

'The customary law practice of the Xhalanga Native Reserve is 'a colonial Westminster construct of common law' that perpetuated a distortion about social systems of indigenous African people' - Prince Zolile Burns-Ncamashe

He hinted that academics submit 'to the soporific deception of neoliberal charisma... [who betray] the selfless sacrifices of their forebears as well as the embedded heritage of our future generations' and that the customary law practice of the Xhalanga Native Reserve is 'a colonial Westminster construct of common law' that perpetuated a distortion about social systems of indigenous African people.

So where does this leave the Eastern Cape leadership and future policy? Themba Naboliti Hani from Municipal Economic Development in the Eastern Cape Department of Local Government and Traditional Affairs explained the challenges of a dual system of governance with traditional leaders ruling communities in rural areas while elected ward councillors managed municipal affairs in urban areas.

The policy implications of the court decisions, among others, is the challenge of involving traditional leaders as power struggles and tensions continue to manifest themselves in relation to all matters pertaining to land.

Hani said it is clear that institutions of traditional leadership cannot easily be destroyed and favoured the establishment of a hybrid model of representatives of traditional and elected leadership at a ward or community level. He also suggested the establishment of a register of compliance to good governance practices that would monitor and audit traditional councils at least once a year.

The integration of chiefs into a new democratic system is important, yet complicated, said Wicomb. 'Maybe this question relates to the dichotomy of traditional governance in a Western-type of democracy at community level'.

On the future of the place of traditional leaders, Ntsebeza aligns himself with the principles of the Constitution in that traditional institutions could only be recognised to the extent that they can bring their practices into line with the democratic principles set out in the Constitution 'and that to me is the future of the traditional leaders'.

'The Bill, if passed, will deny 18 million South Africans living within the former Bantustans the option to escape their imposed status as tribal subjects' - Aninka Claassens.

Author: Ina van der Linde, editor, *HSRC Review*

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POST SCRIPT

On 26 August, eight days after the Xhalanga District Court judgement, Cabinet approved the tabling of the Traditional and Khoisan Leadership Bill, 2015 in Parliament.

The statement from Cabinet reads:

'The Bill contributes to the National Development Plan's (NDP) key target of broadening social cohesion and unity while addressing the inequalities of the past by providing for the statutory recognition of the Khoisan communities and leaders.

'It proposes the establishment of an Advisory Committee on Khoisan matters which will assist government with the recognition process relating to Khoisan communities and leaders.'

The bill came in for robust criticism. Commenting on the Bill, Dr Aninka Claassens, chief researcher at The Centre for Law and Society at the University of Cape Town, said the bill is 'a smokescreen for entrenching autocratic traditional councils, which have dodged fiscal and democratic accountability for more than two decades'.

She wrote in an article in City Press, 'Chiefs bill: Back to the bad old days' that if the Bills is passed, it will deny 18 million South Africans living within the former Bantustans the option to escape their imposed status as tribal subjects.

'Why has Cabinet chosen to bolster the power of traditional leaders rather than enforce the property and citizenship rights of the poorest and most vulnerable South Africans?

'The answer relates, at least in part, to the mining interests of senior politicians and their families. As long as senior politicians benefit from the opaque mining deals brokered by traditional leaders it is in their interest to keep these deals secret, and silence opposition by those whose land is being ravaged in the process,' Claassens asserts.

Dr Sindiso Mnisi Weeks, a senior research associate at the same centre, wrote in an article in the online publication, The Conversation, 'Of a cruel king and the bitter battle for the soul of South Africa's democracy' that the new Traditional and Khoisan Leadership Bill will attempt to give traditional leaders more unaccountable and unconstitutional powers.

'The governing ANC opens up space for traditional leaders' quest for power, exempt from the constraints of the rule of law, to become viable by passing laws that benefit them at the expense of the rights of ordinary people. This all makes it more difficult for the state to rein in traditional leaders who abuse their powers.'

Weeks states that 'these efforts to evade justice are yet another salvo in the battle for the soul of South Africa's democracy: the notion that every citizen is entitled to fearless protection of their citizenship and other democratic rights. And no person, whether king or ordinary citizen, is entitled to special treatment under the law'. ■



Conversation on policies: healthy livestock act as security against hunger

The role of cattle and other domesticated animals in promoting food security should take on an increasingly important position on the policy agenda argue Sarah Chiumbu, Safiyya Goga and Vasu Reddy, reporting on a new project that focuses on the social and human dimensions of primary animal health care for small-scale farming communities in South Africa.

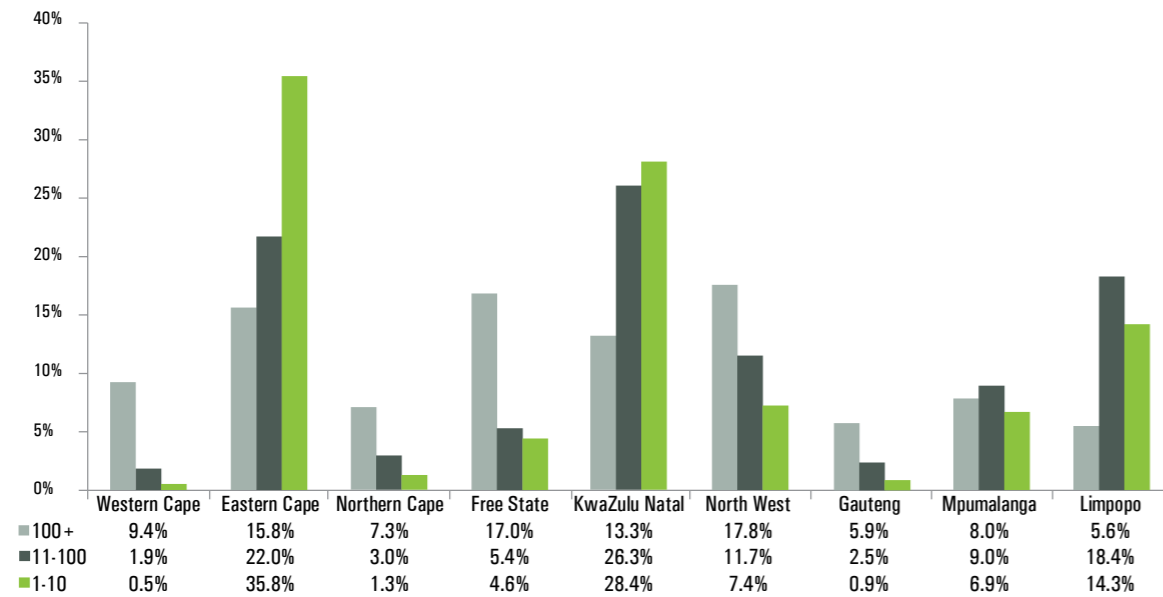
Food security is a concern in South Africa. Child undernourishment continues to be too high for South Africa as a developed, middle-income country. The 2011 General Household Survey of Statistics South Africa shows that 11.5% – that is close to 10 million people – experienced hunger in the 30 days prior to the survey; and according to the Presidency's *20 Year Review: South Africa 1994-2014*, 21% of households continue to experience difficulty in accessing food.

There is increasing recognition within the international development literature, as well as in research on sub-Saharan African economies and livelihoods, that small-scale livestock farming provide pathways out of poverty, towards food security and sustainable livelihoods. According to Dr Rebene Moerane, chair in Public Animal Health Care, University of Pretoria, there are approximately 1 million small-scale

livestock keepers in the country, with 6 million cattle, 3.5 million sheep and 4.6 million goats. Keeping small numbers of cattle continues to be crucial to many agricultural households across the country, as shown in Figure 1:

Smallholder farmers who are already in precarious socio-economic circumstances are worst affected by livestock disease outbreaks

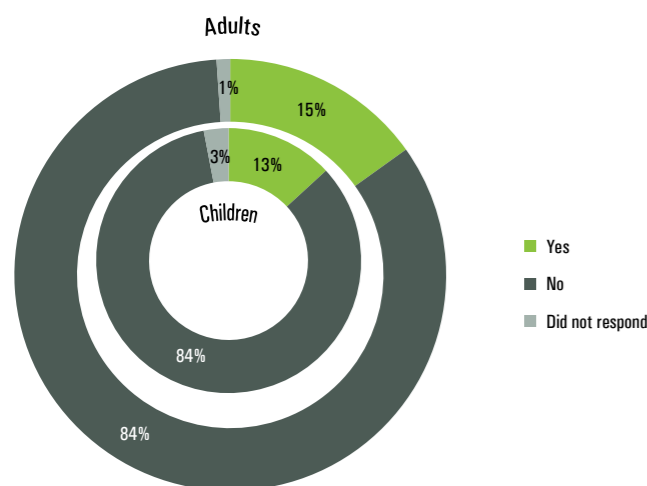
Figure 1: Distribution of agricultural households owning cattle per province



Source: Statistics South Africa, 2013: 6

In a 2014 pilot study on two small-scale livestock farming communities along the Mpumalanga-Limpopo border, it was found that 95% of the households in the sample keep cattle, and that livestock were used primarily as a *household-sustaining* strategy. Livestock keeping seems to contribute to preventing households from stark poverty, as these households sell livestock out of necessity rather than as a commercial activity. Keeping livestock, particularly cattle, serves as a store of value and savings to be sold in times of need and crisis; one participant referred to cattle as a 'traditional bank'.

Figure 2: Household Food Insecurity (in the areas surveyed)



Source: *The gendered dimensions of farming systems and rural farmer households in the context of food security: a pilot study of small-scale livestock farmers in Marble Hall and Rhenosterkop – final technical report, 2014*

Disease and animal healthcare

The livestock sector remains highly vulnerable to disease outbreaks, and the livelihoods of hundreds of thousands of people are affected. In the South African context, smallholder farmers who are already in precarious socio-economic circumstances are worst affected by livestock disease outbreaks where the loss of even a single animal can sometimes have a devastating impact. The study found that disease, after hunger, is the main cause of death of livestock, and that primary animal healthcare (PAHC), particularly *preventative* healthcare is therefore a central concern for small-scale livestock keepers.

Rural livestock farming development cannot be separated from broader issues of social and human development

Collaboration between research councils

Taking into consideration the importance of animal health to social and human development in livestock-keeping communities the HSRC and the Agriculture Research Council (ARC) are partnering on Phase 2 of the Canadian-based International Development Research Centre-funded project. 'Novel livestock vaccines for viral diseases in Africa towards improved food security'.

The project aims to develop vaccines targeted at important viral diseases affecting cattle, sheep and goats. There is growing recognition that the advances in biotechnology

towards improving animal disease control are important, with the use of vaccination strategies proving highly successful in preventing, controlling and reducing the incidence of animal diseases worldwide. Vaccines have been a major contributor in the eradication of major diseases and preventing a significant number of livestock deaths which would have occurred as a result of infectious diseases.

The HSRC was invited to join the project to provide insights into the social and human dimensions of animal health and small-scale farming communities across disease-prevalent parts of South Africa. Our participation comes with the recognition that rural livestock farming development cannot be separated from broader issues of social and human development.

The project, which adopts a multi-dimensional approach involving researchers in micro-biology, agricultural economics and social science, examines the links between vaccine development and social and economic factors in order to evaluate the economic impact and ensure the uptake of the new vaccines by small-scale farmers. Ultimately, the project aims to promote greater food and economic security in livestock keeping households through improved animal health.

Animal health and policy

Evidence and statistics on the importance of primary animal health care for livestock development in South Africa show that stronger policy and regulatory measures and interventions are required. Therefore, an important aspect of the study is the holding of a series of policy dialogues, which are intended to create a forum where relevant stakeholders including government, researchers, animal health practitioners and farmers can explore ways of integrating learning into delivery systems. (also read the NewsRoundup)

The importance of primary animal health care for livestock development in South Africa shows that stronger policy and regulatory measures and interventions are required.

The policy dialogues have the overall objective of contributing to policies and strategies aimed at using scientific innovation and technology to reduce poverty through better animal health, which improves livelihoods and opportunities for household wealth creation in rural livestock keeping communities. The dialogues are aimed at the implementation of the National Research and Development Strategy and the new 10-Year Innovation Plan formulated to help drive South Africa's transformation towards a knowledge-based economy

in which the production and dissemination of knowledge leads to economic benefits and enriches all fields of human endeavour.

Concluding remarks

The area of primary animal health is new to the Human and Social Development research programme at the HSRC, but aligns with key themes in the programme relating to communities, gender and social dimensions of climate change. It is hoped that through the upscaling of the project new and useful insights will emerge on the social and socioeconomic dimensions that impact on community development in rural South Africa. ■

Authors: Dr Sarah Chiumbu, African research fellow, Human and Social Development (HSD) research programme, HSRC; Safiyya Goga, PhD intern, HSD; ; Prof. Vasu Reddy, former executive director, HSD, dean of Humanities, University of Pretoria.

