

FOCUS ON FARM EVICTIONS

1. Weenen

"I told the police that I can't just go like a bird - I have the family and my belongings. I need to build somewhere. The question is where do I build? After all I just don't know why I must leave from here? Who will look after so many family graves?"

Mathutha Sosibo, Weenen, 12th September 1986

Over the past few months Afra has been monitoring and attempting to assist in the plight of at least 1200 people who are threatened with eviction from their homes on white-owned farms in the Weenen, Vryheid, Hlobane and Richmond districts of Natal.

It is very difficult to investigate and assess the number of workers at present facing eviction from Natal farms. They are evicted as individuals, they are isolated and have no organisation, and no public attention is directed to them.

Afra estimates that between 1948 and 1982, at least 300 000 farm workers and labour tenants were evicted from white farms in the Natal region. The main thrust of the eviction process took place in the late 1960's and 1970's with the massive state-sponsored removal of labour tenants in central and Northern Natal.

The present evictions represent private action by individual farmers - with state backing - against farm workers who are no longer wanted on the farms for a number of reasons.

THE WEENEN EVICTIONS

This area has a long and troubled history of farm evictions particularly in the period 1969-1971 with the massive state-directed removal of between ten and twenty thousand ex-labour-tenant families.

The present evictions centre on a cluster of 20 "labour farms" just to the South of the town of Weenen in central Natal. These dry, overgrazed and overpopulated thornveld farms that evolved as an extension of the

labour-tenancy system still continue to operate as small private labour reserves: white-owned farms used solely by their absentee landlords to house and provide access to grazing and ploughing land for their tenants who, in return, are required to work away from their homes on the commercial farms of their landlords for little or no wages.

About 40 families (at least 390 people) have received eviction notices on a number of the farms. The reasons for the evictions vary.

Mr. Ndala Zungu was born on 'Hopewell' 61 years ago. His father and his grandfather were born and buried there. As a young boy he was contracted by his father to work on the landlord's farm. He has worked on that basis for more than forty years. Last year Mr. Zungu and four other families were given three months notice to leave Hopewell.

"Suddenly we are told to clear off from this land. The reason being that our children do not want to work on the farm anymore. The reason why my son doesn't want to work on the farm is that he doesn't want to be like me - work and work for just about nothing", said Mr. Zungu.

In October last year, after the expiry of the notice period, Mr. Zungu was arrested and charged with illegal squatting and sentenced to three months in prison with the option of R150 fine.

He was released after 2 weeks when his family had managed to scrape together enough money to pay the fine.

Afra was later to establish that the legislation under which Mr. Zungu was convicted had been scrapped in July last year with the abolition of influx control. But this does not alter his eviction plight. An even more repressive law - the Prevention of Illegal Squatting Act No. 52 of 1951 - can now be used by farmers to get rid of their tenants.

The family now awaits their inevitable eviction. Mr. Zungu has appeared in court on a number of occasions since his conviction, but each time the case has been remanded.

"Where will I go as sick as I am? How am I, an old sick man like me, to start all over with a new life again? Why doesn't he (the farmer) let me die on the farm?" says Mr. Zungu.

A number of other families have been evicted following disputes with their landlords about livestock reduction. The farmers say the conservation authorities are putting pressure on them to reduce tenant livestock because of the severe erosion on the farms. The tenants have strongly resisted these attempts because in the absence of wages for their labour their stock constitutes a major source of social security and an important source of income.

Mr. Toto Mlambo has been working on the farm 'Orange Grove' for nine years. He lives on a labour farm with his wife and five children. He receives no wages at all. His children are also expected to work without pay on weekends and holidays. In return he has been given some land for his home and the grazing of his cattle. He has no ploughing rights.

In December last year Mr. Mlambo and seven other families were told to reduce their stock. The families said they would do this if they received a wage payment or ration allowance as a substitute. The farmer refused to listen to their grievances and gave them two weeks to get off the farm.

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2. Vryheid Richmond Hlobane

VRYHEID

An estimated 380 people living on six farms in the Vryheid area face an eviction deadline in May this year.

The thirty-two families, who are all part of a long-established labour-tenant community, were given eviction notices early last year by the owner of all six farms, Dr. H. Gertges, an absentee landlord living in Pretoria.

Although the families were not given any reason for the eviction, it would appear that the owner has recently acquired a number of the farms and clearly wishes to join them into a single management block and streamline the labour force. This agglomeration and consolidation of farms reflects a general trend in South African agriculture. Between 1970 and 1985, the size of farms in South Africa increased by 47% whilst the number of farm units decreased by 54%.

But the evicted families cannot bear the prospect of leaving the farms with which they have been associated all their lives, where their children go to school and where their parents and grandparents are buried. In addition they have substantial numbers of livestock - more than 300 head of cattle and 350 sheep - and access to arable land.

They have attempted to find alternative accommodation at the informal settlement of Kwabhekumthetho, but this place is already hopelessly overcrowded.

The only other places that might be available are the resettlement camps of Qudeni in the Nkandla district, Waihoek near Ladysmith, Compensation near Impendhle and Franklands, Port Shepstone.

(In November last year the Vryheid families appeared in court on charges of illegal squatting. The court gave the families until 17th May to leave the farms).

RICHMOND

Six families of labour tenants have been evicted from a farm in the Richmond area by the new owner who wishes to convert it into a private game reserve.

(Changes of farm ownership are often accompanied by farm labour removals. New ownership often means increased capitalisation and mechanisation; and new owners feel less inclined to deal with the welfare and control of a large labour force. Relationships with families, that have often been built up over a number of generations, are disregarded).

The families allege that the new owner has several times threatened to shoot them. He has admitted to shooting two of their dogs. In December last year, after the expiry of the notice period, he impounded their livestock.

Already hard pressed, the families had to find money to get their stock released. One of the tenants, Mr. G. Mkhize had to pay R454.00 to get back his 47 goats. They also paid R200.00 for hiring a transport truck.

The tenants, who are still on the farm, say they are not resisting the eviction.

"It will be very painful if we have to move from this farm after so many years. But if this white man has the right to do this, then we cannot object. But the thing is that we have nowhere to go", explained Mr. Ngubane, one of the evicted tenants.

The families have approached a local chief for a place, but as he indicated to Afra fieldworkers, the land he administers is already overcrowded:

"It is absurd that when the government has no place for these people, the magistrate sends these people to me, believing that I will have place for them. This place is full".

HLOBANE

About 400 people face eviction from a number of farms in this coal mining area of Northern Natal.

Evictions in the area are not new. Many thousands of labour tenants were evicted from the Hlobane, Louwsberg and Paulpietersburg area in the 1970's.

The present group of families being evicted includes labour tenants who have been on the farms for many generations, and rent-paying families who have moved there so that they can be close to the breadwinners working in the collieries.

Linah Mahlobo is a 56 year old widow who has been living on the farm 'Wolgender' for 17 years. She has four children, three of whom attend school in the area. The fourth son was working on the mine at Hlobane until he lost his job during a strike.

Although Mrs. Mahlobo has been paying R30 per month, government policy classifies her as a 'squatter', and she has no legal protection against eviction or unfair practice on the part of the landlord.

Last year she was given three months to leave the farm. On expiry of the notice period, she appeared in court and was found guilty of illegal squatting. The magistrate told her that she had to move to the resettlement camp at Qudeni.

Mrs. Mahlobo is desperate to stay in the area. She is afraid that she will not find work anywhere near Qudeni. She is also concerned about her children's schooling.

Often families are evicted after disputes (sometimes trivial), between workers and their employers. Because housing is bound up with employment, dismissal means eviction. Mr. Mkhwanazi of the farm Helpmekaar was dismissed from his work and evicted from his home because the farmer claimed that "he was wasting time for being sick".

Farm workers are excluded from almost all the protective legislation applying to industrial and commercial workers. They are not guaranteed minimum wages or a set working day/week, or allowed unemployment benefits or protected from unfair labour practices. Trade unions are not legally recognised.

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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.