



# Rural People's Movement

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## **SUBMISSION OF THE RURAL PEOPLE'S MOVEMENT TO PARLIAMENT TRADITIONAL COURTS BILL, FEBRUARY 2012**

The Rural People's Movement (RPM) is an independent, not for profit and grassroots movement, committed in the fight against poverty, inequalities, unemployment, injustices, Gender based Violence and diseases including HIV/AIDS and operating mainly in the Cacadu and Amathole District Municipalities in the Eastern Cape Province.

The RPM vision is that people in rural and urban communities should access and enjoy socio-economic, gender, cultural and political rights and participate effectively in decision and policy making processes that determine their lives and taking responsibility for the management, conservation and control of natural, marine and mineral resources, land, wealth and assets for the eradicating all forms of poverty, diseases, injustices, discrimination, illiteracy and crime towards sustainable livelihoods and development.

The RPM core purpose is to articulate the interests, needs and aspirations of the poor in rural and peri-urban areas and to organise, conscientise the small scale farmers, women, children, unemployed youth and farm dwellers to establish their own independent grassroots and community based development that will advocate and lobby for human rights, equality, justice and campaign for access to food, land, natural resources, basic services, creation of jobs and opportunities, education, health services and recreational facilities.

The Traditional Courts Bill painted a beautiful picture in its introduction, highlighting in particular women and disabled as if they will be protected according to the South African Constitution, but when you reach the content of the bill, it is contradictory, it doesn't state clearly how women are protected in their access to land and its ownership, women's participation in talks of customary law which is already oppressive to women and also cultural issues that force women to go to traditional courts. The main challenge is that this bill is violating people's rights, gives recognition and more power to the dictators (the chiefs) and doesn't open space for people's participation. We as the RPM, feel that the involvement of communities in discussions and decision making is very

important especially when discussions involve their lives, so that people can own the decision.

### **We see the bill as problematic for the following reasons**

1. The bill gives recognition and more power to the traditional leaders or chiefs – although there are community structures that should also be recognised, the structures that do most of the work which the traditional leaders are not doing, yet the government or the bill is very silent in the recognition of these structures.
2. Besides the fact that there were no consultations in the drafting process of the bill, the problem related to the consultation involves the fact that women are not guaranteed their participation in drafting the contents of the bill. Rural women are most marginalised in this bill – they are denied the right to self representation. They are the most vulnerable ones.
3. The bill also violates human rights in the sense that people will not be able to take the legal actions against the perpetrators.

### **COMMUNITY INPUTS ON TRADITIONAL COURTS BILL**

In the month of January the Rural People's Movement took upon itself the responsibility of sensitizing some of the villages in the Ngqushwa Municipal area the on the Traditional Courts Bill. We consulted the following villages: Nobumba, Woodlands, Pikoli, Ndlambe and Ndwayana. People were shocked that government is coming with another bill. When we shared with them the contents of the bill, they remembered the Traditional Leadership and Governance Framework Act together with the Black Authority Act and they said this Bill is linked with those two and they think that it is the child of the two, yet they remembered the time when they were under chiefs during the apartheid era. They had one clear voice that they don't want to have anything to do with the Traditional Courts as it violates the human rights.

### **The following are the inputs from the communities about the Traditional Courts Bill**

#### **Community 1. Woodlands Location, Peddie**

People of this community were shocked with the information they received from us regarding the traditional courts bill as a result they remembered their sufferings when they were under the administration of the chiefs. Their concerns were involving certain issues like that of violation of Human rights especially women because they were not given equal rights as men in terms of representing themselves, they were suppose to have someone to be the representative on her behalf, so they feel and think that still this bill is coming with the same strategy of violating their rights. Also they noted that it will block

the development because community structures will not be recognized as existing structures for taking development forward.

### **Community 2. Nobumba Location, Peddie**

People of this community did not say much about this, except for the fact that they don't acknowledge the traditional courts bill and they don't want to be under chiefs. They will not tolerate the administration of traditional leaders. They live under their own rules as the community, so the bill will not work in their community as they don't see themselves under the ruling of chiefs. They also emphasized on the fact that there will be no cases in their community handled by the chief because they have their own structures for certain issues within the community e.g. Community Policing Forum which deals with crime and other issues concerning the law.

### **Community 3. Pikoli Location, Peddie**

We met with this community and the meeting was highly attended which most of them were women.

This community became very clear with the fact that they are extremely against this bill because they see it as another way of coming up with violation of human rights especially amongst women. This will encourage divisions within the community because community structures will no longer be given any recognition.

All in all they say they are against this bill and also they don't want their affairs to be discussed by the traditional leaders because they live in a democratic country now and everyone has a right to access the law.

### **Community 4. Ndlambe Village**

This community agreed to one thing that: the government is doing as it pleases , there were no consultations before the development of this bill and the bill is not different to the one of Traditional Councils, their rights are being violated by the government, so what the government is doing its like DEATH AMONGST THEMSELVES.

They have a slogan saying “ One nation – one municipality not One nation One Traditional” so this community is saying they want to live like that, they are in a democratic country so they want to enjoy the fruits of democracy and exercise their democratic rights.

## **Community 5. Ndwayana village**

This community doesn't want anything to do with the Bill, as a result of that they said nothing much except for the fact that they are against this bill the government is introducing to people because they think it will violate people's rights and that humans dignity will be downgraded.

They also noted that as Ndwayana Community they don't have a chief so there is nothing much they will say because there will be no courts chaired in their community.

### **Recommendations**

- a) We ask government to come to the people about the bill**
- b) We ask the government to explain the Traditional Courts Bill and what the constitution says about the bill**
- c) We ask government to ensure that the rights of rural people are not violated**
- d) We want government to be clear about the role of women in the traditional courts.**
- e) We ask government to clarify to us the role of the structures within our communities**
- f) We need an explanation on how will the development of this bill affect the lives of people in particular women, children, disabled and elderly in this democratic South Africa**

In a nutshell we are not supportive of the Traditional Courts Bill, because it gives more power to the traditional leaders and it violates people's rights especially women. More so by the look of things, this is not right for the freedom that our mothers & fathers, brothers and sisters have fought for because it is downgrading our dignity. We are very surprised that the freedom they fought for doesn't benefit us at all. We don't understand why government has drafted this bill.