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DIAGNOSTIC EVALUATION OF STRENGTHENING THE RELATIVE RIGHTS OF PEOPLE WORKING THE LAND: 50/50 POLICY FRAMEWORK

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**Approval of the Diagnostic Evaluation Report of the Policy Framework on
Strengthening the Relative Rights of People Working the Land (50/50) by the
Director General: Rural Development and Land Reform**


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EVALUATION PROJECT TEAM

The project team comprised of key members that were actively involved in conducting the evaluation exercise.

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EXECUTIVE SUMMARY

1. INTRODUCTION

The Directorate: Evaluation and Research (D: E&R) was mandated to conduct a diagnostic evaluation of the policy on strengthening of relative rights of people working the land (also known as the 50/50 policy might be referred as such hereunder) in the 2016/17 financial year. The Department of Rural Development and Land Reform (DRDLR) decided to develop a policy on strengthening of the relative rights of people working the land policy, due to the rise in farm evictions as well as the way they were conducted (legal and illegal). Another reason for the Department to develop the policy was because tenure security and farm evictions are topics at the centre of the on-going national debate on the living and working conditions of farm workers and farm dwellers.

Since the 50/50 is a new proposed policy in the Department that is currently undergoing piloting stage in the various provinces with the intentions of becoming a full programme aimed at protecting the rights of farm workers/dwellers, it was important that the policy be evaluated to diagnose the situation of farm workers/dwellers and assess the problems underlying farm evictions and how these could be addressed and minimized without jeopardizing production and food security for all.

Therefore, in taking forward this evaluation the D: E&R followed a number of processes to be undertaken for a diagnostic evaluation as per the guideline for conducting diagnostic evaluations compiled by the Department of Planning, Monitoring and Evaluation (DPME). According to the guideline diagnostic evaluation entails conducting the following: needs assessment, situational analysis, root cause analysis informed by a review of previous research and evaluation. This report will present chapters in relation needs assessment, situational analysis, root cause analysis. Following these chapters' findings from the interviews with farm owners, farm workers/dwellers/tenants as well as land reform directors in reached provinces will also be presented followed by feasibility analysis and recommendations and conclusion chapters.

1.1 BACKGROUND OF THE STRENGTHENING OF RELATIVE RIGHTS OF PEOPLE WORKING THE LAND (50/50 POLICY)

1.1.1 Basis of the strengthening of relative rights of people working the land policy

The Department of Rural Development and Land Reform's Green Paper on Land Reform, gazetted in August 2011, highlights equitable access and secure rights to land as key in fulfilling its core principles of deracialising the rural economy, promoting democratic and equitable land allocation, and enhancing production discipline. There are two tensions relating to rural development and land reform,

namely, the necessity to address historical land hunger, which could be absolute in most instances; and, extreme concentration of land ownership and control in a few hands, on the other hand.

The implementation of the 50/50 Policy will contribute to the achievement of the three developmental measurable as defined by the RETM. With secure land rights and holding equity shares in the land, farm workers will benefit from increased bargaining power and higher incomes. They will be in a better position to meet daily nutritional needs, ensure their right to adequate housing and other basic needs negotiate more favourable terms of employment, and progressively becoming capable owners, managers, and well-compensated workers in the agricultural sector.

A combination of share-equity and co-management is the key to achieving the underlying objectives of the 50/50 policy framework. With multi-stakeholder platforms being proposed, the policy framework states that the relations being created in the policy proposals should be easily managed with the establishment of the Land Rights Management Committees (LRMCs).

1.2 Objectives of the SRR Policy

- To focus on secure tenure/or land tenure as a central means of addressing the tenure insecurities and livelihood challenges faced by people who work in commercial farming areas;
- To ensure sustainable land and productivity for farm workers;
- To address socio-economic livelihood challenges;
- To empower people working the land to acquire shares in farming enterprises and bring about economic transformation of the agricultural sector;
- Secure the residential tenure of the farm-dweller/worker;
- Enable beneficiaries to sell labour-power across the fence, without fear of eviction; and
- Strengthen farm workers' bargaining power in advancing worker rights and improving his/her conditions of living.

1.3 The intended outcomes and scope

The intended outcomes and impact are as follows:¹

- Radically transform the social and production relations of agriculture's target groups;
- Decisively reduce unemployment, poverty and inequality;
- Leverage institutional investments to agriculture growth and sustainable development;

¹ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

- Retain the best existing farmers;
- Increase the entry of new and enterprising farmers;
- Promote the application of the most innovative, climate smart and sustainable production systems;
- Provide basic needs of land reform beneficiaries;
- Increase opportunities for land ownership amongst farm workers/dwellers and labour tenants, and thus enhance their relative rights to land that they occupy in order to fulfil their basic needs for housing and productive livelihoods;
- Develop a system of incentives to encourage those with vested interest in the land to conduct their relationship around land according to national and international standards and guidelines;
- Promote sustainable utilization of land to enhance shared growth, food security, employment and development across the nation;
- Rekindle a class of small scale black commercial farmers that was destroyed by the 1913 Natives Land Act;
- Curb unlawful evictions of farm workers/dwellers and labour tenants;
- Improve the working and living conditions of farm workers/dwellers and labour tenants so that their basic human rights are realised and exploitation put to an end;
- Advance the goals of the agricultural landholdings framework; and,
- Build social cohesion.

The evaluation team is of the view that the impacts and outcomes of the policy as outlined above are too many and the Department will need to prioritise the outcomes and impacts as there will be a need to develop indicators for each of the outcomes and impacts. Some of the proposed outcomes and impacts are better suited to be objectives of the policy.

1.4 Target area and groups

The SRR Policy will target the 82 million hectares of white-owned commercial agricultural land (which makes up approximately 86% of all farmland across the country), and the estimated 700 000 farm workers, 2 million labour tenants and farm dwellers, and the owners of the 30 000 large-scale commercial farms existing in South Africa.²

2. OBJECTIVES OF THE STUDY

The objectives of the study are as follows:

- To provide information that will be used to refine the proposed policy and its rationale;

² Department of Rural Development and Land Reform. 2016. Strengthening relative rights of people working the land "50/50 policy framework. DRDLR. Pretoria.

- To provide information to help the programme manager to design the programme (i.e. to construct a clear design for the 50/50 programme as well as its underlying theory of change for effective implementation of the policy/programme).
- To provide empirical evidence of the root causes of the problem the policy is aiming to address.
- To assess the feasibility of the policy being proposed (readiness of DRDLR to implement the policy as a programme).

3. METHODOLOGY AND SCOPE OF THE STUDY

Different methods and procedures were adopted for the evaluation, which includes description of qualitative and quantitative data collection, data collection instruments, details of sampling and data analysis. Mixed methods were used consisting of literature review, policy document review/analysis, need assessment, situational analysis, root causes analysis and feasibility analysis, interviewing potential beneficiaries i.e. owner/worker/dweller and relevant stakeholders supporting and implementing the policy. The evaluation study was conducted in six provinces, whereby interviews were held with farm owners and farm workers in projects that are participating in the pilot of the 50/50 policy, as well as Land Reform Directors.

3.1 Sampling selection

Piloted sites/commercial farms participating in the 50/50 were targeted across provinces and targeted farm owners, farm workers and farm dwellers, labour tenants, and DRDLR relevant officials; as well as other relevant stakeholders even though not all the projects were visited. Out of 31 projects that were received from the Land Redistribution and Development (LRD) Branch at National Office, only 11 projects were visited; however, there are few reasons that are tabled in the full report why some projects were not visited.

3.2 Research methods

Different methods were used to collect data, incorporating quantitative and qualitative methods. This allowed for the compilation of numerical data as well as feelings, views and opinions of farmer owners and farm workers about the assessment of the policy. The following methods were used to collect data namely; face to face interviews, focus groups interviews and desktop reviews.

3.3 Questionnaire designing

The interviews were conducted by using structured questionnaires as tools for collection of information from farm owners and farm workers/dwellers/labour tenants as well as Land Reform Directors in provinces. The questionnaires contained a mixture of open ended and closed ended questions, with open ended questions dominating. This allowed the respondents to give answers within the required range

of questions. The questions were designed in a way that would be able to assist evaluators in reaching the objective of diagnosing the 50/50 policy piloting.

3.4 Data analysis

Since most questions in the questionnaire were of qualitative nature and open ended, narrative reports were compiled per project taking into consideration the views of both farm owners and workers. Due to the limited number of projects (10) that could be reached it was not feasible to present the findings graphical/ tabular presentation and hence narrative reports were compiled per project (and these are available as separate reports).

Qualitative data was analyzed using identified benefits emerging from the interview guide and the views of stakeholders. The following themes were derived from the developed situational analysis and needs assessment and were comprehensively analysed as some of the areas which will shape how the proposed policy should be effectively implemented namely; land ownership and access; productivity of the land; food security; provision of basic services; employment creation; access to housing; access to education; access to transportation; livelihood strategies and the working/employment conditions of farm labourers.

Data was analysed utilizing a qualitative strategy. Qualitative data analysis involves making sense of non-numeric data collected as part of the evaluation. This evaluation used this strategy to analyse open-end questions more especially in the farm owners and DRDLR official's questionnaires. Quantitative data analysis strategy was used to a minimal extent to analyse data collected from respondents as the questionnaire included nominal (categorical) data (respondents were able to choose answers from the box).

3.5 Limitations of the study

At the time of the evaluation process the number of projects that were received from the Land Redistribution and Development Branch was only 31 pilot projects. During the evaluation fieldwork some of the Provincial officials were also not aware of some of the projects that were included in the pilot project list. In addition, some of the farm owners chose not to be included in the study or cancelled scheduled interviews at the 11th hour stating that they have not received any response from the DRDLR in a long time relating to their 50/50 applications and that they will be available at the time when an agreement has been reached with the Department.

3.6 SWOT analysis of the proposed policy

SWOT analysis is an acronym for strengths, weaknesses, opportunities, and threats and can be defined as a structured planning method that evaluates the four elements

of a project or business venture.³ The evaluation team has conducted a SWOT analysis for the proposed 50/50 policy based on literature review, interviews with provincial DRDLR land reform managers and the following factors were identified:

3.6.1 Strengths of the 50/50 policy

- Farm workers/dwellers will participate in the value chain of agricultural production.
- If the policy is properly implemented it will accelerate the pace of land reform in the country.
- The policy intends to give security of tenure to the people working the land,
- Curbing unlawful evictions of farm workers/dwellers and labour tenants.
- Existing and new partnerships created within government like the private sector and civil society will be strengthened.
- Public service delivery on privately owned farm land will be addressed.
- Provide basic needs of land reform beneficiaries.
- Farm workers and other rural producers will have the opportunity to become owners and managers of the farms.
- 50/50 policy proposal will not only bring about stability within in the agricultural sector but will also improve food production and in turn ensure food security.
- Develop a system of incentives to encourage those with vested interest in the land to conduct their relationship around land according to national and international standards and guidelines.
- The proposed policy measures would be aligned to the Agricultural Landholding policy which aims to realize the NDP's overarching goals.
- The policy intends to give skills and capacity to farm workers/dwellers.
- The policy wants to empower people working the land to acquire shares in the farming business and assist them to participate in the business and become co-owners. Through the inclusion of farm workers into the mainstream of the economy, and being exposed to other business activities of the farm that will help in strengthening economic growth and development.
- Workers will derive dividends from the profit they will no longer depend on their salaries only.

3.6.2 Weaknesses of the proposed 50/50 policy

- The policy is gender blind and effectively discriminates against women who are more likely to be temporary and seasonal workers.
- The policy does not have clear beneficiary selection criteria, and open to everyone who occupied the land for an extended period.
- The delay in the implementation of the policy affects the tenure security for farm dwellers/workers that lived and worked on the farm for a long time to,

³ Wikipedia. SWOT analysis. [Online]. Available: https://en.wikipedia.org/wiki/SWOT_analysis. 30 June 2016.

which further contributes to the non-realisation of their human rights and food shortages.

- The implementation of 50/50 policy is currently a top down approach.
- Making farm workers to be co-owners of the business in the farm might affect production on the farm, because farm workers might not have aspirations to be farm owners.

3.6.3 Opportunities presented by the policy

- The policy opens doors for farm workers/dwellers to become co-owners who in turn participate in managerial decisions and benefit.
- There will be commercialisation of the business and improvement of livelihoods.
- Farm workers will benefit because they will be exposed to the whole value chain of the business and they will acquire other skills that they never had.
- Speeding up the pace of redistributing land to the previously disadvantaged communities.
- To establish sustainable institutional arrangements to identify, monitor, resolve the land tenure insecurities existing on farms using a number of different interventions.
- To facilitate the acquisition of land rights of farm workers/dwellers and labour tenants on land which they have lived for elongated period.
- To enable people living and working on commercial farms to acquire a percentage of ownership shares in the farming enterprise.
- The policy will contribute to economic transformation of the agricultural sector.
- The policy promotes social cohesion.
- The policy seeks to deepen the security of tenure of farm workers and farm dwellers, without threatening household food security and national food sovereignty.
- To ensure co-management of the farm based on relative equity-holdings and the capacity of each participant in production and management.
- The policy will be a strategic driver to address issues in the Green Paper as the land reform should be pursued with minimal or no disruption to food production and security.
- To increase opportunities for business ownership amongst farm workers/dwellers and labour tenants to enhance their relative rights to land that they occupy in order to fulfil their basic needs for housing and productive livelihoods;
- The policy will also develop a system of incentives to encourage those with vested interest in the land to conduct their relationship around land according to national and international standards and guidelines;
- To promote sustainable utilization of land to enhance shared growth, food security, employment and development across the nation.

3.6.4 Potential threats on the 50/50 policy

- Potential limited financial resources, more resources from the Department might be required to assist the farm workers and even buying the identified 50/50 farms.
- Massive increase in budget (land reform) to support new farmers.
- Other critical skills in farming might be inadequate from farm workers/dwellers.
- Potential decline in commercial farms.
- Reduced production- leading to jobless economic growth.
- 50% shares of farmworkers/dwellers might lead to the breakdown of the farms and a drop in the national agricultural output.
- More evictions emerging due to the proposed 50/50 policy.
- There are chances that the 50% allocated to the farmworkers/dwellers might be unproductive which might lead to farmworkers losing their jobs.
- More skilled labour will be required to deal with rising standards in farming due to shifts in the nature of farming. As a result, farm workers/dwellers will need to update their farm management skills.
- Tension between the owners and farm workers/dwellers due to new management arrangement as prescribed by the policy.
- Preconceived ideas on the policy due to poor communication between relevant stakeholders i.e. workers/dwellers, owners, DRDLR and NEF.
- There is a potential for misallocation of positions and stalling of farming progress if beneficiaries are not properly screened and categorised in accordance to their level of competence.
- In the long run power-relations will affect the production of the farm. If the relationship is not managed properly, production might collapse.
- Since the policy has taken a top down approach to implementation, it poses a challenge that the province might not take ownership of the projects and might not form part of the process going forward.
- Dishonesty by workers and owners in the administration and management of the NewCo will create conflict between the two parties. As a result, this will negatively affect the sustainability of the policy.
- There are many elements about the policy that needs monitoring and if the policy is not properly monitored there are possibilities that things might not happen the way the Department expects.
- Abuse of the policy by the farm owners where new farms are purchased to be included in the 50/50 while the productive farms are still solely owned by the previous farmer.
- Firing of all workers who have been employed for 10 years or more and hiring new employees and still participate in the 50/50 initiative.
- State owned land proposed to be part of the 50/50 initiative.

4. FINDINGS OF THE EVALUATION

RESULTS OF INTERVIEWS WITH VARIOUS STAKEHOLDERS

4.1 Introduction

For the purpose of the study interviews were held with farm owners and farm workers in projects that are participating in the pilot of the 50/50 policy, as well as Land Reform Directors in provinces. Therefore; the results are based on interviews with beneficiaries of the 50/50 policy i.e. farmer workers; farm dwellers and labour tenants where applicable; farm owners as well as DRDLR managers at provincial level. The results of the farm workers; farm dwellers and labour tenants and farm owners will be presented together while those of the DRDLR managers will be presented separately as the questions in the data collection tools were not the same but most of the themes are similar.

The results are based on 11 visited 50/50 pilot projects from a total population of 31 projects within provinces of the country as received from the Land Redistribution and Development (LRD) Branch. The results are presented according to the key themes that emerged from the needs analysis which informed the design of the questionnaire for data collection as previously highlighted.

4.2 FARM OWNERS AND FARM WORKERS/DWELLERS'S PERSPECTIVE

4.2.1 Farm eviction

This section focussed on how the farm workers/dwellers understand eviction and if it was experienced in their farm or in other farms. It also determines the cause of the farm eviction if any and whether they have experienced eviction threats. The evaluation team also looked at awareness of farm workers to the rights to land and policies pertaining to farm eviction.

Most of the farm workers that were interviewed indicated that they have never heard of eviction nor was it experienced in their farms or experienced eviction threats, as a result they could not respond much on the eviction questions. While other farm workers have indicated that they have heard of eviction and they were victims of eviction. They described eviction as when farm workers/dwellers/tenants are forcefully removed from the farm by the farm owners.

Those who were victims of eviction indicated that the causes of evictions were lack of knowledge about tenure rights and dishonesty of the farm owner, farm workers not eager to work as well as ill-treatment, etc.

With regard to awareness to their rights and other policies pertaining to farm eviction, most of the farm workers did not respond to the question, while some other farm

workers indicated that they are aware of their rights and the procedures to be followed when they are evicted.

On the matter of how authority dealt with the previous eviction cases, one of the farm workers referred to his/her brother who was evicted in one of the farms and indicated that the authority was able to resolve the matter through bribing the farm worker.

With regard to whether farm workers will be able to sell labour-power across the fence without fear of eviction, most of the farm workers indicated that they are not ready to sell labour power on the basis that it will cause conflict between them and the farm owners in future. While other farm workers mentioned that they will be able to sell labour-power because they can challenge decisions made by the farm owners on the procedures as they will not be just workers they will be co-managers.

In terms of accessing land without being threatened by the farm owner most of the farm workers indicated that they have access to land without being threatened by the farm owner, while some indicated that they do not have access because they are not residing in the farms. There were few cases where farm workers did not have access to land for planting purposes and the workers have expressed that they hope the new regime (50/50 policy) will give them land for household farming. Farm owners were asked if they lacked any information relating to eviction and the response from some of the owners were that workers and farm owners are knowledgeable and aware of policies and legislation relating to eviction therefore they do not lack any information pertaining to eviction.

4.2.2 Understanding of the 50/50 policy

The evaluation assessed the understanding of the 50/50 policy by the farm owners and workers/dwellers/tenants and a mixture of responses was received. Out of the 11 visited projects, most of the workers and farm owners had some understanding of the 50/50 policy. This was supported by the active responses from seven projects which indicated that they understand the policy.

To show that farm workers and farm owners had an understanding of the 50/50 policy they indicated that the policy was developed for both the farm workers and the farm owners to work together in the farming business. Meanwhile some of the farm workers and farm owners from four projects have indicated that understanding of the policy was a major concern because they feel that more information about the policy needs to be shared with them by the Department.

The evaluation also checked how the farm owner and the workers found out about the policy and the response was that the two parties to the new regime found out about the policy through the Department through its provincial and national counterparts.

The owners and workers were asked if they were consulted by the department before the piloting of the 50/50 policy. The evidence from the interviews has shown that on three projects consultation with workers and farm owners was not done. Meanwhile on seven projects workers and farm owners had indicated that they were consulted before the 50/50 policy was piloted. However; other farm workers and farm owners have indicated that they were not consulted and highlighted that in one of the projects, workers have indicated that no one has ever told them about the policy and there was no meeting taking place to discuss the 50/50 policy.

4.2.3 Selection criteria for 50/50 projects

When asked which criterion was used to select beneficiaries, the response from farm owners and farm managers as well as farm workers varied as a number of criteria was followed to select beneficiaries of the policy as listed in the draft policy. As a result, the evaluation has shown that farm owners had to adhere to certain criteria to ensure that their farm/projects are selected as 50/50 pilots.

With regard to farm worker's selection there were two criteria that needed to be applied to qualify to benefit from the policy. The criteria were that 'beneficiaries should be farm workers and demonstrate ownership and buy-in to the proposal, secondly, willingness partnership between farm workers and farm owners. In all the visited projects, farm owners had met the two above specified selection criteria to participate in the 50/50 policy initiative. The evaluation has revealed that except of the two mentioned criteria, there were associated requirements that in most cases beneficiaries have stated that they were not adhered to, for example:

- the screening of beneficiaries in accordance with level of competence to determine their training needs,
- clear indication of what the owner brings to the project, and
- development of code of conduct with corrective and disciplinary measures.

In a nutshell the evaluation team concludes that the criteria on workers having worked at the farm for 'an extended period of time' was not quantified and this leaves room for misinterpretation as everyone seems to benefit no matter how long he/she has been on the farm as this is not clearly stipulated.

4.2.4 Farm description

In terms of the status of land ownership before and after the introduction of 50/50 policy, land ownership was in different ownership such as family trusts, sole ownership before the land was transferred to the Department. While others who used to own the land privately indicated that after the 50/50 policy depending on the structure of the equity some of the percentages in the business are now owned by the owners, workers trust and National Employment Fund (NEF).

The farm owner and workers/dwellers/tenants were asked how the newly proposed policy will /might affect the relations between the two. In most cases it was indicated that the relations have always been good and continues to be good, because there is good communication between the two parties i.e. workers and owners.

4.2.4.1 Advantages of sharing the land with the farm workers/dwellers/tenants

With regard to what are the advantages of sharing the land with the farm workers/dwellers/tenants, the responses were the following: it will make everybody responsible and not only the farm owners who will be responsible but workers as well, salaries will increase since all the parties will be sharing profit; workers have felt that their efforts are coming back to them as they have been working the land for long; a 50 year lease in place and this is good for business; workers will be empowered and self-esteem will be enhanced; and workers will have a platform to participate in decision making as they will also be owners.

4.2.4.2 Disadvantages of sharing the land with the farm workers/dwellers/tenants

With regard to what are the disadvantages of sharing the land with the farm workers/dwellers/tenants, the responses were the following: more negotiations will be needed; decisions will not be taken as quickly as they normally do, no collateral as they do not own the land, some farm workers have felt that the partnership between farm workers and farm owner are assumed to be failing before they even start the NewCo because some owners have left the farm and appointed farm managers to run the farm on their behalf, the partnership might culminate in farm workers taking their work for granted and not committing themselves, creation of conflict between previous farm workers (new shareholders) and farm workers who do not qualify to benefit from the policy due to jealousy, productivity may decrease given an instance whereby the farm owner does not share farming knowledge with the farm workers, farm workers highlighted they might not get enough skills if the farm owner leaves the farm after he is bought out.

4.2.5 Feasibility assessment

This section focuses on the feasibility assessment in order to assess several alternatives or methods of achieving business success between the farm owners and farm workers/dwellers/tenants as the co-owner.

When asked whether the feasibility study was conducted to assess the needs of farm workers/dwellers/tenants, most of the interviewed farm workers indicated that the project officers from the district office visited their farms to check what the needs of the farm workers are, while others indicated that interviews were conducted with them. Some of the farm workers stated that a feasibility study to assess the needs of the farm worker/dweller was not conducted, however; they also mentioned that this needs to be established by the provincial office as the policy state that needs assessment will be conducted to inform which needs are relevant for the farm workers/dwellers/tenants.

4.2.5.1 Negative and positive impacts of the 50/50 policy as identified by the farm owners and farm workers

The evaluation further checked the positive and negative impacts of the proposed 50/50 policy to the farm. These are some of the identified positive impact of 50/50 policy that the economy will grow when the project expands and workers will be part of managing the production in the farm. These are some of the identified negative impact of 50/50 policy is that if there are conflicts between the partners the project/farm might suffer and there is a potential risk due to unfulfilled expectations in the current regime.

4.2.5.2 Achievements of the farm

The farm owners were asked about the main achievements of the farm, and out of the 11 visited projects, 9 projects were reported to have shown noticeable achievements. For instance, some of the farm owners have mentioned that they have been doing well in terms of managing the farming operations, some have highlighted a rise in the percentage of the produce and exports they had, meanwhile others have reported the expansion in their production business.

4.2.6 Improvement of productive livelihoods

The evaluation has adopted a Sustainable Livelihood Framework (SLF) which presents factors that affect people's livelihoods, and typical relationships between these. The SLF can be used in both planning new development activities and assessing the contribution to livelihood sustainability made by existing activities. The results of assessing livelihoods will be presented below.

4.2.6.1 Human Capital

In assessing human capital, most of the farm workers highlighted that the proposed policy is the right initiative towards improving livelihoods. In terms of whether the 50/50 policy will enhance the tenure security for farm workers/dwellers/tenants, most farm workers indicated that it will because they will be co-managing therefore, they would not be evicted from farms and the scale of evictions will be reduced.

With regard to whether any training, mentorship or coaching was provided to workers/dwellers and tenants, some of the farm owners and farm workers indicated that training was received. With regards to accessibility to health services in the farm, some of the farm owners indicated that there are clinics next to their farms. Some indicated that mobile clinics were accessible as they visit the farms, while others have mentioned that workers are taken to the doctor by the owner.

When asked if they lack any type of information relating to 50/50 policy, most of the farm owners mentioned that they do not lack any information because they are up to date with all the new policies and legislation that have been introduced by the Department. Meanwhile most of the farm workers indicated that they lack certain

type of information relating to the policy because the requirements are not clearly stipulated in terms of structuring the project to best stand a chance to be selected or participate.

When asked what are the challenges experienced in the past in the farm in terms of the needs, most of the farm workers highlighted that the needs assessment study was not done. Whilst other farm workers have indicated that financial resources and access to the land rights are the main challenges.

4.2.6.2 Natural Capital

In terms of whether there are any conflicts between farm owners and farm worker/dwellers in the project, most of the farm owners and farm workers indicated that there were no conflicts because there is a strong communication and good relationship amongst the parties.

In relation to whether the farms have experienced any natural disaster such as droughts, veld fires or floods recently or previously, most of the farm owners and farm workers mentioned that they have experienced a number of disasters in the form of hail storms, veld fires and drought disasters in the previous years.

When asked if the farm workers foresee any challenges / problems that might hinder the policy in order to improve their livelihood farm workers highlighted that if government is ineffective and slow with its processes of 50/50 policy implementation, this might hinder the policy because the owner might sell the farm.

4.2.6.3 Physical Capital

With regard to the assessment of the physical capital in the 50/50 projects, some of the farm workers mentioned that the living conditions prior the piloting of the 50/50 policy were average because the houses they live in are small and the salary they are earning is not enough to cater for their families. Meanwhile some of the farm workers mentioned that their living conditions are good because they have access to basic services such as housing, water, sanitation and electricity and health care facilities were found to be a challenge in most projects.

In terms of income, most of the farm owners and workers indicated that farm workers are paid above R1 000 as a monthly income. In terms of availability of infrastructure that can meet the needs of the new regime in the long term, most farm owners have indicated that infrastructure is available although some need to be improved or upgraded.

4.2.7 Economic growth and development

With regard to the 50/50 policy assisting in creating job opportunities, most farm workers and farm owners mentioned that the 50/50 policy will assist in job creation because agricultural graduates will be hired to work with them.

In terms of empowerment most of the farm workers indicated that they feel empowered as people working the land to achieve economic transformation because they will be able to take decisions relating to the farming operation and employ workers when necessary. Regarding what is considered as favourable to economic development and transformation; most of the farm owners have selected social cohesion and poverty reduction as favourable to economic development and transformation. In respect of the relevant and recognised authority, structure and processes to sustain positive economic development the farm owners indicated that the farm's processes are open and participatory for farm workers to make contributions and explore new ideas for economic development. They further highlighted that in their day to day management of the farm when changes are to be effected they consult with farm workers.

4.2.8 Productivity of the land

This section assessed the productivity of the land in terms of hectares, current agricultural enterprises, farming equipment, and its condition.

The farm owners and the farm workers stated that with the introduction of the policy, the farm will be productive because the farm workers are being made co-owners and they have farming skills. Most of the farm workers and the farm owners stated that the farming equipment is available and in a good condition and further stated that it is functional, well maintained and that the operators are always trained.

In terms of what might hinder productivity of the farms after the implementation of 50/50 policy, farm owners raised different issues such as conflict between farm workers; unrealistic expectation by farm workers; Lack of information about how the 50/50 policy will be implemented and unclear responsibilities, lack of infrastructure at the farms e.g. roads, electricity and fencing; poor management by both farm owners and workers as well as lack of commitment by workers; and all workers wanting to be bosses, which will hinder productivity.

4.2.9 Lease agreement

When farm workers were asked whether they were leasing the farms from the Department the response was that, most of the farms are not being leased due to the fact that they still belong to the farm owners because the deal has not yet been finalized. On the other hand, some farm workers did not have a clue on the status of the farms as far as the lease agreement is concerned and further highlighted that the owner is the one accountable.

4.2.10 Food accessibility and security

The evaluation assessed how the proposed policy was meant to contribute to food accessibility and security as one of the outcome envisioned by the land reform green paper as reflected in the rationale of the Strengthening Relative Rights of People Working the Land (50/50) policy.

The farm owners and farm workers were asked how they see the policy contributing to food accessibility they responded differently and highlighted that the farms are able to supply all over the world after the finalisation process of the 50/50 policy, the farms will grow and produce food.

4.2.10.1 The enabling factors to achieve food security

The farm workers indicated that the enabling factors to achieve food security will be to have strong market for the farm products once the land has been transferred under the new share equity. Meanwhile the farm owners indicated that the enabling factors will allow more money invested to further develop farms and also to creating jobs and enabling people to receive income for food.

4.2.10.2 Factors that might hinder food security

With regard to factors that might hinder food security farm workers stated poor marketing of the produce and inability to produce quality products and limited skills in farming as the contributing factors.

4.2.10.3 The contribution of the 50/50 policy towards food security for the workers' households

The farm workers expressed that they see the policy contributing towards food security for their households because they are able to sell the produce from the farm and they will have money to purchase food for themselves and their families.

4.2.11 Access to basic services

In terms of basic services accessible to the farms, the farm workers have indicated that they have access to various basic services such as water; electricity, housing; health facilities, roads, transportation, sanitation and toilet as well as ICT facilities; and farming equipment. However; there were no health facilities according to most of the farm workers; and some farms also lacked basic housing facilities.

4.2.12 Support from other stakeholders/ civil society

This section probed if farm workers have received support from DRDLR regarding the 50/50 policy, out of the eleven visited projects, six projects have shown that workers have received some support from the Department, meanwhile on three projects workers have indicated that there was no support received from the Department and there was only one project where the section could not be completed

because farm workers could not be interviewed during the collection of data as the farm owner believed that the workers have not been part of the negotiations.

4.2.13 Sustainability

In terms of whether the 50/50 policy will continue after the Department's support has ceased or not, some of the farm workers indicated it will continue on the basis that they believe they would have made enough profit to sustain the farms. The farm workers further indicated that they foresee themselves progressively becoming capable managers, and well compensated workers in the agricultural sector once the 50/50 policy deal is approved. However, there are other farm workers who don't foresee themselves becoming progressive capable owners, managers, and well-compensated workers in the agricultural sector because the farming industry is very complicated and needs more skills

4.2.13.1 The major factors that will influence the achievement and non-achievement of the sustainability of the 50/50 policy

Farm workers were asked to outline the major factors that will influence the achievement and non-achievement of the sustainability of the policy, the farm workers indicated that cooperation amongst stakeholders and having meetings with relevant authority to inform beneficiaries about the policy was one of the factors that will contribute to the sustainability of the policy. With regard to the non-achievement of sustainability of the policy, most of the farm workers mentioned that lack of cooperation and side-lining of beneficiaries and not sharing information with them meanwhile they are to be actively involved in the policy will affect the sustainability of the policy. To overcome the non-achievement factors some of the farmworkers that were interviewed thought that proper planning should be practiced for planting and harvesting seasons as well as proper planning of operation in the farm and land use.

4.2.13.2 Challenges that the farms have experienced that can hinder the 50/50 policy

The evaluation assessed if there were any challenges that the farms have experienced prior to 50/50 policy and the response was that some farm workers have experienced ill treatment from the previous farm owner whereby they were evicted out of the farm by the father of the previous owner. Other workers have mentioned that lack of communication and equipment as well as proper management was the main problem that can hinder the policy. Lastly, a delay in the implementation of the policy by the department was also one of the challenges raised by workers. However, there were also farm workers who indicated that there were no challenges.

4.2.13.3 Rating of the working condition by workers

When the farm workers were asked how they could rate the working conditions in the farm, most of the farm workers rated the conditions as good as nothing has changed

so far; however, there were also farm workers who rated the working conditions as poor.

4.2.14 Challenges with the implementation of 50/50 pilot projects

4.2.14.1 Challenges identified by farm workers

The challenges that have been identified are as follows: poor communication and lack of cooperation between the department / the farm owner/manager and NEF, lack of awareness of the policy because it has never been presented well to them by the Department or the farm manager; farm owner is making decisions on his own without informing the farm workers; it has been alleged that workers are not being informed about issues of 50/50 policy and not being regarded as shareholders but only farm workers; slight concern about the way the deal is handled as the three stakeholders i.e. IDC, NEF and the DRDLR are holding up the deal; delay in implementation of the policy by the department with regard to the time taken to finalise the deal; and lack of training for farm workers.

4.2.14.2 Challenges identified by farm owners

Change of leadership was identified as challenge where the owner stated that if the department does not let the owners/workers handle all the farming activities (management included) and employ someone from outside the farm they will be hindering the productivity of the farms.

4.3 DRDLR MANAGER'S PERSPECTIVE

4.3.1 INTRODUCTION

This section focuses on the manager's perspective towards the 50/50 policy. The evaluation team has managed to interview four provincial land reform directors. Two directors that were planned to be interviewed did not participate in the interviews due to a strategic planning session at the time of the scheduled field work. Whilst the remaining two directors were not part of the study because they were not ready for the evaluation team due to logistical problems encountered and farmers citing that it was ploughing season. The Northern Cape Province was not included as there were no 50/50 projects at the time of the evaluation.

The manager's report will be presented according to the following themes: understanding of the policy, feasibility assessment, farm description, farm eviction, economic growth and development, food accessibility and security, legal implication and sustainability.

4.3.2 UNDERSTANDING OF THE POLICY

The evaluation assessed the understanding of the 50/50 policy by the provincial managers and overall, the managers seemed to have some understanding of what the 50/50 policy entails but there is still room improvement.

4.3.2.1 Linkage of the 50/50 policy with other government policies

With regard to the linkage of the 50/50 policy with other government policies, all the interviewed managers indicated that the policy does have linkages with other government policies and initiatives on the basis that the policy is also linked to the recapitalisation and development programme (RADP) where issues of support to farmers are dealt with in order to contribute to food security.

4.3.2.2 The 50/50 being the right intervention to minimise and address eviction

Regarding whether the Department has proposed the right intervention to minimise and address eviction of farm workers, out of four managers interviewed, two indicated that it is the right initiative that will result in the reduction of farm evictions. One manager indicated that to a certain extent, the policy will prevent illegal evictions of farm workers/dwellers because farm workers will have ownership. The manager also indicated that according to his experience, initiatives like the 50/50 do not work because farm owners take advantage of vulnerable people and that there will be no evictions but production might be affected.

4.3.2.3 The consistency of the aims of the policy with the outcomes and impact

The evaluation also assessed if managers think the aims of the policy are consistent with the outcomes and impact, and three managers indicated that the aims of the policy are not consistent on the basis that farm workers need carefully designed empowerment programmes for them to enter the management space of the farm and farm workers might not be farm managers.

4.3.2.4 The target group and its selection criterion for the 50/50 policy

The managers were also asked about the target group for the 50/50 policy and the following were the responses from the managers is that the 50/50 policy is said to targets the farm workers/dwellers or tenants/farm occupiers, and commercial farmers who are South African citizens. However; the crafting of the policy was criticised for focusing strictly on farm workers and excludes the other two i.e. dwellers and tenants who should not be disadvantaged and excluded because they work on the farm.

4.3.2.5 Stakeholders involved during the implementation of the 50/50 policy

In terms of the stakeholders involved during the development of the policy and implementation process of the 50/50 policy the managers indicated that there was some level of consultation but not aggressively so; where roles and responsibilities were explained to a limited extent.

4.3.2.6 Project and withdrawal status

On the issue of whether the provinces have experienced any withdrawals, most managers have indicated that they could not tell if the province has experienced any withdrawals yet because the 50/50 concept is new and they have not been actively involved in the negotiations.

4.3.2.7 Challenges faced by the Department when approaching farm owners

The managers were also asked about the challenges that the provincial Department was faced with when approaching farm owners about the policy it was discovered that the department is seen to have less bargaining powers when it comes to negotiating deals and they are at the mercy of the farm owners.

4.3.2.8 Factors that can hinder the success of the proposed policy

With regard to factors that can hinder the success of the proposed policy, the interviewed managers indicated the following: poor stakeholder engagement between national and provincial level, the selection criteria for workers in terms of eligibility not part of the policy, the DRDLR expecting that relations between the owner and workers will suddenly change, poor visibility of the key implementing agent NEF, the 50/50 projects are very expensive and the DRDLR is implementing the policy without clear processes, strategy and how the 50/50 projects are going to be administered, and this will make the policy to be vulnerable to corruption, lack of capacity to monitor the implementation of the 50/50 policy at project level, the NEF does not have the capacity to implement the 50/50, the ulterior motives leading to the farm owner's interest in the 50/50 initiative when they were not so keen to be part of the land reform programme prior the 50/50 initiative, farm worker's lack of knowledge e.g. financial, business and farm management, workers are inexperienced and owners might take decisions that the workers are not familiar with, conflict might arise amongst the owners and workers due to different opinions on the commodities to be produced.

4.3.3 FEASIBILITY ASSESSMENT

This section focuses on the feasibility assessment in order to assess several alternatives or methods of achieving business success and how the Department is going to achieve its objectives.

4.3.3.1 Assessment of farms

All the interviewed managers stated that the Department was assessing farms before acquisition on the basis that the farms are assessed by project officers in the district as there are standard templates used to assess farms. In other cases, it was indicated that the Department does not have capacity to do business plans and rely on the Department of Agriculture for economists and this delay the acquisition.

4.3.3.2 Key role players assisting in the assessment of farms

The provincial managers identified key role players assisting in the assessment of farms as the provincial Department of Agriculture, Department of Agriculture, Forestry and Fisheries and Office of the Valuer General.

4.3.3.3 Engagement process with the beneficiaries on the policy

The evaluation also assessed how the Department was engaging with the beneficiaries on the proposed policy it was indicated that proper consultation was not

done by the Department and only profiling assumed to be engagement with beneficiaries. While on the other hand one manager indicated that he had an engagement meeting with farm workers to check if they knew about policy and it was based on an instruction from National Office

4.3.3.4 Studies conducted for needs assessment

When managers were asked if the department was conducting studies to determine needs of farm workers, all the managers indicated that, yes, and further highlighted that the Department was conducting social profiling studies to assess the needs of the farm owners/worker/dwellers and labour tenants.

4.3.3.5 Training/mentorship provided to beneficiaries

Regarding whether the Department will be providing training/mentorship or coaching for beneficiaries most managers indicated no, based on the fact that they were not involved in the pilot and finalisation of negotiations but NEF was. The managers only stated that the Department will provide training or mentorship or coaching for the beneficiaries based on the needs assessment, but in this regard the Department will provide crop management training, with the owner responsible for mentoring or coaching of the workers.

4.3.4 FARM DESCRIPTION

This section describes the status of land ownership that the Department is targeting, procedures and the processes connected with the 50/50 policy. Of the four interviewed managers, all have indicated that the Department is targeting commercial productive farms.

When asked what are the challenges that the selected farms/projects are facing some managers did not respond to this question citing that they were not part of the 50/50 project.

When the managers were asked about the challenges that made the Department to come up with the 50/50 initiative they mentioned the issue of securing the tenure right of the people was the challenge that made the Department to come up with the idea of 50/50 policy.

4.3.5 FARM EVICTION

This section focuses on farm eviction, has it been experienced in the farm, causes and procedures to be followed in case of evictions.

When asked if eviction has been experienced on the selected farms, some managers stated that they do not know and others mentioned that it has not been experienced in their provinces. The managers further elaborated that contestation of a limited space for grazing land and burial rights creates problems between owners and workers/dwellers.

4.3.6 ECONOMIC GROWTH AND DEVELOPMENT

The economic growth and development was assessed based on the favourable and unfavourable conditions to economic development and transformation

4.3.6.2 Favourable and unfavourable conditions to economic development and transformation

In terms of what do managers consider favourable to economic development and transformation, all the interviewed managers considered social cohesion, poverty reduction, job creation and reduction of unemployment, increased production, reduced inequality, and improved labour productivity and creation of sustainable livelihoods and skills development as favourable factors to economic development and transformation

4.3.6.3 Authority structures and processes to sustain positive economic activities

With regard to relevant and recognised authority, structures and processes to sustain positive economic activities, one of the managers indicated that he/she does not know of any authority, structures and processes because he/she is not part of the negotiation process, while other managers indicated that the farms have relevant and recognised authority, structures and processes to sustain positive economic activities.

4.3.7 FOOD ACCESSIBILITY/SECURITY

This section assessed food accessibility and security for all. The managers were asked if they think the policy will contribute to food accessibility for all and they indicated the policy will contribute to food accessibility, because the workers will be part of the management and will make decisions regarding the sharing of dividends which some of it might be used to buy food.

Most of the managers further highlighted what is considered the enabling factors to achieve food security for all as monitoring of production on the farm to check if the targets and objectives of the policy are met proper implementation of the business proposal. Lack of training of workers and limited monitoring of production on the farm were identified as Factors that will hinder food security

4.3.8 LEGAL IMPLICATIONS

The managers were asked if they think workers/dwellers are aware of their rights to land matters and they indicated that, yes, they were aware, but the land in question will not be theirs as they will only be leasing the land from government.

4.3.9 SUSTAINABILITY

This section assessed whether the 50/50 initiative will be sustainable after the Department has ceased to support the farms. Two of the managers indicated that they are not sure because their provinces have not started with the implementation of the policy and also the fact that they are not involved in the policy.

4.3.9.1 Factors that will influence the achievement of the sustainability of the policy

With regard to the major factors that will influence the achievement of the sustainability of the policy, most managers indicated that it is when the policy is properly implemented and when there is budget allocated to the policy, when beneficiaries are trained, and when both the workers and owners have common understanding of objectives of the business.

5. FEASIBILITY ANALYSIS

5.1 Introduction

The purpose of the feasibility analysis is to test the feasibility of the selected option which is the 50/50 policy initiative. Feasibility analysis answers questions such as:

- What are the human resource implications of the proposed policy, project, programme or plan?
- What are the funding sources and costs associated with the proposed policy, project, programme or plan?

5.2 The needs of the proposed policy

When asked what the needs of the proposed policy are, all the interviewed managers indicated that the policy will demand a number of resources or inputs for it to function properly such as human resource that is familiar with the implementation of the 50/50, financial resources as the 50/50 projects require too much money; a clear strategy on how to administer the proposed policy as well as a clear policy guideline and policy structures.

5.3 Human resources implications for the policy

According to the managers, introducing a new mandate/programme without considering the capacity/ staff complement will compromise the policy goals because the Department will have to rely on external capacity.

With regard to the human resources implications for the policy most managers have indicated that there is a shortage of staff and expertise to manage the policy and they will need this to be addressed because the 50/50 policy is an added burden and the required staff needs to be placed at the district level and not provincial level, while one manager indicated that there is capacity because there will be collaboration with other stakeholders like municipalities who will be providing basic services, NEF and DAFF providing on-going training for workers.

The evaluation team is of the view that capacity issues will vary in terms of provinces and the magnitude of the negotiation cases to deal with, as most managers have indicated that more skilled personnel in business negotiations and law as well as labour related skills will be required to be added to the current staff.

5.4 Funding sources and cost associated with the policy

5.4.1 50/50 feasibility in terms of project costs

Based on the information received, there were 31 farms that were part of the 50/50 policy, and 1667 beneficiaries that would benefit from the 31 farms which comprise of 72 968 hectares with the deal offer prices totalling R 1 850 058 080. The total deal offer price includes all projects that the deal offer status is accepted, not accepted and the deal is still work in progress.

The Free State has the highest deal offer price of R 567 082 000 with 7 projects that will benefit 468 people, followed by Western Cape with R 485 961 102 with 8 projects that will benefit 619 people and KwaZulu-Natal with R 386 000 000 with only 2 projects to benefit 245 farm workers, and GP is the least province with the deal offer price of R 20 000 000.00 for one project that will benefit 105 farm workers.

5.4.2 Cost benefit and efficiency analysis

The average cost per farm was approximately R 59 679 292.90 with minimums of 1.2 and 2.9 million and maximums of 360 and 400 million per farm. This shows how expensive some of the farms can be and also the gap between the minimal deal offer price of R 1 260 000 and maximum deal offer price of R 400 000 000. The highest average cost per farm was found in KZN and FS with average prices R193 000 000 and R 81 011 714 respectively. The average cost per beneficiary since the 50/50 policy was introduced was estimated at R 1 109 812.89.

6. RECOMMENDATIONS

The recommendations below are based on the thoughts of the Evaluation Team, farm owners and farm workers/dwellers as well as DRDLR land reform managers in provinces. The recommendations are made to inform the design of the 50/50 Programme and to strengthen the 50/50 policy framework as well as the implementation of the 50/50 pilot projects and they are as follows:

50/50 policy planning

- The policy framework proposed about 15 outcomes and impacts. The evaluation team is of the view that the impacts and outcomes are too many and the Department will need to priorities the outcomes and impacts as there will be a need to develop indicators for each of the outcomes and impacts as part of the theory of change and monitoring and evaluation framework for the envisaged 50/50 programme.
- There is a PLAS farm that expressed interest to be part of the 50/50 policy and this raises a question whether PLAS farms should participate in the 50/50 initiative? The evaluation team is of the view that government has already bought

the farm and owns it therefore there is no need for the same farm to be part of the 50/50. The Department to look out for such cases where the owners would want to double dip on departmental programmes.

Selection criteria

- One of the criteria for the selection of projects is that projects should have a realistic business plan, as indicated before, the evaluation team requested business plans for the 50/50 projects from the LRD branch which later referred the evaluation team to the NEF; however, the business plans never came forth despite several requests to the NEF. The evaluation team is of the view that the NEF failed to respond to a simple request, therefore leading one to question the capability of the NEF to manage the implementation of the 50/50 projects and be trusted with large amounts of money when they failed to respond to a simple request for business plans.
- Taking into consideration that there were only 31 projects at the time of the evaluation study, the question to be asked is what will happen as the number of projects increases.
- It was indicated that there are a lot of farm owners who are interested in the 50/50 policy and contact the provincial office but gets directed back to the national office as the people dealing with the policy. In order to improve the sustainability of the 50/50 initiative, most managers indicated that the selection criteria should be that farmer owners should write to the province to express their interest and not the national office.
- The policy stated that it targets farm workers that have worked in a farm for an extended period of time; however, the extended period of time is not defined. The first draft of the policy had indicated that workers who have been employed at the farm for a period of 10 years and more would benefit. This has had a negative impact as there were projects in Limpopo where it was found that all the workers who worked for more years were not at the farm any more (might have been fired) and all the employees were recently appointed.

Capability of the NEF to implement the 50/50 projects

- The managers in provinces have also raised concerns about the capability of the NEF to implement the 50/50 projects, therefore; there is a need for the DRDLR to reconsider using the NEF as an implementing agency.
- A further recommendation was that the DRDLR need to relook at transferring money to NEF.
- There were several disagreements/conflicts between the NEF and land owners and this requires the DRDLR to intervene. In some instances, the conflicts resulted in projects coming to a halt. The workers have been unbelievably patient and an expectation and excitement was created and they can't be disappointed due to bureaucracy and unwillingness to find a solution. Therefore; all partners are urged to explore all options to vest the Workers Trust.

- All managers in provinces indicated that they were not currently involved in the implementation of the 50/50 initiative but the MTT was involved. This therefore; raises a need to do a thorough hand over to the provinces when it is decided that the MTT will no longer be involved. A detailed implementation manual should also be developed to standardise implementation across provinces.
- Honouring of the project management processes by policy drivers during implementation is highly recommended.

50/50 Policy awareness

- There is also a need to increase the awareness of the policy especially amongst farm workers as most workers did not understand the policy in detail and this might result in instances where the department buys the 50% of the business from the farm owner and he continues running the farm alone without workers as they would not be aware that they are co-owners.
- In most projects, farm workers have indicated that they were not engaged in the 50/50 proposals. Therefore, there is a need to ensure that farmers are involved in all the steps. The field work revealed that seasonal and casual workers were excluded or had minimal information about the 50/50, however; also some permanent workers were found to be excluded in the process of implementing the policy. It is recommended that the DRDLR should ensure that all stakeholders are included in the implementation of the 50/50.

Capacity building for workers

- The policy is a good initiative, but the Department need to give workers weapons to enter the NewCo. This could include providing support to farm workers/dwellers such as capacity building and training. If enough training is provided the farm workers will continue with the proposed regime even if the Department's support has ceased.
- Some farm workers did not perceive themselves becoming progressive capable owners/managers as they perceive the farming industry to be very complicated and requiring skills and education. Therefore; this is indicative that capacitating and educating the workers is critical for the success of the 50/50 policy.
- According to the policy framework, one of the intended outcomes of the policy is to retain the best existing farmers. During the evaluation it was discovered that in some farms, the farm owners were not found at the farm but they recently employed farm managers who did not have much information or understanding about the farming operation. This implies that the farm owner would benefit financially from the sale of the farm but would not be present at the farm to transfer skills and share the farming responsibilities with the new owners in the NewCo which might result in the failure of the new venture.

Departmental capacity to implement the policy

- It is clear from the implementation of the pilot experiences that the 50/50 projects will require a lot of capacity to monitor the implementation of the 50/50 projects especially since an implementing agent has been appointed. Therefore, DRDLR needs to beef up the capacity to monitor the implementation by both the NEF and at the project level.
- Another recommendation was that the Department must focus on a specific policy or programme and properly implement it and carry it through to the end while documenting lessons learned from the implementation of the policies and learning from past policies/programmes.
- The DRDLR managers recommended that the Department should stop developing policies or programmes because the previous policies have failed, as this raises suspicions and criticisms from the public.
- The farm manager's recommended that the policy implementers should keep the current farm management to be part of the regime, and not changing the management and bringing in new leadership because it will compromise the productivity on the farm.
- There were many farms which could not form part of the evaluation because they were not happy about the amount of time the department took to provide them with feedback regarding their application. The farm workers and farm owners recommended that the department should speed up the policy's implementation processes and ensure that both the farm workers and owners work together so that the policy can have positive impact and yield better results for all.

Stakeholder cooperation and communication

- The workers have urged stakeholders to cooperate with each other and have a clear working plan between the Department and the farm owner/manager to speed up the finalisation of the deal.
- There is a need to improve the communication between the working partners i.e. workers, managers and the Department.

CHAPTER ONE: INTRODUCTION

1. INTRODUCTION

More than a century after the passage of the Natives Land Act (Act of 1913) and 21 years after the end of the apartheid regime, land ownership continues to be a vexed question in South Africa. In 1994, 87% of land was owned by whites and only 13% by blacks as a result of the Natives Land Act. The Constitution of South Africa, recognising the land challenges faced by the country, required the government to implement a land reform programme, including tenure reform. The Constitution in section 26 state that “no one may be evicted from their home, or have their home demolished, without an order of court”. The land reform programme implemented since 1994 aimed to deal with the land issue and included new legislation to deal with farm tenure, notably the Extension of Security of Tenure Act (ESTA) and Labour Tenants Act (LTA). There are two distinct and diverse groups who are landless and live on privately owned farm and forestry plantation land as a result of the legacy of colonisation and apartheid. These groups are farm dwellers and farm workers; however; it is critical to note that not all workers live on farms and not all tenants are workers.⁴ These people provide services on farms associated with farming activity, with arrangements that may be permanent, fixed-contract to seasonal, migrant or any other such variation.

According to the 2001 census, 2.9 million black South Africans lived on farms owned by other, mostly white, owners. While the 2011 census, revealed that 759 127 households with an aggregate population of 2 732 605 people (5.28% of South Africa’s population) lived in farm areas of South Africa in 2011, of whom 592 298 households with a population of 2 078 723 people lived on farms.⁵ Farmworkers and farm-dwellers are one of the most exploited sectors of South African society and are classified as a ‘vulnerable group’ in South Africa.⁶

Tenure legislation has been passed with the intention of protecting farm dwellers from arbitrary denial of their rights to land. The Extension of Security of Tenure Act 62 of 1997 (“ESTA”) was introduced by government in order to intervene by establishing a balance between the opposing interests of farmers and farm workers and dwellers. The legislation was not aimed at stopping evictions, but merely to

4 Clarke, J. 2013. Literature Review: tenure security and farm evictions. Presented at the ‘Farm Worker Living and Working Conditions Workshop. School of Government, PLAAS. 19 September 2013.

5 Statistics South Africa. 2011. Census Report 2011. Pretoria: Statistics South Africa.

6 Republic of South Africa. Justice and Constitutional Development Ministry. 2015. Speech by Deputy Minister John Jeffery: Farmworker and farm-dweller Rights National Strategic Engagement. Online available: www.gov.za/ts/node/742420, 08 June 2016.

regulate them, ensuring that all evictions were conducted in a legally valid manner, with a court hearing taking into account all relevant factors.⁷

Despite the promulgation of LTA and the ESTA, farm dwellers have remained in a disadvantaged position where displacement and evictions of farm dwellers continued due to the poor enforcement and resource endowment of ESTA and LTA. The 2005 national eviction survey revealed that almost 1.7 million people were evicted from farms and a total of 3.7 million people were displaced from farms between 1984 and 2004. The number of people displaced from farms included those evicted and others who left out of their own choice. Those who left of their own choice made the choice due to difficult circumstance on the farm; however these are not counted as evictees.⁸

Tenure security and farm evictions are topics at the centre of the on-going national debate on the living and working conditions of farm workers and farm dwellers. They are the subjects of forefront about the roles and responsibilities of the State versus farm owners, and drawn attention to the need for dialogue and cooperation amongst government, civil society and organized agriculture, highly polarised views in an arena of competing claims for legitimacy. Furthermore, there has been a reframing of the debate and the challenge facing society, whereas previously the focus of government and its civil society partners was on securing on-farm tenure. The broader developmental challenge of securing homes, livelihoods and access to services for farm dwellers, both on and off farm, has now come into view.⁹

Due to the rise in farm evictions as well as the way they were conducted (legal and illegal), the DRDLR decided to develop a policy on strengthening of the relative rights of people working the land policy which was approved August 2014 by the Minister of DRDLR.

The Directorate: Evaluation and Research (D: E&R) has been mandated to conduct a diagnostic evaluation of the policy on strengthening of relative rights of people working the land (also known as the 50/50 policy might be referred as such hereunder) in the 2016/17 financial year. The request to undertake this evaluation was received from the DG/DDG Forum held on 18 January 2016. The National Evaluation Policy Framework (NEPF) describes diagnostic evaluation as preparatory research (often called ex-ante evaluation) to ascertain the current situation prior to

7 Rural Development and Land Reform. 2011. Land & Tenure Rights for Farm Dwellers & Workers: Meeting with Rural Development/Land Reform stakeholders & Deputy Minister. [Online]. Available: <https://pmg.org.za/committee-meeting/12744/>. 25 June 2016.

8 Grundling, I; Russel, B; and Wegerif, M. 2005. Still searching for security: The reality of farm dweller evictions in South Africa., Polokwane, Nkunzi Development Association; Johannesburg, Social Surveys.

9 Visser, M. and Ferrer, S. 2015. Farm Workers' Living and Working Conditions in South Africa: key trends, emergent issues, and underlying and structural problems. Pretoria: The International Labour Organization.

an intervention, and to inform intervention design.¹⁰ Therefore in taking forward this evaluation the D: E&R has mapped out a number of processes to be undertaken to achieve the evaluation, as indicated in the guideline for conducting diagnostic evaluations as follows: needs assessment, situational analysis, root cause analysis informed by a review of previous research and evaluation, as well as feasibility. These will be presented as chapters in the evaluation report. Following these chapters, a chapter on findings from the interviews with farm owners, farm workers/dwellers/tenants as well as land reform directors in reached provinces will be presented followed by feasibility analysis and recommendations and conclusion chapters.

The structure of the report is as follows:

Chapter One: Provides an introduction and background to the policy.

Chapter Two: Provides background to the evaluation.

Chapter Three: Provides situational analysis and needs assessment.

Chapter Four: Provides root cause analysis.

Chapter Five: Provides the results of interviews with stakeholders such as farm owners, farm workers/dwellers/tenants and land reform managers in provincial DRDLR.

Chapter Six: Provides a feasibility analysis of the 50/50 policy.

Chapter Seven: Provides recommendations and conclusion.

The next section provides background to the 50/50 policy.

2. BACKGROUND TO STRENGTHENING OF RELATIVE RIGHTS OF PEOPLE WORKING THE LAND POLICY (50/50 POLICY)

2.1 Rationale of the strengthening of relative rights policy

The Department of Rural Development and Land Reform's (DRDLR) Green Paper on Land Reform, gazetted in August 2011, highlights equitable access and secure rights to land as key in fulfilling its core principles of deracialising the rural economy, promoting democratic and equitable land allocation, and enhancing production discipline. The outcome envisioned by the Green Paper is social cohesion, food security, and inclusive economic growth and development.

There are two tensions relating to rural development and land reform, namely, the necessity to address historical land hunger, which could be absolute in most instances; and, extreme concentration of land ownership and control in a few hands, on the other hand. The mandate of the Department of Rural Development and Land Reform is to therefore; mediate a 'just and equitable' redistribution of land across

10 Department of Planning, Monitoring and Evaluation (DPME). 2011. National Evaluation Policy Framework. Pretoria: DPME.

these two disparate and potentially conflictual patterns of land ownership and control. The principles underlying land reform, as set out in the 2011 Green Paper on Land Reform, are as follows:¹¹

- (i) deracializing the rural economy;
- (ii) democratizing the allocation and use of land across gender, race and class; and,
- (iii) sustained production discipline for food security (and food sovereignty).

The strategic thrust, also set out in the Green Paper, is that land reform should be pursued with minimal or no disruption to food production and security. The Department defines land reform inclusive of the following four functions or pillars:

- (i) restitution of land rights;
- (ii) redistribution of land;
- (iii) land tenure reform; and,
- (iv) development of the land.

The Green paper further defines the strategic objectives of land reform as two-fold:

- (i) that all land reform farms are 100% productive during the 2014-2019 Medium Term Strategic Framework (MTSF) period; and,
- (ii) rekindling the class of black commercial farmers which was deliberately and systematically destroyed by the 1913 Natives Land Act, re-enforced by other subsequent pieces of legislation enacted by successive Colonial and Apartheid regimes.

The 2011 Green Paper gave birth to the Rural Economy Transformation Model (RETM), which is to be implemented through the Agrarian Transformation System. Forming the key strategy of the DRDLR to achieve the outcome of vibrant, equitable and sustainable rural communities and food security for all, the Agrarian Transformation System focuses on the *'rapid and fundamental change in the relations (meaning systems and patterns of ownership and control) of land, livestock, cropping and community'*.

In order to take this approach forward and fundamentally reform the means and relations of production, the DRDLR has introduced three core policies/programmes that are now viewed within the RETM as the three drivers of Rural Economy Transformation. These are the “Strengthening the Relative Rights of People Working the Land” Policy Framework (hereafter referred to as the SRR or 50-50 Policy), the Agri-Parks Programme and the One Hectare – One Household Policy Framework. The following will give more background information about the 50/50 policy as it is the subject of this evaluation.

¹¹ Department of Rural Development and Land Reform (DRDLR). 2011. Green paper on land reform. Pretoria: DRDLR.

The implementation of the 50/50 Policy will contribute to the achievement of the three developmental measurables as defined by the RETM. These are meant to run sequentially and simultaneously and include:

- Meeting basic needs (including improved tenure security);
- Rural enterprise development; and,
- Agro-village industries, sustained by credit facilities and value-chain markets.

With secure land rights and holding equity shares in the land, farm workers will benefit from increased bargaining power and higher incomes. They will be in a better position to meet daily nutritional needs, ensure their right to adequate housing and other basic needs, negotiate more favourable terms of employment, and progressively becoming capable owners, managers, and well-compensated workers in the agricultural sector.

According to the policy, the establishment of District Agri-Parks and District Management Councils (DMCs) will facilitate the new land owners to develop their own on- and off-farm enterprises by ensuring that they are actively mobilized and organized, and provided with capacity building, mentorship, farm infrastructure, extension services, production inputs, logistical services, all of which form the necessary ingredients for success. Services such as management, information, transport, storage and packaging can be shared across a range of different crop and livestock products by communities within each district. This will help the new land owners comply with certain conditions and fulfilment of prescribed roles and responsibilities, which, in turn, shall help to ensure sustained/ improved food production.

Hence, implemented alongside the Agri-Parks programme, the 50-50 Policy will change the present relations between land, labour, capital and enterprise, engendering an inclusive economic transformation of the sector.

According to the 50/50 policy framework, the displacement of farm workers, will be put to a halt because the voluntary nature of the policy means that land-related conflicts associated with redistribution can be averted, while problems related to dispersal and resettlement of families/ communities may be also be avoided as beneficiaries will gain access to land that they are already occupying. In these ways and other, the 50/50 Policy promotes social cohesion. The policy further stipulated that existing partnerships will be strengthened and new partnerships created within government, the private sector and civil society. Moreover, the issue of public service delivery on privately owned farmland will be addressed.

A combination of share-equity and co-management is the key to achieving the underlying objectives of the 50/50 policy framework. The share-equity scheme could, and should, as circumstances might dictate, be complemented by the establishment of sustainable rural settlements on land acquired either through share-equity rights

accumulated by workers over time, as workers on farms, or, through state interventions.

These sustainable rural settlements would achieve at least four objectives:

- establish small farms;
- secure the residential tenure of the farm-dweller/worker;
- enable farm workers to sell their labour-power across the fence, without fear of eviction; and,
- strengthen farm worker/owners bargaining power in advancing worker rights and improving his/her conditions of living.

With multi-stakeholder platforms being proposed, the policy framework states that the relations being created in the policy proposals should be easily managed with the establishment of the Land Rights Management Committees (LRMCs). However; there does not seem to be any sort of duty and responsibility placed on the worker-dweller to play their role in ensuring that their right of tenure to the land is earned; and, could be systematically defended. The policy has identified this as a serious gap, viewed against the third principle and the strategic thrust of land reform.

There are few measures in place to ensure that agricultural productivity is maintained after farmland is transferred to land reform beneficiaries. The system introduced by the 50/50 policy framework, is that of rights and responsibilities; duties and services; and, opportunities and constraints, all of which hang on the authority of the constitution and the law. In this way, the proposed 50/50 Policy seeks to change the agricultural landscape fundamentally and strengthen the position of both the farm worker and the farmer.

2.2 The policy context

The proposed policy stipulates that the broad context for all rural development and land reform policies is premised on the following:¹²

- The Constitution and the law of the Republic, particularly sections 25, 26, 27 and 36 of the Constitution.
- Secondly, the Freedom Charter, which declares that 'South Africa Belongs To All Who Live In It, Black and White!'
- Thirdly, the National Development Plan (NDP) 2011. Chapter Six of the NDP sums up the essence of an integrated and inclusive economy in the following key points:
 - Rural communities require greater social, economic and political opportunities to overcome poverty.

12 Department of Rural Development and Land Reform (DRDLR). 2014. Final policy proposals on strengthening of relative rights of people working the land. Pretoria: DRDLR..

- To achieve this, agricultural development should introduce a land reform and job creation /livelihoods strategy that ensure rural communities have jobs.
- Ensure quality access to basic services, health care, education and food security.
- Plans for rural towns should be tailor-made according to the varying opportunities in each area.
- Intergovernmental relations should be addressed to improve rural governance.
- Fourthly, the Agenda 21 of the United Nations state that "People shall be protected by law against unfair eviction from their homes and land." In the Habitat Agenda, governments committed themselves to "protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration.
- Lastly, General Comment No.7 (1997) stipulates that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It concluded that forced evictions are, *prima facie*, incompatible with the requirements of the Covenant.

2.3 The objectives, intended outcomes and scope

The overarching aims of the SRR Policy are to:¹³

- To focus on secure tenure/or land tenure as a central means of addressing the tenure insecurities and livelihood challenges faced by people who work in commercial farming areas;
- To ensure sustainable land and productivity for farm workers;
- To address socio-economic livelihood challenges;
- To empower people working the land to acquire shares in farming enterprises and bring about economic transformation of the agricultural sector;
- Secure the residential tenure of the farm-dweller/worker;
- Enable beneficiaries to sell labour-power across the fence, without fear of eviction; and,
- Strengthen farm workers' bargaining power in advancing worker rights and improving his/her conditions of living.

The intended outcomes and impact are as follows:¹⁴

- 1) Radically transform the social and production relations of agriculture's target groups;
- 2) Decisively reduce unemployment, poverty and inequality;

¹³ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

¹⁴ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

- 3) Leverage institutional investments to agriculture growth and sustainable development;
- 4) Retain the best existing farmers;
- 5) Increase the entry of new and enterprising farmers;
- 6) Promote the application of the most innovative, climate smart and sustainable production systems;
- 7) Provide basic needs of land reform beneficiaries;
- 8) Increase opportunities for land ownership amongst farm workers/dwellers and labour tenants, and thus enhance their relative rights to land that they occupy in order to fulfil their basic needs for housing and productive livelihoods;
- 9) Develop a system of incentives to encourage those with vested interest in the land to conduct their relationship around land according to national and international standards and guidelines;
- 10) Promote sustainable utilization of land to enhance shared growth, food security, employment and development across the nation;
- 11) Rekindle a class of small scale black commercial farmers that was destroyed by the 1913 Natives Land Act;
- 12) Curb unlawful evictions of farm workers/dwellers and labour tenants;
- 13) Improve the working and living conditions of farm workers/dwellers and labour tenants so that their basic human rights are realised and exploitation put to an end;
- 14) Advance the goals of the agricultural landholdings framework; and,
- 15) Build social cohesion.

The evaluation team is of the view that the impacts and outcomes are too many and the department will need to prioritise the outcomes and impacts as there will be a need to develop indicators for each of the outcomes and impacts. Some of the proposed outcomes and impacts are better suited to be objectives of the policy.

2.4 Target area and groups

The SRR Policy will target the 82 million hectares of white-owned commercial agricultural land (which makes up approximately 86% of all farmland across the country), and the estimated 700 000 farm workers, 2 million labour tenants and farm dwellers, and the owners of the 30 000 large-scale commercial farms existing in South Africa.¹⁵ According to the most recent national population census, 2 732 605 people (about 5.28% of the country's population) lived on privately-owned land in rural areas in 2011. The vast majority (2 078 723) of these people lived on the farms themselves.¹⁶ The intended beneficiaries of the 50/50 Policy include farm workers

¹⁵ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

¹⁶ Statistics South Africa. 2011. Census Report 2011. Pretoria: Statistics South Africa.

and their dependents, labour tenants, seasonal and casual workers and other farm dwellers.

2.5 50/50 Policy measures

The main measures being introduced to realise the above aims and outcomes of the 50-50 Policy include to:¹⁷

- 1) Protect and promote relative rights of people working and associated to the land: This entails increasing opportunities for legally secure tenure and land ownership amongst farm workers/dwellers and labour tenants, and thus enhance their relative rights to land that they occupy in order to fulfil their basic needs for housing and productive livelihoods.
- 2) Introduce a regime based on the relative contribution of each category of people to the development of defined land portions or farm units. The historical owner of the land automatically retains 50% of the land, while the labourers on the land assume ownership of the remaining 50%, proportional to their contribution to the development of the land.
- 3) The Government will pay for the 50% to be shared by the labourers, but the money will be channeled through the National Empowerment Fund (NEF), and invested into the New Company (NewCo), which must be established by and representative of all equity-holders to the farm. The NEF is the central government agency responsible for catalyzing Broad-Based Black Economic Empowerment (BB-BEE) by supporting and funding black entrepreneurs and black-owned businesses. Supported by NEF, the NewCo to be jointly owned by the Parties constituting the new ownership regime.
- 4) Jointly owned, managed and controlled by the primary target groups, the NewCo will lease farmland (and pay rent to) the state, and be used to develop the managerial and production capacity of the new entrants to land ownership, to further invest in the farm as well to pay out those people who wish to opt out of the new regime.
- 5) The current regime of tenancy protection and derived rights will be maintained, but this will be balanced by introducing a regime of duties and responsibilities which the worker-dweller must observe and comply with, in order to sustain the share-equity regime.

The thrust of this policy is developmental in orientation, and seeks to enlist the support of relevant agricultural marketing agencies and institutions as well as

¹⁷ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

preferential access to markets will be facilitated. This new approach should constitute a regime of the protection of relative rights on land, in alignment with the provisions of the Constitution, Freedom Charter, NDP, United Nations Agenda 21, Comment No. 7, VGGT and the LPI's *Guiding Principles*.

2.6 Basic financing institutions and procedures

There are two main sources of financing the worker-equity: the DRDLR will deposit funds from the Land Reform Programme into the NEF to finance 50-50 projects; and/or private sector financing will be used. Also, compensation for equity shares in the land is in the form of own historical contribution by the worker.

The relative equity stakes recognize this full contribution, which the exploitative wages have denied the workers for all of those years. The contribution by the government is an attempt at restoring the dignity of the worker. The state's contribution to be made through the NEF must go to further development of the farm. With the acquisition of equity by farm-workers must come a fundamental change in the control mechanism of the farm. Hence, the acquisition of equity is, and must be seen to be, a fundamental game-changer. It introduces co-management of the farm, based on relative equity-holdings and the capacity of each participant in production and management. The Government (DRDLR) will deposit its contribution into the NewCo, not to the farmer, for that would be double compensation. He/she will benefit, like all others, from dividends allocated by the NewCo. With that contribution, the government earns the status of Ex-officio member of the management of the NewCo; and, should be entitled to a single representative on it. Therefore, Government's role will be to buy and lease land to the NewCo where the farm workers, farm dwellers and/or labour tenants share 50/50% equity with current landowners.

This seeks to introduce a system of collective ownership, based on relative equity-holdings. However, although the government has full speaking rights in the management of the NewCo, it will not have voting rights. Those rights should be the preserve of the equity-holders.

2.7 Different shareholding arrangements

The actual format for ratios of equity shares will be determined based on various factors which vary depending on the farm and type of enterprise in question. Permutations of shareholding levels will range from 25% for beneficiaries versus 75% for owners to 75% and above for beneficiaries versus 25% and less for owners. However, variation in equity shares has also been noted beyond the normative 25% -75% range and the 75%-25% range. See annexure A for examples of how equity shares may be distributed, as seen in the 50-50 pilot projects thus far.

2.8 Selection Criteria

According to the 50/50 Policy, the selection of farms to participate in the programme will be based on evaluation of several criteria. These selection criteria have been developed in consideration of experiences and lessons gained in implementing the 50-50 pilot projects. The SRR embody the primary principle of the SRR Policy, namely, to facilitate the creation of equity, co-management and other empowerment arrangements for historically disadvantaged persons in commercial farming areas to share in the ownership and management of farming operations in ways that will increase security of tenure.

Central to this principle, is the need to ensure that the selection of the SRR projects should: be outcome based, with enhanced tenure security, improved well-being of people living on farms and inclusive rural development the primary focus; consider the length of time farm workers have lived on the farm; embrace diversity (i.e. in types of farms) and inclusivity; be based on project's sustainability and capacity to promote skills development and co-management by farm workers; ensure farm workers' participation from the outset; promote quality governance institutions; and, have flexible, transformative and developmental financing models.

Anchored on these broad factors, the general criteria for projects to be selected together with more specific compulsory requirements are depicted in the Figure below with the detail following:

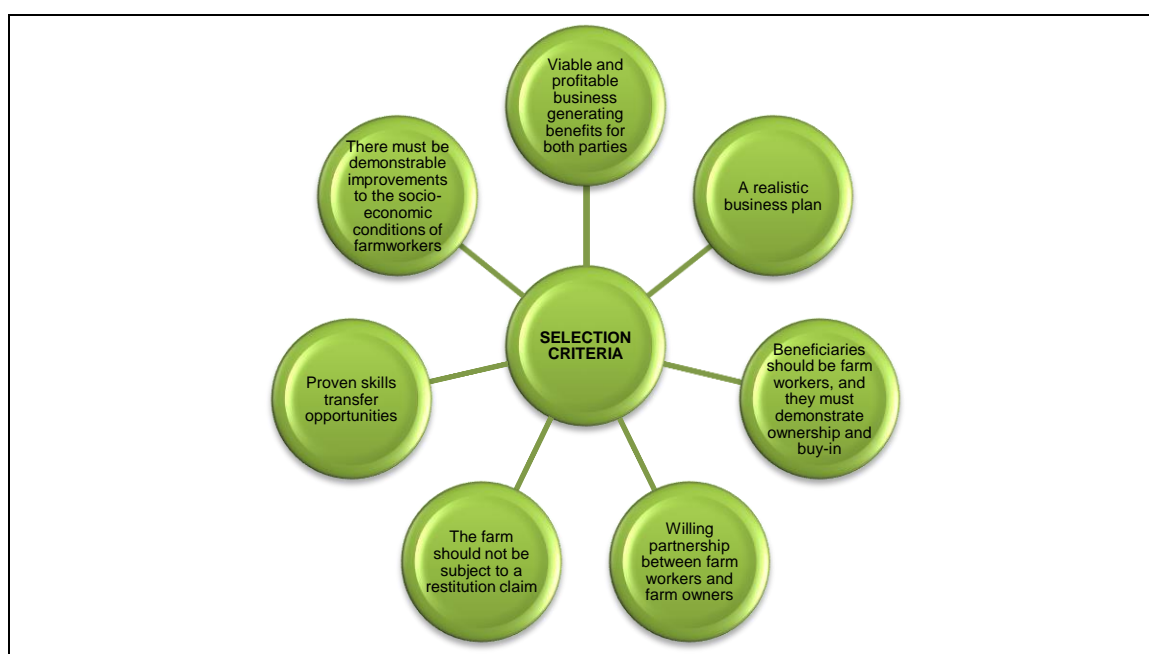


Figure 1: Criteria for selection of 50/50 farms

- ☐ **Viable and profitable business that generates benefits for farm owners and farmworkers:**

- There must be evidence of a profitable agricultural enterprise operating as a going concern.
- The turnover and profitability are key factors to determine enterprise suitability.
- No farms with a debt-equity ratio over 75% should qualify.
- The spread of province, size, commodity and turnover will also be evaluated.

❑ The project must have a realistic business plan:

- The long term average production capacity of the farm in terms of the nature and extent of the enterprises to generate income must be adequate to allow agricultural development and growth to contribute meaningfully to the improvement of the living conditions of farmworkers.
- The quality and quantity of the natural resource base should be adequate for increased agricultural production to generate profits to improve the livelihood of participating farmworkers.
- Sustainable resource utilisation production practices should be followed to curb environmental degradation.
- Land productivity must be sustained.

❑ Beneficiaries should be farm workers, and they must demonstrate ownership and buy-in to the proposal:

- In order to qualify, farmworkers must be South African citizens who have occupied that land for an extended period of time and must have fulfilled agreed-upon land-related roles and responsibilities.
- Farmworker beneficiaries have to be screened, categorized and selected in accordance with their level of competence and potential to be appointed in specific positions as workers, supervisors or even managers.
- Social facilitation before the project begins should be conducted to inform and manage the expectations of participating farmworkers in order to avoid a situation where they simply opt to leave the farm in order not to defeat the intention of the project, especially if a substantial increase in the quality of their livelihood is not experienced.
- Farmworkers who want to leave should be obliged to leave their equity shares in the NewCo for a fixed period (i.e. 10 years) not to disrupt the further development and sustainability of the farming business.
- Group dynamics is an extremely important factor to be considered to determine the ability of a group of farmworkers to function in unison.

❑ There must be willing partnership between farm workers and farm owners:

- The relationship between the farm owner, workers and their peers must be conducive for an equity sharing and co-management project to succeed.
- Appropriate support interventions that enable farm workers and dwellers to take their rightful place as co-owners should be in place.
- There must be willingness to accept facilitation (social, financial and legal).
- There must be willingness of farm owners, workers, dwellers etc. to undergo screening e.g. a comprehensive due diligence on businesses, as well as a land rights enquiry, farm assessment, household profiling, commodity prioritisation, value-chain assessment, and departmental planning exercises.
- There must be clear indication of what the owner brings to the project.
- The professional management of the farm and ownership equity sharing should be separated in principle to ensure a productive enterprise without potential disruptive or irrational decisions which is not economically or agriculturally justifiable.
- A code of conduct with corrective and disciplinary measures has to be developed to balance power relationships.
- Participation needs to be incentivised. The set of incentives will comprise:
 - a) Co-financing;
 - b) Co-management;
 - c) 5% of the funds from the arrangement are put into the NEF so that it may support the process; and,
 - d) Workers, including casual/ seasonal farm labourers become new owners of the factors of production, in which the previously marginalized are incorporated into the entire agricultural value chain.

❑ The farm should not be subject to a restitution claim: Participating farms need to be free from restitution claims and should also not be subjected to future restoration in terms of restitution.

❑ There should be proven skills transfer opportunities:

- There must be an element of training, mentoring, skills development and coaching of farmworkers, which should be aligned to their current competency and capacity for potential training.
- Access to appropriate training institutions and training programmes should be availed and supported by Government to capacitate farmworkers; and the cost of training should be borne by the NEF.

❑ **There must be demonstrable improvements to the socio-economic conditions of farmworkers:**

- There must be enhanced tenure security, co-ownership and shareholding for farmworkers. These, in turn, must be linked to expanded opportunities for beneficiaries to participate in the rural economy.
- Ownership in land - this can be by way of shares in land, but vested in a new entity that is owned by the farm workers and the farmer.
- The model can only be implemented on the existing farm of the farmer and farm workers.
- In addition to shares in the land, shares may also be acquired in the farming enterprise.
- Outcome must be that tenure insecurities and livelihood challenges are addressed.
- The AgriBEE Code criteria and incentives should be the guiding principles.

2.9 Institutional Measures

According to the 50/50 policy, the following institutions are critical to the policy implementation process:¹⁸

- **Office of the Valuer-General (OVG):** The OVG will undertake valuation of participating farms to determine the market value and 'just and equitable compensation' to be paid for the 50% of the farm to be collectively shared by the farmworkers.
- **National Empowerment Fund (NEF):** All funds released from the DRDLR to implement the aforementioned policy measures will be deposited in the NEF. The NEF, in turn, will ensure due diligence in this process, focusing on preferential procurement, broadening the reach of equity ownership, transformation of staffing and management, and preventing the dilution of black shareholding. In these ways, it will provide a platform to bring parity in empowerment in the commercial farming sector. For this, it will receive a percentage share in the enterprise (approximately 5%).
- **NewCo:** A new legal entity (i.e. the New Company) is to be established with formation of a new legal entity with all relevant fiduciary considerations, but with limited intention to proceed until all of the debt and other commitments of the existing business are considered. Government will provide structured support for the NewCo.
- **Agricultural Land Holding Account (ALHA):** This entity was established in terms of Section 10 of the Provision of Land and Assistance Act and it is

¹⁸ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

administered by the DRDLR. Its operations are anchored around the acquisition of strategically located land for agricultural productivity.

- **State training institutions:** Beneficiaries involved in the SRR projects with various other government structures will be mobilized to provide training.

2.10 Stages of implementation

The basic steps to be followed in implementing 50/50 projects will include:¹⁹

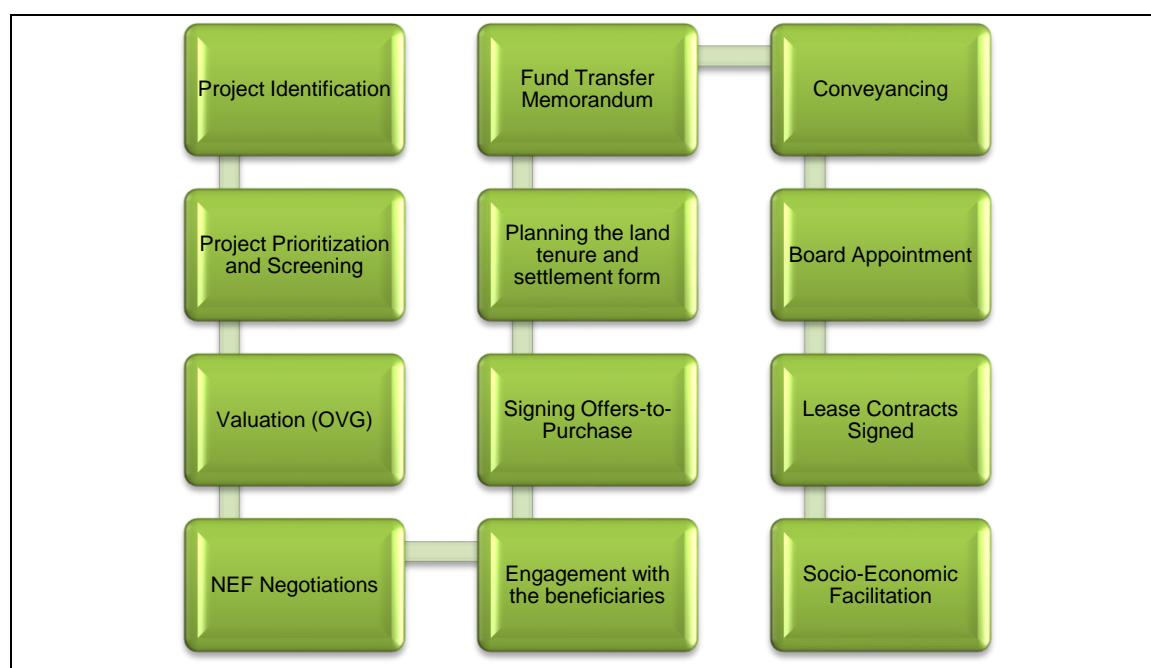


Figure 2: Basic steps in implementing 50/50

1. **Project identification:** This is a voluntary programme that is demand driven in that commercial farmers' express interest to participate in the programme, and submit a proposal within the broad framework of the 50/50 to the relevant office of DRDLR.
2. **Project prioritization and screening:** Potential farms/ projects will be assessed based on the aforementioned selection criteria, with feasibility studies and impact assessments conducted. Also, farm owners who are interested in volunteering will lodge their intent to participate to the Department.
3. **Valuation (OVG):** The OVG will receive reports from independent valuers, assess these and set the value of land and any associated buildings to determine 'just and equitable compensation'.
4. **NEF negotiations:** Participating landowners will be presented with a price offer for the land (to be channelled through NEF into the NewCo) and the opportunity

¹⁹ DRDLR. 2016. Strengthening the relative rights of people working the land: 50/50 Policy Framework 11 July 2016. Department of Rural Development and Land Reform, Pretoria.

to negotiate this price with the NEF. Assisted by the CD PSSCs, NEF conducts due diligence.

5. **Engagement with the beneficiaries** on the proposal in detail.
6. **Signing offers-to-purchase (DDG: LRD)²⁰**: A settlement on the deal structuring and price will be reached, and the deal structuring agreement signed, after which the equity structure and final price will be agreed upon and the Offer-to-Purchase signed by the LRD and the current landowner.
7. **Planning the land tenure and settlement form**, and considerations of including routine seasonal and casual workers.
8. **Fund transfer memorandum (LRD)**: LRD releases funds for land acquisition and shareholders' agreement, and then the Chief Financial Officer (CFO) transfers the funds.
9. **Conveyancing**: This step entails the commissioning of a conveyancer and completing the conveyancing process.
10. **Board appointment**: The Board, Worker's Trust (where applicable) and the NewCo will be formed, and the management appointed.
11. **Lease contracts signed**: The share-equity contract will be finalised and signed by all parties, the branch Land Tenure and Administration (LTA) will enter the acquired land into its asset register, and lease contracts will be signed between the state and the NewCo. The land will then be transferred.
12. **Socio-economic facilitation**: Socio-economic (household) profiling exercises will be conducted, land rights determination and allocation of tenure and water rights will take place, beneficiaries will be provided with LURCs and these registered. Training and capacity building of farm workers will also commence.

2.11 SWOT analysis of the proposed policy

SWOT analysis is an acronym for strengths, weaknesses, opportunities, and threats and can be defined as a structured planning method that evaluates the four elements of a project or business venture. These elements are strengths, weaknesses, opportunities, and threats of a project/programme. SWOT analysis further specifies the objective of a business venture or project and identifies the internal and external factors that are favourable and unfavourable to achieve the objective. Therefore; identification of SWOT is important because they can inform later steps to be undertaken in planning a project/ programme to achieve the objective and assist decision makers to consider whether the set objective of a project is attainable, given the SWOT and if not attainable, a different objective should be selected and subjected to SWOT analysis.²¹

²⁰ Deputy Director General: Land Redistribution and Development.

²¹ Wikipedia. SWOT analysis. [Online]. Available: https://en.wikipedia.org/wiki/SWOT_analysis. 30 June 2016.

The evaluation team has conducted a SWOT analysis for the proposed 50/50 policy based on literature review, interviews with provincial DRDLR land reform managers and the following factors were identified:

2.11.1 Strengths of the 50/50 policy

- Farm workers/dwellers will participate in the value chain of agricultural production.
- If the policy is properly implemented it will accelerate the pace of land reform in the country.
- The policy intends to give security of tenure to the people working the land,
- Curbing unlawful evictions of farm workers/dwellers and labour tenants.
- Existing and new partnerships created within government like the private sector and civil society will be strengthened.
- Public service delivery on privately owned farm land will be addressed.
- Provide basic needs of land reform beneficiaries.
- Farm workers and other rural producers will have the opportunity to become owners and managers of the farms.
- 50/50 policy proposal will not only bring about stability within in the agricultural sector but will also improve food production and in turn ensure food security.
- Develop a system of incentives to encourage those with vested interest in the land to conduct their relationship around land according to national and international standards and guidelines.
- The proposed policy measures would be aligned to the Agricultural Landholding policy which aims to realize the NDP's overarching goals.
- The policy intends to give skills and capacity to farm workers/dwellers.
- The policy wants to empower people working the land to acquire shares in the farming business and assist them to participate in the business and become co-owners. Through the inclusion of farm workers into the mainstream of the economy, and being exposed to other business activities of the farm that will help in strengthening economic growth and development.
- Workers will derive dividends from the profit they will no longer depend on their salaries only.

2.11.2 Weaknesses of the 50/50 policy

- The policy is gender blind and effectively discriminates against women who are more likely to be temporary and seasonal workers.
- The policy does not have clear beneficiary selection criteria, and open to everyone who occupied the land for an extended period.
- The delay in the implementation of the policy affects the tenure security for farm dwellers/workers that lived and worked on the farm for a long time to, which further contributes to the non-realisation of their human rights and food shortages.
- The implementation of 50/50 policy is currently a top down approach.

- Making farm workers to be co-owners of the business in the farm might affect production on the farm, because farm workers might not have aspirations to be farm owners.

2.11.3 Opportunities brought by policy

- The policy opens doors for farm workers/dwellers to become co-owners who in turn participate in managerial decisions and benefit.
- There will be commercialisation of the business and improvement of livelihoods.
- Farm workers will benefit because they will be exposed to the whole value chain of the business and they will acquire other skills that they never had.
- Speeding up the pace of redistributing land to the previously disadvantaged communities.
- To establish sustainable institutional arrangements to identify, monitor, resolve the land tenure insecurities existing on farms using a number of different interventions.
- To facilitate the acquisition of land rights of farm workers/dwellers and labour tenants on land which they have lived for elongated period.
- To enable people living and working on commercial farms to acquire a percentage of ownership shares in the farming enterprise.
- The policy will contribute to economic transformation of the agricultural sector.
- The policy promotes social cohesion.
- The policy seeks to deepen the security of tenure of farm workers and farm dwellers, without threatening household food security and national food sovereignty.
- To ensure co-management of the farm based on relative equity-holdings and the capacity of each participant in production and management.
- The policy will be a strategic driver to address issues in the Green Paper as the land reform should be pursued with minimal or no disruption to food production and security.
- To increase opportunities for business ownership amongst farm workers/dwellers and labour tenants to enhance their relative rights to land that they occupy in order to fulfil their basic needs for housing and productive livelihoods;
- The policy will also develop a system of incentives to encourage those with vested interest in the land to conduct their relationship around land according to national and international standards and guidelines;
- To promote sustainable utilization of land to enhance shared growth, food security, employment and development across the nation.

2.11.4 Potential threats on the 50/50 policy

- Potential limited financial resources, more resources from the Department might be required to assist the farm workers and even buying the identified 50/50 farms.
- Massive increase in budget (land reform) to support new farmers.
- Other critical skills in farming might be inadequate from farm workers/dwellers.
- Potential decline in commercial farms.
- Reduced production- leading to jobless economic growth.
- 50% shares of farmworkers/dwellers might lead to the breakdown of the farms and a drop in the national agricultural output.
- More evictions emerging due to the proposed 50/50 policy.
- There are chances that the 50% allocated to the farmworkers/dwellers might be unproductive which might lead to farmworkers losing their jobs.
- More skilled labour will be required to deal with rising standards in farming due to shifts in the nature of farming. As a result, farm workers/dwellers will need to update their farm management skills.
- Tension between the owners and farm workers/dwellers due to new management arrangement as prescribed by the policy.
- Preconceived ideas on the policy due to poor communication between relevant stakeholders i.e. workers/dwellers, owners, DRDLR and NEF.
- There is a potential for misallocation of positions and stalling of farming progress if beneficiaries are not properly screened and categorised in accordance to their level of competence.
- In the long run power-relations will affect the production of the farm. If the relationship is not managed properly, production might collapse.
- Since the policy has taken a top down approach to implementation, it poses a challenge that the province might not take ownership of the projects and might not form part of the process going forward.
- Dishonesty by workers and owners in the administration and management of the NewCo will create conflict between the two parties. As a result, this will negatively affect the sustainability of the policy.
- There are many elements about the policy that needs monitoring and if the policy is not properly monitored there are possibilities that things might not happen the way the Department expects.
- Abuse of the policy by the farm owners where new farms are purchased to be included in the 50/50 while the productive farms are still solely owned by the previous farmer.
- Firing of all workers who have been employed for 10 years or more and hiring new employees and still participate in the 50/50 initiative.
- State owned land proposed to be part of the 50/50 initiative.

CHAPTER TWO: BACKGROUND TO THE EVALUATION

1. INTRODUCTION

This chapter gives a brief background to the evaluation that was conducted. The chapter highlights the type, importance, and purpose of the evaluation, the objectives of this study, the evaluation questions and scope of the study.

In the beginning of 2013/14 financial year the Evaluation and Research Directorate developed a three-year departmental evaluation plan (DEP). The plan was in line with the National Evaluation Policy Framework of 2012 developed by the Department of Planning, Monitoring and Evaluation (DPME), which was one of the prescripts of the DPME that addresses how evaluations should be planned and conducted within the public service. During the 2015/2016 financial year the DEP was reviewed and it identified programmes to be evaluated from 2015/2016 to 2017/2018. An implementation and design evaluation of AVMP was one of the evaluations to be conducted in the 2015/16 financial year.

2. TYPE OF EVALUATION

Diagnostic evaluation has been adopted as the most relevant type of evaluation to be undertaken. This was informed by the fact that the policy on strengthening the relative rights of people working the land is new in the Department and is currently being piloted in provinces. The findings of the diagnostic evaluation will provide empirical evidence to a programme manager of the root causes of a particular problem, situation, or opportunity, and to provide the evidence on which to base a strong theory of change and design a programme for this new policy on strengthening the relative rights of people working the land. As indicated before, diagnostic evaluation is preparatory research (often called ex-ante evaluation) to ascertain the current situation prior to an intervention design. It identifies what is already known about the issues at hand, the problems and opportunities to be addressed, causes and consequences, including those that the intervention/programme is unlikely to deliver, and the likely effectiveness of different policy options.

3. PURPOSE OF THE EVALUATION

The evaluation will assist in determining the current situation while the policy is drafted and prior to a 50/50 programme it will inform 50/50 programme design. The evaluation will also assist to explore the current situation, the problems to be addressed and opportunities, causes and consequences, including those that the programme is unlikely to deliver, and unlikely effectiveness of different policy options. Diagnostic evaluation will help programme managers to refine the policy and design the 50/50 programme.

4. IMPORTANCE OF THE EVALUATION

The 50/50 is a new proposed policy in the Department that is currently undergoing piloting stage in the various provinces with the intentions of becoming a full programme aimed at protecting the rights of farm workers/dwellers faced with evictions due to their insecurities of tenure status in commercial farms. It is important that the policy be evaluated to diagnose the situation of worker/dwellers and assess the problems underlying farm evictions and how these could be addressed and minimized without jeopardizing production and food security for all. The evaluation will further examine the needs of the farm worker/dwellers in order to check how the proposed policy will address the needs of the target group and if not, what needs to be done to ensure that the policy addresses the needs of the target group to improve livelihoods and reduce evictions.

In addition, this evaluation is critical to avoid misdiagnosis on the problem the proposed policy is trying to address, because if the problem is correctly identified, the chances of the programme addressing symptoms and not underlying causes will be limited. Correctly identifying the problem will result in developing appropriate service delivery mechanisms, and the right beneficiary group.

5. OBJECTIVES OF THE EVALUATION

The objectives of the study are as follows:

- To provide information that will be used to refine the proposed policy and its rationale;
- To provide information to help the programme manager to design the programme (i.e. to construct a clear design for the 50/50 programme as well as its underlying theory of change for effective implementation of the policy/programme.
- To provide empirical evidence of the root causes of the problem the policy is aiming to address.
- To assess the feasibility of the policy being proposed (readiness of DRDLR to implement the policy as a programme.

6. KEY QUESTIONS TO BE ADDRESSED BY THE EVALUATION

The following questions will be addressed by the study:

- What has been the scale of farm evictions in commercial farms?
- What are the needs around the proposed policy?
- What are the strengths, weaknesses, opportunities and threats in the current situation?
- What are the legal obligations imposed by existing legislation that may be relevant to the policy?

- Which existing policies, policy frameworks, international agreements are relevant to the 50/50 policy?
- What are the roots causes of eviction and its associated implications on farm workers/dwellers?
- What are the potential theories of change that should be considered?
- Are the interventions proposed consistent with cultural and other characteristics of the target population i.e. owner/worker/dwellers?
- What are the funding sources and costs associated with the proposed policy?
- What are the human resource implications of the proposed policy/programme?

The following are the key questions linked to the outcomes of the policy:

Table 1: Key questions linked to specific outputs and benefits to the policy²²

KEY QUESTIONS TO BE ADDRESSED	OUTPUTS	BENEFITS TO THE 50/50 POLICY
What has been the scale of farm evictions in commercial farms?	Situational analysis report	Enable policy makers and programme managers to understand the extent of evictions.
What are the needs around the policy?	Needs analysis report (Potential needs)	Enable policy makers to implement the policy according to the identified needs of workers/dwellers based on the experiences.
What are the strengths, weaknesses, opportunities and threats in the current situation?	Situational analysis report	Understanding the SWOT of the proposed policy.
What are the legal obligations imposed by existing legislation that may be relevant to the policy	Situational analysis report	Better understanding of the internal and external environment in which the policy is supposed to operate
Which existing policies, frameworks, international agreements are relevant to 50/50?	Situational analysis report	Better understanding of the internal and external environment in which the policy supposed to operate
What are the roots causes of the issue or problem?	Root causes analysis report	Understanding the root causes
What funding sources, costs, and human resources implications are associated with the policy	Feasibility analysis report	Probability of success

²² The key questions are often linked to outputs and outcomes of the policy/programme, however; the policy document does not specify the outcomes of the policy on strengthening of the relative rights of people working the land; therefore, a linkage is made on how the outputs will benefit the policy.

7. SCOPE OF THE EVALUATION

The study will focus on the projects/farms where 50/50 policy was/will be piloted across provinces. The study will also focus on conducting needs assessment, the situational analysis, root causes analysis, through desktop review of literature and previous research to identify potential solutions to strengthen the proposed policy and programme design. Further targeted in the evaluation is to conduct feasibility analysis to determine the readiness of the DRDLR in securing resources towards effective implementation of the policy.

8. METHODOLOGICAL FRAMEWORK AND EVALUATION DESIGN

This chapter outlines the methods and procedures adopted for the evaluation. This includes description of qualitative and quantitative data collection, data collection instruments, details of sampling and data analysis. The evaluation study was conducted in six provinces. Interviews were held with farm owners and farm workers in projects that are participating in the pilot of the 50/50 policy, as well as Land Reform Directors).

Mixed methods were used consisting of literature review, policy document review/analysis, need assessment, situational analysis, root causes analysis and feasibility analysis, interviewing potential beneficiaries i.e. owner/worker/dweller and relevant stakeholders supporting and implementing the policy. In addition, relevant sites where 50/50 policy is or has been piloted were visited. This allowed for compilation of numerical data as well as feelings, views and opinions of potential beneficiaries.

8.1 Sampling selection

Piloted sites/commercial farms participating in the 50/50 were targeted across provinces.

8.1.1 Target population

The study focused on the following target population: farm owners, farm workers and farm dwellers, labour tenants, and DRDLR relevant officials; as well as other relevant stakeholders.

Piloted sites/commercial farms participating in the 50/50 policy were visited across provinces as stipulated in the Evaluation plan, however not all the projects were visited. The Tables below shows the national 50/50 policy projects list as of October 2016 and the projects that the Evaluation and Research team visited to collect data during diagnostic evaluation study of the 50/50 policy in the months of October and November 2016.

Table 2: National project list for 50/50 policy as October 2016

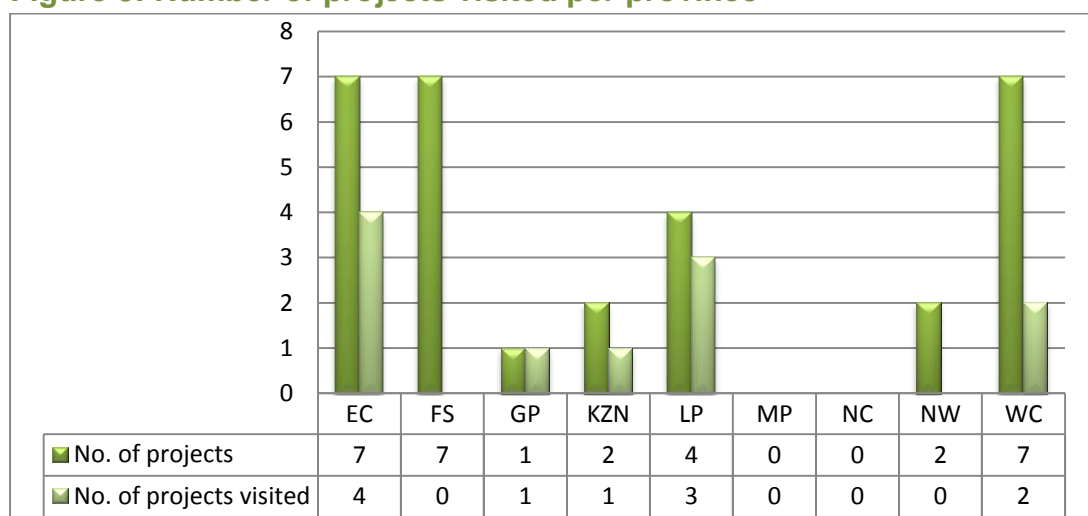
NAME OF THE PROJECT	PROVINCE	STATUS (MCM DECISION AS OF 05 05 APRIL)
Klein Monden Rivier - Jonathan Bradfield	Eastern Cape (EC)	MCM Approved
Mount Wellington farm	EC	MCM Approved
Birbury	EC	Project completed
Sun Orange	EC	MCM Approved
Mlunigisi Bushula / Rance Rural Development Pty Ltd	EC	For 2016 FY
Gary Vorster	EC	For 2016 FY
Collett Family	EC	For 2016 FY
Oatland	Free State (FS)	Project completed
Diamand	FS	Project completed
Kalkput / Klippan	FS	Project completed
Estador	FS	For 2016 FY
Easby Lington Agric	FS	For 2016 FY
Gannahoek (Bonile Jack)	FS	For 2016 FY
Bos Blanco	FS	For 2016 FY
Marolien	Gauteng	For 2016 FY
Westcliff	KwaZulu-Natal (KZN)	MCM Approved. Team reported
Bergstroom	KZN	For 2016 FY
Dabchick Conservancy	Limpopo(LP)	MCM Approved. VG advised
Mabaleng	LP	MCM Approved. Payment in Apr 16
Jurgens Boerdery Beperk	LP	For Apr 16 FY
Kameelpoort Game Reserve	LP	For 2016 FY
Louie Meyer	North West (NW)	For 2016 FY
OMNIA Farms	NW	N/A
Delheim	Western Cape	MCM Not approved.
Solms Delta	WC	MCM Approved. Team reported
Bloemendal	WC	For 2016 FY
Hoogland	WC	Not approved.
OkunaKulunga	WC	For 2016 FY

Zoutpan (Zoud van de Aarde)	WC	For 2016 FY
Southern Right Wine Farm	WC	For 2016 FY
Uitzigt Farm / Giya Mlimi	Mpumalanga (MP)	N/A

Table 3: Visited projects per province

NAME OF THE PROJECT	PROVINCE	STATUS (MCM DECISION AS OF 05 APRIL)
Sun Orange	EC	MCM Approved
Birbury	EC	Project completed
Rondavel / Gary Vorster	EC	For 2016 FY
Mlunigisi Bushula / Rance Rural Development Pty Ltd	EC	For 2016 FY
Marolien	GP	For 2016 FY
Westcliff	KZN	MCM Approved. Team reported
Dabchick Conservancy	LP	MCM Approved. VG advised
JurgensBoerderyBeperk	LP	For Apr 16 FY
Kameelpoort Game Reserve	LP	For 2016 FY
Zoutpan (Zoud van de Aarde)	WC	For 2016 FY
Bloemendal	WC	For 2016 FY

Figure 3: Number of projects visited per province



The Figure above illustrates the number of the 50/50 projects as of October 2016. It indicates that out of 31 projects that were received from the Land Redistribution and

Development (LRD) Branch at National Office, only 11 projects were visited. The following are the reasons as to why some projects were not visited:

- In EC, the farm managers expressed their unwillingness to participate in the evaluation. One of the farm owners further indicated that he was not interested in being interviewed as he is extremely dissatisfied by the deal which did not go through.
- It was highlighted that in FS there were only three outright 50/50 projects, and that the remaining 4 were at feasibility study level which would prove very difficult to diagnose anything. The M&E officer of the province further highlighted that the province was in a planning session in that same week which the Evaluation team had scheduled their visit- resulting in the unavailability of certain colleagues to assist in the study. Regarding the 3 projects that were identified as the outright 50/50 projects in FS, it was later pointed out that the planting season at all those projects had begun. Therefore the proposed engagements by the evaluation team would be impossible for those weeks.
- In LP, upon the arrival of the evaluation team at the location, communication with the farm owner was cut off. The farm owner switched off his phone and could no longer be contacted or reached on his mobile.
- In the NW province, one of the farm owners indicated that he is not happy with the chain visits that had been happening in his farm from officials in the Ministers office and the Provincial Office with no commitment or implementation. The team was therefore requested to hold the visit until transfer and payment has been made to him.
- In WC one project (Solms-Delta) was busy preparing for a formal launch of the 50/50 programme and could therefore not be able to attend to the evaluation team at that period. It further mentioned that the above mentioned project received advice from the NEF, as facilitators of their transaction to meet with the team early in the New Year (2017) and also invited the evaluation team to attend the launch, however this was not attended as it was not seen as relevant to the evaluation.

8.2 Research methods

Different methods were used to collect data, incorporating quantitative and qualitative methods. This allowed for the compilation of numerical data as well as feelings, views and opinions of farmer owners and farm workers about the assessment of the policy. The methods that were used to collect data included the following:

- **Face to face interviews:** were conducted with internal and external stakeholders that are actively involved or affected by the policy.

- **Focus groups interviews:** during the evaluation process groups of people who are affected by the policy. The focus groups were supposed to consist of five to ten people who were to share their viewpoints towards the policy; however; due to the farm owners' restrictions, a maximum of 3 people were allowed in the group due to other farm commitments.
- **Desktop reviews:** A desktop review of relevant documents (e.g. literature, previous research documents, Acts and Policies) was conducted in order to obtain information about the current status of farm evictions in the country and the implications for the 50/50.

8.3 Questionnaire designing

The interviews were conducted by using structured questionnaires as tools for collection of information from farm owners and farm workers/dwellers/labour tenants as well as Land Reform Directors in provinces. The data collection instruments comprised of questions relating to the themes that emerged from the situational and needs analysis documents compiled. The questionnaires contained a mixture of open ended and closed ended questions, with open ended questions dominating. This allowed the respondents to give answers within the required range of questions. Various instruments were developed for various stakeholders (farm owners; farm workers and DRDLR officials). The questions were designed in a way that would be able to assist evaluators in reaching the objective of diagnosing the 50/50 policy piloting.

The questionnaire was piloted with several farm workers and farm owner of Marolien Farm located in West Rand District Municipality Gauteng Province. The pilot study was done to ensure the quality in terms of:

- Contents of the questions included;
- Relevant layout of the questionnaire;
- Time usage to administer the questionnaire;
- Understanding of the question by the respondents; and
- Attractiveness to ensure that respondents will be able to respond to the questionnaire (see Appendix A and B for questionnaires).

8.4 Data analysis

Since most questions in the questionnaire were of qualitative nature and open ended, narrative reports were compiled per project taking into consideration the views of both farm owners and workers. Due to the limited number of projects (11) that could be reached it was not feasible to present the findings graphical/ tabular presentation and hence narrative reports were compiled per project.

Qualitative data was analyzed using identified benefits emerging from the interview guide and the views of stakeholders. The themes below as derived from the developed situational analysis and needs assessment were comprehensively analysed as some of the areas which will shape how the proposed policy should be effectively implemented:

- Land ownership and access
- Productivity of the land
- Food security
- Provision of basic services
- Employment creation
- Access to housing
- Access to education
- Access to transportation
- Livelihood strategies
- The working/employment conditions of farm labourers
- Civil society and government stakeholders working on the land

Data was collected across 6 provinces in October and November 2016. After collection, the information from the farm owners and farm workers' interviews was used to write up case studies of the visited projects. The case study reports are available as a separate document.

Data was analysed utilizing a qualitative strategy. Qualitative data analysis involves making sense of non-numeric data collected as part of the evaluation. This evaluation used this strategy to analyse open-end questions more especially in the farm owners and DRDLR official's questionnaires. Quantitative data analysis strategy was used to a minimal extent to analyse data collected from respondents as the questionnaire included nominal (categorical) data (respondents were able to choose answer from the box).

Tables were determined from the percentages and numbers derived from the sampled results. The two strategies were linked together in order to compile the report.

8.5 Limitations of the study

The list of projects received from the LRD Branch only indicated 31 pilot projects. Provincial officials not being aware of some of the projects that were included in the pilot project list. It was also indicated that some projects were submitted just to comply when Head Office was asking for projects under the 50/50.

The response by farm owners was a limitation as some of the farm owners choose not to be included in the study or cancelling scheduled interviews at the 11th hour stating the following reasons:

- ✓ They have not received any response from the DRDLR in a long time and are not sure where they stand with the process. Some farmers indicated that it has been close to 12 months from the last communication they received in this regard and no status update has been forthcoming.
- ✓ Cancelling the meeting until such time that an agreement has been reached with regards to the sale/ownership of the proposed land.
- ✓ Owners did not see a purpose for the meeting with the evaluation team until such time an agreement has been reached between parties.
- ✓ Preparing for a formal launch of the SRR (50/50) program at the time of data collection which will include the Minister and various senior officials of national, provincial and local government. There were proposals that the interviews should rather be held early in 2017.
- The evaluation team requested project business plans (BPs) to assist the evaluators to understand the 50/50 pilot projects better from the National Empowerment Fund (NEF) but the BPs were never received.
- Absence of farm owners
- Unavailability of the Land Reform Director in most provinces indicating that they were not involved in the piloting of the 50/50 as it is managed at a national level by Ministerial Task Team (MTT) and the National Empowerment Fund (NEF) with provinces having very little involvement in such projects.
- It was indicated that the 50/50 projects are packaged and presented by MTT straight to MCM they do not even go to National Land Acquisition and Recapitalisation Control Committee (NLARCC).
- No interviews were held with the national and some ministerial task team members because they did not respond to meeting requests.

CHAPTER THREE: SITUATIONAL ANALYSIS AND NEEDS ASSESSMENT

1. INTRODUCTION

Situation analysis and needs assessments are known as formative research. Its purpose is to collect information and data needed to plan programmes and initiatives.²³ This data may describe the needs of the target community or population, types and extent of the problem at which the programme intends to address.

Furthermore, the needs analysis and situational analysis unveils the context in which the programme will be operating (environmental, social, cultural, economic, institutional), as well as resources available, and what interventions or needs are likely to be required to sustain the situation or the desired one. It is very critical for this information to be collected at the planning stage before and during the development of a programme's monitoring and evaluation framework in order to measure if the intervention/policy objectives are being met.

It is also critical to highlight that the compiled situational analysis and needs assessment was done through desktop literature review. The chapter is structured as follows: firstly, the background and context to farm evictions will be provided, followed by background to situational and needs analysis; this will be followed by a section on the farm worker/dwellers situational analysis; and lastly the needs analysis will be presented.

2. THE BACKGROUND AND CONTEXT TO FARM EVICTIONS

In South Africa, insecurity of employment, tenure and livelihoods on farms has been shaped by historical processes. Over centuries, indigenous groups in what came to be South Africa were increasingly subjected to restrictions in access to land that became the basis for adverse incorporation in a colonial society and continues to shape social relations.²⁴

The Constitution of South Africa, recognising the land challenges faced by the country, required the government to implement a land reform programme, including tenure reform. The Constitution in section 26 state that “no one may be evicted from their home, or have their home demolished, without an order of court.” The land reform programme implemented since 1994 aimed to deal with the land issue and

23 United Nations Women. Not dated. Situation analyses/Needs assessments (Formative research). [Online. Available: <http://www.endvawnow.org/en/articles/334-situation-analyses-needs-assessments-formative-research-.html>. 25 June 2016.

24 Cousins, B. 2007. Agrarian reform and the ‘two economies’: Transforming South Africa’s countryside. Human Sciences Research Council.

included new legislation to deal with farm tenure, notably the Extension of Security of Tenure Act (ESTA) and Labour Tenants Act (LTA). There are two distinct and diverse groups who are landless and live on privately owned farm and forestry plantation land as a result of the legacy of colonisation and apartheid. These groups are farm dwellers and farm workers; however, it is critical to note that not all workers live on farms and not all tenants are workers.²⁵ These people provide services on farms associated with farming activity, with arrangements that may be permanent, fixed-contract to seasonal, migrant or any other such variation.

According to the 2001 census, 2.9 million black South Africans lived on farms owned by other, mostly white, owners. While the 2011 census, revealed that 759 127 households with an aggregate population of 2 732 605 people (5.28% of South Africa's population) lived in farm areas of South Africa in 2011, of whom 592 298 households with a population of 2 078 723 people lived on farms.²⁶ Farmworkers and farm-dwellers are one of the most exploited sectors of South African society and are classified as a 'vulnerable group' in South Africa.²⁷

Farm dwellers are among the poorest South Africans. Most have access to residential land only. A minority has access to grazing land for their livestock or to arable land for cultivation, in return for which they may be required to provide their labour. Farm dwellers' access to land is precarious until recently farm owners had unrestricted rights to evict farm dwellers. This meant that farm workers were the most vulnerable group and had suffered a number of eventualities due to farm tenure insecurities; hence the government has put in place policies, legislation and institutions to ensure the protection of the rights of the vulnerable in society. It was in response to these conditions that the then Department of Land Affairs (DLA) developed, as part of the national land reform programme, policies to secure the tenure rights of farm dwellers.²⁸

Tenure legislation has been passed with the intention of protecting farm dwellers from arbitrary denial of their rights to land. The Extension of Security of Tenure Act 62 of 1997 ("ESTA") was introduced by government in order to intervene by establishing a balance between the opposing interests of farmers and farm workers and dwellers. The legislation was not aimed at stopping evictions, but merely to

25 Clarke, J. 2013. Literature Review: tenure security and farm evictions. Presented at the 'Farm Worker Living and Working Conditions Workshop. School of Government, PLAAS. 19 September 2013.

26 Statistics South Africa. 2011. Census Report 2011. Pretoria: Statistics South Africa.

27 Republic of South Africa. Justice and Constitutional Development Ministry. 2015. Speech by Deputy Minister John Jeffery: Farmworker and farm-dweller Rights National Strategic Engagement. Online available: www.gov.za/ts/node/742420, 08 June 2016.

28 Hall, R. 2003. Evaluating land and agrarian reform in South Africa. Farm tenure: An occasional paper series. [online] Available: <http://www.plaas.org.za.pdf>. 27 June 2016.

regulate them, ensuring that all evictions were conducted in a legally valid manner, with a court hearing taking into account all relevant factors.²⁹

The ESTA creates a category of 'occupier'³⁰, Should this consent be revoked by the owner, this terminates the right of residence of the occupier; however, this does not entitle the owner to evict the occupier. Instead, the owner must apply for a court order to effect an eviction. ESTA prohibits the eviction of any occupier unless this is in terms of a court order. ESTA does four things as follows:

- **ESTA defines the tenure rights of occupiers.** Provided that they occupy land with the consent of the owner, farm dwellers are 'ESTA occupiers' and have the legal right to continue to live on and use the land. This right extends to services such as electricity, water and sanitation. Occupiers are entitled to live with their families and enjoy a family life that is in keeping with their culture. Occupiers over the age of 60 years who have resided on the farm for at least ten years or who are disabled or unable to work as a result of sickness are termed 'long-term occupiers' and may only be evicted if alternative accommodation is provided or if they have violated the terms of their occupation.
- **ESTA places duties on occupiers.** Occupiers must abide by the terms of their tenancy. This means that, should an occupier violate a condition of tenure, his/her tenure may be ended through eviction.
- **ESTA stipulates when and how an occupier may be evicted.** Eviction may only happen in terms of an eviction order issued by a court. Any other eviction is illegal. Consent may be revoked if an occupier has violated a condition of tenure or if the owner can demonstrate that the eviction is necessary for the operational requirements of the farm. If the occupier's rights of residence arose solely as the result of an employment relationship, these rights may be terminated on resignation or dismissal.
- **ESTA creates opportunities for occupiers to acquire long-term rights to land.** Occupiers are entitled to apply for, but are not guaranteed, grants with which to purchase land. Farm dwellers may use the grants to upgrade their rights on the land they occupy through subdivision and purchase of a portion of a farm, as long as the owner agrees to sell, or to seek long-term tenure security through the purchase of alternative land off the farm. And at the time, the Department of Land Affairs provided several grants such as Settlement/Land Acquisition Grant (SLAG) Land Redistribution for Agricultural Development (LRAD) and Settlement Planning Land Acquisition Grant (SPLAG) at much higher levels.

29 Rural Development and Land Reform. 2011. Land & Tenure Rights for Farm Dwellers & Workers: Meeting with Rural Development/Land Reform stakeholders & Deputy Minister. [Online]. Available: <https://pmg.org.za/committee-meeting/12744/>. 25 June 2016.

30 A person who resides on a farm with the consent of the farm owner.

Various scholars welcome the initiative to amend ESTA, because they believe that the ESTA has been violated and that the act had loopholes in its procedural requirements and weak framing of substantive rights. Since its inception, the limitations of ESTA in achieving its intentions relate among other things to:³¹

- The absence of adequate awareness-raising on ESTA rights.
- The weakness of rural advice offices.
- The discontinuation of training of magistrates.
- The absence of ESTA violations on the SAPS database.
- The discontinuation of training of prosecutors.
- The failure to ensure legal representation of the evictees.
- The absence of a programmatic approach to implementing Section 4 of ESTA.
- The discontinuation of dedicated ESTA officers in the Department.
- The absence of a dedicated budget for ESTA implementation.

There are arguments that the limited effectiveness of ESTA in creating conditions of tenure security for farm workers and farm dwellers is largely due to the shortcomings in implementation, as indicated above. There are proposals to strengthening the following areas of the Act: eviction procedures, including the need for the involvement of the Department of Rural Development and Land Reform and of municipalities as parties in each eviction application that is heard by a court so that all relevant facts can be put to the court, including probation reports as required by Section 9(3) of the ESTA.

Furthermore, the ESTA was criticised for not having a procedural right for farm dwellers to be able to get confirmation of their rights to land. While at the same time the LTA had the same procedural rights as other occupiers in terms of ESTA. The two pieces of legislation which were enacted specifically to protect the land rights of those living and working in commercial farming area, but neither of these policies sufficiently addressed the land right needs of the wide range of farm dwellers, workers, tenants and occupiers.

A further concern in the current act is the categorisation of some of the farm dwellers as primary occupiers while others such as wives and children are considered secondary occupiers who can be easily evicted upon the death of the primary occupiers. Therefore, the proposed policy should in its implementation manual indicate how the policy intends to address the situation of this group.

Following the limitations of the two acts, the two acts are said to have been consolidated in the current Draft Bill i.e. Extension of Security of Tenure Bill of 2015

31 Institute for Poverty, Land and Agrarian Studies (PLAAS). 2016. Submission to the Portfolio Committee on Rural Development and Land Reform on Extension of Security of Tenure Bill of 2015. Online Available: <http://www.plaas.org.za/plaas-publication/esta-submission-hall>; 30 March 2016.

by the Department of Rural Development and Land Reform and has been circulated for public comment. The purpose of the current Draft Bill as indicated has been criticised as follows:³²

- To address aspects of the Act the make it easier for farm dwellers to be evicted, however the Bill does not address this;
- To address the concept of residence, the Bill does not say why this needs to be addressed or what the Bill aims to achieve by defining the concept;
- To address the fact that the Act gives no clear and adequate obligation on providing alternative accommodation for those that have been evicted, however, the Bill does not provide such a clear and adequate obligation;
- To address shortcomings in institutional arrangements and capacities for enforcement of the Act through the creation of a Land Rights Management Board and Land Rights Management Committees, however the Bill does not explain how these will address the limited capacity for enforcement in the existing duty-holder, i.e. the DRDLR.

Therefore; based on the analysis of the Bill and its memorandum, PLAAS concluded that there was no coherent vision of what the Bill aims to achieve, nor is there evidence that its provisions will in fact achieve the purpose as indicated above.

To address the profound and systemic problems with realising the goals of farm tenure security and implementing ESTA fully through reformed institutional arrangements (including new institutions), there is a need for a coherent national policy framework to guide land reform as a whole and it currently such a framework does not exist.³³ It is further argued that in the absence of such a coherent national policy framework for land reform i.e. a White Paper on South African Land Policy – the creation of new institutions, amendment to the content of tenure rights and their application, and changes to procedural requirements through the ESTA Amendment Bill is likely to aggravate institutional duplication and inconsistency in the definition of tenure rights and procedures to respect, protect, promote and fulfil these rights, as required by the Constitution.³⁴

On the other hand, organised agriculture has argued that some of government's proposals to provide greater security to labour tenants on farms could complicate

32 Institute for Poverty, Land and Agrarian Studies (PLAAS). 2016. Submission to the Portfolio Committee on Rural Development and Land Reform on Extension of Security of Tenure Bill of 2015. Online Available: <http://www.plaas.org.za/plaas-publication/esta-submission-hall>; 30 March 2016.

33 Institute for Poverty, Land and Agrarian Studies (PLAAS). 2016. Submission to the Portfolio Committee on Rural Development and Land Reform on Extension of Security of Tenure Bill of 2015. Online Available:

34 Institute for Poverty, Land and Agrarian Studies (PLAAS). 2016. Submission to the Portfolio Committee on Rural Development and Land Reform on Extension of Security of Tenure Bill of 2015. Online Available:

evictions. While a senior academic thinks that the provisions in the draft Extension of Security of Tenure Amendment Bill, which was tabled in Parliament in April 2016, do not address the core of the problem of rural workers, namely, the mushrooming of poorly serviced informal settlements outside of farms that have grown as more workers are evicted.³⁵

While the evaluation team welcomed the amendment to the current bill it was however still prevalent to note the concerns raised by other scholars that the amendments were partly addressing the problem of insecurity of tenure for those still on the land and did not however address the greater problems faced by the already evicted and called for a new law which will encompass tenure securities of all farm workers living in the rural areas and not small proportion of resident on farms. It is proposed that the concerns raised regarding the Bill are attended to by the Department if not already addressed.

2.1 THE EXTENT AND STATUS OF FARM EVICTIONS AGAINST FARM WORKERS/DWELLERS

Despite the promulgation of LTA and the ESTA, farm dwellers have remained in a disadvantaged position where displacement and evictions of farm dwellers continued due to the poor enforcement and resource endowment of ESTA and LTA. The 2005 national eviction survey revealed that almost 1.7 million people were evicted from farms and a total of 3.7 million people were displaced from farms between 1984 and 2004. The number of people displaced from farms included those evicted and others who left out of their own choice. Those who left of their own choice made the choice due to difficult circumstance on the farm; however these are not counted as evictees.³⁶

2.1.1 Eviction trends

The Figure below shows how many evictions occurred each year.³⁷ The highest number of evictions occurred during 1984, 1986, 1992, 1994, 1995, 1996 and 1997 which seems to correspond with periods of severe drought, political uncertainty, and the introduction of various reform legislation such as Restitution of Land Rights Act, Labour Tenants Act, labour Relations Act, Extension of Security of Tenure Act. The next highest number of evictions was in 2003 when the sectoral determination for

35 Ensor, L. 2015. AgriSA worries labour plans will complicate farm evictions. [Online]: Available. <http://www.bdlive.co.za/business/agriculture/2015/10/12/agrisa-worries-labour-plans-will-complicate-farm-evictions>.

36 Grundling, I; Russel, B; and Wegerif, M. 2005. Still searching for security: The reality of farm dweller evictions in South Africa., Polokwane, Nkunzi Development Association; Johannesburg, Social Surveys.

37 Grundling, I; Russel, B; and Wegerif, M. 2005. Still searching for security: The reality of farm dweller evictions in South Africa., Polokwane, Nkunzi Development Association; Johannesburg, Social Surveys.

agriculture, in terms of the Basic Conditions of Employment Act, came into effect, setting a minimum wage for farm workers, among other provisions.

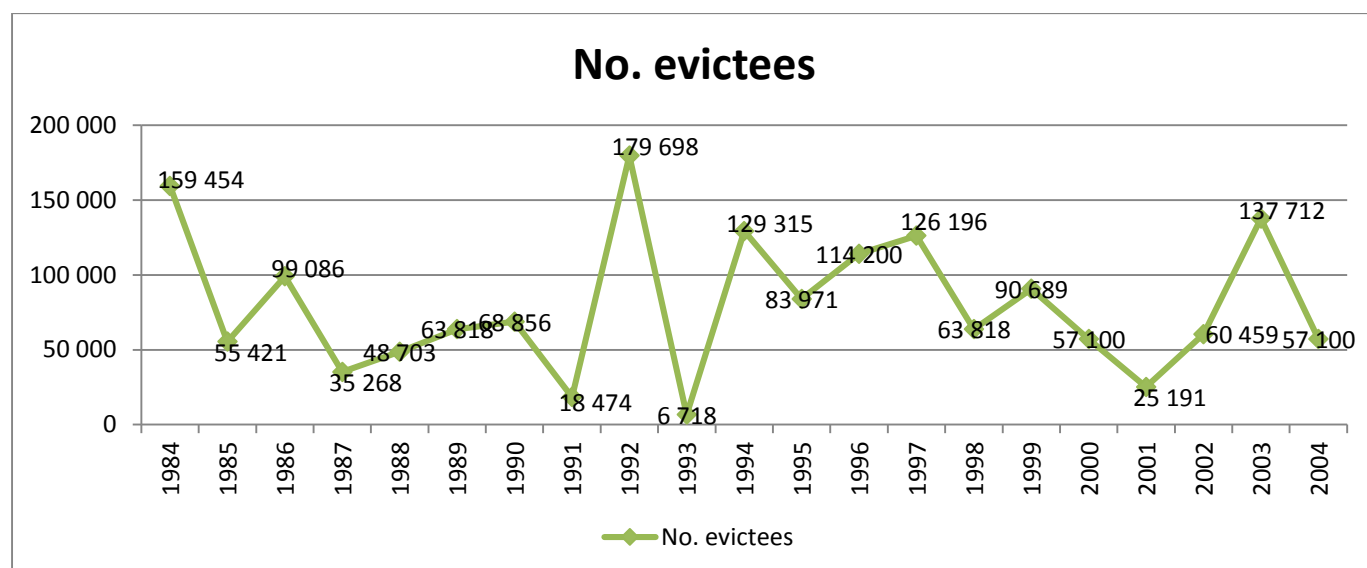


Figure 4: Number of evictions that occurred per year since 1984

It is useful to see the evictions against the background of employment trends on farms (see Figure³⁸ below).

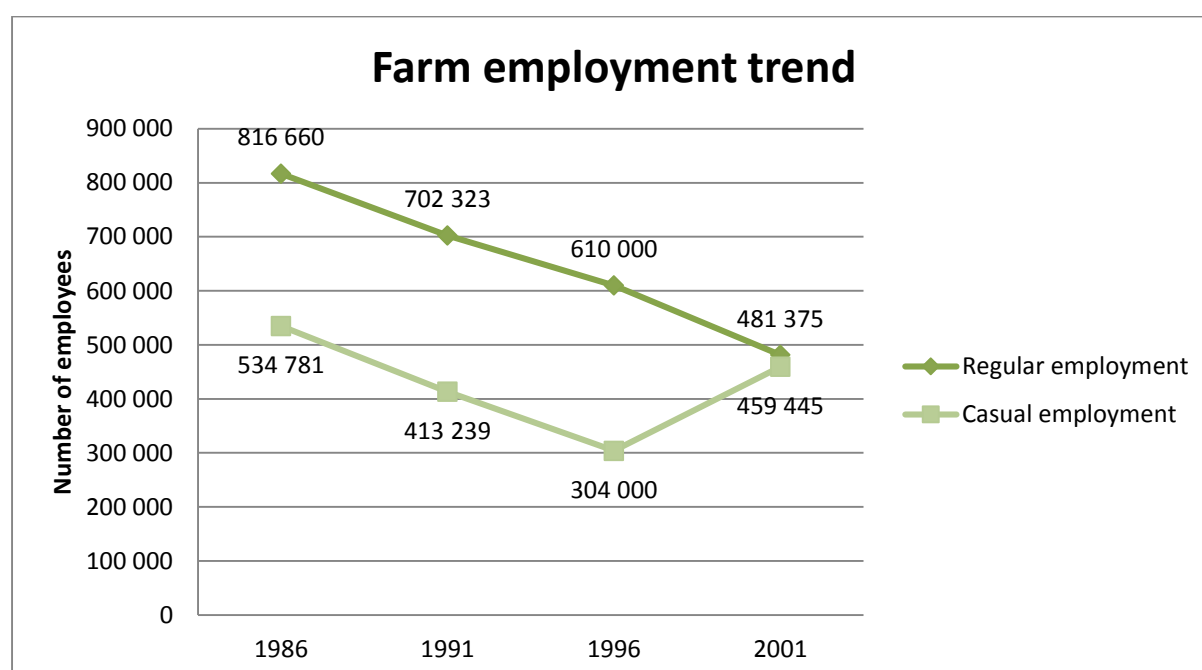


Figure 5: Farm employment trends

38 Grundling, I; Russel, B; and Wegerif, M. 2005. Still searching for security: The reality of farm dweller evictions in South Africa., Polokwane, Nkunzi Development Association; Johannesburg, Social Surveys.

The Figure above indicates that farm employment (both regular and casual) has been declining between 1986 and 2001; however, there was an increase of 155 445 in casual employment between 1996 and 2001 while regular employment declined by 128 625. According to an article in Business Day, quarterly labour force statistics show a steady decline in agricultural employment, from 739,000 in the third quarter of 2013 to 686,000 a year later. This indicates that farmers opted for casual employees and not regular employees. Farms in the Western Cape were found to employ the largest number of farmworkers. Difficulties in the commercial farming sector such as removal of government tariffs and subsidies; intensely competitive global markets; and the strong value of the South African rand in the past have led to declining employment for farm workers.³⁹ Several studies suggest that permanent farmworkers positions have been cut in favour of seasonal and contractual labour to allow farmers to have greater flexibility and avoid offering certain legal protections to workers. This is because there are fewer requirements for contractual workers than for permanent workers.

2.1.2 Who is being evicted?

The commercial farmworker population is amongst the poorest segments of South African society. Due to the poverty levels of the farmworkers and their background in farming, they were a logical target for the South African land redistribution efforts.⁴⁰ Most permanent employees in commercial farmers are male and they live on the farms in the housing provided by the farmer for which they may or may not be charged rent, on the contrary, a higher proportion of seasonal workers are females. The women may be spouses or family members of permanent male labourers and might come from areas surrounding the farms. The people that are being evicted are black South Africans. The national eviction survey (2005) found that of all the evictees, 49% were children and 28% were women, both comprising 77% of evictees.

Women and children are the most vulnerable as they are often treated by land owners and the courts as secondary occupiers, allowed on farms only through their link with a male household member. When a man in a farm dweller household is fired or dies, the owner often uses this as a reason to evict the rest of the household. Unfortunately, this position was supported by the Land Claims Court (LCC) in the *Die Landbou Navorsingraad v Klaasen* (LCC 83R/01) case. In this case, the LCC ruled that an eviction order against a member of the household seen as primary occupier can be used to evict other household members. In practice, the primary occupier is

39 McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield.

40 McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield.

almost always seen to be a man. This ruling in effect denies other household members the right to defend themselves from eviction in court.

This raises questions about the protection of children's rights and calls for a need to develop strategies aimed at protecting these vulnerable groups against eviction. The new proposed policy programme design to take into consideration for occupiers e.g. women and children. Both laws (ESTA and LTA) do not give adequate recognition to and protection of the rights of long term occupiers and labour tenants who may have been original indigenous landowners of the farms that they were dispossessed.⁴¹

2.1.3 Education level and awareness of evictees

Almost all evictees have a very low level of education, with 37% having no education at all. A shocking 76% have not gone beyond primary school, leaving them functionally illiterate.⁴²

The Baseline Survey on Awareness of Attitudes and Access to Constitutional Rights, which is a study commissioned by the Department of Justice and Constitutional Development and the Foundation for Human Rights (FHR) which mainly focused on whether respondents 'have heard about the Constitution of South Africa and the Bill of Rights'.⁴³ The study surveyed 20 sites and interviewed 4,200 respondents from farming communities, from poor communities in rural and urban areas, and from migrant communities. The survey revealed that only 46% of respondents were able to answer 'yes' to either of these two questions.⁴⁴ This figure was found to be lower than was reported in other previous surveys, showing that members of vulnerable and marginalised communities are particularly lacking in awareness of their basic rights. More worrying is that less than 10% of respondents had read these documents, or had either of the documents read to them.⁴⁵

Location is one of the key factors that affect awareness of human rights. In general, respondents in rural and farming communities were somewhat less likely to have a basic level of knowledge compared to their urban counterparts.

41 Department of Rural Development and Land Reform (DRDLR). 2014. Final policy proposals on strengthening of relative rights of people working the land. Pretoria: DRDLR.

42 Grundling, I; Russel, B; and Wegerif, M. 2005. Still searching for security: The reality of farm dweller evictions in South Africa., Polokwane, Nkunzi Development Association; Johannesburg, Social Surveys.

43 Republic of South Africa. Justice and Constitutional Development Ministry. 2015. Speech by Deputy Minister John Jeffery: Farmworker and farm-dweller Rights National Strategic Engagement. Online available: www.gov.za/ts/node/742420, 08 June 2016.

44 Kimmie, Z. 2015. Report of the Access to Justice and Promotion of Constitutional Right (AJPCR) Baseline Survey on Awareness of Attitude and Access to Constitutional Rights. Johannesburg, Foundation for Human Rights.

45 Kimmie, Z. 2015. Report of the Access to Justice and Promotion of Constitutional Right (AJPCR) Baseline Survey on Awareness of Attitude and Access to Constitutional Rights. Johannesburg, Foundation for Human Rights.

Despite the perception that farmworkers are unskilled, they were found to possess specialised skills relating to the farming enterprise they are employed and they are aware of ecological processes and problems relating to farming.⁴⁶ However, farm workers have been found to be only involved in limited tasks on the farm and often had limited understanding of the larger farm operation and exposure to the business side of farming.⁴⁷

The middle management tier that exist (foreman or farm manager) in farms is often occupied by an individual who understands how to run a farm from a technical standpoint, however; even most foreman or farm managers have a limited understanding of the business side of farming as this has been, and continues to be, a task undertaken exclusively by the white farmer.⁴⁸ Therefore, farm workers come forward as largely disempowered.

3. THE FARM WORKER/DWELLERS SITUATIONAL ANALYSIS

3.1 THE PURPOSE OF SITUATIONAL NEEDS ASSESSMENT

3.1.1 Situational analysis

For the purpose of developing a comprehensive situation of strengthening of relative rights of people working the land policy the situational analysis considered review of and understanding of many contextual factors underlying this policy, such as the following:

- Types and extent of farm evictions against farm workers and dwellers.
- What are the needs within the farm workers /dwellers population?
- Strengths and weaknesses of the services available.
- What laws, policies and plans that exist to address the issue faced by people working the land?
- Resources available to address the problems experienced.
- Knowledge, attitudes and practices of key actors within different sectors and within the community.
- Capacity and training opportunities for farm workers.
- Civil society and government stakeholders working on the land issue.

3.1.2. Needs assessment

46 McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield.

47 McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield

48 McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield

The needs assessment was conducted to identify needs of new entrants to land ownership i.e. workers and dwellers as the proposed 50/50 policy has prescribed. Secondly, the evaluation team has conducted the needs assessment with the view of assisting the department, particularly implementers of the proposed policy to understand the actual needs of the policy target group based on the situational analysis and common challenges facing workers and dwellers in commercial farms.

3.2 THE FARM WORKER/DWELLERS SITUATIONAL ANALYSIS

The literature review conducted has revealed a number of occurrences and eventualities taking place in farms with the increasing number of farm dweller evictions in farms. The situational analysis is presented per themes, amongst others are: access to land and land ownership marginalisation of farm workers, challenges faced by farm workers on share equity schemes; access to services, conditions of employment, etc.

Access to land: Contestations over land had generally reflected the competing interest between the dwellers and owners. The farm owners have generally viewed dwellers cultivation and livestock production as conflicting with commercial production. The observed access to land comes as a result of restrictions on the scale and type of land use by farm dwellers and workers and these restrictions have been used to execute constructive evictions.⁴⁹

Sjaastad and Cousins, 2009 have argued that formalisation of property rights has recently been proposed as a way of reducing poverty. The poor are said not to lack assets but lack only the formal, protected rights necessary to make these assets engines of entrepreneurship, thriving markets, and information networks. Historical evidence with regard to formalisation of rights programmes is, however, mixed at best, and current universal proposals of legitimising the rights of workers/dwellers contain numerous flaws.⁵⁰

While literature by the Food and Organisation (FAO) shared the same sentiment on the importance of achieving equitable land access as an integral to the protection and enforcement of land rights for marginal groups.⁵¹ The paper further highlighted that without legally protected right to land vulnerable low income households are unable to defend land claims and positively engage in disputes over land tenure.

49 Wisborg, P. Hall, R. Shirinda, S. Zamchiya, P. 2013. Farm workers and farm dwellers in Limpopo, South Africa: struggles over tenure, livelihoods and justice. [Online]. Available: [http. www.Cape Town](http://www.Cape Town). 20 June 2016.

50 Sjaastad, E. and B. Cousins, 2009. "Formalisation of Land Rights in the South: An Overview," Land Use Policy, Vol. 26 (1): 1-9. <http://www.sciencedirect.com/science/article/pii/S0264837708000690>

51 FAO. 2010. Africa's changing landscape: Securing land access for the rural poor. [Online]. Available:<http://www.fao.org/africa/resources/publications/en/page=2&ipp=5>. June 2016.

Failure to administer rights granted to secure land access has been a prime factor in rising land insecurity for the rural poor. Greater tenure security is expected to strengthen income growth and asset status for the poor and ensure livelihoods resilience whilst strengthening the ability to access credit and compete in domestic and global markets.⁵²

Land ownership: According to the proposed 50/50 policy, the share equity and co-management system would continue to protect farm workers' tenancy and other rights. However, the policy indicates that it will also prescribe "a regime of duties and responsibilities" with which worker-dwellers would have to comply in order to retain their share-equity in the farm. If workers fail to meet their obligations, the new combined farm management will have to refer their cases to a proposed Land Rights Management Committee that would have the power to require them to leave the farm.⁵³ Therefore, the evaluation team proposes that during the design phase of the 50/50 programme the roles and responsibilities between the two actors i.e. owners/workers/dwellers should be clearly outlined not excluding those of the department to ensure that during implementation all players are aware of their roles and responsibilities for effective implementation to achieve the objectives of the programme.

Limited focus on farm dwellers when implementing land reform programme: The lack of focus on farm dwellers in the implementation of the land reform programme was reported as a cause for concern, furthermore, independent studies confirmed that there were little benefits accrued by the farm dwellers. It would be critical if the department can document and create a reliable database of all evictees.

Marginalization of farm workers: as previously indicated, the literature has suggested that people living and working in commercial farmer's area are amongst the marginalized and disputed people in the South Africa. Within the formal economy, this group ranks the poorest in the nation in terms of numerous development indicators, including household income, literacy rates and nutritional status.

Productivity of land: In cases where land was restored to its occupants in terms of the LTA, the land is often said to be unproductive and stony. This was because in most cases, people did not have a choice of which part of the claimed land they were granted (in case of land restoration). In cases where people were transferred to alternative land, there was a marked absence of post-settlement support. This has

52 FAO. 2010. Africa's changing landscape: Securing land access for the rural poor. [Online]. Available:<http://www.fao.org/africa/resources/publications/en/page=2&ipp=5>. June 2016.

53 FW De Klerk foundation. Not dated. 50/50 Down on the farms. [Online]. Available: <http://www.fwdeklerk.org/index.php/en/latest/news/248-article-50-50-down-on-the-farms>

shown that the department alone cannot provide these support as it requires multiple stakeholders to bring in a comprehensive support package.

Challenges faced by farm workers on farms run by beneficiaries or in share equity schemes: The following are challenges faced by farm workers on farms run entirely by beneficiaries or in share equity schemes or partnerships with white farmers:⁵⁴

- The commercial farmworker population is one of the segments of South African society.
- The extreme poverty and food insecurity in most workers/dwellers households, therefore intervention like the 50/50 policy will improve employment opportunities with the assumption that this will help them out of poverty and onto the path of self-reliance.
- Entire exclusion from financial management of the farm.
- Beneficiaries have little to no legal recourse if the white farmer with whom they partner does not play by the rules.
- Share equity schemes seem particularly susceptible to abuse if the white farmer is accustomed to running the business as its sole proprietor and if beneficiaries are not in a position to challenge a non-transparent management style.
- White farmers continue to play their historical role as the ‘boss’ and continue to perform much of the management alone.
- Older beneficiaries’ maybe very capable farmers, but their expertise may be poorly suited to a large commercial farm operation.
- Women are less likely to have permanent employment than men
- Farm workers were also viewed as lacking in organisational skills due to their levels of literacy. As a result, it becomes difficult for them to fight against illegal evictions.

Food Security: One of the worst discoveries in the literature was that evictions were blamed for contributing to farm dwellers inability to achieve food security. Farm dwellers in farms had ample land and were granted permission to cultivate land and produce food for their own consumption. In other farms, they also had their owned livestock, kept chickens and were able to sustain their livelihoods apart from the low income they received from farm employment. But due to changes brought by ESTA and LTA this has led to more evictions and farm workers and dwellers remain more vulnerable as their cut off from the source of food. The introduction of the 50/50 policy aims to deal with this matter so that farm workers and dwellers should become part of the value through proposed equity schemes.

54 McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield.

Provision of basic services: The right to tenure should include secure access to adequate services such as water, energy, health and child care. In most cases basic services provided in farms were in exchange form wherein workers/ dwellers had to work for the services or pay certain amount. This has remained difficult to the already stretched salaries.

Employment creation: The literature demonstrated that some level of job opportunities were created in farms, even though the level of these opportunities has decreased over years.⁵⁵ Farm employment was very critical for farm workers/dwellers as this group were unskilled labour force and relied heavily on farm employment. Farm employment is therefore an important part of farm workers' livelihood strategies. However, these jobs were accompanied by harsh treatments of farm workers/dwellers.

Access to housing: Most farm dwellers and workers stay in accommodation rented from land owners. Some of these houses do not meet the government housing standard of regulations, however workers/dwellers remained liable for rent. The literature by Kinnear, 2015 has revealed that most evictees do not have formal houses and live on shack dwellings and are unemployed.⁵⁶

In addition, the condition in most of these dwellings are said to be appalling. This is exacerbated by the slow pace of low cost housing delivery wherein farm workers/dwellers are hoping to receive the 'breaking new ground' (BNG) house which was previously known as an RDP house.

The Department of Rural Development and Land Reform (DRDLR) in one of its meeting discussion said that the farm workers and farm dwellers face many challenges when they are evicted illegally with their homes often being destroyed upon eviction. Elderly persons are at times dumped on the side of the road by farmers without any assistance or support.⁵⁷

Access to education: According to the constitution of the Republic of South Africa, everyone has a right to education and most importantly the country's main focus is on increasing the skill base of its citizens. Therefore, farm workers /dwellers have suffered the most due to evictions. Most labour tenants and farm dwellers who are evicted from farms stayed with their families. At the time of eviction, their children

55 Visser, M. & Ferrer, S. 2015. Farm worker's living and working conditions in South Africa: key trends, emergent issues and underlying structural problems. Pretoria: The International Labour Organisation.

56 Kinnear, J. 2015. Farmworkers battle widespread evictions. [Online]. Available: news/South-Africa/western-cape / 30 June 2016.

57 SA News. 2015. Help at hand for farm workers facing illegal eviction. [online]. Available:<http://www.sanews.gov.za/south-africa/help-hand-farm-workers-facing-illegal-eviction>. 30 June 2016.

were still at primary and secondary school and farmers and landowners do not consider this when evicting farm dwellers.

Also discovered in the literature was that many children on farms have little or no direct access to educational facilities.⁵⁸ They have to travel long distances to public schools or farm-schools on neighbouring farms. Secondly, the literature reported little or no access to Early Childhood Development facilities that are especially vital to these marginalized children. In addition, in many cases, parents were not able to afford school fees, uniforms, stationery, etc. and thus remove their children from school. These factors led one to question the quality of education at farm schools and whether or not they contribute to the cycle of poverty and illiteracy found on many farms. Without greater access or “upgrading” of current farm schools, it is unlikely that children will have any exposure to alternate occupational and economic opportunities.

The intentions of the proposed policy seek to allow this marginalised group to have some form of ownership and right to secure land wherein their families will be guaranteed access to an undisturbed education system.

It is important to also note that education and training requirements of some jobs on farms have increased over time and therefore it is vital to bridge this skills gap.⁵⁹

Access to transport: Access to transport was discovered a problem for many farm dwellers, including children who need to commute to school and participate in social activities.⁶⁰

Farm workers/dwellers have experienced challenge with regard to accessing public transport because most of the farms are located in remote areas far from the busy transport networks. This made it impossible for workers/dwellers to afford as the available means of transport tend to be expensive and they often do not have enough surpluses for transport fares. The unavailability of affordable transport was also linked to the state of access roads in most farms.

Access to amenities: In most cases the farm-worker and farm-worker child were denied access to amenities which will contribute to their human and social development. They sometimes did not have access to sporting and leisure facilities needed for their physical development and growth. Beside from school, there are

58 Department of Social Services and Poverty Alleviation. 2004. Conditions on farms: A draft paper [Online]. Available: https://www.westerncape.gov.za/text/2005/4/reviewed_farmworkers.pdf. 25 June 2016.

59 Barrientos, S. & Visser M. 2012. South African horticulture; opportunities and challenges for economic and social upgrading in value chains. Capturing the Gains Working Paper 12.

60 Visser, M. & Ferrer, S. 2015. Farm worker's living and working conditions in South Africa: key trends, emergent issues and underlying structural problems. The International Labour Organisation.

often no real opportunities for them to expand their minds, as they do not have easy access to libraries or other facilities which will enhance their intellectual development. There are also cases where workers and their children are not allowed access to church or are not allowed to have clergy/priest from their church visiting them. All these factors have a negative impact on the overall development of children on farms.⁶¹

Livelihood strategies: Eviction of farm dwellers by farmers and landowners in post-apartheid South Africa has increased at an alarming rate. The consequences of being evicted can be devastating for the livelihood of farm dwellers as it is often accompanied by the loss of work, income and homes, the loss of access to land for food production, generating urban slums and displacement areas not within reach of municipal basic services as well as other negative effects such as the breakdown of family and social structures and disruptions to children's education.⁶²

The literature by PLAAS has pointed that the right to livelihood is a human right and includes the right to health and wellbeing such as food, clothing, housing, medical care as well as social services. Further highlighted was that livelihood sources on farms comprised wage income and social grants, livelihood practices such as gardening or keeping livestock that are based on access to land and often historical rights.⁶³

The status of women on farms: Gender imbalances invariably also impact on the job security and quality of life of women on farms. Common complaints from women farm workers include: lower wages for women compared to men; no independent employment contracts for married women, whose security of employment and housing therefore is dependent on husbands; no housing for single women; and no paid maternity leave.⁶⁴ Women on farms are in most cases are not skilled enough to do any other kind of work, lack opportunities for alternative jobs; are fearful to take the risk of leaving the farm; or could not think of leaving the farm because it was their home. Leaving the farm would also impact on the security of the women and their families, as many of them have no alternative to their life on their farm.⁶⁵

61 Department of Social Services and Poverty Alleviation. 2004. Conditions on farms: A draft paper [Online]. Available: https://www.westerncape.gov.za/text/2005/4/reviewed_farmworkers.pdf

62 Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305.25> June 2016.

63 Wisborg, P. Hall, R. Shirinda, S. Zamchiya, P. 2013. Farm workers and farm dwellers in Limpopo, South Africa: struggles over tenure, livelihoods and justice. [Online]. Available: <http://www.CapeTown.20> June 2016.

64 Department of Social Services and Poverty Alleviation. 2004. Conditions on farms: A draft paper [Online]. Available: https://www.westerncape.gov.za/text/2005/4/reviewed_farmworkers.pdf

65 Department of Social Services and Poverty Alleviation. 2004. Conditions on farms: A draft paper [Online]. Available: https://www.westerncape.gov.za/text/2005/4/reviewed_farmworkers.pdf

The working/employment conditions of farm labourers

The International Labour Organisation (ILO) released a report in February 2015 on farm workers' living and working conditions in South Africa, which looked at key trends, emergent issues, and underlying and structural problems. The working conditions of farm labourers were found to be as follows by the ILO study:⁶⁶

Work status: 51.1 percent had employment of a permanent nature, 25.2 per cent had employment of limited duration, and 23.6 per cent had employment of unspecified duration, with women less likely to have permanent employment than men. It was found that 65% of employed farm dwellers earned R1 600 or less per month, this indicative of the fact that the farmers are not complying with the minimum wage of R150 a day.

Employment contracts: Over 92 per cent of workers with employment of a permanent nature and 80.8 per cent of workers with employment of a limited duration have written employment contracts, with only 40 per cent of workers with employment on unspecified duration having written employment contracts.

Work hours: The hours usually worked per week ranged from 41 to 45 hours per week (41% for men and 47% for women), followed by 36 to 40 hours per week (25% and 23%, respectively), and 46 to 50 hours per week (14% and 13%, respectively). On average, women usually work fewer hours than men, with 22 per cent of women and 30 per cent of men usually working more than 45 hours per week.

Paid vacation and sick leave: Only 46 % were entitled to paid vacation leave and only 35% were entitled to paid sick leave and permanently employed labourers were more likely to have this entitlement as compared to. Few farmhands and labourers were entitled to maternity (5.6%) or paternity leave (1.5%).

Contribution to pension or retirement fund: Only 20% of farmhands and labourers received a contribution to pension or a retirement fund and only 1.5% received contributions to medical or health insurance. Approximately two-thirds (67.1%) had deductions for UIF. These figures show us that farmworkers and farm-dwellers remain a vulnerable group.

Civil society and government stakeholders working on the land

Land is of interest to all sections of society and this includes the rich and the poor, rural and urban populations, farmers, industry, central and local government etc. therefore land reform play an important role in reducing poverty and empowering the

⁶⁶ Visser, M. & Ferrer, S. 2015. Farm worker's living and working conditions in South Africa: key trends, emergent issues and underlying structural problems. Pretoria: The International Labour Organisation.

poor farmers. It is important to note that different stakeholders are differently positioned in society. This translates into varied opportunities for the different groups of stakeholders to make input into the land reform processes. Of particular importance is stakeholder participation in critical aspects such as land tenure and tenancy system.

Mobilisation and participation of non-governmental organisations (NGOs) and Community Based Organisations (CBOs), civic groups, farmer's organisations working on land with grassroots communities; and government departments involved in land management as well as research institutions with interest in land issues are very beneficial to land reform and tenure amidst to the current situation faced by farm workers/dwellers in commercial farms. These groups of people have a unique contribution that can be explored and assist in addressing the tenure challenges in farms.

3.3 NEEDS ASSESSMENT FOR FARM WORKERS/DWELLERS AND 50/50 POLICY

The socio economic profiles of farm workers/dwellers as previously examined in the situational analysis will guide the needs assessment. The needs assessment is structured as per the profiles/themes presented below.

3.3.1 Land ownership and access

The situational analysis has demonstrated that most farm dwellers/workers have access to residential land only, with a minority having access to grazing land for their livestock or to arable land for cultivation. Therefore; this is indicative that there is a need to secure the tenure rights of farm dwellers.

The situational analysis further demonstrated that despite the various legislation that were enacted to protect the tenure rights of farm dwellers, the country has experienced a rise in farm evictions coupled with loss of jobs by regular employees with farmers opting for seasonal workers. The situational analysis revealed that (as per survey) of all the evictees, 49% were children and 28% were women, both comprising 77% of evictees. The same group is often treated by land owners and the courts as secondary occupiers, allowed on farms only through their link with a male household member. Therefore; this implies that there is a need to extrapolate what are the current relative rights of farm workers versus the desired rights as proposed by the policy and a further need to protect the rights of women and children (as the most vulnerable) and the proposed 50/50 programme design should pay attention to protecting the rights of this vulnerable group by coming up with an intervention specifically target for this group.

During the 50/50 programme design, there will be a need to further investigate what is supposed to be the responsibilities of farm owner/workers/dweller in the new venture that is brought by the proposed 50/50 policy. There is also a need to clarify what would be the accrual benefits between the two parties involved i.e. farm owner and worker/dweller in the new equity scheme.

3.3.2 Awareness raising/ empowering farm workers/dwellers about their rights

The situational analysis further showed that members of vulnerable and marginalised communities are particularly lacking in awareness of their basic rights. More worrying is that less than 10% of respondents of a study commissioned by the Department of Justice and Constitutional Development and the Foundation for Human Rights (FHR) had read the Constitution of South Africa and the Bill of Rights, or had either of the documents read to them.⁶⁷ Therefore; there is a need to empower farm workers about their rights as outlined in the constitution, bill of rights, the ESTA and LTA.

3.3.3 Institutional arrangements: Land Rights Management Committees

The proposed policy on strengthening the relative rights of people working the land makes mention of the Land Rights Management Committees (LRMCs) which are multi-stakeholder platforms which will make the relations being created by the proposed policy easy to manage. No further information is provided by the policy; therefore, the following will need to be addressed:

- What will be the jurisdiction of the LRMCs e.g. provincial district or municipal level?
- How will the LRMCs operate?
- What will be the functions of the LRMCs, who should form part/members of the LRMCs? At this point the powers and authority of the LRMCs are unclear.

Noting that the DRDLR has recently formed or in the process of forming District Land Reform Committees (DLRCs) there is a need to ponder on the differences between the two structures and whether the one will not duplicate the functions of the other.

It was previously revealed that the 50/50 policy implementation manual is not yet developed but the programme is already being implemented. This is a very critical issue which was raised by previous evaluations where programmes were implemented without manuals and resulted in a non-standardised implementation

⁶⁷ Kimmie, Z. 2015. Report of the Access to Justice and Promotion of Constitutional Right (AJPCR) Baseline Survey on Awareness of Attitude and Access to Constitutional Rights. Johannesburg, Foundation for Human Rights.

across provinces. The department needs to learn from previous mistakes to avoid the programme not achieving the intended objectives and outcomes.

3.3.4 Co-management and share equity determination

There should be clarity in terms of how will the co-management work at farm level and the programme design/implementation manual to be developed needs to be very clear on the duties and responsibilities of the farm worker/dweller and the previous owner. Issues of holding entity should be specific. The situational analysis revealed challenges faced by farm workers in share equity schemes and these need to be considered during the design of the 50/50 programme.

3.3.5 Involvement of farm workers/ dwellers in farm operations

The situational analysis has revealed that farmer workers have been found to be only involved in limited tasks on the farm and often had limited understanding of the larger farm operation and exposure to the business side of farming.⁶⁸ It is such a relief that the policy proposes that after 10 years of disciplined service, the farm manager should, by force of law, introduce the farm workers/dweller to basic elements of farm management. Therefore; the programme design needs to be very clear on how this capacity building or skills transfer element will be monitored and enforced.

3.3.6 Improvement of literacy levels

The situational analysis revealed that almost all evictees have a very low level of education, with 37% having no education at all. A shocking 76% have not gone beyond primary school, leaving them functionally illiterate.⁶⁹ This means that due to lack of education and other the skills, the farm worker/dweller is unable to engage in the wider economy. Therefore; basic literacy training is critical.

With the new policy proposing share equity schemes or co-management, the literacy levels of the farm labourers as the new entrants to land ownership should be taken into consideration and specific interventions to be developed to build their managerial and production capacity. At this point, it is critical to note that the programmes that the DRDLR is currently implementing such a RADP will play a critical role through the capacity building and mentorship components of the programme. There is also a need for the proposed programme to guard against the situation where the government pays for the 50% share of the labourers into the

⁶⁸ McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield

⁶⁹ Grundling, I; Russel, B; and Wegerif, M. 2005. Still searching for security: The reality of farm dweller evictions in South Africa. Polokwane, Nkunzi Development Association; Johannesburg, Social Surveys.

investment and development fund (IDF) which is targeted to be jointly owned by both parties constituting the new ownership regime; only to find that the historical owner is the only person controlling the fund with the new owners having no say on how the fund will work as has been demonstrated by the previous evaluations of the RADP.

The situational analysis has revealed that farmer workers have been found to be only involved in limited tasks on the farm and often had limited understanding of the larger farm operation and exposure to the business side of farming.⁷⁰ It is such a relief that the policy proposes that after 10 years of disciplined service, the farm manager should, by force of law, introduce the farm workers/dweller to basic elements of farm management. Therefore; the programme design needs to be very clear on how this capacity building or skills transfer element will be enforced.

3.3.7 Provision of basic services

During the compilation of the situational analysis it was discovered that farm workers/dwellers are faced with challenges regarding basic services and the following is the list of services that farm dwellers are in need of:

- Housing conditions: quality of housing as a required basic need for everyone;
- Water availability and sanitation;
- Electricity/energy;
- Health facilities and services;
- Roads infrastructure;
- Telecommunication access;
- Transport accessibility; and
- Basic education for farm dweller children.

Therefore; the DRDLR will have to engage municipalities on how these basic services will be provided and not take over the function as municipalities are responsible for this function enabled by the equitable shares from the National Treasury.

3.3.8 Livelihoods improvement

The evaluation team will during the evaluation process develop specific questions to assess livelihoods improvement for both farm workers and dwellers since the introduction of the 50/50 policy. The following will be some of the questions to focus on:

- What are the interventions to improve lives of people working in farms?

⁷⁰ McCuster, B. Moseley, W.G, and Ramutsindela, M. 2016. Land Reform in South Africa: an uneven transformation. London, Rowman & Littlefield

- What support systems are available to farm workers/dwellers to improve the livelihoods?

3.3.9 Socio-economic/ working conditions of farm workers

The situational analysis revealed that the working conditions of farm workers/dwellers impact them negatively in terms of the following:

- Remuneration and wages
- Work place health and safety, including injuries,
- Family health
- Employment benefits (e.g. leave or pension/retirement)
- Relationships between farm owners and workers.
- Status of women on farms.

3.3.10 Technical support

There is a need to address the issue of agricultural production and farmer support needed by the new regime of management to realise the sustainable implementation of the proposed policy. As demonstrated by the situational analysis, there is a need for technical training of new entrants to land ownership. The evaluation team has gone to extent of providing the programme with proposals on the potential needs requirements for farm worker/dweller support to boost their farming skills and relatively increase agricultural production which can be provided to farm workers/dwellers as follows:

DRYLAND FIELDS	IRRIGATED FIELDS
<ul style="list-style-type: none"> • Soil preparation • Seed selection • Weed control • Intercropping • Crop diversification • Soil sampling • Storage of farm produce • Applicability of indigenous knowledge • Use of chemicals/fertilizers • Water harvesting and management 	<ul style="list-style-type: none"> • Production plan • Canal construction • Soil conservation • Irrigation scheduling • Using pesticides and herbicides • Fertilization • Erecting/repairing fence • Water management • Weed control • Marketing • Irrigation pipes repair & maintenance • Farm produce grading
<ul style="list-style-type: none"> • Maize production • Water harvesting and management • Soil conservation • Fence making and erecting fence • Fertilization 	<ul style="list-style-type: none"> • Basic management • Crop production canal construction • Erecting fence • Water management • Marketing

- | | |
|--|--|
| <ul style="list-style-type: none"> • Broiler production | |
|--|--|

3.3.11 Access to amenities

The situational analysis revealed that farm workers and their children are denied access to amenities which will contribute to their human and social development and this result to negative impact on the overall development of children on farms; therefore, access to amenities need to improve.

4. CONCLUSION

Assessing the situation of farm workers and their households is complicated by a lack of reliable data regarding their circumstances; however, the evaluation team sourced different literature material to study the situation in farms and experiences of farm workers/dwellers in commercial farms. It is worth noting that in spite of the research done the availability of literature and documented research on the status of farm workers and dwellers is limited. However, it is clear that farm workers face extremely difficult circumstances which need to be addressed if policies like the proposed 50/50 are to be introduced and implemented effectively to yield the expected results. It is also understood that specific areas of interventions and strategies regarding the 50/50 policy are not yet known or developed, but the current research on the situational analysis and needs assessment should direct the future design and planning of the 50/50 programme.

Addressing the problems in farming communities will require a multidisciplinary and multi-institutional approach and the department should embark on a strategy to mobilise the much needed support from key stakeholders in agriculture if 50/50 policy imperatives are to be realised. Also critical in dealing with farm evictions and its associated challenges is that the eradication of problems will be dependent on all elements of the public service sector working together through various areas of research, education and awareness informing workers/dwellers about the evictions and how to deal with this scourge in the future.

The needs assessment will assist the department to improve the knowledge base and contribute in the following:

- Improve the quantity and quality of basic services available in farms (such as shelters, electricity, water, health facilities and etc.) by assessing what currently exists against what should be in place. The situational analysis has revealed that farm workers and dwellers in commercial farms are faced with basic services crisis which are at times sub-standard. Further details on level of basic services required will be gathered during data collection in the piloted projects implemented under the 50/50 policy.

- Expand access to and use of existing services by farmworkers/dwellers by assessing what factors are affecting people's 'choices and pose barriers to utilizing those services in farms.

The evaluation team engaged in this exercise with the view that 50/50 policy will be a programme that will be implemented fully in the Department in the near future. Therefore, it is critical for the department to have the following points to ponder during the development of 50/50 policy concept document.

- Where are we now? This will assess the extent of the situation facing the farm workers / dwellers in commercial farms.
- Where do we want to be (what are the priority and objectives)? This addresses the needs of the target group.
- What are the options and how do we get from where we are now to where we want to be and what will be the best possible ways to implement the 50/50 policy?
- What tasks and activities will be required to be undertaken, by whom and by when and at what level will these tasks be undertaken.
- How will the department know when we have got to where we wanted to be? This looks at the likely outcome and the impact of the proposed policy.

CHAPTER FOUR: ROOT CAUSE ANALYSIS

1. INTRODUCTION

Diagnostic evaluation requires that root causes be analysed in order to identify the problem that the Strengthening the Relative Rights of People Working the Land policy is trying to address, causes of the problem and effects thereof. It is also critical to highlight that the compiled root cause analysis assessment was done through desktop review.

1.1 PERSPECTIVE ON FARM EVICTION AS A PROBLEM

Land tenure reform is one of the three legs of the Land Reform Programme (LRP) as described in the 1997 White Paper. Tenure reform is directed towards two distinct objectives. The first was to address the state of land administration in the communal areas of the former homelands and coloured reserves. Many residents have insecure or illegal forms of tenure, which is both a potential source of conflict and an impediment to investment and development.

The second objective was to strengthen the security of tenure of farm dwellers living on commercial farms which is the evaluation focus. Most farm dwellers have access to residential land only, but a minority are labour tenants who also have access to grazing land for their own livestock or to arable land for cultivation, in return for which they are required to provide (unpaid) labour to the landowner. There are also a large number of farm evictions, however, the numbers are contradictory and contentious in the literature and the Department has been severely criticised for weak legislation and policies around evictions.⁷¹

Innovations in land reform and land administration that are adapted to current conditions are being attempted in some countries in sub-Saharan Africa. However, insufficient innovative tools exist to deliver affordable security of tenure and property rights at scale for most of Africa's populations. New tools need to be developed, but these are not simple, easy to produce, or easily adapted to the diverse needs of various countries.⁷² Also noted is that there is no single tenure option that can solve all problems; however policy on land tenure and property rights can best reconcile social and economic needs by encouraging a diverse range of options, adapting and expanding existing systems when possible, and introducing new ones selectively.⁷³

⁷¹ African National Congress. 2012. Land Reform Policy Discussion Document. [Online]. Available: http://www.anc.org.za/docs/pol/2012/landpolicyproposals_june2012v.pdf. 19 August 2016.

⁷² United Nation Development Programme: Collective Action and Property Rights policy briefs. Not dated. Land Rights for African Development: From Knowledge to Action. [Online]. Available: https://commdev.org/userfiles/capri_brief_land_rights.pdf. 17 August 2016.

⁷³ Idb.

2. BACKGROUND TO ROOT CAUSE ANALYSIS

2.1 OUTLINING THE ROOT CAUSES

The policy on strengthening the relative rights of people working the land exists to protect and promote relative rights of people working the land. The DRDLR's green paper on land reform as gazetted in August 2011 highlights equitable access and secures rights to land as key in fulfilling its core principles of deracialising the rural economy, promoting democratic and equitable allocation of land and enhancing production discipline.⁷⁴ Furthermore, the 50/50 policy stipulates the overarching aims of the policy as the following:

- To focus on secure tenure/ or land tenure as a central means of addressing the tenure insecurities and livelihood challenges faced by people who work in commercial farming areas;
- To ensure sustainable land and productivity for farm workers
- To address socio-economic livelihood challenges;
- To empower people working the land to acquire shares in farming enterprises and bring about economic transformation of the agricultural sector;
- Secure the residential tenure of the farm-dweller/ worker;
- Enable beneficiaries to sell labour-power across the fence, without fear of eviction; and,
- Strengthen farm workers' bargaining power in advancing worker rights and improving his/her conditions of living.

Therefore, what it is discovered as a problem which is of major concern is farm eviction which affects the farm workers/ dwellers. Before the root causes can be outlined there is a need to identify the focal problem, therefore, the causes of the problem will be addressed and thereafter the effects. The reason for defining the core problem is to seek solutions in order to address the problem.

2.2 PROBLEM ANALYSIS

Farm eviction is discovered in this evaluation as the main problem which needs to be addressed if the department is to implement the 50/50 policy as a programme to assist farm workers/dwellers in this regard.

Farm eviction is when there is a direct action of the owner or a person in charge that force the farm dwellers to leave the farm against their will and in the absence of a court order. The most obvious form of illegal eviction is where occupiers are removed by force like for instance when the landowner changes the locks, erects a high fence around the home, set fire to the dwelling to prevent the occupiers from

⁷⁴ Department of Rural Development and Land Reform. 2016. Strengthening relative rights of people working the land "50/50 policy framework. DRDLR. Pretoria.

continuing to stay on the farm.⁷⁵ Most of the evictees are the black South Africans, especially women and children. Most of the affected victims are not transient workers, but they are families with long histories on the farm or have connections with the farm.⁷⁶

Since the inception of democracy in 1994, government has introduced numerous laws, policy and initiatives to regulate and improve the situation and rights of farm dwellers and farm workers. The land reform policy programmes introduced fall under three pillars: land restitution, land redistribution and land tenure. However, an unintended consequence of the land reform programmes is the creation of a climate of uncertainty in the sector, which has resulted in illegal farm occupations and prompted farmers to evict farm dwellers and workers.⁷⁷

As indicated before, the Social Surveys/Nkuzi study conducted in 2005 was the only large-scale national survey that assessed evictions since 1994 and found that more evictions occurred since 1994 than before 1994 with a steady increase of evictions up to 2004. Evicted workers had very little knowledge of their tenure rights and with low levels of education had difficulties in securing jobs elsewhere i.e. out of agriculture.⁷⁸

Farm evictions have associated cost such as the costs of forced evictions almost always include an increase in poverty and often include a severe increase in social stress, which can lead to large-scale societal conflict. Forced evictions not only deprive people of their homes and lands and the simple dignity of a place to live but also of their livelihoods, their communities and social networks, access to social services, and access to the shared resources of cities such as libraries, sports facilities, and places of worship. At the individual level, forced evictions can also lead to increases in anxiety, depression, and suicide. Forced evictions subject the poorest and most marginalised in society to even deeper poverty, discrimination, and social exclusion. In most cases, evictees find themselves in worse material and social conditions than before the eviction, even if their living conditions were less than ideal prior to eviction.⁷⁹

⁷⁵ Hall, R. 2003. Evaluating land and agrarian reform in South Africa: an occasional paper series. PLAAS, [online]. Available: www.plaas.org.za/sites/default/files/publications-pdf. 28 August 2016.

⁷⁶ Nkuzi Development Association. Not dated. Summary of the key findings from the National Eviction Survey. Social Surveys Africa. [Online]. Available: http://www.sarpn.org/documents/d0001822/Nkuzi_Eviction_NES_2005.pdf. 30 August 2016

⁷⁷ Stuart, F. 2013. PLAAS workshop report on farm worker's living and working conditions. [Online]. Available: www.plaas.org.za. 25 August 2016.

⁷⁸ Stuart, F. 2013. PLAAS workshop report on farm workers' living and working conditions. [Online]. Available: www.plaas.org.za. 25 August 2016.

⁷⁹ Centre on Housing Rights & Evictions 2008. Success and Strategies: Responses to forced evictions. [Online]. Available: <http://abahlali.org/files/averting%20evictions.pdf>. 19 August 2016.

2.3 PURPOSE OF THE ROOT CAUSE ANALYSIS

Root cause analysis (RCA) is defined by Andersen and Fagerhaug (2006), as a collective term used to describe a wide range of approaches, methods, and techniques used to uncover causes of a problem. It is a general methodology with no single prescribed method. It is therefore; a conceptual framework on how to better understand the actual causes and their specific role in creating a problem evidenced by their associated effects.⁸⁰

According to Okes (2009)⁸¹, the basic focus of any RCA is the identification of causes and effects responsible for a negative event or outcome. Therefore, a negative effect or symptom is a signal that something is wrong while a cause is whatever is responsible for producing an effect. Andersen and Fagerhaug (2006) further pointed out that a root cause is a cause that when removed, modified, or controlled can eliminate, reduce, or prevent the problem from existing or occurring in the future. Therefore, the root cause is responsible for triggering the cause-and-effect chain that results in a problem. In this instance RCA seeks to identify the origin of farm eviction as an underlying problem and as well as its associated factors and conditions. Therefore, specific set of steps with associated tools will be utilized to find the primary cause of farm evictions in order to determine the following:

- What happened?
- Why is the farm evictions happening, and
- What can be done to reduce the likelihood of this happening in future?

2.4 CRITERIA FOR ANALYSING THE ROOT CAUSES

The evaluation team has adopted the theory of Ammerman (1998)⁸² which identifies root causes based on the following three criteria:⁸³

- Would the problem have occurred if the cause was not there? If no, then it is a root cause. If yes, then it is a contributing cause.
- Would the problem recur if the cause is corrected or eliminated? If no, then it is a root cause. If yes, then it is a contributing cause.
- Will correction or dissolution of the cause lead to similar events? If no, then it is a root cause. If yes, then it is a contributing cause.

⁸⁰ Wagner, T.P. not dated. Using root cause analysis in public policy pedagogy. [Online]. Available: <http://www.naspaa.org/JPAEMessenger/Article/VOL20-3/11.10> 10 August 2016.

⁸¹ Okes, D. 2009. Root Cause Analysis: The Core of Problem Solving and Corrective Action. [Online]. Available: <https://asq.org/quality-press/display-item?item=H1363>. 28 March 2017.

⁸² Ammerman, M. 1998. The Root Cause Analysis Handbook. A simplified approach to identifying, correcting and reporting workplace errors. Taylor & Francis.

⁸³ Wagner, T.P. not dated. Using root cause analysis in public policy pedagogy. [Online]. Available: http://www.naspaa.org/JPAEMessenger/Article/VOL20-3/11_Wagner.pdf. 10 August 2016.

Furthermore, the criteria stipulate that if the answer is yes to any of these questions, then the cause is a root cause. In contrast to negative single events, policy problems are not linear and have multiple types and levels of interrelated causes that give rise to complex problems resulting in the identification of multiple root causes. Although RCA can be a powerful method in identifying multiple root causes in complex policy systems, which are highly interrelated and dynamic systems.⁸⁴

Other indicators that are considered in the root cause analysis are:

- The cause should be logical and making sense, as well as provides clarity to the problem.
- The cause should be something that can be influenced and controlled.
- If the cause is dissolved, there should be realistic hope that the problem can be reduced or prevented in the future.

Furthermore, in analysing the root causes the following need to be clearly outlined:

- Problem- what is the issue.
- Cause- what are the factors underlying each cause, this can be more causes to the issue at hand.
- Root cause- what are the root of the problems to the cause
- Corrective action- how can the root cause be minimised or solved to reduce the problem.

2.5 POTENTIAL CATEGORIES OF CAUSES

According to the review conducted the following were the identified categories of causes:

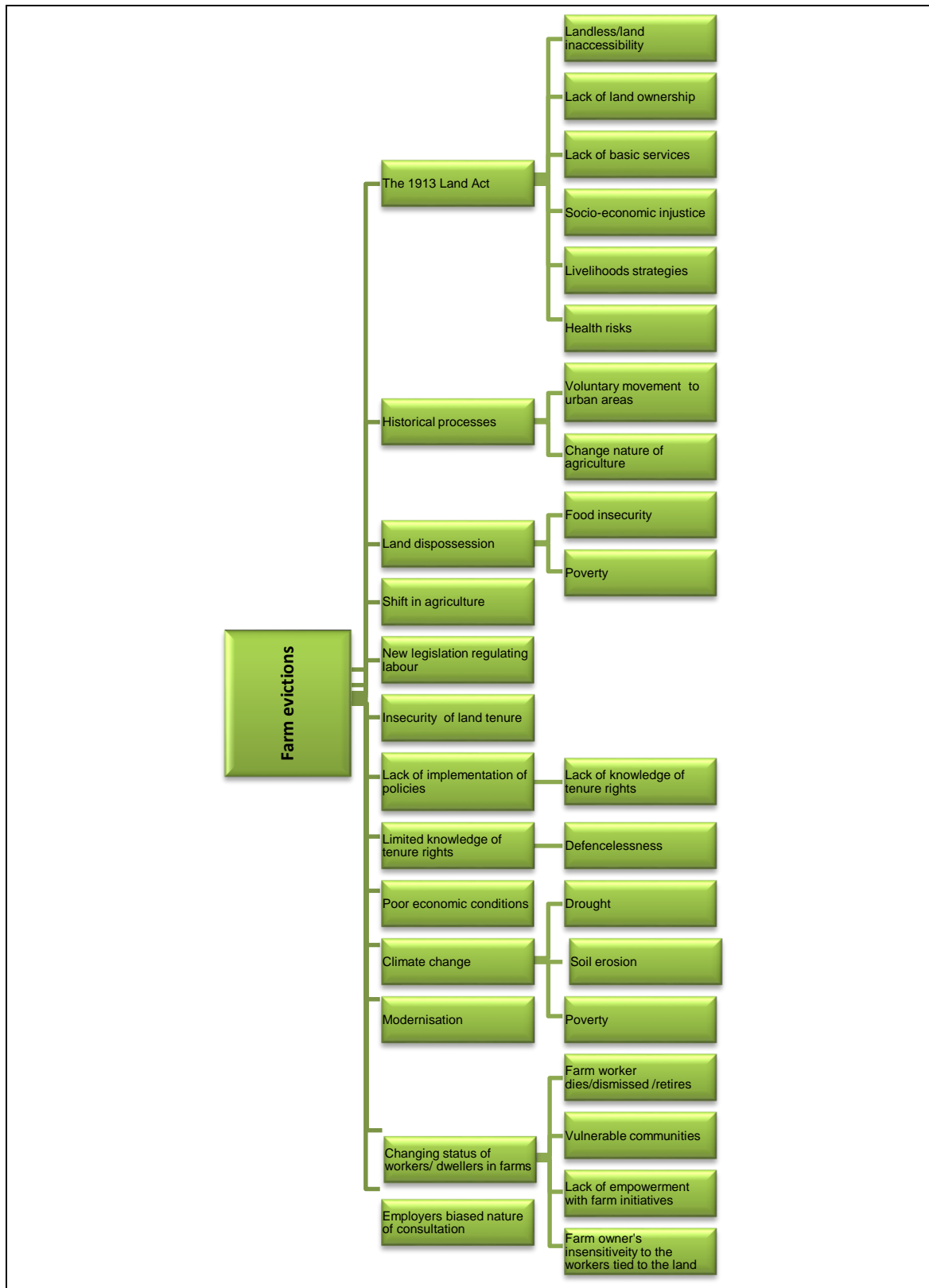
- Root cause- a cause when removed, modified or controlled can eliminate, reduce or prevent a problem from existing or recurring.
- Primary root cause- A cause that sets off the effect, usually close to the effect physically and temporally; also referred to as the proximate root cause, direct cause, or immediate cause (Okes, 2009).⁸⁵
- Secondary root cause- A root causes that does not necessarily contribute directly to the problem but is a cause of a primary cause.

⁸⁴ Wagner, T.P. Not dated. Using root cause analysis in public policy pedagogy. [Online]. Available: http://www.naspaa.org/JPAEMessenger/Article/VOL20-3/11_Wagner.pdf. 10 August 2016.

⁸⁵ Okes, D. 2009. Root Cause Analysis: The Core of Problem Solving and Corrective Action. [online]. Available: <https://asq.org/quality-press/display-item?item=H1363>. 28 March 2017.

3. CAUSES /DRIVING FORCES OF FARM EVICTION

3.1 PROBLEM TREE



3.2 DETAILED ROOT CAUSES AND EFFECTS OF FARM EVICTIONS

The detailed root analysis will present a cause to the farm eviction and the associated effect of the cause to eviction.

3.2.1 The 1913 Land Act

The evaluation team has identified the 1913 Natives Land Act as one of the main cause of farm evictions as the Act was passed to allocate only about 7% of arable land to Africans and leave the more fertile land for whites. Land was the gold of the African man or woman and after the passing of the Natives Land Act (Act of 1913) land ownership continued to be a vexed question in South Africa. In 1994, 87% of land was owned by whites and only 13% by blacks. The new government had set the target of redistributing 30% of the commercial farming area (about 24 million hectares), by 2014, and of the target set in 1994 only less than 10% of land has been transferred to its previous owner.⁸⁶

3.2.1.1 *Landless/ land inaccessibility*

Landless is one of the effects that have been caused by the 1913 Natives Land Act. The Act effectively increased the number of Africans working as farm labours since it forced many tenant farmers to become farm labourers. The physical manifestation of the 1913 Land Act included scores of African families and their livestock roaming the countryside in search of accommodation after they were evicted from their land, their homes bulldozed and they were left poor and destitute. The policy of racial discrimination and segregation resulted in consistently higher population density in areas predominantly or exclusively set aside for Africans. These areas also experienced high levels of poverty and underdevelopment.⁸⁷

Accessibility to land would also put farm workers in a better position to develop their skills. The prevailing system, whereby workers are crowded into small unsanitary compounds lacking normal public services and community structures (Loewenson, 1992; Amanor-Wilks, 1995), does not encourage the creation of skilled labour that more competitive export markets require to ensure quality, given the increased scientific and technological demands of new global commodities. Meanwhile the large-scale, capital-intensive farming approach creates relatively few jobs, while

⁸⁶ Palombi e Lanci. 2008. Improving access to land and tenure security. Policy, Rome. [Online]. Available: <http://www.cpahq.org/cpahq/cpadocs/Land%20Access%20Rural%20Communities.pdf>. 25 August 2016.

⁸⁷ Parliament of the Republic of South Africa. 2013. South Africa, our land the 1913 land Act one hundred years on impact of the 1913 Natives Land Act on settlement and spatial patterns in South Africa. [Online]. Available: <http://www.parliament.gov.za/content/Land%20Act%20-%20Paper%20-%20Tshepo.pdf>. 20 August 2016.

exporting capital for the purchase of machinery and other needs (Binswanger, Deininger, Feder, 1993).⁸⁸

3.2.1.2 Lack of land ownership

Land dispossession in South Africa has produced negative consequences such as consignment of the majority to the most unproductive land, inequitable distribution of land ownership largely in favour of a minority racial group, dislocation of the social and economic systems of the indigenous people in relation to land use, and labour tenancy, sharecropper and other slave-like forms of erstwhile owners.⁸⁹

3.2.1.3 Lack of basic services

There is a close correlation between tenure status, access to services, and public health.⁹⁰ Du Toit, 2004; Wegerif et al., 2005; Atkinson, 2007; Lahiff, 2008; Schweitzer, 2008; SAHRC, 2008; highlighted the following problems, namely, inadequate housing conditions, weak safety measures, lack of access to sanitation, insecure tenure rights, and weak unionisation among farmworkers. The Government has been criticised by commercial farmers and farmers' organisations, arguing that while laws are in place for fair labour practices and security of tenure, the government has failed to monitor and enforce these laws. Farmworkers found themselves trapped in a difficult situation as they had to depend on owners for employment and some social security while at the same time their living conditions have not improved and in some cases have even deteriorated. Farmworkers find themselves trapped in a vicious cycle, as they have no alternative livelihood options and often have nowhere else to go.⁹¹

3.2.1.4 Socio economic injustice

The effects of socio-economic injustice have a bad impact on the delivery of services to the people of South Africa, mostly the black majority. South Africa's first post-democratic and fully-fledge population census conducted in 1996, revealed that high levels of poverty and lack of services were prevalent in provinces which incorporated

⁸⁸ Moyo, S, Rutherford, B & Dede Amanor-Wilks, D. 2007. Land reform & changing social relations for farm workers in Zimbabwe. Routledge. [Online]. Available: <http://www.tandfonline.com/doi/pdf/10.1080/03056240008704454>. 26 August 2016.

⁸⁹ African National Congress. 2012. Land Reform Policy Discussion Document. [Online]. Available: http://www.anc.org.za/docs/pol/2012/landpolicyproposals_june2012v.pdf. 19 August 2016.

⁹⁰ United States Agency for International Development. Not dated. Issue Brief: Land Tenure in Urban Environments. [Online]. Available: http://www.usaidlandtenure.net/sites/default/files/USAID_Land_Tenure_Urban_Brief_061214.pdf. 09 September 2016.

⁹¹ Lemkea, S. & van Rensburg, F.J. Not dated. Remaining at the margins: case study of farmworkers in the North West Province. [Online]. Available: http://repository.up.ac.za/bitstream/handle/2263/47979/Lemke_Remaining_2014.pdf. 26 August 2016.

former areas exclusively set aside for Africans (homelands). Research studies⁹² have shown that evicted labour tenants settle illegally in informal settlements nearby farm areas where there is no access to government basic services such as water, electricity, health and education. Government intervention efforts aimed at providing basic services such as housing, water and electricity are hampered by the fact that after evictions, most displaced farm dwellers occupy private land illegally near urban areas that does not belong to the state.

3.2.1.5 Livelihoods strategies

Eviction of farm dwellers by farmers and landowners in post-apartheid South Africa has increased at an alarming rate. The consequences of being evicted are devastating for the livelihood of farm dwellers as it is often accompanied by the loss of work, income and homes, the loss of access to land for food production, generating urban slums and displacement areas not within reach of municipal basic services as well as other negative effects such as the breakdown of family and social structures and disruptions to children's education.⁹³

Furthermore, land security is important for poor farm dwellers usage to produce their own food and complement low farm wages. It is alleged that the livelihood strategies of farm dwellers have been affected by the introduction of the 1997 Extension of Security Tenure Act (ESTA) which aimed at protecting and restoring the land rights of farm dwellers working in farms, although this has not happened satisfactorily. Farmers and landowners responded to legislation reforms by evicting farm dwellers off their land. However, the current 50/50 policy has been under scrutiny as important pillars to this draft legislation fail to detect how certain aspect pertaining livelihoods will be addressed.

3.2.1.6 Health risks

South Africa's constitution guarantees all citizens the right to an environment that is not harmful to their health. Sadly, South Africa's deteriorating agricultural environment is posing an increasing threat to people's well-being.

3.2.2 Historical Processes

Historical process has been identified as a cause of eviction in a sense that whatever process be it policy, legislations frameworks, change in government etc. does not or did not sit well with other people. The government has developed policies and passed several pieces of legislation with a view to redress inequalities in land distribution resulting from the unjust laws of the colonial and apartheid

⁹² Research studies by Du Toit, 2004; Wegerif et al., 2005; Atkinson, 2007; Lahiff, 2008; Schweitzer, 2008; SAHRC, 2008.

⁹³ Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [Online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305>. 24 August 2016.

governments.⁹⁴ Farm workers were the most vulnerable group and suffered a number of eventualities due to farm tenure insecurities sustained. The Extension of Security of Tenure Act 62 of 1997 (ESTA) was introduced by government in order to intervene by establishing a balance between the opposing interests of farmers and farm workers and dwellers. The legislation was not aimed at stopping evictions, but to regulate them, ensuring that all evictions were conducted in a legally valid manner, with a court hearing taking into account all relevant factors.⁹⁵

Thus, the right to gain access to land is based on the idea that there are people who need land and those who are not secure on the land they live on. It entails satisfying that need for the landless to acquire land and have resources to sustain a livelihood.⁹⁶

Section 4 of ESTA further provided options for long-term tenure security, for farm dwellers to benefit from land redistribution and to acquire land and housing of their own, but that part of the legislation was almost entirely unused. The fact that Section 4 stated that “the Minister shall make available funds” for that purpose, and that had not happened to date, indicated the possibility of a legal challenge.⁹⁷ The bargaining power i.e. bargaining and trade unions also have the impact on farm eviction e.g. PLAAS report highlighted that contractors and labour brokers (56 % of farm workers are hired indirectly in the forestry industry) have an indirect link between farmers and farm workers, reducing the bargaining power of the workers with farmers.⁹⁸

3.2.2.1 Voluntary movement to urban areas

Voluntary movement to urban areas is one of the effects of farm eviction whereby the farm owner decides to move to urban areas due to other legislations or policies. For example, one of the PLAAS article highlighted that since 1970, there has been a steady movement off farms and timber plantation as a result of voluntary movement to urban areas with the breakdown of influx controls, also involuntary as a result of job shedding due to modernisation (mechanisation, larger farm size) and deliberate policies to phase out housing and tenancy on farms and plantations.⁹⁹ In 2005, Social Surveys Africa together with Nkuzi Development Association conducted a

⁹⁴ South Africa Human Research Council. 2000-2002. Right to Land. [Online]. Available: http://www.sahrc.org.za/home/21/files/Reports/4th_esr_chap_3.pdf. 15 September 2016.

⁹⁵ Sizani, S. 2011. Summary research reports of Land & Tenure Rights for Farm Dwellers & Workers. [Online]. Available: <https://pmg.org.za/committee-meeting/12744/>. 20 August 2016.

⁹⁶ South Africa Human Research Council. 2000-2002. Right to Land. [Online]. Available: http://www.sahrc.org.za/home/21/files/Reports/4th_esr_chap_3.pdf. 15 September 2016.

⁹⁷ Sizani, S. 2011. Summary research reports of Land & Tenure Rights for Farm Dwellers & Workers. [Online]. Available: <https://pmg.org.za/committee-meeting/12744/>. 20 August 2016.

⁹⁸ Stuart, F. 2013. PLAAS workshop report on farm worker’s living and working conditions. [Online]. Available: <http://www.plaas.org.za/sites/default/files/publications-pdf.19> September 2013.

⁹⁹ Clarke, J. 2013. PLAAS workshop report on farm worker’s living and working conditions. [Online]. Available: <http://www.plaas.org.za/sites/default/files/publications-pdf.19> September 2013.

national evictions survey and a summary of key findings from the study indicated that roughly 942 000 people had been evicted from farms during the period ranging from 1994 to end 2004¹⁰⁰. This illustrated that there had been an increase in insecurity of tenure since the birth of democracy in 1994. Most farm dwellers that were evicted now reside in urban informal settlements.

3.2.2.2 Changing nature of agriculture

With regard to the changing nature of agriculture as one of the effects, the research has shown that in South Africa from 1930 till 2007 there was structural change in commercial farming, with a decline in the total number of farming units in the country. Currently in South Africa there are fewer bigger farms.

Various agricultural censuses indicated a long-term trend towards a substantial decline in agricultural employment. In the past, regular or full-time employment was the norm, but by the early 2000s, about half of the total number of farm workers was employed on either a casual or a seasonal basis, both of which were insecure forms of employment. The combination of oppression by farmers, the weak legislative framework and changing conditions in agriculture led to a situation where human rights were being violated¹⁰¹. Human rights violations such as evictions, assaults and threats have been experienced by farm workers/dwellers.

3.2.3 Land Dispossession

Land dispossession as a cause of eviction, in 1991, approximately 80% of the South African population were still prohibited from owning or leasing land in over 80% of the country.¹⁰² Whites which were 14% of the population owned 83% of the land including 16% owned by the government and its agencies.¹⁰³ In 1994, 80% of the land was still owned by whites and 50 000 white farmers owned 85% of all agricultural land.¹⁰⁴ This is highly sloped, even when compared to some of the most unequal societies both internationally and/or historically. South Africa remains one of the countries with the most inequitable distribution of land.¹⁰⁵

¹⁰⁰ Sizani, S. 2011. Summary research reports of Land & Tenure Rights for Farm Dwellers & Workers. [Online]. Available: <https://pmg.org.za/committee-meeting/12744/>. 20 August 2016.

¹⁰¹ Sizani, S. 2011. Summary research reports of Land & Tenure Rights for Farm Dwellers & Workers. [Online]. Available: <https://pmg.org.za/committee-meeting/12744/>. 20 August 2016.

¹⁰² Margo, T. 1991. The South African Land Question, New Nation. [Online]. Available: <http://wiredspace.wits.ac.za/bitstream/handle/10539/275/13.20> August 2016.

¹⁰³ Margo, T. 1991. The South African Land Question, New Nation. [Online]. Available: <http://wiredspace.wits.ac.za/bitstream/handle/10539/275/13.20> August 2016.

¹⁰⁴ Turok, B. Kekana, D. Turok, M. Maganya, E. Noe, J. Onimode, B. Chikore, J. Suliman, M. and Khor, M., 1994. Expand from below: Reconstruction and Development in the PWV Region, South Africa: Perspectives on Development, (Eds.), IFAA, [Online]. Available: pdf.usaid.gov/pdf_docs/PNABS328.pdf. 20 August 2016.

¹⁰⁵ *idb*

Every year, millions of people around the world are threatened by evictions or forcibly evicted, often leaving them homeless, landless, and living in extreme poverty and destitution. Forced evictions commonly result in severe trauma and set back even further the lives of those that are often already marginalized or vulnerable in society.¹⁰⁶

Running parallel to the process of dispossession were measures to impede black agricultural production on white owned land. People living on communal land in the former homelands have no security of tenure on the land. They have use rights based on customary law or derived from state permissions to occupy. Under colonial and apartheid laws they were not permitted to acquire rights that were legally secure,¹⁰⁷ hence they now faced with evictions.

3.2.3.1 Food insecurity

Food insecurity is one of the effects of farm eviction, land dispossession is a lamenting issue in South Africa; it has been revealed that it results in food insecurity whereby people are not having land to practice agricultural activities. Furthermore, most of the farm workers after they have been detached from the farm, they have no means of survival because they usually migrate to informal settlements. Lack of financial resources result in food insecurity of farm workers after being removed from the farms since those farm workers are earning nothing and cannot afford to plough vegetables in order to survive.¹⁰⁸

3.2.3.2 Poverty

The effects of poverty can be felt at every level of society, from the individual living in poverty to the political leader attempting to provide solutions. Whether it is health conditions or increased crime rates, poverty reaches just about every aspect of life. Poverty has various effects such as health, education, economy and society; therefore, farm workers are amongst the affected once they are evicted. Diseases are very common in people living in poverty because they lack the resources to maintain a healthy living environment. Sanitation conditions are usually very low, increasing the chance of contracting diseases.¹⁰⁹

¹⁰⁶ United Nations. 1993 & 2004. Commission on Human Rights resolutions.pp77/28. [Online]. Available: <http://www.un.org/womenwatch/daw/vaw/v-hrc.htm> 20 August 2016.

¹⁰⁷ United Nations. 1993 & 2004. Commission on Human Rights resolutions. [Online]. Available: <http://www.un.org/womenwatch/daw/vaw/v-hrc.htm> 20 August 2016.

¹⁰⁸ Ilaboya, I.R. Atikpo, E. Omofuma, FE. Asekame, F.F. and Umukoro, L. 2012. Causes, Effects and Way Forward to Food Insecurity, *Iranica Journal of Energy & Environment*. [Online]. Available: <http://www.ijee.net/Journal/ijee/vol3/no2/12.pdf>. 25 August 2016.

¹⁰⁹ Ilaboya, I.R. Atikpo, E. Omofuma, FE. Asekame, F.F. and Umukoro, L.2012. Causes, Effects and Way Forward to Food Insecurity, *Iranica Journal of Energy & Environment*. [Online]. Available: <http://www.ijee.net/Journal/ijee/vol3/no2/12.pdf>. 25 August 2016.

Many people living in poverty are unable to attend school from a very early age. Families may not be able to afford the necessary clothing or school supplies and whatever the reason, there is a clear correlation between families living in poverty and their lack of education. Without the ability to attend school, many people go through life illiterate. Therefore, a bad cycle is created because people are prevented from gaining good education, and not obtaining an education prevents people from escaping poverty. Many people living in poverty are homeless, which puts them on the streets. There also seems to be a connection between poverty and crime. When people are unemployed and homeless, social unrest may take over and lead to increases in crime. When people have nothing and no money to buy necessities, they may be forced to turn to theft in order to survive. Homelessness also contributes to crime rates and this has an impact on people safety due to many problems that are created within the society by homeless individuals.¹¹⁰

3.2.4 Current shift in agriculture

Due to shifting trend towards intensified agriculture farm workers are faced with evictions and job losses as a result of declining farming profitability and water scarcity (drought, declining rainfall or over-demand for water) which has left many parts of South Africa with less than two-thirds of the number of farms it had in the early 1990s.¹¹¹ As a result farm owners have no other option than to chase workers away as they could not afford to pay and provide dwelling for workers/dwellers. In many instances the lost farms are changed to other land uses, or consolidated into larger farming units to achieve effective economies of scale. This lead to the remaining farms generally increasing their irrigation, fuel, fertiliser, mechanisation and genetically modified seed inputs and this became an added burden to the farmers.

It is also alleged that mismanaged agricultural industrialisation and intensification could compromise food safety and increase unemployment and environmental degradation.¹¹² Therefore, a more sustainable approach is required for both the current and future generations to sustain their lives.

3.2.5 New legislation regulating labour

New legislation regulating labour and tenants on farms is an additional cost and risk to farmers. In response to labour legislation, farmers have reduced the range of benefits that they provide to workers creating what could be seen as a more 'normal

¹¹⁰ Ilaboya, I.R. Atikpo, E. Omofuma, FE. Asekhome, F.F. and Umukoro, L.2012. Causes, Effects and Way Forward to Food Insecurity, Iranica Journal of Energy & Environment. [Online]. Available: <http://www.ijee.net/Journal/ijee/vol3/no2/12.pdf>. 25 August 2016.

¹¹¹ World Wide Fund. 2015. Agriculture: Facts & Trends: South Africa. [Online]. Available: http://awsassets.wwf.org.za/downloads/facts_brochure_mockup_04_b.pdf. 24 August 2016.

¹¹² *idb*

'employer-employee relationship, but also in some cases making conditions worse for workers.'¹¹³

Tenure legislation has caused farm owners to minimise the number of people living on their farms, leading to more farm workers living in townships and villages. In particular, they let far fewer new people come onto farms, although more remote farms still find they have to let workers live on-site.¹¹⁴ Lastly, labour was one of the few costs of production that the farmers can manipulate to cut costs when they are under financial pressure; this has resulted in more workers being sucked out of their jobs and opting for seasonal workers as compared to permanent workers.

3.2.6 Insecurity of land tenure

Among the challenges of post-apartheid legislation was the lack of certainty with regard to tenure of farmworkers. As was common in the past and is still largely practised today, farm owners provide basic housing on their premises for their workforce, which is linked to employment and usually terminates with retirement or retrenchment.¹¹⁵ Farmworkers often have nowhere else to go, placing them in an extremely vulnerable position.

Due to insecurity of tenure status the farm workers/dwellers are faced with the following conditions:

- Homelessness- Land security is generally seen as a way of protecting a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws, and also as a way to alleviate poverty, food security and increase access to land for the purpose of their own food production and livelihood sustenance. If the farm worker loses his/her employment there is a risk of losing land security tenure which leads to eviction.¹¹⁶ Therefore this result in a situation wherein poor people who had lived on the property for many years claiming that the eviction would render them homeless as they have to vacate the property and find alternative land to settle.

¹¹³ Wegerif, M. Russell, B. and Grundling, I 2005. Still searching for security. The reality of farm dwellers evictions in South Africa. [Online]. Available: <http://lamosa.org.za/resources/evictions%20book.pdf>. 24 August 2016.

¹¹⁴ Wegerif, M. Russell, B. and Grundling, I 2005. Still searching for security. The reality of farm dwellers evictions in South Africa. [Online]. Available: <http://lamosa.org.za/resources/evictions%20book.pdf>. 24 August 2016.

¹¹⁵ Lemke S. & van Rensburg, F.J. 2014. Remaining at the margins: case study of farmworkers in the North West. [Online]. Available: http://repository.up.ac.za/bitstream/handle/2263/47979/Lemke_Remaining_2014.pdf. 26 August 2016.

¹¹⁶ Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [Online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305>. 24 August 2016.

- Joblessness and informal settlements: The unintended land, labour and policy reforms generated a new form of farm worker living in informal settlements with no access to basic services surrounding agricultural towns, and seasonal workers with no job security.¹¹⁷
- Poverty: Poor people with insecure tenure are the most vulnerable to being dispossessed and forced off the land. Evictions are created by unintended consequences of policies and legislation intended to provide socio-economic relief for the poor.¹¹⁸

There are views that ESTA increased evictions however this has been disputed among stakeholders. The recently developed Draft ESTA Bill has been criticised for not being fully addressing the core areas of the tenure situation and the DRDLR should be wary of the following critical comments to the Bill:

- The aspect of residence that has not been addressed.
- No clear or adequate obligation on the provision of alternative accommodation for evictee.
- Shortcomings in respect of institutional arrangements and capacities for enforcing the Act.
- Lastly, there is no coherent vision of what the Bill aims to achieve, nor evidence that its provisions will in fact achieve its intention.

3.2.7 Lack of implementation of policies

Lack of implementation of critical land reform policies has been blamed for contributing to farm evictions. Since the end of apartheid, legislation has been enacted with a view to redistribute land to those previously forbidden by law to own land, restore their land rights, and improve their working conditions. For instance, in 1997, the Extension of Security of Tenure Act was implemented in agriculture. This legislation forms part of the post-apartheid government's three pronged land reform programme which includes restitution, redistribution and tenure reform and aims to give security to people born and residing on farms, many of whom do not have an alternative living space. The basic part of this legislation was to protect farm dwellers from evictions; however, the Act has been opposed by farmers and landowners. Despite passing the acts to prevent evictions, farm workers are still evicted and

¹¹⁷ Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [Online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305>. 24 August 2016.

¹¹⁸ Simbi, T. and Aliber, M. 2000. Agricultural Employment Crisis in South Africa, TIPS Working Paper 13. Online]. Available: <https://www.researchgate.net>. 28 August 2016.

maltreated on the farms.¹¹⁹ In the case of farm workers and dwellers, this failure would reflect in a number of aspects and these are:¹²⁰

- Inadequate articulation of policy and legislative regime to protect farm workers and dwellers;
- Poor implementation of existing policies and legislation by organs of the state; weak enforcement of legislation by law-enforcement agencies;
- the judicial system not being worker-friendly in handling eviction cases;
- Labour unions not organized effectively on farms; non-complementary (almost adversarial) relationship between non-governmental organizations and state organs in addressing problems of farm-dwellers; and,
- Poor or non-existent monitoring, co-ordination and communication amongst state organs, within and across the three spheres of government, and other interested parties, on matters negatively affecting the rights of farm workers and dwellers.

3.2.7.1 Lack of knowledge of tenure right

Lack of knowledge is an effect of lack of implementation of policies, it has been discovered as an effect in a sense that the awareness of policies seems not properly done to the farm workers and dweller.

The research indicates that there are many disagreements amongst economists about the impact of security tenure legislation. The debate basically revolves around two opposing viewpoints relating to the impact of security tenure legislation towards the relationship between farm dwellers and farm owners. Firstly, the security tenure legislation is extremely harmful for farm owners leading to a deterioration of the relationship between farm owners and labour tenants, causing unemployment, evictions or replacing permanent workers with seasonal workers with no job security. Secondly, land owner representative organisations view the security tenure legislation as harmful towards those it intends to help.¹²¹

Limited understanding of rights to land by the worker/dweller has been worsened by the worker/dwellers low level of education. According to Segal, 1991¹²² educational facilities have been negligible with no formal education system on the farms. Furthermore, farmers were free to choose whether or not to provide schooling

¹¹⁹ Nkuzi Development Association Not (undated). Summary of the key findings from the National Eviction Survey. Social Surveys Africa. [Online]. Available: http://www.sarpn.org/documents/d0001822/Nkuzi_Eviction_NES_2005.pdf. 30 August 2016.

¹²⁰ Department of Rural Development and Land Reform. 2011. Land Reform Green paper. DRDLR. Pretoria.

¹²¹ Nkuzi Development Association Not (undated). Summary of the key findings from the National Eviction Survey. Social Surveys Africa. [Online]. Available: http://www.sarpn.org/documents/d0001822/Nkuzi_Eviction_NES_2005.pdf. 30 August 2016.

¹²² Segal, L. 1991. A brutal harvest: the roots and legitimization of violence on farms in South Africa. [Online]. Available: <http://www.csvr.org.za/index.php/publications>. 12 August 2016.

facilities and in cases where the farmer does provide education it was always restricted to primary education. However, it became impossible to get permission for a farm school to go beyond standard five.

The consequences of being evicted can be devastating for the livelihood of farm dwellers as it is often accompanied by the loss of work, income and homes, the loss of access to land for food production, generating urban slums and displacement areas not within reach of municipal basic services as well as other negative effects such as the breakdown of family and social structures and disruptions to children's education.¹²³ It should be noted that land security is important for poor farm dwellers to produce and complement low farm wages in order to sustain their own livelihoods.

3.2.8 Limited knowledge of tenure rights

Limited understanding of rights to land by the worker/dweller is hereunder regarded as one of the causes that contributed to farm owners chasing workers on farms. This inability has been worsened by the worker/dwellers low level of education. According to Segal, 1991¹²⁴ educational facilities have been negligible with no formal education system on the farms. Furthermore, farmers were free to choose whether or not to provide schooling facilities and in cases where farmer does provide education it was always restricted to primary education. However, later it became impossible to get permission for a farm school to go beyond standard five.

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3.2.8.1 Defenselessness

Defencelessness has been regarded as one of the effects because during evictions, verbal abuse and physical violence, including sexual violence, often takes place. Following an eviction, women are often more vulnerable to abuse, particularly if they become homeless or forced to move to inadequate housing. The lack of shelter and privacy can lead to increased exposure to sexual and other forms of violence.

¹²³ Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [Online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305>. 24 August 2016.

¹²⁴ Segal, L. 1991. A brutal harvest: the roots and legitimization of violence on farms in South Africa. [Online]. Available: <http://www.csvr.org.za/index.php/publications>. 12 August 2016.

¹²⁵ Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [Online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305>. 24 August 2016.

Despite their own stress and anxiety, women often attempt to recreate a secure family environment and mend the pieces of a shattered community. In many places, women face severe discrimination relating to ownership of housing and land, including marital property, as well as inheritance. Not only the parents are affected by eviction and even the children are evicted and it resulted in them not having shelter and housing which plays a crucial role in children's growth and development. While forced evictions are traumatic for anyone, they can be particularly traumatic for children and family stability.¹²⁶ The demolition or the removal from their homes is a humiliating experience for the whole family, but in particular for children, who feel that they and their families are expendable and whose self-esteem takes a hit.¹²⁷ In addition to the loss of their homes and the related trauma, children often lose access to schools and health care. Evictions and displacements heighten the risk of family separation, which may leave children vulnerable to trafficking and other abuses.

3.2.9 Poor economic conditions

Some farmers have expressed their motive for evictions as based on their decisions around farm workers and farm dwellers for economic reasons. The biggest factors leading to reductions in the work force on farms have been droughts, deregulation and exposure to international competition, and in some areas the minimum wage for farm workers. In addition farmers have mentioned that farm sizes are growing as smaller ones go out of business and those farmers who survive seek economies of scale by consolidating smaller farming units and turning to more large-scale mechanisation.¹²⁸

3.2.10 Climate change response / food security

Climate change is the most serious environmental threat to the fight against hunger, malnutrition, disease and poverty in Africa, mainly through its impact on agricultural productivity.¹²⁹

¹²⁶ Rahmatullah, 1999. The Impact of Evictions on Children: Case Studies from Phnom Penh, Manila and Mumbai (New York, United Nations Economic and Social Commission for Asia and the Pacific and the Asian Coalition for Housing Rights. [Online].

Available: www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf. 28 August 2016.

¹²⁷ Kothari, M. 2004. Report of the Special Rapporteur on adequate housing as a component of the right to and adequate standard of living. [online] Available: www.ohchr.org. 28 August 2016.

¹²⁸ Wegerif, M. Russell, B. and Grundling, I. 2005. Still searching for security. The reality of farm dwellers evictions in South Africa. [Online]. Available: <http://lamosa.org.za/resources/evictions%20book.pdf>. 24 August 2016.

¹²⁹ Anselm, A. and Taofeeq, A. 2010. Challenges of Agricultural Adaptation to Climate Change in Nigeria: A Synthesis from the Literature. The journal of field actions science report. [Online]. Available: <https://factsreports.revues.org/678>. 08 September 2016.

Climate change and climate variability are the biggest threat faced by farmers today. They are the cause for environmental degradation and extreme weather events like floods, droughts, and cyclones. As a result, this has impacted on the agricultural production as farmlands gets destroyed and affected and this lead to reduced agricultural production yields. Therefore, this presents an opportunity for eviction by farm owners as they might not afford paying workers and provide for them.

The agriculture sector in South Africa faces considerable impact from climate change, which affects the livelihoods of most people, especially those who are vulnerable to food insecurity. Furthermore; climate change exacerbates poverty, reduces water availability and food security, and increase general insecurity through floods and soil erosion, droughts, as well as forced migration.

3.2.10.1 Drought

Drought is regarded as an effect of climate change and the most immediate consequence of drought is a fall in crop production, due to inadequate and poorly distributed rainfall. Farmers are faced with harvests that are too small to both feed their families and fulfil their other commitments. Livestock sales act as a buffer in times of hardship, farmers disinvesting in these assets to buy food. However, as the period of drought-induced food deficit lengthens and loss of jobs especially to farm workers, farmers will have to start retrenching farm workers.¹³⁰

3.2.10.2 Soil erosion

Erosion is a process of soil degradation that occurs when soil is left exposed to rain or wind energy. The effects of soil erosion go beyond the loss of fertile land. Soil erosion by water is a major environmental threat to the sustainability and productive capacity of agriculture in many tropical and sub-tropical regions of the world, and will affect the types of management farmers are used to.¹³¹

3.2.10.3 Poverty

As a labour-intensive and rural industry, agriculture has an important role to play in job creation and poverty alleviation in South Africa. Sadly, employment is on the decline in the commercial farming sector, as farms have become larger and more mechanised.

Employment has also shifted from permanent employment to irregular, temporary employment leaving farm workers and their households vulnerable and insecure. Introducing a minimum wage for farm workers as well as implementing a system of worker rights was intended to improve the lot of agricultural workers, but has met with mixed success and arguably proved a failure.

¹³⁰ Heistein, P. 2015. Effects of drought on farm production and livestock holdings. [Online]. Available: www.fao.org/wairdocs/ILRI/x5446E/x5446e02.htm. 20 August 2016.

¹³¹ Gomiero, T.2016. Review: Soil Degradation, Land Scarcity and Food Security: Reviewing a Complex Challenge. [Online].Available: www.mdpi.com/2071-1050/8/3/281/pdf. 09 September 2016.

3.2.11 Modernisation

The process of modernization brought about changes in the labour requirements of farmers and agriculture, what was viewed as labour shortages during the periods 1930's and 1940s is now turning into labour surpluses.¹³² The number of tractors and harvesters on farms were increasing and thus affecting farm workers negatively.

South Africa has seen a change in the patterns of agricultural accumulation that are influenced by a path that has been followed by most developing countries whereby the technical innovations are the replacements of labour-intensive production techniques so that even a large fall in the price of labour is insufficient for labour intensive techniques to be maintained.¹³³ The farm owners are opting for techniques that do not require a large number of farm workers to work the farm, hence, farm workers are evicted in numbers. The technological advancement and modernization in farms has been in favour of farm production while disadvantaging the workers and this led to shedding of jobs as workers are no longer of need.¹³⁴

3.2.12 Changing status of workers/dwellers in commercial farms

3.2.12.1 Farm worker dies/dismissed/retires

Farm evictions can be caused by death, dismissal/ retirement of farm worker/dweller and most of the farm evictions are work related due to the following reasons:

- Farm dwellers/workers are evicted due to the closing down of the farm,
- Farm workers being dismissed or passing away. A further concern in the current act i.e. the proposed 50/50 policy is the categorisation of some of the farm dwellers as primary occupiers while others such as wives and children are considered secondary occupiers who can be easily evicted upon the death of the primary occupiers.¹³⁵ The current proposed 50/50 policy has not mentioned how this matter will be addressed.
- In most cases the eviction of women and children are based on passing away of the main breadwinner, which results in farm dwellers losing their homes and lack of income. Sometimes evictions emanate from changes in land use,

¹³³ Atkinson, D. Pienaar, D. & Zingel, J. 2007. From on-farm to own farm: The role of farm workers' unions in land reform in South Africa. Food and Agriculture Organisation of the United Nations. [Online]. Available: [http://mobile.wiredspace.wits.ac.za/bitstream/handle/10539/15305/My%20Dessertation%20\(Auto%20saved\)%20Connie%201.pdf](http://mobile.wiredspace.wits.ac.za/bitstream/handle/10539/15305/My%20Dessertation%20(Auto%20saved)%20Connie%201.pdf). 30 August 2016.

¹³⁴ Mntungwa, D. 2014. The impact of land legislation on farm dweller evictions. [Online]. Available: <http://mobile.wiredspace.wits.ac.za/handle/10539/15305>. 24 August 2016.

¹³⁵ Nkuzi Development Association. 2005. Summary of the key findings from the National Eviction Survey. Social Surveys Africa. [Online]. Available: <http://www.sarpn.org/documents/d0001822>. 30 August 2016.

conflict over access to basic services on the farm, disputes over child labour and farmers simply not wanting people living on their farm anymore.¹³⁶

3.2.12.2 Vulnerable communities

Vulnerable communities is an effect, for instance farm workers/dwellers become members of vulnerable and marginalised communities after eviction and are particularly lacking in awareness of their basic rights.¹³⁷

The literature has revealed that some farmers have made their workers sign a contract of labour stipulating that when labour is terminated, their right to housing will also be terminated.¹³⁸ And in most cases there is no alternative accommodation available for them. Although ESTA was in place, landowners still find ways to bypass it by intimidating and ill-treating workers to leave the farm. In many cases farmers/landowners insist that once children finish school or reach the age of 18, they are compelled to work on the farm or forfeit their right to live with their parents on the farm.

The document on ESTA and LTA in conjunction with the recent Draft ESTA Bill should serve as a basis for understanding the basic principles for providing knowledge of rights to secure tenure for workers/dwellers. However, this might pose a challenge due to low literacy level of this group. Therefore, the department should create avenues for this awareness to take effect.

3.2.12.3 Lack of empowerment with farm initiatives

Lack of empowerment with farm initiatives is one of the direct consequences of the bad experiences in commercial farms. For instance, various empowerment programs including farm equity schemes and Agri-BEE initiatives have generated limited benefits for people living and working on commercial farms. Prevailing evidence suggests that, within agriculture, there has not been a significant move towards BEE enterprises, especially among smaller farms and agribusiness companies.¹³⁹ There are many factors that could offset the evictions of labour tenants. Usually farm

¹³⁶ Nkuzi Development Association. 2005. Summary of the key findings from the National Eviction Survey. Social Surveys Africa. [Online]. Available: <http://www.sarpn.org/documents/d0001822/>. 30 August 2016.

¹³⁷ Kimmie, Z. 2015. Report of the Access to Justice and Promotion of Constitutional Right (AJPCR) Baseline Survey on Awareness of Attitude and Access to Constitutional Rights. Foundation for Human Rights. [Online]. Available: http://www.fhr.org.za/files/2114/4249/0340/AJPCR_Baseline_Report_Final_1.pdf. 30 August 2016.

¹³⁸ Western Cape Department of Social Services and Poverty Alleviation. 2004. Conditions on farms. [Online]. Available: https://www.westerncape.gov.za/text/2005/4/reviewed_farmworkers.pdf. 09 September 2016.

¹³⁹ Helliker, K. 2013. Reproducing White Commercial Agriculture in South Africa. [Online]. Available: <https://www.ru.ac.za/White%20commercial%20farms%20K%20Helliker%20semina>. 28 August 2016.

owners will use employment to determine access to land rights for labour tenants, this means unemployed farm dwellers would be evicted.

3.2.12.4 Farm owners' insensitivity to the workers tied to the land

Workers get evicted on the basis that they are being accused of illegal squatting. This therefore will constitute removal from the premises. In other instances, workers have been accused of trespassing on the farm premise and chased away without considering where they should go.

3.2.13 Employers biased nature of consultation

The literature has revealed that farmers are said to be in control during consultation and negotiations.¹⁴⁰ Addressing accountable, inclusive, and transparent procedures for negotiating and arbitrating disputes at local levels provides an avenue out of the need to record and legalize all manner of rights and negotiations. There is a need to broaden representation of stakeholders particularly workers in the committee spearheading the consultation process on farm related issues. However, the evaluation team noted the limitations that negotiation may not be practical, either due to prior injustices or unequal capacities of parties and the elite in the negotiation process.

4. CONCLUSION

Noting that land issues now occupying a high profile on the national development agenda as it is recognised that land has a critical role to play in economic growth, development and poverty reduction. While the evaluation team commend the department for the proposed 50/50 policy it was also critical to pay more attention on the complex relationship between property rights, development, and state investment and administration.

This is exacerbated by the fact that in many developing countries the state lacks the capacity to provide the poor with formal housing and associated infrastructure and services. Attempts to address the problem through once-off solutions involving high levels of state investment need to give way to a more nuanced, incremental, and integrated development approach that would extend infrastructure, services, and economic opportunity linked to legal recognition of diverse tenure forms.¹⁴¹

¹⁴⁰ Kleinbooi, K. 2013. Workshop report: Farm workers living and working conditions. [Online]. Available: www.plaas.org.za. 28 August 2016.

¹⁴¹ United Nation Development Programme: Collective Action and Property Rights policy briefs. Not dated. Land Rights for African Development: From Knowledge to Action. [Online]. Available: https://commdev.org/userfiles/capri_brief_land_rights.pdf. 17 August 2016.

CHAPTER 5: RESULTS OF INTERVIEWS WITH VARIOUS STAKEHOLDERS

5.1 INTRODUCTION

As indicated in the methodology section, interviews were held with farm owners and farm workers in projects that are participating in the pilot of the 50/50 policy, as well as Land Reform Directors in provinces. Therefore; the results are based on interviews with beneficiaries of the 50/50 policy i.e. farmer workers; farm dwellers and labour tenants where applicable; farm owners as well as DRDLR managers at provincial level. The results of the farm workers; farm dwellers and labour tenants and farm owners will be presented together while those of the DRDLR managers will be presented separately as the questions in the data collection tools were not the same but most of the themes are similar.

The results are based on 11 visited 50/50 pilot projects from a total population of 31 projects within provinces of the country as received from the Land Redistribution and Development (LRD) Branch. Detailed project reports were compiled for all the projects visited and the detailed reports are available in a separate document. In some projects farm owners were not present and had appointed farm managers to manage the farm on their behalf and these managers were the ones who responded to the evaluation questions on behalf of the farm owner.

The results are presented according to the key themes that emerged from the needs analysis which informed the design of the questionnaire for data collection. The profiles/themes are presented below:

- ☐ Farm eviction
- ☐ Understanding of the 50/50 policy
- ☐ Selection criteria for 50/50 projects
- ☐ Farm description
- ☐ Feasibility assessment
- ☐ Improvement of productive livelihoods
- ☐ Economic Growth and Development
- ☐ Productivity of the land
- ☐ Lease agreement
- ☐ Food accessibility and security
- ☐ Access to basic services
- ☐ Support from other stakeholders/ civil society
- ☐ Sustainability
- ☐ Challenges experienced with the implementation of pilot 50/50 projects

5.2 FARM OWNERS AND FARM WORKERS/DWELLERS'S PERSPECTIVE

5.2.1 Farm eviction

This section focussed on how the farm workers/dwellers understand eviction and if it was experienced in their farm or in other farms. It also determines the cause of the farm eviction if any and whether they have experienced eviction threats. The evaluation team also looked at awareness of farm workers to the rights to land and policies pertaining to farm eviction.

Most of the farm workers that were interviewed indicated that they have never heard of eviction nor was it experienced in their farms or experienced eviction threats, as a result they could not respond much on the evictions questions.

While other farm workers have indicated that they have heard of eviction and they were victims of eviction. They described eviction as:

- Eviction is when farm workers/dwellers/tenants are forcefully removed from the farm by the farm owners.
- When the farm owner fires a family from the farm without any reason;
- When the farm owner illegally forces the farm workers or their family to leave the farm without following proper procedures; and
- An act of dismissing someone from a place that they stay by the landlord.

Those who were victims of eviction indicated that the causes of evictions were:

- Lack of knowledge about tenure rights,
- Dishonesty of the farm owner, not eager to work as well as ill-treatment,
- Farm workers do not go to work for a long time without reporting and not producing a medical certificate when they are back to work,
- Farm owner demanding that farm workers must work during public holidays which is not conducive for them,
- Drought which prolongs without rain,
- Disagreements about the time the workers should knock off at work; therefore, a decision was taken to retrench all the workers that could not agree with the farm owner's demand,
- Misunderstanding between the owner and the workers resulting in the owner removing the worker/dwellers/tenants from the farm,
- Theft by the worker/dwellers/tenant also lead to eviction, and
- Selling of the farm where the new owner decides to chase away the workers/dwellers/tenants.

With regard to awareness to their rights and other policies pertaining to farm eviction, most of the farm workers did not respond to the question, while some other farm

workers indicated that they are aware of their rights and the procedures to be followed when they are evicted.

Those farm workers who responded that they were aware have indicated that they will report the matter to the Department of Labour, while others indicated that they will try to resolve the matter with the farm owner. They further indicated that if the matter is not resolved, they will open a case at the police station and will further take the matter to Commission for Conciliation, Mediation and Arbitration (CCMA) should there be no resolution with South African Police Services (SAPS).

On the matter of how authority dealt with the previous eviction cases, one of the farm workers referred to his/her brother who was evicted in one of the farms and indicated that the authority was able to resolve the matter through bribing the farm worker. Meanwhile some could not respond because they have never experienced eviction as they live off-farm and did not know anyone who was evicted. It is clear that some of the farm workers are not familiar with their rights and not even aware of the procedures to be followed when they are evicted.

With regard to whether farm workers will be able to sell labour-power across the fence without fear of eviction, most of the farm workers indicated that they are not ready to sell labour power and they gave different reasons such as:

- It will cause conflict between them and the farm owners in future.
- They still lack knowledge of land tenure rights.
- Other farm workers mentioned that they will be able to sell labour-power because they can challenge decisions made by the farm owners on the procedures as they will not be just workers they will be co-managers.
- they are not intending to work in the farm their whole lives, because there will be times when they get sick and want to retire, therefore, their expectations is for those labour powers to benefit them in future.

In terms of accessing land without being threatened by the farm owner most of the farm workers indicated that they have access to land without being threatened by the farm owner, while some indicated that they do not have access because they are not residing in the farms. It was further indicated that they use the land for cultivation and livestock farming to access food. Furthermore, most of the farm workers mentioned that when it comes to land use they face no challenges as they know which part of the land to use. There were few cases where farm workers did not have access to land for planting purposes and the workers have expressed that they hope the new regime (50/50 policy) will give them land for household farming.

Farm owners were asked if they lacked any information relating to eviction and the response from some of the owners were that workers and farm owners are

knowledgeable and aware of policies and legislation relating to eviction therefore they do not lack any information pertaining to eviction.

5.2.2 Understanding of the 50/50 policy

The evaluation assessed the understanding of the 50/50 policy by the farm owners and workers/dwellers/tenants and a mixture of responses was received. Out of the 11 visited projects, most of the workers and farm owners had some understanding of the 50/50 policy. This was supported by the response from seven projects which indicated that they understand the policy.

The following are some of the responses to show that farm workers and farm owners had an understanding of the 50/50 policy:

- The farm workers understand that the policy was developed for both the farm workers and the farm owners to work together in the farming business.
- The workers explained the 50/50 policy as a policy where black people owns 50% and whites own 50%, and further explain it as a policy whereby both parties have the equal right to make decisions in terms of anything that need to take place in the farm or business.
- The farm owners highlighted that the 50/50 policy is a partnership between government and the farm owner that will benefit the farmworkers and the community. While according to the farm workers, the 50/50 is a policy that will allow them to get equal share of profit with the farm owner in the farming business.
- According to the farm owner the Department will buy 100% of the land and 50% of the business. From the 50%, 45% will go to the trust and 5% will be managed by the National Employment Fund (NEF) and the other 50% will remain with the farm owners.

Meanwhile some of the farm workers and farm owners from four projects have indicated that understanding of the policy was a major concern because they feel that more information about the policy needs to be shared with them by the Department. Secondly, in most cases workers have raised a concern that they have not been involved in the 50/50 policy activities.

The evaluation also checked how the farm owner and the workers found out about the policy and the response was that the two parties to the new regime found out about the policy through a number of ways as follows:

- Heard about the 50/50 policy from the Department through its provincial and national counterparts.
- Heard about the policy for the first time from a property agent.
- Heard from the advisor of the farm union during the launch of the Agri-parks.

- In instances where farm owners had appointed the farm managers, they were the ones who made the farm managers aware of the 50/50 policy.

Whilst the farm workers have highlighted the following:

- Some workers from the three projects have found out about the policy through the farm owners and they explained the initiative by government and what it entails.
- One worker mentioned that he heard about the policy from the television and from the shop steward that represents workers about the labour issues.
- Farm representatives were also informing workers about the policy as they were working closely with the owner.

The owners and workers were asked if they were consulted by the department before the piloting of the 50/50 policy. The evidence from the interviews has shown that on three projects consultation with workers and farm owners was not done. Meanwhile on seven projects workers and farm owners had indicated that they were consulted before the 50/50 policy was piloted.

Below are some of the responses to substantiate that indeed consultation was done:

- One of the farm workers highlighted that there was a meeting with DRDLR which she was not part of and that could have been part of consultation and later the NEF and farm owner explained that because she has worked in the farm for more than three (3) years she will benefit in the implementation of the policy and that is the reason why she became part of the 50/50 policy.
- Other farm workers have mentioned that they were informed about the policy through a meeting that was organised by the DRDLR in order to become part of the 50/50 policy. Hence they were able to say that they became part of the 50/50 policy because they have been working in the farm for more than nine years and the policy wanted farm owners with workers who are ten years or more in the farm.
- In one of the projects both farm workers and owners have highlighted that there was a lot of phases that have taken place in their project e.g. meetings with provincial officials in order to become part of the policy.

However other farm workers and farm owners have indicated that they were not consulted and highlighted the following:

- In one of the projects, workers have indicated that no one has ever told them about the policy and there was no meeting taking place to discuss the 50/50 policy. Whilst in another project the farm owner has indicated that he learnt about the policy from a development agent and wrote to the department and that was how he became part of the 50/50 policy.

5.2.3 Selection criteria for 50/50 projects

When asked which criterion was used to select beneficiaries, the response from farm owners and farm managers as well as farm workers varied as a number of criteria was followed to select beneficiaries of the policy as listed in the draft policy. As a result, the evaluation has shown that farm owners had to adhere to certain criteria to ensure that their farm/projects are selected as 50/50 pilots. In all the visited projects, farm owners had met the selection criteria to participate in the 50/50 policy initiative.

With regard to farm workers' selection there were two criteria that needed to be applied to qualify to benefit from the policy. The criteria were that 'beneficiaries should be farm workers and demonstrate ownership and buy-in to the proposal, secondly, willingness partnership between farm workers and farm owners.

The evaluation has revealed that except of the two mentioned criteria, there were associated requirements that in most cases beneficiaries have stated that they were not adhered to, for example:

- the screening of beneficiaries in accordance with level of competence to determine their training needs,
- clear indication of what the owner brings to the project, and
- development of code of conduct with corrective and disciplinary measures.

In a nutshell the evaluation team concludes that the criteria on workers having worked at the farm for an extended period of time was not quantified and this leaves room for misinterpretation as everyone seems to benefit no matter how long he/she has been on the farm as this is not clearly stipulated.

5.2.4 Farm description

The relationship between farm owners and /workers/dwellers after the introduction of 50/50 policy was also identified as a critical area to be assessed in terms of how the newly proposed policy will /might affect the relations between the two.

In terms of the status of land ownership before and after the introduction of 50/50 policy, land ownership was in different ownership such as family trusts, sole ownership before the land was transferred to the Department. While others who used to own the land privately indicated that after the 50/50 policy depending on the structure of the equity some of the percentages in the business are now owned by the owners, workers trust and National Employment Fund (NEF). It should be noted that the farm owners were the only ones who were asked questions relating to land ownership.

The farm owner and workers/dwellers/tenants were asked how the newly proposed policy will /might affect the relations between the two. The interviews conducted with the farm owners have revealed that in most cases the relations have always been good and continues to be good, because there is good communication between the two parties i.e. workers and owners. Secondly, farm owners have indicated that they were looking forward to the bright future and excited about the new business venture with the farm workers. Meanwhile in one of the projects, workers have mentioned that farm owners are approachable and they are able to confront them when workers are not satisfied with certain things in the farm.

However, there were few occasions where relations could not be detected because the land where the 50/50 policy will be implemented was not yet functional and farm workers have not been involved in the negotiations process on how the NewCo will work.

5.2.4.1 Advantages of sharing land with the farm workers

With regard to what are the advantages of sharing the land with the farm workers/dwellers/tenants, the responses were the following:

- The advantage of sharing land with the farm workers/dwellers/tenants is that it will make everybody responsible and not only the farm owners who will be responsible but workers as well.
- The farm workers feel that through sharing the land with owner, their salaries will increase since all the parties will be sharing profit as they will no longer be workers only but shareholders and this will help to improve their livelihoods.
- Workers have felt that their efforts are coming back to them as they have been working the land for long.
- One of the farm owners highlighted that the business now has a 50-year lease in place and this is good for business.
- One of the farm owners also pointed out that the advantage of sharing the land is the financial gains for the workers and a place to call a home as well as an opportunity to participate in the new business.
- Farm owners indicated that the farmworkers will have something to work for and will also be encouraged to put more effort on the work since they know that they will benefit as well.
- Workers will be empowered.
- The farm workers' self-esteem will be enhanced because they are partners.
- The farm owners believe that they will be creating a head space of mobility, which means that workers will have a platform to participate in decision making as they will also be owners.

Furthermore, the farm workers mentioned that they will have more knowledge in farming in order to manage the farm and make decisions. The farm workers felt that

the NewCo is something that everyone in the farm will benefit from, as their jobs will be secured and their household food accessibility will be improved.

The farm manager further indicated that sharing land with the farm workers/dwellers/tenants will make everybody responsible and not only the farm owners who will be responsible but workers as well. Lastly, the farm owners also pointed out that there will be financial gains for the workers as they will be having a place as their home and to participate in the new business.

5.2.4.2 Disadvantages of sharing land with the farm workers

With regard to what are the disadvantages of sharing the land with the farm workers/dwellers/tenants, the responses were the following:

- The business venture will need much negotiation as the parties will have to agree on certain things.
- Decisions will not be taken as quickly as they normally do.
- They cannot borrow/raise money from anywhere as they do not own the land.
- Some farm workers have felt that the partnership between farm workers and farm owner are assumed to be failing before they even start the NewCo because some owners have left the farm and appointed farm managers to run the farm on their behalf.
- Some of the managers indicated that if the policy is not well understood this might give a bad impression to some of the farm workers, secondly it might culminate in farm workers taking their work for granted and not committing themselves.
- In other farms, farm owners further indicated that that it might create conflict between previous farm workers (new shareholders) and farm workers who do not qualify to benefit from the policy due to jealousy as they are used to be at the same level.
- Some of the farm worker's expressed that productivity may decrease given an instance whereby the farm owner does not share farming knowledge with the farm workers. Therefore, the department should guard against this risk when implementing this policy.
- Farm workers highlighted they might not get enough skills if the farm owner leaves the farm after he is bought out.
- Lastly, the farm owners mentioned that the implementation processes, especially during negotiations may take long and thus hindering the development of the farm.

5.2.5 Feasibility assessment

This section focuses on the feasibility assessment in order to assess several alternatives or methods of achieving business success between the farm owners and farm workers/dwellers/tenants as the co-owner.

When asked whether the feasibility study was conducted to assess the needs of farm workers/dwellers/tenants, most of the interviewed farm workers indicated that the project officers from the district office visited their farms to check what the needs of the farm workers are, while others indicated that interviews were conducted with them. Some of the farm workers stated that a feasibility study to assess the needs of the farm worker/dweller was not conducted, however; they also mentioned that this needs to be established by the provincial office as the policy state that needs assessment will be conducted to inform which needs are relevant for the farm workers/dwellers/tenants.

5.2.5.1 Negative and positive impacts of the 50/50 policy as identified by the farm owners and farm workers

The evaluation further checked the positive and negative impacts of the proposed 50/50 policy to the farm. The following are some of the identified positive impact of 50/50 policy:

- The economy will grow when the project expands.
- Workers will be part of managing the production in the farm.
- The policy will help with land redistribution as workers are now users of the land.
- The farm owners are of the opinion that the policy offers a better deal for farm workers, and they are involved in business and their relative rights are strengthened.
- The 50/50 initiative is an attractive proposition to farmers and the advantage is that the skills will not leave the farm.
- The farm workers feel that there will be increase in the production as farm workers will work hard as the co-owners to ensure that they maintain their share equity in order to have reasonable stake of the profits.
- The worker indicated that The 50/50 deal will transform farm workers into entrepreneurs; and
- The policy will assist farm workers to develop their community by improving or building infrastructure such as school, clinics, etc. that will be closer to the farm so that it will be easy for their kids to use such infrastructure.

The following are some of the identified negative impact of 50/50 policy:

- During the interview the farm owners indicated that if there are conflicts between the partners the project/farm might suffer.
- There is a potential risk due to unfulfilled expectations in the current regime.

- Farm workers think that the policy can cause land invasion as other farm workers who are co-owners and staying in the farm might bring their relatives to come and stay with them which can increase theft and fights on the farm;
- Some farm workers think that other workers might be lazy or drop their performance as they will be thinking that they are now owners so other workers must work more than them; and
- Farm workers have noted that the policy can create jealousy as those farm workers who do not qualify to be co-owners might have problems with the new co-owners.

5.2.5.2 Achievements of the farm

The farm owners were asked about the main achievements of the farm, and the response has shown that out of the 11 visited projects, 9 projects were reported to have shown noticeable achievements. For instance, some of the farm owners have mentioned that they have been doing well in terms of managing the farming operations, some have highlighted a rise in the percentage of the produce and exports they had, meanwhile others have reported the expansion in their production business.

These achievements were reported as a result of a number of key linkages that farm owners had with the agencies and organisations as well as potential markets in the farming sector.

5.2.6 Improvement of productive livelihoods

The evaluation has adopted a Sustainable Livelihood Framework (SLF) which presents factors that affect people's livelihoods, and typical relationships between these. The SLF can be used in both planning new development activities and assessing the contribution to livelihood sustainability made by existing activities.¹⁴² The results of assessing livelihoods will be presented below.

5.2.6.1 Human Capital

In assessing human capital, most of the farm workers highlighted that the proposed policy is the right initiative towards improving livelihoods because there will be sharing of profit with the farm owners and they will be able to provide for their families and as a result their lives will improve. They further indicated that they will have financial stability because they will benefit after they have sold their produce. Whilst other farm workers have indicated that the 50/50 policy is the right initiative, provided that there are proper communication channels about the operational

¹⁴² United Nations Economic and Social Council. 2009. Sustainable Livelihood Approaches: The Framework, Lessons Learnt from Practice and Policy Recommendations.

matters of the farms and the availability of equipment. Furthermore, the policy was referred to as the right initiative, because of the skills that will be transferred by the farm owner to farm workers which will translate into improving livelihoods of workers. One farm worker has emphasised that the 50/50 policy is the right initiative because in the country there have never been a policy that gives uneducated and vulnerable people the opportunity to become business owners.

In terms of whether the 50/50 policy will enhance the tenure security for farm workers/dwellers/tenants, most farm workers indicated that it will because they will be co-managing the farm and be able to make decisions, therefore, they would not be evicted from farms and the scale of evictions will be reduced. Some have indicated that the 50/50 policy will enhance the tenure security because they have access to land without fear that they will be evicted. This is due to the fact that there is a worker's trust component in the management structure (NewCo) and their shareholding percentage will ensure their continued involvement in the project.

With regard to whether any training, mentorship or coaching was provided to workers/dwellers and tenants, some of the farm owners and farm workers indicated that training was received.

The following are some of the identified training that was received:

- Training on hygiene and safety of products that are meant for consumption which assisted the beneficiaries in knowing that for instance, whereby a facility is not in a good condition, they should not use it for hygiene purposes. It has also assisted in ensuring that those who work in farms wear safety clothes.
- Pest control which assisted them to know how to control pests in the farm and in their households.
- First aid training which assisted them to know how to help someone who is in a bad condition until emergency health care arrives and in caring for their injured colleagues since the clinics are not easily accessible.
- Supervision, book keeping and financial management.
- Marshal training in order to control workers and to assemble them when there is fire until fire extinguishers arrive.
- Livestock management
- Tractor driving, tractor care and packaging management, which assisted them to package the boxes properly not to overload the trucks and to ensure that enough packages were loaded in the trucks.
- Firefighting and farm machine operating training was provided in one of the project.
- A demonstration course on how to plough and taking care of the production in the farms was conducted.

There are other farm workers who attended ABET classes with a hired teacher to teach those who cannot read or write. Some farm owners were found not to have a plan to identify training and professional development needs for their workers despite the policy requirement that beneficiaries should be screened and categorised according to the competency level in order to determine their training needs.

With regard to accessibility to health services in the farm, some of the farm owners indicated that there are clinics next to their farms. Some indicated that mobile clinics were accessible as they visit their farms, while others have mentioned that workers are taken to the doctor by the owner and he pays for the cost when need arise, and they repay the farm owner at the end of the month.

When asked if they lack any type of information relating to 50/50 policy, most of the farm owners mentioned that they do not lack any information because they are up to date with all the new policies and legislation that have been introduced by the Department. Meanwhile most of the farm workers indicated that they lack certain type of information relating to the policy because the requirements are not clearly stipulated in terms of structuring the project to best stand a chance to be selected or participate. Workers seemed to have limited understanding of how the proposed policy is supposed to work and how it was being processed as they are only told by the farm owners that they now form part of the policy because of number of years in the farm. There is therefore; a need to explain fully the basic principles behind the proposed 50/50 policy.

When asked what are the challenges experienced in the past in the farm in terms of the needs, most of the farm workers highlighted that the needs assessment study was not done. Whilst other farm workers have indicated that financial resources and access to the land rights are the main challenges. Therefore; this has resulted to training and mentorship not offered since needs assessment was not done to assess the type of skills required by the farm workers.

5.2.6.2 Natural Capital

In terms of whether there are any conflicts between farm owners and farm worker/dwellers in the project, most of the farm owners and farm workers indicated that there were no conflicts because there is a strong communication and good relationship amongst the parties. Some other farm workers in one of the project indicated that they had a conflict with the farm owner because the farm owner wanted the farm workers to join the 50/50 policy without explaining what does it entails, secondly, prior entering the 50/50 agreement the workers demanded that their provident funds be paid to them by the owner but they received nothing at the time of data collection. They further indicated that the farm owner decided to sell the farm to the Department.

In relation to whether the farms have experienced any natural disaster such as droughts, veld fires or floods recently or previously, most of the farm owners and farm workers mentioned that they have experienced a number of disasters in the form of hail storms, veld fires and drought disasters in the previous years. Some farm workers indicated that drought has caused severe damages in the farms; as a result, they lost livestock. Other farm workers stated that the disaster did not affect their livelihoods because they were able to mitigate on time, especially veld fires. In dealing with the impact of the storms, measures have been put in places such as taking insurances of all the building around the farms in case such disastrous events recur. In terms of drought, boreholes and irrigation systems were constructed so that water is available in the farms.

When the farmworkers/dwellers were asked what they think will be the impact of the policy on their lives, most of the farm workers highlighted that the policy will improve their lives for better because they will be working and earning some salaries in the project. Some of the farm workers indicated that their business knowledge will increase as they will be shareholders. They further stated that their lives will be transformed because of the enormous opportunities the policy will offer. Lastly, a worker from one of the projects has pointed that land use rights must be given to the proposed project without delay immediately after approval of the transfer to the new owners (NewCo).

When asked if the farm workers foresee any challenges / problems that might hinder the policy in order to improve their livelihood they indicated the following:

- Some farm workers highlighted that if government is ineffective and slow with its processes of 50/50 policy implementation, this might hinder the policy because the owner might sell the farm.
- Other farm workers highlighted that they foresee the challenge with regard to their job securities because they work with game, and these animals do get diseases and die at times.
- Meanwhile others have mentioned that sometimes drought conditions might lead to job shedding as the profit will be lost and therefore, the farm workers livelihood would be negatively affected. Some indicated that they do not foresee any challenges that might hinder the policy in order to improve their livelihoods.

5.2.6.3 Physical Capital

With regard to the assessment of the physical capital in the 50/50 projects, some of the farm workers mentioned that the living conditions prior the piloting of the 50/50 policy were average because the houses they live in are small and the salary they are earning is not enough to cater for their families. Meanwhile some of the farm workers mentioned that their living conditions are good because they have access to

basic services such as housing, water, sanitation and electricity and health care facilities were found to be a challenge in most projects. However, some workers have indicated that the issue of living conditions is not applicable to them because they are not staying in the farms. It was specified that since the deal has not yet been concluded there are no challenges as far as living conditions are concerned.

In terms of income, most of the farm owners and workers indicated that farm workers are paid above R1 000 as a monthly income. Furthermore; most of the farm workers have mentioned that they think the policy will improve the well-being of their households within the farm, because most of the farm workers are staying with their families in the farms. These members depend on the farm workers for support.

In terms of availability of infrastructure that can meet the needs of the new regime in the long term, most farm owners have indicated that infrastructure is available although some need to be improved or upgraded.

5.2.7 Economic Growth and Development

This section assessed the following:

- Whether beneficiaries or farm workers think the 50/50 policy will assist in job creation.
- Whether the farm workers feel empowered or they might be empowered as people working the land after acquiring shares in the farm to achieve economic transformation.
- It further assesses what farm owners consider as favourable and unfavourable to economic development and transformation.
- Whether the farms have the relevant and recognised authority, structures and processes to sustain positive economic development activities.

With regard to the 50/50 policy assisting in creating job opportunities, most farm workers and farm owners mentioned that the 50/50 policy will assist in job creation because agricultural graduates will be hired to work with them. Farm workers further highlighted that based on the Black Economic Empowerment principle all people will be employed equally and that business will grow therefore many people will be needed. Some of the farm owners have indicated that they do not think jobs will be created because they believe that only profit will be shared. However, one of the farm owners believes that the policy will assist with skills transfer as people will be capacitated with the farming skills.

In terms of empowerment most of the farm workers indicated that they feel empowered as people working the land to achieve economic transformation because they will be able to take decisions relating to the farming operation and employ workers when necessary. One of the farm workers stated that she feels empowered

knowing that “as people working the land”, farm workers will acquire shares in the farm to achieve economic transformation”. Furthermore, some workers believe that the policy will empower them once their application is approved on the basis that the income they will receive will help them to access more opportunities in their lives.

In terms of what is considered as favourable to economic development and transformation, most of the farm owners have selected the following as favourable to economic development and transformation:

- Social cohesion;
- Poverty reduction;
- Job creation and reduction of unemployment;
- Increased production;
- Reduce inequality;
- Improved labour productivity; and
- Create sustainable livelihoods.

The farm owners placed more emphasis on social cohesion, that when people understand that they matter and have a say all the other options selected above follows. There will be increased production, reduced inequality as well as improved labour productivity and the farm will achieve maximum production.

The farm owners further selected the following areas and considered them to be an obstacle to economic development:

- Social incoherence;
- Limited farming labour productivity;
- Decreased agricultural production;
- Limited marketing skills; and
- Limited agricultural production skills

In respect of the relevant and recognised authority, structure and processes to sustain positive economic development the following were the comments by the farm owners:

- The farm’s processes are open and participatory for farm workers to make contributions and explore new ideas for economic development. They further highlighted that in their day to day management of the farm when changes are to be effected they consult with farm workers;
- Farm workers and farm owners have meetings in the morning to discuss duties of the day and to plan for the week since they are part of management, when new projects are introduced consultation are done.
- The responsibility of carrying out farming duties are shared among farm workers; and
- There is sufficient budget for economic development activity in the farm, and the involvement of NEF is very crucial as it will provide assistance.

- Other farm owners mentioned that they do not have sufficient budget.

Some other farm owners indicated that there are no recognised authorities, structure and processes to sustain positive economic development activities and some obstacles to economic development are the decrease in agricultural production, lack of government infrastructure and support, lack of electricity, roads and etc.

5.2.8 Productivity of the land

This section assessed the productivity of the land in terms of hectares, current agricultural enterprises, farming equipment, and its condition.

In response to the hectares of the 11 farms there is a total of 2608 hectares of land that is targeted for 50/50 policy, the figure is inclusive of 6 provinces and it is disaggregated in the individual case studies. The farm owners and farm workers emphasized that the agricultural enterprises prior the 50/50 policy and current are the same and are inclusive of game farming, livestock, field crops, mixed crops and horticulture and most of the farms are commercial enterprises as the policy target commercial farms that are under production.

The farm owners and the farm workers stated that with the introduction of the policy, the farm will be productive because the farm workers are being made co-owners and they have farming skills. One of the farm owners emphasized that transformation of farm workers to shareholders will motivate them to work hard and bring more valuable ideas and input to expand the business so that they can safeguard their dividends.

Most of the farm workers and the farm owners stated that the farming equipment is available and in a good condition and further stated that it is functional, well maintained and that the operators are always trained. However, some other farm workers and owners stated that their equipment was not in good condition. The income generated by varied from R 250 001 to R7 million and farms that were not productive did not generate any income.

In terms of what might hinder productivity of the farms after the implementation of 50/50 policy, farm owners came with different opinions and indicated that:

- Conflict between farm workers;
- Unrealistic expectation by farm workers;
- if farm workers are not well informed about how the 50/50 policy will be implemented and when farm workers are not sure about their responsibilities, this might create uncertainties for workers;
- If Government does not provide infrastructure to the farms e.g. roads, electricity and fencing;

- The Department keeping the farmers waiting for funds;
- Poor management by both farm owners and workers as well as lack of commitment by workers; and
- All the workers wanting to be bosses, which will hinder productivity.

In addition, some other farms are well organised and constituted with organisational structures that show the relationship between different farm workers, while others do not have structures and some farm owners do not know whether their farms have structures or not.

5.2.9 Lease agreement

When farm workers were asked whether they were leasing the farms from the Department the response was that, most of the farms are not being leased due to the fact they still belong to the farm owners because the deal has not yet been finalized. Some farm workers mentioned that they are not sure whether the NewCo has started leasing the land from the Department or not.

On the other hand, some farm workers did not have a clue on the status of the farms as far as the lease agreement is concerned and further highlighted that the owner is the one accountable. One of the farm owners pointed out that the NewCo has signed a 50-year lease with the Department. Whereas the farm worker made an indication that they are not leasing the farm from the Department. This is a matter of information sharing between the two business partners.

In one of the farms the farm workers mentioned that they will be leasing the farm from the Department even though the lease terms and condition are still being negotiated with the Department. Therefore, the arrangement on how often do they pay rent is still to be discussed. They added that the deal is still a proposal and no critical stages have been reached yet.

5.1.10 Food accessibility and security

The evaluation assessed how the proposed policy was meant to contribute to food accessibility and security as one of the outcome envisioned by the land reform green paper as reflected in the rationale of the Strengthening Relative Rights of People Working the Land (50/50) policy.

When the farm owners and farm workers were asked how they see the policy contributing to food accessibility they responded differently and highlighted the following:

- The farm owners have mentioned that when the farms are able to supply all over the world after the finalisation process of the 50/50 policy, the farms will grow and produce food;
- If the policy is implemented well it will contribute to food security because workers can be able to grow staple food where production is not taking place; and
- Merging the knowledge of the new shareholders and the current farm workers will increase the productivity in which the market will expand and that can lead to the enhancement of food accessibility.

While the farm workers have highlighted that by producing their own food and being able to sell to other communities they will contribute to food accessibility. Secondly, as co-managers' productivity in the farm will increase, therefore, the farms will be more productive and food accessibility will increase. Thirdly more jobs will be created then their salaries will increase so that they can afford to take care of their families.

However, some of the farm owners who are owning game farms could not respond because they do not see how their farms will contribute to food accessibility, they mentioned that unless they sell the game then they will be able to buy food and contribute to food security.

5.1.10.1 The enabling factors to achieve food security

The farm workers indicated that the enabling factors to achieve food security will be to have strong market for the farm products once the land has been transferred under the new share equity. Further highlighted was that when more jobs are created then everyone will be able to buy food and feed their families; when workers commit themselves through hard work to ensure production increase; taking good decisions between owners and co-owners; and when they can have farming equipment.

Meanwhile the farm owners indicated that the enabling factors will be the following:

- Money invested to further develop farms;
- Creating jobs and enabling people to receive income for food;
- Production in the farm is expanded;
- Receiving support from NEF and the government; Availability of market access relating to game farming; and reproduction of game which will help contribute towards the food security through generating income by selling game.

One of the farm owners further stated that another enabling factor is the handling of land reform properly with the department ensuring that it keeps the skills within the farms and invest in farming and build confidence for future production and a stable

country. However, another farm owner stated that economic growth can be enabling factor to achieve food security.

5.1.10.2 Factors that might hinder food security

With regard to factors that might hinder food security farm workers stated the following:

- Poor marketing of the produce and inability to produce quality products;
- Limited skills in farming; and Lack of funding;
- Poor implementation of land reform programme in the country;
- No investment in farming;
- Natural disasters like droughts and veld fires;
- Lack of skills transfer and empowerment;
- Lack of cooperation amongst the key stakeholders to drive the 50/50 policy.

While one of the farm owners stated that if the money from the initiative is not invested in improving the farm and its infrastructure the success of the 50/50 policy may be hindered. Some other farm owners mentioned that they are not familiar with the policy they are still familiarising themselves with the business plan. Some of the farm owners further indicated that delays in finalising the 50/50 applications, not following up and providing feedback to applicants and lack of consultation by the DRDLR and non-adherence to timeframes are factors that might hinder the policy to achieve food security.

5.1.10.3 The contribution of the 50/50 policy towards household food security

The farm workers expressed that they see the policy contributing towards food security for their households because they are able to sell the produce from the farm and they will have money to purchase food for themselves and their families. Secondly, since they are already owning shares and working at the same time they will generate income and share dividends simultaneously. Other farm workers have stated that if animals from the game farm can be sold they will get income and that will contribute to food security for their households. Other farm workers and owners mentioned that 50/50 policy will contribute to food security by developing a sustainable agricultural business where currently nothing is taking place.

Meanwhile some farm owners have indicated that when skills are transferred by the farm owner to farm workers and lastly, the 50/50 projects need to be structured well and be attractive to every farmer for agricultural production to stay steady. In addition, one of the farm owners has pointed that he was excited about the 50/50 policy initiative because it demonstrates that the Minister has a vision for agriculture. However, what was critical was the message about the 50/50 to spread as soon as possible as there is a feeling that there is no hope for the agricultural sector in the country.

5.2.11 Access to basic services

In terms of basic services accessible to the farms, the farm workers have indicated that they have access to various basic services. The data collection tool had a predetermine list of basic services, namely:

- Water;
- Electricity;
- Housing;
- Health facilities;
- Roads;
- Transportation;
- Sanitation and toilet;
- ICT facilities; and
- Farming equipment

The above listed basic services were further assessed in terms of accessibility, condition and the usability status.

The interaction with farm workers has revealed that most of the farms had access to potable clean water. The water was being sourced from boreholes, tap water and dams. In most cases farms had access to electricity as a source of energy which is in a very good condition and usable, but some of the workers indicated that they use coal and solar as a source of energy. Farm workers indicated that they have access to gravel roads which are not far from the main tarred road. The farm workers further mentioned that they have good sanitation and toilets that are of a good condition and usable in most of the farms. While other farm workers indicated that there are pit toilets that cannot be recommended for use by anyone in the farm as they are in a bad state. There were no health facilities according to most of the farm workers; however, farm owners/ managers indicated that there were mobile clinics accessible to the farms once a week. Furthermore, one farm worker has mentioned that one of the farms has a private nurse who is accessible to workers in the farm.

With regard to farming equipment most of the farm workers mentioned that they have access to farming equipment that makes it easier for them to increase their production.

In terms of housing, few farm workers indicated that they are not staying in the farm while those who are residing in the farm mentioned that houses are accessible and the structures are made of bricks but there also mud and shack types of housing that are in poor condition. With regard to transport in the farm, the farm owners were making means and providing farm transport to collect workers from their homes and drop them off after work. Most of the farm workers with access to school facilities have mentioned that the facility was usable and in good condition. Whilst only two

farm workers indicated that they have access to ICT facilities that are in good condition and usable at any time.

5.2.12 Support from other stakeholders/ civil society

This section probed if farm workers have received support from DRDLR regarding the 50/50 policy. Secondly, the section further checked whether any other support was received from other departments /stakeholders regarding the policy.

In terms of the support received by workers from DRDLR regarding 50/50 policy the following were the responses:

- Out of the eleven visited projects, six projects have shown that workers have received some support from the Department, meanwhile on three projects workers have indicated that there was no support received from the Department.
- There was only one project where the section could not be completed because farm workers could not be interviewed during the collection of data as the farm owner believed that they have not been part of the negotiations and the subdivided land that will be used for 50/50 policy is a new project altogether.
- Lastly, in one of the projects they could not respond as they indicated that the farm had a conflict of interest between NEF and IDC, therefore everything has since been put on hold.

Below is some of the identified support that were said to have been received from the department:

- The farm worker highlighted that they have assisted them with profit sharing as a support from the department and also from other political organizations;
- Workers have indicated that they do receive support from the department in the form of information sharing on the 50/50 policy.
- The farm workers further mentioned that DRDLR bought farm for them and the corporation of Humansdorp Corporation assists them with training and coordination.
- In one of the farms it was indicated that there was a conflict of interest between NEF and Independent Development Corporation (IDC), therefore everything relating to the 50/50 has been put on hold.

5.2.13 Sustainability

In this section the evaluation focuses on the following areas:

- Determination of whether the 50/50 initiative will continue after the department's support has ceased or not;
- Major factors which will influence the achievement and non-achievement of the sustainability of the policy;
- Challenges that might hinder the success of the 50/50 policy; and
- The rating of the working conditions

In terms of whether the 50/50 policy will continue after the Department's support has ceased or not, some of the farm workers indicated it will continue on the basis that they believe they would have made enough profit to sustain the farm. Secondly, if there are enough skills given to farm workers this will enable them to operate the farm.

However, there are farm workers who indicated that at the moment they cannot say a lot because the department has not yet delivered what was promised to them as the issue of assistance with implements remains a burning issue because there is no one assisting them. Only if they can receive the necessary support they can be able to comment whether they foresee themselves progressing or not.

The farm workers further indicated that they foresee themselves progressively becoming capable managers, and well compensated workers in the agricultural sector once the 50/50 policy deal is approved. If the government can grant farm workers the opportunity they will do what is supposed to be done and demonstrate what was learned from the training that would have been provided.

However, there are other farm workers who don't foresee themselves becoming progressive capable owners, managers, and well-compensated workers in the agricultural sector because the farming industry is very complicated and needs more skills. This therefore demonstrates some level of fearfulness amongst these workers who are supposed to take ownership and manage the farm jointly with the previous owner and this might affect the sustainability of the proposed intervention.

5.2.13.1 Major factors to influence the sustainability of the 50/50 policy

Achievement of the sustainability of the policy

Farm workers were asked to outline the major factors that will influence the achievement and non-achievement of the sustainability of the policy. Some of the farm workers indicated that cooperation amongst stakeholders and having meetings

with relevant authority to inform beneficiaries about the policy was one of the factors that will contribute to the sustainability of the policy.

With regard to the non-achievement of sustainability of the policy, most of the farm workers mentioned that lack of cooperation and side-lining of beneficiaries and not sharing information with them meanwhile they are to be actively involved in the policy will affect the sustainability of the policy. Some farm workers further indicated that since the finalisation of land transfer and share equity deal is not yet done they won't be able to predict what will be the factors contributing to the achievement or non- achievement of sustainability thus far. The farm workers also mentioned that poor planning regarding the operation of the farm as well as poor communication between the farm manager and farm workers will affect the sustainability of the policy.

To overcome the non-achievement factors some of the farmworkers that were interviewed thought that proper planning should be practiced for planting and harvesting seasons as well as proper planning of operation in the farm and land use. Some of the farmworkers indicated that there must be a clear and transparent communication between farm workers and a dedicated farm manager to be appointed to assist workers on how to run the farm.

5.2.13.2 Challenges that the farms have experienced that can hinder the 50/50 policy

The evaluation assessed if there were any challenges that the farms have experienced prior to 50/50 policy and the response was that some farm workers have experienced ill treatment from the previous farm owner whereby they were evicted out of the farm by the father of the previous owner. Other workers have mentioned that lack of communication and equipment as well as proper management was the main problem that can hinder the policy. Lastly, a delay in the implementation of the policy by the department was also one of the challenges raised by workers. However, there were also farm workers who indicated that there were no challenges.

When farm workers were asked whether the 50/50 policy is the relevant policy to address challenges, they said yes although there are no challenges that they know of at the moment. Farm workers have elaborated that the only challenge that may hinder the success of the 50/50 policy is when workers do not work as a team and take advantage that they are shareholders and do as they please.

5.2.13.3 Rating of the working condition by workers

When the farm workers were asked how they could rate the working conditions in the farm, most of the farm workers rated the conditions as good as nothing has changed

so far; however, there were also farm workers who rated the working conditions as poor.

5.2.14 Challenges with the implementation of 50/50 pilot projects

5.2.14.1 Challenges identified by farm workers

With regard to the challenges with the implementation of the 50/50 pilot projects, the farm workers/dwellers/tenants have highlighted various challenges that perpetuated during the implementation of 50/50 pilot. The challenges that have been identified are as follows:

- The farm workers mentioned that there was poor communication between the department and the farm owner/manager and also lack of cooperation amongst stakeholders such as the department and farm owner/manager as the working plan seems to be unclear. Farm workers have further mentioned that they were not aware of the policy because it has never been presented well to them by the Department or the farm manager.
- The farm workers indicated that the farm owner is making decisions on his own without informing the farm workers.
- It has been alleged that workers are not being informed about issues of 50/50 policy and not being regarded as shareholders but only farm workers.
- The issue of lease agreement that seems not to be concluded was a great concern to most of the workers.
- The farm workers have raised a concern over tendencies by other workers to create problems so that they get fired and claim the provident fund.
- It has been mentioned that there is a slight concern about the way the deal is handled as the three stakeholders i.e. IDC, NEF and the DRDLR are holding up the deal.
- Farm workers/dwellers/tenants have noted that there is a delay in implementation of the policy by the department with regard to the time taken to finalise the deal.
- Farm workers/dwellers/tenants indicated that there is insufficient information with regard to the share equity scheme and whether the farm owner will leave the farm before transferring skills to the farm workers.
- The farm workers generally feel that there are unfulfilled promises by government.
- The farm workers accentuated that the game market is inaccessible which might affect the selling of the game produce.
- There is lack of training for farm workers.

5.2.14.2 Challenges identified by farm owners

- Change of leadership- the challenge identified by one of the farm owners was more of a predicted challenge where the owner stated that if the department does not let the owners/workers handle all the farming activities (management included) and employ someone from outside the farm they will be hindering the productivity of the farms.
- The farm manager representing the owner indicated that if the farm workers/dwellers in the farm don't work together, the policy will have a negative impact and the productivity of the farm will be compromised.
- There is one project where there is conflict of interest between the IDC and the NEF. The IDC's mandate is that the Workers Trust must have 40% shares in the business and that the NEF can't get 5% of the Workers' shares. It is indicated that the NEF was not a party to the shareholders' agreement initially, so the IDC suggested that the NEF (even still representing DRDLR) should follow a tender process, whereby the 5% they are looking to own should be bought at an amount of R5.6mil for the NEF to have a share on the agreement which is too expensive for the NEF.

5.3 DRDLR MANAGER'S PERSPECTIVE

5.3.1 INTRODUCTION

This section focuses on the manager perspective towards the 50/50 policy. The evaluation team has managed to interview four provincial land reform directors. Two directors that were planned to be interviewed did not participate in the interviews due to a strategic planning session at the time of the scheduled field work. Whilst the remaining two directors were not part of the study because they were not ready for the evaluation team due to logistical problems encountered and farmers citing that it was ploughing season. The Northern Cape Province was not included as there were no 50/50 projects at the time of the evaluation.

The manager's report will be presented according to the following themes:

- ☐ Understanding of the policy
- ☐ Feasibility assessment
- ☐ Farm description
- ☐ Farm eviction
- ☐ Economic development
- ☐ Food accessibility/ security
- ☐ Legal implications
- ☐ Sustainability

5.3.2 UNDERSTANDING OF THE POLICY

The evaluation assessed the understanding of the 50/50 policy by the provincial managers and a mixture of responses was received. One of the managers indicated that the 50/50 was meant to strengthen the relative rights of farm workers and this can be in different forms as the Department is empowering workers by letting them work together to address issues of food security and production and the policy also seeks to involve farm workers in the business side of the farm as people working the land.

Whilst another manager mentioned that the 50/50 policy is for people who worked or stayed on the farm for a period of time. Its purpose is to establish partnership between the workers and the farm owner. He further stated that the policy was introduced in 2015 and it was derived from the Freedom Charter which states that people should share the land, where the current farm owner will retain 50% of the farm and the workers also get 50% shares of the farm. The manager indicated that the DRDLR will buy 50% of the farm and the money will be used to develop the farm and it will be deposited into the NewCo account. Overall, the managers seemed to have some understanding of what the 50/50 policy entails but there is still room improvement.

Further stated by one of the managers was that the provinces were consulted about the policy as it was discussed in one of the meetings and officials were requested to provide their inputs into the draft policy. As managers they forwarded the content of the policy to their regional staff requesting inputs to the policy. It was indicated that the implementers must be introduced to the policy through a workshop with provinces on what the policy entails and how to implement the policy, so that provinces can take ownership of the whole process going forward.

It was further highlighted that the district manager will be responsible for RECAP and 50/50 policy specifically on acquisition of land. Therefore, the strengthening of the relative rights of people working the land policy is the responsibility of the Director Acquisition.

5.3.2.1 Linkage of the 50/50 policy with other government policies

With regard to the linkage of the 50/50 policy with other government policies, all the interviewed managers indicated that the policy does have linkages with other government policies and initiatives in the following way:

- The 50/50 policy is overlapping between tenure security, and Provision of Land and Assistance Act (126/1993). The act provides the designation of certain land to regulate the subdivision of such land and the settlement of persons thereon and provide for matters connected to the land. The act has since been amended in 2008 and it is currently under review to address the matter of delegations of Act 126, ESTA and Labour Tenure Act as there are grey areas with these regulations.
- The proposed 50/50 policy is linked to Land Tenure Act and Extension of Security Tenure Act (ESTA) which talks of tenure security of workers/dwellers and labour tenants. Because the policy deepens the security of tenure of farm workers and farm dwellers, without threatening household food security.
- The policy is also linked to the recapitalisation and development programme (RADP) where issues of support to farmers are dealt with in order to contribute to food security.
- The 50/50 policy is also linked to deracialisation of economy which is linked to agrarian transformation.
- Lastly, in the implementation of the 50/50 policy, the government pays for the 50% to be shared by the labourers through the PLAS. Therefore, the 50/50 policy is also linked to PLAS because it provides access to land for farm worker/dwellers for agricultural purposes.
- The 50/50 policy is stated to be linked to Broad Based Black Economic Empowerment (BBBEE) which empowers the farm workers to be involved in business and production side of the farm.

5.3.2.2 The 50/50 being the right intervention to minimise and address eviction

Regarding whether the Department has proposed the right intervention to minimise and address eviction of farm workers, out of four managers interviewed, two indicated that it is the right initiative and elaborate the following:

- It is true that the 50/50 policy will result in the reduction of farm evictions. It was further indicated that the design of the policy is incorrect because there are gaps that still need to be addressed in the policy; however, the policy is a good initiative. Currently the province is not involved in piloting stage, issues of selecting workers as well as provision for dwellers and tenants who are said to benefit from this policy has not been given much attention. Lastly, overseeing the NEF by managers meanwhile they do not know the terms of reference for the scope of NEF's work in the policy.
- To a certain extent, the policy will prevent illegal evictions of farm workers/dwellers because farm workers will have ownership. The manager also indicated that according to his experience, initiatives like the 50/50 do not work because farm owners take advantage of vulnerable people. It can happen with share equity that farm owners take advantage. There will be no evictions but production might be affected.

Whereas the other two provincial managers responded no, to the question of whether the Department has proposed the right intervention to minimise and address eviction of farm workers and highlighted the following:

- The intention is not to minimise eviction because the state will acquire land and workers/owner will lease the land from the state. The issue is the relations between the workers and owner that might not change, where farm workers will still be treated as farm workers and will not be involved in the co-management and the production and development of the farm as intended by the policy.
- The 50/50 is not the right intervention because the farm workers are not knowledgeable and the Department wants farm workers to be on par with the farm owners who are most experienced, and this will empower the owners instead of workers. He went further to say that 'this is like forcing a marriage between farm workers and owners that will eventually create the same problems just like the previous Farm Share Equity Scheme (FSES).

5.3.2.3 The consistency of the aims of the policy with the outcomes and impact

The evaluation also assessed if managers think the aims of the policy are consistent with the outcomes and impact, and three managers indicated that the aims of the policy are not consistent and elaborated the following:

- In the policy there are no set criteria on type of workers wanted. The workers/dwellers are illiterate and will need to be thoroughly empowered to

take up the co-management role. Secondly, the workers have been working on the farm and they are now expected to transform and behave like owners.

- Farm workers need carefully designed empowerment programmes for them to enter the management space of the farm and farm workers might not be farm managers.
- There is a high possibility that owners might come in to cash up on the deal meanwhile they have already been bought out by the state, while farm workers/dwellers might remain the same with insignificant dividends from the NewCo paid to them.
- The policy has been designed to address farm evictions on paper but not ideally.

However, out of the four managers interviewed, one manager thinks that the aims of the policy are consistent with the outcomes and impact, because the objectives are clear and workers might benefit and their livelihoods change for the better, but challenges might be the practical implementation of the policy.

5.3.2.4 The target group and its selection criterion for the 50/50 policy

The managers were asked about the target group for the 50/50 policy and the following were the responses from the managers:

- The 50/50 policy is said to targets the farm workers/dwellers or tenants/farm occupiers, and commercial farmers who are South African citizens. But the crafting of the policy focusses strictly on farm workers and excludes the other two i.e. dwellers and tenants who should not be disadvantaged and excluded because they work on the farm. Hence it is critical to conduct a strict assessment to determine the needs of these categories of people and address them through the 50/50 policy.
- With regard to how is the target group selected to benefit from the policy the managers indicated that they have not been part of the team for identification of the projects/farm and this function was done in the National office. They further highlighted that the National Empowerment Fund (NEF) was part of the national selection process. Secondly, farms were being selected because they are highly productive, and looking at the number of people who worked and stayed in the farm and the willingness of the farmers to participate on the 50/50 initiative. However, one of the managers indicated that he doesn't know because the selection of farms is done at national office, and the policy says the farm owner will volunteer and submit the proposal to the Ministry. Therefore, in most cases managers did not know what actually transpires in the selection because the deals were facilitated without their involvement. They indicated that state of readiness was not considered as

beneficiaries/owners do not understand the policy well, resulting into misinterpretation.

5.3.2.5 Stakeholders involved during the implementation of the 50/50 policy

In terms of the stakeholders involved during the development of the policy and implementation process of the 50/50 policy the managers indicated the following:

- Most of the managers have highlighted that there was some level of consultation but not aggressively so; where roles and responsibilities were explained to a limited extent.
- Most managers have highlighted that in most cases project selection was done in the national office and the province gets the details of the farm from national office.

Some of the managers raised a concern with regard to the stakeholders who were involved during the process of developing the 50/50 policy and their roles and responsibilities because they were not involved.

The following are some of the existing partnership, roles and responsibilities with regard to the piloting of the 50/50 policy in some of the provinces:

INSTITUTION	ROLES AND RESPONSIBILITY
Gauteng Department of Agriculture and Rural Development	To do feasibility study
National Empowerment Fund	To assist with additional funding
Government	DRDLR is the champion in terms of providing resources that are required in terms of partnership
Farmer organisation	Negotiates on behalf of the farmer with regards to partnership.

However, some managers could not indicate the existing partnership for 50/50 policy as well as roles and responsibilities because they indicated that they were not involved in the 50/50 projects.

5.3.2.6 Project and withdrawal status

On the issue of whether the provinces have experienced any withdrawals, most managers have indicated that they could not tell if the province has experienced any withdrawals yet because the 50/50 concept is new and they have not been actively involved in the negotiations.

5.3.2.7 Challenges faced by the Department when approaching farm owners

The managers were also asked about the challenges that the provincial Department was faced with when approaching farm owners about the policy and the following was discovered:

- The Department has decided to give the funds to NEF to coordinate the 50/50 on its behalf and farm owners liaise directly with national office; therefore, some managers could not outline what the challenges are relating to approaching the farmers.
- One of the managers indicated that there were problems related to approaching farm owners for purposes of acquiring land before the introduction of the 50/50 policy; but there seems to be no strategy to deal with such a challenge. Hence the department would accept any proposal from the farm owners, because hands are tied to go against the 50/50 policy.
- The department is seen to have less bargaining powers when it comes to negotiating deals and they are at the mercy of the farm owners.

5.3.2.8 Factors that can hinder the success of the proposed policy

With regard to factors that can hinder the success of the proposed policy, the interviewed managers indicated the following:

- Poor stakeholder engagement between national and provincial level.
- The selection criteria for workers in terms of eligibility not part of the policy.
- The Department is expecting that relations between the owner and workers will suddenly change.
- There is poor visibility of the key implementing agent of 50/50 policy i.e. the National Empowerment Foundation (NEF).
- The 50/50 projects are very expensive and the Department is implementing the policy without clear processes, strategy and how the 50/50 projects are going to be administered, and this will make the policy to be vulnerable to corruption.
- The Department doesn't have enough capacity to monitor the implementation of the 50/50 policy at project level.
- The NEF does not have the capacity to perform some of the things that the DRDLR expects them to do.
- Dishonesty from farm owners. The question to be asked is what the ulterior motives are leading to the farm owner's interest in the 50/50 initiative when they were not so keen to be part of the land reform programme prior the 50/50 initiative.
- Farm worker's lack of knowledge e.g. financial, business and farm management.

- Power-relations between the owner and farm workers can hinder the success of the proposed policy, because workers are inexperienced and owners might take decisions that the workers are not familiar with.
- Conflict might arise amongst the owners and workers due to different opinions on the commodities to be produced.

5.3.3 FEASIBILITY ASSESSMENT

This section focuses on the feasibility assessment in order to assess several alternatives or methods of achieving business success and how the Department is going to achieve its objectives.

5.3.3.1 Assessment of farms

All the interviewed managers stated that the Department was assessing farms before acquisition and further elaborated the following:

- The farms are assessed by project officers in the district as there are standard templates used to assess farms. With regard to the technical skills, the district calls in the Department of Agriculture and Rural Development.
- The Department does not have capacity to do business plans and rely on the Department of Agriculture for economists and this delay the acquisition.
- The Department has a standard approach such as land evaluation which is done on the property/farm before acquisition; it uses a standard template which covers a number of factors about the farm such as access to water, the type of soil, infrastructure, fencing, compliance with legislation for example environmental impact assessment.

5.3.3.2 Key role players assisting in the assessment of farms

The following are the identified key role players assisting in the assessment of farms as mentioned by the provincial managers:

- The KZN Department of Agriculture was performing the farm and technical assessment roles in the farms.
- Department of Rural Development and Land Reform (DRDLR) and Department of Agriculture, Forestry and Fisheries (DAFF) play key roles in the assessment of the farms and also performing the due diligence during acquisition process and feasibility assessment on farms.
- The Office of the Valuer General (OVG) is also key in the review of the land evaluation report and NEF is responsible for coming up with the business arrangement and produce a feasibility study report.

5.3.3.3 Engagement process with the beneficiaries on the policy

The evaluation also assessed how the Department was engaging with the beneficiaries on the proposed policy.

Firstly, no proper consultation was done by the Department and only profiling assumed to be engagement with beneficiaries. One of the interviewed managers indicated that he had an engagement meeting with farm workers to check if they knew about policy and it was based on an instruction from National Office. The poor consultation results in poor understanding of the policy and misinterpretation.

Secondly, it was mentioned that the National Empowerment Fund is the one that should conduct due diligent and the provincial officials will then engage the workers as soon as there is due diligent report about the project. Also mentioned was that the report should recommend whether the project qualifies to be a 50/50 or not.

Thirdly, the Department engages with the beneficiaries through meetings which are attended by the appointed agent (NEF) and the Department. It was mentioned that there are instances where the DRDLR provincial officials couldn't agree with the projects that were selected because most of the selected farms were struggling to do business and wanted government to give them money for their way out.

Lastly, in engaging with the workers one of the managers indicated that the Department held a workshop with workers and explained to them about the policy, in terms of who qualifies to benefit from the policy.

With regard to the process of engagement, most managers indicated that the process was not enough because they were not involved in critical engagement stages such as selection and negotiations of the deal. Therefore, this exclusion does not honour the project management process of the Department.

Therefore, the process of engagement and negotiation seems to be not effective enough to drive the policy because provinces are not involved. Meanwhile only one manager has indicated that the process of engagement and negotiation is effective to drive the policy objectives and further indicated that more can be done through continuous engagement with owners to give feedback and status to the farm workers.

5.3.3.4 Studies conducted for needs assessment

When managers were asked if the department was conducting studies to determine needs of farm workers, all the managers indicated that, yes, and further highlighted different views on what was taking place regarding needs assessment, as indicated below:

- The Department was conducting social profiling studies to assess the needs of the farm owners/worker/dwellers and labour tenants.
 - Needs assessment has been conducted whereby profiling was done in order to check skills of the workers, needs for each worker were analysed. Some workers indicated the kind of skills they possess, so that the Department can identify what type of training should be provided.
 - The Department was conducting studies in the form of technical assessment and due diligent which is done through NEF to assess the needs of the farm owners/worker/dwellers and labour tenants.
- Meanwhile one manager has indicated that theoretically needs assessments were being conducted but on the contrary some of the workers have indicated that their needs were not assessed

5.3.3.5 Training/mentorship provided to beneficiaries

Regarding whether the Department will be providing training/mentorship or coaching for beneficiaries most managers indicated no, based on the fact that they were not involved in the pilot and finalisation of negotiations but NEF was. Secondly, because there are institutions on board to provide training and NEF has been specified as that institution as an implementing agent of the Department to implement the 50/50 policy. However, only one manager has indicated that the Department will provide training/mentorship/coaching for the beneficiaries based on the needs assessment.

Regarding the kind of training/mentorship that will be provided the managers stated the following:

- The Department will provide training or mentorship or coaching for the beneficiaries based on the needs assessment, but in this regard the Department will provide crop management training, with the owner responsible for mentoring or coaching of the workers. Furthermore, there are institutions that are identified to provide training for an example, Agricultural Research Council (ARC) and it was selected because it offers free training, it also looks at the production of the farm, skill gap of beneficiaries and it is selected according to what they offer; and REID through Supply Chain Management which advertises tenders to train beneficiaries.
- Meanwhile other managers have indicated that the Department will not provide training/mentorship and /or coaching for the beneficiaries as it is the responsibility of the owner to impart skills to the workers in the NewCo.

5.3.4 FARM DESCRIPTION

This section describes the status of land ownership that the Department is targeting, procedures and the processes connected with the 50/50 policy. Of the four

interviewed managers, all have indicated that the Department is targeting commercial productive farms.

Regarding whether the policy will affect the relationship between the farm owner and the workers/dwellers/tenants, the managers have mentioned that there will be no change; workers will remain workers because the mere creation of a NewCo will not change relations. Therefore; this will be dependent on the honesty of workers and know how in farming and this cannot be easily detected and will require proper monitoring.

Secondly, based on the fact that the farm owners volunteered to participate in the scheme, one of the managers assumes that the relationship will not be affected. However, two of the managers felt that the relationship will be affected because they will be working as partners, farm workers will have a say on the farm as they will be sharing responsibilities and that can have a negative or positive impact. Further mentioned was that in future there can be conflicts between those who are participating in the 50/50 and those who are not. Only one manager has mentioned that the policy will improve the relationship between the farm owner and the workers, but it will take time for the owner/workers to see each other as business partners.

When asked what are the challenges that the selected farms/projects are facing the managers have indicated the following:

- Some managers did not respond to this question citing that they were not part of the 50/50 project.
- The status quo changes particularly the relations between employer and employee might be an issue,
- Now that the workers will be part of the management in the NewCo there is a risk of potential pre-conceived ideas about the project that might affect the business if matters of the NewCo are not handled properly.
- If the project is not viable this will affect the beneficiaries' livelihoods as they will not get anything from the project.

When the managers were asked about the challenges that made the Department to come up with the 50/50 initiative they indicated the following factors:

- The issue of securing the tenure right of the people was the challenge that made the Department to come up with the idea of 50/50 policy.
- De-racialisation of economy specifically the rural space and the high number of farm evictions by workers/dwellers and tenants.
- Sustaining production in farms.
- Reduction of farm evictions;
- To better the living conditions of workers/dwellers;
- Livelihood improvement; and
- Food security.

All managers indicated further that beneficiaries do not apply for the 50/50 initiative; they heard that the owner shows interest to the policy by contacting the Department. Secondly, by the nature of their tenure status as farm workers/dwellers, they automatically become beneficiaries. The managers further indicated that the application procedure was criticised for being biased because the Department seems to be more understanding to the needs of the owner than that of the workers/dwellers. Meanwhile one manager has indicated that the application procedure is a fair and smooth process, because it is based on the willingness of the owners, the Department does not force the parties.

5.3.5 FARM EVICTION

This section focuses on farm eviction, has it been experienced in the farm, causes and procedures to be followed in case of evictions.

When asked if eviction has been experienced on the selected farms, some managers stated that they do not know and others mentioned that it has not been experienced in their provinces. The manager elaborated on the following as the causes of farm evictions:

- Contestation of a limited space for grazing land and burial rights creates problems between owners and workers/dwellers.
- When owners want the dwellers to be their workers and not just stay in the property.
- The farm owner sees workers as labours and nothing else.
- Relationships going bad between owners and workers.
- Misunderstanding and misinterpretation of legislation that gives rights to farm workers/dwellers/labourers.
- Labour issues, and stipulated that it is not easy to evict the farm dweller because their rights are more enshrined than those of farm workers.
- Farm owners not being compliant with the labour laws, and when the farm workers tell the owners about their rights they get evicted without being given a fair notice as the provision of the ESTA.

When asked about the procedures to be followed when dealing with evictions, the interviewed managers indicated the following:

- When there is farm eviction there should be mediation between the farm worker and the owner to resolve the matter. Therefore; the managers do mediation and when the mediation fails then a referral is made to Cheadle Thompson & Haysom (CTH) a legal firm appointed to deal with eviction cases on behalf of the Department. Secondly, matters of evictions are done through legal processes at court. If the matter continues a lawyer must be employed through arbitration to proceed to court through Land Rights Mediation Forum.

Therefore, the court will decide whether the worker leaves or stays on the farm.

However, only one manager indicated that he was not dealing directly with evictions as cases were sent to the relevant unit in the department.

The evaluation probed whether the managers think the farm workers/dwellers/tenants will operate the farm without fear of eviction and the responses were that:

- Technically the owner will not evict farm workers because he will not be the owner of the land anymore (it will be a state land) but there are opportunities to manoeuvre around it.
- Yes, they will once the right of farm worker/dwellers have been secured through 50/50 they can operate well without any fear because farm workers will own certain percentage of the business, so no one will evict them from the farm.

With regard to the scale of eviction on the farms targeted for 50/50 policy three managers have indicated that they do not know and only one manager indicated a case which affected only one household during 2012.

5.3.6 ECONOMIC GROWTH AND DEVELOPMENT

The economic growth and development was assessed based on what are the favourable and unfavourable conditions for economic development and transformation as well as authority structures and processes to sustain positive economic activities.

5.3.6.1 Conditions for economic development and transformation

In terms of what do managers consider favourable to economic development and transformation, all the interviewed managers consider social cohesion, poverty reduction, job creation and reduction of unemployment, increased production, reduced inequality, and improved labour productivity and creation of sustainable livelihoods and skills development as favourable factors to economic development and transformation. They further elaborated that if workers are in charge the responsibilities lie with them to achieve economic transformation. They also mentioned that managerial and technical training was very critical for the policy.

The managers indicated that when there is social incoherence, decrease in agricultural production, farm workers have limited marketing skills and limited agricultural production skills all these will hinder economic development. They elaborated that if there is decrease in production, farmers will not be able to market their products; lack of skills will negatively affect the economy of the country; and

misuse of financial resources is considered as obstacle to economic development. They emphasised that negative economic growth will result in less contribution towards GDP and less export revenue.

5.3.6.2 Authority structures and processes for positive economic activities

With regard to relevant and recognised authority, structures and processes to sustain positive economic activities, one of the managers indicated that he/she does not know of any authority, structures and processes because he/she is not part of the negotiation process, while other managers indicated that the farms have relevant and recognised authority, structures and processes to sustain positive economic activities, but other projects were pending the due diligent report from the NEF. They emphasised that there are necessary resources like agricultural infrastructure, human resources and relevant skills to carry out the farm's activities in order to promote economic development. Some of the farm workers are managers at a production level and they share responsibilities, therefore after the 50/50 process has been finalised they will share responsibilities on the operation of the farm in order to promote economic development. One of the managers stipulated that he/she is not sure whether budget is available for development activities in the farm, but what he/she knows is that farmers are asking for additional funds to expand their farming enterprises.

According to most of the managers, the 50/50 policy will decisively reduce unemployment, poverty and inequality. They elaborated that people are already employed in the farm therefore there will be job creation. There will be reduced inequality and poverty reduction as well as social cohesion. The gap of inequality and poverty will be closed, because workers will no longer depend only on their salaries. One of the managers emphasised that the policy will advance the previously disadvantaged group who are workers and dwellers.

When asked if the policy will assist in creating jobs, the managers indicated the following:

- The creation of jobs will depend on the management strategies of the NewCo and proper implementation of the policy, because everyone is included in the system.
- Because funding will be available to expand on the production and the business, therefore; job opportunities will be created at large and more people will be employed.
- However, only one manager has indicated that to some extent the policy will create jobs, but at the same time the farm will shed some jobs because the profit will be shared amongst the workers and the owner, meanwhile the owner used to take all the profit.

The managers indicated that 50/50 policy will advance the goals and objectives of the farms in order to improve the standard of living of farm workers/dwellers, because the Department will fund the project, therefore, beneficiaries will get extra income except for the salaries. Secondly, if the policy is properly implemented it will contribute towards agrarian transformation in line with department's objective.

5.3.7 FOOD ACCESSIBILITY/SECURITY

This section assessed food accessibility and security for all. The managers were asked if they think the policy will contribute to food accessibility for all and they indicated the following:

- The policy will contribute to food accessibility, because the workers will be part of the management and will make decisions regarding the sharing of dividends which some of it might be used to buy food.
- The workers' livelihood is expected to change as they will be getting something from being employed in the farm and also being co-owners of the farm.
- Two of the managers indicated that the 50/50 policy will not contribute to food accessibility for all but only for beneficiaries. Because the only way the 50/50 policy can contribute to food accessibility is when there is agreement between the parties that workers/dwellers can use some portion of the land to produce for consumption and they can be able to sell surplus.

Based on the above responses it is evident that some managers think the policy will contribute to food accessibility meanwhile some think that the policy will not contribute to food accessibility to all but only to beneficiaries of the 50/50 initiative.

Most of the managers further highlighted what is considered the enabling factors to achieve food security for all as the following:

- Monitoring of production on the farm to check if the targets and objectives of the policy are met;
- Proper implementation of the business proposal;
- Nomination of someone who is full time on the land and who will serve the interest of the workers; and
- Increased production on the available land, availability of food and affordability.

Factors that will hinder food security were identified by the managers as the following:

- Lack of training of workers;
- Limited monitoring of production on the farm;
- Lack of implementation of business plan;

- Unavailability of full time oversight personnel on the farm; and
- Lack of financial support.

One of the managers pointed out that food security is not the primary objectives of the policy but to secure the rights of farm workers/ dwellers is one of the main priorities of the policy. One of the managers emphasised that the policy will not radically transform the agricultural production of the target groups but it will make workers/dwellers to be managers in the business and that hard work and not wasting resources will radically transform the production.

5.3.8 LEGAL IMPLICATIONS

The managers were asked if they think workers/dwellers are aware of their rights to land matters and they indicated that, yes, they were aware, but the land in question will not be theirs as they will only be leasing the land from government. They also stipulated that workers/dwellers know their rights because workers know what to do when they are fired and harassed, but in terms of eviction they don't know that the Department can protect their rights. One of the managers couldn't answer because he/she had limited knowledge with regard to the above question.

With regard to whether the current land tenure system is conducive to sustainable land use and rural development, all the managers indicated the following:

- As long as there is still a gap in the tenure act, the environment will not be conducive because there are issues in the Bill that still need to be addressed.
- As long as the rights of land owners are protected by the Constitution the system will be conducive.

5.3.9 SUSTAINABILITY

This section assessed whether the 50/50 initiative will be sustainable after the Department has ceased to assist and support the farms. Secondly, the section also probed the factors that can influence achievement and non-achievement of the sustainability of the 50/50 policy initiative.

When managers were asked if they think the 50/50 policy will continue after the Department's support has ceased they indicated the following:

- One of the managers highlighted that the policy will not thrive if the Department pulls out due to the previous experience with RECAP and post settlement support for restitution projects in the Department.
- The partnership may collapse because NEF is helping the department to facilitate and if the department stops the NEF no one will mediate between the

workers/department and the workers might be converted back to be just workers.

- The two other managers indicated that they are not sure because their provinces have not started with the implementation of the policy and also the fact that they are not involved in the policy.
- Another manager indicated that, yes, the policy will still continue after the Department's support has ceased, and elaborated that as long as production on the farm is sustainable, the farm should be able to produce and re-invest the profit made after selling the products.

However, most of the managers think that the policy will assist the workers/dwellers to progressively become business owners, managers and well compensated workers in the agricultural sector, provided workers acquire skills as new shareholders to the business and that the policy is properly implemented.

5.3.9.1 Factors that will influence policy sustainability

With regard to the major factors that will influence the achievement of the sustainability of the policy, most managers indicated that it is when the policy is properly implemented and when there is budget allocated to the policy, when beneficiaries are trained, and when both the workers and owners have common understanding of objectives of the business. One of the managers indicated that since the province has not yet started with the implementation he could not respond to the sustainability of 50/50 policy thus far, however highlighted that since the policy is a top down approach this might impact the sustainability and that the Department listens more to the sellers (farm owner) wants.

CHAPTER 6: FEASIBILITY ANALYSIS

6.1 Introduction

The purpose of the feasibility analysis is to test the feasibility of the selected option which is the 50/50 policy initiative. Feasibility analysis answers questions such as:

- What are the human resource implications of the proposed policy, project, programme or plan?
- What are the funding sources and costs associated with the proposed policy, project, programme or plan?

6.2 The needs of the proposed policy

When asked what the needs of the proposed policy are, all the interviewed managers indicated that the policy will demand a number of resources or inputs for it to function properly. They further elaborated on the following needs:

- It was indicated that there is human capacity at provincial level, however, the officials are not familiar with the 50/50 intervention and this is exacerbated by the fact that the provincial officials are not involved in the implementation of the 50/50 as it is implemented by the MTT and NEF.
- There is budget limitation and the 50/50 projects require too much money;
- There is no clear strategy on how to administer the proposed policy and there is a need for a clear policy guideline and policy structures.
- The proposed policy needs different stakeholders on board like someone with knowledge about land related policy, and
- The policy needs to address the issue of land ownership for agrarian transformation and finance is also crucial.

However, most of the managers emphasised on the need for staff complement and budget to implement the policy as some provinces have mentioned that they have experienced budget cuts in other activities in order to fund the policy activities.

6.3 Human resources implications for the policy

According to the managers, introducing a new mandate/programme without considering the capacity/ staff complement will compromise the policy goals because the department will have to rely on external capacity.

With regard to the human resources implications for the policy most managers have indicated that there is a shortage of staff and expertise to manage the policy and they will need this to be addressed because the 50/50 policy is an added burden and the required staff needs to be placed at the district level and not provincial level, while one manager indicated that there is capacity because they will collaborate with

other stakeholders like municipalities who will be providing basic services, NEF and DAFF providing on-going training for workers. The evaluation team is of the view that capacity issues will vary in terms of provinces and the magnitude of the negotiation cases to deal with, as most managers have indicated that more skilled personnel in business negotiations and law as well as labour related skills will be required to be added to the current staff.

Secondly, the moratorium freezing post advertisement has put pressure on current staff, for example, currently one person is responsible for tenure matters, RECAP and land acquisition. This might lead to non-performance by officials.

Some managers have raised a concern that the Department doesn't have enough capacity to undertake this exercise and the capacity has been outsourced to NEF for implementation. However; it was also indicated that the NEF does not have the capacity to carry out the responsibilities that are given to them.

It was further indicated that there is disjuncture because of the improper introduction of NEF to render the implementation of the policy. It was further indicated that the provincial directors do not have Terms of Reference (TOR) and Scope for the appointment of the NEF, hence they are paralysed as they do not know what they are supposed to do but they are expected to manage the NEF officials.

6.4 Funding sources and cost associated with the policy

In relation to the funding sources and cost associated with the policy, some managers highlighted that the Department funds the project through PLAS for acquisition of the property and movable assets and 25% of the budget is put aside for 50/50 initiative. Other managers have indicated that the policy was relying on fiscal budget and no other funding.

6.4.1 50/50 feasibility in terms of project costs

Table 4: Number of 50/50 projects and costs per province

Province	No. of farms	No. of beneficiaries	Extend of land in hectares	Deal offer price	No. of deal agreement signed	No. of deal agreement not signed	AVG price/ farm	AVG Cost/Beneficiary
EC	7	154	7372	R 119 553 517.00	4	3	R 17 079 073.86	R 776
FS	7	468	41034	R 567 082 000.00	3	4	R 81 011 714.29	R 1 211
GP	1	105	65	R 20 000 000.00	0	1	R 20 000 000.00	R 190
KZN	2	245	7465	R 386 000 000.00	0	2	R 193 000 000.00	R 1 575
LP	4	71	10180	R 201 461 461.00	2	2	R 50 365 365.25	R 2 837
NW	2	5	5127	R 70 000 000.00	0	2	R 35 000 000.00	R 14 000
WC	8	619	1725	R 485 961 102.00	1	7	R 60 745 137.75	R 785
TOTAL	31	1667	72968	R 1 850 058 080.00	10	21	R 59 679 292.90	R 1 109

The Table above shows the 50/50 project statistics per province.¹⁴³ The Table above shows that there were 31 farms that were part of the 50/50 policy, and 1667 beneficiaries that would benefit from the 31 farms which comprise of 72 968 hectares with the deal offer prices totalling R 1 850 058 080. The total deal offer price includes all projects that the deal offer status is accepted, not accepted and the deal is still work in progress. Out of total of 31 farms, the status of 10 farms was indicated that a deal agreement was reached and deal signed off, and other 21 the deal was not signed as it was indicated that the deal offer price is not accepted and deal agreement is not yet signed off in 10 farms, only two farms one in Western Cape and one in North West was indicated as n/a, about 9 farms were indicated as deal offer is still on work in progress. The Free State has the highest deal offer price of R 567 082 000 with 7 projects that will benefit 468 people, followed by Western Cape with R 485 961 102 with 8 projects that will benefit 619 people and KwaZulu-Natal with R 386 000 000 with only 2 projects to benefit 245 farm workers, and GP is the least province with the deal offer price of R 20 000 000.00 for one project that will benefit 105 farm workers.

The nature of the business for the above indicated number of farms (31) includes Pineapple; stud breeding; grazing; citrus; mixed farming; crop; game; vegetables; table grapes; livestock such as sheep, cattle and beef; wine; tourism; etc.

¹⁴³ As at September 2016 as received from the LRD Branch.

6.4.2 Cost benefit and efficiency analysis

The average cost per farm was approximately R 59 679 292.90 with minimums of 1.2 and 2.9 million and maximums of 360 and 400 million per farm. This shows how expensive some of the farms can be and also the gap between the minimal deal offer price of R 1 260 000 and maximum deal offer price of R 400 000 000. The highest average cost per farm was found in KZN and FS with average prices R193 000 000 and R 81 011 714 respectively. The average cost per beneficiary since the 50/50 policy was introduced was estimated at R 1 109 812.89. Overall, the KZN province has made the average price per farm to be higher due to the high price per farm for only two projects, while North West has made the average price per beneficiary to be higher because of the fewer number of beneficiaries with a high deal offer price. Generally, the average cost per beneficiary seems to be very high.

CHAPTER 7: RECOMMENDATIONS AND CONCLUSION

7.1 Recommendations

The recommendations below are based on the thoughts of the Evaluation Team, farm owners and farm workers/dwellers as well as DRDLR land reform managers in provinces. The recommendations are made to inform the design of the 50/50 Programme and to strengthen the 50/50 policy framework as well as the implementation of the 50/50 pilot projects and they are as follows:

50/50 policy planning

- The policy framework proposed about 15 outcomes and impacts. The evaluation team is of the view that the impacts and outcomes are too many and the Department will need to priorities the outcomes and impacts as there will be a need to develop indicators for each of the outcomes and impacts as part of the theory of change and monitoring and evaluation framework for the envisaged 50/50 programme.
- There is a PLAS farm that expressed interest to be part of the 50/50 policy and this raises a question whether PLAS farms should participate in the 50/50 initiative? The evaluation team is of the view that government has already bought the farm and owns it therefore there is no need for the same farm to be part of the 50/50. The Department to look out for such cases where the owners would want to double dip on departmental programmes.

Selection criteria

- One of the criteria for the selection of projects is that projects should have a realistic business plan, as indicated before, the evaluation team requested business plans for the 50/50 projects from the LRD branch which later referred the evaluation team to the NEF; however, the business plans never came forth despite several requests to the NEF. The evaluation team is of the view that the NEF failed to respond to a simple request, therefore leading one to question the capability of the NEF to manage the implementation of the 50/50 projects and be trusted with large amounts of money when they failed to respond to a simple request for business plans.
- Taking into consideration that there were only 31 projects at the time of the evaluation study, the question to be asked is what will happen as the number of projects increases.
- It was indicated that there are a lot of farm owners who are interested in the 50/50 policy and contact the provincial office but gets directed back to the national office as the people dealing with the policy. In order to improve the sustainability of the 50/50 initiative, most managers indicated that the selection criteria should be that farmer owners should write to the province to express their interest and not the national office.

- The policy stated that it targets farm workers that have worked in a farm for an extended period of time; however, the extended period of time is not defined. The first draft of the policy had indicated that workers who have been employed at the farm for a period of 10 years and more would benefit. This has had a negative impact as there were projects in Limpopo where it was found that all the workers who worked for more years were not at the farm any more (might have been fired) and all the employees were recently appointed.

Capability of the NEF to implement the 50/50 projects

- The managers in provinces have also raised concerns about the capability of the NEF to implement the 50/50 projects, therefore; there is a need for the DRDLR to reconsider using the NEF as an implementing agency.
- A further recommendation was that the DRDLR need to relook at transferring money to NEF.
- There were several disagreements/conflicts between the NEF and land owners and this requires the DRDLR to intervene. In some instances, the conflicts resulted in projects coming to a halt. The workers have been unbelievably patient and an expectation and excitement was created and they can't be disappointed due to bureaucracy and unwillingness to find a solution. Therefore; all partners are urged to explore all options to vest the Workers Trust.
- All managers in provinces indicated that they were not currently involved in the implementation of the 50/50 initiative but the MTT was involved. This therefore; raises a need to do a thorough hand over to the provinces when it is decided that the MTT will no longer be involved. A detailed implementation manual should also be developed to standardise implementation across provinces.
- Honouring of the project management processes by policy drivers during implementation is highly recommended.

50/50 Policy awareness

- There is also a need to increase the awareness of the policy especially amongst farm workers as most workers did not understand the policy in detail and this might result in instances where the department buys the 50% of the business from the farm owner and he continues running the farm alone without workers as they would not be aware that they are co-owners.
- In most projects, farm workers have indicated that they were not engaged in the 50/50 proposals. Therefore, there is a need to ensure that farmers are involved in all the steps. The field work revealed that seasonal and casual workers were excluded or had minimal information about the 50/50, however; also some permanent workers were found to be excluded in the process of implementing the policy. It is recommended that the DRDLR should ensure that all stakeholders are included in the implementation of the 50/50.

Capacity building for workers

- The policy is a good initiative, but the Department need to give workers weapons to enter the NewCo. This could include providing support to farm workers/dwellers such as capacity building and training. If enough training is provided the farm workers will continue with the proposed regime even if the Department's support has ceased.
- Some farm workers did not perceive themselves becoming progressive capable owners/managers as they perceive the farming industry to be very complicated and requiring skills and education. Therefore; this is indicative that capacitating and educating the workers is critical for the success of the 50/50 policy.
- According to the policy framework, one of the intended outcomes of the policy is to retain the best existing farmers. During the evaluation it was discovered that in some farms, the farm owners were not found at the farm but they recently employed farm managers who did not have much information or understanding about the farming operation. This implies that the farm owner would benefit financially from the sale of the farm but would not be present at the farm to transfer skills and share the farming responsibilities with the new owners in the NewCo which might result in the failure of the new venture.

Departmental capacity to implement the policy

- It is clear from the implementation of the pilot experiences that the 50/50 projects will require a lot of capacity to monitor the implementation of the 50/50 projects especially since an implementing agent has been appointed. Therefore, DRDLR needs to beef up the capacity to monitor the implementation by both the NEF and at the project level.
- Another recommendation was that the Department must focus on a specific policy or programme and properly implement it and carry it through to the end while documenting lessons learned from the implementation of the policies and learning from past policies/programmes.
- The DRDLR managers recommended that the Department should stop developing policies or programmes because the previous policies have failed, as this raises suspicions and criticisms from the public.
- The farm manager's recommended that the policy implementers should keep the current farm management to be part of the regime, and not changing the management and bringing in new leadership because it will compromise the productivity on the farm.
- There were many farms which could not form part of the evaluation because they were not happy about the amount of time the department took to provide them with feedback regarding their application. The farm workers and farm owners recommended that the department should speed up the policy's implementation processes and ensure that both the farm workers and owners work together so that the policy can have positive impact and yield better results for all.

Stakeholder cooperation and communication

- The workers have urged stakeholders to cooperate with each other and have a clear working plan between the Department and the farm owner/manager to speed up the finalisation of the deal.
- There is a need to improve the communication between the working partners i.e. workers, managers and the Department.

7.2 Conclusion

This report presented a diagnostic evaluation of the 50/50 Policy. The evaluation followed a number of processes to be undertaken for a diagnostic evaluation per the guideline for conducting diagnostic evaluations compiled by the Department of Planning, Monitoring and Evaluation (DPME). According to the guideline diagnostic evaluation entails conducting the following: needs assessment, situational analysis, root cause analysis informed by a review of previous research and evaluation. This report presented chapters in relation needs assessment, situational analysis, root cause analysis. Following these chapters' findings from the interviews with farm owners, farm workers/dwellers/tenants as well as land reform directors in reached provinces were also presented followed by feasibility analysis and recommendations and conclusion.

This report will assist the DRDLR to strengthen the 50/50 policy framework and also to design the 50/50 Programme should a decision be taken to develop a programme to realise the aims, outcomes and impacts of the 50/50 policy framework.

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ANNEXURE A: DISTRIBUTION OF EQUITY SHARES AS PROPOSED BY 50/50 POLICY

Equity Structure
Land 100% state leased to NewCo with 50% to Commercial Farmer, 45% to Workers Trust & 5% to NEF
Land 100% state leased to NewCo with 55% to farm workers, 45% to Owner
NewCo 35% to Workers Trust, NEF to 5% and 60% to Owners.
Land 100% state. NewCo 51% Workers Trust: 49% Owner
Land 100% state. NewCo 60% Workers Trust: 35% Owner : 5% NEF
Land 100% state. NewCo 49% Workers Trust: 41% Coop : 10% NEF
Land 100% state. NewCo 60% Workers Trust: 35% Owner: 5% NEF
Workers Trust 50% in land and equity
Land 100% state. NewCo 45% Workers Trust: 50% Owner: 5% NEF
50:50 Equity 100% land NewCo
Open for negotiations - no clear equity sharing
20%: Owners, 30% Management, 40% Workers, 10% BEE
50% equity in business - including land
50% Farmworkers: 50% Owners Equity - including land
50% Owners: 50% Farmworkers
50% equity in business - including land
51% Workers Trust: 49% CF
Land 100% DRDLR. NewCo 45% Workers Trust, 50% Owner & 5% NEF
70% Commercial Farmer Trust: 30% BEE Trust (25% Workers: 8% PDI)
3 Options on equity acquisition - 100% incrementally equity (business and land)
24% Farmworkers: 76% Owners equity; 100% land
50% Farmworkers: 50% Owners Equity- including land
51% Workers Trust: 49% CF Equity
25% Owners: 75% Farmworkers