

South African rural communities' lack knowledge of the law and their rights regarding their access to water, energy and food

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Executive statement

The policy brief aims to indicate that people need to be informed about the Constitution, their rights, and the law in general. The South African Human Rights Commission, the Department of Justice and Constitutional Development, NGOs, and Law Schools/Faculties should take note of this and ensure that more education in this regard takes place.

Key messages and recommendations

- The majority of people in three selected rural areas is unaware of the Constitution, their rights in relation to water, energy and food. There seems to be a need to ensure that the focus of constitutional education does not only reach school children but all people in South Africa, especially the rural areas. Without knowledge, they cannot assert their rights or participate meaningfully in South Africa's democracy.
- Recommendation 1: Introduce more awareness programmes on the Constitution and people's rights and duties, especially in the rural areas.
- Recommendation 2: Introduce street law programmes via Law Schools/Faculties.
- Recommendation 3: Use social media/radio/TV to introduce brief introductions to the Constitution, people's rights and duties as well as on the law in general.
- Recommendation 4: Establish collaborative partnerships amongst all role players and use alternative media to ensure that all members of rural communities as well as differently abled people would know about the Constitution, their rights as well as the law in general.

Introduction

An empirical survey of 1184 households in three rural areas in the Matatiele Local Municipality (Eastern Cape), the Greater Taung Local Municipality (North-West), and the Magareng Local Municipality (Northern Cape) indicated that most community members have no or little knowledge of the Constitution and their rights under it regarding water, energy, and food.

The results of this study, compared to earlier studies asking similar questions about legal knowledge, revealed that as time progresses, people seem to have less knowledge about the law than was previously the case, and more so in rural areas. It may be that the task of educating people on the law and their rights has fallen to the schools, which dedicate but a small portion of their curriculum to this issue. The initial drive pre- and post-1994 to ensure that all South Africans are aware of the Constitution and their rights seems to have been discontinued or is less prominent. Whether the Constitution and its realisation reach people on the ground is a real concern.

“ Previous surveys have shown that marginalised and vulnerable people are not able to assert these basic human rights because of a lack of knowledge of their rights or of the mechanisms and institutions that have been established to assist them. The extent to which these rights are being promoted, protected and implemented by the state, as well as the extent to which people have access to them in case of need, is highly uneven.” [Foundation for Human Rights, 2018]

About the project

The findings are based on research funded by the National Research Foundation of South Africa and the Dutch Research Council to investigate the water-energy-food nexus in relation to households and to determine whether the establishment of water-energy-food communities could contribute to social justice. The study received approval from the Research Ethics Committee of the Faculty of Law, North-West University (NWU-01216-21-A3). The questions on the knowledge of the Constitution and the law were incidental to a larger empirical study on how households make decisions in relation to water, energy and food.

The questions in the questionnaire aimed to determine the communities' awareness of their right to access water, energy and food as well as their knowledge about public participation instruments and to make some recommendations as to interventions in this regard.

Once the research team determined from the study results that there was a need for more information on the law, they developed posters and information pamphlets in isiXhosa, Setswana, Sesotho and English. The pamphlets and posters were distributed to schools, traditional council offices, municipal offices, attendees of workshops and conferences, as well as to the ecochamps and fieldworkers who assisted in collecting information for the project. The ecochamps and fieldworkers came from the communities where the research took place and they had to provide feedback to their communities. They were also trained to provide information to the community in relation to their rights. However, the research team realised this is a drop in a large ocean and that more should be done.



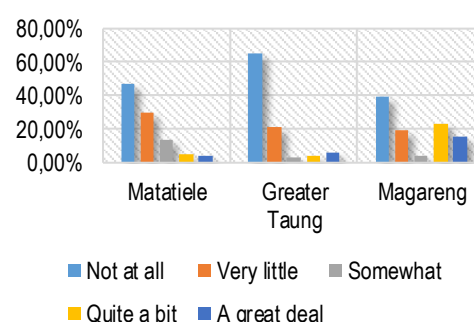
The study was conducted in 2022. Most of the respondents were female (63.94%), with 54.14% being the heads of households. Of the respondents, 41.89% had secondary schooling, 40.62% had primary schooling only, while 8.45% of the respondents indicated no schooling. 74.07% of the respondents indicated that they were unemployed and 68.75% depended on social and pensioner grants. The average household income was R3460.65.

In all three locations, most respondents had little to no knowledge of water, energy, and food laws, regulations, and policies. There was no difference between the genders in this regard. The members of the Majeng Communal Property Association (Magareng) had more knowledge of the law, which may be ascribed to the fact that they received their land in restitution and some training in this regard.

Most of the moderate to somewhat water and food secure respondents had somewhat and quite a bit of knowledge of the Constitution and their rights. The research team also found that that awareness of WEF laws, regulations and policies had a significant impact on food insecurity.

Other results include:

- The majority of the respondents (80.74%) indicated that they were aware of the existence of ward committees, while 13.18% did not know of them.
- 42.99% indicated that IDP forums did not exist, and only 18.16% indicated that they knew these forums existed.
- 90.79% of the respondents indicated that none of their household members were members of these structures.
- Most respondents indicated they were prepared to speak out to assert their rights or ensure service delivery.
- On the question “who do you think is responsible for improving water, energy and food security in your community?”, 49.16% indicated the local municipality is responsible for improving water, energy and food security in the community, 30.66% indicated ward committees, 3.97% traditional leaders, 3.12% the district municipality, 1.18% national government and 0.68% provincial government. Only 11.23% indicated that they should take responsibility for themselves.
- The majority of respondents (72.3%) believed that corruption is the reason for the failure of municipal service delivery.
- On whether the respondents were aware of policies or knowledge about any indigent (pro-poor) support policies to provide free energy, water and/or food, 47.97% indicated that they did, while the rest was either unaware or did not know about the policies.
- Only 20.95% of these indicated that they receive free water, 12.33% free energy and 9.46% free food.



• *There is a correlation between education and the awareness of laws. On a macro level it seems that not all people are aware of the Constitution and their specific constitutional rights.*

• *They are mostly unaware of legislation that regulates their daily lives.*

• *On a macro level people seem to be unaware of their rights pertaining specifically to water, energy and food, with the exception of the Majeng community members.*

• *On a micro level (which is what directly impact on individuals), it seems that most people are aware that municipalities should provide services in one way or another.*

• *Some people are definitely aware that they can benefit from free water and energy. That correlates with the fact that more than 70% of the community depends on social grants.*

METSI

1 O na le tokelo ya ho ba le phihlello ya metsi a lekaneng.
(Karolo ya 27(1)(b) ya Molaotheo.)

2 Metsi a mahala a bonyane ba 6kl (6 000 l)* ya metsi ka kgwedi lelapa ka leng le hlokaneng.
* Palo e kahodimo e ka fapana ho rona mashepala

DIJO

1 Tokelo ya ho ba le phihlello ho dijo tse lekaneng
(Karolo ya 27(1)(b) ya Molaotheo.)

2 Tokelo ya ho fumana dijo tse lekaneng e hokahane ka kotloloho le ditokelo tse ding tse fapaneng tsa molao wa motheo, e leng:



DITOKELO TSA KA KE DIFE?



MATLA

1 Tokelo ya ho fumana matla e amahanngwa le tokelo ya bodulo bo lekaneng, seriti le tikoloho.

2 Motlakase wa mahala wa 50kWh lelapeng le leng le leng le hlokaneng ka kgwedi bakeng sa mkgwa wa tshebetso ya matla a marang-rang.

3 Ho fihlella mahala ho ka kenyelletsa phihlello ya mehlodi e meng ya matla.

Seriti (Karolo ya 10)

Ho fihlella ditshebetso tsa bophelo bo botle (Karolo ya 27(1)(a))

Thuto (Karolo e'ya 29)

Dikamano tsa mosebetsi (Karolo ya 23)

Phihlello ya ditshebetso tsa setjhaba (Karolo ya 27(1)(b))

Phihlello ya metsi a lekaneng (Karolo ya 27(1)(b))

Ho fihlella tikoloho e seng kotsi ho bophelo bo botle kapa boiketlo ba motho (Karolo ya 24)

Tshireletso ya ditokelo tsa thepa (Karolo ya 25)



MOO HO KA TLALEHANG MATHATA

Metsi

- Sebaka sa Lekhanselara la Lebatolwa/ Seboka sa komiti ya Wate
- Masepala wa hao
- Metsi a Sedibeng (hona jwale ka Magalies Water)
- Lekgotla la Setso
- Mokgatlo wa Basebedisi ba Metsi

Motlakase

- Masepala wa hao (ha e beng o fumana motlakase ho tswa ho masepala)
- Lekhanselara la wate ya hao
- Eskom (Haeba o fumana motlakase ho Eskom)
- Lekgotla la Setso / Moetapele / Ya ka sehloohong wa monna kapa mosadi

Mehato e meng e ka nkwang

- Mehato ya tihokamediso le BBobuelli
- Mohato wa semolao
- Setsi sa Mehodi ya Molao/ Dikliniki tsa Molao/ babuelli ba molao ba pro bono
- Pusanoyasetjhaba lehonikarokho
- Dikopano tsa komiti ya Wate
- Foramo ya IDP
- Ho nka karolo dihlapheng tsa Temo / Basadi le batjha
- Dikopano dirofising tsa lekgotla la setso

BOIKARABELO BA KA KE BOFE?

Sebedisa metsi hape/ Bedisa metsi ha o se na tiisetso ka boleng



Tlaleha kgokelo ya metsi le motlakase e seng molaong

O seke wa senya metsi



Se ke wa senya tsa kgokahano/ tlaleha tsheny

Boloka motlakase ke hore, tima disebediswa tse sa sebedisweng



Tlaleha ho dutla ha metsi

MABAPI LE POROJEKE ENA

Re sehiopha sa Diyunivesithi tsa Afrika Borwa le Dutch tse etsang dipatlisiso ka metsi-matla-dijo (WEF) kopano bakeng sa toka ya setjhaba. Re sebetse le mekgatlo ya selehae Letiole la Lefatshe Kaofela la Tlhalo (WWF Afrika Borwa).

Porrojeke ena e tshetshetse ka dithelete ke NWD le NRF.



Study results, conclusions and recommendations

It is of the utmost necessity that all people in South Africa are aware of their rights and duties in terms of the Constitution and the law. Without such knowledge, people cannot assert their rights or ensure service delivery. Alternative means have to be found to ensure that individuals know, at least as a minimum, about their rights, the benefits and trade-offs of their decisions on water, energy and food.

Recommendation 1: Introduce more awareness programmes on the Constitution and people's rights and duties

The South African Human Rights Commission, other Chapter 9 Institutions and the Department of Justice and Constitutional Development should introduce more awareness programmes on the Constitution and people's rights and duties in general as well as in relation to water, energy and food.

Recommendation 2: Introduce street law programmes via Law Schools/Faculties

Law Schools or Faculties of Law must ensure that students participate in programmes to ensure awareness of the Constitution and people's rights and duties. The focus should not be on school children, cities and towns only and should be introduced in the rural areas.

Recommendation 3: Use social media/radio/TV to introduce brief introductions to the Constitution, people's rights and duties as well as on the law in general

The South African Human Rights Commission, Chapter 9 institutions, the Department of Justice and Constitutional Development, Law Schools/Faculties of Law and NGOs could utilise social media to ensure more awareness of the law in general. Notice should be taken that not everyone can afford a cell phone and that they are also not always have access or have limited access to cell phone towers.

Recommendation 4: Establish collaborative partnerships amongst all role players and use alternative media to ensure that all members of rural communities as well as differently abled people know about the Constitution, their rights as well as the law in general

The South African Human Rights Commission, Department of Justice and Constitutional Development, NGOs, Law Schools/Faculties should create collaborative partnerships to develop alternative media that would enable people in the rural areas to learn about the Constitution and their rights. Not all people in the rural areas are literate or have access to social media, internet, TV or the radio. Alternative media should be considered, such as posters, leaflets, festivals, song, dance and concerts, to mention but a few.

Limitations

It is acknowledged from mere observation and the news, that South Africans protest when they do not receive service delivery. The answers above, vis-à-vis action, seem to be contradictory. The study also considered the answers from three remote rural communities, and it may be that studies in urban areas or rural areas nearer to urban or town areas may have a different outcome.

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