

**An Investigation of Illegal Farm Evictions in the Great Kei Local
Municipality**

By

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DECLARATION

I, Kholekile Templeton Sonjica, Student Number 9026429, hereby declare that the work in this dissertation is my original work with the exception of such quotations and references that are attributed to their sources and are acknowledged as such.

Signature: _____

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Dated this 08th day of January 2008.

ABSTRACT

This research entails a case study on the investigation of illegal farm evictions in the Great Kei Local Municipality of the Eastern Cape. The study was propelled by the plight of people living and working on farms in South Africa who are always victims of illegal farm evictions. Such evictions in many an instance violate their basic human rights protected by South Africa's constitution and many other international conventions.

It is hoped that the findings and recommendations of the research will have a profound impact on how illegal farm evictions in future will be handled by those championing the rights of people living and working on farms. Similarly, there is hope that this study will create an interest in others to new broader issues of human rights protection. A closer look at concepts like constructive evictions is necessary because of their traumatic nature to their victims.

The study is divided into five chapters.

1. Introduction

This chapter provides a background, the purpose of the study, specific objectives or research questions, hypotheses or assumptions of the study, the significance of the study, justification or rationale of the study, delimitation of the study, literature review, methodology, ethical considerations, and the limitations of the study.

2. The history of farm evictions in South Africa

This chapter gives an outline of farm evictions in South Africa from both the colonial and apartheid

3. The culture of human rights in South Africa

This chapter examines the institutions and instruments that influence the human rights culture in South Africa. It focuses on the legislative framework of human rights.

4. Farm evictions in the Great Kei Local Municipality of the Eastern Cape

This chapter discusses farm evictions in the Great Kei Local Municipality and South Africa in general between December 2001 and December 2006. A case study of the same municipality is the nucleus of this research.

5. Conclusion

The evaluation, findings, and recommendations of the study form the greater part of the chapter.

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LIST OF ABBREVIATIONS

ADLDO - Amathole District Level Delivery Office
ACHPR - African Charter on Human and Peoples Rights
ACHR - American Convention on Human Rights
ADRDM - American Declaration of the Rights and Duties of Man
Agri EC – Agri Eastern Cape
Agri SA - Agriculture South Africa
AMWU – African Mine Workers Union
ANC – African National Congress
APLA - African People's Liberation Army
AZAPO - Azanian People's Organisation
BPC – Black People's Convention
CATOCIDTP - Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBOs – Community Based Organisations
CERD - Convention on the Elimination of All Forms of Racial Discrimination
CEDAW - Convention on the Elimination of Discrimination Against Women
CESCR -International Covenant on Economic, Social, and Cultural Rights
CCPR - International Covenant on Civil and Political Rights
CRC - Convention on the Rights of the Child
CRLR - Commission on the Restitution of Land Rights
CRSR - Convention Relating to the Status of Refugees
CSARPA - Convention on Specific Aspects of Refugee Problems in Africa
DLA - Department of Land Affairs
DLDOs - District Level Delivery Offices

ECAB – Eastern Cape Administration Board
 ECARP – Eastern Cape Agricultural Research Group
 ECDLA – Eastern Cape Department of Land Affairs
 ECHR - European Convention on Human Rights
 ECSAPS – Eastern Cape South African Police Service
 ESTA - Extension of Security of Tenure Act, 62 of 1997
 Final Report - Final Report on the Inquiry into Human Rights Violations in
 Farming Communities
 GAB – Group Areas Board
 GKLM - Great Kei Local Municipality
 LAB – Legal Aid Board
 LCC - Land Claims Court
 LTCB - Labour Tenant Control Board
 LPM – Landless People’s Movement
 LTA - Land Reform (Labour Tenants) Act 3 of 1996
 MPs - Municipal Profiles 2006
 NAFU - National African Farmer’s Union
 NGO’s – Non-Governmental Organisations
 NP - National Party
 PAC – Pan-Africanist Congress of Azania
 PGC - Protocols to the Geneva Convention
 PNURA - Promotion of National Unity and Reconciliation Act
 PSANNC - Petition from the South African Native National Congress, 1914
 QSSRM - Qualitative Social Science Research Methodology
 RNLA – RNLC - Resolution against the Natives Land Act 1913 and the Report of
 the Natives Land Commission
 RNLS – Report of the National Land Summit 27 – 30 July 2005

SADT – South African Development Trust
SAHRC – South African Human Rights Commission
SAHW- South African History Website
SANNC – South African Native National Congress
SANT – South African Native Trust
SASM – South African Students' Movement
SASO – South African Students' Organisation
SKFNS - Summary of Key Findings from the National Survey
SPP – Surplus People Project
TAU - Transvaal Agricultural Union
TBVC – Transkei, Bophuthatswana, Venda and Ciskei
TC – Memorandum to negotiate for the Tshatshu Claim (TC) at the Regional
Land Claims Commission of the Eastern Cape
TGME – Transvaal Gold Mining Estates Limited
TRC – Truth and Reconciliation Commission
UDF – United Democratic Front
UDHR - Universal Declaration of Human Rights
UFHLAC - University of Fort Hare Legal Aid Clinic

ACTS OF PARLIAMENT

Union of South Africa: Constitution of the Union of South Africa Act, 1909.

Republic of South Africa: Natives Land Act, 27 of 1913.

Republic of South Africa: Native Administrative Act, 38 of 1927.

Republic of South Africa: Native Trust and Land Act, 18 of 1936.

Republic of South Africa: Group Areas Act, 41 of 1950.

Republic of South Africa: Constitution of the Republic South Africa Act,
31 of 1961.

Republic of South Africa: Constitution of the Republic of South Africa Act,
110 of 1983.

Republic of South Africa: Constitution of the Republic of South African Act,
200 of 1993.

Republic of South Africa: Promotion of National Unity and Reconciliation Act,
34 of 1995.

Republic of South Africa: Security of Tenure Act, 62 of 1996.

Republic of South Africa: Constitution of the Republic of South Africa Act,
108 of 1996.

Republic of South Africa: Extension of Security of Tenure Act, 62 of 1997.

Republic of South Africa: Communal Land Rights Act, 11 of 2004.

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