



REPORT OF THE COMMISSION OF INQUIRY INTO THE SOCIO-ECONOMIC CONDITIONS OF FARM DWELLERS IN MPUMALANGA PROVINCE



**OFFICE OF THE PREMIER
MPUMALANGA PROVINCE**

**Report of the Commission of Inquiry into the Socio-Economic Conditions of
Farm Dwellers in Mpumalanga Province**

We, the undersigned Commissioners,

**having completed our Inquiry into the Socio-Economic Conditions of Farm
Dwellers in Mpumalanga Province, undertaken the necessary investigations and
considered all the research and information brought to our attention**

**hereby have the honour to present our findings and recommendations in the
following report**

to

The Premier of Mpumalanga Provincial Government

The Honourable David D. Mabuza

signed on this 31st day of May 2016 at Nelspruit, Mpumalanga

Advocate Gerhard J Louw (Chairperson)

.....

Ms Eunanda E Fourie

.....

Mr Ernest Mmako

.....

Mr Robert D Davel

.....

Mr Thabo D Mokoena

.....

Ms Nomvula M Maya

.....

ESTABLISHMENT OF THE COMMISSION OF INQUIRY INTO THE SOCIO-ECONOMIC CONDITIONS OF FARM DWELLERS, THE TERMS OF REFERENCE AND THE APPOINTMENT OF COMMISSIONERS

The Commission of inquiry into the socio economic conditions of farm dwellers (Commission) was established and approved on the 25th of August 2015 by the Premier. In September 2015, the following were appointed as Commissioners.

1. Advocate Gerhard J Louw (Chairperson)
2. Ms Eunanda E Fourie
3. Mr Ernest Mmako
4. Mr Robert D Davel
5. Mr Thabo D Mokoena
6. Ms Nomvula M Maya

Logistical and administrative support was provided by staff from the Office of the Premier (OTP) who acted as the Commission's secretariat and also formed part of the investigation and research team. The Communications section provided logistical support while the Research unit assisted with the completion of questionnaires. Additional research and investigations were undertaken by an appointed service provider.

The Terms of Reference for the Commission were "To investigate and report to the Premier of Mpumalanga with due regard to the applicable rights, responsibilities and obligations contained in the relevant legislation, on the living conditions of farm dwellers in Mpumalanga Province in general and with specific reference to the following but without limiting the scope of such an investigation".

(Annexure A: Gazette Notice Establishing the Commission of Inquiry: 2015)

The Commission's term of office ended on the 31st of May 2016 at which date it was expected to present its findings in a report to the Premier of Mpumalanga Province.

1. EXECUTIVE SUMMARY

The Commission was established by the Premier of the Mpumalanga Province (Province) Honourable DD Mabuza on the 25th of August 2015 when he appointed six members to act as Commissioners. In January 2016 a service provider was appointed to research and compile the report. The Commission decided to follow an “evidence-based” approach to its mandate, so that any findings and the final recommendations would be justifiable and defensible across the social and political spectrum.

The report sets out the background to this inquiry, the Commission’s Goals and Objectives before describing the Scope of the Inquiry. A methodological approach is thereafter described.

A literature review from multiple sources was done to gather information concerning farm dwellers in the Province, other provinces, as well as research on farm dwellers nationally. Where necessary, reference is also made to international studies on farm dwellers as well as trends within the agricultural sector. The concept “farm dweller” was described and relevant statistics on the demographic structure of the farm dweller community in the Province are provided.

Knowing that the responsibility to address the socio-economic conditions of farm dwellers rests with various tiers of government agencies, as well as a range of line function departments, a review of the South African policy and legislative framework is also included in this report. It has become clear that there is an urgent and critical need to align and coordinate the work of various tiers of government, agencies and departments to ensure that scarce human and capital resources are judiciously used to promote the socio-economic interests of the farm dweller community.

Various stakeholders were engaged , (24 in total) as part of investigations in order to hear first-hand what these parties are doing to support farm dwellers and what their major concerns, challenges and initiatives are. Where necessary, follow up meetings were held with stakeholders to gain further in-depth knowledge of their work and responsibilities towards farm dwellers.

The Commission refined its investigation into five key thematic areas, namely:

- Security of Tenure
- Labour and Economic Opportunities
- Housing and Basic Services
- Social Services
- Institutional Support, Relationships and Alignment

(These thematic areas were used throughout the report to order and structure the findings of the Commission)

As part of information gathering, ten public hearings in ten local municipalities throughout the Province were held. In total 246 farm dwellers and other stakeholders presented testimonies at these public hearings about their experiences and challenges. Additionally, the Secretariat and the Research unit circulated and assisted in the completion and analysis of questionnaires to 301 farm dwellers to gain even more knowledge about their socio-economic conditions.

Fourty six (46) farm visits were undertaken by members in order to better acquaint themselves with the living conditions of farm dwellers and to see first-hand what challenges were encountered on a daily basis. Furthermore, Secretariat followed up on cases that were reported directly to the Office of The Premier by farm dwellers who requested assistance with their problems.

Five case studies, three from the Province, one from the Free State and one from the Western Cape were undertaken in order to make recommendations as to how best to address the challenges faced by the farm dweller community, These case studies were selected as examples of projects or initiatives that impacted positively on the socio-economic conditions of particular farm dweller communities.

Based on the extensive evidence collected, a summary of key findings was produced and thereafter critical issues for consideration were identified in order to formulate the final recommendations.

The investigations have confirmed that the farm dweller community in the Province requires extensive support to improve its socio-economic conditions. In terms of the key thematic areas the Commission has confirmed the following:

- That security of Tenure remains the key right that needs to be realized to improve the livelihoods of farm dwellers. Significant of those farm dwellers who indicated that they had been evicted from a farm, 65% indicated that this was done without any court order. This statistic indicates that the provision of legal services to farm dwellers facing threats of eviction is not adequate and effective, and that unlawful evictions continue to take place in the Province despite the DRDLR having a legal service facility to provide legal support to farm dwellers facing eviction.
- There is sufficient protection afforded to farm workers through labour and other legislation but there is a significantly, number of workers, (50% of those interviewed) who do not have formal contracts of employment. It was further observed that most employees are not aware of their rights and there remains a need for information and education.
- The lack of secure access to productive land, agricultural inputs, skills and markets limits the economic potential of farm dwellers. If this element can be addressed, it would lead to significant improvements in addressing the unemployment challenge of farm workers which is currently at 41%.
- Access to housing and basic services for farm dwellers is generally poor and varies from farm to farm and municipality to municipality.
- Farm dwellers do have access to Social Services, Education, particularly made possible through scholar transport, and Health services through mobile clinics. These Departments should be commended on their efforts in this regard. Rural safety however remains a challenge.
- The Province is facing serious environmental threats due to poor governance of Mining especially in the Nkangala District. These environmental threats will have dire consequences for South Africa's future prosperity due to the detrimental impact of mining on water security, soil and food security. Mining involves the removal of huge quantities of topsoil essential for agriculture, and if the process of rehabilitation and effective governance of issuance of licences is not effectively managed, around 12% of SA's total high potential arable land will be ruined.
- There needs to be greater institutional alignment and coordination between the tiers of government, government agencies and line function departments to effectively address the socio-economic needs of the farm dweller community in the Province.

Based on the evidence collected and the identification of critical issues as outlined in the report, a number of recommendations are summarised below according to the five thematic areas identified earlier. More detailed recommendations are made at the end of this report.

- The first and the most significant recommendation is that there needs to be an interdepartmental task team established that would provide leadership and coordination between the various spheres of government, Agencies and Departments to ensure that effective, comprehensive and appropriate levels of support are provided by the State, particularly the Provincial Government, to ensure the progressive realization of improvements to the socio-economic needs of the farm dweller community in the Province.
- The recommended Task Team to initiate and support a number of pilot projects that will explore alternative tenure security models for farm dwellers including on-farm tenure projects, Agri-villages and farm worker equity share schemes in a bid to develop greater knowledge of these initiatives as well as to establish norms and standards that could be applied to all such initiatives in the future.
- On mining, it is recommended that DMR and DWS enforce the law ensuring that mining companies comply with Environmental and other laws. The two Departments are also advised to invest in compliance monitoring and enforcement capacity. It is further recommended that they institute a comprehensive

compliance monitoring and enforcement programme and ensure a proper administrative penalty system as well as transparent reporting of results.

In total the report contains thirty five (35) recommendations and these are detailed below.

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2. ACRONYMS, TABLES AND ANNEXURES TO THIS REPORT

2.1 List of Acronyms used in the Report

Acronym	Meaning
ACLA	Advisory Committee on Land Allocations
AFASA	African Farmers Association of South Africa
AFRA	Association for Rural Advancement
Agri-MP	Mpumalanga Agriculture
Agri-SA	Agri South Africa
Agri-SETA	Agricultural Sector Education and Training Authority
AIDS	Acquired Immune Deficiency Syndrome
ANC	African National Congress
ASGISA	Accelerated and Shared Growth Initiative South Africa
BCEA	Basic Conditions of Employment Act (Act 75 of 1997)
BLA	Black Administration Act (Act 38 of 1927)
CCMA	Commission for Conciliation, Mediation and Arbitration
CCTV	Closed Circuit Television
CDW	Community Development Worker(s)
CLARA	Communal Lands Rights Act (Act 11 of 2004)
COGTA	Department of Co-Operative Governance and Traditional Affairs (Mpumalanga)
COIDA	Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993)
COSATU	Congress of South African Trade Unions
CPA	Communal Property Association
CPI	Communal Property Institution (CPA or Trust)
CRDP	Comprehensive Rural Development Plan
CRLR	Commission for Restitution of Land Rights
CSG	Co-operative Support Grant
DCSR	Department of Culture, Sports and Recreation
DARDLEA	Department of Agriculture, Rural Development, Land and Environmental Affairs (Mpumalanga)
DEDT	Department of Economic Development and Tourism (Mpumalanga)
DLA	Department of Land Affairs (See DRDLR)
DMR	Department of Mineral Resources
DOL	Department of Labour
DRDLR	Department of Rural Development and Land Reform (See also DLA)
DSD	Department of Social Development (Mpumalanga)
DCSSL	Department of Community Safety, Security and Liaison
DWS	Department of Water and Sanitation
ECD	Early Childhood Development
EEA	Employment Equity Act (Act 55 of 1998)
EEC	European Economic Community
EPWP	Expanded Public Works Programme
ESTA	Extension of Security of Tenure Act (Act 62 of 1997)
EUROGAP	European Generally Accepted Agricultural Practices
FAWU	Food and Allied Workers Union
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Produce
GEAR	Growth, Employment and Redistribution Programme
GIZ	German Department of Technical Co-operation
GLOBAL	
GAP	Globally Accepted Agricultural Practices
HA	Hectares

HI-TECH	Hi-Tech Security Services (Pty) Ltd.
HIV	Human Immunodeficiency Virus
HOD	Head of Department
IFC	International Finance Corporation
IDP	Integrated Development Plan
IDT	Independent Development Trust
IPILRA	Interim Protection of Informal Land Rights Act 1996 (Act 31 of 1996)
LCC	Land Claims Court
LGTAS	Local Government Turnaround Strategy
LRA	Labour Relations Act (Act No 60 of 1995)
LRAD	Land Reform for Agricultural Development
LRC	Legal Resources Centre
LRLTA	Land Reform Labour Tenants Act (Act 3 of 1996)
LRMF	Land Rights Management Facility
MAJC	Mpumalanga Access to Justice Centre
MEGA	Mpumalanga Economic Development Agency
MET	Meerlust Empowerment Trust
MIG	Municipal Infrastructure Grant
MMDP	Mkhondo Mondri Development Partnership
MONDI	Mondi Limited
MOU	Memorandum of Understanding
NDP	National Development Plan
NGO	Non-Governmental Organisation
OHSA	Occupational Health and Safety Act (Act 85 of 1993)
OPP	Office of the Public Protector
OTP	Office of the Premier
PCF	Premier's Co-ordinating Forum (Mpumalanga)
PIE	Prevention of Illegal Evictions and Unlawful Occupation of Land Act (Act 19 of 1998)
PLAAS	Programme for Land and Agrarian Studies -University of the Western Cape
PLAS	Proactive Land Acquisition Strategy
PMC	Provincial Management Committee
PTO	Permission to Occupy
PWRT	Department of Public Works, Roads and Transport (Mpumalanga)
RDP	Reconstruction and Development Programme
RECAP	Recapitalisation Programme
RID	Rural Infrastructure Development Programme
RLRA	Restitution of Land Rights Act (Act 22 of 1994)
RTO	Right to Occupy
SADT	South African Development Trust
SAHRC	South African Human Rights Commission
SAPPI	South African Pulp and Paper Industries
SAPS	South African Police Services
SASSA	South African Social Security Agency
SASA	South African Schools Act (Act 84 of 1996)
SDA	Skills Development Act (Act 97 of 1998)
SDLA	Skills Development Levies Act (Act 9 of 1999)
SLA	Service Level Agreement
SLAG	Settlement and Land Acquisition Grant
SMME	Small, Medium and Micro Enterprises
SPLUMA	Spatial Planning and Land Use Management Act (Act 16 of 2013)
TAU	Transvaal Agricultural Union
TOR	Terms of Reference
TRAC-MP	Transvaal Rural Action Committee – Mpumalanga Province

TWK	Transvaal Wattle Growers Co-operative
UIA	Unemployment Insurance Act (Act 63 of 2001)
ULTRA	Upgrading of Land Tenure Rights Act (Act 112 of 1991)
USA	United States of America
VCT	Voluntary Counselling and Testing

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3. ACKNOWLEDGEMENTS

The Commissioners wish to acknowledge the significant contributions and efforts made by the various stakeholders who have provided the Commission with their time and information vital to the findings of this Commission. The Commission specifically wishes to thank all of the government departments and stakeholders who attended commission's meetings and presented details on the work that they are doing to address the rights and needs of farm dwellers in the Province. Secondly, the Commissioners would like to thank those officials, particularly the Commission Secretariat, Mr. Ben Nkambule, Mr. Themba Makhubo and Mr. Siboniso Zulu, for the professional support and commitment to the Commission which was invaluable and made this report possible. The Commissioners also wish to thank the service providers for their research and professional advice and assistance in conducting the case studies and compiling the report. The Commissioners also appreciate the support from the Communications Chief Directorate for organizing venues and ensuring that the many public hearings were a success. Dr. Nomsa Mlondo and her research team also assisted in the administering and analysis of the questionnaires completed by many farm dwellers.

The Commissioners are most grateful for the role played by local municipal councillors, throughout the province, who assisted by identifying farm dweller communities in their localities for the Commissioners to visit so as to gain first hand exposure to the living conditions and challenges facing farm dwellers in Mpumalanga.

The Commissioners would also like to thank the following people for their contribution towards the case studies: Mr. J. Naaidoo and Mr. G. Govender (Earthrise Trust); Mr. Anton Chaka (Naledi Village Committee); Dr. Colin Forbes (Forbes Family Trust); Mr. Mafika Vilakazi, Ms. Pumi Ndebele and Ms Mbali Sibuyi (Jabulani CPA); Mr. Morris Makatini of Mondi Ltd; Mr Albie De Waal and Mr. Rulie Joubert (Meerlust Family Trust); Mr Joey Muller (Flora Agri-Village (Pty) Ltd; Ms. Ilse Ruthford (Meerlust Workers Trust Investments (Pty) Ltd; and Mr T. Ferreira (Jagdrift Farm).

Finally, the Commissioners would like to acknowledge and thank the numerous farm dwellers, who attended the Commission's public hearings, completed questionnaires and invited us to their houses and farms. Commissioners were oftentimes very moved by the stories of suffering and hardship endured by so many farm dwellers and strengthened their resolve to ensure that the findings and recommendations of the Commission will lead to a better life for all farm dwellers in the Province of Mpumalanga.

Most of all the Commission would like to thank the Honourable Premier, D. D Mabuza for his vision in establishing the Commission in order to improve the lives of the farm dwellers in the Province.

4. INTRODUCTION

The Commission was established in August 2015 by the Premier of the Province, Honourable D. D. Mabuza. This report contains a summary of all of information considered by the Commission so as to enable the Commissioners to make recommendations to the Premier on how the socio-economic conditions of Mpumalanga farm dwellers can be improved.

The report begins by providing the background and mandate of the Commission before discussing the Objectives, Scope and Methodology employed in developing this report. The report continues by providing a literature review containing information gathered from many authorities and experts on the rights and needs of farm dwellers in the Province and Nationally. Thereafter the report provides a description of the key policies and legislation that apply to the farm dweller community.

The input of key stakeholders, many of whom attended meetings with the Commission and presented information on the role that their Departments or organizations play in support of farm dwellers, is included in Section 10 of this report. The Commission also undertook five case studies that investigated innovative practices in terms of how farm dwellers' development needs and rights can be secured. The case studies are presented in Section 12.

The Commission, in an effort to develop detailed knowledge about the socio-economic conditions of farm dwellers, held public hearings, interviewed stakeholders, undertook farm visits and compiled questionnaires for farm dwellers to detail their socio-economic conditions. The information collected through these processes is contained in Section 11- Commission Work and Findings.

Based on the evidence collected by the Commission over the past nine months, Section 12 of this report highlights a number of critical issues that the Commission identified to guide their approach to making recommendations to the Premier. The report concludes with a set of clear recommendations in Section 13 whilst key annexures and references are provided in Section 14.

5. BACKGROUND

5.1 Location and Background

Mpumalanga is one of the nine Provinces of South Africa. It is located in the north eastern part of South Africa (see figure 1). The economy of the province is mainly driven by agriculture, mining and tourism all which have an impact on the lives of farm dwellers.

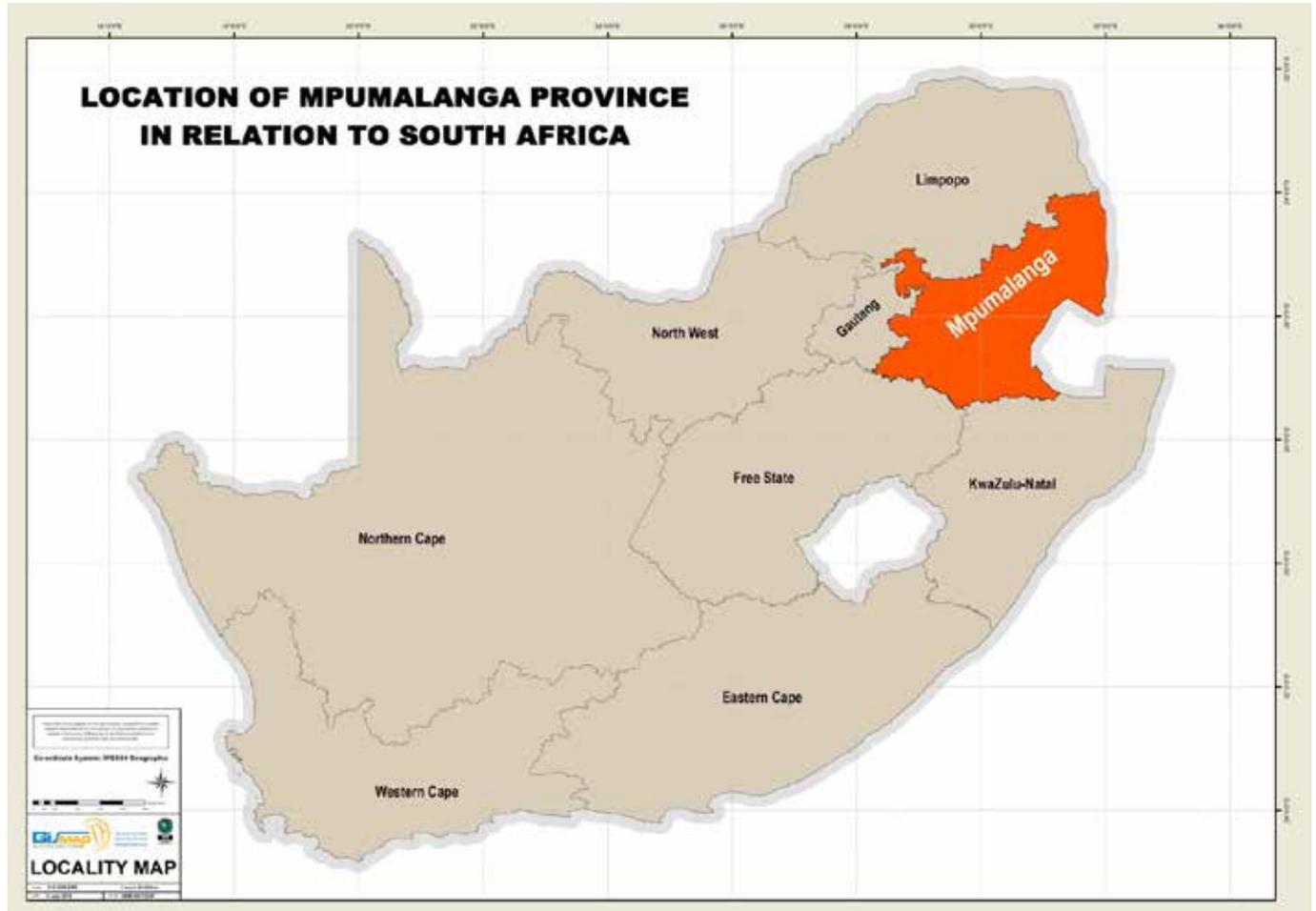


Fig. 1: Mpumalanga Location Map

The Premier established the Commission after visiting a number of farm dwellers in the Province and was deeply touched by the poverty he observed. On the 25th of August 2015, the Commission was established to investigate the socio-economic conditions of the farm dweller community in the Province. The Commission was originally established for a period of seven months from September 2015 to March 2016, but was later extended until May 2016. **See Annexure B.**

5.2. Key areas of Investigation

Based on the Commission's terms of reference the following were identified as key areas of investigation by the Commission:

- Access to basic services such as electricity, water and sanitation
- Access to quality education;
- Access to quality health care;
- Access to the justice system;
- Employment security;
- Safety and security;
- Security of tenure;

-
- Adequate and sustainable housing;
 - Working conditions and extent of compensation as well as compliance with health and safe working conditions and;
 - The prevalence of unlawful evictions and curtailment thereof.

6. COMMISSION GOALS AND OBJECTIVES

After discussions and based on the terms of reference, the following development goal, project goal and project objectives were agreed to by the Commissioners:

Development Goal: The socio-economic conditions of farm dwellers in Mpumalanga Province are improved through the assistance and support of the Provincial Government.

Project Goal: Based on an evidenced led report developed by this Commission, who have conducted a thorough review of the factors affecting the socio-economic conditions of farm dwellers, the Provincial Government is able to develop effective strategies, policies and programmes of support for the farm dweller community..

Project Objectives: To achieve the project goal the Commission developed the following project objectives:

- To review all relevant literature related to the socio-economic conditions of farm dwellers in Mpumalanga Province;
- To describe the policy and legislative framework in terms of which farm dweller's socio-economic conditions are addressed. This will include a review of relevant programmes by National and Provincial Government as well as Local and District municipalities;
- To develop in depth information on the socio-economic conditions of farm dwellers using both qualitative and quantitative research methods
- To collect and record all information submitted by the public and stakeholders;
- To develop a set of relevant and practical recommendations on how the private sector, civil society and the State can address the socio-economic conditions of farm dwellers.
- To compile and present an evidence-led, detailed and defensible report to the Premier;
- In the light of the above, five key thematic areas were established to guide the work of the Commission. These key thematic areas are used throughout the report as a basis for the presentation of all information to follow. The key areas are:
 - **Tenure Security;**
 - **Labour and Economic Opportunities;**
 - **Housing and Basic Services;**
 - **Social Services;and**
 - **Institutional Support, Relationships and Alignment;**



Farm occupier homesteads with cattle grazing in the foreground- Carolina in the Chief Albert Luthuli Local Municipality

7. SCOPE AND METHODOLOGY

7.1 Scope of the Report

As described in the terms of reference, the scope of the Commission is limited in the following manner;

“The study will focus on farm workers and farm dwellers living on commercial farms, restored farms and all areas where agricultural activities are taking place within the Province. The study will exclude people living in proclaimed urban areas and informal settlements within or adjacent to formal towns and communities that live on communal land in the former homelands (Bantustan areas) “. (Office of the Premier: 2015, Pg. 3)

7.2 Methodological Approach

Based on the terms of reference provided and specifically considering the mandate, the target group described and the scope of work, the Commission considered the following factors to guide its methodological approach:

- The Commission will collect both quantitative and qualitative data. Quantitative information of the size, location and general indicators of the socio-economic conditions of farm dwellers, qualitative information on the levels of support to farm dwellers as provided by local, district, provincial and national government.
- The Commission will access existing reports, studies and evaluations of farm dwellers, within the Province, South Africa as whole and international studies to further highlight the socio-economic conditions of the farm dweller community.
- The Commission will hear directly from the farm dwellers themselves as to their socio economic conditions as well as from a range of key stakeholders and role players.

In depth qualitative information concerning the socio-economic conditions of farm dwellers in the form of case studies would further highlight best practices as well as lessons that the Commission can use in terms of making recommendations to the Premier.

The Commission understands that this task is by its very nature political, and many stakeholders may criticize the report findings and recommendations. Therefore, the report is academically sound and information contained herein can withstand rigorous interrogation.

The responsibility to address the socio-economic needs of farm dwellers is shared, based on the Constitutional competencies, between National, Provincial and Local government. The report highlights the levels of competencies in terms of each recommendation provided to the Premier.

The role of the private sector, including land owners and civil society organisations, in addressing the socio-economic conditions of farm dwellers was also considered.

Based on these considerations the Commission developed the following methodological approach to the compilation of a report to the Premier of Mpumalanga Province:

- Literature Review of relevant studies, reports and investigations into the socio-economic conditions of farm dwellers;
- Legislative, Policy and Programme review of various factors affecting the socio-economic conditions of farm dwellers and the provision of services by key line function Departments (National and Provincial) as well as Local municipalities.
- Stakeholder Analysis, through interviews with key line function Departments (National and Provincial), District and Local Governments, private sector and civil society organisations that are interacting with farm dwellers in the Province;
- Questionnaires that would be completed by a representative sample of farm dwellers;
- Case studies of various projects where farm dwellers have initiated strategies to improve their living conditions as well as economic opportunities;
- Written Submissions: Review all submissions made to the Commission;
- **Public Hearings** where farm dwellers can present first-hand information to the Commission about their socio-economic conditions, the challenges they are faced with as well as what they would like the Government to do to improve their circumstances;
- **Farm Visits:** visiting of farms throughout the Province, to see first-hand the living conditions of the farm dweller community;

Through the combination of various methodologies and the triangulation of data obtained from various sources the Commission developed an evidence based report on the socio economic conditions of farm dwellers in the Province, that contains credible and pragmatic recommendations for the Premier to consider.

8. LITERATURE REVIEW

8.1 Introduction

The literature review is intended to supplement the findings of the Commission and highlight key issues related to the socio-economic conditions of farm dwellers. The scope of the literature review is firstly provided before describing some of the major global trends affecting farm dwellers and the agricultural sector globally and in South Africa. Similarly, major trends affecting labour market globally and locally are also described. Thereafter, the literature review considers tenure security, specifically how this has been addressed by the State in terms of the government's land reform programme as a major factor that influences socio-economic conditions for farm dwellers. Additional services such as access to water, electricity and social infrastructure are then discussed. Key issues that have been identified through the literature review are thereafter presented.

8.2. Scope of Literature Review

The terms of reference of the Commission define the scope of the literature review. They specifically

exclude certain categories of the public including those residing in proclaimed urban areas and informal settlements adjacent to formal towns. Furthermore, those communities occupying State land, under the administration of traditional councils in the former homelands are excluded. Specifically, the literature review focuses on the socio-economic conditions of the target group - namely farm dwellers residing in Mpumalanga Province. **(See Annexure A: Gazette Notice)**

After a search of available literature on the topic at hand it was discovered that there is indeed a dire absence of academic research and writing on the conditions of farm dwellers within the Province itself. Nevertheless, sufficient research and literature exists that relates to farm dwellers within South Africa as a whole and there is extensive literature on the topic worldwide. These became key sources of information for the Commission. Furthermore, whilst there was quite a considerable body of information about the agricultural sector, labour issues and land tenure affecting farm dwellers, there was a similar lack of literature related to other socio-economic factors such as education, health and access to basic services.

8.3 Defining Farm Dwellers

A number of definitions of farm dwellers have been identified in the literature. These specifically define farm dwellers as people residing in areas that are defined as rural land which falls outside of the boundaries of formally proclaimed urban areas. The term farm dweller is used to differentiate them from farm workers since "...historically, many black people who lived on white-owned farms were not employed there and that an increasing proportion of the workers do not live on the farms but commute there seasonally or daily from nearby settlements". (Wisborg P et al: PLAAS; 2013).

The term 'farm dweller', furthermore, encapsulates a highly diverse community of people with different tenure status, protected by different pieces of legislation and having different rights on the land. The following table highlights some of these key differences amongst the various categories of farm dwellers:

Table 1.1- Overview of Categories of Farm Dwellers

Category	Tenure Status	Key Rights
Farm Owner (Including individual owners, CPAs, Trusts, Co-operatives, Public and Private companies)	Free hold title deed	Full ownership and use rights;
Lessees	Lease agreement	Use defined in terms of conditions contained in the lease agreement;
Labour Tenants	Historic agreement to provide labour in exchange for the use of land for housing and agricultural activities	Right to occupy and use the lands allocated by historic agreement.
Farm Occupiers	Occupational Rights	Rights vary according to agreement between occupiers and farm owner.
Farm Workers- both permanent and seasonal. (living in compounds and farmer built housing)	Part of conditions of employment	Rights limited to conditions stipulated in employment contract and rights terminate once employment is terminated.
Unlawful occupiers (including extended family members of farm occupiers and labour tenants, squatters and people who are sub-leasing from occupiers without the owner's tacit consent)	No legal tenure rights unless tacit consent is given by farm owner.	Right not to be evicted without a court order.

As is evident from the above table, the farm dweller community is highly diverse and the rights of the various categories of farm dwellers differ significantly from farm owners who, having title deeds, have the strongest and most enforceable rights of all farm dwellers. The most vulnerable farm dwellers are those

that do not have any recognized occupational rights and are considered to be occupying land unlawfully and without the consent (express or tacit) of the land owner.

As farm dwellers are primarily resident on land that is zoned as rural and agricultural, except for proclaimed conservation areas, former homelands and land that is being used for mining, it is essential to focus on the agricultural sector as a major source of income, employment and livelihood for farm dwellers. It has been highlighted by several authors that the fate of farm dwellers is inextricably linked to the success or decline of the agricultural sector.

8.3.1 Demographic Analysis - Farm Dwellers in Mpumalanga Province

Total population of farm dwellers in Mpumalanga Province (2011)	328688
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Table 1.2 Demographic Profile of Farm Dwellers of Mpumalanga Province (Mpumalanga Provincial Government: 2016)

Farms and the total number of facilities on farms in Mpumalanga				
District	Municipality	Parent Farm ±	Farm Portion ±	Farm Schools
Ehlanzeni	Mbombela	290	4798	5
	UMjindi	218	991	2
	Bushbuckridge	147	1383	0
	Nkomazi	209	1279	3
	Thaba Chweu	325	2672	6
	TOTAL	1189	11123	16
Nkangala	Emakhazeni	235	2942	0
	Steve Tshwete	194	2464	11
	Emalahleni	146	3101	8
	Thembisile	104	917	2
	Victor Khanye	74	1461	8
	J. S. Moroka	52	314	0
		805	11199	29
Gert Sibande	Msukaligwa	257	293	21
	Mkhondo	272	2207	28
	Govan Mbeki	187	2276	5
	Pixley Ka Seme	266	2741	22
	Dipaliseng	118	1723	3
	Lekwa	209	2946	16
	Albert Luthuli	253	1765	9
	TOTAL	1562	13951	104
Total Per Province:		3556	36273	149

Employment levels of farm dwellers (2011) (Between the Ages of 15-64 years)				
Mpumalanga Province	Employed	Unemployed	Total	
	112597	23015	135612	
Age Population Breakdown (2011)				
Mpumalanga Province	0 - 14	15 - 34	35 - 64	65 - 80
	93806	122949	96909	12430

(Stats SA: 2011)

Analysis: Firstly, the fact that there are at least 36 000 agricultural properties that have approximately 328 000 farm dwellers within the Province implies that support for the socio-economic rights of this community is not only significant in terms of the sheer population size but is also extensive as such support will have to be provided over a significant number of properties throughout the Province.

Secondly, the high number of people within the Province employed in the agricultural sector (112 597), many of whom reside on the farms where they are employed, further attests to the importance of the farm dweller community.

Thirdly, this community consists of a fairly young demographic group with close to 66% of the farm dweller community being under 35. The implication of this figure is that these young farm dwellers, should they not be absorbed into the agricultural labour market and provided with secure tenure, housing and services on farms, are likely to migrate to urban areas, mostly to townships and informal settlements in search of employment and better living conditions.

8.4. Global Trends Affecting Farm Dwellers

8.4.1 Urbanization:

In his book *Arrival City*, Doug Saunders describes urbanization as an irreversible global trend that began in the late 18th century and will continue well into the 21st century. This shift of human populations out of rural, agricultural life and into cities will, predicts Sanders, see human beings as an entirely urban species. (Saunders: 2010: pg. 1-4). Whether the driving force behind mass migration of rural people into urban areas was driven by factors such as harsh climatic conditions, famine and security concerns (the so-called push factors) or due to a perceived better lifestyle, incomes and access to better infrastructure and social benefits (the so called pull factors), one has to nevertheless concede that the rural to urban migration is a global and irreversible trend that draws human populations, particularly the youth, away from rural areas and into the larger urban centres.

In South Africa, under the Apartheid Regime mechanisms such as the Group Areas Act and Influx Control were strictly enforced to curb the black rural to urban migration. However, with the abolition of all racially based legislation in 1991 the door became open to rural families to move of their own free will into urban areas. So whilst Apartheid may have created a unique mode of urbanisation, South Africa in the post-Apartheid era is following similar processes to what is occurring throughout the world namely massive rural to urban migration.

An independent study titled “Still Searching for Security: The Reality of Farm Dweller Evictions in South Africa,” undertaken by the Nkuzi Development Association (Nkuzi) and Social Surveys, indicated that approximately 940 00 farm dwellers had left their farms in the period 1994-2004. “The most striking finding that emerges from this survey is the sheer scale of the eviction problem and, in addition to evictions, the large number of people leaving farms.” (Nkuzi: 2005: Pg. 185) The study indicated a number of factors that led to the removal of farm dwellers. Primarily economic factors were found to be the key reason for farm dwellers to leave their farms in two-thirds of the cases reviewed in the study. “The largest number of evictions occurred in years following severe droughts when farmers were under extreme economic pressure. The next largest number of evictions occurred in 2003, coinciding with the regulation of basic conditions of employment on farms and including the imposition of a minimum wage.” (Nkuzi: 2005: Pg. 186)

8.4.2 Global Changes in the Agricultural Sector

Agricultural properties are both sites of economic production as well as socio-political relationships between different groups who reside, raise families and participate in a range of social structures. Unlike other economic sectors where the relationships between employers and employees are generally separated from owner tenant relationships, in the agricultural sector farms are sites of integrated productive and social relationships. For this reason, changes within the agricultural sector not only affect the financial status of farm dwellers regarding wage labour and profit margins but further impact on a wide range of socio-political factors (Helliker, K: 2013)

Whilst this section focuses on the overall global conditions that have impacted on agriculture all over the

world it is essential to note that South Africa, particularly after Apartheid, was not immune to these global trends, which not only affected agriculture as an economic sector but furthermore the social, political and economic status of farm dwellers, the community most closely linked to and dependent on agriculture as a source of income and livelihood. With this in mind it is essential to understand what changes have occurred historically in the agricultural sector and their impact on the socio-economic conditions of farm dwellers.

8.4.2.1 Mechanization

For most of human history agricultural production was performed on a household level using family members for labour. From as far back as 20 000 BC evidence has been gathered of the planned cultivation of wild grains. The key objective of agricultural production was the achievement of household food security and the generation of an income from the sale of any surplus on the local market. Typically, peasant farmers across the world would produce a range of agricultural commodities including grain crops, vegetables, fruit and livestock for their own household needs. Surpluses would be sold at local markets for an income or to pay taxes to the local political authority (Lord, chief, king or religious leadership). Such taxes could also be paid directly with agricultural goods. (New World Encyclopaedia: 2015, Pg. 1-2)

The Industrial Revolution in 18th Century Europe, and later in other parts of the world, brought the development of machinery which made significant impacts on agricultural production and the social arrangements of production. Equipment such as tractors with ploughs, planters and harvesters, which replaced animal and human labour using hand held tools, enabled significantly more land to be farmed. Improved yields as well as better quality of crops and livestock also stimulated greater levels of trade between rural farms and urban centres. (New World Encyclopaedia: 2015, Pg. 3)

The discovery, of the benefits of nitrogen and phosphorus for crop farming in the early 20th Century further increased yields significantly above those that were previously harvested. New medical technologies also increased livestock production and reduced mortality rates amongst herds, particularly sheep and cattle.

Mechanization, which largely relies on the streamlining of productive activities, also led to the predominance of mono-crop production since one machine would be designed to provide one or more functions specifically to cater for one or other crop. So whilst under family based farming mixed cropping and a range of livestock production would typically occur on a single farm, due to mechanization a single crop and livestock type would be selected for production and the appropriate machinery would be purchased and used to maximize its production. (New World Encyclopaedia: 2015, Pg. 3)

One of the significant features of the shift from family based farming to mechanized commercial farming production was the restructuring of the rural workforce. Commercial farms became an organized and hierarchical productive unit with land owners, (often previous feudal lords), being able to afford expensive machinery and employ staff. Families of peasants provided labour within these units as opposed to own production in return for a wage salary or sharecropping and a right to occupy and remain on the land. A result of this restructuring was the beginning of a massive rural to urban migration starting in the mid-19th Century and continuing to this day as manual labour in most aspects of agricultural production was replaced by new mechanical equipment that was more efficient for commercial production purposes. The rate of mechanization has varied across agricultural commodities but over time machinery has come to replace manual labour in almost all agricultural commodities and production processes from land preparation to harvesting and packaging. This trend of shedding labour in the agricultural sector is global and ongoing: "In the 1930s, 24 percent of the American population worked in agriculture compared to 1.5 percent in 2002". (New World Encyclopaedia: 2015, Pg. 3)

As M. Visser and S Ferrar indicate that mechanization, as a replacement of unskilled labour is not uniform between different agricultural commodities, but rather: "Employment trends vary significantly by commodity and the ease of mechanisation", of that particular commodity. (Visser M and Ferrar S: ILO Report: 2015: Pg. 18).

8.4.2.2 Globalization:

Starting with the age of discovery whereby European countries including England, Italy, Holland, Spain and Portugal sailed the world's oceans, exotic agricultural goods from far flung areas of the world were brought back to Europe in what is known as the "Columbian Exchange". Products such as tomatoes, potatoes and maize which originated in South America and carrots from the East Indies became sought after food items in Europe. Certain wheat strains from Europe were also introduced into South America. The expansion of agricultural production further stimulated the demand for slave labour in both Europe and

America from the 18th Century onwards. (New World Encyclopaedia: 2015, Pg. 4)

During the Imperial Age, 1700 until the mid-1900s, colonial powers of Europe occupied and controlled vast areas of Africa, Asia and South America. Part of the colonial agenda from these “super powers” was the extraction of natural resources from their colonies including minerals and other raw materials. However, the colonies also supplied significant amounts of agricultural produce through plantation systems using either slave or indentured labour. Colonial powers used these raw materials as well as agricultural goods supplied by the colonies to further stimulate and grow their own economic production, particularly in terms of secondary industries such as textiles, furniture and other household goods. (New World Encyclopaedia: 2015, Pg. 4)

Globalization in the post-colonial era has largely taken the form of large commercial entities continuing the process of extracting raw materials, including agricultural products from newly independent former colonial States and using these for value adding in the manufacturing sector. Furthermore, the sites for manufacturing and value adding on agricultural products have become fluid with multinational companies shifting sites of production to areas in Asia particularly but increasingly in Africa and South America, where they can take advantage of cheap labour and lower levels of taxation. (New World Encyclopaedia: 2015, Pg. 5)

Other significant aspects of globalization include global trade whereby agricultural commodities are transported in vast quantities from country to country. Secondly, the pricing of agricultural goods is now done on a global level whereby the price paid for agricultural commodities is no longer set by one or other country but based on the supply and demand factors on a global level. Trading in agricultural commodity futures is an additional aspect of the globalization of the agricultural sectors. More recently, with the development of genetic technology, there has been a rise of global patents on agricultural inputs, such as seeds, which controls the strains and varieties of both livestock and plant products that are cultivated worldwide. Large companies such as Syngenta, Pannar and Monsanto hold genetic patents to the production of many of the staple cereals which are cultivated around the world. (New World Encyclopaedia: 2015, Pg. 5)

A final aspect of globalization is the impact of exchange rate fluctuations on agricultural producers; even non-exporting farmers, are affected by the changes in value of currency from day to day. Non-exporting farmers, who rely on the importation of key inputs such as seeds, chemicals and machinery are adversely affected by a weak local currency as it costs more to import such goods. However, a stronger currency may also threaten local producers since it may be cheaper to import the same commodity from another country at a lower price than it can be produced locally. Usually global commodity prices are valued and traded in US dollars. As Visser and Ferrar point out, “A weak Rand benefits producers who export as they are paid in foreign currency. Conversely, a strong Rand is not beneficial to South African exporters, as an appreciated currency reduces the value of export and thus the net farm level income, but also levels of export”. (Visser M and Ferrar S: ILO Report: 2015: Pg. 41)

8.4.2.3 Farm Consolidations

To achieve economies of scale and reduce costs, industrialized agriculture has led to the consolidation of farms as well as the consolidation of input suppliers and agriculture distribution. Farm consolidations have occurred throughout the world whereby smaller farms have been purchased by a larger farmer or farming company to be incorporated into their production system. This has enabled such companies to distribute the costs of mechanization and value added infrastructure, such as pack houses, over a greater volume of production. Consolidations have led to a reduction of employment as well as a diversity of commodities produced within one region. A further trend occurring as a result of globalization and farm consolidations is that there has been a significant reduction in the number of individual farmers due to either sale to or incorporation into a commercial farm company or enterprise. “The number of farms has also decreased, and their ownership is more concentrated. In the U.S., four companies kill 81 percent of cows, 73 percent of sheep, 57 percent of pigs, and produce 50 percent of chickens, cited as an example of “vertical integration” by the president of the U.S. National Farmers' Union”. (New World Encyclopaedia: 2015, Pg. 5)

South Africa has not escaped the global trend of farm consolidations experienced elsewhere in the world. “In 1996, there were 60 000 farming units, but by 2007 these had declined to fewer than 40 000 units. Within specific industries this consolidation has been dramatic. In the dairy industry there had been a 41% reduction in the number of commercial dairy farms between 1997 and 2006”. (Visser M and Ferrar S: ILO Report: 2015: Pg. 48)

8.4.2.4 Commodification

Globalization has also established an industrialized system of agricultural production that controls and manages agricultural production in a highly structured hierarchical system. From primary production to the end point sale each agricultural commodity is highly regulated and controlled. Traceability of production is a key feature of the commodification of agricultural goods. Globalization has had the additional effect of establishing a global commodity chain wherein agricultural commodities produced in one region or country may be cleaned, processed and packaged in another area or country and traded or sold in yet another area or country. The decision to base an aspect of the agricultural commodity chain in one country or another is typically taken on the basis of financial profit and risk. The costs of labour, transport, utilities such as power and water, as well as the level of tariffs, taxation and production incentives offered by one country as opposed to another are thus the key determinants of whether or not a certain crop of livestock type would be located in one area or another.

One of the impacts of this commodification is the relative loss of bargaining power by the primary agricultural producers as they become integrated into the whole food supply chain which is largely dominated by the interests of large supermarket groups and fast food chains that determine the supply volumes, production standards, packaging and pricing. "This structural transformation has led to various shifts, from public to private standards, from spot market relations to vertical coordination of the supply chain by supermarkets using contracts and market inter-linkages; and from local sourcing to sourcing via nation, regional and global networks." (Visser M and Ferrar S: ILO Report: 2015: Pg. 40)

8.4.2.5 Increased skill levels within the agricultural sector.

As agricultural production intensifies as a result of mechanization and the need to control profits and regulate quality, the skill sets required in the modern agricultural sector have changed. Agricultural production is no longer heavily dependent on unskilled manual labour that can be reduced or expanded depending on production needs. Modern farming requires a greater degree of skills in terms of scientific production techniques, the ability to work with a range of chemicals, herbicides and pesticides and to handle and maintain mechanical instruments of an ever more sophisticated level. Furthermore, modern farmers have to have a range of commercial skill sets including financial management and forecasting, marketing, human resource management and the skills required to ensure compliance with all the regulatory and quality frameworks established in their country and globally for their particular commodity group. The result of this increase in skills levels has been that the agricultural sector is no longer in a position to absorb high levels of unskilled labour. Now the labour employed in the agricultural sector, with a higher level of skills, is demanding higher wages than previous unskilled labour. As a result, many unskilled workers in the agricultural sector have been retrenched or re-employed on a seasonal basis when unskilled labour may be required. These unskilled farm workers have to a large degree left the farmlands behind and migrated to urban areas in the hope of finding alternative employment. This trend, which has occurred and continues to occur globally, has significant implications for policy makers in rural development in many parts of the world. (Visser M and Ferrar S: ILO Report: 2015: Pg. 52)

8.4.2.6 Implications for farm dwellers

The global trends in the agricultural sector, as briefly reviewed above, have significant implications for the farm dweller community in South Africa and elsewhere. Agriculture is no longer an economic sector that can absorb high levels of unskilled labour for production. Rather the agricultural sector of the 21st Century is a highly mechanized and regulated sector due to the General Agreement on Trade and Tariffs (GATT), furthermore it is influenced by production, price shifts and consumer preferences at a global level. The sector is ever more being controlled by larger corporate role players who consolidate farms, rationalize labour in order to reduce costs and achieve economies of scale. The commodification of primary agricultural production and its incorporation into the food value chain also requires that the levels of control over quality, inputs costs (including labour), packaging and transport is far higher than in previous decades. This furthermore necessitates an increase in the skills level of the agricultural work force. As part of the global agricultural sector, therefore South African farm dwellers, are no longer the key component in production being easily replaced by machinery, and if unskilled are unlikely to secure permanent and high paying salaries in this sector.

8.5. Historical overview of land possession and dispossession in South Africa

8.5.1 Pre-history until 1902

The eastern part of the Highveld of South Africa that became known as the Province of Mpumalanga was extensively inhabited from well before the iron-age until the present. Evidence of significant urban and intensive agricultural cultures is still visible today in a three hundred kilometre region stretching from Carolina to Ohrigstad. Social upheavals particularly during the Mfecane depopulated these areas in the middle of the 19th Century. (Delius P: 2015)

The mid-19th Century also saw the arrival of the Boers, as the Afrikaner settlers were called. They sought land for cattle-farming and labour to work their farms. They also brought horses, wagons and firearms into the region in significant numbers which gave them an immense military advantage over the existing inhabitants, many of whom resisted fiercely. Despite the resistance, the Boers set up a republic, the Transvaal, or *Zuid-Afrikaanse Republiek*. By the turn of the 20th century much of the high potential arable land within Mpumalanga Province had already been seized by the Boers due to their superior military weaponry. (Delius P: 2007)

The history of the agricultural sector in SA is closely tied to the migration of white settlers from the Cape Colony into the areas that became known as the Orange Free State and Transvaal Republic. These settlers commonly referred to as “Voortrekkers” or as “Boers” came to occupy the interior of Southern Africa through the occupation of “vacant” land, the purchase of lands through barter with established black tribes in the area or through conquest following war with various tribes. In 1852 the Transvaal Republic was proclaimed. Shortly thereafter in 1854 the Orange Free State was also proclaimed as independent sovereign countries separated from the control of the British Empire who still held dominion over the Cape and Natal colonies. Both the Orange Free State and the Transvaal Republics ceased to exist in 1902 at the end of the Anglo-African War and in terms of the Treaty of Vereeniging fell under direct British rule until 1910 when the Union of South Africa was proclaimed. The Union thereafter incorporated the Cape and Natal colonies as well as the two former Republics, the Orange Free State and Transvaal. (G Dominy: Interview: 2015)

The mineral riches of the region, however, brought more outsiders into the Mpumalanga region, who sought their fortunes from gold mining. Conflict between these new arrivals, the Boer Republic and ultimately Great Britain led to the Anglo-African (South African) War between 1899 and 1902. This war not only devastated large parts of South Africa, including the modern Mpumalanga, destroying farms and towns alike but left lasting mistrust and bitterness between the Boer and English communities in the country. Thousands were rendered homeless and one of the reasons the Boers made peace (at the Peace of Vereeniging in 1902) was because the indigenous black farmers began reoccupying the land from which their ancestors had been driven, or on which they continued to live but on sufferance of the white land 'owner'. Britain then controlled the four areas of South Africa: the Cape, Natal, the Orange Free State and the Transvaal. (Pakenham T: 1979)

As can be seen from the foregoing, a large portion of the indigenous black population were already dispossessed of their land by the colonial occupiers and Afrikaner settlers, well before the passing of the infamous 1913 Land Act. The situation was further exacerbated by the ever increasing competition by occupiers, settlers and black farmers for both land and markets.

8.5.2 1902-1948 the Union of South Africa

Following the signing of the Treaty of Vereeniging (1902) and the establishment of the “Union of South Africa” a great deal of emphasis was placed on the development of policies that would reconcile the two former enemies, namely the Boer Community and the English settlers. In 1910 the Afrikaners and the English came together (excluding all other population groups, especially the majority Black South Africans) and formed the Union of South Africa. Under the new Union common laws applied across the new country, with very few exceptions. (G Dominy: Interview: 2015)

One of the first issues to be addressed by the Union Government was the land issue and within three years of Union the first of several major land segregationist laws was passed: The Natives Land Act of 1913 (commonly referred to as the Land Act of 1913). This limited black ownership of land in the Union to a mere 8% of the surface area and defined conditions under which blacks would be tenants on white-owned land. A black person could not purchase land from a white person and all black tenants were defined as 'servants' of white land-owners. Efforts by the white government to address white poverty

further impoverished blacks. As a result, thousands of black people lost their rights to land and were forced to migrate to so called “Native Reserves” as well as to the mining areas for a means of survival. Those who remained on agricultural land became mere labourers and were wholly dependent on the provision of labour to the white farmers to remain legally on the land. Those who either refused to provide labour, normally three months per year, were removed to the “Native Reserves”. (G Dominy: Interview: 2015)

The 1913 Natives Land Act was followed by the Native Trust and Land Act of 1936 which specified that the amount of land reserved for blacks was 13% of the total land area of the country. This was followed by numerous local and national edicts restricting movements, imposing curfews and attempting to harass blacks in both urban and rural areas. (G Dominy: Interview: 2015)

The Union Government at the time also enacted several other legislative mechanisms, (The Land Bank, formed in 1912; the Agricultural Credit Board; the Co-operative Society Act, 1925; Native Trust and land Act, 1936; The Marketing Act, *inter alia*) which combined to create a monopolistic behemoth for white farmers in the agricultural sector. The sector was heavily subsidised and strictly controlled from pre-production through planting quotas to marketing, pricing, sales and export both by the governmental mechanisms (such as the marketing boards) and the self-managing co-operatives. (G Dominy: Interview: 2015)

Implications for Farm Dwellers: The dispossession of black occupied agricultural lands through legislation and the specific laws enacted to promote white farmers during the Union era effectively ended significant competition from black farmers in Mpumalanga. The farm dwellers that remained on the now white-owned land were relegated to subordinate relationships including labour tenancy and wage labourers by the new owners. Should a farm dwellers refuse to provide wage labour or three months free labour, as in the case of labour tenancy, they were removed by the farmer with the support of the State.

8.5.3 1948-1991- The Apartheid Era

Following the election of the National Party to office in 1948, the State extended even greater authority and control over the black population in South Africa. The National Party Government created the policy of “separate but equal” to implement its ideology and began a systematic legislative programme to entrench land segregation and racial separation that became known as “Apartheid”. From 1948 to the late 1980s the body of laws enacted to support the policy of “separate but equal” succeeded not only in racial segregation but also spatial segregation of the races by means of such laws as the Group Areas Act, the Mixed Marriages Act, the Immorality Act, the Black Administration Act. As the ideology of Apartheid did not admit to the equality of the races, deeming all those of colour to be inferior to the white race, it stands to reason that the equality of the separateness was concomitantly inferior. (G Dominy: Interview: 2015)

In 1950 the equally infamous Group Areas Act, 1950 (and its precursor the Asiatic Land Tenure and Indian Representation Act, 1947) created even more land for white farmers to control. It was the culmination of protracted and sustained land dispossession of Indians and Africans from before the creation of the Union of South Africa. (G Dominy: Interview: 2015)

Another key aspect of Apartheid Era policy was the development of programmes and legislation that would promote and benefit the largely white owned and dominated agricultural sector. These include:

- The exclusion of agricultural land from the imposition of rates and service charges and consequently, from the services thereby provided;
- The provision of subsidies, massive irrigation schemes and other infrastructure to white farmers;
- The imposition of a range of protective tariffs to promote the white agricultural sector;
- The exclusion of agricultural labour from the operation of the labour legislation of the time; and
- The creation of an enormous, ready-made pool of cheap labour through the creation of the homeland system. (G Dominy: Interview: 2015)

Other racially prejudicial legislation, which ushered in the Apartheid “separate but equal” system, had a serious adverse impact on the health, education, job opportunities, access to housing and services of those dispossessed and relocated to un-serviced, agriculturally arid, unproductive land in the former homelands. (G Dominy: Interview: 2015)

Several social, political and economic events in the seventies, *inter alia* the oil crisis, the internal and external political pressures (1976 Soweto uprising and labour unrest), the misadventures on South Africa's borders and further afield and a global recession, all coalesced to force a change in the political system and economic policy in South Africa. In 1989 President P. W. Botha was replaced by F. W. de Klerk who began to slowly liberalise matters and continued exploratory talks with exiled and internal leaders of the ANC. In 1990 in swift succession de Klerk unbanned the ANC and other political organisations, announced the release of Nelson Mandela and other political prisoners and the unconditional return of political exiles. But these actions alone did not in themselves further the dismantling of the Apartheid policies and discriminatory legislation. Some legislative intervention was required. (G Dominy: Interview: 2015)

The Abolition of Racially Based Land Measures Act, (Act No 108 of 1991) was the catalyst to the changes that were to come as it repealed or abrogated racially discriminatory laws such as the Land Act of 1913, the Group Areas Act 1966 and many other measures. Then the government of the day and its allies set out to negotiate with the ANC and other political formations to agree on a new dispensation for South Africa. On 27 April 1994 Nelson Mandela was sworn in as the first democratically elected President of the Republic of South Africa after having been overwhelmingly elected by universal franchise. (G Dominy: Interview: 2015)

8.6 Summary of key issues in the history of land tenure in South Africa prior to the ending of Apartheid.

The historic practices of colonialism and the Apartheid regime significantly deprived non-white South Africans of the opportunity to own their own property in both urban and rural areas. Instead, the majority of people classified as non-white by the Apartheid Regime, were restricted to being occupiers or tenants of land owned by white land owners, or were occupiers of so called Native Reserves (later referred to as Homelands or Self Governing Territories). Coloured and Indian people were afforded the right to own urban properties in specified designated areas but were similarly denied the right to own rural property. Through forced removal of people deemed to be living in black spots (areas zoned for white ownership) and forced labour tenancy, only a small minority of non-white people in South Africa had legal ownership of agricultural land at the beginning of the democratic era in South Africa-1994. (G Dominy: Interview: 2015)

8.7. Developments in the Agricultural Sector in South Africa

The South African agricultural sector has undergone significant restructuring over the past 100 odd years. Most academics and authors on this topic have drawn a distinction between the agricultural sector as it was before and after Apartheid.

The South African Agricultural Sector pre- Apartheid (1901-1994)

In the Apartheid and pre-1994 era the South Africa government provided a protective framework for the white commercial farming sector. It also restricted access to land by black farmers through various pieces of legislation including the Land Act of 1913 and the Natives Trust and Land Act of 1936 which, eventually led to the creation of huge "pools of labour" in the form of the homeland system. Furthermore, the government provided a range of institutions and legislation to support white commercial farmers including the Land Bank of South Africa which provided subsidized credit to white commercial farmers. The Cooperative Society Act was passed to enable white commercial farmers to purchase inputs collectively, sell produce collectively - thus strengthening their bargaining power, develop infrastructure such as grain silos and reduce market transport costs. The Marketing Act established State-controlled marketing boards for most agricultural commodities. These boards controlled the levels of production and location of production, set prices for the various commodity groups and maintained quality standards of the various agricultural commodity groups. Using this monopoly, the marketing boards could maintain high prices in a system that was known as a single channel market system. The Government also had a system of protective tariffs that would prevent the importation of certain agricultural commodities at prices below those set by the marketing boards. Furthermore, a range of export incentives, to enable SA farmers to compete internationally were established by the State to assist white commercial farmers during the Apartheid era. (Visser M and Ferrar S: ILO Report: 2015: Pg. 36)

Post-Apartheid developments in the South African Agricultural Sector (1994-2016)

One of the principal changes that occurred within the South African agricultural sector after the end of Apartheid was the deregulation of the sector. South Africa, eager to become a member of the World Trade

Organisation in 1994 agreed to the reduction of protectionist import tariffs for agricultural commodities. In 1997 the State abolished the General Export Incentive Scheme (GEIS), under which SA exporters, including many agricultural producers, were receiving export subsidies. The deregulation process also led to the abolishment of the State-controlled marketing boards and the single channel marketing system. Financial services to farmers were also reduced during this period as subsidies were cut and the Agricultural Credit Board was closed down. The Strauss Commission appointed to investigate State lending institutions further recommended that the Land Bank expand its mandate to provide financial services to small scale black emerging farmers. The deployment of agricultural extension officers within the agricultural department towards servicing the interests of emerging black farmers also reduced technical support to the existing white commercial farming sector. Finally, the SA government reduced support to various research institutions such as the Agricultural Research Council (ARC) that in the past had assisted commercial farmers develop new strains of seed, new farming techniques and innovations to improve productivity in the Sector. (Visser M and Ferrar S: ILO Report: 2015: Pg. 37-39)

By and large, white commercial farmers were forced to turn to traditional private lending institutions for production capital and were made less dependent on State support for technical advice, research and marketing support. Most agricultural commodity groups in SA established their own private marketing boards and companies to promote the interests of their members and to promote the export of their products overseas. Whilst many advocates for deregulation have argued that this process has made the SA agricultural sector more productive and efficient and created more opportunities for SA farmers, it is also clear that what the South African government did in terms of the level of deregulation of protective tariffs went far beyond what was required of the State in terms of the World Trade Organization's Uruguay Round Agreements on Agriculture. (Visser M and Ferrar S: ILO Report: 2015: Pg. 36)

The deregulation of the SA agricultural sector has also had various negative consequences particularly for emerging black farmers struggling to develop themselves as competitive and successful commercial farmers. This group, including beneficiaries of the land reform programme, have not only to successfully compete with larger, experienced and commercially established white South African farmers, but also with the farmers in many parts of the world who still enjoy high levels of protection, low wage levels and an unregulated system of export promotion. As such ironically the deregulation of the South African agricultural sector post 1994 has adversely affected the ability of the State to achieve a successful and sustainable land reform programme. "the phasing out of marketing boards and cooperatives that provided essential support services to farmers happened more or less at the same time that black farmers were trying to establish themselves. These fledgling farmers had to survive in a cut-throat environment with very little support. How precisely are small farmers expected to compete in a global market, when an established commercial farming sector is increasingly unable to do so?" (Visser M and Ferrar S: ILO Report: 2015: Pg. 38)

8.8. Developments in Labour Legislation and Practices in South Africa

Coupled with deregulation was an increase in State involvement in regulating wages and employment conditions in the agricultural sector in South Africa.

Pre-Apartheid Labour Practices:

As Visser and Ferrar indicate, labour legislation in agriculture does not have a long history in South Africa. Agricultural workers were excluded from protection via labour legislation altogether under Apartheid and even after the transition to democracy in 1994 agricultural labour was regarded as a unique sector deserving special considerations. Only after the adoption of the Labour Relations Act (LRA) in 1995 were farm workers able to enjoy the same rights as employees in other sectors. (Visser M and Ferrar S: ILO Report: 2015: Pg. 53)

Despite legislation preventing farm owners, operating in land that was exclusively for white ownership and use, from renting land to black persons in the Apartheid era, farm owners in an effort to reduce their labour bills actively entered into various forms of labour tenancy and share cropping arrangements with farm dwellers occupying their properties. Typically farm occupiers retained the right to reside on a farm and access land for residential, grazing and crop farming purposes if each household provided three months of free labour to the farm owner. In instances where farm dwellers resisted such indentured labour they were removed by the farm owner with the support and assistance of the local "Native Commissioner". These removals have been considered legitimate grounds for the lodgement of successful land claims by those labour tenants who were so removed. Furthermore, this system led to the promulgation of the

Land Reform (Labour Tenants) Act, Act 3 of 1996, which will be discussed in greater length in subsequent chapters of this report. It is suffice to say that workers in the farming sector were largely unprotected by legislation and have very little power to enforce their rights and lobby for better conditions of employment and treatment by their employers.

One notable exception from Mpumalanga to this State of powerlessness was the National Potato Boycott which exposed the unscrupulous tactics of labour touts that tricked black men into becoming farm workers in Bethal and the harsh employment conditions including beatings and even killings of farm workers on potato farms in Bethal. Gert Sibande a young ANC activist provided Ruth First, a journalist from New Age Magazine with first-hand experience of the conditions on the potato farms. In 1952 Drum magazine ran an expose on the “draconian” conditions experienced by farm workers in Bethal. This exposure ultimately resulted in the National Potato Boycott which was considered surprisingly effective and led to further consumer boycotts around South Africa:



Labourers on a Farm in Bethal, 1958 (Delius P: 2007: Pg. 400-401)

Post-Apartheid Labour Legislation, Practices and Trends:

With the advent of the democratic era there was a gradual increase in State intervention in both labour and social security legislation to protect the rights of workers in the South African Agricultural Sector. Pre-1990s the South African Agricultural Sector was largely unregulated and exempt from labour and social security legislation. In 1993 the Basic Conditions of Employment Act and the Unemployment Insurance Act were extended to cover the agricultural sector. In 1995 the Labour Relations Act was passed which inter alia provided bargaining rights to farm workers for the first time. Unfortunately, since most farm workers in South Africa remain unorganized with less than 6% of all farm workers belonging to a trade union this right has had little impact on the collective bargaining power of farm workers. (Visser M and Ferrar S: ILO Report: 2015: Pg. 39-40)

The most effective legislation introduced was the Sectoral Determination No 8 of 2003 that set minimum wages for the agricultural sector. The minimum wages rose steadily from this time on in line with the average Consumer Price Index from year to year. However, following widespread farm worker protests in the Western Cape during November 2012 until March 2013, farm workers demanded higher wages, better living conditions, security of tenure, an end to the casualization of labour and use of labour brokers. Whilst the 2013 Sectoral Determination dramatically increased the income levels of farm workers, farm owners and employees responded to this increase and to the global challenges they faced in several ways that have dramatically shaped the size and nature of the agricultural labour force in South Africa. (De Satge R, Blecher M: 2015: Pg. 22)

The following are considered key trends in the current South African Agricultural Labour Force:

Reduction in Agricultural Employment and mechanization: In an effort to reduce labour costs, often a very significant percentage of agricultural production inputs, farm owners have firstly reduced the size of their labour force and wherever possible replaced unskilled labour with machinery. It must be noted that the restructuring of the South African labour force did not necessarily begin only after the promulgation of the first Sectoral Determination of Agricultural Wages in 2003 but rather changes have occurred as a response to globalization as well as deregulation over the past 30 years. “From 1992-2001 - prior to the introduction of the minimum wage, but in the period in which trade liberalisation took effect, employment in agriculture fell by 32%.” (Visser M and Ferrar S: ILO Report: 2015: Pg. 50)

The Sectoral Determination and setting of minimum wages may have accelerated these processes and as Visser and Ferrar indicate it is still too early to determine the real impact on the agricultural workforce of the 2013 Sectoral Determination that increased farm worker wages by 52%. However, some analysts predict that more intensive labour shedding and a 28% drop in demand for unskilled agriculture is likely to occur in the years to come. (Visser M and Ferrar S: ILO Report: 2015: Pg. 51)

The casualization of the agricultural work force: “Casualization refers to the process where workers who were previously employed on a permanent basis, are re-employed or replaced on part-time or fixed term contracts (Such as seasonal contracts)”. (Visser M and Ferrar S: ILO Report: 2015: Pg. 51)

As De Satge and Blecher indicate; “By 1995, the end of the previous period, there were 891 000 people employed in the agricultural sector, 602 000 permanent and 289 000 casuals. In 2002, there were 940 820 people employed in the sector, 481750 permanent and 459 445 casuals. Therefore, from 1985 to 2002, there were a total of 382 932 job losses and the ratio from permanent to casual changed from approximately 3:2 to 1:1, indicative of the trend of increasing temporary labour in addition to labour shedding”. (De Satge R, Blecher M: 2015: Pg. 17)

Externalization and the use of contractors and labour brokers: Farm owners also increasingly made use of labour contractors and brokers to supply them with part time unskilled labour. By doing so farmers avoid having to enter into contracts of employment and comply with the various labour and social welfare laws and policies applicable to employee-employer relationships in South Africa. (Visser M and Ferrar S: ILO Report: 2015: Pg. 51)

Employment of more skilled workers: Farmers have also responded to the global conditions, deregulation and increase in minimum wages in the Agricultural Sector by employing more skilled workers who are better able to operate expensive machinery and are more productive than unskilled labourers. “Proof that this process is already underway is reflected in the fact that the unit cost of labour declined from 18.5 cents per Rand of output in 1993 to 10.8 cents per Rand in 2007, an indication of declining overall employment, but also of the employment of more skilled workers”. (Visser M and Ferrar S: ILO Report: 2015: Pg. 51)

Charging of rentals and for provision of services: A final strategy adopted by farmers in order to cope with increased input costs, particularly higher wage bill, is to charge farm workers living on agricultural properties rental for accommodation and for the supply of services such as electricity, water and transport. (De Satge R, Blecher M: 2015: Pg. 23)

8.9. Evaluation of the South African Land Reform Programme

8.9.1 Overview

The South African Land Reform Programme was initiated to address the historic imbalance in land ownership and land holdings, brought about by centuries of colonial dispossession and Apartheid spatial policy. The land reform programme began in earnest with the establishment of the Department of Rural Development and Land Reform (DRDLR) in 1994 following the first democratic elections and the creation of the Government of National Unity. Prior to 1994 there were a number of initiatives such as the IDT's Site and Service Scheme that provided land to people in rural areas, primarily for residential settlement purposes, and the Advisory Commission on Land Allocation (ACLA) to consider a narrow set of historic dispossession. (D James: 2007: Pg. 58)

The DRDLR established three broad programmes of land reform in South Africa, the principles of these three programmes are laid out in the South African Constitution, Act 108 of 1996:

Land Redistribution Programme: “The State must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an

equitable basis". (Act 108 of 1996, Chapter 2, Section 25.5)

Tenure Reform Programme: "A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress". (Act 108 of 1996, Chapter 2, Section 25.6)

Land Restitution Programme: "A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress". (Act 108 of 1996, Chapter 2, Section 25.7)

8.9.2 The Land Redistribution Programme

The Land Redistribution Programme was developed to provide an opportunity for historically disadvantaged South Africans to gain access to land for both settlement and productive purposes. It was primarily aimed at addressing the historic imbalance in land ownership in South Africa and afforded historically disadvantaged individuals to either individually or collectively acquire grant funding from the DRDLR to purchase private or State land. "Redistributive land reform will be largely based on willing buyer-willing seller arrangements. Government will assist in the purchase of land, but will in general not be the buyer or owner. Rather it will make land acquisition grants available and will support and finance the required planning processes". (DRDLR: 1997: White Paper on South African Land Policy; Pg. 38)

8.9.2.1 The Settlement and Land Acquisition Grant (SLAG) Programme.

Originally the redistribution programme was based on the Provision of Certain Land for Settlement Act, Act 126 of 1992 and provided a grant amount of R 15 000.00 per qualifying household. "Communities are expected to pool their resources to negotiate, buy and jointly hold land under a formal title deed." (DRDLR: 1997: White Paper on South African Land Policy; PG 38) The Settlement and Land Acquisition Grant (SLAG) was increased from R 15 000.00 to R 16 000.00 per qualifying household in 1997. However due to the price of agricultural land, particularly high potential agricultural lands, households would still be required to pool their SLAG grants together to purchase any sizable property, and form a legal entity (either a Trust or later a Communal Property Association) to hold the land on behalf of the new owners.

8.9.2.2 The Land Reform for Agricultural Development (LRAD) Programme.

Much has been written about the challenges faced by beneficiaries of the Land Redistribution Programme in terms of their inability to farm productively, the high level of conflict within communal ownership entities and the small percentage of delivery within the Land Redistribution Programme. As a result, in 2000 a new approach to Land Redistribution was developed known as Land Reform for Agricultural Development (LRAD). LRAD Grants were based on individual applicants and provided the beneficiaries with substantially more capital (between R 25 000.00 and R 100 000.00) depending on the amount of own sweat equity, agricultural inputs and loan finance, that the beneficiaries were able to commit to the project. Generally, the LRAD programme saw either individual emerging farmers, households and smaller groups of beneficiaries pooling their resources and communally acquiring properties. LRAD however did not lead to either a significant increase in the delivery of land nor was the level of project failure much different to that of the former SLAG approach.

8.9.2.3 The Pro-Active Land Acquisition Strategy (PLAS) Programme

In 2010 the DRDLR made a significant decision to no longer promote a redistribution programme based on individual or group ownership of land. Instead the DRDLR established the Pro-active Land Acquisition Strategy (PLAS). In terms of this approach to land redistribution, the State would acquire property on the open market (willing sellers) and lease the property to historically disadvantaged groups or individuals at a nominal rental amount. Should the beneficiary utilize the property successfully and make all necessary repayments, the State would be willing to sell the land to them in the future. The level of delivery of land redistribution under the PLAS strategy has significantly increased, however, many bodies are critical of whether PLAS is truly providing an opportunity to address historic imbalances in land ownership because the State becomes the land owner and the beneficiaries are mere tenants on the property.

8.9.2.4 The Municipal Commonage Programme

As a sub-programme of the land redistribution programme, the DRDLR developed a municipal commonage programme which allowed local municipalities throughout South Africa to acquire agricultural property. The property so acquired would be owned by the municipality and leased to residents of the local municipality who wished to pursue farming activities such as livestock grazing and crop farming. The properties acquired would be purchased on the basis of a request by the local municipality and the owners of the land would be paid market value as determined by an independent private valuator. The Local Municipality would have the responsibility to maintain the commonage and to administer the use of the commonage by residents who either individually or as associations or co-operatives would utilize the commonage in exchange for the payment of an annual lease amount. Experiences of the commonage programme, however, have been quite negative since local municipalities have generally failed to maintain these commonages, failed to collect rentals and failed to prevent the encroachment of settlements on these commonages. Overgrazing and the stripping of natural resources such as trees are also common challenges to many commonage projects throughout the country.

8.9.2.5 Farm worker Equity Schemes

A further sub-programme of the Redistribution Programme was the farm worker equity share scheme in terms of which a farm owner who wished to include his or her workers in the productive activities of the farm could approach the DRDLR for assistance. A portion of the farm would be sold to the farm dwellers for security of tenure as well as for own food security production. Based on the size of the grants for which the workers could qualify (originally based on the SLAG amount and later LRAD Grants), the farm workers would acquire shares in the farmer's business.

In most cases a new company was established with shares distributed between the farmer and the farm workers based on the market value of the farming operations (as determined by a private valuator) and based on the value of the farm worker's grants as determined by the DRDLR. The Farm owner would be paid out for the value of the land sold to the workers for security of tenure and food security purposes and the value of the grant contribution to the new farming company established on the farm.

There were a number of such equity schemes established on this basis in Mpumalanga and country-wide, especially on wine farms in the Western Cape. The farm worker equity scheme was originally supported on the basis that it would significantly improve the livelihood earnings of farm workers since they would continue to receive wages and, also, a dividend produced from profits generated on the farm on an annual basis.

Furthermore, the farm workers would receive secure tenure on-site for their residential area and an opportunity to establish food security by farming their own areas. For a farmer this scheme was also considered attractive since monies paid by the DRDLR could be used to maintain and renovate farm infrastructure or further expand productive activities on the farm. Furthermore, such a scheme should, in theory, stimulate worker production, reduce staff turn-over and contribute towards harmonious relationships on the farm. A number of schemes failed due to conflicts that emerged between farm owners and farm workers who together managed the newly established companies. Equity schemes were also criticized for failing to empower farm workers and for not distributing benefits to farm workers such as dividends and secure tenure. Consequently, a moratorium was placed on new equity schemes by the DRDLR. This moratorium was lifted however in 2010, primarily as a result of pressure exerted by wine farmers in the Western Cape who needed to improve worker conditions to comply with GLOBALGAP Standards.

8.9.3 The Tenure Reform Programme

The DRDLR's tenure reform programme was developed to address certain groups of historically disadvantaged people whose rights to the land on which they resided, occupied and utilized was not secure as a result of past racially discriminatory practices. Specifically, the DRDLR, to give effect to the SA Constitution's Bill of Rights principle of security of tenure, in Chapter 2, Section 25.6. which states that "A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress." (SA Constitution, 1996: Pg. 14.)

As per this Constitutional provision, The DRDLR had to address the tenure rights of people resident in the former homeland areas of South Africa as well as the farm occupiers and labour tenants residing on private and State agricultural properties around the country. The following section describes the policy, legislation

and programmatic approach adopted by the DRDLR to address tenure insecurity for three categories of occupiers:

- Occupiers of land in the former homelands;
- Occupiers of private and State land covered by ESTA; and
- Occupiers of private land covered by the Labour Tenants Act.

8.9.3.1 Occupiers of Land in the Former Homelands: In those areas of South Africa, which the Colonial and later Apartheid Government designated as “Native Reserves, Homelands or Self Governing Territories”, the State held ownership of the land in terms of the Native Trust and Land Act, Act 18 of 1936, which later became known as South African Development Trust (SADT) Land. During the Apartheid era the State established various forms of Homeland Governments but afforded considerable powers to Tribal Authorities to allocate land for both residential and agricultural purposes by way of a Right to Occupy (RTO) or Permission to Occupy (PTO).

Despite the constitutionally enshrined right to secure tenure and the provisions of the White Paper to abolish “permit based systems of land administration and control” the DRDLR has failed to substantially alter this system of land administration in the Post-Apartheid era. The initial legislation enacted to protect tenure rights of occupiers was known as the Interim Protection of Informal Land Rights Act (IPILRA), Act 31 of 1996. IPILRA was later replaced by the Communal Land Rights Act (CLARA), Act 11 of 2004. Civil society organisations however successfully challenged the constitutionality of CLARA and the Act was set aside in 2010. IPILRA therefore remains the only legislation extending occupational rights over land in the former homeland areas, and has to be renewed on an annual basis in Parliament. As it stands despite the DRDLR being entrusted as the Competent Authority to administer former SADT lands, the practice of Tribal Authorities allocating land by way of a RTO or PTO continues to this day. Frequent conflicts emerge between these tribal authorities and the new local municipalities in terms of land use and spatial planning, often delaying or retarding the provision of bulk infrastructure and basic services. (DRDLR: 1997: White Paper on South African Land Policy; Pg. 88-90)

The Upgrading of Land Tenure Rights Act (ULTRA), Act 112 of 1991 was implemented towards the end of the Apartheid era to provide a mechanism to formalize occupational rights in the former homeland areas. This Act was used extensively to upgrade deeds of Grant, which were allocated to R 293 Townships into full title deeds and to a lesser extent to formalize the occupational rights of PTO holders of R 188 denser settlements. Such tenure upgrading projects met with resistance from local tribal authorities who saw the formalization process as a challenge to their authority over an area as well as the erosion of an important source of revenue since PTO holders are expected to pay an annual "Khonza" fee to the tribal authority. ULTRA has however, to the author's best knowledge not been employed to upgrade rights on agricultural lands within the former homeland areas.

8.9.3.2 Labour Tenants: Labour tenants are a specific form of farm dweller that provided labour to farm owners in exchange for the right to have a residential area and access to land for grazing and cropping rights. Typically, a labour tenant would provide labour for the farmer on the commercial farming operations whilst cultivating their own crops and raising livestock for their own benefit. The Land Reform (Labour Tenants) Act (LRLTA), Act 3 of 1996 provided mechanisms for the DRDLR to formalize the rights of labour tenants to full title ownership over those areas allocated to them on the owners' farm. The LRLTA was passed to provide support to labour tenants. The Act defines a Labour Tenant as “a person - (a) who is residing or has the right to reside on a farm; (b) who has or has had the right to use cropping or grazing land on the farm, referred to in paragraph (a), or another farm of the owner, and in consideration of such right provides or has provided labour to the owner or lessee; and (c) whose parent or grandparent resided or resides on a farm and had the use of cropping or grazing land on such farm or another farm of the owner, and in consideration of such right provided or provides labour to the owner or lessee of such or such other farm, including a person who has been appointed a successor to a labour tenant in accordance with the provisions of section 3(4) and (5), but excluding a farmworker.” (LTA: 1996: Pg. 2)

To implement the LRLTA the DRDLR embarked on a registration drive to enable labour tenants, particularly in Kwazulu-Natal, Limpopo and Mpumalanga Provinces, to lodge labour tenancy claims. The cut-off date for lodgement of claims in terms of the LRLTA was the 31st of March 2001. Following the lodgement of claims the DRDLR was obliged in terms of Section 17 of the LRLTA to issue notices to farm owners

indicating the lodgement of a labour tenant claim over their properties. Farm owners were then expected to either confirm and accept the validity of such claims or file a response denying the validity of the labour tenant claim on their property. (LRLTA: 1996: Pg. 2)

Citing the failure of DRDLR to implement the LRLTA over a long period of time, AFRA and the Legal Resources Centre filed an application in the Land Claims Court, commonly referred to as the Hilton College Case in 2013. In June 2015 the Land Claims Court upheld the application and a settlement was reached. Accordingly the parties agreed that:

- The Director-General of the Department shall, on or before the 31 March 2015, and at 3 monthly intervals thereafter, file a report with AFRA and the Court containing the statistics of the current status of labour tenant land applications,
- The said progress indicating the status of each individual labour tenant land claim, together with a plan for the further processing of all outstanding labour claims. (AFRA: January 2016: Pg.2-3).

Because the DRDLR did not honour this commitment, on the 29th of January 2016, the applicants once more returned to the Land Claims Court, this time with an application for the Court to appoint a “Special Master”, independent of the DRDLR to implement the provisions of the LTA. A settlement was again reached whereby the DRDLR would establish a national forum including NGOs to develop a national programme to implement the LRLTA. Land Claims Court Judge Seena Yacoob declared, “The parties shall negotiate in good faith to conclude a memorandum of understanding. The Department of Rural Development and Land Reform will appoint a senior manager responsible for managing the national implementation of the Land Reform (Labour Tenant) Act.”

8.9.4 Land Restitution

The Restitution of Land Rights Act, Act 22 of 1994 (RLRA) was passed by Parliament to give effect to the Constitutional imperative of Restorative Justice. In terms of the Act people who were dispossessed of land, due to racially motivated legislation and planning, after the passing of the 1913 Land Act, without being paid adequate compensation were entitled to lodge a Restitution Claim with the newly established Commission for the Restitution of Land Rights (CRLR). Following lodgement of a claim, the task of the CRLR would be to investigate the validity of the claim lodged in terms of whether it complied with the requirements of the Act. Secondly, the CRLR would verify the claimants to ensure that the land would be restored to the legitimate claimants. The RLRA also established the Land Claims Court that would sit to adjudicate the claims lodged. The Court had wider powers of evidence than regular courts in that it would consider oral testimony, old photographs, evidence of grave and archival records to determine whether a claim was, in fact, valid or not. The RLRA was later amended to allow the Minister of the DRDLR the power to approve claims that were lodged and unopposed by the current land owners. These so-called Section 42 D claims led to financial compensation, at market related values as determined by an independent valuator, being paid to the current land owners. In cases where current land owners denied the validity of a claim lodged over their property, the claim would be heard by the Land Claims Court who would decide on the validity or otherwise of the claim.

The Land Restitution Act has recently been amended by Parliament to enable new claims to be lodged as many people argued that they could not submit a claim by the stipulated cut-off date of 31 December 1998. In terms of the recent Restitution of Land Rights Amendment Act, (Act 15 of 2014) claims may be lodged as of July 2014 until a new cut-off date on the 30th of June 2019.

8.9.5 Other Programmes of Land Reform

Comprehensive Rural Development Programme (CRDP): In 1999 the Department of Land Affairs (DLA) was transformed into the Department of Rural Development and Land Reform (DRDLR) to undertake its new mandate of rural development. “The Comprehensive Rural Development Programme (CRDP) is aimed specifically at curing the blight of poverty by the creation of vibrant, equitable and sustainable rural communities.” (DRDLR: 2014: www.ruraldevelopment.gov.za).

The CRDP programme has three key strategic elements; agrarian transformation aimed at increasing food security and agricultural production in rural areas. **Secondly**, infrastructure development – both economic and social. **Thirdly**, the continuation of the land reform programmes of restitution, redistribution and tenure reform. (DRDLR: 2014: www.ruraldevelopment.gov.za). As part of its efforts

to improve the contribution of land reform projects to the rural development goals, the DRDLR has developed a recapitalization programme (Re CAP) in terms of which it provides additional grant funding for existing land reform projects, both restitution and redistribution projects: Firstly, to assist ailing project, i.e. not producing on a sustainable and commercially viable basis. Secondly, to support those projects that are producing to expand production and to develop value adding opportunities.

8.9.6 Conclusions

The South African land reform programme is both ambitious and complex. Despite a relatively low uptake to date in terms of actual land transfers on a national level, it is likely that the percentage of land that will be transferred via land reform to historically disadvantaged groups in the country is likely to continue and increase for the foreseeable future. Nevertheless, as many commentators, critics and authorities on the subject have pointed out, the overall delivery of land in terms of this programme, which currently stands at around 7%, is far short of the target of 25% of the land within 5 years and later 15 years as set out in the RDP. Of greater concern is that even where land reform has taken place there still remains insecure tenure by the new beneficiaries and occupiers of these properties who frequently conflict over access to land and other natural resources. Finally, whilst land restoration or land redistribution itself is a Constitutional Right and important in this context, the land reform programme has battled to create sustainable and commercially viable black farmers on many of the projects already approved.

8.10 Farm Dweller Housing and Access to Basic Services

During the Apartheid era farm owners received subsidies to develop on - farm housing for their work force. Having workers reside on the property was seen as cost effective and important for productivity as many farm activities were not limited to normal working hours. Additionally, emergencies such as fires, that require a response from a labour team, often occur at night. More recently, farmers have increasingly opted for off-farm settlement options for their workforce because of concerns with crime, as well as the implications of having farm workers residing on the farm in terms legislation such as ESTA. In areas where farms are located close to townships and settlements, farmers prefer to provide daily transport from these areas to the farms than to have workers residing on their property. (Visser M and Ferrar S: ILO Report: 2015: Pg. 67)

The quality of farm dweller housing varies from farm to farm. These include:

- Informal housing (Typically made of locally available materials such as thatching grass, wattle and mud);
- Block brick houses with zinc roofing;
- Farm compounds with shared kitchen and ablution facilities; and
- Formal stand-alone houses.

As yet, there is no appropriate rural housing policy by the Department of Human Settlement that adequately provides for on - farm housing. The primary constraint expressed both by the Department and local municipalities is that they are not able to develop infrastructure on private property. With the land owners unwilling to provide such permission there is very little that the State can do for farm dwellers in terms of provision of housing and other basic services. As a response to repeated complaints from civil society organisations and farm dwellers themselves about the lack of an appropriate housing programme for farm dwellers, the Department of Human Settlement (DHS) undertook a review of the applicability of the housing subsidy for farm workers. The DHS thereafter developed the Farm Worker Housing Assistance Programme (FWHAP). This programme required workers to have secure tenure on the farms on which they worked. In the absence of secured tenure, the implementation and roll out of the FWHAP was limited. (De Satge R, Blecher M: 2015: Pg. 25)

In 2009 the National Housing Code was promulgated. This code included

- Rural Interventions/ Farm Resident Subsidies;
- The provision of both on and off farm housing options;
- Restrictions on the creation of unsustainable stand-alone farm worker settlements;

- The promotion on farm subdivision and options which provide tenure security for farm workers;
- The proposal for the use of an institutional subsidy for creation of rental housing

(De Satge R, Blecher M: 2015: Pg. 25)

Whilst farm owners and government departments and local municipalities remain more in favour of various off-farm settlement options, the DHS also raises concerns about the ability of farm workers and occupiers to pay the cost of housing and associated municipal rates and service charges that will arise in most off-farm settlement options (Part 3: National Housing Code 2009: Pg.17)

In the absence of a comprehensive drive by the DHS to implement off-farm settlement options, the provision of basic services by local municipalities to farms will remain uneven. The lack of public transport to and from work for farm dwellers further discourages them from relocating to off-farm dwellings. Therefore, it is likely that the ongoing situation of self-help housing and limited access to basic services provided by the farm owner and or by local municipalities will continue. (Visser M and Ferrar S: ILO Report: 2015: Pg. 68)

As indicated above farmers are increasingly charging their farm workers and farm dwellers monthly fees for accommodation, the provision of water, electricity and transport. The only regulations that govern this cost-saving strategy is Sectoral Determination 13's stipulations regarding the quality of housing required for a farm owner to deduct up to 10% of the employee's salary for accommodation. (Visser M and Ferrar S: ILO Report: 2015: Pg. 68)

Without securing tenure, it is unlikely that the right to access decent housing and basic services by farm dwellers will be realised on a large scale throughout the country. "Developmental provisions within both ESTA and LTA, aimed at strengthening farm dwellers' land rights through securing ownership of land have hardly been used, another significant implementation failure". (Visser M and Ferrar S: ILO Report: 2015: Pg. 83)

The adoption of private standards set by large supermarket stores as well as compliance with conditions contained in GAAP, has provided incentives for large commercial farming operations to radically improve the housing and service conditions of farm workers (Visser M and Ferrar S: ILO Report: 2015: Pg. 70) Nevertheless it is fair to state that reliance purely on the goodwill or financial considerations of farm owners alone is not sufficient to ensure that farm dwellers in South Africa are able to access decent housing and adequate levels of service. What is needed is a coordinated approach by Government to address this need and right in a significant and comprehensive manner.

9. POLICY AND LEGISLATIVE FRAMEWORK

9.1 Policy

9.1.1 Introduction

It is important to note that policy development in the post-Apartheid era, although being pro-poor, has undergone a significant shift in the 1994-2015 period. Furthermore, certain policy changes, particularly under GEAR were aimed at economic reforms that withdrew all protective tariffs and subsidies to promote the agricultural sector. These, as will be seen in the subsequent chapter, had a significant impact on the state of the South African agricultural sector and subsequently the farm dweller community that depends on Agriculture for livelihood.

Prior to 1994, agricultural land was excluded from the operational ambit of municipalities. Furthermore, it was at the municipal level that services such as water, sewerage and electricity reticulation were primarily provided. In effect, this meant that such services were not provided to agricultural land and, consequently, farm dwellers and workers would not have had access to these services unless the farm/land owner provided such.

Similarly, access to primary education and healthcare was constrained by proximity to a school or rural clinic unless, unusually, provided by the farm/land owner.

Before examining the various policy initiatives, it is necessary to stress that in terms of the Constitution of

the Republic of South Africa, all persons, farm dwellers included, are citizens, and as such, are entitled to the same rights and protections as all other citizens and persons in the Republic (see below)

Post 1994 the policy and legislation changed markedly, first with the RDP policy framework and then with the Constitution. In terms of Section 151 of the Constitution “the whole of the territory of the Republic” must be included within the operation of the local sphere of government and established municipalities. This meant that the areas of operation and responsibilities for the provision of services of existing municipalities expanded exponentially: all the contiguous group areas and areas previously excluded from the operation of local authorities now fell under one municipality or another.

9.1.2 National and Provincial Sphere

Briefly, three major policy positions stand out in the post-apartheid era. The first of these policies is the Reconstruction and Development Programme (RDP), which pre-dates the Constitution of South Africa by two years. The RDP was the first significant policy framework developed by the African National Congress in the post-apartheid era and was the basis of the ANC's election manifesto for the first democratic elections.

9.2 The Reconstruction and Development Programme (RDP)

In 1994 the new government had inherited a country devastated by poverty, unemployment, inequality and discrimination. The RDP sought to redress these dire problems: it was a comprehensive, integrated, coherent socio-economic policy framework designed to eradicate the legacies of apartheid such as poverty, dispossession and deprivation. The RDP recognised that poverty was one of the most onerous burdens facing the country as it affected many millions and its eradication was critical to the success of the new nation.

This document was an all embracing new policy framework which informed all legislative and policy decisions at the dawn of democracy. The RDP also recognised that access to land and housing were critical in the drive to eradicate poverty. The RDP envisaged a far reaching land reform programme and identified the main elements of land reform as land distribution, land restitution and tenure reform. The target of the land redistribution was to transfer 30% of all-white owned agricultural land to black South Africans by 2001.

As part of the implementation of the RDP programmes a White Paper on land policy was published in 1997. This laid the ground work for the overall policy dealing with land reform and fleshed out the RDP's three principle components: **redistribution, restitution and land tenure reform**. The Government committed itself to the principle of “willing buyer willing seller”, providing the necessary capital to finance market related transactions. This has proved to be unsustainable in the long run given the competition for scarce resources.

Other important components of the White Paper are the requirements it sets out for the sustainability and viability of redistribution projects such as access to water and bulk infrastructure, proximity to labour and markets.

9.3 Growth, Employment and Redistribution (GEAR)

Due to the shift in government policy, the RDP was supplanted in 1998 by the Growth, Employment and Redistribution (GEAR) strategy which was a macro-economic policy with the purpose of stimulating a sluggish economy. While GEAR retained most of the social objectives of the RDP it was more focussed on macro-economics. Fiscal austerity and discipline were the hallmarks of GEAR with the purpose of creating jobs, extending service delivery and eradicating inequalities. It would tighten fiscal, financial and budgetary systems and processes and consolidate various streams of diverse revenue to the other tiers of government, for example the Consolidated Municipal Infrastructure Programme.

GEAR was itself replaced in 2005 by the Accelerated and Shared Growth Initiative for South Africa (ASGISA). Again, its aspiration was to build on the social foundations laid by the RDP but, once more, ASGISA tended to emphasize the macroeconomics of the country but its success was muted.

9.4 National Development Plan (NDP)

In 2010 the New Growth Path was announced with much the same homage paid to the basic principles and goals of the RDP and an acknowledgement of the continuing and deepening inequalities and iniquities still prevalent in South Africa.

In 2011 the National Development Plan (NDP) was unveiled as the blueprint for the long term socio-economic development of South Africa up to 2030. It builds on the basics of the RDP but is much more focused and detailed, setting specific targets such as the reduction in the number of people who live in households with a monthly income below R419 per person from 39 percent to zero and a reduction in inequality as measured by the Gini coefficient, from 0.69 to 0.6

Chapter 6 of the NDP, entitled “Inclusive rural economy”, sets out the key points it hopes will deal with upgrading the rural economy and improve the lives of rural communities. It identifies the following key points:

Greater economic social political opportunities for the rural community. To facilitate this, land reform and job/livelihood creation must be introduced.

Assured access to quality healthcare, education, basic services and food security.

Improved governance by 'tailor-made' planning for rural towns according to available opportunities in the given areas.

Although the NDP does not specifically deal with land redistribution, restitution and tenure reform, its intention is clear: Rural areas must be integrated and uplifted in order to eradicate poverty and discrimination.

The NDP is more targeted and detailed than any of its predecessors and sets out the mechanisms for the achievement of its goals. However, the achievement of the targets of the NDP as well as the targets in the redistribution and restitution of land will continue to be bedevilled by the chronic lack of human and financial capital, the devastating lack of capacity and the overwhelming burden of inequality.

9.5 Local Sphere

As mentioned above, in terms of Section 151 of the Constitution “the whole of the territory of the Republic” must be included within the operation of the local sphere of government and established municipalities. The initial challenge was the establishment of the so called “wall to wall” municipalities. The inclusion of rural areas previously excluded from the operational ambit of any municipality, as well as all the areas under the Black Administration Act, was an enormous exercise and immense challenge in respect of the human and capital resources required. The second challenge for municipalities after their establishment was the application of the principle of developmental local government.

The RDP first predicated the inclusive and developmental principle of local government and then the Constitution, in Section 156, mandated developmental local government and set out the parameters in the subsequent sections. The Local Government White Paper process in 1998 further entrenched the Constitutional imperative of developmental local government. It also ushered in a suite of local government legislation which consolidated the diverse provincial and local legislation into a unitary legislative and functional administration.

Sources are agreed that there is no question that local government plays a critical role in the developmental impetus of the government which was first articulated in the White Paper and repeated in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as follows:

- “A vision of democratic and developmental local government in which Municipalities fulfil their constitutional obligation”.
- Effective and efficient municipal services, promote social and economic development, encourage a safe and healthy environment by working with communities in creating environments and human settlements in which all our people can lead uplifted and dignified lives.” This is because most peoples' first interaction is usually with local government as local government is closest to the people and from

where their basic services come.

It is equally agreed, however, that, initially, national and provincial policies created unrealistic expectations regarding the ability of local government to provide universal access to the promised basic services. Municipalities at the time were (and, indeed, still are) struggling with the welter of policy, legislation and intergovernmental frameworks concomitant with the establishment of local government.

Generally speaking, the metros and the larger urban municipalities coped reasonably well after establishment, but the new and often rural municipalities suffered not only from lack of resources but also from a critical lack of capacity. Over the intervening years several local government initiatives and interventions were designed and implemented with varying degrees of success. Among these were:

9.5.1 Municipal Infrastructure Grant (MIG)

The MIG is aimed at the eradication of the municipal infrastructure backlog, inherited from the previous apartheid policies and, concomitantly, most obvious in the poor rural areas, included for the first time in municipalities. The purpose is to enable and ensure the provision of the basic services such as water, electricity, health and transport. The Department of Co-operative Governance and Traditional Affairs (COGTA) is responsible for the implementation and management of the MIG.

9.5.2 Project Consolidate

The purpose of Project Consolidate was to bolster municipalities that were floundering due to lack of capacity and resources. Most of these municipalities were smaller rural municipalities which simply served to highlight the lack of capacity at that level.

Local Government Turnaround Strategy (LGTAS)

The LGTAS was introduced as a government programme of action and a blueprint for better service delivery aimed at responsive, accountable, effective and efficient local government. Five focus areas aimed at fast tracking implementation of the strategy have been identified. These are: service delivery, governance, financial management, infrastructure development and fighting corruption.

9.6 Legislation

9.6.1 Introduction

Flowing from the Constitution, which requires national legislation to be passed in order for the constitutional imperatives to be “operationalised”, and the various policies enunciated over the years, which must be translated into mechanisms for the achievement of the goals and targets, legislation in South Africa over the twenty years of democracy has been repealed, enacted, and/or amended to bring it into line with the constitutional imperatives and policy. The apartheid legislation has been almost completely repealed or overhauled and replaced with legislation which better reflects the democracy, the Constitution and the policies of modern South Africa.

It is not within the remit of this report to enumerate all the legislation repealed, enacted and/or amended, notwithstanding that, as citizens of South Africa, farm dwellers and tenants are as fully entitled to the benefits of all such legislation as any other citizen. The sad fact of the matter is that the implementation of such benefits is obviously and increasingly unequal in the rural areas where farm dwellers and tenants predominantly live. The historic inequality, its purpose and effects, has been dealt with above. However, the inequality continues and in some areas has increased in the 20 years of democracy. As mentioned above, the chronic lack of human and financial capital, the devastating lack of capacity and the overwhelming burden of inequality compromises the implementation of the policies, goals and targets.

In order to better understand the current operational ambit within which the policy and legislation relates to farm dwellers, it is necessary to illustrate the type of governmental administration set out by the Constitution of the Republic of South Africa.

Section 156 of the Constitution determines the type of governmental administration we have and sets up

the three spheres of government. The various legislative and functional areas are set out in Schedules 4 and 5 of the Constitution, the three spheres are:

National which makes the law of the land applicable to the whole country and administers the whole of the country including national legislation applicable to other spheres;

Provincial which makes laws and administers the province to which it relates and those functions which are assigned to it in terms of Schedule 4 of the Constitution or delegated to it by the National sphere in terms of national legislation;

Local which makes the by-laws and administers the local area to which it relates and those functions assigned to it either by Schedules 4 and 5 of the Constitution or delegated to it by the National and/or Provincial spheres in terms of section 156 of the Constitution. Municipalities are further defined in categories in terms of Section 155 of the Constitution. These categories are:

Category A municipality which has exclusive municipal executive and legislative authority in its area (currently designated a **metropolitan municipality**). For the most part category A municipalities are amalgamations of different areas which now operate as a single unit e.g. Tshwane and EThekweni.

Category B municipalities share municipal executive and legislative authority in its area with a Category C municipality within whose area it falls (Currently designated as a local municipality). Category B municipalities are, usually, the larger towns and cities which are not big enough to warrant metro status and operate on their own but are included within the Category C district municipality in the designated area.

Category C A municipality which has municipal executive and legislative authority in a designated area that includes more than one local municipality (currently designated as a district municipality).

In the local sphere municipalities are charged with developmental duties and are further required to structure and manage their administration, budgeting and planning so as to give effect to the developmental goals of government. This is the import and purpose of the Integrated Development Plan (IDP) which every municipality is required to align with its budget on a yearly basis. The other very important aspect of the IDP is the requirement of public participation around the IDP. This exercise is often outsourced to consultants and is thus seen merely as a matter of 'compliance' engagement.

If one looks at the "functional areas of concurrent legislative competence" and "functional areas of exclusive legislative competence", to give Schedules 4 and 5 of the Constitution their proper titles, it can be seen that each schedule has part A and Part B. Part B (read with Section 155 (6)(a) and (7) of the Constitution) deals with local government. However, national and provincial government can assign and/or delegate other matters by means of national legislation.

For example, a look at but a few of the 'Legislative competences' set out in Schedules 4 and 5, reveals a 'cross pollination', so-to-speak, that can clearly be seen in the following table

Table 9.1: National, Provincial and Local Competencies

National	Provincial	Local
Disaster management	Disaster management	Firefighting management
Environment	Environment	Promote safe and healthy environment (Section 152(1)(d) of the Constitution)
Health services	Health services	Municipal health services
Housing	Housing	Building regulations
Education incl. Tertiary	Education excl. tertiary	-

As can be seen from the table, housing, health services, urban and rural development are designated as "functional areas of concurrent legislative competence" between the national and provincial spheres and listed in Part A of Schedule 4. However, more often than not, these functional areas especially housing and health, are delegated to the municipal sphere as the most appropriate 'service provider' to carry out the mandate. While this is eminently obvious, the converse is that it results in under-funded and unfunded mandates and unnecessary duplication. This complicates the issue and raises questions of competence and capacity, creates enormous backlogs and hampers service delivery especially in the previously disadvantaged and excluded areas (from within municipal boundaries) in previous legislative regimes.

This, then, is the legislative, functional, administrative and operational ambit within which the socio-economic impact on farm dwellers must be viewed.

9.7 Legislation Affecting Farm Dwellers

As indicated in Section 9.6.1 above it is not the intention of this report to review all legislation that could theoretically impact on the lives of farm dwellers in South Africa. Rather, this section will consider those laws that are generally considered to be most relevant and impact most directly on the socio-economic conditions of farm dwellers. First and foremost, the Constitution sets out the basic requirements for the government of the Republic of South Africa (Section 40) and then requires national and/or provincial legislation to give effect to the constitutional imperatives.

9.7.1 The South African Constitution

With the adoption of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), (the Constitution), the landscape changed entirely and reform gathered momentum. Of particular importance are the sentiments so eloquently expressed in the Preamble of the Constitution and especially the belief “that South Africa belongs to all who live in it” and the intention to “Improve the quality of life of all citizens ...”

It is necessary, therefore, to examine the Constitutional imperatives and identify the relevant sections and rights specific to farm workers and dwellers, bearing in mind that such persons are citizens entitled to the same rights and protections as all other citizens and persons in the Republic

The Bill of Rights

The basic inalienable rights of all citizens are contained in the Bill of Rights in Chapter 2 of the Constitution. For the purposes of farm dwellers, the following are of significance:

- Labour relations (Section 23)
- Property including security of tenure and restitution (Section 25 especially subsections (5) to (9) incl.)
- Housing (Section 26)
- Access to Health care, food, water and social security (Section 27)
- Education (Section 29)

With the exception of a few rights, known as the non-derogable rights, the Constitution requires the State to enact legislation to enable the achievement of these rights “**within its available resources**” This rider is of great significance in terms of how the State prioritises and funds the achievement of these rights. Also, illiteracy plays a significant part in the ability to exercise one’s rights as does the lack of organised labour in the agricultural sector.

Constitutional Provisions for Agricultural Land

As indicated above, agricultural land had previously been excluded from the operation of municipalities and the services thereby provided but in terms of Section 151 of the Constitution “the whole of the territory of the Republic” must be included within the operation of the local sphere of government and established municipalities. This brings into play another dimension having an impact on the legislative dispensation with respect to agriculture generally and farm dwellers in particular. Also Part B of Schedules 4 and 5 (read with Section 155 (6)(a) and (7)) of the Constitution details the concurrent and exclusive functions regarding local matters including child care facilities; electricity and gas reticulation; municipal planning *inter alia*.

9.7.2 Labour Legislation

Labour Relations Act 1996 (Act No 66 of 1995) (LRA)

The purpose of the LRA is to give effect to Section 23 of the Constitution which entrenches the right to fair labour practices, collective bargaining, trade unionism, the right to strike in certain circumstances, but primarily to provide a framework for orderly labour relations and redress the imbalance in the relationship between an employer and employees. As indicated above, agricultural workers and farm dwellers were excluded for the operation of labour legislation. Even with the liberalisation of the agricultural sector in

the 70s and 80s, it was still being regarded as a unique sector deserving of special treatment. With the passing of Labour Relations Act (LRA) in 1995 farmworkers became eligible for the same rights as other employees and, more importantly, as any other citizen.

Notwithstanding that agriculture was included in the generality of labour legislation; the LRA's primary intent was to create mechanisms for the orderly and collective management of employer/employee relationships, collective sectoral decision-making and resolution of disputes. Empirical evidence suggests that only a very small percentage of farm workers were/are organised, consequently the benefits of the legislation were, to a large extent, ineffective with regard to collective decision making and wage negotiations but this has been overtaken by the sectoral determinations.

Basic Conditions of Employment Act, 1997 (Act 75 of 1997) (BCEA)

Despite the BCEA, in 1983 and 1993, the full benefits of basic conditions were not available to workers in the agricultural sector until the enactment of the 1997 BCEA. The purpose of the BCEA was to set the minimum conditions for workers. This Included maximum working hours, overtime, holidays etc., and administrative arrangements as proof of work and contracts and termination. Although the basic conditions applied to all employees and constituted the minimum standards of all contracts there are permissible exceptions and variations in terms of sectoral and ministerial determinations.

Unemployment Insurance Act, 2001 (Act 63 of 2001) (UIA)

The purpose of the UIA and its concomitant companion Acts is to protect workers who become unemployed for whatever reasons by enabling them to collect the unemployment insurance for a short period so as to tide them over until they get employment again. It also deals with maternity leave where this is not available to a worker in terms of her work contract. However, in order to qualify for unemployment insurance, the employer has to register the employees, deduct a percentage from the employees' wages and contribute an equal percentage to the UIF. In 2003 the provisions of the UIA were extended to include seasonal workers, however, this had its own problems in so far as seasonal workers, by the very nature of the employment, were often unable to accumulate sufficient contributions to carry through the whole off season.

Sectoral Determinations 8/03 – 13/10

The single most important legislative act affecting the farmworkers was the first sectoral determination (No 8 in 2003) setting a minimum wage for farmworkers. Under the Basic Conditions of Employment Act, the Minister of Labour is empowered to set the minimum wage of farmworkers. There have been periodic updates of the determination and the next determination is due to be undertaken in 2016. However, the determination does much more than just set the minimum wage periodically. In many ways it mimics the BCEA but deals specifically with farm workers. It deals with the conditions of work, leave, remuneration, written contracts, accommodation, livestock and crop rights. As with the BCEA, although the employer is obliged to display the terms of the determination in the workplace, often farm workers do not fully comprehend the implications of the determination to which they are entitled, due to poor education and illiteracy.

Skills Development Act, 1998 (Act No 97 of 1998)

The purpose of the Skills Development Act (SDA) is to provide the institutional framework to develop and improve the skills of the labour force, in particular, those previously disadvantaged by unfair discrimination and to set up the structures by which to achieve these purposes, *inter alia*, National Skills Authority (NSA); Sector Education and Training Authorities (SETAs) and the National Skills Fund (NSF).

While laudable in its intent, several limitations are apparent: The available occupations in agriculture are mostly of the less skilled variety for which education and training would appear to be counter-productive, leading to possible unemployment. Furthermore, the prevalence of illiteracy and the serious lack of organised labour in the agricultural sector significantly impacts on the proper representations required by the legislation.

Skills Development Levies Act, 1999 (Act No 9 of 1999)

Skills Development Levies Act (SDLA) makes provision for the funding of skills development, workplace

training and education. It sets out and prescribes what contributions must be made by employers and employees to the fund, the administrative framework of the fund and the disbursement of funds. This is a procedural Act designed to facilitate the funding of skills development and must be read with the relevant Tax legislation.

The above-mentioned legislation sets out the labour parameters within which employers and employees must operate. However, not all farm dwellers are employees or farmworkers but know no other place as home. Consequently, as part of the land reform undertaking of restitution and redistribution, the third significant pillar consists of security of tenure. Allied to this, the extension of the provisions of housing, health and education legislation to farm workers and dwellers is designed to enhance the quality of life of those on farms.

9.7.3 Tenure Legislation

Extension of Security of Tenure Act, Act 62 of 1997, (ESTA)

It is important to note that ESTA does not apply only to farm workers alone but to all persons occupying land belonging to others. However, it is in the agricultural sector that the effects of ESTA are most keenly felt. ESTA and LTA, more than any other legislation, further the rights of farm workers and dependants to security of tenure (on certain terms and conditions) and goes some way to addressing inequalities in respect of informal rights in land owned by others. ESTA places obligations on both parties as well as entrenching the rights of occupiers. Occupiers, whether farm workers or not must abide by the conditions of the tenancy. The violation of such conditions may lead to an eviction. ESTA stipulates the circumstances under which evictions may take place and the criteria and processes for such eviction. ESTA firmly establishes the right of occupiers (farmworkers and dependants) to live on and use the land including the rights of access to housing, water, electricity, educational and health services for themselves and their dependants. It also makes provision for occupiers to acquire long term rights to land and funding for such acquisitions in terms of Section 4.

The Extension of Security of Tenure Amendment Bill, 2015

Although only a bill, the Extension of Security of Tenure Amendment Bill is set to be enacted soon and will replace a significant number of provisions in ESTA. Chiefly the Bill proposes that in cases of eviction arbitration between the parties would be required prior to a court order being sought to grant evictions. Secondly, through a system of Tenure Grants the DRDLR will be able to provide funds to secure tenure either on or off farm for occupiers who are recognized and protected by the new Act.

The Land Reform (Labour Tenants) Act (LRLTA) Act 3 of 1996

The Labour Tenants Act was passed to cover a very specific category of farm dwellers- namely labour tenants who historically provided labour to white farmers in exchange for the right to access land for residential and agricultural purposes. The LRLTA not only afforded a higher level of protection to those farm dwellers classified as labour tenants but furthermore placed a responsibility upon the State to provide labour tenants with secure tenure whether on or off the property they currently reside on. The purpose of the LRLTA is, firstly, to secure the historic rights of labour tenants to cropping and grazing on the farmland on which they live (or other farmland owned by the same person) in return for their labour and, secondly, to further the redistribution of land by means of a system of grants to enable labour tenants to acquire land they occupy or use. The LRLTA limits the ability of farm owners to arbitrarily evict labour tenants (and their dependants); sets out the conditions, qualifications and procedures for the acquisitions of land and makes provision for the procedural and administrative act to fulfil the intent of the Act.

Restitution of Land Rights Amendment Act, 2014

The primary purpose of this amendment Act is to extend the cut-off date by which land claims had to be lodged. Previously, land claims had to be lodged before **31 December 1998**. The amendment extends the date for the lodging of land claims to **30 June 2019**. The Act also deals with the concomitant administrative matters necessitated by the extension of time.

Provision of Land and Assistance Act, Act 126 of 1994, as amended.

This Act was used as the basis for the DRDLR to implement its redistribution programme. Initially, a grant known as a Settlement and Land Acquisition Grant (SLAG), was provided amounting to R15 000.00 and later R16 000.00 per household. The redistribution programme was changed in 2000 and the SLAG grant system was replaced by the Land Reform for Agricultural Development (LRAD) grant which saw the establishment of a sliding scale of support by the DRDLR. An individual applicant who had no financial capital or assets themselves would be entitled to R25 000.00 grant whilst an applicant who had assets worth R400 000.00 would qualify for a grant of R100 000.00 from the DRDLR. In 2010 this system was replaced by the Pro Active Land Acquisition Strategy (PLAS) whereby the DRDLR would acquire land on the open market and instead of transferring the land to applicants would lease the land at a nominal rate to applicants in need of agricultural lands. Of significance for this study is that the current redistribution policy, although often cited by DRDLR as their approach to assisting farm dwellers, does not, in terms of the PLAS approach, provide tenure security since the land remains in State ownership. As will be seen below, conflicts between farm dwellers with occupational rights defined in ESTA or the LTA and these new tenants have also been observed by the Commission in terms of its farm visits and public hearings.

Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 1998

The purpose of this act is twofold: first to give expression to the constitutional imperative that no person may be evicted from their home or have it demolished without a court order which is granted only after all circumstances have been considered. The second purpose is to repeal the Prevention of Illegal Squatting Act, 1951 and to regulate the eviction of unlawful occupiers from land. It sets out the procedures to be followed and the rights of the various parties to be taken into account when such evictions occur including the rights of the elderly, children, disabled persons and particularly households headed by women.

9.7.4 Other Legislation affecting socio-economic conditions of farm dwellers (Housing, education, healthcare, electricity, water, food and social security)

The following section highlights the key additional pieces of legislation pertaining to the socio-economic conditions of farm dwellers.

The Housing Act, 1997 (Act No 107 of 1997)

The purpose of the Act is to facilitate the sustainable development of housing across the board and to delineate the roles and functions of the three spheres of government with regard to the provision of housing. It makes provision for the establishment of a regulatory framework for the comprehensive delivery of housing.

The South African Schools Act, 1996 (Act 84 of 1996)

The SASA had the daunting task of overturning the multiplicity of apartheid education legislation and systems. Its purpose is to establish a single regime for setting standards and funding and for the administration of the basic education function. Of particular importance is Section 14 which makes provision for the existence of a public school on private property which includes the so-called farm schools. Such schools may only be provided on private property with the explicit agreement of the Provincial MEC. The intent is to ensure that the standards for basic education are maintained.

Occupational Health and Safety Act, Act 193 (Act 85 of 1993) (OHSA)

The primary purpose of OHSA is to ensure the provision and maintenance of a safe and healthy workplace and environment. The obligation to do so is firmly placed on the employer but employees must also play their part by abiding with the safety provisions. Non employees who are affected by the work carried out by the employees are included in the provisions of the Act.

Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)

The COIDA provides for compensation of employees who are injured on duty or who contract occupational diseases or become ill as a result of a work accident. This is particularly apposite in the agricultural sector given the use of harmful pesticides and heavy machinery. The dependants of employees who die as a result of a work related accident, disease or illness is also entitled to compensation in terms of COIDA.

Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) (SPLUMA)

SPLUMA came into effect on 1/7/15. This is a wide ranging and multi-layered Act which attempts to bring the disparate parts of spatial planning and land use management into a consolidated, cohesive comprehensive whole. SPLUMA takes great care to enumerate the reasons for such consolidation, (food security, sustainable development and land use management, widely differing planning regimes in various parts of a previously fractured country). SPLUMA's importance in the present context is due to the strong cognisance of the Constitutional imperative of co-operative governance and property rights *inter a l i a* . Of particular importance is the stipulation that rural development and housing are functional areas of concurrent national and provincial competence; provincial planning in an exclusive provincial competency and municipal planning is primarily the executive function of local government.

9.8 Municipal Legislation

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

This act was the first in a suite of legislation specifically dealing with local government. It provides for the establishment of municipalities in terms of section 151 of the Constitution and defines the various types and categories of municipality. It sets out the different powers and functions as between the categories of municipalities. It regulates the internal systems, structures and office-bearers of municipalities.

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

The Municipal Systems Act is the second part of the legislative suite of local government. It sets out the core principles, mechanisms and processes necessary for the proper functioning of municipalities. It defines the legal nature of municipalities and the methodology for the use of its powers and functions. Of particular importance here are the requirements of public participation and integrated development planning (IDP). These requirements are critical for the provision of services especially given the scarce resources available.

While the IDP should be the leading instrument contributing to the achievement of the socio-economic rights promised in the Constitution it has become a process driven implement, time bound, highly regulated and unresponsive to the community needs and input. This detracts from the ultimate goal of achieving social justice and socio-economic rights for all. Notwithstanding this, the potential of the IDP process cannot be underestimated and the consensus of commentators is that with a little adjustment to the policy and legal framework of the IDP and its full integration into the systems of local government and responsiveness to the community, its potential is unlimited.

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)

This is the municipal equivalent of the Public Finance Management Act and provides for the overall management of financial affairs of the municipality. It defines the processes for budgeting, spending and financial accountability. It further entrenches the principles of public participation and the IDP process.

Other local government legislation

Other acts which are in the local government suite of legislation include the Municipal Demarcation Act 1998 (Act 27 of 1998); Municipal Property Rates Act, 2000 (Act 27 of 2000).

By-laws

Municipalities are empowered by section 156(2) of the SA Constitution "to make and administer by laws for the effective administration of matters which it has the right to administer".

9.9 Conclusion

Throughout South African history the land question has been a dominant theme that has shaped both government policy and legislation towards the farm dwellers in the country. From the first colonisation to the establishment of the democratic dispensation in 1994, successive white-led governments have used policies and legislation to effectively remove black people from high potential agricultural land thereby

severely restricting their ability to establish themselves in the agricultural sector.

As a result, South Africa in the post–Apartheid era has been characterized by a high level of inequality not only in terms of land ownership and occupational rights to land but, also, in a wide range of socio-economic rights that were not previously available to the majority of citizens of South Africa.

Following the dawn of democracy, successive governments have attempted, through a range of policy and legislative developments, to undo the racially skewed demographic and income levels of the farm dwellers in Mpumalanga Province and South Africa as a whole. As can be seen from the foregoing, first the RDP and then the Constitution entrenched the principle of developmental government and socio-economic rights in all aspects of policy and legislation with the express intention of overcoming the inequalities of the past.

Notwithstanding the almost herculean efforts to overcome the legacy of colonialism and apartheid spatial planning and the high degree of success achieved thus far, the rural areas suffer under the yoke of historical discriminatory spatial practices. For example, for the most part the demographic landscape of Mpumalanga today remains polarized with a predominately affluent white commercial ownership of agricultural land able to afford higher levels of services despite the lack of infrastructure. On the other end is the bulk of a largely black population of occupiers who provide labour but whose basic needs and socio-economic rights remain at the lower end of the scale.

As indicated above, several factors combined to slow the march to overcome the colonial and apartheid legacy not least of which was the unrealistically high expectations regarding the ability of local government to provide universal access to the promised basic services. Municipalities at the time were (and, indeed, still are) struggling with the welter of policy, legislation and intergovernmental frameworks concomitant with the establishment of local government. The lack of capacity and the severe restriction on the availability of financial resources, too, have played a major part in the slow progress in addressing the increasing backlog.

The light on the horizon lies in two instruments which are readily available if somewhat process bound. The IDP, if used imaginatively and released from its box ticking, process driven and unresponsive boundaries, can be the tool it was designed to be and become the driving force for eliminating the backlog and implementing the long awaited socio-economic and basic rights in rural areas. The other instrument is the as yet untested SPLUMA. Again, the imaginative and cohesive use of this wide ranging implement, together with the IDP, might be the right combination to overcome the backlog of service delivery in the rural areas. Needless to say, the necessary political will and provision of funding are a pre-requisite to addressing the socio-economic conditions of farm dwellers. A dedicated purpose driven targeted delivery vehicle to achieve these developments would be most desirable.

10. STAKEHOLDER INPUTS AND ANALYSIS

The Commission interacted with over 24 key stakeholders who made either written or verbal presentations to the Commission with regard to the work they are doing with the farm dweller community. Furthermore, certain key stakeholders were also interviewed by the Commission as part of its research into the socio-economic conditions of farm dwellers in Mpumalanga Province. The Table below summarizes the stakeholders who either made presentations to or were interviewed by the Commission in the past nine months. The following chapter provides an analysis of these stakeholders in terms of the five thematic areas developed by the Commission.



Comissioners taking inputs from farm dwellers at public hearings- Piet Retief town- Mkhondo Local Municipality 09 February 2016

10.1 The Department for Rural Development and Land Reform (DRDLR)

In an interview of the Director General of the DRDLR, Mr Shabane, the Commission heard that the DRDLR is waiting for the ESTA Amendment Bill to be enacted. This Bill once made an Act will provide mechanisms for the DRDLR to provide grants and more programmatic support to farm occupiers. (OTP: 2016: Pg. 1) According to the Director General the ESTA Amendment Bill would

- Provide for a social compact and the establishment of the Land Rights Management Board.
- Establish Land Administration Committees at District level that will have a pre-emptive approach to evictions.

To address eviction challenges in the interim the DRLDR has established the Create a Land Rights Management Facility, which is a mediation structure and an eviction hotline where people can phone in and request assistance from the Department. The Director General also shared the following with the Commission of Inquiry:

- The supervision of legal representatives: The Director General indicated that a new service provider will be appointed to supervise the work of lawyers appointed by the Department
- The extension date for Land claim for Labour Tenants: The Director General emphasised that the only basis for land claim is whether farm dwellers have been evicted from the land, due to discriminatory actions of the past. Claims cannot be lodged on the basis of being a long term occupier.
- Missing Claims and Documents: The Director General requested that claimants should approach the Department to verify these allegations.
- Statistics on evictions and court cases in Mpumalanga: The Department agreed to supply the Commission with such statistics.
- A coordination structure for effective integrated planning for service delivery on the farms: The Department supported the idea of such a structure but emphasised that the Terms of Reference

must be clear so as to avoid duplication with the other structures proposed in the Amendments to the Extension of Tenure Act.

10.1.2 Other Stakeholders involved in Security of Tenure in Mpumalanga Province

The Mpumalanga Access to Justice Cluster (MAJC): The MAJC is a civil society body established by the University of the North West in partnership with the Legal Aid Board. The MAJC has an office in Nelspruit with two attorneys that provide legal support for indigent clients involved in civil court cases. One of the MAJC Candidate Attorneys, Mr. Senzo Zongwane deals specifically with cases of dispute between farm owners and occupiers as well as legal support when farm occupiers are threatened with an eviction order. The MAJC is also linked to various Community Advice Centres throughout the province and supports these centres to provide para-legal assistance to farm occupiers. According to Mr. Zongwane, they typically get contacted by farm occupiers in instances where a farm owner has dismissed staff and now wishes to evict the entire occupier's family, where farm owners do not want children of an occupier to reside on the farm, unlawful demolition of farm occupiers housing. Mr. Zongwane indicated that on various occasions where a farm owner had acted illegally in terms of ESTA, the South African Police Services were reluctant and, or unwilling to open criminal cases against the farm owner. The MAJC has also been involved in a number of constructive eviction cases, where farm owners cut off water supplies or electricity to farm occupiers. According to Mr Zongwane the MAJC does conduct outreach programmes in partnership with Advice Centres as well as with the Department of Social Services. Mr. Zongwane indicated that the poor levels of education amongst farm occupiers was a key reason why they were so vulnerable to abuse and exploitation and had very limited opportunities to secure work anywhere other than on farms. MAJC does not have any formal relationship, information sharing or linkages with the DRDLR or the LRMF.

10.2 Labour and Economic Opportunities

10.2.1 Department of Labour (DOL):

The Department, which has both a National and Provincially based office, is charged with overseeing the implementation of all labour legislation, particularly the Labour Relations Act (LRA), Basic Conditions of Employment Act (BCEA), Employment Equity Act (EEA) and the Occupational Health and Safety Act (OHSA). The Department has both a reactive function to respond to complaints lodged by employers and employees about labour practices at the work place; and secondly, a proactive function in terms of conducting inspections at work places to ensure compliance as well as conducting advocacy sessions in which the DOL educates the public on labour legislation.

Officials from the DOL attended a meeting of the Commission on the 15th of March 2016. The officials provided overall statistics regarding compliance with labour legislation by employers in Mpumalanga Province. However, the officials could not produce statistics on compliance specific to the Agricultural Sector. The DOL did not have these figures available but undertook to supply them to the Commission. DOL officials did confirm however that during inspections of farms they did uncover challenges in terms of refusal of access onto farms, a lack of cooperation by some farmers and incidents of injury on duty. The DOL would also investigate the quality of worker housing on farms to ensure that it complies with the requirements stipulated in the Sectoral Determination. The Sectoral Determination allows for the deduction of an amount not exceeding 10% of wages in instances where a farm owner provides housing for employees. However, there are set standards for such housing to enable the employer to qualify. DOL officials also indicated that they did observe the employment of undocumented foreign nationals working on some farms in Mpumalanga. These cases should be referred to the SAPS and the Department of Home Affairs.

The DOL also indicated that since the promulgation of the Sectoral Determination of Wages for the Agricultural Sector in 2013 that saw a steep rise in minimum wages in the Sector there was an increase in the conversion of permanent employment into seasonal and contract labour. This was done in an effort to minimize the increased costs of employing permanent farm workers. Farmers were entitled to apply for

exemption from the determination by entering into agreements with the DOL and their farm workers in an effort to reduce retrenchments on their farms. (DOL: Presentation to the Commission: March 2016)

10.2.2 The Commission for Conciliation, Mediation and Arbitration (CCMA):

The CCMA made a verbal presentation to the Commission on the 1st of December 2016 in which they described the types of disputes they had encountered between farmers and farm workers in the Province. The representatives of the CCMA gave background information about its reason for existence, the law that gave rise to its existence and the structural organisation of the CCMA- The following were presented as the core business of the CCMA and the key issues it raised related to farm dwellers:

- The main functions are to resolve labour dispute, manage and prevent potential disputes from happening. It also contributes to the statistics on employment for each sector of the economy.
- Road shows, imbizos and other forums are organised in an effort to increase awareness about the function of the CCMA.
- In the Agricultural sector, the break down in employer-employee relationship makes it difficult to implement awards for reinstatement.
- In the majority of cases, employees do not have employment contracts.
- Most employers attempt to avoid the provisions in the Extension of Security of Tenure Act because of the long procedure involved when evicting former employees.
- The CCMA provides assistance even to employees that are undocumented. Some employers exploit the illegal status of workers to dismiss them without due process.
- The major challenge especially for farm workers is the lack of understanding about their rights as stipulated in the Act.
- Employers take advantage of the vulnerability of farm workers by unnecessarily dragging a matter to frustrate the farm worker.
- The major challenge for farm workers staying on a farm with his or her family is that as soon as he/she loses her/his job he/she has also to vacate the farm. This makes them highly depended on the employer resulting in unnecessary exploitation.
- In most cases there are no written contracts for the farm employees
- Health and safety measures are not given special attention by most farmers
- Hours of work are not in line with the legal requirement;
- The level of unionisation is very low in the farms
- The CCMA is in the process of reviving the Labour Management Forum (LMF) in the province and will arrange a meeting with the Office of the Premier to follow this up.
- A LMF summit held in March 2016

10.2.3 The Food and Allied Workers Union (FAWU):

FAWU, a founding member of the Congress of South African Trade Unions (COSATU), represents the interests of unionized farm workers in Mpumalanga Province. FAWU representatives made a presentation to the Commission of Inquiry on the 16th of September 2015. The written presentation of FAWU cited a number of areas of concern that the union had observed in terms of the conditions of employment and general socio-economic conditions on farms. These include the following:

- Confiscation of ID documents by farmers to prevent farm workers from exercising their right to vote.
- Farmers employing illegal and undocumented migrants as a cheap source of labour

- Cases of physical and verbal abuse perpetrated by farmers against farm workers, including murder.
- Poor support from the SAPS, prosecutors and judges to convict farm owners guilty of these offences.
- Low unionization and collective bargaining by farm workers due to a denial of access by farmers to union representatives
- Gender inequality in terms of wages and sexual abuse at the workplace.
- Poor observance of occupational health and safety particularly in terms of the lack of protective clothing when handling chemicals.
- Labour Brokering with low adherence to the labour legislation.

FAWU was also very critical of the general living conditions of farm workers living on farms, the absence of formal housing supplied by the Department of Human Settlement on farms and the refusal to supply basic services on farms by Local Municipalities. FAWU claims that the farmers' rights to private property are the main reason why housing and basic services cannot be provided to farm workers living on farms. A lack of education and training were a key challenge in the farm dweller community and the absence of public transport further isolated this community and prevented them from accessing services. Environmental health on farms were poor particularly in terms of a system of refuse removal. FAWU did acknowledge the importance of social grants such as child support grants to alleviate poverty amongst farm worker families (FAWU: 2015: Pg. 3-4)

10.3 Economic Opportunities

Due to the geographic location of farm dwellers at a distance from urban centres of commercial and employment opportunities, this community is heavily reliant on agriculture as the main economic sector to generate an income and sustain a household. A number of key stakeholders working in the Agricultural Sector made representations to the Commission of Inquiry. These stakeholders' inputs are summarized below:

10.3.1 Department of Agriculture, Rural Development, Land and Environmental Affairs (DARDLEA)

Whilst agriculture is both a national and provincial competence within Mpumalanga Province DARDLEA is responsible for the implementation of a range of services that cater for the farm dwellers in the Province. **Regrettably DARDLEA failed to attend meetings with the Commission of Inquiry despite numerous attempts to secure their participation and inputs.**

10.3.2 Agri-South Africa (Agri-SA)

Agri-SA is the largest organisation in South Africa representing the interests of commercial farmers and farmer unions. Agri-SA has over 1000 affiliated farmers associations and is registered as a Company Not for Profit. (Agri-SA Website). Agri-SA attended a meeting of the Commission of Inquiry on the 2nd of October 2015 and provided the Commission with a presentation on its approach to the socio-economic conditions of farm dwellers. Agri-SA highlighted the following points in their presentation:

- Agricultural Employment: The steep increase in minimum wages in 2013 had a significant impact on the level of employment in the Agricultural Sector and the impact of this "structural adjustment" may only be fully understood several years in the future. Since 2013 however according to Agri-SA 60 000 jobs have been lost in the Agricultural Sector in South Africa (Agri-SA: 2015: Pg. 8)
- Security of Tenure: Agri-SA recognizes the importance of this Constitutional Right and the hardship that evictions can impose on a farm occupier. Agri-SA has encouraged its members to abide by the relevant laws- ESTA and LTA but would like to promote mediation and negotiations as alternative models of dispute resolution between farm owners and farm occupiers. (Agri-SA: 2015: Pg. 14-23)
- Evictions: There is no authoritative source of information on the extent of evictions in SA. Based on an ILO study Agri-SA indicates that 70% of all evictions are a result of loss of employment. (Agri-SA: 2015: Pg. 17)
- ESTA Amendment Bill: Agri-SA supports the proposals in the ESTA Amendment Bill to provide for the proposed Land Rights Management Board and Land Rights Management Committees who will

provide a negotiation service that would attempt to resolve disputes before legal action was instituted. (Agri-SA: 2015: Pg. 24-25)

- Agri-SA has made substantial comments and recommendations on the ESTA Amendment Bill and other land reform legislation

10.3.3 Mpumalanga Agriculture (Agri-MP)

Agri-MP is an affiliate of Agri-SA and made a separate representation to the Commission of Inquiry at a meeting held on the 2nd of February 2016. Agri-MP represents 35 agricultural unions and 550 farmers in Mpumalanga Province (Agri-MP: 2016: Pg. 2). Agri-MP focused on the following issues in their presentation:

- **Security of Tenure:** Agri-MP in general supports the provisions of the ESTA Amendment Bill particularly in terms of the use of mediation in the first instance to resolve disputes. Agri-MP however would like the Bill to be more specific in terms of what responsibilities it imposes on farm owners, definitions e.g. “family” and the use of arbitration in the draft bill as this is binding. (Agri-MP: 2016: Pg. 2-5)
- **Employment:** According to Agri-MP the agricultural sector in SA has lost 500 000 jobs in the period 2003 to 2015. Legislation dramatically increasing minimum wages, the loss of bargaining power in the agricultural value chain and the sharp rise of production inputs have all contributed to this trend (Agri-MP: 2016: Pg. 6)
- **Safety and Security:** This remains a major concern to Agri-MP due to the isolated location of farms and poor security services available in rural areas. Agri-MP supports greater resource allocation for rural policing services and would want to stop negative stereotyping of farmers in dialogues and in media coverage in particular. (Agri-MP: 2016: Pg. 7-8)
- **Social Compact:** Agri-MP referred to a proposed “Social Compact” developed by Agri-SA as a strategy to encourage sustainable growth in the Agricultural Sector. (Agri-MP: 2016: Pg. 9)

As part of their presentation Agri-MP made a number of recommendations to the Commission including:

- Improved communication between farm owners and farm occupiers and government departments.
- It is the State’s responsibility to provide basic services on farms
- Organized agriculture must improve the perceptions of the public about social and living conditions on farms.
- The State should provide incentives to farmers to support the provision of basic services.
- Individuals who do not comply with legislation should be prosecuted.
- Off farm housing options for farm workers must be developed
- The State to speed up finalization of the restitution programme
- The State to provide subsidies to increase agricultural employment

(Agri-MP: 2016: Pg. 10-11)

At a separate Commission meeting held between the Commission and Agri-Mpumalanga (Agri-MP) Provincial leadership on the 23rd of March 2016 a number of opportunities to increase co-operation were discussed by the parties. Firstly, Agri-MP described some of the many challenges facing their membership: These included rural safety and crime on farms, secondly disputes between occupiers and farm owners in terms of grazing rights and the number of cattle a farm occupier could keep on a farm. This in particular according to Agri-MP was the source of numerous conflicts on farms. A key aspect of this situation was that farm occupiers were “Cattle owners, not cattle farmers” and as such the challenge was that occupiers retained herds of cattle for cultural practices (lobola exchanges) as well as for use in special events such as weddings and funerals. Livestock were generally kept and not sold so herds increased rapidly without any income accruing to the farm occupiers. Inevitably conflict would arise as farm occupiers’ livestock could not be sustained on limited grazing. According to one Agri-MP member the 2011 census indicated that 60% of livestock in Mpumalanga Province was owned by black farmers. However black farmers only

accounted for 7% of the total commercial sale of livestock in the Province. The Department of Agriculture's veterinary services had a key role to play in supporting farm dwellers in the management of animal health. Generally, the feeling conveyed was that this Department was not managing its responsibilities in this regard. (Agri-MP Workshop: Pg. 2)

The supply of services to farm occupiers was another area where conflict may arise with a farm owner. Generally, farm occupiers resided on scattered settlements on the farms. To supply water, electricity and maintain access roads in such circumstances was impractical and prohibitively expensive. Furthermore, it was clearly the responsibility of local municipalities to supply these services to farm dwellers. Farm owners for their part were paying municipal rates and property taxes but were receiving little or no benefits from these payments. In some instances, farmers were able to negotiate reduced rates and taxes with municipalities in cases where there was no service delivery or in cases where the farmer was providing these basic services to farm occupiers. The Commission and Agri-MP discussed the need to have a greater level of cooperation between local municipalities, farm owners and farm occupiers in terms of the provision of a range of basic services including the provision and supply of water, electricity, sanitation, road access and refuse removal. Agri-MP indicated that such agreements were best facilitated by an "external agency or facilitator" since there were high levels of suspicion amongst its members when such deals were initiated by a government official who may be biased towards the farm occupiers. Such agreements could include direct service level agreements between local government and farm owners, or between local government and groups of farm owners in one area or between local government and cooperatives consisting of farm owners and farm dwellers. The Commission undertook to examine these options in greater detail. (Agri-MP Workshop: Pg. 3)

An additional discussion took place between Agri-MP and the Commission regarding tenure and settlement options. Basically there were three options:

On farm security of tenure and settlement: In this instance farm occupiers would be accommodated on site either in their current settlement areas or grouped together in one area of the farm for easier provision of services. Farm occupiers would receive title deed for this property if and when the DRDLR initiated a programme to sub-divide and buy these farm portions from farm owners. The size of the lands included in such an arrangement should enable farm occupiers to farm sufficient crops for household food security. The amount of grazing land would have to be determined on a case by case basis considering the needs of the commercial farmer for sufficient grazing lands to continue livestock farming on a commercial basis. (Agri-MP Workshop: Pg. 4)

Planned urban resettlement: Local Municipalities should develop plans to accommodate the migration of rural households to urban areas in the Province. Currently many farm dwellers relocate to urban areas, for various reasons, and settle in unplanned informal settlements at the fringes of urban areas. This creates an unhealthy residential environment with poor levels of service and no land available for either food security or for grazing livestock. Consequently, many small towns in the Province now have a sprawling informal settlement on the fringe with livestock grazing on the road reserve. This is a significant safety hazard as cattle often get hit by motorcars traveling through these areas, particularly at night. Therefore, local municipalities need to proactively plan and develop serviced settlement areas to accommodate rural to urban migrants. Such planning, apart from including the provision of basic services, should enable the new migrants to access land for cattle grazing and crop farming purposes. The DRDLR has an existing commonage strategy that the local municipalities could take advantage of to purchase adjacent farms to be used as municipal commonages. The Local Municipalities would however have to manage these commonages carefully or appoint a care taker to prevent unlawful occupation and the deterioration of these lands due to over grazing, de-bushing and other unsustainable land use practices such as selling off of building sand. (Agri-MP Workshop: Pg. 4)

Agri-Villages: In some areas of the Province, where farm dwellers were residing at great distances from existing urban areas, it would not be feasible for a farm owner to provide transport for farm workers to commute to work on a daily basis. In these circumstances the development of a specific farm as an agri-village would be the most suitable arrangement. Farm dwellers from a group of farms in an area could relocate to one farm specifically purchased by the State (DRDLR already owns many such farms as part of its Proactive Land Acquisition Strategy-PLAS). An Agri-village should be of sufficient size to accommodate the extended families of the farm dwellers in a residential area as well have enough land for crop farming and cattle farming. It would remain to be seen whether such an Agri-village would be proclaimed as a formal township. Nevertheless, it would be more effective and affordable for a local municipality to supply services to such a settlement than to attempt to service farm dwellers in situ in their scattered settlements.

A key issue raised by Agri-MP was that irrespective of whether there was a proclaimed township or a settlement managed by a committee, they would need external assistance to make a success of the farming operations as well as to prevent unplanned “squatting” and encroachment on high potential agricultural lands, if the settlement expanded over time. (Agri-MP Workshop: Pg. 5)

10.3.4 The Transvaal Agricultural Union (TAU)

TAU is an independent non-profit organisation that represents the interests of various farmers in the Province. TAU representatives made a presentation to the Commission of Inquiry on the 13th of October 2015. TAU indicated in its submission that agriculture is a commercial business undertaking and not a social welfare activity. This in essence is a reason why there is such a discrepancy between the approach of commercial farmers and the State towards the conditions of farm workers and farm dwellers. TAU asserts that it is not the farmer’s responsibility to provide housing and social services and support for health and education of the farm workers and farm dwellers This is also the responsibility of government. (TAU: 2015: Pg. 1-2)

TAU accused government officials, politicians and trade unions of hardening the attitudes of farmers towards farm workers through misinformation and incitement-e.g. trade unions “incite workers to burn down property or start fires on farms because some dispute arise. This is unacceptable and should and will not be tolerated” (TAU:2015: Pg. 1). TAU asserts that farm dwellers are often misinformed of their rights, for example when the descendants of legal occupiers erect new houses on farm without the consent of the farm owner. “The Rural Safety Plan is just not working and according to our records about 110 farm workers were killed in attacks by farm workers” (TAU: 2015: Pg. 2)

In its presentation to the Commission of Inquiry TAU asserts that the current provisions of ESTA are adequate to protect both farm owners and farm occupiers. TAU further indicates that the State of rural roads is a key factor limiting the ability of farm workers from receiving social services and further highlights that the Rural Safety Plan should be a priority as it would “create a safer environment and relieve tensions between farmers and farm dwellers. It will also create a safe environment for school children travelling to schools and attending schools in the rural areas.” (TAU: 2015: Pg.4)

10.3.5 African Farmers Association of South Africa (AFASA)

AFASA is a non-profit organisation representing African commercial farmers in South Africa. “AFASA aims to commercialise the developing agricultural sector and ensure meaningful participation of black individuals within the mainstream commercial agribusiness sector, hence ensuring the long-term sustainability of the agricultural sector in South Africa.” (AFASA Website: www.AFASA.org.za) AFASA made a verbal presentation to the Commission of Inquiry on the 3rd of January 2016.

10.3.6 Mondi Ltd

Mondi Ltd presented the Mkhondo Mondi Development Partnership (MMDP) to the Commission of Inquiry on the 20th of October 2015. The MMDP was initiated by Mondi Ltd.’s board of Directors due to their concerns for the welfare of the farm dwellers living on Mondi Ltd.’s property. Mondi Ltd initially conducted a survey which indicated that around 2739 households (approximately 10 000 people) resided in 61 villages on Mondi properties in the Province. Mondi Ltd. initiated a Memorandum of Understanding between them, the Provincial Government (OTP), the Gert Sibande District Municipality and the Mkhondo Local Municipality, known as the MMDP. The MMDP commits all signatories to provide human and capital resources to address the needs of the farm dwellers on Mondi Ltd.’s property. A pilot project, known as Jabulani Village was initiated, whereby 110 households were allocated land for a residential settlement. 76 of these households came from four other Mondi villages and 34 of the households were already resident at Jabulani. Through this initiative Mondi Ltd. has leveraged an impressive amount of State capital to build houses, a school, an ECD centre, a Community Centre as well as for infrastructure and bulk services. Mondi Ltd. would like to roll out this programme to 8 other “Agri-Villages” as part of its strategy to address the needs of farm dwellers. More details of this initiative are included in the next chapter of this report as Jabulani Village CPA was assessed as a case study by the Commission. (Mondi: Presentation to the Commission: 2015: Pg. 3-13)

10.3.7 SAPPI

SAPPI attended a meeting of the Commission of Inquiry on the 3rd of November 2015. The presentation made by SAPPI focused on firstly the work of the Company and its various operations nationally and within Mpumalanga Province. The presentation also indicated their national focus areas including the company's Corporate Social Investment (CSI) Programme. SAPPI indicated that it has major challenges in the following areas:

- Safety and security: Particularly timber theft and vandalism of its property, illegal mining activities and illegal land.
- Security of Tenure: SAPPI confirmed the need for formalized agreements between themselves and occupiers to avoid confusion and misunderstandings. Overlapping ESTA rights and Restitution claims add to this confusion if not well managed by the government.
- Housing: SAPPI accommodates approximately 4100 people at 40 villages on its properties. SAPPI have spent R 23 000 000.00 on maintenance and improvements and an additional R 10 000 000.00 on capital improvements such as crèches and clinics.
- Basic Services: Within its residential areas SAPPI provides water, sanitation and refuse removal as well as gardening. Most of its villages have crèches, vegetable gardens and sports facilities. SAPPI villagers have a formalized village committee and grazing permits are issued for the raising of livestock by these occupiers. SAPPI highlights the fact that there are no contributions by local municipalities for the basic services that SAPPI supplies to these villages.
- Employment Security: SAPPI is committed to 100% compliance with labour legislation and ensures that there is also compliance with health and safety rules at the work place. (SAPPI: Presentation to the Commission: 2015: Pg. 16-28)
- SAPPI made a number of recommendations to the Commission of Inquiry including the following:
- Proper communication channels and consistent messages by all parties and the alignment of different legislation
- The speedy resolution of land claims
- A revised municipal rebate system for services delivered by land owners to assist with reinvestment in services for farming communities
- Investment in effective rural security services as well as in agri and forestry extension services.
- The formation of an interdepartmental and multi-stakeholder steering committee to advise and steer improvement projects that effect farm dwellers and rural committees
- Better alignment between Government Departments, Public and Private stakeholders to ensure maximum return in efforts and alignment with IDP's (SAPPI: 2015: Pg. 31-32)

10.3.8 York Timber

York Timbers made a presentation to the Commission of Inquiry on the 20th of October 2015. York Timbers indicated that they had developed a range of community development projects through their Corporate Social Investment (CSI) Funding. These projects included support to their employees in terms of housing, services, training, access to grazing for livestock and monthly ration packs. Through the CSI funds York Timbers also maintains roads and sanitation infrastructure at residential areas on its properties and has developed a number of clinics and crèches. York Timbers also spends money on training and skills development for unemployed people resident on their property or in surrounding communities. (York Timbers: Presentation to the Commission: October 2015: Pg. 1-8)

10.3.9 Department of Finance, Economic Development and Tourism (DEDT)

Whilst agriculture will most likely remain the dominant land use and economic activity for much of rural Mpumalanga, it is nevertheless important to consider additional economic opportunities available to the farm dweller community in the Province: The Department of Economic Development and Tourism (DEDT)

was a key stakeholder in terms of developing economic opportunities in the Province. DEDT made a presentation to the commission on the 15th of March 2016. Mr. A Van Niekerk, a Director in DEDT, made an extensive presentation to the Commission in which he made reference to the following points:

- The Agricultural Sector in Mpumalanga Province made a small contribution to the Provincial GDP (3%) but contributed towards 96 000 formal jobs. It was also a supplier of key inputs into other industries and sectors.
- The Agricultural Sector had many challenges at present including a lack of black commercial farmers, contestation over land rights, lack of tenure security, water access and a lack of agro-processing. The so called “Head Office Syndrome” whereby agro processing was taking place outside of the Province.
- Poor results in the Land Reform Projects led to failed projects not contributing towards the provincial economy.
- There was also a general lack of interest in agriculture by black youth who were leaving rural farms and relocating into urban areas, often unplanned and informal.
- Mining in the province also provided challenges for farm dwellers since mines had a significant impact on the surrounding environment. Even where mines do rehabilitate agricultural lands after the mining operations have ended, such rehabilitated lands seldom yield 50% of the production of pristine or untouched lands. The Province has to safeguard high potential lands for the future but the Provincial Government has little or no say in terms of mining compacts.

Mr Van Niekerk thereafter outlined the National Policy Environment in which his department operates and its impact on the farm dweller community. In this regard the National Development Plan (NDP) highlighted the importance of land reform, employment and environmental safeguards. Mr Van Niekerk indicated that DEDT for its part was involved in a number of initiatives including the development of a number of “Agri-Parks” in the Province (Bushbuckridge, Piet Retief and Kameel Rivier) wherein farmers would be able to add value to their produce. Agro-processing was seen as a key area of investment to increase the contribution of the sector to the Provincial GDP as well as increase employment in rural areas.

The Mpumalanga Economic Growth Agency (MEGA) under the control of DEDT was another entity that could provide access to loans for small scale farmers. Another opportunity, according to Mr. Van Niekerk, was the development of agricultural based tourism facilities such as cultural tourism and agri-tourism facilities, which were popular for international guests. Lastly Mr. Van Niekerk indicated that DEDT had promoted procurement policy, as outlined in the CRDP, to ensure that the State procured 30% of its agricultural goods locally. This is particularly the case in terms of the provision of food for school feeding schemes, State hospitals and other facilities such as correctional services. So far these Departments are battling to secure the 30% local content as per policy. This should create opportunities for small scale farmers in the Province. (DEDT: Presentation: 2016)

10.4 Housing and Basic Services

Farm dwellers, as South African citizen have rights to shelter and basic services. These rights, as described by the SA Constitution, must be addressed by the State, on an incremental basis with the resources available.

10.4.1 Provincial Department of Human Settlement

A presentation was made by Mr Thobi Mnisi on behalf of the HOD of this Department on the 1st of March 2016. The Department recognizes that farm dwellers have a right to decent housing according to the SA Constitution, the National Housing Code and the National Housing Act (Act 107 of 1997 as amended). However, there were serious challenges to addressing farm dweller housing since farm owners were reluctant to allow “RDP” housing projects on their land as this would impact on their rights as land owners. Secondly farm occupiers were not aware of their rights. Due to farm occupiers residing on private property local municipalities are also constrained in their ability to provide them with water, electricity and sanitation. According to the Department of Human Settlement, “The provision of the above services is also hindered by oversight and the long processes in changing the land use. The implementation of legislative requirements on the part of administrators therefore results in delays in the provision of such basic services.” (Department

of Human Settlement : Commission Presentation: 2016 Pg. 1-2)

The Department also indicated the following initiatives that it was undertaking to assist farm dwellers to secure housing in the Province:

- The Department is currently implementing 31 units and VIP toilets at Kaselkop under Umjindi Local Municipality
- The Department is facilitating the signing of the Memorandum of understanding between the Farm owners and farm dwellers at Umjindi Local Municipality. 50 units are planned to be implemented during the 2016/2017 financial year.
- The Department is planning to construct 50 units at Sakhisizwe farm at Govan Mbeki during the 2016/2017 financial year.
- At Victor Khanye Local Municipality, Truter farm, the municipality is finalizing the township establishment. 50 units are planned to be implemented during the 2016/2017 financial year.

(Department of Human Settlement : Commission Presentation: 2016 Pg. 4)

The Provincial Department of Human Settlement made the following recommendations to the Commission:

- Consumer education should be extended to Farm dwellers and owners.
- Conduct awareness on the Tenure Rights between the Land owners, farmers, Farm Dwellers and Government Institutions to alleviate any fear on land rights.
- Fast track the signing of Memoranda of Understanding on tenure rights to address the delay in providing the basic services.
- Land use changes (Rezoning) should be done concurrently with the tenure rights to farm dwellers to address these delays.
- Promote the development of Agri-villages.

(Department of Human Settlement : Commission Presentation: 2016 Pg. 3)

The Department questioned whether or not there was an existing policy on agri-villages. This would, according to the Department's representative, be the most effective means of delivering housing to the farm dweller community.

10.4.2 Provincial Department of Public Works, Roads and Transport (PWRT)

An official from PWRT made a presentation to the Commission of Inquiry on the 1st of March 2016. Firstly, it develops and maintains provincial roads and assists local municipalities, upon request, to maintain local municipal roads including farm roads used by farm dwellers. This is a key issue since the farming communities access to many social services is constrained by poor road conditions. The Department cannot however maintain farm roads on private farms however there were instances where private entities were engaged by the PWRT Department to maintain a road on their behalf. For legal compliance purposes permission had to be granted to enable a private person or entity to repair a road before beginning the process – a so called “Way Leave”. (Department of Public Works, Roads and Transport: Commission Presentation: 2016)

The Department of PWRT also supports local municipalities in infrastructure delivery planning since their capacity is often very low. Additionally, the Municipal Support Programme can secure funds for the development of bulk infrastructure. Local Municipalities can access funds from National Treasury (Municipal Infrastructure Grants -MIG), COGTA as well as DRDLR through the Rural Infrastructure Development Programme (RID). Their capacity to spend and account for this money is however severely strained but in principle funds are available to provide infrastructure to benefit the farm dweller community. (Department of Public Works, Roads and Transport: Commission Presentation: 2016)

The Department does own State land in the Province and is aware of a State land audit that took place but could not indicate how much land it owned and whether this may be available for the resettlement of farm occupiers. A further aspect of the work of the Department is the administration of the Scholar Transport Scheme whereby farm dweller children are transported on a daily basis to schools in the area by busses

supplied by the Department or local contractors. (Department of Public Works, Roads and Transport: Commission Presentation: 2016)

Farm dwellers could also benefit from participation in the Expanded Public Works Programme (EPWP), which employs local people in a range of work including cutting of grasses and trees on road reserves, prevention of soil erosion and the removal of alien invasive plant species. There is a programme known as Siyatentela that identifies poor families and selects people to undertake grass cutting, litter clean ups, and other such activities. Farm dweller communities should approach their local municipality to participate in this programme. The work is not permanent and the Department tries to ensure equity so that the benefits of part time employment are fairly distributed between applicants in the four maintenance regions in the Province. (Department of Public Works, Roads and Transport: Commission Presentation: 2016)

10.4.3 The Provincial Department of Cooperative Governance and Traditional Affairs (COGTA)

COGTA is the key coordination structure that aligns Provincial and Local Government in terms of programmes, projects and budgets. Mr. Sam Ngubane, Chief Director, made a presentation about the role played by COGTA to the Commission on the 1st of March 2016. A written presentation by COGTA to the Commission provided details on the current situation regarding informal settlements within each local municipality in the Province. The estimated number of households per informal settlement, the existing levels of services as well as any challenges existing at each informal settlement were included in the detailed presentation. (COGTA Presentation: 2016 Pg. 2-73)

According to the COGTA presentation:

- There are communities that continue to invade private land and this creates a further burden for the proper settlement and/or relocation of households to properly serviced areas
- The resources for the provision of basic services are (in most instances) not sufficient to enable Government to cater for all needs. This defeats the good objectives of IDPs.
- There are cases where a municipality is not able to spend intervention grants such as MIG as it cannot be spent on informal settlements that the municipality is not intending to formalize. This is at times aggravated by the inability to spend allocated funds.
- The temporary provision of basic services in private farms is a struggle as some farmers do not allow such development in their properties
- The equitable share is not spent properly to subsidize the poor with Free Basic Services (COGTA Presentation: 2016 Pg. 74)
- In talking to the presentation, Mr. Ngubane raised a number of key issues for consideration by the Commission. Firstly, in terms of the principle of free basic services and an equitable distribution of resources by local municipalities; one of the challenges was that a lot of the funds distributed to local municipalities by the Provincial Government were absorbed in the payment of salaries and the payment of debts by the local municipalities. Therefore, there were not enough funds to cover the costs of service provision to poor communities. There was also a challenge related to the coordination of work between national and provincial (COGTA: 2016)

Secondly, Mr. Ngubane indicated that on the ground communities continued to invade private and public land. Additionally, the provision of basic services to farm occupiers living on private land remains a challenge. COGTA is aware of instances where there was a hostile response from a farmer when ESKOM tried to install electricity at a school located on a private farm. The relocation of farm occupiers to properly serviced residential areas would be a more sustainable solution. There are funds available from National Treasury- MIG funds for the development of services as well as for economic infrastructure that could benefit farm dwellers. (COGTA: 2016)

Mr. Ngubane went on to add that the costs of tanking water to farm dwellers was very high in the Province. In terms of the National Water Act, water belongs to the State and if there is no agreement on the access to water on farms then the municipality can use this act to install boreholes. Owners of existing boreholes should in any way be paying for the water usage according to the act. Municipalities should charge for this water not just for irrigation schemes and potable reticulated water. Mr. Ngubane indicated that there was a concern with the non-monitoring of water tank supplies. This system was vulnerable to corruption by service providers and local municipal staff and there were even allegations of sexual exploitation by

service providers supplying this service to farm dwellers. (COGTA: 2016)

The cleaning and maintenance of VIP toilets was also a challenge as when these were filled they became unsafe and unhygienic. The cost of developing these systems vs more expensive systems that required less maintenance need to be examined. Mr. Ngubane also indicated that there was a need for some formal engagement to ensure that farmers give consent, without compensation, for the establishment and supply of electricity to farm dwellers on their property. Currently there is an impasse here that needs to be resolved. One of the issues was that there was a misconception amongst farmers that such electricity provision altered land rights on the property and that they may be liable for the costs of electricity supply. (COGTA: 2016)

Mr. Ngubane further added that COGTA was open to the possibility of having farmers or service based cooperatives supplying basic services on behalf of local municipalities to farm dwellers. One would need to monitor expenditure per capita between the cost of supply of services to farm dwellers as compared to township residents and the principle of an equitable share should apply. There furthermore needs to be a greater level of coordination between the DRDLR, Province and local municipalities to assist farm dwellers when they are evicted. The key departments for supporting such farm dwellers should be DRDLR, Water Affairs, Agriculture, Human Settlement and COGTA together with the local municipality. Mr. Ngubane further added that there were opportunities for farm dwellers to participate in the EPWP on a part time basis to gain an additional income. (COGTA: 2016)

10.5 Social Services

Farm dwellers, residing at a distance from urban centres where many important social services are provided, are heavily dependent on access to transport to address a number of basic rights. The following section describes how various departments, responsible for the delivery of social services, are addressing the needs of the farm dweller community.

10.5.1 Health and Social Services

The Department of Health: Dr Mohangi, the acting HOD for the Department of Health, made a presentation to the Commission on the 2nd of February 2016. The Department is responsible for amongst other programmes the provision of mobile clinic services to farm dweller communities. The Department is challenged by the costs of supplying such services as farm dwellers are scattered throughout rural farmlands at a distance from the established health clinics in urban areas. Bad roads, often impassable during the raining season, further hamper their efforts to deliver this service. Nevertheless, as can be attested by statements and questionnaires completed by farm dwellers, the majority of farm dwellers are receiving this essential service on a regular basis. (Department of Health: Commission Presentation: 2016)

A second challenge facing farm dwellers is in the case of emergency services, where an ambulance is required to transport a farm dweller to a regional hospital. Lack of decent roads, a lack of a clear physical address and poor cell phone reception are additional challenges to farm dwellers in need of emergency treatment. The Department wherever possible tries to include the farm dweller community in its Provincial Campaigns such as VCT and Child Nutrition. (Department of Health: Commission Presentation: 2016)

10.5.2 Department of Social Development (DSD)

The DSD has a primary responsibility to address poverty and assist vulnerable households and persons. The DSD made a presentation to the Commission of Inquiry on the 2nd of February 2016. In the DSD presentation the HOD, Ms. N. Mlangeni indicated that the Department had four outcome areas that directly dealt with farm dwellers including non-centre based ECD services to improve childhood development from the ages of 0 to 5 years of age- the most important years affecting the future physical and mental wellness of children. Secondly in terms of Outcome 2: Health, the DSD provides psychological services to orphaned and vulnerable children and mentally handicapped people and counselling to their families. (Department of Social Development: Commission Presentation: 2016: Pg. 1-14)

The DSD also undertakes awareness campaigns on HIV and AIDS and links vulnerable households to SASSA where they are eligible for various grants including pension, disability and child support grants. The DSD in terms of this outcome also links vulnerable persons, including the aged, with various departments for support, e.g. provision of chronic medication. In terms of Outcome 3: the DSD provides, "Prevention, support, rehabilitation and after care services to those directly involved or affected by crime and substance abuse". Finally, in Outcome 7, the DSD contributes towards vibrant, equitable and Sustainable Rural

communities and food security for all. The DSD undertakes community and household profiling of rural households and initiates various campaigns to alleviate poverty in partnership with other departments. (Department of Social Development: Commission Presentation: 2016: Pg. 1-14)

In the DSD presentation the HOD indicated that poverty levels are very high in the farm dweller community and a lack of documentation is a serious constraint on the ability of farm dweller households to access government support. The poor road conditions in many areas and lack of cellular network hamper access by the DSD staff. Farm workers cannot be released from work during the day to attend DSD sessions. Finally there are also undocumented foreign nationals living on the farms who cannot access social grants. The undocumented children of foreign nationals also provides a challenge for attendance at school. The DSD made the following recommendations to the Commission of Inquiry:

- There is a need to build a good relationship with farm owners to increase access to services by:
- Reaching agreement on frequency and times for consultations with farm workers.
- Requesting radio slots on certain days for dialogues and awareness campaigns
- Targeting farm areas for outreach as various government departments in order to render a basket of services as per available profiled information.
- Working together with Health for mobile clinics days to also do consultations.
- Negotiating with the department of Education to use farm schools as service points

(Department of Social Development: Commission Presentation: 2016: Pg. 16-20)

10.5.3 Department of Education

On the 13th of April 2016, Mr. F. Lushaba, Chief Director from the Department of Education made a presentation to the Commission of Inquiry. According to Mr. Lushaba the Department aimed at providing access to education for all children living on farms and secondly to ensure that the quality of education received by children attending farm schools or schools in rural areas was on par with the quality of education a child could access in an urban area. According to statistics gathered by the Department; children of farm dwellers or from rural areas were disproportionately likely not to start school at the right age, not complete their schooling, exhibited higher levels of absenteeism and were more likely to repeat grades. These statistics were of grave concern to the Department. Furthermore, children from rural areas were more likely to attend multi-grade classes and would not receive the necessary attention in such circumstances. (Department of Education, Presentation to the Commission: 2016)

Mr. Lushaba stressed the importance of education towards a range of socio-economic issues including health, employment, social cohesion, democracy, tolerance and cultural diversity. The SA Constitution demands education for all as a basic human right. However, the provision of education services differs vastly between urban and rural areas. Furthermore, the quality of teachers who are willing to work in rural areas is poor compared to those willing to work in urban areas. The ability to learn in ones' mother tongue is a further challenge for rural schools. The Department has begun a process of rationalizing farm schools and where possible consolidating them to ensure that there are no longer multi-form classes. So far 119 farm schools have been closed in the Province. There are 351 schools in the Province that are provided with Scholar Transport (59 691 scholars are transported to these schools on a daily basis), whilst 7 additional schools require scholar transport now but there are no funds available at present.

The Department has also developed 5 boarding schools to accommodate children from farms in remote areas. The Department is also working closely with the Department of Public Works, Roads and Transport to rationalize bus routes for scholar transport. The current policy is that all children who reside beyond 10 kilometres from school should receive scholar transport and there must be 10 or more children at each pick up point along the road. The Commission discussed their observation of road safety with Mr. Lushaba, as there have been incidents of children being killed crossing highways to get to scholar transport. Additionally, there were some buses used for this system that were un-roadworthy. Mr. Lushaba acknowledged that there were serious challenges facing this system but until there were more boarding schools in the Province this would be the only option allowing for farm dweller children to access quality education. The Commission also acknowledged that according to their findings most farm dwellers had indicated at public hearings and through questionnaires that their children were attending school and were benefiting from the scholar transport system. (Department of Education, Presentation to the Commission: 2016)

10.5.4 The Department of Culture, Sports and Recreation (DCSR)

The DCSR made a presentation to the Commission of Inquiry on the 15th of March 2016. According to Dr. M. Lubisi, the CEO and General Manager of Sports and Recreation the DCSR undertakes a range of projects in collaboration with other departments to promote sports development, cultural and recreational events in the Province. The DCSR hosts celebrations of important national days which provides a platform for local artists to showcase their talents and goods. Furthermore, the DCSR works with the Department of Education to promote school sports, particularly soccer and targets 20 schools' sports fields for upgrading each financial year. Funds for the DCSR are limited. Challenges identified by the DCSR in engaging with farm dwellers are transport and long distances to access them. Many farm dwellers are at work during the day so it is also difficult to meet and organize with them. (Department of Culture, Sports and Recreation: Presentation to the Commission: 2016)

The DCSR have developed a rural football league and are also involved in a PT programme to build children's physical strength at school. There is a chronic need for more sports facilities in rural areas not just for children but for adults as well. According to Dr M. Lubisi there are funds available for municipalities in terms of MIG which sets aside 15% of the MIG budget for sports infrastructure. The Commission commented that the Scholar Transport System in the Province did not necessarily accommodate extra rural activities during the week as well as provide transport to sports events on the weekends. As a result, farm dweller children were missing out on participating in such events even if they wished to attend they could not. Furthermore, the Commission commented that the DCSR should also research indigenous knowledge and customary practices of farm dwellers including burial customs, traditional weddings, the practice of Lobola and indigenous knowledge systems amongst the farm dweller community. (Department of Culture, Sports and Recreation: Presentation to the Commission: 2016)

10.5.5 The South African Police Service (SAPS)

Major Sithole of the SAPS made a presentation to the Commission of Inquiry on the 1st of December 2015. The Major is also the chairperson of the Rural Safety Committee. Major Sithole presented the SAPS' National Rural Safety Strategy which indicated that, "Farmers, farm workers and residents within rural communities are considered soft targets by criminals. This is due to the remoteness of farms, high market value of properties, large distances between farms and villages and the inaccessibility to the police as well as basic infrastructure, such as roads, to support service delivery." (National Rural Safety Strategy: 2015: Pg. 1). The Major also indicated that, "Rural police stations are often isolated and responsible to police vast areas. The extent and high levels of poverty and unemployment within rural communities create particular challenges for policing. Communities are less willing to participate in partnerships with the police. Inadequate response to the needs of rural communities and resource constraints hamper the rendering of effective policing in many rural areas". (National Rural Safety Strategy: 2015: Pg. 1)

Key to the prevention of crime in rural areas are the station based rural safety plans that describe tactics and plans to combat crimes in rural areas serviced by that station. Rural Safety plans were however challenged by a range of factors including:

- Lack of alignment of inter- and intra-Departmental policies
- Inadequate and suitable resources (human and logistical) at some rural police stations
- Lack of infrastructural development and maintenance in rural areas that hampers service delivery, especially poor road infrastructure.
- Lack of effective cooperation and coordination structures
- Ineffective communication mechanisms and networks
- Poor community involvement
- Slow response to crime due to large areas
- Low arrest and conviction rate
- Corruption

(National Rural Safety Strategy: 2015: Pg. 5-7)

Major Sithole concluded that the involvement of all farm dwellers, farm owners, farm workers and occupiers, together with the participation of other government departments was critical in terms of the effectiveness of the National Rural Safety Strategy and much work was still needed to achieve this buy-in. (SAPS Presentation to the Commission 01 December 2015)

10.5.6 Department of Community Safety, Security and Liaison (DSSL)

The DSS made a presentation to the Commission of Inquiry on the 13th of April 2016. Mr. Ngoma Chief Director in the DSS and Major Sithole both attended this meeting. In this presentation a number of key challenges were identified. Specifically, mention was made of the lack of support from other key departments: e.g. The Department of Agriculture is responsible for livestock, however, they are not operating pounds anymore and do not ensure the branding of livestock. Stray animals are a serious road hazard and without branding stock theft is difficult to investigate. The Department of Labour and the Department of Home Affairs both need to assist the SAPS in terms of reporting cases of undocumented and illegal foreign nationals on farms. In some instances, there are land invasions and squatters are very hostile to the SAPS. The SAPS cannot deal with this matter on its own and requires the help of local municipalities and the Province. Farmers also need to take more care in terms of screening potential employees on their farm as they could be criminals seeking to gain intelligence for future crimes. (DCSSL: Commission Presentation: 2016)

The presenters indicated that there was a process of establishing Rural Safety Committees throughout the Province but this was not active as yet. The DSS has a monitoring and evaluation unit that can follow up on cases of complaint concerning the performance of the SAPS. The DCSSL also undertakes awareness campaigns- Imbizos. The Commission indicated its concern that what was presented and what the Commission heard from farm dwellers on the ground about the performance of the SAPS and rural safety committees was very different. The Commission felt that it would be important for the DCSSL's research unit to investigate statistics on rural crimes to better understand the types of crimes being perpetrated and by whom. (Department of Safety and Security: Commission Presentation: 2016)

10.5.7 Hi-Tech Security Services (Pty) Ltd (Hi-Tech): Hi-tech Security is a private security company that provides security services to the public including farm owners. Two managers from Hi-Tech's Mpumalanga Branch made a presentation to the Commission on the 19th of January 2016. According to Hi-Tech's verbal presentation one of the key challenges in Mpumalanga was that it had two international borders allowing for the illegal entrance of foreign nationals into the Province. Often such undocumented foreign nationals are employed at low wages on farms. Some of these may be criminals who after some time begin criminal activities in the farming areas. Farmers are irresponsible in many instances for not controlling who lives on their farm in the compounds or elsewhere and for not preventing their farm workers from renting out rooms to foreign nationals. This situation can lead to escalations of farm attacks in the surrounding area. Whilst farmers may have CCTV and alarms at their houses they do not know what is going on at the residences of their workers, especially compounds. Unlicensed taverns or Shebeens on the farms are another source of crime as they attract bad elements onto the farm. (Hi Tech Security Services (Pty) Ltd: Presentation to the Commission: 2016)

According to Hi-Tech's representatives, the SAPS are poorly resourced, e.g. in Nelspruit they have three vehicles and are therefore incapable of policing compounds. Private security companies don't have the legal powers on their own and need the presence of the SAPS. These companies therefore have to work with the SAPS to prevent crime and meet with the SAPS on a weekly basis. There is also a need to recruit informants to gather intelligence on rural crimes such as farm attacks. Rural policing is also, according to the Hi-Tech managers, a specialized field of crime prevention that needs special equipment, skills sets and communications. (Hi Tech Security Services (Pty) Ltd: Presentation to the Commission: 2016)

According to Hi-tech even small crimes should be reported to the SAPS or these are not included in the Provincial or local crime stats and one cannot then plan accordingly. Since the scrapping of the Commando system no special unit has been established to combat rural crime. Community Police Forums are generally ineffective and poorly supported. There is a great need for farm owners and farm workers to work together to eradicate crime on their farms as the impact of crimes, especially murder and farm attacks, effect both parties very badly. Specifically, both farm owners and farm workers must know who is allowed to reside and have access to a farm. This will greatly reduce rural crimes in an area. The Commission thanked the managers of Hi-Tech for their presentation. (Hi Tech Security Services (Pty) Ltd: Presentation to the Commission: 2016)

10.5.8 The Office of the Public Protector: Mr. Nguni a senior investigator at the Office of the Public Protector (OTPP) made a presentation to the Commission on the 19th of January 2016. According to Mr. Nguni the OTPP investigates complaints lodged by members of the public about the conduct of government officials and departments. The OTPP does not investigate court rulings and interfere in disputes between private individuals. The OTPP has received a number of complaints from farm dwellers particularly around service delivery, evictions, threats of evictions and bad relationships between farm owners and

farm occupiers. In some instances, these are clearly private matters and the OTPP has no mandate to intervene. Farm dwellers do have concerns about access to health care and education. These are cases for the OTPP to investigate. (The Office of the Public Protector: Presentation to the Commission of Inquiry: 2016)

Wherever possible the OTPP refers complaints lodged with them to the appropriate department e.g. DRDLR in instances of eviction. The OTPP then monitors the response of the department to ensure that the complaint is dealt with satisfactorily. There are also a number of complaints about the SAPS not investigating complaints by farm occupiers in instances where they allege abuse at the hands of a farm owner. In Wakkerstroom there was also a complaint that there was collusion between the SAPS, prosecutor and magistrate to not prosecute farmers guilty of various abuses against farm dwellers. The OTPP also does community outreach to ensure that members of the public are aware of their services. (The Office of the Public Protector: Presentation to the Commission of Inquiry: 2016)

10.5.9 South African Human Rights Commission (SAHRC): The SAHRC is a Chapter 9 Institution established in terms of the SA Constitution. A presentation was made by Mr. E Mokonyane, the Regional Head of the SAHRC in Mpumalanga, to the Commission of Inquiry on the 8th of September 2015. Mr. Mokonyane referred to a National Investigative Hearing into Safety and Security Challenges in Farming Communities that was conducted by the SAHRC in October 2014. The hearings whilst focused on safety and security nevertheless identified the links between crime, unemployment, security of tenure and poor access to basic services on farms. In making 13 recommendations the SAHRC in its Hearings Report said that “it concerns the Commission that there are still so many incidences of violence and murder on farms.” (South African Human Rights Commission: Report into Safety and Security Challenges in Farming Communities: 2014: Pg. 94).

The SAHRC Report furthermore indicated that the majority of farm attacks were criminally inspired rather than racially motivated and that the SAPS, in partnership with the Department of Justice and Constitutional Develop have to significantly improve their services to the farm dweller community to prevent farm attacks. Farm attacks not only lead to the loss of life but furthermore threaten South Africa’s ability to produce food and feed the nation as well causing a breakdown in social relations between racial groups. The SAHRC findings also requested the DRDLR to develop standards and norms to guide the development of housing on farms and for farm owners to consent to government providing services to farm occupiers on their properties. (South African Human Rights Commission: Report into Safety and Security Challenges in Farming Communities: 2014: Pg. 95-102).

10.6 Institutional Support, Relationships and Alignment

Given the varied socio-economic needs and basic rights that farm dwellers are entitled to and given the large number of stakeholders and role players that are mandated to assist farm dwellers realize these rights, it is clear that there is a need for institutional co-ordination, the development of inter-governmental and inter-departmental relationships and the alignment of scarce human and capital resources available. Such coordination and alignment requires some form of institutional home which can provide both a leadership as well as coordination function to address the socio-economic needs of the farm dweller community. Such a structure should also have the capacity to monitor the incremental provision of services to farm dwellers by the various government departments on at least an annual basis to be able to guide the Province in its assessment of how it is progressively and incrementally improving the socio-economic conditions of the farm dweller community in Mpumalanga Province. As the provincial government is placed at the nexus of service delivery between national line function departments, its own line function departments and the local and district municipalities, the Mpumalanga Provincial Government is ideally located to provide such an institutional structure to coordinate service delivery and support to farm dwellers in the Province. In the following section the Commission considers the various government structures at a Provincial level that could undertake this role.

10.6.1 Existing Institutions for Coordination

Provincial Clusters: The Provincial Clusters consist of a group of Departments involved in similar service functions. In Mpumalanga Province three government clusters have been established, namely governance Cluster, the Social Cluster and the Economic Cluster. Each Cluster is chaired by an HOD and this structure meets regularly (Monthly or quarterly). Each department participating in a Cluster is required to report on

implementation progress and challenges.

Premier's Coordinating Forum (PCF): -This structure, chaired by the Premier, enables the political leadership of the Province (MECs) to interact with the political leadership at local government. The PCF is attended by all MECs and District and Local Mayors. The PCF is supported by the Technical Coordinating Forum which consists of HODs as well as municipal managers and is chaired by the Director General.

Provincial Management Committee (PMC): Represents all Provincial Departments and is attended by all HODs. Chaired by the DG, the PMC can establish a standing agenda item linked to another issue, programme or focal area to facilitate reporting and monitoring on implementation by the various government departments.

Interdepartmental Committees and Task Teams: These committees can be established at the request of the DG, Premier or as a resolution taken by the PCF or PMC to facilitate cooperation between various departments mandated to achieve a specific project or outcome. These committees are generally of a fixed term duration and have a specialized focus

11. COMMISSION WORK AND FINDINGS

11.1 Introduction

The following chapter describes the activities undertaken by the Commission in order to formulate recommendations.

11.2 Key Areas of Investigation

The investigation by the Commission was based on the following points.

- Access to basic services such as electricity; water and sanitation
- Access to quality education
- Access to quality Health care
- Access to the justice system
- Employment security
- Safety and security
- Security of tenure
- Adequate and sustainable housing
- Working conditions and extent of compensation as well as compliance with health and safe working conditions and
- The prevalence of unlawful evictions and curtailment thereof.

These key areas have been further refined into four Thematic Areas

Thematic Area	Areas of Investigation
Land Tenure	Security of tenure; The prevalence of unlawful evictions and curtailment thereof;
Labour and Economic Opportunities	Employment security; Working conditions and extent of compensation as well as compliance with health and safe working conditions;

Housing and Basic Services	Access to basic services such as electricity, water and sanitation; Adequate and sustainable housing;
Social Services	Access to quality education; Access to quality Health care; Access to the justice system; Safety and security;

11.3 Presentations Made to the Commission

A number of meetings were convened wherein the Commission discussed both substantive and logistical issues related to the socio-economic conditions of farm dwellers. In addition, key stakeholders were invited to these meetings to make presentations related to their role in supporting the farm dweller community, as well as highlighting important challenges, opportunities and issues affecting farm dwellers. The following table contains a summary of all of the Commission meetings as well as the stakeholder's presentations to the Commission:

Table 11.1: Summary of Commission Meetings

Table 11.1: Summary of Commission Meetings and Stakeholder Presentations to the Commission					
Date of Meeting and Venue	Stakeholder Organisation	Represented by (Name and Position)	Format of Presentation	Role played by Stakeholder	Key Issues Identified
01-Sep-15	No Presentations				
08-Sep-15	SAHRC	Mr E Mokonyana Regional Head	Written	Uphold Chapter 2 Rights	Human Rights Abuses on MP Farms
16-Sep-15	FAWU	Mr C Moraba FAWU Organizer	Written	Unionization of farm Workers	Access to farms, human rights abuses & working conditions
02-Oct-15	Agri-SA	Ms E Van Der Westhuizen Theo Boshoff & Marias Du Toit (Agri-SA Officials)	Written	Represents commercial Farmers	Need for cooperation around crime, land and labour
13-Oct-15	TAU	Mr D Du Plessis	Written	Represents commercial Farmers	Non-compliance with laws, concern of poor govt support and misinformation
20-Oct-15	Mondi Ltd York Timber	Mr Makatini CSI Dept.	Written Video	Land owner & project partner	Jabulani Village project Concern with conditions of farm dwellers
03-Nov-15	SAPPI	Mr Duene	Written	Land owner & CSI projects	Concerned with security, tenure, services, houses & labour conditions
01-Dec-15	CCMA SAPS	Regional Representative Major Sithole Chairperson Rural Safety Committee	Verbal Written	Mediation of labour disputes Rural Safety Committee	Non adherence to LRA ESTA and other laws Criminal acts against farm dwellers
03-Jan-16	AFASA	Mr Mthombeni President	Verbal	Represents African Commercial Farmers	Need for support, land etc
11-Jan-16	The Ridge -Witbank	No presentations at this meeting	NA	NA	Na
19-Jan-16	Hi tech Security Public Protector	Regional Manager Mr Nguni Regional Manager	Verbal Verbal	Private security service to farmers Investigate govt. abuses	Illegal workers & crime on farms Complaints of farm dwellers against farmers/govt.
02-Feb-16	Agri-MP	Mr B Parrot *	Written	Represents commercial farmers	Concerned about security of tenure, labour conditions & safety
	Dept. of Social Services	HOD- N Mlangeni	Written	Care for vulnerable people	ECDs, pensioners & social problems Community profiling & outreach
	Dept. of Health	Dr Mohangi (HOD)	Written	Provides medical care and treatment	Access to health services, HIV & AIDS, mobile clinics & training
01-Mar-16	Dept. of Human Settlements	Mr T Mnisi Director	Written	Provision of housing	Challenge of small communities
	Dept. of Cooperative Governance	Mr S Ngubane Chief Director	Written	Coordination of govt to support development	Service Provision by LM
	Dept. of Public Works	Director	Verbal	Provides roads and infrastructure	Assist municipalities with road works and infrastructure.
15-Mar-16	Dept. of Labour	Mr. J Khoza	Verbal	Compliance with Labour Legislation	No stats available solely for farm labour inspections
	Dept. of Culture, Sport and Recreation	Dr. M Lubisi CEO and GM: Sports and Recreation	Written	Provide facilities for sports and recreation	Limited funds for events to benefit farm dwellers
	Dept. of Economic Development	Mr A Van Niekerk Director	Written	Coordinate Economic Activities in MP	Major economic and employment sectors in the Province
13-Apr-16	Dept. of Education	Mr. F Lushaba Chief Director	Written	Provision of Education	Lack of parity in infrastructure between urban and rural schools
	Dept. of Community Safety	Mr Ngoma Chief Director	written	Ensures safety in rural areas.	Provincial Rural Safety Priority Committee, non-attendance by govt. depts.
18-Apr-16	MAJC	Mr S Zongwane Candidate Attorney	Verbal	Access to Justice	Provides legal defence for farm dwellers threatened with eviction

In total 24 stakeholders attended the meetings of the Commission and made either verbal or written presentations. A more detailed analysis of the roles played by these stakeholders is included in Chapter 9, Stakeholder Analysis. Of concern to the Commission was the failure by the Department of Agriculture Rural Development, Land and Environmental Affairs (DARDLEA) to attend as well as Umbaba Estates (Pty) Ltd, who refused to attend meetings of the Commission. Furthermore, the quality of presentations, including those by Department of Labour and the Department Rural Development and Land Reform were poor as they lacked sufficient information and details for the Commission to determine what level of support these departments were providing to farm dwellers. Furthermore, these Departments could not indicate what major challenges they were faced with in terms of providing services to farm dwellers by these respective departments.

11.4 Public Hearings Held by the Commission

During the period October 2015 to April 2016 the Commission held 10 public hearings at various facilities around the Province. During the public hearings 246 members of the public made verbal testimonies, under oath, about their experiences as farm dwellers in the Province. It must be noted that whilst the testimonies were made under oath, it is not within the capacity of the Commission to verify the truthfulness of all allegations made during these public hearings. The following tables highlight the key issues identified at the public hearings:

Tables.11.2 Summary of Testimonies at the Public Hearings

TABLE 11.2 (1-10) SUMMARY OF TESTIMONIES AT THE COMMISSION OF INQUIRY'S PUBLIC HEARINGS		
Public Hearing No 1: Ehlanzeni District, Thaba Chweu Municipality: 10/11/2015		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Thaba Chweu (Lydenburg)	2	Potloodspruit Farm- Unfair labour practices, restrictions on access to water, wood and housing. Change in Land Ownership. Constructive eviction of elderly occupiers. Removal of cattle by new owner
	1	Waterval Farm- Denial of access to electricity. Prepared to move if new area accommodates his herd of 17 cattle.
	1	Spekboom Farm: 240 occupiers on church land- no services
	1	Boschfontein Farm: No services from the local municipality
	1	Dammersfontein: New land owner- denial of electricity
Total Testimonies	6	

Public Hearing No 2: Nkangala District Emalahleni Municipality 24/11/2015		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Emalahleni (Ogies)	2	Phola Township: Eviction off the farm- have lodged a land claim- no progress
	1	Aasvoelkrans Farm: Claim lodged and land restored, no capital for development or farming
	1	No Farm Name: Dispute over land ownership, restriction on cattle numbers
	1	Kwaarspruit Farm: Claim lodged by Manala Mgiba CPA- No support
	1	No Farm Name: New owner evicted farm dwellers- claim lodged
	1	No Farm Name: Injured on duty. No compensation, now threatened with eviction
	1	Welverdiend Farm: Govt. bought land (PLAS), new tenant has cut our electricity and water. No support from DRDLR or DARDLEA

	1	No Farm Name: New owner- restricted access to the road and cattle reduced.
	2	Killog Farm: Injury on duty, no compensation threatened with eviction.
	2	Vrykraal Farm: New owner denies us access to services (water & electricity)
	1	Waaikraal Farm: New owner refuses to allow burial of family on farm.
	1	Devon Farm: destruction of graves
	2	Grootfontein Farm: Mining on farm, restricted access to farm and graves
	1	No Farm Name: Evicted farm dweller wants graves relocated from the farm and compensation for the time he was employed in the past.
	2	Springboklaagte Farm: Farm dwellers cattle entering cropping lands of new land owner. No funds to erect fencing. Farm dwellers are without water and electricity.
	1	Blesbokfontein Farm: Affected by mining, restricted access to farm, no services
	1	Klipfontein Farm: Dispute over land ownership and lack of basic services
	1	Rietkuil Farm: New land owner- restrictions imposed over cattle and land for grazing.
	2	Bombardy Farm: New land owner and now the farm is used as a mine. Denied access to grazing and burial rights
Total Testimonies	25	
Public Hearing No 3: Nkangala District Thembisile Hani Municipality, 21-01-2016		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Thembisile Hani (Verena)	1	State Farm- Name Not Provided: Mining operations on farm- restricted access to water and no electricity
	1	Loopspruit Farm: Dispute over land ownership- DRDLR not resolving the problem
	1	Zaaihoek Farm: Farm owned by Chief Mgiba, no water or electricity and too much stock theft.
	2	Scoonwater Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Doornfontein Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements- No water, electricity or scholar transport
	1	Kwaggafontein Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements. No access to firewood.
	1	State Farm- Name Not Provided: Mining activities on the farm- restricted access to grazing and cropping lands
	2	Rietfontein Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Brooddoringboom: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Sistroom Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Nooitgedacht Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Klipdrift Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Kranspoort Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Roipoort Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements

	1	SAPS Police Captain: widespread disputes over leases of state farms between lease holders and occupiers.
	1	Boplaas Farm: Restriction on right to visit graves of family on a farm
	1	Suikergbosplaas Farm: Threatened eviction & restriction on number of livestock to be kept on the farm
	1	Bultfontein Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Susterstroom Farm: Dispute over land ownership. DRDLR not addressing the conflict by resolving lease agreements
	1	Hertzog Farm: Removal of cattle- DRDLR not assisting the farm dwellers
Total Testimonies	22	
Public Hearing No 4: Msukaligwa Municipality: 27-01-2016		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Msukaligwa Local Municipality (Ermelo)	3	Twefontein Farm: New owner has restricted access to fire wood, reduced grazing lands and livestock, denied burial rights and restricted road access
	2	Hartebeestfontein Farm: Conflict on land reform farm between claimants and occupiers
	1	Boomplaas Farm: Farm owner restricting access to water and electricity
	1	Bosmanskraal Farm: New farm owner reduced livestock numbers. Denied access to graves
	1	Vukazenzele CPA Farm: Land reform project-dispute over land ownership and restriction of access to grazing
	2	Unknown Farm: Farm claimed now there is conflict amongst beneficiaries, no assistance from DRDLR or Agriculture to help them farm.
	1	Floofontein Farm: New land owner, restriction on grazing and denial of electricity supply
	1	Eerstegeluk Farm: Access to water is a challenge, especially far for old people
	1	Councillor: Farm dwellers badly affected by mining activities in the Bethal area. DRDLR not assisting the people.
	1	Pikstaal Farm: Farmer restricting access to water, grazing lands, burial rights, repair homes and road access. Submitted a land claim
	2	Vergelegen Farm: Change in land owner. Restriction on number of cattle and refusal to maintain houses.
	1	Goedehoop Farm: Change in land owner. Restriction on grazing lands
	1	Jagdrift Farm: Change in farm owner. Cattle impounded
	2	Suikerboschfontein Farm: Change of land owner, restricted access to water, livestock and graves. Children evicted
	1	Morgenster Farm: Change of land owner. Evicted farm dwellers. Denies them rights to visit their graves
	1	Klipfontein: Threatened with eviction
	1	Haartebeestpoort Farm: Farm Claimed and now there is a dispute over the ownership, membership, access to water and grazing land.
Total Testimonies	23	
Public Hearing No 5: Mkhondo Local Municipality; 09-02-2016		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:

Mkhondo Local Municipality (Piet Retief)	1	Waterval Farm: Threatened eviction, restrictions on access to water, livestock and repair of housing. DRDLR has not responded to proposed alternative by the farmer
	1	Alhaart Farm: Land Reform project in conflict
	1	Kwa-Ephinia Township: Farm dweller was evicted and has no access to land for livestock
	1	Zevenberg Farm: Farm dweller relocated to another farm by farm owner
	1	Kromanvuur Farm: Land reform project in dispute over ownership and membership
	1	Klien Vrystaat Boerdery Farm: Farm owner threatened by farm dwellers
	1	Driehoek Farm: Farm owner restricting farm dweller access to water and threatened him with assault.
	1	Khomo Farm: Farm owner restricting farm dweller access to water, electricity, fire wood, visitors, graves and denied right to repair housing
	1	Farm unknown: Farmer refuses municipality the right to supply water on his farm.
	2	Mooihoek Farm: Land reform project with a dispute over ownership and membership
	1	Capiday Farm: Farm owner restricting farm dweller access to water and denial of electricity
	1	Goededroom Farm: Farm owner restricting farm dweller access to water and electricity
	1	Kwa Njuqu Farm: Farmer is threatening to evict them
	1	Mooihoek Farm: Farmer refuses to discuss electricity supply with farm dwellers.
	1	Zaaihoek Farm: Land reform beneficiaries in need of financial assistance and infrastructure
	1	Groenplaas: Need water, assistance with orphans including their documentation
	1	Oogies Farm: Refusal by farm owner to allow electricity. Restriction on livestock types (Goats)
	1	Anyspruit Farm: Restricted access to grazing and cropping lands
	1	Thoko Farm: Farm dweller with restricted access to water, grazing and access to graves
	1	Stapelberg's Farm: Farm owner restricted farm dweller access to firewood, graves, housing repairs and road access
	1	Verkyk Farm: New owner removed farm dweller's cattle.
	1	Khes Farm: Farm owner restricted farm dweller access to grazing and cropping lands alleges racist remarks by farm owner
	1	Uitenberg Farm: Farmer has died or disappeared cannot get services or assistance.
Total Testimonies	24	

Public Hearing No 6: Dr. Pixley Ka Seme Municipality: 22-02-2016

Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Dr. Pixley Ka Seme (Volksrust)	1	Rusthoek Farm: Change of land owner, threatened with eviction. Restricted access to grazing land and denial of visitation by family.
	1	Transvera Farm: Change of land owner, Restricted access to water, grazing land and denial of visitation by family
	1	Strydfontein Farm: Change of land owner, Restricted access to firewood, water, grazing land, cropping land and denial of visitation by family

	1	Klienfontein Farm: Dispute over land ownership. DRDLR purchased land without resolving labour tenancy. Restricted access to grazing and cropping lands
	1	Schoongesicht Farm: Change in land owner, dispute over conditions of employment. Restricted access to grazing and cropping lands.
	2	Tweehoek Farm: Change of land owner, dispute over employment, restriction over grazing and cropping lands and visitation rights.
	1	Wynberg Farm: Threatened with assault and conflict over employment conditions.
	2	Hlanganani Trust Farms: Land reform project conflict over sanitation and lack of services.
	1	Kromhoek Farm: Restricted access to grazing lands, dispute over conditions of employment and lack of sanitation at homestead.
	1	Somershoek Farm: Conflict on land reform project. Dispute over land ownership due to chief taking over Trust and obstructing the provision of services.
	1	Koppermyn: Demolition of farm dwellers' houses
	1	Uitkyk Farm: Farm dweller's access to grazing land and visitors restricted. Threatened with eviction and alleged assault
	1	BP Greyling Farm: Farm dweller restricted access to grazing and cropping lands and refusal of right to bury family members on farm.
	1	Arcadia Farm: Poor condition of informal housing.
	1	Mooiplaas Farm: Farm dweller threatened with eviction, restriction of grazing lands, denied right to repair housing and alleged racism by farm owner.
	1	Poortplaas Farm: Dispute between occupiers and the beneficiaries of a land reform project.
	1	Damascus: Farmer has initiated eviction application in court.
	1	Bloemhof Farm: Evicted farm dweller refused rights to visit family graves.
	1	Schoongesicht Farm: Farm dweller threatened with eviction, restricted access to grazing lands, visitors and burial right.
	1	Concordia Farm: Farm owner restricted farm dweller access to grazing lands and denied right to repair housing.
	1	Vaalpoort Farm: Farmer restricted farm dweller access to grazing and cropping rights. Dispute over ESTA rights and suitable alternative land offered.
	1	Grey Farm: New land owner restricting access to lands- uncertainty of land ownership
	1	Geluk Farm: Farmer restricted farm dweller access to grazing and alleged assault by farm owner.
Total Testimonies	25	
Public Hearing No 7, Lekwa Municipality: 23/02/2016		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Lekwa Local Municipality (Standerton)	1	Sakisizwe Farm: Land reform project. No funds available to develop housing, infrastructure, services or farming activities.
	1	Mazakele Farm: Farm dweller denied right to services, toilets in a poor condition and farmer charges them rentals.
	1	Bioskop Farm: Change in land ownership, new owner refuses farm dwellers access to services.
	2	Vlaklaagte Farm: Change in land ownership, new owner refuses farm dwellers access to services and has restricted their access to grazing lands. Dispute with new farmer now in court.
	1	Folie Farm: New owner refuses farm dwellers right to access water and electricity and has restricted grazing lands and burial rights.

	1	Rietpaal Farm: Change in land ownership, uncertainty of who owns the farm, no electricity available and restricted access to grazing lands.
	2	Boesmanskraal Farm: Farm Dweller threatened with eviction, conflict over conditions of employment and restricted access to the farm. Farmer has forced us to reduce cattle and refuses us burial rights.
	2	Vlakspruit Farm: Farm dweller has lodged a land claim. Farm owner refuses them right to electricity and to build new houses. Farmer has reduced grazing lands and cut off their water supply.
	1	Vlaklaagte Farm: Farm dwellers have been denied access to mobile clinic and other visitors and reduced grazing land for livestock.
	1	Kromdraai Farm: Change in land owner. Need for housing.
	1	Langspruit Farm: Farm dweller threatened with eviction. Restricted access to grazing lands and laid charges of theft against farm owner- no progress.
	1	Mooimeisiefontein Farm: Farm dweller threatened with eviction.
	1	Hendricks Farm: Farm dweller's cattle herd reduced. DRDLR is not assisting them to buy the farm.
	1	Proteas Farm: DRDLR PLAS project no support
	1	Vlakfontein Farm: Farm dweller threatened with eviction, restricted access to water and reduced grazing lands. Farmer alleged to have pointed a fire arm at farm dwellers- case opened with SAPS.
	1	Unknown Farm Name: Farm dweller wants assistance to own his own farm.
	1	Rietpoort Farm: Farm dweller in dispute with farm owner over conditions of employment. Farm owner's son pointed a fire arm at them- SAPS case opened and docket is missing.
	1	Uitsig Farm: Farm dweller living in poor conditions, no sanitation and wants assistance to own another farm.
	1	Klipplaatdrift Farm: New land owner wants to restrict farm dweller's amount of livestock.
	1	Du Plessis Farm: Farm dweller has lodged a labour tenant claim and a land claim with the CRLR. Apparently all documents are lost.
	1	Rooikoppies Farm: Farm owner refuses to allow farm dwellers to repair their houses.
	1	Palmietkuil Farm: Farm dweller with restricted access to grazing.
	1	Mpangela Farm: New land owner restricts access to grazing lands.
	1	Boesmanskraans Farm: Evicted farm dweller now facing restrictions on grazing on a new farm.
	1	Zandwater Farm: New land owner wants to reduce size of grazing camp.
Total Testimonies	29	

Public Hearing No 8: Chief Albert Luthuli Municipality: 08-03-2016

Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Chief Albert Luthuli Local Municipality (Carolina)	1	Kaalplaas Farm: Farm dweller refused electricity by farmer.
	1	Vaalbank Farm: Farm dweller restricted access to grazing land and water. 20 cattle have died. Farmer also refuses them electricity
	1	Ultendal Farm: Farm dweller restricted access to water and livestock (Goats)
	1	Liliefontein Farm: Farm dweller threatened with eviction by new land owner, restricted access to water and no electricity.
	1	Goedehoop Farm: Farm dweller has lodged a claim. Has access to water restricted.

	1	Nqoko CPA Farm: Land Reform beneficiary claims dispute over membership and no accountability by leadership and no benefits to members.
	1	Weltevreden Farm: Farm dweller being pressurized to reduce cattle numbers on farm by farm owner.
	2	Kalkloof Farm: Farmer restricted farm dweller access to water, reduced grazing, refused right to rebuild house and have visitors. Local councillor confirms these challenges.
	1	Brakspruit Farm: Farmer restricted farm dweller access to grazing, refused access to electricity and right to rebuild housing.
	1	Loskop Farm: farm dweller threatened with eviction and has lodged a land claim.
	1	Goedehoop Farm: Farmer restricted farm dweller access to water, electricity, grazing and visitors. Has lodged a land claim.
	1	Vaalklip Farm: Change in land ownership and mining affecting rights of farm dwellers.
	1	Morgenster Farm: Farm dweller threatened with eviction. Restricted access to cropping lands and visitors by farm owner.
	1	Witkrans Farm: Farmer restricted farm dweller access to grazing lands.
	1	Tevrede Farm: Farm dweller restricted access to grazing lands, visitors and road access by land owner
	1	Helpmekaar Farm: Farm dweller threatened with eviction by new farm owner and denied access to electricity.
	1	Vanhuis Farm: Farm owner disconnected the water supply to a long term occupier- she has been constructively evicted.
	2	Twyfelaar Farm: Land Reform farm owned by Ilanga Liphuma CPA. Dispute over leadership and Land Bank loan over the CPA farm.
	1	Welgemeet Farm: New land owner/tenant refuses to allow farm dweller access to water and is restricting access to grazing lands.
	1	Tweevlag Farm: Farm dweller's access to grazing lands restricted and cattle numbers reduced by new farm owner.
	1	Goedehoop Farm: Farm dweller has lodged a claim on farm that DRDLR has bought for someone else. No assistance.
	1	Goedehoop Farm: Restricted access to grazing land. Have lodged a claim over the farm.
	1	Dalkrust Farm: New land owner in conflict with farm dwellers over conditions of employment and grazing rights.
	1	Perdeplaas Farm: Land claimant lodged a claim which was approved. No progress on land transfer.
	1	Niewehoop Farm: Farm dweller evicted after dismissal with no assistance from the DRDLR
	1	Bloemfontein Farm: Farm Dweller's access to water and electricity restricted by farm owner.
Total Testimonies	28	
Public Hearing No 9: Emakhazeni Municipality: 11/03/2016		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Emakhazeni Local Municipality (Belfast)	1	Roodekoop Farm: Farm dweller threatened with eviction and farm owner restricting access to grazing land, water and electricity.
	1	Skietpad Farm: Farm dweller's access to grazing and cropping lands reduced by new owner. Uncertainty over claim on farm by unknown people.
	1	Stofberg Farm: Farm dwellers are restricted access on the farm and ability to cut thatching grass.
	1	Vlakplaas Farm: Farm dweller's access to road and grazing land restricted by new owner of the farm.

1	Vlakplaas Farm: Restricted access to grazing and cropping land by new owner.
1	Mandalay Farm: Farm dweller and land reform beneficiary. Does not have electricity and has been left out of decision making on the farm.
1	Aardfontein Farm: Farm dweller's access to water, electricity and grazing lands restricted by farm owner. Has lodged a land claim.
1	Verfontein Farm: Farm dweller threatened with eviction due to dispute over size of livestock herd by new farm owner.
1	Vlakplaas Farm: Farm dweller has restricted access to grazing land and road access. Has lodged a land claim.
1	Elandsfontein Farm: Farm dweller lodged a claim in 1998. No progress to date.
1	Skoonwater Farm: Land claimants interfering with right of farm dwellers to water and electricity.
1	Leeuwbank Farm: Farm dweller's right to water and access to grazing restricted by farm owner.
1	Enkeldoorn Farm: Farm dweller occupying farm for a long time and the DRDLR has bought this farm and allocated or transferred it to someone else. DRDLR and CRLR are not assisting him.
1	Lakenvleifontein Farm: Former farm dweller wants assistance to return to the farm he occupied.
1	Blesbokspruit Farm: New land owner has restricted access to grazing land and water by farm dwellers.
1	Sterkloop Farm: Restricted access to grazing land by new farm owner.
1	Koppermyn Farm: Farm dweller's access to grazing lands, repair houses and roads restricted by new farm owner. Demolition of farm dweller son's house.
1	Weltevreden Farm: Former farm dweller denied access to visit family graves by new farm owner.
1	Zouskoppies Farm: Farm dweller's constructively evicted by new owner. Farm is now used for mining. Have lodged a claim but there is no progress.
1	Makonde Lodge Farm: New farm owner has threatened to evict family and restricted access to grazing.
1	Berg en Dal Farm: Farm dweller threatened with eviction, reduced grazing camp and a labour dispute with the farm owner.
1	Tonteldoos Farm: Farm dweller concerned about poor road conditions, no services and dirty water causing illness to children.
1	Leeufontein Farm: New land owner restricts access to water, electricity, grazing lands and toilets. Denied right to repair housing. Have lodged a claim but no progress.
1	Leeubank Farm: Farm dweller alleges serious assault by farm owner (GBH) and restriction on grazing lands.
1	Hadeco Farm: Cattle from 38 farm dweller households removed by court order. Community not assisted by DRDLR.
1	Winterhoek Farm: Claimed by farm dwellers. Claim upheld on some portions, not on portion involved in mining. Need assistance to farm.
1	104 JT: Farm dweller concerned about eviction if mother dies (A long term occupier). Farmer denies access to water, electricity and toilets. Restricted access to road and visitation rights.
1	Perdeplas Farm: 15 farm dweller households need assistance to repair windmill and access to clean water.
1	Leeufontein Farm: Commando shot and killed a woman and injured another in 2002. Farm dweller wants assistance for the children of the deceased.
1	Mooifontein Farm: Mining activity restricts farm dweller's access to grazing and cropping lands. Not happy with relocation to township.
1	Leeubank Farm: New farm owner removed cattle. Father of farmer killed a child, case was completed.
1	Kaalplaas Farm: New farm owner. Farm dwellers want assistance to buy the farm.

	1	Zubinfontein Farm 415 JS: Farmer restricting access to farm by farm dwellers and has destroyed graves.
	1	Zondagskraal Farm: Farm dweller lodged a claim, apparently successful but does not know what is happening and can't get assistance from DRDLR. Removed cattle out of concern
	1	Twinkie Farm: Farmer has threatened farm dwellers with eviction and they do not have access to water.
	1	Schoonspruit Farm: New land owner has obtained an eviction order against the farm dwellers.
Total Testimonies	36	

Public Hearing No 10: Mbombela Municipality: 22-03-2016		
Local Municipality (Venue)	No of Testimonies Presented	Major Issues raised by members of the public at the Public Hearings:
Mbombela Local Municipality (Nelspruit)	1	Braamspruit Farm: Farm dwellers uncertain due to change of ownership and limited land for grazing.
	1	Waaikraal Farm: Land owner allocated land to farm dwellers and evicted family. Now land claim lodged. No clarity on status from DRDLR.
	1	Robdale/Kwaggafontein Farms: Former farm dweller relocated to township by mining company. Restricted grazing land led to death of livestock
	1	Schagen Constituency Office: Trade Union represents Schagen farm workers alleges evictions, forcing farm dwellers to pay rentals and unsafe work conditions.
	1	Umbaba Estates -Nkomazi: Representative of farm workers claim poor working conditions, refusal to strike for better wages and to form a union. Also alleges sexual abuse of female workers.
	1	Renosterkop Farm: Farm dweller has land allocated to him by farmer. Needs assistance with water, electricity and title deed. DRDLR not assisting him with title deeds.
	1	Bolders Farm: New farm owner has demolished the houses and unlawfully evicted the farm dwellers.
	1	Hangingstone Farm: Farm dwellers threatened with eviction and destruction of graves. No grazing land for their cattle.
	1	Karino Citrus: Farm dwellers denied burial rights, allege unsafe working conditions and eviction of farm dwellers due to old age.
	1	Kia ora Farm: Farm dweller access to electricity cut off and unlawful salary deductions. Alleges intimidation by farm owner and SAPS. Wants assistance to find an alternative place to live.
	1	Croc Valley Estates Farm: Farm dweller complaint about the 60-year policy of removing elderly farm dwellers. Needs assistance to find an alternative site and RDP housing.
	1	Highlands Farm: Farm dweller allocated land by previous owner. New owner wants to sign an agreement. Farm dweller is insecure and needs assistance.
	1	Riverside Farm: Farm dwellers forced to leave if they lose their jobs. Farm owner has planted sugar cane on their grave sites. No assistance to get RDP houses.
	1	Schagen Farm: Farm owner charging rentals to farm dweller and sells electricity at high cost. Need alternative land for housing.
	1	Schoemanskloof Farm: Farm worker awarded settlement by CCMA. Farmer not complying.
	1	Killarney Farm: Farm worker dismissed from employment.
	2	Ysterhoek Farm: Farm dweller and lease holder on land reform project (PLAS) in dispute. DRDLR needs to clarify rights and status of parties.

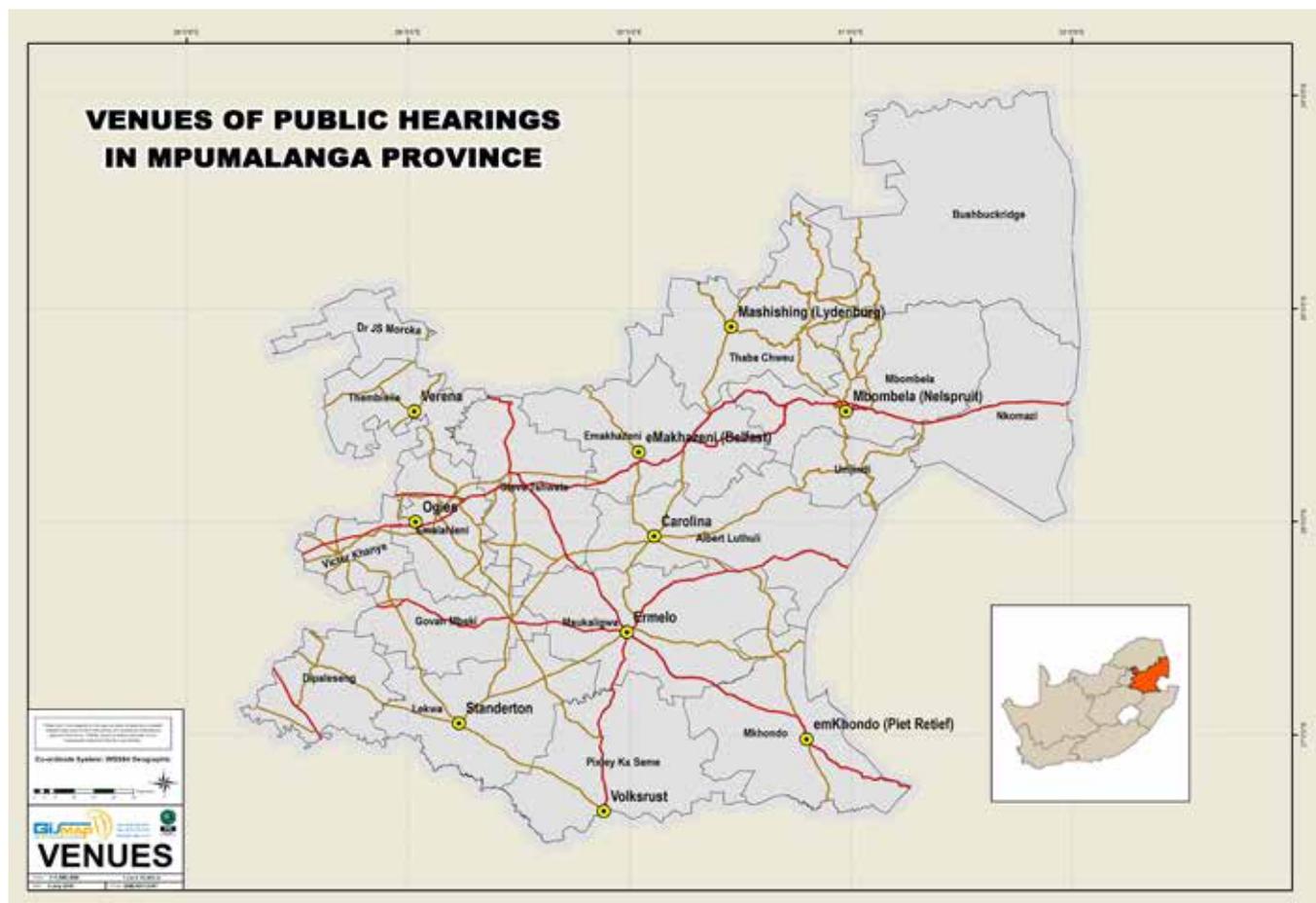
	1	Esperado Farm: Failed land reform project, farm sold on auction. New owners restrict farm dwellers access to water and electricity.
	1	Sweet Home Farm: Threat of eviction, farm dweller's children not welcome on farm. Refusal of burial rights. No assistance from DRDLR. Need alternative land.
	1	Lincoln Farm: New owner wants farm dwellers to leave. Has cut water and electricity to them.
	1	Stellar Mine Farm: Farm owner abandoned the farm. 100 farm dwellers with no housing, water or electricity.
	1	Renosterskop Farm: New owner- grandson of former farmer charges for electricity. Want secure tenure on farm for long term occupier.
	1	Croc Valley Estates: Farm dweller alleges corruption and victimization of staff by management.
	1	Castle kop Farm: New farm owner wants farm dweller to leave. Have restricted land for crop farming and denied burial rights.
	1	Caledonia Farm: Municipal councillor alleges that DRDLR & Agriculture give land to people outside the area and then there is conflict with the occupiers. On Caledonia there is mining taking place but cannot find answers from govt. as to what is going on. Confirms the poor conditions on Stellar Mine Farm.
	1	Claredon Farm: Have lodged a claim but the land is being mined. Do not know what is happening and not receiving attention from DRDLR.
	1	Broedershoek Farm: Farm dwellers living without water. No assistance to small scale farmers from Department of Agriculture-DARDLEA
Total Testimonies	28	

The 10 public hearing sites were chosen by the Commission to ensure a representative overview was obtained of the entire Province taking into consideration the number of farms per district, the diverse climate, land uses, cultural groupings and predominant agricultural commodities produced throughout the Province. Further details of the participants at the Public hearings and the various issues that they raised are included in the attached in



Farm dwellers attending the commission hearings for Mbombela local municipality held in Nelspruit on the 22nd of March 2016

Location Map of Commission of Enquiry Public Hearings- 2015-2016



District	Local Municipality	Venue for Public Hearings
Ehlanzeni	Bushbuckridge	
	Thabu Chweu	Lydenburg
	Mbombela	Nelspruit
	Nkomazi	
	Umjindi	
Nkangala	Dr J S Moroka	Verena
	Thembisile Hani	
	Victor Khanye	Ogies
	Emalahleni	
	Steve Tshwete	
	Emakhazeni	Belfast
Gert Sibande	Dipaleseng	
	Govan Mbeki	Ermelo
	Msukaligwa	Carolina
	Albert Luthuli	Standerton
	Lekwa	Volksrus
	Pixley Ka Seme	Piet Retief
	Mkhondo	

11.5 Questionnaires Completed by Farm Dwellers

During the public hearings, members of the public were given the opportunity to complete questionnaires with the assistance of the Commission's Secretariat. In total 301 questionnaires were completed by farm dwellers at the ten public hearings. A copy of the questionnaire is included as **Annexure C**. The analysis of the 301 questionnaires conducted by the Commission Secretariat and Research Unit are included as **Annexure D**. This Annexure contains key data provided by farm dwellers concerning the socio-economic conditions.



Secretary to the Commission Mr Ben Nkambule assisting farm dwellers to complete questionnaires.

11.6 Commission Farm Visits

As part of its work the Commission also attended a number of farm visits throughout the Province. These farm visits allowed the Commissioners to gain first-hand knowledge of the socio-economic conditions of farm dwellers. These farm visits, of which 46 were undertaken, organized by ward councillors in the different local municipalities, also highlighted some of the key challenges that farm dwellers were experiencing in the Province. The following table highlights the various farm visits undertaken by the Commission as well as the key issues that were observed and recorded at each of the farms:



Commissioner Nomvula Maya addressing farm dwellers during one of the many farm visits

Table 11.4: Summary of farm visits

Local Municipality	Thaba Chweu
Name of farms Visited	Major Themes
Dooringkraal Farm	<p>The farm is producing maize, mango, and ground nuts. There are 40 households on the farm village and only 3 households are working on the farm. The other members of this community come from the surrounding areas and most of them work in the local industries. Others do not work anywhere and it is not clear what their means of income is. There are farm dwellers that live in a disused church building that has been partitioned into smaller rooms and they pay rent to persons unknown. The farm owners are not aware of this and they seem to have abandoned this part of the farm. There is no electricity and water is limited. The houses are old and some of them have big cracks along the walls, and the farm owners want to demolish these. There are no schools around the area and the nearest school is 25km away in Matafeni, although scholar transport is being provided daily.</p> <p>The farm owner raised the following issues: There are farm dwellers living on the farm without the owners' permission. Some of these dwellers are said to be illegal foreigners from the neighbouring countries like Mozambique, Swaziland and Zimbabwe. The owners cannot accommodate their workers because 37 houses that were built for workers have now been illegally occupied by people who do not work for on the farm. Water is provided by a borehole that was meant for the farm workers. The farm owners want the government to intervene and remove the illegal occupiers off the farm, and the Department of Rural Development and Land Administration has already visited the farm and is busy with investigations.</p>
Spekboom Farm 552kt	<p>The Farm is owned by the Lutheran Church. There are 204 households on the farm and they have lodged a claim on it. The farm dwellers raised the following concerns: They have no access to quality water and electricity. The nearest clinic is 20 km away. No proper housing. Majority of the farm dwellers are unemployed. The owner has agreed to sell portion 1 of the plot to the DRDLR. Grazing land is not enough</p>

Coromandel Farm	A 5800ha farm, lies between Lydenburg and Dullstroom. The DRDLR bought the farm in 2002 and it was handed to the Coromandel Trust. The farm is owned by 248 beneficiaries, out of the 248 beneficiaries 70 are employed in the farm. The trust received a Grant of 11million from the Government and loan of 11million from the Land Bank.
No of Farms Visited	3

Local Municipality	Emalaheni
Name of farms Visited	Major Themes
Klippoortjie (Vikelwa special school)	Vikelwa special school is located on the Klippoortjie farm in Ogies. It used to cater for kids with special needs and was administered by the Department of Social Development. The school was closed down in December 2014. The houses here were built by the mine and later donated to the Department of Public Works Roads and Transport. The closure of the school has negatively affected the whole village because they depended on the school for Electricity, Water and Sanitation. Since the closure of the school, the electricity substation and the water supply pump have been vandalized. Residents complain that the crime rate has escalated due to the many empty houses and the fact that there are no longer any street lights in the area. The electric cables and other metals at the School are being systematically stripped by criminals who sell it for scrap. Although the village was handed over to Emalaheni municipality, the area is highly neglected.
Benella Dairy Company	All the workers stay on the farm in houses provided by the company. They all stated that they are registered with the Department of labour and have employment contracts. All the houses on the farm are made of bricks. Some are three roomed while others are 4 roomed houses. The houses have water and electricity. Sanitation is provided by pit toilets Water for the factory and houses is provided by a bore hole
Saaiwater settlement	This is a settlement of 12 houses that were built by Transnet for employees but now have been invaded by others. None of the families here work for Transnet. Unemployment is very high as well as the crime rate. It is alleged that criminals from other areas hide away here because the place is very remote. There is no electricity to any of the houses. Residents are prepared to pay for electricity but it is not clear who must give permission to Eskom provide it. Water is provided by JOJO tanks but is not enough to supply everybody. Transnet tried to evict them but there is no clarity on who won the court case.
No of Farms Visited	3

Local Municipality	
Thembisile Hani	
Name of farms Visited	
Major Themes	
Loopspruit Wine farm	This farm belongs to the Mpumalanga Economic Growth Agency (MEGA). It is a farm that used to produce Wine but has now fallen into disrepair. Grapes are still being planted on the farm and the equipment for winemaking is still there but it cannot produce wine because of financial constraints and the lack of a qualified wine maker. There are two (2) full time staff members and six (6) that are on a contract basis. It is estimated that 35 staff members were employed at the time that the farm was operating at its maximum potential. The supply of electricity is intermittent, and water is also not always available. The farm also used to supply water to the neighbouring farms adjacent to it.
Nooitgedacht farm	The farm belongs to Government. The people staying there do not have any documents that define their status. Others stated that they have been staying on this farm from 1967, under different owners until the farm was sold to the Government of the Kwa Ndebele Government in the 1990's. There are two family households on the farm. The main problems confronting these dwellers are; Lack of water; the water tank that was provided by the Municipality was taken away 8 months ago with a promise that it will be returned, but nothing happened so far. Unemployment: the nearby wine farm, as well as the nearby mine, does not offer any employment to the local people. Housing: the houses here are made of mud and when it rains some of them get destroyed. Crime: cases of assault and stock theft are not attended to by the Police.
Loopspruit F152	The farm is adjacent to the wine making farm. The ownership of the farm is not clear since the farmer claims that he was given permission to stay here after he was retrenched by the wine farm, but he has no documents supporting his status at the farm. The family is consisting of ten family members and their only source of income is the pension received by their father. The electricity and water is supplied by the nearby wine farm free of charge.
Hertzog farm	There are 4 related households on this farm. The families have been staying on this farm since the 1930's. They all claim to have title deeds to the farm. They keep cattle and goats and plant maize. The houses are built of bricks and water is provided through a pump that was installed by the farmer. There is no electricity here so the families requested to be provided with solar power. The roads are also inaccessible especially during the rainy weather, and children cannot go to school because the scholar transport cannot access the farm.
Watervaal farm	The owner has been on the farm for six months and still in the process of transferring ownership. Farming activities here are maize and groundnuts. All the farm workers come from Limpopo where they also worked for the owner before and none are from local. There are farm dwellers that have lived on the farm for many years and none of them works for the farmer. The relationship with the local farm dwellers is very strained and presently there is a court case involving the farmer and two of the farm dwellers. The farmer alleges that the farm dwellers entered his farm to harvest grass without his permission, and they refuse to register and make appointments when they want to harvest the grass. The roads to the farm are inaccessible because of soil erosion. There is no electricity to the farm dwellers. The living quarters of the farm workers are made of corrugated iron, which the workers complain that it gets too hot and too cold depending on the weather. The only toilets available for workers are a pit toilet on the farm.

Wolwenkop	Ms Sara Mahlangu, a pensioner is living with her family in an old road side shop that has been abandoned. She says she was told to occupy this place by a Mr Mahlangu, after her mud house collapsed during a storm. Water is provided by a windmill that was installed by the Municipality. There is no electricity and the roof is leaking when it rains. The place is not suitable for occupation and it would be better if an alternative place can be found for her.
No of Farms Visited	6

Local Municipality	
Mkhondo	
Name of farms Visited	
Major Themes	
Driehoek	Most of the farm dwellers work and stay on the farm while a few of them work in the surrounding industries. The houses are made of bricks and some are mud houses. The farm owner allows them to extend their houses if they so wish. Water is provided through a borehole. The only concern raised by the farm dwellers is the lack of electricity.
Goedetrou	The owner has leased the farm to other farmers who cultivate the land and raise cattle. There are six families staying on this farm and none of the farm dwellers work on the farm. The families have no access to water since the water tank that was provided by the municipality was damaged and never replaced since October 2015. The farmer used to provide water to the community until it became too expensive for him. The families claim that they now 'steal' the water from the farmer. There is no electricity. The families say that Eskom could not supply them with electricity because they are far from the electric supply lines. All the houses are made of mud and very dilapidated. The families are reluctant to build brick houses because they are not sure of their permanent status on the farm.
Taaibosch	A reservoir that supplies water to each household with taps outside each house has been provided by the farm owner. The farm owner provides seeds and cultivate land for each family. The community is allowed to expand their homesteads and the farmer manufacture bricks that he sells to the farm dwellers at a lower price. A house belonging to one old lady was destroyed by rain and the farmer rebuilt it for her using cement bricks. 50 hectares of land has been demarcated and set aside for the farm dwellers to use for farming and livestock. This land has been offered to the Department of Rural Development and Land Reform to buy on behalf of the community. However, no progress has been made. Access has been granted for the farm dweller's cattle to graze on the plantation, provided there is always somebody looking after the cattle. Farm dwellers are allowed to harvest firewood from the plantation, and the farmer provides transport for loads of firewood. Electricity is not yet available but Eskom is surveying the land for that. There is an on-going dispute with three families and one of the families has instituted a court case against the farm owner. Toilets that have been installed by the Municipality could not cover all the households.
Esikhala	The farm is owned by Mondi. There's no access to electricity, water and proper toilets. Houses are made of mud and are falling apart. Mondi has demolished some of the houses. Scholar transport doesn't arrive on time
No of Farms Visited	4

Local Municipality	
Local Municipality	Pixley Ka Seme Local Municipality
Name of farms Visited	Major Themes
Arcadia Farm	The houses are made of mud and are falling apart. The place is very dirty and unhygienic. There is no electricity. Water is provided by a borehole installed by the Municipality. The farmer tried to evict them but the Department of Rural Development and Land Reform intervened. The relationship with the farmer is very strained. The family does not practice any agricultural activities. The families here are prepared to be moved to another place if they can be given RDP houses.
Bronkhoerstfontein	The farm is very difficult to access because the roads are in a very bad state. There are ten employees who work and stay on the farm. There is no electricity for the farm dwellers but the farmer is prepared to sign a letter of consent for Eskom to provide the service. The farmer has allocated 75 hectares for the farm dwellers to occupy and practice farming on. The farm owner is concerned that if farmers do not receive financial assistance from Government then the small farmer will end being bought out by the bigger co-operatives. There has been an increase in the theft of motor vehicles in the area
Rusthoek	There is a dispute between the farm owner and one of the families about the number of cattle the farm dweller is having, contrary to what the farm owner says was agreed upon. The parties have taken each other to court regarding their rights on the land and the matter is still pending. The farm owner alleges that the local prosecutor is reluctant to hear the case, which makes him suspect that there is collusion with the farm dweller. The roads to the farm are in a very bad condition and makes it difficult for farmers to transport their goods to the markets. The farm owner stated that stock theft is very high and he has lost 1200 sheep, 8 cows and 10 goats in the last six years. Intervention is needed to mediate between the farm owner and the farm dweller.
Streepfontein Farm	There are six families on the farm which has been recently purchased by a new owner. The owner has allowed them to continue staying on the farm for free. All the houses here are made of corrugated iron. The family stated that the new owner is very supportive to their needs and employs them on a part time basis. Their only concern is lack of electricity. The water tank that was provided by the Municipality was damaged in August 2015 and has not been replaced.
Bergvliet Farm	Farmer: The farmer is willing to buy alternative land for the farm dwellers provided the government contributes 50%. The farmer is very concerned that government give people land and fail to support them. The farmer is complaining that Mr Khumalo owns a lot of cattle than the initial agreed number. Khumalo was offered alternative farm but he refused. The farmer is also willing to sell a portion of his farm to government. Farm dweller: The farmer has reduced the grazing land. The family lodged a land claim in 1998. The dweller received 2 court orders from the farmer. No access to electricity. No access to clean water and proper toilets.
No of Farms Visited	5

Local Municipality	
Local Municipality	Msukaligwa
Name of farms Visited	Major Themes
Eerstegeluck Portion 1	<p>A total of 10 households with an average five people per household found on the farm. All families are not working for the farmer. Electricity: The major complain is that the farmer is refusing the families to have access to electricity. The community was divided on the reason for the lack of provision of electricity as there is one family living on the same farm and receiving electricity. It was observed that the households were provided with access to electricity and this was discontinued due to none payment. Families have been living on the farm since 1995 and they were paying R60.00 per month which is not clear if it was for rent or electricity. Families indicated that they voluntarily stopped paying for the R60.00 per month. The reason for stopping was that there were new tenants who were not paying. Our conclusion is that the farmer has no objection in members of the community having electricity as long as they are willing to pay for it. Schooling: The farm is about 5 kilometres from town and children were transported by government transport to town but as from 2016, the Department of Education came with a new policy of transporting junior learners separately from senior learners. The implication of this policy is that junior learners from this farm have to be transported for about 20 kilometres from the farm to the nearest farm school (De Friedman). Farm dwellers are not happy with this arrangement as it results in the young ones living early in the morning and arriving late at night. The busses used for transporting children are old and unreliable in terms of time and conditions resulting in children missing classes. Clinic: Mobile clinic is available but stops far away, they would prefer that the mobile clinic at least enters the communal area. Recommendations: Finding Alternative Place Members of the community were asked if they would agree to move if government can find them an alternative place. The general response was that they prefer to stay on this farm and services should be brought to them. Generally, the community is receiving water from a tap although some houses are about 100 to 200 metres from the communal tap. They feel that it can be brought to the centre for easy access of all.</p>

<p>Eerstegeluck Portion 2</p>	<p>Seven families are staying on the farm without any formal arrangement with the current farmer. They believe that they have all the rights to the farm as they were brought to the farm by the previous farm owner who has since died. They have no title deed to the farm. The farm owner Mr Sibande produced all documentary proof indicating that the farm belongs to him. He expressed concern that the farm dwellers are refusing to recognise him as the legitimate owner of the farm. Mr Sibande drove the Secretary of the commission around showing him places where his fences have been cut. He argues that the fences are cut by the farm dwellers but he did not have substantial proof that the damage on his property is caused by the farm dwellers. The dwellers are not working for him and are staying on Mr Sibande free. In the presence of the Commission they clearly indicated that that farm does not belong to Mr Sibande. One of them Mr Mkhonza is occupying the main farm house arguing that this is his house and he will not vacate it. Mr Sibande has reported the matter to the police but he argued that the police are taking side on this matter. Mr Sibande wants all the people currently occupying his farm to leave. Besides complain about the fence, he reported that these people are damaging the water tanks and are poisoning his cattle. Some of his cattle have died due to poisoning. The dwellers have indicated that they are not prepared to leave the farm for any alternative farm that may be proposed by government. The Commission has observed that the communities living on this farm while claiming to be legitimate owners of the property they failed to produce any documentary proof that they are owners. Only Mr Sibande produced proof that he is a registered owner of the property, thus proving his legitimate rights to the property. While we were still on the property, the dwellers physically attacked Mr Sibande by throwing stones at him. Members of the Commission had to intervene to stop the dwellers from injuring Mr Sibande. After leaving the farm the Secretary of the Commission was phoned by Mr Sibande as he was unable to leave the farm fearing for his life. The secretary together with Mr Zakhele Manana had to return to assist Mr Sibande to leave his farm. Recommendations: The relationship between the farmer and the dwellers has deteriorated to such an extent that it cannot be repaired. It is recommended that alternative accommodation for the dwellers be found. The dwellers are not all farming on the farm. Only two dwellers have a small herd of cattle. These dwellers can be moved either to the township by providing them with RDP houses or a new farm found for them.</p>
<p>Winkelhaak Farm Davel</p>	<p>There are 12 workers on the farm and only 3 of them stay on the farm. All the workers are registered and receive the benefits like leave and sick leave. Those who stay on the farm are allowed to have their own cattle on the farm. The houses are made of bricks and have pit toilets. Water is provided by a borehole on the farm. Scholar transported is provided by Government. The main complaint was lack of electricity in their homes. The other complaint was that the banks refuse to give them loans because their payslips are not accepted by the banks. The relationship with the farmer is cordial and there are no major problems between them. The schools and police station are all within a 5km radius. The mobile clinic that used to come by every month has not been coming for the last five years. The roads to the farm are not accessible so ambulances are not able to come and they have to meet it half way. This provides a challenge when someone is sick or injured and cannot walk, they have to carry the person to the ambulance. The farmer charges them R130 a month for rent.</p>

<p>Brakfontein Farm – Davel</p>	<p>The farm produces apples for local and export consumption. There is also a Dairy that supplies milk to one of the big companies locally. Other activities on the farm are maize and cattle breeding. The main problem confronting the owners is the state of roads around the farm. When it rains it is difficult even for the 4x4 vehicles to reach or leave the farm and this makes it difficult for them to send their supplies to their customers and their own suppliers can-not reach the farm for deliveries. The owner alleges that the roads have not been graded in the last ten years and they spend up to R150 000 per annum, on road maintenance. Only three of the sixteen employees stay on the farm, and the farmer provides transport to and from the local Township and charges one hundred Rand per person per month. Employees complain that the truck used to fetch them is open and they are exposed to bad weather conditions especially when it rains. The employees who stay on the farm complained of lack of electricity. Water is provided to each family by the municipality. Other concerns raised by the owner are stock theft, cable theft and lack of waste removal. In the town of Morgenzon, the dumping site is just next to the road on the way to Ermelo.</p>
<p>Blinkwater farm - Bethal</p>	<p>The activities on the farm are maize, ground nuts and cattle farming. The farmer has been staying here for generations and some of the farm dwellers are also historical tenants here. There are 3 houses that have been built as part of the Premier’s kancane kanacane project of improving the houses of farm dwellers. One of the houses that was built by a tenant has been demolished by the owner because he alleges that he did not give permission for it to be built because the tenant sells alcohol and does not want to stop in spite of previous warnings. The tenant concerned does not and has never worked on the farm. The matter is now in court. The other houses built by the farmer are made of bricks and have electricity. Sanitation is provided through the pit toilets erected by the Municipality. Other farm dwellers have come to stay on the farm without the knowledge of the farm owner and these dwellers live in corrugated iron houses. There is a modern farm school that was built with the assistance of the farmers in the surrounding area. The school is registered and managed by the Department of Education. The roads here are inaccessible but the local municipality has started with refurbishing the main road leading to the farm. There are no farm dwellers who work and stay on the farm. All the workers come from Bethal Townships and the farmer provides transport to and from work. Water is provided through a bore hole that was built by the Bethal municipality.</p>

Twefontein Farm-Morgenzon	<p>The farmer has recently bought the farm two years ago. The activities here are maize, soya beans, sheep and cattle. There are two families who have stayed on this farm for more than twenty years and have been allowed to continue staying on the farm for free. Water is provided by the municipality but there is no electricity. One family complained that the new farmer has reduced grazing land for her cattle by erecting a fence around her house and instructed her not to take her cattle to the other side of the road where they used to graze before. The reason the farmer gave was that he does not want her cattle to mix the other tenant's cattle because he did not want them to inter-breed as this would lessen the value of his stock. The other family has no animals on the farm but complained that the size of their yard was also decreased by a fence that was erected by the farmer in order to increase his grazing land. He could also no longer harvest wood for fire because of the fence and resorted to 'stealing' the fire wood when the farmer is not there. The workers complained that their payslips was not recognised by the banks when they apply for loans. The farm owner promised to look into the matter and add whatever information is missing from the payslip. In the 2015 there was a serious problem of stock theft. The owner said that in one month he lost thirty sheep to theft, but the problem has decreased since a security guard was employed on the farm.</p>
No of Farms Visited	6

Local Municipality	Lekwa
Name of farms Visited	Major Themes
Draaihoek F3 Early Bird Company	<p>There are fifty nine (59) houses built and still owned by the Early Bird Poultry Farm. Although they were originally built for employees only, some occupiers no longer work for the Company and none of them have title deeds to their homes. Early Bird is no longer maintaining the houses and placed conditions on building new structures, eg the new structure must be detached from the original house. Water is provided by the Company and the houses are connected to the sewer system. The farm dwellers are not allowed to keep cattle but there are some who do have cattle even though there is no grazing space. Recommendations: The main concern of farm dwellers is the uncertainty about owning the land they stay on. This matter should be addressed with the management of Early Bird Farm who are the owners.</p>
Kromdraai 39HF	<p>There are ten households on the farm and the farm owner raised the following issues that are a concern to him. The farm dwellers have too many cattle contrary to the agreement that was entered into in order to limit live-stock numbers. He wants them to reduce the number of cattle to lessen the effects of drought. There are farm dwellers that live on his farm without permission. Government should provide alternative land for farm dwellers to live and keep cattle. The farm dwellers raised the following: Their houses are made of mud and they are not allowed to renovate them. One of them was stopped from completing an additional room for his son. The Tractor driver has been hospitalised and suspects that he got sick from the toxic chemicals he sprays on the crops. Furthermore, he did not receive any compensation for his incapacity. He has not been provided with safety clothing. The land has been claimed and the process is taking too long for them. some of the claimants have since passed on.</p>

Redwing	There are eight (8) households on the farm. The houses were built more than 20 years ago and they are falling apart. The walls have huge cracks and the roof is made of asbestos that has cracks all over. The owner does not allow municipal services because he wants the illegal farm dwellers to be evicted from the farm first. The municipality provided toilets to some houses but could not complete the process due to the owner refusing to grant permission. There are no roads on the farm and when it rains even cars cannot access the place. Some of the families are prepared to move out of the farm and the municipality is considering relocating them to another place.
Skhandiwe Village	The land has been purchased by the residents but not yet registered in their name because their representative registered herself as the sole owner. There are 18 house-holds on the village and the municipality provided RDP houses. The water tank fell during a storm and was never replaced by the Municipality so there is no clean water for consumption. Grazing land is not enough resulting in cattle dying of hunger as well as drought. The only concern for the residents is lack of electricity.
Tolbos farm	There is no clarity on the ownership of the farm. The farm dwellers say it's a Mr Hadebe but they have no contact with him. The ward Councillor could not provide contact details of the land owner. there are six families staying on the farm. There are no roads and the place gets flooded and muddy whenever it rains. They get water by illegally tapping into the Prison water system. All the houses here are made of corrugated iron and are in a very poor condition. The Municipality stopped developing the area because of a dispute between the owner and the Department of Correctional Services. The houses are separated by a street from the Standerton Prison and the Correctional Services has requested the Municipality to relocate all the families for safety reasons. Some of the families have applied for RDP Houses and have been on the waiting list for many years.
No of Farms Visited	5

Local Municipality	Chief Albert Luthuli
Name of farms Visited	Major Themes
Goedehoop Stene	The owner wants to evict the family from the farm. Currently there are no farming activities on the farm. Part of the farm is used for digging soil for the brick making factory owned by the farmer. The grazing land has been reduced from what it was before the farm was sold. The farm owner has dug a deep furrow around the house which pose a danger to children and livestock. The electricity that was installed by the previous owner has been dismantled and the cables were dug out by the current owner. The electric pump to supply water to the reservoir has been dismantled and the family has to draw water from the river when the supply from municipality runs out. The water borne toilet in the house is no longer functional because there is no running water anymore. The family has 12 members, five of whom are still at school. The farm owner stopped the construction of an extra room that has already been started. Recommendations: The family is requesting to be assisted to get electricity reconnected and the water pump restored.

Goedehoop	Mr Maziya started working for the farmer as a tractor driver in 1983 and was dismissed in 1999 after the farmer discovered that he submitted a claim for the farm. The farm owner tried several times to force him to move out of the farm. His four cows were confiscated by the farmer and sold on auction. Other families receive water from the farmer but his family has to draw water from a spring or the river. The process of applying for the security of tenure for him was started in 2004 but there has been no progress on this matter. The family is not allowed to farm or keep any livestock on the farm. Recommendations: The family is requesting to be assisted to secure their tenure rights so that they can continue to stay on the farm.
Groenvlei	There are eight households on the farm owned by the Mine. All the houses are made of mud. The mine has told them to move because this is a land for grazing of cattle. There is one JOJO tank for all eight houses and the residents complain that sometimes the water is not enough for all of them. Most of the people staying here are extended family members of people who work for the mine and who stay in the Township developed by the mine. There is no electricity and people use wood for making fire. No toilets have been provided so people constructed pit toilets for themselves. Recommendations: The residents should be considered for relocation to RDP houses.
Hoendsvry	There are eight house holds on the farm and the relationship with the owner is good. The municipality suppliers water regularly, however there is no electricity. The owner has agreed and signed the consent form for Eskom to provide electricity. The toilets have been supplied by the municipality. The mud houses are in a dilapidated state and one part of the house has fallen due to heavy rains. Recommendations: The families here do not want to relocate but requested that houses be built for the on the same farm that they are currently staying.
Lielifontein	Mr Makhabane (Isaac's father) worked for the Cronje family for 35 years and retired on the farm until he passed away. The farm owner wants to evict the children because none of them work on the farm. The eviction notice was served and a court date set for the hearing. On the day of the court the family could not attend because officials from Department of Rural Development and Land Reform did not collect them to attend court, as previously agreed. The matter was subsequently withdrawn from the court roll and the farm owner is preparing to effect the eviction. Recommendations: The family does not want to leave the farm to stay somewhere else. Their request is that they be assisted to negotiate with the farmer for them to continue staying on the farm.

Kalkloof	<p>Mrs Lusenga worked for the farm owner as a domestic worker for 40 years and retired on the farm. After the death of her husband, the farm owner gave her three months' notice to vacate the farm because she is no longer working for her. She was told to get rid of her goats and when she refused the farm owner threatened to confiscate and sell them. However, he has not yet carried out this threat. Eskom was ordered to remove electrical poles that were already planted to provide electricity. There is no water provision and the family gets water from the nearby stream. VIP toilets were erected by the municipality even though the farm owner refused to give consent. The families on the farm are no longer allowed to bury their dead on the farm. It is said that one family had to bury their relative at night to avoid being seen by the farmer. One family on the neighbouring farm cannot get electricity because the farmer refused to allow Eskom poles to go through his farm. The family lives in mud houses that are falling apart but the farmer is refusing them to repair or build more rooms. Although they would like to have an RDP house, the family does not want to relocate because the graves of their ancestors are on the farm</p> <p>Recommendations: The family is requesting to be assisted with a house and be allowed to continue staying on the farm</p>
Winkelhaak	<p>There are 16 households on the farm. The Masina family has been staying on the farm for more than 40 years. The farm has been sold and the new owner wants to relocate the families to one of his other farms but the families do not want to relocate. The farm is under claim and the process is still ongoing. The families are not allowed to keep livestock although this family has fifty cattle on the farm. They are not allowed to extend their houses. One house has been demolished before it was completed. The farmer promised to give them title deeds to the new area that he wants them to move to. Presently none of the families have title deeds. The farm is far from the main road and the condition of the road leading to the farm makes it very difficult to access the far. There is no electricity because the farmer refused to give permission to Eskom.</p>
Devrede Farm	<p>The farmer doesn't want cattle on the farm. The farmer locks the Gates There is no access to clean water and farm dwellers drinking water with cattle. No access to electricity. The farmer reduced the grazing land. There is no proper housing as the family lives in mud houses.</p>
Witkrans	<p>There are no toilets; there is no access to electricity and no access to clean water. The farmer has reduced grazing land. The farm occupiers are living in falling down mud houses. Livestock theft is very high. The farmer does not want the municipality to provide services to the dwellers. Scholar transport is available. The road to the farm is very bad.</p>
Morgenster	<p>The farm dweller (Ms S Mokeona) is staying alone on the farm since her husband passed on. The farmer shot her son in 2001 and he is on a wheelchair. This matter is still pending in court There is no access to electricity, water and proper toilets. The farmer wants her out of the farm. The farmer once took her cattle and government intervened to return the livestock which now stay in a neighbouring farm owned by government. No access road to the dwellings.</p>
No of Farms Visited	10

Local Municipality	
Mbombela & Umjindi	
Name of farms Visited	
Major Themes	
Kamagwaza	The farmer wishes to evict the dwellers. The farm dwellers have no access to electricity and no clean water. The farmer locks gates preventing access to the farm dwellers' homes. The farmer's attitude is very bad. The farmer demolished more than two houses. There is no proper housing.
Dumuzulu farm	This is a commercial sugar cane farm. All employees stay in the village provided by the employer. The houses are between 3 and 4 room in size, are built of bricks, have running with running water, showers, waterborne toilets and electricity. The employees are registered and receive all the benefits of employment such as overtime. There is a company clinic on the premises which operates during working hours. The employer provides transport in case of hospital emergency.
kaMkhola farm	There are 20 households on the farm and the owner wants to evict them. The farmer has introduced strict conditions that restrict their movement on the farm. There are areas where they are now not allowed to go. Water is provided by the farmer. There is no electricity and no proper toilets. It is said that the farmer is willing to sell the land to the state for settlement of the farm dwellers.
Esperado Fontana	The farm has been leased from the Department of Rural Development for 5 years. The farmer wants a long term lease so as to use it to secure funding from the banks. Mentorship is provided by TSB, which also buys the sugar cane from the farmer. The size of the farm is 100HA but can only cultivate 64H because of water shortage. The farmer complaints of lack of support from DARDLEA on farming activities. The farm is surrounded by RDP houses where employees of the farm stay. There is no electricity and the water is provided by the municipality. There are 6 permanent employees and 20 seasonal employees. None of them are registered with the Department of Labour. Workers allege that the farmer is employing Illegal immigrants.
No of Farms Visited	4
Total No of Farm Visits:	46

11.7 Investigations by the Secretariat

Apart from the farm visits, the Secretariat of the Commission also undertook investigations on certain farms where problems had been reported to the Commission by farm dwellers and or local ward councillors. These investigations either resulted in the Secretariat intervening directly in the case or referring the case to the appropriate government departments for further support. The Secretariat has continued to work beyond the deadline for the Commission on some of these cases to ensure that there is proper feedback and sound resolutions to a number of disputes presented to the Commission.

In one intervention the Secretariat engaged TRAC and ALZU in discussions about creating a safe and easier access route for scholar transport to pick up and drop off children along the N4. It was agreed that a bridge would be built on the side road for the bus to travel on and children will then no longer have to cross the N4 Highway to access scholar transport.



The Secretariat visiting a typical farm dweller homestead to follow up on complaints.

The following table highlights the details of the various investigations undertaken by the Commission's secretariat:

Table 11.5: Summary of investigations undertaken by the Secretariat

Date of Visit	Name of Farm	No of Farm Dwellers	Key Issues/ Challenges
		Interviewed	Identified During Visit
15-Sep-15	Twyvelaar	1 (Masina Family)	Refusal to permit occupier to extend house. Damage caused by Mine blasting
		1 (Phembani Coal Mine)	Lack of drinking water, restriction on access to wood. No economic opportunity on farm
	Strathrye	11 (Farm Occupiers)	New farm owner has reduced the familys' allocation to grazing and cropping rights
13 & 15 Decembe	Pro Bon Farm	1 (Occupier Household)	Refusal of permission to allow children to reside with occupier. Disconnection of
		1 (Farm Owner)	Electricity. Assistance of land owner to relocate household off farm.
09-Jun-16	Roodepoort Farm	Farm Dweller Households	Discussed practical challenges for the provision of water and electricity with farm
		Farm Owner	dwellers. OTP explained burial rights to farm dwellers. Negotiations on access to grazing
		TAU representative	land, access to fire wood and thatching grass as well as permission to extend housing
13-Jun-16	Bosmansfontein Far	8 Occupier Households	Proposal to relocate 8 farm dweller households to one area for easier access to services.
		1 farmer	Farmer proposes to give 10% of farm - 50 ha for residential and agricultural use by farm
			dwellers and build a computer centre. Negotiations ongoing
13-Jun-16	Goedehoopstene Fa	1 (Occupier Household-Thab	Conflict between the farm owner and the occupiers around grazing land and access
		1 (Farm Owner)	Also allegations of criminal conduct (Theft and vandalism by farm dwellers) OTP still
			facilitating negotiations between the parties.
23rd of May 2016	Meadowbrook	1 Farm Dweller Household	Dispute between occupiers and new owner. OTP negotiated access to water, electricity
30th of May 2016	Farm	1 Farm Owner	right to keep 11 livestock. Also respect for grave sites.

11.8 Key Findings of the Commission

Based on the vast amount of information gathered by the Commission, a number of key findings were made regarding the socio-economic conditions of farm dwellers. The following section highlights these key finding as per the thematic areas identified earlier.

11.8.1 Thematic Area 1: Land Tenure

Land Tenure is seen as a major issue affecting the livelihoods of farm dwellers. Insecure tenure leaves a farm dweller vulnerable to a wide range of threats to their living conditions and furthermore acts as a disincentive for farm dwellers to invest capital and labour in building permanent housing and other infrastructure as well as establishing long term productive opportunities such as fruit and nut orchards which take a long time to mature. As such farm dwellers are more likely to undertake seasonal agricultural activities such as growing maize as well as raising cattle that can be removed from the property at short

notice.

Eviction of Farm Dwellers: Based on testimonies provided to the Commission, over 15% of all farm occupiers indicated that they had been threatened with eviction by a farm owner. Furthermore 7% of all farm occupiers testified to the Commission that they had already been evicted off a farm. (Public Hearings: Summary Form: 2016: Pg. 1)

39 of the 301 respondents to the questionnaire (13%) indicated that they had already been evicted from a farm in the past. Significantly of those farm dwellers who indicated that they had been evicted off a farm, 65% indicated that this was done without any order of court. This statistic indicates that the provision of legal services to farm dwellers facing threats of eviction is not adequate and effective and that unlawful evictions continue to take place.

Restrictions imposed on Farm Dwellers: Lack of security of tenure leads farm dwellers to be subject to various restrictions imposed by a farmer on their use of land, other natural resources, as well as restrictions on movement, access and visitation rights. In the public hearings the largest number of complaints about restricted access were related to restrictions on the farm dweller's access to grazing land as well as the number of livestock they were allowed to keep on the farm. Drought conditions that persisted throughout the Commission's term of office, may be responsible for the high level of complaints made by farm dwellers about restrictions on livestock numbers and disputes over grazing lands. 19% of all complaints by farm dwellers to the Commission involved livestock. Other significant areas of concern for farm dwellers were restrictions on access to water 9%, restrictions on access to electricity 7%, burial 6% and other disputes including alleged assault and threats of assault 9%. (Public Hearings: Summary Form: 2016: Pg. 1)

Constructive Evictions: In both the public hearings and farm visits, farm dwellers indicated that they had also suffered from what is known as constructive evictions. In these instances, a farm owner, whilst not applying to legally evict a farm dweller, imposes such significant restrictions on the rights of farm dwellers, that the farm dwellers feel it is impossible to remain on the farm and move of their own accord. These constructive evictions are considered unlawful evictions in terms of ESTA.

Disputes related to Land Ownership (State Land and Land Reform Projects): In 8% of the complaints received at public hearings there were disputes over land ownership. These disputes emanated from two sources. In some instances, there were disputes between occupiers and tenants of State land, particularly on farms that formed part of the former homeland of KwaNdebele. In this area, the Commission discovered significant concerns raised both by tenants, who are paying a monthly rental to access agricultural land, as well as occupiers who have historically resided on such lands, that their rights are uncertain, they are not receiving support from the DRDLR officials, in terms of securing either a lease of free hold title to such lands. Complainants also alleged in a number of instances that the DRDLR had allocated the same land to more than one person or group, which has led to serious disputes and conflicts in the area. (Public Hearings: Summary Form: 2016: Pg. 1)

A second area of dispute around land ownership involves land reform projects, wherein land has either been purchased through the Redistribution Programme (SLAG, LRAD or PLAS) or the Restitution Programme. In these instances, farm dwellers have complained to the Commission that their rights are affected by the new owners or leasers in this land and in some cases the "beneficiaries" of these programmes have indicated a high level of internal conflict and uncertainty over membership, roles of leadership and their access to land. (Public Hearings: Summary Form: 2016: Pg. 1)

During a follow-up meeting with the DRDLR, officials indicated that in the instances of overlapping leases over State land around Verena, a new lease was issued over land where the original tenants had abandoned or were not utilizing the land optimally.

Lack of Programmatic Support for the Provision of Security of Tenure:

Evidence obtained through 301 questionnaires completed by farm dwellers around the Province further bear testimony to the importance of security of tenure. 90% (224/301) of all respondents in the questionnaire were farm occupiers who did not have secure tenure on the farms they reside on. Only 10% of those interviewed had title deeds, the majority being beneficiaries of the land reform programmes of restitution or redistribution. (Questionnaire Summary: 2016: Pg. 3).

60% of the farm occupiers indicated that they had obtained consent to reside on the property from a previous owner and 40% had obtained this consent from the current farm owner. 65% of the respondents

indicated that they were not aware of any conditions of occupancy imposed upon them by their farm's owner but 60% indicated that they have not been granted permission to build new structures on the farm by the farm owner. (Questionnaire Summary: 2016: Pg. 3).

The Commission also found a number of key challenges facing farm dwellers ability to secure tenure including:

Mining: In 15 instances at public hearings farm dwellers expressed concerns about the impact of mining on their conditions of occupancy and access to agricultural lands. Problems experienced as a result of mining activity included increased stock theft, damage to houses, roads and other infrastructure, and pollution of water. In one instance on a farm visit, a land owner indicated that the development of a coal mine in the vicinity of the farm had led to a proliferation of informal settlements, even on his own farm, by people employed by or seeking work on the nearby mine. These occupiers were illegal, residing without permission and according to the farm owner responsible for the high levels of crime in the area. Increases in prostitution and drug abuse were also attributed to mining activity in farming areas. Farm owners are often compensated for loss of agricultural land when mining activities occur on their farms, however farm occupiers do not receive such compensation and are often compelled to leave their houses and ancestral lands and relocate to distant settlements. (Public Hearings: Summary Form: 2016: Pg. 1)

A further aspect of mining activities that needs to be considered is that mines have a limited duration in which they operate, particularly open cast coal mining. Thereafter the mining company is required to rehabilitate the lands upon which they have operated. The Commission was made aware that there are several challenges encountered in terms of rehabilitation efforts of mining companies upon their closure. Specifically, the company needs to have sufficient funds for proper rehabilitation and the DMR as well as the Mining Commission have to ensure that these funds are available. Secondly there needs to be oversight and monitoring to ensure that proper rehabilitation takes place. Thirdly, even when rehabilitation takes place in a proper fashion the agricultural potential of these rehabilitated farm lands will never be comparable to the agricultural potential of undisturbed and pristine agricultural lands. With this in mind the Commission is aware that the promotion of mining activities comes at a price in terms of future agricultural production and employment.

Tourism: In a number of cases farm dwellers testified that the development of a tourist facility had led to the erosion of their rights on a farm and further restrictions on their ability to farm with cattle. Frequently when tourism product owners take over agricultural lands, they significantly alter land use patterns and practices. This inevitably leads to conflict with farm occupiers, resident on the lands, if there is not extensive consultation and agreement between these occupiers and the new owners of the land. (Public Hearings: Summary Form: 2016: Pg. 1)

Change in Farm Ownership: This issue was identified through the questionnaires, public hearings and farm visits. Generally, where there is a long standing relationship between a farm owner and occupiers, all of the farm dwellers are clear and certain of their rights to access land, use of natural resources and their right to cultural practices such as burials and visitations to family grave sites. In almost 26% of all complaints lodged by members of the public at Commission hearings, farm occupiers indicated that disputes emerged once a farm was sold and a new owner took over operations on the farm. The new owner may have altered the rights of farm dwellers, either because they are unaware of the existing occupational rights and living conditions of the farm dwellers on their farm, or because the new owner wants to restructure farming operations or assert his or her rights over the property and occupiers. In particular, new owners are concerned with issues such as access to grazing lands, burial rights and the rights of non-farm workers to occupy their properties. Changes in farm ownership also creates cultural conflicts as new farm owners are not aware of local customs and practices such a burial and grave visitations. New owners introduce new practices and restrictions without engage and recognizing the existing rights of farm occupiers- this is a further source of conflict. (Public Hearings: Summary Form: 2016: Pg. 1)

Conflict involving land reform projects: In 17% of all cases referred to the Commission, members of the public expressed concerns about the manner in which land reform projects were being managed. Concerns included abuse of power by leaders of CPIs, uncertainty about membership rights and numbers, no clarity on access to rights by CPI members as well as conflicts between land reform beneficiaries and occupiers of these lands. The latter form of conflict appears, from the evidence provided to the Commission, to be most prevalent on so-called PLAS projects, whereby the DRDLR purchases farm lands, leases the farms to emerging farmers who in turn do not recognize or want to accommodate the tenure needs of the existing farm dweller community. (Public Hearings: Summary Form: 2016: Pg. 1)

Failure to process land claims: A further aspect of dissatisfaction expressed by farm dwellers during public hearings is that they have lodged claims over the farms they occupy and that these have not been attended to by the DRDLR. It is uncertain in some instances whether farm dwellers are referring to having lodged restitution claims or labour tenancy claims. Labour tenancy claims had to have been registered before the 31st of March 2001. As per the stakeholder analysis it is widely recognized that the DRDLR has failed to address labour tenancy throughout South Africa for a period of over 15 years.

Farmer willing to sell but no support from DRDLR: In some instances, farm dwellers indicated to the Commission that the farmer whose property they occupy is willing to sell either the entire farm or a portion thereof to the farm dwellers. However, there is little support and progress made due to a lack of support by the DRDLR.



Having security of tenure remains a key step towards improving the socio-economic conditions of farm dwellers.

11.8.2 Labour and Access to Economic Opportunities

Employment:

Agricultural employment remains a key source of income for farm dwellers due to their geographic location and distance from urban centres. The Commission found that about 9% of the testimonies provided under oath by farm dwellers contained complaints about the working conditions of farm dwellers employed by farmers. These complaints ranged from unfair dismissals, to injuries on duties to non-compliance with the minimum wages as prescribed by the Sectoral Determination for the agricultural sector. (Public Hearings: Summary Form: 2016: Pg. 1)

Compliance with Labour Legislation:

An analysis of the questionnaires completed indicates that about 50% of the farm dwellers employed on farms do not have formal contracts of employment. Nevertheless, 66% of those interviewed indicated that they did receive pay for work on weekends and public holidays and overtime (55%) and did receive benefits in terms of leave (Annual and special). Furthermore, most farm workers did have access to water and ablution facilities at work and 56% indicated that they were provided with protective clothing. (Questionnaire Summary: 2016: Pg. 4).

Skills Development:

Of concern however is the relatively low level of training (41% only) that respondents participated in as farm workers. Of those respondents who did indicate that they received training in the past, only 58% indicated that the training was accredited. This implies that skills levels and an ability to be promoted to more skilled labour remains a challenge for farm dwellers. (Questionnaire Summary: 2016: Pg. 4).

Transport to Work:

The majority of farm workers interviewed indicated that they walked to work but around 35% of those farm workers interviewed indicated that the farm owner provided them with transport to work. (Questionnaire Summary: 2016: Pg. 4).

Abuse at the Workplace:

In only 6% of all respondents interviewed was there a complaint about abuse by a farm manager, the majority of complaints being for verbal abuse. 93% of the farm workers interviewed indicated that they did not belong to any trade union. (Questionnaire Summary: 2016: Pg. 4).

The general deduction that one can make regarding the employment of farm dwellers in the province is that there is substantial compliance with labour legislation and the payment of the prescribed minimum wages. Of concern is the lack of attention to training of farm dwellers to better improve their productive skills.

Unemployment:

By far the majority of farm dwellers interviewed by the Commission indicated that they were unemployed. In total 74% of the respondents (201/270) indicated that they were not employed at present. These figures also include a number of farm dwellers who are already of pensionable age (91/270). Nevertheless, even taking the remainder of respondents (110/270) into account unemployment amongst farm dwellers of working ages still remained at 41%. This is a significant figure in terms of the number of farm dwellers who do not have access to a secure income and implies a far greater dependence on both social grants as well as access to own lands and natural resources as a key livelihood strategy to save or earn some form of income. (Questionnaire Summary: 2016: Pg. 1).

Access to Land:

Knowing that farm dwellers rely heavily on their right to access land for productive purposes, both crop farming and livestock farming, their right to access land is a key concern. Only 42% of respondents to the questionnaires indicated that they had been granted some form of permission by the owner to access land whilst 58% of respondents indicated that they had no permission on the farm they occupied to access any lands. (Questionnaire Summary: 2016: Pg. 3). Where farm dwellers were provided with access to grazing lands, the majority (62%) indicated that they had less than 30 ha of lands allocated to them for livestock farming purposes. Secondly in instances where farm dwellers had access to arable land for crop farming, these arable areas were limited to below 15 ha in size in 68% of the respondents to the Commission's questionnaires. The implication of these figures is that even where farm dwellers have access to agricultural lands, after having received permission from the farm owner, the size of land is limited to such an extent that it is unlikely that they could do any more than produce enough maize for household purposes. Access to machinery and input costs would also limit the ability of these farm dwellers from producing maize and other cereals on a commercial scale on these small arable areas. Secondly with less than 30 ha available, farm dwellers cannot maintain a commercially viable livestock herd that would generate a significant income for their households. (Questionnaire Summary: 2016: Pg. 2).

As was evidenced from the testimonies of farm dwellers at the public hearings, disputes over grazing lands and the number of livestock that farm dwellers were permitted to keep on a farm were recorded in 92 instances (37% of all testimonies to the Commission). These results indicate that significant conflict and uncertainty exists on many farms in the Province as to the extent of the cropping and livestock farming rights of the farm occupiers. (Public Hearings: Summary Form: 2016: Pg. 1)



Having secured access to land allows farm occupiers the security to plant seasonal crops and raise livestock to achieve food security and produce an income for their households.

11.8.3 Access to Housing and Basic Services

Based on evidence gathered by the Commission in both the questionnaires as well as with the testimonies recorded at the public hearings there appears to be a serious challenge in terms of the provision of sustainable housing and adequate levels of basic services. These challenges were further confirmed by information observed first hand by the Commission in the various farm visits that were conducted. The key challenges related to housing and basic services are described below:

Housing:

59% of all respondents to the questionnaires indicated that they lived in either mud houses or houses built of zinc sheets. Only 41% of respondents indicated that they resided in formal brick houses. Of those respondents who lived in formal houses, the majority were self-built with only 7% of formal houses having been built with government support. In 19% of the instances farm dwellers were living in formal houses built by the farm owner. In addition, 98% of the respondents indicated that they did not have title deeds to their houses. These figures clearly indicate the backlog both in terms of the need for formal housing but furthermore the need for secure tenure amongst the farm dweller community. (Questionnaire Summary: 2016: Pg. 5).

In terms of the household sizes the average number of households per farm was indicated as 29 households per farm. This figure is likely to be distorted by the inclusion of land reform projects in the calculation since these projects normally include a sizeable community ranging from 50 to 1000 households in one recorded instance. The removal of these distortions from the sample would most likely reveal an average number of households per farm of between 8 and 12 households per farm. Coupled with this figure is the fact that 72% of all witnesses at the public hearing indicated that they were unwilling to move from their farm to a township where housing and services may be available. Thus if the State were to commit itself to supporting farm dwellers with formal housing (RDP type) it would have to implement small isolated housing schemes or projects on farm. (Public Hearings: Summary Form: 2016: Pg. 1)

Access to water for domestic purposes:

75% of the witnesses at the public hearings indicated that they did not have access to clean drinking water for household consumption. In 17% of the testimonials, farm dwellers indicated that there were restrictions on their right to access water on the farm. 28% of the witnesses indicated that they received water from tankers supplied by the local municipality. This provision also appears to be differentiated from one local municipality to another in that the Thaba Chweu, Emalahleni and Mbombela Local Municipalities do not provide this service according to witnesses, whereas this service was supplied in seven of the other local

municipalities in which public hearings were conducted. Evidence gathered at public hearings and from farm visits also indicates that this supply of drinking water by local municipalities is far from satisfactory in terms of the regular supply of drinking water to address the needs of farm dwellers. (Public Hearings: Summary Form: 2016: Pg. 1)

In contrast to the findings of the public hearings, 65% of the respondents to the questionnaire, indicated that they did have access to clean drinking water on farms. The source of this water and form of delivery- e.g. boreholes, natural spring, farm dams or tanked in supply were not recorded. Nevertheless, even having 35% of respondents indicating a lack of supply of clean drinking water, is a significant number that implies a massive shortfall in the provision of a key basic service and basic human right in the Province. (Questionnaire Summary: 2016: Pg. 5).

Electricity:

43% of the respondents to the questionnaire indicated that they did have access to electricity (Questionnaire Summary: 2016: Pg. 5). In 14% of the complaints of witnesses at the public hearings, farm dwellers indicated that their right to access electricity had been restricted by the farm owner. In terms of respondents to the questionnaire only 24% of the farm dwellers indicated that they had electricity at their houses. (Public Hearings: Summary Form: 2016: Pg. 1)

Evidence gathered by the Commission during farm visits indicate that there are concerns by land owners in terms of who would be liable for electricity costs should farm dwellers not pay for electricity consumption. Furthermore, the location of the electricity supply to the homesteads is a concern since on many farms, the houses of the farm occupiers are scattered over an extensive area. This makes the cost of supplying electrical infrastructure to such houses very expensive. Clearly therefore there is a significant backlog in terms of the supply of electricity to farm dweller households which also has significant implications for the quality of life, ability to study at night and potential to operate a small business of farm dwellers.

Sanitation:

63% of the witnesses attending the public hearings indicated that they do not have adequate sanitation facilities on the farm. In these instances, the farm dwellers typically have built their own pit latrines, witnesses complained that they are unsanitary, present a health hazard due to leakage of sewerage into the water system and are furthermore unsafe as children could fall into these pits. (Public Hearings: Summary Form: 2016: Pg. 1)

65% of the respondents to the questionnaires indicated that they made use of self-made pit toilets with only 16% of respondents indicating that they had access to a water-borne sewerage system. (Questionnaire Summary: 2016: Pg. 5).

A key challenge here is that it would be financially impossible for a local municipality to supply water borne sewerage and a proper sewerage treatment system for each small scattered community of farm dwellers in their jurisdiction. Not only would the costs of pipe lines but further the costs associated with surveying servitudes for the bulk infrastructure would be prohibitive. The only options to improve the access to decent sanitation for farm dwellers would be to either develop decentralized smaller systems that could work on each farm or to supply bulk sanitation services in designated settlement/ agri-village initiatives.

Refuse Removal:

Only 10% of respondents to the questionnaires indicated that there was a refuse removal system on the farm. It is presumed that this service is carried out by a farm owner who either removes waste from the homesteads of farm occupiers to a waste site in the nearby town or to an area on the farm where such waste is burnt and buried. In general, there appears to be an almost total lack of provision of waste services to farms. The Commission witnessed on a number of farm visits how waste is not properly disposed of leading to both an unhygienic as well as negative residential environment for farm dwellers. (Questionnaire Summary: 2016: Pg. 5)



A typical wattle and daub farm dweller homestead, with no access to electricity, potable water, sanitation or refuse removal.

11.8.4 Access to Social Services

There are a number of key social services that farm dwellers rely on extensively for support in terms of their socio-economic conditions, these include the following:

Safety and Security:

According to the information gathered in the questionnaire series, 56% of farm dwellers reside 15 kilometres or more away from the nearest police station and only 26% of respondents indicated that they were a victim of a crime in the past 2 years. Farm dwellers only reported cases to the police in 50% of the time where they were the victims of a criminal act, particularly theft and stock theft being major problems for farm dwellers. 55 % of farm dwellers indicated that they were on good terms with the local police officers in their vicinity. 72% of farm dwellers who responded to the questionnaire indicated that they were not aware of any crime prevention plan on their farm. (Questionnaire Summary: 2016: Pg. 2) Whilst it seems that there are good relationships in many areas between farm dwellers and the local SAPS stations the fact that 26% of the respondents were victims of crime over the past two years is a significant figure indicating the lack of security faced by farm dwellers (including farm owners and occupiers). The absence of inclusive crime prevention plans on many farms implies that farm owners and farm occupiers are not cooperating sufficiently to prevent crime on their properties.

Education:

62% of the witnesses at public hearings and 86% of respondents to the questionnaire indicated that they did have access to scholar transport. These figures may have been higher if those households whose children have already left school were excluded from these figures. Generally, the figures bear out that the scholar transport system in Mpumalanga Province is working well and is providing a service that enables the children of farm dwellers to attend primary and secondary schools in the vicinity of their farm. (Questionnaire Summary: 2016: Pg. 6) (Public Hearings: Summary Form: 2016: Pg. 1)

The questionnaire series further revealed that in 43% of the respondents, children had to walk more than 1 km from their homesteads to the bus stop to access the scholar transport system. In 86% of the respondents it was reported that the buses do arrive per schedule to enable the scholars to be at school on time. Generally, there was also great satisfaction with this service. (Questionnaire Summary: 2016: Pg. 6)

The past practice of forcing farm dweller households to contribute additional labour during peak seasons such as harvest times also seems to have ended. 98 % of respondents indicated that their children were not taken out of school during the harvest period. (Questionnaire Summary: 2016: Pg. 6)

Health:

67% of the questionnaire respondents indicated that they resided more than 10 kilometres from a health facility and thus were heavily reliant on the mobile health clinics provided by the Department. The majority of respondents and 65% of the witnesses at public hearings indicated that they made use of these mobile clinics on a regular basis. There were concerns raised about access to emergency services due to the distances to hospitals and the bad road conditions on and to some farms. Furthermore, respondents also indicated that in most instances farm owners were not willing to assist with transport in cases of medical emergency. Nevertheless, it would appear that the Department of Health is providing an effective service to the farm dweller community in the Province. (Questionnaire Summary: 2016: Pg. 7) (Public Hearings: Summary Form: 2016: Pg. 1)

Government Grants:

In most instances recorded farm dwellers indicated that they still go to the local town to access social grants (Pensions, child support and disability grants) on a monthly basis. This is a regular feature of farm dwellers and provides them with an opportunity to do shopping as well as interact with institutions such as banks whilst in town. Farm dwellers do however complain about the lack of public transport and the high costs of using taxis. Nevertheless, there were few complaints received by the Commission in terms of access to the government grant system by farm dwellers. (Public Hearings: Summary Form: 2016: Pg. 1)

Recreational Facilities:

95% of respondents to the questionnaire series indicated that there were no recreational facilities on their farms. Whilst it is common for farm dwellers to have an informal soccer field very little in the way of recreational facilities exist for farm dwellers. This is particularly problematic for children and youth who reside on farms as they do not have facilities to interact, socialize as well as develop sports skills. The schedules of scholar transport furthermore, prevent scholars from farm dwellers from participating in sports and social events extra morally. Social facilities such as churches are located in urban areas and or on neighbouring farms and if farm dwellers wish to access such facilities are required to use taxis for transport. (Questionnaire Summary: 2016: Pg. 8)

Social and Cultural Practices:

71% of respondents to the questionnaire indicated that they did have a right to bury their family members on the farm and 79% indicated that they did have permission to visit the graves of their family members in order to practice their cultural rituals. (Questionnaire Summary: 2016: Pg. 8) In just under 11% of farm dweller testimonials, there were however complaints around denial of burial rights and restrictions on the visitation of farm dwellers to family graves (Public Hearings: Summary Form: 2016: Pg. 1).



Farm occupiers, living in remote locale have to rely on mobile clinics and scholar transport for social benefits.

12. CRITICAL ISSUES FOR CONSIDERATION BY THE COMMISSION

In this Chapter the Commission refined its understanding of the critical issues affecting the socio-economic rights of farm dwellers, having gained immense knowledge and experience following an in-depth process of investigation, public hearing and questionnaires.

Furthermore, in depth interviews and detailed case studies enabled the Commission to gain a deeper understanding of the challenges facing the farm dweller community and the opportunities that exist which could significantly improve the quality of life for this community. The Commission is aware that the challenges facing farm dwellers are multi-dimensional and require the participation and commitment of a range of role-players.

The Commission also recognizes that there are areas of responsibility that are exclusively those of National Government as well as those of local municipalities and as such, the Provincial Government, operating under severe resource constraints, will need to work in partnership with these governments to achieve success. In the following section the thematic areas identified throughout the study are once more used as a framework for considering the critical issues that need to be addressed to improve the socio-economic conditions of farm dwellers.

12.1 Security of Tenure

The provision of security of tenure to farm dwellers remains the most important and fundamental first step towards improvements of the socio-economic conditions of farm dwellers in the Province. The Commission recognizes that without secure tenure farm occupiers will forever remain beholden on the goodwill or otherwise of the land owner to access housing, basic services and social services. Security of tenure is furthermore vital to enable farm occupiers to develop and improve their economic circumstances, particularly through agricultural production, where access to loan capital is oftentimes dependent on having a title deed to land that can be used as suretyship.

The Commission is aware that the DRDLR is in the process of amending the ESTA and that once the new ESTA Amendment Bill is enacted, there will be structures as well as dedicated resources to proactively upgrade the occupational rights of farm dwellers. The Commission is further aware of the current Land Claims Court ruling that mandates the DRDLR together with AFRA and the LRC to work together to develop a programme of support for the upgrading of the rights of farm occupiers, particularly labour tenants that has been outstanding for so long. In the interim the Commission support the work done by the DRDLR and civil society structures such as the MAJC, to provide legal services to farm occupiers facing eviction applications.

The Commission is also aware that reliance purely on legislation to enforce and uphold the tenure rights of farm occupiers will be insufficient. As in the case of the enactment of ESTA, the passing of this legislation has, as indicated in the literature review and elsewhere, led to farm owners responding in a number of ways to protect their interests including the use of the new legislation to legally evict farm dwellers, not investing in housing and service improvements on their farm and opting wherever possible employing farm labour from off-farm sources such as nearby townships. Therefore, whilst legislation is absolutely necessary it is also vital that strategies and approaches that promote cooperation between farm owners and occupiers be pursued.

The Commission therefore considers it appropriate to consider strategies that promote harmonious relationships and peaceful coexistence between farm occupiers and farm owners to support tenure legislation. External facilitation would be necessary to achieve consensus between farm owners and farm occupiers in terms of the exact scope and extent of occupier's rights to farms, particularly the location of their residential areas, the land available for crop and livestock farming and finally the most practical and affordable way to achieve a decent level of services on the farm. The facilitation of this process will lead to the signing of recognition agreements between farm owners and occupiers that explicitly confirm the tenure rights of the occupiers. Such agreements could be notarized or registered as a codicil on the farm's title deeds.

This is particularly important given the evidence gathered during the Commission research that many disputes arise between farm occupiers and new farm owners who upon purchasing land proceed to change the existing tenure and occupational rights of the farm occupiers. In this regard it is also expected that the DRDLR, when acquiring land for restitution or redistribution purposes (PLAS) will ensure that there is complete transparency and understanding by the land claimants and or PLAS tenants concerning the extent of the rights of the existing farm dwellers on the properties used for restitution or redistribution.

Further research and piloting of strategies such as farm worker equity share schemes, agri-villages and mentorship should also be undertaken to develop on-farm and off-farm options that would provide secure tenure for farm occupiers.

12.2 Economic Opportunities

The Commission understands that agriculture is the mainstay economic sector for farm dwellers both as employers and employees. The Commission has requested the Department of Labour to report specifically on their outputs related to the agricultural sector in the Province in terms of compliance, levels of dispute, training on labour law and site inspections that they carry out within the agricultural sector. Currently the Department does not provide reporting specifically on the agricultural sector and therefore the Commission cannot determine the exact current status of statutory compliance within the agricultural sector. The Commission also notes the need for the Department of Labour to work more closely with the Department of Home Affairs as well the SAPS in terms of managing undocumented foreign nationals working on farms in the Province.

Secure tenure and access to productive agricultural land is an additional vital component to address the livelihood strategies of farm occupiers. Secured access to agricultural land will enable farm occupiers to achieve food security as well as supplement wage incomes and social grants they now receive.

The Commission has revealed that conflicts between farm owners who are running commercial scale livestock and crop farming operations and farm occupiers who maintain their own livestock and cropping lands, is widespread. Only through clear on-farm agreements between these parties in terms of the extent of land available to occupiers for their own agricultural purposes or collective strategies to farm together, as is the examples presented in a number of the Commission's case studies, can such conflict be avoided between these parties.

The Commission is acutely aware of the challenging circumstances facing the agricultural sector in South Africa, particularly due to the impacts of globalization and deregulation that have been ongoing over the past 30 years. Farm dwellers and the State should investigate innovative partnership models, such as farm worker equity schemes, that would lead to greater productivity, competitiveness and value adding in the Agricultural sector. Such innovative models, as highlighted in the case studies should be supported by the DARDLEA and the DRDLR as well as other supporting institutions such as MEGA and the Land Bank.

Non-Agricultural rural economic opportunities for farm occupiers, remain limited both due to the geographic location of the farms as well as the levels of skills and training of farm dwellers. Nevertheless, tertiary

training in practical skills such as building, welding, fitter and turning, boiler making, mechanics, plumbing and electricity are considered essential by the Commission to enable farm dwellers to develop non-agricultural economic opportunities in rural Mpumalanga. During farm visits, 32 unemployed youth were identified and sent to Hydra Arch for artisan training. The Commission believes that artisan training of farm dweller youth in such fields is a very important step in improving the plight of the farm dwellers community.

Mining in the Province is providing employment, revenue for the State and contributes towards local economic development. However, this land use comes at a price not only to the wider natural environment in terms of pollution of the water table, water sources and important catchments, as well as the soil, fauna and flora; but furthermore creates a range of challenges for the farm dweller community.

The DMR and the Mining Commission are entrusted with ensuring that where mining activities are occurring this does not lead to hardship and loss of economic opportunities for farm dwellers and the broader community. More attention to addressing the needs of farm occupiers, in addition to the needs of farm owners, need to be given when new mining operations are planned. Secondly the oversight of rehabilitation of mining areas, once operations are discontinued, need to be very thoroughly monitored to ensure that rehabilitated mining lands can once more be used for agricultural production, even if at lower levels than surrounding pristine and undisturbed agricultural lands.

According to a study conducted by the Centre for Environmental Rights (2016), Mpumalanga is facing environmental threats that will have dire consequences for South Africa's future prosperity. The study notes that a mere 1.5% of SA's soils are considered high potential, and 46.6% of these are found in Mpumalanga. If mining continues at its current rate, 12% of South Africa's total high potential arable land will be ruined.

The study further observed that mining affected communities are exposed to water, soil, noise and dust pollution causing ill health and always experience forced resettlement. In most instances houses of farm communities' crack from blasting operations and some settlements are perilously situated above or close to abandoned mines and collapse when subsidence occurs. With environmental non-compliance left unchecked, mines can continuously leach toxic water into ground and surface water, on which many depend in the absence of piped water.

12.3 Housing and Basic Services

The Commission is aware that the Department of Human Settlement operates under severe human and capital resource constraints in a very demanding environment and that there is a huge backlog of State subsidized housing even in existing urban areas. Implementing a State subsidized housing programme in small geographically isolated localities costs more money and takes longer to implement. Additionally, without secure tenure for the farm occupiers or the express consent of the farm owner the Department cannot proceed with developing State subsidized housing.

Whilst noting these constraints and challenges, both the DHS' FWHAP and the 2009 National Housing Code make provision for the development of farm dweller housing. The Commission is of the view the Provincial Department of Housing should commit at least a proportion of its annual budget to specifically deliver housing to farm dwellers on an annual basis and to report on progress and challenges accordingly. It is however necessary for the Department to work closely with local municipality and farm owner organisations such as Agri-MP to obtain their buy-in and support to such farm worker housing projects so that a commitment to services and secure tenure can be guaranteed up-front before such projects commence.

A further point to consider, in terms of the provision of housing, is that there are concerns with both the sustainability and high costs of services associated with providing housing subsidies to small isolated rural homesteads. The Commission therefore thinks it would be useful for the DHS in partnership with COGTA and other role players to undertake a research study that will delve further into the costs associated with creating both on-farm housing options as well as agri-village initiatives and extensions to existing townships that will also accommodate displaced farm dwellers' need for land for crop farming and livestock (Municipal Commonages). Such a study should reveal the inherent costs of delivery of services, infrastructure and land costs, as well as setting up norms such as minimum size of community to create a viable and sustainable settlement.

The Commission understands that the provision of basic services (drinking water, electricity, sanitation, refuse removal and road access) is a key to improving the socio-economic conditions of farm dwellers. Investigations have revealed that the provision of basic services to farm dwellers varies considerably from

farm to farm and from local municipality to local municipality. In some municipalities efforts have been made to supply water to farm dwellers through the use of water tanker trucks either directly by the municipality or through contractors. This system, although useful in emergency instances as a temporary measure is unsustainable, costly and can be abused- particularly if implemented by external contractors. Furthermore, the Commission appreciates the impracticality of and high costs associated with attempts to supply bulk services to far flung and remote rural households within their municipal areas. It is simply not affordable for the municipality to provide such bulk services to each and every farm. Therefore, the Commission believes that localized systems of service delivery including using existing boreholes, providing stand-alone sanitation systems and sewerage treatment facility need to be prioritized as being more affordable and sustainable.

On the other hand, there are farm owners, who from their own initiative and at own expense, provide basic services to the farm dwellers who occupy their farms. Whilst the Commission is appreciative of the good will of such farm owners and recognizes how important their contributions are to the living conditions of farm dwellers, it is nevertheless understood that such contributions by farm owners are entirely dependent on the goodwill of the current farm owner and in no ways are these formal and sustainable. Farm owners, who are paying both municipal property taxes as well as levies, should be either subsidized or compensated for these efforts or alternatively local government should enter into service level agreements with these farm owners, groups of farm owners or farm owner/occupier cooperatives that would lead to both a formal as well as sustainable approach to the provision of service delivery on farms. The Commission advocates for a need for further research to be done into the most effective localized service delivery methods available, how such service level agreements can be formulated in compliance with the PFMA, MFA and applicable bye-laws, as well as what are the most effective structures to implement such SLAs on a farm by farm basis could be.

12.4 Social Services

The Commission has noted the great strides made by the Department of Education and the Department of Health towards ensuring that farm dwellers, living in remote rural areas, have access to both education and health services through the scholar transport scheme as well as through mobile clinics. These solutions are effective and are being received by farm dwellers throughout the Province as is evidenced in the public hearings, farm visits and questionnaires conducted. These departments should be commended and encouraged for their dedication to this community.

The Department of Education's initiative of establishing boarding schools in rural areas to accommodate farm dweller scholars, particularly those attending secondary school is appreciated. Furthermore, to improve safety of scholars using the scholar transport system, there is a need for adult supervision of scholars at the various pick- up and- drop off sites and between these sites and the homesteads that the scholars have to walk to, sometimes as far as 5 kilometres away. Such adult supervision is necessary as oftentimes scholars must cross busy highways, rivers and isolated areas to access their homesteads. The security of these scholars walking to and from the pick-up sites is of paramount importance.

Road access is a chief constraint not only to scholar transport services but equally so for both mobile clinics as well as emergency ambulance services. The responsibility for the maintenance of such roads rests with National, Provincial and Local governments. It is important that these parties, possibly in partnership with local farmers who use the designated routes, develop maintenance and upgrading strategies to ensure that children can be transported safely, that farm dwellers can access mobile clinics and emergency services.

Rural safety remains a challenge to all farm dwellers. The often violent nature of farm attacks have devastating and long term impacts on agricultural production, rural employment and farm owner/farm occupier relationships. Rural safety is a concern for all the farm dweller communities and with this in mind it is vital for all farm dwellers (Occupiers and owners alike) to participate meaningfully in local rural safety and security committees as well as developing on farm safety and security plans. All incidence of crime, including stock and crop thefts should be reported to the local SAPS branches so that accurate records as well as the monitoring of trends and hot spots can be done at a local level and fed into Provincial and National statistics.

Although the Department of Sports, Arts and Culture is promoting its work in rural areas, farm dwellers are often without access to transport and are thus excluded from participation in such events. The Department should create specific systems and plans that will ensure the participation of farm dwellers in such events.

12.5 Institutional Coordination, Monitoring and Reporting

The Commission has identified a need for greater institutional coordination, monitoring and reporting on the efforts of the State to address the socio-economic conditions of farm dwellers. It is unlikely that a single government sphere (National, Provincial or Local) will be able on its own to radically impact on the socio-economic conditions of farm dwellers. Rather support for this community requires an integrated, coordinated and comprehensive response from the State. Key to achieving this, is to create a specific coordinating structure that will mobilize the support and involvement of all tiers of government and all relevant line function departments as well as encourage the participation of private sector and civil society groups. Strong leadership is required to lead and drive this strategy so that all stakeholders can cooperate and pool their scarce resources towards addressing the various socio-economic needs of the 320 000 odd farm dwellers in the Province.

The Commission is aware of the moratorium placed on the creation of new government posts within the Provincial government as well as the Constitutional and legislative competencies and constraints of utilizing existing coordinating structures such as government clusters, components and special purposes vehicles to achieve the desired levels of coordination. Nevertheless, only through strong leadership driving a coordinated and comprehensive strategy of support will the socio-economic conditions of farm dwellers be achieved in the Province.

There is a need for National, Provincial and Local Governments to develop accurate and regular reports on the work done in support of the farm dweller community. Currently these State institutions do not specifically monitor or report on their work, successes and constraints, with the farm dweller community. It is appropriate that a central monitoring and evaluation body, team or structure be established so that the Province is regularly updated on the efforts of the various departments and local municipalities, in addressing the socio-economic conditions of the farm dweller community in the Province.

13. RECOMMENDATIONS OF THE COMMISSION

13.1 Introductions

Having completed its investigations and gathered as much information as time and resources permitted, the Commission makes the following recommendations for consideration by the Premier.

(For ease of reading and logical flow, the recommendations are arranged in terms of the five key thematic areas as identified earlier.

THEME 5: INSTITUTIONAL STRUCTURE, RELATIONSHIPS AND ALIGNMENT

The Commission noting:

- A. That the basic rights of all citizens need to be addressed by the State, within its available means and that national legislation has allocated responsibility to the appropriate and relevant government departments and municipal entities;
- B. That the socio-economic needs of farm dwellers traverse national and provincial line function departments as well as district and local municipal governments;
- C. That, as a result of the transversal responsibilities, the scarcity of resources and spatial challenges, the socio-economic needs of farm dwellers tend to be at the back of the receiving line; and
- D. That in the course of its deliberations the need has been identified for a coordinating structure to oversee and manage the transversal responsibilities concerning the socio-economic rights of farm dwellers;

Therefore recommends that:

- A. A **structure or component be established** within the Office of the Premier to ensure such coordination occurs to address the socio-economic needs of the farm dweller community.

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- B. The work of this structure cuts across Provincial Departments, Municipalities and National Departments that provide services to the farming community. The existence of the structure and its operations to be introduced to all relevant stakeholders especially the Department of Rural Development and Land Reform. Meetings between the Premier of Mpumalanga Province and various relevant Ministers (DRDLR; DMR and DWS) will be necessary in order to give the task team credibility when interacting with these Departments. The structure should be introduced to all Municipalities through the Premier's Coordinating Forum.
 - C. The head of this structure should have enough authority to interact with and co-ordinate support from the various line functions, Heads of Departments, District and Local Municipal Managers. Funds that are allocated to the structure be ring- fenced for the purposes and objectives of this structure.
 - D. All Provincial Government Departments report on an annual basis on their expenditure in areas inhabited by farm dwellers to further promote parity between farm dweller communities and residents of urban areas.
 - E. Wherever applicable, dedicated percentages of Provincial Line Function Department's budgets must be allocated to service farm dwellers.
 - F. Dedicated monitoring and reporting on expenditure on assistance to farm dwellers per relevant Department must take place on an annual basis.
 - G. The structure proposed above should report regularly on the progress made by the Province in improving the socio-economic conditions of farm dwellers.

THEME 1: SECURITY OF TENURE

The Commission noting:

- A. The central role that security of tenure plays in influencing the socio-economic conditions of farm dwellers in the Province; and,
- B. That the socio economic rights of farm dwellers cut across several departments and entities in all spheres of government; and,
- C. That the Department for Rural Development and Land Reform is in the process of amending certain legislation and establishing a national programme of tenure security for farm occupiers and labour tenants; and,
- D. The large numbers of complaints received from land reform beneficiaries, who have alleged financial mismanagement, corruption, undemocratic practices, poor governance and a lack of adequate support to allow the beneficiaries to utilize their properties effectively and productively, and
- E. That there is a need for regular inter-departmental communications and reporting.

Therefore recommends that:

- A. The Provincial government supports the amendments to the existing legislation and the development of the new programme that will provide tenure security, in the form of free hold title (Either on or off farm) to farm occupiers by the Department for Rural Development and Land Reform.
- B. The Task Team initiates and supports a number of pilot projects that will explore alternative tenure security models for farm dwellers including on farm tenure projects, off farm Agri-villages and farm worker equity share schemes in a bid to develop greater knowledge of these initiatives as well as to establish norms and standards that could be applied to all such initiatives in the future.
- C. The Department of Rural Development and Land Reform provides annual reports on the extent of their support to legal cases of eviction of farm dwellers, the delivery of land through the redistribution and restitution programmes and compliance monitoring of Communal Property Institutions including Trusts and Communal Property Associations that the Department has registered in the Province.

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- D. The Department of Rural Development and Land Reform DRDLR must actively ensure that land purchased for restitution and redistribution projects firstly does not lead to the interference of the occupational rights of existing farm dwellers and is secondly managed effectively to promote food security, employment and economic growth through emphasizing good governance, access to grants and skills development.
 - E. That the informal tenure rights of farm occupiers be reduced to writing by agreement between farm owners and the occupiers and be attached as a codicil or notarized on the title deeds of the properties in question, so as to obviate problems on the sale of the land in the future
 - F. Such agreements, facilitated by the Task Team, would also include consensus between farm owners and farm occupiers on the provision of housing, basic services and access to social services.

1. THEME 2: LABOUR AND ECONOMIC OPPORTUNITIES:

The Commission noting:

- A. That agricultural wage employment remains a key source of income and livelihood for farm dwellers; and
- B. That existing labour legislation provides sufficient support and protection for the rights of both employers and employees in the agricultural sector;
- C. That secure access to land, agricultural inputs, skills development and markets are essential to the ability of farm dwellers to generate an income from agricultural production and food security; and
- D. That on many farms within the Province, farm occupiers have access to land but lack support from the State in terms of being able to productively use this resource; and
- E. That a major source of conflict between commercial farmers and farm occupiers involves disputes around access to grazing land and the amount of livestock kept on farms by farm occupiers; and
- F. That the Commercial Agricultural Sector is a vital component of the Provincial economy, an important source of employment and foreign exchange earnings and is the major contributor towards food security; and
- G. That the relationship between the commercial agricultural sector and the State has been perceived to be negative and antagonistic leading to a lack of cooperation and partnerships
- H. That the Provincial government together with the DRDLR and other stakeholders have initiated the Mpumalanga Fresh Produce Market, and regional agricultural hubs. These new facilities may provide access to wider markets for agricultural goods produced by the farm dweller community.
- I. That the Commission of Inquiry is aware that whilst mining is an important sector in its own right, it should not be allowed to destroy long term environmental integrity that agricultural producers and the farm dweller community rely on and furthermore not disrupt farm dweller communities unnecessarily

Therefore recommends that:

- A. The Department of Labour on a six monthly basis provides the Provincial Government with a report specifying the level of compliance recorded by the Department of Labour within the agricultural sector. The six monthly report should furthermore highlight the work done by the Department of Labour to educate farm dwellers on their labour rights in terms of the relevant labour legislation
- B. The Provincial Government should actively encourage harmonious relationships between itself and the commercial agricultural sector through improved communication, partnerships, more regular interactions and the involvement of commercial agricultural representative organizations in its consultative structures.
- C. The State through its line function departments and agencies (Including MEGA, Agri-SETA, IDC and Land Bank) needs to prioritize support to commercial farmers emerging farmers and land reform

beneficiaries to stimulate agricultural output, agricultural employment, develop innovative partnerships between role players and increase value adding in the agricultural sector within Mpumalanga Province.

- D. An audit be undertaken in each district to identify the needs and level of support available to farm dwellers who have secure access to land for productive enterprise;
- E. Once the audit is completed the Task Team liaise with the relevant provincial and national departments and local (LED) structures to establish a programme that will provide the necessary support to enable the farm dwellers to maximise their ability to productively utilize agricultural land over which they have established rights.
- F. The Department of Agriculture, Rural Development, Land and Environment develops a specific programme, and reports to the Task Team, on the measures that they have introduced to support farm occupiers to manage livestock in a lawful, sustainable and economically productive manner, including measures to ensure livestock are branded, are contained within fenced perimeters, are inoculated and that their carrying capacities do not extend beyond regional norms and averages.
- G. The Department of Agriculture, Rural Development, Land and Environment be tasked with ensuring that the entire farm dweller community, particularly farm occupiers, gains access to the necessary support that will increase their agricultural production enabling them to supply the fresh produce market through the regional agri-hubs.
- H. The DMR adopts the World Bank's International Finance Corporation (IFC) guidelines in terms of the relocation of farm dweller communities when mining is initiated in a farming area.
- I. The DMR ensures that mines undertake effective rehabilitation programme to maintain adequate level of agricultural production on the land in the years following mine closure.
- J. The DMR enforce the law through adequate investment in compliance monitoring and enforcement capacity; institute a comprehensive compliance monitoring and an enforcement programme; implement a proper administrative penalty system and ensure the transparent reporting of results.

2. THEME 3: HOUSING AND BASIC SERVICES

The Commission noting:

- A. That the condition of farm dweller housing in the province is poor, oftentimes being unsafe, unhygienic and made from informal materials; and
- B. That the quality of farm dweller housing in the province is variable depending on the entity providing the housing (self-built, farm owner built or provided by the State; and
- C. That the Department of Human Settlement is the key department responsible for the provision of housing; and
- D. That there are significant cost implications for the construction of subsidized housing within small isolated farm dweller settlements; and therefore
- E. That the Department therefore prioritizes larger scale, urban or peri-urban housing projects to enable it to deliver more State subsidized housing; and
- F. That the absence of secure tenure by farm occupiers or formal agreements allowing for the State to build housing for farm occupiers on private property, hampers the Departments ability to provide housing for farm occupiers.
- G. That it will be cost-effective to supply farm dwellers with services such as water electricity and sanitation if they are grouped together in a form of agri-villages.
- H. The level of basic services available to farm dwellers is oftentimes inadequate and is variable from local municipality to local municipality and from farm to farm depending on the relationships between farm owners and farm occupiers; and
- I. That the provision of basic services is the responsibility of the State, and whilst this duty is transversal

across the spheres of government, it primarily falls upon local government to implement; and

- J. That local government is severely constrained in terms of human capacity and development capital and is furthermore concerned with developing infrastructure on private property and with the costs implications of servicing small, isolated and often distant farm dweller settlements and:
- K. That, in the absence of basic services being provided by local municipality, farm owners are oftentimes providing these services to farm occupiers and workers, whilst at the same time paying municipal property taxes and municipal rates.
- L. That, in many instances it is practically and financially beyond the means of the State, particularly local government, to connect such isolated, small and geographically distant farm dweller settlements to bulk infrastructure to provide for the basic services of farm dwellers.

Therefore recommends that:

- A. The Department make specific allocation to ensure that funds are available specifically for rural housing of farm occupiers.
- B. The Task Team facilitates agreements between land owners and farm occupiers in terms of the extent and location of residential settlements on or off the farm. The Task Team may outsource or delegate this function.
- C. The Task Team undertakes research into the appropriate norms and standards related to the viability of establishing both on and off -farm Agri-villages. Such research should consider the size of land available to farm occupiers to pursue both income generating and income saving (Food security) strategies, the size of stands to accommodate extended households, the most effective and affordable levels of basic services and the thresholds over which social infrastructure such as schools and clinics should be included in such developments; The research will have to take into account the carrying capacity of land to determine the number of families to be accommodated per agri-village.
- D. All spheres of government recognize that farm dwellers are entitled to adequate and affordable levels of basic services and that the State, through its various departments and governments, incrementally address the need for these services on an annual basis.
- E. The task team initiates a study on alternative and localized systems of basic service delivery to farm dwellers that would include cost recovery mechanisms where land owners and farm dwellers participate in the provision and maintenance of basic services themselves.

3. Theme 4: Social Services

The Commission noting:

- A. That the provision of social services, including scholar transport and education facilities, access to medical assistance through mobile clinics and emergency services are being implemented and recognizes and commends the efforts made by the various departments; and
- B. That to maintain the level of services provided, road infrastructure needs to be improved and regularly maintained; and
- C. Crime in rural areas, particularly farm attacks, crop and stock theft have severe and often long term social and economic impacts on the entire farm dweller community; and
- D. That efforts to prevent crime in rural areas are hampered by geographic conditions, a lack of personnel, appropriate equipment, weak rural safety structures and farm security plans that do not include farm workers and farm occupiers.

Therefore recommends that;

- A. The various departments providing social services report specifically on their achievements to deliver these social services to the farm dweller community on an annual basis.
- B. The improvement of rural road infrastructure be prioritized to better enable mobile clinics, emergency

ambulance services and scholar transport systems to operate.

- C.** The Provincial Department of Education expands its development of boarding facilities to improve access to education for farm dweller children.
- D.** Effective public transport routes be established to enable farm dwellers to participate in organized social events initiated by the Department of Social Services and to receive social grants, including disability grants, child support grants and State pensions, at an affordable level as opposed to having to rely on private mini-buses that are costly and irregular in rural areas.
- E.** The Department of Public Works, Roads and Transport consider the appointment and training of farm dwellers to ensure the safety of scholars using the school transport system both at the pick-up sites and drop-off sites and between these sites and the scholar's homesteads as part of its expanded public works programme.
- F.** The farm dwellers' representatives be included in rural safety priority committees and forums and farm security plans as a matter of course.
- G.** The envisioned task team supports the relevant Departments in their efforts to provide adequate levels of access to social services.

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www.AFASA.org.za: AFASA: Website:

SALGA:www.salga.org.za/.../SALGA An Overview of Organised Local Government in South Africa

15. ANNEXURES

Annexure A: Gazette Notice Establishing the Commission of Inquiry: 2015

Annexure B: Government Notice Extension of the Term of the Commission

Annexure C: Summary of Public Hearings

Annexure D: Copy of the Questionnaire

Annexure E: Summary of Questionnaires Completed by Farm Dwellers

Annexure F: Case studies

1: The Earthrise Trust's Rustler's Valley Farm Development Initiative

2: The Mondi Jabulani Agri-Village Project

3: The Forbes Farm Dweller Project

4: The Meerlust Empowerment Trust Farm Project.

5: The Jagdrift Cattle and Crop Farming Initiative.

1. Annexure A

4 No. 2547

PROVINCIAL GAZETTE, EXTRAORDINARY, 28 AUGUST 2015

PREMIER'S NOTICES • PREMIERSKENNISGEWINGS

PREMIER'S NOTICE 7 OF 2015

MPUMALANGA COMMISSIONS OF INQUIRY ACT, 1998

APPOINTMENT OF COMMISSION OF INQUIRY: SOCIO-ECONOMIC CONDITIONS OF FARM DWELLERS IN MPUMALANGA

I, David Dabede Mabuza, Premier of the Province of Mpumalanga, hereby give notice that I have, in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the Mpumalanga Commissions of Inquiry Act, 1998 (Act No. 11 of 1998), appointed a Commission of Inquiry consisting of **Advocate Jacob Jakobus Gerhardus Louw** (Chairperson) as well as **Mr Ernest Mmako**, **Advocate Eunanda Eugenia Fourie**, **Mr Thabo Mokoena**, **Mr Michael Knowledge Soko** and **Ms Nomvula Mavis Maya** as Members of the Commission of Inquiry.

The Commission is hereby instructed to, with effect from **01 September 2015**, investigate and report to myself (including *interim* reports as and when necessary), before or on **31 March 2016**, on the socio-economic conditions of farm dwellers in Mpumalanga, as set out more fully in the terms of reference below.

The terms of reference of the Commission of Inquiry shall be as follows:

TERMS OF REFERENCE

"To investigate and report to myself, with due regard to the applicable rights, responsibilities and obligations contained in the relevant legislation, on the living conditions of farm dwellers in the Mpumalanga Province in general, with specific reference to the following, but without limiting the scope of such investigation:

- *The protection of human rights with specific emphasis on the realization of socio-economic rights;*
- *Safety and security;*
- *Security of tenure;*
- *Employment security;*
- *Access to adequate and sustainable housing;*
- *Access to basic services, such as electricity, water and sanitation;*
- *Working conditions including working hours, levels, scope and extent of compensation as well as compliance with safe and healthy working conditions;*
- *Access to quality education;*
- *Access to quality health care;*
- *Access to the justice system; and*
- *The prevalence of unlawful evictions and the curtailment thereof.*

For purposes of this investigation, the land area in Mpumalanga in respect of which the investigation will be conducted, is the land to which the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997), in terms of section 2 thereof, applies.

The Report must further clearly indicate, in each instance, the level, scope and extent of required or recommended interventions by Government in order to address shortcomings, transgressions, non-compliance with legislation and other challenges identified during the course of the investigation.

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PREMIER'S NOTICES • PREMIERSKENNISGEWINGS

PREMIER'S NOTICE 3 OF 2016

PREMIER'S NOTICE

MPUMALANGA COMMISSIONS OF INQUIRY ACT, 1998

EXTENSION OF COMMISSION OF INQUIRY: SOCIO-ECONOMIC CONDITIONS OF FARM DWELLERS IN MPUMALANGA

I, David Gabebe Mabuza, Premier of the Province of Mpumalanga, hereby give notice that I have, on 28 August 2015, appointed by means of a Premier's Notice published in Provincial Gazette Extraordinary No. 2547, in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the Mpumalanga Commissions of Inquiry Act, 1998 (Act No. 11 of 1998), a Commission of Inquiry consisting of Advocate Jacobus Jakobus Gerhardus Louw (Chairperson) as well as Mr. Ernest Mziaka, Advocate Emandla Eugenia Fourie, Mr. Thabo Mokoena, Mr. Robert David Daval, and Ms. Nonvula Mavis Maya as Members.

The Commission was initially instructed to investigate and report to myself (including interim reports as and when necessary) before or on 31 March 2016, on the socio-economic conditions of farm dwellers in Mpumalanga, as set out more fully in the above-mentioned Premier's Notice.

I hereby extend the timeframe of the Commission of Inquiry: Socio-Economic Conditions of Farm Dwellers in Mpumalanga until 31 May 2016. The Terms of Reference of the Commission of Inquiry remains the same.

It will be expected of the Commission to make firm and unambiguous recommendations to myself in its Report as far as each and every finding of the Commission is concerned and to submit a final Report to myself before or on 30 June 2016.

Any person who wishes to submit evidence to the Commission of Inquiry, either orally or by way of written submission, electronically or otherwise, is hereby invited to contact the Secretary, Commission of Inquiry: Socio-Economic Conditions of Farm Dwellers in Mpumalanga at the following addresses:

Postal address:	Private Bag X11291, Mbombela, 1200.
Physical address:	No. 7 Government Boulevard, Riverside Park Ext. 2, Mbombela, 1200.
e-mail address:	rkambuleb@prem.mpp.gov.za.
fax number:	013 755 2494.
telephone number:	013 765 2319.

The Commission is conducting the said inquiry in terms of the above-mentioned Commissions of Inquiry Act, 1998 (Act No. 11 of 1998).


D.D. MABUZA
PREMIER: MPUMALANGA PROVINCE
DATE: 09/03/2016

SOCIO - ECONOMIC CONDITIONS OF FARMDWELLERS

PERSONAL QUESTIONS

Name & Surname													
ID Number													
Gender	Male		Female										
Age	15-25		26-36		37-47		48-58		59-60	61+			
Highest Education achieved	0-1		1-3		3-5		5-10		10-12	12+			
Race	Black		White		Coloured		Indian						
Farm Dweller Status	Farm Owner		Farm worker		Tenant and not working on Farm								
Title Deed Ownership	Yes		No										
Employment Status	Employed		Unemployed										
Wages	0-1000		1001-2000		2001-3000		3001-4000		5001-6000	6001+			
Name of the farm													
Municipality													
Number of years staying on the farm	0-1		1-2		3-5		5-10		10-20	20-30		30+	
Marital Status	Married			Not Married									
Size of the Household	0-3		4-6		7-10+								

Theme 1: Safety and Security; Access to the Justice system

I. How far is the nearest police station in km? 0-5 5-10 10-15 15+

II. Mode of transport available to the police station: Taxi; Bus; Private car
Pedestrian

III. Have you or a member of your family ever been a victim of crime (including stock theft) in the past two years? Yes No

IV. If yes please explain briefly. -----

V. Are you aware of any crime prevention plans on the farm? Yes No

VI. Did you report the incident to the police? Yes No

VII. Did the Police help you? Explain please -----

VIII. How will you rate your relationship with the farmer: Friendly
Bad
Fair

Please Explain-----

IX. What other obstacles not mentioned above preventing you from receiving fair justice?

- Natural obstacles such as rivers or mountains; Explain-----

- Human related obstacles such as the attitude of the farmer, refusing access into the farm; locking gates and making access difficult; Please explain-----

-

X. Relationship with the police: Friendly Bad Fair

XI. Please explain your experience at the police station or when phoning the police in terms of taking time in attending to an urgent call; delay in attending to your need; confidentiality at the police station

XII. What recommendations can you make to the commission for the Police to be more effective or the Farmer to help you? -----

Theme2 : Security of Tenure; Prevalence of unlawful Evictions

I. Are you a landowner or Tenant

If tenant who gave you consent to stay on this farm? Is it the current farmer?

Previous farmer

If none of the two, please explain your stay on the farm

II. Have you received any conditions from the farm owner about your stay on the farm? Yes No

If yes, what are these conditions-----

III. Are you allowed to make any new developments on your site? Yes No

IV. If no, were you given reasons why? Please explain-----

V. Is your house made of Bricks Mud Shack

VI. If Mud or Shack are you permitted to build using bricks? Yes No

VII. Were you ever given any permission before to build the house/s that is/are on your site? Y

VIII. Were you ever evicted before from a farm? Yes No

IX. If yes were you given any eviction court order? Yes No

X. If yes did you challenge the eviction order? Yes No

XI. If No please give reasons for not doing so-----

XII. Did you report or seek support from government or from any other source? Yes
No

XIII. What legal support did you receive-----

XIV. Were you happy with the legal support that was provided? Please elaborate-----

XV. Are you allowed to practice farming on this farm? Yes No

XVI. If yes please provide the size of your grazing land----- The size of ploughing
land?----- The number of cattle you are entitled to have -----

XVII. Do you pay for your accommodation on the farm? Yes No

XVIII. What recommendations can you make to the commission to secure your tenancy or
to assist your living conditions on the farm?-----

Theme 3: Employment Security; Hours of work; Compensation; Health & Safety at the workplace

I. Are you currently employed and working for the farmer? Yes No

II. If yes, do you have a contract of employment? Yes No

III. Do you receive a pay-slip? Yes No

IV. If yes does your payslip show all legal deductions such as UIF and PAYE? Yes

No

V. What is your job title? Labourer Supervisor Skilled
Employment

VI. Number of years employed on this farm?

0-2	3-5	6-8	9-11	12+
-----	-----	-----	------	-----

VII. Are you a permanent or seasonal worker?

VIII. Do you work on weekends and public holidays? Yes No

IX. If yes do you get paid? Yes No

X. Are you entitled to any of these leaves? paid sick leave
Paid Annual leave Maternity leave Paternal leave
Special leave

XI. What are your working hours a day?

Less than 7	8	9	10+
-------------	---	---	-----

XII. Are you paid for working overtime? Yes No

XIII. Are you provided with protective clothing? Yes No

XIV. If yes is it provided without money deducted from your wages? Yes
No

XV. When at work are you provided with clean ablution facilities?
Yes No

XVI. Do you have access to clean drinking water when you are in-field?
Yes No

XVII. Any type of training you have received for the job you are doing: Formal
Informal

XVIII. If the training was formal did you receive any accredited certificate?
Yes No

XIX. If you live off the farm, what form of transport do you use to commute to and from work?

walk	Taxi	Bus	Employer
------	------	-----	----------

XX. Have you suffered any form of abuse from the manager/supervisor/owner during your years of employment?

Sexual	Physical	Verbal	Other specify
--------	----------	--------	---------------

XXI. Do you belong to a labour union? Yes No

Theme 4: Access to Housing; electricity; Water & Sanitation

I. What type of dwelling do you live in?

Brick	Mud	Shack
-------	-----	-------

II. Who assisted you with the building of the house?

Government	Farmer	Self
------------	--------	------

III. Type of ablution facilities at your house

Waterborne	Pit toilet	VIP	Other Specify
------------	------------	-----	---------------

IV. Describe the type of dwelling you live in (Family, Communal, and Hostel)

Family Unit	Communal	Hostel	Other Specify
-------------	----------	--------	---------------

V. Is your dwelling having access to:

Clean Water	Electricity	Waste Removal
-------------	-------------	---------------

VI. Do you have a title deed to your house?

Yes	No
-----	----

VII. If no what are the conditions for living in the house?-----

VIII. Please provide any comment about your dwelling that is not covered by the above questions-----

Theme 5: Access to quality Education

I. Distance to the nearest school in km:

0-1	2-3	4-5	6-7	8-9	10+
-----	-----	-----	-----	-----	-----

II. Is government providing transport to school? Yes No

III. If yes does it arrive on time?

Always	Some time	never
--------	-----------	-------

IV. Distance from the house to the nearest bus stop

0-300m	301-500m	501-700m	701-1000m		
--------	----------	----------	-----------	--	--

V. Safety of the path to the bus stop, please explain-----

VI. Quality of education offered at the school:

- a). Total enrolment at the school
- b). Number of classrooms
- c). Number of teachers
- d). The lowest and the highest grade at the school
- e). Absenteeism of teachers
- f). Timeous arrival of school bus
- g). Sports Activities

h). Library and laboratories

VII. Have you ever received support from the farmer to help with costs related to education of your children? Yes No

Please explain-----

VII. Do children attend schooling during harvesting period? Yes No

Theme 6: Access to quality Health Care

I. Distance to the nearest health care facility in Km

0-1	2-3	4-5	6-7	8-9	10+
-----	-----	-----	-----	-----	-----

II. Office hours of the facility:

08-16	24
-------	----

III. Opening of the facility during the week

Monday - Friday	2x a week	1x a week	7 days a Week
-----------------	-----------	-----------	---------------

IV. Does the farmer provide transport in times of medical emergency?

Yes	No
-----	----

V. Attitude of staff at the clinic

Polite	Clinic opening and closing on time	Don't care attitude	Customer respect
--------	------------------------------------	---------------------	------------------

Theme 7: Social Matters

I. Are you allowed to bury your dead on the farm? Yes No

II. If no please explain -----

III. Are you allowed to visit the graves of your relatives? Yes No

IV. Are you provided with recreational facilities on the farm? Yes No

v. Have you ever received support from the farmer with funeral costs of your family? Yes No

1. CASE STUDY REPORTS

The following section provides details of each of the five case studies undertaken as part of the Commission's research into the socio-economic conditions of farm dwellers.

Case Study 1: The Earthrise Trust's Rustler's Valley Farm Development Initiative



Members of the Commission with Mr. Jay Naidoo, Trustee of the Earthrise Trust having a briefing session on an early morning orientation walk

A. Project Vision and Goals

The Earthrise Trust (IT/2692/2013) was founded as a non-profit initiative to promote the ideals of the Earth Charter. The Trust has the following vision and objectives in terms of the Rustlers Valley Development Initiative:

VISION: "Building Rural Livelihoods for a Just, Sustainable and Peaceful World"

Objectives:

- Reconstructing the built Environment- Injecting New Life
- Building a Cooperative Small Holder Eco Farming Programme
- Building a Partnership for Rural Development with Naledi Village
- Building a Retreat and Hub for Development Innovation

(Earthrise Trust: 2014: Pg. 5)

B. Project Background

The Rustlers Valley Development Initiative began with the purchase of the farm Rustlers Valley by the Earthrise Trust in December 2013. The shareholders who owned this farm agreed to sell the farm to the Trust primarily due to the Trust's vision of building a sustainable rural community on the farm and transferring a portion of the farm to the farm occupiers who reside on the farm at Naledi Village. (Earthrise Trust: 2014: Pg. 4)

Prior to the Earthrise Trust taking over ownership of Rustlers valley the farm was owned by a company and had been used for Asparagus production as well as vegetable production using permaculture principles in the past. Rustlers Valley was also used as a music festival venue in the late 1980s and 1990s. A fire destroy much of the farms built infrastructure in 2007 and following the death of one of the shareholders in 2008 the remaining shareholders decided to put the farm up for sale. No significant agricultural production took place on the farm for an extensive period. (Earthrise Trust: 2014: Pg. 4)

Within Rustler's Valley farm is a small farming settlement known as Naledi Village that consists of 44 Households who have historically occupied the farm for generations. These farm dwellers having occupational rights in accordance with ESTA did provide labour to the farm in the past. Adjacent to Naledi Village is another settlement known as Franshoek which consists of 22 Households. For all intents and purposes these two villages form a cohesive community. (Earthrise Trust: 2014: Pg. 4; Interview with Naledi Village Committee 04/04/2016)

Following the transfer of the farm Rustlers Valley to the Earthrise Trust, members of the Trust engaged in extensive consultation and dialogue with residents of Naledi Village, primarily through their structures including the village committee and village elders. This consultation enables a healthy relationship to develop and forged trust between the occupiers and land owner. Furthermore, the Trust consulted and engaged with other stakeholders including government departments, NGOs, neighbouring farmers and the FS Agricultural Union. These consultations have given additional information and inputs into the development process initiated by the Earthrise Trust and have helped to shape the vision and objectives of this project. (Earthrise Trust: 2014: Pg. 4; Interview with Earthrise Trustees 04/04/2016)

C. Property Description and Land Use

The Farm Rustlers Valley 969 is located within the Setsoto Local Municipality, Free State Province. The farm which is owned by the Earthrise Trust measures 273,1582 hectares in total of which 130 ha is arable land and 143 ha is suitable for grazing. (Earthrise Trust: 2014: Pg. 4)

In terms of the agreement between the Trust and residents of Naledi Village 42 hectares of land are to be subdivided from the farm and transferred to the villagers (Farm dwellers). The Department for Rural Development and Land Reform (DRDLR) has already appointed Land Surveyors who have surveyed the area to be transferred to the Naledi Villagers.

Currently there is a 23 ha area that is being used under a free lease agreement by the Naledi Agricultural Cooperative for vegetable production under irrigation. In addition, the Trust has allowed the Farm Dwellers' cattle to graze on the farm. None of the arable land is being used at this point. Office, meeting and day care centre facilities, telephone, Wi-Fi, energy, reservoirs, fuel storage tanks, vehicles and other machinery are made available by agreement with the trust to support the livelihood and organisation building activities of the villagers.

The Naledi Village consists of 44 households who have established a small settlement at the entrance to the farm. In total there are approximately 100 people who reside permanently within the village. This settlement consists of both housing (Mainly informal wattle and daub structures), a primary school and a sports field. There is also an area earmarked as a grave site. Construction of a multipurpose training centre (including an internet café) and crèche adjacent to the school at the village as well. Three rondavels have been built by members of the Naledi Village using local materials. These rondavels provide accommodation for tourists, researchers, as well as extended family members who may visit their relatives in the village but cannot be accommodated within their houses.

The Earthrise Trust has established a lodge on and adjacent property which can accommodate up to 44 people and has a conference facility. This is the main economic activity on the property, providing employment, a meeting and cultural performance facilities for the village as well as a market outlet for hand crafts and vegetables grown by the Naledi Farming Cooperative.

D. Institutional Arrangements

The owners of Rustlers Valley are the Earthrise Trust. The Trust has established the Earthrise Mountain Lodge which is operated by a company (Cactus Water Investments Pty Ltd). All profits

from the Company are for the benefit of the Trust.

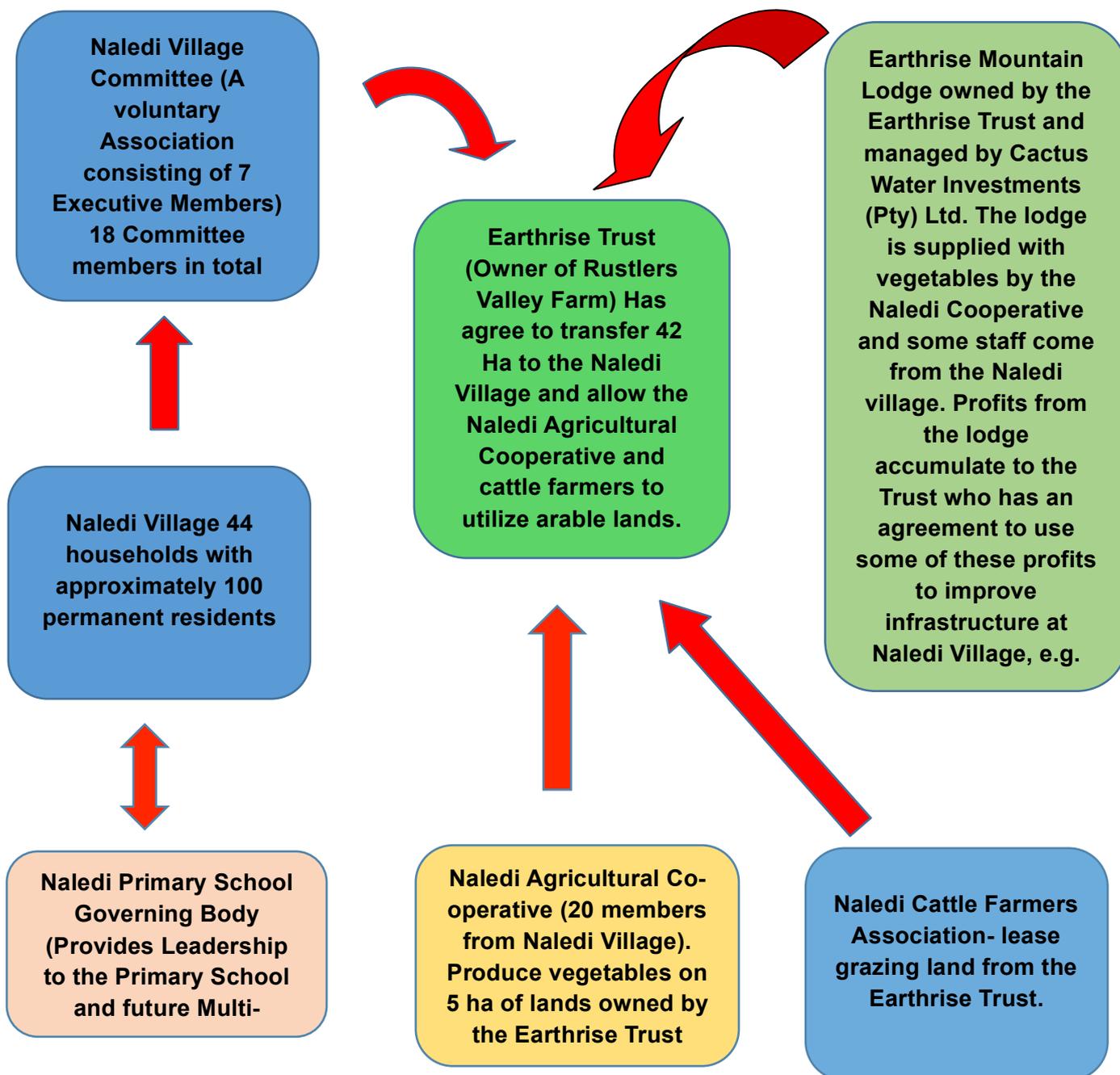
The Naledi Villagers (44 households) are represented by the Naledi Village Association. This is a voluntary association and has limited legal authority over its membership. The Committee has an executive of 7 members and altogether 18 members who serve on various sub-committees. For the Earthrise Trust to transfer land to the farm dwellers a legal entity has to be established to hold land in ownership. The most common types of legal entities that could be considered for this purpose are a Communal Property Association, a Trust or a Company (Either private or Non-Profit Company).

The Naledi Agricultural Cooperative consists of 20 members, the majority of whom are women, who are all occupiers and residents of Naledi and, Franshoek Villages. The Cooperative has an agreement with the Earthrise Trust to utilize 23 hectares of land under irrigation to produce a range of vegetables. These vegetables are supplied to the Earthrise Mountain Lodge as well as sold in the local area and when there is a surplus to markets in Ficksburg and Fouriesburg. Profits from the Cooperative are accrued to the co-op members. Should the Cooperative grow and if requires additional to expand possible production of sugar beans in 2016, this will also be made available. In addition, the partners to the farming programme will help interested household to establish kitchen gardens to produce supplementary crops for their own consumption or to trade with each other and the lodge.

There is a School Governing Body that provides leadership to the Primary School and will also take the lead in overseeing the development of the Multi-purpose training centre. Members of the SGB come from both Naledi Village and the adjacent Franshoek Village. Since Earthrise took over the farm, the trust, in consultation and in partnership with the SGB and the Village Committee has worked on renovations to the school building as well as providing equipment to enhance teaching and learning (whiteboards, infra-red heaters for winter, solar lamps to replace candles for reading and home, a proper desk and chair for the teacher. The aim is to create “safe, happy, sacred spaces for teaching and learning”

A number of the Naledi Villagers have livestock, primarily cattle. There is a loosely formed cattle farmer’s association that has a verbal agreement with the Earthrise Trust to enable them to graze their cattle on the farm Rustlers Valley. It is assumed that the cattle farmers will continue to graze their cattle both on land transferred to the Naledi Village as well as the remainder of the farm Rustlers Valley when the transfer is completed. (this is correct. The organogram below highlights the various institutional arrangements on this project:

Figure 1 Organogram of the Rustlers Valley Farm Development Initiative



E. Demographic Information

The Naledi Village consists of 44 households with approximately 100 people residing permanently in the village. No detailed demographic analysis of the village is available at present:

F. Economic Activities and Livelihood Strategies

There are a diverse range of economic opportunities available for members of the Naledi Village. Due to the geographic remoteness of the village however, these opportunities are limited to those that occur on the Rustlers Valley Farm and surrounding properties. Economic opportunities include the following:

Agriculture:

Crop Farming: The farm Rustlers Valley has 133 hectares of arable lands these are suitable for crop farming. Dryland crops including maize, sunflower and soya could be established on these lands. Typically, the production of such cereals requires extensive mechanization and access to production credit to fund the costs of production from land preparation to harvesting. Transport to markets for maize and other cereal crops would be an additional cost to be factored in.

Depending on the availability of water the farm could be developed under orchards (Stone fruit such as Cherries are grown throughout the district) or vegetables. Currently an area of 3 ha is under irrigation and used by the Naledi Agricultural Cooperative to produce mixed vegetables (Spinach, summer and winter cabbages, tomatoes and pumpkin). The Naledi Agricultural Cooperative supplies vegetables produced to the lodge's kitchen, the local farmer community as well as regional markets in Fouriesburg and Ficksburg. If the vegetable farming were to be expanded wider regional markets including Lesotho, Bethlehem and Bloemfontein could be accessed. This would require the development of tunnels as well as washing and packaging facilities on farm as well as cold storage transport. Vegetable production is however seasonal since cold winters and frost prevent all year vegetable production unless this is done within tunnels.

Livestock: 140 ha of grazing lands are available for livestock production. There is a loosely formed cattle farmer's association with each member raising and kraaling their own cattle individually. There is a verbal agreement by the Trust that the cattle farmers can graze their livestock on the farm lands. However, whilst there is an in principle agreement to develop a sustainable grazing policy through capping the livestock held, the trust has not imposed a control or restriction of the number of livestock and a grazing regime of camping at present on the farm. This is left to the cattle co-op to manage. (Note: at last count in January 2016 the owners registered 73 cows and 33 calves)

Given a carrying capacity of between 3 and 4 ha per LSU a herd of 35 cattle could be kept on the farm. This opportunity would require a significant shift in mind-set by the farm dwellers from retaining cattle for personal and cultural reasons to running a commercial breeding herd whereby all calves are sold on an annual basis once weaned. A single grazing regime with camps and rotational grazing and resting would need to be established as well as a central kraal and livestock handling facility. External expertise may be required to plan the development of a commercially orientated livestock enterprise on this farm. The aim of the trust is to work with the cattle owners to realise their long term dreams of producing high quality thoroughbred cattle that they can keep or be sold at a good price in the local auctions)

Tourism: Both at the Earthrise Mountain Lodge and the rondavels at the Naledi Village are available for domestic and international tourists. In addition, the Earthrise Trust hosts various events such as retreats, music events and conferences. The distance of the farm from major urban areas means that this tourism facility is more for medium term visitors than for overnight stays for travellers. According to Naledi Village Committee members as well as Earthrise Trustees, profits from the tourism facilities on the farm will be used to develop infrastructure on the farm and the village. The lodge has 8 mountain bikes which are currently mainly used by young village riders for recreational and training purposes. There is a fledgling team of youth under the guidance of a village trainer (Lefa Nkopane) who is due to undergo training as a certified bike mechanic. The Earthrise Trust in partnership with the Diepsloot Mountain Bike Academy is working towards building a mountain bike trail on the farm which could further increase occupancy levels at the lodge and visitors to Rustlers Valley Farm. The trust has created a fund to assist Mr Nkopane establish a community-led MTB

enterprise in the near future

SMMES: There could be a range of SMMEs that could be established by the Naledi Villagers with the assistance of the Earthrise Trust. These include construction and maintenance (Plumbing, electricity, painting to mention a few) - both within the village as well as the lodge and farm. Additional SMMEs including transport-both for tourists and residents as well as creative arts to be sold at the lodge and in other local tourist facilities. The farm also has ample firewood that could be gathered in bundles and sold locally. Technical and artisanal training as well as basic equipment and transport would be necessary for these opportunities to be developed. A pooled transport initiative could also be established on this farm to transport people and goods to and from the nearby towns to the farm and surrounding communities.

In addition to the above enterprises and as part of the post farm and lodge reconstruction phase the trust and the village elders and committees have been working towards investigating the appropriate mechanisms to support individuals who wish to use their knowledge and skills to build their own livelihoods.

Under the theme of “engaging in socially useful labour to produce socially useful goods and services, currently in the pipeline is a wood art project in the product development phase designing a set of flower/herb boxes; a pelargonium medicinal herb pilot plantation, a MTB sporting enterprise, a village bakery, a cooperative 200-layer egg producer enterprise, a crèche and multi-purpose earning centre and a creative arts learning and production centre.

Livelihood Strategies: Residents at Naledi Village have a number of livelihood strategies to supplement or save incomes. These include:

- The collection of firewood in the area as a source of cooking and heating.
- Growing of vegetables at the homestead for food. (This is limited due to the lack of secure and convenient water supply.
- Raising of domestic animals including chicken, goats and cattle.
- Grants from government including child support grants and pensions.
- Gathering of local plants for food and medicinal purposes.
- Use of local materials for housing (Wattle, thatching and clay)

G. Employment and Labour Conditions

There are a range of employment opportunities available on the farm and within the surrounding area to members of the Naledi Trust. These include

Formal Full Employment: The Earthrise Mountain Lodge is the main economic activity on the farm and employs 7 of the Naledi and Franshoek Villagers. The lodge is headed by a proud and able local resident (Jappie Lephatsi). Villagers are also able to supply labour to neighbouring farms as well as other lodges in the area. One of the villagers is also employ as a full time teacher at the primary school.

Formal Part Time Employment: Seasonal employment on surrounding farms during planting and harvest times is also an opportunity for members of the Trust.

Self-Employment: The Naledi Agricultural Cooperative which consists of 20 members are engaged in vegetable production within season. These members are self-employed and derive an income from the sale of their produce.

Labour Participation: There has been a Working for Water Programme at Rustlers Valley farm that has also employed Naledi villagers for a period (5 months) to clear alien invasive species from the water system on the farm. There could be additional opportunities through the Expanded Public

Works Programme in the area in the future. Construction of infrastructure on the farm or at the village could provide further casual labour opportunities to the residents. Should a village housing project be established in the future through support from the Department of Human Settlements village builders and artisans could be contracted undertake this work further building on the skills and knowledge already acquired.

H. Access to Basic Services and Social Services

Within Naledi Village the farm dwellers have the following services:

Water: Originally the village had access to a spring on a neighbouring farm for which they paid a monthly rental of R 2000.00. The owner of this property subsequently cut off this supply. (Earthrise Trust: 2014; Pg. 15).

The Provincial Government installed a borehole on the property but this was established too close to the grave site and was deemed unsuitable for human consumption. As a result, the village is currently supplied by water from tankers from the Setsoto local municipality. Twice a week the tanker fills up a number of Jojo Tanks from which villagers must collect and transport the water to their homesteads on a daily basis. This is a time consuming and physically challenging activity and restricts the villagers' ability to cultivate vegetable gardens on site. (Naledi Villagers: 04 April 2016: PRA exercise)

Sanitation: The Village has not established a formal sanitation system. A number of communal pit latrines have been dug in the village. These are not ventilated and are crudely constructed. (Earthrise Trust: 2014; Pg. 16). Due to water shortages and the small size of this community it is unlikely that a water born sewerage system and treatment plant would ever be established. There are however a number of affordable, eco -friendly and water saving sanitation models that could be established if funds were available.

Electricity: There is a bulk electricity supply at the edge of Naledi Village however only one household has been connected (At own cost) to this supply. (Earthrise Trust: 2014; Pg. 16). The supply of electricity to the other households has to be negotiated with ESKOM in terms of layout as well as payment methods such as a pre-paid system. The affordability of electricity by the residents, some of whom are unemployed and reliant on social grants, however, is questionable. Solar panels for household use as well as solar heating and gas for cooking are more likely to be sustainable and affordable options.

Refuse Removal: Naledi Village Residents deposit their refuse in a communal pit. This together with the refuse generated at the Earthrise Mountain Lodge is transported weekly to a dump site in Ficksburg. There is no waste separation or recycling initiative, that could generate a modest income, on the farm at present. (Naledi Villagers: 04 April 2016: PRA exercise)

Housing: Naledi Residents have used mainly wattle and daub, with zinc or thatched roofing to construct their houses. There are a number of brick structures within the village as well. (Earthrise Trust: 2014; Pg. 17). Residents seem at this point reluctant to build permanent housing whilst their tenure security remains uncertain and whilst the village remains unplanned and informal. Only once a land transfer has taken place and possibly a formal township has been proclaimed is it likely that formal housing would be developed either residents with their own capital or through housing grants from the Department of Human Settlements.

Social Services: The following Social Services exist at Rustlers Valley

Schools: Currently there is a primary school on the farm with one class room and a single teacher for multiple grades (1-7). There are 27 learners at this school. Children from Naledi Village, the adjacent Franshoek Village and surrounding farms attend this school. Children who are attending grades 8-12 have to commute daily from the farm to schools in Ficksburg. There is no scholar transport system and as a result these children are accommodated with relatives in the Ficksburg Township during school time. (Naledi Villagers: 04 April 2016: PRA exercise)

Funds Raised at a recent Earthrise Trust music event have been committed by the Trust to the development of a Multi-Purpose Training Centre. A volunteer couple have also come to the farm to assist with this construction. This facility will in future house a crèche as well as provide a resource

for secondary scholars as well as for tertiary training.

Clinics: There is no clinic on the farm or in the area. Naledi Residents are serviced by a mobile clinic on a monthly basis. In cases of serious illness or injury an ambulance has to come from nearby Ficksburg but due to the poor road condition there is a reluctance from the drivers to come to the farm. (Naledi Villagers: 04 April 2016: PRA exercise)

I. Support from Government and other sources

Due largely in part to the profile of the leadership of the Earthrise Trust Trustees as well as their personal efforts there have been a range of engagements with the government, NGOs and other organizations. These resources have and will in the future ensure support for the Rustlers Valley Farm Development Initiative. The following are seen as the key organizations that are engaged in supporting the project:

Department of Rural Development and Land Reform (DRDLR): Through engagement with the Director General of the DRDLR and other senior officials the project has managed to leverage support from the DRDLR to survey the land which is to be transferred to the Naledi villagers. Future support in the form of Grants could also be leveraged from the DRDLR as well as assistance in the formation of a CPA. (Earthrise Trust: Interview with Trustees 04/04/2016)

Setsoto Local Municipality: Currently this municipality provides water via a tanker to the Naledi Village every two weeks. In future the municipality may be called on to assist with the township establishment as well as with the provision of other basic services. (Earthrise Trust: Interview with Trustees 04/04/2016)

Department of Education: The Department of Basic Education funds the salary of the teacher at the Franshoek primary school and assisted in the funding of the school building. (Earthrise Trust: Interview with Trustees 04/04/2016)

Afri-Grow: A non-profit organisation that provides technical advice and support to emerging farmers has been engaged at Rustlers Valley (Earthrise Trust: 2014; Pg. 11)

Seriti Institute: This non-profit organisation specializes in developing community based infrastructure development projects and has been engaged in discussions with the Trust to develop a Small Holder Eco-Farming Training and Development Centre on the farm. (Earthrise Trust: 2014; Pg. 11)

Free State Agriculture: Rustlers Valley Farm is a paid up member of the farmers' union. A high level delegation from the union led by the president visited the farm and offered encouragement and support for the work of the farmers co-op.

J. Key Challenges and Opportunities.

Based on interactions with the Earthrise Trust, members of the Naledi Village Committee and Naledi Residents themselves the following were considered key challenges and opportunities within the Rustlers Valley Farm Development Initiative:

Key Challenges: The following table highlights the key challenges identified on this case study.

Table 12.1.1- Key Challenges in the Earthrise Trust's Rustler's Valley Farm Development Initiative

Challenges	Reasoning
Institutional Relationships:	<p>There are no formal agreements between the Earthrise Trust and the Naledi Village, Naledi Agricultural Cooperative and the Naledi Cattle Farmers. This could lead to insecurity as well as a threat that if the Earthrise Trust were to change its mind the Village could lose access to natural resources and other opportunities. However, this is unlikely given the trust and the integrity of the partnership being built.</p> <p>The Naledi village Committee is a voluntary association and has weak legal powers to enter binding agreements. A legal entity needs to be established to take ownership of the land. Earthrise has committed to assisting the village committee with making available the necessary legal and technical expertise at its disposal.</p> <p>Currently the land is owned by the Earthrise Trust who have pledged 42 ha to the Naledi Village. In September 2014 the DDLRD was formally approached by Naledi village to assist with transfer and taking ownership of the land. This application was formally supported by Earthrise and the local councillor. Whilst the matter is currently in the hands of the relevant state agencies there is no clear process or timeframe for the formal transfer of land. This leads to insecure tenure, a feeling of impermanence and uncertainty about the future. However, it should be noted that given the relationship and written undertakings the land is de-facto owned and usage controlled by the village. The privacy of each household and the village is respected.</p> <p>There appears to be a lack of internal rules within Naledi Village in terms of land use activities. E.g. running shebeens and the erection of structures. Furthermore, a lack of rules for livestock farmers can threaten grazing land and the sustainability of this project.</p> <p>Elections for the village committee are held every five years. Some residents stated that they are not always informed by the Committee about events and developments. This could result in conflict within the community.</p> <p>Neither the Naledi Committee nor the Cooperative have their own bank accounts, instead income is diverted through the Earthrise Trust. This creates further dependency and could lead to suspicions if not transparently dealt with. It should be noted that by agreement with all partners the trust acts as the interim custodian of the account. This was a funder requirement. All financial transactions are approved with the prior knowledge of the co-op and in particular the chair. Monthly bank statements are provided by Earthrise. Once the coop is duly registered and properly established in terms of its constitution it is intended that in the second financial and operational year the co-op will make a direct application to the funder.</p>
N a t u r a l Resources:	<p>Agricultural opportunities are limited due to size of the land, quality of soils, climate, lack of water as well as distance to large markets. 140 ha of grazing lands limit the viability of a commercial livestock project.</p> <p>Water resources on the farm are limited. The drought has led to the river drying up and the dam level dropping. There are limited no of boreholes and water storage infrastructure and water distribution systems. Recent good rainfall has resulted in the dam topping up.</p> <p>The area suffers from extremely cold winters which limit agricultural production in the winter time. There is also a greater need for fuel for heating during the winter time.</p> <p>Rustlers Valley farm has already experienced a bad fire. A lack of equipment, water and training makes the village and farm vulnerable to future fires. Fire breaks mostly undertaken in June when the grass has dried up. However, the trust has a dedicated fire truck, tow way radios and vital fire-fighting equipment and a team is in place in the event of fire. It is also registered with the Ficksburg based Imperani Fire Association. The firefighting equipment is regularly serviced. The lodge has a fire certificate.</p>

Residential Infrastructure	<p>Water is the key challenge in terms of improvements to household living conditions. A new borehole needs to be established as well as an internal reticulation system. Currently water is provided regularly by the local municipality</p> <p>There is no internal electrical supply at Naledi Village and no pre-paid system in place. Electricity costs may be unaffordable for poorer households.</p> <p>There is no formal sanitation system in place and potentially hazardous and unhealthy pit latrines are used.</p> <p>Common refuse pit which is emptied once a week and delivered to Ficksburg with refuse generated at the lodge. This is unhygienic and costly to the Lodge.</p> <p>Houses are informal and many in poor condition. Mud houses have to be maintained each year due to rain</p> <p>There is no formal layout plan at Naledi village. This will make township establishment, registration of servitudes as well as supply of services difficult and costly.</p> <p>There is only a soccer field at Naledi Village and no other sports facilities. There is also no church at the village.</p>
Social Services:	<p>The level of education amongst adults is poor. One teacher for all primary school children means that their education quality will be poor. The limit of the size of the community restricts the development of further educational facility. Secondary scholars have to leave the farm for studies. No tertiary training opportunities at the present. There is also no crèche at present for younger children.</p> <p>The village residents are serviced by a mobile clinic which visits the farm infrequently.</p> <p>Due to distance from farm to towns it is difficult to obtain services such as health services, ambulances due to bad roads, government officials and councillors to attend meetings. Supply of water and maintenance of services is costlier for local government. Residents pay a high transport cost to go to Ficksburg- R 54.00 per trip to pick up social grants.</p> <p>Some of the children and adults do not have SA identification documents. This makes it impossible to obtain grants, access education and benefit from other government programmes.</p> <p>Alcohol abuse is a key problem within the Naledi Village. However, this matter is receiving the attention of the stakeholders.</p>
Economic Opportunities	<p>Employment opportunities on the farm and surrounding areas are limited to the lodge and farm work.</p> <p>Income levels within the village are low making it unaffordable to pay for many services, develop formal housing and invest in income generating opportunities that require capital layout.</p>

(Sources: Earthrise Trust: Interview with Trustees 04/04/2016: (Naledi Village Committee: Planning workshop: 05 April 2016)

Key Opportunities. The following table highlights key opportunities that could be initiated to improve the socio-economic conditions for the farm dwellers at Naledi Village

Opportunities.	Reasoning
Institutional Relationships:	<p>There is open and honest dialogue between the Earthrise Trust (Owner) and Naledi Village (Farm Dwellers). This has led to a relationship of trust and mutual respect for both parties' interests on the property.</p> <p>There is strong leadership within the Naledi Village and Earthrise Trust. This contributes positively to the development process underway in this initiative.</p> <p>The Naledi village is a cohesive community that has lived together for generations. Since the members are known to each other it facilitates greater cooperation and support.</p> <p>There is a strong sense of community ownership of the project. It is not being externally driven and dependent on outside parties.</p> <p>The stakeholders place a great emphasis on the process of development rather than focusing on one intended outcome. This allows for flexibility and for adaptations where necessary.</p> <p>The DRDLR has funded the surveying. Dept. of Basic Education supports the school. Local Municipality is providing water. Further support from government is possible.</p> <p>The Earthrise Trust can leverage support from various NGOs (Afri-Grow and the Sereti Institute), volunteers (building crèche) and researchers (Assist the Naledi Cooperative)</p>
Natural Resources:	<p>Naledi Villagers have access to land, although without title deed, they feel fairly secure about their tenure and ability to use land. There is the potential to access additional lands for grazing purposes if necessary in the future.</p> <p>The cooperative has access to water for irrigation purposes.</p> <p>The villagers have access to wood for fuel and for building purposes as well as thatching and mud to build or repair housing.</p>
Residential Infrastructure	<p>Drinking water is regularly supplied by the Local Municipality and it is possible to establish a new borehole on the property.</p> <p>ESKOM supply line is already up to the village and just needs internal connections. The co-op uses the energy and other infrastructure on the farm for their work</p> <p>The Earthrise Mountain Lodge assists in refuse removal on a weekly basis.</p> <p>Naledi villagers have their own housing and materials to expand or maintain these.</p> <p>The Naledi villagers are centrally located, not scattered, making the provision of services easier and cheaper.</p> <p>There is a soccer field</p>
Social Service:	<p>A primary school exists and the development of a multi-purpose training centre including a crèche is underway. There is support from the Department of Basic Education.</p> <p>A Mobile clinic does service this community.</p>

Economic Opportunities	<p>There are a range of employment opportunities on the farm including work at the lodge and maintenance. There are work opportunities on surrounding farms. There are also seasonal or casual work opportunities from programmes such as Working for Water. Having access to land the Naledi Agricultural Cooperative members are self-employed.</p> <p>The Agricultural Cooperative has a market for its produce at the lodge, within the local population and potential to supply wider regional markets including Lesotho.</p> <p>There are a range of income opportunities for the Villagers that could be developed with appropriate training and support, e.g. building and maintenance.</p> <p>Some of the villagers have access to social grants such as pensions and child support grants.</p>
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(Sources: Earthrise Trust: Interview with Trustees 04/04/2016: (Naledi Villager Committee: Planning workshop: 05 April 2016)

K. Lessons from This Case Study

The Commission can derive a number of positive lessons from the exposure to the Rustlers Valley Farm Development Initiative including the following:

- Open communication between the owner and the occupiers is essential to building a relationship of trust and to enable the parties to resolve problems.
- A commitment by the owner to provide security of tenure, even if not yet formalized, is essential to create stability and develop trust.
- The Rustlers Valley Development initiative emphasizes a process of development rather than just an outcome. This commitment was made prior to the purchase of the farm by the owner and ensured that they were supported when taking over the farm.
- Strong leadership and an investment in time, human resources and capital by the farm owner are important assets to support the development initiative. Through the owner's efforts additional resources and support have been leveraged on this project.
- There needs to be a very clear development path established to guide the process of securing tenure and future development on the property. This to a large extent is absent on this initiative.
- Whilst verbal commitments in terms of tenure security, land ownership and access to land for crop farming and grazing are a good starting point these agreements do need to be formalized during the process so that all parties are clear about their rights and duties and the boundaries of these rights. (good but building and testing practice is also important. That will pave the way for more relevant, credible and sustainable agreements)
- External role players are available and can play a very positive role in promoting the objectives of any initiative to develop an on farm development option for farm owners and farm dwellers.

L. Conclusions

The Commission's exposure to the Rustlers Valley Development Initiative was an extremely positive experience on many levels since it highlighted the fact that there are instances and opportunities for farm owners and farm occupiers to form good relationships based on openness and mutual respect. Furthermore, whilst this project is still fairly new- starting in 2013, there is tremendous potential for this project to ultimately create a sustainable and working model for farm dwellers to jointly develop their property and secure a future and a better life for everyone. There will always be differences between the circumstances of one farm dweller community and another but on the whole the Commission is able to determine some very generic principles and approaches that need to be applied on any similar initiative that may be established in the future. It remains to thanks the Earthrise Trust, Naledi Village and all the other participants at the Rustlers Valley Development Initiative that made this experience so worthwhile and relevant.

Case Study 2: The Mondi Jabulani Agri-Village Project



The Community Center and ECD Centre at Jabulani Village

A. Project Vision and Goals

The Mondi Jabulani Agri-Village Project was initiated by Mondi Ltd in 2007 after members of the Mondi Ltd Board expressed unhappiness about the conditions of the farm dwellers living on the land (Mondi Presentation: 2016; Pg.3)

VISION: The development of sustainable livelihoods for people resident in and around its forestry holdings. (MMDP: 2009: Pg.5)

Objectives: The project has six stated objectives

- Shelter and secure tenure
- Sustainable and affordable services
- Food Security
- Social infrastructure and service access
- Building community institutions and capacity
- Income enhancement

(Mondi Presentation: 2016; Pg.14)

B. Project Background

In 2007 Mondi Ltd initiated this project to determine what could be done to improve the conditions of villages on their property. The first step in this project was to gather as much information as possible about the Mkhondo region as well as collecting data on the occupiers residing on Mondi Ltd properties in the municipality. A survey was conducted that focused on the following themes: Demographics, dwellings, access to services, income sources, livestock and land uses. Additionally, the survey investigated off site ownership options, education and civil status (Mondi Presentation: 2016; Pg.5) Based on this survey Mondi Ltd concluded that sustainable villages require population thresholds to leverage support and services and social infrastructure. Secondly the sparse location of settlements hampers the provision of secure tenure and services. Villagers should be located in areas with economic potential and finally that it would be useful to maintain existing social relationships between villagers (Mondi Presentation: 2016; Pg.10)

Mondi Ltd facilitated a process whereby occupiers of their properties could choose between a number of options, namely; to remain where they were, relocate to an urban settlement (Piet Retief or Iswepe) or relocate to Jabulani Village. Mondi provided free transport and R 10 000.00 relocation allowance for those who chose to move to an urban area or Jabulani village.

The Mkhondo Mondi Development Project (MMDP) was signed at Jabulani Village on the 30th of October 2009. Parties to the agreement include the Mpumalanga Provincial government, the Gert Sibande District Council, the Mkhondo Local Municipality and Mondi Ltd (Mondi Presentation: 2016; Pg.12)

The MMDP binds the abovementioned parties to make available human and capital resources to achieve the vision and the objectives of the project. Mondi committed itself to make land available for a residential area as well as additional lands for the benefit of the residents. A Programme Management Unit (PMU) was also established in terms of this MOU (MMDP: 2009: Pg. 9-10).

C. Property Description and Land Use

Jabulani Village is located on Portion 1 of the farm The Bends 417 IT, Held by Deed of transfer T 104821/1994. The Bends 417 IT is located within the Mkhondo Local Municipality, Gert Sibande District, Mpumalanga Province. The property is in the process of being transferred to DRDLR who will then transfer it to various parties as described in the table below:

Land Uses and Ownership of Properties at Jabulani Village

USES/ ERVEN	ERF NUMBER	TRANSFER
Municipal sites and roads	12, 94, 109	Mkhondo Municipality
School site	56	Republic of South Africa
Mix use site	102	Jabulani CPA
Crèche site	12	Jabulani CPA
Church site	98	Jabulani CPA
Tourism: Camp site	118	Jabulani CPA
Tourism: Lodge	119	Jabulani CPA
Tourism: Picnic	120	Jabulani CPA
Forests and grassland	122	Jabulani CPA
Residential households	All 110 residential sites	110 Jabulani individual households

(Mr. M Makhathini: Mondi Response to questions from the Commission: May 2016)

Township Establishment

In terms of the development of the Jabulani Village an area of approximately 42 ha has been set aside for the establishment of the formal township including 110 residential sites, a school, social facilities and the road reserve. The DRDLR is in the process of surveying the land so that the various erven can be transferred to the correct parties. There is also a soccer field within the village area and provision has been made for a business and agri-industrial site. Additional land including 1000 ha for grazing will be made available for the CPA by Mondi. (Mondi Presentation:2016: Pg. 16-17)

Jabulani Village is yet to be proclaimed as a formal township but there is already an approved EIA. The sale agreement with DRDLR and Mondi has been signed and the conveyancers are busy with the transfer of the farm The Bends to the DRDLR. Mondi will receive payment for the land

upon transfer. The DRDLR will transfer the residential areas to the Mkhondo Local Municipality for township establishment purposes. (Mr. M Makhathini: Mondi Response to questions from the Commission: May 2016) Once this has been completed each of the 110 Jabulani CPA members will receive title deeds to their 2500 square meter stands. (Interview: A Mahlangu: April 2016) The CPA owns the remainder of the land within the village area but it is uncertain whether ownership of the school, ECD and Youth Centre and MPC resides with the CPA or not. (CPA Interview; April 2016)

There is an area of 328 ha of forestry land that is included in the 598,0798 ha. Mondi intends leasing this land back from the CPA for 5 years for an annual rent of about R140 000. (Mr. M Makhathini: Mondi Response to questions from the Commission: May 2016)

Progress to Date

To date the project has achieved quite significant support and buy - in from the parties in relation to the infrastructure at Jabulani Village. Additionally, the village is equipped with electricity, water, internal water reticulation, solar geysers, solar street lighting, fencing and basic sanitation (VIP Toilets on each stand). (Jabulani Site Visit; April 2016)

The following table indicates the infrastructure that has been developed and who funded each item:

Infrastructure Provided at Jabulani Village

Infrastructure	Funder	Comments
Water pump, storage	SA Breweries	
Internal water reticulation	Human Settlements MP	
Township establishment	Mondi	
Engineering Services	Mondi	Designs
	Public Works MP	Construction
Solar street lights	DRDLR	
ECD and Youth Centre	DRDLR	
Multi-Purpose Centre.	NDA	
VIP Pit latrines	Human Settlements MP	They are Urine Diversion

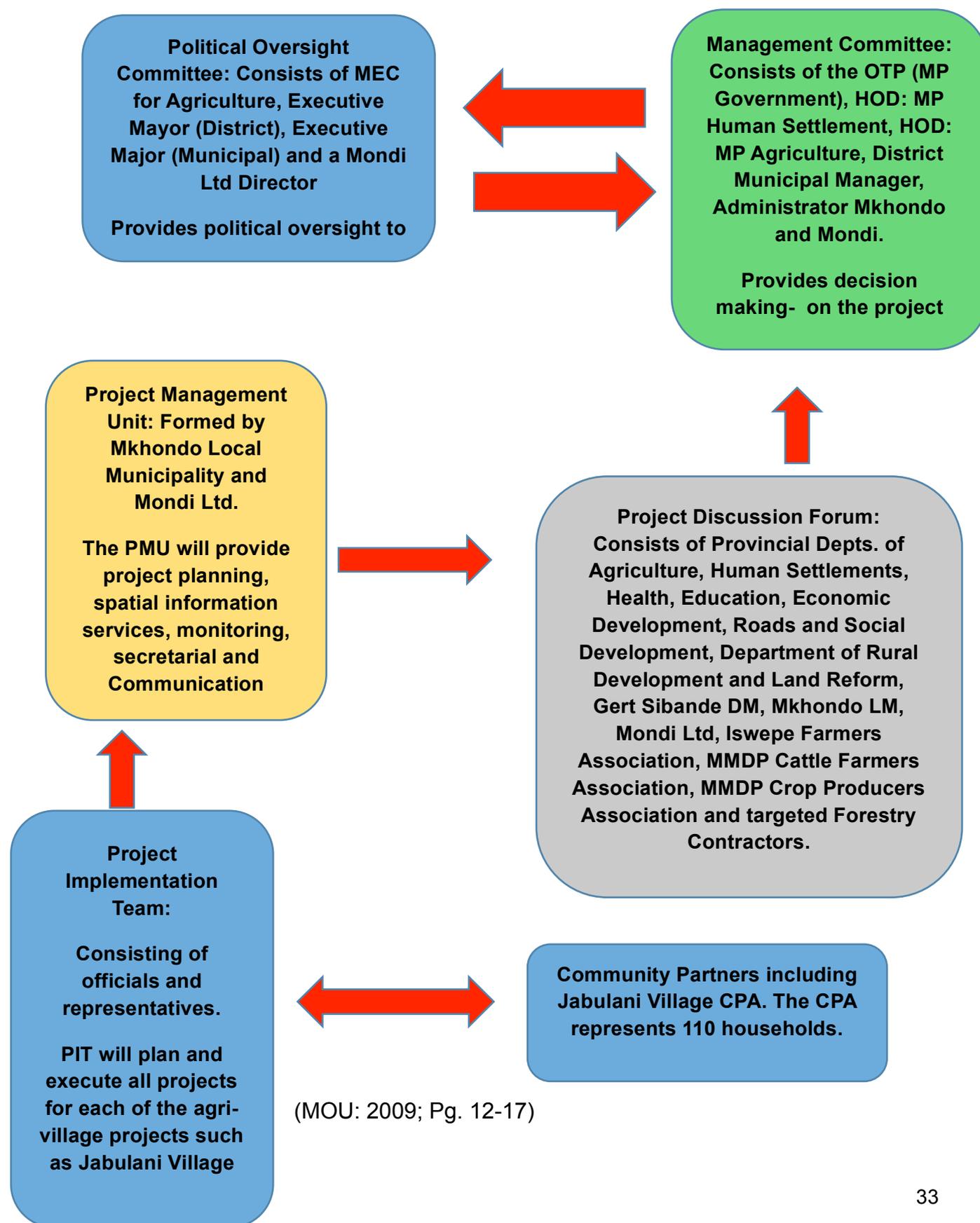
(Mr. M Makhathini: Mondi Response to questions from the Commission: May 2016)

D. Institutional Arrangements

The MMDP entails a partnership agreement between the Mpumalanga Provincial Government, the Gert Sibande District Municipality, Mkhondo Local Municipality and Mondi Ltd. Various Structures have been established to support the implementation of the MMDP including the Political Oversight Committee, Management Committee, Working Committee, Project Management Unit, Project Implementation Teams and Project Advisory Committee. The attached organogram highlights the responsibilities of the various structures, their membership and key work areas: (MOU: 2009; Pg. 12-17)

Organogram of the Jabulani Village Project

Since the Jabulani Village Project is the pilot project launched in terms of the Mkhondo Mondi Project Partnership (MMDP), the institutional structure presented below is based on the Organogram developed in terms of the MMDP.



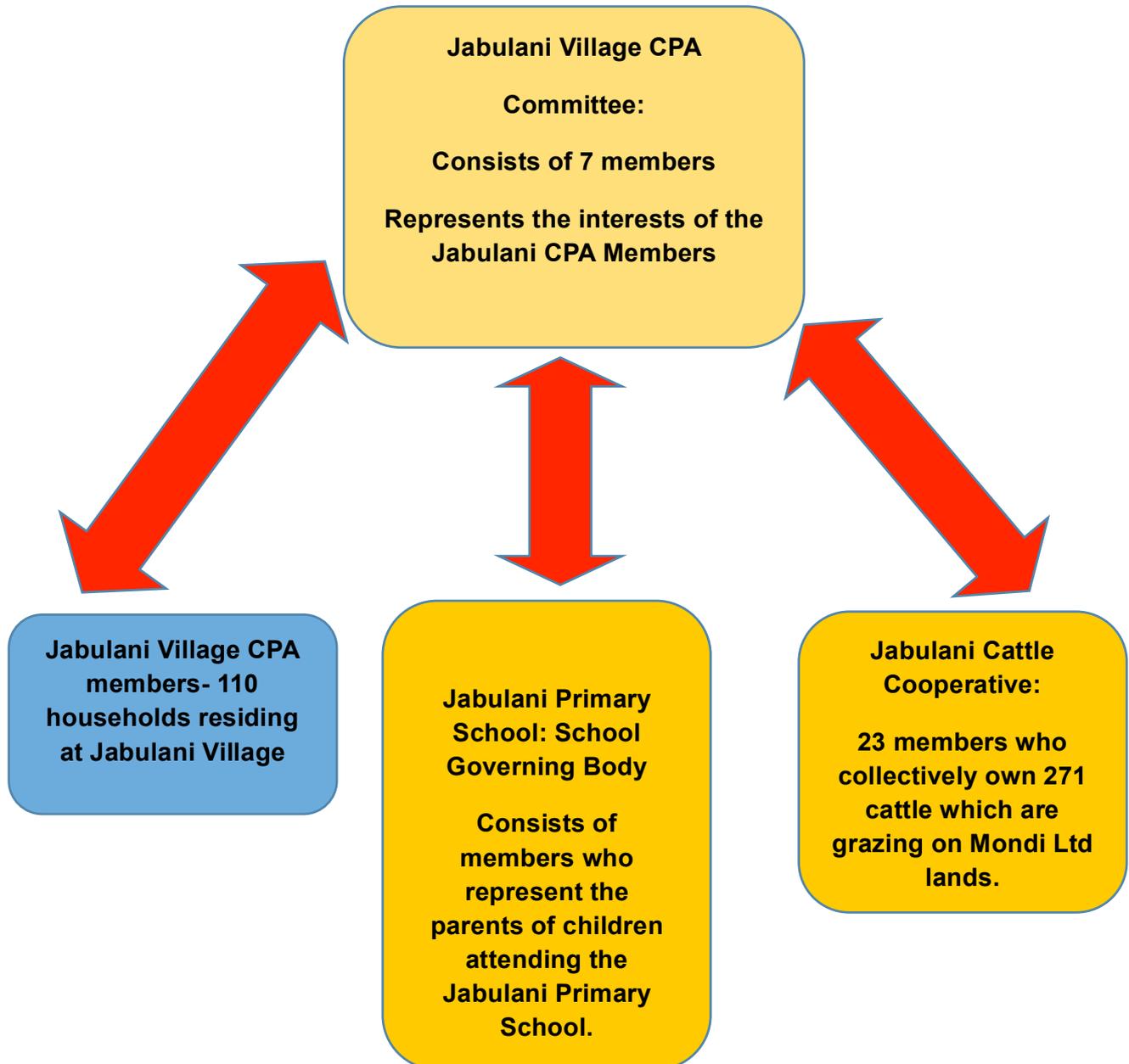
(MOU: 2009; Pg. 12-17)

At a community level the members of Jabulani Village have formed a Communal Property Association (CPA). The CPA has a committee of 7 members who represent the interests of the 110 households. Apart from the CPA there is also a School Governing Body (SGB), as well as a Cattle Farmers Cooperative to represent the interests of parents and cattle farmers respectively. According to the CPA chairperson the Cattle farming Cooperative is very weak and capacity is poor. The members do not understand the purpose of this cooperative. Currently all cattle farmers (23 in total), each of whom has different numbers of cattle (271 in total), are responsible for the management of their own cattle. There is no collective planning and management of the cattle farming operation. There is also uncertainty about the size and location of the land and the final arrangements between the CPA and Mondi Ltd in terms of use and ownership. (CPA Committee Interview: 2016)

The organogram below highlights the various institutional arrangements on this project:

Organogram of the Jabulani Village CPA

At a project level a Communal Property Association consisting of 110 households has been established. The following organogram highlights to the institutional arrangements at a project level:



(CPA Interview; April 2016)

E. Demographic Information

The Jabulani Village CPA consists of 110 households. These households were resident in a number of scattered settlements located on Mondi Ltd properties such as Ntshonalanga, Spanplek, The Bends, and New Compound. 34 of the member households were already resident at Jabulani Village. Furthermore, due to a dispute between Mondi and a neighbouring farmer an additional 8 families from the farmer's property were relocated to Jabulani Village and are now members of the CPA. The following table highlights the demographic breakdown of the Jabulani CPA.

Demographic Unit	No
Households	110
Pensioners	30
Adults	138
Youth	144
Children (School and preschool)	162

F. Economic Opportunities and Livelihood Strategies

There are a number of economic opportunities available for members of the Jabulani Village CPA. Due to the geographic remoteness of the village however, these opportunities are limited to those that occur within the village or on the surrounding properties owned by Mondi Ltd. Economic opportunities include the following:

Agricultural Opportunities:

Forestry: Mondi Ltd does not directly employ forestry workers but rather relies on labour contractors to supply labour to the company as and when required. The workers who are so appointed by independent contractors have fixed term contracts of employment. A number of CPA members are so employed by independent labour contractors. Should Mondi Ltd allocate forestry lands to the Jabulani CPA it is possible for the CPA to form a company or cooperative to manage this resource. (CPA Committee Interview: 2016). No initiatives to develop value adding to timber products have begun but this could potentially lead to additional economic opportunities for the members.

Livestock: 23 CPA members who collectively own 271 head of cattle have formed a cattle farming cooperative. Currently the cooperative is not well organized and members manage their livestock individually. Whilst these cattle farmers may be considered self-employed it is unlikely that they derive a significant income from the farming of livestock. Mondi Ltd has indicated that it would make approximately 1000 ha of land available for the CPA to use for grazing purposes. However, this arrangement isn't formalized and the CPA leadership does not know exactly where this land will be. Uncertainty about the land allocation arrangements with Mondi Ltd restrict the ability of this cooperative to function effectively and create either formal employment or sustainable livelihoods. (CPA Committee Interview: 2016)

Crop Farming: Jabulani Villagers have a residential stand of 2500 square meters for their own use. The motivation behind the size of these stands was to provide land for additional housing if households increase as well as to provide for land for food gardening. From a site inspection it is evident that some households are producing food crops on these lands but due to size and water limitations very little surplus is available for sale. (Site Inspection: 19 April 2016).

Non-Agricultural Opportunities:

ECD, Youth Centre and MPC: A number of the Jabulani CPA members are employed within these facilities and paid salaries by social services. The MPC also provides meals on a daily basis for the school children and elderly in the village.

Tourism: There is an opportunity for the CPA to develop a tourist facility on the edge of the dam that borders the project. This could take the form of a camping area, overnight accommodation as well as possibly a hotel. Very detailed studies would need to be done to understand the viability of such facilities given the remoteness of the farm as well as the needs of niche market tourists such as fisherman and water sports enthusiasts.

SMMEs: In the past the construction of housing and other infrastructure provided employment opportunities for Jabulani villagers. There would be an opportunity for ongoing work in terms of building maintenance, electricity, plumbing, maintaining the sanitation system, welding, fence repairs and possibly refuse removal and recycling. A maintenance orientated cooperative may be able to enter into a service level agreement with the Mkhondo Local Municipality to render such maintenance services on their behalf.

There could also be further economic opportunities related to transport services such as weekly shopping trips to Piet Retief as well as maintenance and supply of basic services. There are also a number of spaza shops and shebeens within Jabulani Village which generate an income for their owners.

Residents of the Jabulani Village have a number of livelihood strategies to supplement or save incomes. These include:

- The collection of firewood in the area as a source of cooking and heating;
- Growing of vegetables at the homestead for food. (This is limited due to the lack of secure and convenient water supply;
- Raising of domestic animals including chicken, goats and cattle;
- Grants from government including child support grants and pensions;
- Gathering of local plants for food and medicinal purposes; and
- Use of local materials for housing (Wattle, thatching and clay)

G. Employment and Labour Conditions

There are very limited employment opportunities available on the farm and within the surrounding area to members of the Jabulani CPA members. These include

Formal Full Time Employment: Mondi Ltd may employ a number of the villagers for various tasks in the area. However, Mondi Ltd generally relies on labour contractors. Other formal employment may arise from government departments employing villagers to operate the ECD, Youth Centre and Multi-Purpose Centre. It is unknown whether any of the teachers at the primary school are members of the CPA. Villagers are also able to supply labour to neighbouring farmers in the area.

Formal Part Time Employment: Independent Labour Contractors may employ CPA members for part time work on the surrounding Mondi Ltd plantations.

Self-Employment: The Jabulani CPA members can develop a range of agricultural and SMME related businesses that would provide opportunities for self-employment as indicated above.

Casual Labour: There may be opportunities for casual employment through programmes such as EPWP and the Working for Water Programme, as well as from private sources such as labour brokers and neighbouring farmers. Construction of infrastructure on the farm or at the village could provide further casual labour opportunities to the residents.

H. Access to Basic Services and Social Services

Within the Jabulani Village the farm dwellers have the following services:

Water: Water is accessed from a storage dam adjacent to the village. According to the CPA chairperson people have been drinking from it for a number of generations. No purification system is in place. Water from the dam is pumped to storage tanks (Metal tanks) and from there is distributed throughout the village. All houses have internal water reticulation and are fitted with solar geysers. (CPA Committee Interview: 2016)

“The old system for the original in situ 34 households has historically been operated and funded by Mondi. It will no longer be necessary but will remain as backup in case there is a problem. The new system is under construction and will be completed by end of June. Reticulation system has been completed and only the connecting bulk system is under construction. After June 2016 there will be no water problem”. (Mr. M Makhathini: Mondi Response to questions from the Commission: May 2016)

Sanitation: The Village has not established a formal sanitation system rather there are VIP latrines, with urine diversions, at each residential stand. (Site Inspection: 2016)

Electricity: There is a bulk electricity supply at the edge of the village and this extends to each of the 110 stands. Each house has its own pre-paid electricity system for which they are responsible. There are also solar street lights in some parts of the village. (Site Inspection: 2016)

Refuse Removal: Community Public Works (CWP) volunteers, who are paid a stipend, collect refuse from each household on a weekly basis and remove the refuse to a central point. This is then transferred to the Piet Retief dump site by the Mkhondo Local Municipality on a monthly basis. There is no waste separation or recycling initiative that could generate a modest income on the farm at present. (CPA Committee Interview: 2016)

Housing: All 110 households of the Jabulani Village CPA have a formal RDP house that was built for them using funds from the Department of Human Settlement. To cater for extended families Jabulani residents have built various outbuildings and other structures on their 2500 sq. stands. These structures vary from wattle and daub to brick structures depending on the financial means of the various households. (CPA Committee Interview: 2016)

According to Mr. Makhathini, a Manager in Mondi Ltd, "The first 34 in situ households chose to use the top up to enhance their RDP houses with the likes of ceilings, gutters etc. The second group of 76 have recently been given their vouchers which they will exchange at a hardware store for any building materials to enhance or extend their houses as they see fit." (Mr. M Makhathini: Mondi Response to questions from the Commission: May 2016. Mondi also provided the relocation costs for those occupiers who chose to move to Jabulani Village.

Town Planning: Jabulani Village is a proclaimed township. According to the Mkhondo Planning Manager there will come a time when rates as well as municipal property taxes will need to be applied to the village. The costs of these taxes and rates will be determined on the basis of an independent valuation and the final decision rests with the municipal council. If villagers wish they could sub-divide plots and give ownership to their descendants or sell these plots and their houses to other people should they wish to leave the area. (Interview: A Mahlangu: 2016). The Mkhondo local municipality is also concerned about the needs of the youth to one day own their own houses and properties. There is already pressure within the CPA from youth to occupy adjacent grazing land and establish informal housing for themselves. Apart from the CPA Constitution there are no formal village rules on the project that would regulate land use and residential behaviour such as noise pollution, maintenance of gardens or the building of additional structures. (CPA Committee Interview)

Social Services: The following Social Services exist at Jabulani Village:

Schools: Currently there is a primary school on the farm for multiple grades (1-7). There are 27 learners at this school. School children from Grade 8 upwards are transported using scholar transport to a High School in the area. There are no training facilities and programmes as yet for tertiary training within the village (CPA Committee Interview: 2016)

Clinics: There is no clinic on the farm or in the area but a mobile clinic does service the residents on a monthly basis (CPA Committee Interview: 2016).

ECD and Youth Centre: There is a well-planned ECD and Youth Centre .This facility acts as a crèche for children and provides a facility for students to study at after school.

Multi-Purpose Centre (MPC): There is a multi-purpose centre at Jabulani Village that provides a venue for community meetings as well as an administrative centre for the CPA Committee. The Department of Social Services employs one CPA member as an office administrator within the MPC.

I. Support from Government and other sources

Due largely to the establishment of the MMDP MOU, there has been a significant buy - in and investment in this project by the State. These resources both in terms of investment in physical infrastructure and human resources for the planning, decision making and operations within have contributed significantly towards the establishment of the Village with a higher level of services, better quality of housing and beneficial social infrastructure for the residents. The following are seen as the key organizations that are engaged in supporting the project:

Department of Rural Development and Land Reform (DRDLR): Through engagement with the DRDLR Mondi Ltd managed to establish a CPA. As part of its CRDP programme the DRDLR provided funds for infrastructure on the project such as solar street lighting, the ECD, Youth Centre and is also covering the costs of surveying the various parcels of the farm Portion1 of the Bends 417 IT. Apparently the land is being transferred from Mondi to the DRDLR at this stage where after the DRDLR will pay a land purchase price to Mondi and then transfer the various portions as indicated above. Future support in the form of Grants (RID and Re-CAP Grants) could also be leveraged from the DRDLR. The DRDLR also funded the purchase and installation of 110 solar geysers for each of the Households. (Mondi Presentation: Pg. 20)

Mkhondo Local Municipality: Currently this municipality has assisted the project through the proclamation of Jabulani Village as a township. The Local municipality also provides a refuse collection service each month. In the event that the water supply is damaged or not functioning the municipality also uses water tankers to supply the villagers with potable water. (CPA Committee Interview: 2016)

Department of Education: The Department of Basic Education has funded the establishment of the primary school. The Department furthermore funds the salaries of the school teachers and through the scholar transport scheme assists high school students to attend a nearby secondary school. (CPA Committee Interview: 2016)

Department of Human Settlement: The Department has financed the construction of 110 formal RDP houses at the village. Members of the village were also employed to assist with the construction of these houses. (Mondi Presentation: 2016: Pg. 19)

Department of Social Services: The Department funded the development of the ECD and Youth Centre as well as the Multi-Purpose Centre. The Department also employs a number of CPA members to operate these facilities. (CPA Committee Interview: 2016)

Department of Cooperative Government and Traditional Affairs (COGTA): COGTA supports this project by providing stipends for Community Development Workers (CDWs). The CDWs provide various services in the village including refuse collection. (CPA Committee Interview: 2016)

The German Department of Technical Cooperation (GIZ): GIZ has provided technical support to the project in terms of a partnership agreement with Mondi Ltd and the Mkhondo Local Municipality. GIZ has also provided specialist support to help facilitate the establishment of the CPA and undertake capacity building with the CPA Committee. (Mondi Presentation: 2016: Pg. 23)

J. Key Challenges and Opportunities.

Based on interactions with the members of the Jabulani CPA Committee as well as formal documentation provided by Mondi Ltd to the Commission and interviews with key stakeholders the following were considered key challenges and opportunities within the Jabulani Village Project:

Key Challenges in the Mondi Jabulani Village Project

Challenges	Reasoning
Institutional Relationships:	<p>There are no formal agreements between Mondi Ltd and the Jabulani CPA regarding access to additional land for grazing, crop farming or an off-take agreement on the existing forestry areas included in the land being transferred to the DRDLR.</p> <p>Neither the DRDLR nor the Provincial Government could confirm to what extent the occupiers had rights to Mondi Ltd properties in terms of ESTA and or the Labour Tenants Act.</p> <p>Jabulani Village is a proclaimed township and as such stand owners will have to pay for municipal rates and taxes. There is no certainty within the CPA and the Local Municipality of the value of these recurring costs. It is unknown whether the home owners will be able to afford these costs, especially the unemployed, single parent and pensioner headed households.</p> <p>Currently the CPA does not have a set of village and land use rules to govern the conduct of its members. This could lead to significant disputes in the future as well as the erection of informal settlements adjacent to the village.</p>
Natural Resources:	<p>Currently only 598 ha of land have been committed in ownership to the CPA and there is uncertainty as to what arrangements Mondi Ltd is proposing for access to grazing, cropping and forestry lands. The area available for crop farming is limited to homestead plots of 2500 sq. meters. This may assist with food security but not with any commercial agricultural venture.</p> <p>The current water distribution system seems to be irregular, which hinders food security strategies such as a vegetable gardens.</p> <p>Due to the cold climate the ability of the villagers to produce vegetables is limited to the summer months.</p> <p>The Village is surrounded by forestry plantations. There were no observed fire breaks as well as firefighting equipment at the village. This could become a serious problem in the future. The CPA should be a member of the local fire-fighting committee, have training as well as equipment on hand.</p>

Residential Infrastructure	<p>It is uncertain what amount the CPA members may have to pay for water usage in the future and to whom will they pay this amount? There will be a new system in place by the end of June and the existing system will serve as a back-up for emergencies in case of breakdowns.</p> <p>There are pre-paid systems in each of the 110 houses. It is uncertain how much the residents can afford to pay for electricity given the levels of unemployment in the village.</p> <p>VIP systems need regular maintenance and it is unclear who is responsible for this and at what cost. VIP systems may lead to leakages into the dam at the bottom of the village which is the primary water source.</p> <p>Refuse is deposited at a central dumping area and removed to Piet Retief on a monthly basis. This dumping area is unsanitary and could present health challenges in the future. There is no recycling initiative at present.</p> <p>The RDP houses are too small to accommodate larger families and therefore residents have built additional structures. If additional houses were to be built on each stand there may be a need to resurvey and register servitudes to give ownership of these subdivided stands to those family members. These households may incur additional costs in terms of surveying, extending services etc. Some assistance in terms of homestead layout in the future may save costs for these households.</p> <p>The size of the land owned by the CPA is limited and there are no provisions made for the expansion of the settlement.</p>
Social Service:	<p>There is no high school and no programme for tertiary education.</p> <p>There is no clinic however the mobile clinic does come to the Village on a monthly basis. It is very difficult for ambulances to access the area due to bad roads.</p> <p>The cost of a taxi to town is over R 80.00 return. This hampers the ability of the residents to purchase consumer goods cheaply and they have to rely on local spaza shops for groceries at a higher price. The distance of the village to large markets also hampers the potential for commercial crop or vegetable production.</p> <p>Since there is no control over alcohol sales at shebeens in the village this could cause serious social problems related to alcohol abuse.</p>
Economic Opportunities	<p>There are limited opportunities for formal employment at Jabulani Village apart from those provided by the state. People are recruited by labour contractors for work on Mondi Ltd properties. According to the CPA chairperson, in future it may be more beneficial if the CPA could have its own labour brokering service and an agreement with Mondi Ltd to make use of this service for local employment.</p> <p>There is furthermore no formal equity arrangement between Mondi Ltd and the CPA in terms of partnering on forestry projects.</p> <p>The Cattle Farming Cooperative is not organized and the members are not farming cattle on a commercial basis. This is a lost income generation opportunity.</p> <p>The limited land available for crop farming limits food security as well as income generation opportunities for the CPA members. Distances to markets for crops and vegetables will affect the profitability of such enterprises.</p> <p>The SMME initiatives and proposed tourism projects at the dam have not been initiated at present. As per the Mondi Ltd presentation these economic opportunities will be developed in a second phase.</p>

(Sources: CPA Committee Interview, Interview with Mkhondo Planning Manager and Mondi Ltd presentation 2016)

Key Opportunities in the Mondi Jabulani Agri-Village Project

Opportunities.	Reasoning
Institutional Relationships:	<p>A significant amount of capital has been invested by the state, particularly the provincial and local government in the provision of infrastructure at the Village. There is an opportunity for even more capital to be invested in the project through other departments such as Agriculture, Public Works and DEDET.</p> <p>The investment of human resources by Mondi Ltd has ensured that the various development projects within the Village have been implemented. A continuation of this investment could lead to additional projects and developments, particularly economic and livelihood strategies in the future.</p> <p>The CPA itself consists of a relatively small number of members who share a common background as they all were occupiers of Mondi Ltd properties. This ensures that there is a high level of cohesiveness within the project and a reduction in possible community conflict in the future.</p> <p>The CPA members now own land and will soon receive title deeds for their houses. This is a significant asset for farm dwellers going forward.</p> <p>The MPC and youth centre facilities may be used for skills development purposes, particularly for the unemployed youth who may wish to develop new enterprises. Funds could be made available for tertiary education and training.</p>
Natural Resources:	<p>Mondi has indicated that additional an additional 100ha will be made available for livestock farming.. This could lead to additional income opportunities on the farm. There would need to be additional investment in equipment, skills development and farm management to benefit from this opportunity</p> <p>There appears to be ample water in close proximity to the village for both domestic and irrigation of vegetables.</p> <p>CPA members are able to harvest off cuts and unwanted timber in the area for fuel, cooking and heating.</p> <p>There is tourism potential on land adjacent to the village on the edge of the dam. Overnight accommodation, camping and water sports could be developed on the property..</p>
Residential Infrastructure	<p>All houses have access to a water supply including hot water through solar geysers. This reduces household time spent on collecting and heating water allowing them more energy and time to invest in productive activities such as household food gardens.</p> <p>Having electricity provides residents with an opportunity to undertake a range of economic activities. SMMEs such as maintenance would need electricity to run equipment such as welding and power tools.</p> <p>There may be a possibility of establishing a local maintenance and services cooperative (Possibly the existing CDWs who are doing refuse removal) and entering a service level agreement with Mkhondo Local Municipality. This could include recycling of refuse material from the village.</p> <p>CPA members have formal houses and stands are large enough to accommodate additional buildings.</p> <p>The township is well laid out and is formalized. The provision of future services such as roads, pavements, water borne sewerage can all be accommodated within this layout plan and hence there will not be a need for additional surveying costs.</p>

Social Service:	<p>There is already an established primary school and ECD /Youth centre on the village. Facilities exist for further tertiary training, ABET and other skills development programmes. This is particularly important for the unemployed youth who could learn a range of productive skills.</p> <p>The villagers have access to health services via a mobile clinic.</p>
Economic Opportunities	<p>Additional land for grazing, crop farming and forestry could lead to a number of new job opportunities on the project.</p> <p>There is some tourist potential due to the proximity of the Morgenson dam. This requires a detailed study and business plan, external funding and support as well as an investment in skills development.</p> <p>Income earning and saving opportunities within the Village are:</p> <p>Maintenance and services cooperative if a SLA can be entered into between the CPA and the Mkhondo Local Municipality.</p> <p>A wood processing SMME that would harvest timber for poles, fire wood, charcoal and value added products such as wattle screens and furniture.</p> <p>Food can be grown on the residential stands to save income. Furthermore, a weekly shopping service, maybe in conjunction with the refuse removal project could enable CPA members to buy goods from Piet Retief which would be cheaper than purchases from the local spaza shops.</p>

(Sources: CPA Committee Interview, Interview with Mkhondo Planning Manager and Mondi Ltd presentation 2016)

K. Lessons to be drawn from the case study

- Through Mondi securing an MOU with the Provincial and Local Government there has been a high level of commitment and investment by the state into this project. On other case studies this level of support is totally absent.
- There should always be a land rights enquiry that confirms the rights of the farm dwellers and outlines the responsibilities of the farm owner towards providing a suitable alternative at the onset of such a project.
- Options offered by Mondi to farm occupiers where (a) remaining where they were, (b)relocating to a township or (c) relocating to Jabulani Village. The overwhelming majority of occupiers of Mondi Ltd property chose to relocate to Jabulani Village.
- Closer proximity to town, services and economic opportunities should be considered in future agri-village initiatives.
- Whilst external facilitators were used to develop the Jabulani CPA as well as the Cattle Farming Cooperative, it is nevertheless essential that more time and resources are spent on community empowerment particularly in terms of how to run an organization as well as in this case in terms of development of a set of village rules.
- The Jabulani Village project has been developed in a phased approach the first phase being residential and the second being sustainable livelihoods development. This is a useful approach that prioritizes human and development capital over the short to medium term and could serve as a useful blue print for future agri-village projects.
- The Mondi Jabulani Agri-Village project has set a benchmark and precedent in terms of the state's capacity, ability and willingness to invest in infrastructure and services for a farm dweller community in the Province.
- The lack of a formal agreement between Mondi Ltd and the Jabulani CPA in terms of the provision of additional land is cause for concern as it leads to mistrust and uncertainty. Whilst there is no formal agreement on additional land allocations, the CPA members are in limbo in terms of developing economic activities and investing their time and money in such undertakings.

- There are many positive results from formalizing Jabulani Village as a proclaimed township. However, there are uncertainties about the levels of rates and taxes that are to be applied to the home owners in the future. This is also an area of uncertainty and vulnerability that could lead to challenges in the future.

L. Conclusions

The Mondi Jabulani Agri-Village project was highly informative in terms of the lessons one can draw for future Agri-village initiatives. The establishment of an MOU and the subsequent buy-in and investment in infrastructure by the local municipality and the Provincial Government were very impressive aspects of this project.

The project is a success in terms of providing secure tenure and decent housing for a farm dweller community. It is also possible that a number of projects could be initiated to boost the employment levels, income saving and income generating opportunities for the residents. For this reason, the Mondi Jabulani Agri Village project is a positive example of how private and public funds can be mobilized to provide a range of benefits to a marginalized farm dweller community.

Case Study 3: The Forbes Farm Dweller Project



Houses built by Farm Dwellers through dividends from the sale of the their produce.

A. Project Vision and Goals

The Forbes Farm Dweller Project was initiated in 2012 by Dr Colin Forbes, who owns portions 9 and 10 of the farm Athole 393 IT, Mkhondo Local Municipality, Gert Sibande District Mpumalanga Province. According to Dr Forbes there was a need to pro-actively initiate this project to improve relationships on the farm, improve socio-economic opportunities for the farm dwellers and to transfer skills. (Forbes C: 2016: Written Project Summary, Pg.1)

VISION: Although not expressed as a vision statement the project would ultimately lead to a number of farm dwellers becoming commercial farmers with their own farms.

Objectives:

- To provide an area of 560 ha of farm land for the residential and agricultural needs of farm dwellers.
- To mentor and support farm dwellers to cultivate a commercial crop of soya and maize on 60

ha of land.

- To improve the housing, basic services and social services of the farm dwellers.
- To develop the skills and capacity of farm dwellers so that they can become commercial farmers in their own right within 5 years.

(Forbes C: Summary; 2016; Pg. 1- 2)

B. Background

The farm Athole 393 IT has been owned by the Forbes family since 1860 and Dr Colin Forbes is the great grandchild of the original owner and 4th generation commercial farmer of this property. In 2000 Dr Forbes' father began considering the allocation of a specific area on the farm for the farm dwellers to reside together so that they could begin accessing basic services. (Forbes C: Interview, 2016)

In 2006 the Department of Basic Education developed a primary school on the farm. This proved to be a catalyst to encourage farm dwellers to relocate. (Forbes C: Summary; 2016; Pg. 1)

The Forbes Farm Dweller Project began in earnest when Dr Forbes allocated a 560 ha portion of his farm to the farm dwellers. Extensive discussions took place between Dr Forbes and the farm dwellers about the allocation of stands for residential purposes as well as the identification of a 60 ha area for commercial crop production. In the period 2012 to present all farm dwellers have relocated to the designated residential area. (Forbes C: Summary; 2016; Pg. 2) (Forbes C: Interview, 2016)

Dr Forbes supported the farm dwellers to develop the 60 ha cropping lands with mentorship support, mechanization and capital (For which he stood suretyship) in 2013. During the 2013-14 planting season 34 workers each received a profit from crop sales of R 8 000.00 and repaid the amount of R 238 000.00 that Dr Forbes stood suretyship for. (Pule, A: May 2013; Pg. 5)

Youth within the farm dweller community have also established a wattle harvesting project on 60 ha of land which provides them with an opportunity to gain an income on the farm. (Forbes C: Summary; 2016; Pg. 3)

C. Property Description and Land Use

Portions 9 and 10 of the farm Athole 393 IT, Mkhondo Local Municipality, Gert Sibande District, Mpumalanga Province measures 5600 ha in total. The farm is owned by the David Forbes Will Trust and Dr Colin Forbes is the chairperson of his Trust. (Forbes C: Summary; 2016; Pg. 3)

Dr Forbes has allocated 560 ha of land for the beneficial use by his farm dwellers. The farm Dwellers portion of land, although not sub-divided is for their exclusive use and includes the following land use activities:

Table 12.3.1 Land Uses and Properties Sizes at the Forbes Farm Dweller Project

Land Use	Size	Notes
Residential	35 ha	This includes a school, sports fields, 39 full stands (0.5625 ha each) and 41 half stands (0.2813 ha each)
Crop Farming	60 ha	This cropping land is planted with maize and soya on a rotational basis. All crops are planted on a no-tillage method.
Timber	60 ha	Wattle plantations on this portion are harvested by the youth.
Grazing	405 ha	Farm dwellers have traditionally kept 225 cattle on the farm. Historically various families have kept different amounts of cattle on the farm.
Total	560 ha	

(Forbes C: Summary; 2016; Pg. 3)

Dr Forbes utilizes 1200 ha of the remainder of the farm for crop farming (Maize and Cereals) as well as keeping a herd of 2000 Boran mixed cattle for beef production. (Forbes C: Interview; 2016)

Currently the entire farm remains in the ownership of the David Forbes Will Trust and no subdivision has taken place of the 560 ha of land allocated to the farm dwellers by Dr Forbes.

D. Institutional Arrangements

The David Forbes Will Trust is the owner of Portions 9 and 10 of the farm Athole 393IT. The Trust is currently chaired by Dr Colin Forbes. On behalf of the Trust Dr Forbes has verbally committed 560 ha of the farm to the farm dwellers who have historically resided on the farm. Dr Forbes would be willing to sell this portion of the farm to the farm dwellers if there is assistance from the government for this purchase. Funds from the sale of this property would be invested in housing and other infrastructure for the farm dwellers. (Forbes C: Summary; 2016; Pg. 4)

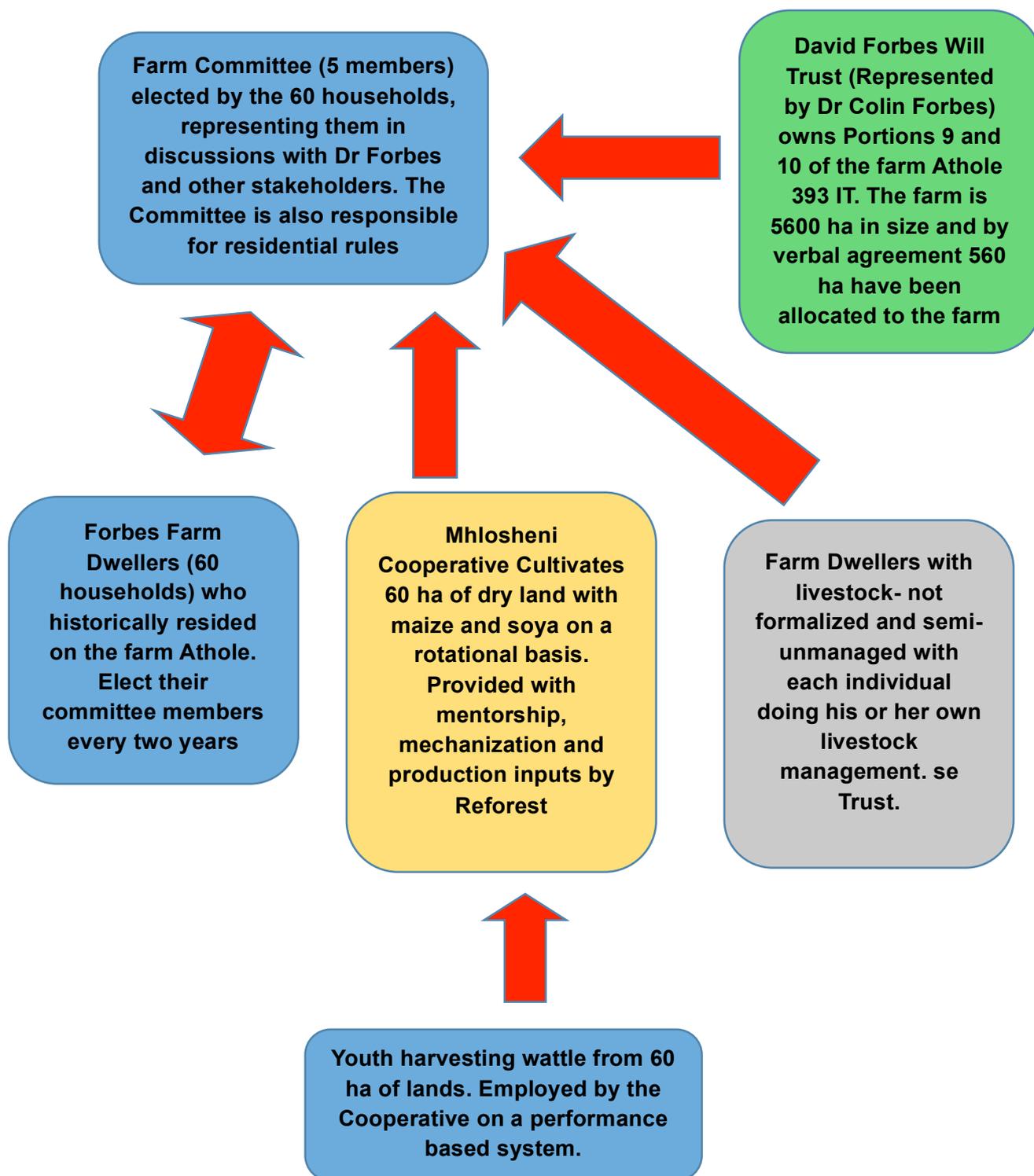
There are 60 households on the farm who have benefitted from the land granted by Dr Forbes. These households have a Farm Committee consisting of five representatives who act on behalf of the farm dwellers in discussions with Dr Forbes and other stakeholders. In addition, the farm dwellers have established the Mhlosheni Primary Cooperative that undertakes the agricultural production on the 60 ha of land as well as employing youth to harvest wattle trees on 60 ha of land. (Forbes C: Summary; 2016; Pg. 3-4) (Pule A: 2015) The farm dwellers also keep upwards of 225 cattle on their portion of the farm. The management of the cattle at this point is semi unmanaged as each livestock owner takes responsibility for their own animals. (Forbes C: Interview; 2016)

The Mhlosheni Primary Cooperative is supported by Dr Forbes in terms of its cultivation of 60 ha of arable lands. Dr Forbes provides his time and know-how as a mentor to members of the Cooperative. Secondly Dr Forbes provides mechanization support to the cooperative in time so that they can prepare the lands, plant, apply whatever fertilizers, herbicides or pesticides and harvest at the optimal time. Having working equipment on hand at the correct time is essential for any commercial farming venture. Dr Forbes deducts the cost of diesel as well as any time spent by his labour force from the final sale of the crops. Thirdly Dr Forbes provides suretyship for a production loan on the farm. This loan amounts to approximately R 720 000.00 for the cultivation of maize and soya on the 60 ha land (R 12 000.00 /ha). (C Forbes: Sales Invoices: March 2016). Dr Forbes also assists in transport and has secured a market for the cooperative's crop with TWK. Furthermore, Dr Forbes assists with financial management and advise on when best to sell the crop. According to Dr Forbes it is likely that the cooperative's maize output will reach 10 tons per hectare (In a drought year). With prices set at R 3500.00/per ton a profit of R 23 000.00 per hectare of maize could be achieved this year. Similarly, with Soya prices at around R 4800.00 per ton and a yield over 3 tons per hectare, the soya crop planted will also produce significant dividend for the farm dwellers. All costs of the inputs are calculated by Dr Forbes and discussed with the cooperative before the dividend is paid out. According to Dr Forbes the dividend could be around R 13 000.00 per household (R 780 000.00) in total for the 2015-2016 harvest. (Forbes C: Interview; 2016)

There was also a verbal agreement between the David Forbes Will Trust and the Department of Basic Education which has enabled the Department to build a primary school on property owned by the Trust.

The organogram below highlights the various institutional arrangements on this project:

Organogram of the Forbes Farm Dweller Project



(Forbes C: Interview; 2016)

E. Demographic Information

The Forbes Farm Dweller Community consists of 60 households containing 48 men, 57 women and 278 children. No detailed demographic analysis of the village is available at present. (Forbes C: Interview; 2016)

F. Economic Activities and Livelihood Strategies

There are a diverse range of economic opportunities available for members of the Forbes Farm Dweller Project. Due to the geographic location of the farm, however, these opportunities are limited to those that occur on the farm, neighbouring properties and Amsterdam Town, which is approximately 20 km away from the farm. This is a small rural town with very few formal employment opportunities. Economic opportunities available to the farm dwellers include the following:

Agriculture:

Crop Farming: There are 60 ha of arable lands available to the farm dwellers on the farm Athole as owned by the Forbes Trust. The Mhlosheni Cooperative is the key structure that engages in the production of maize and soya on this portion of the farm. Maize and Soya are grown on a rotational basis to ensure that soils remain fertile from year to year. In addition, the crops are grown according to the no tillage principles which not only reduce input costs but further protects the soil from erosion and drying out. Farm dwellers who work on the crop lands on behalf of the cooperative are remunerated by the cooperative for their time. Dr Forbes provides mentorship support, mechanization support in terms of tractors and implements and provides the production capital for the crop. This capital support amounts to R 720 000.00 for the 2015-2016 planting season (R 12 000.00 per Ha X 60 Ha). Dr Forbes signs suretyship for the production loan of R 720 000.00 that was accessed from TWK (Transvaal Wattle Growers). Dr Forbes also arranges for the transport, storage sale of the crops with TWK in Piet Retief.

Depending on the availability of water and capital the arable lands on the portion of farm allocated to the farm dwellers could be developed under orchards (Stone fruit such as Apricots) or vegetables. This project would however have significant capital costs due to the need for either shade netting or tunnels and additional skills development for the Cooperative to enable them to cultivate these new crops.

Livestock: The farm dwellers have access to 405 ha of grazing lands for livestock production. There are typically around 225 cattle grazed on this land by the farm dweller families. There is a loosely formed cattle farmer's association with each member rearing their own cattle individually. However, there is not control or restriction of the number of livestock and a grazing regime of camping at present on the farm.

Given a carrying capacity of between 1 and 2 ha per LSU at herd of 200 cattle could be kept on the farm. This opportunity would require a significant shift in mind-set by the farm dwellers from retaining cattle for personal and cultural reasons to running a commercial breeding herd whereby all calves are sold on an annual basis once weaned. A single grazing regime with camps and rotational grazing and resting would need to be established as well as a central kraal and livestock handling facility. External expertise may be required to plan the development of a commercially orientated livestock enterprise on this farm. Additional funds would be needed to develop a breeding herd as well as to afford fencing and other infrastructure if this opportunity were to be developed on a commercial basis.

Forestry:

An area of 60 ha of land allocated to the farm dwellers is under wattle. Approximately 30 Youth from the community are employed to harvest wattle trees which are sold by the Mhlosheni Cooperative to TWK and a variety of local markets. Youth are not employed on a full time basis but rather on an incentive basis in terms of the number of trees felled per day. Wattle does regrow quite rapidly in the area and this project can continue on a sustainable basis in the future. Additional value adding opportunities exist for the youth in terms of processing wattle poles. Additional support in terms of market access, product development and capital for equipment would be necessary for these value

adding opportunities to be exploited.

SMMEs:

There could be a range of SMMEs that could be established by the Forbes Farm Dwellers, possibly with the assistance of Dr Forbes. These include construction (Building and brick making) and maintenance (Plumbing, electricity, painting to mention a few) - both within the village as well as in nearby Amsterdam where an additional 1000 stands are being developed by the Mkhondo Local Municipality. The farm also has ample firewood that could be gathered in bundles and sold locally. Technical and artisanal training as well as basic equipment and transport would be necessary for these opportunities to be developed.

Livelihood Strategies:

Residents at the Forbes Agri-Village have a number of livelihood strategies to supplement or save incomes. These include:

- The collection of firewood in the area as a source of cooking and heating.
- Growing of vegetables at the homestead for food. (This is limited due to the lack of secure and convenient water supply.
- Raising of domestic animals including chicken, goats and cattle.
- Grants from government including child support grants and pensions.
- Gathering of local plants for food and medicinal purposes.
- Use of local materials for housing (Wattle, thatching and clay)

(Forbes C: Interview; 2016)

G. Employment and Labour Conditions

There are a range of employment opportunities available on the farm and within the surrounding area to the Forbes farm Dwellers. These include

Formal Full Employment: The David Forbes Will Trust employs 32 male and 16 female labourers on a full-time basis. Unemployed villagers are also able to supply labour to neighbouring farms and businesses in the area such as a saw mill and businesses in Amsterdam town. (Forbes C: Summary; 2016; Pg. 4)

If the Mhlosheni Cooperative were to develop and formalize it could ultimately offer full time employment for a number of the members who would take responsibility for the production of crops. Similarly, should the members decide to develop their livestock potential in terms of a commercial cattle breeding enterprise additional full and part time employment opportunities could be created.

Formal Part Time Employment: Seasonal employment on the Forbes Farm and surrounding farms during planting and harvest times is also an opportunity for members of the Agri-Village.

Self-Employment: The Mhlosheni Cooperative provides an opportunity for approximately 30 youth on the farm to harvest wattle on a 60 ha area on the farm. The youth are paid on a performance basis that depends on the volume of wattle cut by each youth per day. Following the sale of the wattle to TWK the youth are paid in accordance with the number of trees that they cut. These members are self-employed and derive an income from the sale of their produce. (Forbes C: Summary; 2016; Pg. 4)

Casual Labour: There are employment opportunities available in the area such as cutting grass on roadside reserves through the Expanded Public Works Programme in the area in the future. Construction of infrastructure on the farm or at the agri-village could provide further casual labour opportunities to the residents. Should an RDP housing project be established in the future through support from the Department of Human Settlements additional casual labour opportunities could be established.

H. Access to Basic Services and Social Services

Water: There are three boreholes on the 560 ha of land allocated to the Forbes Farm Dwellers. These boreholes are in close proximity to the village area and are equipped with hand pumps. Dr Forbes' water tanks are used to transport water from the boreholes to the village when needed. Each resident has their own tanks for water storage. (Forbes C: Summary; 2016; Pg. 5) (Forbes C: Village Inspection: 2016).

It is highly unlikely that either the local municipality or the Provincial Government will be in a position to supply potable and purified water to this farm from the nearby town of Amsterdam in the foreseeable future. Both the costs of developing such a supply line as well as the maintenance would in all likelihood be prohibitive at present.

Sanitation: The Village has no established formal sanitation system. All stands have pit latrines, about half of which were supplied by the Mkhondo municipality. The cost of developing a formal sanitation system linked to that of the local municipality is again most likely to be prohibitive at present. (Forbes C: Summary; 2016; Pg. 5) However there is a number of affordable, eco-friendly and water saving sanitation models that could be established if funds were available.

Electricity: There is a bulk electricity supply at the edge of the Farm dweller's agri-village and each stand is supplied with electricity on a pre-paid meter system. The school is also electrified. (Forbes C: Summary; 2016; Pg. 5)

Refuse Removal: There is a communal dumping area at the village and refuse is taken there using a tractor and trailer. It is not certain whether the refuse is burnt on site or is transported to the dump site at Amsterdam. (Forbes C: Summary; 2016; Pg. 5)

Housing: There are 39 full stands (0.5600 ha) and 41 half-stands ((0.2800 ha) within the agri-village. Each occupier of the stand has built their own property with their own capital over time. According to Dr Forbes when the stands were first pegged out and allocated the farm dwellers built wattle and daub houses. Over time however the residents have replaced these houses with formal brick structures using money from salaries as well as from the dividends from the 60 ha farming project. (Forbes C: Summary; 2016; Pg. 5)

Only once a land transfer has taken place and a formal township established and proclaimed would it be possible has been proclaimed be possible for the residents to access housing grants from the Department of Human Settlements.

Social Services: The following Social Services exist at the Forbes Farm Dweller Agri-Village:

Schools: Currently there is a primary school on the farm built by the Department for Basic Education on land owned by the Forbes Trust. The school caters for all primary school levels. Children from Form 7 upwards attend the nearby Glen Eland School - about 6 kilometres away. There are no tertiary training centres nearby. (Forbes C: Summary; 2016; Pg. 5)

Clinics: There is a medical clinic in Amsterdam and Dr Forbes can provide medical assistance if necessary. Due to the proximity from the Agri-Village to the main road it is easy for the residents to access transport to town. (Forbes C: Summary; 2016; Pg. 5)

I. Support from Government and other sources

The following are key organizations that are engaged or need to be engaged in the future to support this project.:

Department of Rural Development and Land Reform (DRDLR): Through the Redistribution programme it is possible for the farm dwellers to receive the necessary assistance to acquire the 560 ha of land. The DRLDR currently uses the Pro-Active Land Acquisition Strategy (PLAS) for land redistribution whereby they acquire farms and lease them to emerging farmers. It may be possible for this project to engage with the Director General of the DRDLR and other senior officials to motivate why a land purchase and transfer to the farm dwellers is a viable proposition. Successful emerging farmers from the Cooperative could utilize the PLAS programme to lease arable land in the area for their own production possibly with the support of Dr Forbes.

Mkhondo Local Municipality: Currently this municipality has not provided services to the Forbes Farm Dweller Agri Village apart from the provision of approximately 30 pit latrines. The Municipality could assist the project with the township establishment process including formal surveying of stands as well as a general plan and an engineering services plan. If the project were to proceed with the formalization of the village into a township, then each stand owner would in future be liable for municipal rates as well as a municipal property tax. This would be based on an estimate of the market value of each of the properties. There is a possibility for a Service Level Agreement to be entered into between the villagers and the local municipality to address the provision of services such as water, sanitation and refuse removal. (Forbes C: Summary; 2016; Pg. 5) (Forbes C: Village Inspection: 2016).

Department of Education: The Department of Basic Education has funded the primary school on the Forbes' property. Should a township be proclaimed this asset would be transferred to the Department of Public Works. The Department also funds the salaries of the teachers at the primary school. (Forbes C: Summary; 2016; Pg. 5)

Agri-Seta: Some training in Adult Basic Education has already been provided by the Agri-Seta to the farm dwellers on this farm. According to Dr Forbes additional training in artisanal skills such as welding would be highly appreciated. (Forbes C: Letter to DAFF Minister)

Department of Agriculture: Despite writing to the Minister and a visit from officials from the Provincial Department, no assistance has been provided by DARDEA to this project. There are immense opportunities for involvement by the Department in terms of CASP programmes that could provide the Mhlosheni Cooperative with equipment and productive inputs, training and support from veterinary services as well as possibly the Masibuyela eMasimini programme.

Transvaal Wattle Growers (TWK): TWK provides the project with a storage facility and market for various crops (Maize and Soya) as well as a market for the wattle harvested on the farm. In addition, TWK provided the production loans to Dr Forbes, who stood as surety, for both the Mhlosheni Cooperative as well as for production costs on a further 43 ha of land for the farm dwellers on an adjacent farm (Matayitereni Group). (Forbes C: Summary; 2016; Pg. 1-3). TWK also administers an additional fund known as GIFADA that could be used for investment on the farm. This fund has yet to be accessed by this project.

J. Key Challenges and Opportunities.

Based on interactions with Dr Forbes, farm dwellers, written documentation and through the site visit the following would appear to be key challenges and opportunities facing this project:

Key Challenges: The following are seen as key challenges facing the participants of the Forbes Farm Dweller Project:

Key challenges facing the Forbes Farm Dweller Project

Challenges	Reasoning
<p>Institutional Relationships:</p>	<p>Whilst there is a positive relationship on the farm this is based on a verbal agreement. A lack of a formal agreement contained in a binding agreement of sale or notarized in the title deed means that the rights of the farm dwellers are not as secure as they could be.</p> <p>Currently the Farm Committee is a voluntary association with limited powers to bind its members and to contract with outside parties. A legal entity in the form of a CPA, Trust or Pty Ltd is necessary to act as a vehicle to take ownership of fixed property and moveable assets and would be an advantage in terms of representing the farm dwellers with outside parties. Such a legal entity would contain rules and procedures governing decision making, membership and membership rights.</p> <p>As indicated the 560 ha allocated to the farm dwellers is a verbal agreement. Farm Dwellers have rights in terms of ESTA but do not have formal ownership and thus secure tenure. Currently there is no process to involve the DRDLR in terms of securing ownership and tenure rights, nor is there a township establishment process with the local municipality.</p> <p>The Farm Committee does not have a written and formalized set of land use rules. Apart from the demarcation of 35 ha of lands for residential purposes and 60 ha of arable lands, there is no overall land use plan. Furthermore, there need to be a set of village rules that could be adopted and enforced in terms of what villagers can and cannot do on their properties and what duties they have to adhere by.</p> <p>The Farm Committee is elected every 3 years and holds meetings with the farm dwellers on an ad hoc basis. Again a formal procedure set out in a legal entities founding statement would be useful to formalize meetings and thus communications between this leadership structure and the farm dwellers.</p> <p>Currently the farm dwellers are heavily reliant on Dr Forbes for assistance with financial management, including budgeting as well as forecasting when to sell crops and how dividends may be distributed. Although there is no reason to doubt Dr Forbes' integrity it is nevertheless problematic that there is this high level of dependency and this could lead to suspicions and acrimony in the future.</p> <p>In the future there may be a need and an advantage of developing additional structures including a livestock farming cooperative to develop a commercial breeding herd and set rules for carrying capacities, rotational grazing and animal health. Furthermore, a structure to represent the youth involved in wattle harvesting and possible value adding may also be needed in the future.</p>

<p>Natural Resources:</p>	<p>Agricultural opportunities are limited due to the size of the land, quality of soil, climate, insufficient water as well as distance to large markets. 405 ha of grazing lands limit the viability of a commercial livestock project to a breeding herd of about 200 LSU. Furthermore, the amount of high potential arable land on the area allocated to the farm dwellers is limited to 60 ha.</p> <p>Water resources on the farm appear to be relatively good including boreholes and a number of dams. Water storage and internal distribution in the village could be improved. It is unknown whether there is sufficient water available for intensive cultivation of vegetables or fruit orchards under irrigation.</p> <p>The area suffers from extremely cold winters which limit agricultural production in the winter time. There is also a greater need for fuel for heating during the winter time.</p> <p>Athole Farm is located next to forestry plantations as well as a main road. Both of these present a fire hazard to the farm. The farm does have fire-fighting equipment and experience.</p>
<p>Residential Infrastructure:</p>	<p>The supply of water to each household is still dependent on boreholes with hand pumps. Capital will be needed to develop a reticulated system. It is unlikely that the Mkhondo Local Municipality will be able to deliver this service in the short term.</p> <p>The affordability of prepaid electricity may be a challenge to pensioner headed, unemployed or single parent households.</p> <p>There is no formal sanitation system in place and potentially hazardous and unhealthy pit latrines are used. These also require regular maintenance.</p> <p>A common refuse pit is used. It is uncertain whether this is burnt or collected and transported to Amsterdam dump.</p> <p>Houses have been built by farm dwellers with own income. There is no process to leverage grants from the Department of Human Settlements.</p> <p>There is inequality in terms of the size of stands since some have full stands and some half stands. This inequality may lead to tensions and also frustration by youth who may wish to have their own residential properties.</p> <p>There does not appear to be facilities for social purposes particularly for the youth other than a football field.</p> <p>There is no formal layout plan at the Agri-Village. If formal township establishment were to take place it may require a reconfiguration of the existing layout. The process of township establishment, registration of servitudes as well as supply of services needs to be carefully considered due to its initial and ongoing cost implications.</p>
<p>Social Service:</p>	<p>The levels of education amongst adults is poor and ABET and other training courses need to continue to develop the skills level of the farm dwellers. The primary school is located on Forbes' property and would need to be transferred to the Department of Public Works. It is uncertain whether there is scholar transport for the high school children. There are also very limited opportunities for tertiary education for school leavers in the area. There is also no crèche at present for younger children.</p> <p>There is no clinic at the village and residents must travel to Amsterdam for medical assistance.</p> <p>There are incidents of alcohol abuse and petty theft within this community. In addition, due to a lack of skills development and employment opportunities there appear to be frustrations amongst the youth on the farm.</p>

Economic Opportunities	<p>Employment opportunities on the farm and surrounding areas are limited to agricultural work as well as within the small town of Amsterdam.</p> <p>Income levels within the village vary greatly between full time employees, pensioner headed and unemployed households. This inequality could lead to tension as some of the residents may not be in a financial position to upgrade their housing infrastructure in the short term or access loan finance. The provision of higher levels of service and the establishment of a formal township may lead to higher service costs which may be unaffordable for some of the households and could lead to tensions within the village.</p>
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(Sources: Forbes C: Summary; 2016; Pg. 1-5) (Forbes C: Interview: 2016) (Forbes C: Village Inspection: 2016)

Key Opportunities on the Forbers Farm Dweller Project

Opportunities.	Reasoning
Institutional Relationships:	<p>There is open and honest dialogue between the owner and the farm dwellers. This has led to a relationship of trust and mutual respect for both parties' interests on the property. Dr Forbes emphasizes communication with the cooperative members as part of the mentorship approach.</p> <p>There is strong leadership within the Forbes Agri Village. Although not formalized the farm committee appears to have the respect and support of the community and there is a tradition of democratic elections for committee positions.</p> <p>The residents of the Agri-Village are a cohesive community that has lived together for generations. Since the members are known to each other it facilitates greater cooperation and support.</p> <p>There is a strong sense of community ownership of the project this is particularly visible at the agri-village in terms of the farm dweller's housing. People are building formal and permanent structures without external support.</p> <p>There are a number of opportunities to solicit government buy-in and support particularly from the DRDLR, Agriculture, Human Settlement, the DTI and the Mkhondo Local Municipality.</p> <p>The Forbes farm dwellers can still develop formal structures, e.g. a CPA to hold land, additional cooperatives or associations and also enter into formal agreements between themselves and the Forbes Trust and the local municipality. External facilitation may be useful in this regard.</p>
Natural Resources:	<p>The Forbes farm dwellers have access to a sizeable portion of land -560 households. This amount of land has the ability not only to provide residential areas, but also food security strategies and a number of income generation activities including crop farming, animal husbandry and forestry. There may also be opportunities to gain access to additional land in the area if commercial crop farming were to expand.</p> <p>There are three boreholes on the property equipped with hand pumps. Water is transported to the village for domestic purposes. It is uncertain whether there is sufficient water for irrigation of vegetables or fruit orchards on a commercial level.</p> <p>The existence of a 60 ha wattle forest provides an opportunity for wood collection for domestic fuels as well as for construction and for sale.</p>

Residential Infrastructure	<p>Drinking water is regularly supplied to the village by tractor drawn water tanks from the existing boreholes. It may be possible to establish a new borehole on the property, use a solar pump system and develop an internal water supply system at a relatively low cost.</p> <p>ESKOM is already supplying the village so not only are households already using a pre-paid system but any further social facilities or business opportunities could connect to the existing supply line so that computers and other electrical machinery could be used.</p> <p>The village has a system to dispose of refuse, however there is no recycling at this stage. There may be an opportunity to develop a Service Level Agreement with the local municipality which could create additional jobs and reduce service costs in the future.</p> <p>The farm dwellers have built their own formal housing with funds earned through employment and the dividends paid out annually from the sale of crops. There may be an opportunity for the youth to develop a brick yard for internal sales to residents as well as to residents of the Amsterdam township. 1000 new stands are being pegged and this could provide a ready market for locally produced bricks.</p> <p>There is already a fairly formal township layout and this may enable services as well surveying at a relatively low cost.</p> <p>The Forbes Farm Dweller Agri Village already has a school and soccer fields. With funding and external support additional social and recreational facilities could be developed.</p>
Social Service:	<p>A primary school exists on the property and a high school is relatively close to the farm. There may be opportunities to develop a multi-purpose training centre and a crèche on the property if the residents wanted such facilities and there was external funding and human resource support.</p> <p>The Amsterdam clinic is in close proximity to the farm.</p>
Economic Opportunities	<p>There are a range of employment opportunities available for the Forbes Farm Dwellers. These include formal employment on the Forbes Farm, neighbouring farms and mills as well as in Amsterdam. If the Mhlosheni Cooperative were to develop further it may also offer permanent or part time employment opportunities to members. There may also be casual employment opportunities through programmes such as the Expanded Public Works Programme.</p> <p>There may be options for the Mhlosheni Cooperative and Dr Forbes to develop additional enterprises including leasing additional agricultural lands, developing vegetable or fruit orchards on this or another property, developing value adding opportunities from wattle, developing a maintenance crew to undertake construction, plumbing, refuse removal, and other repair work on the farm and in the surrounding area. Furthermore, if the cattle owners were to develop a commercial cattle farming project this would lead to additional employment and income producing opportunities.</p>

(Sources: Forbes C: Summary; 2016; Pg. 1-5) (Forbes C: Interview: 2016) (Forbes C: Village Inspection: 2016)

K. Lessons from this Case Study

- Open communication between the owner and the occupiers is essential to building a relationship of trust and to enable the parties to resolve problems.
- The land owner initiated this relationship by making a commitment to provide security of tenure, even if not yet formalized, and access to a significant area of productive land. This commitment is essential to create stability and develop trust.

- The understanding of the owner that the farm dwellers already had established occupational rights (ESTA or labour tenancy) over portions of his farm was key to him allocating a substantial portion of land to his farm dwellers (10% or 560 ha).
- The farm dwellers voluntarily relocated from their individual homesteads scattered over the farm to a central agri-village due to a number of factors including a level of trust that their occupation of the new area would be permanent, there would be better access to services and social amenities such as a school and that there would be an opportunity to benefit from an additional economic opportunity- the dividends from the sale of their maize and soya.
- Proximity to the road and hence public transport and town was also an important factor in the location of the village and the willingness of the farm dwellers to relocate there.
- The farm owner has made extraordinary efforts to assist the farm dwellers develop an additional source of livelihood through an investment of his time, machinery and production capital. This has further developed the relationship of trust amongst the parties.
- Strong leadership and an investment in time, human resources and capital by the farm owner are important assets to support the development initiative.
- There is a need for a very clear development path to be established that would guide the process of development within the Forbes Farm Dweller Agri-Village including securing tenure and possible township ownership.
- The formalization of agreements between the farm owner and the farm dwellers does not have to take place immediately at the onset of such an initiative. However, there will come a time when such formal agreements become essential.
- Formal structures also do not have to be developed at the onset of the project but due to economic needs over time this may become necessary and advantageous.
- Unemployed youth on a farm can be organized and channelled into positive economic activities instead of being perceived as a source of crime and instability.
- If there were a stronger buy in and more support for this project by the state, particularly DRDLR, Agriculture, Housing and the Local Municipality, the project could develop at a quicker pace and provide even more benefits for the farm dwellers.
- Dr Forbes and the farm dwellers have achieved a great deal on the farm Athole 393 IT with almost no external support. This model is highly replicable and if copied extensively in the Province would contribute greatly to improved socio-economic conditions of farm dwellers as well as greater levels of harmony within this community.
- External support in the form of professional advice around township establishment as well as social facilitation could greatly enhance such projects.

L. Conclusions

The Commission's exposure to the Forbes Farm Dweller Project was highly informative and the achievements of the project over the past four years are really impressive. Unfortunately, due to limited time and resources more in-depth research was not possible but from the evidence collected and what was observed, this project highlights pragmatic solutions to many challenges facing the farm dweller community in the Province. Should this project continue in the same positive fashion in the future it is likely that additional income generation opportunities will be developed, farm dwellers will also receive greater incomes and higher levels of services and social facilities. Whilst circumstances and relationships vary from farm to farm it is nevertheless certain that were other farm owners to emulate the approach taken by Dr Forbes there would be far greater levels of cooperation, trust and respect within this community and far more economic and social development could be achieved.

Case Study 4: The Meerlust Empowerment Trust Farm Worker Equity Share Project.



The Meerlust Workers Trust Investments (Pty) Ltd owns 50% shares in this state of the art wine bottling, labelling and storage facility.

A. Project Vision and Goals

The Meerlust Empowerment Trust (MET) was established in 2009 And represents 72 beneficiaries. The Trust has the following vision and objectives:

VISION: “Meerlust farm workers benefit in a meaningful and economically viable way”

Objectives:

- Develop an Agri-Village to provide secure tenure, housing and services to beneficiaries and additional farm workers.
- Establish a wine storage, bottling and labelling facility
- Develop the skills of MWT beneficiaries and Meerlust farm workers
- Establish new ventures to increase employment, incomes and dividends for members of the MET

(www.Meerlust: 2016 and Interview with Mr A De Waal: April 2016)

B. Project Background

The farm Meerlust was granted to a Mr Henning Husing by the Governor of the Cape Colony, Mr Simon Van der Stell, in 1693. The farm was purchased by Johannes Myburg in 1765. The Meerlust farm has produced wines from this date onwards and has established itself as one of the top wine estates in the Western Cape. The Myburg family has farmed on the land for eight generations. The farm Meerlust is now owned by the Myburg Family Trust represented by Hannes Myburg. (www.wine-sa.com/Meerlust)

In 2001 Mr. Hannes Myburg and the managing director Mr Albie De Waal began discussions about initiating a project that would empower and benefit the Meerlust farm workers. These discussions culminated in a decision in 2004 to sell two portions of the farm to a legal entity representing 72 individual workers- the Meerlust Empowerment Trust (MET). (Interview with R Joubert: April 2016)

Through finances obtained through the Department of Rural Development's redistribution programme- Land Reform for Agricultural Development (LRAD) the MET purchased 81 ha of prime agricultural lands from the Myburg Family Trust. (Interview with Mr A De Waal: April 2016)

Two companies were established to operate on the two properties owned by the MET. The first company the Meerlust Worker Trust Investments (Pty) Ltd established a wine bottling, storage and labelling facility on their 56 ha portion of the farm Meerlust. The Company, now trading as Compagniesdrift, began developing their facility in 2008 and began operations in 2010. The company is owned on a 50/50 basis between the MET and the Myburg Family Trust. (Interview with Mr A De Waal: April 2016)

The second company Faure Agri-Village which operates on the 25 ha portion of the farm Meerlust. is in the process of developing an Agri-Village that would provide secure tenure, formal housing and services to the 72 beneficiaries of the MET. The village has been planned to establish over 250 residential erven which would further provide housing for additional Meerlust farm workers. In addition, the company intends either to rent or to sell residential stands (Vacant or built) to other wine producers in the area to generate further profits for the company. The Faure Agri-Village has also started a Nguni cattle farming project with inputs and support from both the Myburg Family Trust and the Provincial Department of Agriculture. (Interview with Mr A De Waal: April 2016)

C. Property Description and Land Use

The Myburg Family Trust transferred two properties, totalling an area of 81 ha to the Meerlust Empowerment Trust. The farms are located in the Stellenbosch Local Municipality, Cape Winelands District Municipality, Western Cape. (Interview with Mr A De Waal: April 2016)

A portion of the farm Meerlust measures 56 ha of lands transferred to the Meerlust Empowerment Trust is administered by the Meerlust Workers Trust Investments (Pty) Ltd. The land contains a settlement of 9 formal houses as well as 10.5ha of vineyards, which are leased to Meerlust. The Compagniesdrift wine storage, bottling and labelling facility is also located on this portion of land. The balance of the land, which is suitable for wine orchards, is currently used as pastures for use by the Nguni Cattle Farming Initiative that is owned by the Faure Agri-Village Company. (Interview with Mr A De Waal: April 2016)

The second portion of the farm Meerlust, that was transferred to the Meerlust Empowerment Trust, measures 25 ha of lands. This portion of the farm is administered by the Faure Agri-Village (Pty) Ltd and contains a settlement area with 20 formal houses. The settlement also has access to potable water from a supply line provided by the Cape Town Metropolitan Council as well as electricity supplied by ESKOM. Some of the 72 beneficiaries of the MET already reside on this property. It is the intention of the Faure Agri-Village company to establish a formal township on this property. The existing layout plan for the Faure Agri-Village makes provision for upwards of 250 residential stands as well as community facilities including school, sports fields, a crèche and an old age home (Farmworker Watch: 2011). The 72 beneficiaries of the MET will each be allocated a stand on this property. Furthermore, additional stands, with or without housing, would be allocated to The Myburg Family Trust to accommodate Meerlust farm workers. The Faure Agri-Village company will also either sell or lease housing on additional stands to other wine producers in the Stellenbosch area to accommodate their farm workers. (Interview with Mr A De Waal: April 2016)



Existing farm worker housing that is part of the planned Faurie agri village.

In addition to the land transferred to the MET, the Myburg Family Trust has also developed 130 ha of lands into irrigated pastures for the Nguni Cattle Project. The project has currently got a herd of 100 Nguni cows, 2 Angus Bulls and approximately 41 calves. Another 100 cows are set to be added to the herd in May 2016. (Interview with R Joubert: April 2016)

D. Institutional Arrangements

The owners of Meerlust, the Myburg Family Trust have sold two portions of land to the Meerlust Empowerment Trust (MET), which consists of 72 individual beneficiaries. The beneficiaries were selected due to their long service to the company as well as long historic association with the Myburg family. 55 of the 72 beneficiaries are from Meerlust Farm, 15 beneficiaries are from Vriesenhof farm and the remaining 12 beneficiaries are from the Ken Forester farm. (Interview with Mr A De Waal: April 2016)

According to Mr De Waal, Meerlust Farm's Managing Director, there will always be 72 beneficiaries within the MET. If a beneficiary wished to leave the project they can sell their membership share back to the Trust. An independent valuation will determine the net worth of the share. Children of a beneficiary can inherit this share if a beneficiary died. There is also a waiting list for membership into the Trust if a beneficiary wished to dispose of his or her shares. (Interview with Mr A De Waal: April 2016)

On a 50/50 basis the Myburg Family Trust and the MET established two companies: The Meerlust Workers Trust Investments (Pty) Ltd trading as Compagniesdrift has leveraged R 45 000 000.00 to develop the Compagniesdrift wine bottling, storage and labelling facility. Funding for this initiative was originally sourced through contributions from the Myburg Family Trust (R 15 000 000.00), DRLDR Grants (R 15 000 000.00 for beneficiaries of the MET) and R 15 000 000.00 was loaned from Standard Bank. Subsequently the Standard Bank loan has been replaced by an internal loan from the Myburg Family Trust at an interest rate of 2% below prime. The project is well run and people are very proud of this initiative. The project is also now beginning to show a return on investment and dividend pay-outs should occur in the future. Staff will also benefit from a percentage of the dividends in the future. (Interview with Mr A De Waal: April 2016)

This state of the art facility was initiated in 2008 and began its operations in 2010. Initially there were only 5 wine companies who were clients of the Compagniesdrift facility bottling 200 000 bottles of wine. In 2016 there are now 53 wine companies making use of this service which bottles around 2 400 000 bottles of wine a year. The facility has storage capacity for 3 000 000 wine bottles. The Compagniesdrift facility provides 30 permanent jobs and an additional 17 casual workers are employed at the facility. (Interview with I Ruthford: 2016)

The second company established by the Myburg Family Trust and the MET is Faure Agri-Village

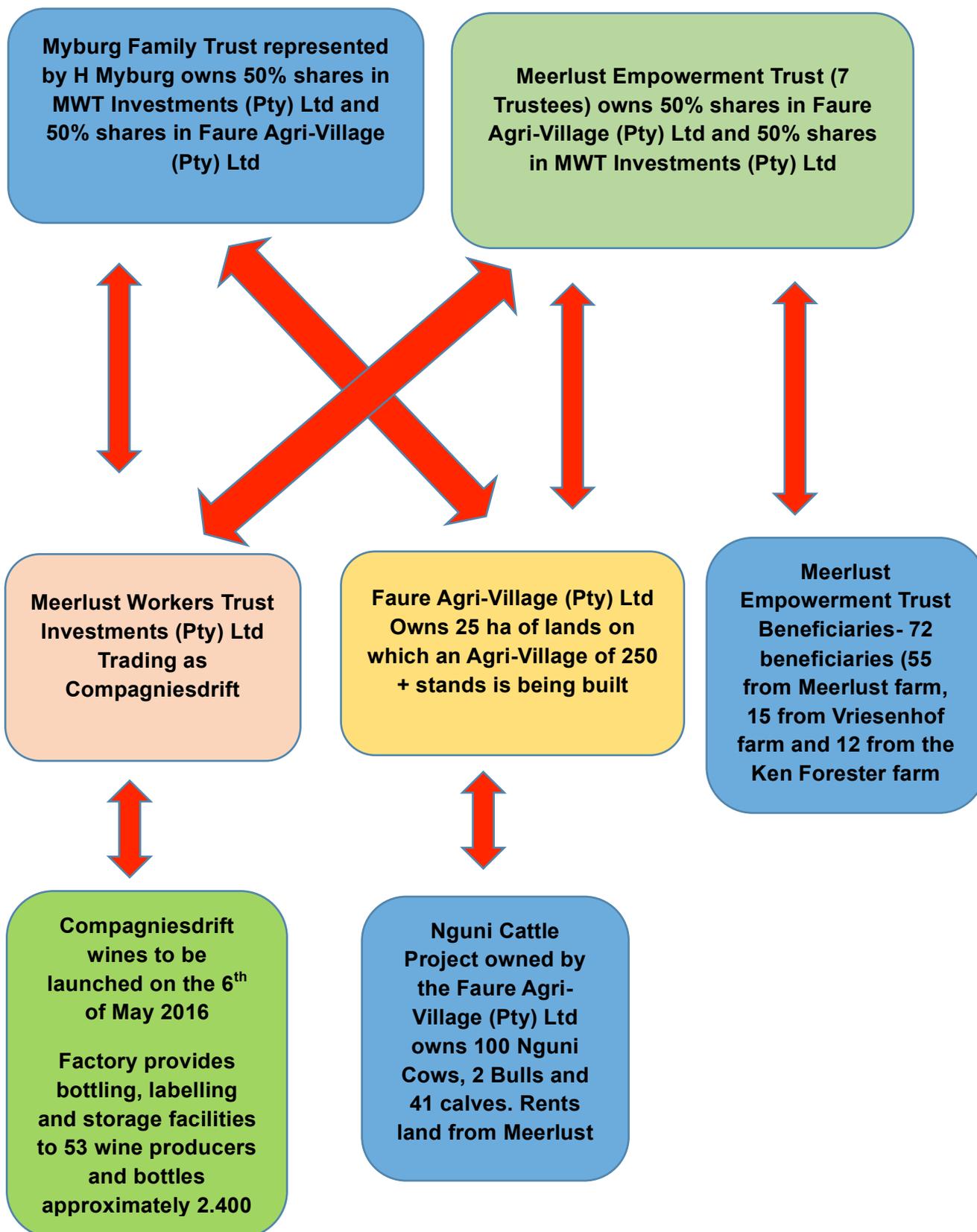
(Pty) Ltd. This company operates on 25ha of land owned by the MET. The key project of the Faure Agri-Village company is the establishment of a formal township on the farm. This township will provide security of tenure, housing and services to the 72 beneficiaries, a number of whom already reside on the property in the existing 20 house settlement. Furthermore, once township proclamation has been achieved the Faure Agri-Village company will develop additional formal housing on the property. This includes housing to accommodate additional Meerlust farm workers as well as farm workers from surrounding wine estates. At this point no decision has been taken as to whether these additional houses would be sold or leased to these wine estates.

Potable water is already supplied by the Cape Town Metropolitan Council to the existing settlement and this supply can be extended to the remainder of the village once established. Currently septic tanks are used for sanitation within the existing settlements and all houses are electrified. Refuse removal is done on a weekly basis and transported to the municipal dump in Stellenbosch. This project has been hampered by red tape, particularly a jurisdictional dispute between the Cape Metropolitan Council, who supplies potable water to the existing settlement, and the Stellenbosch Local Municipality, that includes this portion of land in its area of jurisdiction. (Interview with Mr J Muller: 2016)

Additionally, the Myburg Family Trust and the MET have initiated a Nguni Cattle project. This will be transferred to the Faure Agri-Village (Pty) Ltd when it is up and running. In terms of this project the Myburg Family Trust has invested R 5 500 000.00 worth of equipment and livestock on this farm, including 100 Nguni Cows, 2 Angus Bulls and 41 calves. Additional costs have included the development of an irrigation system on a 130 ha area of Meerlust farm to establish irrigated pastures, tractors, fencing and other necessary equipment. It is hoped that the Faure Agri -Village will receive a Department of Agriculture CASP grant of R 10 000 000.00 to enable it to buy equity into this project. An additional 100 Nguni cows are set to be delivered to the project in May 2016. The Faure Agri-Village Company has assigned staff to work on this project and has indicated that they need significant training and support to ensure that this venture becomes a successful and profitable cattle breeding enterprise. Local vets are also supporting this project. (Interview with Mr J Muller: 2016) (Interview with Mr R Joubert: 2016)

The organogram below highlights the various institutional arrangements on Meerlust Empowerment Trust Farm Worker Equity Project:

Figure 12.4.1: Organogram of the Meerlust Empowerment Trust Farm Worker Equity Share Project.



E. Demographic Information

The MET consists of 72 beneficiaries some of whom are married to each other, whilst some are single parent households. No detailed demographic study has been conducted in terms of the dependents of the MET beneficiaries but it is estimated that there are at least 280 dependents of these beneficiaries. The 72 beneficiaries were selected by Meerlust on the basis of their long historical association with Meerlust Farm and their involvement in the farming operations. The composition of beneficiaries is as follows:

Origin of MET Beneficiaries	Total
Meerlust Farm Workers	55
Vriesenhof Farm Workers	15
Ken Forester Farm Workers	12
Total:	72

* No demographic breakdown was available for this project.

F. Economic Activities and Livelihood Strategies

There are a diverse range of economic opportunities available for members of the MET including:

Agriculture:

Wine Farming: The membership of the MET consists of farm workers or retired farm workers from Meerlust, Vriesenhof and Ken Forester Farms. There are employment opportunities on all of these properties. Meerlust Farm for example currently employs approximately 65 permanent staff and there is also seasonal work available on the farm Meerlust farm workers earn around R 4 500.00 per month and receive a housing subsidy of R 2000.00 per month if they do not reside on Meerlust's own farm. Farm workers also receive a housing allowance of R 560.00 per month and a R 350.00 water subsidy. Furthermore, farm workers are given a 12.5% share in the profits generated by Meerlust Farm on an annual basis. An additional benefit provided to Meerlust farm workers is the subsidization of private school fees as well as an aftercare programme. This amounts to a subsidy of around R 17 000.00 per farm worker child per annum. (Interview with Mr R Joubert: 2016)

Nguni Cattle Project: This project once firmly established will also need to employ a number of farm workers for its operations. Currently members of the MET are paying off their "Sweat Equity" Contributions, a requirement of the DRDLR's LRAD policy, by working for free and during their spare time on this project. (Interview with Mr A De Waal: April 2016)

Once the cattle herd reaches 200 cows, it is likely that at least five permanent jobs will be established with additional casual labour being required during the calving season.

Vegetables: The CEO of the Compagniesdrift wine bottling facility has also started a small vegetable project which has two 12-metre long poly-tunnels actually – in order to foster food security among the worker community. It's planted with tomatoes, while additional outdoor beds have spinach, beetroot, cabbage and carrots planted. "In the near future we'd like to involve the children and introduce them to the world of vegetable growing and a healthy lifestyle" said Ruthford. (Macdonald F) This initiative may be expanded in the future to supply not only the MET beneficiaries and their households but also other farm dwellers who are housed at the Faure Agri-Village.

Agro-Processing: The Compagniesdrift wine bottling facility currently employs 30 permanent staff and 17 part time workers. All of these staff members are paid in accordance with the sectoral determination and the LRA. However, the company has not yet realized a profit and therefore no dividends are payable at present. This is a bit of a cause for conflict as the workers are aware that Meerlust Farm pays out an annual dividend to its workers. However, profit sharing will occur when the business becomes profitable (Interview with I Ruthford: 2016)

According to Mr Diale Mokgojwa, manager of Agri-BEE at Standard Bank agro-processing is an

effective method of involving historically disadvantaged people in the agricultural sector since the returns on investment happen quicker than in primary agricultural production. “As a result, black economic enterprise partnerships are making inroads and breaking even in less time in the agro processing value chain than in traditional farming, Mr Mokgojwa says”. (Radebe, H: 2011)

Maintenance and repair: Due to the existence of 29 houses on the properties owned by the MET there is a significant amount of maintenance that is done every year to ensure that these houses are in good working order. ((J Muller: 2016) Members of the MET can provide labour on a part time basis as part of a maintenance plan. When the Faure Agri-Village is established there will be a need for a much larger maintenance team to maintain the houses, plumbing, sanitation, refuse removal and electricity supply services in this township of 250 + stands.

Livelihood Strategies:

Members of the MET have a number of livelihood strategies to supplement or save incomes. These include:

- Growing of vegetables at the homestead for food. (This is limited mainly due to the size of the residential stands, climatic conditions and training)
- Raising of domestic animals including chicken, goats and cattle.
- Grants from government including child support grants and pensions.
- Gathering of local plants for food and medicinal purposes.

(Interview with Mr J Muller: 2016)

G. Employment and Labour Conditions

The wage salaries when put together with the additional subsidies provided by Meerlust Farm to their employees are significant with no worker earning less than R 4 500.00 per month. In addition, labour conditions in terms of both accommodation as well as the work environment has to comply to very strict conditions as imposed through the Global Generally Accepted Practices in Agriculture (Global GAP), which is a requirement that Meerlust must adhere to for it to be able to export wines to the European Union and the United States. Meerlust farm workers are also provided with a medical aid and a pension fund (Interview with Mr A De Waal: 2016).

Ironically due to the higher wages paid at Meerlust none of the workers qualify for the Department of Human Settlements' RDP Housing subsidy which has an income limit of R 2 500.00 per month. It would be essential that an intermediary grant scheme, such as the Finance Linked Individual Subsidy Projects from this Department be accessed to enable MET beneficiaries who still work for Meerlust Farm, to afford to build a house at the Faure Agri-Village.

H. Access to Basic Services and Social Services

Within the existing settlement at the Faure Agri-Village the following services are available:

Water: Potable water is supplied by the Cape Town Metropolitan Municipality in terms of a bulk supply. Each house has internal taps and an electrical geyser. The monthly costs of water and electricity for Meerlust farm workers residing in the settlement are subsidized by the Myburg Family Trust to the amount of R 90.00 per month. This bulk supply will continue to supply water for the additional houses that will be built on the farm by the Faure Agri-Village Company. (Interview with Mr J Muller: 2016)

Sanitation: The 20 houses at the existing settlement are equipped with septic tanks. One tank per three houses. This system is maintained by the Faure Agri-Village Company from income it receives from the rental of houses to Meerlust and private individuals residing in the settlement. (Interview with Mr J Muller: 2016)

Electricity: All houses within the existing settlement are electrified. Meerlust workers receive a R 560.00 electricity subsidy from the Myburg Family Trust. (Interview with Mr J Muller: 2016)

Refuse Removal: Refuse is removed from the existing settlement on a weekly basis and transported to the Stellenbosch Municipal dump site. There is no waste separation or recycling initiative that could generate a modest income, on the farm at present. (Interview with Mr J Muller: 2016)

Housing: MET beneficiaries either reside in formal housing at the existing settlement or either own or rent houses in the nearby Stellenbosch Township. (Interview with Mr J Muller: 2016). Due to the high salaries of Meerlust workers they do not qualify for a subsidized house (RDP House) from the Department of human settlement. Once the township is proclaimed however it is likely that the MET beneficiaries may be able to access grant assistance through a Finance Linked Individual Subsidy Project administered by the Department of Human Settlement as well as through private sector banks and building societies.

Town Planning: There is a lot of frustration with the red tape associated with the formalization of the township on the MET property controlled by the Faure Agri-Village Company. Whilst water is supplied by the Cape Town Metropolitan Municipality the land falls within the jurisdiction of the Stellenbosch Local Municipality. The Myburg Family Trust has appointed a company ASLA housing to complete the township establishment process. The challenge at present is securing the funding to afford the supply of bulk infrastructure which Mr. De Waal estimates will cost in the region of R 30 000 000.00 for the entire township. A layout plan has already been developed by ASLA Housing but township proclamation is still outstanding. (Interview with Mr A De Waal: 2016).

Social Services: The following Social Services are available to MET beneficiaries

Schools: Children of Meerlust farm workers attend the Spark School, a private school in the area. The costs of the school fees are subsidized by Meerlust by about R 17 000.00 per annum. Farm workers pay R 175.00 school fees per child per month. (Interview with Mr R Joubert: 2016)

Crèche and Aftercare: The Meerlust Foundation, a separate initiative started by Meerlust to provide children of farm workers with a safe and stimulating environment, in partnership with the Sustainability Institute in Lynedoch, have developed a crèche and after-school care facility for the children of Meerlust Farm Workers. (www.Meerlust: 2016)

Tertiary Education: The Myburg Family Trust provides a bursary scheme for farm worker children who qualify for university entrance. These bursaries are not repayable provided the students pass their courses each year. The Trust also invests significantly in skills development and training of its workforce to improve productivity, technical know-how and management skills. (Interview with Mr R Joubert: 2016)

Clinics: There is no clinic on the farm or in the area. However, Meerlust Farm workers can easily access public transport to attend clinics in nearby Stellenbosch. Hospitals and an ambulance services are similarly close by- only 9 km away. (Interview with Mr R Joubert: 2016)

I. Support from Government and other sources

The MET Farm Worker Equity Project has received support from a number of sources including the following:

Department of Rural Development and Land Reform (DRDLR): Through the DRDLR's redistribution programme- LRAD, the MET was able to purchase 81 ha of land from the Myburg Family Trust as well as a 50% equity in the Meerlust Workers Trust Investments (Pty) Ltd. This equity includes R 15 000 000.00 in grants and a R 7 500 000.00 loan from Standard Bank. This loan component has recently been internalized by the Myburg Family Trust at an interest rate of prime minus 2%. Future support in the form of Grants could also be leveraged from the DRDLR in terms of its Recap and RID projects for the Nguni Cattle Project as well as for the Faure Agri-Village project (Interview with Mr A De Waal: 2016).

Provincial Department of Agriculture: According to Ilse Ruthford there is a very healthy relationship between the Department of Agriculture and the MET. The Department regularly visits the farm and has assisted with the pasture development for the Nguni Cattle Project. (Interview with I Ruthford: 2016) According to Mr. Joubert the Nguni Cattle Project is set to receive a R 10 000 000.00 support grant from the Department. Once this funding is available the project will be transferred to the Faure Agri-Village Company (Interview with R Joubert: 2016).

Stellenbosch Local Municipality: This local municipality is required to approve the establishment of a township on property owned by MET. Although there are frustrations with the slow pace of this project and concerns over the cost of infrastructure according to Ms. Ruthford they have a good relationship with the municipality. (Interview with I Ruthford: 2016)

Sustainability Institute: Based at Lyndoch this institution has partnered with the Meerlust Foundation to provide a crèche as well as after school facilities to the children of Meerlust farm workers. (www.Meerlust.co.za: 2016).

J. Key Challenges and Opportunities.

Based on interactions with the representatives of the Myburg Family Trust, Meerlust farm, MET Trustees, the CEO of the Compagniesdrift factor and the directors of the Faure Agri Village Pty Ltd the following were considered key challenges and opportunities within the MET Farm Worker Equity Share Project.

Key Challenges: The following table highlights the key challenges identified on this project.

Key Challenges in the Project.

Challenges	Reasoning
Institutional Relationships	<p>A key challenge for the MET is a lack of a formal agreement with the Stellenbosch Local Municipality as well as the Department of Human Settlement (Western Cape) in terms of the development of the Faure Agri-Village. This initiative requires a buy in from the Local Municipality for both township establishment as well as for the development of bulk infrastructure and services. Furthermore, some form of housing subsidy such as the FLISP would be very useful to enable the 72 beneficiaries of the MET to access capital for the erection of formal housing on the property.</p> <p>Within the MET there is a need to increase leadership skills not only to effectively manage the interests of the 72 beneficiaries but furthermore to ensure that the Trustees can adequately represent the Trust with outside parties, particularly from the state.</p> <p>The MET also needs to develop its financial management and administration skills to ensure that dividends are fairly distributed, sound financial decisions are taken by the Trust and it complies with its fiduciary responsibilities. Administration skills are also necessary to maintain the membership register of the Trust and to develop recording and registry systems for the Trust's documentation.</p> <p>At this point the MET, and Faure Agri-Village (Pty) Ltd have not taken a formal decision as to how the ownership of stands and top structures with the agri-village is going to be established. Will each beneficiary own a stand and house? How are Meerlust and other wineries who wish to accommodate staff within the agri-village going to be involved- rental or freehold title?</p> <p>Currently staff at the Compagniesdrift facility are not receiving dividends unlike staff at Meerlust. This creates unhappiness and if not carefully managed and well communicated this could lead to intercommunity conflict within the Trust.</p>

Natural Resources:	The land available for the MET for future development is very limited. 81 ha for 72 beneficiaries. This limits the Trust's opportunities to expand primary agricultural activities such as wine farming, livestock breeding and vegetable gardening. The high land prices in the area and high operational and capital costs for establishing new vineyards further limit the potential for the MET to expand through primary agricultural production.
Residential Infrastructure	<p>Additional funding will be required to develop the residential infrastructure needed for Faure Agri-Village to be established. There is already a bulk supply to the proposed township site and internal supply to the existing houses but this supply may need to be upgraded to accommodate the 250 plus additional residential units planned on this project.</p> <p>It is unlikely that the Stellenbosch Local Municipality will allow an additional 250 residential units to be serviced through a septic tank system. The cost of developing a water borne sewerage system and treatment plant or connecting the Faure Agri-Village to the Stellenbosch system may prove to be prohibitive.</p> <p>Currently this is done by the Faure Agri-Village Company but if a township is proclaimed this may become an additional expense in terms of a municipal service.</p> <p>There are restrictions on the type of housing that may be built in the Winelands area due to an Aesthetics committee that wants all housing to have the same architectural design. This may significantly increase the construction costs of formal housing.</p> <p>There is an impasse at present in terms of jurisdiction and a reluctance by the Stellenbosch Local Municipality to approve the township establishment, mainly due to the high costs of infrastructure.</p> <p>There is limited space within the current layout of the Faure Agri-Village for sports fields, community gardens, a community centre and other social spaces such as parks and playing areas.</p>
Social Service:	<p>Provision has not been made for a clinic at the Faure Agri-Village, this would be extremely useful for both farm workers as well as for pensioners and youth.</p> <p>Low levels of education and high levels of alcohol abuse amongst the adult population are key challenges that need to be addressed amongst members of the MET.</p>
Economic Opportunities	Employment opportunities for the MET beneficiaries are limited due to the location of the project, to Meerlust and surrounding wine estates. There may be a need to diversify employment opportunities through the development of SMMEs including construction, maintenance and repairs, services and tourism.

(Sources: Interviews with A De Waal, I Ruthford, R Joubert and J Muller: 2016)

Key Opportunities: There are a number of key opportunities that the Meerlust Empowerment Trust Farm Worker Equity Share Project can explore in the future:

Key Opportunities in the Project

Opportunities.	Reasoning
Institutional Relationships:	<p>There is a healthy level of communication that takes place within this project between the farm workers and the owners and management of the Meerlust farm. Such open communication has led to high levels of respect and cooperation.</p> <p>Both within the MET and Myburg Family Trust there are strong leaders that can effectively represent the interests of the project with outside parties.</p> <p>The MET is registered as a Trust and has an independent external Trustee to advise and support them. Secondly the operating companies are both fully registered and comply with the provisions of the Company Act in terms of fiduciary responsibilities. This makes partnering with these entities easy for external stakeholders.</p> <p>The 72 beneficiaries of the MET have a long history of living and working together as a community. This cohesiveness is particularly important in terms of future development and decision making.</p> <p>The MET and Myburg Family Trust have been able to leverage some state support in the past from DRDLR, Stellenbosch Local Municipality and the Dept. of Agriculture. There is nothing preventing them from forging new relationships with Dept. of Human Settlement and other government offices.</p> <p>There is a strong sense of community ownership and pride in the achievements of the MET, particularly in the wine bottling and storage facility with the launch of the new farm workers' wine label- Compagniesdrift.</p> <p>There has been a buy-in to the project by various government departments. There is an opportunity to formalize this with a MOU with the Provincial Government and possibly local government.</p> <p>The Myburg Family Trust has managed to leverage NGO support for the Meerlust Foundation and the private sector is also supporting the MET by making use of the Compagniesdrift facility. Local vets are also supporting the Nguni Cattle Project.</p>
Natural Resources:	<p>The 81 ha transferred to the MET includes high potential agricultural lands as well as potentially valuable development land. This asset now owned by the MET can be used to leverage additional capital if necessary for future developments.</p> <p>There is adequate water on the property for current and future agricultural and economic opportunities. E.g. expansion of vineyards and the bottling facility.</p> <p>The MET project is well situated in relation to access to urban services as well as to service other wine estates in the area. Being only 9 km from Stellenbosch it may even be able to attract student accommodation at the planned Agri-Village.</p>

<p>Residential Infrastructure</p>	<p>Potable water is already available at the site of the Faure Agri-Village. This system could be upgraded to accommodate the expansion of the village.</p> <p>Either the village would need to connect to the existing Stellenbosch sewerage system or would need to establish a stand-alone system with its own separate treatment works.</p> <p>Electricity is already installed at the existing settlement and can be upgraded for the expansion of the village.</p> <p>There may be opportunities for the Faure Agri-Village to do recycling and own waste management. This could provide employment opportunities as well as savings on municipal rates.</p> <p>The MET could approach the Stellenbosch Local Municipality for MIG to cover the costs of bulk infrastructure, particularly roads and sanitation.</p> <p>MET beneficiaries may be able to obtain assistance from the Department of Human Settlements for a FLISP grant, which together with the assistance of a private lending institution could see the 72 beneficiaries leverage sufficient capital to build formal houses.</p> <p>Additional stands are available for sale or rental to Meerlust as well as other wineries. This would provide the MET with additional capital to cover the costs of infrastructure and possibly housing at the Faure Agri-Village.</p> <p>A layout plan has already been done and there is an external service provider working on the township establishment process. This will eventually be completed and will dramatically alter the land value of the residential area.</p> <p>Provision has already been made for a range of social and recreational facilities at the Faure Agri-Village and other land owned by the Myburg Family Trust. This is a future saving for the project.</p>
<p>Social Service:</p>	<p>All children of the MET beneficiaries have access to high class educational facilities including crèche, primary and high school on the Meerlust farm. There is also an after school care and bursaries for tertiary education. This implies that the future beneficiaries of the MET are going to have better education and more capacity than the current 72 beneficiaries.</p> <p>As there is no clinic on the farm it may be possible to establish one at Faure Agri-Village for use by the residents as well as out-patients.</p>

<p>Economic Opportunities</p>	<p>There are currently both full time and part time employment opportunities available to the MET beneficiaries both at Meerlust as well as at other wine estates in the area. The Compagniesdrift wine bottling, labelling and storage facility also offers significant employment opportunities and could expand in the future.</p> <p>This initiative could further boost employment numbers on the project as well as provide a modest income for the Faure Agri Village Company.</p> <p>There is an opportunity for the Agri-Village to establish a subsidiary company or cooperative that can undertake the construction of formal housing at the agri-village. Thereafter the cooperative could provide maintenance and repair work as well as provide services such as refuse removal, gardening and security services. This will further internalize the costs of the project and benefit the MET beneficiaries.</p> <p>A small organic vegetable garden could also provide employment and income to the MET members as well as providing affordable and healthy foods for the MET members and surrounding communities.</p>
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(Sources: Interviews with A De Waal, I Ruthford, R Joubert and J Muller: 2016)

K. Lessons from This Case Study

- Investment in Value Added:** Both Mr De Waal and Mr Joubert of the Myburg Family Trust emphasized the advantage of investing equity in valued added enterprises as opposed to investing in primary production. Typically wine farmer receive approximately R 5 500.00 per ton for grapes in the area and most estates produce between 6 and 8 tons per hectare. Operational costs for vineyards are in the region of R 33 000.00 per hectare. Thus optimal a wine farmer can expect to earn a maximum of R 44 000.00 per hectare and if yields are lower than 6tons/ha will not break even. Investing in primary production by emerging farmers is therefore a highly risky plan. In the MET project the decision was taken to invest in a value added project based on extensive research and knowledge of the commodity chain in the wine industry. This is a significant lesson for any future equity projects.
- 50/50 basis:** The Myburg Family Trust and the MET are both equal partners in both the Meerlust Workers Trust Investments (Pty) Ltd (Compagniesdrift) as well as the Faure Agri-Village (Pty) Ltd. This ensures that there is equality in many aspects of the project and a trust that both parties perceive these initiatives to be of financial value. Any other equity level would lead to inequality and suspicion of intentions of the parties.
- Formalized legal entities:** In this project the Trust as well as the two operating companies are formally registered. This creates a solid platform for the project to take decisions, enter into agreements and negotiations with the state as well as private sector partners. In the Trust there is an external independent Trustee to advise and support the farm dwellers. In both of the operating companies there is ongoing participation and support from senior members of the Myburg Family Trust. Their knowledge and expertise are essential for good governance and sound financial management and decision making.
- Capacity Building:** The Myburg Family Trust has invested significantly on skills development and training of their workforce and members of the MET. Internal career advancement is thus built into the project, e.g. Ilse Ruthford, who used to work in marketing for Meerlust, is now the CEO of the Compagniesdrift facility.
- Diversification:** The MET project has diversified income streams away from primary production through the investment in projects such as the Compagniesdrift bottling facility and the Nguni Cattle Project. Further diversification in terms of developing a housing estate, operating a construction and maintenance company/cooperative and the production of vegetables for the MET members and local market would further boosts income generation potential, employment levels and resilience of the project if economic conditions in one or other sector did not perform

well.

- **Formalized Residential Area:** Although establishing a township is costly both in terms of initial infrastructure costs and recurring costs (Municipal Rates and taxes), since there are going to be about 250 additional stands for sale and or lease on the farm, it is likely that the Faure Agri-Village will be able to generate a high return on investment for the 72 beneficiaries allowing them to cover their monthly recurring costs, including housing loan finance, in the future.
- **Replicability:** It is unlikely that most farmers in Mpumalanga Province can afford to provide the range of benefits to their farm workers as have the Myburg Family Trust (Above Minimum Wages, pension, medical aid, housing subsidies, water and electricity subsidies, subsidized education, crèche and after school care, and bursaries for tertiary studies). Nevertheless, there are opportunities for Mpumalanga farmers to establish both equity share projects, focused on developing value added opportunities, as well as agri-villages on their farms.

L. Conclusions

The Meerlust Empowerment Trust is a highly impressive example of what can be achieved when there is a willingness to partner between land owner, farm workers/occupiers and the state. All three of these parties have committed significant resources towards the success of the project. By investing in value added enterprises as well as the development of a formal residential township, the project has greatly increased the capital value of the shares each of the 72 MET beneficiaries enjoys. This will not only enable them to afford formal housing in the future but furthermore ensure that the beneficiaries receive a steady income stream long after they have retired from full time employment on the farm. Further diversification of income streams through the Nguni Cattle project and other initiatives will further strength the resilience of this project to external ebbs and flows in the economy. As a model the equity share scheme offers significant advantages to both farm owners and farm dwellers who wish to coexist in a harmonious and profitable environment. It remains to be said that the Commission is extremely grateful for the investment in time and willingness of the Myburg Family Trust, MET, Faure Agri-Village and Compagniesdrift representatives to share their experiences, knowledge and challenges with the Commission.

Case Study 5: The Jagdrift Cattle and Crop Farming Initiative.



Simbra cattle grazing on the farm Jagdrift

A. Project Vision and Goals

The Jagdrift Cattle and Crop Farming Initiative was started by Mr. T Ferreira in 2010. The initiative has the following vision and objectives:

VISION: “To change cattle owners into commercial cattle farmers”

Objectives:

- Improve the incomes of farm dwellers through a commercial cattle farming operation.
- To improve the quality of farm dweller’s livestock herd
- To improve the commercial cattle farming operations on the farm Jagdrift through reduced disease, theft and improved communications.
- To improve relationships between farm owners and occupiers
- To increase skills and knowledge amongst the farm dwellers on the farm Jagdrift.

(Interview with Mr T. Ferreira: 2016)

B. Project Background

The farm Jagdrift T8186/1986, was purchased by Mr T Ferreira’s father in 1984. In 1998 Mr T Ferreira took over the management of this farm. There were six occupier households who have historically occupied this farm for generations. The previous owner had allocated a grazing camp of 119 ha to the farm dwellers for their own use. The six farm dweller households have traditionally kept approximately 40 head of cattle on this camp and also had informal housing on this portion of the farm. Farm dwellers also cultivated small cropping areas with maize of between 0.5 and 1 ha. (Interview with Mr T. Ferreira: 2016)

According to Mr Ferreira the challenge he faced upon assuming management of the farm is the threat of disease posed by the farm occupier’s cattle to the commercial cattle herd on the farm. Without veterinary support the farm dweller’s cattle, particularly the males, were a threat to a commercial breeding herd on the farm. (Interview with Mr T. Ferreira: 2016)

The cattle farming initiative kicked off in earnest in 2010 when Mr Ferreira offered a choice to the farm dwellers. They could either continue to farm their cattle in their allocated camp for their own benefit or they could become part of a project and farm cattle together with himself. Those farm dwellers who wished to participate in the project would sell off their existing male calves, bulls and oxen. With the proceeds from the sale of their livestock the farm dwellers would buy into Mr Ferreira's existing herd of female cows. Two of the six farm dweller households agree to take part in the project. (Interview with Mr T. Ferreira: 2016)

The oxen and bulls sold by the two farm dwellers at an auction allowed them to buy a cow and calf from Mr Ferreira's existing herd. The advantage of buying this livestock was that Mr Ferreira's cattle were acclimatized to the farm's environment and there was a track record of how they had performed. (Interview with Mr T. Ferreira: 2016)

To ensure that there was a clear understanding of the project, an outside facilitator, Mr. Richard Dladla, a Mondi Ltd agriculturalist, engaged the farm dwellers and a formal contract was drafted and signed between the farm dwellers and Mr Ferreira. (Interview with Mr T. Ferreira: 2016)

Based on the success of the project and the benefits that the two farm dwellers received from this initiative the other four farm dweller households participated in the project in the following year. The fact that the two farm dwellers had gained an income and had cash available to build formal brick structures for their housing made a big impression on the other farm dwellers. However, some of these farm dwellers have subsequently dropped out of the project. The main reason being that one will not necessarily realize a significant income each year from this operation due to a range of factors such as the calf percentage, the gender of the calves born (Male calves are sold whilst female calves are kept). Nevertheless, two farm dwellers on the farm Jagdrift and one on another farm (Heyshope) owned by Mr Ferreira have continued to participate in the project. (Interview with Mr T. Ferreira: 2016)

The management of a commercial livestock farming business is a fairly complicated process and does not develop huge profits from day one. External factors such as market price and climatic conditions such as drought can severely affect the viability of a cattle farming operation. Mr Ferreira has indicated that poor education levels limit the ability of some farm dwellers to understand the nature of the cattle farming project, particularly the capital appreciation that occurs when female calves are brought into the herd and can eventually start to produce calves of their own. (Interview with Mr T. Ferreira: 2016)

Mr Ferreira would ultimately like to see a single herd of livestock on the farm, possibly owned by a cooperative wherein all shareholders would benefit from collective profit sharing. Currently the project incurs additional costs in terms of time and labour since the calves of the farm dwellers have to be individually weighed on the farm before being taken to an auction for sales. If there were one collective herd all parties would benefit from the sale of the livestock depending on their equity ownership of the herd. (Interview with Mr T. Ferreira: 2016)

C. Property Description and Land Use

The farm Jagdrift T8186/1986, measures 1036 ha in total. On this land the following land uses occur:

Land use and property sizes on the Jagdrift Cattle and Crop Farming Initiative.

Land Use	Land Owner/ Occupier	Land Size
Commercial Livestock Farming	Mr T Ferreira	513 ha
Farm Dwellers Grazing camp	6 farm dwellers.	86 ha
Cereal Crops (Maize and Soya)	Mr T Ferreira	348 ha
Pine Plantations (2-year-old)	Mr T Ferreira	66 ha
Roads, stores, silos, workshop and 6 farm dweller homesteads	Mr T Ferreira and farm occupiers.	23 ha
Total		1036

The map below indicates the main land uses on the farm Jagdrift

D. Institutional Arrangements

The owner of the farm Jagdrift, Mr T Ferreira, remains the land owner of the entire farm of 1036 ha. However, there is recognition that the farm dwellers have occupational rights to reside, grow crops and graze cattle on the farm Jagdrift. Originally the farm dwellers had access to a camp of 118 ha for their own use. This camp was swapped by the farm owner for a smaller camp of 86 ha to accommodate the increase in the commercial herd with the livestock purchased by the farm dwellers who are participating in this initiative. In addition, the farm dwellers have relocated from their original settlement areas to a portion of land at the entrance of the farm. This relocated settlement wherein each household has a 0.5 ha stand allowed the farm dwellers to access both electricity and water from a nearby borehole. Additionally, by relocating to the area closest to the road assists the farm dwellers to access transport to Piet Retief, about 45 km away.

The cattle farming initiative has been formalized through a written agreement between Mr Ferreira and the participating farm dwellers. The initiative is run on a strictly commercial basis with no hand-outs for the farm dwellers. The participating farm dwellers are obliged to pay for all input costs associated with the operations of the commercial livestock project. These include operating costs (feeds, medicines, labour, transport etc.), overhead costs such as insurance, auditors and bank charges, as well as capital costs such as the costs of mechanization and fencing. For the 2015-6 breeding season the farm dwellers would pay R 2695.00 per cow that is part of the commercial herd. This amount of money is deducted from the sale of male calves and unfertile cows that are sold on auction. Ultimately the project would like to have a breeding rate of between 80% and 90%.

The following spreadsheet indicates the likely Financial feasibility of the initiative in terms of costs and incomes that a farm dweller can expect from participation in this project:

Financial Feasibility of participation in the Jagdrift Cattle and Crop Farming Initiative.

Year	No of Cows (LSU)	Calving Rate	No of calves	Income from Sales (Calves R 4500.00 each, cow's R 6000.00 each)	Operating costs (Assumed to be fixed for entire period at R 2600/LSU/Annum)	Profit
Year 1	5	80%	4 (2 Male/ 2 Female)	2 calves 1 Cow R 15 000	R 13 000.00 (R 2600 X5)	R 2000.00
Year 2	6	80%-90%	5 (Male 3/ Female 2)	3 calves 1 Cow R 19500	R 15 600 (R 2600 X 6)	R 3 900
Year 3	7	80%-90%	6 (3 Male/ 3 female)	3 calves () 1 Cow R 19500	R 18 200 (R 2600 X 7)	R 1 300
Year 4	9	80-90%	8 (4 male / 4 female)	4 calves 1 cow R 24 000	R 23 400 (R 2600 X 9)	R 600
Year 5	12	80-90%	10 (5 male/5 female)	5 calves R 22 500 2 Cows R 12000 R 36 000	R 31 200 (12 X 2600)	R 4800
Total Asset	12 cows (R 6000 each) = R 72 000.00		10 calves	8 calves per annum and two cows sold= R 48 000.0	Annual Operating costs R 31 200.00	Profit/income for farm dweller: R 16 800.00 (50% of wage earnings per annum)

(It is assumed that all costs are fixed at present value including prices of calves, cows and operating costs)

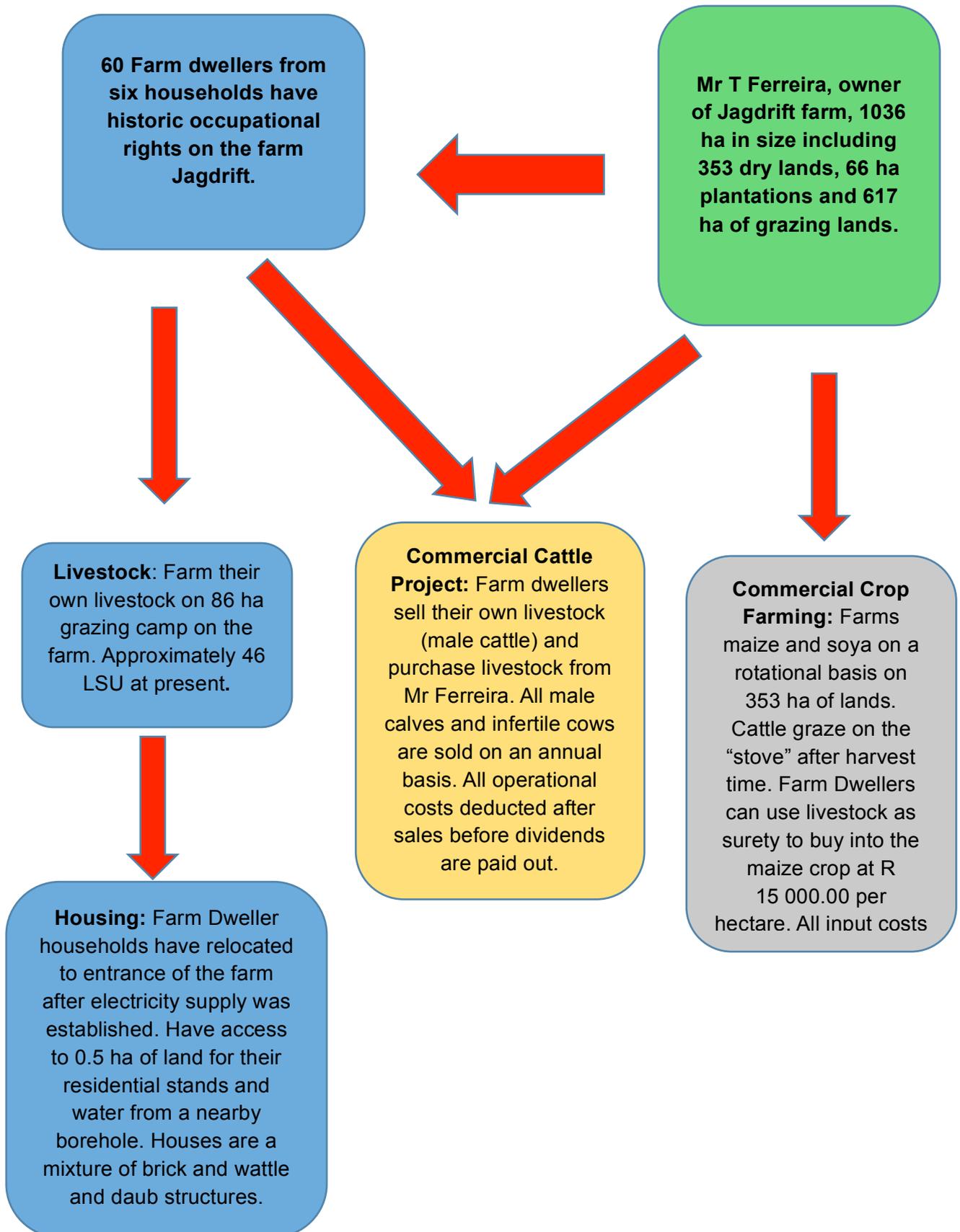
As can be seen from the above table there is a steady increase income from the project due to increased sale of cattle. However, the real value occurs in terms of the increase in asset value as the farm dweller increases the number of fertile cows on the project. If the project were to continue with the same number of cattle as year five then the farm dweller would be able to sell 8 calves a year, retaining two female calves and selling two unproductive cows. This would realize an income of R 48 000.00 per annum and operational costs of R 31 200.00 and a profit of R 16 800.00. *

In addition to the livestock project Mr Ferreira has initiated a small maize project whereby the 6 farm dweller households each receive the profits of a 1 ha maize crop following the deduction of operational costs including mechanization. The input costs amount to R 15000.00 per hectare. Average yields on the farm are 7.5 tons/ ha. This year the maize price is around R 3000.00 per ton. Each farm dweller will thus receive around R 7.500 (7.5 X R 3000.00 – R 15 000.00). Farm dwellers wanting to participate in this scheme must also sign suretyship in the form of an asset such as

livestock. This would be sold if there was a crop failure or if the maize crop did not break even and they could not repay the deficit. This will be in extreme cases; the owner would rather transfer the losses to the following year with an interest cost.

The organogram below highlights the various institutional arrangements on the Jagdrift cattle and crop farming initiative.

Organogram of the Jagdrift cattle and crop farming initiative



E. Demographic Information

The Jagdrift farm dweller community consists of 6 extended households. According to Mr. Ferreira approximately 60 people are living on his farm. Not all of the adult household members are employed by Mr Ferreira.

F. Economic Activities and Livelihood Strategies

There are a number of economic opportunities available for members of the Jagdrift farm dweller community including:

Agriculture:

Crop Farming: At Jagdrift there are 12 farm dwellers employed by Mr Ferreira on the crop farming operations. Additional seasonal employment would also be available during peak times including planting and harvesting of the maize and soya crops. (Interview with Mr T Ferreira: 2016)

Commercial Cattle Farming: Labour is also required to manage the herd of approximately 180 Simbra cattle. Currently 4 staff work on this operation. (Interview with Mr T Ferreira: 2016)

Forestry: At present the forestry plantation is young, approximately 2 years old. During peak times such as preparing fire breaks additional casual labour is required. (Interview with Mr T Ferreira: 2016)

Livelihood Strategies:

Members of the Jagdrift farm dweller community have a number of livelihood strategies to supplement or save incomes. These include:

- Participation in the commercial cattle farmer project as described above.
- Participation in the cropping project as described above.
- Growing of vegetables at the homestead for food. (This is limited mainly due to the size of the residential stands, climatic conditions, access to inputs, distance to markets and training)
- Raising of domestic animals including chicken, goats and cattle.
- Making of block bricks using sand from the farm- internal sales or for own use in most instances.
- Grants from government including child support grants and pensions.
- Gathering of local plants for food and medicinal purposes.

(Interview with Mr T Ferreira: 2016)

G. Employment and Labour Conditions

Mr. Ferreira respects the basic conditions of employment but applied for exemption to prevent job losses. Most of the contracts are verbal, but employees that started in 2015 have written contracts.

H. Access to Basic Services and Social Services

Within the existing settlement at Jagdrift the following services are available:

Water: Water is supplied by means of a borehole pump to 30000 litre Jojo Tanks on a raised platform. From there the water is gravity fed to the residential stands at Jagdrift. Some of the households have their own 500 litre Jojo tanks at their homes to store water. Mr Ferreira covers the cost of electricity needed to pump this water. (Questionnaire: April 2016) (Interview with Mr T Ferreira: 2016)

Sanitation: The Jagdrift households all have pit latrines for sanitation purposes. It is unlikely that water borne sewerage system and sewerage treatment plant would be established for such a small number of households. (Questionnaire: April 2016 (Interview with Mr T Ferreira: 2016)

Electricity: All houses within the existing settlement are electrified. Jagdrift farm dwellers voluntary relocated to their current settlement area due to the installation of an Eskom supply line to the farm at the entrance to the farm. Each household is responsible for their own electricity costs on a pre-paid system. (Questionnaire: April 2016) (Interview with Mr T Ferreira: 2016)

Refuse Removal: There is no formal system of refuse removal on this property. Farm dwellers dig pits for rubbish where it is burnt on site. When pits are full they are covered and a new pit is dug. (Questionnaire: April 2016) (Interview with Mr J Muller: 2016)

Housing: Jagdrift farm dwellers have built a mixture of housing forms on the residential stands. Originally the households built mud houses (Wattle and daub) but have subsequently begun building with block bricks. According to Mr Ferreira farm dwellers make their own block bricks using sand obtained on the farm. This provides the farm dwellers with a saving as they do not have to buy these bricks externally. (Questionnaire: April 2016) (Interview with Mr J Muller: 2016)

Town Planning: The Jagdrift farm dweller settlement is not a formalized settlement. Due to its relatively small size and location it is unlikely that there is a need for such formalization and the costs involved would be prohibitive if carried by the farm dwellers and Mr Ferreira. Furthermore, it may not be affordable for farm dwellers to pay municipal rates and taxes were the village to be formalized. (Site inspection: 02/05/2016)

Social Services: The following Social Services are available to the Jagdrift farm dwellers households:

Schools: Children of Jagdrift farm dwellers attend a school at the settlement of Driefontein and Geelhoutboom and are transported there using the scholar transport system. There is no formal crèche or after school care facilities on the farm. (Questionnaire: April 2016)

Clinics: There is no clinic on the farm or in the area. However, the Jagdrift farm dwellers have access to a mobile clinic and can access emergency ambulance services. (Questionnaire: April 2016)

I. Support from Government and other sources

The Jagdrift cattle and crop farming initiative has received no support at present from any government departments. Mr Ferreira has engaged with officials from both the DRDLR and the Department of Agriculture but no projects have been initiated and no support has been provided at this point for the project. (Questionnaire: April 2016) (Interview with Mr J Muller: 2016)

J. Key Challenges and Opportunities

Based on interactions with the farm owner, a questionnaire and a site visit the following were considered key challenges and opportunities within the Jagdrift cattle and crop farming initiative:

Key Challenges: The following table highlights some of the key challenges identified on this project.

Challenges facing the Jagdrift Cattle and Crop Farming Initiative

Challenges	Reasoning
Institutional Relationships:	<p>Whilst there is a formal agreement in place for the livestock farming project, there is no formal agreement on the farm in terms of the residential area and the grazing camp that the farm dwellers have access to on Jagdrift farm. If the DRDLR were to support this project through redistribution or tenure reform programmes this would be a key priority.</p> <p>To date the project has not received any significant level of support from the state. Despite the efforts of the farm owner to engage with both the DRDLR and DARDLEA there is no buy-in from these Departments that could play a supportive role on this project.</p> <p>The level of education of the Jagdrift farm dwellers is low. This is a serious challenge when it comes to their ability to understand commercial decisions on the farm. Furthermore, their ability to establish and participate effectively in a legal entity or business structure such as a company or a cooperative will be severely limited. Skills development would be a key activity for the long term sustainability of the project.</p> <p>Due to the small size of the farm dweller community on Jagdrift farm it is not likely that there will be a high level of local government support for the development of infrastructure within the residential settlement. The costs of a formal township and associated infrastructure is too prohibitive for such a small number of households.</p>
Natural Resources:	<p>The size of the lands on this farm 1036 ha limits the potential of both the farmer and farm dwellers in terms of incomes that can be generated from either cattle or crop production. This limit means that the farm dweller's contribution towards the commercial cattle farming project will be limited by the size of lands and carrying capacity.</p> <p>The climate in the region where Jagdrift is located does limit the type of crops that can be planted. Cold winters and frost prevent vegetable production all year round unless it is done in protective tunnels. It is uncertain whether there are adequate water resources for extensive irrigation farming on the property.</p> <p>The farm Jagdrift is located in an area approximately 40 km from Piet Retief. This distance to markets and social services will remain a challenge both in terms of commercial activities as well as access to social infrastructure on the farm.</p>
Residential Infrastructure	<p>Water is available from a borehole pump for domestic use. It is uncertain whether this water has been tested for human consumption.</p> <p>Jagdrift residents have access to pit latrines. Alternative systems may be very costly.</p> <p>There is no formal refuse removal system on the farm.</p> <p>Farm dwellers have built a mixture of formal and informal housing on the farm. This has been done at own cost with no support from the Department of Human Settlement.</p> <p>The residential area is informally laid out. If a township were to be proclaimed this may lead to extra costs of surveying and in terms of the supply of bulk infrastructure.</p> <p>There are limited social and recreation facilities available to the farm dwellers.</p>

Social Service:	<p>Farm dwellers have to rely on a mobile clinic for medical assistance. They are far away from a hospital in cases of medical emergencies, about 40 kilometres.</p> <p>Education facilities for farm dweller's children are far away and children have to make use of the scholar transport scheme. There are no tertiary training institutions in the vicinity of this farm.</p>
Economic Opportunities	<p>The farm Jagdrift does offer some employment opportunities in terms of general farm labour. Off farm employment is limited to work in the forestry sector or other farms in the area.</p> <p>Due to the location of the farm these are limited to agricultural activities such as cattle and crop farming on the land allocated to the farm dwellers- 89 ha in total.</p>

(Sources: Interview with Mr T Ferreira, Questionnaire: April 2016 and site visit 02/05/2016)

Key Opportunities: Based on the information obtained during this case study the following would appear to be key opportunities that this project could examine in the future:

Opportunities facing the Jagdrift Cattle and Crop Farming Initiative

Opportunities.	Reasoning
Institutional Relationships:	<p>It would appear that the farm owner and farm dwellers have a fairly good relationship and that they do communicate regularly about issues. The Jagdrift farm dwellers relocated their homesteads to a central area on the farm, after electricity was installed; this implies good communication between the parties. Mr Ferreira records all expense items linked to the operation of the cattle project. This information is shared with the farm dwellers and ensures that they trust Mr Ferreira.</p> <p>Farm dwellers wishing to participate in the cattle or crop farming projects sign a written agreement which outlines the conditions of their involvement. This is a very positive step and ensures all parties know what their responsibilities are.</p> <p>There are a number of government departments that could actively support this project in particular the DRDLR and Dept. of Agriculture. Funds for improved infrastructure, secure tenure and investment capital in the crop and cattle farming projects could significantly improve the farm dwellers livelihoods.</p> <p>The Jagdrift farm dwellers are a small and fairly cohesive group (Happy to resettle next to each other). This implies that it would be relatively easy to establish a set of residential rules and or a formal constitution for a CPA or a Trust.</p> <p>There are opportunities for the Jagdrift farm dwellers to receive training through the Agri-SETA or other institution. This would improve their level of understanding of commercial livestock farming.</p>

<p>Natural Resources:</p>	<p>The lands available to the farm dwellers, 89 ha, have the potential to provide them with an income if managed correctly and farmed commercially. Having an opportunity to participate in Mr Ferreira’s cattle farming and crop farming enterprises further increases the farm dwellers’ access to productive land.</p> <p>Farm dwellers have access to a source of firewood for heating and cooking purposes. This saves on electricity consumption.</p> <p>Farm dwellers have access to building sand and thus can make their own block bricks. This is a big saving in their efforts to build formal housing.</p>
<p>Residential Infrastructure</p>	<p>There seems to be ample water in the borehole on the farm for domestic needs. A bit more money spent on water infrastructure would enable the farm dwellers to have water connections within their houses.</p> <p>This is readily available and could be used for productive activities on the farm or at the residential area as well.</p> <p>Whilst no formal system exists at present it is possible for the farm dwellers and Mr Ferreira to establish a service level agreement with the Mkhondo Local Municipality for this and other services. Possibly through the registration of a cooperative.</p> <p>The farm dwellers could qualify for Housing grants from the Department of Human Settlements. There are a number of programmes such as the People’s Housing Programme that could support the efforts of the farm dwellers to build formal housing. Due to the size of the settlement it is unlikely that this residential area would be formally proclaimed however there can be savings incurred through leaving it semi-formal in terms of not paying municipal rates and taxes.</p>
<p>Social Service:</p>	<p>The Jagdrift farm dwellers have access to these services off the farm. It is unlikely that these facilities will be built on the farm due to the small size of the community. If an agri-village were developed in the area and farm dwellers from a number of the farms were relocated and grouped together such social infrastructure may be developed.</p>

<p>Economic Opportunities</p>	<p>There are employment opportunities for the farm dwellers on Jagdrift farm including permanent full time and part time work during peak seasons.</p> <p>With Mr Ferreira's initiative farm dwellers can generate some income, and build their capital asset base, through the commercial cattle farming initiative. Ideally it would be best if there was only one herd of cattle on the farm, using all of the grazing area, with each farm dweller having a share in this enterprise. The percentage ownership would be limited in terms of Mr Ferreira's own commercial needs, the land size and carrying capacity as well as the level of capital that the farm dwellers can invest in the project.</p> <p>Farm dwellers have an opportunity to invest and participate in the crop farming venture. This would also increase income levels and is only limited by the amount of capital the farm dwellers are prepared to invest in this project as well as the extent of the arable lands.</p> <p>There are opportunities for one or more of the farm dwellers to generate an income through construction of housing and services as well as maintenance activities on the farm.</p> <p>If a service level agreement could be entered into with the Mkhondo Local Municipality then the farm dwellers could generate a modest income by providing a range of services including water provision, sanitation and refuse removal on the farm on behalf of the municipality. If a cooperative were to be registered the DTI could provide grant funding to cover the costs of some basic equipment- e.g. bakkie and trailer.</p> <p>There may be an opportunity for the farm dwellers to produce vegetables for own consumption and for local sales to Driefontein if they had access to the right land, water and inputs. Skills development would be essential if this were to be done commercially.</p>
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(Sources: Interview with Mr T Ferreira, Questionnaire: April 2016 and site visit 02/05/2016)

K. Lessons from This Case Study

- **Involvement of farm dwellers in commercial livestock farming:** The process of getting farm dwellers to participate in the commercial cattle and crop farming initiatives has taken quite some time. This is largely due to the levels of understanding of the farm dwellers and their perception of the risks involved. Nevertheless, having a formal agreement in place, as well as a transparent system of allocating operational costs, assist the farm dwellers to trust Mr Ferreira. Farm dwellers who have participated in the project for a number of seasons have improved their housing and living conditions. This provides a clear indicator that the project is working. The project could ultimately lead to the establishment of one commercial herd on the farm with all parties having shares and benefits from this operation.
- **External Facilitation:** At the onset of this project an external facilitator from Mondi assisted in the discussions between the farm dwellers and Mr Ferreira to establish the commercial cattle farming project. Such external facilitation is valuable in that it also removes mistrust and suspicion between the parties.
- **Low level of Government Support:** Whilst the state has not invested significantly in this project – this initiative highlights what can be achieved by a farmer and farm dwellers on their own. Government support obviously would be beneficial to the project but the absence of this should not prevent farmers from entering into similar initiatives.
- **Replicability of Model:** This initiative is very replicable on other similar farms in Mpumalanga and nationally. Mr Ferreira has not committed vast sums of capital to the project, has not lost large amounts of income from the project and has been able to recover his costs from the farm dwellers for their involvement in the cattle and crop farming initiatives.
- **Indirect Benefits:** Apart from the direct benefits for the farm dwellers involved in the project, there are a number of indirect benefits due to this project. Firstly, levels of animal disease

have dramatically decreased due to the removal of male cattle on the farm. Secondly, there is a decrease in stock theft on the property. Thirdly, farm dwellers have access to capital to build formal housing. This provides them with a greater sense of permanency on the property. Communication through this project has also ensured that there are higher levels of trust between the farm owner and farm occupiers.

- **Secure Tenure:** The project does not at present have a formal agreement in terms of providing the farm dwellers with formal ownership of their residential stands and grazing area. External support, particularly from the DRDLR, would be needed to achieve this. It would not be too difficult however for the farm dwellers and Mr Ferreira to reach a formal agreement in terms of which land is allocated to the farm dwellers and should funds be available from the DRDLR for tenure security in the future these portions could be transferred to the farm dwellers in title.
- **Education:** Skills development and training are key medium to long term activities that need to be actively developed on such a project to increase the understanding and capacity of farm dwellers to participate in such a scheme. Without fully understanding all aspects of the farming operations including budgets and market conditions, it is unlikely that farm dwellers will be in a position to fully commit to the project and also to trust the judgement of Mr Ferreira.

L. Conclusions

The Jagdrift cattle and crop farming initiative is a positive example of cooperation between a commercial farmer and farm occupiers. This initiative which was started by Mr T Ferreira, has had direct and indirect benefits for all the parties involved. Whilst the project can benefit from greater involvement by the various government Departments, it also shows what can be done by the farm dweller community without State support. The project is highly replicable and creates very little additional costs and responsibilities for the farm owner. The project, if carried through to its logical conclusion, will improve the commercial viability of livestock farming on the property and contribute meaningfully to the improvement of the economic conditions of the farm dwellers. This initiative partially solves the very sensitive and emotionally charged issue of farm dwellers resident on a commercial farm. It remains to be said that the time and information sharing by the farm owner, Mr T Ferreira is highly appreciated.

Other stakeholders interviewed.

10.7 Additional Stakeholders Consulted. Apart from the formal meetings held by the Commission of Inquiry in which various stakeholders described above made presentations to the Commission, the Commission undertook additional interviews with various stakeholders either as follow ups to formal presentations or as additional interviews to gain further insight into the role that these parties played or could play in terms of addressing the socio-economic conditions of farm dwellers. These additional interviews are presented below:

10.7.1 Richard Spoor Attorneys Inc: Richard Spoor Attorneys: Mr. Richard Spoor a well-known local attorney who has worked on a variety of land reform cases and projects for many years was interviewed by the Commission particularly due to his involvement in disputes between mining companies and farm dweller communities. In instances where mining companies acquire the right to mine in a rural area, there are often times significant impacts on the quality of life enjoyed by nearby farm dwellers. According to Mr. Spoor there is a highly unequal relationship between mining companies and resident farm dwellers affected by the establishment of a mine on a farm.

Farm dwellers are seldom given suitable alternatives and if they do not agree to relocate, their access to land, services and water get diminished over time to the point where they voluntarily leave the farm. Mining by its nature has a very short duration, offering short term employment as well as taxes for the State. In the long term however mining does not create sustainable livelihoods and seriously damages the agricultural and residential potential of large areas of land making these uninhabitable and unproductive for decades to come. According to Mr. Spoor there are definite conflicts between the Mineral Resources Development Act and ESTA in terms of ensuring that the provisions of ESTA for comparable redress or a suitable alternative land are adhered to.

The mining companies, land owners and the Department of Mineral Resources do not adhere to ESTA when a mining company acquires a farm or a right over a farm for mining purposes and wishes to relocate farm occupiers. Mr. Spoor has suggested that the IFC guidelines on resettlement, which is an internationally accepted benchmark, should be adopted by the Department

of Mineral Resources to guide such resettlements. There is also a serious need in Mpumalanga, and other Provinces affected by mining, to have regional planning that will accommodate a range of resettlement options including planning for urbanization of rural communities, regenerating collapsed small towns and agri-villages that could address household food security needs for the residents. Generally, Mr. Spoor feels that the relationship between farm owners and occupiers is not ideal and that many of the farm owners would prefer to have no occupiers on their land and would prefer to have them settled in nearby urban areas with access to transport systems to enable farm workers to travel to the farm for work purposes and return home at the end of the working day.

10.7.2 Mkhondo Local Municipality: In a bid to understand the role played by local municipalities, the Commission interviewed a Planning Manager, Mr. Absalom Mahlangu, from the Mkhondo Local Municipality on the 18th of April 2016. According to Mr. Mahlangu the Mkhondo Local Municipality was acutely aware of the need to develop more serviced urban stands or erven to accommodate the influx of people seeking housing in their urban centres. "If we do not address this we will get urban sprawl and informal settlements. Then it becomes a challenge to retrospectively formalize this and provide services at a greater cost. We have identified new township land at Kempville Ext 2 where the municipality is going to develop 500 new erven.

The municipality has already done township establishment, pegging and surveying and the SG diagrams have been approved. We will sell the sites. An independent valuator will determine their value. The Mkhondo Local Municipality has taken a decision to sell these sites at 50% of market value. There will be a screening process within the local municipality to determine who are eligible for purchasing these sites. The sites are serviced. The Mkhondo Local Municipality is also developing 1000 sites at Amsterdam. The challenge there is local pressure and a threat of a land invasion as people are impatient. Therefore, once we have surveyed and have a layout plan we will commence allocation of these sites before services are installed." Said Mr. Mahlangu (Mkhondo Local Municipality: Interview: 2016)

According to Mr. Mahlangu farm dwellers often have cattle with them and when they are evicted they bring the cattle into the townships. This is a serious challenge for planning as there is no provision for livestock within the township. (Mkhondo Local Municipality: Interview: 2016)

Mr Mahlangu also indicated that the local municipality is participated in a big project with Mondi Ltd. (Jabulani Village project). Through this project farms from various Mondi Ltd. properties were consolidated into one settlement. The Mkhondo Mondi Development Partnership (MMDP) is an agreement signed by the Premier and the mayor of Mkhondo in terms of which the municipality is supplying services to the farm dwellers. There is a plan to extend this programme to another nine similar agri-villages. These villages will also include provision for farming. Mondi Ltd is committing funds, R 26 million, to complement the capital that the Municipality would need to provide services. In terms of the operations and maintenance of the service provision, this would have to be done on a cost recovery basis with farm dwellers paying for the services. The exact cost of these has yet to be determined. (Mkhondo Local Municipality: Interview: 2016)

Mr. Mahlangu also indicated that Mkhondo Local Municipality also has a farm reticulation project whereby the municipality has established approximately 84 boreholes on farms with steel water tanks for storage. Mr. Mahlangu was uncertain about the responsibilities for maintaining these boreholes, paying for the costs of electricity or whether there were servitudes registered over the boreholes. Mr. Mahlangu was supportive of agri-village initiatives but cautioned that some farm dwellers would never leave their homes and relocate to a town or agri-village. According to Mr. Mahlangu there should be no fixed land size criteria for an agri-village rather it should make provision for food security and cattle grazing for the residents and must be appropriately serviced. Mr. Mahlangu furthermore indicated that the Municipality would consider entering into service level agreements with farmers who were prepared to assist their farm workers or with service based cooperatives formed for such purposes. However, the final decision to approve a Service Level Agreement (SLA) would rest with the local municipal council, and the Provincial Treasury would have to provide approval for such SLAs. (Mkhondo Local Municipality: Interview: 2016)

10.8.3 Department of Finance, Economic Development and Tourism- Cooperative Support Directorate: In a follow up interview the Commission met with Mr. W Makaringe, DEDT's Director for Cooperative Support on the 11th of April 2016. The Commission wanted to explore the possibility of establishing "Service Cooperatives" that would discharge the duty of providing farm dwellers with

basic services using local supplies and labour, on behalf of local municipalities. The idea being that such a co-operative could enter into a service level agreement with a local municipality to supply a range of services and recover these costs from the local municipality. DEDT's directory Cooperative Support provided assistance to the formation of cooperatives in the Province including training as well as the registration of cooperatives. (DEDT: Interview: 2016)

According to Mr Makaringe this was primarily to discuss what support if any the farm dweller community could expect from DEDT in terms of establishing "Service Cooperatives" to provide basic services to the farm dweller community. Mr. Makaringe expressed his reservations initially for two reasons. Firstly, local municipalities in the Province are according to Mr. Makaringe, failing to provide basic services to all the people in urban areas, let alone the former homeland areas as well as rural farms. Secondly there was little or no provision in the current budget to extend services in these areas. Lastly Local Municipalities are heavily dependent on Municipal rates and taxes to cover their costs. They may be unwilling to forfeit this income. (DEDET: Interview: 2016)

Representatives of the Commission explained that according to their observations local governments were expending considerable funds transporting water in tankers to scattered farm dweller communities in the Province in instances whereby a farmer was denying farm occupiers access to a local water source. The costs of such a service were considered unsustainable and unaffordable in the long term by the Commission. There was also considerable scope for corruption, abuse and wastage in terms of such a delivery system as was witnessed first-hand by the Commission and corroborated by representatives of COGTA. The Commission also received complaints on a number of occasions that the supply of tanked water was also unreliable and infrequent, leaving farm dwellers having to drink water from earth dams, rivers and springs alongside their livestock for the better part of a month when the tankers failed to deliver water to them. On the other hand, the Commission also observed that some farmers were supplying water to farm occupiers at own cost and were not receiving any support from the local municipality in terms of rebates either on their municipal rates bill or property taxes. This too was considered unfair and unsustainable. Furthermore, the local municipalities rarely provided services such as sanitation establishment and maintenance as well as refuse removal. This led to an unhygienic and unsanitary living environment for many farm dweller households. (DEDET: Interview: 2016)

Mr Makaringe indicated that it would be advisable for the Commission to be able to quantify the savings that a local municipality may make should it replace the supply of water through a tanker services with a local supply agreement with a farmer or farm dweller cooperative. It would also be important to quantify how many people may benefit from such an arrangement as well as potentially how many jobs may be created through such an initiative. Research would also have to clearly quantify what the cost per individual of such a scheme would be per capita and if this was cheaper than the existing costs for a local municipality. Mr. Makaringe also commented that there would need to be a significant buy-in to this scheme from Local Municipalities, Department of Finance Treasury (PFMA) as well as COGTA. Nevertheless, DEDT's Cooperative Support Directorate would be willing to be involved and furthermore could assist such initiatives to access the Co-operative Support Grants (CSGs) from the Department of Trade and Industry. The CSG is a once off grant to provide newly registered cooperatives with funds to buy capital goods as well as to kick start operations. Newly registered cooperatives would need to provide a detailed business plan to access such funds and competition was high as these funds were limited. A good business plan, with written support from the role players, as well as a feasibility study and an explanation as to why this cooperative is unique and should be supported, will be needed to access CSG. (DEDET: Interview: 2016)

