

AMPLIFYING RURAL VOICES



STOP THE BANTUSTANS CAMPAIGN UPDATE

ISSUE 5 | AUGUST 2023



FOCUS ON WOMEN'S LAND RIGHTS

Margaret Molomo from Mapela village, near Mokopane in Limpopo shares: "We are fighting for our land across Mokopane and work[ing] on strategies to get our land back. The youth have to guard over the plough fields to protect them from the mine, [so it does] not encroach onto the land. The mines pay monies to police and Traditional Leaders and the battle continues for us on the ground."



TRADITIONAL COURTS BILL

According to traditional communities, there is no need for a Traditional Court Bill (BID-2017), because it distorts current practices on the ground. Rather than a court, activists state that there is a dispute resolution forum which is self-regulating, with known rules shared by residents who abide by the forum voluntarily. The ARD partners and grassroots activists have mobilised against the Traditional Courts Bill since 2012.

Some activists argue that traditional forums are not punitive in nature; there are no sentences handed down. Rural activists also state that these traditional forums are hierarchical in nature; sometimes action is initiated within clans and households before being escalated to a panel of elders in the community. To understand how these forums function, ARD partners will be documenting these practices on the ground in the coming months to build a progressive framework for how traditional courts or traditional forums can best serve rural residents.

Currently, this bill is on the desk of the President, awaiting his signature.

CAMPAIGN SUPPORT

The #StopTheBantustans campaign continues to grow over the years thanks to commitment from supporters, funders and allies.

For more information [visit](https://stopthebantustanbills.org) <https://stopthebantustanbills.org> and follow @StopTheBills [Twitter] or @Stopthebantustanbills [Facebook].

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VILLAGE DIALOGUES UPDATE

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SPOTLIGHT ON COMMUNITY IDENTITY: MAKULEKE

The Makuleke community near the Levuvhu River, outside the Kruger National Park (Limpopo) has been working to resist their forced identity. In 1969, the Makuleke were forcefully removed from their land around Pafuri Triangle and relocated to Ntlhaveni. Their land was then incorporated into the Kruger National Park. The Makuleke community lodged a land restitution claim and now co-manage with SANParks.

Real troubles began in 1936 when Makuleke area was incorporated under Mhinga Traditional Authority (part of Gazankulu Bantustan) by government notice. With that, Makuleke lost their independence as a traditional community with its own customs, traditions and identity. The Ralushai Commission of Inquiry into Traditional Leadership Disputes and Claims recognized them as independent from the Mhinga tribe and recommended Makuleke chieftainship be restored. But the Premier of Limpopo did not act; the state argued the Makuleke were subordinate to the Mhinga. In March 2023, the courts ruled that Makuleke community are an independent traditional community. Now the Makuleke Royal Family must identify an appropriate Senior Traditional Leader in accordance with their customs. Even after appealing the judgement, the state lost their case and the Makuleke are recognized as an independent traditional community.

SPOTLIGHT ON WOMEN'S LAND RIGHTS

Thabisa Mhlahlo from Burnshill village, near Keiskammahoek in Eastern Cape shares: "The reason I entered the land space is because I saw that when you [talk] about land in rural areas, people don't think about women working the land e.g. farming, food security and food sovereignty. So my aim was to prove that women can also do it! If you look at the South African land policies they are so quiet about women. If you are not a married woman and you also don't have a son, you are not allowed to access communal land [and cannot] build a house for yourself."

