



Reg. No. 2006/023739/08

TO:

**The Goringhaicona Khoi Khoin Traditional Indigenous Council
The Observatory Civic Association (OCA)**

The first founding value of South Africa's Constitution recognises inherent dignity as our birthright. Dignity and equality are non-negotiable, substantive rights that underpin every socio-economic, civil, political and cultural right, which are indivisible and interdependent. All spheres of Government are obliged to use public resources to transform South Africa's deeply entrenched colonial-apartheid spatial geography that traps generations in poverty and inequality. Government has to ensure its decision-making processes are transparent and that it enables meaningful public participation (designed to prevent Government corruption by powerful corporations and their states, as happened in the arms deal).

Cape Indigenous Heritage Artist Ernestine Deane asserts that, 'The City of Cape town should be working alongside us to protect not only the precious ecosystem of the wetlands in question, but the historic significance of the land-site of the battle of Salt river, the first recorded and successful black revolt against colonialism, where the Khoekhoe victory held Portuguese colonialism at bay for 150 years (from 1510). 350 years later, the British held Zulu King Cetshwayo captive at the adjacent Oude Moulén prison. Corporate development on this land brings further injury to our unwitnessed, unacknowledged trauma. Let us commemorate the site with more than just a token plaque, but protect and celebrate it as a part of our living heritage'.

The Goringhaicona Khoi Khoin Traditional Indigenous Council applied for this site to be classified as a National Heritage resource and in 2020, President Cyril Ramaphosa signed off on the Resistance and Liberation Heritage Route (RLHR), a national memory project which includes Khoi Resistance within the area.

Yet, the Province and the City of Cape Town have enabled wealthy corporate developers to undermine the dignity of indigenous people and their land. Yet Amazon can use other available land and office space in Cape Town and still create the jobs it promises, (hopefully not as precarious as many of its jobs).

The 2015 secretive sale of public land, behind closed doors, to private developers at R12million, was well below market value. The deal with Amazon is R4billion. Who is benefitting from this deal? Corporate developer, Jody Aufrichtig, makes the cynical claim that their development will "address the injustices of apartheid spatial planning." (Cape Argus).

As organic farmer and feminist, Dr Yvette Abrahams (who holds a PhD in Indigenous Knowledge Systems), shared with me, 'We are in the middle of a recession and there is plenty of vacant office space in Cape Town. What we need is housing for the poor, urban agriculture and city green lungs. The DA should disclose which developers have contributed to party coffers...they need to open their books to public inspection. I totally oppose the River Club development.'

Government cannot collude with development corporations who deploy divide and rule tactics to manipulate real needs, including desperate levels of unemployment and homelessness it is elected to address. The City undermined public processes in approving the re-zoning and development of the site and sacrificed procedural justice. In allowing the conversion of public land, including the river, in the interests of a transnational corporation and a small group of financiers and property developers, the City has ignored the deep connections between the land, the rivers and the history of Indigenous people contained in more than 56 000 objections. Members of more than 60 Khoi groups, civics and NGOs who oppose the development (on a sensitive environmental precinct including a threatened wetland and biodiversity hotspot) have been threatened, defamed and excluded as 'outcasts' and 'drifters'.

The City has ignored the warnings of scientists, including its own, that are contained in Heritage Impact and Environmental Impact Assessments. In the midst of a global climate crisis exacerbated by the COVID-19 pandemic, the implications for the land and for people's lives is enormous. The designated area encompasses the Black and Liesbeeck Rivers and the land lies on a flood plain. It will require massive engineering work to elevate a dense development out of the flood line. It will place 18 buildings on a 14 ha site, ranging from 20 to 44m high, and a total floor space of 150 000 square meters. This development would 'radically alter the riverine valley and require infill of the course of the Liesbeeck River'. In its argument in court against Ndifuna Ulwazi's attempt to secure public land at one of the City's many golf-course, for low cost public housing, the City argued that it could not be done as the area was on a flood plain. The City of Cape Town cannot continue to subsidize millionaires and billionaires. It has done it in this case and in the 24 golf courses and driving ranges and 26 bowling greens that it leases at a cost of around R1000 a year. It is time for the City to put its money where its mouth is and prioritise the lives of people, not billionaire's obscene profits.

Deidre Prins-Solani, consultant to UNESCO's 2003 Convention on Intangible Cultural Heritage, alerts us to the 'reverberations of the structural brutalities of colonisation and apartheid into present day City of Cape Town's planning and thought...and the way the fissures and fractures between indigenous peoples continue to be exploited to divide and rule'.

International human rights principles and commitments oblige government to protect and uphold the rights of people in corporate-led developments. The International Labour Organisation's Indigenous People's Convention states that 'Governments shall ensure that appropriate studies are carried out, in co-operation with the people's concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities; and that governments shall take measures...to protect and preserve the environment of the territories they inhabit.' The current draft



of the Transnational Corporate Accountability and Human Rights Treaty, asserts that 'State Parties must ensure that they integrate a gender perspective, in consultation with potentially impacted women and women's organizations; conduct meaningful consultations with individuals or communities whose human rights can potentially be affected by business activities, and with other relevant stakeholders, while giving special attention to those facing heightened risks of business-related human rights abuses...such as women and indigenous peoples and that consultations with indigenous peoples are undertaken in accordance with the internationally agreed standards of free, prior and informed consent'.

South Africa's Democracy is obliged to undo the destruction of the rights of South Africans by Apartheid, declared a 'Crime against Humanity' by the United Nations'. Those silenced and made invisible by the architects and beneficiaries of this crime are claiming Constitutional rights and speaking out against unsustainable, violent processes of patriarchal development. Last year, Fikile Ntshangase was assassinated in the struggle against the transnational coalmine PetminUSA, at Somkhele in KwaZulu-Natal and Nonhle Mbuthuma from Xolobeni in the Eastern Cape, is one of the Amadiba Crisis Committee (ACC) leaders who fears for her life after their chairperson was assassinated in the struggle against Transworld Energy and Mineral Resources, the Australian mining company. Despite assassinations and death threats, the ACC won a ground-breaking court case in Xolobeni for themselves and other communities, 'demonstrating that Free, Prior and Informed Consent is integral to ensuring equity, fairness and development for all; fulfilling environmental rights; meeting Indigenous and community rights'. The Judge concurred with the community that projects similar to the Xolobeni mine disproportionately affect local and indigenous communities and have a recorded history of harming multiple aspects of their lives. Nonhle Mbuthuma shares the fact that, "We've set a precedent for all other communities facing this situation...We need to speak up and say, Government put our lives first".

In representing the interests of all South Africa's people, all spheres of Government need to move beyond limited paradigms and the priorities of our apartheid past.

'Igamirodi !khaes', the land chosen by corporate developers aiming to make their billions, means 'the place of the stars'. It was a sacred gathering space. The knowledge of the cosmos that the Indigenous people held was recognised by the scientists who chose it as the location for the South African Astronomical Observatory. As Sarah Malotane Henkeman writes in *Rethinking Africa, Indigenous Women Re-interpret Southern Africa's Pasts* (edited by Bernadette Muthien and June Bam). "We cannot recreate the world of our ancestors, but we can learn from a worldview in which our lives are not atomised, but one in which we are interdependent and where being humane and respectful of the earth, benefits us all".



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