

Remaining at the margins: case study of farmworkers in the North West Province, South Africa

Stefanie Lemke^a & Fanie Jansen van Rensburg^b

^a Senior Researcher, Institute for Social Sciences in Agriculture, Department Gender and Nutrition (430b), University of Hohenheim, 70593 Stuttgart, Germany

^b Research Associate, Anthropology and Archaeology, University of Pretoria, PO Box 19960, Noordbrug 2522, Potchefstroom, South Africa

Abstract

This article explores living conditions, livelihoods and prospects of farmworkers with regard to land reform legislation. Research was conducted from 2004 to 2010 on four farms in the North West Province, interviewing farmworkers and farm owners. Representatives of the agricultural union Agri North West and land analysts were interviewed to obtain their perspective on farm labour. Despite protective legislation, farmworkers' living and working conditions have deteriorated. Farmworkers further lack alternative livelihood options, perpetuating their dependency on farm owners, who are the only ones providing services and some social security. Among the main barriers in the empowerment of farmworkers are limited insights regarding complex social relationships on farms; the challenge to address the specificity of power relations; and the marginalised position of farmworkers and their lack of agency in the broader political system. Both farmworkers and farm owners need support structures and strengthened institutional capacity to gradually change power dynamics.

Key words: farm tenure reform; livelihoods; marginalisation; rights; South Africa

1. Introduction

Black and coloured farmworkers and their families on commercial farms rank among the most vulnerable and marginalised groups in South Africa. Their on-going dire situation has been highlighted by numerous reports both in the academic and non-academic sector in recent years (Du Toit, 2004; Wegerif et al., 2005; Atkinson, 2007; South African Human Rights Commission [SAHRC], 2008). As Atkinson (2007:4) states, the present-day destitute situation of farmworkers is a result of colonisation, segregation, apartheid, capitalist development and post-apartheid development

thinking. Virtual enslavement of the indigenous Khoisan inhabitants into the colonial economy and later of the black and coloured population into the mining industry and farming enterprises denied them dignity and self-determination (Terreblanche, 2002). Racially discriminatory laws preceding apartheid, such as the Natives Land Act of 1913 and the Native Trust and Land Act of 1936, restricted the majority of the population to 13% of the land in rural areas. The remaining 87% of land was designated for white South African ownership (Hellmann, 1949). The loss of access to land destroyed agricultural and land-based livelihoods of the majority of South Africans, forcing previous black farmers into wage labour on white-owned farms (Van Onselen, 1996). This situation also resulted in farmworkers and their families lacking rights and legal redress, and facing on-going poverty as well as income and residential insecurity (Atkinson, 2007). Hall (2007) states that there is limited data on groups that are affected by land reform, including farmworkers. This calls for more research.

This article explores the rights and prospects of farmworkers in the context of land reform. After outlining general directions and challenges of land reform, with a focus on the farm tenure reform programme and specific provisions for farmworkers, the position of farmworkers is illustrated drawing on empirical and in-depth case study research on four farms in the North West province. First, living conditions and livelihoods of farmworkers are presented, illustrating realities on the ground with a narrative of one female farmworker whose situation is indicative of the living conditions of the majority of farmworkers observed here. This is followed by the documentation of the restitution of one of the four farms that took place during the time this research was conducted, and how this impacted on employment and tenure security of the farmworkers concerned. Further, the discourse as it took place within the provincial commercial agricultural union Agri NW on farm labour during the time this research was conducted is explored, adding insights into the perspective of the agricultural union on the position of farmworkers. Interviews with three land analysts add a broader perspective on general prospects of farmworkers within the framework of land reform. The research findings presented here are then discussed in the context of the on-going debate and recent reports on farmworkers' living and working conditions, questioning whether farmworkers will benefit from statutory changes, or if in fact they might become even more marginal in the future. This article does not

intend to evaluate land reform, but aims to contribute to existing evidence and case studies on farmworkers in South Africa.

2. Land reform – directions, challenges and provisions for farmworkers

2.1 General directions and challenges of land reform

Land reform in South Africa entails three sub-programmes: 1) Restitution, which seeks to return land or cash payment to people dispossessed of land after 1913; 2) Redistribution, which provides government grants to assist people who do not fall under the restitution regulations to acquire land mainly for agricultural production purposes, and 3) Tenure reform, which aims to bring all people occupying land under a unitary legally validated system of landholding, to provide for secure forms of land tenure, help resolve tenure disputes and make awards to provide people with secure tenure (Department of Land Affairs [DLA], 1997).

While a focus has been on processing and settling claims, other issues have received less attention, and in both political and popular debate, the immense dispossession and inequality have often been reduced and oversimplified to land (Kepe et al., 2008). Various analysts (Hall et al., 2003; James, 2007; Walker, 2007) have criticised land reform for the poor implementation of support for farm dwellers and labour tenants; the lack of coordination between different spheres of government with responsibility for land reform and between different land reform programmes; and the failure to integrate land reform within a wider programme of rural development, which has severely limited its contribution to livelihoods and to the revival of the rural economy. According to Greenberg (2010:41-2) the challenge of building a more racially inclusive and equitable agricultural model has to confront the existing economic power of commercial agriculture and agro-industry. The question that we address in this paper is: what role will farmworkers play in such models in the future?

2.2 Farm tenure reform: more security for farmworkers?

Among the challenges of post-apartheid legislation was the lack of certainty with regard to tenure of farmworkers. As was common in the past and is still largely practised today, farm owners provide basic housing on their premises for their workforce, which is linked to employment and usually terminates with retirement or retrenchment. Farmworkers often have nowhere else to go, placing them in an

extremely vulnerable position. Female farmworkers' position is even weaker, as their tenure on farms often depends on a male partner's employment (Shabodien, 2009). Evictions were common from the 1960s, with the shift from labour- to capital-intensive agriculture that led to a decline in farm employment (Wegerif et al., 2005). This was accompanied by other factors, such as changes in farm ownership and concentration of ownership among fewer farmers, drought and farm insolvency (Atkinson, 2007). With the opening up of South Africa to the global market in 1994, increased competition, economic pressure and the removal of state subsidies in the agricultural sector resulted in many farmers being forced out of business or having to restructure their workforce. According to empirical data from the National Eviction Survey carried out by Social Surveys and Nkuzi Development Association, accompanied by a consultative process that included representatives of DLA, Human Sciences Research Council, Agri SA, and SAHRC, almost 1.7 million farmworkers were evicted from farms between 1984 and 2004, meaning that they were forced against their will to leave the farm, with the large majority of these farmworkers having been evicted illegally (Wegerif et al., 2005:42).

According to the Constitution of the Republic of South Africa (RSA, 1996), the State must ensure security of tenure to previously disadvantaged citizens. The White Paper on South African Land Policy (DLA, 1997) makes very generalised reference to farmworkers, stating that the land reform programme is intended to '...improve the livelihoods of the landless, farmworkers, labour tenants, women and the historically disadvantaged...'. Land tenure reform, the third leg of land reform, includes the Land Reform (Labour Tenants) Act (LTA), 3 of 1996, and the Communal Property Associations Act (CPA), 28 of 1996, with both Acts being aimed at providing secure tenure to farmworkers. Land access/acquisition grants should provide access to land and tenure security for farmworkers, while simultaneously trying to accommodate farm owners.

The Extension of Security of Tenure Act (ESTA), No. 62 of 1997 (ESTA, 1997) was passed in order to provide for state assistance to facilitate long-term security of land tenure; to regulate the conditions of residence on certain land; to regulate the conditions on and circumstances under which the right of persons to reside on land may be terminated; and to regulate the conditions and circumstances under which

persons, whose right of residence has been terminated, may be evicted (ESTA, 1997:2). Farmworkers often wrongly perceive that ESTA would grant them ownership rights to their residences on farms (Lawyers for Human Rights, no date:4). In fact, Section 8.4 of ESTA states that no farmworker may be evicted without a court order, and someone may not be evicted if this person

...has resided on a farm for more than 10 years *and* is over 60 years of age *or* [...] cannot provide labour to a land owner due to ill health, disability or injury (ESTA, 1997:12).

As part of ESTA farmworkers are entitled to apply for government grants in order to purchase land, thereby facilitating the planning and implementation of on- and off-farm developments. The criteria attached to approval of these subsidies are problematic, for example the development must entail mutual accommodation of the interests of occupiers and owners, with occupier referring to a person residing on land which belongs to another person, for example a farmworker living on the land of a land owner (ESTA, 1997:4, Section 1.1.(x)). In fact, the new legislation that was intended to protect farmworkers' rights further contributed to a decline in agricultural labour, with more people being evicted in the period 1994-2004 (Wegerif et al., 2005). The implications of this legislation for farmworkers will be discussed further in section 4 of this article.

3. Realities on the ground: evidence from the North West

3.1 Study sample and methods employed

Empirical and in-depth case study research was carried out on four commercial white-owned farms in the North West Province from 2004 through to 2010. Structured and semi-structured interviews consisting of mostly open-ended questions were conducted with four farm owners and their wives (n=8), and with mostly Setswana-speaking female and male farmworkers and residents of an informal settlement in close proximity to one of the farms (n=74). This settlement was included because some of the residents were seasonal labourers at the respective farm and because strong social networks existed with farmworkers. Interviews were analysed performing simple descriptive statistics using SPSS. Further, observations were carried out, adding important insights into living conditions on the respective farms and into the dynamics

within the different settings. One of the four farms underwent restitution during the course of this research in 2006. In order to document post-restitution developments and how this impacted on the farmworkers concerned as well as on their relationships with people outside of the farm set-up, such as beneficiaries, follow up interviews were conducted from 2006 through to 2010 with the previous farm owner and his wife, a sub-sample of farmworkers (n=8) and beneficiaries of the land claim (n=5).

To obtain insights into the discourse on land reform and the position of farmworkers within the agricultural union Agri NW, observations and semi-structured interviews with representatives of Agri NW were carried out at their annual conferences in 2006 and 2007. For a broader perspective on the future prospects of farmworkers the following land analysts were interviewed: Stephan Hofstaetter, a journalist for several South African newspapers and journals, among them Mail&Guardian, Business Day and Farmer's Weekly; Stephen Greenberg, a researcher and consultant for several NGOs concerned with land rights and development and author of the Status Report on Land and Agricultural Policy, 2010; and Ainsley Moos, Senior Feature Writer for the Landbouweekblad.

3.2 General living conditions and livelihoods of farmworkers

Living conditions and livelihoods of farmworkers on the four farms observed varied according to type and size of farming operations and management of the farm. Three farms were situated in two neighbouring districts in a rural area at a distance of 30 to 50 kilometres from the next town, one farm was situated in an area that was classified as urban at a distance of 20 kilometres from the next town. Farmworkers derived their livelihoods mainly from farm wages, which varied due to geographical area (rural/urban), job description, gender differences and specific deductions at the respective farms. Three farm owners paid the official minimum wage, which in 2007/2008, during the time data on income was obtained, varied from ZAR989.00 in rural areas to ZAR1041.00 in urban areas¹. At three farms, food rations provided by farm owners consisted mainly of maize flour and vegetables or milk. At these farms workers stated that, as prices for staple foods had increased, they preferred to retain

¹ The average exchange rate in 2007 was USD1.00:ZAR7.042. <http://zar.fx-exchange.com/usd/exchange-rates-history.html>.

the practice of food rations that were deducted from the monthly wage, even though farm owners had offered to abolish it. Deductions for rent, electricity and food rations on these three farms were on average 17.1 per cent. At the fourth farm which was a poultry farm, farmworkers had no choice but to accept that a considerable part of their monthly wage was automatically deducted for food rations. Each farmworker received 30 eggs per week and two chicken every two weeks as part of their wage. For couples working at this farm this added up to 240 eggs per months and eight chicken. Deductions for rent amounted to ZAR170.00 per month per person. In the case study of the female farmworker illustrated below, this resulted in a net wage of ZAR 600.00 per month, out of a gross income of ZAR937.00² per month. On this farm, deductions for rent, electricity and food rations were on average 40 per cent. As the farm owner repeatedly stated during interviews the food rations prevented that farmworkers spend their wages on alcohol and ensured that they had enough food. This resulted in diets that were monotonous and unbalanced. Farmworkers conveyed in interviews that they had an aversion to eggs as they had to handle them every day at work. Also they were not able to consume so many eggs, but frequently sold them or exchanged them for other food stuffs.

Except for the poultry farm that provides fulltime employment for women, job opportunities were scarce for women on the three other farms and were limited to domestic and seasonal work. Women therefore largely depended on the incomes of their male partner. This dependency further extended to accommodation and also to benefits provided by farm owners. Informal trade activities and off-farm employment were not frequent on the farms observed here. Social grants from government contributed to household incomes, with 30 per cent of households receiving a child grant and 14 per cent of households receiving a state pension. Only eight per cent of households received remittances from relatives. Mean household income including all sources was ZAR1004.00 on the poultry farm and ZAR1493.00 on the three other farms³.

² This was the official minimum wage at this farm at the time data on income was obtained.

³ Information was obtained on all income sources available to households, including remittances and informal incomes. Especially the latter are variable and difficult to quantify,

More than half of households (56 per cent) were food insecure, with members of farmworker households experiencing regular food shortages, limited food diversity and occasional periods of hunger. This impacts negatively especially on children and is reflected in high rates of under- and malnutrition, with 43.6 per cent of children (n=241) living in the farm areas researched during a previous study being either underweight or stunted⁴ (Kruger et al., 2006). The destitute living conditions on all four farms observed are further aggravated by the fact that public services and infrastructure, such as health care facilities, sanitation and transport, are either poor or non-existent. On one of the farms a mobile clinic came to the farm once every two to three months. The three other farms were served by one mobile clinic once per week, however, during the period research was conducted it was often observed that this mobile clinic did not come on the scheduled day. Farmworkers from one of the farms in this area had to walk up to 17 kilometres to reach this mobile clinic. Other services, such as social and legal support, were out of reach for farmworkers observed here, due to the long distance to town and lack of knowledge on how to access these services. This was for example obvious in the case of child grants that could often not be claimed because farm workers did not have birth certificates for their children⁵. Farmworkers had on average four years of schooling, with 39% of farmworkers having had no education at all.

The following case study is one of the many representations of the prevailing destitute living conditions of the majority of farmworkers observed in this study.

therefore income from seasonal farm labour was not taken into account here. However, data on income should always be regarded with a degree of caution.

⁴ Stunting is measured by low height-for-age and is a result of chronic, long-term dietary inadequacy thus reflecting poor living conditions (Vorster et al. 1997:6).

⁵ Shortly after this research had ended, so-called social cluster days were established in some of the farm areas, intended to accommodate rural people in claiming social grants, applying for identity documents and receiving medical treatment, besides other services.

Case study: Poor and food insecure despite being employed

Mpho⁶ is a 53-year-old single woman who works at a poultry farm. Her four children and two grandchildren live in town at a distance of 20 kilometres. Mpho stays at the farm during weekdays and visits her children twice a month when her wage is paid and when she buys groceries for them. She is the only income earner and receives a net wage of ZAR600.00 per month, after deductions for rent, electricity and food rations in the form of chicken and eggs. Mpho further pays a monthly bond of ZAR160.00 for the house in town where her children live, another ZAR80.00 per month for electricity in town, and school fees for her grandchildren. She intends to move to her house in town when she stops working. At the farm Mpho shares a small three-roomed house with a male worker. Each of them has to pay ZAR170.00 per month for rent. She sleeps on the concrete floor, on cardboard boxes and blankets. Her clothes are in a poor condition and she does not look like someone who is working and earning money. Mpho's diet consists mainly of maize porridge, chicken meat and eggs. If food runs out before she receives the next wage, she borrows money from the farmer and also gets food on credit from him. She can also approach a friend for help. Two aunts and her sister sometimes help her children with food and money. Mpho occasionally sells the eggs that she receives at the farm to the local shop owner or exchanges them for other food items. None of her children or grandchildren is registered for child grants because they do not have birth certificates, a fact that is frequently mentioned by other farmworkers observed here. Mpho worries that her children do not get enough and good quality food. Reflecting on her own situation, although Mpho is obviously food insecure and her accommodation is very basic, she states that she does not need more or different foods and does not complain about her situation.

3.3 Restitution of one farm and impact on farmworkers

One of the four farms was sold in 2006 following a successful restitution claim. Two beneficiary groups comprising of 187 households, in total 749 beneficiaries, spread over various geographic regions of South Africa who had been historically displaced, lodged two separate claims in 1998 that they later combined into one claim. The farm

⁶ To ensure confidentiality, her name was changed and names and location of farms are not revealed.

owner accepted the claim and received the market value from a government fund. An equity partnership was agreed upon, with the farm owner staying on as managing director and shareholder in a joint venture with the beneficiaries' trust. In November 2006, the farm was officially handed over by government representatives to the beneficiaries. In August 2009 the previous farm owner stated that, while he had received full payment for his farm, the title deeds still had not been transferred to the beneficiaries by the DLA, resulting in tensions between him and the beneficiaries (Interview previous farm owner, 17 August 2009).

3.3.1 Employment and tenure security: perspective of the previous owner

After restitution, the land was transferred into a trust with a board of 12 trustees who were elected by the two beneficiary communities. The previous owner still holds a share in the farming business and pays rent to this trust. The profit from crop and cattle farming is shared according to the share in the farming business. While the trust has full authority over the finances, the previous farm owner still plays a strong advisory role, for example with regard to investments in the farming business. All farmworkers continued working at this farm after restitution. The previous farm owner stated that he had never retrenched any of his employees in the past and that he had experienced a very low turnover rate, and that his workers were entitled to stay after retirement. After restitution, he intended to retain this practice, as had been verbally agreed with the chairperson of the beneficiaries. Current pensioners each received one bag of maize meal per month. The paternalistic ethos that is still prevalent on many farms is reflected in the following statement by the previous farm owner, where he expresses the importance of social responsibility:

We are not an ordinary company, where they do not worry about your social circumstances, but on a farm things are entirely different (Interview previous farm owner, 24 March 2010).

He mentioned in the same interview, however, that he planned to retrench and evict three male workers because of their severe alcohol problems, something he had put up with in the past. He also revealed that the first year after restitution was very traumatic for the workers, as they felt insecure about their future, although he had repeatedly ensured them that everything would stay the same. Workers and beneficiary

communities had urged him to continue managing the farm. He seemed satisfied with the current success of the farm, but was disappointed with the pace at which the trust was taking over the business. In his view, at least ten years were needed to ensure a smooth transition and to guarantee the future success of the farming operation. After restitution, he had moved to town, only visiting the farm once a week. He had also expanded his business activities to other areas.

3.3.2 Employment and tenure security: perspective of farmworkers

During initial visits to this farm after restitution, farmworkers frequently mentioned concerns about their future. Only four farmworkers were among the beneficiaries. Overall, farmworkers expressed general contentment regarding living and working on this farm and emphasised their good relationships with the previous owner. The general situation of workers at this farm, pre- and post-restitution, seemed better when compared to the other three farms observed. Also, a bonus system for work performance was in place. Most of the interviewees indicated that they would like to stay at this farm after retirement as they had relatives and friends in the nearby informal settlement; some workers had their own cattle on this farm.

However, subsequent interviews in 2010 indicated that various relationships had changed after restitution. The reduced presence of the previous farm owner renewed fears among workers that he might abandon the farming operation. Further, they could not approach him as easily as in the past. Possibly as a result of his absence and a lack of regular monitoring, there was increasing tension between farmworkers and the foremen who had already been in this position before restitution. According to the workers, the foremen abused their power since the previous farm owner had gradually retreated from the farm. Perceptions regarding tenure security were divided between men and women. As emerged during interviews, male workers appeared to be more concerned about tenure than women, possibly because their tenure was directly linked to employment and they were therefore more directly exposed to this issue than women. While some male workers felt that their tenure was more insecure after restitution, two male interviewees stated that they could not be as easily evicted as before, however making no clear reference on what grounds this perception was based and whether they had felt threatened to be evicted in the past.

3.3.3 Tensions between beneficiaries and non-beneficiaries

Before restitution, relationships between farmworkers and residents of the nearby informal settlement had been good, with many of them being related along kinship links or having developed social networks. The respective piece of land is situated adjacent to this farm and belonged to an Indian businessman who used to operate a grocery store next to the settlement, but who had left in the meantime. It was not clear what his intentions were with regard to this land and the people living on it, who had never paid any rent for residing there. In the past, the previous farm owner had regularly provided seasonal employment to people living in this settlement during the harvest and planting season. He had further provided fresh borehole water, as they were not connected to the water supply, which had resulted in numerous incidences of diseases among residents. The previous farm owner was equally respected among the farmworkers and these residents.

However, after restitution the dynamics changed. The DLA had conveyed to residents in 2008 that they had no right to stay in the informal settlement. On the other hand, the local municipality had installed pit toilets; a development that seemed to be in favour of the current residents. Tensions evolved around the position and tenure rights of non-beneficiaries living in the settlement. Only some of the residents were beneficiaries of the restitution claim, as were four of the farmworkers.

Tensions arose further between the chairperson of the beneficiary communities and some of the beneficiaries as well as non-beneficiaries who lived in the informal settlement. The chairperson had started to work closely with the previous farm owner before the official restitution in 2006 and had settled into a former office building at the farm. A key informant conveyed that the chairperson viewed himself as a *kgosi* (chief, Setswana), claiming excessive privileges for himself. As was equally stated by beneficiaries and non-beneficiaries jealousy about the privileged position of the chairperson and feelings about being betrayed were among the reasons for the increasing tension, especially as both beneficiaries and non-beneficiaries had not experienced any positive outcomes of the restitution. The disappointment was expressed by a female beneficiary as follows:

We have been robbed. They promised us money and even one cow each, but we got nothing. Also the land that they promised, nothing came from that. (Interview female beneficiary, 2 April 2010)

An aged male beneficiary was shaken by emotions when revealing the following:

We started working well with [the chairperson of the beneficiaries]. We were [...] looking for proof of our ancestral remains. [He] asked me to look for the graves, because he did not know where they were, but today he tells us that we do not own any land, he says the land belongs to him. He tricked us. (Interview male beneficiary, 2 April 2010)

3.4 Perceptions of the farmers' union Agri NW on farm labour

Agri North West (Agri NW) is the provincial branch of the largest national farmers' union Agri South Africa (Agri SA), with the latter serving about 70 000 large and small-scale predominantly white commercial farmers at the time of this research. Asked about the future role of farmworkers, the president of Agri NW, Andries Beyers, stated that they 'will be a major part of land reform [...] and will be successful farmers in the future'. He did not indicate any plans or policies that could facilitate this major role for farmworkers. He further envisaged that in the future farmworkers will more likely live off the farms in agri-villages, but that for some time to come farm owners will continue to be responsible for providing certain services, as there is no support from government or municipalities, because these authorities already struggle to deliver services to urban areas (Interview A Beyers, Agri NW Conference, Rustenburg, 5 September 2007).

An on-going topic in the popular media is the issue of abuse and human rights violations of farmworkers by their employers. According to Chris Fauré, Chair of Labour and Training of Agri NW (Interview C Fauré, Agri NW Conference, Rustenburg, 5 September 2007) recent allegations regarding abuses of farmworkers were unfair, as Agri NW followed up every reported case. Fauré stated that of four cases that were in the spotlight at the time, none of the allegations could be substantiated. Fauré acknowledged that of about 5000 commercial farmers in the North West province at that time, only 1800 were members of Agri NW, and that only

those farmers could be advised and monitored by the union. One land analyst conveyed the following perspective regarding human rights violations on farms:

The farmers' unions are very defensive about this issue [abuse of farmworkers]. I think it is wrong; they should be more proactive about allegations ... I personally know examples where workers have been mistreated. That's not to say that all farmers are abusive. (Interview S Hofstaetter, Johannesburg, 4 May 2007).

Participation in two conferences of Agri NW in 2006 and 2007 provided valuable insights into the discussions taking place within this environment, although these conferences might not fully reflect the internal debate at the level of the provincial union. It was striking that farmworkers were neither mentioned in the presentations and official speeches nor in the discussions. This illustrates the invisibility and marginalisation of farmworkers even at the level of the agricultural union at the time. The focus was mainly on issues such as, the possibility of expropriation by the State; the so-called fast track land reform in neighbouring Zimbabwe and the implications this might have on the land question and agriculture in South Africa; and attacks and murders on farms. While it is understandable that farm owners felt threatened within the current political environment and faced huge challenges, it is worrying that constructive criticism seemed muted, if not absent, for the majority of the delegates at these conferences. In striking contrast to the lack of internal discourse among the members of the union were statements made by the leadership of Agri SA. The president of Agri SA, Lourie Bosman, appealed to the members of Agri NW to take responsibility in terms of leadership and management, stating that they as farmers must help and teach people – he was probably referring to emerging farmers, but possibly also to farmworkers - to maintain the productivity of farming. Bosman further urged delegates to embrace the new political dispensation and not to react defensively (Address to Agri NW delegates by L Bosman, Rustenburg, 4 September 2006).

4. Will farmworkers benefit from land reform?

4.1 Living and working conditions: human rights violations on farms

As this research in the North West Province reveals, farmworkers are still at the margins of South African society and live in destitute conditions. While regular small incomes prevent most farmworker households observed here from experiencing severe food shortage and hunger, the majority of households on the four farms are food insecure. Chronic food insecurity is reflected in high rates of under- and malnutrition among children in the farm areas observed here (Kruger et al. 2006). This is in line with national figures pointing to the fact that children on commercial farms have the highest stunting rates (Labadarios et al. 2008), and is confirmed by the latest South African National Health and Nutrition Examination Survey (SANHANES-1) (Shisana et al. 2013) stating that the largest proportion of participants who experienced hunger and were thus considered food insecure were found both in urban informal and in rural formal localities, including commercial farms. There is further a severe lack of basic infrastructure and public services on the farms observed here, especially a lack of health services and sanitation. A report by Human Rights Watch ([HRW], 2011) on human rights conditions in South Africa's fruit and wine industries in the Western Cape reiterates earlier reports on poor living and working conditions of farmworkers (Du Toit, 2004; Wegerif et al., 2005; Atkinson, 2007; Lahiff, 2008; Schweitzer, 2008; SAHRC, 2008; White, 2010), highlighting the following main problems: inadequate housing conditions, weak safety measures, lack of access to sanitation, insecure tenure rights, and weak unionisation among farmworkers. HRW criticises the government, commercial farmers and farmers' organisations, arguing that while laws are in place for fair labour practices and security of tenure, the government has failed to monitor and enforce these laws. The report recognises that conditions on farms vary and includes cases where farm owners fully comply with the law. Out of four farms included in this research, three farm owners paid the official minimum wage. However, at one farm, despite the minimum wage being paid, deductions in some cases amounted to 40 per cent of the wage. Farmworkers had no choice but to accept this practice. While the food rations that were deducted from the wage on the one hand contributed to food supplies, this promoted monotonous and unbalanced diets and regulated the type of food available to farmworkers. Clearly, the farm owner created an additional market for the farm produce with this practice.

The above report by Human Rights Watch has been vigorously debated⁷, partly because of its methodological approach and partly because of its potential harm with regard to farmworkers' employment security should the report result in boycotts. Devereux and Solomon (2011) argue that, instead of reacting defensively, the government and commercial farmers should step up their efforts to eradicate all incidents of bad practices on commercial farms. In this research, defensive reactions on the part of farm owners regarding allegations of human rights violations were observed at the two conferences of the provincial agricultural union Agri NW that were described earlier. In contrast the leadership of Agri SA appealed to their members to be proactive instead of acting defensively. As the Chair of Labour and Training of Agri NW expressed in an interview, if more farmers would become members of the union, they could also be advised and monitored, which would help to address such allegations and prevent abuse in the future. It was striking, however, that even at these two conferences farmworkers and their position were not even mentioned. This emphasises farmworkers invisibility and marginalisation.

4.2 Prevailing power dynamics: paternalism and role of farm owners for social support

Farmworkers in this study find themselves in an ambivalent situation. On the one hand they depend on farm owners for employment and some social security. On the other hand, their living conditions have not improved and in some cases have even deteriorated. Farmworkers find themselves trapped in a vicious cycle, as they have no alternative livelihood options and often have nowhere else to go. The system of paternalism prevails on farms observed here, with the farm owner occupying a position of unchallengeable authority, but also providing a certain degree of social support to farmworkers (Du Toit, 1993). This system continues partly because of the absence of or a scope for alternative structures. Although legislation since 1994 has aimed at shifting these power relations, and despite the White Paper on South African Land Policy (DLA, 1997) outlining a vision for

⁷ <http://www.hrw.org/news/2011/08/23/south-africa-farmworkers-dismal-dangerous-lives>;
<http://motherjones.com/tom-philpott/2011/09/human-rights-watch-south-africa-wine>.

[A] more balanced allocation of land and resources, partnerships between farmworkers and farm owners leading to increased productivity, as well as the provision of secure tenure for all rural people,

in reality not much has changed on many farms and paternalism continues to determine relationships. White's (2010) study of a farmworkers' movement in the Western Cape emphasises the social challenges of paternalism, patriarchy and racism and the need to overcome these constructs to achieve participation and democratic structures. Similarly, Schweitzer (2008) describes the struggle for autonomy among farmworkers in the Western Cape who became wine farmers.

It is important to acknowledge the contradictory functions of paternalism: while farmworkers are in a subservient position and dependent on farm owners, they also benefit from this system. As observed in this research, the farm owner and his wife are the most influential people to turn to for assistance, besides relatives. Types of assistance provided are transport, small financial loans, food, and medical assistance. Atkinson (2007) argues that the significance of paternalism as a mechanism of social support should not be underestimated, especially in times of globalisation and increasing competition. If this support is abolished, farm dwellers will most likely struggle to sustain even their present livelihoods. On the other hand, farm owners exert control over the living environment and social activities of farmworkers. For example, if a farmworker wants to invite family or friends to his house at the farm, a farm owner can deny this as he may not want other people on his property. In this research, three farmers strictly regulated who was allowed to visit and how long these visitors may stay. This impacts negatively on farmworkers' constitutional right of freedom of association. In light of the purportedly high incidence of farm attacks and murders that have increasingly threatened the farming community since the mid-1990s one also has to understand the position of farm owners to reserve the right to decide who enters their premises.

4.3 Legislative measures aimed at farmworkers: unintended detrimental effects

Farmworkers on the four farms observed in this study lack essential information regarding their rights and relevant legislation, partly due to their being semi-literate or illiterate, and due to their lack of access to legal resources. This was for example

evident in the context of child grants: farmworkers in this research frequently reported that they did not have birth certificates for their children or grandchildren and therefore could not access these grants. As farmworkers further stated, it was difficult for them to take leave during their working hours to go to offices in town. The lack of transport was another issue of concern and a considerable barrier for farmworkers. While minibus taxis operated in the farm areas, this was at an irregular basis, and taxi rates were high. Further, as a result of farmworkers' low social status and prevailing power dynamics they are often not in a position to claim their rights. The question is: can certain laws that should promote developmental grants for farmworkers, as stated in Section 4 of ESTA (1997), successfully be applied under these circumstances? Or, as Cousins (1997:1) puts it, '[h]ow do legally defined rights to resources become effective command over those resources?' Our research confirms experiences elsewhere (Atkinson, 2007; Wegerif et al., 2005) that legislative measures introduced to enhance the situation of farmworkers often in fact had unintended detrimental effects. For example, the introduction of minimum wages in 2003 led to farmworkers having fewer resources than before, as some farm owners withdrew previous benefits, among them food rations, free housing and services such as occasional free transport, as was partly observed on the four farms investigated here. The following statement during an interview with a land analyst confirms this observation:

A lot of workers said to me, "In the older days, I used to get a sheep every month, now I get nothing; I get the minimum wage"; or, "In the past the farmer used to drive my kids to the hospital, now he says: let Mandela take your children to hospital". It is very sad, a breakdown of relationships in the rural areas ... they [farmworkers] have less money, they are getting poorer ... (Interview S Hofstaetter, Johannesburg, 04 May 2007).

As Greenberg (2010:16-7) states, legislation which aimed to protect farm dwellers' rights, such as minimum wages, ESTA and the Land Reform (Labour Tenants) Act 3 of 1996, allowed farmers to continue with farm worker evictions and retrenchments, as a consequence of the broader structural changes brought about by the deregulated and liberalised agricultural business environment. It is widely acknowledged that ESTA led to evictions of large numbers of farm dwellers and labour tenants and to a

decline in agricultural labour (Greenberg, 2004; Wegerif et al., 2005; Moseley, 2006; Atkinson, 2007). According to Roodt (2006:3),

[i]n the majority of cases where the Courts have applied ESTA the Act has been used to effect a legal eviction, but not to grant farm dwellers ownership of land or development assistance either on the land where they live, or on alternative land.

Atkinson (2007) reports that those farmers who are familiar with ESTA discover that they can actually evict farmworkers, as long as they follow the correct procedures. This might apply to the intended dismissal of farmworkers for alcohol abuse on one of the four farms observed here, as was described in section 3.3.1. Atkinson (2007:90) concludes in her analysis of ESTA that the debate about farmworkers' residential rights on farms distracts from other, much more important issues, and is counterproductive, causing resentment and law evasion among commercial farmers, and unnecessary hardship for farmworkers.

4.4 Mobilising farmworkers to claim their rights?

The dire social position of farmworkers is further reflected in their weak organisational position. Only in some regions are trade unions (e.g. the Cosatu-affiliated South African Agricultural Plantation and Allied Workers' Union) and NGOs (Rural Development Network, Women on Farms Project) visibly advocating improvement of the plight of farmworkers, especially on wine farms in the Western Cape⁸ and on forest plantations. In most provinces an organisational support base for farmworkers is non-existent, as is the case in the farm areas researched here and generally in the North West province. The difficulty for non-governmental organisations, among them human rights groups, government agencies or trade unions to mobilise farmworkers is partly due to farmworkers being dispersed in geographically remote areas, with no or restricted access to transport, and also

⁸ From August to December 2012 and in January 2013 farmworkers in the Western Cape protested against their poor working and living conditions. This was the first time that farmworkers were organised on a meaningful scale. The strikes were documented extensively in the media, see for example http://en.wikipedia.org/wiki/Western_Cape_2012_Farm_Workers'_Strike; <http://mg.co.za/article/2012-11-16-00-editorial-farm-workers-deserve-better>.

because they have to negotiate any outside relationships with their employer, the farm owner (Atkinson, 2007). This is confirmed by this research, with three farm owners strictly regulating who was allowed to visit the farm. As one farm owner further stated, they did not want their workers to engage with the trade union, as this would only cause trouble, while they as farm owners were the ones providing support to farmworkers. According to James (2007:15-6) the Landless People's Movement (LPM) could have played an important role in building social consciousness and awareness. As Greenberg, a former activist within the LPM, revealed in an interview, the movement was relying too much on slogans and posturing and did not have a proper, well thought-through plan, which had resulted in its dissolution (Interviews S Greenberg, Johannesburg, 28 August 2007 and 19 March 2010).

5. Conclusion

Farmworkers observed in this research remain socially and politically invisible and poor and often have even fewer resources and less security than before the implementation of laws aimed at protecting their rights. This supports evidence from other parts of South Africa. The severe impediments in the empowerment of farmworkers are based on the following main factors: limited insights by most role players regarding complex and intertwined social relationships on farms; the challenge to address inequality and the specificity of power relations on and off farms; and the marginalised position of farmworkers and their lack of agency in the broader political system. The direct or indirect effects of land reform on farmworkers are seldom mentioned in the public debate. The most likely reason is farmworkers' low social profile, both within mainstream politics and among the general public.

While land reform is intended to change land ownership dramatically, most of the long-term consequences are uncertain for agriculture and for the people involved in this sector, among them farmworkers, emerging farmers and farm owners. Farm owners, who represent in many cases the only support system for farmworkers and who struggle in the current economic and political environment, equally need guidance and should be integrated to a greater extent. For rural development to be successful institutional development and provision of services are needed to support both farmworkers and farm owners and to provide structures in which farmworkers and farm owners could increasingly cooperate. Not only should land reform be for the

common good, but the position and rights of farmworkers, in the past having been deprived of a better life and personal dignity, should be made a focal point in this debate. In neither the government's public statements and actions, nor those of the white farmers' unions is this much needed focus evident, and the rights of farmworkers are not being monitored and enforced, despite laws for fair labour practices and security of tenure being in place. The current direction and general application of land reform and the agricultural sector do not spell out much that is positive for farmworkers.

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