

AMPLIFYING RURAL VOICES



STOP THE BANTUSTANS CAMPAIGN UPDATE

ISSUE 1 | JANUARY 2023



RURAL DEMOCRACY MEETING: 23 FEB 2023 - CONSTITUTIONAL COURT

In February 2023, the Constitutional Court will hear arguments from rural communities who oppose the Traditional and Khoi-San Leadership Act (TKLA) 3 of 2019. Since 2018, rural activists demanded that law makers recognise their rights as customary landowners. These customary landowners say they have a right to consent to land deals in their communities. Right now, traditional leaders are empowered to negotiate with third parties regarding deals and investments in communal areas (former Bantustans).

TRADITIONAL COUNCIL ELECTIONS

The North West province is getting ready to hold Traditional Council elections in early 2023, but all other provinces remain silent. Under the current law, TKLA elections are to be held by April 2023. We will keep monitoring the situation on the ground

TRADITIONAL COURTS BILL

The TCB is now sitting with the Presidency and may soon be signed into law. Currently TCB does not allow rural residents to opt-out of appearing if they are summoned to a traditional court. This deprives rural people of their right to Access to Justice under the Constitution.

CAMPAIGN ACTIONS

Build up to the case on the TKLA will be heard in the Constitutional Court on 23 Feb 2023 at 10h00. Rural communities, ARD, academics, legal partners and civil society will gather in Johannesburg to witness this historic event. The activities planned to mark this day include village meetings, music sessions, and creative storytelling.

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VILLAGE DIALOGUES UPDATE

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SPOTLIGHT ON RESTITUTION

There are ongoing delays for old-order (lodged pre-1999) Land Restitution Claims. Some challenges are claimant verification, and other cases it is poor research by the Commission. Currently there are no public reports shared on the progress to finalize outstanding land claims as ordered in the LAMOSIA I and LAMOSIA II judgements.

Most of the remaining claims that are unsettled are located in Mpumalanga according to Commission Reports. One such community is Morwalemong Tshehla CPA outside Lydenburg, with more than 600 beneficiaries. Boschfontein 15 JT is under-utilised with new occupants arriving on the farm daily, the dwellings resembles an informal settlement. As for the Commission, they are on record stating the claim is now final. But claimants continue to await post-settlement support. As many claimants are now elderly, hope begins to fade.

SPOTLIGHT ON IPILRA

Since 1997, people living on land that is not registered through title deed face an uncertain future. Their land and property rights risk violations because these people have occupation (residence), use (fields) and access (communal grazing, hunting, fishing, harvesting) rights. These rights are protected under law and no person can but no ownership rights. Because of poor regulations and controls over this type of land.

In the former Bantustans, IPILRA (Interim Protection of Informal Land Rights Act) serves to recognise and protect customary land rights. Any person who seeks to dispose (revoke or reduce) of land rights must CONSULT the affected land user and must pay COMPENSATION where

CAMPAIGN SUPPORT

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

For more information visit stopthebantustanbills.org and follow @StopTheBills [Twitter] or @Stopthebantustanbills [Facebook].