

Understanding land & land reform in South Africa

Knowledgebase.land provides comprehensive and reliable content on almost everything to do with land in South Africa. We also cover land news from Southern, Eastern and Central Africa. We are the 'go to' resource hub for anyone with an interest in land issues and the planning and implementation of land reform. We also write a [weekly summary](#) of land news and podcast weekly at

[KB.L Land News South Africa](#)

Weeks 14 – 17: Monday 31 March – Sunday, 26 April 2020

With South Africa in extended lockdown much of our news focuses on land news related to Covid-19. As South Africa's confirmed cases rise to over 4361 with 86 confirmed deaths (26 April 2020), there are growing concerns about food security, the impact of a prolonged shutdown on the economy and the plight of poor and vulnerable South Africans. While social distancing may be feasible for the elite and middle-class South Africans, for many of our citizens living in overcrowded township housing, backyard shacks, informal settlements and hostels this is almost impossible to put into practice. The shutdown impacts on the local economy and critically on food security as many people are no longer able to work and many of them are now unable to secure a livelihood.

We explore some of the issues which have surfaced in the South African news for weeks 14 – 17.

Farm workers

Farmers large and small and farm workers provide essential services to ensure that food is produced, harvested, packed and processed for both local and export markets. News this month has focused on how the lockdown regulations have impacted on farmers and workers.

The Portfolio Committee on Agriculture, Land Reform and Rural Development set the tone ([The Citizen 31 March, 2020](#)) by urging farmers to ensure that adequate arrangements are in place to enable hygiene and social distancing and to keep the agricultural sector safe. The Committee sought to send out a strong message that violation of farm worker rights would not be tolerated, noting that South Africa relies on them to feed the nation.

The Farmers Weekly ([01 April, 2020](#)) highlighted aspects of the lock down regulations relating to agriculture. They noted that "while not a legal requirement, agribusinesses have been encouraged to make use of the labour force that can be accommodated on

site or isolated from other communities as far as possible". Given that there has been a long-standing trend to casualise and externalise farm labour, with many casual workers living in poor conditions, often in informal settlements ringing rural towns, this poses a real challenge for the agricultural sector in the context of the pandemic.

With rising levels of community transmission it is a matter of time before Covid 19 finds its way to the farms, pack houses and processing facilities which will raise the risk threshold with respect to food safety. The Farmer's Weekly cites recommendations made by the World Health Organisation including:

- The temperature of all employees must be checked before they enter the workplace. Employees with an elevated temperature (37,7 – 39,4°C) or high temperature (above 39,4°C) should be asked to go home and self-quarantine for 14 days;
- Those administering the temperature tests should wear gloves, and use new disposable lens filters in the case of ear thermometers or forehead thermometers;
- Ensure that the workplace is set-up to allow for social distancing between employees (2m apart);
- All surfaces and objects must be regularly disinfected;
- Hand washing facilities and sanitising hand rub dispensers must be located in prominent places around the workplace and these dispensers must be regularly refilled.

Dr John Purchase, CEO of Agbiz who is also one of the representatives of organised agriculture on the Department of Agriculture Covid 19 task team, urged farmers and agribusinesses to strictly adhere to published regulations and hold each other accountable to comply with the law.

GroundUp ([1 April, 2020](#)) reports on alleged health violations taking place in the agricultural sector. They cite an official from the Department of Labour who stated that they had received "numerous complaints from workers that some employers are forcing them to work without the necessary personal protective equipment". The Department was reported to have closed down a few unspecified businesses in the previous week.

Activists working with farmworkers reported that social distancing was not in place – particularly when workers were transported to and from the farm and also with in pack houses. However, we are just beginning to grasp the implications that the regulations pose for day-to-day farming operations. Farmers' transport costs will rise significantly if they are to observe social distancing. More trips will need to be made, or additional transport procured which may not be available or affordable.

A tragic road accident ([EWN 8 April 2020](#)) which took place on 7 April on the N1 between Touws River and De Doorns claimed the lives of nine workers and placed another 18 in hospital, may reflect the mounting pressures on farmworker transport. The case of culpable homicide has been opened. In commentary on the accident, farm worker rights groups have raised concerns about the transport of workers in open trucks without seat belts. However, with the accelerating risks of Covid-19 infection this may turn out to be preferable and safer than transporting people in closed transport.

Workers are also feeling the pressure in pack houses which are designed for pre Covid-19 work processes, in which the ratio of workers to pack house tables does not make allowance for social distancing. Most pack houses will not have sufficient packing tables to ensure the correct distance between workers packing fresh produce. There are no easy solutions here, as workers desperately need employment. As pack houses are forced to reduce shift sizes and stagger working hours to enable proper social distancing, this will cause loss of worker income and also slow down the packing process, impacting on the enterprise as a whole.

The impacts of Covid-19 on the agricultural sector raises questions about how things will change to accommodate the 'new normal'. In an op-ed ([Daily Maverick 5 April 2020](#)) Wandile Sihlobo asked whether the pandemic might structurally change the agricultural labour market. He observed that the current labour shortage challenge in Europe and the US could result in a focus on increased automation in the agricultural sector post Covid-19, noting that "any changes in major agricultural producing countries will in the long run will be transferred to the domestic market".

On 9 April president Cyril Ramaphosa announced that the Covid-19 lockdown would be extended to the end of the month. This raised serious concerns about mounting hunger in the country. GroundUp ([14 April 2020](#)) reported on the risk to farmworkers, especially women who were already facing a crisis of hunger just two weeks into the lockdown. According to Colette Solomon, director of Women on Farms the crisis was exacerbated by two key factors – the inability of seasonal workers to claim unemployment insurance due to the closure of the UIF offices and the failure to provide sufficient access to food for vulnerable households. A farm worker from Rawsonville explained how they were being squeezed by rising prices and not being able to claim UIF.

“We haven’t got our UIF, plus many things are more expensive in the shops here in Rawsonville. How are we going to survive? The President must open the Labour Centres. He doesn’t know how we are suffering.”

Women on Farms made a range of recommendations to double the amount of all social grants for the duration of the lockdown, and to take measures to introduce a basic income grant or social wage to include all 10 million unemployed South Africans. Solomons concluded:

Covid-19 has exposed South Africa’s inequalities in wealth, healthcare, housing, water and sanitation, but surely the most perverse is the fact that women farm workers, the producers of our food, do not have enough food to feed their families.

GroundUp (16 April 2020) also reported how safety measures had been ramped up at a Ceres fruit pack house after an employee had reportedly tested positive for Covid 19. In a follow-up article on [24 April](#) GroundUp reported that the pack house was still in operation under strict guidance and supervision of the Department of Health who had

tested workers allowing those who tested negative to return to work. The report records that the Department of Agriculture has been providing support services to various agricultural stakeholders across the province, such as providing farm workers with face masks and sanitisers.

An article ([EWN 7 April 2020](#)) reported how people working at a fresh produce market in KwaZulu-Natal complained about inadequate safety compliance after an employee tested positive for the virus. The decision was taken not to shut down the market as it would have negatively affected food security in the province. These articles indicate that Covid-19 infection is starting to work its way up the food system from retail to pack houses and fresh produce markets. This highlights the need for careful adherence to hygiene and social distancing standards throughout the food chain.

Food security

The lockdown in a bid to flatten the Covid-19 infection curve has been accompanied by a nation and continent-wide focus on risks to food security.

The Institute for Poverty, Land and Agrarian Studies were the first to blow the whistle on the disastrous effects of lock down on poor people's access to food and the informal food economy ([PLAAS 1 April 2020](#)). They made important recommendations including the urgent need to:

Amend the lockdown regulations to allow any supplier of food items to operate. These measures would legalise certain exemptions to the lockdown for poor people – as small-scale farmers, fishers, street traders and spazas – to produce, transport and sell food. This must include spaza shops (not only those that are registered) plus a public clarification that no distinction is drawn between spazas operated by foreigners and citizens. Informal street vendors must be allowed to sell food and also to transport their produce. Small-scale farmers and small-scale fishers must be able to move to and from their farms and fishing sites and to transport their produce, and systems set up especially by large corporate players within their sector to make available the infrastructure that can help them to do so safely.

Opt for cash instead of vouchers: Proposals for food vouchers should be replaced with straight cash transfers, to put decision making into people's hands. The attempt to control what poor people buy is patronising and ineffectual, and there is evidence from elsewhere and in the past that food vouchers get sold for cash, at a discount. It is far better to protect and build up the buying power of poor people to survive.

Initially reports allayed the concerns of South Africans with the Bureau for Food and Agricultural Policy reporting on [3 April](#) that South Africa had ample supplies and that people should not be concerned about the availability of food during the pandemic. BFAP reported that empty food shelves were "a reflection of consumer stockpiling rather than disrupted food supply chains", noting that "South Africa is a surplus producer of food and that the value of South African food exports exceeds imports by a significant margin". The report did note however that the country's biggest source of food and agricultural imports was the European Union which is currently the centre of the Covid-19 outbreak. Due to global transport logistics backlogs products destined for export may

need to be diverted into the local market. While this could benefit local consumers in the short term, this would impact heavily on producers who would receive lower prices for their produce, while South Africa would not earn much-needed foreign exchange from food exports.

Rebecca Campbell reporting for Creamer Media's Engineering News ([16 April 2020](#)) cited a recent report by the Bureau for Food and Agricultural Policy (BFAP) which provides a sobering assessment of how agricultural input supply chains could be affected by Covid-19.

South Africa is highly dependent on imports of agricultural inputs. For instance, it is estimated that more than 80% of domestic fertiliser demand and more than 95% of plant protection chemicals are imported... And this country also imports other agricultural inputs, such as tractors, machinery, implements and the spare parts that they all require.

The risks associated with the high dependence on imports for critical inputs are twofold: Firstly, it relates to availability, either due to supply disruptions in major sourcing countries, or logistical and distribution challenges arising from Covid-19 containment measures. Secondly, there are also risks related to affordability, which is linked to availability but also influenced by the macroeconomic environment, where the relative weakness of the exchange rate, for instance, has the potential to cause substantial price volatility.

A former President of AgriSA, Dan Kriek ([News24 5 April 2020](#)) warned that "the Covid-19 pandemic will accentuate levels of inequality in ways we have not anticipated, unless we start paying closer attention to food security amongst the poorest of the poor." He observed how:

The new regulations do not take into account the complex food supply systems in townships and poor communities. While farmers, farmworkers and retailers all classified as essential services and quickly and easily obtain permits to work and move around, informal food supplies did not. However, the haste with which regulations were promulgated for various

sub-sectors of the economy has resulted in unforeseen and unintended consequences. The informal food supply systems were already so complex, and the quick changes in regulations saw a significant impact on the informal food market.

The informal food market is a complex food delivery system, consisting of spaza shops, bakkie traders, vendors and hawkers. Estimates are that 30% of South Africa's food is distributed through the informal market to our rural areas, townships and informal settlements. Although major retail outlets expanded their operations into townships, the informal market continues to play a critical role in the everyday life of millions of South Africans.

These sentiments were echoed by Western Cape Premier Alan Winde in an interview on [CapeTalk](#) on 10 April 2020. Winde highlighted the serious economic impacts of the lockdown regulations stating that:

It takes just two weeks – two weeks without a paycheck, two weeks without your business trading... It doesn't matter who it is that is involved in that value chain – everybody is seriously impacted.

Winde noted that we have to get more food into the system "because as soon as you don't have that paycheck and you fall outside of a social grants system you are now in a sort of no man's land... We need to trace where more and more people are sitting abiding by the rules, locked up in their home but the cupboard is bare".

A number of industry and civil society initiatives prompted the government recognition of the mounting food and livelihoods crisis in urban townships. This led to the amendment of the regulations to allow informal traders to operate with permits ([TimesLive 7 April 2020](#)). By the 9th April the City of Cape had issued 934 permits to informal traders under strict conditions:

As stipulated in government's amended regulations, goods that are allowed to be sold include fruit and vegetables, fresh meat and fish and sweets and cool drinks.

As part of the conditions, trading can only take place between 8am and 5pm, personal protective equipment like masks and gloves must be used, a distance of a metre apart

should be maintained between trading stalls and banned items like cigarettes must not be sold. ([EWN 9 April 2020](#))

At the same time the City was issuing warnings to other traders selling non-essential goods that their stock would be confiscated if found trading in breach of the regulations.

Food for Mzansi and Grobank joined forces to organise a massive farmers webinar which brought together more than 1300 people ([Food for Mzansi 16 April 2020](#)). Keynote speaker Dr Naudé Malan identified the need for a new agriculture based on “resilient and circular agricultural enterprise” while Mandla Paahla, a Guateng farmer spelt out that there is no returning to normal after Covid-19, but there is a path forward – and that path is to transforming the South African food systems”. This is an important observation – one that clearly recognises the issues and challenges emerging across the land in the month of April.

Lloyd Philips writing in the Farmer’s Weekly ([10 April 2020](#)) highlighted how both the World Bank and the African Union had drawn attention to how border closures can impede critically needed food trade within sub-Saharan Africa. According to the World Bank there would be at least a 5% contraction in economic growth in sub-Saharan Africa for 2020, and that on its own Africa would not be able to contain Covid-19 and its effects.

A number of media articles focused on how small-scale farmers were eligible to obtain support from government, but raised concerns about how this R1.2 billion fund was being administered. Siyanda Sishuba, writing in the Farmer’s weekly ([15 April 2020](#)) echoed concerns raised by Theo de Jager of SAAI ([15 April 2020](#)). These included the narrow window available for making applications to the fund which opened on 8 April and was set to close by 22 April, and the numerous constraints faced by small holder farmers to both obtain, complete and submit the application form.

These concerns have also been raised by activists in the land sector. One activist in KwaZulu-Natal reported that:

It has taken me three days so far to complete 32 forms. Only one or two of these farmers had heard about the relief; not one has seen an official during the announcement. Two extension officers did call me back but were not able to come and assist me to fill in forms and a DLRRD official could not assist with property information because he is working from home and the information is in the office.

Overall, there seems to be a significant mismatch between meeting the requirements set out in the application form and the capacity available to assist farmers to complete and submit these applications. This will likely mean that those small-scale producers most in need may not qualify for relief from government funding. It also raises the risk that those who are better digitally and politically connected are able to access support, while those who are most vulnerable may be excluded.

The pandemic has seen a resurgence of activism in favour of a citizen's basic income grant (BIG) to protect household wellbeing and food security. Vishwas Satgar in an op ed in the ([Daily Maverick 15 April, 2020](#)) noted that:

Just before lockdown the [Climate Justice Charter process](#) called for stronger mitigation measures such as a substantive basic income grant, together with the trade union federation Saftu. This has also been echoed by the C-19 People's Coalition.

He argues that if a substantive BIG is implemented now this could provide a means to prevent hunger and provide a cushion against unemployment.

The Citizen ([18 April 2020](#)) and other news outlets have highlighted a rise in incidences of violence and looting as a response by some to the mounting food crisis. These protests are not because there is no food, but because household incomes in the informal sector have dried up. Many families now have no money to buy food to eat.

Prof Julian May Director of the Centre of Excellence in Food Security, at the University of the Western Cape was reported as saying:

“There's a bunch of us at home getting fat and there's a bunch of people who really have nothing. And it speaks a lot about the inequalities in South Africa (that) are likely to come out. As people are not getting food parcels or hear of other people getting parcels they are starting to react. And I don't think that's going to ease unless there's more rapid delivery of food to people in poor areas.”

Scott Drimie of the Southern Africa Food Lab characterised the current situation as “very, very dangerous”.

The Health Minister Zweli Mkhize ([The Citizen 19 April 2020](#)) reassured South Africans that the government was looking at “all the options to save our people from both hunger and infection. It's not either or”.

On Tuesday 20th April President Ramaphosa announced an increase in the child support grant of R300 for May and R500 from June to October and an increase of R250 per month for all other grants over the next six months. A special Covid-19 social relief of distress grant of R350 per month for the next six months for all who are unemployed and not receiving grants or UIF payments.

Initially it was thought that the increase in the child support grant was per child, but as was clarified later ([Mail and Guardian 23 April](#)) the top up grant was for caregivers and was not indexed to the number of children they cared for. The C19 People's Coalition, an

alliance of social movements, unions, non-profits and community organisations has expressed their concern that the grants would still be insufficient to counter extreme poverty and loss of livelihoods.

Urban land

Our urban land pages have been filled with the struggles of people living in townships and informal settlements during the pandemic. One of the controversial state responses to Covid 19 has been to propose the 'thinning' of densely settled areas in a bid to slow the speed of community viral transmission. These plans have been met with scepticism by residents of informal settlements who argued that such measures, taken without adequate consultation, would meet with resistance and be destined for failure.

A group of civil society organisations have provided a critique of the proposed de-densification of informal settlements as a crisis response to Covid-19 which they characterised as "bad short-term thinking". (Daily Maverick [20 April 2020](#)). The organisations argued that:

Focusing significant resources on only 29 selected settlements for de-densification/TRAs is highly problematic...Covid-19 impacts on all informal settlements and hence the short-term responses for protecting informal settlers from Covid-19 risk must be fairly distributed across all informal settlements. The provision and maintenance of basic services, communication, social learning and behaviour change support, the provision of medical care through testing and well-located field hospitals, and food relief can be rolled out at scale across all informal settlements in the country.

Meanwhile, despite an injunction in the Covid-19 regulations to cease with evictions, several metros proceeded to demolish shacks in informal settlements and eject people from abandoned buildings occupied in the inner city.

The shack dwellers organisation Abahlali baseMjondolo reported facing violence, evictions and demolitions at the hands of the eThekweni municipality, but according to the Durban Mayor "Covid-19 does not mean that there must be a holiday in respecting the laws of the country". In the eThekweni case the courts validated the position taken by the Durban council, declaring their demolitions and evictions to be legal in the Ekuphumleni, Marianhill and the Azania settlements in Cato Manor.

However, in a recent evictions case carried out by the City of Johannesburg, the court found that the city had acted unlawfully and unconstitutionally. In Cape Town, the City demolished structures in Makhaza, claiming that they were not evicting people but demolishing uninhabited structures which had been erected on a speculative basis.

Numerous stories published in GroundUp chronicle the battle between community activists and law enforcement agencies in Khayelitsha. In one story ([GroundUp 11 April 2020](#)) it was reported on how a land occupation was a direct result of the Covid-19 lockdown. As the incomes of tenants occupying backyard shacks in the township have dried up, so they have been illegally evicted by the property owners to make way for those who can afford to pay rent. With nowhere to go, people opted for building shacks on unoccupied municipal land.

In what some have characterised as a return to the ANC versus DA political playbook the Minister of Human Settlements vowed to get to [the bottom of illegal evictions in Khayelitsha](#). More important perhaps is the action taken by the Legal Resources Centre which has taken the City of Cape Town to court to prevent further demolition of shacks and eviction of residents from [Empolweni](#) in Khayelitsha ([IOL 15 April 2020](#)). Actions by municipalities and law enforcement agencies across the country prompted civil society to write to the President expressing concern over the treatment of poor people in South Africa during lockdown ([Radio 702 15 April 2020](#)).

On 17 April IOL carried a story entitled [Families watch in horror as City of Joburg demolishes their homes](#). The article carries a photograph of a front-end loader destroying a house built of bricks and mortar, complete with a tiled roof in Lawley, after the council alleged that the land on which the houses had been built had been illegally occupied. In response to criticism of the demolitions the City stated that “criminal syndicates” were using the current national lockdown “to invade open spaces and land”.

When asked whether the city had a court order to evict the Lawley residents, Joburg spokesperson Nthatisi Modingoane reissued the statement quoted above without answering the questions.

This led Human Settlements Minister Lindiwe Sisulu to stress once again that evictions are illegal during lockdown, condemning the evictions of people from informal settlements by the City of Joburg and the Red Ants in Gauteng.

An important piece by Lauren Royston and Maanda Makwarela ([Daily Vox 15 April 2020](#)) has drawn attention to the need to find long lasting solutions for South Africa’s informal settlement residents. The authors from the Socio Economic Rights Institute (SERI), highlight how urban land has not featured on the land reform agenda to date. They unpack the systemic constraints which render poor township and informal settlement dwellers largely invisible to state services and protection.

Approximately 60% of people living in South Africa do not have the benefits that access to the formal property system is meant to confer. For the majority of people therefore, your rights and claims are not recorded... Our policies do not even possess the language to describe these “off-register” arrangements which people have made in the absence of private sector delivery and inadequate state provision. Without recognition, access

to water, sanitation and refuse removal are constrained because municipal systems of billing, taxation and land use cannot “see” you. As a result, you lack the protections that the system confers: against eviction (whether market, state or familial); locally unwanted land uses; environmentally unsound services which threaten your health and safety; crime, violence and abuse; fire and, as we now anticipate, disease.

The authors provide concrete recommendations for strategic responses in both the short and longer term which draw on the as yet unimplemented recommendations from the reports of the High Level Panel and the Presidential Advisory Panel. Royston and Makwavela see the pandemic as an opportunity:

As crisis measures are planned and implemented, an opportunity also exists to ensure that those people most affected are never again ignored, invisibilised or unrecognised because they are poor.

Africa Land News

In Week 16 we have begun the process of expanding our land related news coverage to include countries in Southern, Central and Eastern Africa. Knowledgebase.land is now working with the [Land Portal Foundation](#) to extend their and our coverage of African land related news. See our new [Africa Land News](#) page launched last week. We will be researching a series of African country profiles in the months ahead in a bid to expand understanding of land issues across the continent.