

Cover Letter : Goringhaicona Comments the Merits of the Appeals.

2 Birdwood Street

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ATTENTION: Adv Petersen

Ministerial Independent Appeals Tribunal on Heritage

Cultural Affairs & Sport, W C Gov. (021 483 9800/9522)

Email: Michael.Petersen@westerncape.gov.za

Dear Adv. Peterson

We fully support the decision by Heritage Western Cape to place the protection order of two years in order to further research and investigate the heritage capacities inherent to the site.

We feel that it is imperative that the voices of the first indigenous, people linked to the precinct, are heard. The intention to construct facilities for commercial enterprise on this culturally significant and sacred Khoi burial grounds shows a gross insensitivity and disrespect to the Khoi. The transgenerational trauma that these plans for development continue to induce, despite vehement objections by various Khoi sovereign houses is noted.

The Khoi are the custodians of this precinct and have been so for thousands of years. No Khoi IAP group that we are aware of has approved the revised HIA nor have they accepted the inadequate attempts at consulting at such a late stage during the author's first submission of the HIA. It has therefore not been a legitimate and fair consultative process.

Further to this, the contents of the revised LLPT HIA found in the Basic Assessment Report, we argue contain little moral variance to the previous drafts. The 'concessions' to acknowledge the First Nations concerns and wishes are inadequate and inappropriate.

The current plans, as well as, the recent act by the City of Cape Town to



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unilaterally change the name of Two Rivers Urban Park to Two Rivers without consultation with the Khoi are unaligned to the values of restitution, restorative justice, and the human dignity which our nation is so sorely in need of. This implication of this name must be investigated, and this unlawful process must be stopped.

It must be noted that LLPT's Basic Assessment Report downplays our history for what we feel are for purposes of greed and avarice.

We are concerned about DEAD& P's neutrality on this development proposal due to their silence on the recent request to postpone the Tribunal hearing on the November 21st, as well as their initial contestation against the Heritage protections orders of HWC. This places even further our desire for the existing Heritage protections as espoused by HWC be upheld, as a matter of urgency.

Trust has been broken with the LLPT with regards a recent consultative process where the same independent consultant deployed by the Department of Transport and Public Works to produce a report on First Nations and TRUP has also been contracted to do engagements with the Khoi in relation to the River Club. This brings into question, the 'independent' nature of the consultative process, where a consultant's work over the last few months is seemingly being used to deploy a narrative of concession by First Nations regarding the site across the board.

We feel that the Heritage Western Cape Council has fulfilled its obligation by placing on record its support the Heritage Protection Order.

We fully support the comment by Heritage Western Cape submitted to the Tribunal.

We reserve our right to an oral submission at the Tribunal, as well as, to present any supplementary documents, and arguments that have may come light after this submission.

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We appreciate the opportunity to voice our comment. We sincerely hope you will take this submission with the care and seriousness it deserves.

On behalf of Paramount Chief  
Aran,

Tauriq Jenkins

Supreme High Commissioner,  
Goringhaicona Khoi Khoin  
Indigenous Traditional Council

[tauriqishere@gmail.com](mailto:tauriqishere@gmail.com)

## 1. INTRODUCTION

Orality is our memory, our present and future. We who have been here are still here, who live and still live poetically. //kaggen (the mantis) is everywhere - ubiquitous here in the rocks and clouds water air. //kaggen is acknowledged, and memory is restored. We are again humbled to speak about the Two Rivers Urban Park.

Thank you to you who will read, listen and witness.

*"Did you not hear the hammerkop,*

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*when the star fell?*

*It came to tell us that our person is  
dead.”*

*..the hammerkop lives at the water  
which is like a pool,*

*in which we see all things;*

*the things which are in the sky*

*we see in the water while we stand  
on the water's edge.*

*We see all things,*

*-Dia!kwain 1876 -*

## 2. HUMAN RIGHTS REFERENCE

*It is the position of the GKKITC that the following articles pertain directly to the case with TRUP in relation to the Rights of Indigenous People :*

The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 8 1. Indigenous peoples and individuals have the right not to be

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subjected to forced assimilation or destruction of their culture.

8.2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources.

e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9 Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 12 1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned

Article 13 1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral

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traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. 2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 18 Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.

Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 25 Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future

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generations in this regard.

Article 29 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination. 2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional expressions, as well as the manifestations of their science, technologies and cultures, including human and genetic resources, seeds, medicine, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual performing arts. They also have the right to maintain, control and protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional culture expressions. iii.

Article 31 (2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other

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resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

## **FURTHER UN REFERENCE on Heritage Resource protection**

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural property (1970)

UNIDROIT Convention on Stolen or Illegally Exported Cultural Object (1995) UNESCO Convention on the Protection of Underwater Cultural Heritage (2001) UNESCO

Convention on the Safeguarding of Intangible Cultural Heritage (2003)

This pertains to but not limited to the following :

- a) Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- b) Performing arts;
- c) Social practices, rituals and festive events;
- d) Knowledge and practices concerning nature and the universe;
- e) Traditional craftsmanship.

In South Africa "intangible cultural heritage" is used interchangeably

UNESCO Convention on the Protection of Underwater Cultural Heritage (2001)

**UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).**

## **Article 8**

### **Measures to Protect cultural expressions**

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- 1 Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.
- 2 Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.
- 3 Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

## 2. Regional REFERENCE

The African Union Agenda 2063 (2015)

Charter for African Cultural Renaissance (2006)

The African Union Plan of Action on Cultural and Creative Industries (2008)

The 2<sup>nd</sup> Pan-African Cultural Congress (PACC1) Report and Consensus Statement on The Inventory Protection and Promotion of Cultural Goods (2009)

The African Union Model Law on the Protection of Cultural Property and Heritage (2018).

## 3. REFERENCE to National Legislation

The NHRA (Act 11 of 1999), section 2(xxi), describes 'living heritage' as intangible aspects of inherited culture that may include 'cultural tradition, oral history, performance, ritual, *popular memory*, skills and techniques, indigenous knowledge systems and the holistic approach to nature, society and social relationships'.

The White Paper on Arts, Culture and Heritage (1996) states: "Access to,

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participation in, and enjoyment of the arts, cultural expression, and the preservation of one's heritage are basic human rights, they are not luxuries, nor are they privileges."

The South African National Department of Arts and Culture developed a Draft National Policy on South African Living Heritage which acknowledges the significance of South Africa's intangible cultural heritage.

Significant to intangible heritage is situated in terms of Clause 2 (xxi) of the National Heritage Resources Act.

### 3. PREFACE AND MANDATE

The Goringhaicona's comment to the RIVER CLUB situated in TRUP is made on the historical basis that this parcel of land being within its traditional jurisdictions. The Goringhaicona shares an historical lineage and narrative from the Goringhaiqua. The splintering of the groups occurred after a mixing of the bloodline by members of the Goringhaiqua over a period of time with seafarers. Suffice to say that the origin of the Goringhaicona is borne out of a distinct diversity of bloodline which austensibly situates the historicity of the group as the first 'mixed race indigenous group'.

The Goringhaicona has figures in its lineage which include, Chief Trosoa, Autshumato (Herry the Strandloper) and Krotoa-- the last figure being the first indigenous woman to be converted into the NG Church, and enshrined by the Dutch Reformed Church. Krotoa's narrative in recent times has also been misled in various forms of media where her relationship with Jan Van Riebeeck has been sanitised into a story that continues to place Van Riebeeck in a messianic light.

This comment bears in mind the full pertinence, historical recognition and

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solidarity of the following groups : Goringhaiqua, the Chainouqua, the Cochoqua, the Gorachoqua, Guriqua or Chariguriqua, the Hessequa, the Attaqua, the Cauqua, the Houtunqua, the Omaqua, the Chamaqua, the Hamcumqua, the Cobuqua. the Namaqua, the Einiqua, the Damasqua, the Gamtoos, the Inqua, the Gonaqua, and the Hoengeyqua.

## 4. CONTEXTUAL FRAMEWORK

*(extracts from Camissa Embrace, Patrick Tariq Mellet)*

“The first emergence of new tribes who settled more permanently on the Cape Peninsula as a result of a split in the *Cochouqua (Go//kaukhoena)* , probably in the 15th century, was the *Goringhaiqua (!Uri//aekhoena)* . The second tribe to emerge as a split from the Goringhaiqua were the *Gorachouqua (!Ora//khaukhoena)*, and both these groups lived and moved about in various locations of the Peninsula from the Liesbeeck to Fish Hoek to Hout Bay. “ Chapter - Cape Indigene, Camissa Embrace

“Another offshoot, the *Goringhaicona (!Uri//ae/khoena)* was made up of drifters and outcasts from all the aforementioned clans and as a clan of around 60, they established themselves, first on Robben Island with the assistance of the English, as a community of traders, and later, on the mainland banks of the *Camissa River (/ammi ssa)* in Table Bay continuing as a trading community. The Goringhaiqua established their settlement alongside the Camissa River Mouth. Here the indigenes established the foundation village and port operation that would become the City of Cape Town. The Goringhaicona themselves were dubbed ‘*Watermen*’ by the Dutch. This was about 14 years prior to the European settlement in 1652” Chapter 2

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“By the end of the 16th Century the Goringhaiqua gave birth to the Gorachouqua and by 1630, the Goringhaicona emerged as a result of some drifting away from the Cochouqua, Goringhaiqua and Gorachouqua.”

<sup>1</sup>“The term *//ammi-i-ssa* or gamis or Kamis or kamma which is the root for ‘*Camissa*’ is the old indigene language of the Khoena, (or Khoi), and is the term for any fresh or sweet-water river as noted by Portuguese cartographer Lazaro Luis in 1563 on his map as – ‘*de Camis*’ alongside the name ‘*Aguada de Saldanha*’ for the same river flowing through Cape Town.” Chapter 2

“With reference to the Nama dictionary when you break down the components of the name Goringhaiqua to its three parts ( *!Uri – //ae – khoe* ), it means white – coming together – with people. The Goringhaicona means “the kin who drifted from the Goringhaiqua”. This illustrates that hidden social history clues may be discerned in clan names and by the practices that set clans and tribes apart from other indigene communities.”

## 5. RESPONSE TO THE BASIC ASSESSMENT REPORT

In our response it was important to establish a framework of decolonising African pre-colonial historiography in the case of the River Club and in its relationship to TRUP. We endeavour in this submission to point out a trait of common denial of place

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<sup>1</sup> Patrick Tariq Mellet, **THE CAMISSA EMBRACE: Odyssey of an Unrecognised African People, 2018**

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in terms of stakes across the reports of the BAR, the various of their HIA, and various submissions from LLPT. We felt that this interdisciplinary denial was illustrated by the lack of continuum in as far as the reports related to the central argument that underpins the broader significance of the site. We motivated the fact that the resulting movement, consequence, and forces that arose from the establishment of the first Freeburgher farms and the fence (including its concept) on the site, unleashed over time the most devastating impact to the environment, humans, and heritage resources, that forever changed the footprint of this country.

The resulting consequences include the extinction of numerous flora and fauna, the displacement of the indigene, and an irretrievable destruction of the environment across all spectrums. This is where the environmental, cultural, and spiritual erosion of South Africa began. It is from this foundational premise, alongside the oral, historical, and traditional guidelines of the Khoi, that form our key determinants for heritage and environmental considerations.

Given the vast range of extinctions of various animal and plant species resulting from agricultural and industrial enterprise initiated by the VOC, consolidated later by the British, harnessed by the Aparthied government, and still present in the current epoch of democracy, we will point out three examples of extraordinary loss.

Not only to the Khoi, the Cape Lion, the Quagga and the Blue Buck are of regional symbolic significance. The journey of their eradication, and the insult these animals were subjected to after death reflects a close similitude to a shared trajectory of experience of the persecution, and ethnocide of the first indogenous people. We shared the terrain with these beautiful animals, and while we are still here, their absence, together with the Cape San, is a black hole in the cosmos, the eternal catchment for our tears.

For the Cape Lion, the Quagga, and the Blue Buck the fencing off from territories and habitat by the VOC, and the relentless can hunting that shot out their presence from this earth. Their departure has left a void of many voids to the orality, sense of place,

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and the symbiotic relationship to all things.

Spiritually, the hurt remains inconsolable. But in our dreams they are still alive. These animals share with us the scars of scientific scrutiny, of public humiliation, and of being displayed as relics and exotica in museums, and that our collective histories are sitting in archives outside of the country of origin. And that our narratives are a history told by white men about us. We were treated and considered as objects to be owned, decimated, paraded or displayed as trophies.

## 5.1 The Extinction of the Quagga

We shall speak of our friend, the Quagga. The name is onomatopoeic, based on the 'barking sound' of 'Khwa ha'. The sound was a distinct voice of companionship that resounded across the now called Liesbeeck Valley together with hyppos, various antelope, the Cape Lion, and many others.

Below is extracted from Hofreiter, M.; Caccone, (2005) on the extinction of the Quagga and science.

"It was the first extinct animal to have its DNA analysed. This 1984 study launched the field of ancient DNA analysis. It confirmed that the quagga was more closely related to zebras than to horses, with the quagga and mountain zebra (*Equus zebra*) sharing an ancestor 3–4 million years ago. An immunological study published the following year found the quagga to be closest to the plains zebra. A 1987 study suggested that the mtDNA of the quagga diverged at a range of roughly 2% per million years, similar to other mammal species, and again confirmed the close relation to the plains zebra".<sup>2</sup>

## Oriental display, exhibition, and extinction

The colonial obsession of exotic display in the name of science is

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<sup>2</sup> Hofreiter, M.; Caccone, (2005). "A rapid loss of stripes: The evolutionary history of the extinct quagga". *Biology Letters*. 1 (3): 291–295.

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embedded in the trans-generational trauma of the Khoi Khoi together with the severed relationship to animals that once roamed the land.

Nowak, R. M. (1999). *Walker's Mammals of the World* states

“Quaggas were captured and shipped to Europe, where they were displayed in zoos.”<sup>3</sup>

## The last Quagga

Extracted from Rau, R. E. (1974). "Revised list of the preserved material of the extinct Cape colony quagga, *Equus quagga quagga*(Gmelin)".

The last quagga in 1883. In 1889, the naturalist Henry Bryden wrote: "*That an animal so beautiful, so capable of domestication and use, and to be found not long since in so great abundance, should have been allowed to be swept from the face of the earth, is surely a disgrace to our latter-day civilization.*"

“The specimen in London died in 1872 and the one in Berlin in 1875. The last captive quagga, a female in Amsterdam's Natura Artis Magistra zoo, lived there from 9 May 1867 until it died on 12 August 1883, but its origin and cause of death are unclear.”<sup>4</sup>

## Extinction

Extracted below from Van Bruggen, A.C. (1959). "Illustrated notes on some extinct South African ungulates" :

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<sup>3</sup> Nowak, R. M. (1999). *Walker's Mammals of the World*. 1. Johns Hopkins University Press. pp. 1024–1025. ISBN 978-0-8018-5789-8.

<sup>4</sup> Rau, R. E. (1974). "Revised list of the preserved material of the extinct Cape colony quagga, *Equus quagga quagga*(Gmelin)". *Annals of the South African Museum. Annale van die Suid-Afrikaanse Museum*. 65: 41–87.

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“The extinction of the quagga was internationally accepted by the 1900 Convention for the Preservation of Wild Animals, Birds and Fish in Africa. The last specimen was featured on a Dutch stamp in 1988. There are 23 known stuffed and mounted quagga specimens throughout the world, including a juvenile, two foals, and

a foetus. In addition, a mounted head and neck, a foot, seven complete skeletons, and samples of various tissues remain. A 24th mounted specimen was destroyed in Königsberg, Germany, during World War II, and various skeletons and bones have also been lost.”<sup>5</sup>

## The Quagga were shot out

Extracts from B. J. (2002). *Conserving Living Natural Resources: In the Context of a Changing World* :

“As it was easy to find and kill, the quagga was hunted by early Dutch settlers and later by Afrikaners to provide meat or for their skins. The skins were traded or used locally. The quagga was probably vulnerable to extinction due to its limited distribution, and it may have competed with domestic livestock for forage”<sup>6</sup>

Nowak, R. M. (1999) **concludes** :

“The quagga had disappeared from much of its range by the 1850s. The last population in the wild, in the Orange Free State, was extirpated in the late 1870s”<sup>7</sup>

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<sup>5</sup> Van Bruggen, A.C. (1959). "Illustrated notes on some extinct South African ungulates". *South African Journal of Science*. **55**: 197–200.

<sup>6</sup> B. J. (2002). *Conserving Living Natural Resources: In the Context of a Changing World*. Cambridge University Press. p. 46. ISBN 978-0-521-78812-0.

<sup>7</sup> Nowak, R. M. (1999). *Walker's Mammals of the World*. 1. Johns Hopkins University Press. pp. 1024–1025. ISBN 978-0-8018-5789-8.

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The sound the Quagga made was unique. This was silenced through violent extermination by the Dutch settlers, never to be heard again in the Liesbeeck Valley.

### 5.2 The extirpation of the Cape Lion

The Cape Lion, was colonially dubbed as *Panthera leo melanochaitus* by Lieutenant-Colonel Charles Hamilton Smith, who was an English antiquary, soldier, and spy is an extinct subspecies of lion that roamed the banks of the Liesbeeck. The lion has a rich mythology in Khoi tradition and throughout the continent and indeed the world.

Cape "black-maned" Lions ranged along the Cape of Africa on the southern tip of the continent. The Cape Lion was not the only subspecies living in South Africa, and its exact range is unclear. Its stronghold was Cape Province, in the area around Cape Town. The last Cape Lion seen in the province was killed in 1858.

Cape Lions were similar in size to African Lions but slightly lighter. The largest Cape lions weighed around 270 kg (594 lbs), while the largest African lions weigh about 310 kg (682 lbs).

“The last known adult specimen of this big-maned lion was shot in South Africa in 1858, and a juvenile was captured by an explorer a couple of decades later (it didn't survive long out of the wild).

The Cape Lion has the dubious honor of being one of the few big cats to have been hunted, rather than harassed, into extinction: most individuals were shot and killed by

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European settlers, rather than slowly starving due to habitat loss or poaching of their accustomed prey.”<sup>8</sup>

Just like Quagga, remains of the Cape Lion are found in museums outside of South Africa. A few natural history museums keep Cape lion specimens in their collections:

- the Rijksmuseum van Natuurlijke Historie has two Cape lion skulls;
- the Natural History Museum, London and the Paris Museum of Natural History each have a mounted Cape lion;
- the Swedish Museum of Natural History has a Cape lion skull, and the Zoological Museum Amsterdam a mounted specimen.
- Clifton Park Museum in Rotherham has a stuffed Cape lion.

## 5.3 The Extinction of the Bluebuck

### THE EXTINCT BLUE ANTELOPE (HIPPOTRAGUS LEUCOPHAEUS)

Extracted from ADDITIONS AND REVISIONS TO THE LIST OF SPECIMENS OF THE EXTINCT BLUE ANTELOPE (HIPPOTRAGUS LEUCOPHAEUS), BYL. C. ROOKMAKER  
**ABSTRACT**

Very little material of the extinct blue antelope (*Hippotragus leucophaeus*) is known to exist. Until now, four mounted skins, two pairs of horns and one skull have been documented and their history is summarized. Three further specimens are now added: a hitherto unknown pair of horns discovered in Cape Town; a skull in the Zoological Museum of Amsterdam; and a now unavailable skin brought to Holland in 1805 by J. A. Uytenhage de Mist.

<sup>8</sup> Strauss, Bob. "Cape Lion." ThoughtCo, Mar. 11, 2019, [thoughtco.com/cape-lion-1093061](http://thoughtco.com/cape-lion-1093061).

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This specimen was donated to the museum of the Hollandsche Maatschappij der Wetenschappen in Haarlem; it is supposedly the second blue ante-lope skin once present in this collection.

The blue antelope, *Hippotragus leucophaeus* (Pallas, 1766), became extinct as early as the year 1800. The only evidence regarding its existence consists of a few short descriptions written in the seventeenth and eighteenth centuries, four mounted specimens in museums, as well as some horns and skulls, and three drawings. The available information was comprehensively treated by Mohr (1967) in her classic monograph on the species. Some additional material was reported by Klein (1974, 1987).<sup>9</sup> *Ann. s. Afr. Mus.* **102** (3), 1992: 131-141, 6 figs.

#### 5.4. FROM THE ANNALS OF THE SOUTH AFRICAN MUSEUM

The following Notes on *Hippotragus Niger Roosevelti* 309 on The Bluebuck referenced IJSSELiNG, M. A., and Scheygrond, A. (1950): and Zimmermann, K. (1949)

Notes on *Hippotragus niger roosevelti* (Heller, 1910) By James Dolan jr.

This animal, the first of the great African game animals to be exterminated by man, disappeared from its restricted range in the Valley of Soete Melk, Swellendam, Cape Province, about the year 1800. Today only five mounted examples remain in the museums of Upsala, Stockholm, Vienna, Paris and Leyden (Harper, 1945). There is also a skull in Glasgow discovered in 1949, a frontlet with horns

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<sup>9</sup> BYL. C. ROOKMAAKER Doormanstraat 31, West 1, 7731 BN, Ommen, The Netherlands (With 6 figures)

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in the British Museum (N. H.) and an imperfect skull in the Museum of the Royal College of Surgeons.<sup>10</sup>

The bluebuck was hunted to extinction by European settlers. The German biologist Hinrich Lichtenstein claimed that the last bluebuck had been shot in 1799 or 1800.

The bluebuck is the first historically recorded large African mammal to become extinct, followed by the quagga (*Equus quagga quagga*), which died out in 1883.

The bluebuck rock paintings from the Caledon river valley have been attributed to Bushmen. They show six antelopes facing a man, and were supposedly inspired by shamanic trance.

## 6. Land Rights

The River Club owners have no entitlement to development rights. They bought the land with the existing zoning.

The current local spatial development plan does not allow for this development.

For the development to go ahead, the City has to permit the developers to lease or purchase portions of land owned by the City. 11 portions of land are involved, including four portions zoned as public open space. This represents an alienation of public land to serve a private purpose.

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<sup>10</sup> IJSSSELING, M. A., and Scheygrond, A. (1950): De Zoogdieren van Nederland. 2 Ed.; Zutphen: I-VIII, 1-544 + 2 p. errata.

Zimmermann, K. (1949): Zur Kenntnis der mitteleuropäischen Hausmäuse; Zool. Jahrb. (Syst. Ökologie & Geogr.) 78:301-322.

Address of the authors: Mrs. G. M. W. van de Kamp-Hilt and Drs. P. J. H. van Bree, Zoologisch Museum, 53 Plantage Middenlaan, Amsterdam

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### 7. RESPONSE TO THE HERITAGE IMPACT ASSESSMENT

The HIA severely underplays the importance of the sense of Open Space in the area. The Khoi within its endemic cosmological placemaking positions Open Space at its core. The author of the HIA demonstrates a convenient belittlement of Open Space. Radically high usage of concrete bulk, high rise buildings together with an intruding highway across the floodplain is a remote interpretation of Open Space from both a First Nations view point as well as how it is defined by contemporary standards and law.

The emphasis in the HIA on the Liesbeek river as “the primary physical and symbolic heritage resources” ethnocides the peopling of the embankments by the Khoi. The confluence of the Black and Liesbeek Rivers is of extraordinary significance. This has been a recurring fact brought to the attention of the author on numerous occasions, including at the Ministerial Tribunal but is audaciously being stamped out of the narrative. This report reduces the relevant intangible heritage as an invisible, unconfirmed ‘scientific’ myth. It was ‘science’ that mitigated the holocaust, from a study by German anthropologist Andre Schultz who took decapitated heads of the Herero after the genocide in Namibia in 1927. This is a site that holds the memory of the First Khoi wars resulting from Riebeeck’s hedge, hence the start of the eventual genocide of the Cape San. The author is authoring a history that stays this reality, and is once again stifling a resurgent history that does not belong to his imaginings.

The recommendations put forward to investigate burials are ignored. I would ask the author, if his family believed their ancestors were buried with reasons corroborated by two impact assessments which are mostly ignored in his submission, would he find it fit to put concrete and fill on top of the burial site? Cecil John Rhodes is buried in the sacred Matopos hills in Zimbabwe, perhaps try putting a hotel on top of that, and see what will happen?

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Section 36 of the National Heritage Resources Act makes provision for the protection and conservation of burial grounds and graves that are protected in terms of the Act and that are not the responsibility of any other authority. This includes graves of victims of conflict, as well as graves that are deemed of cultural significance.

The Act also makes illegal to destroy, damage, alter, exhume or remove from its original position or otherwise disturb any grave or burial ground older than 60 years and which is situated outside a formal cemetery, without a permit issued by SAHRA. Additionally, a permit will only be issued if the exhumation or removal is to be done by a qualified archaeologist or a person approved by SAHRA; with due respect for any human remains and the customs and beliefs of any person or community concerned; after arrangements have been made for the re-interment of any human remains.

4.4 Section 4(6) of the Cultural Institutions Act, 1998 (Act No 119 of 1998) specifies that a “declared institution may not, without prior approval of the Minister, sell or otherwise alienate any specimen, collection or other movable property”. Similar provisions are relevant to provincial museums in line with provincial museum ordinances. (NHC 2011).

The HIA is deliberately evasive as it is untrue in its wayward inclusion of imaginary SKA plans being built next to the site. This alleged construction is not happening. Another scientific fact that needs verification by the author.

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Also, since when has the Berkley Road extension become a fait accompli? This is news to the Goringhaicona. We would like to ask the author, how has this idea been concluded? Who decided this? Perhaps, here is an unscientific fact that needs explaining.

Perhaps, the City of Cape Town and Province would like to see that road ravage its way across the floodplain, but the author does not work for the City, nor Province, but is an independent contractor for the River Club. How peculiar then is it to have this as a primary feature without the requisite mandated public participatory process. Who exactly is the author working for?

This HIA has proposed a memorial site for the Khoi history. This is contradicted by the fact that the river coursing round the site will be an artificially created one, to be created by developers. The Goringhaicona rejects fake rivers as a celebratory canvas of our history. This is a deep insult. It is the kind of thinking devoid of any understanding of the practice of Khoi ritual or any other first indigenous practice of remembrance. With high buildings next to the site, what a fantastic view it would be for people in their apartments and for those in cars passing by. This is creating more of Disneyland spectacle than a sacred space honouring the dead.

Our ancestors are not to be commodified into a tourist trap of commercialised observation. The Goringhaicona vehemently objects to this. We once again consider this edition by the author, similarly determined in our first and second submission, as a deliberate and continual act of ethnocide.

We are therefore still of the opinion that a range of key issues have not been adequately considered in the HIA, and as such are not corroborated in the Visual Impact Assessment contained in the BAR. It is therefore not a sufficient document to inform a careful heritage assessment under the National

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Environmental Management Act (NEMA) which must satisfy Section 38(8) of the National Heritage Resources Act.”

### 7.1 The inviolable duty of Ethics and Restitution by the HIA practitioner

The main objectives of restitution, symbolic or repatriation, is to restore the humanity of those communities who have been affected. It is to bring back pride in and respect of their heritage and to allow for an identity as human beings with the right to be fully part of the South African and global community.

Existing ethical guidelines include:

- The Medical Research Council's ethical guidelines;
- The International Council of Museums (ICOM) Code of Ethics;
- The Vermillion Accord on Human Remains was adopted in 1989 at the World Archaeological Congress' Inter-Congress in the USA; and
- The Tamaki Makau-rau Accord on the Display of Human Remains and Sacred Objects.

### 7.2. THE COLONIAL SCIENTIFIC NARRATIVE OF THIS HIA WITH REGARDS INTANGIBLE HERITAGE

The pursuit of scientific knowledge should by no means be placed above moral concerns of indigenous groups.

“Over centuries of colonialism, South Africa has seen certain groups associating themselves more with objectivity and

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associating other groups with superstition. This has had a double effect of marginalisation: some communities have been alienated from objectivity and scientific heritage, while, at the same time, some aspects of their heritage that are not “objective” knowledge (such as the need for, and effect of, rituals) have been devalued. There is, therefore, a need for redress in terms of recognising objective and subjective elements in all knowledge systems and restoring integrity in their cultural logic, while encouraging alignment with human rights policy instruments, nationally and internationally. The challenge is to avoid association of whole cultures with superstition or subjective knowledge and to avoid association of only certain social groups with scientific heritage.” Subtle Power of Intangible Heritage by **Harriet Deacon** (independent consultant) 2004. HSRC

### 8. ORAL HISTORY and INTANGIBLE HERITAGE AS A HERITAGE RESOURCE

Oral history has been recognised as a heritage resource in the National Heritage Resources Act (NHRA, South Africa 1999) and the National Archives Act (1996, amended 2000).<sup>4</sup> The Department of Arts and Culture has spearheaded a National Oral History Programme, in close collaboration with the National Archives. The National Archives also maintains a National Register of Oral Sources and a Directory of Oral History Projects.

The following Extracted below from the Subtle Power of Intangible Heritage by Harriet Deacon (independent consultant) who was the lead author on this project in 2004. Sandra Prosalendis managed the project for the HSRC, and Luvuyo Dondolo and Mbulelo Mrubata were the research assistants.

This bias had its roots in the anthropological dichotomy between ‘primitive’ and ‘civilised’ culture that became

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popular in the West during the Enlightenment (Foucault in Seleti 2003). We should be careful not to perpetuate this dichotomy in our attempt to redress the monumentalist bias. Cultural heritage cannot be compartmentalised into 'civilised' tangibles and 'primitive' intangibles, and intangible heritage forms do not exist only in the non-Western world. Concerns about the maintenance of cultural diversity in the face of globalisation (or the expansion of Western multinational companies) are very real. It is important to create the conditions in which people have a choice of various cultural 'citizenships' (Chidester et al. 2002) that are given recognition and support by government.

*We need to move beyond the old dichotomy between 'civilised' Western (tangible) heritage and 'primitive' non-Western (intangible) heritage.* The built heritage of 'the West' (covered by the WHC) and the heritage of 'the rest' (covered by the Intangible Heritage Convention) could parallel older distinctions made in the anthropological tradition between civilised and primitive cultures (Seleti 2003; Mbembe 2003)

Many dominant or mainstream Western knowledge forms, for example, would be classed as science rather than culture, a definition that loses sight of their historical development and social construction. Traditional medical knowledge about the use of a specific plant would be classed as 'intangible heritage', while Western medical knowledge systems that use commercially prepared pills from the same plant would be classed as 'science' (Mndende 2003)

South Africa, for example, has just emerged from a history of apartheid segregation based on 'ethnic' categories and the dominance of 'white' cultural forms on national heritage listings. Attempts to redress this situation must result in the declaration of more heritages relating to other communities (Mndende 2003).

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## 9. RIVERCLUB IN TRUP with regards intangible heritage.

There are four categories in which places associated with intangible heritage values have been inscribed onto the World Heritage List to date. Two worthy mentioning here are :

**Cultural routes or itineraries** whose tangible traces and constructed signs bear the mark of cultural and artistic interchanges across frontiers and across the centuries: pilgrim routes such as the road to Santiago de Compostela; trade routes such as the Silk Road; migration or exploration routes such as the Salt Road and the slave roads, including the slave holding station on Goree off Senegal (it was inscribed as a World Heritage Site in 1978). In each instance, the route identification is based on 'serial inscriptions' of physical evidence: however, it is the route as such that is identified as a cultural property.

'The Varsche Drift crossings are worthy of further physical heritage survey and assessment albeit that the area lies within a milieu of railway and freeway crossings. The confluence of the Black and Liesbeek Rivers has special significance as it this is possibly the least untransformed wetland in the study area." *Melanie Attwell and Associates and Arcon Heritage and Design: Two Rivers Urban Park Baseline Heritage Study October 2016.*

**Commemorative sites**, marked by a dramatic moment in human history, such as the Auschwitz concentration camp, Robben Island or the Genbaku Dome, the Memorial to Peace in Hiroshima (Luxen 2000).

The first patriotic battle of resistance against a colonial power occurred on the precinct on March 1, 1510. This is a battle the Goringhaiqua fought against Portugal's Viceroy Francisco De'Almeida. This victory by the Khoi against

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Portugal's greatest general stopped South Africa becoming a Portugese slave colony. This is of considerable significance.

### 9.1. TRUP (including the River Club) as an area that holds historical crimes against humanity

Ethnic Cleansing can simply be defined as 'the forcible removal of an ethnically defined population from a given territory' and as 'occupying the central part of a continuum between genocide on one end and nonviolent pressured ethnic emigration on the other end.

The case of Ethnocide: *The Oxford dictionary provides the simplest definition as – “ the deliberate and systematic destruction of the culture of an ethnic group”.*

*Jaulin says that “rather than being defined by the means it is the ends that define ethnocide. Accordingly, the ethnocide would be the systematic destruction of the thought and the way of life of people different from those who carry out this enterprise of destruction. Whereas the genocide assassinates the people in their body, the ethnocide kills them in their spirit.”* Sometimes the term 'cultural ethnocide' is used

It is important to note that the erroneous notion of 'KHOISAN' was the creation in 1928 of a German explorer and anthropologist Leonhard Schulze. He used the term to refer to both the Khoena herders and the San hunter-gatherers. Another South African anthropologist and linguist, Isaac Schapera, then erroneously used the term in 1930 to argue that the Khoena and all San peoples spoke the same family of languages, and then used the term Khoisan as though this was a 'race' with similar

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physical characteristics and languages. It is important to note that this was a period where Europeans were obsessed with race theories to such a degree that it resulted in the Nazi phenomenon and the world experienced a horrific world war during which in Germany Jews, Gypsies and black people were experimented on and attempts were made to obliterate “undesirable” people through the holocaust. South African academia was highly influenced by the Nazi era, particularly the white Afrikaner intellectuals, and this in turn influenced the world academic institutions when it came to second hand African social history via the colonial lens.” *Patrick Mellet* The Case of Genocide

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide (article 2) defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group ... “

Historian, Mohammed Adhikari provides this definition –“Genocide is the intentional physical destruction of a social group in its entirety, or the intentional annihilation of such a significant part of the group that it is no longer able to reproduce itself biologically or culturally, nor sustain an independent economic existence.”

José Manuel de Prada-Samper of the Centre for Curating the Archive, University of Cape Town gives a pertinent cross analysis of two leading historians, Mohammed Adhikar and Nigel Penn, on this issue :

1. Adhikari shares in his book that “(h)unter-gatherer communities who resisted settler encroachment have, in addition, been more susceptible to exterminatory violence than other forms of indigenous society. They were despised as the

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most 'primitive' of peoples, their way of life an anachronism destined for extinction, and sometimes even seen as deserving of that fate".

2. In his book, *The forgotten Frontier: Colonist & Khoisan on the Cape's Northern Frontier in the 18th century*, Nigel Penn offers some enlightening details. For Penn: "The military power of the commando system served the essential purpose of enabling the pastoralist economy of the *trekboers* to expand. Without the ability to appropriate more land, water and grazing for the increasing flocks and herds of its members a pastoralist society is doomed to stagnation or decline."

Available research affirms the view that civilians led the genocide against indigenous people in the former Cape Colony. These civilians, who were mostly pastoralists, pro-actively formed para-militia and vigilante groups with expressed purpose of "dealing with the problem" of indigenous people by engaging in acts of collective exterminatory violent.

The NHRA (Act 11 of 1999), section 2(xxi), describes 'living heritage' as intangible aspects of inherited culture that may include 'cultural tradition, oral history, performance, ritual, *popular memory*, skills and techniques, indigenous knowledge systems and the holistic approach to nature, society and social relationships'.

The White Paper on Arts, Culture and Heritage (1996) states: "Access to, participation in, and enjoyment of the arts, cultural expression, and the preservation of one's heritage are basic human rights, they are not luxuries, nor are they privileges."

### 9.2. . RIVER CLUB / TRUP Precinct Significance as the site of the First Frontier War

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The incident of “zero public consultation” --Riebeeck’s Fence

It is easy to trace the habits of the hangovers of the past with regards to the authorities denial of public consultation with the Khoi and San. This problem is manifest still today in post Apartheid South Africa not just with the Khoi and San but with most South African citizens. This has been a repeat manifestation with regards TRUP.

The catalyst for the war was the granting of farms to free-burghers by Jan van Riebeeck, along the Liesbeeck grazing lands of the Khoena people, without any negotiations or permission from the Indigenes. It was pure land theft by the Dutch in the same way as happened when the Dutch built the Fort de Goede Hoop on top of the Camissa settlement of the Indigenes. The war broke out after a number of conflicts between Indigenes and the Dutch farmers where the Dutch were curtailing freedom of movement and grazing of Indigene livestock. *P. Mellet, Camissa Embrace*

### 9.3. RIVER CLUB / TRUP as an area that holds historical crimes against humanity

Ethnic Cleansing can simply be defined as ‘the forcible removal of an ethnically defined population from a given territory’ and as ‘occupying the central part of a continuum between genocide on one end and nonviolent pressured ethnic emigration on the other end.

Denialism of the atrocities against the Khoi and San in TRUP . The systemic health problems in so-called coloured communities can trace this demise to early instances of the ‘the dop system’ and forced removals. Accountability,

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reparation and restitution have remained unresolved for 300 years.

3. Equally common are many of the objections to labelling the killing of the San as genocide; Adhikari discusses these at the end of his book (pp 87-93). The falling into obscurity of a tragedy of this magnitude is in itself frightening; it deserves to be studied on its own because it means, among other things, that the genocides of the San communities were established crimes for which nobody has ever been held accountable.

Yet there were survivors, and many of their descendants still inhabit the land of their ancestors, "culturally nearly extinct, though genetically very much alive" as John Parkington has phrased it. Subject to the ravages of foetal alcohol syndrome, chronic unemployment and widespread illiteracy, abandoned by welfare organisations and governmental policy-makers, and ignored by social scientists as the uninteresting residues of the early stages of colonial history, they still carry the burden of the un-memorialised tragedy that deprived their ancestors of their language, their land and their way of life - a tragedy that the reconciliation and redress policies of the new South Africa obstinately still chooses to ignore. - José Manuel de Prada-Samper

### 9.5. The burden of un-memorialised tragedy

This is a case that pertains directly to the precinct of the RIVERCLUB situated in TRUP. Moreover it is also case of "denied victory". The first patriotic battle fought against colonial invasion was in 1510. It was here that the Portuguese Viceroy D'Almeida was stopped by the Goringhaiqua in a battle quoted by military historians as key battle in the art of war. The HIA author addresses this inadequately.

It is important to remember that the Khoi-San people were

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the most brutalised by colonialists who tried to make them extinct, and undermined their language and identity. As a free and democratic South Africa today, we cannot ignore to correct the past'. - *Mohammed Adhikari* 14.

### 9.6. The RIVER CLUB situated in TRUP as precinct NEXUS of the HISTORY of MANKIND

“The history of this landscape is ancient and tragic. Not only does it mark “the beginning of the end” of Khoikhoi culture but it also symbolises the process and patterns whereby the indigenous inhabitants of Africa, the New World, Asia and Australia-New Zealand, succumbed to the tidal wave of colonial globalisation. Although there are no tangible remnants of the actual places of conflict, forts or outposts or

graves, the topography and “place” survive albeit greatly transformed by more recent layers of development. The valley of the Liesbeek, Black rivers the confluence and remnants of the Salt River estuary exist today. In the context of the history of South Africa this is an historical place. It is suggested that the Liesbeek River itself is worthy of declaration of a grade II Provincial Heritage Site along with the remaining open land, the confluence and wetlands.” - Extract from Melanie Attwell's, *Melanie Attwell and Associates and Arcon Heritage and Design: Two Rivers Urban Park Baseline Heritage Study October 2016*.

The mishaps of the last 400 years pass on in the form of trans-generational trauma. Certain events sent shock waves still felt generations later, and manifested in various ways. As South Africans, we operate from degrees of trauma. The violence that has occurred is stored in a national archive of living consciousness.

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“Among punishments other than crucifixions, were the following or combinations of the following: – Public humiliation – stocks; Collaring, shackling, horning; Lengthy imprisonment with hard labour; Scourging and curry or salt, pepper and vinegar brushing after lashing; Suspension by the feet and beating with cane rods; Branding; Dismembering and mutilating; Hanging; Shooting; Racking (stretched to death); Garrotting or other strangulation; Being broken alive on the wheel; Being drawn and quartered; Drowning; Impaling; Roasting and burning at the stake.

All of the tortures and gory executions were done at public places for deterrent value. Regular crucifixions and impalement continued for over 100 years in the Cape and the legacy of this violence and trauma introduced by the colonial authorities continues to bedevil South Africa to this day. This dovetailed with the traumas of the 100 years wars in the Eastern Cape and layer upon layer of trauma continued from that time.” *Patrick Tariq Mellet, (Camissa Embrace)*

“We are here  
from a hatched seed  
of a future that finds the lily- pod  
of the Western Leopard Toad  
who will chant of the Goringhaiqua  
defending this Camisa from D’Almeida.  
We will defend her again.”

*(Supreme High Commissioner Tauriq Jenkins, Goringhaicona)*

WE The GKKITC refer to Melanie Atwell’s Baseline Heritage Impact Assessment.  
Namely sections : 7.1, 7.2, and 7.3.

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Below is extracted from “Melanie Attwell, *TWO RIVERS URBAN PARK CAPE TOWN BASELINE HERITAGE STUDY* Including erven Oude Molen Erf 26439 RE Alexandra Erf 24290 RE Valkenburg Erf 26439 RE, erven 118877,160695 The Observatory erf 26423-0-1 River Club erf 151832 Ndabeni Erf 103659-0-2 RE”

### 7.1 The Two Rivers Urban Park as an historic frontier.

While we can never know the exact positions of van Riebeeck’s defensive line, watch towers and redoubts there is compelling evidence to suggest that the spine of land between the Liesbeek and Black Rivers, that now houses the Royal Observatory and Valkenburg Hospitals, played a key role. The site for the Royal Observatory was chosen in 1820 on account of its key location on raised ground that placed it in line of sight of Table Bay so the falling of the *time ball* could be observed from the Table Bay and the Castle. Descriptions contained in Moodie and the Resolutions indicate that one of the major forts of the DEIC – Khoikhoi confrontation (Fort *Ruiterwacht II*) was built on the same site as its signals could be observed from the Fort and other watchtowers that formed the system. Indications are that the barrier would have extended through the grounds of Valkenburg Hospital, the next high ground being the site of the Hospital Administration, then southwards possibly across Rondebosch Common before turning westwards to Kirstenbosch.

...what is evident is that the historic landscape contained within the land between the Black and Liesbeek River marks one of the most tangible and earliest historical frontiers that were to eventually herald the fragmentation of the Khoikhoi nation.

The historic records have revealed a number of

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interesting observations.

The wetland that encompassed the Black River, Salt River and Liesbeek estuary (incorporating land in the confluence of the rivers) was of primary importance as grazing land, and was able to support thousands of head of cattle for periods of time. Frequent reference is made to the location as being the place where the Khoikhoi camped. The historic presence of a large outspan in Maitland is an interesting linkage.

The Dutch identified the fertile valley of the Liesbeek Valley as prime agricultural land. The turning of the soil evoked the ire of the Khoikhoi as this was good grazing land used by them.

The “fence” that was erected by the Dutch was a rather *ad hoc* barrier that involved using a mixture of natural features (deepening of the Liesbeek), a palisade fence in places and compelling the *freeburgher* farmers to erect barriers (thorn bushes, hedges, palisades) on the eastern side of their lands. Hence the eastern side of the first land grants as per the 1661 map marks the edge of the DEIC land. This places the “border” firmly between the Liesbeek and Black Rivers or in certain areas along the eastern bank of the Liesbeek River. The Liesbeek Valley was therefore contested and likely to be the general place of Dutch- Khoikhoi confrontation.

The evidence from historic records is compelling in terms of identifying the TRUP land parcel as an historic frontier.

The historical evidence is cohesive enough to confirm that the TRUP forms part the first frontier between the Dutch colonists and the Peninsula Khoikhoi. This

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historical landscape extends from the Salt River Mouth and follows the Eastern side of the Liesbeek River through the Observatory land, Mowbray, urban Rondebosch to the Bishops court area. The archaeology of this frontier has proven to be very sparse, and as to date no physical evidence of the watch towers, forts, or the palisade fence have been found, however it is not impossible that evidence will in time be uncovered.

## 7.2 Significance

The history of this landscape is ancient and tragic. Not only does it mark “the beginning of the end” of Khoikhoi culture but it also symbolises the process and patterns whereby the indigenous inhabitants of Africa, the New World, Asia and Australia-New Zealand, succumbed to the tidal wave of colonial globalisation. Although there are no tangible remnants of the actual places of conflict, forts or outposts or graves, the topography and “place” survive albeit greatly transformed by more recent layers of development. The valley of the Liesbeek, Black rivers the confluence and remnants of the Salt River estuary exist today. In the context of the history of South Africa this is an historical place. It is suggested that the Liesbeek River itself is worthy of declaration of a grade II Provincial Heritage Site along with the remaining open land, the confluence and wetlands.

## 7.3 Recommendations

In the absence of any archaeological evidence to date, the rivers, the wetlands and confluence and river-side pastures are the remnants of the early cultural landscape. The creation and rehabilitation of further green areas is strongly supported, including where

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possible the restoration of estuarine conditions (possible demolition of canals in places).

The Varsche Drift crossings are worthy of further physical heritage survey and assessment albeit that the area lies within a milieu of railway and freeway crossings.

The confluence of the Black and Liesbeek Rivers has special significance as it this is possibly the least untransformed wetland in the study area.

Any open land within the study area (including hospital and observatory land) should be considered to be potentially archaeologically sensitive and should be screened/surveyed before any transformation or development. Physically commemoration of the events that took place on the site should take the form of adjudication of written proposals to this end.

Certainly there is potential to develop a site museum that might, for example consider the environmental history of the site, the way that places change as well as the history and culture of the Khoikhoi, however more innovative alternatives may be more appropriate. As a first step, the identification of land for heritage grading and the restitution of wetland areas will go to some distance to honouring events of the past.”

Melanie Attwell, *TWO RIVERS URBAN PARK CAPE TOWN BASELINE HERITAGE STUDY* Including erven Oude Molen Erf 26439 RE Alexandra Erf 24290 RE Valkenburg Erf 26439 RE, erven 118877,160695 The Observatory erf 26423-0-1 River Club erf 151832 Ndabeni Erf 103659-0-2 RE”.

## 10. ADIMINISTRATIVE ROLE IN CULTURAL GENOCIDE

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The following extract summarises succinctly the legislative moments that have hampered socio development, and effectively crushed identity, culture and memory among indigenous groups in South Africa.

“In the census of 1904 there is a figure of 85 892 “Hottentots” (Nama, Korana, Hill Damara, Griqua, Cape Khoi and San) while the figure for “Mixed/Other” which we refer to as Camissa was 288 511 (African and Asian slaves and indentured labour descendants, descendants of migrants of colour, and with some Khoi and assimilated non-conformist European admixture). But in an act of genocide as defined by the United Nations, the government of the Union of South Africa in the census of 1911 arbitrarily and forcibly created a new single category called “Coloured” into which the various distinct African groups of Khoi people were stripped of their identities and together with the Camissa people were collectively labelled as “Coloured”. In both 1904 and 1911 a number of those previously called ‘Hottentots’ were also arbitrarily recorded as Natives. Collectively in 1911 there was then a figure of 454 959 people projected as “Coloured”. In 1950 this unjust situation was further compounded with the imposition of the Apartheid Population Registration Act and Group Areas Act which for the first time provided a definition of “Coloured” that exposed the blatant social engineering nature of identification.” *Patrick Mellet (Camissa Embrace)*

## 11. RECOMMENDATIONS of the GKKITC

Our recommendations REMAIN

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1. That the TRUP precinct which includes the RiverClub be acknowledged as a place of national and international restitution and recognition of the Khoi Khoi.
2. That the precinct encompasses the commemoration of the 1510 battle against the Portuguese Viceroy D'Almeida.
3. That the precinct recognises the intangible and tangible memory of "first and final frontier" contact.
4. That appropriate archaeological processes be looked into.
5. That extensive and study and research be committed to the precinct.
6. That the area be recognised as a National and `International Heritage site.
7. That area be a place that illustrates the history of the colonial decimation of the indigene and the trajectory of European settler development in South Africa.
8. That it be a site dedicated to the untold history of the genocide of the Cape San.
9. That it be a site dedicated to the acknowledgement and commemoration to the cultural ethnocide of Khoi Khoi and San indigenous groups. This would include processes of the language restoration.
10. A site that would be a symbolic place of reference and utilisation for the purposes of a First Indigenous People's Conciliation Commission.
11. A site that celebrates place that connects the world to the DNA of the Khoi as of the oldest people on earth, through the re-engagement of a revived sense of place.
12. A site that recognises the Goringhaiqua, Cochoqua, Gorachoqua, and Goringhaicona as the precincts pre-colonial Khoi Khoi historical custodians.
13. A site that recognises the evolution of and the intermingling of diversities of nationalities and culture as experienced in pre-colonial, colonial, Apartheid and post Apartheid South Africa.

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14. A site committed to a precinct wide recognition of scientific breakthrough and innovation of both the indigene and western technologies which have occurred within its borders.
15. A site that will recognise the exquisite plant life, the sensitivity of the floodplain, the restoration of the Liesbeeck River and Black River, and animal life.
16. A site that acknowledges the linguistic ethnocide of the how plants in the region have been named and framed outside of their cultural and geo-specific areas.
17. A site demarcated to restoring the significance of the precolonial peopling of the area that nurtured a coexistence of animal, plant, land, water and the cosmos in ways respectful of each elements dignity and right to live and have a place under the sun.
18. A site that exemplifies the symbiotic and intrinsic qualities of the Khoi and San culture and people.

WE the GKKITC have two additional recommendations

19. A site that recognises the irretrievable destruction of the ancient floral kingdoms, the extinction of sacred animals, and the environmental devastation caused over time due to the advent of colonial land invasion and colonial agricultural and industrial expansion.
20. That the site be expropriated to ensure the protections placed will not be compromised.

## 12 CONCLUSION

The Riverclub precinct may be 'privately owned' but the history it holds belongs to humanity. It also belongs to the First Peoples who once roamed the area for a

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millenia. The relevance and significance cannot be undone, not with concrete, landfill, hotels, nor with promises of a redirected river channel. It is a sacred space that holds the opportunity to heal our nation. This opportunity seems to be redirected towards a past we as a people have done much to move away from. The Khoi values open space, animal, and plant life, the cosmos, and restorative justice.

To pause and think about the future of this parcel of land is in of itself an act of national catharsis. It lies in the silence of reflection not the bulldozing then concretisation with excessive landfill on a floodplain. In the silent contemplation of an ancient burial ground, a sensitive wetland, a place whose meaning far outstretches the greed and avarice of a prolonged moment where we have lost ourselves --that instant when the first fence was erected to demarcate the stolen

land of the ancestors of mankind itself. When the port of Camissa was controlled by the Goringhaicona under Chief Trosoa, and Autshumato whom the British called Harry and the Dutch Herry, which greeted thousands of ships before Riebeeck, provided trade and water without provocation. This provided hope and life to thousands of seafarers of many nationalities and cultures. But hope was captured. Captured in much the same way the goodwill of the indigene across the globe have witnessed -- with the genocidal menace of colonial theft and rape. This place has the etchings of that curse, and we must seek means to redeem it as we seek to unclench the transgenerational knot of trauma that holds back our nation. The place has also the writings of great innovation, and the promise of conciliation, and restoration of the soul of this land and all who live in it.

It was a great hurt when the first pole was placed by Riebeeck, onto this ancient terrain -- the embankments of this once sweetwater. This action stabbed at the oldest root of collective memory, one which lies on the banks of the Liesbeeck River and the Black River. The wound holds a trauma everyone in this country faces. Felt subconsciously or in the realm of day, its is an original sin that binds

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us as it divides us. It is time we pause, and begin to restore.

Compiled by Tauriq Jenkins

Supreme High Commissioner  
Goringhaicona Khoi Khoin Indigenous Traditional Council  
on behalf of the Paramount Chief Aran.  
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