

FOCUS ON FARM EVICTIONS

3. The Present Framework

A. "No More Forced Removals"

The review of removals announced by the Minister of Co-operation, Development and Education in February 1985 dealt only with 'Black Spot' removals and urban relocation. Farm evictions were not included.

B. Scrapping of Rural "Influx Control".

Chapter IV of the Development and Trust Act of 1936 - the rural equivalent of the Influx Control Measures in the 1945 Urban Areas Act - has been scrapped. This used to regulate the rights of black people to live and work in white rural areas. But its restrictive provisions have been replaced by those of the Prevention of Illegal Squatting Act of 1951, which the White Paper on Urbanisation (April 1986) stated would be "suitably adapted to protect the ownership rights of land-owners".

Prevention of Illegal Squatting Act.

This act provides for 3 eviction procedures:

1. Court conviction for squatting.
2. An enquiry and directive by a magistrate.
3. Summary eviction (with no notice, no representation and no appeal) by a member of the South African Police, or an official of a local authority or the Department of Constitutional Development and Planning.

A magistrate can 'transfer' anyone whose shelter has been demolished under the above procedures, to any district. (It is likely that most 'transfers' will take people to the remote relocation camps of KwaZulu)

C. Scrapping of Black Labour Regulations of 1965.

With the scrapping of these regulations, farm workers are now legally free to seek employment and housing in urban areas. But "Orderly Urbanisation" provisions, and the workers' own educational disadvantages, still constitute almost insurmountable obstacles.

1. "Orderly Urbanisation".

The President's Council report provides for both direct and indirect measures to control the process of urbanisation.

Direct Measures. These include the Group Areas Act, the Prevention of Illegal Squatting Act, the Slums Act of 1949, and provisions relating to Health Regulations and the powers of local authorities. Furthermore the government itself will control the locality and availability of site-and-service schemes.

Thus the state can still control settlement in urban areas but without the stigma of "racial" legislation.

(The location of site-and-service areas is crucial. There are none e.g. in Pietermaritzburg, but it is likely that a number will be situated near rurally based "Industrial Decentralisation Points" Industrialists who establish themselves at these points earn massive subsidies. - R600 million was paid out between April 1982 and March 1985 - and, being exempt from wage regulations and trade-union agreements, can pay minimal wages. Afra has documented cases of textile workers at the Pieterse I.D. Point earning R18 per week).

Indirect Measures. Government Policy proposes that people must pay for the privilege of living in cities. They should pay for their own homes themselves, or their employers should pay; or the local authorities should pay. The state will pay for housing and services only "in dire circumstances".

Ex-farm workers are unlikely to be able to afford even a site-and-service fee (should an area for this actually be established near a town); still less the rent of a township home or the cost of building a home.

2. Educational Disadvantages

Farm workers and their families have been under-educated for generations. There is no systematic educational provision for farm-workers' children, only a system of official subsidies for farmers who choose to provide schools (subsidies cover salaries, some furniture and equipment and 50% of the building). There is one high school in Natal - a boarding school with fees of R600 p.a. - for the children of the black workers on all 7500 farms.

Ex-farmworkers and their families are likely to be severely handicapped in the competition for scarce urban employment.

D. Continuing Legal Disabilities of Farm Workers.

Farm workers are still expressly excluded from the provisions of the following acts:-

- 1) Labour Relations Act of 1956 which controls trade-union and employer relations and all machinery for settling disputes.
- 2) Wage Act No. 5 of 1957 which regulates wages and conditions of service in industries outside the Labour Relations Act.
- 3) Unemployment Insurance Act.
- 4) Basic Conditions of Employment Act which provides minimum standards for working hours, leave, notice etc.

In theory wages and working conditions are regulated by common-law contracts of employment. (In practice few written contracts exist.)

E. Trade Union Activity.

The Food & Allied Workers' Union (membership 60,000) has started a farm-worker project. But problems of access to farm workers and their vulnerability to victimisation and dismissal are formidable.

F. Enquiry

An urgent enquiry under the National Manpower Commission into the situation of farmworkers, completed in 1984, has not yet been tabled.