to finalise the selection of a principal investor from within the trade union movement.

Chris Swart, a DVDC spokesman, said the consortium hoped the SA Clothing and Textile Workers Union (SACWU) would be the principal investor.

He said SACWU had been identified because it was the largest trade union in the Western Cape. The union had also been involved in several investment initiatives aimed at black economic empowerment, including the bid for Anglo American's 43 percent shares in Johnnic.

Devon Valley's sale follows a decision by Gilbeys in late 1994 to relocate its production operations in Stellenbosch to Gadsberg and KwaZulu-Natal.

The relocation of production operations and the sale of its farms - Kleine Zalze and Devon Valley - raised the spectre of retrenchment and unemployment for farmworkers employed on these farms.

To soften the blow, Gilbeys established the Stellenbosch Business and Learning Centre in 1994. Since linking up with the government's Local Business Service Centre in October 1995, the centre has offered support services to existing and emerging small businesses, including business advice and rental space at a nominal rate.

It also provides tender departments of larger businesses with a database of the small businesses in Stellenbosch.

However, about 20 farmworker families remained at Devon Valley after Gilbeys shut its operations there.

With the possibility of the sale of Devon Valley to a black consortium in which they could have a stake, these workers have established the Devon Valley Workers' Trust.

The sale of Devon Valley to the DVDC will entitle workers to a 25 percent stake in the farm. They will provide the money for this through settlement grants, of about R15 000 a family, from the Department of Land Affairs.

Steven Adams, a representative of the farmworkers' trust, explained that their 25 percent stake would provide the families with secure tenure and end the uncertainty which the families experienced after Gilbeys put the farm up for sale.

"The important thing for us is housing and that is why we are part of the deal to buy the farm," he said.

"Only about 10 families moved off the farm after Gilbeys stopped its production. They could afford to buy houses in Stellenbosch but this is not an option for most of us. The crime in Stellenbosch also puts us off."

If it secures the purchase of Devon Valley, the DVDC intends retaining the wine-making operations of the farm and combinator the with tourist and



business development.

"The DVDC will maintain the vineyards and the winery which includes a cellar, wine shop and wine-tasting facilities," said Mr Swart.

There are plans to establish a guest house, conference facilities and open a restaurant.

"The existing production facilities will be used for warehousing and small business development."

The sale of Devon Valley will exclude brand names being produced on the farm - Craighall and Bertrams wines. Instead, the new owners will have to develop a

Mr Swart said plans to do so were ready to be activated once Gilbeys' London shareholders approved the purchase next week.

"The intention is to produce a red wine aimed at the top end of the market, with help from two French chateaux, based in France's Bordeaux area."

Devon Valley's 24ha of vines produce about 200 tons of grapes a year. There are also contracts with landowners in the area to supply the estate's winery with an average of 50 tons of grapes a year. These contracts end in 2005.

Facilities on the farm include

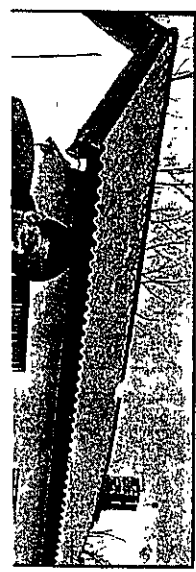
manor house - several three and four-bedroomed houses, and 37 farmworkers' cottages.

The business plan which DVDC has submitted to Gilbeys sets July 1997 as the target date for integrating the winery, guest house, restaurant, conference facility and business centre elements of the estate.

By November 1999, the first batch of new upmarket red wine is expected to be ready.

The Afrika Beverage Company, South Africa's first black-owned wine distributor and wholesaler, is likely to be included in the pro-

MAKING HISTORY: Howard Corkie, left, and Chris Swart have been driving the black consortium's bid to buy Devon Valley, a wine estate in Stellenbosch.



Focus: ANDREW WINGHAM. The Anglo-American

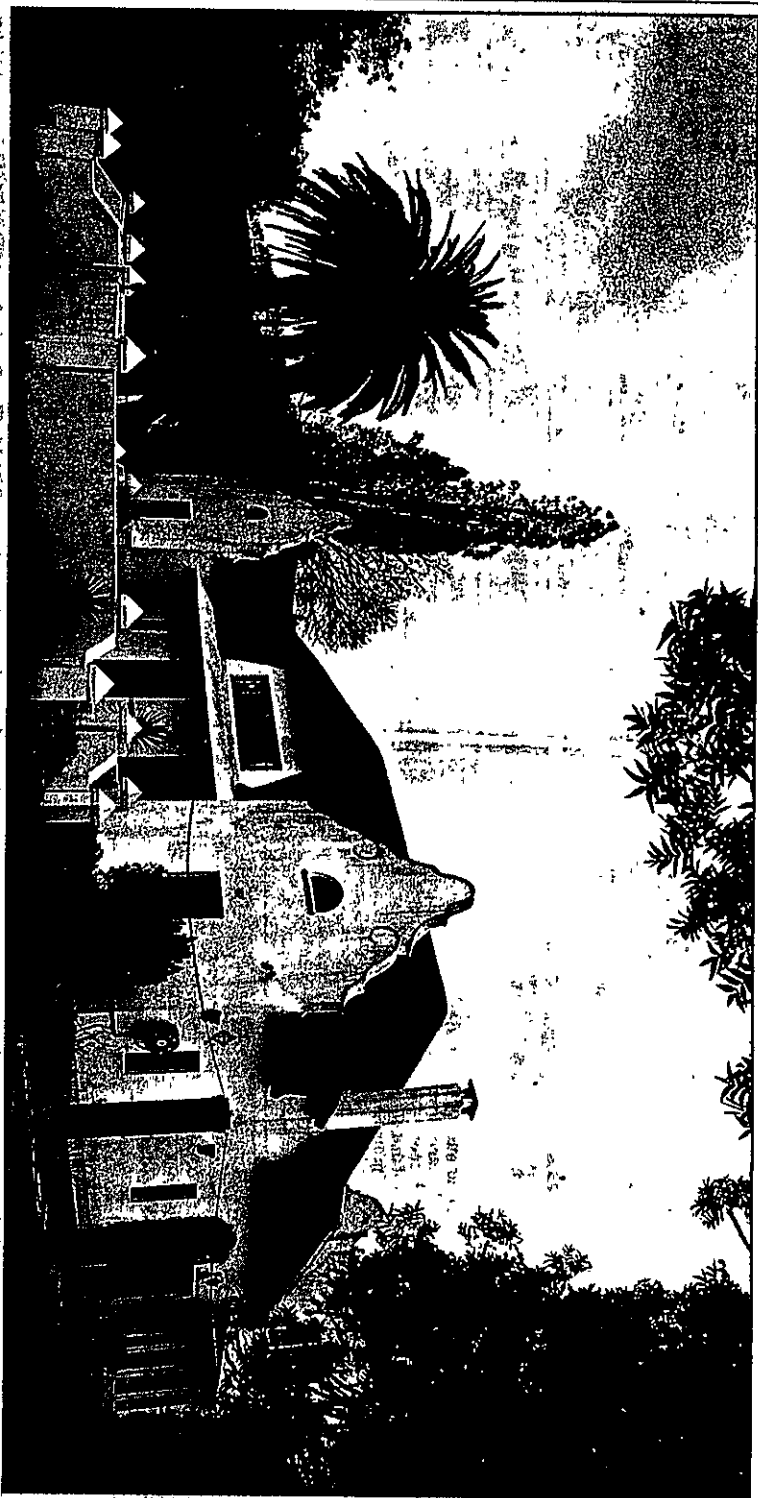
lay at a meeting of the Cotton Producers Fund this week. "It means empowering work-

intends retaining the wine-making operations of the farm and combining this with tourist and

Berrans wines. Instead, the new owners will have to develop a new line of wines.

year. These contracts end in 2005. Facilities on the farm include Craighall - a two-storey attached

vine distributor and wholesaler. Is likely to be included in the production of the new wine.



WORKERS STAKE A CLAIM: Steven Adams, above, a representative of the Devon Valley Workers' Trust, which was formed to enable farmworker families living at Devon Valley to get a 20-percent share in the farm.

WAITING FOR NEW OWNERS: Craighall, left, the manor house on the Devon Valley wine estate in Stellenbosch, may have black owners for the first time. A black consortium is finalising the purchase of the estate from Gilbeys.

Coke stokes the cola fires as Pepsi runs dry

Pepsi, whose sales were until recently four times higher than Coke's in Venezuela, has had its market share destroyed by Coke's signing-up of its sole bottler in the country. But Pepsi has vowed to fight back, writes ED MCCULLOUGH of Sapa-AP from Caracas.

In advertising campaigns here, Pepsi offers cola drinkers unmarred cups of its soft drink and also Coca-Cola, and asks them to choose the better one. It's called the Pepsi Challenge. Pepsi wins. But in the real world Pepsi has just lost in a big way. Coke pulled off a huge business coup this month by signing up its archrival's sole bottler in Venezuela.

But Pepsi, the longtime market leader in the country, is organizing a comeback that mirrors its marketing campaign, hoping its four-to-one market share was based not on market access but con-

sumer preference for its sweeter taste. "Look at this," said Pepsi's regional president, Alberto Uribe, showing a reporter a letter from university student Rommy del Valle Aliza. It began, "Keep your spirits up," and ended, "we'll wait for Pepsi because I won't change."

After six decades, Pepsi began disappearing from Venezuelan stores within days of the surprise deal two weeks ago between Coca-Cola and the bottling and delivery company co-owned by Oswaldo Cisneros. Overnight Pepsi found itself with no way to bottle, deliver or import its product.

In the \$700-million (G\$3.15-billion) soft drink market, Pepsi had garnered about \$400 million (G\$1.8-billion) annually in sales. The market was out of reach with the scratch of a pen. Mr. Uribe said it was a question of how and when, not whether, Pepsi would be back. "We've already taken the main decision - return to Venezuela," Mr. Uribe said within days of Coke's coup.

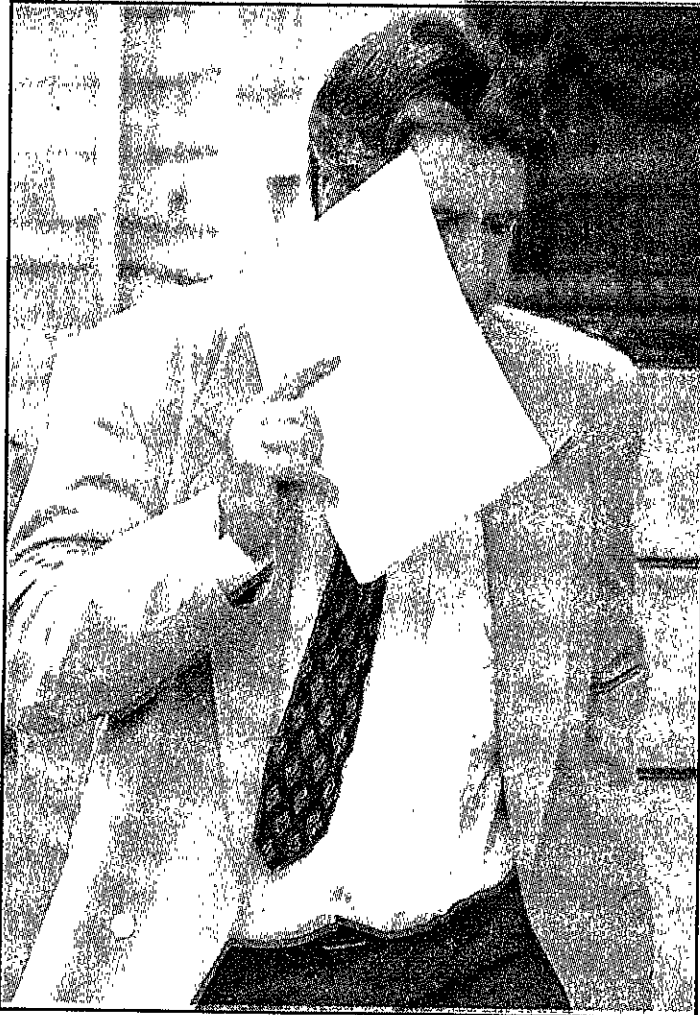
The company is also pursuing legal channels. Pepsi is preparing to make an indemnity claim for breaking a contract without warning that may top \$100-million (G\$450-million). The government's anti-trust agency begins hearings this week to determine whether the Coke-Cisneros contract is legal. But the damage has been done. There are few local bottlers of comparable size to Mr. Cisneros's plants, and importing is too expensive. In short, Pepsi inherited Coke's problems when Coke grabbed Pepsi's bottler. Thousands of cases of Coke were rolling off Mr. Cisneros's assembly lines within hours of his

breaking a contract with Pepsi that went back to 1989. The franchise was the cornerstone of the billion-dollar family fortune. That same weekend, workers painted over the Pepsi logos on 2,500 trucks that delivered Pepsi to the far corners of this Caribbean nation of 21 million people. Mr. Cisneros apparently came to feel that Pepsi's success in Venezuela was due in large measure to the efficiency of his company. Coke agreed, and offered to buy into his business, which Pepsi had treated as only a franchise. While Coke was ready to invest

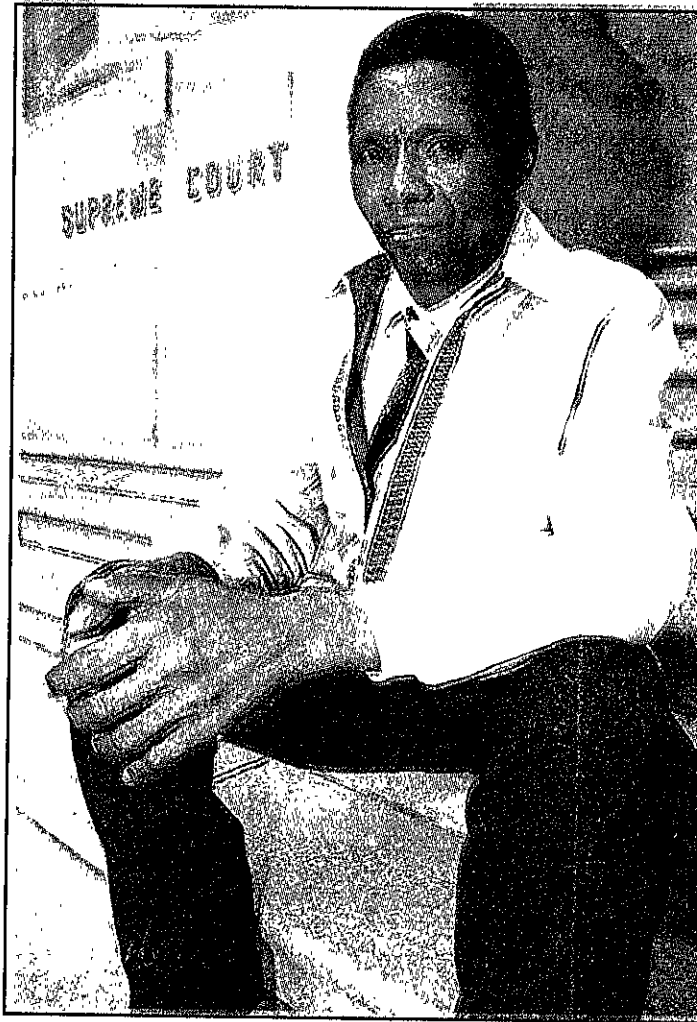
tens of millions of dollars, Pepsi seemed to be content with sticking to a contract that ran to 2003. "Pepsi ... didn't pay proper attention to the needs of their partner," said Tom Pirko, a New York-based beverage market analyst. "Cisneros was looking to grow. Pepsi simply didn't make the commitment."

Mr. Uribe and Mr. Cisneros give different accounts of the breakup, in particular on the issue of whether Pepsi offered to buy out its bottler. But Pepsi never thought its contract with Mr. Cisneros was in dan-

ger. A Coke deal was unthinkable. Mr. Cisneros had even been a member of Mr. Uribe's wedding party. But while the cola war has been front-page news, most Venezuelans seem to be taking it all in their stride. Ricardo Vallencia, a public relations executive, said he prefers Pepsi and stocked up on the soft drink last week. "I'm one of those who think Coke is fine mixed with rum rather than sipped by itself over ice," he said. But when his private stock runs out "I'll drink Coke."



THE FARMER: Fourie Loock, now retired, covers his face as he enters the Cape Supreme Court.



THE FARMWORKER: Simon Ndoni on the steps of the Cape Supreme Court.

Pictures: HANNES THIART, The Argus.

Farmer denies assault claims⁽⁴⁾

ARG 28/8/96

DENNIS CAVERNELIS
Supreme Court Reporter

A RETIRED George farmer is denying allegations that he tied up and brutally assaulted a farmworker, his lawyer has told the Cape Supreme Court.

Farmworker Simon Ndoni, 44, of Jansenville, is claiming R330 000 in a damages action against retired farmer Cornelius Fourie Loock, of George. In 1994 Mr Loock was acquitted by the George Regional Court on charges of attempting to murder Mr Ndoni.

Mr Ndoni, who was a tractor driver on Mr Loock's farm, said he had been accused of stealing a sheep.

He told the Supreme Court Mr Loock and his two sons had tied his hands, and kicked and hit him. He said Mr Loock hit him with a wooden post and tied him to a tree in Knysna Forest, where he was found by forestry workers nearly two days later.

Counsel for Mr Loock, R B Fourie, said that contrary to a statement made by Mr Ndoni, Mr Loock would deny tying Mr Ndoni's hands with the help of his son, while they were in Mr Loock's bakkie.

Mr Loock said in papers that he had suspected Mr Ndoni of stock theft and placed him under citizen's arrest, but Mr Ndoni jumped from the bakkie and ran away.

Mr Loock said he used necessary force to prevent him escaping, and tied his hands.

He denied assaulting Mr Ndoni, who was later acquitted on theft charges.

Mr Ndoni is claiming a sum of R315 155 for the alleged assault, being deprived of his freedom, medical expenses, loss of earnings, and general damages.

He is also claiming R 15 000 for a "wrongful and malicious ... false charge of theft" laid against him by Mr Loock a few days after the attack. Mr Loock has denied that the charge was wrongful and malicious.

The trial continues today.

Farm worker says he was left in tree to die

CT 28/8/96

(4)

EUNICE RIDER
SUPREME COURT REPORTER

A BRAIN-DAMAGED former Uniondale farm worker who is suing a farmer for more than R300 000 yesterday told the Cape Supreme Court how he had awakened from an unconscious state in a cell after being hung from a tree and left there to die.

Mr Samuel Ndoni, 42, has alleged that his former employer, Mr Fourie Looock, 45, beat him up badly and attempted to murder him by suspending him from a tree in a remote part of the Knysna Forest in April 1992, before driving off and leaving him there to die.

According to earlier evidence, a forestry worker found Ndoni two days after the alleged assault and cut him loose from the tree in a seriously injured and dehydrated condition.

Looock and his sons, Mr Daniel Benjamin Looock, 19, and Mr Marthinus Christoffel Looock, 20, were acquitted of kidnapping and attempting to murder Ndoni by the George Regional Court two years after the alleged incident.

The court heard that the three men had accused Ndoni of stealing a sheep and had beaten him over the head with a fence pole.

The hearing continues before Mr Justice D H van Zyl

Slow start in voting for SRCs

STUDENT Representative Council (SRC) elections got off to a slow start at some universities and colleges yesterday.

University of the Western Cape voting started three hours late.

An Independent Electoral Commission member said the elections were "disorganised".

At the University of Cape Town, outgoing president Mr Lera-

to Modise was concerned about the decline in involvement in the SRC.

"Students seem to feel that with the abolition of apartheid we have achieved what we wanted, but we have to reconstruct our society."

At the Cape Technikon an outgoing SRC member said yesterday that voting had started very slowly in the elections for the 1997 leadership.

— Staff Reporters

(CT) CT 28/8/96

'Worker's story false'

Supreme Court Reporter

(4) ARG 29/8/96

A FARM worker, who told police he saw a colleague tied up and assaulted by a farmer and his son made up his statement, the Cape Supreme Court has heard.

Christine Hendricks, a domestic worker employed by retired farmer Fourie Looek, of George, was giving evidence yesterday in a civil trial in which Simon Ndoni, 44, of Jansenville, is claiming R330 000 damages from Mr Looek.

Mrs Hendricks, who has worked for Mr Looek for 23 years, said Kóos Terblanché had told her he was drunk when he made up a statement to police, but was too scared to tell Mr Looek about this. The trial continues today.

147 Weenen families get own land

someban 29/8/96

They were labour tenants and victims of evictions on the farm they now own

By Rafiq Rohan
Political Correspondent

AFTER MANY YEARS of long and arduous struggle and suffering, 147 families in the Weenen District of KwaZulu-Natal finally have land that they can call their own.

Minister of Land Affairs Mr Derek Hanekom yesterday announced that a number of farms in the area be designated as areas of settlement for the families that have lived through a series of evictions and uncertainty.

A trust formed by the beneficiary group will hold the land on behalf of 147 families, Hanekom announced.

He said that the beneficiaries were selected from people who experienced evictions dating as far back as 1975 in the Muden and Weenen areas.

Getting to the stage where the land is handed over to the new owners has involved a lengthy process of selecting the beneficiaries and negotiating with sellers of the land, the Minister said.

"The Ministry would like to commend the buyers and sellers on their willingness to co-operate and on the organised way in which they have conducted

this transfer," Hanekom said.

It is not only the people of Muden and Weenen who are smiling. Eighteen other families in the Estcourt district have also become proud land owners.

They were families who were labour tenants and were also the victims of evictions from the farm they now own.

Hanekom said: "Most of the families were born on the farm and have a long history of working on the farm. Some worked on a six-month contractual basis."

Opposed evictions

Most of these families opposed their eviction and chose to buy a part of the farm through the land reform pilot programme.

In March agreement was reached between the farm owner and the families on the price.

Hanekom said the group's organised manner of going about the process of securing the land was worthy of congratulations.

"We recognise the patience and restraint required in this struggle to obtain land," he said.

In this case, too, a trust will hold the land on behalf of the families.

New farms for families evicted under apartheid

CT 29/8/96
POLITICAL STAFF

FAMILIES evicted from farms under apartheid in the Weenen and Escourt regions are to collectively buy four farms for R2,47 million with the aid of a R15 000 a family subsidy provided by the Department of Agriculture and Land Affairs.

The farms will cost just under R1 million, leaving R1,5 million over for agricultural development — or about R5 000 for each of the 165 families involved.

Agriculture and Land Affairs Minister Mr Derek Hanekom said in a statement issued in Parliament yesterday that 147 families in the

(4) (25P)
Weenen district and 18 in the Escourt district had benefited from state subsidies.

In terms of the Provision of Certain Land for Settlement Act of 1993, the minister has designated the farms Lonsdale, Hazerswoude and Lunenberg in the Weenen district "for the purpose of settlement".

The minister's spokesman, Mr Hellmuth Schlenther, said the beneficiaries were selected from the people who experienced evictions from white farms in the Muden and Weenen areas, some dating as far back as 1975. Some of these families were already settled on these farms.

SWOOP ON FARM SYNDICATE

Boland 'slave trade' exposed



IN A SWOOP on farms in the Boland and in the Ceres area police found many illegal immigrant labourers in possession of fraudulent identity documents and living in squalid conditions. **JACKIE CAMERON** reports.

POLICE have uncovered a syndicate of Boland and Ceres farmers which they believe has illegally brought in impoverished Lesotho residents to work on their farms — many for less than R10 a day.

Internal Tracing Unit police members swooped on a farm owner and five men in management positions at farms in Ceres and Franschhoek on Tuesday.

At least 43 illegal Lesotho immigrants have been arrested in the past month.

Meanwhile, in an unrelated scam involving illegal immigrants, police are probing a scheme, which may involve senior government officials, that is believed to be costing the taxpayer about R90 million annually.

They believe Lesotho citizens are being registered as South African residents and put on the government pension payroll — in exchange for a fee.

In this week's raid on farms at least three people were arrested on a Groot Drakenstein farm, Jerico.

About 30 people were arrested at Parys farm, Koue Bokkeveld, and several were arrested at Esperanto Farm, also in the Koue Bokkeveld/Ceres area.

The police task force seized dozens of fraudulently-acquired South African identity documents when they raided the immigrants' living quarters.

Farmers allegedly fetch truckloads of Lesotho residents from villages near this country's border with Lesotho.

Police believe there may be as many as 1 000 Basotho working illegally on farms in the Western Cape, for wages described as "close to slave labour".

The scam was uncovered when "Zastron police noticed that trucks with Ceres-registered number plates regularly collected truckloads of people near the border", Western Cape Internal Tracing Unit chief Inspector Wilken Marais said.

The illegal immigrants would not be deported until after they had testified in court against their employers.

"We are taking a hard line against the employers of illegal immigrants. They could be fined up to R40 000 or sentenced to five years' imprisonment for each person they employ illegally."

One detective said illegal immigrants were living in cramped and squalid conditions at a number of the farms visited by police in the past month.

CT 29/8/96 (4)

They do not want to leave as they say there is no work for them at home."

Some of the illegal immigrants had told police that farmers actively encouraged workers to take advantage of a loophole in the identity document administration process.

"They tell them to find people who are willing to pose as a mother and father, who would then sign documentation saying they did not know they needed to have their child's birth registered."

One farmer, who was arrested this week and who did not wish to be named, said: "I am very upset that my workers have been picked up. They are good, loyal workers. Some have worked for me for a number of years. We were quite surprised when they were arrested."

It was "tradition in this area to bring down people from the Sterkspruit area" while "Grabouw farmers go towards Umtata" for their workforce. He said workers "used to go to the Ceres Magistrate's office for an identity book".

All the farmers paid their workers about R20 per day "plus all the perks, free water, lights, that type of thing". "They buy food themselves. We subsidise as much as we can and buy in wholesale food. Transport is free."

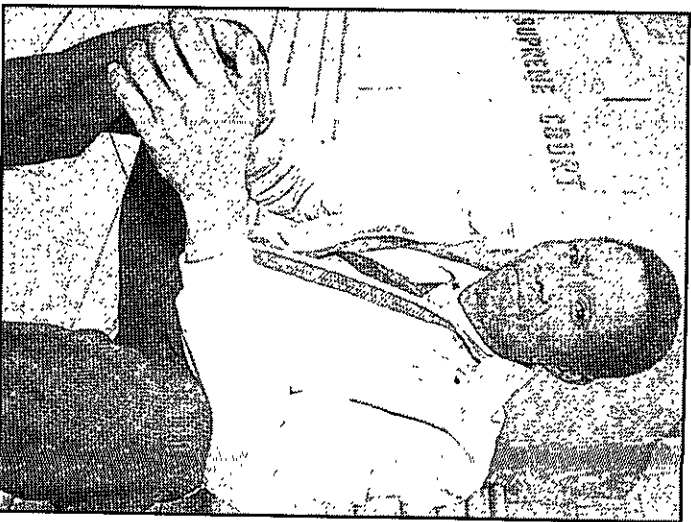
● Mr Dudley Barry, Mr David Pomoane, Mr Barend Jacobus, Mr Raymond Gibson and Mr Hugo Coetzee, all from farms in the Ceres area, have been charged in connection with aiding and abetting illegal immigrants. They appeared in court briefly yesterday, but no charges were put to them.

● Picture Page 4

Worker tied up, farmer admits

Man in R300 000 damages case tells court: 'I punched him after sheep theft' (4)

ARG 30/8/96



Simon Ndoni

DENNIS CAVERNELLS
Supreme Court Reporter

A FARMER has told the Cape Supreme Court that he punched an employee in a scuffle and tied him to a bakkie, but denied assaulting him in an attack which resulted in brain damage and partial blindness.

Fourie Loock is being sued in the Cape Supreme Court for R330 000 by former employee Simon Ndoni, who claims he brutally assaulted him.

Rejecting this, Mr Loock yesterday also denied tying Mr Ndoni to a tree in Knysna Forest.

Mr Loock (47), of George, had previously been acquitted by the Regional Court in George of attempting to murder Mr Ndoni (44). Mr Ndoni, who was a tractor driver on Mr Loock's farm, said he had been accused of stealing a sheep.

He was later acquitted of theft.

Forestry workers in Knysna Forest found him tied to a tree. He had been there for nearly two days.

Mr Loock told the court he had always had a good relationship with his workers but had had continuing problems with stock theft.

In 1992, another worker on his farm, Piet "Pons" Noordman, had told him he had seen Mr Ndoni carrying a slaughtered sheep over his shoulders.

Mr Loock said he had checked his flock and discovered a sheep was missing.

He said Mr Noordman had told him Mr Ndoni was a "troublemaker".

"I had no doubt (Mr Ndoni) stole my sheep," the farmer said.

He had informed the police of the alleged theft and he and his sons had gone to look for Mr Ndoni.

They had found him at their apple orchard. Mr Loock said he had called Mr Ndoni over and asked if he had stolen the sheep. He said Mr Ndoni denied the theft.

Then while they were driving out of the orchard, Mr Ndoni had opened the door of the bakkie, jumped out and run to a fence at the side of the road.

Mr Loock said his sons had tried to catch Mr Ndoni. There was a scuffle. He said he had heard one of his sons cry, "He's breaking my arm."

He said he had punched Mr Ndoni "two or three times in his face", helped his sons hold him down and bound his hands. Mr Ndoni's head had started bleeding

when they threw him in the back of the bakkie, said Mr Loock.

They had taken him to the farmhouse and tied him to the bakkie while they had breakfast.

Later, he had driven with Mr Ndoni still tied up in the back of the bakkie to Avontuur, where he was going to price potato bags. He had intended taking Mr Ndoni to the police later.

A few kilometres outside the town Mr Ndoni had jumped from the bakkie, which was travelling "about 50km/h".

Mr Loock said Mr Ndoni had run to a fence at the side of the road, fallen over it, and run away. He had not pursued him.

He said he did not know how Mr Ndoni came to be tied to a tree in Knysna Forest. Mr Ndoni is claiming R315 155 for the alleged assault, being deprived of his freedom, medical expenses, loss of earnings and general damages.

He is also claiming R15 000 for a "wrongful and malicious ... false charge of theft" laid against him by Mr Loock a few days after the attack and of which he was acquitted.

Mr Loock has denied that the charge was wrongful and malicious. The trial continues on Monday.

(2) whether he or his Department is considering any steps to combat this crime; if not, why not; if so, what steps;

(3) whether he will make a statement on the matter?

N1386E

The MINISTER OF FINANCE:

(1) (a) 120 cases were reported.

(b) The total of income is impossible to quantify since many cases of illegal imports go undetected. Thus far, the investigation division of Customs and Excise has identified an amount of R150 million to be recovered from fraudulent trade practices.

(2) The Department regards illegal imports in a very serious light. The Department is therefore taking steps to address the shortcomings in Customs procedures and controls, as well as the shortage of trained manpower. The investigation section has been increased and is also being assisted by the British Government which has seconded eleven investigators to work closely with their South African counterparts on project SABRIT. This project is aimed at the transfer of skills and investigative abilities to Customs and Excise and should have an immediate effect on curbing fraud in the interim period. SABRIT will be reviewed after six months and extended if necessary.

A further initiative, the Customs Law Enforcement Task Group, launched in January 1996, is a joint venture between Government's law enforcement agencies and the private sector to take concrete measures to address the crippling effects of commercial fraud on the economy.

(3) No.

TV licence fees: non-payment

*41. Mr T C NTSIZI asked the Minister for Posts, Telecommunications and Broadcasting:

(1) Whether the SABC is considering taking any steps to prosecute persons who have not paid their TV licence fees; if so, what steps;

existing subsidy instruments and tenure requirements is currently underway.

(2) Yes. In the process of developing housing policy for rural areas, including farm worker housing, organised agriculture have been involved and will continue to be involved in the further development of rural housing policy.

(3) Yes. As soon as there has been sufficient progress with the policy work currently underway and the stakeholders have been consulted.

Upgrading of N1 road

*43. Pastor Z K MANGALISO asked the Minister of Transport:

(1) Whether any progress has been made with the upgrading of the N1 road between Worcester and Paarl; if not, why not; if so, (a) what progress and (b) when is it anticipated that the upgrading will be completed;

(2) whether he will make a statement on the matter?

N1389E

The MINISTER OF TRANSPORT:

(1) The section between the Huguenot Tunnel and Florence of approximately 13 kilometres is currently under construction and will be completed during March 1997. This is currently the only section of road between Worcester and Paarl which has not been upgraded.

(2) No.

SABC: income

*44. Mr M C J VAN SCHALKWYK asked the Minister for Posts, Telecommunications and Broadcasting:

What income did the SABC derive from advertising on television in (a) 1994 and (b) 1995?

N1390

The MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING:

The Chairperson of the SABC has informed me as follows:

Advertising and sponsorship revenue on TV for the relevant 2 years was as follows

1994-95 R (million)	813,8
1993-94 R (million)	682,1

Transport: purchase of road accident claims sections

*45. Mrs P DE LILLE asked the Minister of Transport:

(1) Whether his Department bought the road accident claims sections of certain insurance companies, the names of which have been furnished to his Department for the purpose of his reply; if so, (a) for what amount in each case, (b) how many claims were still outstanding in each case and (c) (i) who took the decision, and (ii) why was it decided, to buy out these companies;

(2) whether the Multilateral Motor Vehicle Accidents Fund received a refund of the amounts paid up front for the claims; if not, what is the position in this regard; if so, what are the relevant details?

N1391E

The MINISTER OF TRANSPORT:

(1) No, these claims sections were not bought. The two insurers gave notice (in terms of the Agency Agreement with the MMF) that they wished to terminate their agencies and to be relieved the handling further of claims on hand.

(a) As indicated above, the process did not involve a purchase price.
(b) 18 784 and 23 412 respectively, counting the number of injured or deceased parties.

(c) (i) The insurance companies themselves decided to terminate the agencies.

(ii) As indicated above, the companies gave notice in terms of the Agency Agreement, and the MMF had no choice but to assume responsibility for the further handling of the claims which these ex-Agents had previously handled on behalf of the MMF.

(2) Yes, the MMF received R1, 77 million and R4, 25 million respectively from the two

ANN SAED

- (a) As soon as possible.
- (b) Commensurate with the remuneration packages of judges.
- (c) The job description will be compiled in conjunction with the appointee.
- (2) Yes, as soon as the appointment has been finalised.

Housing subsidy scheme

*34. Mr M G MASHER asked the Minister of Housing:†

- (1) Whether the housing subsidy scheme is to be reconsidered in the light of changing development costs; if so, what will be the format of this scheme; if not,
- (2) whether she or her Department envisages an alternative to this scheme; if so, what are the relevant details?

N1379E

The MINISTER OF HOUSING:

- (1) No. Amendments to the housing subsidy scheme are not envisaged at this point in time.
- (2) The ministry and the Department of Housing are continuously reviewing the housing policy and strategy with a view to enhancing it in order to make it as flexible as possible in terms of delivery options and the choice of housing products.

Draft legislation on the eviction of farmworkers

*35. Dr E A SCHOEMAN asked the Minister for Agriculture and Land Affairs:†

- (1) Whether his Department intends formulating draft legislation with a view to preventing the unjust eviction of farmworkers by landowners; if so, (a) for what reasons and (b) when will this envisaged draft legislation be completed;
- (2) whether he will make a statement on the matter?

N1380E

THE MINISTER OF AGRICULTURE AND LAND AFFAIRS:

- (1) Yes

- (2) whether she will make a statement on the matter?

N1381E

The MINISTER OF HOUSING:

- (1) No. In terms of the White Paper on Housing which is consistent with the new constitutional dispensation, government at central level is responsible for the formulation of national housing policy and strategy and is therefore not involved in the execution of housing projects. The Government's Housing Subsidy Programme which is funded from the South African Housing Fund supports the execution of housing projects by a range of developers from both the public and private sectors. The Housing Subsidy Scheme allows developers to provide rental accommodation to persons eligible for housing subsidies under the institutional subsidy arrangements.
- (a) and (b) (i) and (ii) Fall away.
- (2) Various measures in support of a comprehensive rental policy which is in the process of formulation will be announced as soon as investigations currently being undertaken, have been completed.

State Tender Board: tenders in English

*37. Mr C A WYNGAARD asked the Minister for Public Enterprises:†

- (1) Whether it was decided that consideration will be given only to tenders submitted in English to the State Tender Board; if so,
- (2) whether her Department was involved in this decision; if not, who took this decision; if so, what were the reasons for this decision;
- (3) whether she will make a statement on the matter?

N1383E

The MINISTER FOR PUBLIC ENTERPRISES:

- (1) No
- (2) and (3) Fall away.

Increase in petrol price

*38. Mr A H NEL asked the Minister of Mineral and Energy Affairs:†

- (1) Whether any consideration is being given to increasing the price of petrol to subsidise the decrease in the price of diesel and paraffin; if so, for what reasons;
- (2) whether he will make a statement on the matter?

N1384E

The MINISTER OF MINERAL AND ENERGY AFFAIRS:

- (1) No.
- (2) No.

New national parks

*39. Mr C A WYNGAARD asked the Minister of Environmental Affairs and Tourism:†

- (1) Whether his Department intends opening any new national parks in South Africa; if so (a) how many and (b) where will the new parks be situated;
- (2) whether he will make a statement on the matter?

N1385E

The MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM:

- (1) Yes.

- (a) At least four:
- (b) Table Mountain and Peninsula in the Western Cape Province
Dongola area in the Northern Province
Agulhas area in the Western Cape Province
Namaqualand coast, west of Garies in the North Cape Province.

- (2) No.
- Loss in customs and excise tax**

*40. Mr I D VAN ZYL asked the Minister of Finance:†

- (1) Whether his Department has any statistics on the loss in customs and excise tax suffered by the Republic as a result of illegal imports; if so, (a) how many cases of such illegal imports were reported during the latest specified period of 12 months for which information is available and (b) what was the total loss of income during this period;

Farmer says he only intimidated worker

DENNIS CAVERNELIS
Supreme Court Reporter

ARG 3/19/96 (4)

A FARMER, who is being sued for R330 000 in the Cape Supreme Court by a worker who claims he was brutally assaulted, said he intimidated the worker to scare him after being told he had stolen a sheep.

Fourie Loock, 47, of George has denied assaulting Simon Ndoni, 44, of Jansenville in an attack which left him brain damaged and partially blind. He also denied tying him to a tree in Knysna Forest where he was found nearly two days later.

In 1994 Mr Loock was acquitted by the George Regional Court of attempting to murder Mr Ndoni.

Mr Ndoni, a former tractor driver on Mr Loock's farm, said he was accused of stealing a sheep but was later acquitted of theft.

Mr Loock said yesterday that after another worker told him Mr Ndoni had stolen one of his sheep, he called the police and with his two sons went looking for him. When he found Mr Ndoni he told him to get in his bakkie.

He said he accused Mr Ndoni of

stealing a sheep, talking in an angry tone to intimidate him: "I wanted to scare him."

Mr Ndoni denied stealing the sheep.

Mr Loock said that while he might have threatened to hit Mr Ndoni, he had not done so.

While they were driving back to the farmhouse, Mr Ndoni had said "I will steal what I want, when I want" and jumped from the moving bakkie. Mr Loock said he and his sons caught Mr Ndoni and tied his hands behind his back.

Asked why, in evidence in the George Regional Court, one of his sons said Mr Ndoni's hands were tied in front, Mr Loock said Mr Ndoni probably brought his hands under his legs and in front of him.

Mr Ndoni is claiming R315 155 for alleged assault, loss of freedom, medical expenses, loss of earnings, and damages.

The trial continues today.

Mr Justice D H Van Zyl is on the bench. J R Whitehead, instructed by Chennels Albertyn and the Legal Aid Board, appears for Mr Ndoni and R B Fourie, instructed by Alkema Cross and Marais, for Mr Loock.

Illegal farm labour slated

Staff Reporter

WESTERN Cape Agriculture Minister Lampie Fick has slated the mistreatment of farmworkers on Boland farms, and the employment of illegal immigrants for low wages

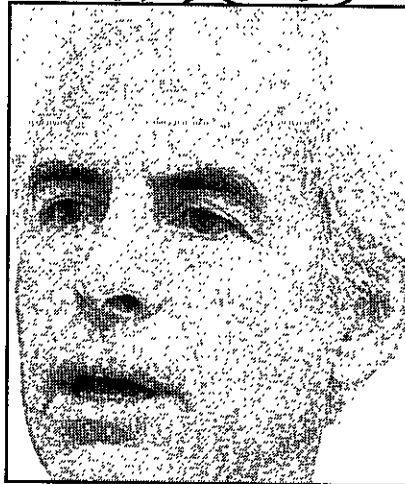
He was speaking at the first Western Cape Agricultural Summit, which recommended policy to alleviate the plight of small farmers and uplift farmworkers.

Mr Fick said: "There isn't one leader present at this summit who would condone the action of farmers who exploit illegal foreign workers. It has been reported that illegal immigrants from Lesotho are being paid less than R10 a day on some Boland farms.

"On behalf of Western Cape agriculture I take strong exception to individuals who violate our name with such practices."

He said the summit had been successful in starting a drive to unify the fragmented industry. Since the provinces would be getting less funding from central government, it was necessary to facilitate change in the industry.

There would be a drive to bring all technological developers to support a unified agricultural industry in the



Lampie Fick

Western Cape. The interests of less fortunate farmers and workers would be dealt with under a provincial land policy to be drawn up in terms of the national policy.

Wide-ranging issues such as land reform and water affairs would also be addressed under this policy, Mr Fick said.

"A database, like an agriculture Internet, will be designed to supply information to interested people."

ARG 3/9/96

(4)

Farmer ruled liable for legal costs

A FORMER Uniondale farmer has been found responsible for the injuries of a farmworker he assaulted and left to die in the Knysna forest.

Judge D van Zyl ruled in the Cape Town Supreme Court yesterday that Fourie Looek, 45, was liable for the legal costs of Simon Ndoni, 42, which exceed R100 000. Ndoni is also claiming R315 000 for medical expenses, deprivation of his freedom and loss of income. Ndoni suffers from brain damage, a stress disorder, and now has impaired vision.

(4) 20 10/9/96

Farmers threaten lay-offs

BD 5/9/96 (3)(4)
Louise Cook

PRETORIA — Farmers intensified their fight against labour and land reform policies yesterday, threatening large-scale lay-offs, mechanisation to replace workers and tax boycotts. They called for a united farming and non-farming front to fight "ominous" property rights legislation proposals.

At the Transvaal Agricultural Union's (TAU's) annual congress, speakers hit out at the Interim Protection of Informal Land Rights Act, saying the new law was the first of many that would "crush the SA property market and unhinge the economy".

TAU manpower chairman Laurie Bosman said the legislation, which was passed in June this year, would affect mining and other sectors that provided worker accommodation, including individual black and white households in the suburbs.

"The Act effectively makes it impossible to sell a house without

the consent of a live-in domestic worker, or to sell a farm without the consent of the farm worker. Instead of having two parties — a buyer and seller — party to the sale, it now becomes three. Where mineral rights are registered, it becomes four," he said.

The union adopted a resolution to hold urgent talks with non-farming sectors to clear the way for possible court action challenging the legislation. TAU president Dries Bruwer said parts of SA had become ungovernable and economic collapse was inevitable unless crime was controlled.

Congress also considered the introduction of tax boycotts, instructing the general council to probe "all possible methods to negotiate and act".

TAU members from Gauteng, Mpumalanga and the Northern Province accused Agriculture and Land Minister Derek Hanekom of destabilising the region, creating "poverty traps" and "crime nests" through a lack of proper planning.

Labourer wins damages claim against farmer

CT 10/9796
(4)

EUNICE RIDER
SUPREME COURT REPORTER

A FORMER Uniondale farmer who beat and kicked a labourer until he was unconscious before hanging him in a tree and leaving him to die, was found liable for damages yesterday.

Mr Justice D van Zyl found in the Cape Supreme Court that Mr Fourie Loock, 45, was a "congenital liar" who had taken the law into his own hands when he received a hearsay report in April 1992 that Mr Simon Ndoni, 40, had stolen one of his sheep.

Ndoni, who suffers from a brain disorder as a result of the assault, is suing Loock for R330 000. The amount to be awarded will be decided later.

Judge van Zyl found that Loock had repeatedly kicked and beaten Ndoni on his body and his head, before hoisting him up a tree in a remote part of the Knysna Forest, where he left him to die.

He said Ndoni did not appear to have lied to the court and did not exaggerate the attack on him. Mr J Whitehead, instructed by Lawyers for Human Rights, appeared for Ndoni. Mr P Fourie appeared for Loock.

Farmer 'disinfected workers daily'

CT 24/9/96

(4)

STAFF WRITER

A CHARGE of grievous bodily harm was laid against a Rietvlei farmer who allegedly sprayed his workers with a disinfectant twice a day, a Clanwilliam prosecutor said yesterday.

Mr Jonas White said it was alleged the farmer sprayed the

fluid on the workers every morning when they came to work and then asked them to wash. He sprayed them again in the afternoons before they went home.

The farmer also disinfected their homes after accusing them of being dirty and saying they were spoiling his potatoes.

White said he had advised a

farm worker to lay charges against the farmer.

A police spokeswoman said the farmer no longer lived on the farm.

At his court appearance earlier, the farmer had pleaded not guilty to the charge.

The hearing was postponed to October 16.

(2) No.

Source: National Department of Health, Directorate: Human Resource Planning

Eviction of farmworkers

*16. Mrs P DE LILLE asked the Minister for Agriculture and Land Affairs:

- (1) How many evictions of farmworkers from farms were reported to his Department during the period 1 January 1995 to 30 June 1996;
- (2) whether the Government rendered any assistance to persons who were so evicted; if not, why not; if so, what assistance was so rendered in each of the provinces?

N1566E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(1) The process of compiling statistics on this matter only began with the democratisation of our country. It has not been possible to compile comprehensive data on the number of farmworkers which have occurred for the period requested.

(2) Evictions are often carried out in accordance with court orders granted to the land owner, in terms of existing legislation. The Department of Land Affairs is not in a position to prevent the law from taking its course, regardless of whether the evictions have undesirable or immoral consequences.

In those instances where the Department is informed about a pending eviction, it attempts to meet with all parties involved in an attempt to avoid the pain and hardship accompanying forced evictions. Often, however, the Department of Land Affairs only becomes aware of the problem after evictions have taken place.

In cases where evictions appear to be unavoidable the Department attempts, to assist the parties to reach agreement by, *inter alia*, finding alternative land for settlement purposes, and by extending financial assistance to landless communities in terms of its Land Reform Programme to enable them to acquire land. Most of the evictions of which the Department of Land Affairs is aware, have taken

place in KwaZulu-Natal, Mpumalanga and Gauteng. Recently there has also been an escalation of evictions in the northern parts of the Free State. To assist people facing imminent eviction, the Department of Land Affairs has set up a district Land Facilitation Office in Vryheid, and is in the process of establishing a similar office in Mpumalanga.

It is clear that the current legal position is not acceptable, in that it permits arbitrary and unfair evictions. As I have previously stated, I am presently engaged in intensive discussions with all role-players to find workable long-term solutions to this problem.

Free primary health care: international aid

*17. Mr M J ELLIS asked the Minister of Health:

(1) Whether, in terms of her Department's proposals in respect of public health expenditure, she has secured any international assistance for the funding of capital costs for free primary health care for the 1995-96 financial year; if so, (a) what amount, (b) from which sources, (c) how will the funds be utilised and (d) what amount does she anticipate raising from such sources;

(2) whether she will make a statement on the matter?

N1567E

The MINISTER OF HEALTH:

(1) The Department did not seek any international assistance for the funding of capital projects for free primary health care; this is funded through the RDP.

(2) No.

Source: National Department of Health, Directorate: Health Planning and Financing

SABC employees at Olympic Games

*18. Mr K M ANDREW asked the Minister for Posts, Telecommunications and Broadcasting:

(1) Whether any (a) SABC employees and/or (b) other specified persons attended the Olympic Games in Atlanta at the expense of the SABC; if not, what is the position in this regard; if so, (i) what was the total cost of the visit to the SABC, including accom-

modation, fees paid to the International Olympic Committee and other specified costs; and (ii) what was the job title of each of the SABC employees attending the Games;

(2) whether these persons were required to possess any specialised knowledge of the sporting disciplines represented at the Games; if not, (a) why not and (b) on what other grounds were such persons selected; if so, what specialised knowledge was required?

N1568E

The MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING:

The Chairman of the SABC has informed me as follows:

(1) (a) Yes. A corporate team of 87 personnel travelled to Atlanta at the expense of the SABC to provide the following coverage: TV: ± 200 hours coverage over 17 days of the event—nearly 12 hours per day. Provision was made for five languages to be used for broadcast and presentation. Attention was given to the representativity of gender and race.

Radio: Report and commentary was provided in all 11 official languages.

TV News: Apart from contributing to the GMSA programme, regular news stories were compiled.

Radio News: Regular news stories were supplied in up to five languages.

(b) 32 people were flown to Atlanta for a week to attend the Games. These people included:

Mr Barry Whitfield—Nedbank
Dr Ivan May—Nedbank
Mr Ewald Fourie—Caltex
Mr Ramme Rameone—Caltex
Ms Maureen Nofemele—Caltex
Mr Richard Mngomezulu—Caltex
Mr Dereck Nairamsamy—Caltex
Ms Michelle Bakker—Vodacom
Mr James Schroeder—Vodacom
Lori Kasselman—Vodacom
Mr Themba Mhinkulu—Vodacom
Ms Merle Ingrid Thomas—Telkom
Ms Alan Lance Thomas—Telkom
Mr Francis Setebe—Telkom

Mr Mbolele Setebe—Telkom
Mr Terance Kelly—IBM
Ms Glenda Lynn Kelly—IBM
Mr Philip Wassung—IBM
Ms Joan Wassung—IBM
Mr Derryn Gaule Pearson—Gameshow winner
Ms Josephine Diatho—Gameshow winner
Mr Denis Apostle Marroketatos—Gameshow winner
Mr Pierre Frederick Buys—Gameshow winner
Ms Londive Zamancungwh Kumalo—SABC winner
Mr Andile Mangaliso Nxasana—SABC winner
Ms Pamela Pillay—SABC winner
Mr Jayesean Pillay—SABC winner
Mr Ifran Bux—SABC Topsport staff
Ms Johannie Swanepoel—SABC Topsport staff
Ms Annalie van Zyl—SABC Topsport staff
Ms Michelle Don—SABC Topsport staff
Mr Peter Manser—Additional guest

(i) The total cost of the Olympic Games coverage to the SABC was R34 million. The IOC broadcast rights cost R24 873 750 (\$6,75 million at R3,685 = \$1). The production costs covered the balance of expenditure. Costs included the hire of facilities in Atlanta, satellite costs, travel, hotel accommodation and subsistence, 92% of all costs was US\$ related.

(ii) The contingent consisted of:

10 Presenters/Commentators
2 Avid Editors
3 Production Co-ordinators
2 Vision Mixers
4 Archivists
2 Highlights Editors
2 Live Executive Producers
4 Video Tape Operators
3 Cameramen
1 Sound Mixer
1 Technical member
1 Editor
1 GMSA Presenter
4 Journalists/Reporters
2 News Cameramen
7 Radio Commentators
2 Radio Co-ordinators



Six youths who allege they were severely assaulted and tortured by their employers at a farm in Vivo, Northern Province. The youths are (from left) Lucas Ndou, Freddy Chipu, Vhengani Chauke, Meshack Mapapa and Thomas Maphosa and Albert Ngwenya (above right). They are being treated at Elim Hospital. PICS: KHATHU MAMAILA

Horror assault

Workers tell of prolonged beating by white farmers

(4) Sowetan 2/10/96

By Khathu Mamaila

SIX young farm labourers – five of them illegal immigrants from Zimbabwe – yesterday told how they were savagely assaulted by five white farmers who later threw four of them off a moving vehicle.

They said they were left for dead near Vivo in Northern Province.

Mr Lucas Ndou (21), Mr Freddy Chipu (17), Mr Vhengani Chauke (16), Mr Meshack Mapapa (18), Mr Thomas Maphosa (16) and Mr Albert Ngwenya (17), said they were assaulted with pick-axe handles and shocked with electric cattle prods.

All but Chipu – who is from Indermark, Northern Province – are Zimbabweans.

Senior Superintendent Phuti Setati confirmed the incident yesterday.

Phuti said police had arrested five men. He said the men would be charged with attempted murder.

Setati condemned the brutal assaults on the youths and warned farmers that the law would deal harshly with perpetrators of such crimes.

Kicked

The youths said they were assaulted with pick-axe handles, shocked with an electrical device used to shock cattle, kicked and knocked against walls.

They were also hit with a spare wheel on the chest before they were driven away from the farm near

Mara, outside Louis Trichardt, in a bakkie.

The six have been admitted to Elim Hospital where they are being treated. Ngwenya could lose his left eye after he was kicked in the face with a boot.

The youths were assaulted from 10pm on Friday until 3am the following morning. Their faces were still badly swollen when *Sowetan* interviewed them on Monday evening at the hospital.

Four of the youths could not open their eyes because their faces were swollen.

Speaking from his hospital bed, Ngwenya said he had been working on the farm since his arrival from Masvingo, Zimbabwe, last June for R110 a month.

He said two of the farmers grabbed him, one by the head and the other by the legs, and swung him several times in the air and then threw him from the moving bakkie.

"I fell on the tarred road on my head. I lost consciousness. I do not remember much except that I was later at the police station and then taken to the hospital with the other youths," said Ngwenya who spoke with great difficulty.

Working on farm

Chauke, who still could not open his eyes two days after the attack, said he came to South Africa from Zimbabwe in October last year.

He had been working on the farm since then.

"The farmer, his two sons and

two other farmers came into our room at about 10pm. They wanted us to tell them where another Zimbabwean immigrant, Mr Owen Ndou, was.

"We did not know where he was and they said they would kill us. They assaulted us with pick-axe handles, shocked us and used karate on us.

"They also used wrestling moves on us. One of them carried me from behind and dropped me hard on the cement floor," said Chauke, adding that he did not know how he survived. The youths said Ndou escaped after the farmers had tied him up with the intention of killing him.

Ndou had allegedly reported to the police that one of the farmers had assaulted him earlier.

Raw deal for tenants on farms

(4) Sowetan 8/10/96

NLC accuses Govt of not protecting tenants from white farmers

By Russell Molefe

FARM tenants continue to be subjected to evictions and other forms of "inhumane behaviour" for demanding better living conditions, secure tenure and decent wages, the National Land Committee has said.

The NLC said farm tenants continue to be ill-treated and evicted. They were not being protected by the Government, which increasingly seems to be reluctant "to combat inhumane behaviour" by white farmers.

"Hundreds of farm dwellers have already been evicted across the country. The most tragic outcome is the loss of hope and belief in the new South Africa."

"Farmers' actions seem to be a slap in the face for the ministry and the Government's efforts to redress these problems. They (farmers) continue to flaunt appeals to uphold minimum basic human rights," the NLC said.

The NLC called on the Government to deal sternly with farmers and group-

ings that undermine initiatives to deal with problems that continue to beset the rural areas.

Land Affairs Minister Mr Derek Hanekom earlier agreed to NLC's proposal that farmers who evict farm dwellers should be subjected to expropriatory measures but Government has so far failed to exact any measure.

No secure tenure

"Without any interim measures in place to combat evictions, farm dwellers continue to be vulnerable to evictions and live without any secure tenure. Evictions and landlessness don't only leave farm dwellers destitute, they also cause physical and emotional strife.

"We call on the Government to develop legislation incorporating farm dweller tenure reform as soon as possible in order to stabilise rural areas and to forestall possible pre-emptying measures by land owners," the NLC said.

Hundreds of people have been evicted from farms by white farmers since 1994.

'10% of farmers use dop system'

CHRIS BATEMAN

UP TO 10% of all wine farms in the Stellenbosch region still used variations of the dop system and 10 resident farmers had retained the system, Western Cape MPL Mr Cameron Dugmore claimed in the provincial legislature yesterday.

He was introducing a motion by his colleague, Health and Welfare MEC Mr Ebrahim Rasool, proposing a law to end all forms of liquor provision to farm workers.

Dugmore said recent research showed the 10% figure represented 38 farms hiring 800 workers whose average weekly wage was R90 for

(4) CT 10/10/96
men and R67 for women.

The NP's Mrs Alta Rossouw proposed an amendment to his motion expressing thanks to the farmers who had stopped using the system and limiting other factors contributing to alcohol abuse.

Rossouw said Rural Foundation research found that only two percent of (the 12 000) Western Cape farmers still used the dop system, compared with 54% a decade ago.

She objected to denying people a glass of wine at the end of the day and said no farmer could afford to allow a drunken labourer to get behind the wheel of a R500 000

tractor. "He trusts the labourer even more than he would trust his wife behind the steering wheel of his BMW," she added.

Rasool said a 1928 law against supplying liquor to employees as remuneration had been ineffective and should be "given teeth".

He said the dop system was "inappropriate" in the new human rights culture of the country.

Rasool agreed with the DP's Mr Joe Marks, who said that the system would only end when the farmer realised that "this donnerse hotnot was the same as him".

A decision on the motion was postponed.

Payout for chicken thief

By JESSICA BEZUIDENHOUT

A BOLAND farmer who shot a worker he caught stealing two chickens has been ordered to compensate the victim.

The ruling was made in the Cape Town Supreme Court this week, more than four years after farm worker Moos Bosman lost an eye after being shot in the face by farmer Christiaan Stals.

Bosman has claimed R187 000 in damages, but the court has still to rule on the amount he will be awarded.

Earlier Bosman received a five-year suspended sentence for theft after he pleaded guilty to stealing the chickens.

Stals caught him red-handed in the chicken coop on the farm Ongegund, outside Paarl, in September 1993.

It emerged in court that Stals, who had been the victim of a spate of thefts, had

(4) ST 20/10/96
waited in ambush in the coop.

He had been armed with a double-barrelled 12-gauge shotgun loaded with lethal SSG ammunition.

According to court evidence, ammunition of this sort would almost certainly kill the victim.

The court found that Stals had acted unlawfully in failing to comply with the legal requirements of a citizen's arrest. The law says a person can resort to lethal force only in self defence.

Stals could not prove on a balance of probabilities that he had tried to arrest Bosman, or to inform him of his intention to arrest him, before shooting.

The court found that there was no doubt that Stals had exceeded the reasonable limit of force when he used a heavy-gauge shotgun, particularly as he owned several other less lethal weapons.

Black workers, businessman form new farming company

Louise Coq

0321/10/96

A GROUP of 20 Western Cape black farm workers and a Swellendam businessman had formed a new company, Nuwe Begin Boerdery, to start farming fruit as early as next month for the export market, businessman and farm manager Sighardt Gaugler said at the weekend.

The farm workers — undaunted in their quest to become shareholders in commercial farming — activated a R15 000 family land reform settlement grant from government, formed the new company and went into a 50/50 partnership with private sector investment company, NewFarmers Development.

Nuwe Begin Boerdery then bought a R2,1m fruit farm at Montagu, with Absa granting a R1,05m bond. The company was looking at a long-term return on investment of 28%, Gaugler said. "The group of workers form a cohesive team. They come from farms in surrounding areas and have tried, unsuccessfully, for years to become shareholders on the farms they were working on. They then approached me and we followed the alternative option, to buy an affordable farm."

NewFarmers project manager Chris Crosley said in time the project would expand to 55ha from 40ha. This would create about eight more jobs. "The workers' share is 45% and Mr Gaugler's 5%," Crosley said.

A-G unhappy with farmer judgment

(4)

Sowetan 21/10/96
By Khathu Mamaila

Man who shot labourer thinking he was a dog is not found guilty

THE acquittal by a Louis Trichardt magistrate of a white farmer who allegedly shot a labourer three times "thinking that he was shooting a dog" has caused such a storm that the attorney-general is appealing against the judgment.

Farm worker Mr Albert Maele (40) told *Sowetan* at the weekend that he could not understand how the farmer, Mr Frederick Botha, was acquitted because Botha had admitted to shooting him.

State prosecutor Mr Paul Nenzhelele confirmed that the attorney-general was appealing against the judgment as he believed that there was a miscarriage of justice.

Botha was found not guilty about two weeks ago by magistrate Mr

Daniel Vogels. Speaking from a farm outside Alldays in Northern Province, Maele said Botha shot him with a rifle in September last year.

"It was at about 5pm and he could not have mistaken me for a dog. If he thought that I was a dog, it could only be that in his mind that I am as worthless as a dog.

Bleeding profusely

"He was looking at me when he fired. He was in his van and I was on foot on his farm.

"After shooting me, he ordered me to run in front of the bakkie while I was bleeding profusely. I ran for a

short distance and collapsed," said Maele.

Maele, a father of six who earns R300 a month, said he had gone to the neighbouring farm to visit his friends. After the shooting, Botha called a white police officer to his farm.

The policeman later told the court that he had had a friendly chat with Botha but never spoke to Maele.

Maele was taken to hospital where he later recovered.

Although police opened an attempted murder charge, Botha was tried on charges of assault with intent to do grievous bodily harm and negligent handling of a firearm.

Farmer freed after shooting, A.G. to appeal

(4) NOV 21/10/96

OWN CORRESPONDENT

The acquittal of a farmer who allegedly shot a labourer three times "thinking he was shooting a dog" has caused such a storm that the attorney-general is appealing against the judgment.

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"He was looking at me when he fired. He was in his van and I was on foot on his farm. After shooting me, he ordered me to run in front of the bakkie.

"I was bleeding profusely. I ran for a short distance and collapsed," said Maele.

Maele, a father of six, said he had gone to a neighbouring farm to visit friends.

After the shooting, Botha called a police officer to his farm.

The policeman later told the court that he had had a friendly chat with the farmer but had not spoken to the complainant.

Botha was tried on charges of assault with intent to do grievous bodily harm and negligent handling of a firearm.

End all farm evictions now, urges coalition

(4) APR 23/10/96

Campaign is aimed at securing people's rights until legislation protects their tenure

By JUSTICE MALALA
Political Staff

A coalition of more than 13 organisations, including the ANC and the Pan Africanist Congress, has called on Land Affairs and Agriculture Minister Derek Hanekom to expropriate the land of farmers who evict their workers.

The National Land Committee-led coalition, one of the biggest since the days of the ANC-led Mass Democratic Movement, yesterday launched the Tenure Campaign in Johannesburg and vowed to stage provincial and national marches and put pressure on the Cabinet to halt evictions.

The organisations will meet other political parties to gather support for the campaign, meet President Mandela to call for his intervention, and establish a Farm Friend register to gather support.

Solidarity Christmas events would be organised and these could spiral into an International Solidarity Day. Delegations to SA embassies around the world would be organised on the day.

The campaign partners include the two political parties, the Congress of SA Trade Unions, the National Council of Trade Unions, the SA National Civic Organisation, the SA Communist Party, the Land and Agriculture Policy Centre, the Centre for Applied and Legal Studies' land rights projects, and Lawyers for Human Rights.

It also includes the SA Council of Churches, the SA Catholic Bishops' Conference, the National Women on Farms Programme,

and the Environment and Development Agency. It is also backed by seven international organisations.

National Land Committee national director Brendan Pierce said although the number could not be determined accurately, the organisation estimated that 5 000 families had been evicted since 1990. In the past five months over 1 000 families had been evicted.

The NLC said yesterday the estimated 6 million workers and their dependants who live on mainly white-owned private

“
Those who evict brutally, destabilise whole areas by their action
”

farmland had no formal or legal tenure rights beyond the goodwill and agreement of the farmer.

“The notice period for an eviction is currently 30 days, regardless of factors such as the period of residence, or long service provided,” it said.

Hanekom has initiated a land tenure reform process which recognises that farmworkers have informal rights to land, and that these are insecure and need some form of legislative attention.

SA Communist Party general secretary Charles Nqakula said:

“Most of these farmers have realised what this means and are therefore pre-empting the legislation by evicting workers so there will be no one staying there when legislation is ready and passed next year. It is a political problem that needs political intervention.”

The parties said the campaign was aimed at getting the Cabinet and Mandela to secure people's rights on farms until the enactment of legislation protecting them, and the establishment of an intervention response programme by the Government that would deal speedily and firmly with evictions. There should also be a national monitoring system able to keep an eye on the extent and nature of farm evictions.

The PAC's Johnson Mlambo said evictions were irresponsible, and called on the Government to “firmly stop this rash of evictions by expropriating the land of those farmers who are busy taking away both land and homes from those who have contributed their sweat and blood”.

“The PAC calls on organised agriculture, the farmers and their agricultural unions to stop with immediate effect their arbitrary evictions,” he said.

The ANC said that, as a minimum measure, farmworkers should be protected from eviction unless viable alternatives existed for them.

“Those who evict brutally are in the minority, yet they destabilise whole areas by their action. They must be bound by the same constraints as decent landowners. The job of law is to enforce minimum standards and protections,” the ANC said.

By JUSTICE MALALA

Something happened to 45-year-old farmworker Cecilia Tiki - who has no belongings, no pride - when she stood up yesterday to address about 30 people about her community's plight since their eviction from their farm to a squatter camp six months ago.

At the beginning she faltered, uncertain how to explain her pain, then her voice rose as she got angrier with each word she seemed to force out of her mouth.

“We have lost everything, we are losers. We lost our furniture, everything. We have no pride now, all this has affected our minds,” she said.

The single mother of five belongs to a squatter community near Secunda in Mpumalanga, which sprang up after she and other workers, including three of

her children, were evicted from the farm Katlaagte.

She had been working at the farm for more than six years, but most of her colleagues had been there all their lives.

Their eviction was the culmination of a long period in which their relationship with their employer deteriorated after the 1994 elections and the appearance of unions in the area.

He had evicted three families in July 1995, and the following month made it clear that 17 other families should go.

“We refused to leave. We went to the authorities and the premier and told them about the problem, but they could not protect us. He evicted us this year, finally, six months ago,” Tiki said.

“We erected shacks with corrugated iron sheets and canvas strips. We have nothing here, no

water, no lights, and the place is a hard, empty piece of land where we do not have the right to be.

“The farmer treated us like nothing, as if we were not human beings,” she said.

She has lost hope of returning to the land she believes belongs to her and her people, as it was taken from them forcefully in the past.

“We have heard that there is a small farm for sale and we are thinking of starting a small co-operative and buying it. We have been farming for all our lives and we can do it,” she said.

Then a look of determination crossed her face, and a certain hope entered there.

“We do not want to be victims for ever. We are tired of that.”

“We will now stand on our own, no matter how long it takes,” she said.

Dispossessed squatter gives vent to her anger

TENURE CAMPAIGN LAUNCHED

'Expropriate farmers who evict workers' (4)

JOHANNESBURG: Concerned that farmers are evicting farm workers ahead of legislation recognising that the workers have some form of tenure, a newly formed coalition wants the workers' rights protected until the legislation is enacted.

A COALITION of more than a dozen organisations, including the ANC and the Pan Africanist Congress, has called on Land Affairs and Agriculture Minister Mr Derek Hanekom to expropriate the land of farmers who evict their workers.

The National Land Committee-led coalition launched its tenure campaign here yesterday and said it would stage marches and pressure the cabinet to halt the evictions.

The organisations will meet other political parties to gather support for the campaign, meet President Nelson Mandela to call for his intervention, and establish a "farm friend" register to gather public support.

The coalition includes the two political parties, the Congress of SA Trade Unions, the National Council of Trade Unions, the SA Nation-

al Civics Organisation, the SA Communist Party, the Land and Agriculture Policy Centre, the Centre for Applied and Legal Studies' Land Rights Projects and Lawyers for Human Rights.

It also includes the SA Council of Churches, the SA Catholic Bishops' Conference, the National Women on Farms Programme and the Environment and Development Agency. It is also backed by seven international organisations.

NLC national director Mr Brendan Pierce said the organisation estimated about 5 000 families had been evicted from farms since 1990. More than 1 000 families had been evicted in the past five months.

The NLC said yesterday the estimated six million farm workers and their dependants who live on mainly white-owned private farmland have no formal or legal tenure rights beyond those dependent on the

farmers' goodwill and agreement. "The notice period for an eviction is 30 days, regardless of factors such as the period of residence, or long service provided," it said.

Hanekom has begun a land tenure reform process which recognises that farm workers have informal rights to land that are insecure and need legislative attention.

"But most of these farmers have realised what this means and are therefore pre-empting the legislation by evicting farm workers so there will not be anyone staying there when legislation is ready and passed next year," said SACP general-secretary Mr Charles Nqakula. "It's a political problem that needs political intervention."

The parties said the campaign was aimed at getting the cabinet and Mandela to secure people's rights on farms until the enactment of new legislation to protect them, and the establishment of an intervention response programme by the government that will deal speedily and firmly with farm evictions and landowners who evict workers. — Own Correspondent

Land Bank may broaden its clientele

CT 23/10/96
BARRY STREEK

THE Land Bank should be transformed and the Post Office should play a dynamic role in the provision of financial services in the rural areas, the Strauss Commission proposed yesterday.

It also recommended that state pensions be paid directly into the savings accounts of pensioners so that they could make their withdrawals at their own convenience.

The final report of the Commission of Inquiry into the Provision of Rural Financial Services, headed by Dr Conrad Strauss, also recommended that a development council be appointed to co-ordinate responsibility for the financial aspects of rural development.

It said the Land Bank should continue to play a significant role as a financier of commercial agriculture and agriculturally related activities, but that the Land Bank should broaden its clientele through becoming the institution most responsive to the need of land reform beneficiaries and emergent entrepreneurs.

Policy dilemma over plight of farmworkers

(4)

ARG 26/10/96

ARGUS CORRESPONDENT

Johannesburg – As the Department of Land Affairs grapples to work out a policy to address the plight of black South African farmworkers, growing impoverishment, slave wages and appalling living conditions still prevail.

Half an hour outside Johannesburg farm labourers are still earning R198 a month and often 15 people will live in a single room.

Gauteng MEC for Agriculture Nomvula Mokonyane said the provincial government was extremely concerned about the practices of some members of the organised farming community.

"I have had discussions with the provincial office of the department of labour in order to solicit their assistance with respect to matters that concern the transgression of the legal rights of farm workers," said Mr Mokonyane.

Farmworkers are covered by the new Labour Relations Act as well as by the present basic conditions of employment act, which stipulates a 48-hour working week, overtime only by agreement and with pay, provision for sick leave and annual leave and conditions for termination of contract.

But the South African Agricultural and Plantation Workers Union has accused the national minister, Derek Hanekom, of turning a blind eye to the living conditions of farm workers, concentrating instead on evictions and land claims.

Ministerial spokesman Helmuth

Schlechter said that while the department was moving ahead to secure legislation that would end evictions, this was ultimately aimed at improving the standard of living for farm labourers.

It is a view shared by the National Land Committee, which believes the basic living conditions of farm labourers is tied intrinsically to the involuntary evictions that workers are constantly faced with.

According to the NLC spokesman, Brendan Pearce, there are about six million farm workers and their dependants who live on mainly white owned private farm lands with no legal or formal tenure rights.

"These incidents of poverty and poor salaries are not isolated. In fact these unacceptable physical conditions are a way for farmers to control their workers," said Mr Pearce.

"We are arguing that access to land and decent housing is the solution to these problems," he said.

The NLC launched a national campaign to end land evictions of farm workers and to establish an intervention response programme with the government to deal with crises as they arise before the legislation is enacted.

Made up of a coalition of 13 organisations, the campaign partners made a special appeal to farmers to desist from evicting people from their land and "to help farm dwellers to build lives of security and hope".

"This is the greatest contribution you can make to our new democratic nation," said Mr Pearce.

No new South Africa

The plight of farmworkers in Gauteng is growing worse and their living conditions continue to deteriorate. Now the provincial government and unions are beginning to talk tough, write PRAKASH NAIDOO and BLACKMAN NGORO



on the farms
(4) Star 26/10/96

As the Department of Land Affairs grapples to work out a policy to address the plight of black South African farmworkers, growing impoverishment, slave wages and appalling migrant labour living conditions still prevail. Just half an hour out of Johannesburg, farm labourers are still earning R198 a month. And in a visit to one of the farms, the *Saturday Star* this week found as many as 15 women living in a single room.

Gauteng MEC for Agriculture Nomvula Mokonyane says the provincial government is extremely concerned about the practices of some members of the organised farming community.

"I have had initial discussions with the provincial office of the Department of Labour in order to solicit their assistance with respect to matters that concern the transgression-of-the-legal-rights-of-farmworkers," says Mokonyane.

Farmworkers are covered by the new Labour Relations Act as well as by the present Basic Conditions of Employment Act, which stipulates, among others:

- A 48-hour working week.
- Overtime only by agreement and with pay.
- Provision for sick leave and annual leave.
- Conditions for termination of contract.

But the South African Agricultural and Plantation Workers' Union has accused the minister, Derek Hanekom, of turning a blind eye to the living conditions of farmworkers, concentrating instead on evictions and land claims.

Ministerial spokesman Helmuth Schlenker said that while the department was moving ahead to secure legislation that would end evictions, this was ultimately aimed at improving the standard of living for farm labourers.

It is a view shared by the National Land Committee, which believes the basic living conditions of farm labourers is tied intrinsically to the involuntary evictions with which workers are constantly faced.

NLC spokesman Brendan Pearce says there are about 6 million farmworkers and their dependants who live on mainly white-owned private farmland, with no legal or formal tenure rights beyond those depending upon the goodwill and agreement of the farmers.

"These incidents of poverty and poor salaries are not isolated. In fact, these unacceptable physical conditions are a way for farmers to control their workers," says Pearce.

"At the moment we are looking at very limited legislation, where we are arguing that access to land and decent housing are the solutions to these problems," he says.

The NLC launched a national campaign on Tuesday to end evictions of farmworkers and to establish an intervention response programme by the Government to deal with crises as they arise before the legislation is enacted.

Made up of a coalition of 13 organisations, the campaign partners made a special appeal to farmers to desist from evicting people from their land and "to help farm dwellers to build lives of security and hope".

PITIFUL EXISTENCE: Farmworkers work for as little as R198 a month and live crammed in leaking shacks where they have to try to keep pap warm in disused fertiliser containers. The "government of farmers" often won't allow children on their land, as everybody is expected to work from early in the morning until 6 at night, Saturday to Saturday

"This is the greatest contribution you can make to our new democratic nation," says Pearce.

Meanwhile, the plight of farm labourers grows progressively worse and living conditions continue to deteriorate.

In their quest for better treatment, workers are turning to trade unions for a solution, but so far only 6% of all farmers in the region have signed recognition agreements with unions representing workers.

South African Agricultural and Plantation Workers' Union regional organiser Musa Mokhubu says union organisers have often been threatened by gun-wielding farmers.

Mokhubu, referring to some of the farmers by name, says he was personally told that if they ever saw him on their farms again, he would be shot.

"The infamous Trespass Act, which allows

a farmer to shoot on sight any strangers on his property, is also still in force.

Farmers also resorted to employing the services of labour consultants to deal with union representatives in a move to buy time.

Earlier this month Hanekom told members of the South African Agricultural Union to wind up their operations if they didn't become competitive enough. This could be achieved, he argued, through a reduction of the labour force and mechanisation.

"We are already besieged enough without the minister urging farmers to boot us out of the farms. The government has to institute interventionist measures where possible," urges Mokhubu.

"We want to support farmers and productivity to enable them to respond to our concerns for better living conditions for the workers.

"We are in the new South Africa, yet the only thing the workers know is the government of farmers, which is already oppressive."

Lindi, a 28-year-old farmworker, who started working on the land in 1979 when she was only 11 years old, says all she wants is a decent room with a shower and toilet, together with a living wage.

She eats food that is cooked collectively in an open shed with a leaking roof.

"It is unbearable to cook during the rainy season," she says.

The cooked pap is stored in disused plastic fertiliser containers to keep it warm for those workers still in the fields.

Johannesburg:

"They have come from Pietersburg, where they were picked up by a truck and brought to Johannesburg," she says.

According to Lindi, there are now a growing number of women arriving in the area who have been drawn simply by word of mouth.

"Which woman living in that hot and poverty stricken area wouldn't be attracted by a chance to come to Johannesburg, even if it is to work and live in these hovels?"

Children are not allowed to live in the shacks and, according to Lindi, even if they were, there would be no one to care for them because all the people are expected to work on the farm.

"Where would we leave them here?" she says, pointing despairingly around the dormitory, where the only beds are structures of plywood mounted precariously on bricks to

form some kind of platform.

"If we are expected to live like this, do you think the employer would be prepared to build a school for us or our children?"

"Often, we work up to 8pm. We work Saturday and Sunday every week for a pittance of R198, which is sometimes increased to R300 some months."

Mokhubu estimates that 90% of the farmers in the region refuse to spend money on improving living conditions, fearing that this would reinforce farmworkers' claim on the land.

Meanwhile, Mokonyane says she intends to visit all farming areas in Gauteng to meet with farmers and will urge them to comply with the Basic Conditions of Employment Act.

"Failure to do so will result in the law being enforced against them."

PHOTOGRAPH: NAASHON ZALK

Most vulnerable farmworkers set to get legal protection

By PRAKASH NAIDOO

Draft legislation is expected to go before the Cabinet by the end of this year which will put an end to evictions of farmworkers.

Minister of Agriculture and Land Affairs, Derek Hanekom confirmed that, after wide consultation, the draft will be discussed with various interested groups in the next few weeks.

It is expected to be enacted into law early next year.

The laws are expected to protect the most vulnerable of the approximately 6 million farmworkers and their dependants on mainly white-owned private farmland.

"There have been a series of bilateral talks, and consensus is developing over some of the ideas coming forward," Hanekom told the *Saturday Star* yesterday.

"The envisaged legislation

will not be taking away the rights of farmers, but will be offering protection to the most vulnerable of land tenants."

However, the National Land Commission has expressed concern that there has already been a spate of pre-emptive evictions in the run-up to the legislation and said it would lobby the Government for a short-term moratorium.

This week, the NLC, with a coalition of 13 organisations, including the ANC and PAC, launched a national protest to put pressure on the Cabinet to end the evictions. This will include a march on the Union Buildings next year.

An NLC spokesman, Brendan Pearce, said part of the campaign was to meet white farmers directly, something which had never happened before.

Pearce said the existing Trespass Act and the Prevention

of Illegal Squatting Act were in conflict with the new Labour Relations Act, and would be challenged in the Constitutional Court unless scrapped.

However, Hanekom said both these acts would be reviewed and amended accordingly as part of the new legislation.

The minister said calls for a moratorium on evictions was not legally binding, but the department has been successful in convincing most farmers to consider the suffering, tension and upheaval this causes.

"Pre-emptive evictions happen only if farmers expect something bad to come out of the legislation.

"All we will be ensuring is that the most vulnerable will be protected and that eviction cannot take place if there are no alternatives," said Hanekom.

SEE PAGE 13

Rural squatters win reprieve on evictions

BO 29/10/96

(4) (S) (S)

Louise Cook

PRETORIA — Rural land owners would no longer be allowed to evict people in terms of the Trespass and Prohibition on Illegal Squatting Acts, and would have to consider alternative options, Agriculture and Land Minister Derek Hanekom said yesterday.

However, he told the Agritech conference the protection would not apply to land invaders or rent defaulters.

New tenure legislation was being studied by government in preparation for a position paper on the issue next month, he said.

But Hanekom has made it clear he rejected the farmers' lobby argument that labour legislation took care of the problem, making additional laws unnecessary. Draft legislation would be tabled in Parliament early next year.

Hanekom said the planned legislation would force land owners — and in some cases the state where land was state-owned — to "apply their minds" to find alternatives.

"Land owners and government need to form a partnership to address the problem of homelessness. Evictions caused severe instability to whole com-

munities, impacting in turn on foreign investor confidence. If 20 families are put off a farm, it impacts on the whole community; the evicted either invade land or make deals with family or friends on other land for a place to live." The planned laws would apply to rural areas and tribal land, he said.

Hanekom dismissed calls by the Congress of Traditional Leaders of SA for legislation making it illegal for foreigners to own land in SA.

"Unless foreign investors are able to secure a privately owned home — without fear of having it expropriated arbitrarily — SA will not attract investment in plant and equipment."

Asked about government's reaction to the Strauss commission report on rural financial services handed to government last month, Hanekom confirmed that the Agricultural Credit Board would be shut down, the Land Bank's role reviewed and its board of directors changed, as recommended in the report.

"The Land Bank would primarily become involved in wholesale financing while retail lending would be done by a variety of institutions. It is a question of how and how long."

Eviction agreement reached

(4) 80 4/11/96

Louise Cook

FARMER and farm worker organisations had agreed for the first time to co-operate in addressing the problem of farm evictions, anti-eviction campaign spokesman Dave Husy said at the weekend.

Husy said that the SA Agricultural Union had also agreed at a meeting on Friday to a request from the campaign to state publicly its stand on evictions.

"In future all the representative bodies, including the SA Agricultural Union, are hoping to set up systems to identify places where evictions are taking

place and discuss how best to deal with it."

Agricultural Union spokesman Kobus Kleynhans said the union would issue a statement this week.

The anti-eviction campaign was launched by the National Land Committee last month. National Land Committee chairman Brendon Pearce said more than 1 000 people had been evicted from farms in the past four to five months in anticipation of legislation that would give tenure security to about 8-million farm dwellers. Other reasons for evictions were the promulgation last year of the Labour Tenants Act,

which gave workers the right to buy part of the farm they were living on and uncertainty around the property clause in the constitution.

Last week Agriculture and Land Minister Derek Hanekom said he opposed evictions unless alternative accommodation was made available. He said farmers and government needed to "apply their minds" to find alternatives to evictions and the problem of increased homelessness.

Farmer organisations have said evictions have occurred only in isolated cases, and were often the result of farms being sold or staff cutbacks due to overemployment.

Partners on the land

Farm deal shows fruits of sharing

ESTELLE RANDALL
LABOUR REPORTER

The Lebanon Fruit Farm Trust in Elgin has been launched as a landmark venture in which workers, the community, government and a private company have formed an equal partnership.

The R12-million project comprises 200ha which the trust is leasing for 30 years from the SA Forestry Company Ltd and Paul Cluver's De Rust Estate.

Profits from the project will be shared equally among the three partners - the Lebanon Community and Workers' Trusts, the De Rust Estate and the state-owned forestry company.

De Rust is a deciduous fruit farm which grows apples, plums and pears, has about 300 sheep and recently diversified into wine production.

The company will supply the project with water from a dam on the De Rust property and will lease its old forestry station to the trust and will make farming and forestry expertise available.

The new farm will provide about 60 permanent jobs but farming will be more intensive - with fruit trees planted closer together to increase production.

Farm manager Andries Ruiters said: "It's a challenge because it's a new project and here I will be on my own more although I'll still have a boss."

Mike Downes of the Elgin Community College, who will help Mr Ruiters, believes nobody should own land, a scarce, limited resource. "It's given to us in stewardship and we must be good stewards. Farm workers have the practical know-how but they don't have the theoretical background. That's what I try to impart through the college. If anything's going to succeed then this project will. It's about sharing, it's the new South Africa."

Mr Steyn hopes Dr Cluver's example will shift other farmers. "We're hoping the rest of rural South Africa will look at what is happening here and that farmers realise they have nothing to lose by sharing," he said.

ART 11/11/96

(4)

Rural farmers caught in a debt trap

Homeless communities in KwaZulu-Natal have been locked into land agreements which they don't understand and can't possibly afford, reports **Ann Eveleth**

ALPHHEUS MNCUBE believes he is a lucky man. Smiling proudly from the corrugated-iron roof of his freshly packed wattle-and-daub house, the railway worker boasts about the fruits of his labour: "This house wasn't here last week," he says.

Mncube is still smiling because he does not know that the land could be yanked from under him. His plight is that of countless numbers of rural peasants caught in a debt trap created by the apartheid-era law under which they bought land.

Putting down roots on the grassy slopes of a Louwsburg farm purchased by the KwaKhombi community in northern KwaZulu-Natal was the culmination of years of landless anticipation for the Mncube family. Evicted from a white farm in nearby Ngotshe last year, the Mncubes joined the growing army of farm evictees dotting the countryside around Vryheid desperately searching for land rights.

The Mncubes' search ended with their acceptance into the KwaKhombi community of Chief Bhekumuzi Zulu. Or so they thought. Mncube and his neighbours could lose their land in terms of a 1993 agreement which their leaders signed with the white farmers, who still hold the title deeds, and the farmers' estate agents.

As far as Mncube is concerned, the R1 600 settlement fee he scraped together from his meagre earnings as a Spoornet worker and the sale of a prized ox have secured his rights to this land. If he can raise another R600 he can buy an adjoining sliver, he says.

Mncube and his neighbours know little of the complex history behind this land purchase, which began with the 1987 Ngotshe Accord in which white farmers agreed to sell land to five landless chiefs in a bid to promote the consolidation of the fragmented KwaZulu homeland.

Back then, Mncube paid his first R100 deposit towards a different piece of land. The controversial

accord faltered, but then the apartheid government provided the mechanism for land transfer to black communities under Act 126 of 1993. The farmers charged KwaKhombi R2-million for three farms they said would accommodate 200 families on 100m by 100m plots.

Under the old land redistribution formula, the government paid 80% of this cost and lent the community R300 000 for their payments. The community was to cough up R100 000 for the initial 5% deposit.

Chief Zulu's councillor Enoch Khumalo says the community borrowed the R100 000 from a commercial bank in Vryheid two years ago, but was told they could not move on to the farm until the debt was repaid and the planning was completed.

"Finally the community started to complain that they have been paying money and they wanted to move on to their land and build houses," Khumalo says. They were allowed to do so.

Niether Khumalo nor Zulu can explain exactly how much money has been collected or how much is still owed or to whom. But Durban land rights attorney Peter Rutsch says his investigation into the KwaKhombi land quagmire suggests the community has been thrown into a debt trap they are unlikely to escape.

The first problem is that the R2-million price was ridiculous, the second is how you can have a rural community saddled with a debt of R400 000 plus an impossible R56 000 in interest every six months and the third is the arrangement through which the farm owners are sitting with nearly R2-million and the community still doesn't have the right to occupy the land.

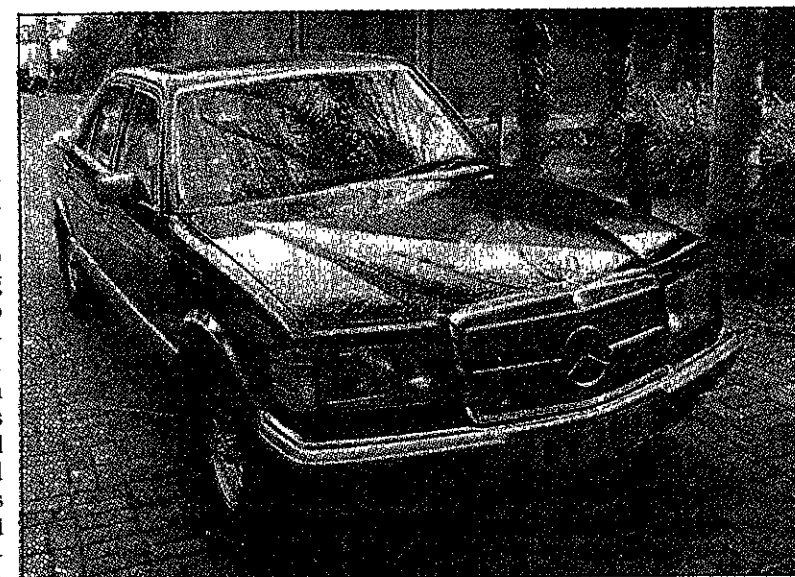
Although they are on the land they are not legally entitled to be there and could face eviction or repossession.

Rutsch says he is seeking an agreement from the Department of



France Phillips: A rural union official who denies he is getting rich at the expense of labour tenants

PHOTOGRAPH: MIKE MATHERMAN



Status symbol: France Phillips's Mercedes

PHOTOGRAPH MIKE MATHERMAN

Land Affairs to convert the KwaKhombi land purchase into the new system instituted early this year whereby communities receive a R15 000 grant per household for land and planning costs. This would give the community roughly R3-million.

But neither Mncube nor Khumalo has heard of this system: "If we had R15 000 we would build a house with cement blocks, instead of this structure which might collapse in three years. We would bring water to the house and install a bathtub," says Mncube's wife Thabila.

Durban Legal Resources Centre attorney Thulani Nkosi says this

problem is common to many communities which purchased land before the government changed the system this year. He points to the KwaGumbi community from the same area — also an Ngotshe Accord applicant — which has recently applied for grants. "Now the Department of Land Affairs insists they wait for planning to be done. They have been waiting three years. These are landless and homeless people who are locked into old agreements and transactions they don't understand and can't possibly afford. The Department of Land Affairs needs to understand the need for immediate

Profiting from the landless

MTG 15-21/11/96

Ann Eveleth (4)

DEPARTMENT of Land Affairs labour tenant rights facilitator Busani Ngubane says many labour tenant eviction cases are complicated by the involvement of a plethora of unions and organisations operating in the Vryheid area.

"Some of these unions charge people money just to introduce them to a lawyer. Others get people to sign contracts with the farmers that they are farmworkers instead of labour tenants. Some of them give bad advice and then it is too late to take legal action," he says.

Other land rights legal officials say some unions are "getting rich off these poor landless people", and point to the flash cars driven by local unionists.

General United Workers Union of South Africa (Guwusa) president France Phillips has a black Mercedes parked outside, unusual for a rural union official, but denies he is getting rich at the expense of labour tenants. He says he only charges R10 monthly membership dues and his competitors in the KwaZulu Union of Farm Residents Organisation (KwaZufro) and the Mining, Agricultural, Commercial and Allied Workers Union of South Africa (Macawusa) say they charge even less. They all say "some other unions" are the culprits, but refuse to specify.

The unions point the finger back at the Department of Land Affairs, which they say has failed to help their members, and at the farmers whom they accuse of employing new tactics to kick tenants off their land. "The farmers are turning their farms into game reserves and telling the people, 'If you don't move, we'll bring in lions next week'. Others are turning their farms into forests which employ less people," says KwaZufro President Zakhe Mtshali.

occupation and come up with contingency plans for these communities that are always on the run," he says.

Land Affairs officials working in Vryheid's facilitation office say the problems are complicated in this white farming haven where, in addition to landless chiefs and traditional communities, at least 20 communities face eviction every month. "Vryheid accounts for one-third of all labour tenant land rights claims before the Land Claims Court nationally and we only hear about the cases that come to our office," says labour tenant rights facilitator Busani Ngubane.

Government policy bedevils construction

Robyn Chalmers

BOTTLENECKS in the delivery of housing and infrastructure services continue to bedevil the construction sector, with concerns focused on market uncertainty over government's RDP, housing and public works policies.

A report from a recent workshop to discuss the problems facing the construction industry found that investment was not taking place at anything like the levels needed to sustain companies in the sector.

The report, compiled by SA Federation of Civil Engineering Contractors economist Henk Langenhoven, found that investment levels in the industry were approaching the same low levels last experienced in the 1991/92 recession.

"These low levels have mainly been because of inactivity from our main client, government, which is responsible for 90% of the civil engineering market," the report said. "The private sector has, in many cases, put their money where their mouth is and kept investing."

The report said contradictions in policy signals from different departments were also of concern, although some departments — such as transport, water affairs and public works — were succeeding in putting out contracts. The

housing department was struggling to get its programmes off the ground, largely due to poor capacity and little co-operation from stakeholders, although there were "recent signs of improvement."

The infrastructure portion of the RDP had fallen under the constitutional development department, but viable urbanisation was largely dependent on housing with services.

"The result is that services provision is continuously declining as a portion of our market," the report said.

There was an urgent need to sort out the policy contradictions emanating from different departments, to ensure that the industry did not "with away".

There was an overall drive to bring delivery down to the lowest level of government possible. While this was supported, the problem of capacity to implement housing projects was a major bottleneck.

Community-based contracting could lead to the loss of construction capacity — when contracts went to communities the amount of work available to losing companies diminished.

"This must be seen in contrast to the clear capacity problem among communities to do the contracting required," the report said.

BD 15/11/96

Agricultural union rejects tenure move

Louise Cook

BD 15/11/96

THE Transvaal Agricultural Union yesterday rejected moves by Agriculture and Land Affairs Minister Derek Hanekom to give "artificial" tenure security to people not actively employed on farms.

The union said the planned laws would jeopardise farmers' property ownership rights and relations in agriculture and hamper food production.

"Service contracts between farmers and workers provide for worker accommodation on the farm linked to conditions of service. It is obvious that a worker no longer employed on the farm, has to find another home — as in every other sector of the economy."

The union said unemployed people were not entitled to artificial claims to farm land.

Meanwhile, draft legislation on tenure security was being prepared by the land affairs department. Land affairs spokesman Maurice Smiters said the tenure security laws were urgent, but the department was careful not to create inappropriate measures.

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Loopholes hurt labour tenants

(4) mtg (MM) 22-28/11/96

**Colleen Lowe Morna
in Nelspruit and
Deborah Ewing in Weenen**

HOSHA TOLLY BIYA winces with pain when you shake his hand. The labour tenant from a farm 15km outside Nelspruit — which he declines to name for fear of reprisals — was injured while driving the tractor on the land where he has lived and worked since boyhood. A kitchen screw rammed into his elbow to hold the joint together is the only evidence of any kind of "treatment".

Now, this gentle-faced man, whose eyes water uncontrollably as he speaks, faces an even more devastating upheaval.

A few days after census officials visited the farm and revealed to his landlord how many of his children and grandchildren were living with him, the farmer ordered that they all leave — or have his house burnt down.

The elderly widower has been left alone. He is afraid that he will be the next to be evicted. "I do not want to fight. I do not want to cause trouble," he insists to lawyer Chali Mnisi, who, along with his business partner, Obed Ntuli, have been inundated with labour tenant cases. "I just want your advice about what I should do."

Mnisi is caught in a dilemma. On the face of it, it is a straightforward case. Under the Labour Tenants' Act passed earlier this year, Biya is entitled to security of tenure, and to have



Obed Ntuli: Lost all faith in the law

PHOTOGRAPH: NAASHON ZALK

his family living with him. He's also entitled to apply to purchase the land within the next four years, using his R 15 000 subsidy. There's a catch. He has to prove he's a labour tenant: not a farmworker. If he loses, Biya may be worse off than where he started.

Ntuli, who says he has "lost all faith in the law", is bitterly critical of the Act for putting the onus of proof that they are not farmworkers on labour tenants, rather than on farmers.

To be classified a labour tenant, claimants have to prove that they benefit more from working the piece of land they occupy, than from wages. "Economic value", as understood by the courts, makes this well nigh impossible, according to Ntuli.

Take the case of Biya, who earns R150 per month. How does one balance that against the "value" of his

mud hut and the tiny piece of land on which he grows a few vegetables to eat? To the courts, the latter are worthless. To Biya, they are his whole life.

Ntuli recounts the case of a client who lost his case because he had "signed" a contract, written in Afrikaans, using a thumb print, to say that he was an employee. The client was ignorant of what he had signed, but the court deemed it legal.

Makhonya Alcock of the Mdukutshani community-based organisation in northern KwaZulu-Natal, says there have been several cases of farmers starting to pay labour tenants wages to disqualify them from making claims under the Act.

Among the flaws in the legislation, Alcock cites the fact that if claimants take a case to the Land Claims Court and lose, they risk being evicted and having to pay both sides' legal fees out of the R15 000 subsidy they could otherwise use to purchase land.

Mdukutshani is advising labour tenants to negotiate with farmers rather than go to court. Ntuli says he's no longer going to wait for cases of eviction: "we're going to get proactive, and advise our clients to put in their claims to purchase the land."

It may be a long shot for Biya. But while his claim is pending he cannot be evicted. And his lawyers say he deserves nothing less than to have his family back with him; and, when the day comes, to rest in peace on the only land he has ever known.

ZALK

RIIIT

ATTENTION CERNA

Farm workers to reap the fruits of their own labour

By TOM HOOD

AGRICULTURAL land is being bought up by an independent development company to help farm workers become co-owners and partners in small but profitable farming enterprises.

The Cape-based NewFarmers Development Company plans to become involved in projects with a total investment value of over R130-million in the next three years.

Its capital base is R10-million, contributed by several South African companies, which it expects to expand to R125-million, including R75-million promised by overseas development agencies.

A private placing of shares offered to institutions and companies this month aims to raise R40-million, of which 45 percent has been promised

by Absa Bank, Old Mutual, Sanlam, Unifruco, Outspan and KWV, all shareholders.

Projects will be structured to help workers apply for the government's settlement grant of R15 000 a household, says NewFarmers managing director Hannes le Roux.

The company recently helped 20 workers on farms in Montague, Ceres and Swellendam form their own company and buy a 40-hectare fruit farm at Montague for R2-million, arranging a long-term loan and working capital with Absa Bank.

With a farm manager and other investors, the company has 35 shareholders and they aim to expand the farm and provide eight more jobs.

Similar ventures are planned in the Highveld (table grapes), Little Karoo (deciduous fruit), West Coast (citrus and table grapes), Lowveld

(bananas and sugar), Overberg (deciduous fruit and citrus), eastern Free State (potatoes and vegetables), Loskop (table grapes and citrus) and Boland (fruit packing shed).

Other sectors could include ostriches, broilers and herbs and spices.

From next year, NewFarmers will step up its efforts to expand into commercial agriculture.

Development institutions in France, Britain and Holland are eager to invest in South Africa and have agreed to take up shares in the company, added Le Roux.

The French development institution is also negotiating with Nedbank Investment Bank for a R50-million loan.

NewFarmers eventually plan to go for a listing on the Johannesburg Stock Exchange.

4 ST(CM) 24/11/96

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Hanekom accused of 'discrimination'

BD 10/12/96

(4)

Louise Cook

TRADE unions, in an angry response to Land Affairs and Agriculture Minister Derek Hanekom's rejection of a minimum wage for the agricultural sector, have accused government of discriminating against farm workers.

General secretary of the Cosatu-affiliated SA Agricultural, Plantation and Allied Workers' Union (Saapawu), Dickson Motha, called on Hanekom to facilitate a discussion forum on the issue as a matter of urgency to "knock some sense" into the ANC's leaders.

Motha was reacting to a statement by Hanekom at an Organisation for Livestock Producers' conference in the Free State. Hanekom said the ANC opposed a minimum wage in the agricultural sector and this stance was reflected in official policy documents.

The ANC's policy on minimum wages has been that these should be negotiated for each sector rather than imposed at national level.

Hanekom was reported as saying at the conference that a minimum wage

for farm workers could be "contrary to the aims of the ANC". Unlike manufacturing industries, the agricultural sector consisted of thousands of micro-producers and a minimum wage could cause mass unemployment.

Cosatu spokesman Nowetu Mpati said the Labour Relations Act required that farm workers be treated in the same way as workers in general. "The ANC should rather facilitate discussions between the farmers' unions and workers to carry forward the debate."

Mpati conceded that agriculture would be a "difficult" sector in which to determine a single minimum wage due to the unpredictability and diversity of SA farming activities.

"Cosatu is striving for talks with farmers' organisations on a minimum wage of R750 a month, an amount still below the accepted bread line. Employment need not be sacrificed in providing a more realistic wage," she said.

However, Motha said that despite Saapawu having adopted the figure of

Continued on Page 2

Hanekom

(4)

Continued from Page 1

R750 a month two years ago, the union now felt the principle of a minimum wage in farming was more important than the amount.

"The amount can be negotiated between Saapawu and farmers' unions. The minister (of agriculture) should urgently facilitate such talks," Motha said Hanekom's statement was "uncalled for".

Business organisations said Hanekom's stance on minimum wages for farm workers was unlikely to affect the debate in other sectors.

Freemarket Foundation director Eustace Davey said farmers were in a stronger position than employers in other sectors because remuneration on

farms was often paid partly in kind, including accommodation and food.

SA Chamber of Business (Sacob) labour affairs director Gerrie Bezuidenhout said different bottom lines for different agricultural regions in SA would be preferable to a single minimum wage for the whole sector.

"The two controversial sectors are farming and domestic workers. Sacob has not yet adopted an official policy in this regard, but my feeling is that these two sectors are particularly vulnerable to unemployment," he said.

The SA Agricultural Union was not available to comment yesterday.

Farmers' bodies have long advised members to switch to paying cash wages rather than other forms of remuneration such as food, a share of the crop and accommodation. Most non-farming sectors pay minimum wages determined by industrial councils.

Land Affairs official warns escalating evictions of farm workers puts

(4) Star 16/12/96

By NORMAN CHANDLER
Pretoria Bureau

Monitoring and evaluation unit, following a recent tour of North West province where, he claims, evictions of farm workers are escalating.

Farmers have the power to paralyse the land reform programme and a method had to be found to "rescue it from being throttled by the insensitivity of a few farmers". This is the view of Tsebetiso Seremane, assistant planner in the Department of Land Affairs' mo-

in land reform structures for fear of being evicted from farms.

"Farm owners use eviction as a strategy to intimidate and victimise those who participate in reform."

Seremane says the department's office in the province has embarked on a strategy to mobilise farm workers. However, efforts are being met with resis-

tance from "a few farmers" and "at one of the meetings, the farmer disrupted the meeting by spraying people with pesticide".

He says that if farmers continued to use their power and authority without legal intervention, "land reform will be rendered meaningless".

Seremane says farm workers, fearing eviction and starvation,

Workers 'at the mercy of employers' are afraid

rather opt for what is known as the "dependency syndrome" - a roof over their heads and food for their families.

According to a submission earlier this year by the SA Agricultural Union to the Land Affairs Department, evictions are the exception rather than the rule. When these do occur, the SAAU said, they are handled fairly and are the

result of a legal termination of employment. The properties where mass evictions took place were not always commercial farms, it said.

A similar submission from the Centre for Rural Legal Studies argued that evictions occurred where there was a change in ownership of the farm in question, or where there were dismissals through old age or illness.

reform programme at risk

'Farmer disrupted meeting by spraying pesticide'

Call to scrap 'toothless' Free State labour forum

(4) BD 17/12/96
Louise Cook

A FORUM set up by former Free State premier Patrick Lekota to bring farmers and their workers together to discuss provincial labour issues had collapsed, agricultural sources said at the weekend.

Free State Agricultural Union labour spokesman Frans Delpont blamed the trade unions for a "lack of interest in solving labour problems", saying union representatives consistently failed to turn up at forum meetings.

Attendance problems had started in February, and by the latest forum meeting last week not a single trade union representative had made an appearance, he said.

However, SA Agriculture, Plantation and Allied Workers Union Free State representative Phillip Majara said the forum was a "toothless body". Problems had been experienced in implementing decisions taken at the forum, as it lacked the power to ensure that they were carried out, he said.

Another discussion forum, a "strategy unit" dealing mainly with evictions from farms, had proven more effective and was being supported by workers. "It is legitimate and has the means to enforce decisions," he said.

Majara said the main problems on farms in the province were evictions, farmers' rejection of unions, and "negative" consultants involved in labour issues.

Free State Agricultural Union human resources spokesman Pieter Moller said the forum — which was chaired by provincial government and included farmers and workers' organisations representatives — should be scrapped. Despite Lekota's good intentions, the forum was not solving labour problems. Workers would suffer if farms were shut down.

National African Farmers' Union spokesman Zya Mbawula said that the provincial agriculture department would have to intervene if the forum was to achieve its purpose.

AGRICULTURE — LABOUR

1997

Farmers, workers on collision course

(4) ARG 1/21/97

Heated dispute over 'agri-village' for pensioners in Paarl

AKQUISI MEKASHE
STAFF REPORTER

"Fendal" farmers and landowners take note. A new dispensation could soon see farm workers with new rights to own the land and houses in which they live.

African National Congress MP Ben Turrok told Saturday Argus that the landowners and farmers of Groot Drakenstein near Paarl have refused to endorse an idea for developing a small, modern village for pensioned farm workers and that this attitude has no place in the new culture of democracy in the country.

The six-year dispute is over a piece of land owned by the Public Works Department. Simondium residents, most of whom were born and bred in the area, want this land for development, housing and settlement for their aged.

Farmers and landowners in the area have objected to allowing the community access to this land because they believe this would lower the price of their land, especially if the settlement encouraged outsiders and became a squatter camp.

Three years ago the community brought in some engineers who surveyed the area and agreed that it was ideal for an "agri-village" as it had plenty of the needed infrastructure around it: water, a community centre, churches, schools and other facilities.

Professor Turrok, who grew up in the area, says the area is highly prized, the "richest in the country".

The Anglo-American Corporation owns large farms in the area which grow grapes which are exported around the world.

"Certainly, from a scenic point of view this area has some of the most beautiful valleys.

"Since the lifting of sanctions against South Africa grape exports have shot up by more than 50 percent and the country is now short of good white wine because most of it is exported," Professor Turrok said.

He said the departments of Agriculture and Land Affairs and other government departments were prepared to provide financial and other assistance to make the community's dream of putting up a viable village in the area a reality.

Over the past year meetings between all the stakeholders - farmers, landowners, the community, various political parties and the Government - have been held in an attempt to find an amicable solution to the problem.

But the objectors to the plan are not showing any willingness to concede defeat in spite of a Supreme Court ruling in April last year which upheld the community's right to be in the area and agreed to its

removal only when alternative land was available.

Things came to a head recently when the managing director of the Anglo American farms in Paarl stormed out of a meeting while Professor Turrok was reading out a petition of grievances from the community.

"I told Anglo-American Corporation in Johannesburg that this behaviour was not helpful and that Anglo's objection to the village was not helpful either.

"So I'm taking all possible steps to get the whole community and other sectors to co-operate.

"I don't know where it will end," said Professor Turrok.

He said that from the beginning he had been very excited about the proposal for the agri-village because he felt it was an opportunity to get a "real model agri-village" for the whole of the area stretching

from Paarl to Franschoek and on to Stielensbosch.

"These people are very stable, they have jobs and long associations with each other. They are a very close-knit community and their leadership is very responsive," said Professor Turrok.

Professor Turrok said the Independent Development Trust was one of the bodies that could help in building the proposed agri-village, as are the departments of Public Works, Agriculture and Land Affairs.

"A semi-feudalist legacy remains quite strong in the area. The farmers and landowners do not regard workers with adequate respect. They do not think work-ers have a right to own a piece of land and a house of their own. That is the essence of feudalism.

"We shall change these attitudes, and in the end I think we shall succeed by virtue of pressure from the community and the

Government. This is a new Government with a new Constitution.

"The farmers and land owners should read the lesson of transformation. The true essence of this lesson is that this Government favours the due process in relation to land and housing in particular," Professor Turrok said.

He said the Government knew that people had expectations and if the "due process" was not pursued, or if there was "undue procrastination" and the disadvantaged people in the community did not see progress in a reasonable time frame, "they will simply squat".

The community has already issued this ultimatum. Leaders say that if by the second week of this month no indication is given by the landowners and farmers that they can have the piece of land they are going to do exactly what Professor Turrok fears - squat and "repossess" the land.

FARM WORKERS (4)

WHOSE RESPONSIBILITY?

FM 7/2/97

Many bitter words will be exchanged before Land Affairs Minister Derek Hanekom's Extension of Security of Tenure Bill, gazetted this week, becomes law. The SA Agricultural Union has denounced it for giving "extraordinary and unacceptable powers to the State."

The Bill seeks to ensure farm workers have a roof over their heads once they are no longer of economic value to their employers. Hanekom's answer is a working partnership between landowners and local government to provide housing for such people, financed by the departments of Housing & Land Affairs.

The Bill recognises the delay there is likely to be in getting the necessary mechanisms up and running. It therefore dumps the problem in farmers' laps. However legal an eviction, it won't be legally enforceable if "reasonable and affordable" alternative accommodation is not provided "in the same area."

A farmer might have to bear the burden of unwanted occupiers — not just of houses, but also of land — for many

years. The problem is not only a present lack of provincial and local government capacity. Deciding which housing developments make practical sense will often be difficult and could produce years of lengthy debate.

For example, in intensively cultivated regions such as the Western Cape, agri-villages would probably make good sense. Farm employees would not only inhabit them but also, courtesy of the taxpayer, own them. Losing a job would therefore not mean losing one's home, any more than it would for an urban worker.

In regions where farms are huge, however, agri-villages probably wouldn't work, says Land Affairs director-general Geoff Budlender. Other solutions would have to be created. "The key, as we see it," he says, "is to harness the energies of the people on the ground — owners and occupiers — because they have the most direct interest in a solution."

Getting the two sides to agree on a solution, or even occupiers to agree among themselves, could, however, take a long time. Occupiers will quickly realise they are, in effect, being given R15 000 or more to invest in bricks and mortar for their own account. They won't want to spend it in ways that won't satisfy themselves or anyone else to whom they might eventually wish to sell their homes — and the Bill empowers them to veto a proposed development intended for them.

Nor can anyone say at this stage whether there will be sufficient funds to meet farm workers' needs in coming years. Land Affairs, says Budlender, will have R200m-R300m in 1997-1998 for its land redistribution programme. But that includes putting farm workers into business for themselves by buying up white-owned land as well as building houses for the lawfully evicted.

While such problems are being unravelled, farmers may, on the grounds of unfairness, be prevented by the proposed Bill from evicting workers, however le-



Farm workers . . . problems being unravelled



Derek Hanekom

gitimate that would otherwise be. Budlender observes that "to have a farmer stuck with unwanted occupiers indefinitely would be intolerable — and a recipe for further conflict."

Commercial farmers will hope Hanekom absorbs that message. *John Collings*

Bill seeks more security for platteland families

(4) SAN 20/11/97

Legislation to limit evictions of rural families and give them security of tenure would be introduced this year, Agricultural and Land Affairs Minister Derek Hanekom said yesterday.

Announcing the Extension of Security Tenure Bill in Pretoria, he said most landowners accepted it was immoral to evict people who had nowhere else to go.

The bill imposes strict limits on the powers of courts to grant an eviction order if no other accommodation is available for the tenant.

Hanekom said: "People have found themselves dumped on the side of the road because of a change of ownership or a farmer's fear of the new South Africa."

The SA Agricultural Union criticised the bill, saying it gave the state extraordinary and unacceptable powers.

Pieter Erasmus, chairman of the SAAU's labour committee, said in Pretoria that although the draft legislation contained some reasonable provisions, there were many uncertainties which the union would try to remove or improve.

"There is apparently

some confusion concerning occupational rights and the right to use land," he said.

The bill will be published for public comment in the Government Gazette early next month.

The bill will cover people living in homes on land belonging to others with the tacit or express consent of the landowner. Land invasions will not be encouraged or rewarded.

The bill will apply to commercial farms, rural land owned by tribes and peri-urban land, providing a legal framework for landowners and occupiers to conduct their relationship.

Evictions will be allowed only by court order in accordance with steps outlined in the bill.

Proposed long-term measures to give people security of tenure includes the use of land and housing subsidies for development schemes for rural families.

Land Affairs Director-General Geoff Budlender told reporters he did not expect mass evictions before the bill came into effect. The effect of the proposed law would also be retrospective to prevent pre-emptive evictions.

-Sapa.

Bill to end ⁽⁴⁾ eviction of farm dwellers

By Josias Charle

Sowetan 30/1/97

MASS EVICTIONS of farm dwellers may soon be a thing of the past with the introduction of the Extension of Security of Tenure Bill by the Land Affairs Department.

The introduction of the Bill was announced yesterday on behalf of Land Affairs Minister Mr Derek Hanekom by the director-general Mr Geoff Budlender.

It contains no threat to the rights of landowners and there is no suggestion of farmers losing their land, but once it is accepted as law it will put an end to arbitrary evictions.

The aim of the new Bill is to create alternatives which provide security of tenure and permanent land rights for the people who now live under vulnerable and subservient conditions.

This is the only long term solution and one which the Bill commits the Government to fund. It can be achieved only by sharing responsibility for creating solutions between the Government, landowners and occupiers.

"Landowners want their property rights recognised, occupiers want security of tenure and the Government wants a stable environment so that economic growth can take place," Budlender said.

He indicated that many landowners accepted that it was immoral to evict people if they had nowhere else to go.

The Bill aims to require landowners to exercise their land rights responsibly in that they can evict people only if there are alternatives. Procedures to be followed are set out in the proposed law.

The green light for Hanekom to prepare the new law was given by Cabinet in December last year and it is expected that the provisions of the Bill will be retrospective to the date when it was first published in the *Government Gazette*.

'GOVT HAS A DUTY TO INTERVENE'

Bill to end 'unfair' evictions

A PROPOSED new bill aims at ending the "insecure" position of people living as tenants in rural areas. **BARRY STREEK** reports.

A FAR-REACHING law to prevent the "unfair" eviction of people from farms and communal areas is to be introduced into Parliament soon, Agriculture and Land Affairs Minister Mr Derek Hanekom announced yesterday.

He said the current law allowed for unfair evictions and as a result the government had no alternative "but to change the law and bring it in line with the new human rights standards in the Constitution".

The proposed Extension of Security of Tenure Bill is certain to provoke protests from farmers, landowners and agricultural organisations.

Hanekom said one of the results of the legacy of inequality in access to land in South Africa was that millions of people had to live on land belonging to other people.

"Outside the towns, this occurs on the farms, in the communal areas, in peri-urban areas, and on privately owned so-called 'black spot' land.

"The landless occupy this land sometimes as tenants, sometimes as farm workers and sometimes as 'refugees' who have begged a place

CT 30/1/97

THE Extension of Security of Tenure Bill would "neither encourage nor reward land invasions" but it would provide security for vulnerable occupiers of rural and peri-urban land, Agriculture and Land Affairs Minister Mr Derek Hanekom said yesterday.

The bill will:

- Cover people who have their home on land which belongs to others with the consent, tacit or express, of the owner or lawful occupier of that land.

- Apply to rural land — including commercial farm land, land owned by tribes in rural areas and peri-urban land.

- Provide a legal framework for

both land owners and occupiers to conduct their relationship.

- Define how lawful evictions may take place.

- Create incentives for land owners and occupiers to enter into arrangements to promote long-term and independent tenure security.

- Grant an occupier who has lived on land for 20 years, and who is either 55 years old or a disabled former employee of the owner, a non-transferable right to remain on the land.

- Propose penalties for offenders who evict contrary to this law.

- Make the penalties for unlawful evictions the same as the penalties for trespassing.

to stay on the basis of desperation and lack of alternatives."

One of the challenges facing land reform was to create ways in which people who lived in vulnerable circumstances on other people's land could obtain permanent and secure land rights.

He said this was the only long-term solution to the problem, but in the meantime they were insecure and extremely vulnerable.

"One of the starkest forms of this insecurity is evictions. In many instances evictions have taken place under circumstances which are unfair and unacceptable.

"People have found themselves

dumped on the side of the road because of a change of ownership or a farmer's fear of the new South Africa. Whole districts have been destabilised by spates of evictions and counter-resistance by occupiers.

"Given what is at stake, the demolition of houses, loss of livestock and families sleeping beside the road, it is not surprising that disputes around eviction have a tendency to degenerate into violence."

The government had a duty to intervene and had done so in the past by calling for moratoriums on evictions.

These had been relatively successful in some areas but the problem was that only reasonable landowners bound themselves to these social contracts and there had been no legal way in which these moratoriums could be enforced.

Hanekom said the aim of the bill was to create alternatives which provided security of tenure and permanent rights to these people.

A long-term solution could be achieved only by sharing responsibility for solutions between three major stakeholders — government, landowners and occupiers.

Until now, the entire burden for the structural inequality was only born by the occupiers and the bill aimed to change the balance of power in two ways by limiting the circumstances under which evictions could take place and the state binding itself to support and fund long-term solutions.

"We cannot allow relatively few individuals to act in a way which compromises the efforts of the majority who are seeking constructive solutions in the rural areas.

"Most land owners accept that it is immoral to evict people if they have nowhere else to go.

"The bill attempts to ensure that this new morality is binding on all South Africans, and to prevent actions which destabilise all land ownership," Hanekom said.

4

Planned legislation to obstruct eviction of farm workers unveiled

Drew Forrest and Louise Cooke

GOVERNMENT lifted the wraps yesterday on planned legislation which will make the eviction of hundreds of thousands of farm workers more difficult, and will make certain farm evictions unlawful unless alternative accommodation is provided.

The legislation will bind government to supporting and funding long-term solutions to rural tenure insecurity, generally through ownership.

The Rural Tenure Security Bill, to be published in draft form soon before presentation to cabinet, was attacked by the SA Agricultural Union, which said it implied "extraordinary and unacceptable powers for the state — the minister and the director-general of land affairs — to interfere in the relationship between land owners and persons with agreed upon occupational rights". Although the draft legislation contained some reasonable provisions, the union would try to remove or improve several provisions.

"There is apparently also some confusion concerning occupational rights and the right to use land."

It said SA agriculture had to compete internationally and legislation which overregulated the situation on farms and which had cost implications for farmers could have a negative effect on competitiveness and food production. However, Land Affairs director-general Geoff Budlender stressed at a news conference in Pretoria yesterday that it had been drafted after lengthy consultation, and that it struck a rea-

sonable balance between land owners and tenants.

Although government did not expect mass evictions in response to the law, it would be made retrospective to prevent pre-emptive evictions. Landowners who evicted in breach of its provisions would face the same maximum sentence as trespassers, he said — two years' jail or a R40 000 fine. Land Affairs Minister Derek Hanekom said unfair evictions "because of a change of ownership or a farmer's fear of the new SA" had de-

Eviction (4)

Continued from Page 1

proclaimed townships. As it applied only to those resident on other people's land, it would not spur land invasions.

The bill envisages a two-step eviction process, requiring a court to determine that the right to occupy has been lawfully terminated, and then to consider whether the eviction is "fair and justified in the circumstances".

Where the termination was not prompted by the occupier's conduct, no eviction would be allowed unless alternative accommodation was available. Where the occupier's conduct was the cause, the "less stringent" test would be whether he or she could viably stay on a farm. Courts could suspend an eviction for a period. Budlender said the aim was not to discourage rural

employment or future provision of tied housing. Less stringent criteria would apply to the eviction of those who occupied land after the bill became effective.

The bill also envisages that workers who are disabled or older than 55 and who have occupied land for more than 20 years should have a nontransferable right to remain on it.

Budlender stressed that the bill would create incentives for land owners and occupiers to enter arrangements promoting long-term tenure security, including on- and off-farm housing. The land affairs department would assist with R15 000 settlement grants. The use of the national housing subsidy was also under discussion with the housing department.

District and local government, which could contract with private agencies, would be key to implementing such schemes, he said.

stabilised whole districts, and resultant disputes tended to degenerate into violence.

Government calls for moratoriums on evictions had been relatively successful in areas but had been ignored by some land owners. As the law allowed legal but unfair evictions, there was no option but to change it.

Budlender said the bill would cover commercial farms, tribal land and periurban areas, but would exclude

Continued on Page 2

Mooted tenure bill 'unfair to farmers'

(4) BD 31/1/97

Louise Cook

THE Transvaal Agricultural Union (TAU) criticised the proposed Extension of Tenure Security Bill yesterday, saying it discriminated against farmers to the exclusion of other sectors.

The proposed legislation, details of which were released by government this week, would make eviction of hundreds of thousands of farm workers more difficult and some evictions unlawful. TAU membership covered Mpumalanga where evictions last year prompted the intervention of the provincial government to calm the situation.

However, the National Land Committee, which represented landless communities, said it would ensure that the bill became law, saying it went "some way" to-

wards protecting the rights of people living on farms. Farmers' rejection of the bill was to be expected; if government did not intervene in the relationship between farm owner and dweller, farm dwellers would remain at the mercy of owners.

The proposed bill altered eviction procedures, linking them to alternative accommodation in some cases. It also ruled out legal but unfair evictions, bound government to supporting and funding solutions to rural tenure insecurity and guaranteed basic human rights.

Land affairs director-general Geoff Budlender said this week the legislation had been drafted after lengthy consultation and that it struck "a reasonable balance between tenants and owners". The law would be made

retrospective to stop pre-emptive evictions.

The TAU general council expressed distaste for the senseless manner in which the agricultural sector had been discriminated against, saying the bill singled out the farming community. SA Agricultural Union (SAAU) labour committee chairman Pieter Erasmus backed this view, saying the bill failed to address tenure security in urban areas.

The SAAU and the National Land Committee said yesterday they would lobby for further changes to the bill. Committee director Brendon Pearce said the bill failed to address "fundamental issues" such as giving farm workers positive rights on land.

Agricultural unions in other provinces said they were awaiting more details on the proposals.

EVICTED

Hanekom's new law is too late to save family of farm workers

BY SIPHO VANGA

A NEW law to protect farm workers will come too late to prevent the eviction of a family who have lived on a Stellenbosch farm for decades.

The five women, members of the Williams family, who have been living on Le Verger Farm in Devon Valley, Stellenbosch, had to leave their homes yesterday.

The court order was obtained by the trustee of the estate of the former owner of the farm, Eben Kruger, who has been declared insolvent.

Land Affairs Minister Derek Hanekom this week proposed the Extension of Security of Tenure Bill, aimed at preventing the unfair eviction of farm workers.

The Bill is due to come before parliament shortly.

In terms of the current law, many long-serving farm workers can be evicted without redress, particularly after a property is sold and the new owner demands vacant possession.

Shortly after Kruger was declared insolvent in October, his wife handed

eviction notices to two of the women, Julian "Specky" Williams and her sister, Monica. The notices, from the trustees of Kruger's estate, Cape Trustees, informed the women they had to leave by October 31.

The family then approached the Women on Farms Project in Stellenbosch for help.

In November the trustees, who said that creditors were losing R16 000 for every month that transfer to the new owners was delayed, applied in the Cape Town Supreme Court for an urgent order to evict the women.

"In view of the inadequate legal protection for farm workers as far as their rights to security of tenure is concerned, the only option was to negotiate a longer notice period," said the Farms Project.

It was finally agreed that the women could have until yesterday to leave. This agreement was made an order of court.

The Williams family has been unable to find alternative work and accommodation, and now faces an uncertain future.

A bitter Specky, 37, who has lived on the farm since she was 13 years old and has worked there under several owners as a labourer and domestic worker, was close to tears as the eviction deadline drew near.

"I have given long years of loyal service to the farmer and now I am being evicted with my whole family. We have nowhere to go, we grew up and have worked on this farm. Not long ago Kruger had made promises to me that we will never be evicted, because I am a good worker. He has reneged on his promises," she said.

Her ageing mother, Katrina Williams, a pensioner, who has lived on the farm close to 50 years, said: "This farm has changed hands more times than I can remember and all the previous owners ensured that we would continue living here."

"I can't believe that we are thrown out like dogs. We have nowhere to go. Our only alternative left is to sleep in the bush or in drain pipes."

The Women on Farms Project and the Centre for Rural Legal Studies condemned the current legislation for not protecting farm workers.

(4) ST (cm) 2/2/97



THROWN OUT . . . Katrina Williams and her two daughters, Monica and Specky, who were yesterday evicted from the Stellenbosch farm which has been home to their family for decades

Picture: KIM LUDBROOK

Farmers to press for changes to worker Bill

By CAROL PATON

ST 2/2/99
THE South African Agricultural Union is to appeal to the Minister of Agriculture and Land Affairs, Derek Hanekom, to remove aspects of the proposed Rural Tenure Security Bill — designed to protect farm workers from unfair eviction — before it is presented to the cabinet in the next two weeks.

The proposed Bill, which was unveiled this week, will make it unlawful for farmers to evict workers who have been legally dismissed or retrenched, unless they have alternative accommodation.

Workers over 55 who have lived on a farm for over 20 years, and their dependants, will be able to remain on the land until they die.

It also binds the state to support and fund long-term housing solutions for farm workers, such as the purchase of their own land for housing from farmers.

The union, representing about 55 000 farmers, said the Bill would amount to unacceptable interference in the relationship between farmers and workers living on farms.

But spokesman Annelize Crosby said that while most farmers "would prefer that there was no such legislation", the union's focus would be on addressing some of the problem areas. These included:

- The definition of dependants in the case of elderly workers who may not be evicted;
- Ensuring that farmers' long-term housing arrangements with workers would be voluntary; and
- The right of farm dwellers to receive visitors in view of the poor security situation on farms.

Crosby said there were also cost implications for farmers because most eviction cases would now be contested.

Lobby groups for rural and farm dwellers also criticised the Bill this week, saying it did not go far enough in providing workers with "positive rights" to own land or with secure access to grazing and cultivating land.

The National Land Committee said that although the Bill would be retrospective from the date it was published, this was unlikely to stop farmers from carrying out pre-emptive evictions before it was enacted.

Over the last week it had learned of 142 threatened evictions in Gauteng alone.

The SAAU said it could not predict whether its members would take pre-emptive action.

However, at consultative meetings leading to the release of Hanekom's proposals this week, it agreed in principle that unfair evictions should not take place and that long-term solutions should be found to deal with the housing problem in rural areas.

ORS MOTORS EMPLOYMENT

203 Baikies/ anelvans	208 Cars under R5 000	210 Cars under R20 000	247 General	247 General
OLKSWAGEN Caddy with canopy R15,995 R200,000,000	VW BEETLE in good condition R4,995,000,000, 8/h R200,000,000	NISSAN LANGLEY Auto Lic till 10/98 R200,000,000	POOL, SERVICEMAN	BOOKKEEPER

Exercise 3

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use m3_hsv4
des
tab exp_c
egen expsum=sum(exp_a), by(hhid)
sort hhid
merge hhid using hhexptl
keep if _merge==3
des
keep hhid sumexp totmexp
egen expshare=sum(100*sumexp/totmexp), by(hhid)
tab province, sum(expshare)
    
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Exercise 4

```

set maxobs 45000
use m6_hrost
keep hhid pcode rel_head gender_n
keep if rel_head==1 | rel_head==2
gen genpres=1
replace genpres=2 if rel_head==2 & gender_n==2
replace genpres=3 if rel_head==1 & gender_n==3
replace genpres=4 if rel_head==2 & gender_n==3
    
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Venture looks like a winner

PIETER MALAN

Stellenbosch experts say they have a plan to use one of the Western Cape's most under-utilised resources to produce food for the nation - its farm dams.

Their plan involves using these dams for the intensive production of fish - especially trout - for the so-called "plate-fish" market.

Stellenbosch geneticist Danie Brink and manager of the university's Aquaculture Programme, said the province had more than 2 500 farm dams with the ability to produce 6 000 tons of fish a year. At the present rate of fish consumption, this is enough to feed about 1,8 million South Africans.

But feeding the nation is not the project's only aim. "By getting farm workers involved in the project, empowering them to run these fish farms themselves, we hope to improve the standard of living of the rural communities and also providing them with a sustainable supply of affordable high quality animal protein," says Matie researcher Riaan de Wit, responsible for the day-to-day running of the project.

To do this the project aims at establishing a network of farmworker communities starting fish farms on the farms where they live.

With the permission and support of the farm

owner, the workers borrow the money to buy the infrastructure and the fingerlings. The small fish are kept in special net "cages" inside an ordinary farm dam where they are fed daily and grown to a marketable size.

The Aquaculture programme, based in Jonkershoek, will then buy these fish back from the small farmers.

"We don't believe in handouts. From the very start the people getting involved are expected to run this as a business venture," says Mr De Wit.

He said most of the groups who had already started these programmes would be able to pay back their loans within three years.

Mr De Wit said fish farming was perfect for farmworkers as it was not very labour intensive and the farmers could tend to their business after their normal day's work on the farm.

Looking after the fish entailed cleaning the netted "cages" and feeding the fish on a daily basis. As the fish were kept in relatively small "cages" catching the grown fish was no major hassle.

"It is amazing to see how they grow in self-confidence once they've got involved in this project."

He said four communities were already involved and the long-term goal was to get 500 small fish farmers involved.

'Cape's farm dams have the ability to produce 5 000 tons of fish a year'

Housing departments up in arms over rural evictions law

BD 4/2/97

(4)

Drew Forrest
and Wynndham Hartley

NATIONAL and provincial housing departments have voiced keen concerns about Land Affairs Minister Derek Hanekom's planned rural evictions law, arguing that it could have damaging, unintended spin-offs in urban areas.

Democratic Party (DP) land spokesman Errol Moorcroft also raised concerns yesterday, cautioning that the bill could have "unintended consequences" which would see rural owners "reducing their perceived responsibilities, with regard to people living on their land."

Feathers are said to have been ruffled by the proposal that the national housing subsidy be used for alternative housing for evicted farm workers. A source said the housing department had not been consulted on the proposal, which was "out of the question."

The source said local government, envisaged as playing a key role in housing evicted farmworkers, had also not been consulted.

The Extension of Security of Tenure Bill, to be published today, has a retrospective clause designed to prevent the pre-emptive evictions of farm workers and others while the legislation passes through Parliament. It provides for fines of up to R40 000 or two years in jail.

Moorcroft described the retrospective feature of the bill as a "horribly bad practice". The bill also discriminated against rural land owners by placing a "burden on them which is not shared by the owners of urban property."

National housing director-general Billy Cobbett said he had conveyed some of his concerns to land affairs and believed the gazetted bill would take account of them.

Provincial sources said drafters had tried to target rural areas by excluding proclaimed townships from the bill's scope. However, urban squatter settlements and many townships were unproclaimed.

The effect would be to make it harder for urban property owners—already hampered by the lack of a simple, speedy and fair evictions process—to evict people.

The bill would also lead to eviction-driven queue-jumping in housing provision. Provinces and councils would spend "half their lives" chasing evictions, instead of focusing on the issue of mass housing.

Hanekom's special adviser, Avinika Claassens, said at a news briefing yesterday that she was under way with the housing department on how to deal with informal settlements on land still classified as agricultural but effectively urban.

Claassens said the bill would protect on the basis that no evictions could take place unless alternative accommodation was available.

She said there was an element in the legislation designed to provide funding for rural development, driven either by farmers and rural communities, or local and provincial government. Development would have to ensure security of tenure for rural people if it was to enjoy state funding.

Without the funding mechanism, the bill would create long-term conflict, she said.

Farm workers reap another equity deal

(4)
MAGGIE ROWLEY CT(BR) 5/2/97

Cape Town — NewFarmers Development Company is set to launch its largest farm worker equity scheme — a R20 million project near Piketberg.

The private sector company, which takes up share capital and extends loans to profitable agricultural projects where developing communities are involved as shareholders and farmers, has acquired a share in the Erfdeel farm near Piketberg. The balance of shares has been taken up by Leon van der Westhuizen, the general manager with Suiderland Farms, who has been appointed general manager of Erfdeel.

Hannes le Roux, the managing director of NewFarmers, said the shareholding in Erfdeel still had to be structured but the partnership would be expanded to include senior personnel and farm workers as shareholders. Discussions had been held with the Land Affairs department for workers to benefit from the R15 000 settlement grant for participating households. While the equity stake held by farm workers varied on the different schemes, the company was aiming for between 15 and 25 percent, Le Roux said.

About R20 million would be invested in the project over the next four years to develop its full potential, with emphasis on export table grapes and citrus.

NewFarmers' two other projects in the Montague and Ceres regions represent a total investment of R11,9 million over the next three to five years.

Third farm scheme for Cape workers

(4) 60 5/2/97
Louise Cook

AGRICULTURAL investment company NewFarmers' Development yesterday announced the launch of a third farm worker equity scheme at Piketberg in the Western Cape which involved a R20m capital investment over four years.

The company, in partnership with a prominent regional farmer GM Leon van der Westhuizen, planned to export table grapes and citrus, said NewFarmers MD Hannes le Roux.

The project was expected to generate 100 new permanent and 300 seasonal jobs.

"Discussions have taken place with the department of land affairs on the R15 000 settlement grant for each participating household," Le Roux said.

The grant by the department was to help settle formerly disadvantaged communities on land.

NewFarmers chairman David Gant said the latest project was a "excellent example" of sustainable grass roots economic empowerment. "Together the projects have an investment value of close to R32m."

Last year NewFarmers Development — with Absa, Old Mutual, Sanlam, Outspan and Unifruco as shareholders — launched a R40m private share placing to expand the company's capital base to R125m. Le Roux said the outcome of the placing would be disclosed upon the chairman's return.

'Fewer rights than the family's dogs'

(4) MFG 31/1-6/2/97

Derek Hanekom said this week he was piloting legislation to limit evictions of rural families. But this may be too late for one family, reports **Rehana Rossouw**

KATRINA WILLIAMS has lived on the farm "La Verger" near Stellenbosch for 50 years, working there as a domestic worker for its owners for 45 years. Her loyalty and long service, she says, left her with "fewer rights than a dog"

This weekend the sheriff of the court, armed with an eviction notice from the Cape Town Supreme Court, will remove all her possessions from her tiny home and turf her household of eight women into the street

Williams raised seven children and four grandchildren in her modest labourer's cottage. Five of her children have worked on the farm, two of them for more than a decade.

In September last year the farm's owners, Eben and Lynette Kruger, told her the farm had been sold. The Williams family had seen many owners come and go, and expected they would continue working for a new family.

But in October, they found out the farm had gone bankrupt and the trustee who arranged its sale accepted the new owners' condition that the Williams family would be evicted before they took transfer. The trustee applied for an urgent order to evict the family.

The women sought assistance from the Women on Farms Project, which arranged for the Legal Resources Centre to defend the matter in conjunction with the Centre for Rural Legal Studies.

But because there is no legislation granting farmworkers security of tenure, all the lawyers could do was negotiate a longer notice period for the Williams and they have been given until the end of January to leave

On the eve of their eviction this week Land Affairs Minister Derek Hanekom announced that he would introduce legislation this year to limit the eviction of rural families and give them security of tenure.

He said most landowners accepted it was immoral to evict people who had nowhere else to go. The Extension of Security Tenure Bill would impose strict limits on the powers of courts to grant eviction orders if no other accommodation is available for the tenant.

Farmworkers who have lived on land for 20 years and who are either 55 or older, or are disabled former employees of the owner, will have the right to remain on the land.

Evictions will be allowed only by court order in accordance with steps outlined in the Bill.



Uncertain future: Katrina Williams and her granddaughter, Sistine. The Williams family faces eviction from a farm they have lived on for 50 years

PHOTOGRAPH: RODGER BOSCH / AFRICA

Where the conduct of the tenants is not responsible for the termination of their tenure rights, an eviction will not be permitted until adequate alternative accommodation is available.

The Williams family fit the bill perfectly, but for them it might be too late. Hanekom is visiting them this weekend to share a cup of tea, but he might have to pitch in and help them move to the nearest squatter settlement

This was not the first time La Verger has been sold, but previous owners ensured Williams' employment contract, and her right to remain in the labourers' cottage were transferred to the new owners.

Her daughters Monica and Juliana worked as permanent employees on the farm which produces apples, pears, grapes and roses. Juliana earned R117 a week and Monica R85 a week. They were last paid in October.

"I was very proud of the work I did because I wanted the Krugers to be proud of me," said Juliana (37), who has reared two daughters on La Verger.

"They made so many promises to us. They said we could live here as long as one of us worked on the farm, they even told us they would build a

new house for us because this one floods every winter."

Juliana said although her earnings were meagre and the Krugers imposed harsh rules on the family, she persevered with them. She said although five of her mother's seven children had at some stage in their lives worked on the farm, they were not allowed to visit them at the cottage without permission from the Krugers.

The Williams women have searched desperately for alternative work and accommodation. But farmers are reluctant to hire women on a permanent basis, preferring to take on men to whom they allocate housing. The local municipality has told them they could wait up to 10 years for a house in the local townships.

"I am so bitter today. My mother always told us we were part of the Kruger family. I was prepared to do anything for them, housework and fieldwork, but they threw us away when they were finished with us," Juliana said.

Katrina Williams appears more shocked than bitter. She says she prefers not to think about the impending

eviction as it makes her too heart-sore.

"I believed in the Krugers. My mother is almost 90-years-old and worked for the Bachelor family in Stellenbosch for many years. They promised her that she could live in her house until she died, even when she stopped working for them. The Bachelors died before she did, but they said in their will that she could remain in her house. I thought I would also have a place to see out my old age."

Williams said

'They throw us away when they were finished with us'

"Christmas last year was the worst in my life. We couldn't celebrate knowing we were going to lose our house. We had no food in our house because none of us had work. If it wasn't for the Women on Farms Project who brought us food to eat, we would have eaten bread on Christmas day.

"When the Krugers left, they took their dogs with them. I'm sure they are very comfortable in their new home. It seems we have fewer rights than the family's dogs."

The Williams family's last hope is Hanekom. They fear the prospect of

moving into a squatter camp as a family of eight females. Juliana has already lost one daughter in suspicious circumstances when she disappeared after going into town to shop three years ago.

"We believe in the new South Africa. We believe that things are going to get better for farmworkers and that our struggles in the past will be put behind us as we move into the bright future," Juliana said.

Lynette Kruger denied that she had any responsibility for the welfare of the Williams family, saying it was the new owners who were forcing them to leave the farm. She said she did not believe she had abandoned them.

"The matter was taken entirely out of our hands, there is nothing that we can do for them," Kruger said.

The South African Agricultural Union criticised the Bill, saying it gave the state extraordinary and unacceptable powers.

The Bill will be published in the *Government Gazette* next month for public comment and the union would try to remove or improve some of its provisions, its spokesman Pieter Erasmus said.

COMMENT & ANALYSIS

Land Bill based on humanitarian ethics

PD 6/2/97
 (4)

Planned legislation to give farm workers greater security of tenure and to make evictions from farm lands more difficult was unveiled last week. Land Affairs director-general Geoff Budlender explains the rationale behind the new measures

FEW would disagree with the notion that people should not be forced out of their homes with nowhere to go, according to the January 31 edition of Business Day. Evictions can lead to homelessness and great human suffering. They often result in conflict and they can destabilise an entire area.

The draft Extension of Tenure Security Bill proposes a two-pronged solution to the problem. The long-term solution is secure and independent land rights for vulnerable people. The short-term solution is to prevent unfair evictions. All reasonable people should support those goals.

The draft Bill is the result of consultation over six months with a wide range of interested parties. We have had round-table conferences, a draft statement of principles, numerous "plakeral" discussions, a revised draft statement of principles and a further round-table conference. Now the time has come for a detailed proposal and wider debate.

The problem is that this can lead to the very result that we seek to prevent—evictions. Some land owners will attempt to evict now, to anticipate and avoid the results of the Bill. The cabinet therefore decided that a draft Bill should be published, retrospective to the date of publication.

This creates the space for full and open debate without creating the risk of pre-emptive evictions.

After considering comments received, the minister will submit a proposed Bill to cabinet. If that proposal is approved, it will go to Parliament for the next round of public debate.

What is a fair eviction?
 The Bill proposes that where people live on rural land with the consent of the owner or person in charge, they may only be evicted if two criteria are met.

First, the occupier's right of occupation must be lawfully termi-

nated—for example, through a fair dismissal or the expiry of a contract. Second, the court must decide whether (and when) eviction is justified.

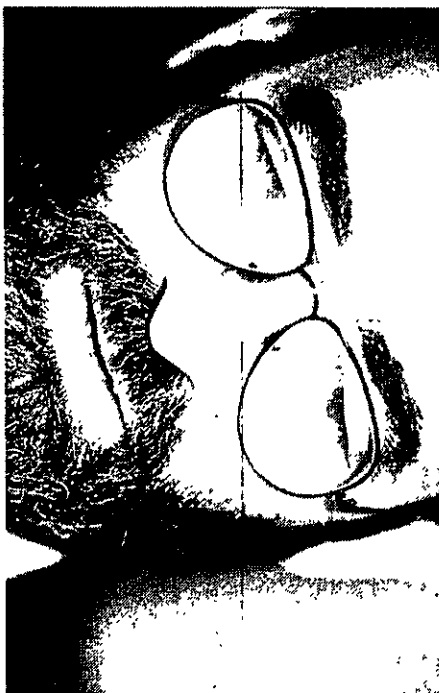
In deciding evictions, there are two sorts of cases. Where the termination is the fault of the occupier, the court may order eviction. Where the termination is not the fault of the occupier, he or she may not be evicted unless alternative accommodation is available.

At present, the law allows a landowner to dump on the side of the road people who have lived on the land for decades, who have nowhere else to go and who have done nothing to cause or justify the eviction. Most reasonable people would agree that this is not just. The law must be changed.

The draft Bill attempts to create a fair balance between the legitimate rights and interests of owners and occupiers. This is not easy. We welcome suggestions about how it could be better achieved. But the bottom line is that it is intolerable to allow the present situation to continue—something has to be done.

Government must accelerate and simplify the provision of alternative accommodation. There are many possibilities. Sometimes an agrivillage will be a good solution. Sometimes the landowner will make land available—some have offered to do this for free, if government puts in services. In other cases, the local town may provide the most appropriate permanent accommodation.

The key is that local solutions must be possible and easy. This



BUDLENDER

means that national government must enable provincial, district and local government to play an active role, by providing funds and other assistance.

Many landowners have the will and the energy to make a real contribution to solving what is also their problem. At the moment, government systems tend to be so intricate and centrally driven that such people throw up their hands in despair.

The draft Bill suggests ways to involve all levels of government and the private sector, so that they can contribute to finding solutions. The debate has started, and much more is needed.

Business Day has reported that the housing departments is "up in arms" about the proposed law. If

so that they can "jump the queue". The fact is that we have to make choices about priorities every day. People who are about to be dumped on the side of the road have a valid claim to our priority attention. That is not "queue-jumping". It is government doing its job by attending to urgent human needs and crises.

Some say the Bill will have unintended consequences. That is a valid concern, which we have tried to address.

First, the Bill will not promote or encourage land invasions. The only people who will acquire rights are those who are on land with the consent of the owner or person in charge. Secondly, we do not want to discourage future rural employment, or discourage people from allowing others to live on their land. The draft Bill therefore proposes a less strict test for eviction where people come on to land after the date of publication.

We welcome proposals about how to avoid unintended consequences. We do not welcome proposals that say government must simply sit back and do nothing. It is striking that those who profess themselves to be most concerned about unintended consequences are usually those who represent the interests of landowners.

Their concern would carry more weight if it was more than a defence of the status quo—in other words, if it arrived together with a proposal for a better way to tackle the problem.

Our proposal is that the law should apply in rural areas, but be broadly defined to include peri-

urban areas.

We are receiving mixed responses. Some say the Bill is too broad, others say it is too narrow.

We are listening carefully, but believe that the problems and solutions in urban areas differ quite substantially from rural areas.

For example, part of the problem in urban areas concerns landlord-tenant questions. They are probably best dealt with by landlord-tenant law. Housing departments are best equipped to take on the issue.

Why differentiate between rural areas and urban areas? Quite simply, because rural areas are different from urban areas. We all know that.

Some farmers say: "Why pick on the (white) commercial farmers?" The answer is simple: the draft Bill does not "pick on" them. It affects all landowners in rural areas. The objection is distinguishable. Even if the draft Bill covered the whole country, the commercial farming lobby would object with the same vehemence.

Commercial farmers have valid interests to protect. They do no justice to their position with a complaint which is neither accurate nor reveals the true cause of their complaint.

The draft Bill also covers rural, tribal land. And here is a paradox. Many more people live in these areas than on commercial farms. But there are very few evictions from tribal land.

Although they are the most crowded areas of the country and the parts which can least afford to accommodate more people, they continue to give shelter to people evicted from "white" land. They suffer the results of eviction, they are seldom the cause of eviction.

The reason is that people in these areas live according to an ethic which accepts that you can not willfully dump people with nowhere to go. That human ethic should bind all of us.

SAAU calls for end to eviction bill ads

Louise Cook

(4)
20 13/2/97

THE SA Agricultural Union (SAAU) has called for government to suspend its advertising campaign — launched this week — to promote plans to legislate against unfair farm evictions.

The SAAU warned yesterday that farmers' willingness to co-operate with Land and Agriculture Minister Derek Hanekom and President Nelson Mandela could be "irreversibly prejudiced" if the campaign was not suspended.

The furore revolves around the extension of Tenure Security Bill in terms of which government hopes to address the threat of mass homelessness as a result of farm evictions.

The bill proposes a two-step process, requiring a court to determine that the right to occupy has been lawfully terminated, and then to consider whether an eviction will be "fair and justified". In some cases evictions will not be allowed unless alternative accommodation is available. The bill covers commercial farms, tribal land and peri-urban areas.

Land affairs spokesman Maurice Smithers said radio advertisements had started on Monday and were due to run for a month. The campaign would be extended to the press.

But SAAU president Chris du Toit said the union's council was unanimously opposed to the legislation which amounted to "blatant discrimination" and created new rights to the detriment of existing property rights.

The SAAU urged government to restart the negotiation process.

Workers' housing, pay on many wine farms still 'very bad'

(4) Star 19/2/97

Cape Town - Workers' conditions on the majority of wine farms in the Western Cape are still "extremely bad" although many progressive wine farmers have made efforts to improve matters, say academics and non-government organisations working in the wine sector.

While they acknowledged some change, the industry drew heavy fire for being "backwards" and a call was made for the Government to intervene.

Meanwhile, many players in the local industry have closed ranks as a result of the recent spate of bad publicity for the wine industry following a call a week ago by prominent English newspaper, The Observer, for a boycott of South African wines.

Few wine farmers were prepared to speak out this week fearing that media reports could harm the current boom in wine sales.

"We don't monitor what happens on the farms," said Bennie

Howard from Stellenbosch Farmers' Winery. Jannie Retief of the South African Wine Exporters' Association said the organisation "has taken a decision that it serves no purpose to have any further discussions with the press".

The academics and NGO representatives said the tot system, by which workers are given free wine regularly, could be as high as 20% in the Western Cape area.

Wine farmers, they said, were getting rich quickly due to the

current boom, but instead of ploughing profits into better wages and housing (many workers' cottages lacked water, toilets and electricity) they were investing in imported technology.

But local authorities and role-players in the industry strongly disagree, telling of education programmes, sanitation projects, housing developments and improvements to living conditions undertaken by farmers at great expense. - Own Correspondent.

Union to fight for land rights

star 20/2/97
By PATRICK PHOSA

SA Agricultural, Plantation and Allied Workers Union (SAAPAWU) general secretary Dickson Motha said yesterday his union would fight to enforce the Security of Tenure Act.

The union is to hold a three-day national congress at Shaft 17 near Nasrec from today to Saturday.

The security of tenure legislation, which forbids farmers evicting farm labourers from farms unless they have been offered alternative accommodation, and child labour are some of the issues which will be under the spotlight.

Motha said the union would step up efforts to protect the workers who had been or continued to be evicted from farms which had been their permanent homes for ages.

He said there was currently a court case regarding 10 farmworkers evicted in the Free State.

Most farmers hampered union activities, denying workers their rights to belong to unions of their choice, he said.

The minimum living wage (R750 a month) was also to be discussed.

'Backward' wine farms under fire

But progressive growers praised for changes

LINDSAY BARNES
STAFF REPORTER

Workers' conditions on the majority of wine farms in the Western Cape are still "extremely bad" although many progressive wine farmers have made efforts to improve employees' circumstances.

This is the firm opinion of academics and non-government organisations who work closely with the wine sector and were canvassed by the Cape Argus.

While they acknowledged that some change was happening, the industry drew heavy fire for being "backward" and a call was made for the Government to intervene and help educate workers about their rights.

Many in the industry have closed ranks as a result of the state of bad publicity after a call by the British newspaper, the Observer, for a boycott of South African

wines. The newspaper called for the boycott on the strength of apparently little change in former exploitation practices by the wine sector. It was set off by a BBC radio programme in January in which well-known Stellenbosch wine authors John and Erica Picher and Gauteng wine writer Michael Pridgen discussed historical aspects of the wine industry's ascent in light of the KWV's planned restructuring.

Few wine farmers were prepared to be interviewed, fearing that reports singling out the industry for attention could harm the boom in international wine sales.

The South African Wine Exporters' Association, the Association of Estate Wine Farmers and Stellenbosch Farmers' Winery declined to speak to the Cape Argus.

A recent study by the universities of Cape Town and Stellenbosch showed the free wine regulatory, still existed on

between five and 10 percent of farms in the Stellenbosch area. But the actual Western Cape figure could be as high as 20 percent, said KWV director Herman Bailey.

Grant Twigg, general secretary of the Farm Food and Rural Workers' Support Association, said farmers generally had a "couldn't-care-less" attitude but there were "good" wine farms where decent housing was provided.

Even these farmers tended to practise racist policies and paid Xhosa-speaking employees less than coloured workers. Black people's housing was usually worse than coloured homes.

"You'd be surprised I'm talking about good, good farms which are international-ly recognised."

The Government had to take an active role in dealing with the industry's shortcomings, he said.

John Hamman, a researcher for the Centre for Rural Legal Studies - a non-gov-

ernment organisation which has done research into land reform and labour rights - said there were workers on wine farms whose houses did not have basic amenities such as running water and toilets. The worst areas were Vredendal, along the Olifants River, Rawsonville, De Doorns and Robertson.

He said the wine industry suffered as a result of sanctions in the late 1980s but since the international market reopened the "new money" pouring in had been used on imported technology and investment in co-operatives rather than upgrading workers' living and working conditions.

"There are a number of progressive farmers who took the initiative to improve conditions but on the vast majority of farms in the wine industry the conditions are still extremely bad."

Mr Hamman said that compared with the fruit industry, where astonishing changes were taking place in favour of the

ARG 20/12/97



Changing times: Spler's Jabulani Ntsingana promotes the training of black people as wine makers

workers, the wine sector lagged sadly. The difference was that progressive fruit farmers had realised the value of a happy, cared-for workforce and were paying better wages, providing better houses and improving working conditions.

An academic, who asked not to be identified, said a large part of the wine sector was not progressive.

"One thing is certain - a large part of the wine sector is still backward in the sense of (poor) wages and providing little disposable income for households."

But there is no doubt that some changes have been instituted. The Stellenbosch-based Rural Foundation introduced a code of conduct for the wine and fruit industry in the late 1980s and roleplayers admit they achieved substantial results.

Farmers planning protests — union

Reneé Grawitzky

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THE SA Agricultural Plantation and Allied Workers' Union (Saapawu) claimed yesterday that farmers could be in the process of planning protest action, such as blockades and occupation of government buildings, to highlight opposition to the Security of Tenure Bill.

Addressing a news briefing on the union's national congress, which starts today, general secretary Dickson Motha said one of the crucial issues to be discussed would be the SA Agricultural Union (SAAU) demand for the suspension of the Security of Tenure Bill. He said it had been rumoured that farmers were con-

sidering protest action. This would include an acceleration of the eviction of farm workers.

Motha said the bill provided some form of protection for farm workers and would assist the union in its campaign of fighting evictions. The union would be prepared to embark on action to protect the bill.

SAAU chief director Kobus Kleinhans said farmers felt like objecting in the strongest possible way, but no specific plans had been made.

He said that at this point the organisation was attempting to go the reasonable route and planned to meet Land Affairs Minister Derek Hanekom tomorrow.

Depending on the outcome of

60 20/2/97 (4) (4)
the meeting, the SAAU would decide what action to take. Blockades had not been specifically planned but could come at a later date, said Kleinhans.

Motha said the congress, the first since the union's inception two years ago, would focus on the attainment of a minimum wage of R750 a month, the problems in attaining organisational rights as provided for in the new Labour Relations Act, child labour, the alliance with the African National Congress and the SA Communist Party, and strategies to infiltrate the sector.

Motha said the union had not exaggerated when it estimated that some workers earned only R80 a month.

Pay, conditions of Cape wine farmworkers 'even worse than thought'

Cape Town - Wine farmworkers in the Western Cape are treated even worse than previously believed, according to shock statistics leaked to the media.

The results of a study carried out by the Rural Foundation on behalf of KWV over three months early last year have not previously been made public.

The survey shows that average weekly wages in five of the seven rural areas it targeted are below the much-publicised fig-

ure of R95 a week. Farmers in Montagu pay their workers the lowest average wages (R270 a month), followed by Olifants River (R290), Worcester (R310), Malmesbury (R320) and Robertson (R350).

In Stellenbosch and Paarl the average weekly wage just topped R100 a week - R466 and R410 a month respectively.

Primitive housing including lack of toilets, tap water and electricity is common in all

seven areas.

The most progressive in this regard are farmers in Stellenbosch where 70% of cottages have generator-supplied electricity, closely followed by Robertson. Worst off again are

workers in Montagu where only 4% have electricity for cooking and 52% for light.

Wilfred Wentzel, pilot projects manager for the Rural Foundation, said gender inequalities in wages on wine

farms were also marked. On the West Coast women supervisors earned less than half that of men in equal positions (R340 compared with R880 a month).

The contentious tot system, by which labourers are given free wine regularly, is still common in the Western Cape wine industry and on other farms. Between five and 10% of farms - including vegetable and fruit farms - in the Stellenbosch area supply wine to their workers

regularly despite calls for the practice to be phased out, including by President Nelson Mandela last year.

A 1995 study by the universities of Cape Town and the Western Cape and the Cape Metropolitan Council found the tot system was still in place on scores of farms. Wellington mayor Herman Bailey said up to 20% of all wine farms may still be dealing out tots of wine daily.

~~OWN~~ (4) Star 21/2/92 - Own Correspondent

Farm workers told to get to know tenure rights

(4) 00 21/2/97

Reneé Grawitzky

THE land affairs ministry appealed yesterday to farm workers to get to know the Security of Tenure Bill as this legislation, if utilised, could change the serious imbalance of power in rural areas.

Addressing farm workers at the SA Agricultural Plantation and Allied Workers' Union national congress in Johannesburg yesterday, Aninka Claassens, adviser to Land Affairs Minister Derek Hanekom, said the law would continue to exist only on paper unless people understood their rights and used the provisions in the proposed legislation.

Claassens, speaking on behalf of Hanekom, said farm workers were still vulnerable to evictions as the legislation was still being debated. In the interim period, until it became law, some farmers might continue to evict workers,

she said. It was for this reason that the legislation, when it became law, would be backdated to February 4. Any evictions which did not comply with certain principles would be considered illegal.

Claassens urged the union to equip itself to get involved and provide input into discussions on state asset restructuring.

The union's general secretary, Dickson Motha, said before the start of the congress yesterday that the union would discuss the threat by the SA Agricultural Union (SAAU) to demand that the bill be suspended. The SAAU believed that the legislation "holds destructive implications for all landowners outside proclaimed towns, including owners of agricultural land, periurban areas, mining land, industrial land and tribal lands."

Motha said this week that the union, which had a paid-up mem-

bership of 33 000, would have to begin to infiltrate the broader agricultural sector. Figures mentioned in his secretariat report indicated that the union had increased its membership only by 3 929 since its inception in 1995.

Difficulties in recruiting because of the fragmented nature of the industry affected the union's ability to obtain organisational rights. At present the union did not have enough members to get those rights.

Motha acknowledged that the union was not satisfied with the threshold levels required to obtain organisational rights. The threshold levels agreed did not take into account the specific circumstances of the agricultural sector.

In his secretariat report, Motha highlighted the need for more co-ordinated action between unions operating in the agricultural sector.

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The land affairs minister's adviser, Aninka Claassens, in discussion with SACP general secretary Charles Nqakula before the SA Plantation and Allied Workers' Union's congress began yesterday.

Picture: GARTH LUMLEY

Forum for farmworkers

(4)
Fay Davids

SOUTH AFRICA'S fastest-growing farmworkers' union — the South African Agricultural Plantation and Allied Workers Union (Saapawu) — is meeting on Friday, February 21, in its first-ever congress.

At the top of its agenda is a plan to counter the South African Agricultural Union's (SAAU) lobby against the Security of Tenure Bill.

Union representative Dickson Motha says: "We have a problem with evictions and we are going to respond to the SAAU." The union also plans to begin lobbying against the continued use of child labour in the agricultural industry.

Saapawu is affiliated to the Congress of South African Trade Unions and in the past two years has collected a paid-up membership of 33 000 workers. "The figure is below expectations but there were many retrenchments during last season's drought," says Motha.

It has been no easy task organising in the industry, where a lack of resources makes it very difficult to build up membership as unionists often don't have access to transport.

David Canham of the Farmworkers Research and Resource Project says that farms are not like factories. Trade unions in that sector need to organise very differently.

"Work and living conditions, for example, are equally important," he says.

He adds that trade unions need to begin working out methods of increasing membership on small farms because "the majority of farms have less than 10 workers, whereas unions concentrate on farms with more than 20 workers".

Matter of fact

IN last week's article entitled "Crisis hits 'one city' tax plan", Ivor Chipkin of the Centre for Policy Studies was said to have conducted a study of the eastern substructure of the Greater Johannesburg Transitional Metropolitan Council. The study was actually of the councils on the East Rand.

Farmers slowly turning off tap in 'dop' pay system

LINDSAY BARNES
STAFF REPORTER

(4)

ARG 25/2/97

The notorious "dop" system - part payment of farmworkers with wine - still exists on South African farms but is being phased out, says KWV director and mayor of Wellington Herman Bailey.

Mr Bailey is the former head of the Rural Foundation, an organisation which encourages farmers to improve their workers' living conditions.

The dop system is the practice of giving farmworkers regular amounts of wine, in part payment or as a perk, and is not limited to wine farms.

The foundation's first research in 1987 into the extent of the system showed the practice was the norm on 55 percent of its 3 000 member farms in the Western Cape.

This had dropped to 13 percent two years later because of international pressure to conform to acceptable labour practices and the foundation's influence, said Wilfred Wentzel, the foundation's pilot project manager.

By 1990, it had dropped to 2 percent and to 1,4 percent in 1992.

But Leslie London, a lecturer at the University of Cape Town's department of community health, said these findings would depend on the researchers' definition of the dop system. If it was defined strictly as workers being given wine daily, farms that doled out alcohol weekly would be eliminated, yielding a low estimate.

A 1995 study of the prevalence of the dop system on 400 to 500 farms in the Stellenbosch area, by UCT, the University of the Western Cape and the Cape Metropolitan Council, found 38 farms where the system was still in existence. On seven of these, workers were not given the option of payment in lieu of wine, Dr London said.

Between 5 and 10 percent of farms in the area, which included vegetable and fruit farms, still used the tot system, the survey found.

On many farms, workers took the wine and sold it, while many others were addicted to their regular alcohol fix, Dr London said. In many instances where farmers stopped the dop system and failed to support the workers through the change, they lost staff to farms that continued the practice.

Fears of white farmers 'nursed for too long

"... I have lost my livestock and I have no harvest to support my family. I cannot believe that the government allows this to happen — they are doing nothing to stop this. My grandchildren are living with strangers, my family is not together. I have nothing..." (Amersfoort evicted labour tenant, 1996)

THIS is the plight of many evicted labour tenants. One would have thought that scenarios of this nature died with the

apartheid policies. As an attempt to redress situations like the one highlighted above, the minister of land affairs recently published a draft of the Extension of Security of Tenure Bill.

The minister needs to be commended for having published the draft bill. The protective aspects of the bill are a positive step towards bringing hope and security for farm dwellers. Pleased as we are with the protective aspects, the National Land Committee

(NLC) still feels the bill is limited in some areas. It may be viewed as a product of the consultative process begun in July, involving all stakeholders in land issues.

When the draft bill was published there was a huge uproar from the SA Agricultural Union (SAAU), saying that the bill is discriminatory and gives no protection for existing property

rights. They therefore approached the minister to suspend the consultative process.

The NLC finds it regrettable and unacceptable that the SAAU is able now to throw its toys out of the cot, as all stakeholders involved in the process were given an opportunity to contribute to drafting the bill. This was done with the understanding and

acceptance that there is a power imbalance between farm owners and workers.

The SAAU has not been able to get what it wants and now wants to frustrate attempts to solve farm workers' problems. On February 20, 67 families were evicted from a farm in the Hekpoort area (an hour away from Johannes-

burg). The families were evicted without notice and by order of court.

No alternative accommodation was arranged for them by the farmer as for too long by the African National Congress (ANC) government. They have been allowed to continue evicting farm dwellers arbitrarily under the harshest of conditions. Efforts to placate them have clearly failed.

The protective aspects of the Extension of Tenure Draft Bill are a positive step, but there is need for protection

where there is a real and established threat to the security of farm residents; or where the viability of the farm as a productive unit is under real and established threat in the continued presence of the occupier on the farm;

by the ANC govt' (24) 00 26/2/97

need for protection

Their rejection of a bill with minimal protection for farm dwellers proves they are out to defy the slightest form of change.

It is high time the government realised it needs to treat white farmers with something close to an iron fist.

The problem areas in the bill are:

□ It does not give occupiers a positive right to tenure security. The bill accepts existing ownership of land, even though this came about only through forcible means under colonialism and apartheid. At best, the bill maintains the status quo in terms of land ownership;

□ Tenure security is tied to employment. Farm workers in particular were forced to work on white farms as a result of systematic dispossession of land. But the bill accepts that their only right to live on the land is if they work for white farmers, even though this is on the basis of contracts which reflect a severe imbalance of power in rural areas;

□ It situates the powers in the courts. The bill does not make provision for rural communities to mobilise themselves in defence of positive rights. Instead, the decision to evict or not rests with the local courts, most of which are linked to land owners through social and political ties;

□ It neglects those who have been evicted in the past. Thousands of people have been forcibly removed and evicted in the 1990s alone. These "surplus people" are not considered in any way in the bill as it stands;

□ It accepts the right of the owner to evict families, even if they have done nothing wrong. The bill explicitly allows owners to evict whole families on the basis of perceived misbehaviour of one individual.

An alternative approach to tenure security is the following:

□ A protective mechanism against arbitrary eviction. Eviction orders should only be granted

where there is a real and established threat to the security of farm residents; or where the viability of the farm as a productive unit is under real and established threat in the continued presence of the occupier on the farm;

□ A positive and secure tenure right for farm dwellers with regard to residence.

Farm dwellers who have resided or worked on a farm for a period exceeding 10 years should be granted full ownership rights to the house and stand. A housing subsidy would be available for upgrading rather than the purchase of land;

□ Access to and secure tenure rights to land use other than residence. Farm dwellers who have resided or worked on the farm for a period of ten years or more should be granted rights of use to productive land. The size of such land could be based on a sliding scale depending on the length of residence;

Restitution

□ Restitution and use of special land. Where farm dwellers have lost rights, claims to have these rights reinstated should be allowed. Where farm dwellers are living on underutilised or abandoned land, they should be allowed to make an urgent application to utilise this land.

These provisions would allow farm dwellers to regain access to land that was systematically lost in the past through discriminatory legislation and force.

The positive right — that the residential land belongs to the dweller or occupier — provides real residential security and also allows communities to mobilise themselves in defence of these rights. Instead of relying on the state and the courts, positive rights shift the balance of power away from the virtual monopoly currently held by land owners.

The right to use productive land also allows farm dwellers to become more self-sufficient, to rely less on very exploitative wage labour

(which again tilts the balance of power towards the marginalised and dispossessed) and to gain some real leverage in negotiating with owners security of tenure and other issues.

The basis of these arguments lies in the need for reparations to those who have borne the brunt of apartheid legislation and the associated violence and force.

A new society, where the majority have a meaningful say in the economic and political direction of SA, cannot be built without genuine redistribution of resources to this majority.

Instead of entrenching the status quo, legislation should aim to change the social, political and economic balance in favour of this majority.

It is anticipated that it could take close to a year for Parliament to approve the Bill.

While we wait for Parliament's endorsement and approval of the bill, the NLC strongly feels that there should be interim measures in place to protect farm dwellers against pre-emptive evictions.

If evictions are allowed to continue, they are going to cause a great deal of instability in the country, which is likely to lead eventually to civil war.

As an interim measure against eviction, the government should deal severely with farmers who evict families. Large fines should be imposed on such farmers or they should be given jail sentences, and their land should be expropriated.

What the SAAU and its members fail to see is that for reform and reconciliation to take place, the skewed land ownership patterns have to be balanced. Balancing of the land ownership patterns means that there can be no total protection of existing property right as those rights were granted to white farmers with the aim of oppressing black people through landlessness.

We have now moved to a new political era and all the wrongs of the past have to be redressed.



The draft of the Extension of Security of Tenure Bill is a positive step towards protecting the rights of families who live on farms, although it is still limited in certain areas.

Picture: HERBERT MABUZA

Govt agrees to withdraw land tenure ads and negotiate with agriculture

BO 26/2/97

Wynham Hartley

CAPE TOWN — A controversial series of radio advertisements promoting the draft Security of Tenure Bill are to be withdrawn after an emergency meeting between the SA Agricultural Union (SAAU) and Land Affairs Minister Derek Hanekom.

With feelings running high in farming circles over the legislation which seeks to bolster the land tenure rights of farm workers, the meeting, which agreed to further negotiations next week, has effectively rescued the relationship between organised agriculture and government from collapse.

The meeting, held during a break in the intergovernmental conference at Stellenbosch yesterday, emerged with an agreement that the advertisements advising farm workers to seek advice at their nearest land affairs office would be halted as soon as possible, the SAAU said.

At a news conference afterwards, SAAU president Chris du Toit said the meeting with Hanekom and land affairs director-general Geoff Budlender had established there was room for negotiation. He said the union had decided that it would probably terminate any efforts to participate in constructive dialogue with government if the draft bill was not re-evaluated.

Du Toit said the SAAU explained its concerns to Hanekom and Budlender, and was encouraged that they had agreed there would be problems with some of the definitions in the bill. The bill was published about two weeks ago and if enacted in its present form will stop all evictions unless equivalent alternative accommodation is available. It will apply to all evictions from the date of publication.

Continued on Page 2

Land tenure (4)

Continued from Page 1 BO 26/2/97

so rare as to be absolute exceptions. Examples of evictions quoted to them by the department were not from commercial farms, he said.

SAAU vice-president Japie Grobler said the legislation would discourage farmers from providing accommodation for workers and would further encourage mechanisation and a reduction of jobs in the agricultural sector at a time when jobs should be created to halt rising unemployment.

He said it would also encourage farm workers to become destructive agitators on the farms because they

would then have to be provided with alternative accommodation before they could be evicted.

Executive director Jack Raath said there had already been a decline in real land values. While all this could not be attributed to the draft bill, it undoubtedly played a role, which mitigating against rising profitability in agriculture. The banking sector had already expressed concern about this trend.

Du Toit said that the legislation would have a negative effect on the relationship between farmers and workers, it would harm farmers' ability to compete internationally and it would have a negative effect on the production of food.

See Page 18

Evictions 'not on large farms'

4
Louise Cook
BD 313197

MOST commercial farmers were not guilty of evicting people living on their properties yet were expected to "bear the brunt" for occurrences related to smallholdings and other properties, SA Agricultural Union CEO Jack Raath said at the weekend.

The union's rejection of moves by government to hold the commercial farming sector "responsible for actions by other groups" arises from the recent publication of the draft bill on extension of tenure security. In it, government proposes sweeping changes to rural eviction procedures.

Raath said government had failed to show that evictions were happening mainly on commercial farms. "By far the most evictions turn out to be on smallholdings around cities, due to a change of ownership. Evictions from commercial farms are rare, isolated incidents."

He said that despite consultations, many of the union's concerns had been ignored in the drafting process. The union is engaged in talks with Land and Agriculture Minister Derek Hanekom on the matter.

White farmers impede change

By Mpume Nyandu

IHAVE LOST MY LIVESTOCK and I have no harvest to support my family. I cannot believe the Government allows this to happen - they are doing nothing to stop this. My grandchildren are living with strangers, my family is not together. I have nothing ..."

This is the plight of an Amersfoort labour tenant, who was evicted last year. One would have thought scenarios like this died with apartheid.

As an attempt to address the situation, Land Affairs Minister Derek Hanekom recently published a draft of the Extension of Security of Tenure Bill. He needs to be commended for publishing the draft.

Its protective aspects are a positive step towards bringing hope and security to farm dwellers. Pleased as we are with these aspects of the draft, the National Land Committee still feels the Bill is limited in some areas.

It is a product of the consultative process that started last July, involving all stakeholders. When the draft Bill was published, there was a huge uproar from the South African Agricultural Union.

Appealed to minister

The union said it was discriminatory and gave no protection to existing property rights. They therefore appealed to Hanekom to suspend the consultative process.

It is regrettable and unacceptable, as all the stakeholders involved were given an opportunity to make inputs to the drafting of the Bill.

This was done with the understanding that there is a power imbalance between farmowners and farmworkers. The SAAU has not been able to get what they wanted and now want to frustrate any attempts to solve farmworkers' problems.

Last week, 67 families were evicted from a farm in Hekpoort without notice. A court order was issued on February 19 and they were evicted the next day. There was no alternative accommodation arranged for them by the farmer as specified by the draft Bill.

This eviction is directly linked to the tenure security processes currently taking place. If the Government does not do anything about it, more families will be stranded between now and when the Bill is approved by Parliament.

The fears of the SAAU and the farmers they represent have been nursed for too long by the Government. They have been allowed to continue evicting farm dwellers arbitrarily and under the harshest of conditions.

Placate them

Efforts to placate them and to appeal to them to be reasonable have clearly failed. Their rejection of a Bill with minimal protection for farm dwellers proves they are out to defy the slightest form of change.

It is high time the Government realised that they need to treat white farmers with something close to an iron fist.

The Bill's problematic areas are:

- It does not give occupiers a positive right to

Equitable redistribution of land is part of the reconciliation process

tenure security: the Bill accepts the

'The Bill's protective aspects are a positive step towards bringing hope and security for farm dwellers. But the Bill is limited in some areas'

existing ownership of land, even though this was done forcibly under colonialism and apartheid. At best, the Bill maintains the *status quo*.

- Tenure security is tied to employment: Farmworkers in particular were forced to work on white farms as a result of the systematic dispossession of their land.

But the Bill accepts their only right to live on the land is if they are working for white farmers, even though this is on the basis of contracts which reflect a severe imbalance of power in rural areas.

- It puts the powers in the courts: The Bill does not make space for rural communities to mobilise themselves in defence of positive rights. Instead, the decision to evict or not rests with local courts, most of which are linked to land owners through social and political ties.

- It neglects those who have been evicted in the past: Thousands of people were forcibly removed and evicted in the 1990s alone. These "surplus people" are not considered in any way the Bill as it stands.

- It accepts the right of the owner to evict families, even if they have done nothing wrong: The Bill explicitly allows owners to evict whole families on the basis of the perceived misbehaviour of an individual.

An alternative approach to tenure security would be:

- A protective mechanism against arbitrary eviction: Eviction orders should only be granted where there is a real and established threat to the security of farm residents; or where the viability of the farm is under real and established threat.

- A positive and secure tenure right for farm dwellers with regard to residence: Farm dwellers who have resided or worked on a farm for more than 10 years should be granted full ownership rights to the house and stand. The housing subsidy would be available for upgrading rather than the buying of land.

- Access and secure tenure rights to land use other than residence: Farm dwellers who have resided or worked on the farm for 10 years or more should be granted use rights to productive land. The size of such land could be based on a sliding scale depending on length of residence.



Flashback ... Kliprivier farmworkers were evicted in 1995 from the farm on which they lived after they were dismissed. Last week another 67 families were evicted from a Hekpoort farm without notice even though Land Affairs Minister Derek Hanekom recently published a draft of the Extension of Security of Tenure Bill to correct this situation.

- Restitution and use of special land: Where farm dwellers have lost rights, claims to have the rights reinstated should be allowed. Where farm dwellers are living on under-utilised or abandoned land, they should be able to make an urgent application to utilise this land.

These provisions would allow farm dwellers to regain access to land systematically lost in the past through discriminatory legislation and the use of force.

The positive right - that the residential land belongs to the dweller-occupier - provides real residential security and also allows communities to mobilise themselves in defence of such rights.

Instead of relying on the state and the courts, positive rights allow for local organisation and shifts the balance of power away from the virtual monopoly currently held by land owners.

Gain real leverage

The right to use productive land also allows farm dwellers to become more self-sufficient, to rely less on very exploitative wage labour and to gain some real leverage in negotiating with land owners about security of tenure and other issues of concern.

The basis of these arguments lies in the need for reparations to those who have borne the brunt of apartheid legislation and its associated violence and force.

A new society, where the majority have a meaningful say in the economic and political direction of the country, cannot be built without genuine redistribution of resources to the majori-

ty of people.

Instead of entrenching the *status quo*, legislation should be aimed at changing the social, political and economic balance in favour of this majority.

It could take close to a year for Parliament to approve the Bill. While we wait for Parliament's endorsement and approval, we strongly feel there should be interim measures to protect farm dwellers against pre-emptive evictions.

If evictions are allowed to continue, they will cause a great deal of instability.

As an interim measure, the Government should deal severely with farmers who evict families.

Impose fines

Large fines should be imposed on such farmers or they should be jailed, and their land should be expropriated.

What the SAAU and its members fail to see is that for reform and reconciliation to take place, skewed land ownership patterns in the country have to be changed.

Balancing the land ownership patterns means there can be no total protection of existing property rights as those rights were granted to white farmers with the aim of oppressing black people through landlessness.

We have now moved to a new political era and all the wrongs of the past have to be addressed.

(The writer is the media and publicity coordinator of the National Land Committee, Johannesburg.)

Land bill's stringency buys security for the few at the expense of the many

The land tenure bill attempts to kill a fly with a sledgehammer, writes Errol Moorcroft

BD 5/3/97

(4)

pier lost his job as a result of redundancy, eviction will not be permitted until "adequate alternative accommodation" is available, and unless there is no "appropriate alternative" to eviction. If termination was caused by the conduct of the occupier, a less stringent test will be applied.

Occupiers who are over 55 and who have been on the land for more than 20 years cannot be evicted except for misconduct.

The provisions, by divorcing the right to occupy land from an employment contract, effectively create a new right of ownership at the expense of existing land rights. This is in spite of the principle contained in the bill that "the law should give due recognition to the legitimate rights and interests of owners and occupiers of land".

In addition, it is likely the provisions constitute discrimination against rural as opposed to urban landowners, thus making the bill unconstitutional.

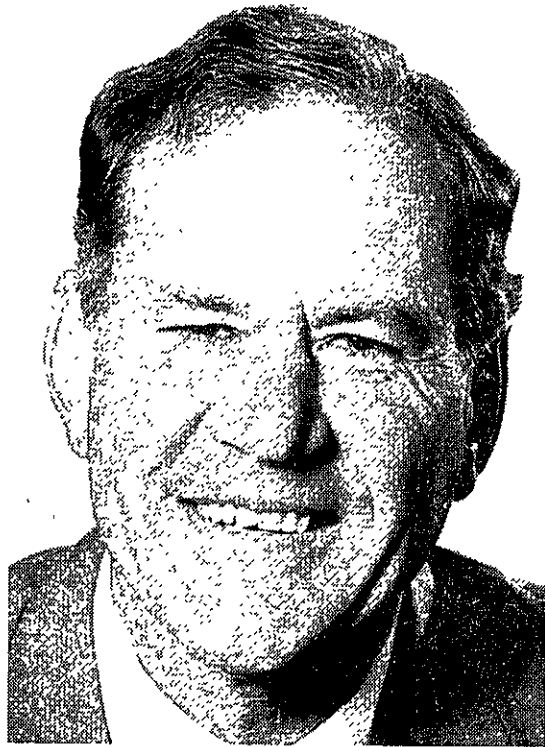
Farmers are far from being the only employers who provide housing to their employees as part of the employment contract. Mines, the railways and even churches, provide free accommodation to their employees. There is no suggestion that these employers should be compelled by law to find alternative accommodation for those whose employment contracts have been terminated, or even that they have a

er be granted the right to stay on a farm at all.

Under existing law, a landowner may legally evict occupiers of his land providing that certain procedures have been correctly followed. The law is not concerned with the "fairness" of the eviction.

Under the new law, the eviction of occupiers will involve two steps. The first will be the lawful termination of the right to occupy the land — for example, as a result of a fair dismissal in terms of the Labour Relations Act.

The second step is that a court must decide whether eviction is "fair and justified" under the circumstances. Here the cause of the termination will be taken into consideration. If the termination was not caused by the conduct of the occupier, for example if the occu-



MOORCROFT

THE long title, Extension of Security of Tenure Bill, makes it appear innocuous, but the bill as it stands is likely to have unintended consequences which will further endanger precisely those people it wants to protect.

The primary aim of the bill "To regulate the circumstances under which the rights of persons to occupy land may be terminated; to regulate the circumstances under which persons, whose right of occupation has been terminated, may be evicted from land; to regulate the conditions of occupation of land; to provide measures to facilitate long-term security of tenure for such persons; and to provide for matters incidental thereto," is to protect farm workers, among the poorest and most vulnerable people in SA, from unfair eviction.

While the draft bill says "unfair evictions lead to great hardship, conflict and social instability", no research has been done to find out just how large the problem is.

It is, in fact, extremely unlikely that there is any flood of unfair evictions taking place. Even the Association for Rural Advancement acknowledges that "probably very few" farmers are guilty of dumping whole families on the side of the road with nowhere to go. However, the association goes on to claim that "even the possibility that it can happen once is sufficient grounds to justify a law that prevents it".

The problem is that the bill attempts to kill a fly with a sledgehammer. In attempting to end unfair evictions by a few it has introduced stringent conditions which will have an enormous impact on everybody.

There is a strong possibility that the bill will give rise to a situation in which the security of a limited number of occupiers who might have been unfairly evicted will be bought at the expense of a very much larger number who will be "fairly" evicted, or who will nev-

moral responsibility to do so.

Nor is there any suggestion that somebody who has occupied a mine house for 20 years or more and has reached retirement age should acquire a right to remain in that house — a right which extends to his dependants after his death. On what basis, then, can this be demanded of rural landowners?

Legal issues apart, the bill greatly increases the "hassle factor" for farmers who employ people and provide them with accommodation. In effect, it provides them with yet another incentive to cut their labour complement or to employ people without offering tied accommodation.

There are an estimated 1,1-million families living on rural land in SA. In seeking to establish their security of tenure with such stringent measures, the bill threatens their livelihood.

Opponents of the bill have been slammed by the National Land Commission, among others, as being "bent on protecting the slave-master privileges that were granted under apartheid". This predictable playing of the race card is unjustified: there are reasons to question the draft legislation which have nothing to do with a desire to preserve the status quo.

The DP has consistently condemned unjust and unfair evictions and has expressed the view that the problem can be solved only by the involvement of all three stakeholders — landowners, occupiers and the state.

The rift between the land affairs department and organised agriculture, caused partly by the department's premature advertising of the draft bill as if it were a fait accompli, is extremely disturbing. The DP hopes the suspension of the advertising campaign, and the meetings to be held next week, will lead to a resolution.

□ Moorcroft is the Democratic Party spokesman on land affairs.

Anger over landlord, tenant bill

Star 25/3/97 (4)
By HOPEWELL RADEBE

The Freedom Front walked out of the Gauteng legislature yesterday after the Residential Landlord and Tenant Bill was accepted, accusing the legislature of treating sensitive issues as though it were a kangaroo court.

The FF members of the provincial legislature had requested Speaker Trevor Fowler to refer the bill back to the standing committee because it had not been debated properly.

The legislature voted against the FF and the bill, which received both De-

mocratic Party and National Party support, was approved.

The bill calls for the establishment of a board in every magisterial district. These boards will address various problems concerning landlords and tenants, without either party incurring legal expenses.

The DP expressed reservations about some of the bill's descriptions of unfair practices.

It argued that these descriptions curtailed the creation of a workable mutual relationship between landlords and tenants.

27 February 1997 that the moratorium was to continue. The Committee agreed that it was in our interest not to resume arms exports to Rwanda at present.

(b) Not applicable

(3) No statement will be made.

Rural housing on communal land

*38. Mr A F MAHLALELA asked the Minister of Housing:

(1) Whether the Department has a policy in respect of rural housing on communal land under the jurisdiction of traditional leaders; if not, why not; if so, (a) what is this policy, (b) how many houses have been built in such areas in terms of this policy and (c) how many persons in such areas have received grants to the amount of R15 000;

(2) whether she will make a statement on rural housing development in general?

N297E

The MINISTER OF HOUSING:

(1) No.

(a) Policy is presently being developed. One of the main constraints for households living in rural areas to access housing subsidies until recently has been the lack of *de jure* security of tenure associated with land which is communally owned (i.e. tribal land). In terms of the Interim Protection of Informal Land Rights Act, 1996 (Act 31 of 1996) a legally enforceable right to occupation now pertains to tribal land and land formerly administered by the South African Development Trust, former self-governing territories and the TBVC States. These occupational rights provide sufficient security of tenure to access housing subsidies and hence enables the amendment of existing policy to address the housing needs in communal areas.

(b) None.

(c) None.

(2) Yes, when the policy details have been finalised.

Hansard

Persons convicted of criminal offences

*39. Mrs S M CAMERON asked the Minister for Safety and Security:

What proportion of the number of persons charged with criminal offences was convicted of offences in (a) 1991 and (b) 1995? N298E

The MINISTER FOR SAFETY AND SECURITY (Africanse weegawe me verstrekk nie):

(a) and (b) Unknown

Note:

The statistics, in general, kept by the South African Police Service do not provide for the specific number of persons convicted in connection with criminal offences, but only for the number of cases referred to court. It is furthermore common cause that a single case, for example, may involve a number of accused. It is regretted that further details are not available.

To obtain the required information, facsimiles will have to be sent to all police stations country-wide, thereby placing an extra burden on limited manpower and financial resources. Members will have to be withdrawn from other duties and specially allocated to peruse dockets and registers.

It is possible that the Department of Justice may be of greater assistance in providing the required information.

Sanctions against Burundi lifted

*40. Dr B L GELDENHUYS asked the Minister of Foreign Affairs:

Whether the Government will consider recommending that sanctions against Burundi be lifted; if not, why not; if so, what are the relevant details? N299E

The MINISTER OF FOREIGN AFFAIRS:

The current sanctions imposed against the illegal government in Burundi were imposed by its regional neighbours at the Arusha II Summit on 31 July 1996. The Summit set a number of criteria which, if complied with by Major Buyoya (who led the July 1996 coup), would see the sanctions campaign ended. These were (i) the ending of the ban on political parties and their activities; (ii) the lifting of the suspension on the operation of the National Assembly and (iii) the start of all party negotiations. The campaign of sanctions was endorsed by the OAU Central Organ. South Africa supported the decision taken by the region, in that it reflected a determined African stand against military coups d'état in Africa.

South Africa has appointed a Special Representative on Burundi. Ambassador Welhe Nhlapo has conducted a wide range of contacts with key role players, both inside and outside of Burundi. The Ambassador's role is to support the key mediation efforts of the former Tanzanian President Mr Julius Nyerere. He constantly advises the Department about developments in Burundi and efforts to seek a political solution.

In the present situation, the South African Government cannot recommend the lifting of the sanctions on Burundi. This will only happen once the regional leaders who imposed the measures are satisfied that Major Buyoya has met the conditions laid down by the Arusha II process.

Water Affairs and Forestry: SA's selling of arms to Sri Lanka

*41. Mr D K PADJACHEY asked the Minister of Water Affairs and Forestry:

(1) Whether South Africa is selling arms to Sri Lanka; if not, why not; if so, what are the relevant details;

(2) whether, in view of the current Tamil conflict in Sri Lanka, the Government is reviewing its relationship with that country; if not, why not; if so, what are the relevant details? N300E

N300E

The MINISTER OF WATER AFFAIRS AND FORESTRY:

(1)(a) No. South Africa is not selling arms to Sri Lanka. A moratorium was placed on arms exports to Sri Lanka in the latter half of 1994 by the then Defence Foreign Policy Committee. Due to the internal situation in Sri Lanka the National Conventional Arms Control Committee has upheld the decision not to resume arms exports to Sri Lanka.

(b) Not applicable.

(2)(a) No. The South African Government is not reviewing its relationship with Sri Lanka. The Government of South Africa recognises the sovereignty of Sri Lanka. South Africa deplores the deaths and destruction resulting from the current fighting in Sri Lanka and believes that a negotiated settlement between both parties, a solution which can be

reached through constructive dialogue and consultation, is the best solution. In the light of the above the Government will support a peaceful solution to the present conflict in Sri Lanka.

(b) Not applicable.

Estate agents: misconduct/other offences

*42. Mr A ALLY asked the Minister of Trade and Industry:

Whether he or his Department intends any action against estate agents guilty of misconduct and other offences; if not, why not; if so, when? N301I

N301I

The MINISTER OF TRADE AND INDUSTRY:

Legislation has been in place since 1976 to regulate the activities of estate agents in terms of the Estate Agents Act, 1976 (Act No. 112 of 1976). In terms of the Act, a regulatory body called the Estate Agents Board was established which reports annually to Parliament on its activities. Any person who feels aggrieved by the actions or omission of an estate agent arising from a real estate transaction may lodge a complaint with the Board. In the past the nature of offences varied from gross misconduct, trust account violation (section 30(1)(c) and (g) of the Estate Agents Act, 1976 (Act No. 112 of 1976) and in some cases elements of dishonesty (section 30(1)(h) of the same Act) were present.

Where necessary the Board did act against estate agents. During 1996 the Board took disciplinary steps in respect of 416 separate cases which resulted in 46 fidelity fund certificates being withdrawn. Through active Board mediation settlements were achieved in 124 cases to the satisfaction of complainant and respondent estate agent alike.

It should also be mentioned that an Estate Agent Amendment Bill, 1997 (Act No. 72 of 1997) was published for comment. Interested persons were *inter alia* invited to furnish written comment and representations on various recommended amendments to the Estate Agent Act, 1976 some being to amend the grounds upon which an estate agent shall be guilty of improper conduct; to amend the penalties which may be imposed by the Board if an estate agent is found guilty of improper conduct; to provide for the suspension of a fidelity fund certificate if a fine imposed by the Board is not paid within one

PD 27/3/77
**'Tenure bill
will not be
applauded'** (4)

Wyndham Hartley

CAPE TOWN — The revised Security of Tenure Bill, which would go to cabinet for approval next month, would be vastly improved, but would not satisfy either the organised land rights lobby or agricultural director-general Geoff Budlender, said yesterday.

Budlender, briefing Parliament's Land Affairs Committee yesterday, said the controversial draft legislation designed to enhance the tenure rights of farm workers would go back to cabinet with substantial improvements.

He warned that the land rights lobbyists who felt that the legislation did not go far enough to protect the interests of farm workers and organised agriculture, which law went too far, would not be happy.

"I hope that the bill will strike the right balance," Budlender said. After extensive negotiations the Extension of Security of Tenure Bill was published last month for comment.

It has drawn outraged response from both those to the left and right of government's position. The bill regulates the way in which people living in rural areas and on farmland can be evicted and ensures human rights for residents and landowners.

Referring to the slow rate of resolution of land restitution claims, Budlender said that he could offer many reasons but could not offer any excuses. He said the extension was not good enough and in spite of an increased pace it was still not fast enough.

Almost 14 000 applications for land restitution have been lodged with the land claims commission and of these five had proceeded to the Land Claims Court and one had been resolved. Budlender said that while one of the claims for land in Cato Manor in Durban involved 2 800 cases and the figures were therefore not as gloomy as they appeared, the pace was still not fast enough.

He reassured those who might still apply for land restitution that the April 1998 deadline was for the lodging of applications and not for resolution of the cases.

New eviction law sows confusion on farms

By BLACKMAN NGORO

The spotlight fell this week on a 20-hectare Lanseria plot where a scenario evolved that is likely to be repeated many times over in the coming months.

The Government has legalised the right of workers to a piece of land through the Extension of Tenure and Security Bill.

But many elderly farmworkers — and some of their elderly employers — are confused about their rights.

At Lanseria this week an 81-year-old South African of Portuguese extraction, illiterate Archie Bageiro, evicted pensioner Esther Nyoni because Bageiro wants to sell his farm and move in with his children. He removed the roof of Nyoni's home and loaded the roofing sheets on to a trailer. It is a method that has become a favourite for farmers wanting to rid themselves of retired workers.



SELLING UP: Archie Bageiro, who says he knows nothing about the new law, removed the roof of his worker's home — a method farmers often use to rid themselves of retired workers
PHOTOGRAPHS: ANDREAS VIACHAKIS

Sam Moyo works with the Crocodile Transitional Council. He asked the pensioner farmer — who has had two heart attacks over the last few years and has been abandoned by his elder son — where the people he was evicting were going to go.

"I don't know," Bageiro replied, "I don't even know where I'm going to go. I'm too old to farm now."

Bageiro has been farming since 1968. "When I got here it was all a bush. Nothing. This is mine. This is my land. I bought it and I have the papers to prove it," he said, a little belligerently when he found the *Saturday Star* talking to the victims of the eviction.

The *Saturday Star* was told by the aged farmworkers that it felt as though they had been hit by a whirlwind when, one morning, three workers came to remove their roof.

"We don't know what's happen-

(4) Ryan 12/4/97

ing. Nothing," they said, looking bewildered.

They said they had been living and working at the Bageiro farm for many years. One of them, Elizabeth Lichaba, has lived at the farm for more than 20 years.

Sam Moyo told the farmer that the eviction he was effecting was against the law. "You have to go and obtain an eviction order from the court."

"Once you have an eviction order it will assist you to evict your people effectively as well as to assist the Government to relocate these people."

Bageiro replied: "I don't know about this new law. It is all new to me. I don't know about getting an eviction order."

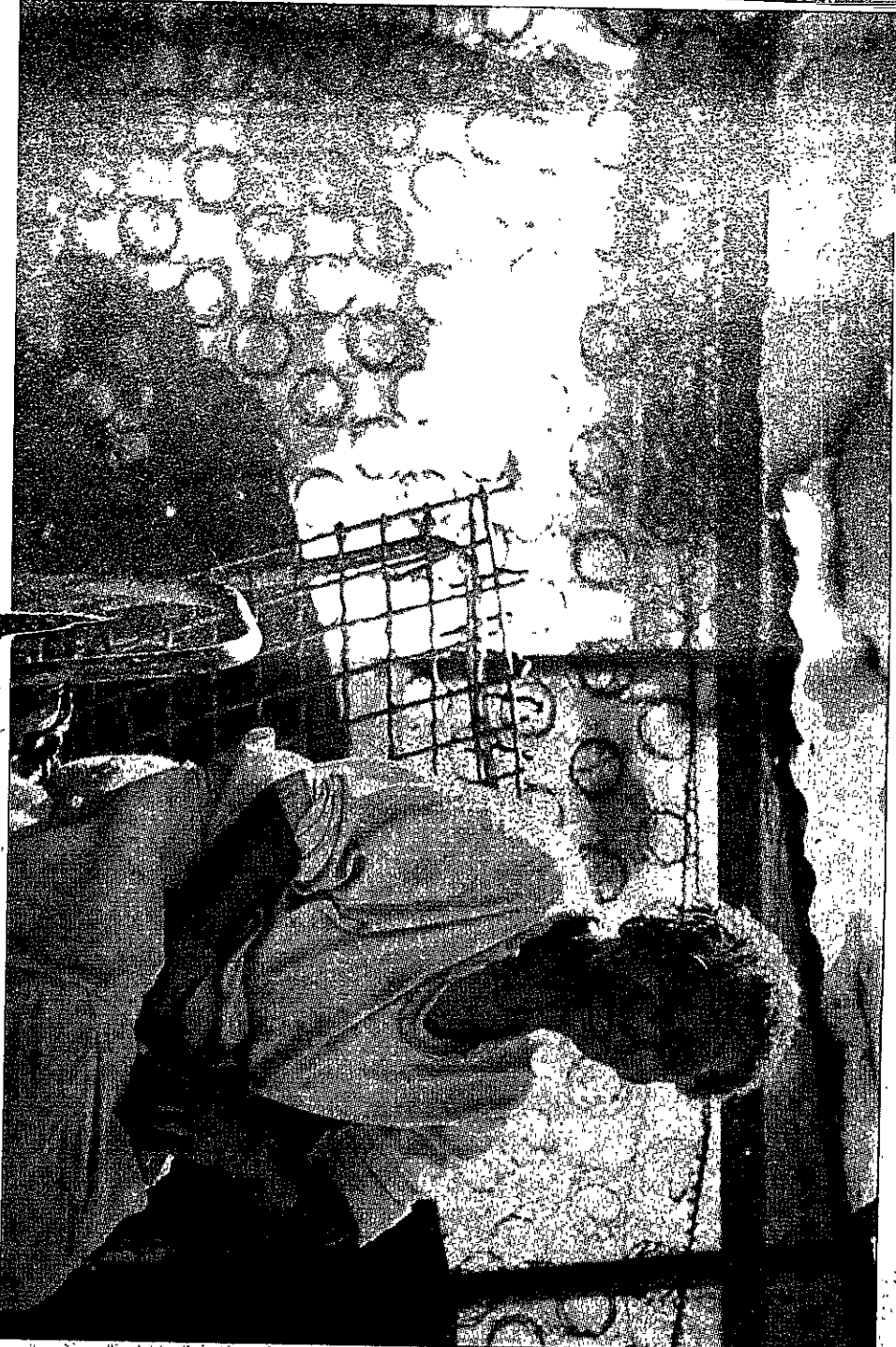
ANC councillor Elias Mahlangu said the workers did not have any power to stop such evictions. "All power (in this regard) is vested in the hands of the Western Gauteng Services Council. They are responsible for emergency and disaster management.

"They manage it. They are supposed to handle these issues."

An assistant director in the Western Gauteng Services Council responsible for disaster management, Wickus Myburgh, said they considered evictions as an emergency.

"We get the Red Cross to assist us with emergency shelter but only if the eviction is legal. They have to have a court interdict," he said. "We can't help people when there is no court order. We don't want to be accused of taking sides when it is about labour disputes."

And while the wrangle goes on, Esther Nyoni sits in her roofless dwelling, lost and bewildered with few possessions and nowhere to go ...



UNLAWFULLY REMOVED Esther Nyoni has been told to go because her boss is leaving

THE GRAPES OF WRATH

SIPHO VANGA (4)

ST(CM) 20/4/97

A NUMBER of Western Cape wine farms are still using the infamous "dop" system despite repeated attempts to end the illegal practice, a UCT researcher has revealed.

Dr Leslie London of the Department of Community Health at UCT made the disclosure at the African Health Sciences Conference held in Bellville this week.

He said that the continued use of the "dop" system on farms in the Stellenbosch area had been discovered by nurses running mobile clinics. A survey by teams from UCT, UWC and NGOs based in Stellenbosch found that alcohol abuse was rife among farmworkers and many illnesses stemmed from the "dop" system.

London said about 38 farms had been targeted for research and most workers admitted the problem was prevalent.

Nikki Taylor, legal adviser at the Centre for Rural Legal Studies, confirmed that the "dop" system is widely practised despite being prohibited under the Liquor Act 27 of 1989.

"Farmers still give alcohol to employees but insist that it's handed out as a 'gift' and not payment.

"The practice was abolished years ago," said Taylor.

Despite the system being illegal no one has been prosecuted in terms of the Act. Its definition is abstract and not wide enough and allows farmers to exploit the loophole.

Taylor pointed out that most farmers were unaware that the system was illegal.

Even if farmworkers were made aware their employers were breaking the law, the chances were slim that they would complain for fear of victimisation and losing their jobs.

"Neither would there be any complaints from the many workers dependent on alcohol. They would not want farmers to stop the practice," said Taylor.

KWV threat over farm tot system

~~5-11-97~~ (4)
Paarl - The wine co-operative KWV considered the tot system an unacceptable practice, and would consider buying wine only from producers who could assure it that employees were not supplied with wine during the work day as part payment.

KWV chairman Lourens Jonker, during his address at the co-operative's annual meeting in Paarl yesterday, said it was frustrating and disappointing that the tot system was still being used by a minority of farmers.

"It has been illegal since 1963 and persons continuing the practice expose themselves to prosecution" - Sapa.

Star 24/4/97

KWV lashes out at tot system of payment

Sandiswa Shange

ESN 24/4/97

(4)

CAPE TOWN — Wine co-operative KWV lashed out yesterday at the continued practice by some members of the tot system as payment to wine employees.

Chairman Laurens Jonker said at the annual general meeting that KWV supported the prosecution of members still participating in the system, which had caused the industry "incalculable harm" in terms of negative publicity.

"Sensitivity in the international markets about this issue occurs at such a high level that KWV would consider buying wine only from those producers and cellars that give us absolute assurance that employees are not supplied with any products of the producer in terms of the tot system."

The industry deserved recognition for the fact that the practice had declined from a 54% occurrence in 1987 to 14% in 1989, with current levels at about 1%. "Compared to other wine countries, the incidence of this practice is probably lower than elsewhere."

Jonker said indications were that this year's harvest would yield about 984-million litres — about 3% down on the same time last year and 1,6% less than in 1992.

On KWV's planned conversion to a public company, Jonker said the co-operative would not be deviated from its plans as the conversion would benefit international consumers and the SA community.

Jobs threatened by basic conditions, say farmers

BD 5/5/97

(4)

Louise Cook

THE SA Agricultural Union (SAAU) has warned that the basic conditions of employment bill would "inevitably" lead to fewer job opportunities in the agricultural sector, one of SA's most important job creators.

SAAU director Kobus Kleynhans said the bill would cause sharp labour cost increases at a time when the farming sectors' margins were under pressure, and the recent scrapping of the diesel rebate to farmers would cause a R250m a year loss to the sector.

"It is seemingly the (labour) minister's intention to raise employment conditions in SA to levels considerably higher than in many countries we compete with in international trade. The problem is that SA's productivity compares very poorly to the rest of the world," he said.

The bill, released two weeks ago, covered all sectors including domestic and farm workers. It provided for compulsory overtime payments on farms, three weeks paid annual leave, unpaid

maternity leave and double rates on Sundays and public holidays.

For years the agricultural sector has argued against legislation aimed at fixing working hours and overtime payments on farms, claiming that diverse operations and seasonal differences necessitated a flexible approach.

However, the Agricultural Workers Organisation, set up to assist farmers on labour issues, welcomed the proposed moves on working hours. GM Faan Smith said the bill ensured both employers and employees would enjoy greater certainty about their rights.

"Production losses could occur during a proposed six-month phasing-in period, but the exchange of extended working hours during busy periods, with short hours during quiet times, allowed for an important degree of flexibility," he said.

The envisaged legislation still had some way to go before it became law. The National Economic, Development and Labour Council would consider the bill for the next two months before it was submitted to the cabinet.

A hard look at troubles down on the farm

BEATING farm workers is still commonplace in parts of South Africa. **NICKY WESTGUARD-TAYLOR** and **SEAN JACOBS** examine the extent of legislative provision for redress and what gaps remain in protecting the rights of this section of the workforce.

The new Labour Relations Act makes it more difficult for workers to claim damages for an assault in the labour court and limits the size of the claim.

complaints of farmers assaulting farm workers in the Western Cape in the last two years. These range from minor slaps to more serious assaults. However, many cases are not reported to advice offices or community-based organisations for reasons ranging from fear of possible repercussions at work to police reluctance to investigate and to protect disadvantaged rural dwellers in the exercise of their rights.

While the Independent Complaints Directorate has been established to investigate complaints against SAPS members, its workload and limited budget make it improbable that this body will make its presence felt in rural areas.

Under existing legislation, assault victims have recourse to various protections. Criminal law prohibits assault and who infringe this law. In terms of common law, victims can claim damages for medical expenses, loss of earnings and pain and suffering incurred as a result of the assault.

The old Labour Relations Act treated an assault by an employer on an employee as an unfair labour practice. An employee was entitled to claim actual financial loss as a result of the unfair labour practice, but the question was whether the farm worker could also claim damages for pain and suffering (non-patrimonial loss) which are often difficult to quantify, as a result of the assault.

Following the implementation of the Agricultural Labour Act in 1994, the CRLS attempted to claim non-patrimonial damages in the labour court for farm workers who had been assaulted by their employers. Most of these cases were set-

tled but, where the matters went to court, the applicants were awarded damages for their assaults.

The new Labour Relations Act of 1995 makes it more difficult for farm workers to claim damages for an assault in the labour courts. The new unfair labour practice definition is much narrower than the old definition and does not specifically cover an assault by an employer on an employee. The new LRA also limits the size of a damages claim, thereby making it advisable for workers to seek damages for serious assaults in the civil courts.

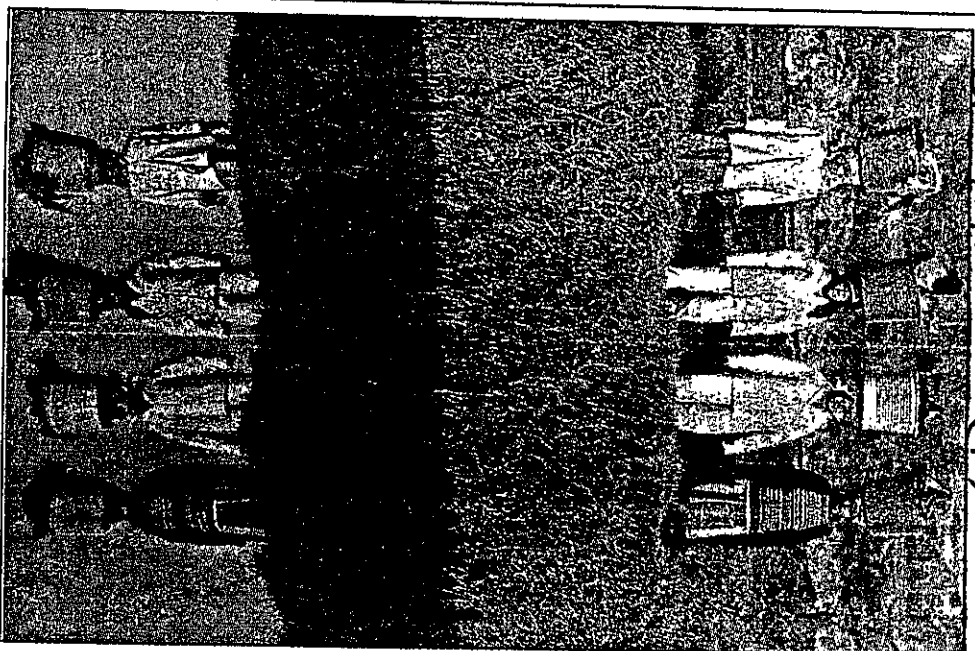
The Legal Aid Board does provide assistance to farm workers, but is slow in giving attorneys instructions to deal with cases and even slower in paying for the work when completed. Moreover, it is virtually impossible to find attorneys in outlying rural areas who are prepared to act for a farm worker who wishes to bring a damages claim against his or her employer.

In many cases, witnesses (particularly if they live or work on the farm) are reluctant to give evidence owing to the intimidating nature of the court process and out of fear of victimisation (such as the loss of a bonus) if they testify against the farmer.

Even if a case is successful, damages awarded to farm workers who have been assaulted are minimal. In a recent case in which a farmer assaulted a farm worker with a spade after the latter threatened to report him for an earlier assault, the Agricultural Labour Court only awarded damages of R800.

While it is difficult to determine whether or not abuse is as frequent on farms as was the case before 1994, what is true is that farm workers are speaking out increasingly against the abuse of their rights. The problem now lies with the way this problem is being addressed by the government and society as a whole.

While the government is showing a greater commitment to addressing the



CT 15/5/97

(4)

IN THE BALANCE: Although there have been improvements, there need to be more changes before farm workers can combat the level of abuse on farms.

In the enforcement of the law, and farm workers have easier access to the courts for the enforcement of their rights, it is unlikely that there will be any change to the status quo as far as the level of abuse on farms is concerned.

Nicky Westguard-Taylor is a labour law researcher at Centre for Rural Legal Studies in Stellenbosch. Sean Jacobs is a political researcher with Iason's Parliamentary Information & Monitoring Service.

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PROVINCE: MPUMALANGA

SCHEME	DAM	1996/97 R million	Revised budget 1997/98 R million
FUNDS RAISED FROM TARIFFS THROUGH GOVERNMENT WATER SCHEMES			
Crocodile River (East)	Kwena	0.1	0.6
Komati	Noolgedacht	-	0.2
Komati	Vygeboom	-	0.2
Komati	Ditlokoppes	-	0.2
Maraisane	Maraisane & Injaka	0.3	0.3
Sand River	Waklip	0.1	0.3
Byde River	Byde River	0.1	0.3
	TOTAL	0.6	2.1
FUNDS OBTAINED FROM THE EXCHOUER ACCOUNT FOR WORK DONE OUTSIDE PROCLAIMED GOVERNMENT WATER SCHEMES			
Mpumalanga		2.8	2.5
	TOTAL	2.8	2.5
	TOTAL FOR PROVINCE	3.4	4.6

(c) The following table is purchases that have been made from April 1996 to January 1997. It includes equipment such as chainsaws, brush cutters, slashers, office equipment, etc. and also protective clothing, boots, overalls, but does not include running cost such as petrol, oil, herbicides, etc.

Project	April - Jan 97
Kouga	R1 362 400.00
Soekraal	54 254.47
Amatola	21 000.00
Vondo	60 700.00
Letaba	20 431.00
Mpumalanga	523 390.00
Keiskammehoek	149 413.00
Fynbos	2 429 777.00
KwaZulu-Natal	388 435.51
Dinokana	0
Total	R5 009 801.95

This works out to less than 10% of the total cashflow up to January 1997.

The majority of the projects use office space and equipment supplied by the Implementing Agent, although in some cases office space is rented or are supplied free of charge by municipalities, etc. Equipment such as computers, fax machines, chainsaws, etc. are bought and are based and on record at each project.

The vehicles used in the projects to transport workers are obtained from:

1. Hired vehicles from the Directorate: Construction of the Department at Jan Kempdorp;

2. Government Garage (GG) vehicles; and

3. hired vehicles from private companies on tender.

Some of the project managers and development and training officers are using their private vehicles for official purposes at official rates.

(d) Direct evaluation is done by the Implementing Agent, such as Cape Nature Conservation and national evaluation by the Department of Water Affairs and Forestry. Audits have also been done by the Working for Water Management Team on an *ad hoc* basis and are reported back to the Management Team. Ecological audits have also been done by the Plant Protection Institute* and by interested people and groups.

(e) The main clearing process will take approximately 15 - 20 years, but follow-up will depend on the type of specie in the specific area.

(f) The amount budgeted for are shown in (1)(a)(i)

(g) End of 1996/97 financial year.

(2)(a) Currently no local councillors have any transport contracts with the projects. State tender and procurement procedures are used to obtain transport as mentioned in (1)(c).

(b) and (c) Fall away.

Number of farm labourers/dependents of farm labourers

404. Dr E A SCHOEMAN asked the Minister for Agriculture and Land Affairs:

What was the number of (a) farm labourers and (b) dependents of farm labourers in the commercial agriculture sector in (i) 1994, (ii) 1995 and (iii) 1996? N649E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

There is no information available with regard to the number of farm labourers in the commercial agriculture sector for the periods 1994, 1995 and 1996. The reason being that the results of the 1995 Agricultural Survey have not been released by the Central Statistical Service. The most recent available information is for the period 1991. At that time there were 1 051 197 farm labourers in the commercial agricultural sector and it was estimated that they had approximately 5.3 million dependants.

Agriculture and Land Affairs: staff employed

446. Mrs M J BADENHORST asked the Minister for Agriculture and Land Affairs:

(a) How many staff members were employed by his Ministry as at the latest specified date for which information is available. (b) how many of these staff members are employed in (i) Cape Town and (ii) Pretoria during the parliamentary session and (c) what was the amount spent by his Department in the latest specified calendar year to move its session activities back and forth between Pretoria and Cape Town? N726E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(a) nine

(b) (i) eight
(ii) one

(c) R21 750

Land claims: submission/finnalisation
468. Mr A S BEYERS asked the Minister for Agriculture and Land Affairs:

(a) How many claims had been lodged with the Land Claims Commissioners in terms of section 2 of the Restitution of Land Rights Act, 1994 (Act No 22 of 1994), in (i) urban and (ii) rural areas in each of the provinces as at 31 March 1997, (b) how many of these claims have been finalised, (c) when is it anticipated that these claims will have been finalised, (d) how many days elapse on average before a claim that is formally lodged and acknowledged is decided upon by the Land Claims Court and (e) how many such claims have been rejected by the Land Claims Commissioners for not complying with the requirements of the Restitution of Land Rights Act? N750E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(a)(i) and (ii)

PROVINCE	URBAN	RURAL
Western Cape	2714	61
Northern Cape	34	111
Free State	55	70
Eastern Cape	990	475
KwaZulu-Natal	4774	874
Mpumalanga	12	319
Northern Province	105	360
Gauteng	2792	304
North West	77	171
Total	11553	2745

(b) Only one claim, namely the Elandskloof hand claim in the Western Cape has been finalised, although nine hand claims have already been referred to the Land Claims Court for final adjudication. Sixty hand claims are almost at the point where they can be referred to the Land Claims Court.

(c) It is impossible to state exactly when all hand claims will have been finalised, due to the involved legalistic process of negotiation and consultation with all interested parties in hand claims.

Hansard

Tenure bill is on the way

(4) BD 26/5/97
Louise Cook

CABINET had asked Parliament to speed up tenure security legislation to protect vulnerable people living on land they do not own, the land affairs department said at the weekend.

The controversial Extension of Security of Tenure Bill proposes fast-track mechanisms to assist people in rural areas to acquire long-term security of tenure through grants from the land affairs and housing departments.

The bill was currently with the state legal advisers following its approval by Cabinet last week, and would be tabled in Parliament once it had been certified, the department said.

Land and Agriculture Minister Derek Hanekom said at the weekend that the approval of the bill by Cabinet was a major step forward in ending the hardship and conflict caused by insecure tenure and unfair evictions in rural areas. "The bill is an attempt to strike a fair balance between the legitimate rights and interests of rural land owners and insecure occupiers."

'Feudal attitudes' of wineland farmers are called into question

ANC member of Parliament Ben Turok accuses wine farmers of misguidedly trying to prevent the establishment of a new village in the Paarl area

DD 28/5/77

4

BUSINESS Day's leader page article on SA's recent wine export successes (May 22) is good news. The country needs to increase exports and we need foreign exchange. Hopefully it will create jobs. It is important to note that the major factor in the increase is "changing perceptions" about SA based on the "Mandela factor".

Before we get carried away, however, we should also note the fickleness of external views of our wine industry as was shown when our two leading wine journalists, Michael Fridjohn and John Platker, made critical remarks on the BBC about conditions on the farms in the Western Cape.

Markes & Spencer, Britain's largest chain store, reacted immediately by questioning whether it should sell SA wines. Any similar revelations about the conduct of our wine farmers will no doubt have a similar effect — so they had better put their houses in order.

I raise these matters because of my experiences in Greater Paarl, where the wine and fruit farmers still think they can get away with

feudal attitudes to their workers. Some in Simonvliet employ permanent workers for R80 a week, others in Groot Drakenstein employ casual workers for R80 a week. The accommodation is awful and there is no security of employment. Worst of all, they are bitterly opposed to an independent housing development sponsored by government.

The Groot Drakenstein Landowners' Association, of which Anglo American Farms is the largest component, has resisted for one and a half years all efforts to establish a rural village at Meerlust-hoophou which is 67ha of stony ground unsuitable for vines, but which lies in the heart of wine and fruit farms near Paarl.

The local working community, which consists of mostly farm workers, insists this land is most convenient for a village. This has been endorsed by the town planning consultants to the wine and

district council, engineers and all the experts asked.

All the cabinet ministers concerned (there are four) are agreed in principle that this piece of state land — currently leased to Sactel but greatly underused — should be allocated for a rural village as there is a huge housing shortage in the area. Subsidies of R15 000 a household are available.

The response of the landowners and farmers has been that they do not want a "squatter camp" in this beautiful valley, renowned for its tourism and good wines. Part of the site has now been advertised for rezoning by the council, but the landowners and farmers have lodged numerous objections and we face a long fight. On June 3, the land affairs department-general will hold a meeting of all parties and their numerous lawyers to try to resolve the issue. Based on past experience, one is pessimistic about the outcome.

At previous all-party meetings which I convened, the landowners and farmers were extremely difficult. There were several walk-outs, and when forced to concede to the principle of a village the landowners and farmers argued for only 50 to 100 houses, whereas the town planners have proposed 500 as the minimum for a viable village.

The landowners and farmers insisted on inserting clauses that applicants for plots should not have criminal records relating to drugs, alcohol or dangerous weapons, and that they should have been working in the area for five years. The new residents would also have to construct houses which were in keeping with the surrounding environment.

The Groot Drakenstein Housing Forum, representing the working community, has responded with great indignation to these proposals and insists that, as people born in the area who have also worked there all their lives, they are entitled to plots where they can build their own houses outside the control of farmers. In other words, they want to break with feudal relations, "bad houses" and the rest. Clearly our new constitution and the policies of Land Affairs and Agriculture Minister Derek Hanekom support such views.

It is difficult to avoid the impression that we are moving to a deadlock where powerful and wealthy wine and fruit producers will use their lawyers to block the establishment of a village. There are numerous diversions underway, including a scheme by Anglo for alternative housing, which will, however, take 10 years to be realised.

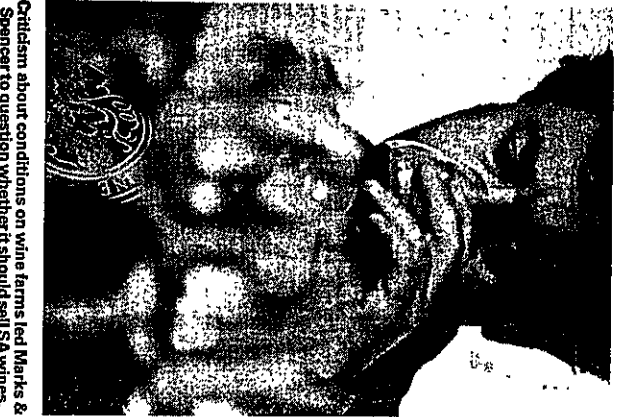
All concerned are opposed to a squatter camp. There is already one in existence at Simonvliet Grassyard, where 50 people are

camping, protected by the Supreme Court since they were moved there by the provincial government. The squatters themselves have not allowed any further increase of the camp but eagerly await plots in the proposed Meerlust village.

If the landowners and farmers continue to obstruct this village, there will certainly be a land occupation which no one will be able to control. This will lead to all the awful consequences that such events usually bring.

Our wine and fruit farmers should enter the 20th century and the new SA. Neither they nor SA can afford the adverse publicity of another land occupation, especially in the middle of a wine route. No doubt foreign journalists will have a field day examining the labour practices in the industry.

And I doubt whether President Nelson Mandela will want to save them then.



Criticism about conditions on wine farms led Markes & Spencer to question whether it should sell SA wines.



Why: a tearful Sabina Venneal ponders her future



Victimised: Sabina Venneal and her family still do not know why their wall and garage have been demolished and trees and plants ripped out of their garden

OBEID ZILWA

Farmworkers' land bulldozed

No warnings given after 55 years of service

JULIAN JACOBS
STAFF REPORTER

Sabina Venneal watched in horror as her neat little garden, garage and a wall were flattened by a bulldozer – apparently on the orders of Delta farm owner Michael Pickstone near Groot Drakenstein in the Boland.

“As I heard the engine of the bulldozer I ran outside. My heart broke when I saw a large bulldozer flatten my plants, all my lemon, orange and apple trees,” Mrs Venneal said, crying.

“All I could do was pray to God to restrain me from saying things I didn’t want to say.

“It was terrible to see everything I cared and worked for destroyed under the blade of the bulldozer. There was no warning, they simply flattened everything.”
The Venneals, who have lived for more

than 20 years in the house and who have been working on the farm for more than 55 years, were flabbergasted at the action against them.

Their telephone line was cut, their furniture which had been stored in the garage was drenched by rain and they did not have water due to damage to the water pipes.

Rubín Abrahams, one of the Venneals’ sons, said his father had been working for a nursery on the farm since he was 11 years old.

The family had lived for free on Delta Farm until six years ago, when Michael Pickstone became the new owner. They then started to pay rent.

All attempts to obtain comment from Mr Pickstone failed.
When Saturday Argus visited the home of the Venneals the bulldozer was busy flattening the remains of the garage and trees.

A huge pile of debris and uprooted trees had been pushed to the side.

“Everytime I look at the bulldozer ramming and ploughing the grounds where my garden was I choke. I can’t stand it,” she said.

The Venneals still do not know why their property was bulldozed.

“We have heard from our neighbours that Mr Pickstone wants to plant new trees in this area, but we are not sure,” she said.
Western Cape Community Organisation (Wecco) condemned the actions of the nursery farmer and threatened to rally people around the issue.

Michael Padana, president of Wecco, said the owner should be penalised for contravening the law and that he (the owner) should be educated regarding human rights.

“We will fight for the family that has been traumatised and violated against and

will do everything to stop their eviction,” he said.

The family fear the farmer will evict them from the land.

“We have contacted the police but we have received no help in this regard, the owner is also nowhere to be found,” she said.

The Extension of Security of Tenure Bill was recently accepted by Cabinet and will soon become law. This Bill entrenches the protection of basic human rights under the new constitution.

“What he (the farmer) has done is illegal, he contravened the current law and he has broken the Labour Relations Act, because the worker has been working for him for more than 55 years,” said Morris Smithers of the Department of Land Affairs.

“He did not give them any warning, verbal or written.”

He added that until legislation was passed sometime later this year the department’s hands were tied.

The new bill gives protection to people who have lived on someone else’s land with the tacit or express consent of the owner or occupier of that land.

It will grant an occupier who has lived on the land for 20 years, and who is either 55 years old or a disabled former employee of the owner, a non-transferable right to remain on the land.

It also proposes penalties for offenders who evict contrary to this law. And it will also make penalties for unlawful evictions the same as the penalties for trespassing.

“My father went to work today as he has done for the past 55 years and he is very upset. We thought this kind of behaviour was a thing of the past. He is 66 years old and still he has not received any pension,” Mr Abrahams said.

RAY 31/5/97

(4)

Radio Khwezi
BBT
Kangala Community Radio
Bushbuckridge Community Radio
Radio Mafisa
Radio Maritzburg
Sasanguwe Community Radio
Zibonele Radio
Winterveldt Community Radio
Radio Namaqualand

(c) R840 528,84.

(2) No. The campaign was a project of the Department of Land Affairs, not the Ministry. The contents of the advertisements were cleared by officials of the Department.

(3) Yes. The campaign succeeded in its objective of reaching and informing the public. However, it was viewed by some role players as an obstacle to further discussions. I therefore decided to suspend the campaign to ensure the continued and constructive participation of all relevant role players.

(4) There are no immediate plans to resume the campaign. This issue will be reconsidered at a later stage, once the bill has been enacted.

(a) and (b) Fall away.

Germiston magistrate's court: charges against certain persons

112. Mr W F MNISI asked the Minister for Safety and Security:

Whether, with reference to certain particulars which have been furnished to the South African Police Service for the purpose of his reply, (a) a charge of attempted car theft brought against a certain person, (b) charges of murder brought against two other persons, and/or (c) a charge of rape brought against another person, in the Germiston magistrate's court, still stand; if not, why were the charges dropped in each case? C117E

The MINISTER FOR SAFETY AND SECURITY:

(a) No. The case was withdrawn against the accused. The complainant and State witnesses failed to attend the court case on 4 February 1997.

(b) Yes. According to the records, only the second person's name mentioned, appears on the records. The date of trial for this person is on 11 November 1997 in the Supreme Court.

(c) No. The case was withdrawn against the accused. The complainant was arrested as an illegal immigrant and deported. Her whereabouts are unknown.

Services rendered: amounts paid to firm

142. Mr E K MOORCROFT asked the Minister for Agriculture and Land Affairs:

Whether any amounts were paid in 1996 to a certain firm, the name of which has been furnished to the Department of Agriculture for the purpose of his reply, for services rendered to that Department; if so, in each case, (a) what was the nature of the services so rendered, (b) which employee, partner and/or consultant attached to the said firm was retained for this purpose, (c) over what period were the services rendered and (d) what amount was paid to the firm? C155E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

All payment information, which is available to the National Department of Agriculture, was scrutinized for the identification of payments made to the firm. No payment to Cheadle Thompson & Haysom was identified.

SAPS: amounts paid to informants

145. Mr J SELFFE asked the Minister for Safety and Security:

(a) What amount was allocated in the South African Police Service's budget vote for the 1995-96 financial year for rewards for persons coming forward with information, (b) what portion of this allocation was spent in that financial year and (c) how many convictions have been obtained on the basis of information for which these rewards were paid out? C158E

The MINISTER FOR SAFETY AND SECURITY:

(a) R39 000 000,00
(b) R43 464 171,00

(c) The statistics as requested are not kept by the South African Police Service. It is not possible for the SAPS to determine how many convictions have been obtained on the basis of information given by informants. The reason being that convictions are not always a direct result of the information given.

Police band/museum: amount spent

146. Mr J SELFFE asked the Minister for Safety and Security:

(1) What amount was spent on (a) the police band and (b) police museums in each year during the latest specified period of three years for which information is available;
(2) whether any proposals to reduce expenditure in respect of the said band and/or museums have been considered, if not,

what is the position in this regard; if so, what are the Relevant details in each case? C159E

The MINISTER FOR SAFETY AND SECURITY:

(1) (a)	1994/1995 Financial year	-	R16 579 000,00
	1995/1996 Financial year	-	R26 130 000,00
	1996/1997 Financial year	-	R19 214 000,00
(b)	1994/1995 Financial year	-	R 9 827 000,00
	1995/1996 Financial year	-	R 8 211 000,00
	1996/1997 Financial year	-	R 6 979 000,00

(2) Yes. Due to the rationalisation process initiated in 1996, the establishment of the South African Police Service Bands was reduced from 502 members to 195 members. At present the actual strength of the SAPS Band is 110 members, due to resignations, transfers and severance packages.

An investigation into the rationalisation and/or reorganisation of the police museums is underway. An in-principle decision has been taken to close the Museum in Gold Reef City which was extensively damaged during 1996.

Farm employment figures fall 30% as farmers rationalise

Bloemfontein - Farms employed between 30% and 40% fewer workers than was the case three to four years ago, and more productive management styles were gaining ground, the Agricultural Manpower Forum said in a statement yesterday.

The forum represents labour advisers in six provinces.

It said surveys showed employers in the agricultural sector had engaged fewer workers since certain labour legislation came into effect.

It appeared that some legislation posed a threat and negatively influenced the good relations that had existed for years, the forum said.

The legislation had a further impact on the farming sector in that farmers and agricultural employers were following more selective employment procedures.

Forum member Braam Cilliers of Bothaville said houses on farms were empty and that more systematic planning was being done in terms of all labour.

Forum chairman Pieter Moller said there was increasing unemployment in agriculture. South African farmers were following their overseas' peers by using more sophisticated labour. In many cases this meant the use of fewer people, with greater use of trained employees. Many farmers were investigating mechanisation of their activities. - Sapa

(4) ARG 7/6/97

Most farmworkers live below subsistence level

CT 13/6/97 (4)
FRANK NXUMALO

Johannesburg — The vast majority of South Africa's 1 to 1,5 million farmworkers live far below the minimum living level (MLL), Stephen Greenberg, a researcher at the Farmworkers Research and Resources Project (FRRP), said yesterday.

Research carried out on farms in the Free State, Gauteng, North West and Northern Province shows that about 53 percent of all male farmworkers surveyed earned below R398 a month in cash and kind last year.

This is well below the MLL of R970 a month a household (two income earners), as determined by the Labour Market Commission (LMC) last year.

Greenberg said the situation for female farmworkers was even worse. In all sectors except

poultry, household remunerations were much lower than the MLL.

On average, farmworkers laboured 55-60 hours a week, but what exacerbated the situation was that "there is no real monitoring and regulation of these hours", he said.

Greenberg said illegal child labour was rampant on the farms with children below the age of 16 labouring 40 to 49 hours a week.

"The average wage for male children was R192 a month and R170 for female children," he said.

Farm management was also using housing on the farms as a form of social control, he said.

However, Greenberg pointed out that the industry as a whole was declining and was bound to shed workers as 18 000 commercial farmers, or 30 percent of the total, owed financial institutions about R20 billion.

CHAMPION ESTATE REWARDS LABOURERS

Prime land given to workers

CT 17/6/97

(4)

WORKERS on a Boland wine estate, some of whom were born there, are being given land worth millions of rands, by a grateful owner. **ROGER FRIEDMAN** reports.

FOR building Nelson's Creek into the reigning champion Boland wine estate, 14 labour families are being rewarded with a prime 10-hectare piece of the farm.

Owner of the estate Mr Alan Nelson, a Senior Counsel at the Cape Bar, told the Cape Times yesterday that he was giving the land to his "fantastic" employees on condition that they use it for agricultural purposes. Some of the workers were born on the land.

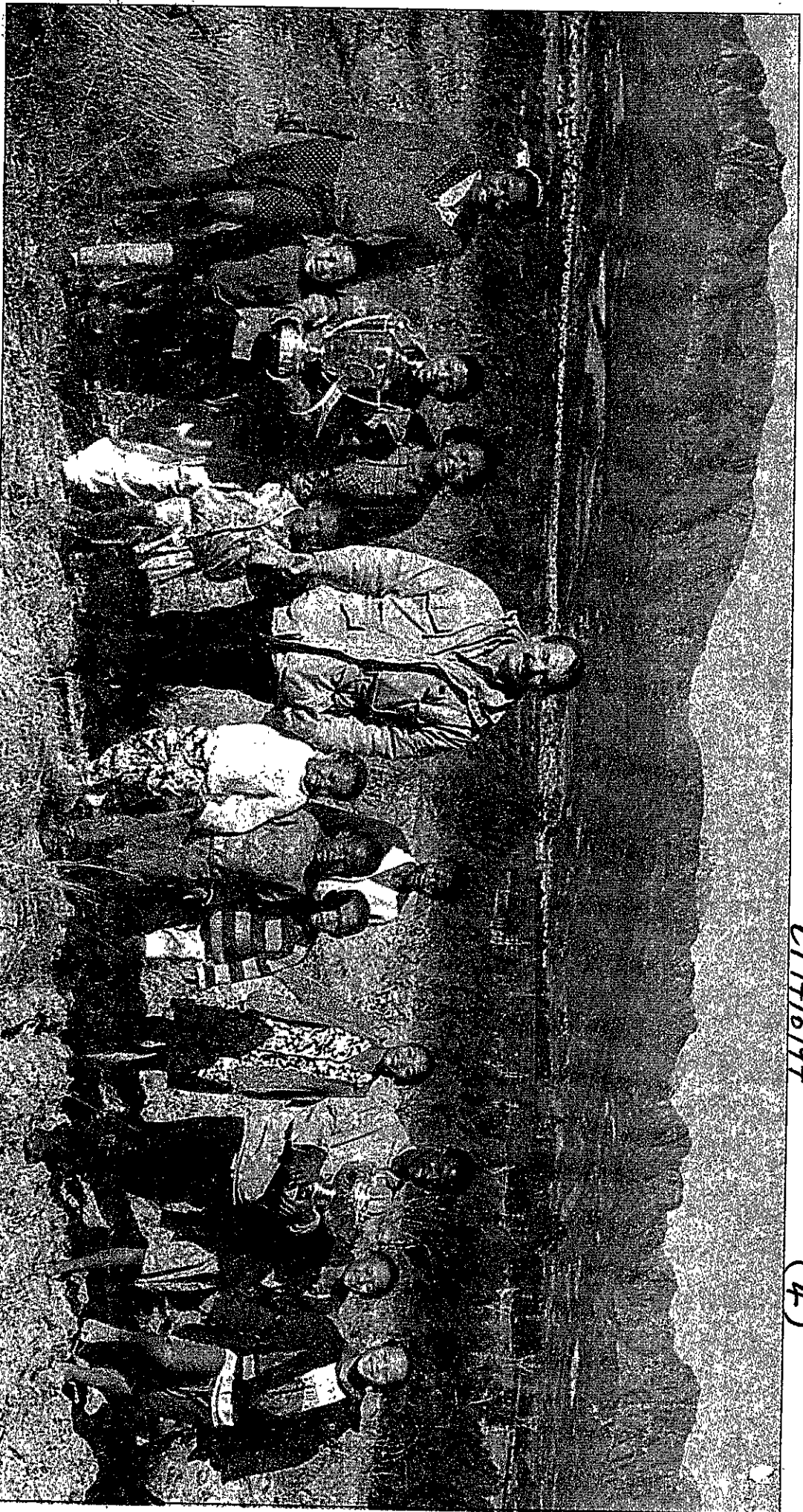
The farm — on rolling hills off the R44 between Paarl and Wellington — became the first wine estate to be registered in the new South Africa, just after the historic 1994 elections.

Although Nelson said he did not wish to prescribe to his workers what they planted on the land, he hinted that it could be to their financial advantage to plant vines. The full, intricate deal and arrangements will only be unveiled at the official launch of the project on the farm today.

Apart from Nelson and the workers, other role players in the project include community facilitators and the Department of Land Affairs, which will be helping the workers to develop the land through Land Acquisition/Settlement Grants of R15 000 per household.

It is estimated that if the workers proceed wisely, they should be able to virtually double their present income within about three years. They are apparently considering registering themselves as Klein Begijn Boerdery.

Nelson said it made good economic sense to donate the land. He would not be able to develop it in the foreseeable future, and the workers



IT'S YOURS: The owner of Nelson's Creek wine estate, Alan Nelson, leads his workers' children across land he is giving their parents as reward for the estate's achieving Boland champion status. **PICTURE: BENNY GOOL**

were getting government grants to do so.

The Cape Times did not have the opportunity to speak to any of the workers when we visited the estate yesterday. When we arrived Nelson was nowhere to be found, and the workers were spending their public holiday beginning to clear their land

of old vines. By the time we found Nelson it was after lunch and the workers had disappeared to a football match.

As it was Youth Day, perhaps it was more appropriate that we met their children instead, with newly secured futures. Nelson said the workers would

continue to work his land, and tend their own in their spare time. The price of developed 10-hectare farms in the Boland runs into millions of rands.

The farm was called Wittenberg when Nelson bought it nine years ago. A river runs through it, hence the name. It is 142 hectares, 44ha of

which are under vines.

When he and his family moved onto the land, he promised the workers that if they succeeded in building a champion estate they would be richly rewarded, Nelson said.

Last year the estate's Chardonnay was voted top wine, and Nelson's Creek the top estate in the Boland.

Travelling around the estate yesterday Nelson was clearly proud of his workers' achievements, pointing out the orderliness of the rows of vines.

He said he ran his legal practice in Cape Town and they ran the farm, in the past few years, with the assistance of the winemaker. "They must really get the credit," he said.

Wine workers get part of estate as reward

(4) Star 17/6/97

OWN CORRESPONDENT

Cape Town - For building Nelson's Creek into the reigning champion Boland wine estate that it is, 14 labourer families are being rewarded with a 10-hectare piece of the farm.

Estate owner Alan Nelson, an advocate at the Cape bar, said yesterday he was giving the land to his "fantastic" employees on condition they use it for agricultural purposes. Some of the workers were born on the land.

The farm, on rolling hills off the R44 between Paarl and Wellington, became the first wine estate to be registered just after the 1994 elections. Although Nelson said he did not wish to prescribe to his workers what they planted, he hinted it could be to their advantage to make it vines.

The full, intricate deal and arrangements will be unveiled at the official launch of the project today.

Apart from Nelson and the workers, other role-players include community facilitators and the Department of Land Affairs, which will be assisting the workers to develop the land through the provision of land acquisition/settle-

ment grants of R15 000 a household.

Calculations show that if the workers proceed wisely, they should be able to double their present income within three years.

They are apparently considering registering themselves as "Klein Begein Boerdery".

Nelson said it made good economic sense to donate the piece of land. He would not be able to develop it in the foreseeable future, while the workers were getting

Staff get chance of more income

government grants to do so.

Nelson said the workers would continue to work on his land while tending their own in their spare time.

Last year the estate's Chardonnay was voted top wine, and the estate, tops in the Boland.

Travelling around the estate yesterday Nelson was clearly proud of his workers' achievements, regularly pointing out the orderliness of the rows of vines.

Hanekom eases law on farm evictions

BD 18/6/97

(4)

Wyndham Hartley

CAPE TOWN — In a concession to organised agriculture, Land Affairs Minister Derek Hanekom has softened key clauses in a controversial bill which aims to give tenure security to hundreds of thousands of farm workers.

The Extension of Security of Tenure Bill, tabled in Parliament yesterday, will now allow evictions without alternative accommodation being available under certain circumstances. The Bill was tabled after months of negotiation between agricultural unions, the department, the National Land Committee and other lobby groups.

The Prevention of Illegal Squatting Act, which was to have been repealed by the bill, will remain. However, it has been referred to the housing ministry so that alternative legislation can be formulated to replace it.

The original land tenure bill, published in February, specified that farm workers who lost their jobs through no fault of their own could not be evicted unless alternative accommodation was available. The revised legislation allows exceptions to this rule.

Agricultural unions said only land

owners' duties were specified in the original. Workers' duties to employers are now more precisely defined.

The heart of the legislation, which requires a judicial procedure and a court order before a farm worker may be evicted, remains in place, but only if the employment of the worker has been legally terminated.

The major departure from the original bill is a provision that if a worker has not found alternative accommodation within six months of the termination of the right to residence, he or she may be evicted. This applies if the right of residence was solely as a result of employment; if the owner provided the accommodation; and if the efficiency of the farming operation "will be seriously prejudiced" if the dwelling occupied by the dismissed worker was not made available to his



HANEKOM

or her replacement.

The bill also provides that a court may evict someone living in the same dwelling as a worker who has been evicted in terms of the legislation.

The courts will still have to apply a test of "comparative hardship", scrutinising the situations of both the owner and the worker and the efforts they have both made to secure alternative accommodation. The effect is to place an onus on both to find alternative accommodation, while the original draft

placed the onus on owners.

Sources in the National Land Committee, which has fought for giving farm workers rights to the land on which they reside, expressed concern at the softening of the alternative accommodation clauses. It is to hold a news briefing tomorrow.



FREE AT LAST: Brothers Jan and Piet Scheepers were born more than 40 years ago on Nelson's Creek wine farm. As a reward from the owner for helping build the estate into the Boland champion last year, they now own a portion of the land. The ultimate beneficiaries would be their children, they said.

PICTURE: BENNY GOOL

Wineland to be shared by those who work it

ROGER FRIEDMAN

NOT only have the labourers of Nelson's Creek Wine Estate been given a portion of land by grateful owner Mr Alan Nelson, they are also about to become shareholders in KVV and the local co-operative, Windmeul.

Yesterday Nelson announced that he was donating a portion of his estate's water rights and, if permissible, half of the estate's shares in KVV, together with a portion of its Windmeul shares, to the 14 labourer families.

He said the KVV shares would

ensure they enjoyed access to a variety of technical benefits, facilities and expertise.

And should the labourers decide to plant the land with vineyards of noble cultivars, they would be allowed to use the estate's implements free.

Windmeul shares would give them the option of having their crop bottled on the estate, under a separate label, or selling it elsewhere, Nelson said.

The labourers are being given 8,9 hectares of agricultural land. An additional hectare has been set aside for direct access from the

adjoining R44 freeway between Wellington and Paarl.

Nelson is grateful to his labourers because the estate was crowned champion wine estate and private wine producer of the Boland for 1996. When he bought the "dilapidated" farm nine years ago, he put an end to the dop system and promised those labourers who chose to stay they would be richly rewarded if they worked hard.

He insists that apart from expressing his gratitude, the donation of the land makes absolute economic sense.

It will cost about R60 000 a

hectare to develop maximally, which is money he does not have. Each labourer, on the other hand, qualifies for a R15 000 government grant under the Land Reform Programme.

Should the labourers plant their land with noble cultivars, each family could earn an additional R30 000 a year within four years, Nelson has calculated.

"Not only does it make sound economic sense ... but I truly believe that if we want to survive as farmers in the new South Africa, we will have to learn to share our land with those who have hitherto

been denied access to it," he said.

A trustee of the Paarl Valley Children's Fund, Mr Victor Titus, has been appointed by the labourer community as project facilitator. He will be paid a salary by the Department of Land Affairs.

Titus said agricultural experts were being consulted about the best use for the land. Should the families decide they needed the extra income immediately, they could plant berries or vegetables. Other options were olives and vines. Their skills in the wine industry could tilt the balance that way.

● See Page 8

(4) et 18/6/97

Action threat over land bill

(4)
Louise Cook

BD 19/6/97
THE National Land
Committee representing
landless communities
threatened mass action
yesterday following gov-
ernment's softening of
key clauses of a bill in-
tended to give farm
workers security of
tenure.

The committee said
communities around the
country would carry out
a "range of activities to
force government to take
their concerns serious-
ly". Farm workers' con-
ventions would be held
in the next two months,
government offices
would be occupied and
protest marches would
be held.

"We will never break
the legacy left us by
apartheid if we do not
ensure that people living
on white-owned farms
are given secure land
rights."

The committee called
on Land and Agriculture
Minister Derek Hane-
kom to broaden the scope
of the bill, saying he was
"skirting the issue" and
failing to deal with the
key issue of evictions.

Committee director
Brendon Pearce said the
bill fell short of farm
workers' expectations.

With the exception of
the Transvaal Agricul-
tural Union, farmers'
unions refused to com-
ment on the bill yester-
day, saying they would
respond after consulta-
tions. Transvaal Agricul-
tural Union spokesman
Willie de Bruyn said the
revised bill was "more
balanced".

Bill to protect farm-dwellers under fire

Cape evictions on rise

ARG 20/6/97 (4)

JOSEPH ARANES
STAFF REPORTER

Several non-governmental organisations (NGOs) involved in the land and farming sectors have strongly criticised the Government for not doing enough to protect the rights of farm-dwellers.

They were responding to the Land Affairs ministry's new Extension of Security of Tenure Bill, which was tabled in Parliament recently.

The NGOs say the bill will not address concerns about security of tenure for the majority of farmworkers.

At a joint press conference yesterday, the National Land Committee and the Farm Dweller Tenure Coalition, a body representing at least eight NGOs in the field, said they supported Minister Derek Hanekom's efforts to achieve security of tenure and a better life for farm-dwellers, but that the bill in its present form was a far cry from what their constituents had hoped for.

Coalition spokesman Marius Fransman said the bill was doing little more than entrenching rights already

available to farmworkers, and would only prevent the eviction of those who had worked on a farm for more than 20 years and who were older than 60 or disabled.

"Since the bill was published in February, we have been monitoring the situation and to date almost 150 families have been evicted by farmers who are trying to beat the system, even though the bill, when passed, will be enacted retrospectively to that date.

"The current bill does not provide women and children with any form of protection, does not break exploitative arrangements which tie housing to employment, and does not clearly address farmers' power to evict people from farms."

Mr Fransman said trends during the past months showed evictions had increased, affecting mainly those who had lived on the farms for long periods. Areas in the Boland, Brandwacht, Uniondale, Malmesbury and Citrusdal were particularly problematic.

The coalition plans to hold a series of workshops, culminating in a regional convention where a submission will be drafted for presentation to Parliament.

Government under fire for 'failing' farm dwellers

AAL 21/6/97 (4)

The vexed issue of farm dwellers' rights has come under the spotlight as the Extension of Security of Tenure Bill comes up for discussion in Parliament again.

Joseph Aranes reports

The Government has come under fire for failing to protect the rights of farm dwellers as more and more farmers are evicting farmworkers and their families, in spite of the publication of the Extension of Security of Tenure Bill.

Several Non-Governmental Organisations (NGOs) involved in the land and farming sectors said the bill, which was tabled in Parliament recently, would not address concerns about security of tenure for the majority of farmworkers.

Last month, Sabina Venneal watched in horror as her neat little garden, garage and house were flattened by a bulldozer – allegedly on the orders of Delta farm owner Michael Pickstone – near Groot Drakenstein in the Boland.

"It was terrible to see everything I cared and worked for destroyed under the blade of the bulldozer – there was no warning, they simply flattened everything.

"All I could do was pray to God to restrain me from saying things I didn't want to say," said Mrs Venneal.

The Venneal family, who had lived for almost 20 years in the house and had been working on the farm for more than 55 years, were flabbergasted at the action taken against them.

But it is not only commercial farmers who are evicting farmworkers. At the beginning of the month, Cornelius Grootboom was evicted from his house, owned by mining house giant Anglo American.

Mr Grootboom, 57, had tended pigs on the farm for the past 14 years and developed callouses on his feet from working with the pig and cattle excrement. When he told the farm manager he could no longer do his job, he was told to vacate the house.

The Grootboom and Venneal stories are not unique. Hundreds of people like them, who have lived and worked on farms for most of their lives, have been evicted since the Extension of Security of Tenure Bill



OBED ZILWA

Bewildered: Sabina Venneal and her family in the midst of what was once their home

was published in February.

The bill was tabled in Parliament last week and according to Land Affairs Director-General Geoff Budlender, it represented a better balance of the rights and interests of occupants and owners of land.

The bill gives effect to clause 25(6) of the Constitution. This clause states that a person or community whose tenure of land is legally insecure as a result of racially discriminatory laws or practices of the past, is entitled to either tenure which is legally secure or to comparable redress.

The bill aims to prevent unfair evictions and give greater security of tenure to vulnerable farmworkers, and sets out criteria and procedures for evictions. Basic rights and obligations of occupiers and owners of land in the rural areas are spelt out, and other fundamental human rights contained in the Constitution are specifically mentioned to contextualise the relationship between parties.

In a memorandum to the bill, "fast-track" eviction mechanisms and criteria are established to help people acquire long-term security of tenure, either on the land they are living on, or on other land.

If accepted by Parliament, the bill will

be enforced retrospectively from February 4, the date the draft was published in the Government Gazette.

The bill applies to all land except land in a designated or established township, or land surrounded by such a township.

But the farmer or person in charge of land may terminate the right of occupation on various grounds, which largely reflect the law as it stands at the moment, including valid termination of employment in terms of the Labour Relations Act.

The courts are given broad jurisdiction to grant eviction orders, but have to take into account factors such as the period the worker has been on the land, the conduct which gave rise to the termination of employment, and the interests of the parties involved.

But several NGOs, while supporting the Land Affairs minister's efforts towards achieving security of tenure and a better life for farmworkers, have expressed their concern that the bill has too many shortcomings.

The Farm Dweller Tenure Coalition, (FDTC) – a front for eight other organisations – believes the bill will not protect the farm dweller population adequately from

the cruelty of eviction. Coalition co-ordinator Marius Fransman said the FDTC believed the bill would entrench the notion of legal evictions, as much of the power was vested in the hands of local magistrates who had to issue eviction orders before people could be evicted.

He said the bill was doing little more than entrenching rights already available to farmworkers and would only prevent the eviction of those who had worked on a farm for more than 20 years and who were older than 60 or disabled.

The FDTC has been monitoring the eviction trends in the province in an attempt to establish reasons for the evictions, and to provide a legal support system for the farmworkers, who generally cannot compete against the resources, knowledge and influence of the farmers concerned.

Farm labourers have expressed, in FDTC workshops, the view that they were marginalised under colonialism and apartheid, and if this bill became law, their marginalisation would continue under the new Government.

The clear message the farm dwellers were sending to the policy makers was: "We cannot feel safe until we have secure rights to land, and it is the Government's responsibility to provide laws which give us this protection."

The National Land Committee says the bill does not give occupiers a positive right to security of tenure, as tenure remains tied to employment. Committee spokesperson Jenny Sampson said the bill, in defining the tenure rights to be addressed, merely restated the status quo. "It does establish a usufruct right for particular categories of people who are aged, but this category is likely to be very limited. Besides this provision, it does not establish any right of tenure beyond that which already exists.

"The bill does not see the need to break situations of 'tied housing' for which agriculture is notorious, and it does not provide women and children on farms with independent rights as occupiers."

Ms Sampson said too much power was being situated in the local courts and there was no space for rural communities to mobilise themselves in defence of their positive rights.

Stability of tenure on farms can erase the fear of

The controversial Extension of Security of Tenure Bill seeks to prevent unfair evictions from rural land. Political correspondent Wyncham Hartley looks at the implications

(4) 27/6/97

FEW South Africans, if they were really honest, would be able to deny that for generations local farmers survived on the basis of state support and a feudal system of labour which had as a primary result the entrapment of black people. As with all generalisations, there will be exceptions. But most white South Africans who ever visited a farm will be familiar with the dismal collection of shacks some distance from the farmhouse; with the queues of workers, from the very elderly to the very young, at the farmhouse door waiting for food rations.

What they perhaps were not familiar with was the way in which farmworkers were paid: mostly in kind, thus ensuring that they would never develop resources to improve their lives. There was also very little of that other vital element for development — education — except on the most liberal of farms. Children born to farmworkers simply grew up to work on the farm; that was the natural way of things. They would also not be familiar with cases where farmworkers were told to pack up and leave when they had outlived

their usefulness.

Having said that, however, it must also be acknowledged that farmers have been a safe haven for many thousands of elderly workers who have effectively retired and, to an extent at least, have been looked after by the farmer. It has to be acknowledged that many farmers provided good quality housing and schooling for those who lived on the farm. The record books will also show many farmers doing battle with the apartheid state to establish and maintain farm schools.

Hardline campaigners insist that farmworkers and other rural workers who live on the land of their employer should be given full title to the land on which they and their families have lived. Rural landowners claim in contrast that a law protecting farmworkers from unfair eviction is unnecessary. They claim that until the ANC-led government began talking about laws to protect the security of tenure of farmworkers

there were very few evictions. The rate of evictions, some in organised agriculture, say, increased only when Land Affairs Minister Derek Hanekom began talking about legislating security of tenure. Farmers, afraid of losing large chunks of their land, then evicted surplus people.

It was between these two extremes that Hanekom and his director-general Geoff Budlender had to try and find a balance.

Unlike with earlier legislation securing the tenure of farm labour tenants, when a draft law was simply published, this time the land affairs department announced its intention to legislate and called on interested parties — particularly organised agriculture and the National Land Committee (NLC) — to make submissions.

A number of consultations were held, resulting in the publication of a draft bill. Further consultations and some key concessions resulted in a second draft going to Parliament recently.

Initially it was envisaged that farmworkers could not be evicted if they had done nothing wrong — the so-called "no fault" situation — unless alternative accommodation was available. All evictions would have to be a result of a court order. If a worker was guilty of a breach of contract, or theft or something similar, different conditions would apply.

Organised agriculture raised a storm. They had visions of farmworkers refusing to work and being able to occupy the farmer's land in perpetuity so long as they did nothing wrong and rejected all alternative accommodation as unsatisfactory. This is where the main concession in the new draft comes in. An onus is on the farmworker to look for alternative accommodation for six months even if termination of his employment was through no fault of his or her own. Then, if the farmer can demonstrate that the continued residence of the worker on the farm is to his serious disadvan-

tage the courts may authorise a no-fault eviction.

In reality, no-fault evictions will still be extremely difficult to achieve and land affairs officials do not share the fears of the NLC that it will expose long-term workers to unfair evictions.

The legislation still makes it almost impossible to evict farmworkers older than 60 years of age or those who have lived on a farm for more than 20 years. They may not be evicted unless guilty of something really bad such as destruction of property, theft or assault. Given that people in these categories will probably have devoted their entire lives to working on the farm it seems right they should be allowed to see out their days there.

The Extension of Security of Tenure Bill seeks to tie the halting of evictions from rural land to the development of secure housing for rural people through the state subsidies on offer.

The NLC complains that farm-

ers and owners of rural land are not compelled in the legislation to contribute to tenure security. A farmworker who decides he would rather obtain land and have his own place in a nearby village will find this difficult on the R15 000 subsidy on offer from the state. A forum has been suggested, in which workers and owners will participate for the development of tenure security.

Rural landowners would do well to participate in any forum established for this purpose, whether it is imposed by law or is voluntary, and to play an active role in helping create viable solutions, whether they be agrivillages or other ways of stabilising the situation in the commercial farming areas. Only the stability which secure tenure can bring will erase the fear of land invasions and increasing crime on the farms. Razor wire, guns and patrols will fail.

In its turn, the land affairs department must put in place infrastructure to implement this legislation successfully and then facilitate long-term solutions — or else the law too will fail.

LETTERS TO THE EDITOR

The figures prove farmworkers' plight

CT(DR) 16/7/97 (4)

Frank Nxumalo's report on the conditions of farmworkers on South African farms (Business Report, June 13) drew a response in *Landbouweekblad* from Jack Raath, the executive director of the South African Agricultural Union. I am now responding to Mr Raath's comments on the research conducted by myself and the Farmworkers' Research & Resource Project (FRRP).

Basic analysis of the 1993 Agricultural Census reveals that wages were still well below the R600 per month Mr Raath claims farmworkers are receiving in some areas. In 1993, black permanent farmworkers received an average of R330 per month in cash and kind, including a cash value for food and rations, free housing and free land use. If casual/seasonal workers are included, the average monthly wage declines, since these workers do not work every month.

Mr Raath says farmworkers in the central areas of the country earn above the amounts stated by FRRP. In fact, black permanent farmworkers in the Free State and the North West earn amongst the lowest wages of all farmworkers in the country: an average of only R279 in the Free State and R310 in the North West per month, in both cash and kind, in 1993. It does appear that permanent workers received wages well above inflation between 1992 and 1993, but to suggest

wages have increased by over 100 percent between then and now does not accord with the results of surveys conducted since then.

Mr Raath argues that farmworkers receive cheap or free housing from farmers. But they do not have any independent ownership. So-called "free" housing, therefore, comes at the cost of social independence, tying workers to the employer who can decide arbitrarily whether or not they have a shelter.

Mr Raath is the executive director of the South African Agricultural Union (SAAU), which encourages members to obey labour legislation and to outlaw child labour on their farms. If the SAAU is serious about working with the law, it should facilitate the investigation of child labour on farms and should support the right to access to workplaces by trade unions and the right to freedom of association, in line with labour legislation and the Constitution.

Mr Raath criticises FRRP for suggesting that up to 30 percent of commercial farmers are close to bankruptcy. The debt figures, however, are based on figures from the SAAU itself, which found in a 1984 study that at least 11 percent of farmers were in immediate danger of insolvency and that over 22 percent were at a critical level — the point beyond which it becomes effectively impossible to farm

without a progressive increase in debt.

The situation has deteriorated substantially since 1984. Agriculture is really in a crisis. After the disastrous year of 1992, the total value of capital assets in agriculture dropped in actual terms for the first time ever. The question of debt is not only about the ability to maintain existing levels of debt but also the possibility of further borrowing if required.

This is particularly important in the agricultural sector, where unknowns like weather determine the need for short-term debt at least. The 1993 Agricultural Census indicates that average debt per farm unit is higher than average income per farm unit in the Free State, Eastern Cape, Northern Cape and North West.

Finally, Mr Raath uses the threat of mechanisation against farmworkers standing up for their basic rights. Overcapitalisation in agriculture is already one of the causes for the decline in profitability. Stabilising the living and working conditions of workers, rather than seeing them as a threat, would be preferable for all stakeholders and for the country as a whole.

Stephen Greenberg is associated with the Farmworkers' Research and Resource Project

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FOREIGN COMMENT

Britain's favourite entrepreneur pledged earlier this week to put the weight of his financial empire behind the government's drive to end tobacco sponsorship of sport.

Richard Branson, chairman of Virgin, said it was time to take on the tobacco barons and call the bluff

summit, said Virgin would sponsor Indy motor racing in Britain as a substitute for the Grand Prix, if that were moved to another country.

Indy motor racing, which originated in the US, involves racing round a banked oval track and is cheaper to put on than Formula

Branson's remarks caught the mood of the meeting, attended by five ministers from three government departments and bolstered by assorted celebrities, who had come to hear anti-smoking experts from around the world before framing new proposals for legislation.

THE BIG STORY

Roadblocks on path to new SA

Farmers block efforts of workers to find own homes

ARC 16/7/97 (4)

SOME OF THE PRIVILEGED IN SOUTH AFRICA HAVE FAILED TO LEARN THE LESSONS OF THE TRUTH AND RECONCILIATION COMMISSION HEARINGS, WRITES BEN TUROK, AN ANC MEMBER OF PARLIAMENT

One of the most striking impressions to emerge from the Truth Commission hearings is that despite the previous government resorting to a great variety of stratagems to stem the tide of opposition, it became increasingly difficult to do so.

This was basically because of the rolling tide of pressure from the oppressed which no amount of manoeuvring could stem.

One would think that the lesson had been learned. Apartheid, its institutions and its deliberate blocking of the advance of the disadvantaged cannot continue, and the democratic gains of the new order make that possibility ever more remote.

Yet privilege continues to try to entrench itself, resisting the need for change. My experience with the farmers and landowners in Groot Drakenstein demonstrates this strongly.

Modest requirements by the workers and community, which reflect their desire for a better life, have been resisted with astonishing energy by the very farmers and landowners who feed on their labour.

The story begins with a small group of about 50 local people who decided to squat at the roadside in Simondium. The responsible ANC Provincial MEC decided this was undesirable and moved them temporarily to another site in a nearby graveyard which was also undesirable but at least not a traffic hazard.

Local farmers were up in arms and there were numerous incidents. The farmers alleged the squatters were dealing in liquor and drugs, encouraging theft, and adversely affecting the adjacent school.

They lodged an appeal with the High Court but lost. The court ruled that the squatters actually were the responsibility of the provincial government which had to provide alternative sites. This it was unable or unwilling to do and the squatters remain in place.

In the course of these events, the farmers established a Simondium Action Committee which threatened a range of unilateral measures to get rid of the squatters. When I was invited to assist, as the local MP, I proposed that the only viable solution was to address housing needs.

I then convened a series of all-party meetings attended by the whole range of interested parties including the Landowners Association, the local authority and a gamut of consultants and advisers. We even had the presence of the director-general of land affairs and the provincial MEC for planning.

The Winelands District Council appointed a firm of town planners to examine possible sites for a village or villages and produced a graded set of six potential sites, with the preferred site being Meerlust-Bosbou. This site is 67ha of poor soil and rocky land owned by the State, but leased to the forestry parastatal, Safcol. This site had been identified in 1993 by a



BRENTON GEACH

Thorny problem: white South Africans cannot hold on to apartheid privilege, writes Ben Turok

firm of consulting engineers as being highly suitable for housing since most of the required infrastructure and social amenities were close at hand.

The community, in the form of the Groot Drakenstein and Simondium Housing Forum, unequivocally plumped for Meerlust-Bosbou as the first prize while agreeing that other sites were not ruled out.

The farmers and landowners adopted a strategy of stalling. The Housing Forum had conducted a door-to-door survey of all the farms in the area and come up with a list of 600 applicants for housing. The forms were quite substantial, containing adequate information, but the farmers and landowners rejected them and insisted on a wholly new survey conducted by a sociologist.

Their motive was quite apparent. They wanted to identify the old and disabled people in the area so that the proposed village would be of those no longer fit for work. This was far from the views of the community, who insisted that many farm workers did not want to be tied to employer housing and simply wanted a plot of their own in an ordinary rural village.

The comparison with the struggle of

England's peasantry against "tied housing" comes to mind immediately.

Since the tide was running strongly in favour of Meerlust-Bosbou, the farmers and landowners started mobilising. There were behind-the-scenes contacts with the district council, with officials from land affairs, with provincial politicians, consultants and others. A coalition seemed to be shaping up of white owners and officials who seemed to know every move as soon as anything happened.

The district council then set up a parallel body to the all-party meetings, in the form of a steering committee under an "independent" chairman who happened to be a former member of the National Party.

The landowners then complained that the all-party meetings were "politicised" and left them, and the focus of negotiations swung to the steering committee where the farmers and landowners were dominant.

But their efforts to control the process ran into difficulties. First, the Housing Forum withdrew from the steering committee leaving all the white interests exposed. Without the participation of the

beneficiaries, their planning had no credibility, which the district council was forced to acknowledge.

Another problem for the farmers was that the minister of land affairs and his director-general clearly favoured the creation of a village and appointed an official to operate in Cape Town to help the process. Support of a kind also came from the ministers of forestry, public works and public enterprises. Even the chairman of Safcol declared a willingness to leave Meerlust-Bosbou on condition of adequate compensation. This principle of compensation was accepted by all.

And so there was a line-up of the farmers and landowners on one side, with a certain degree of support from various officials, consultants and so forth, and the community on the other side, supported by the MPs, by ministers, with the provincial ANC also backing the position.

Three sites have now been advertised for rezoning and a vast number of objections have been received from landowners. They complain that land values will fall and that tourism will suffer, but obviously they simply do not want coloured farmworkers to live in their own village amidst the splendour of their rich fruit farms.

They have even had the cheek to say that if a village ultimately does emerge applicants must be vetted to ensure that they exclude people with a criminal record for drugs, alcohol or similar convictions. Feudal farmers in Europe imposed similar restrictions.

And so the resistance to change by white South Africa is once again being brought into the open. If we do not find a reasonable solution to housing needs in the area, farmers will have an unreasonable solution imposed on them.

Time and again, the community have threatened a land occupation and there is no reason to doubt their determination. A land occupation is the least desirable solution since it will be hard to control, local people may be joined by outsiders, and the chance of a decently planned village will be lost.

But such is the stubbornness of white South Africa that they prefer running to their lawyers and threatening court action to giving way to popular needs.

As the battle nears its end, yet another ploy has been tried. Some large landowners have started negotiating for housing estates on their farms. But at this stage, they can only promise housing in 10 years, which is no help with present problems.

Why cannot these farmers and landowners accept that coloured farmworkers have the right to live on their own plots in their own houses with their families, as they choose?

Finally, the cost. Numerous officials, consultants and others have spent many Saturdays in meetings over a year and a half, written reams of letters and documents, made thousands of phone calls and faxes, held dozens of meetings. The cost to the country must be huge. And yet not a house has been built. Has it all been deliberate obstruction of the will of the people? Or is it another manifestation of systematic inertia?

We badly need an answer.

'A land occupation is the least desirable solution since it will be hard to control and local people may be joined by outsiders'

New plans for farm schools will strip farmers of control

Louise Cook

GOVERNMENT's plans for farm schools would strip farmers of all control over schools on their properties and would lead to the end of sponsorships, plunging the schools into financial difficulties, farmers' organisations said yesterday.

National Maize Producers' Organisation (Nampo) GM Giel van Zyl said Nampo had generated hundreds of thousands of rands in sponsorship money for projects at the organisation's school which serves between 40 and 50 farms in the Free State.

"Government's plan to take full control of the school is a political move and shows no regard for educational development or maintenance of standards. Up to now farmers with schools on their properties were able to intervene in disciplinary matters and day-to-day functioning of the school."

Van Zyl said placing the schools under the direct control of the provincial government would cause disinterest on

the part of farmers to invest any further money in the system.

New regulations to be gazetted early next month would change the governing body system and place the schools under direct control of the education minister of each province. The regulations spell out contractual specifications which each farmer would have to enter into with the provincial education department.

The SA Agricultural Union (SAAU) said farmers would have no protection if the provincial government failed to carry out its contractual obligations to the farmer. SAAU human resources director Machiel van Niekerk said only that the minister could now shut down a school.

Education department chief director Chris Madiba dismissed farmers' claims that it would be the first time a minister would be involved in deciding whether or not a school should be closed. Madiba said even in the past no farm school was able to shut down without ministerial approval.

Company hopes talks will end Atlantis strike

CAPE TOWN — Atlantis Diesel Engines and the National Union of Metalworkers of SA (Numsa) were meeting yesterday and the company was confident the 11-day strike at its engine plant in Atlantis, on the Cape West Coast, would be resolved.

More than 1 000 Numsa members went out on strike on July 10 after rejecting the company's wage offer of between 9,7% and 10,2%.

Atlantis Diesel Engines MD Rob Shires said yesterday the strike had af-

fects workers substantially. "They have already lost two weeks' wages, while the loss in production at the factory amounts to about R1m."

Shires said 75% of the workforce was working normally. "We are operating at reduced capacity, but we were never in the position where we were not operating," he said.

Shires said the company's average increase was 10,1%, and this was heavily biased towards the lower-paid workers. — Sapa.

FAIRVIEW ESTATE WORKERS TO GET OWN HOUSES, LAND

Boland labourers aim for first with pinotage

CT 30/7/97

(4) 

THE FACE OF WINEMAKING is set to change at a prestigious Boland wine estate. Special Assignments team **ROGER FRIEDMAN** and **BENNY GOOL** report.

WORKERS at Fairview Wine Estate are set to move into their own houses on their own land, and aim to become the first black producers, makers and bottlers of South African wine under an independent label with a 2003 pinotage.

In the meantime, they will hone their wine-making and marketing skills by producing chenin blanc under their own Fairvalley label with grapes sold to them by Fairview owner Mr Charles Back.

The scheme is being made possible by Department of Land Affairs developmental grants of R15 000 each to the households of 57 Fairview workers, a R200 000 donation from Back toward the R400 000 purchase price of 18 hectares of land adjoining his own, and a tourism-related joint venture between Back and the workers.

Fairview is the second prestigious wine estate in the Paarl region to announce major plans based on sound business logic for the development and future security of its workers. The Fairview differs from that of Nelson's Creek Estate in that Nelson's Creek workers will take ownership of the land, but not the houses.

"This is something we could never have dreamt of. It is almost like manna from heaven," said Fairview worker's committee chairman Mr Attie Adams yesterday. He has worked the land for 19 years, his parents worked it before him, and their parents before them.

Back said: "The workers have the same love for this land as I do. This I realised when I came to the farm in 1978. From those early days I had an idea to do something

like this, and it only gained momentum as I continued to work with these people. Two years ago I started investigating options."

At the heart of the Fairvalley development plan is the conversion of the workers' cottages on Fairview Estate into self-catering chalets for tourists.

The profits generated by the chalets will fund the building of houses on a portion of the workers' new piece of land.

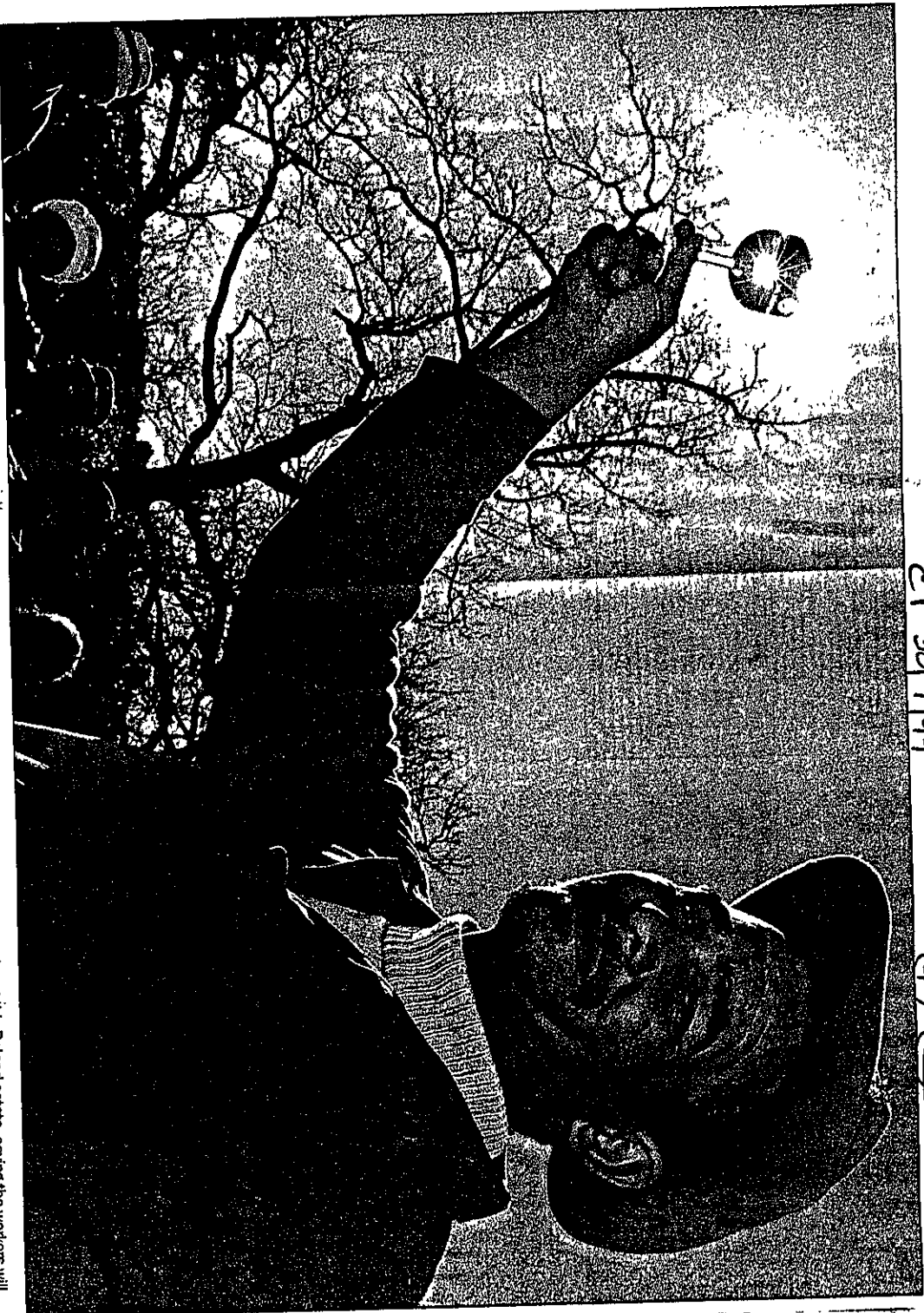
The project will be tackled in two phases, the first of which will entail converting a group of 13 cottages into tourist accommodation with a Cape farm-worker theme. The chalets will be decorated with historic photographs, illustrations and text depicting, among other things, the dop-system. Back will foot the bills for the conversions, but will not have to pay for labour.

Should the chalets run at 30% occupancy rates, they would generate enough money to take out R70 000 bonds for 22 houses on the new land.

By the time the second phase — involving the conversion of another 10 cottages, possibly into backpacker-style accommodation — is up and running, the profits are anticipated to cover the costs of the rest of the required housing.

Besides making and bottling chenin blanc, the workers will set up a shop next to the R101 arterial road between Paarl and Klipmuis.

"We love this land," said Adams. "Yes, maybe our forefathers suffered here for little gain. We must forgive and move forward. Now we are looking to the future, and the future of our children who will move to Fairvalley."



A TOAST: Fairview worker's committee chairman Mr Attie Adams holds up a glass of wine in a toast to the success of a development plan at this Boland estate, saying the workers will ensure that the wine they produced was good enough to sell overseas.

New plans for farm schools will strip farmers of control

Louise Cook

BD 22/7/97 (192) (152) 251 (4)

GOVERNMENT'S plans for farm schools would strip farmers of all control over schools on their properties and would lead to the end of sponsorships, plunging the schools into financial difficulties, farmers' organisations said yesterday.

National Maize Producers' Organisation (Nampo) GM Giel van Zyl said Nampo had generated hundreds of thousands of rands in sponsorship money for projects at the organisation's school which serves between 40 and 50 farms in the Free State.

"Government's plan to take full control of the school is a political move and shows no regard for educational development or maintenance of standards. Up to now farmers with schools on their properties were able to intervene in disciplinary matters and day-to-day functioning of the school."

Van Zyl said placing the schools under the direct control of the provincial government would cause disinterest on

the part of farmers to invest any further money in the system.

New regulations to be gazetted early next month would change the governing body system and place the schools under direct control of the education minister of each province. The regulations spell out contractual specifications which each farmer would have to enter into with the provincial education department.

The SA Agricultural Union (SAAU) said farmers would have no protection if the provincial government failed to carry out its contractual obligations to the farmer. SAAU human resources director Machiel van Niekerk said only that the minister could now shut down a school.

Education department chief director Chris Madiba dismissed farmers' claims that it would be the first time a minister would be involved in deciding whether or not a school should be closed. Madiba said even in the past no farm school was able to shut down without ministerial approval.

Company hopes talks will end Atlantis strike

BD 22/7/97 (192) (152) 251

CAPE TOWN — Atlantis Diesel Engines and the National Union of Metalworkers of SA (Numsa) were meeting yesterday and the company was confident the 11-day strike at its engine plant in Atlantis, on the Cape West Coast, would be resolved.

More than 1 000 Numsa members went out on strike on July 10 after rejecting the company's wage offer of between 9,7% and 10,2%.

Atlantis Diesel Engines MD Rob Shires said yesterday the strike had af-

fectured workers substantially. "They have already lost two weeks' wages, while the loss in production at the factory amounts to about R1m."

Shires said 75% of the workforce was working normally. "We are operating at reduced capacity, but we were never in the position where we were not operating," he said.

Shires said the company's average increase was 10,1%, and this was heavily biased towards the lower-paid workers. — Sapa.

TRENDS

HEALTH HINTS

People with arthritis suffer from the "do exercise or not to exercise" dilemma. Without exercise, their muscles weaken and their joints deteriorate further. But if they do exercise, their joints hurt. Recent research shows though that sufferers may have to grin and bear it - but for their own benefit. These studies show that exercise does help to protect joints from further damage. Lack of exercise weakens muscles, which allows extra motion around the joints that can chip already damaged cartilage away from the bones. Exercise helps to strengthen muscles and stronger muscles stabilise the joints. - Anthony Gilbert

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Tomorrow in TRENDS

A preview of what's hot on the fashion scene.

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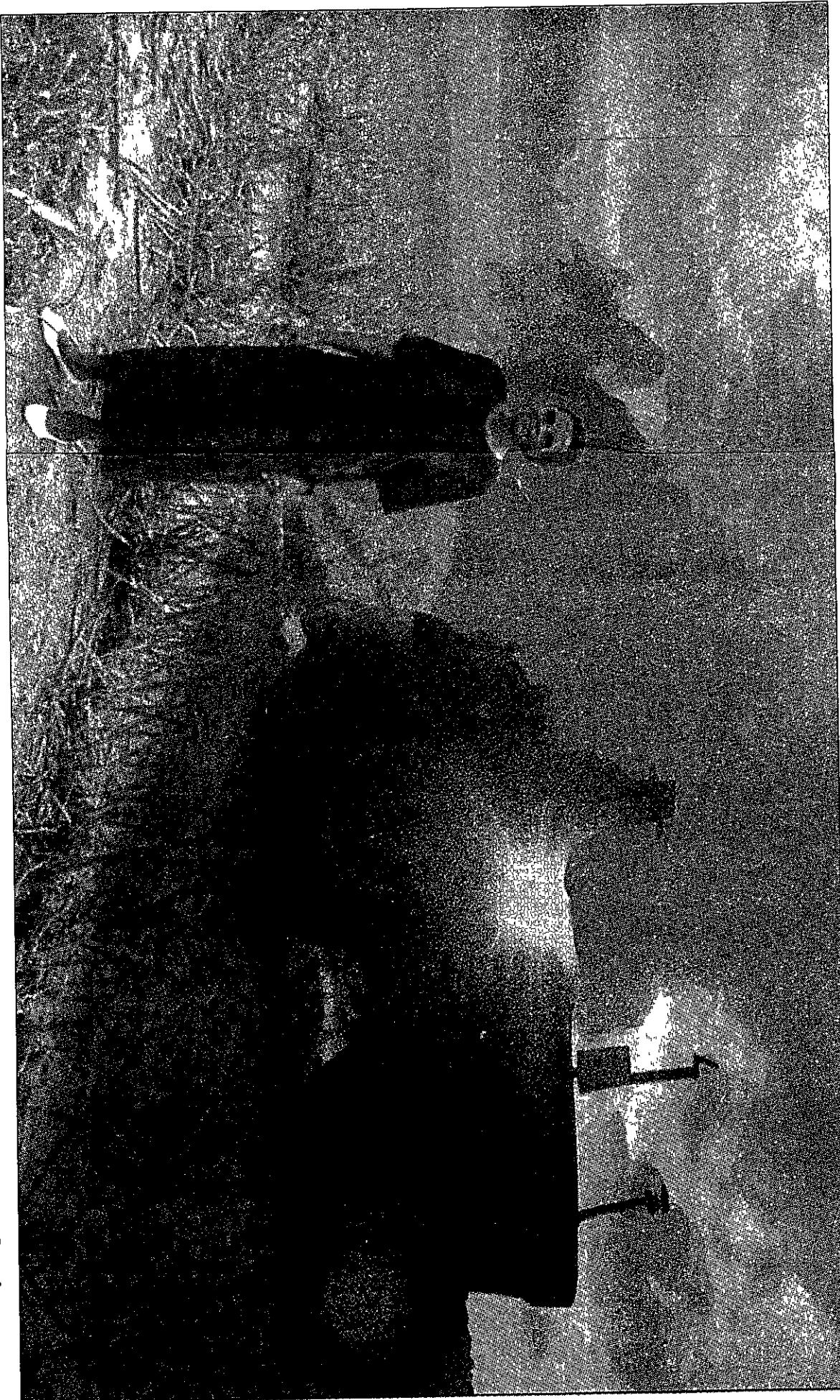
Contact Trends Editor Marika Shorros at 633-2515; E-mail: star.trends@star.co.za

Women farmers turn 'rural slum' into thriving sugar farms

A community in the eastern Nkomazi region of Mpumalanga is changing the face of farming, and solving food scarcities. Ufrieda Ho reports

(4) Star 6/8/97

JIGNASA DIAR



Banish the idea that the term farmers refers only to khaki-clad males on tractors working the fields. A group of women in Mpumalanga is changing the face of farming and solving community food problems too.

The women on the Nkomazi river in the east Nkomazi region, an area previously labelled a rural slum, have successfully capitalised on a government irrigation scheme and turned about 3 300ha of underutilised land into 431 thriving sugar-cane farms.

The irrigation project was started about three years ago, when the Mpumalanga Department of Agriculture initiated the Nkomazi Irrigation Expansion Programme. The project saw the construction of more than 120km of roads and about 1 197km of underground piping. As the need to optimise the full potential of the Nkomazi river was realised, a sugar mill was set up near the region, and land and water rights were given back to the locals.

The community of about 117 000 has been allocated half of the region's sugar production quota, restoring a balance where previously only commercial farmers were making money out of this fertile plantation area.

A programme for basic agricultural training, as well as programmes teaching a variety of income-generating skills such as sewing and fence-making, were also presented. There has been a positive incorporation of rural technologies and rural enterprise.

Gladys Sibambo is one of the new sugar-cane farmers and owns 6ha of land in one of numerous small-scale farming schemes in the area. She says that, while the three-year-old farming project

Shifting sands ... the face of farming in the east Nkomazi region is becoming distinctly female, as the community becomes involved in sugar-cane farming.

was initially handicapped by the lack of electricity and water, the past two years have seen it bringing in significant income.

Raised standards of living are now a welcome reality. Water on tap has been introduced, so that the women do not have to walk several kilometres to fetch water.

The local women have successfully taken up their new role as organised farmers. They make up more than 65% of the workers on some farm schemes and are also responsible for the preparation and marketing of the crops.

The government irrigation scheme which gave rise to this new farming venture had to be

based on strong community involvement. The women were identified as the strongest network in the area.

Steve Woodburne, social consultant for Acer, which is involved in developing the project, says: "The women were the most visible organised group, with burial clubs, women's clubs and stokvels. I think rural

women have always had an active role through the ages. "Women are often in a position to provide a holistic picture."

"They are the ones who can say which are the vital elements that must be taken into account at a project design stage. The women have really created a socio-economic

dynamic in the region. Woodburne says the women "have fine-honed rural techniques such as using the soil as a refrigerator and creating impromptu market places by the roadside to sell the surplus."

Lazarus Repinga, chairman of the Small Farmers' Committee, has been fighting for community upliftment in Nkomazi

for more than a decade. He says the committee already boasts about 300 members and the number is expected to double by year-end.

The impact of the irrigation programme has been massive, according to Repinga. He says: "There have been very positive spillovers. The farmers have started up things like creches and we're seeing new buildings, new houses and new development in the area."

A local trust fund has been established which will be used to provide bursaries for the local children. The project is now self-sustaining and, importantly Woodburne says, the farmers are being recognised as individuals. He emphasises that the project is completely community-driven.

The next step is to extend the project to locals who were not involved in the farming ventures from the beginning. "We don't want a situation similar to what it was before, with rich farmers on the one side of the river and a deteriorated community on the other, which is why we have to ensure that all east Nkomazi residents will benefit."

"Once we have adjusted the disparity between the 'haves' and the 'have nots', we will have meaningful rural development," Woodburne says. The women carry the burden of raising their families and often act as the heads of households, as more men migrate to the cities to find work. Sibambo says the multiple burden on women has also placed greater pressure on rural families, as children are now often taken to creches so parents can work in the fields.

But she welcomes the revival the project has fuelled and says: "We have more income and I'm happy."



Net duty: Bernard Filante, left, and Frans Mouton tend to the fish in the Kleiplatee dam in Jonkershoek

Farmworkers to benefit from aquafarms

ART 9/8/97 (4)



Harvest time: Jonkershoek manager Frans Mouton with two trout harvested from the net cages behind him

ANDREW INSRAM

Attempt to block new tenure law fails

(4) 60 13 18 97
CAPE TOWN — Three opposition parties tried unsuccessfully yesterday to prevent the portfolio committee on land affairs from even considering draft legislation aimed at giving greater security of tenure to farmworkers and other occupants of rural land.

The National Party (NP), Inkatha Freedom Party and Freedom Front all voted against a formal motion on the desirability of the Extension of Security of Tenure Bill, due to be debated in the National Assembly on August 28.

NP spokesman on the committee, Andries Beyers, said his party was totally opposed to unfair evictions, but that the problem would be dealt with better under labour legislation. There was no doubt the bill was "very dangerous" to job creation in rural areas.

The present version of the bill was more balanced than the text published in February, but it still eroded landowners' property rights and downgraded or eliminated private contracts.

Stephen Phohlela of the African National Congress, which carried the desirability vote, said he was pained by the NP's attitude. He knew of 25 cases of recent evictions, some of whom had worked for a farmer for 40 years.

The National Land Committee said in a written submission that the bill should provide greater protection to people who had been resident for extended periods, such as a two-year notice period for the eviction of a person who had been there 20 or more years.

The Chamber of Mines said several clauses interfered with landowners' rights, and breached the property clause of the Constitution. — Sapa.

FARM-WORKERS DISAPPOINTED

Tenure bill a 'far cry' from hopes

(4) CT18/8/97

A NEW BILL to protect farm-dwellers from unfair eviction is an improvement, but the workers say it is not enough, **ROGER FRIEDMAN** reports.

PROPOSED legislation to stop unfair and unjust farm evictions — which will affect millions of farm-workers and their families, whose occupational rights are largely at the whim of white farmers — has been criticised by farm-worker representatives and non-governmental organisations at a convention in Villiersdorp as being too soft on the farmers.

The Extension of Security Tenure Bill, gazetted on June 17, will be the subject of public hearings convened by the portfolio committee on land affairs at Parliament over the next three days, starting today.

The bill aims to regulate conditions of residence, the termination of a right of residence, and evictions.

It tries to provide long-term tenure security, usually by agreement between occupants and owners, while balancing the fundamental rights of both groups.

It is founded on the principles that: consent to reside on land is equal to the right of residence, not ownership; termination of consent does not infer an automatic right to evict; unlawful evictions are criminal offences; and where employment is ended through no fault of the worker alternative accommodation should be sought.

A Western Cape Farm-Dwellers Rural Convention was held at the weekend — with activities in Grabouw and Villiersdorp — where the contents and implications of the bill were scrutinised by representatives from across the Western Cape.

There appeared to be consensus that while the bill was a step in the right direction, it was by no means a giant stride.

The bill was criticised for, among other issues, inadequately addressing tenure rights of the families and dependants of farm-workers, failing to break the bonds between housing and employment, for relying in cases of dispute on the "questionable impartiality" of rural magistrates, and for the "stringent" conditions under which long-term occupants had the right to reside until their death.



DELEGATE: Frederick Snyers (centre) was one of about 300 delegates from various farm-worker communities across the province at yesterday's rural convention. **PICTURE: BENNY GOOL**

For workers to qualify for the life-long right to reside, the bill provides that they must have occupied the land for 20 years and be 60-years-old, or older. Alternatively, the occupant must have lived on the land for 20 years, and be an incapacitated former employee.

In its written submission to the portfolio committee, the Western Cape farm-dweller coalition — an ad hoc structure established to focus on the bill, and comprising a number of non-governmental organisations, unions, advice offices and constituency offices — described the bill as being "a far cry from what farm-dwellers had hoped for".

"Eviction trends show that over the last few months, evictions have escalated, and have mainly affected people who have lived on these farms for many years," the coalition said.

In certain instances the police were "believed" to be "siding with" farmers in evicting people.

"A major increase has been monitored in the eviction of pensioners. Male and female spouses are increasingly becoming unwelcome to remain on the property of commercial farmers.

"Reasons for evictions have ranged from minor problems between farmer and farm-worker, to severe assaults on farm-dwellers.

For example, in May 1997 Mrs Anna Toontjies, who had lived on a farm near Klaver for more than nine years, was severely beaten by a farmer with a sjambok over her entire body. Mrs Toontjies made a case against the farmer.

"However, she lost her accommodation and the farmer got one of the best lawyers in Cape Town to represent him. She cannot stand up to his resources, knowledge and influence," the submission said.

The coalition noted that farmers, the South African Agricultural Union and the National Party all appeared satisfied with the bill.

"The question that we are asking is: 'Why would the enemies of change be grateful for legislation that needs to correct the injustices done by the previous regime and why are the democratic forces and the people affected complaining?'"

"The only logical conclusion is that the bill in its present form serves the interests of the white farmer community. It does not serve the interests of those who have a legitimate claim to be afforded a better life in our democratic society."

A member of the portfolio committee, Mr Jomo Khasu, who attended the Villiersdorp convention, said the bill aimed to protect farm-dwellers from the "traditional, arbitrary behaviour" of farm owners.

Man claims Villiersdorp farmer set dogs on him

ROGER FRIEDMAN

A DELEGATE attending the Western Cape Farm-Dwellers Convention in Villiersdorp has laid charges against a Villiersdorp farmer for allegedly setting a pair of vicious dogs on him.

Mr Frans de Bruyn, a shop-steward for the South African Agricultural Paper and Allied Workers Union from Bonnievale, said yesterday he decided to take a stroll to acquaint himself with the Villiersdorp area on Saturday afternoon when he was attacked.

"I was walking across some farm land, minding my own business, when I noticed the farmer. I had not been drinking and was causing nobody any harm. He whistled for his dogs, and as they came running he called out 'Sa, bite him!'."

"They ran straight at me, the one lunging at my neck and

face, and the other pulling at my leg as I fell to the ground.

"It was almost as if it was sport for the farmer. After I fell he called the dogs back. I got up and walked away.

"It looks from his behaviour as if the farmers here don't want the new South Africa.

"The farmer did not speak to me or ask me anything, he just set the dogs on me."

De Bruyn's bloodstained clothing yesterday attested to the attack.

De Bruyn said he did not know how many stitches a doctor had used in the gashes in his neck and cheek.

The R212 doctor's bill was picked up by the Surplus People's Project (SPP).

SPP field-worker Mr Paulus Julies said he considered the doctor's alleged questioning of De Bruyn about why he had been on private land "highly inappropriate".

Tenants defy farmer's eviction order

By Khathu Mamalla

A WHITE farmer outside Louis Trichardt has evicted about ten families who have been living on the farm for over three decades.

The row, which threatens to become violent, started last week when the farmer, a Mr Le Roux, gave the families up to last Friday to leave the farm he had just bought. The farm is situated between

Louis Trichardt and Ha Maclula.

The tenants, most of whom have been living on the farm for more than 30 years, have vowed not to leave. The new farmer, however, is adamant that he will get them off his land.

When Sowetan visited the farm at the weekend, the tenants were meeting Le Roux, who was aggressive, ordered Sowetan to leave, his farm

immediately and refused to discuss the matter.

"You are trespassing. I want you to leave my farm immediately," he said.

Speaking to Sowetan off the farm, Ms Makwarela Khorommbi confirmed the farmer had instructed all tenants to leave by Friday.

"We have been staying here for as long as I can remember. We will not move from this farm.

"This is not defiance but the reality is that if we move from here, where will we go?"

"We have built our huts here and this is the only home we know," said Khorommbi, a mother of three.

She said Le Roux had threatened to demolish their huts if they did not leave the farm.

Another tenant Mr Tshimangadzo Malaji, who looked 50 but does not know his age, said he was born on

the farm.

"The two previous owners allowed us to stay and there was no problem. Why should he evict us?"

"He has also cut water supply to us but we will not leave this farm. We will fetch water from a nearby river," said Malaji.

On Friday police were called in following reports that violence could erupt. However, they left after community leaders addressed them.

18/8/97

Exempting state land from squatter rights under fire

Wynndham Hartley

CAPE TOWN — The land affairs department came under fire yesterday for exempting state land from an Extension of Security of Tenure Bill provision allowing squatters legal occupation rights to land they have been living on for one year without being evicted.

At public hearings held by Parliament's land affairs committee, the department was asked why it had exempted state land from the clause dealing with squatters' occupation rights.

The committee also heard differing submissions suggesting that the legislation did not protect elderly farm workers sufficiently and that the protection for the

elderly was a "deprivation of rights" of property owners as provided for in the constitution.

In response to a question from National Party MP Manie Schoeman as to why state land was exempt, Annika Claassen from the land affairs department said the reason was the state was the owner of vast tracts of land which it did not know about. Because the state did not know that it owned certain portions of land it was excluded, she said. Private landowners, in contrast, were absolutely aware of what land they owned.

Schoeman said this excuse was "unacceptably thin" and what was "good for the goose should also be good for the gander". Stuart Grobler of the Council of SA Banks

(Cosab) said the provision that squatters who had been on land for one year would be deemed to have been granted permission would force private landowners to check every corner of their properties at least once a year if they were to avoid giving rights to residence by default.

"How is an absentee owner to ensure that illegal squatters operating 'without stealth' are not deemed to have consented about rural areas, where illegal squatters could easily live on remote portions of land for more than a year without ever being seen and then claim rights via consent?" Grobler said in the formal Cosab submission.

He suggested that the state was also

worried about this problem because the proposed legislation exempted the state from this provision.

This appeared to be discrimination in favour of the state and could possibly be challenged constitutionally, he said.

Prof Shadrack Gumbo of the Centre for Applied Legal Studies said the provision making it difficult to evict farm dwellers older than 60 and who had been on the farm for more than 20 years did not offer sufficient protection to the elderly.

He said a 59-year-old worker who had been on the land for 25 years would not qualify in terms of this clause but was "deserving of some heightened level of protection". Heightened protection for farm workers should be distributed wider than

2019/8/19

(4) 337

the 60 years old and 20 years on the farm.

In contrast, the Chamber of Mines said the protection given to occupiers "may result in an owner or employer being deprived of any use of land for a virtually indefinite period". It said the bill was also "constitutionally vulnerable" in its provisions for "no fault" evictions because occupiers could be in a position where they could remain on the land almost indefinitely and this would constitute "a substantial deprivation of property rights".

The National Land Committee and the SA Agricultural Union, representing the two extremes of argument for and against the bill, will make submissions today.

Exempting state land from squatter rights

Ed 19/18/97

under fire

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"How is an absentee owner to ensure that illegal squatters operating 'without stealth' are not deemed to have consent through the passing of time? Similarly what about rural areas, where illegal squatters could easily live on remote portions of land for more than a year without ever being seen and then claim rights via consent?" Grobler said in the formal Cosab submission.

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See Page 4

Law body

wants Bill

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amended

Farmworkers' families stand to lose if legislation goes through as it is

By Rafiq Rohan
Political Correspondent

THE families of farmworkers will be left vulnerable to eviction if the Extension of Security of Tenure Bill goes through Parliament in its current form.

The Centre for Applied Legal Studies (Cals) at Wits wants the Bill to include "explicit protection" for those farm tenants with the permission of another occupant.

The Bill's omission of this protection places families of the primary occupant in a precarious position, the legal body said at a public hearing hosted by the portfolio committee on land affairs in Parliament yesterday.

It is arguing for a rewriting of clauses around this issue.

"Owners and occupants may view the agreement to live on the land as one made between the owner and the farmworker, not the farmworker's family.

"It may then be an especially laborious legal task to prove that the families of farmworkers have a right of residence separate from that of the farmworker," Professor Shadrack Gutto of the Cals said.

Gutto wants the wording in the Bill changed to ensure that families of farmworkers "are deemed to be on the property with the separate consent of the owner".

"Such a change will clear up the ambiguity which now exists in the Bill as to whether a family member is on the land through the consent of another person," he said.

Written submission

In its submission, the Chamber of Mines said it was concerned that there were aspects of the Bill which fall foul of the Constitution.

One of these aspects, the chamber states in a detailed written submission, is the "absolute protection" the Bill gives to occupiers who have lived on land for 20 years and are aged 60 or those who are disabled.

Elsewhere, the chamber argues that protection under the Bill may be available to people for whom no such protection was intended and therefore opened itself to abuse of rights.

"The Bill may have perverse consequences if persons with adequate means to procure alternative accommodation abuse the rights available under the Bill by taking unfair advantage of an owner of property that finds itself obliged to follow what may be expensive and time-consuming procedures for their eviction," the chamber says.

Tomorrow, the Legal Resource Centre and the National Land Committee will be among those making submissions.

Support for tenure bill may be withdrawn (4)

Wyndham Hartley

CAPE TOWN — Civil organisations campaigning for farm workers' tenure rights may still withdraw their support for Land Affairs Minister Derek Hanekom's Extension of Tenure Security Bill if their suggested amendments fail to make it into the next draft of the legislation.

This emerged yesterday after the National Land Committee and its affiliates gave evidence to the National Assembly land affairs committee. They were given the impression they could not substantially change the bill which is before Parliament.

Committee officials at a subsequent press conference warned that political anger was mounting at the government's perceived failure to deliver on pre-election promises to protect the tenure of farm workers.

During the same hearings the SA Agricultural Union (SAAU) said it felt the issue of evictions from commercial farms was "overemphasised and exaggerated" and that the bill had no legitimate factual basis. The SAAU thanked Hanekom for the consultation on the bill and the more balanced legislation it had produced. It warned, however, that if this balance was up-

BO 20/8/97
set, "farmers would almost certainly opt for more mechanisation". Any further limit on the property rights of landowners would be "vigorously opposed", the committee was told.

Committee director Brendan Pierce said the bill did not address tenure security for farm workers and was simply "an eviction monitoring law". He said there was a need to "delink" residence on a farm with continued employment.

There was a need to provide "incremental protection" to farm workers according to the years they had lived on a farm. He suggested a scale of rights based on length of residence.

Pierce also complained that the bill was silent on the issue of those who had already been evicted, and suggested that the legislation should be retrospective to April 27 1994.

A colleague, Jenny Sampson, said there seemed to be a pattern of preemptive evictions this year. It appeared that older people who might qualify for the over 60 years of age and 20 years on the farm were being targeted.

The Committee also objected to magistrate's courts adjudicating on applications to evict, as in rural areas many magistrates were farmers.

Comment: Page 13

'NO HOME, NO SECURITY AND NO MONEY'

'Shoot your donkeys or get off my land' (4)

21/8/97

THE SURPLUS PEOPLES PROJECT says 80 000 of the 191 000 farmworkers in the Western Cape are employed seasonally and face the constant threat of eviction.

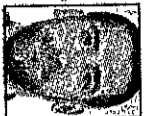
year-old said.

"These dogs are our money. They are what keep us. This one, Deurklim, is a hunter, and she herds sheep."

Baas Gerrie paid Booysen the princely wage of R180 a month, but then, because the farm was in the middle of nowhere, Booysen

BAAS Gerrie of the Willowmore district decided he didn't like donkeys on his land so he told his "boy", Mr Martin Booysen, and "kitchen-girl", Ms Fransina Riddles, to shoot their pair or "voertsek" off his land.

They had nowhere to go, but they packed their cart and left in a hurry. In spite of Heidi the donkey's advanced state of pregnancy and Mona the sheep-dog's terror of cars their owners upped and left. It couldn't have been a very pleasant farm. It was August 1.



ROGER FRIEDMAN and BENNY GOOL'S Karoo reports will be published throughout the week



"Ons trek," Booysen told the Cape Times two weeks later, "we are on our way to look for work. As you see us here today, we just had to pack our karretjie immediately and leave. He was very hard-headed."

"They say things have changed on other farms, but not on the farms around here," Booysen said while his beasts took a breather alongside the N12.

"The farmers here are just as hard-baked as they ever were. Really, nothing has improved for us in this new South Africa. We want to get married but we have no home to call our own, we have no security, we have no money," the 24-

was forced to spend most of that money in Baas Gerrie's farm shop. Riddles earned R120 a month, but the baas wife generously provided her with toiletries at no cost.

When they left they had R60 in their pockets, which they had managed to save for a rainy day. Two weeks later that sum was down to R30. They were hoping to get work somewhere in the Beaufort West district.

Perhaps Baas Gerrie's behaviour is what member of the Portfolio Committee on Land Affairs Mr Jomo Khasu described in Villiersdorp last weekend as the "traditional, arbitrary behaviour" of

South African farm owners.

According to the non-governmental organisation the Surplus Peoples Project (SPP), there are more than 191 000 farmworkers in the Western Cape, of whom about 80 000 are employed seasonally.

The average monthly wage in 1995 for farmworkers in the province was R365 for men and R282 for women.

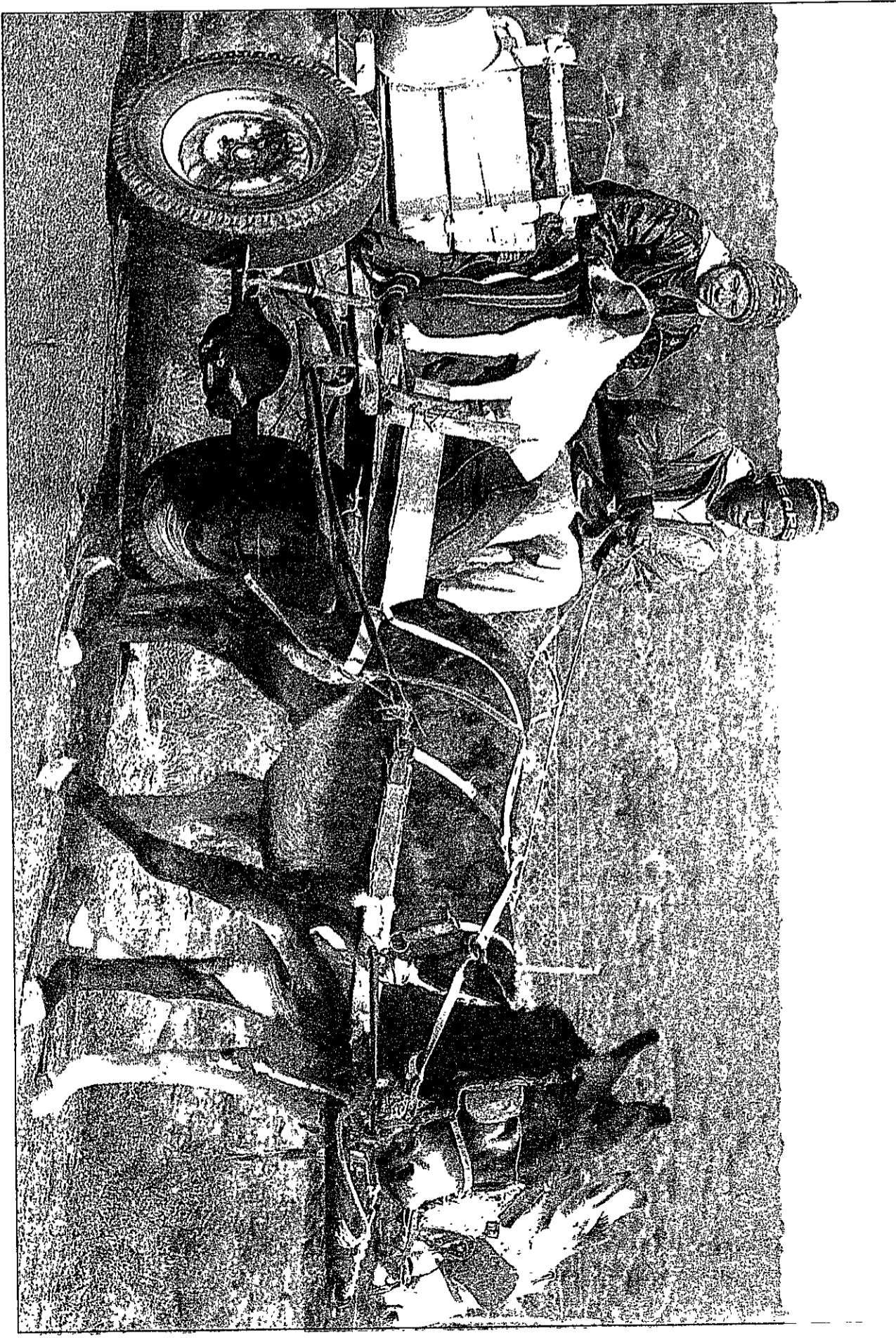
Farmworkers employed in the metropolitan area were the highest paid (R449 for men and R339 for women), and those in the Klein Karoo were paid the least (R265 for men and R202 for women).

About 80% of Western Cape farmworkers are coloured and about 20% black. Black workers are usually housed in hostels, and paid less than coloured workers.

But according to Surplus Peoples Project, the worst-off farmworkers are those who only work seasonally, and are forced to live in emergent squatter camps outside rural towns.

Interviewed in Oudtshoorn, African National Congress organiser Mr Derick Jackson said evictions from farmland were becoming "one of the biggest headaches in the area".

His offices were receiving a regular trickle of people coming in to ask for help after being evicted. "There seems to be a general trend developing," he said.



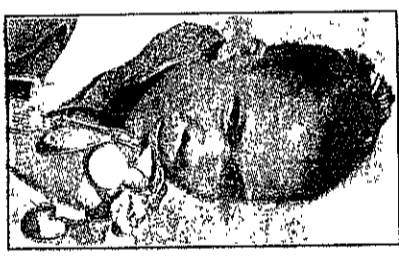
THEY SHOOT DONKEYS, DON'T THEY? Martin Booysen and Fransina Riddles, evicted off Baas Gerrie's farm over their two donkeys, opted for the road instead of shooting the animals. For two weeks they have travelled looking for work.

THE ROAD IS LONG: (Right) Martin and Fransina left with R60 in their pockets. Two weeks later that sum was down to R30. They were hoping to get work in the Beaufort West district.

Readers support barefoot runner

Cape Times readers have opened their hearts — and pockets — to 14-year-old Rigel van Wyk, who was featured in this series on Tuesday.

The barefoot runner, who has won national junior titles on track and cross-country courses but cannot afford running shoes, has received many offers of support — see tomorrow's Cape Times.



NP warns on proposed changes to farm workers' tenure bill

Wyndham Hartley

CAPE TOWN — The National Party (NP) has warned that tough African National Congress (ANC) amendments to the controversial Extension of Security of Tenure Bill will prompt farmers to withdraw assistance and privileges from their workers for fear of having to ensure these services continue even when a worker is evicted.

The ANC has also suggested an amendment making it almost impossible to evict a farm worker who has

been living on a farm for 10 years and reached the age of 60. The legislation's original draft provides for such protection after 20 years' residence.

The NP reacted strongly to the ANC's proposed new definition of "suitable alternative accommodation" which would have to be found if a farm worker faced eviction through no fault of his own.

The ANC amendment insists that if the farm worker enjoys grazing rights for his animals, or access to land for crop production, the new accommoda-

tion should provide the same facilities.

NP MP Manie Schoeman said on his farm, workers were allowed to raise pigs and that all excess milk from the farm was given to them to feed animals. If he had to ensure these facilities were available once a farm worker was evicted he would have to reconsider allowing his staff to use free milk to raise pigs. He said the compassion existing between farmers and their workers would disappear in the face of draconian measures in the legislation.

ANC over the amendments has forced the committee into a desperate race to get approval for the bill before noon today. If agreement is not reached, the legislation could miss its scheduled slot in the National Assembly on Thursday. Another slot in the legislative programme would be hard to find.

Land affairs department sources said they were not too concerned about the ANC changes to the suitable accommodation definition because this would apply only to no-fault evictions — of which there would be few.

Mandela to be briefed ahead of charring SADC summit in Malawi

John Dluudi

PRESIDENT Nelson Mandela, who chairs the Southern African Development Community (SADC), will visit the secretariat — the SADC executive — tomorrow for a briefing on preparations for a high-level summit with other heads of state next month.

SADC information officer Kgosi-sinwe Mosei said yesterday Mandela would be briefed by executive secretary Kaire Mbuende on preparations for the summit to be held at Blantyre, Malawi.

Mandela's spokesman Parks Mankahlana confirmed the working visit and said the president, in his capacity as SADC chairman, had always been keen to acquaint himself with day-to-day activities of the 12-nation body.

The summit, a high-level SADC meeting, is expected to discuss moves

to expand the organisation. Three nations, including Laurent Kabila's Democratic Republic of Congo and Madagascar, have expressed interest in joining the SADC.

Mankahlana said the issue of Congo-Kinshasa's planned membership to the SADC was not discussed at the meeting between Mandela and Kabila yesterday. However, talks by officials were continuing today.

The summit, the first under Mandela's chairmanship, will also have to finalise a single SADC position on the impending renegotiation of the Lomé Convention, the trade and aid accord between the European Union and its 70 former African, Caribbean and Pacific colonies.

The annual summit will also discuss results of a consultants' study on the SADC's rationalisation.

GDP

Continued from Page 1

Negative growth of 0.4% for mining output in the first three months changed to a 1.5% increase in output for quarter two. Growth in trade and catering — the tourism industry — recovered to 1.5% growth from a contraction of 1.8% in the first quarter.

Barnard Jacobs Mellet economist Chantal Friedman said annualised data could be misleading, since it tended to exaggerate quarterly changes.

Looking at year-on-year changes in GDP, the first half of the year had shown growth of 2.2%, compared with an average of 3.1% for last year.

On a year-on-year basis mining was "still acting as a drag on growth — but the short-term trend has turned positive". Agriculture was "still slightly positive" in year-on-year comparisons, but was a brake on quarterly seasonally adjusted annualised figures.

high" overall growth rates. Much of the increased manufacturing output went into higher exports, and possibly also into increased inventories, he said.

Higher exports probably contributed to the increased growth in transport, while the electricity sector had probably been boosted by electrification programmes.

Calitz expected agriculture to continue to perform badly for the next few quarters. Construction growth was still poor, with industry probably waiting for an acceleration of reconstruction and development programme spending, Calitz said.

He expected GDP growth for the whole year to be about 1.8%, with slightly lower growth in the third and fourth quarters. Sanlam was expecting one interest-rate cut this year.

FBC Merchant Bank economist Harina Farhan forecast GDP growth for the year at about 2.1%, with growth slightly weaker for the second half. Growth for 1998 would be affected by El Nino — possible effects could start

Joy as farmworkers' bill passed

Legislation will give six million new security

(4)

CLIVE SAWYER
POLITICAL CORRESPONDENT

New legislation aimed at protecting the land rights of more than six million farmworkers has been approved by the National Assembly.

Opposed by most minority parties, the Extension of Security of Tenure Bill was passed last night by 171 votes to 74 after a heated debate lasting almost three hours.

Derek Hanekom, Agriculture and

Land Affairs Minister, told the Assembly at the end of the debate that he wanted to cry with joy. Looking up to the public gallery, where more than 100 farmworkers had turned out to vociferously support the bill, Mr Hanekom said: "This legislation is going to make a difference in your lives and tonight you will sleep well."

The bill was opposed by the Democratic Party, Inkatha Freedom Party, National Party and Freedom Front. Provisions in the bill include that a worker who has been employed on a

farm for 10 years and is older than 60 will be entitled to permanent right of residence on that farm.

"Twelve months' notice will have to be given to evict that resident's spouse and dependants. The guiding principle of the bill is that people who are on land with consent and who have done nothing wrong cannot be evicted unless suitable alternative accommodation is available.

The bill includes measures to boost developments which will deliver independent land ownership to people who

presently occupy land, and it commits the Government to funding such developments.

Mr Hanekom lashed out at the NP for opposing the bill, saying it could not justify opposing a measure designed to enhance security of tenure for farmworkers and other landless South Africans.

"This legislation will provide security to over six million people, people who without this protection could tomorrow be standing on the side of the road, in a plastic bag, in the rain."

APR 29/8/97

Farm tenure bill pushed through its second reading

Wyndham Hartley (4)

BO 29/8/97

CAPE TOWN — The African National Congress (ANC) muscled the Extension of Security of Tenure Bill through its second reading debate yesterday in the face of dire warnings that the legislation would reduce employment on farms and could be vulnerable to constitutional challenge.

The bill will make the eviction of farmworkers very difficult, particularly the elderly with many years of residence. It was opposed by the Democratic Party (DP), the National Party (NP) and the Freedom Front, and received only qualified support from the Pan Africanist Congress.

When the National Assembly voted on the bill, the NP called for a division and while the bells were ringing to summon MPs to the house, ANC members toyed and sang with a public gallery packed with farmworkers and supporters of the National Land Committee. Stony-faced opposition members sat in their benches watching the display, which was later ruled out of order by the speaker.

Introducing the debate on the tenure bill, Land Affairs Minister Derek Hanekom said it was "the most far-reaching" piece of land reform legislation the government had so far produced. No longer would it be possible for people's lives to be shattered overnight by eviction from the only homes they knew, he said.

He stressed that "decent landowners" had nothing to fear from the legislation, because they already operated within the proposed law.

The NP's Andries Beyers and Manie Schoeman warned of a backlash by farmers, who would now employ fewer people, employ only seasonally and no longer offer accommodation as part of employment. Farmers would fear being forced to give land rights to anyone offered accommodation on the farms.

The DP's Mike Ellis said that late amendments by the ANC at the committee stage had in all probability made the bill unconstitutional. These made it impossible for the party to support the measure.

The original draft of the bill came to Parliament in June with amendments, in a concession to organised agriculture, that imposed a joint onus on workers and landowners to find other accommodation if a farmworker was evicted through no fault of his own.

New ANC amendments this week reduced the period of residence on farms, which would give tenants almost absolute tenure security from 20 to 10 years.

Workers are still at the mercy of farmers' whims, writes Ann Eveleth

Farmworkers evicted before a new law

Jeremiah Msiza's wizened face crinkles with pride as he opens the door to the modest cinderblock house he has made his home. It was plastered, painted and furnished with whatever he could scrape together from his meagre wages.

Msiza (75) worked as a milkman and gardener for 21 years at the Rondevlei farm outside Delmas in south-eastern Mpumalanga.

Now he — and 45 other farmworkers — have been ordered to leave by the end of September. They have been ordered to go by the owner, Hans Prinsloo, who has sold the maize, bean and dairy farm. The new farmer will bring his own workers.

"I have three cows, but the rest of my life savings are inside this house. I would need a very big truck to move it all — if I had a place to go," Msiza says.

He is one of the oldest people living in the painstakingly-groomed row of houses, with gardens picked out by whitewashed brick borders. But even his service record at Rondevlei is outdone by Estrom Mongeni: "I came here in 1967, January!" Mongeni says repeatedly.

"When I came from a neighbouring farm Prinsloo was only a small boy. I worked for his father, Joachim. Now Hans says he is going to another farm to grow avocados and bananas so we must leave. I can't work any more because something is burning inside my stomach. I was supposed to see the doctor today, but because we are being evicted I can't just leave the house alone," Mongeni laments.

There is some hope for them, however. Mongeni and Msiza are among the rural landless most like-

ly to find protection if the Extension of Security of Tenure Bill, now hotly contested in Parliament, is enacted: they are both over 60, and have lived on the land with Prinsloo's consent for more than a decade.

According to Department of Land Affairs planner Jan Truter, the Bill will give these men the right to live out their lives on the farm. "If they are evicted now, they will also stand a good chance for reinstatement, provided they go through legal processes," he says.

The Farmworkers Research and Resource Project has taken up the case of the Rondevlei workers, and linked them to legal assistance through the National Institute for Public Interest Law and Research. But, says project researcher Desmond Allan, access to legal help — and information about their rights — is a rarity for South Africa's estimated five to six-million farm-dwellers.

"We've been trying to get legal aid for them, but these cases often rate low on the priorities of regional legal aid offices where the decisions are taken," Allan says.

But the Bill — if and when it becomes law amid the objections of the National Party and farmers' unions — and legal aid offer few guarantees for "younger" farmworkers like Girlie and Johannes Matlala.

Girlie says she is "40-something" and Johannes is "50-something", placing both of them under the Bill's proposed cut-off age of 60. The couple have worked 19 years for Prinsloo, she as a domestic worker and he as a tractor driver, and Girlie is adamant they and their five children and grandchildren



Waiting to go: Phineas and Leana Nankula must leave the farm they have worked on for 15 years. PHOTOGRAPH: RUTH MOTAU

will not leave "our home".

"I used to work seven days a week in that house cooking and cleaning and washing and ironing and looking after the farmer's children. I don't have the strength to start afresh somewhere else."

"First the farmer said these are your houses. He said 'I'll build you

a creche and a clinic but please don't join those people outside who are striking'. We never did. Now he says the new farmer doesn't want us and we are free to join any union now that he is leaving."

Prinsloo, like many farmers, says he is caught between a rock and a hard place by the legislation. "The new farmer already has workers. What must I do?" he says.

He claims to have found alternative employment for all his workers who wanted it, but cannot remember the surnames of most of those who have served his family for decades.

Truter says there is little protection for farm-dwellers at this stage. "They are open to eviction until the Bill is passed and that is what's happening."

Neither the Department of Land Affairs nor the non-governmental National Land Committee were able to quantify the rate of farm evictions, but both agree there is now an upsurge similar to that which preceded the government's adoption of the Land Reform Labour Tenants Act last year.

That Act protects the land rights of long-term labour tenants, but the new Bill is the first attempt to extend land tenure protection to the oldest and most vulnerable sections of all rural people living on someone else's private land.

"Last year evictions were intense in certain areas affected by land tenancy, but this affects farmworkers across the whole of South Africa. The elderly are most at risk," says Truter.

The farmworkers project has dealt with seven eviction cases affecting nearly 200 rural people since last month in the tiny triangle from Heidelberg to Delmas and Kriel alone. The National Land Committee said its Free State affiliates have recorded more than 1 600 evictions in the past year, while at least 20 eviction cases have come across the desk of Eastern Cape affiliates since February. Lawyers for Human Rights reported the eviction of 68 North-West farm-dwellers in the same period.

At Rondevlei the farmworkers are heavy-hearted, but are hard at work putting the farm in tip-top condition for its new owner.

At 2pm on the dot this Tuesday the men who had stopped to talk during their lunch-break looked nervously at the sun. "We have to get back to work. We don't want to give the farmer an excuse," said one.

"Prinsloo wants us to cut the grass and paint the farm implements. We are cleaning the garden so it will look nice for those who come to take the farm. Yes, indeed we are preparing ourselves to be evicted."

Watchman fired for one day off

Alfred Maduwa was fired last month. Absent one cold and rainy Lowveld day from his job as a night-watchman on a Modderfontein farm just across the Mpumalanga border from Gauteng, Maduwa (47) broke his service contract.

For the previous two years he had guarded the farm property for 12 hours a day, from dusk to dawn, seven days a week: "Since I have been here nothing has gone missing from this farm," he declares with a pride that contrasts starkly with the humble cinder-and-tin home behind him.

The only other time Maduwa missed work was earlier this year when he spent four months in hospital.

"I was coughing up blood and I

collapsed one day. I woke up in hospital after my fellow workers called the ambulance. I spent four months there and the doctors say my lungs are badly damaged," he says.

"I used to work with someone else who passed away. He was also sick and vomiting blood. He was staying outside at night. We are not given wood so we burn tyres to keep warm. It is bitter cold sometimes and we have no shelter to get warm.

"Those tyres caused me to get sick too. Now after the hospital I am feeling better, but I have nosebleeds and I am not yet recovered. After coming back from hospital I missed one day of work. It was raining all day and I was not feeling well.

"The next day the farmer came to me and said, 'You were absent yesterday'. He just told me to sign

here and don't come back."

Poor as his house is, with its leaking roof and smell of damp, he has to leave it. He also loses his R300 a month wage from which he has been supporting his wife and two children who live elsewhere.

He says he is supposed to have left already but decided to stay to wash his clothes. He owns only a pair of khaki trousers, a black fake-leather jacket, shoes and a knit cap.

The Farmworkers Resource and Research Project plans to challenge Maduwa's dismissal on the grounds that it contravened the Basic Conditions of Employment Act. The farmer, Dante Duvenhage, said he had fired Maduwa because "he drank on the job". He refused to answer further questions, saying: "It has nothing to do with you."

'Great day' for SA's six million (4) million

farmworkers

Star 29/8/97
BY JOVIAL RANTAO

Political Correspondent

Cape Town - A carnival atmosphere enveloped the National Assembly last night as MPs and farmworkers toyi-toyed to celebrate the approval by Parliament of legislation that will make it illegal for farmers to evict employees.

The Extension of the Security of Tenure Bill became the first legislation in this Parliament's life to be passed despite all the opposition parties not supporting it. The bill was passed with 171 votes from the ANC, against 77 from the NP, the DP, the African Christian Democratic Party, the Freedom Front and the IFP.

Land Affairs and Agriculture Minister Derek Hanekom described the adoption of the legislation as a "great day" in the lives of millions of South Africans working on farms. "I will be able to sleep tonight knowing that something as great as this has happened to our country," Hanekom said.

The bill proposes that, except under exceptional circumstances, people who are on land with consent, and have done nothing wrong, cannot be evicted unless suitable alternative accommodation is available. It also provides protection for older people who have lived on the farms for a long time.

"This legislation will provide security to over 6 million people - people who without this protection could tomorrow be standing on the side of the road," Hanekom said.

ONE IS overwhelmed by a sense of betrayal by South Africans whenever we pass a piece of legislation to address landlessness.

This measure, minimal in its interference with property rights, is opposed by organised agriculture, mostly white, and the National Party, which is predominantly white and serves the interests of whites.

The ANC and PAC members of the Land Affairs Committee did all they could to bring on board stakeholders to ensure we had a measure which balances the legitimate interests of landowners and occupiers.

Our reward has been a consistent attempt to whittle away every right and privilege we sought to extend to the vulnerable and landless.

However, the National Land Committee and affiliates displayed understanding for the need to legislate using the Constitution, which calls for respect of property rights.

Opposition to the Bill forces us to remember historical facts. Armed robbery in the form of the racist wars of dispossession, fraud and subterfuge are the means by which whites came to occupy 87 percent of our country. While these acquisitions were made legal by colonial and apartheid administrations, the landowner's title remains illegitimate in the eyes of the people.

It is inconceivable that the indigenous citizens can continue to suffer landlessness. Our people will not forever occupy only 13 percent of their country; nor be condemned to live at the sufferance of others.

These facts jump to the fore whenever a family is unceremoniously dumped at the side of the road.

We refrain from using our voting strength when we deal with such sensitive legislation but if we are pushed, we will not hesitate to discharge our responsibility to the electorate.

What then of the Bill which aims to facilitate long-term security of land tenure for people living on other people's land.

It regulates the conditions and circumstances under which residential land rights may be terminated, and how people whose rights have been terminated may be evicted.

□ When it becomes law, the Bill will apply to all land outside urban areas and townships, unless this is agricultural land.

□ The Bill extends land and residential rights to occupiers while recognising the property rights of owners.



PROTECTING THE VULNERABLE . . . The Extension of Security of Tenure Bill aims to protect the occupation rights of, among others, South Africa's farmworkers.

Law aims to protect landless and weak

This is an edited version of a speech by **PHATAKILE HOLOMISA**, chairperson of the Portfolio committee on Land Affairs in Parliament during this week's heated debate on the Extension of Security of Tenure Bill.

(4) CP 31/8/97

Occupiers have obligations and duties, failing which the owner may apply for appropriate relief including eviction orders.

□ The occupier has a right to security of tenure, use of the land, bona fide visitors, family life, access to health and educational services, and the right to visit and maintain family graves.

□ The occupier is not allowed to harm or threaten others, unlawfully damage property, or help others establish dwellings.

□ The Bill protects occupiers on the land with the consent of the owner. This means illegal occupation is not condoned.

□ Last-minute changes to the Bill make sure that right of residence is not necessarily tied to employment.

This means women and children are not evicted on the death or dismissal of a husband.

□ In a civil dispute, the court will presume a person in residence for a continuous period of a year had the necessary consent. Where there has been a three-year residence, evidence of lack of knowledge of an occupier's presence will not be admissible.

Right of residence may be terminated only on lawful grounds. Moreover, this termination must be just and equitable.

In judging this the court will look at a variety of factors.

□ The residence of an occupier whose right to stay on the land arises exclusively from an employment agreement may be terminated only if he/she resigns or is lawfully dismissed.

□ A person over sixty who has been an occupier for ten years has life-long residence. The same applies to a disabled person who was employed by the owner

or person in charge.

□ Amendments make every person an occupier in their own right.

When the breadwinner of pensionable age dies or the disabled breadwinner dies, their families are entitled to remain on the land.

They must get a year's written notice to vacate the land unless they breach conditions or suitable accommodation is available.

By suitable the Bill means alternative accommodation which is safe and not worse. This does not refer just to housing but also other services including agricultural land where appropriate.

□ The Bill will be retrospective to February 4, 1997. Anyone evicted after this date is entitled to restoration of his situation and the landowner will be liable to pay appropriate compensation.

The regulation of conditions of residence and circumstances under which eviction orders may be granted is of course a short to medium term measure. Parliament is called upon to put money aside to acquire land to provide permanent tenure security. Where appropriate, developments will be set up on the land where people live; in some cases, other land will be acquired.

An immunisation programme in May 1997 treated a total of 2 000 children under five years of age.

Source: *Eastern Cape Provincial Health Department, 1997*

Free State: increase/decrease in farmworkers

1059. Dr E A SCHOEMAN asked the Minister for Agriculture and Land Affairs:†

(1) With what number has the number of workers on farms in the Free State increased or decreased during the latest specified period of four years for which information is available;

whether he will make a statement on the matter? N1812E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(1) The Central Statistical Services undertakes agricultural surveys with intervals every 5 years. These surveys are the only source for employment on farm workers. On 5 June 1997, the information relating to the 1993 census was released. According to the Agricultural Census for 1993 compared with the previous Agricultural Census (1988), the number of farm workers in the Free State decreased by 963 from 162 962 in 1988 to 161 999 in 1993. The next census is planned for 1998.

(2) The number of farm workers declined marginally (0,6%) during the abovementioned period which is part of normal cyclical fluctuations which can occur depending on prevailing weather conditions eg. Decline in employment during drought periods. There is no indication of any large-scale dismissal of farm workers.

Department: contracts arranged with foreign donors

1079. Prof B TUROK asked the Minister for Agriculture and Land Affairs:

(1) Whether he or his Department has arranged any contracts with foreign donors who have been approved by the Department of Finance; if so, (a) what progress has been made with the preparation of working plans for these contracts for each year and (b) as at the latest specified date for which

information is available, (i) what amount had been disbursed in respect of each working plan and (ii)(aa) what amount remained unspent and (bb) why has such amount not been spent;

(2) whether any delays are being experienced in completing the contracted work; if so, (a) why and (b) what steps are being taken to overcome such delays;

(3) whether civil society organisations are involved in these projects; if not, why not; if so, what are the relevant details;

(4) whether the proposed National Development Agency is expected to play any role in these projects; if not, what is the position in this regard; if so, what role? N1834E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

In the case of the Department of Agriculture:

(1) Yes, for funding the training of small scale farmers by the Republic of China.

(a)	Finalised	
(b)(i)	Pilot Project	R 352 000,00
	National Project	R1 384 000,00
	National Project	R2 000 000,00
(ii)(aa)	Nil	
(bb)	Fall away	

(2) No

(a) and (b) Fall away.

(3) Yes.

The following rural communities were involved:

Phokwane Housewives' League, Northern Province	
Nondweni community, near Gravelotte, Northern Province	
Matlala community near Marble Hall, Northern Province	
Maraba community near Pietersburg, Northern Province	
Weenen community, KwaZulu-Natal	

Bakgalla community, near Sun City in the North West province

Umtata community committee, Eastern Cape Province

Thebalethu community in George, Western Cape Province

Saron community near Portville, Western Cape Province

Rodenbeck community near Bloemfontein, Free State Province

(4) No projects have been finalised.

In the case of the Department of Land Affairs:

(1) Yes

(a) A work plan and budget covering the consortium of donors' contribution to the land reform programme for the first two years were completed by the Department and approved by the consortium of donors in September 1996. This work plan projected a total expenditure of R31,7 million for the first year of the agreed project.

(b)(i) By July 1997, a little over one year from the inception of the donor contracts, a total of R19,5 million (ie. 61% of the first year's commitment) had been disbursed by the Department in the implementation of the project.

(ii)(aa) This leaves approximately R12,2 million (38%) of the first year's budget unspent. This amount will be added to the amount available for the remainder of the project's implementation (now extended, by agreement with the donors, to March 2000), which leaves a total budget available to the Department from the donor consortium, of R93,5 million.

(bb) The reasons for the Departmental underspending in the first year are numerous, but primarily relate to the fact that the land reform programme and its constituent projects were quite

new and had to be set up from scratch. Similarly, the Department had to establish a provincial office network from scratch, and in the meantime had to implement its projects via agency agreements with provincial government departments. As the departmental infrastructure, staff and procedures have been established, so the disbursement rate of donor resources has increased.

(2) Yes.

(a) As outlined above, delays have been experienced with the implementation of donor-financed projects. These delays relate primarily to the fact that land reform and the Department of Land Affairs did not exist prior to initiation of the government's Reconstruction and Development Programme. Appropriate policies and procedures as well as the Department's organisational infrastructure had to be developed from scratch.

(b) The Department has established a Directorate in each province and has initiated a comprehensive training programme, backed with reference documentation, for all its operational staff. Project implementation and financial disbursement rates have, as a result, begun steadily to improve.

(3) Yes, the Department makes extensive use of civil society organisations in all aspects of its programmes - from policy research and advice to training and technical assistance. This has been facilitated by the establishment of a Training and Technical Assistance Fund (valued at R11 million) and Community Facilitation & Support Fund (valued at R9 million), both of which were sub-contracted out (by means of a public tender) to non-statutory organisations to administer on the Department's behalf.

These facilities have to date provided for the contracting out of many projects, totalling over R6 million, to non-statutory organisations in support of the Department's land reform programme.

Western Cape appoints land tenure consultants

Louise Cook

THE Western Cape agriculture and planning departments are going it alone on farmworker tenure security — the issue which has caused a major rift between farmers and government after draft legislation was recently placed before Parliament.

The provincial agriculture department's Willem Venter said at the weekend private consultants were being appointed to find ways to set up farmworker villages similar to sectional title schemes.

A report with "firm recommendations" on how to set up the villages outside of existing municipal areas would be completed soon.

"It is aimed at dealing with the workers on farms who have no security of tenure. This is a sincere attempt to find solutions."

Asked if farmers were laying off workers or mechanising due to the land tenure bill recently debated in the National Assembly, he said farmers in the province were tolerant and preferred to keep the peace with their workers.

Reports have recently quoted

BS 1/9/97 (4)
Western Cape agriculture minister Lampie Fick criticising the bill, saying it would fail in providing tenure security and cause more tension.

The Extension of Security of Tenure Bill — aimed at stopping unfair evictions of farmworkers — underwent last-minute amendments this week. These included grazing and crop production facilities in cases of alternative accommodation, halving the tenancy period to 10 years and a review by the Land Claims Court of eviction orders granted by magistrates.

Farmers pledge fight to the end over tenure security bill

Louise Cook

FARMERS in the former Transvaal said yesterday they would not accept the proposed security of tenure legislation, intimating they would "force" government to make the planned law more farmer-friendly or scrap it altogether.

The Transvaal Agriculture Union (TAU) adopted a motion at its congress in Pretoria distancing its members from any implementation of the requirements of the Extension of Security of Tenure Bill.

The union instructed the SA Agriculture Union (SAAU) to have previous amendments to the bill reinstated. The amendments were made when the bill passed through the National Council of Provinces.

Several amendments to the original draft legislation were made following months of negotiations between the SAAU and government.

However, last week the African National Congress muscled the bill through its second reading debate in the face of serious warnings that the legislation would reduce employ-

ment on farms and could be vulnerable to constitutional challenge. The bill would make the eviction of workers difficult, particularly the elderly who had lived on a farm for many years.

TAU president Gert Ehlers said the union planned to spell out the "dangers of the legislation" to provincial premiers and make them aware of the extent of the damage the planned law would cause to employer/employee relationships.

Farmers have become careful about employment practices on

farms — they are aware of the possible disruption this type of legislation can cause. We are not aware of any cases of farmers irresponsibly laying off workers, but they do rationalise their labour force.

Louise Bosman, TAU deputy president and chairman of the labour committee, said the main reason for farmers cutting their work force was economic causes (37%). About 36% was as a result of liquidation and the sale of farms, 5% as a result of mechanisation and 10% from rationalisation.

"It is an indication of what happens to a normally healthy relationship when a third party gets involved or when the climate in which such a relationship has been established is disturbed," Bosman said.

Speaking after the congress, SAAU president Chris du Toit said the union was disgusted at the way the legislation was pushed through Parliament last week. It made a joke of the "so-called negotiation process", but the union was determined to continue the battle in the National Council of Provinces.

BD 4/9/97

(4)

Smallholders warned over illegal evictions

(4)

Nov 12/9/97

Claims of a 'whites-only' area being set up north of Randburg denied

By Shirley Woodgate

Gauteng smallholders attempting to evict farm labourers to circumvent Land Affairs Minister Derek Hanekom's Land Tenure Act were warned yesterday they would be prosecuted for unlawful evictions which occurred before February this year.

The warning by provincial housing and land affairs standing committee chairman Mohammed Dangor was backed by claims by ANC member Rita Ndzanga that members of the Jukskei Crocodile Catchment Area (JCCA) - attempting to launch their own independent local authority, which they had dubbed a greenbelt - actually envisaged an exclusive "whites-only" volkstaat north of Randburg.

Her comments came during debate on an urgent petition from the ANC's Lanseria/Bloubastrand branch calling for an investigation into what appeared to be joint action by police and landowners to evict people in the area.

Warning of possible violence in the region, Dangor urged the rapid implementation of the Mayibuye programme to give people security of tenure.

Adding that evicted people were currently forced to remain in jail because they had nowhere else to go, Dangor said he had last been called out on Sat-

urday, when people were being evicted in groups of three to 15.

Earlier, the sheriff, armed with a court order and assisted by the police, legally evicted 23 families from the Bonny Bird chicken farm in Lanseria, said police spokesman Senior Superintendent Kobus Peche.

Their resettlement on a neighbouring farm was agreed to by the Northern council and the Gauteng legislature after the families started erecting shacks next to Lanseria Road, he said.

Wessel Swart - spokesman for the JCCA, which represents 14 resident associations in the 20 000ha area - denied they were trying to create a volkstaat and stressed that the community was already fully integrated, with blacks outnumbering whites by at least two to one.

Rejecting claims of a deliberate attempt to get blacks off the land to beat the new act, he said they wanted a separate local authority because the Greater Johannesburg metro council was in a chaotic state and the smallholders lived in an entirely different environment to city dwellers.

Swart said the metro did not provide any services to the smallholders who used septic tanks and disposed of their own refuse, relied on boreholes for water, Eskom for electricity, and their own tractors to service their roads.

manager Edward

Smallholders warned over illegal evictions

4
8 Nov 12/9/97

Claims of a 'whites-only' area being set up north of Randburg denied

By Shirley Woodgate

Gauteng smallholders attempting to evict farm labourers to circumvent Land Affairs Minister Derek Hanekom's Land Tenure Act were warned yesterday they would be prosecuted for unlawful evictions which occurred before February this year.

The warning by provincial housing and land affairs standing committee chairman Mohammed Dangor was backed by claims by ANC member Rita Ndzanga that members of the Jukskei Crocodile Catchment Area (JCCA) - attempting to launch their own independent local authority, which they had dubbed a greenbelt - actually envisaged an exclusive "whites-only" volkstaat north of Randburg.

Her comments came during debate on an urgent petition from the ANC's Lanseria/Bloubaarsrand branch calling for an investigation into what appeared to be joint action by police and landowners to evict people in the area.

Warning of possible violence in the region, Dangor urged the rapid implementation of the Mayibuye programme to give people security of tenure.

Adding that evicted people were currently forced to remain in jail because they had nowhere else to go, Dangor said he had last been called out on Sat-

urday, when people were being evicted in groups of three to 15.

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Labour laws 'cost 422 000 jobs'

Louise Cook

BD 9/10/97 (4) (185)

SA HAD lost 422 000 jobs as a result of labour laws, SA Agricultural Union (SAAU) chief Chris du Toit told the organisation's annual congress in Pretoria last night.

Du Toit said the congress would reflect farmers' anger and frustration at government policies which they saw as hostile to farming and a threat to the economy.

In his presidential address at the opening ceremony last night, SAAU chief Chris du Toit hit out at labour laws — SA had lost 422 000 jobs as a result, he said — crime in the country, land reform and government's tariff and water policies.

"We can compete against any farmer anywhere in the world, but we cannot compete against governments," he said in a clear reference to production subsidies paid by the EU and US.

Du Toit said that owing to the significance of farming worldwide and the fact that in SA this sector's impact on the annual growth rate was nearly

50%, the portfolio of farm minister should be a separate one. "A minister for land affairs with agriculture stuck on as an added responsibility is simply another recipe for disaster.

"It is the duty and responsibility of the state to protect our agricultural sector against unreasonable imports from countries that subsidise farmers directly..."

On the issue of poverty and food security, Du Toit warned that the World Bank foresaw Africa as the only continent where poverty was expected to increase over the next 15 years. The so-called poor countries would house 75% of the world's population, he said.

In 30 years more than 66% of the world's population would live in cities, he said, with 2,5-billion more people needing to be fed.

"At the same time, our agricultural resource base is shrinking; the intention of government to erect 1-million houses a year over the next five years means that 10 340ha a year will be needed — more or less the size of 1,2 Sowetos a year."

BIG SETBACK FOR NELSON'S CREEK

Progressive farmer's

Vineyards vandalised

CT 13/10/97

(4)

DAMAGE OF THOUSANDS of rands was caused when vines were slashed at a farm which introduced a groundbreaking scheme for its workers this year. **JUDITH SOAL** reports.

WHEN Mr Alan Nelson made headlines in June for donating a portion of his Nelson's Creek Wine Estate at Paarl to his workers, he didn't know he would be back in the news so soon because someone had vandalised his vineyards.

Nelson is now offering a reward of R20 000 for information that will lead to a conviction after rows of young Sauvignon Blanc vines were slashed last week.

He is horrified at the damage, which was discovered on Friday and which he has estimated at thousands of rands.

"This will put production back by two years, and this block will never be the same again. What sort of person would do this?" he asks.

Asked if he thought the damage was related to "his decision to give land to the labourers, he was cautious: "One would really hope not."

Nelson said the response had been largely positive from his neighbours to his announcement that he would donate not only land, but also a portion of the

farm's water rights, half the estate's shares in KWV and shares in the local co-operative Windmeul. However, there had been a few worrying incidents: "Just after the article appeared (in the Cape Times), someone ripped the badge off my car. And some people have been surprisingly silent."

The vandalised vines formed part of estate manager Mr Karl Allen's pet project. It was his "natural vineyard" where he was experimenting with different mulching and cutting back on the use of chemicals.

"He looked after these vines like children, every single one," said Nelson.

Allen was clearly upset as he surveyed his damaged handiwork:

"We will have to look at each plant individually and see if it can be saved. Many of them are dead. It will take a lot of work, and even then the vines in this block will always look strange because some will be older than others.

"I've never heard of anything like it, not on this farm or any

other," said Allen.

Investigating officer Captain Klaas Cloete of the Paarl police agreed: "There's never been an incident like this around here before.

"It's not just children being naughty, this is definitely the work of someone who is very angry with him and wants to do him serious damage."

Despite the latest development, Nelson does not regret his decision to give land to his labourers: "Things are working really well. We had good staff to begin with, but the land has made them happier and more productive."

He explained that the labourers had asked for another portion of land so that they could begin by planting vegetables.

"We gave them time off this week so that they could start, and they've planted onions. They worked really hard.

"Now I want to get a sponsor for them to visit Israel to see what they do there on the kibbutz system. They're doing well, but they're struggling with things such as administration, which is new to them, but they will learn."

Anyone with information about the vandalism can contact Cloete at 867 4007.



CUT DOWN: Alan Nelson (right) and Karl Allen inspect the damage to Allen's pet project — his "natural vineyard" — that was vandalised last week. Nelson has offered a reward of R20 000 for information that will lead to the arrest and conviction of those responsible.

PICTURE: ALAN TAYLOR

Strike enters fifth week after talks deadlock

By Sowetan Business Reporter

THE Malanseuns Pleasure Plants strike at Rosslyn, north of Pretoria, entered its fifth week today with claims of intimidation and violence after a striking employee was allegedly attacked and stabbed with a pair of scissors by scab workers recently.

More than 300 South African Agricultural Plantation Allied Workers Union (Saapawu) members went on strike last month after a deadlock with management over working conditions. (4) (150)

Employees went on strike after management introduced 52 working hours a week while the union demanded 45 hours.

Saapawu regional secretary Musa Makhubu said the strike followed a deadlock reached at the Commission of Conciliation Mediation and Arbitration (CCMA) on the matter which was filed by the company last week.

Management failed to attend.

Makhubu said management had undermined the union by unilaterally implementing 52 working hours a week. He said the strike had degener-

ated into an undisciplined action by some skeleton staff labourers.

He said this after an employee was stabbed with a pair of scissors. The union said the woman was admitted to Garankuwa Hospital where she was treated for multiple wounds.

The company's director Jacques Malan said: "Management is willing to talk to employees to resolve the dispute as long as they want to come back to work."

But he refuted allegations of intimidation and violent clashes between scab labourers and striking workers.

"At present the company has employed skeleton staff from as far as KwaNdebele in Mpumalanga and Mokamole in Northern Province," said Makhubu.

Reacting to the working hours issue, Malan said according to the law, an employee was entitled to work 45 hours a week, but an employer could negotiate with workers on the hours.

Malan said failure to agree on working hours had triggered the strike. "It was in the best interests of our clients to opt for a lockout and we hired scab labourers to keep production going," he said.

HRC to assist farm workers

Pearl Sebolao

THE plight of black farm workers on white-owned farms would receive the SA Human Rights Commission's (HRC's) special attention from next year, human rights commissioner Jody Kollapen said yesterday.

The decision followed a visit by the commission, in collaboration with the National Land Committee and the Farmers' Research and Resource Project, to the Driefontein area of Mpumalanga in August to investigate allegations of human rights violations against agricultural workers.

Kollapen said among the complaints raised by residents at Driefontein was that racially motivated crimes against farm workers, allegedly committed by white members of the SA National Defence Force commando, were either ignored by authorities or not investigated properly. Workers also said the commandos had become a law unto themselves.

Kollapen, who is responsible for Mpumalanga and Northern Province, interviewed about 22 workers or

120 28/10/4)97
their families who were allegedly subjected to a "catalogue of horror, abuse and violation of every conceivable right in the constitution".

The commission heard allegations of assault and torture using cattle prods against suspected criminals.

The suspects were allegedly fetched from their homes by a group representing the farmer and taken to another farm where they were tortured and electrocuted until they confessed to crimes, Kollapen said.

"These matters are rarely reported to the police and the suspects are then returned to the farm, their condition is supposedly to serve as a

deterrent to others would-be thieves," he said.

The commission said police were investigating 15 cases of assault on farm workers, by the members of the commando in Wakkerstroom, Driefontein and Dirkiesdorp area in October and November last year.

HRC Free State commissioner Jerry Nkeli said there had been a surge of human rights abuse cases in the province. At least 34 evictions of farm workers from white-owned farms were reported to the commission between July 1996 and July this year. More than 250 households were affected by the evictions, Nkeli said.

Agricultural union slams land act 'poverty traps'

Louise Cook

30/10/97
THE SA Agricultural Union (SAAU) has asked the land affairs department to change legislation guiding redistribution of land in such a way that farmland goes to individual black farmers on the basis of private ownership.

Government's land reform programme was criticised for creating "dumping grounds" for large groups of people on high-potential farmland. This created "poverty traps" due to the unsustainability of these settlements.

Reacting to government's plans to amend the Certain Land for Settlement Act, SAAU legal spokesman Analize Crosby said settlement schemes should not be allowed to proceed unless they were viable.

The settlement scheme helps to settle people on land of their own and to distribute the state's R15 000 grants to beneficiaries.

"There is an increasing tendency

throughout the country whereby communities are purchasing valuable farm land by means of the R15 000 grant.

"Owing to the large numbers of people involved, these settlements often translate into one cow a family. The result of settlements of this kind is poverty and the destruction of the natural resource (land).

"The SAAU is very worried about the loss of agricultural land. Where settlement does take place, it should take place after proper planning and consultation." Crosby said amendments to the act should provide for scientific studies to assess the impact of the settlements on the environment.

Meanwhile, Land and Agriculture Minister Derek Hanekom's scrapping of the Prohibition of Subdivision of Agricultural Land Act, a law that required the consent of the Minister before farm land was divided, has been criticised by the National Party and the SAAU.

Tenure Bill (4) 'could be made harsher'

ET 31/10/97

THERE is nothing to stop the African National Congress from making the Extension of Security of Tenure Bill harsher if farmers do not co-operate, says an ANC member of the National Council of Provinces.

"We are not threatening. It's a fact and a reality," said Mr Nyam-beni Mudau yesterday.

The bill, which has already been passed by the National Assembly, was approved despite opposition from the National Party, Democratic Party and the Freedom Front. It will now go back to the assembly for ratification of NCOP amendments.

The measure, which has been strongly criticised by organised agriculture, aims to prevent unfair evictions of people on rural land and to give farmworkers greater security of tenure and better housing.

National Party delegate Mr Adriaan van Niekerk said landowners, apprehensive of the burdens that the bill would place on them, were already employing fewer workers.

Land Affairs Minister Mr Derek Hanekom said: "Let us take hands and say we care, say we will do something to improve the lives of the poor." — Sapa

Tenure bill 'could be made harsher by ANC'

CAPE TOWN — There was nothing to stop the African National Congress making the Extension of Security of Tenure Bill harsher if farmers did not co-operate, a National Council of Provinces ANC member said yesterday.

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ality," said permanent Mpumalanga delegate Nyambeni Mudau.

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BD 31/10/97 (4)
The measure aims to stop unfair evictions of people on rural land and to give farm workers more security of tenure and better housing.

Land Affairs Minister Derek Hanekom said it was not true farmers were being singled out, as the bill applied to all rural land. — Sapa.

Housing project fails as board breaks budget

Louise Cook

203/11/97
(4)

A PROJECT to build houses for up to 6 000 farm workers in Bothaville in the Free State has been scuppered because the Free State Housing Board's budget is overextended by R120m.

The project, which began two years ago under the province's previous housing board, ran out of steam when it failed to get the go-ahead for a government housing grant of R15 000 a family.

About 100 Bothaville farmers started investing in the project two years ago, buying stands for their workers and providing them with interest-free loans, repayable at R50 a month, to pay for the land.

However, the project could go ahead only with a government housing grant of R15 000 a family to build houses on the stands. This money had not been forthcoming because the Free State Housing Board was grossly overcommitted.

Bothaville farmer Johan Hofman said the farmers had been assured when the project started that there would be no problem in getting the grants for the workers. "The workers have waited all this time to see construction begin. But they no longer believe us — they

think us farmers are taking them for a ride," he said.

Free State housing board director Mpho Makwena confirmed that the board's budget was overextended by R120m.

Farmers, fed up with waiting, eventually approached the land affairs department for help, but it too could do nothing as the money was required for housing, not land. The department administers R15 000 grants for buyers of land in rural areas.

Sources from the department who asked not to be named said the farmers were "probably" forcing the workers to move closer to the town to get them off the farms.

But Hofman denied these allegations, saying workers turned up in droves at more than one land affairs meeting in the area to prove that they "prefer houses to empty land".

"They feel that to opt for a house is better than to opt for land, which is far away from clinics, schools and other infrastructure," he said.

Bothaville town clerk Ben Havenga confirmed that 1 000 stands had been set aside at Kgotsong outside Bothaville for the project before June last year. If the project was completed, it could improve the lifestyles of between 4 000 and 6 000 families, he said.

Farmers warned to stop evicting workers in anticipation of bill

By TEO MOTHEBE

Star 6/11/97

The Department of Agriculture and Land Affairs yesterday warned farmers across the country to stop dismissing and evicting labourers in anticipation of land legislation due to come into effect in the next few weeks.

The Extension of Tenure Security Bill, which will provide farmworkers with greater protection, is being finalised by Parliament and will be signed by President Mandela and gazetted before the year's end. It will be retrospective to February 4 1997.

"The bill is retrospective in nature and all those farmers who are busy evicting their employees are opening themselves up to facing cases of restoration of the labourers to the land," said department spokesman Lala Steyn.

Farmers are opposing the bill because they believe it protects only farmworkers, to the detriment of landowners. Rural organisations and

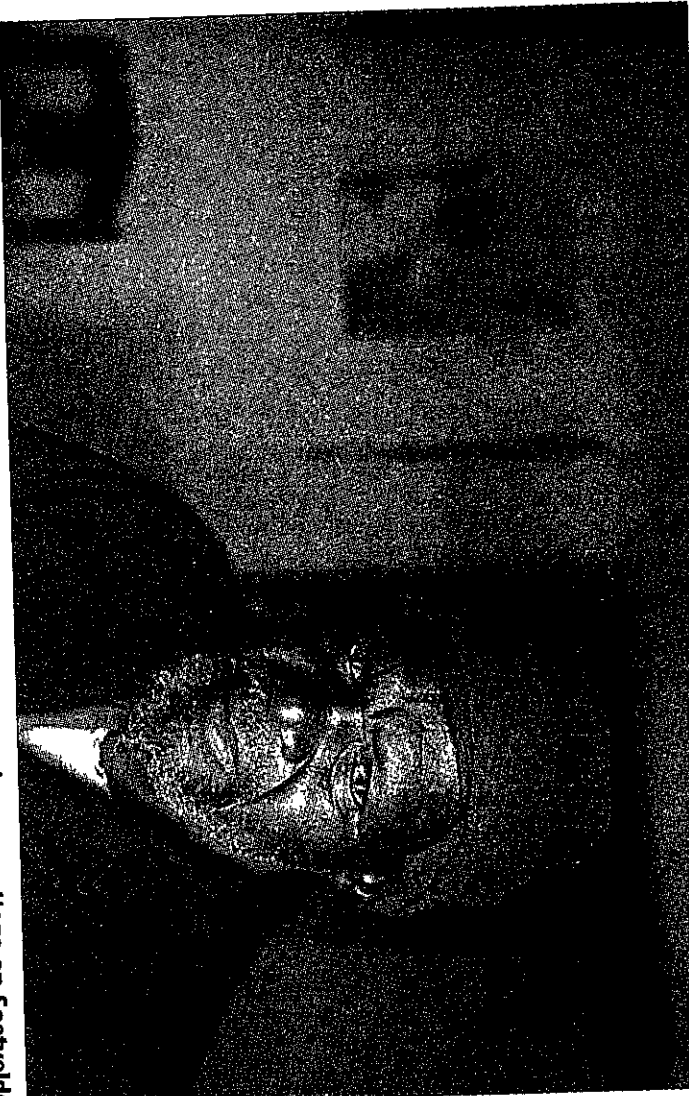
farmworkers' unions have reported a surge in dismissals of farm labourers in recent months.

The South African Agricultural Union has described the bill as "a draconian instrument in the hands of the Government". The union said the stipulations of the bill would result in the "trampling of their rights" as landowners.

The National African Farmers' Union (Nafu) said that while it supported government intervention in protecting the rights of workers, it had reservations about the legislation.

"The bill is going to increase transaction costs which our members will not be able to bear," said Nafu executive director Andrew Makenete.

Richard Ramagabe, assistant secretary-general of the Municipal State Food and Agricultural Workers Union, said the dismissal of farmworkers had intensified after the tabling of the bill in Parliament in February. "Retrenchments and evictions became a common occur-



Helpless ... Jankie Mofokeng (68) believes he has the right to retire on a cottage on Soetvelde farm because he has lived and worked there for most of his life and has nowhere else to go.

rence from June to August because farmers had anticipated that the bill would be made into law in September," he said.

Ramagabe said that because the situation was not being formally monitored, it was difficult to determine exactly how many workers had been affected, but he believed the figure was in the thousands.

Ramagabe said several families in the Anglo American-

owned Soetvelde Farm in Suikerbos near Vereeniging had been ordered to vacate cottages owned by the company.

Most of the employees, who are in their 60s and 70, say they have lived and worked on the farm for between 20 and 30 years and have no other home. "When we were employed many years ago, we were promised that we would be well looked after when we reached our pension years,"

said an angry Jankie Mofokeng. Company spokesman Glen Finnegan said people were not hastily evicted from the land but that it had been done legally after long discussions.

She said only people who could not keep up with monthly rentals were evicted and that there was a growing problem of illegal squatters on the farm which was affecting the quality of life for legal residents.

Farmworkers in landmark tenure deal (4)

JOSEPH ARANES
STAFF REPORTER

ARG 6/11/97

In the first project of its kind in the country, workers on the Barthelsfontein farm near Mossel Bay have been allowed to buy their homes and so get security of tenure on the farm on which they work.

Making the announcement, Land Affairs Minister Derek Hanekom said farmer Henry Fischer agreed to sell 3,425 ha of land to the workers for R225 000.

This historic achievement is part of the Southern Cape Land Reform Pilot Programme, which aims to use government grants to subdivide and buy sections of farms where farmworkers live.

Mr Hanekom said land, the title deed and ownership of the residential plots and houses were transferred to the workers, their families and other tenants in the houses.

In terms of the Barthelsfontein agreement, 15 households totalling 45 people will benefit.

Land Affairs spokesman Joseph Marks said this small community of farm residents had a relatively good relationship with the farmer and all parties actively supported and participated in the process.

"The plan makes provision for the subdivision of the 3,425 ha of land consisting of the area of the houses and adjoining gardens. This will be divided up into 15 erven and the families will continue to use the gardens next to their houses for recreation and foodlots," Mr Marks said.

'Sadist' grins at light fine

M+C 7-12/11/97 (4)

It seemed like the bad old days were back in the Free State this week when a white man was fined for beating a worker, writes Ann Eveleth

A 38-year-old Free State farmer grinned in the Welkom Regional Court last Friday as he paid a R3 000 fine for beating and chaining a shepherd to a workshed table, but the black community members who attended the trial were not amused.

The paltry payment ended a year-long saga for the burly, khaki-clad Bothaville farmer, Wessel Wessels.

It changed next to nothing for 55-year-old herdsman Samuel Moabi, who had arrived at the local hospital in September 1996 with a chain around his neck and blood on his clothes.

Eugene Roelofse, a former ombudsman who attended the verdict, warned the minimal sentence could inflame racial tensions already on the rise in the wake of recent farm murders in the province. "I fear revenge attacks could take place. I was frightened by the level of hatred I saw in black eyes outside the court after the verdict," he said.

Moabi's frail body still bears the scars of a macabre experience last year that easily conjures up images of Kunta Kinte, the main character in the most brutal scenes of Alex Haley's African-American slave-era blockbuster, *Roots*.

Welkom magistrate Andries Visser convicted Wessels of kidnapping and common assault. The judgment fell short of the attempted murder charge Wessels originally faced, and even further from Moabi's sordid tale, even though Wessels's defence advocate, Johan Nel SC, never called his client — or any other witnesses — to contradict Moabi's version of events. Nel only intimated during his cross-examination of Moabi that the farmworker had precipitated the attack by attempting to steal a sheep from his employer.

Moabi denied the allegation under oath and told the court he had merely tried to prevent three dogs from scaring a herd of sheep as he put them out to pasture, but that one of the sheep got caught in the kraal in the process.

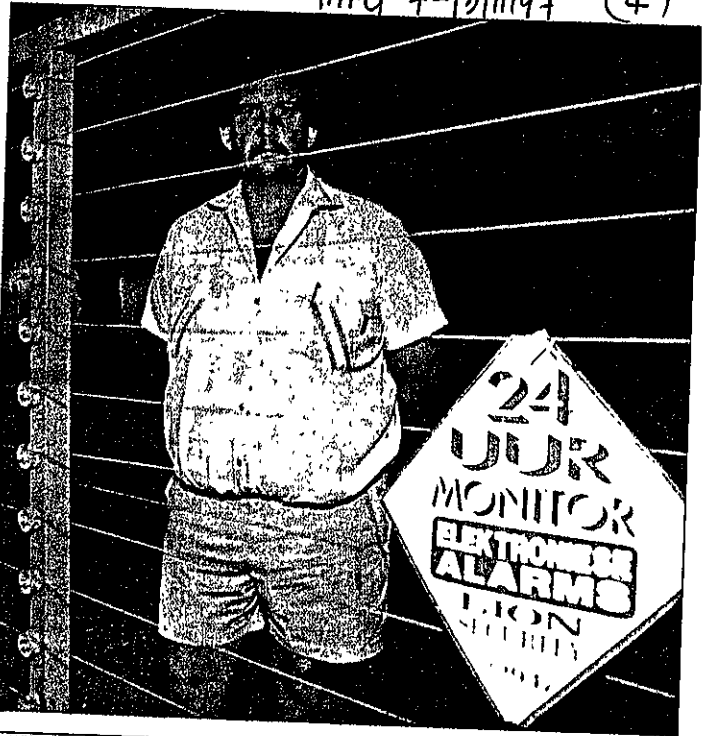
It was the story of abuse that was the centre of the trial, however. Visser ruled that he could not accept the ageing farmworker's full story because medical evidence gathered after the attack did not indicate he had sustained substantial injuries, such as rope-burns or bruises. The magistrate convicted Wessels only of kidnapping and chaining Moabi and punching him once.

Moabi had testified that Wessels also forced him to undress, tied his hands and legs behind his back with a single rope and kicked and beat him unconscious. Moabi eventually managed to untie the rope and drag himself to a nearby toolbox where he found the tools to break the chain around his neck free from the table and escaped to the local hospital, evading Wessels, who was searching for him with dogs.

Moabi told the *Mail & Guardian* this week that a hand-sized raw abrasion photographed on his back after the attack — and still visible as a black disfiguring scar — was caused by "something I heard Wessels plugging in when I was on the floor of the workshed. I couldn't see what it was but after that I felt pain there."

A Bothaville lawyer Moabi consulted about possible civil action against Wessels, Toenie Nieuwoudt, said he understood why Visser did not find Wessels guilty of causing the abrasion, as "Moabi could not say what caused it". He added that the kidnapping charge was diminished by the fact that Moabi's period of captivity lasted only about four hours. Wessels did not, however, release Moabi after that time — Moabi escaped.

Nieuwoudt, who plans to sue Wessels for crimes injuria, defamation, loss of income and pain and suffering on Moabi's behalf, said he



Ties that bind: Samuel Moabi (above) shows how he escaped from the rope farmer Wessel Wessels (top) had used to bind him. PHOTOGRAPHS: RUTH MOTAU

found Visser to be "a competent magistrate" who had "a difficult time because there has never been a case like this before".

But former ombudsman Roelofse saw things differently. Roelofse stumbled on to the case while in the final stages of a new book on the history of rural abuse he witnessed during his tenure from 1976 to 1983.

"Of course there have been cases like this before. What happened to Moabi is not bizarre. It's as common as boerewors around here. I don't know why the magistrate asked the defence attorney if there was a precedent. He should've asked the state," said Roelofse.

State prosecutor Elize le Roux said she had never prosecuted such a case before but added: "It's shocking, but only because black rural people don't usually take such cases to court."

Roelofse cited an "almost identical" 1979 case in which a farmer had "chained a little boy and then beaten his rescuers so severely that one of them died".

But, added Roelofse, "The political, legal and social situation has changed dramatically in the intervening 18 years. In those days the South African Agricultural Union boast-

ed to me about the tranquility in rural areas and that farmers as a matter of course left their doors unlocked. Today we see security gates, razor wire, special patrols, deputations to the minister and appeals to the state president — in short, the emergence of a siege mentality."

Nieuwoudt also hinted at a link between Moabi's fate and what he called "a lot of tension in the whole Free State about farmers getting killed and everybody wanting the death penalty back".

But Roelofse said the growing security problems of farmers demands a different response. "Farmers who add fuel to the fire need to be dealt with drastically as a response to a national emergency. The only logical solution is to remove sadists from agriculture at least a decade at a time to places where they can contemplate their violence behind bars in the company of others sentenced for similar crimes," he argued.

Roelofse said Wessels "grinned smugly" when he paid the fine in court last week, but never apologised to Moabi. "He showed no contrition."

TO PAGE 8

P.T.O.

Free State worker denied justice after beating

MtG 7-13/11/97 (4)

From PAGE 6

Wessels pleaded amnesia about the case when the M&G spoke to him through the barbed-wire fence surrounding his Regina farmhouse this week. He said he had "had some problems" with Moabi and asked him to leave, which Moabi did. He denied knowledge of the case, his conviction or the fine he had paid.

Roelofse has asked the the minis-

ter of justice, the Free State premier and the Free State attorney general to intervene on various aspects of the case. He said earlier approaches to the Human Rights Commission to take on the case had failed. "The Free State commissioner sits in Gauteng and he decided not to go down. If [this case] doesn't justify a commissioner getting into his luxury car and driving down to Bothaville, I don't know

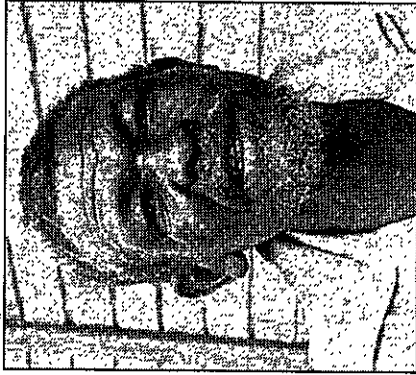
what will," he added.

Moabi says he is not satisfied with the outcome of the case. He does not demand Wessels's imprisonment, but wants R25 000 compensation for his wife and five children.

Their lives have changed little since Moabi found employment on a nearby farm two months ago. They had been staying at the Presbyterian Church in Bothaville's black town-

ship of Kgotsong, which is ironically Sotho for "peace", but are now living on the farm of Moabi's new employer.

The employer gave his name only as Labuschagne, chased the M&G off the farm and berated Moabi for giving an interview without his permission. "You must ask me if you want to speak to my service," he shouted.



Moabi: Plans a civil suit

Kicked off the farm, with nowhere to go

By ANDILE NOGANTA

CP 9/11/97 (4)
A COLD drizzle started coming down in the vast Macleintown-Komga farmland outside East London in the afternoon and Sgcubutu Siswana heaved a huge sigh of relief.

This was not for the joy of welcoming the much-needed drops for his crops.

He was relieved that another cold night would not find him in a makeshift tent pitched next to the side of the road.

Last month Siswana was kicked out of Thorn Valley farm and dumped on the long stretch that snakes through the Macleintown farmlands. He lived there until a neighbouring farmer offered to put him up for doing odd jobs on his farm.

If he can get enough money to hire someone to move his property, Siswana will join a group of nine families evicted from different farms in the area and now temporarily settled at Draaibosch, a piece of land administered by the department of public works.

Siswana had only worked at Thorn Valley since last December, but the people he will meet up with at Draaibosch had served the same masters for more than half their lives.

Jan Oria, the oldest man at Draaibosch, is 77. He knows little else besides farm life.

He was evicted from Wayne Kretzman's Hopewell farm with two other families two years ago.

"I was a young man when I arrived on that farm. I grew up there, got married and had all my children there. I worked for Wayne's father and buried him. I did all sorts of work on that farm long before Wayne was born," he says, also recalling saving the young Kretzman from being washed away by floods in 1970.

Oria and two other former workers from Hopewell farm, Dambana Mbulawa (62) and Ngxathoza Matshini (63) say Kretzman told them he had to cut down on his labourers.

"He asked us to choose among ourselves who should go. We were six men and we told him he would have to retrench us himself. We asked him to give us a piece of land so we could stay on and cultivate our own crops.

"We were too old to go anywhere. We would have been happy to help out where we could for no pay, as long as we could stay on and do what we know best - farming. But he refused," says Oria.

Kretzman could not be reached for comment this week.

Members of the group say over the years they had each amassed over 40 livesock.

Oria hastily fished out a piece of paper with a list of what he owns: cattle, horses, goats, right down to his geese.

It is two years since the group was evicted but most of them could have a case for re-instatement if the Extension of Security of Tenure Bill passes into law. They are over 60 and have been on the farms with the consent of the owners.

Part of section 4 of the bill states that the right of residence of an occupier who has resided on



WHAT NOW? . . . Farm worker Sgcubutu Siswana after he was kicked out of Thorn Valley farm and dumped along the side of the road.

the land in question for 10 years and has reached the age of 60 may not be terminated, provided certain conditions are complied with.

Although the Bill has been hailed as a positive step towards protecting some of the most exploited people in this country, some say it falls short.

On the weekend farm workers were to gather in Grahamstown to thrash out their responses to the Bill. Barbara Manning of the Border Rural Committee (BRC) wrote that it will not offer marked relief for people living on land belonging to others.

Because the Bill's proposed cut-off age of 60 is tied to the 10 year-period a farm dweller must have spent on a farm, it's "tough luck" for those who are below 60, even if they have spent over ten years on the land.

The recent Grahamstown summit, which brought together farm workers from all over the Eastern Cape, is seen as the first step in counteracting that. The conference was part of the campaign by the National Land Committee to lobby for farm workers' rights.

The BRC, an affiliate of the National Land Committee, and its Eastern Cape campaign partners have been taking up the farm workers' cases. They recently supported a march by farm dwellers to hand over a memorandum of their grievances to the Komga municipal offices.

Though statistics are not accurate, figures of farm evictions sent by the BRC to the Department of Land Affairs stand at 93. "Eviction of farm workers is very much like rape. A lot of cases go unreported," says Manning.

Farmers 'rule by bloody beatings' Rights body starts probe into abuse of workers

ARGUS CORRESPONDENT

Durban - The Human Rights Commission has launched an investigation into the alleged abuse of farmworkers in northern KwaZulu Natal, which reportedly takes the form of beatings by racist farmers.

The commission said it had been asked to probe the issue after a complaint by African National Congress MPP Senzo Mchunu, who also sits on

the parliamentary agriculture committee.

Mr Mchunu, previously the ANC's provincial secretary, reported that the abuse, concentrated around Vryheid, reduced workers to the "lowest level of humiliation and exposure".

He said complaints about the beatings were made at joint meetings between workers, farmers and members of the security forces. A fortnight ago they were repeat-

ed at another meeting. Mr Mchunu told the commission. He said cases of abuse by white farmers were often not properly investigated by police.

"People allege that even in obvious criminal cases of heavy and bloody beatings, police do not take any decisive action against farmers. To a large extent they actually con-

nive with white farmers and there is even harsher treatment from the police," he said. Much of the reported abuse is

centred on the eviction of farmworkers and tenant farmers. Lawyers were said to be handling hundreds of such cases.

And, Mr Mchunu said, the impounding system was also linked to the conflict, as it deprived poor black workers of stock on which their livelihood often depended.

"All this has left no doubt in my mind that on farms we actually have the most vulnerable people," Mr Mchunu said.

The commission, which is investigating similar claims in Mpumalanga, the Free State and Northern Province, said its deputy chairwoman, Shirley Mabusela, would handle the KwaZulu Natal probe. This follows last week's warnings about changes to laws which affect farming.

These are regarded by some as an end to "virtual slavery", and by others as being "an erosion of farmers' land rights".

Armcor chiefs hold secret talks on deadlock with TRC

ARGUS CORRESPONDENT AND REUTERS

Pretoria - Senior Armcor officials met early today behind closed doors in an attempt to resolve the impasse over whether the national arms procurements agency should go before the Truth and Reconciliation Commission.

A source indicated Defence Minister Joe Modise had attended the meeting for a while before leaving for another appointment, apparently with President Mandela.

It was not clear whether Mr Modise's meeting with the president had anything to do with Armcor's initial withdrawal from this week's

TRC hearing on the role of business during the apartheid era.

Spokesman Billy Nell said senior members of the Armcor management team were closeted in a meeting where the TRC hearing was being discussed.

Armcor has already given the commission a written statement

ahead of the three days of hearings due to begin today.

But the commission said in a statement that Armcor had demanded all questions in advance, which it was not prepared to agree to.

"After making a written submission to the TRC's business hearing,

Armcor refused to participate in the actual hearings," the statement said.

Chairman Desmond Tutu cautioned that the TRC might subpoena Armcor witnesses.

The commission urged Armcor to retract its demand and to attend the hearings.

ARLT 11/11/97

ARLT 11/11/97

Abuse allegations probed

BD 11/11/97 (4)
DURBAN — Allegations of abuse of black farmworkers mainly by white farmers in the Vryheid area in KwaZulu-Natal were being investigated by the SA Human Rights Commission, the commission said yesterday.

Commission spokesman John Mojapelo said the commission had decided to investigate the allegations after a complaint was lodged by Senzo Mchunu, a member of the KwaZulu-Natal legislature and agriculture portfolio committee. Mchunu had heard of the alleged abuse while visiting black farmworkers in the Vryheid area in 1995 and last year.

Mchunu told the commission that at a meeting attended by black communities, white farmers, the police and the army last month, farmworkers had complained of being beaten by farmers.

Mojapelo said the issue of evictions and the rights of farmworkers and tenants would also be addressed by the commission. Farmworkers had also complained that police had not properly investigated claims of abuse by white farmers.

The allegations would be investigated by deputy chairman Shirley Mabusela. — Sapa.

Substructures sign shared services plan

BD 11/11/97
Business Day Reporter

BD 11/11/97
TWO Durban substructures signed yesterday what was described as a historic "record of understanding" with the KwaZulu-Natal education department, which would result in the two tiers of government sharing resources to provide facilities in townships. The cash-strapped department had agreed to make land available to the north central and south central substructures (which had funds, but were short of land) to build sports and recreation facilities.

Councillors described the agreement as both a "practical and lateral-thinking answer to a real problem" which would result in pupils benefiting from the facilities during school hours and the rest of the community benefiting after school hours.

The agreement was signed by north central acting mayor Trevor Bonhomme, south central mayor Lydia Johnson, and provincial education MEC Vincent Zulu at the Durban city hall. Zulu called for other joint ventures between the two tiers of government, saying they would ensure cost-effective delivery of services.

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UNBOWED: Vredenhof workers on their way from the farm yesterday after refusing to attend disciplinary hearings without being represented by members of the South African Agricultural, Paper and Allied Workers Union.

PICTURE: BENNY GOOL

Farm workers take stand on hours

ROGER FRIEDMAN
SPECIAL ASSIGNMENTS WRITER

BAAS Freddie Kirsten of the picturesque Vredenhof farm outside Paarl put his foot down when most of his workers responded to his demand that they work 12-hour shifts by calling in a trade union.

On Monday he temporarily suspended about 50 members of his staff, ordering them to appear before a disciplinary hearing on the farm yesterday.

When the workers arrived at the farm gate yesterday accompanied by union representatives, they found it blocked by trucks.

A walkie-talkie toting member

of the Boland rugby side, Mr Christof Lötter, had instructions to keep the union representatives out.

The union representatives ignored Lötter and filed on to the farm with the workers.

However, an agricultural consultant hired by Kirsten to preside at the disciplinary hearing evidently refused to allow members of the union to represent the workers, and the workers refused to take part if they were not represented.

They traipsed back to their cottages up the road uncertain what today would bring.

The union is to take up the case with the Department of Labour.

Another day, another labour

difficulty. Another battle by new South Africans to find common ground.

Kirsten says he is working within the provisions of the law. What's more, he told the Cape Times at his gate, the workers had always worked 12-hour shifts during fruit-picking season in the past, it was "standard practice on all farms in the Western Cape".

The workers say they were quite prepared to sit down with the union and Kirsten to negotiate extended hours.

Mr Johnny Scheepers of the South African Agricultural, Paper and Allied Workers Union (Sapa) believes the workers were

being victimised.

The farmer's demand that his workers appear at a disciplinary hearing unrepresented was unlawful, he said.

While the workers had signed contracts agreeing to work overtime, any extension of their normal hours would have to be negotiated and confirmed by written agreement, he said.

Scheepers said farmers were increasingly organising themselves under the banner of various agricultural organisations as farm labour became more organised.

Farmers were hiring legislation-literate consultants to represent them in labour disputes.

CT 12/11/97

(4)

FAMILIES BEING EVICTED

Farmer fires (4)

43 workers

THE DEPARTMENT OF LAND AFFAIRS is to look into the firing of 43 farmworkers involved in an overtime dispute. Special Assignments Writer **ROGER FRIEDMAN** reports.

FORTY-THREE Paarl farmworkers, who turned to a trade union for assistance when their boss demanded that they work 12-hour shifts, have been fired and served with notices to vacate their houses, two weeks before Christmas.

Some have worked and lived on the picturesque Vredenhof Farm in Noorder Paarl for more than 30 years. Others were born on the land. Now, away with their wives and children, they face an uncertain future.

They have been told to collect any outstanding wages from farmer Mr. Redde Kirsten today.

The workers were dismissed in absentia after they refused to appear before a disciplinary committee on Tuesday without union representation. The disciplinary hearings were convened by an agricultural consultant hired by Kirsten.

The consultant refused to conduct the hearings in the presence of the

union officials.

The workers were served dismissal and eviction notices by Kirsten's son and the farm foreman the next day.

Kirsten told the Cape Times yesterday that he cared for his workers: "I told them it was a sad day for me, but that they had been misled and misused and that this is the end result."

He did not wish to comment on who it was that he believed had misled the workers. He denied that he had fired the workers, saying this had been the finding of the "independent" chairperson of the "legally constituted" disciplinary committee.

On Tuesday, Kirsten vehemently denied his workers' charges that they were treated "like pigs".

Mr Manie Damon, Western Cape secretary of the SA Agricultural, Paper and Allied Workers' Union (Saapawu), said yesterday the union had been in contact with the Commission



EVICTED: The people who must leave Vredenhof Farm. Some have spent most of their lives there and some can no longer work.

PICTURE: BENNY GOOL

for Conciliation, Mediation and Arbitration to ask for urgent intervention. Saapawu has organised most of Kirsten's workforce, but is yet to verify this membership.

"These farmers must just accept the transformation process in South Africa. Nobody is anybody's boss any

more. They still think they are baas and the workers are Klaas.

"The workers' eviction notices will be opposed with all our might."

Director-general of Land Affairs in the Western Cape Mr Terence Fife said the department would be "following up" the Vredenhof matter.

With the Extension of Security of Tenure Bill soon to be signed into law, the department would fall in its duty if it did not "make Kirsten aware what he is letting himself in for".

The new legislation aimed to make it impossible for people to be evicted without due process, and even then

they could only be evicted for "very clearly defined reasons", Fife said.

Worker and shop-steward Mr Samuel Botha said: "We will not leave here because we have done nothing wrong. We pay rent of R38 a week for our houses and we pay for electricity. They cannot just kick us out."

Tenure bill 'will defeat its purpose'

(4) BD 18/11/97

Wyndham Hartley

CAPE TOWN — The controversial Extension of Security of Tenure Bill will be signed into law today or tomorrow by President Nelson Mandela amid predictions that it will cause massive reductions in the number of workers employed on commercial SA farms.

In spite of amendments to the bill by the National Council of Provinces at the 11th hour of its passage through Parliament, opposition parties remain implacably opposed to the legislation which will grant tenure rights to farm workers on land which they do not own.

In an apparent softening of the bill as approved by the National Assembly, the council changed the clause determining the nature of alternative land which has to be sought by both worker and farmer before the worker can be moved from the land. The assembly deemed that any services enjoyed on the farm should also be available on the alternative property. The council removed the words "and services", which was accepted when the bill went back to the assembly.

The council's largely technical amendments have not placated organ-

ised agriculture. Freedom Front council member Piet Gous said the amendments were "close to meaningless".

"Farmers are not hiring or, if they do, then the workers must live 'off farm', or they are mechanising to avoid having to employ people who could end up enjoying permanent rights on their land," Gous said.

"What (Land Affairs Minister Derek) Hanekom intended with this legislation is now having the opposite effect." He estimated that a large number of workers had already been declared redundant and were living in squatter camps. The farming community was opposed to the legislation "regardless of how you polish it".

National Party agriculture spokesman Manie Schoeman held a similar view, saying changes to the law were mainly cosmetic.

Both said the changes to the bill during the committee stage of the assembly were very difficult for organised agriculture to accept.

Late ANC amendments substantially toughened the law, which had been painstakingly negotiated with the SA Agricultural Union by the land affairs department.

Farm labourers call for inquiry into 'assaults and evictions'

Louise Cook

(4)
BD 18/11/97
LABOUR tenants — farm workers who do not work for a cash wage but for grazing rights and the right to produce a crop — in KwaZulu-Natal and Mpumalanga yesterday called for a commission of inquiry into assaults and evictions on farms.

This followed a recent meeting between President Nelson Mandela and the SA Agricultural Union (SAAU) where a spate of killings of farmers was discussed and farmers called for a commission of inquiry to probe whether or not the killings were part of a deliberate plan to drive them off their land.

The labour tenants in the two provinces — represented by the National Land Committee, the Association for Rural Advancement and the Farmworkers Resource Programme — said yesterday there was a need for a commission of inquiry into the role of magistrates and the police in assaults and evictions on farms.

Labour tenants felt that while government was "too quick" in supporting and sympathising with farmers' grievances, no one was prepared to attend to the abuse of labour tenants by farmers, the National Land Committee said.

"We should not allow the future of labour tenants to fade away in the hands of farmers who just expect free labour," the committee said.

In September, Mandela refused an SAAU request to set up an immediate commission of inquiry into the possibility of a political motive behind the killings, saying the intelligence services were already investigating the issue.

Since that time the spate of killings on farms has continued unabated, with Free State farmers recently threatening to "take care of" suspected murderers themselves.

Farmers threatened to shoot us, say government officials

TWELF GAINSBOROUGH-WARNING

Several farmers in the Western Cape have allegedly threatened to shoot government officials who have tried to visit farms to explain new labour legislation to workers.

A Labour Department spokesman said officials had been verbally abused, threatened with violence and in some cases had even had to face death threats when visiting farms to advise workers of their rights under new legislation. In some cases farmers have allegedly set dogs on the officials.

ANC MP Melanie Verwoerd went as far as to blacken her face with boot polish in attempts to get on to farms. New legislation governing the working conditions of farm workers is in the pipeline and officials are working flat-out to inform both farm-

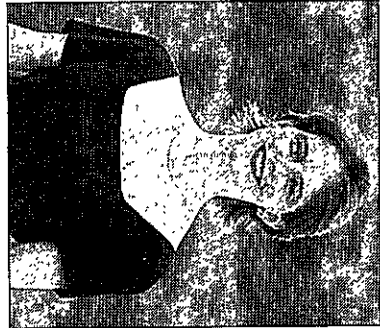
ers and their employ-

The Extension Land Tenure Act just passed, protects workers who have lived and worked on farms for long periods. Farmers can no longer evict them.

In the past farm workers have been exploited, often working long hours and living in cramped conditions.

The Labour Department spokesman said the problems encountered by officials were exacerbated by security fears among farmers who had themselves been targeted by criminals.

He said that while there was widespread "paranoia" among farmers,



Melanie Verwoerd: disguised

labour regulations. "Some of the farmers don't understand that the labour regulations apply to them as well as other sectors of society."

"Their arrogance makes it difficult for us to speak to them and the

there were still those who had gone out of their way to welcome officials on their farms. Frank Pilka, head of the Labour Centre in Beaufort West, said the work of his officials among the farm labourers was being severely hampered.

He said it had been a problem for a long time and that certain farmers were still reluctant to abide by

labour regulations. "Some of the farmers don't understand that the labour regulations apply to them as well as other sectors of society."

(4) AKG 29/11/97

workers," he said. Mr Pilka referred to a recent incident when a farmer accused an official of trespassing and threatened to shoot her if she didn't leave immediately.

As a result the official had to leave the premises and meet the workers' representative on the national road.

In another incident, when an official who had gone to investigate a case of workers not being paid what they had been promised, the foreman refused to see him, saying the owner of the farm was in Johannesburg.

Mr Pilka said most complaints from farmworkers related to assault and pay disputes.

ANC members electioneering in rural areas like Stellenbosch have also reported a series of incidents, allegedly involving intimidation.

These have included MPs being held at gunpoint.

Tenure Act leans towards rights of occupier

(4)
Nothing 'sinister'

ARC 29/11/97

Pretoria - A landowner can be jailed for up to two years for evicting an occupier without a court order in terms of the Extension of Security of Tenure Act unveiled yesterday.

Releasing the Act in Pretoria, Land Affairs Minister Derek Hanekom said it was not the start of "anything sinister".

"The Act will provide security to over six million people who without it could tomorrow be standing on the side of the road with nowhere to go," he said.

An occupier who has been staying on land with the permission of the owner since February 4 has a legal right to remain on the land.

"An owner cannot cancel or change these rights without the occupiers' consent unless there is a good reason for doing so, and until the occupiers have had a chance to answer any allegations against them," the Act stipulates.

An owner can apply for an eviction order from a court once the contract entered into with the occupier has ended.

"In most cases where the occupier has done nothing wrong the court will not grant an eviction order unless there is another place where the occupier can go to live."

This provision can be overridden if:

- nine months have passed after the termination of the occupier's residence right;
- the owner's business will be seriously jeopardised unless the occupier's house is available for a new employee; and
- a court is satisfied the owner has done everything possible to find alternative accommodation for the occupier.

The Act allows disabled occupiers or those older than 60 years who have been living on a piece of land for more than 10 years to continue staying there for the rest of their lives, without having to work.

It also provides ways in which occupiers can obtain long-term security of tenure or become landowners themselves with financial aid from the state.

The Act protects landowners by stating that occupiers may not harm or threaten other people on the land, damage property or help others to unlawfully set up dwellings.

Should a landowner evict an occupier without a court order, he can be jailed for up to two years or fined up to R40 000, or both, and occupiers in such a case can apply to a court to have their residence rights restored and can claim compensation.

Mr Hanekom said the majority of landowners were decent people who did not evict vulnerable people who had done nothing wrong and had nowhere else to go.

"Such decent landowners have nothing to fear from the Act," he said. "Their own moral standards already ensure that they will behave within the ambit of the new law. This Act takes a decent standard of behaviour and binds everyone to it - it enforces a common denominator of socially acceptable behaviour."

Mr Hanekom said landowners and occupiers wanted the same things - security and stability. The Act was aimed at helping them to achieve these goals. - Sapa

Hanekom voices high praise for tenure security act

DD 11/12/97

(4)

Louise Cook

PRETORIA — Security of tenure of more than 6-million farm workers and rural people would be improved by the Extension of Security of Tenure Act, Land and Agriculture Minister Derek Hanekom said as the new measure became law on Friday.

The National African Farmers' Union welcomed the law, but said "the only problem" was that it would push up costs for black farmers wanting to buy land.

The National Land Committee, representing landless communities, also backed the new law and said the time had come for farmers and farmworkers to work together to find solutions.

Parts of the act applied from February 4 this year. This meant that certain people who had been evicted from land since that date could now either try to get back onto the land or apply for compensation.

The act gave people on rural or peri-urban land stronger rights to the ground on which they were living, or to land close by. It also laid down procedures that must be followed before anyone could be evicted. Hanekom said in Pretoria that the act was "the most significant and far-reaching piece of land reform legislation to date". He urged landowners to co-operate to make it work, saying that another government would push for more radical measures.

Land affairs director-general Geoff Budlender said the department was fully geared up to implement the law. Back-up systems to inform people of their rights and defuse situations of pending evictions involved an extensive radio campaign over the next few months, training programmes, legal aid through the Legal Aid Board and on-site developments whereby farmworkers could obtain ownership of the land on which they lived, or of land nearby.

However, SAATU legal spokesman Anahle Crosby was sceptical, saying that in all probability farmers would have to solve the issue of alternative accommodation themselves. Hanekom pointed out that in some cases land was donated by farmers to over-

come this problem, and that a special budget — based on the size of the overall land affairs budget next year — would be set aside for acquiring suitable land.

The act would be enforced by the magistrates' courts, the Land Claims Court and, in some cases, the provincial High Courts.

Meanwhile, another proposed law closely linked to the new act — the Prevention of Unfair Occupation of Land Bill — has been tabled in Parliament. The planned law would lay down eviction procedures where people lived on land without the owner's consent, Hanekom said.

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classy No comment on vrba | P 1

Squatters: judge puts onus on Hanekom

BD 5/12/97
Louise Cook

LAND and Agriculture Minister Derek Hanekom had to speed up processes to resettle a group of squatters who had invaded land belonging to black cattle farmers in Mpumalanga, Judge Daan le Roux said in the Pretoria High Court on Wednesday.

The judge, who granted the squatters a third extension of an eviction order which was supposed to have been executed during 1996, said if the minister failed to move faster the land's owners would lose all confidence in his bona fides and that of the land affairs department.

Despite strong arguments to the contrary, the extension was granted for the squatters to remain on the farm for a further four months to give the department time to organise alternative land.

However, the judge granted a request by counsel for the farmers that March 31 would be the cut-off date, irrespective of whether there was alternative land available or not.

Spokesman for the farmers Regina Moepe said afterwards the government was "very unfair".

"We have our grazing and forestry totally damaged by the extra people and even the water (for the cattle) has been poisoned. Moreover, no one has even once come forward to offer us any form of compensation," Moepe said.

Evidence was led during the case that the local

4
council of Temba had paid for the squatters' defence. Sources said the amount involved — for which there was no statutory provision — was R200 000.

Counsel for the farmers, M Leathern, denied the farmers wanted to see the squatters homeless and on the side of the road, but pointed out that earlier this year the squatters refused to move despite the fact that there had been land available at an area known as Greenside.

Leathern said despite expert opinion that only minimal work by the department to prepare the Greenside site was necessary, the squatters rejected this and insisted on remaining with the farmers.

The judge said the "machinery of the state is slow", and granted the extension of eviction. The original eviction order was granted on March 7 1996.

Farmworkers, who must come early to avoid losing money, get treatment they've never had before

The Mogale Clinic in Magaliesberg is a simple brick building in what feels like the middle of nowhere. Surrounded by farmlands, the experts will tell you the clinic serves a community of 70,000, but you will not see any homes or large settlements.

The people who visit the clinic are labourers from farms in the region. The community chose the site for the clinic, but many people still travel long distances to reach Sister Elizabeth Mahmare and her small team.

Two small houses next to the clinic are home to Mahmare and the clinic's visiting Cuban doctor, Dr Leonardo Cruz.

The clinic, which is in a sub-district of Krugersdorp, attends to about 180 patients a week.

The hospital closest to the clinic is Paardekraal, about 40km away. Leratong Hospital, frequently used by the staff for emergencies, is 70km away.

STW 6/12/97
When we arrived for our visit on a Wednesday afternoon, the clinic was quiet, with not a single patient in sight.

Mahmare said one of the main reasons for the afternoon lull was poor labour relations on many of the surrounding farms.

Neat and clean

"Farmers take money out of the pay of the workers if they take time off to come to the clinic, so most try and come very early in the morning, before the day starts, to avoid that," she said.

The exceptionally neat and clean clinic offers treatment for all chronic illnesses, family planning, immunisation, dental care and emergencies.

With Cruz and Mahmare on the property, the people of the area don't have to go very far if they need urgent medical care, and late-night

knocks on both their front doors are not uncommon.

The people of Magaliesberg place so much confidence in the clinic that women occasionally choose to have their babies there.

Although they are meant to travel to one of the nearby hospitals for the birth, some women avoid hospital costs by arriving at the clinic fully dilated.

"We warn women not to come here, but they often arrive when there is no time left to get them to a hospital, so we just have to deliver here," Mahmare said.

Although the job gets lonely at times, both Cruz and Mahmare believe they are achieving something in the town.

"Here we make a difference, we are giving these people a service they have never had before: the right to basic health," Cruz said.

Farm equity schemes 'slow but meaningful'

Louise Cook

FARM equity schemes, intended to transform farm workers into shareholders, were slow to take off but allowed a greater degree of "productive and meaningful land reform", land affairs director George Oricho said yesterday.

Since the concept was introduced two years ago, 16 schemes were being developed. Land transfers had been finalised in five cases.

The most recent deal involved an egg farm outside Pretoria with a turnover of R8,3m a year, which 16 farm workers

bought last week for R8m. The new owners have 10 years to repay a bank loan, raised with government's settlement grant of R15 000 a household.

Two other schemes, based on the leverage-capital principle are operating mixed farms in Mpumalanga. Two fruit-production schemes are operating in the Western Cape and in the Free State workers bought into a sunflower farm.

During the past two years 1 215 households have become involved in farm equity schemes or set up farming operations with the help of the department and the settlement grant.

Oricho said the process was slow. "We get a lot of proposals for schemes, but often from financially crippled farmers who see it as a way of off-loading financial problems...."

"The department does not bale out nonviable businesses. (Before approval) the operation's finances and viability are scrutinised, all of which takes time."

Oricho said one of the biggest benefits of an equity scheme was the improvement of productivity on the farm; transforming workers into co-owners had more potential for productive land reform than simple redistribution.

(4)

BD 10/12/97

Anglo tells farm workers to leave

Sowetan 22/10/97 (4)

By Shadrack Mashalaba

TWENTY-THREE families, including that of an African National Congress councillor, have been left homeless after they were retrenched from employment on the Anglo American-owned Uitylucht farm in the Vaal Triangle.

The families, some of whom have lived and worked on the farm for more than 25 years, have been given until January 1 to vacate the property.

A total of five families were evicted in October, including that of chairman of the Suikerbos Transitional Rural Council Mr George Maile, who has not yet left the farm.

The workers staying at the 2 500-hectare farm were retrenched following a circular by Anglo which stated that since 1978, Uitylucht had made a loss of R2,8 million.

The families staying at the farm are employed by Anglo and stay there on condition that they work. The retrenchments means they have to leave the farm.

Maile, who first came to the farm

in 1984, received his eviction orders in October, but has not yet moved off the property.

He said he was currently squatting and could not abandon his constituency and leave the farm.

"If I as a councillor can be evicted, what chance do these ordinary people have?" asked Maile.

Failed

"Attempts by the local ANC branch to intervene to stop the retrenchments and evictions have failed. The local council is looking at securing an alternative place for people facing eviction," he said.

"We do not believe the farm operates at a loss. The evictions have been coming for some time now.

"This became evident after the launch of ANC's local branch when we received a letter from Anglo's Cape Town office warning us that the farm was not a territory for politics," said Maile.

Anglo American Industrial Relations manager Ms Sharon Hosking declined to comment.