



National Evictions Survey

*Briefing to
Parliamentary Portfolio Committee
for Agriculture and Land Affairs*

Nkuzi Development Association and Social Surveys Africa

30 August 2005



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Outline of Presentation

- » Background
- » Study approach
- » Prevalence and Impact of farm evictions
- » Farmer's perspective
- » Conclusions



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Background

- History of colonial and apartheid era land dispossession
- 1955 Freedom Charter:
“The Land Shall Be Shared Among Those Who Work It!”
- The Surplus People's Project found in 1983 that 3.5 million people had been forcibly removed in the previous 23 years (1960 – 1983). Of these the largest group, 1.1 million, were removed from white farms
- Today millions (2.9 million in census 2001) of Black South Africans still live on farms owned by other, mostly white, owners and face human rights abuses including evictions, but there has been no information on how many evictions



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Background cont...

- Land reforms since 1994 aimed to deal with the land issue and included new legislation to deal with farm tenure (ESTA, LTA). Amendments are pending to this legislation.
- Programmes are being implemented by DLA and NGOs (e.g. Rural Legal Trust, National Farm Dweller Programme)
- But it is impossible to properly assess the impact of these interventions as there has been no adequate data available

“It is nearly impossible to attach a figure to the total number of evictions taking place” Parliamentary Portfolio Committee, 2000

“There are very few statistics available to assess the advancement and protection of human rights in farming communities” SAHRC, 2003



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

This Study

Overall objective:

To obtain accurate information on the extent, nature and impact of evictions from farms, to be used in developing future legislative and programmatic interventions.

- An initiative of Nkuzi, implemented in partnership with Social Surveys
- Assessing evictions from farms in 21 years from 1984 to 2004
- Financed by Atlantic Philanthropies, Foundation for Human Rights, Open Society Foundation and DLA (USAID)
- Not intended as attack on government policies, but done in collaboration with government to inform policy debates

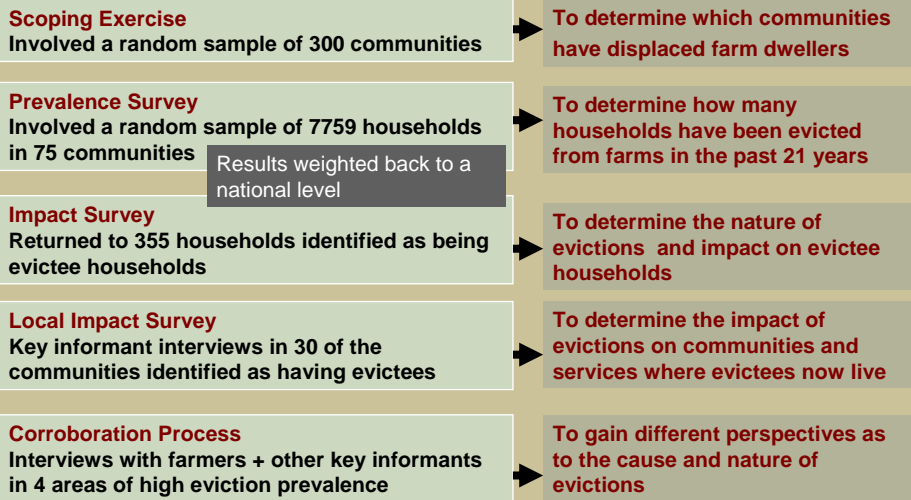


NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Study approach



NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

People Displaced and Evicted from Farms

	Displaced from farms	Evicted from farms
1984 to end 1993	1,832,341	737,114
1994 to end 2004	2,351,086	942,303
Total	4,183,427	1,679,417

Only 1% involved a legal process



NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

Eviction Trends

Year	% of Evictees	No. Evictees	Context
1984	9.5%	159 996	Drought 82-84
1985	3.3%	53 153	
1986	5.9%	97 684	
1987	2.1%	35 463	
1988	2.9%	48 918	
1989	3.8%	63 591	
1990	4.1%	68 435	
1991	1.1%	16 513	
1992	10.7%	179 575	Drought 91-92
1993	0.4%	6 784	Farms recover



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Eviction Trends Continued

Year	% of Evictees	No. Evictees	Context
1994	7.4%	122 626	Political uncertainty and trade liberalisation
1995	5.0%	83 575	LRA
1996	6.8%	111 651	LTA
1997	7.7%	126 196	ESTA and new BCEA
1998	3.8%	63 771	
1999	5.4%	87 503	
2000	3.4%	57 030	
2001	1.5%	22 924	
2002	3.6%	59 878	
2003	8.2%	138 308	Minimum Wage
2004	3.4%	56 813	



NKUZI DEVELOPMENT
ASSOCIATION

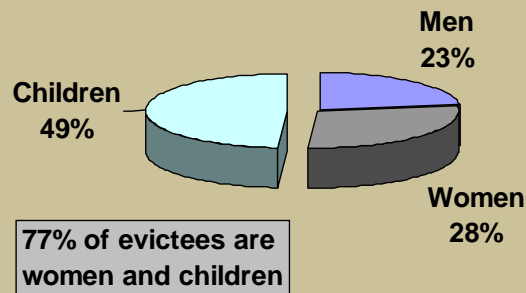


social surveys
AFRICA

Who is being evicted?

- The majority of evictees are black South Africans, predominantly African (very small proportion white)

Men, women and children evicted from farms in past 21 years



NKUZI DEVELOPMENT ASSOCIATION



Women and Children

- Women and Children are the most vulnerable as they are treated by land owners and the courts as secondary occupiers allowed on farm only due to link with a male household member
- 46,748 evicted children were involved in child labour when still living on farms. This number did drop substantially after 1994.

“My husband was killed and I had to leave because the farmer did not want women without husbands or fathers that could work on the farm”

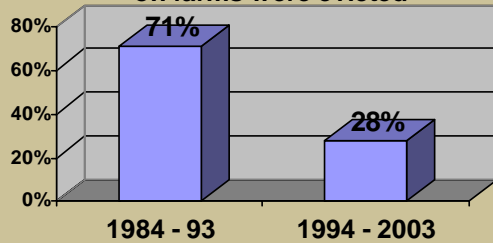
“He wanted my young kids to look after his goats and sheep and I refused so he beat me and said I had to get off the farm”



NKUZI DEVELOPMENT ASSOCIATION



Periods during which children working on farms were evicted



“The farmer wanted my brother to work for him after school and my father refused ...he stopped our food rations, he took our livestock and made life miserable and intolerable”



NKUZI DEVELOPMENT ASSOCIATION

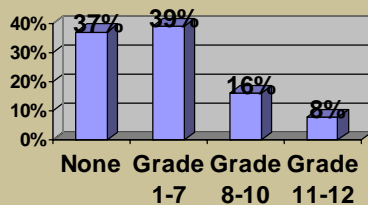


social surveys
AFRICA

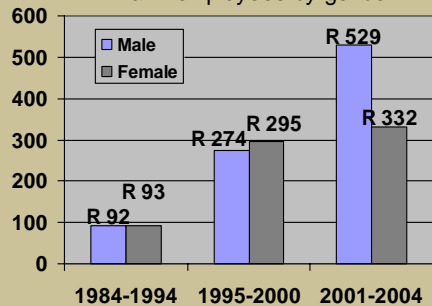
Who is Being Evicted?

- Evictees are vulnerable members of our society, typically having low levels of education and low incomes even when working

Education levels of adult evictees



Average monthly incomes of full-time farm employees by gender



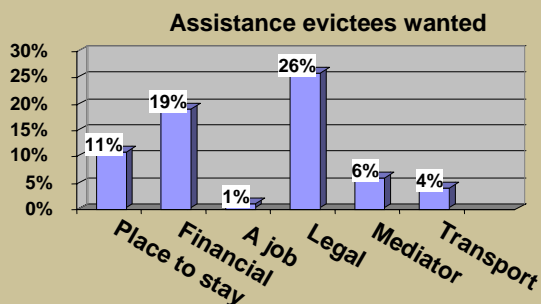
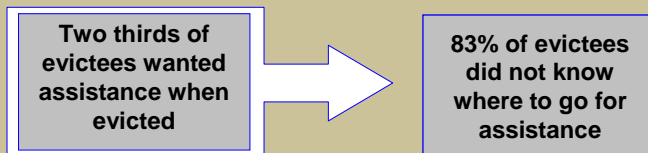
NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

Assistance for Farm Dwellers Facing Eviction

With low education levels, lack of resources and poor awareness regarding their rights few evictee households were able to obtain assistance



Length of Stay on Farms

Length of stay on farm before eviction	Proportion of adult evictees	Number of adult evictees
< 5 years	13.9%	118 263
5 – 10 years	27.6%	234 837
11 – 15 years	17.3%	146 984
> 15 years	41.2%	349 722

- 56.1% of evicted children were born on the farm
- 14.9% of evicted adults were born on the farm
- Those affected are not transient workers, many uprooted by eviction are families with long histories on the land



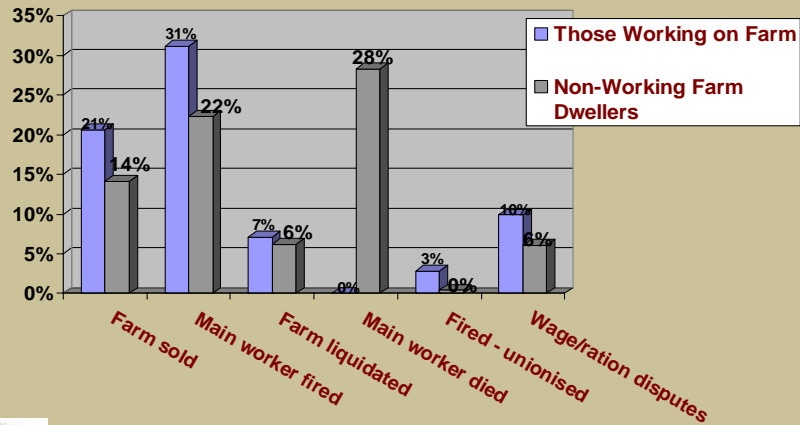
NKUZI DEVELOPMENT ASSOCIATION



Causes of evictions

- Over two thirds of evictions were work related whether the affected person was working on the farm or not

Job related reasons for evictions



NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

Impact of Evictions

- Circumstances immediately after evictions are often devastating until people can reestablish themselves
- In the long run evictees find themselves with better access to services such as schools, tap water, shops, electricity.
- Evictees have to pay far more for services off-farm and loose access to natural resources on farms. For example 40% of Households had access to firewood on the farm compared to only 10% afterwards.



NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

Impact cont...

	Farm - prior to eviction	Off farm - after eviction
HHs with livestock		
Yes	44.80%	9.3%
No	55.20%	90.7%
HH growing vegetables		
Yes	20.30%	31.0%
No	79.70%	69.0%
HH growing maize		
Yes	59.4%	26.7%
No	40.6%	73.3%
Employed		
Yes	60.3%	52.4%
No	39.7%	47.7%



NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

Evictions Contributing to Urbanisation

Province	Current Locations - after evictions
Western Cape	10.6%
Eastern Cape	10.7%
Northern Cape	2.2%
Limpopo	9.7%
Mpumalanga	8.3%
Gauteng	22.4%
North West	8.8%
Free State	7.1%
Kwazulu Natal	20.1%

- 67.3% of evictees have ended up in urban centres



NKUZI DEVELOPMENT ASSOCIATION



social surveys
AFRICA

Consolidation of Apartheid Geography

- Since 1994 almost 1 million black people forced off “white farms”
- 48% are in townships, mostly in the poorer sections
- 30% are in informal settlements
- 14% in former homelands
- There is currently no provision or planning for the proper accommodation of people from farms.
- There are almost no planned settlements for farm dwellers in farming areas



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Land Reforms Undermined by Evictions

	Beneficiary Households
Restitution	
No information on how many farm dwellers	90 282
Redistribution	
No information on how many farm dwellers	66 360
Tenure for Farm Dwellers (ESTA + LTA)	7 543
Total HHs That Gained Land or Tenure Security from Land Reform, up to July 2005	164 185
Farm Dweller HHs Evicted 1994 - 2004	199 611



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Are evictees interested in land?

- 27.5% of evicted households would prefer to stay on a farm
- In addition many of the reasons for not wanting to stay on a farm relate to the problematic conditions and relations on farms:
 - Over 40% do not want to be on farms due to lack of freedom, poor treatment by farmer, bad working conditions and threat of further evictions
 - 16% do not want to be on farm due to lack of facilities such as schools



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Farmer Perspectives

- Decisions about farm workers and dwellers made for economic reasons; labour is one production cost that can be cut/squeezed
- Farmers don't want people who are not working on the farm to be on the farm as they bring no benefit and are seen as a security risk
- Main factors leading to reduction in farm work force: droughts, deregulation, international competition, and minimum wage
- New legislation an additional cost and risk causing farmers to reduce: full time workers; people living on farms; and new people coming onto farms
- Indications there may be future labour shortages due to ageing work force, HIV/AIDS, less people living and growing up on farms



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Conclusions

- Dispossession of black South Africans from the land has continued unabated in post-apartheid South Africa
- Evictions have undermined the limited gains of land reforms and contributed to consolidating ownership of farm land into fewer hands
- There is no effective programme to limit the scale of evictions or to ensure viable settlements for those displaced from farms
- Farm dwellers have a limited awareness of their rights and an even lower awareness of where they can get support
- Reasons for evictions are largely economic and business related; including attempts to avoid the risk and cost of new policies/laws
- Urgent policy and programme steps are needed to reverse the trend and establish new relations in commercial farming areas



NKUZI DEVELOPMENT
ASSOCIATION

An enormous number
of children are affected



social surveys
AFRICA

In their own words

- *“I was devastated after having worked for his father for so long. I wanted to talk to him but he did not listen...I had no choice”*
- *“I was cross because I was about to deliver a baby and had nowhere to go”*
- *“We were not happy we had nowhere to go with our livestock ...we grew up there and had always lived there”*
- *“We did nothing because he had a policeman helping him”*
- *“My mother went to the labour department and they told her that they will help her but they didn’t and we left the farm”*
- *I was injured by a machine at work and taken to hospital. When I returned after three days I was told that I was fired.*



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA



Employment Status of Evictees When on the Farm

Categories of Employment	Number	%
Male adult full-time	252 107	66%
Not employed	131 155	34%
Total	383 262	100%
Female adult full-time	202 909	44%
Part-time	42 235	9%
Seasonal	14 941	3%
Not employed	206 459	44%
Total	466 544	100%
Child – full-time	19 683	2%
Part-time	14 763	2%
Seasonal	12 302	2%
Not employed	763 832	94%
Total	810 580	100%



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA

Court Evictions

- Only 1% of evictions were done through court processes
- ESTA Review of Magistrate Court Cases at Land Claims Court: 645 to end 2004, approx 25% set aside and 75% confirmed
- Other ESTA and LTA Cases at Land Claims Court approx 525 (these are not all evictions)
- Still a problem of legal representation in court. e.g. in first half of 2005 LCC confirmed on review 7 evictions from Worcester Magistrate - 6 of these were undefended default judgments
- Farm dwellers do not know their rights and have no place to go for assistance. Most who contacted authorities have not been helped.



NKUZI DEVELOPMENT
ASSOCIATION



social surveys
AFRICA