

# UNDRIP Summit 1652

 Workshop 17  
17 Dock Road  
V&A Waterfront  
Cape Town  
8001

 0876552782

 [info@summit1652.com](mailto:info@summit1652.com)

 [www.summit1652.com](http://www.summit1652.com)

**To: United Nations Special Rapporteur**

**C/O: 76<sup>th</sup> session of the UN General Assembly**

**Re: Current conditions of Aboriginal Descendants in South Africa classified as a minority grouping.**

**Dear Special Rapporteur,**

## **INTRODUCTION.**

It is with great pleasure that the KhoiSan Aboriginal Indigenous Peoples of South Africa takes this prerogative to introduce ourselves as the UNDRIP 1652 LEADERSHIP CONVERGENCE which constitutes currently +- 50 Self-Identified cultural organisations that cuts across the five recognised streams of the Ancient Qua Nation called "Hottentots". The KhoiSan Nation consists of the Cape Khoi (16 tribes), Korana Royal House's, Namaqua, Griqua and San Peoples and associated Linage communities. This expresses the reality and conditions as per your communique on the rights of Indigenous People in pursuance of resolution 42/20 of the Human Rights Council that investigates the situation of Indigenous People living in Urbanised habitats/areas.

For the record the KhoiSan People's in South Africa were classified as Hottentots and Bushmen by the Settler regimes of the VOC (Dutch East Indian Company Est in the early 1600's) from 1652 to 1795 and by the British East Indian Company who governed the South African territories from 1795 to 1910. Through stealth, ethnocide/genocide, dispossession, murder, rape, brutality and anarchy as the method by which Indigenous KhoiSan were deprived of their lands. This process continues unabated notwithstanding the fact that 17 wars of resistance were launched over different epochs of history.

The current situation in the post-apartheid South Africa under the new dispensation from 1994-2021 has lost legitimacy as it remains a racialized unstructured entity that has failed to restore or advance strategies to rectify the 'Social Injustices' of the past. It also fails to respect in particular the Holistic Basic Rights of the KhoiSan Aboriginal Descendants being classified as a non-African minority group.

Our Ancestors had established a trading post on the Southern Tip of Africa for many centuries prior to the advent of the Dutch Occupation in 1652. They had assisted many ships with the opportunity to refresh, repair and nurture the sick back to health including the supply and demand of fresh vegetables, herbs, meat and water. This was brought to a halt as the Colonisers slowly annexed every piece of land that stripped our People from their sovereign dignity to exist as a Nation.

The central denominator was to take away the inalienable rights from the Aboriginal Peoples in South Africa and transfer the wealth and opportunities to their areas of abode in Europe while creating a catalyst to attract settlers from Europe to advance the dispossession and anarchy footprint of Colonialism. It should be noted that this mutated into a fully-fledged campaign of genocide with the last permits issued in 1936 to hunt down the San remnants and destroy the culture, belief systems and economic opportunities now for 369 years since 1652.

#### **Marginalization through urbanization**

- 1. The primary objectives and motive driving urbanisation agenda amongst Indigenous People's globally has/is to annexe land for valuable resources deemed appropriate by the State/Oppressor/Business class that has mutated into multi nationals who seeks beneficiation of natural resources at the cost of Indigenous communities and the habitats they exist and live in. The impact of this behaviour is characterized by serious social under development stresses that destroys the culture, belief systems and ability of Indigenous People to re-invent themselves as survival in these unsavoury conditions creates deeper poverty, prostitution, Gangsterism, self-inflicted social destructive behaviour that destroys the moral fabric repeatedly in these societies.**
- 2. The 'Modern Methods' of dispossessions is the re-invention of state laws and policies that is designed to allow governing state entities to act with impunity against the inalienable Rights of Indigenous People's in the form of forced removals to reserved areas like reservations, urbanised townships and/or informal settlements. This is especially the case in the 21<sup>st</sup> Century where the 'Gentrification model' is used to make it impossible for the indigenous impoverished communities to contest living in traditional habitats due to high property taxes and service charges that forces people to move to areas on the periphery or outskirts of the urbanised territories. This impedes job opportunities and creates huge additional traveling costs in pursuit of sustainable livelihoods.**

Numerous Indigenous areas became victims to the atrocities created in the name of King, Queen and Country over time. The brutality continues unabated in South African were an entire Nation of Aboriginal Peoples and their descendants continue to be marginalized in racialized quotas for jobs, fishing/hunting rights and places of abode etc. Economic opportunities are ring fenced in the name of racial redress at the expense of finding solutions. There is an ongoing orchestrated plan that seeks to write out the true history of the KhoiSan Aboriginal Descendants now classified as a minority group through usurping the indigeneity of this people only to the African Majority.



3. **The holistic impact of racism and discrimination has become endemic within the KhoiSan Aboriginal descendants and Black Communities in South Africa who are not part of the elite black governing class. This created serious tensions amongst these groupings who were always used as a buffer to protect the ruling class as they compete for scarce resources on vacant land, essential services, employment on racialized quota's, healthcare, education, child welfare, domestic violence, law enforcement and psychological traumatised incarceration. This impacts on the true Identity, recognition and culture of the aboriginal KhoiSan Peoples descendants in South Africa.**
4. **The character and identity of the indigenous KhoiSan Peoples has almost completely vanished as we seek to re-invent our way of life within the current realities of modernisation in the 21<sup>st</sup> Century. Our IKS (Indigenous Knowledge Systems) and IP (Intellectual Property) Rights has been usurped by both the ruling Colonial class from 1652 to 1948 that reinvented itself under Apartheid till 1994 and continues with similar racial majoritarian democracy over the last 27 years in South Africa. Vast aspects of our cultural practices have been adapted to other groupings in South Africa including influences of other cultures adopted from different epochs of history and integration that had all but changed the methods of Hunter/gatherer life styles of our forebears. There is a resurgence by numerous associated communities to self-identify their traditions however resources, plant & Fauna, mineral rights, fishing rights. Land rights including basic Human rights have all been socially re-engineered to keep Aboriginal descendants trapped in the defeatist wounded character of being useless and without hope in the last 369 years in South Africa which captures the universal practises and outcomes of a disenfranchised Indigenous groups within Humanity across the entire Globe.**
5. **We believe that for justice to prevail the question of equality, equity and fairness should apply in all facets of applications of governance without bias towards a particular group but based on the historical rights of protecting the Aboriginal KhoiSan Descendants rights in particular as inalienable rights, which implies that 'Recognition of who we are, establish a process for Restorative Justice and Reparations that can be overseen and empowered by a UNDRIP/ILO 169 mechanisms that would protect the Rights to self-determination and governance by our own Aboriginal descendants,**

**The rights of specific groups exist in all cultures across the racial divide in South Africa, i.e. gender, sexual orientation, disabled, etc has been part of humanity since time immemorial as society had to find solutions to protect vulnerable groups with all types of fetishes. We don't believe that any of the variable sectors within a society can deny the rights of anyone within reason however many of the**

triggers that gives credence to specific lifestyles would always require the correct analysis and anecdotal solutions.

6. The so-called Democracy in South Africa in the past 27 years has failed to implement or reasonably address the impact of under development, participation, and representation or to exchange mechanisms that have not been loaded in the false narrative of pretending to being a solution in resolving South Africa's Historical Injustices. These have remained on the agenda of complete hopelessness of ever being addressed amicably, starting with the very negotiations of the so-called multi-party forum of CODESA that deliberately excluded the Aboriginal Descendants from participating within their own rights through a representative body consolidated from this group with real leaders chosen from affected and impacted communities. Most attempts gives credence to a loaded expected outcome structured to maintain stolen privileges in our Country of origin. However all mechanisms are processed in a pre-ordained outcome that perpetuates exclusion and marginalisation of specific people and their leaders across the breadth and width of South Africa as governance only creates a mirage of public participation through rent a crowd analogy in the systems and structures Act respectively.
7. The Colonial/Apartheid spatial planning system remains the biggest challenge along with Gentrification which is all designed to dispossess and impoverish all KhoiSan Aboriginal descendants that have been geared socially to fail while they (government/business) cater for a particular class who remain fortunate enough to have generated wealth over a long period. Those who ascend to the merchant/business class do so through all types of persuasions legal or illegal in pursuit of a better life while the generations of people living in these areas earmarked for expansion is victimised. We believe that the sooner we are in a position to facilitate our Right to Self-determination or Full Democracy where Race, Pride and Prejudice is completely annihilated on the basis of equity, equality and fairness in our Country of origin.

#### Violations of the UNDRIP

1. Violations of Article 3 of the UNDRIP where the right of self-determination is denied to the Indigenous KhoiSan Peoples
2. Violations of Articles 3 and 4 of the UNDRIP in the Traditional and KhoiSan Leadership Act where the decisions of the KhoiSan are subject to approval of Provincial and National Government
3. Violation of Article 8 of the UNDRIP where the protection against forced assimilation is denied to the Aboriginal Indigenous KhoiSan Peoples.



4. Violations of Article 8 of the UNDRIP where there is unfettered migration into the land and territories of the Indigenous Khoi Khoi People.
5. Violations of Article 26 of the UNDRIP where Aboriginal KhoiSan people are evicted and arrested when they try to occupy their ancestral land and territory.

#### Failure to implement the recommendations of the UN Special Rapporteur of 2005

1. Failure to remove the racist apartheid “Coloured” term from government documents and to change it to “KhoiSan”
2. Failure to ratify ILO 169.

#### A strategic overview of periodical political motivated triggers to destroy the KhoiSan

We the UNDRIP 1652 Leadership Convergence request the support of the United Nations in structuring a new reality that would assist in emancipating our People’s from 369 years of unstructured racism that has denied our Rights to Self-Governance and Determination in the Country of our Origin.

We believe the UN is well versed in the issue of Colonialism. There is a similar process now where modern Corporations control triggers and levers to extract as much value of our natural resources as possible. This is well documented within the archives of numerous empirical accounts of how this system has/is functioning in a modern 21<sup>st</sup> Century that has Indigenous Aboriginal First Nations of the world all expressing the various rights as inscribed in the UN Rights of Indigenous Peoples.

#### APARTHEID LEGISLATION THAT IMPACTED THE KHOISAN:

We need to place emphasis on the Apartheid legacy that emanated with the elections of the Nationalist Party in 1948. Apartheid was subsequently declared a crime against humanity by the United Nations General Assembly. This was preceded by the many Dutch and British laws enacted under their specific governance period of tenure in our Country of Origin specifically the ‘1820 Slums Act’ and ‘Glen Grey Act’ passed in 1894 in the Cape Colony which diminished land and tenure rights of the Indigenes indentured slaves that was brought in by the Colonial Masters.

#### List of Apartheid segregation laws:

- The Population Registration Act of 1950, South Africans was classified on the basis of racial considerations and/or leanings which is the Whole edifice on which Apartheid was constructed..,
- The Reservation of Separate Amenities of 1953, allowed all public spaces ,services etc to be segregated by race including permits for usage that had to be acquired by a Magistrate for any social gatherings or convergence...,

To understand the impact of this specific act and why it had to be repealed we must realise it caused an extreme hindrance for the Apartheid State to meet other Political formations including CODESA. This ushered in the “Discriminatory Legislation regarding the Public Amenities Repeal Act of 1990 and the ‘Population Registration Act Repeal of 1991” that set the foundation of the infamous CODESA talks that left the Aboriginal Descendants out of the process. We refer to the ZEBRA Talks of black and white that made us again the invisible people whose origin is clearly mapped on numerous rock art through South Africa.

#### Job reservations and economic Apartheid

- Mines and Works Act, 1911
- Native Building Workers Act, 1951
- Native Labour (Settlements of Disputes) Act, 1953
- Industrial Conciliations Act, 1956

#### Segregation in education

- Bantu Education Act, 1953
- Extensions of University Education Act, 1959
- Coloured (Khoisan) Persons Education Act, 1963
- Indians Education Act, 1965

#### Sexual apartheid

- The Immorality Act, 1927 forbids sexual encounters across the racial divide
- The Prohibition of Mixed Marriages Act, 1949 forbids marriages between white people and other races’
- The Immorality Amendment Act, 1950 that was the cause of the assassination of H F Verwoed (the dutch founding father) who is classified as the Grand Architect of Apartheid in South Africa.

These laws were repealed by the Immorality and Prohibition of Mixed Marriages Amendment Act, 1985.

#### Land tenure and geographic segregation

- The Native Land Act, 1913 limited landownership for black people to 8% of the land area of South Africa without taking cognisance of the gross human rights

violations of the Aboriginal Indigenous Descendant which still remains an answered 'National Question' unresolved...,

- The Native Trust and Land Act, 1936 expanded the above act to 13%
- The Asiatic Land Tenure and Indian Representation Act, 1946 restricted land ownership for people of Asian descent...,
- The Infamous 'Group Areas Act , 1950 (re-enacted 1957 & 1966) that divided urban areas into racial group areas geographically as Apartheids Spatial Segregation buffer zones to protect white interest...,
- The Group Areas Development Act, 1955 form part of the apartheid machinery to enforce developments in these segregated areas...,
- The Coloured Persons Communal Reserves Act, 1961 and the Rural Coloured Areas Act, 1963 established reserves for Coloured People in Rural Areas..,
- The Preservation of Coloured Areas Act no.31 of 1961 entrenched 'Coloured Areas in Law' which created a legal mechanism to seize land for White Guardians, which has morphed in the Infamous 'Gentrification Strategy to remove the remnant of our People in the Name of Development ...,
- The Aliens Control Act, 1973 loosened the restrictions on residential rights of Asians in Parts of South Africa (China Towns and Asian Indian Areas)...

These and other discriminatory acts relate to land tenure were repealed by the Abolition of Racially Based Land Measures Act, 1991 on stolen land of the KHOISAN Peoples in South Africa still denied Recognition, Restorative Justice and Reparations in the land of our Forebears.

#### Pass Laws and Influx Control

- Native (Urban Areas) Act, 1923
- Native (Urban Areas) Consolidation Act, 1945,
- Prevention of Illegal Squatting Act, 1951,
- Native Laws Amendment Act, 1952,
- Natives (Abolishment of Passes and Co-ordination of Documents) Act, 1952,
- Natives Resettlement Act, 1954,
- Natives (Prohibition of Interdicts) Act, 1956,



- Urban Bantu Councils Act, 1961,
- Black Local Authorities Act, 1982

These pass laws Acts was repealed by the Identification Act, 1986 and the Abolishment of Influx Control Act, of 1986 all without giving Recognition, Restorative Justice or Reparations to the Descendants of the Aboriginal Indigenous Peoples of South Africa.

### Political Representation

- The South African Act of 1909 which united the stolen land of the Khoisan Heritage and Linage to form the four South African Colonies into a ‘Unitary State” has not given credence to the South African Constitutions Preamble ‘We the People will correct the Social Injustices of the past’. The South African State only goes back to the realities of 1913 on Land as per the Natives Land Act, disbaring the Khoi and the San from claiming back their land. The sole reserve of black African registered people in an unstructured racially loaded ‘Majoritarian Democracy” perpetuates Racism with in the current Democratic Dispensation - we recently won a Constitutional Challenge of Independent Candidates to stand but this is subject to finance and/or Special circumstances to remove the Class elements as a restriction.

Perhaps our request to the UN Special Rapporteur is the fact that we only received the information on the 26<sup>th</sup> of February 2021 and would gladly co-operate with the United Nations to implement UNDRIP and ILO 169 Resolutions to emancipate our People into a process of Self Determination and Governance in the territories of our Forebears.

**UNDRIP**  
Summit 1652

### **Neville Felix**

Chairperson of Stratcom Committee  
Planning Committee of UNDRIP Summit 1652

☎ 087655278

📠 0812318753

✉ neville.felix@summit1652.com

🌐 [www.summit1652.com](http://www.summit1652.com)

📍 Workshop 17  
17 Dock Road  
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8001