

BORDERLINE FARMING:
FOREIGN MIGRANTS
IN SOUTH AFRICAN
COMMERCIAL AGRICULTURE

JONATHAN CRUSH (ED)

WITH CHARLES MATHER, FREDDIE MATHEBULA, DAVID LINCOLN,
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INTRODUCTION

MAKING HAY WITH FOREIGN FARMWORKERS

BY JONATHAN CRUSH

“South Africa will not have farmworkers with a love and knowledge of their work and a willingness to labour, till the farmworker is ensured a living wage, adequate food, housing, education, leisure and security — above all to enjoy the fullness of life” (Ruth First, 1949)

International migrants have been employed on South African farms for many years.¹ Why, then, has their presence in South Africa produced such controversy since 1994?

First, the new South African concern with labour and human rights has focused official attention on employment sectors characterised more by the violation than the observance of basic rights. Commercial agriculture is often deemed to fall into this category. There is widespread suspicion — fuelled by sensational media reports and independent investigators such as the Human Rights Commission, the International Labour Organisation (ILO) and the Labour Market Commission — that foreign workers are living and working on South African farms in particularly dire and exploitative conditions.²

These conditions clearly violate new labour laws and basic employment standards.

Second, the South African government is committed to reducing mass domestic unemployment. Sectors employing non-South Africans have inevitably been pressured to explain why. The government’s stated policy is that foreign workers should only be employed when no South Africans are available. But there are no objective mechanisms for proving or denying that foreign workers are really needed on the farms. Farmers say that foreign labour is essential; South Africans do not like farmwork and the farms would go under without it. Critics respond that if the farmers paid a living wage and improved conditions, South Africans would work on the farms.

Third, white farmers were a privileged elite in the old South Africa; politically powerful and able to secure special privileges denied to other employers. Without massive infusions of state support and subsidies over many decades, commercial agriculture would never have developed to its current levels.³

A critical component was cheap local and foreign labour organised for agriculture by the state. Why, it is now asked, should they continue

to enjoy the fruits of past political connections: state subsidies, side-deals on foreign labour, and immunity from employer sanctions?

Fourth, it is widely but erroneously assumed that South Africa has been swamped since 1994 by millions of foreigners. Research shows that anti-foreign sentiment in South Africa is all-pervasive and xenophobic.⁴

Any region or sector that encourages in-migration through employment is viewed as responsible for the supposed “flood” of migrants.

Finally, the state has committed itself to rooting out and deporting migrants without work permits or contracts. Farming areas have been targeted by the police. Farmworkers are an easy target for “aliens control” units wishing to boost the volume of arrests and magnify the country’s “crime-fighting” statistics.⁵

The public debate over farm labour has generated a good deal more heat than light. That a debate could take place at all is testimony to the greater openness of the new dispensation. The apartheid state kept the farm labour issue firmly behind closed doors. Only when independent investigators, such as the late Ruth First, published damning reports of conditions on the farms did the state reluctantly act.⁶

More often it simply acquiesced to the demands of white farmers and their political representatives. In the 1960s, for example, the state became concerned about the numbers of foreign migrants in South Africa and appointed a commission of enquiry (the Froneman Commission). Froneman recommended that foreign labour dependence be reduced. At the time, these recommendations were so politically explosive (and so roundly condemned by the mines and the farms) that the apartheid government simply shelved the report and ignored the recommendations.⁷

The development of a clear, consistent and implementable post-apartheid policy on the hiring of foreign workers by commercial agriculture has nevertheless been hampered by several factors:

- *The information deficit.* There is little systematic and reliable research information available on migration and the commercial agricultural sector. The 1996 survey of the state of South African farmworkers by the FRRP (Farmworkers Research and Resource Project) was a valuable first attempt to document, on a national scale, the sub-standard working conditions on many South African farms.⁸ The survey demonstrated that employment of foreign migrants was widespread but did not systematically compare South African and foreign workers, nor provide insights into how and why foreign migrants were employed.⁹ Information is still scanty on migrant numbers, distributions, movements, recruiting, employment patterns, working conditions and treatment. Sound policy-making requires a good information base. That simply does not exist at present. The result is

a narrowed policy vision and the danger of choosing options that are unworkable and in no one's best interests.

- *The “invisibility” of foreign farmworkers.* They are certainly not found everywhere in South Africa. The FRRP survey found at least some non-South Africans on 30% of the 196 farms surveyed in four provinces.¹⁰ These farms were not, in the main, in border areas. Concentrations would be higher in these areas since migrants tend to congregate in border areas or where major migration routes cross commercial farming districts. Many of these areas are relatively remote and difficult to monitor. There is no systematic data collection by the state or demanded of farmers on whereabouts and volumes. Most foreign migrants also have no “voice.” Those in the country clandestinely have a vested interest in being as invisible to the authorities as possible. This also opens them up to exploitation and abuse, something that labour rather than immigration policy needs to deal with.
- *The enormous variability and complexity of the commercial agricultural sector.* Differing market, land-holding and environmental conditions prompt very different cropping patterns in different areas. This in turn means different farming, planting, harvesting, packing, marketing and processing methods. Variable methods mean different technological and labour requirements. These all vary seasonally by crop. Further complicating the picture are the varieties of labour and forms of employment in different areas, within an area, between farms and even on a single farm. At the very least, distinctions must be made between resident farmworkers, tenant labour, commuter labour and migrant labour. In an area such as Mpumalanga, all four are present. In other parts of South Africa, only one or two are found. To devise and implement a migration management policy that is responsive to local conditions and variability is a daunting but necessary task.
- *Confusion and uncertainty over the regulatory mechanisms for governing the hiring of foreign migrants.* The Aliens Control Act makes no provision for the large-scale hiring of migrants on contract. In the past, that was the province of separate bilateral labour treaties between the South African and neighbouring governments. These agreements are archaic and outdated. They only apply to certain countries — for example, there is no agreement with Zimbabwe, a major supplier of farm labour. A recent investigation by the Southern African Migration Project (SAMP) also revealed a surprising degree of ignorance about the contents of these bilaterals.¹¹ The agreements were designed for

the mining industry but they were also used by white farmers in the apartheid era. What this means is that farmers (like the mines) enjoy special privileges of foreign labour access denied to other employers.

- *Local level arrangements among officials, the police and farmers.* At best these arrangements contribute to the confusion and at worst they undermine central government attempts to manage the in-flow of migrants. One of the results of this is a lack of uniformity across the country. The mechanisms and policies governing the in-flow and employment of migrants appears to differ from place to place.¹² As the papers in this publication show, there is considerable local-level variation in the ways in which Mozambican, Basotho and Zimbabwean migrants are (or are not) allowed to enter and work. The effective policing of undocumented migration is also seriously hampered by these local-level formal and informal “deals” among officials, farmers and recruiters.
- *The slow pace of transformation of immigration policy more generally.* A draft Green Paper on International Migration was only published in May 1997. Another year passed before the issue of a Draft White Paper on International Migration. Six years into the new dispensation, a new Immigration Act is still awaited. In the meantime, the pre-1994 policy framework (including the problematic Aliens Control Act of 1991) has continued to operate.

SAMP is committed to the principle of delivering accurate and reliable information on migration to enable policy-makers to devise workable solutions.

The FRRP 1996 found that, nationally, 16% of farms had some workers from Lesotho, 11% had workers from Mozambique, 8% from Zimbabwe and 5% from Malawi.¹³ SAMP has focused its attention on three different case study areas where foreign migrants from neighbouring countries are known to be present in even greater numbers: the Mpumalanga lowveld (mainly Mozambicans), the Northern Province (Zimbabweans) and the eastern Free State (Basotho). These studies aimed to shed light on patterns and processes of foreign migrant employment in three border areas. There were four main objectives:

- to document the labour requirements of farms and how these were met by accessing a combination of local, resident non-citizen, legal contract and undocumented migrant worker;
- to examine legal and illegal modes and methods of cross-border movement to the farms;
- to gather evidence on the working conditions of migrants on farms; and

- to analyse the local management and regulatory mechanisms governing migrants including the operation of the bilateral treaties (and any other subsidiary agreements), relations between farmers and local officials policing the farms, and the effectiveness and impact of current policy measures such as deportations and employer sanctions.

These three studies were conducted by different teams of researchers and, for logistical reasons, at different points in 1998. In addition, research methods used in one area (such as interviews with farmers) were impossible in another. The net result is that the three studies had slightly different research designs. The results are therefore not strictly comparable between areas and are reported in different formats by the various authors. SAMP's decision to publish them together was prompted by our conviction that, despite the variations in methods and emphasis, the studies complement one another.

These studies provide unprecedented insights into conditions on the farms in each of the three areas and they allow the authors to draw policy-related conclusions out of local experiences rather than from the top down. What is abundantly clear from all three studies is that policy reform is urgently needed in these areas and that a draconian approach to managing migration from these three countries is likely to be singularly ineffectual.

The similarities and differences among the three study areas need to be highlighted at the outset. This is because commercial agriculture is complex and variable in its ownership patterns, production regimes, deployment of technology and labour requirements. The mechanics of foreign labour usage and the mechanisms of official control also vary between each of the three regions. The reasons are partly geopolitical and inter-governmental, partly historical and partly local. This poses real challenges for policy standardisation.

In all three areas, non-South African citizens are employed in considerable numbers and in each case there are clear ties to only one source country: Mozambique and Mpumalanga, Zimbabwe and Northern Province, Lesotho and the Free State. However, it is a major fallacy to assume that all non-South Africans are recent migrants. The FRRP survey concluded that over 50% of "immigrant farmworkers" had been on the farm for more than five years. As many as 16% had been there for 11-20 years and another 10% for more than 20 years.¹⁴

The major difference with South African workers was that only 22% of the latter had been on the farms for less than five years (compared to 47.4% of non-South African workers). The findings suggest, first, a long-standing pattern of permanent farmwork and residence in South Africa by non-South Africans; and second, increased employment of

non-South Africans after 1990.

These general conclusions are confirmed by these studies. However, it also seems that border farmers are drawing, perhaps like never before, on cross-border migrants to meet their temporary and seasonal labour needs. Unlike the mining industry where, for example, Mozambican and Basotho migrants can be found on all mines, there is clearly a major distance and proximity effect operating in commercial agriculture. Most migrants travel on foot or by bus or taxi and have very limited means or incentive to travel the long distances that would be involved in getting to other farming districts. As farming in the Western Cape becomes more dependent on migrant labour, farmers have been trucking in labour from Lesotho.¹⁵ But this tends to be the exception.

In the case of Northern Province and Mpumalanga, the farms also straddle major migration and transportation routes to the south and west. As a result, many migrants simply use the farms as a “refuelling station” before moving on to their primary urban destination. The fact that farmers in these areas experience much greater rates of labour turnover is therefore not surprising.

Foreign farm labour in South Africa is thus primarily a “borderline” phenomenon. This gives it a very distinctive local character. Migrants move backwards and forwards across the border far more frequently. The borders are extremely porous. The migrants in turn are very well-versed in the legal and clandestine means of border-crossing. They know the district very well, which farms to avoid and where to seek work. If undocumented, they know where not to be found. On the other hand, officials and the security forces know how and where migrants travel, where to set up roadblocks, and which farms tend to employ foreign migrants. Most migrants cross the border for several months at a time. In the case of Lesotho and border farms, there is a daily movement back and forward across the Caledon.

Despite their common features as migrant border zones, the employment and labour market situation in each of the three areas varies considerably. The Mpumalanga lowveld is undoubtedly the most complex; the eastern Free State the simplest. Mpumalanga, unlike the other districts, has a large resident population of non-citizens; mainly Mozambicans who came to the area during the Mozambican war in the 1980s. These residents are a ready source of farm labour and are often confused with recent migrants in the media and by officials. On any large farm on the average harvesting day, one can find permanent farm-workers (mainly South Africans), seasonal workers (mainly Mozambicans and South Africans living in the former homeland areas) and temporary workers (almost exclusively Mozambican migrants and many who are undocumented).

That workforce would also exhibit a complex combination of degrees of legality. There would be South African citizens, legal and undocumented Mozambican ex-refugees (some with South African IDs acquired in South Africa's 1995 amnesty with Mozambique and some without), Mozambican "legal illegals" (migrants with forged or counterfeited South African documentation) and Mozambican undocumented migrants (some with Mozambican IDs, many without).¹⁶

In addition, the legal temporary workers from Mozambique would include some recruited legally by Algos (Agência de Colocação de Trabalhadores para a África do Sul) in Mozambique (under a long-standing bilateral treaty between Mozambique and South Africa), some with legal contracts acquired for them by the farmer after they were hired illegally, and some with so-called "farm IDs" (name tags issued by farmers to protect their workers from arrest, under an informal understanding with the local police).

In the eastern Free State and Northern Province, the situation is less complicated. Farmers in both areas have been allowed to hire foreign migrants legally, although the policies and regulations that permit this to happen differ considerably. Lesotho and South Africa have a bilateral treaty which allows employers and recruiters to hire Basotho legally and on contract through labour offices in Lesotho. At present, more than 7 000 migrants are recruited this way for work on asparagus farms in the Free State. This is simply a modernised version of the old migrant labour system with some new wrinkles: many of the contract workers are women, there is no union like the National Union of Mineworkers to fight for their rights, and there are few controls over working and living conditions.

Zimbabwe and South Africa have no bilateral labour treaty. In the Northern Province, officialdom has reacted pragmatically to a *de facto* situation of undocumented migration to farms by regularising it. Informal border-crossing points and the issue of permits to border-crossers seeking farmwork (under an exemption clause in the Aliens Control Act) has cut the mortality rate from drowning and crocodiles in the Limpopo and allowed officials to get some handle on the magnitude of cross-border migration in the district. Chapter Two of this publication shows, however, that despite the incentive to be in the country legally, many migrants do not bother primarily because the disincentives are so slight. In general, as other SAMP research shows, migrants prefer to utilise legal means of border-crossing where these are available.¹⁷

Despite the differences of geography, production, workforce profile and regulatory mechanism, there is one major feature common to all three districts: the extremely poor working and living conditions endured by most migrants on many farms. We are confident that most

interviewees — who were guaranteed anonymity and interviewed, in at least two areas, in their home countries — responded honestly and without malice. What is striking from the research is the consistency across regions:

- Unions argue that farmers use foreign labour because it is cheaper than South African labour. Many farmers say that South Africans will not work for the wages they can afford to pay. Both seem to agree that South Africans will not work on the farms. The reality is that some South Africans do work on farms in these areas, though not in the lowest paid, most difficult jobs — particularly harvesting. The lowest paid temporary and seasonal jobs are performed disproportionately by both legal and undocumented migrant workers. Could farmers afford to pay more? Almost certainly. Would that attract South Africans? Not necessarily. Is there a threshold wage? Possibly, although this would have to be considerably higher than at present.
- These studies provide further evidence of the shocking wage levels on many commercial farms, even the larger company-owned enterprises.¹⁸ In Mpumalanga, for example, most seasonal Mozambican workers earn only R4 to R6 per day. On some farms, an unskilled worker can earn up to R17 per day with R23 per day as the starting wage for farm-resident workers at the bottom of the scale. Overall, however, the picture is a depressing one. In that area, 71% of interviewed workers earn less than R300 per month (R3 600 or US\$600 per annum) and only 7% earn more than R400 per month. The picture is even more dismal in Northern Province: there 93% of Zimbabweans earn less than R300 per month and 82% actually earn less than R200 per month (US\$400 per year). Only 7% earn more than R300 per month. On the Free State asparagus farms, wages range from a low of only R2 to a high of R20 per day, with an average of only R7.50 a day. None of these wages come close to the benchmark minimum living standard figure of R970 per household per month recommended by the Labour Market Commission in 1996.
- Working conditions on many farms sound little different from the 1940s, conditions that Ruth First and others found completely scandalous. Most workers receive some kind of ration since farmers clearly do not believe in the “clean wage.” But there were recurrent complaints about the amount and monotony of rations. Others complained of the long working hours, the long work-week (25% of Zimbabweans work a seven-day week); and the fact that wages are usually delayed, often short and some-

times unpaid. There was further evidence of the farmers' practice of hiring undocumented migrants and then calling in the police to arrest them just before payday. Most workers live in compound accommodation or tents or shacks. Physical abuse by foremen and managers seems less pervasive than in former times; though reports do filter through to the media of extreme violence being meted out on workers. On the Free State asparagus farms, verbal, physical and sexual abuse are distressingly common.

- Farmwork, and accompanying patterns of migrancy, show distinctive but variable gender dynamics. In Mpumalanga, Mozambican women work on farms but are generally not migrants. Instead, they are South African residents who came as refugees in the 1980s and live in settlements near the farming areas. Migrant Mozambican farmworkers are almost exclusively young and male. In Northern Province, both men and women cross the borders for farmwork. In our study, roughly equal numbers of men and women reported working on farms. Tasks tend to be gendered, with women concentrated in harvesting and picking. In the Free State, the majority of migrants recruited for work on the asparagus farms are older women with families and households in Lesotho.

In all three border areas, it is quite permissible for foreign migrants to work legally on South African farms. But it is still a curious anomaly that migrants working legally on the farms in three different parts of South Africa should be allowed entry under such variable legislative mechanisms and regulations. There is clearly a case for standardisation and transparency, both for administrative ease and to address the perception that farmers still enjoy special privileges in the labour market that are denied to other employers.

Given the existence of these legal avenues, why do some migrants go to extraordinary lengths to avoid them? There are several reasons. First, these avenues are not clear, accessible to all or efficient. As long as undocumented migrants can be legalised after coming to South Africa, there is little incentive to acquire or pay for permits beforehand. Second, at least in Mpumalanga, many temporary farmworkers are just that. They have come to South Africa with other destinations in mind. Third, migrants know that if they make it to the farms, they will be employed. Once there they are on "protected ground"; as long as they stay there, they know the police and other officials will leave them alone. Finally, at least on Free State border farms, undocumented migrants from Lesotho sacrifice marginally higher wages for the advantages of living at home, not being required to pay for a passport, not

being tied to farms for months at a time, changing employers when they want and working throughout the year.

Farmers hire undocumented migrants, particularly during harvesting, for three reasons. First, they are available and accessible. As soon as the cane fires are spotted, the migrants arrive for work. It takes a brave or principled employer to turn the labour away when the crop is ready to go. Second, the legal channels for obtaining workers are slow and cumbersome by comparison. And third, some farmers undoubtedly like to hire workers without documents because they are, by definition, more vulnerable and exploitable. The threat of exposure (coupled with the knowledge that the farmer himself is immune from prosecution) can, and is, used to keep workers in line.

- *The foundational policy issue is whether farmers should be allowed to hire non-South African workers at all.* This is a basic policy choice that is relatively easy to make but, depending on the choice, extremely difficult to implement. A paper ban on the employment of international migrants will not stop undocumented migration. Indeed, it will paradoxically increase it, driving the system underground, exacerbating already rampant corruption and intensifying exploitation and abuse. None of the major players seem to want a total ban on foreign labour employment. Some form of controlled and manageable access is clearly desirable. What form should this take?
- *The need for regulatory standardisation.* It is remarkable that the three small study areas all have different mechanisms and means for foreign access to farm labour markets. In addition, it is clearly unacceptable that farmers should continue to enjoy special status; enjoying rights of access that are denied to other South African employers. The present system is chaotic, confusing and subject to too much local variation and discretion. The need for a transparent and orderly system is paramount. This system should proceed from a central policy vision that is then filtered down to the local level.
- *The system of bilateral labour treaties is in serious need of overhaul.* There is nothing inherently wrong with the principle of labour treaties provided that the original purpose of those treaties (to keep labour cheap and migrant) and their outdated provisions are recognised and addressed. Renegotiated treaties should aim to spell out clearly the terms and conditions of access to the South African labour market, the rights and entitlements of workers, and the obligations of employers. They should have workable enforcement mechanisms and they should give effect to, rather than be exceptions to, a new Immigration Act.

- *The key need is for a system of controlled access that is workable and manageable.* The Draft White Paper on International Migration spells out proposals for an employer-driven system in which the onus would be on employers to negotiate foreign labour entitlements with a new Immigration Service. The proposed mechanisms seem unnecessarily cumbersome, but they do have the advantage of transparency and uniformity. The government's primary role is to intervene to reduce the incentives gap which encourages farmers to employ foreign rather than South African workers.
- *The primary mechanism for reducing the incentives gap involves making foreign labour less competitive.* Here the Department of Labour is accorded a key role. Employers should seek a certification from the department that "the conditions under which he or she intends to hire the identified foreigner, including salary and benefits, are not below the applicable collective bargaining agreement or other standards regulating the labour conditions in respect of South African workers."¹⁹ The associated idea that employers should pay into a "national training fund" a ratio of the foreign labourer's salary is bound to be more contentious.
- *Given the nature of the farm labour market, the high turnover and the seasonal labour needs, the individualised nature of the system proposed in the White Paper will be extremely difficult to put into practice.* If the South African government's aim is to improve the management of the system, it needs to look seriously at the temporary work scheme alternative and build it into new immigration legislation up front. The International Labour Organisation (ILO) has recently reviewed these schemes on a global scale and made a series of best practice recommendations.²⁰ In another report, SAMP has shown how such a scheme might be successfully applied to South Africa.²¹
- If the South African government is serious about prodding farmers and farmworkers to use the legal channels, then it is clear that the costs of using illegal ones must rise in tandem. It is simply counter-productive to direct all the policing efforts at detecting, detaining and deporting migrants en route to the farms. Officials will have to bite the farmer's bullet, inure themselves against the uproar and reintroduce farm inspections. *The primary target should not be the workers but the farmers.*
- The idea that employer sanctions will force farmers to employ South Africans instead is far less likely to work. Government would be better advised, so the international experience tells us, to sanction employers for abuses and violations of basic

employment and human rights standards. Reduce the incentives for employing and exploiting undocumented labour, improve working conditions and provide what Ruth First called “the fullness of life” to farmworkers and the attractiveness of farms for South Africans will increase.

ENDNOTES

1. Alan Jeeves and Jonathan Crush (eds), *White Farms, Black Labor: The State and Agrarian Change in Southern Africa, 1910-50* (Portsmouth NH, Pietermaritzburg and Oxford: Heinemann, University of Natal Press and James Currey, 1997).
2. *Restructuring the Labour Market: Report of the Commission to Investigate the Development of a Comprehensive Labour Market Policy* (Pretoria: Department of Labour, 1996); Guy Standing, John Sender and John Weeks, *Restructuring the Labour Market: The South African Challenge* (Geneva: ILO, 1996); South African Human Rights Commission, *Investigation of Alleged Violations of Farmworkers' Rights in the Messina/Tshipise District* (Johannesburg, 1999).
3. Jeeves and Crush, *White Farms, Black Labor*, pp. 1-28.
4. R. Mattes, D.M. Taylor, D.A McDonald, A. Poore and W. Richmond, *Still Waiting for the Barbarians: SA Attitudes to Immigrants and Immigration* (SAMP Migration Policy Series No. 14, Cape Town, 1999).
5. Police reports consistently list arrests of “illegal immigrants” in the same breath as statistics for arrests for car-hijackings, drug busts, murders and armed robbery.
6. Ruth First, *The Farm Labour Scandal* (Johannesburg, 1949); Michael Scott, *A Time to Speak* (Garden City NY: Doubleday, 1958); Ben Turok, “The African on the Farm” *Africa South* 4(1), (1959): 28-33.
7. Ken Owen, *Foreign Africans: Summary of the Report of the Froneman Committee* (Johannesburg, 1965).
8. Stephen Greenburg, Meshack Hlongwane, David Shabangu and Elken Sigudla, *State of South African Farmworkers 1996* (Farmworkers Research and Resource Project, 1997).
9. *Ibid.*, p. 50-51.
10. *Ibid.*, p. 50.
11. Jonathan Crush and Clarence Tshitereke, “Hidden Treaties: South Africa’s Bilateral Agreements with Its Closest Neighbours” (unpublished SAMP report, 1999).
12. The drafters of the recent Draft White Paper on International Migration argue that the entry of contract workers from neighbouring countries (Mozambique and the BLS countries) is governed purely by labour agreements. Because there is no labour agreement with Zimbabwe, “no contract workers may thus be recruited from Zimbabwe

and prospective workers from Zimbabwe are to follow the normal procedures of obtaining a work permit.” This is incorrect, as Chapter 2 shows. In Mpumalanga, it is also obvious that there is a yawning gap between the text of the bilaterals and actual practice on the ground.

13. *State of South African Farmworkers*, p. 50.
14. *Ibid.*, p. 51.
15. “Boland Slave Trade Exposed”, *Cape Times* 29 August 1996.
16. Fion de Fletter, *Sons of Mozambique: Mozambican Miners and Post-apartheid South Africa* (SAMP Migration Policy Series No, 1998).
17. David McDonald, John Gay, Lovemore Zinyama, Robert Mattes and Fion de Vletter, *Challenging Xenophobia: Myths and Realities about Cross-Border Migration in Southern Africa* (SAMP Migration Policy Series No 7, 1998); and David McDonald, Lephophotho Mashike and Celia Golden, *The Lives and Times of African Migrants and Immigrants in Post-Apartheid South Africa* (SAMP Migration Policy Series No 14, 1999).
18. See *State of South African Farmworkers*.
19. *White Paper on International Migration*, Clause 8.5.
20. W.R. Böhning, *Employing Foreign Workers: A Manual on Policies and Procedures of Special Interest to Middle- and Low-Income Countries* (Geneva: ILO, 1996); International Labour Organisation, *Protecting the Most Vulnerable of Today’s Workers* (Geneva: ILO, 1997).
21. Jonathan Crush, “Devising a Temporary Work Scheme for South Africa” (Report submitted to Department of Home Affairs, March 1999).

CHAPTER ONE

“THE FARMER PREFERS US:”

MOZAMBICAN FARMWORKERS IN THE MPUMALANGA LOWVELD

CHARLES MATHER AND FREDDIE MATHEBULA

The warm climate and frost-free winters of the Mpumalanga lowveld play an important role in shaping the agricultural economy of the region. Unlike the highveld region of the central plateau, which is dominated by rain-fed grain production, the lowveld’s agricultural economy is focused on citrus, subtropical fruit and vegetables, and, to a lesser extent, tobacco.

All these crops must be irrigated; plantations of oranges and fruit therefore hug the major rivers in the lowveld districts of Nelspruit, Barberton and White River. The construction of two sugar mills by Transvaal Suiker Beperk (TSB) at Malelane in the 1970s and near Komatipoort in the 1980s has brought considerable stability and prosperity to an industry that is susceptible to drought, pests and uncertain markets.

Sugar cane is not as vulnerable as fruit to diseases, pests and hail. Moreover, contracting to an agribusiness like TSB provides the basis for other longer-term and more risky — but potentially more lucrative prospects — like citrus, litchis, mangoes, avocados and bananas. The result is that many company-owned farms and individual commercial farmers in the former KaNgwane and the adjacent commercial farming areas grow a combination of sugar cane and one or more varieties of high value citrus, fruit and vegetables. A significant proportion of the citrus and subtropical fruit is exported to Europe, North America and Asia.

High value fruit, citrus and sugar cane farming has been more resistant — but not immune — to labour saving devices and practices. While the tractor and combine harvester transformed the labour needs of farmers in the maize growing areas of the highveld, farmers in the lowveld continue to hire large numbers of workers.¹

This is not to say that farming in the area is not capital-intensive. There is extensive usage by farmers of inorganic fertilisers, pesticides and herbicides as well as centre pivot irrigation systems for sugar cane.

Labour saving practices — such as the outsourcing of cane-cutting and other tasks to private companies — have an important impact on the number of workers required for sugar cane farming. The impact of technological innovation has not been as drastic for citrus, fruits and vegetables, however. Many of these farmers employ hundreds of permanent and seasonal employees.

This particular study examines the place of foreign migrants on the farms of the Mpumalanga lowveld, a region dominated by labour intensive farming operations where Mozambican labour has played an important role in the past and continues to do so today.²

RESEARCH METHODOLOGY

This chapter is based on interviews with 30 commercial farmers and 100 Mozambican farmworkers in the lowveld.³ We also draw on interviews with labour recruiters, Department of Home Affairs officials, and representatives of Algos. Charles Mather conducted the interviews with officials, recruiters and white commercial farmers in the Onderberg region of the Barberton district and the region around Hazyview. While the sampling procedure was not statistically random, the interviewees represented a range of large, medium and small commercial farmers producing a variety of different crops. Questioning focused on the labour systems on each farm, recruitment methods, and conditions.

Freddy Mathebula interviewed the Mozambican farmworkers. Most of the interviews were conducted in former homeland regions on the weekends when farmworkers were not on white commercial farms. A smaller number of workers were interviewed during the week after normal working hours, although they were clearly nervous about talking openly while on commercial farms. The interviews included closed and open-ended questions about working conditions, terms of employment and the work experience of Mozambican farmworkers. Interviews were conducted with long-term and recent migrants, men and women, documented and undocumented workers, and resident and migrant non-citizens.

MOZAMBICAN FARM LABOUR

The labour force on most commercial farms in the Mpumalanga lowveld has a three-tiered structure: semi-permanent, seasonal and “temporary” workers (Table 1.1):

- *Permanent and semi-permanent workers* have been employed on farms for longer than three months and often occupy skilled or low managerial positions. They are usually paid a flat rate per

Worker Category	Gender/Nationality/Documentation
Temporary	Young men or boys/Mozambican/Undocumented
Seasonal	Women/Mozambican or South African/Documented and Undocumented
Permanent	Men/South African or Mozambican/Documented

month and may also receive rations. They often live in compounds or ‘family accommodation’ on the farm. But the proximity of the former homelands in the lowveld allows some the opportunity to commute daily rather than living on the farm.⁴

On farms where there is a formal labour system in place, permanent workers enter into contracts with farmers and on a few farms they also receive pensions, unemployment insurance and may even join a medical aid scheme.

A high proportion of these permanent workers are South African citizens. Mozambican workers in this category are likely to be working legally though a contract or as holders of an identity document. As one farmer noted, “permanent workers must be documented, everyone else we turn a blind eye to.”⁵

- *Seasonal workers* are employed for harvesting citrus, mangoes, litchis and vegetables. Farmers draw on two sources during the harvesting season: (a) women who are not normally employed during the year but who live on the farm with partners; and (b) additional labour, also mainly women, from the former homelands. Most commute daily rather than face the risks of living in “single quarters” on farms.⁶

The seasonal workforce comprises South African citizens and undocumented migrants although it is difficult to assess the relative proportions of each. The ratio probably varies from farm to farm anyway. Most of the female farmworkers travel from their villages to the farms by using public transport or going on the farmer’s truck. Working conditions are hard and wages are often tied to production incentives that, according to farmworkers, are difficult to reach

The employment period depends on the crop. The harvesting season for citrus runs from April to August and most citrus farmers hire additional pickers at this time of the year. Litchis and mangoes have a shorter harvest in late November, December and January. This coincides with school holidays when farmers rely on school children for litchi picking. Farmers claim that they only hire children “above the age of 16.”⁷

Seasonal workers are less likely to enter into formal contracts with farmers and are hired on the assumption that they will work until the crop has been harvested. The ability to mobilise additional labour for harvesting is critical for the farmers, given changing market prices and the possibility that the fruit or vegetables will decay on the tree or in the field.

Farmers are not the only “agricultural” employers during the harvesting season. The region’s co-operative or individually-owned packing houses also employ additional workers once the fruit has been harvested. This

is an important, yet often overlooked, component of seasonal employment.

The employment of seasonal labour often has a dramatic impact on the overall number of workers on a farm, particularly on the large mango, litchi and vegetable plantations. One mango farmer in the district employs around 150 workers during the normal season and hires 500 additional people for the harvesting season. Another farmer producing both litchis and mangoes has approximately 500 people on the farm during the normal season and more than 1 200 workers during November, December and part of January. The number of workers on vegetable farms can also vary significantly: one vegetable farmer has anywhere between 300 and 600 workers on his books during the course of the year. There is considerable variation from farm to farm (Table 1.2); three of the farmers in our sample employ more than 750 people during the harvesting season, while twice as many again employ fewer than 50.

The men and women who work on the farms are very aware of the opportunities provided by the harvesting season. Most farmers say there is a marked increase in the number of people seeking short-term employment during this period. A proportion are “repeat employees”, who have worked on the same farm for a number of years picking citrus, mangoes or vegetables.

One farmer suggested that farmworkers from Mpumalanga, Swaziland and Mozambique are alerted to the start of the season by the smoke from the first sugar cane fires sometime in April. If true, this suggests that the cane fires precipitate a movement of workers across international boundaries, in much the same way that Mexican farmworkers cross the Mexico-United States border for farm employment in California.

Comparisons between farm labour systems in the Mpumalanga lowveld and California must, however, be qualified. While there is a large group of individuals working on the lowveld farms during the harvesting season, it would be misleading to suggest that a wave of migrants crosses the borders in early April and returns later in the year. In fact, the labour market is extremely fluid and farmers hire workers throughout the year, although more intensively during the harvesting season.

Workforce size	Number of farms	%
750+	3	10.0
250-750	8	27.0
50-250	13	33.0
Less than 50	6	20.0

- *Temporary workers*, the third group of workers, are described variously by farmers as “togt” workers, “general labour”, “spare chaps”, and even simply “hands and eyes.” There is remarkable consistency in the role and demographic profile of these workers. They are almost exclusively young men between the age of 16 (or younger) and 20, and are hired for specific short-term tasks that require few skills. All are young, mainly undocumented migrants from Mozambique. This is the lowest skilled and lowest paid section of the labour market and these young men are normally housed in singles quarters or compounds on the farm.

Temporary workers may be hired to weed a specific crop or lug tomato boxes for the short harvesting season associated with this crop. They also undertake tasks shunned by permanent or more experienced employees, including harvesting citrus or shifting irrigation pipes in sugar cane fields, which can be dangerous because of the thorns and sharp leaves.

Finally, they are almost without exception undocumented Mozambicans. There is an enormous turnover in this category of worker. One farmer said he has had 7 000 young men through his farm in the past four years.⁸

Determining the overall number or proportion of Mozambican workers on farms in this region is extremely difficult.⁹ Clearly, the number varies considerably throughout the year. Some farmers do not require documentation when hiring and are thus not even aware of the proportion of documented or undocumented foreign workers on the farm.

Farmers who do require documentation are no further ahead. Workers with South African identity documents, but not South African citizenship, are usually regarded as South African citizens, despite the fact that their status is more accurately labelled “permanent resident.”¹⁰ Moreover, obtaining false documentation is apparently not that difficult. With sufficient funds and the right contacts, a forged identity document can be secured.

Despite the difficulty of gauging the precise number of Mozambican workers on farms in this region, all the interviewees were convinced that the majority are Mozambicans or “of Mozambican origin.” There are certainly more Mozambican migrants in the lowest tier of the agricultural labour market where conditions are worse and wages lower. Where Mozambican migrants have broken into the better paid categories of work, they are documented with identity documents or on legal worker contracts.

Documented and undocumented Mozambicans working on farms in this region are thus a diverse group of individuals and households, not

an undifferentiated mass. Some 67% of the sample had entered South Africa prior to 1990 (Table 1.3). Many of these had fled the country during the 1980s war between Renamo and the Frelimo government and settled in the former homelands of KaNgwane, Lebowa and Gazankulu. White and black commercial farmers in the lowveld still draw extensively on people displaced by that conflict.¹¹

Mozambican farmworkers who reside in these areas may live on farms during the week and return on weekends or at month's end. If the farm is close enough, they commute daily using public transport or are transported in the farmer's truck. Many seem to have lost their ties with their villages and families in Mozambique and have no interest in returning home. They know little of what has happened to their families. In contrast, the small number of Zimbabwean and Malawian farmworkers in the region maintain close ties with their families and regularly receive items posted to them at the farmer's address.

WORKING CONDITIONS ON LOWVELD FARMS

Farmers justify their use of Mozambican labour by saying that locals (or "Swazis" as they actually call them) are lazy and unwilling to work in the fields. They are supposedly reluctant to get their hands dirty in the fields and are "pen pushers." One farmer was surprisingly angry about the fact that so few South Africans worked on farms. He said that farmers called locals *mnumzane* or *meneers* and that they preferred to be *mabhalanes* (clerks) and work at a desk rather than toil in citrus or banana plantations. Some farmers claim that low agricultural wages have nothing to do with the fact that South Africans are poorly represented in the farm labour force. One said: "It doesn't matter what we pay, we won't get locals working on farms."¹²

Mozambican labour is viewed much more favourably. Farmers claim that Mozambicans are hardworking, work independently, can be "trusted to do the job", have *self-trots* (pride) in their work and do not need to be monitored in the same way as local labour. Mozambicans also take on work shunned by local farmworkers: "Local workers won't touch citrus, they don't like the thorns, they are unused to manual labour, they don't understand the unemployment figures."¹³

Farmers say that Mozambicans are trustworthy and are less likely to be involved in criminal activities. They also do not complain about

	%	Cum. %
Before 1980	11	11.0
Between 1980 and 1990	56	67.0
After 1990	33	100.0

working conditions and are unlikely to be attracted to farmworker unions. The farmers' view that South African labour is lazy and unreliable and Mozambicans are hardworking and trustworthy is pervasive and powerful. It leads farmers to the conclusion that if they are denied access to this source of labour, the agricultural economy of the region would collapse.

Mozambican farmworkers echo the sentiments of the farmers. They claim that South African farmworkers are "too lazy"; that they "can't do this type of work because it is for us Shangaans"; and that they "can't stand the heat of the sun and when it is cold they can't stand that too." Mozambicans are, they claim, "tougher for this work", "hardworking in nature", and can "stand the heat of the sun because in Mozambique we woke early and went to the fields to plough." The difference in work ethic is such that "South African men complain because even Mozambican women work harder than they do."¹⁴

Despite the pronouncements of farmers and the views of Mozambicans, the most obvious reason why South African workers avoid farmwork is the low level of wages. Wage rates in South African agriculture are notoriously low and this region is no exception. At the same time, there are significant differences between the wage rates on farms. This local diversity makes any discussion of an "average wage" for farmworkers problematic.

Farmers willing to divulge their wages cited figures of between R4.50 and R6 per day for new unskilled employees. At the other end of the scale, there were some paying more than R17 per day for new "togt" workers and more than R23 per day for permanent employees at the bottom of the scale. Most farmers paying monthly wages cited the figure of R200 per month, although judging by the daily rate, monthly rates are much less for new employees.

Most of the workers cited monthly figures of between R150 and R300 per month (Table 1.4). The range on any one farm also varies significantly. While new temporary workers are paid R17 per day on one large commercial farm, tractor drivers and other more skilled employees may earn R33 per day.

Seasonal workers are usually paid according to the volume harvested and, according to one farmer, may earn R30 to R40 per day. It is likely that this rate would only apply to one or two extremely efficient and hard working members of a picking gang. Farmworkers confirmed this and indicated that it was frequently too difficult to harvest enough to earn more than the basic daily rate.

Rations remain an entrenched component of the payment systems on all but a few farms and employees are normally given a set amount of maize, tea or coffee and sugar. They may also receive a weekly or twice-

TABLE 1.4: MONTHLY WAGE RATES		
Wages (rands)	Farmworkers in the sample	
	No.	%
100-200	31	34.8
200-300	33	37.1
300-400	19	21.3
400+	6	6.8

Note: Eleven farm workers did not respond to this question.

weekly protein ration in the form of meat or eggs.

The prospect of earning as little as R4.50 a day is a powerful deterrent for South Africans, particularly in a region experiencing high levels of economic growth. Working conditions on farms are unattractive — the work is hard, the hours are long and, on some farms, workers are treated very poorly:

We work under bad conditions. Firstly, we are not paid enough money to maintain ourselves and our families. We are not supposed to get sick, for a day he'll understand but if you can't get well soon you're chased away or you don't get paid for the whole month. There is *gwazo* (piece-work) especially when it's time for packing bananas. Overtime is just on his lips, we work for it but at the end of the month your salary is still R240. We work for very long hours: just imagine from 5 o'clock in the morning to half past six in summer and half past five in winter. That's not fair.¹⁵

Mozambicans, as one labour contractor put it, are “hungry” and vulnerable and have no choice but to accept the conditions and low wages.

LABOUR SUPPLIES: FROM SHORTAGE TO SURPLUS

The labour recruiting practices of lowveld farmers have changed radically in recent years. In the early decades of the century, the demand for labour exceeded the local supply.¹⁶ Even the supply of migrants voluntarily crossing the border from Mozambique and Swaziland failed to satisfy the demand. During the 1920s, therefore, white farmers' associations and individual farmers began active recruiting campaigns in Mozambique, Swaziland and further afield. Some of the larger farms established recruiting “stations” on the border between South Africa and Mozambique.

Mozambican labour has thus been a permanent fixture in the local agricultural labour market throughout the 20th century. On the larger

farms, South African labour contributed less than a quarter of the total workforce. The aggressive recruiting of migrants has all but disappeared in the 1990s. While farmers have consistently had problems in recruiting labour in the past, they now appear to have more labour than they need.¹⁷

When they do recruit, a senior employee (farm *induna*) usually handles hiring or the work is contracted out to an independent recruiter.

None of the farmers interviewed had experienced labour shortages in the past few years, even during the harvesting season when they require large numbers of workers at short notice. On the contrary, most experience a constant stream of people looking for work. The most common method of mobilising additional people is simply by “putting the word out.” According to the farmers, the response is immediate and usually exceeds the demand: “If I tell my *induna* on Friday that I need 10 workers, on Monday I will have 50 waiting at the gate for work.”¹⁸

Some farmers contract local entrepreneurs with trucks to put the word out. One such agreement is based on a “set rate and the understanding that the truck will be full when it arrives at the farm.”¹⁹

We asked Mozambican farmworkers how they actually got to South Africa. The question was aimed at uncovering the travel experience of migrants crossing the border and the responses revealed in graphic detail the vulnerability of migrants.

The first group were the refugees who came to South Africa in the 1980s when they were under attack or under threat of attack by armed forces during the war in Mozambique. Many refugees recounted how they left their possessions and simply travelled in a westerly direction. For those forced to flee through the Kruger National Park, there were additional dangers in the form of predatory animals. Several former refugees described how they covered themselves in herbs and potions to ward off lions. The trip was harrowing for most and it involved going without food and water for long periods of time.²⁰

Travel for more recent undocumented migrants does not appear to have become any easier, despite the end of the conflict in Mozambique and the relatively short distances involved. Migrants continue to travel through the Kruger National Park, despite the dangers. Those who can afford guides, or *marheyani*, often find themselves in an even worse position:

When we left Mozambique we were transported by *marheyani*. He treated us badly on the way. He beat us and even stole our money. We paid him when we left Mozambique, but on the way he demanded more money. We gave him all the money we had because, if we hadn't, he would beat you up or take you back to Mozambique. We

got tired and hungry. When we were thirsty we drank our urine because there was no water.²¹

Undocumented Mozambicans also develop various strategies to try and avoid the South African authorities. One farmer observed how Mozambican workers on his land move under the cover of trees when police helicopters pass over. Workers are also very alert to the arrival of any newcomers on the farm; they commonly hide in cane fields or citrus plantations when an unfamiliar vehicle or face enters the farm. As one farmer noted: “They are definitely shit-scared. I’ve had situations on the farm where you drive next to a few people (employed on the farm) and they tear off into the bush.”²²

None of the farmers we interviewed enter into contracts with temporary Mozambican workers. Most are simply hired on the understanding that they will work for at least a month. Farmers complain that temporary workers rarely stay any longer than the month and sometimes leave immediately after receiving a ration of food. While farmers like the flexibility of such an arrangement, they also complain that the migrants simply use farms as a “way-point” or “refuelling station” on their way to larger centres in Gauteng. The struggle to keep temporary workers for longer than a month has led farmers to restructure payment and ration systems.

In the past many farmers paid fortnightly. But this practice is no longer in vogue because farmers lost too many workers immediately after pay-day. Several farmers pay workers only three weeks wages after four weeks and retain one week “in the kitty” as a lure to keep them on the farm. When workers are hired during the month, they are normally only paid at the end of the following month to encourage longer periods of service.

Several farmers have also changed their method of handing out rations. Many provide rations to Mozambican migrants the day they arrive “just to get them going.” One farmer reported that “when they arrive they are underfed and so for the first month they are useless. You spend most of the time feeding them.”²³ Workers confirm that they often arrive hungry and exhausted.

The problem with handing out rations immediately is that some migrants then leave again. Several farmers have responded by delaying the ration until the third day after the worker is hired. This is a calculated tactic: three days labour is more or less equivalent to the value of the ration and is based on the logic that if the worker leaves after three days he has earned the ration. Farmers may also delay the ration until the week after pay-day “otherwise you end up giving away 50 rations at the end of the month.”

Company-owned farms — who may face the scrutiny of a board of

directors based in Johannesburg — tend to have more formal wage payment and employment practices. On these farms there are established criteria for promotion along a set scale and wage rate. There are identity systems for workers employed on the farm and some even provide pension systems and medical aids. The workers on a few of these farms have also been organised by farmworker unions. These farms tend not to employ undocumented migrants.

REGULATING MOZAMBICAN MIGRATION

Despite the preponderance of Mozambicans on farms in the Mpumalanga lowveld, they are hired in different ways. Only one of the farmers interviewed has actually adopted a policy of only hiring South African citizens. In 1998, only 12% of his workforce was Mozambican and most of them were permanent residents or had South African IDs. The company plans to reduce the number of foreign workers in the long term to zero.

Three other farmers have a policy of requiring South African identity documents before they will consider new employees. None of the other 30 commercial farms in the sample followed these strict policies. Most farmers either use worker contracts or simply hire workers with no documentation. Almost half (49%) of the farmers do not require identity documents before they hire someone, while another 45% say they do.

The employment of Mozambican migrants continues to be governed at a general level by the Aliens Control Act of 1991. Under this law, it is illegal to employ non-citizens unless they are permanent residents (and therefore in possession of a South African ID) or have work permits. However, farmworkers are not regulated by the same clauses that govern the issue of work permits to employees in other sectors. In theory, an individual might apply for a work permit. In practice, it is unlikely that one would be granted and few bother to try.

The employment of undocumented migrants or so-called “prohibited persons” is illegal under the Act. On the other hand, certain employers can legally employ workers from Botswana, Lesotho, Swaziland and Mozambique on a contract basis. This arrangement is governed by separate and long-standing bilateral treaties that are permitted under an exemption clause in the Aliens Control Act. This clause allows the South African government to negotiate “temporary schemes of employment” with neighbouring states.

Under the bilateral treaties, the worker is supposed to enter into a contract with a South African employer at home. The system works extremely efficiently for the mining industry. This is primarily because the process is managed by a single employment agency, TEBA. In the case of farmworkers from Mozambique, the system is much more complex, partly because there are more actors involved.

The bureaucracies of both the Mozambican and South African governments are intimately involved in the operation of the farm contract system. Mozambique's official recruiting agency, Algos (Agência de Colocação de Trabalhadores para a África do Sul) is also a central player in the process of securing contract workers. Their offices are conveniently located in Nelspruit, South Africa, not in Mozambique.

There are two main ways in which Mozambicans can be legally employed on contract.

- *Method One: Recruiting in Mozambique.* This method involves recruitment and the signing of a contract within Mozambique before he or she proceeds to South Africa. South African farmers begin the process by applying to the Department of Labour's office in Nelspruit for permission to employ foreign labour through what is known as a "no objection" permit. Farmers must prove to the Department of Labour that their attempts to hire local labour were unsuccessful. The department may request evidence that farmers made an effort to hire South Africans by, for instance, advertising in a local newspaper. The request to hire Mozambicans is then passed to the Department of Home Affairs.

While these papers make their way through the South African bureaucracy, Algos (or other recruiters) recruit the Mozambican farmworker and secure the necessary Mozambican documentation for the contract. Many contract workers have no documents and the first step is to apply for a passport on behalf of the applicant.

Once the passport is issued, it is sent to the Nelspruit Home Affairs office together with the recruiter's service contract which specifies the employer, the duration of the contract and the minimum monthly salary (all nominally regulated by the bilateral treaty). It also includes information on the worker's age, home district and the names of his or her father and mother. The contract is endorsed by fingerprinting of the worker's right index finger with the relevant official confirming that: "The worker covered by this contract, whose identity is known to me, declared before me, of his own free will, that he (sic) accepts the conditions set out in the same contract, which have been explained to him, and that he understands its full meaning."²⁴

The standard Algos contract has a set of conditions on the reverse side that include the following obligations of the employer: the worker is "entitled to food, medical assistance and lodging for the duration of the contract"; Mozambican workers may not be treated "less fairly" than South Africans; compensation should be paid to the worker in the event of an accident or if he or she contracts a disease; and finally the South African Department of Labour may have access to the place of employment and residence of the farmworker.

Home Affairs officials in Nelspruit then stamp the worker's passport

with a bar-coded permit specifying the length of the contract, the place of employment and the capacity under which the individual is employed. The permit does not allow the holder to change employer or remain in the country beyond the length of the contract. Finally, the workers are collected at Ressano Garcia, just on the other side of the Lebombo mountains, and are transported to the farm specified in the temporary work contract.

In practice, perhaps unsurprisingly, this procedure is not normally followed. This is because the majority of “recruits” are already in South Africa, often working for a farmer and having been hired without documentation. While Algos does some recruiting in Mozambique, for the most part it functions to legalise the position of undocumented workers after the fact.

- *Method Two: Legalisation once in South Africa:* The second method involves the more irregular practice of legalising the status of undocumented or illegal migrants already working on the farms. Most farmers only register a worker with the authorities after he or she has been on the farm for a period of three months or more.²⁵

Given the high turnover of their “spare chaps”, farmers tend to wait a few months to see if it is worth their while to secure a contract for an individual worker. When employees “prove themselves”, the farmer contacts Algos who then sends someone to the property to begin legalising the status of the migrant worker.

Since most migrants lack documentation, the recruiter begins by applying for a passport through Maputo.²⁶

In the case of Algos, once the passport has arrived at the company’s Nelspruit office and the Department of Labour has “no objection” to the employment of a non-South African, a service contract is issued. The Department of Home Affairs in Nelspruit stamps the passport with a BI-61 contract worker stamp. Since the bilateral agreements require that the individual is hired outside South Africa, the worker then goes through the somewhat farcical procedure of crossing the border back into Mozambique and then returning immediately with their documentation in hand.

Table 1.5 provides Algos recruiting figures for 1995 in three sectors. Only 252 workers were recruited for farmwork in Mozambique (Method One), compared to 10 217 who were legalised once in South Africa.

The process of legalising the status of undocumented farmworkers employed on farms usually takes six months or more. Farmers report that by the time the completed paper work arrives on the farm, half or more of the contract has usually been served.

Company-owned farms are far more likely to use the legal contract system. These farms are owned by companies with head offices in

TABLE 1.5: LABOUR RECRUITING BY ALGOS, 1995			
Place of recruitment	Agriculture	Mines	Services
Mozambique	252	2 131	214
Nelspruit	9 836	166	429
Johannesburg	173	205	1 459
Empangeni	208	0	8
Totals	10 469	2 502	2 110

Johannesburg or Cape Town and their managers are bound by a set of rules and regulations on employment practices. The farm managers are wary of being found guilty of employing undocumented migrants. As the manager of one company farm explained: “When I got this job I signed a code of conduct that I would do nothing illegal and the company is not likely to pay for a R20 000 per illegal worker fine.”²⁷

A second manager of a company owned farm explained: “When we got here the policy was ‘hire and fire’; all of the workers were illegal.”²⁸ Since then, the manager has applied for identity documents for all of those workers who qualify and has also “put the message out that ID’d people will be taken first.”

There are many individual farmers who, for a variety of reasons, will also not hire farmworkers without some form of documentation. One employer of 700 or 800 workers said: “I don’t want to cross swords with the government. I want to work within the parameters set for me. I also belong to a marketing group that needs to maintain its reputation.”²⁹ His concern at being exposed as an employer of illegal labour and the damage it might cause to the reputation of his marketing group explain why he goes through the considerable effort of having 200 or 300 Mozambican workers registered through the contract system each year.

Most farmers expressed concern at “employer sanctions” — the prospect of huge financial penalties and possible jail sentences for employing undocumented workers. But the prospect does not prevent many of them from employing Mozambicans without a contract or a South African identity document. Even though one farmer admitted that a police raid would “break the farm financially”, he continued to employ workers outside the strict parameters of the law. Another farmer said that he was “here to make money, not to get into politics”, a task which apparently absolved him from the need to legally register his employees.

A more common reason given by farmers for avoiding the legal contract system were the numerous delays, frequent bureaucratic bungling, and costs associated with the system. Farmers complained of an inefficient bureaucracy, the costs of applying for passports and photographs, and

Algos's fees for recruiting workers and processing their papers. These complaints were voiced by farmers who refused to use the system as well as those company farms and individual farmers who did.

According to the manager of one farm, despite the fact that they were going "through the hoops", they were finding it extremely difficult to use the system. On the day of the interview he learnt that 41 workers registered to work on his farm had been held up at Komatipoort despite the fact that their passports had been stamped with the required permit. He complained that he was "being discriminated against" and that, despite his willingness to follow the law, Home Affairs was "making it bloody difficult for us."³⁰ All the farmers called for a more streamlined and efficient system that would allow them to hire Mozambican labour legally.

Farmworkers are also dissatisfied with the legal contract system, but for different reasons. As noted earlier, year-long contracts are entered into between individual workers and specific farmers or farming companies. If the employer dismisses the worker or the worker deserts the farm, the contract is automatically broken and the migrant is no longer legally resident in South Africa. In terms of the law, his or her status changes instantaneously from "contract worker" to "prohibited person."

The result is that retrenched or dismissed farmworkers are unable to move from one farm to another in search of better conditions or higher wages. Moving from one farm to another, where wages are marginally higher or where rations might be better, is actually a long-standing practice in the region. Information on local conditions, wages, accommodation, rations and overall treatment by *indumas* and managers circulates frequently and quickly among farmworkers.³¹

Migrants have a fairly good knowledge of working conditions on farms in the lowveld region. When offered employment on farms, they often want to know the name of the farm or the farmer first.

The contract prevents workers from taking advantage of better conditions, which is one reason why farmworkers themselves may not be interested in going through the process of securing a Mozambican passport and contract. Another reason is the costs involved in applying for passports and work permits, neither of which are borne by the employer.³² Many migrants say that it makes much more sense to take their chances or pursue the possibility of acquiring — legally or illegally — a South African identity document.

While the contract system reduces a migrant's labour market mobility, a South African identity document considerably improves a worker's choices:

The ID is a problem for me. I couldn't leave the farm to go

and look for a job somewhere else because I don't have an ID. If I could find an ID I would leave this farm as soon as possible.³³

Several farmers had the experience of Mozambican migrants leaving the farm as soon as they acquired an identity document.³⁴ According to one farmer, 60% of his workforce left the farm as soon as they had documents: "That was their ticket to the big city." Another farmer was astounded when a worker who had been employed for more than six years left the day after he received an identity document.³⁵

Certainly workers can expect little assistance from farmers in acquiring South African documentation: "[It] is their passport to Jo'burg. You end up spending money on someone who is going to leave you at the end of the season and then you have to start the whole process over again (with a new employee)."

For farmworkers, the lack of an identity document is a major factor in their low wage levels and exploitative working conditions:

There is a difference between South African and Mozambican farmworkers when it comes to wages. South Africans earn a lot and those from Mozambique earn a little because they don't have IDs.³⁶

We are exploited and treated badly because we are Shangaans who are poor and have no IDs. The work is very tough but we have nowhere to go.³⁷

The farmer prefers us because we are hard workers and if he underpays us we have no grounds to complain because we have no rights or IDs.³⁸

What I know is that for those who have IDs the farmer does not employ them because they will demand more and Mozambicans won't because they have no IDs. There are many Mozambicans on this farm.³⁹

One farmer's testimony confirmed the relationship between vulnerability and documentation. Workers on his farm had gone on strike and this led to the organisation of the workforce under one of the farmworker unions. The strike had been an ugly affair with the farmer locking seasonal workers out and evicting resident farmworkers from the compound. He also barred workers from the farm chapel and school children from the farm school. He claimed that the "real perpetrators" of the strike were South Africans from the former homeland. "Shangaans" with identity documents also took part in the strike. Migrants without

documentation were not involved because “they have everything to lose.”⁴⁰

The current regulations distinguish between three categories of Mozambican farmworker:

- undocumented migrants who reside and/or work illegally in South Africa;
- legal farmworkers with permanent residence and South African identity documents; and,
- legal contract farmworkers under the bilateral agreements.

All three categories pose separate problems and challenges for management and control. Certainly most of the official attention focuses on the problem of undocumented migrants. Officials are especially concerned by their inability to control the entry, movement and employment of Mozambican farmworkers.

- *Category One: Undocumented/Unauthorised Migrants.* The South African policy response to unauthorised migration from Mozambique has been primarily punitive. First, more resources and personnel have been dedicated to intensified border policing and control to try and keep people out. This strategy is widely acknowledged to be unworkable if not an outright failure.⁴¹

Second, once in the country, the strategy of “heartland policing” by the security forces kicks in. In the Mpumalanga lowveld there are regular roadblocks on the major roads leading from the Komatipoort border post to Johannesburg and Pretoria, and these are manned by the police and the army. Mozambican farmworkers apprehended without identity documents and without the correct stamps in their passports are usually arrested, taken to one of the army’s holding camps and then deported. Since 1994, the number of deportations of Mozambicans has increased rapidly.⁴²

The success of the state’s efforts to stop unauthorised Mozambican migration to the farms depends on its ability to prevent and control undocumented migrants from entering the country and finding employment on farms or other sectors of the economy. For a variety of reasons, some of which are obvious and others less so, this is an extremely difficult task. The reasons include the difficulties of policing a border which is in certain parts very easy to cross, corruption in the police and army, and the use of couriers or *marheyani* who, for a price, will lead migrants across the border.⁴³

The strategy of arrest and deportation also appears to have a negligible impact on the movement of migrants across the border. The testimonies of farmers and farmworkers indicate that people who are deported usually make their way back to the farm within a few days and even, in a few celebrated cases, the same day.

Not one of the farmers interviewed reported police raids for undocumented migrants on the farms themselves. As one farmer put it: “We have a good relationship with the army. We understand each other: we know they have a job to do, they know we have a job to do.”⁴⁴ Security force attempts to control undocumented migrants are restricted instead to the country’s main roads.

According to several farmers, agricultural land is “off-limits” to the police and army because they are unwilling to interrupt commercial activity. They are also reluctant to apprehend migrants who are “economically active” even if they are “prohibited persons” under the Aliens Act.

Undocumented migrants who are employed and under the control of a farmer are not considered a security threat: “They catch people on the road, but the people on the farms aren’t doing crime; we try and work with them (security forces).”⁴⁵

For both farmers and farmworkers, the official message is clear: while employed on commercial farms, migrants are safe from the police and army, but on the roads they are vulnerable to arrest and deportation. According to one farmer: “The minute they (undocumented migrant) are employed, it is a security to them.”⁴⁶ Testimonies by farmers and farmworkers suggest that the behaviour of undocumented migrants is shaped by this geography of surveillance. Undocumented migrants are normally reluctant to leave the confines of the farm and most use the farmer’s stall to purchase additional goods rather than facing the possibility of being arrested on the roads or in town.

The cosy relationship between the security forces and the farmers was formalised several years ago with the introduction of a farm “ID” system. Workers on some farms are issued with a “farm tag” that is pinned to their clothes and provides the worker’s name and his or her farm identity number, the name of the farm, a photograph and an expiry date. The role of these farm identity cards is to prevent the army and police from arresting migrants who are “economically active.” They prevent legitimate workers, documented or undocumented, from being held by the police or army and thereby disrupting work on the farms. Significantly, the system was introduced with the approval of the local security forces and represents one of the ways in which farmers and the security forces “work together.”

Farm identity tags are not used by all farmers. Some who employ undocumented migrants are reluctant to use tags as this is tangible proof that they have employed a “prohibited person.” Nonetheless, the fact that the system developed at all reveals the strong alliances between the local farming community and the security forces. When we suggested to one farmer that the police might start raiding farms again, his response

was that the police were part of the local community and that this would be an unacceptable form of action: “How could the policeman live with himself if he was responsible for destroying a farm business?”⁴⁷ In the past, when they did arrest farmworkers, “we (farmers) were up in arms. The army officers are also in the community and face the wrath of the community if they arrest on farms.”⁴⁸

The “farming community” now crosses former apartheid boundaries, as black commercial sugar cane farmers in the former homelands also employ Mozambican labour. These local structures and alliances point to one of the most important problems facing the Department of Home Affairs in its attempts to re-regulate the employment of Mozambican labour.

- *Category Two: Legalised Mozambicans.* The number of Mozambicans eligible for South African identity documents increased dramatically in 1996 (by over 50 000) when the South African Cabinet offered an amnesty to Mozambicans who had lived in the former homelands for a specified period of time.⁴⁹ The evidence shows that the 1996 amnesty for Mozambican refugees was relatively successful in targeting individuals living on white-owned farms. It was perhaps not as successful in providing residents of the former homelands with an opportunity of becoming permanent residents of South Africa. As a result, Cabinet agreed to a second amnesty for Mozambican ex-refugees. Planning for this amnesty with several NGOs, including SAMP, went on throughout 1998 and into early 1999.

- *Category Three: “Legal Illegals.”* The more pressing problem for the Department of Home Affairs is the category of so-called “legal illegals.” These are migrants who are in the country illegally but hold apparently valid documentation. Undocumented migrants are apparently able to secure false identity documents with relative ease. Farmers and farmworkers are certainly aware that it is possible to secure a forged identity document for a price. One of the farmers actually admitted to lending Mozambican migrants the R300 to secure an identity document. Several farmworkers we interviewed had attempted to bribe Home Affairs officials, but had failed to secure an identity document despite having paid bribes:

Yes, I tried to get an ID. I went to the government offices to register for it but they didn’t have it. When I went there to check again, they said that the official who completed the forms had cheated me. Yet we bribed him.⁵⁰

Farmers claimed that it is easy for migrants to secure forged documents and several cited specific Home Affairs offices where this was possible. The “going rate” for a false ID is between R300 and R500.

One of the farmers interviewed even admitted to lending Mozambican migrants the R300 to secure an identity document.

- *Category Four: Contract Migrants.* Another area of failing policy is the contract system. Permission to employ Mozambican workers on contracts (the “no objection” system) is granted through the Home Affairs BI-17 form entitled “Application by Employer to Introduce Workers into the RSA.” Applicants are required — in theory — to provide information on the employee and confirm that the Department of Labour office was approached or that the “vacancies were advertised in the local media.”

In practice, employers use a single form for as many as 250 workers. Not surprisingly, the names of these 250 employees do not appear on the single sheet of paper. The stipulation that the positions should be advertised first is rarely adhered to. Rather, the widespread belief that locals are not prepared to work on farms at any price seems to be sufficient.

The Department of Home Affairs has recently proposed reducing the number of contracts issued to farmers and in the long term abolishing the system altogether. In the last year or so, officials in Nelspruit have been penning “FINAL CONTRACT” on the BI-17 form to prevent farmers from renewing farmworker contracts. On some of the BI-17 forms officials have also handwritten the requirement that “LOCALS MUST BE TRAINED IN THE MEANTIME.” These changes suggest that Home Affairs would like to replace the current situation with a framework that permits farmers to hire Mozambicans with identity documents but limits and eventually closes off opportunities for farmers to employ migrants illegally or on worker contracts. Already the farmers unions have been lobbying against the move and meetings are still in progress.

TOWARDS A NEW POLICY FRAMEWORK

Change in the regulatory framework for the employment of Mozambican farmworkers needs to take account of several key issues emerging from this research:

- Policy-makers should not ignore the complexities of the agricultural labour market and assume that Mozambican farmworkers are a homogenous group. The labour market is, on the contrary, extremely complex with a variety of legal, semi-legal and illegal employment categories and local arrangements. Given this complexity, proposals for a complete prohibition on the employment of Mozambicans represent an extremely blunt and unworkable policy instrument. They will almost certainly have the unintended result of increasing the numbers of migrants being hired

without documentation.

- The assumption that South Africans will necessarily replace all Mozambican farmworkers is fallacious. There are already many South Africans working on farms in the region and as noted earlier, there is one company that has introduced a policy of hiring citizens only. But South Africans are unlikely to displace Mozambicans in the way envisaged, without major changes to the low wages, hard working conditions and long hours that characterise farmwork in the region. At the same time, farmers are less likely to improve conditions in an attempt to lure more citizens onto their land and will instead continue to rely on what is an extremely vulnerable and flexible workforce.
- Agricultural production in the Mpumalanga lowveld plays a central role in the economic growth of the region. Mozambican labour is a key element of this agricultural economy and many farmers expressed the view that without this important source of labour, farming would be more difficult and certain commercial farms would be forced to shut down. One farmer argued that if they had to rely on South Africans “we would stop farming, it is as simple as that.” Farmers point out that exports of high value food products, which are important for the local economy and indeed the country’s balance of payments, would be in jeopardy if commercial farmers did not have access to Mozambican labour. The onus is on the state to come up with evidence to dispute these claims or, a more complex and longer-term strategy, reduce the incentives for employing Mozambicans by ensuring that labour laws and employment standards are observed by farmers in the region.
- While the evidence suggests that most workers on farms are Mozambican migrants, there is a consistent pattern to the positions they occupy on commercial farms. Temporary workers are the poorest paid and lowest skilled people on farms and they are all young, undocumented Mozambican men. The time they spend on farms ranges from a day to a few months. Seasonal workers may be employed for longer periods of time, but the work and conditions for these women remains insecure and difficult. Many of these women are Mozambican migrants living in the former homelands of the region.
- Permanent workers earn the highest wages and enjoy better conditions of work; on some farms they may belong to medical aid and pension schemes and their employer will often contribute to the unemployment insurance fund. A proportion of the workers at the top of the agricultural labour market are South African.

Mozambicans in this category are either on worker contracts or, more likely, they have South African identity documents. It is most unlikely that undocumented migrants will occupy permanent positions on any farm in this region.

- More recent migrants living on farms appear to be retaining much closer links with Mozambique and intend to eventually return to their home country. According to one farmer who started farming three years ago, the Mozambican workers on his farm retain strong ties with their home village and travel across the border three or four times a year. These more recent, post-conflict, migrants appear to have a very different long-term strategy than those displaced during the war. Unlike refugees of the war, they are much less likely to remain in South Africa.
- The young men who dominate the category of “temporary” worker, and who work for short periods of time on farms before moving on to Johannesburg and other larger cities in Gauteng, must be distinguished from the farmworker and his or her family living in the former KaNgwane, Lebowa and Gazankulu. While it is unclear whether these migrants remain in the country’s major centres, the testimonies of a few farmers indicated that they have come across “repeat” employees in this category and suggests that a proportion of these migrants are returning to Mozambique. The diversity of the migrant population is important, particularly in the context of the regulatory environment affecting Mozambican labour.
- Mozambicans at the top of the agricultural labour market are working legally in South Africa. This confirms the importance of documentation as a form of security in a high-risk labour market. Many of the farmers have used the worker contract system, although neither employers nor employees seem satisfied with the way it operates. In contrast, farmworkers place great emphasis on the power of the South African identity document: not only does it give migrants job mobility, it also gives workers “rights” on farms.
- The South African Department of Home Affairs is considering restricting and even closing down the contract worker option for farmers employing Mozambican labour. They are also likely to intensify their effort in restricting the employment of undocumented workers on farms. This new regulatory framework envisages farmers employing South Africans or Mozambicans with permanent resident status only. Crucially, the vision hinges on the ability of the security forces to apprehend and deport undocumented migrants.

The security forces face insurmountable problems in their attempts to control the movement of people across a porous border. In the Mpumalanga lowveld the security forces have proved unwilling to tamper with a commercial farming sector that is central to the region's growth and which earns the country valuable foreign exchange, even if it depends on Mozambican migrants.

More problematically, a policy that has as its foundation the arrest and deportation of people moving across the border on to farms could have the unintended consequence of driving the employment of undocumented migrants further underground. Ironically, it will provide farmers with a more vulnerable workforce than they have right now. An alternative to the state's policy would involve regulating rather than attempting to stop the movement of migrants across the border. The effort to restrict or control migrants is not only likely to fail, it will also increase the vulnerability of undocumented workers on commercial farms. A system that permits migrant workers to search and secure employment without fear of arrest or deportation would go some way towards removing the vulnerability experienced by undocumented farmworkers in this and other regions of the country.

ENDNOTES

1. Mike de Klerk, "Seasons that will Never Return: The Impact of Farm Mechanisation on Employment, Incomes and Population Distribution in the Western Transvaal," *Journal of Southern African Studies* 11 (1984):84-105.
2. Charles Mather, *Agrarian Transformation in South Africa: Land and Labour in the Barberton district*, unpublished PhD thesis, Queen's University, Kingston, 1992.
3. To preserve anonymity, all interviews are referred to here only by the date and place of the interview.
4. A few farmers in the area do not have any resident labour on the farm and arrange instead to have the workers transported to and from a former homeland on a daily basis. This also suits farmworkers who generally prefer not to live permanently on farms; see Charles Mather, "The Anatomy of a Rural Strike: Power and Space in the Eastern Transvaal Lowveld," *Canadian Journal of African Studies* 27 (1993): 424-39.
5. Interview with Farmer, Onderberg region, 12 May 1999.
6. Farmers providing accommodation for workers normally have family housing and singles quarters. Single quarters are occupied exclusively by men.
7. Although children younger than 16 are almost certainly used for litchi

- picking, most farmers said that they do not hire anyone younger than the legal limit. One farmer said that some of the young men applying for work appeared to be “much younger” than 16; Interview with Farmer, Onderberg region, 21 April 1998.
8. Most farmers have a book-keeping system that issues workers with a number so that they receive the appropriate wage or piece rate for the month. When this farmer started farming four years ago, the first person he hired was given the number “1” and second “2” and so on. If the employee leaves the farm, the number is not used again. His accounting books showed that he was, after four years, now issuing workers with numbers above 7 000; Interview with Farmer, Onderberg region, 8 July 1998.
 9. Toolo and Bethlehem estimated in 1995 that there are 100 000 foreign farmworkers in South Africa and that 20 000 of these were in the Eastern Transvaal (Mpumalanga). For the reasons discussed here, these figures should be treated with caution; Hilton Toolo and Lael Bethlehem, “Migration to South Africa: Problems, Issues, and Possible Approaches for Organised Labour”, in R. de Villiers and M. Reitzes, *Southern African Migration: Domestic and Regional Policy Implications* (Centre for Policy Studies, Johannesburg, 1995).
 10. Several farmers were perplexed that Mozambicans could be issued with identity documents by officials from Home Affairs. As one asked: “How can a Mozambican get a South African ID? If they’ve got a passport, why would they need an ID book. Why should they have a Mozambican passport *and* a South African ID?”; Interview with Farmer, Onderberg region, 10 July 1998.
 11. C. Dolan, “Aliens Abroad: Mozambicans in the New South Africa,” *Indicator South Africa* 12 (1995).
 12. Interview with Farmer, Onderberg region, 22 April 1998.
 13. Interview with Farmworker, Nelspruit district, 5 September 1998.
 14. Various interviews with Mozambican farmworkers, Nelspruit district, 1998.
 15. Interview with Farmworker, Hazyview, 21 March 1998.
 16. Mather, *Agrarian Transformation in South Africa*.
 17. Historically, farmers considered by migrants to be “good employers” often had labour while those who treated workers poorly and paid less, suffered labour shortages. According to one farmer this is no longer the case because “even horrific employers don’t lack labour”; Interview with Farmer, Hazyview region, 13 May 1998.
 18. Interview with Farmer, Onderberg region, 21 April 1998.
 19. Ibid.
 20. For more accounts see N. Johnston and C. Simbine, “The Usual Victims: The Aliens Control Act and the Voices of Mozambicans” In J.

- Crush (ed) *Beyond Control: Immigration and Human Rights in a Democratic South Africa* (Cape Town: Idasa/SAMP, 1998).
21. Interview with Farmworker, Onderberg region, 12 July 1998.
 22. Interview with Farmer, Onderberg region, 7 July 1998.
 23. Interview with Farmer, Onderberg region, 8 July 1998.
 24. Regulations as found in Algos contracts provided by Algos.
 25. The implication of this delay is that all employers, regardless of whether they say they follow the law or not, are technically employing undocumented migrants if only for short periods.
 26. According to a South African Home Affairs official, passports can only be issued through Maputo. There is some suspicion that Algos may itself be issuing passports to Mozambican farmworkers.
 27. Interview with Farmer, Onderberg region, 7 July 1998.
 28. Interview with Farmer, Onderberg region, 13 May 1998.
 29. Interview with Farmer, Onderberg region, 8 July 1998.
 30. Ibid.
 31. C. Mather, "Labour Tenancy in Barberton", in A. Jeeves and J. Crush (eds), *White Farms, Black Labor: The State and Agrarian Change in Southern Africa, 1910-1950*, Portsmouth: Heinemann, pp. 61-74.
 32. It costs about R70 for a contract and a further R70 for a Mozambican passport. Migrants must also shell out an additional R16 or so for photographs. These are significant expenses for individuals earning between R150 and R300 a month.
 33. Interview with Farmworker, Hazyview, 13 June 1998.
 34. Interviews with Farmers, Hazyview and Onderberg regions, May to September 1998.
 35. Interview with Farmer, Onderberg region, 7 July 1998. Farmers assumed that after migrants received the identity document they went to the "big city." It is quite possible, of course, that they go to work on another farm instead.
 36. Interview with Farmworker, Onderberg region, 9 August 1998.
 37. Interview with Farmworker, Onderberg region, 8 August 1998.
 38. Interview with Farmworker, Onderberg region, 29 August 1998.
 39. Interview with Farmworker, Onderberg region, 13 June 1998.
 40. Interview with Farmer, Onderberg region, 15 July 1998.
 41. The government's recent White Paper on International Migration even acknowledges this reality: "(we) accepted the hard fact of the matter: an immigration system for South Africa cannot rely heavily on effective border control. Once it is painfully accepted that the country cannot succeed in preventing people from crossing its borders and may not rely only on deporting them, many important conclusions follow."
 42. Between 1990 and 1997, 740 000 Mozambicans were deported; see Luis Covane, Julio Macaringue and Jonathan Crush, "The Revolving Door",

Crossings 2(2), 1998, 1-2.

43. Blackman Ngoro, "How I Sneaked into SA — A Night in the Life of an Illegal Immigrant", *Sunday Independent*, 8 June 1997.
44. Interview with Farmer, Onderberg region, 8 July 1998.
45. Interview with Farmer, Onderberg region, 18 July 1998.
46. Interview with Farmer, Onderberg region, 12 May 1998.
47. Ibid.
48. Ibid.
49. J. Crush and V. Williams (eds), *The New South Africans? Immigration Amnesties and Their Aftermath* (Cape Town: SAMP, 1999), pp. 45-56.
50. Interview with Farmworker, Hazyview region, 21 March 1998.

CHAPTER TWO

SOUTHWARD MIGRANTS IN THE FAR NORTH: ZIMBABWEAN FARMWORKERS IN NORTHERN PROVINCE

DAVID LINCOLN
WITH CLAUDE MARIRIKE

Broadly concerned with the northernmost portion of the Northern Province — between the Tropic of Capricorn and the Limpopo River — this chapter deals with a predominantly rural region with distinctive commercial farming and settlement patterns. North of the Soutpansberg, mainly stock farms and a smaller number of game farms cover most of the commercial farming surface, with citrus farming and horticulture concentrated in selected areas. At the foot of the Soutpansberg, between commercial forests on the higher slopes and stock farms in the southern parts of the study area, lies a pocket of sub-tropical agriculture. The demand for agricultural wage labour is consequently uneven across the region, with employment density being highest in the sub-tropical fruit farming areas south of the Soutpansberg, the forestry belt, and the vegetable and fruit farms dispersed in the Limpopo Valley and one or two other locations.

On any given day in recent years, the area has hosted tens of thousands of citizens of neighbouring and more distant African countries; some being in the region for an indefinite period, some for several months, and some for only as long as it takes them to get to places of employment or refuge further south. Mozambicans clearly outnumber all other international migrants, and they have a considerably more permanent presence as a group, but they are not evenly distributed throughout the area. The former Gazankulu territory became, in the 1980s, home to most of the Mozambicans in the region. There is a Mozambican refugee camp at Giyani (and a much larger one near neighbouring Phalaborwa), with a significant concentration at Malamuleli. But there are few Mozambicans north of the Soutpansberg, where Zimbabweans predominate.

Migrants from Mozambique and Zimbabwe are certainly prominent in the agricultural labour market of Northern Province. A good proportion of the seasonal labour requirements of commercial agriculture are met by Mozambican workers. Some are periodic border-crossers, while others are longer-term residents of South Africa who came to the country in the 1980s as refugees. The scale of migration from Mozambique is very significant despite the formidable obstacles to entering South Africa.¹ Besides working on farms (and with other employers) in

Mpumalanga, their migration routes take them into the south-eastern parts of the Northern Province. Growing numbers are engaged for low-wage, seasonal harvesting work, notably on the giant ZZZ tomato farms in the Mooketsi and surrounding districts.²

Labour migrants from Zimbabwe, in contrast, have a distinctive presence on the commercial farms of the northern-most part of the Northern Province in a region referred to in this report as the “special employment zone.” Not all Zimbabwean migrants who work on farms in this zone necessarily have permits to do so, and not all Zimbabwean migrants who work on South African farms do so within the “special employment zone.” Numbers also work on tobacco farms in the central and eastern parts of the province (where more Mozambicans and fewer Zimbabweans have been observed of late).

This chapter examines the role and experience of Zimbabwean migrants in the Far North (the border region of Northern Province and Zimbabwe). Although Zimbabwean migrants can be found on farms elsewhere in the province, there are four reasons for the focus on this area. First, this is the region where Zimbabweans work on farms in greatest numbers. Second, agricultural employment of Zimbabweans is “legal” within this zone under the terms of a special arrangement endorsed by both governments. The research therefore permits an analysis of the operation of this “special employment zone” arrangement. Third, this zone abuts the Limpopo and evidence could therefore be gathered on the cross-border movement of migrants and the effectiveness of local efforts to regulate these movements. Finally, the area has been the site of recent high-profile conflict involving Zimbabwean and local workers. This research permits contextualisation of such conflict.

The chapter is based on findings from: (a) fieldwork and interviews in the Northern Province itself; and (b) a questionnaire-based survey administered in southern Zimbabwe to current and former migrants who had worked on farms in Northern Province.

COMMERCIAL AGRICULTURE IN THE FAR NORTH

Commercial agriculture in the Far North is in the hands of large agribusiness corporations (mainly north of the Soutpansberg and in forestry), private individuals and small companies. The most significant farming area is the Weipe district, where the chief field crops are tomatoes, onions, cotton and wheat. Langeberg Foods, a CG Smith subsidiary, farms in the district alongside other individual and corporate owners. There is also a cotton gin and extensive clearing is under way to expand cotton production. Tomatoes and vegetables are prominent at Waterpoort, on the Sand River, and near Tshipise. Potatoes enter the seasonal cycle in these horticultural centres. Citrus and a smaller volume of mangoes and other

sub-tropical fruit are produced at several places, with a particularly heavy concentration of citrus fruit production in the Tshipise district. Further south, SAFCOL, the parastatal forest company, has the vast Entabeni plantations (and Timbadola sawmill), while Mondi Forests (a subsidiary of Anglo American) also has extensive plantations (and a processing plant at Louis Trichardt). Many of the sub-tropical fruit farms south of these commercial forests were established as commercial ventures under post-World War schemes to settle white farmers; these are the smaller farms of the Levubu district.

Several portions of three former bantustans — Venda, Gazankulu and Lebowa — fall within the region. The rural parts of these areas are characterised by numerous “rural slums” and small-scale household farms, interspersed with the occasional large-scale parastatal agricultural estate. Prominent among these are the IDC’s Sapekoe tea estates at Tshivase and Mukumbani, west of Thohoyandou, and at Mambedi, south-west of Levubu. The apartheid government’s homeland development corporations had commercial agricultural schemes to produce fruit, sisal and other commercial crops. These are now being operated by the Agricultural Research and Development Corporation.

The fact that the Northern Province embraces three former “homelands” and abuts three of South Africa’s neighbouring states (Botswana, Zimbabwe and Mozambique) has considerable implications for patterns of population movement, settlement and agricultural production in the province. They include:

- relatively large concentrations of temporarily or permanently settled Mozambicans, particularly in the eastern “refugee camps” and in the former Gazankulu more generally;
- a designated commercial farming region north of the Soutpansberg in which oscillating migrants from Zimbabwe are legally employed;
- probably the heaviest overland flow of transient and undocumented travellers from African countries other than those abutting South Africa.

The “special employment zone”, the particular sub-region of interest here, is bounded by the Limpopo River in the north, the Mogalakwena River in the west, the Soutpansberg in the south, and Pafuri in the east. This is the region within which migrants from Zimbabwe may be employed by a farmer so long as they hold a valid BI-17 permit (see below). A portion of the former Lebowa protrudes into the region from the south-west, and the former Venda straddles the Soutpansberg east of Louis Trichardt and occupies much of the eastern part of the region. With few exceptions, the region’s commercial farms lie outside these former homelands.

Commercial agricultural within the “special employment zone” resembles a colonial plantation enclave: (a) it produces for distant markets; (b) resources are used on a land-extensive and labour-intensive basis; (c) labour is employed, accommodated and controlled on the farm property and, (d) the sector is isolated by considerable distances from urban centres. While the greatest expanse of commercial farming land is given to stock and game ranging, agriculture and horticulture are also intensively practised, much of it under irrigation and mainly at points along the Limpopo and its tributaries.

Commercial farmers draw seasonal and temporary workers from two main sources: (a) the nearby former homeland areas, where there are large pools of unemployment, and (b) southern Zimbabwe. There is a great deal of tension within this local labour market. Farmers claim that local workers are less committed to farmwork than the migrants. Labour recruiters find it easy to sign up local workers for other forms of low-wage, manual work, but not for farmwork. NGOs and the media have recently drawn public attention to the poor working conditions on the farms.³

Labour unions have been equally critical of employment practices but unsuccessful at getting a toe-hold in the farming sector. Adding to the complexity of the situation is the fact that farmworkers may legitimately and legally be recruited from Zimbabwe under existing policy.⁴

THE LIMPOPO AS BORDER

The promise of jobs in South Africa is the primary factor attracting workers from Zimbabwe.⁵ The relative strength of South African currency adds gloss to wages earned in South Africa, and strengthens the country’s “pull.” But there are also “push” factors at work in Zimbabwe. Rising inflation and soaring unemployment are sapping the meagre household resources of the rural and urban poor. Social welfare is rapidly deteriorating in Zimbabwe. The effects of Zimbabwe’s involvement in the war of the Congo will probably soon be felt by civilians.

The movement of Zimbabweans across the Limpopo cannot be adequately depicted as a simple push/pull operation. Zimbabwe’s southern border region has historical and cultural ties with South Africa’s Far North, and though the Limpopo may well be impassable for months on end it is not nearly as pronounced a social barrier for local communities as it is a political one. Natural environmental conditions are similar on both sides of the Limpopo Valley, but national economic disparities create different demands for wage labour.

Work-seekers on the southern Zimbabwean side of the border look either northwards to the large sugar plantations of Triangle, Hippo Valley and Mukwasini, or they look southwards to the farms (and other

employers) in South Africa.⁶ There is no direct correspondence between national territories, cultural boundaries and regional labour markets, and the Limpopo has always been merely a nuisance for generations of work-seekers in the region who have migrated southwards.

Within the Limpopo Valley, oscillating labour migrants appear to operate outside the official foreign exchange circuit, and beyond the influence of daily currency fluctuations. In the Valley the (informal) going rate remains two Zimbabwean dollars to the rand; despite Zimbabwe's currency having fallen over the past year to 6-7:1. When border crossers have the option of paying for services or goods in either currency at the 2:1 rate, they clearly appreciate that there is an advantage to using the weaker currency. It would be valuable to know when and where these labour migrants finally convert their rand earnings into dollars after returning to Zimbabwe, and thus whether or not they derive the full exchange value of their wages. There are grounds for assuming that the conversion frequently occurs in a rural setting where official foreign exchange rates are either unknown or deliberately ignored by sellers and traders.

POLICING THE BORDER

South Africa has considerable difficulty in policing the 350km border with Zimbabwe. Border control is not nearly as effective as officials believe it could and should be. But the physical and political barriers are wholly inadequate to the task of keeping out undocumented border-crossers. South Africa's border fence along the Limpopo offers varying levels of resistance to prospective "border-jumpers." To the west of Beit Bridge, the fence is relatively well-maintained and electrified (though no longer in "lethal" mode). The eastern section is not all electrified, and it is much easier to cross the Limpopo undetected east of Beit Bridge than west of the border post. Some officials actually argue that a return to lethal electrification would go a long way to securing the border.

The mechanisms of control over cross-border migration range from the inter-governmental to the inter-personal. At the inter-governmental level, local South African officials (from the Security Forces and Home Affairs) have monthly meetings with their Zimbabwean counterparts. Some of the South Africans seem to think that the Zimbabwean officials are less than enthusiastic about exercising strict control over the movement of Zimbabweans into South Africa. There is, at the same time, mounting concern on the Zimbabwean side over the way in which labour migration is undermining a tradition of relatively successful formal education amongst Zimbabwean youth.

The South African National Defence Force (SANDF) faces severe budgetary constraints on the numbers of troops and vehicles it can

deploy to patrol the border. Fuel restrictions, the need to transport arrested border-jumpers, and the great distances involved all limit the mechanisation of border patrols. From a military perspective, these impediments lower the morale of troops who are ineffectual in the performance of their border duties.

The SANDF and the Department of Home Affairs co-operate in searching for those who have successfully penetrated the border without documents, focusing their attention on employers and on transport. While undocumented border-crossers are detained in their hundreds every month, the prosecution of employers and of taxi drivers is generally considered to be a wasteful and fruitless exercise. Road blocks and taxi searches yield a regular supply of suspected undocumented migrants. However, taxi drivers transporting migrants cannot be convicted without the testimony of at least four illegal passengers.

Similarly, an employer of undocumented labour will not stand trial unless at least four workers agree to be witnesses. In the case of farmers, it may take a week to lay charges of illegally employing workers from across the border. There must be evidence, a warrant is needed, and police accompaniment must be organised before immigration officials can enter the farm with any hope of a successful prosecution.⁷ In order to avoid the inconvenience and time of going through the courts, the Department of Home Affairs has taken to imposing spot fines of R500 to R1 000 on employers for every undocumented migrant found working for them.

Deportations from South Africa to Zimbabwe have risen steadily in the 1990s from 5 363 in 1990 to 21 673 in 1997 (Table 2.1, p. 49). In the period of research (June to August 1998), a total of 7 247 Zimbabweans were deported. But the holding facilities for detained migrants are inadequate, transportation and feeding is costly, and most of those from Zimbabwe are back in South Africa within days of being deported. In an attempt to make deportation more of a deterrent, officials in the Far North commonly fine them all the money they have in their possession up to R50. At the time of arrest, the majority of these deportees are likely to have been within or to have traversed the "special employment zone."

THE SPECIAL EMPLOYMENT ZONE

South Africa allows Zimbabweans to take legal employment on farms within the "special employment zone" provided they have a BI-17 permit linking them with a particular farmer. Although there are no official fees for obtaining a BI-17 permit or for entering South Africa, a Zimbabwean migrant must present an identification document at the border and pay Z\$40 or R20 for a Border Permit to leave Zimbabwe.

The only South African employers allowed to employ Zimbabweans are farmers registered with both their local agricultural union and the Transvaal Agricultural Union. Immigration officials are supposed to check that every applicant for a BI-17 permit has been recruited to work for one of these employers. There were 199 legitimate employers on the official list when the border was visited in September 1998.

Under the agreement between the two governments, informal border posts were established at two points on the Limpopo; one near Weipe, to the west of Beit Bridge, and one near Dite, to the east. The Dite post was not operative for long, but the Weipe post has become an important crossing point. The Weipe post is about 40 kms from Beit Bridge — and several kilometres from Weipe itself — and uses Gate 17 in the electrified fence on the South African bank of the Limpopo. It is suited solely to pedestrian traffic. For all but two months in summer (when the river rises to unsafe levels) the Weipe post opens on Sundays and Mondays for the issue and renewal of BI-17 permits. It also stays open on Fridays for returnees or visitors crossing in either direction. Three to five hundred (and sometimes more) permits may be processed at Weipe every Sunday or Monday. As an “informal” post it has no customs facilities, and only personal belongings may be carried across the border.

One private labour recruiter who recruits Zimbabweans for farms in the “special employment zone” handled as many as 10 000 BI-17 permits in the first eight months of 1998. While there has been a recent swelling in the numbers of Zimbabwean work-seekers of all ages, recruiters favour slightly older workers. Younger recruits are reputedly more inclined than older workers to “skip” to Gauteng after receiving their first farm wages; the “skipping” rate is estimated at 5% of new recruits.

Labour sub-contracting is uncommon within the “special employment zone.” Farmers are more likely to hire workers themselves, in either their personal or managerial capacity. They usually hire the services of a professional recruiter (to whom they pay R10 per recruit), or they recruit independently (by going to the border themselves or entrusting a foreman with the task). More than a few farmers rely on Zimbabwean migrants simply arriving on their farms, in which case they might or might not then secure BI-17 permits to legitimise their presence.

“GATE 17”

The gate is reached by driving along a tarred road which runs between farm fences and the electrified border fence. About 25 metres from the gate, and overlooking it, is some open ground. I park with the several vehicles which are already here — five bakkies, two tractors and trailers, and two large trucks. There are men sitting at the wheels of one or two of the vehicles, and a few others standing around. Another truck arrives; it has the name of a Waterpoort farm on its doors. About 20 people alight from the truck; most are young adults, about one-third are women, and there is a babe in arms. The driver stays behind while the others walk towards the gate, one with a sheaf of papers and some of the others sharing the weight of three lug boxes of tomatoes. They are all day visitors who will return from Zimbabwe in the late afternoon.

Walking down to the gate I pass a large tree which gives shelter to a huddle of five or six people who are boiling water over an open fire. Here, and as I approach the gate, I am asked by several young men whether I have work for them. The gate has been open for a short when I arrive, with a queue of about twenty pedestrians waiting to pass through it. At the gate, there are several soldiers, in uniform and armed, who check each person through; there is also a man seated on a stool and taking payment from each person in return for a blue onion-pocket tag. (Later inquiries reveal that this man is employed by the farmer on whose land Gate 17 is situated, to exact a R2 or Zim\$4 maintenance fee from each person leaving through the gate.)

When I request to visit the office, I am admitted through the gate (and not asked for R2). The office is a large military tent in a clearing under trees just a few metres from the crest of the river bank. There are two Home Affairs officials in attendance. Nearby, in another clearing, is a woman making tea near an open fire, apparently as an informal service for border personnel. There is little activity in the tent as the Zimbabwean officials have not yet arrived at their office on the opposite bank. While the South African officials are at the post from 8am to 4pm, their Zimbabwean counterparts are said typically to be at their post from 11am to 2pm. One of the few Zimbabweans to appear is sent back; although he has an offer of employment (I am able to see that the letter he proffers is typed under a South African engineering company's letterhead), he is told that only farmworkers may enter South Africa through this gate (and the officials subsequently

tell me that he has little chance of gaining legal entry to the country through any other border post).

Down the bank and in the dry river bed I meet a Zimbabwean police sergeant in plain clothes who agrees to accompany me across to visit the Zimbabwean border post. The river bed is about 300 metres wide at this point, and there are two or three people walking towards Zimbabwe as we set off through the sand. On the Zimbabwean side are several hundred people who surge towards the make-shift office as we approach (the surge is even stronger later on when the Zimbabwean officials finally arrive). They evidently take me to be a recruiter and are hoping to be signed up for work. At least 120 of them will be successful as there is a recruiter on the South African side who intends signing up that many.

My escort expresses the opinion that Zimbabweans living close to the Limpopo are showing growing interest in making their way to Johannesburg, while more Zimbabwean job-seekers from further north are prepared to accept farmwork in South Africa.

When returning to the South African side with me, the policeman notices a young man walking in our direction carrying the parts of a metal door frame. The young man is challenged and referred to another policeman (who will probably confiscate his door frame, I am told) as I am escorted back across the river bed.

Back on the South African side, and out of the fenced border zone, I observe more vehicles arriving with day visitors.

Field Report by David Lincoln

SURVEY METHODOLOGY

Because of the difficulties of accessing Zimbabwean migrants within South Africa, a research strategy was developed for interviewing within Zimbabwe. A major survey was conducted in the Beitbridge District of Zimbabwe's Matabeleland South in late August 1998. Beitbridge District has some 80 000 inhabitants, and is divided for administrative purposes into three wedges — western, central and eastern — with the town of Beitbridge at their apex. The survey area comprised the southern half of Beitbridge District's eastern section, from Beitbridge to Chikwarakwara.

The field research was co-ordinated by Claude Mararike and the interviews were conducted by Clara Dube and Herbert Makaure. The questionnaire was administered to 202 persons who had worked at least once on a South African farm. This non-probability sample comprised 60 female and 142 male respondents drawn from four towns and villages in the survey area (Table 2.2).

There was no sampling frame for the population under study, and the

TABLE 2.1: DEPORTATIONS FROM SOUTH AFRICA TO ZIMBABWE		
Year	No.	% of Total
1990	5 363	10.0
1991	7 174	11.7
1992	12 033	14.6
1993	10 861	11.2
1994	12 931	14.3
1995	17 549	11.2
1996	14 651	8.1
1997	21 673	12.3
Totals	102 235	11.4

TABLE 2.2: LOCATION AND GENDER OF INTERVIEWEES			
Survey sites (west to east)	Females	Males	Totals
Beitbridge	1	47	48
Dite	31	44	75
Rukange	21	24	45
Chikwarakwara	7	27	34
Totals	60	142	202

TABLE 2.3: AGE DISTRIBUTION OF FARMWORKERS		
Age Range	No.	%
17	22	10.9
18-20	53	26.2
21-30	87	43.1
31-40	25	12.4
41-50	2	1.0
51-60	5	2.5
60>	3	1.5
u/c	5	2.5
Totals	202	100

time and cost of constructing one would have been unrealistically high. A “convenience” sample was thus drawn by the field assistants, whose objective was to find 200 persons living within 50 km of the Limpopo who had been or were still employed on a commercial farm in South Africa.

This sampling method yielded data which are not necessarily truly representative of all Zimbabweans. The results therefore have to be regarded as descriptive and suggestive rather than definitive.

The age range of the sample was from 14 to 68, with a mean age of 25 years (Table 2.3). The oldest respondent still employed on a South

TABLE 2.4: EDUCATIONAL LEVEL OF FARMWORKERS		
Years of Schooling	No.	%
0	27	13.4
1-6	56	27.7
7-10	88	43.6
10>	31	15.3
Totals	202	100

TABLE 2.5: MARITAL AND PROVIDER STATUS OF FARMWORKERS		
Status	No.	%
Married with dependants	75	37.1
Married without dependants	10	5.0
Unmarried with dependants	32	15.8
Unmarried without dependants	83	41.1
unknown	2	1.0
Totals	202	100

African farm was 63. Including those who had never attended school, about 41% had received no more than six years of schooling and could therefore be regarded as “functionally illiterate” (Table 2.4). Less than 15% of the respondents had more than ten years of schooling to their credit. The majority of the respondents were unmarried (Table 2.5). While many had no dependants, the 202 respondents contributed to the support of 329 other persons in Zimbabwe; a dependency factor (or mean) of 1.65.

GOING TO SOUTH AFRICA

The overwhelming majority (91.6%) of the sample made their way to the farms on foot. Walking these remote routes can be hazardous. Migrants sometimes get lost and go without food. Others mentioned the difficulties of crossing when the Limpopo was in flood, and of encounters with elephants. Most (nearly 70%) chose a farm on the basis of a recommendation or in the company of another worker from that farm (commonly a family member) (Table 2.6). Some had found it through an independent search. Only a small minority said they been recruited at the border by an agent (4.9%) or farmer (4.9%).

Farms are commonly known amongst workers by nicknames which usually refer to some aspect of the farm or farmer. From the broad range of farmers’ and farms’ names cited during the survey, most could be positively identified and 11 could be singled out as having been the employers of at least five respondents each. These 11 are all within the “special employment zone.” They are identified below by capital letters “A” to

TABLE 2.6: MEANS OF FIRST CONTACT WITH THE FARM		
Means of Contact	No.	%
Local chief or other authority in Zimbabwe	0	0
Recruiting agent in Zimbabwe	3	1.5
Recruiting agent at the border	10	5.0
Farmer at the border	10	5.0
Another worker from the farm	135	66.8
Other	41	20.3
Unknown	3	1.5
Totals	202	101

TABLE 2.7: DOCUMENTS USED TO ENTER SOUTH AFRICA		
Document	No.	%
Passport	3	1.5
Permit	16	7.9
No documents	183	90.6
Totals	202	100

“J”, with a special identity for “AA.” Some individuals in the Limpopo Valley and surrounding districts own more than one farm, and it is likely that “A” and “AA” are in fact one farm, or (most probably) two farms owned by the same person.

Less than 2% of the respondents had valid Zimbabwean identity documentation when they entered South Africa. Only another 8% had obtained permits on entry. Most Zimbabwean workers with BI-17 permits were probably recruited by an agent. The survey therefore suggests that not all migrants deal with a recruiting agent, and nor do the majority appear to obtain BI-17 permits (see Table 2.7).

Three of the migrants who entered South Africa without any documents mentioned (in response to other questions) that their employers had obtained permits for them once they were in South Africa. This practice may be quite common. Another two who crossed the border without documents accused their employers of holding their permits to prevent them from leaving the farm. The number of workers who cross the border without documents is therefore not exactly the same as that working illegitimately - farmers may obtain permits for the workers, without necessarily allowing the workers to hold the document.

The interviews provided insights into the gender and national breakdown of the workforce on farms in the Far North. Almost 75% of the respondents were part of a workforce comprising roughly equal numbers of men and women. About 10% recalled a preponderance of women. The survey suggests, then, that women migrants have a significant

presence on the farms of the “special employment zone”; the proportion of women being only slightly smaller than that of men.

Almost 75% of the respondents had mostly Zimbabweans as their co-workers. A significant minority (16.3%) had been or were part of a workforce comprising only Zimbabweans. South African workers were said by a small number of respondents to have formed a majority, and fewer than 5% recalled the presence of workers from countries other than Zimbabwe or South Africa.

Slightly over a quarter (26.2%) of the survey respondents had worked elsewhere in South Africa. Almost 50% of these respondents had worked on another farm in the “special employment zone.” A smaller proportion of the sample (14.4%) had done non-farmwork in South Africa. With few exceptions, those with experience of non-farmwork in South Africa had gained it south of the Soutpansberg, mainly by working on a building site, as a security guard or on a mine.

WORKING CONDITIONS ON FAR NORTH FARMS

On the farms, most migrants performed work requiring little education or training. Only a very small number were employed in supervisory positions or as drivers. Given the way in which clearing, planting, weeding, and harvesting are generally performed, about seven out of every ten respondents would have worked as undifferentiated members of “gangs.” If working units tend to be gangs rather than individuals, gender is nevertheless an important factor in the assignment of workers to specific tasks. The concentration of women in harvesting jobs (and the low reliance farmers place on men as pickers of delicate crops) is seen in Table 2.8.

Working hours vary from farm to farm. The daily norm is eight to ten hours, starting usually at 6 am. Meal breaks are not given on all farms and on some farms tomato picking extends well into the night under the light of torches. More than one-quarter of the respondents (27.7%) had worked a seven-day week (see Table 2.9).

More than half the respondents (55.5%) had spent a year or less with their current or latest employer on a commercial farm in South Africa; less than a fifth (17.8%) had served for longer than three years (see Table 2.10). While most respondents expressed their cash earnings (or disposable income) in rands received per month, some were paid daily or by piecework rates:

- *Monthly Earnings:* Since the survey involved persons who had worked at least once on a South African farm, irrespective of when, it is necessary to disaggregate the data on wages. Thus, only the declared monthly incomes of respondents whose last job on a South African farm ended after January 1997 are considered here (see Table 2.11). Most (72.2%) of the 144 respondents

TABLE 2.8: OCCUPATIONS ON SOUTH AFRICAN FARMS BY GENDER					
Task/Title	Female		Male		Totals No.
	No.	%	No.	%	
Harvesting					
Tomatoes	19	32	31	22	50
Oranges	2	3	4	3	6
Other crops ¹	9	15	16	11	25
Sub-total	30	50	51	36	81
Other horticultural work²					
Irrigation	0	0	10	7	10
Spraying	0	0	5	2	5
Crop guard	3	5	2	1	5
Foreman/Supervisor	0	0	4	2	4
Diverse field work ³	3	5	16	11	19
Animal husbandry	0	0	10	7	10
Driving	0	0	3	2	3
Security guard	0	0	2	1	2
Domestic work	2	3	2	1	4
Other ⁴	2	3	12	8	14
Unknown	1	2	2	1	3
Totals	60	100	142	100	202

Notes:

1. All other vegetable and fruit crops.
2. This may include harvesting, where the worker also planted, pruned etc. It excludes work with cotton, tobacco and timber.
3. This includes all agricultural work other than harvesting.
4. This includes painting, electrical work, etc.

TABLE 2.9: DAYS WORKED PER WEEK		
Days per week	No.	%
5	37	18.3
5.5	22	10.9
6	40	19.8
6.5	36	17.8
7	56	27.7
Unknown	11	5.5
Totals	202	100

received monthly cash wages of R200 or less, and very few (6.9%) received more than R300. Their mean disposable income per month was R149. The range of monthly wages declared to have been earned within the “special employment zone” *per se* was R100 to R600.

TABLE 2.10: YEARS WORKED FOR LAST OR CURRENT EMPLOYER		
Years	No.	%
1	112	55.5
2	23	11.4
3	28	13.9
5	19	9.4
10	11	5.5
10>	6	2.9
Unknown	3	1.4
Totals	202	100

TABLE 2.11: MONTHLY DISPOSABLE INCOME		
Cash wages	No.	%
R100	5	3.5
R101-150	53	36.8
R151-200	46	31.9
R201-250	16	11.1
R251-300	14	9.8
R300>	10	6.9
Totals	144	100

There appears to be little financial advantage to being promoted to the position of supervisor or foreman. While one of the four foremen in the survey was paid R600 a month (after a decade of service to the same employer), the others received R150, R225 and R300 respectively. None of the latter three had worked more than four months; the first had five years of schooling while the second and third had each completed 11 years at school. The highest monthly wage was R1000, and the next highest was R700; both amounts earned for work performed on farms outside the Northern Province. Those who received these relatively high wages were two of a group of nine respondents who worked on farms south of the Soutpansberg; their mean monthly wage being R414.26

- *Piece, Daily or Other Earnings*: Only 13 of the respondents expressed their cash wages in piece or daily rates. Three were from farm "A" and two from farm "AA." All had picked tomatoes, with some variation in reported earnings. While farmer "A" paid 30c a box (of tomatoes picked), two teenagers reported working a 7-day week, and an older respondent 6 days a week. The two from "AA" farm - both teenagers - reported earnings of R8 a day for a 7-day week and R5 a day for a 6-day week respectively.

A 19-year-old reported earnings of R12 a day for picking tomatoes on farm “F.” Planting onions on a Waterpoort farm earned one respondent R7 per day; and picking avocados earned a 16-year old R15 per day for a 5-day week, and an older person R40 a 6-day week. Also from farms in the “special employment zone” were a 15-year old irrigation worker who was paid R5 per day for a 6-day week, and a painter who earned R12 per day for a 6-day week. Only one of this group had worked outside the “special employment zone”, where he was paid R30 per day and sometimes earned up to R750 per month.

Because the survey was conducted in Zimbabwe, it reached persons who were seasonally off the South African farms or who no longer migrated to do farmwork. A general inquiry into the respondents’ role as provider elicited valuable information about the range of income sources for their families or households. In many cases, married couples worked on South African farms together; often with the husband doing so on a permanent basis and the wife seasonally.

Nearly 10% of the respondents supplement their or their spouse’s farm wages by engaging in petty cross-border trade. Typically, this involves the sale of clothing, fish (*kapenta*), brooms, beer or milk in South Africa. Some return with the likes of soap, toothpaste, candles and radio batteries for sale in Zimbabwe. Another 10% confine their trading activities to Zimbabwe, where they buy and sell goats, cattle, or grain, or are vendors of their own produce such as beer or boiled eggs. Fifteen of the Beitbridge migrants had found an alternative to migrant farm labour in the activities surrounding border-crossing: several are push-cart operators (*guma-guma*), others load long-distance buses or wash car windows. Another seven respondents admitted to involvement in (illegal) currency dealing, and one to being an itinerant gambler on South African farms.

The experience of one 39-year-old migrant in many ways epitomises the life of Zimbabwean migrants in this region. The man supports his two wives and their seven children in Zimbabwe. For the past 15 years he has returned seasonally — and without documents — to work on farm “F” in South Africa. He works every day of the week, for which he is paid R130 at the end of the month. His days start at 6am and he has a half-hour lunch break at noon and expects to finish work at 5pm. Should he fail to complete his assigned task by 5pm he might continue until perhaps 7.30pm, before returning to his self-built hut for the night. He considers workers on the farm to be badly treated and he feels that Zimbabwean workers are treated worse than South African workers, who get jobs as drivers or as supervisors of Zimbabwean workers.

How do migrants more generally feel that they are treated by the

farmers? In fact, slightly over one half (54.4%) claim to have been treated well or very well, compared to 39.6% who say they were treated badly or very badly (see Table 2.12).

The migrants were also asked how their employers treated Zimbabweans in comparison to workers from elsewhere. Nearly 60% did not consider Zimbabwean workers to be treated any differently, while just over a quarter (27.2%) claimed that Zimbabwean workers were discriminated against.

Responses to open-ended questions provided additional information about treatment by the farmers. There were a number of references to being beaten by farmers. Threats and insults were also reported. One farmer was known to confine workers to the farm during weekends.

The migrants were also asked about the most common problems they faced in getting to and on the farms. By far the most common response involved South African officials (Table 2.13). Most reports of encounters with the South African Police had to do with arrest and deportation for not being in possession of the relevant documents. Many of these reports (as well as other comments) referred to police being called on to the farms a day or two before pay day to round up undocumented workers. Some claimed also that the police usually took some of their

Treatment	No.	%
Very well treated	11	5.4
Well treated	99	49.0
Neither well nor badly	10	5.0
Badly treated	74	36.6
Very badly treated	6	3.0
Don't know	0	0.0
Unknown	2	1.0
Totals	202	100

Nature of problem	No. of reports
No trouble	99
Trouble in Zimbabwe on the way to the border	2
Trouble at the border	15
Trouble in South Africa with employers	17
Trouble in South Africa with other workers	10
Trouble in South Africa with police	58
Other	2
<i>Note: Respondents could cite more than one type of "trouble"</i>	

money during these raids. Some described how they were made to pay a Zim\$50 fine in Zimbabwe for having been deported. Others mentioned that they had been through this cycle and returned to South African farms time and again.

Over and above the constant threat of deportation and possible non-receipt or loss of wages, several respondents recalled disputes with employers over delayed payment, non-payment or under-payment of wages. Other references to employer abuse included being forced to work while ill or being untreated after injury on duty. Workplace relations were often characterised by anti-Zimbabwean sentiment on the part of employers or other workers. About half of the respondents were accommodated in compound housing. Of these, 16 were in single rooms, and 83 in shared rooms. The remainder had found shelter in self-constructed shacks (*tangwena*), or in some informal alternative. Thus, on farm “A”, huge tents served as dormitories. A few farms had simple, barrack-like structures (*jarada*). Some slept on compound verandas, or improvised with disused farm buildings.

Shacks, usually built of plastic sheeting over a make-shift wooden frame, were generally shared by two or more workers. These were common on farms “A”, “AA”, “B”, “E”, and “F.” On many farms in the “special employment zone” a combination of brick-and-mortar and shack housing may be observed. Whether permanently or seasonally employed, and with what length of past service, are the main criteria used by farmers to allocate housing.

Many respondents spoke of the lack of toilets on the farms. There were also plenty of references to the absence of bathing facilities and potable water. Workers on “A” (and/or “AA”), for instance, were provided with neither toilets nor showers, and drew their water from a river. Employees on “D”, on the other hand, had toilets and piped water at their disposal.

Descriptions about the feeding of workers varied greatly. At one extreme, there were cases where no food had been provided at all. More commonly, workers were given a combination of some prepared food daily and a ration of ingredients for self-cooked meals. At the other extreme, a few workers were provided with cooked food (which regularly included meat) twice daily, as well as having free access to farm produce.

Farms “F” and “H” provided no food at all, while “B” and “C” provided a cooked lunch. Such cooked meals comprised sadza and relish, and a maize meal ration was usually supplied for supper. Self-cooked meals in such an environment mean open fires, with access to stoves uncommon and electricity (for heating or lighting) rarer still.

One farmworker claimed that on “B” Saturday and Sunday work was

demanded in return for food (with wages deducted for not working over weekends).

Another described how “A” used food as a form of extra-economic compulsion by withholding the weekly 7kg maize meal ration from workers who were absent when it was distributed on Mondays.

This same respondent — a widower with eight dependants, who was a crop guard by day and slept in one of the tents erected on “A” — made reference to a farm crèche. His grandchild had suffered malnutrition and dropped in weight from 12kg to 3kg over a month at the crèche. Crèche facilities were only mentioned by one other respondent — a single mother with a dependant child. On the farm where she worked — also, incidentally, as a crop guard — facilities were provided for the care of children under five, but she claimed that most of the children at the crèche suffered from *kwashiorkor*.

With migrants working and living together in this environment, it is not surprising that sexual abuse was mentioned as a significant problem. Six respondents drew attention to the sexual abuse and the marital strains that they had experienced or witnessed on the farms. One respondent had been raped by a foreman while she was in her early teens.

Another woman reported that a foreman forced women into relationships with his friends, and that women were raped by men. A man reported an incident of a worker facing sexual abuse by a friend of his employer; and the other three — all married women — described the difficulties imposed on them by relationships between their husbands and other women, and relationships among women.

Farmworkers also drew attention to the threat of losing their belongings on the way to their homes in Zimbabwe. Thieves posed a problem for workers returning to Zimbabwe; particularly when they crossed the Limpopo. Others reported that theft among workers was rife on the farms.

CONCLUSIONS AND RECOMMENDATIONS

The overwhelming impression created by this research is that there is a heavy dependence on Zimbabwean migrants on farms in South Africa’s Far North. Commercial farmers in the “special employment zone” north of the Soutpansberg employ thousands of workers from Zimbabwe, both legally and illegally.

A noteworthy aspect of the system is that migrants refer family members and village friends to jobs on the farms they know. Another is the risks which migrants are prepared to face in order to be on the farms. They take it for granted that they might be arrested and deported at any time. What they and, in a perverse way, their employers regard as

“normal” economic activity has been criminalised. That an employer may have them hounded off his farm while deriving the economic benefit of their “criminal” behaviour, seems to be viewed by the workers as a risk rather than an untenable abuse.

Were it not for their dependence and lack of alternative employment opportunities, migrant workers could be expected to find the rapid turnover of labour on farms in the “special employment zone” intolerable. This feature of their working environment is not unusual in labour-intensive, land-extensive horticultural production. Horticulture demands close attention to the protection of delicate plants and fruit during their growth and — depending on the product — their harvesting.

Quality of final product usually depends on varying combinations of employers’ supervision and of workers’ care and commitment. The greater the imperative for care in handling plants and produce, the greater the likelihood that employers will seek out the most compliant workers or explore methods of promoting workers’ co-operation. Where horticultural produce is destined for processing, care at the harvesting stage is less important than timing. In such cases, the need for flexibility in numbers of workers is met by short-term, casual labour. These conditions are consistent with employment patterns in the “special employment zone.” Women are used where manual care is crucially important; unskilled, easily disposable, migrant workers predominate.

With a plentiful supply of unskilled, poorly educated and dependant workers to perform seasonal manual tasks, the “special employment zone” remains a low-wage environment. It would appear that while there may be considerable variation of payment systems and rates within and between farms, the range of possible cash earnings is narrow. Overtime pay is rare on the farms, and whether paid by piece, task or period, the typical cross-border migrant from Zimbabwe has a wage ceiling below the R200-per-month level.

The survey of Zimbabwean labour migrants provides an insight into the meaning of work in this context. The general image created by the research is of:

- spartan and insanitary living conditions, with little capital invested in the provision of shelter or ablution facilities for workers;
- a harsh working environment entailing excessively long working hours; and,
- a wretched existence for most migrants, who endure uncaring and often abusive treatment, as well as the risks of criminalisation and material losses, in return for extremely low wages.

Without financial, educational or organisational resources,

Zimbabwean labour migrants are cast to the very edges of the labour-surplus regional economy where they remain trapped by the lack of skills, low wages and the absence of opportunities for occupational development. Many employers exploit the vulnerability of the Zimbabwean migrants with impunity, fostering conditions which must be amongst the worst in South Africa's low-wage/low-trust agricultural sector. That labour migrants from Zimbabwe do not on the whole consider themselves ill-treated on farms in the Far North is surely a reflection of the low expectations they have of their employers. A farmer is deemed to treat employees well if he pays them on time or gives them a day off. This speaks volumes on the realities of the typical labour migrant's working life. Whatever these labour migrants might specifically want of their employers, they appear to have a general desire for a stable system of migration which makes it possible to have permanent work in South Africa while remaining residents of Zimbabwe.

Recent studies have suggested that most migrants from countries such as Zimbabwe and Mozambique do not intend or desire to stay permanently in South Africa.⁸ The present study confirms this finding. As many as two-thirds (67.8%) of the respondents expressed a wish to work in South Africa on a permanent basis, though only 3.5% wanted to live there permanently as well. This is a clear indicator of the dearth of employment opportunities in Zimbabwe. But it also indicates that Zimbabwe is the preferable place to live. A quarter of the respondents (25.3%) had no desire to have either a permanent job or permanent residence south of the Limpopo.

Various policy concerns are raised by the research. Fundamental reform is clearly imperative. The challenge is to achieve it without jeopardising job opportunities. Regardless of where farmworkers in the Far North come from, the state should be showing greater interest in their welfare. If labour-intensive commercial horticulture is to continue in the region, alongside field agriculture (which could potentially be mechanised) and stock and game farming (with very limited labour requirements), then public services need to be massively improved. By performing little more than an administrative role in maintaining the flow of labour to the farms, the state is effectively shirking responsibility for primary health care, education and other services.

While improvements might be effected on the farms, and the provision and accessibility of off-farm services might be developed, an inter-governmental initiative is called for to tackle local labour market issues. Unemployment and job-creation on both sides of the Limpopo, as well as the criminalisation of border-jumping workers, need to be addressed in the spirit of SADC principles.

In certain important respects, the BI-17 arrangement "works": it

legitimises a local, international labour migration system which provides jobs for people from poor and remote rural areas. However, the entire system originated as and remains a privilege for farmer-employers, for whom there is virtually no cost or social obligation. The case for this class and regional exceptionalism needs to be revisited with a view to standardising cross-border labour migration policy on a national if not a Southern African scale.

Policy reviews take time and the consequences of policy reform are never felt immediately. In the interim, and for some years to come, the labour migrants will be expected to endure conditions which have been roundly criticised. Has not the time come for a revival of the office of Protector of Immigrants? There are elements of cross-border labour migration from Zimbabwe which concern various departments of the South African state, none of which could independently be expected to oversee migration comprehensively and fairly. An inter-departmental body would be cumbersome and likely to have inherent tensions. What may therefore be needed in the short to medium term is a statutory but autonomous agency to monitor and protect cross-border labour migrants. This new Protector of Immigrants could have responsibility for the personal dimension in the regulation and reform of international labour migration; from the administration of permits to the monitoring of welfare and the mediation of labour-employer relations.

In the end, it is perhaps due only to the militarisation of the Far North that the region has not seen greater social conflict. It would be tragic if social development on both sides of the Limpopo Valley were impeded by the failure of the state to remove the sources of conflict through appropriate immigration and welfare strategies.

ENDNOTES

1. Fion de Vletter, "Labour Migration to South Africa: The Lifeblood of Mozambique" In David McDonald, ed., *On Borders: Perspectives on International Migration in Southern Africa* (Cape Town: SAMP, 2000).
2. *Mail & Guardian*, 9-15 January 1998
3. "Farm Violence Happens on Both Sides of the Fence" *Sunday Independent* 18 October 1998; South African Human Rights Commission (HRC), *Investigations of Alleged Violations of Farmworkers Human Rights in the Messina/Tshipise District* (Johannesburg, 1999); "Sowing the Seeds of Xenophobia" *Mail & Guardian* 12-18 February 1999.
4. "Government to Meet on Phantom Farm Labour Agreement" *Mail & Guardian* 19-25 February 1999.
5. Lovemore Zinyama, "Who, What, When and Why: Cross-Border

- Movement from Zimbabwe to South Africa” In David McDonald, ed., *On Borders: Perspectives on International Migration in Southern Africa* (Cape Town: SAMP, 2000).
6. For a parallel study of migrant farmworkers in Zimbabwean commercial agriculture, see Dedi Esi Amanor-Wilks, *In Search of Hope for Zimbabwe's Farm Workers* (Harare: Dateline Southern Africa, 1995).
 7. Trade unions charge that Northern Province police deliberately ignore the employers of illegal workers and target the employees. Police deny the charge; see “Farmhands Raked in by Cops” *City Press* 22 February 1998.
 8. David McDonald et al, *Challenging Xenophobia: Myths and Realities of Cross-Border Migration in Southern Africa*, SAMP Migration Policy Series No. 7, 1998; R. Mattes et al, *Still Waiting for the Barbarians: South African Attitudes to Immigrants and Immigration*, SAMP Migration Policy Series No. 14, 1999.

CHAPTER THREE

POVERTY AND WOMEN'S MIGRANCY: LESOTHO FARMWORKERS IN THE EASTERN FREE STATE

THERESA ULICKI AND JONATHAN CRUSH

Many farms in the eastern Free State, especially those close to the border, find that the largest and most easily accessible labour force is in Lesotho, not South Africa. Since the early 1990s, there has been a growing demand for farmworkers from Lesotho in the Free State as asparagus production has increased. The bulk of migrant farmworkers employed in the eastern Free State now work on asparagus farms; asparagus being second largest revenue earner in the Free State.¹

Growing poverty, falling per capita agricultural production and rural differentiation in Lesotho, coupled with increasingly limited employment opportunities are driving migrants from Lesotho, mostly women, to Free State farms as seasonal workers.² In 1992, fewer than 1 500 worked on Free State farms. Today this figure has risen to approximately 7 000 legally employed migrants out of an estimated 73 000 casual/seasonal farmworkers in the Free State.³

This chapter examines and analyses the experiences and conditions of employment of migrant farmworkers on Free State asparagus farms. The study explores the working and living conditions of migrants, including wages, accommodation, unionisation, and labour relations. It also explores the regulatory environment within which the migrants are recruited and employed on farms. Finally, it looks at the future of Lesotho's migrant farmworkers in the context of changing immigration and migration legislation in South Africa.

RESEARCH METHODOLOGY

The research for this study consisted of 152 structured open- and closed-ended questionnaires (72 women and 80 men) with Lesotho residents who have worked for or are currently employed by farmers in the Free State.⁴ In addition, semi-structured interviews were conducted with 16 Free State farmers and recruiters; employees of the Ministry of Labour in Lesotho, (including the Labour Commissioner and a labour representative in Welkom South Africa); and officials of the South African Departments of Home Affairs and Labour. The interviews were conducted between August and October 1998. Telephonic interviews were also conducted with Free State district employees of the Department of

Labour, the Asparagus Association of the Free State, SAAPAWU (South African Agricultural Plantations and Allied Workers' Union) and the National Union of Farmworkers (NUF). Documents examined include the Labour Agent's agreements entered into by the government of Lesotho and farmers, farmworker contracts, and the inspection reports by Lesotho Ministry of Labour representatives in Welkom, South Africa.

Of the 152 interviews with farmworkers, 119 were conducted at the district Labour Offices in Lesotho where farmworkers are recruited, namely Maseru, Teyateyaneng, Leribe, Butha-Buthe, Mafeteng and Mohale's Hoek. A further 18 were conducted in various villages in the area of the Peka border crossing — known as a crossing point for large numbers of undocumented migrants. The remainder were interviewed on two farms. Interviews in the Dilli Dilli area of Quthing — another border area identified as a popular crossing for undocumented migrants — had been arranged but the political situation in Lesotho and the SADC military intervention made it impossible to conduct these interviews.

In the final analysis, interviews were conducted with 40 individuals who had worked as undocumented migrants and 112 farmworkers who had worked legally on Free State farms through the Lesotho Labour Office. The interviews were designed to collect data on household socio-economic situation, work history, and employment conditions on Free State farms, as well as opinions on issues such as labour relations on farms and the role of the government of Lesotho in regulating their working conditions.

All the farmers interviewed came from a list of farm labour agent licensees supplied by Lesotho's Ministry of Labour or through a labour recruiter. In total, the interview sample had worked on 42 different farms. In addition to the 16 farmers finally interviewed, approximately 25 other farmers were contacted who either denied hiring Basotho or declined to participate in the study.

The farms are located in six different districts in the eastern Free State: Ladybrand, Clocolan, Ficksburg, Fouriesburg, Bethlehem and Reitz, and range from 250 hectares to 5 000 hectares in size. The labour force varies from 35 employees to 1 300, with the number of Basotho employees ranging between 12 and 889. Half of the farmers hire Basotho for the harvesting and/or processing of asparagus only, a quarter for asparagus and other crops, and a handful for fruit and other labour intensive vegetables such as cabbage, legumes and broccoli.

LESOTHO MIGRANT FARMWORKERS: A PROFILE

Migrants from Lesotho go to work on South African farms only as a last resort when the economic situation of their household is especially dire and they see no alternative:

I went to South Africa to work on farms because I found that it was difficult for my family as we did not have anything to eat or any clothing.⁵

I went to South African farms because I have a son who is disabled. I sold most of my animals to take my son to the hospital until I found I had nothing left. So I went to the farms to see if I can get a little money to take him back to the hospitals.⁶

I have a child who is at high school and I must see that he gets the money for school fees. His father only sends money when he wants to, he does not care whether we get food or not. So I find there is nothing I can do but go to South African farms.⁷

The single most common reason for working on South African farms is unemployment at home (Table 3.1).

Studies of migrant workers from Lesotho typically focus on male migrants. However, there are clearly many more women than men working on Free State farms as seasonal labourers.⁸ Nine of the farms do not hire any men from Lesotho and on all but two the majority of the workforce is female (Table 3.2).

Farmwork — especially on a seasonal basis — has traditionally been regarded as “women’s work”, not only by the workers themselves, but by farmers and Ministry of Labour employees as well.

TABLE 3.1: REASONS FOR WORKING ON SOUTH AFRICAN FARMS	
Response	No. of responses
No jobs in Lesotho	100
Family had nothing to eat	15
Could not get or lost mine job	14
Quit previous job due to poor conditions	7
Neptism and corruption in Lesotho	7
Usual income earner ill or died	5
Need money for school fees	5
No other income earner in family	3
Need money for hospital fees	1
Better pay than in Lesotho	1
Abandoned by spouse	1
Enjoy working outside Lesotho	1

Note: More than one answer per respondent was accepted.

TABLE 3.2: PROPORTION OF FARM WORKFORCE THAT IS FEMALE

% Female	No. of farms
100	9
90	1
50	2
40	1
Unknown	1
Majority female*	1

* *Exact percentage unknown.*

One District Labour Officer observed:

Farmers do not pay wages that attract men. Men have been used to a higher wage. For instance, Deemster has promised to pay these people R8 per day, but our minimum in Lesotho for such physical work is 22 maloti per day. The fact that women workers are the ones is because their population does not mind but men could not stand working for such a meagre wage.⁹

He claimed that once men hear the wages being offered, they no longer want the jobs. Such attitudes are blind to the large numbers of men in the queues, hoping for a contract. Maleness may even hinder their chances of landing a job. In the end, none of the dozens of (predominately young) men observed at this Labour Office were recruited.

Women from Lesotho are increasingly looking to the Free State farms for employment because of the limited options available for women at home and the preferences of many farmers. According to the South African Department of Labour, the Ministry of Labour in Lesotho and previous studies, farmers prefer to hire women because they can pay them less and because they are more easily manipulated.¹⁰ Farmers do indicate that a female labour force is more docile, easily controlled and problem-free. However, this study found that women actually earn slightly more than their male counterparts. According to farmers women are “better workers”, “more reliable and responsible than men”, “less complicated” and “more humble”:

It’s like cooking. It’s women’s work. But there are some things in here — you have to pick up a basket or off-load a bakkie and that’s where we use all the men.¹¹

She makes a better factory worker. It is easier to — control is the wrong word — but to keep them living together. With males? you have a far better chance of fights and

things like that. And she's a better factory worker. It's hand work, which she's far better at.¹²

The farms tend to attract slightly older women. Younger women are more apt to be caring for young children, while older women may have older children to look after younger siblings. Female-headed households tend to be headed by older women. For many of them, seasonal farm labour in the Free State may increasingly be the only way to provide for their families.

Male farmworkers tend to be much younger than women. Young men in Lesotho traditionally have gone to work in the mines at a relatively young age. For most this is no longer an option due to the drastically decreasing number of mine jobs available. Since 1987, Lesotho has experienced a 29% decline in jobs on gold, coal, platinum and copper mines.¹³ Today there are only 83 000 Basotho working in South African mines.¹⁴ The unemployment rate for males aged 15-24 is 37.3% — almost 7% higher than females in the same age category and higher than the rate for any other age group.¹⁵ Several farmers mentioned a recent increase in the number of men seeking farmwork. Some 13% of the survey sample had worked previously on the mines.¹⁶

Although half of the overall sample were married, many more male migrants are single (31% compared to 7%). On the other hand, many more women are widowed (26% compared to 3%) (Table 3.3). About 40% are heads of households (53% of males versus only 28% of females).

The vast majority (60.5%) are the only wage earners in their households, despite the seasonality of the income.¹⁷ When not working as seasonal farm labourers in the Free State, a third are unemployed, another 12% farm and the remainder engage in informal sector activities such as selling vegetables, beer brewing, piece work, herding, carrying parcels and sewing.

Only a quarter of respondents come from households with a regular wage earner. This figure is substantially lower than the 54% of households with a regular wage earner in the 1994 National Lesotho Poverty Study.¹⁸ Disaggregated by gender, this figure is even more startling: only 10% of female headed households have a regular wage earner in their household as opposed to 27% of male-headed households. In the 1994

Marital status	Females	Males	Total
Married	38	39	77
Separated/divorced/abandoned	10	14	24
Widowed	19	2	21
Unmarried	5	25	30

Poverty Study, the figures were 30% and 56% respectively.¹⁹ Either the situation has worsened markedly since 1994 or farmworkers on average come from the poorest stratum of Lesotho society. Both are probably true.

Table 3.4 summarises the total financial resources available to the households of the farmworkers.

The precarious economic position of the farmworkers' households is even clearer when we compare them to those categorised as "destitute" and "non-destitute" in the 1994 Lesotho Poverty Study (Table 3.5).

An analysis of the wealth criteria in this table (livestock ownership, presence of a regular wage earner and income per person per month) indicates that the economic situation of the farmworkers' households is closer to the profile of destitute than non-destitute. Despite the seasonality of farmwork and the poor — even exploitative — conditions, many migrants find that it is the difference between destitution and survival.

To many in Lesotho, a primary indicator of wealth is livestock ownership.²⁰ While 69.4% of households own livestock, only 49% of farmworker households are livestock owners.²¹ Female-headed households, predictably, have a lower rate of livestock ownership than male-headed

	Female			Male			Average		
	Min	Max	Mean	Min	Max	Mean	Min	Max	Mean
Monthly income at farms*	30	300	76.01	15	400	70.09	15	400	73.03
Monthly household contribution**	0	600	63.98	0	1 700	74.11	0	600	70.63
Monthly external contribution	0	520	21.24	0	100	11.49	0	520	16.37
Total			161.23			155.69			160.03

*Total income per contract averaged over 12 months. **Total contribution averaged over 12 months.

Criteria	Poverty study*		Farmworkers study		
	% Destitute	% Non-destitute	% Female respondents	% Male respondents	% All respondents
No livestock	47.0	17.2	71.0	46.0	51.0
No regular wage worker	96.4	53.9	74.6	81.8	78.2
Less than R50 /person/mth income	94.0	34.8	76.0	76.0	76.0

*Source: Sechaba Consultants, *Poverty in Lesotho, 1994*.

households (at 29% of farmworker and 54% of all households). Nearly 60% of farmworkers have no access to fields in Lesotho. Of those who do, only 33% own the implements necessary to plough their fields.

The opportunities for alternative employment in the formal sector are minimal. Roughly 11% have no formal schooling at all — 16% of male respondents and 5.5% of female respondents — but only 26% have completed primary school (one-third of women and one-fifth of men) and less than 6% have completed JC. Only 1.5% have graduated from COSC.²²

WORKING CONDITIONS ON FREE STATE FARMS

Farmwork can be divided into two main categories: work in the asparagus fields and work in the processing/canning factories. Employment patterns are clearly gendered. Half the sample (39% of women and 60% of men) work in the fields picking asparagus; 17% of those also harvest other produce such as apples, potatoes, pumpkin, beans and carrots. More than half of female workers (53%) but only 11% of males work in factories either cutting, canning, cleaning or packaging asparagus (Table 3.6).

Some migrants have been working on Free State farms for generations. One farmer claimed his family has been hiring people from Lesotho for more than 75 years.²³ However, three-quarters of the sample had worked for less than three years on farms. Over 85% of men have worked for three or fewer years compared with 66% of women. Men

Category	% Females	% Males
Harvest asparagus only	28	54
Asparagus factory	53	11
Harvest asparagus and other produce	11	6
Harvest potato	3	11
Harvest pumpkin	1	0
Can peaches	0	1
Cleaner	0	4
Cook	3	1
Loader	0	5
Supervisor	1	3
Office	0	1
Tractor driver	0	1
Shepherd	0	1

Note: Figures do not add up to 100% due to rounding

have also worked fewer years than women, averaging 2.4 seasons as opposed to 3.7.

The recency of migration to the farms is striking, as is the later entry of men to the farm labour market.

Most farmworkers return to work on the same farm each year. Almost two-thirds have only ever worked on one farm. Most state they are either satisfied with or used to the farmer and the work. Others fear that employment conditions may be worse elsewhere or find the proximity to Lesotho attractive (Table 3.7).

The remainder tend to go to whichever farm is hiring first (Table 3.8). The prospect of finding better wages and working conditions also motivates some to move on:

I do not return to the same farmer every year because there is no farmer who is good and they are not taking us as human beings. So I think by changing them, maybe I will end up getting one who knows how to deal with people.²⁴

The average monthly income of the farmworkers is R225,29 with the highest paid earning R600 per month.²⁵ Others earn as little as R60 per month.²⁶ The average wage is less than the R285,64 earned by seasonal South African workers.²⁷ However, unlike South African seasonal farmworkers, there is little discrepancy between men's and women's wages. Greenburg's 1996 study shows that nationally women are paid only 79.8% of men's wages and that this disparity is even greater in the Free State where seasonal women farmworkers earn only 55% of what men earn.²⁸

In this sample, women average R234,49 per month, while men earn slightly less at R216,22 (92% of women's average wage), probably because more women work in the factories. The maximum monthly seasonal wage was the same for both men and women, but the minimum monthly wage of women was higher at R120 compared to R60 for men (Table 3.9). Not even the best paid farmworkers come close to the R970,38 per household Minimum Living Standard calculated by the Labour Market Commission in 1996.²⁹

Nearly 60% of workers are only paid their wages on the day they leave the farm to return to Lesotho — without the interest that has accrued. During the course of their contract they are paid R10 or R20 every two weeks to buy necessities such as soap. Workers and Lesotho officials see this as a means of preventing workers from leaving during the course of the contract if they find conditions unacceptable:

The monies that these guys have worked for, they deduct them and keep them until the end of the contract — sort of some deferment of wages — which in the contract is

TABLE 3.7: REASONS FOR WORKING ON THE SAME FARM	
Reason	%
Satisfied with farmer	34
Used to the farm	33
Farmer is kind	9
May be worse elsewhere	7
Farm is close to Lesotho	5
Enjoy work	3
Work is not seasonal	2
Wages are better	2
Was cheated elsewhere	2
Do not know other farms	2
Unknown	2

Note: Figures do not add up to 100% due to rounding

TABLE 3.8: REASONS FOR NOT WORKING ON THE SAME FARM	
Reason	%
Go to farm that is hiring	49
Looking for better wages	18
Looking for better working conditions	10
Farmer was cruel	5
Not on good terms with farmer	2
Enjoy challenge of new farm	2
Farmer did not pay	2
Farmer no longer hiring men	2
Looking for easier work	2
Food was bad	2
Farm was sold	2
Found longer contract	2
Farmer didn't have money to pay	2

omitted. But in fact, even if someone is being ill-treated, they cannot leave their workplace.³⁰

Farmers, on the other hand, take the paternalistic view that this system benefits workers who otherwise would not have any money to take home with them. As one farmer disparagingly put it: "If she gets it here, she drinks it."³¹

Unsurprisingly, the vast majority are dissatisfied with their wages. A third find them inadequate even to meet the basic needs of their families:

We get little money from the farms and when we get home we have to try to meet the basic needs of our household — which is not even possible. As a result, I am not able to even buy fruits to sell.³²

Wages	% Female	% Male
<90	0	1
90-109	0	4
110-129	1	2
130-149	0	4
150-169	11	8
170-189	2	8
190-209	7	8
210-229	12	6
230-249	18	16
250-269	7	3
270-289	1	0
290-309	5	4
>310	4	5
Unknown	4	11

Another 40% do not believe that the rate of pay justifies the workload:

I work hard for long hours yet the wages are little. But there is nothing I can do because I have to work for my family's survival.³³

We work very hard but receive peanuts. I wish she [the farmer] would increase our wages at least to R10 a day.³⁴

We are paid small wages, but there is so much work, one can even fall down due to tiredness.³⁵

Many do not know how much they are supposed to be paid or feel they have been cheated. Partly this is because the pay they receive invariably differs from that stated on their contract. Most farmers report that they pay their workers on a piece-work basis and a third of farmworkers state they are paid according to what they produce.³⁶ However, an examination of 15 contracts with different farmers reveals that none of these contracts stipulate a piece-work rate, but rather a daily rate.

The practice of not paying the wage stipulated in the contract is

widespread. As one District Labour Officer noted:

You know this practice of paying 20 cents per kilo or whatever is not negotiated at our office. When I was at Mohale's Hoek that was the first time I heard about that. The workers were complaining that their wages were lower. It is breaking the contract to use that pay method.³⁷

Adding to the confusion are overtime and deductions. More than 40% of respondents worked overtime hours, but are either not paid overtime wages or these wages do not correspond to the number of overtime hours worked. Only 16% stated that they are paid overtime wages, although few know how much they actually receive for overtime. An additional 10% do not even know if they are paid for overtime worked:

We worked extra hours, but we were never paid overtime wages, rather the farmer would only say "thank you." We tried to complain but the farmer told us that it was his farm and not Mandela's.³⁸

We are not sure if we get overtime because we get our money at the end of the contract. We do not ask as she does not want to talk to us. Even when we have complaints, we just keep quiet. But we find we are paid the same even if we have worked overtime. Sometimes we think that we will be paid much as we have worked a lot of overtime, but we find that we are still paid the same.³⁹

According to farmers' contracts with the government of Lesotho, employers are required to provide farmworkers with free transportation, accommodation, medical care and meals. However, 30% of farmworkers said that these and other necessities are deducted from their wages (Table 3.10).

Lesotho's Labour Representative in the Free State farms agrees: "There are too many deductions, like for medical and rent. Wages are also deducted if workers stay in the clinic for too long."⁴⁰ Farmworkers find it hard to complain as they do not receive the bulk of their wages until the end of their contract.

Money may be also withheld from workers as a fine or penalty. Wages are withheld for breaking equipment or toilets, poor work, damaging produce, taking too long in the toilet, damaging clothing, and fighting. Wages are also withheld for rainy days when they cannot work and for days they are assigned other duties:

You find that some days he gives us different jobs to what

TABLE 3.10: DEDUCTIONS FROM WAGES	
	No. of farmworkers
Work clothing	10
Candles	9
Food	9
Mattresses	6
Rent	2
Transport	2
Water	1
Electricity	1
Unknown deductions	5

he hired us for. For example, he said we had to go and cut trees and never paid us for that day. He said we were helping ourselves as that wood would be used by us.⁴¹

Farmworkers do not believe they are being remunerated fairly for the work they do, but say “it is better than starving”, “it is better than sitting at home doing nothing”, “it must be like that because I am not educated.”⁴² One drew attention to her desperation as follows:

Half a loaf is better than nothing at all. Where on earth would I get [a job] if I had not gone there since there are no jobs in Lesotho? With the little that I get, I am able to attend to some of the basic needs of the family.⁴³

Farmers say they are paying a fair wage or that they cannot afford to pay more. They can also be very ignorant of the socio-economic circumstances of their workers. One farmer commented that the farmworkers’ earnings “help make their Christmases a little more special.”⁴⁴

Migrant work on Free State farms is both seasonal and continuous. The vast majority (83%) work for four months or less. There is very little difference between men and women. The remaining 17% who work between five and 12 months a year are not necessarily employed by only one farmer or on one farm. Some farmers transfer workers to other farms once their contracts have expired or the work is complete.

On average, farmworkers work on the asparagus farms for 10 hours a day, 6.5 days a week. Many work a split shift or until everything in the fields or factory is harvested or packaged. This means a work day which is inconsistent and unpredictable — perhaps five hours one day and 13 the next. The general pattern during harvesting is to begin at sunrise, about 5am, break for brunch mid-morning and work an afternoon shift or until all the produce is harvested. In peak season, workers sometimes labour until midnight.

In the factories, workers tend to work two five-hour shifts with five hours in between. Again, in peak season these hours may be extended. Although those in factories may only work 10 hours, their working day begins at 5 or 6am and only ends at 8 or 9pm, which is a 15-hour day. As one worker states: “We do not regard the time between shifts as a break.”⁴⁵

FARM LIVING CONDITIONS

The vast majority of seasonal farmworkers (85.5%) live in accommodation provided by the farmer.⁴⁶ Housing varies drastically from adequate electrified hostel-type accommodation with ablution blocks containing running water to tents in the middle of fields with no water or proper cooking facilities. Only 44% find their accommodation satisfactory (61% of women and 29% of men). A judgement of “satisfactory” does not necessarily indicate habitable accommodation:

We go there hungry. We do not expect a nice time there, we are only going there to work for our families.⁴⁷

We live in shacks. These are stables where animals used to be kept. The roofing is very old and we encounter problems during harsh weather. To bathe, we need to fetch wood from the bushes to make a fire. There are no toilets, we go to the bushes. The food is not well cooked.⁴⁸

Accommodation is not satisfactory at all. The mattresses are very old, smelly and have lice. There are no beds and these mattresses are very thin and we put them on dirty floors. Moreover, there are no lights in some hostels and we must buy candles with our own money.⁴⁹

We are using mealie bags as mattresses!⁵⁰

The most common complaints are listed in Table 3.11. Inspection reports by Lesotho’s Ministry of Labour contain reference to the accommodation being “uninhabitable for human beings”; “the bedding was so dirty that you [the farmer] did not even want to get inside the hostels — you were waiting outside during our inspection”; “unhealthy with no ventilation”; and “what is called a hostel for the employees is something out of this world.”

Dwellings are rarely built specifically for seasonal workers. Rather, they live in converted stables, sheds or storage rooms; 80% live in hostel-type dwellings, 11% in houses, 4% in storerooms, 3% in shacks and 2% in mud huts. About 7% live in mixed-sex accommodation.

TABLE 3.11: REASONS FOR DISSATISFACTION WITH ACCOMMODATION	
	No. of responses*
Crowded	21
No beds or mattresses	18
Cold but no heaters	15
Unsatisfactory or insufficient food	10
Theft	10
No electricity	9
Not weather-proof	8
Previously used as stables	8
No toilets	6
Poorly maintained	6
Dirty and unhygienic	5
Noisy	5
Sex in hostel	5
No security	5
Dirty mattresses	3
Younger and older workers stay together	3
Water is dirty	3
Unhygienic toilets	3
No windows or doors	3
Have to share bed	1
Basotho and South Africans stay together	1

* More than one response was accepted.

Farmworkers complain that they have to share quarters with sexually active couples and that co-ed living arrangements render bathing problematic:

We are not able to bathe ourselves freely. We wait until it is dark and warm the water [on prima stoves], then go out in the dark to bathe ourselves in the corners.⁵¹

It can never be satisfactory as long as accommodation is mixed. How can men and women who are not partners live in the same room? We are treated like slaves who are owned by slave masters.

Mixed or single-sex accommodation is invariably crowded and with a complete lack of privacy. A recent press exposé and an earlier study confirm that there is severe over-crowding with two or three workers sometimes sharing a single bed.⁵²

About 10% of farmworkers have no access to any kind of toilet facilities. In 70% of cases pit latrines are used and only 19% have access to flush toilets. On one farm, there are only two pit latrines for 140 workers. Nearly all the farmworkers have access to water from a communal tap, pump or tank. But 93% have no hot water. Provision of electricity is less common — 37% of farmworkers have no electricity in their dwellings.

Under the Lesotho government's Contract of Foreign Service for migrants, farmers are required to provide workers with three cooked meals a day. Only 15% are given no meals but only 2% judge the meals they receive satisfactory. Inspection reports and interviews reveal that the food is often insufficient, nutritionally unbalanced and unpalatable. Some farmworkers say they must boost their rations with food they buy. The *Saturday Star* reports that some female workers supplement their diets by exchanging sex with local soldiers for food.⁵³

Workers on many farms begin their first shift (before 5am) without any breakfast and may only be fed two meals per day — breakfast/lunch at the mid-morning break and dinner after the afternoon shift. Few farms have proper kitchens with stoves and pots and washing facilities. Meals are generally cooked on open fires in three-legged pots. On one farm, 100 meals were cooked over open fires in a shed with no running water. While conditions vary drastically, cooking facilities tend to be better on the larger corporate-owned farms. Meat and fruit are rarely provided. Typically, a day's rations consists of bread and tea for breakfast, mealie porridge and cabbage for lunch, and mealie porridge and cabbage for dinner. One worker complained: "What I dislike most about being a migrant farmworker is the food. They are really giving us bad food — sometimes rotten. They think we are dogs!"

Security is a concern for farmworkers living on farms. None of the farms have lockers or a secure place for possessions and theft is a big problem. Accommodation is often located at a distance from the main farm buildings with few or no security features such as guards, lights or even locks on doors. This leaves men and women feeling vulnerable:

The doors do not lock and we are at the risk of being killed or things being stolen. It is up to us to find means to protect ourselves from being disturbed. We have never complained about this because rumours say that if we complain, we will get fired.⁵⁴

Women on a farm with no male workers state:

We live very far from the farm and there are men who threaten us at night. They keep knocking at our door so that we can hardly sleep. It is scary to think that we are

only women there. We reported this to the farmer yesterday and we are still waiting for the answer.⁵⁵

Lesotho's labour inspector complains that when she raises the issue of living conditions with farmers they are usually unco-operative:

The farmers are arrogant. They tell us the people are living in conditions they are used to. For example, they don't have a kitchen, they have a three-legged pot and before they can cook they must collect wood or dung to cook on. Farmers often lie to inspectors.⁵⁶

Lesotho government contracts stipulate that farmers provide migrant farmworkers with free medical care. However, the quality and accessibility of this medical care is questionable. The medical facilities range from clinics on the farm to doctors and hospitals in town. Some claim that workers are dismissed if sick or injured. In the event of illness, the vast majority (79%) say they receive no wages while they are sick and only 20% of employers pay for medical expenses. Most claim that medical fees are initially paid for by the farmers. However, these fees are then deducted from the workers' pay.

Farmworkers report that, rather than forfeiting wages by not working, they work when ill. This puts them at risk of further illness and injury. Some farmers deduct the medical costs of injuries from workers' wages:

A woman was injured by a machine belt and the farmer took her to the hospital. He deducted her wages for the medical fee.

Those farmers who do pay for medical costs may be selective as to which illnesses are covered. For example, one farmer reports that she will pay for dental work. However, sexually transmitted diseases are considered self-inflicted illnesses — as are fights — and are therefore not considered the farmer's responsibility.

Occupational health and safety experts consider farming to be among the most dangerous of occupations.⁵⁷ Virtually all farming operations use some sort of pesticide or poison. However, only 42% of the sample receive protective clothing. Nearly a third of those find that the clothing is in poor repair or key pieces, such as gloves and face masks, are missing. Money may be deducted from their wages to cover the cost of protective clothing and there may not be enough clothing for all the workers.

Nearly 40% of workers use dangerous chemicals and/or machinery, but nearly a fifth report that they receive either unsatisfactory training or none at all. In recent year, many farmers have reported deaths and

serious injuries of farmworkers on their farms. In the event of injury or death, 61% say that workers receive no compensation from the farmer, even if the farmer is directly or indirectly to blame:⁵⁸

There was a farmworker who was bitten [by a snake] while working. The farmer waited too long before taking him to the hospital and he died. He only paid for the burial.

There was a death of a man which was caused by the poisons we were using against insects. The doctor said he was affected by the poison. The farmer only paid for the funeral and the wages he was owed. He never gave money for compensation.

Migrants working legally on South African farms are eligible for South Africa's Workmen's [sic] Compensation in the event of a work-related death or injury. However, payment may take years. In one instance related by a Lesotho District Labour Officer, a woman died while working on a farm in 1995 but a once-off payment to her family was made only in 1997.⁵⁹ In order to be eligible for compensation, the death or injury has to be work-related; however, the Ministry of Labour in Lesotho suspects that farmers report many deaths as "natural" when a work-related injury or illness may be the cause:

Even when people die on the farms, the way it has been reported to us is that it was natural causes. I don't know what they would say if someone died because he was run over by a tractor.

About 15% of the women migrants report having experienced or knowing of women who were raped or experienced sexual harassment while working on Free State farms. One interviewee suggests it is a very common occurrence, but says that women are too afraid or embarrassed to report it to either the farmer or other workers for fear of being fired or blamed.⁶⁰

According to the National Union of Farmworkers' national women's co-ordinator, Sophy Mandavna, most abusive incidents on farms are not reported because workers are isolated and do not know their rights.⁶¹ Younger women may be particularly vulnerable. One 18-year-old woman interviewed for this study recounted in detail how a supervisor had abused his position of power and sexually assaulted her. She concluded:

I went out and never went to his office again. I did not tell anybody except one of my friends at home. I felt like telling the farmer, but I was afraid that the same thing

would happen or I would get fired. Since it happened to me secretly, I think it happens to others, but they are afraid to say anything.⁶²

This young woman, interviewed in Lesotho, is the sole income-earner for her household. She says she is now too afraid to work on South African farms again.

Female farmworkers may also be forced to engage in sexual relations to supplement their meagre wages or food rations or to gain liberties such as being able to leave the farm when it is forbidden, lighter work duties, or fewer working hours:

Younger women are always forced or persuaded to provide sex in order to get permission to go out of the farm or not to be reported to the farmer when they come back late to the farm.⁶³

If women do want to report an incident of sexual harassment or rape there is rarely a formal procedure and many fear dismissal. One group of women revealed that men had been threatening them for several nights at their hostel and had broken windows. Although they reported this to the farmer, no action has been taken. The women are too afraid to sleep at night and cannot understand the farmer's inaction.

Many farmers admit that sexual harassment and rape are not uncommon on their farms; however, only a third have ever reported these incidents to the police. It is clear that such actions are not regarded as criminal offences, but rather as something which is "bound to happen" and a "natural" part of the work environment:

You know you will always get those kinds of things when you have 500 people living and working together for three months in any workplace.⁶⁴

In general, rape and sexual harassment are left to supervisors to handle — often male permanent employees and/or workers: "My foremen are permanent staff — local people and I've got supervisors who are Lesotho people. They must see to all those problems."⁶⁵

LABOUR RELATIONS ON THE FREE STATE FARMS

The rapid growth of trade union organisation experienced in South Africa in the 1980s did not extend to the agricultural sector (with the exception of the poultry/meat and wine industries, which fell under the Factories Act).⁶⁶ Only about 10% of the approximately 1 139 427 farmworkers in South Africa are currently organised.⁶⁷ The South African Agricultural Plantation and Allied Workers Union (SAAPAWU), the

largest organiser of farmworkers in South Africa, has 36 000 members nationally but only 2 000 members in the Free State — primarily on maize farms and in animal husbandry.⁶⁸ The National Union of Farmworkers (NUF) has a national membership of 15 000 with approximately 1 500-2 000 members in the Free State.⁶⁹

The Department of Home Affairs claims that South African workers and union organisers believe that foreign farmworkers take jobs away from local people. But both SAAPAWU and the NUF say that foreign farmworkers must have the same rights as South Africans and they have resolved that foreign farmworkers must be organised.⁷⁰ The NUF also claims that it has never been contacted by any government body to give its opinion on the matter of foreign farmworkers.

Of the 152 farmworkers interviewed, only one belonged to a union. While many said there was no time for unions or that the contract was short-term and organisation was not feasible, many were afraid of being dismissed for union involvement. Although they may not belong to a union, some feel that unions would be beneficial. Some claim that labour organisation of any form is discouraged or even forbidden by the Lesotho District Labour Offices where they are recruited. Those responsible for recruiting tell farmworkers they have been hired to work and there are many who are willing to replace them.⁷¹

Farmers are opposed to the extension of collective bargaining to agriculture. Of the farmers interviewed, only two were not opposed to unionisation:

As long as the unions in this country have a political colour with the socialists here there's one thing that will teach them a lesson and that is the normal law of supply and demand, right, as described by Adam Smith in *Wealth of Nations*, that will sort it out. They try to create a perception that farmworkers are suppressed and neglected and all over the world if you go you will find a few people that have been neglected or suppressed.⁷²

I get very annoyed when I get told what to do.⁷³

Unions manipulate farmworkers.⁷⁴

I would not like to see the people exploited. But I don't say that all unions do, but some unions do. The person pays his contribution and doesn't really get a lot out of it. At the moment the person doesn't pay anything but still gets attention whenever it is needed. I'm using the [grievance] committee basically as a union for the workers.⁷⁵

Farmworkers' own perceptions of labour relations on farms are very different:

The relationship between [farmers and workers] is not harmonious. Our wages are small and nobody complains since, if the farmworker complains, he or she is fired and another one is employed. There is plenty of cheap labour, so the farmer can hire and fire at will.⁷⁶

We have a good relationship. [The farmer] does not use the principle of apartheid as we thought would occur, especially after the independence of South Africa where some Boers are still not happy with the situation.⁷⁷

Farmers see black people as tools to oppress in order to maximise profits.⁷⁸

We are on good terms with the farmer, except when it comes to wages — he is a great cheat!⁷⁹

In general, female workers have a more positive perception of labour relations than men. As many as 61% of farmworkers consider the farm they work on to have good labour relations, 13% say it is satisfactory, 17% feel relations are poor and 9% say they have no interaction with the farmer. Not surprisingly, all the farmers say they have very good labour relations on their farms.

As Table 3.12 shows, the character of relations with the farmer is crucial in workers' perception of conditions. Over 80% of complaints related to the way in which the farmer treated his or her employees in personal interactions. And 50% of those who said there were poor labour relations referred to the personality or behaviour of the farmer.

Fully half of those who regard labour relations as satisfactory still state they are verbally abused and 19% say they are physically abused. The expected standard of treatment is low and physical and/or verbal abuse do not necessarily result in perceptions of poor labour relations. Overall, 15% of respondents report physical abuse (19% of men and 11% of women) and 32% report verbal abuse (36% of men and 28% of women). In total, nearly 40% of all farmworkers report some kind of abusive treatment from farmers:

I was not properly trained for the machinery I was using and I pressed the wrong button mistakenly and [the farmer] hit me in the face.⁸⁰

We tried to complain about the food, so we sent somebody

TABLE 3.12: COMPLAINTS ABOUT FARMS		
Reasons why relations are poor	No. of respondents*	%
Farmer won't listen to complaints	10	20
Farmer is cruel and abusive	9	18
Supervisor is cruel and abusive	6	12
Farmer is racist	6	12
Fear of farmer's ability to dismiss at will	5	10
Little interaction with farmer	5	10
Workers cannot leave farm	2	4
South African workers treated better	2	4
Farmer yells excessively	2	4
Misunderstanding due to language differences	1	2
Poor wages	1	2
Farmer does not fulfil promises	1	2
Reasons why relations are good	No. of respondents*	%
Can discuss problems with farmer	15	30
Little interaction	10	20
"No apartheid"	5	10
Farmer is friendly	4	8
No physical or verbal abuse	3	6
Farmer tries to solve problems	2	4
Farmer speaks Sesotho	2	4
Working conditions have improved	1	2

**More than one answer per respondent was accepted, but not all respondents gave a reason.*

to talk on our behalf. The farmer said that he was causing troubles and started beating him until he ran away.⁸¹

There was an incident where we ate some green peas. [The farmer] got one of us and beat him. If that man had not run away, he would have killed him. We get hungry so we eat some of the green peas.⁸²

While hitting and kicking are the most common forms of physical mistreatment, they are not the only ones. One farmworker testified that a farmer forced him and another worker to hold a hot iron bar which burnt their bare hands. The farmer laughed and called them "stupid fools."⁸³

While only a minority of farmers are guilty of such abuses, farmworkers often tolerate the abusive behaviour of farmers and supervisors because they feel they have no option:

[Physical and verbal abuse] still commonly occur on farms because farmers know we are working in order to have money and so they think they can do whatever they want with the farmworkers.⁸⁴

Insulting and offensive language is used so often on the farm that we are used to it, so that we hardly feel offended when insulted, rather we laugh.⁸⁵

Half the farmers say there is a grievance committee in place on their farm. The term is clearly used somewhat loosely since three-quarters of farmworkers denied their farm had grievance committees. Those committees which do exist have limited ability to deal effectively with the grievances of seasonal farmworkers. According to farmworkers, many of the committees are confined to permanent (therefore primarily South African) employees, conduct meetings in Afrikaans only (thereby limiting worker participation), allow only workers who have worked on the farm a certain number of years to participate, and have no female members.

In short, grievance committees are not responsive to the concerns of migrant farmworkers. On one farm where 81% of the staff is seasonal and female the “grievance committee” is comprised entirely of permanent, male, South African farmworkers. On this farm the grievance committee doubles as a disciplinary structure and dispenses corporal punishment to offenders. According to one respondent:

[Fighting] is against one of the regulations which says that whenever we have disputes among ourselves, we should report to the committee. The punishment for women [who fight] is to be beaten by the committee members.

Many of the so-called “grievance committees” are better classified as liaison committees, as they deal more with issues concerning the farm community or disputes between workers rather than employee dissatisfaction with work conditions. In fact, few farmers admit to complaints from workers regarding employment conditions. Farmers state that the majority of complaints or grievances raised by workers are of a social nature resulting from communal living conditions and the fact that employees are in constant contact with each other — both at work and in their living quarters.

On farms with no grievance committees, grievances are dealt with in an arbitrary fashion, “based on the farmer’s perception of himself [or herself] as a sort of father figure”, or perhaps “chief of the village”:

Before they come to the farm they know what they are

going to get, what are the conditions. If it is a problem with one or two men or women, I just send them back to Lesotho and they can't come back to the farm. You see, everyone working here gets 0.8 kilograms of mealie maize a day and milk and meat, so there couldn't be a problem.⁸⁶

The committee is the way it should be, but that is not the way it always works. They are having difficulty keeping the committee going. With the traditional system, the chief of the village, he is the headman and his word is law, but he is approachable and that way it works better actually. I think I can solve their problems with the authority of the committees, even if they elect themselves. There is more respect for the chief. They call me the chief of the work. I prefer the more direct method of personal involvement. You can do that if you speak their language.⁸⁷

Such policies are particularly ineffective if employees feel they are risking victimisation:

Everybody is afraid of the farmer and no one can complain to him because if you do he will give you your passport and you will have to walk to Lesotho.⁸⁸

We are expected to report our concerns or complaints to the farmer; however, because he is the one ill-treating us, there is nowhere we can complain.⁸⁹

When I have a complaint I do not tell the farmer because it is the same if I tell or if I do not tell him, so I find it useless.⁹⁰

Because there are so few grievance committees and farmworkers find it intimidating to approach the farmer directly, many first approach a supervisor or foreman. This presents several problems: the grievance may not be brought to the farmer's attention; the foreman may not be a seasonal migrant and may not understand or sympathise; he may favour one worker over another in instances of disputes, or the grievance may be directed at a supervisor. Previous studies have found that female farmworkers have less contact with farmers than males and may, in fact, communicate indirectly through male co-workers or supervisors.

This study found no gender differences with regard to perceived (in)accessibility of the farmer — only 30% of women and 29% of men feel they can approach the farmer with a concern.⁹¹

Farmers consistently commented on the extra cost of hiring migrants

in Lesotho. Such costs include payment to the Ministry of Labour in Lesotho, transportation, housing and food. Once they have recruited their labour and transported them to their farm, they must ensure they retain them — that their farmworkers do not move on to another farm seeking greener pastures.

The easiest way of doing this is to hold on to their labourers' passports. Few farmers admit to keeping passports, although 68% of workers maintain they are not allowed to keep their passports during their contract. Almost invariably, farmers say they do this to prevent the passports from getting lost or stolen, or in case of an inspection — either by Lesotho's Ministry of Labour or South African immigration officials. Both problems are easily overcome by providing workers with lockers to ensure the safety of passports and other valuables.

Half of those who surrender their passports feel that the reason is to prevent them from “escaping” back to Lesotho or in search of jobs elsewhere. Only one in four believes that the farmer's concern with loss or theft of passports is real. The legal implication for farmworkers traveling without their passports is a concern for the Ministry of Labour in Lesotho, as is the legality of farmers confiscating workers' passports. The Labour Commissioner comments:

I think it is illegal. A passport is issued to a particular person and it should be kept by that person it has been issued to. But I'm sure it is common for foreign labour where employers say: 'I've got you here, you can't run away'. For me, I am not surprised to hear this. It is to avoid their movement.⁹²

The practice is clearly also used to control the movement of workers during their time off. Fully 40% of workers say they are not permitted to leave the farm, even during their free time. Reasons given by farmers to workers include that it is dangerous off the farm for farmworkers; workers cause problems, such as committing crimes, and farmers are held responsible; other farmers will shoot them if they are found on their property; they must remain on the farm for the security of the farm; they will be injured while off the farm; and they will return late for work.

Finally, the vast majority work between three and four months at a time in the Free State. Nearly 20% are not permitted to return home during a contract and another 22% can go home only if they have a particularly good reason, such as a death in the family:

We were not allowed to return home during the contract unless we had sound reasons. However, this depends upon the farmer's discretion. For instance, if one wants to come

back home to pay school fees for the children, the farmer may or may not regard this as a sound reason.⁹³

We are not able to return home during the contract unless one of my family members comes with a letter which is stamped by the chief of my village stating that I am urgently needed at home. It is only then that he will agree.⁹⁴

THE REGULATORY FRAMEWORK

Over the years, the use of undocumented migrant labour on Free State farms has been very common. While undocumented labour from Lesotho is certainly still used, especially on border farms, about 7 000 migrants are now recruited each year through Lesotho's Ministry of Labour.⁹⁵ Some of the farmers interviewed use the services of a recruiter, generally another farmer, to hire migrants. Currently, there is one recruiting agency based in Maseru, Lesotho — Agrilabour — which recruits about 2 000 people each year for asparagus and potato farmers.

To be able to recruit in Lesotho, farmers must obtain a “no objection permit” from the Department of Home Affairs in South Africa, which they bring to Lesotho. The Lesotho Labour Commission issues farmers with a Labour Agent's Licence permitting them to recruit a certain number of workers from a specific district. A Labour Agent's Licence is issued for each district in which the farmer may recruit. These licences are valid for either six months or one year and cost R75 and R150 each, respectively. Farmers are also required to pay R10.15 for each farmworker recruited.

A contract is completed for each recruit stipulating the terms and conditions of employment, including rate of remuneration, type of accommodation and type of medical service provided. Each farmworker is supposed to have the terms of the contract fully explained by labour officials at the District Labour Offices. Only 55% say that this was done. Of those, half say the information was incorrect. Among other things, respondents report the wages they were paid were less than stipulated, the food and accommodation were not as promised and they were not provided with beds or mattresses:

Even though I do not know how to read and write, I know the farmer cheats us. One cannot be paid R400 for three months yet every working day is equal to R10.⁹⁶

They do not tell us anything. We only overhear the farmer telling the Labour Office that: ‘I will pay the workers R10 per day and they will also get bonuses.’ But these were just

dreams. The wages are not as stated and there is nothing like a bonus when we get to the farm.⁹⁷

Farmers' contracts with the Lesotho government specify that they must provide free transport to and from the place of employment, free accommodation, three free meals daily and medical care. However, the Lesotho Ministry of Labour neither sets minimum standards for accommodation, meals and medical care, nor has the power to ensure that farmers adhere to the conditions laid out in the contracts.

Technically, before a Labour Agent's Licence is issued to a farmer, the Lesotho labour representative in South Africa should inspect the farm in question, although this rarely happens. One district labour official explains why: "We do not have enough manpower or such funds to see to it that these requirements are actually being met."⁹⁸

The Lesotho Ministry of Labour's inspection of farms is wholly inadequate. The Welkom office, which is responsible for inspecting places of employment in the whole of the Free State, including the mines, has a staff of three. In the 13-month period from September 1997 to October 1998, these labour representatives inspected a grand total of three farms, although reports only exist for two. The labour representative says the office is provided with insufficient information to perform more inspections:

Because we don't have the proper particulars of name and telephone number, only the physical address, we are afraid really of being shot if we come without calling.⁹⁹

The list of farmers was provided to us and with the use of a telephone directory, it was possible to determine the phone numbers of a large percentage of the farms listed.

According to the Labour Commissioner, Lesotho must "rely on the decency of farmers for the meals and accommodation."¹⁰⁰ Unfortunately, in a country characterised by an "appalling human and worker right history, agricultural labour relations cannot simply rely on purported goodwill between the parties."¹⁰¹ Labour officials report that on the few occasions when inspections are actually carried out and recommendations that a farmer's recruiting licence should not be renewed are made, these recommendations are often ignored.

When inspections are conducted, they are hampered because labour representatives are not issued copies of the farmers' contracts. Therefore, they do not know if the conditions that have been stipulated are being adhered to. Also, District Labour Offices and the labour representative in Welkom say it is difficult to determine on which farms inspections and improvements are necessary as farmworkers rarely lodge complaints:

The workers don't explain the problems to the inspector.
We only get answers when they go back and speak to Radio
Lesotho. They only tell us 'yes' or 'no' on the farms.¹⁰²

There appears to be no formal policy directing District Labour Offices in Lesotho on how to deal with workers' concerns or a breach of contract. One labour official reports that "there is nothing very much that I can do because I am not a South African and our law doesn't apply to things that happen there."¹⁰³ Farmworkers claim that their grievances are not welcome at the Labour Offices:

The Labour Office is used by the farmers to exploit us.
That is, at one point in time we tried to negotiate with the
Labour Office the issue of an increment for our wages,
instead of the Labour Office channelling our request to the
farmer, we were told that many people in Lesotho are wait-
ing to come to the farms. If we were not willing to work we
would be sent home. I suspect that these Basotho in the
Labour Office are given bribes to exploit us.¹⁰⁴

I thought that when we go through the Labour Office the
farmers would not be able to cheat us as far as our wages
were concerned, but it seems that they are not doing their
work. The Labour Office does not care whether we get
cheated or not because if they convey our concerns or com-
plaints to the farmers, they discuss all these inside offices
where these labour officers forget about our complaints
since they are given tea and biscuits by these farmers.
When they come back from the offices, they tell us that if
we keep complaining we'll get fired.¹⁰⁵

The government of Lesotho encourages its citizens to seek employ-
ment on Free State farms through the labour offices, rather than to
"cross the river" illegally, promising greater protection from exploitative
conditions.¹⁰⁶ However, fewer than a third of the farmworkers believe
the government has done enough to try to ensure adequate working
conditions for its citizens on Free State farms. Farmworkers complain
that there are too many people at the labour office competing for jobs,
labour officials do not act on workers' grievances and that farmers hire
through the labour office only in peak seasons, whereas if people go on
their own, work may be found year round.

On the other hand, workers say that by being recruited through the
labour office it is more difficult for farmers to cheat them, that they can
be contacted through the Labour Office in the event of an emergency
and that they can turn to the Labour Office in the event of a grievance.

Table 3.13 summaries farmworkers' views on the advantages and disadvantages of using the District Labour Offices.

About a quarter of the sample have worked or are working as undocumented farmworkers in the Free State. Women are less likely to work on farms "illegally" than men — only 19% of female respondents have been undocumented workers compared to 33% of male respondents.

Undocumented workers fall into five categories:

- Migrants who go to South Africa on a 14-day stamp and search

TABLE 3.13: ADVANTAGES AND DISADVANTAGES OF USING THE LESOTHO DISTRICT LABOUR OFFICES	
Advantages	% of Responses
Labour office can settle disputes	20
Free transportation to farms	18
Whereabouts of farmworker known in emergency	17
Easy to get employment	14
Farmer cannot cheat workers	8
Written contracts	6
Job security	6
Accommodation provided	3.5
Assured of wages	3
Medical care if ill	1
Employment is legal	1
Food is provided	1
Lesotho government benefits	0.5
Compensation if injured	0.5
Higher wages	0.5
Disadvantages	% of Responses
Labour office is non-responsive to complaints	19
Too much competition for jobs	17
Difficult to terminate contract	15
Have to wait for farmers to come to labour office	15
Recruiting process takes too long	11
Cannot see family for a long time	9
Labour officers treat workers badly	4
Cannot choose employers	4
Money deducted for transport	2
Accommodation is bad	2
Labour officers are exploitative	2

from farm to farm until they are hired. Every 14 days they return to Lesotho to have their stamp renewed.

- Migrants who have family members who have found employment for them on a farm.
- Migrants who are initially employed through the Lesotho Labour Office and then seek work on their own after their contract has expired.
- Migrants hired by farmers who have come to Lesotho in search of undocumented Basotho labour.
- Migrants who live at home in Lesotho and cross the border daily. Some of them work within walking distance, while others must find transport every day. Generally these migrants do not cross at a formal border post.

About half the undocumented workers fall into the final category and live at home, crossing to their workplace on a daily basis.

Farmworkers say that there are many problems associated with being undocumented. In addition to lower wages (R196.38 per month compared to R225.29 for legal workers), they say that looking for a job is a costly procedure, workers are easily cheated out of wages and they run the risk of being arrested:

It is illegal to enter into South Africa with the purpose of working without a contract. In the case of clashes between the farmworker and the farmer, the farmworker can hardly complain and, if they ever do, they are treated unjustly. For example, if the farmworker is not satisfied with the wages and complains, the farmer may decide not to pay the worker at all and the worker cannot sue the farmer because they have not entered into a contract and even if there is a contract it is an illegal one.¹⁰⁷

Nevertheless, the benefits outweigh the risks for these individuals. Many are able to live with their families and have the freedom to change employers as they wish, to work throughout the year and do not require a passport.

Over half the undocumented workers have a verbal agreement with their employer concerning wages, working hours and accommodation. Of the 10% who have written agreements, over 40% say that these agreements are not adhered to. Unsurprisingly, the primary problem area is wages. Undocumented workers run the risk of being cheated out of several months of wages without even the limited recourse open to contract workers.

Lesotho and South African labour officials report that farmers come to Lesotho with trucks in search of workers. When crossing the border

back into South Africa they cover the truck with a tarp and are never searched. When the season and the work are almost finished, some farmers call the police to report that there are “illegal aliens” on the farm. The farm is raided — often in the middle of the night — and the workers are arrested and deported/repatriated back to Lesotho. Workers do not have enough time to collect their belongings and are never paid their wages. It is often impossible for officials in Lesotho to investigate and retrieve lost wages as workers rarely know the name or location of the farm on which they were working. Labour officials believe these incidents are a result of collusion between border officials, South African police and farmers. One farmer told us of a potato farm at Bethlehem in the Free State where 300 people were arrested and deported. The farmer in this case was not charged with an offence or fined, and the workers received no wages.

Workers recruited through the District Labour Offices in Lesotho may also unwittingly become “illegal migrants.” Farmers who have finished with Basotho workers whose contracts have not yet expired sometimes “transfer” their labour force to other farmers. In addition to contravening the conditions of the original contract, this practice places migrant workers in a vulnerable position. For example, the second farmer may not adhere to the conditions stipulated in the original contract and workers run the risk of arrest by police and immigration officials:

There was a case in June where there were a lot of people deported. So I said: ‘Where are your passports?’ and one man said: ‘Here it is’. They were all recruited from Quthing, all of them. And then I said: ‘No, how can you be recruited when you were all deported?’ and then he said: ‘We were recruited by one farmer and then when we were finished the work he transferred us to another farmer’ and that is why they were caught by the police and deported. So one farmer recruited them from Quthing — he had a licence — and then he finished his job quickly and then he transferred his licence to this farmer and then they were caught. This is very common.¹⁰⁸

Currently, farmers hire migrants to work on their farms under the provisions of the bilateral labour treaty between South Africa and Lesotho; locally called the “no-objection” or BI-17 system. The Department of Home Affairs claims it has been trying to put an end to this system in the agricultural sector but has encountered opposition, which has resulted in delays.

In July 1998 farmers in the Free State were notified by the Department of Home Affairs that they would not be able to recruit in

Lesotho for work on farms for the upcoming season and any permits that had been issued were revoked. After negotiations, permission was granted to farmers to hire Basotho, but only until January 1999. This was later extended to June 1999.

Home Affairs now maintains that whatever action takes place will be the result of input and direction from the Departments of Labour and Agriculture.¹⁰⁹ The Department of Labour notes that there is insufficient data to adequately inform Home Affairs on the extent of the real need for farmworkers from Lesotho in the Free State.¹¹⁰ According to their office in Bethlehem:

This was a unilateral decision. The only thing we received was a memo from our head office in Bloemfontein. We were not involved at all in the decision-making process, only in the implementation. We were not given sufficient notice. What Home Affairs is doing doesn't make good sense. This should have been a gradual process. People should have been given proper notice. Three years maybe to prepare and train local people. I don't know how we will solve this problem if there is no spirit of co-operation. There has been a communication breakdown.¹¹¹

Our interviews indicate that the implementation of this policy will probably only increase the use of undocumented migrant workers. At present, virtually all farmers have Basotho coming to their farms on a regular basis seeking employment. One farmer states that as many as 50 people a day wait in her fields, asking for work. Employees of Lesotho's Ministry of Labour agree that there will be an increase in unauthorised migration: "When you are hungry and someone tells you: 'I have a job for you', you will go, no matter what."¹¹²

Laws requiring all workers from Lesotho to apply for expensive individual work permits under the Aliens Control Act will not only result in an upsurge in undocumented migrant workers. Farmers and Lesotho labour officials also predict an increase in crime in the border area:

There is no way you can put up a border between Lesotho and South Africa. Lesotho is surrounded by South Africa and is part of our economic system, so we can't cut them off from jobs. If you cut them off from jobs then there will be a bigger problem. If they cannot work they will not be able to eat. Our economic structure is much more sound. What kind of jobs can Lesotho create? Crime will be a big problem. It already is — stocktheft for instance. I never had a problem before, but this year I do. But if you're hungry and you have nothing to eat what would you do? Your sense of

survival comes through. You always have the criminal element, but I say if the Lesotho people are cut off from jobs here, they don't have the infrastructure to survive. They do not have the proper equipment to cultivate their fields. So very easily they are out of food. We will force them to steal — it is the lesser of the two evils. Either you allow them to work here or you deal with an increase in crime.¹¹³

Farmers are adamant that there is insufficient South African labour willing to work on farms. Asparagus producers claim to have a particularly difficult time finding local labour since asparagus harvesting requires workers to be on the fields picking around 5am, before the sun is strong. To be on time, workers must live on the farm and away from their families. Asparagus farmworkers are also required to work seven days a week.

The district labour office in Bethlehem agrees that there is insufficient South African labour willing to work on farms, but argues that this is due to employment conditions on farms:

Farmers' behaviour shows they don't want to respect African people. They still think they are slaves on farms. Basotho are willing to work under these conditions. Employers need to stop thinking that they are doing the farmworker a favour.¹¹⁴

Attempts by South Africa to curtail labour migration from Lesotho are ultimately self-defeating — legislation requiring Basotho to obtain individual work permits will not reduce unemployment in the Free State. Farmers warn that they will either continue hiring Basotho or stop labour-intensive production and switch to highly-mechanised crops, which will also result in a loss of jobs for South African farm and factory workers.

CONCLUSION AND RECOMMENDATIONS

What I can tell you about being a migrant farmworker is that before I went there I heard many stories that frightened me. Stories like sometimes the farmer does not give us food until we eat in his dustbin. I see sometimes the stories are true, but sometimes they are not true. So when you go to the farms you have to tell yourself that you are going to work, not to have a nice time. Then you will handle any difficulty that comes.¹¹⁵

Legislation terminating the BI-17 system will have a greater impact

on women than men. Women constitute the majority of Lesotho's migrant farmworkers in the Free State. While men are still employed on South African mines in large, albeit decreasing, numbers, women have no such option. Furthermore, it will be impossible to enforce stricter migration controls along the Lesotho border due to lack of resources, but more importantly because border officials and police will be "reluctant to recognise or enforce immigration controls on 'fellow Basotho' at the behest of government departments run by speakers of other languages in Bloemfontein or Pretoria."¹⁶

Unionisation is not going to improve the employment conditions of seasonal Basotho workers in the short- or medium-term. Unions are struggling to organise permanent workers on farms let alone foreign seasonal workers. In addition to opposition from farmers, trade unions wishing to organise farmworkers have had to overcome a fragmented workforce and vast distances between farms. The mutual mistrust between farm labourers and Free State farmers undermines any basis for productive labour relations.

Both the Departments of Home Affairs and Labour maintain that the new policy steps are not meant to prevent foreign farmworkers from gaining legal access to the South African labour market, but they will now have to go through the same processes as all other work-permit applicants. But the practical effect of such regulations will be to force migrants to seek employment on farms as undocumented workers. The non-refundable work permit fee of R750 per person is just slightly less than the wages earned by the average migrant farmworker for an entire contract. This fee is applicable to both the farmworker earning R225 per month and to the foreign corporate executive earning many hundreds of thousands of rands per year. Home Affairs claims it has not ruled out the possibility of a differential fee scheme; however, such a scheme is not yet in place. Department of Labour officials say that at the district level there is very little co-ordination, co-operation, or consultation between government departments, even though the district level is better placed to give policy makers and implementers an accurate picture of the situation on the ground.

This chapter has attempted to illustrate the experiences and perceptions of Lesotho's migrant farmworkers in the Free State. These migrants are among the poorest citizens of Lesotho and generally see farmwork in South Africa as the only option available to them. Almost without exception the farmworkers testified that they endure exploitative employment conditions, including wages below the Minimum Living Standard, unhygienic and crowded living conditions, and abusive treatment from farmers and supervisors. They report that they have no effective advocates despite the fact that Lesotho's Ministry of Labour

supposedly represents their interests. Furthermore, while labour officials in Welkom are responsible for inspecting farms and protecting the interests of migrants working on these farms, it appears they cannot do either very effectively.

Interviewees were asked what improvements they would like to see in their working environment and how the Lesotho government could best assist migrant farm labourers. The most important issue for farmworkers was wages, followed by regular inspection of farms by labour representatives and unionisation:

The government must insist on changes to our working conditions. If farmers fail to make the necessary amendments, they should not be allowed to recruit workers. The government should send representatives to the farms at least monthly to investigate whether any amendments have been made.¹¹⁷

There should be a standard wage for farmworkers rather than each farmer deciding what he or she will pay workers.¹¹⁸

Health inspectors should inspect our conditions.¹¹⁹

People who work in the labour offices should try to work co-operatively with farmworkers. Sometimes they just shout at us. If Basotho shout at other Basotho, there is no need to expect good working conditions in a foreign country.¹²⁰

Our government should try to create jobs in Lesotho. We love our country and would like to develop it and not South Africa. We do not come to South Africa because we like it, but we are forced to by the conditions within our country. We would like to go back.¹²¹

We recommend that minimum standards be set by the Ministry of Labour in Lesotho before it allows farmers to recruit its citizens, and that compliance to these conditions be enforced. Many Free State farmers are dependent on Lesotho and require Lesotho government licences for access to this labour pool. If the Lesotho government insisted on minimum standards by withholding recruiting privileges from farmers who did not meet these requirements, conditions on Free State farms would almost certainly improve.

It is doubtful whether attempts to enforce stricter control over migrants entering the South African labour market would succeed. The paucity of alternative employment opportunities in Lesotho will drive

them to South Africa — legally or illegally. The specific historical and economic context of Lesotho must be taken into account before restrictive legislation is implemented, which will merely force migrants to seek employment as undocumented workers and possibly endure even harsher employment conditions.

ENDNOTES

1. Lesotho Ministry of Labour figures and personal communication Lila van Maltitz, Asparagus Association, Free State, 27 September 1998. In total, Free State asparagus farmers hire approximately 22 000 seasonal workers.
2. Deborah Johnston "The State and Development: An Analysis of Agricultural Policy in Lesotho, 1970-1993" *Journal of Southern African Studies* 22 (1996): 199-38.
3. Lesotho Ministry of Labour, National Employment Services figures. Farmworkers Research and Resource Project, *Farm Labour Review: Farmworkers and Agriculture in South Africa* (Johannesburg: FRRP 1996), p. 63.
4. All interviews with farmworkers were recorded on tape by Ntsoaki Phakisi, Palesa Seitlheko, Mathabo Phatela and Lisemelo Matia in Sesotho and then translated and transcribed into English.
5. Interview, 105, Berea, Lesotho, 19 August 1998. Interviews are referred to by number to protect the identity of respondents.
6. Interview, 130, Butha Buthe, Lesotho, 1 September 1998.
7. Interview, 132, Clocolan, Free State, 2 September 1998.
8. See, for instance, Deborah Johnston, "Migrant Workers in the Free State", *South African Labour Bulletin* 21(6) (1997): 64-65.
9. Interview, NM, District Labour Office, Lesotho, 9 September 1998.
10. See, for instance, Johnston "Migrant Workers in the Free State", and Stephen Greenburg, Meshack Hlongwane, David Shabangu and Elken Sigudla, *State of South African Farmworkers 1996* (Farmworkers Research and Resource Project, 1997).
11. Interview, AD, Ficksburg, Free State, 15 September 1998.
12. Interview, DM, Bethlehem, Free State, 24 September 1998.
13. Guy Standing, et al., *Restructuring the Labour Market: The South African Challenge* (Geneva: ILO, 1996), p. 300.
14. TEBA, April 1998, *On Strength Originating from Lesotho During 3/1998*.
15. Personal communication, Mr. Ahmed, Lesotho Ministry of Labour, 25 February 1999.
16. Either as a mine worker or as the spouse of a mine worker.
17. In terms of the BCEA, a seasonal worker is defined as a person who works for the same employer for less than four months in any 12 month period; thus, 82.3% of respondents are employed as seasonal workers.
18. John Gay and David Hall, eds. *Poverty in Lesotho, 1994: A Mapping*

- Exercise* (Maseru: Sechaba Consultants, 1994), p. 21.
19. Ibid.
 20. Livestock is defined as cattle, horses, sheep, goats, donkeys and pigs.
 21. Gay and Hall, *Poverty in Lesotho*, p. 43.
 22. High school in Lesotho is based on five years. After the third year students write their JC (Junior Certificate) examinations and at the end they write COSC (Cambridge Overseas Students Certificate).
 23. Interview, BL, Ladybrand, Free State, 29 September 1998.
 24. Interview, 80, Butha Buthe, Lesotho, 1 September 1998.
 25. This is lower than the R10,90 average daily wage stated by farmers. One farm stated its workers averaged R400-600 per month while workers on that farm reported an average of R313 per month.
 26. For the total length of the contract, which averages 3,89 months.
 27. Greenburg, *State of South African Farmworkers 1996*, p. 29.
 28. Women earn R201,45, while men earn R369,82 per month; *ibid.*
 29. *Ibid.*, p. 30.
 30. Interview, NM, District Labour Office, Lesotho, 9 September 1998.
 31. Interview, DM, Bethlehem, Free State, 24 September 1998.
 32. Interview, 38, Teyateyaneng, Lesotho, 21 August 1998.
 33. Interview, 15, Maseru, Lesotho, 28 August 1998.
 34. Interview, 64, Ficksburg, Free State, 7 September 1998.
 35. Interview, 80, Butha Buthe, Lesotho, 1 September 1998.
 36. Although many more were clearly uncertain as to how their pay was determined.
 37. Interview, MH, District Labour Office, Lesotho, 10 September 1998.
 38. Interview, 46, Teyateyaneng, Lesotho, 28 August 1998.
 39. Interview, 139, Ficksburg, Free State, 7 September 1998.
 40. Interview, MP, Lesotho Labour Office, Welkom, Free State, 20 October 1998.
 41. Interview, 126, Butha Buthe, Lesotho, 1 September 1998.
 42. Interview, 21, Teyateyaneng, Lesotho, 28 August 1998. Interview, 90, Ficksburg, Free State, 7 September 1998. Interview, 92, Mafeteng, Lesotho, 10 September 1998.
 43. Interview, 27, Maseru, 27 August 1998.
 44. Interview, DM, Bethlehem, Free State, 24 September 1998.
 45. Interview, 38, Maseru, Lesotho, 21 August 1998.
 46. Of the remaining 22 respondents, 20 live at home and two live near the farm.
 47. Interview, 106, Teyateyaneng, Lesotho, 19 August 1998.
 48. Interview, 46, Teyateyaneng, Lesotho, 25 August 1998.
 49. Interview, 50, Butha Buthe, Lesotho, 1 September 1998.
 50. Interview, 115, Teyateyaneng, Lesotho, 25 August 1998.
 51. Interview, 52, Butha Buthe, Lesotho, 1 September 1998.

52. *Saturday Star*, 28 November 1998 and Johnston "Migrant Workers in the Free State", p. 65.
53. *Saturday Star*, 28 November 1998.
54. Interview, 31, Teyateyaneng, Lesotho, 19 August 1998.
55. Interview, 62, Ficksburg, Free State, 7 September 1998.
56. Interview, MP, Lesotho Labour Office, Welkom, Free State, 20 October 1998.
57. ILO in Greenburg, *State of South African Farmworkers 1996*, p. 41.
58. Another 28% do not know if workers receive compensation.
59. Interview, MM, District Labour Office, Lesotho, 26 August 1998.
60. Interview, 80, Butha Buthe, 1 September 1998.
61. *The Star*, 15 April 1998.
62. Interview, 71, Peka, Lesotho, 17 September 1998.
63. Interview, 130, Butha Buthe, 1 September 1998.
64. Interview, AV, Bethlehem, Free State, 24 September 1998.
65. Interview, AV, Bethlehem, Free State, 24 September 1998.
66. M. Murphy, "South African Farm Workers: Is Trade Union Organisation Possible?" *South African Labour Bulletin* 19 (1995): 20-26.
67. FRRP "Conditions Facing Farm Workers in South Africa" *Land Update* 62 (1997): 6.
68. According to CSS there are approximately 161 999 farmworkers in the Free State. CSS, *RSA Statistics in Brief* (Pretoria: 1997). These are the most recent statistics available and are based on 1993 figures. Personal Communication, Howard Mbana, SAAPAWU, Johannesburg, 19 January 1999.
69. Personal Communication, Ignatius Simunyu, NUF, Johannesburg, 24 February 1999.
70. Interview, Mr Goosen, Ms Dippenaar and Mr Khalo, South African Department of Home Affairs, Pretoria, 13 October 1998.
71. Interview, 2, Maseru, Lesotho, 17 August 1998
72. Interview, HS, Reitz, Free State, 17 September 1998.
73. Interview, LW, Fouriesburg, Free State, 24 September 1998.
74. Interview, MT, Clocolan, Free State, 15 and 22 September 1998.
75. Interview, DM, Bethlehem, Free State, 24 September 1998.
76. Interview, 29, Maseru, Lesotho, 18 August 1998.
77. Interview, 4, Maseru, Lesotho, 18 August 1998.
78. Interview, 14, Maseru, Lesotho, 21 August 1998.
79. Interview, 43, Maseru, Lesotho, 25 August 1998.
80. Interview, 86, Leribe, Lesotho, 3 September 1998.
81. Interview, 104, Maseru, Lesotho, 17 August 1998.
82. Interview, 108, Teyateyaneng, Lesotho, 19 August 1998.
83. Interview, 46, Teyateyaneng, Lesotho, 25 August 1998.
84. Interview, 80, Butha Buthe, Lesotho, 1 September 1998.

85. Interview, 29, Maseru, Lesotho, 18 August 1998.
86. Interview, SW, Clocolan, Free State, 15 September 1998.
87. Interview, MT, Clocolan, Free State, 15 and 22 September 1998.
88. Interview, 134, Leribe, Lesotho, 3 September 1998.
89. Interview, 58, Leribe, Lesotho, 2 September 1998.
90. Interview, 80, Butha Buthe, Lesotho, 1 September 1998.
91. I.M. Hofmeyr, *Women on Farms: Living and Working in South Africa* (Stellenbosch: Lawyers for Human Rights, National Women on Farms Programme, 1995), p. 47.
92. Interview, Limpho Mandoro, Labour Commissioner, Maseru, Lesotho, 31 August 1998.
93. Interview, 37, Maseru, Lesotho, 21 August 1998.
94. Interview, 79, Butha Buthe, Lesotho, 1 September 1998.
95. The exact number of recruits is unknown because the data kept by the Ministry of Labour is unreliable.
96. Interview, 20, Maseru, Lesotho, 25 August 1998.
97. Interview, 50, Butha Buthe, Lesotho, 1 September 1998.
98. Interview, NM, District Labour Office, Lesotho, 9 September 1998.
99. Interview, MP, Lesotho Labour Office, Welkom, Free State, 20 October 1998.
100. Interview, Limpho Mandoro.
101. Heunies and Pelsler, 1995, 67.
102. Interview, MP, Lesotho Labour Office, Welkom, Free State, 20 October 1998.
103. Interview, MK, District Labour Office, Lesotho, 1 September 1998.
104. Interview, 34, Teyateyaneng, Lesotho, 19 August 1998.
105. Interview, 50, Butha Buthe, Lesotho, 1 September 1998.
106. Going as an undocumented migrant worker.
107. Interview, 141, Peka, Lesotho, 19 September 1998.
108. Interview, MK, District Labour Office, Lesotho, 1 September 1998.
109. Interview, Goosen, Dippenaar and Khalo, Department of Home Affairs, 13 October 1998.
110. Interview, Sello Mosai, South African Department of Labour, Pretoria, 27 October 1998.
111. Personal communication, LN, Department of Labour, Bethlehem, Free State, 6 October 1998.
112. Personal communication, District Labour Office, Lesotho, 10 September 1998.
113. Interview, MT, Clocolan, Free State, 15 and 22 September 1998.
114. Personal communication, LN, Department of Labour, Bethlehem, Free State, 6 October 1998.
115. Interview, 124, Leribe, Lesotho, 2 September 1998.
116. D. Coplan, *Lice in Your Blanket: The Meaning of the Lesotho-Free State*

Border (unpublished SAMP report, 1999).

117. Interview, 58, Leribe, Lesotho, 2 September 1998.
118. Interview, 126, Butha Buthe, 1 September 1998.
119. Interview, 3, Maseru, Lesotho, 18 August 1998.
120. Interview, 6, Teyateyaneng, Lesotho, 19 August 1998.
121. Interview, 62, Ficksburg, Free State, 7 September 1998.

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