

DRAFT STATEMENT BY THE DELEGATION OF SOUTH AFRICA TO THE UNITED NATIONS AT THE  
12<sup>TH</sup> SESSION OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES  
NEW YORK, 21 MAY 2013

IMPLEMENTATION OF THE RECOMMENDATIONS PERTAINING TO EDUCATION AND HEALTH

Chairperson,

On behalf of the delegation of South Africa, let me congratulate you and members of the Bureau on your election. My delegation would like to express its support and confidence that under your stewardship, the Twelfth Session of the Permanent of Forum will be successful.

South Africa is encouraged to observe that the Forum is seized with pertinent issues that are indicative of disparities between the communities that have registered satisfactory progress in the practical enjoyment of the rights to the highest attainable standards of physical and mental health, as well as to education, and the marginalized communities such as indigenous peoples.

South Africa's engagement in this Forum and in other meetings within the United Nations system, is informed by the imperative need to implement policies and legislation aimed at progressively addressing the inequalities created by the past colonial and apartheid eras, to ensure a better life for all South Africans. This approach affirms the equality and human dignity of all South Africans, based on the principle of non-discrimination, regardless of the groupings or communities to which they belong. This principle ensures that there is no discrimination among citizens of the same country in the full enjoyment of all human rights for the advancement of human dignity and equality.

In this regard, persons belonging to cultural, religious or linguistic communities may not be denied the right to enjoy their culture, practice their religion and use their language, according to the Constitution. The absence of protection for some languages including the Khoi, Nama and San languages, which is an apartheid legacy, has necessitated the establishment of a Pan South African Language Board, which is charged with the responsibility to promote and create the conditions for the development and use of all languages. In addition to the establishment of the Board, based on our constitutional provisions, the following key institutions were established:

- The National Khoi-San Council;
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities; and
- The National Heritage Council.

Recognizing the diminished use and status of Indigenous Languages the South African Government has promulgated the South African National Languages Bill into law. The law promotes amongst others, the linguistic rights of communities and Multi-lingualism.

The South African Government also initiated a pilot school project whereby students studied in the Nama language. The school is based in the Northern Cape Province where most of the Nama people are

located, and was at the time, the largest project in Southern Africa. However, challenges related to funding and lack of qualified staff to teach in Indigenous languages continues to be a concern, as well as access for the children of the San communities due to language barriers. Within this context, the San communities are of the view that the school does not address its concerns fully. These efforts are in addition to policies aimed at ensuring universal access to primary education, which is almost a reality in South Africa, implementation of school feeding scheme and no fee schools.

The Government has also recently introduced an Indigenous Food Competition as part of its efforts to impart skills on preparation of Indigenous foods. The competition is aimed among others, at collecting, documenting and creating awareness of the food heritage, including the compilation of Indigenous food recipe book. In keeping with trends of consumers being more health conscious, another aim is to seek natural food products which are more nutritious and have tangible health benefits, something that Indigenous Food have the potential to contribute. It is also envisaged that schools that offer consumer studies will be able to use the recipe book once the project is completed.

In terms of the implementation of health recommendations, the Government elaborated a policy on traditional medicine, and also established an Indigenous Knowledge System Research unit at the South African Medical and Research Centre, in addition to improving access through its policies of providing free basic healthcare to pregnant mothers and children under six years of age. These initiatives are aimed at recognizing traditional knowledge in its diverse nature, including through the development of legislation and policies, as well as programmes to regulate and promote systems of Indigenous knowledge through legislation on traditional medicines. These are ongoing projects as not all issues have been addressed or resolved.

The Government is also due to begin piloting the National Health Insurance, with the primary goal of ensuring that all citizens and residents irrespective of their socio-economic status have access to good quality health services from both public and private healthcare sectors.

The Government is however, also cognizant of the fact that there are many outstanding issues and massive challenges related to the harm caused, especially to the Khoi and the San communities from past historical injustices, emanating from the Doctrine of Discovery that led to the dispossession of land, geographical displacement, loss of cultural identity and the attendant socio-economic hardships suffered by those directly affected. In this regard we are confident that through vision 2030 as encapsulated in the National Development Plan, these outstanding issues will be addressed. It is important to note that President of the Republic has taken a keen interest in the welfare of the San, Khoi, Nama, Korana and Griqua communities. I thank you.

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### IMPLEMENTATION OF THE RECOMMENDATIONS PERTAINING TO CULTURE

On the implementation of cultural recommendations the Traditional Leadership and Governance Framework Act, 2003 (Act no.41 of 2003) has granted recognition to the traditional communities and their leadership as well as governing structures, in accordance with South Africa's constitutional provisions. Furthermore, the Government has mandated relevant national departments to work with the Khoi and the San communities on a range of issues towards the promotion and protection of the rights of the Khoi and San people. In the same context, the Government is processing the Traditional/ Indigenous Affairs Bill, which provides for the recognition of the Khoi and San communities, leaders and councils, as well as their representation in the house of Traditional Leaders and participation in governance structures, in accordance with constitutional imperatives such as the Bill of Rights, to restore the integrity and dignity of the institutions of Traditional Leadership and Khoi-San leadership in line with customary law and practices. This Bill will replace the existing Traditional Leadership and Governance Framework Act and the National House of Traditional Leaders Act. Ongoing consultations are in process towards the final adoption of the draft Bill in Parliament.

The South African Government, through the Department of Science and Technology will be launching on 24 may, its National Recordal System to catalogue its indigenous knowledge. The ultimate aim is to create opportunities for benefits to flow back to the communities, which include community recognition, sustainable livelihoods, economic value and improved quality of life. In addition, the South African Government has launched a new draft Traditional Knowledge Bill aimed at creating a new system of intellectual property rights specific to traditional knowledge.

Processes are also under way to ratify the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. In this regard, the development of policy is also at an advanced stage to ensure that once ratified, the provisions of the Intangible Cultural Heritage Conventions are implemented domestically. These initiative are aimed at embracing diversity, including of the San, Khoi, Nama, Korana and Griqua communities. Other projects in this regard include the establishment of heritage sites such as the Sarah Baartman Heritage Site in the Eastern Cape, and the ongoing legacy heritage projects to establish the National Heritage Route.

Finally chairperson, land is central to practical enjoyment of the culture of Indigenous communities. In this regard the South African government has committed itself to making effective interventions aimed at ensuring the empowerment of all people who have been disadvantaged by Apartheid policies and laws. Included in these interventions is the restoration of the rights of all South Africans, including for the Nama, San, Korana, Griqua and Cape Khoi communities. The restitution of Land Rights Act 22 of 1994 gives effect to the right to restitution of land dispossessed from persons or communities, including Indigenous communities through the Commission on Restitution of Land Rights with the objective to resolve disputes and claims through a process of mediation, and where there is failure to solve the disputes, the Land Claims Court is charged with adjudicating those disputes.

I thank you.