

The Cultural Heritage of South Africa's Khoisan

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It takes a village to raise a child.

When the elephants fight, it's the grass that suffers.

African proverbs

Introduction

The Khoisan's /'kɔisɑ:n/ approach to culture is a holistic one. Over thousands of years they have cultivated an integrated life-style, undergirded by socio-religious values. In a sense it is therefore artificial to discuss separate cultural issues as if they are silos in the life of this indigenous nation. However, the erosion of their cultural heritage occurred systematically during protracted colonial and neo-colonial eras which allows for a focused approach. Some cultural strands survived the colonial onslaught while others became extinct. In modern times efforts have been made and still are being made, to restore, preserve and promote their heritage.

The following five areas will be dealt with here: land, identity, leadership structures, languages and religion. These are all inter-related. Other relevant issues, such as their indigenous knowledge system and legislation protecting their intellectual property, are too complex to be included here. In this chapter we will look at the current state of these 5 foci, their historical context and the possibilities to preserve them for future generations.

Mother Earth

Colin Bundy points out that it was archaeologists who first exposed falsehoods like the myth of the 'empty lands'.¹ The *terra nullius* idea, of course, was used as moral justification for the colonial invasion. The very first people who bore the onslaught of colonial oppression in South Africa were coastal Khoisan communities. It was the Portuguese, craving to 'discover' the world outside of Europe,

¹ Colin Bundy, *The Rise and Fall of the South African Peasantry* (James Currey Publications 1988), 8-10.

who reached the Cape in 1488. Having survived tempestuous seas, they called it *Cabo Tormentuoso* (Cape of Storms). H.C. Bredekamp sketches the ambiguous nature of Bartholomeus Diaz's achievement: It '[M]arked the beginning of a new era of exploration and trade, but for the indigenous Khoikhoi and San it was the beginning of a process of colonial subjugation.'² It was also marked by Diaz's murder of a Khoikhoi herder on the beach of Mossel Bay.³

Two decades of intermittent, reasonably peaceful trading contacts turned ugly when, in 1510, Portuguese Viceroy Francisco de Almeida tried to manipulate the barter by kidnapping some Khoikhoi children near Table Bay. A skirmish ensued culminating in the killing of De Almeida and about sixty of his soldiers. Rationalizing their part in the unfortunate incident, the Europeans began to scandalize the Khoisan's nature and lifestyle. */Hui-!keib /'hu:i: kaib/* ('The Cape', with clicks) was then avoided for a hundred years by passing seafarers, while views such as 'Those people are uncivilized, godless and blood-thirsty' abounded. 'They are cruel and kill strangers', Thomas Stevens remarked in 1579. That demonization reached its peak with: 'They are cannibals'.⁴

The first land dispossession under Dutch colonial rule occurred in 1657 when the first farms were granted to so-called 'free burghers' (Dutch citizens), without the permission of the local chief. That land-theft resulted in a war orchestrated by Doman, a young Goringhaiqua */gəriŋ'haikwa:/* warrior (1659-60). Further encroachment on Khoisan land led to another war of resistance from 1673-77 by the Cochoqua */'kəʃəkwə:/* (guttural tʃ). But something that puzzled the Europeans was the Khoisan's ancient custom that during war they would rather strike at the enemies' property, than taking their lives.⁵ Ironically it was this ingrained, humane view that made it easier for foreigners to subjugate the aboriginal inhabitants ruthlessly. One of the more extended wars of resistance later was waged in the Eastern Cape under the leadership of Captain Klaas Stuurman (1799-1803).

Another downside of these land wars was that the Europeans then applied Roman Dutch law, which meant that land won through wars became the ter-

2 H.C. Bredekamp, 'From Fragile Independence to Permanent Subservience' in T. Cameron and S. Spies (eds), *An Illustrated History of South Africa* (Southern Book Publishers 1986), 102.

3 E. Boonzaier et al. *The Cape Herders – A History of the Khoikhoi of Southern Africa* (David Philip 1996), 52-56.

4 W. Boezak, *Struggle of an Ancient Faith – the Khoisan of South Africa* (Bidvest Data 2016), 40.

5 V.C. Malherbe, 'The Khoi Captains in the Third Frontier War' in S. Newton and V.C. Malherbe, *The Khoikhoi Rebellion in the Eastern Cape: 1799-1803* (UCT Centre for African Studies 1984), 97-98.

ritories of the conqueror. It became a pattern: the two successive colonial regimes, namely the Dutch (1652-1800) and the English (1800-1910), would repeatedly use violence and oppressive legislation to dispossess the indigenous people. Because both hunter-gathering and pastoralism were intimately linked to land, these age-old economies were virtually destroyed.⁶

Different worldviews regarding land caused huge conflicts. While the Khoisan regarded land as a gift from *Tsui//Goab* / 'zu:t'gwa:b/ (one name for the Supreme Being) and not something that could be privately owned by anyone, it was simply another commodity for the colonists. A *khoeseb* /'kɔiseb/ (chief) could not privately own the tribe's territory, and only administered it on behalf of his people – as usufruct. So, signing a treaty with white trek-farmers or the colonial government did not mean the right to ownership. Land is Mother Earth. These different approaches frequently led to misunderstandings, wars, and loss of land. 'Western historians in the 1800s unashamedly... justified the right of certain nations to conquer, rule and actively transform those "others" whom they branded as inferior to themselves'.⁷

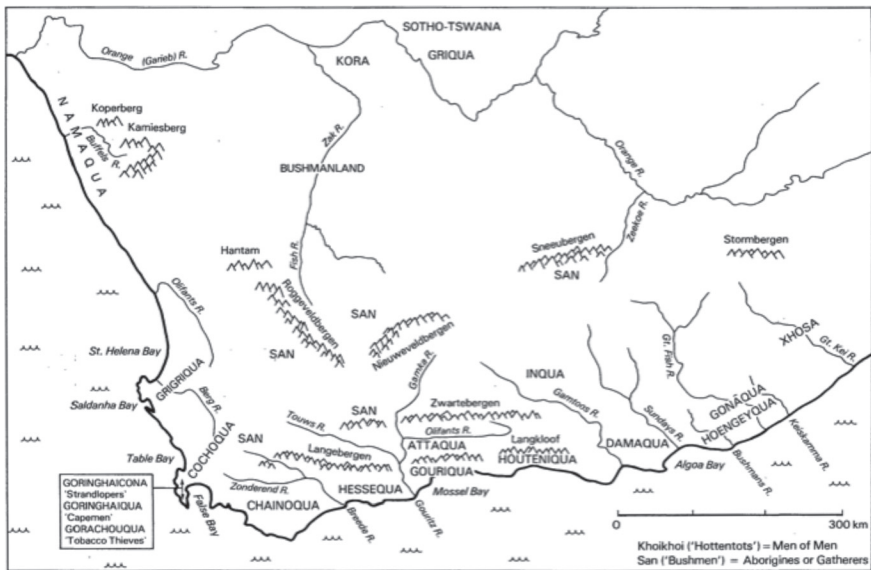
Certain cultural rites of passage tied a tribe to a specific territory. With the birth of a child, its umbilical cord was buried in the family kraal, and his or her funeral was undertaken near that spot. Ongoing rituals at ancestral graves further strengthened the spiritual attachment to specific territories. Moreover, Khoisan Africans had acquired a green cosmology that was geared toward the enhancement of harmony between all living beings. They had lived in close proximity to nature – with the Creator as Giver of rain, health and abundance. The colonial invasion had severed that sacred link. It was therefore much more than loss of territories and subsistence. Devastating smallpox epidemics broke out in 1713 at the Cape added to the depletion of Khoisan people. It lingered on for years and many more died when some fled to the rural areas, unknowingly taking the virus with them.⁸ As can be seen on the chart, Khoisan communities had lived all across the land. (See map).⁹

6 Bredekamp, 'The Origin of the Southern African Khoisan Communities', in T. Cameron (n 2), 30.

7 Boonzaier, 57.

8 Ibid, 85.

9 H.C. Bredekamp and O. van den Berg (eds), *A New History Atlas for South Africa* (Edward Arnold Publishers 1986).



MAP 1 *Two major Khoikhoi groupings in the 17th and 18th centuries*

In the meantime the Bushmen/San were hunted down during the 1700s on a scale that constituted genocide. Colonial land-grabbing led to violent clashes first with the Obiqua /'Obikwa:/ San of the Boland and continued for the next 100 years. So, for instance, the entire Bushmen population of Sneeuwberg (Snow Mountain) was wiped out by so-called commandos under the auspices of the Dutch East India Company. The sad thing is that colonists and trek-farmers increasingly forced their Hottentot/Khoikhoi servants to fill the ranks of those commandos. What is even worse is that the white Dutch Reformed Church still had a long debate in 1913: 'Is the Bushman an animal or a human being?'¹⁰

While we cannot assume that relations between the Khoikhoi herders and Bushmen/San hunters in the pre-colonial era were always harmonious, there was at least a relatively stable situation of co-existence based on mutually acknowledged territories. The continuing, violent land-dispossession left the herders with much less grazing land and the hunters with virtually no hunting grounds. This led to unnecessary friction and even bloodshed between indigenous factions who had built an age-old mutual understanding regarding territories. In short, the different attitudes between the indigenous people and colonists toward land were culturally grounded in different perceptions formed by African communalism and European individualism. The latter

¹⁰ Boezak, *Struggle of an Ancient Faith*, 145.

eroded African communal values. It created and intensified cultural and racial animosities in a land where a premium had been put on the common southern African derivation.

In the aftermath of the South African (or Anglo-Boer) War of 1899-1902, which was waged essentially over the region's rich natural resources such as diamonds and gold, the whites negotiated a settlement among themselves – which included the Natives Land Act of 1913.

Together with later legislation the Act confirmed the right of the white conquering minority to ownership of some 87% of the land on which were developed highly productive commercial farms, and confined the ownership rights of the indigenous black majority to the remaining 13%, which became overgrazed, eroded and impoverished. That remained the situation until 1994.¹¹

That effectively meant that South Africa was then regarded as a white country with a relatively small portion allocated to Blacks. Khoisan Africans, however, were totally left out of the equation. Following the unbanning of the African National Congress (among other organizations) and the release of Nelson Mandela in 1990, the *Convention for a Democratic South Africa* began. At these CODESA talks by all stakeholders, a path was carved out for a new South Africa. Khoisan leaders were not invited to the round table and even though the Paramount Chief of the Griqua /'grikwa:/ National Conference made his wish known to be part of the talks, his request was turned down. The Restitution of Land Rights Act of 1994 focused on redressing land dispossession after 1913. Because the Khoisan had been dispossessed long before that cut-off date, it meant a denial of their right to reclaim their heritage. The legislative context of all land reform policies in South Africa is its Constitution.¹² Since its promulgation leaders from the aboriginal nation have protested and made appeals to have it amended.

Ancestral land was then restored to some communities. For instance, in 1972 the Apartheid regime had forcefully removed the ǀKhomani /'kəməni/ San from a park in the Northern Cape. With the assistance of WIMSA (Workgroup of Indigenous Minorities in Southern Africa) and SASI (South African San Institute), they lodged a claim with the new government and six farms outside

11 M. Engelbrecht, 'Racially motivated land dispossession in Gordonia', unpublished paper (Kimberley 4 April 2013), 1.

12 Act 108 of 1996, especially sections 25, 26, 27 and 36.

the park were handed over in 1999 and another 25 000 hectares in 2002.¹³ In similar vein a dispossessed farm of the Griqua National Conference, Ratelgat /'ra:təlgat/ (guttural g), was given back to them in 1999 – without any costs.

During the past three years special national land summits were organized by the Department of Rural Development and Land Reform. A National Khoisan Reference Group was established to assist the government formulating a policy framework that focuses on restitution, reform, and redistribution. Although the 1913 cut-off date still stands, land claims by Khoisan communities would henceforth be regarded as *exceptions*. Also included is the possibility to have their sacred spaces and cultural places, such as graves, be declared as historical landmarks and heritage sites. The map included in this chapter clearly shows that the Khoisan had inhabited the entire South African surface. Today, however, they are citizens of a modern-day Republic under the jurisdiction of the Constitution. Realpolitik, therefore, dictates that – as responsible South Africans who respect the Constitution – the following factors should be seriously considered.

- Realism: It must be remembered that history, although it may be unfair and cruel, cannot be changed or ignored. Even though there is sufficient historical and scientific evidence to show that they are southern Africa's aboriginal people, they cannot wish away the fact that colonialism happened. The clock cannot be turned thousands of years back when their ancestors were the only human beings in this region.
- Reasonableness: Reliable maps along with rock art sites also affirm where the different tribes had lived. However, reasonableness means that they cannot reconstruct a land or provinces in which only Khoisan people exist or rule. When they claim land they will have to be reasonable. E.g. it will not be reasonable for the Griqua to reclaim the whole Griqualand West and East, although solid documentation is available that they had ruled there in the 18th and 19th centuries.
- Responsibility: Today the issue is not simply a matter of 'giving back the land'. It is a complex socio-political and macro-economic issue that has to do with national matters like food security.¹⁴

13 N. Crawhall and R. Chennels, *The ǀKhomani San: From Footnotes to Footprints – the History of the their Land Claim*, booklet (Trans Orange Press, undated), 3.

14 W. Boezak, 'A Historical View of the Khoisan', at a meeting of the South African Department of Rural Development and Land Reform (unpublished paper, Johannesburg March 2015).

Coupled with this is the correct interpretation of ILO Convention 169. Its preamble recognizes the aspiration of indigenous peoples to exercise control over their own institutions, way of life, economic development and to maintain and develop their own identities, languages and religion within the framework of the states in which they live.¹⁵ That the South African state has not as yet ratified ILO 169 is indicative of its reluctance to grant the Khoisan their rightful place within the country's cultural landscape. Perhaps it is fear of the implications of self-determination. However, the Khoisan have never indicated that their right to self-determination would lead to land-grabbing or a 'state within a state'.

Another vexed question is how *colonial churches* can practice restorative justice, such as the white Dutch Reformed Church that now possesses large tracts of land, which belonged to the Khoisan's ancestors. The same question arises with respect to *missionary churches*, like the Moravians, who also have huge pieces of ill-gained land. Land reform, restitution, and redistribution will not be complete without taking this into account.

In conclusion: the very first thing the Khoisan had been dispossessed of by colonialists was land. Wars of resistance proved futile, exacerbated by ongoing foreign diseases. The Khoisan regard land as Mother Earth, the God-given space where they have practised their culture for millennia. It is inextricably linked to their heritage in all its forms and without it the aboriginal people will not be able to reclaim their rightful place and dignity. However, as citizens honouring the country's Constitution, their land reform plans should be realistic, reasonable, and responsible. The South African government, on the other hand, needs to ratify ILO Convention 169, granting the Khoisan's right to self-determination.

First Indigenous Nation

African-American philosopher, Cornel West, has coined the phrase: 'the normative gaze'. Via pseudo-sciences like phrenology and physiognomy the foundation for the Eurocentric principle of negative comparison had been laid in the sixteenth century.¹⁶ Kieskamp says that a 'Chain of Life' was designed: God at the top, then human beings, and animals. On various lists of humans the

15 International Labour Organisation Convention (No 169) concerning Indigenous and Tribal Peoples in independent countries, 1989.

16 C. West, *Prophesy Deliverance! An Afro-American Revolutionary Christianity* (Beacon Press 1982), 57.

Khoisan were put on the lowest rung of human existence, nearer to apes and without a soul. The Eurocentric principle meant that when compared to Europeans, the Khoisan seemed to have missed every standard that indicated the existence of what was regarded as civilization: a king, jurisdiction, laws, script, arts, agriculture, money, marriage and religion.

These prejudices were augmented by fear of the unknown especially after hearing stories of shipwrecked people meeting hostile savages – accompanied by illustrations and ethnological descriptions. Jan van Riebeeck, mandated by the Dutch East India Company to establish a refreshment post at the Cape in 1652, did not, therefore, arrive with an objective mind. He was indeed already filled with the ideas of white supremacy.¹⁷

Moreover, Christian ideologues misappropriated the Biblical story of Noah who had cursed his son, Ham: that his descendants – supposedly Africans – would be ‘the lowest of slaves to his brothers’. Together these ideas provided the moral justification for the vicious enslavement of those with a dark skin – a colour theologically associated with Satan and sin, morally with evil and aesthetically with ugliness. No wonder then that over time advancing colonists had murdered numerous ‘soulless Bushmen’ without a qualm.¹⁸ But who are the Khoisan really and what is the nature of their cultural identity?

Recent linguistic and biological tests have proven beyond a doubt that the first modern human beings (*homo sapiens*) evolved on the African continent – the cradle of humanity.

Oldest DNA

In a newspaper article Elsabé Brits quotes Drs Peter Foster and Matsumura of the University of Cambridge who stated that the Khoikhoi and Bushmen/San, all originally being hunter-gatherers, stem from the same genetic stock. On the basis of extensive tests it was found that the Khoisan people of southern Africa possess ‘the oldest DNA’, i.e. human genes, on earth.¹⁹ Renowned South African geneticist Himla Soodyall agrees with her peers and she is doing ongoing tests in Khoisan communities today. Archaeological evidence points in the same direction. Philip Tobias states that remains of modern human civilization at Klasies /'kla:sis/ River Mouth Cave, more than 100,000 years old, led to the con-

17 J. Kieskamp, in A. Bank (ed), *The Khoisan Identities and Cultural Heritage*, IHR, Univ. of the Western Cape infoSOURCE (Cape Town 1998), 163-70.

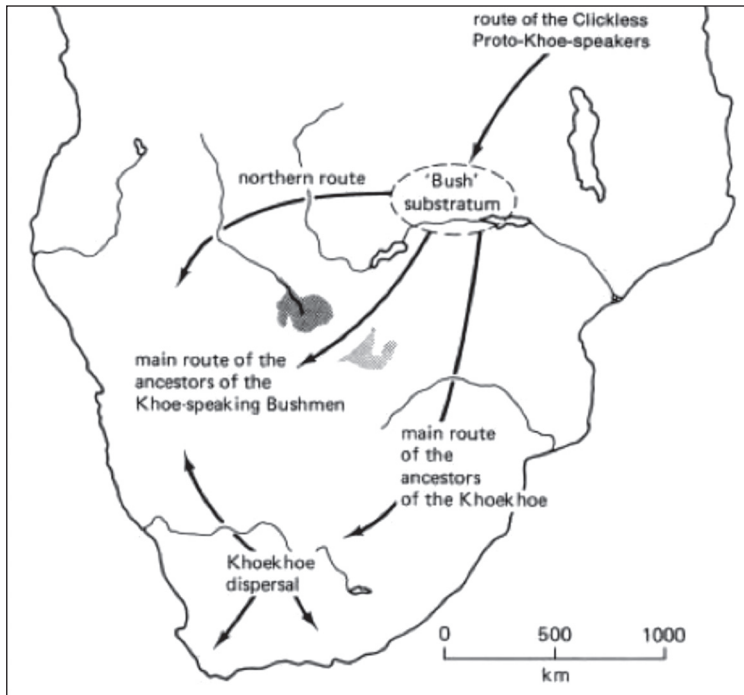
18 W. Boezak, *Struggle of an Ancient Faith*, 40-42.

19 E. Brits, ‘Oudste DNS – Khoisan’ in *Die Burger*, 18 March 2006.

clusion that the ancestors of the Khoisan of South Africa are part of the same, large division of Sub-Saharan peoples. Archaeologists Hilary and Jeanette Deacon emphasize: 'Biological tests... strengthen the view that the Khoikhoi and San shared the same ancient southern African genetic heritage'.²⁰

Khoikhoi means 'genuine people' (singular: a people person) and *Sa* means 'to gather', while the plural (with -n) means 'gatherers' (of *veldkos* /'feltkɔs/ i.e. wild edible plants). The names *Hottentotten* (Hottentots) and *Bosjesmannen* (Bushmen) were given to them by the Dutch – both neutral, descriptive designations at the time. Since then 'Hottentots' has been reduced to an insult: 'hotnots', a term rightly regarded today as hate-speech.

Alan Barnard's ethnographic approach indicates a nomadic movement *within* southern Africa: 'At least some of the ancestors of the Khoi Bushmen migrated from or through what is now Zimbabwe or eastern Botswana... After the Khoi Bushmen divergence, the ancestors of the Khoikhoi moved slowly southwards'.²¹ (See map).



MAP 2 *Nomadic movement within southern Africa*

20 H. and J. Deacon (eds), *Human Beginnings in South Africa* (David Philip 1999), 171.

21 A. Barnard, *Hunters and Herders of Southern Africa: A Comparative Ethnography of the Khoisan Peoples* (Cambridge University Press 1992), 34-35.

However, when the German anthropologist Leonard Schultze coined the amalgam *Koisan* in 1928, he did it on the basis of their common southern African derivation. The two names indicate a division that came about 2 000 years ago when herding had been introduced as an optional, economic lifestyle. The amalgam 'Khoisan' indicates an actual process of intermingling, intermarriage, acculturation and assimilation which occurred over centuries. Some historians have reasoned for many years that the Khoisan were originally from East Africa. Contrary to these migrationist views historian Yvette Abrahams boldly states:

There is simply no evidence to make a systematic distinction between who hunted and gathered for a living, and people who also herded cattle, sheep and goats. We all hunted and gathered, even if we kept livestock. We all shared a set of values, arts and culture. There is absolutely no evidence that our people came from anywhere else. Cows did, not people, after all, we had bartered and traded for centuries.²²

Hilary and Jeanette Deacon, conclude: 'We can confidently state that the ancestors of the Khoikhoi and the San were an indigenous population that originated and diversified within southern Africa'.²³ Isaac Schapera concurs that the Khoikhoi and the Bushmen/San share the same origin by highlighting the similarities of their belief systems.²⁴

This scientific evidence accumulatively plays a crucial role when the Khoisan claim they are in fact South Africa's aboriginal people. Despite this the South African government thus far has not shown any political will to grant the status of 'first nation' to them. The right to self-identification thus has been met with historical distortion and official denialism. After the abolishment of slavery in 1834-38, the free slaves and the Khoisan were all lumped together as the new working classes and jointly called 'people of colour'. Since 1948 the *Apartheid* regime continued to reclassify the majority of Khoisan people as 'Cape Coloured' and used their Group Areas Act of 1950 to forcefully remove them from their remaining ancestral land.²⁵

Professor Rodolfo Stavenhagen, UN Special Rapporteur on the Fundamental Freedoms of Indigenous Peoples, visited South Africa in 2005. He took note of the fact that the Khoisan's identity was forcefully changed under the old

22 Y. Abrahams, 'Bill makes all groups indigenous' in *Eland* (4-17 April 2013), 14.

23 Deacon and Deacon, *Human Beginnings in South Africa*, 129, 171.

24 I. Schapera, *The Khoisan Peoples: Bushmen and Hottentots* (Routledge & Keegan Paul 1965), 360-76.

25 SA Race Classification Act of 1950.

race classification laws, and recommended that 'actions should be undertaken towards the removal of all legitimate claimants to indigenous identity of the stigma to having been classified as "Coloured"'.²⁶ To be sure, the individual rights of all South Africans, including the Khoisan's, are guaranteed in the Constitution.²⁷ But what about their collective rights?

Since the advent of South Africa's new, democratic dispensation in 1994, the Khoisan people have incessantly yet unsuccessfully tried to convince the government of their status as the country's first indigenous nation. That fact does not imply a dominant position in the wider society. They also do not accept the assumption that because all Africans are indigenous, no grouping can claim to be South Africa's aboriginal people. The ILO's controversial resolution pertaining to self-determination should not be seen as a threat.

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual wellbeing and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.²⁸

Rather, with the right to self-definition and self-identification as its pillars, self-determination has essentially to do with steering their own cultural destiny. Article 11 (1) of the UN Declaration on the Rights of Indigenous Peoples states:

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

The Khoisan accept the argument that in South Africa, as in other African countries, all Africans are indigenous because they are 'non-dominant', original inhabitants – hence culturally different from white colonists. However, they are not simply Africans in the broader, generic sense of the word, but specifically the autochthonous population of southern Africa. This internal differentiation is significant – an issue that should be urgently dealt with by the country's De-

²⁶ R. Stavenhagen, *Report of the UN Special Rapporteur on Indigenous Peoples' Mission to South Africa*, 2005.

²⁷ Act 108 of 1996, Articles 30, 31.

²⁸ ILO 169, Article 7 (1).

partment of Justice.²⁹ Yet, in an official brochure the symbolism of the national coat of arms is explained as follows: 'Contained within the shield are some of the earliest representations of humanity in the world. Those depicted were the very first inhabitants of the land, namely the Khoisan people'.³⁰

In conclusion: Overwhelming scientific evidence has proven the Khoisan's special identity as South Africa's first indigenous nation. It links them inextricably to their cultural heritage. The government's continuing denialism and refusal to grant them their inherited status, constitutes a serious violation of human rights.

Participation in the Protection of Their Cultural Heritage

Besides land loss during the colonial eras, the Khoisan's ancient leadership structures had been destroyed. Loss of control over their cultural heritage not only meant loss of face, but in fact constituted ethnocide. In light of this history of systematic dispossession, the question remains: If cultural heritage is essentially inheritance, what is left to promote, preserve, and develop? It is here that the unique story of the Griqua comes to the fore. Of all five major groupings it is the only one that has consistently managed to keep their identity and culture intact in an organized fashion.³¹

To be sure, cultural remnants had been kept alive in and by all communities, whether it was the Khoi reel dance on isolated farms or the Nama-language spoken by elders. The #Khomani-San deserves special mention though. Having had to endure unspeakable hardship, a strong leader, !Gam /Gaub Regopstaan Kruiper /'gam gaəb regɔpsta:n krəpər/ began to ensure their future during the last century. He eventually found refuge in the 1980s for his clan on a tourism farm.³² Further momentum among Khoisan groups was gained in the late 1990s – a revival that was assisted by academics, notably historian H.C. Bredekamp and archaeologist Janette Deacon. But it was the Griqua who, with

29 P.L. Waldman, *The Griqua Conundrum: Political and socio-cultural Identity in the Northern Cape, South Africa*, PhD Thesis, Univ of the Witwatersrand, Johannesburg (2001), fn 8.

30 South African Dept of Arts & Culture's booklet, *The National Identity Passport* (underlined, undated), 6.

31 A. Morris, 'The Griqua and the Khoikhoi' in *Kronos*, Journal of Cape History (No 24, Nov 1997) 112. 'The 1980 census figures indicate that the category "Griqua" includes nearly 100 000 people'.

32 N. Crawhall and R. Chennels, *The #Khomani-San: From Footnotes to Footprints* (Trans Orange Publishers undated), 2.

unbroken leadership structures, were able to survive and adapt throughout the colonial and post-colonial *Apartheid* /a'partheid/ eras in an organized form.

Literally thousands of pages have been written on their extraordinary history.³³ In a nutshell: Around 1750 a free slave, named Adam Kok, had gathered the rest of the dispossessed *#Karixuriqua* /kari'gørikwa:/ (Griqua) on the West Coast along with people of mixed descent, married a Khoisan woman and had built a strong following through his sons. Under their and other Griqua leaders' guidance two huge territories were demarcated (Griqualand West and Griqualand East) but later annexed by the British Colonial government. The chieftaincy was eventually taken over during the late 1800s by Andrew le Fleur I, who then established the Griqua National Conference in 1904. Today their culture is preserved via various structures including an independent church. A recent study by the University of the Free State has shown: 'The Griqua are evidently aware of their very specific cultural traditions and rituals'.³⁴

As mentioned earlier, when the Griqua National Conference (GNC) was refused participation at the CODESA, they made submissions in 1995 at the UN's Working Group on Indigenous Populations. The outcome was that the late President Mandela started direct talks with them, which eventually led to the establishment of the National Khoisan Council in 1999 – an official forum mandated to negotiate with government regarding constitutional accommodation. The same year researchers were commissioned to draw up a Status Quo report concerning the Khoisan's historical leadership structures. Five major groupings were identified: Bushmen/San, Cape Khoi, Griqua, Korana, and Nama. In 2001 about 600 delegates of these self-identifying groups in terms of the United Nations characteristics, gathered for the first time in a town called Oudtshoorn. The theme of the consultative conference was: *#gui !nâgusib guisib !nâ* /'gøi 'nagøisib 'gøisib 'na/ (with clicks) – Diversity in Unity.³⁵ It was indicative of their acknowledgement that although there were cultural differences, they wanted to revitalize their traditions and customs as a united people.

Khoisan Africans felt left behind when already in 2003 Parliament passed the Traditional Leadership and Governance Framework Act No. 41 (for Black South

33 The most comprehensive academic work: Michael Besten, *Transformation and Reconstruction of Khoe-San Identities: AAS le Fleur I, Griqua Identities and Post-Apartheid Khoe-San Revivalism (1894-2004)*, unpublished PhD thesis, Leiden University, 2005.

34 University of the Free State, *A Socio-economic & Cultural Study of the Griqua People of South Africa* (Centre for Development Support 2010), 14.

35 National Khoisan Consultative Conference (Institute for Historical Research, University of the Western Cape, archived document (Bellville 2001).

Africans). The Constitution's Chapter 12 has been implemented which provides for the recognition of traditional leadership, according to customary law. Since then a new legislative framework has been issued to accommodate the Khoisan alongside recognized traditional leaders. The latest version is the National Traditional and Khoisan Leadership Bill, expected to be promulgated by Parliament in 2016. The SA government's willingness to let them participate in existing structures beside traditional communities, is a step in the right direction.

Those communities and their leaders that would be recognized, will serve with already recognized traditional leaders in national, provincial, and local Houses. Moreover, recognized Khoisan councils will receive support to preserve, promote and develop their cultural heritage. In a real sense that will mean opportunities for all cultural groupings in terms of state funding.

However, while it is expected that certain standards should be maintained, applicants will be subjected to some unreasonable criteria that do not take their historical fragmentation into consideration. For instance, a community must have 'a history of self-identification by members of the community concerned, as belonging to a unique community distinct from all other communities' and 'a proven history of coherent existence from a particular point in time up to the present'.³⁶ These stipulations ignore harsh historical realities, such as the removal of whole communities under *apartheid* via the Group Areas Act. What is therefore needed, human rights lawyer Lesle Jansen argues, is an approach that will restore the human dignity of the Khoisan with restorative justice. Such an approach will fully take the cultural vulnerability of Khoisan Africans into consideration, allowing them sufficient time to rebuild their heritage.

A restorative approach is necessary to address the root causes of Khoi-San vulnerability; the classification of being labelled Coloured, denoting them being neither European nor Black made them to be politically invisible. A history of self-identification may be difficult to prove. Groups may no longer occupy a specific area and may have been forced to stop observing certain Khoi-San customary laws and practices.³⁷

At a recent seminar on cultural heritage organized by the Expert Mechanism of the Rights of Indigenous Peoples (EMRIP) Juha Karhu posed a challenging question: 'When states do accommodate indigenous peoples constitutionally,

36 The National Traditional and Khoi-San Leadership Bill 2015, Ch 2, Part 1, Articles 5 (1) (a) and (v).

37 Lesle Jansen, Power Point Presentation, *Report back on York University/Natural Justice Report*, Natural Justice, Cape Town (2014), Slide 10.

are they then empowered or domesticated?’³⁸ Thus, would official recognition of some Khoisan leaders and their communities come at too high a price? Will they be empowered or domesticated? After closer scrutiny it seems that Khoisan and traditional leaders will not be of equal rank. The Act will also exclude any recognition as first indigenous nation.

In conclusion: Since the inception of the official National Khoisan Council in 1999 strides have been made regarding legislation that would constitutionally accommodate the Khoisan. The relevant Act to recognize Khoisan leaders and their communities is expected to be promulgated by the SA Parliament in 2016. Recognition will enable the Khoisan to promote, preserve and develop their cultural heritage with state funding and to make use of the state's infrastructure. However, while willing to participate in the protection of their cultural heritage at this level, certain criteria will unfairly exclude most communities because of historical factors beyond their control.

Languages

Before the dawn of South Africa's democracy in 1994 only two languages enjoyed official status, namely Afrikaans /ɑfrɪ'ka:ns/ (stemming from the Dutch colonial era, 1657-ca. 1800) and English (from the British colonial era, 1800-1910). South Africa is a complex, multi-cultural, multi-linguistic society but its Constitution ensures that: 'Everyone has the right to receive education in the official language or languages of their choice in public institutions...' ³⁹ Implementation, however, proved to be so challenging that new legislation has been deemed necessary: 'All learners have the constitutional right to be educated in their mother-tongue'.⁴⁰

Not a single aboriginal Khoisan language is included in the list of 11 official languages. And yet, to be fair, in Chapter One of the Constitution it is stated that a special language board would also 'promote the Khoi, Nama and San languages', which it does.⁴¹ This vehicle is called the Pan South African Language Board (PanSALB). An additional council for the advancement of Khoisan languages has been established because most of those had become extinct, e.g. the

38 UN EMRIP Seminar on the Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage, University of Lapland, Rovaniemi, Finland, 26-27 Feb 2015. My paraphrase.

39 Act 108 of 1996, Sect 29/2.

40 South African Official Languages Act 12 of 2012.

41 Sect 6/5.

Griqua's Xiri /'giri/ (guttural g), the Bushmen's /Xam /'am/ (with click) and Korana. The only Khoisan language that is still being spoken, written and taught in some schools, is Namagowab /'namagəə'vab/. The Bushman language, N/u /'nə/ (with click), is slowly but surely being rekindled and preserved.⁴²

Historians Richard Elphick and V.C. Malherbe observe that the Nama Khoi-language is closely related to a specific group of (Bushman/San) 'hunter languages'.⁴³ However, linguist Nigel Crawhall cautions that within the Khoisan language stock there are three radically different language families, namely, Khoe, Ju /'dʒə/ and !Ui-Taa /'əita:/ (with click).⁴⁴ At a practical level this means that frequently members from different groups could not even understand one another. The fact of diversity, however, does not negate the fundamental and original unity of the Khoisan.

Here is a peculiar fact that has been brought to light: Afrikaans is actually part of the Khoisan's cultural heritage. Although historians, such as Robert Ross, have alluded to that connection in the 1980s, it was only recently endorsed by thorough research commissioned by the *Afrikaanse Taalraad* /'ta:lra:d/ (Afrikaans Language Board).⁴⁵ The foundation for Afrikaans had already been laid in the late 1500s when the Khoisan coastal communities had tried to communicate with passing European seafarers on their way to the East. It developed rapidly when the Dutch established their fort at the Cape and imported slaves from Angola, Indonesia, Malaysia, etc.

Diversity and the geographical dispersal of the rural slave population inhibited a unifying culture. Some slaves used a form of creolized Portuguese, but most slaves, masters and Khoisan conversed in an evolving form of Dutch, which contributed to the development of Afrikaans. At first this new language was ridiculed as a 'Hottentot' and a 'kitchen', slave language. In 1875 a white Afrikaner movement, the *Genootskap van Regte Afrikaners* /gə'nəətskap 'fan 'regtə afri'ka:nərs/ (guttural g's – Society of Real Afrikaners) started to gather all the various strains and standardized them. This society never acknowledged the coastal Khoisan's creativeness, and annexed it wholly as part of their culture. Because Afrikaans was the Apartheid regime's preferred language, it gained the negative connotation of being the 'language of the oppressor'.

42 PanSALB CD, *The n/u Language Project* (Lingo Software 2006).

43 R. Elphick and V. Malherbe, 'The Khoisan to c 1770' in R. Elphick and H. Giliomee (eds), *The Shaping of South Africa: 1652-1820* (Longman Penguin 1989) 4-7.

44 N. Crawhall, 'Languages, genetics and archaeology' in H. Soodyall (ed), *The Prehistory of South Africa* (Jonathan Ball Publishers 2006) 109-24.

45 R. Ross, *Cape of Torments* (Routledge & Kegan Paul 1983), 2; C. van Rensburg, *So kry ons Afrikaans* (Lapa Uitgewers 2012), 13-28.

In conclusion: The different aboriginal languages of the Khoisan have become extinct, except for the Khoikhoi's Namagowab and the Bushmen's N/u. The former is being taught with state funding at schools in those parts of the country where Nama people reside. The latter is being preserved in less formal ways, but a CD was released by PanSALB. Lastly, Afrikaans, despite its connotation, is part of the Khoisan's cultural heritage – its official status a proud beacon.

In the meantime it is interesting to note that rock art (petroglyphic) is actually their earliest form of sacred texts.

Ancient Religion

Rock art sites are clear indicators that the Khoisan had lived everywhere in South Africa – undeniably an integral part of the Khoisan's cultural heritage. Correct interpretations of these texts reveal ancient religious customs in which the healing of the sick and rainmaking rituals by shamans played a crucial role.⁴⁶ It is heartening that today there are still shamans among the !Khomani San of the Kalahari practising these ancient rituals.

The Khoisan's ancient religion needs redress. Irrespective of the fact that rock art sites were out of their reach, the damage done by Christian missionaries since the 18th century is incalculable. For them the aboriginal inhabitants were godless heathen – spiritually empty vessels in whom the true religion had to be instilled. By then the Khoisan had been rendered landless and virtually powerless. In those circumstances mission-stations became safe havens, securing a fixed address instead of them being harassed as vagrants or turned into slaves on the white trek-farmers' farms.

The plusses were that the missionaries taught them to read and write and the advantages of agriculture. Liberal missionaries, such as Dr Johannes van der Kemp and Dr John Philip, fought for the Khoisan's human rights. New laws were made to improve their lot. Ordinance 50 of 1828 did away with the humiliating carrying of passes and granted land rights. Yet even they remained in the Christian Western Civilization mold. Baptism meant loss of identity and survival on mission-stations meant forgoing their own cultural practices, traditions, customary laws and indigenous faith. W.M. Freund poignantly remarks: 'Christianization went hand in hand with the destruction of the older Khoikhoi culture'.⁴⁷

46 S. Ouzman, 'The Magical Arts of a Raider Nation' in *South African Archaeological Society* (Goodwin Series, vol 9, Dec 2009) 101-12; Boezak, *Struggle of an Ancient Faith*, 49-58.

47 W.M. Freund, 'The Cape under the transitional governments, 1795-1814' in Elphick and Giliomee (n. 5) 342.

Today the vast majority of Khoisan people are Christians, but two major groups tried to retain some elements of their original faith by establishing own churches, namely, the Nama Qua Church and the Griqua Independent Church (GIC). In the former they read from a Namagowab bible and the older folk still pray in that language. After services they would easily dance the traditional Nama-step. Hundreds of GIC-members gather every year on 31 December, singing and praying till the early hours of the New Year, while a sheep is slaughtered. This is a link to an ancient, religious Khoikhoi custom, called the *†guri-ab* /'gøri-ab/ (with click) – an annual thanksgiving ceremony.⁴⁸

As stated earlier, in 2001 the first National Khoisan Consultative Conference (NKCC) was held. I was asked to present a paper on 'Khoisan Faith', in which I explained the holistic approach with religion and culture inextricably woven. Their lifestyle was filled with values pertaining to the heavenly realm, Mother Earth, fellow human beings and every living entity. The challenge is how the ancient faith could be revitalized, and three options were posed to the conferees. They voted for the third option.

- 1) Had the time arrived for them to establish their own separate Christian Church where all the tenets and elements of their ancient belief system can be incorporated?
- 2) The Nama Qua Church and Griqua Independent Church already exist: Should they instead take up this challenge?
- 3) Mainline churches' Khoisan-members should challenge their clergy to include Khoisan symbolism in existing liturgies and sacraments – i.e. incorporation or inculturation.⁴⁹

The Khoi ritual of breaking and sharing an *askoek* /'askək/ (ash loaf) with everyone present, even strangers, serves as an example of the African value of incorporation. The ritual is based on an attitude of life: *khoy-namxa-sib* /'kɔi namxa sib/ (with guttural g) – neighbourly love. A missionary working in the northern region of South Africa during the 19th century conceded that it was precisely this communal trait which was exploited by foreigners, who really were immoral land robbers.⁵⁰ Exclusivity has never been a facet of African philosophy. Gabriel Setiloane argues that the colonists had misused the ancient African tradition of sharing and kindness. He states that:

48 Scapera, 376; Cf W Hoernlé, *The Social Organisation of the Nama – and other Essays* (Witwatersrand University Press 1985), 32-34, 55.

49 W. Boezak, 'Khoisan Faith', NKCC (n 34), 10.

50 G. Meyer, *Die Gemeente te Steinkopf* (Pro Ecclesia 1927) 23, 45.

Africa fell a prey to the wiles and greed of the European interloper coming in all disguises – a wandering shipwrecked traveller, explorer, teacher, missionary... However, the resolution: 'This land belongs to us' (*lomhla-ba ongowethu* *ələm'əla:ba ɔŋgəwetə/*), does not necessarily foreclose or shut out any other consideration borne out of the generosity of hearts begotten and nurtured in *Botho-Ubuntu-Ubuntungushi* /'bɔ:tɔ ʊ'bəntə ʊ'bəntə'gəʃi/ (the value of incorporation).⁵¹

Currently I try to educate the broader South African public regarding the aboriginal faith and culture of the Khoisan with a series called *The Umbilical Cord Lectures*. Khoisan communities themselves, such as the Outeniqua of George, hold Full Moon prayer sessions augmented by reel dancing and story-telling. At the same time the South African Human Rights Commission is conducting hearings chaired by Commissioner Danny Titus, assessing their concerns.⁵² Although the outcome is not known yet, a submission was made regarding firstly, the possibility that the Khoisan's faith be included in school curriculums (Comparison Religion) and secondly, the South African Council of Churches to review their church history and catechism books.

In conclusion: Although the majority of Khoisan people today are devout Christians, many seem to long for earlier times when they could still freely practise their ancient religion. Successive eras, especially the advent of missionary Christendom, effectively destroyed that. Various avenues are being sought today to revitalize at least some aspects. The two independent Christian-Khoisan churches have also managed to retain some ancient rituals.

The National Khoisan Heritage Route

South Africa has a range of state and private institutions geared toward the preservation of culture – governed by relevant legislation. Besides a Department for Arts and Culture (with Freedom Park and the National Heritage Council under its auspices), the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities has been

⁵¹ G. Setiloane, 'Land in the Negotiations Chamber' in *Journal of Black Theology in South Africa* (vol. 5 no. 2, 1991) 37; Cf W. Boezak, *God's Wrathful Children: Political Oppression & Christian Ethics* (Wm Eerdmans 1995) 228-29.

⁵² The SAHRC is a so-called Ch 9 institution, its functions described in the Constitution. It has the powers 'to take steps to secure appropriate redress where human rights have been violated (Article 184, 2b).

established in 2003 (CRLC) – a constitutional body.⁵³ Legislation such as the National Environmental Management Act (NEMA), the National Heritage Resources Act (NHRA) and the Intellectual Property Amendment Act collectively strengthen the reserve of communities to revitalize their cultural heritage.⁵⁴

A promising sign of a joint venture between the Khoisan and the South African government which will link the numerous aboriginal sacred spaces and historical landmarks, is the planned National Khoisan Heritage Route (NKSHR).⁵⁵ This idea originated with the Khoisan themselves when about 200 delegates met in 2002 at the McGregor Museum, Kimberley. It did not take root because of lack of state funding. It is therefore ironic that, ten years later, the government relaunched it as their 'Draft Final Report'. However, the relevant department does work together with representatives of the National Khoisan Council.

L. van Rensburg defines culturally significant places quite broadly as '[A]ssociated with living heritage, includes monuments, historical settlements, landscapes and natural features of cultural significance, archaeological and paleontological sites, graves and burial grounds, movable objects recovered from soil and water.'⁵⁶

Despite the obvious pitfalls pertaining to cultural or heritage tourism, the NKSHR provides a possible platform for the Khoisan to showcase their unique inheritance. It clearly meets the UN's standard:

States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.⁵⁷

53 Act 108 of 1996, Article 185.

54 Act 107 of 1998; Act 25 of 1999; Act 28 of 2013.

55 South African Dept of Arts & Culture, *The National Khoisan Route* (Draft Final Report 2012).

56 L. van Rensburg and L. Kotze, 'Legislative protection of cultural heritage resources: A South African perspective'. Paper presented at the 8th Annual Qualitative Methods Conference: *Something for Nothing*, May-Sept 2002.

57 UNDRIP, Article 11 (2).