



A Threat to South African Rural Democracy: #StopTheBantustanBills

23 February 2023

Today, the **Alliance for Rural Democracy** (ARD) took the South African Parliament to the Constitutional Court in the matter of *Constance Mogale and Others v Speaker of the National Assembly and Others*.

This case is a part of the larger **#STOPTHEBANTUSTANBILLS** campaign, working to stop the government from passing unconstitutional bills into law. If passed, these bills would effectively set up a segregated justice system in South Africa, stripping millions of citizens of their democratic rights, entrenching Bantustan geography and colonial notions of customary law.

In 2019, two significant bills were rushed through the South African National Assembly - The **Traditional and Khoi-San Leadership Bill** (TKLB) and the **Traditional Courts Bill** (TCB.) Their effect would effectively bring back Apartheid Bantustans. It is the TKLB that is being challenged in court today on procedural grounds, as Parliament failed to conduct reasonable and meaningful public participation in the law-making process.

If signed into law, these bills will grant traditional leaders' coercive legal power that surpasses any held by chiefs during Colonialism or Apartheid. Unelected Traditional Leaders will be allowed to negotiate business deals without community consultation, to evict residents and to force traditional court attendance - making it virtually impossible for rural dwellers to opt out of this system. Chiefs will be granted magisterial powers thereby giving them punitive and coercive power over community members who will effectively be without representation in the executive that runs their lives and livelihoods.

The #StopTheBantustanBills Campaign calls for democracy – seeking to ensure that the form of leadership and law are accountable to the people and do not violate living custom. While the TKLB gives statutory recognition to Khoi and San communities and leaders for the first time, this is an exercise in smoke and mirrors. **What we are seeing is the reconfiguration of Apartheid Bantustans.**

In taking the TKLB to the Constitutional Court, the ARD demonstrates the **imperative need of an independent judicial system, in a functioning democracy, to hold ruling governments to account and protect the rights of all citizens.** This is exactly what is being threatened by the ruling coalition government in Israel in their pursuit of unprecedented judicial overhaul. Last Monday, the Knesset passed bills that remove existing checks and balances, granting the ruling coalition government unrestricted power. **Israeli's may never get to see their day in court.**

JDI stands in solidarity with the #StopTheBantustanBills Campaign and all those fighting to defend democracy across the world. **As Jews, we know that a threat against anyone's rights is a threat against everyone's rights.** We support a common citizenship, with equal rights and laws for all!



What Can You Do?

- A. [Sign Up and/or Donate to:](#) Stand up for #RuralDemocracy and #StopTheBantustans
- B. Keep yourself informed as the struggle for rural democracy continues. Here are the links to some resources to help:
 - [#StopTheBantustanBills](#) Campaign Website
 - Read more on the [case and its critique](#) and access the court record and submissions
 - Read the '[Stop the Bantustans Campaign: Taking the Traditional and Khoi-San Leadership Act 3 of 2019 to Court](#)'.
 - Zapiro Cartoon - [Featured in the Daily Maverick \(8/11/19\)](#)