

Perspectives on KwaZulu-Natal

Volume One - Number Six - August 2001

Investigating human rights abuses in the farming community

The South African Human Rights Commission is investigating human rights abuses in the farming community. **Charmaine Pretorius** writes about the launch of the inquiry in KwaZulu-Natal.

Over recent years, reports of farmer brutality towards their workers, shocking employment and living conditions on farms, massive child labour and the increasing attacks on farms, including the murders of farmers, have made the headlines in all news media. The message is clear that all is not well in the farming and agricultural sector.

This message resulted in the South African Human Rights Commission's decision to launch an investigation into human rights violations within farming communities. Launched nationally in June, the ambitious 12-month project will involve a number of hearings at which submissions can be made. The commission says that these representations will be essential to highlighting human rights issues and problems, as well as in the attempt to seek solutions to the alleged violations.

The project will focus on three main areas: land rights and tenancy, safety and security and economic and social rights. Complaints from all nine provinces will be investigated and the commission has emphasised that it is attempting to address these problems in a non-adversarial way. The commission has appealed for all sectors in the farming community to make submissions to aid its efforts to understand and deal with the human rights violations.

KwaZulu-Natal provincial human rights commissioner Karthy Govender said at the KwaZulu-Natal launch in Pietermaritzburg earlier this month that the project aimed to look holistically at farming and farming communities in the country. "We propose to investigate the violation of human rights in the farming community. We have received many reports of people being badly treated by farmers and people who do not enjoy basic human rights. We have also heard from farmers who fear for their safety. It is clearly a very troubled sector and it will be very irresponsible for the Human Rights Commission not to reflect on this and to report its findings to Parliament."

Govender was however quick to caution that the investigation into human rights abuses was not going to be a witch-hunt. "It is not an attempt to target farmers or any other communities - it is an attempt to investigate complaints and to suggest a solution. It is aimed at putting right that which is wrong in this sector, either due to ignorance or over-zealousness." The commission believes that respect for the fundamental human rights of farm workers and farmers will improve the working and living conditions, which will liberate human potential, raise productivity and create stability on farms.

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

Tensions between farmers and their labourers could be a contributing factor in the drop in employment of almost 40% since the early 1990s. Previously there were about 1.2 million job opportunities, while now there are about 750 000. This is despite the fact that agriculture forms the backbone of South Africa's economy. Of course, there have also been global changes in agriculture and labour tenancy legislation as well as land reform debates have contributed to farmers' anxieties about their sustainability.

It will not be the first time that representatives from the agriculture sector will be involved in discussions around human rights issues. In March this year Agri South Africa (an agricultural federation that represents more than 80 000 farmers nationally), the department of labour, the National African Farmers' Union and farm workers' organisations reached an agreement to try and improve the increasingly volatile situation on farms. Among the key aspects of the agreement were the training and education of both farmers and farm workers on human rights issues.

Complaints by farm workers against farmers are central to the debate on human rights abuses in farming communities. Several high profile cases have been concluded in KwaZulu-Natal courts over the past few years. A Dundee farmer was sentenced to 25 years in jail for the murder of a black farmworker. His brother was jailed for 68 years in two separate trials for the murder of two black men and the attempted murder of another. Their father was also convicted last year of conspiracy to commit murder for hiring a former soldier to kill a key witness in the trial of his one son. In another case, a farmer from Elandslaagte in northern KwaZulu-Natal was given a three year sentence suspended for four years after he pleaded guilty to culpable homicide earlier this year. The farmer and a friend were hunting for porcupines when they shot at people working in a field, fatally wounding a 37-year-old woman. The friend was acquitted due to lack of evidence.

Farmers under threat from criminal elements also feel that their human rights are being abused and ignored by government. In the past 10 years, statistics reveal that 1 047 people have been killed during 5 594 attacks on farms. Those killed include farmers, members of their families and farm workers.

According to Agri South Africa, farm attacks have steadily increased since 1997 and last year recorded more than 900 attacks on farms across the country. In the past six months since January this year, there have already been more than 400 attacks in which 67 people died.

KwaZulu-Natal commercial farmer Rob Sayers says that farmers in the province are particularly concerned about the farm killings and land rights issues. "If it is in any way related to human rights and if it can be addressed, it will definitely be to our benefit." Sayers, who represents about 130 commercial farmers in the Underberg Farmers' Association, says the Human Rights Commission's investigation has been widely welcomed. He admits that while the regard for human rights in the farming community has improved over the past few years, there are still problems.

Legislation regulating the eviction of people living on farms is of particular concern to farmers, and some groups plan to make submissions in this regard to the commission. Sayers says he believes that the current tenancy laws are unfair to farmers and that the responsibilities the legislation places on farmers should, in fact, be functions of government.

As an example, he refers to East Rand farmer Braam Duvenhage who earlier this month attempted to remove about 40 000 illegal occupants from his property at Modderklip near Daveyton. This followed court action during which he obtained a court order for their eviction in May last year. The local bailiff refused to remove them before the cost of eviction, amounting to

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002

R1,8 million, was paid. Duvenhage is legally responsible for paying this money.

Agri South Africa is to include the issue of land invasions in its submission. It has called for the government to review current legislation to prevent land invasions.

The KwaZulu-Natal organiser for the National Farm Workers' Union William Nanthe has also welcomed the inquiry. He says that although the relationship between farmers and farm workers has improved, "there are still some bad farmers out there".

The closing date for submissions to the commission is August 31 and hearings are expected to commence in October. A national conference on human rights will be held in May next year to discuss the findings of the commission.

Charmaine Pretorius is head of the Durban bureau of the South African Press Association.

Perspectives on KwaZulu-Natal was published by Profile KwaZulu-Natal cc in 2001 and 2002. All rights reserved. No editorial material published in Perspectives on KwaZulu-Natal may be reproduced in any form without prior written permission from, and acknowledgement to, Cheryl Goodenough.

Perspectives on KwaZulu-Natal was proofread by Donna Hornby from Absolute Proof.

Copyright Profile KwaZulu-Natal cc, 2001, 2002