

AMPLIFYING RURAL VOICES



STOP THE BANTUSTANS CAMPAIGN UPDATE

ISSUE 2 | FEBRUARY 2023



RURAL DEMOCRACY DIALOGUE: 22 FEB 2023

On 22 February more than 100 activists, partners and lawyers travelled to Johannesburg on the eve of the Constitutional Court hearing. ARD and partners listened to testimonies from rural communities whose land rights will be jeopardized by the Traditional and Khoi-San Leadership Act, 2019. We gathered as grassroots, civil society, researchers and our attorneys. During the testimonies we heard how traditional leaders continue to allocate residential sites in the livestock grazing camps. And we heard from rural women that traditional courts are used to intimidate them and deprive them of plough fields.

In all the testimonies we realized that IPILRA protects us as customary land owners, but our tenure is insecure under the current system. Rural black communities are still waiting for our rural democracy.

MUSICAL SEMINAR WITH PHUZEKHEMISI

The ARD and LARC convened a musical seminar where Maskanda legend, Phuzekhemisi performed some of his greatest hits. Since the 1990s, the musician's work has been a social commentary on life in rural South Africa. His music continues to carry the message that tribal levies, discrimination, intimidation and lack of accountability by traditional leaders is a threat to rural communities. In between performances, Phuzekhemisi was in discussion with facilitator, SAHRC Commissioner Philile Ntuli, Constance Mogale (first applicant) and Nonhle Mbuthuma (Amadiba Crisis Committee).

View session at

<https://twitter.com/RuralDemocracy/status/1628386102544568320?s=20>

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>
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VILLAGE DIALOGUES UPDATE

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CONSTITUTIONAL COURT HEARING ON TKLA

On the morning of Thursday 23 February 2023, more than 100 activists joined the ARD and co-applicants in a protest outside the Constitutional Court. We gathered on the streets coming from different organisations and communities across 7 provinces in a plea to be heard.

When the Court proceedings began we eagerly listened to the arguments from our legal team. Those of us who could not attend Court followed on the livestream outside. We demand that Parliament undertakes meaningful public participation - especially when a law affects up to 18 million people in the former Bantustans.

We maintain that we reject the Traditional and Khoi-San Leadership Act 3 of 2019, but we SUPPORT the statutory recognition of Khoi, Nama, San, Griqwa and other nations by our government.

View court proceedings at
<https://fb.watch/j5FKWZMXRm/>

SPOTLIGHT ON SECTION 54 - MPRDA

The community of Lesetlheng is one of the 26 villages under Bakgatla ba Kgafela traditional community in North West. The case, Maledu and Others v Itereleng Bakgatla Mineral Resources (Pty) Limited and Another [CCT 265/17] illustrates the value of meaningful consultation. The Constitutional Court ruled that any mining company must meaningfully CONSULT landowners and lawful occupiers BEFORE any permit or licence is issued for mining.

The Maledu judgment confirms lawful occupiers are protected as informal land rights holders. And it demonstrates how the Minerals and Petroleum Resources Development Act of 2002 can also cement the rights of customary landowners. This is a victory for the customary landowners in SA

Lesetlheng community still faces threats to customary land rights such as Triple Crown Kruidfontein project. This project would have destroyed their homes, graves, livelihoods, environment, and historical sites. The application is now withdrawn but mining corporations continue to ignore the customary land rights of rural black communities in the former Bantustans.