



MPUMALANGA THE PLACE OF THE RISING SUN

21 SEPTEMBER 2016 | MEDIA STATEMENT

REPORT OF THE COMMISSION OF ENQUIRY INTO THE SOCIO ECONOMIC CONDITIONS OF FARM DWELLERS.

BACKGROUND

The Commission of Inquiry was established by the Premier after his visits to a number of farms in the Province and was deeply touched by the poverty under which farm dwellers live. The Commission started its work on the 1st September 2015 with a time frame of up to 31 March 2016, which was extended to 31 May 2016.

The mandate of the Commission was to investigate and report on the socio-economic conditions of farm dwellers in the province. Among others the Commission was mandated to investigate and make recommendations on the protection of human rights; safety and security of farm dwellers; security of tenure; employment security; access to adequate and sustainable housing; access to basic services such as water, electricity and sanitation; access to quality education, health care; justice system and illegal evictions.

FINDINGS OF THE COMMISSION

As stated the Commission completed its work on the 31st of May, 2016 and today the report is officially

submitted to the Premier of the Province. The Commission conducted ten hearings and listened to 13 private sector organisations with a focus on farm dwellers. The Commission also listened to 12 public sector organisations with an intention of hearing from them how the plight of farm dwellers can be addressed. The Commission identified five key areas that if implemented will contribute immensely towards the improvement of both the socio economic situation and security of tenure of farm dwellers. Below, are the five key areas that were identified by the Commission.

ON THE SECURITY OF TENURE, THE COMMISSION FOUND THAT:

Despite the promulgation of the Extension of Security of Tenure Act of 1997 and the Labour Tenant Act of 1996, a significant proportion of occupiers still face insecure tenure and other forms of land rights violation including eviction from their homes. It is hoped that the amendments contained in the Extension of Security of Tenure Bill of 2013 will go a long way in alleviating the plight of farm dwellers.



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The Commission observed that the rights of farm dwellers get exacerbated especially when a farm exchange hands either through sale to a new farm owner or through the land restitution process. In both situations, the farm dwellers become victims as they are never consulted during this process. The only time the farm dweller gets to know about the new owner is when the new owner introduces new measures which are in most cases in violation of the rights of the farm dweller. The new owners turn to disregard any agreements the farm dweller had with the previous owner. Unfortunately, most of these agreements are verbal and become difficult to challenge the new owner in a court of law.

The changes that are in most cases introduced by new farmers include but are not limited to reduction of the number of cattle the dweller can own; reduction of both cropping and grazing land; restriction of access to water; restriction of visitors and changing of land use making it difficult for the dweller to access their dwellings especially when the farmer decides to plough around the homestead of the dweller or close gates that were used to access the dwelling. In some cases the new farmer would dig a deep furrow around the homestead. This becomes a hazard to both children and animals.

In reality, all these measures are tantamount to constructive eviction as they are introduced to frustrate the living conditions of the farm dweller so that he/she would leave.

It was also observed that the current form of transferring land through the land restitution process needs to be reviewed as it results to unnecessary infighting among beneficiaries leading to poor management of production assets and ruining of assets that were productive before the new owners took control of the farm. Even through the land restitution programme, farm dwellers that are found on the farm suffer the same fate.

RECOMMENDATION

The Commission noted and support 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 of Rural Development and Land Reform. The Commission is also of the view that the new amendments will have to be supported by a capacity building programme that will ensure that farm dwellers are well informed

about their rights and responsibilities as clarified in the Extension of Security of Tenure Amendment Bill of 2013.

Secondly, we support the recommendation by the commission that alternative tenure security models for farm dwellers should be investigated with a view to 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.

ECONOMIC AND LABOUR OPPORTUNITIES

Existing labour legislation provides sufficient support and protection for the rights of both employers and employees in the agricultural sector but it was observed that Compliance with labour laws vary from farm to farm with some employers complying while others deny their employees the basic labour right including the rights of belonging to a union. Problems raised by farmworkers include failure by the employer to register them with the Department of Labour; Working without protective clothing and safety equipment, Injuries on duty not reported to the Department of labour and payments of salaries that are less than the minimum wage for farm workers.

It was further observed that many farm dwellers lack secure access to land, agricultural inputs, skills development and markets which are essential to the ability of farm dwellers to generate an income from agricultural production and food security. They also lack resources and support from Departments in order to enable them to use the land productively.

Whilst mining is an important sector in its own right and is one of the major contributors to the economy of Mpumalanga, it is proven that it has detrimental effect to both the rural communities and the environment. Mining-affected communities are exposed to water, soil, noise and dust pollution causing ill health and they experience social disruption mainly due to forced resettlement. Often the most vulnerable communities (farm dwellers) suffer the worst of these consequences: settlements are frequently located in close proximity to mines; houses 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.

RECOMMENDATIONS

On the matter concerning employment compliance, it is recommended that 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 reports 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.

Concerning support to farmers, it is recommended that 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.

It is also recommended that an audit be undertaken in each District to ascertain the needs and level of support available to farm dwellers who have access to land for productive enterprise.

On the protection of farm dwellers against unscrupulous miners, it is recommended that the Department of Mineral Resource 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.

On the relocation of farm dwellers for mining reasons, it is recommended that the Department of Mineral and Energy 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.

PROVISION OF HOUSING AND BASIC SERVICES

It has been noted that the condition of farm dweller housing in the province is poor, oftentimes being unsafe, unhygienic and made from informal materials.

The Provision of basic services such as water, electricity and sanitation is still a major challenge. The delivery of water to different communities is irregular resulting in some farm dwellers drinking muddy water with animals. The majority of farm dwellers make use of pit latrines for sanitation purposes while others use the VIP toilets which present their own challenges in terms of maintenance. There are farm dwellers who indicated that they use the open field for sanitation.

It was further noted 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.

In many instances, it is practically and financially beyond the means of the State, particularly local government, to connect isolated, small and geographically distant farm dweller settlements to bulk infrastructure to provide for the basic services of farm dwellers.

RECOMMENDATIONS

Based on the above observations, it is recommended that 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.

Secondly, alternative models of service delivery to farm dwellers should be investigated which may include cost recovery mechanisms where such services are provided by third parties.

Thirdly, it is proposed that research into the appropriate norms and standards related to the viability of establishing both on and off -farm Agri-villages be undertaken. 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.

SOCIAL SERVICES

It has been observed that the provision of social services such as social grants 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 in this regard. Unfortunately, when it comes to safety and security major concerns were registered.

Another serious observation identified is the poor conditions of the farm roads which impact negatively especially when ambulances are to attend to emergencies. The long distances children have to walk to catch the bus is another concern. In some cases they have to walk alone in isolated places for a distance of about five kilometres. Crime was also registered as serious concern, particularly alcohol related crimes and farm attacks, crop and stock theft have severe and often long term social and economic impacts on the entire farm dweller community.

RECOMMENDATIONS

It is recommended that rural road infrastructure be prioritized to better enable mobile clinics, emergency ambulance services and scholar transport systems to operate.

The Provincial Department of Education expands its development of boarding facilities to improve access to education for farm dweller children.

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.

The farm dwellers' representatives be included in rural safety priority committees and forums and farm security plans as a matter of course.

INSTITUTIONAL SUPPORT

We agree with the Commission's recommendation that in order to effectively implement the above recommendations, a coordinating structure will have to be established within the Office of the Premier. Its main mandate will be to coordinate, oversee and manage the transversal responsibilities of the three spheres of government towards addressing socio-economic needs of the farm dweller community.

The existence of the structure and its operations will be introduced to all relevant stakeholders especially the Department of Rural Development and Land Reform. In this regard, I plan to meet with the national Ministers who have direct impact on the lives of rural communities. These are the Minister of the Department of Rural Development and Land Reform; The Minister of Mineral Resource and the Minister of Labour. The main purpose is to give the task team credibility when interacting with these Departments. The structure will also be introduced to all Municipalities through the Premier's Coordinating Forum.

The structure proposed above should report regularly on progress made by the Province in improving the socio-economic conditions of farm dwellers.

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Enquiries:

Zibonele Mncwango

Spokesperson: Mpumalanga Premier

Mpumalanga provincial Government

Office of the Premier

Tel: (013) 766 – 2453

Mobile: 079 491 0163

E-mail: mncwangoz@prem.mpg.gov.za