

# Perspectives

## on KwaZulu-Natal

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### **Human Rights Watch reports on violence on South African farms**

An international organisation Human Rights Watch has highlighted violence on South African farms and evaluated the rural protection plan in a report entitled *Unequal Protection: The state response to violent crime on South African farms*.

The report states that there has been a marked increase in assaults and murder of the owners and managers of commercial farms and their families since the early 1990s. While some white farmers believe that the attacks are part of "an organised conspiracy to drive them from the land", research conducted already suggests that the attacks are criminally motivated.

Police statistics show that 356 people on farms or smallholdings were murdered between January 1997 and December 1999 while organisations representing farm owners claim that more than 1 000 people have died in such attacks since 1991. But statistics relating to farm attacks are generally problematic, however, because they include attacks on smallholdings as well as farms and most often relate to violence against white farm owners or managers rather than to crime committed by a stranger against anybody living or working on a farm, as requested by the national police structures.

Nevertheless Human Rights Watch states that it is clear that many white farm owners are living in fear. The report quotes Mike de Lange, formerly from the security desk of the KwaZulu-Natal Agricultural Association (Kwanalu) who said: "People are living with guns all the time. They are being terrorised. There was one murder when the victim was chopped with a cane knife, and when the farm watch arrived the perpetrators were sitting there having breakfast. These guys feel nothing."

#### **Facts and figures**

- There are about 60 000 farms in the commercial sector in South Africa.
- Their average size is about 1 300 hectares.

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- In the former homelands 50 percent of the households cultivate an area less than one hectare.
- Only one percent have 10 hectares or more under cultivation.
- Livestock farms raising cattle for meat occupy about 80 percent of South Africa.
- Agriculture is a major earner of foreign exchange for South Africa, but today contributes less than five percent of gross domestic product.
- Agriculture provides more than 10 percent of formal employment opportunities in South Africa.
- Among those working in agriculture 79 percent of blacks, compared to 10% of whites had monthly incomes of R500 or less.
- 'In-kind' payments formed a larger proportion of the remuneration paid to blacks (25 percent) than of any other population group.
- Another study found that farm workers in KwaZulu-Natal earned an average of R709.27 a month before deductions or R447.40 after deductions, plus the use of about eight hectares of land for grazing and cultivation.
- Stats South Africa found that "in terms of key socio-economic variables, the situation of people employed in the agricultural sector tends to be less favourable than every other major sector of the economy".
- One research initiative found that on 27 percent of the 196 farms surveyed there were no toilet facilities; 56 percent of farms had no electricity in farm workers' dwellings and 34 percent had taps for running water in the dwellings.
- Farm workers have the lowest levels of literacy in the country.
- Children living on commercial farms are more likely to suffer from stunted growth and be underweight than any other children in South Africa.
- There are 186 commando units in South Africa with 82 000 members.

***Quoted in Human Rights Watch report (pages 52 - 55, 60, 172), sources provided in the report***

Less focus is placed on assaults against farm workers. Human Rights Watch states that there are no reliable statistics relating to assaults by farm owners against farm workers. The report compares "violence committed within the enclosed world of the farm" to domestic violence

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emphasising that the power relations are unequal and it is necessary for a long-term relationship to be maintained. As a result such violence is often concealed from outsiders.

It is even more difficult to establish the extent of violence against black women living on farms, particularly cases of rape and other sexual violence. Levels of domestic violence are reported to be high on many farms. The report states: "Women farm workers or residents who are raped by other farm workers face a different situation from those who are raped by their supervisors or farm owners. In both situations, however, to speak about the rape would be to risk serious retaliation, and many women will not speak about the rapes while they are still working on farms. Women are prevented from reporting rape or sexual violence against them by dependency on the perpetrator or fear of being evicted from the farm, fear of rejection and ostracism by their families and society and by the belief that the police may not be receptive to their complaints, and other reasons."

Obstacles to farm workers reporting crime to the police, according to the report, include the difficulties of communicating with authorities especially when farms are isolated, and more importantly the fear that farm workers have of reprisal should they report an incident. A farm worker told Human Rights Watch that an eviction would follow the day after reporting an incident to the police while a farm worker's sister said that if her brother tried to report being assaulted to the police "they might end up killing him".

According to the report, evictions of farm workers are still carried out in violation of the law and have historically been carried out with the explicit and active use of force. In many cases evictions are now carried out through the creation of conditions that cause farm residents to leave their farms 'voluntarily'. This includes the cutting off of water or other services, the closure of schools or clinics, or the denial of grazing or cultivation rights. A farm resident from the Estcourt area told Human Rights Watch that the farmer took down fences from the fields around their houses and let his livestock graze on their fields, destroying what the workers had planted. The induna spoke to the farmer, who said that the workers should put a fence around the fields. The workers had been allowed to collect firewood from a neighbour's forest for years, but then the forest was burned so that they could not collect from it. One farmer even acknowledged to Human Rights Watch: "I would not be surprised if most black South Africans hadn't at one time or another had some personal experience of violence on farms." Farmers unions, however, claim that the situation is "blown out of all proportion". A Kwanalu representative said that those who were accused of carrying out assaults are generally not members of the union and are not "typical" farmers. Instead they often live on smallholdings and earn their income elsewhere.

As a result of concerns raised about the safety of farmers, the national government implemented a rural protection plan in October 1997 and held a rural safety summit in October 1998. The plan was endorsed at the summit as the basis of a strategy to combat violent crime affecting farming communities.

The report states: "The rural protection plan co-ordinates the activities of the South African Police Services (SAPS), South African National Defence Force (SANDF) and farmers themselves in combating rural crime, and provides for regular patrols of commercial farming areas. In many areas, white farm owners are also linked together by radio in security cells, often known as the 'farm watch' system. In some parts of South Africa, farm watches are supported by commando units, a system of army reserve units made up largely of civilians who serve part-time in the security forces."

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According to the report, members of the commandos carry out some of the most serious abuse of farm workers. "When abuses by the commandos are raised, the response from the police, army and agricultural unions can be to dismiss such allegations as attempts by criminals to discredit an effective system, while emphasising the fear of violent crime faced by all farmers and recognising that there may be individual cases of excessive force." Human Rights Watch found the most serious reports of abuse concerning commandos came from southern Mpumalanga and northern KwaZulu-Natal in a triangle formed by Piet Retief, Vryheid, Volksrust and their surrounding districts.

Human Rights Watch found that the level of activity of the different commandos varied considerably. Some would hold several vehicle patrols a night, roadblocks one or twice a week and checkpoints looking for illegal weapons more frequently. They are supposed to operate under the control of the police when they carry out patrols and are supposed to have a member of the police with them at all times. However, police members told Human Rights Watch that in some cases the commandos informed the police in advance if they were to conduct patrols or other operations and that when the police did patrol with the commandos it was in a subordinate role. There is no system for independent investigation of civilian complaints against the commandos.

Private security companies have also been contracted by commercial farmers to provide security. In some areas, such as in Greytown, there has been conflict between the police and such companies. Greytown commando unit commander and co-ordinator of the Greytown 911 Centre said: "Those guys in the private security companies have no more rights than any private citizen, but they see themselves as a pseudo police force, or above the law. They can be called in by the farmer and beat the hell out of the labourer, no questions asked; and the labourer is too nervous to do anything because it's a guy in uniform, so it must be official. We have good security companies and, shall we say, not so good security companies. We have good relationships with the good companies, and not so good relationships with the others."

Human Rights Watch criticises the rural protection plan for increasing the insecurity of black residents and of visitors to commercial farming areas. "Members of the commandos, police reservists, full-time soldiers and police, and others participating in the rural protection plan have committed serious abuses against farmworkers and other farm residents. There are reports of abuses, ranging from the staging of illegal roadblocks to murder, by commando units in several areas, especially those operating in southern Mpumalanga and northern KwaZulu-Natal."

The report also states that the rural protection plan has failed to respond to crime that has been committed against black farm residents, particularly when the crime is committed by white farm owners. Farm residents frequently said that the response from the criminal justice system to the reporting of such incidents was inadequate. They feared retaliation should they speak out and often found that police were unresponsive, sometimes hostile and may even refuse to open a case.

"Police investigations of assaults on farm workers or residents are often dilatory and inadequate; many prosecutors, who have the power to refer files back to the police for reinvestigation, seem prepared to accept substandard police investigations and all too easily to decline to prosecute. Often, where prosecutions have been successful, sentences applied have failed to reflect the seriousness of the offence," states the report.

Human Rights Watch found that the response of the state to violent crime against farm owners was more determined and effective. "The police in commercial farming areas have been mobilised to treat crime against farm owners as a particular priority. The government has also endorsed the farm watch system and the use of the commandos, which have in some cases played a role in

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helping to protect farm owners and managers from violent crime and in catching those who have committed crimes against farm owners or managers. Indeed, the arrest rate in cases of violent crime against farm owners and managers is higher than in the case of most crimes committed in South Africa."

The report argues that the protection plan has been developed in only a few areas in a way that seeks to respond effectively to the concerns of all sectors of the community. "There is a clear need for a comprehensive evaluation of the rural protection plan, from the perspective not only of the commercial farming community but also of farm residents and those living in the former homeland areas that surround commercial farmland. At present, the rural protection plan does not adequately meet the needs of farmers for protection, and it has actually increased insecurity for other sectors of the population in some areas."

According to Human Rights Watch, the plan needs to be comprehensively restructured to take account not only of the needs of the commercial farming community, but also those of farm residents and those living on the former homeland areas that adjoin commercial farmland.

De Lange proposed that a security desk be established to gather intelligence on all crime incidents and potential conflict in rural KwaZulu-Natal communities including farms, traditional authority areas and conservation areas. "The security desk would then convey that information to all appropriate authorities, including administrative structures as well as the security forces, and facilitate proper communication between those authorities as well as the extension of the rural protection plan to those areas where it is not currently operational - that is the 'tribal areas' formerly within the KwaZulu homeland." De Lange says that the rural protection plan will not work unless areas under the control of traditional leaders are included.

"Key to the resolution of the problems surrounding law enforcement in South Africa's commercial farming areas will be the creation of a common understanding among farm owners and farm residents of the priorities in relation to violent crime and the response needed. This will, however, depend on farm owners and residents seeing themselves as having the same interests in this regard, something that will be very difficult to develop in the context of South Africa's deeply divided society. Ultimately, it will depend on a reduction in the stark economic inequalities so obvious in the South African countryside."

The report also argues for the exclusion of soldiers, including the commando units, from carrying out policing duties. It states that civilians who wish to be involved in policing should become police reservists and should receive training in policing skills. "Where soldiers are deployed for policing duties, they should not have full police powers, but only those that are required to fill a support role. For example, police should carry out duties such as house searches, even if soldiers are deployed to establish a cordon around the house."

The report states that there would be resistance to this idea among the commandos for good and bad reasons. "Among the good reasons are the fact that commando members get paid a small amount which, though almost token for a commercial farmer (three to four hundred rands a month), assists to cover expenses and for black employees may form a substantial addition to income; police reservists receive no payment at all. In addition, those individuals who are both members of commandos and police reservists report that the army logistical and administrative systems are simply more efficient than those in the police services...Others note that discipline among the police is a big problem, so that many police have no pride in their job, absenteeism is rife, equipment is not maintained and so forth, while the army has a stronger public service ethos. The bad reasons include the fact that the police service is now perceived by many white farmers

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as simply 'too black' in its command structures."

Human Rights Watch has also called for stricter controls against private security initiatives including farm watch and similar private schemes to ensure that they do not act as vigilante groups. "Government should introduce legislation to regulate such schemes and work with representatives of commercial farmers and other interested parties to develop a code of conduct for those who participate in them. Private security companies and farm watch structures should be permitted only to carry out preventive patrols and 'citizen's arrests' of persons actually found in the course of committing a crime. It should be made clear that such security service providers have no policing or other authority beyond that of private citizens, and are to be held to account for crimes in the same way as private citizens. They should be required to hand individuals arrested to the police without delay, and they should be prohibited from taking the initiative in conducting house searches for illegal weapons or similar activities, but required rather to pass relevant information to the police."

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