



Media release by The Bench Marks Foundation

New Legislation will infringe on the constitutional Rights and Welfare of 17 million People

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A new piece of legislation, the Traditional Khoisan and Leadership Bill, which is in its final stage of enactment, will see millions of people lose any democratic rights the constitution infers upon them, says the Bench Marks Foundation.

The Bill builds on previous legislation that re-entrenches the power of traditional leaders throughout the former homelands. It will allow them sole decision-making authority over their 'subjects', an estimated 17 million people living within the tribal boundaries. This means they will be able to sign deals that bind all the people within their tribal jurisdictions without having to obtain their consent.

“Although at first glance the legislation appears well-intentioned, as it is meant to provide recognition for the Khoi-San communities, leaders and structures, it is actually highly deceptive,” says John Capel, Executive Director of the Bench Marks Foundation, an independent organisation committed to social and economic justice.

“The Bill not only takes power away from the people, but also treats Khoi and San leaders differently from other traditional leaders. It restricts them by only giving them jurisdiction over the people who choose to affiliate with them and it doesn't give them authority over land, unlike what will be given to other traditional leaders.”

Says Capel: “This Bill infringes on people's constitutional rights. We could see millions of people displaced because their leader, in terms of the Bill, has signed a deal with a mining house or a property developer or anyone else that wants the land.

“The bill repeals and replaces current legislation dealing with all traditional leaders in South Africa. It will entrench the apartheid divide by giving local chiefs complete control over their people.”

Capel said that it is extremely worrying that the Bill has been fast-tracked through the parliamentary process. He said the reason behind the push for the Bill to get signed into law is quite clear: it is a government Trojan Horse being used to promote the interests of big business and tribal authorities and land grabbing by mining companies.

“We hope that President Ramaphosa will refuse to assent the Bill and send it back to the National Assembly for reconsideration. We hope that he insists that it is revised as if enacted in its present form, the Bill stands to destroy, displace and deprive millions of South Africans.”

On 5th June 2019 civil society and communities will fight back against this repressive legislation that has slipped under the radar by marching to the Union Buildings where they will hand over a memorandum to the President of South Africa or his authorised representative. This march falls in line with Bench Marks Foundation’s view that this Bill is exploitive and a step back to segregated legal and property rights systems.

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