

A constitutional endorsement for direct democracy in customary law

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In the Royal Bafokeng Nation "a king is a king by virtue of the people" (Kgosi ke Kgosi ka Morafe). This was endorsed by the South African High Court in a decision extending the principle of direct democracy in the Royal Bafokeng Nation's (RBN) customary law.

The court had to decide if the RBN could institute significant legal proceedings without consulting the community. These proceedings were of great public concern because it would impact the registration of community land, and impact a long running community dispute regarding the rightful ownership of property.

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