

Rural People's Movement

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SUBMISSION OF THE RURAL PEOPLE'S MOVEMENT TO PARLIAMENT REPEAL OF THE BLACK AUTHORITIES ACT July 2010

I am Nomonde Mbelekane. I am the President of the Rural People's Movement (RPM). I stay at the Ndlambe village, not far from the Great Fish River, under the Ngqushwa Municipality in the Eastern Cape. As I come to speak I am a bit relieved. I say so because between March and June this year, I had received death threats from those who did not like the work we do as RPM. At the time, we were busy raising the awareness to communities in Ngqushwa about the traditional council elections. I am now relieved because finally the Independent Complaints Directorate was able to investigate and address the failures of the police in properly investigating the death threats against me. I now feel I can come to parliament safely without any such problems.

In the last 2 weeks, we as the RPM went village by village to seek the opinions of our members, supporters and the broad community about the repeal of the Black Authorities Act (BAA). We went to the villages of Nobumba, Ndlambe, Pikoli, Ndwayana, Prudhoe and Mgababa. People were shocked that this law was still existing. They thought that we lived in a new South Africa. When we told them that this Act introduced tribal authorities they remembered all the pains they suffered under tribal authorities. They then asked us whether the repeal of this law will also mean the removal of the chiefs who are now coming back to rule them. We said that yes the BAA will go but the chiefs will remain. They were unhappy about this. They gave us one clear and loud voice: Mayihambe i-Black Authorities Act kwakunye namantshontsho ayo. After the village meetings, we also spoke to community leaders at a separate meeting. The message to us was the same: mayimke i-Black Authorities Act, maziphele tu ii-tribal authorities, singabemi boMzantsi Afrika omnye.

The BAA has undermined the dignity of black people in South Africa. It caused so much sufferings. This law damaged the authority of chiefs. It changed them from being representatives of the people to collaborators with apartheid. They served the apartheid boss and not the people.

Our views on the BAA

As the RPM, we see the Black Authorities Act as the mother of tribal authorities in rural areas. We also see it as something that gave powers to chiefs and put us under boundaries that made things difficult for us. This law led to the following:

- a) The putting together of people under one chief even if that was not the case before;
- b) Payments of levies and dues to chiefs by those under their rule;
- c) The establishment of apartheid homelands – oonomgogwana aba sasingabafuni;
- d) Division and disunity amongst people even those who were related to each other;

We do not see the BAA as different from the new laws that do the same. These new laws are tripling the negative effects of controlling human lives in many different ways. Tribal leaders have been given more powers than they had under the BAA.

In particular, we are very angry about the Traditional Leadership and Governance Framework Act. Ngendlela esibona ngayo, this new Act gives tribal authority a new life. This is not what we fought for. We thought that we were free when Cyril Ramaphosa came to Peddie in 1991 to dissolve all headman. We are now very surprised that our struggle has come to nothing, thanx to the Framework Act. We did

not even get a chance to hear about this Framework Act. Why was it passed? Our views were not asked for. We see it with many problems and disadvantages for us. We see it as giving chiefs the same advantages as the BAA.

Chiefs believe that the land is theirs to own and control. Anyone who wants a site or a field has to go to the chief for an allocation.

We are now faced by traditional councils who also handle cases in Peddie. The Magistrate's Court in Peddie no longer takes cases from rural areas. The Magistrate tells people to go back to get their cases discussed by their local chief. The Magistrate wants a letter from the chief first before they can take a case from people of rural Peddie. But this is not done for those who stay in the Peddie town or people from Peddie who stay in Grahamstown and King William's Town. Some of the chiefs in Peddie have said that women are unpure, dirty and involved in witchcraft. In Prudhoe village, an 8-months pregnant woman was called to the Dabi tribal court. She had tried to claim damages from the man who made her pregnant. The tribal court asked her to say who the man was. The court decided that she was just accusing the man and dirtying his name. The court said that the man's father is rich and important, he cannot just have his family name pulled through mud. She was then sentenced to corporal punishment. Ngenene wakatswa ezimpundwini in front of everyone. This makes many women feel as if they do not have rights. In Pikoli village, no one can apply for a child support grant without the letter from the chief. We see this as wrong. These things make chiefs not to be wanted by the people. We do not understand why government has given them these powers.

We have also seen cases where chiefs demand money from small farmers who want to use the land. Our villages also had to pay for imali yezixhobo to be sent to King Sandile in Mngqesha. But we do not know what this imali yezixhobo was for. The local chiefs also tried to collect R100 from each household for King Sandile to challenge the decision of the Nhlapho commission. Only a few people paid this money. Some of the chiefs demand "money for napkins" when they will have children.

These are the remaining live of the BAA that must also go. Parliament, please help us to remove these problems in the Ngqushwa villages.

Traditional council elections

The people of Ndlambe village wrote to the Ngqushwa municipality asking for someone to come and explain what these elections were about. The councilor brought someone but this person did not answer our questions. This person then promised to send Mr. Mayekiso who is his senior to come to us. But Mr. Mayekiso never came. We are told that this Mr. Mayekiso works in the office of the MEC.

We then saw the IEC coming to run elections. In the Ndlambe village, we refused to participate. We told the IEC that we are waiting for an explanation from Mr. Mayekiso. The IEC then said we must write a letter. We did that. Mr. Poro, the chairperson of the community signed the letter and gave it to the IEC. This was in front of everyone at the Ndlambe community meeting. On 6 March, the elections went ahead in the Ndlambe village. 31 people voted. Our village has 400 households.

In the Pikoli village, Mr. Mayekiso arrived and addressed the community. But there were still many questions that were not answered by him. People asked him about the role of ward councilors against the roles of traditional councils. He did not know what to say. 172 people voted in Pikoli. Pikoli has 658 registered voters. Mr. Ramie Xonxa, othe uyinkosana yakwaPikoli, told the ward councilor, Mr. Myozolo, not to come to the villages again without him informing him of his visit and the agenda of what he has come to do.

In the Nobumba village, there was no resident who voted in the traditional council elections. We have now found out that Chief Matomela sent a delegation to Nobumba last week. This delegation told the people of Nobumba that he will send them an inkosana. The people told the delegation that they will

make time to discuss this. After this, the people of Nobumba have said that they do not want the inkosana and that they do not see themselves as under Chief Matomela. There are a few people in Nobumba who want the inkosana.

There was also no voting in the Ndwayana village. The people of this village are told that they are under Chief Sizwe Msutu of the Tyefu Tribal Authority.

So, these traditional councils in Ngqushwa will face the same problems as the old tribal authorities. People do not want them. People will not work with them. We fear that if the chiefs insist with these traditional councils then there will be more problems. We therefore ask parliament to help keep peace in the Ngqushwa villages. Please come and do what Cyril Ramaphosa did: remove these unpopular tribal authorities.

The unpopular Chief Mxolisi Makinana

The Makinana royal family in Tshabho some 90km away from Ndlambe village appointed one of their sons to be chief of Ndlambe village in 1982. This was after a small group did not like the rule of Chief Nkebeza Msutu who belonged to another tribe. But the coming of the new chief was never accepted by most people. This saw many tensions and fights in the community. There were even deaths, violence and court cases.

Chief Makinana has created a Mhala Heritage Trust which he runs with a small informal committee. He also opposes community initiatives for development. There is now a new dispute about the revival of Tyhefu Irrigation Scheme (350 ha) which was led by the community. Now the chief wants to claim all this at the exclusion of the community.

The chairperson of the community committee, Mr. Porho, is being taken to court by one of the community members for having signed documents to the Premier challenging traditional council elections. It is said that Mr. Porho “cannot take the chief to court, he cannot act in a demeaning manner against the chief”.

Another problem is that this Chief fails to solve community problems. He is just there to cause conflict. The community is able to handle its own affairs. But when he appears there is a problem. The chief does not even stay in the area. He only comes to meet his few supporters and to cause problems.

Even Chief Zolile Burns-Ncamashe of the Provincial House of Traditional Leaders came to address problems with Chief Makinana when the community was unhappy about members of the tribal authority that Chief Makinana imposed. Chief Ncamashe left saying that it is clear that he cannot solve this deep problem. Wathi ngamev’ etolofiya le nyewe.

Prudhoe community

The people who now stay at the Prudhoe village were labour tenants on farms long before the Ciskei was independent. The commercial farmers were bought out of these farms by the South African Development Trust. These communities were left on these farms to produce and farm for themselves. This was for more than ten years. They did very well because they were taught farming activities when they were young. They opened bank accounts and even sent their children to universities and colleges.

The Ciskeian government removed these communities from the farms and allocated them to Prudhoe farm. This farm was not under the jurisdiction of any tribal authority. The Dabi Tribal Authority, under Chief H.Z. Njokweni, hijacked these communities to be under his jurisdiction. The Dabi Tribal Authority is largely for people of Mfengu origin. The people of Prudhoe are not of Mfengu origin. Unknowingly, the communities obeyed the instructions issued by the chief paying the dues demanded by the chief such

as levies, donations, lobola, “buying nappies” for the chief’s children, household rents and for the costs of functions held at the chief’s place.

As the time went by, the children of these ex-tenants became suspicious of being under the Dabi Tribal Authority which they knew that they never had any background connection. They made a research, claimed for the labour tenants rights and beneficial occupation from the Land Restitution Commission in 1998. At this time the community were aware of their human rights and their entitlements. The chief’s authority was discarded by the community because they knew that geographically they were not under his jurisdiction. The chief, Mr. H.Z. Njokweni, sent a delegation to explain about the traditional council elections to the community of Prudhoe. They could not even answer a single question. The main question that people asked is what is the duty of those people to be elected as traditional councilors. The community told them to bring who could answer all their questions. The chief never did, even up to today. Come the election period, the IEC did not educate the people. The people did not know who they were voting for or who elected those candidates. As a result, only 22 people casted their votes out of 522 voters.

After the election, the chief came to the community to introduce a traditional councillor for Prudhoe community who was his child outside the marriage. The community rejected that traditional councilor in front of the chief, citing all the evils of traditional leaders they had suffered and endured. They decided to write a petition rejecting the traditional leadership to the Dabi Tribal Authority, the Ngqushwa municipality, the House of Traditional Leaders in the Eastern Cape, the MEC for Local Government and Traditional Leadership, and the Premier of the Eastern Cape. More than 430 people in the community have signed the petition. The traditional leader has not come back to the people of Prudhoe.

Recommendations

- a) We ask parliament and government to tell whether the Framework Act and Traditional Courts Bill are not children on the BAA. What does the constitution say about these new laws?**
- b) We ask government to ensure that the rights of rural people do not suffer.**
- c) As women, we do not really like chiefs that much. We voted for a democracy of the people by the people. We did not vote for individuals. We did not vote for apartheid.**
- d) We ask Minister Noluthando Mayende-Sibiya to be clear about her role. We suffer as rural women. We suffer under the chiefs. We ask for her to hear our voices.**
- e) We see chiefs as filling their own stomachs.**
- f) We prefer municipalities. We see abuse only from chiefs. We do not want the government of the chiefs in rural areas.**
- g) What will now be the role of municipalities and ward councilors? Is government giving with the one hand and taking with the other? Is government removing the BAA whilst also keeping its tribal authorities in place?**
- h) We ask for a chance for our views to be heard. If not, it is going to be difficult for us to vote again in the future.**