

AGRICULTURE - LABOUR

1993

# Citrusdal families reprieved



ARG 23/1/93

CITRUSDAL farmer Mr Daniel du Plessis has granted a four-year reprieve to 13 tenant families who settled on his property 30 years ago after allegedly having their land confiscated in a deal brokered by the Ned Geref Church.

About 400 people from all over the Cape made their way to Citrusdal Magistrate's Court this week where Mr Du Plessis was expected to renew a 1991 attempt to evict the 13 extended families, totalling about 100 people, from Allandale Farm, 10km outside the town.

The Allandale community are the members and descendants of a group of families who claimed they were forced off their Elandskloof Farm in the Cedarberg in 1961 when the NG Kerk sold the property to two brothers for R34 000 without the consent of the families who lived there.

The families claimed it was on record that Queen Victoria granted the land to freed slaves about 1899 on condition that the residents paid for the surveying cost. After the land was sold to the brothers the families were forced to leave the land.

The Elandsklowers are dispersed in Citrusdal and surrounds, the Boland, Southern Cape and Cape Town. Part of the

Thirteen families representing more than 100 people have been granted a reprieve to keep on living on the Allandale Farm near Citrusdal after an out-of-court settlement with the farmer.

**TYRONE SEALE**, Weekend Argus Reporter

group settled on Allandale farm at the invitation of the farmer, the present Mr Du Plessis's father.

Assisted by the Surplus Peoples Project, the Legal Resources Centre and the ANC, the Allandale residents launched a legal battle which they hoped would resolve the future for all Elandsklowers.

At Thursday's hearing lawyers representing the tenants were told by Mr Du Plessis's counsel that the farmer wanted to settle out of court and would give his tenants three years to leave.

The Allandale lawyers asked for a five-year reprieve and the parties amicably settled for four, with January 21, 1997, the deadline. The parties will pay their own costs.

Mr Du Plessis said yesterday he was pleased with the settlement and was hopeful the fam-

ilies would find another home by 1997.

Allandale community leader Mr Saul Titus said while settlement gave residents temporary peace of mind it would not deter them from returning to Elandskloof.

This would be a long complicated battle that would be led by organisations that had assisted the community so far, he said.

In a statement issued by the ANC in the Western Cape, Dr Allan Boesak said the ANC welcomed the out-of-court settlement and lauded Mr Du Plessis for his acknowledgement of the needs of the community who will continue to live on his farm for the next four years.

The organisation expressed the hope that the application by the people to return to Elandskloof would succeed and that they would be re-instated on the land "to which they have a historic right".



# No eviction for farm community

④ CT 23/1/93

## Staff Reporter

THE Elandskloof community in Citrusdal has been granted a four-year reprieve from eviction from the farm they have occupied for the last 30 years.

On Thursday an application to the Citrusdal Magistrate's Court by the farm's owner, Mr Danie du Plessis, for the eviction of the 23 families turned into a day of legal negotiation.

A settlement agreement was finally concluded at 7pm on Thursday. The families — over 100 people — can stay on the farm, rent-free, until January 21, 1997, when Mr Du Plessis

may take steps to remove them from his land.

On Wednesday night Dr Allan Boesak held a prayer meeting in the church hall at Citrusdal.

The families living at Allandale are the remnants of the original Elandskloof community who were evicted when the land was sold by the Dutch Reformed Church to a farmer in the area over 30 years ago.

Mr Du Plessis's father, Mr Paul du Plessis, was one of a number of farmers who offered the group a place to stay.

The dispute over Elandskloof itself has been referred to the

Advisory Commission on Land Allocation. The community claims ancestral title to the land on the basis that a clause in the title deeds reserving it for use as a mission station — allegedly a stipulation made by Queen Victoria in 1899 — was improperly removed before the sale in 1960, at the instance of Mr P W Botha, then Minister of Coloured Affairs.

Mr Danie du Plessis said he had been trying to relocate the families for the last 10 years, with the help of the Cape Provincial Administration.

Mrs Aletta Titus, a member of

the Elandskloof community and spokesperson for their committee, said on Thursday that she felt "much better" knowing that they could stay.

Mr J A Burger, Mr Du Plessis's attorney, said yesterday that they were satisfied with the settlement.

The community's attorney, Mr Steven Kahanovitz of the Legal Resources Centre, described the decision as "a breakthrough for the area".

The Western Cape Region of the ANC yesterday issued a statement declaring their delight at the outcome.

# Decisions to be taken on farm labour laws

SHARON SOROUR (4) (15) Agricultural Union (SAAU),  
Weekend Argus Labour Reporter

A WORKING document on extending the Labour Relations Act to agriculture, the establishment of a special labour court and mechanisms for creating labour codes for the agricultural sector was gazetted this week.

The document flows from a report by the National Manpower Commission recommending the extension of the Act to the agricultural sector.

Manpower Ministry spokesman Mr Johan Smit said the government would decide whether existing legislation should be extended or one Act on labour relations in agriculture should be promulgated.

The decision will be based on comment received from interest groups on the document and further deliberations.

Last month controversy erupted when Manpower Minister Mr Leon Wessels entered into a ground-breaking agreement with Cosatu to extend basic rights to the country's 1,3 million farmworkers.

The farmer's union, the SA

Agricultural Union (SAAU), threatened to scupper the plan because it was not consulted

In terms of the agreement with Cosatu the government undertook to promulgate the Unemployment Insurance Act for the agricultural sector not later than January 1 and to enact the Basic Conditions of Employment Amendment Act — passed in parliament in June — not later than March 1.

The government agreed to introduce legislation to extend the Labour Relations Act and the Wage Act to agriculture.

Farmers were shocked by the decision and the SAAU warned it would oppose the agreement. However, it adopted a more positive stance after President De Klerk intervened and consensus was reached that the legislation would be "placed back in the negotiation process to develop practical applicable legislation adjusted to agricultural circumstances".

All interested parties are invited to submit comment on the working document before or on February 26 to the Department of Manpower, Private Bag X117, Pretoria, 0001.

# Mother of love in town

## of hate

3/1/93 By WISEMANN KHUZYAWO

The mayor of Groot Marico in the Western Transvaal is known to some in her community as Mia Lerato, Tswana for mother of love. To others, Mrs Memorie Herholdt, 36, is a traitor to her folk because she has started education and employment projects mainly for black people.

The animosity of some villagers and farmers, which has baffled and dismayed the brave mother of four, came to a head last month when shots were fired at her home with a shotgun and an automatic weapon. Her 18-year-old son and husband, both named Albrecht, were in the house at the time, and escaped unhurt. A week later, on Christmas Eve, a hall where Mrs Herholdt had set up workshops had the target of an arson attack.

### Caring mayor under attack for efforts to improve lives

She had reopened the deserted hall with the help of Mrs Sanna van Bart, liaison officer for the Department of National Health and Population Development. The fire caused damage of R20 000, destroying three knitting machines, windrows and curtains. Three days later, the health department's offices were shot at with a 12-bore shotgun at night. Mrs Herholdt is worried about the shootings and the threats, but she is determined to continue with her work.

She married wealthy local businessman Albrecht Herholdt, and they raised four children. She worked as creative cultural manager at a centre near Zeerust, which teaches ballet, English, quilting, needlework, gymnastics, music, art and traditional dance.



HOUNDED FOR HELPING... Memorie Herholdt, mayor of Groot Marico, on the land donated for the farm project. Picture: JOE SEFALE

### Hotel staff held in swoop

By CHARMAIN MADDOX

A SANDTON Sun manager and a receptionist were arrested this week on suspicion of substituting fake US dollars for real ones in the safety deposit boxes of hotel residents. The pair were arrested on New Year's Eve and appeared in the Randburg magistrate's court on the same day. The manager was released on R10 000 bail and the receptionist on bail of R5 000.

The investigating officer told the Sunday Times police acted on information received over six months. He said they raided the manager's safe and found 10 000 genuine US dollars, believed to have been stolen out of safety deposit boxes and replaced with counterfeit cash. Twelve counterfeit notes were found during the raid. The policeman said the two were thought to be small puns in an international counterfeit network.

"We know who the main dealer is," he said. He could not say exactly how many hotel visitors had been robbed in the past six months, but one residence, 420 000 was replaced with fake notes. Police have opened a theft docket.

Two years ago, she ran for the local government affairs council office as an independent candidate. In 1991, Mrs Herholdt immediately began to implement her upliftment plans - and attracted the ire of some in the neighbourhood. From different sources, she and Mrs van Bart were told confidentially that the local right-wing was angry with them for giving training to black people.

"Blacks are not human beings and therefore should not be helped," one man said to Mrs van Bart at a rehearsal for a nativity play.

The two women got funds from the Department of Manpower to plant trees along streets of the village. Again there was

### Car phone blamed

By CAS ST LEGER

A MOTORIST using a car phone ploughed

into a tree along streets of the village. Again there was

Share the feeling

For Christmas's Noir

ENSON & HEDGES

shots were fired at her home with a shotgun and an automatic weapon. Her 18-year-old son and husband, both named Albrecht, were in the house at the time, and escaped unhurt. A week later, on Christmas Eve, a hall where Mrs Herholdt had set up workshops was the target of an arson attack.

She had renovated the disused hall with the help of Mrs Santa van Bart, liaison officer for the Department of National Health and Population Development. The fire caused damage of R20 000, destroying three knitting machines, windows and curtains.

Three days later, the health department's offices were shot at with a 12-bore shotgun at night.

Mrs Herholdt is worried about the shootings and the threats, but she is determined to continue with her work.

"The attacks are all the more frustrating because we are running our pro-

## Caring mayor under attack

# for efforts to improve lives

jects in order to boost the economy of this town," she said this week. "We are all God's children. Why shouldn't we live in harmony?"

Mrs Herholdt has always had close links with her fellow black villagers. Born and bred in Groot Marico, the daughter of attorneys, Memorie van den Berg learned to speak Tswana from local children before she spoke a word of Afrikaans.

She married wealthy local businessman Albrecht Herholdt, and raised four children. She worked as creative cultural manager at a centre near Zeerust which teaches ballet, English, quilting, needlework, gymnastics, music, art and traditional music.

Two years ago, she ran for the local government affairs council office as an independent candidate,

HOUNDED FOR HELPING... Memorie He



# Car phone blamed

By CAS St LEGER

A MOTORIST using a car phone ploughed into a group of teenagers loading a camper at the roadside, leaving one dead and another critically injured.

The dead boy, Abraham "Avremi" Mendelow, 16, of Percelia, Johannesburg, was among 15 Jewish students packing for a Zimbabwe river rafting trip late on Monday night.

They were loading the safari camper, parked at the marshalling point on the verge of Eckstein Street, Observatory, when the incident occurred.

Survivors said a Jaguar winged a parked car on the opposite side of the street at 11pm and swerved into the group. Avremi died instantly from head injuries.

His friend, Yossi Goodman, 16, sustained head, internal and leg injuries and is in a serious condition in Johannesburg hospital.

Witnesses said the driver of the car told them he had been using his phone when he lost control of his car.

A doctor on the scene — the owner of the first car hit — established that Abraham was dead and helped keep Yossi alive until he reached hospital.

Yehuda Kay, 17, administered mouth to mouth resuscitation to Abraham until he realised it was hopeless.

The driver of the camper, Mr Ian Harvey, 24, of Gadjima Manzi Adventure and Safari Club, was also admitted to Johannesburg hospital. He is in a satisfactory condition.

## Distraught

This weekend, a stricken Yehuda was grieving with Avremi's parents, Charles and Mendelle Mendelow, and his brothers and sister, Levi, 12, Menachem, 11,

# for crash which killed student



ABRAHAM MENDELOW Described as a gifted child

"I hold no rancour," said attorney Mr Mendelow, 41, his clothes traditionally torn in mourning.

"A friend of the driver had had a coronary and he was on his way to hospital. He said he was speaking on his car phone when it happened. I think if it hadn't been for that car phone, my son would not have been killed.

"My son was a gifted child. He had so many interests."

Avremi, who planned to be a lawyer like his father and who would have entered Std 9 in the New Year as a Hassidic scholar, conducted the entire Rosh Hoshanna service for the Rustenburg Jewish community.

He flew to Botswana last year and conducted the full Yom Kippur service for the small community there.

South African Police liaison officer Warrant Officer Andy Pieke said a culpable homicide case had been opened against the driver of the Jaguar, whose name he declined to release. He said the man had not been under the influence of alcohol.

Mr Christo Blom, deputy director of the Department of Transport's Traffic Safety division, said there was no regulation outlawing hand-held car telephones. However, rules governing the new driving test made the placing of both hands on the steering wheel mandatory.

1991.

Mrs Herholdt immediately began to implement her upliftment plans — and attracted the ire of some in the neighbourhood.

From different sources, she and Mrs van Bart were told confidentially that the local right-wing was angry with them for giving training to black people.

"Blacks are not human beings and therefore should not be helped," one man said to Mrs van Bart at a rehearsal for a nativity play.

The two women got funds from the Department of Manpower to plant trees along streets of the village. Again, there was anger from certain quarters because they were paying the unemployed a higher rate than that paid by local farmers.

Despite the animosity, two other members of the white community joined the effort — an elderly unemployed man donated his own truck and a farmer donated a disused piece of land for a farm project.

## Evicted

But this sparked another outcry because the workers there received R7,50 a day, compared with the R4 offered by most farmers in the area.

Some unemployed people who were living on farmers' properties and had taken advantage of the project were evicted, said Mrs Herholdt.

More trouble is brewing over a flea market which will sell products from the projects. This time the opposition claims the products would compete directly with those produced by local farmers.

But Mrs Herholdt and Mrs van Bart point out that farmers will also be allowed stalls in the market.

Mrs van Bart said she and Mrs Herholdt not only feared for themselves, "we are also worried about poor black people in the community who, even more than us, are targets of this irresponsible lot".

● Groot Marico police are investigating the shootings and attack on the hall.

# New Bill heralds a better deal for farmworkers

By SEKOLA SELLO

THE government this week unveiled its long-awaited draft bill to bring the working conditions

of farmworkers in line with the rest of the country. *C/S 3/11/93*

The working document on the extension of the Labour Relations Act which includes farmworkers under the Basic Conditions of Employment Act of 1983 is expected to bring about far reaching changes in the farming industry.

In terms of the proposals, child labour (15 years and under) at the farms is effectively eliminated; farmworkers are entitled to unionisation and collective bargaining; female workers are entitled to maternity leave; working hours are prescribed and wages determined.

The sweeping changes the government proposes are likely to overhaul the lot of farmworkers - generally regarded as the most underpaid, overworked and exploited employees in the country.

But, as changes begin to take effect, the government and trade union federations such as Cosatu and Nactu could find themselves on a collision course with the powerful SA Agricultural Union which is opposed to any changes in the industry.

A month ago when the government announced that it was considering extending the Labour Relations Act to farmworkers, the agricultural union expressed its opposition to the envisaged proposals, saying they were "unworkable" and that the legislation would not take into account the "unique" circumstances of agriculture.

Farmers' representatives subsequently met State President FW de Klerk and Manpower Minister Leon Wessels to express dissatisfaction that there were no proper consultations with farmers on the implications of the Act.

To counter the swelling opposition to the envisaged legislation, Wessels proposed further discussions on the issue.

Farmers have until the end of Feb-

ruary to submit comments to the government.

Among the important provisions of the Act is the establishment of a special labour court to listen to disputes between the employer and employee and the appointment of inspectors to monitor the farmworkers' working conditions.

If this draft Bill becomes law early next year as seems likely, it will be an offence for an employer to hinder an inspector in the execution of his duties. It will also be an offence for an employer to dismiss or alter the service conditions of a worker if such an employee has given evidence to an inspector.

Farmworkers will in future have the right to belong to trade unions and will also have the right to participate in the union's activities. It will be an offence for an employer to prohibit an employee from participation in union activities.

Farmworkers will also be entitled to annual leave and sick leave. They are also entitled to lunch periods while female workers will enjoy the right to maternity leave. In terms of maternity leave, a female worker is not allowed to work four weeks prior to her confinement and eight weeks after giving birth.

The summary dismissal of farmworkers which is common practice on the farms is prohibited and in future, if a worker wants to terminate his services, the farmer cannot keep him against his will. However, the worker is expected to serve notice.

Farmworkers will also enjoy all public holidays as paid holidays and working on Sunday will be considered overtime.

Cosatu has played an important role in drafting the working document. Nactu says the proposed legislation is long overdue and has rejected farmers' demands that they be exempted from industrial courts in cases of disputes with workers.

While the general thrust of the proposals is to bring about enlightened labour relations on farms, the expected opposition from the farmers could turn these areas into battlefields.



NEW DEAL... The long awaited draft bill protecting exploited farmworkers will bring about far reaching changes in the industry.

# Novel plans for future labour law being cultivated

By Ferial Haffajee

U/mant 8/1-14/193  
A LAST-minute parliamentary dash ensured a full set of labour law recommendations for the farming sector by the time the bells rang in the new year.

The publication of draft Wage and Labour Relations Act recommendations on the day before Christmas and on New Year's Eve bodes well for passage of legislation in the agricultural sector in 1993.

The Labour Relations Act proposals include a number of novel concepts, such as a special labour court and the capacity to introduce different labour codes in different regions and sub-sectors.

These recommendations recognise the particular circumstances of the farming sector, where conditions depend on the goodwill of individual farmers.

The government has yet to decide "whether the existing legislation should be extended or whether a single Act to regulate labour relations in agriculture should be promulgated", said Minister of Manpower Leon Wessels.

The special labour court will be similar to the small claims court in that it will provide quick relief and be easy to use because neither farmers nor workers are familiar with court

procedures. (4) (10/10)

The working document suggests that farmers and their employees can enter into "no-strike" agreements and also recommends drawing the sector into the conciliation board system.

Although farmworkers will not be brought under the ambit of the Wage Act, the Wage Board can pass recommendations for the various sectors and regions in the sector.

But the board will have to take into account the "special circumstances" in the sector, like distance from markets, transport costs, the value of board, food and other benefits with which farmers provide their workers.

# Labour codes could set trend

A NEW system of legally enforceable labour codes recommended for the agricultural sector could set a trend for the introduction of a similar system in other parts of the economy.

An investigation into the desirability of such a move is proposed in notes to the draft Labour Relations Amendment Bill published in the Government Gazette on Thursday. The draft Bill is designed to extend the Labour Relations Act to cover the agricultural sector.

In addition to labour codes, it also seeks to establish a special labour court to operate in the sector, legally recognises "no-strike" agreements, clarifies the grounds on which interdicts against strikes may be obtained and attempts to enhance the use of conciliation boards in the sector.

The draft Bill is in accordance with the November 6 agreement reached between Manpower Minister Leon Wessels and Cosatu that the department publish for com-

~~ALAN FINE~~ ALAN FINE (4)

ment draft legislation on the issue "before the end of 1992". The agreement provides that the Bill, based on National Manpower Commission (NMC) recommendations, be passed through Parliament in 1993.

Notes to the Bill point out a number of areas where employee and SA Agricultural Union representatives on the NMC were unable to reach consensus, and are likely still to be hotly debated.

The Bill authorises the Minister to produce a labour code applicable to agriculture after recommendations have been received by interested parties.

The purpose of the code is to introduce clarity and certainty on unfair labour practice issues which have been adjudicated by the industrial and other courts.

It is seen as especially necessary for agriculture as "it would be unfair towards

□ To Page 2

## Labour codes (4)

□ From Page 1

both employers and employees to expect them to be au fait with the principles set out in the numerous decisions of the various courts".

A novel provision makes it possible for employers and employees — individuals, agricultural sub-sectors, or those in particular regions — to reach agreement on their own, legally binding labour codes.

The basis of operation of the special labour court is simplicity and speed.

The court would not, in cases of unfair dismissal, be entitled to order reinstatement (one of the matters of dispute between the unions and the SAAU). It would be able to order compensation only at a rate of two weeks' wages per year of service up to a maximum of 30 weeks. If a dismissed employee wanted reinstatement he or she would have to take the case to the Industrial Court.

Decisions of the special labour court would be final and the court would not be permitted to make orders on costs.

The Bill recognises contravention of "no-strike" agreements as a particular

ground for an Industrial Court interdict.

No-strike agreements are designed to recognise the seasonal nature of farming and minimise disruptions during peak farming periods.

Other grounds set down by the Bill for interdicts against strikes (and lockouts) are where the action:

- Has caused or is liable to cause serious damage to employers' property or could endanger people's health and safety;
- Could destroy a business's viability, "unless the strike or lockout is functional to the collective bargaining process"; or
- Is conducted in a violent manner or is accompanied by threats of violence.

Before an agricultural sector unfair labour practice case is referred to the Industrial Court it will have to follow the usual conciliation board procedures. Once the case has reached the court, the presiding officer will be entitled to refer the matter back to the board prior to hearing the case, instructing the board to attempt to expedite the settling of the dispute.

# Wine estate workers dismissed after strike

By Diane Coetzer

THE future of more than 20 workers fired from the Lord Neethling Restaurant on the internationally-known Neethlingshof wine estate during the festive season remains in the balance.

General secretary of the Farmworkers Support Committee (FSC) Mr Grant Twigg said the organisation met with management on Tuesday.

"Neethlingshof management said they were not prepared to

discuss the issue of the fired workers at the meeting.

"They did, however, ask for a letter detailing our position to be sent to them so we are meeting our lawyers this week to draw that up," Twigg said.

Over 50 workers went on strike for three days on December 18 over demands around wages, Christmas bonuses and union recognition.

Tourists visiting the award-winning wine estate were greeted by toyi-toying workers.

One of their major demands was that the FSC be recognised as their representative union.

After police were called on December 20, management fired all the workers. Some returned to work in the following weeks.

Managing director of the Neethling restaurant, Mr Francois Theron, said management was not adverse to recognising a formal union with the necessary credentials and membership. He denied workers were badly treated or poorly paid.

SOUTH 16/11-20/11/93



# Crucial year ahead for farm workers

Legislation to be passed in the next few months may usher in a new era on South Africa's farms, writes Alan Morris.



**T**HIS year may bear witness to a profound shift in the balance of power in the agricultural sector.

For the first time farm workers will have the same legal rights as other workers and their capacity to challenge the unresisted power of white farmers could be substantially enhanced.

Since the arrival of white settlers in the 17th century, black South Africans stuck in the farming sector have probably been the worst off of all workers.

In 1988, the 906 700 African agricultural workers received on average 15.6 times less than their white counterparts.

According to a survey of the South African Institute of Race Relations, African workers received an average annual income of R799 in 1988 or R66 a month (including ration), while whites employed in the agricultural sector earned on average R12 536 a year or R1 044 a month.

The wretched situation of farm workers is not only reflected in the pay they receive but also in their lack of legal protection.

There are four main acts which provide basic protection for most South African workers — the Wage Act, the Basic Conditions of Employment Act, the Labour Relations Act and the Unemployment Insurance Act.

Not one of these acts has covered farm or domestic workers and this has greatly facilitated the exploitation of farm workers.

However, this will soon change. In the next few months all four acts will be amended to cover farm workers and domestic workers.



**HARD LABOUR:** Farm workers are set to get a new deal when legislation is passed to extend labour rights to them

Under the Wage Act minimum wages are set for certain industries and it is an offence to pay less than the minimum. Because agricultural workers are not protected by the Wage Act, farmers are able to pay the pitiful wages characteristic of this sector.

The Basic Conditions of Employment Act stipulates how many hours a worker is allowed to work in a day and in a week and makes the payment of overtime mandatory if these limits are transgressed. It also provides for compulsory leave — workers are entitled to two weeks' leave annually on full pay.

The act also allows workers 10 days' sick leave a year. Another crucial feature of this act is that it makes it an offence to employ children under the age of 15.

South African farms that on most of the Basic Conditions of Employment Act are ignored.

The Labour Relations Act facilitates trade union organisation in that it makes it an offence to harass or dismiss workers because they belong to a trade union.

The Unemployment Insurance Act provides for the payment of unemployment benefits if a worker is dismissed or retrenched. The act provides minimal respite from the orphans of unemployment.

Farm workers, however, are immediately thrown to the wolves if they lose their jobs. Often losing a regular wage, it also means losing their accommodation, access to land and their livestock. But the number of Africans

employed on white farms has dropped by close on 30 percent in the last 24 years. In 1968 there were 1 387 000 African farm workers. By 1988 there were 906 700.

The lifting of the pass laws in 1986, the more tolerant approach to the creation of informal housing, the harsh conditions on the farms and the drought has ensured that the stream of farm workers moving to the city has continued unabated.

The decision to extend basic legal protection to farm workers is long overdue. The key question is whether the legislation will have any effect on the lives of ordinary farm workers.

White farmers are one of the most conservative groups among the population and, not surprisingly, have expressed their virulent opposition to the proposed legislation.

They have accused the government of pandering to Cosatu and ignoring the "special circumstances of agriculture". There is no doubt that this powerful grouping will be lobbying to persuade the government to drop the proposed changes.

In the current context the farmers are unlikely to succeed. The government will be hard-pressed to go back on its declaration of intent as regards agricultural workers. However, the agricultural unions could issue a directive to its members to simply ignore the legislation.

The final question is how Cosatu will respond to the organisational space created by the extension of rights to agricultural workers. Will it move into agriculture in a major way or will agriculture continue to be the Cinderella of the labour movement? — AIA

CITY PRESS 17/11/93 (4)

# Scarred for rest of life

By MOSES MAMAILA

A 35-YEAR-OLD Levubu farm labourer this week told how his white employer made him cut live electric cables which left him severely burnt.

Thomas Mashaba of Hamhinga village in the northern Transvaal had several septic injuries on his legs and hands which smelled as though his wounds were rotting when City Press visited him this week.

Speaking from his hospital bed in Tshilidzini, outside Thohoyandou, Mashaba said: "It does not seem that these wounds will ever heal and all this pain was caused by my obeying my employer."

Recounting the fateful day of December 21 last year, the father of two said his employer had given him a new assignment - cutting electrical wires.

Although he was em-

'I knew it was illegal but I obeyed baas'

ployed to do the normal farm duties like watering, he never questioned his employer - despite the fact that his meagre wage of R220 was never increased.

"My employer told me that he had switched off the electricity and that my job was as safe as cutting a plant.

"He gave me a steel



**INJURED ... Levubu farm labourer Thomas Mashaba after being electrocuted.**

step-ladder and cutting equipment and showed me which cables to cut.

"I was confident that nothing would ever happen as my employer was standing nearby," he said.

However, assurances of safety turned into a nightmare for Mashaba when the ladder, on which he was standing, touched the live cables.

"I was just about to cut the other wire when the ladder came into contact with live wire. I would have been killed had I touched the live cable myself.

"Shortly after it was electrified, I was thrown into the air and fell to the ground.

"I stayed on the ground for several minutes before I could move, I was in much pain," he said.

After a while, the employer took his electrocuted employee to a private doctor who only gave Mashaba some tablets to ease the agony.

But Mashaba, who was complaining of severe pain, then admitted himself to Tshilidzini Hospital.

Asked if he was aware that cutting the electric cables was illegal, Mashaba said he knew it was not allowed but could not have challenged the orders of his employer.

# Slapping a white girl nearly cost boy his life

By DAN DHLAMINI

THE derogatory name of the farm Kafferskraal in the western Transvaal tells it all!

A racially inspired argument which allegedly led to a slap in the face of a white girl at Kafferskraal this week nearly cost a 13-year-old black boy his life.

Little Seuntjie Basson is now lying in a critical

condition at Tshepong Hospital with a bullet lodged in his left shoulder after the girl's father opened fire on him.

Western Transvaal police spokeswoman Lt J Kleynhans confirmed the shooting incident.

Kleynhans said the farmer claimed he intended firing a warning shot in the air, but a shot went off when he cocked his gun

and Basson was hit in the shoulder.

The farmer's version was however dismissed by some farm workers.

One of the workers, who wished to remain anonymous, told City Press that the farmer did not fire a warning shot, but took aim and opened fire, hitting the boy who was at that stage running away.

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# Aid 'not reaching farm workers'

Own Correspondent

JOHANNESBURG. — Food aid of more than R1 million meant for Free State farm workers was not reaching them, Operation Hunger and relief officials claimed. © CT 18/11/93

Money and food parcels from the government's National Nu-

trition and Social Development Programme were being claimed by farmers, but no evidence could be found that aid had reached farm workers, said Ms Judith Mokhetle, the organisation's regional director. Her organisation had documented cases of farmers selling govern-

ment funded food parcels to their workers for R5 each and pocketing the money.

Food aid of R1,9m was given to the farmers for their workers, the Health and Population Development Department said yesterday.

# Farmer's body found in pigsty: two go on trial

By Anna Louw  
East Rand Bureau

possession of a firearm and ammunition.

The trial is related to the death of Johan Godfried van der Merwe on his farm in the Devon district on September 17 1991.

A neighbouring farmer, Johannes Green, said he went to feed his cattle which were on Van der Merwe's farm two days before the incident.

Van der Merwe told him that he had hired Nogqala.

Green said that on the Tuesday morning he telephoned Van der Merwe but there was no reply, when there was still no answer at 5 pm he drove to the farm to investigate.

He saw Van der

Merwe's bunch of keys on the inside of the kitchen door which was locked. Green said he knocked and called out but there was no answer, he looked outside but found nothing.

He and another farmer met Van der Merwe's wife Maria on the farm road.

They told her they suspected trouble at the house and requested her to get the police.

The two men went to the house, found it unlocked and in disarray.

A search for Van der Merwe continued until late that night and resumed in the morning.

Green said he found clothing which belonged to Nogqala, whom he

said was missing.

Warrant Officer Petrus Fourie said he arrived at the farmhouse at 5 am that morning. The farmer's wife showed him drops of blood on some rocks and at the gate of the fowl-run.

After a search the policeman said he found Van der Merwe's body in a feeding trough concealed under a pile of rocks and old tyres in the corner of the pigsty.

He said the farmer's hands were bound with wire and handcuffs with a SAP serial number engraved on them.

Van der Merwe's feet were also tied with wire. The hearing continues.

A farmworker and the son of a domestic servant yesterday pleaded not guilty in the Springs Circuit Court to murdering a sickly 65-year-old Devon farmer, whose blood-spattered body was found in a pigsty feeding trough.

George Nogqala (30) and John Mahlangu (19) appeared before Mr Justice JF Myburgh and two assessors.

They also pleaded not guilty to robbery with aggravating circumstances as well as illegal

STAR 21/1/93

PEOPLE PROBLEMS

# 'Farmer used cattle prod on me'

A 13-YEAR-OLD Worcester boy accused of stealing a watermelon on a farm claimed yesterday that he was hung up in a cellar, severely beaten and shocked with a cattle prod by a farmer.

The farmer denied beating the boy and said his allegations were "largely untrue".

The Rev Nick Appollis, of the Dutch Reformed Mission Church in Worcester, said Sean Swartz

was brought to him yesterday morning by his school principal.

"One side of his face was swollen. His lips and the inside of his mouth were cut and broken, and he had blood on his face and neck," he said. CT 22/1/93

Sean claimed that the farmer took him to his cellar yesterday morning, hung him up with a rope after accusing him of stealing a

watermelon, and then beat him with his fists and repeatedly shocked him with a cattle prod.

Sean, who denied stealing the watermelon, said he escaped when the farmer went to fetch something else to hit him with.

Mr Appollis said Sean's grandmother had refused to lay charges against the farmer because she feared eviction. — Sapa (4)

# Farm labour law talks resume

GERALD REILLY

PRETORIA — Negotiations on the application of labour legislation to the farming industry will be resumed tomorrow against a background of demand from organised agriculture for separate legislation for farming. Represented at the meeting will be the SA Agricultural Union (SAAU), the Manpower Department and organised labour, including Cosatu. Negotiations on the issue have been in progress on and off for the past 12 months and government has given the negotiators until end-March to reach agreement otherwise government will decide on the issue. There are more than a million workers employed on farms. Only one of the three pieces of legislation — the Basic Conditions of Employment Act — has gone through Parliament. Comment on drafts of the other two — the Labour Relations Act and

the Wage Act — is still being submitted to the Manpower Department.

The SAAU's manpower spokesman Kobus Kleynhans said the unique conditions in the farming industry justified a separate Act. (4) ~~the~~

The draft of a specific Act was being prepared and would be on the agenda of future meetings. (4) ~~the~~

If government decided the three Acts would be applied to the industry "then amendments will have to be made before they are acceptable to organised agriculture".

Kleynhans said government intended to extend the Wage Act to farm workers during the coming parliamentary session "but on this the last word has not been spoken". Wage packages, he said, were not as popular among farmworkers as was generally believed.

10/11/73

# R3bn drought fund 'almost up'

Own Correspondent

JOHANNESBURG. — The government had already used "close to" all of the R3,4bn drought-relief package to write off commercial farmers' debts, a source involved in assessing the programme said yesterday.

There has not yet been any official announcement on how the funds — originally to have run over a couple of years — are being spent.

However, finance special adviser Mr Japie Jacobs confirmed yesterday the government could use part of the funds to reduce farmers' debts to the Land Bank.

The source said the government had decided to complete the drought relief programme in one year.

The debts written off are understood to be carry-over debts arising when unforeseen circumstances (such as the drought) prevent farmers from being able to pay

back production credits.

The source said the interest on the carry-over debt would have grown to about R1bn over three years, which was one of the reasons the government had chosen to speed up the paying of debts.

ANC agriculture spokesman Mr Derek Hanekom said the organisation had not had any say in how the funds would be spent. "It was a unilateral decision to again bail out the commercial farmers."

4 CF 26/1/93



# brief

The amendments to the Wage Act were also a farce as they did not extend wage determination to farm workers. *Gowen 11/2/93*

## Draft Bills flawed, says Cosatu

THE Congress of South African Trade Unions has expressed concern about the proposed changes and extensions to the Labour Relations Act as well as the Wage Act, both in relation to farmworkers.

Cosatu said in a statement yesterday after studying the two draft Bills it found it had major problems with the contents of the proposed legislation. The draft Bills were "seriously flawed", it said. Cosatu said it did not approve of suggested limitations on the right to strike, the introduction of labour codes for agriculture and a special labour court for farm workers which would only "entrench the baasskap of farmers".

## Bill proposes to tighten loans law

CAPE TOWN — The Usury Amendment Bill, which proposes prohibiting imposition of finance charges for shorter or additional periods on money lending, credit or leasing transactions, was tabled in Parliament yesterday.

The Bill also proposes the payment of more or less equal instalments to prevent the final payment being considerably smaller than other payments.

Association of General Banks' Tony Norton said the Bill was an interim measure pending introduction of a new Usury Bill, hopefully during the current parliamentary session. He said the complexity of the existing Act had caused many problems. *BIDAM 3/2/93*

The Amendment Bill contains proposals for the abolition of exemptions regarding disclosure of finance charges in respect of money lending transactions

LINDA ENSOR

and debentures.

Another clause aims to clearly describe the finance charges recoverable by drawing a distinction between finance charges mentioned in an instrument of debt and interim interest recoverable.

Another amendment requires that statements of account regarding transactions secured by a bond, shall be supplied to the borrower while provision is made for the appointment of inspectors to inspect activities of money lenders, credit providers and lessors.

The Bill seeks to empower inspectors to search premises and books without notice and to seize documents where a contravention of the Act is suspected. Inspectors also have the right to demand information.

## Farm workers lose jobs over drought, new laws

*BIDAM 3/2/93*

CAPE TOWN — About 100 000 jobs had been lost in the agriculture industry in the past year because of the drought — as well as fears over possible labour legislation for farm workers, Agriculture Minister Kraai van Niekerk said yesterday.

But he believed government's drought aid scheme had saved 300 000 job opportunities in the industry. Job creation programmes in the homelands had provided at least 28 000 people with employment.

He intimated that government would continue to provide drought aid if needed. "We have no option other than to look at the merits of requests for assistance."

Government looked at the individual farmer's needs, as well as the effects of drought on the industry and on the economy as a whole. If government did nothing about the situation it would probably have to "pick up an account" in the end. This would include increased unemployment, accelerated urbanisation and the disintegration of the social fabric of rural areas.

Van Niekerk said the possibility of la-

(4)  
Political Staff

bour legislation for the agriculture industry meant that some farmers were cutting down the number of workers.

"In the past large numbers of labourers were employed on farms due to the sympathy of farmers," he said. Because of the possibility of minimum wage regulations and prescribed working conditions, some farmers had changed their approach.

Van Niekerk said it was likely that the legislation would suit farmers' needs. He did not believe that the new law would have a major impact on the industry.

He said farming conditions differed from those in industry and this needed to be taken into account. Most farmers already had some form of employment code, but it was necessary to get into line those with unacceptable practices.

He said a normal grain crop was expected this year. About 3,5-million hectares had been planted. Although drought was a threat, late rains had raised hopes.

# Farmer's labour<sup>④</sup> practice bears fruit

## Labour Reporter

AN Elgin fruit farmer has signed a ground-breaking recognition agreement with a farmworker body which will regulate the conduct of both parties.

Molteno Brothers Trust, a large farm in the Elgin district, negotiated and signed the agreement with the Farmworkers' Support Committee which represents about 600 workers.

According to the agreement, strike and lock-out action is prohibited because it would be "prejudicial to the farming concern and the employees", the parties said in a joint statement.

The support committee, officially recognised as the collective representative of the farm's workers, recruited the majority of workers and approached the farm management for recognition.

The statement said: "Notwithstanding that the appropriate mechanisms for this type of relationship have not been created yet in legislation, which still excludes workers from the ambit of the Labour Relations Act, the Molteno Brothers Trust decided to accept the request for recognition.

"We believe the organisation of farmworkers and the regulation of its relationship with the worker's union would be of benefit to the farm and its people."

A decision was taken to create mechanisms for the private regulation of disputes between the parties under the auspices of the Independent Mediation Services of South Africa.

The agreement anticipated changes in the relationship between farmers and their employees and created a structure in advance to promote good relations and collective bargaining.

Star 10/2/93

## No minimum wages for domestics

CAPE TOWN — Draft labour rights for domestic workers did not prescribe minimum wages, while proposed changes to the Wage Act set minimum-earnings guidelines only for farmworkers, Manpower Minister Leon Wessels said yesterday.

Addressing the Institute of Personnel Management in Stellenbosch, he said recent developments in the labour field had covered the extension of basic labour rights to domestics and farmworkers.

Cosatu and the SA Agricultural Union (SAAU) disagreed on key aspects regarding the application of the Labour Relations Act to agriculture.

Because of the sensitivity of the matter, the Government had taken the unusual step of publishing the Basic Conditions of Employment Act regulations for farmworkers for further comment.

The amended Act had been approved by Parliament last year. Cosatu and the SAAU had, however, still not reached consensus on a separate labour law for agriculture, and it needed further attention. — Sapa

UNIVERSITY OF CAPE TOWN

# New deal for farmworkers

W/Mail 12/2-18/2/93

By GAYE DAVIS: Cape Town **4** **1/16**  
WORKERS employed on an Elgin fruit farm have agreed not to strike and their employer has agreed never to lock them out in terms of a recognition agreement believed to be the first of its kind in the western Cape fruit farming industry.

The agreement, signed between Molteno Brothers Trust and the Farmworkers Support Committee (FSC), which represents more than 600 workers on the farm, anticipates pending changes to the Labour Relations Act to include farmworkers within its ambit.

FSC general secretary Grant Twigg said because housing formed part of farmworkers' pay packages, a lock-out could mean families being summarily evicted from their homes. The clause would fall away if the Labour Relations Act extended protection for striking workers to farm labourers, he said.

Johann Hamman, a researcher for the Centre for Rural and Legal Studies in Stellenbosch, said the agreement's significance lay in a compulsory mediation and arbitration clause. "It tries to accommodate a farmer's fear of a strike during the height of the harvest season, and also protects workers who might find a farmer reopening negotiations during the winter season, when, if the talks failed, he could theoretically lock them out of their homes."

Hamman pointed out that while industrial workers in industry had a year-round capacity to strike, for farmworkers it was generally limited to the harvest season. However, farmworkers' vulnerability to a lock-out lasted all year long, he said.

Twigg said any disputes over dismissals or wages would be referred to a mediator if negotiations between management and shop stewards deadlocked. If mediation failed the matter would go to arbitration for final settlement. "We hope this agreement will encourage other farmers to forge similar recognition agreements," he said.

Frank O'Driscoll, general manager of Molteno Brothers Trust, said: "We may have lost a certain amount of power in our labour relations but that's not necessarily a bad thing. The bottom line was we felt our employees wanted (the agreement) and that they should get it."

## SAAU draws up draft bill

THE South African Agricultural Union (SAAU) yesterday handed organised agriculture's draft labour bill to the Ministry of Manpower in Cape Town. (4) CT 13/11/93

The bill was compiled by senior members of the legal profession.

SAAU president Mr Boet Fourie said it was organised agriculture's objective to draft a simple bill which regulated labour matters with due consideration for the interests of employee and employer. — Sapa

# Government spending put at R104,87-bn for the year

THE budget deficit for 1992/3 will be R29,8-billion, or 9% of gross domestic product, director-general of state expenditure Hannes Smit confirmed on Friday.

This is twice the level budgeted at the beginning of the year.

The Additional Appropriation Bill, tabled in Parliament on Friday, pushes government spending up by R6,04-billion to R104,87-billion for the year.

Of this, R1,04-billion has al-

ready been financed through the sale of state assets. The additional spending figure includes R479,7-million which was already announced in the main budget, reducing the actual excess to R4,5-billion.

The biggest item on the list is R2,4-billion, which will be used to repay farmers' debts to the Land Bank. Mr Smit said this amount would have been repaid over three years, but by paying it now, the government saves R107-million in interest.

This amount was not put in the main budget when the severity of the drought was al-

STimes (BUS) 14/2/93

By CIARAN RYAN

## Agriculture sets free market plan

By TERRY BETTY

DRAFT labour legislation in agriculture was handed to the Manpower Minister on Friday advocating a free market system and the decriminalising and deregulation of labour law. The draft, drawn up by the legal profession and evaluated by the agricultural unions and Nampo, proposes the right of free association, collective bargaining, with the right to negotiate individually, and conditions of service can be adapted to climatic conditions.

It also includes proposals that parties try to resolve their own problems or reconcile them at a low level, and that a special labour court will be available, in each magisterial district.

The right of workers to strike and the right of employees to lock out their workers is recognised.

A breach of employment condition would not be a punishable offence but may be referred to the special labour court for an order to correct the breach.

However, if the court order is ignored then a crime has been committed.

ready well-known to avoid disruption of the capital markets.

The total drought relief package is billed at R3,4-billion, as against initial forecasts of R1,4-billion.

The interest on state debt has risen by R740-million to R17,04-billion as state revenues undershot expenditure, forcing the government to increase borrowings.

An amount of R620-million is earmarked for the SA Rail Commuter Service Corporation and a further amount of R23-million for bus commuter subsidies.

### Contained

Foreign Affairs asked for an additional R192-million, Finance for R119,2-million, the House of Representatives for R184,7-million, Agriculture R308-million, Regional and Land Affairs for R1,27-billion, Local Government and National Housing for R153,2-million and Public Works for R105-million.

Self-governing territories will receive an additional R629,9-million, of which R421-million is for social upliftment.

Mr Smit says that other than scrutinising homeland budgets, the government had little further control over how money was spent.

He says every effort was made to keep spending increases down.

If the unavoidable increases - drought relief, SARCC subsidies and higher interest on state debt - are stripped out of the figures, spending increases were contained to within 1% over the original budget.

## Iveco trucks into SA

By DON ROBERTSON

THE Italian-based Iveco truck giant plans to make a "considerable" investment in SA in the next few months.

The intention is to expand its operations in SA to meet the local and sub-Saharan markets and slots in with its planned globalisation strategy which has seen it recently move into Turkey, India and China.

Iveco's major shareholders are Fiat and Magirus Deutz and a decision to invest in SA could spark off a flood of interest by other large Italian conglomerates, says Jean Sauvaire, international operations director.

Mr Sauvaire is on a short visit to Johannesburg for discussions with Truckmakers, a subsidiary of Automakers, which owns Nissan SA.

Iveco has been represented in SA for more than 15 years, providing technology for the manufacture of the Samil military trucks manufactured by Truckmakers. This association was strengthened in 1989, when Truckmakers began production of Iveco's TurboStar for the commercial market.

### Partner

Iveco has now decided to expand its range of trucks for the local and adjoining markets and is looking for a partner. Discussions are continuing with Truckmakers, but no decision has yet been taken. An investment of at least R50-million has been suggested.

Mossie Mostert, managing director of Truckmakers, says he has been "very comfortable" with the association over the years.

The plan to expand its range of trucks "does present certain problems for our group, considering that we already handle the full range of Nissan Diesel products. For this reason, it may be more advantageous for Iveco to consider an investment through a third party."



## LABOUR

# Farms get in on the Act

**A**FTER nearly three years of negotiation and politicking, 1993 seems set to be the year that labour legislation will finally be extended to cover workers on South African farms.

But there are fears that its implementation may be further delayed.

The draft legislation published at the end of December provides important basic rights to farmworkers, though in a weaker form than in industry. It also contains various concessions to the farmers' lobby which watered down earlier proposals agreed to by the National Manpower Commission.

This may be an attempt by the government to create the space for the South African Agricultural Union (SAAU) leadership and head office bureaucracy to save face by winning concessions on aspects of the legislation.

The SAAU — this week criticised by the Kassier Commission for receiving R20 to R30-million in compulsory levies through the marketing boards — is looking increasingly vulnerable.

A federal body, with key regions such as the Transvaal and the Free State dominated by Conservative Party politics, its supremacy over all things agricultural has been undermined by shifts in government economic policies in the mid-1980s and more recently by the political reform process.

The SAAU is demanding a single and separate consolidated labour Act, designed to suit the special conditions of agriculture, although it initially rejected any labour legislation for farmworkers.

But, since the much-publicised furore at the end of last year, when the state president intervened, the SAAU has been remarkably quiet and seems set to drop this demand, suggesting it will agree to the legislation if concessions are extended.

W/Mail 15/1-21/1/93 (4) ~~1~~  
*Legal protection for farmworkers may finally reach the statute books this year — but when will it filter down to the farms? By DAWIE BOSCH*

W/Mail 15/1-21/1/93  
 However, there is fear among all parties that a rightwing breakaway from the Transvaal and the Free State branches will render any labour legislation almost impossible to administer in these regions.

The Congress of South African Trade Unions, for its part, may have to agree to some of these concessions if it wants to show the fruits of negotiation and claim victory in a notoriously difficult sector — only five percent of the country's farmworkers are organised.

Negotiations on the Basic Conditions of Employment Act (BCEA) were reopened in November — despite an earlier agreement between Cosatu and the government to put the legislation into effect — and will be on the table during negotiations on the Labour Relations Act (LRA) and the Wage Act.

An unfettered BCEA is essential, especially in small towns where unorganised farmworkers flock to advice centres and other service organisations.

Cosatu's immediate concern, however, is to gain effective rights around the LRA to organise farmworkers in undertakings where organisation is viable — such as bigger company-owned farms.

To achieve this, they will be under considerable pressure to agree to additional compromise on the BCEA and to drop their demand for immediate extension of the Wage Act.

In terms of the Wage Act proposals, no deter-

mination can be made on minimum wages or other conditions of employment, but the Wage Board will be able to make recommendations to farmers.

It is unlikely the procedure will be used much since the last decade has seen a drastic decrease in wage determinations.

If the LRA proposals are legislated they will provide:

- Legal incentives for farmers to ensure that labour practices are fair for the first time

- For the creation of a special labour court, available more locally and similar to the small claims court: easy to use, quick but without the right to representation and appeal

- That a strike can be declared "unacceptable" for a specified period if it could cause serious damage to an employer's property or threaten the viability of the employer's business.

Although special measures around strikes may be in order in some sectors of agriculture, farmers would be able to use this clause to interdict most legal strikes in agriculture, undermine the only real bargaining tool workers have.

The LRA proposals provide that labour codes can be drafted for the agricultural sector and in sub-sectors by the National Manpower Commission.

If the farmworkers or their employee organisations see the code as unfair, the onus of proof will rest on them.

The Department of Manpower recommends that the extension of the LRA should not be made effective until a code has been fully negotiated in the NMC.

This is of grave concern since such a negotiating process will delay the extension of the LRA to agriculture by months if not years.

● Dawie Bosch is a lawyer at the Centre for Rural Legal Studies in Grahamstown.

**LABOUR**

# Legal loopholes may permit child labour

By PAUL STOBBER (4) ~~STOBBER~~  
FARMERS have been accused of trying to entrench the use of child labour by supporting proposed regulations which create loopholes in the Child Care Act (CCA).

The Network Against Child Labour has quit discussions with the Working Group on Child Labour, convened by the Department of National Health and Population Development, in protest against the draft regulations drawn up by the group.

Network convenor Jackie Loffel said once the farmers realised they could not get around the Basic Conditions of

Employment Act — which is being extended to farmworkers and forbids the employment of people under 15 — they began lobbying around the CCA.

Network argues that the proposed amendments to the CCA "would enable sectors which have been legally barred from employing children under 15 to begin doing so. The proposed safeguards are unenforceable."

Said Loffel: "The draft regulations provide for exemptions and exclusions (to the CCA) and that's where the loopholes are." The proposed regulations exclude from

the prohibitions of the CCA "work ... of a child on his own initiative and for his own advantage", and exempt from the Act "persons who employ children between the ages of 12 and 15 years for the purposes of pocket money".

Exemptions are only granted if a list of conditions are met. South African Agricultural Union representative Kobus Kleynhans dismissed the accusations.

"We do not see children as a source of labour. The fact is the only place they can earn pocket money is on the farms."

W/Wed 19/2-25/2/93



**NMC steps in on farms** (4) (16)

THE National Manpower Commission stepped in to attempt to iron out growing conflict surrounding draft legislation for farmworkers.

In its first meeting, the tripartite negotiating forum requested to see the legislation and to comment on it before it is debated in parliament.

W/M on 14/2 - 25/2/73

# Farm labour laws proposed

Blomby 1572/93

GERALD REILLY

PRETORIA — The SA Agricultural Union has submitted a draft farm labour Bill to Manpower Minister Leon Wessels which acknowledges the right of workers to strike as well as an employer's right to lock out workers.

SAAU president Boet Fourie said at the weekend the Bill also provided for "no strike" agreements between farmers and workers to accommodate unique circumstances in agriculture.

The SAAU made public its proposals while still engaged in negotiations with Cosatu over labour legislation. The Manpower Department had asked the two organisations to try to reach agreement and make recommendations to government.

Cosatu said it could not comment on the SAAU proposals until it had studied them.

Fourie said the SAAU believed that, as far as possible, labour legislation should be deregulated and decri-

minialised. Mechanisms to settle disputes should be inexpensive and easily accessible.

The SAAU proposals acknowledged collective bargaining, as well as the right of a worker and his employer to negotiate individually. Other important aspects were:

□ Conditions of service should be adaptable to accommodate practical circumstances of the particular commodity branch;

□ Parties to disputes should be encouraged to solve their problems themselves at a low level through an agricultural reconciliation board;

□ A special labour court be set up in each magisterial district;

□ Provision for non-striking agreements and specified conditions in which strikes may not take place.

Fourie said SAAU's draft Bill ac-

cepted a 48-hour working week. However, at certain times of the year, because of weather conditions, as few as 35 hours would be worked with no cut in pay. At peak times, the working week could be extended.

The aim had been a simple and easily understood Bill to regulate labour in agriculture. Organised agriculture's view was that labour laws should be fair to worker and employer. The worker had to have reasonable protection, but, the employer's rights as a provider of badly needed jobs should be acknowledged.

A Cosatu spokesman said negotiations had been in progress with the SAAU for the past 18 months without agreement being reached on labour legislation for the industry.

Cosatu favoured the application of the Basic Conditions of Employment, the Labour Relations and the Wage Acts to agricultural workers.

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# Farm labour laws take effect today

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AUG 22/21/93  
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## The Argus Correspondent

DURBAN. — Farmers urgently need to gear themselves up for new labour legislation which comes into force today.

Mr Dunstan Farrell, of Durban-based Shepstone Wylie's employment law and industrial relations division, says benefits of the new legislation will be felt by employers as well as farmworkers.

Now clearly demarcated parameters of employment, leave and dismissal conditions "will provide the framework for higher work standards, production and efficiency within the agricultural sector".

The changes will see the Basic Conditions of Employment Act (BCEA) extended to the agricultural sector. The Wage Act and the Labour Relations Act

will be extended to this sector during 1993.

The BCEA provides for:

- A maximum of 48 working hours a week (with limited exception up to 52 hours made in a written agreement).

- Hours cannot be extended to more than 10 hours a day, nor can overtime exceed 2½ hours a day or six hours a week.

- A farmworker is entitled to at least one month's notice of termination of service and in this period retains rights to continue in accommodation, keep livestock on the land and harvest his crops planted on a farmer's land.

- A farmer may not pay a worker on the basis of work performed — piecework — unless this exceeds his normal remuneration.

mentioned their names, since he has now seen fit to use these names in the context in which he has used them. I think it is still my privilege to decide whether I am going to divulge the charges, since such charges have either not been proven in a court of law, or the persons in question have not been convicted. I am not going to continue with a situation in which such people are discussed in public as though they have been convicted.

The hon member said that I suggested that a certain period should expire before such a question is put. No, I am not saying that at all. I am saying that there is a perfectly valid reason why such a consideration has not been finalised yet. Such a consideration could be that these people are not in the country. I think the hon member's question implies that I am saying that they are not in the country, while he is saying that they are. If that is his position, then he is welcome to let us have the time, the place, etc.

Furthermore, I think that it should also be noted that I said that what is under consideration is perhaps an amendment to the Extradition Act. What would come into play then would be whether the papers were in order or not. There are various factors which could delay such a consideration.

Mr L T LANDERS: Mr Chairman, further arising from the hon the Minister's reply, he says it could be that these gentlemen are not in the country. I must assume that hon the Minister is referring to the Republic of South Africa *per se* and not including the TBVC states. I say this because it is common knowledge that one of the gentlemen I referred to has been in the Republic of Bophuthatswana, for example. Yet no effort was made by the authorities of the RSA Government to apprehend the gentleman and to extradite him to the Republic of Transkei.

The MINISTER: Mr Chairman, I have been waiting for the hon member to put his foot into this trap. He is now saying that we have jurisdiction over the Republic of Bophuthatswana. That is obviously his position. He cannot counter this. That is the inevitable conclusion I must draw. He maintained that the Republic of Bophuthatswana was not an independent country. Yet he has come here to question me on the matter of extradition as though Transkei were such an independent country. In other words, he is contradicting himself completely. I have

HOUSE OF REPRESENTATIVES

person's name and (b) why was he (i) deported from and (ii) allowed to enter the Republic;

(2) whether criminal charges in respect of alleged criminal activities were brought against this person during his stay in the Republic; if so, what charges;

(3) whether he will make a statement on the matter?

CSE

THE MINISTER OF HOME AFFAIRS:

(1) The person concerned was not removed from the Republic. He however left the Republic on 17 July 1992 after he had been formally declared a prohibited person on 10 July 1992 and instructed in writing to leave the Republic by 24:00 on 17 July 1992.

(a) Bruce Anderson, alias John Whyte.

(b) (i) As already indicated he was instructed to leave the Republic owing to the fact that he had been declared a prohibited person. The aforesaid formal steps were taken because his application for the extension of the validity of his work permit that expired on 28 February 1992, had been refused.

(ii) Mr Anderson entered the Republic public on a temporary residence permit for business purposes on 27 July 1983.

(2) The Department of Home Affairs has no information which suggests that criminal charges in the Republic were brought against Mr Anderson during his stay here. For the honourable member's information however it may be mentioned that particulars of alleged criminal activities abroad were received during February 1988. Mr Anderson had however left the country on 8 August 1988 before he could be confronted with that information. It was later established that he entered the RSA again afterwards under the name "John Whyte" and that he manipulated his continued stay here by way of using false names, fictitious addresses, fictitious work particulars and unauthorised exceeding of residence permits.

(3) No.

Mr L T LANDERS: Mr Chairman, arising from the hon the Minister's reply, I want to ask him whether the Department of Home Affairs declared Bruce Anderson a forbidden person because of the false information he supplied to the Department?

The MINISTER: Mr Chairman, I thought that I had been explicit. I said that the decision had been taken because he had failed to renew his temporary residence permit. That was not granted, and therefore he became a person who was not wanted in the Republic of South Africa.

Mr L T LANDERS: Mr Chairman, further arising from the hon the Minister's reply, is it true, as has been alleged—and I am not saying that it is so—that Bruce Anderson signed an affidavit in which he said that he had supplied arms to the Inkatha Freedom Party?

The MINISTER: Mr Chairman, I have no knowledge of such an affidavit, and I do think that it is irrelevant to the question which has been asked.

#### Food parcel distribution

\*3. Mr J C OOSTHUIZEN asked the Minister of National Health:

Whether her Department recently made food parcels available to members of Parliament for distribution among the needy; if so, (a) to which members, (b) on how many occasions, (c) in which cases were there no welfare organizations that could have undertaken this distribution and (d) what was the total cost thereof to her Department? C13E

THE MINISTER OF HEALTH SERVICES AND WELFARE (for the Minister of National Health):

No.

#### Own Affairs:

Farm school teachers: transport subsidies.

\*1. Mr C I NASSON asked the Minister of Education and Culture:

(1) Whether transport subsidies payable to teachers teaching at farm schools but residing elsewhere were abolished on or about 31 December 1992; if so, (4)

HOUSE OF REPRESENTATIVES

- (2) whether his Department considered the implications of such abolition in respect of those teachers who had incurred financial obligations on the assumption that they would be entitled to these subsidies; if not, why not; if so, to what extent;

(3) whether he will make a statement on the matter?

THE MINISTER OF EDUCATION AND CULTURE:

- (1) Yes.
- (2) Yes. The payment of transport allowances in the Public Service was stopped in its totality from 1 July 1992. Because the Department considered the implications of such a measure, special arrangements were made to extend the payment of transport allowances for this Department until 31 December 1992.
- (3) No. A statement is not deemed necessary.

†Mr C I NASSON: Mr Chairman, arising from the hon the Minister's reply, I should like to ask him whether, in stopping the transport subsidies to teachers, he took into account the fact that there are teachers that have to travel up to 180 kilometres a day to and from their schools.

†The MINISTER: Mr Chairman, it was not my Department that stopped the transport subsidies. It was a decision of the Commission for Administration on the conditions of service of public servants. My Department was very well aware of the problems mentioned. We discussed the matter at various levels of education. We discussed it at the Committee of Ministers of Education. It was also discussed at the Committee of Heads of Education. Because we are sympathetic to the situation, we asked that the matter be extended. We submitted it again. The financial implications of the Budget permitting, I should like to make a further proposal to the hon the Minister of State Expenditure that in exceptional cases consideration be given to whether transport subsidies could assist those teachers.

However, it is also clear that in cases where accommodation was available, teachers continued applying for transport subsidies. It is also important that a teacher who teaches at a school becomes part of that particular community, so

HOUSE OF REPRESENTATIVES

that the school and teaching activities and the learning process can be extended by the community after school. However, my Department will pursue this debate.

†Mr C I NASSON: Mr Chairman, further arising from the hon the Minister's reply, with regard to the last part of his reply, I should like to ask whether he is aware of the fact that building societies do not grant loans to teachers who are teaching in the distant rural areas or near farms. Teachers at Laingsburg, for example, cannot obtain loans because the building societies regard Laingsburg as a risk. I want to ask whether the hon the Minister took this into account, and also the fact that teachers teaching at farm schools, where accommodation is not available, obtain accommodation in the towns and receive a housing subsidy for the houses. In the case of a teacher who has to travel up to 170 kilometres a day, he loses approximately R1 600 per month in transport subsidies. The hon the Minister of Health Services and Welfare...

†The CHAIRMAN OF THE HOUSE: Order! The hon member must please put the question only.

†Mr C I NASSON: Mr Chairman, lastly I wish to ask the hon the Minister whether he would please negotiate further with the hon the Minister of State Expenditure to grant a State transport subsidy to the teachers.

†The MINISTER: Mr Chairman, when we discuss education matters, we do so with great circumspection and no decision is taken as if the total situation has not been taken into account. Unfortunately I cannot determine the policy of the building societies. However, this Department has in the past already given the assurance through the hon the Minister of Local Government, Housing and Agriculture, that in cases where teachers need a guarantee for a State subsidy, our Department will guarantee it. Furthermore I wish to state clearly that when education bodies are invited to enter into discussions with the education authorities, I would appreciate it if they would place the matter on the agenda and if the Department and the education bodies representing the teachers, were to place this matter as a point to be negotiated.

†Mr C I NASSON: Mr Chairman, further arising from the hon the Minister's reply, I wish to

ask whether he is fully aware of the further implications for our school children of this cancellation of transport subsidies. Is he aware of the fact that in some cases teachers now have to hitch-hike in order to get to school? Is he aware of the fact that on Friday, 12 February this year, the Primary School Matjies River either started late, or that there was no school on that day because the teachers could not get to the school?

†The MINISTER: Mr Chairman, I am not aware of that at all. I am still waiting for a regional office to inform me thereof. If there are specific cases of which the hon member is aware and he wishes to make representations on behalf of those education bodies, we shall attend to it.

Certain primary school: complaints

\*2. Mr S S OOSTHUIZEN asked the Minister of Education and Culture:†

- (1) Whether his Department has at any time received complaints about the principal of a certain primary school, the name of which has been furnished to the Minister's Department for the purpose of his reply; if so, what is the name of this school.
- (2) whether these complaints related to the employment at the said school of a teacher, whose name has also been furnished to the Minister's Department, and/or other alleged irregularities; if so, what are the relevant details;
- (3) whether this teacher occupies a permanent post at present; if not, what kind of post does she occupy;
- (4) whether the post concerned was advertised; if not, why not; if so, what are the relevant details;
- (5) whether any steps have been taken against the principal in respect of the complaints referred to in paragraph (2) of this question; if not, why not; if so, what steps?

THE MINISTER OF EDUCATION AND CULTURE:

- (1) Yes. Meiring Primary School.
- (2) Yes. The complaint concerns the appointment of a teacher at the mentioned

school with effect from 1 January 1993. The particular teacher, for reasons which coincide with departmental policy in this regard, successfully applied for a transfer to the mentioned school. The transfer, however, was facilitated within a relatively short period of time.

- (3) Yes. The teacher occupies a post on a permanent basis.
- (4) No. Only vacant posts are advertised.
- (5) No. The particular principal has not contravened any provision of the Education Act or regulations promulgated thereunder.

†Mr S S OOSTHUIZEN: Mr Chairman, arising out of the hon the Minister's reply, I should like to say that he referred in his reply to the fact that the transfer was accomplished in a relatively short time. As the transfer of teachers generally takes a very long time, I should like to know from the hon the Minister what the relatively short time is that is being referred to. He also said that only vacant posts are advertised. I want to ask him when this particular post became vacant.

†The MINISTER: Mr Chairman, a relatively short period can also be very long. However, I should like to say that the school committee, the principal, the inspector and the Department decided on this transfer. Our Department clearly effected a policy change in respect of education institutions. The Education Department does not interfere with the appointment of teachers at school level. That is the responsibility of the school committee, the parent community and the regional council, and when there is a discussion on transfers it occurs between the bodies concerned, I as the Minister am not consulted in that matter. I have delegated the task and I think it is an improvement on previous traditions whereby appointments were done at schools.

†Mr S S OOSTHUIZEN: Mr Chairman, further arising out of the hon the Minister's reply, I want to say he has just referred to the school committee and the parent community. For the hon the Minister's information I want to say to him that I have here a copy of the minutes of the meeting of the school committee concerned, which I have also included in a letter to the Director of Education. In these minutes the school committee felt during the meeting that

HOUSE OF REPRESENTATIVES

# Grape pickers a social bunch of workers

④  
MAY 24/12/93

Staff Reporter

CITY dwellers can be forgiven for believing that grape harvesting is backbreaking toil in the heat of midsummer.

Undoubtedly much of it is, but the grape-pickers of the Boland have learnt to make light work of it.

To them it is a social occasion more than anything else — with loud, animated conversation punctuated by

raucous laughter drifting between rows of unseen teams of pickers hidden among the vines.

And it's a long day, which starts well before what most city dwellers would consider a reasonably decent time to rise.

Menial labour? Don't you believe it. There is much more to picking grapes than meets the eye — if you want to pick up a bonus over and above your salary, that is.

Harvesting follows much the same pattern on all wine farms. Take one of the biggest — Nederburg in the Paarl Valley, for instance. Picking starts at 6am which, before sunrise, is a pleasure to watch.

But later, with the sun beating down mercilessly, the pickers astound visitors by running from one vine to the next, eagerly cutting bunches of riesling grapes and dropping them in crates, the heat apparently having little or no effect.

Each picker has a number and as soon as his crate is full, he drops the grapes into a tip bucket where a note is made against his number.

The tip buckets, pulled by tractors, hold between 2.100kg and 2.500kg. Each take about 20 minutes to fill.

The grapes are then taken to the cellars, where they are crushed and put into settlement tanks.

The pickers are paid a basic wage and a bonus for any extra crates picked.

Says Nederburg managing director Mr Ernst Le Roux: "We hire very few extra hands during the harvesting season.

"We try to arrange our farming in such a way that we can keep our people. During the quieter times they help out in the nurseries."



# Mamre no to 'political vacuum'

RESIDENTS of the picturesque West Coast village of Mamre say politicians — including the liberation movements — are ignoring their needs; so they are preparing to go it alone.

While the Moravian church still has a strong influence in the community and the town is mainly visited for its historic buildings on the old "werf" belonging to the mission, residents have woken up to the realities of a new political dispensation.

Secretary of the Mamre discussion forum, Mr Bill Pick, said this week there was a "political vacuum" in the town.

■ Mamre residents, who claim that politicians are leaving the platteland behind, are determined to become an informed community.

**LIBBY PEACOCK**  
Weekend Argus Reporter

"Rural areas stayed behind under apartheid. Now liberation movements are also displaying urban bias towards us."

The discussion forum aims at providing voter education for the community and has invited all political parties to visit the town and spell out their policies regarding rural

areas, but only the Democratic Party has responded so far.

"We want to prepare our people for a totally unknown future and give them the necessary skills. At the end of the day we want an independent community."

Mr Basil Kivedo, a resident of Mamre who is doing his doc-

torate in sociology at the University of the Western Cape, lectured at the university for 10 years before abandoning his academic career to "work on ground level".

He believes in the empowerment of the underprivileged and a "real democracy".

"I don't have a vendetta against academics, but I do have it against pretentiousness.

"In Mamre people are cut off from the city. They don't know what is going on. The political role players are more interested in votes than people. We are not waiting for saviours ..."

(4) ~~SECRET~~  
MCC 27/2/93

# Farm workers to be primed for voting

LIBBY PEACOCK  
Weekend Argus Reporter

A CIVIC education programme aimed at preparing farm workers to vote for central and local government is being developed by the Rural Foundation, a countrywide development organisation dedicated to upgrading the quality of life for farm workers and their families.

Mr Herman Bailey, the foundation's head of public relations, this week said that with the progress of ne-

gotiations all South Africans would soon have the right to vote.

Few civic education programmes exist for unskilled and semi-literate people and his organisation feels responsible for informing and instructing those who have never before had the right to vote.

The move follows a resolution taken at the foundation's annual general meeting at the end of last year.

Mr Bailey said the foundation had a strong infrastructure and was training

about 200 people as "master trainers".

Liaison committees made up of workers were being formed on farms, and these committee members would be trained to help their colleagues.

The programme ultimately will consist of a written manual and video and will not be party political, but purely inform voters of their rights and responsibilities.

Simple issues such as voting procedures and how to

get an ID book will be covered.

Mr Bailey said about 60 percent of black South Africans lived in rural areas. Civic education for these people was a "strongly felt need".

The programme is to be run nationally and in a wide range of indigenous languages.

The education programme should be finished by the middle of the year and the foundation hopes to begin training and voter education soon after that.

# Unions, farmers: 30 days to agree

THE South African Agricultural Union and the Congress of South African Trade Unions have 30 days left in which to settle their long-standing differences over labour rights for farmworkers.

The deadline for comment on draft labour laws for farm and domestic workers expired on February 28, and interested parties had until the end of March to find consensus, Manpower Ministry spokesman Mr Johan Smit said on Friday.

In a statement yesterday, Manpower Minister Mr Leon Wessels called for constructive negotiations to narrow the gap between the parties.

"It appears from the comments received that there are still several differences between the role-players," he said. He hoped to give the cabinet a progress report by the end of March.

Cosatu and the SAAU still disagreed on the role of labour codes, strike rights, a separate

consolidated labour law for agriculture, organisational rights, dispute procedures, wage measures and certain basic conditions of service.

Cosatu has pressed for all labour laws to apply to all workers, while the SAAU submitted a draft law catering exclusively for labour relations in agriculture.

Negotiations on extending labour laws to an estimated 1,3 million farmworkers followed shortly on the Laboria

Minute, signed in September 1990.

The amended laws under scrutiny were the Basic Conditions of Employment Act, the Wage Act, and the Labour Relations Act.

Mr Wessels said that in terms of agreements with the SAAU and Cosatu, the government would determine the final form of the laws in question.

The government has committed itself to implementing the laws by the end of 1993. — Sapa

CT 1/3/93

(1) (4)

## Farm union quits talks over strike issue

THE Transvaal Agricultural Union (TAU) has withdrawn from further participation in the SA Agricultural Union's (SAAU) actions on labour legislation.

Sapa reports the TAU said in a statement from Pretoria yesterday that the decision was prompted by the SAAU's acknowledgement of agricultural labourers' right to strike.

This right to strike was "totally unacceptable" because of the nature of the agricultural sector, it said.

"There are biological processes which

have to continue, and a strike could totally ruin a farmer." (4)

ERICA JANKOWITZ reports that Cosatu spokesman Lisa Seftel responded that collective bargaining — including the right to strike — was viewed as a fundamental right for all workers.

"The TAU is swimming against the tide of history," she said, adding that Cosatu would not acknowledge its objection.

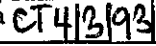
Seftel said the future of agriculture depended on a sound relationship between employee and employer and the TAU's approach would not benefit agriculture.

## Tvl farmers reject strikes

PRETORIA. — The Transvaal Agricultural Union has withdrawn from further participation in the SA Agricultural Union's actions on labour legislation.

The decision was prompted by the SAAU's acknowledgement of agricultural labourers' right to strike, the TAU said yesterday.

This was "unacceptable", it said.

"There are biological processes which have to continue, and a strike could totally ruin a farmer." — Sapa 

**Farm labour conference**

■ KEY role players in agricultural industrial relations will explore the practical implications of the extension of workers' rights to farm labourers at a conference organised by the Centre for Rural Legal Studies in Stellenbosch from May 12 to 14.

For more details contact Andries du Toit at (02231) 98032.

④ W. M. A. S/S-11/3/93

City Press 11/3/93

# Revenge 'motive for attack'

THE victims of the latest Natal massacre died despite being neutral in a war between Inkatha and the ANC, their neighbours said yesterday.

Residents of Nkanyezini village, near Maritzburg, blamed gunmen loyal to Inkatha for the deaths of 10 people in an ambush on a minibus on Friday.

They said they believed the attack was intended to avenge the killing of six schoolchildren at the neighbouring village of Imboyi on Tuesday. Three of the victims in that attack were children of a local Inkatha leader.

About 7 700 people have been killed in political warfare since President FW de Klerk lifted bans on opposition groups and began dismantling apartheid three years ago.

"All the people are saying Inkatha is responsible for the attack," Nkanyezini resident Bernard Ngobo said.

He said Inkatha supporters from Imboyi drove through Nkanyezini on Thursday, shouting from their cars that they were going to kill all the children in the local school in retaliation.

But Ngobo said there were no ANC supporters in Nkanyezini.

"There is no ANC, the ANC ran away from here, now they are shooting us again, saying we're going with the ANC," he said.

Only the minibus driver escaped uncathed from the ambush on Friday in which an unknown number of gunmen armed with automatic weapons opened up with a hail of bullets on the bus.

Police said the gunmen then approached the minibus and fired with shotguns at point-blank range, leaving powder burns on the bodies. Four men and six women were killed.

Solomon Ngcobo said his 19-year-old

daughter Bonisiwe was one of them. She was at school in Imbali black township outside Pietermaritzburg and only came home at weekends.

"I feel very bad . . . I did not realise it was my child who had been shot," Ngcobo said.

He said Nkanyezini was a neutral area. "We don't have any political parties here, we are all neutral."

Inkatha leader David Ntombela said his organisation condemned the latest attack.

"We can't accept these killings - in one week 16 people have been killed," Ntombela added.

Police spokesman Craig Kotze said it appeared Friday's ambush was a political revenge raid for the Tuesday attack.

- Sapa-Reuter

## Ons is baas . . . waar's jou pass

By DAN DHLAMINI City Press 11/3/93

It could be back to slavery for Groot Marico's black farm labourers if rightwingers get their way.

They are demanding that blacks carry pass-books.

City Press investigations revealed that since last year Marico Bosveld Boereunie members and rightwingers decided at meetings - attended by police - to reintroduce the pass system in a bid to curb squatting.

There were plans to round up farm labourers and photograph them for "ID" cards.

Jacob Moloantoa, who said he was moving out of the area, told City Press that Groot Marico rightwingers did not regard blacks as human.

"They are only interested in our labour while paying us peanuts," said Moloantoa, who earns R80 a month.

## Family's night of terror

By BERENG MTIMKULU

THE Loving household in Boipatong was beset by hatred and double tragedy this week.

While the Loving family and friends were mourning the death of their mother Joyce Loving, 53, six armed robbers burst into the Dutch Reformed minister's home.

They left with goods valued at R20 000.

Father Peter Loving said he was left with his "smallest" - and ill-fitting - suit in his wardrobe. His fridge was pillaged of R6 000 worth of food bought for today's burial.

The robbers also took a video machine worth about R2 000, Father Loving's suits - worth

over R10 000 - cutlery, kitchen utensils, a music system worth over R2 000, R5 000 in cash, and personal items.

Tshidi Loving said that at about 8 pm a man entered, claiming his vehicle had a flat.

He then demanded the removal of a mourner's minibus to make way for their car.

"That's when I sensed trouble because I did not understand why the mini-bus should be removed for a car with a flat wheel," interjected Loving's aunt, Maria Mokoena.

Loving said she and her aunt went outside to find six men, "one armed with a double-barrelled gun, the other with a pistol and the rest with knives".

# Where PIGS are MORE equal than PEOPLE

By SOBANTU XAYIYA

**"OORTREDERS SAL  
GESKIET WORD  
TRESPASSERS WILL  
BE SHOT.  
ABANQUMLI  
BAYAKUDUTYULWA"**

THE above warning confronted us as we entered GF Moors's Varkplaas (Pigfarm) at Ottery, 12 km from Cape Town.

Despite the warning we took the risk this week and entered the premises to satisfy our curiosity as to what lurked behind the sign.

We targeted a grimy, dilapidated, windowless building (which we later learnt was a workers' compound), where we were greeted by grim-faced labourers in dirty overalls who took us inside a dark corridor with doors on either side.

Inside, a sickening stench permeated the passage.

At the far end of the passage was an open space we were told was a common kitchen.

The stench in the grimy, smoke-filled kitchen was intense, because the labourers explained, the toilet - which was blocked - was directly opposite.

According to one of the labourers, Collen Gola, 64, the toilet has not been functioning since 1988.

"We have tried several times to tell Baas Willem, (farmer GM More) but he is not interested," he said.

Gola started working on the farm in 1976 and earns about R35 a week. His duty is to look after the pigs.

"I feed them, give them water and clean the pig sties . . .," he said.

Gola said that there was no water in the compound for workers, which made it difficult for workers to wash.



**HOME, SWEET(?) HOME . . . These little children know no other home.**

*Citress 7/13/93*

"Five years back we had a water pump and a geyser, but Baas Willem took these out and told us to get water from the pump outside his house," he said.

"But it's difficult to fetch water there because he owns aggressive dogs . . ."

"So we wear the same dirty clothes the whole year . . . there is no difference between us and the pigs we look after."

The workers said they had built tin shacks opposite the compound, where there was at least fresh air.

At Varkplaas there are no holidays or days off.

Farmer More, however, was not sympathetic to his workers' plight. He said he had installed facilities, but the workers had stolen them.

"They don't want to work. All they want is to complain. We work on a bonus system here, and if they don't work they won't get it."

He said those who complained were just "lazy buggers".

"If you (reporters) think you are clever, you'd better give these guys a job," More said.



## NEWS IN BRIEF

8/0AM 12/3/93  
**Minister loses patience**

**MANPOWER** Minister Leon Westers has lost patience with the failure of the SA Agriculture Union and Cosatu to organise a meeting to discuss the legal position of farmworkers.

He said in Cape Town yesterday that he was "now personally going to endeavour finding a suitable date for dialogue".

## Mediation body comes to W Cape

SHARON SOROUR, Labour Reporter

ARC 12/3/93

RESOLVING disputes in the fledgling agricultural labour arena and between squatters and aggrieved land owners is expected to dominate the agenda of the new Western Cape office of the Independent Mediation Services of SA (Imssa).

Imssa, which has played a prominent role in the peace process in the Transvaal and Natal as well as in major labour disputes throughout the country, last night opened a Western Cape office to extend its influence in the region.

Regional co-ordinator Ms Susan Hayter said: "Disputes in the Western Cape tend not to be along the ethnic lines of those in other parts of the country. The major issues here are things like access to land, squatter disputes and development issues and we believe there is a lot of scope for intervention and conflict mediation."

Imssa national director Mr Charles Nupen said the opening of the Western Cape office "is a concrete affirmation of our presence rather than an arrival" and would increase Imssa's effectiveness.

He believed a particular focus in the Western Cape would be the provision of dispute resolution services in the agricultural sector.

● During 1992 Imssa conducted 507 mediations compared with 621 in 1991, and 594 arbitrations in 1992 compared with 430 in 1991.

The increase in the use of arbitration could be attributed to the fact that some employers had now incorporated clauses in their procedural agreements to refer disputes over dismissals to arbitration automatically.

The reduction in mediations was attributed to several factors, including the trend towards centralised bargaining, and current economic conditions which had precluded employers from any flexibility during pay talks.

# Pig farm staff live in filth and stench

S/ines (Cape Metro) 14/3/93

(4)

WORKERS on a pig farm in Ottery claim they are being treated worse than the animals they look after.

The workers — timid, grimy and wearing dirty overalls — complained their compound was dirty, dilapidated and a health hazard.

They said their toilet had not been working for the past three years and that passages were filled with the stench of urine and faeces.

The workers' compound is a windowless, dirty, dilapidated building.

When the Cape Metro visited the

By SOBANTU XAYIYA

compound, the stench of pigs' manure filled the air. The labourers took us into a dark, narrow, smelly passage where we were overwhelmed by a sickening stench — the result of a blocked toilet.

At the far end of the corridor is a smoke-filled open space which was the labourers' common kitchen where one man was preparing breakfast on a wood fire using two soot-covered tins as pots.

The kitchen, with no window panes, sink or a single household

utensil, was filled with smoke.

Here the stench was more intense, as the blocked toilet is directly opposite the kitchen.

According to one of the labourers, Collen Gola, 64, the toilet has not been working since 1988.

Mr Gola started working on the farm in 1976 and earns less than R35 a week.

"I feed the pigs, give them water and clean the pigsties," he said.

In their compound there is no water to wash the workers or their clothes.

He said five years ago their kitchen used to have a waterpump and a geyser, but "Baas Willem" took these out and told them to get water from the pump outside his house.

"But it's impossible to fetch water from there because of his dogs and at night he confuses us with prowlers and takes pot-shots at us.

"To wash we have to fetch water from neighbouring farms far from here. As a result we wear the same clothes for a week, or even a month. We are no different from the pigs we look after," he said.

The labourers said that because the rooms of their compound are too small to accommodate them, they have built tin shacks just opposite the compound.

In one shack a baby in dirty blankets, almost covered by flies, was sleeping peacefully.

Michael Pongoma, 34, a labourer, complained about the meagre wages paid for working unspecified hours.

"The worst is we don't have shops here. The only shop available belongs to the farm owner. He is forcing us to buy food on credit and later deducts this from our wages," Pongoma said.

At Varkplaas there are no holidays, days off or sick leave. "Here we don't know the difference between Monday and Sunday," he said.

The farmer, Mr G F Moors, this week said he had on several occasions installed the necessary amenities "but the workers stole them".

He said he worked on a bonus system: If the labourers did not work, he did not give them bonuses.

"They are lucky that they are working for me otherwise they would have been outside without food and shelter. I know of people who are working for less than R35 a week and they are not complaining," Mr Moors said.

# Paarl farm labourer<sup>④</sup> shot dead

CT16/3/93

## Crime Reporter

POLICE yesterday opened a murder docket after a Paarl farm labourer was shot dead in a tussle with a farmer's son at the weekend.

Mr Willem Solomons, 24, of Langkloof Farm, died after he was shot in the head, chest, back and arm.

A Paarl police spokesman said an inquest docket was initially opened but late yesterday it was changed to one of murder "in the interests of objectivity".

The spokesman said the farmer's son, aged 23, tried to apprehend Mr Solomons after being told that he had stolen stock.

Mr Solomons was spotted in a labourer's cottage and tried to run away.

The spokesman said a tussle followed and Mr Solomons allegedly tried to attack the farmer's son with a rock. Shots were then fired.

No arrests have yet been made and it is not known when the man will appear in court.

# Farm assault case settled

of 23/3/92 (4)

A NORTHERN CAPE farmer who assaulted his farm foreman with a knotted nylon rope has agreed to pay his former employee R15 000 in an out-of-court settlement.

The settlement between Mr Andries Wiese, of the farm Aswegenfontein in Loxton, and Mr Willem Vorster, who used to be Mr Wiese's foreman, was made an order of the court yesterday.

The case appeared before the Kimberley Supreme Court for a week in March 1992 and was due to continue this week.

It was alleged that Mr Wiese repeatedly hit Mr Vorster with a nylon rope with a knot at the end on October 8, 1990. As a result of the alleged assault Mr Vorster could not bend and found it difficult to walk.

It was further alleged that Mr Wiese forced Mr Vorster to work on the day of the assault and on subsequent days, aggravating his injuries, and that he dismissed Mr Vorster unlawfully on January 11, 1991.

In terms of the settlement Mr Wiese agreed to pay Mr Vorster R15 000 with costs including R1 150.

atives in Natal Midlands in danger, ● Schoolgirl tell "pack of lies"

# brief

*Sowetan 24/3/93*  
**Labourer crushed**

A FARM labourer was crushed to death in a silage cutter near Darling on the Cape West Coast on Monday when a colleague apparently accidentally switched on the machine while the labourer was cleaning it.  
The name of the man has not been released.

## Sash convenes

THE 1993 national conference of the Black Sash organisation will be held in Maritzburg from April 1 to 4. Papers will be delivered on education for democracy; the South African Budget and economics; contested human rights (affirmative action and abortion); the constitution and legislation; and fieldworker and advice office reports. *Sowetan 24/3/93*

## Funeral for victim

ONE of the four men shot dead by police near Mandela Park squatter camp in Kaitleng last week will be buried at the Tokoza Cemetery tomorrow. He is Mr Herford Simanga (25) of 519 Ramakonopi East, Kaitleng.

# Peace hopes fade

*Sowetan 24/3/93*  
**GRENADE ATTACK** IFP official is

HE HANDGRENADE ATTACK on an Inkatha official in the Natal Midlands was the work of agents provocateurs intent on sabotaging embryonic peace initiatives, the Inkatha Freedom Party said yesterday.

The IFP said its chairman for Emhashini section in Wembezi, Mr Alfred Mhaya, was seriously wounded in a handgrenade attack on his trading store in central Estcourt yesterday.

His shop assistant, Zodwa Sokhela, was also seriously wounded. IFP official Mr Velaphi Ndlovu said.

Police have confirmed the attack. The blast came a day after the launch of a Local Dispute Resolution Commit-

tee in the Estcourt-Wembezi area. The IFP said it dealt "a tremendous blow to fragile peace initiatives taking root in the area".

## Strike-torn region

Meanwhile, African National Congress Natal Midlands leader Mr Harry Gwala said he was not aware of a meeting with the IFP aimed at forging a peace initiative in the strike-torn region. Gwala was responding to Natal-

seriously wounded in blast at shop: KwaZulu Regional Dispute Resolution Committee chairman MC Pretorius, who had said the ANC Midlands chairman and his IFP counterpart, Mr David Ntombela, would meet soon to plan a formal meeting aimed at securing peace in the region.

"This is the first time I hear of it," Gwala said yesterday. He said the ANC had indicated its willingness to hold a jointly with the IFP in Maritzburg. — *Sepa*.

# Bill lowers boom on smokers

*Sowetan 24/3/93*  
**Last gasp for health warning and fag-puffing minors**

LEGISLATION tabled in Parliament yesterday will ensure that the hazards of smoking are printed on cigarette packets and that these may not be sold to persons under the age of 16.

The Tobacco Products Control Bill will even make it an offence for owners of or people in control of vending machines to allow anyone under the age of 16 to buy cigarettes.

The memorandum to the Bill reads in part: "Firstly, the Bill intends to make the public aware of the health hazards involved in the use of tobacco products. To achieve this object it is proposed that the Minister be empowered to prescribe the information regarding hazardous constituents in tobacco products that is to appear in advertisements and to be reflected on packages."



# Farm labour talks deadlock

THE SA Agricultural Union and Cosatu yesterday failed in an 11th-hour bid to reach agreement on labour legislation for the country's 1-million farm workers.

An SAAU spokesman said the deadlock was "absolute".

Both sides were warned last year by Manpower Minister Leon Wessels that if there was no agreement in the 18-month-long negotiations by March 31, government would decide on the issue.

The SAAU spokesman said disagreement on the application to farm workers of the Basic Conditions of Employment Act was a major reason for the breakdown. The inflexibility of the 48-hour week provided for in the legislation was unacceptable to the SAAU.

The SAAU had pleaded for separate legislation for agriculture because of the "unique conditions in the industry". This

GERALD REILLY

was opposed by Cosatu which demanded that the Basic Conditions of Employment Act, the Wage Act and the Labour Relations Act be applied to farm workers.

The SAAU spokesman said: "We ended up miles apart. The break is complete and as the March 31 deadline set by Wessels for an agreement to be reached is only a few days away, government will now obviously have to decide on the issue."

He said the SAAU was not totally opposed to the three Acts being applied to the industry provided they were amended to suit the needs of farming.

The provision in the legislation permitting strikes was unacceptable. Strikes at critical times in the farming cycle such as planting and harvesting would have seri-

□ To Page 2

## Deadlock

ous consequences, the spokesman said.

Cosatu spokesman Neil Coleman said government had agreed in principle to the three labour Acts being applied to farming.

Cosatu's view was that farm workers were entitled to the same basic labour rights and privileges enjoyed by workers in other sectors of the economy.

"We have not been blind to the needs of the industry. Our approach has been flexible, but at the end of the day the core issue is that of ensuring farm workers have ef-

□ From Page 1

fective bargaining mechanisms and rights, including the right to strike."

He said the issue had been brewing for months and farm workers could not wait much longer for a settlement.

Manpower director-general Joos Fourie, who was at the meeting, said it was regrettable that it ended without consensus. Government would have to decide "within the next week or two" what labour legislation would apply to the agricultural industry.

# Breakdown in farm talks

Own Correspondent

JOHANNESBURG. — The SA Agricultural Union and Cosatu yesterday failed in an 11th-hour bid to reach agreement on labour legislation for the country's one million farmworkers.

An SAAU spokesman said the deadlock was "absolute".

Both sides were warned by Manpower Minister Mr Leon Wessels that if there was no

agreement by March 31 the government would decide on the issue.

The SAAU spokesman said disagreement on the application of the Basic Conditions of Employment Act was a major reason for the breakdown.

The inflexibility of the 48-hour week in the legislation was unacceptable to the SAAU.

Cosatu demanded that the

Basic Conditions of Employment, the Wage and the Labour Relations acts be applied to farm workers. (4) (22)

Strikes at critical times in the farming cycle would have serious consequences, the SAAU spokesman said.

Cosatu's view was farmworkers were entitled to the same rights enjoyed by workers in other sectors. CT 24/3/93



# Cabinet set to act on farm law

SHARON SOROUR, Labour Reporter

(1/2) 4

CONTROVERSY over extending labour law to farmworkers could come to a head next Wednesday when the Cabinet decides whether — or how — to apply the contentious Basic Conditions of Employment Act to agriculture by the end of March.

Minister of Manpower Mr Leon Wessels yesterday said he was obliged to present to the Cabinet a progress report on the labour legislation, even though the parties had not reached consensus.

He said the Cabinet would decide on the content of the law, as well as when and how it should be applied.

ARC 26/3/93

The Government has an agreement with Cosatu to extend the Basic Conditions of Employment Act to South Africa's 1,2-million farmworkers by the end of the month.

But the latest round of talks between trade union federation Cosatu and the powerful farmers' SA Agricultural Union ended in deadlock this week.

Cosatu spokesman Mr Neil Coleman said the parties could not reach consensus on applying the law to farmworkers by the end of March.

"The agricultural union said they needed the application date to be extended again, but this is totally unacceptable. The Act, as well as other laws, were supposed to be applied to the sector last year," Mr Coleman said.

Cosatu expected Mr Wessels to honour last year's agreement to extend the legislation to agriculture by the end of March.

He added that Cosatu had no plans for a last-minute meeting with the SAAU to resolve differences before the Cabinet meeting.

But Mr Wessels said that he and Department of Manpower officials would "still endeavour to narrow the matters at issue" between the parties in the best interests of employers and employees. He said he was disappointed at the outcome of the negotiations.

The two parties have had a 30-day extension — from March 1 — to settle their long-standing differences. Although the deadline for comment on draft labour law expired on February 26, the parties were given until the end of March to find consensus.

Cosatu has campaigned for four labour laws to be extended to agriculture — the BCEA, the Labour Relations Act, the Unemployment Insurance Act and the Wage Act — while the SAAU wanted a single labour relations law specifically geared to agriculture.

● The SAAU could not be reached for comment.

## NEWS IN BRIEF

BIDAY 26/3/93  
**Cabinet to act on labour law**

THE Cabinet would decide next week on labour legislation for farm workers, Manpower Minister Leon Wessels said in a statement yesterday.

The SA Agricultural Union and Cosatu have failed to agree on what the legislation should be, and Wessels has said government will have to decide for them.

BIDAY 26/3/93  
**Transfer of Groot Constantia**

INTRODUCING the Groot Constantia Trust Bill yesterday, Agriculture Minister Kraai van Nierkerk told Parliament the measure authorised the formation of a non-profit trust which would take over the estate.

He said the historic estate was being transferred to the wine industry, thereby relieving the state of a financial responsibility.

BIDAY 26/3/93  
**Mandela meets delegations**

ANC president Nelson Mandela met a visiting European Commission and Afro-Caribbean-Pacific Group delegation in Johannesburg yesterday. ANC spokesman Carl Niehaus said they held "general discussions about the political situation".

At a separate meeting immediately before, Mandela met Azapo president Prof Itumaleng Mosala. Both leaders said their talks, which were routine, had focused on "the unity of liberation movements".

BIDAY 26/3/93  
**Teacher cuts outlined**

A TOTAL of 5 045 teachers were retrenched or retired early during 1992, House of Assembly Education and Culture Minister Piet Marais said in Parliament yesterday. He said 486 teachers who qualified at the end of 1992 — and were bursary holders — could not be employed as they were unable to obtain posts. However, 5 405 white student teachers had bursaries at present at a cost of R22,6m to the state.

REPORTS: Business Day Reporters, Political Staff, Sapa.

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## Interest on late VAT payments decreased

BIDAY 26/3/93 TIM COHEN

CAPE TOWN — Legislation was introduced in Parliament yesterday that decreases the rate of interest payable on late VAT payments by vendors from 1,5% a month to 1,2%.

The amount payable according to the Value-Added Tax Amendment Bill by Inland Revenue to vendors when refunds are due is to be 16% per annum, a reduction of 4%.

The legislation also empowers the Finance Minister to change the rates of interest from time to time, which may become necessary when prevailing interest rates in the financial sector increase or drop.

The laws comes into effect as from the beginning of the calendar month following the month during which the amending Act is promulgated.

The legislation also clarifies what VAT rate is applicable when the rate is changed, stating that according to the principle Act, liability arises on the date on which a supply of goods or services is made.

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# Ultimatum given over law for farm workers

Political Correspondent

MANPOWER Minister Mr Leon Wessels yesterday gave an ultimatum to Cosatu and the South African Agricultural Union (SAAU) on the extension of labour legislation to farm labourers.

Mr Wessels said he was disappointed the talks between Cosatu and SAAU deadlocked. (158)

He warned the cabinet would decide on the extension at the end of the month. (4)

CT 26/3/93

### New farms campaign

FARM labourer-tenants plan to revitalise their campaign against expulsions at a meeting this week-end. **WAGG 26/3 - 1/4/98**

"A call for a moratorium on evictions of farm labour tenants and farmworkers made to the government in March 1992 appears to have fallen on deaf ears," the Association for Rural Advancement said last week.

The tenuous land rights of labour tenants came under the spotlight last year when hundreds of people were given notice from land many had lived on for generations.

Drought, recession, pending land reform and farmworker legislation all played a part in the evictions.

# 'Your melon plot failed!'

C/Press  
28/3/93

## Mom claims farmer framed her little girl

By MOSES MAMAILA

THE mother of a nine-year-old girl who was arrested and locked up for a week in a Krugersdorp police cell, this week accused a farmer of "framing" the girl.

Salome Kopano claimed the arrest of her child was the result of "a ploy by the racist farmer" to keep his labourers under control.

Charges against the girl, three youths and a 50-year-old woman were withdrawn in the Krugersdorp Magistrate's Court two weeks ago.

No evidence was led.

The group were accused of stealing 24 watermelons from CJ van der Berg's farm in Hekpoort.

This week Kopano claimed Van der Berg wanted to "blackmail" the workers into working seven days a week.

Kopano said: "When they refused he framed them saying they had stolen the watermelons."

Kopano claimed that a report in City Press had



**FRAME UP . . . Angry but relieved Salome Kopano comforts little Maria who spent a week in a Krugersdorp police cell with adults.**

■ Pic: TLADI KHUELE

made a big difference to the issue.

She said she found it "very strange" that while the police could not trace her for more than a week after her daughter was arrested, she was traced within hours after City

Press made inquiries.

Kopano, who is employed on another farm, said the police had been wrong to let a little girl sleep with adults in a cell.

"If a child has done something wrong, you can discipline her in so many

ways. You can approach the parents and give her a hiding, but to take a child to the police for such a minor crime is just not right," she said.

Her little daughter said she had stopped working for Van der Berg.

"I have never been to school and I want to go to school if I can get the money," she said.

Her family is too poor to afford the fees.

Attempts to contact Van der Berg were unsuccessful.

# 'Soapie' election campaign washes down well in <sup>(4)</sup> the Swartland

*St. Times (Cape metro) 28/3/93*  
A SOAP POWDER election campaign washed down well with residents of the tiny hamlet of Riebeeck-Kasteel in the Swartland when farmworkers went to the polls.

As part of a voter education programme, a perfectly simulated election campaign was mounted with household washing powders as "candidates".

The more than 400 farmworkers were given a taste of what they could expect in South Africa's forthcoming non-racial elections when they chose a new leader from the likes of deter-'gents' Omo, Bingo and Good and Clean and Fresh.

To familiarise the workers with the ins and outs of electioneering, programme organisers allocated a political campaigner to each of the candidates to lobby for their particular brand.

## 'Arrested'

One of the workers was "arrested" in the simulation when he tried to vote twice and another was "arrested" for intimidation — all in a bid to illustrate in a practical manner the mechanics of what is involved.

Department of Internal Affairs officials set up a voting booth in the town, with all the paraphernalia attached, and the workers then voted for their candidate.

To illustrate what was and what was not democracy, local dominee Dirk Coetsee, who was acting as an election official, tried to announce that the candidate with the least number of votes had won the election.

Mrs Ansie Vlok, the chairman of the area's Community Development Association, an affiliate of the Rural Foundation, and the programme organiser, Ds Johan Saayman, said the response to the campaign had been overwhelming.

Farmworker Karools Pietersen, who attended the demonstration, said he would definitely be at the polling booths in the coming elections, and that the programme had taught him a lot about voting procedures in a practical way.

For the record, Mr Pietersen's wife Sanna won Coldwater Omo the elections — Sapa

11 Xupci 7/20/93



# School, what IS school?

C/Press

28/3/93

~~28/3~~

(4)

By MOSES MAMAILA

CHILDREN as young as nine years old are toiling on farms at Hekpoort in the far West Rand – for as little as R30 a week.

A City Press investigation revealed that some of the children never had the slightest chance of seeing the inside of a classroom.

A nine-year-old girl who was packing tobacco leaves in a dark room filled with smoke said she had never been to school and could not remember when she started working on the farm – though she said it was a long time ago.

She said she worked from 7 am until 5.30 pm five days a week.

The girl said the money she earned was not enough. All she wanted was a R5 increase.

"It is too hot here and the place is filled with smoke, but it is better than on the farms where we get rid of the weeds," she said, describing the appalling conditions in which she works.

"Even if it is raining, we work outside on the farm," said the girl, echoing the sentiments of dozens of other children em-



**BLEAK HOUSE ... Children labour on this farm for slave wages.**

■ Pic: TLADI KHUELE

ployed on the farm.

There were about 20 people in the small building packing tobacco leaves, but most of them were children.

The owner of the farm, Jan van der Berg, refused to talk to City Press, instead evicting reporters from his farm and threatening to dismiss workers who spoke to the press.

Adults employed on the farm said they earned R120 a month, but added that their employer preferred children because they were easy to manipulate.

Some parents worked with their children and earned the same amount.

Asked why he allowed his child to leave school to come and work on the farm, a middle-aged man said he had no money to take the child to school.

The employees said they were trapped with nowhere else to go. If they complained about the low wages, the farmer accused them of theft and took them to the police station where "the baas never lies".

## ANC in talks with farmers

JOHANNESBURG. — African National Congress president Mr. Nelson Mandela met two agricultural unions yesterday to discuss economic policies.

Meeting with the South African Agricultural Union, Mr. Mandela discussed policies and the ANC's relationship with the South African Communist Party.

He also met the National African Farmers' Union to address the problems of black farmers. — Sapa

CT 30/3/93



## Legal bodies support ANC call on judges

**GERALD REILLY**

PRETORIA — Legal authorities yesterday supported the ANC's call for more black judges but stressed the dangers of an affirmative action programme which ignored essential qualifications and experience.

The ANC this week condemned the present system of appointments to the bench as "racist, sexist, illegitimate and non-representative".

Johannesburg Bar Council chairman Wim Tregrove said the council was encouraging blacks to obtain the needed qualifications to join the ranks of advocates as a background for possible appointment to the bench.

He said the number of blacks in the law profession had not kept pace with the substantial black student component at law schools.

Association of Law Societies (ASL) director-general Andre van Vuuren said part of the solution lay in granting attorneys the right of audience in the Supreme Court.

# Concern over new child labour laws

**KATHRYN STRACHAN**

THE practice of child labour was on the increase in SA and proposed new legislation threatened to exacerbate the problem, the Network Against Child Labour claimed yesterday.

Jackie Loffell, the organisation's convenor, said proposed regulations covering the issue of labour in the Child Care Act would further entrench and expand exploitation.

She said a storm had broken between the Department of Health and the network, which had been fighting to block the practice and the introduction of new clauses in the Child Care Act.

The network comprises a wide range of welfare, legal, labour and church bodies.

In terms of guidelines approved by a working group, convened by the Department of Health, employers will be permitted to hire children aged 12 to 15 years for pocket money, subject to a set of restrictions on hours and conditions of work.

But the network has contested the clause on the grounds that it would allow too many loopholes.

The guidelines were unenforceable and the addition would exempt sectors, such as supermarkets, which had been barred from employing children under 15, Loffell said.

The organisation recently disassociated itself from the working group because, despite its objections, the controversial

clause was endorsed.

By far the most exploited were children working on farms, said Loffell.

"Farm children who stood to profit by the recent extension of industrial legislation to cover agriculture, will, if the guidelines come into force, remain completely vulnerable."

The SA Agricultural Union had been actively lobbying government to retain the practice, she said.

A Health Department spokesman said he could not comment because the matter was sub judice.

Loffell said it was difficult to establish the extent of the problem because employers, parents and children were reluctant to report the practice.

But in 1985 the International Labour Organisation reported the figure to be at least 60 000 and it had grown since then.

She said the issue of child labour was complicated, because many families depended on the wages brought in by children. The network was campaigning for adequate social security grants so that families would not have to depend on child labour, as well as universal free education.

Aside from being allocated on racial lines, social security grants were in practice difficult to obtain and only available to the destitute, she said.

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### FINANCIAL RESULTS for the year ended 31 December 1992

up in respect of the year ended 31 December 1992 are as follows:

Eighteen months ended 31 December	
1992	1991
(573)	(8 624)
2 763	2 698
3 436	(11 322)
70	(275)
3 506	(11 047)
—	(1 431)
3 506	(9 616)
896	(8 211)
2 610	(17 827)
(31,2)	(87,4)
1 250	11 000

Consolidated balance sheet		
ROOO's	1992	1991
<b>Capital employed</b>		
Shareholders' interests	17 827	20 493
Long-term liabilities and provisions	10 089	10 419
	27 916	30 912
<b>Employment of capital</b>		
Land and buildings	12 000	12 000
Fixed assets	14 410	16 319
Current assets	16 708	14 988
Current liabilities		
- interest bearing debt	6 169	5 156
- other	9 033	7 239
	15 202	12 395
Net current assets	1 506	2 593
	27 916	30 912
Net asset value per share (cents)	158,5	182,2
Number of shares in issue (OOO's)	11 250	11 250

## SAP reassigns manpower to aid operations

**GERALD REILLY**

PRETORIA — Police would strengthen their operational manpower by transferring personnel from purely administrative duties to the operations division, police commissioner Gen Johan van der Merwe said yesterday.

He said the basis of a plan to use manpower more efficiently was to achieve a clear division between operational and administrative activities.

Operational division members engaged in purely administrative work would be transferred back to the operational division.

Civilians would take their place. The programme also applied to retired members re-employed as temporary workers. They were given the opportunity of transferring to civilian posts.

# Labour ruling expected today

*BLOOM 31/3/73*  
PRETORIA Cabinet is

expected to settle the two-year dispute between Cosatu and the SA Agricultural Union (SAAU) over the extension of the Basic Conditions of Employment Act to farming at its meeting in Cape Town today.

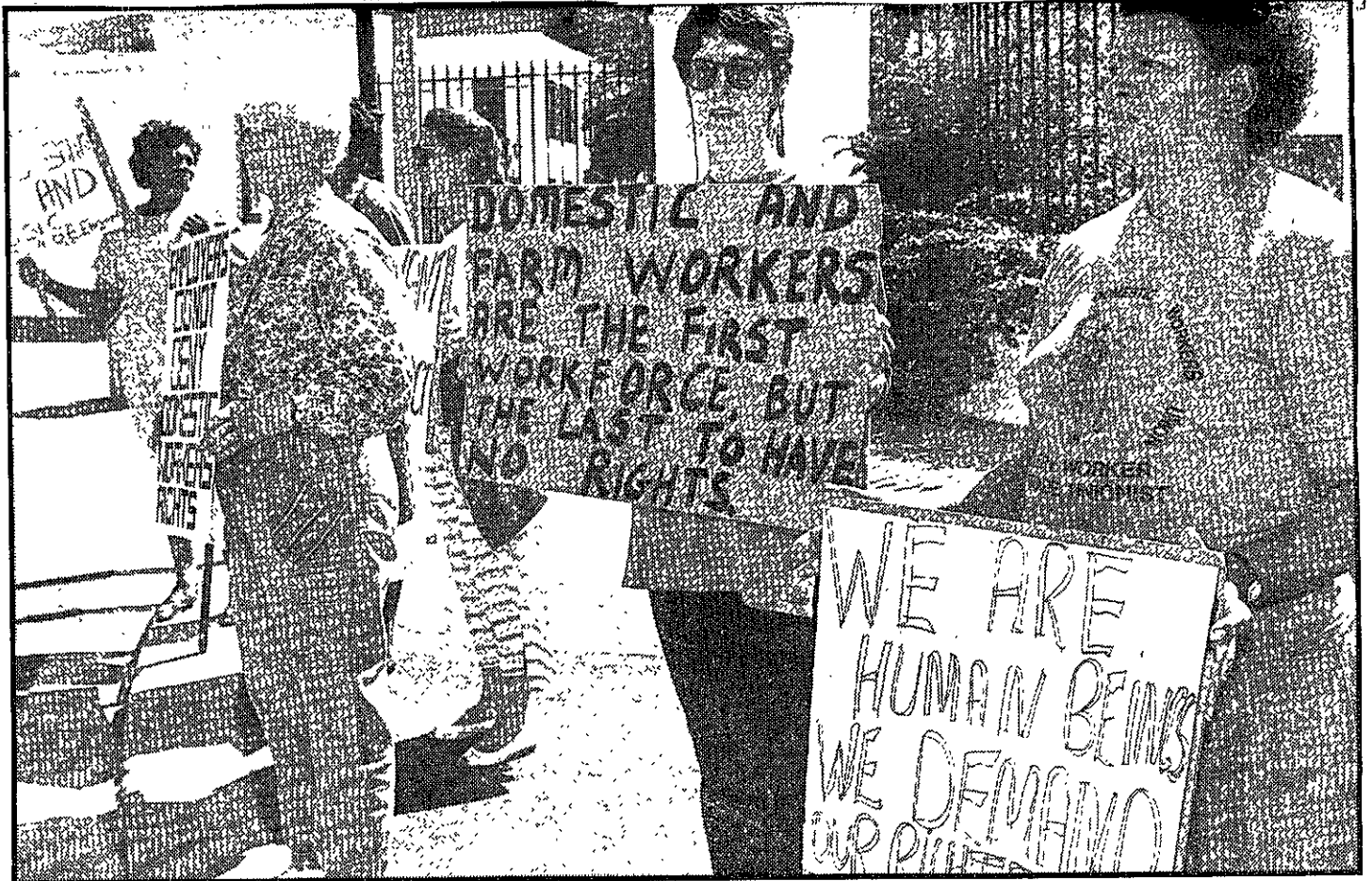
Cosatu and the SAAU were given until today to reach a consensus on the content of the Act. (4)

*(4)*  
*(4)*  
GERALD REILLY

As legislation now stands, the Basic Conditions of Employment Act will grant farm workers the right to strike. (4)

The SAAU says strikes could cause chaos during critical farming periods, while Cosatu says farm workers are entitled to the same rights as others.





**LABOUR PROTEST:** Members of the SA Domestic Workers Union demonstrate outside parliament to demand that five labour laws — the Workmen's Compensation Act, the Basic Conditions of Employment Act, the Wage Act, the Labour Relations Act and the Unemployment Insurance Act — be extended to domestic workers.

## Cosatu anger as farm labour law ruling is delayed

**SHARON SOROUR**  
Labour Reporter and Sapa

**TENSION** over extending the contentious labour law to the country's 1,2 million farmworkers was heightened when the Cabinet failed to make a decision on when to apply the Basic Conditions of Employment Act to agriculture.

Manpower Minister Mr Leon Wessels was obliged to present the Cabinet with a progress report on the labour legislation at its weekly meeting yesterday, even though interested

parties had not reached consensus.

There were indications last week that the Cabinet would make a decision at the meeting on the content of the Act as well as how and when it would be applied.

But in a statement yesterday Mr Wessels said no decision was taken by the Cabinet on extending labour legislation to agriculture.

"The extension of the legislation to agriculture will receive the Cabinet's special attention

next week," Mr Wessels said.

Cosatu was expecting the government to honour an agreement made with the federation to extend the law to farmworkers by April 1.

The federation is to contact Mr Wessels immediately for an "explanation" as to why a decision was not made yesterday.

"The fact that the Cabinet did not regard this as of sufficient urgency to make a decision is disturbing," Cosatu spokesman Mr Neil Coleman

said. <sup>4</sup> ~~102~~ ARG 1/4/93  
"We understood that April 1 was the deadline."

Last-minute talks between the powerful farmers' union, the SA Agricultural Union, and Cosatu to reach consensus on the issue and settle long-standing differences last week ended in "irreversible" deadlock.

● Cosatu is expecting the Labour Relations Act and the Wage Act to be extended to agriculture by the end of the parliamentary session.

## Farm labour law delay surprises Cosatu

CAPE TOWN — The Cabinet's move to defer its decision on labour laws for farm workers came as a surprise to Cosatu, which expected the Basic Conditions of Employment Act to be implemented by today, Cosatu spokesman Neil Coleman said yesterday. *6/10/77 1/4/93*

He was reacting to Manpower Minister Leon Wessels's statement that the Cabinet had not decided on the issue yesterday. Wessels said the extension of the legisla-

tion to agriculture would receive Cabinet attention next week.

In terms of Cosatu's agreement with Wessels on November 6, the Act would be extended to farm workers by April 1, and the Labour Relations and Wage Acts by the end of the parliamentary session, Coleman said.

*(4)* "The fact that the Cabinet did not regard this of sufficient urgency to make a decision is extremely disturbing." — Sapa.

## NEWS IN BRIEF

*BIDAY 1/14/93*  
**Miners resume work**

NORMAL underground work has resumed at Genmin's Beatrix Gold Mine. All workers, except for 400 Zulu speakers whom management moved to the St Helena Hostel after they clashed with Pondo, reported for duty on Tuesday.

Gengold spokesman Albert de Beer said a peacekeeping committee of workers and management would monitor the hostels and mine main entrance.

### Film subsidies returned

*BIDAY 1/14/93*  
THE Home Affairs Department said in Pretoria yesterday film companies which misappropriated government subsidies had paid back more than R1m. Some companies, however, still faced criminal charges.

### 'Last post' sounds

*BIDAY 1/14/93*  
THE SA Defence Force's first retrenchment parade took place at Cape Town Castle yesterday when about 400 Western Province Command members were bid farewell to the strains of Auld Lang Syne. Nearly 6 000 SADF personnel have been retrenched recently. The SADF budget has been slashed by more than a third in the past five years.

### 'Call up jobless only'

*BIDAY 1/14/93*  
THE unemployed should be called up for national service to combat crime and violence and unionists who instigated labour unrest should be held criminally responsible, SA Iron and Steel Union manager Nic Celliers said yesterday. The suggestions are part of a security and commerce plan the AWB and the union want to discuss with President F W de Klerk.

### Employment Act

*BIDAY 1/14/93*  
WE REPORTED incorrectly yesterday that: "As legislation now stands, the Basic Conditions of Employment Act will grant to farmworkers the right to strike." The Act does not deal with strikes. Business Day regrets the error.

REPORTS: Business Day Reporters, Own Correspondent, Sapa.

# AHI wants ceiling on wages, prices

*BIDAY 1/14/93*  
THE Afrikaanse Handelsinstituut (AHI) has asked its members to hold wage and price increases to 5% or lower for the next two years in line with the declining trend in money supply growth and inflation.

AHI chief economist Nick Barnardt said yesterday his organisation had taken the decision in line with its support of Reserve Bank policies to combat inflation.

The decision was also aimed at trying to prevent further declines in business volumes.

"The AHI general management accepted a motion at its six-monthly meeting to encourage members to hold price and wage increases to below 5%. The message of discipline should be communicated to members and the broader business sector," he said.

Inflation would peak close to 11% as a result of the VAT, fuel price and other increases included in the Budget, Barnardt said.

However, he saw it falling sharply after that, possibly to 5% in 1994.

He said any temptation to raise interest rates to protect the balance of payments should be resisted in light of

*TIM MARSLAND*  
the decline in inflation and money supply growth as well as the deepening recession.

The pressure on the balance of payments should rather be managed by mainly continuing the fluid exchange rate policy and the "overall laudable monetary policy flexibility" of the past six months.

In the current recession, a moderate real depreciation of the rand would have a minimal negative effect on inflation, but would actively encourage exports.

He said the AHI continued to support the Reserve Bank's focus on disciplined monetary expansion, which implied that interest and exchange rates were largely determined by the markets.

Once the balance of payments stabilised, he expected a further cut in interest rates in response to low credit demand.

This would partially offset negative effects the hike in VAT and other taxes would have on the business cycle and could help prevent a deepening of the recession, he said.

## Talk of VW layoffs 'premature'

*BIDAY 1/14/93*  
VW SA said yesterday it was too early to say it would be retrenching more than 2 000 workers this year.

But up to 1 000 workers were in danger of being laid off in the near future. VW human resources director Brian Smith said 500-1 000 jobs at the Uitenhage plant were "currently under review" because of a sharp drop in exports and a declining local market.

Numsa national organiser Gavin Hartford said on Tuesday the car manufacturer had proposed rationalising 2 270 of its workforce this year.

VW said talks of staff reduction was "premature" and dependent "on the impact of the recent Budget on

*ERICA JANKOWITZ and EDWARD WEST*  
the local market, the outcome of various export orders currently under discussion and the success of the new Golf and Jetta range".

Smith stressed the company would try to "achieve reductions through voluntary packages offered to all employees, early retirements, outsourcing and natural attrition".

He said VW SA was renegotiating a contract to supply Jettas to China. The future of workers involved with exports to China would depend on the outcome of the negotiations and on local market conditions.

## Putco, Sabta pledge not to raise fares

*BIDAY 1/14/93*  
PUTCO and the SA Black Taxi Association (Sabta) fares will not increase when fuel prices go up tomorrow.

Putco MD Jack Visser said yesterday the bus company would absorb the increase of 16c/l on diesel for three months. Sabta also said it would not increase its fares and was negotiating with the Mineral and Energy Affairs Department for a "special consideration" for taxis.

Visser refused to say how much it would cost Putco to absorb the increase. "We are so close to our annual increase on July 1 that we did not feel

*THEO RAWANA*  
it necessary to raise fares now."

Sabta public affairs manager Cyprian Lebeso said the organisation had given Mineral and Energy Affairs "a few options". The taxi organisation expected a reply today.

Postal tariffs and suburban train fares went up at midnight last night and petrol will cost 15c/l more at the coast, and 16c/l more in the interior.

Postal tariffs will cost an average of 30% more. A stamp for a standard

letter will cost 45c from today.

Suburban train fares will cost an average of 9,75% more, but the SA Rail Commuter Corporation has assured its customers that there will be no further fare increases this year.

Sapa reports that cheaper dialling times for overseas telephone calls will be introduced today.

Telkom said the standard rate to more than 100 countries would drop by about 7% and the new off-peak rate would be up to 20% cheaper than the standard rate. But VAT on calls would increase to 14% on April 7.

Star 11493

## Anger over farm labour laws delay ④

CAPE TOWN — The Cabinet's decision to defer its decision on labour laws for farmworkers came as a bolt from the blue for Cosatu, which expected the Basic Conditions of Employment Act to be implemented by today, Cosatu spokesman Neil Coleman said yesterday.

He was reacting to Manpower Minister Leon Wessels's statement that the Cabinet had not decided on the issue at its regular meeting yesterday.

He said the extension of the legislation to agriculture would receive special Cabinet attention next week.

In terms of Cosatu's agreement with Wessels on November 6, the Act would be extended to farmworkers by April 1, and the Labour Relations and Wage Acts by the end of the parliamentary session, he said.

"The fact that the Cabinet did not regard this of sufficient urgency to make a decision is extremely disturbing," he said.

## Cosatu surprised by delay on farms law

THE cabinet's decision to defer its decision on labour laws for farmworkers came as a "bolt out of the blue" for Cosatu, which expected the Basic Conditions of Employment Act to be implemented by today, Cosatu spokesman Mr Neil Coleman said yesterday.

④ (P) CT 11/4/93  
He was reacting to Manpower Minister Mr Leon Wessels's statement that the cabinet had not decided on the issue at its regular meeting yesterday.

Mr Wessels said agriculture legislation would receive special cabinet attention next week.

Mr Coleman said Cosatu would contact Mr Wessels immediately for an explanation.

Cosatu's weekend campaigns conference had resolved to campaign for farmworkers' rights. If an agreement ended in deadlock or was broken action would follow if talking did not work, he said. — Sapa

**No progress on farm law**

■ **MANPOWER** Minister Leon Wessels failed to break a deadlock over the extension of legislation to farmworkers this week. (4-11-66)

Last week he told the Congress of South African Trade Unions and the South African Agricultural Union that he would have to end the logjam in their two-year talks by Wednesday, *initial 24-7/66*

But the cabinet did not have time to debate the issue this week. It will give "special attention" to the issue next week.



## NEWS MI exposed

# MI agents infiltrated IFP — MP

*Sowetan 2/4/93*

■ Agents were used against the ANC:

By Ismail Lagardien  
Political Correspondent

GOVERNMENT was still using Military Intelligence to infiltrate its political opponents and had placed agents provocateurs in the administrations of homelands that were friendly with the ANC, Parliament has heard.

The DP MP for Umhlanga, Mr Kobus Jordaan, told Parliament on Wednesday that the covert operation had started during the '80s when it had relative success.

The programme was still active, he said.

Jordaan said he had anonymously received a "package of information" detailing the placement of certain people, notably Mr Rowan Cronjé of Bophuthatswana and Mr Walter Fellgate of the Inkatha Freedom Party, in homelands that were hostile to Pretoria.

Cronjé was first placed in Ciskei, after which he was "sent" to Bophuthatswana where he was an "absolute success". Success was also achieved in KwaZulu, where, it is alleged, Fellgate, a member of the IFP's central committee, had managed to bring Chief Mangosuthu Buthelezi back from closer co-operation with the ANC and towards Pretoria.

Jordaan named General Tienie Groenewald, former secretary of the State Security Council, as the person behind the strategy.

Jordaan said the State had also paid Professor Albert Blaustein, an American constitutional expert, to write constitutional proposals for Mr John Gogotya's Federal Independent Democratic Association. He spoke during the Budget Debate and defended a question he had put to President FW de Klerk last month on the placement of agents in opposition parties.

De Klerk was kept informed of developments, he added.

## Cosatu warns of walkout

*Sowetan 2/4/93*

■ Laws for farm workers cause rift:

THE Congress of South African Trade Unions has threatened to review its participation in negotiation forums with the Government following the Cabinet's decision to defer the promulgation of labour laws for farm workers.

"Cosatu is extremely disappointed and angered by the turn of events. This move makes a mockery of the entire negotiations process," the union said yesterday.

The congress was reacting to Minister of Manpower Leon Wessels' statement that the Cabinet had not decided on the issue of basic rights for farm workers at its regular meeting on Wednesday. Wessels gave the assurance, however, that the extension of legislation to agriculture would receive special attention at a Cabinet meeting next week.

Cosatu said in terms of an accord signed by Wessels and Cosatu general-secretary Jay Naidoo on November 6, the Basic Conditions of Employment Act for farm workers would be promulgated by April 1.

# Cosatu warning on farm workers

OT 2/4/13

JOHANNESBURG — Cosatu has threatened to review its participation in negotiating forums with the government following a cabinet decision to defer promulgation of labour laws for farm workers.

"Cosatu is extremely disappointed and angered by the turn of events. This move makes a mockery of the entire negotiations process," the congress said in a statement yesterday.

It was reacting to Minister of Manpower Mr Leon Wessels's statement that the cabinet had not decided on the issue of basic rights for farm workers at its regular meeting on Wednesday.

Mr Wessels said the extension of legislation to agriculture would receive special attention at a cabinet meeting next week.

Cosatu said that in terms of an accord signed by Mr Wessels and Cosatu general-secretary Mr Jay Naidoo on November 6, the Basic Conditions of Employment Act for farm workers would be promulgated by April 1.

"The agreement to extend basic rights to farm workers was in fact made in the Laboria Minute, signed in September 1990. Three years later farm workers are still denied basic rights such as sick leave, paid leave and limitations on working hours."

Cosatu said it had a written undertaking from the Department of Manpower's director-general that recent discussions between Cosatu and the South African Agricultural Union would in no way jeopardise the promulgation of the BCEA on April 1.

If nothing came of next week's cabinet meeting it would have to conclude that any agreements reached in talks with the government could receive the same treatment.

"The national office-bearers will thus be forced to recommend to our executive committee that it reviews Cosatu's participation in the various negotiation forums where we are present." — Sapa

# Farm strike rights 'explosive'

Own Correspondent (4/12) South African Agricultural Union (SAAU). CT 5/4/93  
PRETORIA. — The Transvaal Agricultural Union (TAU) has warned that the government will risk an explosive situation if it gives in to Cosatu by incorporating the right to strike in labour legislation.

The president of the TAU, Mr Dries Bruwer, was reacting to a meeting between Manpower Minister Mr Leon Wessels and the

South African Agricultural Union (SAAU). CT 5/4/93

At its meeting last week the cabinet was to have decided on the application to agriculture of the Basic Conditions of Employment Act as well as the Labour Relations Act and the Wage Act.

Nothing was decided and Friday's meeting with the SAAU was "final background" for a decision expected on Wednesday.

Mr Bruwer said farmers would not stand by idly if farmworkers

were given the right to strike. He claimed Cosatu represented less than 1% of the country's 1,2 million farmworkers and therefore had no right to organise on farms.

He criticised the SAAU for submitting an alternative proposal to the government that acknowledged the right to strike.

Mr Bruwer warned the government that the overwhelming majority of white farmers opposed the right to strike.

# Farm labour law decision likely today

AKG 7/4/93 (4)

**SHARON SOROUR**  
Labour Reporter

THE government is expected to make a crucial decision on extending contentious labour legislation to farmworkers at its weekly meeting today, after it overstepped a deadline last week in terms of an agreement with Cosatu.

At its meeting last Wednesday the Cabinet failed to decide on when and how to apply the Basic Conditions of Employment Act to the country's 1.2 million farmworkers.

Cosatu has warned that if nothing comes of the meeting today, it will be forced to conclude that any agreements reached in bilateral or multilateral forums with the government could receive the same treatment.

The federation said it was "extremely disappointed and angered by the turn of events", saying the move "made a mockery of the entire negotiation process".

Manpower Minister Mr Leon Wessels signed an accord with Cosatu general secretary Mr Jay Naidoo last November in which Mr Wessels committed himself to promulgating the Basic Conditions of Employment Act to farmworkers by April 1.

Cosatu said it was "inconceivable that at this late stage, after the accord was signed last year, that the

Cabinet has not yet approved this agreement".

"If the government can't stick to its accord with Cosatu, where and when else will they not carry out their commitments?" the federation asked.

Cosatu also threatened to review its participation in negotiation forums.

"The agreement to extend basic rights to farmworkers was in fact made in the Laboria Minute, signed in September 1990. Three years later farmworkers are still denied basic rights, including sick leave, paid leave and limitations on working hours."

Cosatu said all "democratically minded South Africans" wanted to see basic rights granted to farmworkers and it was only the powerful white farmers' union, the SA Agricultural Union, which opposed this.

The two parties have been at loggerheads over extending legislation to farmworkers and last-minute talks held recently to resolve long-standing disputes over the laws ended in "irreversible" deadlock.

Cosatu said it had a written undertaking from the director-general of the Department of Manpower that its recent discussions with the SA Agricultural Union would in "no way" jeopardise the promulgation of the Act on April 1.

Act to set work hours, holidays

# Govt opts to extend labour law to farms

BDM 8/14/93

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106

PRETORIA — The Cabinet had decided to extend the Basic Conditions of Employment Act to the agricultural industry, Manpower Minister Leon Wessels announced yesterday.

The Act, with certain amendments, will be promulgated immediately and implemented from May 1. It will provide for maximum daily and weekly working hours, lunch hours and payment for Sunday work, as well as leave and sick pay.

To take account of the seasonal nature of the industry, legislation would permit the normal 48-hour week to be extended to 52 hours at peak times in the farming cycle such as planting and harvesting.

Wessels indicated that, in addition, administrative exemptions could be granted to the working hours law.

Wessels said it was hoped the door would now be opened for further discussions on the Wage Act and the Labour Relations Act and on the possibility of one consolidated labour Act for agriculture.

He said it was important for farm labour legislation that guidelines be created which took cognisance of the specific conditions in the industry.

Cosatu spokesman Neil Coleman said the new measure would give farm workers rights as workers for the first time, as opposed to the "serf-like existence in what was a feudal system".

GERALD REILLY

However, farm workers still did not enjoy organisational rights to ensure their rights were enforced in legislation.

Coleman said the acid test would come when the Labour Relations Act and the Wage Act were extended to them. He expected this to happen before the end of the current parliamentary session.

SAAU president Boet Fourie said his organisation would accept Cabinet's invitation to negotiate further on one consolidated Act for agriculture, including the issues of wage specifications and the right to strike. The union was disappointed that fluctuating working hours were not incorporated in the Act but Wessels' offer to regulate variations in working hours through exemptions had possibilities.

Annual leave has been fixed at 14 days and sick leave at 36 days over a three-year cycle.

Wessels stressed that the implementation of the Basic Conditions of Employment Act would not affect the SAAU's negotiations on a consolidated Labour Relations Act.

The amendments to the Basic Conditions of Employment Act were also aimed at a clearer definition of temporary and casual workers; simplifying regulations on Sun-

□ To Page 2

## Farm workers

BDM 8/13/93

4

□ From Page 1

day work; and regulating inspections by the Manpower Department.

Wessels said working documents on the Wage Act and the Labour Relations Act had been published in December last year. Reactions to the documents would be discussed with the main role players and it was hoped to introduce the legislation in Parliament during the current session.

Wessels said attempts to reach consensus among the important role players (the SAAU and Cosatu) had ended in deadlock, although positions had narrowed.

An SAAU spokesman said a minimum wage would be determined only once the content of the Wage Act as it pertained to agriculture had finally been agreed. The industry did not expect the minimum wage provision to be applied for at least two

years, he said.

Coleman said Cosatu called on farm workers to organise and ensure their new rights were implemented. He also called on the SAAU to play a constructive role in implementing the law.

Fourie welcomed the amendment to the Basic Conditions of Employment Act but said it should have been done before the Act was extended to agriculture.

He said the Wage Act was obsolete. Agriculture's wage account was now greater than interest costs and the largest factor in farm production.

He said the right to strike was unacceptable as it could have a serious impact on food production.

● See Page 6

# 1,2 m farmworkers to get labour rights

**SHARON SOROUR**  
Labour Reporter

HISTORIC reform will dramatically alter the working lives of South Africa's 1,2-million farmworkers when a far-reaching labour law is applied in May, following a major Cabinet decision on employment practices in agriculture.

Manpower Minister Mr Leon Wessels announced yesterday that the first of three labour laws, the Basic Conditions of Employment Act, would be promulgated immediately and implemented on May 1.

Mr Wessels emphasised in a statement that the decision to implement the Act was made after extensive "deliberations and consultation".

The Act provides for maximum daily and weekly working hours, payment for work on Sundays as well as leave and sick leave.

The Cabinet decision has been hailed as a breakthrough by the Congress of South African Trade Unions (Cosatu), but has had a mixed reaction from the white farmers' union, the SA Agricultural Union (SAAU).

Mr Wessels hoped the implementation of the Act would "open the door" for further deliberations on the Wage Act and the Labour Relations Act or one consolidated Labour Act for Agriculture.

Noting the SAAU's concern about their bargaining position regarding the Wage and Labour Relations Acts — as well as one consolidated Labour Act — being affected when the Act was implemented, he said: "The Cabinet has made its position clear that the implementation of the Basic Conditions of Employment Act will not affect the SAAU's further deliberations with the government on wage agreements, the right to strike as well as one consolidated Labour Act."

Reacting to the announcement, SAAU president Mr Boet Fourie said the union hoped that "further handling of the matter would result in a single labour law for agriculture", and the SAAU would take up the Cabinet's invitation to negotiate further for one consolidated law for agriculture, wage specifications and the right to strike.

Mr Fourie said the union was disappointed that "the fluctuation of working hours" had not been incorporated in the Act, and that further amendments had not been made before the Act's implementation.

However, Cosatu welcomed the "long-overdue" legislation as an "important breakthrough in recognising farmworkers as full industrial citizens, as workers with rights, rather than semi-feudal serfs, as in the past".

"It sends an important signal to the hundreds of thousands of farmworkers and their families

that the days of 'baasskap' on the farms are drawing to an end."

Cosatu said that, for the first time, farmworkers would be protected, but the ability to fully implement and defend these rights would be secured only once organisational rights, contained in the Labour Relations Act (LRA), were extended to farmworkers.

Mr Wessels said the Cabinet had amended the Act to simplify regulations on Sunday work, to regulate inspections by the Department of Manpower and to further define the definition of temporary and casual workers.

Mr Wessels said the Department of Manpower would hold seminars in different regions, write to each employer and hold discussions on local and regional level with farmers.

● Any inquiries could be made to Dr Kobus van Zyl on (021) 461 6030 or (021) 439 1794.

4 ARG 8/4/93

# Farmworkers to be covered soon

THE Basic Conditions of Employment Act will be extended to farmworkers on May 1, Minister of Manpower Mr Leon Wessels said yesterday.

The Cabinet decision to implement the Act ends more than two years of wrangling and eventual deadlock between the South African Agricultural Union and Congress of South African Trade Unions.

Wessels said the implementation of the Act would not affect the SAAU's approaches to the Government over wage agreements, strike rights and a consolidated labour Act for the country's

*Session 8/4/73*

## ■ Farmworkers to get set working hours for first time: (4) (100) (105)

1,2 million farm workers.

The decision to promulgate the Act immediately was taken at a Cabinet meeting yesterday.

Wessels said the Cabinet had reaffirmed the importance of labour legislation for agriculture with a view to creating practical guidelines that took into account the specific conditions of the sector.

Commentary on the application of the Wage and Labour Relations Acts to farm workers

would be discussed between the main role players. It was hoped that maximum support could be achieved for practical guidelines to be introduced in the current Parliamentary session.

In terms of the Act, farmworkers will have legally set maximum working and lunch hours, payment for work on Sundays and sick and holiday leave for the first time.

Farmers would also be advised how to apply for exemptions during critical periods. — Sapa.

## New SABC board: Procedure approved

THE government announced last night that agreement had been reached on procedures to appoint a new SABC board.

A panel of four judges and four senior lawyers would appoint the new board, the Minister of Home Affairs, Mr Danie Schutte, said.

President F.W. de Klerk had invited Justices Schabert and Mahomed, ex-Justices Trengrove and Viljoen, Mr Louis Skweyiya SC, Mr S.K. Ndlovu, Mr N. Erasmus and Ms Lillian Bagwa to be the panel. — Political Staff, Sapa

### BUSINESS BRIEF

Gold (Ldn) (close) \$336.50  
 Gold (NY) (close) \$337.95  
 Dollar ..... R3,1925/40  
 BD 100 ..... 5635.4  
 FT index (100) ..... 2822.1  
 Dow Jones ..... 3397.0  
 Nikkei ..... 19829.2

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# Protection for farmworkers

By ANTHONY JOHNSON  
Political Correspondent

FARMWORKERS will be protected by labour legislation for the first time from May 1 — Workers' Day.

The cabinet decided yesterday to extend the Basic Conditions of Employment Act to South Africa's 1.5 million farmworkers.

Top government sources said the same legislation would be extended to the country's 800 000 domestic workers — the last group not protected by labour legislation — during the current session of Parliament.

The act makes provision for worker rights, which include maximum daily and weekly working hours, lunch hours, payment for work on Sundays, as well as leave and sick leave.

However, issues such as the right to

strike and minimum wages will fall under the Labour Relations Act and the Wages Act — both of which are still being negotiated with Cosatu and the SA Agricultural Union (SAAU).

The breakthrough in workers' rights comes after a year of intense haggling between the government, SAAU and Cosatu. The major stakeholders did not reach consensus on the rights to be extended to workers but the government decided that the process could be delayed no longer.

Cosatu yesterday hailed the extension of the act to farmworkers, saying it was a long overdue step, reports Sapa. "However, the ability to fully implement and defend these rights will only be secured once organisational rights, contained in the Labour Relations Act, are extended to farmworkers," it said. ET 8/4/93

193 (274) 1





# Better deal for farm workers

Star 8/4/93  
By Kaizer Nyatumba  
Political Correspondent

In a major move for South African farm workers, the Government yesterday decided to extend the Basic Conditions of Employment Act (BCEA) to people employed in the agricultural sector on May 1, Manpower Minister Leon Wessels announced yesterday.

In a statement released by his office, Wessels said the Act — which was hotly opposed by the South African Agricultural Union (SAAU) after it was debated and passed by Parliament last year — was a result of “long-continued deliberations and consultation”.

He said all the major parties had the opportunity to present evidence to the relevant public committee which evaluated the Act in detail before submitting it to Parliament.

The implementation of the Act, which ends more than two years of wrangling and eventual deadlock between the SAAU and the Congress of South African Trade Unions, makes provision for maximum daily and weekly working hours for farm workers, their payment for work done on Sundays, and for annual leave and sick leave.

# About 1,5-million farm workers better off

ABOUT 1,5-million farm workers would benefit from government's extension of the Basic Conditions of Employment Act to the agricultural sector, announced last week.

Farm workers would now work a 48-hour week and be entitled to sick leave and paid holidays, among other benefits.

The announcement did not resolve the deadlock between Cosatu and the SA Agricultural Union regarding a minimum wage for farm workers and the right to strike, which are governed by the Wage Act and the Labour Relations Act respectively.

A Centre for Rural Legal Studies statement said the granting of these basic rights was a

*13/4/93*  
*1988* "historic breakthrough" and an important step towards "meeting international standards in recognition of worker and human rights".

However, it also called on government to honour its commitment to implement the Wage Act and the Labour Relations Act in this year's parliamentary session.

The Farmworkers Research and Resource Project welcomed the decision, but it was concerned about "threatening remarks" made by some farmers after the announcement.

The Manpower Department should "give urgent consideration to the question of enforcement of the new conditions", it said.

MARIANNE MERTEN

(4)

# End to child labour urged

JOHANNESBURG. — Children from black homelands are being trucked to work for a pittance on white farms, where they are often abused, South African human rights and child welfare activists said yesterday.

In sprawling Soweto illegally employed children often turn to glue addiction as a palliative while shovelling and hauling bags of coal to people's homes.

"Child labour must be outlawed," Ms Jackie Loffell, of the Johannesburg Child Welfare Society, told a news conference.

She said recent surveys by welfare groups in the Northern Transvaal region had shown that children from the homelands were working on farms under contract. "There are reports of brutal treatment," she said.

Time magazine photographer

4 8493 CT 19493  
and children's rights activist Mr Peter Magubane said both blacks and whites were exploiting children.

He said boys in Soweto coal yards earned about R30 a week and slept in broken-down vans and old baths.

Existing laws bar the employment of children of 15 and under but contain too many loopholes, say activists. — Sapa-Reuter

FARM LABOUR FM 16/4/93

## Where they stand (4)

**Manpower Minister** Leon Wessels finally took the bull by the horns last week, announcing that the Basic Conditions of Employ-

(4) FM 16/4/93

ment Act would apply to farm workers as from May 1 — international Labour Day.

According to Cosatu, this means that farm workers will for the first time have “some protection” in terms of working hours, overtime, leave (14 days a year), sick leave and against victimisation.

The decision, taken by Cabinet, followed many months of negotiation — not all futile, even if it failed to produce consensus — between Cosatu and the SA Agricultural Union, which had reached deadlock.

If organised farming was peeved, Cosatu saw it as a long overdue step — “an important breakthrough in the recognition of farm workers as full industrial citizens and work-

(4) FM 16/4/93.

ers with rights, rather than semi-feudal serfs as in the past.”

The SAAU hopes that further talks will result in a single labour law for agriculture. It intends taking up Cabinet’s invitation to continue negotiating for “one consolidated law for agriculture, wages and the right to strike.”

SAAU president Boet Fourie said his union was disappointed, however, that the fluctuation of farm working hours had not been included in the Act. This would have enabled “both the farmer and his workers to know exactly where they stand.”

The new law will allow the normal 48-hour week to be extended to 52 during the harvest and planting seasons. But while Wessels’

offer to further regulate fluctuating hours by means of administrative exemptions had possibilities, “there will have to be fixed arrangements for the approval and application procedures,” said Fourie.

Aside from the right to strike (in terms of the Labour Relations Act, which does not yet cover farm workers), Fourie also rejects the idea of extending the Wage Act to farm labour because it “does not belong in a free market mechanism.” Agriculture’s wage bill (R3,2bn last year) had overtaken interest costs (R2,8bn estimated) as its largest cost factor and had implications for food inflation and lay-offs.

To Cosatu, of course, extension of the LRA and Wage Act is the “acid test.” ■

Agricultural body condemns new move

# Diplomatic row explodes

*Sowetan 16/4/93*



■ COMPLAINT Transkei accuses South

Africa of breach of protocol in latest feud:

By Mzimasi Ngudle

**A** DIPLOMATIC row erupted between Transkei and South Africa yesterday after an alleged breach of protocol by South Africa.

Transkei leader Major-General Bantu Holomisa said the South African ambassador to Transkei, Mr Horace van Rensburg, had unilaterally issued a statement that South Africans should not visit Transkei.

Holomisa claimed the statement said the

situation in the homeland was tense.

He denied this and quashed rumours that embassy staff had been expelled.

"The ambassador apparently does not understand the politics of this region. The sooner they replace him the better," Holomisa said.

Holomisa said Foreign Affairs Minister Pik Botha, with whom he lodged a protest yesterday, was the one competent to issue the statement.

Van Rensburg said it was his responsibility to warn South African citizens of potential dangers.

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## Laws will cost jobs

■ Will result in increased mechanisation:

PRESIDENT of the Western Cape Agricultural Union Mr Chris du Toit says the application of labour legislation in agriculture is short-sighted and will result in unemployment.

Addressing the union's annual meeting at Paarl yesterday, he said the move was simply another means of winning the support of the workers.

It would have the effect of increasing mechanisation in agriculture, thus aggravating unemployment, he said. — Sapa.

*Sowetan 16/4/93*



By Diane Coetzer

THE legislation may be through but the work is just beginning.

Last week, the country's 1,5 million farmworkers were granted basic rights under the Basic Conditions of Employment Act (BCEA), the culmination of years of struggle by workers and their organisations for

protection against some of the worst abuses this country's labour force has suffered.

However, say organisations involved in farm worker rights, only

a concerted education campaign will make this legislation effective for farm workers.

Education organiser of the Stellenbosch-based Farmworkers Sup-

port Committee (FSC), Mr Paul Endley, said: "The law by itself means nothing."

"We need to intensify the education programme we implemented some time ago to ensure that every farm worker is aware of his or her rights at every level and they know what to do and where to go if they are mistreated in any way or subjected to unfair labour practice."

The urgent need for education of both workers and farmers was also emphasised by the Centre for Rural Legal Studies (CRLS) in Stellenbosch.

CRLS spokesperson Mr Ben Schoeman said their education programme, which was already underway, would run for at least two years. Farm workers and farmers have been targeted for education.

Until now, education has been a risky game.

Organisations like the FSC have had very limited access to farms — on many occasions organisers have faced armed farmers in the course of their work. Meetings have also often been conducted in a very clandestine way.

"Hopefully, the new legislation will make it much easier to organise meetings on farms," the FSC's Endley said.

In the past the FSC — which has well over 3 000 members in areas including the Boland and the northern and southern Cape — has not been able disseminate information with ease except on the farms they have access to (among others, the Molteno brothers' farms, Vergele-

gen and Bonny Bird.)

Here information is distributed by pamphlets outlining what the act means for workers, posters and a quarterly publication called "Die Plaaswerker".

Once a month a group of farm representatives from farms which do not have recognition agreements meet at the FSC's offices.

These workers go back armed with information and publications. Says Endley: "It is at this grassroots level that we hope to further spread information."

Working with other organisations nationally, the Centre for Rural Legal Studies also has a full educational programme for farm workers.

The Centre runs national education training programmes with farm workers, para-legal organisations, worker representatives and advice offices.

In co-operation with organised agriculture, the Centre has extended its programme to include farmers themselves and a number of conferences are being planned.

However, both the FSC and the CRLS stressed the May 1 implementation of the BCEA is not the end of the road of the struggle for rights for farmworkers.

Just as the effectiveness of the BCEA is limited without education, so it is incomplete in the rights it gives farm workers.

To be fully protected, farm workers need to be covered by the Wage Act and the Labour Relations Act.

The CRLS has called on the Minister of Manpower, Mr Leon Wessels, to honour his further commitment to extend the Wage Act and Labour Relations Act to farmworkers by the end of the 1993 parliamentary session.

# Rights battle begins

South 17/4 - 21/4/93



Bertie Feris



Jeffery Jaftha



Edgar Petersen



Paul Jordaan

Cape Investment Advisors

Business & Financial Advisors

Cape Financial Consultants

South 17/4 - 21/4/93

## CHRIS HANI'S DEATH

We mourn the tragic loss of Chris Hani who strived for Justice and righteousness. He was one of the greatest leaders of our South African nation.

The sinister and repugnant way of his death has shocked the South African society and leaves us so much poorer.

We extend our deepest sympathy and condolences to the Hani family, his friends and colleagues.

Furthermore we detest violence of any kind and from whatever source.

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### Among the rights granted to farmworkers are:

- Every employer must post a summary of the BCEA at work where workers can read it.
- The maximum ordinary working week is 48 hours. A farmer may not allow a worker to work more than 48 ordinary hours a week without paying overtime.
- Overtime is voluntary and workers must be paid extra for it.
- Piece workers must get a wage that is at least as much they

would normally earn for a day's work.

• Sundays should be a rest day. Payment for Sunday work is higher — at least double pay for the time they work.

• Most farmworkers must get two weeks' paid leave a year and seven paid public holidays.

• Farm workers who are too ill to work must get their usual payment.

• Workers cannot simply be dismissed and must be given prior notice in writing.

# Union bid to scrap Wage Act

Bloem 27/4/93

(4) (215) 1  
GERALD REILLY

PRETORIA — The SA Agricultural Union (SAAU) is to press for abolition of the Wage Act in negotiations with Manpower Minister Leon Wessels.

Cabinet decided earlier this month to extend the Basic Conditions of Employment Act to the farming industry from May. But the SAAU is opposing a Cosatu drive to have the Wage Act and the Labour Relations Act applied to the industry to "protect" farm workers from exploitation.

The SAAU's negotiating committee will meet tomorrow to plan its strategy for the talks, which will include a plea for a single piece of legislation for agriculture.

SAAU chief negotiator Kobus Kleynhans said the Wage Act was archaic and no longer had a place in modern SA labour legislation. The SAAU's main objection was to the imposition of a minimum wage for farm workers.

Kleynhans said that those pressing for the application of the Acts to the industry, including Cosatu, based their positions on an International Labour Organisation (ILO) minimum wage recommendation made in 1951.

"That was 42 years ago. The Act is obsolete and should be replaced with legislation more appropriate to today's economic

conditions," he said.

Kleynhans said only one third of ILO member countries accepted the recommendation, which did not mean any of them were actually applying the principle.

Kleynhans said the SA farming industry with its huge debt load could not afford to have trade unions dictating unrealistic minimum wages to farmers who were struggling to survive the debt crisis.

As it was, he said, for the first time last year total farm wages — R3,18bn for nearly 1-million workers — exceeded interest payments (R2,83bn) as the biggest single cost factor in farming.

□ Sapa reports from Bloemfontein that the Free State and Transvaal agricultural unions will organise a farmers' rally at Potchefstroom on May 6 to discuss labour legislation. Matters which include farm safety, land affairs and the financial position of farmers will also be discussed.

Free State Agricultural Union manpower and training officer Piet Moller said the rally had been organised to express dissatisfaction with the unilateral implementation of legislation affecting farming.

# 3 000 go back to work

■ Farm workers score victory as bosses agree to consider demands: Sowefam 29/4/93

By Mzimasi Ngudle

MORE than 3 000 farm workers went back to work on Tuesday when their employers agreed to negotiate wage increases and the recognition of their union.

The two parties reached agreement after a one-day work stoppage at Schoeman Boedery in the Northern Transvaal.

The workers demand wage increases, fair disciplinary procedures and the recognition of the National Union of Farmworkers, an affiliate of the National Council of Trade Unions. Nactu spokesman Mr Mudini Maivha said management agreed to include grievance and disciplinary procedures in the recognition agreement to be negotiated on May 11.



## More labour than interest (4)

■ FOR the first time ever, farmworkers' wages exceeded interest payments as farmers' single biggest expense last year: they paid R3,8-billion in wages to one million farmworkers and paid out R2,83-billion in interest.

South African Agricultural Union chief negotiator Kobus Kleynhans said farmers would oppose plans to extend the Wage Act to farmworkers, calling it an "archaic" piece of legislation. (3) (M) (A) (J) 30/4 - 6/5/73

Farmers will protest against the legislation at a mass rally in Potchefstroom next week.

# Police arrest Philippi farmer

4 AT 30/4/93

PHILIPPI farmer Mr Godfrey Bock, who allegedly shot dead two alleged thieves and wounded two others in February, was arrested yesterday.

Mr Bock, 68, was arrested around 8am at his Sandvlei Farm in Varkensvlei and then taken to the Wynberg Magistrate's Court where he appeared briefly in connection with two charges of murder and two of

attempted murder.

No charges were put to Mr Bock and he was not asked to plead.

The case was referred to the Supreme Court for trial on August 30.

At the time of the shooting on February 9, Mr Bock said that in the past two years thieves had stolen almost R300 000 worth of brass sprinklers from his prop-

erty and hundreds of rands worth of vegetables had been pilfered.

The ANC demanded "a serious investigation into activities past and present of Mr Bock".

A spokesman for the attorney-general's office told the Cape Times Mr Bock would only be prosecuted at this stage in connection with the shootings in February.

**LABOUR** *The extension of the Basic Conditions of Employment Act will benefit farm workers*

# May Day joy over farm Act

**TAKALANI MADIMA** of the Centre for Applied Legal Studies, University of Witwatersrand, focuses on the minimum conditions of employment of agricultural workers now protected by law.

**T**HIS YEAR'S Worker's Day is not only the day the ANC-led tripartite alliance launches its mother of all rolling mass action against the Nationalist Government and recalcitrant employers groups.

It is also the day agricultural workers' right to decency comes into being. The Basic Conditions of Employment Act will be extended to the agricultural industry from May 1.

The Basic Conditions of Employment Act makes specific provision for, among others, maximum daily and weekly hours, overtime, Sunday and public holiday work. These are working conditions that most of us take for granted but which were denied farm workers for a long time.

The Act prohibits employers from working employees more than 46 hours in any week. This prohibition will no doubt have to be adjusted by way of administrative exemptions to the working hours law in the agricultural sector in order to accommodate the seasonal nature of the industry.

Farm Workers will for the first time in

South African labour history be able to be paid the legal rate for working on Sundays and public holidays. Overtime work-rate is fixed at not less than ordinary time plus a third an hour.

Meal intervals of farm workers will be legally protected as the Act makes provision for rest periods of not less than one hour in any five hours worked. This break has to be allowed to workers even where they are not partaking of a meal. Failure on the part of the employer to observe the provisions of the Act can result in a criminal prosecution.

### Minimum wage

The Act does not, however, make provision for the enforcement of a minimum wage in the industry. Minimum wages are regulated by the Wages Act, which for now does not apply to farm workers, although the matter is still under discussion between the labour movement, the Government and the farmers organisations.

The Manpower Department is a Government arm that is charged with the responsibility of ensuring that the employer complies with the conditions of employment set out in the Basic Conditions of Employment Act.

Each local Manpower Department has its own designated inspectors who perform specific functions which include among others, the right to enter without previous notice, and at all reasonable times, any premises used by an employer, and question any person therein on any matter which relates to any provision of the Basic Conditions of Employment Act.

The inspector may have to examine any books, in this case, pay and time sheets or any other documents and demand explanation on any entry on such documents.

If, in the opinion of the inspector, entries to documents indicate that an offence has been committed, he will seize such documents or books for use as evidence in a subsequent criminal trial of the employer.

Although the inspector has the right to make unannounced routine inspections, empirical research indicates that the majority of these cases are triggered off by complaints made to the Department of Manpower by the workers themselves.

From May 1 farm workers, who for example have not been paid their wages or overtime or leave pay will be able to

*may prevent serious policing of farmers:*

**WORKERS' COMPLAINTS** *Graft*



**FLASHBACK ... Workers gather on May 1 last year.**

approach their local Manpower Department and report the matter to the inspector.

The inspector will then demand an audience with the employer. Research

again shows us that the majority of employers do not usually dispute the worker's claim. This will still have to be seen in the agricultural sector.

Where however the claim is disputed, the inspector will seek further clarification from the worker and investigate the issue further. This can include the actual summoning of the employer by the inspector and failure to comply has the effect of contempt, although a warrant for his arrest cannot be issued.

### Directive

The failure, refusal or neglect to comply with the inspector's directive is a criminal offence which carries a fine of not more than R1 000 or imprisonment for a period not exceeding 12 months or both.

It is only after he is satisfied that the employer has a case to answer that he will be summoned via the industrial criminal prosecutor's office to appear in the industrial criminal court.

There will no doubt be problems at the beginning. One cannot help but doubt the efficacy of the implementation of some of the provisions of the Act in remote and conservative areas where the inspector attends weekly braais with the local farmers.

Graft will also prevent the bringing to book of erring employers. There is however little doubt that the majority of farm workers will benefit from the extension of the Act of their sector.

## Drought after-effects still remain

DEEPENING drought would continue to affect SA's economy and people despite the recent good rains which saved this year's maize crop.

A National Consultative Forum on Drought March update report said the Border-Transkei and the Natal-KwaZulu regions in particular were badly affected. Drought after-effects would continue to be severe in the northern and eastern Transvaal, and government declared a further 10 areas drought stricken last month.

Rural communities in the western Transvaal who relied on subsistence farming were suffering because of restricted access to water and a failure of subsistence crops. The problem was compounded by retrenchments in the mining areas, the report said.

A continued lack of sufficient rain and dam water reserves meant planting for the next season would be difficult and crops would suffer in the long term.

Citrus fruit farmers in the northern and eastern Transvaal, who produced a good

MARIANNE MERTEN

crop this season because of irrigation water from the Fanie Botha dam, now faced water restrictions and worsening prospects for next year's crop.

Employment opportunities on coffee, tea and fruit plantations in the areas were also affected.

The report said unemployment might worsen as funding for emergency job creation schemes such as soil conservation projects ended in March.

Natal's grazing was only about 20% to 30% of normal and some northern and costal areas were experiencing high livestock deaths. Although Natal's crops were better than last year, results were still poor compared with an average season. Cane growers were especially affected.

About a third of livestock in the Free State was in poor condition. Wheat farmers harvested only 35% of their crops. Although cotton and potato harvests were good, lucerne was deteriorating because of the cold weather, the report said.

Star 6/5/93

# Farmers to test generals' plan

By Paul Bell

Today's meeting of white farmers at Potchefstroom will be the first major test for the initiative by the Committee of Generals, led by former SADF chief General Constand Viljoen, to unify and mobilise right-wing opinion around the drive for a volkstaat.

Farmers are also expected to tell the Government they will defy the extension of the Basic Conditions of Employment Act to farmworkers, and to deliver ultimatums to the Government and the ANC over attacks on white farms.

Up to 10 000 farmers are expected to converge on the AH Potgieter banqueting hall in Potchefstroom from where — if numbers require — they will march to the Olien Park rugby stadium and convene under the banner of the Transvaal and Free State agricultural unions.

Viljoen, a cattle farmer in the Ohrigstad valley, has been asked to summarise, and draw conclusions on, the discussions on farm security which are expected to dominate this morning's proceedings.

Transvaal Agricultural Union president Dries Bruwer, who is



Constand Viljoen . . . to focus on farm security.

also CP MP for Lydenburg, said he expected farmers to declare "open season" on ANC Youth League president Peter Mokaba, whose "kill the Boer" chants at rallies after Chris Hani's assassination had inflamed farmer opinion.

Other issues on the agenda are the worsening financial predicament of farmers and the question of land use, over which farmers expect to face increasing pressure for redistribution from a new government.

The participation of Viljoen is regarded as especially significant because of his role in the Committee of Generals, which has established a subcommittee to consider strategies for the mobilisation of Afrikaners in pursuit of a volkstaat.

The generals will hold a se-



Kobie Coetsee . . . unable to attend the meeting.

cret meeting tomorrow.

Meanwhile, in Cape Town, Justice and Defence Minister Kobie Coetsee has also said he is unable to attend the meeting. His decision, writes Chris Whitfield, means that the four Cabinet Ministers who received invitations have turned them down and it is now unlikely there will be any senior Government representation.

Government sources have, however, rejected suggestions that it had deliberately snubbed the meeting and said the Ministers all had valid reasons for not attending. Other Ministers invited were Hernus Kriel (Law and Order), Leon Wessels (Manpower) and Dr Kraai van Nierkerk (Agriculture).

● Interview with former intelligence chief — Page 13

# Rainbow plunges deep into the red

134 4 Poultry  
CT 6/5/93

From MARCIA KLEIN

**JOHANNESBURG.** — Rainbow Chicken, suffering the effects of oversupply in the poultry industry, low selling prices and high feed costs, plunged into the red in the year to end-March.

The group, SA's largest chicken producer, reported an attributable loss of R76,7m from a profit of R48,5m in the previous year and an R18,9m loss at the September 1992 interim stage.

In January, Rainbow warned shareholders it would report a significant loss for the year, and announced that 40,3% shareholder Hunt Leuchars & Hepburn (HL & H) would assume management control. Former MD John Geoghegan now heads production and processing operations.

HL & H CE Neil Morris, who is managing the group until a new MD is appointed, said the year began with overstocking and low red meat prices. Although Rainbow reduced production by about 11% over the year and embarked on exports to alleviate the oversupply situation, certain producers increased their production and took a percentage of market share. Rainbow currently holds 42% of the market.

In addition, the declining economy and dumped imported chicken led to continued oversupply. Selling prices

of chicken were severely discounted and net realisations were well below production costs.

Rainbow's sales volumes decreased by 5% and sales prices rose by only 4%, while Epol's turnover growth was marginally below inflation. Group turnover rose by just 2,3% to R1,55bn from R1,51bn.

Morris said feed costs, which accounted for more than 50% of total costs, rose at a rate above inflation on the back of a 24% rise in the basic price of maize. The marginal increase in sales prices could not cover cost increases, and this resulted in an operating loss of R39,1m from operating profit of R76,3m in the previous year.

Cash outflows — arising from the operating loss — and capex were largely responsible for the 46% rise in the interest bill to R39,7m (R27,2m). No provision for tax was necessary due to the losses.

Epol traded at a loss on the back of lower margins and bad debt write-offs.

The group reported a loss of 20,8c (earnings of 13,8c) a share, and did not declare a dividend.

Morris said HL & H had taken significant steps to ensure that the group returned to profitability. Rainbow was in a profit situation and expected to be in a profitable position at the end of financial 1994, albeit at a low level.

Threat of secession at defiant meeting of white rightwingers

Star 7/15/79

# Farmers reject ANC rule

By Paul Bell

White farmers in the Free State and Transvaal yesterday threw down a secessionist gauntlet to the ANC, saying "the world should finally accept" that the Afrikaner folk would not be ruled by the ANC.

This was the bottom line of a series of demands by a rapidly coalescing unity movement on the white Right, calculated to slow down the negotiations process and build pressure there for a volksstaat.

The meeting, at Potchefstroom's Olen Park rugby stadium, was also a prelude to announcements expected in Pretoria today by the Committee of Generals, who have taken charge of coordinating strategy towards this objective.

Addressing a crowd of about 6 000 farmers yesterday (other estimates ranged from 8 000 to 15 000), domestic chairman General Conrad Viljoen, ex-chief of the SADF, called on the Government to stop negotiations in order to pressure the ANC and PAC into regaining control over their armed forces.

"There are those who call for centralised control over the security forces in order to stop the violence," he said. "I have never heard such stupidity in all my life."

He also said he expected more farmers to be killed in the next six months as the negotiations intensified.

Transvaal National Party leader Pk Botha last night hit back at the farmers, saying "the Government will not capitulate before violence and threats", Chris Whitfield reports.

"Threats of mass action and taking the law into one's hands will not contribute towards a peaceful solution for our country." He also warned of racial polarisation and actions must be taken. "It should be remembered that all South Africans, black and white, suffered because of violence and intimidation." Botha said.

## Defiant farmers say no to ANC rule

From Page 1

bility with the Government for the security forces, right-wing Afrikaners would be called on to withdraw from their local commands and from all arms of the police and defence forces.

● The murder of one more white farmer would be regarded as an act of war by the ANC and PAC, and farmers would respond by defending themselves with all the means at their disposal. To this were allied calls for a rural curfew and hot-pursuit raids into black townships.

Gous summed up the mood and objectives of the white Right by saying that while the ANC was presented to them on all sides as a moderate organisation, this was merely an attempt to pull the wool over the eyes of Afrikaners.

"Therefore I say to the world, the Boer — as a Christian and a peace-loving person — will not be governed by the ANC. Please accept that as final."

Viljoen warned the Government that there would be trouble if the security forces were brought under joint command before the settlement and introduction of a new constitution.

He said violence was being directed against whites and farmers because negotiations had reached a critical stage in determining the future form of the State. Those behind it were trying to scare the negotiators.

Viljoen said the security forces had been set an almost impossible task as a result of the Government's decision to allow communists to operate freely in South Africa, and

In Potchefstroom, the farmers also gave roaring approval to three "ultimatums" on their security.

● Any attempt by black political organisations to mount protest occupations of platteland schools would be met with force. Addressing himself to "black radicals" Free State Agricultural Union president and CP MP for Fays, Dr Piet Gous, shouted: "You will die if you try to take over white schools."

● Immediately the ANC and PAC were given responsibility

To Page 3

# Mass of seething khaki gives lonely Deputy Minister hell

Star 715 193

By Paul Bell

The loneliest man at yesterday's "boere saamtrek" in Potchefstroom was Deputy Agriculture Minister Tobie Meyer; the farmers thanked him for coming — and then gave him hell.

He left there a worried man, the jeers and threats of 6 000 angry farmers still ringing in his ears. Today he must return to Cape Town with a message for the Government that the remaining restraints on a now dangerously militant white Right in the Free State and Transvaal may be slipping away.

To the demand by former SADF chief General Constand Viljoen — who received a rousing reception from these increasingly embattled people — that the Government halt negotiations to force the Patriotic Front to control its armies, he could only reply that this was impossible.

To the farmers' howling criticism of the Government's agricultural relief programmes, he could only say that he had listened



Calling a spade a spade . . . a farmer carries the real thing to make his point.

carefully and would convey their distress to the Government.

No one would have been bold enough to say publicly what he claimed in an aside later: that spokesmen for the farmers had misrepresented the situation. Indeed, there was little that he was allowed to say publicly anyway. He was barely allowed

to speak, and even then, the farmers soon booed him back to his seat — after he had stood for several minutes in the teeth of a barracking that would have defied a tank.

And to their angry defiance of a future under ANC rule, not to mention their threats of death to any person foolish enough to try to occupy a white school in the platteland, Meyer could only listen, wan and impassive, and stare unseeing at the mass of seething khaki in the grandstand of the Olën Park stadium.

Dignity demanded that he not react to the taunts of the crowd: but at the end of it all he was clearly drained. He conceded, when asked, that it was "all very difficult".

These, after all, were his people — or had been. He might have been forgiven for wondering how in God's name it had come to this.

On the other hand, as Viljoen said of the murder of farmers, there was nothing here that was new to the history of Afrikanerdom. Rebellion, schism, death, secession: all have had their place



## LABOUR

BY FERIAL HAFFAJEE

A "FAIRTRADE" mark will soon compete with the bouquet and the vintage of South African wines on European shelves.

It will be a stamp of approval to tell politically correct tipplers that their bottle is from a wine estate where workers enjoy "an income and working conditions which at least meet minimum acceptable standards".

The Fairtrade Foundation designed the plan in an effort to harness the waning commitment of anti-apartheid activists who have held sanctions in place in the United Kingdom and Europe.

The scheme will be a "useful tool" to supplement labour negotiations on farms which are likely to get under way with increasing frequency.

The Basic Conditions of Employment Act for farmworkers was passed last Saturday, but farmworkers' unions are understaffed and new to

# Wine, women and workers

negotiations. Their work can be helped if "international buyers start raising the issue (of working conditions)" in deals with South African wine farmers, says the foundation. The organisation also points out that farmers' arms can be gently twisted "in meeting (minimum) criteria if it boosted, or gave, access to the European market".

The Fairtrade mark will not punish or set unattainable standards. Instead, these will be "low enough to be realistically attainable ... to act as an effective catalyst". They are likely to mirror conditions of the most well-kept workers and be attainable by the next layer of producers. It is punted to "guarantee a better deal for Third World producers".

The foundation would identify something in it for everybody: work-

ers get better working conditions, producers are assured a good price and new markets to enable them to pay their workers better, consumers get "to do something constructive for the Third World" and companies who buy the wine (or other products) can credit it to their social responsibility portfolio.

Oxfam, which is researching the project, points out that 80 percent of South African wines are sold as own labels in UK supermarkets and chain-stores and that "the market for fine estate wines is tiny".

The challenge facing the plan is to find a British or European buyer for the marked wine by keeping the price as low as possible while ensuring that the product still benefits those who produce it.

# New law will mean lay-offs

6 Times 16/5/93

PIG farmer Geoff Mohr runs his operation on a tight budget.

His 6 500 pigs have to be fed every day and he says he cannot afford to pay his workers double wages for Sunday work.

Many of his staff of 170 work a seven-day week, but he says they only work a "couple of hours" over the weekends.

"Sixty percent are pigsty boys and the rest are casual labour.

"The new laws won't affect the pig farmers as much as the vegetable and dairy farmers, who work much longer hours," he said.

"A lot of farmers are already struggling. We get R3 to R4 a kilo for our pigs.

"Recently I got a cheque with a zero figure on it for carrots I sold to the market. I have to pay workers to pick the carrots, wash them and drive them to the market. Then they were dumped because there were too many carrots."

## Hard

The cheque is pinned on Mr Mohr's office wall, a sardonic reminder of the gamble of farming.

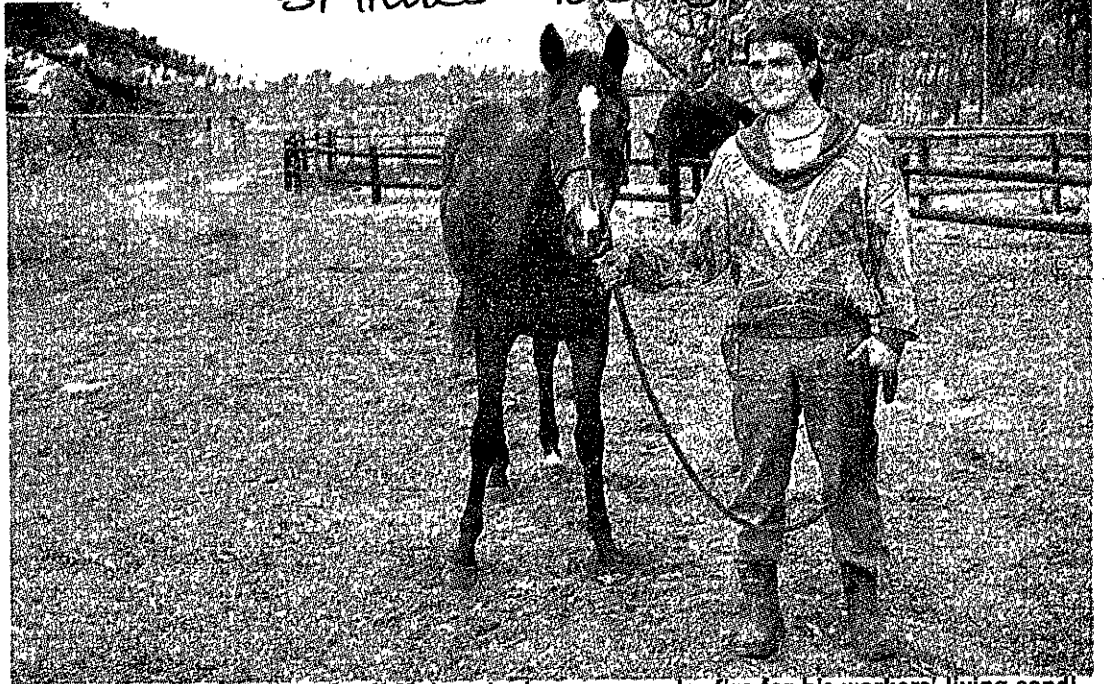
"Vegetable farmers are not happy about this. We'll have to push our workers to do more in the hours they are allowed to work," he predicted.

His workers start at 7.30am, have an hour off for lunch from 12.30pm and knock off at 5.30pm.

He's been sharply criticised in the past about their living and working conditions, but this has served only to harden his attitude.

"If I have to pay my workers R150 a week, I'll get rid of half my staff. I only keep some of them in my employ because they need the jobs," he said.

"The bad ones will go first. For



CRITICISED . . . pig farmer Geoff Mohr, who has come under fire for his workers' living conditions, says his staff are partly to blame

the moment, the old workers can stay here. We have one old man of 90 who is half-blind and walks into things, but he has a pension job here. I can't throw them out. Where would they go?"

His labourers are paid between R70 and R80 a week. Mr Mohr also supplies them with meat, vegetables and two litres of wine a week each, and lends them his bakkie to go to church on Sunday.

"They spend all their money on wine, then they feed their families on the vegetables from the market that have been thrown out for the pigs, and sub-standard bread discarded by bakeries."

Mr Mohr's own family has first pick of the surplus fruit and vegetables.

He said that if the living conditions of his workforce were bad, it was at least partly their own fault.

"They damage the buildings they live in and don't keep them clean. I can't put windows in because they break them every weekend."

Mr Mohr's family started a farm school five years ago, but closed it down because of lack of co-operation from teachers, who, they said, commandeered food meant for the children.

He has no system of leave for his

workers, with the exception of "the better ones" — like his drivers.

"Certain workers do specific jobs, so I would have to train someone else to do the work while the regulars were on leave.

He said some of his workers returned to the Transkei for two or three months each year — "and I just have to accept it".

"I can work around the two weeks leave the law says farmworkers are entitled to. If they are genuinely sick and can bring a sick certificate, that's okay, but usually it's on Mondays they get sick.

"If they are given the right to strike, what happens to the pigs?"

# A TALE OF TWO FARMS . . .

## Workers wouldn't go anywhere else

**IN THE houses for workers at the Molenos Bros deciduous fruit farm near Grabouw, underfloor heating is standard issue.**

Run by a trust, the farm is home to 115 permanent families and 300 seasonal labourers.

None of them would work anywhere else.

"The same people come back year after year. Some of them have been back 25 years running," said personnel manager Rodney Calvert.

Working conditions at Molenos are light years ahead of the new law.

It's the only farm in South Africa so far to sign a recognition agreement with the Farm and Rural Workers' Support Association.

But then, deciduous farmers have a history of looking after their workers well, according to Mr Calvert.

Deputy general manager Willie Geldenhuys agreed: "This is a fairly progressive farming community and people are acutely aware of their workers' needs, and are prepared to invest in them."

A drive around the farm reveals a high standard of living for workers.

### Lucky

Well-built three-bedroomed houses, a swimming pool, tennis court, rugby field, creche, school and library give it the air of a kibbutz rather than a farm compound.

"Everything in the new legislation has long since been implemented at Molenos. We have always maintained that people who need legislation to force them to act are people without backbone," said Mr Calvert.

The average wage at Molenos is R125 a week. Workers have

Legislation laying down basic conditions of employment for farmworkers came into effect on May 1, in the face of virulent opposition from farmers. Diana Streak visited two farms with very different labour conditions

(4)



**YEARS AHEAD** . . . the Molenos Bros farm, where Rodney Calvert is

free medical treatment and a provident fund. There is also sheltered employment for mentally-retarded and physically-disabled workers.

No one earns less than Molenos' self-imposed minimum wage of R16 a day.

"It will be a lot easier for farmers who are doing well to

implement change than those who are scratching a living in drought areas," said Mr Calvert.

But, while he expects initial resistance to the new laws, he is convinced farmers will gradually accept the change.

"Older farmers might sell rather than adapt, but the real problem will be the administra-

tion and record-keeping the new legislation demands.

"Farmers might think twice before taking on new people and it will be very difficult to employ casual labour."

"We've been lucky in the fruit industry. It's the only agricultural sector that has been able to create new jobs."



**Pictures: AMBROSE PETERS**

92/11/10 Dr P J van der Merwe  
Honorarium R150,00

92/11/26 Mr C Rushmere  
Honorarium R 60,00

92/11/26 Prof J Buys  
Honorarium R 60,00

92/12/04 Dr P J van der Merwe  
Honorarium R150,00

(b) (i) No direct payments as salaries were made to sports administrators by the Department of National Education.

(ii) The honoraria which were paid to the persons concerned have already been mentioned.

(c) The Directorate of Sport and Recreation Advancement of the Department of National Education made the payments.

Mr L FUCHS: Mr Chairman, arising out of the reply of the hon the Minister, can he tell us whether his Department or any other Government department has paid any amounts of money to a member of the judiciary who was also a sports Administrator in 1992?

THE MINISTER: Mr Chairman, my Department deals with many sport administrators. We do not pay salaries to any administrator directly in relation to sport. If the hon member has any further information available in this connection, I would on a subsequent occasion like to give the reply in writing.

Mr L FUCHS: Mr Chairman, further arising out of the reply of the hon the Minister, I would like to know whether he can tell us whether any other Government department has paid a member of the judiciary any amounts of money. [Interjections.]

THE MINISTER: Mr Chairman, I am not the Minister of the Budget or the Minister of Finance or the Minister of State Expenditure, and therefore I am not responsible for any other departments' expenditure. [Interjections.]

Mr L FUCHS: Mr Chairman, not really arising out of any reply, may I ask the hon the Minister whether he actually knows what the score was in the game between the parliamentary rugby team and the Russian Republic side last night?

THE MINISTER: Yes, Mr Chairman. I am very pleased to be able to announce that the re-

sult of last night's match was 46 points in favour of the parliamentary team and nil for the European team. [Interjections.] I am very proud of our team. I think they fared very well. [Interjections.] They scored eight tries. There were no injuries and they are all back. [Interjections.] With the parliamentary example set by these hon members, I can say our sport is on the right path. [Interjections.]

An HON MEMBER: Mr Chairman, further arising out of the hon the Minister's reply, may I ask whether the hon member who is asking him so many questions at least makes a worthy contribution to the game?

THE MINISTER: Mr Chairman, all the members of our team are worthy players. [Interjections.]

Pollsmoor Prison: extensions

\*4. Mr R R HULLEY asked the Minister of Correctional Services:

(1) Whether it is the intention to extend Pollsmoor Prison and/or its environs; if not, why not; if so, what is the (a) specific nature and (b) extent of the proposed extensions;

(2) whether the relevant local authorities have been involved in the process of approving plans within the framework of existing town planning provisions; if not, why not; if so, what are the relevant details? B804E

THE MINISTER OF CORRECTIONAL SERVICES:

(1) (a), (b) and (2) No decision has yet been taken regarding the extension of Pollsmoor Prison and/or its environs.

However, the Department of Correctional Services, in co-operation with the Department of Public Works, is investigating possible options to effectively and cost-efficiently address the considerable shortage of prison accommodation in the Western Cape.

In this regard one of the options being looked at is the possible utilization of all available State-owned land in the Western Cape. The utilization of a section of State-owned land at Westlake, adjacent to Pollsmoor, is also one of the options being looked at. In this regard liaison was established with, *inter alia*, the

local regional services council as well as the Regional Development Advisory Committee. However the investigation is still in its initial stage and it is therefore too early to indicate whether or not Pollsmoor and/or its environs will in fact be extended.

I would like to give the hon member the assurance that any future development in this area will be done with circumspection after consultation with all relevant authorities.

Meeting between NEC and State

\*5. Mr R M BURROWS asked the Minister of National Education:

(1) Whether he, any other Minister and/or any Departmental officials were involved in a meeting with representatives of the National Education Conference and the chairman of the National Peace Accord during the week of 3 to 7 May 1993; if so, (a) who was represented at, and (b) what was the outcome of, this meeting;

(2) whether he made any representations to the Cabinet pursuant to the outcome of this meeting; if not, why not; if so, what was the purport of these representations;

(3) whether he will make a statement on the matter? B806E

THE MINISTER OF NATIONAL EDUCATION:

(1) No. There was no meeting with representatives of the National Education Conference (NEC). At the request of the Chairman of the National Peace Committee, a discussion was held with representatives of the Peace Committee and of various organisations on 4 May 1993.

(a) The Ministers and Heads of Departments of National Education and of Education and Training, the Chairman of the National Peace Committee, representatives of the African National Congress (ANC), the National Education Co-ordinating Committee (NECC) and the Congress of South African Students (Cosas).

(b) The meeting did not have a specific outcome. A report was made to the

Cabinet as a result of a discussion on matters relating to examination fees.

(2) Yes. A full report on the meeting was submitted to the Cabinet. It was decided that all parties concerned should be consulted concerning the payment of examination fees.

(3) No. A statement will be issued after this process of consultation has been completed.

Farm labourers' housing: subsidy scheme

\*6. Mr A S BEYERS asked the Minister of Agriculture:

(1) Whether a subsidy scheme in respect of farm labourers' housing was discontinued at the end of 1992; if not, what is the position in this regard; if so, why;

(2) whether the Government has decided to reinstate this scheme; if not, why not; if so, when was the scheme reinstated or is it to be reinstated;

(3) whether he or his Department received any representations in this regard from organized agriculture; if so, what was the purport of these representations;

(4) whether he will make a statement on the matter? B808E

THE DEPUTY MINISTER OF AGRICULTURE:

(1) Yes. Great interest in the scheme caused the allocated funds for 1992-93 to be completely committed by the end of November 1992 and no new applications could subsequently be considered. This commitment shall, however, be met in full during the current financial year.

(2) The Department of Agriculture was compelled to rearrange the priorities in respect of the assistance measures which must be accommodated during the 1992-94 financial year. Continuation of the scheme is being kept in abeyance pending a final decision on assistance measures at present under consideration. The Department of Local Government and National Housing has also been approached to provide funds from the National Housing Fund for this purpose.



- (3) Yes, from the South African Agricultural Union for the continuation of the scheme.
- (4) Yes. A media statement will be issued depending on the finalization of assistance measures and the outcome of the negotiations with the Department of Local Government and National Housing.

**Senior Certificate: examination fee**

\*7. Mr A GERBER asked the Minister of National Education:

- (1) Whether it is the intention to reduce the compulsory examination fee for the Senior Certificate examination in respect of the various education departments; if not, why not; if so, what are the relevant particulars;
- (2) whether he will make a statement on the matter?

**THE MINISTER OF NATIONAL EDUCATION:**

- (1) The Ministers responsible for the provision of education released a statement on 31 March 1993 according to which the Government authorized individual departments of education to reduce the 1993 Senior Certificate examination fees by a maximum of R24,00 from R72,00 to R48,00 with the provision that the loss of income be borne from their own funds or effected savings.

The hon the Minister of Education and Training has since announced that the 1993 Senior Certificate examination fees for the Department of Education and Training have been reduced by R24,00, while the Department of Education and Culture: House of Delegates have also reduced their fees by R24,00.

- (2) Yes. The Government is at present consulting role-players with regard to the levying of examination fees and will make an announcement as soon as a decision has been taken.

*Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament.*

HOUSE OF ASSEMBLY

**INTERPELLATION**

The sign \* indicates a translation. The sign †, used subsequently in the same interpellation, indicates the original language.

**Own Affairs:**

**Afrikaner universities: ANCS/ACP alliance**

\*1. Mr H D K VAN DER MERWE asked the Minister of Education and Culture:

- (1) Whether he intends taking any steps to ensure that universities considered to be Afrikaner universities do not fall into the hands of the ANCS/ACP alliance; if not, why not; if so, what steps;
- (2) whether he will make a statement on the matter?

**\*THE MINISTER OF EDUCATION AND CULTURE:** Mr Chairman, firstly I should like to know what is meant by a university that is considered to be an Afrikaner university. In other words, is there a difference between an Afrikaner university and an institution that is considered to be such a university?

Concerning the further question as to what an Afrikaner university is, I presume that by that the hon interpellant means a university with Afrikaans as the medium of instruction and an ethos that reflects mainly the Afrikaner culture. There are such universities, of course, and I presume that it is in fact that medium of instruction and ethos that the hon member is concerned about. I share his sentiments in this regard. The best protection of the character and nature of a university, any university, lies in its autonomy. That autonomy is already one of the strong points of the university system in South Africa. The protection of the autonomy of an institution is of vital importance to the university system of our country. The Government considers itself to be committed to the preservation of the autonomy of institutions, in a future dispensation as well, and will ensure this. The principle of autonomy has already been incorporated in the draft charter of fundamental rights. I am striving for the consolidation, stabilisation and expansion of the autonomy of our universities. This is the obvious and best way of protecting their nature and character.

\*Mr H D K VAN DER MERWE: Mr Chairman, I should like to quote what Oswald Spengler wrote in his work *Jahre in der Emscheidung* at the beginning of the century. I am going to read the English translation, because my German is not very good. It states:

The White races have descended from their erstwhile position. Yesterday they gave orders, today they negotiate and tomorrow they will have to flatter to be able to negotiate.

I think Spengler, if he could have looked at the present situation of the Whites in South Africa, would have said their negotiations were followed by dishonourable surrender, and that that aggressive destruction of the property and cultures of the White civilisation. [Interjections.]

The hon the Minister and his party are now also working on their constitutional structures which they want to establish in Southern Africa. They are destroying the education facet of the Afrikaner's culture with their entire approach to Southern Africa. This question was most probably formulated in this way by the officials. I do not know whether the hon the Minister still understands who and what the Afrikaner is and which properties in this Southernland belong to the Afrikaner.

In March I asked the hon the Minister a question about the universities, and the Afrikaner universities in particular. I asked him whether he was aware of the fact that lecturers and students at some Afrikaans universities were doing their best to ensure the Africanisation of Afrikaans universities. By that I mean that they should become Black. The hon the Minister then said he was aware of that. I went on to ask him, arising from the hon the Minister's reply, whether he agreed with that. He then replied that it did not fall within his sphere of competence and that in any event he would not be presumptuous enough to interfere in discussions that were taking place in the academic sphere at tertiary institutions.

I want to tell the hon the Minister that he must not hide behind the autonomy of universities today. In Southern Africa there is a history of two standpoints in regard to the essential nature of a university. Wits and Ikeys and similar universities had a completely different standpoint on the matter. We on the Afrikaner side

said the universities in Stellenbosch, Potchefstroom, Bloemfontein and Pretoria were universities whose foundations were established and embedded in the milieu of the Afrikaner. [Time expired.]

\*Mr J A JORDAAN: Mr Chairman, we understand that in his dreams the hon member plays the role of the CP's university establishment committee. The DP decided to compose a manual for him. On the title page of the manual the following words appear: "Opgedra aan Rassepi, Oud-Tuks akademies, lans woord-lengtespialis". The title of this manual is: "Die Bittersteifonteinvolkstatuuniversiteitsinstellingkomiteehandleiding". I think the hon member can practise his arithmetic and count the number of letters. He will find more than 41, which was the length of his longest word the other day.

I quote a few excerpts from the text for hon members:

As die voorsitter hande in die hare is, kry jou hande in sy hare met realistiese standpunte.

The guidebook also says that the chairman may not mislead the proverbial blind in the CP by using the voice of Jacob but the hands of Esau. Furthermore the chairman must accept that a academic freedom of universities, and that every university will determine its own ethos and character, and not the State. It also states that the State must pay all universities a subsidy on an equal basis, and that the State may not discriminate on the basis of the ethos and culture of the university. Moreover the manual also states that naturally universities must be able to approach donors in order to raise funds. They can ask for money in the same way.

I am satisfied that Afrikaners at the universities that are at present Afrikaner universities and Afrikaans universities are capable of dealing with matters themselves, without taking entirely to heart the first two points in the hon member's manual, and that he should not interfere with those universities.

**\*THE MINISTER OF EDUCATION AND CULTURE:** Mr Chairman, the hon member Mr H D K van der Merwe said he wondered whether I still understood who and what an Afrikaner was. I want to remind the hon member that as recently as last week the esteemed

HOUSE OF ASSEMBLY

# Labour laws expected to be passed

11/01/93

GERALD REILLY

PRETORIA — Parliament is expected to pass amendments to the Basic Conditions of Employment Act suggested by the SA Agricultural Union before the session ends in late June. (4) (65) (11)

The Act lays down, among others, working hours, and annual and sick leave provisions for farm workers.

The amendments considered vital by the SAAU are clear definitions of "casual workers" and "seasonal workers". An SAAU spokesman pointed out that 40% of farm workers were employed seasonally.

Another amendment is for a simpler and clearer definition of Sunday work.

Organised agriculture, it is understood, is likely to accept the legislation provided the amendments go through.

Meanwhile, discussions between the

SAAU and Manpower Minister Leon Wesels are continuing on the application of the Wage Act and the Labour Relations Act to the farming industry.

The SAAU remains adamant in its total opposition to the Wage Act and the strike provisions embodied in the Labour Relations Act, and is still pressing for a separate piece of legislation for agriculture.

Government is being tugged in two directions on the issue by organised agriculture, which fears trade unions could abuse both pieces of legislation, and by Cosatu, which is demanding that farm workers should have the same rights as workers in other industries.

## LABOUR

# Planting the seeds for peace on farms

Wimac 21/5-27/5/93.

**A** STARK choice confronts South African farmers: a future ridden with conflict and insecurity, or one where a system is in place which regulates disputes arising with their farmworkers.

This was the strongest message to emerge from the country's first-ever farm labour law conference in Stellenbosch last week. Convened by the Centre for Rural Legal Studies (CRLS) it came days after the extension of the Basic Conditions of Employment Act to 1,5-million farmworkers.

The conference's message was not directed at those farmers who gathered at Potchefstroom recently to bay their defiance of the Act, or any attempts to extend labour legislation to farmworkers. Rather, it was aimed at those farmers who are able to change.

**T**he two days of presentations and debate carried messages for other players in the agricultural arena too. Chief of these was directed at trade unions, industrial relations experts and labour lawyers: put simply, it was that the nature of farms — producing highly perishable products and dependent on inconstant factors such as the weather and biological processes — called for a different approach to that used in industry. Strategies that worked for trade unions on the shop floor could not be applied wholesale to farms, while industrial relations specialists and labour lawyers would have to develop new skills to meet the complexities of the agricultural scenario.

As Johan Hamman, of the CRLS, put it, farms could not be seen as "factories in fields" that could be switched on and off.

This in no way detracted from the need for collective bargaining on farms, Hamman said. But instead of a rigid labour relations model, agricultural production demanded levels of flexibility to cope with changing market and production conditions.

As Hamman pointed out, it was "a

*The country's first-ever farm labour law conference looked at how farmers can adapt to the new legislation and build good relations.*

By **GAYE DAVIS**

simple demographic reality" that, once all South Africans had the vote, the majority of rural voters would be farmworkers.

"Unresolved grievances ... will constitute fertile ground for political mobilisation. Not only will this take labour relations into the political arena, political differences will have an impact on labour-management relations," he said.

For farmers, the message was that labour legislation was neither intended nor constructed to beat them into submission — but rather to set a framework for the regulation and resolution of conflict according to conditions prevailing on specific farms, and which would work to the benefit of both the farmer and his workers.

In some sectors, farmers are ahead of the law-makers. The deciduous fruit industry supports the extension of labour legislation — which, Unifruco representative David Gant told delegates, would largely formalise practices already in place.

In an industry where labour was the largest single production input, economic performance depended heavily on the skills of its estimated 500 000 employees — hence the development of an industry code of conduct adopted a decade ago and expanding corporate social responsibility programmes, Gant said.

The Labour Relations Act — which unions want extended to farmworkers while farmers' would rather see a separate act — does not stipulate details of an employment relationship. Instead it provides for structures to deal with conflict. Discussion should focus on making the Act work, rather than whether it should apply to agriculture, Hamman said in

his paper.

But making labour legislation work on farms presents the biggest challenge of all. Congress of South African Trade Unions general secretary Jay Naidoo's claim that the federation had organised 150 000 farmworkers was rebutted by Stellenbosch lawyer Dawie Bosch: "They may be signed up, but are not effectively part of a union which protects and informs them."

**L**abour legislation could not be extended or enforced without farmers' participation, Bosch said, and while the Department of Manpower was not fulfilling its monitoring role "even in the cities", the state could not be expected to achieve what farmers and their workers could not.

Keynote speaker Baldemar Velasquez, a former migrant worker who founded the Farm Labour Organising Committee (FLOC) which changed the face of farm labour relations in the American Midwest, offered a way forward.

Battling to win basic rights for migrant workers excluded from US labour law, FLOC took the creative step of focusing not on the farmers, but the multi-national companies who bought their crop. At the bargaining table, tri-partite agreements between farmers, the companies and workers were hammered out.

It took 25 years of organising, strikes and stand-offs — but migrant workers not only won security but a solid alliance arose between them and farmers, who found their bargaining power with the food companies significantly boosted by the agreements.

This new co-operation, coupled with incentive clauses, has seen productivity soar. Said Velasquez: "Unless people are made citizens and empowered around and within the economic institutions that affect their lives, no significant changes of lasting value will occur."

South African agriculture would do well to take his seeds and plant and nurture them.

# Labour laws give farmers a headache

SHARON SOROUR

Weekend Argus Labour Reporter

4 ARG 29/5/93

WESTERN Cape farmers are battling to apply a new labour law extended to the agricultural sector, but are open to the historical reform it has introduced to the sector.

According to Mr Johann Hamman of the Centre for Rural Legal Studies in Stellenbosch there is a lot of confusion among farmers, but there is no resistance to applying the Basic Conditions of Employment Amendment Act.

Mr Hamman said: "In the past week I have spoken to about 300 farmers, mostly from Paarl, Wellington and Stellenbosch, and, generally, they are quite open to change and are not resisting implementing the Act."

However, Mr Hamman said the Act was often complex and confusing, especially around formalities like the keeping of records.

"The administration of the Act is part of the problem and some of the provisions seem to be impractical, such as, for example women farmworkers now considered permanent workers, where previously they were seen by farmers as casual workers," he said.

Other problems were being experienced by dairy and poultry farmers, who found that the time constraints of working hours set out in the Act were not suited to their sectors.

Limitations on Sunday working hours or spreadovers were problematic.



Book cuts away confusion over farmworkers' rights

# Help close at hand!

SHARON SOROUR.

Weekend Argus Labour Reporter

LOTS of confusion is being sown down on the farm.

Far-reaching labour reforms may have made legal history in South Africa, but they have landed farmers with the job of ploughing through intricate legal precepts and complex regulations.

Since May 1, ironically Workers' Day, farmers have been compelled to comply with the Basic Conditions of Employment Amendment Act... and that means having to familiarise themselves with comprehensive — and complex — laws governing the farm as a workplace.

However, help is at hand: a new book, *Basic Law for Farm Labour* — available in bookstores next week — has been written with the farmer in mind, say the authors, husband-and-wife team Anton de Jager and Chandré Wild.

He said: "We thought there would be a need for an instructive publication on how to apply the new Act. If you think about the farmer sitting there on his farm wondering how to find out about the law and apply it... it is a problem firstly obtaining a Government Gazette and also difficult to interpret it."

4 ACT 29/5/93

■ Help is at hand for farmers who are anxious about applying the new agricultural labour law aimed at reversing past imbalances of power and giving farmworkers basic rights.

Common law, which has always been applicable to the farmer as an employer, is also dealt with in the book because "there is a lot of ignorance about this".

De Jager, a B Comm degree and Industrial Relations honours graduate from the University of Port Elizabeth, believes most farmers did not expect the law to be enacted. They expected the SA Agricultural Union's own proposal for a separate Labour Relations Act for the sector would be accepted and applied.

The government decided in April to extend the Basic Conditions of Employment Act to the country's 1,2 million farmworkers.

De Jager said the Act could be described as "paternalistic" because it formalised the rights of employees and it aimed to address the imbalance of power that existed in the farmer/farmworker relationship.

Issues like the right to strike and minimum wages fall under the Labour Relations

Act and the Wage Act, which are still being negotiated.

The Act has been simplified in the book, and legal jargon has been avoided.

"Where we thought there might be any uncertainty, we built in examples. For example, the question of working on Sundays, overtime and how to calculate it.

"Also, it is important for farmers to be able to distinguish between the everyday meaning of certain words, like 'wage', and the legal meaning. Legally, 'wage' is given a specific and defined meaning for the purpose of specific legislation."

In researching the book, which will sell at R48 including VAT, De Jager, who grew up in the farming district of Oudshoorn, spoke to several farmers.

"They expressed fears about the administrative aspect and complying with the law. They were very apprehensive about it," he said.

"The book, which will also be available in Afrikaans, points out offences in terms of the Act."

The first part of the book deals with the Common Law and the service contract, outlining the general principles of a service contract, obligations of the employee (farmer-worker) and employer (farmer), what consti-

tutes a breach, termination or amendment of the service contract.

Summary dismissal is discussed in detail, including behaviours which constitute "misconduct" — like theft, fraud, drunkenness, absence, desertion, serious negligence and refusal to work — and advice on how to determine the seriousness of the misconduct.

Part 1 also looks at the definitions in the Basic Conditions of Employment Act, maximum weekly working hours, maximum daily ordinary working hours for day workers and shift workers, extension of working hours, meal intervals, overtime, payment for overtime, work on Sundays, payment for work on public holidays, annual leave, sick leave, calculation of wages, victimisation, prohibition of certain employment, records to be kept by employers, offences and penalties, inspectors and appeals against the decisions of inspectors.

Contraventions of the Act are clearly defined in the book.

The Unemployment Insurance Amendment Act, which was applied to the sector last year, is also reviewed.

Part 2 deals with administrative systems like recording annual leave, absenteeism, sick leave and keeping records of disciplinary action.

# Treated like slaves on farms

*City Press 18/7/93*  
By DAN DHLAMINI

WHEN an employee at Lichtenburg's Henwil Chicken Farm in the western Transvaal did not report for duty on July 3, he was allegedly later assaulted.

George Motladietse Dithebe was kicked and jumped on until he lay limp and was later removed by his fiancée.

Dithebe never recovered from the assault. He died six days later in Thusong Hospital of his injuries.

Western Transvaal police spokesman Capt Petrus Ramatsoele said a white farmer had been arrested in connection with Dithebe's death. He said the farmer had been released on R200 bail and would appear before a Lichtenburg magistrate on Tuesday.

This is the third incident in three weeks where employees in the rural areas have allegedly been assaulted.

A similar incident occurred at another chicken farm near Potchefstroom where a white foreman is alleged to have stabbed a labourer in the chest with a knife.

John Maloganye claims he was stabbed during an argument after arriving at work late.

Maloganye, wounded on the left side of his chest, considers himself to be very lucky. Had the knife gone a bit deeper it could have pierced his heart.

Another farm labourer, 21-year-old Klaas Mofati of Bloemhof, may lose the use of his leg after he was shot.

Mofati, who was employed as a mealie reaper at R120 a month, told City Press that an argument developed when he and his five colleagues, who worked like slaves, wanted to rest. He was shot in the leg.

Mofati is in Tshepong Hospital where he is receiving treatment.

Police told City Press that the man accused of shooting Mofati had claimed the shooting was accidental. He said he had been shooting birds when he stumbled and fell and the gun went off, hitting Mofati.

The police said the man would be charged with the illegal discharging of a firearm.

The western Transvaal regional office of Lawyers for Human Rights condemned the slave-like treatment of farm labourers in the area.

ANC's western Transvaal region spokesman, Ranko Molefe, said his organisation condemned in the strongest terms the barbaric manner in which some farmers behave towards their employees.

## LABOUR

**F**ISHING communities on the Cape's west and south coasts face an uncertain future, given the steady decline of already scarce marine resources. Poverty and unemployment stalk villages such as Ebenezer, Doringbaai, Paternoster, Hawston and Arniston.

Despite the fact that the commercial fishing industry is a multi-million rand industry which has reaped great financial rewards, precious little of the financial benefits have trickled down to traditional fishing communities. The story of how these once vibrant and thriving villages have been brought virtually to their knees is a depressingly familiar tale of greed, corruption, government mismanagement and overfishing by the commercial sector.

Regulations, such as those requiring the licensing of boats, the acquisition of skipper's licences and fishing permits, have consolidated and perpetuated the shift in control of the industry to the commercial sector. This predominantly white sector could more easily obtain permits and licences because they were in a better position to finance the boats and equipment required to be considered for the licences. Poorly educated and sometimes illiterate fishermen found their lifetime of experience discounted when they were unable to pass the written exam for their skipper's licence.

These regulations, in addition to discriminatory laws applied during the apartheid era, have resulted in the impoverishment and marginalisation of fishing communities, furthering the steady alienation of these communities from their resource base, and causing great bitterness and hardship. But, through their associations and unions, fishing communities are striving to become actively involved in the management of marine resources, as well as to be regarded as more than just a labour resource by the fishing industry.

The union most actively involved on the west coast is the Congress of South African Trade Unions affiliated Food and Allied Workers Union (Fawu), which represents fishermen and factory workers from all sectors of the industry.

By focusing on the socio-economic consequences of unsustainable harvesting of the sea's riches, Fawu made conservation issues both relevant and real to workers in the industry.

In discussions with workers and meetings with employers in the industry, Fawu has made it clear that, while much can be done to alleviate the immediate plight of workers, the industry needs to be reorganised in a manner which ensures that workers have a direct say in their future.

Fawu is currently assisting fishermen in Hout Bay, Cape Town, to be accepted as employees of South African Sea Products, and not to be regarded as employees of the boat's skipper — a national practice responsible for the

# Cape villagers fish for a better deal

*Cape fishing communities, increasingly marginalised by the power of the commercial fishing sector, are beginning to organise themselves in an attempt to regain control over their livelihoods. UCT Environmental Advisory Unit's FARIEDA KHAN reports*



Cape fishermen ... want to be seen as more than just a labour resource for commercial fishing concerns

lack of job security and benefits associated with full-time employment.

The Weskus Vissers Unie (WVU), or the West Coast Fishermen's Union, represents the interests of fishermen involved in the pelagic sector. The WVU feels that factories and large fishing companies have been allowed to exploit fishermen and factory workers and to neglect their responsibilities towards them.

In last year's strike by crayfishermen, the WVU, together with the African National Congress, played a crucial role in bringing about a successful resolution of the strike.

The WVU has recently also been involved in discussions with Oceana, the industry's largest employer, which has been locked in a dispute with striking fishermen and fish processing workers in Lamberts Bay for the past two months.

Despite the efforts of the WVU, Oceana has forced the fishermen to accept new contracts on the company's terms and, in addition, is planning to close its fish processing factory in Lamberts Bay, and relocate it at Sandy Point, south of St Helena Bay. The outcome of the strike is strangely at odds

with the crayfishermen's strike, which successfully resolved the contract issue, with Oceana undertaking to employ all the crayfishermen as full-time employees.

The unsuccessful resolution of the strike at Lamberts Bay underlines the political and economic vulnerability of fishing communities and the extent to which their lives continue to be controlled by the commercial sector. It also exposes the weakness of adopting a fragmented style of bargaining, in preference to a united stance by a union representing all sectors of the industry.

While Fawu and the WVU are very active among fishing communities, trade unionism is not the organisational norm. Many fishing communities, while very closely knit, have not formed organisations to represent their interests. Increasingly, however, the necessity for such organisations is being realised, and small communities are fighting for their very survival through their associations.

Two such examples are the fishermen's associations in Ebenezer, on the estuary of the Olifants River on the west coast,

and in Hawston, not far from Hermanus on the south coast. Both associations have singled out the lack of community involvement in the formulation of legislation affecting their livelihood as one of the major factors contributing to widespread poverty and hardship within the community.

The Ebenezer community, with the assistance of the Environmental Advisory Unit (EAU) at the University of Cape Town, has already begun the process of highlighting community concerns at broader decision-making levels.

The EAU is also assisting the Hawston community to bring the issuing of "A" (commercial line fishing) permits to the attention of the authorities. The system is widely perceived to be unfair

and biased in favour of whites, many of whom are recreational fishermen, and not dependent on fishing for their livelihood.

Fishing associations are being given a voice by the Fishing Forum, which was launched in May this year. The Forum, which hopes to address problems in the industry as well as to contribute to the formulation of new policies, consists of representatives from the ANC, the Foundation for Peace and Justice, the Department of Sea Fisheries, boat owners, established companies, the WVU and fishermen's associations.

The forum is a logical extension of the workshops held last year by Johnny Issel of the ANC's development department. The workshops, which formed a part of the ANC's study of the fishing industry, were held in order to give the largely unorganised fishermen an opportunity to discuss their concerns.

These initiatives, in addition to various discussions held with officials in the Department of Environment Affairs and the Department of Sea Fisheries, have already borne fruit. The extension of the quota system to include community trusts in the white fish sector of the industry in March this year has gone some way to addressing resentment against the exclusion of the ordinary fisherman.

However, the extension of the community quota system to other sectors, such as the lobster industry, remains a thorny issue. At present, only the Kalk Bay fishing community has a crayfish quota.

The Hawston community is angered by the fact that west coast quota holders, unable to fulfil their crayfish quotas last year, were allowed to do so in the waters around Hawston. They question why local fishermen, already hard-pressed to survive, cannot be granted a crayfish quota.

Judging by the work being undertaken by unions and fishing associations, and the concerns being voiced by the fishing communities themselves, it is clear that such factors as the continuing dominance of the commercial sector, the widespread poverty and political powerlessness of the fisherfolk, combined with the lack of broad-based involvement at decision-making levels, continue to be significant obstacles in the struggle of fishing communities to regain control of their livelihoods.

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# FLOGGING

## A normal part of farm life

*South African*

Parliament is yet to pass the Basic Conditions of Employment Act which will improve conditions for millions of farmworkers in South Africa. A short distance from Cape Town, workers still suffer under shocking working conditions, University of the Western Cape researcher **TRUDY WAGENSTROOM** discovered in a survey of Philippi:

Less than 20km from Cape Town floggings are still normal for workers in a community that holds itself apart from modern times.

Although the Philippi farming community is surrounded by urban development, it remains isolated from life outside.

Philippi, then a desolate, sandy patch, was given to German settlers in 1877 for farming. The size of the area has since decreased considerably because of rapid urbanisation.

Known as Cape Town's vegetable garden, it is one of the largest suppliers of vegetables to the Cape Town market, providing over 80 percent of produce in 1990.

Philippi is also significant for the mining of silica sand, used to manufacture glass.

The farmers are predominantly of German extraction and live a close-knit lifestyle. They are conservative in outlook and religion and the preservation of culture are important parts of their lives.

The labourers and their families have also lived in Philippi for generations. Some who moved out of the

area returned soon after, saying: "In Philippi we at least had food and a place to live."

The relation between farmers and workers remains that of master and servant. Farmers virtually own workers and their families.

Farmers decide what the living conditions are on the farm — who can live there and who may visit labourers at their homes.

Strict control is emphasised in trespass notices and the rules vigorously applied by farmers — people have been threatened, beaten and even killed after being caught trespassing.

Labourers and families are totally dependent on the farmers for their accommodation, employment and income.

The three prominent forms of labour control in Philippi which keep workers locked on the farm and pose serious constraints for organising them include the use of physical punishment, the tot system and poor living and working conditions.

Flogging is prevalent on the farms. On nine out of 15 farms visited, it is the rule.

Workers say they are flogged for being drunk at work, negligent with farmers' equipment and when they fight among themselves. A flogging is the punishment for doing anything wrong.

Workers show little resistance to flogging. Few talk about it, fearing the loss of their jobs and their homes.

Flogging is the main way in which farmers control and exercise power over labourers. It is used to make them obedient and subservient.

"You can't say anything about it or else you get a hiding as well," workers say.

The tot system — payment with liquor — is still practised on most farms in Philippi (14 out of 15 farms visited).

Many workers regard their weekly "tot" as part payment for their labour.

On most farms workers get an extra R5 to R10 each as a substitute for the tot. On some farms nothing extra is offered.

Workers, however, prefer taking the tot as the quantity of liquor is of greater value than the extra cash offered. Some take the tot and sell it to follow labourers for extra cash.

An effective form of punishment applied by farmers is withholding the tot.

Working and living conditions on Philippi farms induce despair and apathy among workers and their families as many do not know any better and lack the will to improve their circumstances.

Parents work on the farm and children leave school at an early age to work and supplement the family's income. Some children start taking the tot at the age of 16.

The average weekly wage is R35



**FARMWORKERS IN PHILIPPI: They work hard for little pay — at least part of which is in liquor — and are flogged when they do anything wrong**

for women and R45 for men. On some farms women and men earn as little as R16 a week — hardly enough to feed their families.

They are forced to buy on credit at the farm shop. Some come home with as little as R2 after their debt has been deducted. They stay indebted to the farmer, making it

difficult to leave the farm.

Housing is poor. Some labourers live in converted pigsties. Some farmers have improved the housing and installed electricity for the labourers.

A few, with the support of welfare organisations, have established a creche on their farms.

# Dark days in Donkerhoek

City Press 12/6/93

By ELIAS MALULEKE

AWB "commandos" are terrorising black farmworkers living on plots at Donkerhoek outside Pretoria - and the Attorney-General is refusing to prosecute, despite a charge laid with police and a petition handed to police headquarters.

Some farmworkers, however, say they were reluctant to lay charges because some of their assailants were their employers.

The "commandos" also allegedly set up illegal road blocks, raid black settlements and impose curfews in the area.

Aaron Tselane, a 56-year-old father of five from Mooiplaas Farm, said he was walking on the Donkerhoek road when a car with whites stopped next to him. "It reversed and turned towards me. I was struck and sent flying. When I looked up it was speeding away," he said.

Martha Ndlovu, 56,



**JUSTICE? ... Thomas Chauke identified his attackers, but there it ended. ■ Pic: ELIAS MALULEKE**

said even women going to night vigils were now scared of walking at night.

"The place is now dangerous and every time we see a car approaching we are forced to duck into bushes," she said.

The ANC organiser in the area, Champ Nkgoeng, said the ANC was planning a protest

march to bring the situation to the attention of the authorities.

Businessman Leon Barnard, who owns Die Oukraalmuur shopping centre in Donkerhoek, said pedestrians were "arrested" for "drunkenness" after they were made to breathe in the faces of "so-called commandos" and taken to the Cullinan

Police Station where they were charged without questions being asked.

Barnard said a petition with 500 signatures detailing attacks and other complaints against the "commandos" had been handed to police, but "nothing was being done".

One of the alleged victims was his garage employee, Thomas Chauke, 32, who was severely beaten up and left for dead next to the Bronkhorstspuit - Silverton Road late last month.

One of his alleged assailants is a senior member of the AWB in the area.

Chauke laid a charge with the police and identified his assailants at an ID-parade, but nothing has been done.

Johnny Mashgo, 18, and his cousin Oupa Dube, 23, of Hoover Farm, told how they were "arrested" for walking in the road late one night last week. "They demanded to

know what we were doing at night and locked us in the bakkie for some time, threatening that we were going to die."

He said one of the men later "gave them a final warning".

Magdeline Tselane, 47, said she was one of several people raided by the "commandos" who ransacked her home and stole her electrical generator. She was later ordered to fetch the generator at a neighbouring farm.

Police spokesman Maj Andrew Lesch said all alleged victims should lay charges with the police.

He said Chauke's alleged assailants were not acting on the instructions of the local SADF commando, as there was no commando patrol that night.

Lesch said one of the men implicated in the assault has been removed from the commando unit in the area, but the A-G had declined to prosecute.

# Workers get a bum deal

C/Press 13/6/93 (4)  
By FRED KHUMALO

WOMEN workers at a Natal poultry farm do not wear panties on the chicken breeding premises – and that's by official decree.

The stark naked truth came to light following the dismissal of about 400 workers when they demanded they be allowed to wear panties.

To check that rules are not broken, workers say male supervisors feel the women's bottoms daily.

National Chick Farms managing director Mike Walne said rules requiring workers to change clothes were standard throughout the poultry industry as clothing could be a possible source of germs.

## Unusual

Walne found it surprising that workers were now questioning the unusual dress rule, which had been in operation for 12 years.

The Food and Allied Workers' Union confirmed the union had intervened and was demanding the unconditional reinstatement of the workers.

But the workers have refused to go back until the company agrees to scrap the unusual dress code.

On entering the breeding premises, the women take off their clothes – panties and shoes included – and get into specially designed short pants.

The Fawu official said the company rule was that supervisors were entitled to examine the women's private parts to ascertain the absence of the essential underwear.

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# focus on Farmworkers

Sowetan 14/6/93

**A**S THE farmworker whets his scythe to reap the fruits of the new labour law, an irate farmer vows to balk at the gains secured by trade unions. May 1 saw the extension of basic rights to farmworkers by the introduction of the Basic Conditions of Employment Amendment Act (BCEAA). Thousands of farmworkers employed by more than 60 000 farmers countrywide are now entitled to rights like paid sick, maternity and annual leave, maximum working hours and so on.

The Act makes no provisions for minimum wages or the right to strike. While trade unions heralded the Act as the first positive step towards the extension of labour rights to farmworkers, strong opposition from the farmers has since emerged.

Eight farmworkers in Zeerust have been dismissed for attempting to enforce their new rights. The president of the Transvaal Agricultural Union, Mr Dries Bruwer, has stated that his constituency will not implement the Act.

The South African Agricultural Union (SAAU) is now busy negotiating with the Government for a unique labour legislation that would cater specifically for farmworkers. "We decided that we would in future negotiate only on a basis of a single, amended act on labour legislation of farmworkers," SAAU president Dr Boet Fourie said. He argues that present labour legislation is not suited to meet the needs of the farming industry.

Neil Coleman, spokesman for the Congress of South African Trade Unions (Cosatu), says: "There is no principled objection to a labour legislation designed to cater specifically for farmworkers." Provided, Coleman says, the farmworkers are not deprived of the rights enjoyed by other workers.

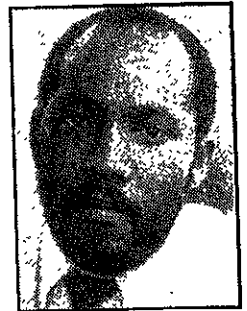
It may be that such legislation is indeed desirable to meet the exigencies of the farming industry. However, the history of South Africa's labour legislation does not tally with this view. It was only after the recommendations of the Wiehann Commission that a black worker was statutorily recognised as an employee.

Even then farmworkers were left out in the cold with no statutory protection against abuses. Widespread exploitation and racism, often resulting in deaths, occurred in various parts of the country. It is not so much the contending interests of capitalism and trade unionism that instigate concern.

It is the farmers' reluctance to part with years of cheap or free black labour which earned them huge profits. Farmers profitably exploited loopholes opened by the denial of rights now extended to farmworkers. The Act itself is still in its infancy and therefore too early to assess its pros and cons.

Nonetheless, it transpires that the noblest of

The introduction of the Basic Conditions of Employment Amendment Act saw South Africa's farmworkers accorded privileges that had been denied them for decades. But the Act, argues **Mzimasi Ngudle**, does not go far enough:



Farmworkers ... fighting for basic rights

intentions (if any) it was meant to serve are being stifled by the prejudice and intransigence of the conservative agricultural community. To imagine an equitable labour regime specifically suited to the farming industry in the face of entrenched interests of farming capital is extremely difficult.

It appears that the Government, in keeping with its *transitional politik*, has tried hard to assuage trade union demands in pursuance of its broad objective of exciting credibility. There is an urgent need to ensure that farmers comply with the imperative provisions of the Act.

Mr Kobus Kleynhans, another SAAU spokesman, said many farmers viewed "unions negatively as a group of people having no regard for the economy of the country. As a result we are reluctant to allow trade unions to organise workers on farms although we recognised their right to do so."

Another flaw is that, unlike the LRA, collective bargaining is not regulated by the new Act. Dispute resolution mechanisms like conciliation boards and industrial councils will thus not be available to farmworkers.

Coleman pointed out that this represented a backlog in the extension of labour rights to farmworkers.

It is cold comfort for a worker to secure rights which he cannot exercise. A right is a right precisely because it is exigible. Moreover, the Act affects the farm workers adversely in that specific clauses, enacted specifically to cater for farm workers, prescribes more maximum working hours compared to office and factory workers. One assumes that the legislature, by adding more hours to farmworkers, tried to provide for that "uniqueness" to meet farmers' demand for special legislation for farming industry.

What kind of legislation the farmers are looking forward to is still unclear. Coleman says the Act is not in line with international standards. The National Union of Farm Workers, an affiliate of the National Council of Trade Unions (Nactu), says the Act is inadequate.

Coleman says the Act is acceptable as a first step towards a comprehensive package that will ultimately see the Labour Relations Act and the Wage Act applicable to farmworkers as Cosatu agreed with Manpower Minister Leon Wessels.



# Farm labourers' rights must be given some meat

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 18/6/74  
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**O**NCE farmworkers are accorded rights under law, what system should be in place to ensure they are enforced? As Congress of South African Trade Unions general secretary Jay Naidoo pointed out at the country's first farm-labour law conference in Stellenbosch recently, unless farmworkers' rights are enforceable, "they won't be worth anything".

Yet, as the conference — convened by the Centre for Rural Legal Studies — heard, the Department of Manpower is already unequal to the task of carrying out its monitoring duties even in urban centres.

Stellenbosch attorney Dawid Bosch told how a mere 136 people had been appointed in addition to the department's 4 000 employees "to deal with every aspect of labour legislation in agriculture".

This represented a three percent increase in the department's labour force, while agricultural workers accounted for 15 percent of South African employees.

"We will have to have much more resources regarding enforcement agencies. We need people coming in from outside, as in rural areas the existing establishment is very close to the farmer," Bosch said.

**D**ismissing the notion of a separate court to deal with agricultural disputes — something organised agriculture has been pushing for — as "unaffordable and nonsensical", Johannesburg attorney Paul Benjamin argued in favour of using the industrial court system.

While criticism of the industrial court was justified — it was "bogged down" and took too long to do its work — there was nevertheless consensus on his side, Benjamin said.

Set up in 1979 to achieve the swift resolution of industrial disputes, by 1990 the industrial court was dealing with 6 000 cases a year, mostly concerning individual unfair dismissal cases. Despite its problems, it had helped transform industrial relations. For example, it was now standard practice to hold a hearing after an alleged unfair dismissal, Benjamin said.

Individual dismissals would fuel most agricultural actions and these could be dealt with by the industrial court: a relatively simple

Farm labourers will be gaining their long-awaited rights. But an effective system needs to be set up to ensure that they are enforced.  
**BY GAYE DAVIS**

amendment to the Act could bring farmworkers' under its aegis.

However, the system needed to change. More officials needed to be trained and mediation mechanisms set up which required a commitment to deploying more resources, Benjamin said.

Aninka Claassens, of the Centre for Applied Legal Studies, stressed the need for a court process.

"In the rural areas, people are evicted for going to a lawyer. The local policeman is often the prosecutor and the magistrate a farmer."

"Only when farmworkers can take a farmer to court can that arena be opened up."

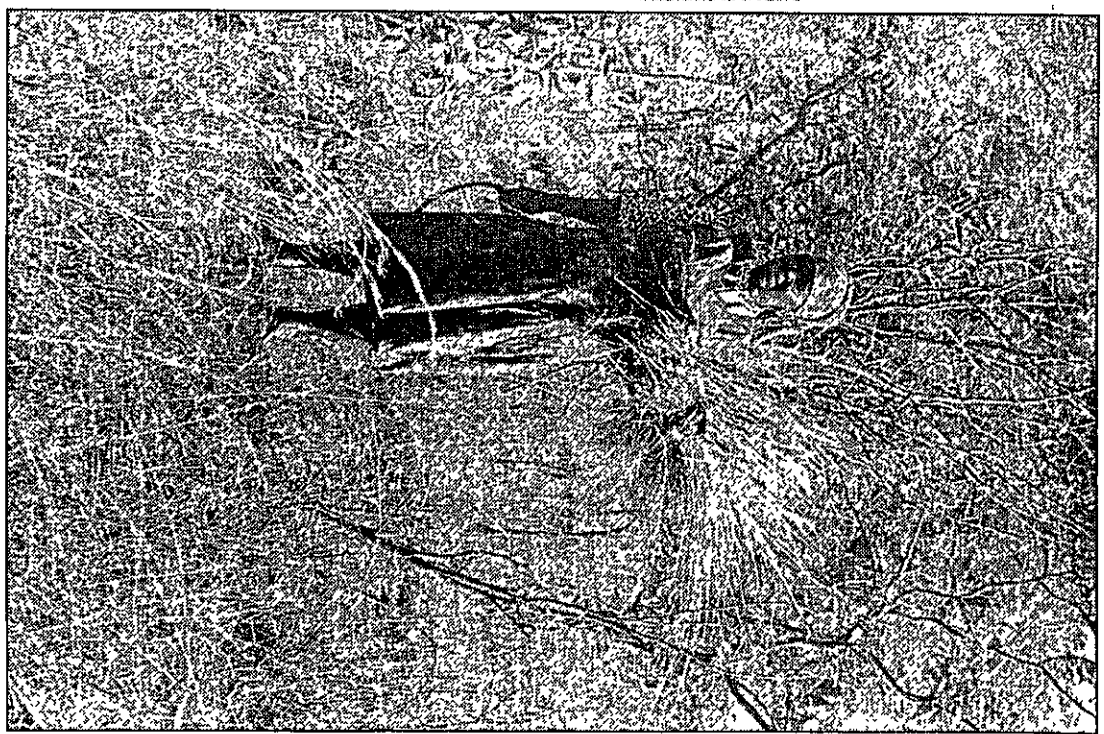
Peter Harris, who worked as a labour relations officer in that country, described the system operating in that country. Labour relations officers bypassed the need for lawyers and were thus "less threatening for someone who is under-educated or illiterate".

They were empowered to start investigating a case "within the hour" and could freeze the status quo, providing an effective, easily imposed fetter on a farmer's power to dismiss and then summarily evict a worker.

It was a "quick and easy" system, according to Harris: labour relations officers could collect facts, gather evidence and call additional witnesses. Dissatisfaction over any outcome could be referred, by way of appeal, to another court.

**B**ut, in order to bring about any real changes to their living and working conditions, farmworkers would have to be informed of their rights — which raised the thorny issue of access to farms.

"The Trespass Act blocks trade unions and paralegals from access to farms," Pane Moshumyane, of the Orange Free State Rural Committee, told the conference. "Our call is



**Farm workers have little legal protection at present. But another problem exists. How to enforce their rights once they get them?**

that the government must scrap this and other laws hindering the enforcement of rights extended to farmworkers.

Organised agriculture's standpoint on this seems unyielding.

According to the South African Agricultural Union's (SAAU) Kobus Kleyhans: "Trade unions should earn their welcome on the farms." While SAAU members supported the notion

of a workers having access to a fair court, in a context where farms were being attacked at the rate of one a day, there was "no way" farmers would agree to the Trespass Act being scrapped.

"Legislation alone won't change attitudes," Kleyhans said. "We still won't make headway if we remove the law and don't win the confidence of farmers."



# Union denies PAC charge <sup>(4)</sup> over workers

ARC 2316/93

PRETORIA. — The South African Agricultural Union has dismissed as unfounded the allegation by Pan Africanist Congress president Clarence Makwetu that farmers abused their workers.

SAAU's deputy director of general services, Kobus Kleynhans, addressed a Press conference here yesterday.

Mr Makwetu on Monday accused "white farmers of age-old abuses on farm labourers and rural blacks", which he claimed had aggravated the pain of "land dispossession suffered by black people in general."

SAAU president Boet Fourie said his organisation was aware of media reports that the PAC was prepared to hold talks with organised agriculture to find a solution to attacks on farmers.

But the SAAU would react only after an official PAC invitation he said. — Sapa.



**SUFFER LITTLE CHILDREN . . .** Bethal farmer Gert Slabber (below) says local children come to him begging for jobs. Children as young as nine years old pick potatoes and fill 10 kg sacks for about R40 a month to help their poverty-stricken families.

■ Pic: ANDRIES MCINEKA



# A life of hard labour when child's play is out of reach



By **MONWABISI NOMADLO**

**CHILDREN** as young as nine years old are being employed on potato farms in the conservative town of Bethal, in the eastern Transvaal.

They earn a meagre R40 to R55 each month.

After a thorough investigation City Press learned that some of the children had been "forced out of school by their employers" while some work permanently on the farms.

Those fortunate enough to attend the local farm school return to the farms to do manual work after class.

During the week, children work from 1 pm until 5 pm while on Saturdays they work from 8 am until 1 pm.

Child labour in SA is prohibited by law.

But one of the most prosperous pota-

the farms included picking up potatoes and filling 10 kg bags or digging up potatoes left in the ground by the tractor during harvesting.

Slabber, who claims to have played with black children in his childhood days, said: "It is not unreasonable to employ the children from nearby."

He pointed out that people in the area were poverty-stricken.

"They are very poor. The children are helping their parents and thereby bringing in more money."

Mkhaleni countered that Slabber was cutting costs as extra accommodation would be needed to house and feed an adult workforce.

Slabber, who is fluent in the local Ndebele language, said he treated his labourers "well".

"Here on the farm, unlike you people

CIPRESS 2/11/93

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**SUFFER LITTLE CHILDREN ...** Bethal farmer Gert Slabber (below) says local children come to him begging for jobs. Children as young as nine years old pick potatoes and fill 10 kg sacks for about R40 a month to help their poverty-stricken families. **PICTURE BY ANDRIES MCINEKA**



# A life of hard labour when child's play is out of reach

By **MONWABISI NOMADLO**

City Press 27/10/93

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Those fortunate enough to attend the local farm school return to the farms to do manual work after class.

During the week, children work from 1 pm until 5 pm while on Saturdays they work from 8 am until 1 pm.

Child labour in SA is prohibited by law.

But one of the most prosperous potato farmers in the area, Gert Slabber, confirmed he employed children on his farm, adding that "it was a light job done on a part-time basis".

Slabber, feared by local blacks even on surrounding farms, said he was forced to employ the children because of "pressure from the children and their parents".

He said he had tried to explain that child labour was illegal, but the children were persistent.

The illegal practice has been going on for the past three years, an informant told City Press.

Slabber, known by locals as "Msandini", is the owner of seven farms in Diepfontein, which occupy many acres of land. He employs 150 labourers.

### Unreasonable

Slabber claimed the children came of their own free will to his farms.

However, it was alleged that Slabber frequently went to the local farm school and openly invited children to come to his farms.

He denied the allegations.

According to a spokesman for the Rural and Farm Association, Meshack Mkhahleni, several teachers were allegedly intimidated by Slabber for withholding children and have subsequently consulted their lawyers for advice.

Mkhahleni said Slabber was "exploiting the children because he contributed towards the school's building costs".

Slabber said children worked on the farm so that they could also earn some money to buy school uniforms.

"They help in the store room. In fact it's play for them, you know!"

On the contrary, children interviewed by City Press said their work on

the farms included picking up potatoes and filling 10 kg bags or digging up potatoes left in the ground by the tractor during harvesting.

Slabber, who claims to have played with black children in his childhood days, said: "It is not unreasonable to employ the children from nearby."

He pointed out that people in the area were poverty-stricken.

"They are very poor. The children are helping their parents and thereby bringing in more money."

Mkhahleni countered that Slabber was cutting costs as extra accommodation would be needed to house and feed an adult workforce.

Slabber, who is fluent in the local Ndebele language, said he treated his labourers "well".

"Here on the farm, unlike you people in Johannesburg, we live like a family. Colour is not important. When someone has died, we cry and pray together as a family."

"When I promise to pay my workers R10, I give them R10 and not R9.95. But they must work for that R10," a finger-wagging Slabber said.

Slabber alleged that he had been threatened by the local branch of the PAC.

When City Press visited his farm, Slabber and his wife, his two sons and a daughter-in-law were armed to the teeth with handguns and hunting rifles.

While Slabber confirms the abject poverty of the people in his area, he and his family live a life of luxury.

Bethal potato farms rose to notoriety in the '50s when appalling work conditions were exposed by the late doyen of black journalism, Henry Nxumalo, whose report in *Drum* magazine was later confirmed in an official inquiry.

A spokeswoman from Johannesburg Child Welfare Society, Jackie Loffell, condemned the employment of children on farms.

She said her organisation was against child labour.

However, the matter would be referred to the Black Lawyer's Association, she said.

She added that the farmer was breaking the law.

The society is also against the agricultural union's minimum age suggestion of 12 years old.

Loffell advised concerned adults in the area to report child labour cases to the Manpower Department.

*Miss* ★

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# Farmer's dogs still terrorise populace

By **MONWABISI NOMADOLO**

A BULKY farmer and seven other white men who allegedly assaulted a black woman and set a pack of dogs on her on May 8 have still not been arrested.

However, an East Rand police spokesman said police had already taken "warning statements" from the farmer and his son regarding the incident.

Concerning the other six suspects, the spokesman said investigations were continuing.

She said the docket would be sent to a senior State prosecutor who would decide whether to prosecute or not.

City Press has established that since last year three other people have been attacked by the dogs.

The farmer would not say how many dogs he owns, but we counted at least 15 when we visited the smallholding near Heidelberg.

A Vosloorus mother of five, Leah Gumede, was savaged by four of Hennie Groenewald's dogs while riding home from work on her bicycle.

She claimed the attack was unprovoked and racist. Groenewald - known as "S'bhagela" (fist) because he is a renowned puncher - spoke to City Press this week from his farm outside Vosloorus.

Groenewald said he had warned Gumede on numerous occasions not to trespass on his farm.

"I've even put a no entry sign on my farm, but that has been ignored," he said.

Groenewald denied Gumede's claims that he assaulted her with batons and a sjambok and then set his dogs on her.

All he could say was that the area where Gumede

## Locals tell of 'racist' rampages

City Press 4/7/93

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was savaged by the dogs was his property and he did not want to be "provoked" on his property.

On an earlier visit to the farm accompanied by police - after spending 15 days in hospital recovering from the attack - Gumede alleged that Groenewald refused to make a statement to the

police and denied assaulting or even knowing her.

Gumede also said that Groenewald refused to accompany the police to the station police, allegedly telling them he was "too busy" to go and make a statement.

Groenewald did not respond when asked.

However, he did say he was prepared to appear before a magistrate who should decide on the matter.

Gumede denied that Groenewald had ever warned her.

She said the afternoon she was attacked was the first time she had ever seen Groenewald.

Besides Gumede, three other people have been savaged by the dogs described as "racist" by locals.

Mother-of-four Sophie Tucks, 56, said she was attacked by the dogs last year while working on the farm packing bottles.

"I was on duty that morning when the (unleashed) dogs suddenly attacked me," she said.

Tucks added that Groenewald was present when the attack took place but never said a word. Groenewald denied this.

"Groenewald accused me of provoking the dogs," she said, showing the scars still visible from the ordeal.

"How could I provoke the dogs after working there for 11 months and never being attacked before? *Hy se ek het die honde eerste gebyt. Hoe kan ek 'n hond byt? Die honde het my gebyt!* (He said I bit the dogs first. How could I have done that? They bit me!)

Tucks never reported the incident to the police. She immediately stopped working for Groenewald, who was paying her R150 per month.

Asked about Tucks, Groenewald did not deny knowing her, but did not comment on why she was attacked by the dogs.

Another alleged victim was named as Ephraim Moeketsi of Vosloorus and Gumede's co-worker at TPA's Suikerbos Nature Reserve in Heidelberg.

According to Gumede, Moeketsi was attacked by the dogs last year while walking past Groenewald's farm and later spent several days in hospital.

Another unsuspecting man, whose name we could not obtain, was running past the farm when attacked by the dogs last year.

According to informants, the runner's left ear was ripped off.

Groenewald confirmed the incident but could not confirm that his ear was ripped off. He said he did not just stand and watch while the dogs attacked. He rescued the man, he said.

On inspection, the path on which Gumede was attacked was not fenced.

Locals said they had been walking on the path, which Groenewald claimed was his property, for years.

"There was a police station here at first," Gumede said, pointing at dilapidated buildings that once housed the police station. "We used to walk here even when the police station was here, and they did not object."

Groenewald's farm has since been put up for sale. He did not disclose the reasons.

"If you have R600 000, you can have it," he said, his eyes hidden behind sunglasses.

Groenewald insisted he had a point to make and stressed: "This is my place and I don't want to be disturbed."

He added that he had the right to allow or deny President De Klerk or Nelson Mandela to be on his farm. "If I don't want them here, I don't want them here," he said.

Asked how many dogs he had, Groenewald answered: "Nie baie nie, daar is meer tsotsis as honde." (Not many, there are more thieves than dogs).



**HELL'S TEETH...** Sophie Tuck still bears the scars.

■ Pic: ANDRIES MCINEKA

# No reward for ten years' hard labour

City Press 4/7/93

By DAN DHLAMINI

HIS reward for dedication, hard work, loyalty and long service was a near-fatal stab wound in the chest and dismissal.

This is what Jacob Maloganye, 46, a Potchefstroom chicken farm labourer for the past 10 years, realised this week.

To add insult to injury, when Maloganye reported the incident to Noric Poultry Farm manager Johnny Havenga, he was told that the director, John Fourie, had sanctioned his dismissal.

Maloganye, a father of six, who claims he was forced to work night shift for the past 10 years, miraculously escaped death when his white foreman, Cor Labuschagne, plunged a knife into his chest after an argument about being late for work.

Havenga told City Press that Maloganye was dismissed because "he did not listen to his

white superiors".

Havenga said he had nothing to do with Labuschagne and Maloganye's problems.

Asked why he did not dismiss Maloganye before he was injured, Havenga said he was not a racist, but the labourer had "asked for it".

Lawyers for Human Rights' Abbey Dlavane confirmed Maloganye has sought help from them in regard to the alleged stabbing.

Maloganye said Labuschagne told him that he would not be arrested for killing a "kaffir".

Labuschagne confirmed having had a skirmish with Maloganye, but denied hurting him or making racist comments.

Western Transvaal police spokesman Lt J Degenaar confirmed the incident and said no arrest had been made and that police were investigating.

NEWS ANALYSIS *A system of involving farmworkers in running the farm that could work today*

# A shining example in Free State

Sowetan 5/7/98

By Musa Zondi

**ON THE SPOT** *In the heart of the Orange Free State, a shining example of how workers and a farmer could relate:*

**I**N THE WIDE OPEN SKY COUNTRY OF the Orange Free State, the dust covers the sun like a swarm of bees migrating.

Part of the dust comes from the activities on the fields as tractors go about the business of ploughing and harvesting.

But as it dies down, you just see a stretch of land, with houses of workers scattered all over.

Over there you can see a school, scattered houses of farm workers and then just open fields.

Here, at Barolong farm you are met with the sweet smell of honey. Having left the main gravel road, you are stared at by sombre farm buildings.


This is the farm that has been a model of how workers can be treated correctly.

Farmworkers have borne the brunt of the most cruel and inhumane labour practices in South Africa.

They have been beaten by farmers who treat them like children, they have

been exploited, made to work long hours and were totally at the mercy of their employers.

Law has been very patchy when it comes to the right of these workers. Even the recent promulgations could easily be ignored by farmers.

**Gloomy picture**  But in this gloomy picture of the life on the farm, there have been farmers who have been willing to experiment with a different system which recognizes workers as human beings.

In the mid-30's a young farmer, Jean-Baptiste van Riet took over a farm called Barolong.

Being aware of a so-called labour problem in the farming sector, Van Riet

set out to change the system of farming as it was known at the time. He wanted to make the workers part of the system. He wanted a system that provides "ingredients for contentment and keenness".

To give the workers a sense of belonging, he provided incentives that would ensure this.

First he built brick houses for the workers. Each house had two bedrooms, a diningroom/lounge and a kitchen. (Most of the houses, even though somewhat extended, still stand today.)

He then built a school for the development of the children of people who worked on his farm. At the time, there were only two teachers.

Then he pooled 5percent of the earn-

ings and this was distributed equally among the workers. A committee was also set up to oversee the interests of the workers and the farm itself. With the community, the committee voted on the hiring and firing of the workers who had transgressed the rules.

Van Riet says he was immensely satisfied with the system. But other farmers in the region were not thrilled by the experiment.

They said he was spoiling black people and he says his contention was always that they were earning whatever they got - it was not just the work of a good Samaritan.

At some point he was also refused entry to farmers' meetings in the area.

**Not bothered**

But Van Riet, who says he is nearing 90 years of age, says he was not bothered by those who did not want to listen.

Today, he says he does not fear any attack as most farmers in the region have experienced. But Van Riet says most of the attacks that are attributed to the PAC's military wing, Apla, are just

revenge from people who were wronged by farmers at a certain point.

On the redistribution of land for those who were dispossessed, Van Riet says some form of redistribution is needed. But, he says, the government has a lot of land which is unused and this should be given back to black people.

Today, the system that Van Riet started at Barolong still survives, but a somewhat modified form. Today, workers are judged on a points system which is determined by the committee. The share of the spoils also has taken a dive to half of what Van Riet made it.

Van Riet junior says the old system of equally distributing the profits is not to those who work harder.

But workers say the system under the old man worked much better. Even though they say working at Barolong is much better than on other farms in the surrounding area, they still feel it could be much better. Maybe the system could still work if there are farmers willing to experiment. Watch TSS tonight for the programme.

**This article appeared on November 29 1944, in the Farmer's Weekly and is reprinted here with the kind permission of the author:**

WERE it not for the problems which we have to face and surmount to the best of our ability, life would, I imagine, be a very dull thing, drab and colourless to the extreme, wherever one may be, and be it a time of war or peace, one is always being called upon to solve problems, some great, some small, all requiring us to show initiative and to do the job carefully. No one, I believe, has more difficult problems to solve than the farmer, whose existence and work bring him closer than they do any other section of the community to Nature herself.

Many of the problems which beset the farmer are created by the elements themselves, the farmer cannot avoid them and deal with them to the best of his ability. Some, however, fall into the category of man-made problems, and though they can be, and often are, solved with completely satisfactory results, it would be much better if we could prevent their occurrence.

Farmers throughout the country have for years been complaining of the so-called farm labour problem, and there is not the slightest doubt that in a large number of cases a real problem exists.

We hear almost daily of shortages of farm labour, of inefficient work on farms, and of other troubles associated with the farmer's assistants. These complaints are so general as to show that it is not the farmer himself, nor the farm Native who is to blame for the creation of the problem. Where then does the trouble

lie? To my mind, the so-called farm labour problem does not originate in individuals or even groups, but in the system, so long in existence, under which our farm labour is managed. It is significant that several farmers who have modified the system or departed from it do not complain about labour shortages and have satisfied. I am one of those who have departed from the system and I must say that my decision has caused me no regrets: indeed it has given me great joy.

I farm in the Excelsior district of the Free State and on my 1,000 morgen farm, "Barolong", I employ 25 Native males as permanent staff and provide housing for them and their families. In addition, when the need arises, I make use of casual labour.

Three hundred morgen of the farm are under irrigation and when necessary are irrigated daily. The water is led from a dam covering 110 morgen, with a capacity of 1 200 000 gallons. Gumboots are provided for the employees doing the irrigation work. On the farm I grow crops and run a herd of dairy cattle.

Like most other farmers, I found myself faced with a labour problem, and though I essayed various measures to solve it, it persisted. In 1937, therefore, I decided to abandon the customary system of dealing with farm labour and to try an experiment which represents a radical departure from the ordinary. I resolved to give my Native employees an interest in my farming operations and let them share in the responsibility of running the farm. I am eminently satisfied with the results and so are my native employees.

The system I have adopted may seem revolutionary in so far as South Africa is concerned, but it has stood the test. The principle underlying it is one that has been adopted with success in the case of European workers in other countries and even in the case of the

education and upbringing of school-boys, who are given a direct share and say in the management of the businesses where they are employed or the educational institution that they attend. The three most obvious needs of farm labourers, like other workers, are suitable housing, sufficient food and reasonable wages.

Even if these are satisfactory to the worker, there is no guarantee that he will be completely satisfied and this applies to European as well as to non-Europeans.

Enthusiasm to do the work required of him must also be instilled in him. And to create that sense of pride in work I have come to the conclusion that to contentment with the worker's lot, one must add an incentive. The incentive I have chosen is a bonus system and a share for the employees in the running of the farm.

For each Native family in my employ I have built a four-roomed cottage, constructed of burnt brick and corrugated iron with good doors and windows. Each cottage consists of two bedrooms, a dining room, and a kitchen. The cost of the cottage was about 65 pounds.

The cottages are not clustered together after a pattern of a village, but are scattered over the farm in order to minimise the spread of sickness, should it break out in any family. For the children of school-going age I provide assistance in the way of books and they attend classes on a neighbouring farm.

Wages and food rations play an important part in the minds of farm workers as of any other workers. Here I have combined two system of payment - the normal cash wage together with a reward for achievement.

My employees are each paid a monthly wage, which ranges from 14 shillings to two pounds a month, the amount in any particular instance depending on the ability of the worker, the responsibility which he bears and his length of serv-

Sowetan 5/7/93

ice. For every Native employed with more than a year's service with me I also pay poll tax.

Each of the workers also receives half a bag of mealie-meal as a monthly ration, 10lb of meat and 1/2lb. tobacco. Three times a week the farm's milk is skimmed and the skimmed milk is distributed among Native workers. I run a large dairy herd, so there is ample skim milk for the Natives and their families.

Apart from these rations, which are really part of the gross wage bill, I have one morgen of land ploughed and planted with maize for each boy. This gives them an additional supply of maize, which they can grind at their own expense and either use it in their home or sell.

At my expense, a vegetable garden, under irrigation, is ploughed and planted for the use of the Native workers. The garden is divided into plots, which are allocated to the various boys, whose womenfolk keep the plots. As the season advances I supply seed as required, and so a regular supply of fresh vegetables is maintained.

No vegetables from these plots may be resold; they are grown solely for consumption by the staff. I also have two large fruit gardens for the Natives. The care of these is entrusted to a committee of the workers, chosen by the staff as a whole. During the fruit season, the fruit is divided weekly among members of the staff.

So much for housing, wages and food, on which contentment depends. Now I come to factors that have created enthusiasm in work on the farm. One of these factors is a bonus system, which has borne good fruit.

From the returns of the various products of the farm I set aside certain amounts each year, pooling these amounts and dividing the pool equally among the workers.

For example the bonus I allow on wheat is one shilling a bag based on a price of 20

shillings a bag. Now that wheat is 35shillings a bag, the bonus allowed is 1shilling 9d a bag. In the case of maize, the bonus is six pence a bag on a basic price of 8s a bag, and as the price is 17s.6d. the pool receives 1s.1d for every bag of maize sold. The bonus on lucerne is based on one penny for each pressed bale, valued at 3 pounds a ton. As the price is 6 pounds a ton, the pool receives 2d. in respect of every bale pressed. In addition the pool is credited with five percent of the return from all milk and cream that is sold from the farm.

This bonus system provides an incentive to work, for the more and the better products sold, the larger is the pool. There is no necessity for me to lay down the length of a working day or to spur the workers on.

They are sharing in the proceeds of the farm and are eager to get on with their jobs. Indeed, instead of urging the workers on, I have sometimes to curb their enthusiasm. On one or two occasions I have had to ask the boys to go slow with the oxen during ploughing operations.

The system in operation on my farm as so far described, is in no way new revolutionary and is followed with or without variations, by farmers elsewhere in the Union. It provides the ingredients for contentment and keenness.

The only thing still lacking is the provision of responsibility. It is in this connection that I essayed an experiment which has proved most successful. The spirit of the experiment is that portrayed in the film "Boys' Town" shown in South Africa a few years ago, which tells of how an American priest founded a town for boys, the affairs of the community being controlled by the boys themselves.

On Barolong we have something similar.

This space was made possible by the support of the Positive Development News Initiative, which seeks to document a unique development model that is evolving in South Africa where people from all walks of life — Business, Labour, Grassroots, Democratic Structures, Development Agencies and Communities themselves — are coming together in focused alliances, to play a powerful role in reconstruction and reconciliation to build a common future that will provide the foundation of a peaceful and prosperous inclusive society in this wonderful land of ours.

*Core founders of this initiative are:*  
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# More farm jobs a solution

*Si Times (Rus)*

By **CHERYLYN IRETON**

ABOUT a quarter of the black labour force is without work, says the World Bank.

As a solution it calls for a shift to labour-intensive agriculture.

Its paper on the South African economy — prepared from informal studies — suggests a programme to transfer land to small-scale black farming. (4)

It also recommends a fundamental change in agricultural policies to eliminate distortions, such as subsidies on credit in the commercial-farm sector that are biased against small farmers.

Public works schemes would help job creation. So would encouraging the growth of small to medium-size firms. (75)

The bank estimates that less than half of the black labour force holds a job in the formal sector. (52)

Although subsistence agriculture in the homelands and the informal sector provide employment, about 25% of the labour force has no work.

grown significantly."

High investment between 1965 and 1991 failed to generate more jobs because of the corresponding increase in the economy's capital intensity.

The work input among the unskilled has declined. Long travel distances of black workers is a possible reason for the decline. Another is the increase in mandays lost through strikes and industrial action.

The bank says informal-sector growth has only partly filled the widening gap between black labour supply and employment. (119)

"Unemployment has thus grown rapidly among blacks. In contrast, there was full employment among whites up to 1985, but since then white unemployment has



Arg 12/7/93

# Farmers need no longer <sup>4</sup> plough labour law furrow

SHARON SOROUR  
Labour Reporter

HELP is at hand for farmers struggling to comply with complex regulations arising from the extension to agriculture of labour laws governing unemployment insurance and basic working conditions.

In an attempt to ease confusion and assist farmers plough through intricate legal precepts, agricultural labour consultants Anton de Jager and Chandré Wild have developed a computer software package based on their recent book *Farm Labour*, a guide to basic labour law in the agricultural sector.

The extension of the laws — the Unemployment Insurance Amendment Act, and more recently, the Basic Conditions of Employment Amendment Act (BCEAA) — have forced farmers, workers and unions to familiarise themselves with contents and conditions.

"The administrative implications are vast and opportunity for error and contravention of the Acts is great, says Mr de Jager.

"When we wrote the book we realised it would be a problem for farmers to administer the law. For example, the definition of a wage in terms of the BCEAA, includes payment in kind (housing, food, clothing etc) and the farmer must, therefore, add 30 percent or R100, whichever is the greater, to the workers' cash remuneration."

He explained that the complications of unusual hours worked made administration difficult.

If farmers do not calculate wages correctly they are committing a crime in terms of the Act.

Mr De Jager said more than 25 percent of farmers were already computer literate and using hardware to help manage farms.



Picture: DOUG PITHEY, The Argus.

**HELP FOR FARMERS:** Labour consultant Anton de Jager, who has designed a computer software system to help farmers comply with complex labour laws extended to the agricultural sector early this year.

The software system, available in both languages, enabled farmers to create a database for their workforce by opening files on employees (with standard data like name, address, occupation, hours of work, cash remuneration, overtime, Sunday time, meal intervals, Unemployment Insurance contributions, annual leave etc).

Data is fed into the system daily recording attendance, and automatically generating paylips. Queries about the workforce in general or individual employees and graphical analyses are also available.

"A farmer can, therefore, discover how much UIF has been paid, or is to be paid by himself and his workforce. If you had to calculate 0,9 percent of every wage for UIF it is complicated

and time-consuming. The system steamlines the process."

"The graphical queries are useful because they give statistics which enable farmers to analyse overtime or Sunday wages. He can also call a graphic analysis to discover incidence of absence or sick leave abuse."

The BCEAA specified that farmers retained records for at least three years.

All administrative requirements in law were built in to the system.

"The system assists farmers comply because it draws his attention to instances where he could be breaking the law," Mr de Jager said.

● The book and the software system cost R599. The book is available separately at bookstores nationwide.

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## NEWS IN BRIEF

BiDay 21/7/93  
Cane farmers hit

NATAL South Coast ~~sugar~~ <sup>sugar</sup> farmers were again facing heavy crop losses because of drought and pests, including Eldana borer infestation, it was reported yesterday. In the Umzimkulu area the loss last year of R40m in cane-related income would almost certainly be repeated this year.

### Award for Suzman

ANC president Nelson Mandela would deliver the keynote address at the national congress of the SA Jewish Board of Deputies in Johannesburg on August 21 when the Nahum Goldman Award would be presented to veteran politician Helen Suzman, a statement by the board said.

### Concorde on safari

A CHARTERED British Airways Concorde will make the supersonic airliner's first comprehensive trans-African journey to SA with a leisurely 17-day flight via Kenya, Tanzania, Zimbabwe and Botswana from October 23 to November 10. Ninety passengers, mostly Americans, will pay about R40 000 each for the trip, which embraces some of the continent's most famous game reserves and ends with a Blue Train journey from Johannesburg to Cape Town.

### Caption incorrect

A caption to a photograph depicting the handing over of a memorandum from the Seven Buildings Project to the National Housing Forum (NHF) in Business Day on Friday was incorrect in describing the people involved. Matthew Nell is the chairman of the Coordinating committee of the NHF and Saths Moodley is the senior co-ordinator of the NHF.

REPORTS: Business Day Reporter, Sapa.

# Tentative signs of recession's end

BiDay 21/7/93

KELVIN BROWN

THE recession was showing some signs of bottoming out but the signs were still not strong enough to indicate a definite end to the downturn, economists said yesterday.

Various indicators had shown some improvement recently with real gross domestic product increasing in the first quarter. This was carried through as mining production, agricultural output and exports had all shown increases in data released over the past few months.

Standard Bank chief economist Nick Czipionka said the current improvement was more of a statistical nature due to the better gold price, the ending of the drought and the upturn in the economies of the US and the UK. However, he added: "We are not yet seeing it out on the street."

Other indicators that had shown some levelling out included motor car sales, manufacturing output and notes in circulation. Manufacturing production was up since the middle of last year and notes in circulation — an early indicator of higher spending demand — was also better.

Czipionka said a recovery would be visible only when the man in the street felt things were better, which would be reflected in an improvement in spending patterns. "This should occur when job security improves and people have more money in their pockets."

When SA gained greater access to overseas financial markets and the situation on the political front got better the economy should benefit even further, Czipionka said. "Until then the situation is unlikely to show definite signs of improving although there may be some bouncing back

statistically."

UAL economist Dennis Dykes said although there were some signs of a turnaround it was difficult to tell if it was just a blip or a sustained increase. "The question is whether it will continue or be held to ransom by the political process."

The position of consumers was still not good as disposable income had been knocked by higher taxes and lower wage increases. He said the indicator to watch for was credit extension. "When consumer confidence picks up it affects demand for credit even before GDP."

Old Mutual economist Dave Mohr said the improvement in the primary sectors could suggest a flattening out in the recession later this year.

"In the past all sustainable recoveries in SA usually started with an improvement in exports and the primary sectors."

Agricultural production was good but volatile as it was dependent on the weather while the mining sector was showing signs of improving. There were pockets of evidence that overseas demand was picking up.

Gold and platinum prices had improved, and this carried through to the steel and other markets.

The depreciation of the rand should also help improve exports in these and other areas.

Mohr said the evidence indicated the economy could approach a turnaround this year with a slow improvement next year depending on what happened politically. However, there was little room for growth in the economy given current fiscal and monetary policies.

## Farmers 'must clear proposed labour laws'

BiDay 21/7/93

DIRK VAN EEDEN

ANY proposed labour legislation for agriculture would have to be cleared with farmers before implementation, Free State Agricultural Union president Piet Gous said yesterday.

"Government quickly talks to farmers, decides on its own what it wants to do and then calls it negotiations," he said.

At a congress Free State farmers had called for a referendum, or they would not accept new legislation, Gous said.

Chairman of the union's manpower committee Japie Grobler said a forum had already been established to inform farmers about their legal rights and the changes they would have to make should comprehensive new legislation be adopted.

The forum, with representatives of the Transvaal and Free State Agricultural unions, Nampo advisers, Boskop training centre and the Manpower Department, would also strive for better labour productivity.

Several information days were planned for farmers.

Gous said the Free State Agricultural Union opposed the planned legislation because it did not take into account the personal relationships between farmers and their workers, or the specific needs of agriculture.

He warned that many labourers would lose their jobs if a minimum wage was introduced. Farmers

would not be able to pay higher wages and would rather mechanise.

The union was also opposed to legislation legalising strikes. A farm could be ruined if it was not worked for a week or two.

"A farm is not a factory that can be shut down. When it is planting season you must plant, and a cow does not calve between eight and five either."

No other industry had provided housing and other social benefits for its workers to the same extent that farmers had.

Should strikes be legalised, farmers would have to allow unknown trade union workers on their farms. Because they could not know all the trade union organisers, it would create a serious security risk.

Collective bargaining but no strikes

# Deal struck on draft farm labour laws

B/Nay 11/8/93

PRETORIA — The SA Agricultural Union and Cosatu have reached a breakthrough agreement on draft labour legislation for farm workers, making strikes illegal and arbitration of disputes compulsory but allowing collective bargaining. (L)

In a joint statement yesterday, the two organisations said Manpower Minister Leon Wessels would table the Agricultural Labour Act at the next session of Parliament. They expected the Act to reflect their agreement. (H)

However, CP-linked Free State Agricultural Union president Piet Gous said last night the union suspected a government and Broederbond ploy aimed at appeasing the ANC before next year's election.

Until the regional agricultural unions had accepted the legislation at their congresses, due to take place over the next few weeks, it would not be enforceable. Gous also condemned the haste with which the SAAU was pushing the legislation.

"They say it is better to adopt the legislation before the ANC comes to power. But if the ANC is going to be a worthwhile government for its supporters, they will change it anyway."

Sapa reports Cosatu official Lisa Seftel said the agreement had been reached last Friday night after intense mediation. Cosatu's agreement to "certain limits on the right to strike" was its major concession.

DIRK VAN EEDEN

SAAU deputy director Kobus Kleynhans said talks had lasted about three years.

The proposed legislation would allow farm workers to participate in collective bargaining structures and would provide legal protection — including protection from unfair dismissal. It would also facilitate the formation of trade unions.

However, no agreement had been reached on minimum wages. Strikes would be illegal and farmers would be able to fire striking workers.

Disputes would be subject to mandatory arbitration. Care had been taken in the drafting of the Act to ensure all arbitration could be heard as speedily as possible.

A special division of the Industrial Court would be set up to handle arbitrations. Divisions of this court, manned by chairmen who understood agriculture, would be based throughout the country and complemented by circuit courts.

Costs would be kept low and the courts would operate like Small Claims Courts in that no legal representation would be allowed. Parties bringing trivial cases to the courts would be penalised.

The proposed legislation was based on the Basic Conditions of Employment Act and the Labour Relations Act.

Kleynhans said Cosatu and the SAAU would try to reach agreement on the principle of a minimum wage.

Stein 11/8/93

# Deal reached on farm labour draft law

Cape Town — The South African Agricultural Union (SAAU) and Congress of South African Trade Unions (Cosatu) have accepted a draft law that extends bargaining and union rights to farmworkers.

The agreement follows nearly three years of negotiation.

The draft legislation acceptable to both sides was handed

④ yesterday to Manpower Minister Leon Wessels, who said he would submit it to the Cabinet. He expected it to receive a sympathetic hearing.

Cosatu and the SAAU said the draft could be tabled in Parliament next month. ~~(S)~~

Cosatu campaign organiser Lisa Seftel said: "We have agreed on an agricultural labour

Act that extends the Labour Relations Act (LRA) to farmworkers, with additional provisions about special agricultural labour courts, plus more amendments to the Basic Conditions of Employment Act. ~~(S)~~

"Nothing, in our view, undermines workers' rights. The SAAU and Cosatu also agreed to meet and negotiate on the Na-

tional Manpower Commission (NMC)."

The NMC negotiations would include debate on the possible exclusion of agriculture from the definition of essential services in the LRA. They would also deal with union access to farms.

"We have agreed on certain limits on the right to strike," Seftel said. — Sapa.

# New deal for farm workers

Sowetan 11/8/93

By **Themba Molefe** Political Correspondent

A HISTORIC agreement between employers in the farming sector and the Congress of South African Trade Unions was announced yesterday. (107) (4)

The agreement between Cosatu and the South African Agricultural Union is in the form of a draft Bill and provides for the Labour Relations Act to be extended to farm workers. To be called the Agricultural Labour Act of 1993, the new legislation would be tabled before Parliament in October.

In terms of the agreement, the SAAU and Cosatu will submit a joint request to the Minister of Manpower and the National Manpower Commission to establish a committee to investigate concerns of the agricultural sector and facilitate the implementation of the agreement.

A proposal to the Industrial Court will be forwarded for a special labour court to mediate between organised labour and employers in the sector.

The breakthrough was announced at a Press conference at the World Trade Centre by Cosatu labour law expert Mr Mike Madlala, SAAU executive members Mr Laurie Bosman and Mr Kobus Kleynhans and Minister of Manpower Mr Leon Wessels.

A culmination of three years of bargaining and involvement of the Independent Mediation Services of South Africa, the draft law proposes the extension of the Basic Conditions of Employment Act to farm workers.

# Agricultural law 'an interim step'

B1 Day 12/8/93

ERICA JANKOWITZ

COSATU said yesterday it saw the planned Agricultural Labour Act as an interim measure.

The trade union federation justified its acceptance of the new legislation by saying that it at least provided basic rights to workers.

Cosatu negotiator Mike Madlala said the organisation did not have sufficient membership clout in the sector to push for greater rights: Cosatu has about 100 000 farm worker members in three unions — the Food and Allied Workers' Union, the Southern African Clothing and Textile Workers' Union and the Paper, Printing, Wood and Allied Workers' Union.

However, plans were afoot to consolidate these into one farm labour union by June 1994 as Cosatu affiliates had agreed in principle to estab-

lishing a single union. A co-ordinator would be appointed soon to facilitate this, Madlala said. (4) (16)

He said the federation would push for a single statute covering all workers and one labour department dealing with both public and private sector employees. The integration of statutes was a priority for Cosatu.

He said the federation would also dispute the essential service definition given to the industry. Meanwhile Cosatu would continue recruiting in the sector as the SA Agricultural Union had agreed to clauses granting access.

DIRK VAN EEDEN reports that the Centre for Rural Legal Studies

said in a statement yesterday the tag of unfair labour practices, which had hung around the neck of the agricultural sector, was now removed.

But it was now up to farmers and farm workers to make it a reality, said the group.

The provision that future changes to the Labour Relations Act and the Basic Conditions of Employment Act would not apply to the Agricultural Labour Act was unfortunate as these Acts were outdated and would be amended in the next two years.

The ban on strikes might be lamented and opposed by farm worker unions, while farmers might find compulsory arbitration an intrusion into the employment relationship.

● Comment: Page 6

## Tvl farmers set to defy labour act (4)

Own Correspondent

PRETORIA. — Transvaal farmers were likely to reject the recently proposed Agricultural Labour Act at their annual congress this week, Transvaal Agricultural Union (TAU) president Mr Dries Bruwer said.

The TAU would probably adopt a resolution calling on members to defy the legislation, which would probably be passed by Parliament next month, he said.

Mr Bruwer said Transvaal farmers were on record as saying they did not want any labour legislation. *CT 30/8/93*

Agricultural observers agreed at the weekend the congress here on Wednesday would generate heated debate regarding labour legislation, farm security and land redistribution.

The farmers were also expected to reject SA Agricultural Union recommendations that no politicians be elected to the boards of provincial agricultural unions.

## Farmers likely to reject new labour law

PRETORIA — Transvaal farmers were likely to reject the recently proposed Agricultural Labour Act at their annual congress this week, Transvaal Agricultural Union (TAU) president Dries Bruwer said.

The TAU would probably adopt a resolution calling on members to defy openly provisions of the legislation, which would probably be passed by Parliament next month, he said. *Biday*

Bruwer said Transvaal farmers were on record that they did not want any labour legislation. *3018193*

Agricultural observers agreed at the weekend the congress in Pretoria on Wednesday would generate heated debate, particularly on the questions of labour legisla-

DIRK VAN EEDEN

tion, farm security and land redistribution.

The farmers were also expected to reject SA Agricultural Union recommendations that no career politicians should be elected to the boards of provincial agricultural unions. Bruwer, a CP MP and senior Afrikaner Volksfront member, said he would be available for re-election. *(4)*

At the Free State Agricultural Union's annual congress held in Bloemfontein this month, farmers resolved to resist an ANC government in the region, particularly on the grounds of the ANC's "communist land policy". Bruwer said Transvaal farmers were likely to follow suit. *(4) (3) (6)*

## UIF period of grace extended

PRETORIA. — The nine-month period of grace allowed for employers in the agricultural sector to register with the Unemployment Insurance Fund has been extended by two months until November 30 ~~1973~~ <sup>1974</sup>.

In a notice in Friday's Government Gazette Manpower Minister Mr Leon Wessels said interested parties were invited to make written submissions on the matter to the director-general of manpower before October 15. CT 30/8/73



# New terms for farm labourers

By BARRY STREEK  
Political Staff

OVERTIME pay, two weeks' annual leave and maximum hours of daily work for farm labourers are to be introduced for the first time in terms of a new bill, which was published yesterday.

The Agricultural Labour Bill will extend the provisions of the Labour Relations Act and the Basic Conditions of Employment Act to these workers, who until

now were not protected by industrial law. (4) CT3118/93

The Department of Manpower said in a memorandum, attached to the bill, that the measure was the result of talks between the South African Agricultural Union and Cosatu.

The extension of the Basic Conditions of Employment Act would also provide for meal intervals, payment for work done on Sundays and public holidays, certifi-

cates of service, the prohibition of victimisation, employment termination procedures and records to be kept by employers.

The extension of the Labour Relations Act meant the agricultural sector would be subject to investigations by the National Manpower Commission and that employers' organisations, trade unions and industrial councils can be registered.

Provision has also been made for an agricultural labour court.

proposes leave for farmworkers ● Two policemen in the d

# Farm labour boost

**D**RAFT LEGISLATION TO EXTEND labour relations and employment conditions to include the agricultural sector was published yesterday.

The Agricultural Labour Bill provides for the Labour Relations Act, 1956 and the Basic Conditions of Employment Act, 1983 to apply, with some amendments, to agriculture.

This includes:

- Investigations and recommendations by the National Manpower Commission;
- Registration of employers' organisations, trade unions and industrial councils;
- The industrial court and the labour appeal court will also be competent to decide matters regarding the agricultural sector;
- Conciliation boards will also be able to settle disputes between employers and employees in agriculture;
- Disputes can be finalised through arbitration or mediation;

## ■ LOOKING AHEAD Proposed law will

help workers on South African farms:

- Industrial council agreements for the agricultural sector;
- Labour brokers;
- Lockouts and strikes in the agricultural sector, but subject to compulsory arbitration;
- Provision for an agricultural labour court to decide disputes regarding, among other matters, unfair dismissals;
- When the industrial court makes an order regarding reinstatement or the payment of compensation, it must take the specific farming situation into account;
- Inspectors and designated agents must give farmers prior notice of intended inspections;
- The determination of the maximum ordinary daily and weekly hours of work, and of the spread-over for: meal

intervals, payment of overtime and for certain work performed on Sundays, payment for work on certain public holidays, 14 days' annual leave, termination of employment contract, certificates of service, prohibition of victimisation, records to be kept by employers.

The Bill also provides for: defining "seasonal worker", resulting in annual leave provisions not applying to such workers and that under certain circumstances a certificate of service may be issued to them, inspections by inspectors of the Department of Manpower after prior notice to the farmer.

According to an attached memorandum, the Bill is the product of numerous discussions between the SAAU and Cosatu at which full consensus on its contents was reached. — Sapa.

# Wits and Sasco deadlock

NEGOTIATIONS between University of the Witwatersrand and South African Students' Congress deadlocked yesterday morning with both sides digging their heels in on the issue of violence on campus.

The university authorities have demanded a public retraction of Sasco's commitment to violence.

On Sunday, Sasco issued a statement threatening student action if its demands were not met. In the statement, Sasco said it did not condemn "student action" on campus.

Deputy vice-chancellor Professor

June Sinclair said Sasco and the Students' Representative Council refused to retract its commitment to violence.

The Sasco statement followed assurances last week that the organisation did not condone violence.

## Nearly crushed

About 60 Congress of South African Students members yesterday covered the university's concourse with rubbish in their "Operation Litter" campaign.

Moving along the corridors of Senate House, the students were nearly crushed as they panicked and ran towards exits

when members of the Internal Stability Unit wielding batons entered the building.

Teargas was not used and no shots were fired by the ISU members, who arrested one student.

Earlier, Sasco members said they would continue with class boycotts, "Operation Littering" and "other forms of mass action never seen before at the university".

The announcement followed a deadlock in negotiations between university authorities and Sasco on a list of student demands. — Sapa.

# Breakthrough as farmers and Cosatu agree on union rights for workers

THE South African Agricultural Union and the Congress of South African Trade Unions have reached a breakthrough agreement in Cape Town on a draft law that extends bargaining and union rights to farm workers.

The agreement comes after nearly three years of interrupted negotiations.

The draft legislation acceptable to both sides was handed to Manpower Minister Leon Wessels yesterday.

"I am overjoyed that the SAAU and Cosatu have managed to achieve consensus on extending labour legislation, particularly the Labour Relations Act, to agriculture," Mr Wessels said.

He would submit the draft law to the cabinet as soon as possible and said he expected it to get sympathetic treatment. Cosatu and SAAU spokesmen said the

draft could be tabled for enactment in the short session of parliament in September.

Cosatu campaigns organiser Lisa Seftel said intense mediation had culminated in the agreement.

"We have agreed on an agricultural labour Act that extends the Labour Relations Act to farm workers, with additional provisions about special agricultural labour courts, plus more amendments to the Basic Conditions of Employment Act," she said.

"Nothing, in our view, undermines workers' rights. The SAAU and Cosatu also agreed to meet and negotiate on the National Manpower Commission."

The IMC negotiations would include possible exclusion of agriculture from the definition of essential services in the Labour Relations Act. They would also deal with union access to farms.

"We have agreed on certain limits on the right to strike, our major concession."

SAAU deputy director Kobus Kleynhans said all six provincial farmers' unions and the National Maize Producers' Organisation had approved the negotiated compromise.

"Neither party achieved precisely what they wanted, but have agreed to a package which can be taken back to their respective constituencies for approval.

"We thought we had hit an unbreachable deadlock late on Friday, thinking it was the end of the road.

"But one of the two facilitators, John Brand, remarked that no road has an end. That was our approach, never to accept a final obstacle." — Sapa.

# Farmworkers' rights agreed

PRETORIA. — The South African Agricultural Union (SAAU) and Cosatu have reached agreement on draft legislation extending collective bargaining and other rights to farmworkers.

Proposed legislation would make arbitration of disputes compulsory, rendering industrial action unlawful, but no agreement on a minimum wage was reached.

In a joint statement yesterday,

the two organisations said Manpower Minister Mr Leon Wesels would table the Agricultural Labour Act at the next session of Parliament. The parties said they expected the minister to ensure the legislation be enacted as agreed.

However, Conservative Party-linked Free State Agricultural Union president Mr Piet Gous said that until the regional agricultural unions had accepted

the legislation at their congresses, scheduled to take place over the next few weeks, it would not be enforceable. CT 11/8/93

Sapa reports that SAAU deputy director Mr Kobus Kleynhans said Cosatu and the SAAU would continue to meet and would try to come to an agreement on the principle of a minimum wage within 12 months after the act had been promulgated. (S) (4) (S)

# Farmers stall on draft labour law

Bill Day 19/8/93

**BLOEMFONTEIN** — Free State farmers refused to accept the draft Agricultural Labour Bill at their annual congress yesterday until they had studied it.

The Free State Agricultural Union had resolved at its two previous annual congresses not to recognise any form of farm labour legislation until it had been accepted by farmers in the province, union president Piet Gous said yesterday.

Heated debate followed the introduction of the topic yesterday. Speaker after speaker made it clear they were opposed to any form of legislation, particularly under an ANC-led government.

However, Gous said he was sure the farmers would accept it at a special "mini-congress" within the next two months.

In his introductory speech, Western Cape Agricultural Union president and chairman of the SA Agricultural Union's labour law negotiations team, Chris du Toit, said farmers did not want labour legislation. However, they had to accept that it or the more stringent Labour Relations Act and Basic Conditions of Employment Act would be made applicable to agriculture.

Farmers warned they would have to dismiss many of their workers should a minimum wage be introduced. Du Toit, however, said this would not happen as the

**DIRK VAN EEDEN**

Bill did not provide for a minimum wage.

Farmers also expressed concern about the possibility of illegal strikes and the financial implications this would have.

Du Toit said: "Farmers are not prepared to subject themselves to others' whims in the name of affirmative action."

Meanwhile, Bophuthatswana president Lucas Mangope said communism was the commercial farmer's worst enemy.

At the congress, he said unless South Africans were extremely careful, they faced a central government dominated by communists.

"It is a matter of record that the individuals who wield the real power in the ANC owe their first loyalty to the SACP."

Free and fair elections could not be held in the current climate of violence and intolerance.

The April 27 date had been sold by the ANC and government on the basis that it would stem violence. The statistics proved the opposite had happened.

The violence SA experienced was not a natural phenomenon of change, but revolutionary chaos paving the way for total regional collapse and seizure of power by the masses.

Mangope said the present negotiations council had to determine boundaries and powers and write a final constitution.

# New farm law: Something for everyone

3/4/93 4

WM13-19/8/93

After three years of tough negotiations, organised labour and agriculture have agreed on a statute to cover farmworkers, writes **Ferial Haffajee**

**I**N a move that could put Kempton Park negotiators to shame, organised labour and agriculture have hammered out a labour statute that provides protection for the country's 1.3-million farmworkers.

Concluding three years of often arduous negotiations, the Congress of South African Trade Unions and the South African Agricultural Union announced that the Agricultural Labour Statute of 1993 will be tabled at the next parliamentary session.

It is a pinnacle of negotiation politics including something for everybody with no clear victors or vanquished. The farmers wanted a separate statute for agriculture: they got it. Cosatu said farmworkers were entitled to the same legal protection as other workers: they got it.

The statute, though separate, includes almost the entire Labour Relations Act (LRA) in its first chapter, while the Basic Conditions of Employment Act as extended to farmworkers in May this year makes up the second chapter of the statute. Both are amended for the peculiarities of farming operation like seasonal work, spreadovers (flexible working hours) and payment for Sunday work.

The major break with the LRA is the provision for compulsory arbitration and the establishment of a special labour court.

The new agreement is in some

ways a policy climbdown for Cosatu which had, until last week, clung steadfastly to its principle of a single labour statute for the country.

But Mike Madlala, who heads Cosatu's farm labour negotiators, said the agreement was the only way to break the deadlock of two years. He pointed out that organising workers into trade unions will be made much easier by the provision in the draft law which guarantees union access to farms. "It is also important in the run-up to elections," he said.

Labour lawyer Paul Benjamin says the compulsory legislation clause "is slightly unusual and means the sector is considered an essential service". This clause ensures that there will be no right to strike in the sector.

He adds: "It is far better to have a single Act with chapters for special areas. This creates real splinters."

Cosatu says the statute is only a deadlock-breaking mechanism and not a permanent measure. The federation remains committed to "one body of legislation", says general secretary Jay Naidoo.

For this reason, the parties have agreed that a committee be set up at the National Manpower Commission (NMC) to consider the special interests of the agricultural sector.

The vision of Cosatu and the NMC is a single statute with different chapters for special sectors like the public sector, farming and domestic work.



**Naidoo: "Not a permanent measure"**

And, in a separate development this week, the NMC proposed wide-ranging changes to the LRA in a draft Bill.

The Act could soon be stripped of the provisions which prevent trade unions and employer organisations from funding or affiliating to any political party.

If the Bill is passed, it could make the country's governing labour Act more accessible.

The proposed changes go a long way to ironing out the anomalies and problems that have made the Act rather cumbersome and unwieldy.

If the LRA clause outlawing political funding by union and employer organisations is deleted, it will be replaced by a clause preventing the funds from closed shop agreements being used for party political ends.

Other changes to the LRA include the publication of a code of fair labour practices, a new section explaining how to determine an unfair labour practice as well as the introduction of a system of precedents in the industrial courts.

This will help "in the development of a consistent body of labour law", according to the NMC.



# Farmers, workers say yes

(4)  
AUG 21/18/93

RIGHT-WING farmers in the Transvaal and the Free State could still throw a spanner in the works when it comes to implementing the recently sealed agreement on farm labour by the South African Agricultural Union (SAAU) and Cosatu.

The agreement, after three years of negotiations between farmers' representatives and the trade union umbrella, lets farm workers make use of collective bargaining and other rights and is to be included in a Bill on agricultural labour to be introduced in next month's parliamentary session. This was announced by Minister of Manpower Leon Wessels this week.

Parts of the Basic Conditions of Employment Act and the Labour Relations Act are included in the new Bill.

Informed opinion is that the minister will go ahead with it, in spite of objections, on the grounds of sufficient consensus.

The agreement has been hailed as a landmark in negotiations between radicals of the right and the left — the farmers and the activist trade unionists.

It followed a conference on farm labour held recently at Stellenbosch at which representatives of Cosatu and the SAAU agreed to re-open talks and which stalled because there could be no agreement on collective bargaining and other rights for farm workers, historically the most over-worked and underpaid in the country.

Negotiations were conducted by Independent Mediation Services of South Africa (IMSSA), with lawyer John Brand and Piet van der Merwe, former chief director of manpower, as brokers.

However, there was an apparent stalemate between the SAAU and its affiliated regional unions in the Free State and Transvaal.

Free State agricultural union president Piet Gouws said recently that until the regions had accepted the agreement at their congresses, it would be unenforceable.

This week the Free State union declined to endorse the agreement at its congress, resolving that individual farmers could decide for themselves.

And there are signals that the Transvaal Agricultural Union, which has strong links with the Conservative Party and other right-wing groups, could reject the agreement outright at its coming congress.

■ A landmark agreement between farmers and trade unionists is likely to become law in spite of objections from right-wingers.

**JEAN LE MAY**  
Weekend Argus Reporter

However, the SAAU is at present showing a brave front.

"Even if the Transvaal congress rejects it, both unions are in fact bound by the agreement because they were represented at the negotiations," said SAAU deputy director Kobus Kleynhans.

"I don't feel the situation is as bad as it is made out to be. I am told by people on the ground that there is in fact a great deal of sympathy among farmers, both in the Free State and in the Transvaal, for the agreement.

"The other four regional unions affiliated to the SAAU have not objected."

However, the Centre for Rural Legal Studies in Stellenbosch has reservations.

"It is hoped that none of the central parties will backtrack, as has happened in the past," said a statement this week.

As for the agreement itself, Mr Kleynhans told Weekend Argus that the negotiations had been successful "because, in a way, both sides won."

"We succeeded in persuading Cosatu to yield on the strike issue and on a separate labour act for farm workers. They also agreed to delay a wage determination which would lay down a compulsory minimum wage. This alone takes off a lot of pressure.

"Cosatu succeeded in persuading us that farmworkers should have the right to collective bargaining in a trade union and to fair labour practices.

"Another step forward is that workers and employers will now have access to a new quick, cheap and accessible special labour court."

He confirmed that the agreement was largely an interim measure and that negotiations would continue.

The strike issue was avoided by agreeing to classify agricultural work as an essential industry, which means that workers and employers must go to compulsory arbitration instead of strikes and lock-outs in case of dispute.

# Farmer fined for shooting schoolgirl

④  
ARG 28/8/93

**HENRIËTTE GELDENHUYS**  
Weekend Argus Reporter

A VILLIERSDORP farmer who injured a 13-year-old schoolgirl when he fired a shot from his double-barrelled shotgun in the belief that he was hunting strawberry thieves, has been fined R1 500 (or four months' imprisonment) in Paarl Regional Court for the negligent use of a firearm.

The court found that a Standard 5 pupil at Kosie de Wet Primary School in Villiersdorp, her six-year-old sister and a five-year-old friend were running away from Ludwig Engelke, of Klein Lushof, when he fired the shot, hitting her behind the ear on October 4 last year.

Engelke, who owns five firearms, could keep his firearm licence, the court ruled.

Engelke said he was "standing guard" at his strawberry field when he heard a noise and started running towards it.

"When I saw a child's shoe in the road I started running and I loaded the gun. Then I saw the two young ones running and screaming and I fired a shot. I again heard someone screaming. Then it was dead quiet," he said.

Although Engelke denied having seen the injured girl, he admitted during cross-examination by prosecutor Ian Forbes that he had no control over the pellets he fired, that they were more powerful than

buckshot and that they could have killed someone.

Engelke, who was also sentenced to six months' imprisonment suspended for five years, conceded that the children were not on his strawberry field at the time.

When he told the court he fired a warning shot to keep them away from his strawberries, the magistrate asked him why he did not think of shouting instead. He conceded that he should have aimed higher and had not considered the possibility of pellets ricocheting.

An ANC volunteer organiser in rural areas, Sandra Haydon, assisted the girl.

The magistrate called the girl to the Bench to show the scar she was left with after a failed attempt to remove a pellet from behind her ear.

She testified that she saw Engelke standing next to his bakkie with his shotgun in his hands and started running when she saw him coming towards them "because I thought he was going to shoot".

She fell and screamed when she was shot.

She had never stolen strawberries from his field and he did not warn her and her friends before firing at them.

"Afterwards I didn't feel well enough to go to school. My head was spinning and my eyes were watering."

She said she was shot on the last day of the October holidays



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**Farmers defiant**

■TRANSVAAL Agricultural Union president Dries Bruwer said the organisation was likely to reject the draft Agricultural Labour Act agreed between Cosatu and the South African Agricultural Union earlier this month. *WM 3-9/9/93*  
The union was likely to approve a resolution calling for members to openly defy the provisions of the legislation, he said.



**SHOT: Jolene Pieterse, 13, was shot by a farmer who suspected her of stealing strawberries**

Photo: Yunus Mohamed

# Farmer fined R1 500 after shooting girl, 13

By Barbara Ann Boswell

IF THIS is justice in the new South Africa, it is no wonder people have no faith in the police or courts," said Mr Dullah Omar, referring to the R1 500 fine imposed on a Villiersdorp farmer for shooting a 13-year-old girl in the head.

Omar, a spokesperson for the Community Law Centre at the University of the Western Cape (UWC) and Lawyers for Human Rights (LHR), said he was "absolutely outraged that a person who committed such a heinous crime" could get away with it.

The farmer, Mr Ludwig Engelke from the farm Klein Lushof, was fined R1 500 or four months' imprisonment on Friday for shooting and wounding a 13-year-old girl in the head.

The shooting occurred on October 4, last year when Engelke shot at Jolene Pieterse, her five-year-old sister and a four-year-old friend

with a shotgun because he thought they were stealing strawberries from his strawberry patch.

Engelke, who was charged with negligent use of a fire-arm, testified that the strawberry patch had cost him about R30 000 and had continuously been plundered. He said that on the day of the shooting he had caught five people stealing strawberries.

## A child's shoe

"I heard a noise and took out my gun. I walked towards the strawberry patch and saw a child's shoe. I then ran after the noise and saw two small children between the trees. I saw no-one else and fired a shot directly in front of me, away from the two children. Only then did I see someone falling," said Engelke.

In her testimony Pieterse said that she had taken a short-cut through the strawberry patch when she heard the farmer approaching and ran away as she "knew the

farmer would shoot because he had a gun".

"I was at home after the shooting for a few weeks. I felt ill; my head was spinning and my eye was watery. The pellet is still in my jaw. It moves around and a doctor said it would be best to leave it there," said Pieterse.

Engelke admitted that the ammunition he had used could kill someone, but said that he "did not think of such things at that moment".

The magistrate found that Lingelke, who owns five fire-arms, was not unfit to possess a fire-arm, and could keep the shotgun with which he had shot Pieterse.

"Justice has not been done. South Africa has a long history of farmers, police and whites generally, ill-treating blacks, especially in rural areas and getting away with murder," said Omar.

Mr W Rothman was the magistrate. Mr Ian Forbes prosecuted, and Mr A Le Grange appeared for Lingelke.

**Bill to protect farm labourers**

CONTROVERSIAL draft legislation to extend labour relations and employment conditions provisions to the agricultural sector was published this week. (4) ARLT 4/9/93

The Agricultural Labour Bill provides for the Labour Relations Act, 1956 (LRA) and the Basic Conditions of Employment Act, 1983 (BCEA) to apply, with some amendments, to agriculture.

# Bills aim to revamp laws for farmers, domestics

B1294-1 14/9/93

CAPE TOWN — Three Bills which will fundamentally change labour law concerning farm workers, domestic servants and workmen's compensation were tabled in Parliament yesterday, three years after negotiations to change the laws began.

The Bills, the subject of extended negotiations between employers and labour representatives, are the culmination of the Labora Minute agreement signed three years ago.

The Bills do not provide for a minimum wage for either farm or domestic workers, although this topic will be the subject of future negotiations.

Manpower Minister Leon Wessels said in an extended public committee debate that the occupational diseases listed in the new Compensation for Occupational Injuries and Diseases Bill exceeded those defined by the International Labour Organisation.

The Bill would replace the Workmen's Compensation Act of 1941, but would continue to partly compensate employees or their dependants for injuries or diseases arising from work.

The Bill proposed to give employers and employees more influence

TIM COHEN

over its application by establishing a compensation council which included representatives from the state, employer, employees, the insurance industry and medical practitioners.

The fund established in terms of the Bill was a compulsory insurance scheme and would remain under state control as privatisation would narrow the contributions base.

Wessels said in exchange for losing the right to sue an employer, employees now had a statutory right to compensation without having to prove negligence on the part of employers.

The Bill also proposed that employees would have a statutory right to be covered for medical costs arising from injury and disease and employers were exempted from common law liability for injuries at work.

On the Agricultural Labour Bill, Wessels said large sections of the Labour Relations Act would apply to farm workers.

The most significant difference with the provisions of the Labour Relations Act was that farm workers and their employers would have to engage in arbitration before a strike

or a lock-out. However, important provisions of the Labour Relations Act would also apply to agriculture.

Wessels said about 830 000 domestic servants would be affected by the legislation, which mainly regulated their minimum working conditions.

The regulations stipulated that domestic servants should not work for more than 12 hours on a single day. They should also not work for more than five hours without a break.

At least 14 consecutive days' leave had to be permitted for every 12 months' employment, and at least 30 days of paid sick leave for every three years in employment.

Wessels said the legislation provided protection for the last group of employees not yet covered by existing legislation, which was the attainment a long-sought goal.

Sapa reports that during debate on the Agricultural Labour Bill, Frank le Roux (CP Brakpan) said the Bill was a foot in the door for trade unions wanting to paralyze the sector.

Robin Carlisle (DP Wynberg) said the DP supported the Bill although it was messy. Mike Tarr (IFP Maritzburg) said the Inkatha Freedom Party supported the Bill.

## ANC lashes govt over mobile phone services

LOYD COURTS

B1204-1

GOVERNMENT could not privatise mobile telephone services and lock SA into the world's most sophisticated telecommunications technology while the country needed schools, housing, health services and basic telephones, the ANC said yesterday.

It was responding to an announcement last week that Telkom had sold off its C450 car phone network to Vodacom, one of two companies guaranteed rights to operate a cellular telephone network. Vodacom is jointly held by Telkom and UK-based Vodafone.

The ANC said by "giving away" the existing mobile telephone network, government was confirming its private the telecommunications network.

It said the only possible reason Vodacom could have taken on the C450 system, which it described as a "white elephant", was because it did not wish to offend government after being granted a licence to operate the Global Systems Mobile (GSM) network.

"The ANC has raised the question of GSM mobile licences as a major political issue because the apartheid way of doing business cannot be tolerated, especially when we are entering the transitional period."

The ANC said government and Vodacom could not promise the GSM mobile system would service townships with public telephones when they had no idea of real township needs for telecommunications.

It said preliminary studies suggested a local call on the GSM network would cost 10 times as much as a local call on the ordinary phone network.

● Comment Page 10

Farmers told to prohibit

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## Farmers told to prohibit canvassing of workers

DIRK VAN EEDEN **Biday**

PRETORIA — Farmers should under no circumstances allow canvassing among their workers, Transvaal Agricultural Union president Dries Bruwer said yesterday. ANC spokesman Carl Niehaus said his organisation had had serious problems in trying to reach farm workers. There were cases throughout SA of farmers intimidating workers not to allow ANC officials to speak to them and threatening them with dismissal if they did. High unemployment made it difficult for farm workers to resist employer intimidation. **14/9/93**

He said the ANC would push for the right of access to farms to be written into the Election Act, but was not sure this would change farmers' attitudes. **(P)**

NP spokesman Danie du Plessis said right-wing farmers barred NP party workers from their farms, but NP-supporting farmers often helped organise meetings between party workers and labourers.

Bruwer said farmers reported trespassing to the security forces and parties which trespassed to canvass would have to bear the consequences. "This so-called electioneering goes hand in hand with gross intimidation. This will destabilise the labour force and will be to the disadvantage of workers in the long run."

Free State Agricultural Union president Piet Gous said his union endorsed Bruwer's call. Unknown people canvassing on farms posed a threat to security and political differences among workers might lead to violence. The days when white politicians and so-called "open white political parties" could use blacks for petty political gains were gone for good, Gous told an Afrikaans Volksfront meeting in Theunissen at the weekend.

Bruwer said his union was also "very upset" about actions launched by the ANC and its allies to make illegitimate land claims on the basis that ancestral graves were situated on farms.

## Taiwan did not pledge \$10m to ANC

THEVOR BISSEKER

TAIPEI — Reports that Taiwan had promised the ANC \$10m during ANC president Nelson Mandela's visit were incorrect, African Affairs director Du Linq said in an interview.

"They approached us for assistance with the problems of returning MK members, who are very poor, and we are seriously considering the request," he said.

On future relations, Du said: "We cherish our old friendship, but intend to develop a new relationship after April 27. We hope our relations will remain as good as they have always been."

ANC Youth League president Peter Mokaba had visited Taiwan as part of Taiwan's effort to make "new friends". He had visited mostly youth organisations. Several branches of the ANC, including the Women's

## De Klerk 'downplaying the reality of joint control'

PATRICK BULGER

PRESIDENT F W de Klerk was being selective in his interpretation when he said the transitional executive council (TEC) would not establish joint control of SA's security forces, Military Research Group (MRG) co-ordinator Rocky Williams said yesterday. **Biday**

The MRG is an independent military research institute with close links to the ANC and its armed wing

League, had been invited. Du, who has twice served long stints in SA, said his impression was the ANC would be pragmatic in its approach to economic and political relationships. He was not specific but spoke of the "new chapter".

Taiwan was flexible in its attitude to countries which wanted to adopt a "Two China" policy.

On investment with the new SA, everything depended on the country's stability. "People are worried about peace in your country. If this is achieved, some of our major companies may invest. I believe some projects are in the pipeline."

On aid, Du said Taiwan was already helping with labour intensive rural projects. "We are famous for

our small farm systems, and feel we can help black farmers. Mandela was very keen on it. We have also promised to help establish a small business training centre in Swazeti."

Taiwan has great opportunities to increase trade with Africa, which currently represented only 2% of its two-way trade. At the moment, however, the priority was to improve its political relationships with Africa.

Du said Taiwan was prepared for a long battle in its attempt to regain UN membership which it lost in 1971 to make way for Beijing. Taiwan was a major economic player and its exclusion was unfair while countries with relatively small populations were granted membership.

Taiwan was confident it would soon be given membership of GATT and the IMF, said Du.

## to downplay the reality of joint control'

to downplay the reality of joint control. He said the MRG's understanding of the TEC Bill was that government could not deploy troops or police unless a 75% majority was reached in the TEC's defence and law and order subcommittees. **14/9/93**

He said normal line functions of the law and order and defence departments would remain under existing channels of control.



# Three bills overhaul labour law

Political Staff

CT 14/9/93

THREE bills which will fundamentally change labour law concerning farm-workers, maximum hours for domestic workers and workman's compensation were tabled in Parliament yesterday, three years after negotiations to change the laws began.

The bills do not provide for a minimum wage for either farm or domestic workers, although this topic will be the subject of negotiations in the future.

The Compensation for Occupational In-

juries and Diseases Bill proposes a compensation council which will include representatives from the state, employers, employees, the insurance industry and medical practitioners.

The fund established in terms of the bill was essentially a compulsory insurance scheme and would remain under state control.

In exchange for losing the right to sue an employer, employees had won a statutory right to compensation without having to prove employers' negligence.

The bill proposes that employees have a statutory right to be covered for medical costs arising from injury and disease and employers were exempted from common law liability for injuries.

The Agricultural Labour Bill proposed that large sections of the Labour Relations Act would apply to farm workers.

A significant difference with the provisions of the Labour Relations Act was that farmworkers and their employers would have to engage in arbitration before a strike or a lock-out occurred.

# State President to decide on pensions

Political Staff

CT 14/9/93

A BILL tabled in Parliament will allow the State President to determine by a notice in the Government Gazette, what pension and other benefits will go to ministerial representatives.

The positions of the 20 ministerial representatives — who serve as a link between own affairs administrations and the people — are to be scrapped at the end of this month.

The Pensions for Ministerial Representatives Bill is currently before the standing committee on finance, al-

though no date has yet been set for it to meet.

The bill will give the State President the right to determine what pension and other benefits they receive. Normally pension benefits are determined by a formula.

The bill also gives the State President the right to amend any law by proclamation in the Gazette to give effect to these benefits.

What the benefits are will only be known once they appear in the Gazette, which means the State President will effectively be given a blank cheque.

# Civil service for

## affirmative action

Political Staff

CT 14/9/93

AFFIRMATIVE action directives had been issued to make the civil service more representative, Education and Training Minister Mr Sam de Beer said yesterday.

He said the Commission for Administration had issued directives based on merit and efficiency principles to create a public service "more representative of the groups served by departments/administrations".

He was replying to a question tabled in Parliament by Mr Roger Burrows (DP, Pinegowen).

Mr De Beer — the minister responsible for the Commission of Administration — said it was impossible to obtain a breakdown of the numbers of each "population group" employed by the civil service as the Population Registration Act had been repealed.

# They keep a still tongue

Star 17/9/93

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Lulu Mokane was only one or two days old when her mother left her with her grandmother. She was not dumped because she was unwanted; her mother was not allowed to go on maternity leave.

Before she could learn to walk, her mother died, leaving Mokane and eight other siblings with their father at the western Transvaal Bushbuckridge rural settlement.

Mokane said her sisters had to drop out of school and look for work on Randfontein's vegetable farms to augment the family income. She joined them when she was 13, earning as little as R30 a month.

In her new job at a Randfontein farm, Mokane works nine hours seven days a week and earns R300 a month. She lives on the farm and gets only one day off a month.

Mokane is one of thousands of farmworkers countrywide who work under the severest of conditions but do not dare complain for fear of dismissal. Their stay on the farm depends on their employment.

Until recently, farmworkers were not protected by any law.

This is about to change with the tabling in Parliament this week of the Agricultural Labour Bill. When it becomes law, farmworkers will be guaranteed some rights like sick leave, maternity and annual leave; maximum working hours will be stipulated and the issue of overtime pay will be addressed.

## **THOUSANDS of farm labourers work under appalling conditions but dare not complain. A Bill being tabled this week will change this. Abdul Milazi reports**

The Bill includes most of the provisions that are found in the Labour Relations Act and the Basic Conditions of Employment Act. These two laws have been amended in their application to farmworkers to accommodate the special circumstances of farming like seasonal work, flexible working hours (spreadovers) and payment for Sunday work.

One major difference between this new Bill and the Labour Relations Act is that, to discourage or stop strikes, there is compulsory arbitration in a case of a threatened farmworkers' strike and there is a special labour court for farming matters. The Bill makes it very difficult for agricultural workers to down tools.

The Bill follows a landmark agreement between Cosatu and the South African Agricultural Union after three years of tough nego-

tiations.

Cosatu general secretary Jay Naidoo said his union had to trade off the farmworkers' right to strike to break the three-year deadlock.

Transvaal Agricultural Union spokesman Laurie Bosman said although farmers were initially opposed to the law because of issues like the minimum wage and the right to strike, the new Bill met the union's bottom-line requirements.

But, on the ground, has anything changed?

Farmworkers — including Lulu Mokane — interviewed in Randfontein, Tarlton and Krugersdorp were not aware of the new law, but they said they were excited about the prospect of being able to join trade unions for the first time.

To them, unions meant better wages and an end to exploitation.

Solomon Molete (25) is another disgruntled worker who thought the new statute was a "blessing from above".

Every day at 7 am for the past year, Solomon is at his boss's stall selling vegetables and fruit to passing motorists, and he is still considered a "temp". He supports his two sisters and their six children on his R80 weekly wage.

Molete said: "I think the new legislation will help us a lot. There is a lot of exploitation on the farms."

# Relief for farmhands

By Ismail Lagardien *Sowetan* 14/9/93

THE provisions of the Basic Conditions of Employment Act will be extended to domestic and farmworkers as soon as Parliament has passed the enabling legislation. The enabling legislation for farmworkers, the Agricultural Labour Bill, was tabled in Parliament yesterday. Domestic workers have been included in the jurisdiction of the Basic Conditions of Employment Act. Farm and domestic workers will, among other things, be protected from working long hours without compensation, work fixed daily and weekly hours, have regular meal times, receive annual leave and receive certificates of service and notice of termination of service.



By FRED KHUMALO

IT all started with panties but the row at a Natal poultry farm has escalated — the 400 workers who were fired in May are now staging strikes outside shops selling the patty-free chicken products.

The battle between female workers and their employer National Chick Farms started when the workers went on strike because they were forced to strip off their underwear when they entered the poultry farm premises.

National Chick Farms managing director Mike

# Fowl play, claim poultry farm workers

Walne has said that rules requiring workers to change clothes were standard throughout the poultry industry as clothing could be a possible source of germs.

The order that no panties be worn has sparked a huge legal battle, with Fawu intent on forcing management, through the courts, to reinstate the workers.

As the legal wrangle rages on, the union has

IFR 19/9/93

now started a determined protest campaign aimed at bringing the chicken processing firm to its knees.

Since last week, hundreds of workers have been picketing outside Maritzburg supermarkets and butcher shops.

Fawu spokesman Mike Masondo said: "Fawu has been trying to re-open negotiations but the company is refusing to budge.

"Our strike committee

19/9/93

will also launch a national campaign to picket firms in other towns which sell the company's products."

Angry strikers recall how they had to take off their panties and wear T-shirts and men's shorts, which had the pockets removed.

Ningi Shangé, one of the dismissed workers, said she had not been allowed to wear underwear during the four years she had been with

the company.

Walne said: "It is very necessary to keep poultry free from diseases."

He said he found it "surprising" that it was only now workers questioned a dress rule that had been in operation for the last 12 years.

Workers claim they were not allowed to wear panties even while menstruating.

The employers, they said, insisted that they had to somehow hold their sanitary pads between their thighs and how they had to suffer the indignity of having supervisors examine them to see whether they were wearing panties or not.

## Advice centre to be liquidated

Ci Press 19/9/93

MORE than 200 000 people in the rural areas will be left in the lurch when the Rural Advice Centre is liquidated on Tuesday.

The cash-strapped non-governmental organisation has applied for liquidation, following unsuccessful attempts to raise funds.

Financial director Rob Lewis said the centre needed about R1.7 million for the remainder of the year.

# Cosatu's election pledge on farm and domestic workers

SHARON SOROUR  
Labour Reporter

ARL 20/9/93

COSATU is to ensure that the plight of farmworkers and domestic workers will be high on the agenda of the alliance in the run-up to the elections, and when an interim government is in place.

Commenting on the tabling in parliament of legislation extending basic worker rights to farmworkers and domestic workers, Cosatu said although the rights were limited, if they were to be implemented effectively workers would need organisational protection.

The Department of Manpower should be restructured to ensure the "proper enforcement" of hard-won labour rights, Cosatu said.

The 1,2-million strong workers' federation said the extension of the Basic Conditions of Employment Act (BCEA) to domestic workers would be an important step towards their full protection in law.

"While the provisions in the

BCEA are very limited, they are important in that they provide for protection around working hours, overtime, annual leave, sick leave and public holidays, deductions, and use of child labour.

"The BCEA also prohibits employers from victimising workers for union membership or activity," Cosatu said in a statement.

Ultimately workers would be covered by the Wage Act, which provided for minimum wages, and the Labour Relations Act, which provided organisational rights.

The Agricultural Labour Bill, the product of negotiations between Cosatu and the SA Agricultural Union, extended labour rights to farmworkers in the form of the BCEA and the Labour Relations Act.

"While farmworkers will now be covered by compulsory arbitration in the event of disputes, Cosatu regards the definition of agriculture as an 'essential service' as an interim

arrangement subject to further negotiations."

Key issues yet to be negotiated included:

- The details of trade union access to farms, which the SAAU had agreed to in principle.

- The extension of the Wage Act to farm workers within a specified time frame.

- The setting up of a bargaining forum/forums in the agricultural sector.

- The harmonisation and consolidation of agricultural labour legislation and labour legislation in general.

Cosatu did not believe that a separate statute for the agricultural sector should become a permanent feature of labour legislation.

Cosatu was compiling a programme to ensure that farmworkers were fully informed of their rights.

"Formal recognition of these rights in itself will not have any impact unless farmworkers organise themselves to enforce these rights."

# Shootings: <sup>(4)</sup>

CT 21/9/193

## Farmer sentenced

### Supreme Court Reporter

PHILIPPI farmer Godfrey Bock who shot dead two potato thieves and wounded two others was sentenced to two years house arrest by the Supreme Court yesterday.

The house arrest would be enforced from 8pm till 6am daily and in addition Bock, 68, was sentenced to two years' imprisonment conditionally suspended for five years.

### Instruction

Bock must also render 24 hours of community service a month for 12 months at the Farm Patrol Office and must undergo instruction on when and in which circumstances one may use a firearm.

Bock may not leave his magisterial district without permission and may not be under the influence of alcohol or drugs in the two-year period of correctional supervision.

Passing sentence Mr Justice P H Tebbutt said an unfortunate set of circumstances, of which Bock had been victim, made the case exceptional.

Uncontested evidence was that farmers in the Philippi area had been victim to a crime wave of shocking proportions. Even SADF assistance had proved to be ineffective.

Bock had personally suffered severe losses which included the theft of sprinkler pipes worth R250 000 and about 2 000 pockets of potatoes. The night before the shooting he had lost

about 100 bags of potatoes to thieves. It was in the interest of society that people were not given the right to take the law into their own hands and likewise that people have the right to protect their property.

"I want to put it very clearly to prospective thieves and people in the Philippi area that the thefts must stop. A property owner can hurt or even kill an assailant if it is inevitable.

"At the same time, the right to kill a person in order to protect property must only apply in exceptional circumstances," Judge Tebbutt said.

"The court accepts you had come to the end of your tether... and that you must have acted out of frustration."

The court further accepted that Bock was not a criminal and was held in high esteem in the farming community. The courts, however, regarded the taking of a human life seriously.

### Unit

An SADF area defence unit which will be established shortly would probably help reduce thefts in the area, the judge said.

It was clear Bock had taken the law into his own hands but imprisonment was not an appropriate sentence, neither was a fine, he said.

Bock was not declared unfit to possess a firearm.

Mr P Vick and Dr G S Visagie were the assessors. Mr W Viljoen appeared for the state and Mr Jan Marais, instructed by Mr Noel Wood, of Ince Wood and Raubenheimer, appeared for Bock.

Death of child

# Slave wages on farms

Sowetan 24/9/93

By Mathatha Tsedu  
Investigations Editor

LEGAL BONDAGE Home Affairs allows

employment of immigrants along Limpopo:

**T**HOUSANDS OF ZIMBABWEAN nationals who entered South Africa illegally are being employed on farms along the Limpopo River, earning R91 a month. This virtual slavery is legal, as the

workers have been granted special permits by the Department of Home Affairs.

The permits entitle them to stay in South Africa while in the employ of the farmers concerned.

The workers, employed in the Weipe area, are given mealie meal and salt each week, and use the tomatoes and onions that they grow as relish.

While some of them are elderly, the majority are youths, some about 12 years old.

During an investigation by *Sowetan*, we found that all girls are married, despite their ages. "When a girl arrives, maybe the first night she can sleep alone, but by the following day, she will have a husband", one worker told us.

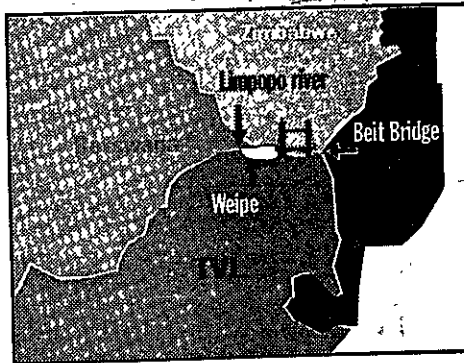
The workers cross the Limpopo into South Africa through high tension wires, or at gates of farms, where they bribe the guards with R10 or 10 Zimbabwean dollars. They are also able to use the same route to go back home.

## Squalid conditions

They live in squalid conditions, in shacks made of plastic. Some have built small mud huts, while the only provision by the farmers are rows of eight houses on each farm.

The permits are renewable every six months, workers said. They said police sometimes raid the compounds during working hours, arresting loiterers.

The workers come mainly from Southern



Zimbabwe, where drought and the decline in economy have ravaged the area.

Many said they had survived by hunting wild animals.

A spokesman for the department of Home Affairs, Mr Charles Theron, said the permits were issued in terms of section 41 (1) of the Aliens Control Act.

He said farmers in the area were faced with a "shortage of local labour and have over many decades been making use of workers from across the Zimbabwe border."

"The position has in recent years been closely scrutinised and as a special concession to such farmers, a number of the illegal workers have been issued with temporary permits", he said.

He said the workers could not "change

employment without permission from the department".

Asked why the Zimbabwean workers were given preferential treatment over the Mozambican refugees in the Eastern Transvaal, Theron said the Eastern Transvaal needed protection for its own locals for available jobs.

Responding to Theron's assertion about the lack of labour in the Northern Transvaal, the regional spokesman for the Azanian People's Organisation, Mr Kholofelo Mashabela, pointed out that "about 15 000 unemployed people marched on government offices in Venda last week, demanding jobs."

"It is ridiculous to claim that in a country where over 7 million people are unemployed, there could be a shortage of labourers," Mashabela said.

Mashabela however said Azapo did not oppose the employment of Zimbabwean refugees. "They are our brothers. Their presence here is because of drought and also that the racist regime destabilised their country, forcing resources to be diverted from economic activity to security in both Zimbabwe and Mozambique."

"The Boers are employing them because they are slaves there," Mashabela said.

ANC regional media spokesman, Mr Ian Madikoto, said his organisation condemned the exploitation of the Zimbabweans.

# Ruling on farmer <sup>(4)</sup> raises fresh debate

ARC 5/10/93

## □ Freed on warning after worker killed

**ROGER FRIEDMAN**  
Staff Reporter

THE release on his own recognisances of a Northern Cape farmer arrested after the death of a farmworker has sparked off fresh debate on sentencing and bail.

Flip Langenhoven of De Hoek farm in the Saron district was released on a warning after appearing in the Porterville Magistrate's Court last week.

He appeared after the death of Harry Horn, 23, from head injuries after allegedly being assaulted by Mr Langenhoven.

Attorney-General Frank Kahn refused to comment, saying it was a matter for the police. Police spokesman Captain John Sterrenberg said it was a "judicial matter".

Lawyers for Human Rights regional director Riaz Saloojee said she was not surprised at the court's decision to free Mr Langenhoven on a warning to appear in the light of the "recent sentence handed down by Mr Justice Tebbutt in the Bock matter".

Philippi farmer Godfrey Bock was placed under house-arrest but allowed to keep his firearm after being found guilty of culpable homicide following the deaths of two potato thieves on his property.

Ms Saloojee said Bock's sentence allowed "farmers to believe they are a law unto themselves with carte blanche to deal with farmworkers as they see fit".

She said releasing Mr Langenhoven on his own recognisances "could be justified" as the award of bail was "to ensure an accused attends court when so summonsed".

"No doubt the farmer will have no difficulty in attending court, trusting that the court's sympathies and leniency will favour him.

"No society can make a claim to decency when it allows its workers to be chattels in the hands of farmers."

African National Congress (Western Cape) chairman Allan Boesak termed the alleged attack on Mr Horn "outrageous" and Mr Langenhoven's release

"horrifying".

"Urgent work needs to be done to protect the human rights of people who become victims of farmers. Some of these farmers, like feudal barons, appear to exercise absolute power over their employees.

"We demand an immediate explanation for this unacceptable decision by the court."

Mr Horn's elderly mother Margrieta Horn said her son had worked for Mr Langenhoven for four years and was completing a foreman's course when he died.

Mrs Horn will now take responsibility for her four-year-old grandson David.

Lawyer for the family Kate Savage of Stellenbosch firm Chennels Albertyn said Mr Horn died of head injuries after falling on to a concrete block, allegedly in the course of being beaten by Mr Langenhoven.

"It's just astounding that they could release someone on warning when he has been charged with murder," she said.

NEWS New Act a breakthrough for workers ● Policemen still in

# Labour rights for over two million workers

By Joshua Raboroko

LONG STRUGGLE Farm and domestic employees covered under new Act:

**M**ORE than two million farm and domestic workers countrywide will now enjoy labour rights such as paid sick and annual leave, over-time and notice of dismissal.

In terms of a *Government Gazette* published last week, farm and domestic workers have been included in the provisions of the Basic Conditions of Employment Amendment Act of 1993.

This is the culmination of a long struggle by trade unions and the Government to include these workers in the Labour Relations Act.

Trade unions, labour experts and employers have hailed the legislation as an important step in labour relations in South Africa. It covers 1,1 million domestic workers and 1,4 million farm

labourers.

Cosatu information officer Mr Neil Coleman said the Act was an important step.

The Act, however, had certain limitations in that it precluded employees from taking industrial action although there was compulsory arbitration to resolve problems.

According to the Act, farm and domestic workers can now enjoy the following rights:

- Domestic workers: 46 hours a week or nine hours and 15 minutes a day in the case of a five-day week and eight hours 15 minutes where a

six-day week is worked.

- Farm workers: 48 hours a week or nine hours 36 minutes a day in the case of a five-day week and eight hours 36 minutes where a six-day week is worked.

Workers will be entitled to a meal interval, paid overtime and, holidays including New Year's Day, Good Friday, Worker's Day, Ascension Day, Republic Day, the Day of the Vow and Christmas Day.

- No employer is allowed to refuse to employ or dismiss an employee, reduce his-her wage,



# The slave who rebelled

By Mathatha Tsedu  
Investigations Editor

■ LIMITED RIGHTS  
*Somebody 26/10/93*  
One old

*man's stand led to emancipation of farm workers from virtual slavery.*



At the centre of the struggle at Zebedelea were men and women who were prepared to lay down their lives for the common good

**L**HE agreement between grade unions and the Government announced recently over legislation to govern farm workers can be traced directly to the struggles of workers at Zebedelea citrus estate.

These workers, most of whom are elderly, took on the State through its South African Development Trust, demanding an end to what was virtual slavery.

At the centre of the Zebedelea struggle were men and women who were prepared to lay down their lives for the common good.

One such man was Mr. James Nthane, who died last week at the age of 79.

Born in Malawi, Nthane started working at Zebedelea in March 1942. In April 1989 he was earning R5,45 a day or R120 a month.

## Organisers

When organisers of the National Union of Farmworkers arrived on the scene in 1988, Nthane was among the first to join.

Aged 73 then, he was still working under conditions that were far from legal. I remember seeing him for the first time at a workers meeting.

Standing with the aid of a walking stick, back hunched, Nthane listed a heap of complaints against Zebedelea management and ended with the fol-

lowing:

"I am not given a pension. I am old. I may die anytime. If I am not given my pension now, who is going to get it. Who must eat my pension?"

It was stirring contribution by an old man who had given his all to the company and was not even being allowed to go and rest.

Other complaints were that the company did not pay people who were injured on duty or for their medication; 12 days unpaid leave, which meant no one took leave; arbitrary dismissals with workers made to sign blank papers that turned into final warnings later.

## Strikes

Nthane became part of the struggle that followed, which led to marathon strikes, beatings and arrests by police, evictions from compounds and dismissals.

He was a familiar sight at union meetings even after he got his pension. "The union is my life. If it was not for the union I would still be working now at my age," he told me at the funeral of another Zebedelea worker.

Nthane had been an inspiration to many of the workers to stand up for their rights. At the height of the strikes, he would stand up and give guidance and encouragement.



Flory James Nthane making a point at a workers' meeting in Zebedelea during 1988.

After being pensioned off, Nthane said he would not return to Malawi and that Zebedelea, where he had a family, was his home for ever.

We had become close to each other during the days of struggle. He died last

week and will be buried in Zebedelea on Sunday morning.

Old man Nthane was a slave who rebelled and in the process emancipated not only the Zebedelea employees, but the entire farm working population.

Today, as farm workers prepare for their big day with limited rights, Nthane lies in a mortuary, having done his bit.

May his soul rest in peace.



# 'ANC may outlaw dop system'

Staff Reporter

AN ANC government could introduce legislation to eradicate the "evil dop system", according to head of the ANC's agricultural desk (Western Cape), Mr Jannie Momberg.

Mr Momberg, MP for Simon's Town, visited northern Cape towns this week. Last night Mr Momberg told

an ANC meeting in Vamhynsdorp he had "been shocked to discover that farmers in the Olifants River area still implement the 'dop system' by giving workers a bottle of wine after work every day."

Mr Momberg described the system as "evil", and appealed to farmers to eradicate it.

"I have no doubt an ANC

government will act legally to stop it," he said.

Mr Momberg claimed farmers in the area who belong to the Rural Foundation are implementing the system, despite the fact that the foundation campaigned successfully to end the system. Staff at the foundation were unable to comment yesterday. Foreman of KWV Co-op wine

growers in Vredendal, Mr R S Geldenhuis, said last night the 'dop system' was not practised by KWV growers. "I do not know about other farmers in the area."

Oct 11/93  
Farmers contacted in the Stellenbosch region said the system "has not been practised for many years" in the area.

# Beaten labourer to get damages today

Staff Reporter

A FARM labourer from the Karoo town of Loxton is to receive a R15 000 cheque today after he won a damages claim against a former employer who had repeatedly whipped him with a nylon rope.

Mr Willem Voster, a former labourer from the farm Aswegenfontein near Loxton, was awarded the amount when his former employer, Mr Andries Wiese, was found guilty of assault by the Kimberley Supreme Court in March.

The court found Mr Voster was "wrongfully and unlawfully" assaulted by Mr Wiese, who repeatedly whipped Mr Voster with a nylon rope which had a knot tied at the end.

The assaults took place from early October in 1990 till Mr Voster, who now has difficulty walking, left the farm in January 1991.

# Farmers return land to labour tenants

Some farmers are pre-empting the World Trade Centre talks by returning land to their local tenants, reports **Paul Stober**

**W**HILE delegates at multiparty talks haggle about property rights and compensation, some South African farmers are going ahead and restoring land to their labour tenants.

Negotiations about the transfer of land between landowners and tenants in Natal and the Eastern Transvaal are nearing completion. In Natal, some farmers are also looking at the possibility of cutting off sections of their property and putting them together to provide land for farm villages.

In most cases under discussion, farmers are looking at returning land which tenants would now own if they had not lost it under apartheid land laws.

Those involved in the negotiations refused to divulge details, describing the talks as "sensitive".

Commented Aninka Claasens of the Centre

for Applied Legal Studies: "White farmers are saying that in recognition of the unfairness of the past, we can give you land. Farmers dislike the uncertainty around land so they are recognising people's right to it and are acknowledging that (they and the tenants) have a mutual interest in a settlement keeping outsiders out."

Whether guarantees on property rights will effectively stop a future South African government from redistributing predominantly white-owned farmland is one of the most heated debates among South African political and development activists.

The land rights advocacy officer of the National Land Committee (NLC), Tebogo Makgobola, described labour tenants as families who worked for a farmer in exchange for the right to grow food and raise cattle on a piece of his land.

"The entitlement is little more than an agreement and the farmer could do whatever he wanted, even evicting the family. Tenants live on and off the land and if they had security of tenure, it would mean the world of difference to them," he said.

The NLC is an independent group of organisations which lobbies government on land

reform.

Legal Resources Centre attorney Jeff Budender represents a community which is negotiating for part of a farm in the Eastern Transvaal, without paying for it. If the deal goes through, he does not believe there will be major changes in the way the farm is run. "They have always dealt with the land as if they were the owners," explained Budender.

In some instances, the farmers are asking for payment, but others have said the right of the tenants to the land must be recognised and are considering handing it over at little or no cost.

Claasens insisted the land would have to be granted to black farmers, rather than sold at market prices, for their farming operations to be viable.

He pointed out: "The property rights and compensation scenario being discussed at the World Trade Centre (does not recognise) that labour tenants do not have money. Studies also show that because the market value of farms in South Africa is infinitely higher than the productive value, it is actually impossible to survive on returns from farming. Any settlement based on payment is on rocky ground."

WMS-11/11/93

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(S)

Both the South African government and the World Bank, which recently released a report — *Options for Land Reform and Rural Restructuring* — seem to have accepted, in principle, that grant finance will be a vital aspect of any land redistribution programme in South Africa. The World Bank has suggested that black farmers be given loans and grants, which they could use along with their own money to buy farms.

The South African government has made available a token amount, reportedly R3-million, for distribution as grants for land purchases to black farmers.

Farmers involved in negotiations with tenants have been described as pragmatic and willing to give up land they were not using to keep what they needed.

For Claasens, crucial lessons about how South Africa can deal with land hunger in its rural communities can be found in the processes leading to these kinds of settlements between farmers and local tenants.

"The critical thing is to look at some practical scenarios where parties acknowledge the history ... and come up with eminently workable settlements."



COURTS

# Man gets 18 years for farm killing

□ Sacked worker's revenge

PATRICK FARRELL  
Supreme Court Reporter

4  
ARC 12/11/93

A LABOURER who stabbed a farmer 26 times and crushed his face with hammer blows has been sentenced in the Supreme Court to 18 years in prison.

Martin Mentoor, 26, was found guilty of breaking into the house of Piketberg farmer Leon Schreiber, 65, in April, murdering him, robbing him of cash and household goods and illegally possessing a revolver he stole from the farm.

Evidence was that he worked for Mr Schreiber on the Hochland farm, but was told to leave.

He returned and attacked Mr Schreiber with a knife and hammer.

Mr Justice Brand said Mentoor had shown no remorse and, in fact, had tried to mislead the court by telling a story that he had killed the farmer in self-defence after he was threatened with a revolver.

The judge said the way in which he killed Mr Schreiber was gruesome and violent.

He sentenced him to 16 years in prison for the murder and two years for illegal possession of the revolver, robbery and theft charges.

The sentences will not run concurrently.

L Nortier appeared for the State and H Kotze for Mentoor.

# New row looms over law for farm workers

AR 19/11/93

(4) (15)

□ Cosatu accuses government of stalling tactics

NEW wrangling erupted yesterday over the application of labour laws to farm workers, with the Congress of SA Trade Unions accusing the government of using technicalities to delay promulgation.

Failure to promulgate the Agricultural Labour Act urgently could jeopardise its labour rights agreement with the South African Agricultural Union, said Cosatu.

Reacting in a statement, Manpower Minister Leon Wessels said he found Cosatu's allegations peculiar and unfounded.

Cosatu, expressing its alarm at the lack of progress in promulgating the Act and the Basic Conditions of Employment Act for domestic workers, said it would raise the issue at a National Manpower Commission meeting scheduled for next Wednesday.

It also criticised the National Council of Trade Unions for its late objections to the Agricultural Labour Act, claiming Nactu had left negotiations midstream without ever making its views known.

Besides clinching the Act as an interim, but significant, advance

on the present situation in agriculture, Cosatu said it also had succeeded in getting the SAAU to agree on access to farms, extending the Wage Act to agriculture and setting up a bargaining forum for the sector.

"The Agricultural Labour Act itself was a transitional measure, precisely designed to extend basic rights to farm workers during the run-up to the elections.

"Further delays will undermine the spirit and letter of the agreement."

Meanwhile, Nactu general secretary Cunningham Ngcukana said he had met Mr Wessels yesterday to discuss Nactu's problems with the Act.

"The Act is not yet promulgated due to technicalities relating to regulations," he said.

According to Mr Ngcukana, Mr Wessels had agreed promulgation would not be delayed.

Nactu's reservations — hinging on a strike ban in agriculture and access restrictions to trade unionists — would be dealt with by the National Manpower Commission and amendments taken to the Parliamentary sitting in February.

"It was agreed that a meeting with Cosatu, the SAAU and Saccola to deal with technicalities relating to promulgation be convened urgently."

Cosatu said government talk of alleged technical problems was "a thinly-veiled delaying tactic" to prevent farmworkers getting their rights.

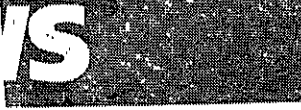
It also alluded to lobbying by unspecified agricultural unions as contributing to the delay.

Mr Wessels said he was not aware of any lobbying and asked Cosatu for proof of this.

He said Cosatu knew of the government's intentions to extend the Basic Conditions of Employment Act to domestic workers with effect from January 1.

A Cosatu representative at the NMC was to have liaised with the SAAU on amendments to the Labour Relations Act being reflected in the Agricultural labour Act, but nothing had materialised.

Mr Wessels said the Industrial Court also had advised Cosatu and the SAAU that specific shortcomings in the Act had to be clarified before it could be implemented. — Sapa.



## Dispute over Agricultural Labour Act

# Cosatu, Govt cross swords over delays

Star 19/11/93

■ BY PAUL BELL  
LABOUR CORRESPONDENT

The Congress of South African Trade Unions and the Government yesterday crossed swords over delays in the promulgation of the Agricultural Labour Act (ALA), which was passed by Parliament in its September session.

Cosatu accused the Government of using "technical problems" as a "thinly veiled delaying tactic" while accepting further lobbying by "some of the agricultural unions".

Cosatu cited "dirty tricks in rural areas to prevent workers from voting for the parties of their choice, or having IDs".

It added: "The ALA was a transitional measure precisely



Leon Wessels ... denies Cosatu's allegations.

designed to extend basic rights to farmworkers during the run-up to the election.

"Further delay will undermine the spirit and letter of the agreement. Failure to promulgate (the ALA) as a matter of urgency will jeopardise the Co-

satu-SA Agricultural Union (SAAU) agreement."

Manpower Minister Leon Wessels denied the allegation, saying he was not aware of any lobbying by agricultural unions. The National Manpower Commission had suggested that interim changes proposed to the Labour Relations Act also be reflected in the ALA, Wessels said.

Also, the Industrial Court had advised Cosatu and the SAAU of shortcomings in the ALA which should be clarified before implementation.

Cosatu had been asked to "liaise" with the SAAU on these issues. Both had agreed to meet, but "to date nothing has materialised", he said.

EXTRA CAREFUL  
OF THESE  
NATION WRECKERS

# focus on Deneysville

Sowetan 22/11/93

Pensioned former farm workers are having a tough time making ends meet at the Refengkgotso squatter camp. Staff reporter **Joshua Rabaroko** visited the camp and spoke to some residents.



**S**EMI-BLIND Mr Johannes Duduma Ngcosane (70) is one of about 450 people who squat in the Tshepiso camp in Refengkgotso near Deneysville in the Orange Free State.

He has not been so lucky.

From as far back as 1963 he lived on a farm in Sweetveldt near Vereeniging in terms of a labour tenancy agreement.

In terms of the agreement, he was required to provide labour in exchange for the right to live on the farm and keep cattle.

He lived there with his wife Matsedisio and 11 children. His relationship with the farmer lasted until October 7 last year, when he got 10 days notice to vacate the farm together with his family.

"My boss fired me because I was no longer of any service to him. I lost my eyesight during working hours," Ngcosane said in his shack.

"I was frustrated and had nowhere to stay with my family after I was forcibly evicted from the farm. I came to live in Tshepiso during January this year out of desperation."

He is one of the more than 450 labourers and pensioners who were evicted from farms by their white bosses after having served them for many years.

Ngcosane, and other labour tenants in a similar position, are forced to uproot themselves and eke out a living in distant homelands.

An article in *Land Update*, a publication of the National Land Committee, says: "After all it was the apartheid policy that prevented us from getting land and that was made easy for the white farmer to evict people."

It adds: "The number of tenant labourers evicted during the past year or two by farmers who fear their workers will make a claim of their small holdings under a new government has multiplied."

The Tshepiso squatter camp was established mostly by farm labourers and pensioners as a result of a shortage of homes in Refengkgotso.

The population of Refengkgotso is estimated to be more than 35 000 people and growing. There are only 7 500 homes, mostly shacks without a proper system of sanitation, electricity or street lights.

The streets are not tarred, there is no stormwater drainage and residents travel long distances to fetch water from an ablution block.

Tshepiso is established on land that was bought by the Sasolburg City Council from a white farmer, Mr William Scott, who has since moved to another farm.

There are three churches, two schools, one creche and two shopping complexes, numerous spaza shops and two graveyards.

Most of the residents — about half the population — are unemployed while those who work travel distances to neighbouring farms near Sasolburg and the Vaal Triangle industrial centres. Unemployment has created many problems.

President of the local civic association Mr

④ ③③③  
**Most families are often forced to split because the head cannot find employment**

Godfrey Kolokoto, said: "Most families are often forced to split because the head cannot find employment."

He added that those who work do so far away from their homes and normally came home over weekends.

Ngcosane said he was never so lucky after he became semi-blind while working on a farm near Vereeniging. "I struggled to get my pension money."

"I was evicted from the farm after my boss fired me. He did not need my services any longer because I was handicapped. I worked for him for 30 years."

### Inconsiderate

"He was inconsiderate and never gave me time to look for alternative accommodation. I pleaded with him to allow me to stay for another three months so that my children should finish their schooling, but he refused."

"He told me he had healthy people who will work and stay in the house I occupied for 15 years."

The same sentiments were expressed by Mr Jan Motloutse (73) who said that he worked as herdsman on a farm in Heilbron in the Orange Free State. He earned R25 a month.

Motloutse suffered a stroke and was forced to leave the farm because "the white farmer told me he could not keep idle people on his plot".

**I am forced to squat here because I cannot afford to buy a new house. I have no money and I am jobless.**

"I needed a shelter for my 10 children," he said. "I came to Tshepiso after I was advised by relatives."

He added: "I am forced to squat here because I cannot afford to buy a new house. I have no money and I am jobless. I survive on a bi-monthly pension which I get from local authorities offices."

A father of six children, Mr Soldaat Mphuthi, said he worked on a farm in Frankfort for 26 years. He earned R20 a month and received a bag of mealie meal. His employer died last August.

He was evicted by the new employer, who was apparently scared that "I will demand smallholdings for having worked for my previous employer for generations."

The problems of this squatter camp and Refengkgotso are similar to those in other informal settlements, especially in the Pretoria Witwatersrand Vereeniging complexes.

The township attracted a lot of media coverage when residents marched from the local hall to the offices of the superintendent, where they presented a memorandum.

In the memorandum the residents demanded that electricity and sewerage be installed in their homes, the water supply increased and roads tarred.

However, there is a ray of light at the end of the tunnel after the Deneysville administrator Mrs Rosyl Jager announced that R3 million will be provided to upgrade the township.

## Farmers win UIF delay

ADRIAN HADLAND

PRETORIA — Farmers would have to register with the Unemployment Insurance Fund (UIF) only by April 1 next year, the SA Agricultural Union said yesterday.

A union spokesman said Manpower Minister Leon Wessels had agreed to the postponement after an appeal from the agricultural sector. *Biday*

Farmers could now register any time before March 31 1994 but would not have to pay their premiums before April. Farmers could also opt to pay their premiums on a quarterly rather than a monthly basis. *26/11/93*

The union had insisted on the postponement as a result of pressure on the UIF as well as the recent tariff increase from 0,9% to 1%, the spokesman said.

Farm workers had not benefited from the fund, while no large-scale retrenchments had been experienced in the sector. *(4) (33)*

Sapa reports the union was investigating the feasibility of setting up a private security fund separate from UIF. This fund could also be used to pay out pension and funeral benefits, the union spokesman said.



# Think for yourself!

## Rote-learning SA's downfall

■ Generations of South Africans have been educated via the "by heart" method — and if that doesn't change so that students understand rather than simply absorb knowledge parrot-fashion, the country could be headed for a major decline.

### DI CAELERS

Weekend Argus Reporter

SOUTH Africa is slipping fast in international competitiveness — and will slide out of the picture unless drastic changes are made in its education system.

This warning comes from experts in the field of cognitive education — a relatively new concept here — who are not simply talking about redressing educational inequality, but of a vital switch from "by-heart" teaching styles to much more understanding and analysis on the part of pupils and students.

They were reacting to news earlier this month that South Africa had slipped from eighth to 11th place in 1993 in a 15-state comparison of emerging industrial nations — being pipped at the post by Chile, Hong Kong and Singapore, among others — in the latest World Competitiveness report.

South Africa appeared at or near the bottom of the list in the categories of people, government, worker motivation and education. Commentators said people responsible for productivity were the country's greatest asset and that South Africa would remain at the bottom of the international competitiveness scale until there was an improvement in literacy and education, and a stable government.

"The only way South Africa will become a winning nation is if we do something about educating our people and developing our human resources," said Anita Worrall, a representative of the newly-formed International Association for Cognitive Education in South Africa.

The ability to think for yourself, according to Dr Worrall, was not taught at all in South African schools where, instead of being taught thinking skills, the art of comparison, solving problems and analytical perception, pupils were simply expected to regurgitate information.

## Farmers in workers' fund row

### SHARON SOROUR

Labour Reporter

DISGRUNTLED farmers, who were threatening to boycott obligatory payment of Unemployment Insurance Fund premiums, have obtained permission from the Manpower Ministry to postpone registering with the fund until April.

Compulsory registration was postponed to April 1 after the SA Agricultural Union (SAAU) met Manpower Minister Leon Wessels, the union said.

This follows a row between farmers and UIF commissioner Koos van der Merwe after the Transvaal Agricultural Union (TAU), an SAAU affiliate, decided it was "irresponsible" to advise its members to contribute to the fund.

Mr Van der Merwe asked farmers to comply with their obligations to protect their workers. He said the decision of the TAU's general council was "in conflict with agreements from organised agriculture".

THE PRIVATE agreement remains the best way farmers and their workers can regulate their labour and social relations in a manner that is mutually beneficial, says Stefan Raubenheimer.

Despite increasing inclusion under labour legislation, farmworkers remain peculiarly vulnerable to exploitation and abuse.

The past 18 months has seen crucial changes in the labour regime applicable to the country's more than one million farmworkers, who have hitherto existed in neo-feudal conditions and extreme poverty.

Within this period five important labour-regulating statutes have been extended to farmworkers.

By far the most important of these are the Basic Conditions of Employment Act (BCEA) and the Labour Relations Act (LRA).

Mr Raubenheimer explains that "until now the only rights farmworkers had were under common law — rights stemming from the contract of employment which in most cases were mostly verbal".

"The farmer had free reign to decide what rights his employee would have and the farmworker would receive rights entirely at the whim of his employer."

Gradually, and after a "long and hard battle", the government and the South African Agricultural Union (SAAU) had been forced to extend labour legislation to long-neglected farmworkers.

The only Act currently not applicable to farmworkers is the Wage Act, due to what Mr

# Crucial changes in farm labour law

ARG 29/11/93

2 12/6 4

Stefan Raubenheimer is a director of Lawyers for Human Rights' Western Cape rural office and the organisation's farmworkers project. Staff Reporter **DAVID YUTAR** spoke to him about the "private agreement" as a means of creating a mutually acceptable labour regime between farmers and workers.

Raubenheimer calls "tremendous fear in the industry of a minimum wage".

"By far the most controversial statutes to be extended to farmworkers were the BCEA and the LRA.

Where previously workers had been working 60 to 65-hour weeks without overtime, the BCEA limited this to 48 hours and made it compulsory for employers to pay workers overtime.

Inclusion of the Agricultural Labour Act (ALA), (a modified version of the LRA) and "the last big hurdle" took hours of negotiation between the SAAU and COSATU and has yet to become law.

"It attempts to create a special regime for farmers and workers," says Mr Raubenheimer.

The small labour court created by the Act enables farmworkers for the first time to resolve disputes with employers, without the expense of consulting lawyers.

"This will be the first time workers can go to court and contest their dismissal or any other labour practice as unfair.

The more controversial as-

pect of the ALA and one which Mr Raubenheimer predicts will still set the cat among the pigeons is that it "virtually outlaw strikes on farms since farming is defined as an "essential service".

By anyone's standards these structural changes in the agricultural sector have been enormous, says Mr Raubenheimer.

"I don't think any other industry has cleaned up its act so rapidly..

"But the question remains: how much have these changes tangibly affected the lives and day-to-day realities of poor and economically powerless farmworkers who remain exploited and vulnerable to abuse?"

"The inability of the state apparatus to adjust to these changes and the physical isolation of farms remain serious problems".

"What is there to stop a farmer miles from anywhere from simply ignoring the law?"

"Remember he also has a very powerful weapon in the form of the Trespass Act, which he can invoke to keep any unwanted third parties or dismissed workers off the farm.

Mr Raubenheimer says the best way to overcome this problem is for farmers and their workers to enter voluntarily into private agreements regulating their labour and social relations.

Lawyers For Human Rights recently helped a large fruit farmer in the Western Cape do just this.

The farm with 460 employees now has an "entirely privatised system of labour and social relations".

"Farms are really little villages with a complex set of social structures and private agreements are a viable alternative to the old system of paternalism and unilateralism whereby farmers had an unfettered power to determine the rights of their workers.

These negotiated agreements cover a range of vital issues starting with the basic contract of employment and extending to discipline and grievance proceedings as well as to the cardinal problem of dispute resolution.

The latter, says Mr Raubenheimer, is vital because it is a way of reducing the potential for wildcat strikes — something most farmers can do without.

Also it means that in settling disputes farmers and workers do not have to resort to expensive and bureaucratic state procedures but can rely instead on their own "home-baked" system of dispute resolution.

# Farmworker tells of bosses' brutality

By Quentin Wilson

CHILLING evidence of alleged brutality by farmers has been the focal point of an ongoing trial at the regional magistrate's court in George last week.

A Knysna farmworker, Mr Simon Ndoni, has told the court of being tied to a tree in a remote part of the Knysna forest after being knocked unconscious by his employers.

Two days after being tied to the tree, Ndoni was found by a forestry employer, Mr Jors Smit, who cut him free and alerted the police.

The farmer, Mr Fourie Looock, and his two sons are accused of attempted murder.

Dr Laura Enslin, of the Knysna hospital, testified that she admitted Ndoni on the morning of April 8, 1992. According to her, he was

dehydrated, cold, wet, confused, had a chest infection and numerous wounds and grazes on his face and shoulders. (4)

All the wounds, she said, were older than 24 hours and some were septic. Ndoni was hospitalised until April 20.

Ndoni testified that on the morning of April 6 he was told by another farmworker that Looock wanted to "donner" him because he suspected Ndoni of stealing one of his sheep.

Ndoni testified that he was ordered into Looock's bakkie and driven away. In the car, Ndoni alleged he was punched and later had his wrists tied together.

Thereafter an unsuccessful attempt was made to tie Ndoni to the back of the bakkie and to drag him down the dirt road.

The rope had not been properly

attached by the youngest son who had acted on his father's orders.

Before and after this failed attempt, Ndoni claimed he was kicked and trampled on by Looock who then threw him back onto the bakkie and drove to a nearby tree.

The farmer then hit Ndoni over the head twice, using a fence post. With the second blow, the fence post broke and Ndoni started to lose consciousness.

He then remembered Looock getting onto the back of the bakkie and tying the end of the rope around Ndoni's wrists to an overhanging branch.

The last he was able to recall was the sound of the bakkie pulling away from under him as his arms were jerked upwards.

He could not remember how he came to be tied to a tree in the forest some 80km from the farm.

South 3112-7112/93

# Labourers victimised — ANC

THE ANC yesterday accused farmers of disrupting the free political association of their workers by preventing buses from taking them to the Robertson Farmworker's Forum.

Two busloads of workers failed to arrive at the ANC's forum following intimidation by farmers, complained ANC's Western Cape chairman Dr Allan Boesak who said he feared this type of victimisation would increase closer to the elections.

Mr Steve Tshwete said that farmers who victimised, assaulted or intimidated labourers in the run-up to elections would be charged if new legislation was passed in Parliament.

The forum was told more people would have attended, but many farmers had warned their workers not to turn up. (4) (SAPA) CT 6/12/93

Mr Tshwete urged the meeting to expose these farmers, whom he said would be charged.

Dr Boesak said although farmworkers understood the new labour laws, farmers continued to treat them as they did under apartheid.

Dr Boesak said there were fears that a new region might enable the right-wing to "continue to persecute the poor and disadvantaged." — Staff Reporter, Sapa

# Farmers Sowetan beware, 6/12/93 says ANC

FARMERS who victimise, assault or intimidate their labourers in the run-up to the April 27 election next year will be charged if new legislation is passed in Parliament, African National Congress executive committee member Mr Steve Tshwete said at the weekend. (4)

Tshwete and other ANC national and regional leaders were answering questions from farm labourers at an ANC people's forum at Robertson on Saturday.

A member of the audience told the panel more people would have attended, but many farmers in the region had warned their workers not to turn up. — Sapa.

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# R6,5m for Rural Foundation

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Political Staff

A R6,5-million grant to the Rural Foundation was announced yesterday by the British government.

The Rural Foundation promotes better working conditions on farms and improved facilities in rural areas.

The grant is for the foundation's programmes for basic primary health care and training of

lay health workers in the rural areas of Natal and the Eastern and Northern Cape.

It was announced last night by the Minister of Overseas Development, Baroness Lynda Chalker, at a function at the Bishopscourt residence of the British ambassador, Sir Anthony Reeve.

The health programmes would be implemented over a four-year

period from 1993/4 to 1996/7 and would help to meet the basic health needs of approximately 31 000 farmworkers and their families on more than 400 farms.

It would also aid more than 400 health workers, said a statement from the foundation's media officer, Ms L Koch.

Ms Koch said the Rural Foundation expected to assist some 350 000 rural people.

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# TEC asked to suspend labour tenant evictions

BIDON 15/12/93

MARIANNE MERTEN

THE National Land Committee yesterday asked the Transitional Executive Council (TEC) to place a moratorium on the eviction of labour tenants from farms in the eastern Transvaal and Natal midlands until after the April 27 elections.

At a Johannesburg media briefing, Farmworkers' Research and Resource Project co-ordinator Able Dithake said evictions had increased significantly during the past few weeks, compared to the past six months.

Recent evictions were conducted in an organised manner after farmers sought legal advice, he said.

They obtained court interdicts, which meant workers had no legal recourse and had to leave the land after a period of grace. Previously farmers had simply ordered tenants off their farms.

"Farmers have reportedly told the tenants that they are being evicted to prevent them from claiming the land in the future," Dithake said.

Sapa reports Dithake said forestry companies were also attempting to drive labour tenants off their land.

The World Bank, the ANC and the Land Affairs Department have identified such tenants as the primary beneficiaries of land reform programmes.

Transvaal Agricultural Union (TAU) president Dries Bruwer warned yesterday that "farm land should not be used as a

political football". Farmers had the right to secure their land by evicting tenants.

An Eastern Transvaal Labour Tenant Committee member said farmers were confiscating tenants' livestock to force them off the land. Assaults by farmers in conjunction with police had also increased.

Tenants in the eastern Transvaal were no longer prepared to live under these conditions, and were prepared to die for their land, he said.

Cosatu media officer Neil Coleman said workers in the Free State, eastern Cape, eastern Transvaal and Natal midlands had complained that their identity documents had been confiscated. The union federation's regional structures would monitor the situation.

The National Land Committee's request will be discussed by the TEC on Tuesday. A policeman was killed and a Natal Provincial Administration worker injured in a confrontation with squatters in the Dukuduku forest on Natal's north coast yesterday.

Police spokesman Maj Bala Naidoo said about 100 people living in the forest resisted a court order for their removal from the area, leading police to discharge teargas.

Maj Naidoo said the residents fired shots at the authorities, wounding NPA worker George Pearce and a policeman, who died.

## Ex-cadres fight crime

Own Correspondent

CAPE TOWN — Security company Trans-Sizwe is employing returned Umkhonto we Sizwe exiles to combat truck hijackers.

The company, based near Soweto, offers to protect cargoes and vehicles in the PWV area, particularly in townships. It hopes to eventually offer third-party distribution countrywide.

"Obviously we have to develop in stages but we know we can offer a professional service that meets the needs of the market," says MD and former Umkhonto commander Steve Manjaro. Since forming last month the firm has trained 32 security guards.

"Our members are all military-trained and sport their old Cuban and Eastern bloc uniforms. We are selecting and training the very best for our transport protection units."

Former cadres who had been unemployed could now offer a valuable service to the community.

The initiative had the blessings of the ANC executive and Cosatu, Manjaro said.

## Government killings

by GAVIN DU VENAGE and LLOYD COUTTS

the incident disgusting, and that of ANC "people's courts". He said the incident showed that to find solutions was limited, we need to find an all-inclusive settlement urgent.

analyst Wim Booysse said yesterday incident did not herald a major offensive against blacks. Particularly savage, it was a isolated incident.

spokesman said no arrests had made. Another spokesman denied it were imminent, as reported

ports that Inkatha Freedom Party for Jeppe Hennie Bekker told yesterday the Randfontein could bring the country closer to old of an ethnic bloodbath.

in debate on the Electoral Bill, Inkatha condemned the cold-blooded in the harshest terms.

is opposed to any violence, if it has an ethnic or racial ker said.

hoped and trusted the barbarous would soon be arrested and

## 10 years' jail for murder

SUSAN RUSSELL

A FORMER policeman who murdered his bedridden wife and mother-in-law on their Randfontein smallholding and fled to Namibia, was sentenced to 10 years' jail in the Rand Supreme Court yesterday.

Gideon St John Barnard, 36, shot his wife Myrna, 57, and her mother Maria Cherry, 84, on December 30 last year.

Barnard flew to Namibia where he spent three months completing a book on cycads.

Barnard admitted murdering the two women but said he had done so because he could no longer bear to watch them suffer. Barnard was unemployed and was caring for the two women.

Sentencing him yesterday Judge L Goldblatt rejected submissions that Barnard had killed the women as an act of mercy.

Goldblatt said the murders were premeditated.

## TBVC residents will be able to vote in election

CAPE TOWN — There would be no obstacle to TBVC residents participating in the April 27 elections on SA territory, Home Affairs Minister Danie Schutte said yesterday.

Introducing the second reading debate on the Restoration and Extension of SA Citizenship Bill, he said TBVC residents would participate in the election as full SA citizens.

The Bill restores SA citizenship to TBVC residents who lost their citizenship when the four states became independent.

It also enables qualifying individuals, who had become citizens of the TBVC countries in terms of their laws, to apply for certificates of naturalisation as SA citizens.

The Bill takes effect from January 1.

Schutte said the loss of TBVC residents' SA citizenship had led to great anger

and frustration.

CP MP Daan van der Merwe said the Bill drew a line through everything whites had achieved since 1910. The old NP had not only tried to ensure white self-determination, but had also freed black nations from colonial rule.

The Bill was a slap in the face for leaders such as Bophuthatswana President Lucas Mangope, he said.

He assured Mangope that Afrikaners in the CP were his friends and would not desert Bophuthatswana.

"Have you no shame for betraying your word to a black man?" he said.

CP deputy leader Willie Snyman described the Bill as the brainchild of communists and the final crossroad in SA's history.

"The Afrikaner government has betrayed a black nation but the Boere Afrikaner will stand up and help him." — Sapa.

# Plea to stop harassment

SA Wetan 15/12/93

**By Joshua Raboroko**

SEVERAL organisations have asked the Transitional Executive Council to urgently declare a moratorium on evictions, assaults and harassment of 100 000 farm workers by white rightwing farmers in the Eastern Transvaal and Natal Midlands.

About 500 tenants have already been forcibly evicted and there are nearly 60 families who have received eviction notices in the past two months, a Press conference was told in Johan-

nesburg yesterday.

In a statement, the National Land Committee, the Farmworkers Research and Resource Project and the Association for Rural Advancement, called on the TEC to urgently investigate an effective process of stabilising this situation.

## Workers' plight

The Congress of South African Trade Unions and the South African National Civic Organisations have supported the call by writing to the TEC regarding the farm workers plight.



# Farmers accused of foul play

CT 17/12/93

FARMERS were confiscating their labourers' identity books and refusing to return them unless they promised to vote for the National Party, Mr Jan van Eck (ANC, Claremont) said in Parliament on Wednesday.

He was prepared to disclose the names of these farmers, he said.

Mr Van Eck said farm labourers were one group of voters who

would doubtless engage in protest action in the run-up to the election.

If the labourers could not get redress through formal channels, he said, they would give vent to their feelings "in another way".

Speaking in debate on the Regulation of Gatherings bill, Mr Van Eck said the bill would limit the role of the police to that of observers and controllers rather

than referees of demonstrations.

He said it was important that policemen were well-informed about the legality of the protests.

At many demonstrations in the past, the attitude of the officer in charge was the direct cause of violence, Mr Van Eck said.

He added that the internal stability division should be kept far away from demonstrations. —

Sapa (4) (25/11)

## Farm workers get a representative

BEATRIX PAYNE

THE Rural Foundation has elected its first farm worker representative to its board of directors as part of attempts to increase its role as a development body.

Aaron Maseko, a Transvaal school-teacher who had been conducting literacy work on farms, was elected by farm worker representatives at the foundation's conference in September.

Maseko said the foundation — which had until recently limited its activities to meeting the needs of commercial farmers — needed to restructure to assist people in rural towns as well as on farms.

MD Ockie Bosman said in the foundation's annual report for 1992/93 that restructuring would involve broadening representation, focusing on rural target groups and meeting more regional needs.

He said the foundation's development projects were estimated to reach about 600 000 people in rural areas.

The foundation had broadened its target groups to include small-scale farmers, subsistence farmers, agriculture-related industry and other, non-agricultural rural institutions.

Its main activities over the past year had focused on pre-school care, primary health care and adult education. Limited state funding for pre-school care programmes and adult education meant these projects had been reliant on private sector funding, Bosman said.

Foundation members, predominantly commercial farmers, had spent R15m on housing, R3m on schooling, R4m on electricity provision and R993 000 on pre-school centres. Of the foundation's total income of R16,5m to March 1993, R11m had been donated by the IDT drought relief programme, R3,5m by the private sector, including international funders, and R1m by local authorities and regional services councils.

# Violence threatens over farm evictions

S Times 19/12/93

By JAMES BRITAIN

AFTER a lifetime of loyal work for little pay, farm labourer Eric Mkhwanazi and his wife, Monica, are facing eviction from their Eastern Transvaal home.

Mr Mkhwanazi has lived on a plot on Driehoek farm near Piet Retief for 49 years, but he may have to move at the end of December.

About 200 others who live on the farm are not sure why they are being moved. But they are determined to stay.

"My ancestors are buried here, it is our place and we will fight for it," Mr Mkhwanazi said.

The farmworkers of Driehoek are the latest victims in a recent surge of evictions around Piet Re-

tief, according to the Eastern Transvaal Labour Tenants Committee.

The National Land Committee agrees, claiming this week that white farmers have threatened more workers with eviction in the Eastern Transvaal and Natal Midlands in the past few weeks than in the last six months.

Farmworkers Research and Resource Project labour tenant co-ordinator David Husy echoed this view.

"There has been a marked increase in evictions," he said.

All three organisations say the evictions seriously threaten peace in the area near Piet Retief. On Tuesday, they called on the Transitional Executive

Council to halt all evictions before April 27.

"If the evictions continue there will be great violence," said labour tenants committee member Josiah Thabete.

Mr Thabete and others claim the farmers want to get rid of workers before the elections. In a new dispensation, labour tenants may have rights to the land and the farmers want to prevent this.

But landowners around Piet Retief denied any rise in evictions.

Transvaal Agricultural Union representative Heinrich Hinze said evictions were a farming reality. Farmers sometimes moved people because they were not working on the farms and were living there in extended families.

He stressed land would not be given away after April 27.

"Giving away land is not economically viable. But I think most people are prepared to accept willing-seller, willing-buyer options," he said.

The lawyer acting for the owner of Driehoek, Mr Phillip du Toit, said his client was not evicting his workers. He had recently bought the farm and had offered them alternative accommodation.

"They did not want to go to a neighbouring farm, and there is a court case pending," Mr du Toit said.

# Evictions as new SA is formed

Sowetan 22/12/93

■ **POLITICALLY NAIVE** *Farmers*

*kick out farmworkers before elections:*

By Joshua Raboroko

**A**BOUT 15 FAMILIES and their 200 dependents living on Driepan farm in the eastern Transvaal face eviction from the land they have occupied for generations.

The farmer, a Mr Mighty Kurren, wants all the black residents on the farm to be evicted before a new government is installed. He bought the land two months ago.

A farmworkers' representative, Mr Milton Ncube, says the families, who have livestock, are trying to resist the eviction by engaging lawyers to seek a court order restraining the farmer from evicting them because "they simply have nowhere to go".

"We are fighting and challenge the farmer's recalcitrant attitude," he said.

Fifteen other labour tenant families, who have been staying on the farm, Lunenburg, north-western Natal Midlands, for a long time, are being forced to stop ploughing or reduce the size of their agricultural fields.

The family's head Mr Michael Sibisi's crime has been to seek employment elsewhere. He says: "I simply cannot afford to support my family on the inadequate wages I earn."

A farmer has obtained a court order to evict Mrs Lena Nkosi and her family from her plot. She has since refused to leave. Her cattle have been sold as a result of the court order.

Nkosi says: "I am resisting a move because I have nowhere to go. Let him find alternative accommodation for me and my children."

## Most exploited

Women farmworkers are the most exploited of all rural workers.

Even the new rights extended to farmworkers under the Basic Conditions of Employment Act falls short of addressing their problem, according to Sandra Hill Lanz, coordinator of the Lawyers for Human Rights, Women on Farms Project.

These revelations were made at a press conference in Johannesburg where farmworkers from the Eastern Transvaal and Midlands of Natal explained their daily plight.

Farmworkers noted with concern that the evictions are meant to intimidate them from participating in the next elections, as some farmers have taken their Identity Documents without giving reasons.

The intensity of harassment by farmers is seen as an attempt to sabotage processes towards the democratisation of South Africa.



**FARM WORKERS ...** Some face eviction from land they have occupied for generations.

According to the National Land Committee's (NLC) affiliates who work closely with tenants, the Farmworkers Research and Resource Project (FRRP) and the Association for Rural Advancement (ARA), there has been a dramatic increase in eviction in the past few weeks compared with the previous six months.

About 500 tenants have already been forcibly evicted, there are almost 60 families of labour tenants who have received eviction notices, and thousands others can be evicted in the future.

They are calling on the Transitional Executive Committee (TEC) to place a moratorium on evictions.

The scale of the problem constitutes a national crisis as farmworkers are desperately seeking help for themselves and their families.

Workers' ability to challenge these evictions is limited by the fact that they are isolated from the social mainstream and political process that is taking place in urban areas.

Farmers have deliberately isolated workers from trade unions, through which they could fight for their rights. According to sources fewer than five

percent of farmworkers belong to trade unions.

Without the support of the law and social organisations, farmworkers face an uphill battle against the 50 000 farmers who control the land and are highly-organised to protect their own interests.

Farmers are not the only hurdle facing farmworkers — they also have to struggle against a social structure which is hostile to them in a variety of ways.

Local government departments, police and the courts, are all places where farmworkers must endure an unfriendly reception when they complain of assault, harassment or intimidation.

## Harder struggle

A lack of education makes the struggle even harder; schools are few and lack in resources, and teaching is often of poor quality.

According to an article in *Land Update*, a publication of NLC, the population of farmworkers is largely illiterate (55 percent by conservative Government figures) and politically naive.

A recent survey found that only 20 percent of farmworkers know what a union is or what it does.

Equally worrying is the fact that very few farmworkers know any political representatives other than ANC leader Nelson Mandela or President F W de Klerk, much less the political parties they represent.

Political representation is crucial at a time when the entire rural infrastructure is in crisis. Nowhere is apartheid's cruel economic and social legacy more evident than on the farms.

FRRP coordinator Mr Abie Dithlake says recent evictions are conducted in an organised manner after farmers sought legal advice. They obtain court interdicts, which means workers have no legal recourse and have to leave the land after a period of grace.

Congress of South African Trade Union's media officer Mr Neil Coleman says workers in the Orange Free State, Eastern Cape, Eastern Transvaal and Natal Midlands have complained that their IDs have been confiscated.

He adds: "Farmers are beginning to see that their rights are gradually dwindling as the country moves towards the April 27 elections. Some have decided to return to the brutal system of feudalism and they will not be successful."



Land conflict ... Squatter Selinah Lebetsa in her Nooitgedacht shack

PHOTO: RUTH MOTAU

## Farmers cash in on squatters

Mduduzi ka Harvey

**D**ESPITE crocodile tears and loud complaints over the drop in property values and rising crime rates brought by an influx of squatters, Nooitgedacht farmers are profiting from their presence and smiling all the way to the bank.

Squatters claim they are being milked by some farmers who are charging as much as R50 site rental for a single shack. "As there is no water in the squatter camp," says Solly Rsebotsa, "we are forced to buy water from neighbouring farms at R2 for a 25 litre container."

The squatters started settling on the land in June this year and their occupation intensified in October. They left neighbouring Rietfontein in search of work on the farms, to little avail.

With no shops in the area, squatters are forced to buy essentials from a local farmer's spaza shop at the edge of the camp. He is the only gro-

cer in the area, and squatters charge that he has used unorthodox methods to maintain his trading monopoly.

Squatter Space Dube explains: "When some of the unemployed camp residents tried to sell their own liquor, he called in the police to stop them."

Nooitgedacht camp is a place of contradictions. Neither the squatters nor the landowners want it to stay, but nobody can agree on how to get rid of it. Squatters say they would leave tomorrow, if somebody would offer them an alternative site with better sanitation.

This is a squalid settlement consisting of about 100 dilapidated shacks scattered across an area the size of several football pitches on land owned by the Transvaal Provincial Administration. There is neither water, nor toilets, dumping areas nor schools. Local landowners fear the health hazards and declining property values associated with a shanty

town.

This week, tensions were running high in the camp. Rumours abounded that the farmers had recruited Afrikaner Weerstandsbeweging squads to evict the squatters, who formed a neighbourhood watch to oppose forced removal. Farmers denied calling in the heavies, but expressed frustration at bureaucratic delays in dealing with the problem.

The conflict was temporarily defused by the TPA, when negotiations with landowners and squatters got underway on how to relocate the squatters.

Landowners and Residents' Association chairman Peter Hewitt expressed frustration at the delay in getting negotiations going: "We have tried for the past six years to form an authority to solve these problems. Our attempts to create a structure responsible for regional planning and providing informal housing with proper facilities were rejected by the TPA."

wm 30/12/94 6/1/94 (4)



AGRICULTURE — LABOUR

1994

## AWB couple fined after farm death (4)

The Argus Correspondent

ARG 5/1/94

JOHANNESBURG. — Two Afrikaner Weerstandsbeweging members accused of beating to death a farm labourer whose "kaffir dog" mated with their Rhodesian ridgeback have been acquitted of culpable homicide by the Vereeniging Regional Court.

Instead, Ken Finlay, 48, and his wife Lynn, 47, were convicted of assault and fined R2 000 (or 20 months' imprisonment) and R200 (or two months) respectively. Mr Finlay was convicted of assault with intent and his wife of common assault.

The Finlays had been accused of killing Mola-tudi "Lawaal" Lebeta after an altercation stemming from Mr Lebeta's dog mating with the Finlays' pet at their Elandsfontein plot.

Magistrate C Kruger said he could not find that the Finlays were responsible for Mr Lebeta's death. Evidence from a witness, Elizabeth Moghetti, who was in Mr Lebeta's house when the Finlays entered, was not totally reliable. Evidence from two doctors who examined Mr Lebeta did not rule out the possibility that he had been subjected to a second attack. — Sapa.

# Law helps farm workers

By BARRY STREEK

MODERN labour legislation is to be extended to South Africa's farm workers for the first time, in 10 days' time.

The formal introduction of the Agricultural Labour Act, which was passed by Parliament earlier this year despite opposition from some farmers' organisations and the Conservative Party, will be on Monday, January 17.

Notice to this effect has been published in the Government Gazette by the Minister of Manpower, Mr Leon Wessels.

The new law, which will provide for overtime payment, leave, contracts and a prohibition on victimisation, could transform labour relations on farms.

Although the number of farm workers declined by about 30%

between 1968 and 1988, it is estimated that there about 1,2 million farm workers, who until now have had no legal protection against abuses other than common law.

Until recently, industrial labour legislation was excluded from farm and domestic workers but this exemption has now been abolished.



# Farm worker killed: AWB couple fined

**JOHANNESBURG.** — Two AWB members accused of beating to death a farm labourer whose "kaffir dog" mated with their Rhodesian ridgeback were acquitted yesterday of culpable homicide.

Instead, Ken Finlay, 48, and his wife Lynn, 47, were convicted in the Vereeniging Regional Court of assault and given fines of R2 000 or 20 months' imprisonment, and R200 or two months', respectively. Finlay

was convicted of assault with intent and his wife of common assault. The Finlays had been accused of killing Mr Molatudi "Lawwai" Le-beta after his dog mated with their dog at their Elandsfontein plot on Christmas Day, 1991.

Passing judgment, magistrate Mr G Kruger said he could not find the Finlays were responsible for Mr Le-beta's death. Evidence from the two doctors who examined Mr Lebetsa

did not rule out the chance he had been subjected to a second attack. During court testimony last year it emerged that Lynn Finlay told Mr Lebetsa she "didn't want a kaffir dog mating with a white man's dog". An argument followed and the Finlays left, but returned later with at least three other white men.

In evidence Mr Lebetsa's wife Di-pela said Lynn Finlay repeatedly hit Mr Lebetsa with a sjambok and her

husband hit him over the head with a baton. An unknown man hit the weaponless Mr Lebetsa on the back with a pickaxe handle. Mr Lebetsa died the next day.

The Finlays' version was that they had intended performing a citizen's arrest and acted in self-defence after Mr Lebetsa moved to attack them. Mr Kruger's sentence contrasted

with a judgment delivered in the Rand Supreme Court in October. Ruling in a civil claim brought by Mr Lebetsa's widow against the Finlays, Mr Justice Roux dismissed the Finlays' version as "drivel".

He awarded Mr Lebetsa's widow R34 383 for herself and her five minor children. The Finlays were ordered to pay lawyers' fees estimated at R60 000. — Sapa

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# AWB pair: New look at case

PRETORIA. — Transvaal attorney-general Dr Jan D'Oliviera confirmed yesterday that he would evaluate the Finlay case in which a right-wing couple were fined after the death of a labourer whose dog had mated with theirs.

Dr D'Oliveira said that because of public interest he had

called for the court record but it was premature to say the case would be reviewed automatically.

The sentences imposed on the AWB couple on Monday have drawn criticism. Vereeniging Regional Court magistrate Mr C Kruger fined Ken Finlay and his wife Lyn R2 000 and R200, re-

spectively, for assaulting Mr Molatudi Lebeta in December 1991 after his dog had mated with theirs. Mr Lebeta died later.

The couple were acquitted of culpable homicide. Mr Kruger said he could not find beyond reasonable doubt that they were responsible for Mr Lebeta's death. — Sapa



## SA needs a super scheme to uplift the rural poor

WM 7-13/1994

A potential solution to rural poverty may lie in the formation of a super NGO which encourages people to be responsible for their own development through homestead gardening, argues **Carl Keyter**

**N**OW is the time for all good men to weep for the rural poor. For unless the major players in rural development come up with a workable rural upliftment programme, touching every homestead, there is no guarantee that the impoverished rural masses will end up better off.

Consider the facts.

There is talk of the Development Bank of Southern Africa and the Independent Development Trust climbing into the same bed with the planned formation of a "development cartel" which would directly fund the new post-election government. With bilateral agreements in the offing, the European Commission and the World Bank look to be going the same route.

In this way, these major players are mapping out a rural development course which will inevitably operate through the very government, parastatal and homeland structures which have become the principal agents, not of rural development, but of underdevelopment.

It makes no sense, for instance, to work through soon to be regionalised homeland structures which launch irrigation schemes ending up under the managerial control of "private consultants", who run them at a loss.

It makes just as little sense to create a monocultural plantation economy which employs fewer rural workers and plot holders than the subsistence households displaced to make way for it.

Nor is there any logic in destroying the ecological resource base — the natural vegetation — which can provide a future agri-ecosystem necessary for restoring rural subsistence. Nor in the "betterment planning" approach of closer settlements, which breaks up the mutual self-help relationships between extended families and alienates them from their communal land.

These approaches, implicit in working through existing government structures, are travesties to be avoided.

Also to be shunned are:

● Collective "matze schemes" which leave the majority of plot holders

indebted to rural credit schemes.

● Vain productivity efforts by government extension officers aimed at transforming a subsistence crop, like maize, into an unviable cash crop, under circumstances where there is a livelier demand and higher prices for the katiebos weeds growing between the maize, than the maize itself.

● The equally pointless Development Bank-funded "farmer support programmes" for a rural populace who choose the opposite route to "productivity". They prefer to use a single bag of fertiliser per hectare — to achieve a yield of only two bags per hectare, but a maize value return of 800 percent on that fertiliser investment — rather than the recommended four bags per hectare, which although lifting productivity dramatically gives them a return of less than 100 percent.

If you were a peasant producer, which would you prefer?

The trouble with all these development approaches is that they not only impoverish and confuse the locals, they are also irrelevant in a situation where 25 percent of rural people have no access to arable land, other than the average homestead plot of a quarter of a hectare, and most of the remainder only have an average of 1,8ha per household.

Indeed, the World Bank's answer to rural reconstruction promises to touch less than one percent — 250 000 — of the rural poor classifiable as "serious farmers". Even with the type of land reform which would give the peasant producer a more feasible farm size of, say, 100ha or more, it would only be possible to create a million rural jobs in five years.

It makes little sense to create a monocultural plantation economy which employs fewer rural workers and plot holders than the subsistence households displaced to make way for it.

What happen to the other 95 percent who languish in abject poverty?

It is this 95 percent whose plight can be measured by an abysmally low per capita income on a par with the rest of Africa; by the average of four hours a day spent on fetching firewood from a denuded environment, and by their reliance on polluted drinking water responsible for sickeningly high infant mortality rates.

It is small comfort to them that the European Commission's Micro-Projects Programme, Operation Hunger and the Department of National Health have embarked on massive relief-type operations involving water and food.

These represent the other extreme of rural involvement which promises similarly negative results. The EC programme intends saturating the rural scene with water schemes that cannot possibly be maintained by the poor village communities they are intended to serve. The Health Department's food relief efforts through urban-inspired civic associations and others have left no less than six known fraud charges in their wake.

Neither the EC's "25 percent solution", which expects impoverished villagers to contribute to their own water development, nor the highly politicised "food handout" programme of the Department of Health have achieved sustainable development aimed at the broad economic upliftment of the rural masses.

What then is the answer? It may lie in a super non-governmental organisation, generously supported by both the private sector and the new government, which offers a comprehensive strategy aimed at boosting homestead gardening and poultry production, as rural groups take charge of their own development out of relief-generated "development savings".

The mechanics of such a permacultural approach to rural development is another story.

Carl Keyter was a founder of Kupugani in the 1960s and former investment editor of the Financial Mail. Involved in rural development through the Zimbabwe Children's Welfare Trust and the Intermediate Technologies Small Industries Development Unit, he became director of the University of the Transkei's Bureau of Development Research, from which he launched the African Initiative Development Trust.

## Crop of SA farmers all set to 'grow by a million'

JOHANNESBURG. — Up to a million new farmers may soon be added to the total of between 55 000 and 60 000 commercial farmers in the country, according to Technikon SA.

The Technikon was therefore investigating the introduction of "distance education agricultural training", the technikon's community and applied sciences vice-rector L A Moolman said today.

He said many newcomers would not have the skills to apply integrated, sustainable farming systems and could endanger the economic viability of agriculture.

It was therefore "vitally important" that a comprehensive training programme emphasising financial and management skills be introduced "as a matter of urgency", said Dr Moolman.

ARG 17/1/94  
"The services offered by agricultural colleges are presently totally insufficient to contribute significantly to such a training programme.

"Solutions to these problems must be found urgently to ensure the success of the agricultural industry in the new South Africa."

He said Technikon SA had joined forces with Elsenburg Agricultural College to present a workshop on "Integrated Agricultural Training in Southern Africa" involving all the major players in agricultural training.

The workshop, aimed at analysing and evaluating present training, would be held at Elsenburg College, Stellenbosch, from February 1 to 3, Dr Moolman said. — Sapa.

# New courts to settle farm worker disputes

ARCT 19/1/94 (13) (4)  
□ Cosatu hails 'major victory' over unfair dismissals

**SHARON SOROUR**  
Labour Reporter

FARMERS and their workers will be able to settle labour disputes in a special new court in terms of the historic Agricultural Labour Act promulgated this week.

The Act, which extends the provisions of the Labour Relations Act of 1956 to farming activities, was applied to agriculture's 1,2 million workers after protracted negotiations between government, trade union federation Cosatu and the SA Agricultural Union.

Manpower Minister Leon Wessels said in a statement the Act provided for the establishment of an Agricultural Labour Court to decide disputes over alleged unfair labour practices.

"To provide an effective and accessible service to persons and organisations in the agricultural sector, facilitators will be available at offices of the department of Manpower. These officers will assist employers and employees

with the process of litigation in the Agricultural Labour Court."

Mr Wessels said Industrial Court president A A Landman and deputy president M A E Bulbulia would serve ex officio as president and deputy president, respectively, of the Agricultural Labour Court.

Mr C W van den Heever (☎ 012 323 7643) has been appointed registrar.

Cosatu hailed the promulgation of the Act as a "major victory for workers, Cosatu and Nactu".

Cosatu said farmers would no longer be able to "arbitrarily dismiss workers without any recourse".

"In the past thousands of farmworkers were dismissed and the unions did not have much leverage to defend them. The Agricultural Labour Act provides protection against unfair dismissals," Cosatu said.

The Act also enabled workers to join any trade union of their choice.

"In terms of the Act farmers

will be obliged to engage with the union on issues such as union recognition, stop order facilities and access to farms by union officials," Cosatu said.

Cosatu wanted labour courts established throughout the country.

"These courts should be expedient, cheaper and have simple procedures to make them accessible to farmworkers."

Cosatu said the Agricultural Labour Act was the product of a long and arduous "battle" with the SAAU and the government.

"This battle was partly won last year when ... the Basic Conditions of Employment Act and the Unemployment Insurance Act were extended to workers."

But Cosatu said the battle in the farming sector was not over. A crucial issue under discussion was the Trespassing Act, which farmers could use to prevent access to voter educators on their property. This was receiving urgent attention and a strategy was being worked out to deal with it.

# Agricultural court publishes guidelines

INTERIM guidelines for the Agricultural Labour Court, which came into being with the promulgation of the Agricultural Labour Act on Monday, were published by Industrial Court president Adolph Landman yesterday.

These guidelines, developed in consultation with Cosatu and the SA Agricultural Union, would remain in effect until permanent rules were passed and gazetted by Manpower Minister Leon Wessels.

Our Durban correspondent reports farm workers will now be covered by the Act, which was cautiously welcomed by organised labour and research organisations as important since it gave farm workers some organisational rights.

Landman and his deputy, Mohammed Bulbulia, were appointed to the same positions in the Agricultural Labour Court and more members would be appointed by the Minister as necessary, Landman said.

Initially the court would operate only in Pretoria, but there were plans to establish similar bodies throughout the country.

Manpower Department officials would act as facilitators in the process of litigation by advising the parties on procedures to contest an unfair labour practice dispute in court.

Before the dispute was heard in court, the presiding member would attempt to mediate the issue, unless it was decided no useful purpose would be served by this.

During a pre-trial conference, the presiding officer would try to narrow issues before the hearing.

B/D 19/1/94 (4) (5)  
ERICA JANKOWITZ

Cosatu welcomed the passage of the Act as farmers would no longer be able to dismiss workers "arbitrarily" and without recourse. Farmworkers would be protected from unfair dismissal and be given the right to join trade unions. Thereafter, farmers would be obliged to negotiate recognition, stop-order facilities and access to farms with trade unions.

Cosatu warned it expected wide-reaching changes to the agricultural sector under the ANC's reconstruction and development programme, which would promote farm labour training in the context of "efficient, labour-intensive and sustainable" farming methods.

Cosatu also expected the introduction of enforced improvements to farmworkers' living and working conditions once the programme was implemented.

National Council of Trade Unions general secretary Cunningham Ngcukana said the Act would give unions scope to use the Industrial Court to fight for the rights of farm workers. He said the composition of the Agricultural Labour Court should still be discussed so it could become more representative.

The Centre for Rural Legal Studies said that for the first time requirements for fair labour practices would apply to farmers and farm workers.

The centre recommended that the Act provide for a simple, cheap and accessible process for adjudicating disputes.

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# FW is seen to 'condone' child labour

South 21/1 - 25/1/94

By Quentin Wilson

STATE PRESIDENT FW de Klerk apparently forgot his "new" National Party card about human rights during a one-day political roadshow on Overberg farms in December.

While trying to impress farmworkers on a farm near Rivierstrand, the visiting NP leader took time to shake the hand of a child, knee-deep in mud, harvesting onions.

While warning against the "tyranny" of a "communist-dominated ANC", De Klerk did not notice that he was silently condoning child labour by his gesture. The boy, no more than 10 years old, works on the farm for R12 a day.

When asked whether this amounted to NP hypocrisy, a spokesperson for the state-president's office admitted it was a "difficult matter to comment on".

"I can't say exactly what happened but if there are complaints from the farmworkers, they have every right to take it up in an industrial court. Workers have the right to complain," he said, refusing to give his name.

Meanwhile, the Food and Allied Workers' Union (Fawu) and the ANC have capitalised on their rival's electioneering blunder.

"It has exposed De Klerk and the NP for what they really are," said Mr Cameron Dugmore, ANC regional organiser for the Western Cape. "While they profess to have changed their colours, this proves they cling to their old ways. De



ISNT CHILD LABOUR SWEET: FW de Klerk seems to see nothing wrong with this child being part of the rural workforce

Klerk showed the NP are concerned about child labour and workers' rights.

"I am disgusted at the opportunism displayed by the NP and the

failure of De Klerk to comment on what is clearly a contravention of basic employment law."

Mr Viva Mtai, Fawu's information and research officer, was equal-

ly outraged.

"We are shocked that De Klerk has shown he condones child labour," Mtai said, "While he tried to win votes from farmworkers by

telling them about how the NP has changed for the better, he has shown his true colours. This is the truth behind De Klerk's smiling face."

# Agriculture union angry at media

## 'slur' about relations with workers

Statement says farmers have abided by most of the regulations

for years  
APR 24 11 1994  
SHARON SORBUR  
Labour Reporter

THE South African Agricultural Union has reacted sharply to media reports that farm workers would enjoy legal protection for the first time following the application of the Agricultural Labour Act.

In a statement, the union - which represents farmers - said reports about comment on the promulgation of the Act, and that the SAAU welcomed the Act, had been "confusing".

"The Agricultural Labour Act is no more than the implementation of an agreement which organised agriculture and Gosatu in August." It added that six of the eight labour laws already were applicable to agriculture.

Of the six, four of them - the Workers' Compensation Act, the Machinery and Occupational Safety Act, the Guidance and Placement Act and the Manpower Training Act - always had applied to agriculture.

Two others, the Unemployment Insurance Act and the Basic Conditions of Employment Act, were applied to the sector in January and May last year, respectively.

"The Agricultural Labour Act, which came into effect on Monday, consists largely of stipulations in respect of labour relations in agriculture. A substantial part of the stipulations deals with the establishment of mechanisms to settle labour disputes. Of major importance... is the establishment of an agricultural labour court," said the union.

The union was compiling an information booklet dealing with the various ways in which disputes could be settled. It would be released soon.

The emphasis was on parties settling disputes themselves before resorting to formal court action.

● Last year, SAAU affiliates in the Free State and the Transvaal refused to accept the draft legislation. Rightwing farmers indicated they were opposed to the legislation, especially under an African National Congress government.



# Fewer jobs on farms, but wage bills go up

B. Day 3/2/94

MUNGO SOGGOT

THE agriculture sector was employing fewer people but spending more on cash wages, according to the Central Statistical Service's 1992 agricultural survey, released yesterday.

In 1992, the sector employed 6,4% fewer regular employees and 4,6% fewer casual workers than the previous year. However, total annual cash wages went up 16,6% and 20,2% for regular employees and casual workers respectively.

Farmworkers Research and Resource Project director Simon Norfolk said these statistics were "hiding a more complex picture". He said the fall in agricultural employment was not surprising because of the drought. But the cash wage increases had to be seen in the context of what had happened to wages in kind — such as food — over the same period.

The survey said payments in kind had increased in 1992 by R30m for regular workers and R4m for casual workers from the 1991 amounts of R615m and R31m respectively.

But Norfolk said his organisation's research in the western Transvaal last year showed that in addition to a fall in employment, farm workers were often receiving neither wages in

kind nor annual bonuses.

He said the survey included agriculture's more profitable sectors — such as fruit farming, which had export markets — which helped explain the contradiction between his organisation's findings in the western Transvaal and national statistics.

Norfolk added that rough calculations — using the survey figures — showed the average cash wages of regular farm workers in 1992 was R256 a month, compared with R227 in 1991. During 1992 the average inflation rate was 13,9% which meant there was no average cash wage rise in real terms.

Furthermore, a study on wages as a percentage of total operating costs in the maize industry showed that cash wages never exceeded 15% of farmers' operating costs. Norfolk said this figure was as low as 8,01% in the western Transvaal.

The survey also said gross farming income had risen 9,3% during the same period. Current expenditure was up 10,9% and capital expenditure 6,3%. There was also a 1,4% increase in farming debt during 1992.

## Most farmers not badly in debt

GENERALISATIONS about the total agricultural debt figure do not accurately reflect the distribution of debt among farmers, the latest issue of Standard Bank's Agrireview says. *B/Dan*

While recent reports had said agricultural debt increased 15,44% from R14,9bn in 1991 to R17,2bn in 1992, Agrireview quoted official Agriculture Department figures showing an increase of only 1,6% from R16,927bn to R17,2bn. *3/2/94*

Standard Bank's recent survey of about 1 000 farmers to assess the impact of drought and drought relief schemes showed the financial position of farmers was not as precarious as reported.

The four criteria used to assess agricultural debt were solvency, repayment ability, management capacity, and the ability to attract credit. *(4)*

According to the survey, 32% of farmers were not indebted and almost 80% had a healthy solvency ratio of 50% or less.

Agricultural subsidies have eased farmers' ability to repay debt and it was "clear that farmers have moved to a healthier financial position because of drought relief schemes".

The percentage of farmers falling into lower-risk categories had increased from 60% to 68% after the relief schemes were introduced.

MARIANNE MERTEN

The total debt was proportionally higher in the moderate- and high-risk groups. About 16% of farmers in these groups owed 31% of the debt compared to the two lower-risk group where 84% of the farmers owed 70% of the debt.

Farmers in lower-risk groups produced about 75% of the agricultural income. Following the introduction of relief programmes, this changed to 84% of farmers producing 85% of agricultural income.

The survey said drought relief schemes had improved liquidity by reducing current liabilities. A subsidy on interest rates would improve repayment ability and relieve financial stress, it said.

Volkskas agricultural manager Chris Mostert said yesterday about 33% of farmers did not owe anything to banks.

Agricultural debt figures were skewed because a small number of very big farmers, who had often received a high media profile, were highly indebted.

The bank had noticed a substantial decrease in agricultural debt over the past few months. This had been caused by contributions of the drought relief schemes and a good farming income as a result of a better 1993 agricultural year.

# Hell for my family, says farmer

File 5/12/94

(1)

JEAN LE MAY  
Weekend Argus Reporter

**UNIONDALE** farmer Fourie Looek, facing charges of abducting, assaulting and attempting to murder Simon Ndoni, this week complained to the Regional Court in George that the trial was having "a hell of an effect" on his family.

People were taunting him and calling him a racist, he said, and his son had been "kicked out" of an officers' training course. He said "a mafia" was at work. Magistrate F T Engelbrecht cut him short, telling him to "save his speeches" until later.

Judgment was reserved yesterday in the trial in which Fourie, 44, and his sons Martinus Christoffel, 19, and Daniel Benjamin, 18, were accused of assaulting,

abducting and attempting to murder farmworker Simon Ndoni, 41, in April 1992, by tying him to a tree in Knysna forest — 80km away from the site of the alleged assault — and leaving him to die.

Mr Ndoni was discovered two days later by a forestry worker who cut him loose and called the police.

Lawyers for Human Rights will shortly launch a civil claim for R100 000 on behalf of Mr Ndoni, who suffered brain damage and is now almost completely disabled.

At one of the earlier hearings of the trial, which started last September, Laura Enslin of Knysna Hospital said she admitted Mr Ndoni on April 8 1992. He was dehydrated, wet and confused,

with a chest infection and numerous wounds and abrasions on his face and shoulders, some of which were septic. The injuries were caused at least two days earlier, Dr Enslin said.

Mr Ndoni was in hospital until April 20 and then charged with stock theft but was acquitted after spending six weeks in prison awaiting trial.

During his time in prison he was taken regularly to George Hospital. He is now living on a disability pension.

Mr Ndoni told the court that on April 6, 1992, while working on Ongelegen Farm in the Uniondale district, he was told by a fellow-worker that Fourie Looek, a neighbouring farmer, was looking for him in connection with the theft of a sheep.

He said that Fourie arrived in his bakkie with his two sons. He was told to get into the bakkie, which he did. He was driven away and later an attempt was made to drag him behind the vehicle with a rope.

He said he was then kicked, trampled and thrown into the back of the bakkie. Fourie then hit him twice on the head with a fencing post.

He said Fourie got into the back of the bakkie and tied his wrists together. The other end of the rope was then looped over a branch.

The last he remembered was the sound of the vehicle pulling away from him as his arms were jerked upwards and he could not recall how he came to be tied to

caped by jumping off the bakkie, which was travelling at 40 to 50km/h.

His son Martinus said his father told him to accompany him to the orchard where Mr Ndoni was working, but he did not know why. He said Mr Ndoni got into the bakkie without resistance but suddenly jumped from the vehicle and tried to run away.

He and his brother gave chase and caught him about five metres from the bakkie. They were joined by their father and used considerable force to subdue Mr Ndoni. Their purpose was to make a citizen's arrest, he said.

His brother Daniel said his father told him he was taking Mr Ndoni to the police in Uniondale. He could not explain why he had told police, who arrived at the farm soon after his father's departure, that he did not know where his father was and that Mr Ndoni had escaped.

The accused are represented by advocate I Joubert.

a tree in a remote part of the Knysna forest.

Koos Terreblanche, a tractor driver, said he had seen Mr Ndoni lying on the ground behind Fourie's bakkie, with his hands tied to his back. He saw one of the accused stamping on Mr Ndoni's face.

Another witness, F W Wildeman, said he had seen Fourie driving his bakkie towards the main road with Mr Ndoni lying unconscious "in a bloody heap" in the back.

Fourie told the court he intended his blows to be effective and he thought he was justified in assaulting Mr Ndoni while making a citizen's arrest.

He denied responsibility for tying Mr Ndoni to a tree. He said Mr Ndoni es-

# Electoral body acts on farm ban

JOHANNESBURG. — The Independent Electoral Commission (IEC) is seeking an urgent meeting with the National Manpower Commission (NMC) about the Transvaal Agricultural Union (TAU) decision to prohibit political activity on members' farms.

In a statement yesterday, the IEC asserted its right under the Electoral Act to draft regulations granting political parties access

to private property to canvass for the general election. (4)

The IEC would consult key constituencies that might be affected by the TAU's decision before drafting the regulations, the statement said. CT5/2194

The NMC includes representatives of all major employers, including the South African Agricultural Union, and the major trade union federations.

The SA Communist Party condemned the TAU decision yesterday as being against the principle of free political activity.

Its chairman, Mr Joe Slovo, said the matter should be taken up by the IEC and the Transitional Executive Council.

In a similar move the Free State Agricultural Union is to bar parties from establishing branches on farms. — Sapa

## Transvaal farmers fear election activity on farms

THE Transvaal Agricultural Union said yesterday it would not allow political parties to canvass on its members' farms because they feared that the same kind of violence which had engulfed East Rand townships might spill on to their properties.

TAU president Dries Bruwer said farmers were prepared to contravene the Electoral Act, which laid down terms ensuring free and fair political activity, to keep the prevailing peace on their farms.

The Independent Electoral Commission said political parties intending to enter private or public property for canvassing or voter education should give five days' written notice to the property owner. (U)

In terms of the new requirements of the Electoral Act, party representatives and property owners, responsible officers or lawful occupants should agree on

**JOHANNES NGCOBO**

the time, place and conditions of the visit.

TAU president Dries Bruwer said his organisation met IEC chairman Johann Kriegler last Friday, when IEC members explained the Electoral Act's legislation on farms.

Bruwer said he told Kriegler that there were ANC and Inkatha Freedom Party members on their farms and were concerned that canvassing would result in conflict.

"If we allow canvassing on our farms we would be allowing the blood-letting as is happening in the East Rand townships of Katlehong, Thokoza and Vosloorus," Bruwer said.

He said if their farm labourers wanted to conduct such activities they could do so outside farm gates and farmers would not stop them casting their ballots.

Report by J Ngcobo, TML, 11 Diagonal St, Jhb.

## 'NP farmers trying to spoil workers' votes'

UNION federation Cosatu is seeking an urgent meeting today with the Independent Electoral Committee to discuss allegations that farmers are denying their workers the right to attend voter education programmes. ~~CIPROD~~ 6/2/94

Cosatu spokesman Neil Coleman said farmers are reported to be denying their workers access to the programmes and manipulating them to vote for the NP.

Coleman accused the NP of colluding with the farmers. He said an estimated four million farmworkers could be affected. ~~WEST~~ 4

He said farmers had been attempting to undermine voter education programmes by confiscating the ID documents of farm labourers.

# Action on farm votes

ET 7/2/94  
JOHANNESBURG. — The Congress of South African Trade Unions would seek an urgent meeting with the Independent Electoral Commission (IEC) on behalf of farmworkers prohibited by conservative farmers from voting in the April election, Cosatu spokesman Mr Neil Coleman said at the weekend.

He challenged President F W de Klerk to use his influence to open farms to free political activity.

Mr Coleman was reacting to the Transvaal and Orange Free State agricultural unions' stated intention to prohibit political activity on mem-

bers' farms. (4) ~~3/4~~

The ban on farmworkers' voting was an abuse of the farmers' position of power, he said, adding that as many as four million votes could be at stake. "It is impossible to have free and fair elections under these circumstances."

Farmers were campaigning against the African National Congress, Mr Coleman said.

Cosatu had received numerous reports of farmers confiscating workers' identity documents, he claimed. — Sapa

# Treatment of farm workers slammed

BLOEMFONTEIN. — Most farmers treated their workers with contempt and did not provide them with good living conditions, ANC president Mr Nelson Mandela said yesterday.

Workers at 33 farms in the Tweekruijter district in the northern Free State gave a lunch for Mr Mandela when he visited a farm there.

The farmer provided his farm as the venue for an ANC People's Forum.

Mr Mandela said the ANC demanded that farm workers be given the right to have trade unions and that land be restored to communities deprived of it under apartheid.

The president of the Free State Agricultural Union, Dr Piet Gous, said yesterday he favoured discussions with Mr Mandela about political activities on farms.

Mr Mandela abandoned a rally at the Thabong stadium, near Welkom, on Saturday as crowd-control collapsed with thousands of people surging in ankle-deep mud to see him.

Terrified children were passed over the heads of people near the front of the podium and hauled to safety by Mr Mandela's bodyguards.

Uniformed members of uMkhonto weSizwe battled in vain to control the huge crowd in pouring rain.

"What happened here is a warning to regional leadership how to organise for such an occasion," a shocked Mr Mandela told the crowd.

The crowd whistled and jeered when Mr Mandela said he was cutting short his address, more out of frustration than anger. — Sapa



ok at peace force ● Accused in the Maringa case convicted

# Indiscipline tops agenda

SOWETAN 8/2/94

■ **HIT SQUAD** Top KwaZulu cop expected

to appear before the TEC in Pretoria today:

By Donwald Pressly  
Political Staff

**T**HE ACTIVITIES OF ARMED formations in the run-up to the April election will dominate debate in the Transitional Executive Council sitting today.

KwaZulu police commissioner Lieutenant-General Roy During is finally expected to appear before the council, after the KwaZulu government had agreed in an out-of-court settlement at the weekend to allow him to be cross-examined on hit squads in his force.

The settlement averted yesterday's planned TEC Supreme Court application for an order compelling During to appear before the council, said Mr Patrick Falconer, the KZP commissioner's legal representative.

The council will also receive a report from the defence sub-council on indiscipline among the ranks of the Bloemfontein-based 4 000-strong National Peacekeeping Force. ~~(S)~~

The sub-council meets this morning, ahead of the general TEC session this afternoon.

Former SA Defence Force chief Lieutenant-General Kat Liebenberg and Umkhonto we Sizwe commander Mr Joe Modise, both sub-council members, are expected to draw up an action plan to instil discipline among the potential peacekeepers drawn from the ranks of the SADF, MK and the various homeland armies.

Racial conflict is believed to be a problem which will be tackled. TEC sources indicate that the council may have to consider imposing the existing SADF military disciplinary code on the peacekeeping trainees.

## Guard is guilty of murder

By Isaac Moledi

FORMER security guard Jacobus van Schalkwyk was yesterday found guilty in the Rand Supreme Court of murdering Turfloop student Miss Pinky Maringa last year.

Van Schalkwyk (29), of Rustenburg, was also found guilty of attempting to rape her.

Sentence will be passed today. Maringa was found dead on the premises of AECl at Modderfontein on New Year's Day last year.

Mr Justice R Marais dismissed Van Schalkwyk's evidence as lies and as inadequate. Although the judge said it was difficult to prove that Van Schalkwyk had intentionally killed Maringa, he however should have known that hitting her on the head could lead to her death.

The judge said the State could also not prove beyond any reasonable doubt that Van Schalkwyk had raped Maringa, despite the fact that semen was found on her torn panties.

A doctor's report earlier stated that there was no evidence of penetration in Maringa's vagina.

Van Schalkwyk said that the semen was found on the panties because while Maringa lay injured after "falling from the bakkie", he masturbated and tore off the panties to wipe off his penis.

## Cosatu challenges defiant farmers

THE Congress of South African Trade Unions will seek an urgent meeting with the Independent Election Commission to discuss a ban imposed by farmers on free political activity.

Cosatu said it had received reports that farmers were "using dirty tricks to coerce workers into voting for the National Party" 8/2/94

A Cosatu spokesman said farmers in the Free

State, Eastern Cape and Eastern Transvaal had confiscated identity documents from farm workers because they suspected they would vote for the African National Congress.

"If the farmers are not stopped, they will effectively deny access by as many as four million voters to the voter education and views of political parties. ~~(S)~~ (4)

"These actions by some farmers, supported by the agricultural unions, are a flagrant violation of the spirit and the letter in terms of which the IEC was established," Cosatu said.

Cosatu also challenged State President FW de Klerk to urge the farmers to allow voter education agencies, political parties and trade unions unrestricted access to farm workers.

# Plea for access to farmworkers

Star 8/2/94

■ BY JOVIAL RANTAO  
LABOUR CORRESPONDENT

Cosatu has challenged President de Klerk to speak to "his friends" in the agricultural unions to allow all reputable voter education agencies, political parties and trade unions unrestricted access to farmworkers.

Cosatu's challenge follows the Transvaal and Free State agricultural unions' decision to bar political activity on farms.

Cosatu will also be seeking an urgent meeting with the Independent Electoral Commission (IEC) to address the issue.

In a statement, Cosatu described the ban as a blatant abuse of the power which farmers had over people living on their farms.

"If farmers are allowed to embark on this course, they will effectively deny access by as many as 4 million voters to voter education and views of political parties," the statement said.

The IEC is to meet the National Manpower Commission to address the agricultural unions' decision and draft regulations on the plight of farmworkers.

Cosatu noted that the ban on political activity was selective. "It's explicitly aimed at the ANC, while farmers continue to try to shove the NP down the throats of farmworkers."

Cosatu said it had received reports from areas in the Free State, eastern Cape and eastern



Jovial Rantao . . . The Star's new labour correspondent.

Transvaal of farmers forcing their workers to vote for the NP.

Free State Agricultural Union president Dr Piet Gous has said that allowing political parties to organise on farms would be a recipe for disaster. The Transvaal Agricultural Union supported the stance.

The NP said last night it believed in the principle that every political party should have the right to have free access to all voters and potential voters.

However, the NP also recognised the right of any property owner to refuse certain activities on his property.

The NP advised its members and political canvassers to arrange meetings with farmworkers at nearby public venues.

# Farms to be no-go areas — OFS union

Star 10/2/94

~~Star~~ (4)

■ BY KAIZER NYATSUMBA  
POLITICAL CORRESPONDENT

The Free State Agricultural Union has pledged to allow farm workers to vote for parties of their choice in the April election, but said farms would remain no-go areas for all political parties.

In a statement yesterday, Free State Agricultural Union president Dr Piet Gouws said although his union would adopt "a neutral approach" when it came to farm workers' voting preferences and allowing off-duty workers to attend political meetings in public areas, it nevertheless had serious problems with political activity on farms.

There were three main prob-

lems, chiefly the difficulty to distinguish between bona fide party recruiters and criminals as well as inter-party conflict.

Gouws said it had to be remembered that there were numerous attacks on farmers in the Free State last year, and some of the attackers had even posed as policemen.

Farmers, alone on their farms "miles away from the comfort of neighbours or a police station", were therefore worried about their safety.

Inter-organisational rivalry would also be a problem and could result in open conflict.

Farmers did not want and could not afford to have their farms become battlefields of op-

posing political parties.

"Until the ANC and others have shown a willingness and an ability to control their supporters — which they have not been able to do so far — OFS farms are out," Gouws said.

Another problem, he said, was that supporters of some "white-controlled" parties allowed only branches of their parties on their farms. This, he said, created "an unbearable situation which is not only immoral but puts farmers as a group directly in the firing line of big party conflicts, threats, abuse and even strong-arm tactics where the innocent farmers will suffer".

(Report by K Nyatsumba, 47 Sauer St, Jhb)

# Farmer 'held men on farm'

④  
CT 12/2/94

By YVETTE VAN BREDA

THIRTY-TWO Piketberg farm labourers brought an urgent interdict against their employer in the Supreme Court yesterday, claiming he was holding them on his farm against their will, assaulting, threatening and harassing them.

Mr Johannes van Wyk, Mr Oupa "Jacob" Tibinjani and 30 other temporary workers from Postmasberg working on the farm Uitvlugt brought the application against Mr GJ "Cowboy" Carstens.

The matter was adjourned to Wednesday after Mr Carstens' lawyer gave an unconditional undertaking that he would not assault, threaten, harass or intimidate the workers and would not order anyone to do so.

Mr Carstens also undertook to

## Labourers seek court interdict

allow them to remain on the farm, retaining their basic terms of employment, not work more than 48 hours a week, not work on Sundays, not allow children under 15 to work and to give the workers full freedom of movement when not working.

In affidavits before the court the workers said they were recruited for seasonal work in Postmasberg, about 1 000km from the farm. They were promised R10 a day, accommodation, food, a

"kannetjie wyn" (a jug of wine) and a "lekker lewe" (good life).

On their arrival they discovered they had to work long hours, were fed badly, lived in terrible conditions and were assaulted frequently.

### Watched

Shortly after their arrival the 32 workers tried to leave but Mr Carstens persuaded them to stay.

However, the assaults continued and according to affidavits, the workers were watched to ensure that they do not escape at night. Two of them managed to leave after being assaulted, set upon by the farmer's dogs and threatened with a firearm.

An attempt to free the other workers had to be aborted when shots were fired at a truck by which the men would escape.

Ms Justice J Traverso was on the bench. Mr Andrew Brown appeared for the workers and Mr Anton Fick for Mr Carstens.

# Farm union stops talks with Slovo

PIETERSBURG — The Transvaal Agricultural Union (TAU) has withdrawn from personal discussions with South African Communist Party chairman Mr Joe Slovo on the union's decision to ban political parties from farms.

TAU president Mr Dries Bruwer said Mr Slovo was conducting "calculated political delaying tactics" as he had already postponed discussions with the TAU four times. "The SACP was deliberately avoiding the issue in order to gain maximum local and foreign publicity."

This put farmers in an unfavourable light. — Sapa

# Farmer 'will treat workers better'

④ CT 17/2/94

## Supreme Court Reporter

A NORTHERN CAPE farmer alleged to have held 32 workers against their will, forced them to work long hours and fed them badly, agreed in the Supreme Court yesterday not to assault or threaten them.

By agreement between the parties, Mr Justice S Selikowitz ordered Mr G J "Cowboy" Carstens to pay the workers on his farm Uitvlugt a basic wage of R60 per week, pay them overtime, drive them home to Postmasburg at his expense on March 5 and house them.

Mr Carstens also agreed to give the workers breakfast and keep his dogs inside the fence surrounding his home. He undertook not to force the workers to work on Sundays.

## Restraining

Should the farm workers be required to work on a Sunday they would be paid R10 for two hours and R20 for working anything from two hours to a maximum of four hours, the court ordered.

The settlement followed an urgent application last Friday for a restraining order against Mr Carstens.

In papers the workers said they were recruited for seasonal work in Postmasburg, about 1 000km from the farm. They were promised R10 a day, accommodation, food, a "kannetjie wyn" (a jug of wine) and a "lekker lewe" (good life).

On their arrival they discovered they had to work long hours, were fed badly, lived under terrible conditions and were assaulted frequently. They were kept under surveillance to ensure they did not escape.

Mr Andrew Brown, instructed by Carl Wesselink of Lawyers for Human Rights, appeared for the workers and Mr Anton Fick appeared for Mr Carstens.

# Farmer guilty of shooting

④  
CT 18/2/94

## Staff Reporter

A BRACKENFELL farmer who shot dead a trespasser on his farm was convicted in the Supreme Court yesterday of shooting dead trespasser Mr Alistair Luyt in April 1992 and fined R5 000 (or 12 months).

Gary Smith, 25, was not found guilty of murder but convicted on the lesser charge of culpable homicide.

He was also sentenced to five years' imprisonment suspended for five years.

Mr Justice W Cooper declared him unfit to possess a firearm.

Smith was acquitted of attempting to murder Mr Willem Grootboom, pointing a firearm and discharging a shot in his direction.

The court heard that Mr Groot-

R5 000  
fine for  
death of  
trespasser

boom, Mr Luyt and Mr Frans Kiewiets had been reprimanded by Smith's mother when they climbed over the farm fence to take a shortcut and there had been a confrontation.

Smith said he had chased after them, fired a warning shot and

then stumbled and fell, accidentally discharging another shot which killed Mr Luyt.

Passing judgment, Judge Cooper said although he was sceptical of Smith's version of events, "judicial scepticism" was not enough to disregard his evidence and the court had to find that there was a reasonable possibility that the second shot was fired accidentally.

The judge said Smith should reasonably have foreseen that he may stumble and fire the gun in the direction in which he was moving.

Sentencing Smith, he took into account that he was married, a father of two and a first offender.

He also believed the impression Smith created that he would "not see the inside of a court on a serious offence again".

Mr Mike Stowe prosecuted Mr F van Zyl appeared for Smith.

# Rains precipitate pancakes

The recent good rains have put many farmers in a buoyant mood, reports **Ferial Haffajee**

FARMERS in Delmas are making a lot of pancakes these days — that's what they do to celebrate the rains. Kallie Schoeman, the son of former minister Hendrik Schoeman and the owner of a group of farms, says: "When Loskop dam started to overflow, we had one helluva party."

Two-metre high meales line the road to Schoeman's farm, Witklip. At another farm, women workers who have been bused in from as far afield as Pietersburg pluck fat cabbages from the soil. "Die reën het baie goed. Ja, ons is bly vir die werk" (It's rained a lot and we're happy for the work), says Eida Bembe.

For the farmers and their workers, the rains have brought more than blessings. They have broken three successive droughts and promise a boost for farming towns like Delmas. The show-ers could also bring rural peace as farmers less threatened by financial ruin in turn feel less threatened by the prospect of a new government. There's an air of excitement at the OTK Koopeerse farmers' co-op in Delmas. It's unusually busy for a Wednesday morning.

Robin Feldman, of grain merchants Kahn and Kahn, says they are expecting 14-million tons of grain this year and that seven million tons are likely to be exported — unlike last year, when South Africa had to import grain.

As the financial squeeze on them eases, farmers are likely to feel more in charge of their destiny and less fearful of the future. They (rains and good crops) will make farmers more accommodating to changes, says Dawie Bosch of the Centre for Rural Legal Studies in Stellenbosch. "A farmer facing ruin is likely to be short-tempered." For the Land and Agricultural Bank, the rains mean better, bigger crops and higher profits for their borrowers, making it easier for farmers to meet loan repayments and creditors' demands.

For Schoeman, the rains mean more than extra cash in his pocket. "It's got a positive effect



Making a mealie of it.. A healthy crop for Delmas farmer Kallie Schoeman PHOTO. RUTH MOTAU

on your emotional well-being. We are living in changing times and change generates fear and lots of other ugly things."

He will plough some of this year's profits into electrifying his workers' homes — a project delayed by the drought last year. And more will be spent on the farm's affirmative action programme to train junior black farm managers. There may even be enough to build a second school on the farm, he muses.

At another farm, Charles Rossouw takes time off from harvesting potatoes to chat. He's a happy man who's just devised a new way of marketing his spuds and whose sweetcorn fields have yielded 20 tons a hectare after last year's disastrous showing of four tons a hectare.

Rossouw will also install electricity in his workers' homes. While the salaries he pays are not high, his workers will get an increase after the harvest. "We own the land but without them

(workers) we can't do anything," he says.

With Rossouw's good crop comes a sense of confidence. "We're not afraid of the future. We're optimistic, we can play such an important role in Southern Africa. But we can't do it without the blacks. A new government can't ignore our knowledge and experience."

But God's finger of caution still hangs over the country. Too much rain could ruin crops, while the Land Bank has warned: "It is doubtful whether one good agricultural season will enable farmers to generate such a substantial income (that they) can wipe out the financial backlog that has accumulated over a number of years."

And not all farmers share the attitudes of Rossouw and Schoeman. "I could send you to farms where they'll chase you away," says Rossouw. Stickers plastered on Delmas signboards declaring "Jy is nou in die Volksstad" (You are now in the volksstad) underline his point.

## Access to farms still a problem

ELECTION regulations hastily brokered by employers, trade unions and the Independent Electoral Commission have defused simmering tensions over access to farms and factories for voter education and electioneering.

But it may not be a long-term cure. Polking the new provisions is going to be a difficult task; this week, the Transvaal and Free State agricultural unions declared farms would be no-go areas. Business and farmers' organisations have said they will not instruct members to grant access to voter educators or political parties.

The draft regulations under the Electoral Act say political parties and voter educators must give five days' written notice to the supervisor or owner of premises they intend visiting. Meetings must keep within agreed time-limits and if the parties cannot agree, the issue should be referred to mediation. The chief director of the IEC's monitoring wing has the final say if mediation is unsuccessful. "We had a good discussion with Cosatu; they explained that they are not interested in access to every farm. The only access they would like is to distribute pamphlets," said Kobus Kleynhans of the South African Agricultural Union (SAAU).

The agreement on central meeting points at bigger farms with the required permission meant "things are looking a lot better", said Kleynhans, but he added: "We will not instruct farmers to allow the ANC on to their farms."

Meanwhile, members of the Transvaal and Orange Free State provincial agricultural unions this week said their farms would be no-go areas for political parties and Cosatu. Other farmers' unions said they would accede to the new regulations.

The SAAU thought the penalty clause in the Electoral Act for barring access to private property was unduly harsh and that this clause made no sense of existing trespass laws.

Talks between employers and Cosatu are continuing as the parties attempt to hammer out a bilateral agreement.

Report by Ferial Haffajee, 139 Smilt St., Johannesburg



# Nightmare ends for Piketberg workers

South 18/2-22/2/94

By Shannon Neill

A NIGHTMARE of 18-hour work days with no pay, accommodation in a "hok", a diet of rotten horse meat and potatoes has come to an end for 30 farm workers.

The workers, from the farm "Uitvugt" in the Piketberg district, obtained a court order restraining farmer Mr "Cowboy" Carstens from assaulting or threatening them. They may not be made to work more than a 48 hour week, work on Sunday or work if they are under 15.

Carstens also has to allow them freedom of movement after working hours. They will work until the end of the month, be paid and then taken home.

The misery of the workers was brought to the attention of Lawyers for Human Rights (LHR) by Mr Johannes van Wyk who fled the farm after being beaten, starved and refused permission to leave when he was not paid for his work.

He claims Carstens beat the labourers, set his dogs on them and threatened to shoot them.

He and Mr Oupa Tibinjani escaped and found refuge on another farm. They later returned to Uitvugt with a truck and tried to rescue the remaining 30.

The rescue bid failed when Carstens allegedly shot at them. After this, Van Wyk managed to

contact LHR.

Carstens denies the allegations. "I am a Christian and I don't do anything in this world that goes against this belief."

Van Wyk's ordeal began in December when he and 31 others were employed as labourers on Carstens's farm.

"When I was in Postnasberg, about 1 000km from Uitvugt, I heard a lorry had come to pick up labourers," he said.

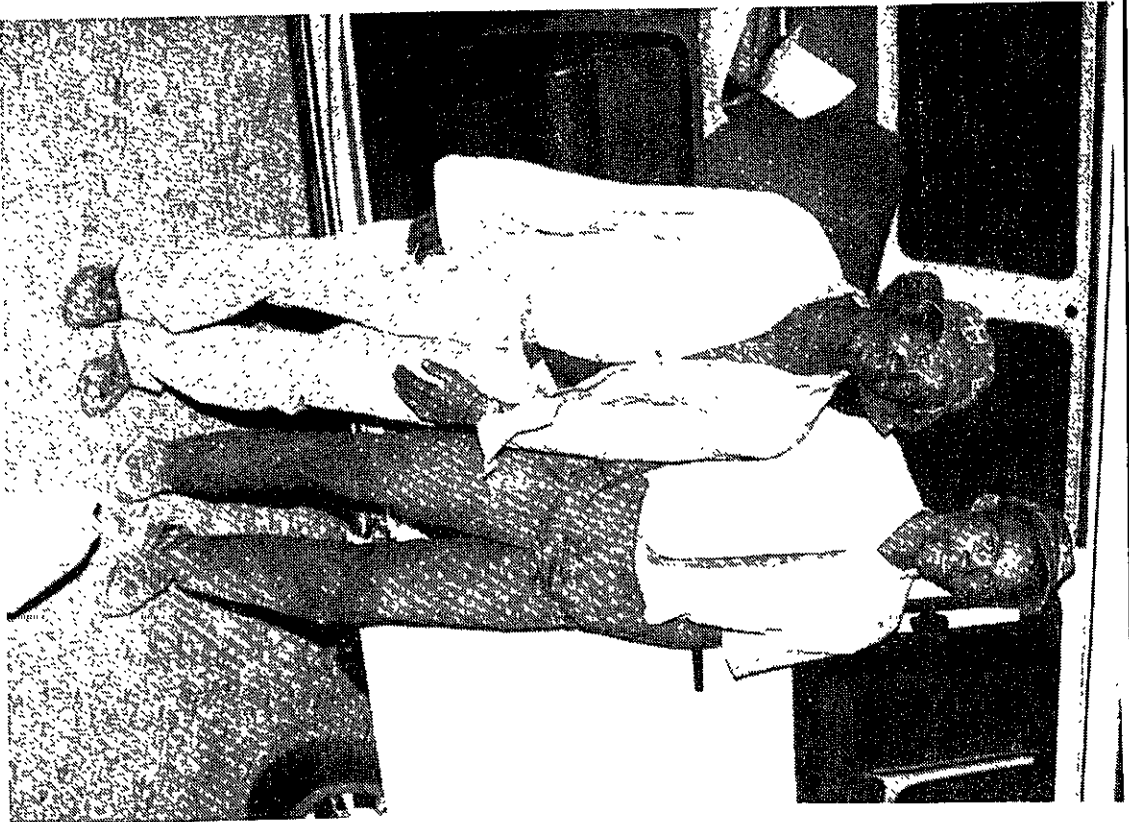
He was promised R10 per day, a *kannetjie wyn* every night, three meals a day and accommodation. He had to work for three months and would then be taken back to Postnasberg.

After a week, conditions on the farm made them decide to leave. Van Wyk said Carstens followed them and begged them to return, promising things would improve.

They agreed to return because they had no money and no idea how they would make the 1 000km journey home.

"For a day or two things were better and then he began hitting the people again," Van Wyk claimed. "He hit the Ouma who cooked for us so hard blood came out of her ear for three days."

After this incident another worker, Sarel, encouraged the labourers to leave the farm. Carstens heard him, threw him to the ground and allegedly held a pistol to his head.



**FREE AT LAST: Oupa Tibinjani and Johannes van Wyk's ordeal on a farm in the Northern Cape ended when they sought refuge at the Lawyers for Human Rights office**

Van Wyk claims Carstens threatened to kill him when he went to Sarel's defence. Carstens, while maintaining his innocence, has agreed to these conditions and is paying compensation to the people who claim they were assaulted.

## Farmers still defiant over voter activity

By A. Hadland, T.M.L. 18/12/1944

ADRIAN HADLAND

PRETORIA — Transvaal farmers remain adamant they will not allow political activity on their farms ahead of the elections.

If farmers had to choose between the provisions of the Electoral Act and law and order, they would choose the latter, the Transvaal Agricultural Union said this week.

In a letter to SACP leader Joe Slovo, union president Dries Bruwer reaffirmed the intention of farmers to prevent party canvassers or voter educators from visiting farm workers and to ban political activities on their land.

The letter said farmers believed in political self-determination and in a volkstaat. If these aims were not recognised, farmers would take whatever actions were necessary and within their power.

Bruwer regretted the letter was sent to Slovo in lieu of a personal meeting that has been postponed on several occasions. (4)

Slovo said yesterday he hoped a meeting would soon be arranged in which "some of the farmers' misconceptions" about the SACP could be cleared up.

The SACP would attempt to persuade the farmers that the alleged SACP policy document was a fake.

□ Sapa reports Agriculture Minister Kraai van Niekirk said yesterday the recent strong upswing in the economy was largely due to outstanding achievements in agriculture.

"This is further proof that any future government can not afford to neglect this important sector."

It was also a clear message to those making irresponsible statements about agriculture and the redistribution of land that interference in this sector would cause irreparable damage to the economy.

Reports by A. Hadland, T.M.L., 216 Vermeulen St., P.O., and L. Braid, Sapa Press Gallery, Parliament.

**Call to protect farm voters**

JOHANNESBURG. — The ANC has demanded urgent action by the Transitional Executive Council to protect the voting and electoral rights of farmworkers.

The ANC said yesterday that new threats had been made to farmworkers' rights by Transvaal Agricultural Union president Mr Dries Bruwer

(4)CT19/2/94

# Electoral threat On Cape farms

Argus  
(4) 19/2/94

**FRANS ESTERHUYSE**  
Weekend Argus  
Political Correspondent

**BOLAND** wine farmer and rugby personality Jannie Engelbrecht has warned that free access of election workers to farms in terms of new legislation could endanger the safety of farmers and their workers.

He called on the Independent Electoral Commission (IEC) to consider the introduction of guidelines to protect farmers against the unauthorised entry of potential murderers, robbers, or troublemakers posing as election workers.

Speaking from his farm, Rust-en-Vrede, near Stellenbosch, Mr Engelbrecht told Weekend Argus the problem was that the new Electoral Act gave political parties free access to private property but did not provide guidelines to safeguard farmers.

■ South African rugby manager Jannie Engelbrecht has called for safeguards to protect farmers against criminals or troublemakers posing as election workers to gain access to farms in terms of the Electoral Act.

Late yesterday the IEC published regulations which appear to address many of these concerns.

The Electoral Act makes it a punishable offence to impede any party representative or officials engaged in voter education, or to prevent their entry into any area, whether public or private, for the purpose of conducting certain election activities.

But late yesterday the IEC published regulations which make concessions to farmers.

Anyone wishing to visit any private or public property for political purposes must give five days' written notice to the person in charge or to the owner or occupier.

The visit must take place at a time and place specified in

the application and under agreed conditions.

The new regulations appear to meet many of Mr Engelbrecht's requests. Late last night he was not available for comment.

Mr Engelbrecht had submitted written proposals to the IEC for guidelines in the wake of similar pleas and warnings from farmers and agricultural unions elsewhere in the country, notably the Free State.

He said the guidelines he proposed — in his personal capacity — included:

■ Visits to farms by election workers in terms of the Electoral Act must be confined to certain agreed times.

■ Before such a visit a written application must be submitted to the owner.

■ The applicants must provide proof of identity and proof that they represent a registered political party.

■ All the workers on a farm must have the right to attend information meetings held by a political party.

■ No additional persons may be brought from outside the boundaries of the farm to attend such meetings.

■ Persons addressing meetings on a farm must not make provocative speeches or statements such as "Kill the farmer, Kill the Boer" or "One settler, one bullet".

■ Meetings must be orderly and there must be no loud noise or music.

■ Persons or parties seeking access to farms must be required to pay a deposit which can be used for compensation in the event of damage to property or for use of the owner's facilities.

News by F S Esterhuysen and J La May, 122 St George's Mall, Cape Town.

# Farmer's dog bites off boy's testicle

SOUTH 2512-113194

By Shannon Neill

JEROME Joans, 5, had a testicle ripped out by a farmer's dog on the Stellenbosch farm where he lives — because he dared to help himself to a bunch of grapes.

The boy's family say this is not the first time the foreman, known as "Oubaas" and the farmer, Mr Giele Hannekom, have assaulted children on the farm.

After the family laid a charge with the police, they have been threatened with eviction.

Mrs Margaret Beukes told how her grandson, Jerome, was playing in the vineyard with his friend Trompé when the foreman drove up and saw them.

"Oubaas asked them what they were doing in the vineyard.

"Jerome started saying they were only playing — we live on the farm so where else must they play? As he was speaking Oubaas lifted him off the ground by his ears and said Jerome must look him in the eyes when he talks."

She said the foreman dropped the child on the ground then picked him up again and started hitting him.

"Oubaas hit me on the arm and then the dog jumped up and bit me here," said the child indicating his testicles.

"There was so much blood. I screamed and ran back to the house and the dog and Oubaas

chased me. All I did was pick a tattie drivewell!"

Beukes said she saw the child running towards her with the dog chasing and the foreman following in a bakkie.

"The children said they heard Oubaas saying to the dog 'vat hulle!' I called the police and they took my statement and then drove Jerome to the hospital," said Beukes.

The child was treated for shock and his testicle replaced.

"Any permanent damage can only be determined in years to come. We don't know if it will affect the boy's ability to have children," said Jerome's lawyer, Mr Glyn Williams.

A few days after Beukes laid charges an eviction notice was delivered to the family.

Williams said: "They were not given any formal notice to leave as one would wish a tenant. There was also no question of their leaving before the assault."

"Mr Beukes (Jerome's grandfather) works for the farmer at his business in town and the terms of his contract entitle him to free accommodation."

He said his firm was claiming damages for the child and were waiting for the police to lay criminal charges against Hannekom.

"We as lawyers allege that the police treat assaults by whites against black children as common

or garden assaults — like assaults between adults.

"We believe it's not right for adults to be beating children like this and offenders should be prosecuted under the Children's Act," said Williams.

Major Lourens le Roux said the police were waiting for the medical report and would then investigate the case.

Desmond Petersen, Stellenbosch Advice Office co-ordinator, said: "We see so much of this sort of thing going on. We have to end this sort of violence."

When Hannekom was contacted he said all newspapers lied and refused to comment on the allegations.

## DEVELOPMENT Controversial slogan set to become redundant as conditions change

# No more 'kill the farmer'?

Sowetan 7/3/94

■ **ISSUES DISCUSSED** Farmers, workers and union get together: (4)

By Joe Mdhlela

**T**HE SLOGAN "KILL THE farmer, kill the Boer" is set to become redundant as farm workers and farmers together attempt to regulate working conditions in the farming sector.

This message comes across loud and clear as farmers, trade unions and so-called "farm hands" discuss issues relating to the industry in the Independent Development Trust programme *People*, to be screened on NNTV at 9pm today.

All sides amplify their frustrations, hopes and ideals.

Incidents of farmers killed, and subsequent retaliation, are described by all parties as commonplace. In the agitation that follows, there is an underlying desire to rise above these incidents and do something positive to improve the quality of life and working conditions for the farm workers.

Predictably, the farmers often insist on their pound of flesh, with a varying degree of compassion. But, at the same time, there are farmers who demand their pound of flesh regardless of circumstances.

### Trade union targets

The latter are farmers whom trade unions target for their venom. Indeed, according to Western Cape trade union leader Thomas Claasen:

"The function of a union is to ensure relations between employer and worker are regulated to the satisfaction of both parties."

So the desire by recalcitrant farmers to undermine the union will only intensify the need by workers to resist beatings and resort to the philosophy of "an eye for an eye, or tooth for a tooth".

The case of murdered farmer Stefanus Oosthuizen seems to suggest that the more delay there is in regulating labour relations in the industry, the more killings and retaliation will become the order of the day.

Aggrieved by the killing of his father, Oosthuizen's son pursued the killer and gunned him down. This killing and the retaliation reverberated throughout the country. It also received a fair amount of international coverage.

In the Cape, farm labourer Charlie Thompson was killed by a Stellenbosch farm manager for being absent from work. The killer used a pick-axe handle to inflict a fatal blow.

The killer spent six days in prison for the gruesome murder.

Up to July last year, at least 40 people had been killed in about 132 attacks on

farms throughout the country.

Farmer Jean van Riet, perceived in many quarters as enlightened because of the humane way in which he treats his workers, says he often has to put up with complaints from his colleagues because he treats his "kaffirs" well.

Paying his workers an average of between R320 and R740, he says they earn this wage because of hard work. His philosophy is based on the notion that workers should own the enterprise.

"If this is true, I suppose they will be motivated to work harder for its perpetuation and upkeep."

Van Riet, pursuing his reformist beliefs, has built houses for all his farm workers and their families.

In addition, he has formed a workers committee to discuss their problems.

But it is questionable whether this goes far enough to address adequately the grievances of workers as espoused by the trade union movement.

However, Van Riet recognises at least that workers have a right to express their views about working conditions.

Indeed, Van Riet complains that trade unionism is often misused to disrupt productive enterprises. He believes this is not necessary, and more refined ways of resolving disputes should be established.

### No human dignity

Lawyer Andries Du Toit says farmers often regard workers as mere "farm hands" with no human dignity.

A holistic approach towards tackling problems encountered by farm workers should be devised, says Rural Foundation official Ocklve Bosman.

"People — the workers themselves — should be involved in addressing their own problems," he urges.

An enlightened programme devised by Vergelegen, an Anglo-American project to promote civilised methods of dealing with farm workers, suggests the key to resolving workers' problems lies in partnership.

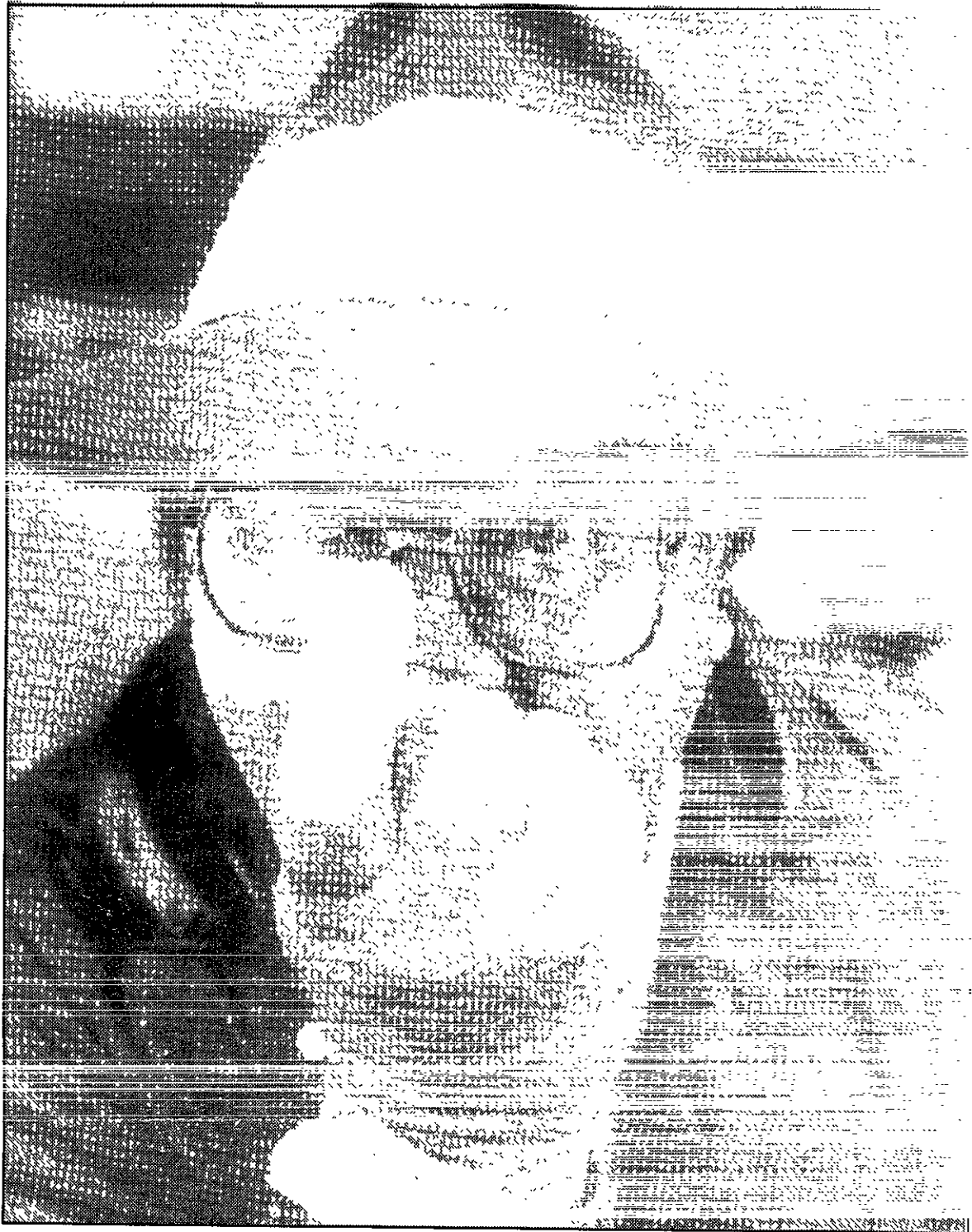
It is when farmers, farm workers and farm committees come together and find solutions that improved working conditions will result. Anything short of this is doomed to failure.

Also, legislation to regulate Labour Relations Act should be monitored to ensure farmers abide by it.

Indeed, Steve Deebie of Rural Foundation says farming without trade unionism is "a thing of the past."

The law must ensure that farmers allow farm labourers to form themselves into unions.

If that happens, there will be no need for slogans such as "kill the Boer".



A farmer ... in confrontational mood.



The farm workers' day begins as they are transported in a tractor.

This space was made possible by the support of the Positive Development News Initiative, which seeks to document a unique development model that is evolving in South Africa where people from all walks of life — Business, Labour, Grassroots, Democratic Structures, Development Agencies and Communities themselves — are coming together in focused alliances, to play a powerful role in reconstruction and reconciliation to build a common future that will provide the foundation of a peaceful and prosperous inclusive society in this wonderful land of ours.

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NEWS ANC leader expresses concern over preference to other parties

# Mandela, farmers talk on land issue

By Donwald Pressly  
Political Staff

ANC PRESIDENT Mr Nelson Mandela yesterday met captains of the all-white agricultural unions to mollify their concerns about ANC land policies.

Emerging from nearly three hours of talks with an SA Agricultural Union delegation led by its president, Mr Boet Fourie, Mandela said the

ANC recognised that there were serious feelings of uncertainty in the farming sector.

Transvaal union boss Mr Dries Bruwer and OFS boss Dr Piet Gous, both Conservative Party MPs, boycotted the session.

**Black landlessness**  
Mandela said the farmers' concerns had to be balanced against the necessity of the new government to address

Sowetan 11/3/94

the problem of black landlessness. But the ANC recognised the key role played by white farmers in food production.

**Private property**  
A way had to be found to provide land "without making inroads into private property", Mandela said. Fourie said the union would present a package of proposals to the ANC next week to try to influence its land policies.

Mandela also raised concerns about farmers giving access to certain political groups for voter education, but denying the ANC access.

**Transporting workers**  
Apparently referring to the NP, he said farmers were eyeing transporting workers to its meetings. Fourie said the union had held discussions with the HEC and TEC on this matter.

Mr William Mullins president of the Natal Agricultural Union said Natal farmers had agreed in discussions with political groups to transport workers to political meetings if they felt the security situation would be risky on their farms. Access to farm meetings must be arranged with the farmers five days in advance. Sundays would be excluded, the NAU spokesman said.



## Mandela tries to allay farmers' fears

THEO RAWANA *B. Day*

THE role of farmers was important to the economy and an ANC government would do nothing detrimental to this sector when addressing land issues, ANC president Nelson Mandela said yesterday. 11/3/94

After meeting a delegation of the SA Agricultural Union (SAAU) in Johannesburg, he said that while the ANC was devising strategies to address the issue of landlessness, the role of farmers as key producers also had to be considered.

Mandela said he had asked for the meeting to allay farmers' fears after land claims were made at the Community Land Conference in Bloemfontein last month.

The land distribution proposals of the National Land Committee — an umbrella body for land and agriculture-related organisations — were not those of the ANC, although the organisation supported the conference. He said it was necessary for farmers "to come on board".

Mandela said the meeting had been productive in resolving the issue of voter education on farms. He gave no details. 4

SAAU president Boet Fourie said the SAAU would present its policies to the ANC next week and would hold more talks in an attempt to influence ANC policy.

He said the SAAU had told the ANC that its plans for land use were unrealistic and small farmers could never be established at the cost of commercial farmers.

Property rights had to be protected at all costs, he said.

Report by T Rawana, TML, 11 Diagonal St, Jhb.

● Picture: Page 3



# ANC ploughs st furrow in farm

□ Watchdogs to hear of farmers who defy a

■ In spite of recent regulations aimed at allaying farmers' fears, disputes continue about access to farms by election officials.

## FRANS ESTERHUYSE

Weekend Argus  
Political Correspondent

FARMERS in the Western Cape have been accused by the African National Congress of refusing ANC election officials access to some of their farms — in defiance of electoral laws and regulations.

In some cases it is alleged, farmers have found ways of circumventing the regulations so as to prevent or hamper election work on their farms. Allegations were also made of on-going intimidation of farm workers.

The latest accusations came from ANC officials this week at a news conference attended, among others, by visiting members of the European Parliament. The visitors, including Michael McGowan of Leeds and Barbara Simons, said they would be back in April to observe and monitor the election.

Western Cape ANC electoral agent Essa Moosa said all substantial complaints about violations of the electoral laws and regulations would be reported to the Independent Electoral Commission. Some of the structures for dealing with this had only been set up in recent days or were still being set up.

Outlining some of the provisions of the Electoral Act, Mr Moosa said the penalty for violations of this law was a fine of up to R60 000 or three years' imprisonment, or both.

Mr Cecil Esau, ANC organiser in farming areas and former Robben Island prisoner, told of alleged transgressions in several farming areas and attempts by the ANC to discuss complaints with the farmers concerned.

In one case a farmer in the Piketberg area refused "point blank" to grant ANC election officials access to his farm.

"When we said his conduct was contrary to the Electoral Act, he slammed down the telephone," Mr Esau said.

In the Robertson area a farm worker was allegedly assaulted by four people, including three whites, for having displayed ANC posters on a wall of his home. The victim had made a sworn statement about the attack and a charge had been laid against the alleged attackers.

Mr Esau said the ANC had set up meetings with farmers in some areas to discuss election matters such as access to farms. The general response from farmers had been "favourable", but some farmers were still trying to "wriggle" out of provisions of the Electoral Act.

Mr John Schuurman, ANC organiser in the Ceres area, said many farmers were not adhering to the law and were still denying election workers access to their farms. The farmers concerned were using "loopholes" in the law to prevent ANC election workers from gaining access.

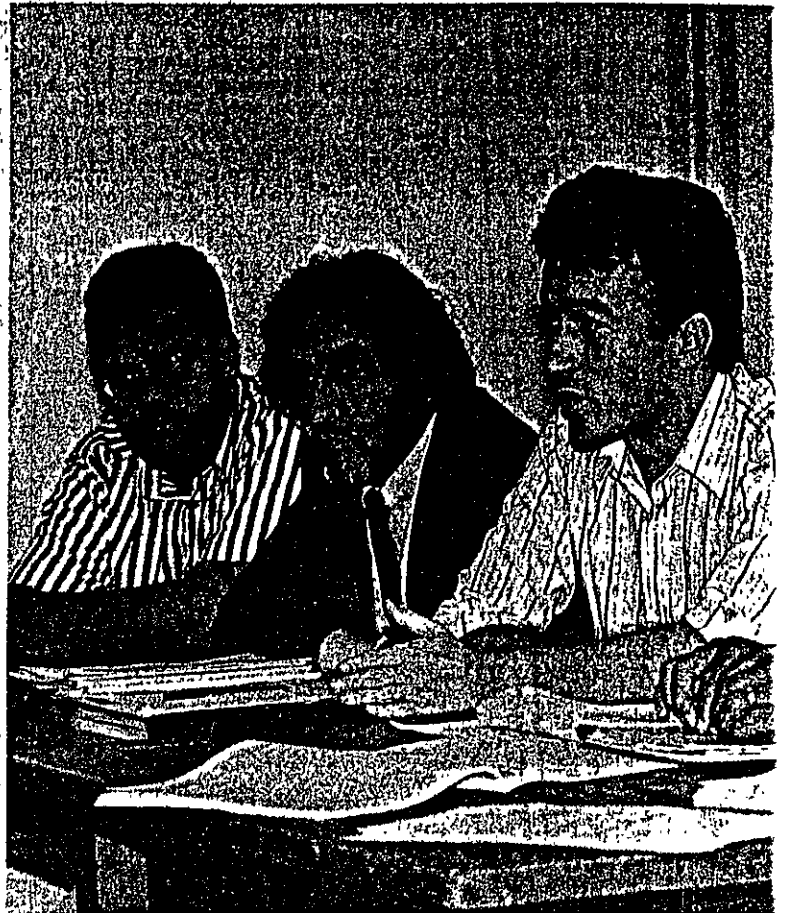
One method used was to offer to provide transport for taking farm workers to venues in nearby towns, for example, so that election workers could speak to them.

However, the ANC argued that this was not good enough because many farm workers were semi-literate or illiterate and needed to be visited individually in their homes so that voting procedures could be explained to them.

Mr Esau said farm workers had received misleading information from farmers. The transport offers appeared to be "a smokescreen to prevent us from getting on to farms."

The ANC's Western Cape leader and candidate for prime minister, Dr Allan Boesak, said some farmers had chased people off their farms after meetings. Farm workers had to be made aware of their rights.

The Electoral Act makes it a punishable offence to impede any party representative or officials engaged in voter education, or to prevent their entry into any area, whether public or private, for election activities.



□ ANC TEAM: Election officials of the African National Congress who Western Cape farms for electioneering. They are, from left, Ebrahim Rasal election agent, Cameron Dugmore, head of the ANC's organising department, organiser in the Ceres area.

## Hustlers EC banned

HUSTLERS Entertainment Club, third issue, produced by JT Publishing, Doornfontein, has been banned for distribution.

Announcing this yesterday, the Directorate of publications said that although it was the only publication found to be undesirable during the past week, eight films had been rejected!

They are: *Draufgespritz*; *Dreaming about Dick*; *Fear of a Black Hat*; *Herma Perversions*; *Starbirds* Vol 1, 2 and 3 *Leather, Lace and Lingerie*; and *Tobe Hooper's Night Terrors* (TV version). — Sapa.



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ANC TEAM: Election officials of the African National Congress who are dealing with the thorny issue of access to Western Cape farms for electioneering. They are, from left, Ebrahim Rassool, election co-ordinator, Essa Moosa, regional election agent, Cameron Dugmore, head of the ANC's organising department in the Western Cape and John Schuurman, organiser in the Ceres area.

Picture: LEON MULLER, Weekend Argus.

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# POWER UP

# 'Farmers hinder ANC canvassers'

VUYO BAVUMA  
Weekend Argus Reporter

THE African National Congress has accused several Boland farmers of frustrating its election campaign by denying the movement's field workers access to workers and confiscating the workers' identity documents.

The movement complained that certain farmers did not allow the ANC members to canvass on their properties unless the ANC fulfilled certain conditions including, among others, paying a liability insurance of R5 million.

At a Press conference in Guguletu's Club Ubuntu yesterday, regional ANC officials also claimed the movement's posters were torn from poles, allegedly by National Party supporters on the Cape Flats.

They also expressed concern that the Department of Home Affairs was "not efficient" in issuing temporary voting cards.

Two ANC members said they saw the party's posters being torn off by several people, including a traffic officer known only as Lukas.

Another ANC member described how young children were allegedly hired to remove ANC posters. *ARC 19/3/94*

ANC regional organiser Cameron Dugmore said a window of the organisation's Ocean View office was stoned and the movement's posters were torn off by NP supporters.

Mr Dugmore also claimed a Piketberg farmer denied an ANC field worker access to his farm on the grounds that his workers

were harvesting.

The farmer had claimed the workers were not interested in the election.

"When asked about Sunday, the farmer responded that Sundays were reserved for worship."

Another farmer in Piketberg refused to allow the ANC member access because he did not allow political parties on his farm.

In Worcester farm employee Gawie Martinus was allegedly fired for being in possession of an ANC flag.

In Franschoek a farmer is apparently withholding the identity documents of his workers.

Earlier ANC regional premier candidate Allan Boesak said initially the ANC did not want to run to the IEC each time there was a transgression.

# Anglo sets terms for canvassing

S1 Times [C1 Mebo]

2013/94

By JESSICA  
BEZUIDENHOUT

**BUSINESS** giant Anglo American has introduced strict conditions to which political parties have to agree before they will be allowed to canvass for votes on farms belonging to the company.

Anglo American Farms Limited owns two main farms in the Western Cape, one in Somerset West and another in the Franschhoek valley, as well as several others in the rest of the country.

But the ANC's Farm-

workers Task Group has criticised some of the conditions (4)

A spokesman said the organisation had been advised by its legal representative that some of the conditions were in contravention of the Electoral Act. (3077)

A number of conditions preventing demonstrations and singing, as well as the display of placards and banners outside an agreed venue

— which Anglo has defined as either a community hall or a vacant shed — were in contravention of free political canvassing and campaigning, an ANC spokesman said.

Another condition, which the ANC says is "unreasonable", stipulates that any political party wishing to campaign on an Anglo farm must first supply the company with proof that they have a minimum of R5 million public liability insurance.

"This could mean no

canvassing work will be allowed on Anglo American's farms," a spokesman for the Farmworkers Task Group said.

The Democratic Party, although critical of the fact that Anglo was attempting to limit the number of people allowed at the meetings, considered the rest of the conditions "quite reasonable", said DP National Executive Director, Mr James Selfe.

One of the conditions stating that the party will not allow more people than the capacity of the venue, was an unfulfillable condition, he said.

Mr Selfe said the R5 million public liability insurance condition was "fairly reasonable" in view of Anglo's right to protect its property.

## Agreement

Anglo American Farms Limited spokesman, Mr Don Tooth, said the National Party has already entered into agreement on the conditions. The NP was not available for comment.

"The conditions are open for discussion and political parties are welcome to respond," Mr Tooth said.

He said the conditions were drawn up to protect the company's workers on farms as well as its property.

He said "the draft conditions, drawn up in line with the Electoral Act" were sent out earlier this week, but that no response had been received from political parties.

# Farmer accused of attack on farm woman

By JESSICA BEZUIDENHOUT

STELLENBOSCH police are investigating charges of assault, theft and pointing of a firearm against a local farmer after a complaint was laid by a farm labourer's wife. *S Times (Cimera)*

The woman's decision to lay the charges has been heralded as a major breakthrough by the farmworkers' support group in the area. *20/3/94*

"Some farmers have been getting away with victimising workers for much too long," said Mr Desmond Petersen, spokesman for the Farmworkers' Rural Support Group. *(4)*

The farmer, Mr H. Zetler, refused to comment and threatened to sue Cape Metro if a report was published.

Asked about the claims, Mr Zetler said: "I'm not denying anything — she's lucky she's still alive".

Mr Petersen said Ms Eva Booysen sought help after she was allegedly attacked by Mr Zetler on his farm Brackensdal.

She claims Mr Zetler accused her of being drunk, "kicked and punched her in the face", pointed a firearm at her and fired into the air.

Ms Booysen had been living on the farm with her common-law husband, Mr Geit Visagie, since 1992.

**NEWS** Urgent need for informal s

# Man dismissed over AWB abuse

*Sowetan 25/3/94*

**By Joshua Raboroko**

A FARMWORKER was dismissed by his white rightwing employer because he tried to intervene when his brother was brutally assaulted by alleged members of the Afrikaner Weerstandsbeweging.

Mr David Seane of 120 Segapelo Street, Tshing Township, near Ventersdorp, said he was threatened with assault by his employer when he questioned his brother's assailants.

The brother, Mr Sonnyboy Seane, who suffered brain and dog bite injuries, was yesterday admitted to the Leratong Hospital near Krugersdorp where his condition is said to be improving.

## Without notice

David was forced to leave Wheatlands farm near Randfontein immediately, without notice, monthly pay or other allowances.

He said: "My employer told me to

demand my salary from Mandela. I replied that he (Mandela) had not employed me. He threatened to assault me if I asked further questions."

He worked for the farmer for about 10 years earning R100 a month.

Sonnyboy (40) was allegedly savaged by dogs and sjambokked by white rightwingers on the farm where he was visiting David on March 13. (4)

After the assault Sonnyboy was put on the back of a bakkie and dumped in the veld between Randfontein and Soweto. He spent seven days bleeding and in a coma.

Pule Seane told *Sowetan* yesterday that Sonnyboy's speech was slurred, apparently as a result of the alleged assault. The family took turns helping him to eat and walk.

The family was instructed to report the matter to the Koksoort police station near Randfontein, but because of his speech problems no charges have been laid.

Southern 2513-2913194

HTUOC

'I was kicked, strangled, locked in the freezer'

# Pregnant woman accuses farmer of brutal assault

By Shannon Neill

**A** STELLENBOSCH woman has claimed that her farmer boss kicked her in the stomach when she was four months pregnant and locked her in a freezer where she lost her baby.

Ms Sarte Essel, 38, said she reported the alleged assault and resultant miscarriage to the police two months ago, but nothing has happened since.

Other women on the farm owned by Mr Herschel Zetler and Mr Jeffrey Zetler have reported being throttled, punched, slapped in the face, thrown on the ground, kicked and locked in a freezer room.

Herschel Zetler refused to comment and this

attorney, Mr Johan Marais, said the matter was under police investigation, was sub judice and he could not comment further.

When asked what prompted the assault, Essel said: "I was getting an overall from the store. Jeffrey asked me what I was doing then dragged me outside, forced me to the ground, threw sand over me and kicked my stomach.

"The next day there was blood in my panties and the baby came out. I didn't go to the hospital because there was no use," she said.

Essel claims it is the third time she's been assaulted on the farm. In another incident she claims the farmer tried to strangle her and then locked her in the freezer room for over an hour.

She was unable to walk when fellow work-

ers finally released her, said her husband, Mr Peter Kakaza.

In a final assault on Essel this week Kakaza intervened and the couple were given immediate notice to leave the farm they've worked on for over 13 years. They claim they are each owed a week's wages and their bonuses.

When asked to comment on the assault Jeffrey Zetler said he would give this "township paper R1 million if proof of the assault can be found".

"I saw she was drunk and said she was not going to go with the team. She is drunk every Monday morning. I never touched her.

"I called the police and they advised me to dismiss her," he said.

Major Flip Fourie of Stellenbosch police station could not comment on this because the investigating officers were not available. He said the case was being investigated and Essel would be informed of any progress.

Another woman, Ms Brunella Visagie, claims she was assaulted by Jeffrey Zetler's brother, Herschel Zetler, when she was three months pregnant.

"He came into my house that night and dragged me out in my nightie. He

threw me on the ground, strangled me and then dragged me to the freezer room.

"I screamed and cried and told him I was pregnant but he just tied my hands and feet and threw me in the freezer room.

"He let me out after an hour and the police took me away and told me not to cause trouble on the farm again," she said.

She said she did not lay a charge because she didn't think the police could help her.

Stellenbosch Advice Office chairperson Mr Desmond Petersen said farm workers were often abused by employers because they didn't know their rights.

a decision about those cases at this stage.

MINISTERS COULD BE RECALLED FOR COLLABORATION

# Farmers want ANC to spell out land policy

PRETORIA — Organised agriculture will make a strong plea for realism in the ANC's land redistribution policy when an SA Agricultural Union (SAAU) delegation meets an ANC task group on March 26. Farmers want the ANC to spell out their land policy. Allocating productive land to inexperienced farmers could be disastrous for food production in SA.

**GERALD REILLY**

they warn. To remain self sufficient in basic food production in the face of a fast growing population should be the overriding aim of a new government's agriculture policy, and reckless redistribution of land could sabotage this goal. The SAAU had reacted strongly to misguided cries

of "one farm, one farmer" and that land claims should be dated back to 1652. Small farmers should only be set up on an economically viable basis, and not at the expense of commercial farmers. Land for small farmers should be acquired through better use of underutilised state-owned land in the homelands, said the SAAU. Report by G. Reilly, T.M. Varmoulen St. Pte.

# Miners agree to return to work

THE NUM strike at Gengold's Buffelsfontein mine was expected to end yesterday with nightshift workers having agreed to report for duty last night.

NUM president James Motlatsi yesterday said he was confident workers on today's morning shift would also report for work. Motlatsi said mine management had agreed to most of the union's demands, including the reinstatement of six workers dismissed last year.

A mandate received from workers at a weekend meeting was in favour of returning to work "provided management acted swiftly in meeting demands", he said.

The strike, which involved 6 000 workers, entered its fifth day yesterday.

In addition to the reinstatement of the six workers, the strikers were demanding the "removal" of a newly appointed mine manager accused of harassing union members, mass meeting facilities, and better

**JACQUIE GOLDING**

catering and housing conditions. Motlatsi also said the union wanted an investigation into the deaths of four workers and several injured during clashes with mine security last week.

Gengold spokesman Andrew Davidson confirmed the NUM's regional Klerksdorp office had informed management that workers would be returning to work today.

Davidson could not confirm to what extent management had acceded to union demands but said full production would commence today.

Gengold said 56kg of gold was lost per day in the strike. At average gold prices this resulted in production losses of about 250kg valued at about R10m. Production costs, which have risen sharply in the first quarter, would also be adversely affected.



# Call to focus on rural poor (4)

By ANTHONY JOHNSON  
Political Correspondent

THE transformation of the lives of people living in the rural areas should be the major focus of any reconstruction and development programme after this month's election, the Social Change Assistance Trust (Scat) said yesterday.

A report on the impact of Scat rural advice offices across the country also urges foreign funders not to downscale support for rural development projects as

the majority of South Africans still live in the rural areas and that those in the homelands remain the poorest of the poor.

"They don't have clean water, they don't have electricity, they don't have water-borne sewerage and they usually don't have adequate housing.

"These rural people bore the brunt of the apartheid system by being subject to oppressive ban-tustan governments and by being denied resources for development," the report notes.

Scat noted that its 33 rural advice offices were the only rural agencies which had the infrastructure to take up the issues of local communities.

The report said that a study of the operation of rural advice offices had found them to have had a significant impact in three main areas:

- Standing up for justice,
- Calling local authorities to account, and
- Gaining improved facilities.

## 'Compensate land returns'

JOHANNESBURG — Land restitution without compensation was confiscation, which is unacceptable, African Christian Democratic Party leader the Rev Kenneth Meshoe said at a party conference yesterday.

Redistributing land should be regulated through proper legal processes, he said. — Sapa



# No rough stuff in politics on the farms

JEAN LE MAY

Weekend Argus Reporter

WESTERN CAPE wine and fruit farm owners seem to see public political activity as unruly crowds loyally-loying around their premises, interfering with production and upsetting workers.

The view comes from Anglo American Farms (AAF), which owns the Rhodes Fruit Farms at Paarl (including the Boschendal enclave), and Vergelegen at Somerset West.

Both estates, where the original Cape Dutch houses have been restored, have wine-tasting centres. There is a restaurant at Boschendal and a tea garden at Vergelegen.

So AAF talked it over with their brokers, said personnel manager Alan Burgess. They drew up agreements which political parties are expected to sign, before they tout for support anywhere near the properties.

Demonstrations, singing, waving banners and placards are forbidden. So is the display of real or imitation weapons and wearing of military or para-military dress.

Before political parties are allowed to set foot on the Rhodes fruit farms at Paarl, they are supposed to take out public liability insurance in their own names for an indemnity limit of not less than



□ HISTORIC ESTATE: The R1 million indemnity clause demanded by the owners of Vergelegen is not to the ANC's taste.

④ *Argus 2/14/94*  
R1 million. The initial agreements stipulated R5 million, but this was reduced after protests from political parties, said Mr Burgess.

Even R1 million should cover a lot of damage.

Only the National Party has signed the agreement, according to Mr Burgess, although the NP's Melt Hamman said in Cape Town that he "wasn't sure" if they had signed it. The Democratic Party and the African National Congress have not. Weekend Argus was unable to reach the Pan-Africanist Congress.

The African National Congress had the most trouble with AAF.

"We find the R1 million indemnity clause totally unacceptable and have refused to sign," said a spokesman for

Cecil Esau, co-ordinator of the ANC's farm-workers' task team.

"We negotiated a separate agreement to canvass house-to-house at Vergelegen every Thursday night until the election. We have accepted responsibility for the conduct of the canvassers and have agreed to indemnify the company against any loss which it may incur or which may be incurred by any third party.

"But, the problem with the Paarl farms is that they don't want us to canvass house-to-house. We may hold day-time meetings, but only the men come to meetings and that is why house-to-house canvassing is important."

The whole issue will be discussed soon with the Independent Electoral Commission, he

said.  
Riley O'Brien, who runs the IEC's "Operation Access", said this scheme pre-supposed a degree of co-operation between political parties.

"Operation Access" makes arrangements for them to hold meetings successively in "no go and rural areas", said Mr O'Brien.

"We use a fleet of minibuses identified by the IEC insignia. They are equipped with public address systems and platforms from which speakers can address meetings.

"Each party speaker is allowed a maximum of 10 minutes. In that way, meetings will not last longer than three or four hours, including question time."  
(Report by J Le May, 112 St. George's Mall, Cape Town)

# 'Struggle' not over for rural people (4)

DALE KNEEN  
Weekend Argus Reporter

PEOPLE living in country areas believe their struggle against oppression is not over, according to a study of rural advice offices funded by the Social Change Assistance Trust (Scat).

And, having borne the brunt of the apartheid system, they know how to fight, not only for human rights, but also for funds to provide their communities with water, electricity, roads, schools and clinics.

The Scat study, which was released this week, showed advice offices had had a tremendous developmental impact as they were the only organisations in rural communities with the necessary infrastructure.

Scat director Mpho Ndebele said advice offices were launched during the states of emergency in the mid-1980s as highly politicised community resistance organisations.

Advice offices' running costs and staff salaries are paid by either Oxfam, the Kagiso Trust, which derives its income from the European Community, or from Scat, which is funded by the Church of Norway.

Scat funds about 50 advice offices in the Cape along with about 30 other organisations, most of which operate service projects like health and education programmes in rural areas.

"In 1990, we did an internal evaluation and decided the winds of change were blowing in terms of legislation, but that, in real terms, the status quo for rural people would remain the same," said Ms Ndebele.

Some foreign funders no longer saw advice offices as "trendy" organisations to support, but Scat believed they were still giving a concrete lead for development in rural areas.

## Farm court hears case

CAPE TOWN — A Stellenbosch wine farm worker made industrial relations history yesterday when his alleged unfair dismissal was brought before the first sitting of the Agricultural Labour Court. 14/1/94

Industrial Court president Prof Adolph Landman presided over the hearing at the court's Cape Town Centre for Rural-Legal Studies, said researcher Dawie Bosch. (4)

The Agricultural Labour Court was set up in terms of the Agricultural Labour Act, which came into effect on January 17 after nearly four years of protracted negotiations on the National Manpower Commission.

Cape Town University labour law unit representative Sarah Christie described the specialised court as an important industrial relations' development.

"For the first time, the parties in agriculture are being seen as part of the general system of workplace justice," she said. — Sapa.

# Farmers lay down the law

*Sowetan 15/4/94*  
By Isaac Moledi

LAWYERS for Human Rights have questioned whether the right of ownership of land by white farmers was greater than the right of farmworkers to choose a government.

This follows allegations that hundreds of farmworkers in Bophuthatswana and the surrounding areas were ordered to vote for President FW de Klerk in the coming election or face dismissal from their jobs.

LHR Mafikeng regional director Mr Tshepiso Ramphele said white farmers were abusing their right to ownership of farms to exploit the ignorance of their workers.

He said his organisation was dealing with cases of dismissal of workers on a daily basis.

Ramphele said farmers were now dismissing them, saying they should go and work for Mandela.

The organisation's regional organiser in the area, Mr Bailey Mohlokeng, said about 10 clothing company workers and four at the PC Dairy were retrenched on Wednesday after an official told them to go to Mandela to give them the employment he promised them.

Mohlokeng said LHR heard cases where farmers would ask their workers who they would vote for.

"If they say they would vote for the ANC, then those workers are dismissed," he said.

He said a foreman and other workers in Koster were dismissed for refusing to take part in voter education which was meant to campaign for the National Party.

## R20m fund to aid small farmers

**B/N** MUNGO SOGGOT

SMALL-scale farmers seeking to buy their farms or set up new ones would soon be able to draw support from a R20m fund run by the newly launched Small Farmers' Development Corporation (SFDC), chairman Louis Kriel said.

The corporation — set up with private-sector cash — aimed to establish at least 10,000 new commercial farm businesses by the year 2000, Kriel said yesterday. (4)

It had so far raised R10m from the private sector, sufficient to launch the corporation and ensure its financial independence. It had further commitments from business that would take it close to the R20m target. 22/4/94

Major agricultural concerns and institutions were set to back the project, he said, and it was also drawing support from the Independent Development Trust, the World Bank, the Industrial Development Corporation, the Development Bank of SA, and Farm Africa.

The corporation would consist of three divisions: technical and marketing, social empowerment and financing and funding services.

# Farm labourer wins back job

CT 23/4/94 (4) (164)

## Landmark judgment after brawl

A STELLENBOSCH wine farm labourer fired after a drunken Christmas Day brawl has been reinstated by the Agricultural Labour Court in a landmark judgment handed down in the city this week.

In its first judgment, the court warned of the destructive heritage of the "dop system" when ordering the reinstatement of Helderenberg farm employee Mr Esau Booysen.

Court president Professor Adolf Landman presided over the unfair dismissal application brought by the Stellenbosch Advice Office.

He found Mr Booysen's January 20 dismissal had been procedur-

ally unfair and his punishment did not fit the misdemeanour.

Although his employers had 10 years ago taken the lead in scrapping the "dop system" — controlling labour by encouraging alcohol dependency — the effects of this malignant system would trouble agriculture for years to come, he said.

Alcohol-related labour problems had to be dealt with appropriately, taking into account the commercial interests of farms, the relationship between farmers and labourers and rehabilitation.

Mr Booysen, when drunk, allegedly fought with a man who tampered with his television set.

He also hit his wife and daughter when they tried to restrain him, as well as a boy.

Professor Landman ordered Mr Booysen to apologise to the boy, Carlo Sikes, and the farm's liaison committee for his behaviour.

He ordered Mr Booysen be reinstated with retrospective effect on February 28, but not be paid any wages from then until April 13. — Sapa

# Bullying by farmers alleged

Biday 26/4/94

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AMANDA VERMEULEN

REPORTS of farmers intimidating farmworkers and confiscating their identity documents are being investigated by the Organisation of African Unity (OAU) observer mission and the Independent Electoral Commission (IEC).

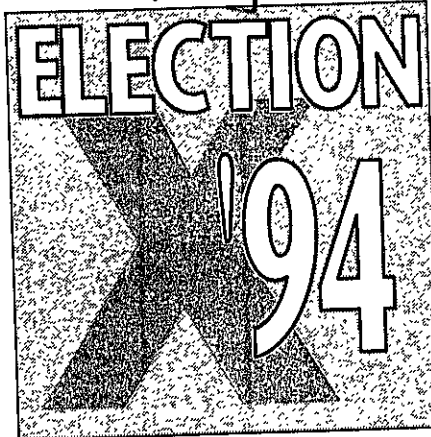
OAU Nigerian representative Sam Ibok said the organisation was investigating reports of Ventersdorp farmers refusing to allow their farmworkers to vote.

Ibok said the OAU was also looking into rumours of water poisoning in the Witbank area. "We have received a number of claims of intimidation which we are taking seriously. We are very concerned about the information we have received."

The Farmworkers Research and Resource Project reported to the IEC that farmworkers in the Piet Retief district in the southeastern Transvaal had been forced to attend an Inkatha Freedom Party rally on Friday.

Project co-ordinator Abie Dithake said farmworkers were forced to attend the rally whether they were Inkatha supporters or not. Some were not even told they were being taken to a rally.

Dithake said the communities with whom the project worked had voiced concerns that they would be forced by farmers



to vote for a particular party.

Orange Free State Rural Committee land rights co-ordinator Philemon Tsese said farmworkers had reported that farmers were telling them to vote for the NP.

Some workers had reportedly been told they would not be paid if they did not vote for the NP. Tsese also said some farmers were refusing to allow voter education groups onto their farms.

Cosatu spokesman Marlene Powell said the intimidation campaign seemed to have been stepped up at the weekend, with reports from Bethel of farmworkers being forced at gunpoint to hand over identity documents.

Powell said farmworkers in the Stander-

ton area were being threatened with dismissal if they did not vote for the Freedom Front, and in the Western Transvaal and Carletonville, workers had complained that identity books had been confiscated.

"We know the extent of the confiscation because the Home Affairs office in Vereeniging reported it was having to issue new documents to farm and domestic workers who had their original documents taken away by their employers."

Cosatu publicity officer Neil Coleman said the intimidation was occurring all over the country but it was difficult to follow up because in most cases workers were too scared to sign affidavits.

Reports of intimidation were rejected by the Transvaal and Free State agricultural unions.

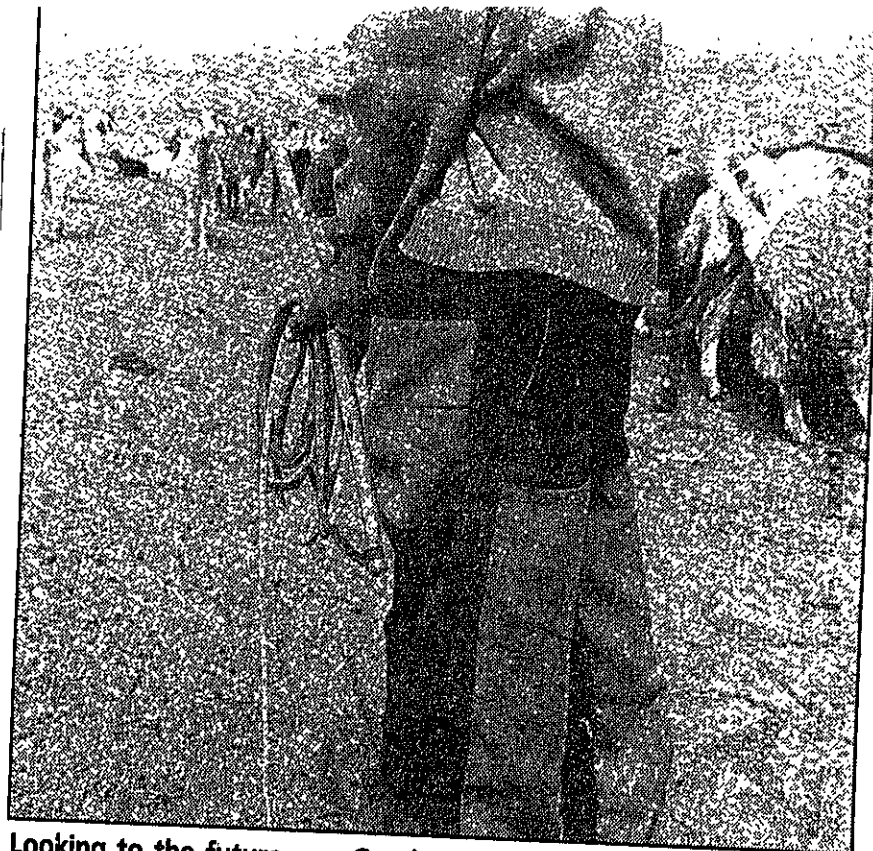
Transvaal Agricultural Union deputy GM Jan Human said farmers had the right to refuse voter education and political organisations' access to their farms.

An IEC spokesman said farmers who confiscated identity documents or denied political parties and voter education groups reasonable access to their property were in contravention of the Electoral Act and could incur up to R100 000 in fines and/or a sentence of up to five years' imprisonment.

She said the IEC had received almost 700 complaints of intimidation and of confiscation of identity documents.

Report by A Vermeulen, TML, 11 Diagonal St, Jhb





Looking to the future ... Goatherd Jakob Swartbooi will vote in Kuboes in the Northern Cape — if someone comes to fetch him from the veld.

PICTURE: PAUL WEINBERG.

*Star 26/4/94*

## Getting ready, far from the hubbub

BY CHRISTINA STUCKY

Deep in the lunar landscape of the Northern Cape's Richtersveld lives the 150-year-old community of Kuboes. At the entrance to the town, Nelson Mandela and FW de Klerk smile from faded posters swaying in the brisk breeze. From behind a window in one of the town's several shop-cum-eateries Zach de Beer's eyes follow passersby.

This week, the town's 500 eligible voters will cast their ballots in the new church hall, far from the flashing lights of photographers in South Africa's big centres.

Jakob Swartbooi will be among the Kuboes voters. On a recent IEC voter education visit to the area, Swartbooi was herding goats to the watering hole just outside Kuboes when the IEC cars arrived carrying seven white people and one black.

Swartbooi spends virtually the entire year in the veld, living in a makeshift, igloo-like hut. Townspeople bring him food and every three

months he comes into town for a weekend. White people are a rare sight in his life.

The shy Nama man clearly is unaccustomed to this much attention. Yes, he says, yes he will vote but only if someone comes to fetch him. No, he says, no he doesn't know how to vote. His answers become monosyllabic when the SABC focuses a camera on him. He glances sideways at the microphone.

### Confuse 4

Thabo Manyoni, national officer for IEC voter education, shows him a ballot paper and explains that he does not have to be "a master" in order to vote.

In Kuboes, residents know only the ANC, the NP and the DP.

"The other, smaller parties confuse them," Manyoni explains, adding that only these parties have come to canvass here. Everyone in Kuboes knows the town's one DP and three NP supporters by name.

Despite their isolation, geographically and politically, it would be a mis-

take to call the townspeople naive or completely uninformed. One of the town's leaders, statuesque Paul de Klerk, tells of a visit by ANC representatives.

The people, he says, laughed at the canvassers when they were told the townspeople would not have to pay for water and electricity if they voted ANC. Besides, the community is used to casting votes, he says. Every few years they elect their "captain".

People like Swartbooi, unsure of the voting process and of what their vote will do, are not unusual. He, at least, is not afraid of intimidation, as are some voters in more troubled areas. But Manyoni is confident "the majority of the people have been briefed".

Gaps remain, particularly among the elderly and in rural areas, but Manyoni confirms, the voter education programme will be busy "until the last moment" to fill them.

(47 Sauer Street, Johannesburg).

# IEC won't stop farmers busing labourers back to homelands

Staff Reporter and Sapa

THE Independent Electoral Commission said today it would not bar farmers in the Grabouw-Villiersdorp-Caledon area from busing contract workers back to Transkei and Ciskei during the election.

The African National Congress protested to the IEC last week after hearing that farmers were sending 15 buses carrying about 60 workers each back to the homelands.

The farmers said the workers were returning home at the end of the harvest.

The IEC said today that during investigations, including mediation sessions, into claims by the ANC that farmers were acting in bad faith by terminating employment contracts, IEC investigators

found no legal basis for the issuing of a prohibitory interdict.

This conclusion was discussed with the ANC's regional publicity head, Bulelane Ngcuka, who agreed there was no legal basis for an interdict, the IEC said.

The IEC has asked the ANC to report urgently any additional information that might constitute evidence of a contravention of the Electoral Act.

An ANC spokesman said today busing workers back to the Transkei and the Ciskei was "outrageous and manipulative". Workers should be allowed to vote where they choose.

"But it's too late to do anything about it now."

(News by J Viljoen, 122 St George's Mall, Cape Town)

ARC 26/4/74

## Boost for farmers

PROSPECTIVE black farmers are likely to benefit from a newly launched programme to assist small commercial farmers. *Sowetan 28/4/94*

The Small Farmers Development Corporation is a private sector initiative aimed at producing about 10 000 small commercial farmers by the year 2000.

So far R10 million has been raised within the private sector to set the programme rolling.

The chairman of the SFDC committee, Mr Louis Kriel, says the project is backed by all the stakeholders in the agricultural industry. (4)

THE ballot boxes stand on a yellowwood table in the *voorkamer* (lounge). Across the room there is a formica table brought in from the kitchen to house the ultraviolet light and the invisible inks. In the corner by the fireplace is a collapsible polling booth.

This is a mobile polling station. There are 50 of them in the sparsely populated Northern Cape and together they serve 200 locations. Booths, ballot boxes and the rest of the paraphernalia travel from farm to farm in a minibus, with members of the Sutherland IEC staff, an assembly of teachers on holiday and farmers and their wives taking time off.

The staffers pass the time between farm stops eating freshly made *vetkoek* and discussing the United Nations monitors. "That Australian could almost have been a Boer," one farmer says admiringly.

The polling station is set up on the farm Goedgenoeg, the home of "Mrs M". She doesn't want to disclose her name, but says the experience of having a polling station in her *voorkamer* is "lekker" and "interesting".

Her yellow brick farmhouse has a green lawn overlooking the scrubby Karoo hills. The IEC officials, all but one of them white, loiter like guests at a garden party until the first bakkie arrives with its load of voters: all farmworkers, the men in Trilby hats, the women's heads covered with doeks.

"I'm the Afrikaner Weerstandsbeweging. I've come to plant a bomb," cackles the driver, a steel-haired farmer called Eddie clearly intent on being the life and soul of multiparty democracy. He becomes serious: "Hey, what do you do

# Vetkoek in the voorkamer for the N Cape brown ous

Coloured farmworkers were the centre of attention in the Northern Cape. **Justin Pearce reports**

with people who can't read? I've got people here who've never held a pen."

He takes a sample ballot paper to the workers hanging back under the gum trees, hesitant to approach the white farmer's house. The oldest among them, furrow-faced and toothless, are almost all illiterate. They are the ones Eddie is addressing. "There's the one I'm voting for, the Freedom Front," he says. "Then the African Muslim Party — that's the coolies. Women's Rights Peace Party — that's for the people who piss (peace) a lot.

"Right here is the Freedom Front. If any of you want to vote for other parties, let me know. I don't want to influence anyone."

After witnessing that kind of voter education, it's not surprising to find that most farmworkers in the Sutherland district are reluctant to express political opinions.

Asked what they hope to gain by voting, they reply "ons sal *mar sien* (we'll see)", or "ons *karr mar hoop* (we can but hope)", and "*die Here sal uys* (the Lord will reveal)".

Only later do the life stories of the 100 or so

farmworkers who have arrived to vote come out falteringly: accounts of racism, poverty, a lack of educational opportunity — in fact, all the characteristic South African malaises.

None, however, seems to make the connection between a life of hardship and the cross to be made alongside one of a long line of faces on a ballot paper.

"I don't want to be rich, but I want to live in a way that I don't have to go and plead with the baas when I need money in an emergency," says one woman.

"My daughter goes to a white school, but what will she do afterwards?" asks another. "She can't just work for white people now."

Instead, the coloured people of the Karoo have become electoral cannon fodder for the major white parties in the region: the National Party and the Freedom Front.

In town, outside the polling station at the Sutherland municipal office, four workers sit on the back of a bakkie, holding a poster bearing the image of Freedom Front leader General Constand Viljoen. Yes, they say, they are Freedom Front people.

Their "baas" takes it upon himself to explain: "The Freedom Front wants a state for all Afrikaners, whether white or brown.

"We've got no problem with coloureds. We

work well together, we have the same background and speak the same language. It's the black masses that are the threat to us."

He points out that the delineation of an exclusively Afrikaner volksstaat becomes simpler when you count coloureds as Afrikaners.

The NP, too, is eager to prove how coloured-friendly it is. "I have a coloured child who sleeps between me and my wife in bed," says NP district chairman PJ Symington. No wonder he's worried about ANC attempts to "intimidate" coloureds into voting for them. He recently laid charges of intimidation with the IEC against the local ANC dominee, Reverend Chris Verhoog.

Verhoog denies having any connection with the ANC or any other political party, saying he has always been hated by the town's white establishment for his refusal to co-operate with the House of Representatives in the tricameral parliament.

"Sutherland is a sort of volksstaat," he says. "Any consensus here means white consensus."

The local IEC staff is overwhelmingly white, and Verhoog claims it perpetuates the interests that ruled the town in apartheid days. Maybe he's right. One IEC staffer did admit to feelings of nostalgia for the old orange, white and blue flag. When it flew for the last time on Tuesday, she took a photograph — to remind her children of their history.

Back at the mobile polling station, it's another farmer who perhaps deserves the last word on these elections. "They are just like any other year," he beams.

"It's just that from now on, our workers can vote too and I'm glad about that."

# Workers uncertain after intimidation by farmers

Mduduzi Ka Harvey and Frank van den Heuvel

FIVE weeks after delegates to a major rural conference complained that farmworkers were getting little or no voter education and that they feared victimisation and possible eviction, farmworkers went to the polls this week — and many still didn't know what to do.

According to the Farmworkers Research and Resource Project, an affiliate of the National Land Committee, many farmers were misleading and coercing farmworkers and labour tenants during the election period. "It is clear that farmers used their powers and influence over farmworkers and tenants to unduly influence them in their choice of a political party," said Abile Dithlake.

The Congress of South African Trade Unions elections office had received many reports of intimidation of labourers by farmers. One report referred to a Mr Slabbert of the Farmers' Association of Dordrecht, near Barkly East. According to the Cosatu report, he had refused access to his farms for the purposes of voter education.

"They (Cosatu) phoned last week," Slabbert said in an interview this week. "I don't know where they got the courage to say this. We gave workers voter education."

A report on Vally Venter of Hillcrest Farms says: "Intimidation of workers that if they do not vote Freedom Front they will lose their jobs and be thrown off the farm."

Venter called the report "nonsense". "Seventy-five percent of my workers are black," he said. "How can I do business with them if I do such things?" In any case, he added, he was voting for the Democratic Party — not the Freedom Front.

The National Land Committee expressed concern about these threats. "Workers on farms felt uncertain about participating in voter education programmes and believed that they were at risk if they took part in the elections," said the NLC's Sue Wisley. "In addition, farmworkers are unclear about the authority and power of the IEC to challenge these threats because the IEC has not been seen to intervene."

According to Cosatu, other forms of intimidation against farmworkers include the confiscation

of identification documents by farmers and threats of sacking if labourers did not vote for a party prescribed by the farmer.

ANC voter co-ordinator Mamefije Blouw asked a number of farmers individually if they would allow voter education on their farms. He said: "We agreed on a joint voter education venue with 44 farmers. Only 10 of them came." According to Blouw, the other farmers said their people knew how to vote because they gave voter education themselves. "But they didn't even know where the voting stations were," Blouw said. He had a lot of problems entering the farms because of intimidation "with guns".

The National Land Committee said that farmworkers and labour tenants have reported widespread evictions from farms, mainly due to the fears of white farmers about a future land reform programme. This problem is especially serious in the Eastern Transvaal and Natal Midlands, where entire families, totalling thousands of people, have received eviction orders, says the NLC. The fears of farmworkers also refer to possible victimisation after the elections, especially

if they voted, and continued conflict with farmers over local government elections later in the year. Therefore the National Land Committee made an urgent appeal to the IEC to ensure ongoing post-elections monitoring. And the committee has recommended that evictions be regarded as an offence because they put the participation of tenants into jeopardy, since communities would concentrate on fighting evictions instead of preparing for the elections.

That it can be done in another way was proven by Olifantsfontein farmer Laise Isakou: an employee, 80-year-old Katie Motlan, said that "Laise said we could vote for anyone we want. He even organised us a car."

Gert Masumbula (80), a farm worker at a nearby farm, said he had not been taught how to vote. "Who will teach me?" he asked. "We do not talk about these things. The farmer doesn't touch the topic." Although Masumbula didn't know how to then, he was going to cast his ballot. On Tuesday, he found his way to the polling station. "I feel very good," he said. "It was a great experience to vote for the first time in my life."



# Mietjie and son reunited amid claims of 'slavery'

□ Hopefield couple deny mistreating shepherd

**JOHN VILJOEN, Staff Reporter**

A 64-YEAR-OLD Laingsburg woman has been reunited with her son after 14 years amid allegations that she tended sheep for a Hopefield farmer as a virtual modern-day slave.

Until yesterday Mietjie Visagie had worked for the Neftd family for 37 years, the last three in the quiet Swartland town of Hopefield.

Her son Koos Marthinus and his wife Elizabeth have taken her home to Laingsburg after concerned Hopefield residents traced him.

African National Congress organisers in the town allege that Gustav and Elizabeth Neftd treated Mrs Visagie, a widow, as their "slave", a charge the couple deny strongly.

In an interview the Neftds conceded that they did not pay Mrs Visagie for her work, nor did they pass on her state pension to her.

They acted in her best interests and gave her food, accommodation and clothes when she needed them, the Neftds said.

"You can't give her money — she doesn't know money," said Mrs Neftd.

In the past Mrs Visagie had wandered to the road and paid people R5 for a single cigarette, she said.

The small herd of sheep Mrs Visagie looked after were "her whole life", said Mrs Neftd.

Mr Neftd denied that Mrs Visagie was too old and frail to work, or that she was forced to work a long day. He said she tended sheep for about four hours.

"I can't see anything wrong with her"

As he spoke he produced a whistle which he said he blew to call her back to the house.

Asked how he felt about Mrs Visagie leaving, Mr Neftd said: "I'm sorry she's leaving, because now my sheep will suffer."

Mrs Neftd said: "I am the last one who would stop a child from fetching his mother."

"But this is the first time we have

heard from any of her children, except when her daughter died."

Mrs Neftd said Mrs Visagie, who has tuberculosis, got the medical attention and medication she needed. She had also taken out a funeral policy in Mrs Visagie's name.

Yesterday Mrs Visagie said she was happy to see her son again but was reluctant to complain about her treatment.

She was more concerned about her sheep, which were neglected briefly when members of the Hopefield ANC branch arrived with her son and Peace Committee workers.

She was afraid Mr Neftd would beat her, Mrs Visagie said. The Neftds denied ever striking Mrs Visagie.

ANC organisers Simon Faroe and Jan Maarnan accused the Neftds of "slavery" and said Mrs Visagie's working and living conditions were "shocking".

Lawyers for Human Rights had been consulted, Mr Faroe said.



**LIGHTING UP:** Mietjie Visagie enjoys a cigarette after tending Gustav Neftd's sheep.



Picture: DOUG PITHEV, The Argus.

**MASTER:** Smallholder Gustav Neftd, who used a whistle to call shepherd Mietjie Visagie — but denies he treated her badly.



**HELPING HAND:** Mrs Visagie looks a little bewildered as ANC organiser Simon Faroe comforts her.

# Domestics overlooked

ERICA JANKOWITZ

NEITHER the Agricultural Labour Act nor the Basic Conditions of Employment Act covered domestic workers on farms, probably because of an oversight on the part of those who drafted the legislation, Industrial Court president Adolph Landman has said.

Landman said the Basic Conditions of Employment Act specifically excluded domestic workers on farms. *81 Day*

Although the Agricultural Labour Act extended the Labour Relations Act to cover farm workers, it also excluded domestic workers. *415194*

"It seems that unintentionally perhaps, domestic workers on farms have been left out in the cold. Common law and its inadequate provisions continues to govern their conditions of employment. *(11)*

Landman also noted that workers would be prohibited from striking and farmers from locking out workers even if they opted out of the compulsory arbitration clause. *(14)*

# Warning against discredited leaders

JACQUIE GOLDING

THE National Land Committee said yesterday it feared the ANC might include unpopular homeland leaders and discredited former government officials in the new agriculture administration.

Committee spokesman Sue Wixley said the ANC's agricultural policy could be effective only if competent people headed the agricultural departments.

"The ANC has built up high expectations among rural communities regarding land and since these people have traditionally been left out of land policies, the onus is on the new government to meet their expectations," said Wixley.

She added that the Land Claims Court could be effective only if a "proder process of land reform and redistribution" was instituted to facilitate land claims.

The SA Agricultural Union (SAAU) said yesterday it supported establishing a legal process whereby land claims could be settled but it did have problems with other policies in the ANC document.

Although the ANC agricultural policy identified a "mainstay" for rural development, the SAAU said it expected the ANC to place "a premium on policy directives" whereby the development issues of rural communities could be dealt with.

The SAAU also said it was concerned that the ANC did not attach "sufficient

significance" to the maintenance of a competitive commercial agricultural sector.

"The document clearly states that the ANC wishes to use virtually all available means of the government to serve developing agriculture," an SAAU spokesman said, adding that certain policies within the ANC agricultural policy could undermine confidence and investment in the agricultural sector.

While the union differed with important aspects of the ANC policy, consensus in certain areas existed. These included:

- The recognition that agricultural marketing and other policy directives should be based on market principles;
- The recognition of the state's responsibility in terms of marketing aspects such as the establishment of infrastructure, the balancing of market shortcomings in the price formation process, the availability of market information and the desirability of health and hygiene legislation;
- The importance of agricultural development being dependent on sustainable farming systems; and
- That a balance should be sought in the exposure of agriculture to international competition and in scaling down the protection given to input suppliers.

● Comment: Page 8

# ANC govt will give grants to rural people

BIBBY LESI 194  
JACQUIE GOLDING

A FUTURE ANC-led government will give grants and credits to rural people, especially black farmers, in a bid to step up rural development.

However, according to Rural Finance Facility director Chris Hock, who contributed this week, loans should be made at market-related rates. This was necessary to "create a stable lending environment".

Hock said: "There are enormous numbers of people in the agricultural sector for whom credit is one of the constraints to becoming productive, and the policy makes provision for these people."

The ANC's policy favours laws which encourage "new forms of rural financing" to emerge.

It recommends that bodies such as the Land Bank, the Agricultural Credit Board and the Development Bank of SA redirect their grants and lending facilities towards poor farmers and part-time farmers.

"Credit subsidies and bail-outs to help commercial farmers retain land must stop," the policy said.

The document says state guarantee schemes will be developed to provide money for poor farmers, but market-related interest rates were crucial so farmers realised they were not getting a grant.

Hock said: "Maintaining a balance between agricultural credit and grant finance, as well as a good coordination of support services, is important within a developing agricultural sector."

The ANC also proposes various "incentive measures" for borrowers and lenders in an effort to encourage loan repayments.

Hock said: "If the Reconstruction and Development Programme is to work in agriculture, we cannot produce an over-debted sector of farmers."

"The present rural credit system is both inequitable and inefficient," he said. Urgent restructuring was necessary, he added.

● Comment: Page 8



# Northwest farmers alarmed

FARMERS in the Northwest region feared their farms might be confiscated without compensation by the ANC-led government, the Transvaal Agricultural Union said yesterday. *Biday*

This follows a warning by the region's agriculture minister Rocky Malebane-Metsing that his administration would not hesitate to confiscate land without compensation from farmers who allowed AWB activities on their farms. *24/5/94*

Wilco Beukes, union chairman in the former western Transvaal, said farmers feared being hoodwinked into selling their farms via confiscation threats and being refused compensation once their land was confiscated under a land claims court.

Attempts by the ANC to link white farmers in the area to the AWB were also very disconcerting. "Farmers in this area have no links with the AWB," he said, adding that the sole concern white farmers had was "holding onto their property".

Beukes said he and the agricultural minister met yesterday to discuss these fears and other grievances, adding that many more meetings between the two parties were scheduled for the future.

"We understood each other," said Beukes, adding that he believed the ANC

JACQUIE GOLDING

would soon realise white farmers in the Northwest were not all linked to the AWB, especially not those affiliated to the agricultural union.

Malebane-Metsing yesterday said "drums of war are being beaten by reactionary forces" wanting to destabilise the government of national unity.

"My administration will not hesitate to confiscate land from those farmers who allow secret activities to be held on their farms. We will not permit this," he said.

Reiterating a statement made at a meeting in Bapong near Brits over the weekend, Malebane-Metsing said the Northwest regional government would not allow farm land to be used by the AWB or other groupings for storing weapons or training private armies. *(L)*

"We will not hesitate in taking land away from these people and we will not compensate them," he said.

Malebane-Metsing, however, refused to comment on whether any investigations into such activities were being conducted in the Northwest region.

● Comment: Page 14

# Farmworker union signs historic deal

Star 30/5/94

■ BY JOVIAL RANTAO  
LABOUR CORRESPONDENT

The National Union of Farmworkers (NUF) last week won a historic right to negotiate on behalf of a group of previously unorganised farmworkers, when they signed an agreement with Schoeman Boerdery Company, owned by former Transport Minister Hendrik Schoeman.

According to the NUF, an affiliate of the National Council of Trade Unions (Nactu), the 2 119 farmworkers on the Schoeman Boerdery would be paid a minimum wage of R250 in the lowest category and R557 in the highest. Temporary workers, would, according to the agreement, be paid minimums of R220 and R263.

Employees would be entitled to take four days' paid compassionate leave in the event of the death of an employee's wife, husband, mother or children. How-

ever, the farmworkers must provide the company with a death certificate when they return from leave. (4)

As part of the agreement, the NUF decided to withdraw its proposals for an annual bonus, paternity leave and long-service award. A provident fund, agreed upon in the negotiations, would be implemented on March 1 next year.

■ The dismissal of five shop stewards at a farm in Hekpoort, in the Rustenburg area, has led to a wildcat strike by farmworkers there, Nactu reported.

Mudini Maivha, Nactu's publicity secretary, said the five shop stewards were fired when they went to present grievances from workers on the farm of Ellie van Wyk.

Nactu, Maivha said, planned to approach the Department of Manpower to highlight these and other grievances of farmworkers.

# Workers still face problems on farms

BY ABDUL MILAZI

Mampuru Ngubelanga (68) wakes up at 4.30 am to begin work on his master's farm, and only when the master says so does he go home. Sometimes that's at 7 pm.

Ngubelanga has worked for the "baas" on his Randfontein farm since he was a young boy. His R150-a-month starting wage has, to date, not improved.

Ngubelanga is one of hundreds of farmworkers who, until January this year when the Agricultural Labour Act was passed, had no protection against exploitation.

However, the Farmworkers' Research and Resource Project (FRRP) says that although the Act has given farmworkers some rights, nothing has changed in the workplace.

Low wages, long hours and unfair dismissals are some of the problems farmworkers face, the FRRP says.

FRRP spokesman Bonginkosi Mfufi said the biggest problem with the implementation of the Act was the high rate of illiteracy among farmworkers. Few knew their rights or about the Act which entitled them to take their employers to the Agricultural Court over a dispute.

## Workshops

Mfufi said his organisation had difficulty in holding educational workshops for these workers, especially in the Western Transvaal, because of the inaccessibility of many of the farms which were mostly owned by rightwingers or right-wing supporters.

Mfufi said the passing of the Agricultural Labour Act and the extension of the Basic Conditions of Employment and Unemployment Insurance Acts to include farmworkers was their major victory. However, he said, without the co-operation of farmers, the laws amounted to nothing.

The Agricultural Labour Act allows farmworkers to join trade unions. They are still not allowed to strike.

The Department of Manpower has extended the deadline for farmers to register their workers to tomorrow, after only 28 percent of farmers registered their workers last month. Farmers who fail to meet the new deadline would then be prosecuted.

Although the new agricultural law looked good in print, the farmers' co-operation was the key to the success of its application, said Mfufi.

## Fears dominate SAAU congress

PORT ELIZABETH — The white agricultural co-operative movement's insecurity over deregulation and the emergence of black commercial farmers dominated its 1994 congress this week.

SA Agricultural Union (SAAU) president Boet Fourie, who closed the congress in Port Elizabeth yesterday, encouraged co-operatives to reassess their membership and accommodate developing farmers, who were strategically badly placed in terms of product marketing. "Co-ops should help him market, either directly or by adding value to his product through processing or packaging."

The union tentatively agreed on the need for co-operatives to address the emerging sector but did not state what assistance would be rendered.

Natal co-op chairman Hennie de Villiers mooted training developing farmers. HJF Verduyn, seconding the proposal, said co-operatives should not be expected to carry the financial burden of development. "We can play a big role in distributing funds . . . but someone must pay for it."

Black Farmers' Union (BFU) development manager Thabo Mokoena, who sat in on the congress as an observer, said his 25 000-strong organisation would work for unity with the SAAU and the Co-Operative Council. Established co-operatives should see developing co-operatives as partners, not clients.

Congress delegates expressed relief over the ANC's consultative approach and asked the Co-Operative Council to begin negotiations to secure producer interests.

Fears were expressed that tensions might arise between commercial and smallscale farmers over formulation and implementation of government policy. — Sapa

④

May 25 1994

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## IDT donation to farmers

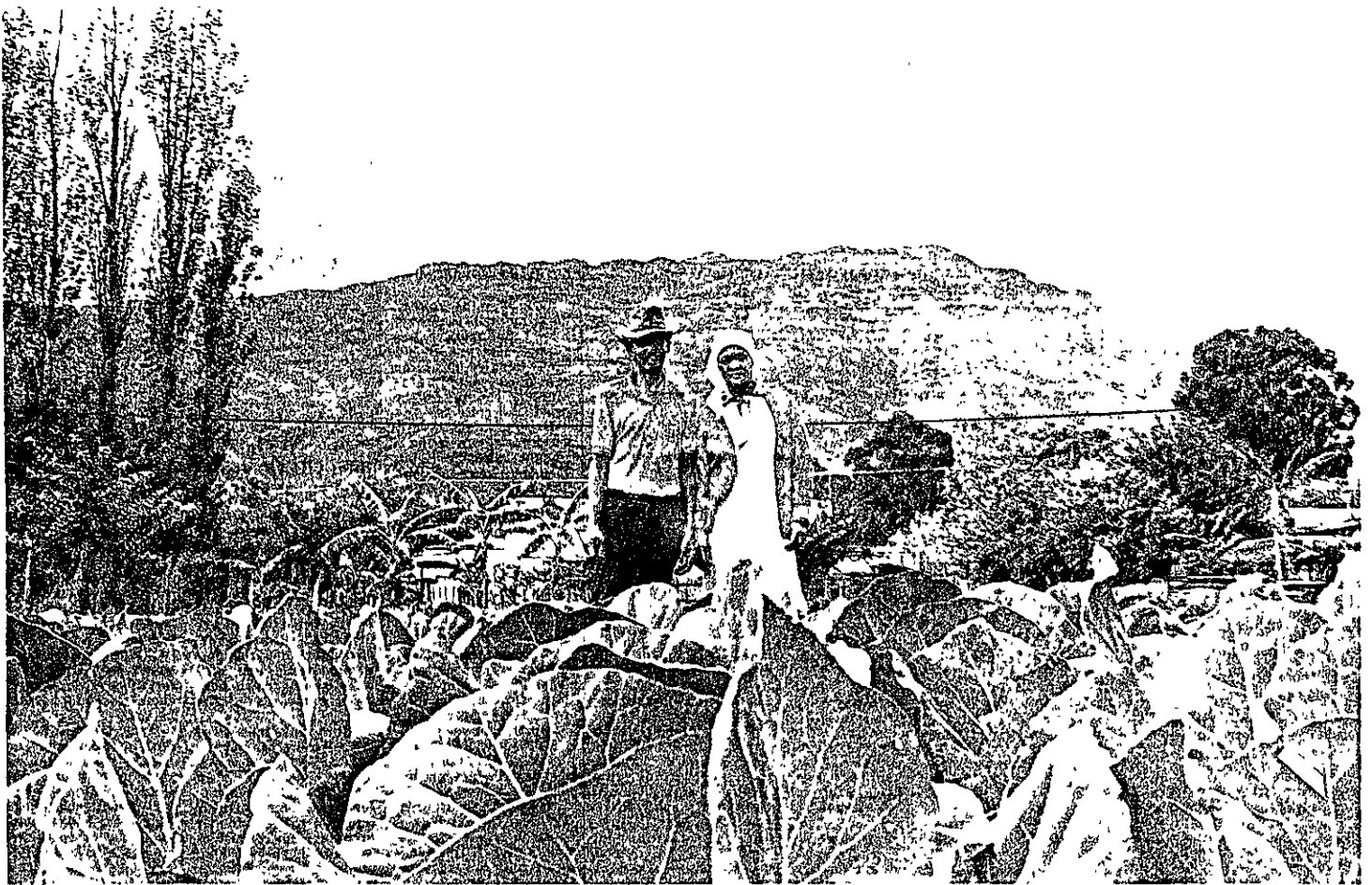
PRETORIA — An amount of R450 000 has been donated by the Independent Development Trust for the training needs of black farmers' associations in the Eastern Cape. 25/5/94

IDT consultant Bonile Jack said yesterday the money would be made available over a period of three years.

The Progressive Farmers' Union of SA would be the budget holder.

Jack said every association would receive an amount of R500 for training needs identified by the associations themselves.

Jack stressed that the R500 amount was strictly for training. Each farming association would be accountable to the union whose bank account would be audited annually. The union would report to the IDT. — Sapa.



LANDLESS TO PROUD OWNERS ... Mr Willem Arendse and Mrs Katrlena Ontong enjoy the rewards of a beautifully cultivated cabbage patch

Picture. JUSTIN SHOLK

## WEATHER



### WATCH

THE Weather Bureau's forecast for today:  
**Cape Town and vicinity**  
 Fine but partly cloudy later and fog in the evening. No rain. Wind will be light and variable.  
**Pearl and vicinity**  
 Fine and no rain. Wind will be light and variable.  
**Langebaan and vicinity**  
 Fine and no rain. Wind will be light and variable.  
**Hermanus and vicinity**  
 Fine becoming partly cloudy in the evening with fog patches. No rain expected. Light and variable winds expected, becoming westerly.

# Farm takeover by Boland labourers

SITimes [Metro]

**IN A ground-breaking move that could have far-reaching implications for land hungry people in South Africa, 22 coloured families from Saron in the Boland are to legally take over occupation of farms in the area — and more are set to follow in their footsteps.**

Private deals between the Saron Farmers Association (SFA) — a body comprising members of the all-coloured community — and white farmers who "want out" are on the brink of being finalised.

If the deal was accepted by the government, more than 10 000 hectares of farming land in the area — where many of these people once worked as labourers — would be managed by locals, chairman of the SFA, Mr Evan Matthews, said this week.

Funding for the project was being considered by the government and the go-ahead was expected during the next three weeks, he said.

The sizes of the farms, all of which border Saron, vary from 100 ha to 4 000 ha.

"Government sources have already indicated

By JESSICA BEZUIDENHOUT

their support and it is just a matter of cutting through red tape," Mr Matthews said.

He would not elaborate on the prices that will be paid for the 10 farms, but said all the purchases would be at market value.

"Good deals have been struck with white farmers who want to sell," he said.

At least three of the farms are owned by absentee landlords who rented them to other farmers.

One farmer, who asked not be named and is to sell his property in the heart of the Roodezand mountain range, said he was happy as he would be getting a "good price".

He said most of those who were to sell their

properties felt the same way.

"The people's project," as one of the local residents referred to it, was initiated by a group of residents of Saron.

"It sprang from the enormous demand for land in the area," Mr Matthews said.

"Vacant land within the boundaries of this small town simply cannot accommodate the demand from the 10 000-strong population in Saron," he said.

More than 120 men from the town have undergone training in all aspects of agriculture with the help of the Boskop Training Centre in Ceres since the programme began in November last year. A further 100 people are currently being trained.

Training co-ordinator at Boskop, Mr Donald Creighton, said 30 of the

trainees had also completed an extensive agricultural programme, covering various aspects of farming.

Twenty-two of these trainees, who had been identified to take over the management of the farms, were also undergoing further extensive all-round training.

The land will be split into smaller farms in line with recommendations of a recently-completed feasibility study by the world-renowned Elsenberg Agricultural College in Stellenbosch.

These new farmers would manage the farms for two years — with the assistance of two agricultural advisors to be appointed once the deal was finalised.

Thereafter they would have the option of taking over the loan repayments for the farms, Mr Matthews said.

He said the project was a major breakthrough for the people of Saron, who had always cultivated their own fruit and vegetables in their backyards.

"The big task is to ensure that their farms will make a fair contribution towards the economic wealth of this country," he said.

## Harbour for North Cape?

THE Northern Cape provincial legislature is looking at the feasibility of building a deep sea harbour on the North Cape coast.

Speaking to civil servants and business people at Port Nolloth, regional premier Manne Dlinin said Port Nolloth

## Cop 'shot with own gun'

By JESSICA BEZUIDENHOUT

A POLICEMAN died early yesterday after an argument with his girlfriend, who allegedly shot him with his own service pistol and then turned the weapon on herself, police said.

He was Assistant Constable Wendell Vos of Richmond in the Cape.

The woman, whom police did not name, is in a critical condition in a Bloemfontein hospital.

Another policeman, off-duty Constable Jacques Swart, 24, of Blackheath, was killed in an accident when he lost control of his car early yesterday morning at the N1/R300 intersection near Brackenfeld, police said.



**DREAM:** Bean farmer Tommy Jarvis will start planting on his own land from September 1 Photo: Yunus Mohamed

# This land is my land

By Quentin Wilson

**A**FTER farming on a tiny section of state land for the past decade, Mr Tommy Jarvis of Saron, near Ceres, can finally plant beans on his own land from the beginning of September.

Jarvis is one of 22 small farmers in Saron who will benefit from the provincial government's pledge to accommodate 10 000 struggling farmers on their own land over the next 10 years.

At a meeting with the delighted farmers last week, Mr Lample Fick, minister of agricultural development, announced he had secured the support of the Agricultural Credit Bureau in paying for the land.

"I am overjoyed," exclaimed a 50 year-old Jarvis, "Finally my family is to have its own farm. We are all so excited that we struggle to sleep at night."

Settlement of the 22 farmers in Tubbagh became possible when eight retiring farmers in the area wanted to sell their land.

"It has always been my dream to farm my own land," said 58 year-old, Mr Isak Marsch. "Under the old system I never had a chance. I could only farm on state land — and there you never knew when you might get thrown off."

"I had an opportunity to be one of the 22 farmers but I am too old now," he said.

"I thought it would be better to give the chance to my son. I'll

teach him all I know."

Fick said said that providing land for 10 000 small-scale farmers was an "important contribution" his ministry could make in the region's Reconstruction and Development Programme.

"If we can get it right, it will be an advantage for everybody. Not only will it create about 20 000 jobs, it will give impetus to farming in the region."

"Successful farmers farm their own land. That is why this push for private ownership is so important," Fick said.

Mr Dan Fletcher, general manager of the African Farmers' Union in the Western Cape, said he was "very optimistic" the scheme would work.

# Bitter lot for sugar workers

CIPROOD

26/6/94

By SIPHO KHUMALO

MORE than 50 farm workers and their families face a gloomy future after being forcefully removed from a sugar cane farm near Stanger following a labour dispute with the farm owner.

The families, including

children, have been forced to sit it out in the gusty winter winds in a makeshift camp where they took refuge after spending two days in the veld.

Workers say their mistake was to join a union and to demand fair treatment from Hyde Park Sugar Estate.

A spokesman for the

evicted workers, Maselelwa Malala, said the matter came to a head when workers asked the farmer to provide them with free meals.

"In January he refused to talk to our shop stewards - he said his farm was not a shop stewards' farm and he advised us to go and talk to Mandela.

"The next thing he did was to order the womenfolk off his farm. Later he told all us to leave the farm," said Malala.

Malala said when the workers demanded that they be paid their pen-

sions after being fired, the farmer offered them R100 each.

"But he said he was only prepared to pay us R100 each on condition that we boarded buses to our respective homes in Transkei and Zululand immediately after being paid," said Malala.

"When we refused to do this, the next thing the farm was invaded by the Internal Stability Unit who destroyed our properties and forced us off the farm."

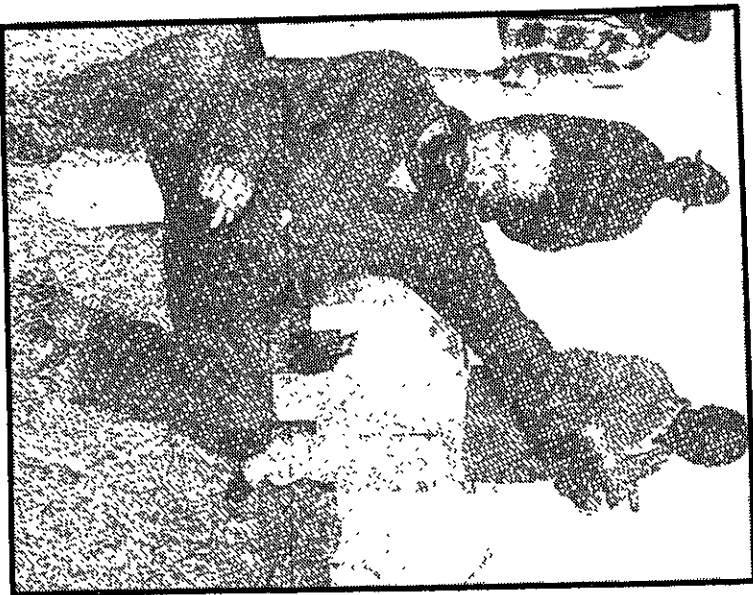
They spent three days in the veld until Roslyn

Moody of the Stanger Child Welfare Society came to their rescue.

■ A spokesman for Hyde Park Sugar Estate, Zannul Ally, said his company had stopped subsidising the farmworkers' food nine years ago.

"These workers were fired in January after engaging in a series of illegal strikes. They were given a month to vacate the farm since they were no longer working, but they refused," said Ally.

■ See page 15.



**TURFED OFF . . .** Maselelwa Malala explains how they were kicked out of the farm where they used to work by the farm owner and have to camp outside Stanger on the Natal North Coast.



**HOMELESS . . .** Women and children - some of the 51 people evicted from a sugar cane farm in Stanger.

■ Pics: FRANCE DWAYISA



# Workers kicked off farms in the new SA

TENSION is mounting in the Eastern Transvaal and areas of the Free State as the ANC offices are inundated with calls from people with complaints ranging from evictions and dismissals to cases where they are allegedly shot at by farmers.

City Press this week visited the Eastern Transvaal following an alarm by the ANC's sub-region in the township of Elukwitini.

When we arrived at their offices there were dozens of farmworkers who complained of dismissals, threats by the farmers to reduce their livestock and being given notice to evacuate premises which had been their family homes for almost a century.

ANC chairman Desmond Shongwe said that this appeared to be a systematic tendency in the area by farmers who before asking their "tenants" to leave had demanded that they reduce their number of cattle to a mere five.

Forty-four-year-old Stephanus Zulu of the Grand Valley Estates told City Press that he has been working at the farm for over 27 years.

He has a wife and nine schoolgoing children and when the farmer told him that he should reduce the number of his 23 cattle to five he flatly refused.

"We have worked on the farm for only R50 and a bag of maize meal each month and we have accumulated the cattle one by one over the years," said Zulu.

His neighbour William Malaza has 24 cattle and stays with his mother Martha, wife Anna and four children.

"Where do these people expect us to go from here? This is our home," asked Malaza.

Mnozuka Yster Mashinini (76) arrived at Vaalkop farm 51 years ago where he built himself a house and also

**ARE conservative white farmers who are trying to fight change taking out their anger on black farm employees? KHANGALE MAKHADO in the Eastern Transvaal and DAN DHLAMINI in the Free State report**

worked there as a farm hand.

"Now that I am old and unable to work for them I am told to leave to go Heaven knows where," he said, adding that he also received a letter from the farmer's lawyers ordering him, his children, grandchildren and his 30 herd of cattle to have moved from the premises by the end of last month.

Meanwhile 55-year-old Isaac Thabethe who was born at the Alexandria farm has been given notice to vacate the farm by July 16.

He has two wives, 18 children, 23 cattle and 15 goats. According to Thabethe he was told by Dominee Herman Steyn that he would soon have to pay a monthly R10 levy for each cow and when he complained he was told he must leave.

The general manager of the 4 680 hectare Grand Valley Estates near Badplaas in the Eastern Transvaal has confirmed that the farm labourers were given until the end of the month to vacate the premises.

Speaking from Swaziland where the company has strings of farms and meat factories, Willie Roux told City Press that they had to get rid of the Zulu and Malaza families following their refusal to reduce their cattle to the proposed five a family.

"When we bought the farm three months ago the idea was to utilise it to the fullest and we realised that it was overgrazed as the families had too many cattle. It was only fair for them to reduce the number of cattle because in the end they were also going to

suffer," he said.

Herman Steyn denied that he at any stage told Thabethe to pay R230 for his cattle to stay at his Alexandria farm.

"We have always paid Isaac for services rendered on the farm until recently when things became tough and we called him to explain our financial position."

Lawyers acting on behalf of Adriaan Jacobus van Zyl, who owns the farms where 76-year-old Mashinini lives, confirmed they had given him until the end of May to leave the farm with his 30 cattle.

According to Khumisi Letsoara, an ANC spokesman in Bothaville in the Free State, the large-scale dismissal of lowly paid workers by white farmers was aimed at undermining the ANC-led government's Reconstruction and Development Programme.

He claimed farmers hoped lack of jobs and accommodation could turn the jobless and homeless masses against the government.

Petrus Mashoeng, a father of seven, said he had worked for Jackie de Beer of the Weigeluk farm near Bothaville for six years.

He said he was paid R250 a month but he only took home R150 because his boss took the other R100 for safe-keeping. He said at the end of the year his boss gave him the money and told him that it was his bonus.

"When I told him that the R1 200 he gave me at the end of the year was my own money and not a bonus from him, he became angry and told me to go."

Frans Magongwana, who claims he worked for farmer Robbie van Vuuren for 10 years earning R300 plus a 50kg maize meal ration a month, was fired along with other staff members for asking for more money.

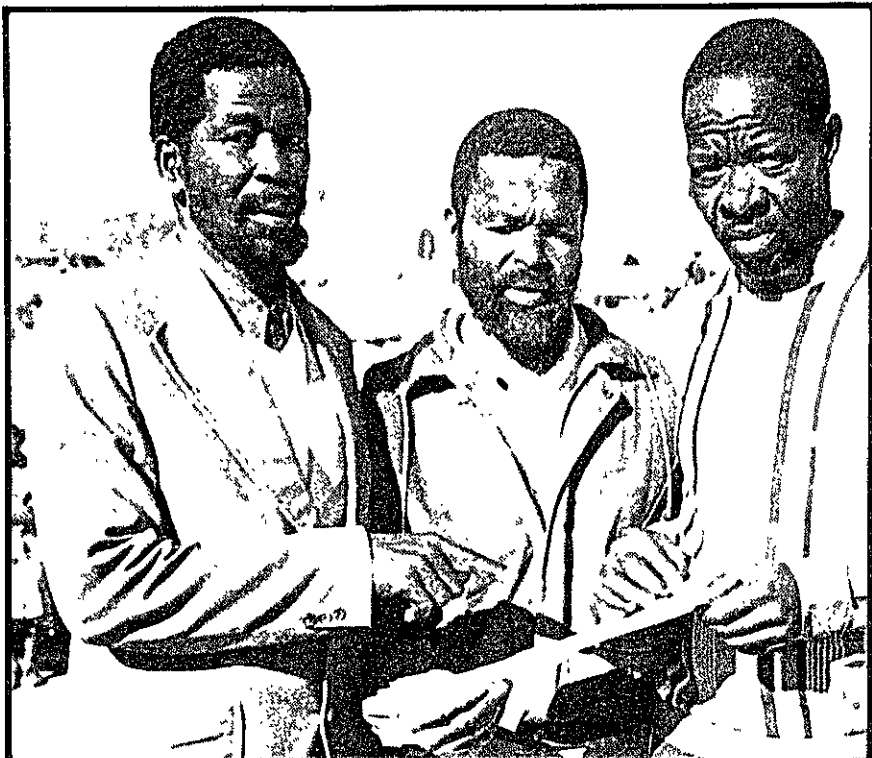
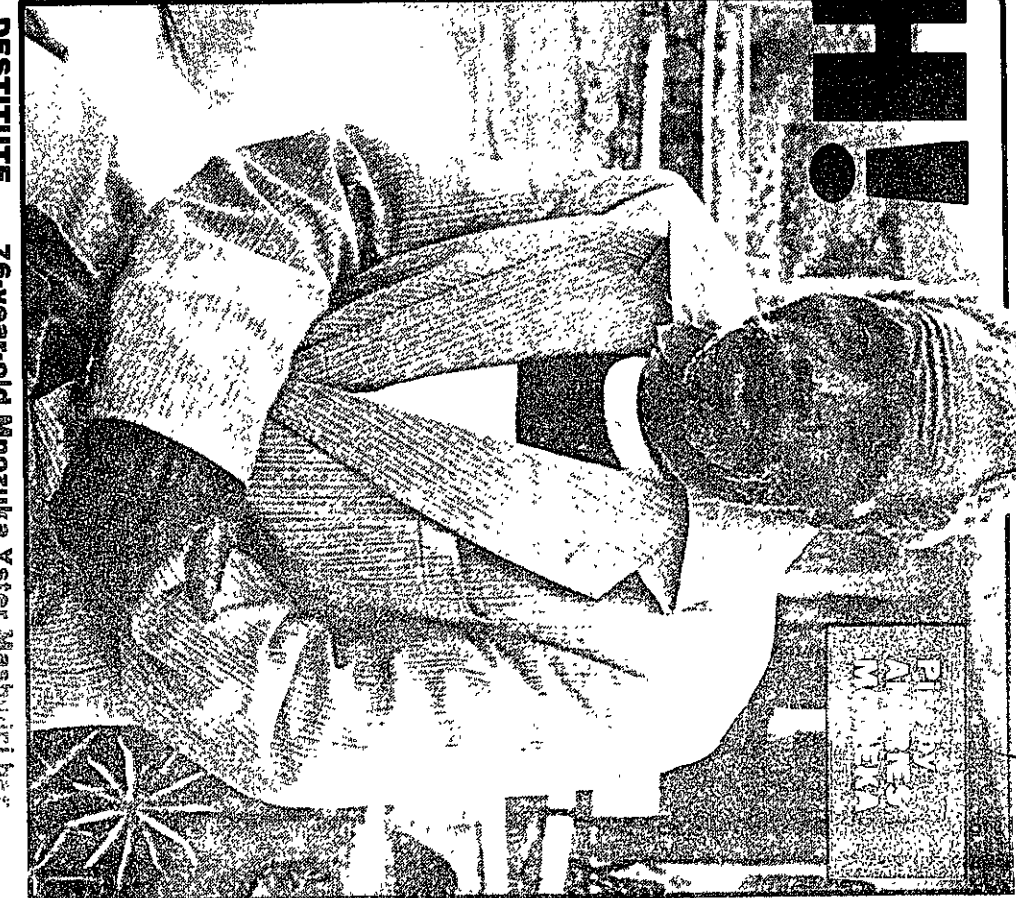
**THROWN OFF . . . Stephanus Zulu points at his family home at Grand Valley which he will leave behind when he is uprooted at the end of the month.**



**ONLY WEALTH . . . "These are the cattle that the family has accumulated over the years," says Thomas William Malaza.**



**DESTITUTE . . . 76-year-old Mnozuka Yster Mashinini has nowhere to go after being told to leave his 'home' 51 years.**



**VICTIMS . . . Isaac Thabethe (left) of Alexandria Farm, Thomas Malaza and Stephanus Zulu.**

# BOERRE BACKLASH!

## Striking Kenyan doctors defy government threats

NAIROBI. — Kenyan doctors, in the second week of a strike called to press for a union and improved salaries and housing, yesterday defied a government threat to sack them if they continued their action. (4) CT 28/6/94

Strike leader Dr Givan Ateka said the health ministry had threatened to sack the 3 000 striking doctors, but none had been dismissed so far.

"We have no intention of ending the strike until there is commitment on the part of the government to meet our demands. Doctors are not worried about losing their jobs. The pay is so ridiculous that it does not matter," said Dr Ateka. — Sapa-Reuter

# Workers 'must have say on maize'

3/17/94

ERICA JANKOWITZ

THE Cosatu-affiliated Food and Allied Workers' Union (Fawu) resolved at the weekend to call for worker representation in all discussions on the maize industry marketing scheme and on the maize committee.

Fawu general secretary Mandla Gxanyana said yesterday seasonal workers in the fishing industry were also discriminated against in terms of current policy, and the union objected to this.

After a national executive council meeting at the weekend, Gxanyana said the council rejected Agriculture Minister Kraai van Niekerk's non-

transparent approach which excluded worker representatives.

"We do not feel this is in the spirit of reconciliation or ... democratic principles."

Gxanyana said Fawu believed workers were a major stakeholder in maize production and had been excluded from discussions because "the Minister is seeking a speedy resolution to the problem at the expense of finding the best solution".

Workers were affected by the maize price because many were

poorly paid and depended on such staple foods. ~~Seasonal~~

Gxanyana said the council had also discussed the fishing industry and "vigorously objects to the position taken by the quota board with respect to the exclusion of fishing quotas for seasonal workers".

He said a new fisheries policy which complied with the requirements of the reconstruction and development programme should be devised and implemented immediately.

"Under the present circumstances, the union is prepared to take action until the situation affecting seasonal workers is resolved."

By DAN DHLAMINI

**H**OLDING a church service cost Viljoenskroon farm labourer Abel Lestsatsi his job, accommodation and food.

Daring to ask for a pay increase got Frans Magongwana and his fellow farm workers fired. Magongwana had worked for Bothaville farmer Robbie van Vuuren for 10 years — earning R300 plus a 50kg maize meal allowance a month.

In both cases the farmhands were told to go to the nearest ANC office and ask President Nelson Mandela for better paying jobs and houses.

These incidents reflect the growing number of Free State farm labourers who claim they have been dismissed over petty issues since the new government took over.

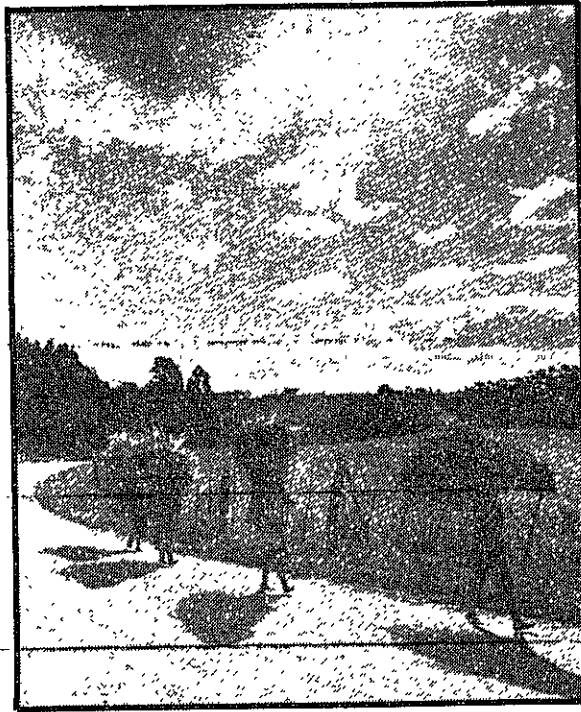
Many see the dismissals as part of a rightwing campaign against the new political order.

The Free State seems to be the worst affected — but large-scale dismissals of farm workers have also been reported in the North West and Eastern Transvaal.

Lestsatsi, a father of three and member of the Apostolic Church, said his former boss, Norman Payne of Koeberg farm, interrupted an evening service in Lestsatsi's house and told him he did not like to hear "noises" on his farm.

Lestsatsi and his congregation went ahead with the service. In the morning Payne told him he had been dismissed. Lestsatsi said Payne even took his ration — half a bag of mealie meal.

Magongwana said his former boss, Van Vuuren, did not bother to ask how big a pay increase the workers would settle for. "He said he would never succumb to kaffirs' pressure and fired the en-



**"I hire and fire them any time I feel like it. This is my land and I will not allow anybody to dictate terms to me."**

**— Farmer Robbie van Vuuren.**

tire staff."

Farmer Van Vuuren is straightforward about his relations with farmhands: "I hire and fire them any time I feel like it. This is my land and I will not allow anybody to dictate terms to me. If a man does not want to work for me, I let him go, that's all," he told City Press.

### **Desperate**

Another sacked farm worker, Petrus Mashoeng, a father of seven, said he worked for Jackie de Beer of Welgeluk farm in Bothaville for six years.

He earned R250 a month but only took home R150 because his boss took R100 for "safe-keeping". At the end of the year De Beer gave him the money back and

told him it was his bonus.

"My sin was that I told him the R1 200 he gave me was in fact my own money and not a bonus from him. He became angry and told me to leave his farm immediately," said Mashoeng.

The Bothaville ANC office is full of desperate and destitute men and women. They walk in and out, not knowing what to do and where to go. Officials concede there is not much that they can do.

Bothaville ANC spokesman Khumisi Letsoara said: "The aim of these farmers is to expel their employees in large numbers so as to increase the number of squatters and put more pressure on the government's efforts to alleviate

**RUSTIC RUMBLES**  
... A pretty scene? Behind the scenes the picture is not pretty on many Free State farms. Lately there have been large scale dismissals of farm workers in the region.

(4)

the housing shortage."

He said the farmers were hoping to turn the jobless and homeless masses against the government.

The Bothaville ANC office is getting frustrated by lack of support from the provincial government.

"I have tried to contact our region to help these people, but in vain. I have also tried to contact our premier and MECs but there has been no response," said Letsoara.

He said they would hold a mass meeting today and would demand that their premier address their problems.

Dan Pholo, who runs the para-legal training office in Bothaville, said: "Although we know most of them have been unfairly dismissed, it is very difficult to prove this. Farmers will simply tell the Manpower office they were retrenched because of financial reasons."

■ Farmers De Beer, Van Vuuren and Payne and others denied allegations that they were trying to undermine the RDP.

They said one reason why they had dismissed workers was that they could not give them a raise because of the low price of maize.

De Beer said workers were being instigated against their employers and had become "very arrogant" since the April 27 elections.

A spokesman for the Free State premier's office, Neels van Rooyen, promised to bring the matter to the attention of the relevant authorities.

# Formhands in The firing line

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# Tenant labourers seek government protection

B Day 1917/194

(4)

MARK ASHURST

COMMUNITIES living as traditional labour tenants on rural farmland could resort to violence if government did not act to protect them from evictions and harassment, National Land Committee spokesman Abie Dithlake said yesterday.

The system of tenant labour was a modern form of slavery, he said. Although outlawed in 1979, the system survived in the eastern Transvaal and Natal Midlands.

Most tenants lived and worked "for subsistence", often earning less than R30 a month. Contracts were based on verbal agreements passed down between farmers and tenants for generations.

Police in the Eastern Transvaal had failed to protect tenants from harassment by farmers, he said. Many farmers were also police reservists.

The committee — an umbrella body of groups servicing rural communities — called on national Land Affairs Minister Derek Hanekom to set up a farm inspection programme to enforce the Basic Labour Conditions Act.

Retaliation against farmers from tenants who had been evicted or assaulted was inevitable if government did not move to ensure the firm implementation of labour law on farms, said Dithlake.

Labour tenants would march to the Piet Retief Magistrate's Court on July 20, and

to Wakkerstroom police station on July 21. Provincial premier Matthew Phosa had been asked to address the march.

Their demands included a review of their rights, the rebuilding of houses destroyed by farmers or police, an investigation into crimes committed against tenant activists and the establishment of a minimum wage scale.

If government failed to act, tenants would not be deterred from discovering the whereabouts of activist Simon Vilakazi, who was abducted from a Grootge-loof farm in November last year. Another tenant, Bheki Mlangeni had been beaten to death by a farmer in Swazievu last year.

Grievances had been revived by reports that police detained a Klipspruit woman who attempted to prevent a farmer from impounding her cattle, and reports that a group of Dirkesdorp police and farmers attacked a local tenant group organiser.

"Tensions are running high on both sides and the situation could erupt into violence if the government does not step in as a matter of urgency," said Dithlake.

Police harassment had risen on an unprecedented scale since the election, as concern grew among farmers that tenants could benefit from future land reform.

## Farm staff to get union

MARK ASHURST

A SINGLE union representing agricultural and farm employees would be in place by next February, Cosatu Farmworkers' Project co-ordinator Dixon Motha said yesterday. (4)

Motha said the initiative reflected growing demand for representation from workers in the sector.

Unions with members in this sector would transfer their membership to the new union, which did not yet have a name.

Motha estimated that 35 000 members would come from the Food and Allied Workers' Union, 11 000 from the Paper, Printing, Wood and Allied Workers' Union, and about 4 000 from the SA Clothing and Textile Workers' Union.

He admitted the sector would be "very difficult" to unionise, but said extensive consultation would begin next month to identify potential members.

Some farmers in the Eastern Transvaal had applied for exemption from the working hours laid down in the Basic Conditions of Employment Act, he said.

He hoped this issue would draw workers' attention to the role a union could play.

The most effective method of recruitment was by word of mouth.

The problems of managing an official recruitment drive would be similar to those experienced by voter educators in some rural areas prior to the elections.

# Fired farm workers face homeless winter

By Shannon Neill

TWO Philippi farm workers and their families face a cold and bitter winter because they have nowhere to go after being dismissed.

Mr Jaapie Stuurman worked on the vegetable farm for 13 years and lived with his wife, baby and four foster children, aged one to 13.

Recently a doctor put him off heavy spade work because of a chronic back ache. In a letter to the employer, the doctor requested that Stuurman be given lighter jobs.

"I gave the note to the boss and he said 'Jaapie you can pack the house and get out in a month,'" Mr Stuurman said. "I have to go because it's his ground. But I have no place to go."

"My brother had worked here. When he got TB the farmer chased him away."

Stuurman says it's common practice for workers who are too

sick or old to work to be dismissed.

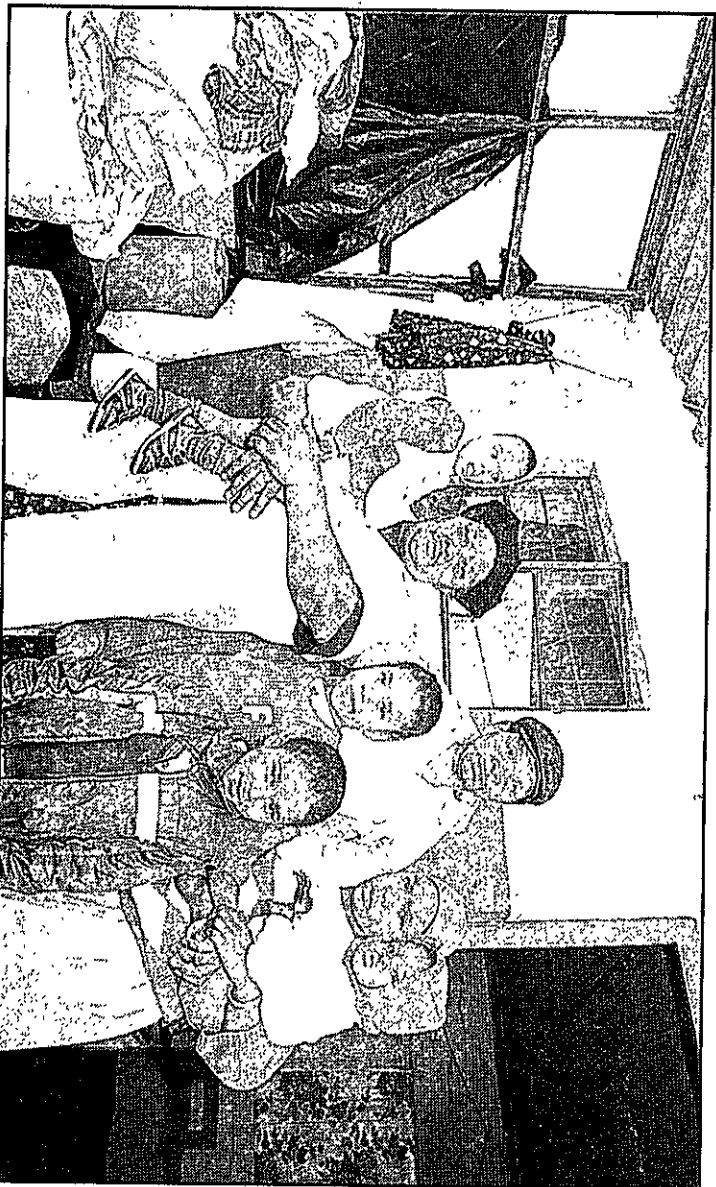
"Oom Solle" Freeman and his wife Mary were told to leave after he had a heart operation. He will be discharged soon and has a few days to move out.

"The only money we have is from my husband's job on the farm," said Mrs Freeman. "Now we have to leave and we'll have no house, no money, nothing. I don't know what we're going to do."

Ms Vanessa Calvert of the Logra Advice Office said she often deals with similar cases but there is little that can be done, except ensure workers' UIF cards are returned and all money owed to them is paid.

When a farm worker loses a job the home goes as well. Usually the whole family has been employed on the farm — if only on a temporary basis — and they all end up losing their jobs, she said.

The farmer could not be contacted for comment.



OUT IN THE COLD: The Stuurman family

Photo: Roger Sedres





Stark choice ... Mbulawa Mavimbela will lose his home or his livestock  
PHOTO: THEMBA HADEBE

# Labour tenants lose all after evictions

Labour tenants are fighting back after a wave of evictions, reports **Vuyo Mvoko**

**M**BULAWA Mavimbela faces a terrible dilemma — either he loses his home or all the wealth he has accumulated in his 55 years: 27 cows and 54 sheep.

Mavimbela, a "farm boy" since birth, is a labour tenant in the Piet Retief area. He had worked at Jantjieshoek farm in Wakkerstroom for 10 years when the farmer, a certain Greyling, dismissed him, ordered him to leave the premises and impounded his livestock until he moves. He lives at the farm with his adult son.

In addition to the loss of his livestock, valued at R35 000, Mavimbela has had to pay a R1 600 fine for grazing his animals on Greyling's land. He raised the money by selling two of his best cattle, and fears he may have to sell more.

He was one several thousand labour tenants and black residents of Piet Retief and its surrounds who marched through the Eastern Transvaal town this week to protest against evictions from local farms, the impounding of livestock and assaults on farm labourers.

The march was in reaction to a crack-down on Eastern Transvaal labour tenants by farmers, apparently fearful that tenants will take over the land they occupy under the new government's land reforms. According to the National Land Committee (NLC), 500 tenants and their families faced eviction before the elections, and rural support organisations are now receiving pleas for help on a weekly basis. They have noted evictions, harassment, assaults and the impounding of cattle on 45 farms around Piet Retief.

Tensions are running high, according to NLC spokesman Sue Wixley, who warned that unless the provincial government stepped in as a matter of urgency, violence could erupt.

Tenancy contracts, generally based on verbal agreements between farmers and tenants passed down through generations, allow tenants to use a piece of a farmer's land in return for labour. Many, according to the NLC, earn less than R30 a month.

When the *Mail & Guardian* visited the area on the morning of the march, workers were patiently waiting in remote locations to be picked up by rural lobby groups affiliated to NLC. Some waited from 7.30am until noon.

At a pre-march rally in a local stadium,

Mavimbela nervously displayed his receipt for his impounded animals, as well as his notice from Greyling to vacate the land.

The march was more than a gesture of defiance directed at local whites. The protesters were hoping to bring their plight to the attention of the provincial government.

Premier Matthew Phosa was expected to address them but failed to turn up. Phosa's spokesman later apologised, saying there had been a "misunderstanding" on the part of his administrative staff. Undaunted, the march organisers vowed to launch further action.

During a visit to another farm in the area, the *Mail & Guardian* gained further insight into the plight of labour tenants.

There, Benson Mlangeni told how he lost his job as farm foreman after he failed to track down chicken thieves. Defying the farmer's orders that he leave the farm, he turned his energies to helping farmworkers fight for their rights.

One night in September last year, a group of armed men came looking for him. Mlangeni was not at home, but his nephew, Bheki (25), was.

Mlangeni's mother, Lydia, said the men accused Bheki of hiding his uncle and beat him. After being treated at a local hospital, Bheki — in a critical condition — was transferred to Soweto's Baragwanath Hospital, about 300km away. Two months later, Lydia Mlangeni travelled to Johannesburg to see how her son was faring, only to find he had been certified dead on arrival.

These days, workers on the farm refer to their employer as "Mbumakhandu" (a derogatory name for a mentally deficient person). They claim he hired members of the Swazi police to assault workers after they invited a local civic leader to address them. Benson Mlangeni told how he had personally rescued a woman farmworker whom the farmer was allegedly throttling with a chain after she complained about his behaviour. Workers claimed the farmer had also kicked a pregnant woman in the stomach after accusing her of laziness.

Local civic leader Josia Thabethe said charges of murder and assault had been laid with police against the farmer, but that so far the police had "done nothing".

Wixley says the role of the police is a major grievance among labour tenants. "They say they cannot rely on police for protection, since they are in collaboration with the farmers — a situation which is made worse by the fact that police reservists are made up mainly of farm-

ers," she said.

# THE OF THE LAND!

By MONO BADELA

THOUSANDS of labour tenants and farmworkers in the Eastern Transvaal stayed away from work and marched to the magistrates office in Piet Retief on Wednesday.

They were protesting against evictions, the impounding of livestock and harassment by farm owners and police.

This message was contained in a memorandum presented by disgruntled farmworkers to regional magistrate Jacques Coetzee in Piet Retief.

The small dorp came to a standstill as farmworkers carrying banners and placards and singing freedom songs toyi-toyed their way from eThandukuhanya township through Piet Retief's streets to the square in front of the Magistrate's Court.

## Farmworkers in ETVI march to protest against victimisation

the marchers walked past coils of razor wire laid by the police.

### Banners

Some of the banners and placards read, "Enough is enough! South Eastern Transvaal Labour Tenants Committee", "An injury to one is an injury to all", "One Farmer, one farm", "The land is ours. We belong on the land", "Stop police harassment", "Give us our livestock now", and "Peace and freedom: on the farm".

Tenants' Committee, the memorandum protested against escalating harassment and alleged killings by white farmers. The memorandum also called Eastern Transvaal Premier Matthews Phosa to respond to the memorandum with a statement of intent within two weeks from July 20.

Of particular concern to farm tenants in the region are the ongoing issues of evictions, harassment and victimisation.

Abie Dithake of the Farmworkers' Research and Resource Project (FRRP) and spokesman for the committee said: "These processes are being seen as crucial obstacles to a stable and constructive process of land reform and development."

The committee called on the premier to implement the provisions of the period of grace agreed to by the Transitional Executive Council (TEC) and to ensure the immediate cessation of evictions of farm tenants by farmers. It warned that failure to do so would necessitate resistance and possibly retaliatory action by farm communities.



PROTEST ... Farmhands want a fair deal.

Dithake said many people had been and were in the process of being evicted from farms in the district. Also, livestock units were being impounded on a wide scale.

He cited the case of Joseph Mavimbela whose 22 head of cattle and 80 goats were impounded on July 1 and who was given three months notice to vacate the farm Goutersloh. Mavimbela said the white farmer came with police and drove the livestock to Paulpietersburg.

The committee called on the premier to initiate mechanisms to return people to their land.

The memorandum alleges that for many years the police have actively assisted farmers in the repression of farm tenants, or tacitly assisted them through cover-ups and inactivity in the face of crimes perpetrated by farmers. In addition it alleged that the system of police reservists had increased the levels of collaboration and repression of tenants by white farmers.

The committee called on Phosa to initiate a full investigation of police collaboration with farmers.



PHOSA MUST ACT ... Toyi-toying farmworkers called on Premier Phosa to address their plight

PHOTOS BY ELMOND JIVANE

It called for an investigation into the murder of Bheki Mlangeni outside Piet Retief and the disappearance of Simon Vilakazi. Dithake said the two cases were examples of the type of repression taking place on farms. Bheki Mlangeni of the farm Swaziview in the Houklop area, was allegedly murdered by a farmer. To date his family has not been informed of any prosecution of the farmer Simon Vilakazi, of the farm Grooteloof in Wakkerstroom disappeared without trace after having been seen with a farmer in November last year. He is still missing.

Land activists say the Basic Conditions of Employment Act has been ignored by farmers. Some farmworkers earn as little as R30 per month.



# W Cape farm housing unacceptable — Kriel

CT 27/7/94 By BARRY STREEK  
Political Staff

THE condition of housing for farmworkers and their families on many farms in the Western Cape had not yet achieved acceptable, modern standards, Western Cape Premier Mr Hennis Kriel said yesterday. "We must actually admit this," he said in the city at the annual congress of the Western Cape Agricultural Union.

Mr Kriel said the provincial government did not want to shift the problem to farmers alone.

# Angry farm tenants take to the trenches

④ WMS-11/8/94

Tenant farming communities are being ignored in the land-reform process. This could prove disastrous for the government, warns **Dave Husy** of the Farmworkers' Research and Resource Project



**R**ECENTLY 7 000 farm tenants and workers downed tools and took to the streets of traditionally ultra-conservative Piet Retief, marching through the town to present a memorandum of demands to the provincial premier. It was the first time that farm tenants in the district mobilised, in spite of pressure from white farmers, to express their frustrations.

The farm tenants, who supply labour to farmers in return for the use of a portion of farm land, directed their anger at white farmers and the government. Both, they maintain, have scant regard for their rights: the former because farmers have projected their fears of impending land reform into violent actions against tenant communities living on their farms; the latter, ironically, for failing to have a land-reform policy which deals adequately with their status and concerns.

The demands contained in their memorandum reflect a broad range of issues related to the political environment of rural areas. Key demands were:

- An end to the eviction of tenant communities.
- A moratorium on the sale of farm land until their situation is resolved.
- The immediate return of all impounded livestock.
- The rebuilding of tenant houses destroyed by farmers or police.
- An end to the use of police reservists on farms.
- An immediate investigation into the abduction of a local tenant, Simon Vilakazi, by a farmer and the murder of another tenant, Bheki Mlangeni.

Other demands reflected the need for a review of the ecological impact of the forestry industry, an end to the practice of subcontracting, and stopping the expulsion tenant children from farms.

The memorandum also demanded that the clauses in the constitution

relating to property rights and the proposed Restitution Bill be reviewed and changed. For farm tenants, these two documents represent an end to their battle to retain access to land in "white" South Africa.

The documents, they say, entrench white farmers' power over the land and their power over the communities who live on it. And in agreeing to the documents, the ANC has forfeited any notion of widespread land reform, particularly in relation to black farm communities.

Central to the frustration of the farm tenants is the failure of the government to recognise their status. The Ministry of Land Affairs does not recognise them as a separate constituency from waged farm workers, and thus does not view them as communities with claims to land under the land-reform proposals.

Instead, they are regarded as a constituency within a much broader land-redistribution process which does not recognise rights to land, but rather forces communities in need of land to enter into a market-driven land-reform process.

**T**his distinction is crucial. The proposed Restitution Bill recognises claimants who have lost a right to land because of a discriminatory law. Communities which fall within the ambit of the Bill will be granted land or just compensation without cost by the Land Claims Court; for those which fall outside the Bill's ambit, a broader land-redistribution process involving purchase of land through the market will apply.

Though communities attempting to buy land will be assisted by various government grant schemes, the cost involved will place land ownership beyond the reach of many.

The labour-tenancy system has been in existence for so long that most tenant communities have come to consider the portion of farm

land they use as their own. Birthright, historical occupation and use, and years of maintaining and working this land have all contributed to the notion of the right of tenants to the land.

But tenant communities are now losing this right as a result of evictions by white farmers. The farmers are themselves exercising a right afforded them by legislation developed out of apartheid policy: they are using the Trespass Act and the Prevention of Illegal Squatting Act to evict tenant communities from land they have occupied for generations.

**T**he government's failure to address this situation stems not only from a lack of policy in regard to the tenants' status, but also from a lack of political will to confront white farmers. Traditionally the white farming sector has been an enormously powerful political lobby and the new government appears to want to avoid challenging the power wielded by this sector.

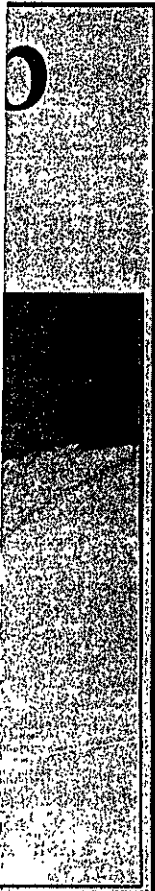
But government inertia on these issues could prove disastrous. It is not inconceivable that angry tenant communities will take their battle for land on to the farms themselves, as they have already indicated they will do. And if this happens, the ANC-dominated government may well end up defending white farmers' rights against those of its own constituency — the stated beneficiaries of the ANC's land-reform proposals.

Labour tenants are, and have always been, the nucleus of the country's small black farming sector. It is this sector that the land-reform process is claiming to promote. To ignore it would not only frustrate the aims of a just land-reform process, but would increase the potential for violence and conflict in areas where tenant communities exist.

Addressing the situation requires recognition of the labour tenants' right to land, and the urgent and effective application of a just land-reform process built on the notion of this right.

■ Dave Husy is director of the Farmworkers' Research and Resource Project, an affiliate of the National Land Committee

hand may lose cattle, home



# Union acts on workers gripes

Sowetan

By Mathatha Tsedu  
Political Editor

10/8/94

THE South African Agricultural Union has set up a committee to look into complaints of farm labourers arising mainly from evictions and assaults.

Eastern Transvaal Agricultural Union chairman Mr Boet van Rensburg said, however, the complaints were being blown out of proportion by organisations bent on fomenting trouble on farms.

Van Rensburg, who is also an executive committee member of the Transvaal Agricultural Union and the SAAU, said allegations by the Eastern Transvaal Labour Tenant Committee were isolated incidents.

He said a committee comprising himself, Natal Agricultural Union president Mr William Mullens and Mr Kobus Kleynhans would meet Land Affairs Minister Mr Derek Hanekom tomorrow to discuss the matter.

"But we have investigated some of the allegations. Among others, we found that a man said to have just disappeared for no apparent reason and while in good health.

"With regard to a man who is said to have been killed by a farmer, police investigations are on.

"Our position is that these are few incidents that should not be allowed to cause a whole escalation of problems.

"We need to look for solutions, but these are essentially issues affecting a farmer and his workers and should be solved without interference," he said.

Asked why the evictions and assaults seemed to have escalated since the elections, Van Rensburg said this was not so.

"There are organisations involved here. This problem of evictions has been going on for some time," he said.

He said allowing labourers to keep cattle and family on farms was based on an old law and practice.

"Due to reproduction, you sometimes reach a stage where the carrying capacity of a farm is threatened as the numbers grow.

"If you do not sell some of the cattle, you farm the place out of business.

"The solution to all this is talks between the affected parties, and that is why we feel the government should also listen to our views," he said.

violence

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**Our position is that these are few incidents that should not be allowed to cause a whole escalation of problems. We need to look for solutions, but these are essentially issues affecting a farmer and his workers without interfere**

# Eviction for granny

Sowetan 11/8/94

By Mathatha Tsedu  
Political Editor

**A** 79-YEAR-OLD GRANDMOTHER is to be evicted from a Bronkhortspruit farm this morning in the ongoing removal of blacks from white-owned farms in the Eastern Transvaal.

Mrs Johanna Mokwena of No 14 Spitskop Farm has lived there for 31 years. Her husband, who worked on the farm, died in 1980.

A lawyer for the family, appointed by the Black Lawyers Association, yesterday said the farmer, Mr JG Venter, had cut off Mokwena's water supply since Sunday in an effort to get her off the land. Last year he had also demolished a school on the farm.

"The police went to the family yesterday and made the old woman sign an acknowledgment of the eviction notice which gives her until midnight Wednesday (last night) to be off the farm," a lawyer, Mr Felix Malunga, said.

Venter's lawyer, Mr AJ von Berg, said a final eviction notice had been issued. He said Venter felt that Mokwena was "unco-operative and unfriendly", and that this had prompted the eviction.

He described Mokwena as an "illegal occupant" who paid neither rent nor water charges. He said the water supply was cut as Venter paid for it. He said police would be called in to witness the receipt of the notice to ensure that there was no confusion.

He said Venter was "not the AWB type. He is reasonable and had asked a relative of the woman to work on the farm but he had refused, saying he earned more money in town".

Mokwena's son, Musa, said Venter had started to chop down peach trees planted by the

family. He had also allegedly told them the house that was built by the Mokwena family and which was the only home Mrs Mokwena had would be demolished today.

The eviction this morning will coincide with a meeting between leaders of the Transvaal Agricultural Union and Land Affairs Minister Mr Derek Hanekom to discuss concerns over the evictions.

Malunga said he had exhausted all legal channels to try to stop the eviction, which was to have been carried out at the beginning of May. He said he had also written to the province's premier, Mr Mathew Phosa, in June requesting assistance with the Mokwena's case, but had not received any response.

Malunga said he had five other cases of pending evictions he was dealing with.

"Unfortunately, in terms of the property clauses of the interim constitution, there is not much that can be done against the evictions until the constitution is changed," he said.

Phosa told *Sowetan* last week that there was "massive abuse of farm labourers and their families in the province. There are assaults, impounding of stock and evictions taking place on a large scale.

"Consequently, we have asked the Agricultural Union and the police to look into the cases and report back to us soon."

The ANC in Witbank, which has been inundated with calls for assistance by farmworkers, said the problem was widespread with farmers seemingly reacting to its election victory by expelling workers.

Many of those evicted have been told to go to President Nelson Mandela to get houses, they said.

The Mokwena family are neighbours of Mkhuzelwa Mahlangu, whose case was highlighted in *Sowetan* yesterday. Mahlangu has been told to sell two of his three head of cattle or face eviction, he told us.

Mills  
SPECIAL  
LUXURY CIGARETTES  
Cigarettes  
most expensive tobaccos

# Tenants are 'insecure'

By Mathatha Tsedu *Sowetan*  
Political Editor

THE Eastern Transvaal Labour Tenant Committee and the Farmworkers Research and Resource Centre have called on the Government to amend the constitution to ensure security for farmworkers. 12/8/94

The two organisations say the present property clauses give "an inordinate amount of power to white farmers to the detriment of farm tenants' rights".

In a memorandum sent to Eastern Transvaal premier Mr Matthew Phosa, the two organisations ask him to convey their concerns to President Nelson Mandela and to ensure a process to review the clauses is initiated.

"Labour tenants feel the Government is not doing much to address their plight as they bear the brunt of frustrations generated by the new constitution. White farmers are

venting their anger on tenants living on their farms because there are still no mechanisms to monitor developments on the farms," the organisations says in the memorandum.

The property clauses state:

"Every person shall have the right to acquire rights in property and, to the extent that the nature of the rights permits, to dispose of such rights.

The organisations also called for:

- An immediate end to evictions and impounding of stock;
- The return of evicted tenants and impounded stock;
- An end to the expulsion of farm workers' children;
- The firm implementation of labour law on farms;
- A minimum wage level in line with the set living wage;
- The rebuilding of destroyed houses; and
- An end to alleged police harassment of farm workers and alleged police collaboration with white farmers.



Access to the land ... Shareholdings for farm labourers is proposed by the Development Bank as a means of land reform  
PHOTOGRAPH: RUTH MOTAU

# Fair Share for farm labour

The Development Bank has come up with an innovative plan for land reform, reports **Teigue Payne**

**A**N INNOVATIVE way of addressing South Africa's imbalance in ownership of farming land and assets, or at least blurring the "black" or "white" labels on farm land ownership — shareholdings for farm-workers — has received an enthusiastic response among white farmers and others.

The scheme involves sale of shares in the profit, loss and equity of existing "white" farms. Advocates say such schemes would have the advantage of producing quick results for a population with high expectations. They would preserve skills, support the existing businesses of larger farm units which could be more competitive but which might have been in major debt, and save the government the vast costs of new resettlement programmes. Even if Land Affairs Minister Derek Hanekom does achieve the RDP target of a 30 percent transfer of commercial agricultural land by the end of the century, the imbalance of land in the hands of whites will be unresolved. And the land transfer programme will cost a fortune for purchase and installation of infrastructure.

Advocates of the farm equity scheme envisage that government could play a role by providing loan assistance, or withdrawing support for unwilling farmers. They envisage a state-linked or private financier would buy shares which would be placed in a trust for the farm workers, who could gradually buy them. Or, in line with modern trends, the farming company could vest in one set of people; the land in another. Or other forms — like share cropping or part title — could be structured.

They say it makes more economic sense to divide up the ownership of the land, instead of the actual land, especially on land which is not of high potential or irrigated — which applies to the majority of South Africa.

Continued on PAGE B3

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BUSINESS

B3

## Shares for farmworkers

From Page B1

Policy analyst for the Development Bank of Southern Africa, Craig McKenzie, says following his initial address in Durban about the scheme, he received about 200 calls of enquiry in three weeks.

There is no telling whether that response was out of fear or altruism, but McKenzie comments: "Real land reform will happen quickly if the solutions are good."

In this case, however, the reality is that progress has been slow. Only one farm has structured an equity share deal so far through the DBSA, though about five more deals are in the pipeline.

Other deals not structured through DBSA have reportedly been done. McKenzie says the DBSA is regarding this as a pilot project. He expects the process to get faster as experience is gathered.

McKenzie says the deals would normally involve concessionary financing because of the poverty

of the farm workers. A standardised contract seems unlikely — every case will have to be adjusted for local circumstances.

The most important function of the trust created in the equity schemes is to make a market in the shares† in deals so far, the trust offers a guaranteed buy-back price for the shares, based on a formula relating to the value of the farm in its circumstances at a particular time. The deals are structured so that farm workers have to sell within two or three years if they leave the farm.

While the scheme could be viewed as a "white trick" to maintain real control, McKenzie says workers could hold the majority of shares. For many farmers, the attraction of the scheme is its potential to get farm workers involved and enthusiastic about production and production decisions.

Because worker involvement is especially important in high-

value crops like deciduous fruit, the scheme has had a particularly positive reception in the Cape.

He does not believe it is the panacea to land reform — he will be happy if it eventually applies on five percent of farms. It's not suitable for everyone largely because of high transaction costs.

Currently, the DBSA will only consider highly viable farms for the deal. Still, McKenzie thinks any farm could be the subject of a deal provided the farmer is willing to sell at an appropriate price.

And, McKenzie says, enquiries have not only come from farmers. One possible deal is for a hotel.

The idea might have the salutary effect of breaking the conventional wisdom that equity schemes can only apply in listed companies. In fact, perhaps the smaller the company, the better — though finding formulae for ongoing valuation will be a challenge.



# The despair of families being booted off farms they've lived on all their lives threatens to erupt into . . .



OFF OUR BACKS . . . Elders of the Lust Farm community are going to fight off attempts to eject them.



HOMELESS . . . Anna Dlamini, daughter Nancy and baby Philemon in their squat - a local school.

# FURY IN THE VRYSTAAT!

By KHANGALE MAKHADO

FARMERS in the Free State are throwing out black families who have lived on their land for years.

In one shocking case, the Msimang family, which has stayed on a farm near Harrismith for more than 36 years, has been asked by the farmer to quit.

Boyboy Msimang, his wife and six children have come to regard the Bath farm in Grootboom as their home. Now they have nowhere to go.

The Msimangs are not alone in their plight: more than 20 families from farms in the area have been given notice by the farmers. And the situation is getting worse every day. When City Press visited Harrismith recently it appeared as if the number of evictions - some of which are sporadic and without notices - could run into the hundreds if the allegations of farmhands are anything to go by.

Stranded workers, although short of solutions to their problems, have regrouped and are trying to fight what they refer to as senseless and unlawful evictions. To the farmers, the situation is clear-cut: by law they own their land and as such the farmhands are dependent on them.

Some of the people interviewed say they were evicted because they "have too many cattle", others say they refused to allow their children to work for free at the farmer's house. Other tenants were told to leave after the farms changed hands.

Farmworkers say they are also constantly told to go to President Nelson Mandela who promised them houses and land during the ANC's election campaign. Msimang said problems with Bath farm owner Adrian Odendaal started when he protested against the continued exploitation of his children by the farm-



ROAD TO NOWHERE . . . The Msimang family load their property on a trailer after being ordered off Bath Farm after 36 years there.

By KHANGALE MAKHADO, pics by THULANI SITHOLE

er. Aged between 17 and 20, they have been working in Odendaal's house without pay for more than six months, he said.

bad period and I had to come in and allow him to use my tractor and a diesel Isuzu van for free. Is this what I deserve after saving him from total oblivion?"

For as long as I live, I would rather stay in an open veld than allow this man to continue degrading my family. Enough is enough," Msimang added. Odendaal refused to comment and referred City Press to his attorney, Brown Botha. Botha said as the

queries put to him were outside his brief he would have to first contact his client.

Joseph Khutha stayed on the Rusken smallholding in Eeram near Harrismith for nine years with his wife and five children until their eviction in June.

Khutha alleges the plot owner, Hennie Kriek, also broke into his house and confiscated several of his belongings, including tools and a bakrie. However, Kriek's lawyer, Andre Smith, said Khutha was given notice and when he failed to move they had to obtain a court order to evict him from the plot. His property was attached pending payment of the court costs and sheriff's fees totalling R357 20. Smith claimed Khutha had signed a document stating he would settle the amount in instalments of R100 a month from August.

Khutha, who is unemployed, says he can only pay once he has his toolbox because he is a part-time motor mechanic. Smith said arrangements could be made for Khutha to collect his tools before the settlement of the costs as the car would be sufficient surety.

Khutha and his family are presently squatting with relatives in a nearby township.

At the Lust farm near Normandien Pass 16 families have been given until the end of the month to quit the area they have occupied for over 20 years. A spokesperson for the families, Fox Jele, said problems started towards the end of July when the owner, Jock Liddel, sold the land to an unknown farmer.

"Over the years most of us have survived by herding the Liddel cattle at R50 and a bag of maize meal each month and during that period we also accumulated livestock for our families. All in all, the village has about 90 cattle and goats. Is it right for people to be uprooted from their place with nowhere to go?"

## Born to a dog's life on farms

By KHANGALE MAKHADO

JOHANNES MOTHO was born on a farm in the Grootboom district of Harrismith 42 years ago.

He is married with nine children and only attained Std 4. All his life he has worked and stayed on the farms and he will probably die there.

His parents died while working on farms in the Free State and the chances that his nine children will escape the farms to lead another type of life are small.

Over the past 10 years Motlo has moved from one farm to another. He was forced to vacate the farm where he was born after having worked there for 20 years. He worked for less than R30 a month plus a bag of maize meal.

No reasons were given for his dismissal - he had to pack his few belongings, organise his family and

trek to the next farm. After working under similar conditions for five years on the new farm he was told to go because he had too many cattle - ten.

Motlo moved to a third farm where he works all day without a break. None of his children attend school. Instead, they have to work in the master's house on rotational basis for no pay.

### No protection

His life is typical of many people who are restricted to farm communities in the Free State.

They have no one to turn to. After working for over twenty years at Bath Farm in the Grootboom district, Ephraim Moeti Selepe finds that he has not known much joy.

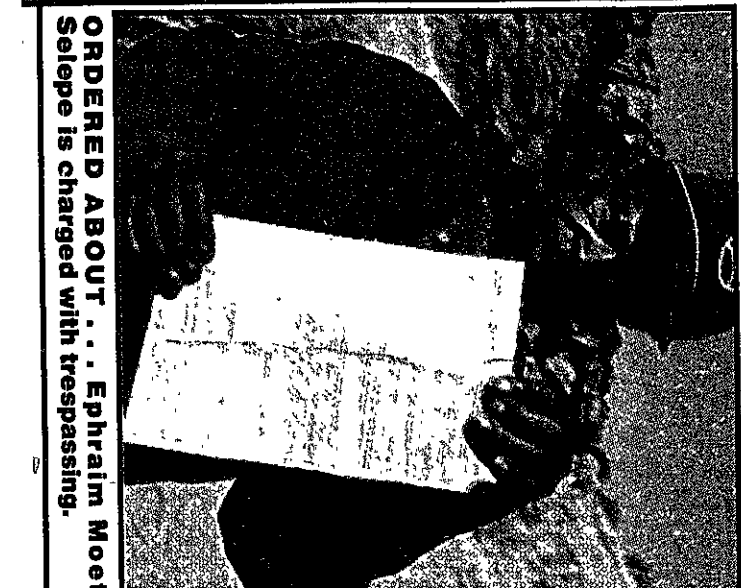
His work involves fixing

horsehoof machines and, despite the fact that he was promised R300 a month, he has not received a cent. He is married with eight children and because he has not been paid, his kids cannot attend school.

He has no livestock and his family has survived, all these years through donations from fellow farmhands.

Although he was told to leave, he has vowed not to do so because: ■ He has nowhere to go and, ■ He cannot leave until he is paid what he is owed.

"It would be different if Odendaal (his employer) had told me from the start that I would work in exchange for a place to stay. Now all my children have been working in turns for six months without pay," said Selepe. Selepe is to appear in the local Magistrate's Court tomorrow on a charge of "trespassing".



ORDERED ABOUT . . . Ephraim Moeti Selepe is charged with trespassing.



**NEWS FEATURE** *Farm labourers demand amendments* ● *Minister calls a spade a spade*

# Hapless victims

By Mzimasi Ngudle

## ■ FARMER'S REVENGE Backlash to ANC's victory in elections: (P)

**L** ABOUT TENANTS IN THE Eastern Transvaal are still without the freedom and peace they expected from an ANC victory. They are still hapless victims of the old apartheid system.

This is what the ANC's Witbank sub-region co-ordinator, Mr Oupa Lentsoane, said about the plight of labour tenants who have been and are still being threatened with evictions by white farmers in the Eastern Transvaal.

Lentsoane said the ongoing evictions showed the explosion of feelings of insecurity among white farmers.

Secondly, a long simmering discontent over the ANC victory led the farmers to avenge themselves by evicting tenants, some of whom have lived and worked on the farms for decades with no alternative place of abode.

The anger of Mrs Johanna Mokwena is an example of the fate of labour tenants battling against a strappy attitude among farmers in the Eastern Transvaal.

Resident for more than 30 years on Mr G Venter's farm, Mokwena has been served with an eviction notice stating that her tenure on the farm expired on Wednesday last week.

Mokwena was not evicted. However, she, like many others, lives in fear of forcible eviction and the violence that inevitably accompanies it.

Seven others have left the ANC offices in Witbank with little hope of restitution.

On Thursday afternoon last week, all they could be assured of was a police escort back to places where tenure had expired.

Legally they can be bulldozed out of their sleeping places overnight.

### Inordinate amount of power

This is so because present property rights clauses in the interim constitution, as the Eastern Transvaal Labour Tenant Committee and the Farmworkers Research and Resource Centre argue, give "an inordinate amount of power to white farmers to the detriment of farm tenants' rights."

The clauses grant "absolute" rights to farmers to their farm property — including the right to evict with or without prior notice.

For the tenants, there is no inkling of respite except to wait for deliberations of the Constitutional Assembly, which they have urged to amend property rights entrenched in the constitution.

Their lawyer, Mr Felix Malunga, concedes that amending the constitution is the only way out.

Meanwhile, all that the ANC local

branch can do is to plead with the farmers not to forcibly remove their tenants.

One account is that some farmworkers became tenants after farmers fenced them inside their properties during the days of colonial conquest.

They then continually switched allegiance to subsequent landlords with every transfer of ownership of farm properties.

A striking case is that of 83-year-old Mr Derrick Mahlangu, who was born on a farm and is now being chased away by his latest landlord, whom he has served for 25 years.

Before that he had worked for another farmer for 30 years. All he can do is to trespass since there is not a piece of land in the country which does not belong to either the State or a private owner.

The present constitution makes tenants' plight bleaker as the Restitution of the Land Rights Act, still to be promulgated in terms of the constitution, constrains law tribunals to adjudicate land claims dating to not earlier than the 1913 Native Land Act.

In the meantime, Cosatu, SACP and ANC regional structures, are meeting this week to devise a comprehensive approach to supplement hotchpotch solutions now under way.



Mr Derrick Mahlangu, a farmworker who was evicted from a Belfast farm.



# Meeting to ease Eastern Transvaal farm tensions

B/Day 23/8/92

LABOUR relations in agriculture could be heading for a showdown in the coming months if efforts to reduce tensions on Eastern Transvaal farms fail.

Eastern Transvaal premier Mathews Phosa said he held a meeting yesterday with Cosatu representatives, the Eastern Transvaal District Union's Boet van Rensburg and Eastern Transvaal agriculture MEC Lucas Nel to discuss problems of harassment and evictions of farm workers. It was agreed that a forum would be established to represent Cosatu, farmers and government to explain government's standpoint on tenure. Cosatu and the district union will meet again next month.

The meeting followed complaints about evictions. Phosa said a possible solution would be for his administration to buy empty farms to accommodate evicted farm workers.

Cosatu spokesman Dickson Motha said in Johannesburg at the weekend a single union for farm workers would be launched in February.

The union would represent cotton farm workers — currently represented by the

LOUISE COOK

SA Clothing and Textile Union — forestry workers represented by the Paper, Print, Wood and Allied Workers' Union and other farmworkers currently represented by the Food and Allied Workers' Union.

Two independent unions — the Karoo Farm Workers' Union and the Farm and Rural Workers' Union — were expected to join the new union. It could have about 1,3-million members.

Cosatu would campaign for minimum wages, improved living and health conditions and farmworkers' right to strike, Motha said.

Reuter reports that Motha said the union's constitution would be adopted at the launch in February, when delegates would vote for a name for the union.

A steering committee of workers from the Eastern Cape, KwaZulu/Natal, Western Cape, Eastern and Northern Transvaal provinces was elected at the weekend.

The farming sector has for years opposed unionisation, saying the agricultural sector could not afford unrealistic labour laws which did not take factors such as climatic conditions into account.

# Police open fire on 3 000 striking forest workers

BIDay 21/9/94

JOHANNES NGCOBO

POLICE yesterday opened fire on 3 000 striking forest workers in the Eastern Transvaal, leaving 20 injured, a police spokesman said.

The incident took place at Iswepe near Piet Retief when the workers blocked the main road between Ermelo and Piet Retief.

Capt Daandre van Vuuren said police shot strikers with birdshot and rubber bullets, later admitting that at least one policeman used live am-

munition after shots were fired from within the crowd.

Another policeman, W/O Timothy Radebe, alleged that farmers were firing at the strikers.

Van Vuuren said the crowd repeatedly removed razor wire placed by police to cordon off the area. Police used teargas and birdshot to disperse the crowd. He said shots were then

fired at the police.

Paper manufacturing company Mondi confirmed at least 800 of its workers were on strike.

Two demonstrators, one of whom was carrying a petrol bomb, were arrested.

Van Vuuren said allegations of intimidation were being investigated following claims by truck drivers that they had been forced to transport workers to Iswepe.

# 'Don't pay us chicken feed'

By KHANGALE MAKHADO

A STRIKE by about 600 members of the National Union of Farmworkers in the Northern Transvaal over a wage dispute enters its 15th day today — with management accusing the union of disruptions costing R850 000.

Systems manager of the parastatal Lebowa Agricultural Corporation (LAC), Percy Mongalo, conceded there was a wage deadlock but accused the union of disrupting the normal running of the affected poultry farms.

They are Mashashane Poultry West of Pietersburg and Quality Chick and Broiler Farm in Lebowakgomo.

"Union members have barricaded roads leading to the businesses and this prevented management from gaining access to feed and taking care of the sick fowls," Mongalo said.

He said this was contrary to assurances by union officials.

"The interference from labour and damage to the infrastructure has caused the corporation to lose R850 000 and we call on the union to put its house in order."

However, National Council of Trade Unions regional co-ordinator in the Northern Transvaal Moses Mphahlele denied workers had set up barricades or stopped management from attending to the fowls. He said the workers went on strike after the LAC rejected their demand for a R218 across-the-board increase.

"Instead the corporation is offering an unbelievable three percent and forgets it has been paying workers a monthly minimum wage of R237."

# Slave trade on SA farms

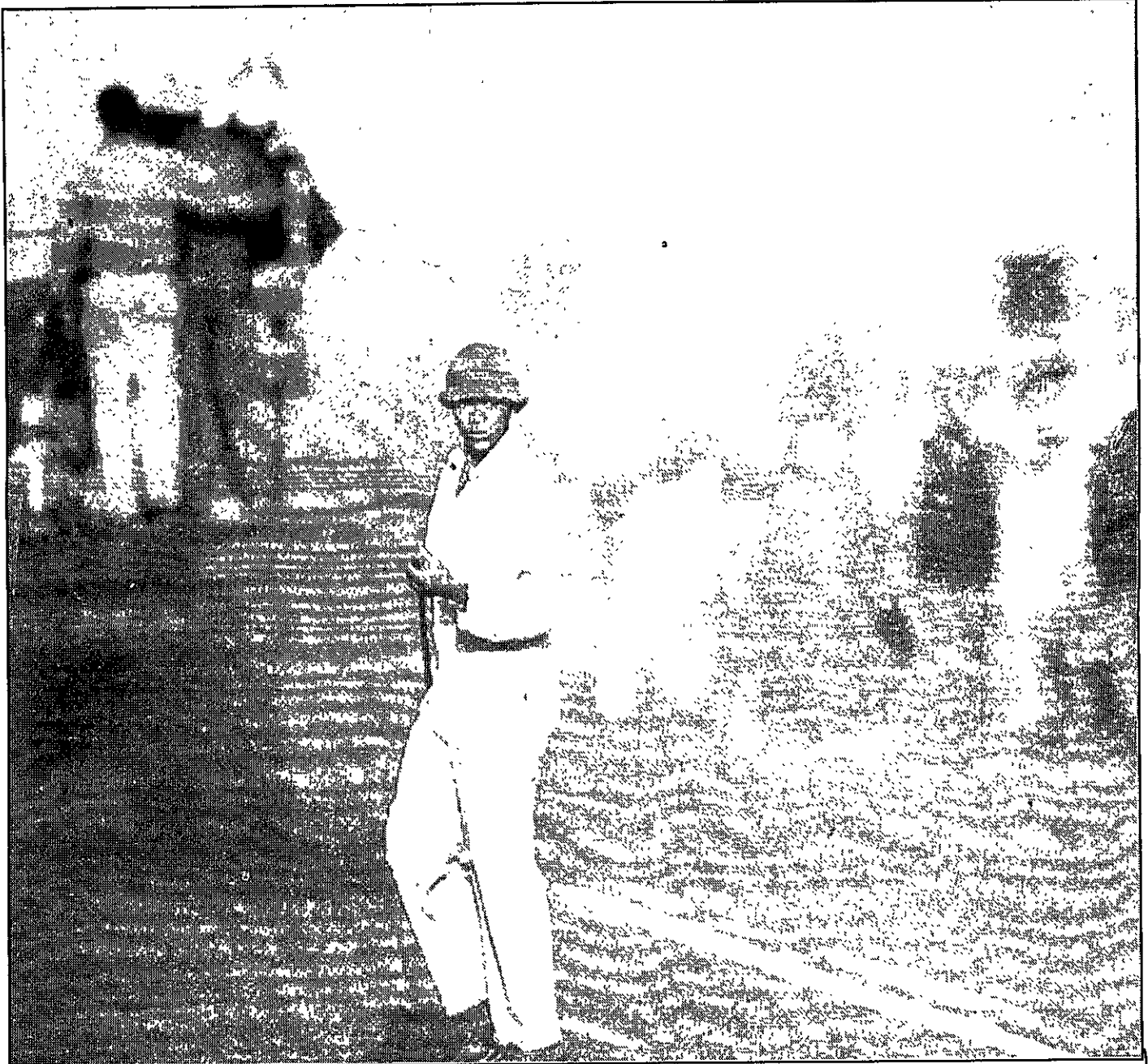
From Page 1

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- They live in squalid conditions – between 12 and 20 people have to share a small room with no windows;
- They are given six days a year leave in December – but often find it difficult to return home during this period as the distance is too far;
- They usually are fed only pap and raw onions – meat is only given to them when a sheep dies or on Christmas Day when a cow is slaughtered for them;
- They are forbidden to go to town to buy food or clothing – as their employers fear that they will be arrested and deported;
- Money is deducted for medical attention for injuries incurred in their work and;
- Those who become seriously ill or suffer serious injuries are sent back to Zimbabwe.

Yesterday Northern Transvaal police announced they had arrested 2 000 Zimbabweans in a swoop on illegal immigrants in Thohoyandou in Venda, and said they would be deported. But these people are believed to be illegal traders who bring goods to sell and then return – not farm workers.

**NEWS FEATURE** *Beating and abuses are the order of the day for*



As darkness enveloped Iswepe, farm labourers were taken home by trucks, tractors and bakkies.

PIC: SELLO MOTSEPE

# Working for *mahala*

*Sowetan 8/9/94*

By Musa Zondi

## ■ DARK AGES Eastern Transvaal workers

*shot after slaving three months without pay:*

**I**N THEIR FADED ORANGE and blue overalls they stood behind the barbed wire.

In their faces was anger — anger you could feel, anger that was so thick you could cut it with a knife.

They had just seen about 30 of their colleagues shot and wounded by police.

They are the people of Iswepe near Piet Retief in the Eastern Transvaal. If Iswepe was not on the map before, it is now.

Behind the barbed wire, they were carrying sticks, knobkierries and an assortment of other homemade weapons. Behind the barbed wire erected by police, they were singing freedom songs, hoisting a picture of President Nelson Mandela and complaining bitterly about the treatment they got from the police.

Before police opened fire, a large crowd had gathered to protest because they had not been paid for three months. A large number just wanted to vent their anger and tell their story to the lawyer who had been called in by the unpaid group of workers.

The lawyer never made it to the meeting. He was allegedly turned away by police who said "it was too dangerous" for him to go through.

Just before 10am, police came and put up barbed wire fences between an open space and the N2. Later they opened fire, said Timothy Hadebe, who calls himself a community policeman.

But workers in the largely timber-processing plant had a lot to say about the "racist attitude of the Boers and Germans in the area".

For example, some workers alleged they were paid only R30 a month for long hours on the farms. They were also given 5kg of mealie meal by the farmers.

"If you were to take the suffering of our people here and make a film it would be very moving and most people would not believe this is still happening," says Hadebe.

For instance, if you work on the farm and want to send your children to school, you are



**Timothy Hadebe ... Life in Iswepe is akin to living in the Dark Ages.**

given what they call a trekpas, which is basically a one-way ticket out of the farm.

But the tales of abuse go even deeper, with allegations that young children, some as young as 12 years, are forced to work on the farms and never get the chance to go to school.

"There is one school every 10 to 20 kilometres. This means that some children are forced to walk that distance to get to school. After walking that long, how can children learn effectively?" asked Hadebe.

But perhaps the worst kind of abuse, said Hadebe, was the desecration of graves as farmers put up timber plantations. "They even take the tombstones to use as stoeps," he said.

The law is not on their side either, the workers say. For instance, two weeks ago a man riding a horse was shot by a farmer and when the matter was reported to police nothing was done about

it. On several occasions farmers confiscated people's cattle, and police did nothing to rectify the situation.

In one instance, 25 cattle were allegedly taken from Patson Mbingo by a white man. When Mbingo went to lodge a complaint with the police, he was sent to the Cattle Theft Branch where he reported the matter.

Whenever he went to check on the progress of the investigation he was told that the docket was with the prosecutor.

He eventually went to the place where the herd was being kept and the white man demanded that he pay R5 000 for the release of the cattle. He did not have the money and the cattle are still there.

Elliot Buthelezi, who works at NTE, said he was injured on the job and when he reported the injury, he was told that he was being lazy and was not given days off to recover.

Sibongile Nkosi, who works for "Baas Eckart", said that some people who worked for the farmer for up to 20 years were fired once they became too old to work and chased from the farms.

Samuel Mthethwa has also not been paid for three months. All that he has received during that period is a sack of mealie meal. He is into his fourth month without pay. "My children cannot eat mealie meal only," he said.

The problems are endless.

As the golden arrows of the sun filtered through the tall gum trees, the large crowd was taken home by bakkies, tractors and trucks. Some walked.

Police removed the barbed wire. A Colonel Van Wyk, who was on the scene, refused to comment on what had happened.

Darkness enveloped the area and, for these people, it is perpetual darkness.

BY VICKY STARK

# LIVING A LIFE OF SLAVERY



**BROUGHT** from their homes on farms, many teenage girls are being forced to work like slaves in Cape Town households.

Miss Francis Skippers, 16, of Tulbagh, sought help from the South African Domestic Workers Union (Sadwu) last week.

She described her working day:

"I would get up before 7am to clean the house. Then, the madam would take me to the shop to bead tops for Muslim people.

"At five they would take me to the supermarket where I would work till eight.

"I worked like this for three months and they haven't paid me a cent," said Miss Skippers.

Her nightmare started when a woman from Rylands arrived at the farm she lived on.

"She asked my sister if she knew anybody who would work for her in Cape Town. I didn't want to go at first. I told my sister I wasn't ready to work in the city," Miss Skippers said.

"But the woman promised she would take good care of me. So I went with her."

She shared a bedroom with her employer's daughter and another domestic worker.

"We were lucky. Three boys from the farm had to sleep on the kitchen floor," she said.

"We had to wash outside in the cold every morning. If I got a chance, I could wash inside on a Sunday."

Her weekends were spent working at the shop, the take-aways and the supermarket.

"On Sundays we were also allowed to take chocolates and chips from the shop. But they wrote it up because they planned to deduct it from our salaries," she said.

"I'm so scared, I don't know how much I owe them."

Sadwu official, Mrs Shahieda

**Teenagers lured with promises of work and money in Cape Town**



**WAITING TO BE PAID:** Susanne Bronn, 16 who ran away from her employer *Photo: Roger Sedres*

Wagied, said Miss Skippers could not possibly owe more than she should have earned in three months.

"While there is no legal minimum wage, we recommend that domestic workers are paid R600 a month," Mrs Wagied said.

"Francis has worked more

that 46 hours a week. They owe her overtime too."

Mrs Wagied said Sadwu would like the government to change the Labour Act which says people over the age of 15 are employable.

"We think these children should be encouraged to stay in



# Orange pickers' action knocks estate

BY NEWTON KANHEMA.

WORKERS at the Zebediela Citrus Estate, who reported for work on Thursday after striking since the beginning of the month in support of wage demands, went back on strike after working for only two hours.

According to the estate's management, the strike will result in the collapse of the project next year, with thousands of jobs on the line.

Management said that if the orange trees on the estate near Lebowakgomo, the former capital of the Lebowa homeland, were not irrigated during their flowering period, the estate risked a very lean harvest next year.

"This is the most critical stage in our preparation for next year's crop. If the strike continues we will not only lose the R4 million worth of oranges hanging on the trees, but we might lose the entire harvest next year," said the senior general manager of the estate, Marius Minnaar.

## Wagons

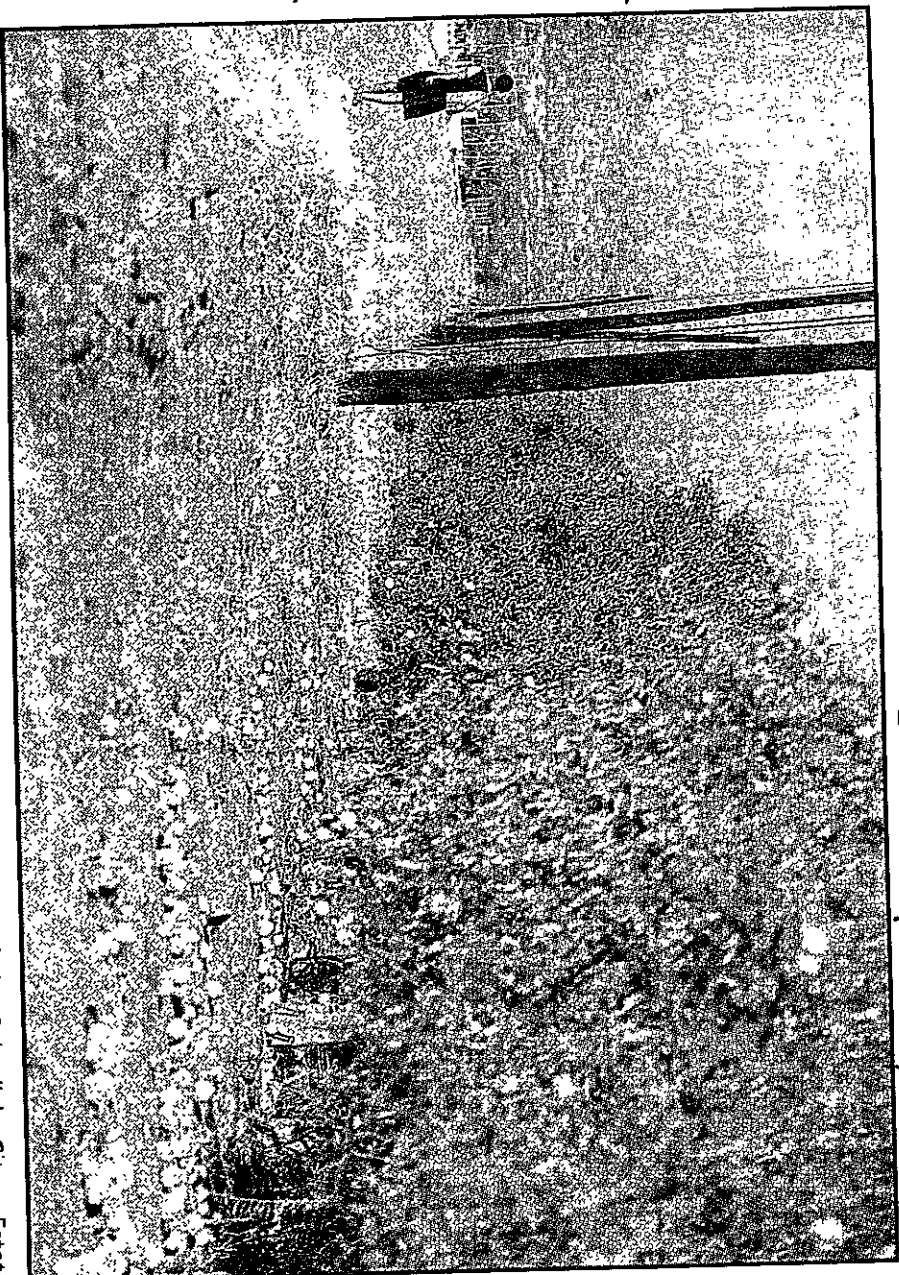
More than 30 tons of oranges are rotting on the processing floors and in the orchards there are carpets of oranges over hectares of the estate.

The oranges are almost overdue for packaging.

There are more than 12 000 cartons packed ready for export which are rotting in train wagons. Trees are withering because of lack of water.

The citrus floors this week were deserted. There was not a soul at the factory — the stench of rotting oranges was overwhelming.

Workers went on strike at the beginning of the month and returned to work on Thursday morning after



**EXPORT QUALITY:** Carpets of oranges covering hundreds of hectares of the Zebediela Citrus Estate may be wasted if the strike continues.

PHOTOGRAPH: MYKEL NICOLAOU

## R4 m crop hangs unharvested in trees

agreeing with the ANC, SACP and COSATU to set up a committee which would continue with their negotiations. But they went back on strike only

two hours later. Workers said the decision to go back on strike was prompted by the arrest of six workers, including the chairman of the shopstewards, Ro-

bert Makhubela. The six were arrested for allegedly assaulting members of the estate's management team. "We were prepared to go back to

work in spite of the fact that our demands hadn't been met. They are just provoking us with these arrests," said Food and Allied Workers Union (FAWU) spokesman Potlake George Machacha.

Minnaar said the arrests had nothing to do with the Zebediela management.

"Those who laid charges of assault did it in their private capacity and we have no control over these arrests. But I complained to the police on their timing. What I predicted to them is what has happened. The arrests have disrupted the progress we have made."

## Salaries

The workers had demanded a minimum wage of R600 a month for unskilled labourers, R800 for semi-skilled workers and R1 000 for skilled labour. Management agreed to raise the minimum wage to R600. Some of the workers, who had received R270 a month, received a 122 percent increase.

"We have no money to raise the other salaries. We have shown the workers all our books but they are not convinced that we have no money. They have appealed to the provincial government and they have been told the same story," said Minnaar.

Zebediela is owned by the Northern Transvaal Government through the Lebowa Agricultural Corporation.

"The government will be unable to justify a grant to the workers of Zebediela who are already earning a minimum wage of R600 per month while there are so many unemployed people in the province," said the MEC for Agriculture, Tienie Burger.

Star 17/9/94

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Farmers  
warn unions  
on recruiting

ARG 22/9/94  
PIETERSBURG. — Uncontrolled recruiting of farm workers by labour unions could lead to serious conflict between organised agriculture and the unions, and was jeopardising the good relationship between worker and employer, Transvaal Agricultural Union president Dries Bruwer said.

He warned canvassing trade unionists to make appointments with farmers before setting foot on private land.

He was reacting to reports that a union had gained thousands of rands illegally from farmers fearing outrageous demands from unions.

"Farm workers are better off when compared to labourers in any other sector when it comes to housing, medical services, financing and the provision of food. But the unions are trying to disrupt this harmonious co-existence. This could lead to serious conflict," he said. — Sapa.



# Strikers warn of possible violence

By Khathu Mamaila

TENSION between dismissed employees and newly recruited temporary workers at the Lebowa Agricultural Corporation could lead to a bloody conflict, a trade union official warned yesterday.

National Council of Trade Union regional co-ordinator Mr Moss Mphahlele said the 600 workers — all

members of the National Union of Farmworkers dismissed on September 5 after going on a strike for higher pay — had warned that they would act against the temporary workers who were “undermining their strike”.

Mphahlele said there was a possibility of a bloody conflict between the two factions if the matter was not urgently attended to.

Approached for comment, LAC hu-

man resources manager Mr Percy Mongalo said the workers at the three projects — Mashashane Hatchery, Broiler Farms and Quality Chick — were dismissed because they were on an illegal strike. 22/9/94

“We had to close all the three projects because we were incurring a loss of more than R1 million a week. We have so far lost more than R4 million,” said Mongalo.



**AT HOME:** These children would rather live hungry in the bush than be forced to work for their parents' employers

**BY SABATA NGCAI**

3019-4110194

**AFTER escaping three years ago from alleged forced labour on Philippi farms, a group of children still have nowhere to go, and are sleeping under bushes in Mitchells Plain.**

The 10 children, aged between eight and 15 years, were born on the Philippi farms where their parents work.

They claim the farmers forced them to work — and beat them when they refused to do so.

They ran away and became street children, saying life is better in the bush near Woodlands than on the farms.

Some of them stayed briefly in street children's shelters run by the Child Welfare Society, but decided to return to the bush.

Sean Adams (not his real name),

12, left school while he was in standard 2 because of ill-treatment at the farm.

"The life at the farm was hell — it's better to stay in the bush," he said.

"The farmer used to beat me and my mother couldn't complain because she is employed there.

"The only option was to leave the place and settle somewhere else.

"I started by playing games in the shops and ended up staying in the bush. (H) (S)

"I hope we can find a better place where we can stay in peace and go to school."

Sean said he has been to three street children's shelters, but did not enjoy living there.

He feeds himself by begging in the streets of Mitchells Plain and from nearby shops.

When it rains the children make

**continued on page 2**

**continued from page 1**

plastic shelters to protect themselves. When it is cold they make long-lasting fires by burning tyres.

Margaret's House Mobile Outreach Programme, run by the Child Welfare Society, gives them soup and bread once a week and attends to their medical needs.

The manager of Child Welfare's street children department, Mrs Lindi Molefe, said their shelters

provided rehabilitation programmes for the children.

She said she knew the children came from the farms, but could not confirm whether they had been ill-treated there. 3019-4110194

Children who have never been to school are introduced to informal learning programmes. After a while the children are assessed, and if counsellors think they will cope they are sent to mainstream schools. (H) (S)

*Southwester (Soup) to South*  
Mrs Molefe said some of the children were a problem, but the Child Welfare Society was doing all it could to help them.

"Sometimes a child who has been on the street for three to four years can be difficult," she said.

"In the street there are no norms and values.

"When the child gets into a situation where he has to behave according to certain standards, he usually finds it difficult to cope."

# Farms 'like small businesses'

A MINISTERIAL task team charged with redrafting labour legislation should take into account the "small business" character of 98% of SA farmers who employ fewer than 50 workers on each farm, according to Centre for Rural Legal Studies researcher Dawie Bosch. *B. J. van*

In a recent briefing, Bosch said half of all commercial farmers employed a permanent workforce of five or fewer workers. He predicted that industry or sector-wide industrial councils would be favoured in the new legislation and membership of these councils may be made automatic.

Works councils would in all likelihood be introduced at plant or farm level to set conditions of employment. "The councils will have elected representatives of workers and management representatives."

Bosch warned that traditional collective bargaining mechanisms were inappropriate to agriculture. In a memorandum to the task team he suggested that works councils should be able to address terms and conditions of employment where no industrial council with jurisdiction existed.

He called for government-funded training and resources to help establish works councils and effective means of ensuring members were not victimised "or put under undue pressure by employers".

ERICA JANKOWITZ

Bosch proposed that the Labour Department convene regional or district agricultural training and productivity forums which should be voluntary, but with strong incentives for participation.

"The forums should promote co-operation between farmers and farm workers and their organisations, which are beyond the cost-effective scope of works councils."

He called for worker rights and duties to be enshrined in law to facilitate worker organisation. These included: a duty to bargain; reasonable right of access; paid time off for elected representatives; and stop-order facilities. *12/10/94*

Bosch said there were fewer than 50 000 organised farm workers. *(LP)*

"While most farmers resist the right to strike, the national constitution may compel extension of this right to agriculture."

Although striking or locking out workers would be largely ineffectual, Bosch suggested the party which declared the dispute should be given the right to elect to refer the matter to arbitration.

"The law should protect employees against withdrawal of housing and associated rights while they engage in a legal strike."

# 'Unfair evictions off farms must stop'

□ Farmers 'part of solution to land issues'

JENNY VIALL  
Staff Reporter

UNFAIR evictions from farms must stop and farmers must be seen to be part of the solution to land issues in South Africa, says Land Affairs Minister Derek Hanekom.

Speaking at the 90th annual congress of the South African Agricultural Union (SAAU), held in Cape Town, Mr Hanekom appealed to farmers not

to evict people who had nowhere to go as this aggravated problems of homelessness.

Land was a particularly sensitive issue, he said, and land redistribution and reform were necessary.

"Our challenge is to do it properly. We know it's not going to be easy."

Reform would not be based on dispossession.

"If people remain landless, they will demand drastic action. The best way to prevent

that is to have a land reform programme."

There was no blueprint for land reform and different solutions were needed in different areas of South Africa, Mr Hanekom said.

If land reform had a negative impact on agriculture, it would be not only the 60 000 white farmers in South Africa that would be affected.

"We would then also have to deal with all the people in South Africa who have no food," he said.

SAAU delegates discussed recognition and protection of their private property rights at length and expressed concern that laws against trespassing no longer seemed to apply on farms.

Police were reluctant to remove people and farmers were faced with an influx of illegal immigrants.

Some farmers had left their farms and in some areas prime land had not been farmed because of squatters.

Some farmers no longer felt safe on their farms.

Mr Hanekom said private property rights would not be tampered with.

"In the past property rights were not respected, and people were removed from land they owned. Now is our chance to respect it. Redistribution must be done by working with farmers through negotiation."

Mr Hanekom said the government had to address the pressure for land as soon as possible, in the interests of farmers as well as landless people.

# Boy's death tears quiet town apart

By JACOB DLAMINI

**KAKAMAS is a tired old dorp caught between the desolate Kalahari and the great sweep of arid country called the Karoo.**

There is no sense of urgency in this Northern Cape outpost. People amble across Voortrekker Street, the only road with a set of traffic lights. They shuffle in and out of the little shops that dot the windswept landscape. Bar the occasional drunken squabble, this is a peaceful town.

But a tragic incident has thrown it into turmoil and threatened to rupture the close but tenuous relationship between the white masters and their coloured servants. It all began with the discovery of 11-year-old Hennie Julie on October 3, dead in a vineyard with a bullet wound in his head. The grisly discovery was the culmination of a 12-hour search for the dead boy by his father, Mr Okkert van der Byl.

Hennie, a Sub-B pupil at the Assumpta Primary School, in the coloured Augrabies area, was last seen alive on Sunday, when he told his mother, Miss Griet Julie, he was going fishing with four friends on a nearby irrigation farm where his parents are labourers.

A distraught Miss Julie said: "That was the first time Hennie had ever gone fishing. He was a well-mannered young boy and I can't believe this happened to him." The four boys are said to have

trespassed through a Mr Nicholas Visser's farm on their way to the river.

The details of what transpired in the vineyard are the subject of a police investigation and the truth will only come out when 24-year-old Mr Visser appears in the Kakamas magistrate's court on October 26 to answer a charge of murder.

Kakamas is a harsh settlement with a population of 6 400. Coloureds constitute the majority, followed closely by whites. There are few Africans and, according to the 1992 census, only one Indian family.

Kakamas boasts two of everything: for every white institution, there is its unequal coloured counterpart: schools, cemeteries, etc. Augrabies are overcrowded and understaffed. The white schools are equipped with adequate facilities. The white cemetery is well kept, while the coloured one sits on rocky and humpy ground.

When making being the community's main source of income, it's upon an uneasy master-servant bond that the future of Kakamas hinges.

Such is the awkwardness of this relationship that Hennie's older brother, Jamie, still works on Mr Visser's farm, where he earns no more than R10 a day.

Burnt-out car tyres and rocks lead into Augrabies, remnants

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**DESPAIR AND POVERTY ... labourer Okkert van der Byl and Griet Julie in the tiny straw hut they share with their three remaining children. Picture: HERBERT MABUZA**

of a massive demonstration that followed the discovery of Hennie's corpse.

For the first time in the history of Augrabies, irate farmworkers boycotted work for the day and marched to the magistrate's court, where they demanded the arrest of Mr Visser. They accused the police and local magistrate Andre Gelden-



hays of treating the farmer leniently — a charge denied by Mr Geldenhuis and investigating officer Sergeant William Fredericks.

The protesters demanded to know why Mr Visser was not arrested and why he was allowed to drive himself to the police station. Mr Visser appeared in court on October 4 but was not asked to plead. He was released on warn-

ing, Assumpta's acting head Anne-line Basson says the community was angry with the police's handling of the matter.

"The police are quick to come out when a farmer's livestock is stolen, but they took hours before arriving to fetch Hennie's body," Mrs Basson said.

Livestock theft is a serious

problem in Kakamas. There have been 86 reported cases from January to September, compared with about 14 murder cases in the same period.

Mr Visser's court appearance did not last more than two minutes.

Mr Geldenhuis said there was little integration in Kakamas, but

feared the case would damage race relations. "This is a peaceful town with nice people," he said.

Kakamas is slowly catching up with the new South Africa, and the winds of change have swept into Mr Geldenhuis's office, where the new flag stands, flanked by portraits of B J Vorster and C R Swart.

The small ANC branch of about

60 members in Augrabies is led by youthful university graduate Benedict Brand. He sees the workers' protest as a sign that farmworkers are slowly realising their collective strength.

"This is just the beginning. Our people will continue to fight until they are satisfied their grievances are addressed."

Two weeks after it happened, the death of little Hennie still remains the talk of Augrabies. But if the residents are jittery, they are hiding it well. The only palpable thing in Augrabies is poverty, not anger.

The history of Kakamas is rooted in tragedy. The town grew from an irrigation settlement established in 1898 for farmers left destitute by the severe drought and rinderpest epidemic of 1897. Floods hit the town in 1988.

Hennie is reportedly not the first shooting by a farmer in the area. Residents recall that two years ago two men were shot dead and one sentenced to 18 months' imprisonment for allegedly trespassing and stealing livestock. The only reaction then was a wave of angry murmurs.

Now things are different. The fact that there is a new government in power is not lost on the people of Augrabies and they have vowed that Hennie's death will be the last.

Shebeen owner George van Rooi says: "That little boy didn't get a chance to enjoy life. Who knows what he might have become. He died in a brutal manner, and no 11-year-old deserves to die that way."

# Plan for agricultural villages to be probed

VUYO BAVUMA  
Political Staff

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AUG 21/10/94  
THE government is investigating the establishment of agricultural villages to improve farm labourers' living conditions, says Housing Minister Joe Slovo.

Replying in the debate on his budget in the senate yesterday, Mr Slovo said the housing problem needed a multi-dimensional approach.

The reality of the South African situation was that 15 percent of the population did not have to worry because they had "bottoms in the butter" and could easily afford houses.

A further 20 percent of the people, most of whom were black middle-class, earned between R1 500 and R3 500 and could afford a four-bedroomed house. But 65 percent did not earn enough or nothing at all to qualify for a bank loan.

Mr Slovo said it would be "counter-revolutionary" to cater for the black middle-class and ignore the poorest of the poor.

The government was committed to help the poor, not with a "wicked abomination" of sites and service schemes but with starter houses.

Referring to an agreement between housing authorities and merchant banks on the financing of low-cost housing, Mr Slovo said the banks were investigating a fixed-installment mechanism.

Responding to Tembeka Gamndwana (ANC), of Tokoza, who said hostels should not be upgraded because they were a source of violence, Mr Slovo indicated that hostels were an issue that could trigger conflict and lead to further bloodshed.

The government had undertaken to spend R400 million to upgrade the hostels.

# 7 000 farm schools face the chop

S Times 23/10/47

By DIRK VAN EEDEN

UP TO four million rural children could be left without schooling if the Transvaal Agricultural Union carries out its threat to close farm schools.

The education and culture committee of the TAU this week sent an ultimatum to the Ministry of Education: "If you change the Model C school system, we will close 7 000 farm schools," its chairman Nico Killian said.

The closure of the schools would drastically increase the already heavy burden

on the Department of Education to provide enough schools.

The threat is in the committee's comment on the White Paper on education.

Said Mr Killian: "It's not a vain threat. Afrikaans farmers will go that far if the ethos of their schools deteriorates."

He said it was of particular importance to farmers that their children should continue to attend schools where they could receive instruction in their mother tongue and where their cultural and religious values were instilled.

(A)

**The MINISTER FOR SAFETY AND SECURITY:**

**SPECIFIED DATE: 19 OCTOBER 1994**

- (a) In court *a quo*  
 Attorney A Kamnicowsky — R 79 735,00  
 Application for leave to appeal  
 Attorney Dyason — R 2 088,48
- (b) In court *a quo*  
 Advocate W Oshry QC — R176 130,00  
 Advocate M Witz — R 15 590,00  
 Application for leave to appeal and appeal  
 Advocate S A Cilliers SC — R211 086,00  
 Advocate M Witz — R109 990,00
- The majority of this amount is recoverable against the defendants/respondents in terms of orders of cost.

**Wages of farm workers in Northern Transvaal**  
 \*2. Kgosi M L MOKOENA asked the Minister of Labour:

- (1) Whether he has been informed of allegations that certain White farmers in the Province of Northern Transvaal are paying Black farm workers approximately R120 per month; if so, what are the relevant details;

- (2) whether he or his Department intends taking any action in this regard; if not, why not; if so, (a) what action and (b) when?  
 N513E

**The MINISTER OF LABOUR:**

- (1) I have not been informed of these allegations. Knowing the Northern Transvaal, however, one would not be surprised if they were true. If anything, they demonstrate the need for a new dispensation for all workers in this society.

- (2) Present position re applicable legislation:  
 At present:

(i) the Basic Conditions of Employment Act, 1983 (as amended by the Agricultural Labour Act, 1993), regulates the terms and conditions of employment of farm workers. This Act does not, however, prescribe minimum wages;

(ii) the Agricultural Labour Act 1993, extends most of the provisions of the Labour Relations Act, 1956, to the agricultural sector. In terms of the Act, farm workers or their trade unions can declare a dispute concerning wages and, in the event that conciliation fails, have the dispute referred to compulsory arbitration.

Department's intention:

We are in the process of extending all labour legislation to all sectors of the economy. The extension of the Wage Act, 1957, to the agricultural sector, is at present on the NMC's agenda. The NMC is at present co-sponsoring mediation between the South African Agriculture Union and COSATU in this regard.

We hope that the mediation will be successful and that the NMC or its successor NEDLAC will in due course make recommendations to Cabinet on the question on minimum wage legislation for, inter alia, the agricultural sector early next year (1995). But one must not lose sight of the fact that if the Wage Act, 1957, is extended to this sector, an investigation by the Wage Board will first have to be undertaken before any wage determination is promulgated.

**Mapulaneng hiking trail: Improvements/top management/workers**

\*3. Kgosi M L MOKOENA asked the Minister of Water Affairs and Forestry:

- (1) Whether it is the intention to make any improvements to any hiking trails in the Province of Northern Transvaal, with specific reference to the Mapulaneng hiking trail in Bushbuckridge; if not, why not; if so, what are the relevant details;

- (2) whether the top management of the camp at Mapulaneng in Bushbuckridge consists only of Whites; if not, what is the position in this regard; if so,  
 (3) whether any steps have been or are to be taken to redress this situation; if not, why not; if so, (a) what steps and (b) when;

- (4) whether he has been informed that workers in this camp are forced to look after and feed pigs belonging to the management; if so,

- (5) whether any steps have been or are to be taken in this regard; if not, why not; if so, what steps?  
 N492E

**The MINISTER OF WATER AFFAIRS AND FORESTRY:**

- (1) to (5) The Department of Water Affairs and Forestry has no hiking trails under its control in the Province of Northern Transvaal at the moment. Some of the hiking trails in the Province are at present under the control of the South African Forestry Company Limited (SAFCOL) whilst others are in private ownership, or under the control of the Government Services of the former homelands. The Mapulaneng Hiking Trail is at present still the responsibility of the co-called Lebowa Government Service.

In terms of section 236 of the Constitution of the Republic of South Africa, 1994 (Act 208 of 1993) the administrations of the TBVC states and self-governing territories remain in place until such time as they are fully incorporated into the newly established relevant central Government departments or departments of the respective provincial governments. To date, regrettably, and lamentably, the functions and resources of the former homelands in respect of water and forestry matters, which are matters of national competence, have not yet been transferred to the newly established Department of Water Affairs and Forestry at central Government level. This delay in the transfer of functions and resources therefore prevents the Department of Water Affairs and Forestry from becoming involved in the administration of hiking trails in the Province of Northern Transvaal.

In the light of these facts, I am therefore not in a position to reply to the questions raised by Mr Mokoena.

Water Affairs and Forestry, in terms of section 237 of the Constitution, all hiking trails under the control of the former homelands will become the responsibility of the Department, and careful consideration will then be given to the control and administration of such hiking trails, together with the State forestry land on which they are situated. No decision has yet been taken over the future administration of State-owned forest land at present still under the control of the homelands governments.

When I have responsibility in these matters, and am therefore accountable to this House, I will ensure that no discrimination of any land—racial, class or gender—takes place.

**IDT: establishment of trusts/school building funds**

\*4. Mr M J ELLIS asked the Minister of Finance:

Whether the Independent Development Trust has established any trusts or school building funds which receive funding therefrom; if not, what is the position in this regard; if so, (a) why, (b) what trusts or funds and (c) what is the purpose of each such trust or fund?  
 N497E

**The MINISTER OF FINANCE:**

Yes;

- (a) to involve community-based organisation and other stakeholders in education.

- (b) Western Cape, with offices in Athlone Northern Cape, with offices in Kimberley Eastern Cape, with offices in King William's Town, Umtata and Port Elizabeth Orange Free State, with offices in Bloemfontein North-West, with offices in Klerksdorp Eastern Transvaal, with offices in Nelspruit Northern Transvaal, with offices in Pietersburg Kwazulu/Natal, with offices in Durban.

*Note:* A School Building Trust was not established in the PWV due to the fact that by the time it was decid-



# Workers become part owners of farm

CAPE TOWN — A milestone in SA agriculture will be reached this week when farmworkers on a Grabouw farm become one-third part owners of Whitehall Farm.

The consensus between farm owner Henry Hall and the Whitehall Workers' Committee will enable farm workers to obtain part-ownership of profitable agricultural venues and is one of the proposed models for land reform.

The Development Bank of Southern Africa and the committee will later sign a Whitehall equity participation loan of R3,6m and a further concessionary loan of R2,3m will be signed with the Independent Development Trust (IDT). The Standard Bank

has extended, on commercial terms, a loan of R4,8m, to be signed later.

The development bank said on Friday participating permanent workers would, with its share of R10,7m, acquire part-ownership of the R30m farm enterprise through a workers' trust. Workers would elect trustees annually to represent their interests.

Bank southern region general manager Johan Kruger said the project was an example of how the private sector, the community and development agencies could work together to make the reconstruction and development programme work without straining government's fiscal resources.

The IDT had provided financial

support to the workers' trust for the appointment of an external chartered accountant who would ensure a transfer of skills to the trustees so they could manage the trust.

Workers' committee chairman Johannes Muller said on Friday the fact that a third of the shares of the enterprise — not merely a section of the farm — had been sold to them made the project interesting.

Muller said as many as 300 workers were employed on the farm during harvesting and 165 would have a one-third controlling interest.

The Whitehall farm has for the second year in succession won a National Productivity Institute award for being the most productive farm in Western Cape. — Sapa.

FAMILY

# Land Rights Bill gets divided vote

Political Staff

A BILL to restore land to those dispossessed by racial laws in the past was passed without consensus in the government yesterday.

The Inkatha Freedom Party and the Freedom Front voted against the legislation.

It marked the first occasion that the national assembly has divided for a vote — with 212 in favour and 26 votes against — since the April election.

The Restitution of Land Rights Bill will set up a commission, with regional offices, to consider claims as well as a land claims court to grant compensation where the land can't be returned.

Land Affairs Minister Mr Derek Hanekom said it provided "a fair and effective" redress for those dispossessed by apartheid.

9/11/94 (4)

While the National Party expressed concern at the haste in which the ANC had "pushed through" the legislation, former Land Affairs Minister Mr Andre Fourie said it protected the vested rights of existing land owners. It also catered for the rights of those deprived, he said.

Inkatha spokeswoman Prof Harriet Ngubane emphasised that her party did not oppose the principle of land restitution, but said the bill did not make provision for those dispossessed before 1913 and those who had lost land through expropriation.

She objected to the fact that the bill arose out of deliberations at Kempton Park when Inkatha had been absent.

A Freedom Front spokesman said there had not been sufficient consultation with organised agriculture concerning the implications of the bill.

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Cape Times

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# Joy as workers are made part owners of Grabouw farm

NORMAN JOSEPH  
Staff Reporter

12/9/94

THERE was jubilation at Whitehall farm near Grabouw when workers and farmer Henry Hall signed an historic agreement giving workers part-ownership of the 270 hectare farm.

The deal also involved a finance package of R10,7 million, backed by the Development Bank of Southern Africa (DBSA), the Independent Development Trust (IDT) and Standard Bank.

The Whitehall Workers' Committee and Mr Hall signed the agreement at a ceremony last night which allowed the workers to buy a third of the shares in the R30 million farm.

The DBSA and the workers' committee will later sign the Whitehall Equity Participation loan of R3,6 million.

A further loan of R2,3 million will be granted by the IDT and Standard Bank will lend the workers R4,8 million.

DBSA general manager Jo-

han Kruger said the agreement could lay the foundation for future reconstruction and development programmes in the farming industry without straining government resources.

"The agreement is a milestone in South African agriculture as it serves to empower farmworkers to obtain part ownership of profitable agricultural ventures," he said.

For the past two years the farm had won the productivity award presented by the National Productivity Institute.

"Key factors which led to the signing were that workers had access to information, financial resources and capacity building support.

"It is a clear example of how South Africa's human resources can be developed.

"There are already signs on the farm of improved productivity and quality of life," Mr Kruger said.

4

## Strikers block national roads

21.10.11.24  
EAST LONDON. Tension ran high yesterday as thousands of agricultural workers blocked national roads here with farming machinery and equipment, forcing factories and businesses to close for the day.

The blockade formed part of the strike action launched by members of the Food and Allied Workers Union at Magwa Tea and the Transkei Agricultural Corporation.

They went on strike saying salary increases promised to them by the Department of Agriculture had not been paid.

## Police, striking workers clash

UMTATA. — Fifty-five people were arrested and several others injured when police clashed with protesting agricultural workers who blocked the N2 to Durban here yesterday morning. (2/11/94)

The blockade, part of a strike at the former Transkei homeland's biggest agricultural corporation, Tracor, and Magwa Tea, was the second in two days.

Police said officials from the Food and Allied Workers' Union later negotiated the release of those arrested.

— Sapa

# New deal for black farmers

**MICHAEL MORRIS**  
Political Correspondent

THE first 26-plot scheme in the Western Cape's far-reaching initiative to get black farmers on to the land has been approved by the provincial cabinet.

The R4.3 million small farms project on Sandkraal farm near Tembaletu township at George, approval of which follows extensive negotiations with the community, was announced yesterday by provincial Agriculture Minister Lampie Fick.

Sandkraal was originally expropriated by the provincial housing authorities for residential development.

However, prompted by the keenness of aspirant farmers in Tembaletu who had begun agricultural training under the parastatal Boskop training centre, Mr Fick's department saw Sandkraal as an ideal site for a small farmer settlement.

The 355 hectare farm will be subdivided into plots ranging in size from three to nine hectares, some suitable for grazing and others for vegetable farming.

A proper survey and the installation of irrigation, fencing, farm roads, electricity and a domestic water supply will probably begin in the new year.

Negotiations are still expected between the agriculture and housing departments on the purchase price of the land, which is estimated to be about R2-million.

Farmer training will begin in February.

Applicants for the 26 plots will be judged according to their aptitude and level of training. The successful applicants may buy (or lease, with the option to buy) their farms with loans from an agricultural credit board to be set up in terms of legislation due before the provincial parliament soon.

Finance would be made available on the basis of the productive value of the land.

"There are no handouts involved here. These farms will run as economically viable units," Mr Fick said.

Farming of the plots is expected to begin within about 18 months.

Mr Fick said he envisaged a "contractor culture" developing in the community, "so that you will have a man with a tractor setting up a business to do the ploughing and someone else setting up a transport company to take the vegetables to the market".

Ultimately the community would be in a position to set up its own dairy.

## R115m for SA farm housing

A HOUSING grant of R115 million for South African farm labourers has been agreed to by the German government, it was announced yesterday. (S) (L)

ST 17/11/94  
The SA Ministries of Housing and Land Affairs and the Minister in the Office of the President have agreed to formulate a detailed application for the aid to the German government.

A Finance Department committee will oversee the application of the grant, which will include several pilot projects to house farm labourers. — Sapa

## Extend permits for Zim labourers, say farmers

CT 21/11/94 (4)  
PIETERSBURG. — The Transvaal Agricultural Union (TAU) wants Home Affairs Minister Chief Mangosuthu Buthelezi to extend permits for farmers employing Zimbabwean migrant workers. (200)

TAU president Mr Dries Bruwer said yesterday an urgent meeting had been requested with Chief Buthelezi after an appeal last month to extend the concession beyond December 31 received no response.

About 200 farmers in the Limpopo valley and former Venda homeland employ 8 000 Zimbabweans. Farmers needed labour in peak season. Efforts to recruit locally did not succeed. — Sapa



# Rainbow Chicken to reinstate workers after talks with union

**RAINBOW** Chicken employees fired from the group's Hammarsdale plant in Natal would be reinstated today after an agreement was reached with the Food and Allied Workers' Union (Fawu), the company said yesterday.

Workers were fired on Monday after ignoring a weekend ultimatum to return to work following a week of sporadic illegal strikes in protest against a 10% pay rise.

In terms of yesterday's agreement, the 10% across-the-board wage increase and minimum wage levels agreed to by management and the union last week would be implemented.

However, if employees failed to return to work today the group would implement a Supreme Court order obtained yesterday, group spokesman Steve Pattinson said.

**BEATRIX PAYNE**

He said the group held a day-long meeting with Fawu yesterday after the union had requested an urgent meeting to resolve the conflict.

Fawu had on Monday distanced itself from "unlawful acts" ~~which~~ <sup>it</sup>

Rainbow Chicken farms in the Hammarsdale area — where most of the dismissed workers had been

employed — had been affected by violence and damage to property after Monday's dismissals.

Pattinson said the situation at the Hammarsdale processing plant was calm

Dismissed workers had camped outside the plant but were allowing deliveries to and from the plant, he said, while production at the group's operations around the country had returned to normal.

# Eviction of farm

## tenants increases

BY BONGIWE MLANGENI  
CITY REPORTER

There has been a marked increase in the number of tenants evicted from farmland since the Land Restitution Bill was enacted earlier this month, according to PWV monitoring groups.

This trend — apparently the result of fears about tenants claiming land as their own — is occurring despite an appeal from Land Affairs Minister Derek Hanekom to farmers not to evict tenants.

"When the Bill was passed, farmers feared the tenants would claim their land and there was an increase of evictions on farms," Farmers' Research and Resource Project media officer Mark Mioner told The Star.

The National Land Commission (NLC) said yesterday it was still pushing for a moratorium on labour-tenant evictions.

Last month Sabiel Mahlangu and his family were told to leave the piece of land on a white-owned farm in Bapsfontein they have rented since 1987.

Tomorrow, a month since receiving the notice, they will be evicted. There is no law that pro-

pects the Mahlangu family, said the NLC.

And, according to the Farmers' Research and Resource Project, tenants should be given three months' notice before they are evicted.

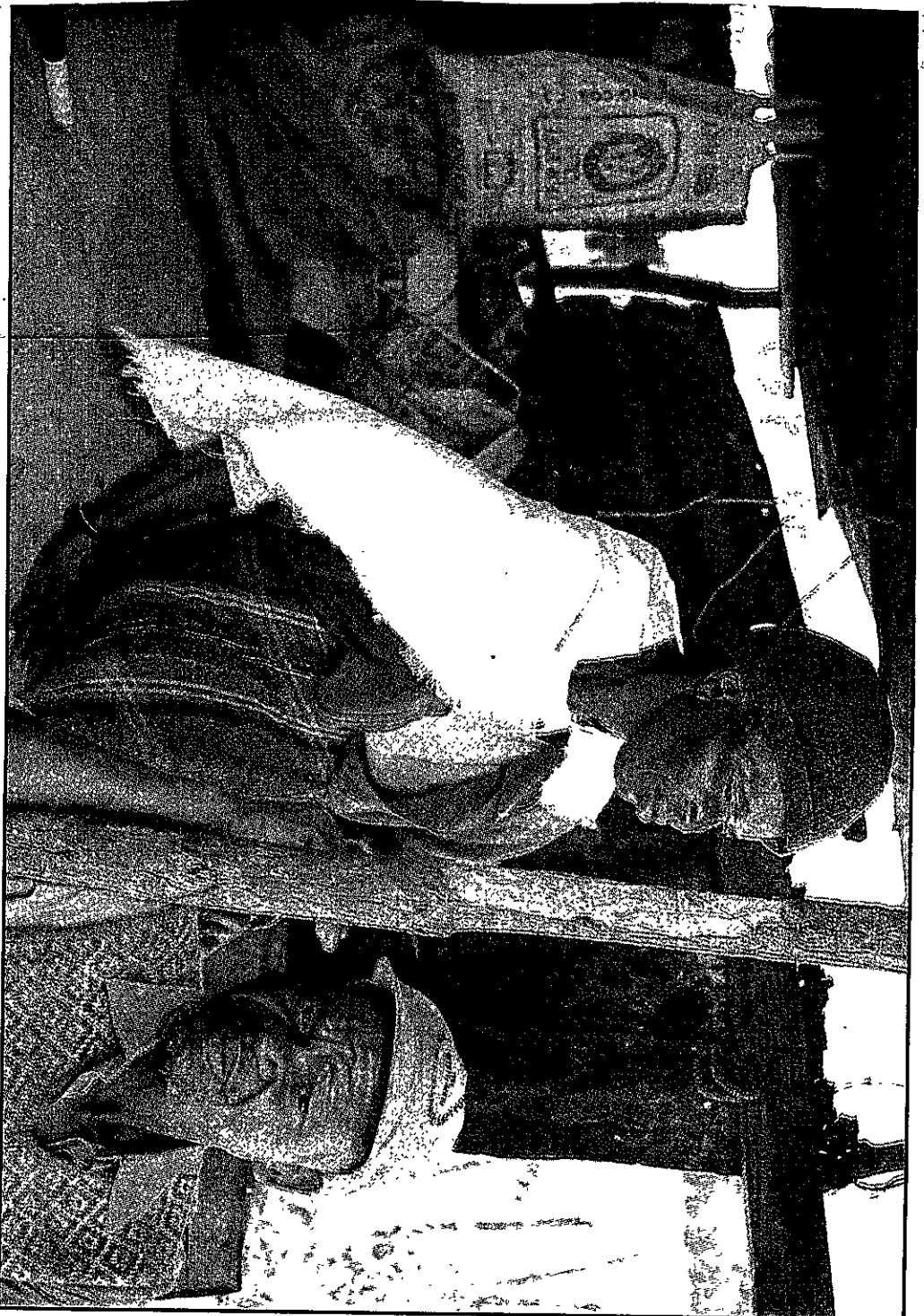
Mahlangu feels he has been denied time to search for an alternative place.

"The owner is just throwing us in the streets. He sent us letters some time last month and one of his people told us the Government wanted us to move. I'll not move from this land so fast. Where am I supposed to go?"

### Devastated

Ka-Greg, meaning Greg's place, has been a home to his extended family despite the lack of proper sanitary facilities and the 600 m stretch his children have to walk to fetch bathing and cooking water.

Mahlangu said the eviction order came as a shock to him but his wife Elizabeth was more devastated. "It means I have to give up my beautiful garden and chickens. People used to buy maize from me because I have the best. But now I will not have such a place."



Eviction nightmare . . . Sabiel and Elizabeth Mahlangu were shocked to receive an eviction order to leave a piece of land on a farm they had been renting since 1987.

PICTURE: DEBBIE YAZBEK

# Wine estate workers complain about water

Management dismisses 'contaminated' claim

**HENRIËTTE GELDENHUIS**

**Staff Reporter**

**WORKERS** at the Groot Constantia wine estate are up in arms after management supplied them with contaminated dam water.

But management has dismissed the labourers' claims, saying they provided workers with pure dam water they were "craving" to have themselves.

The problem started a week ago when management switched from the municipal supply to borehole water.

Upset workers — management says they are a minority — met ANC MP Jan van Eck and Wynberg ANC leader Neville Hendricks this week and told them they refused to drink the "filthy" dam water.

Farm creche manager Christine Louw, who has been working at the estate for 16 years, said: "I had a runny stomach from that

bad-smelling and slimy water.

"We wouldn't have minded if it had been clean water, but they (management) won't even give this water to their dogs. They don't care about us."

Johannes Warrles claimed his 18-month-old daughter Michelle has had diarrhoea "the whole week" as a result of the dam water.

Another worker, who refused to give his name for fear of losing his job, said: "I have been working here for 13 years. They (management) won't even drink this water, but they're giving it to us. Is this what we are worth? What are we doing here then?"

Deputy chief manager and winemaker Martin Moore said management would take "appropriate action" against the workers for "violating farm rules agreed to by all personnel".

"They're closer to the dam, that's why they got it first. We

thought we were doing them a favour. They're getting better water than what we're getting. We plan to supply all houses on the farm with the dam water.

"I'm craving to get that water in my own home. The CSIR took samples and they say it's better than municipal water.

"The municipal water is not fit for human use. I find it awful. It smells and tastes like swimming pool water — there's too much chlorine in it.

"Klein Constantia has been using the borehole water for years," he added.

He said workers who had complained constituted "a small percentage of stirrers who query everything" and said more than 95 percent of the labourers were "loyal".

Mr Van Eck said the supply of dam water to workers should be suspended pending negotiations.



Picture: ANDREW INGRAM, The Argus. **SICK CHILD:** Johannes Warrles' daughter, Michelle, was ill for a week from contaminated dam water.

# Farm equity project takes root

A QUIET revolution launched on a Grabouw apple farm stands to transform farming in South Africa.

Observers believe the pilot scheme has the potential to give workers more access to productive land than all other land reform programmes.

The case of apple farmer Henry Hall and the Whitehall Workers' Committee, who set up a trust to secure farmworkers a 30% stake in the R30-million farm (reported in Business Times earlier this year), led to several hundred telephone calls to the Development Bank of SA, part financiers of the scheme.

These inquiries have resulted in 80 written applications from farmers keen to start their own equity schemes.

The Grabouw pilot is simple in concept although a complex agreement has been struck between Mr Hall and his farmworkers. The agreement seeks to anticipate all potential prob-

A scheme which turns farmworkers into shareholders has led to a flood of inquiries from farmers wanting to give equity stakes to their workers, writes KEVIN DAVIE.

lems.

Mr Hall bought out his farmhouse, leaving a R30-million, 368ha farm. The Whitehall Workers' Committee set up a trust which secured 30% of the farm for R10-million.

Ownership of the trust will be transferred to the 165 farmworkers over a 12 years, but the new co-owners are keen to shorten this period.

"We expect to own the trust in eight to 10 years," says Johannes Muller, chairman of the trust.

The farmworkers used their Christmas bonuses for a deposit to secure the trust, and will now use their share of farming profits to pay off remaining loans.

The R10-million loan finance for the trust was raised from the Independent Development Trust

(R2.3-million), DBSA (R3.6-million) and Standard Bank (R4.8-million).

The capital portion of the IDT loan will be repaid interest-free, the DBSA loan is at a concessionary 10% and the Standard Bank loan at the prime rate. This gives an effective interest rate of 11.2%, helping to make the 30% stake affordable.

Phillip Nel of the DBSA says the farmworkers have now turned their attention to improving profitability so that they can own the trust as soon as possible.

One of every three bags of apples picked belongs to the workers.

"The attitudes of workers has changed," says Mr Muller. "They're working for themselves. You can already see an improvement in the quality of the product."

The workers also come



ALL ON BOARD... members of the Whitehall Workers' Committee tend to their investment

up with ideas to improve productivity and pressure the temporary workers to work harder."

Temporary workers are benefiting too — from higher wages and bonuses linked to improved productivity.

The farm is virtually fully developed. It is extensively planted with apples.

A consideration was to remove a "nice to have" vineyard which does not make a major contribution to profits.

But Mr Muller says this idea is no longer in favour

and the wine from the vineyard is likely to continue making its way to Woolworths shelves via wine-maker Neil Ellis.

The farmworkers can use the trust as security for other investments. Options include building retirement centres and/or buying another farm. First choice for Mr Muller, though, is to find ways to invest in the education of trust members' children.

DBSA's Craig McKenzie says the equity scheme has the potential to make more productive farming land available than all other land reform.

The strength of this model is that the beneficiaries get a stake in a productive unit, rather than undeveloped land which may be unsuitable for agricultural use.

Mr Nel says farm values are artificially high in relation to their productive value. This problem is less severe as reform in the agricultural sector has low-ered market values.

But Mr Nel says the gap

between market value and productivity must be bridged if farmworkers are to use farming profits in securing a stake in the farm over a reasonable period.

The government's R12 500 housing subsidy to urban dwellers is expected to be extended to rural dwellers who are also likely to receive R12 500. This money could be used to leverage equity schemes such as Grabouw's.

The DBSA has part-financed the Grabouw equity scheme as a pilot because agricultural financing is not a key part of its mandate.

The Land Bank says it is willing to finance such schemes at a 15% interest rate subject to the bank's normal criteria. It says the scheme should not just be a case of a farmer with excessive debt bailing himself out by disposing shares to the farm workers.

The Agricultural Credit Boards Kosié van Zyl says the board is prepared to make loans at 8% to feasible propositions. "We just need applications."

# Billions required to house all farm workers

4  
BD 23/12/94

NOMAVENDA MATHIANE

IT WILL cost R100m to provide houses for just 9 000 farm workers at R11 000 a house under government's proposed subsidy scheme, the SA Institute of Race Relations has estimated. Therefore, the cost of housing all of the approximately 1,5-million people employed on farms will run into billions of rands.

Farm-worker housing is being discussed by a joint technical committee of the National Housing Forum. The forum says there should be security of residential tenure for people working on farms.

The institute says the use of housing to tie farm workers to employment on a farm should be combated.

Housing is one of farm workers' most important demands. Since the mid-1960s, when labour tenancy was outlawed and gradually replaced by full-time paid labour, farmers had been responsible for providing housing for their workers.

Housing has, therefore, become an indirect part of farm workers' wage packets and is tied to their employment. Taking dependants into account, about 6-million people rely on farms for their survival.

Very little research has been carried out

on the size of the housing shortage for workers on farms.

Farm worker organisations are concerned that government's national housing programme will focus only on Gauteng and urban areas.

They have suggested that farmworkers and other rural dwellers should qualify for the same shelter/basic needs subsidy as urban dwellers; that farmworkers should have the choice of investing the subsidy on or off the farm where they work; that farmers should continue providing seasonal workers with accommodation on their farms; and that farmers should receive tax incentives to invest in social infrastructure on their farms.

On the other hand, the SA Agricultural Union believes that housing is the joint responsibility of farmers and government and that the current system of employment-linked housing for farm workers should continue.

The Agriculture Department has proposed that farmers should receive a subsidy of up to R9 500 a family.

# AGRICULTURE - LABOUR

1995

# 10 000 farm workers lose jobs due to drought

(4) Sowetan 5/1/95  
WORSENING drought in the Northern Transvaal threatens the jobs of about 30 000 farm workers, Letaba District Agricultural Union chairman Mr Edward Vorster said yesterday.

"In some instances, farm employees work for only two or three days a week and are being paid *pro rata*," he said.

Vorster said it was incomprehensible that millions of rands were being spent to create "a few hundred" jobs in terms of the government's Reconstruction and Development Programme while thousands of established farming jobs were

at risk. He said farmers had applied to the province for financial aid last year, but had eventually been compelled to dismiss about 10 000 workers.

Farming in Vorster's area has come to a standstill as the Letaba River has not flowed this season for the first time in recorded history.

"We need millions of rands to provide more than one-and-a-half-million people with household water," said Provincial water engineer, Louis Theron.

"The South African National Defence Force is still delivering water to

the worst-hit areas, but all funds granted for emergency water projects are depleted."

The situation in the former Venda homeland is particularly serious. The Vhondo Dam that provides two-thirds of the population with water is at five percent of capacity.

Theron said underground water levels are also falling at an alarming rate.

"We are not heading for a disaster, we are in the midst of it. The province is on the verge of becoming a desert." — Sapa.

# Drought threatens 30 000 jobs

PIETERSBURG. — Worsening drought in the Northern Transvaal threatens the jobs of about 30 000 farmworkers, Letaba District Agricultural Union chairman Mr Edward Vorster said yesterday.

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Mr Vorster said it was "incomprehensible" that millions of rand are being spent to create "a few hundred" jobs in the government's Reconstruction and Development Programme while thousands of established farming jobs were at risk.

He said farmers had applied to the province for financial

4 CTS/1/95  
aid last year, but eventually had to dismiss about 10 000 workers.

Farming in the area has come to a standstill as the Letaba River has not flowed this season, for the first time in recorded history.

Provincial water engineer Mr Louis Theron said established water sources were dry-

ing up and the desert was encroaching rapidly in the province.

"We need millions of rand to provide more than 1,5 million people with household water.

"We are not heading for a disaster, we are in the midst of it. The province is on the verge of becoming a desert," Mr Theron said. — Sapa



# Pay cuts: Workers to sue <sup>(4)</sup> farmer

AR 13/1/95

## Labour Reporter

A GROUP of Montagu farm workers are to take their employer to the Industrial Court for reducing their wages from R70 a week to R50 a week after the alleged theft of livestock.

The workers, some of whom have worked on Vrugtegeur farm for up to 20 years, had their wages docked in September after 15 sheep went missing, Montagu pastor Lesley Winegaard said.

After "fruitless" negotiations with their employer, J.S. Roussouw, the workers withheld their labour.

Mr Winegaard said after receiving just R50 a week for a couple of months the workers approached the Department of Manpower in Worcester but the farmer told the department the workers had agreed to reduced wages until he had been fully compensated for the sheep.

"The workers say they cannot negotiate with the farmer," Mr Winegaard said.

On Monday, after a paupers' festive season, the workers told Mr Roussouw they wanted to resume work.

"But he sent them home saying he had already arranged for 20 new labourers."

Mr Winegaard said if the farmer appointed new labourers, his present staff had nowhere to go. Some of them were born on the farm.

They tried approaching neighbouring farmers for work with no success.

"They did not know what to do. So they have decided to take the matter to the Industrial Court."

Mr Roussouw said he preferred not to comment.

# Hard labour bears fruit

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reports Gave Davis

A unique scheme allows workers to become co-owners of the farm they once only laboured on,

When he arrived at Whitehall Farm, near Grabouw, six years ago, he was glad of the chance to earn a better wage. It was why he'd made the journey from the Eastern Cape in the first place. If you'd told him then he'd one day be a co-owner of one of the Western Cape's most profitable fruit-growing and export enterprises, he'd have laughed at you.

"I have never in my life had this kind of chance," said Botha, taking time out from overseeing his 10-member team busy riding pear trees of flawed fruit. "And it's a chance not just for me but for the generations coming after me."

Botha is one of Whitehall Farm's permanent workers who this year — and in years to come — gave up his Christmas bonus. The equivalent of four weeks' salary, it will be no small sacrifice for workers who depend on it for a properly festive season and to provide for exigencies like school fees and uniforms early in the new year.

But Botha will be doing it willingly, for it will be buying him equity in a farming operation that guarantees him and his family rich returns: the chance of a good education for his daughter, nine-year-old Montique; a comfortable retirement for him and his wife, Debra; a home of their own.

In terms of a ground-breaking agreement signed last month, farm owner Henry Hall signed over one-third of the farm to the Whitehall Workers' Trust. The trust paid Hall R10.7-million for the stake, using money provided by the Development Bank of Southern Africa (R3.6-million), the Standard Bank (R4.8-million) and the Independent Development Trust (R2.3-million).

Hall, whose generosity is exceeded only by his impatience to get things done, knows what dispossession feels like: a farm he owned in the Eastern Cape was expropriated when the Ciskei homeland was created.

When he had a bad year and was wanting to enter semi-retirement, he was casting about for ways of reducing his debt burden. "We thought we'd have to sell off one of the farms," he recalled. Then he read a report in *Effective Farming* on a paper by Development Bank official Craig McKenzie, which described a unique land-reform model involving the redistribution not of land, but



of equity, in profitable farming operations.

"We lend to the trust and the trust buys shares from Hall," explained McKenzie — associate director of the DBSA's Centre for Policy Analysis. "The workers buy in with their bonuses, or by saving over the year."

This money goes into a metaphorical pot. Fattened by the trust's annual one-third share of the farm's profit, it's used to repay the loan. Any surplus can be used to pay workers an annual dividend — or to repay the loan faster. "It's up to the trust to decide," said McKenzie. "Once the loan has been repaid, workers will see significant gains."

For Hall, the scheme was just what he needed. He'd be liquid. His farm would

remain intact. He'd also be able to realise his dream of bringing his workers into the business. "And why not?" he said. "They helped build up the farm. They deserve it."

Designed for large-scale, capital and labour-intensive farms, the scheme, governed by a web of mutual agreements and checks and balances, benefits both owner and worker. Workers have a one-third stake in the 270ha farm producing apples, pears, nectarines, plums, peaches and oranges, as well as in the machinery and technical and management expertise required to make it profitable.

They also have a real say in decision-making: workers are represented on the man-



Above: Labourers have a vested interest in ensuring the season is a profitable one

Left: Farm owner Henry Hall and the management team

Far left: The new scheme offers Martiens Faroa a chance in a life time

scheme — it's voluntary. But people saw they couldn't lose."

For the workers, the scheme means more than long-term security. Said Witbooi: "In this business you can work all day, every day, and at the end still end up with nothing. What we're involved in is a whole educational process. I've worked on a farm all my life. I know about fruit farming."

"Now I've learned a lot about interest rates, markets and productivity — the business side of things. I've got a much better understanding of what's going on." For Herklaas Botha, up in the pear orchard with his team stripping trees, it means a changed attitude to his labours. "I've got a share in what we make, so I work harder," he said.

"On the other farms I worked on before coming here I was always on the same level, just a worker."

"You couldn't say anything about how the farm was run, you just did your work. Here we learn about profits and losses. The farm runs 100 percent smoothly, and we're proud because we are part of it. You feel more of a human being."



agement committee which runs the farm.

Said trainee production manager "Oom" Jan Witbooi: "It's not like other farms where the boss is white, the foremen are white and management sits to one side. Here we have the space to take decisions affecting the running of the farm."

For the workers, the scheme has meant a steep learning curve. "We had to explain to people what a share was," said staff training officer Johannes Muller (29). "It was difficult for people to understand, especially when we told them they must throw their bonus into the pot to qualify. At first, they thought we were in with management against them. We had a problem getting

them to understand this was a real thing, the new South Africa."

Enter the IDT. "The IDT's role was not only to put in a low-interest component of the loan but also to ensure a Workers' Trust was established, whereby the workers could hold on to their stake," said Dr Sholto Cross, director of the IDT's health and rural development portfolio. The IDT organised training sessions, so that workers could make informed decisions, and provided finance so they could employ their own financial adviser to negotiate fine details on their behalf.

"There were lots of questions," said Muller. "Nobody's forced to come into the

# Thousands face drought disaster on citrus farms

TZANEEN. — The Letaba district of Northern Transvaal faces citrus export losses of R180 million this year and the jobs 8 000 to 10 000 farmworkers are in jeopardy, Edward Vorster, Letaba Agricultural Union chairman, said.

Tzaneen Dam, the main irrigation water supply dam, and others were dry and there were severe water restrictions.

Mr Vorster said about 600 000 citrus trees had died over the past two seasons and that citrus farmers had already lost R260 million in foreign earnings over the past three seasons.

Citrus farmers were being urged to try to retain their workers, many of whom had lived on

ARG 14/11/95  
the farms for years, by employing them for a few days a week to keep them going.

Losses of litchi, mango and banana crops had been proportionally as bad.

"Litchi and mango tree losses have been heavy," he said.

"We are most concerned about the future of the total workforce of about 30 000 people of the northern lowveld."

Organised agriculture had already approached the Northern Transvaal legislature for assistance for the farmworkers in the form of rations out of the funds of the reconstruction and development programme.

"We believe they are working on it," he said.

(4)  
The huge loss of income of the farmers was having a ripple effect on industries and businesses throughout the region because agriculture was the base of the economy.

Mr Vorster said that, given the time it took for citrus trees to reach production, a proper recovery could start only in about eight years.

The National Department of Agriculture said in a statement yesterday subsidies were to be made available to farmers in the Letaba district to overcome a drinking water crisis.

The subsidies are for the transport of drinking water, sinking boreholes and the erection of emergency pipelines. — Sapa.

## Farm Evictions (4)

EASTERN Transvaal premier Matthews Phosa has asked farmers to stop evicting farmworkers, his office said yesterday. Mr Phosa said he had heard of evictions in the Ermelo and Piet Retief areas *Sowetan*

He said his meetings with the Eastern Transvaal Agricultural Union had established a basis for cooperation between farmers and farmworkers. He said it was in the interests of labour stability and an attractive investment climate that organised agriculture and farmworkers' representatives "iron out this potentially explosive issue in a constructive and peaceful manner as soon as possible". *26/1/95*

# Donor countries, must spread southern African aid evenly'

LILONGWE. — The 11-nation Southern African Development Community has urged donor countries to invest equally in the region to counter the exodus of skills to South Africa.

Lengolo Monyake, the regional grouping's deputy head, said a concentration of foreign investment in South Africa would speed up the drain of skilled labour from poorer nations to the region's economic powerhouse.

Mr Monyake was speaking ahead of a review of SADC programmes to prepare for an annual conference with donors scheduled in the Malawi capital next Friday.

"If they focus only on South Africa there will be a mass migration from other countries into South Africa, depriving the others of necessary labour for their development," he said.

"What we are hoping is that the international community

will recognise the fact that the region has to develop together, and evenly, in a balanced manner, otherwise countries in the region will have labour problems."

ARG 28/1/95  
A thesis document circulated among SADC members ahead of the donor meeting urged southern African countries to pursue their economic reforms to improve conditions for skilled workforces.

"The policy dilemma which the region faces is whether or

not to discourage the movement of skilled manpower within the region... In any case, any active discouragement of labour, even if it was achievable, would be contrary to the spirit and substance of regional integration," it added.

"The solution is to train more people to increase the overall stock of available manpower and to create conditions for economic growth in the whole region." — Reuter.

Farmers warned on illegal workers (4) ARG 28/1/95  
PIETERSBURG. — "Harsh steps are to be taken against farmers employing illegal aliens, Department of Home Affairs Northern Transvaal director Danny Adendorff has said here.

"Farmers would be prosecuted mercilessly and those found guilty would face five years' imprisonment or a R20 000 fine, or both." — Sapa.

Deaths	Deaths	Deaths	Deaths	Deaths
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Weekend

④ star 2/2/95  
**Team to investigate  
farmworker abuse**

Land Affairs Minister Derek Hanekom has instructed a working group to investigate ways to outlaw abuse of labour tenants and farmworkers by unscrupulous landowners.

In some areas, labour tenants and farmworkers were living in semi-feudal conditions, he said in a statement released in Pretoria yesterday. — Sapa.

# 94-year-old <sup>(4)</sup> man evicted CP5/2/95

By LUNGA MASUKU

A NINETY-FOUR-YEAR-OLD man, Mnozuka Mashinini, lived and worked on Vaalkop farm near Badplaas for 50 years of his life.

Then four weeks ago, he was evicted because he was reportedly too old to continue working.

Mashinini and his family have since been forced to live out in the open veld, next to the road that leads to Badplaas.

ANC Badplaas spokesman Desmond Shongwe said Mashinini, his aged wife and 10 children had been living on the road-

side for the last month.

"Six of Mashinini's grandchildren have since also stopped going to school," added Shongwe.

Mashinini and his family were evicted in terms of an order delivered by the sheriff of the Ermelo court on January 10.

The Ermelo District Commissioner, Colonel Japie van Wyk, confirmed that the farmowner, Adriaan Jacobus Van Zyl, had a court order empowering him to evict the family.

Van Wyk did not say why the court order had been issued.

Adding to Mashinini's plight, 25 of his cattle went missing during the confusion of the eviction. He reported the case to the Badplaas Stock Theft Unit which is investigating.

Regional ANC spokesman Sunnyboy Maphanga believes that the eviction is part of a trend sparked by white farmers' fear of possible land claims under the Land Act.

The private secretary of the MEC for Local Government, Eddie Morgan, has expressed shock at the eviction of the old man.

## Debonair Park residents launch rates boycott

By BLESSING MAMABOLO

ONE of the first residential areas to go "grey" under the Group Areas Act, has gone on a rates boycott.

Residents of Debonair Park in De Deur, south of Johannesburg, decided to stop paying their rates at a special meeting held in the area last week.

The boycott is the result of years of complaints by residents of being overcharged for services which "are not even rendered".

A spokesman for the residents' newly-formed action committee, Mac Njuze, said the last straw came with the establishment of the Vaal Metropolitan Sub-structure (MSS) from which residents' representatives were excluded.

The residents were simply told they would be represented by an official from De Deur, while the same official was previously accused of spearheading a racist campaign to keep blacks out of the suburb.

In a strongly worded statement, the action committee said it was clear from the outset that the "unreasonably" high bills charged on residents each month were meant to keep blacks out of the area, which now has a majority black population.

Njuze showed reporters copies of his monthly bills for November and December, which were R821 and R611 respectively. These excluded the bond repayments on the house.

"Before we moved in here, the residents paid no more than R200 - be-

cause they were white."

Another member of the action committee, Charles Matjokana, said it was unacceptable for residents to continue to pay high rates while repeated requests to get a proper sewerage drainage system (instead of septic tanks), proper roads, pavements and facilities such as schools were being ignored.

In recent years, the residents' elected representatives complained bitterly to the then Pretoria-based Local Government Affairs Council that they were not being taken seriously, "because we are black".

They quoted as an example the sale of a vast strip of land adjacent to the suburb, in which they were not consulted. Instead, the Civic Association of Evaton, which is near the suburb, stood to benefit by R2,3 m if the deal went ahead. CP5/2/95

Speedy action by the residents' committee scuttled the deal and the would-be developer, Nic Daniels, undertook, instead, to plough the R2,3 m into the suburb.

The committee warned Pretoria officials that the iron-fisted approach to defaulters who struggled to pay the high rates, could lead to "disaster" in the area.

The hastily convened residents' meeting last week decided there was no moral justification for the residents to continue paying while their grievances were being ignored and while they were forced to fall under the leadership of "racists who threw us out in the first place".

# 'Dop' system on farms still in operation

CTb/2/95 (4)

Staff Reporter

THE "dop" system is still widely in operation although it is illegal, a UWC academic has found.

UWC lecturer at the Institute for social development, Mr Wynand Louw, who has just completed a report on farm labour, said on some farms labourers were given their first tot, as early as 7am, followed by another one at 11am, lunchtime, 4pm and when they finished in the evening. Over the weekend they are given a jug of wine each.

He said the practice was still prevalent among wine and wheat farms in Malmesbury, Moorreesburg, Porterville, Picketberg, the Karoo, and pockets of the Boland. He said it has been illegal since the 1960s for anyone to receive alcohol as part of his or her remuneration.

"The current widespread abuse of alcohol among farm labourers, with its devastating socio-economic consequences for the worker and his family, cannot be divorced from the legacy of the tot system," he said.

Rural Foundation's head of public relations, Mr Herman Bailey, said the foundation was doing a lot of work to educate both the farmer and his labour force to get rid of the system.



## New union to be launched

RENEE GRAWITZKY

COSATU's long-awaited farm workers' union will be launched this weekend with an estimated membership of 30 000. (4)

The majority of the members will come from three Cosatu affiliates: the Food and Allied Workers' Union, the Paper Printing Wood and Allied Workers' Union and the SA Clothing and Textile Workers' Union. BD 9/2/95

Cosatu farm workers co-ordinator Dickson Motha said over the past two years attempts had been made to involve other unions. Cosatu's main opposition, the Nactu-aligned National Farmworkers' Union, has been operating in the industry since 1988 and claims a membership of 40 000.

National co-ordinator Tumediso Modise said that "if Cosatu is forming a union in a positive spirit with the ultimate intention of uniting workers then Nactu will not oppose it".

Kobus Kleynhans of the SA Agricultural Union said his union had been preparing farmers for the "trade unions coming their way" and were advocating good management practices.

# Closed shop unions get two-year grace

BD 9/2/95

ERICA JANKOWITZ

MINING unions which operated closed shops had been given two years in which to drum up membership and so prevent mining houses from withdrawing their recognition agreements, sources said recently.

Mining houses had agreed to a grace period — the so-called "sunset clause" — in which the affected unions could recruit members to ensure their survival.

Two closed shop arrangements exist: one covering the Mining Surface Officials' Association, the Underground Officials' Association of SA and the SA Technical Officials' Association and the other with the Council for Mining Unions which deals with technical staff.

In terms of the draft Labour Relations Bill, released last week, closed shops had been deemed unconstitutional. Closed-shop agreements compel all workers in specified categories to join a particular union.

This meant closed-shop unions did not have to recruit members, but had a captive market. Now, they would have to prove their importance or face extinction.

Federation of SA Labour Unions general secretary Dannhauser van der Merwe said Fedsal's two affected affiliates, the Mining Surface Officials' Association and the Underground Officials' Association of SA, were "open-minded" about the clause as they did not expect an exodus of members once the agreement ended.

This sentiment was echoed by the all-

white Mine Workers' Union (MWU) which said it had grown in industries in which no such agreements existed and expected to maintain support in the mining industry.

However, an industry source said several lower category officials — especially nurses — held dual membership in officials' organisations and in the National Union of Mineworkers (NUM).

The NUM has been fighting for the abolition of the closed shop, citing its violation of freedom of association. Also, workers transferred out of unskilled categories are no longer covered by the NUM, but wish to retain their membership and have the NUM negotiate on their behalf.

The NUM and the MWU both proposed a multi-union closed shop arrangement in which all workers would be compelled to join the union of their choice. But employers were opposed to this, saying it was not very different from the current situation.

Industry sources said there was considerable debate about what membership level the closed-shop-unions would have to prove after their two-year grace period expired. Anglovaal and Gold Fields had stipulated the system requiring 50% plus one member in a bargaining unit, but others believed in recognising unions with a "significant membership". An acceptable membership would depend on the strategic significance of workers.

## Union 'overdue'

A FARMWORKERS' union was long overdue, Land Affairs Minister Derek Hanekom (right) said yesterday. He was addressing delegates at Crown Mines, Johannesburg, at the launch by the Congress of South African Trade Union of a farmworkers' union.



Hanekom said one in five South Africans lived on white-owned farms and on average they received less than one-third of a living wage. COSATU president John Gomomo told delegates that Land Bank loans, subsidies and even drought relief should be conditional on farmers adhering closely to labour legislation and to the training and education of their workers. — Sapa.

④ STAN 11/2/95

## High-time for union - Hanekom

A FARMWORKERS' union was long overdue, Land Affairs Minister Derek Hanekom said on Friday.

He was addressing delegates at Crown Mines, west of Johannesburg, at the launch by the Congress of South African Trade Unions of a farmworker's union.

Hanekom said one in five South Africans lived on white-owned farms and on average they received less than one-third of a living wage.

Only one in 20 of these workers were unionised and unions struggled to serve members because of the distances involved.

(4) CP 12/2/95  
■ Reports by Own Correspondents, Sapa, Ecnas.

# New ground broken for farm reform

4

ST(BT)12/2/95

A NEW-look farming policy for the country is being pioneered by Deputy Agriculture Minister Thoko Msane.

Ms Msane led a delegation to Kenya, Rome and Washington last month to study successful small-scale farming and meet leading international agricultural agencies.

The visit is part of an investigation begun in August which is intended to result in the comprehensive restructuring of the Department of Agriculture, which has previously serviced the needs of the country's 45 000 white farmers.

The new policy brings the potential to create hundreds of thousands of rural jobs mainly through a new emphasis on small-scale farming.

The Department of Agriculture is intended to be restructured so that financial and other extension services are principally targeted to meet the needs of small-scale farmers.

The strategy, which forms part of government's agrarian reform programme, intends increasing the self-sufficiency of rural dwellers, improving food production, stimulating small- and medium-scale

By KEVIN DAVIE

agri-business and lowering food prices.

Institutions visited by Ms Msane's delegation include the UN Food and Agricultural Organisation and International Fund for Agricultural Development, both in Rome, and the Washington-based World Bank and USDA, a government body responsible for the development of agriculture.

The World Bank has arranged grant finance of R2,5-million to fund the design of the rural restructuring programme, says Ms Msane.

She is "hopeful and convinced" that the World Bank will become a substantial funder of farming reform but says this is a decision "for the country".

Kenya's land reform programme, based on the "willing buyer/willing seller" principle with active farmer support designed to assist with finance and technology, could be a useful model for South Africa, says Ms Msane.

She says rather than produce low-value products, the Kenyan programme encourages the production of higher-value products such as dairy, vegetables and cut

flowers, the latter being a successful earner of foreign exchange.

South Africa stands to gain from developing relationships with bodies such as the FAO which has expertise in areas such as combating desertification and drought.

IFAD offers specialist experience in assisting resource-poor farmers.

USDA, signatory to a cooperation agreement with South Africa, has invited South Africans to be trained in specialist agricultural programmes in the US.

But Ms Msane believes the relationship with these bodies will "not be one-way" as South Africa has considerable expertise in agricultural research and is prepared to share this with foreigners.

Although born on a farm, Ms Msane had given farming little thought until President Nelson Mandela announced her appointment.

But when she thought about her new job it was soon clear that without agriculture there is no food. If there is enough to eat people can sell the surplus, get money and jobs.

"There's a lot of spin-off. Food knows no politics."



THOKO MSANE ... Deputy Minister of Agriculture

# Farm workers' union launched

SD 13/2/95 (4)

THE draft Labour Relations Bill must be scrutinised to ensure it meets the needs of farm workers, Cosatu president John Gomomo said at this weekend's launch of the Cosatu-aligned SA Agricultural, Plantation and Allied Workers' Union.

The launching congress at Crown Mines in Johannesburg was attended by 140 delegates from three Cosatu affiliates and independent unions from seven regions.

General secretary Dickson Motha said the priorities of the union would be consolidating membership from the various affiliates and independents, improving employment conditions of farm workers and developing an organising strategy.

Gomomo said Cosatu expected resistance from farmers and the SA Agricultural Union over new labour legislation. However, he said: "There can be no increase in productivity and growth within the agricultural sector unless working and living conditions and labour relations are improved."

Land Affairs Minister Derek Hanekom said government faced major challenges in addressing the plight of farm workers and rural people who earned on average less than a third of the minimum living level.

Rural workers' organisations were essential for facilitating government assistance in training, building up the union and ensuring rural people were

RENEE GRAWITZKY

not left behind in the reconstruction and development programme. Such organisations would facilitate access to services such as housing, education, health and welfare.

The lack of effective and legitimate local government structures was adversely affecting implementation of the RDP, he said.

SA Communist Party general secretary Charles Ngakula urged farm workers to register to vote in the October local government elections.

Cosatu membership would be increased further with the affiliation of the 30 000 members of the Farm Workers Union.

The union resolved to push for extension of the Wage Act to cover farm workers and to have the Basic Conditions of Employment Act amended further, to lobby government to abolish child labour in the sector and to fine farmers who use child labour, to demand funds to build more schools on farms; to try to resolve the problem of migrant workers and illegal aliens and to demand a minimum wage of R750 for farm workers.

The union's other office bearers include Anderson Maphokula (president), Sam Mashabathakga (treasurer), Selomma Maseko (first vice-president) and Joseph Benjamin (second vice-president).



Cosatu organising secretary Dorothy Molgalo and Desmond Matheha in deep discussion at the launch of the Farm Workers' Union at Crown Mines, Johannesburg.

Picture: NICKY DE BLOIS

## Union to aid farm labour

(4) (24)  
JOHANNESBURG.

The newly launched South African Agricultural, Plantation and Allied Workers' Union (Saapawu) said yesterday it would campaign for the improvement of basic conditions for farm and rural workers and a minimum wage of R750.

ET 13/2/95  
Speaking after a weekend conference attended by 147 delegates here, Saapawu general-secretary Mr Dickson Motha said the union, which has about 30 000 members, would also concentrate on educating workers about local government elections.

## Drought: N Tvl farmers are 'living in squalor' (4)

CT 13/2/95

PIETERSBURG. — Northern Transvaal farmers and farm workers were living in "squalid" conditions, Koedoesrand district agricultural union chairman Mr Gert Ehlers said yesterday.

The union will survey farmers to discover how many faced food shortages because of the drought.

He hoped R32 million earmarked for drought relief would be used to set up farm rehabilitation schemes as well as emergency projects. — Sapa

# Farmworkers call for minimum wage

47  
Siphatas  
13/2/95

THE new South African Agricultural, Plantation and Allied Workers Union (Saapawu) yesterday called for a minimum wage of R750 for all farm and rural workers.

Speaking at a Press conference in Crown Mines, Johannesburg, Saapawu general secretary Mr Dickson Mutha said the union — which was launched on Friday — will campaign for the improvement of the Wage Act.

Congress of South African Trade Unions spokesman Mr Neil Coleman confirmed the granting of affiliation to the new union, which claimed a membership of 30 000 from seven provinces.

He said Cosatu would release

about 10 000 farmworkers organised by one of its affiliates to join Saapawu.

Addressing delegates on Friday, Land Affairs Minister Mr Derek Hanekom said a farmworkers' union was long overdue.

He said one in five South Africans lived on white-owned farms and on average received less than one-third of a living wage.

Only one in 20 of these workers were unionised and unions struggled to serve members because of the distances involved.

Hanekom said land reforms should ensure that farmworkers were not left behind. He said the Government had made strides in land restitution and were now working on land redistribu-

tion. He said farmworkers should benefit from the national housing scheme, adding that farmers would not have a right to evict farmworkers from houses built by the State.

Cosatu president Mr John Gomo told delegates they had to ensure the draft Labour Relations Bill gave farmworkers the right to organise and bargain collectively.

Gomo said there could be no increase in productivity and growth unless living conditions and labour relations improved.

Land Bank loans, subsidies and even drought relief should be conditional to farmers adhering to labour legislation, he said. — Sapa.



Miss South Africa, Basetsana Makgalemele, at the world title night with one of the guests. PIC: MBUZENI ZULU



## Farm strike after suicide

JOHANNESBURG. — Members of the National Union of Farmworkers (NUF) embarked on a strike at Schoeman Boerdery yesterday, a day after farm owner Mr Hendrik Schoeman apparently committed suicide. CT 14/2/95

Mr Schoeman, a former NP cabinet minister, was found dead on Sunday morning in his car in a mealie field on his Delmas, Eastern Transvaal, farm.

Police believed the gunshot wound to his head was self-inflicted.

NUF national organiser Mr. Tumediso Modise said the workers had embarked on the strike after a colleague was unfairly dismissed last week. (4) (6)

The strike was confirmed by Schoeman Boerdery. — Sapa.

# Farmer 'hit labourers'

By YVETTE VAN BREDA

A WEALTHY Karoo farmer who allegedly hit one of his labourers repeatedly in the face pleaded not guilty yesterday in the Victoria West Magistrate's Court to assaulting two of his labourers.

Mr Andries Wiese, 33, of Loxton, pleaded not guilty to assaulting Mr Marthinus Nuwegeld and denied a charge of assault with the intent to grievous bodily harm to Mr Willem Malan.

Yesterday Mr Nuwegeld testified that on Sunday August 7, he and his common-law wife Ms Martha Wessels were leaving the farm on their donkey cart, as they no longer wanted to work for Mr Wiese.

They saw Mr Wiese, and Mr Nuwegeld approached his bakkie. The latter picked up a metal rod, afraid Mr Wiese would assault him, he said. Mr Wiese grabbed him and hit him, then pinned him down and hit him in the face repeatedly.

Ms Wessels pleaded with Mr Wiese to stop, but Mr Nuwegeld sustained several injuries to his face and nose, the court heard.

As they were leaving the farm, Mr Wiese met them along the road accompanied by the police, and insisted that Mr Nuwegeld off-load the feeding sacks from his cart, remove an old number plate and climb onto the back of his bakkie.

Mr Nuwegeld refused and drove away.

The hearing continues today.

(4) CT 14/2/95  
The magistrate was Mr Doon Minnie. Ms Karlana Victor prosecuted. Mr George Galloway instructed by Kempen and Kempen appeared for Mr Wiese.

workers hostage. It was not a racial issue.

### Schoeman farm strike

MEMBERS of the National Union of Farmworkers were on strike at Schoeman Boerdery, Delmas, yesterday, a day after farm owner and former NP Cabinet minister Hendrik Schoeman apparently committed suicide. (4)

Union organiser Tumediso Modise said the workers began the strike after a colleague was unfairly dismissed last week.

### 'Boere' fail to appear

ALLEGED Boere Mafia leader Johnny Weichselbaumer, 34, failed to appear in the Johannesburg Regional Court yesterday, where he faced charges on 45 counts of fraud involving the cashing of falsified cheques.

His alleged deputy, Jan Daniel Pretorius of Sasolburg, also failed to appear in court. Warrants were issued for the arrest of both men.

Police said it was feared Weichselbaumer had fled the country. He had also failed to appear in a Cape Town court in January.

His Kensington home was empty yesterday.

REPORTS: Business Day Reporters, Sapa.

a larger percentage of whites than in previous surveys expected an improvement in the economy.

Forty-eight percent of respondents expected an improvement in their financial position over the next 12 months, while 18% expected a deterioration, the survey showed.

earnings adjustment downwards. Their confidence remains, however, at a high level."

Sixty-six percent of respondents expected the economy to improve over the next 12 months, compared with only 32% expecting a deterioration, the survey showed.

## Nafcoc left out of new forum

THEO RAWANA

A ROW has broken out between the National Federated Chamber of Commerce (Nafcoc) and Business SA (BSA) over Nafcoc's exclusion from the business component of the National Economic, Development and Labour Council (Nedlac).

The list of representatives submitted by BSA last week to Nedlac — which will be launched officially on Saturday to replace the National Economic Forum and the National Manpower Commission — had no names from Nafcoc. (20)

BSA president Dave Brink said yesterday Nafcoc had been excluded because the organisation withdrew its BSA membership last year.

However, the two organisations were discussing Nafcoc's rejoining, he said.

Nafcoc president Joe Hlongwane said the parties met on Friday to work on bringing the organisation

"on board." BSA's Nedlac team. The meeting ended with Brink saying Nafcoc would be given a 50% vote.

"Today's meeting was to discuss what it means," Hlongwane said. Instead Brink said it could not be done as it would considerably increase the number of officials.

"We don't want to be left out of Nedlac, but we don't want to be bundled with people who still want to maintain the status quo. BSA's conditions are unfavourable," he said.

"People who struggled all the way in this country cannot be kept out of Nedlac." BD14/2/95

Nafcoc's executive committee would meet today and take its complaint to President Nelson Mandela.

Brink said: "We have put our teams together. Right now we are not including non-members."

## Concern over Katz's capping proposal

EDWARD WEST

CAPE TOWN — The Katz commission's proposal of a cap on employer and employee contributions would eventually result in a loss in expected tax revenues to the fiscus, Old Mutual employee benefits GM Chris Newell said yesterday.

He said the R200m tax-take improvement expected through the cap was likely to have the reverse affect over the medium to long term.

The cap would result in a move towards "fiscally privileged" defined contribution provident funds, which would result in a loss in expected tax revenues, he said.

If the funds did not convert employers would have to finance pen-

sion fund deficits with after-tax money, which was likely to result in scaled-down benefits as employers attempted to capture some tax relief. "Why should they utilise after-tax money when they can simply reduce benefits and pay employees more?"

Newell said this would significantly affect individual provision because any increase in salary was likely to go towards consumption expenditure. Capping pension fund contributions would also limit the scope for any future benefit improvements.

The commission had perpetuated, even worsened, the extent of dis-

crimination which already existed between private sector employees and public servants. (20)

Public servant lump sum benefits were entirely tax free, as opposed to being capped in the private sector.

"If the proposals are legislated as they stand, they will result in massive upheaval as funds scurry to avoid the additional tax burden."

Newell said a new body should be constituted — to include retirement industry experts — and be mandated to develop holistic proposals with the long-term interests of retirement fund members, pensioners and state in mind.

Opening  
our hearts

## Agricultural and workers' unions sign labour pact

THE Transvaal Agricultural Union (TAU) signed an agreement with the Agricultural Workers' Union (AWU) yesterday to co-operate on labour issues.

TAU president Dries Bruwer dismissed but said farmers needed support in a changed labour environment.

The two organisations agreed to provide farmers with legal support in labour disputes and to canvass members for the AWU.

LOUISE COOK

The AWU, with 6 000 members, also runs a 24-hour emergency telephone service to help farmers deal with labour problems.

AWU chairman Werner Weber said the TAU would concentrate on labour policy issues, while the AWU would train workers and provide a legal service for farmers.

**Wage deal sealed**

BD 12/2/52

A MINIMUM wage of R900 a month has been agreed to between the National Union of Farmworkers and Plantopia, a division of Rentokil. They have also agreed on a guaranteed annual bonus equivalent to one month's salary, five days' compassionate and paternity leave, the formation of a provident fund and long service awards (L) (S)

REPORTS: Business Day Reporters, Seps.

# New union formed for farm hands

ARG 18/2/95 (4) ~~(3)~~

■ A new farm workers' union hopes to end the exploitation of South African farm labour.

**ROGER FRIEDMAN**  
Weekend Argus Reporter

THE newly launched South African Agricultural Plantation and Allied Workers Union's (Saapawu) campaign to increase minimum wages in the sector to R750 a month may seem a moderate goal.

Most other unions have campaigned for minimum wages of between R900 and R1 200 over the past year — public service unions want R1 500 — and are threatening to strike to demand it.

But with some farm labourers earning nothing bar the right to live on the land, and others earning as little as R40 a month, R750 could be an impossible dream.

At Saapawu's launch in Johannesburg, Land Affairs Minister Derek Hanekom said one in five South Africans lived on white-owned farms — and were paid, on average, less than a third of a minimum wage.

The formation of the union was long overdue, Mr Hanekom said.

Saapawu was established last weekend with an already-paid-up membership of about 30 000.

The majority of the membership belonged to three other Cosatu affiliated unions — the Food and Allied Workers Union, the Paper Printing Wood and Allied Workers Union and the SA Clothing and Textile Workers Union.

Others were members of independent unions including the Karoo Farmworkers Union and the Farm Rural Inhabitants Association based on the East Rand.

According to general-secretary Dickson Motha, a further 10 000 members had signed up but had not paid-up due to stop-order and other problems.

The union's five-person executive committee was selected to represent as many of the country's regions as possible.

Mr Motha said issues the union planned to start addressing immediately were the improvement of labour legislation governing the sector, child labour, migrant labour and "illegal immigrants who are being used at the expense of the local workers".

The initial response from farm-

ers to the formation of the union had not been too positive, he said.

Mr Motha said problems the union would have to overcome included access to isolated farms, farmworkers dependence on their employers for a place to live and the "payment-in-kind" or "dop" system.

Incidentally, the union would not campaign to abolish the dop system, Mr Motha said.

"Members might say they like the system because they are used to it. Some see it as a perk. We are not saying it should be abolished, but it should be formally structured."

On the subject of the new draft Labour Relations Bill, Mr Motha said, on the whole, it was a victory for the workers, but there were a few issues which concerned Saapawu.

Of major concern was the proviso in the draft Bill that workplace forums be established at businesses employing more than 100 workers.

This excluded most farms.

■ The government was considering legislation to prevent the arbitrary or forcible eviction of farm workers by land owners, Mr Hanekom said earlier this month.

# Coming to the rescue of farmworkers in SA

(4) some farm 23/2/95



President Nelson Mandela

AT 81 Mary Motha is too frail for the fields, so she tends 13 grandchildren in a four-roomed, tin-roofed brick shell provided by a white farmer her son works for.

Like black farm labourers all over South Africa, she has worked since childhood under a number of white men, toiling for little or no pay and living in houses without electricity or running water.

Her home is 50 kilometres from Pretoria but the revolution taking place — a black man sitting in the President's office for the first time — seems much farther away.

"We do not think there will be any change in our lives," said Motha.

Her son July is repeating her life of labour in exchange for shelter and subsistence pay. He earns R250 a month, a bit higher than what the Farmworkers Research and Resource Project said is the average for black peasants in South Africa.

His monthly wage is the cost of a night out for many white South Africans.

While the transition from apartheid to democracy has black workers in cities talking of affirmative action and upward mobility, the concerns of South Africa's estimated 1,3 million farmworkers are simpler and more desperate.

The main issues for farmworkers are "land ... proper schools, clean water and other basic needs," said Motsamai Dickson Motha, agricultural specialist with the Congress of South African Trade Unions. The union organiser is not related to Mrs Motha.

The ANC-led Government of President Nelson Mandela said it will address the needs of the farmworkers, many of whom live virtually as serfs.

The first farm labour laws took effect last year and the Government is planning to strengthen them.

Unions that have fought mine and factory owners in urban areas say they face special challenges on the farms —

including recalcitrant farmers and difficulties in communicating with workers scattered across the countryside.

The Government, unions and advocacy groups must work against traditions that have left farmworkers especially weak.

Mr Abie Dithlake of the Farmworkers Research and Resource Project, an advocacy group, likens the white farmer to an all-powerful father who provides everything for his "children" — and can take them all away.

Most farmers house workers, their wives and children. So dismissal can also mean eviction and ruin for the entire family.

"Farmers think they own farmworkers," said Dithlake.

Mr Dries Bruwer, president of the Transvaal Agricultural Union and a citrus and vegetable farmer who employs about 30 workers, argues that farmers are benevolent to their employees.

"We keep the elderly, the sick, the lame and lazy on our farms. They eat, they get water and shelter. I know quite a lot of farmers who borrow money to feed their workers," he said.

Apartheid laws made it almost impossible for blacks to own land, forcing them to remain labourers for life. And they had little legal protection from the whims of white farmers — perhaps the most conservative group in South Africa.

Farmworkers were shot or beaten to death for displeasing their employers, who were in turn punished lightly, if at all.

In 1993, unions helped negotiate farm labour laws meant to put workers on a better footing.

The laws, the first extension of industrial labour provisions to the farm, took effect last year.

They set standards for holidays and working hours, outlawed dismissal and eviction without cause, and declared that farmworkers could join unions.

## Suspected violations

An agricultural labour court was established to review suspected violations. But it acts only when workers bring grievances, a step that requires a sophistication and courage many labourers may lack.

"People are now free but they still think the farmer is the boss and that's that," said Motsamai Dickson Motha, the union organiser.

He leafed through a sheaf of pamphlets in which various organisations detailed the new laws as a service to farmworkers.

"How do people who are illiterate read this?" he asked. Shareen Singh, spokeswoman for the Department of Labour, says in the period since the agricultural labour courts began work in mid-1994, only 47 cases were filed and 30 heard.

"We recognise there is a weakness," Singh says. "There's no point in granting workers rights if they don't know what those rights are."

She says her department hopes to put together a campaign to educate workers.

Stronger labour laws affecting rural and urban workers will also be proposed this year.

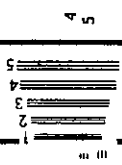
Stronger labour laws affecting rural and urban workers will also be proposed this year.

## Basic labour rights

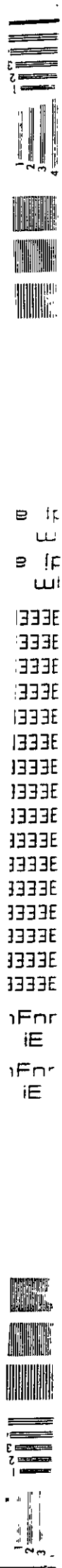
Provisions of new laws giving South African farmworkers basic labour rights for the first time:

- Farmers must explain dismissals and give workers a chance to answer charges;
- No worker can be evicted without a court order and a chance to state his case;
- Work week is 48 hours. Overtime must be paid for beyond that; double time for work on Sundays or holidays;
- Workers must be paid regularly and given pay slips. No minimum wage;
- Workers entitled to two weeks paid vacation and 12 holidays each year; and
- Workers may join unions. — Sapa-AP.

ONTAL REFE



ERENCE LINE 10



## **Farmworkers'**

### **minimum wage**

(4) CT21/2195  
A MINIMUM wage for farmworkers could not be considered without an increase in productivity, Agricultural Minister Dr Kraai van Niekerk said yesterday.

He distanced himself from a flat rate for farmworkers at a briefing in the city. — Sapa



# Labourer (72) run off farm

By MONO BADELA

(4)

CP 26/2/95

TEN months after first democratic general elections that swept President Nelson Mandela into power the new South Africa has not yet dawned for many.

The plight of farm workers and labour tenants, especially in the Eastern Transvaal, remains the same.

For as long as he can remember, 72-year-old grandfather Joseph Mbulawa Mavimbela has been living on a Piet Retief farm as a labour tenant.

On Tuesday this week he was woken up at sunrise by the farmer, who was accompanied by many other farmers and policemen.

"We are taking your livestock," the farmer told him. There were two trucks waiting outside and his 31 cattle and 51 goats were impounded and loaded onto the trucks.

That was not all. The farmer helped by the others set his house alight and razed it to the ground.

The next thing he was handcuffed and bundled into a police van together with his wife.

His daughter was also bundled into another police van and they were driven first to Wakkerstroom police station near Piet Retief. Then after being driven for about four hours they were dumped along the road outside Groblersdal. They have been there since Tuesday.

## Fight

The matter is now in the hands of the Farmworkers Research Project (FRRP) and the Legal Resources Centre in Johannesburg.

In an interview Mavimbela said since Tuesday they had been sleeping in the veld: "We know nobody here, I only understand that we are somewhere in Kwa-Ndebele."

He vowed he would fight his way back to Wakkerstroom. He would sleep in the veld until Tuesday when he would attempt to go back to his house. He hopes to take legal action against the farmer to retrieve his livestock.

Mavimbela, a "farm boy" since birth, had worked at Jantjieshoek in the Wakkerstroom district for 10 years when the farmer dismissed him, ordering him to leave the farm. This was on August 6 last year. In addition Mavimbela had to pay a R1 600 fine for grazing his animals on the farmer's land. He raised the money by selling two of his best cattle. The notice to vacate the farm was dated July 6 and Mavimbela was given three months to go.

Mavimbela is one of thousands of labour tenants and farmworkers who recently marched to Piet Retief's magistrate's office to protest against evictions, victimisation, harassment, the impounding of livestock and assaults on farm labourers.

# Black farmers' union ducks deregulation

(BT) ST 12/3/95

By CIARAN RYAN

INSTEAD of supporting deregulation, both the black National African Farmers Union and the National Consumer Union are scrambling for a share of compulsory agricultural levies, worth millions of rands.

The pro-deregulation lobby says it is struggling to win support in its campaign for voluntary agricultural levies and vastly reduced statutory marketing powers.

Nafu, which claims to represent 40 000 black farmers, got 13,7% of the levy income received by the South African Agricultural Union in 1994/5. SAAU says it is also looking at ways to cut the South African National Consumer Union in on the levies it receives from farmers.

"We tried to get Nafu to support our position on voluntary levies, but it appears the SAAU got to them first," says Nils Dittmer of the Sunnyside Group, a vocal supporter of agricultural deregulation.

"This surely compromises their credibility as a group claiming to represent the best interests of their members. They are hardly likely to support voluntary levies when they are the recipient of compulsory levies from the SAAU. I also question whether Nafu represents a fraction of the members it claims. Unless you have voluntary paid-up members, it is hard

to determine." (4)

Sancu has also come out in favour of compulsory levies, provided "all interested parties" have a hand in determining the need for and the size of levies. It wants to see the spoils shared among consumer bodies, producers and other interested parties.

Compulsory levies lie at the heart of the agricultural deregulation debate. Without them, producer bodies will have to seek voluntary paid-up memberships and there is a fear that farmers who have been forced to pay compulsory levies for decades will opt out of the system.

Mr Dittmer says these levies benefit neither the producer nor the consumer, only the middle men.

# Form evictions that abide by the law, but are they moral?

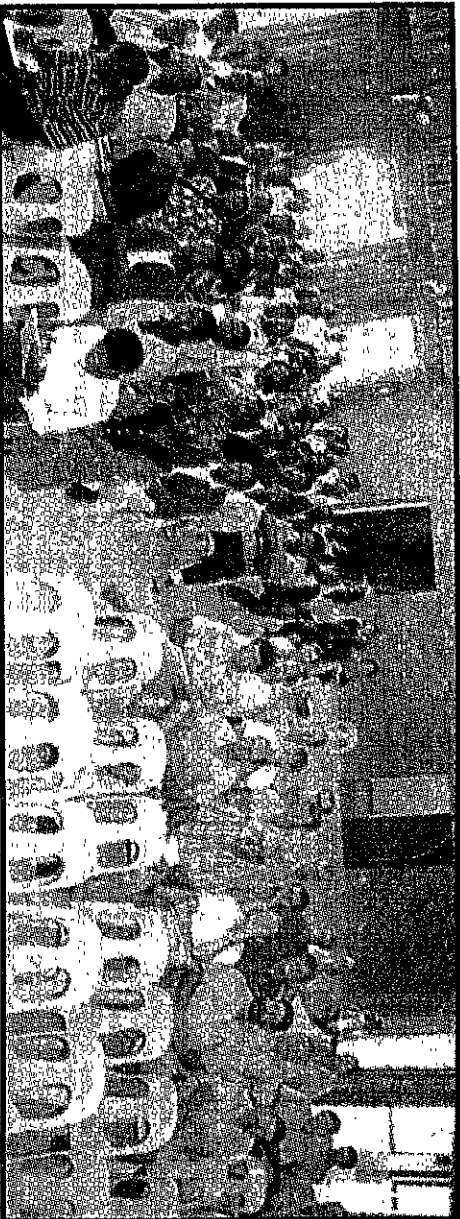
CP CORRESPONDENT

AGAINST the scenic green hills of the south-eastern Transvaal, the scene of destruction seems unreal: Seven small shacks, built of wooden poles, rocks and clay, have been demolished and burnt to the ground.

At this place near Piet Retief, 73-year-old farm worker Joseph Mavimbela and his family lived for years and kept 22 head of cattle and about 80 goats.

Members of the family say the farm was sold about a year and a half ago — and Mavimbela started having trouble with the new farmer.

They were given orders to reduce their cattle to twenty, but they refused — and were ordered to move out, family members say. When Land Affairs



#(4) CP 12/3/95

Minister Derek Hanekom addressed farmworkers and farmers last year and the farmers undertook to stop evictions temporarily, the Mavimbelas thought they would be given a breather.

But two weeks ago a group of farmers allegedly came to Mavimbela's home, beat him and

members of his family, shocked them with electric cattle prods, loaded their possessions on a truck and dropped off nine members of the family near Witbank.

Farmer Cornelius Greyling denies that other farmers were present at the eviction or that they used electric cattle prods.

The only other people involved, he says, were the sheriff, some people he had asked to help him remove the Mavimbelas. The police are now also investigating charges brought after the Mavimbelas resisted the eviction and allegedly assaulted the sheriff and members of the police.

According to one of Greyling's sons, Mavimbela's cattle have been impounded to pay legal costs, and to raise money for a claim made because of the illegal and grazing occupation of the land. Because of the illegal and grazing occupation of the land, Mavimbela's case is

**DIVIDED SOCIETY**  
... Farmers and workers attended a meeting addressed by Land Affairs Minister Derek Hanekom and it looked as if evictions would come to an end. Not so, say farmworkers who keep expecting to be the next victims. ■ Piet BEELD

not unique in the district. Several other farm workers say they also feel unsure about their future.

The farmers "do everything according to the book", they say. Legal steps are taken against them and they do not understand the procedure and are unable to state their case.

# Unionist charges farmer

*Sowetan* 23/3/95

By Mongadi Mafata

A FARMWORKERS union organiser claimed yesterday that a white farmer assaulted him after he had accompanied a worker to the farm to settle a labour dispute.

Mr Meshack Mbokazi, an organiser for the newly formed South African Agricultural Plantation and Allied Workers Union, told *Sowetan* he had accompanied Mr Abel Mofolako to the farm after the latter was dismissed without reason after having completed 25 years of service.

He said Mofolako had earlier approached the union after being dismissed from Braakfontein farm by owner Mr van der Walt.

When we reached the farmer's office, he started to abuse the old man and said his farm was not Mandela's place," Mbokazi said.

The farmer made them speak in either Afrikaans, Zulu or Sotho, because he did not want to be addressed in English.

"Out of the blue the farmer walked over to where I was standing and gave me a stinging slap on the side of the face," Mbokazi said.

He reported the matter at the Delmas police station where an assault case was opened.

# The heartbreak of eviction

42 page  
5005/14/95



Face of despair ... Mrs Ellen Khonong (63) faces a bleak future. She is among 50 farmworkers who have been made homeless.  
PIC: ELIZABETH SELAKE

By Mngazi Matata

**A** MAGALIESBURG FARMER evicted more than 50 farmworkers from his farm when they demanded higher pay and better working conditions.

The farmer, Mr Koos Grobelaar, is alleged to have used abusive language and threatened to have the workers arrested.

The workers claim he told them he would not be "bossed around by kafirs".

Local African National Congress chairman Mr Abe Muidau said he was handling more than 10 cases of eviction a week.

"The number shot up when there was a drive to unionise the workers. The farmers carried out the evictions to discourage workers from joining unions," Muidau said.

When *Sowetan* visited the area, the dismissed farmworkers were being temporarily accommodated at a nearby farm school.

Grobelaar was not available for comment and was said to be in Rustenburg on business. He had not returned our calls at the time of going to press.

ions in Magaliesberg, Durban Deep Mine in Roodepoort and Krugersdorp.

The ANC would complain to the local government multiparty liaison committee. Bapela said Freedom Front leader General Constand Viljoen would be asked to speak to the farmers on the issue.

In Magaliesberg, Grobelaar is alleged to have called police to arrest some of the workers for trespassing. Some of those dismissed have spent all their lives on the peach farm and have nowhere to go.

The workers further claimed they were removed by policemen who frequently visited Grobelaar's farm for weekend braais.

**Face charges**  
A Krugersdorp magistrate ordered the workers to vacate the farm before April 1 or face charges of trespassing. Eight other workers are serving prison terms after being convicted of trespassing on the farm.

The farmhands further alleged that the farmer made them use irrigation water for cooking and washing. They said the water was not pure.

Former foreman Mr Reuben Moralo said he had worked for Grobelaar for 17 years. He said he earned R430 a month and supported a family of four.

"When we approached him for more pay, he told us his farm did not belong to either (North-West premier) Popo Molefe or (President) Nelson Mandela," Moralo said.

Labourer Mr Sydney Ntome, who worked for Grobelaar since 1984, said he earned R180 a month.

## Policy problems halt rural housing project

BDT/4/95 LOUISE COOK (4) (12)

THE building of accommodation for farm workers had come to a halt and R50m in state subsidies would have to remain untouched until the Agriculture and Housing departments had thrashed out a new policy, sources said yesterday.

Agriculture Department financial assistance director Koos Smit said farmers' applications for housing subsidies could not be processed because new guidelines on ownership and responsibility for managing the subsidy scheme had to be finalised. The subsidy scheme was given R50m for the 1995/96 financial year — down from R72m last year.

Talks between the two departments, the Rural Foundation and agricultural unions had led to a recommendation that the Housing Ministry take over running the subsidy scheme from the Agriculture Department. The department was awaiting a final decision.

It had also been suggested that ownership of the newly built houses on farms should go to farm workers instead of farmers. However, farmers were unlikely to agree to this.

Smit said a more realistic solution would be for farmers and workers to draw up leases to ensure security for workers.

Meanwhile, the Northern Cape Agriculture Union has called for the scheme to be upgraded. Union GM Johan van Rensburg

□ To Page 2

## Rural housing

(4) (12)

□ From Page 1

BD 7/4/95

said the union rejected proposals that workers should own the dwellings because it was impractical. The union would make recommendations to the National Housing Forum about adjustments to the housing scheme, he said.

The co-ordinator of the joint technical committee of the Housing Department and the National Housing Forum, Diet von

Broembsen, said a rural housing scheme was still being developed. The question was who really benefited from state subsidies when farmers built on and improved their properties.

The subsidy scheme had to be restructured to benefit the worker. Restructuring the National Housing Forum had delayed the process.

## Housing subsidies for 77 000 approved to date

Star 12/4/95

■ STAFF REPORTER

The Gauteng Housing Board has approved 77 000 applications for subsidised housing, amounting to R818-million, Gauteng Housing MEC Dan Mofokeng said yesterday.

Speaking at an Allied Bank/Smart Centre housing function in Johannesburg, he said: "The national Minister of Housing, Sankie Nkondo, recently disclosed in the Senate that SA's urban housing backlog is close to 1,5-million units, with the worst backlog being 566 853 in the Gauteng province.

"In order to redress this problem, the RDP policy intends to provide 1-million housing units over the next five years."

Mofokeng stressed, however, that the housing industry would have to make a contribution towards the massive housing backlog and job creation through labour-intensive projects with low import content.

There should also be a visible redistribution of income and community stabilisation, which implied a drastic reduction of crime.

Mofokeng said the commercial sectors of the economy must be harnessed through several key strategies.

These included the stabilisation of the housing environment through a national and provincial campaign, aimed at resumption of payment for goods and services.

## Boost for small farmers

(4)

Star 12/4/95

The Vulamehlo Project, an initiative aimed at educating and training small farmers, was launched at the Rand Easter Show yesterday.

About 2 000 farmers were bused in from around the country to see exhibits at the Vulamehlo (eye-opener) project, an initiative of the Witwatersrand Agricultural Society.

The project places an emphasis on assisting farmers in in-

creasing productivity and the quality of their products for greater profits.

A visitor at the launch was King Goodwill Zwelithini who had six of his cattle on display.

"Vulamehlo is about learning to work together in the interest of agriculture and our country," said Dr Stroebel Hofmeyr, chief director of farming development in the Department of Agriculture. — Staff Reporters.

## 14 000 farm workers may lose jobs

BLOEMFONTEIN — Up to 14 000 farm workers in the Free State could lose their jobs if the worsening financial position of maize farmers, caused largely by successive droughts, forced them into bankruptcy, an economist has warned.

(4) National Maize Producers' Organisation economist Andre Ferreira said yesterday hundreds of farmers in the province were facing bankruptcy and did not qualify for further financial aid from co-operatives.

BD 13/11/95  
He predicted Free State maize farmers would incur income losses of R575m this year, mainly because of the drought.

The gross income of maize far-

mers, estimated at R523m, would be far exceeded by their expenses of R1,1bn, Ferreira said. Fifteen per cent of farmers could be forced to quit agriculture altogether.

Hundreds of farms would then be put up for sale, land prices would plunge and the solvency of the remaining farmers adversely affected. If this was to happen, about 14 000 farm workers and their dependants would be without income.

Ferreira warned that the maize industry had become a high-risk venture, which might force farmers to diversify into other crops and make SA an importer of its own staple food.

— Sapa.



# Poll registration in rural areas appalling - farmworkers' group

ARLT 20/4/95

26A

4

Municipal Reporter

VOTER registration in rural areas is abysmal, says the Farmworkers' Support Forum.

Spokesman Terence Fife said reports highlighting the progress in the Cape metropolitan area had skewed the picture of what was happening in the province and nationally.

Figures released by the provinces showed that on April 5, only 10,7 percent of rural people had registered in the Eastern Cape. In Natal the rural figure was 2,6 percent, and in Gauteng it was 4,05 percent.

About 1.2 million farmworkers lived on farms in rural areas. With their families, they accounted for about six-million rural dwellers.

This made them prime candidates for the reconstruction and development programme, with local government acting as the conduit.

"If farmworkers are to play a role in government, they must be seen as a meaningful constituency, irrespective of whether local government has an entirely different meaning for farmworkers, since the farmer is usually the sole provider of services to farmworkers and their families," the forum said.

## Wine farm workers are exploited, says ANC

(L) ARG 27/4/95  
Political Correspondent

THE glossy image of the Western Cape's lucrative Winelands — the preserve of "whites and foreigners" — belies the "feudal" labour conditions of the poor, exploited and disease-prone farmworkers.

This is the opinion of African National Congress legislator in the provincial parliament, Russell McGregor, who slammed the treatment of Winelands workers, and the absence of opportunities in the Wine Route tourism industry for people other than South African whites and white foreigners.

Mr McGregor also said visitors to the Winelands were subjected to a "sanitised" version of history, riddled with inaccuracies and glaring omissions.

The Winelands tourism industry reflected the ideological bias and control of a socio-economic and political elite.

Mr McGregor delivered his attack on one of the key pillars of the province's tourism industry in yesterday's tourism debate . . . to howls of protest from the Nationalist benches in the provincial parliament in Wale Street.

Mr McGregor said that he enjoyed Cape wines very much, but said that "behind the seductive images that advertise fine Cape wines, feudal conditions still remain among the wine farm labourers".

The wine industry, he said, "certainly has no reason for maintaining such conditions as it is an extremely lucrative industry".

The Winelands was characterised and monopolised by South African whites or white foreigners who occupied the skilled levels of the industry, and all the beautiful wine farms, Mr McGregor said.

Socio-economic patterns were grossly unequal and farm workers were subject to the effects of apartheid education, poverty, alcoholism, casualisation of labour, lack of unionisation, malnutrition, child labour practices and lack of security of tenure.

With this background — and in the absence of opportunities to upgrade their skills — they could not hope to compete for better positions in the wine tourism industry, Mr McGregor said.

## Farm workers 'could run in local government elections'

(4) DD 15/5/95  
MDUDUZI KA HARVEY

FARM workers could assert themselves by running in the local government elections, if they mustered enough support, the Centre for Rural Legal Studies said.

The centre indicated that in this way farm dwellers had a chance to represent their own interests, if they could get enough signatures of people backing them.

All the process entailed was for farmers, farm workers or anyone over 18, who did not owe service fees, to pay a fee of R100 to the returning officer of the Regional Services Council, Joint Services Board or a municipality where the farm was situated.

Candidates would have to prove that they had local support and that their supporters were on the voters' roll.

"If the more than 1,2-million workers and their 5-million dependents are to benefit from the reconstruction and development programme, they should ensure that their voices are heard loudly in the local corridors of power," the centre said.

National Land Committee rural local government task group co-ordinator Tebogo Makgobola called on government to spell out how farm workers would be accommodated within the envisaged local government structures, to finalise the rural local government models and to clarify the relationship between elected representatives and traditional leaders.

## TV programme for farmers (4) (2)

Louise Cook BD 23/5/95

GOVERNMENT yesterday launched a new TV programme aimed at training farmers.

The Agriculture Department said it would produce Farmer's Indaba for screening on NNTV on Thursdays.

The programme, which would debut in June, would focus on a variety of farming issues, including marketing information to help farmers who were now operating in a more competitive environment.

Agriculture Deputy Minister Thoko Msane said the programme would be critical in government's attempts to create effective information systems.

The aim is not to teach only specific skills, but also to get feedback from farmers, she said.

The programme would put new issues forward. For example, viewers would be made aware of the importance of early drought warning systems, rather than focusing on drought assistance. Instead of concentrating on the cost of maize, free market and international trade opportunities in the industry would take preference.

The focus of Farmer's Indaba would be educational, but would not avoid actuality issues.

Chief producer Jan de Beer said the programme would be accessible to millions of small farmers after October if SABC proposals to the IBA were implemented.

# Medicine trade bound by pact

Beatrice Payne (4) (2) BD 23/5/95

NATIONAL Association of Pharmaceutical Wholesalers' members had signed an agreement binding them to purchase medicines directly from manufacturers or authorised agents, association executive director Trevor Phillips said at the weekend.

The association represents about 80% of private sector medicines sales. "The only way to stamp out the grey market in the distribution area is to regulate the supply chain," he said. Members breaking the agreement face heavy penalties — including expulsion from the association.

Grey market medicines came from two sources, he said. First, through dispensing doctors selling cheap medicines to wholesalers after buying stock from manufacturers at a considerable discount.

The second source was medicines stolen from manufacturers or state warehouses "re-entering the market by devious means and being sold to the trade at temptingly low prices".

Transferring the functions and responsibilities of a pharmaceutical wholesaler to a sole distributorship controlled by a group of manufacturers was unlikely to cut end-user

medicine prices, Phillips said.

"It will cost (the group) just as much to operate the warehouses, vehicle and staff and merely transfers responsibilities to a new organisation charged with a similar job description," he said.

It was misleading to claim that a sole distributorship would reduce medicine costs as it cut out the wholesaler or middleman, as similar operational costs were charged to the manufacturers sharing in the sole distributorship.

"Inevitably this would be reflected in the medicine prices," he said.

A single source for a range of medicines introduced a "stranglehold" on the end-user's access.

If sole distributorships continued to grow they would inhibit the end-user's freedom of supply choice and extend monopolistic practices that this development had introduced which were not in the interest of the community pharmacist or the patient, he said.

International Healthcare Distributors, the sole distributor for pharmaceutical manufacturers Sandoz, Bayer, Boehringer-Ingelheim, Roche and Ciba-Geigy, could not be reached for comment yesterday.

ousing shortage ● Union negotiates resettlement on state land

# Black farmers take issue

By Isaac Moledi

(4) Sowetan 25/5/95  
 THE National African Farmers Union has called on the Government to address the problems facing black farmers.

Formed in 1991 to champion black farmers' aspirations and lobby for Government support, the union also reacted strongly to attempts by established white organisations and unions to split the organisation.

Nafu general manager Mr Stephen Mokoene says the Government is responsible for assisting black farmers regain their lands for farming.

Mokoene says Nafu has been negotiating with the Government to start a process of resettling black farmers on disused farm lands currently under the control of the Department of Agriculture.

"We have been meeting with Land Affairs Minister Mr Derek Hanekom and an agreement was reached to form a task team to look into state lands currently under a trust, so that decisions can be reached as to what steps can be followed

to settle black farmers in those lands," says Mokoene.

He also rejects allegations that Nafu is opposed to the idea of having one national body or single provincial organisation representing all farmers.

"Nafu is not opposed to a single provincial organisation representing all farmers. There are many factors that have to do with empowerment of black farmers that are militating against this idea at the moment," he says.

It is therefore not feasible that after amalgamating black and white unions that these factors or issues will be pursued with the same vigour, Mokoene adds.

For any merger to succeed, he argues, organisations or farmers should go in as equals.

"Black farmers and their organisations are marginalised and still discriminated against. Their capacity is also limited and the clandestine efforts to have them assimilated into powerful, well connected structures can only result in farmers compromising their own interests," stresses Mokoene.



**Derek Hanekom ... black farmers want him to resettle them on unoccupied state lands.**

He says it is only when the playing field has been levelled and many of the problems facing black farmers have been addressed that single organisations at both provincial and national level will succeed.

**Wage call 'negotiable'**

THE SA Agriculture, Plantation and Allied Workers' Union call for a R750 a month minimum wage for farm workers was open to negotiation, union general secretary Dickson Motha said at a conference in Bothaville yesterday.

The union would reconsider the amount if farmers convinced him they could not afford it.

BD 25/5/95

MORE than a year after South Africa's first democratic elections farm labourers along the Olifants River still work for appalling wages, live in squalor and operate on the long-abolished "tot system", where farmers pay part of their wages in wine.

The largely wine-farming area from Klaver to the mouth of the river was this week described as the Western Cape rural area's *vrotkol* (rotten spot).

A preliminary report from Stellenbosch's Centre for Rural Legal Studies found that the majority of farmers in the area provided workers with alcohol on a daily basis. Those who had done away with the tot system, had difficulty finding labour.

The study revealed that after several generations of farm workers had grown up under the tot system, alcoholism constituted the single biggest problem on Western Cape farms.

Although outlawed some 30 years ago, the tot system was widespread and some farmers have also taken to selling alcohol to farm workers, recouping a substantial amount of wages paid to them, according to the report.

It also shows that the average weekly wages for men in the area is R87, R58 for women, and R81 for seasonal workers.

Vredendal Magistrate's Court prosecutor Pieter Burger, who has interviewed farmers and

labourers over the past two years, confirmed that the tot system was still rife.

Of some 600 farms in the area only about 20 of them did not use the system, Mr Burger said.

A spokesman for the local Agricultural Ministry and the regional Department of Agriculture, Willem van Huyssteen, condemned the use of this "outdated management tool".

"We cannot condone the use of the tot system — it's illegal and although we are not aware of any specific farmers remunerating their workers in alcohol, we are extremely disappointed to hear they are using these poor management skills."

Mr Burger said farm-

ers paid their workers an average of R60 a week and supplemented their pay with up to three bottles of wine a day, which the farmers bought for as little as 57 cents a litre.

The fines for using the tot system were minimal — around R1 000 and "a mere R20 if they pay admission of guilt fines", he said.

Most farmers supplied labourers with meagre housing which seldom had electricity or water, but several had tried to improve living conditions.

Another entrenched system was that of buying on credit from farm shops run by the farmer. This often meant that workers, who had no transport, were forced to

## Appalling conditions for farm labourers on Olifants River

ST(CM) 28/5/95

By YVETTE van BREDA

(4)

buy from the farmer resulting in their weekly tab exceeding their wages.

Labour law author Dawie Bosch, who presides in the Agricultural Labour Court, pointed out that the Western Cape farmworkers were better off than those in the rest of the country — but were still only paid 42 percent of the minimum living wage.

Johan Visser, of the Western Cape Union of Agriculture, stressed that farmers were trying to improve the situation in the area.

In the Citrusdal district further along the Olifants River, where the tot system had been phased out years ago, the situation was very different and this showed that "it is not hopeless".

# Govt promises 'can't be kept'

4 ~~244~~ ~~304~~ ~~305~~ CT 31/5/95

SOUTH Africa has not budgeted for the unemployment insurance and conciliation rights promised to farm and domestic workers, the Afrikaanse Handelsinstituut (AHI) told members of Parliament yesterday.

AHI delegation leader Mr Theo Pegel told the parliamentary committee on labour that the Commission on Conciliation, Mediation and Arbitration proposed in the Labour Relations Bill would cost five times the budgeted amount if it covered farm and domestic workers.

He said the AHI was also concerned that the Unemployment Insurance Fund (UIF), which is already under extreme pressure, would not be able to carry the proposed extension of its cover to

include farm and domestic workers.

"These rights have to be extended. But if you promise something, the cash has to be there. I think it is irresponsible to take on a commitment that you cannot serve," he said.

Sanlam delegate Mr Gerrie Botha said the AHI had calculated that the inclusion of farm and domestic workers under the provisions of the proposed commission would push the cost from the budgeted amount of R30 million to about R150m a year.

ANC committee members said in response that, while accepting the criticisms of the fund itself, they would like to see a crackdown on businesses that failed to pay their UIF contributions. — Reuter



④ Demand is negotiable  
20 11/1/85  
THE SA Agriculture, Plantation  
and Allied Workers' Union  
launched in February, said yester-  
day its R750 a month minimum  
wage demand was open to negoti-  
ation if individual farmers put  
forward "convincing arguments".

(4)  
21/11/95  
**'Post-feudal' land reform**

THE cabinet yesterday approved a draft bill to give labour tenants security of tenure on farms where they have worked in exchange for the right to farm or run cattle, cabinet secretary Professor Jakes Gerwel said yesterday.

Prof Gerwel said the bill would be tabled in Parliament this week for debate. "This is part of our post-apartheid, one could almost say post-feudal land reform," he said.

University research indicates that about 400 000 people still live within the labour tenancy system but generally have no protection against eviction. — Reuter

## Land deal mooted for labour tenants

Tim Cohen

(204) BD 2/6/95

CAPE TOWN — The Land Affairs Department yesterday published proposed legislation which would allow up to 40 000 labour tenants to buy the land they occupied with government assistance — with or without the agreement of the landowner.

The proposals effectively implement a moratorium against the eviction of labour tenants by giving tenants a right to reclaim their land.

Land Affairs Minister Derek Hanekom said the Cabinet had approved the draft legislation for comment to provide an opportunity for the matter to be fully debated. It was government's intention to bring evictions of the labour tenants to an end in an orderly manner and ultimately to do away with the "archaic system".

The legislation gives second-generation, existing labour tenants the right to acquire ownership of the land they have historically used. The right to acquisition is subject to the payment of compensation to the

landowner according to the compensation formula in the constitution. Hanekom said that according to rough estimates, the programme would cost no more than R200m.

"Pragmatic and negotiated solutions" are encouraged, giving the landowner the opportunity to put forward alternative proposals on the location of the land to be acquired and providing for mediation.

A background document distributed by the land affairs department said from the early 1990s farmers began to evict labour tenants in certain areas on an unprecedented scale. The reason for this was the expectation that the new government would introduce legislation to protect the rights of labour tenants. Thereafter, the situation had been marked by murders of tenants and farmers, strikes, expensive legal battles, cattle theft, arson and violence.

Although moratoriums had been declared in some provinces, they were impossible to enforce as individual farmers remained legally entitled to evict. This had necessitated new legislation.

# Labour tenants

## get right to buy

(408)

CT 2/6/95

DRAFT legislation giving about 30 000 labour tenants the right to buy farmland they have historically occupied and used will be gazetted today.

Land Affairs Minister Mr Derek Hanekom said the Land Reform (Labour Tenants) Bill would also protect tenants who could not immediately afford to buy land by placing a moratorium on evictions.

In a bid to prevent mass evictions before the bill was passed, the sections protecting tenants would apply from publication in today's Government Gazette rather than the date of enactment.

### Inherent problems

Mr Hanekom said the bill addressed particular problems inherent in the labour tenancy system in parts of kwaZulu/Natal and the South-Eastern Transvaal and would not apply to all farmworkers.

It aimed to protect tenants from arbitrary and unfair evictions, while also providing independent land rights to resolve historical claims.

A farmer might not evict a tenant unless the latter had breached the labour tenancy contract, was guilty of misconduct, or the farmer had specific needs for the land.

Evicted tenants would have to be compensated for houses they had built and for crops not reaped.

Tenants' right to acquire land would be subject to compensation for the landowner. —Sapa

## Evictions 'most difficult issue'

CP 2/6/95

THE eviction of labourers from farms had been one of the most difficult and pressing issues he had faced in his year in office, Land Affairs Minister Mr Derek Hanekom said yesterday.

The lack of a clear legal framework had led to conflict and violence between landowners and labour tenants and had blurred the differences between fair and unfair evictions, he said.

Eviction had left labour tenants and their families without alternative accommodation, without any

effective means of making a living, and often without recourse to the law.

The government intended to bring an end to evictions in an orderly manner and ultimately to do away with the country's archaic labour tenancy system.

Mr Hanekom called on all interested parties, particularly members of the farming community — both landowners and tenants — to comment on the proposed Land Reform (Labour Tenants) Bill before July. — Sapa

*Workers get special protection*

# Draft Land Bill limits evictions

Spar 2/6/95 (204) (11/11)

■ BY JO-ANNE COLLINGE

Farm workers will have immediate protection from eviction while draft legislation on land reforms goes through the parliamentary process.

The draft Bill puts strict limits on the circumstances in which labour tenants can be evicted from the farms on which they are tenants.

The unusual move has been made effective from the moment of publication for comment in today's Government Gazette.

In the major reform, the draft Land Reform (Labour Tenants) Bill also provides for the forced sale of privately owned farmland to tenants in parts of Kwa-Zulu-Natal and the south-eastern Transvaal.

Minister of Land Affairs Derek Hanekom described the eviction of labour tenants yesterday as "one of the most difficult and pressing issues" he had faced.

"These evictions have left labour tenants and their families without alternative accommodation, without any effective means of making a living, and often without recourse to the law."

The lack of a clear legal framework and mechanisms to resolve disputes had given rise to conflict and violence, he added. The Bill was intended to fill this vacuum and enable government to act decisively.

The majority of farm workers and owners will not be affected by this first clear move by the Government beyond the realms of land restitution and into the territory of redistribution.

The Bill only covers a narrow category of farmworkers and landowners who are locked into the outmoded labour tenancy practice.

It proposes that a labour tenant will have the right to "acquire ownership or another right in the land which he or she

and his or her family use as a dwelling ... habitually use for cultivating produce and ... for grazing".

It provides for this purchase to take place voluntarily and stipulates that the landowner should be paid "just and equitable compensation".

Only when tenant and owner cannot agree on the sale and on the price will the Land Claims Court come into the picture.

Drafters of the Bill expect that purchases will proceed slowly and that the availability of State subsidies for tenant-purchasers will be central to the workability of the scheme.

For this reason, and in order to stem conflict arising from the evictions, the Bill also attempts to provide stability in the tenancy situation by stipulating procedures to be followed before an eviction may take place.

► **Landing a fair deal**

— Page 11

**T**he Land Reform (Labour Tenants) Bill is published today. Jo-Anne Collinge reflects on the wrongs the critical legislation sets out to right.

# Landing a fair deal for

(2) (4) (5) Star 2

**O**n June 16 1913 Lord Gladstone signed the Natives' Land Act and, as people's historian Sol Plaatje bitterly reflected, made it "criminal for anyone to have black tenants and lawful to have black servants".

Hundreds of thousands of black people were driven off farms and turned into vagrants over night. Independent tenant farmers, who had paid their rent in cash or by sharing their crops with the registered landowner, found the sole lawful "currency" left was themselves.

"The only way to preserve some measure of independent farming activity was to become labour tenants," explains Anlika Claassens of the Wits University Centre for Applied Legal Studies, who was closely involved in drafting the Land Reform (Labour Tenants) Bill.

"In terms of the old system, labour tenants had to provide the white 'owner' of the land with free labour for half of the year."

## Servitude

Today, nearly 82 years on, the publication of the new Bill finally offers an alternative to the forced removal route out of the feudal system of land tenure based on servitude. The proposed law entitles labour tenants to purchase the portion of land which their families have worked for two, three or even more generations.

It recognises a right to ownership which cannot be subverted by the absence of a "willing seller", since the Land Claims Court can enforce a sale where the owner is reluctant.

Whether the sale is voluntary or forced, the owner is entitled to fair compensation.

The Bill also regulates the relationship between owner and labour tenant in the period prior to purchase. It sets out very clearly when the tenant may be lawfully evicted and when an eviction would be a breach of law.

Any lawful eviction must include compensating the labour tenant for the buildings and other improvements he or she has contributed to the farm.

The proposed law does not apply to farmworkers in general. It does not cover those who fall clearly into the class of wage labourers. It aims at a very narrow class of people where the exchange of labour for the right to plough and keep livestock on a portion of the land is the essence of the contract.

This system was, in fact, out-

lawed by National Party governments on a district-by-district basis from the mid-60s. And this resulted in the removal of more than one million people. The practice now only survives on any scale in parts of KwaZulu-Natal and the South-Eastern Transvaal. And the Bill also applies only to districts within these regions.

The Ministry of Land Affairs hopes that its new law will douse rather than fan the flames of conflict that have flared with increasing regularity in labour tenancy areas.

"Tenants and their families resisting eviction have been intimidated, and farmers have complained of retaliatory acts of fence-cutting, cattle theft and starting of fires," Claassens points out. Disputes have swelled into mass action, such as strikes, boycotts and demonstrations.

There have been deaths on both sides. For instance, young Bhekil Mlangeni, whose uncle refused to vacate their south-eastern Transvaal farm, was beaten to death last year by a group of whites.

## Deep fears

In Weenen, the mass eviction of labour tenants resulted some months ago in cattle being strung up, fences ripped down and two farmers killed.

There is, without doubt, deep fear on both sides. There has been panic among owners who believed that they might simply lose their land under an ANC government. This fuelled the rate of evictions as farm owners tried by all means to rid themselves of potential land claimants.

And the evictions touched an even deeper well of fear in the labour tenants themselves. Ejection meant a complete loss of shelter, livelihood and the total accumulated "wealth" of a lifetime's hard labour.

"One of the terms of labour tenancy is that families must build their own homes," Claassens points out. "They do this in the legitimate expectation that the contract will remain in force for generations to come as it has for generations gone by."

"They invest their labour and money in establishing homesteads, orchards, cattle kraals and fields. Their most important investment, and the only source of cash on which they can rely in times of emergency, is their cattle. Evicted labour tenants have

nowhere to go where they will find adequate grazing for their cattle...

But eviction is also often the loss of something lovely and precious in an otherwise harsh existence. Sonto Dladla was getting at this when, under threat of eviction in 1988, she insisted that the newspapers must "tell them that my parents are buried there and so are my three children that died".

Often labour tenants can trace their family's occupation of a particular piece of land way back to before white conquest and settlement. They have a profound feeling that the land is theirs despite the arrival of other, formally recognised, owners.

The feeling for this land includes a traditional regard for the ancestors, but it goes beyond this. The farm is also infused with a more contemporary sense of family, often a large, extended family whose members have supported each other through adversity. And the cluster of buildings, the kraals and the gardens speak of the habits of that family.

For all these reasons, the drafters of the legislation say, it is not possible to resolve matters by simply shipping the tenants out and offering them a chance to buy into some State-acquired tract of land. Such a solution, they point out, would be little better than apartheid era forced removals.

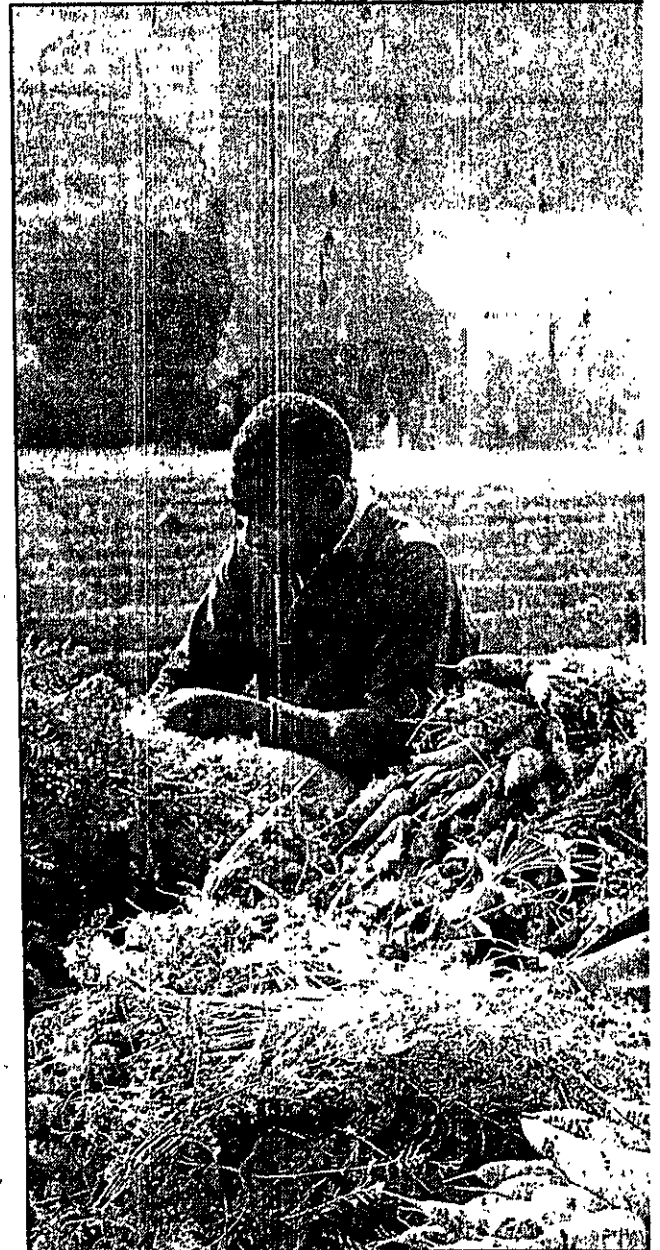
## Subsidies

The efficacy of alternative envisaged will depend, however, on the Government's willingness to put its money where its mouth is. Unless labour tenants are able to get subsidies similar to those on offer for housing in urban areas, the legal promise of land will be empty.

How the affected farmers and organised agriculture will react to the Bill is hard to predict.

Over the years, the South African Agricultural Union lobbied the National Party government for the eradication of labour tenancy, arguing that it was a "backward" form of tenure which should make way for more modern and productive approaches.

As Claassens points out, some of the large forestry companies have already voluntarily entered into sale arrangements with their labour tenants on their vast plantations or even given them a portion of the land as an outright gift.



Land for labour... a feudal remnant. A

How many other landowners will be equally attracted by the idea that a land settlement will buy the precious condition of security remains to be seen.

One thing is certain: there is

unlikely to be any escape route, no hasty evasion through mass evictions. The Bill prevents this by a special provision which makes it effective from today — the day of publication — and not

from the day of publication — and not from the day of publication — and not

Some of the surety inevitably well to Sol Plaatje the wretch

Labour Tenants) Bill is published  
The Bill reflects on the wrongs this  
Commission sets out to right.

# Deal for workers

(4) (66) Jan 2/6/95



Land for labour . . . a feudal remnant. A new law is about to change this system.

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unlikely to be any escape route,  
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evictions. The Bill prevents this  
by a special provision which  
makes it effective from today —  
the day of publication — and not

from the date of enactment.  
Some opposition to the Bill is  
surely inevitable. But it is equal-  
ly well to recall that in 1913 as  
Sol Plaatje wandered about with  
the wretched victims of the Land

Act, he came across a very rare  
but undiluted sense of justice  
among the landowners.

He recalled that Mr V, the  
owner of Dashfontein, told his  
workers he was prepared to defy

the Land Act because "the good  
Lord, who has always blessed  
us, will turn His face away from  
us if people are unsettled and  
sent away from the farm in a  
discontented mood".



or step towards land reform

# Curb placed on evictions

4  
Sowetan  
2/6/95

By Ismail Lagardien  
Political Correspondent

**L**ABOUR tenants will from today have legal protection from eviction and the Government will provide opportunities for such tenants to buy the land they live on — if they want to.

A bill was published yesterday providing protective tenancy which, in terms of the legislation, means that "labour tenants cannot be unfairly evicted by the farmer, but that the farmer has remedies if the labour tenant is guilty of misconduct".

The memorandum to the bill explains: "The current situation has been marked by murders of tenants and farmers, strikes, marches, evictions and boycotts as well as long, bitter and expensive legal battles, fence cutting, cattle theft, arson, violence and threats of violence."

Introducing the Land Reform (Labour Tenants) Bill yesterday, Minister of Land Affairs Mr Derek Hannekom said the bill would hopefully, bring and end to the archaic semi-feudal system that has existed for decades, stop evictions and bring to an end the violence that has characterised the relationship

between labour tenants and farm owners.

Hannekom said the Government's work did not end at providing legal rights to labour tenants, but that they could, eventually, access Government assistance in the form of subsidies and support.

His deputy, Mr Tobie Meyer, also said yesterday that it was not inconceivable that the present labour tenant could buy the entire farm upon which they live.

"That would make a wonderful contribution towards land reform in this country," Meyer said.

There are an estimated 30 to 40 000 labour tenant families in the country. These people work on farms for no cash remuneration, but for the right to use a section of the farm, mostly for subsistence farming.

Labour tenancy is widespread in the South Eastern Transvaal and in parts of KwaZulu-Natal and since the early 1990s farmers have been evicting labour tenants on an unprecedented scale.

The bill will be effective tomorrow in the form that it will be passed by Parliament at a later date. This means that as from today no labour tenants can be evicted — even before the bill has been passed into law.

# Hanekom's Bill to bury

## The land reform programme takes a leap forward as a controversial law seeks to destroy the semi-feudal labour tenant system. Eddie Koch and Gave Davis report

47  
LMMZ-8/6/915

AND Affairs Minister Derek Hanekom this week published a tough law to put an end to a semi-feudal system of farming that forces thousands of black labour tenants to live in conditions described by human rights lawyers as the "closest we have to slavery in South Africa".

The Land Reform (Labour Tenants) Bill will provide more than 250 000 labour tenants in parts of Kwazulu-Natal and the Eastern Transvaal with rights to live on white-owned farms without fear of eviction, or to appropriate land from farmers who are intent on sticking to the archaic system.

Hanekom says the draft law, gazetted on Friday morning as part of a wider land reform programme designed to share out 30 percent of the country's arable land to the rural poor within five years, has two main aims for labour tenants: "protection and redistribution".

"The Bill contains a land-to-the-tiller programme that provides tenancy rights and an opportunity for land redistribution. It is aimed at providing immediate protection for an extremely vulnerable group of people whose living conditions have been described to me as being the closest we have to slavery."

The draft law was approved in a Cab-

inet meeting on Wednesday. Support from the National Party, which represents white farming interests, was secured when Hanekom agreed to publish the Bill for public comment instead of tabling it immediately in Parliament.

Describing the Bill as one of the "most exciting aspects of land reform in the country", Hanekom said he anticipated a strong backlash from some white farmers and a possible rash of "pre-emptive evictions" as farmers try to clear their land of tenant families before the Bill passes.

Derek Hanekom



To guard against these potential evictions the Bill stipulates that the right of tenants to live in security on the land is guaranteed retroactively to the date the Bill was published. Hanekom believes the limited territorial scope of his new law — along with the fact that it makes a strict distinction between "second generation tenants" and ordinary farmworkers — will contain much of the anticipated fallout from affected white farmers.

"The Bill applies only to those districts where labour tenancy is still endemic. A labour tenant is defined as a person who is a second generation

labour tenant. It is clear that the Bill does not apply to all farming land nor does it cover farmworkers in general," Hanekom told the Mail & Guardian.

"It is designed to address the particular problems and abuses inherent in the system of labour tenancy and also to address the fact that because of the underlying land claims, the solution has to include elements of land reform."

The South African Agricultural Union (SAAU) has always been against the system and we expect they will support this initiative to bring South Africa in line with other democracies.

Labour tenancy is a semi-feudal relationship between a landowner and resident families who are obliged to provide free, or virtually free, labour in exchange for the right to eke out an existence by farming, for domestic use, a small parcel of land on the farm.

The system was outlawed in the 1960s mainly because the Nationalist government feared tenancy would lead to a *beswearing van die platteland* — a blackening of the countryside — and many farmers began to use a system of straight wage labour. As a result of laws prohibiting tenancy arrangements, about a million people

strict conditions under which farmers are allowed to move families off their land. This is only allowed where tenants have breached their contracts, are guilty of serious misconduct or the owner has specific needs for the land.

It lays down detailed procedures and sets a period of notice has to be given to the affected families. Landowners will have to pay compensation to families who leave behind houses and unripe crops and the Land Claims Court can review cases. The other main feature of the Bill is that it gives tenants the right to acquire ownership of the land which they have historically used and occupied. "This right of acquisition is subject to the payment of compensation to the landowner ... The Bill provides for state subsidies to assist labour tenants to raise the money necessary to pay for the land," the memorandum states.

Hanekom says the pillars of the Bill — protective tenancy and the right of long-term occupants to acquire and — are principles that have been accepted in most of Europe and North America. Hanekom's law is modelled on the Crofters Act which was enacted in Ireland in 1993.

"In those countries where anomalous semi-feudal relations continue to exist in modern societies, similar measures have been introduced to uphold the rights of the long-term occupants. Human rights organisations have welcomed the law although some have expressed concern with the fact that tenants will have to pay for land that they have always occupied."

The new Bill will be discussed on Talk at Will with the Mail & Guardian on Satm, on Friday 2 at 8.30am

## Reform Bill 'confiscating land'

ARC 3/6/95

JOHANNESBURG. — The South African Agricultural Union (SAAU) says the proposed Land Reform Bill makes a mockery of property rights and "practically amounts to the confiscation of land in favour of farm workers".

SAAU president Boet Fourie said Land Affairs Minister Derek Hanekom had "failed to give any consideration to the interests of land owners" in the proposed legislation, which places a moratorium on the eviction of labour tenants — people who exchange work for the right to farm a small piece of land.

Mr Hanekom announced the R200 million scheme to give labour tenants security of tenure and help them to acquire ownership of the land they farm.

Mr Hanekom told reporters that the

(3) (4) (21)  
scheme could help to turn 30 000 to 40 000 labour tenants in the Eastern Transvaal and the north of KwaZulu-Natal into successful farmers.

"Why doesn't the minister also place a moratorium on the violation of the property rights of the affected farmers?" Mr Fourie asked. "As so often in the past, the minister has chosen to ignore these problems."

The bill, which was published for discussion yesterday, proposes to give labour tenants the right to security of tenure and, if they wish, to buy land they currently farm.

"It's land the tenants are farming now, land the farmer does not use," Mr Hanekom said. "The tenants have probably paid for the land over and over again through the generations with their work." — Sapa.

# State to protect tenants

By RAY HARTLEY  
Parliamentary Correspondent

LAND Affairs Minister Derek Hanekom has cleared the way for some 40 000 labour tenants in Kwazulu Natal and the Eastern Transvaal to acquire the land they have been farming, often for generations.

Draft legislation published for comment this weekend will make it illegal for farmers to evict labour tenants from the land they occupy and "rent" from farmers by exchanging their labour, putting

an end to a long conflict on farms in these areas.

The Bill provides for "protective tenancy", which means that "tenants cannot be evicted simply because the owner decides to give them notice, but only when the tenants have breached the contract or are guilty of misconduct, or the owner has very specific needs for the land," a Land Affairs document says.

The Bill entitles labour tenants to "purchase the portion of land occupied from the farmer with the assistance of a state subsidy," the document says.

'THERE are certain natives ... who absolutely refuse to be servants. They are fairly well to do, and they want a portion of the farm to sow on shared. They have their youngsters to look after their stock, and they are themselves free to go about and do what they like ... When the boy has his whole piece of ground to sow and is given a half of the crops, he is not a servant but a partner - a master.' - A Ficksburg farmer, quoted in *The Right To Land*, David Philip, Cape Town.

# END OF SLAVERY

CP4695

PROFESSOR Jakes Gerwel, Cabinet secretary, put it like this: "This is part of our post-apartheid - one could almost say post-feudal - land reform."

Apartheid South Africa's unique system of labour tenancy was structured from the 1913 Land Act - which introduced a programme whereby people were given access to land by working for the white farmer.

The system did not involve an exchange of cash. The farmer did not pay wages. Terms of payment were negotiated around the size of lands workers could plough and the number of cattle they could keep.

In other words, you exchanged your labour for land - and what it meant was that black people were only allowed to live legally on rural land in white areas if they were full time labourers.

Between 1966 and 1980 this was replaced by a system of straight wage labour. This change in law resulted in over one million black people being evicted from their homes in white rural areas and shuttled off into distant homelands.

White farmers manoeuvred around the law

**THE fact that labour tenants were prepared to live and work under such trying conditions goes back to the Land Act of 1913, which prohibited black people from entering into contracts in leasing and sharecropping. An historical Bill tabled in Parliament on Friday will put an end to one of apartheid's most wicked forms of land control. RAFIQ ROHAN reports.**

in the 1970s by paying nominal wages of R10 to R20 a month to comply with legal requirements. They limited areas labour tenants could use for grazing and fields.

Labour tenants were left vulnerable by the law and farmers took advantage of this vulnerability. In its original form the tenant contract required the labour of one able-bodied person. Now farmers could demand - and they did - the labour of up to four members of the labour tenant family.

Labour tenancy has slotted the workers into a lifestyle only suited to farm labour. Because they never earned wages, all their worldly possessions are bound up in the homesteads on the farms. When evicted, the labour tenant loses all the assets the family built up and handed down over the generations.

Many labour tenant districts are experiencing conflict of some sort:

■ Strikes are happening in Weenen, Estcourt and Piet Retief;

■ Land invasions occurred in Cramond and Baynesfield;

■ Legal battles are on in Vryheid, Cramond, Colenso and Baynesfield;

■ Violent clashes took place in Piet Retief, Cramond, Colenso and Weenen.

"Farmers sometimes use brutal force to evict tenants. Bheki Mhlange, the nephew of a man who refused to vacate a farm, was beaten to death by white people searching for his uncle. In response to a lack of police action a two-day stayaway and a series of marches was held by labour tenants in the Piet Retief and Wakkerstroom districts on 20 and 21 July, 1994."

The Land Affairs Min-

istry highlights other similar incidents in the motivation for changing the Land Act.

The new Bill aims at protecting existing rights of labour tenants - while giving labour tenants an opportunity to, if they were long-term occupants, acquire rights to land. It provides for protective tenure for labour tenants. It does not take away land which the landowner used before.

"The publication of this Bill will put into effect a moratorium on evictions," said Hanekom. "The legislation places at its centre the principles of human dignity, justice, equality and respect for the law."

The programme would enable labour tenants to become successful subsistence farm owners, he said.

A very rough estimate of the cost of the programme will incur in terms of the programme is R200 million and it will affect 30 000 to 40 000 people.

■ Hanekom called upon all interested parties, especially farmers and tenants "to make their voices heard on the subject". They have until July 14 1995 to make representations.

## Land tenant bill slammed

Louise Cook

(7) (4) 80 8/6/95  
THE proposed Land Reform Labour Tenants Bill, released for comment by Land Affairs Minister Derek Hanekom last week, was slammed by agricultural organisations for infringing property owners' rights.

The Bill proposed to give some 40 000 labour tenants on farms in the Eastern Transvaal and Kwazulu/Natal the right to acquire property rights with government assistance — with or without the approval of the landowner.

Transvaal Agriculture Union vice-president Willie Lewies warned that, once passed, the "draconian" Act could be extended to apply to the whole country.

Lewies said it could affect land values and farmers' bank creditworthiness. SA Agriculture Union president Boet Fourie accused Hanekom of "not being prepared to consider the interests of land owners". Natal Agriculture Union president William Mullins said it could increase labour and landowner tensions and that the minister had failed to consult with unions.

Legal firm Du Toit and Associates MD Philip du Toit said it tried to "fix the evil of forced removals with the evil of forced dispossession". But Farm Worker Research and Recourse Project director Dave Husy said "it was a mechanism to restrict evictions". A Land Affairs spokesman said if passed it would come into effect this month.

# Labour Tenants Bill welcomed

(4) PD 14/6/95

## Louise Cook

THE National Land Committee yesterday welcomed the Land Reform Labour Tenants Bill but said it had failed to "sufficiently extend" the rights of labour tenants.

Committee land rights task group co-ordinator Jadu Dada was concerned that the Bill proposed that labour, instead of an historic link, would entitle the labour tenant to live on the land. He also criticised the Bill for not applying to the 1960s and 1980s when most evictions had taken place.

Dada called on government to deal with these cases through the Restitution Act.

But he said the Bill would protect labour tenants, women and the aged against arbitrary evictions and enforce the Basic Conditions of Employment Act.

The Bill proposed to give 40 000 labour tenants on farms in the Eastern Transvaal and KwaZulu/Natal the right to acquire property rights with government assistance — with or without the approval of the land owner — and placed a moratorium on evictions.

Ingrid Salgado reports the Land and Agricultural Policy Centre said yesterday labour tenants in the Northwest were unprotected by the Bill and needed to be included in its scope.

The Bill's current form only protected tenants in particular magisterial districts in KwaZulu/Natal and the former southeastern Transvaal where they had "no security of tenure on the land they have been working for generations", the centre's land reform programme manager Theresa Plewman said.

Tenants excluded from the Bill's scheduled areas were vulnerable to farmers who could take "pre-emptive action" by changing their contractual relationships with tenants.

Plewman said Land Affairs Minister Derek Hanekom should expand the Bill's schedule to include the whole country before legislation was passed.

Most evictions had taken place in the Bill's listed areas, which tended to be politically conservative and where tenants were "quite active", she said.

But legislation could not exclude the possibility of evictions happening elsewhere.

The centre commended Hanekom for tabling the "far-reaching and controversial" Bill for comment. Comments were being sought urgently and would be received until July 15.

Listed areas in the bill include Ermelo, Middeburg, Piet Retief, Amersfoort and Standerton in the former southeastern Transvaal and Newcastle, Estcourt, Ladysmith and Weenen in

KwaZulu/Natal.

The land affairs department had also issued a land reform policy framework document which would culminate in a debate on a land reform white paper in September, Plewman said.

Meanwhile the department said threats of violence associated with evictions were serious and the problem had not been "exaggerated", as alleged by the SA Agriculture Union (SAAU).

The SAAU had said evictions of labour tenants were "merely half the problem".

The union had accused Hanekom of bias, slamming the Bill for not considering the interests of land owners, while the Transvaal Agricultural Union had said it would "refuse to accept" the Bill.

Land Affairs chief director Erik Buiten said although no record had been available to indicate the number of evictions, the threat and intensity of violence associated with the problem was serious.

Buiten said the Bill aimed to protect the interests of the land owner as well as the labour tenant.

Farm Workers Research Project director Dave Husy said the number of evictions on farms had started to slow down last year, but "thousands" of labour tenants had been evicted since 1990.

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## Land reform legislation to be considered

(4) CT 21/6/95  
POLITICAL STAFF

FAR-REACHING land reform legislation to introduce private land ownership for millions of rural South Africans is due to be considered by the cabinet today.

The legislation is part of a government drive to modernise the rural economy by phasing out the centuries-old tribal land system.

Land Affairs Minister Mr Derek Hanekom said yesterday "interim measures" would be introduced to provide security of tenure to millions living in the former homelands and who are at the mercy of tribal chiefs.

The legislation could run into opposition from traditional authorities and create a new area of disagreement between central government and kwaZulu/Natal.

It is aimed at reshaping tenure systems in the former homelands where people have lived for generations on tribal land but have no legal right to that land.

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# Row erupts over IFP's rejection of new Bill

MD 23/6/95

Louise Cook

3/11/94

A ROW erupted in Parliament yesterday when Land Affairs Minister Derek Hanekom challenged the IFP to give reasons for opposing the Land Reform (Labour Tenants) Bill released for comment recently.

Speaking in the Land Affairs Budget vote, Hanekom said he "noted with disappointment" the IFP's "unexpected and incomprehensible" rejection of the Bill.

The Bill proposed to give land ownership rights to labour tenants on farms in the Eastern Transvaal and KwaZulu/Natal — with or without the owner's agreement.

But IFP Senator Geoffrey Bengu said labour tenancy was a system characteristic of Africa which "would not fade away overnight". He said there were differences between land use and land rights that needed to be recognised.

Bengu said the IFP was "very concerned" with government's drive to replace the labour tenant system with a freehold system.

He called for land reform to be handled by the regions. Hanekom warned that once passed the Land Reform (Labour Tenants) Act would apply retrospectively. This meant that farmers would be prosecuted

for evicting labour tenants even before the Act was passed.

He told the House "urgent action" in areas of tenure reform was needed.

This applied particularly to cases in the former homelands, where the system of land allocation had broken down.

Hanekom said "fundamental steps" towards a more comprehensive land reform policy included a White Paper on land reform by the end of October, a final report by the Katz commission on a land tax by end-November, draft legislation to protect informal rights and a new land-holding institution to hold land on behalf of members of a community.

Meanwhile, the IFP's call for the regions to handle land reform was supported by the Freedom Front, which warned that war would break out over land reform.

Freedom Front Senator Dries Bruwer slammed Hanekom for "planning land reform from Pretoria" and called for regional committees to be established.

Sapa reports that Hanekom said government was not considering expropriating the properties of absentee land owners.

Well managed, productive farms on which workers were cared for, were a national asset.

## Poll threatened by NP court action plan

Mduduzi ka Harvey

2/11/94

THE NP plans to take the Gauteng cabinet's local election seat allocation formula to court, threatening a further delay to the election process.

NP local government chief in the Gauteng legislature, Johann Kilian, said his party would ask Constitutional Affairs Minister Roelf Meyer and his deputy Valli Moosa to intervene. If they failed to break the deadlock, the matter would go to the Special Electoral Court.

On Wednesday the ANC-dominated pro-

vincial cabinet adopted a seat allocation formula in terms of which 10 councillors will represent every 100 000 potential voters in the province. The decision was taken by majority vote.

Kilian said the cabinet standing committee had earlier negotiated and accepted a formula providing for 10 councillors to represent 50 000 potential voters. Local government MEC Dan Mofokeng had reneged on this.

Mofokeng's spokesman Thabang Mamonjanya said the new formula would instil fiscal discipline.

MD 23/6/95

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# Moves to secure rural dwellers' land rights

4

CT 23/6/95

## **POLITICAL STAFF**

LAND AFFAIRS MINISTER Mr Derek Hanekom outlined radical moves yesterday to secure the land rights of millions of rural dwellers in the former homelands.

Mr Hanekom told the Senate during the land affairs policy review the government regarded "security of tenure as the cornerstone to freedom from economic servitude".

Apartheid laws had left many people without clear land rights and unable to provide any "clear legal proof of their right to land".

Pending legislation could undercut the stranglehold tribal chiefs had exercised over their subjects, Mr Hanekom said.

"This applies particularly to the former homelands where the system of land allocation and administration has broken down."

Mr Hanekom said legislation had also been submitted on a "new

kind of land holding institution — a communal property association.

"This association will hold land on behalf of community members, who will also control it."

## **Reclaim**

● PAC president Mr Clarence Makwetu announced yesterday that his party had launched a Back to the Land campaign to help people reclaim rural and urban properties from which they were evicted under apartheid.

The campaign would involve demands for the return of the land or for proper compensation.

● A land tax of between two and four percent would mark the beginning of the end of commercial agriculture, Senator Errol Moorcroft (DP) said yesterday.

Speaking during debate on the Land Affairs budget vote, he said very few agricultural enterprises

had more than a four percent return on invested capital.

He said Mr Hanekom would "regret" his call that drought relief be withheld from commercial farmers and accused him of "an apparent dislike of individual ownership".

● The Eastern Cape government would take action against all civil servants who "crossed the line", Premier Raymond Mhlaba warned yesterday.

But while proof of corruption in the former homelands had come as "no big surprise", this should be seen as an historical rather than a prevalent problem, he said.

## **Punished**

"Civil servants who are proven to be dishonest will be punished."

Police are investigating cases against civil servants in the former Ciskei and Transkei. — Political Correspondent, Sapa

## Moves to secure rural land rights

(4) 4/23/95  
BY PATRICK RULGER

Cape Town — Land Affairs Minister Derek Hanekom has outlined radical moves to secure the land rights of millions of rural dwellers in the former homelands.

Hanekom told the Senate during the land affairs policy review yesterday that the Government regarded "security of tenure attaching to a land unit (as) the cornerstone to freedom from economic servitude for an individual or group".

Apartheid laws had left many people without clear land rights and unable to provide any clear legal proof of their right to land.

The pending legislation could effectively undercut the

stranglehold tribal chiefs had exercised over their subjects by virtue of their control of tribal land.

Hanekom said legislation had also been submitted on a "new kind of land-holding institution, namely a communal property association".

"This association will hold land on behalf of the members of a community, which will also control it. It is a new tenure option which will be offered in cases where the Land Claims Court orders it, where it is the condition for a new land grant or where an existing community asks for it," he said.

Hanekom also outlined steps to introduce a range of other tenure options.

# Hanekom defends his 'Land Act'

(4) CUM 23-29/6/95

Ann Eveleth

**L**AND Affairs Minister Derek Hanekom rejected reports that legislation he proposed to Cabinet this week was aimed at privatising tribal land rights, and said the draft Bill would instead provide legal security to millions of impoverished black rural South Africans living on tribal land in the former homelands.

Hanekom said the proposed Interim Protection of Informal Land Rights Act would protect informal rural land rights from the threat of unauthorised sales to developers and holiday-makers.

"These communities currently have no clear legal right to prevent individuals from selling off their grazing land to developers, or to holiday-makers ... The Bill is intended to provide a defensive mechanism against such transactions," said Hanekom.

Hanekom said the Bill was not intended to prevent development or other transfers from taking place, but would ensure that people with informal rights were given their proper status as stakeholders in such transactions.

"It will protect people who occupy land as if they are owners, who have invested in the land on the basis of an assumption of permanent rights, but it will not apply to land tenants

or temporary tenants," Hanekom said.

Without such legislation, the unlawful transactions now taking place would continue, with the people responsible only learning their actions were illegal years down the road after lengthy litigation, he added.

The proposed Bill is only an interim measure, intended to fill the legal vacuum left by the repeal of apartheid land legislation until proper consultation and research on an appropriate tenure reform system could be completed. This was a complicated process which could take years to complete, so temporary relief was needed to protect people from dispossession in the interim.

Hanekom said the Bill would have to be accompanied by Amendments to the Upgrading of Land Tenure Rights Act No 112 of 1991, which favoured privatisation of land rights over other means of upgrading tenure. "It is necessary to amend the Act in order for it to comply with a policy that security of tenure will be protected under a variety of tenure forms," he said.

It is understood Hanekom presented the proposed Amendments, as well as a Proposed Communal Property Association Act, to the Cabinet committee on social and administrative affairs on Wednesday.

## Farmers 'will fight'

(4)

ARC 24/6/95

JOHANNESBURG. — Farmers and organised agriculture groups plan to mobilise against the recently released Land Reform bill which gives property rights to labour tenants, the Agricultural Employers Organisation (AEO) said.

The AEO, claiming to represent over 6 000 farmers, said it had invited

President Nelson Mandela to its planned rally on July 6 in Newcastle to protest the bill.

AEO president Werner Weber said in a statement farmers would take "every possible legal step to fight this as farmers are not prepared to give away any part of their farms". — Reuter.

## Angry farmers

FARMERS and organised agriculture groups plan to mobilise against the recently released Land Reform Bill, which proposes giving property rights to labour tenants, the Agricultural Employers Organisation (AEO) said.

The AEO, claiming to represent over 6 000 farmers, said it would take legal steps to fight the Bill, as it contravened constitutional guarantees of private ownership. 25/6/95

# Land Bill set to draw fire

By RAY HARTLEY  
Parliamentary Correspondent

FRESH controversy over land reform legislation is looming, with a measure aimed at strengthening individual land ownership in the homelands set to draw fire from Kwazulu Natal traditional leaders.

Land Affairs Minister Derek Hanekom was reported earlier this week to have described the measures as an effort to provide security of tenure for millions whose grasp on the land was at the mercy of tribal chiefs.

By the end of the week, Land Affairs officials appeared to have shifted their stance to diffuse a potentially damaging political battle with the Inkatha Freedom Party over what could be seen as another effort to undermine Kwazulu Natal chiefs.

Ministerial adviser Geoff Budlender said the planned Interim Protection of Informal Land Rights Bill was aimed at all people "on land on an informal basis with weak rights", and not specifically at those on tribal land.

The legislation would apply to people who were regarded as the owners of the land they occupied, where the land was not commonly or tribally held, he said.

He said a second measure, the Upgrading of Land Tenure Rights Amendment Bill was intended to protect tribal or communal landholding systems until the people wanted to change them.

A third measure, the Communal Property Associations Bill would allow those receiving land through the restitution process, or through other land reform measures, to hold the land on a communal basis.

(4) ST 25/6/95

## IFP threatens row over plans for land reform

David Graybe (24)

CAPE TOWN — IFP leader Mangosuthu Buthelezi lashed out yesterday at central government's latest land reform plans, and warned of a bigger row with the ANC than that over the chiefs' pay issue.

He said it was another attempt by the ANC "to crush Inkatha, this time by breaking traditional authority. Unless something is done, black South Africans will end up dispossessed of their land like the American Indians".

Buthelezi accused Land Affairs Minister Derek Hanekom of planning to expropriate communal land, transforming it into government property to be distributed as private property. *BD 26/6/95*

In an address to the IFP's north coast regional elections at Mtubatuba in KwaZulu/Natal yesterday, Buthelezi said: "The crux of this forced plan is the abolition of the indigenous land tenure system and the undermining of traditional leaders as administrators of land."

However, government yesterday denied the claims, accusing Buthelezi of fomenting another political wrangle between central government and the IFP-controlled KwaZulu/Natal legislature.

Ministerial adviser Geoff Budlender rejected Inkatha claims that the proposed legislation would "privatise" communal land. "In fact, it actually prevents privatisation of tribal land unless the people choose to," he said.

Aninka Claassens, co-drafter of the land reform legislation, said she was surprised by Buthelezi's public outburst because "he did not utter a word against the proposals in the Cabinet committee discussions".

At the centre of the proposals are three pieces of legislation — the Interim Protection of Informal Land Rights Bill.

Claassens, of the Centre for Applied Legal Studies, said Buthelezi was trying to turn the land issue into "a battle about power over central and provincial government competencies". She challenged him to be more specific in his criticism.

Continued on Page 2

## Land reform (24)

Continued from Page 1

Claassens said there was a pattern of communal land being sold off without consultation with tenants, particularly in the Eastern Cape. She said that these sales were not legal transactions.

Of concern to the IFP is Hanekom's efforts to strengthen individual land ownership in the former homelands. No one will be allowed to sell communal land without consulting residents. Buthelezi conceded Inkatha had little chance of stopping the legislation in Cabinet or Parliament, but said the KwaZulu/Natal legislature "should do something".

*BD 26/6/95*

Interestingly, the IFP's 20-point plan to seize more federal powers in KwaZulu/Natal calls for the adoption of provincial legislation "which establishes that all matters related to land management and land use are a provincial competence".

It also proposes the establishment of a provincial commission on land affairs with advisory powers to make recommendations to government's Commission on Land Affairs.

Claassens said the proposed legislation was an interim step to bring clarity to the tenure issue, while government undertook a two-year inquiry into tenure reform involving all stakeholders starting in August.



# Land loss 'usurps traditional chiefs'

(3) (4) CT 26/6/95

**MTUBATUBA:** Establishing central control of land rights was a way of undermining the autonomy of traditional leaders, Home Affairs Minister and Inkatha Freedom Party leader Chief Mangosuthu Buthelezi said yesterday.

"The land of black people which remained in black hands after dispossession by colonial conquests ... now belongs to the state as public property," Chief Buthelezi told IFP members attending the party's North Coastal regional elections here.

The government had the power to dole out land that rightfully belonged to blacks, a step that could convert public land into profitable private property, he said.

"The crux of this forced plan ... is the abolition of the indigenous land tenure system and the undermining of traditional leaders as administrators of land."

Evidence that this was occurring was the ANC's plan to put traditional leaders on the central government's pay roll, Chief Buthelezi said.

This was a way to strangle traditional leaders' autonomy and divide traditional communities.

Chief Buthelezi urged the government to abandon possible

rights to more than a half-a-million hectares of land that belonged to Zulus in kwaZulu/Natal. This land had been held in trusts for years and might now risk becoming state property, he said.

He criticised the "sweetheart" relationship between the Congress of South African Trade Unions (Cosatu) and the government. Only 20% of the country was unionised, which allowed the IFP a perfect opportunity to create a strong alternative union, he said.

The IFP opposed the Truth Commission and favoured a judicial process, he said.

## Autonomy

The ANC's constitutional proposals presented a "totalitarian" vision as they would curb provincial powers and scrap the protection of free enterprise and property rights, Chief Buthelezi said.

The IFP would continue fighting for autonomy for kwaZulu/Natal, but its success in doing so would depend on its having grassroots support.

"The struggle we are going to face is in many ways tougher than the struggle we faced prior to the elections," he said. — Sapa

*Not only a social conscience but also financial plans inform this project*

# School keeping hopes alive, farmers happy

(4) SPAN 26/6/95

■ BY NIKKI WHITEFIELD

It was all started by a bunch of farmers in the archly conservative northern Free State in 1991, long before words like "reconstruction" and "development" became banded around with great enthusiasm in South African business.

It involves more than 300 young black people rising before the sun to travel vast distances in rickety, draughtily vehicles, only to go through it all again at the end of the day, often only reaching home when the sun has dipped below the horizon.

Yet they do it all willingly. Why? To get an education from a school that's in a different league to your average dusty farm school.

The Nampo Secondary Agricultural School, sprawling among the mistle fields on the flat plains outside Bothaville, has become a model institution.

But while it might have been set up with a certain degree of public-mindedness, the general manager of Nampo (the National Maize Producers' Organisation) has made no bones about the real reason for the construction of the school.

"It all has to do with money," said Giel van Zyl, patting his back pocket meaningfully. "If farmers have no skilled labour, they won't be able to produce good maize. It was done more out of a business conscience than a social one."

Farmers, realising that few labourers could rise to managerial positions on farms because of poor education, began the

school with 125 pupils sheltered in tents.

Numbers have swelled and the tents have given way to an orderly row of pre-fabricated classrooms and workshops. Last year, the first batch of matriculants qualified, delivering a pass rate of 80% — the fourth highest in the Orange Triangle.

Two of the top pupils have gone on to study agriculture at the University of the Orange Free State in Bloemfontein.

But despite Van Zyl's businesslike words, the school fills a huge gap. No secondary schools are permitted to be built on private land, which means children would have to leave their parental homes and travel to cities to get a high school education.

And as much as money might have been the motivating factor, those in charge of the school work hard to keep the families together.

Petrus Pettit, the headmaster, explained how every morning three tractor-drawn buses collect the children from far and near and ferry them to school. Some children's daily round trip involves more than 200km. But when asked if building a hostel would not be a viable proposition, Pettit answered: "Then the families would not be together."

Subjects at the school range from the usual maths, science, biology and languages to practical agricultural science, farm mechanics and hotel and catering courses.

"The idea is to teach the children about farming and farm management", but also to give them something to fall back on if

they want to get out of agriculture," said Pettit.

The school is well-equipped, even though it is housed in pre-fabs. Gleaming stoves stand proudly in the home economics room and there is a television set and rows of books in the media centre. But money is scarce — no provision for funds for schools such as this has been made by the RPD for the first five years.

Money in the bank is down to R2 000. Fees per child are R20 a month — a sizeable proportion of a labourer's salary, but not much for the school's kitty.

Pettit said petitions had been made to the Government for help, but although Free State premier Terror Lekota has been impressed with the institution, and it has been visited by President Mandela, no money has been handed over.

"We desperately need computers for the children to be able to keep up with the times," said Pettit. "But we just can't afford them."

But they struggle on. The pupil/teacher ratio is excellent — 1:20 — and soccer and netball are played twice a week. But because of the vast distances the children have to travel, extra-mural activities are kept down.

The rising cost of diesel is also depleting cash supplies. It costs the school nearly R200 a day to transport the children, and the buses themselves are desperately in need of repair.

Before formal aid is granted, Nampo is coughing up to keep the school going.



Sometimes 200km . . . a cart trundles down the road that leads to Nampo Secondary School outside Bothaville.

PICTURE: THYS DULLAART

# Land rights plan will 'strangle' traditional leaders - Buthelezi

Star 26/6/95

(3) (4)

Mtubatuba — Central control of land rights was a way to undermine the autonomy of traditional leaders, Home Affairs Minister and IFP leader Mangosuthu Buthelezi said yesterday.

"The land of black people which remained in black hands after dispossession by colonial conquests ... now belongs to the State as public property," he said in an address at the IFP's North Coast regional elections at Mtubatuba in KwaZulu-Natal.

"The crux of this forced plan ... is the abolition of the indigenous land tenure system and the undermining of traditional leaders as administrators of land."

Proof of this was the ANC's

plan to put traditional leaders on the central government's payroll which was a way to strangle their autonomy and divide traditional communities, he said.

The Government had the power to dole out land that rightfully belonged to blacks. This, he said, could lead to converting public land into profitable private property.

He urged the Government to abandon possible rights to more than half-a-million hectares of land that belonged to Zulus in KwaZulu-Natal, saying the land for years had been held in trusts but now faced the possibility of becoming State property.

Buthelezi also criticised the

"sweetheart" relationship between Cosatu and the Government, adding that only 20% of the country's labour force was unionised — a perfect opportunity for the IFP to create a strong alternative union.

He said the ANC had presented a "totalitarian" vision with its constitutional proposals, by cutting provincial powers, scrapping the protection of free enterprise and property rights.

The IFP would continue fighting for autonomy in KwaZulu-Natal but its success depended on people at grassroots level, including winning the November elections, he said. — Sapa.

(B) (4) ARLT 27/6/95

## Controversial land measures for cabinet

### Political Staff

THREE controversial land bills, described by Home Affairs Minister and Inkatha Freedom Party leader Mangosuthu Buthelezi as attacks on the traditional power of chiefs to allocate tribal land, will be put to the cabinet tomorrow.

Chief Buthelezi has railed against the central government's land reform programme, condemning it as a strategy to abolish indigenous land tenure and undermine the power of chiefs to administer land. But the measures now in the pipeline stop far short of this, although Press reports based on information leaked last week created quite a different impression.

The most controversial of the bills — the Interim Protection of Informal Land Rights Bill — merely provides for a temporary freeze on patterns of tenure in former homeland areas where the formal records of land holding are chaotic and

do not reflect the actual pattern of occupation.

The idea is to prevent families being thrown off land which was allocated to them and which they have treated as their own simply because there is no formal record of this long-standing agreement.

The bill does not provide for any expropriation of land.

It merely buys the authorities time — until the end of 1996 — to investigate the problem of informal land tenure more fully, to consult adequately and to come up with suitable long-term measures.

The second measure to be considered by the cabinet, the Community Property Association's Bill, intends to make it easier for groups to hold land collectively.

The final measure is a technical amendment to the Upgrading of Land Tenure Act passed by the National Party government four years ago.

*Aim to prevent families from being evicted*



Star 27/6/95

# Land Bill to freeze tenure

## ■ BY JO-ANNE COLLINGE

Three controversial land Bills, described by Home Affairs Minister and IFP leader Mangosuthu Buthelezi as attacks on the traditional power of chiefs to allocate tribal land — will be put to the Cabinet tomorrow.

Buthelezi has rallied against the central Government's land reform programme, condemning it as a strategy to abolish indigenous land tenure and undermine the power of chiefs to administer land.

But the measures currently in the pipeline stop far short of this

— although press reports based on information leaked last week created quite a different impression.

The most "controversial" of the Bills — the Interim Protection of Informal Land Rights Bill — merely provides for a temporary freeze on patterns of tenure in former homeland areas where the formal records of land holding are chaotic and do not reflect the actual pattern of occupation. The Star has ascertained.

The idea is to prevent families being thrown off land, which was allocated to them and which

they have treated as their own, simply because there is no formal record of this long-standing agreement.

The Bill does not provide for any expropriation of land. Nor does it change the nature of an individual's claim to the land. It does not upgrade the form of tenure in any way.

It merely buys the authorities time — until the end of 1996 — to investigate the problem of informal land tenure more fully, to consult adequately and to come up with suitable long-term measures.

The Bill will affect millions of

people precisely because informal tenure was the rule, rather than the exception, in the homelands.

It will not extend protection to squatters who have never been generally accepted as the owners of the land they occupy and whose presence has been the subject of dispute.

The second measure to be considered by Cabinet, the Community Property Associations Bill, intends to make it easier for groups to hold land collectively. It will be useful for urban housing associations and co-operatives and for rural communities

— such as Mogopa, Doornkop and Riemvasmaak — who have had the land from which they were removed restored to them.

Until now there has been no tailor-made institution for communal property ownership. Communities or housing associations have had to work through trusts or clumsy combinations of non-profit companies and share-block schemes.

The final measure is a technical amendment to the Upgrading of Land Tenure Act passed by the National Party government about four years ago.

## Unions fight land reform

**24**  
DURBAN: Three agricultural unions said yesterday they would unite for a mass meeting on Tuesday next week against the proposed Land Reform Bill.

"The Agricultural Employers Organisation (AEO), together with the Transvaal, Natal and Free State Agricultural Unions and related organisations have decided to join forces against the proposed Land Reform Bill," the AEO said in a statement.

The AEO claims to represent over 6 000 farmers.

The bill gives property rights to labour tenants.

"Farmers are not prepared to give away any part of their farms," AEO president Mr. Werner Weber said.

The protest meeting will be held in Newcastle. — Reuter

CT 28/6/95

# Labourers threaten to seize farmland

00 29/16/95

Business Day Reporter

GOVERNMENT had to enforce land tenure legislation or labour tenants would have no option but to begin mass action, which would include land invasion, labour tenants' spokesmen said yesterday.

They were speaking after a two-day national meeting on legislation, held under the auspices of the National Land Committee. Spokesman Victor Mkhize called on government to scrap the constitution's property clause — which entrenched existing land ownership — as it would make expropriation almost impossible.

Land committee director Brendon Pearce said expropriation — in terms of the clause — was allowed only for public purposes like building roads.

While he welcomed the Land Rights (Labour Tenants) Bill, Mkhize said farm evictions had increased since its publication on June 2 as farmers were intent on forcing tenants off farms before the Bill was passed into law.

Tenants had resolved to press for strong action against farmers pursuing this route "even if it means expropriation". In the wake of farmers forcing 10 families off farms in the Wakkerstroom area last week, they were also calling for the abolition of the Trespass and Illegal Squatting Acts to prevent further evictions. Spokesman said 500 000 families were tied to 65 farms through labour tenancy de-

spite attempts to abolish this form of relationship in the '70s.

Meanwhile, Louise Cook reports Agricultural Employment Organisation spokesman Pfan Smith said thousands of farmers would congregate in Newcastle on Tuesday to protest against the proposed Land Reform Bill.

He said the KwaZulu-Natal and Free State agricultural unions' and related organisations would "join forces" at next week's meeting, to which President Nelson Mandela had been invited. An urgent meeting between the SA Agriculture Union (SAAU), Land Affairs Minister Derek Hanekom and ministerial adviser Geoff Budender had been scheduled for Monday to discuss the union's opposition to the Bill.

SAAU director Kobus Kleynhans said the union would continue its talks on the "legal and technical deficiencies" in the proposed legislation. However, farmers needed the Newcastle meeting to blow off steam, he said.

Agricultural Employment Organisation legal services head Phillip du Toit said farmers rejected the proposed legislation. They resented government proposing to "give away part of their farms". Organisation president Werner Weber warned that every possible legal step would be taken to fight the proposed Bill. The constitution guaranteed private ownership of property and farmers would not be forced from their land, he said.



Labour tenants and the National Land Committee, at a briefing in Johannesburg, yesterday welcomed three recent Bills concerning land tenure. The national land committee's Jabu Dada, top, second from right, and Brendon Pearce, top right, flanked by tenants from KwaZulu-Natal presented their case with Daniel Ndlangweni, bottom left, and Siphiso Makhosho from the southeastern Transvaal region. Picture: ROBERT BORTA

## AIDS, HIV increases threefold

PIETERSBURG — Confirmed AIDS and Northern Province, itself considered a

CHIEFS TO BE PREVENTED FROM SELLING COMMUNAL LAND

# New legislation to provide security of tenure to millions

CT 29/6/95

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**LEGISLATION** intended to protect people who were unable under apartheid legislation to own property from having the communal land they occupy sold under their feet, has been condemned by the IFP.

**L**AND AFFAIRS Minister Mr Derek Hanekom published three bills yesterday offering security to millions of blacks denied land ownership rights under apartheid.

Announcing the publication of the bills, Mr Hanekom said the "previous discriminatory laws and a breakdown in land administration systems in the former (homelands) undermined the capacity of black people to own and occupy land in a legally secure manner".

"Millions of people ... find the land on which they live is sold from under their feet or allocated

to someone else," he said.

The package of bills approved by the cabinet yesterday will give tribal blacks some rights over land allocated to them by chiefs and will prevent chiefs from selling communal land to commercial developers.

Mr Hanekom said that particularly along the Eastern Cape's Wild Coast, tribal land was being sold without consultation to hotel and resort developers.

"Because (the occupants) do not have clear legal rights ... they are powerless to stop the process," he said.

The bills could trigger a new row with the IFP, which condemned the principle before the text was published, calling it a bid to shatter traditional lifestyles.

Mr Hanekom said IFP leader Chief Mangosuthu Buthelezi had not objected to the bills at yesterday's cabinet meeting, however.

He said one of the bills would recognise and secure the communal ownership of land allocated to tribal homelands under apartheid.

Another would give temporary security until the end of 1996 to any person who has occupied and used land for at least three years, but does not have documentary proof of ownership.

Meanwhile, in Johannesburg, representatives of labour tenants said yesterday they would take mass action if the Land Reform Bill

granting them security of tenure was not made law.

The group said they wanted a clause in the interim constitution guaranteeing property rights to be scrapped and for strong action to be taken against farmers evicting tenants in protest against the bill.

## Abolition

They also said labour-tenants should be considered in the restitution of land rights and the laws against trespass and squatting should be abolished.

Three agricultural unions and the Agricultural Employers' Organisation have opposed the bill, saying it would harm the economy, cause labour unrest, raise unemployment and create socio-economic problems. — Sapa-Reuter



# Controversial land Bills approved by Cabinet

BY PATRICK BULGER and JO-ANNE COLLINGE

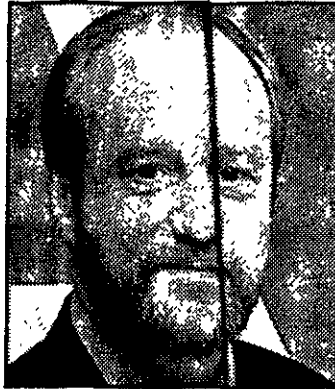
Cape Town — The Cabinet yesterday approved three land-related Bills, pending a thorough review of land tenure options over the next 18 months.

Land Affairs Minister Derek Hanekom told a media briefing the measures were adopted with the assent of IFP leader Chief Mangosuthu Buthelezi, who has alleged that the central Government could not exercise jurisdiction over provincial tribal land.

Hanekom said Buthelezi's silence in the Cabinet on the issue indicated that he now supported the measures.

Hanekom said he would send to Parliament, for its approval, the Interim Protection of Informal Land Rights Bill, the Communal Property Association Bill and a Bill to amend the Upgrading of Land Tenure Rights Act.

He said millions of people, "in particular the rural poor and women", were vulnerable.



Rural poor and women vulnerable . . . Derek Hanekom.

"They find that the land on which they live is simply sold from under their feet or allocated to someone else. Because they do not have clear legal rights to the land and cannot challenge the authority of the person or institution selling the land, they are powerless to stop the process.

"The Bill aims to provide ef-



Silence on the issue . . . Mangosuthu Buthelezi.

fective protection to people who hold insecure tenure rights which exist on a *de facto* rather than on a clear legally recognised basis.

"The legislation will also serve as a brake on the privatisation of tribal land by preventing the selling off of portions to strangers for personal gain without the knowledge and consent of the

occupants and members of the tribe," said Hanekom.

The National Land Committee — a network of non-governmental organisations working in rural areas — yesterday welcomed the proposed legislation as "an appropriate and long-overdue step".

In a statement read at a Johannesburg press conference, NLC spokesman Abie Dithake said the measures were necessitated by "the chaotic state of affairs of land administration, particularly the corruption and maladministration in the former homelands and rural areas".

The NLC appealed to chiefs who opposed the Interim Protection Bill to "reconsider their position in the interests of landless communities", and to offer constructive alternatives on how this critical area of land reform should be handled.

The NLC said it believed that chiefs who acted in consultation with communities and in the interests of their constituencies had nothing to fear from the Bill.

(4) Star 29/6/95

# Farm tenants threaten action

(4) STAV 29/6/95

BY JO-ANNE COLLINGE

Labour tenants have warned that if Parliament fails to enact the Land Reform (Labour Tenants) Bill because of pressure from farm owners they will mount a campaign of land invasion and mass action.

This tough stance by labour tenants — whose representatives met at Paulpietersburg last weekend — is a reaction to the unite-and-fight-the-Bill position adopted by farmers under the banner of the Agricultural Employers Organisation.

The publication of the Bill on June 2 has aggravated relations between

farm owners and labour tenants in the 16 districts of KwaZulu-Natal and the South-Eastern Transvaal where it applies.

According to labour tenants and organisations working in rural areas, there has since been a flare-up of evictions in flagrant defiance of the Bill. An unusual feature of the draft legislation is that those sections which impose stringent controls on eviction procedures came into operation from the day of its publication, not from the day of its enactment.

Labour tenants who participated in a press conference held by the National Land Committee in Johannesburg yes-

terday said it was about time that the Government began to enforce the new provisions.

Among the resolutions taken at their weekend meeting was one demanding that "Minister (of Land) Derek Hanekom must inform the Ministers of Justice and Safety and Security of the enforcement processes in the Bill".

Even more controversial than the restraint on evictions is the Bill's provision for certain categories of labour tenants to buy the portion of the farm which they and their forefathers occupied in terms of long-standing land-for-labour contracts.

# Land tenure rights boosted

By Vuyo Bavuma

*Sowetan*  
29/6/95

THE Cabinet yesterday approved three draft Bills which will strengthen the land tenure rights of millions of people, especially poor rural women.

The Bills are the Interim Protection of Informal Land Rights Bill, the Community Property Associations Bill, and the Upgrading of Land Tenure Rights Amendment Bill. They were passed without objection from the Inkatha Freedom Party.

Earlier the IFP had objected to the Bills because, it claimed, they would usurp the powers of traditional leaders.

Yesterday Land Affairs Minister Mr Derek Hanekom said the previous tenure laws and the breakdown of land administration in the former bantustans had undermined the capacity of the black people to own land.

As a result millions of poor people, particularly rural women, were in a vulnerable position. "They find the land on

which they live is simply sold from under their feet or allocated to someone else.

"Because they they don't have clear legal rights to the land and cannot challenge the authority of the person or institution selling the land, they are powerless to stop the process."

Regarding the Interim Protection of Informal Land Bill Rights, the Government wanted to prevent arbitrary dispossession and stop privatisation of tribal land without the consent of the occupants and members of the tribe.

In the Eastern Cape there were reports that tribal land had been sold for personal gain by traditional chiefs to private developers without the approval of the people.

Hanekom said the Community Property Associations Bill provided a legal mechanism to people who wanted to own their land collectively.

Hanekom said the third Bill would facilitate the upgrading into individual ownership of land rights in township and urban areas.

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JAL

# Farm labourers to fight for land rights

4  
Sowetan 29/6/95

## Labour-tenants want Land Reform Bill to be made law by Government

**L**ABOUR TENANTS ON farms will take mass action if the Land Reform Bill granting them security of tenure is not made law, people claiming to represent 500 000 labour tenants around the country told a Press briefing in Johannesburg yesterday.

The briefing was called by the National Land Committee.

"There will be no peace on farms if the Government does not enforce the Bill," KwaZulu-Natal labour tenant Mr Nylon Mthethwa said.

He and his companions said in a statement labour-tenants wanted a clause in the interim constitution guaranteeing property rights to be scrapped.

They want to discuss their demand with President Nelson Mandela and Minister of Land Affairs Mr Derek Hanekom.

Eastern Transvaal labour-tenant representative Mr Daniel Ndlengethwa said they wanted government assistance to enter commercial farming.

Three agricultural unions and the Agricultural Employers' Organisation earlier this week said they opposed the Bill, particularly clauses intended to give property rights to labour-tenants on commercial farms.

They said the Bill, if enacted, would harm the economy, cause labour unrest, raise unemployment and create socio-economic problems.

The AEO said expropriation of agricultural land would contradict the letter and spirit of the constitution and go against repeated reassurances by the government that farmers' properties were safe.

"We are heading for quite a serious fight," National Land Committee director Mr Brendan Pearce told yesterday's briefing.

The National Land Committee and

labour-tenant representatives from KwaZulu-Natal and Eastern Transvaal met last week to discuss the Bill.

Resolutions adopted by labour-tenants at the meeting included that strong action, possibly including expropriation, be taken against farmers evicting labour-tenants in protest against the Bill.

The National Land Committee said in a statement yesterday it supported the labour-tenants' resolutions and urged opposing traditional chiefs and other parties to review their positions.

The resolutions included that labour-tenants should be considered in the restitution of land rights, that they should not be relocated without consultation; that the laws against trespass and squatting should be abolished and that labour-tenants' cattle should not be impounded by farmers. Sapa

# Killer farmer escapes jail

Family demands justice as farmer gets off lightly. Themba Sepotekele reports

*Spent 3 1/4 yrs (14)*

## THE KILLER



Alexander Hugo, the killer who won't go to jail.

A WHITE farmer, Alexander Hugo, who shot dead a 10-year-old boy for allegedly starting a veld fire has been sentenced to four years of correctional supervision.

Hugo, who had been found guilty of culpable homicide, was also ordered to pay the boy's family R3 500 for funeral expenses.

Relatives of Vusi Nkolonzi, who was shot dead in Bloempark, Vanderbijlpark, yesterday expressed shock at the sentence. The sentence means that Hugo will not be jailed.

Mr Enoch Nkolonzi, whose son was shot in the abdomen and killed while the boy raised his arms on June 25 last year, said the court had been too lenient to the farmer.

He said Vereeniging Circuit Court Judge Mr Justice Goldblood's words before passing sentence had stirred some hope in him, but these had proved to be empty.

In sentencing Hugo (27) of Bloemburg, Vanderbijlpark, Justice Goldblood said: "The sentence must act as a deterrent to other people capable of committing this type of crime. The killing capacity of guns is enormous and the community must be warned that people who handle firearms recklessly will be punished.

"I feel sorry for the accused, but what about the parents and friends of the boy if the accused is not sent to prison?" Justice Goldblood asked.

"Nothing can bring the child back." He said that although Hugo had not intended to kill the boy and had wanted to punish him, he had acted in a "gross manner". "He acted in a manner not expected from any reasonable person," the judge said.

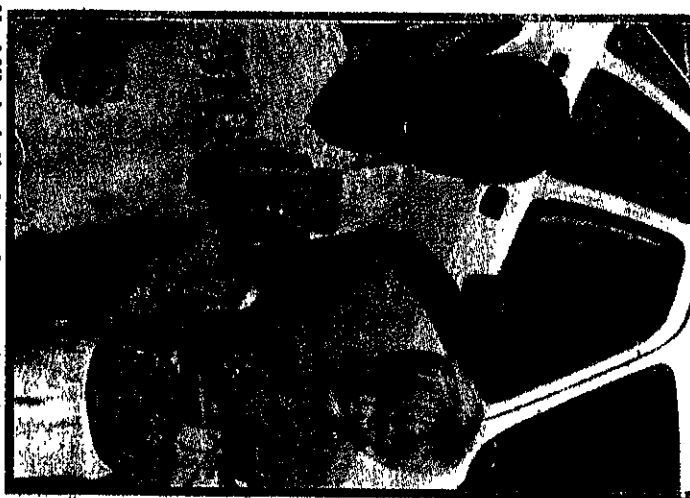
Justice Goldblood took into account a psychologist's testimony and said that he was convinced that Hugo, who was also declared unfit to carry a firearm, had suffered from traumatic stress after the shooting.

However, Hugo had only shown any remorse on the last day of the trial.

Hugo shot Vusi after accusing him of starting a fire on the farm. Vusi, a sub-Standard A pupil, was described after his death as energetic and brilliant. He walked 9km a day to and from school. A witness, Mr Sannet Motleng (19), who was with Vusi on that day, told the court that Vusi had raised his arms and pleaded for mercy before he was shot.

● See also page 2.

## THE VICTIM



Vusi Nkolonzi, the boy who was shot dead as he was pleading for mercy.

4

# Court candidate: Money, not land for dispossessed

Staff Reporter **AKG 3/1/75**

THE new Land Claims Court is likely to restore any urban land to former owners, but will award financial compensation instead, says a leading lawyer shortlisted for the court's presidency.

Johannesburg attorney Fikile Bam was motivating his candidacy in Cape Town today at a hearing before the Judicial Services Commission, which is to select the court's president and two additional judges to rule on claims by people deprived of their land under apartheid laws.

"It may be in urban areas that all the court is able to do is make awards in compensation, rather than return the claimant's land itself," Mr Bam said in response to questions from Justice Minister Dullah Omar, who is a member of the commission.

"There will be very few instances where urban land will have been unchanged between the time it was confiscated and today."

Mr Omar and Mr Bam agreed that the restitution of land rights by the Land Claims Court would form only part of a broader project of land redistribution.

"The court is not designed to deal with landlessness as such — land

lessness is only part of a bigger picture," said Mr Omar.

Constitutional Court President Arthur Chaskalson, also a member of the commission, what procedure should be followed by the Land Claims Court. Mr Bam said the court should be informal and accessible to ordinary people.

"I have a bit of unease about applying the rules of the Supreme Court to the Land Claims Court," he said, referring to legislative provisions dictating that the Land Claims Court follow Supreme Court procedures until it has devised its own rules.

"There are a lot of fairly sophisticated rules which this court can do without."

"As soon as possible, this court should formulate its own rules which are simple and easy to use."

The new court should be sensitive to the atmosphere of reconciliation reflected in the constitution and the government of national unity, Mr Bam said.

The Judicial Services Commission, chaired by Chief Justice Michael Corbett, is to complete its interviews of short-listed candidates tomorrow.

# Lawyers slam Hugo's sentence

By Russel Molefe

THE "lenient" sentence imposed on a white farmer who shot and killed a 10-year-old boy for starting a veld fire caused an outcry from lawyers' organisations yesterday.

The farmer, Alexander Hugo, was sentenced to four years' imprisonment by Mr Justice Goldblood in the Vereeniging Circuit Court on Friday but will serve only 18 months before undergoing correctional supervision.

Hugo shot Vusi Nkolozi in the abdomen as he was pleading for mercy in Bloempark, Vanderbijlpark, on June 25 last year.

Lawyers for Human Rights described

the sentence as "horrific". The LHR said although it was in favour of community service and financial compensation in certain cases, the sentence imposed on Hugo was inadequate.

"Sentences like this reinforce a long held belief that courts value lives of black people as cheap," the LHR said.

The Black Lawyers Association described the sentence as "appalling and racist".

BLA's Mrs Pancy Tlakula said the sentence gave strong support to the need for a complete change of the present legal system.

"The sentence is appalling and racist and this is the reason why our people don't have confidence in courts," Tlakula said.

(4) Sowetani 4/7/95  
Poet Mzwakhe Mbuli said of the sentence: "If the farmer is not jailed, what is the point of having a Bill of Rights? What would have happened if the farmer was black and the child white?"

"The sentence does not augur well with the spirit of nation building," Mbuli said.

Hugo's sentence has evoked strong reaction from the public with some people calling for the imposition of the death sentence.

"It's disgusting that this man should get such a light sentence," said Mr Tony Wolmarans of Gauteng. "He should have received at least 20 years or be hung. I don't know who gave the Government the mandate to scrap the death penalty."

## Govt faces storm over Land Bill

PRETORIA: The government is to face a storm of protest from farmers at today's mass meeting over the controversial Land Reform Bill. <sup>(34)</sup> CT 4/7/95

The meeting, to be held at the Newcastle showgrounds in kwaZulu/Natal, is expected to draw a large crowd.

Political groups such as the Conservative Party and the Afrikaner Volksfront yesterday both came out in support of farmers' grievances against the proposed legislation, to be introduced later this year by Land Affairs Minister Mr Derek Hanekom.

It will allow tenants, mostly workers, to have land rights on the properties even though the farm is owned by the farmer.

The meeting has been organised by the Agricultural Employers' Organisation and is supported by the Natal, Transvaal and Free State agricultural unions.

The CP said the legislation was "a disguised attempt to rob farmers, the legitimate owners". — Special Correspondent



## Bill raises union's ire

BDS 7.195  
Louise Cook (14)

THE proposed Land Reform (Labour Tenants) Bill with powers to expropriate farmers' land was undemocratic and unreasonable, SA Agricultural Union land policy committee chairman Judge Appie Steenkamp said.

Steenkamp, who held talks with Land Affairs Minister Derek Hanekom on Monday, said the Bill proposed that the Land Claims Court would deal with disputes between landowners and labour tenants.

"But the Court has limited scope and duration. It was established specifically to deal with restitution cases, and there is no reason to curtail the jurisdiction of the ordinary courts."

Steenkamp said the most draconian measure in the proposed Bill was giving the labour tenant the right to buy the land he occupied.

"The owner is at the mercy of the creditworthiness of the tenant due to the fact that the State will not guarantee the payment."

Land affairs department planner, Jan Truter said a special workshop would be held on July 19 to resolve the differing views on the proposed Bill. There was a good chance that the Bill would change radically.

The National Land Committee, however, said the Bill did not go far enough.

The Bill proposes to give labour tenants in the Eastern Transvaal and Kwa-zulu-Natal the right to buy land on farms with or without the owner's consent.

## Bill raises union's ire

Louise Cook (4)

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zling," Makhaye said, speaking on behalf of the KwaZulu-Natal ANC.

Makhaye said before Sithole died he asked his son — the only survivor — why the murderers were killing him when he was already an IFP member.

Makhaye said it was obvious the hit squad consisted of IFP members.

"It must be observed that whenever the IFP holds a rally at Umlazi stadium it kills people," he claimed, asking that the IFP retract its accusation.

IFP spokesman Ed Tillett said the ANC was "stretching its information".

"I don't understand how the ANC could jump to such a conclusion," Tillett said.

"I think the murder was a deliberate

the Sithole family) for ballistic testing," Makhaye said.

KwaZulu-Natal police spokesman Lt-Col Hamilton Ngidi rejected the accusations. "Police have been working around the clock on this investigation and I'm very surprised that people could come up with such allegations," he said.

One person had already been detained for questioning in connection with the Sithole murders.

Ngidi said ANC members who had evidence of such a cover-up or police collusion with the IFP should bring the proof forward. The ANC has called for people other than the police and the IFP to protect Sithole's surviving son. — Sapa.

## Land court is a trail blazer

Edward West (4)

CAPE TOWN — There was no legal precedent or case history for the Land Claims court to draw on and in time the court would have to establish its own guidelines on equity, said Durban-based property conveyancer Frank Sithole.

Sithole was among the nominees interviewed yesterday by the Judicial Service Commission for the two posts of Land Claims court judge. The commission is to recommend five names to President Nelson Mandela for the posts of claims court president and two claims judges.

Sithole, who has been in legal practice for more than 30 years, was described by commission member Dave Gordon as "probably the doyen of

KwaZulu-Natal African legal practitioners."

Sithole said it was difficult to anticipate problems the court might encounter with the Constitution. The admission of hearsay evidence to the court was contrary to normal legal proceedings and equity appeared to be the dominant factor influencing claims court decisions.

The court would have to adjudicate "inevitable tensions" between existing landowners and land claimants. Mainly white landowners would be faced with traditional ideas on land ownership, which they would find hard to accept.

Sithole said the Property Deeds Registry Act would have to be amended because the Land Claims Court would be introducing elements — such as the ad-

mission of customary law — not found in Roman Dutch law.

For example, he said, most tribal land in KwaZulu-Natal was not formally demarcated. The owners could not register a bond because they were unable to obtain a title deed. Financial institutions were unwilling to provide finance on the land because there was no formal security on the land. This injustice had to be addressed, Sithole said.

Responding to a question from the commission if there was need for a special type of land title deed for cases of land restoration, Sithole said there appeared to be no prohibition in the envisaged powers of the Land Claims Court to restrict ownership to a nominal principal land owner.

## White farmers call for negotiations

Farouk Chothia (4)

DURBAN — About 4 000 white farmers decided at a mass meeting in Newcastle yesterday to negotiate with government over the Land Reform Bill, rather than adopt a confrontational approach.

Natal Agricultural Union executive member Theo van Rooyen said the atmosphere at the meeting was "amiable", and one farmer's attempt to introduce a motion of no confidence in Land Affairs Minister Derek Hanekom had been unsuccessful.

However, the farmers strongly registered their opposition to the Bill which would give labour tenants ownership of land owned by white farmers.

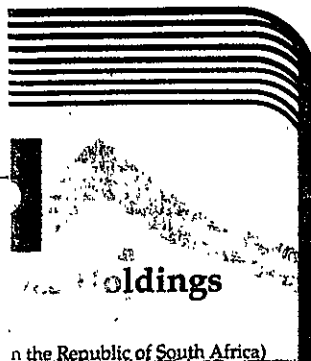
"It should be done on a willing seller, willing buyer basis," Van Rooyen said.

The farmers agreed that a delegation should seek a meeting with provincial agriculture MECs, Agriculture Minister Kraai van Niekerk and Hanekom.

Farmers had arrived from throughout the country. SA Agricultural Union president Piet Gous was among the speakers.

Van Rooyen said farmers feared the Bill would reduce their collateral, as banks would refuse to assist them once "10 people own land on our farms".

If talks failed, farmers would challenge the Bill "in the highest court of the land". Farmers believed the Bill impinged on property rights enshrined in the Constitution, and discriminated against them for living in rural areas. People in the backyards of their employers in urban areas would not have rights over the property, Van Rooyen said.



# Farmers' tax boycott threat

## OWN CORRESPONDENT

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DURBAN: Commercial farmers would refuse to pay taxes and other levies if the government did not withdraw the Land Reform (Labour Tenants) Bill which provided for forced sale of land to labour tenants, about 3 000 farmers resolved in Newcastle yesterday.

The meeting also resolved that organised agriculture meet with President Nelson Mandela to put forward their view that the bill was at odds with the constitution and offended common law principles, and that the enforced sale of property could affect overseas investor

confidence in South Africa.

Institutions such as banks, which had a big stake in farmland, would be asked to impress upon the government the damaging effect which the transfer of productive land could have.

Speakers said the government had not learned from the rest of Africa that when skilled management left the land, the economy of the entire country suffered.

They described the bill as "racism at its worst".

The constitution provided that land could only be expropriated for public use, not for private use, as this bill would allow.

CT 6/7/95

# Farmers against forced sale of land

STAN 5/7/95

## ■ OWN CORRESPONDENT

Durban — Farmers vowed yesterday to refuse to pay taxes and other levies if the Government did not withdraw the Land Reform (Labour Tenants) Bill, which provides for the forced sale of land to labour tenants in two regions.

The decision was endorsed in Newcastle, KwaZulu-Natal, yesterday at a mass meeting attended by more than 3 000 farmers.

The meeting also resolved that organised agriculture representatives meet President Nelson Mandela to put forward farmers' grievances.

These included arguments that the Bill was at odds with the Constitution, offended common law principles and that the enforced sale of property could affect overseas investor confidence in SA.

The publication of the Bill on June 2 has aggravated relations between farm owners and their tenants in the districts of KwaZulu-Natal and

the south-eastern Transvaal where it applies.

The Bill provides for certain categories of labour tenants to buy the portion of the farms which they and their forefathers occupied in terms of land-for-labour contracts.

Yesterday the presidents of the Natal, Transvaal and Free State Agricultural Unions and of the Agricultural Employers' Organisation (AEO) pledged support for the northern KwaZulu-Natal and Eastern Transvaal farmers who could face expropriation proceedings by labour tenants.

The meeting also resolved to create a fund to pay for court challenges to the Bill, AEO legal adviser Phil du Toit said.

Many speakers alleged that Land Affairs Minister Derek Hanekom had assumed draconian powers and that his Bill cut across the functions of other State departments.

"We give notice that we will hold Mr Hanekom responsible for damages that have flowed, and will flow, from the publication of this Bill," Du Toit said.

## Farmer held over labourer's death

(4) SAN 6/7/95  
Nelspruit — A farmer from Onderberg in the Eastern Transvaal was arrested yesterday for allegedly beating a 28-year-old labourer to death for laziness.

A special investigation unit working under Eastern Transvaal Safety and Security MEC Steve Mabona arrested the farmer after eye-witness reports of the murder, African Eye News Service reported.

Mabona's office ordered the arrest of the farmer after he tried to arrange the burial of Rogers Sjambale without registering the death.

"We are viewing this murder as a test case because it contains a number of very important

issues, such as the rights of farm labourers, intimidation of witnesses and the hiring of illegal Mozambican immigrants," investigating officer John Nkuna told the news agency.

He said the problem of illegal Mozambican labourers was increasing in the Eastern Transvaal, which shares a small stretch of border with Mozambique and a much larger one with Swaziland.

Farmers often paid Mozambicans low wages and sometimes had them deported before their payments were due.

The farmer may not be named until he appears in court. — Sapa.

## Hanekom defends his Land Reform Bill

Durban — Land Affairs Minister Derek Hanekom yesterday rejected a call by white farmers to scrap his Land Reform Bill.

"We will not withdraw this Bill. We are prepared to have a workshop and go through the Bill point by point."

About 3 000 farmers met in

Newcastle, KwaZulu-Natal, on Tuesday to demand the withdrawal of the Bill, claiming it discriminated against them.

Hanekom's Bill provides for labour tenants to be given the right to security of tenure and, if they wished, to buy land they currently farm, with financial

help from the Government.

"The farmers are creating an impression of double standards because the tenant farmers are being given rights they did not have under apartheid and the white commercial farmers seem opposed to these rights," Hanekom said. — Reuter.

# 'Lazzy' farmer killed worker

source from 6/7/95

(4)

A SPECIAL investigations unit attached to the Eastern Transvaal MEC for safety and security, Mr Steve Mabona, arrested a prominent Onderberg farmer yesterday on charges of murder.

The unit arrested the farmer, who has yet to appear in court and may thus not be named, after he allegedly beat one of his labourers to death for "laziness".

The farmer then allegedly tried to arrange to have Rogers Sjanbale (28) buried without registering the death with the police and before there had been an inquest.

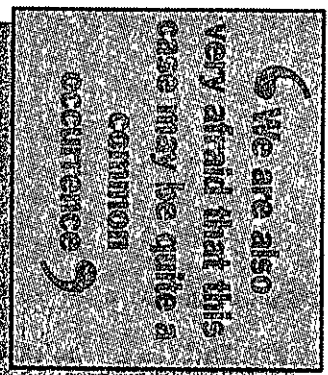
Mabona's office was notified of the incident by an eyewitness to the murder.

## Test case

"We are viewing this murder as a test case because it contains a number of very important issues, such as the rights of farm labourers, intimidation of witnesses and the hiring of illegal Mozambican immigrants," said Special Investigations Unit chief, John Nkuna.

"Here in the Eastern Transvaal, we often get farmers hiring illegal Mozambicans at incredibly low salaries. Then, because the Mozambicans are in the country illegally, the farmers treat them like filth."

Farmers often hired large groups of illegal immigrants and then called the



police to come and deport them just before month end when they have to be paid, Mr Nkuna said.

Other common abuses included beatings for minor infringements, low pay, sexual harassment and dismissal without pay.

"We are also very afraid that such cases may be quite common. We have been told that sometimes Mozambican labourers simply disappear after particularly bad beatings or offences — strangely enough not taking any of their belongings with them," added Nkuna.

"Without any register or other proof that these illegals officially exist, who is even going to know that they are missing?" asked Nkuna.

The date for the farmer's court appearance had not yet been set. — *African Eye News*.

FARMERS PROTEST AT 'DISCRIMINATION'

# Hanekom refuses to scrap land reform bill

CT 6/7/95

14

**DURBAN:** Land Affairs Minister Mr Derek Hanekom yesterday denied claims by white farmers that his Land Reform Bill is a cheap land redistribution measure.

**L**AND Affairs Minister Mr Derek Hanekom yesterday rejected a call by white farmers to scrap his Land Reform Bill.

"We will not withdraw this bill. We are prepared to have a workshop and go through the bill point by point, and we will consider changes if there are valid objections," he said.

This follows a meeting in Newcastle on Tuesday with about 3 000 farmers who demanded the immediate withdrawal of the bill, claiming it discriminated against them.

Mr Hanekom's bill provides for labour tenants to be given the

right to security of tenure and, if they wish, to buy land they currently farm, with financial help from the government.

"The farmers are creating an impression of double standards because the tenant farmers are being given rights they did not have under apartheid, and the white commercial farmers seem to be opposed to these rights," Mr Hanekom said.

"We have created measures beneficial to landless people and the farmers tend to take the position of opposition, which creates the impression that they are

unwilling to change and explore viable options."

Natal Agricultural Union spokesman Mr Theo van Rooyen said farmers saw the bill as a cheap way of redistributing land.

## Wrong way

"The minister sees this as a cheap way of getting people on to the land and is going about it in the wrong way. There is more than enough existing government land for him to use," he said.

But Mr Hanekom said: "We are not getting people on to the land — they are already there. Also, it will not be cheap for the government to assist the tenants to buy their farms." — Reuter



*'They're taking law into their own hands'*

Star 7/7/95

# ANC outraged by (4) farmers' cruel acts

BY HELEN GRANGE

The ANC has expressed "outrage" at the "developing trend of a tiny minority of white farmers who seem to be taking the law into their own hands" — following the arrest this week of an Eastern Transvaal farmer in connection with the murder of one of his farmworkers.

The farmer, from Onderberg, allegedly beat 28-year-old Rogers Sjambale to death for "laziness". He then allegedly tried to arrange to have the labourer buried without registering the death with the police.

"Only this week, the media exposed an inadequate sentence meted out to a Vanderbijlpark farmer who had shot and killed a 10-year-old baby for allegedly starting a veld fire," the ANC said in a statement.

The case would help undermine the confidence of people, particularly farmworkers, in the judiciary, it added.

Conditions of employment of farmworkers remained a matter of serious concern and had to be urgently addressed, it said.

In the past year, a number of abuses, including beatings for minor infringements, low pay, sexual harassment and dismissal without pay, have come to light.

■ In January, Koster farmer Stoffel Diederiks allegedly beat a 4-year-old boy to death for playing with a white child. The child's mother was fired after her child's death. Diederiks was released on R1 000 bail.

■ In December, Tzaneen farmer Jaap du Toit was charged with the murder of Edward Malepe, who was shot at the entrance to Du Toit's cattle farm, Koeberg.

■ In November, a Northern Cape farmer was arrested in connection with the shooting of 11-year-old Henry Julie. He was released on his own recognisance.

■ In November, farmer Jan Geyer was fined R50 or one month imprisonment for assaulting farmworker Bheki Mlangeni, who later died at Baragwanath Hospital.

■ In November, an Eastern Transvaal farmer was charged with the murder of a 15-year-old pregnant girl, Khethiwe Nkosi, who worked as his domestic. Her limbless and decapitated body was found in a dam in July. The farmer was released on R500 bail.

■ In July last year, farmworker Aaron Mwale (60) was beaten and left for dead in an open field by a farmer. He is paralysed from the neck down. No arrest was made.

## Strike at Kruger Park resolved

Star 7/7/95

CLYDE JOHNSON  
LOWVELD BUREAU

Pietersburg — Kruger National Park's 10-day labour strike ended yesterday when workers agreed to a R800 minimum salary and a R120 across-the-board monthly increase.

Human resources manager Jan Smal said the increase would be backdated to April 1. Scores of part-time staff who had prevented the strike from crippling services in the reserve have been given notice.

Smal said they were employed on an hourly basis. He complimented the strikers who had strictly adhered to the rules.

The strike was initiated by SA Commercial Catering and Allied Workers' Union members and initially confined to catering staff, cleaners and petrol attendants, but later spread to other areas.



Last-minute scrutiny ... Greater Johannesburg officials period ends today.

LAL

# Farmer charged with murder

THE farmer charged with bearing one of his labourers to death for laziness has been granted bail by the Malelane Circuit Court.

Mr Shaun Niemandt (24) was charged with the murder of Mr Roberts Sibanbale (28) on Wednesday after an investigation by the Special Investigations Unit attached to provincial MEC for safety and security Mr Steve Mabona's office.

Mabona's office said it was viewing the investigation as a test case because the alleged murder included a number of

increasingly important issues, such as the rights of farm labourers and illegal immigrants, intimidation of witnesses and the hiring of illegal Mozambican immigrants.

### No bail posted

Niemandt appeared briefly before magistrate Mr Christen Kruger on Wednesday, before being released on his own recognisance without having to post bail.

He was ordered to appear before the court again on July 19.

Although Niemandt is at present only facing a murder charge, sources indicate the police are also considering charging him with defacing the ends of justice and hiring illegal immigrants.

Police investigators explained that Niemandt was initially charged with the murder on Tuesday evening by a task team from the Special Investigations Unit.

He allegedly managed to evade arrest by locking himself into his father's farmhouse where he had gone on the pretext of fetching an overnight bag.

He then reportedly released a number of large guard dogs into the house's fenced compound.

Investigators said they decided not to "use force" and returned to their offices in Nelspruit.

Detective John Nkuna said the police were contacted by Niemandt's legal representative on Wednesday morning and arrangements were made to meet at the Malelane Circuit Court.

He was arrested and officially charged when he arrived at court. — African Eye News.

(4) Sowetan 7/7/95

# Farmers are ready to sail On the winds of change

The fiery bluster of right-wing farmers has given way to a more pragmatic approach over the new labour tenants' Bill, reports **Eddie Koch**

**E**DDIE VON MALTITZ swaggered around with a 9mm parabolium strapped to his waist. The *vierkleur*, pennant of the ultra-right, was flying at the entrance. And murmurs of discontent rumbled through the ranks as thousands of farmers who had mustered to resist the government's "communist" land policies were asked to welcome the media.

So, when the boot of a scowling man six feet and some inches tall crushed my toes, I put it down to harassment of the kind usually expected by journalists at these rallies. "Eksklus" said the giant who, in case I couldn't understand his language, added that he was "so sorry man".

That was the mood that stamped itself on the showgrounds in Newcastle, a grim coal-mining town in Kwazulu-Natal, where some 4 000 boers rolled up in bakkies and Mercedes-Benzes from around the country to present Land Affairs minister Derek Hanekom with the biggest challenge yet to his land reform laws.

There were occasional outbursts of fiery rhetoric. "Take a trip to the battlefields around here if you want to understand what the land means to us," a farmer told journalists during tea break, pointing to the hills where Boer commandos fought British troops and Zulu warriors in the wars of colonial conquest that wracked this region last century.

The media crews came expecting a brigade of khaki-clad men who would vow to throw the country back into the violent events that marred the transition to this Government.



WM 7-13/7/95

plated from the current owners of "labour farms".

These are large estates, mainly in the south-eastern areas of the Eastern Transvaal and the northern reaches of Kwazulu-Natal surrounding Newcastle, where some 40 000 black families have lived for generations, and now provide free, or virtually free, labour in exchange for a small patch of land for subsistence farming.

"The proposals for action that I am going to propose are quite drastic and dramatic," said the young lawyer called Phillip Nel. He heads up the

**We are the people who can help to make sure that land is given to small-scale and**

tion," said a farmer called Wessel Nel, to applause from the crowd. "April 27 has happened and the duty of organised agriculture is now to help. We are the people who can help to make sure that land is given to small-scale and productive farmers who work."

Now it was time for the young lawyer to present his "dramatic" proposals. There were four of them, each accepted in essence by the crowd as a way forward.

● It was demanded that a negotiating forum be set up comprising provincial and national officials from various



The haves and the have nots: White landowners (left) will be forced to sell land to labour tenants (above) if the Land Reform (Labour Tenants) Bill becomes law

PHOTOGRAPHS: HENNER FRANKFELD

the AEO a mandate to offer up their land.

● A demand that a committee of farmers from each of the 17 districts affected by the labour tenants' Bill be set up so that ordinary farmers "can get together to discuss and negotiate this thing".

● And then the really radical resolution, one taken straight from the strategies of township civic organisations: "If Derek Hanekom goes on with this law, then we reserve the right as farmers to stop all payments to the provinces and the central government. If we are to be arrested, then we will say 'Where must we report so we can do it now?'"

The farmers cheered in jubilation. One of them

landlord held who would vow to throw the country back into the violent events that marred the run-up to this country's freedom elections. But the temper that resonated among most of the men who packed the Newcastle hall, many dressed as if they were at a Sunday church service, was pragmatic, civil, even sensible.

And, up on the podium, the proceedings were being orchestrated not by apocalyptic poets of the far-right but by a yuppie lawyer in a pin-stripe suit and silk tie who, despite the occasional diatribe against Land Affairs Minister Derek Hanekom, spoke the language of appeasement.

The Land Reform (Labour Tenants) Bill, passed by the Cabinet and gazetted last month so that the public can comment on it before it becomes law, was the main target of attack, mainly because, unlike earlier land redistribution measures, it provides for land to be expro-

propriated and given to small-scale and productive farmers who work.

said the young lawyer called Phillip Nel. He heads up the Agricultural Employers' Organisation (AEO), which claims 7 000 farmers as members and organised the Newcastle rally along with the Transvaal, Orange Free State and Kwazulu-Natal agricultural unions. "So I am going to give all of you a chance to make suggestions from the floor first."

What followed was lots of Hanekom bashing. "Let him come and work next to me with those filthy-white hands," said one man. "We should ask Mandela to give him a blitzkurs (crash course) in what to do," said another. "We have got a wise president, but there are people in his midst who don't know what they are doing."

Then ... that voice of reason again. "It doesn't help to sit back and complain. We have to accept that agriculture has to undergo a transforma-

tion. We understand that there are needs for (black) people to acquire land. We share this viewpoint," said Nel. He proceeded to propose that all owners of "labour farms" should consider selling their estates to the government, strictly at market rates and on a "willing-buyer-willing-seller basis", so that the minister could have "more land than he dreamt of" for redistribution. Farms were distributed among the crowd so that farmers willing to sell could give

comprising provincial and national officials from organised agriculture to negotiate to implement land reform. In the meantime, the labour tenants should be remanded and Hanekom should appoint a "designated person" to liaise on a full-time basis with farmers on issues and conflicts arising from the labour tenant system.

ant's Bill should be remanded and Hanekom should appoint a "designated person" to liaise on a full-time basis with farmers on issues and conflicts arising from the labour tenant system.

# The first whiskey came from Ireland. The smoothest still does.

Before maturing our whiskey for many years, we like to distill it a third time. We think you'll find this rather unique finishing touch gives our whiskey an exceptional smoothness.

## JAMESON The Spirit of Ireland

it now?"

The farmers cheered in jubilation. One of them tried to pass a motion of no confidence in the Minister of Land Affairs, but was asked by an agricultural union official on the podium to withdraw it. "because we might pick up some dissent if we go that far". And voices in the crowd asked if they could go soon after lunchtime because many of them had driven long distances and had work to do before dark.

Commercial farms in South Africa, most of them currently owned by white men, provide five to six million of the poorest people in the countryside with their only means of survival. Eddie von Maltitz, leader of the ultra-right Resistance Against Communism, puts it in racist terms. "Take the white man out of Africa and Africa will die."

John Sender, a left-wing academic from the School of Oriental and African Studies in London, argues that there is a need for land redistribution to be balanced with policies which keep productive and adaptable owners — "those capable of achieving the macroeconomic goals of raising employment, real wages, agro-industrial output, and exports" — on the land.

The rally at Newcastle was a measure of the way a substantial section of white farmers is responding to the land question. They accept that redistribution is inevitable and that their labour policies will have to change. Their demands have shifted from reaction to requests for the right to participate in the pace and style of change.

The meeting was also a signal that the neo-fascist movements of this country are on the wane, overshadowed by pragmatic men of the soil who want to rebuild a productive system in the countryside for themselves and their children, who will inhabit the countryside in generations to come.

"There were plenty of Afrikaner Weerstandsbeweging members in the crowd," Von Maltitz told me after the meeting. "They want to give this approach a chance to work. We want to try and help this Hanekom and to become players in the game. We'll keep our eye on the ball, because if we don't, we know we'll lose it."

Derek Hanekom would do well to hear their voices. That way the paramilitary uniforms can remain where they are now, being eaten by moths. The khaki-clad prophets of the right can remain on their farms, drinking brandy and coke. And the battlefields of Kwazulu-Natal can stay as they should be, places for inquisitive tourists to come and visit in peace.

# Farmer sets dogs on cops to 'evade arrest'

By JUSTIN ARENSTEIN

(4) ST 917/95  
AN EASTERN Transvaal farmer charged with beating one of his labourers to death for being lazy allegedly evaded arrest on Tuesday night by locking himself into his father's farmhouse.

Shaun Niemandt, 24, then reportedly set several large guard dogs on the police. Investigators said that they decided not to "force" the issue and returned to Nelspruit.

Detective John Nkuna, special investigations unit chief, said Mr Niemandt's lawyer contacted them the next morning and it was agreed to meet at the Malelane magistrate's court.

Upon arriving at the court, Mr Niemandt was arrested and charged with the murder of Roberts Sjam-bale, 28, a Mozambican citizen. He appeared briefly before magistrate Christine Kruger before being released on his own recognisance.

Mr Niemandt, the son of a prominent Onderberg family which owns the Ritchehoek citrus farm near the village of Vlakbult, allegedly also tried to arrange to have Mr Sjam-bale buried without notifying police of the death.

Mr Niemandt was ordered to

appear again on July 19.

Police are considering laying additional charges of defeating the ends of justice and of hiring illegal immigrants against Mr Niemandt.

Detective Nkuna said the investigation is being treated as a test case because the alleged murder includes several increasingly important issues, such as the rights of farm labourers and illegal immigrants and the intimidation of witnesses.

"We often find farmers in the Eastern Transvaal hiring illegal Mozambicans at incredibly low salaries. Then, because the Mozambicans are in the country illegally, the farmers treat them like filth," he said.

Farmers often hired illegal immigrants and then phoned the police to deport them just before the end of the month, when they have to be paid, Detective Nkuna said.

Other common abuses include beatings for minor infringements, low pay, sexual harassment and dismissal without pay.

"We are afraid that this case may be an example of incidents which occur quite often. We have been told that sometimes Mozambican labourers simply disappear after particularly bad beatings."

By Ruth Bhengu

# Hugo verdict pains public

THE small farming community of Bloempark outside Vanderbijlpark is still reeling from shock over the sentence passed on farmer Alexander Hugo, who shot dead 10-year-old Vusi Nkolonzi last year for starting a veld fire.

Just over a week ago, Hugo received a four-year jail sentence for culpable homicide, but will serve only 18 months before undergoing correctional supervision. However, instead of being divided along racial lines by this incident, residents seem to have been drawn closer together.

Some white farmers have pledged their support for Vusi's parents and have described this sentence as "disgraceful". "I know how Vusi's

mother feels because I lost my son three years ago," said Mrs Lulu Jordaan, the wife of a neighbouring farmer whose children used to play with Vusi.

Funeral parlour owner Mr Lillian Lian said although Hugo's sentence angered most residents, it did not strain community relations. "We know that a few farmers around here are not friendly, but we have coexisted without serious problems," he said. "I think the sentence is bizarre. I am fed up that Hugo got such a ridiculously light sentence."

Retired police captain Mr Hans Aswegen said he had been dubbed a

"Kaffertochter", because he had always got along with black people, but said this did not bother him. "I think every right-thinking person is sore that Hugo got off so lightly," he said.

"This sentence is as good as an acquittal. Even if he goes to prison, he might be out in a year's time. I don't believe that justice was done here."

Although most people criticised Hugo, Mr Samuel Maya — who has been working for the Hugos for more than a year — said they were good people. "Alexander's parents are heart-broken and have been crying ever since this thing happened," said Maya. "Even Alexander is a good person."

Ever since I started working here, I have never heard a cross word from him. He has always treated me well.

"I still don't know what got into him the day he shot that little boy," Maya said although Hugo's parents had not been to see the Nkolonzi family, they had sent him to find out what the family needed for the funeral arrangements.

"The Nkolonzi family sent me back to tell my employer they did not need anything. I could understand they were in

pain," he said.

"This is a very unfortunate thing that has happened and I am saddened that everyone is going through this pain."

Vusi's mother, Mrs Jane Nkolonzi, is still bewildered by the ramifications of Hugo's sentence.

"I can't understand how he could have received such a light sentence when I have lost my son," she said. "My wish was that he should be locked up for a long time because I will never see my son again."

South African 20/7/95

# Bam's abiding interest

**R**ECONCILING TRADITIONAL WAYS OF acquiring land rights with Western concepts of ownership is just one of the land restoration challenges facing the Government.

This is the view of Mr Fikile Bam, who was appointed last week as the first president of the newly established Land Claims Court.

Bam made his views known during his interview by the Judicial Services Commission (JSC) last Wednesday, a day before it nominated him for the appointment.

Two of the five people recommended by the JSC for the posts of additional judges of the Land Claims Court will be appointed after consultation with Bam.

During his interview, Bam said judges of the court should have the capacity to be sensitive to the diverse claims that would come before the court.

"I can never overemphasise the importance of the land question," he told the JSC. "In rural communities, the long history of dispossession resulted in poverty because people could no longer survive on subsistence farming.

"In the urban areas, the land question is one of homelessness."

Bam, who gained experience in litigation on land issues as a lawyer in the Transkei and while working at the Legal Resources Centre, said he became interested in the land question when he was a student.

"I have an abiding interest in the subject," Bam said when asked whether he had the attributes which he thought judges of the court should have.

A well known human rights lawyer today, Bam studied history and anthropology at university — subjects he said would help him to evaluate land claims from the perspective of dispossessed African communities.

He believes his role as a mediator for the Independent Mediation Services of South Africa can also help him to resolve disputes, especially at pre-trial conferences.

Commenting on the controversial Section 28 of the Constitution, which entrenches existing property rights, Bam said the section protects those who already have rights to land.

He noted that farmers with vested interests in these rights felt threatened by the Restitution of Land Rights Act, while forms of land tenure in indigenous communities was far from satisfactory.

"The forms of tenure are not clear, and there will be tension about who should have the original title to the land," he said.

While conceding that individuals or communities had the right to decide what to do with their land, Bam said the primary purpose of land restitution should not be simply to restore land, but to do so for a specific purpose such as development.

**Mzimasi Ngudle** outlines the views of ex-political prisoner Fikile Bam, the newly appointed first president of the Land Claims Court, whose concern about land issues goes back a long way



**Fikile Bam ... appointed as the first president of the Land Claims Court.**

Regarding the referral of disputes to the Land Claims Court, Bam said the court should formulate its own rules as soon as possible to make it more accessible to ordinary people.

In terms of the Restitution of Land Rights Act, the court would be guided by the rules of the Supreme Court. However, Bam said, these differed from one Supreme Court division to another.

"I am uneasy about the applicability of the Supreme Court rules. The court should not be strictly formal in terms of procedure and evidence," he said.

Describing the role the court should play in addressing the broader land issue, Bam said: "The court is a drop in the ocean in terms of the big task of the restitution of land rights."

He noted that, in so far as the jurisdiction of the court was clearly defined and circumscribed by statute, the court could end up as a rubber stamp for those who already own land.

**In many cases, the court will be compelled to make compensatory awards. There would be few instances where urban property, for example, would be restored. One only hopes that this is the beginning of a policy direction which will eventually lead to the restoration of land to those who were dispossessed during the past two centuries**

Precisely because of jurisdictional constraints, Bam foresaw possible difficulties which the court would not be able to address.

"In many cases, the court will be compelled to make compensatory awards. There would be few instances where urban property, for example, would be restored," he said.

"One only hopes that this is the beginning of a policy direction which will eventually lead to the restoration of land to those who were dispossessed during the past two centuries."

Bam will clearly be able to play a valuable role in this process.

Born in Tsolo, Transkei, in 1937, he holds a Bachelor of Arts degree in law from the University of Cape Town.

He continued his studies afterwards through correspondence, and also holds B Proc and LL B degrees from the University of South Africa. He was admitted as an advocate in 1985.

Bam became the first chairman of the prisoners' adult education committee on Robben Island, where he spent 10 years after being convicted on a charge of conspiring to commit sabotage.

Bam is a partner at a Johannesburg firm, specialising in constitutional law.

(4) Sowetan  
10/7/95



*Rust de Winter earmarked*

# Land reform test run set to take off

4  
21/01/95

Gauteng has selected 36 000 ha of state land north of Pretoria for a trial of its land reform programme, hoping to settle thousands of peasants and black farmers on their own land.

The Land Affairs Ministry has given the province R35-million for the land reform pilot project, one of the presidential lead projects in the RDP, project manager Kenny Fihla said yesterday.

The intention is to settle communities, farming stock and game, with nearby small agriculture-related businesses, schools, accessible water, amenities and infrastructure.

"We would like to see an ideal rural settlement, a viable society, emerging out of Rust de Winter that can contribute to economic development," Fihla said.

## Planning stage

Among those likely to benefit are the about 10 000 Litho Ndzundza people who were removed from the area in the 1930s and have a restitution claim on their ancestral land.

Others to be settled are landless communities seeking security of tenure and farmworkers left behind by white farmers removed from the area when it was bought by the previous government to incorporate into KwaNdebele.

The project is still in the planning stage, with land temporarily allocated to people while studies proceed on suitable forms of agriculture, water resources and business potential.

Fihla said the provincial government hoped to start developing and dividing up the area by

mid-1996 and settling people permanently by the end of next year. As many as 30 000 people would be involved.

Land allocations would range from a few hectares for small farmers, to larger farms for cattle and game ranchers. Some white farmers were integrated with rural black communities and would stay on their land.

The Gauteng government also wants the private sector to combine with a community trust and resuscitate three dormant state chicken farms.

The province has set aside 1 700 ha of the land for ecotourism, with nature conservation officials surveying a nature reserve and deciding how to integrate it with the project.

Some R10,2-million of the money from Land Affairs has been earmarked for new land acquisitions to supplement state land, and R18,7-million for a "homestead basic-needs grant" similar to urban housing subsidies.

Fihla said Gauteng's development planning, environment and works department wanted to give people access to credit and was negotiating with the Land Bank, the Agricultural Credit Board and the Development Bank for further finance.

Communities, which met fortnightly with government departments about the project, would have a large say in how the project evolved and how money was spent, he said.

The project would help Gauteng to develop policy on land distribution and land tenure reform, and on how to ensure rights to land without destroying its economic potential. — Sapa.



# Bill will force you off land, farmers told

④ Star 20/7/98

■ BY NORMAN CHANDLER  
PRETORIA BUREAU

Farmers were given a hard-line message by the Transvaal Agricultural Union (TAU) yesterday: reduce the labour force and mechanise, or face being forced off the land.

They were told at platteland meetings this was the only way to stave off government plans which would allow black labourers to buy a portion of the farm on which they live and work.

TAU president Dries Bruwer said at Lichtenburg and Potchefstroom — and will repeat the message at Eastern Transvaal meetings today — that the Government was determined to break the power of white farmers in an attempt to hand over commercial farmlands to black farmers.

He said: "The present president (Nelson Mandela) will not take on agriculture without consulting the TAU."

"If you think you can carry on with the numbers of black workers you employ, I say you are wrong," he said at yesterday's meetings.

Bruwer added: "The very presence of these workers will force you from the land."

"The Land Affairs Department has stated we should develop farms in the knowledge that we are going to hand them over to farmworkers. We are forced to reconsider how many black workers we can keep."

Bruwer described Land Affairs Minister Derek Hanekom as "an enemy of farmers and said farmers had to decide whether they wanted to work with "Hanekom and his henchmen or with the Afrikaner farmer who has taken agriculture to its present state with initiative and work creation for millions of black people".

# Delays to land court

*Sowetan 20/7/95*  
Hitch caused by absence of woman candidate for appointment as judge

By Mzimasi Ngudle

**T**HE absence of an affirmative action woman candidate for appointment as a Land Claims Court judge is one of the two hitches delaying the speedy establishment of the court, *Sowetan* learnt yesterday.

The other is the recommendation by the Judicial Services Commission that more than three judges be appointed to the court to ease the anticipated load of work after the Cabinet's approval of legislation protecting the rights of tenants. The only woman candidate, Mrs Vuyiswa Ramphele, withdrew shortly before the interviews of nine candidates in the Cape early this month, after which the Judicial Services Commission recommended five nominees.

From these five men, President Nelson Mandela must select two to work with Land Claims Court president Mr Fikile Bam. The five men are former national executive director of the Black Lawyers Association Mr Justice Moloto, a veteran KwaZulu-Natal lawyer Mr Frank Sithole, Mr Dimpheletse Moshidi, Alan Dodson, a human rights lawyer who helped victims of forced removals in the Cape, former chairman of the National Peace Secretariat and ex-Broederbond member Dr Antonie Gildenhuys. An informed source said that while there was no problem in selecting a white judge from the present five nominees, the absence of women candidates would impact negatively on perceptions regarding the legitimacy of the court.

*Parties agree to amendment*

# New hope for consensus on land Bill

4

21/7/95

**BY JO-ANNE COLLINGE**

Minister of Land Affairs Derek Hanekom is confident that the hotly disputed Land Reform (Labour Tenants) Bill can be amended to make it acceptable to all stakeholders.

He spent the last two days in Dundee, KwaZulu-Natal, thrashing out the draft legislation with representatives of organised agriculture and organisations serving labour tenants.

And he returned to Pretoria declaring: "There is a real possibility that the impossible will have been achieved."

He said the parties had agreed that amendments should be made to the draft Bill to distinguish labour tenants more clearly from other farmworkers and to provide

more flexibility in the way that labour tenants would exercise their right to acquire land.

The initial draft provided for the enforced sale of the portion of the farm occupied by the labour tenant, should the tenant make an offer to buy.

At this week's meeting it was agreed that an amendment would provide for an arbitration process to decide whether the labour tenant would be entitled to buy the land on which he or she was living or whether he or she would get access to alternative land.

The amended Bill will go to the Cabinet on August 2. At about the same time it will be made available to the SA Agricultural Union for presentation to its general council meeting.

Rural service organisations will simultaneously canvass labour tenants on the changes.

Hanekom seemed hopeful that the meeting had laid to rest the farmers' threats to withhold taxes if the Bill became law and the labour tenants' threats to invade land if it did not.

He conceded that the meeting had been emotional at times. But, he said, "people adhered to mutual respect for each other's views and that was the atmosphere throughout".

The Bill only covers labour tenants — workers whose "pay" comprises mainly the right to occupy and cultivate for themselves a patch of the farmer's land. And it applies only in parts of KwaZulu-Natal and the Eastern Transvaal.

# 600 labourers kicked off farms

Sowetan 27/2/95 (4)

**By Abdul Milazi**  
Labour Reporter

MORE than 600 farmworkers on about 40 Free State farms are without food and shelter after they were dismissed early this month for taking part in a strike.

The workers — who are all members of the Municipal, State, Food and Allied Workers Union — embarked on a strike a month ago in support of their demands for better wages and living conditions.

The union's general secretary, Mr Richard Ramagabe, said some of the workers were left homeless after farmers forcibly evicted them and bulldozed their homes.

"Those who were not evicted had their food rations withdrawn and water supply cut off," said Ramagabe.

The workers were demanding the recognition of their union, a minimum monthly wage of R800, an end to fixed-term contracts, child labour, intimidation and evictions.

Ramagabe said the union was now struggling to feed the hundreds of families on the farms. The problem was being compounded by the fact that the farmers were intimidating workers and union officials who visited them.

"We do not have funds to feed all these workers but we are trying all we can. Workers on neighbouring farms are also helping," said Ramagabe.

Ramagabe said the union would meet the Free State Agricultural Union next week to discuss the evictions and workers' demands.

Pikini Mokoena (45) is one of the victims of the evictions. His home was reduced to rubble when his former employer, a Mr Frikke Oshuizen, bulldozed it in the early hours of the morning three weeks ago.

He has six children, three of whom were working on the same farm. They have been sleeping in the veld and braving the winter's cold with no food or adequate blankets.

"We have nowhere to go and no money to move our belongings. Even if we had money, where would we go?" he asks.

Farmworkers have been the most exploited, yet all labour laws have excluded them. The first law to look at farming was the Agricultural Labour Bill passed in April 1993. However, National Union of Farmworkers general secretary Mr Kidox Mogale said the Bill merely proclaimed that farmworkers could now organise and be organised under trade unions.

Mogale said: "Farmers still call the police to remove trade unionists from their farms and charge them with trespassing. Some farmers even assault and



Sello Mokoena (7) contemplates a bleak future atop an old wheelbarrow. With him is his father, Pikini, his sisters Maleboa and Madisebo and his brothers Mthobeli and Simon, sitting in the rubble that was their home before the owner of the farm bulldozed it when they were fired early this month. Pikini is one of 600 Free State farmworkers dismissed for taking part in a strike a month ago. PIC: ABDUL MILAZI

threaten to kill union organisers.

"It is impossible to organise on the farms because of these conditions, yet the Bill says farmworkers have the right to be organised. Even if one contacts the farmers by telephone, they refuse to allow access to their farms once they learn that you are a unionist."

When Sowetan visited farms near

the Free State towns of Frankfort, Villiers and Orangeville last week, we discovered that farmworkers work a total of 14 hours and sometimes more a day and earn as little as R100 a month.

Work on the farms begins at the crack of dawn and ends when darkness falls and visibility is poor.

Farmers hire and fire workers at will

and are not bound by any law or contract. Workers are basically at their masters' mercy.

They do not have sick leave, annual leave, holidays or days off.

● Tomorrow: A Sowetan investigation into farm working conditions finds slavery alive and kicking.

# Doomed to servitude

Sowetan 28/7/95

(4)

**T**HE FIRST ALL-INCLUSIVE election in April last year changed the lives of many South Africans. But, for the country's 1,2 million farmworkers, real change is just a dream.

For many years black workers who toil the country's farmlands have been exploited, yet all labour laws — past and present — have excluded them.

The first law to look at farming was the Agricultural Labour Relations Act passed in April 1993. However, it protected farmers more than it considered farmworkers.

National Union of Farmworkers general secretary Mr Kidox Mogale, says although the Act was intended to give farmworkers "some rights", in fact it did not.

"All it did was proclaim that farmworkers could now organise and be organised by trade unions, and that was basically all it gave them," says Mogale.

He says farmers still call the police to remove unionists from their farms and charge them with trespassing. Some farmers even assault and threaten to kill union organisers.

Mogale says: "It is impossible to organise on the farms because of these conditions, yet the Act says farmworkers have the right to be organised. Even if one contacts the farmers by phone, they refuse to allow one access to their farms once they learn you are a unionist."

When *Sowetan* visited farms near the Free State towns of Frankfort, Villiers and Oranjeville, we discovered that farmworkers work 14 hours and sometimes more a day, and earn as little as R100 a month.

Work on the farms begins at the crack of dawn and ends when darkness falls. Farmers hire and fire workers at will and are not bound by any law or contract. Workers are basically at their masters' mercy.

They do not have sick leave, annual leave, holidays or days off. Their bonus at the end of the year is a few bags of maize meal, packets of dried beans and a piece of meat (if the owner feels like it).

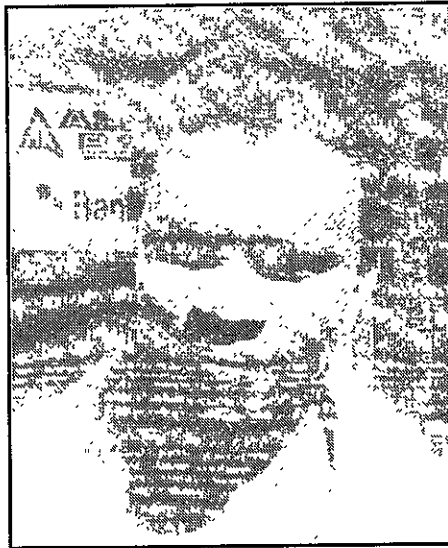
We found the same conditions in Northern Province farms near Pietersburg, Potgietersrus and Nylstroom.

A labourer at the Windfield farm in Oranjeville, Mr Benjamin Serobe (35) (not his real name), says his employer does not allow workers to eat meat because he fears they will start stealing his sheep once they taste it.

Serobe says: "We do eat meat, but we have to hide it from him. Once the *baas* caught an old man eating meat here a year ago and broke his leg. He fired him the next day and took him in his

Farmworkers are owned by their masters and work forever, for virtually nothing.

Farmers hire and fire them at their whim, reports Labour Reporter **Abdul Milazi**



**Union organiser Richard Ramaqabe says farmers are still hostile to unions.**

PIC: ABDUL MILAZI

bakkie and dumped him on the road outside the farm.

"When one oversleeps and is late for work, the *baas* also beats him up. One has to be extra careful at everything, because if you spill milk or injure a cow by mistake, you get beaten up."

Another worker at the Platkop farm in Villiers, Mr Juda Moloi (56), earns R130 a month and a 40kg bag of maize meal. He has three children who attend the local farm school.

Moloi says: "The farmers know we can't live on the money they pay us, so they give us loans as a way of keeping us on the farms. Every month we ask for more loans to keep our children at school, and the more we owe the more impossible it becomes to pay back."

"The *baas* then deducts the money every month. Sometimes he takes your whole paypacket and you earn nothing for years. You find that you can't leave the farm because you owe him a lot."

Many farmworkers even allow their children to work as child labourers to augment their income. "We do not like it, but what can we do? We need the money," says Moloi.

Most farmers refused to speak to *Sowetan*. On four occasions — twice in Frankfort, once in Villiers and once in Oranjeville — we were driven off the farms at gunpoint and told not to "create trouble with my boys".

However, one farmer who spoke to us, Mr Frikkie Potgieter, said farmers could not pay their workers well because they were in financial difficulties.

Potgieter said farmers were being forced into bankruptcy by drought and the fluctuating prices of farm produce. The problem was worsened by importing cheap produce from overseas.

Potgieter said: "I have treated my boys well over the years. Some of them have been with me since 1943. They like me. They would not be here if I treated them badly."

"I would like to improve their living conditions, but I do not have the cash. Most farmers do not want unions, but I don't have a problem with unions. Farmers and unions have to work together for the survival of workers and the farms."

"We fought during the times of apartheid, now we must look forward to the future."

Farmers Research and Resources Project spokesman Mr Bethuel Maserumule says rural workers were neglected by past regimes, and have suffered untold disadvantages.

He says there is a danger these workers will still be ignored, and continue to live in conditions reminiscent of the apartheid era.

Maserumule says the draft Labour Relations Bill currently being contested by organised business and unions still makes poor provision for farmworkers.

"The clause stating that only union officials and fellow workers can represent a worker who challenges an unfair labour practice, discriminates against the 75 percent of farmworkers who were unorganised."

"There are many other ways in which the draft Bill discriminates against farmworkers. These include bargaining council provisions which require a level of representation unlikely to be achieved in agriculture in 50 years."

Unless the Government does something, farmworkers will be doomed to toil the soil and give birth to other slaves for masters and their children to prosper.

# Heavy burden of the child labourers

Sowetan 28/7/95

By Khathu Mamaila

White farmers' make it impossible for unions to operate

**A**T THE TENDER age of 14 Patrick Mabasa was forced to leave his Mhinga village home in the former Gazankulu homeland to become the family's sole breadwinner.

The boy, who has never seen the inside of a classroom, said he decided to look for a job on a farm outside Pietersburg to support his mother and three young sisters. He said his father died a few years ago.

He obtained his first job, which paid him R150 a month, last year. However, he had to quit after a few months as the job was too demanding. "On that farm, I did everything," said Mabasa.

After quitting, his uncle helped him to get another job on a vegetable farm, about 30km north of Pietersburg. His new employer offered him R100 a month.

"Every month I send all my money home. I depend on the rations of porridge and mushrooms. We only eat once a day. I do not keep a cent for myself because I know my mother and sisters will starve if I do not send them money," said the boy.

Asked what his ambitions were, Patrick said: "I am not educated. What can I aspire to except to be assured of a plate of food every day?"

Patrick is not the only boy forced to leave his home to work on the farm. There are dozens of others, some as young as 10 years, selling their labour to the farmer.

A farm labourer on the same plot, Mr William Lebea, said there was a primary school for farmworkers' children. "However, children can only go to school until they pass the highest class — Standard 2.

"They can then no longer continue with their education no matter how smart they are, as there is no higher primary school. After passing Standard 2 or reaching the age of 14, the children are forced to work on the farm."

## Meagre wage

Lebea, who has been working on the farm since 1963, has reached a ceiling and occupies the highest position ever to be attained by a farmworker — a foreman.

Although he earns a meagre wage of R12 a day, the figure is a huge difference from the R4,40 a month he used to get in the sixties. And for a man like him, who has two wives and four children, he can hardly survive with the money.

"I am not religious but I do not like the idea of extra-marital affairs. I have been forced to leave my wife and children at home. I only visit my wife once a month if I am lucky.

"Subsequently, I moved in with another woman."

Lebea said he believed a union could improve his working conditions. However, the farmer has allegedly fired dozens of workers who cooperated with union organisers.

"The employer has made it clear that if



Child labourer Patrick Mabasa ... his family's sole breadwinner.

PIGS: ABDUL MILAZI

we want a union, we are in the wrong place. Associating with a union is tantamount to applying for a dismissal," said Lebea.

While a number of labourers wanted a union to operate on the farm he said their efforts were frustrated by Mozambican labourers who were prepared to work for "anything".

He said most labourers on the farm were illegal immigrants from Mozambique and Zimbabwe, and added that it was difficult for the union to get a majority membership.

National Union of Farmworkers regional organiser Mr Kidox Mogale said the farmer was "very arrogant" because of his perceived support by illegal immigrants.

"The white farmer knows that immigrants are prepared to work for food, as they are desperate. He exploits the situation and makes it almost impossible for the union to organise labourers," said Mogale.

He said he has been chased off the farm several times and even threatened with death. But he has vowed to continue organising the labourers.

A Zimbabwean illegal immigrant, who requested anonymity, said he left his wife and four children in a desperate effort to get a job to support his family.

He said he has been working for five months, but has not saved enough money to send home: "I earn R5,43 a day. How much can I really save? I would not be surprised if I find that my wife is staying with another man when I return home. I have failed her.

"I cannot even complain to the employer

because not only will he show me the gate of his farm, but he will also take me to the police and I will be deported."

He said he could not go to town to look for another job, as police would arrest him because he does not have a South African identity document.

The sad stories of these labourers made Mogale wonder whether the rays of hope dawning in the new South Africa will also reach farms in Northern Province.

# The high price of failed demands

No hope or future after a lifetime of work on the farms

By Abdul Milazi  
Labour Reporter

**F**OR 28 YEARS PIKWINI MOKOENA woke up at 3am without fail to begin work on his master's farm, only to return to his shack at 7pm.

Three weeks ago, Mokoena woke up at 10am for the first time and inhaled the cowering-scented fresh farm air and went back to sleep. He did not have to go to work because he had just been fired.

His house had been bulldozed and he and 60 other farmworkers on Mr Frikkie Oosthuizen's farm were ordered off the farm.

Mokoena (45) is one of 600 workers who went on strike this month in the Free State farming districts of Frankfort, Villiers, Oranjeville and Heilbron. At the core of the strike were demands



Mrs Selina Tsotetsi with her grandson Sholemi ... no future after spending a lifetime on the farms.

for recognition of the Municipality, State, Food and Allied Workers Union's minimum wage of R800 a month, an end to

child labour and an end to intimidation and evictions. All 600 farmworkers were dismissed.

MSFAWU general secretary Mr Richard Ramagabe says before the workers were dismissed, farmers tried to break the strike by withholding the workers' monthly 60kg maize meal rations, cutting off the water supply and electricity to compounds and threatening and beating up workers.

Mokoena could not leave the farm because he was not paid when he was dismissed. He could not afford transport for his belongings, even if he had somewhere to go.

Mokoena started working on the farms when he was only 15 years old. His parents and grandparents were farmworkers and now three of his six children are also farmworkers — that is, until they were fired together with

(4) souetan 28/9/95

The only option left for me now would be to go to a quarter camp in a nearby town.

**Farmers kill our cows**  
"Some of us own livestock and the farmers kill our cows when they stray on to their pastures. It is a way of forcing us to sell because we do not have our own pastures."  
Mokoena says workers are fired when they are injured or when they get too old to work.

Mrs Selina Tsotetsi, who does not know her age, was fired eight years ago because she was too old. Her two teenage sons now work to keep her there, but they too were fired three weeks ago.

Her life she had worked on the farms and she knows no other life. "The only option left for me now would be to go to a squatter camp in a nearby town. What about my house that I have worked so hard to build?" Tsotetsi asks. "If we get old here, we are discarded like rubbish."

Is your marriage wrecked?

# 'Farmworkers should be entitled to strike'

Renee Grawitzky

(4) 60 28/7/95

FARM labour legislation should be amended to give farmworkers the right to strike and they should not be regarded as an essential service, the Municipal, State, Food and Allied Workers' Union said yesterday.

The union's general secretary Richard Ramaqabe was commenting on a spate of dismissals and evictions of farmworkers in the Free State after workers embarked on strike action.

"It is a pipe dream for farmworkers to have the right to strike as they currently have no channel to go on a legal strike.

"We are talking about workers who have never had the right to strike and who live in appalling conditions".

A spokesman for the SA Agricultural Union said prior to this year legislation had not allowed workers to embark on strike action, but a dispute had been subject to compulsory arbitration.

The legislation had changed to provide that by mutual agreement the parties could contract out of reverting to compulsory arbitration. If a dispute was not resolved the union could embark on industrial action.

Ramaqabe said more than 600 workers had embarked on strike action in May at a number of farms after farmers had refused to recognise the union and grant improvements to wages and conditions of employment.

He said the lowest paid wage was R50 a month with an average minimum of R120 to R150. This excluded accommodation which was provided in some cases while some workers actually built their own homes.

National Land Committee (NLC) director Brendan Pearce said: "Government has to send a strong message to white farmers that they have to adapt to the new SA and that they can not continue to operate as slave masters and be a law unto themselves".

He said people's security to the land was central. The NLC believed that the property rights clause should be scrapped, "if the constitution protects private property this gives farmers rights as opposed to people who have no rights or security".

REEVES 12/29



# Hanekom's Bill to bury

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## The land reform programme takes a leap forward as a controversial law seeks to destroy the semi-feudal labour tenant system. Eddie Koch and Gave Davis report

AND Affairs Minister Derek Hanekom this week published a tough law to put an end to a semi-feudal system of farming that forces thousands of black labour tenants to live in conditions described by human rights lawyers as the "closest we have to slavery in South Africa".

The Land Reform (Labour Tenants) Bill will provide more than 250 000 labour tenants in parts of Kwazulu-Natal and the Eastern Transvaal with rights to live on white-owned farms without fear of eviction, or to appropriate land from farmers who are intent on sticking to the archaic system.

Hanekom says the draft law, gazetted on Friday morning as part of a wider land reform programme designed to share out 30 percent of the country's arable land to the rural poor within five years, has two main aims for labour tenants: "protection and redistribution".

"The Bill contains a land-to-the-tiller programme that provides tenancy rights and an opportunity for land redistribution. It is aimed at providing immediate protection for an extremely vulnerable group of people whose living conditions have been described to me as being the closest we have to slavery."

The draft law was approved in a Cabinet meeting on Wednesday. Support from the National Party, which represents white farming interests, was secured when Hanekom agreed to publish the Bill for public comment instead of tabling it immediately in Parliament.

Describing the Bill as one of the "most exciting aspects of land reform in the country", Hanekom said he anticipated a strong backlash from some white farmers and a possible rash of "pre-emptive evictions" as farmers try to clear their land of tenant families before the Bill passes.

To guard against these potential evictions the Bill stipulates that the right of tenants to live in security on the land is guaranteed retroactively to the date the Bill was published. Hanekom believes the limited territorial scope of his new law — along with the fact that it makes a strict distinction between "second generation tenants" and ordinary farmworkers — will contain much of the anticipated fallout from affected white farmers.

"The Bill applies only to those districts where labour tenancy is still endemic. Labour tenant is defined as a person who is a second generation



Derek Hanekom

obliged to provide free, or virtually free, labour in exchange for the right to eke out an existence by farming, for domestic use, a small parcel of land on the farm.

The system was outlawed in the 1960s mainly because the Nationalist government feared tenancy would lead to a *beswaring van die platteland* — a blackening of the countryside — and many farmers began to use a system of straight wage labour. As a result of laws prohibiting tenancy arrangements, about a million people

were evicted from white farms in the biggest single bout of forced removals during the apartheid era.

However the method survives in modified form — where farmers began paying a nominal wage of R10 or R20 a month in the 1970s to disguise the feudal relationship — in parts of Kwazulu/Natal and the southeastern Transvaal.

There have been explosive conflicts during recent months between tenants desperate to maintain their hold on the land and farmers who want to evict black families before the land reform programme gets into gear. Areas most affected are the Weenen and Colenso districts of Kwazulu/Natal and the region around Piet Retief in the Eastern Transvaal.

Disputes are currently endemic in labour tenant districts. Features of these disputes include strikes, bitter legal battles, marches and boycotts. "Farmers often use brutal force to evict tenants. Tenants and their families resisting eviction have been intimidated, and farmers have complained of retaliatory acts of fence-cutting, cattle theft and starting of fires," says a memorandum attached to the Bill.

"The disputes have led to such serious instability that [Mathews Phosa, the premier of the Eastern Transvaal, and the Minister of Land Affairs have repeatedly been called in to avert conflict between labour tenants and white farmers degenerating into local wars."

The law protects against arbitrary evictions of tenants by stipulating

strict conditions under which farmers are allowed to move families off their land. It is only allowed where tenants have breached their contracts, are guilty of serious misconduct or the owner has specific needs for the land.

If lay down detailed procedures and say a period of notice has to be given to the affected families. Landowners will have to pay compensation to families who leave behind houses and unripe crops and the Land Claims Court can review cases.

The other main feature of the Bill is that it gives tenants the right to acquire ownership of the land which they have historically used and occupied. "This right of acquisition is subject to the payment of compensation to the landowner ... The Bill provides for state subsidies to assist labour tenants to raise the money necessary to pay for the land," the memorandum states.

Hanekom says the pillars of the Bill — protective tenancy and the right of long-term occupants to acquire land — are principles that have been accepted in most of Europe and North America. Hanekom's law is modelled on the Crofters Act which was enacted in Ireland in 1993.

"In those countries where anomalous semi-feudal relations continue to exist in modern societies, similar measures have been introduced to uphold the rights of the long-term occupants."

Human rights organisations have welcomed the law although some have expressed concern with the fact that tenants will have to pay for land that they have always occupied.

The new Bill will be discussed on Talk at Will with the Mail & Guardian on Sat, on Friday 2 at 8.30am

# Labour tenants Bill in sight

Drew Forrest

BO 3/8/95

(4)

A BILL revolutionising the land rights of thousands of labour tenants is to be tabled in Parliament later this month, after Cabinet approved a redrafted version of the legislation yesterday.

Deputy Land Affairs Minister Tobie Meyer said the NP had given its backing to the Land Reform (Labour Tenants) Bill after the original draft had been amended to meet its concerns.

Published for comment on June 2, the Bill provoked angry protests by commercial farmers. Of particular concern was a provision empowering labour tenants to force the sale of farm land they occupy.

The draft legislation was unusual in that it gave tenants protection from pre-emptive eviction from the date of publication.

Meyer said the revised Bill met three major NP concerns:

- It defined labour tenants "less vaguely and widely".
- It removed unconstitutional provisions relating to expropriation.
- It provided for arbitration of disputes between tenant and landowner.

The Bill also now ensured that subdivided land was viable and sustainable.

Land Affairs Minister Derek Hanekom said 170 written submissions had been re-

Continued on Page 2

## Land Bill (4)

Continued from Page 1

BO 3/8/95

ceived on the Bill. The amendments had been agreed to at a on July 21 involving government ministries and departments, the Land Bank, organised agriculture, trade unions and rural lobby groups.

He said the two pillars of the Bill were protective tenancy and the right of long-term occupants to acquire rights in land.

"The aim is to provide a lasting solution to the endemic conflict and human rights abuses in those parts of the country where labour tenancy still exists," he said.

In line with international practice, tenants could only be evicted for breach of contract, misconduct or where the owner had a specific need for the land.

Hanekom stressed only labour tenants occupying land for a substantial period were covered by the legislation. It did not deprive landowners of land they were using, nor did it apply to evicted tenants. By entitling tenants to acquire the land, the Bill would "stabilise and legitimise" the

property relationship.

Hanekom said the Bill enabled landowners to make alternative proposals on the location of the land to be acquired by tenants. The revised version strengthened this by promoting negotiation between the parties. Deadlocks could be referred to "an informal and fast-track arbitration mechanism via the president of the Land Claims Court".

Hanekom also stressed that the revised Bill defined labour tenants more narrowly, distinguishing them from farmworkers, and applied to the whole of SA. The original draft was confined to parts of the Eastern Transvaal and KwaZulu-Natal, where labour tenancy is widespread.

Louise Cook reports the board of the SA Agriculture Union (SAAU) yesterday called for a judicial commission to be appointed to probe the issue of labour tenants and their rights. SAAU president Boet Fourie slammed the proposed Act, saying a judicial commission needed to look at it before it was passed by Parliament.

Star 3/8/95 (2) 4

# Cabinet approves Land Reform Bill

■ BY MONDLI MAKHANYA  
POLITICAL REPORTER

The Cabinet yesterday approved the Land Reform Bill, setting the Government of National Unity on a collision course with agricultural unions.

Also approved was the Labour Relations Act, which once divided the partners in the National Economic Development and Labour Council.

Trade and Industry Minister Trevor Manuel said after the Cabinet meeting that the Land Reform Bill had now been amended to cover the whole country, instead of just parts of KwaZulu-Natal and the Eastern Transvaal.

The Bill allows the country's 30 000 labour tenants the right to buy the land they occupy.

It also provides for State subsidies for tenants wishing to buy the land they live on.

The revised draft of the Bill provides farmers with the chance to suggest alternatives for the tenants to acquire land and for the mediation of such negotiations.

"It will promote more effective negotiation between the parties by making specific provision for alternatives to the land currently occupied and used by tenants.

"In the case of a failure to reach agreement, such a matter will be referred to an informal and fast-track arbitration mechanism via the President of the Land Claims Court," Land Affairs Minister Derek Hanekom said in a statement.

Manuel said the Government had conducted wide consultation with farmers' unions and farmworkers' organisations.

However, South African Agricultural Union president Boet Fourie immediately vowed that the farming sector would oppose the Bill in its "present form" and said it "would not receive the support and co-operation of farmers at ground level."

He said the SAAU wanted an urgent meeting with President Mandela and demanded a judicial inquiry into the matter.

Agricultural unions can still make representations to the Portfolio Committee on Land Affairs when the Bill comes before Parliament.

The Labour Relations Bill approved yesterday was agreed to by unions and big business a few weeks ago.

Next week, the Cabinet will make a decision on the outstanding issues of whether "scab labour" should be permitted and whether the SA Police Services should be covered by the legislation.

# Reworked bill on land ready for Cabinet decision

(4) star 2/8/95

## ■ BY JO-ANNE COLLINGE

As a thoroughly reworked draft of the Land Reform (Labour Tenants) Bill goes before the Cabinet today, stakeholders — including the South African Agricultural Union — will also be considering the new version.

Ministry of Land Affairs officials are hopeful that they have been able to strike an acceptable balance in the revised Bill: up-

holding the right of labour tenants to acquire land while providing safeguards to ensure that farmers are not unreasonably forced into selling it to them.

Representatives of organised agriculture and of organisations assisting labour tenants were closely involved in the redrafting. This came about as a result of a two-day workshop held in Dundee 10 days ago at which Minister of Land Affairs Derek

Hanekom presided.

The new Bill differs from the earlier version in that:

- It defines labour tenants much more carefully, distinguishing them clearly from other farm workers.
- It applies throughout South Africa, not just in certain districts of the Eastern Transvaal and KwaZulu-Natal.
- It provides more flexibility

about how a labour tenant may exercise his or her clearly recognised right to land and to state assistance in acquiring land.

While the original Bill provided that the labour tenant would have a virtually automatic right to acquire part of the farm on which he or she lived or worked, the new version provides for an arbitration process to establish whether an alternative piece of land would be appropriate.

# Controversial bills on land go to parliament

**CLIVE SAWYER**  
Political Correspondent

**CONTROVERSIAL** steps towards land reform are scheduled for the sitting of parliament beginning next week.

Land Affairs Minister Derek Hanekom hopes that by mid-September a range of laws will have been passed to expand land tenure rights.

The Interim Protection of Informal Land Rights Bill is a holding measure to protect existing rights of people who have informal rights to land.

The bill will protect the present situation while an investigation into land tenure reform is in progress.

The investigation is due to be completed by the end of next year.

The bill has run into controversy because of its bar on chiefs selling off tribal land without the consent of the tribe, a move the Inkatha Freedom Party has slammed as an erosion of traditional rights.

The Community Property Associations Bill will provide a legal mechanism for people to hold land collectively.

A ministerial spokesman said this was a system of tenure which many people found the most familiar, but there was at present no legal framework for it.

People had had to resort to trusts, companies and voluntary associations which did not suit their needs.

The new bodies will have to meet standards of non-discrimination, fairness and democracy.

The department of land affairs will set up an office to register associations, help communities and handle complaints of abuse.

The Upgrading of Land Tenure Rights Act will offer protection for all tenure systems.

This is a significant departure from previous government policy, which was to promote only individual freehold.

*(204)*  
*AR 11/8/95*  
The bill also aims to improve individual ownership of land rights in townships and cities.

It will ensure upgrading in country areas and will not destroy tribal or communal land-holding systems.

The Development Facilitation Bill aims to reverse apartheid in urban and regional planning.

A measure already gazetted, the Labour Reform (Labour Tenants) Bill, which has retrospective provisions banning eviction of labour tenants, has had agricultural associations up in arms.

Mr Hanekom's ministry is expected to produce a white paper on land reform by the end of October.

# Farmer evicts striking workers

(4) (C)  
**SPECIAL CORRESPONDENT**

CT 17/8/95

**JOHANNESBURG:** A farmer at Ogies near Witbank in the Eastern Transvaal evicted about 80 labourers from his farm on Monday after they demanded better wages.

The labourers, who were fetched from the North West by Minaar Farm owner Mr Truter Pienaar about three months ago to harvest his maize fields, spent Monday night with no shelter.

An officer of the Witbank police station said one of the workers told him that a group of them had embarked on a strike at the farm complaining about poor working conditions.

"This man (worker) told me that this was what angered Pienaar, who then paid them R50 each for the work they had done this month. He then allegedly told the striking workers to leave his farm immediately," the officer said.

Mr Pienaar could not be reached for comment.

# 33 000 lose jobs

# in drought crisis

By Khathu Manalla

ABOUT 33 000 farmworkers have been laid off since last year by commercial farmers in the Northern Province as the drought continues to ravage the region.

A spokesman for the department of Agriculture and Forestry, Mr Jerry Masinang, said yesterday a further 32 000 farm labourers would lose their jobs if it does not rain by October.

"If it does not rain 32 100 farm workers will lose their jobs," said Masinang.

He said the provincial government had set aside R8 million to alleviate the problems caused by the drought. However, the money had been channelled to establish projects in various communities throughout the province and did not address the plight of the retrenched labourers.

## Farmers negotiating

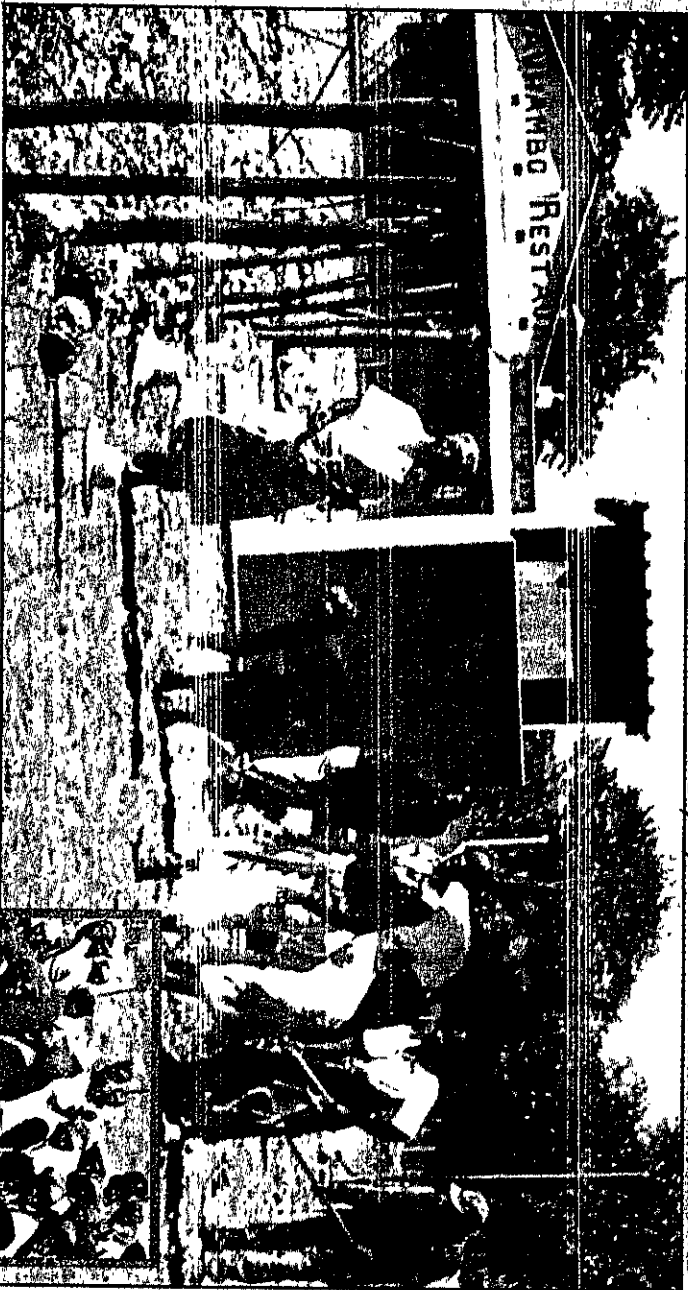
Northern Transvaal Farmers Co-operation spokesman Mr Burger van Eck said yesterday the farmers were negotiating with the government in a bid to secure funding to stop further job losses.

Van Eck said more than 5 000 commercial farmers who were members of his organisation did not receive state subsidies.

He said more than 50 percent of the labourers employed by the farming community in the region would lose their jobs because of the drought.

Most farmers, he said, were unable to pay their labourers or supply them with their rations.

"If you can afford to give your workers rations, you cannot reduce



their rations - only the number of employees," said Eck. Asked if the farmers did not have overcast facilities with the banks, Eck said most farmers had already exceeded their limits and were faced with a situation where they had to close their businesses. "We must just pray for rain," he added.

National Union of Farmworkers regional organiser Mr Isaac Malajji said most of the farm labourers did not belong to unions.

"In most cases, they are not only retrenched but also evicted from the farms by the farmers," said Malajji. He said retrenchments should be negotiated and the labourers should be given severance pay and one month's notice pay.

Few farmers were prepared to negotiate with the unions about retrenchments, added Malajji.

Hundreds of people (right) wait patiently for drought relief at a village in Northern Province, while at another village (above) workers try in vain to till the parched soil which has yielded no crops for most of the year. PIC: MOFFAT ZINGU

Southern 18/9/95

(4)

petrol; if not, why not; if so, what are the relevant details;

- (4) whether any obstacles are being envisaged in regard to the introduction of lead-free petrol; if so, what obstacles?

S322E

The DEPUTY MINISTER OF LAND AFFAIRS (for the Minister of Mineral and Energy Affairs):

- (1) Following the Cabinet's confirmation, on Wednesday, 3 August 1995, of the introduction of unleaded petrol, it is expected that unleaded petrol will become available in South Africa by February 1996.

- (2) and (3) On 3 August 1995, Cabinet approved a price-and-tax plan for the introduction of unleaded petrol. The plan provides for the initial price of unleaded petrol to be 4 cents per litre cheaper than the present leaded petrol. If the plan is accepted, the lower price will be achieved by levying a lower tax on unleaded petrol so that the price differential will not involve the subsidisation of unleaded petrol by leaded petrol users.

The introduction of unleaded petrol at a marginally lower price follows the practice of other countries. In order to render the refining of unleaded petrol economically viable, it needs to capture at least 20% of petrol sales within the first year of introduction. It is estimated that the 4 cents per litre difference on the price of unleaded petrol will achieve this.

- (4) More than 90% of the current South African vehicle population can operate on unleaded petrol. 65% of vehicles require no modification at all. 15% require minor and therefore inexpensive ignition timing adjustment; and 10% require one tank of unleaded petrol for every four to five tanks of unleaded petrol used. Only 10% of vehicles will not be able to use unleaded petrol and will have to continue using leaded petrol.

A survey by the National Association of Automobile Manufacturers of South Africa found that no specific ownership group will be materially prejudiced by the introduction of unleaded petrol. Such vehicles as will still require leaded petrol are mostly of the high-performance type more

likely to be owned by upper and upper-middle income groups. The survey also showed that over 90% of minibuses-taxi will be able to use unleaded petrol. Most minibuses-taxi operators, and through them the 52% of commuters whom they transport, will therefore benefit from the introduction of the lower-priced unleaded petrol.

Unleaded petrol is not being introduced into South Africa primarily for ecological reasons although it is a first step in the process to render motor vehicle emissions more environment-friendly. The main reason for its introduction is to benefit from the advantage of economies of scale and contemporary technological development, since 80% of the world's current motor vehicle technology is based on unleaded petrol.

On 3 August 1995, Cabinet also considered the use of catalytic converters for motor vehicles in South Africa. Preliminary investigations show that environmental considerations do not yet require the use of catalytic converters here. It was decided that no compulsory use of catalytic converters would be required upon the introduction of unleaded petrol.

A comprehensive environmental monitoring system is being established to determine pollution levels and will indicate when the use of catalytic converters may become necessary.

As can be seen from the above, no significant obstacles are expected in connection with the introduction of unleaded petrol.

**Land Reform Bill: agricultural unions consulted**

\*5. Sen E K MOORCROFT asked the Minister of Land Affairs:

Whether at any time during the preparation of the Land Reform (Labour Tenants) Bill of 1995, he consulted with any agricultural unions; if not, why not; if so, which unions? S323E

The DEPUTY MINISTER OF LAND AFFAIRS:

Yes.

The Land Reform (Labour Tenants) Bill, 1995, is the result of various discussions between

myself and interested role-players involved with this issue. I have met, on a number of occasions, with representatives of landowners and labour tenants.

Earlier this year, I stated publicly that I had appointed a task team to investigate the issue and to draft legislation which would serve as a basis for further discussion. The result of that work was the Land Reform (Labour Tenants) Bill, which was approved by Cabinet and published on 2 June 1995 in the *Gazette* for general comment. In order to give ample opportunity for general comment and discussion, a period of six weeks was allowed.

Discussions have already been held with representatives of the Transvaal Agricultural Union at a public meeting in Pietersburg, as well as with the President of the Natal Agricultural Union.

At a two-day workshop with interested parties during July, a number of experts, representatives of organised agriculture, the financial sector, organised labour and the government household got together in an effort to assist with the finalisation of the Bill. Following these deliberations, representatives of both the organised agriculture and the labour tenants met with our legal adviser to affect amendments as agreed to.

This, in my opinion, was a transparent and consultative process to deal with the Bill.

**New questions:**

**Persons convicted of economic crimes released on parole**

\*6. Sen J SELFE asked the Minister of Correctional Services:

- (1) Whether any persons convicted of economic crimes have been released on parole since 1 January 1995; if so, (a) how many and (b) what crimes were they convicted of;
- (2) whether any of these persons had not yet served any part of their sentences; if so, how many? S343E

The MINISTER OF CORRECTIONAL SERVICES:

- (1) Yes, (a) and (b) Information in this regard is not readily available and can only be

obtained through a time-consuming, expensive and manpower-intensive country-wide survey.

- (2) No.

\*7. Sen W F M'ISI—Education. [Question standing over.]

**Persons resigned from service of Division of Sea Fisheries**

\*8. Sen M G E WILBY asked the Minister of Environmental Affairs and Tourism:

- (1) Whether any persons resigned from the service of the Division of Sea Fisheries recently; if so, (a) what are the names of these persons, (b) what rank did each of these persons hold, (c) which of these persons (i) retired due to reaching retirement age and (ii) accepted a retirement package and (d) what reasons were furnished for these retirements in each case;
- (2) whether their retirement will have an adverse effect on the functioning of the Division of Sea Fisheries; if so, what steps does he envisage in this regard? S345E

The MINISTER OF FINANCE (for the Minister of Environmental Affairs and Tourism):

- (1) Yes, nine persons left the service of the Chief Directorate Sea Fisheries during the period from 1 January 1995 to 31 July 1995.

- (a) and (b) They are:

Mr J J Frans—Temporary Ship's Cook  
Mr J N Long—Chief Navigation Officer  
Mrs E Samuels—Cleaner I  
Dr L V Shanon—Director  
Mr C Pengilly—Assistant Director: Administration  
Mr E H le Roux—Assistant Director: Financial Management  
Capt J D Richardson—Chief Marine Superintendent  
Dr L Botha—Chief Director  
Mr L E Olivier—Deputy Director: Administration

- (c) (i) Messrs J J Frans and J N Long retired due to reaching the retirement age.



## R60m wanted for retrenched workers

Kevin O'Grady <sup>(4)</sup>  
BD 2/13/95

NORTHERN Province needs R60m to assist farm labourers retrenched because of a drought which could result in the permanent work force on the province's farms being cut by half, according to provincial agriculture minister Tienie Burgers.

About 33 000 of the province's 113 000 farm workers had already lost their jobs because of the effects of the drought and another 32 000 could be laid off, he said.

His department had applied to the national agriculture department for R160m in drought relief, R60m of which would be directed to retrenched workers.

If forthcoming, the money would give already retrenched labourers R240 a month for eight months. For each farm worker retrenched, about three dependants would also find themselves without a source of income, he said.

The drought in the province had reached "critical" proportions with most of the 7 000 commercial farmers and 500 000 subsistence farmers being unable to plant or harvest crops.

However, the picture painted by the SA Agricultural Union about retrenchments on farms was not so gloomy. Natural resources director Kobus Visser said studies showed 10 320 permanent labourers were in danger of losing their jobs countrywide.

He could not explain the discrepancy between his figures and those of the Northern Province agriculture department.

# Plight of R182-a-month workers

By THABO LESHLO

STAFF WRITER

About 33 percent of South Africa's farmworkers and 18 percent of the country's domestic employees earn below R182 a month, an analysis of key collective-bargaining agreements by the National Labour and Economic Development Institute shows.

The figures, released by the Cosatu-founded but independent institute yesterday, indicate that domestic workers and farmworkers were paid 11,2 times less than the lowest-paid workers in the car industry, with a minimum average monthly salary of R1 867.

The statistics, given by researcher Rob Rees at a National Economic Development and Labour Council workshop in Johannesburg, show that the second low-

est paying jobs were in the forestry sector where workers in the lowest grades were paid between R570 and R600 a month.

This was followed by the mining sector where workers were paid between R520 and R1 650.

Rees said although the settlements broadly matched the inflation rate, the institute believed the official inflation figures supplied by the Central Statistical Service underrated inflation for people earning below R2 000.

He said the wages of many workers, especially in the services, construction, mines and farming sectors were still below the subsistence level.

Rees said collective-bargaining agreements showed a trend towards higher percentage increases at the bottom of the salary scales and lower increases for employees

at the top, especially in the public sector. The lowest paid auto worker received an increase of 12,64 percent compared with 10 percent in the top grades while the lowest paid public servants received a pay hike of 22 percent compared with only 4 percent at the top.

However, this trend was unlikely to be sustained because of the negative effect on skilled workers, some of whom were even threatening to leave.

Adrian du Plessis, an industrial relations consultant at the Chamber of Mines, said some members of the chamber had banded their lowest job grades together, resulting in higher increases for the lowest paid employees.

However, the chamber thought that the issue of remuneration was best left to the annual collective-bargaining process.

# Drought laid off more farmworkers than reported

CT(BR) 28/8/95 (4)

FROM SABA

The actual number of farmworkers who lost their jobs because of financial problems caused by drought in the Northern Province is much higher than the official figure of 33 000, Dries Brummer, the president of the Transvaal Agricultural Union, said at the weekend.

The Pietersburg, Letaba and Koedoesrand district agricultural unions report that in their districts alone there are more than 27 000 unemployed farmworkers.

Brummer said the financial crisis in the three districts affected more than 250 000 people. Conservative estimates are that each

farmworker has five dependents. The situation in other districts is no different.

He estimated nearly 500 000 people would be affected by unemployment in the agricultural sector in the province.

Even sufficient rain may not solve the problem entirely. The province has been affected by labour disputes and farmers are mechanising.

Brummer said a survey conducted by Burrie van Eck, an agricultural economist, indicated 90 percent of farmers in the Pietersburg district could no longer afford to pay wages, while 40 percent could not even provide basic rations.

(P4) (058) 28/8/95

# Conference to discuss land reform

Stay 3/18/95

(B) (4)

■ BY MONDLI MAKHANYA  
POLITICAL REPORTER

Over 1 000 farmers, peasants, unionists and politicians gather at the World Trade Centre in Kempton Park today for a two-day conference that will lay the foundation for South Africa's land reform programme.

The National Land Policy conference, due to be opened by Land Affairs Minister Derek Hanekom, will help formulate the White Paper on Land.

Clashes are expected between agricultural unions and delegations from rural communities and trade unions over aspects of land reform. These include the granting of permanent tenure and access to land ownership to farm workers, and their right to strike.

Traditional leaders are expected to voice their opposition to the democratisation of rural local government and reform plans which take allocation powers away from them.

The National Land Committee, a rural coalition, will table its controversial Land Reform Proposals document, which proposes land expropriation and the scrapping of the property clause in the constitution.

# Free us from this farmer's hell!

By DAN DHLAMINI

EIGHT pensioners living in squalid conditions have found no peace at Vrede ("Peace"), a farm 20 km from Bothaville.

The pensioners claim their identity documents and savings books are being held by the farmer, Andries de Villiers - who allegedly refuses to hand back the documents to those who want to leave.

The pensioners say De Villiers collects their pension money - but allegedly withholds some of it, claiming to deposit it in their savings accounts.

In an exclusive interview this week, three of the eight pensioners told City Press they wanted to leave - but could not, because De Villiers would

not let them go or give them their documents.

Mampho Mofikoe, who is in her late seventies and claims her home is in Peka, Lesotho, said on pension days De Villiers gave her between R30 and R50, saying the rest had been deposited in her account.

## Recruited

She said before retiring she had worked at a neighbouring farm and was "recruited" by De Villiers' wife, Colly, to live "free of charge" on their farm.

"I am sickly and cannot enjoy my old age pension money because I cannot buy what I want except for soap, food,

medicine. When I was a bit stronger I tried to get my pass book and bank book from the farm owner but he refused. Please help me out of this place - I am sickly and can die any time," said Mofikoe.

Gibson Phakathi (69) of Mhumbuthi in KwaZulu/Natal, who has lived at Vrede for three years, said he wanted to leave - but could not because his ID and savings books were with De Villiers.

Elizabeth Mokobane, who can't remember her age, said she had told De Villiers she wanted to go home to Kimberley, where she could "die peacefully".

But he had refused to hand her documents, she claimed.

Jacob Rankhanyane (78) who had been living alone on the farm and according to his son, Joseph, had been drawing an old age pension since 1988, died on August 11. Only R371 was left in his savings account, said his son.

According to Joseph Rankhanyane, De Villiers gave him R270, his father's ID and savings books - saying the rest of the money had been used to pay his "debts" at the "spaza" shop De Villiers' daughter-in-law runs on the farm.

Rankhanyane said he had tried to take his father away while he was alive - but De Villiers had said he wanted to squander his father's money. The pensioners live

alone in modest houses without electricity which were built for farm hands and their families.

## Aggressive

De Villiers' daughter-in-law, who refused to give her name, became aggressive when told she was speaking to a reporter. She claimed the pensioners were being well cared for.

"Die outbaas is helping these people and you guys better keep out of this because even the ANC could not furnish them with accommodation," she said.

"I also look after them. I take them to the doctor when they are ill and supply them with food at

CP 31/195

Andries de Villiers was equally agitated - but confirmed he had been drawing pension money on behalf of eight pensioners before Rankhanyane's death.

He confirmed that Rankhanyane and the other pensioners' documents were in his possession and that he charged them R10 each for diesel for his bakke when he brought their pension money.

He accused City Press of having started the trouble and said: "You can come and take them all. I have been helping them - now, when they see you, they turn against me."

# Grave dispute stirs the land pot

Simmering tensions over land rights have boiled over after a dispute about the burial of a teenager, reports **Eddie Koch**

**T**HERE is a war of the graves taking place in the Badplaas district that shows, in a strange way, how the everyday lives of farmers and their labour tenants are being shaped by a silent but bitter struggle over land reform in parts of the Mpumalanga province.

It all began four weeks ago, when Josiah Nkosi collected some cash from his friends and went down to Masheko's Funeral Undertaker to buy the cheapest coffin they had for his 19-year-old daughter, Sibongile, who had died after "coughing for a long time".

With the money that was left over, the Nkosi family hired a tent and prepared a few pots of maize porridge. They invited other labour tenants on their farm to an all-night wake for the young woman, before they buried her in a makeshift cemetery next to their homes — in much the same way, they say, that relatives who have always lived on this land were put to rest.

**T**hat Friday night, the owner of the Mootplaas estate, a man called Piet Smit, arrived at the vigil, some say armed with a pistol. He told the family they were squatting on his property illegally and that the funeral was not to go ahead.

In the morning, Nkosi took his problem to the local office of the African National Congress. Its officials tried to organise a meeting with the farmer and, when this failed, they advised the family to hold the service that Sunday. The Badplaas police arrived at the funeral and simply informed Nkosi that the landowner had threatened to go to the Supreme Court for an order to exhume the body.

On the same day, a second tragedy struck the Nkosi family. Nkosi's son, Vusi, who had stolen a van from a nearby farm, was killed when he rolled the vehicle on the way to the funeral. And so began another battle for the graveyard.

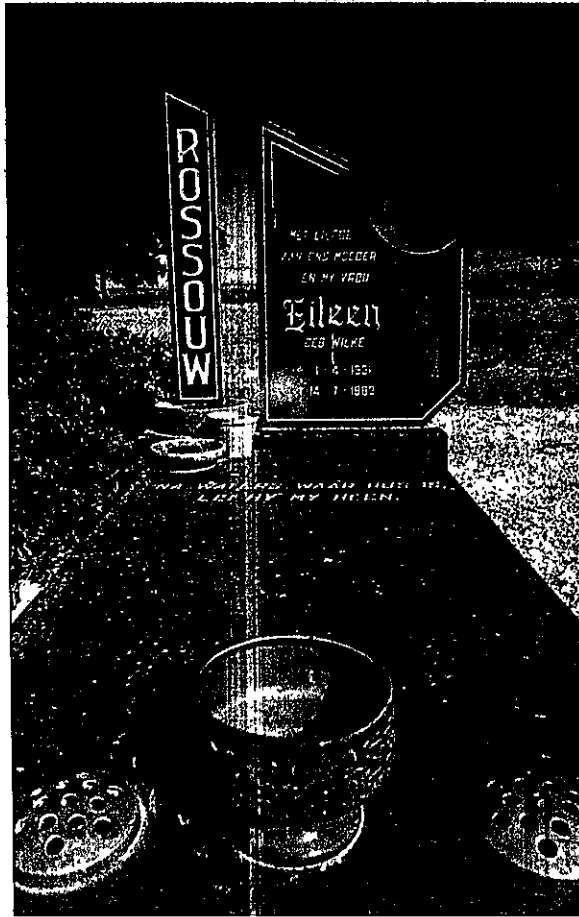
Smit's attorney found a law that says people must be buried in a proper cemetery. The farmer again insisted that the burial was illegal. But, by now, word of the conflict between the owner and the tenants of Mootplaas had spread through the entire district, igniting a mood of militancy and sedition.

**M**embers of the ANC Youth League based in Elukwadini — a resettlement area for evicted tenants, whose name means The Place of Anger — announced they would march on a cemetery not far from the Badplaas holiday resort and exhume the bodies of white families buried there if the farmer went ahead with his threats.

The authorities had reason to take them seriously.

Late last year, a farmer called George Potgelter evicted three labour-tenant families from his farm in the same district and dumped them at Elukwadini. Youth League members promptly hijacked Potgelter's truck, which cost R290 000, and a trailer loaded with cattle feed, while it was travelling between Badplaas and Swaziland.

They parked it at the ANC office and told the farmer he could have it back — if and when he arrived for talks to reinstate the evicted families.



Grave differences: While white families can afford expensive tombstones in a 'proper' cemetery (left), black-labour tenants were prevented from burying relatives in this makeshift graveyard (right) near their homes

PHOTOGRAPHS HENNER FRANKENFELD

## The farmer's story

**T**HIS farm is my dream. I worked for 10 years on a farm that I rented in the Badplaas area until I had enough money to put down a deposit on this place. It cost me R600 000 and now, because of these problems, I will be lucky to get R300 000 for it.

When I came here in September last year, I told these people on my farm that they could stay if they worked for me, even though my purchase contract said that all the existing workers would vacate the farm within two months.

They refused and I brought in my own labourers, who are very happy. Other farmers in the area have had strikes but I have never had disputes with my workforce. They live in houses made of wood that I bought for them, but I have a dream to build them brick houses with electricity when this farm makes a profit.

My workers' lives are being threatened by these squatters. They steal my fencing and sell it. Sections of my grazing land have been burnt down and three head of cattle have been stolen. They cut fences and let cattle

The result: Potgelter sent his manager to negotiate. The farmer got his truck and trailer back. The families returned to the land. And now the owner has offered to give them each title to eight hectares of property on his farm.

There have been more brutal forms of labour-tenant resistance in the district. Farmers' cattle have been hamstringed, fields have been burnt by disgruntled labourers and, in at

least one case a Badplaas farmer was assassinated and his home burnt down.

The Mpumalanga government, alarmed by escalating tension in the district, decided to intervene. MEC David Mkwana attended a meeting with Smit in the local steak house. When this failed to break the impasse, the minister instructed the police to let the second funeral go

WJM 8-14/95 (4)

**W**E were born here and have never known any other place. Our parents and grandparents and their parents lived here before there were any white farmers. There are many graves on this farm to prove it," says Josiah Nkosi.

"Before Smit came here, I was a driver and was given R500 a month in the harvesting season and 90kg of melle meal. When Smit took the farm, he offered us all (men and women, skilled workers and labourers) R150 a month and a 2.5kg bag of meal. He said 'if you don't like this you can go'.

On the farm next door, I can get R900 a month for operating the harvester. That's why we never worked for him.

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We asked the ANC to have a meeting with him to explain our problems

ahead and ensure that the labourers did not carry out threats to attack the farmer's homestead.

Although it appears the tenants have won the first round in their macabre skirmish with the farmer, the battle is far from over. Smit has informed all 150 tenants (or squatters, depending on whose view you take) on his farm, in writing, that they must leave by the end of the week. The families have, in turn

but he has refused to discuss the issue. Instead, he told us to get rid of our cattle and that he will charge R20 for every head of cattle we keep. His father threatened to use force against us if we refused.

On the night of the vigil for Sibongile, he came here with his gun and threatened to shoot us if we held the funeral... Now he has written us an eviction order and told us to leave by Thursday next week.

But we have heard about this new law — the Land Reform (Labour Tenants) Bill — which says we can get title to our land. We have laid a land claim for the farm. Some say we just want this little place he is expelling us from. Others say we want the whole farm because it has always been ours.

Most of us say it is okay to pay for the land (as suggested in the Bill) even though we have worked for these years without getting enough to purchase land — but we can only pay after we get the land back and have made profit. It is because we have nothing — we have not been able to save anything during these years — that we made the farmers rich."

asked their senator, Simon Ginhira, to lodge an official claim for title to the land which, they say, belongs to their ancestors.

Whatever the outcome of this contest, the war of the graves in Badplaas has become a case study in the bitterness, and complexity, that confronts the men and women whose job it is to reform the patterns of land ownership that have been inherited from South Africa's colonial past.

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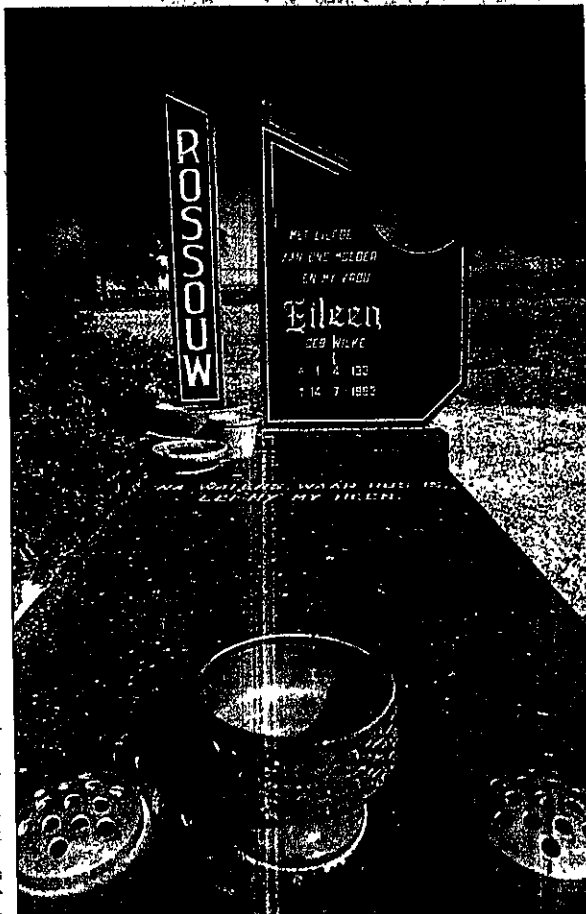
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My workers' lives are being threatened by these squatters. They steal my fencing and sell it. Sections of my grazing land have been burnt down and three head of cattle have been stolen. They cut fences and let cattle

into my irrigated fields. This is very expensive, because it costs R12 000 to R15 000 a hectare to prepare a field for cultivation.

They sabotage my irrigation system (which cost R350 000) by loosening the couplings on the pipes that run into the fields. This damages the gearbox which, at this rate, I will have to replace every few months at a cost of R3 800 ... It is difficult to explain how many headaches are caused by these people.

We are a good-hearted people, but we have become careful with these feelings because of the problems caused by land reform. All the government has done is made these people (the squatters) angry and it has made us angry ... I do not want these graves on my farm because they will use them to make a land claim against me for a farm that I paid for.

In the past, farmers have used violence to achieve their aims. I have never done this to achieve the things I want. There is a legal process and I will follow this (to have the tenants evicted)."

The result: Potgieter sent his manager to negotiate. The farmer got his truck and trailer back. The families returned to the land. And now the owner has offered to give them each title to eight hectares of property on his farm.

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Whatever the outcome of this contest, the war of the graves in Badplaas has become a case study in the bitterness, and complexity, that confronts the men and women whose job it is to reform the patterns of land ownership that have been inherited from South Africa's colonial past.

**Farm tenants laws drafted** (4)

DRAFT legislation protecting the rights of labour tenants and providing them with the right to land ownership was tabled this weekend.

The Labour Tenants Bill forms part of Land Affairs Minister Derek Hanekom's Land Reform Programme.

CP 10/9/95



# Bill to halt 'semi-feudalism'

Draft legislation protecting the rights of labour tenants and providing them with the right to land ownership was tabled in Parliament at the weekend.

The Labour Tenants Bill forms part of Land Affairs Minister Derek Hanekom's land reform programme.

Labour tenancy is a semi-feudal relationship between a landowner and a labour tenant in which the latter is obliged to provide free, or virtually free, labour in exchange for the right to occupy and use a portion of farming land, the Minister says in a memorandum on the objectives of the Bill.

It provides that labour tenants may only be evicted if they have breached the contract in ques-

tion, are guilty of misconduct, or if the owner has a very specific need for the land.

Evictions will be circumscribed and will have to follow particular procedures governed by the Land Claims Court.

The measure also provides that a landowner must pay compensation to evicted tenants for the structures they built and for unreaped crops.

The Bill does not take away anything which the landowner had been using before, but merely regularises and regulates the terms of a contract which the landowners themselves have chosen to enter into.

It also provides a legislative remedy for landowners in situations of conflict or breach.

Star 11/9/95  
Protection clauses have been backdated to June 2, when the Bill was first published for comment in the Government Gazette, to avoid pre-emptive evictions.

Should a labour tenant acquire the ownership of the land which he historically used and occupied, the Bill provides that the landowner should receive compensation, as entrenched in the Constitution.

"There is general agreement ... that the system of labour tenancy is archaic and inequitable," the memorandum says.

"The aim of the Bill is neither to promote nor to entrench the system, but to ensure that in the process of its transformation, the basic human rights of all parties are protected." - Sapa.

## Concern over farm workers

(4) ET 11/9/95

PIETERSBURG: The government was seriously concerned over a "shocking increase" in unemployment among farm workers in Northern Province, Agriculture Minister Dr Kraai van Niekèrk said on Saturday. Dr Van Niekèrk said his department was waiting for input on the job position of farm workers from all the provinces, and would act once this had been received.

# Unemployed farmworkers worry Govt

Sewetan 11/9/95 (4)

Dept of Agriculture awaits input on job position of farmworkers before acting

## SA Press Association

**T**HE GOVERNMENT WAS SERIOUSLY concerned about the "shocking increase" in unemployment among farmworkers in the Northern Province, Agriculture Minister Dr Kraai van Niekerk said on Saturday.

The minister said his department was awaiting input on the job position of farmworkers from all the provinces and would act once this had been received.

Aid would be given to farmers not qualifying for production credits, but who were under pressure because of the prolonged drought.

Once funding became available, agriculture MECs in the various provinces would have to decide on allocation priorities, said Van Niekerk.

Transvaal Agricultural Union president Mr Dries Bruwer said that while he appreciated the minister's concern, the fact that allocations would be left to the MECs to decide would result in commercial farmers being "left out in the cold" again.

Bruwer said the R8 million government grant made available earlier in the year had largely been swallowed in creating jobs in subsistence farming.

He predicted that if this was again the pattern with money soon becoming available, the 570 000 farmworkers in the subsistence and commercial farming sectors would face deprivation by the year end.

The only scheme that would be of benefit was the proposed R60 million project whereby farmworkers would be sub-

## Farmworkers in subsistence, commercial sectors may face deprivation by year end

sidised at R10 a day for over eight months, he said.

Meanwhile, Bruwer said on Saturday that the establishment of self-protection units by communities would be the only answer should the Government scrap the commando network in line with the call by the African National Congress.

Commenting on a spate of murders which left three people dead and several injured in the Northern Province since Monday, Bruwer said South Africa was one of the least safe and most violent countries in the world.

The commando system served to a degree as a bulwark against the country sinking into total disorder.

Rural communities, including farmworkers, relied on commandos, backed by the security forces, for their protection and the fact that they could be rapidly deployed had in the past been valuable in the apprehension of criminals.

"We will not allow ourselves to become disarmed bait for criminals and murderers," said Bruwer.

If the commandos were scrapped "nobody will stop us" from establishing protection units, he said.

# Arson charge against farmer

A FARM labourer who was injured after she was trapped in a burning house has laid a charge of arson against a Piet Retief farmer.

Mrs Christinah Annah Dlamini (50) and a child sustained burns on Friday when they tried to rescue their possessions from their burning home and control a veld fire.

According to witnesses, the farmer, a Mr Naude, arrived at the homestead of six families at about 2am on Friday and fired shots in the air. He then allegedly set fire to the veld about 300 metres away.

"On Friday afternoon, when the labourers were still at work, the fire reached one of the houses and gutted it," said local ANC chairman Mr Zunaid Kotwal. Dlamini has since laid criminal charges against Naude and youths in the surrounding communities

have threatened to burn down Naude's house in retaliation.

"As soon as I was informed about the youths' intentions, I contacted Mpumalanga's MEC for safety and security, Mr Steve Mabona, and the police station commander in Piet Retief," Kotwal said.

He said before the elections last year, farmers in Iswepe often evicted labourers, resulting in the creation of the Greater Piet Retief District Forum.

The aim of the forum, which comprises representatives from the government, the agricultural union and labour tenants, is to curb evictions and the impounding of labourers' cattle and to generally discuss grievances.

"Matters quietened down for a while but evictions are beginning again", Kotwal said. - African Eye News.

(4) Sowetan 12/9/95

# Farmers at odds over aid funds

(4) Sowetan 12/9/95

**By Abdul Milazi**  
Labour Reporter

THE Transvaal Agricultural Union has expressed concern at the Government's decision to give provincial MECs powers to allocate aid funds to farmers.

This follows Agriculture Minister Dr Kraai van Niekerk's announcement at the weekend that the Government was considering giving aid to farmers in a bid to alleviate the unemployment problem among farm workers.

Van Niekerk said the Government was concerned about the rate of unemployment on the farms, especially in the Northern Province.

He said once funding was avail-

able provincial MECs would have to allocate them.

TAU president Mr Dries Bruwer argued that leaving the allocation of funds to the MECs would result in many commercial farmers being left out.

Bruwer said most of the funds would go towards creating jobs in subsistence farming as was the case with previous funding earlier this year.

He said that if the MECs followed the same procedure, the 570 000 farm workers in commercial farms would be left destitute.

The South African Agricultural Union, however, said it did not have a problem with the Government's decision.

## Farmworkers threaten action against new Bill

Rene Grawitzky

ONE day after Parliament voted overwhelmingly in favour of the Labour Relations Bill, organisations representing rural and farmworkers have threatened countrywide marches this weekend and next week, to protest against the fact that their concerns relating to the Bill were bypassed.

Dawie Bosch of the Farm and Rural Labour Rights Advocacy Group said yesterday that his organisation, which represented a coalition of rural service organisations, farm unions and advice offices felt the Bill did not take into account the specific concerns of this sector.

He said one of the main concerns was that the Bill recognised only the extension of organisational rights to unions in organisations which were already organised. This did not facilitate the organisation of workers in vast unorganised sectors.

Halton Cheadle, head of the drafting team appointed by Labour Minister Tito Mboweni to draft new labour legislation, said during the public hearings of the standing committee that this concern was provided for in the Bill.

The Nactu-aligned National Union of Farmworkers was not available for comment, while the Cosatu-aligned SA Agricultural Plantation and Allied Workers Union said that it distanced itself from such proposed protest action.

# What about us? Farm workers hostile to bill

**AFRIKA MSIMANG**  
Staff Reporter

FARMWORKERS threaten to become increasingly militant after the adoption by parliament of the controversial Labour Relations Bill without any attempt to include several proposed amendments to meet their concerns.

The Farm and Rural Labour Rights Advocacy Group has now raised the issue of the bill's failure to help in "unorganised" farm workplaces.

They see their prohibition from representing farm workers as a permanent declaration of war and division of the urban working class from farmworkers.

But Labour Minister Tito Mboweni called the bill a critical step towards transforming labour relations. Congress

■ The new Labour Relations Bill ignores the rights of farmworkers who are becoming increasingly hostile to their city cousins.

of South African Trade Union general secretary Sam Shilowa agreed the bill would encourage and facilitate better organisation of workers.

Provisions in the bill include:

■ The union must achieve the status of sufficient representativity.

■ Notify the farmer in writing that it has achieved sufficient representativity.

■ The farmer must meet with the union within 30 days to attempt to conclude a collective agreement regarding the content of organisational rights of unions, including conditions of access.

■ If the dispute is unresolved, the union

can refer it to a conciliation commission.

■ The commission must conciliate the dispute over a period of 30 days.

But farm workers often do not make it past the first provision, as less than one in 40 farm workers belong to a union.

According to Dawie Bosch, facilitator of the advocacy group, only eight percent of farms had more than 50 workers and only two percent had more than 100.

Group member Lionel Beerwinkel said it was clear provisions in the bill were made without consideration for farm workers.

According to Mr Bosch, farm worker unions needed access to organise and they could only gain access when they were already organised — a Catch 22 situation.

At present, the number of farm workers on each farm was very low. Also, organisers had to travel long distances to keep contact with union members.

(4) (16/9/95) ARG 16/9/95

16/9/95

Shaka Day  
Sowetan WILL  
appear on Monday  
September 25

# Farmer kicks out 350 families

(4) Sowetan  
22/9/95



Distraught families of more than 350 farmworkers, who were laid off and evicted from their homes by a farmer at Tarlton on the West Rand, pitch tents given to them by local relief organisations yesterday.

PIC: LEN KUMALO

By Dan Fuphe

**A**BOUT 350 FARMWORKERS and their families have been evicted from their homes on a farm at Tarlton, near Krugersdorp on the West Rand, and have been living in the open since Monday night.

The farmworkers were evicted by the new owner of Scheepers Plot, on the farm Vlakplaas on Monday morning.

The evictions were conducted by the office of the local sheriff on the instructions of the new owner of the farm, Mr Gert van der Tang.

Mrs JF Bothma, the wife of a farmer in the area, told *Sowetan* yesterday that she and her husband had agreed to accommodate the families for the time being.

The African National Congress in the area has provided tents for the families.

### The ANC is grateful

A spokesman for the Magaliesburg branch of the ANC, Mr Cornelius Cloete, said the organisation was grateful to the Bothmas for allowing the displaced families to live on their farm.

Van der Tang told *Sowetan* yesterday that he was the owner of the property: "I bought the farm free of occupants." He said *Sowetan* was "free to write anything".

A spokesman for the families and ANC executive member in the area, Mr Edward Xotane, said their problems started in July when it became apparent the previous owner, Mr Fred

Scheepers, was finding it difficult to run the farm. Scheepers, who employed the farmworkers, left the farm without warning the workers. "We don't know where he has disappeared to," Xotane said.

"A few days after that our possessions were rudely removed from our homes by the Krugersdorp sheriff," Xotane said.

### R200 a month

Among those left homeless are two elderly men, Mr Nelson Gwendo (70) and Mr David Khorombi (65). Collectively, they have worked on the farm for more than 30 years without a break of service. Each earned R200 a month for doing odd jobs on the farm.

A sickly woman, Mrs Jane Ndlovu (57), who is the mother of 10, said the experience had shattered her and had also aggravated her illness.

"I have spent 24 years working for them and this is my reward," she lamented.

● A 59-year-old woman was evicted from Boesmanspruit Farm near Piet Retief in Mpumalanga on Tuesday and then "dumped" at the roadside after her house was demolished.

Mrs Sabed Thwala says she had lived on the farm for "quite some time" before her house was demolished and she was dropped off at the Panbult Road crossing.

According to Boesmanspruit's farmer, Mr Tienie Hattingsh, Thwala had lived on his farm for a year and did not work there.

He said she was left on the farm by a former worker and she continued living there long after the man had left.



# Evictions a 'recipe for more bloodshed'

(4) Star 29/9/95

Land Affairs Minister Derek Hanekom yesterday warned that evictions of labour tenants and their families from farms in KwaZulu-Natal were a recipe for further bloodshed.

"It has come to my attention that numerous labour tenants and their families are being evicted from farms in the KwaZulu-Natal province, particularly in the districts of Vryheid, Utrecht and Louwsburg," the minister said.

"These actions are not only contrary to the spirit of the numerous agreements already reached, but the actions of certain individuals among the affected parties are a recipe for conflict.

"Already there are indications that certain individuals are planning retaliation, and possible bloodshed could ensue," the minister said.

According to Hanekom, the culprits were not only acting against the interests of landowners, who were striving to secure an amicable solution to land problems in the region, but they were also doing the whole country a disservice.

## Evicted

Any labour tenant who was evicted contrary to the provisions of the Land Reform Bill, which is to be enacted early next year, would be entitled to claim reinstatement on the land, and costs, he said.

"I wish to once again make an earnest appeal to all affected parties to act with the utmost restraint in this sensitive situation," Hanekom added.

Hanekom is to attend a meeting in Vryheid on Sunday following calls for his intervention. — Sapa.

# Fish quota ruling dismays trusts

**JEAN LE MAY**

Staff Reporter

(3) FISHING

ARG 9/30/95

FISHING community trusts are looking for a way to get around a Supreme Court judgment which has stopped them getting fishing quotas.

They are considering registering as non-profit-making companies.

Mr Justice Gerald Josman found that the Quota Board acted unlawfully in giving a hake quota to the Cape Town Harbour Fishermen's Community Trust in 1994. The judge also found that a trust was not a legal person and was thus not entitled to fishing quotas, which the Sea Fisheries Act says must be given to individuals. In practice, executives of fishing companies get the quotas.

This means that all quotas given to community trusts are now unlawful.

No quotas had been given to trusts in the 1996 allocation which is now being considered, Quota Board secretary Fanie Fourie said yesterday.

Johan Pieterse, chairman of the Association of Fishing Community Trusts, told Saturday Argus yesterday that a decision to register as non-profit-making companies was taken after a meeting with lawyers and officials of the Department of Sea Fisheries.

It was still to be confirmed by a general meeting of trustees, he said.

It was necessary to act fast to protect the 1995 quotas which had already been caught and to become eligible for 1996 quotas, he added.

There were 32 fishing trusts, said Mr Pieterse, of which 28 had been registered in places as far afield as Port Nolloth in the Northern Cape and Richard's Bay in KwaZulu/Natal.

"The trusts have a stigma attached to them because of the violence committed by some members of the Cape Town Harbour Trust," he went on.

"But many other trusts have worked well. Here in Gansbaai they have started a labour office and are subsidising bus travel and boarding fees for fishermen's children.

"Other trusts have given loans of fishermen to buy boats to enable the trusts to catch their own quotas. But there have been problems in other areas, largely because trusts have to negotiate with fishing companies to catch their fish and this has led to disputes over the disposition of the money."

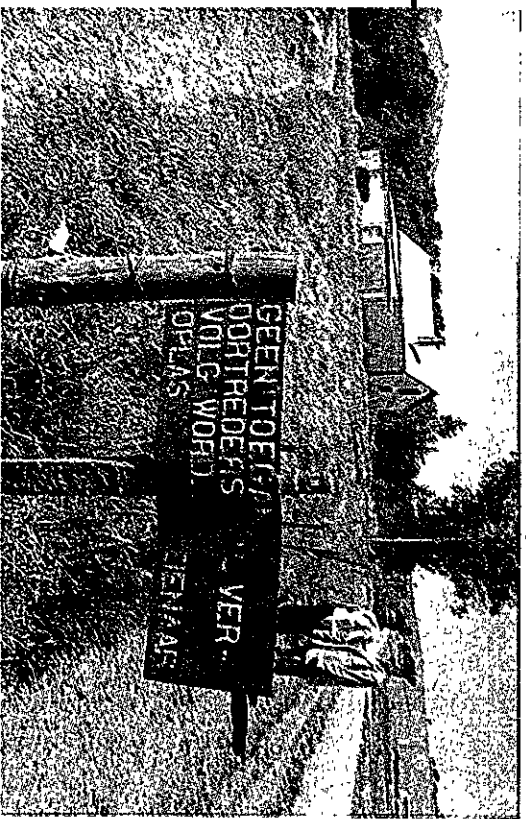
The application to have the Cape Town Harbour Trust's 1994 quota declared unlawful was brought by the Trawler and Line Fishermens' Union and was not opposed. Costs were awarded against the Quota Board.

Community trusts were established in 1993 as a way of giving fishermen a share of marine resources and to develop fishing communities.

Before 1993, 80 percent of the Total Allowable Catch of fish was given to the established trawling industry.

However, there have been so many problems with the trusts that a task group under De Wet Schutte of the Human Resources Research Council decided last year that they should not continue in their present form.

**KEEP OFF:** Advice Office worker Isak Palmer and legal adviser Nicky Taylor say limited access to farms bedevils the work of unions and paralegals.



**LEFT OUT:** The Labour Relations Act effectively ignores rural farm workers like, from left, Martiens Coetzee, his nephew Abraham and his son Piet.

■ **A CONCERTED** campaign by farm workers countrywide to secure amendments to the Labour Relations Act passed by parliament only two weeks ago is hotting up with more protest marches being planned over the next few weeks. Core issues are that unions do not have access to "unorganised" farms to recruit members and farm workers who do not belong to unions are effectively denied the right to representation in legal cases.

(4)  
30/9/95

## The face of despair

**A SPECIAL INVESTIGATION**

by **ADELE BALETA**  
Pictures: **OBED ZILWA**

# We've been forgotten — farm workers

**T**HE new Labour Relations Act has effectively ignored South Africa's non-unionised employees and provisions of the Act have led to a Catch-22 situation, leaving some workers worse off than before.

So says the Farm and Rural Labour Rights Advocacy Group, an alliance of 30 rural organisations including NGOs, farm workers' unions and advice centres, who claim only one in 40 workers belong to a union.

According to the Act, trade unions can have the right of access to farm workers only if a percentage of the labourers are union members already.

But, says Nicky Taylor, a legal adviser at the Centre for Rural Legal Studies: "This is a Catch-22 situation. How are the unions supposed to recruit members in the first place if they are not allowed to gain access to farms?"

"What it means is that in order to organise,



□ **DESPAIR:** Martiens Coetzee, 52, and his wife Sophie, 51, in their two-roomed house on a farm in Riversonderend. Mr Coetzee works seven days a week and earns R300 a month. The couple share the house with their son and daughter. The house is without running water or sanitation facilities.

union officials will have to get illegal access to farms. They would probably be arrested for trespassing time and again. The other alternative is to meet the workers after hours and off the farms to try to achieve sufficient representivity. This will obviously be very difficult," she says.

Farm workers in marginal areas are particularly under threat because unions will first focus on more accessible regions. Some workers are also resistant to unions as they fear victimisation from farmers if they sign up.

**T**HE new law prescribes an elaborate process to determine what the required percentage of union membership should be before a union's right of access is established.

Grant Twigg, general secretary of the Farm, Food and Rural Workers' Union of South Africa, says the experience of union members in the Western

on labour that all unions should be given unlimited access to farms in order to sign up members.

The advocacy group also proposes that any person or organisation legally assisting workers should be given access to communicate with them.

**I**N terms of the Act workers may be represented only by union officials or lawyers. However, fewer than one in 40 farm workers belong to unions because of the immense difficulty in getting to people in rural areas. "How is a member of the poorest sector of the economy supposed to pay off a lawyer?" asks Ms Taylor.

She says there are many advice office workers who are doing valuable work in representing farm labourers. Because advice office workers are no longer able to represent workers in the final stages of a dispute, an important aspect of

# Wot — no room at the inn for Isak the Adviser?

by **ADELE BALETA**  
Staff Reporter

**ISAK** Palmer, a Riversonderend builder, began giving legal advice to farm workers from his backyard about four years ago.

"At the time I was building on the farms in the area but once the farmers realised that I was assisting farm labourers, the building contracts came to an end," he says.

Isak has been working since at the Riversonderend advice office, a room in a partially closed hotel on the rural town's Main Road.

Although he is not a labour lawyer, he says he has a sound working knowledge of labour law. He sees between 14 and 15 workers a day and this year so far has handled 24 unfair dismissals, managing to get monetary awards for his clients in most cases.

One of the cases he handled successfully involved a worker who was consistently assaulted by his boss.

"The farm worker came to us. The farmer paid a R100 admission-of-guilt fine after we went to

the police. Later he denied that he had assaulted the farm worker. We served papers and claimed damages. We got R2 500 compensation in the Agricultural Industrial Court."

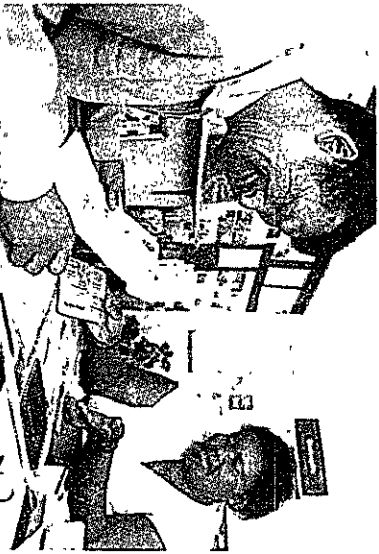
Isak says the Labour Relations Act which would effectively shut down the advice office and his work and that of two colleagues is "very disappointing."

"It's going to leave the farm workers worse off than they are now. We started this office because of the great need. Who will represent the farm workers in these areas? For logistical reasons the unions don't even try to organise here."

"We are doing important work. About 60 per cent of the people we see are farm workers. We also run literacy groups that meet about three times a week and involve about 30 people. We have also established an agricultural co-op."

The workers in the area trusted him and his colleagues.

"I was brought up on a farm. My father earned R7 a week. It was difficult. I know what it's like. Farm workers are unlikely to go to local attorneys, most of whom have never represented la-



**UNDER THREAT:** Isak Palmer

bourers, and besides, how will they afford it, earning salaries of between R80 and R120 a week?"

"We have already approached unions to organise workers, but we are so far out that it's not feasible for them to come here. Farm workers are also scared of unions coming to the farms. They fear victimisation in the workplace. During the election a worker was punished by not being allowed to work for three months. His crime was that he had asked someone who they were going to vote for. The farmer said he did not want politics on his farm."

Isak says the "no trespassing" signs peppered all over the countryside tell the grim story of problems with access to the farms.

over. Item 11 of the R.G. 11.0. access to farms... the independent union has 45 000 members nationally and 10 000 in Stellenbosch alone.

"During the run-up to the revised Act, employers expecting changes allowed us freedom to organise. Now the Act is law, we are worried that farmers' attitudes will harden. It's likely we will be referred back to the Act," he says.

Ms Taylor says alleged recalcitrant employers are likely to use the "red-tape" of the process required by this provision to frustrate union organising drives.

It's also feared that none of the unions in the marginal sectors will have the administrative and legal infrastructure to fight these kind of battles.

Mr Twigg says his union has already experienced problems with the Act. "A well-known Boland strawberry farmer makes life difficult for us by changing the composition of the workforce when we are about to sign up enough members to allow the union access onto the farm."

Mr Twigg says the Act's provisions will choke independent unions like his own which started off as an advice office in Stellenbosch.

"It will force smaller unions to become part of the large federation, giving the latter access to more funding."

Ms Taylor says the advocacy group has proposed to the parliamentary portfolio committee

Ms Taylor says advice officers should have the right to represent weaker sectors (like farm and domestic workers) who are now being discriminated against.

Commenting on the rights of union access to farm workers and the legal representation of workers, Steve Birch, the human resources manager of Lourensford Estate — a fruit export farm in Somerset West, agrees that there are problems.

"In terms of arbitration where no paralegal or legal assistance is available the average farmer could be without legal assistance up against a trade union representative who could be far more experienced than himself."

"In the interests of fairness both sides should have equal representation in such matters."

Mr Birch adds: "In the interests of sound industrial relations we anticipated the Act and put procedures in place. When trade unions (we deal with two in a central bargaining forum) arrived, the impact was minimal."

Access to trade union members is regulated by agreed parties so that the time of access and place for communicating to members does not disrupt work.

He adds that each farmer must decide for himself but the estate's management recognises freedom of association and would continue to do so.

## Road report



### NATIONAL ROADS

**N1 Dutoitskloof Pass:** Blasting from noon-2pm Monday to Thursday. Options: Rescheduled journey, wait in kloof or use the N1 alternative route via Wellington and Wolsely (65km longer).  
**Signs on freeway at Klabmuts and Worcester**

## Weather data

**Sunshine yesterday:** 6 hours  
**Wind:** 8pm yesterday: S 26 knots  
**Cloud yesterday:** Rain  
**8am:** seven-eighths  
**2pm:** six-eighths  
**8pm:** five-eighths  
**Barometer:** 1023,8 mb  
**Air temperature:** min  
**Yesterday:** 10,1 deg C  
**Humidity:** 8pm: 74 percent  
**Yesterday:** 16,5 deg C

## PARTLY CLOUDY

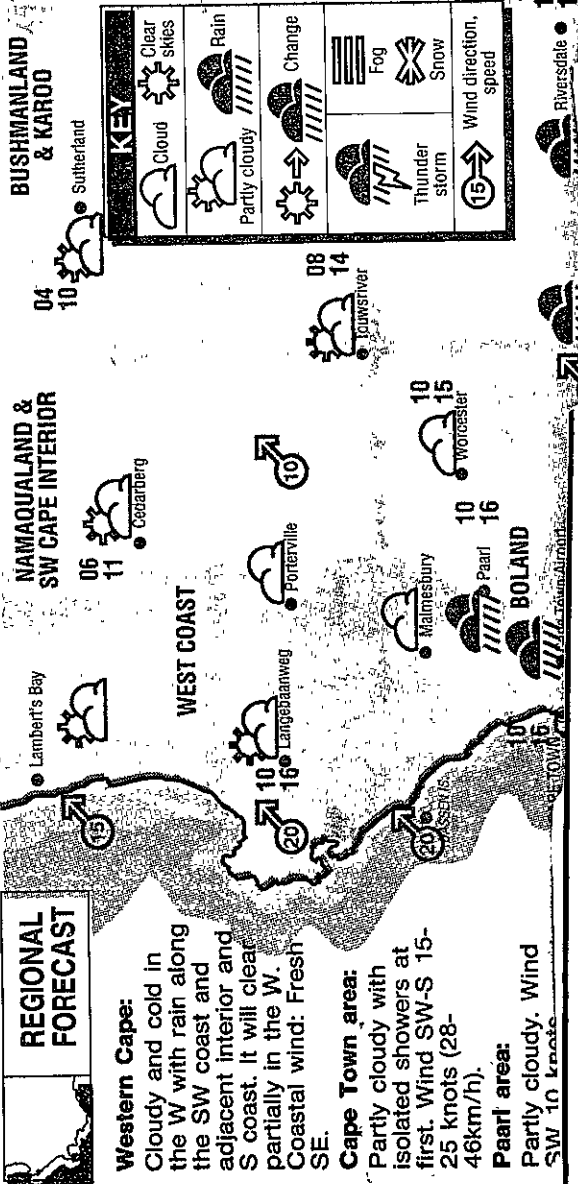


**PENINSULA**  
MIN 10°C  
MAX 16°C



**PARTLY CLOUDY:** It will be cold with showers at first and fresh southerly winds.

## WEEKEND WEATHER



# SATURDAY IN 'O

## Saturday DIARY

Today, raising number 08 800054 000 1.

**International Rainbow Children's Day** at Maynardville, Wynberg today.

**Heathfield Tennis Club** free coaching sessions, 8-11am, juniors or beginners of any age — ☎ 72 8860 Mr R Sampson.

**St Saviour's Church** fête, Main Road, Claremont, from 8.30am.

**Claremont Congregational Church** annual fête from 9am-2pm, at 222 Main Road, (opposite Civic Centre). Guest appearance by rugby stars Chester Williams and Robbie Brink from 9.30-10am.

**Constantia craft market** at Alphen Centre, from 9am-3pm.

**Face-painting class** for children, with Twanet Veldsman from 9.30-11.30am at the Bellville Art Centre. Cost R15, enquiries ☎ 918 2293.

**Spring fête** at Emmanuel Church, Ottery Road.

# KwaZulu's power bid

*Sowetan 3/10/95 (4)*

**A** WEEKEND MEETING of evicted labour tenants in Vryheid, KwaZulu-Natal, has highlighted the lengths to which the province will go to fight its case for more powers.

The meeting, to highlight the tenants' predicament, came after 12 families were evicted from a farm near Louwsberg last week. The families' huts were demolished and two of them had been forced to squat at the roadside because they had nowhere to go.

One of the organisers of the meeting, the Vryheid Farm Evictions Committee, said they knew of at least 350 people (35 families) who had been evicted from Louwsberg and Vryheid since the publication of the Land Reform (Labour Tenants) Bill on June 2.

Land Affairs Minister Derek Hanekom and KwaZulu-Natal Premier Frank Mdlalose were invited to the meeting to hear for themselves the problems of eviction of black farm dwellers in the district. About 500 people packed the Vryheid Sports Centre to air their grievances.

But instead of devoting itself to addressing the crisis in the area, described by one speaker as "putting Vryheid on the verge of civil war", there were early indications that it would degenerate into a point-scoring exercise.

Hanekom's appeal to "set aside our political differences to find a solution to the real problems", and his warning that those "people who use this (crisis) to turn it into a political event are doing the community a disservice", appeared to fall on deaf ears.

Following Hanekom, Mdlalose said it was unfortunate that land affairs was a central government issue and not an issue for the provincial or local government.

"I don't believe land should be a central government function," he said, "but I'm happy that when he (Hanekom) comes (to KwaZulu-Natal), I can also be there. When he gives his views from his celestial position, I can also hear on behalf of the province."

Mdlalose further indicated that he hoped the meeting would open the way for further talks between the provincial and national government where land affairs were located.

He also alluded to the province's demand that the controversial Ingonyama Trust be assigned to the province as a matter which still had to be settled.

The Ingonyama Trust involved the transfer of almost three million hectares of state land to the trusteeship of Zulu king Goodwill Zwelithini by former president FW de Klerk on the eve of the April 1994 election.

A comment by Hanekom which equated the former KwaZulu self-governing territory with bantustans such as Bophuthatswana and Venda

Derek Hanekom goes to the lion's den and faces the wrath of political rival and KwaZulu premier Frank Mdlalose. **Estelle Randall** explains why...



**Land Affairs Minister Derek Hanekom ... came under fire at a land meeting in Vryheid.**



**KwaZulu-Natal Premier Frank Mdlalose ... unfortunate that land affairs fall under central Government.**

also drew fire from Mdlalose and the audience.

"KwaZulu will continue forever," retorted Mdlalose. He appealed to the crowd not to blame Hanekom for the unfortunate comment "because, after all, he doesn't live among us. He's from central government, up above."

In terms of the current Constitution, policy formulation of land affairs is the prerogative of the national government, but implementation of the new land reform programme has been devolved to the provinces.

Examples include the new land reform pilot programme, which consists of one pilot district in each province and which is being managed and by provincial steering committees.

In KwaZulu-Natal, land is one of the key areas of reconstruction. It is the most populous province and more than half its people live in rural areas.

The recently established Commission on Restitution of Land Rights has already received almost half of all its land claims from KwaZulu-Natal - an indication of the importance ordinary people are placing on land access.

While the Ministry of Land Affairs has implemented several measures to give flesh to the new land reform programme - including the Restitution of Land Rights Act - labour tenants remain a vulnerable group.

The Land Reform (Labour Tenants) Bill gazetted on June 2, proposed far-reaching changes to the insecure tenure of labour tenants.

However, it will only come before Parliament in February 1996.

The Bill subjects farmers who want to evict tenants to specific procedures and rulings from the Land Claims Court. It also entitles labour tenants to acquire land they have historically used and occupied, if the owner is compensated. By enshrining the rights of labour tenants in law, the Bill also aims to encourage parties to seek local solutions.

If Parliament passes the Bill, its protective tenancy aspect will be retrospective to June 2. This means that labour tenants who are evicted may now institute legal proceedings to have the evictions overturned.

A labour tenant means a person, including his or her descendants and immediate family, who on June 2:

- was living on or has had the right to live on a farm; and
- had or has had the right to live on such a farm and to use arable or grazing land on the basis that he or she will provide or has provided labour to the owner or lessee of the farm.

The Bill specifically excludes farmworkers or people who are simply living in housing provided by farmers or lessees of farms. Farmworkers are defined as people employed on a farm in terms of a renewable contract of employment which provides for labour to be paid for mainly in cash and not mainly through the right to occupy and use land.

MAR 9/10/95  
**Hanekom  
soothes land  
'differences'**

CITRUSDAL. — Land Affairs Minister Derek Hanekom says there is no contradiction between the Department of Agriculture's farmer settlement scheme and land-reform pilot projects.

In a row between the two departments in recent weeks, Mr Hanekom has been accused by Agriculture Minister Dr Kraai van Niekirk of interfering in agricultural affairs.

Deputy Minister of Agriculture Thoko Didiza earlier announced in Pretoria 1 300 black farmers would receive grants amounting to R60 million to settle them on state land administered by the agriculture department.

"As long as there are no land purchases involved, there is no contradiction," Mr Hanekom said. — Sapa.



## NEWS IN BRIEF

### Watchdog for small business

**KWAZULU-Natal** had established a provincial small business council affiliated to the national body as a watchdog for small, medium- and micro-sized enterprise interests, economic affairs and tourism. **MEC Jacob Zuma** said yesterday.

Opening a provincial workshop on small enterprise, **Zuma** said the new structure would form a critical link between small business and government, developing institutions within the province's small and informal business sector, while stimulating the creation of occupational and professional sectoral associations.

### Post in hands of business

**BUSINESS** had the ability to remove more than 40% of the problems experienced by the postal service, the **Johannesburg Chamber of Commerce and Industry** said yesterday.

While business was justified in its criticism of postal delays, it should be aware that the solution of much of the problems lay in its own hands. Two-fifths of postal workers' time was taken up by correcting postal codes and sorting items which could not be read by automatic handling equipment.

### Telkom workers end strike

**STRIKING** Telkom employees returned to work in **Johannesburg** by midday yesterday following disputes over the company's affirmative action policy and "political" posters at depots. **Telkom** spokesman **Gert Schoeman** said.

### De Beers strike continues

**THE** strike at all **De Beers** mines continued yesterday amid the occupation of offices at a number of mines and several marches, **De Beers** said yesterday. The company, which will meet **National Union of Mineworkers** representatives today in a further attempt to resolve the strike, said the dispute, involving a cut in annual leave, affected 600 out of a total union membership of 4 700, who were being compensated for the loss of leave.

### Call to end farm evictions

**MPUMALANGA** premier **Matthews Phosa** yesterday called for an immediate end to the eviction of farm labourers and tenants, saying racial tension was building in the province's rural areas. Farmers were writing eviction notices "as if they are magistrates, and then are moving whole families far away from their farms to prevent them from returning" the premier said.

REPORTS: Business Day Reporters, Sapa, Reuter.

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## Team to probe farm evictions

(4) Star 7/10/95

Mpumalanga Premier Mathews Phosa has appointed a six-member task team to investigate the eviction of black people from white-owned farms in the province.

It will be led by Ivor Jenkins of the Institute for Democracy in South Africa.

According to reports, Phosa had ordered a halt to evictions. He said eviction orders already issued should be handed over to sheriffs or magistrates, pending the outcome of the investigations.

Phosa was quoted as saying that some of the land from which people were being evicted had belonged to their ancestors. - Sapa.



# Thousands of Gauteng farm workers evicted

BD 24/10/95 (4)

Drew Forrest and Wyndham Hartley

ABOUT 3 000 farm workers and their dependants have been evicted in Gauteng over the past month, in a development linked by the ANC and the Gauteng government to the elections.

The claim coincides with a meeting in Pretoria yesterday involving the SA Agricultural Union, Local Government Minister Roelf Meyer and three provincial premiers — Matthews Phosa, Ngoako Ramathlodi and Manne Dipico — over farmers' plans to boycott the poll. There are fears that the boycott — sparked by Parliament's rejection of proposals for farmers' representation on rural councils — may result in the victimisation of rural voters.

The Gauteng government said that the sharp rise in evictions, many illegal, might be a ploy to destabilise rural areas before polling.

Gauteng ANC MP Trish Hanekom said there had been isolated cases of election-linked intimidation by farm-

ers, including the dismissal and assault of workers who had attended ANC meetings.

However, the evictions appeared to be a backlash against the growing assertiveness of workers as the election approached. A similar upsurge in evictions had taken place before last year's election, reflecting farmers' insecurity.

An SAAU representative at the meeting with Meyer, Boet van Rensburg, said a factor in tensions in farming areas was the militancy of workers, who refused to co-operate or move once evicted in the belief that they would get rights to farmers' land.

Van Rensburg said the SAAU had been "disappointed" by Meyer, who had merely asked farmers to accept their current 10% representation on rural councils, to participate in the election and to continue talking after the poll was concluded. Van Rensburg doubted this was enough to dissuade

Continued on Page 2

## Evictions

BD 24/10/95  
Continued from Page 1

(4)  
farmers from boycotting the poll. The Transvaal Agricultural Union would meet Gauteng officials today.

The Tarlton area, where 450 evicted families were living in tents, had been a major flashpoint, Hanekom said. Last week 1 000 workers demonstrated against the evictions and an acrimonious meeting between farmers and Gauteng officials, including local government MEC Dan Mofokeng and rural development MEC Sicelo Shiceka.

About 400 evicted families were also living in tents in Bapsfontein, while 60 families had been evicted in Elands

River, in northeast Gauteng.

Hanekom said the province was urging property owners and community leaders to create joint forums to discuss the evictions and land acquisition for settling workers. Forums had been set up in Vlakplaas, the western services council area and Bapsfontein.

The housing, agriculture and land affairs departments were close to finalising a mechanism whereby rural people could use the R15 000 housing subsidy for rural housing and land procurement. She was also concerned about the number of eligible rural voters who, through lack of information or remoteness from election machinery, were not registered to vote. This was a particular problem in areas like De Deur, Walkerville and Vaal Marina.

## Fight for compensation after hunting accident

By TEFO MOTHIBELI

Legal jargon and technicalities ring hollow to Patrick Mahlangu, a farm labourer in Messina, Northern Province.

All he knows is that he was shot in the foot and feels he deserves compensation.

The 31-year-old Zimbabwean's right foot was amputated last year after he was shot by a farmer on a hunting trip.

After investigations by the police, the senior prosecutor's office ruled that the shooting was accidental and there would be no prosecution.

Mahlangu was assigned by his former employer, Karel Pieterse, to accompany another farmer - whose name he did not know - on a hunting trip because he knew his way around the Pieterse farm.

"When I was showing him around, I heard the sound of a rifle going off," Mahlangu said.

He was not aware that he had been shot until he started to limp.

"I could only feel my leg failing to carry me.

"The next thing, I saw a pool of blood," he said.



**BITTER:** Patrick Mahlangu is trying to muster legal resources

Life has not been the same since then for the "spanner boy doing every job at the farm".

Mahlangu arrived in South Africa in 1987 in search of a job so that he could support his grandparents, three sisters and younger brother.

"After the accident, Mr Pieterse told me there was no space for me at the farm anymore," he claimed this week.

He said he had worked at the farm since 1987 and was paid R30 a month until last year, when his salary was increased to R180 a month.

Mahlangu vowed to fight to the bitter end for "decent" compensation.

The *Saturday Star* could not get comment from Pieterse.

The farmer's wife told the *Saturday Star*: "There is no story here and I will not call him."

Mahlangu said: "I really do not know where I should start.

"However, I believe that I deserve decent compensation, not just the R2 100 given to me by the workmen's compensation office after being left disabled."

Desperate for funds to muster legal resources, he has consulted an attorney.

Joseph Pepete, a representative of the ANC-aligned local civic association, said his organisation was doing its best to see to it that Mahlangu would receive compensation for his injuries.

He also said it was crucial that farmers took the necessary precautionary measures when out hunting. (4)

Star 28/10/95

## Farmers convicted of employing illegals

(4) 00 11/11/95  
MESSINA — Four Northern Province border farmers have been convicted in the Saamboubrug Circuit Court in the past week for illegally employing workers from Zimbabwe.

Jacobus Lodewicus van Tonder of the farm Platjan was sentenced to a fine of R2 000 or four months in prison, suspended for three years, for having 27 illegal immigrants on his property.

The court instructed him to pay their repatriation costs of R13 500.

Adrian Roux and George Roland Gerhardt of the farm Daantjieslaagte and Gilbert Levis Gerhardt of the farm Kopbeenpan received fines of R1 500

or imprisonment terms ranging from three to four months, all suspended for three years.

All were ordered to pay the repatriation costs of the workers, which varied from R1 000 to R3 500 depending on the number of workers.

A spokesman for the SA Police Service's illegal immigrant unit said farmers should approach the unit if they were uncertain about the conditions attached to employing foreign workers.

He said all Zimbabwean citizens had to be in possession of valid work permits before they could be employed in SA. — Sapa.

## Farmers fined for employing illegal workers

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## Experts to give help

Adrienne Gillomee

GAUTENG premier Tokyo Sexwale is calling in private sector experts in a move to upgrade the provincial government's operating systems.

Confirming reports last week, Gauteng economic affairs and finance MEC Jabu Moleketi said the accountants and auditors would scrutinise the government's books and advise on projects.

Several firms — including Coopers & Lybrand, Deloitte & Touche and Ernst & Young — had volunteered giving their services free.

A task force would meet later this month to draw up its strategy and identify priorities.

Sexwale is reported to have pushed for the initiative so that foreign investors would feel confident any money they invested in the region would be strictly monitored.

# Farmers and farm workers make deal

BD 6/11/95 (4)

Louise Cook

FARMERS and farm workers in Mpumalanga have brokered a deal that it was hoped would ease tension caused by evictions on farms, Transvaal Agriculture Union regional chairman Boet van Rensburg said at the weekend.

The groups agreed at a meeting chaired by Mpumalanga premier Matthews Phosa that farmers would stop all evictions from farms over the next three months and that workers would not strike or embark on go-slow action during that time.

Van Rensburg said problems occurred when labour tenants — workers who used part of the farm for their own account in return for their services — were told that they no longer needed to stick to work agreements.

Van Rensburg said they had been told this by the Farm Workers' Research and Resource Project in Johannesburg, but the organisation was not available for comment.

He said when labour tenants stopped turning up for work, farmers resorted to evictions, which had caused tension, he said.

But the opposing groups agreed at the meeting that workers would return and work productively. They would not be put off the land by the owner.

However, Van Rensburg said, in terms of the deal farmers would have the right to evict squatters. Squatting was occasionally a problem on farms situated near towns.

Attempts to dodge the traditional pound system was another problem that had started recently on farms in the vicinity of the former homelands. The system provided for stray cattle to be impounded if found on a farm.

Van Rensburg said farmers from the former homelands were deliberately chasing their cattle onto farms where grazing was more plentiful. But problems had occurred recently when attempts were made to impound the stray animals, he said.

Meanwhile, the SA Agriculture Union has set up a security committee to deal with crime on farms.

A union spokesman said the committee would assist the police in fighting crime. An increase in theft had forced farmers to be more alert, the farmers' union spokesman said.

## Affirmative action challenge to Durban

BD 6/11/95 (4)

Nicola Jenvey

DURBAN — Public Works Minister Jeff Radebe has challenged Durban's metropolitan mayor Siphon Ngwenya and central district mayor Johannes Mile to promote black economic empowerment by the restructuring of Durban's tender system.

Addressing the Black Management Forum annual awards dinner at the weekend, Radebe said both mayors acknowledged the vital role blacks had to play in the new SA and — with a city budget

which rivalled that of many smaller developing African nations — Ngwenya and Mile could use their power to promote black economic empowerment.

Radebe cited the Atlanta example, whereby in 1974 less than 1% of public tenders were awarded to companies owned by minorities or women.

However, a mayoral decision dictated these groups received 25% of public tenders as a bid to promote their participation in public sector business. This was later extended to 35%.

"Today Atlanta is at the forefront of American affirmative action and its policies have been copied elsewhere in the US ... black economic empowerment is not only a dream but a reality."

Radebe said he believed it was possible for Durban to take this initiative and place itself at the forefront of affirmative action policies in SA in the same way.

It would also be one way of appeasing voters who had not had an opportunity to participate in the national local government elections last Wednesday.

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# Local govt 'should start police forums'

Farouk Chothia

BD 8/11/95

DURBAN — Amnesty International suggested yesterday that the task of establishing community policing forums — which are battling to get off the ground in KwaZulu-Natal — should be left to local government structures.

Amnesty official Rod Morgan said in Durban that one could not expect the police, who lacked trust among communities, to spearhead the formation of the forums.

He said it would be preferable for local government structures, which would be made up of elected community leaders, to be in charge of the process.

Morgan — an expert on policing based at the University of Bristol in the UK — is part of an Amnesty International delegation on a fact-finding mission to SA. The delegation, lead by secretary-general Pierre Sané, is due to meet Deputy President Thabo Mbeki later this week.

Morgan said the experience of other countries had shown that police resolved between 80% and 90% of cases with the co-operation of communities. In many parts of KwaZulu-Natal there was no single community and this made it difficult to get forums off the ground. All political parties had to pledge their co-operation, or else "it is just not going to work".

Amnesty researcher Mary Rayner said the investigation task unit had shown it operated in a "highly professional" manner and was capable of investigating "very complicated" cases.

Amnesty welcomed the arrest of former defence minister Gen Magnus Malan in connection with the killing of 12 people on the KwaZulu-Natal south coast in 1987.

The case would hopefully assist in identifying the underlying causes of violence in KwaZulu-Natal, Rayner said.

Amnesty International also welcomed the security force deployment in KwaZulu-Natal, but was concerned about allegations of torture and other brutalities involving the security forces.

# Talks sow new hope of farm land accord

BD 8/11/95

(4)

Wyndham Hartley

CAPE TOWN — Ongoing talks between the land affairs department and organised agriculture could soon resolve intractable problems surrounding the controversial land reform Bill which will grant labour tenants rights to the farmland which they work.

The Land Reform Labour Tenants' Bill, which began its passage through the parliamentary land affairs committee yesterday, has, since publication on June 2, been harshly criticised by the SA Agricultural Union (SAAU).

The disagreement raised fears of increased evictions of labour tenants and a consequent increase in tension in rural areas where people have already died in eviction rows.

At various stages organised agriculture has threatened to refer the Bill to the Constitutional Court for infringing the land rights contained in the constitution. It was also feared in agricultural circles that a Bill granting labour tenants the right to purchase the land which they have worked for two generations might lead to similar demands from ordinary farm workers.

Sources close to the land reform debate said intensive discussions with the union had brought the chances of a deal much closer, particularly now that the definition of a labour tenant has been revised in the legislation.

In a submission to the committee

the union said it would withdraw its objections to the Bill if its suggested amendments were adopted. The objections centre around chapter three of the document which specifies under what conditions a labour tenant can access the land he has farmed in return for his labour on the land owner's farm.

The union says the economic viability of the land in question must also be considered. "To merely give someone property rights without (determining) whether it is in the public interest to do so, how it will influence the owner's rights and whether the labour tenants can utilise it economically, can never be defended on economic or any other legal or moral grounds."

The level of consultation with the agricultural sector was also criticised in the union document.

Senior land affairs official Geoff Budlender told the committee the Bill was originally published without consultation, and was made effective from date of publication and not date of promulgation, to forestall pre-emptive eviction of labour tenants. He said that since then there had been intensive discussions with the SAAU, the Natal Agricultural Union, the Transvaal Agricultural Union and a host of organisations representing the interests of the labour tenants.

The SAAU and the Natal Agricultural Union, among others, are due to give evidence to the committee today.

# Labour tenants Bill could 'destabilise land market'

(4) 30 9/11/95  
Wyndham Hartley

CAPE TOWN — The Council of Southern African Bankers has expressed concern at the potential of the controversial Land Reform Labour Tenants Bill to destabilise the land market with disastrous consequences for the financial sector and the economy.

Cosab GM Stuart Grobler told the parliamentary land affairs committee yesterday the Bill would have a significant impact on the rights of agricultural property owners and financiers.

He feared sections of farms would be alienated with no controls over usage, and potential buyers might be put off by the threat of a labour tenant claim.

"Given the uncertainty which this Bill will introduce into the market and the effect of possible claims on future transactions, it is felt the period of three years for lodging claims is too long." Hard work from the land affairs department and organised agriculture could reduce this to 12-18 months.

"It is a matter of public record that the collapse of a country's land market inevitably leads to the collapse of the financial sector and plunges the economy into depression and chaos."

He urged those who were for or against the Bill to identify the extent of the labour tenant problem. Estimates ranged from 1 000 to 40 000

Grobler was also concerned that labour tenants who had won title to a portion of a farm might use the land in ways which were prejudicial to the owner. "For example the land could be developed into a squatter community and the Bill makes no provision for the prevention of this type of activity."

The phrase "just and equitable" as the basis of payments to farmers for their land had no meaning in SA law and he suggested that "a fair market value" should be used instead.

It is understood the SA Agricultural Union and land affairs have made progress towards a deal which could see the Bill passed next year.

# Minister hits out at bankers' reaction to farm tenants law

(4) BD 10/11/95

Drew Forrest

LAND Affairs Minister Derek Hanekom slammed the Council of Southern African Bankers (Cosab) yesterday, describing its criticism of a planned labour tenants' law as "ill-considered, alarmist and infused with racial prejudice".

He was reacting to a Cosab submission on the Land Reform (Labour Tenants) Bill to the parliamentary land affairs committee on Wednesday.

Cosab GM Stuart Grobler told the committee the Bill could destabilise the land market, with disastrous consequences for the financial sector and the economy. Portions of farms could be sold to labour tenants without control over the land's use and potential purchasers could be deterred by the threat of labour tenant claims, he said.

Hanekom said the Bill envisaged the settlement of most claims by negotiation between tenants and farmers. Even where tenants exercised

their right to purchase, it was government policy that the market price would be paid. The sale of small portions of land would, in fact, improve farmers' cash flows and ease debt.

"My view, and that of the economists who advised us, is that there is no solid reasoning behind the suggestion that the land market will be thrown into chaos."

Reacting to Grobler's complaint that tenants might allow squatting on newly acquired land, Hanekom said it was racist to assume they were more prone to such practices than other land owners. "Indeed, as people who have lived on the land for generations and are not acquiring it for speculative purposes, they are less prone," he said. "And such small land portions far from centres of employment are not suitable for squatter settlement."

Hanekom said Cosab had taken a consistently conservative line on the

Continued on Page 2

## Farm tenants

BD 10/11/95  
Continued from Page 1

Bill and apparently lacked the imagination to see that the status quo threatened the banks' long-term interests. By stabilising rural areas, the Bill was intended to create conditions conducive to financial activity.

Wyndham Hartley reports that ANC amendments tabled yesterday stalled the approval of the Bill after organised agriculture and the National Land Committee had negotiated a compromise.

Negotiations between the SA Agricultural Union (SAAU), the committee and the land affairs department on problem areas were successful yesterday. However, the ANC tabled amendments on the issue of moving costs to be borne by farmers.

Senior land affairs official Geoff Budlender told the land affairs com-

mittee agreement had been reached on the controversial third chapter of the Bill. He said it was Hanekom's wish that every effort be made to get the SAAU on board, as long as this did not delay the Bill's passage.

When the SAAU was advised late yesterday of the amendments, it requested time to consider them and suggested that approval of the Bill be delayed until early next year. It said this would not influence the passage of the Bill through Parliament.

The committee is to meet again today. NP members agreed to discuss the changes with the SAAU last night.

An amendment to the Bill from the Chamber of Mines was accepted by the committee.

It stipulated that nothing in the legislation should deprive those who had mineral rights on a piece of ground from exercising those rights. The mineral rights would not be affected by transfer of ownership from a farmer to a labour tenant.



# Committee approves farmland-for-labourers bill

Star 14/11/95

(3) (4)

By JOYAL RANTAO  
Political Reporter

Farm labourers, often victims of evictions from farms on which they have lived and worked for decades, stand to benefit directly from the approval yesterday of the reworked Labour Reform (Labour Tenants) Bill by the Parliamentary Portfolio Committee on Land Affairs.

The draft bill, which gives the country's 30 000 labour tenants the right to buy the land they occupy, is scheduled to be presented to Parliament in February.

Committee chairman Chief Pathekile Holomisa said the approval

of the draft bill, which has received support from organised agriculture and representatives of labour tenants, was an important step in bringing justice to labour tenants and in dealing with one of the most pressing land problems.

"The problem arises out of the history of denial of access to land to Africans. The system of labour tenancy has led to a great deal of conflict, which has increased in recent years. It has made labour tenants and their families vulnerable to exploitation and abuse.

"The bill deals with the problems which arise from the system of labour tenancy in a constructive way,

which will lead to long-term solutions. It does this through two methods. Firstly, it provides labour tenants with effective protection against unfair evictions. Secondly, it gives labour tenants the opportunity to become the owners of the land which they occupy and use, or alternative land, with just and equitable compensation being paid to the present land owners," Holomisa said.

According to the National Land Committee, nearly 10 000 farmworkers have been driven off land by farmers since June. Areas most affected by these evictions include KwaZulu Natal and Mpumalanga.

In August, the South African

Agricultural Union called for the bill, in its previous form, to be withdrawn pending an inquiry into its potential effects on commercial farming.

Members of the public have been invited to make submissions to the portfolio committee on land affairs on the Interim Protection of Informal Land Rights, the Upgrading of Land Tenure Rights Amendment and the Communal Property Associations Bills.

All correspondence should be addressed to the Secretary to Parliament, P O Box 15, Cape Town, 8000 (Attention: B J Ntsong ) or tel: (021) 403-2771, fax: (021) 461-7969.

## Woman injured by Citrusdal police

CT 16/11/95  
AT least one woman was injured by a rubber bullet fired by police in Citrusdal when about 130 strikers outside the Citrus Association erected burning barricades and began stoning vehicles, a police spokesman said yesterday.

Captain John Sterrenberg said she was injured in the left buttock when police fired six rubber bullets after the crowd stoned a vehicle. They had been warned to "desist".

ANC regional spokesman Mr Brent Simons said the woman was only freed by police after two ANC organisers intervened and took her to hospital. — Political Staff

~~SECRET~~ (4)

## Wage strike turns ugly

Labour Reporter

(4) ~~PERMIT~~  
ARG 16/11/95

A WAGE strike by 260 permanent workers at the Goede Hoop Sitruskooperasie in Citrusdal turned ugly when workers blocked traffic in a main road and police fired on them with rubber bullets.

The workers, dismissed on Monday when they failed to heed management warnings to return to work, were reinstated after discussions between the company and the Food and Allied Workers' Union (Fawu) yesterday.

Management said this had been done because the situation was sensitive and many workers had been intimidated into joining the strike. They said the workers were being reinstated under "certain conditions" being negotiated with the union which would be made known to workers today.

Frans Damon, deputy chairperson of the Fawu branch in the area said workers stopped work after wage negotiations deadlocked last week.

The company was offering R209 a week and workers were demanding a R250 increase. The average wage is R195 a week.

# Cosab supports reform Bill

Dear Sir,  
 THE editorial "Shaping change" (Business Day, November 13) contains a mixture of praise and criticism of the Council of Southern African Banks' submission on the Land Reform (Labour Tenants) Bill to the parliamentary standing committee on land affairs. It would appear, however, that Business Day, both in its editorial and front page articles on November 9 and 10 has missed the context and thrust of our submission:

Firstly, at no stage has Cosab opposed or resisted the Bill and this is clear from our written submission and answer to a question from the committee members: we have commented constructively on both versions of the Bill and several of our suggestions on the first draft were incorporated as changes (eg the provision of servitude to provide for access and water rights).

Second, at no stage has Cosab indicated that this particular Bill will result in chaos; we are aware that there are a number of Bills and Acts which compromise the total land reform programme (including the Development Facilitation Act and the Rental Facilitation Act) and have insistently motivated that the en-

tire land reform process should be undertaken in a speedy and sensitive manner to maintain rights to property, order, security of tenure and the minimum of uncertainty.

We believe that, given the investment—directly and indirectly—by households in property (eg own homes, via bank deposits, pension funds retirement funds or life policies) an orderly and certain land and property market is in the best interests of the country and its people. It should also be noted that our submission in fact questions the probable effect of the particular Bill under discussion and motivates a precise determination of its effects.

Third, there has been a lot of focus on our concern about squatters, with claims that we are racist; the key point in our submission has been missed however—we have argued for clear guidelines either in the Bill or subsequent regulations for proper management of the inter-related farming unit; this applies equally well to land use (eg to pre-

vent overgrazing; to minimise soil erosion), programmes such as disaster or drought aid, or squatters.

With specific reference to squatters it was also clearly stated in the verbal submissions that "unscrupulous developers" could acquire the land and develop it into squatter developments—there was no racist presumption that every labour tenant would do this; it should be noted that this motivation for integrated management also applies equally to the main property owner, whose actions could also jeopardise the rights to the labour tenants' portions of the farm.

Fourth, as long as the banking sector has a fiduciary responsibility towards its depositors it will continue to lend their savings in a conservative manner; the history of banking both locally and internationally is filled with examples of banks or whole systems which have failed because of injudicious lending based on the perceived security of land.

Fifth, the Bill does not make pro-

vision for market prices, but for just and equitable compensation; we have heard arguments from certain non-governmental organisations active in land matters that in determining a just and equitable price, assistance over the years to the farm owners should be taken into account, eg once a market value has been determined it should be reduced by the amount of drought aid received from government, and then further reduced by the accumulated amount of subsidised interest on low-interest loans from the Land Bank or Agriculture Credit Board.

Our argument was that this would represent unjust expropriation in that a neighbouring farmer who sold his property free of labour tenant claims would receive full market value for his property whereas the one affected by claims would receive significantly less for the portions subject to the claims. If the intention is to pay a market price without reductions as has been confirmed by the minister,

then this should be clearly stated in the Bill.

Sixth, it should be remembered that mortgage lenders have a long term relationship with the owners of land bonded to them. Speculators, developers and builders take their profit in the short term and then move on. Similarly, bureaucrats come and go and official policies change. Mortgage lenders, however, are involved over the remaining life of the property where credit has been and continues to be used. It is therefore in their interests to ensure that land reforms are done with the long term perspective also in view. We believe our submission did this.

As can be seen Cosab has been engaged in constructive and creative debates with land affairs, its consultants and Parliament in an effort to ensure the continuation of an orderly, secure and certain land and property market. It is the debate in Business Day which has been focused on "narrow, short term concerns" based on isolated comments taken out of the context of the whole land reform programme.

STUART GROBLER  
 Assistant GM  
 Cosab

REVIEWS

B017/1/1/95

(S) (4)

# 30 000 farm workers laid off as drought takes its toll

 (4) Bonile Ngqiyaza

BD 17/11/95

ABOUT half of Northern Province's 60 000 farm workers had been laid off this year because of drought, provincial agricultural department spokesman Jerry Mashapu said yesterday.

More than 2-million people, including farmers and their families, were "directly affected by the drought", which six weeks into the rainy season showed no signs of abating, he said. "Even if rains do come, farmers will have to change their pattern of planting and grow other crops."

He said R67m had been made available by central government for drought relief. "There was a real possibility that the remaining 30 000 farm workers would be laid off" before the funds were made available.

A one-off R8,4m subsidy was available to small-scale irrigation farmers who irrigated from renewable, sustainable water sources where restrictions had been imposed.

The water quota in the year of application should be less than 10% and should not exceed 100% of the normal annual quota in the preceding two years, Mashapu said.

Another R8,4m, to be disbursed as re-establishment loans, would help producers who, between early last year and October this year had lost trees and long-term crops as a result of the drought, while the provincial government was offering R46m in aid to dry land crop farmers and R4m would go towards a stock feeding scheme.

The province had made a R35,2m provision for temporary employment which would go to subsistence farmers. The northern region (formerly Venda), the lowveld region (formerly Gazankulu), and the central and southern regions had been hardest hit.

The bushveld and western regions were not affected much because they were sparsely populated and inhabited mostly by white commercial farmers, Mashapu said.

# Bill's success lies in its implementation

40 BD 17/11/95

Wyndham Hartley

CAPE TOWN — Last week's negotiations in Parliament over the labour tenants Bill have shown that the nation's much hailed spirit of political compromise is alive and well.

The Land Reform Labour Tenants Bill precipitated much controversy as it went before the portfolio committee.

Bankers claimed it could destabilise the land market, and called for the process to be speeded up. Organised agriculture described it as a land grab by the state, and threatened Constitutional Court action. Activists, alarmed at evictions of labour tenants, demanded action to halt such evictions, and to provide compensation for any assets which had to be abandoned.

But the willingness of the various protagonists, from the SA Agricultural Union to the National Land Committee, to sit down and negotiate a Bill with which they could live rather than retreat into conflict, was encouraging.

It is important to understand what the legislation — which will be passed early next year — will do to both farmers and the so-called labour tenants.

A labour tenant is a person who has traded his labour to a farmer in return for a small portion of land on which to grow crops and graze cattle. The national land committee claims that few, if any, labour tenants are paid any cash, while others in organised agriculture say that invariably there is an allocation of land, perhaps a little money, and food — hence a definition that a labour tenant is someone paid predom-

inantly in access to land. Quite what proportion will be used is unclear — if it is too low, then genuine labour tenants could be excluded, and if too high, then hosts of farm labourers around the country could qualify.

It is a fact that since 1913 black people have been precluded from owning agricultural land. The Land Act, when seen in the context of a traditional system of communal ownership, and the land grab which went with conquest, effectively meant that only a handful of black people were able to hang on to agricultural land.

There were subsistence farmers in the reserves created by the British (and later amplified by apartheid), but very few with freehold title. Many black farmers were effectively turned into "bywoners" on land which they had farmed for generations.

When the NP government of the early '60s tried to outlaw labour tenancy, there were mass evictions. The infamous Msinga area in KwaZulu-Natal is a case in point. In the 1950s the Tomlinson commission report recorded that Msinga, with less than 20 000 residents, was overcrowded and the land could not support the masses of cattle. After the labour tenant evictions of the '60s and '70s, the population of the Msinga area grew to more than 250 000 people. Only money earned through migrant labour on the mines kept them alive.

Apartheid's systematic removal of "black spots", using the homelands as dumping grounds, made it all that much worse. The idea, of course, was to

create two reservoirs of people — in the hostels and townships for industry and the mines and pockets on the farms for agriculture — and the rest should reside in rural poverty-exercising political rights in ethnic homelands.

Our common law provides that a person can claim ownership of a piece of land after 30 years of uninterrupted residence. Many labour tenants have resided on their pieces of land for much longer than that. There is no question that they should enjoy some rights on the land which they occupy. That evictions should be made extremely difficult, that farmers and tenants should have access to the courts, and that courts should be empowered to order compensation are principles in the Bill which received little opposition.

The SA Agricultural Union argues the world trend is movement to cities and away from rural areas. Citing the fact that in the US all agricultural land is owned by less than 10% of the population, it argues land should be found in the cities. This is a wonderful red herring. If the labour tenants have been on the farms for more than two generations, they have demonstrated a clear intention to remain rural dwellers. It is frankly not the issue.

They also claim, with some justification, that the legislation will create small unviable pockets of privately-owned land. Natal Agricultural Union president Graham MacIntosh warned that many labour tenants enjoyed services on farms which they would be unable to provide for themselves, for example the tenant's cattle being dipped

with the farmer's herd, or the tenant's seed being planted along with the farmer's in a crop-sharing deal. Without this support, many labour tenants will be unable to continue with their agricultural work. And if the farmer is forced to sell a portion of his farm to the labour tenant, he will simply turn off access to these benefits.

A byproduct could be that more farm workers will enjoy fewer fringe benefits as farmers pay them in cash only, in a bid to avoid them earning a classification as labour tenant.

"They sent a clear message to commercial agriculture that farm labourers and workers should not be given benefits other than cash, that farmers should seek to employ as few people as possible; have fewer, if any, living on their farms. That can be bad for the whole country," MacIntosh said.

There is no doubt that the activists from the National Land Committee talk with justification about the power imbalances between farmers and labour tenants; that labour tenants have been exploited and have frequently lost everything upon summary eviction. But, as a member of the land affairs committee remarked, neither the legislation, nor the activists, take into account the position of a blue over-

tanned farmer in the middle of nowhere and demanding his rights. The absolute key to the Land Reform Labour Tenants Bill, regardless of whether a particular farmer, or a particular labour tenant is right or wrong, lies in how it is implemented.

# Having to leave these bleak houses

BY JEFFERSON LENGANE

A BLEAK Christmas awaits 29 families who have been starving for two months at Boschkop's Witkielefontein farm near Heidelberg.

The starvation follows the termination of the families' breadwinners in September by two Jordaan brothers who own adjacent farms in the area.

At the time of the termination of their employment, the breadwinners were receiving salaries of up to R400 a month and an 80 kg bag of mealie-meal.

To compound the suffering of the families, their children are writing end of year examinations on empty stomachs. According to the

(4) CP 19/11/95

workers the Jordaan brothers took punitive measures against them when they joined the South African Agricultural and Allied Workers Union in August.

Dankie Jordaan, who is alleged to have fired 17 of his workers, has issued his employees with notices to vacate his property by today.

Jordaan has denied that he fired the employees, saying: "They resigned," and therefore must "leave my premises".

City Press is in possession of an Afrikaans letter in which Jordaan informs the employees that they resigned and must leave his premises by today.

The other Jordaan (Hansie) is alleged to have dismissed his employees through

a letter written in Afrikaans by his attorney.

In the letter this Jordaan claims that he had to reduce staff due to a bad harvest last year.

His employees allege that when he heard that they joined the union he told them they had begun a war against him.

The workers are disappointed that their union is now nowhere to be seen. They have approached the Johannesburg Legal Resource Centre for help.

A spokesman for the Legal Resource Centre confirmed to City Press that they had filed applications for the two groups of workers with the Agricultural Labour

Court in Vereeniging challenging the dismissals and rejections.



POW-WOW . . . Some of the Witkielefontein dismissed workers holding an Indaba to draw up strategies to challenge the Jordaan brothers' eviction notices.

IN Pic: THULANI SITHOLE

# Drought in north may cost 63 000 farm jobs

(4) Nov 22/11/95

Some families, who know only farm life, may lose homes they've had for 50 years

By **PATRICK PHOSA**

The continuing drought in the Northern Province would result in about 63 000 farmworkers losing their jobs, said Department of Agriculture spokesman Jerry Mashapu.

He said the province was experiencing its worst drought yet which would put about 5 000 commercial farmers out of business. Already 33 000 farm labourers had lost their jobs and consequently their accommodation.

"Farm labourers lose the places they have been living for many years, in some cases for at least 50 years. Where do they go and what will their source of income be?"

"Such people do not know any other home except the farm," said Mashapu.

Fears abound that soaring unemployment would lead to the crime levels rocketing.

"I can only pray that this state of affairs does not culminate in crime," said Mashapu.

To minimise the effects of drought, farmers would have to shift away from their normal crops and grow short season plants like sunflowers, he said.

Mashapu said the department had put aside R67-million for five far-reaching disaster/drought relief measures: a stock-feeding scheme, assistance to dryland crop farmers (less than 10ha), assistance to dryland crop farmers (more than 10ha), a one-off subsidy to small scale irrigation farmers and a single amount interest subsidy on re-establishment loans in relation to perennial crops.

The above measures which were to be put in place last week to alleviate drought in the whole province would be financed by agricultural co-operatives, agricultural corporations, Landbank and organised agriculture.



# Farmers opposed to minimum wage

*Sowetan*  
22/11/95 (4)

By Abdul Milazi  
Labour Reporter

## Union boss says effect of minimum farm wage is difficult to predict

**A** STATUTORY MINIMUM WAGE system for agriculture would have a negative impact on the rural economy and labour market, National Maize Producers Organisation research and development manager Dr Kit le Clus said yesterday.

Le Clus was addressing the National Economic Development and Labour Council's Labour Market Commission, investigating a statutory minimum wage system for South Africa's lowest paying sectors.

These sectors include mainly farmworkers and domestic workers.

The South African Agricultural Union was also opposed to a minimum wage system for agriculture.

Le Clus said: "The debate on minimum wages should not be seen as a debate between capitalism and socialism but, rather as a debate between economic growth and employment on one hand and social consciousness or responsibility on the other."

Le Clus said a minimum wage

system for agriculture would not help improve the standard of living of farmworkers as envisaged. Instead it would lead to massive unemployment as farmers were forced to reduce the size of their work force.

He argued that South Africa was a poor economy in international terms, with very low labour productivity. Despite this the Government forced farmers to be internationally competitive.

"This is despite the fact that many sectors of the South African economy are subjected to some system of minimum wages. The Government has now embarked on a policy of decreasing export subsidies and import tariffs in order to force the domestic economy to become more competitive and to increase productivity," said Le Clus.

Le Clus said the clothing industry which had the highest rate of minimum wage increases during the past

decade was now struggling to adjust to the Government's new policy on trade and protection.

"The impact of a system of minimum wages on employment in any economy has to be gauged on a sector by sector basis," argued Le Clus.

He charged that the agricultural sector was the most important employer in the economy of the summer grain area, which included the rural parts of Free State, North West, Mpumalanga and Gauteng.

South African Agricultural Plantation and Allied Workers Union general secretary Mr Dickson Motha told the commission that the implications of a minimum wage were difficult to predict because its effects on employment levels could go either way.

He argued that all stakeholders should work together to ensure that deprivation, disempowerment and injustices in the country were transformed.

## Land notices upset farmers

Louise Cook

COMMERCIAL farmers discovered they might be forced off their farms after reading reports of land claims in the media, causing widespread confusion, the SA Agricultural Union (SAAU) said yesterday.

The union said in a report in *The Farmer* that the commission on the restitution of land rights had published notices of new claims only in the *Government Gazette*, without considering the fact that the general public did not read the gazette.

The commission then placed notices in the media. Farmers were then

surprised when they read in newspapers that they might have to move off their land, and this also resulted in "untold misery".

The union asked the commission in future to inform farmers of land claims by personal delivery of notices.

Commission secretary Daan van der Westhuizen said yesterday farmers would in future receive registered letters where possible.

"In terms of the regulations the commission has the option to send a letter, but is not obliged to do so. However, we will follow that procedure wherever we can," he said.

(4) (SA) BD 28/11/95

## Northern rustling 'boom'

PIETERSBURG — Cattle rustling in Northern Province had risen by 145% in the past year, police said yesterday.

Livestock theft unit commander W/O Herman Lubbe said cattle valued at about R10m had been stolen this year. He expressed concern that children were often used by organised syndicates to carry out the thefts. Cattle could be sold off quickly. He said thefts from game farms had increased.

Transvaal Agricultural Union regional representative Gert Ehlers has warned Northern Province safety and security MEC Seth Nthai that farmers would take the law into their own hands if the situation was not resolved. — Sapa.

(SA) BD 28/11/95

## Maritzburg jail chalks up 20th breakout this month

MARITZBURG — Five maximum-security prisoners escaped from Maritzburg prison yesterday, bringing to 20 the number that have escaped from the prison this month.

Department of Correctional Services spokesman Lt-Col Andy Anderson said three of the five men had been convicted of murder and other charges.

The five are Alfred Mwelase, 20, Jabulani Mpanza, 22, Jabulani Michael Zuma, 28, Thulani Shadrack Sokhele, 33, and Sipho Vitalis Mahlaba, 27.

Anderson said eight men escaped from the prison on November 11 by sawing through window bars. One was caught at the scene and another at Hammarisdale in the KwaZulu-Natal Midlands four days later. It appeared the escapers had used hacksaw blades. How they had got hold of them was being investigated, he said.

On November 19 seven awaiting-trial prisoners escaped by using steel pipes to force open windows. They made their way across the roof of the prison and fled. They were still at large, Anderson said.

An independent team had been appointed to investigate yesterday's escape.

Anderson said security had been stepped up at the prison. Correctional Services viewed all breakouts with concern.

He said yesterday's fugitives were dangerous and he impressed on the public that they should not confront them. — Sapa.

BD 28/11/95

# White farmers warned over *(4) Sowetan 15/12/98* new evictions

By Joshua Raboroko

MPUMALANGA premier Mr Mathews Phosa has warned that strong action will be taken against farmers around conservative towns who evict tenants.

Phosa said the farmers' actions violated a moratorium on evictions in the province.

Phosa added that the preliminary findings of a task team appointed to monitor evictions showed that farmworkers in the districts of Ermelo and Bethal were still being evicted by their white employers.

The premier warned that farmers faced several stringent actions, including possible prosecution for violating the moratorium. He did not rule out invading the plots with the aim of expropriating property.

Part of the findings of the task team were presented to him by the legal department of the Raymond Themba Mavuso Community Development which reported that nearly 20 labourers had been evicted two weeks ago.

Mr Themba Dube, an attorney who

handles the cases, said farmworkers were homeless, angry, hungry and jobless. Their former employees did not give them a chance to pack their scanty belongings accumulated over many years.

Some of the farmworkers lost their cattle and have been advised to lay charges of theft against their former employers at local police stations. However, he added, the police have not followed up their cases.

Dube said they dealt with more than 25 cases last week, 15 of which had been officially reported to their offices. In one of the cases 18 workers and their families were evicted from one farm. These included a widow whose husband had lived on the farm "from the cradle to the grave."

Lawyers have requested meetings with the farmers in vain. "We have made enemies with local farmers because we fight for farmworkers' rights," said Dube Phosa.

He would consult with the MEC for safety and security to ensure that farmworkers' charges were addressed.

CAPE BUSINESS Edited by JEREMY WOODS

# KWV cheer for wine farm workers

ST(M) 17/12/95

BY JEREMY WOODS



A NEW RDP programme to be launched by the KWV next year will focus on the priorities of wine farm workers — namely, housing, education, and health services as well as financial backing to establish new wine farms.

A key part of the programme is a plan to give wine farm workers financial backing to own new wine farms in conjunction with co-operatives or in partnership with other workers.

Industry sources believe that some R70-million could be available for this if fund-raising on the capital markets is successful.

The KWV is the largest and most powerful wine co-operative in the Western Cape, supported by its hundreds of wine farm members.

Much of the new programme is being implemented in conjunction with the Rural Foundation, which has organised most of the research into the wine farm workers' priorities.

Mr Theo Pegal, group director of human resources at KWV, said farm set up by the Rural Foundation had completed interviews at 900 workers' houses on 300 Western Cape wine farms.

Mr Pegal said one interesting aspect of the research was that local wine farm workers were "considerably better off than their counterparts living in towns and other rural areas."

Another was that workers place great store on owning their own house.

"This could present legal problems if those houses are part of other wine farms, but this is being looked at to find a remedy."

Details of KWV's RDP scheme will be announced early next year.

ET 18/12/93

(4)

# President demands end to dop system

VREDENDAL: President Nelson Mandela has called for the immediate abolition of the dop system, in which farmers give workers wine as part-payment for labour.

Mr Mandela, speaking at an ANC-organised lunch during his visit here on Saturday, said the practice was still employed on a large number of farms in the area.

ANC Western Cape leader Mr Chris Nissen said the provincial government should consider appointing an ombudsman to deal with farm workers' problems.

Mr Mandela, addressing an ANC rally here later, said the West Coast fishing industry had an urgent need for clear quotas and a policy that would protect fisher-

men, their resources and the environment. The national and provincial governments had a duty to ensure this was done.

Mr Arrie April, who said he earned R70 a week working from dawn to dusk on a local wine farm, said he liked Mr Mandela. "I want him to make my life right so I don't suffer any longer." — Sapa

# Wine workers 'addicted to the dop system'

Edward West

(3)(4) BO 21/12/95  
CAPE TOWN — Wine workers wanted to keep the "dop" system — where wine is given as part of their pay — because many were alcoholics, the workers' main union said yesterday.

The non-affiliated Farm, Food and Rural Workers' Association, representing 57 000 farm workers in the Western Cape, said it supported President Nelson Mandela's recent call for the system's abolition. But spokesman Grant Twigg said there was strong resistance from workers, and the union's stance had already cost it members.

"You will have a problem convincing

farm workers to stop this practice, as a lot of them are addicted to alcohol already," Twigg said. "In addition, the farmers usually argue that the farm workers insist on their 'dop'."

Mandela said the system was still employed on a large number of farms, and should be abolished immediately.

Western Cape economics minister Chris Nissen said the system kept farm workers in "perpetual slavery", it lowered productivity and contributed to alcoholism. "All manner of churches, non-governmental organisations and political organisations have spoken out against this practice."

Twigg said the system could only,

however, be phased out gradually by interdepartmental government action and by finding an alternative incentive. "On many farms there is no other recreation for the worker," he said.

Workers, some of whom earned R160 a week, had little disposable income, and most received incentives, such as wine or rent-free housing.

But Nissen said some farms were paying workers just R60 a week. The days farmers could argue that they paid low wages because of other incentives were over. Workers' housing was subsidised by government, he said, and farmers could "even have their Mercedes classified as a farm implement".

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BD 21/12/95  
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# Tot-system evil still rampant on wine farms

Cape Town – Alcoholism is rife among workers on South African wine estates where the tot system of paying them partly in wine is still widely used, a farmworkers' support group said yesterday.

Despite a call from President Nelson Mandela to end the practice, it lived on among older workers on many white-owned farms, said Grant Twigg, secretary of the Farm, Food and Rural Workers Support Association.

"But workers are scared to speak out because they are addict-

ed to alcohol and are scared of victimisation."

Twigg, who is leading a campaign calling for rehabilitation of workers on the colonial-era farms around Cape Town, said most workers had nothing to do but drink. He added that they needed educational and rehabilitation programmes.

The practice of paying farmworkers with wine as part of their wages, called the tot system, was introduced by white farmers in the early 1900s to keep wages

down.

"This iniquitous, outdated and destructive system has done enormous social and other damage to wine farm workers over the years," wine trader Vaughan Johnson said.

But he was optimistic the problem could be tackled among younger workers.

"Alcoholism has been a serious problem, but it is getting better and some of the children of the old grape-pickers are quite anti-wine now." – Reuters.

(4) Star 22/12/95