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Article

A Failure of Rural Protection¹

Bronwen Manby

South Africa's white farmers are also under attack from a government in thrall to millions of landless voters, many of whom say – as do their Zimbabwean brothers – that whites 'stole' their land. This is of course a ludicrous assertion. When whites came to southern Africa, there was little if any systematic cultivation and certainly no agricultural industry to speak of. Western farming methods allowed South Africa to become one of the world's six food-exporting countries. Yet under the new government, assaults on farmers, and their property rights and their very future are increasing.²

Among employment sectors, the 1994 change of government in South Africa has had perhaps the most profound effect on the working environment of the commercial farmer. While those speaking for farmworkers and residents see far too little change in practice, farm owners and managers have had to adapt from a situation in which – after the land had been taken by force from South Africa's black peoples – they received privileged treatment from government, including hefty subsidies and protective tariffs, to one in which handouts and cheap finance have been largely ended, labour legislation extended to the agricultural sector, and trade tariffs progressively cut. At the same time, the protection of the state security forces and the use of state violence to ensure white control of the land has been exchanged for a government commitment to land redistribution and laws protecting farm residents from arbitrary eviction. The depth of the change in attitude that has been required is illustrated by the results of a referendum conducted by the Transvaal Agricultural Union (TAU) in 1990, in which 94.52 per cent of the 11,895 farmers who participated – representing close to 20 per cent of all South Africa's white farmers at the time – voted 'yes' to the question 'are you in favour of farmland being preserved for white ownership?' (Cited in Segal 1991:16). Today, not even TAU openly defends this view.

The land invasions promoted by the government of Zimbabwe over the last two years have, moreover, concentrated the minds of farmers (as well as government and farmworkers) on the land issue in South Africa. While there have been no government-backed land invasions in South Africa along the lines of those in Zimbabwe, and the African National Congress (ANC) is committed to an orderly process of redistribution, many farm owners, especially in areas adjoining the overcrowded former homelands, complain of a 'creeping' invasion of individual farms through methods such as the breaking down of fences in order to graze stock, or a rapid increase in the number of people living on a farm without the permission of the landowner. Meantime, the government's official land reform programme, based on restitution, tenure reform and redistribution is mired in bureaucratic delays. Land rights organisations openly talk of Zimbabwe-style invasions if land redistribution is not hastened. In July 2001, the Pan Africanist Congress (PAC) capitalised on this discontent, by 'selling' plots of land at Bredell, near Kempton Park, Gauteng, for R25 each. The government obtained a court order for the eviction of the hundreds of people desperate for a place of their own who rushed to take advantage of this initiative (Cousins 2000). While robustly declaring that 'disrespect for the law cannot be tolerated', amidst scenes of demolition uncomfortably reminiscent of apartheid-era forced removals, the ANC rapidly made commitments to speed up land redistribution.³

'Farm Attacks'

Most pressing of all farmers' concerns are what have come to be known as 'farm attacks', violent crime against white farmers. Over the last decade, there has been an increasing incidence of violent crime against the owners and managers of commercial farms or smallholdings and their families: according to statistics collected by police, between January 1997 and December 1999, 356 people on farms or smallholdings were killed by intruders.⁴ Because of a moratorium on crime statistics, figures for 2000 were not available as of August 2001, though in an April report to parliament police indicated that the number of murders had decreased slightly from 1999.⁵ Farm owners' organisations claim that more than 1000 people have died in such circumstances since 1991.⁶ (These statistics include the deaths of some black people killed in the course of crime committed against white farmsteads, but excludes most crime against black farmworkers). Many farm owners and some of the representatives of the commercial agricultural unions believe that the motive behind these crimes

is explicitly racial or political, a conspiracy aimed at driving white people off commercial farmland. At their most extreme, these views lead to a belief that the government is training former members of MK or APLA to assassinate white farm owners, possibly even under the direction of some shadowy international force. There are repeated assertions from the Transvaal Agricultural Union and others of the ‘military precision’ with which these crimes are carried out – even though others who have investigated farm killings note rather that in many cases their hallmark is extreme amateurishness, with evidence frequently left at the scene.

From the perspective of many black South Africans the interpretation of violent crime against farm owners is equally clear, but opposite, tending to attribute the ‘farm attacks’ to longstanding ill treatment of farm labour. Commenting on reports of a farm owner who forced his workers to share accommodation with pigs, the ANC issued a statement that

it is an open secret that some of the brutal attacks on farmers are revenge attacks by farmworkers who have been brutalised by their employers. It is unfortunate that sometimes it is innocent farmers who pay the price for the actions of their racist colleagues.⁷

Just as some farm owners and their representatives are convinced that violent attacks against whites living on farms are part of a conspiracy, so farm residents often believe that attempts to organise private security or commando protection for farms are throw-backs to the ‘third force’ of the 1980s and early 1990s, covert action by the previous government to promote violence among black communities and assassinate black leaders. This view is reinforced by the fact that in some areas, among those employed as private security are ex-members of South Africa’s more notorious apartheid security units, including the 32 and Koevoet battalions deployed in Namibia and Angola.

There is, in fact, no substantive evidence for a coordinated campaign of intimidation to drive whites off the land. Equally, there is no evidence of a direct correlation between brutality towards farmworkers or evictions of farm residents and violent crime against farm owners. Studies carried out or commissioned by the SAPS, including studies based on interviews with those convicted for crimes committed during ‘farm attacks’ have repeatedly concluded that the main motive for crimes committed by intruders is criminal, especially the theft of firearms, cash, and vehicles.⁸ In the majority of cases violence was used to achieve another purpose rather than for its own sake. A small minority of cases can be linked to direct revenge for ill-treatment. There seems little reason to distinguish in terms of motive

between crime committed against peri-urban smallholdings in particular and crime committed in neighboring suburbs; especially since gratuitous violence is a feature of much South African crime, wherever committed.

Nevertheless, despite the findings of their own research that the motives for violent crime against farm owners are largely criminal, the police and the army continue to use the terminology of ‘farm attacks’, reinforcing the idea that there is a military or terrorist basis for the crimes, rather than a criminal one – and thereby clouding analysis of possible solutions to the violence.

Assaults on farm residents

The high visibility of violent crime against farm owners – a visibility actively promoted by farmers’ organisations – contrasts with the near invisibility of violent crime against farm residents, whether crime committed by other black people or in particular by farm owners. At intervals, a particularly shocking case in which a farm owner has abused a farm resident or worker will reach the South African media, such as the March 2001 murder of a black trespasser, initially believed to have been shot and later found to have been beaten to death, for which members of the Pietersburg rugby team were charged.⁹ But the police have commissioned no studies of the kind carried out in relation to farm attacks, nor collected statistics relating to violent crime against farm residents by farm owners. Farm owners’ representatives maintain the ‘few bad apples’ thesis, arguing that the bulk of farmworkers have good relations with farmers. Apparently supporting this view, an independent study commissioned by the KwaZulu-Natal Agricultural Union (KWANALU) found that less than seven per cent of farmworkers characterised their relationship with the farm owner as ‘fairly’ or ‘very bad’ (Johnson and Schlemmer 1998). But other research among migrant farmworkers in the Free State found that fully half of those surveyed who stated that labour relations on the farm were satisfactory still reported that they were verbally abused, and 19 per cent that they were physically abused – the expected standard of treatment is very low. Nearly 40 per cent of farmworkers reported some kind of abusive treatment from farm owners, often as a response to perceived minor infractions such as incorrect operation of machinery (Ulicki and Crush 2000). Advocates for farmworkers’ rights state that it is not so much the headline cases of extreme violence as a constant lower level of abuse, often for ‘disciplinary’ reasons, that forms the daily reality of the lives of many farmworkers.

As to the motive for this violence: it is only when the powerful are the subject of aggression that explanation is sought. Assaults on farmworkers have not been seen to need the same sort of study as the new phenomenon of violent crime on farm owners. The reasons for assaults on farm residents indeed appear to be the old ones. Violence has been built into the fabric of white control of the land in South Africa from the start, and in some cases violence is still implicitly or explicitly used to maintain control of the land. Violence on farms may well be connected to land, as asserted by TAU and others – but in most cases not for the removal of white farmers, rather for the removal of black tenants, or, simply, to maintain the sort of control that ensures that wages remain low and living conditions poor.

Despite new legislation protecting black farm residents, they remain vulnerable to forcible eviction. Thousands of farm residents have been driven from white farms since 1994, with a surge immediately before the introduction of new legislation giving a measure of legal protection to farm residents. Many farmers are anxious to complete the transition to a purely capitalist system of farming based on absolute freehold ownership of land and simple wage labour, and to dissolve the links to the land still retained by some labour tenants in particular those whose work on a farm traditionally brought rights of residency and cultivation for the whole family. They do not see why farm residents who do not work for them should have any rights to remain on the farm, still less if they have no family member who is working there. In some cases, evictions from farms appear to be driven by security concerns and in that sense are directly linked to the increasing fear of ‘farm attacks’. From one day to the next an apparently secure position with a good relationship with the farmer, including land to cultivate, can be destroyed, because the farm is sold to a new owner, or the person who had been working on the farm is no longer available. Today as in the past, many evictions are accompanied with violence or the threat of violence, violence that seldom enters the official record.

A former farm resident from near Comondale, on the Mpumalanga/KwaZulu-Natal border, told of a case in which a private security company had assisted in an eviction:

Our home was burnt down by the farmer in 1997. We reported to the Department of Land Affairs but they did not help. The farmer was using the [private security company] to help him. They were beating us during the night, and we had to sleep on the mountain. There were five or six people from [the private security company], one white and

the others black, all wearing uniform, and the farm owner. They were all carrying big guns. The whole family was beaten. We were evicted because my husband died. They burnt all our property and burnt the house; everything is gone. They gave us two days notice, but there was nothing like a court hearing.¹⁰

Nowhere are the huge economic inequalities in South Africa so marked as on the 'front line' between commercial farmland and former homeland areas, where there is great poverty and land hunger. Farms that border the former homelands are often the site of confrontations between farm owners and their neighbours, especially over stock theft, collection of firewood, and other property crimes; in some cases over land invasions. Rather than go through the criminal justice system, which is slow and often ineffective, the temptation for farm owners is to take the law into their own hands. In a case investigated by the South African Human Rights Commission, farm owner Roelf Schutte assaulted Josephine Thenga, who lives in a village in the former Venda near Louis Trichardt, found with others collecting firewood from his farm in April 1997. After assaulting her on the farm, he took her to his garage and

gave me a choice between being killed and being arrested. He untied the dog that was outside the workshop and came in holding it on a leash, threatening that he would let it loose.... He asked the black man who was with him on the farm to carry a coffin he had brought back with him to the workshop, and he told me to undress to my underwear and get inside the coffin and lie down.

Thenga was eventually taken to the police station, charged, and subsequently fined R800 for trespass and theft of the wood. No charges were laid against the farmer. 'Now we get firewood on the other side, within the tribal area. But he does nothing on the farm, there are no crops, no cattle, no game, he uses it just to live; and we have no electricity here'.¹¹

While most violence against farm residents is inflicted by private individuals, in some areas farmers have coopted state structures, turning them virtually into vigilante units. Reports of serious abuse by the notorious Wakkerstroom commando in Mpumalanga, one of 186 reserve army units operating under the control of the South African National Defence Force (SANDF), date back many years.¹² In the most stark illustration of the sort of illegality that is possible in such a remote area, members of the commando rounded up more than 30 people and seriously assaulted them in October 1996. One of those assaulted was blinded as a result of tear gas sprayed in his face; several others still bear the marks of injuries today.

Fourteen members of the commando were eventually charged in the Wakkerstroom magistrates court in connection with this mass round-up by the commando. The cases were, however, withdrawn by the state in May 1999, due to 'insufficient evidence'.¹³ Two of those assaulted have filed civil cases for damages. The SANDF is paying for the legal costs of defending these cases, on the basis that they related to actions taken 'within the course and scope of their duties' as members of the Wakkerstroom commando.¹⁴ Stories of assaults from the district have only reduced with the high profile visit to the area by the Minister of Defence and an investigation by the Mpumalanga Department of Safety and Security.

The rural protection plan

The new vulnerability of white farm owners (a group previously shielded from violent crime who describe to visitors a remembered world of ever-open doors and faithful and respectful black workers), as well as the perceived political basis for 'farm attacks', has given the issue of violent crime on farms a high media profile and a high level of political focus. In particular, protests from organised agriculture about 'farm attacks' led first to the implementation of a 'rural protection plan' in October 1997, after consultation with a variety of role players by a security force task team, and then to a 'rural safety summit' in October 1998 called by then President Nelson Mandela.

Under the rural protection plan, police are supposed to visit commercial farms on a regular basis, though resources prevent this being an effective commitment: understaffing and lack of vehicles are a significant problem in most rural police stations. In practice, of more importance than the police initiatives in most cases, the system set up both under the rural protection plan and independently, of joining farmers together in 'security cells' of geographically close farmhouses, linked by radio, often known as the 'farmwatch' system. These self-help initiatives are in some areas closely linked to the local commandos. In addition, South African farmers – like South Africans generally – are increasingly turning to commercial private security companies to respond to theft of property and threats to personal safety. All these structures are supposed to be coordinated through a system of committees from police station (the Ground-level Operational Coordinating Committees, or GOCOCs) to national level (NOCOC).

The mix of different security systems mobilised for rural safety varies across South Africa for reasons of historical tradition (farmers in the areas

bordering South Africa's neighbours have always been more militarised) and for reasons of economics and geography. In wealthier areas, for example, the KwaZulu-Natal coastal belt where sugar cane is grown and the farms are relatively small, farmers tend to employ private security. In remote areas, where rainfall is low, farms very large, and profit margins small, private security is prohibitively expensive, and the commando system is used instead. In yet other areas, for example in Gauteng, where commando units tend to be less under the control of farm owners and to have more black members, farmers and smallholders tend to rely more on private farmwatch initiatives. Especially in Northern and North West Provinces, many farmers display the distinctive double leopard head symbol of the vigilante group Mapogo a Mathamaga on their gates. Some are enthusiastic personal participants in the organisation: one farmer went to Mapogo's inaugural meeting in his area, ordered all of his 60 workers to pay the fee and join the group or leave the farm, and now supervises the beating of alleged thieves and other criminals all round the neighborhood: 'The thing that shocks me, is that I'm degraded to the level where I actually have to go out and lynch these people. I don't want to have to degrade myself like that. It's the government's job'.¹⁵

The rural protection plan and private initiatives have ensured that the arrest rate in cases of violent crime against farm owners or managers is very high by comparison with crime in South Africa generally. According to information collected by the police, 40.6 per cent of the 'farm attacks' reported during the first six months of 1998 had led to arrests by July. In the case of 'attacks' on more remote farms, rather than smallholdings closer to towns, the arrest rate is higher, estimated at up to 80 or 90 per cent.¹⁶ While statistics for conviction rates for these arrests are not available, successful prosecutions do usually result in heavy sentences.

Despite these efforts, farmers generally see the government response as inadequate. The Transvaal Agricultural Union has called for farmers 'to behave as if a national state of emergency is in place', accusing the government of 'a lack of will ... to look after the safety of farmers'.¹⁷ Most commonly complained of is the delay in police response time. A farm owner coordinating a farmwatch system in Gauteng, just east of Johannesburg, noted that the reality in cases of violent crime against farm owners was that 'you have about ten minutes to respond to an alarm if you want to catch the perpetrators, and yet from here to the police station is a minimum of nineteen minutes, if they leave immediately. And though our

police station is very willing, they just don't have the capacity to help'.¹⁸ Key to the high arrest rate in many cases is the rapid response time of the farmwatch and commando system rather than police action.

Even where there is grudging recognition of policing efforts, farmers have, in common with many South Africans, a strong sense that the criminal justice system generally is failing. The high arrest rate in cases of violence against farm owners is seen as little comfort:

What concerns us about the farm attacks is the justice system. In over 90 per cent of cases the perpetrators get caught, but then what is worrying are the escapes and the cases not being followed through. The absence of a deterrent factor of being caught and punished is worrying.¹⁹

In this context, many feel it is natural that farmers should take the law into their own hands.

Farmers may feel that police service has deteriorated, but for farm residents nothing has changed since 1994, despite their expectations that the new government would transform the justice system. Although presented as a broad based initiative on rural crime, the Rural Safety Summit was seen by groups representing farm workers and residents to be dominated by farm owners and the security force hierarchy, showing little concern for the violence facing the groups they represent. Both these groups and farm residents at a grassroots level charge that the issue of violence against farm workers and residents has not received the same priority from the government as that of 'farm attacks'. Even though laws have been adopted to improve the lot of farm residents, there is a frustration at the failure to implement them forcefully.

Few cases of assault of farm residents even reach the criminal justice system. Communication with the authorities is difficult, especially when many farms are in very isolated locations, many kilometers from the nearest police station. But the problems of communication are probably less important than the fear that farmworkers have of reprisal should they report an incident.

It is difficult to report anything that is happening here on the farm to the police, because the people here, we are afraid of the farmers.... if we report the farmer here the farmer will report us to all the other farmers that you are a troublemaker and you will never get work anywhere.²⁰

In other cases, farmworkers attempt to report abuse, but the police refuse even to open a docket.

Three years ago the farm owner came when I was sleeping, around 5am, and hit me on the chest and said I should leave the farm. About one week later he came back again early in the morning with the induna [foreman], who held my feet, and he beat me with his fists. I was bleeding badly. I went to report at Greytown police station, who told me to go to Rietvlei. At Rietvlei I asked them to open a case, but the officer there, who is now station commissioner, said it was not worth it because I would just be running up and down and nothing would happen, so it was not worth bothering.²¹

Or cases reported to the police simply result in ‘counter charges’ filed by the farmer, which are then regarded to cancel each other out.

Sometimes, the same farm owner can commit repeated assaults, which are never followed up by the police. A paralegal working with farm residents commented:

There are a lot of cases that are not followed up. I don’t know of any cases where the police have investigated and someone has been prosecuted. Not one. But I have heard of up to 20 or more cases of assault in the past year. Of these about five were reported to the police, and then the prosecutor says the witnesses are not sufficient and the case is closed down.²²

A private security agency operating in the Comondale area in Mpumalanga, adjacent to the Piet Retief and Wakkerstroom districts, is accused of multiple assaults, and several murders, without any consequences: ‘Since 1995 when [the security company] came to our area they have been assaulting people. Three have been killed. But nothing has happened. Some people say to me that they won’t report an assault to the police because there is no use’.²³

Even if the police are willing, it can be hard to act against locally powerful figures. As one black detective in Piet Retief noted:

It’s difficult to investigate cases involving the commandos. Before we are allowed to speak to them we have to have permission from SANDF Group 12 at Camden. Then most members of the commandos are not giving us statements; they come with a legal adviser but refuse to say anything. They are not accepting that they have to change. Then the prosecutor always declines to prosecute, none of the cases have gone to court, though there have been some arrests.²⁴

As a consequence of poor police work in cases of assaults against farmworkers, even very serious charges can take years to come to court, if they reach trial at all.

Where convictions are obtained, the sentences handed down against white farmers, even in the most egregious cases, are sometimes inappropriate. As recently as February 2001, Parys farmer Chris van Zyl was found guilty of assault and fined a mere R19,000 for brutally assaulting two workers for Eskom, the state electricity parastatal, whom he tied to a motorbike and dragged around naked saying 'I will show you how I killed kaffirs'. The (white) magistrate refused to declare Van Zyl unfit to hold a firearm, saying that it would amount to a passport for those who wished to enter the farmer's property with criminal intent.²⁵ Racial solidarity appears still in some cases to trump the state's obligation to provide impartial justice and protect its citizens.

Protection for some; harassment for others

A declaration following the October 1998 Rural Safety Summit recognised that

all initiatives to ensure greater safety and security, in particular the rural protection plan, need to be more inclusive of all people in the farming and rural communities by *inter alia* strengthening and expanding the commandos and police reservists so that they become more accessible to the whole rural community.²⁶

There is widespread recognition, even among the most conservative farmers, that it is in the interests of farm owners to bring farmworkers and residents into crime-fighting activities. But in practice, it seems that few, if any, blacks are involved in security structures on an equal footing with whites. One coordinator of a local farmwatch system noted that, though there had been talk of involving farmworkers in the nightly patrols, it was not practical since most could not drive, 'and you can't trust all the people working for you. Sometimes they are involved and also they are intimidated very easily.....You must be careful not to take in someone not truly committed to preventing crime, or all the inside information on how the cell group works could be exposed'.²⁷

Moreover, because white farm owners have historically had a close relationship to state institutions, including the police and justice system, and because they are economically much more powerful than their black neighbors, they continue to have a privileged relationship to the system. White farm owners and white members of the security forces in the rural areas (sometimes the same people), socialise together and often have family links. It is unlikely, that those same security force members will act swiftly against one of their own, and probable that they will believe the

word of another white person over that of a black farm resident. Even where black police officers have been promoted to become station commissioners, the economic reality of rural life remains much as it has always been, and acting against locally powerful figures a potentially dangerous activity. Moreover, a police officer is likely to need the cooperation of white farmers in so many aspects of his or her work – including in some cases the loan of vehicles – that it is easier to turn a blind eye to abuse than to act against it. For the same reasons, complaints by farm owners of criminal activity affecting them usually receive priority attention.

As a result, the rural protection plan has tended to favour protection of farm owners over other farm residents. In some areas heightened security in commercial farming areas has directly increased *insecurity* for farm residents at the same time as it has provided greater security for farm owners.

Ixopo

Events in the greater Ixopo area of the KwaZulu-Natal Midlands in 1999 and 2000 illustrate some of the complex connections that can exist between violent crime in general, a response from the security forces and farmers that appears to privilege only one part of the community, and assaults on farm residents. Although the Ixopo area has not been one of the worst for violent crime against farm owners, the farming community there, as elsewhere in South Africa, feels itself under severe pressure. There are constant concerns about stock theft or land invasion as well as theft of items such as fencing, and there are always fears that such criminal activities could lead to murders. There were two murders of white farmers towards the end of 1999, bringing to a head complaints from many farmers that the police were ineffective, complaints not followed up, and proactive policing non-existent. Although the police arrested suspects in both cases, all were released for lack of evidence against them. Prior to these two murders, frustration with the police had already led farmers to create their own security structures: the Ixopo Farm Watch was launched in May 1997. However, with the two murders in late 1999, this response was apparently felt to be inadequate, and from April 2000, the 30-man strong Umkomaas commando, based at Ixopo, conducted regular patrols, and raids in search of firearms, both on the homes of farm residents and in black rural settlements.²⁸ According to the police, the patrols were ‘intelligence driven’ and had ‘remarkable success’ while enjoying ‘the support of the communities as a whole’.²⁹

Although there were, according to the police, no complaints against the army patrols for the first few months, by the end of 2000 at least 16 cases of assault were being investigated against the police and soldiers in the Ixopo area.³⁰ Members of the Ixopo Farm Watch, accompanying the soldiers in their role as police reservists, were implicated in several of the cases, including the July 2000 murder of Basil Jaca, a farm resident in his mid-thirties. Jaca died the day after he was allegedly sodomised with a rifle during a raid for illegal firearms carried out by the Umkomaas commando accompanied by a member of the Ixopo Farm Watch. The police arrested six soldiers (five privates led by a corporal) and Farm Watch employee Constable John Arkley, a police reservist and Ixopo resident, about five days after the attack. All seven were charged with murder, attempted murder, and assault, and granted bail.

The Basil Jaca case brought to a head discontent among residents of the greater Ixopo area at the police response to crime. When the seven accused appeared in court on July 17, 2000, members of the community held a protest outside the Ixopo court building. In a memorandum handed to court officials, the community representatives stated:

We, the residents of the town of Ixopo are complaining to the local police and Magistrate about the crime rate that has hit our area. Over the past two years there has been countless break-ins, car thefts, hijacking, rapes and all sorts of unlawful callous acts. Out of all these incidents there has been very few arrests. What are the local police doing about it? ... In principle we accept that the police and army have a mandate bestowed to them by the constitution to protect our people and country from its enemies including criminals. What we are opposed to is the brutality and barbarism that is employed in carrying out this noble mandate. The actions of the SANDF in this area are typical of those of a foreign army invading enemy land.

Conclusion

The situation on commercial farms is a microcosm of South Africa. A small minority of comparatively wealthy people, who have been used to privileged treatment by the state, share their territory with a much larger number of the desperately poor, who have historically faced massive state and private violence in order to keep them that way. Though many, perhaps most, white farmers live in modest circumstances, the contrast with black farm residents, who have some of the worst health statistics in South Africa (for example, children living on commercial farms are more likely to be stunted and

underweight than any other children in South Africa (Vink 2001)), is extreme. White farm owners, core supporters of the National Party throughout the years of apartheid, feared the end of National Party rule and the coming of a government led by the party of the Freedom Charter commitment that 'the land shall be divided among those who work it'. Black farm residents hoped for land redistribution (even if in practice on a less ambitious scale), labour rights, and the reworking of state institutions to ensure impartial justice.

Predictably, then, perhaps the deepest concern of farm owners is a sense that, despite the Rural Safety Summit and other assurances from the government, they have effectively been abandoned by the new non-racial democracy. Police have taken on duties to the wider community and are themselves undergoing a difficult transformation process, with performance suffering in relation to the white community at exactly the same time as farm owners have faced a real threat of violent crime for the first time. White farmers see that their problems now receive less attention and repeatedly complain that the government pays more attention to 'isolated' assaults on farmworkers rather than ongoing white deaths.

Yet the October 1998 Rural Safety Summit was a more high profile response to 'farm attacks' than any similar initiative focusing on black farm residents. And although ANC and government officials have condemned assaults on farm residents, they have also repeatedly condemned violent crime against farm owners. The commercial farm unions' economic power and ability to mobilise media attention has been used successfully to lobby for government attention. Responding to this pressure, for example, Minister of Safety and Security Steve Tshwete visited North West Province in March 2001 in the wake of the murder of two farmers in the Marico area, and said that he would do 'everything in his command' to ensure that farmers were safe.³¹ Moreover, where farm owners and their representatives see an inadequate police response to their concerns over 'attacks on farms and smallholdings', farm workers and residents often see rather a hostile force: 'We are the victims of the farmers and the police; the farmers and the police are working together'.³²

What is ironic is that all the evidence goes to show that in the case of the upsurge of violent crime against farm owners and managers, whites have everything to gain from working more closely with blacks, sharing their concerns and strategies for combating crime. All the research tends to indicate that the perpetrators of the 'farm attacks' are the same violent

criminals that prey on the black community, picking for these purposes a relatively rich and relatively vulnerable target (by comparison to suburban whites living behind ‘instant armed response’ notices). All those living in the rural areas, black and white, would gain from an improved safety strategy that truly brought together the different communities to share information and resources. In some areas, those running the rural protection plan on a local level have realised this, and are beginning to bring in black community leaders as well as white farmers. But this is the exception.

The development of a common strategy to fight crime by intruders would not, however, address the concerns of farm residents and workers unless it also focused on the crime that originates with the farm owners, the police, or the newer additions to the rural protection scene. In order for there to be a common crime fighting strategy, farm owners and their representatives are going to have to acknowledge and adopt strategies to combat violence against farm residents and to offer up to the criminal justice system those among themselves who perpetrate such assaults. Without such cooperation, they cannot hope for the parallel cooperation of their black neighbours in combating crime by outsiders.

Yet the commercial farming unions, while condemning assaults on farm residents in theory, have proved reluctant to take action against farm owners accused of brutality in practice. Responding to the gruesome allegations made against the Wakkerstroom commando, Lourie Bosman, then of the Mpumalanga Agricultural Union and currently the president of the umbrella body Agri-SA, insisted that the commandos were doing a good job.

In Piet Retief and Wakkerstroom the role the commandos play is very good, a positive proactive role. They are visible in the area and it helps a lot in curbing violence. But now it seems to be targeted that those are the areas from which people are reporting human rights abuses. I can't believe that people from outside are saying human rights violations are occurring when the only action being taken is prevention of crime. The national government puts systems in place, but then the provincial and local people are not satisfied and they say there is intimidation: what do they want? Do they want crime to get out of hand so anyone can do what they want, or do they want crime to be prevented? And where they are operating there were attacks a number of years ago, but now the figures show that crime has dropped in those areas.³³

With this attitude typical among many farmers, it is hard to imagine a common crime-fighting strategy being successfully adopted in South Africa's

commercial farming areas. While something could be achieved by merging the GOCOCs with the community police forums set up under the 1995 police act, so that all crime concerns are dealt with by the same body, creating the sort of trust and participation that is necessary to make such structures function would require massive investment in the form of paid facilitators and other resources. Perhaps the maximum that government policy can realistically hope to achieve in the short term is simply to police the police and security forces so that they are not themselves sources of crime, and progressively to bring under control through greater regulation other organised efforts to enforce law and order, including private security companies, farm watch schemes and, eventually, vigilante groups. A failure to ensure this minimum enforcement of impartial justice could have serious consequences for the break down of law and order in the countryside. Ultimately, in law enforcement as in other areas, a durable solution to the wider problems will depend on a reduction in the stark economic inequalities so obvious in the South African countryside.

Notes

1. This article is based on research carried out for Human Rights Watch and published in the report *Unequal Protection: the state response to violent crime on South African farms* (New York: Human Rights Watch, 2001).
2. 'South Africa's White Farming Industry: how its destruction will affect the United States,' on the Transvaal Agricultural Union website, <www.rights2property.com/>, accessed October 6, 2000.
3. "ANC welcomes the Pretoria High Court's ruling on the Bredell illegal land invasions," ANC press statement July 10, 2001; "Interventions on land underway: Mbeki," SAPA, July 26, 2001.
4. *Attacks on Farms and Smallholdings: Report by the Crime Information Analysis Centre, No.1 of 1999*; email dated August 15, 2000, from SAPS to Human Rights Watch.
5. Safety and Security Portfolio Committee, 'Farm and Police Murders: SAPS Briefing', April 4, 2001, available at <www.pmg.org.za>.
6. 'Farm killers trained and paid: Agri bodies', SAPA, March 29, 2001; 'Agri Securitas Trust Fund contributes to obelisk for murdered farmers', Agri-SA press release, March 8, 2001.
7. 'ANC Statement on Workers Sharing Accommodation with Pigs', May 12, 2000.
8. See for example, JC Strauss, *Attacks on Farms and Smallholdings No.2 of 1998* (Crime Information Analysis Centre, 1998) and J C Strauss, *Attacks on Farms and Smallholdings, No.1 of 1999* (CIAC, 1999), both available at <www.saps.org.za>; Martin Schönteich and Jonny Steinberg, *Attacks on Farms and Smallholdings: an*

evaluation of the rural protection plan (Pretoria, Institute of Security Studies, 2000); and Duxita Mistry and Jabu Dhlamini (March 2001), a study commissioned by the SAPS and based on in depth interviews in prison with forty-eight individuals in five provinces convicted of crimes ranging from robbery to murder against farm owners.

9. The body of the young man who had disappeared was found in a nearby lake, where an attempt had been made to sink it. The post mortem revealed that he had been beaten to death. Nine white members of the rugby team were charged with murder. Chris McGreal, 'Teamwork session that ended in murder charge', *Guardian* (London), April 7, 2001.
10. The methodology of the study was heavily criticised by farm residents' advocates.
11. Interview, near Comondale, April 13, 2000. Translated from Zulu.
12. Interview, March 27, 2000, translated from Venda.
13. See *A Toehold on the Land* (Johannesburg: Transvaal Rural Action Committee, May 1988).
14. 'Task team probes alleged farmer racism in Piet Retief', SAPA, February 28, 2000; information supplied by South African Human Rights Commission. These cases represented only a sample of a substantial number (in double figures) of charges laid against members of the Wakkerstroom commando for assault or worse, many of them dating from the same period in late 1996. In all cases, the charges had been withdrawn, the prosecutor declined to prosecute, or the accused were found not guilty. Correspondence between the South African Human Rights Commission and the Volksrust police station.
15. Aaron Nicodemus, Marianne Merten and Mungo Soggot, 'SANDF foots farmers' defence bill,' *Mail and Guardian*, October 22, 1999.
16. Peter Drake, commercial farmer and Mapogo member, quoted in Decca Aitkenhead, 'Rough justice,' *Observer Magazine* (London), May 28, 2000.
17. *Attacks on Farms and Smallholdings: Report by the Crime Information Analysis Centre, No.2 of 1998*.
18. Interview with Col. HJ Boshoff, SANDF, Pretoria, March 22, 2000.
19. 'Act as if in a state of emergency, TLU tells farmers', SAPA, November 22, 2000.
20. Interview, Bapsfontein, September 19, 2000.
21. Interview with Peter Southey, KWANALU, April 4, 2000.
22. Interview with farm resident, near Naboomspruit, Northern Province, March 30, 2000. Translated from Pedi.
23. Interview with farm resident, April 4, 2000.
24. Interview with Philip Shabalala, paralegal, Christo Loots Attorneys, Vryheid, April 6, 2000.

25. Interview with Chief D T Hlatshwayo, April 13, 2000.
26. Interview with detective inspector, SAPS, southern Mpumalanga, April 13, 2000.
27. Glenda Daniels, 'Farmer fined for trying to 'kill kaffirs,' *Mail and Guardian*, February 9, 2001.
28. 'Summit on Rural Safety and Security: 10 October 1998,' press release issued by South African government Communication Information Service; also reprinted in Schönteich and Steinberg (2000:23-24).
29. Interview with Pieter Basson, farm owner and farmwatch coordinator, Bapsfontein, Gauteng, September 19, 2000.
30. Letter dated August 1, 2000, from Assistant Commissioner PF Holloway, Office of the Area Commissioner, Umzimkulu, to violence monitor Mary de Haas, University of Natal Durban.
31. Ibid.
32. Interview by Cheryl Goodenough with the Independent Complaints Directorate in Creighton, September 6, 2000.
33. Nick Vink (ed), 'The Determination of Employment Conditions in South African Agriculture: A Report to the Department of Labour,' Centre for Rural Legal Studies, Stellenbosch, and National Institute of Economic Policy, Johannesburg, March 2001.
34. 'We're going to make it right: Tshwete to Marico farmers', SAPA, March 29, 2001.
35. Interview with member of the Ingogo Crisis Committee, Ingogo, KwaZulu-Natal, April 7, 2000.
36. Interview with Lourie Bosman, Mpumalanga Agricultural Union, Ermelo, April 12, 2000.

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