

First-nation status for Khoisan ‘unsustainable’

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The government does not want the Khoisan people to be declared as the “first nation” of South Africa, warning this would create divisions in the country and would not be sustainable.

Deputy Minister Obed Bapela, who is responsible for traditional affairs, warned the National Assembly’s portfolio committee on Cooperative Governance and Traditional Affairs this week against some of the demands by Khoisan leaders, who are getting statutory recognition from the government for the first time since 1994.

Bapela addressed MPs a day before they took off for their nationwide public hearings on the Traditional and Khoi-San Leadership Bill, which provides for, among other things, the statutory recognition of the legitimate Khoisan leadership and communities, and has been in the pipeline for some time.

The bill also provides for the integration of recognised Khoisan leaders into existing houses of traditional leadership and doing away with separate structures for the Khoisan.

“Let’s not go into the temptation of giving them the first-nation status.

“If we go that route, it’s unsustainable ... because they would then want their own government within the government system that we have,” said Bapela.

He explained that the UN definition of first nation is applicable in Latin America and Canada, where people were completely removed from their land and some arrived and settled there.

He said that in South Africa, the land still belongs to the Khoisan, together with other indigenous people of Africa, “rather than the first nation because we do not know who arrived at which point, when and where, and that history is not easy to trace”.

The director-general for traditional affairs, Muzamani Charles Nwaila, had earlier explained that the issue of first-nation status has got benefits attached to it.

He said that at the UN, those that had first-nation status had got to have their own government, own schools, own economic system and own set-up.

“But South Africa is a sovereign state and you can’t have a state within a state,” he said.

A document presented to the committee revealed that the department of traditional affairs has been receiving enquiries from the Khoisan communities about the rights and freedoms of said communities in terms of the various UN instruments.

To this end, the concerns that have been raised relate to the failure of the South African government to implement the UN Declaration of the Rights of Indigenous Peoples and the International Labour Organisation convention of 1989.

“The other concerns have been about the recognition of the Khoi and San as the first indigenous community in South Africa that is entitled to be accorded first-nation status,” reads the document.

It states that the concepts “indigenous”, “first peoples” and “first nation” have frequently been used interchangeably with other concepts such as aboriginal, native, original or tribal.

In pursuance of the demands for recognition as indigenous peoples that have a “first-nation” status, the Khoisan are also demanding that the Constitution of the Republic of South Africa be amended to recognise them as “first-nation” community in South Africa.

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Responded to by Professor Nagan, and presented in Parliament by H R H Calvin Cornelius III