

# AMPLIFYING RURAL VOICES



## STOP THE BANTUSTANS CAMPAIGN UPDATE

ISSUE 6 | OCTOBER 2023



### FOCUS ON WOMEN'S LAND RIGHTS

Women in the former Bantustans do not have secure tenure because some traditional leaders target their plough fields for land investments. There is a continued wave of IPILRA violations against rural women in villages of Limpopo and Mpumalanga. Some traditional leaders believe that they are the sole owners of land in communal areas. And, when women speak out against these unjust practices, the traditional leader can even remove women's names from community burial books for refusing the demarcation of residential sites inside their plough fields. This land is often times not even suitable for residential use and has not been rezoned under spatial planning regulations. Customary land ownership is strengthened by IPILRA - but many rural women continue to face discrimination because of gender.

### TRIBAL LEVIES INVALID

After a difficult journey to the Limpopo High Court in Polokwane, judgement is handed down in favour of the 7 applicants who challenged #TribalLevies. The order confirms that levies must be voluntary and the process requires meaningful consultation with residents in traditional communities on the purpose of the levies. This victory signals an end to the imposed practice #TribalLevies which is a vestige of apartheid system in the former Bantustans. This practice of unjust taxes only occurs in the former Bantustans. These applicants, joined by Nkuzi Development Association also raised concerns that #TribalLevies puts a strain on the household resources.

When residents cannot pay these #TribalLevies, they are denied rights such as: proof of address; allocation of burial plots; allocation of residential sites; livestock transfer papers; confirmation of customary marriage; documents for relocation to a different village; permission to harvest natural resources (clay, grass, medicines). Thus section 25 of the Limpopo Traditional Leadership and Institutions Act, 2005 is declared invalid

### 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 RESTITUTION: COMMUNITY VS INDIVIDUAL

Restitution claimants that lodged individual family claims are frustrated by the lack of implementation from the Commission on Restitution of Land Rights. Oftentimes, Government has opted to finalize and settle community claims at the expense of these individual claims. And in some cases, these individual claims were neither gazetted nor researched. When these claimants state their history of land use and dispossession after 1913, the common thread is that they lived as labour tenants who offered labour in exchange for rights to reside, graze and plough on the farm. In Mpumalanga province, the Restitution Commission opted to consolidate these claims under a community claim; and these community claims are usually lodged by traditional leaders. For the individual households that were deprived rights in land, this becomes a secondary dispossession. Those households that agreed to revoke their individual claims, are rewarded with a mere 1 hectare to use on the farm. Thus, being a member of a community CPA or Trust does not restore rights in land. For now, individual claimants demand that their claims be unbundled, researched and finalised as per the LAMOSA I judgement that ring-fenced old order restitution claims lodged by 31 December 1998.

### SPOTLIGHT ON MINING RESETTLEMENT: MMADITLHOKWA

Residents of Mmaditlhokwa, outside Rustenburg, North West demand that DMRE enforce Mining Resettlement guidelines on Tharisa Minerals. These guidelines are meant to protect landowners and ensure they are offered compensation and afforded meaningful consultation. According to residents, this has not happened. Instead, they argue, Tharisa Minerals has expanded operations into their land. Recently, Tharisa Minerals annexed land designated for community gardens, contributing to food insecurity.

Mmaditlhokwa residents are already without secure tenure, having been forcibly relocated 13 years ago due to mining operations. This would become the second relocation in their lifetime. Residents also argue that the proposed site for resettlement cannot accommodate their needs or livelihoods. This land needs to be debushed, rezoned for residential use and requires bulk infrastructure before occupation. This resettlement impacts on households, plough field owners, livestock farmers, schools and healthcare. Activists are appealing against resettlement until their demands are met.