

3.1 SWAZILAND

By: Winston Shongwe (ACAT) and Michael Maphanga (LDS)

The paper starts by clarifying the nature of farming in Swaziland and notes that due to limited farming activities in Swaziland the farm-workers population was relatively low compared to that of other states in the SADC region. However, despite the few numbers, the issue of farm-workers rights could not be brushed aside as the conditions of service for the few farm-workers were still below expectations. Farm workers who were mainly casual labourers were not in positions to fully claim their rights hence the need to understand Swaziland's situation and offer possible solutions to improve the plight of the farm workers.

LAND TENURE SYSTEM

The paper gives details as to the land tenure system in Swaziland i.e. into Title Deed Land (TDL) and Swazi Nation Land (SNL). The **TDL** is owned by individuals and companies and comprise about 30% of the total land in Swaziland. Most farm-workers are found on this land.

Problems faced by the farm-workers in Swaziland include the following:

- Lack of security of tenure due to the fact that they are not land owners and thus can be evicted at any time by the farm owner
- Unavailability of legislation that protect the labour rights and interests of the farm worker
- Inability to own land, as land either belongs to the King or private owners
- Gender insensitivity in the ownership of land with female Swazis being discriminated against. It is next to impossible for a female to own land in Swaziland

The paper went on to discuss the Situation of Farm-workers In Swaziland. The following issues were highlighted:

- Permanent farm-workers are mostly employed on the Sugar Estates and Forest Industries
- Benefits include pension, medical aid, maternity leave
- Seasonal and Casual workers are not entitled to benefits such as leave allowances, pension, medical cover and are given a day's notice without terminal benefits
- Wages for farm-workers are very low and cannot sustain their families thereby affecting their human security
- Commercial sex and theft are rife amongst the farm-workers communities due to the living conditions and the meager wages they receive
- Literacy rates are very low among the farm-workers

Role of Trade Unions

The Swaziland Federation of Trade Unions (SFTU) is the umbrella body for all trade unions in Swaziland. Membership to the union is only restricted to permanent labour, leaving the majority of the farm-workers without a voice as they do not have any representation. Due to the political conditions prevailing in the country, trade unions find it difficult to advance the rights of the workers, as they fear being banned.

The paper concludes by urging the conference to come up with strategies that would improve the conditions of Trade unionism in Swaziland and how the NGOs could build capacity of farm workers in Swaziland.

3.2 SOUTH AFRICA

By Mr Joordan

The paper outlined the conditions under which the farm workers operated in South Africa and notes the following:

- Farm-workers were the most marginalised group in South Africa with no security of tenure, limited access to social services e.g. education and health and has weak organisational structures and limited political representation
- Farm workers are categorised into groups namely:
 - Farm workers who derive income from wage labour and
 - Labour tenants with residential, grazing and cropping rights in exchange for labour on the farms
- Despite having stayed on the farms for many years the above groups do not have tenure rights on the land and they are there landless

The paper went on to discuss the land restitution, redistribution and tenure reform and how these programmes have had an impact on farm-workers in South Africa.

Restitution

Restitution of land Act seeks to restore land and related rights to victims of racially discriminatory laws or practices after the Land Act of 1913.

- Claims started to be lodged since 1994 but the resolution has been slow;
- Monetary compensation has been instituted but this does not address the skewed land ownership patterns in South Africa;
- Land invasions have occurred because of the slowness in the process;
- Farm dwellers are often disregarded in negotiations between landowners and claimants

Redistribution

The programme aims to enable South Africans to gain access to land on an equitable basis. Grants are made accessible for people to acquire land on the open market. Original target of 30% of land for redistributed over 10 years has been reviewed and extended to 30 years. This further disadvantages the already marginalised groups especially farm workers.

Tenure

The Tenure reform programme aims to ensure that all South Africans have secure tenure. Specific legislation passed i.e. Land Reform Act (Labour Tenants Act) and the Extension of Security Act. The legislation does not provide long-term tenure security but regulates the process of eviction of farm dwellers. Evictions of farm dwellers have been on the increase.

- Farm-workers are not aware of their rights and hence find it difficult to enforce their rights and contest evictions
- Illiteracy inaccessibility to lawyers further compromise the situation of the farm dwellers

Labour

Farm dwellers find it difficult to enforce their labour rights on farms despite the fact that the new constitution of South Africa accords this to the farm dwellers through the Labour Relations Act (1995) and the Basic Conditions of Employment Act (1997). The enforcement of the laws has been problematic because of some of the following:

- Lack of organised structures for farm workers
- Lack of awareness of the farm-workers responsibilities as employees

- Lack of awareness of the existence of the legislation by farmers
As a result the violation of labour laws and the workers' rights continue.

Safety and Security

The escalating crime in South Africa has come to affect the farm-worker. The farm-workers have found themselves to be at the mercy of the their employer who have established commandos to deal with the crime. In most cases the farm dwellers have been targeted by the farm owners as they use the commandos which have their roots in the Apartheid Defense Force to enforce their authority. Women and children are also victims of the criminal acts but most of such crimes are not reported for fear of continued victimization.

Social Services

Farm dwellers mainly rely on the farm owners for the provision of basic needs such as housing, transport, sanitation, water and education. This increases depends upon the farm owners and makes them more vulnerable when negotiating for improved conditions of service and other labour issues. Because there are no proper services meant for farm dwellers by the government, the farm dwellers have to rely on the benevolence of the farm owner who sometimes can withdraw the services when it suits him/her.

Women on Farms

Due to the patriarchal society women cannot be considered as individual employees but are seen as appendages of their spouses or any other member of their family. The female labour is automatic and expected by the farmer and contracts are entered into verbally between the male worker on behalf of the woman and children.

Women normally face the following:

- Low wages
- Lack of rations
- Categorisation as casual labour hence non existent of benefits

The presentation acknowledged that the views presented above were mainly based on the observations of civil society groups working with the farm communities. The challenge was to give the farm dwellers a voice to speak for themselves. The paper went to recommend the following:

- Acceleration of land reform that would ensure security of tenure for farm dwellers;
- Extension of the principle of co-operative governance to include farm workers issues;
- Empowerment of women farm dwellers
- Extension of legal assistance to farm dwellers in light of acts of crime or unfair labour practices.

3.3 NAMIBIA

By: Wolfgang Werner and Alfred Angula

Rights and Reality of Farm Workers and Human Security in Namibia

The paper gave an overview of the role of agriculture in Namibia and how this relates to the rights and reality of farm workers and human security.

The paper focused on the following issues:

Agriculture in The Namibian Economy

Since 1990 the direct contribution of the agricultural sector to Gross Domestic Product (GDP) does not exceed 10%. Agriculture is the most significant contribute and the contribution ranges from 15 per cent to 19 percent since independence.

- More than 40 % of the population earn their living from subsistence agriculture in the free hold areas and in addition 70 000 people are employed in this sector. Farmers in the free hold sector employ approximately 35 000 workers.

Labour Conditions

The paper highlights the labour conditions of workers both in the commercial and rural farming areas as being very poor, characterized by the following-

- Social services i.e. housing, health was inadequate some of the workers lived in shacks
- Education facilities resulting in low levels of literacy. A Survey conducted in 1997 revealed that 25 per cent of rural workers had no education at all while only 5 per cent had educational qualifications beyond secondary level
- Wages for the commercial farm worker ranged between R80 -R350 and in the rural farm the wage ranged between R50 - R100
- Pension and medical aid were not provided

At Independence the enactment of Labour Act No 6 of 1992 was the centerpiece of labour legislation. Its main objective was:

- To make provision for the regulation of the conditions of employment of employees in Namibia; to prevent and remedy any unfair dismissals of, and unfair disciplinary actions, employees, to regulate the termination of contracts of employment ...
- The Social Security Act of 1994 complimented the Labour Act of 1992. Its main purpose is to establish a social security system applicable to all employees and employers in Namibia. A 10 member Social Security Commission administers a number of funds financed by mandatory contributions from employers and employees. These are the Maternity, Sick Leave and Death Benefit Fund, the National Medical Benefit Fund, the National Pension Fund and the Development Fund

Despite the existence of the above legislation and the existence of institutional and legal frameworks such as the Labour Advisory Council, Labour Court and District Courts, for the protection of these rights- labour conditions for farm workers have not improved.

- Labour inspectors appointed to oversee the implementation of the Labour Act only embark on inspection tours twice a year for two weeks. This is insufficient to cover all the farms in their areas of responsibility
- Farm workers do not understand the intricacies of the legal institutional frameworks that in place as there has never been an education campaign to educate them about these institutions
- Some of the magistrates who sit to hear the labour issues are not qualified in labour issues
- Namibia Farm workers Union established in 1994 has low membership i.e. less than 15%
- The union is under funded and there has not been campaigns by unions to conscientize the workforce.
- Union contributions by workers are very low constituting about 1% of Union financial resources.

Access to farms by Union leaders is sometimes denied by the farm owners.

Recommendations:

The presenter concluded by recommending the following:

- There is need to improve the education provided on farms including exposing the workers to their rights provided in the Labour Act
- Training of para-legals who will be the source of legal advice for farm workers
- The need to give financial resource to the Namibian Ministry of Labour so as to popularise the contents of the 1992 Labour Act
- Training of Labour inspectors in the reading and interpretation of the laws
- Capacity building of the Unions so as to have planning skills
- Sessions for farmers so that they are aware of labour requirements and to appreciate the role the farm workers play.

3.4 MOZAMBIQUE

By: Suca Amade

The presenter outlined the background to the economic development of Mozambique since colonialism and observed that there had not been much investment in the agricultural sector by the Portuguese and the British until the new government came into power and nationalised or land resulting in the widespread of peasant subsistence farming. During the war between Frelimo and Renamo the peasant subsistence farming was the order of the day and minor commercial farming activities.

Farm Workers vis-à-vis Commercial Farmers

After the 1992 Rome Peace Agreement farming activities did not improve as the infrastructure had been run to the ground. Commercial farming activities were difficult to undertake. 1990 witnessed a new constitution which approved freedom of association and therefore freedom to organise. Despite this, the unions did not have farmers to organise. Associations targeting peasant farmers were formed and these lobbied the government for new legislation regarding farming activities.

1997 witnessed a land law which made land state property. The law made distinctions between different land uses and empowered the Mozambican nationals to be at the heart of land use in their respective communities through the formation of community associations. The associations enter into agreements with a prospective farmer(s) in a particular area.

Farm workers in Mozambique

- No existence of commercial farming activities and hence no farm-workers as is commonly known in other countries in the region
- The few commercial farmers in the North employ few farm-workers about 10 people per farm
- In 1993 peasant associations formed cooperatives which led to the formation of the Peasants' National Union (UNAC)
- The Union has more than 50 000 members from different peasant associations
- Union representing farm workers is not yet established in Mozambique since Commercial farmers do not exist in large numbers as is the case in other countries in the region

In conclusion the Mozambican delegate noted that the Conference would serve as an opportunity for his Union to learn more about the situation of farm-workers in the region and how his country would deal with the issue relating to farm workers' rights and human security in his country. He further noted that his country might be facing the same situation as other countries in the region as there were heavy lobbying from some quarters for the privatisation of land in Mozambique which would in turn bring forth the farm workers as is the case in other countries in the region.

The Mozambican delegate also referred to the natural calamities such as floods and HIV/AIDS and Malaria that his country was grappling with and which also affect the peasant farmers and their workers as an issue that his Union would like to get ideas from the Conference.

3.5 MALAWI

By: Sandramu Rafael

The paper noted that the economy of Malawi is dominated by smallholder agriculture. Subsistence agriculture accounts for the bulk of smallholder agriculture based on marketed agricultural produce. Fifty six (56%) farming households produce for consumption mainly.

About 12% of the labour force is estimated to be employed in the formal sector. The bulk of these (46.2) are in agriculture and fishing.

Land Balance and the Structure of the Estate Sector

There are three types of land tenure in Malawi, namely, customary, public and private. Private land can be either on leasehold or freehold. About 9.3% of the country's population live on estates. They provide land for cultivation to some of the tenants. Estates witness rapid movement of people on and off the estates according to season.

The estimated mean annual payment for male adult direct labourers in the tobacco estates was estimated at MK1.805 (US\$120) in 95/96 whilst on tea estates it was MK3.800 (US\$253).

Tenants and Farm Workers

The liberalisation programme which the government of Malawi embarked on in the 80s and 90s facilitated access to land and small holdings and also allowed small holders access to the trade in burley tobacco which was formerly restricted to the estate sector. The liberalisation programme has not however addressed the quality of life for tenants on the estates. Between 1980 and 1989, tenancy quadrupled in Malawi. About 63% of the tenancy never attended primary education.

Most of the tenants are usually from outside the district where the estate is situated and hence are far removed from their families for months. Therefore, the low level of education, long distance from home and low wages bonds the tenants to their masters and they are unable to negotiate their rights or conditions with the estate management. Tenants live in perpetual bondage. In some cases the whole family - husband, wife and adult children work on the estates but the husband is the only one who receives payment, the wife and the children provide free labour to the farm. Automatic dismissals always follow without compensation or consideration to resettlement when a tenant reaches old age or falls ill and are no longer productive.

Malawi's estate sector is characterised by low wages of about \$10-\$15 per month. The living conditions are very poor and most live in thatched huts without proper sanitary facilities. Despite the Malawi government's intervention on land redistribution, this has not directly benefited the farm-workers who are left out of the resettlement schemes or due to self discrimination since they lack information or the inability to comprehend the government programmes.

3.6 LESOTHO

By Tsekelo Sekhonyana and Moshe Tsehlo

The paper notes that Lesotho is situated on a land area of about 3 million hectares a quarter of which is arable. About 80% of the population is rural and 55% of these rely on Agriculture. Despite this, agriculture' contribution to the GDP is on the decline. Of the land available for agriculture a large proportion is used for extensive animal production. The paper then alluded to the fact that in Lesotho, agriculture farm workers are equated to herd boys who are mainly used for herding cattle as well as for agricultural production. Thus, the herd boys can be equated to the concept of farm workers, as is the case in some countries in the SADC region.

Traditionally herding animals is the domain of male Basotho and very rarely for women. Herding of cattle is undertaken from the age of 3 years through to adulthood.

The major characteristics of herd boys are:

- Being male
- Poverty stricken
- Illiteracy
- Poor remunerations which vary from cash to animals or nothing
- In monetary terms herd boy receives M100 per month and M1 200 per year or one cow per year
- Increments are non-existent as most are maintained by their employers
- Non existence of organised labour through unions
- Inability to control remunerations as these are paid directly to the parents or guardians

Health facilities for the herd boys are non-existent leaving them to resort to medicinal herbs, traditional and magic charms when they are sick

The herd boys lack the knowledge about HIV/AIDS or sexually transmitted diseases (STD's) as there no education campaigns targeted at them by the Health Ministry

The herd boys literacy rate is very low and about 62% have not received formal education.

The presenter concluded by noting that although the herd boy could not be clearly identified with the concept of a farm worker as they are referred to in the region – the Basutho herd boys' case still had to be highlighted and the conference should assist in drawing up recommendations on how to improve the plight of this category in Lesotho. Some of the herd boys about 12% fall within the ages of 7 years to 10 years, about 36% are within the ages of 11 years and 15 years whilst the rest are between the ages of 16 and 18 years. If the situation of the herd boys is not critically monitored, with the view to empower this category of people in Lesotho – the result would be perpetual poverty for themselves and their families.

3.7 ZAMBIA

By the National Union of Plantation and Agricultural Workers of the Zambia Congress of Trade Unions (NUPAW) and the National Land Alliance (NLA)

The presenter first acknowledged that the conditions under which the Zambian farm workers live and work are very poor due to the fact that the farm workers were powerless to demand their rights as workers. Due to economic changes in Zambia as well as economic restructuring, production levels on most of the farms are low and the farm owner is usually forced to retrench or keep the employment conditions very low. The conditions have hit hard the female farm workers who also struggle for equal pay for equal work with her male counterpart combined with her multiple social roles and high vulnerability to job losses.

RIGHTS OF WORKERS IN ZAMBIA

The rights of workers including farm workers in Zambia are prescribed in the Labour Relations Act of 1993. The Act sets minimum conditions of service and workers rights are elaborated. Some of the issues covered by the Act include:

- Collective Bargaining Agreement (CBA)
- Fundamental Rights of Workers
- Definition and conditions for a permanent and casual worker
- Wages stipulation. Minimum wage for a farm worker is K90 000(US\$25) and K400 000(US\$ 111).

Zambia's Legal Land Framework and Tenure Security

According to the 1995 Lands Act governing Zambia's land tenure system, all land is vested in the President of Zambia. He/she has power to allocate land. The basis of the Traditional chiefs as custodian of land was removed.

Economic Changes and Implications on Farm Workers

Due to the liberalisation programme in Zambia, there has been high labour turnover due to high inflows of agricultural produce. This has had a major impact on the farm workers and some have lost their jobs either as permanent or seasonal workers. Highly mechanised methods of production have seen the replacement of physical labour on the farms. For example the Kawambwa Tea company in Luapula used to employ about 1 800 to pick tea. After acquiring a combine harvester, the same assignment is being performed by 2 or 3 operators. Most of the farm workers have lost their jobs and thus a form of livelihood that ensured a home, rights to unionise, access to land, food subsidies at the farm and education for children.

Those who remain in employment are sometimes victimized by being forced to work longer hours without compensation, poor accommodation, inadequate health facilities. Despite the fact that the stipulated minimum wage for farm workers is K3 850 or US\$1 07 per day, some of the farmers flout the regulations and pay much less.

Role of Trade Unions and Their Experience

The presenter noted that farm workers in Zambia are represented by the National Union of Plantation and Agricultural Workers (NUPAW). Although the Union still faces some challenges it has managed to strike some success such as signing Collective Agreements with various employers of member farm workers and the allocation of pieces of land to farm workers for cultivation within the premises of the farm.

Despite some of the successes, some farmers do not allow their workers to join unions.

Gender Inequalities : Women and Work on the Farm

Women contribute a significant portion of the farm workforce in Zambia and especially in the growing horticultural and floricultural sectors. Women are also discriminated against and work under harsh conditions such long hours in harsh conditions such as cold rooms. Women also face sexual harassment from the supervisors and managers and are mostly employed as daily classified or seasonal employees. Thus, women are the first targets for lay offs. The paper gave some case studies to illustrate the position of women on some farms.

Power Relations between the Supervisors and the Farm Workers

The paper notes that the supervisors tend to wield more power against the other workers. The supervisors tend to enjoy more benefits than the general farm workers. The more powerful are used by the farm owners to exploit the general work force for the benefit of the farm owner.

In conclusion the paper noted that it was important to recognise that the farm worker needed the farm owner and in certain instances this relationship has been cultivated very well. There is however need to empower the farm worker so that he/she is able to articulate her/his rights.

The paper recommends the following:

- Continued lobbying for improved conditions for farm workers
- Empowerment of farm workers through capacity building programs
- Documentation of data on living and working conditions of farm workers
- Dialogue sessions between the workers and their employers
- Provision of safety and health facilities to farm workers by the farm owners

3.8 ZIMBABWE

By: GAPWUZ- General Agriculture and Plantation Workers' Union

It was noted that Zimbabwe is the one country in the region that has the largest number of Farm Workers due to the number of farms in the country. The situation of Farm workers in the country, is characterised with low wages, no access to land ownership, poor health facilities and illiteracy. GAPWUZ is the legitimate organisation, registered and certified to represent farm workers and are operating throughout the country. GAPWUZ has a membership of 100 000 out of a potential 500 000. This further emphasises the issue of difficult access to the farm workers. GAPWUZ has been successful in varied fronts one major one being the successful negotiation of a 96% wage increase for the Farm Workers in the country.

The biggest challenge currently facing farm workers in Zimbabwe is the well-known fast track land reform programme that has seen farms being taken over by government and thus resulted in many of the farm workers losing their jobs and no alternative livelihood packages are available for them. There are approximately 2 million people that can be labelled under the farm working community, and it is frightening to note that the land reform programme is silent as to the fate of the same.

The status of farm workers in Zimbabwe has always been low and they have generally been a vulnerable group. Farm workers vulnerability reached its peak in February 2000 after the referendum when farm invasions started to take place. There have been reports of intimidation, rape, murder, beatings, looting and burning down of farm workers' houses. A once struggling, but surviving community has been reduced to depending on handouts from well-wishers.

The role of organisations working in the sector has had a major programme shift, from working to enhance conditions of service for farm workers, to that of welfare and humanitarian aid. In this regard issues related to capacity building for the respective farm worker organisations has become critical, so that they can in turn support farm workers. It is unfortunate to note that quite a number of the achievements recorded by organisation working in the sector, have nearly been reversed as the land reform programme has not been systematic and coordinated as would have been expected.

Some of the issues that GAPWUZ is putting forward as a way of protecting the farm workers during the fast track land reform programme include:

- That farm workers should be put on the priority list on the land distribution programme, since they know no other home or source of livelihood.
- That at least 20% of the acquired land should be given to the farm workers
- That the government should give notice of evacuation to the workers well in advance. 4 months is suggested as the minimum period.
- That the farm workers should be compensated for their loss of jobs. The compensation should be equivalent to twelve months salary.
- That "service center/village" of some of the farms where the infrastructure are already there and the farm workers will be given a plot. NSSA should extend its operations for land given to farm workers.
- Farm workers who would be lucky to be resettled need to be trained in farm management so that they can productively utilise the land

Zimbabwe, just like the other countries in the region, faces the challenges of citizenship and identity crisis of farm workers, as a good number of the farm workers are immigrants from neighbouring countries. A fresh challenge that organisations in the sector are faced with, is the intended move by South Africa to deport 15 000 farm workers from Zimbabwe. Both government and the relevant authorities are still grappling with how to address the above threat.

In conclusion it is important for participants to note that the country is going through a transition period and the fate of farm workers still lies in the balance. What is important though is for the respective countries to learn from the Zimbabwean experience and tackle their issues now before they are overwhelmed.

