

**RHODES UNIVERSITY**  
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**Land Reform and Rural Livelihoods of evicted Farm workers: A Case Study of  
Radway Green Farm Project**

**Thesis submitted in partial fulfilment of the requirements for the degree of**

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**Department of Sociology**

**by**

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## DECLARATION

I declare that Land Reform and Rural Livelihoods of evicted Farm workers: A Case Study of Radway Green Farm Project is my own work. All other sources, used or quoted, have been indicated and acknowledged by means of complete references. This thesis has not been submitted for a degree at another university.

Kudzanai Zishiri

January 2017

Signature

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## **ABSTRACT**

The land issue has remained a contentious one more than two decades into a democratic South Africa. With the dispossession of the indigenous people from their land stretching back as far as 1913, eviction of farm workers and farm dwellers has increased tremendously even in the post-Apartheid era. Thus, the main goal of this study is to analyse the impact of the eviction on the Radway Green farm workers' community and to examine the factors affecting the generation of livelihood activities in their new settlement.

In doing so, I used the Sustainable Rural Livelihoods Approach (SRLA) as my theoretical framework as it conceptually grounds my area of study. It was employed to analyse data gathered from the field through in-depth interviews, focus groups, key informant interviews and descriptive observation of the case study. The centrality of the SRLA concept is on rural development, poverty eradication and the ability or sustainability of the vulnerable and poor to cope with stresses and shocks as they make a living (Scoones, 1998: 5). In that regard, the theoretical framework became an important cornerstone in analysing the impact of eviction of the Radway Green farm workers' community and examining the factors affecting the generation of livelihoods activities in their new settlement.

To analyse the research findings, various themes were utilised Forced Evictions and Resettlement; Eviction or Displacement; The Struggles of Recreating Livelihoods; The Need for Security of Land Tenure and Access to Infrastructure. Under these themes, the study revealed how the eviction was detrimental to the livelihoods of the farm workers and farm dwellers as they lost the land that was a primary source for the construction of their livelihoods. They lost employment, homes, agricultural land for food security and natural resources, social and family structures and most importantly cultural disruption. It is well documented that the rural poor who constitute the farm workers and the farm dwellers are some of the vulnerable people who need constant governmental support through the promulgation of laws that protect them and assist in livelihood construction.

Thus, this study also served to examine how the evicted workers and their families have settled into their new homes and how they, in conjunction with the Department of Rural Development and Land Reform and any other government agencies are faring in terms of the establishment of income generating projects for their livelihoods at the new settlement.

**Key words:** Sustainable Rural Livelihoods Approach, Vulnerability, Eviction, Land Reform, Tenure

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ANC	African National Congress
DA	Democratic Alliance
DRDLR	Department of Rural Development and Land Reform
ESTA	Extension of Security of Tenure Act 62 of 1997
FF+	Freedom Front Plus
ISS	Interpretive Social Science
LTA	Land Reform (Labour Tenants) Act 2 of 1996
PSS	Positivist social science
UDM	United Democratic Movement

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## **Chapter One: Introduction**

### **1.1. Introduction**

The Land Reform programme in South Africa has remained a contentious issue to date nevertheless, this study is not going to dwell much into the finer details of land reform in South Africa. The main focal point is on the continuous eviction of labour tenants and farm dwellers two decades into a new political dispensation that raises many questions over the ingenuity of policies designed and implemented to proffer security of land tenure to the rural poor. It has been widely documented that in the labour market farm workers and farm dwellers remain the poorest and the most vulnerable when it comes to security of land tenure. With many of them having worked and lived on the farms for a lifetime, being evicted from a place with which they have developed a sense of belonging usually has devastating consequences to their livelihoods. To them, there is interconnectedness between their employment and security of land tenure. A farm worker getting fired from work results to the loss of security of land tenure as eviction from the property is imminent thus affecting the whole family attached to the evicted farm worker. In that regard, there is loss of income, land for subsistence farming, homes, social and cultural disruptions which also leads to a breakdown in social and family structures.

It is important to note that land dispossession of the indigenous people stretches back to the colonial era prompting most revolutionary governments in Africa to seek to rectify the injustice in terms of land allocation. Within a South African context, the African National Congress (ANC) on its inception into power in 1994 made it a priority to redress the colonial imbalances instituted by the Natives Land Act (No: 27 of 1913) which had formalised land dispossession of black South Africans (ANC, 2012: 8). However, there has been a wide criticism of the programme from across the political and social divide over the state's failure to deliver on its promises of redistribution (Lahiff, 2008: 1). Most black South Africans to date do not own land which has led the evicted farm workers and dwellers to clamour for a secured land tenure which would sustain a decent livelihood for themselves (Wisborg *et al* 2013: 16).

As such, the post-apartheid government of the ANC implemented a land reform process premised on three sub-programs: land restitution, land tenure reform and land redistribution (Jacobs *et al* 2003: 1). Land restitution is a historical land rights based

South African government policy which aimed at compensating individuals and communities that were dispossessed of their land as a result of apartheid policies, but has been criticized for having limited success (Cousins, 2016: 3; Roodt, 2003: 88; Jacobs *et al* 2003: 1; du Plessis 2004: 3-4). Land redistribution is potentially the most important, far-reaching component of land reform in South Africa. It seeks to improve the livelihoods of the rural poor (Jacobs et al 2003:1; Lahiff, 2007: 21). Section 25(5) of the Constitution stipulates that the objective of the land redistribution programme is ‘to foster conditions which enable citizens to gain access to land on an equitable basis’. Land tenure seeks to legally secure the rights of people occupying and using land for a stipulated period so as to naturalise their ownership of that land (Hall and Ntsebeza, 2007: 95). The tenure reforms also aim at redressing land rights of Africans living on commercial farms and in former Bantustans (Hall and Ntsebeza, 2007: 95).

To consolidate efforts of securing land tenure, two laws were enacted namely the Extension of Security of Tenure Act 62 of 1997 (ESTA) and the Land Reform (Labour Tenants) Act 3 of 1996 (LTA) as measures to regulate when and how people may be evicted from farms. ESTA outlines measures in place to protect tenure rights of those living on farms for more than 10 years, inclusive of those who were no longer able to work due age or on medical grounds, from arbitrary evictions (Hall 2003: 4). Whilst ESTA is important in protecting and restoring the land rights of labour tenants and farm dwellers, it is also applicable to the protection of farm owners’ rights. ESTA (1997) outlines the legalities that must be adhered to for both farm owners and occupiers through which an occupier may be evicted. It also provides remedial measures for occupiers to acquire long-term security of tenure by purchasing land with state support. However, many farm workers and dwellers who are victims of the unlawful farm evictions and those who continue to live under the precarious tenure conditions on commercial farms are yet to benefit from that provision due to budgetary constraints amongst other reasons (Naidoo cited in ECARP 2005:13).

Complementing the DRDLR efforts to protect individuals’ rights, Hall (2003: 4) outlines that “The Land Reform (Labour Tenants) Act 3 of 1996 (LTA) differs from ESTA in that it not only places restrictions on the eviction of labour tenants from farms but also gives labour tenants the right to claim stronger rights, including ownership, to the land they use”. This is important as it serves to protect individual’s rights over land settlement to avoid unexpected evictions which would negatively impact on their livelihood. Like ESTA, the LTA was enacted in retrospect to redress the injustice of evicting farm

dwellers by farm owners' prior the political changes in a bid to evade the Act's consequences (Hall, 2003: 4)

## **1.2. Research Motivation**

Whilst it is a constitutional imperative that land reform must benefit every citizen, this research focussed on the evicted farm workers and their livelihood at their new settlement at Radway Green Farm. The main motivation for the study was that in the post-apartheid period, there has been an alarming rate of evictions of farm workers and dwellers by the farm owners which has become a cause for concern regarding their insecure tenure and livelihoods (Wisborg *et al* 2013: 82; ECARP 2005; Lahiff, 2008: 4). Such circumstances prompted the DRDLR to develop policies that would secure the tenure rights of farm dwellers working on the farms but in practice, has served only to legalise on-going evictions (Hall, 2003: 1).

However, this research seeks to establish how the evicted farm workers now resettled at Radway Green farm are coping in terms of reconstructing their livelihoods. It is important to note that land reform should have the capacity building effect on its beneficiaries to promote sustainable development to occur. Thus, this study aims to examine what these evicted farm workers have lost during the process of getting evicted and how they are recovering from the shock and stress that came with it (Scoones 1998: 5).

### **1.3.1. Research Goals**

The main goal of this study is to analyse the impact of the eviction on the Radway Green farm workers' community and to examine the factors affecting the generation of livelihood activities in their new settlement.

### **1.3.2. Secondary goals**

- To understand the reasons as to why they were evicted from the farm they used to work and live on and to document the circumstances and impact of their eviction;
- To examine and explain the process utilised by the farm owner, the evicted workers and the DRDLR viz the relevant legislation as outlined above;
- To examine how the evicted workers and their families are settling into their new homes and how they, in conjunction with the DRDLR and any other government agencies are faring in terms of the establishment of income generating projects for their livelihoods at the new settlement;

- To determine if they have access to other social services like schools, hospitals, shops, roads, transport amongst other things.

#### **1.4. Methods of enquiry**

This part only outlines the bigger picture of the research methods utilised which are going to be discussed in detail in Chapter 3. The study utilises a Qualitative Research approach with this researcher being the primary instrument for both collecting and analysing the data concerning the evicted farm workers now settled at Radway Green Farm. For data collection purpose, various Qualitative research techniques and sampling extracted from Terre Blanche and Durrheim (1999) and Neuman (2003) have been implemented to come up with a validated research premised around the livelihoods of the evicted farm workers and their families. These are:

- (i) Semi-structured interviews - for data gathering from the evicted farm workers now settled at Radway Green farm.
- (ii) Key Informant interviews - contacting various stakeholders involved in the land reform programme in the Eastern Cape for in-depth interviews.
- (iii) Focus group discussions - for data collection from the evicted farm workers who are now resettled at Radway Green farm.
- (iv) Descriptive observation - to make sense of what is transpiring at the farm in terms of their livelihood.

#### **1.5. Sampling**

Due to the nature of the research, purposive sampling was utilised to obtain a representative sample of farm workers, key informants, and participants of the focus groups.

#### **1.6. Data Analysis**

Chapter 3 provides in detail data analysis techniques utilised but this section only introduces the broader picture of it. To capture my respondents' views, I utilised an audio recorder then transcribed the data collected. I manually coded the data and organised it into 5 themes in relation to the land reform and rural livelihoods of the evicted farm workers namely: Forced evictions and Resettlement, Eviction or Displacement? The Struggles of Recreating Livelihoods, The Need for Land Security and Access to Social Amenities. In essence, I have tried to link the data collected to the theoretical framework

upon which most of my themes have a relation to the five capitals within the Sustainable Rural Livelihoods Approach and an analysis on past literature based on the same field.

### **1.7. Theoretical Framework**

For this study, I used the Sustainable Rural Livelihoods Approach (SRLA) as my theoretical framework as it conceptually grounds my area of study. The main concepts employed by the SRLA are capability, equity and sustainability. The SRLA as a theoretical framework is going to be discussed in detail in Chapter 2 of the thesis. In brief, these concepts have been defined as measures put in place to afford individuals with a decent life particularly in the rural areas where people utilise resources such as land as a primary source of production (Chambers and Conway 1991: 5; Scoones, 1998: 5). Despite the government putting in place the legal instruments to safeguard and regulate evictions in the form of Extension of Security of Tenure Act (ESTA) of 1997, farm evictions have continuously occurred with a lot of cases being reported on public forums (Hall and Ntsebeza, 2007: 97; ECARP 2005: 15).

Taking into account a variety of assets that people make use of when constructing their livelihoods, the SRLA outlines an integration of resources that are essential to the farmworkers namely natural, physical, human and social capitals (Cousins and Scoones, 2009: 5; Krantz, 2001: 4). Due to the forced farm evictions, the farmworkers and the farm dwellers stand to lose the land they have a sense of belonging to (natural capital) leading to the deprivation of basic infrastructure which they utilised such as accommodation, schools, hospitals amongst other things (physical capital) and the research is going to assess this assertion. Generally, people rely on one another (social capital) to foster a decent livelihood within a settlement in order to develop skills and knowledge (human capital) essential for a better livelihood (Krantz, 2001: 9). The SRLA makes it possible to focus on the various factors and processes which either advances or hinders (stress and shocks) livelihoods construction. Thus, the study probed the evicted farmworkers' ability to make a living in an economical and socially sustainable manner at Radway Green Farm.

### **1.8. Thesis Outline**

**Chapter 1** offers a summarised background of the full thesis. It outlines the objective of the study which is underpinned on the qualitative, interpretive social science approach. In order to respond to the research question various methods of enquiry utilised are briefly presented on paving the way for other chapters.

**Chapter 2** put forward a review of previous literature on land reform programme in South Africa focusing on the issue of security of land tenure of the rural poor and their rural livelihoods. The main policies instituted post-apartheid have been reviewed most importantly assessing their impact on offering security of land tenure towards the rural poor. In this context, the rural poor are the farm workers and farm dwellers who represent a vulnerable group targeted with arbitrary land eviction by farm owners requiring protection from the government or else they will forever be exploited. The chapter also discusses the methodological framework utilised to collect data for this study. In so doing, the chapter justifies the necessity of the qualitative research approach which was used by this researcher who was the primary instrument for both collecting and analysing the data. Various methods of enquiry were implemented to respond to the research questions and the verification of hypothesis in the form of the conceptual framework used to ground this research.

**Chapter 3** This chapter also discusses the Sustainable Rural Livelihoods Approach (SRLA) which grounds this study. Justification for the use of the theoretical framework is based on the qualitative nature of the study that requires a narration of lived experience, personal views and capabilities of the affected to rise above the challenges being faced.

**Chapter 4** provides an analysis of the research findings that have been brought forward in themes to offer a detailed account of lived experiences from the evicted farm workers. In this empirical chapter, this chapter presents different perspectives drawn from various respondents pertaining eviction of farm workers and their resettlement, figuring out if it is truly eviction or displacement, the struggles of recreating livelihoods, the need of security of land tenure, enforcement of tenure of security laws and attitude towards ESTA and cultural disruptions.

**Chapter 5** summarises the links between the reviewed literature, theoretical framework utilised and the research findings. It presents a conclusion to the study offering recommendations on land reform and the rural livelihoods of evicted farm workers.

## **1.9. Conclusion**

This chapter has served to provide a road map of the thesis ushering in the study background, the research motivation, theoretical framework used, research design and the structure of the whole thesis. This is important as it gives the reader an overview on what to expect on this study pertaining land reform and rural livelihoods of evicted farm workers: A case study of Radway Green Project.

## **Chapter Two: Literature Review**

### **2.1. Introduction**

It is a common knowledge that the land issue in South Africa has always been a contentious one. The inequalities stemming from land ownership has left a majority of black South Africans landless with the most affected ones being the evicted farm workers and farm dwellers. Whilst the land reform programme instituted by the African National Congress (ANC), on its inception into power in 1994, as a measure to redress the colonial imbalances, was a positive move, its success towards the set target is limited. Land tenure especially on the part of the farm workers and dwellers has remained a debatable one regardless of the legislative instruments put in place to regulate their eviction and safeguard their livelihoods. However, in as much as they are benefitting from the land reform programme, it is imperative to note that the programme does not leave the beneficiaries wallowing in poverty. Hence, it should also provide means to generate a sustainable livelihood through production.

The first part of the chapter will discuss the literature consulted drawing together issues to do with land reform, security of land tenure and eviction of farm workers in South Africa. In the second part of this chapter, I am going to bring to the fore the theoretical aspects that grounds my area of study. I have adopted the Sustainable Rural Livelihood Approach (SRLA) to assist me in analysing the impact of eviction of farm workers' community and to examine the factors affecting the generation of livelihood activities in their new settlement.

### **2.2. Land Reform and Eviction of Farm workers in South Africa**

The aim of this part is to present a literature review on land reform in post-apartheid South Africa paying much attention to security of land tenure rights in the context of farm workers. Land is a key component to the rural dwellers as it resembles a primary source of their livelihood thus security of tenure towards land is of paramount importance. In that regard, this review takes into consideration various legislation put in place to ensure security of tenure for the rural dwellers to avoid arbitrary evictions particularly of farmworkers.

#### **2.2.1. Land Reform in South Africa**

Land Reform has been defined as the redistribution of property or rights to land for the benefit of the landless, tenants and farm labourers (Adams, 1995:1). This is an essential programme as the dispossession of indigenous people during the colonial rule instituted by the Natives Lands Act (No: 27 of 1913) and some apartheid policies of the National Party government from 1950s to the 1990s prior to the new democratic government of 1994 was

very brutal to their livelihood (du Plessis 2004: 3). These policies led to a majority of the indigenous people losing their rights to land as they were impelled to stay on small often non-arable land in the rural areas forcing most of them to seek employment on farms to make a living (Kariuki, 2004: 6; du Plessis 2004: 3). The forced removals which threw a significant number of the indigenous people into mass poverty were central to the national liberation movement's motive to overthrow the repressive governance of the apartheid era in South Africa.

On its inception into power in April 1994, the African National Congress (ANC) led new government made it a priority to redress the colonial imbalances which had formalised land dispossession of black South Africans through a land reform programme (ANC, 2012: 8). This was a noble call that was welcomed by the indigenous citizenry at the attainment of the new political freedom as it signalled a better livelihood for all. The aim of the land reform is to bring forth an appropriate circumstance that affords socio-economic rights which would in the end generate a sustainable livelihood as it grants land ownership rights to the landless, farm workers and dwellers (Kariuki, 2004: 6). It is worth noting that the need for land by the indigenous people signifies the huge impact the apartheid era policies had on the South African agricultural environment.

However, there has been wide-spread criticism of South Africa's land reform programme from across the political and social divide over the state's failure to deliver on its promises of redistribution (Lahiff, 2008: 1). It has been argued that the ruling party ANC has been unsuccessful in utilising various legislative instruments available to empower the indigenous people (Rumney, 2005: 405). From that assertion, it is quite evident to state that a most black South Africans to date do not own land and are still working and staying on farms owned by whites. Their stay on the farms is uncertain as it is dependent on their employment there, thus once they are no longer employed they risk being evicted from the farm they reside (Lahiff, 2001: 1). This has led the rural poor particularly the evicted farm workers and dwellers to clamour for a secured land tenure which would sustain a decent livelihood for them (Wisborg *et al* 2013: 16). As such, the post-apartheid government of the ANC implemented a land reform process premised on three sub-programs: land restitution, land tenure reform and land redistribution (Jacobs *et al* 2003: 1)

### 2.2.2. Land Restitution

Land restitution is a historical land rights-based South African government policy that aimed at compensating individuals and communities that were dispossessed of their land since 1913 because of apartheid policies (Jacobs *et al* 2003: 9; Hall, 2003: 1). The Restitution of Land Rights Act 22 of 1994 established a Commission for the Restitution of Lands Rights (CRLR) to look into claims brought forward to prepare them for resolution. Lahiff (2001: 1) states that initially the CRLR has been operating autonomously from government departments but it now falls within DRDLR for funding, administration support and policy guidance. Under the same provision, the Minister of the Department of Rural Development and Land Reform was empowered to take over land from the owner without agreement nor any issuance of a court order as a measure to expedite the land reform programme (Jacobs *et al*, 2003: 10). Initially, the autonomous power possessed by the state has not been utilised as it opted for the willing buyer-willing seller route of acquiring land (Lahiff, 2007: 24). This was done in the spirit of promoting reconciliation, protection of property rights after the attainment of independence in 1994 but this rendered the process to be cumbersome and slow due to resistance or unwillingness to sell on a reasonable price from the part of land owners (Roodt, 2003: 87; Hall, 2003: 7).

As part of the Land Restitution Policy, a Land Claims Court was setup with powers equal to the High Court to officially agree on claims, accord restitution orders and make formal judgement on disputes in order to prevail over property rights which were a hindrance to the land reform programme (Roodt, 2003: 87). However, Lahiff (2001: 2) raised a concern that the government intends to shut down the Lands Claim Court so that its functions maybe transferred to the High Court, a development that would impact negatively on access to restitution justice for claimants, evicted farm workers and farm dwellers. This assertion is true as it is common knowledge that the rural people consisting of farm workers and farm dwellers are some of the poorest and least paid in terms of remuneration hence, it will be beyond their reach as it costs a fortune to take a legal action.

As part of the rural restitution, claimants have a legal right to opt for a variety of restorative measures such as land restoration, developmental compensation, alternative land or financial compensation (Roodt, 2003: 89; Jacobs *et al*, 2003: 9; du Plessis, 2004: 5). In numerous rural claims made, people wish to return to their ancestral land that holds a sense of belonging to them but at times, it might not be feasible especially if the land now falls within urbanised areas forcing them to end up settling for either financial compensation or alternative land

(Lahiff, 2001: 4). The Act's main purpose is to restore land and granting compensatory remedies to the dispossessed, it also seeks to foster reconciliation, reconstruction and development (Roodt, 2003: 88). It is imperative to note that all claims are made against the state not the current occupants as the state has authority vested within the constitution to expropriate land for land reform purposes (Jacobs, 2003: 10). Whilst it was widely praised as a positive outcome in South African history with a large number of claims accomplished, it has been criticized for having limited success (Cousins, 2016: 4; du Plessis 2004: 3-4; Roodt, 2003: 88).

The seemingly most difficult task for restitution rests on resolving rural claims in such a way that feeds in to the main goals of land reform which are to redress the colonial injustice in land ownership, poverty alleviation and strengthen sustainable livelihood opportunities for the indigenous people (Kariuki, 2004:12). Drawing from the land reform's main goals mentioned above, particularly in terms of promoting sustainable livelihood, it has been alleged that the programme abandoned land beneficiaries without any means of creating livelihoods hence remained in poverty as they failed to utilise it (Hall, 2003: 33; Rugege, 2004: 7). To support the same view, Lahiff (2001: 4) alleges that ever since the Act has been instituted, no systematic review has been enacted to gauge its impact on the beneficiaries' livelihoods to date, although studies have revealed shortfalls in terms of infrastructural development and poor service delivery where people would have been resettled.

From the literature consulted, it has become apparent that implementing the process of restitution in South Africa is a daunting task that involves addressing dispossessions and forced evictions that happened many years before its independence in 1994. From that perspective, Rugege (2004: 4) argues that the possibility of restitution and its capability to transform the equitable sharing of land in South Africa is restricted due to the 1913 cut-off date that literally shuts out probable claimants deprived of their land before 1913. However, Hall (2003: 32) asserts that even though the most intricate rural land claims that have the capacity to address the colonial imbalances have remained unsolved, there has been progress with restitution that saw a considerable amount of claims being resolved with a developmental approach adopted. Despite the progress made by the restitution policy, the only way to increase the pace of the land reform programme was to adopt the land redistribution process.

### **2.2.3. Land Redistribution**

Land redistribution is potentially the most important, far-reaching component of land reform in South Africa. Having realised that land restitution by itself was insufficient in redressing the colonial imbalance in relation to land ownership, the government found it imperative to improve on its land reform policies by coming up with the land redistribution programme as a means of compensating the past oppressed indigenous people by availing more land for them (Lahiff, 2001: 4). In essence, redistribution of land to the historically disadvantaged, particularly the landless rural poor like farmworkers and farm dwellers, is meant to alleviate abject poverty as it seeks to improve their livelihoods as spelt out in the White Paper of South African Land Policy of 1997 (DLA, 1997:36; Jacobs et al 2003:1, Lahiff, 2007: 21). Section 25(5) of the Constitution also stipulates that the objective of the land redistribution programme is ‘to foster conditions which enable citizens to gain access to land on an equitable basis’.

As such, Cousins (2016: 12) states that whilst it is not a right of people to acquire land through land redistribution, the state must enable equitable access to land by availing ‘reasonable measures within its available resources’. In that regard, the state did not take much of a different stance from land restitution as it continued with the willing buyer-willing seller way of expropriating land. Likewise, even though there is verification that more land has been acquired through the redistribution programme, with more indigenous people gaining access to landownership, the transactions only involved the black elite with a financial muscle as opposed to the rural poor in real need of it (Jacobs, 2003: 8). The state’s heavy reliance on the willing buyer-willing seller curtails its role as a public sector of promoting a sustainable livelihood as it is difficult to acquire land under such circumstances because not all farmers are willing to sell (Kariuki, 2004: 16).

Interestingly, the Constitution of the country does not even state that the pro-market approach of the willing buyer-willing seller is the mandatory route towards expropriating of land for the state. Section 25 of the Constitution clearly authorizes the state to expropriate land whether the owner is willing or not at the price offered in the direction of redressing the colonial and Apartheid land grab injustices. Conversely, the Constitution formally prevents inconsistent grabbing of property hence the state encourages a ‘just and equitable compensation, entailing a consensus between the affected and the interest of the public the that state represents or approved by the courts (Lahiff, 2007: 1579). However, the pro-market approach gave ammunition to the landowners to frustrate the land redistribution programme

as it granted them the discretion to refuse to sell or to sell and at the end of the day would demand unreasonable prices for the land meant for redistribution. From this assertion, Lahiff (2007: 157) explicitly states that for the land reform programme to be significant it must be redistributive, emphasizing that it has to be beneficial to those who have been in the agricultural business and those who had been disadvantaged through arbitrary land dispossession such as the rural poor for example the farmworkers and farm dwellers. As already been noted earlier on, this objective was difficult to fully implement as the pro-market approach hindered the pace of redistribution expected leaving the poorest without land.

Within the redistribution program, the government assisted in purchasing land for the intended beneficiaries even though it was not the primary buyer or the owner of the acquired land. To achieve this, the state assisted by providing what was termed the Settlement Land Acquisition Grant (SLAG) amounting to Sixteen Thousand Rands to the deserving households to purchase land for agricultural activities through the willing buyer-willing seller that had become an integral part of the land reform policy in South Africa (Jacobs *et al*, 2003: 8; Lahiff, 2001: 4). Even though it is a good thing for the state to assist the qualifying households to purchase land in order to enhance their livelihood, the money is literally too little to acquire any piece of land single handed as it is expensive. However, whilst this phase of redistribution was relatively a success as it targeted the vulnerable, it has been criticised for resettling the poor people on the acquired former commercial farms without relevant resources or skills to enhance their livelihood (Lahiff, 2007: 1580)

There is a wide gap showing the amount of land acquired by the wealthy few through the redistribution policy as compared to the one transferred to the rural poor (Jacobs 2003: 9). Instead of improving the rural poor's access to SLAG that catered for them to access land for subsistence purpose, the DRDLR replaced it with the Land Redistribution for Agricultural Development (LRAD) in 2001(Lahiff 2007: 1580). This move further marginalised the poor as Lahiff (2007) states that it only availed larger grants to those with access to substantial amounts to add to the purchase of land for commercial basis whilst claiming to cater for the poor and the marginalised. Hence, Cousins (2016: 4) explained that for the grant beneficiaries to afford to buy formerly white owned land, the rural poor have to pool their funds even though they are not allowed to subdivide the farm, as they are encouraged to continue with agricultural activities on a commercial basis.

To that effect, Jacobs et al (2003: 9) raised concern on the eligibility of the poor's access to LRAD stressing that it was in doubt because the redistribution funding drifted away from catering for the poor to cover the marginalised category containing the youth, women, the disabled and the farmworkers. Critiquing the redistribution process is Cousins (2016: 8) who states that twenty-two years into a democratic South Africa, land reform has done so little to uplift the livelihoods of the rural poor. However, in June 2016 the National Assembly passed the controversial Expropriation Bill now waiting for President Jacob Zuma to sign it into law granting the government autonomy to acquire land in the interest of the public. Eyewitness News (2016: 1) reports that the present ANC government view the Bill as a catalyst to expedite redistribution of land to the landless and the dispossessed. The Expropriation Bill draws a lot from Section 25 of the Constitution which emphasises the need for restitution and equitable redress of property.

Through the Expropriation Bill, the state empowers an adjudicator to compulsorily expropriate property in a just and equitable manner influenced by the public interest in order to grant access to natural resources to all South Africans (Expropriation Bill, 2015: 2). Once passed into law, it signals the end of the willing buyer-willing seller approach that had become a cornerstone of the land reform programme. As such, the Bill does not escape criticism from opposition parties such as Democratic Alliance (DA), United Democratic Movement (UDM) and the Freedom Front Plus who argued that the pending policy was a threat to individuals' property rights enshrined in the country's Constitution if the need for public interest arises (Eyewitness News, 2016: 1). Overall, taking into consideration some of the successes achieved by the redistribution programme, it has failed to meet its promises of fostering equal landownership, alleviating poverty by affording assets necessary to build a sustainable livelihood for the poor.

#### **2.2.4. Land Tenure**

In South Africa, land tenure reform is an integral part of the land reform programme that takes into consideration land restitution and land redistribution to the poor in order to redress the colonial injustice instituted by the draconian laws of the colonial and apartheid era that dispossessed indigenous people of their land by redefining tenure rights (Rugege, 2004: 13). Land tenure reform seek to legally secure the rights of people occupying and using land for a stipulated period by naturalising their ownership of that land particularly indigenous South Africans living on commercial farms and in former Bantustans (Hall and Ntsebeza, 2007: 95). This transfer of land ownership is inscribed in Section 25(6) of the Constitution

stipulating that, “A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress”.

The racially segregatory colonial and apartheid policies refused indigenous South Africans land access forcing a majority of them to seek employment in the cities or in the commercial farms dotted around the country (Ntsebeza, 2007: 33). In that context, it is imperative to note that the indigenous people were never afforded the opportunity to own or secure rights to land and only stayed on it by being granted permits from the government or at the permission of the farm owner by being employed as farm workers (Rugege, 2004: 13). With this kind of settlement based on employment, it rendered their occupation precarious as it was at the discretion of the landowner who might terminate their employment leaving them as squatters with nowhere to go. Sharing the same perspective is Rugege (2004: 13) who states that the infamous Prevention of Illegal Squatting Act 52 of 1951 was utilised quite often to forcibly remove the unemployed farm dwellers from the farms and dump them in what he termed “crowded black homelands” known as Bantustans. Basically, the Prevention of Illegal Squatting Act of 1951 was a racially discriminatory land law that deliberately disapproved illegal squatting, granting the police the power to evict any illegitimate occupation of land during the apartheid era.

With the new political dispensation being ushered in in South Africa in the form of a democratically elected government in 1994, these repressive legislations collapsed. However, even in the post-apartheid period, there has been an alarming rate of evictions of farm workers and dwellers by the farm owners, which has become a cause for concern regarding their insecure tenure and livelihoods (Wisborg et al 2013: 82; ECARP 2005; Lahiff, 2008: 4). Such circumstances prompted the DRDLR to develop policies that would secure the tenure rights of farm dwellers working on the farms but in practice, has served only to legalise on-going evictions (Hall, 2003: 1). In cognisance of the plight that bedevilled majority of the indigenous South Africans living in poverty, the newly elected democratic government of the ANC took priority to redress these colonial and apartheid injustices by seeking to enhance the security of land tenure for the vulnerable rural people staying on farms (ANC, 2012). It did this through an Act of Parliament to promulgate laws to safeguard those who were staying on the farms precariously. The Parliament passed various legislations in relation to security of land tenure but for the purpose of this research, only two main ones that is Land Reform

(Labour Tenants) Act 3 of 1996 (LTA) protecting labour tenants and the Extension of Security of Tenure Act 62 of 1997 (ESTA) will be taken into consideration.

### **2.2.5. Extension of Security of Tenure Act of 1997 (ESTA)**

The Extension of Security of Tenure Act was implemented in 1997 as a measure of securing land tenure of people living on the farms known as farm dwellers but referred to as occupiers in the ESTA document. Whilst protecting the farm dwellers, it also serves to protect labour tenants who had become vulnerable to arbitrary farm evictions around the early 1990s as the white farm owners were set to secure their land prior the land reform programme was fully implemented. As part of the land tenure policy, ESTA aims at protecting the rural poor from arbitrary eviction from land they have stayed and worked on for a longer period of time hence the importance for the restoration of land rights to such people complementing the restitution and redistribution policy efforts. However, it is true that tenure security of farm workers and farm dwellers legally strengthened in theory but the situation on the ground says otherwise as there is a continuous and even an increase in the eviction of farm workers and farm dwellers to date (Brooks and Kjelstrup, 2014: 238; Naidoo, 2005: 13).

ESTA outlines measures in place to protect tenure rights of those living on farms stating that farm occupiers can only be evicted at the presentation of a court order and thus if there is a proven breach of a contractual obligation from the farm occupiers' part. In that context, even though ESTA has made it more difficult to evict farm occupiers, farm owners have manipulated the Act to continuously evict farmworkers no longer needed within the specifications of the law (Cousins, 2016: 5; Lahiff, 2001: 2). Following the dictates of ESTA, the farm owner is mandated to issue a two months' notice to the farm occupiers, the Department of Rural Development and Land Reform and the municipality in which the land falls under for a lawful eviction. It is done in order to allow for mediation or sourcing of alternative land to resettle the evicted in case of eviction being granted (Rugege, 2004: 15). ESTA elaborates that those who have stayed on the farm for more than 10 years, inclusive of those who were no longer able to work due age or on medical grounds should be protected from arbitrary evictions (Hall 2003: 4). In essence, ESTA (1997) specifies the legalities that needs to be adhered to for both farm owners and occupiers through which an occupier may be evicted.

It is important to note that ESTA is essential in protecting and restoring the land rights and other entitlements such as grazing, family life, burying and visiting family graves on the farm

for the farm workers, labour tenants and farm dwellers. From that perspective of rights, it is common knowledge that all labour tenants, farm workers and farm dwellers are of African descent whose respect for the dead is part of their livelihood but many farm owners blatantly disregarded those rights (Naidoo, 2005: 13). However, it should be borne in mind that the Act is also applicable to the protection of farm owners' rights such as property rights. It is from this angle that farm owners are heavily against ESTA provisions as it allows the state to intrude into their land affairs as they also claim land ownership (Hall, 2003: 23). As the farm owners claim their Constitutional right to property, they argue that ESTA as it accords security of land tenure to the farm occupiers, it negatively affects price negotiations with prospective buyers in the event that they want to change ownership hence they arbitrarily evict them with no repercussion (Cousins, 2016: 9; Rugege, 2003: 15).

However, despite ESTA being criticised by the likes of Hall (2003: 22) for being weak and trying to strike a balance in an already skewed relationship between farm dwellers and the farm owner through its recognition of each individual rights, the Act needs to be complimented for its effort to redress the past colonial and apartheid injustices over land ownership. Theoretically, the Act provides remedial measures for occupiers to acquire long-term security of tenure by purchasing land with state support. Practically, farm workers and farm dwellers' lack of knowledge of their rights to land access and unable to afford legal support to avoid an unlawful eviction has hampered their effective protection (Roodt, 2006: 9). Exacerbating the situation is the lack of political will and lack of capacity of the relevant institutions involved in particular the DRDLR to enforce ESTA statutes for the benefit of the vulnerable rural poor (Ibid). Being victims of the unlawful farm evictions and continuous living under precarious tenure conditions on commercial farms, many evicted farm workers do not get alternative agricultural land but end up in townships where they lose many of their livelihood resources such as land, social and economic relationships, cultural activities and many more that no monetary value could be equated to it (Roodt, 2006: 10; Naidoo cited in ECARP 2005:13).

#### **2.2.6. Land Reform (Labour Tenants) Act of 1996 (LTA)**

The Land Reform (Labour Tenants) Act was passed explicitly to secure the tenure rights of labour tenants not only for their residential but also for their agricultural land that they have utilised to make a living ever since time immemorial (Lahiff, 2009: 108). Hence the LTA capacitates the labour tenants to become owners of the land they always had access to through assistance from the DRDLR were they lodge their applications to. The labour tenants

have been described by Jacob et al (2003: 12) as people living on farms who have the benefit to use land for their own subsistence in exchange for their labour towards the farm owner's farming activities. Most importantly, LTA just like ESTA takes into consideration both elements of tenure reform and redistribution that is, securing labour tenants' land rights whilst clearly explaining the conditions a legal eviction may be undertaken and granting labour tenants ownership to the land they utilised at the agreement with their farm employer respectively (Lahiff, 2009: 108; Hall 2003: 24).

Jacob et al (2003: 12) argues that whilst that might be the case of LTA and the benefit of tenure rights by the labour tenants, landowners have a right to disagree on the lodged claims by labour tenants at the Land Claims Court or to reach a compromise with DRDLR for it to acquire the land under discussion. However, it can be realised that in most cases such as this have been resolved out of court or by removing the labour tenants from the farms they lived on and resettle them at the state acquired land on their behalf (Hall, 2003: 28). As part of the redistribution policy, labour tenants have a legal right to access the LRAD grants to acquire land. Nonetheless, the money is not enough leading to the labour tenants to rope in outsiders to gather sufficient funds to acquire land to enhance their tenure but in the end reducing their land access (Lahiff, 2009: 109).

However, despite all the failures mentioned above of the DRDLR to deal with labour tenants' claims to land ownership, a landmark ruling in favour of the labour tenants was passed at the Land Claims Court in 2016 ensuring that all the land claims are processed timeously. Timeslive Newspaper (2016: 1) reports that the Association of Rural Advancement (AFRA) standing on behalf of numerous labour tenants had a Special Master of labour tenants to be appointed by the Land Claims Court to oversee that many of the unprocessed claims brought within the confines of the LTA are attended to. It was because the DRDLR had failed to meet the deadlines set two decades ago provided in LTA reserving the right to claim ownership of land labour tenants lived and worked on (Ibid). This prompted the land rights non-governmental organisation AFRA to challenge the DRDLR on how it was going to deal with the unattended cases as the lack of urgency from the department signalled a systemic failure in dealing with important issues such as securing land tenure for labour tenants (AFRA, 2016: 1).

While the LTA gives labour tenants' rights to land, their access is limited only to the land they used for grazing and cultivation from around 1995 bearing in mind that the farm owner

consented to this meaning that at most it maybe an unproductive piece of land on the farm (Mngxitama, 2001: 12). However, the excellent opportunity presented through the LTA for labour tenants to equip them as land owners seem to have been lost as the officials lacked the political will to reverse the supremacy of the white farm owners due to the weakness of the legal instruments at hand. It is imperative to note that most farm occupiers lack the knowledge of their rights and nothing from the government or the civil society has been done to redress the anomaly that has increased their vulnerability (Hall, 2003: 9). Generally, illiteracy is a major contributor to all this as farm workers and farm dwellers are usually not educated hence they heavily rely on working at the farms where educational qualification requirements are not of great significance. Thus if it is not for the intervention of Non-Governmental Organisation to assist labour tenants, tenure issue would remain unresolved to their detriment.

### **2.3. Reasons for continuous evictions in contravention of tenure rights in post-apartheid South Africa**

Jacob et al (2003: 13) states that challenges met while implementing both ESTA and the LTA have been taken into consideration as it fed into the DRDLR's decision to relook into the laws with the intention of improving from their weakness and consolidate the two laws into one. However, it is quite apparent that landowners have remained aggressive towards tenure rights reforms on farms with Senior DRDLR officials conceding that more farm evictions are still happening and in that context the government is not proactive in coming up with measures to instil conformity by landowners to enhance farm occupiers' tenure rights (Bernstein et al, 2005: 12). As such, ESTA has proven to be an ineffective policy due to its passiveness in regulating evictions as the officials have been reduced to advisory roles to the farm owners and farm occupiers on their rights and responsibilities instead of enforcing its mandate, the same with LTA (Lahiff 2009: 109; Bernstein et al, 2005: 12). From this backdrop, Hall (2003: 23) reports that farm workers and farm dwellers' eviction from farms has actually increased after the implementation of the tenure rights reforms as compared to before the attainment of South Africa's independence in 1994.

It is argued that the significant policy failure to protect tenure rights of labour tenants, farm workers and farm dwellers emanates from government's lack of provision of operative measures to avoid erosion of livelihoods of these rural poor, but there are also other reasons contributing to these continuous evictions. Nkuzi (2005: 14) reports that most of the evictions that are taking place on farms were labour related which led to farm workers being evicted by

the farm owners themselves. Interestingly, Wisborg *et al* (2013: 109) states that on a research contacted on the eviction of farm occupiers, most farm owners avoid the politically charged word “eviction” in preference of “having to leave” but in actual sense, the idiom indicates the dominant power wielded by the farm owners to enforce eviction when they no longer need their services. In light of this, the farm owners feel burdened to continue accommodating those who are no longer working for them claiming that they will end engaging in criminal activities on the farm hence they should leave and the state should offer them alternative accommodation off their farms (Wegeriff *et al*, 2005: 85). By doing so, Wegeriff *et al* (2005) argues that landowners arbitrarily remove former farmer workers as they claim that following the legal channel is expensive thus it adds to their resentment of the tenure laws which they claim infringes their property rights.

Usually when a farm worker has been laid off from work, it does not affect him/her alone but will also affect his/her immediate family and also the extended family staying with him/her by being exposed to eviction. From the above assertion, Naidoo (2005: 15) points out that where the farmer fails in an attempt to remove the farm workers and their families from the farm, the farm owners make sure that farm occupiers’ livelihoods deteriorates such that conditions will force them off, exposing the insecurity of tenure on farms. Wisborg *et al* (2013: 109) also elaborates that the power yielded by the farm owners literally erodes farm workers’ tenure rights as they have the capacity to deny them access to land for agricultural activities, livestock keeping, grazing area and housing to an extend of even destroying them. This is an illegal way of evicting farm workers and farm dwellers against their will without using any legal order from the courts, which is in contempt of ESTA and LTA policies.

Nguzi (2005: 14) notes that change of farming activities usually impacts negatively on the security of tenure for the farm occupiers as most farm workers would be rendered surplus to the needs of a new venture especially when farms convert from agricultural farming to game farms. Supporting the same notion is Brandt and Spierenburg (2013: 222) who have discovered that in the Eastern Cape, conversion of agricultural farming activities to game farms has displaced farm workers and farm dwellers forcing them to live in surrounding towns unemployed. Naidoo (2005: 15) points out that in the instances where eviction of farm workers and farm dwellers has failed, farm owners would demarcate boundaries by fencing them outside their areas of interest. In doing so, farm dwellers’ movements are restricted to such an extent that they cannot access basic amenities such as water points being forced to draw from contaminated sources or even sharing with game animals (Hall, 2003: 8). As such,

it violates ESTA provision on the freedom of association and assembly as mostly within these confinements, farm workers and farm dwellers are denied visitations from family and friends which becomes a subject to constant negotiation with the farm owner for permission.

When farms are sold, it entails the coming in of new ownership with different views towards everything. Naidoo (2005: 15) states that there is a tendency where a new owner would want to evict the farm workers and farm dwellers who rendered their services to the previous owner. In that context, the farm occupiers are not given choice of alternative land to settle forcing them into informal settlements thus disrupting their livelihood. The implementation of the ESTA regulation in 1997 actually exacerbated farm evictions as the farm owners were in fear of the farm occupiers' land claims provision enshrined in the ACT but once it was passed, instead of protecting farm occupiers from arbitrary farm evictions, it gave the farmers a legal ground to instil more evictions (Brandt and Spierenburg, 2014: 229). Hence, it came as no surprise that more farm evictions occurred after the attainment of democracy in 1994 going onwards as compared to the apartheid era with most of these happening without following the ESTA procedures (Helliker, 2013: 10)

Once the farm occupiers have been evicted, they are mostly denied access to visit their fore fathers or relative's graves for traditional or other ceremonies in respect of their culture (Naidoo, 2005: 15). This is in total violation of the African culture that the ESTA regulation takes into consideration that it needs to be respected. In actual essence, the farm occupiers regard the farms as theirs in the belief that because their ancestors (*amadlozi*) stayed and were buried on the farms is sufficient to their claim than a piece of paper in the form of a title deed bequeathing a white farmer as the sole owner (Brooks and Kjelstrup, 2014: 244). Hence they argued that, the land was not only for them the living but also belonged to their ancestors (*amadlozi*) whom they felt obliged to conduct rituals in their honour at the site of their burial and in their belief, in return they will be assured of security and an improved livelihood (Brooks and Kjelstrup, 2014: 244). It is against the backdrop of this relationship that farm dwellers are at pains with after they are evicted from the land they have a sense of belonging and perceive to be theirs thus depriving their family line's inheritance.

#### **2.4. Theoretical Framework**

Various researchers have utilised different approaches to analyse the study of land reform and eviction of farm workers in South Africa. For this research, I used the Sustainable Rural Livelihoods Approach (SRLA) as my theoretical framework as it conceptually grounds my

area of study. The main concepts employed by the SRLA are capability, equity and sustainability. These concepts are defined as measures put in place to afford individuals with a decent life particularly in the rural areas where people utilise resources such as land as a primary source of production (Chambers and Conway 1991: 5; Scoones, 1998: 5). Deducing from that, the centrality of the SRLA concept is on rural development, poverty eradication and the ability or sustainability of the vulnerable and poor to cope with stresses and shocks as they make a living (Scoones, 1998: 5). The theoretical framework thus becomes an important cornerstone in analysing the impact of eviction of the Radway Green farm workers' community and to examine the factors affecting the generation of livelihoods activities in their new settlement.

Having in mind that the SRLA conceptual framework is people-centred, its main aim is to reduce poverty. This can be achieved by paying attention to what is important to people's livelihood by engaging the poverty stricken to identify what needs to be prioritised for development purposes (Carney, 1999, 13). The importance of participation of the poor and the vulnerable in the decision making process of what affects them is significant as usually the realities of professionals and that of the poor are either misread or misinterpreted (Chambers, 2014: 7). Thus Scoones (1998,) asserts that, "livelihood strategies maybe institutionally and organisationally instituted" but the input from the intended beneficiaries in the policy making process is crucial. In this regard, we have the Department of Rural Development and Land Reform (DRDLR) as the main implementers of the land reform programme in South Africa that has led to the propagation of policy statutes such as the Extension of Security of Tenure Act of 1997 as one of the measures to regulate when and how people may be evicted from farms.

As an approach to understand and clear the way for development, a livelihood comprises of people's capability to access and afford the means of living such as the basic commodities, source of income and assets (Chambers & Conway 1991: 1). The sustainability of a livelihood stems from people's ability to be self-sufficient as they seek to enhance their wellbeing whilst recovering from shocks and stresses without destroying the natural resource base (Carney, 1998: 4; Krantz, 2001: 1). As already been pointed to, SRLA is mainly concerned with taking an all-inclusive and a consolidated effort to alleviate poverty. In this instance for the farm workers and dwellers vulnerable to eviction from land that is a primary source of their livelihood. It is imperative to note that the SRLA puts emphasis on the significance of assets on poverty alleviation strategies that are also a prerequisite to reduce the susceptibility of

poor peoples' livelihoods to poverty. Dorward *et al* (2001:1) are of the view that SRLA is an analytical tool which takes into consideration various assets possessed by the poor to facilitate policy implementation, capacity building and other forms of interventions so as to avail livelihood opportunities for the vulnerable.

Various important assets (both material and social resources) are taken into consideration when constructing sustainable livelihoods and poverty alleviation measures. The SRLA outlines an integration of resources that are essential to the farmworkers namely natural, economic or financial, physical, human and social capitals (Cousins and Scoones, 2009: 12; Krantz, 2001: 4). In a rural setup, land is regarded as a primary form of natural capital with which people are able to grow food and make a living. Different forms of livelihood activities are derived from land such as croplands, grazing for domestic animals as well as a water source (Cousins and Scoones, 2009: 12; Scoones, 1998: 7). These are essential as they enhance the construction of sustainable rural livelihoods for the rural poor.

It is indispensable to note the multiple benefits stemming from the possession of natural capital like land. When people have security of land tenure, they have access to economic or financial capital as they can use land as collateral to access loans that is of great importance for agricultural and infrastructural developmental purposes (DFID, 1999: 14). However, in South Africa, farmworkers have never been able to use land for that purpose for the fact that they live on a farmer's land. The farm workers are able to benefit from the physical capital in terms of infrastructural development essential in the construction of livelihoods as it facilitates better service provision that enables the poor to meet their basic needs such as accommodation, roads, shops, schools, clinics, hospitals amongst other things (Krantz, 2001:9). Due to the forced farm evictions, the farmworkers and the farm dwellers lose the land they had a sense of belonging to (natural capital) leading to the deprivation of basic infrastructure that they utilised which is a form of physical capital. This interlinkage of capital assets is not limited to natural, financial and physical capitals only but also trickles down to social and human capitals.

Social capital connotes the significance of social factors toward poverty alleviation strategies in development (Chambers, 2014: 18). It is imperative to acknowledge social capital means such as friendship, mutual support, networks, social unity and other things that brings the society together in order to tap into potential strengths of individuals within the community for their wellbeing. Generally, people rely on one another to foster a decent livelihood within

a settlement in order to develop skills and knowledge (human capital) essential for a better livelihood (Krantz, 2001: 9). Human capital in actual sense relates to various basic skills, knowledge and physical abilities necessary when pursuing various livelihood strategies (Scoones, 1998: 8).

Having mentioned the different capital assets which are frequently utilised in conjunction to one another by the people or households to construct a livelihood, SRLA does not aspire to tackle all facets of the poor's livelihoods (Krantz, 2001: 9). It seeks to engage an all-inclusive outlook necessary to examine livelihoods to establish appropriate areas for strategic intervention to effectively reduce poverty amongst households either at community level or at policy level (Krantz, 2001: 3). To achieve this, we need to analyse the vulnerability context which sets external threats affecting people's livelihood in particular the stresses and shocks. Scoones (1998: 6) emphasizes that the ability of a livelihood in coping with stresses and shocks is paramount to sustainable livelihoods' definition but failure to cope would render households or people vulnerable and unable to successfully bring about or maintain a decent livelihood. Factors making up the vulnerability context are vital as they have a direct effect upon people or households' asset status and alternatives at their disposal as they continuously search for a better livelihood (DFID 1998:3).

As mentioned above, vulnerability encompasses the stresses and shocks which either directly or indirectly touch the poverty-stricken people. The inbred fragility rooted in the way poor people construct their livelihoods makes it difficult for them to cope with stresses whether predictable or unpredictable (DFID 1998: 3). Stresses resembles those pressures that are usually continuous, predictable and in worst case scenario very distressing such as seasonal shortages, declining resources, lack of employment, lack of grazing area, water and other public goods whilst shocks are unpredictable (Chambers and Conway, 1991: 10). Shocks such as conflict, wars, forced evictions, loss of labour, droughts may force people to desert their homes and get rid of assets like land hastily as a households' strategy to cope. It is from such circumstances that make it improbable for the poor to positively influence their environment to reduce those stresses and shocks thus becoming increasingly vulnerable. Usually in that regard, strategies employed to recover from those stresses and shocks involve making claims on the government and civil society as a plea for assistance or political action (Chambers and Conway, 1991: 11).

Reducing vulnerability is essential for the poor people as it aspires to bring about sustainable measures to enhance the wellbeing of the impoverished. However, the vulnerability context which has been reiterated that it lies outside the poor people's control, requires externally driven change (DFID 1998: 4). This can be attained via direct intervention through public action such as new policies being designed to diffuse the stresses and shocks. In this matter land security of tenure towards the evicted farmworkers and employment creation to encourage sustainable rural livelihoods are of great importance. Chambers and Conway (1991: 11) are however, of the opinion that the curbing of vulnerabilities is not a sole prerogative of state actors but may also be internally tackled with households drawing from its portfolio of assets to influence a positive livelihood. Whilst external influence is crucial for livelihood construction, it is imperative that they respond to the needs of the poor people themselves through encouraging capacity building. This is the fundamental idea of the SRLA which can be accomplished by encouraging the impoverished people to develop their own assets in conjunction with critical institutions and organizations to reduce vulnerability.

In doing so, it is important to note that poverty as it is defined by the poor people themselves does not only mean lack of income but it involves other aspects like lack of infrastructural development, basic social amenities, lack of education amongst other social needs (Krantz, 2001: 2). This assertion is crucial for this study's main objective which was to analyse the impact of the eviction on the Radway Green farm workers' community and to examine the factors affecting the generation of livelihood activities in their new settlement. Hence, it is apparent that the poor people know about their situation more than anyone else thus must be involved in the policy design process and projects meant to benefit their livelihood whilst the government and the civil society pool in resources required addressing the cause. As such, the SRLA provides us with a platform to have an understanding of unexpressed causes of poverty casting focus towards various factors whether direct or indirect which enhances or hinders the impoverished people's access to assets used to construct a decent livelihood.

## **2.5. Conclusion**

This chapter provided an oversight of the literature reviewed concerning land reform programme in post-apartheid South Africa. Attention was paid on the farm workers' security of land tenure rights. Land is a key component to the rural dwellers as it resembles a primary source of their livelihood thus security of tenure towards land is of paramount importance. In that regard, this review takes into consideration various legislation put in place in order to ensure security of tenure to the rural dwellers to avoid arbitrary evictions particularly on

farmworkers. This is important to my study as it would provide the basis for a comparative analysis to my research findings together with the theory that grounds this study.

In the same chapter, I have provided an overview of the theoretical framework utilised to ground my area of study. Security of land tenure amongst the farm workers and farm dwellers is a cause for concern in South Africa considering the increase in their eviction from the farms they used to work and live for a better part of their lives. Of importance, are issues pertaining to their ability to reconstruct their livelihoods after being faced by such a predicament. How households deal with vulnerability in terms of shocks and stress really depends on the individual's access to capitals available. The SRLA also outlines the importance of institutions in coming up with legally binding policies that protects the rural poor from vulnerability as they cope with stress and shocks.

## **Chapter Three: Research Methodology**

### **3.1. Introduction**

This chapter discusses the methodological framework utilised to collect data for this research. In so doing, the chapter justifies the necessity of the qualitative research approach which was used by this researcher who was the primary instrument for both collecting and analysing the data. Various methods of enquiry were implemented in order to respond to the research questions and the verification of hypothesis in the form of the conceptual framework used to ground this research. As this study involves social research, this researcher implemented interpretive research techniques to probe land reform and the rural livelihoods of evicted farm workers now based at Radway Green Farm. In that regard, primary research and secondary research have been utilised as data sources, which this chapter is going to explain in detail.

### **3.2. Choice of Case Study**

It is imperative to note at this stage that the choice of case study I selected does not represent the land reform programme implemented nationally in South Africa. The Radway Green farm project was purposively selected as an area of study as it represents a unique land reform process towards the intended beneficiaries. Located 15km outside Grahamstown towards Port Alfred in the Eastern Cape lies the 53 hectare Radway Green Farm acquired by the Department of Rural Development and Land Reform from the new owners of the Yendella farm that evicted the farm dwellers. The 14th of December 2015 marked the Minister of Rural Development and Land Reform, Gugile Nkwinti's, commissioning of 27 newly built homes on the acquired piece of land formerly belonging to Yendella Farm for the evicted farm workers and dwellers that had been forced off the farm they resided on after a dispute with the new owner (DRDLR, 2015: 1). With Radway Green Farm being marked as a destination for the evicted farm workers and dwellers, the Department of Rural Development and Land Reform conceded that the piece of land acquired would provide security of land tenure, a possibility for better livelihood strategies and an improved household wellbeing for them. As such, the research design embraced by this study intended to have an in-depth understanding of the rural livelihood of the evicted farm workers who have been resettled at Radway Green farm. In that case, details of the case study will be fully discussed in Chapter 4 of this research.

### **3.3 Research Design**

Blanche & Durrheim (1999: 29) define research design as a framework of action that ensures that data collected respond to the research questions as clear as possible. They further state that research design is the idea that “guides the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure” (Blanche & Durrheim, 1999: 29). In simple terms, research design explains the methods that are going to be used to gather and analyse data, and then see how it is going to respond to the research questions at hand. Hence, in order to get the admissible evidence, one needs to clearly state the relevant evidence required in response to the research question or the theory evaluating the situation being analysed (Neuman, 2006: 89). From that perspective, in this chapter the research design profiles the research process utilised to collect and analyse data. Lastly, I will outline the ethics taken into consideration during the data collection process.

#### **3.3.1. Research Approach and Methods**

In research, there are two popularly used and acknowledged paradigms namely quantitative and qualitative approaches. De Vos et al (2005: 73) explain the difference between the two by stating that qualitative research intends to build a comprehensive social reality whilst quantitative research intends to enumerate social reality into usable statistics. In the same light with the above explanation is Neuman (2006: 81) who asserts that there are three approaches to research namely, positivist social science (quantitative), interpretive social science (qualitative) and lastly critical social science but the most used are the first two in social research. Positivist social science (PSS) was adopted from the classical social theorists like Auguste Comte (1798-1857) and Emile Durkheim (1858-1917) as it is mostly inclined toward the natural sciences that rely on experiments and testing hypothesis (Blanche & Durrheim, 1999:6; Neuman 2006: 82). In that regard, the positivist asserts that the search for knowledge is continuous and that reality is out there waiting to be discovered such that people may control it and make precise predictions on it (Neuman, 2006: 85). However, the PSS has been widely criticised for reducing people to numbers and formulas that are not pertinent to real matters in people’s lives.

#### **3.3.2. Interpretive Social Science**

To gather data for this study at Radway Green Farm, an Interpretive Social Science approach has been utilised. The Interpretive Social Science (ISS) outlook can be traced back to the classical sociologist Marx Weber (1864-1920) and Wilham Dilthey (1833-1911) serving as

an option to the positivist school of thought (Neuman, 2006: 87). In essence, unlike the PSS which emphasises on precise description to social life the ISS aims to understand the world from a subjective perspective on how people construct their livelihood (Blanche & Durrheim, 2006: 6). This was of great importance as the study aimed to reveal the experience encountered by the evicted farm workers until they arrived to their new settlement. Based on an empathetic understanding, the ISS takes a practical orientation with regard to how people correlate with their natural environment and how they construct their livelihood (Neuman, 2006: 88). Therefore, the ISS focuses on qualitative data upon which the researcher interprets its meaning extracted mostly using open-ended questions.

The assertion made above that ISS takes a subjective perspective concerning how we view the world made it possible for this study to be undertaken. A quantitative approach would not have made it possible to look at land reform and rural livelihood of evicted farm workers in the way this research has viewed it. Thus in that regard, Pothongsunan (2010: 1) states that the interpretive research turns out to construct meanings between research participants and the researcher through their interaction. Likewise, Blanche & Durrheim (1999: 124) also explains that interpretive research hinges on personal experience and attempts to recount what it sees and present its findings in the most articulate way possible. Hence, a qualitative research approach was adopted to examine the experience of evicted farm workers now based at Radway Green Farm, as the purpose of the study was not meant to generalise the situation but to evaluate the significance placed by the participants on the social condition being investigated.

### **3.3.3 Sample Selection**

Blanche & Durrheim (1999: 44) define sampling as a process by which a researcher makes a choice on which group of people, occurrence or social condition to observe. They further state that in qualitative research it is not necessary to collect data on everyone in order to validate findings but the research's objectives and certain aspects attributed to the study population determines the type and number of people to select. Babbie and Mouton (2001:166) outline that probability and non-probability sampling represents the two types of sampling methods existing in research. De Vos et al (2005: 198) have described probability sampling as a method through which a small collection of a larger population represents an accurate conception about the whole population. From the above description, it is imperative to note that much emphasis is placed on representative sample.

This researcher undertook a non-probability sampling for this research on which Neuman (1999: 219) states that whilst it does not mean that non-probability sampling is not representative of the population, it certainly mean that it is not determined by the logical basis of the probability theory. In essence, it requires that a sample is carried out with a purpose in mind thus with a specific target. Hence, this study employed a purposive sampling that agrees with Palys (2008: 697) who states that it involves the researcher selecting a unique case study, individuals and groups of individuals who are knowledgeable or have experienced a certain phenomenon. Attributed to the above assertion, Radway Green Farm project represents a unique case study upon which 27 evicted farm workers have an experience that is slightly different from others in as far as the land reform programme in South Africa is concerned. As such, this researcher utilised different sampling techniques that are discussed on in the paragraph below in order to gather subjective information.

Snowball sampling was employed by this researcher to engage knowledgeable participants through referral from Radway Green farm participants. Literally, snowball sampling that falls under the purposive sampling entails the process of identifying individuals meeting the standards required for one's study through an interconnecting network whether directly or indirectly (Neuman, 1999: 222). Concerning this research, snowball sampling was substantially convenient in reaching out for the experts equipped with the technical knowhow of the technicalities involved in the eviction of farm workers. From that backdrop, this researcher was able to utilise the expert sampling which Singh (2007: 108) describes that it involves taking a sample of people who have a provable background and expertise in a particular field of interest to the research. The expert sampling that is also a subcase of purposive sampling was crucial to this study as it enabled the researcher to elicit the perspective of experts who deals with land reform and farm workers and farm dwellers' evictions in the Eastern Cape Province. Singh (2008) further argues that the most pivotal reason for engaging expert sampling is to substantiate the appropriateness and validity of other sampling techniques chosen. In that context, it is advantageous to do this as some acknowledged experts back the researcher's assertions particularly to my case study at Radway Green Farm.

To gain access to my interview respondents at Radway Green Farm, I had to seek permission first from the project's chairperson after presenting a letter from Rhodes University confirming me as a Masters student conducting research as a requirement to the attainment of my degree. Upon doing that, I was then formally introduced to the Radway Green Farm

community, which enabled me to kick-start my fieldwork. I have used various data collection methods that took me a period of two and a half months to complete due to the intended respondents' different personal schedules. For the sake of capturing everything discussed during the data collection sessions, I used an audio recorder.

### **3.4. Data Collection Methods**

(See appendix for the questionnaires utilised for data collection)

#### **3.4.1 In-depth Interviews**

In-depth or unstructured interviews using open-ended questions are one of the qualitative research techniques that were utilised when conducting thorough independent interviews with respondents who are small in number to investigate on their outlook concerning a certain situation at hand (Boyce and Neale, 2006: 3). At Radway Green 14 in-depth interviews were conducted to elicit their thoughts in relation to their experience of being evicted from the farm they had a sense of belonging to. This was done in order to obtain a view on their expectations especially when it comes to the security of land tenure and the construction of livelihoods at their new settlement. In actual sense, in-depth interviews were quite helpful as I was looking for detailed information based on individual thoughts and expressions from respondents who could not fully express themselves during a focus group session conducted onsite. Focus Groups: However, I could not continue interviewing all the 27 households at Radway Green as the information became uniform. Fusch and Ness(2015: 1408) calls this data saturation which they have said is important on the quality of the research as it validates the information collected.

#### **3.4.2. Focus Groups**

A focus group has been defined as a group of respondents nominated and put together by researchers in order to discuss issues pertaining to their personal experiences towards a theme for the purpose of the research (Blanche and Durrheim, 1999: 388). I conducted one focus group at Radway Green containing eight people to draw upon their experiences, feelings, beliefs and reaction particularly on their eviction from their previous settlement after a protracted dispute with the new farm owner. Kitzinger (1995: 299) argues that whilst focus group interviews are mostly used as an efficient method of collecting data simultaneously, the group action enriches the data being collected as participants are encouraged to interact with each other asking questions and commenting upon their views and experiences. The focus group platform provided me with a basis about where the respondents stood when it comes to

their eviction from the farm they previously resided and how they are settling at Radway Green Farm.

### **3.4.3. Key Informant Interviews**

Key informant interviews allows us to access much needed information, ideas and insights on a subject matter from experts with certain positions within society along a certain field one has less knowledge in (Marshall, 1996: 92). It is important to note that key informants hold positions of influence and responsibility that comes through merit rather than ascribed on them most of the times such as those in government institutions (Blanche and Durrheim, 1999: 265). Using semi-structured interviews on the key informants interviewed, more valuable data was collected as the open ended questions utilised were drafted with the aim of gathering more content by allowing the experts to reveal their knowledge concerning the eviction of farm workers and the effectiveness of laws implemented to protect them. The availability of the key informant's input to this study from the DRDLR and Eastern Cape Agricultural Research Project (ECARP) an organization that deal with farm workers enabled me to have coverage from all sides within the subject matter for my research.

### **3.4.4. Descriptive Observation**

As I was carrying out my field visits, I realised that observing the surrounding environment was crucial in order to make sense of what was transpiring at the farm in terms of their livelihood. In relation to this, Neuman (1999: 396) asserts that it is important that researchers direct their attention to the surroundings by examining closely the physical settings to be able to gather all the necessary information for the study. The observation technique I utilised enabled me to contextualise the responses I got during all the semi-structured interviews I conducted on and off the farm.

Since I was formally introduced to the Radway Green community, as part of the descriptive observation, I had the liberty to ask, "What is happening here?" Questions like this would normally be followed by what Blanche and Durrheim (2006: 393) term a descriptive account upon which the observer would just give a detailed account of the entire things witnessed. In that case, I saw tin houses, most men and women spent weekdays at home doing nothing and big families sharing a small house. All this was responded to during the interviews conducted.

### **3.5. Challenges met in the Field**

During my fieldwork enquiring on land reform and rural livelihoods of evicted farm workers various challenges were met particularly on the side of respondents. As my case study was at Radway Green Farm, my respondents were Xhosa speaking farm workers and as already been mentioned in my literature review that most of them have limited access to education, conversing in English has proven to be difficult for them. This language barrier which existed between this researcher and the respondents led to the engagement of a translator in order to smoothen my enquiry for the benefit of proceeding with the research. Utilisation of a translator worked positively as majority of the respondents initially were reluctant neither to engage in the focus group conversation nor to be interviewed as this researcher was not fluent in Xhosa. What made it easier was that the translator is also a member of the Radway Green community closely related to the Chairperson of that community. However, in a bid to have an objective position through responses from the participants, confidentiality assurance was somehow compromised.

In terms of language barrier, I also was faced with a challenge when it came to transcribing my interviews. For the purpose of data analysis, I had to translate the interviews conducted in Xhosa to English. Thus I had to look for a translator who assisted in transcribing the interviews. It is important to note that as translation is part of interpretive research approach, meaning may be lost as some cultural meanings have no English expressions to fully give an accurate explanation in connection to how the indigenous people express their situation (Van Nes et al (2010I: 313).

Another challenge I was faced with was on accessing key informants from the Department of Rural Development and Land Reform. Various appointments had been set but to be cancelled at the last minute with different excuses being given. The person I wanted to interview was the District Manager: Land Tenure and Administration Ms Mandisa Tshikini but since she is the only person who deals with tenure issues at the DRDLR Port Elizabeth (PE) office she was always out of the office and never returned calls nor emails I send to her. In that regard, it revealed to me some institutional difficulties which needed to be addressed most importantly on the urgency in dealing with sensitive issues like land reform and eviction of people as only one person was responsible of it. Eventually I managed to interview the DRDLR Deputy Director for Rural Infrastructure Development (RID) for Cacadu Municipality in Port Elizabeth office Ms Phakama Booi who gave me a brief overview of how the department engaged with the eviction of farm worker issues within her jurisdiction.

### **3.6. Data Analysis**

Using the interpretive research approach, data analysis involves the generation of research findings by transforming raw data into new understanding without diffusing the importance of the data collected from participants for the study (Blanche and Durrheim, 1999: 139). Deducing from this definition data analysis requires researchers to maintain closeness to the data collected but in the process creating a new perspective that is based on evidence. In essence, there is a close relationship between data collection and data analysis as they inform each other. Thus, after the data collection phase was completed, data collected through an audio recorder was transcribed and this enabled the researcher to organise the transcribed data into themes for analysis.

The data analysis process starts by categorising and organizing raw data collected in search for meanings and themes that can be initiated through what is called coding, guided by the research question (Neuman 2006, 460). For this study, this researcher took an active role of categorizing and drawing out themes in relation to the land reform and rural livelihoods of the evicted farm workers at Radway Green Farm. In particular, I have tried to link the data collected to the theoretical framework upon which most of my themes have a relation to the five capitals within the Sustainable Rural Livelihoods Approach. Through this process, it has been revealed that the intentions of the government policies initiated through the land reform programme to alleviating rural poverty is far from being achieved.

### **3.7. Ethical Consideration**

Ethical consideration are of paramount importance when conducting qualitative research as in social research participants divulge information that would prejudice them hence the need to protect the rights and their wellbeing (Blanche and Durrheim, 1996: 65). Due to the nature of this study that involves human participants, the research was conducted with strict adherence to the Rhodes University Policy on ethics. I submitted the appropriate Rhodes University Ethical Standards Committee documentation to the Sociology Department's Ethics Committee and it was approved thus granting me the authority to go ahead with the research. Informed consent on participation, confidentiality to the information provided, anonymity of the participants was prioritised and accordingly pseudonyms were adopted to protect their privacy. Most importantly, participants were made aware that the study is for academic purposes.

## Chapter Four: Data Analysis

### 4.1. Introduction

In congruence with the qualitative research approach focus groups, in-depth interviews, key informant interviews and descriptive observation were utilised to construct meanings between research participants and the researcher through their interaction. The main purpose of this chapter is to discuss research findings with regards to land reform and rural livelihoods of evicted farm workers obtained from Radway Green Farm in connection to the literature reviewed and the Sustainable Rural Livelihoods Approach employed to ground this study. The results obtained from this study are going to be discussed in thematic form and quotes to be used in this analysis are a direct extract from the interviews with the research participants.

Findings from this study has revealed circumstances under which the farm workers now resettled at Radway Green farm went through during their eviction. And this is going to be discussed under the theme of **Forced Evictions and Resettlement**. Since the interviews were not restricted to the affected farm workers only I had an opportunity to interview the key informants from ECARP and the farm owner who gave their perspective on the whole scenario. Obviously a debate emanated from this e case on whether this was a justified eviction or not. Hence, this is going to be discussed under the theme of **Eviction or Displacement**. After the eviction and the resettlement, the study examined how the evicted farmworkers and their families were settling into their new homes and definitely their capability of reconstructing their livelihood. Whilst the DRDLR expected a better livelihood upon the beneficiaries, this has been proven otherwise as various factors affecting the generation of livelihood activities there were highlighted and this is going to be discussed under the theme of **The Struggles of Recreating Livelihoods**. Most importantly there is a need of providing the evicted farm workers with a sense of land security in order to cushion them from poverty. As has been alluded to in the literature review, land reform should empower its beneficiaries. The same thing has been raised during the interviews conducted with various concerns raised to be discussed under the theme of **The Need for Security of Land Tenure**. After the resettlement of the farm workers, the study was set to determine if they had access to basic amenities required for the construction of a decent livelihood. This is will be discussed under the final theme of **Access to Infrastructure** before the concluding remarks of this chapter. Overall, the themes were derived with the aim of responding to the objectives of this study and subthemes emerged within the main themes.

## 4.2. Study Site Brief Background

Radway Green Farm is located in a farming community 15km out of Grahamstown towards Port Alfred in the Eastern Cape. Originally, the whole farm was a private property called Aloe Ridge belonging to one Michael de Cork trading under the name Silverlake Trading. He was engaged in the pineapple farming industry and employed most of the 27 families who have stayed on his farm since the 1970s. However, de Cork retired from farming and sold the farm to the Moore family in 2007 who converted the farm to cattle farming and a tourism business. This change of ownership led to a protracted land dispute between the former labour tenants who used to stay and work for Michael de Cork and the new owner Jason Moore as he no longer needed their services there. Thus he wanted them off his property and this exposed the labour tenants to livelihoods vulnerability as they had already established a sense of belonging to the property after close to four decades of living there.

This land dispute, prompted the Department of Rural Development and Land Reform to intervene through its internal department called Pro-Active Land Acquisition Strategy by purchasing a 53 hectare piece of land from the Moore family for the evicted farm workers and dwellers (DRDLR, 2015: 1). The evicted farm workers and dwellers, having been staying in temporary shelters provided by the department since their eviction in 2012, in December 2015, the Minister of Rural Development and Land Reform commissioned the building of 27 houses on the acquired piece of land (Ibid). After resettling the evicted farm workers and dwellers at Radway Green, the Department of Rural Development and Land Reform conceded that the piece of land acquired would provide security of land tenure, a possibility for better livelihood strategies and an improved household wellbeing for them, which this study is going to examine (DRDLR, 2015: 1).

Whilst providing the evicted farm workers with homes is a good start, land reform should not leave the resettled families in poverty but should strive to provide its beneficiaries with the means to generate a livelihood. Hence, Radway Green farm workers' community provides a unique case study of the land reform programme in South Africa bringing forth many questions on the reliability of government legislation put in place to protect farm workers and labour tenants against arbitrary farm evictions from farm owners and the upliftment of their livelihoods. All this has been confirmed through interviews held and also my own observation at the site.

Fig4.2: Radway Green Farm Entrance Post. (Picture courtesy of the researcher).



Fig 4.3: Temporary Tin Houses provided by the Department of Rural Development and Land Reform for the evicted farm workers soon after their eviction. (Picture courtesy of the researcher).

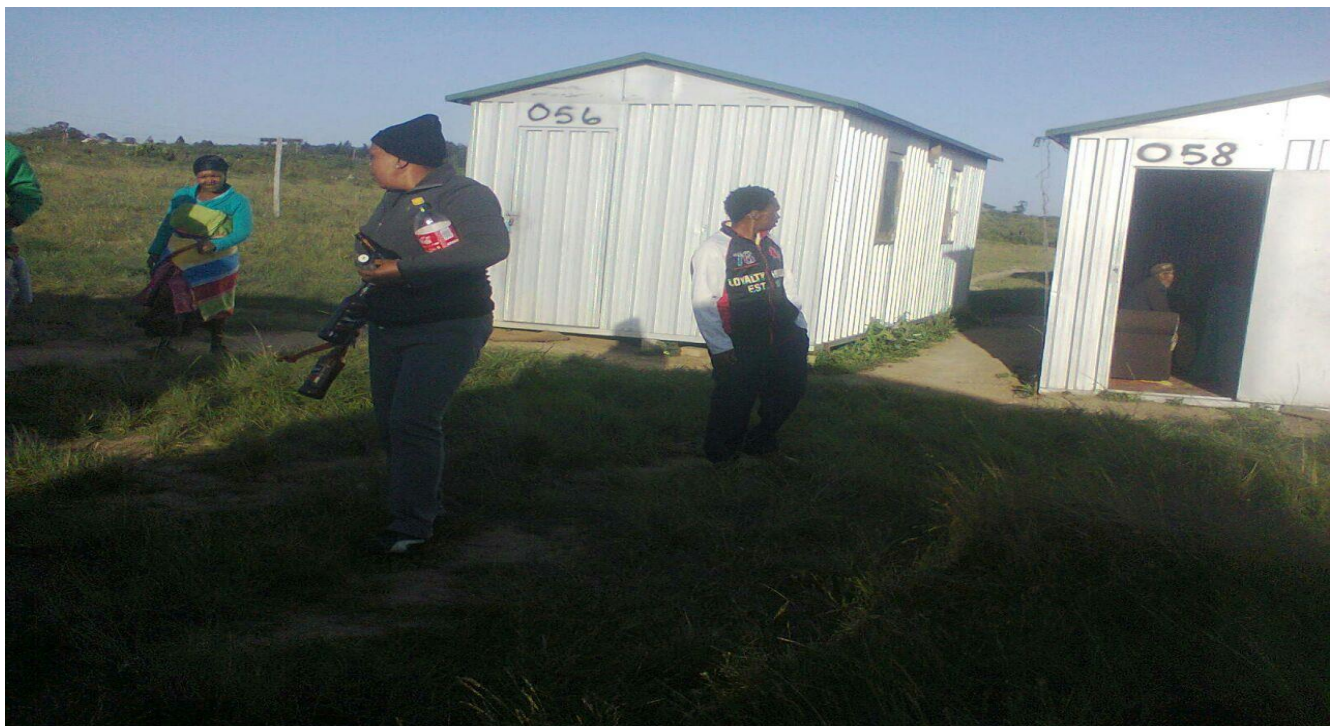


Fig 4.4.: Houses built for the evicted farmworkers by the DRDLR fitted with solar power, water harvesting tanks, and a waste management system at Radway Green Farm as beneficiaries of the land reform programme. (Picture courtesy of the researcher)



### **4.3. Forced eviction and resettlement**

#### **4.3.1. Circumstances of eviction: Change of land ownership**

The Radway Green Farm project came into being after a protracted land dispute between the new owners the Moore family of Aloe Ridge Farm now known as Yendella farm and the former farm workers and farm dwellers at Aloe Ridge. From what has been gathered from the interviews conducted, this was an involuntary resettlement which led to a physical forced removal from a place they had a sense of belonging to. This had a ripple effect on the farmworkers as the eviction led to an economic displacement upon which they said they lost their means of livelihood because of it. Below is what one of the respondents from a focus group had to say about their eviction:

*We were labourers there for Mr Jason Moore <sup>1</sup>who owned that farm. And our parents also worked for him when we were still young. You see that old man sitting over there in his late 70s. He used to work there and that guy who is wearing green who is in his 50s is his son*

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<sup>1</sup> In fulfilment of the ethical standards, I have adopted the use of pseudonyms for the farm owners and farm labourers involved in the study.

*who was born there. For most of us Aloe Ridge is the only place we grew up calling home until we were evicted from there*<sup>2</sup>

It is imperative to note that what has been said above confirms the fact that a majority of the farm workers were born and bred on the farms but remain vulnerable to getting evicted despite of the legislation in place to protect them. Whilst Rugege (2004: 13) states that land tenure reform is an integral part of the land reform programme in South Africa that seeks to legally secure the rights of people occupying and using land for a certain period of time and naturalizing land ownership of indigenous South Africans staying on commercial farms, practically the opposite is happening. Deducing from what the respondent Ms Msonza has pointed out, there are people who are in their 70s and have stayed on the farm for more than four decades but are still finding themselves as victims of farm evictions. Noting that the post-Apartheid government of South Africa promulgated legislation in relation to security of land tenure such as ESTA and the LTA which are essential in protecting and restoring the land rights and other entitlements.

ESTA in particular clearly stipulates that farm workers and farm dwellers that have stayed on the farm for more than 10 years, those no longer able to work because of age or on medical grounds should be protected from eviction (Hall, 2003: 4). However, what has been witnessed from this study paints a different picture on the legalities of these statutes that are supposed to be adhered to by the farm owners and also the government's ability to enforce its legislation as the public protector. This exacerbates these rural poor's vulnerability over the protection of their livelihood as it has been widely reported that farm workers remain the poorest group within the labour market. This is illustrated by one of respondents from the focus group:

*Michael de Cork retired and went on to stay in Port Alfred. After that then came a new owner for the land Mr Jason Moore who claimed that he had bought the farm from Michael de Cork. When he took over, he decided to evict all of us there, saying that he had bought the land and we were no longer welcome to stay on his farm. He forced us off the land to this part of the farm that he said he had given to us to stay through the Depart of Rural Development*<sup>3</sup>

One of the respondents also explained what transpired:

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<sup>2</sup> Moud Musonza, Farm Labourer, Farm labourers focus group, Radway Green Farm, October 2016.

<sup>3</sup> Mandisa Deyi, Farm Labourer, Farm labourers focus group, Radway Green Farm, October 2016.

*Yes, initially he wanted to deal with us directly and promised that each family will get ten thousand Rands if we all move and go to Grahamstown. So, we did not agree and we told him that we will not be able to take his money because we were left to stay on the farm by the previous owner of Aloe Ridge Michael de Cork. He never said he sold that land, he said he was leaving!*<sup>4</sup>

Gauging from the responses above, it shows that a change of farm ownership brought about negative consequences for the livelihoods of the farm workers who ended up getting evicted. This is in agreement with the literature reviewed above, that once a farm has been sold, at times new owners brings about a new perspective towards everything. Mostly they would want to evict farm workers and farm dwellers who rendered their services to the previous owner. This is what the study established as evidenced by what the respondents have said when Michael de Cork sold his farm to Jason Moore.

#### **4.3.2. Change of Farming Activities and the vulnerability of farm occupiers.**

When the new farm owner came, he had different ideas of utilising the farm which was a threat to the security of land tenure for the farm occupiers. Most of the farm workers were rendered surplus to the new venture after it was converted from a crop-producing farming enterprise to a cattle ranch. Sharing the same sentiment as the study has established, Brandt and Spierenburg (2013: 222) noted that most farms in the Eastern Cape are being converted from agricultural farming activities to game farming which has led to an increase in the eviction of farm occupiers forcing them to go and stay in surrounding towns unemployed. This is what one of the respondents had to say about it:

*Before the new owner, we were working with pineapples there, but when he came he stopped all of that and he started working with cows. Then he told us that we had to move away from the farm since he does not need our service, the same with those who just stayed on the farm as Mr de Cork allowed us to do so. I think he only got four labourers left there to run his business. That could be the reason why he saw that he could not employ any of us there.*<sup>5</sup>

Land represents a natural capital central to other requisite capitals of the sustainable rural livelihood approach. Thus secure land tenure for the farm occupiers provides a basis for poverty alleviation, food security, survival of culture and the benefit of natural resources amongst other things. However, as mentioned in the introduction of this theme, involuntary

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<sup>4</sup> James Bhisha, Farm Labourer, Farm Labourers Focus Group, Radway Green Farm, October 2016.

<sup>5</sup> Mandisa Dikela, Farm Labourer, Radway Green Farm, October 2016.

resettlement usually carries with it adverse consequences upon the affected community as tenure insecurity generates a series of natural disasters which are to be discussed under the theme of The Struggles of Recreating Livelihoods. In the context of insecure land tenure, the vulnerable farm occupiers risk being evicted from the land they have worked and stayed on for a long time despite the presence of policies that affords them a guarantee of entitlement to ownership of the land and rights to that property as in the case of the now evicted farm workers now resettled at Radway Green farm.

#### **4.3.3. Involuntary displacement and manipulation of tenure legislation**

The study revealed that at one point, the farm workers resisted being evicted from the former Aloe Ridge farm as they claimed ownership to the land in line with the dictates of ESTA. As such, the farm workers claimed that the new owner Jason Moore employed cruel measures in order to frustrate them in a bid to forcefully move them away from his property. This corresponds with what Naidoo (2005: 15) stated that where the farm owners have failed to evict the farm workers and farm dwellers they would at times fence off their areas of interest thus restricting their movements. This would entail that they are restricted from accessing basic needs like firewood and clean water points forcing them to share contaminated water with animals on the farm as a way of forcing them off their property. The same situation has been faced by the Radway Green farm workers and this is what they had to say about it:

*Our livelihood changed a lot in a negative way when the farm ownership changed. Rodney tried by all means to frustrate our stay there. There were times he would come and just shoot our dogs even the ones that will be on a leash. A lot of our dogs there were killed for no apparent reason. Ever since he took over the farm gates were always locked such that if you are locked outside the farm one had to wait until he opens the following day. Visits from family and friends were monitored all the time after Michael de Cork left.<sup>6</sup>*

*To add on to that the municipality used to bring a truck to deliver water for us there. But, sometimes they locked the gates such that the truck could not deliver water to our houses thus it would just make a U-turn and leave. We would stay maybe three weeks or so without water forcing us to fetch from the dams and drink with cattle. At times people would fall sick and we would call an ambulance but it would find all the gates locked that was cruel.<sup>7</sup>*

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<sup>6</sup> Mairos Dlamini, Farm Labourer, Farm labourers focus Group, Radway Green, October 2016.

<sup>7</sup> Conrad Cethe, Farm Labourer, Farm labourers focus Group, Radway Green, October 2016.

*It affected us negatively because socially we used to play soccer there because Mr de Cork assisted us in creating a soccer field but when the new owner came, he made a mess to that field. We could not play soccer on it anymore and our source of entertainment was gone. Also since we used bush toilet, whenever he sees us going to relieve ourselves, he would follow on us and that violated our privacy. He even told us that we could not fetch firewood on his farm. So imagine what we were going to use for cooking since we did not have electricity?*<sup>8</sup>

As such, these narrations reveal a gross violation of ESTA provision by the farm owner on the freedom of association and assembly as mostly within these confinements, farm workers and farm dwellers are denied visitations from family and friends which becomes a subject to constant negotiation with the farm owner for permission. It is from this angle that the vulnerability of the farm workers has been exposed by the study. Looking at the sustainable livelihoods approach, vulnerability encompasses the stress and shocks which either directly or indirectly touch the poverty stricken people. In this case, from the narration given above, the farm occupiers were faced with stresses that emanated from a new farm owner who wanted them off his property. Jason Moore restricted them from accessing essentials such as freedom of movement and association, access to firewood and clean water which was further exacerbated by their lack of employment. It was obvious that the strategy employed by the new farm owner of not employing them and other restrictions imposed on them would breed a shock that would force the farm occupiers to desert their homes and move off his property as a coping strategy.

Not to be missed in this whole scenario was the power that was wielded by the farm owner over the farm occupiers that made it improbable for them to positively influence their environment to their advantage in order to reduce those stresses and shocks imposed on them by Jason Moore. The new farm owner kept on increasing pressure on them to move away from the farm by engaging a legal route and from the respondents interviewed it was a way of justifying their eviction. This is what Ms Miti had to say about the situation:

*Yes, we were forcibly removed because of the circumstances we were put through. They tried all they could just kick us off their property. This other time he came to where we stayed and brought along a security officer to serve each and every household with notice of eviction papers stating that we must leave his property. Those eviction papers had a list of the people*

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<sup>8</sup> Jimmy Dzana, Farm Labourer, Farm labourers focus group, Radway Green, October 2016.

*that had to leave. And then after there came along another lady with him, we did not know if she was his lawyer or it was the sheriff but they forced us off the farm.*<sup>9</sup>

However, an interview with the farm owner's wife Mrs Moore produced a different perspective to the whole issue. She stated that the problem emanated from the fact that when they bought the farm, there were farm workers already staying there. In a bid to be on the same footing with the farm occupants they called for a meeting with them which she pointed out that it did not end well. This is what she said:

*Yes, that's where the problem started because there were farm workers living on that land but the day we took over we had a meeting with them. I am sure you must have met up with Bonelwa by now. We were shouted at, sworn at and screamed at and they said that we are not the legal owners. I have it all on record but I didn't bring all my files with me because it's in an apple box full of files of the entire rampage they went on. They went on a rampage and they damaged our water system, they damaged our fences, they attacked our cattle all to say we are not the owners of the farm. In spite of the fact that we gave them all copies of our title deed. So eventually we started the eviction procedure against them but before we could go all the way the government came to us.*<sup>10</sup>

Analysing what Mrs Moore has explained, surely some of the blame must be placed at the door of the previous owner. How can you just tell people you are leaving without explaining to them that the farm has been sold? In fact, he should have set up a meeting with the farm workers and the new owners. However, her narration was brushed off by my key informant at an organization called Eastern Cape Agricultural Research Project (ECARP)<sup>11</sup> that supports and is engaged in the empowerment of the rural communities in particular farmworkers and the farm dwellers. The official from ECARP stated that the narration given by Mrs Moore was just a way of evicting farm workers without taking into consideration how it was going to affect their livelihood. From what he said, I drew some points on how people rely on natural resources for their livelihood construction for example drawing firewood for cooking, hunting for meat, grazing for their domestic animals as strategies for survival. However, the farm owners felt that their business was being threatened by such activities whilst the farm occupiers thought that they were just living their normal life. This shows how interconnected

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<sup>9</sup> Bongisani Miti, Farm Labourer, Radway Green October 2016)

<sup>10</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

<sup>11</sup> Eastern Cape Agricultural Research Project (ECARP) a Non-Governmental Organization that supports and is engaged in the empowerment of the rural communities in particular farmworkers and the farm dwellers

the natural capital is to the social capital which entails how the norms and values mutually agreed within a community fosters their connectedness. Mr. Khayaletu Sodladla from ECARP illustrated how he viewed the whole scenario:

*There were a lot of rumours because the farm owner was saying that those people were stealing and setting traps to catch the wild animals but were now trapping his livestock. I think that man was being unreasonable if I would say. That was just his strategy of evicting those people as he didn't want a lot of activities the people were doing on his farm. Thus to be quite honest I didn't hear of any specific reason for the eviction except that the farm had been transformed from pineapple farming to livestock farming.<sup>12</sup>*

From the farm owner's wife's response she had given earlier, I further probed to find out if there were any specific reasons for the need to evict the farm workers who have been working and staying on the farm from what the farm occupiers themselves had said to be over six decades. Her response in some way justified their eviction as provided for in the ESTA document that if the farm occupiers violate the contract of employment or cause destruction of property on the farm they will be faced with eviction. In that case, even though ESTA has made it difficult to evict farm occupiers, it has been reported that farm owners have always found ways to manipulate the Act in order to evict farm workers if they no longer needed their services, within the dictates of the law (Cousins, 2016: 5; Lahiff, 2001: 2). From what I gathered from the interviews conducted on the evicted farm workers and the farm owner, there exists an animosity where accusations and counter accusations are rampant. When I asked Mandy Moore why initially they would not adopt the farm occupiers who used to work for Michael de Cork to work for them since they already stayed there, she narrated her ordeal with them:

*It's because they didn't want to work. They refused. They had parties on my ground at night. The fact that they did not acknowledge us as the new owners of the farm they decided to go on a rampage destroying our farm so that we can move off our acquisition. They would be snaring constantly and we can show you a shed full of snares. Do you know what a snare is? It is a piece of wire put in the bush to catch animals which ended up affecting our cattle. So seriously, if I did a few hundred thousand Rands worth of damage to your farming concern*

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<sup>12</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

*and your turn around business there or whatever I am doing is threatening your business would you keep me there? That's why I didn't want them there. There is no other reason.*<sup>13</sup>

In this context, Mrs Moore is trading allegations with the farm occupiers whom she accuses that they were trying to sabotage her business interest. From what she had to say below it shows that she had to do anything in her capacity to protect her business:

*They were threatening my business constantly, constantly. They would not stop for a minute. They were constantly bringing strange cattle on to our property. Mr Onelwa, we call him "blacky" his cow until now always walks down the road to go and fiddle with my cattle. Our cattle are registered we pay huge amounts of money to keep the registration certificate up to scratch. We can't have an uncertified animal mixing with our animals. We are not going to stop cattle farming or animal farming because of this problem that doesn't want to go away.*<sup>14</sup>

It is from this backdrop that the respondents stated that they became increasingly vulnerable to such an extent that they had to seek intervention from the Department of Rural Development and Land Reform as a strategy of recovering from those stresses and shocks. They were fighting to hold on to the land with the full knowledge of how important it was to them. They argued that they derived their livelihood from the land such as croplands, firewood, grazing as well as a water source for their survival. Thus, letting go would render them landless with nowhere to go since they were born and bred on the farm as to what they confessed in the interviews. A lot is at stake when forced evictions are underway as the interlinkage of capital assets is not limited to natural capital or physical capital only but will also affect social and human capitals as well. This resonates with what Krantz (2001: 9) said that people rely on one another to foster a decent livelihood within a settlement in order to develop skills and knowledge (human capital) essential for a better livelihood. This is true because the farm workers were a close community who relied more on each other but when they were moved this was disturbed. More detail on this will be discussed when this paper will be reflecting on what the farm workers lost when they were moved to Radway Green farm.

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<sup>13</sup> Mandy Moore, Farm owner's wife, Grahamstown, December 2016.

<sup>14</sup> Mandy Moore, Farm owner's wife, Grahamstown, December 2016.

#### 4.3.4. Institutional intervention for remedial measures.

With the vulnerability of the farm workers at stake, seeking an intervention from relevant authorities was their last resort. Scholars like Chambers and Conway (1991: 11) in their study found it imperative that whenever the rural poor are faced with shocks and stress that they cannot deal with on their own, they have to indulge in a claims making process to the government and the civil society as a plea for assistance or political action. This is true as the farm workers have been staying under precarious conditions if the situation they described in the interviews conducted is anything to go by. As such, livelihoods strategies need to be institutionally and organisationally instituted if they are meant to benefit the general populace (Scoones, 1998: 5). In that context we have the Department of Rural Development and Land Reform as the custodians and implementers of the land reform programme in South Africa. As I have mentioned in the literature review chapter, the DRDLR is the one that led the propagation of policy statutes such as the Extension of Security of Tenure Act of 1997 central to this study as one of the measures in place to regulate when and how people may be evicted from farms. In this case, how the DRDLR responds to matters such as the eviction of farm workers sets precedence in the future if such scenarios occur elsewhere. Here is one of the farm workers explaining how they involved the Department of Rural Development and Land Reform:

*After going through many hardships at the hands of Jason Moore, we sat down as a community to air out our views with our chairperson taking down minutes that she then presented to the DRDLR. Through our chairperson we approached the police, councillors from the municipality and the Minister of Rural Development and Land Reform Gugile Nkwinti<sup>15</sup> such that they would come and try to mediate on the impasse we were faced with. They would call for meetings with the owners but sometimes the owners would refuse to meet saying they are busy looking after their cattle and their farm so they do not have the time to waste. However, we received assurance from the DRDLR and they told us to wait on them as they are working to help us. Given the way Jason treated us they sensed that we might think of retaliating hence they emphasized that we should not do anything that is outside of the law but we should stay put for their assistance<sup>16</sup>*

From the information gleaned from the interviewees, it was in 2012 that the farm workers eventually succumbed to the pressure of getting evicted from part of the land they had grown

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<sup>15</sup> Gugile Nkwinti Minister of Rural Development and Land Reform

<sup>16</sup> Busisiwe Cethe, Farm Labourer, Radway Green, October 2016.

to know as their home. For this study's benefit, it was important to analyse if the whole process of eviction and resettlement was done within the dictates of the law particularly the ones that emphasizes on security of land tenure such as ESTA.

#### **4.3.5. Resettlement process**

The DRDLR played a significant role in acquiring the 53 hectares of land from Rodney Yendall in order to resettle the evicted farm workers. After a lot of negotiation with the Yendall family, it was agreed through Minister Nkwinti that the DRDLR was going to purchase a piece of land as a way of appeasing them for their loss. Here is what Mandy Moore had to say on their sale of the piece of land to the DRDLR to resettle the evicted farm workers:

*On this case when we had meetings to resolve the land dispute with the farm occupiers, Mr Nkwinti himself attended the meetings in person without delegating someone under him to handle it. We proposed a piece of land from our farm which we had surveyed and sold it to the government at a very cheap rate. He himself came to the meeting at the hall and he said he was very happy with the piece of ground and that he has had it evaluated as well. We gave them a good piece of excellent farming ground. We were not unreasonable and Minister Nkwinti said that we were the most reasonable landowners they have ever dealt with but he is the same man who said this other day in his speech that we have evicted the farm workers. Those people they do not understand that the breakfast has been taken away.<sup>17</sup>*

So after the agreement on the piece of land, the DRDLR officials went to the farm workers and made them sign an agreement of consent to move to the purchased land with the promise of having houses constructed for the 27 households available. With Radway Green Farm being marked as a destination for the evicted farm workers and dwellers, the Department of Rural Development and Land Reform agreed that the piece of land acquired would provide security of land tenure, a possibility for better livelihood strategies and an improved household wellbeing for them. However, that was all in theory as the situation on the ground says otherwise. This is going to be discussed in detail under the theme of The Struggles of Recreating Livelihoods to follow in this chapter. One of the key informants from the DRDLR Deputy Director (RID) Cacadu Ms. Phakama Booi narrated how the department intervened in the resettling of the evicted farm workers:

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<sup>17</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

*What we did is that when the Moore family identified the land they wanted to sell to us, we bought it but there were no houses on it. So we had the beneficiaries of that land to move in and then we provided them with those temporary structures, I think they are still there. So they were living in those temporary structures and then the department embarked on a process of procuring a contractor to build houses 27 of them together with the houses and services. So we did that project under the Rural Infrastructural Development. So the project started in January 2014 and was completed in December 2014 in terms of practical completion but after that there were still some stuff that the contractor had to go back and fix. So that was my involvement in terms of infrastructure. Also there was no boundary fence around that property so we also did that doing the first 3kms through the contractor and then the second 3kms done by the farm workers or the beneficiaries.*<sup>18</sup>

The beneficiaries of the piece of land purchased by the DRDLR in order to afford them a reasonable livelihood also corroborated with what the department's Deputy Director Ms. Phakama Booï had said:

*It was a terrible experience to live a place one had called home for so many years. We had nowhere to go until the DRDLR intervened and secured this place for us. The department was quite helpful as it brought tents for all of us then the tin houses down there if you have seen them when you were coming in. They told us that they would build us houses as a way of compensating our homes we lost in the process of getting evicted. We felt sorrowful initially because we had to stay in tents as compared to where we came from. We felt so shameless staying in tents with our families because it is not a good way for people to stay like that. To make matters worse is that there are even snakes there because the land is flat. So we were not happy when we firstly got here. Our lives only changed when the DRDLR built these houses for us.*<sup>19</sup>

However, even though it was a noble cause for the DRDLR to provide some sense of security of land tenure for the now resettled farm workers the process it undertook to resolve this impasse could not escape criticism. An official at ECARP had no kind words in relation to how the whole issue was handled. This study established that there was a complete violation of ESTA and LTA which affords a security of land tenure to all farm workers and dwellers who have worked and stayed on a farm for stipulated period of time thus naturalizing their land ownership. On the removal of farm workers and resettling them at Radway Green

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<sup>18</sup> Phakama Booï, DRDLR Deputy Director (RID) for Cacadu Municipality, Port Elizabeth, October 2016.

<sup>19</sup> James Mathe, Farm Labourer, Radway Green, October 2016.

exposed the DRDLR's inability to enforce its own legislations as the ECARP official mentioned that:

*For starters the government should not have removed those people from where they were staying because in the process of doing so the government itself was disregarding ESTA. Its mandate as the implementers of the land reform programme was to enforce the Act but it did not do anything.*<sup>20</sup>

Furthermore, ESTA in particular clearly states that in the event that farm workers are evicted from a farm, the farm owner is mandated by the law to offer compensation in the form of an alternative accommodation without depriving the intended beneficiary the livelihoods he/she enjoyed at the previous residents. What transpired in my case study area was the opposite from what the law stipulated. Still trading accusations on who wronged who, Mandy Moore vehemently disputed the need for her family to compensate the evicted farm workers for the loss of livelihood:

*Why would we compensate them when they have not compensated us for nearly a million Rands of damage they did to us? The taxpayers paid for it, that's what Minister Nkwinti wanted. The government bought it. Why would we compensate them as they have attacked my cattle, they break my fences down, they destroyed my water system, they nearly got my tenants to move out of the house and would have been a loss of rental, they brought cattle there, they brought disease there. Why would I want to compensate them?*<sup>21</sup>

As a matter of interest, the study can reveal that in the case whereby the Minister of DRDLR was directly involved himself, no compensation whatsoever came from the new farm owners. The failure on the government's part to provide operative measures increases the erosion of the rural people's livelihoods. As such, for livelihood strategies to be effectively implemented, the relevant institutions in this case the DRDLR in their implementation of supporting policies like ESTA and LTA, there should some level of coherence and consistence in terms of their application. What transpired exposed how the farm owners disregard the security of tenure laws without being punished and that alone expose the farm workers even more to ill-treatment and poverty. Authors like Hall (2003: 16) reported that farm workers are often evicted and dumped in open areas with no attention paid in relation to the impact it had on their livelihoods and their future wellbeing even though ESTA

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<sup>20</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

<sup>21</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

emphasizes on the provision of alternative accommodation. The official at ECARP explained his own understanding of the provisions of ESTA in relation to what happened at Radway Green farm giving an insight on how it has to be implemented:

*In terms of ESTA it should be the farm owner who is supposed to provide for alternative accommodation and not what happened at Radway Green farm whereby the government through the DRDLR had to construct those houses. If you evict someone, from maybe a three roomed house you have to identify a place somewhere else where you build a house with the conditions that fit the exact conditions or more. But farm owners sometimes tend to manipulate this when they know that I have a relative in the township and sometimes I visit that relative. They will think that maybe that is my house and when you engage them they will say no you have a house in the township even though it is a relative's house.. So those are some of the issues or challenges that need to be taken into consideration when enforcing ESTA or amending ESTA itself. I think there is gap between the law makers and the implementers. Because in terms of implementation it is difficult as I am not sure whether the implementers have the capacity or are capacitated on what should be happening or what should be done and also on their role in terms of this whole process.<sup>22</sup>*

However, with all that has been said, the government still serves the role of a public protector. While the Act provides for the owner to provide the evictees with equivalent accommodation, the Act is also supposed to promote land reform, and therefore the government should use the eviction to come to the party and assist the farm workers in terms of the land reform program, that is by buying the farm they are on, or buying alternative land. There was no way it was just going to fold its hands without taking action especially in the case of the already evicted farm workers at Radway Green. It is mandatory with resources permitting that the government should provide also provide alternative accommodation conducive for basic livelihood creation for its citizenry. As Ms. Phakama Booi from the DRDLR puts it:

*It depends with the availability of resources and for me it was the first case of eviction that I have dealt with. But all in all if similar cases arise within my jurisdiction, us as the Department of Rural Development and Land Reform we are always there to assist the affected people for the betterment of their livelihoods.<sup>23</sup>*

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<sup>22</sup> Khayalethu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

<sup>23</sup> Phakama Booi, DRDLR Deputy Director (RID) for Cacadu Municipality, Port Elizabeth, October 2016.

Supporting the DRDLR official's assessment is Section 25 of the constitution which stipulates that the objective of the land redistribution is to "foster conditions which enable citizens to gain access to land on an equitable basis". This proves the importance of government entities' involvement in addressing issues pertaining to land tenure. As already been mentioned that land is the primary source of rural livelihoods for the rural poor, farm workers in particular uses it to augment their meagre remuneration. To bolster the government's commitment to this whole issue, a new legislation is waiting to be signed into law. The controversial Expropriation Bill of 2015 awaiting President Zuma's signature grants the government autonomy to acquire land in the interest of the public. As the Eyewitness News (2016: 1) reported that the Bill would expedite redistribution of land to the landless and the dispossessed. If well executed, the proposed policy would redeem the ANC led government's failure to execute its land reform programme since the attainment of independence in 1994.

#### **4.4. Eviction or Displacement**

As the debate raged on between the new farm owners and the farm occupiers over ownership of land a rational understanding had to be found for the benefit of this study. This researcher found it reasonable to listen to both sides and gauge if the claim for eviction that was made by the farm workers made sense or what the Moore family as the new farm owners really evicted them or it was a justifiable displacement that happened. Definitely as what the interviewees have alluded to, a change of ownership and a change in farming activities was the root cause for the threat of eviction on the farm workers who used to work for Mike Sullivan who is alleged to have retired from farming and left without telling them that he sold the farm.

When the change of ownership was effected in 2007 from Michael de Cork to Jason Moore there were farm workers who were left by the former. As such, the coming in of Jason Moore brought about a change of farming activities on the farm. Thus converting from pineapple farming which was the main produce before the takeover employing most of the 27 households there to cattle ranging and tourism business as the new business venture after the takeover. Taking into consideration ESTA and LTA provisions on the security of land tenure for farm workers and the farm dwellers, they were justified to fight eviction from the land they had worked and stayed on for more than five decades. At the same time, having gone through the ESTA document, it does not exclusively stop evictions from occurring but rather it merely regulates how they are conducted putting a stop to arbitrary evictions. However, as

provided for in Section 25 of the constitution, security of land tenure should be recognised as it forms the basis upon which the farm workers construct their livelihoods. From land they gain access to basic necessities such as accommodation, food, water and other needs. Hence being involuntarily removed from it as what happened at the farm workers now based at Radway Green deprived them of such needs. One of the evicted farm workers narrated how he experienced the eviction process:

*Some of us were born there at Aloe Ridge and we were working for Michael de Cork. My family had a nice house which we built for ourselves bigger than this one from the Department. Even though we were limited to the livestock we kept on the farm, we had cattle and goats amongst all of us now staying here. The coming in of Jason changed everything as he fenced off our grazing lands forcing us to sell most of our livestock or else they were going to starve to death. He argued that our cattle could not mix with his and we did not understand the reason why since they are all cattle. We could not do a lot of things we used to do such as hunting, firewood collection or social games we used to have when Michael was still around. Eventually we found ourselves being served with eviction notice because he said we were destroying his farm. When we moved here some of us lost houses, some of the old people died because of stress because they thought they would be buried there and we also lost graves of our relatives buried there already. As for me when my son died, Jason refused my family to bury him there. We ended up burying him in Grahamstown which is against our norm as family members are buried together.*<sup>24</sup>

The effects of eviction that have been narrated above showcases how important security of land tenure is to the farm workers and farm dwellers working and staying on the farms. As long as they continue staying under insecure land tenure, loss of livelihood is certain which will impact negatively upon them. What becomes more questionable about this whole scenario is the capability of the post-Apartheid government's policy implementation process meant to safeguard the vulnerable farm workers and farm dwellers especially as far as ESTA and LTA are concerned. ECARP official interviewed criticised the Department of Rural Development and Land Reform over its application of the security of tenure Acts in place:

*I think for me the challenge is that there is no enforcement from the department. The ESTA itself has some loopholes which the farm owners would manipulate to their advantage in order to legally evict farm workers. Whilst it says that it gives special rights to those people*

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<sup>24</sup> Thembalami Kuse, Farm Labourer, Radway Green, October 2016).

*who are above 60 years and have stayed on the farm for more than 10years, there is a challenge for someone who has stayed on the farm for two years or three years and maybe is less than 60 years. As ESTA grants special rights, the farm owner would argue that this person just came hence is liable to be evicted without any legal consequences against them. So such gaps need to be taken into consideration to secure land tenure for farm workers.*<sup>25</sup>

Supporting the same notion as stated by the ECARP official above is Bernstein et al (2005: 12) who points out that even senior DRDLR officials have conceded that more farm evictions are still happening as the government is not proactive enough in coming up with measures to instil conformity of the law by landowners to enhance farm occupiers' tenure rights. As such, ESTA has proven to be an ineffective policy due to its passiveness in regulating evictions as it has been proven from the interviews contacted and also this researcher's observation on the farm workers who were evicted. Most of them were old people who showed grief all over their faces when they were narrating what they faced and lost during their eviction from where they used to stay. Whilst this would have been expected during the apartheid era, this sums up what Hall (2003: 23) reported that farm workers and farm dwellers' eviction from farms has actually increased after the implementation of the tenure rights reforms as compared to before South Africa's transition in 1994.

From the interviews conducted, I found out that everyone from the civil society to the beneficiaries of the land reform programme were opposed to the farm owners. Yet it is important to also have a perspective from farm owners in relation to the land reform programme in South Africa. The Moore family asserts that they bought the farm from the former owner Michael de Cork to run their cattle ranging and tourism business on it. When they moved in there were farm occupiers already staying and they called a meeting to find a common ground but the meeting did not end well as the farm workers also claimed ownership to the farm. I would base my argument on the sustainability of their business in relation to how the farm occupiers behaved prompting their eviction from where they used to stay.

Of interest, Mrs Moore vehemently denies that the farm occupiers were evicted but were displaced. She stated that their problem began when they found the farm workers who used to work for Michael de Cork on their newly acquired farm. She said they tried to sit down with the farm workers to map the way forward but they were against the takeover of the farm. As

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<sup>25</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

mentioned earlier, the meeting did not yield any positive results but actually brewed more animosity against them by farm workers who went on a rampage destroying their property business. She said this was done in protest of their ownership despite the fact that they had given them copies of their title deeds as proof.

For people who had embarked on a new business venture destruction of property is the last thing they expected. The allegations of sabotage laid against the farm workers are not encouraged under the rule of law and even for their own sustenance. Thus Krantz (2001: 1) argues that the sustainability of a livelihood stems from people's ability to be self-sufficient as they seek to enhance their wellbeing whilst recovering from shocks and stresses without destroying the natural resource base. However, this researcher asked the measures the farm owners undertook to solve the impasse between them and the farm workers. She said she reported the case to the police but no action was taken from their part:

*Yes, I didn't bring all my files as I have got all of the photographic evidence of the destruction done on our farm by those people. I have got all the police cases we reported. I have got files this big (Using hand gesture) of cases against these people. But the police are too busy for our small issues. There are too many murder cases and other things and Rhodes students burning our town down. However, after we went to see Minister Nkwinti, the government eventually took over the process to find an amicable solution to our problem. He then instructed his department to buy ground and build those houses so that these people can become happy but still they are not happy. I didn't have to move them, the government moved them. I never moved a single person even Mr Onelwa the last person was moved by the government.*<sup>26</sup>

Thus from this backdrop she denies that she is even the one who removed the farm workers from the farm but the government. She argued that "eviction of farm workers" has become a blanket statement in this country that every second any farm worker that has been moved off the farm has now been called an evicted farm worker nobody bothers to verify whether he/she has really been evicted.

*No person in this country can just be chased off any ground. It is a very expensive and a very specific law of order that is in place. There are certain criterions to be met before a court case can be made to evict a person off the farm. People who claim to be evicted farm workers are very, very seldom evicted farm workers. They are farm workers that are moved off the*

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<sup>26</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

*land for various reasons. They may have been asked to leave the ground by the previous land owner but evicted, the word evicted in this country it means by law through the court. The word evicted may not be used loosely unless it has been enforced by the court. To be enforced by the court there should be a court number. So the people that you are going to go to living next door to me claiming to be evicted farm workers, they are not. They lie!. They were asked to move and the government came and settled with us out of court and bought ground for them. They were never ever evicted ever! But the press and the Department of Rural Development and Rural Development keeps calling them evicted farm workers.<sup>27</sup>*

Interestingly, reinforcing what Mrs Moore has argued above is Wisborg *et al* (2013: 109) who revealed that most farm owners avoid the politically charged word “eviction” in preference of “having to leave” but in actual sense, the idiom obviously shows the power wielded by the farm owners to enforce eviction when they no longer need their services. In light of this, it is definite from the allegations that the farm owners were laying against the farm workers and farm dwellers at the former Aloe Ridge farm that they were going on a rampage destroying their property and business interest hence they had to move. From the response Mrs Moore gave, she did not feel obliged to compensate the farm workers’ eviction from their property but she felt that it was the mandate of the state to offer them alternative accommodation off their farm.

However, in as much as she may argue that her family did not evict the farm workers but the government through the Department of Rural Development and Land Reform did, they cleverly avoided following the expensive legal route to remove them off their property. Circumstances surrounding this matter would have clearly favoured the farm workers to continue staying on the farm in relation to the provisions of ESTA had they followed the legal route. The fact that they purchase their farms makes them to resent tenure laws more as they claim that it infringes their property rights just as the Moore family who pulled all stops to evict the farm workers.

*Where are these evicted farm workers? What is your court number? I would like to see it if it exists. Show me the court number (she laughs). It’s a High Court order, it’s not a magistrate ruling piece of paper. A single High Court order is R100000 with the costs. I don’t have enough money to pay attention let alone to pay R100000.<sup>28</sup>*

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<sup>27</sup> Mandy Moore, Farm owner’s wife, Grahamstown, October 2016.

<sup>28</sup> Mandy Moore, Farm owner’s wife, Grahamstown, October 2016.

This assertion by Mrs Moore corroborates what Wegeriff *et al* (2005: 85) argued that most farm owners opted to arbitrarily evict farm workers they no longer needed over taking the legal channel they said was expensive. The Moore family utilised what Ruth Hall (2003: 8) termed “Constructive evictions” as they engaged in fencing off the farm workers from accessing basic needs such as water, firewood and gates locked from visitation and free movement which are all essential for the construction of their livelihood to force them off their farm as the situation becomes unbearable for them to stay. The term originates from labour law where the term “constructive dismissal” means that an employer makes it impossible for a person to remain in their job, which is illegal.

#### **4.5. The Struggles of recreating Livelihoods**

Whilst there are some positive elements on the farm workers moving away from a protracted and bitter dispute over land ownership, definitely it impacted negatively on their livelihood. Through this study, it has been proven that the insecurity of land tenure rampant amongst farm workers leading to involuntary displacement inadvertently brings about a lot of negative social impacts upon them. When the farm workers were initially threatened with eviction from the former Aloe Ridge Farm where they used to stay, they had nowhere to go until the Department of Rural Development and Land Reform came to their rescue. From the interviews conducted, this researcher observed from how they expressed themselves that even if they find solace with where they are now, it was the most difficult moment of their lives.

Gleaning from the interviews conducted, when the evicted farm workers firstly got to the newly acquired 53 hectare piece of land from the DRDLR, they were staying in tents then in temporary structures as the department was putting together logistics to build them permanent houses. The official from the DRDLR Ms. Phakama Booï stated that initially they were living in those temporary structures as the department embarked on the process of procuring a contractor to build 27 household units for them. The project which commenced in January 2014 was completed within a year leading to the commissioning of the houses on the 14<sup>th</sup> of December 2014 by the Minister of the Department of Rural Development and Land Reform Gugile Nkwinti. The development was met with happiness as the evicted farm workers now had somewhere nice and comfortable to stay whilst only a few had mixed feelings:

*I am very happy to have my own place because I have freedom to do what I want as compared to when Jason Moore took over that farm. We were constantly harassed with threats of eviction, shooting our dogs and we could not fetch firewood from the farm which*

*made life very difficult for us. Here we have electricity, tap water and flushing toilets which we never had that side. So I am thankful to the department.*<sup>29</sup>

However, even though all of them were happy with the new houses, a few still believe that they have a chance of getting back the place they used to call home and got evicted from. This emphasizes the sense of belonging that Brooks and Kjelstrup (2014: 244) stated that there is a strong connection between the indigenous people and the land they have stayed on from generation to generation.

*When we were evicted from there we were not happy because we have been staying there for a long time. Long-time such that he arrived and found us living there but he evicted us. You see? However, we now feel safe staying here. We are grateful of the place as we now stay in these fine and beautiful houses but our hearts are still longing for the land at Aloe Ridge. If only we can get it back, we want to farm and plant on that land.*<sup>30</sup>

The sense of belonging that still pains the evicted farm workers and dwellers now based a Radway Green farm interconnects with the natural capital and natural resources lost during their eviction. It does not end there as the effects trickles down to affect other integral resources essential to the farm workers' construction of their livelihoods such as economic or financial, physical, human and social capitals disturbed. In that case, the centrality of this theme builds from the SLRA concept focussing on the ability or sustainability of the vulnerable and poor to cope with stresses and shocks they experienced when they were evicted from Yendella farm as they settle at Radway Green farm.

#### **4.5.1 Cultural Disruptions**

The farm workers' insecure land tenure which led to their eviction from the land they buried their forefathers has affected immensely their right to culture. As the Moore family evicted the farm workers from their property they no longer give free access to them to perform their traditional ceremonies there. Just as Brooks and Kjelstrup (2014: 244) assertion, the Radway Green farm workers believe that there is a great connection between land and their ancestors as they regard the farm as theirs in the belief that because their ancestors (*amadlozi*) stayed and were buried there is sufficient to their claim that they are the owners of that land against the title deed the Moore family hold. As such they feel it is within their rights to go there and

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<sup>29</sup> Makhumalo Mlambo, Farm Labourer, Radway Green, October 2016.

<sup>30</sup> Bonelwa Dodo, Farm Labourer, Radway Green, October 2016.

conduct rituals at their graves if they are in need of anything for the betterment of their livelihoods.

*When we were evicted from Aloe Ridge farm, we left behind graves of our forefathers, children and relatives buried there unattended. We are so pained because that white person does not want us to enter there. Ever since we were evicted from the farm, we have to go through Jason or his wife Mandy to ask for permission to visit or conduct our traditional rituals brewing our traditional beer (umqomboti) to communicate with our ancestors on the graves. As it is we are not in good books with them so it means the means the permission for now is closed. It affects us so much for it is difficult to perform our rituals away from them*<sup>31</sup>

In order to get a clear understanding of this whole matter, this researcher interviewed Mrs Moore as the owners of the farm that evicted the farm workers to listen to her position on granting them access to the graves issue:

*By law yes, if they ask. They have to give me a written notification and I have to give them a written permission by law. You can't come to my door at 3pm in the afternoon and say I have 50 family members and we are going visit our graves. You can't just announce yourself. The law says that you must write me a note. And these days they accept maybe an sms or a whatsapp message that's accepted by law. I can either write a note or write back a whatsapp message consenting and agreeing on dates and on the agreed date I may supervise the activities or I may just say go ahead and conduct your ceremony.*<sup>32</sup>

After explaining the normal way things should be operating, she however brought out the bone of contention at hand between her family and the evicted farm workers over access to the graves. She gave her account as follows:

*At the moment, there is only one grave that is marked but there are more graves. If they fix my boundary fence that they stole from me then we are going to put up new fence around and we are just going to abandon that piece of ground for them. A while ago we offered to give them 3 hectares of ground in exchange for access but when they were not happy with it anymore they just took my access gates away. These are very unreasonable people and we*

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<sup>31</sup> Mandisa Dikela, Farm Labourer, Radway Green, October 2016.

<sup>32</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

*have stayed very civil and very reasonable but we are now up to here with them (hand gesture to mean we are fed up).*<sup>33</sup>

However, ECARP official Mr. Sodladla had a different point of view as he emphasized the fact that farm owners have continuously disregarded security of tenure laws put in place by the government at the expense of the vulnerable farm workers:

*I don't think they have access because when you are being evicted from an area that will mean you have no access to go back and clean the graves and do whatever you want to do. So I think it is exactly what you are saying that even though there is ESTA farm owners are still disregarding ESTA and they are continuously evicting people even though they are over 60 years or more. For the Radway Green people, they have been staying there for a long time but even though ESTA had been put in place prior to that, they were still evicted.*<sup>34</sup>

From the outlook of things, this study managed to prove that once the farm workers lost the rights to land they thought was theirs, they got their cultural right disrupted. What the Yendall family did or is still doing violates Section 31 of the Constitution that asserts that farm workers like any other citizens belong to cultural community hence must enjoy their culture without anyone denying them of that right. The same with ESTA but however, if it was a stronger legislation their security of tenure would have been protected.

#### **4.5.2. Lack of Employment Opportunities**

When Michael de Cork left the farm to be taken over by Jason Moore, the process of change of ownership and farming activities deemed the farm workers who used to work for the former a surplus. There was a protracted land dispute which then called for the intervention of the DRDLR to resolve it. As the new place was bought and had houses built for them, the farm workers welcomed it as it handed them a new lease of life supposedly to have been way much better than before. Whilst it was a noble cause by the DRDLR to grant them accommodation it faltered by not assisting the new beneficiaries building an economic base that encourages a sustainable livelihood. From the observation carried out by this researcher at Radway Green farm, a majority of the “tenants” are not employed and would spend their days basking on the sun with nothing to do. I say tenants because the beneficiaries on that farm do not have a title deed to the 53 hectares piece of land bought for them which is a cause

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<sup>33</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

<sup>34</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

for concern to be discussed again. One of the farm workers narrated what it was like to stay at Radway Green unemployed:

*Not having jobs is the struggle around here and it gives me stress. We are struggling. Most of us here we are relying on pensions and grants as our children do not work. Farms around us refuse to give us employment, I am very sure it is Rodney and his family who tarnished our image to other farmers around here because they are not happy that we have these houses nice houses we are staying in.*<sup>35</sup>

As such, they explained that the only source of employment they got was when the DRDLR initiated short projects for them which have long ceased from operating. This has pushed them back into poverty hidden under the nice houses as they decry that the pension and grants they are forced to survive on are not enough. The projects that the DRDLR initiated for them were short-lived:

*We are surviving on pension and grants as we speak but that is not close to enough considering our big families. I stay with my daughter's two small children and I get R350 for each child which will be R700 but it is not enough. Listen I stay down there and I have nothing to eat, I eat here, there at home there is nothing. We had short projects from the Department for de-bushing around here and also putting up a new fence for our farm. We would get paid by the Department of Rural Development and Land Reform but the projects ended on the 31<sup>st</sup> of August this year (2016). So ever since then we have nothing to do. Only a few of the guys around here leave to work in Grahamstown*<sup>36</sup>

During the interview with Mrs Moore, she pointed out the reason why the farm workers were not employed and spending most of their days sitting. From the way she put across her thoughts, this researcher could tell that she was being sarcastic considering that she wants nothing to do with the evicted farm workers after what they went through:

*They don't have to get employed, they get grants. They are not employed. Nobody wants to employ them. They are trouble-makers. So here and there one or two of them get employed for a short while and not long they will be back to the village. Some of them have moved to*

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<sup>35</sup> Mandisa Dikela, Farm Labourer, Radway Green, October 2016.

<sup>36</sup> Makhumalo Mlambo, Farm Labourer, Farm workers' focus group, Radway Green, October 2016.

*the town from those houses as they see that if they continue hanging around those people nothing will come out of it.*<sup>37</sup>

However, it should be noted that a majority of these farm workers were born and bred on the farms. Hence the only form of employment they know is to work on the farms and nowhere else. If the claim by Mrs Moore is anything to go by that no one in their surrounding farming community wants to employ them then something has to be done as they will continue to wallow in poverty.

#### **4.5.3. Lack of access to credit lines**

Even though the farm workers resettled at Radway Green farm have received assurance from the DRDLR that the acquired piece of land would provide security of land tenure, a possibility for better livelihood strategies and an improved household wellbeing for them. What this study has established is the opposite as the people there are not employed and they are failing to utilise the farm to their own benefit. Everything they have or to receive is just being spoon fed from the DRDLR. All this defeats the whole purpose of the land reform programme which is meant to bolster the capability of the beneficiaries to steer out of poverty by utilising their immediate environment for a sustainable livelihood. However, this researcher observed that this was not deliberate on the farm workers' part that the farm was not productive but they had not access to credit facilities to fund their farming activities on the farm without being solely dependent on the DRDLR.

When the interviews were conducted, this researcher realised the sense of security of land tenure for the beneficiaries only stemmed from the title deeds for the houses they received from the DRDLR. However, since it is a farming environment it is difficult to conduct operations from the pocket without assistance from bank loans or other credit lines. In that regard, it is important to note the necessity of being in full possession of natural capital like land. Taking from the literature reviewed and compare it to what the study established, it can be confirmed that when people have security of land tenure, they have access to economic or financial capital as they can use land as collateral to access loans beneficial for agricultural and infrastructural developmental purposes (DFID, 1999: 14). Thus credit facilities are accessible if they are able to produce a title deed for their land but in the case of Radway Green farm beneficiaries they do not have one.

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<sup>37</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

*I am happy that I have a place of my own and no one comes here to harass me and my family.. We all do not have a title deed for the land. When we asked for it from the Department they said that the people in Pretoria have it. So I am waiting for it even if it comes tomorrow but for now I am fine.* <sup>38</sup>

In as much as the farm workers did not fully understand the importance of the title deeds for the betterment of their livelihood, Mrs Moore out of experience as a commercial farmer had this to say:

*Absolutely! These Radway Green people they have never known it as good as it is now with those houses they now own. But land reform should benefit people by giving them their title deeds. Do you know that this government of ours, they give the people a farm but they do not give them a title deed to it?! So how do they borrow money from the bank? Do you think I can run my farm out of my own pocket? No! I run it through the bank's money. Literally that land belongs to the government. They can't do anything with that ground. They can't access loans to run it. It is worthless, completely worthless. It is also a form of control. If I own the land I control everything you do and you have no say. They have gone from bad to worse. In that state, it was better off working for a commercial farmer who paid them at least a decent salary per month.* <sup>39</sup>

#### **4.5.4. Food insecurity**

The security of land tenure is important as it fosters food security for the rural poor. While at the former Aloe Ridge farm, the study has established that the farm workers had minimal use of land for their agricultural activities apart from the subsistence farming meant for their family consumption in the form of small gardens. However, it was better off for they were working and getting paid even though not much but it enabled them to acquire food for their families. When they were evicted to Radway Green farm, not much of land production was witnessed by this researcher as I contacted descriptive observation around the farm. How they produced their food became the next question which was responded to by one of the farm workers now settled on the farm:

*For now we are doing nothing but the Department of Rural Development and Land Reform promised to bring a tractor to prepare some space for a gardening project around here. In the meantime we are just dependent on the social grants and pension we receive around here.*

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<sup>38</sup> Thembeka Miti, Farm Labourer, Radway Green, October 2016.

<sup>39</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

*There are also some promises from the Department of Social Development who will visit us sometime soon and we hope they will bring something to assist us with projects to produce our own food here.*<sup>40</sup>

In order to corroborate the information concerning the promises from the DRDLR, an interview with Ms. Phakama Booï from the DRDLR confirmed that indeed they were planning something for them. However, no timeframe was given as to when the One Household One Hectare farming project she pointed to was going to be implemented:

*In terms of their sustainable livelihood there is one project the department is trying to introduce called One Household One Hectare but it will be done at the next door farm which is also our farm called Yendall as there is huge space in terms of land which is over a thousand hectare as compared to the 53 hectares they are settled on. So, all of the 27 families will get one hectare on that farm for planting. I do believe that they will be plant for their subsistence and if there is surplus they would be able to sell. So that's one of the things that I know is going to take place for the beneficiaries.*<sup>41</sup>

From the look of things, this researcher observed that there is too much dependence on the DRDLR concerning almost everything. As it is, no timeframe has been given for the implementation of the projects but the farm workers are just seated with no alternatives to alleviate their food insecurity. This is in a big way hinders the farm workers ability of finding ways to utilise the farm to enhance a sustainable livelihood to avoid vulnerability to poverty. Since the Moore family are neighbours with the resettled farm workers at Radway Green farm, Mrs Moore had this to say about their farm production:

*Yes they have got 53 hectares! They bought them a small farm with water and everything but they don't do any agricultural activities there. They spend hundreds of thousand Rands on a gardening project for them but nothing tangible. Nothing! They came and fenced it for them and machinery was brought to till the gardening area but there are just weeds there. They are behind the houses all day. 57 hectares is more than enough for the households there to get a hectare each to run their cattle and subsistence farming.*<sup>42</sup>

The importance of land ownership is highlighted by Cousins and Scoones (2009: 12) who posit that different forms of livelihood activities are derived from land such as croplands,

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<sup>40</sup> Busisiwe Mlambo, Farm Labourer, Radway Green, October 2016.

<sup>41</sup> Phakama Booï, DRDLR Deputy Director (RID) for Cacadu Municipality, Port Elizabeth, October 2016.

<sup>42</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

grazing for domestic animals as well as a water source. From all this, the study has revealed that there is a lack of full utilisation of land at Radway Green which would help the land reform beneficiaries to alleviate food insecurity if they are committed to it.

#### **4.6. The Need for Land Tenure Security**

As has been emphasized throughout this thesis, land remains a primary source of livelihood to the rural poor where accommodation, food security, water, economic activities and social and cultural identities are derived from. It is essential to note that security of land tenure reduces the rural poor's vulnerability to poverty. In the case of Radway Green farm workers, the need for their land's title deed is paramount to everything if they want to succeed in turning around their livelihood for the better. As such, the farm workers cannot make it alone to strengthen their tenure of security but they need state institutions like the DRDLR to implement pro-poor policies like ESTA and enforce them to achieve their true purpose of protecting individuals' land rights. However, the DRDLR has been criticised by Mr Sodladla for its failure in the implementation and enforcement of ESTA to protect the security of land tenure for the evicted farm workers now based at Radway Green farm:

*I don't think ESTA protects people just because it is written on a piece of paper, it needs to be enforced. The Department of Rural Development and Land Reform needs to do a lot to ensure that it employs people with the capacity to enforce ESTA. I don't know how possible it is to close the gap between the lawmakers and the implementers because they are coming up with these beautiful laws or acts but who is implementing? Continuous farm evictions are occurring in the presence of security of tenure laws. The officials from the Department should be capacitated first by understanding ESTA thoroughly in order to enforce it effectively. There is no way one can enforce something they do not understand themselves.*<sup>43</sup>

Having security of land tenure properly enforced reduces vulnerability of the poor people which would in turn bring about sustainable measures that would enhance their wellbeing. Considering the literature reviewed, the vulnerability context lies outside the poor people's control hence it requires externally driven change (DFID 1998: 4). This can be attained via direct intervention through public action such as new policies for example the Expropriation Bill of 2015 which has sailed through the National Assembly now waiting to be signed into law. Even though controversial, such a law would work in favour of the indigenous people

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<sup>43</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

reinforcing their security of land tenure particularly the farm workers and farm dwellers as it empowers the state to compulsorily expropriate land in the interest of the public.

#### **4.6.1. Title Deeds**

Security of land tenure is essential when it comes to rural development. As already been mentioned above, when people have security of land tenure, they have access to economic or financial capital as they can use land as collateral to access loans beneficial for agricultural and infrastructural developmental purposes (DFID, 1999: 14). This is essential as rights to property lead to access to loans that will be channelled into a labour force that produces food for their subsistence and for selling thus trickling down to capacitate families at Radway Green farm to afford essentialities for the benefit of their livelihood. From this context, the importance of the Sustainable Rural Livelihood Approach is showcased as it is mainly concerned with taking an all-inclusive and a consolidated effort to alleviate poverty. For this effort, Cousins and Scoones (2009: 12) outline the importance of having exclusive rights to land for the rural poor to be able to derive sustainable livelihoods. That observation is true as this researcher also found out that nothing productive was happening except that the farm workers were just happy that they have nice houses to stay in.

#### **4.6.2. Urgency and efficiency in dealing with security of tenure issues**

Of great importance that was revealed in the study is the need for urgency and efficiency in dealing with security of tenure issues. This takes us back to see how valuable are the governmental institutions in enforcing policies that advances security of land tenure for the rural poor as Scoones (1998: 5) has put it. We have the DRDLR as the implementers of policy statues like ESTA as one of the measures to regulate when and how people maybe be evicted. However, with the increase in the eviction of farm workers raises many questions on the effectiveness of the security of tenure laws and their enforcement. Mr Sodladla from ECARP explained what they experienced when they deal with farm workers' issues:

*The Department of Rural Development and Land Reform need to ensure that there is urgency when dealing with farm worker evection case. Usually they drag for a long time and people end up getting evicted before the case has been finalised. Hence they need to employ people with the capacity to deal with such issues expeditiously to avoid arbitrary evictions.*<sup>44</sup>

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<sup>44</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

It is an important issue raised when it comes to ensuring that security of land tenure for the farm workers is observed. Having the relevant human resources in terms of staffing of the DRDLR is essential as it assists in the dealing of tenure effectively and efficiently. Another valid point that Mr Sodladla expressed is on the failure in executing important duties due to short staffing:

*Another challenge with the Department of Rural Development and Land Reform is that, look at the Eastern Cape, it has a lot of farms but if you phone the department to ask for someone dealing with ESTA cases there is only one person Mandisa Tshiki<sup>45</sup>. So how can one person deal with such a vast area especially from PE to East London? There is a lot within the department that needs to be done first especially this gap between the law makers and the implementers in terms of the process it takes for cases to be resolved or for the department to attend to those cases. As it is, there are a lot of cases that have not been resolved to date.<sup>46</sup>*

#### **4.6.3. Reaction towards ESTA**

Considering the upsurge of the eviction of farm workers and farm dwellers from farms post-Apartheid, it has proven that farm owners have continuously disregarded the security of land tenure laws instituted by the government. With ESTA having been implemented in 1997 as a measure of securing land tenure for people living on the farms, literature has it on record how farm owners evict farmworkers and farm dwellers no longer offering services to them. In light of this, Wegeriff *et al* (2005: 85) indicates that farm owners feel burdened to continue accommodating those who are no longer working for them claiming that they will end engaging in criminal activities on the farm hence they should leave and the state should offer them alternative accommodation off their farms. The fact that they feel that the tenure laws infringes their property rights, farm owners engage arbitrary means of evicting farm workers and farm dwellers without incurring costs. This study has proven how ESTA was disregarded during the eviction of farmworkers now resettled at Radway Green Farm

An interview with the farm owner's wife Mrs Moore revealed how she totally despised ESTA as a law. This was after this researcher probed her on how she managed to evict farm workers and farm dwellers after she had claimed that the first family to stay on their farm came in 1979. She responded as such:

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<sup>45</sup> Mandisa Tshiki DRDLR District Manager: Land Tenure and Administration

<sup>46</sup> Khayaletu Sodladla, ECARP's Community Development Facilitator, Grahamstown, December 2016.

*We are painfully familiar of that old law. Every time we served them with an eviction we also obtained booklets and each of them were given a booklet in their hands that's how on the law we were.. I didn't have to move them, the government moved them. I never moved a single person even Mr Onelwa the last person was moved by the government.*<sup>47</sup>

What the Moore family did was to engage in the blocking of all sources of livelihood for the farm workers and farm workers they wanted to evict such that they made their living conditions unbearable. That alone forced the farm workers and farm dwellers to seek assistance from the DRDLR after they were continuously harassed in a bid to evict them. How the DRDLR responded to this whole issue has proven how it is unable to enforce its legal instruments to protect the vulnerable and the rural poor with regard to tenure security. Instead of making the farm owners foot all the costs incurred by the DRDLR in resettling the farm workers and farm dwellers it somehow respected property rights of the new owners at the expense of the general public. In that case it rendered the ESTA a worthless law to be adhered to as it legally strengthened tenure security of farm workers and farm dwellers in theory but the situation on the ground says otherwise.

The official from ECARP also echoed the same sentiments as above on how ineffective ESTA was in curbing the continuous eviction of farm workers and farm dwellers that have a legal right to stay on the farm. The official implied that whilst ESTA is in place the DRDLR has no capacity whatsoever to enforce it making it possible for the farm owners to manipulate their way through to evict farm occupiers without retribution. Supporting the same notion is Cousins (2016: 9) who argues that farm owners claim their Constitutional right to property, arguing that ESTA as it accords security of land tenure to the farm occupiers, it negatively affects price negotiations with prospective buyers in the event that they want to change ownership hence they arbitrarily evict them. This is what this researcher observed that the Moore family had a title deed that entitled them to full ownership of their newly acquired property hence could do what they want with it. However, it conflicted with ESTA provisions which also accorded right to occupation to the farm workers thus the use of force to remove them was utilised.

The farm workers and farm dwellers themselves are not well versed with the dictates of ESTA as a majority of them are not educated. This has exposed them to vulnerability of being exploited. This connects with what Roodt (2006: 9) depicted that farm workers and

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<sup>47</sup> Mandy Moore, Farm owner's wife, Grahamstown, October 2016.

farm dwellers' lack of knowledge of their rights to land access and their inability to afford legal support has hampered their effective protection from unlawful evictions. Had the Radway Green farm workers managed to acquire legal support, they could have stopped this unlawful eviction. They heavily relied on the DRDLR which failed to execute its mandate to protect the farm workers from arbitrary eviction from the farm they had worked and stayed on for a significant period of time.

#### **4.7. Access to Social Amenities**

After the resettlement of the farm workers at Radway Green farm, the study set to determine their access to basic amenities required for the construction of a decent livelihood. It is a common knowledge that in any new settlement, there is a need for localised services such as hospitals or clinics, shops, schools, police station, and public transport access. A lack of such amenities does affect the farming community's wellbeing as they are meant to aid the vulnerable rural poor. Taking into consideration that fact, the Sustainable Rural Livelihoods Approach which is people-centred, its main aim is to reduce poverty and vulnerability of the poor. Carney(1999: 13) thus expressed that this can be achieved by paying attention to what is important to people's livelihood by engaging the poverty stricken to identify what needs to be prioritised for development purposes.

For this study I figured out that it was important for the relevant institutions to encourage participation of the rural poor in matters that affects them. Supporting the same view is Chambers (2014: 7) who asserts that the realities of professionals and that of the poor are either misread or misinterpreted hence a hand in glove kind of relationship in the decision making process should be encouraged(Chambers, 2014: 7). The evicted farm workers who are now resettled at Radway Green farm shared with this researcher what they wish the government could provide for them. Through my interaction with them during the interviews, I agree with them that participation in the identification and addressing of livelihood priorities is really essential for policy advocacy especially on security of land tenure which is one of the main focal points for this research. In the focus group conducted, one of the participants had this to say concerning their need for social amenities:

*Yhu! We struggle a lot around here especially when someone falls sick whatever time it is. We really need a clinic close by as you can see we have old people and many children around here. A mobile clinic comes but once in a while so we cannot depend on it. These people need medication all the time but as it is we have to hike to go to Grahamstown and seek medical*

*attention there. That goes the same with shopping for our groceries as most of us here are not working so it is expensive for us. We are fortunate that we now stay close to the main road but it would be better if we can get those things close by here it*<sup>48</sup>

When they were asked on the closeness of school for their children they pointed out that they do have schools around but the problem is that they are lower primary and primary. The schools are 5km away, one at one is Zinthle Farm School and the other one is Manley Flats Mission School. For secondary education, their children travelled to Grahamstown. They however indicated that transport was provided for their children through the Department of Education. However, they said that what they needed also was a Police Station within their community as criminal activities were a threat to their livelihood.

#### **4.8. Conclusion**

This chapter has outlined and discussed the research findings concerning land reform and rural livelihoods of evicted farm workers now resettled at Radway Green farm. For data presentation, themes were employed to give a detailed account on what transpired from their eviction from the former Aloe Ridge farm now also trading as Radway Green farm to where they are now resettled. To further elaborate on the study, direct quotations from the respondents were utilised to give empirical evidence from the people concerned. In this particular study it is from the evicted farm workers sharing their experience.

For data analysis purposes, this researcher took the results from the study and analysed them in relation to the objectives of the study, literature reviewed and the Sustainable Rural Livelihoods Approach used to ground this study. After the forced eviction, this study analysed the impact of the eviction it had on the farm workers in a bid to understand the reason given for the eviction, the processes utilised and examining how the families had settled at Radway Green farm in terms of livelihoods generation. In doing so, this chapter managed to reveal how various stakeholders involved executed their duties with relation to the issue at hand.

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<sup>48</sup> Mandisa Deyi, Farm Labourer, Farm Labourers focus group, Radway Green Farm, October 2016.

## **Chapter Five: Conclusion**

The most important aspect of this study that needed to be achieved was to analyse the impact of the eviction on the Radway Green farm workers' community and to examine the factors affecting the generation of livelihood activities in their new settlement. To support the main objective of the study, this study examined and explained the processes utilised by the farm owner to evict the farm workers who used to work and stay on the farm being taken over. The intervention measures undertaken by the Department of Rural Development and Land Reform were also analysed in relation to the relevant legislation like ESTA. The study examined how the evicted workers and their families have settled into their new homes and how they, in conjunction with the DRDLR and any other government agencies are faring in terms of the establishment of income generating projects for their livelihoods at the new settlement. Lastly after settling in, the study found it imperative to determine if the beneficiaries have access to other social services like schools, hospitals, shops, roads and transport amongst other things.

For the achievement of the objectives of the study, this researcher used various approaches and methodologies such as the Interpretive Social Science which enabled this researcher to understand the farm workers at Radway Green farm from a subjective perspective as the primary source for data collection. In that context, in-depth interviews, focus groups, key informant interviews and descriptive observation were used to gather data for the study. The literature reviewed enabled this researcher to understand how other scholars perceived the land reform programme in South Africa pertaining to the security of land tenure of farm workers and farm dwellers. It is well detailed in literature that farm workers and farm dwellers are the most vulnerable people in the labour force especially when there are cases of change of ownership or farming activities. In that case, results of this study agrees with authors like Brandt and Spierenburg (2013) who also noted the effects of change of ownership and farming activities as catalysts to the eviction of farm workers and dwellers.

The continuous farm eviction of farm workers and farm dwellers many years after gaining independence from the apartheid era have remained a cause for concern to date. It would be expected that the post-apartheid government of the ANC after more than two decades in power would have implemented effective security of land tenure Acts that would fulfil its

priority to redress the colonial imbalances instituted by the draconian Acts of the colonial era formalising land dispossession of indigenous South Africans. Surprisingly even after the promulgation of tenure policies like ESTA and the LTA farm workers and farm dwellers are still being evicted and staying under precarious tenure conditions.

This study noted the importance of land tenure to the livelihoods of the farm workers. This is because many of them have been working and staying on the farms for a significant period of time, so being evicted from a place they have developed a sense of belonging usually has some devastating consequences to their livelihoods. To them, there is interconnectedness between their employment and security of land tenure. A farm worker getting fired from work results to the loss of security of land tenure and eviction from the property is imminent, thus affecting the whole family attached to the evicted farm worker. There is empirical evidence to corroborate this assertion in the form of the farm workers now based at Radway Green farm.

One would think that the Radway Green farm workers who benefitted from a 53 hectare piece of land bought for them by the DRDLR are better off than they were before. But a closer look into their livelihoods a lot still need to be done in order for them to afford a sustainable rural livelihood for the benefit of their stay there. The government has to give them a title deed for that land so that they can access credit facilities to fund income generating projects for an improved livelihood. As it is, they are too dependent on the DRDLR for everything adding pressure on the department which is failing to execute its mandate in ensuring a security of land tenure due to lack of staffing and also the technical knowhow of the policies it is supposed to enforce.

This study's findings have revealed lack of capacity on the part of the DRDLR to enforce land tenure policies for the benefit of the rural poor. It has been proven that arbitrary farm evictions are still continuing unabated with the department taking no action to address it effectively. Farm owners are manipulating the loopholes within the tenure policies like ESTA to evict farm workers legally. Because of the evictions farm workers and farm dwellers livelihoods are immensely disturbed if not destroyed thus placing the vulnerable farm workers in a worse off position than they were when they were getting paid meagre salaries on commercial farms they were working on.

As such, there is interconnectedness between security of land tenure and the sustainable rural livelihoods approach employed for this study. Security of land tenure laws like the Extension

of Security of Tenure Act of 1997 and the Land Reform (Labour Tenants) Act of 1996 explicitly secures tenure rights of farm workers and farm dwellers against arbitrary evictions from farms. However, there are loopholes within the Acts that has led to farm owners to evict farm occupiers who have ceased rendering their services to them. Being victims of the unlawful farm evictions and continuous living under precarious tenure conditions evicted farm workers now based at Radway Green lost a lot of things that even though they have resettled there, they are struggling to recreate their livelihoods.

Taking into consideration the eviction of the farm workers now at Radway Green farm, the Sustainable Rural Livelihoods Approach (SRLA) was used to assess the impact the eviction had on their livelihoods. Scoones (1998: 5) asserts that the centrality of the SRLA, concept is upon the formal discussion on rural development, poverty eradication and the ability or sustainability of the vulnerable and poor to cope with stresses and shocks as they make a living. The research results reveal that the evicted farm workers are struggling to reconstruct their livelihoods at their new settlement as they decry lack of employment, lack of credit lines to fund income generating projects, disruption of culture, food insecurity and the need for security of tenure in the form of a title deed for the land they are settled in.

Overall, land tenure security plays an integral part in promoting sustainable rural livelihoods for the rural poor. In that regard, the SRLA puts emphasis on the significance of assets on poverty alleviation strategies that are also a prerequisite to reduce the susceptibility of poor peoples' livelihoods to poverty.

### **5.1. Recommendations**

Since the centrality of this study revolved around security of land tenure for the farm workers and farm dwellers in order to achieve sustainable rural livelihoods, there is a need to put in place enforcement measures to the existing security of tenure laws like ESTA and LTA. This will be important as it will put to an end promulgating laws that will end up not serving their purposes. As section 25 of the Constitution emphasizes on the right to property it is imperative that those laws complement each other rather than conflicting as it creates a basis for manipulation of the other and in this case of eviction of farm workers.

The DRDLR should develop a comprehensive plan of equipping its officials with the relevant knowledge of various legislations that falls within the jurisdiction of their department in order for them to execute their duties diligently. This is in the case of security of tenure laws that are of great importance in the protection of the rural poor's livelihoods. Also still on the

DRDL, there is a need to increase on officials that deal with tenure issues as land tenure issues are very sensitive thus needing urgent attention before situations gets out of hand.

In terms of the land reform programme, it is important that whenever there are beneficiaries of the programme, the DRDLR should facilitate for the granting of title deeds to them. This gives assurance of security of land tenure to the beneficiaries. Title deeds are important as it will afford the holders to access credit lines necessary to fund income generating projects rather than being forever dependent on the DRDLR for everything. Over dependency goes against the dictates of capacity building that are essential for the community's sustainable development.

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## **APPENDIX: INTERVIEW QUESTIONS**

### **Evicted Farmworkers Interview Questions**

- Q1.** a) Before you settled at Radway Green, where did you come from?
- b) How long did you live at the farm you were evicted from?
- c) What did you do there?
- d) What kind of livelihood activities was available for you?
- e) What (if any) are the valuables that you lost because of the eviction?
- f) Are your ancestors buried there?
- g) Are you allowed to access to their graves since you have been moved?

h) What are the reason(s) why you were evicted from the farm worked and lived?

i) In what ways (positive/negative) has the eviction affected your livelihoods?

j) Would you wish to go back if you were given a chance?

**Q2.** a) May you please narrate the process of eviction that was used by the farm owner to evict you from the farm?

b) How was it effected?

c) How did you experience it?

d) What was its impact on the community? Old people? On children?

e) Were you given a notice period and was there a legal document presented for your eviction?

f) What did you as farm workers do upon eviction?

g) What did the Department of Rural Development and Land Reform do to assist you during the situation?

**Q3.** a) How was it to arrive at the new place?

b) What emotions did you experience? Happiness? Or Sorrow?

c) Was it a positive move or did you move reluctantly?

**Q4.** a) How well have you settled into your new homes

(b) What, if any, assistance from the DRDLR or any other government agencies have you received for establishing income generating projects for your livelihoods on the farm?

(c) Do you have title deeds to the land and houses you were given?

**Q5** (a) How accessible are social amenities like schools, hospitals, shops for you?

### **Farm Owner Interview Questions**

a) May you please just briefly narrate how you came to own your farm

b) What form of farming activities are you conducting there?

c) What happened to the farmworkers who used to work for the previous farm owner?

- d) Why did you not adopt them?
- e) What was your reason to evict the farmworkers?
  - f) Which channels did you follow to evict them?
- g) Was there a notice period and how long was it?
- h) What? If any? Form of compensation did you offer them?
- i) Did you liaise with the DRDLR on your intention to evict them?
- j) Since most of them have worked and lived on the farm for a significant period they most probably have relatives buried there. Do you allow them access to the graves?

### **Department Of Rural Development and Land Reform Key informant Questions**

- Q1. How long have you been working with farm workers?
- Q2. What role does the Department of Rural Development and Land Reform (DRDLR) play during the eviction of farm workers?
- Q3. In what ways does/has, the DRDLR assisted the evicted farm workers
- Q4. What problems has the DRDLR experienced with the removal?
- Q5. What are your opinions and experiences of forced removals with ESTA?
- Q6. Do you think that ESTA sufficiently protects farm workers during removals?
- Q7. How does it contribute to land reform?
- Q8. What needs to be done to improve the process?

### **ECARP Key informant Questions**

- Q1. How long have you been working with farm workers?
- Q2. What role do you play during the eviction of farm workers?
- Q3. In what ways do you/have you assisted them?

Q4. What problems have you experienced with the removals?

Q5. What are your opinions and experiences of forced removals with ESTA?

Q6. Do you think that ESTA sufficiently protects farm workers during removals?

Q7. How does it contribute to land reform?

Q8. What needs to be done to improve the process?

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