



Publication: CityPressWesternCape - Main
Title: How the state condemned emerging farmers to
Publish date: 06 Nov 2022
Page: 9

Reach: 3127
AVE: R 347892.82
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They lost their livestock, grain, equipment and, ultimately, their livelihoods on June 26 last year, when a government-contracted security company evicted them from the state-owned farmland they had occupied for almost two decades.

This is how Vuyisile Poyo explained the impact of government's move to evict the Nonkebhutani Agricultural Primary Cooperative, at the height of the Covid-19 pandemic, from Hopefield Farm in the Eastern Cape. The farm is located about 20km from Komani.

Poyo, the chairperson of the cooperative, told City Press that the move by the public works and infrastructure department to evict them, allegedly without a warning or a court order, had caused much pain and suffering within the community.

"We lost everything. We put everything that we had into that farming cooperative. For two decades, we survived on that land and our people benefited. It came as a shock to us when the government did this," he said, adding that 49 people had been affected.

Poyo put the cost of losses at more than R1.8 million. About 150 pigs were allegedly stolen in the process.

"This happened at the time of Covid-19, when food was scarce. We have that problem here. The public works department in Gqeberha has done this. They don't want to take responsibility, but it is them who initiated this."

Using their trading entity, Siphakamile Mafama Primary Agricultural Cooperative, Poyo said they had gone to court to interdict the eviction, but had failed.

Department spokesperson Thami Mchunu confirmed to City Press that the cooperative had been evicted.

Mchunu said the cooperative alleged that the department illegally evicted it when security guards were appointed by the department to safeguard the property.

"The department was informed that the plots were sold, fenced and demarcated on the property. This was confirmed during a site visit by department officials," Mchunu said.

He said they opposed the application on the basis that the cooperative never had a legal right to the property.

'WE HAD A DEAL'

However, Poyo claimed they had a verbal agreement with the department and that officials never warned them about the eviction.

"No one came to us. That is why it was a surprise to us, after we've been there almost 20 years. It was difficult. We have been trying to get a lease agreement, which we never received until 2020. We tried to get a lawyer to challenge the problem, but our lawyer passed on in May last year."

In their attempts to secure a signed agreement, Poyo said they - as Nonkebhutani - lodged a court case at the Makhanda High Court last year, but this failed when their legal representative died.

The two cooperatives, Poyo said, had been formed by the same group of people, but Siphakamile Mafama was formed as a trading entity to allow them to do business and access the markets.

Mchunu said that Nonkebhutani applied to court for the enforcement of a 50-year verbal lease agreement.

"The applicants alleged that they had a 50-year verbal lease agreement with the department, but this was denied by the department as there was no record of this, nor was there any supporting documentation to substantiate their claim."

INTERDEPARTMENT FUMBLES

City Press has seen several documents relating to the occupation of the farm. Among them was a letter that Poyo - who represented the Yukuzahe Irrigation Scheme, which was later registered as Nonkebhutani -

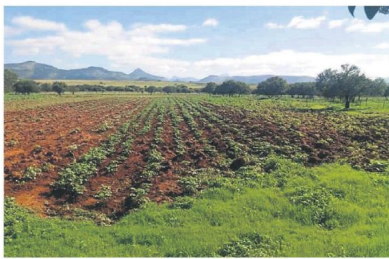


EVICTED A community that depended on farming in Komani, Eastern Cape, was booted from its state-owned farm

How the state condemned emerging farmers to

POVERTY

Government department evicted cooperative from state land with **no warning or court order**, destroying millions in agricultural inputs



LOOMING HUNGER The farming community lost its food source when the public works department evicted them



NO-GO AREA The farmers were told that another association was the rightful tenant of the land they worked for two decades

wrote on November 19 2009 addressed to the public works department in Gqeberha.

In it, Poyo said they were applying for a caretaker status or a lease agreement.

The project, he said, was initiated in 2003.

"We noticed that the previous people who were granted the lease to operate in these farms were not active, instead the farms were vandalised by them. In 2006, we decided to submit our application to the department of agriculture, land reform and rural development requesting a caretakership agreement. Our request was verbally approved in 2008.

"We operated in this farm, involved in land cultivation. This farm was given to us by [the agriculture department]. We operated in these farms, but our challenge was that we did not have a written lease agreement to operate and therefore the department could not assist us fully without the relevant documentation."

In early 2009, Poyo said the department communicated that the farms did not belong to them.

"We were advised to approach public works for assistance in acquiring a caretakership agreement or a lease agreement. [They were told that] once we produce this document to them, they would be willing to assist us with the equipment we need."

He said they met with representatives from both departments in Komani on November 11 2009 to raise their issues, but nothing came of it.

Poyo said this was one of many requests for lease agreements that was not responded to.

'ALREADY UNDER LEASE'

Another document that City Press has seen was a response from the agriculture department, dated February 23 2016, to an application made by the cooperative to use the farm.

In it, the department said the farm was under the control of or custodianship of the national department of public works and infrastructure.

"We were informed that already the said property was under lease by a group called Nonkebhutani Agricultural Primary Cooperative Limited," the letter reads.

Poyo said this letter was meant to confirm that they occupied the property under the verbal arrangement.

However, they never paid any rent because there was no written agreement.

"We were willing to pay fees based on an official lease, not based on paying into the pocket of certain officials. There were officials who approached us to make payments and we refused. We don't want to dwell on that. All we wanted was to pay rent and get receipts."

DENIED REASONS FOR JUDGMENT

Poyo said what remained a mystery was why they never received reasons for losing their interdict application.

City Press has seen a letter that was written by their legal representative, Asanda Mngangatho, to the office of a judge at the Makhanda High Court, requesting reasons for his judgment.

According to court papers, which City Press has seen, Mngangatho withdrew from the case in May.

This was after he had asked the court for reasons for the order in September last year, which was followed by two letters addressed to the judge's office in October and November last year.

Court papers also show that the third respondent in the application was the Zola Farmers Association, which the public works and infrastructure department had argued was the rightful occupant of the land because it had a lease agreement. In court papers, the Zola Farmers Association confirmed that it had had a lease with the public works and infrastructure department since 2001, which was still in effect last year.

A copy of the lease was attached to the court papers and showed that the association was required to pay R400 rental a month.