



REPLY TO CITY PRESS 27/11/2016 ANDISIWE MAKINANA FIRST NATION STATUS FOR KHOISAN “UNSUSTAINABLE”

The press as recently reported that the Deputy Minister Obed Bapela (an alleged black South African) has recently proclaimed himself to be the national scientific expert on the Aboriginal Nations of South Africa.

His public statement concerning the First Nation status of the Khoisan is a tissue of misrepresentation. It is clear and not only is he ignorant but he knows absolutely nothing about the Aboriginal Peoples of South Africa, including the Khoisan. The Deputy Minister has determined that without adequate historical or ethnographic research the Government may arbitrary decide who is a Khoisan Leader, who is not a Khoisan Leader, who the Government’s favorites are for Khoisan leadership and who the Government detests as a matter of leadership capacity.

This initiative is such a convoluted expression of Government policy and it completely ignores the fact that the Khoisan had a system of customary law which facilitates the determination of Traditional Leaders and additionally determined the endurance of the Traditional Leadership by the processes of community acceptance. This initiative on the part of the Government is nothing other than old-fashion colonialism with the emphasis on dividing the Khoisan Nation in order to rule them separately.

The Deputy Minister makes the grievous assumption that should the Khoisan be recognized for the fact that they are the First Nation of South Africa, that the Khoisan would instantly declare their right to self-determination and independence from the South African State. The Deputy Minister obviously has a fertile imagination because certainly there is no such, nor evidence of such an initiative in the entire Khoisan Nation. The Khoisan are South Africans, they are the First Nation of South Africa, they feel proud about the fact that they are the First Nation of South Africa and they do not need a mediocre and ignorant Deputy Minister to diminish their right to South Africa citizenship without any inequality and without any racial discrimination. The Deputy Minister then makes a comparison with the First Nations in North America and Latin America. The Deputy Minister knows absolutely nothing about First Nation status in Latin America and he should be ashamed of the guess work he has introduced into this discourse.

Let us give him an example: The First Nation of Equador is the Shuar Nation in the Amazonia in Equador. The Shuar Nation are a part of the State of Equador and every member of the Shuar Nation is a citizen of Equador. Under the constitutional system of Equador the Shuar are given certainly autonomy over certain matters that are exclusive to their form of living and Governance. This does not mean that the Shuar Nation are less Equadorian than anyone else. It is possible that distinctive features of their culture can be given a form of derivative constitutional status to respect their right to self-determination and autonomy in their internal Governance.

The Honorable Deputy Minister says that no determination can be about First Nation Status of the Khoisan because he's not certain how the migratory patterns actually evolved in South Africa. The Deputy Minister is completely ignorant even of South African history. In this he is a representative of the most shameful aspects of the current system governance of South Africa. Essentially what he is trying to say is that the Khoisan who fought for 200 years for their status and their freedom, who were subject to genocide, forced labour and slavery are now to be deprived of the right which they fought for over 200 years. The Deputy Minister needs to go back to primary school to learn a little bit more about his own country's history because he certainly is not a representative of what this culture has provided in terms of the history of South Africa or the Khoisan Nation. The South African State is formulated around a constitution. It would be very helpful if the Director General Muzamani Charles Nwaila had the barest take of what the constitution does. For his information a constitution is nothing other than an instrument to allocate competence to the various groups that constitute the nation's state and a constitution may carve out right for minorities, it may carve out rights for majority, it may carve out rights for business men, labour... whatever. The constitution is a way of dividing up the power and the competence in a society to make it run smoothly and fairly. The fact that the Khoisan are recognized as a First Nation simply means that the Khoisan have a stake in the voice that governs them and can put their demands on the table for what is in the best interest of the Khoisan for their culture, their development and their contribution to South Africa as a whole.

It is pathetic that the DG has virtually no concept of what a constitution is and it's pathetic that South Africa should put people like this in portfolios of such importance. When we cut through the verbiage of the Deputy Minister/DG, what he represents is nothing but xenophobic racism which targets a victim and that victim is the Khoisan nation of South Africa. It is clear to us that historical evidence demonstrates without ambiguity that the Khoisan nation is the First nation in Southern Africa. Therefore the efforts on the part of the government of South Africa to deny first nation status is effectually a position denied to deprive them of their fundamental rights to which they are entitled to under International

Law. It should be noted that the declaration for the Rights of Indigenous peoples is based on pre-existing documents approved by the United Nations and those documents reflect the treaty law governing the Bill of Rights and because the declaration is also based on the Universal Declaration of Human Rights, most of its provisions regardless of what South Africa says already has the status of customary international law and already binding in South Africa. The critical question is why is South Africa in such denial of an obvious fact and the answer is very simple...Racism...Black Racism.

The only reason that the Deputy Minister says that recognition of First Nation Status for the Khoisan is unsustainable is because he believes that the black majority would resist on racial grounds the recognition of the Khoisan who was here before them.

From the Royal House of the Khoisan nation's Advisor on International Law, Professor Winston P. Nagan: An Expert on International and Indigenous Human Rights.