

**19TH SESSION OF THE WORKING GROUP ON INDIGENOUS
PEOPLES 23- 27 JULY 2001**

**THEME: INDIGENOUS PEOPLES AND THEIR RIGHT TO
DEVELOPMENT**

**PRESENTED BY: CECIL LE FLEUR
FELICITY SMITH**

SOUTH AFRICA

Madam Chair

I am deeply honoured to preface my statement on Indigenous peoples and their right to development, including their right to participate in development affecting them, with some introductory remarks about the formation in South Africa of a newly formed unifying Indigenous peoples body, known since April 2001 as the National KhoiSan Consultative Conference of South Africa. It started at the end of March with an opening address by the Deputy President of the Republic of South Africa, Mr Jacob ZUMA. A few days after his speech, which is on the internet and of which a few copies are at the back of the hall, over 30 affiliated groups of KhoiSan people elected a Council of twenty representing 10 South African regions, with myself as Chairperson and Professor Bredekamp of the University of the Western Cape as patron of the Conference. It is however a NGO, without direct links with the SA Government. Our objective is unity amongst the First indigenous Peoples of our native land striving to address a set of issues not yet been attended to appropriately by the new rulers of the Republic of South Africa.

The newly elected unified body will

The National KhoiSan Consultative Conference held in Oudtshoorn from 29 March to 1 April 2001, also focused on the struggle for access to KhoiSan ancestral lands for economic development in rural South Africa. The Conference resolved that a KhoiSan National Ancestral land affairs Commission be established representative of the ten KhoiSan Regions to address the matter of land restitution and access to ancestral lands as a matter of urgency. Each nominated representative was requested to bring all relevant information regarding land claims of his/her region to this national meeting. The purpose of the meeting is to constitute itself, construct a database on KhoiSan land restitution and to develop strategies to tackle this complicated issue, fundamental to KhoiSan economic development.

The struggle for access to land has intensified in South Africa with the failure of the ANC government to return ancestral lands to indigenous Africans. The flaw of the negotiated settlement between the apartheid regime and the ANC is now appearing on the surface. The Restitution of Land Rights Act of 1994 discriminates against Indigenous KhoiSan Africans by cutting off land claims in 1913 instead of 1652 when the dispossession of KhoiSan ancestral lands began. Whereas Europeans killed ten thousands of Indigenous Africans and robbed them of their ancestral lands during the past 350 years, the situation now changed drastically. There has been a sharp increase in the so called 'farm murders' where hundreds of farmers of European origin are killed almost daily in South Africa. Just as there was no law to protect Africans against European invasions and theft of African land, the current justice system seem unable to protect farmers today against ongoing 'farm murders'. Land invasions of State owned land in South Africa have started in a number of provinces. The European Immigrants and the government own more than 80% of the land, and Indigenous KhoiSan Africans do not have the money to buy back their stolen ancestral lands at exorbitant prices. This looming conflict over land is bound to disrupt social harmony in South Africa for many years to come.

The courts deny indigenous KhoiSan Africans access to ancestral land for self-development, as was the case of the Namas in the Richtersveld, Namaqualand. The Minister of land Affairs was appointed to assist Indigenous Africans with restitution of their land rights, yet she ~~abused taxpayers' money and~~ opposed the Richtersveld land claims in the Cape High Court. While ten of thousands of land claims were made during the past six years, only a small percentage of Indigenous KhoiSan Africans gained access to their ancestral lands. On the other hand her department offers the distribution of 30% of state land for the development of local rural communities. Financial assistance is also offered to emerging African farmers with an interest in food production.

The Department of Arts and Culture with the South African Heritage Resources Agency, in collaboration with the University of the Western Cape, which was the first higher education institute to confer an honorary doctorate on Mr Mandela after his release from prison, initiated the KhoiSan legacy Project. The purpose of this project is to engage KhoiSan communities to identify KhoiSan heritage sites throughout South Africa for the eventual development of a National Khoisan Heritage Route. While progress is made in certain areas, very little is done in other areas, which is bound to result in social upheavals, if Government does not stop dragging their feet, nor heed our call.

I thank You