

National Khoi & San Council of South Africa

Statement at the 2017 UNPFII Conference

New York City

United States of America

Honorable Chairperson

I am a member of IPACC, but today I speak on behalf of the National Khoi and San Council of South Africa, a body that was initiated by the late president Nelson Mandela during 1999, to address the customary and leadership recognition concerns of Khoi and San peoples. He appointed independent researchers to verify these claims to indigenous identity. The research confirmed, historically, that for all through the times and for generation after generation, these peoples roamed the beautiful country, of what is today called South Africa.

We, the leaders of the NKSC, see ourselves as part of the broader African indigenous population. We believe we are all Africans, as we all belong to the continent of Africa. We also use this opportunity to let you know that we support the policy approach of the African Commission on Human and Peoples rights as the human rights body of the African Union on indigenous peoples. It is our guiding approach to securing our rights. The Commission's approach speaks directly to the on-going concerns of the Khoi-San peoples in South Africa.

The South African government started to formalize key legislative and policy approaches, addressing the recognition and traditional **resource** rights of the Khoi and San communities. We note with gratitude the 2014 research study, commissioned by the SA government, recognizing the Khoi and San as the **primary traditional knowledge** holders to **rooibos tea**, one of the most popular tea beverages in many parts of the world. The Khoi and San is in the process of securing their rights, as the **associated** traditional knowledge rights holders, with the influential South African Rooibos Tea Industry. The SA government is playing an important role in supporting this process.

However, more still needs to be done in South Africa, in terms of *implementation* of policy and legislative processes that was started already.

- (i) Our collective rights, such as recognition of our **customary institutions**, our indigenous **languages** and **land** concerns, are not fully addressed yet, The Pan South African Language Board is currently engaging with us on the issue of reviving and developing the ancient Khoi and San languages, in par with the other indigenous languages in our country. We believe South Africa will see true and real unity when the Khoi and San communities can access their **collective rights**, equally with the other already recognized African communities.
- (ii) Madame Chair, we are very **encouraged that the Traditional and KhoiSan Leadership bill** had been introduced to parliament recently and brought to the legislative stage, it is

at now. Extensive consultations on the Bill was lately undertaken by parliament right through the country. We see this as a crucial step towards the recognition of our customary institutions and communities. It is really a very long awaited process. We, however, ask the parliamentary committee to fundamentally ensure that the current draft law, be in line with our hard fought constitutionally entrenched Constitution. The Khoi and San have not historically formed part of the South African traditional leadership legislation. By having this law enacted in line with the human rights, as entrenched in our South African Bill of Rights, as well as the principals set out in UNDRIP, will be an important step to ensure the recognition of the Khoi and San peoples.

We also would like to keep the **land rights concerns of the Khoi and San on the agenda** as a priority for our government. We hope that their forthcoming land reform initiatives would help to resolve a very complex issue of land dispossession. In the same breath, we would like to remind the South African government of the recommendation of the former UN Special Rapporteur on Indigenous Peoples, who in 2005 stated in his report to the South African government, that a **land audit** be done to determine also the specific land needs of the Khoi and San. We respectfully request that we get a **specific** focus when government are looking at their proposed **national land audit**, in line with the "special measures" UNDRIP aims for.

We thank you for this opportunity.

Cecil le Fleur

Chairperson