

Ndwayana Community Development Forum
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14 February 2012

National Council of Provinces
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**Submission on the Traditional Courts Bill by the Ndwayana
Community Development Forum**

Ndwayana village is situated next to Glenmore and forms part of ward 8 within the Ngqushwa Municipality. It is about 48 kilometers from Grahamstown and about 35 kilometers from Peddie. It is situated along the southeastern border of the Double Drift Game Reserve. The village is characterised by poverty, environmental degradation; very low or non-existent levels of economic activity and a heavy dependence on urban earnings and welfare payments. It also has a high unemployment, poor infrastructure and a desperate lack of basic services. Despite the existence of the Reserve almost no community benefits have accrued to the community.

Almost 90-95% of the residents are unemployed and rely on grants and pensions from government. Although some of the household heads work outside the villages in the mines and urban towns this contributes little in terms of addressing the poverty levels in the community. There are 365 households in the villages with an estimated population of 2000 residents.

At a community meeting where we discussed the Traditional Courts Bill we noted the following issues with regard to the bill:

Firstly, the community does not support the bill, neither do they recognise the chief who is imposed on them by the old Ciskei Government.

Secondly we do not understand why a democratic government can resuscitate institutions that played a destructive role to communities during the apartheid and still continue to stifle development within our communities.

Thirdly the bill gives too much power to traditional leadership who are dictators and want to have the final say in all matters of customary law and customs.

Fourthly the bill does not give a clear role of women in traditional courts other than to say that they should have equal status as men. All the gains that have been won by women are being compromised by this bill and discriminate against them.

Fifthly our community doesn't want anything to do with the Bill as against this bill the government is introducing to us will violate are hard fought freedom and our rights and that humans will be deprived of their dignity.

Lastly the community recommend that the following should happen:

- The bill be withdrawn in its entirety since no proper consultation took place with communities affected by the bill,
- It gives too much power to institutions that communities have no confidence in
- We doubt whether these institutions have the capacity to perform the functions as stipulated in the bill do

It is critical as a democratic country that people are consulted in the formation of policy and that these should be made available in vernacular in order for people to participate fully.

In closing it should be mentioned that we don't support the bill, that chiefs are most of the time exploiting communities and that we believe that the bill takes us back to the Bantustan days