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:_________________

Kholekile Templeton Sonjica

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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As someone who began his graduate studies late in life I am sure that I would not have made it without the support of my wife, Nondlela Agnes Sonjica (Nee Pukwana). Her support in a number of ways has paid dividends.

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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
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: 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.
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