

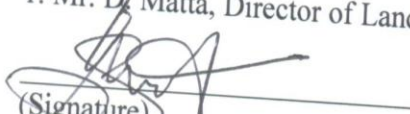
SIYAPHAMBILI

ECARP

SCLC

We, as the representatives of the Eastern Cape Government Depts., and the District Municipalities of Cacadu and Chris Hani, hereby acknowledge receipt of this memorandum and list of demands presented by farm workers and dwellers, small-scale farmers, ECARP and SCLC.

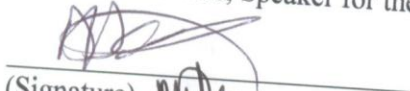
1. Mr. D. Matta, Director of Land Affairs, Eastern Cape


(Signature)

2. Mr. F. Mavuso, Representing MEC for Agric. and Land Affairs


(Signature)

3. Cllr. D. De Vos, Speaker for the Cacadu District Municipality


(Signature)

4., Representing the Chris Hani District Municipality


(Signature)

5., Representative of the Dept. of Housing, Local Government and Traditional Affairs


(Signature)

6., Representing the Makana Local Municipality


(Signature)
24 August 2007
Grahamstown

Speech by Lungisile Madwara: Chairperson of Siyaphambili
24 August 2007
Grahamstown

On behalf of farm workers and dwellers, small-scale farmers, ECARP and SCLC, and as a chairperson of Siyaphambili, it is a great pleasure for me nabasebenzi kwanabahlali basezifama, kuquka namafama asakhasayo, ukuba sifumane elithuba lokuthi size ngaphambili kumagosa aphezulu karhulumente. As Siyaphambili we have tried on quite a number of occasions to meet with the government in order to address issues that will get us out of landlessness and poverty.

To be precise, ngo November 2005 singabasebenzi nabemi basezifama, namafama asakhasayo, sacela u-ECARP ukuba asincedise ukuququzelela intlanganiso neSebe lezeMihlaba kwakunye noMphathiswa wezoLimo (MEC for Land Affairs and Agriculture), ngeenjongo zokuphakamisa izikhalazo zethu. We, together with ECARP, SCLC, TRALSO and CALUSA, held a meeting with the MEC, who promised to visit the areas affected. Kwakhona ngo June 2006 we met at Masonic Hall with Mr Mavuso from the MEC's office, who also promised to arrange a meeting in Bisho with his office.

Ngo June nango July walonyaka siye sabamba ezinye iintlanganiso apha eRhini no-ECARP, where SIYAPHAMBILI, a committee set up in 2006 with the assistance of ECARP and SCLC, and made up of farm workers, dwellers and small-scale farmers to lobby for positive land rights, was mandated to organise le-march yanamhlanje. Injongo zale-march is for farm workers, dwellers and small-scale farmers to present the Eastern Cape Legislature with concerns about being marginalized in the Land Reform Programme.

Ngoku silapha senza omnye umzamo wokubonakalisa ukungonwabi kwethu ezifama, nokungoneliseki kwethu yindlela iinkqubo zikarhulumente ezisebenza ngayo. Liphelile ngoku ixesha lezithembiso ezingafezekiswayo, sifuna intshukumo. That is why we want the Eastern Cape government officials to take this message to the national level, to the Minister of Land Affairs and Agriculture, and to the President. I am now going to hand over to Mr Dayimani who will present our list of concerns and demands. Thereafter, a memorandum will be handed over to each government representative who will sign this. This memorandum contains information, based on research conducted by ECARP on tenure and land issues.

**PHAMBILI NOKULWELA UKUNYHASHWA KWAMALUNGELO ETHU,
PHAMBILI!!!!**

PHAMBILI NOKULWELA UKUFUMANA UMHLABA, PHAMBILI!!!

LAND DEMANDS PRESENTED BY FARM WORKERS, FARM DWELLERS SMALL-SCALE FARMERS, ECARP AND SCLC IN THE EASTERN CAPE

We, as farm-workers, dwellers, and small-scale farmers, have gathered here today this 24 August 2007 in Grahamstown to express our concerns about the land reform programme and the lack of service delivery in the rural areas. The government's poverty eradication strategies have not met our requirements and demands. We feel that the government, the policy makers and the media do not take us seriously. We therefore demand the government to take the time to listen to us, to understand what our needs are and to base policies on the real conditions that we face.

Thirteen years after apartheid and there is still no change in the conditions that we face. Farm workers and dwellers still face evictions and violation of tenure rights. We do not have access to legal services to challenge violations of our rights. The land reform programme has failed us. We have still not been able to meet our basic needs, secure land rights to keep livestock and plough and to enhance livelihoods. We still do not have access to schools, clinics and parks. We still live under very poor conditions, with no access to water and toilets. On many farms, farm workers and dwellers still have to share the water sources with animals. At the same time we see a number of farms coming together to form game farms which further prevents us from getting land and which negatively impacts on our employment, livelihoods, living conditions and tenure status.

All land reform policies, programmes and strategies are not based on the real needs of farm workers and dwellers and those who want land for farming. Our analysis of PLAS is that it is worse than LRAD. It favours a few people at the expense of the majority in terms of access to land. It imposes a particular form of farming on people who have very little financial and other resources. It does not extend land ownership to landless people because of its lease component. It is based on an unrealistic timeframe for people to show that they can be profitable. It works from the wrong assumption that all people want to engage in big commercial farming. It wrongfully encourages people to take out loans to finance the farming operation. DLA project officers treat farm workers and dwellers as puppets because we have no opportunity and scope to direct and drive PLAS projects. We are simply told how the farm will function, who the participants in the projects are and how the project will be designed. Do not treat us as if we cannot think and as if we cannot decide for ourselves. Even the current attempts to incorporate land reform into the IDPs do not account for the land and developmental needs of farm workers and dwellers and small-scale farmers.

We therefore call for and demand:

- A moratorium on evictions. During this period deadlines need to be set to get land for farm workers and dwellers, and to link this to a positive land redistribution strategy.
- A moratorium on game farms.
- Free legal service for farm-workers and dwellers, to challenge farmers who disregard farm workers and dwellers' rights.

- That people who have been evicted be returned to land they have been evicted from.

We want land for:

- ❖ Housing and settlement.
- ❖ Ploughing and grazing.
- ❖ Schools and clinics.

We further demand:

- The government to stop promoting only big, commercial and capital intensive farming. For those of us who have very little resources we want to first farm on a small to medium scale, to build our confidence and resource base before we venture into big, commercial and capital intensive farming.
- Appropriate and suitable support for the small and medium scale farmers from the agricultural department.
- Farm workers, dwellers, and small-scale farmers to be taken seriously and to be the drivers and leading agents of land reform and all developmental programmes.

Based on the above, we want an urgent meeting with all the government departments represented here today, where we would discuss ways in which farm workers, dwellers, and small-scale farmers can benefit from a revised land reform program.

LIVING ON THE MARGINS: FARM WORKERS, FARM DWELLERS, SMALL-SCALE FARMERS AND THE LAND QUESTION

1. Introduction

This memorandum focuses on the situation of farm workers and dwellers thirteen years after the election of a new government and eleven years after the adoption of one of the world's most progressive Constitutions. Landless people on commercial farms fall into two broad categories. One is the farm worker who is employed on the farm on either a full-time, part-time, and seasonal basis. Male workers are often employed in the core aspects of the production process, while women are employed as seasonal, casuals and non-core activities. Workers may live on the farms where they are employed, or they may live on a separate farm from their employment. Dwellers are those who are not employed on farms. They merely reside on the farm. It is important to distinguish between the different categories of people who live on commercial farms so that appropriate policies and development strategies are formulated.

The information contained herein depicts a situation of under-development and continued poverty for farm workers and dwellers, thereby demanding urgent and serious government attention. Farm workers and dwellers and NGOs working with them believe that government has a Constitutional obligation to addressing their current situation. Before the minimum wage was introduced in 2003, the Department of Labour conducted an audit of the situation of farm workers who make up 10% of South Africa's workforce. This audit on farm workers' living conditions illustrates a cycle of poverty more severe than in any other sector. For example, children living on farms are more likely to be stunted and underweight than any other children. Farm workers have the lowest rates of literacy in the country. Thirty-three percent of farm workers do not have formal education. Stronger state intervention is needed to enable this sector to meet its' basic needs and advance its' Constitutional rights.

After years of waiting, discontent over the land reform programme is high among farm workers and dwellers nationally. This discontent is fuelled by unhappiness about the Proactive Land Acquisition Strategy (PLAS) with its narrow focus of land access for commercial farming purposes. The continued neglect of farm workers and dwellers can become a threat to social stability in the rural areas, as they cannot be expected to live with this discontentment indefinitely. Farm workers and dwellers find it unacceptable that the following continue taking place to this day:

- Evictions still continue to take place on farms as the Extension of Tenure Security Act (ESTA) is not implemented and its provisions are not adequately protective of farm dwellers.
- Farm workers and dwellers continue to live in very poor conditions. This is depicted in houses that are of very poor quality; without access to clean water and the vast majority still do not have toilets at all.
- No alternative means to livelihoods as they are not allowed to own livestock. Where this is allowed, they are required to pay exorbitant grazing fees and can

only keep a limited number of livestock of between one and three. Some are not allowed to grow their own vegetables that could help in increasing household food supply. Where there is land allocated for this purpose, these are often very small portions, are often of very poor quality and can be taken away at any time.

- When farms are sold, or converted to game farms, the already restricted socio-economic rights are further eroded, making farm workers and dwellers' conditions even worse. They are forced to sell livestock, access routes are closed making it difficult for them to get into and out of farms, they are no longer allowed to grow vegetables, access to water sources is cut-off, among others.
- Visitors are not allowed in some farms. In others, permission has to be sought. Cars are not allowed onto farms making it difficult for people to bring in goods, and there are complaints that ambulances cannot access farms in emergencies.
- Children have to travel long distances to schools. In a lot of cases schools are up to certain grades, and as a result when children reach a certain level their parents have to find them a place to stay in townships in order to continue with their studies. This is very costly for someone earning as little as farm workers do. The situation for a farm dweller, not in full-time employment, is even more dire.
- Farm workers and dwellers have described the proliferation of game farming as the main threat to their prospects of ever owning land under the land redistribution programme.
- People who have been evicted off farms find life in townships difficult to adapt to, as most of them are forced to live in squatter camps often without employment.
- LRAD beneficiaries have so far enjoyed little or no state support. In a lot of cases the support that they get is not beneficial to them, as it does not take into account the scale of their production.
- People on state/parastatal land have no access to basic services. However relocating these people to townships, as is often suggested by the state, will break community bonds built over generations and deny them of opportunities for livelihoods.

2. Farm Workers and Dwellers and Unfulfilled Constitutional Rights

The South African Constitution, adopted in 1996, provides for socio-economic redress to address the effects of apartheid. This is depicted broadly in the Preamble in the following:

“We, the people of South Africa, Recognise the injustices of our past;

*We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to -
Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;*

*Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is
equally protected by law;*

Improve the quality of life of all citizens and free the potential of each person....”

The Bill of Rights provides for various socio-economic rights to which all South Africans are entitled. Sections 24, 25, 26, 27, and 29 in particular, deal with the enhancing the quality of life for all South Africans. The rights are concerned with:

- An environment that is safe and healthy;
- Equitable access to land as defined in Section 25 (5);
- Access to housing;
- Access to health care, food, water and social security;
- Access to education.

These provisions are the reasons that the South African Constitution is internationally acclaimed. Yet, its enforcement and its full realisation continue to elude the most indigent sections of society. This observation rings true for many rural communities in general and farm workers and dwellers in particular. Research carried out by the East Cape Agricultural Research Project (ECARP) and the Southern Cape Land Committee (SCLC) over the years reveal the continued violation of farm workers and dwellers' rights. They continue to work and live under precarious conditions despite a number of legislation and policies that have been adopted since 1994 aimed at alleviating their plight. While other sectors of society complain about poor service delivery, for farm workers and dwellers the complaints revolve around the non-existence of service delivery. The provisions of the Constitution therefore remain theoretical and abstract for South Africa's farm workers and dwellers. This raises fundamental questions about the role of the state in post-apartheid South Africa, the manner in which the state views its responsibility to meeting basic needs and the extent to which it would intervene in the labour market.

Farm workers and dwellers face abuse and neglect on two fronts. On the one level farm workers and dwellers face abuse from many farmers. On another level is the government and its agencies' continued failure to address this sector's developmental needs. It is the responsibility of government to ensure that farm workers and dwellers enjoy rights enshrined in the Constitution and various pieces of legislation. The responsibility for the provision of services cannot be shifted between government and farmers. Nor can it be assumed that the market will provide farm workers and dwellers with the basic needs and services they require.

The South African government has adopted a selective intervention strategy in the labour market. State intervention in the rural labour market is felt more with the passing of regulations governing labour relations and wages for the agriculture sector. In this sense the state has addressed Section 23 (1) of the Constitution. The land and tenure context is so dissimilar from that of labour. The effects of liberalisation and the neo-liberal macro-economic strategy are felt the hardest in these arenas; as well as in the lack of housing and services to farm workers and dwellers. The institutions responsible for the expanded social reproduction of labour – housing, education, food consumption, clinics, land, etc. – are embedded in the past, and places enormous constraints on farm workers and dwellers' ability to improve their quality of life and

productivity in the rural labour market. It is common knowledge that the land reform had dismally failed farm workers and dwellers.

3. The Land Reform Programme

The components of the land reform programme pertaining to farm workers and dwellers are: the Land Redistribution for Agricultural Development (LRAD), ESTA, and joint ventures or equity schemes. However, the links between equity schemes and land access and ownership for farm workers and dwellers are not clear. Related to equity schemes is AgriBEE. Both these instruments have a strong economic component that at times overshadows land rights and needs. This has thus far been the case with equity schemes where projects have been approved without land transfers.

The emphasis of LRAD thus far has been on transferring land for productive purposes and not for settlement. Government has therefore largely ignored the settlement component of LRAD. The neglect of housing in the LRAD projects has had a negative impact on the productive use of the land. With the introduction of PLAS, this aspect of LRAD as well as the Food Safety component will be severely compromised or done away with entirely. The programme does not have, as a priority, the redistribution of land because the exclusive emphasis is on profitable commercial farming. It is not pro-poor because it is designed to suit those who have the financial resources and knowledge base to farm commercially. In the PLAS projects that are emerging in the Eastern Cape province only a few farm workers are targeted as participants. Women workers and farm dwellers are not viewed as 'suitable' participants. In the facilitation of PLAS consultations take place between the Department of Land Affairs (DLA) project officers and the farm owners. No consultations take place with the identified participants. They are treated as passive recipients who are unable to make positive contributions to the process. They are therefore unable to define and drive the project¹. This revised land acquisition strategy in no way promotes a broad based land reform programme that provides for positive rights based on the varied land needs. Farm workers and dwellers have clearly articulated their land needs, which are: to secure tenure, housing and human settlement, to keep livestock and to grow vegetables. The overwhelming desire is to sever the link between the place of work and the place of residence. Variations in the need for land have encouraged farm workers and dwellers to mobilise and lobby for alternatives to the current land reform programme.

ESTA was enacted to ensure that farm dwellers are not arbitrarily evicted and to facilitate long-term security and rights to land for farm workers and dwellers. ESTA allows for four things.

- Defines the tenure rights of occupiers.
- Places certain duties on these occupiers.
- States when and how an occupier can be evicted.
- Allows for occupiers to acquire long-term rights to land.

ESTA sets out the principles and values that should regulate the relationship between workers/dwellers and farmers. Included are: (a) human dignity, (b) freedom and

¹ . An example of this top-down and unilateral approach is the Rockhurst Project just outside Grahamstown. The farmer and the DLA project officer identified the core male workers only to be participants in the project. Women workers and dwellers are not included.

security of the person, (c) privacy, (d) freedom of religion, belief and opinion and of expression, (e) freedom of association, and (f) freedom of movement. However, farmers flagrantly disregard all of these principles. Chapter Two (s4) of the Act explicitly states that subsidies will be made available “to enable occupiers, former occupiers and other persons who need long-term security of tenure to acquire land or rights in land”. Chapter Three (s6) of the Act states that: “an occupier shall not be denied or deprived of access to water, and that an occupier shall not be denied or deprived of access to educational or health services”. These provisions are intangible and unobtainable, as the DLA has not given effect to them. In the cases that ECARP is working with those who are evicted have not been able to secure long-term rights to land, are denied access to water and have been deprived access to education and health facilities, in that the move has distanced them from both these facilities. For all intents and purposes ESTA provisions and its spirit remain intangible for those it was designed to benefit. ECARP’s research and casework on ESTA violations and on the living conditions of people on commercial farms depicts a bleak picture.

4. Living and tenure conditions of farm workers and dwellers

Services such as housing, water and sanitation and provision of electricity are not readily accessible. Neither the state nor landowners seem willing to take responsibility for their provision. In 2005 ECARP conducted research on 72 farms in the Makana, Ndlambe and Sunday’s River municipalities that looked at the provision of services such as water, sanitation, electricity, housing and livelihoods for people living on commercial farms. Seven hundred eighty five households with a total of 1783 people live on these farms. As the tables below will demonstrate, a lot needs to be done to improve living conditions for farm workers and dwellers.

4.1 Housing on farms

Housing on farms can be divided into three categories bricks/cement buildings, non-brick/cement housing (made of mud and wattle houses and zinc/corrugated iron houses) and concrete slabs. However, there are also combinations of these three types whereby dwellers in a particular farm will have different types of housing, or a particular house will be a combination of any of the three (e.g. a cement house being extended housing mud and wattle or corrugated iron sheets). Table 1 below shows a breakdown of type of houses on farm. Though, as the Table 1 shows, there are quite a sizable number of cement houses, which is 36 percent of our sample, dwellers complain about their bad conditions like cracks and leaking roofs.

Table 1: Type of housing on farms

Type of housing	Number of farms
Brick/cement housing	26
Non-brick/cement housing	44
Concrete Slabs	2

4.2 Water and sanitation

Table 2 below shows the number of farms that have ablution facilities. Thirty-two farms have to do without toilets and 32 have pit latrines. Those with pit latrines,

complain that a farm would have only one toilet to be shared by all inhabitants. These toilets are of very poor quality. Undignified ablution facilities and sources of water for farm workers and dwellers pose a threat to health. These conditions are a major violation of Section 24 of the Constitution, which states that people have a right to live and work in healthy and safe environments.

Table 2: Sanitation facilities on farms

Type of Facility	Number of farms
No Toilets	35
Pit Latrine	35
Flush Toilets	2

Availability of clean water is a major problem on farms. As Table 3 below demonstrates, the majority of farms, 32, have contaminated water that they get directly from rivers, dams and boreholes. They have to share these water sources with animals. At times, animals drown in dams and reservoirs but farm workers and dwellers would continue using that water, as there are no alternatives. Where water tanks are provided, farm dwellers will depend on rainfall for these tanks to fill up; alternatively, the farmer would fill the tanks from time to time. Once these tanks are dry, they are then forced to use water from rivers, dams and uncovered reservoirs. Only two farms get water delivered to them by the municipality.

Table 3: Availability of clean water on farms

Water Source		Number of Farms
River, Dam, Borehole, or Reservoir		32
Water Tanks		28
Taps		8
Other	Municipality	2
	Steal water from other farms	2

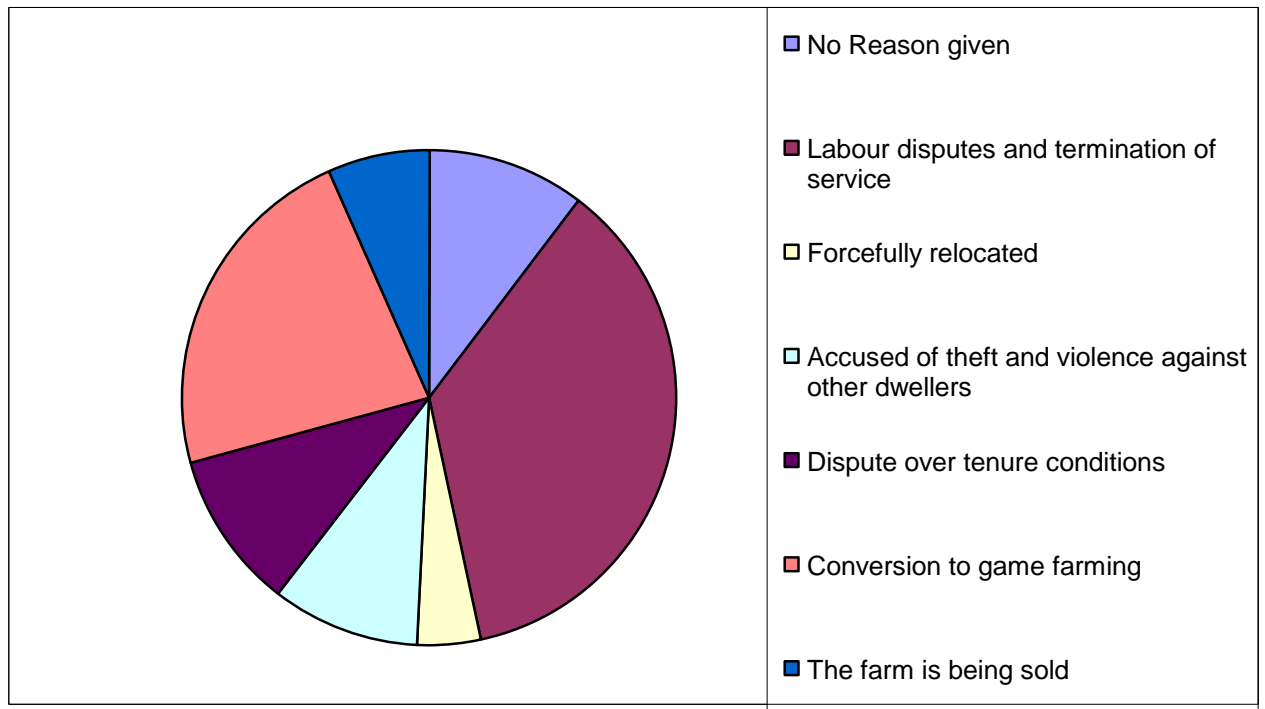
Two farms have no water at all and as a result people have to steal water from neighbouring farms, risking being charged for trespassing and endangering their lives with wild animals. In one of these farms, farm dwellers had access to water before the farm was sold and turned into a game reserve. The route to the water source was closed, after the conversion, amid attempts to evict workers and dwellers. The farm workers and dwellers view this as a strategy to make them leave the farm.

5. Evictions on farms

The continued evictions and a total disregard of farm dweller rights under ESTA is evidence of how ineffective the legislation is in advancing socio-economic rights of farm workers and dwellers. Between September 1998 and July 2007 ECARP dealt with 195 ESTA related cases affecting 1041 people for which records were kept and files opened to challenge violations. This number does not include the violations that are identified from fieldwork. The number of people who suffer or have suffered from violations of ESTA is therefore much higher. The recorded number of farms, where these transgressions occurred, amounts to 101. These cases involved threats of eviction, evictions and constructive evictions. In cases of constructive evictions,

people were forced to move to areas that are less favourable than the previous conditions. They were constructively evicted because they were forced to sell or reduce livestock; their access to water sources was cut-off; their access points to the farm was reduced; and some members of the family or visitors are not allowed on the farm.

Reasons for Evictions



As can be seen from the graph above, evictions take place due to mainly six reasons. The major cause of evictions is in connection with labour disputes. For example, when the Sectoral Determination No.8 was introduced, making it compulsory for farmers to pay their employees a minimum wage, many disputes arose with respect to deductions for housing, water and firewood, among others. When workers challenge farmers around unlawful deductions² and re-imbursing the former are unlawfully dismissed and evicted. Farmers insist that workers will receive monies as compensation for the unfair labour practice only after they move off the farms. In cases like these, it is not only ESTA rights that are being disregarded but also workers' rights to fair labour practices. Workers are evicted off farms without receiving monies due to them – like severance pay, Unemployment Insurance Fund, Provident Fund and annual leave not taken.

Secondly, evictions occur when farms are converted to game farming. Where evictions are challenged owners make the lives of farm dwellers unbearable. These have led to constructive evictions and dismissals as noted above. Thirdly, evictions occur over disputes related to housing and tenure conditions. For instance, when farm

² . The Department of Labour has responded favourably to organised agriculture's call to make a 10% deduction from workers' wages for water and wood if farmers have not already made deductions for accommodation. "This not only unnecessarily complicates enforcement, but also raises questions about the fairness of the deductions for water from a dam and for wood that has little or no monetary value". (Naidoo, Klerck & Manganeng 2007:44).

workers and dwellers want to extend their houses and the farmer disagrees, or over disagreements about the amount of livestock that can be kept. The fourth reason is linked to farms changing ownership. The new owners attempt to evict workers and dwellers off the land without consideration of alternatives. Farmers now prefer to rid their farms off all people and provide only those workers involved in the core farming operations accommodation on farms. In addition when new owners take over, tenure conditions that previously prevailed are negatively affected. For instance farm workers and dwellers lose grazing rights and/or are no longer allowed to have vegetable gardens.

On top of this, the manner in which some of these evictions are carried out is also criminal as sometimes houses are broken into and goods removed without the consent of the occupier or even in their absence. At times furniture and other household appliances are broken with no compensation being paid. Often workers and dwellers are forced out of farms with no assistance provided to them in the form of alternative accommodation, and in transporting people to relocated areas. In many instances people are forced to set up shacks in squatter settlements where conditions are worse off than on farms. Without income or any means to make a living, their livelihoods are negatively impacted. As some have cattle, their cattle will have no place to graze. As farm workers and dwellers are often given short notices to leave farms, these cattle may have to be sold quickly which puts the owners in a weak bargaining position. Chickens, at times, are just slaughtered and eaten in a rush. Some have gardens and small plots on which they planted for family food consumption or extra cash. Sudden evictions leave them with little time to harvest their yields.

In 2005 ECARP interviewed people from 22 households who were evicted off farms between 1996 and 2003. The total number of people in these households who are affected by the evictions amounts to 133. The aim of this research was to find out how people were evicted and what life is like after the eviction. Nineteen of them had stayed on these farms for a period of between 14 and 70 years. At least eight of them were 60 years and older when they were evicted. Only 12 of them received some help from farm owners when they were evicted. Table 4 below looks at the assistance that was given by farmers during evictions.

Table 4: Assistance provided by farmers during evictions

Assistance from the farmer	Number of respondents
Transport	11
Money (R1000, R5000, R3000, R10000)	4
Building Material	6
House	1
Zinc house (worth R300)	1

Eight of the 11 people owned cattle and these were sold before they left the farms. The farmer arranged buyers for four of them. Two moved with their cattle to townships in Grahamstown and Paterson. The farmer kept the last evictee's cattle "as he claimed that they had been eating his grass. He sold them and gave me between R100 and R500 per cow" (Farm evictee, 2005). Chickens were slaughtered and eaten

or people carried some with them as they left the farms, or the chickens were left with other people still living on the farm or neighbouring farms. An evictee claims that she took her 12 chickens with her to Grahamstown where they were all stolen the very same night.

The deterioration of socio-economic conditions of people who have been evicted off farms is an indication of the lack of integration between the various land reform policies. This compounds the ability of people to achieve long-term and positive rights to land. In other words ESTA operates in isolation from the Land Redistribution for Agricultural Development policy. Evictees struggle to make ends meet. As Table 5 below shows, very few of them get employment once they move off farms.

Table 5: Source of income for evicted farm workers and dwellers

Employed	4
Unemployed	9
Pensioner	6
Disability grant	2
Child Support Grant	1

Of the 22 evictees interviewed in 2005, only four found alternative employment. On top of this, there are no opportunities for alternative means for livelihoods. For instance the number of people owning livestock dropped from 11 when they were still living on farms to only three since evictions. Eleven people still have chicken although they complain of theft in townships. Only 12 people are still planting vegetable gardens.

It is for this reason that a lot of people who have been evicted off farms would like to return to the areas they have been evicted from. In Grahamstown, at least 22 families comprising of 232 people have expressed a desire to go back to Carlisle Bridge area where they have been evicted over the past few years.

6. Livelihoods and food security on farms

The main income for people living on commercial farms is wages. However, wages in agriculture are very low, and as a result there is high levels of poverty on farms. The introduction of the minimum wage in 2003 has led to a general increase in wages. The number of workers earning R800 and above increased from 5.9 % to 22.1 % with the introduction of the minimum wage³. The minimum wage on its own however, as the Minister of the Department of Labour has admitted, “is not a panacea to rural poverty” (Mdladlana 2002). Other interventions are needed in order to fight poverty that is experienced by farm workers and dwellers.

While policy makers are evidently aware of this, they have however done absolutely nothing to radically deal with rural poverty. The land reform programme has so far almost entirely failed farm workers and dwellers. Farm workers and dwellers believe

³ . ECARP conducted research on the minimum wage between 2003 and 2005. A survey was administered to 608 workers from eight municipalities in the Eastern Cape. The research tracks the changes to wages and sheds light on the level of farmer s’ compliance with the statutory wage rate.

that owning or having rights to land will tremendously improve their lives. With this, they generally hope to improve their living conditions with proper housing and sanitation, and also bolster their income by growing crops and keeping livestock. Farm workers see keeping of livestock as a means to supplement wages with one farm worker saying:

“We have children studying here in Grahamstown and we are not getting enough money. The cows were our bank. They used to help us a lot every time we had a problem. So when we were told we may only have three cows, those of us who had cattle complained ... With three cows, it is difficult to sell one and be left with two...” (farm worker interviewed 2005).

However, only on 33 of the 72 farms where ECARP conducted its research, are farm workers and dwellers allowed to have livestock. In 20 of these farms grazing fees of between R10 and R50 per head are charged on a monthly basis. Fourteen farms allow between two and three, and eight allows between five and six. Once the cows have calved and the calf has grown to a certain level, one cow has to be sold to keep to the limit.

On 49 of the 72 farms, dwellers are allowed to have gardens where they can grow their own vegetables and crops. The ECARP food safety programme on 21 of these farms has led to an increased food supply for approximately 155 farm workers and dwellers in at least 85 households. The ECARP food safety programme shows the significance and value that land has in that it enables people to diversify livelihoods, enhance food safety and supplement household income. Twenty-two of these households have managed to keep records of the amount they spent on buying seeds and the amount of crops they ultimately reaped. They have managed to grow vegetables worth R528.66 on average. Considering their insecure rights to the land, this is very encouraging. Farm workers and dwellers encounter numerous problems when trying to grow their crops. The lack of water supply means they cannot grow crops as much as they wish. Perhaps more crucially, there is nothing compelling farmers to make land available for this purpose and where they do this it is simply out of their generosity. As a result, farm workers and dwellers have to be happy with whatever size of land they are allocated. Furthermore, this land can be taken away from them at any given time, which is a common occurrence. Farm workers and dwellers have also complained that in settling of scores for whatever reason, farmers would release livestock to graze in their gardens.

7. Game farming

ECARP has been monitoring trends in the conversion to game farming. This arose due to the number of cases involving evictions and changes in tenure conditions related to the conversion to game farming that were recorded in the ECARP offices. Moreover, farm workers and dwellers brought forward complaints during the organisation's field activities. Between 1996 and 2003, there were 178 game farms providing hunting facilities. In June 2002 the number of LRAD projects for the entire Eastern Cape amounted to 22 totalling to 18 624 ha. The total hectares of land just on game farms specialising in hunting alone amounted to 372 880.38 ha. This is a

staggering figure for game farms given the fact that rural people desperately require land to secure basic socio-economic rights. Serious questions are being raised about issues of socio-economic justice and redress when vast tracts of land continue to be monopolised by historically advantaged sections of South Africans. The trend is incongruent with one of the objectives of the government's land reform programme - to address South Africa's racially skewed land ownership patterns. Correlations between the decline in traditional farming sub-sectors and the rise in game farms can be made. Mohair farming and wool production, which were once large sub-sectors in the region, dropped approximately 19% between 1995-1999. As the Agricultural Research Council Animal Improvement Institute notes, "more and more cattle farms are either giving way to game or are at least combining cattle with game farming" (www.arc.agric.za).

In the Makana and Ndlambe local municipalities the game farming and hunting industry has expanded somewhat unchecked by approximately 50-60 % over the last couple of years (ECARP, 2004). This has led to a major disjuncture between the supply of and demand for land. In recent years there has been a trend where white commercial farmers sell their farms to overseas nationals who convert the land to game farms. In certain instances the South African ex-owner becomes the manager on the game farm. Another trend to emerge is for South Africans and foreign nationals to set up consortiums around game farming and tourism. Kwandwe game farm, also known as Gillis Game Farms and owned by an American, comprises of 11 000 ha. Unitrade PTY LTD, owned by a Norwegian, who is currently serving a jail sentence in that country, comprises 7000 ha. The amalgamation of 13 neighbouring farms formed Kikuyu Game Lodge, also owned by an American. Six farms were joined to form the Lalibela game farm. In 2005 Lalibela covered an area of 10 000 ha. The market-led redistribution of land affects farm workers and dwellers negatively as it means competition for land with very economically powerful individuals and consortiums. The government is more often unable to match what they offer for land. All of these game farms are often geared solely for the foreign tourist market.

Those who support the conversion from traditional farming to game farming, see the latter as having a potential to increase employment in rural areas and improve the local economy. The number of workers, who were retrenched and dismissed as a result of game farms, brings into question the labour absorption rate of game farms. The generalised claims made by proponents of game farming, such as Longholz & Kerley (2006),⁴ of the sub-sector's ability to hire more labour than traditional forms of farming must be rigorously questioned. Interviews with farm workers on game farms reveal a racially skewed division of labour where black workers do menial tasks bringing into question arguments of conversions leading to imparting and upgrading of skills. The empirical evidence, collected by ECARP, reveals that workers for more skilled jobs, like ranging, are brought in from the outside and those who were found on the farm have to do menial jobs like fixing fences, cutting grass and help with cleaning chalets.

⁴ The studies done on game farms by ecologists and environmentalists such as Longholz & Kerley (2006) provide a superficial account of the impact of game farms on workers' working conditions and wages among a group of game farms belonging to the Indalo group. Their study looks at the environmental impact and economic performance of the Indalo group and provides a general positive picture of game farms.

8. Conversion of state land for conservation purposes

The preservation of biodiversity and conservation of natural resources for future generations is crucial. However despite all legislation and conservation frameworks the trend is to exclude people, even those who have lived sustainably on the land for years, from the process. Where mega reserves and biodiversity corridors are established local people are generally evicted and relocated to urban townships. This is more especially of concern when the land from which people are moved is state land belonging to departments such as the Dept of Nature Conservation.

A case in point is the Coleske community living on land belonging to the Dept of Nature Conservation in the Baviaanskloof Mega Reserve. This community consists of 23 households with 86 occupiers as defined by ESTA of which 77 are ordinary occupiers and 9 have long-term occupier rights. The majority of these people have lived in the area for more than 20 years and consider the area as a close part of their identity. Since 2001 the community have been restricted in building homes or extending existing homes and multiple families are forced to live in one structure. The community collect natural resources in the region including firewood and herbs and many homes have established food gardens (it should be noted that there have been increasing restrictions on the rights of people to collect natural resources and as a result in comparison with places such as the Ciskei the amount collected is minimum, particularly fire wood. Government legislation (including the Constitution) and the planning frameworks of the Megareserve and their funder, the World Bank repeatedly commit to ensuring that local people benefit from conservation and recognise that biodiversity includes people. For example the National Environmental Management Act, 1998, in the Preamble:

“The State must respect, protect, promote and fulfil the social economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities sustainable development requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations;

Everyone has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that ... secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;”

Yet there is still a threat that the community will be relocated to an urban township (probably Willowmore) where their quality of life will be affected and where there are already waiting lists for housing. The rationale is very often the cost of service provision but does not take into account how people have managed and lived sustainably for many years. A task team has been established to consider the future options of the group but they are not included on this task team.

Where land, and in particular state land, is conserved for biodiversity, the government must ensure that people are part of the process and their tenure and livelihoods must be secured.

9. Access to land and resources within the process of privatisation of state assets

With the restructuring of the railway and forestry industries (Spoornet and SAFCOL) there are a number of rural settlements, consisting of former state employees, whose tenure and livelihood rights are threatened. The majority of people have lived in the settlements for years and have established community bonds and small-scale agricultural livelihoods (food gardens and livestock) and enjoy a relatively peaceful rural lifestyle. Relocating these settlements into urban townships will impoverish people significantly while compounding the skewed patterns of land ownership and control over natural resources in rural areas. In a number of the settlements there is a process towards transferral to within the jurisdiction of the relevant local authority however the process is long and protracted. This has negative consequences on people's lives and on the levels of poverty. The settlements are currently privately owned and therefore entire communities are unable to realize their rights to adequate housing and services.

An example of one such community is Rosmead, with a current population of 147 households and a shop, butchery and primary school. Rosmead is situated on land belonging to Transnet. Since the restructuring of Transnet the majority of residents are dependent on seasonal work on surrounding farms or state grants. While the Inxuba Yethemba Municipality have expressed willingness to take responsibility for Rosmead and Transnet have agreed in principle to transfer houses for a "nominal amount" there is a major challenge in accessing resources for upgrading. Thus the process that was initiated in 2005 has not progressed and the community continue to live with insecure tenure. While their future is so insecure the community have struggled to access state resources like housing grants or establish livelihoods. The services are not well maintained by Transnet, who seek to shed this responsibility, and people continue to live in overcrowded accommodation with inadequate services ("the barracks" in Rosmead are simply unacceptable for human occupation).

10. Conclusion

The poor implementation of legislation, policies that are out of tune with farm workers, dwellers and small-scale farmers needs has led to the rural communities not benefiting much from the new dispensation and the recent economic growth. The problems of structural poverty and under-development experienced by the sector are fuelled by the market-led development. The situation under which farm workers and dwellers live cannot be underestimated. What this constituency is asking for is to be taken seriously, treated respectfully and that their needs be addressed with compassion. The government has in the past years come up with different policies on land reform but none of these have even begun to at least bring some improvement to the lives of poor rural communities.

For the problems raised above to be resolved adequately and comprehensively the government will need to have to undertake a different approach to agrarian transformation and rural labour market restructuring. Poverty reduction mechanisms must be interdisciplinary and involves inter-government departmental responses.

Increasing rural people's access to the institutions that enable the social reproduction of labour and people's productive capabilities is a crucial area and can only be achieved through stronger state intervention. Poverty reduction mechanisms must be based on promoting people's socio-economic rights as enshrined in the South African Constitution; and providing farm workers, dwellers and small-scale farmers with the necessary environment to be the leading agents and drivers of developmental processes. In light of this government at all levels is urged to engage in earnest with the list of demands presented in the beginning of this memorandum with the intention of resolving the problems raised. This must be prioritised, as it is of national importance that the land reform programme meets the needs of the landless.

ECARP

24 August 2007.