



Seventeenth Session of the United Nations Permanent Forum on Indigenous Issues

Tuesday 17th April 2018

United Nations Headquarters, New York

Statement by MS. Delaria Baba Festus: Kgalagadi Youth and Women's Development Network

Thank you Madam Chair

We are the last coherent survivors and remnants of the Southern Cape Bushmen. We the Kruiper community inhabited that part of South Africa between the Auob and Nossob Rivers in the Northern Cape Province, an area which was on 3 July 1931 proclaimed the Kalahari Gemsbok National Park, now called the Kgalagadi Transfrontier Park. At the request of the Department of Native Affairs, which had no alternative place of refuge for us, we were allowed to stay in the park. However, a process of eviction of my community from the park began. By 1976 we the original claimant community had become completely displaced from the park and hence from our ancestral lands. Some of us settled at Welkom just next to the park including my uncle the legendary Dawid Kruiper. We are the original claimants in terms of the Restitution of Land Rights Act.

By the time of the passage into law of the Restitution of Land Rights Act No 22 of 1994, we had become widely dispersed and numbered some 300 individuals. In 1995 we lodged a claim in terms of that Act to the southern section of the Kgalagadi Transfrontier National Park.

The claim was finally settled on 21 March 1999. At a moving ceremony attended by hundreds of San people as well as the world's media, President Thabo Mbeki signed a Land Claim settlement agreement. President Mbeki's words "It is your land, take it" headlined around the world within hours.



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However, since then, little real progress has been made and the situation has deteriorated, with mismanagement of funds and assets, devaluation of such assets, growing social problems, lack of real support from government, a deep and bitter division, roughly between members of the families who had formed the original claimant group and the persons who were included as members during the settlement from the broader San community, and no significant improvement in the welfare of most community members being the order of the day.

We all have a right to live and to be acknowledged. The right to work, to make our own decisions, to form partnerships to self-sustainable projects and the right to breathe and walk free. We believed that the United Nations has been firmly committed to the protection and promotion of the rights of Indigenous Peoples.

We therefore would like to make the following recommendations:

- That the UNPFII ensure that Member States implement the United Nations Declaration on the Rights of Indigenous People, since only one African State – Congo Brazavil is implementing the declaration.
- Access to, ownership and control of lands, territories and natural resources for the empowerment and the eradication of poverty for indigenous communities and for sustainable development.
- That the United Nations Permanent Forum request a report in writing from the South African Government why to date they have not yet implement the recommendation made by the then Special Rapporteur Mr. Rodolfo Stavenhagen, which addresses issues in his investigation of the violation of the human rights of the Kruiper's and Khomani San.
- That Government investigates the reasons for the refusal of our National Parks to NOT ALLOW Indigenous Peoples to visit burial sites on their ancestral lands within National Parks.
- To amend land policies to reflect the protection of indigenous people's especially women

I THANK YOU FOR YOUR TIME AND MINE FOR YOURS

