Claiming Cape Town

Ethnographic interpretations of Khoisan activism and land claims

Rafael Verbuyst (s1275445)

Supervisors:
Prof. Dr. Harry Wels (Vrije Universiteit Amsterdam/African Studies Centre Leiden)
Prof. Dr. Kees van der Waal (Stellenbosch University)
“These weak people, the most helpless, and in their present condition perhaps the most wretched of the human race, duped out of their possessions, their country, and finally out of their liberty, have entailed upon their miserable offspring a state of existence to which that of slavery might bear the comparison of happiness… The name Hottentots will be forgotten or remembered only as that of a deceased person of little note.”

- Sir John Barrow, 1801
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<td>African National Congress</td>
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<td>CPA</td>
<td>Communal Property Association</td>
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<td>DRDLR</td>
<td>Department of Rural Development and Land Reform</td>
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<td>DTA</td>
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<td>FNR</td>
<td>Foundation Nation Restoration</td>
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<td>ILO 169</td>
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<td>IRASA</td>
<td>Institute for the Restoration of the Aborigines of South Africa</td>
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<td>KSAAG</td>
<td>Khoi and San Active Awareness Group</td>
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<td>KSK</td>
<td>Khoisan Kingdom</td>
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<td>NTAB</td>
<td>National Traditional Affairs Bill</td>
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<td>RIA</td>
<td>Regulatory Impact Assessment (Report)</td>
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<td>SACC</td>
<td>South African Cape Corps</td>
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<td>SAHRC</td>
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The topic for this thesis took a long time to take its final shape. Looking back, it is interesting how an initial interest in South Africa, land claims, activism, history, and anthropology led me to Cape Town to conduct fieldwork among Khoisan activists for seven months. When I arrived in South Africa to start my fieldwork, however, the perceived solid nature of my research proposal, which I had finalized some weeks before, began to crumble away slowly under my feet. I suppose this feeling is not uncommon for (first-time) researchers doing fieldwork. I could not have made it through that period, however, without the help of some particularly kind people. In the first place, I want to thank the Khoisan activists who were generous with their time and shared their stories. This research project would simply be impossible without their help. I hope that this thesis will give something back and I look forward to future conversations. I especially like to thank Anna, Ellen, and Chief David Johannes for all their help and fascinating conversations. My supervisors challenged my thinking constantly and helped me to sharpen my argument and broaden my intellectual horizons. Harry Wels helped me transcend, as I see it, my training as a ‘classical’ historian and embrace ideas and thinking aligned with anthropology. This thesis, I believe, is coloured by both ‘pallets,’ and I am proud of the result – it has been a fascinating intellectual exercise, and it has made me want more. Kees van der Waal introduced me to similar ideas during our coffee meetings at Stellenbosch University. Moreover, being based in South Africa, he also lent me his ear on multiple occasions during my fieldwork, and gave me the confidence to conquer the challenges I faced. Similarly, Chizuko Sato, whom I had the pleasure of meeting during fieldwork and worked on somewhat of the same topic, helped me to reflect on my ideas and arguments. Finishing the thesis has also led me to reflect on my career as a student. Without the help of my family and their continuous financial support, I would not have been able to get where I am today. Finally, I would like to thank the Curatorenfonds of Leiden University, the Schuurman Schimmel-van Outeren Stichting, the Outbound Study Grant, and LUSTRA for financially supporting this research. I hope the reader will experience the same level of enjoyment as I experienced when writing it.
Introduction

“We are the first nation and the first victims! This government does not take us seriously. How long must we wait before the suffering ends? Our mothers were raped and our fathers were killed by the thousands just because we were here. It is not just about the land issue; it goes much, much more deeper than that!” - Interview with James and Pieter (Khoisan activists), Bellville, 29 August 2014

“It is important to remember that the Khoi-San people were 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.” - Jacob Zuma, State of the Nation Address, 2012

When President Jacob Zuma announced that the government would look into exceptions to the 1913 cut-off date for the Khoisan in the re-opening of the land claims process during his 2012 State of the Nation Address, he seemed to follow through on ambitious promises to include Khoisan descendants in South Africa’s continuous effort for restitution and reconciliation by “correcting” their painful history of assimilation and decimation which started with Jan van Riebeeck’s landing at Table Bay in 1652. He would not only consider complex land claims dating back to the 17th century, but also promised in the same speech to take the National Traditional Affairs Bill (NTAB) out of its state of political limbo since 2011 to “finally” resume the process of officially recognizing Khoisan traditional authorities. With the national elections of May 2014 in sight, Zuma’s political promises were clearly aimed at getting the votes of South Africa’s so-called coloured population, among whom the “Khoisan revival”
has grown extensively in recent years. The Khoisan revival is a concept introduced to the academy by Henry Bredekamp (2001) and Michael Besten (2006) to refer to the increasing number of individuals (mostly from the coloured community) who are identifying themselves as descendants of indigenous Khoisan since the end of apartheid. Activists address issues of land and recognition, but also campaign for the reinvigoration of dying languages and other cultural aspects. Hence ‘Khoisan revivalist/activist’ could refer to someone as varied as a rieldanser, a Khoekhoegowab teacher or a protester occupying a heritage site.

After the elections, the NTAB again disappeared from the political agenda and the Restitution of Land Rights Amendment Bill became an Act on 30 June 2014, with the Khoisan not featuring anywhere in the text. While some negotiations on exceptions to the cut-off date took place, the political discussions seem to have largely subsided. But the Khoisan activists, though one would not be able to tell as they feature only in the odd media item, have not ceased campaigning for what they see as their unalienable rights. However unlikely the realization of these policies might seem, Khoisan activists and politicians apparently take them seriously enough to invest their time and money in them; I approached the Khoisan land issue with this notion as a starting point. I then left for South Africa to find out more about these Khoisan activists and their struggle for land and recognition. After my first encounter with them, however, I had to reconsider some assumptions and research ideas even though I had been exposed to sufficient anthropological theory to convince myself that I would refrain from excessive primordial imagination. Hence I want to briefly address this experience based on my field notes (23/08/2014) before moving on:

I was confused when entering the Castle of Good Hope in Cape Town and only spotting one person who conformed to my preconceived notion of a Khoisan activist since he was the only one wearing an animal skin headband.

He was surrounded by a very small audience and many empty plastic chairs in

the word ‘coloured’ throughout this thesis. It should be known, however, that many in South Africa do not appreciate this term. I then mostly use it when research participants or other sources have used it themselves (Waldman 2007: 160).

Sometimes also referred to as the Khoisan resurgence. I have found the term ‘revival’ to be more common, hence I use it as well.

Michael Besten’s PhD thesis (2006) is probably the best historical overview of the Khoisan revival available even though it focuses almost solely on the Griqua ethnic group.


In a similar bid for consistency, I mostly use the term ‘activist’ to refer to research participants. I define a Khoisan activist as anybody who actively campaigns for land rights and/or official recognition for the ‘Khoisan’ as well as anybody who actively tries to ‘revive the culture.’ In that sense, ‘revivalist’ and ‘activist’ could be used interchangeably.

Whenever I use ‘Cape Town’ in this thesis, I actually refer to the Cape Town Metropolitan Area.
one of the cold dark halls of the castle. I was introduced by a friend as a student from Belgium and the chief immediately made a point of enthusiastically telling me “the terrible history of the Khoisan people” to make sure that I knew the “truth” about what I was going to write about. He had been talking for roughly fifteen minutes - not getting further than Jan van Riebeeck’s dramatic landing at Table Bay in 1652 - when he was interrupted by a gentleman who burst into the room and expressed his anger at the “typical bad preparation” of the meeting. Meanwhile, a participant asked me to join him outside and critically questioned the goals of my research. I had never considered a white person identifying him/herself as Khoisan; after all, are they not supposed to have high cheekbones, a small stature, and brown skin? I tried to talk about land but the topic was always transformed in a history lesson or a debate on African National Congress (ANC) politics.

I did not realize it at the time of this encounter, but the stage for my fieldwork could not have been set more appropriately. In the course of the following months, I had to do more than reconsider my research; I had to almost reinvent the concepts it was based on (‘traditional authority,’ ‘indigeneity,’ and even ‘land claims’). I had not expected to meet so many kings and chiefs during my fieldwork; I almost lost track. I realized that I somewhat naively had set out to search for activists dressed in animal skins claiming parts of Cape Town and expected neatly demarcated land claims linked up with evident Khoisan ‘communities’ and leaders in the Western Cape Province like the ones in the Richtersveld and the Kalahari (see Chapter Two). The ‘reality’, however, turned out to be intriguingly less clear-cut. The chaos and confusion surrounding this obscure topic became the focus of my research and stimulated me to learn more.

Perhaps not surprisingly then, many in South Africa and beyond believe that adjusting the cut-off date to include the period before the Natives Land Act of 1913 and officially recognizing Khoisan traditional authorities could open up a “Pandora’s Box” which would

10 Whenever I use the words ‘chief,’ ‘king,’ ‘cultural,’ or ‘traditional’ in this thesis, I use them because the people in question identified themselves or the events/objects at hand as such. Judging the authenticity of these claims is not the goal here. Hence, no brackets are used even though I want to re-iterate the importance of always approaching these concepts or adjectives with a sense of relativity when encountering them in the thesis.

11 The exact cut-off date for land claims is 19 June 1913 because this is the date when the Natives Land Act was passed. This Act made it illegal for Africans to buy or own land outside the 7% that was reserved for them. This meant that whites owned roughly 90% of land in South Africa when apartheid ended (Hall & Ntsebeza 2007: 3).
flood South Africa with self-appointed opportunistic traditional leaders, pro- and anti-indigenous discourses, and inflated and complicated land claims (Bennett 1993: 9, Oomen 2005: 11, Cavanagh 2012: 476).\(^\text{12}\) Moreover, I discovered that the Khoisan activists fighting for land and recognition as indigenous people have largely received sceptical treatment (Besten 2006, Sharp 2006, Waldman 2007, Adhikari 2009a, Ruiters 2009, Erasmus 2010, Ellis 2014). Indeed, more than once people told me not to “waste my time” with “these charlatans,” and only fragmentary accounts and journalistic information on contemporary activists in Cape Town exists.\(^\text{13}\) Most authors seem to doubt the “authenticity” and cultural continuity of the Khoisan revival and view it almost strictly as a means to an end (Erasmus 2010: 84). I concede that this sceptical reflex to scrutinize authenticity claims is understandable when important issues such as land and traditional authority are at stake. The growth of the Khoisan revival can indeed at least partly be explained by the growing attention of Khoisan issues in state politics. Sceptical approaches surely have their importance and merit, and form an important background for this research (see below).

Pointing out the constructed nature of a revival movement is, however, in my opinion pointing out the obvious. Although it is unlikely that Khoisan activists will receive official chiefly titles or claim back the land ‘they’ lost from the 17th century onwards any time soon, policy explorations are underway, and I show how Khoisan activism stems from a problem in society which deserves serious attention from both academics and policymakers. A different approach would be required if their demands, motivations, challenges and stories are to be taken seriously, something the United Nations Special Rapporteur argued for when visiting South Africa in 2005 (United Nations 2005: 12). In this thesis I develop such an approach by examining why and how Khoisan activists claim land in Cape Town. What can a critical approach contribute to the discussion and what insights does a more interpretative perspective give? What are the challenges Khoisan activists are facing, both on the micro and macro levels, and how does this influence the political dynamic? My thesis thus becomes an ethnographic account which focuses primarily on Khoisan activists in Cape Town, and thoroughly deals with intra-Khoisan politics, a world which we know little about (Besten 2006: 4). I believe that looking inside this supposed ‘Pandora’s Box’ with such

\(^{12}\) See also the 1997 White Paper on Land Policy (Section 4.14.1).

\(^{13}\) Although Besten’s research focused on the Griqua, it also addresses the early Khoisan revival (see Chapter Three) in the Western Cape. Similarly, Priscilla De Wet’s (2010) work also deals with the early years of Khoisan mobilization in Cape Town.
perspectives critically engages with contemporary theories on (coloured) identity politics, and as I show, unveils new perspectives to study and understand Khoisan activism and land claims, something which would reinvigorate and reorient current policy development. In attempting to find answers, I manoeuvred inside the unknown world of Khoisan activism in Cape Town between August 2014 and February 2015. I conducted interviews with activists, chiefs, government officials, lawyers and academics. Whenever I could, I attended meetings, protests or cultural events. I processed legal and secondary literature, but also analysed documents produced by the activists themselves, most notably the editions of the *Eerste Nasie Nuus*\textsuperscript{14} newspaper which I could locate. I discuss the sources\textsuperscript{15} and methods in more detail in the first chapter, where I also address the theoretical concepts, practical choices and reflections that inspired my research questions, fieldwork, and analysis.

In Chapter Two, I proceed by briefly sketching the historical background of the problems which the contemporary tentative state policies are exploring to resolve, and afterwards discuss post-apartheid Khoisan politics and the global rise of indigenous rights to provide the necessary contexts for my main research question:

*Why and how do Khoisan activists claim land in Cape Town?*

Chapter Three examines the ‘how-question’ with the help of a critical approach by analysing some of the activist’s strategies such as the appropriation of historical discourse, indigenous rights and cultural performances. A contemporary land claim in Mamre is extensively discussed as a case study. Chapter Four then attempts to explain the motivations of the activists (the ‘why-question’) by discussing several case studies in the greater Cape Town area in a more interpretative framework. In Chapter Five, the world of intra-Khoisan politics is explored in more detail. The main goal is to provide an explanation for the seemingly endemic infighting and fragmentation despite consistent calls for unity by discussing the main challenges that the activists are facing. I conclude with a summary of the research findings and a reflection on the future of both Khoisan activism and the unfolding politics of land and recognition. As mentioned before, however, understanding the structure, hypotheses, and conclusions of this thesis requires taking a closer look at the theoretical and methodological inspiration of this research. I invite the reader to join me there in Chapter One.

\textsuperscript{14} Translates from Afrikaans as ‘First Nation Newspaper.’

\textsuperscript{15} Secondary literature is generally referenced throughout the text whereas websites and other sources are quoted in footnotes. Most footnotes are explanatory notes or elaborations. All references can be found in the several sections of the bibliography at the end of this thesis.
1. Reflexive fieldwork in an elusive context. Methodological choices, theoretical inspiration, and practical considerations

“Research is… a trans-directional revolving door or turnstile, marked by ironies, manifold negotiations, elasticity, zigzagging, disruptions, reflections, interventions, interferences, suspicions, friendships, enmities, disinterest, weeks of inactivity follow by days of feverish activity, and zones of instability where actors are always entering and exiting, exiting and entering... That is, where we work, the process is always already the product.” - Nyasha Mboti (2012: 63)

Before discussing theories, methodology and fieldwork, it is imperative to note that the approach in this chapter (and research) is heavily influenced by Mats Alvesson and Kaj Sköldberg’s take on the concept of “reflexivity,” or the need to continuously pay serious attention to the “complex relationship between processes of knowledge production and the various linguistic, social, political and theoretical contexts of such processes, as well as the involvement of the knowledge producer” while constructing, interpreting, and writing up empirical data when practicing (qualitative) research (Alvesson & Sköldberg 2009: 8, 9). More specifically, they advocate a “reflexive methodology” which stresses reflection at four “levels:” at the level of methods to gather data; at the level of data interpretation; when considering the political-ideological character of the research; and when reflecting on the “problem of representation and authority” when creating the end product (Ibid. 11). Reflection should not be seen as a form of intellectual self-defence to ‘cover my tracks’ or to free myself from criticism. The opposite is rather the case as reflection makes the researcher ‘vulnerable’ by elucidating the various choices he or she (un)consciously made by stripping them of their apparent innocence and obviousness. It is then my aim to address the choices I made on all
four equally important ‘levels’ - though not by discussing each level specifically but throughout this chapter - because I believe that they have greatly influenced my line of thought and the arguments which I make. I furthermore also try to show my subjectivities throughout this text wherever appropriate, and highlight the limitations of my own analysis, as I identified them; thereby hopefully creating an “open text” where the reader is not too distant from the researcher and the researched (Ibid. 222). But perhaps more fundamentally, this effort will guide the reader through the complexities of my research, as so familiarly described by Nyasha Mobti in the opening quote. This chapter should then not be skipped as a mere ‘appendix,’ but forms a crucial part of the thesis and argument.

1.1 The merits and limits of a critical approach. Theoretical inspiration and the choice for ethnography

The aim of this section is to embed the thesis in a relevant theoretical framework and explain how I ended up with a critical ethnography orientation, but also to explain my approach towards research questions and knowledge production in this particular research. While it would be outright foolish to claim to have spotted general shortcomings in the massive amounts of research on land and the politics of identity (in South Africa), I attempt an evaluation of this literature to highlight themes and presumptions which I find reoccurring, questions which I largely feel to be unaddressed or poorly answered, and directions which I consider promising and relevant for this research. It is then not a complete review of relevant theories that follows, but an overview of the relevant academic debates and the theoretical concepts which I used or have inspired me from the preparation of fieldwork to the final analysis. Lastly, I have used the concepts ‘identity’ and ‘culture’ many times so far without defining them while they are crucial for my research.
1.1.1 Social-constructivism, agency, and the politics of land and identity

Social-constructivist research has as its goal to take aspects of the social world which are considered self-evident, and to show how these ‘realities’ are in fact a result of complex processes of social construction (Alvesson & Skölberg 2009: 24). Unsurprisingly, ethnicity\(^{16}\) and identity are often the focus of social-constructivists and some say that the anthropologist Fredrik Barth was one of the first to claim in *Ethnic Groups and Boundaries* (1969) that “ethnicity is the product of a social process rather than a cultural given, made and remade rather than taken for granted, chosen depending on circumstances rather than ascribed through birth” (Wimmer 2008: 971). Researchers stressed that identities were multiple, changeable over time, and situational (McAllister 1999: 184). It is also during the 1960s that ethnic consciousness is increasingly becoming an active political force (Young 1993: 6). More and more researchers were then focusing on the ‘instrumental’ (ab)use of identity by “cultural entrepreneurs,” activist-exploiters, and elites to procure political and economic resources and mobilize the ‘masses’ (Ibid. 22).

While some argued for the primary importance of the study of elites, most highlighted the fact that while individuals can create their identities, external factors (e.g. institutions and economic forces) in turn influence these identities (Alvesson & Skölberg 2009: 27). Research in the tradition of Barth has tried to produce ambitious “full circle explanations” to include both agency (micro-level) and structure (macro-level) in the analysis of “ethnic boundaries” (Wimmer 2008: 1010). Andreas Wimmer’s concept of the “social field,” for example, proves an excellent way to approach the context of a politics of identity as it examines the institutional order, the hierarchical distribution of power, and the actor’s political network to deconstruct why particular strategies of “boundary making” are chosen and how the “topography, character, importance and rightful consequences” of those boundaries are being “negotiated” (Ibid. 973, 976, 997-998). In this theoretical framework, identity is then a relational concept, referring to the dominant’s hegemonic ability to define the subordinate in a

\(^{16}\) I use a Weberian definition by Andreas Wimmer (2008: 973) and Henry Hale (2004: 473) and consider ethnicity as a subjectively felt sense of belonging based on the belief in common points of references which include a shared culture, common ancestry and general affinity to the ethnic group’s name. However, since ethnicity is often used in a political context and I am not only concerned with ‘politics’ as such, I use the word ‘identity’ when talking about Khoisan activist’s sense of self. The use of these concepts will become clearer in the course of this chapter where I discuss some other definitions and approaches of the study of identity and ethnicity.
Reflexive fieldwork in an elusive context

In my research, I consider, for example, how the politics of the government, restitution process and other external factors (“exogenous boundary shifts”) might influence Khoisan identity; how “soft” and malleable these boundaries are; and how unequal this particular social field might be (Wimmer 2008: 986, 1005-1007). Finally, while Wimmer’s research focuses on the macro level of the nation-state, he also underlines the importance of studying the “behavioural dimensions” of changing boundaries, “everyday acts of connecting and distancing” as he describes them (Ibid. 975, 990). As will become apparent, the malleability of boundaries is a reoccurring theme in this thesis.

I am convinced that if one is to focus on these ‘behavioural dimensions,’ stressing the dialectic between actors and structures is crucial but not enough, as it underscores the agency of the individuals involved. Indeed, social-constructivist research still often underestimates the ability of people to shape, resist and present identity and focuses instead on the politics of identity as a top-down process (Norval 2006: 275). Researchers working on the Khoisan have a poor record when it comes to considering the agency of the research subjects. As Steven Robins points out for example, “far from being passive objects of ‘othering’ discourses imposed ‘from above,’ the ǂKhomani San have exercised considerable agency in their interactions with outsiders” (Robins 2000: 58). While it is thus important to, as Sherry Ortner notes, be aware of the fact that actors are never “free agents” operating in a “social vacuum,” as their agency is always culturally, unconsciously and historically constructed “within the many webs of relations that make up their socials worlds,” it is in my opinion equally important not to do away with actors as “disempowered,” but to examine how they engage with ‘structure,’ especially considering the history of Khoisan studies (Ortner 2006: 136, 152). Ultimately then, I believe that while identity might be suppressed, manipulated or even ascribed on a structural level, it is the agent himself or herself which gives shape to his or her particular identity or identities. It is this specific take on the politics of identity which forms the theoretical background of much of my present thesis.

Researchers with similar views have ascribed agency to subaltern groups, such as indigenous peoples (see Chapter Three), by showing how they consciously “acquired and required” (Ellis 2010) “essentialism” to gain economic and political resources; a tactic described as ‘strategic essentialism’ (Spivak 1988). Essentialisms, which can be in both material or immaterial form, generally stress a specific, unalienable, and primordial (see below) essence (often based on stereotypical and popular imagination) which defines the...
identity of a person, such language and ritual performances (Levi & Dean 2003: 13). The underlying presumption is that if one's fate depends on whether or not he or she belongs to a certain group as is the case with land restitution, the mobilization of essentialisms might increase that person's chances of gaining recognition as member of that group, and access the benefits (i.e. land) which follow as a result (Hale 2004: 468). All the while - and this is one of the main points of Gayatri Spivak (1988: 216) - those "essences" might be severely criticized by the actors conforming to them for political reasons. Indeed, researchers have argued that people have appropriated certain popular identities and even the idea of "cohesive traditional communities" in order to increase the success of their claim (Rassool 2007: 116, Robins & van der Waal 2010: 172, Huizenga 2014: 156-157, see Chapter Five). Strategic essentialism thus has the potential of showing that an instrumentalist politics of identity is often, but not always, a "politics of marginality" or a "weapon of the weak" (Wilmsen 1996: 4, Hodgson: 2011, 213) - something which I argue is the case with Khoisan land politics, especially in Chapter Three.

Nevertheless, strategic essentialism also stimulates researchers to critically examine the use of these 'weapons' by asking how (where and when) and why certain essentialisms are deployed. Henry Hale (2004: 476), for example, has postulated that "ethnic symbols" are evoked at specific and public occasions - often unrelated to the symbols themselves - to "thicken ethnic categorizations," and has pleaded for more research on the power and materialization of these 'symbols.' In a similar fashion, many researchers have questioned the "production of culture" and advocated research on "the creation of collective meaning, the construction of community through mythology and history, and the creation of symbolic bases for ethnic mobilization" (Nagel 1994: 152). However, instead of viewing Khoisan activist’s readings and usage of the past as historical anachronisms lacking the self-proclaimed objectivity of academic historiography or as "bushman myths" (Gordon 1992), I chose to ‘betray’ my training as a historian, and view these actions as "relations with the past" in their own right, as anthropologically dissectible truth claims and interesting micro-political strategies (Robins 2000: 66, White 2010, Paul 2014). In that fashion, Steven Robins and Kees van der Waal (2010: 169) have shown, for example, how both the government and Mhinga tribal leaders in the Makuleke land claim had to use conceptions of ‘tribes,’ ‘chiefs,’ and ethnic identity which originated during apartheid. Finally, while much of this type of contemporary research (in South Africa) focuses on the “sale” of ethnicity and the connected
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benefits for tourism ("ethno-preneurialism," see Comaroff & Comaroff 2009: 27, Tomaselli 2012b: 19), I argue for its relevance for this study of Khoisan activism and land claims.

1.1.2 Beyond strategic essentialism and the trap of primordialism?

As I have stated in the introduction, however, I want to do more than ask the question of how Khoisan activists engage with the politics of identity and why certain strategies are more prevalent than others. I also attempt, especially in Chapter Four, to try and understand why they are doing so and why land claims are featuring so prominently as a demand. In other words, I also want to move ‘beyond’ strategic essentialism, and consider non-instrumental approaches to understand the driving forces of Khoisan activists, as I believe that ‘to gain access to resources’ is not the complete answer. Instrumentalism, in its extreme form, indeed reduces identity to solely a means to an end (Norval 2006: 273). Besten (2006: 298), for example, is quick to dismiss the traditional dress code of Khoisan activists as “staging indigeneity.” The point is not whether or not he is right, but that he apparently does not consider other motivations (see below); it might make the Khoisan feel more comfortable to wear specific clothing, for example. ‘Critical approaches,’ as I conveniently called the approaches discussed above, while extremely important and useful for parts of this research, provide poor explanations and show their limitations in this type of enquiry. Theories of the social field and strategic essentialism, for example, do not enquire into the motivations of actors, but analyse when and where their strategies take place, and why they take particular shapes.

Surely Khoisan identity is more than a means to land claims and chiefly titles, and not a big charade or conspiracy as a result of recent legislative developments (see Chapter Two)? John Sharp (1996: 96), for example, who applied critical approaches in his study of Khoisan land claims in Namaqualand, stated that it would be “a response of questionable political and moral wisdom” to dismiss the people of Namaqualand as “mere inventors of tradition and fabricators of primordial continuity with the precolonial past.” Similarly, Hylton White (1995: 41) concluded in his study of Kagga Kamma that Khoisan identity is “neither a primordial essence nor simply an economically motivated fraud,” but “a socially significant identity forged in strategic response to a variety of past experiences.” Besten too, notes that the Khoisan revivalists might be motivated by “acts of reclamation and reaffirmation of identity.
heritage” and points to the importance of this type of “psychological investigation” (Besten 2011b: 180). In general then, some anthropologists have made peace with the fact that there are multiple readings and representations of ‘culture’ and have contemplated definitions of identity and ethnicity which takes its inspiration from anthropology, sociology and psychology, stress the never ending dialectical relationship of agency and structure, of ‘self’ and background, and highlight both the instrumentalist and primordial (see below) dimensions (Nederveen Pieterse 1996: 31-32). Jean and John Comaroff have aptly described ethnicity and identity in a similar fashion in their various writings and it is worth quoting them at some length:

“Ethnicity - like “identity,” with which it is often twinned - has become a taken-for-granted usage in the argot of everyday life across the planet…. [M]ost of the signs and practices with which we concern ourselves are either contested or, if not, are the object of a polyphony of perceptions, valuations, means and ends… We treat ethnicity, culture, and identity not as analytic constructs but as concrete abstractions variously deployed by human beings in their quotidian efforts to inhabit sustainable worlds… [Ethnicity] is best understood as a loose, labile repertoire of signs by means of which relations are constructed and communicated; through which a collective consciousness of cultural likeness is rendered sensible; with reference to which shared sentiment is made substantial… While it is increasingly the stuff of existential passion, of the self-conscious fashioning of meaningful, morally anchored selfhood, ethnicity is also becoming more corporate, more commodified, more implicated than ever before in the economics of everyday life” (Comaroff & Comaroff 2003: 166, 2009: 1, 21, 38).

I feel that it is crucial to approach my research questions concerning Khoisan identity with this orientation in mind. I then follow White’s assertion that we should examine what people do in the “complex and often contradictory social contexts in which they are implicated,” and approach Khoisan identity as a social concept that is given shape within specific existential and political contexts (White 1995: 55). Doing so would require me to consider, as Hale (2004: 463) did, whether ethnic identity can explain events or if it is in need of its own explanation, and also question why it mobilizes, and why people feel so strongly about it.
Researchers exploring these questions would need to consider ‘(neo)primordialist’ theories which stress that while identities are not biologically determined conditions, they are real in their consequences because they are perceived as real and valuable to the individual. Primordialists are then concerned with the emotive power of primordial rhetoric and the (often dangerous) consequences (Bøås & Dunn 2013: 123). It is precisely because of the dangerous nature of primordial rhetoric that social-constructivists have often dismissed primordialism as racist, essentialist and academically useless, and focused instead on deconstructing these types of arguments (Norval 2006: 271, 274). Their main drive however, as I see it, is to argue that the social construction of identity does not mean that it should be dismissed as illegitimate or as a worthy subject of analysis (Wilmsen 1996: 3). As Gerhard Maré (1993: 31, 42) points out, it is crucial to distinguish between the politicized version of identity and the perception and meaning of identity for people outside of the political frame, “ethnic identity is not necessarily a political identity.” Many of the Khoisan activists that I spoke, for example, were not that active in politics or land claims (see Chapter Five). Furthermore, as political ethnographers have shown, the “political animal” has a “twofold existence;” what we see in the political sphere has its own set of rules and characteristics and is not necessarily reflective of the person’s desires and motivations (Mahler 2007: 225). In other words, while it is crucial to criticize strategies, it is equally important to try and understand where they are coming from and to approach Khoisan activists as more than “holders of particular identities” (Ortner 2006: 125). As Alcida Rita Ramos commented on Adam Kuper’s famous critical paper *The Return of The Native* (2003) (see Chapter Three), this attitude is necessary for the study of ethnic resurgences such as the Khoisan revival:

“[W]e need… serious anthropological research, rather than casual generalizations, and open-minded anthropologists who neither adopt indigenous causes as an article of faith nor reject ethnic struggles as racist manipulations by unscrupulous opportunists.” (Kuper 2003: 398)

As I show throughout, but especially in Chapter Four when discussing innovative approaches to the study of land claims, this realization is extremely important for the arguments made in this thesis. They show how it is possible to go ‘beyond’ strategic essentialism and thoroughly

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17 I put (neo)primordial because some argue that primordialists have also had this point of view and that they were misunderstood as ‘essentialist primordialists’ (Hale 2004: 460,Adhikari 2009a: xi).

18 When saying ‘dangerous consequences’ researchers point to the extreme violence which occurred as a result of primordial rhetoric (e.g. the Rwandan Genocide of 1994).
explore some of my research questions without falling into the ‘primordial trap’ and reify stereotypical and un-nuanced ideas about (Khoisan) identity.

1.1.3 Critical ethnography as method and attitude

While the Comaroffs argue that their “synthetic” interdisciplinary definition of identity does not generate strong opinions and could thus be considered unsatisfactory for analysis (Comaroff & Comaroff 2009: 40), I found it’s ‘modesty’ and holistic ambitions to be very useful when trying to understand this specific case. One of the reasons for this is because, as I noted in the introduction, there has not been academic research which focuses on Khoisan activists in Cape Town and I thought that some modesty and open-mindedness was needed, especially considering the general sceptical treatment of the Khoisan revival by academics so far. I then felt ethnography, which “takes off not from theory or from a meta-narrative, but from the situated effects of seeing and listening,” to be a fitting methodological attitude when beginning fieldwork (Comaroff & Comaroff 2003: 164). Furthermore, ethnography’s interest in the primacy of the “emic” perspective and actions (i.e. in their natural setting) is in line with my present ambitions concerning agency and the desire to write a bottom-up analysis (Snape & Spencer 2003: 3-4). The challenging aim (see below) of ethnography is then to look at “social processes as they unfold rather than reasoning chiefly from either the conditions under which they occur or the outcomes that correlate with them” (Tilly 2007: 248). I feel that the following definition of ethnography by Loïc Wacquant captures these dimensions aptly:

“[Ethnography is] close-up, on-the-ground observation of people and institutions in real time and space, in which the investigator embeds herself [or himself] near (or within) the phenomenon so as to detect how and why agents on the scene act, think and feel the way they do.” (Wacquant 2003: 5)

Researchers argue that ethnographic perspectives, which consist of close-up observation of details, intricacies, and passions, are lacking and that quantitative research, mostly using surveys and statistics to focus on macro-politics, is dominant when it comes to the study of politics (Joseph & Auyero 2007: 1-2). The politics of identity can, however, not be ‘measured’ or ‘quantified’ and requires a qualitative approach (McAllister 1999: 184). The “ethnographic microscope” then allows for a ‘thick description’ of Khoisan identity and land claims as I try to
do in parts of this thesis (Joseph & Auyero 2007: 1). Thick description is a term coined by Clifford Geertz (1973) to refer to the study, not of external aspects of behaviour (i.e. ‘thin description’), but of the “inner aspect” and the “[thick] layers of meaning and symbolism that characterize human action and social phenomena” (Alvesson & Sköldberg 2009: 130). One of the biggest challenges of my enquiry into motivations, for example, is that these are usually less “visible causes,” and hence inadequately described in thin description (Alvesson & Sköldberg 2009: 44). However, it is important to reiterate that this research attempts to remedy the typical flaw of ethnographic research to overemphasize details on the actor-level by also taking into account broader processes (Ibid. 83). With this critique in mind, ethnography is a fitting choice for the study of politics of identity/indigeneity, as Dorothy Hodgson argues in her study of Maasai identity in Tanzania:

“Ethnography enables us to move beyond grand claims of political scientists, legal debates over definitions of “indigenous,”... to analyse how activists and organizations themselves are defining, using, and shaping the meaning of these terms in their everyday practices and discourses.” (Hodgson 2011: 216)

I discuss the specific translation of ethnography into methods and fieldwork for my present research purposes in the next section. I want to conclude here by briefly summing up the attitude I have towards knowledge production and the place of theory in this particular research.

Again, the Comaroffs sums up one of the key problems of ethnography with striking clarity when describing the practice as “a delicate engagement of the inductive with the deductive, of the real with the virtual, of the already-known with the surprising, of processes with products” (Comaroff & Comaroff 2003: 172). Indeed, the reader will probably notice that throughout this thesis, while I consider this reflective of Khoisan identity politics, I continuously look for a balance between description and analysis, between agency and structure, and between open-mindedness and theoretical/socio-political frames; essentially, between my training as a historian and as an anthropologist. As a result, I preferred to compare different opinions, consider several theories and disciplinary approaches, and use different sources. This tension is present in many parts of the thesis, and might confuse the reader at times, ‘is he a detective or an interpreter?’ As I show, however, this tension is a typical feature of the research setting and the fieldwork experience.
In general, however, I believe to have struck a balance between data and interpretation which fits this research(er) and which Alvesson and Sköldberg (2009: 85) describe as “critical ethnography.” Critical ethnography encourages challenging established ways of thinking and make bold, debate provoking, interpretations (“epistemological breaks”) which are reasonably based on well-selected excerpts of empirical material and go beyond what this material might express at first sight, all the while realizing that the truth-claims are ultimately only innovating a never-ending debate of understanding social reality (Ibid. 304). Such an interpretation, according to Alvesson and Sköldberg, is “rich in points” as it “appears reasonable in relation to the empirical material, but does not need strong support from it, in the sense of firm proof” (Ibid. 305). I thus did not consider empirical material as ‘objective’ building blocks for theory, but the different theories allowed me to consider different perspectives on the empirical material. In sum, the theoretical is not pushed to the background in this research, as some scholars working with the Khoisan have argued for, but in a dialectical, “abductive,” “understanding” relationship with the empirical: I start out with some theoretical insights as sources of inspiration (this chapter), I contrasted them to the empirical material during fieldwork and while making the analysis (the main body of this thesis), and end by evaluating their advantages and limitations for the study of Khoisan revivalists and land claims (Summary and conclusions) (Alvesson & Sköldberg 2009: 4, 5).

It is time to move away from the philosophy of science and proceed to the next section where the practical value of these reflections is made clear through a discussion of my fieldwork experience.

1.2 Navigating and examining the ‘unknown world’ of Khoisan activism in Cape Town

In order to explore answers to my research questions in the spirit of critical ethnography, I carried out fieldwork among Khoisan activists in Cape Town from August 2014 up to the end of January 2015. This section functions as a critical examination of that period, of the methods I have used and of the way I behaved and manoeuvred as a researcher. I also reflect on the choices which I had to make in the analysis and on the reasons for choosing
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this particular ‘field.’¹⁹ By using some images and anecdotes from research participants, I hope that the reader will get an impression of my fieldwork and research context. Lastly, an important dimension of this section is also to show, in the words of Keyan Tomaselli (2012a: 6), “the experiential mess” of doing fieldwork “so often smoothed over by neat, clean theory.”

1.2.1 Getting started. Defining and exploring the field

As noted in the introduction, Cape Town is a hub of Khoisan activism and the ideal setting for my research. When starting my fieldwork, however, I was not so sure that I would end up around the city and I considered the possibility of looking for answers in the Northern Cape Province, since most research on Khoisan land claims (in South Africa) has focused on that area so far. My geographical choice then has important consequences as the research in the Northern Cape takes place in a rural setting, whereas the cases in this research are more of an urban nature. It would be therefore be wrong to assume that the findings of previous research are automatically applicable to my setting (or vice versa). Indeed, as will be made clear throughout this thesis, the Khoisan I encountered are probably very different from those in the Northern Cape, and land claims and identity might have different meanings for them. More specifically, the Griqua, which are the most documented Khoisan grouping, and not coincidentally the most politically organized, are often said to have more specific ideas concerning land claims.²⁰ The ‘field’ of Cape Town is a defendable choice, however, as there is a gap in the literature. Furthermore, while the dynamics in this case are very specific and probably different from the Griqua organizations in the Northern Cape²¹, I show how the Western Cape situation is very influential in national policy formation. I then believe to have generated insights which go beyond its geographical boundaries.

¹⁹ I define ‘the field’ as both the geographical area where my research took place and the sources which I examined, and the research participants which I engaged with.


²¹ While it is true that there also some Griqua organizations in Cape Town and the Western Cape Province, I sense that these were a minority in the province and I will not focus on these because this requires taking into account this complex history well. The same holds with the Koranna. The focus is on the Cape Khoi revivalists (see Chapter Two).
While I knew that there was a Khoisan revival which also affected the Western Cape, I did not have any contacts with Khoisan activists before departure, and the media do not consistently mention specific prominent activists (see Chapter Five).\textsuperscript{22} I nevertheless still felt that Cape Town was a good place to start since many of the academics and lawyers whose work I had encountered during my literature study and which I wanted to contact were based at Stellenbosch (University). Most of them highlighted the complexity and chaotic nature of the topic and simultaneously warned and urged me to continue the research. One of them got me in touch with the people at Mamre, which turned out to be an important case-study in this research (see Chapter Three). It was through a researcher working along the lines of my topic that I had met at a conference on 20 years of land reform at Cape Town University, however, that I had my first encounter with Khoisan activists.\textsuperscript{23} As I showed in the introduction, this event led me favour an inclusive, emic (see above), ‘definition’ of Khoisan activists and social movements.\textsuperscript{24}

\textsuperscript{22} As I show in Chapter Five, organizations come and go. Furthermore, I found that the media quite freely used the terms ‘chief’s’ and ‘tribe,’ and often misspelled names.

\textsuperscript{23} “Reflections on South Africa’s Agrarian Questions after 20 Years of Democracy.” Cape Town: University of Cape Town/ Centre for African Studies (14 August-15 August 2014).

\textsuperscript{24} Other researchers looking into the topic have struggled with the definitional dilemma as well. Sharon Gabie (2014), for example, considered it all the time in her study the Korana Chief Katz house in Uppington (Northern Cape). Furthermore, the reader should be advised not to compare the ‘social movements’ discussed in this thesis with the more visible and bigger social movements which roam the South African political landscape.
The daunting complexity of this largely unknown and undocumented world, and my overall inclusive and flexible attitude, prompted my immersive approach at the beginning of my fieldwork. After my first encounter with Khoisan activists, I probably behaved quite similar to an (annoying) investigative journalist: asking everyone I came in touch with for tips and possible contacts, sending out e-mails, making phone calls, handing out visiting cards, and perusing relevant public social media sites. Reading *Eerste Nasie Nuus* (see below) and joining a weekly *Khoekhoegowab* class at the Castle of Good Hope in Cape Town also helped me to contact potential research participants and come into contact with the various dimensions of the Khoisan revival. My quest to become ‘part’ of the Khoisan activist network took me from the townships in the Cape Flats to government offices in the centre of Cape Town, and from archives to traditional Khoisan ceremonies. However, soon after starting with this exploration I dropped the idea of making a ‘complete’ overview of all the organizations, movements and activists involved (see Chapter Five). I instead focused on a few in particular for specific reasons which I discuss further below. I will not list the activists and movements here, but introduce them at the relevant moments in my thesis.

![Figure 2: Speaker at the 2014 ‘Foundation Nation Restoration Convocation’ in Pinelands, Cape Town](Author’s photograph)

Social media sometimes brought events to my attention and coincidence might have played a large role in this research. I once literally stumbled by accident into a meeting at the Castle...
of Good Hope, for example. It is mostly through research participants, however, that I got access to Eerste Nasie Nuus copies\textsuperscript{25}, heard about relevant events (and was invited to them) or knew what was going on at the political level with regards to Khoisan policies on land and recognition. The internet did not prove adequate enough and it took much time and effort, and more than published sources (although the website of the Parliamentary Monitoring Group, www.pmg.org.za, proved to be very helpful for parliamentary sources), to write up the macro-political and legal context in Chapter Two.\textsuperscript{26} In general then, access to specific sources was a problem (see Chapter Two) and I combined my inclusive exploratory approach (see above) with a multi-sourced and multi-method analysis (mostly interviews, (participatory) observations, (grey) literature and (social media) websites). Before moving on to discuss these sources/methods in more detail, I want to highlight the unique value of Eerste Nasie Nuus (hereafter ENN) as a source\textsuperscript{27} for this research.

I found that ENN is a very popular newspaper among Khoisan activists as I found copies at many events. ENN was set up by Zenzile Khoisan and Debbie Hendricks in July 2013 and has associates all over South Africa. In their own words:

"ENN is the media voice of the Khoi and Boesman\textsuperscript{28} Indigenous consciousness resurgence in South Africa. We carry public interest news and analysis directly related to the on-going fight for indigenous status recognition, specialised heritage and history articles, writing on symbols and cultural practice and special pages dedicated to the revival of the ancient Khoi and Boesman languages of South Africa."

(ENN July 2013: 1)

While clearly (and interestingly) activist in nature, I found the newspaper to contain balanced information and diverging opinions. By being close to the Khoisan active in politics, it furthermore gave me insights into specific Khoisan political organizations dealing with land politics which are hard to find information on, such as the Khoisan Reference Group (see Chapter Two). In the next section I show how I complimented my study of documentary sources like ENN with classic methods of ethnographic fieldwork.

\textsuperscript{25} Unfortunately, I did not find a place where they sold Eerste Nasie Nuus. I am thankful for the help of research participants in furnishing me with copies.

\textsuperscript{26} It is true, however, that this politics is still developing at the time when this thesis was written and that this type of political information might have rightfully been considered confidential. Furthermore, I found Department of Rural Development and Land Affairs (see Chapter Two) to be generally willing to help me.

\textsuperscript{27} It is often unclear who wrote the specific article in the newspaper. When referring to articles of ENN, I then only mention page, date and volume number for consistency’s sake.

\textsuperscript{28} A common term for ‘Bushmen’ or ‘San’ in Afrikaans.
1.2.2 Participatory observation, interviewing, and ‘being there:’ examining the field

The main advantage of fieldwork is the physical presence of the researcher in the field and his or her interaction with research participants and their environments. Ethnography, to use one last definition by Alvesson and Sköldberg (2009: 85), might after all be summed up as “an anthropologically oriented method based on close contact with the everyday life of the studied society or group over a fairly long period of time.” For Geertz (1988: 4-5) then, the reader should get the impression that the author’s claims stem from his or her having “been there.” He himself admits that this “offstage miracle” is hard to put into words, but that it nevertheless might be the lifeblood of ethnographers (Ibid.). In that spirit, I want to discuss why and how I applied the two classical methods of qualitative research, participant observation and interviewing, for this particular research to get the most of my fieldwork experience whilst ‘being there’ in this subsection. I chose not to strictly separate both methods; I have somewhat of an ironic attitude towards them and believe that, ultimately, the analysis is enriched not by a meticulous application of methods, but by the wealth of the empirical material as a result of this Geertzian ‘presence.’ This is perhaps most clear in Chapter Four, when I step away from the analytical rigour of the previous chapter and proceed to enquiries of a more psychological nature.

As I became more and more comfortable (and critical) with the field context I moved from conversations (i.e. largely unstructured interviews) and watching my surroundings (i.e. unstructured observations), to more focused questions during interviews (i.e. semi-structured interviews) and paying attention to specific elements when observing (i.e. focused observation). As I have mentioned already in this section, immersing myself in the world of Khoisan activists through observations helped me to familiarize myself with the research context, fine-tune my research questions to the local ‘realities,’ and develop and reassess hypotheses on a continuous basis. (Participatory) observation is thus a way of collecting data

29 When I was at an event, for example, I did not feel that I was ‘applying participant observation,’ but that I was ‘simply’ paying attention. Reflections, to give another example, are I believe not a result of concentrated and dedicated methodology, but are of a more sudden nature. Another final example is the fact that many of the claims I make in the thesis are not ‘translated’ by a completely discernible process from the data; they are rather constructed from the empirical material that I have constructed myself. In other words: my own thoughts, which derive as much from the fieldwork experience in general as from specific interviews, are used in the analysis and thesis. The bridge between analysis and data is then not that straightforward. Though this leaves the researcher open to criticism of ‘weak’ methodology, I would argue that it invites researchers to think through methodology in a relativistic and open-minded debate instead, musing on the profession of anthropology in the process.
but also of formulating hypotheses (De Walt & De Walt 2011: 10). Participation did not really occur in the strict sense of the word. I did, for example, not partake in traditional ceremonies and was once literally assigned to sit where the spectators sat (Ibid. 159). That being said, my presence as a young white male European researcher undoubtedly did not go unnoticed. For example, as I discuss in Chapter Three, I got the feeling that my presence sometimes (though definitely not always) caused research participants to engage in “ethnographic self-fashioning” (Wicomb 1998: 92) and tried to convince me of their cultural authenticity and indigeneity.

I started out with attending all sorts of events (meetings, protests, traditional ceremonies, conferences, etc.) where I believed that I could learn more about Khoisan identity, land claims, and the activists themselves (De Walt & De Walt 2011: 89). I then considered observation to be a fitting attitude for the exploratory and inclusive character of this research, rather than an explicit method. As a result, I refrained from excessive (see below) note-taking while observing, and was more concerned with the general experience of being there.
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(Emerson et al. 2007: 354, 356). The field notes I jotted down in a small notebook during events, should then not be seen as “representations of an observed ‘reality’,” but as “personal descriptive accounts of events” (Ibid. 353).

Figure 4: Symbolic burial ceremony in Athlone, Cape Town - researcher is visible in the far right
(Social media)

One of the ways I definitely ‘participated’ in the field is by engaging with people in the form of conversation and interview. While I consider both informal and formal forms of conversation to be of equal value for this research, they both have their particular advantages and downsides. Often, for example, I did not want to spoil the flow of a good conversation by asking to turn it into a formal interview and start recording it. In general then, I did not record most of my interviews as I felt that it put pressure on the interviewee to be more ‘correct;’ I instead made some casual notes and wrote a more comprehensive report later on. On the other hand, I sometimes found there to be two specific comparative advantages of formal interviews. They allowed me to set up an adequate timeframe in accordance with the interviewee to address the specific topics that I wanted to cover. Furthermore, they made it possible to focus with interviewees on specific details and personal information. In line with this view, I then had a very preliminary and continuously changing topic guide and my questions frequently came about spontaneously (Arthur & Nazroo 2003: 115-116).
I found it important for the interviewee to be able to express himself or herself freely, even when the conversation was getting off-topic (which happened often, see Chapter Four), as I dealt with sensitive and emotive topics and with strong opinions. As I felt that some of these topics (specifically injustices, histories, and identities) were difficult to talk about, I usually started an interview (or conversation) with biographical questions rather than questions about feelings and meaning, a common technique for interviewers (Arthur & Nazroo 2003: 113). Another way of letting the interviewee feel at ease was by letting him or her pick the language in which to communicate. Most of them preferred Afrikaans, the most common mother tongue, over English. My knowledge of Afrikaans was sufficient for casual conversations and had two distinct advantages: it helped me create rapport with research participants as they could express themselves freely in their mother tongue30 and as a result, I could pick up on the gossip. As I show in Chapter Five, gossip is a not to be underestimated source for this research.

However, while I eventually got to talk with them about, for example, ‘the meaning of land’ (see Chapter Four), it is important to scrutinize (and not praise) the efforts of the researcher in this matter. As Robert Gordon pointed out in his famous book The Bushman Myth: The Making of a Namibian Underclass (1992: 217), this would endow the researcher with a dangerous and “smug sense of ethnographic superiority” and rob the Khoisan of their agency (and complicity) once more (see above). It is important, in other words, to point out the fact that researchers always co-construct their data by being present at observations (see above) or by phrasing their questions in a specific way (Alvesson & Sköldberg 2009: 215). When I asked an activist, for example, if land had a specific meaning for him, it is highly unlikely that he or she would have answered a simple ‘no.’ Instead, as all interviewers, I pushed him or her in a specific direction and prompted him or her to think about something which perhaps he or her had not considered before (Ibid.). But the power dynamics of an interview can be in both directions. Indeed, I felt at times that the interviewees were using something akin to the “grand narrative of restitution,” as land restitution expert Cherryl Walker (2000: 3) has called it, and use specific politically successful tropes of loss and indigenous rights to argue for their demands and grievances (see Chapter Three). Although I did not feel that it was that present in my research, the warning that “a successful claim requires being able to tell compelling stories of loss that can enlist the sympathy of powerful outsiders” remains relevant (Fay &

30 This was often, though not always, the mother tongue of research participants.
James 2009: 15). As I have already stated in the previous section, however, I am interested in the stories for their own sake, not in judging their authenticity. Romantic images and uses of the past, something which is equally typical for land claims, is then not a problem for this research but a valuable primary source (Field 2001: 118).

The co-construction of data does not mean that the data are invalid, but that the researchers and the researched are involved not only in its interpretation, but also in its construction (see previous section). Although I tried to be subtle and reflexive, I still wonder to what extent both my specific research questions and the stereotypical images and ideas surrounding ethnic identity and ‘traditional cultures’ (unconsciously) influenced my attitude and analysis. In the next subsection, I make an effort to reflect on these and other important issues for any contemporary anthropological research.

1.2.3 Final reflections. Activism, rapport, and the issue of access

I want to reiterate that, just as I do not claim to have observed everything worth observing or have talked to everyone worth talking to for this research, I do not attempt to cover my tracks here and reflect on everything that is worth reflecting on. Instead, I want to discuss some elements affecting my research which I reflected and continue to reflect on as I consider them important: the role of a researcher in an activist setting, the issue of establishing rapport, and the issue of access.

One of the first things I found myself thinking about after starting my fieldwork was the complex position of the researcher when doing research in an activist milieu. Most of the researchers working with the subaltern have probably reflected on the way their research may affect the ‘problems’ which they are discussing, or perhaps are even trying to solve. After all, why would people make time for my research and talk about their problems? What is in it for them? In fact, one of the first activists whom I spoke was not the last to rightfully ask me: “What will you do when you go back home? We will still be here, living in shacks and your research will have changed nothing” (Marius, 23/08/2014). As with many similar cases of indigenous peoples around the world (Gomes 2013: 13), there is a general atmosphere of distrust among the Khoisan (Chapter Five) towards academics who have left without ever giving feedback or have claimed to “speak about and on behalf of [them]” (ENN November 2013: 3). One activist once warned me “to write down what they are going to tell me” and not
to twist or amend it as others had done before (Emile, KSK, 19/09/2014). Besten (2006: 316) also noted that many Khoisan distrust academics who engaged with their history and heritage for “personal benefit” or to further “national political agendas that did not necessarily benefit the Khoisan.” Some of the people that did not want to talk to me probably did so because of this bad history in South Africa (Sanders 2002).

Not surprisingly then, researchers looking to remedy their ‘guilt’ have reflected on these issues when dealing specifically with land reform movements and indigenous people. More specifically, researchers can be more than “cultural tourists” by: enriching global discussions on land reform; examining why specific programs (the “20 years of land reform” debate in South Africa) have fallen short and trying to encourage certain policy developments in the future; assisting social movements and indigenous people with their findings in legal and political battles (for recognition and land); bringing empirically grounded nuance to “the battle of representation” and identity; and giving voice to the silenced (Levi & Dean 2003: 28, Hall & Ntsebeza 2007: 20, Tuhaiwai Smith, L. 2007: 136). While some did not talk to me because they felt they could not trust me (sometimes because they knew that I was talking to a specific person which they disliked, see Chapter Five), or that I could not contribute in the aforementioned ways, some approached me for precisely the opposite reason and this led me to reflect on my ambiguous position as a researcher who has sympathy for the positive side-effects of socially relevant research, but does not consider it academically correct to aspire joining “the academic wing of the indigenous rights movement” (Kuper 2005: 223). 31

Again the idea of ‘tension’ is present, this time between the traditional self-proclaimed politically distant researcher, and the activist-academic. Finding solace in neither extremes, I found myself drawn to aspects of both position. While this has certain advantages (e.g. examining multiple perspectives), the disadvantage is that this tension will always be present in the thesis, and might confuse the reader at times (see above).

31 For a radical position on the extent of activist cooperation see (Hale 2006).
Indeed, I often wondered if I was not doing some form of action research when some people asked me to “objectively” research their land claims and chiefly titles (see Chapter Three). At the same time, I found it more than reasonable that they asked for my research to somehow contribute to their cause and it made our relationship less one-sided when they asked me to ask certain questions to people that I was going to talk to and be generally transparent and reciprocal. In short, I wanted to give back more than a critical thesis ‘about them’ instead of ‘for them,’ and see the Khoisan activists as “ends,” rather than “means” (Gabie 2014: 13). I struggled, however, with how to do this without being too subjective, too involved with one particular activist/movement or abandoning my research goals. Unavoidably (and thankfully), making an analysis is taking a point of view, but as Geertz (1988: 10) put it: “[f]inding somewhere to stand in a text that is supposed to be at one and the same time an intimate view and a cool assessment is almost as much of a challenge as gaining the view and making the assessment in the first place.”

Similar issues were also present when reflecting on making rapport with research participants. While I tried to be honest about my intentions, background, and possible contributions as a researcher, it did not hurt the access and scope of my research that people thought that I would be able to help them. Even after reiterating my position multiple times, some people still unfortunately misunderstood what I was doing and asked me, for example, to speak to a lawyer on their behalf. In general, however, I felt that people were
interested in my research (after all, it was about ‘them’ and some Khoisan are very passionate about the land issue, see Chapter Four), and appreciated that I had an open mind. It probably felt nice for them to discuss their Khoisan identity without being constantly doubted and while being guaranteed anonymity\textsuperscript{32} through informed consent (Gabie 2014: 65). I explained them that it was not the concern of my research to judge their claims and that I could sympathize with some of their grievances and demands (see Summary and conclusions). My position as an outsider from Europe, who is by geography to some extent politically-disconnected but also morally sympathetic, also surely contributed. Furthermore, while I do not claim that this has drastically influenced my research, I often drove activists to meetings, told them about events, and explained policy developments. I also asked them for their opinion on my attitude as a researcher and on my methods and hypotheses. This long term involvement with the activists generated rapport and got me access to organizations (specifically the National Khoisan Council, see Chapter Two), sources and events that would otherwise be off limits, such as certain government reports and traditional !Nau ceremonies (see Chapter Three). Although I did not recruit a local sponsor, I could not have advanced in my research without the help of some particularly kind activists who introduced me and got me accepted in the Khoisan activist network in Cape Town. As Andra Gillespie and Melissa Michelson (2011: 262) then realized, “friendships could afford you access to otherwise embargoed data.”

This stress on the importance of research participants in any ethnographic research endeavour is a fitting quote to end this chapter with and move on to the body of the research that they helped realize in the next chapter.

\textsuperscript{32} I always offered anonymity to anyone that I was potentially going to quote in the thesis. Those who did not mind are mentioned by their real name. Those who did not (and those who did not care) are anonymized. This is also because of the distrust and gossip in the movement, which I do not wish to contribute to.
2. From dispossession and decimation to restitution and revival. The Khoisan and the state in a historical perspective

“Through this resurgence the descendants of the first indigenous nation have asserted their right to be respected, to be recognised, restored and to be restituted for the brutal and inhumane violations that they and their forebears were subjected to and continue to suffer.” - Zenzile Khoisan (ENN November 2014: 8)

A popular Khoisan activist once told me that the Western Cape was an appropriate choice as the “bomb” of colonialism ‘fell’ there first and did the most damage. He was referring to the landing of Jan van Riebeeck at the Cape of Good Hope in 1652 and the subsequent colonialization of South Africa. For most Khoisan activists, this dramatic moment was the start of their struggle. I highlight some of the relevant developments of this history in the first section, with a focus on land dispossession. As will become evident in the next chapter, a basic introduction to this history (and its historiography) is crucial to understand the Khoisan activist approach towards the past. Similarly, Khoisan activism cannot be understood without discussing the global indigenous rights movement and the post-apartheid political developments regarding land claims and recognition of traditional (Khoisan) authorities. These are examined in the second section.
2.1 ‘Where the bomb of colonialism fell.’ A brief history of the Khoisan at the Cape until 1994

2.1.1 Before 1652. Geography and political organization

As I show throughout this thesis, ‘who is a Khoisan?’ is a tricky question. Similarly problematic is the usage of the term ‘Khoisan’ in the historiography of the Western Cape. The term was created by physical anthropologist Leonard Schultze in 1928 to stress the similarities between the Khoikhoi (pastoralists) and the San (hunter-gatherers) (Le Fleur and Jansen 2013: 1). Subsequent academics have stressed the similarities in language, cultural values, genetic material, and overall intermingling between the Khoikhoi and the San (Robins 2000: 56). But this does not mean that no distinction can be made between the San and the Khoikhoi as some researchers suggest (Hohmann 2003, 17); there are in fact important differences. The most important for this study is that it is generally agreed among academics that the San were the first inhabitants of the Cape and that the Khoikhoi arrived there roughly two millennia ago from the Zambezi valley (or perhaps further North in Tanzania, see Elphick & Malherbe 1989: 3, Mountain 2003: 41). Furthermore, as opposed to the diverse roaming groups of San, the semi-sedentary Khoikhoi were more conscious of their homogeneity as a group, sharing language and other cultural elements more closely than with the San (Elphick & Malherbe 1989: 5). Historian Richard Elphick (1977: 37), who perhaps wrote the most comprehensive study of the Khoisan at the Cape and whose writings form much of the basis for this chapter, even argues that the Khoikhoi at the Western Cape displaced many of the San at the Cape of Good Hope upon their arrival. According to Alan Barnard (2007: 5), this history is reflected in the fact that ‘San’ is a derogatory term in Khoisan languages. I will

33 Elphick and Malherbe (1989: 7) argue that the Khoikhoi at the Cape lived in an economically unstable ecological cycle whereby phases of pastoralism were alternated with periods of hunting.
34 For Gabriel Nienaber (1989: 54) this is exemplified by the common spread of term ‘Khoikhoin’ among the different ethnic groups, meaning ‘people of people.’
35 As Thekla Hohmann (2003: 2) notes: “‘San’ nowadays is also most widely used by the Namibian and South African governments.” Similarly, Steven Robins (2000: 56) remarks that “[t]he term ‘boesman’/bushman came into use amongst European colonists in the late seventeenth century, and has since become either a popular or offensive term to describe hunter-gatherers in southern Africa.” Hottentot is a derogatory name, used to refer to the Khoi and San as savages. Khoi people at the Cape most likely referred to themselves as KhoiKhoi (or Khoekhoe) meaning “people of people” (Elphick 1977: XV). In Chapter Three the usage of the term ‘San’ will be further scrutinized.
continue with the term ‘Khoisan’ since it is difficult to make a clear distinction in the historiography.\footnote{As I noted in the introduction, I also keep using the term ‘Khoisan’ as this is how most activists I spoke to identified as.}

Figure 6: “Approximate locations of Khoikhoi before contact with Whites (in the Southwest Cape ca. 1650; In the Southeast Cape and along the Orange River ca. 1750)” (Elphick 1977: 51). The rounded rectangular shows the approximate geographical focus of the present study

How much do we know about the indigenous people at the Cape before the arrival of Europeans? While oral histories are scarce or even non-existent, it is fairly certain that they populated an area from roughly Northern Namibia to the Cape of Good Hope and from the Atlantic Ocean to the Fish River in the East (Elphick 1977: XVIII, 10). Figure 6 gives an approximation - an 'educated guess' as Elphick (Ibid. XV-XIX) admits - of the approximate locations of the different Khoisan “tribes.” Perhaps not surprisingly, most historical records deal with the “Peninsulars,” who lived in close proximity to Table Bay where the settlers initially arrived (see below). The “Peninsular Khoikhoi” is a term often used by researchers which comprises the \textit{Gorachouquas}, \textit{Goringhaiquas} and the \textit{Goringhaiconas} (or “strandlopers”), and used in comparison with the “Surrounding Khoikhoi,” which include the
Cochoqua, Chainouqua and Hessequa. In the South-Western Cape - the geographical focus of this thesis (see rounded rectangular in Figure 6) - there were approximately 50,000 Khoisan at the middle of the 17th century (Elphick & Malherbe 1989: 3). The reason for this specific region being so populous and superfluous is probably due to the relatively heavy rainfall and quality of the pastures (Ibid. 7).

The hierarchical configuration of the different ethnic groups is complicated and subject of much debate, especially among contemporary Khoisan activists (see Chapter Five). It is thought, however, that groups in the West were usually subjected to those in the East, with kinship probably playing an important role (Elphick 1977: 50-52). At the same time, affluent and populous ethnic groups like the Cochoqua (see Chapter Three) probably collected tribute in the form of cattle from weaker ones (Ibid. 49). Internally, Khoisan political structures are thought to have been relatively democratic, with a “chief” at the top – but most likely nothing resembling an overarching monarchical figure (Nienaber, 1989: 54, see Chapter Five). It is suggested that lineage was important but merit weighed much more importance; meaning that there were rarely chiefs with extensive powers among them (Elphick & Malherbe 1989: 6). This often lead to breakups into smaller groups, which allowed for more flexible manoeuvring with cattle but also to a problem when it comes to creating a strong front (Ibid.). While the precise nature of their political organization is not certain, the arrival of the Dutch in 1652 certainly altered their situation. As I show below, this had devastating and long-lasting consequences.

2.1.2 The arrival of Jan van Riebeeck and the conquest of the Khoisan

Jan van Riebeeck, who was the first Commander of the Cape from 1652 to 1662, personifies the subjugation of the Khoisan for most activists. Historically speaking, however, van Riebeeck probably did not have the most impact on the future of the Khoisan of the Cape. After all, he was solely sent to the Cape of Good Hope by the Dutch East India Company (VOC), who governed the Cape between until 1795, to set up a permanent refreshment station for ships on their way to or from the East in 1652 (Ibid. 90). The transformation into a

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37 For more information see (Brink 2000: 2, Nienaber 1989:16-17). Elphick (1977: 117) also notes the presence of “distanced Khoikhoi,” or Khoisan who were far away from the fort, the Khoikhoi of the Borderlands (Guriqua and Little Namaqua in the North and Inqua, Attaqua, etc. in the cast).” This is not of concern for the present study.
settler colony only ‘officially’ started with the Resolution of 16 May 1656, when the Heren XVII (heads of the VOC) gave van Riebeeck the order to grant tracts of land around the fort to nine retired VOC workers, or ‘freeburghers’ (Martin 2014, see Figure 7). The Liesbeeck River then functioned as somewhat of the first border and source of conflict with the Khoisan (Schutte 1989: 298, see below).

![Figure 7: The first freeburgher land-grants and van Riebeeck’s almond hedge (Detail from Boeseken 1948: 52)](image)

Before the arrival of the VOC the Khoisan at the Cape had already seen the benefits (and dangers) of visitors. There had been multiple occasions of mutually beneficial trade, and these initially continued with the VOC (Elphick 1977: 77, 157). The growing demand for meat, for example, urged the VOC to establish trading agreements with local chiefs (Ibid. 91). With the arrival of the VOC, the Khoisan also noticed possible access to European goods and to a potential powerful ally in their skirmishes with other groups (Bredekamp 1982: 77). Indeed, the Khoisan often battled among themselves; not so much about territorial

38 This later became the Castle of Good Hope.
boundaries, but about family feuds and cattle theft, and some ‘collaborated’\(^39\) with the VOC (Elphick 1977: 53-55). The VOC, however, chose initially not to interfere in Khoisan matters, and had everything to gain from a cordial relationship with the Khoisan so as not to cause a financial drain or compromise the steady meat supply (Ibid. 97). According to Elphick (Ibid. 75), the reason for the early encounters between Europeans and Khoisan being almost non-violent is largely because the first Europeans did not want to settle; something the Khoisan always wanted to avoid.\(^40\) But as the VOC started to grant land to settlers to produce meat and grain for them to decrease the dependency on local trade, they set in motion a series of conflicts (on land) with the Khoisan which would continue during most of the remainder of the century (Elphick & Malherbe 1989: 11).

When the Goringhaiqua were ordered east of the Liesbeeck boundary and ‘fence’ in 1657, the seeds were planted for the first war against colonial intrusion (Bredekamp & Newton-King 1984: 10). The Khoisan herders were probably surprised by this dramatic, and probably unknown, symbol of permanent settlement when they were unable to let their cattle graze at the valuable pastures near Table Mountain nor access the watering areas on the Cape Peninsula (Elphick & Malherbe 1989: 12). Chief Gogosoa, who claimed grazing rights for his cattle and sheep in these areas, decided that a military intervention was inevitable and started with guerrilla-like attacks on the farms and cattle of the freeburghers; thus starting the First Khoikhoi-Dutch War, which lasted roughly the whole of 1659 (Elphick 1977: 92). However, the Khoisan were no match for the military might and technological advantages of the Dutch, and while they were allowed to keep the livestock that they had seized, they had to acknowledge the settlers around the fort (Elphick & Malherbe 1989: 12).

In 1672, two sons of the weakened Peninsular Khoisan chiefs signed a contract, which they probably did not fully understand, and sold huge tracts of land from Table Bay to Saldanha Bay in the North and to the Hottentots Hollands mountains in the East (see Figure 8) to the VOC for an incredible low price (which they did not even fully receive) (Sleigh 1993: 148). In that year, a conflict between Khoisan and a Dutch settler also made the VOC decide to

\(^39\) Yvette Abrahams (1994: 38-39, 41) argues that the concept of ‘collaboration’ is anachronistic and might not be accurate to capture the difficulties of combining a fierce opposition to colonial encroachment and having to deal with the realities of survival For more on this issue see (Marks 1972: 66, Elphick 1977: 80-81, 89, 157, 168, Bredekamp 1982: 60-61, Elphick & Malherbe 1989: 3, 15).

\(^40\) The first contact with Europeans was in some ways a conflict about land. When Bartolomeu Dias (who is thought to be the first European to reach the Cape of Good Hope and who also provides the first written account of an encounter with the indigenous population at Mossel Bay) arrived and his crew took water from a stream, the Khoekhoe probably saw this as disrespectful towards their rights to the stream and hence attacked the Europeans – they had not asked for permission from the owners (Mountain 2003: 46).
assert jurisdiction over matters affecting both Khoisan and the Dutch, ignoring chiefly authorities (Elphick & Malherbe 1989: 17).

Figure 8: 1672 land ‘sale’ (Detail from Boonzaier, et al. 1996: 79)

Seeing both of these acts as infringements on their independence, conflict was once more eminent. When two Dutch hunters broke their promise and intruded in the territory of Gonnema, a Cochoqua chief, the local Khoisan attacked them (Bredekamp 1982: 52-54). The Cochoqua were especially ticked off as large tracts of their traditional grazing grounds had been sold by chiefs in the Peninsula without consulting them (Ibid.). Again, however, the Second Khoikhoi-Dutch War (1673-1677) ended with the defeat of the Khoisan and with the acceptance of the permanent nature of the VOC presence and property system. Furthermore, the VOC could dismiss allegations that they wrongfully considered the Cape to be an uninhabited “terra nullius,” and assert their ownership of the territories “by the sword”
and through official contract with the ‘rightful owners’\textsuperscript{41} with the 1672 treaty, thereby fending off international competitors such as France and Britain (Bredekamp 1982: 62). These developments were setting the stage for the next phase of Khoisan colonization.

2.1.3 Colonisation, integration and segregation

During the wars of the 17\textsuperscript{th} century, the VOC had stolen many sheep and cattle, coerced property rights, took control over the trade with Khoisan, and eliminated or subjugated tribal structures (Elphick 1977: 133, 190). Simon van der Stel, who was in charge of the Cape Colony for almost twenty years, started the practice of officially subjugating “captains” by stripping them of any real power and by giving them VOC-enshrined staffs, often mocking them by giving them names like ‘Hannibal’ or ‘Mars’ (Ibid. 188, 191). Very soon, however, these ‘captaincies’ ceased to exist as there were no more independent Khoisan \textit{kraals}\textsuperscript{42} south of the Orange River by the end of the 17\textsuperscript{th} century (Bredekamp & Newton-King 1984: 15-35). A proclamation in 1809 officially abolished the institution of chieftaincy (Boonzaier, et al. 1996: 101). Indeed, more and more lands were being given to settlers, especially after the introduction of the loan farm system in 1679 which allowed for virtually limitless expansion beyond the Cape Flats (Guelke 1989: 77).\textsuperscript{43} By the end of the 18\textsuperscript{th} century, the population at the Cape rose to 15,500 from roughly 250 colonial citizens in 1679.\textsuperscript{44} Due to this population boom, the farming frontier increasingly developed into an expansive “cattle frontier” which dispossessed the Khoisan and other native Africans further north and east (Elphick 1977: 222-223). In this ill-defined shifting territorial situation, the VOC often gave property rights to frontier farmers (or ‘trekboers’) after they had seized the land already, as they were the de-facto authority in the frontier (Guelke 1989: 96. Legassick 1989: 360,361). The Khoisan continued to resist the expansive frontier by carrying out raids on cattle or full-blown attacks on camps although they were eventually weakened by a series of smallpox epidemics in the 18th century (Marais 1978: 6-7, Ross 1981: 69).

\textsuperscript{41} In the treaties, the chiefs are awkwardly described with European terms (eg. ‘lord’ or ‘king’) and ascribed control over vast properties which probably was not the case. (Bredekamp 1982: 63). According to Bredekamp (1980: 9), this was done it to make it easier for the Dutch to point to the ‘official owners’ of the Cape.

\textsuperscript{42} A term referring to the location of physical Khoisan structures.

\textsuperscript{43} The loan farm system was created by Simon van der Stel and allowed farmers to expand and claim land in the greater Stellenbosch area without any limits as long as it was cultivated within three years (Bredekamp & Newton-King 1984: 11).

\textsuperscript{44} Due to the complicated legal position of the Khoisan (see below), it is unclear if they were included in these numbers. It is safe to assume that, as they became more assimilated into colonial society, they were included. For more information see (Guelke 1989: 66, Schutte 1989: 298). At the same time, other estimates around 1815 suggest that there were between 14,000 and 17,000 Khoikhoi at the Cape (Freund 1989: 340).
Indeed, having lost their cattle (an important status symbol in traditional Khoisan society, Ross 2009: 22), numbers, and independence, the Khoisan had three ‘choices’ when being confronted with the exponentially expansive colonialists: “submit, retreat or perish” (Penn 2005: 1). They could, as many did, trek north where there were still independent Khoisan structures for the time being, or become assimilated as domestic/farm workers into colonial society (Elphick 1977: 234). According to Elphick (Ibid. 175), this is what the majority of the Khoisan in the Western Cape did due to the high demand for labour by the Dutch who did not want to pay the high price of slaves. As the farms where labour was required were increasingly distanced from what was becoming Cape Town, the Khoisan also physically left the city (Marais 1978: 123). However, the legal position of the Khoisan within the colony is debated, especially considering that there never was, as Robert Ross (1981: 68) argues, a “conscious theory of imperial rule,” but that their lives and status were largely in the hands of the white farmers for whom they worked. The Khoisan were never enslaved (while van Riebeeck sometimes considered this option), but were according to many in virtually the same position as, or even worse off than, the slaves in the colony (Ibid. 70). Quasi-enslaved or not, coercion and violence were certainly there.

They were essentially reduced to a landless proletariat as they could not accumulate enough money (barter trade was forbidden) or cattle to alter their status, and were not able to own land or property. Furthermore, vagrancy laws were enacted in the 1809 ‘Caledon code’ which meant that the Khoisan were not allowed to wander alone (often while being intoxicated as they were reimbursed for their labour with alcohol and tobacco), and had to be registered with a “fixed place of abode” with their ‘master,’ de-facto pushing them into wage-labour or indentured farming (Bredekamp & Newton-King 1984: 2-3). While they held the status of “colonial citizens” since 1809 with the new British government of the Cape Colony (and ‘equal’ citizenship since Ordinance 50 of 1828), they did not retain the ability to practice their customs or language (Elphick 1977: 175, see Chapter Three). This citizenship did, however, not materialize in equal political participation as they were not organized among

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45 In the next chapter, I show how mission settlements proved to be yet another form of ‘escape’ for the Khoisan.  
46 Again, I will show in the next chapter how mission settlements are somewhat of an exception in this regard. The Kat River settlement in the East is also an exception that proves the rule. As it is not of concern for this present study, I want to direct the reader to (Ross 2014). Similarly, the northern regions with the Griqua and ‘Basterds’ also contain some exceptions when it comes to land ‘ownership’ (Legassick 1989: 358-420).  
47 While Ordinance 50 of 1828 officially allowed Khoisan and “coloureds” to hold private property, this almost never materialized due to lack of funds (in the Western Cape) (Boonzaier, et al. 2003: 110,Mountain 2003: 57).  
48 Often referred to as the first ‘pass laws’ (Marais 1978: 116-117).
themselves, and probably not aware of their ‘rights’ and the ability to take white farmers to
court, although this occurred a few times (Marais 1978: 11).
Ordinance 50 of 1828 directly addressed the constitutional position of the Khoisan in the
Cape, but from the second half the 19th century it seems that the Khoisan have assimilated
so much into the colony that they almost no longer exist as a separate entity on a legislative
level (Brink 2000: 41). In the year 1898, Act 28 classified the Khoisan and other African
populations as “Natives” (Ibid. 44). The 1921 census mentions them as “Mixed and Coloured
Persons;” terms which were probably already common in colonial society to denote all
people of mixed racial ancestry or with brown skin (Ibid. 48). With the advent of apartheid,
the Population Registration Act of 1950 furthered their segregation by forced registration as
“(Cape) coloured” (Besten 2009: 136-137). Due to the intense educational policies of
apartheid (which I cannot address here), most Khoisan descendants most likely stopped
identifying themselves as such in the course of the 19th and 20th centuries (Ibid. 139). Due do
the assimilation, European names were adopted and many became ashamed of their
Khoisan ancestry (Nienaber 1989: 84, Sharp 1996: 97). This loss of culture - a symptom of
colonial rule in different cases as well (Maybury-Lewis 2003: 325) - is seen as one of the
main reason for the Khoisan’s decline. As historian Shula Marks (1972: 77) noted, “[t]hey
literally acculturated themselves out of existence.” This line of reasoning is especially
prevalent among contemporary Khoisan activists (see Chapter Three). While some leaders,
such as the famous Andrew Abraham Stockenström Le Fleur, openly celebrated their
Khoisan heritage in the 20th century, the Khoisan were not mentioned as an identifiable social
grouping in official documents since 1910 (Brink 2000: iii). Their history (and historiography)
is then subsequently enmeshed with that of the coloured population during apartheid. As I
show in the next section, the regime change in 1994 changed this drastically.
2.2 Restoring indigenous rights in South Africa? Land, traditional authority, and the political accommodation of the Khoisan revival

Many in South Africa were probably confused to witness a Khoisan revival when apartheid came to an end (Saugestad 2004: 28). As Bredekamp notes, it was extremely rare for people to identify as Khoisan during apartheid and before the term ‘coloured’ became increasingly deconstructed (Bredekamp 2001: 196). Furthermore, President Mbeki had expressed a common impression in his famous speech ‘I Am an African’ in 1996 that the Khoisan were in fact extinct.

“I owe my being to the Khoi and the San whose desolate souls haunt the great expanses of the beautiful Cape - they who fell victim to the most merciless genocide our native land has ever seen, they who were the first to lose their lives in the struggle to defend our freedom and dependence and they who, as a people, perished in the result.”

Who then were these anachronistic ‘coloureds’ who did not conform to the common primordial images of Khoisan authenticity and were demanding official recognition of their traditional authorities (see Chapter Five) and land claims because of their cultural distinctiveness as indigenous peoples? Were these historical ‘relics’ not in the Northern Cape or in other places in Southern Africa (see Chapter Three)? While the size of the Khoisan revival is hard to estimate as statistical information is inadequate or non-existent, the


50 In their 2002 overview of identity politics in the Western Cape, Scarlett Cornelissen and Steffen Horstmeier (2002) did not mention a Khoisan revival, for example. Instead, they noted a rise in other ethnic identities in the Western Cape, which in turn re-inforced the national one (Afrikaners, Xhosa, etc.). The size of the Khoisan revival is also hard to conceive because people identify as “Khoisan” to varying degrees and with ‘strong’ and ‘weak’ definitions (see Chapter Five). It is also still growing (especially lately, see below) and there are no statistical data available. These numbers from the United Nations Special Rapporteur of Indigenous Peoples, Rudolfo Stavenhagen, who visited South Africa in 2005, are perhaps the most accurate to date: “The various indigenous groups, known collectively as Khoi-San, are estimated to include approximately 1.000 Khomani San, 1.100 Khwe San, 4.500 !Xun San and 10.000 Nama people, who are mostly resident in the sparsely populated Northern Cape Province. There are a further 300,000 Griquas, mostly located in the Northern and Western Cape Provinces, but with significant communities in the Eastern Cape, Free State and KwaZulu-Natal. There is furthermore an unspecified number of ‘revivalists’ Khoisan people associated with the Cape Cultural Heritage Development Council (CCHDC)” (United Nations 2005: 3, 7). The UN and other organization have, however, often called for clarification in this matter and for ‘Khoisan’ as an option in a census (Mukundi 2009: 59).
impact is certainly there as evidenced by recent political developments. This section cannot
directly address the various aspects of the Khoisan revival; the goal is rather to provide an overview
of the political and legal context relevant for this research.\(^{51}\) The first subsection deals with
the ‘official’ South African approach towards indigeneity and its influence on the National
Traditional Affairs Bill, a recent policy process regarding the recognition of Khoisan traditional
authorities. The following subsection then scrutinize recent legislative developments
surrounding another topic at the core of Khoisan activism and this research: land claims.

**2.2.1 South African indigeneity, Khoisan political structures, and
the National Traditional Affairs Bill**

Presidents of the ‘new’ South Africa have, each in their own particular way, stressed the
need for South Africa to be a nation united in its diversity, successful in its combination of
traditionality and modernity, and ready to address injustices of the past. With the ending of
apartheid, many were then encouraged by these policies to re-figure their identities (as some
of them had long been suppressed) and make claims on the past to procure entitlements in
the present (Ruiters 2009: 105, 109, see below). Concomitantly, the 1990s saw an
increasing number of people identifying as indigenous and a growing sympathy towards
indigenous rights\(^{52}\) with the First Decade of the World’s Indigenous Peoples declared by the
(hereafter ILO 169) which dealt with land rights and recognition of traditional authorities, and
the establishment of various global indigenous organizations.\(^{53}\) The recognition, celebration,
and demands regarding cultural diversity, autonomy, and human rights (including land) were
on the rise globally and considered crucial focus points for a modern nation state (Oomen
2005: 4-9).

In South Africa (and elsewhere) these developments resulted in the celebration of traditional
leadership, especially by Presidents Thabo Mbeki and Jacob Zuma.\(^{54}\) Many leaders from all
corners of the country came to the fore to successfully claim recognition, power, and funding

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\(^{51}\) As stated before, Griqua organizations are more established and have their own specific history. They are, however, not immediately relevant for this thesis and will therefore not be discussed.

\(^{52}\) The definition of ‘indigenous’ is highly contested, and since I use an emic perspective, the definitional debate will be addressed in the next Chapter.

\(^{53}\) For an overview of the global indigenous rights movement see (Venkateswar, et al. 2011).

\(^{54}\) Zuma has, for example, met with Khoisan leader such as King Adam Kok V of the Griqua and celebrated historical Khoisan figures as great leaders (“Bill to empower Khoisan community.” (2011) Source: http://www.southafrica.info/services/rights/traditional-080811.htm#.VtcVXDGsW1T, accessed 20 July 2015).
Traditional leadership became a guarantee in Chapter 12 of the Constitution, which provides for the reinstatement of traditional authorities that existed before 1994. This invitation was, in some way, eventually also extended to Khoisan authorities. They were initially not included because, so goes the ‘official’ argument, their culture and structures did not survive apartheid and colonization (Mukundi 2009: 12, see above and Chapter Three). Indeed, as I show in the remainder of this section, the process of accommodating the Khoisan did not only have a complicated and delayed start, it also does not look to be finished anytime soon.

While some representatives of the Griqua were present at the CODESA 1 and 2 negotiations in the early 1990s during the transition from apartheid to democracy, the first serious effort to accommodate the (Western Cape) Khoisan started with the Cape Cultural Heritage Development Organization (CCHDO) (ENN August 2013: 14). The CCHDO, which for some signalled the start of the Khoisan revival, was set up by Chief Joseph Little in 1996 and was probably the first non-Griqua or tribe-focused Khoisan organization to ‘revive’ traditional Khoisan structures and demand restitution based on rights of cultural expression and traditional authority in the Constitution (De Wet 2010: 17). Together with the Institute for Historical Research at the University of the Western Cape, the CCHDO organized the important ground-breaking conference entitled “International Conference of Khoe-San identities and Cultural Heritage” in 1997 (Ibid.). Through its media coverage, it created awareness of the Khoisan revival and land rights not only among academics, but also among South Africans in general (De Wet 2010: 58). This conference also prompted the creation of the National Khoisan Forum in 1998, which became the National Khoisan Council (hereafter NKC) in 1999 (Ibid. 17-18). While its history and contemporary state is contested and confusing, and it is still a non-statutory and virtually unfunded institution, the NKC is the main body which the South African government engages with (see below and Chapter Five). The predecessor of the NKC was a largely unorganized grouping of Griqua families based in the Northern Cape which then started to include leaders from other ethnic groups, including the

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55 For a critical perspective on the reason for these developments see (Ntsebeza 2005a, Oomen 2005, Robins 2008).
56 It should be noted that information on Khoisan political structures is hard to locate, fragmentary and even contradictory at times (see Chapter Five). The following should then be read with these precautions in mind.
57 The NKC is also sometimes abbreviated as NKSC. To make matters more confusing, the NKCC (Consultative Council) was erected in 2001 but eventually this re-joined the NKC after the latter protested its existence as a counter council (Besten 2006: 321). I have been told that the CCHDO still exists but I was not able to contact any of its members or to find out what their current aims were.
revivalist groupings (Ellen, NKC, 07/01/2014). This then later resulted in the NKC, which today includes 33 members and has a mandate to negotiate with the South African government about various matters affecting the Khoisan, but specifically the constitutional recognition of traditional leadership (Le Fleur and Jansen 2013: 3).

The NKC received ‘official’ backing with the notorious ‘Integrated Khoisan Status Quo report’ of 2001 compiled by the Department of Provincial and Local Government (Zuma 2001). This report is responsible for the official present-day classification of the Khoisan into five groupings: Koranna, Nama, San, Griqua and ‘Cape Khoi’ (i.e. Khoisan revivalists in the Western Cape) (Le Fleur and Jansen 2013: 1). While many Khoisan activists were correct to assume that I would not be able to locate this mysterious report, I did find a paper written by one of its authors via an article in ENN (August 2013: 14) which gave useful insights into the methodology and contents which were probably part of the 2001 report. As for methodology, however, the author only mentions that he used the “historical method” to track down and evaluate contemporary Khoisan leaders (Brink 2000: iv, 16). Nevertheless, he does assert that they all have valid bloodline claims (he even gives their geographical locations and phone numbers), without explicating them or showing how he dealt with differences of opinion, which are very common (see Chapter Five) (Ibid. iv, 2). The author also recommends “restoring” (p. 56), “funding” (p. 57), and “legally recognizing” (p. 58) the Khoisan. This enthusiasm and willingness to recognize and recompense the Khoisan was also expressed by Jacob Zuma (then deputy-president) at the 2001 follow-up conference in Oudtshoorn where many Khoisan activists were present. As I believe elements of his speech express the ‘official’ South African approach towards Khoisan indigeneity, it is worth quoting it at some length:

58 Interestingly, Besten claims that the Khoisan revivalists were heavily influenced by the style of politics pursued by the Griqua: “Though much localized in their demands, the issues raised by new Griqua organizations also provided an impetus to a countrywide neo-Khoe-san resurgence” (Besten 2006: 348, 267).
59 No Khoisan are constitutionally recognized as I-indigenous. They are still classified as “coloureds” (Le Fleur and Jansen 2013: 1).
60 The government considers three major groupings: !Xun, !Khwe and #Khomani San (United Nations 2005: 14).
61 Members of the NKC even have trouble accessing this report which is frequently said to be made public ‘soon’ (Zuma 2001, Ellen, NKC, 07/01/2015). Calls have been made for the South African government to make public their documents (Mukundi 2009: 60). A recent government report refers to the status-quo report (which have apparently been updated in 2004) that there are 16 communities in the Cape Khoi classification, and that this was established after consultation with said communities and through community-appointed researchers (RIA 2013: 96).
62 Furthermore, this research said to have been carried out by “professionals, appointed by Khoi and San communities of each of the five main groupings” and covered the history, geography, culture, landmarks, and leadership structures of Khoisan communities and representatives (Ntsewa 2013: 10-11). None of my research participants ever mentioned these consultations, but perhaps this is because they took place before they became committed activists.
“We are all making history today... Firstly, it is the first time that people of Khoisan descent... the first indigenous people of our country... have taken charge of [their] own heritage and destiny. Secondly, this conference demonstrates that not even 350 years of harsh colonial rule and apartheid policies have crushed the Khoisan spirit. As descendants of the San and Khoekhoe whose ancestors lived here for over 100,000 years and populated the rest of the world, you are a shining example of the liberating effects of democracy. Thirdly, the strong cultural and social focus of this conference will provide significant inspiration for the African renaissance movement... Fourthly, the growing sense of pride amongst people of Khoisan descent about their roots in Southern Africa will bring increased benefits.” (Zuma 2001)

While Zuma clearly acknowledges the colonial history of the Khoisan, their ancestral presence in South Africa, and even encourages the Khoisan revival and restitution projects, he carefully defines them as first indigenous people. By referring to the African Renaissance, Zuma sees the Khoisan revival as an African revival, not as an indigenous one. It is indeed typical for nations to stress equal citizenship and resist indigenous identification; especially in Africa, with its recent history of decolonization and nation-building (Kidd & Kenrick 2011: 85, 94). Instead of ignoring the word, however, the South African government uses ‘indigenous’ to refer to all back African populations of the country - stressing South Africa to be “one diverse nation” like Namibia or Botswana (Robins 2008: 67, 68, DTA 2013a). The Preamble to the Traditional Leadership and Governance Framework Amendment Act (2003), for example, states that “South African indigenous people consist of a diversity of cultural communities.”

This approach seems to have given South Africa a good reputation with the UN (as compared to other African countries). Indeed, ILO officials have stated that South Africa is “willing and ready to hear, accommodate and affirm the rights claimed by indigenous peoples,” and Zuma has frequently claimed that South Africa was “finalising its position with

63 Gwede Mantashe, the current Secretary General of the ANC, expressed this in a interesting fashion when he said in 2013 that Khoisan activists should not “think like a a minority, because [they] are part of a majority.” (ENN December 2013: 7)
64 During my interview with the Western Cape Land Claims Commissioner, for example, he wondered how beneficial it would be for South Africa to promote different types of nationalities (MW & DS, 4/9/2014).
From dispossession and decimation to restitution and revival

respect to the signing and ratification of [ILO 169]" (ENN July 2013: 2).65 Dr. William Langeveldt, a well-known Khoisan activist, is even part of the United Nations Permanent Forum on Indigenous Affairs (Mukundi 2009:22). However, when these words do not translate into action, many activists consider actions of the government as window-dressing for the UN, contributing further to the distrust of government (see Chapter Five).66 Indeed, while the Constitution does not recognize the Khoisan as indigenous people, the South African government is ambiguous when it comes to its position on the subject.67 Zuma’s statements are among the most pro-Khoisan when compared to other government sources68, but overall, I would argue that while most South African officials do not explicitly deny the history of the Khoisan and their contemporary “vulnerable” position, they are not comfortable with the idea of the Khoisan as first inhabitants of South Africa, de facto making all other population groups non-indigenous.69

This attitude explains the nature of the National Traditional Affairs Bill (hereafter NTAB); the most advanced, yet tentative, piece of legislation regarding the recognition of Khoisan traditional authorities to date. There had been legislation on traditional leaders before, but their exclusion of the Khoisan was one of the main reasons to draft this new comprehensive Bill and replace the current legal framework regarding traditional leadership (Traditional Leadership and Governance Framework Act of 2003 and the National House of Traditional Leaders).65 Experts say that ILO 169 is the only potential legally binding instrument for indigenous people so far. Hence, it is signed by only a handful nations to date, none of them African states (Chennels & du Toit 2004: 103).66 An interviewee said that the South African government was doing this window-dressing because they were chasing a seat at the security council of the United Nations and they want a good record (Anna, IRASA, 05/01/2015). The commitment to the United Nations is indeed often explicated, for example in 1999 at the occasion of the #Khomani San land claim (see below), when Thabo Mbeki said that South Africa was fulfilling its pact with the United Nations through this land claim (Chennels & du Toit 2004: 100).67 The constitution does not consider any of the Khoisan languages part of the official eleven ones, but does mention the need to “promote, and create conditions for, the development and use of … the Khoi, Nama and San languages.” This is the only mentioning of the Khoisan in the Constitution (Chapter 1, Section 6, Article 5).68 Minister of Rural Development and Land Reform, Gugile Nkwinti, however, has even stated that the restitution projects in Mamre (see Chapter Three) are “just the beginning of full recognition of the Khoi and San descendants.” (Besent 2013)69 A recent government report for example (see below and Chapter Three), states that all African groups arrived in South Africa simultaneously and that “first nation status” would be contradict the Constitutional guarantee for equality: “[T]he historical chronology of land dispossession by colonial forces in South Africa evidently shows that all indigenous South Africans from the KhoeSan in the west beginning 1652 to the Bantu-speaking sedentary farming communities in the north and east lost their lands and associated resources long before the 1913 Natives Land Act” (Hall 2010: 23, RIA 2013: 24, 76, 133). Tommy Ntsewa, an official of the DTA, has also recently stated that Khoisan communities could be considered “vulnerable” but not as first inhabitants in South Africa in a polemical way: “[n]o community in (South) Africa can claim to be more indigenous than the other African communities... Those who argue otherwise must provide evidence that there were no others in this continent than them.” (Ntsewa 2013: 1-3)
Leaders Act of 2009). While some officials already expressed the need to address this exclusion in 2003 and the (NKC’s) negotiations with the government had also taken place for a long time before (see above), the drafting process started only in 2009, when a policy submission (“draft White Paper”) was compiled by the Department of Traditional Affairs (hereafter DTA) based on “four years of research.”

The main idea of the NTAB (2013: 5) is to set up a “Khoisan Advisory Council,” much like the Commission on Traditional Leadership Disputes and Claims which investigates claims made by traditional leaders, to “redefine, locate and affirm the traditional institutions of the Khoisan communities” so that they could, after approximately five years (Joseph, Lombard & Smit 2013: 4), join the national and provincial houses of Traditional Leaders (which would perhaps be renamed the “National House of Traditional and Khoi-San leaders”). The NTAB thus does not grant the Khoisan an indigenous first nation status or mention relevant international legislation, and this is the main reason why most Khoisan activists do not approve of it (ENN October 2013: 6). They do not want recognition as ‘traditional’ leaders but as indigenous ones since they claim to face specific predicaments which require specialized institutions and rights (Joseph, Lombard & Smit 2013: 3, see Chapter Three). Furthermore, joining the houses of traditional leaders would probably put them in a demographic minority position (Ibid. 4) and could mean a loss of power (ENN October 2013: 2). Many have also remarked that the NTAB’s slow progress is due to the fact that it is debated when elections are near, but then pushed back into obscurity afterwards and hence is not a credible piece of legislation.

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71 First with the Department of Provincial and Local Government and then with the DTA.
72 For more information on consultations with “Khoisan communities,” which especially occurred in 2011, see (DTA (2013b). The exact reports, however, could not be located. This is regrettable as it would be interesting to find out which Khoisan representatives and activists the government consulted with and why. One source states that there had been consultations with 53 Khoisan communities for input on the Bill (“National House of Traditional Leaders Strategic Plan 2011–2013 briefing” (2011) Source: http://www.pmg.org.za/report/20110301-strategic-plan-2011%E2%80%932013-national-house-traditional-leaders-briefing, accessed 20 July 2015). However, I believe that this “research” mainly refers to the Status Quo report(s) (see above).
comments in September 2013 (extended to December 2013) and was said to be “in the process for entering parliament” after being redrafted once more (DTA 2013a). I examine more criticism of the NTAB in the third and fifth chapters.

In conclusion: while different (African) ethnicities and identities are encouraged in South Africa, and there are contemporary developments which are specifically concerned with restitution for the Khoisan, claims for reparations based on a distinct oppositional indigenous status (i.e. as compared to other non-indigenous people) are not likely to be entertained any time soon (Hodgson 2011: 215). As I show below, this specific reading of South African indigeneity also underlies recent legislative developments regarding Khoisan land claims.

2.2.2 Khoisan land claims and the Restitution of Land Rights Amendment Act

While expressing the need for clarification on the relationship between the two, South Africa has been enthusiastic to help traditional leaders get (back) land (DTA 2013a). The Communal Property Association Act of 1996 and the Communal Land Rights Act of 2004 where aimed to assist this effort by allowing (traditional) communities to form their own “representative” institutions to claim and manage land if “[t]hose rights in land are derived from shared rules determining access to land held in common by such group” (Walker 2008: 66). Critics have argued that the duties and structure of these unelected “traditional councils,” especially with regards to local government, are left unspecified and leave open too many possibilities for opportunistic traditional leaders to assert their power (see Chapter Five) (Oomen 2005: 69, 223, Ntsebeza 2005a: 287, 289). This criticism and the fact that the Communal Land Rights Act was declared unconstitutional in 2010 did, however, not stop South Africa from advancing the powers of traditional leaders even more in the context of the reopening of the land claims process (Luwaya 2012). As the initial restitution process had been closed in 1998 and the underfunded Land Claims Commission is still processing many claims to date, the South African government surprised the world when it decided to re-open the land claims process in 2014 for another period of five years and encouraged traditional
leaders to recruit "good lawyers" to prepare claims (Walker 2008: 205, 222).\textsuperscript{76} Mostly as a result of people missing the deadline of 1998 due to misinformation, land lost after 1913 as a result of "past racially discriminatory laws or practices" could once more be claimed back.\textsuperscript{77} Traditional leaders publicly supported the Khoisan activists who were cautiously optimistic about the prospect of reopening the land claims process and changing the constitutionally enshrined cut-off date (Section 25, 7), as they were long-standing demands, international standards\textsuperscript{78}, and something which the government enquired into many times (White Paper 1997: 27, Robins 2008: 69).\textsuperscript{79} Perhaps they were also hoping that South Africa would implement the United Nations Declaration on the Rights of Indigenous People (hereafter UNDRIP), which it signed in 2007 and stresses the need for land claims (see Chapter Three).\textsuperscript{80} While South African law is quite original when compared to other similar legislation worldwide in not acknowledging indigenous people’s rights explicitly, it is typical for nations to sign international guidelines but delay or refrain from translating them into binding national legislation (Minde 2008a: 1).\textsuperscript{81} The same might be said of the way ‘aboriginal title’\textsuperscript{82} played a role in the Richtersveld and the Kgalagadi Transfrontier Park land claims where Khoisan communities were involved in. While aboriginal title is not recognized in South Africa, there seems to be greater sympathy for this concept and it played a role in the success factor of both land claims (Cavanagh 2012: 453, Gilbert 2007: 509, Mostert 2010: 76). Not surprisingly

\textsuperscript{76} Zuma (2015) reiterated these remarks at the official opening of the National House of Traditional leaders on 5 March 2015.

\textsuperscript{77} Bantu-speaking farmers to the east and northern inland also lost land before 1913 (RIA 2013: 11.). However, because territories in the north (especially Limpopo and Mpumalanga) were not completely parcelled up by white colonialists before 1913, the majority of rural claims are situated in these regions and very few in the Western Cape (Hall 2010: 23).

\textsuperscript{78} There are no cut-off dates in the land claims programs of Canada and Australia, for example (Cavanagh 2012: 455). International observers have also argued that "the statutory limitations period of 1913 is incompatible with an indigenous land claim," and that it should be changed (Mukundi 2009: 3).


\textsuperscript{80} Especially article 26 (United Nations 2007).

\textsuperscript{81} However, SA recognizes international law wherever applicable, so perhaps international legislation is powerful in that sense (De Wet 2010: 19). In that fashion, a government official once stated that "international and regional instruments are therefore applicable in South Africa including ILO 169" (Molotswa 2014).

\textsuperscript{82} Aboriginal title is a doctrine which recognizes communal property rights of indigenous people at the time of the arrival of the colonial authorities if the community in question can show “historical continuity/occupation” with that area and the colonizers have not explicitly “acknowledged or extinguished” that act (see Chapter Three). Ever since the first internationally significant case on aboriginal title, \textit{Mabo v Queensland}, the issue of cultural continuity became one of the (most intensively debated) central requirements (Bennett 1993: 468-469). Inherently vague, the application of aboriginal title is decide upon case per case (Chan 2004: 115, 118-119).
then, as I show in the next chapter, these elements continue to frequent Khoisan activist discourse.

As stated in the introduction, the Khoisan had to let go of these hopes and face the harsh reality that they did not end up in the eventual Act. However, before the signing of the Restitution of Land Rights Amendment Act on June 30th 2014, there had been several consultations with the Khoisan which are worth exploring. In the remainder of this section, I want to critically discuss these developments in some detail as they provide the political context where the Khoisan struggle for land has to be seen in (see Figure 9).

i. The National Khoi San Dialogues

The first ‘National Khoi San Dialogue’ (sometimes also referred to as a National Consultative Workshop) took place in Kimberley on 15-16 April 2013 and was officially mandated as an initial consultation process by Gugile Nkwinti, the Minister of Rural Development and Land Reform (hereafter DRDLR). According to informants, this process was predated by several informal meetings in the provinces which put pressure on the governments for a national gathering (Anna, IRASA, 05/01/2015). When preparing this conference, the government asked Khoisan organizations (mainly the NKC) to submit names, roughly 100 per province, as attendees (Ellen, NKC, 25/11/2014, Anna, IRASA, 05/01/2015). They also mentioned that they would want to create a board of representatives consisting of 45 people and the Western Cape Khoisan activists elected five representatives among themselves in March as their provincial delegation. “Kimberley One,” as it is commonly referred to, was eventually attended by 500-1000 Khoisan activists from all over South Africa (estimates vary), the minister indeed announced that he wanted the election of a “Reference Group” consisting of five representatives from every province and with representation from all the five grouping (ENN July 2013: 6, see above). The Khoisan were asked to choose 12 representatives from this Reference Group to function as the “Working Group” of the minister and Kaptein John Witbooi became the controversial chairperson (see Chapter Five). Finally, a policy-subcommittee of five members with relevant experience was also established to formulate policy proposals regarding exceptions to the 1913 Natives Land Act cut-off date (ENN February-March 2014: 2).
Figure 9: Khoisan political developments (1994-2014)
More specifically, this committee was mainly to explore what would constitute exceptions, which forms restitution should take, and which “heritage sites” and “historical landmarks” would be relevant (ENN January 2014 to February 2014: 2). Meanwhile, the government mandated a Regulatory Impact Assessment Report (hereafter RIA) to be carried by independent researchers to explore these matters themselves. The RIA report (2013) argues that amending the constitution to allow pre-1913 land claims is “politically and economically unbearable” (p. 165, 186-187)\(^83\), but that existing legislation on heritage (National Heritage Resources Act 1999) and land redistribution\(^84\) (Provision of Land and Assistance Amendment Act\(^85\)) should be amended to generate “growth in the heritage based industries” (p. 187-189) and give the Khoisan a greater sense of ownership\(^86\), “sense of place” (p. 189), and ability to practice their “indigenous cultural heritage” (p.147). While this report should not be overestimated as a source (it is after all not official policy), I would argue that it gives a unique insight into the possible practical accommodation of Khoisan land claims because its orientation and recommendations are in line with South Africa’s definition of ‘indigeneity’ (i.e. the Khoisan as “vulnerable communities” (p. 18) and not as first inhabitants of South Africa, see above).

Indeed, the policy proposals presented by the government at the second National Khoi San Dialogue, which took place between the 15\(^{th}\) and 16\(^{th}\) of April 2014 and was again attended by roughly a thousand participants, remained too vague. In essence, the government proposed to amend “current legislation” to account for exception and to continue working via the NTAB (see above), the NKC, and the Reference Group to give meaning to these “exceptions” (Mdontswa 2014). While these suggestions did not specifically acknowledge the proposed 1652 cut-off date by the Reference Group, it reflects their request to amend existing land reform legislation and to provide for a new consultative organ for all matters Khoisan (ENN February-March 2014: 2, see Chapter Five). Officials at ‘Kimberley Two’ then

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\(^{83}\) “It will negatively affect legal certainty regarding land rights, as ownership of most land in South Africa may, in principle, become subject to land claims. In addition, the impact on foreign investment in South Africa, as well as on investment by farmers on their farmland will be dire, as most forms of land tenure would become insecure. In addition, claims on land that have already been settled and in terms of which land has been returned, might again be subjected to further land claims” (RIA 2013: 149).

\(^{84}\) In essence, land restitution gives back ownership of certain land held before while redistribution is a state-led process of buying and selling/granting land to ‘vulnerable’ communities.

\(^{85}\) The Provision of Land and Assistance Amendment Act of 2008 deals with tenure reform and land redistribution and makes provisions for the state to acquire land.

\(^{86}\) While having a broad and considerate definition of ‘heritage sites,’ The National Heritage Resources Act (1999) is not adequately formulated as to provide for clear guidelines surrounding access to and ownership of land with heritage sites on it. It only speaks of a “protection regime.” This is a common grievance of Khoisan activists (see Chapter Three). This issue is also highlighted by the 2013 RIA report (p. 11,117).
clearly followed the guidelines of the RIA report and favoured land redistribution policies over restitution - a compromise also put forward by the Reference Group (NAREG 2014). This idea was reiterated recently at a meeting in Arniston to prepare Kimberley Three on 14 June 2015 (Khoisan 2015). As for the issue of heritage sites, officials made a confusing distinction with ‘historical landmarks,’ but acknowledged the general need to give back these areas to “the owners of the heritage and history” (Mdontswa 2014). Again, however, no specific promises were made. The Reference Group, while largely dysfunctional by that time (see Chapter Five), said to have already defined certain “identified capacity-building and development projects,” and the following sites were proposed among others at Kimberley Two: Oude Molen, Table Mountain, “Missions Stations,” and the Castle of Good Hope (ENN January-February 2014: 2, see Chapter Four). While I was not able to locate the elusive last ‘official’ reply from Khoisan representatives regarding the policy process in the form of the ‘Five Commissions (i.e. Five Khoisan groupings, see above) Report,’ and a third National Khoisan Dialogue will most likely take place after this thesis is finished, I believe to have enough information to make some concluding remarks on the nature and future direction of Khoisan land politics in the remainder of this chapter (Anna, IRASA, 05/01/2015, Ellen, NKC, 07/01/2015).

**ii. Khoisan land claims: a critical perspective**

While sympathetic to the historical dispossession of the Khoisan, first nation status or changing the Constitution to allow for pre-1913 land claims is not something which is likely to happen in the near future. Instead, the government prefers heritage politics and redistribution, or ‘soft’ compensation for the Khoisan.87 Time and time again, officials have hinted at this type of “symbolic” reparations/acknowledgements and to refrain from making “emotional claims” (Zuma 2015). The RIA report (2013), for example, suggests “symbolic gestures/remedies” such as renaming towns, roads or geographical areas with “former or new Khoe and San terminologies” (p. 151). Heritage politics are also favoured for the same reason, especially if they can be linked up with profitable tourism projects (Ruiters 2009: 124). In that regard, the history of the ‘Khoisan Heritage Route/Khoisan Legacy Project’ conceptualized by the South African Heritage Resources Agency (SAHRA) in 2000, is a

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87 It should be added that this new round of restitution focuses heavily on the economic component. The Act, for example, states that considering claims should now also involve taking into account “the ability of the claimant to use the land productively” (section 9).
telling example (Deacon 2001: 49-50). Including “mission stations and colonial battle places,” and stretching from Cape Town to Namibia, the Khoisan were excited about the launching of this project, but its development has been incredibly slow (Vecchiatto 2015). While the Griqua are (once again) the exception, and there are plans for Khoisan heritage sites at Hangberg and Princess Vlei, Khoisan activists often complain about the lack of heritage sites (ENN March-April 2014: 1, see Chapter Four). Considering this enormous potential, it is all the more regrettable that there are no heritage sites for the Khoisan to speak of.

Blaming the lack of clearly defined legislation or the impracticality of changing the Constitution, as was done at Kimberley Two and in the RIA report is too easy as Ruth Hall (2013) pointed out, since the Minister of the DRDLR reserves the privilege to redistribute land or allocate heritage sites. Furthermore, legislative changes have been promised since the end of apartheid but fail to result in efficient and practical policies. The mere fact, for example, that the Khoisan are included in policy exploration around land claims while the NTAB is not yet an Act is strange, to say the least (Robert, 15/01/2015). One activist even argues that any discussion on Khoisan land reform is impossible without recognizing them as indigenous peoples first (ENN July 2013: 6). Others point to the fact that the meetings were defunct in that they addressed ground issues while not addressing the fundamental issues affecting the Khoisan nation such as official recognition or the problematic notion of ‘coloured identity’ (Ibid. 1). Already in 1997, a prominent activist-professor said that the Khoisan revival should first figure out issues of identity, and only then start discussing land.88

Not surprisingly then, historical ownership and claims to traditional authority are widely debated and a major cause for confusion and disunity (see Chapter Five). No official document, for example, states whether land restitution/redistribution will take place on the level of a community or the individual. Instead, the Khoisan issues surrounding land and official recognition seem to be addressed almost arbitrarily by the DRDLR and the DTA, who have each erected their own structures (the Reference Group and the NKC respectively) without defining their mandate clearly. This did not go unnoticed by Khoisan activists who felt that this confusion and the lack of access to documentation are not accidental, but intended as a tactic of divide-and-rule (see Chapter Five). Critics have also remarked that government rhetoric was misleading, and that the timing for the elections (May 2014) was not coincidental (Lund 2014). Indeed, government officials have stated on numerous occasions that the new

88 See (Khoisan Forum Discussion 1 1997).
land claims process would include the Khoisan, but the Act changes nothing to their situation.89 When Zuma then officially opened the House of Traditional Leaders in March 2015 and re-iterated his commitment to “adopt a new legislation that will allow the Khoi and San… to lodge land claims in the next five years,” it might have fallen on deaf ears (Zuma 2015).

The distrust of the motives and dedication of the government might explain why the Chief Land Claims Commissioner of the Western Cape told me that the government’s path towards symbolic reparations will not be enough for the Khoisan activists (Michael Worsnip & Dave Smit, 04/09/2014). But why would restitution as a “symbolic apology” (Cavanagh 2012: 443) not be enough? What do the Khoisan activists want and how can we understand the motives of their struggle? Why is there such a great disparity between the government hailing the negotiations as success stories and the Khoisan activists who think the opposite?90 As stated already numerously throughout this thesis, answers to these questions are lacking or unsatisfactory. The contemporary research carried out by the government is a good start but has some serious flaws. The RIA report (2013), for example, hardly investigated the Western Cape Province (p. 194), contains odd numbers and projections91, and sticks mainly to a macroeconomic and legal analysis. I attempted to address these shortcomings and argue that the shape and tactics of the Khoisan struggle (Chapter Three) should be considered in light of their motivations (Chapter Four) and the nature of intra-Khoisan politics (Chapter Five). As I show, such an understanding not only enriches the academic understanding of Khoisan activism and land claims, it also holds the possibility of reorienting current policy developments.

91 It does not, for example, explain why approximately “23.170 claims from traditional Khoi-San provinces” would be filed if the cut-off date would be changed (RIA 2013: 25) or why this would involve “500.000 community members of the Khoekhoen and San descendants.” (Ibid. 40) It only mentions that they borrow these figures from consultancy firm Urban-Econ (Ibid. 25). I did not manage to find more information about these figures.
3. Strategic Khoisan essentialism and land claims: a means to an end?


“Everybody twists stuff around!” - Ellen, NKC, 07/01/2015

The South African anthropologist John Sharp (1996: 91) rightly observed that if indigenous people want to make claims and demands on the basis of difference, they “had better be really different.” Ellen, a young activist and NKC member for the Western Cape, realizes this like any other Khoisan activist and laughed when making that ironic remark. As I have shown in Chapter One, the realization and mobilization of this political strategy can be termed ‘strategic essentialism.’ This paradigm places the focus on the agency of Khoisan activists and allows me to contextualize the strategies which are employed. Often based on primordial imagery and popular stereotypes, these images are fascinating material for anthropologists and historians eager to deconstruct. In this chapter, I explore the strengths of a strategic essentialist approach when trying to understand Khoisan activist discourse concerning indigenous rights (Section Two), and when examining a Khoisan land claim in Mamre (Section Three). Before proceeding however, I wish to start with some remarks on the context of the mobilization of Khoisan identity and elaborate on some theoretical reflections made in Chapter One since I believe they are crucial to understand the goals of this chapter.
3.1 Some preliminary remarks on Khoisan strategic essentialism

Perhaps the most important clarification I wish to make is that strategic essentialism does not hold that the essentialisms are necessarily or consciously ‘false.’ Instead, it underlines the fact that these essentialisms are mobilized for specific reasons within specific political contexts. In that regard, while it is true that “strategic essentialism sustains the very stereotypes that make it necessary,” it is also often a last resort, a ‘weapon of the weak’ in order to gain political and economic attention (Comaroff & Comaroff 2009: 9, Sylvain 2014: 260). Besten, for example, notes that the Khoisan had to prove that they were not extinct (see Chapter Two), but “genuine” by stressing primordial and borderline racist imagery (Besten 2011a: 69). Surrounded by constant doubt, denial, and even mockery, displays of Khoisan identity and cultural difference are encouraged and might take increasingly stereotypical and explicit forms (Oomen 2005: 23, 194, Ruiters 2009: 112, De Wet 2010: 60); “cultural identities are stimulated by their denial” (Niezen 2003: 6). In general then, researchers have shown that “playing the cultural card” has proven successful for communities around the world asserting self-determination as it gives a sense of global support for these claims (Levi & Dean 2003: 21. Oomen 2005: 23. Morgan 2006: 285, see Chapter Two).

When it comes to land claims, much similar research has been carried out in South Africa to show how ‘timeless traditional authenticity’ is interestingly and sometimes opportunistically constructed as powerful leverage, even if they are in essence irrelevant for the claim at hand, the two settled land claims involving Khoisan (see Chapter Two) being no exceptions (Robins 2008: 54). In that regard, William Ellis (2014: 503) has shown how the ǂKhomani San have based their actions and discourse on “easily reproducible traditional, historical, mimetic or ethnographic traits.” Officials then (in)directly encourage (Khoisan) land claimants to mix vague concepts such as ‘traditionality’ and ‘rights to land’ into a convincing and South African-appropriate narrative which is premised on the historically uninformed and disenfranchised belief (especially in South Africa) that there are clear-cut and ‘pure’ traditional communities (Lentz 2005: 158, 169). As Carola Lentz (2005: 169) argues, these
narratives need not depend so much on “historical truth” as on their power to convince the relevant audiences (see opening quote of this chapter). It is then understandable that Khoisan activist model their demands and strategies on (inter)national examples, such as the Kalahari Gemsbok National Park claim, which received much political and (inter)national media attention, and stress imagery and ‘evidence’ which the state has an ear for (but which the academic might fringe upon) (Robins 2008: 32).

That being said, there are no clear guidelines as to which specific discourses, images or strategies would benefit a (land) claim and what could count as relevant evidence (Van Eeden 2007: 182, see below); especially considering the vague legislative situation of the Khoisan (see Chapter Two and Chapter Five). What is clear, however, is that the vagueness can also by of use to Khoisan activists. Indeed, Barbara Oomen (2005: 121) and others have argued that it is precisely the manipulation of these vague categories (especially ‘chieftaincy’ or ‘indigenous peoples,’ see below) that has led chiefs to re-assert their power in South Africa; pointing out their explicit agency as drivers of the process of rejuvenating traditional leadership during and after apartheid. Similarly, the deconstruction of Khoisan identity also implies its ability to be constructed and appropriated by Khoisan activists themselves, although this also is a cause for vicious infighting among them (see Chapter Five). In short then, to borrow some terminology from Comaroff & Comaroff (2009: 26-27), ethnic identity is both constructed and ‘consumed’ by the Khoisan and the state, they are both involved in the process (albeit in unequal ways); identity is negotiable.

Khoisan activists are then very much aware of these opportunities and contextual restraints; the notion of agency and strategy lies at the heart of strategic essentialism. The constructed nature of Khoisan identity (as all ethnicities and identities) is not a secret which if revealed would discredit the whole endeavour; it can in fact become a source of humour and relativism, as shown by Ellen in one of the opening quotes of this chapter. I remember how (naively) surprised I was when talking to the master of ceremony after a traditional Khoisan !Nau ceremony had been completed in Botrivier and he told me that he also had to invent parts of the ceremony because much of the traditional culture had been “lost” (see below).

92 This is something Steven Robins and Kees van der Waal (2010: 178) have also argued for in the context of the Malukele land claim: “The Malukele contestation over land and traditional authority is framed by the recent developments in South African legislation […] Contradictions and ambiguities in the principles underlying this legislation are used strategically by local communities and their legal representatives. These strategies include argument about historical and “tribal” continuity that are used to buttress claims to traditional authority and land.”

93 During a !Nau ceremony, leaders are authenticated and asked to commit themselves to strengthening and organizing their respective groups (De Wet 2010: 60).
Another activist concurred and told me that I, as a researcher, had to be aware of the fact that the Khoisan were in the process of "re-inventing" themselves (Emile, KSK, 19/09/2014). After such a formal ceremony, I found these informal and honest relativistic remarks extremely refreshing and it took some of the pressure off. I also recall another occasion where a Khoisan activist laughed about the fact that everyone wanted her to wear headbands and other ‘traditional’ attire, and she kept refusing as she did not see the point. Khoisan identity and its mobilization should then, as all other identities, be approached from a relativistic standpoint, even if the political and legal context requires otherwise.

In sum, I want the reader to reflect on these crucial questions I still find myself thinking about which illustrate the multifaceted nature of Khoisan land claims: if the legal context (in)directly favours certain (simplistic) cultural displays as prerequisites for access to land and official recognition, is it then wrong for the Khoisan to do so? Is it a show of honesty or defeat when Khoisan concede that their displays of identity are “approximate” constructions in the context of a land claim (Ellis 2014: 502), or when an activists makes clear that traditional clothing is put on during a ceremony especially when media are present (Anna, Oliver and Michael, IRASA, 14/10/2014)? Are mediatized events or controversial topics such as land claims not ideal opportunities to showcase Khoisan identity and express their grievances? Should we practice tolerance and relativity when ‘judging’ Khoisan displays of culture considering their history (see below), or should that require us to rather sharpen our criticisms as opportunism might be looming? Answers depend for the most part on the motives of the actors involved, which I look into in Chapter Four. As stated before, judging the authenticity of the motives or claims is not my goal, although it will be somewhat addressed in Chapter Five. Instead, with the important nuances of this section in mind, I want to proceed by critically examining the mobilization of Khoisan identity as an activist discourse focused on indigenous rights, and in relation to a specific land claim in the remainder of this chapter.

3.2 ‘First nation, first victims.’ The bid for Khoisan indigenous authenticity

The goal of this section is to show how Khoisan activists have appropriated a discourse on indigenous rights in their struggle for land claims and official recognition as ‘first people’ of
South Africa. I start by scrutinizing the concept of ‘indigenous people’ and by showing how the Khoisan are appropriating this concept in both a definitional and strategic sense. In the second subsection, I then look at the ways in which Khoisan activists account for the lack of ‘indigeneity’ - something they are often accused of - by discussing the ‘cultural genocide’ argument and the ways in which cultural performance is used to counter this lack of culture. Though I base my findings on the interactions I had with a specific group of activists, I argue that the characteristics of this bid for indigenous authenticity apply to the Khoisan activist movement in general as I have found that the same type of arguments surfaced time and time again.

3.2.1 Appropriating indigenous rights. Problematic definitions and powerful claims

i. The Khoisan as indigenous people

Ever since its conception, the definition of ‘indigenous people’ has been the subject of tremendous debate, both within and outside of academia. It is not my goal to address this debate in detail but only to highlight its relevant points for this thesis.94 For all of its contestation, there seems to be general consensus around four flexible criteria of a working definition of ‘indigenous people’:

(a) Occupation and/or use of a specific territory prior to others who have since become the dominant population;

(b) The maintenance of cultural practices (such as rituals) which highlight the cultural distinctiveness of the group;

(c) Self-identification as (descendants of) indigenous people, as well as the recognition by others as a distinct grouping;

(d) An experience of past and/or present marginalization, subjugation, dispossession, or discrimination (Maybury-Lewis 2003: 324, Niezen 2003: 19, Mukundi 2009: 3).95

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94 For more on this stimulating and polemic debate see (Kuper 2003, Asch, et al. 2006, Kenrick, et al. 2006).

95 As Jeff Corntassel (2003: 88, 89) points out, these criteria form the current working definition of the United Nations Working Group on Indigenous Population (WGIP), though they are not official requirements for membership.
It is not surprising that anthropologists and others have critiqued and complicated these criteria. As Alan Barnard (2006: 7, 8, 2007: 143) indicates, ‘indigeneity’ can ultimately be defined only “relationally (in practical politics)” and not in “essence (in anthropological theory);” there are no ‘pure’ (Khoisan) identities out there. In a similar fashion, I have already noted that the idea of the Khoisan - even if this includes the San (see below) - as first inhabitants of South Africa is also not as straightforward as some radical activists would have it (see Chapter Two). However, whether or not ‘indigenous people’ is a correct category is not to be decided here, what is important is that the Khoisan activists appropriate the discourse in an interesting way, by referring, often explicitly, to the criterion of self-identification. As it is a revival movement, this criterion is probably the most important one for the Khoisan activists (in the Western Cape). Yet, while supranational organizations such as the UN might favour self-identification as a strategy of empowerment (Comtassel 2003: 88), the obvious downside to this criterion is that it can become too inclusive, lead to ambiguous definitions, and even create a “Pandora’s Box” if linked to land restitution (Bennett 1993: 476). Post-apartheid South Africa’s appropriation of indigeneity (i.e. all African populations) is clearly not satisfactory for the Khoisan activists, who take the international weight of the principle of self-identification to define a specific population group as the ‘true’ indigenous people of South Africa: the coloured population.

For most of the Khoisan activists I engaged with, the people previously and currently referred to as ‘coloureds’ are the main descendants of the Khoisan, although some adhere to a more precise definition (see Chapter Five). Considering the history of the natives at the Cape...
(see Chapter Two), this claim is not entirely incorrect (see below). But if the coloured population is considered an indigenous people and part of the “Fourth World,” (Minde 2008b: 51) they need to fulfil the ‘marginalization’ criterion, which might be the most important one (United Nations 2009: 54). While township life in the Cape Flats would certainly show their marginalized position, would the black population also not qualify, as many of them also live in these poor living conditions? This is basically the main message of an investigation conducted by the South African Human Rights Commission (hereafter SAHRC) in 2009: “[‘Indigenous people’] should refer to those indigenous peoples in Africa whose rights in relation to other African Indigenous peoples are not adequately addressed” (SAHRC 2009: 7). This conclusion fits perfectly with the idea of South African indigeneity and is not surprising considering that the SAHRC is a government body. The SAHRC is, however, not the first to argue that the problem lies not with indigenous rights, but with class interests or basic human rights (Kuper 2003: 390, 395), or that race issues get problematically entangled with a discourse of indigenous rights (Gomes 2013: 5), and that the concept should be dropped for these reasons in some specific cases. Just as the legislation does not allow for formal land claims but the Khoisan activists continue to make explicit claims to the land, this criticism does not stop them from believing in the appropriateness of the concept of indigenous rights, however at odds with the national discourse, and from advancing demands as a result, as I shall show next.

ii. Claiming indigenous rights

While proving indigeneity might be an impossible task, there is much to gain from making such a claim and the Khoisan activists intensively engage with the global indigenous rights movement as a tool for redress, especially since international communication became less complex (Besten 2009: 139). Being aware of the benefits of “framing” (Ellis & van Kessel 2009: 32) the movement in the context of indigenous rights, calls are often made to establish better contact with other indigenous people’s organizations and ENN or groups on social media often feature articles about other indigenous people’s struggles: “The Khoisan are no longer speaking only within the borders of South Africa.” References to the SAHRC, the coloured population has Khoisan blood (“Foundation Nation Restoration. Biblically Restoring South Africa’s Foundation Nation.” Source: http://www.fnr.org.za/, accessed 20 July 2015).

104 See “Annexure D - Issues of Khoisan Concern as Identified at a series of workshops held in Cape Town, Kimberley, Port Nolloth and East London Between April and August 2000” (2001), Anna, Oliver and Michael, IRASA, 14/10/2014)
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ICC (Anna, Oliver and Michael, IRASA, 14/10/2014), but especially to the UN and the ILO (see Chapter Two) are quite common, whether as moral standards or when making a threat to take documents and court cases to the "next level."\(^{105}\) As (first) indigenous peoples, Khoisan activists then often refer to a series of international "moral standards" and instruments to strengthen their general demands (Saugestad 1997: 295). While often remaining abstract, demands can then include "aboriginal land taxes to be paid by the intruders," (Joseph, Lombard & Smit 2013: 14) "land-lease agreements," (Ibid.) or a "share in the control of mines or marine resources."\(^{106}\) While not receiving the attention that activist might hope for, demands like this have proven to exert pressure on the South African government, as Besten (2006: 348) has shown with the Griqua, and to gain international attention, as evidenced by pro-Khoisan statements made by the UN Special Rapporteur on indigenous people’s rights, who visited South Africa in 2005. Among other things, the Special Rapporteur recommended the recognition of the Khoisan as indigenous people in the constitution (with the abolishment of the term coloured), and the restitution of land (rights) and traditional authority structures (United Nations 2005: 3).

These ambitious recommendations echo the contents of the UNDRIP (see Chapter Two), another important document among Khoisan activists, which deals with a wide range of issues affecting indigenous peoples from education to land rights. It was published in its entirety in an edition of ENN (September 2013: 8-9), and one of the main organizations I worked with, The Institute for the Restoration of the Aborigines of South Africa (hereafter IRASA) went to so far as to compile a comprehensive document wherein they argue that the South African government failed to comply with all of the articles of the UNDRIP and filed it with the UN (IRASA 2012). The UNDRIP (United Nations 2007) is also important because articles 25 and 26 argue for the importance of land claims on the basis of the unique "spiritual" and economic connection indigenous people have with land. This is a common, yet controversial statement (Kuper 2003: 395, Saugestad 2004: 33, Kidd & Kenrick 2011: 108). While I believe that returning to a hunting and gathering lifestyle is not at all the motivation of Khoisan activists in Cape Town (whereas it probably was the case for Khoisan claimants elsewhere, Ellis 2010: 193), they do claim a special connection to the land which one activist

\(^{105}\) Though it is unclear in what specific or official way, the NKC also says to have contacted the United Nations to voice their dissatisfaction (ENN 2013 Augustus: 4).

\(^{106}\) One interviewee also pointed to the leasing of land by Zulu King Goodwill Zwelithini as an example (Robert, 15/01/2015). The creation and recognition of self-sufficient chiefdoms is also a common demand (Langeveldt 2001: 74).
once described to me as “custodianship” (Anna, Oliver and Michael, IRASA, 14/10/2014). Another source, aimed at UN officials also uses similar language:

“[W]e regard the land as a spiritual phenomenon, we have holy sites and sites of remembrance as our ancestors are buried in the land. Therefore the land itself is Holy, the Aborigines and the land is one, the two become one because of the spiritual components of our cultural structure.” (IRASA 2012: 47)

This spiritual relationship to the land often involve referring to the fact that property was plenty and thus held in common before colonialism (Ross 2009: 15, 22. Adhikari 2011: 78), a common statement by indigenous people (Oomen 2005: 115). Most Khoisan activists I spoke with were not advocating the restitution of land in the form of private property, but rather some form of “communal ownership” (Michael, IRASA, 08/01/2015). An interesting reoccurring and more concrete element of this spiritual relationship with the land is rock art, which is recognized as part of the national heritage. Indeed, I often found activists pleading officials to accept rock art as an equivalent form of proof of long-term presence since there were no title deeds at the time of dispossession. The fact that rock art is being appropriated by other groups as “identity-markers” in the context of land claims, including certain Zulu communities, highlights the importance of this ‘symbolic resource’ in this regard (Prins 1997: 112, 16). Another statement, though less surprising, to make the relationship with land more ‘spiritual’ or concrete is the reference to the San component of ‘Khoisan’ in this regard, and to the struggles of San people elsewhere in Southern Africa (Hitchcock 2012). The San’s “ultraprimordiality” and their seemingly quintessential hunting and gathering lifestyle make it somehow harder to deny their status as indigenous people as they conform to common stereotypes, even if studies go so far as to suggest that hunting and gathering can be faked in the context of a land claim (Orth 2003: 146). The fact that some San communities are still believed to practice their ‘traditional culture,’ but live in (extreme) poverty, while the Khoisan living in the Western Cape generally live in better conditions, but

107 National Heritage Resources Act, Section (1999), 2 (II, B).
109 It might even explain why the term ‘Khoisan,’ despite its vague nature (see Chapter Two), became so surprisingly prominent among Khoisan activists (Barnard 1997: 57).
have lost the ability to practice their culture, or have ceased to claim indigenous identity (see below), could make for a potentially beneficial alliance (De Wet 2010: 10).

As stated before, expecting to find a ‘pure’ Khoisan culture is simply unrealistic in many ways, and the simplistic or radical formulation of certain demands and claims might be a last resort, or a requirement to fit with a certain ideological or legal (inter)national context. Indeed, as Oomen (2005: 27) notes, “qualities such as a special non-materialist and spiritual relation to the land… are emphasised and given new meaning” in the context of (land) claims, however rooted they might be in actual traditions. Many then accuse the Khoisan (revivalists) of lacking ‘indigeneity’ (whatever that might entail). As I show in the next subsection, the Khoisan have a line of defence in this regard: the cultural genocide narrative.

3.2.2 ‘Cultural genocide’ and disproving the lack of indigeneity

The idea of a ‘cultural genocide,’ a common marker of identification and line of argument of indigenous peoples, implies that the lack of culture and ‘indigeneity’ of a group of indigenous people is a consequence of colonialists’ effort to erase this culture and consciousness (Niezen 2003: 5, 17). In the South African case, Khoisan activists use the term to point both to the history of systematic (i.e. by wilful design) decimation and forced assimilation to argue how indigenous Khoisan culture and identity were suppressed by colonial powers, and to the fact that the current “black” government is essentially perpetuating these actions up to the present-day by not recognizing and restituting the Khoisan as indigenous people. Some activists argue that this type of “psychological” genocide is even worse than a physical one as it goes “deeper” (Anna, IRASA, 03/01/2015), and have filed a cultural genocide case with some officials at the UN in New York and with the South African Equality Court (Anna, IRASA, 05/01/2015). This particular reading of history indeed leads certain activists to use radical language or to romanticize the past, another typical element of indigenous people’s discourse (Saugestad 2004: 33). Some activists have for example claimed that the smallpox epidemics (see Chapter Two) were a form of “biological warfare” (ENN January-February 2014: 4).

110. Interestingly, Adhikari notes that the ‘physical’ definition of genocide applies to the San. He does, however, also make the interesting remark, perhaps aimed at the Khoisan revivalists, that “[c]oerced cultural assimilation without extensive bloodshed does not constitute genocide... Mass displacement or deportation on its own does not amount to genocide - neither do conquest or suppression of revolt without genocidal intent” (Adhikari 2011: 13).
However, while some of these controversial statements might be seen as rhetorical tricks, there is some merit to the general critique of the logics of recognition. It is indeed paradoxical to expect indigenous people to ‘show’ precisely elements of a culture which is generally assumed to have disappeared, “the greater the devastation, the less likely the court will find necessary evidence to successfully rectify the past,” as Sharp (1994: 10) notes. Definitions of indigenous people are so flexible (see above) precisely to accommodate people who have lost their culture (McIntosh, Colchester & Bowen 2002: 24). In the case of the Khoisan, it is well known that Khoisan culture did not exactly have the possibility to survive in colonial or apartheid society, especially in the Western Cape (see Chapter Two). Moreover, it is true that the historiography is based almost entirely on sources which show the European perspective. Fundamentally, there is also at least some merit to the idea that cultural survival is linked to land ownership; an idea championed by the UN (United Nations 2009: 53). Without land or heritage sites, it is difficult to keep cultural practices alive, as Khoisan activists point out (see Chapter Four) (ENN November 2014: 3). In this regard, Khoisan activists argue that most black populations got a chance to keep their culture alive in the homelands that they were placed in as opposed to the coloured people, who did not have homelands, but were instead assimilated into mainstream society (Ibid. 9). Radicals even go so far as to doubt that the black population of South Africa would qualify as true “historically disadvantaged people” in comparison to the Khoisan for this reason. This argument is often used to deny that the coloureds were, at least in the “cultural” sense, better off during apartheid (Michael, IRASA, 08/01/2015). Khoisan activists (in Cape Town), do however make somewhat of an important exception to the cultural genocide and point to fact that Namaqualand functioned as a pocket of ‘pure’ culture because of its remote geographical location (Coetzee 2001: 20).

111 A 2009 report commissioned by ILO states, for example that most Khoisan grouping have “little if any attachment to their traditional languages, cultures and ways of life... possibly due to the assimilation policies of the apartheid regime” (Mukundi 2009: 3-6).
112 For a detailed overview, which stretches beyond the current day Western Cape, see (Nienaber 1989: 24-52).
113 This fact is also recognized by the RIA report (2013: 147).
114 In that regard, one activist once told me that the Natives Land Act of 1913 at least gave 13% of the land to the black population, but nothing to the Khoisan (Anna, Oliver and Michael, IRASA, 14/10/2014).
116 They were at least slightly better off, however, when considering living conditions, employment, etc. For the Khoisan activists this would seem somewhat irrelevant when taking the loss of culture into account; the focus of their argument (De Wet 2010: 16).
117 Not only activist hold this view, however. The Western Cape Land Claims Commissioner also told me about the difference of culture in Namaqualand (MV & DS, 4/9/2014).
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ceremony at the /Nau I mentioned in the previous section, for example, told me he got inspired from the culture he saw there. While Sharp and Emile Boonzaier (1994) have problematized the notion of “Namaqualand ethnicity” by doubting the link between the present-day population and the historical indigenous inhabitants of the region, others, namely Steven Robins (1997: 26), have argued that some of the cultural elements are sure to have survived and that the history of subjugation and apartheid has not been taken into account by previous researchers. Naturally then, according to Robins (Ibid.), ‘cultural displays’ in Namaqualand are constructed (as in any other case), but are rather made up of “fragments, reinventions, incoherence, disjunctures, silences and hybridity.” Robins’ argument is also relevant for the people in Cape Town and their adherence to Khoisan culture: descendants of the Khoisan still live in these regions (by logical conclusion), and some have told me that their families migrated to Namaqualand to experience more cultural freedom (Michael, IRASA, 08/01/2015).

That being said, however, critics point out to the fact that most coloured people do not identify as a Khoisan or consciously practice Khoisan culture, and this is where the cultural genocide argument comes back again. Coloured people do not realize their “ancestry” and “roots” as a consequence of this phenomenon (which includes present-day South African nation building) (ENN July 2013: 9); the culture was, in other words, destroyed. If only people were to realize “who their forefathers were” and cease focusing on their European lineage, one activist told me, the Khoisan would form an unstoppable force in the Western Cape: “People are in spiritual captivity and you cannot have it worse than that” (Anna, IRASA, 23/01/2015).118 This is a common argument among indigenous people around the world who are reclaiming their identities (De Wet 2010: 60). Khoisan activists then often talk of the need to “conscientize” the coloured population, especially the younger generation (Anna, IRASA, 03/01/2015). ENN (September 2013: 12), for example, has a section called “Jou Komvandaan” (“your ancestry”), where they talk about the need to figure out one’s genealogy and roots. IRASA carries out educative workshops where they discuss Khoisan history

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118 An important nuance needs to be made here as some researchers have pointed out how some Khoisan groupings have reconfigured their precise identification according to the benefits which come as a result (Besten 2009: 134, Ruiters 2009: 109). For example, Besten and Linda Waldman have argued that some Griqua groupings have not always rejected the term ‘coloured,’ or even the idea of racial segregation (Besten 2006: 348, Waldman 2007: 166). Some even go so far as to argue that locals change from ‘coloured’ to ‘indigenous Khoisan’ depending on which term better suited their needs at that point in time or their ambitions for land claims and tourist ventures (Barnard 1997: 53, Adhikari 2009a: xxiv-xxv). What this argument ignores, however, is the fact that the term ‘Khoisan’ (or ‘Khoikhoi,’ ‘Hottentot,’ etc.) was not allowed as an identity during apartheid, and perhaps even stigmatized afterwards.
Another organization, the Khoi and San Active Awareness Group (KSAAG)\textsuperscript{119}, has the following explicit mission statement featured on its website:

\begin{quote}
\textbf{1. To revive the cultural identity amongst the descendants of the Khoikhoi and San (\textit{Boesman}) communities who were previously wrongly categorized as Coloured under apartheid;}

\textbf{2. To unite the descendants of the [Khoisan] under their true identity and promote the process of self-identification as set out by the United Nations;}

\textbf{3. To raise the general awareness around [Khoisan] identity and indigenous knowledge preservation”}\textsuperscript{120}
\end{quote}

Whereas the Khoisan are then clearly aware of the need to create awareness around Khoisan identity, they deplore the fact that the NTAB does not make enough provision for their situation. Khoisan activists argue that one of the effects of colonialism was that the Khoisan communities were torn apart in a geographical sense and that this situation is not taken into account in the strict NTAB boundary requirements to be recognized as a (Khoisan) traditional community (Joseph, Lombard & Smit 2013: 2). A recent UN report has taken up this issue as well, as indigenous people around the world often do not have the means to live in close proximity to each other (i.e. as a ‘community’) if they have no land (United Nations 2009: 57). Khoisan activists then demand that the NTAB be amended to loosen the requirements for geographical precision as the Khoisan are spread across provinces, “and even countries” (ENN October 2013: 2). The NTAB also does not make enough provision for self-identification (see above) according to some critics, as the Premier of the province would hold the ultimate power to recognize Khoisan communities (ENN November 2014: 12). The Premier would then have to base his or her judgement on the “uniqueness of the community,” on the existence of “customary values,” on the “practice of culture,” and on the fact if the community shows “historical cohesion and continuity” whether or not (Joseph, Lombard & Smit 2013: 7, see Chapter Five). As the Khoisan activist consider themselves

\textsuperscript{119} KSAAG was formed in 2008 out of an initiative to promote the Nama (Khoekhoegowab) language in the Western Cape. Eventually it concerned itself with broader cultural issues and was concerned with the whole of South Africa and maintained strong ties with Namibia: “In order to network and further the plight of people from Khoi-San descent and furthermore to evoke healthy public debate around the preservation of Khoi-San Identity, the establishment of a Western Cape Khoe & San Active Awareness Group was deemed necessary and of utmost importance.” (http://ksaag.wordpress.com/about/establishment/, accessed 20 July 2015.)

\textsuperscript{120} http://ksaag.wordpress.com/about/mission-statement/, accessed 20 July 2015.
better judges when it comes to these matters, they argue for the creation of provincial divisions of the ‘Khoisan Advisory Council’ (see Chapter Two) to fulfil this role instead (Ibid. 12).

The historical/cultural continuity arguments are also thought to be too strict in the NTAB (however vague the actual text is about these matters), and not in line with the effects of cultural genocide (Ibid. 9). The Reference Group, among others, has also stated that the restitution process should acknowledge the fact that most Khoisan communities had already lost “culture and identity” before the 1913 cut-off date, and that this puts them in a unique situation when compared to other groupings in South Africa.121 If the ‘cultural continuity’ argument already played such a crucial role in the discussions around the relevance of aboriginal title in the Richtersveld case (see Chapter Two), it would play an even bigger role for the Khoisan revivalists (in the Western Cape), where too strict criteria would surely exclude many as descendants of the indigenous Khoisan population (Bennett 1993: 468-469). This would be even more problematic if ‘continuous occupation’ is also among the criteria (Gilbert 2007: 609). Jérémie Gilbert (Ibid. 610) has pointed to the fact that reference to ‘customary law,’ which is recognized as a legitimate source in the Constitution if not in conflict with statutory law, might be a way to show rights of occupancy, as was successfully argued for in the Richtersveld case. Realizing that customary law could also have been forgotten, he believes in the efficacy of oral history in recovering it (Ibid. 611). As I show in Chapter Five, however, the vague nature of ‘customary law’ can be manipulated for opportunistic ends. Aware of these complications, however, activists continue advocating for the doctrine of aboriginal title (perhaps in the form of an “Aboriginal Rights Act” based on the UNDRIP or on the ILO160, see ENN February-March 2014: 7), as it would allow circumventing the requirements of the national restitution process (Chan 2004: 118). The loss of culture could of course also be used as a line of defence in land claims and the cultural genocide argument gives the advantage of providing somewhat of a ‘carte blanche’ to shape cultural displays by arguing that the “Westernization” or “mixing” of their culture was a consequence of colonialism (Ellis 2014: 504).122

121 Interestingly, the RIA report (2013:14) mentions that the Khoe and San suffered from “genocide and assimilation dating from the late 1600s through the 1800s by which time whose cultural identities had all but disappeared.”

122 One activist even mentioned the lack of stereotypical physical characteristics among coloured people in this regard (Anna, Oliver and Michael, IRASA, 14/10/2014). However honest such a claim might be, Besten shows how it caused difficulty for Khoisan activists wanting to establish an alliance with the institutions which support the
Concomitantly, it also functions as an impetus to show the world that the Khoisan have specific cultural elements, something which is definitely required if they are to be accorded special rights as a distinct group in South Africa. Indeed, being fully aware of the power of visual representations in indigenous identity politics (Levi & Dean 2003: 15), activists often complain about the lack of media attention and the need to make the Khoisan struggle more visible by setting up a media plan (James & Pieter, 29/08/2014). When aiming for an external public, they do not mind straightforward language (“A visible manifestation of our Aboriginality is our aboriginal Matjieshuisies, music, dances and our aboriginal ceremonial clothing which are important expressions of our distinctive cultural identity,” see IRASA 2012: 67) or to perform an appropriate cultural show, “if that is what the NTAB requires” (Anna, IRASA, 23/01/2015). I was once with an activist who had just heard that a Cape Town newspaper would cover their event, the swearing in of some “elders.” The ceremony had been planned for a while, but only afterwards did she realize that she had convinced the media to cover her story since the culture around elders is something which the South African state (and media) had sympathy for, and “something which the Bill [i.e. the NTAB] asks for” (Anna, IRASA, 23/01/2015). She then started to panic when she heard that the master of ceremony forgot his “skins” (i.e. traditional clothing). She made it clear to me that they not get a chance like this to show their culture every day and that it had to be done right.

I also remember that it was important for my contact at the Khoisan Kingdom, a cultural Khoisan organization (hereafter KSK, see Chapter Five), to show me how their “21st century kraal” in the Cape Flats was infused with elements of traditional culture and that they adhered to “indigenous protocol” (Emile, KSK, 19/09/2014, 26/09/2014). After being welcomed to the kraal by KSK delegates wearing all sorts of cultural attires and holding knobkieries and other accessories, I remember observing the eclectic nature of the elements of “Khoisan culture” that were assembled (there were some potjies, cast iron cooking pots) or being performed there (e.g. the burning of incense), and wondering if other Khoisan activist groupings would unambiguously associate themselves with these performances and objects as well; a question I explore in Chapter Five. I also asked myself how all of these cultural performances and discourses to highlight the indigeneity of the

San, as they “lack the marketable primordial socio-cultural attributes and the association with ultra-marginality that appealed to international donors. The association of neo-Khoe-San with somatic and cultural mixing and Westernisation, and thus with somatic and cultural inauthenticity, made them less likely to activate sympathy and support from international funding sources, especially those with romanticist primordial sentiments.” (Besten 2006: 291).
Strategic Khoisan essentialism and land claims

Khoisan would be connected to a specific land claim. After all, land was an important element in the Khoisan struggle where this discourse would have to be localized and made more concrete in order to strengthen the claim at hand. As I show in the next section, an in-depth study of a case led me to ambiguous conclusions in this regard.

3.3 The Cochoqua land claim in Mamre

As I have noted previously, I started to look for possible Khoisan land claims in the vicinity of Cape Town soon after beginning my fieldwork. I had looked for land claims on the internet and in the literature before departure, but I was not able to locate any in the Western Cape. I then started to ask academics and lawyers if they perhaps knew of a suitable case study which was not too far away and involved Khoisan in some way. Though everyone told me that there were no official claims lodged as it is legally impossible to claim back land which predates the 1913 cut-off date, many did tell me that they had heard that ‘something’ was going in Mamre, a historic mission settlement close to Atlantis (see Figure 5), with a Khoisan land claim. I got in touch with a member of the local Communal Property Association (see

Figure 10: Engraving depicting ‘Groenekloof settlement’ (Mamre) in 1818 (Detail from La Trobe 1818: 43)
below), who then introduced me to the main Khoisan representative of the ‘Khoi council of Mamre,’ Chief David Johannes. During the remainder of my fieldwork, I spent a lot of time with Chief Johannes as he enthusiastically told me about this land claim and the tribe (his words) he was reviving, the *Cochoqua*, which I already touched upon briefly in the previous chapter. This section tells the story of that land claim.

3.3.1 The importance of Moravian mission settlements for present-day Khoisan land claims. A brief historical introduction to Mamre

The Moravian Church had requested to build a mission settlement at the area which was then referred to as ‘Groenekloof’\(^{123}\) (but renamed Mamre in 1854) for a specific reason: the proximity of Khoisan communities (i.e. potential converts) (Marais 1978: 7). The presence of the marauding Khoisan had also been one of the main reasons to establish a military post between 1701 and 1709 (‘De Kleine Post’) at Groenekloof to protect the local farmers who were the first European settlers of the area (Raper & Nienaber 1980: 118). The Moravian Church was granted the rights to erect a church and establish a mission post in 1808, following the example of Baviaanskloof (later Genadendal), the first Moravian mission settlements established by Georg Schmidt in 1797 (Ross 2009: 36). Becoming somewhat of a place of refuge for many Khoisan looking to avoid entering colonial society as indentured labourers, but who did not feel like migrating beyond the colonial borders further north (see Chapter Two), mission settlements became the only areas were relatively sizeable groups\(^{124}\) of Khoisan could be found in the 19th century south-western Cape (Mountain 2003: 59). While entering a mission settlement meant leaving Khoisan culture at the door and accepting their marginalized position in society (Giolomee 1989: 453), these areas did generally keep the Khoisan in the same geographical locations as their historic kraals, and are hence interesting areas to look into if one wants to examine their history, especially in the south-western Cape (Marais 1978: 110). But the relevance of mission settlements for the study of contemporary Khoisan land claims increases even more since the local Khoisan population

\(^{123}\) When Oloff Bergh arrived as the first European in 1682, he marvelled at the surroundings and decided to give it a name which described the beautiful green hills: Groen(ek)loof (Hopkins 1953: 17).

\(^{124}\) It is unclear how many Khoisan lived at the missions settlements. However, one author estimates that by 1845, the population of Groenekloof was about 1350, making it one of the biggest mission settlements at the time (Mountain 2003: 60). Historian J.S. Marais (1978: 131) estimated that while the majority became farm workers on European farms, a very large amount (roughly 6000 in 1820) entered mission settlements instead. Indeed, another researcher suggests that around 1815 there were between 14.000 and 17.000 Khoikhoi at the Cape, and that there were 2500 Khoikhoi and others at mission settlements (Freund 1989: 340).
were asked to move to the mission settlement and were ‘given’ some land to cultivate (Krüger 1966: 245). What was the nature of this ‘gift’? Was it a lease or was it an actual transfer of property? Were they co-owners of the land?

As soon as land was distributed, this confusing situation gave rise to the need for clarification (Ibid. 160). European farmers would often complain about border disputes (Japha 1993: 38, 40) and the fact that potential labour supplies were enjoying a “lazy” life at the mission settlements (Krüger 1966: 112,119, 208).125 While it is unclear what political leverage the missionaries had, they did successfully avoid ‘their’ property, which they probably leased until clarifications came later (Boonzaier, et al. 1996: 103), from being parcelled up and given to white farmers. A formal decree was issued in 1858 wherein the Moravian Church was ‘granted’ the area of Mamre in exchange for the payment of an annual quitrent to the British Crown (SPP & LRC 2000: 43).126 Meanwhile, the property rights of the local Khoisan population remained unspecified and were likely based on an, probably highly undemocratic (Ntsebeza 2005b: 57-58), understanding with the missionaries, although they became the de facto cultivators of certain pieces of land for generations (Boonzaier, et al. 1996: 123). While Khoisan were technically allowed to own land after 1828 (see Chapter Two), virtually none of them held any land as private property (see below), and some progressive elements of society argued that mission settlements should legalize them as private property holders, as holding private property was seen as part of becoming “civilized” (Krüger 1966: 134, 190).

The government sought to curb the power of mission settlements through several pieces of legislation after the 1870s (Japha 1993: 37). There had been some plans previously to lease out crown land to “Hottentots” in the same manner as the Kat River Settlement on the Eastern Frontier (see Chapter Two), but many missionaries resisted this move because they thought it would open up all plots for private ownership, which would then be sold to white farmers, as had happened on several occasions in the East (Marais 1978: 251). Act No 12 of 1873 then followed as a result, which eliminated both the authority of the missionaries to

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125 According to historian Nigel Penn (2005: 272, 274), the mission settlements functioned exactly in the opposite way, not to diminish the Khoisan labour force, but as a way to ‘close and pacify’ the northern frontier by turning the local population into a subservient wage labourer class. It is known that some mission settlements suffered from a demand too large for the ground available and that some Khoisan had to enter the employment of neighbouring farmers or enter the Cape Regiment (see Chapter Four). The government might have realised this and therefore hampered efforts to give land to Khoisan (Elphick & Malherbe 1989: 39, 42).

126 Other mission settlements held the land under freehold title after purchase or donation, or were given permission by a local chief to reside on an area (Japha 1993: 35). Whatever the exact situation, however, property rights remained vague and was always held in some form of ‘trust’ by the local mission society until the government decided that matters should be reconsidered (Ibid. 37).
speak on behalf of the inhabitants and the forced granting of title deeds to the Khoisan; they should make the decision, it was decided (Ibid.). Furthermore, the title deeds could not be sold for a period of ten years unless the Governor had given approval (Ibid.). No title deeds were ever issued to any Khoisan however, and the vague property rights system de facto continued until the Mission Settlement and Communal Reserve Act was passed in 1909. This act stated that while the Mission would retain “unconditional” freehold ownership of the actual church buildings, the adjoining lands were to be managed by a “Board of Management” (Krüger & Schaberg 1984: 81). In Mamre, locals were protesting the transfer of these “adjoining lands” (in the case of Mamre these were named the “Mamre reserves”) to the new Board of Management (consisting almost entirely of missionaries) in 1921, when the Act became applicable, as they believed that the distinction between church and inhabitants should be abolished when it comes to property rights, and because the church had expanded its initial holdings since it had been established (SPP & LRC 2000: 7, 44). Having cultivated those lands for so long, they believed that they were entitled to some benefits and more clear forms of ownership, even if the land in question had been bought by the mission (Ibid. 8, 43).

By that time, however, apartheid was beginning to take shape and Act 12 of 1949 explicitly stated that “natives” could not possess land on mission settlements, and it was pronounced a ‘coloured group area’ under the Groups Areas Act the next year, thereby increasing the power of the Board of Management (Brink 2000: 49). By 1987, when apartheid policies started to be relaxed, the Coloured Rural Areas Act stated that the Minister of Land Affairs held the land in trust for the residents as the goal was to increase the productivity of these areas (SPP & LRC 2000: 8). This approach was carried over in the new regime, which decided to address the fate of these areas, and specifically issues of land tenure (see below), during a series of consultations with local communities as mandated by the Transformation of Certain Rural Areas Act of 1998 (Ibid. 8-9). To resolve the matter of ownership, citizens of Mamre opted for the creation of a Communal Property Association (hereafter CPA) to look into the matter. A CPA is essentially a more democratic version of the Board of Management, with the Minister guiding the process and temporarily holding the land in trust (Ibid.). While the Mamre CPA made national news in 2013 when it received 4.200ha of land that had been appropriated by the apartheid government to create

127 It should be noted that there is also a local government in Mamre (which also includes neighbouring Pella and parts of Atlantis). The relationship with the CPA is however unclear and a source of great frustration for residents (Marie, CPA Mamre, 22/01/2015).
Atlantis, a group of Khoisan activists under Chief Johannes feel that they have been excluded from the general restitution process and the CPA (see Chapter Four), and that their historic land claim has not received the attention it deserved. It is to his land claim that I now turn.

### 3.3.2 Louwskloof and construction of the Cochoqua claim

I was struck by the enthusiasm of Chief Johannes when he talks about land. He would go on for hours if you would let him, all to prove that his land claim was not a fantasy but supported by plenty of historical evidence. Despite all his efforts, however, his claims to land remained confusing to me for a long time, until I realized that it involved both a specific dispossession after 1913 (as required by law to qualify as a land claim within the restitution process), and a claim for the occupation of present-day Mamre, and possibly beyond, which refers to the historical presence of Khoisan descendants in the area. Although I had some difficulties disentangling these somewhat separate histories at first, I show how they make a connection which links up with the history of Mamre dating back to colonial times.

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When I first met Chief Johannes, he showed me a picture of his family taken at Louwskloof (see Figure 11)\textsuperscript{129} in 1970, the farm which forms the central point of his land claim. He pointed to his grandfather, whom he told me had built the house there with his own hands, on a piece of land where his family had lived for generations (David Johannes, 28/01/2015). In 1959, his father had received a letter of eviction forcing him to leave the premises and stated, according to him, that “brown people” did not have the right to reside on those farms (Ibid.). Although he ignored the second letter in 1964 as well, he eventually lost hope and moved to Mamre in 1976 and died quickly thereafter. Chief Johannes told me he did not have those letters of eviction anymore because his father threw them in a fire as he felt that he did not deserve this treatment after fighting in the Second World War (David Johannes, 15/01/2015).

I searched with him for this letter from the National Archives in Pretoria to the archives of the local police division in Malmesbury, but all to no avail: the letter, which would prove forceful eviction as a result of racial practices as required by law to qualify for restitution, could not be recovered. While he continues to look for the letter, we also looked for any other form of proof to show that his family resided at Louwskloof\textsuperscript{130} and we found a wide range of ‘proof’ ranging from electricity bills paid to the Board of Management, to a complaint noted in a town diary (which he recovered from a trash heap) against his grandfather (mentioned by name and address) for leaving his gate open.

Although this material indicates that his family was living on the premises during a specific time\textsuperscript{131}, we sought to clarify the nature of his stay at Louwskloof. We found out that the land had been property of the Moravian Church\textsuperscript{132}, in the form of land to be given in ‘trust’ to residents (although the specifics of the agreement are unknown\textsuperscript{133}). As I have shown previously, this was the common practice. In 1978 (shortly after Johannes’ family left), however, the lands at Louwskloof were transferred to the Board of Management. As this becomes trust land of the Board of Management (i.e. the government), the clerk at the

\textsuperscript{129}The name comes from a butcher, Jacob Louw, who was the first European to settle there (Sleigh 1993: 501).

\textsuperscript{130}Although it might be crucial for a land claim to also prove forceful eviction; something which might be impossible without the specific letter.

\textsuperscript{131}The presence of the Johannes family in the area is a fact that is not denied, as the ruins of his old house are still there. This story was somewhat picked up by a local reporter (“Pella naby Atlantis wil nie meer wêreld se verworseling wees.” Source: http://152.111.1.87/argief/berigte/dieburger/2001/04/28/4/2.html, accessed 20 July 2015). Especially the Khoisan heritage (see below) of the branch of the family living at Pella is well documented (Ward, 1992: 60, Ludlow 1992:129).

\textsuperscript{132}Sources state that Louwskloof had been part of the initial ‘grant’ by the government in 1808 (see above) and that it had started to cultivate the lands in order to prevent it from going to other farmers (Krüger 1966: 141, Sleigh 1993: 540).

\textsuperscript{133}As it was inaccessible during my fieldwork stay, I did not manage to consult the archives of the Moravian Church in Heideveld, where there could possibly be answers.
archives told us that it was impossible to find out how the current farmers came at Louwskloof in 1987\textsuperscript{134}, or what the nature of their rental contracts are. As I shown previously, the Board of Management was replaced by a CPA in Mamre, so the CPA are the current ‘owners’ of the land at Louwskloof. A member of the local CPA, however, told me that the current farmers had been assigned that land democratically and denied that they had bribed the Board of Management at the time (or the current CPA for the rights to stay there for that matter, Marie, CPA Mamre, 22/01/2015). Needless to say, Chief Johannes does not have a good relationship with the current residents at Louwskloof (which is now parcelled up into three parts), and discussions with them do not really solve anything according to him. So when the new regime came, he started to contemplate how to prepare his land claim (David Johannes, Anna, Michael, IRASA, 08/01/2015).\textsuperscript{135}

In constructing his land claim, Chief Johannes decided to not only talk about the post-1913 dispossession, but also about the Khoisan presence in Mamre to show how his specific family had a legitimate claim to occupy the area, especially after he had heard that the government would look into the possibilities of Khoisan land claims (see Chapter Two). But the government’s promises were by no means the only reason for him to involve the Khoisan in his land claim. As he told me on several occasions, his auntie had already told him stories about his lineage when he was 14 after she came back from Namaqualand (see above), but he did not understand what that meant at the time (David Johannes, Anna, Michael, IRASA, 08/01/2015). His father had also known about their Khoisan heritage but did not speak much for it was forbidden to do so during apartheid (see Chapter Two). The Johannes family are the present-day descendants of Jantjie Klapmuts; the chief who inhabited the area of Louwskloof when the Moravian missionaries arrived there and held their first sermon in 1808 (De Boer & Temmers 1987: 49, Sleigh 1993: 509). As the mission settlement took root and gained popularity, the inhabitants of Louwskloof started to move to Mamre.\textsuperscript{136} The daughter of Jantjie Klapmuts, Rosetta (later under the name Benigna) and son (and heir) Hans moved to the mission settlement as young adults and became baptized (Krüger 1966: 102-103).

\textsuperscript{134} Chief Johannes told me that they arrived on the farms at this time. This is the same year of the Coloured Rural Areas Act (see above), and this might have something to do with this although it remains unclear.

\textsuperscript{135} Chief Johannes told me that he had put in a claim already in 1997, but that the Commission for the Restitution of Land Rights had told him that the papers had been lost; something which is not uncommon (MW & DS, 4/9/2014). When he heard that the land claims process was being reopened, he started to prepare his land claim once more.

\textsuperscript{136} One account notes that of the 200 Khoisan at Louwskloof in 1813, only 20 remained at the end of that same year (“Benigna van Groenekloof of Mamre. Een verhaal voor de Christen Kleurlingen van Zuid-Afrika.” (1877), 15, 25, 28).
Hans died and had one daughter, whom we know nothing about, but Rosetta married a man, Johannes Laubscher, who gave her the surname Johannes, and they had four children together (De Boer & Temmers 1987: 13). Nathanael, the name their youngest son received upon being baptized, is the great-great-grandfather of Chief Johannes. As for Louwskloof, it is unclear what happened to the area in the immediate aftermath. According to Chief Johannes, Nathanael stayed behind on Louwskloof (David Johannes, 18/12/2014). A pamphlet at the church building in Mamre says that “a descendant” of Hans Klapmuts had sold Louwskloof to the Moravian Church in exchange for a buckwagon. Yet another source says that the Johannes family lived on “the traditional farm land of Hans Klapmuts” since 1860, although it states that it is “unclear” how they obtained the territory (De Boer & Temmers 1987: 70). As stated before, it is most likely that the Church had some unwritten and confusingly unspecified agreement with the Johannes family and ‘allowed’ them to stay there and cultivate the land.

Aside from claiming lineage and occupancy, however, Chief Johannes is adamant about the belief that he is the chief of the historical Cochoqua ethnic group. The title was, according to Chief Johannes, given to the youngest in the family. Hence Chief Johannes is the current chief, and not his older brother. It is not clear whether or not Jantjie Klapmuts was a Cochoqua captain appointed by the descendants of Oedesoa, the chief of the main faction of the Cochoqua at the time of Jan van Riebeeck and who played a key role in the Second Khoikhoi-Dutch War (1673-1677) (see Chapter Two), or if he was instead a member of the neighbouring ethnic group, the Grigriqua, who were probably under the suzerainty of the Cochoqua. Historical and contemporary sources use the term interchangeably. While the historical presence of the Cochoqua at Mamre is highly likely when taking historical maps

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137 For the full genealogical tree, see (De Boer & Temmers 1987: 94-95).
138 Historical sources state that Jantjie Klapmuts was a wagon driver based at Riebeek-Kasteel and that he came from “a good Hottentot family” (“Benigna van Groenekloof of Mamre. Een verhaal voor de Christen Kleurlingen van Zuid-Afrika.” (1877): 1, De Boer & Temmers 1987: 13). It is known that Van der Stel appointed Hannibal as the chief of the Cochoqua and that he subsequently appointed six or seven chiefs, although sources also tell that these “chiefs” were severely impoverished. At the same time, I have already noted in Chapter Two that these chiefs were basically powerless, and soon became irrelevant in political affairs, hence not much is known about them, including their names (Elphick & Malherbe 1989: 7, Nienaber 1989: 16).
139 One reporter once mentioned that the Johannes family are the descendants of the “Gourigorikwa” based in Louwskloof (“Pella naby Atlantis wil nie meer wêreld se verworpling wees.” (2001) Source: http://152.111.1.87/argief/berigte/dieburger/2001/04/28/4/2.html, accessed 20 July 2015). A historical source also mentions that Klapmuts was the leader of the “Choraiqua” (La Trobe 1818: 5). The Grigriqua lived “north of the northern loop of the Berg River and south of the Knersvlakte” but have most likely disappeared by 1700 (Penn 2005: 34). There was a lot of intermingling between groups (Ibid. 167), and as Penn points out, many ethnic groups fused together in the face of rapid disintegration (Ibid. 32). Elphick (1977: 230), however, suggests that while groups might have fused, “each had retained its identity and traditional leader.” Moreover, like any other name of an ethnic group (including the Cochoqua), it needs to be taken into account that there was often a lot of confusion and misspelling (Nienaber 1989: 421-422).
and other evidence into account, researchers have argued that the Europeans did not really understand or appreciate the semi-nomadic lifestyle of Khoisan groups, and instead applied ideas of private property boundaries in historical maps to make sense for an European audience (Glatigny, Mare & Viljoen 2008: 301-304). It is then unclear which chief was part of which ethnic group at which specific time, and what his (the only certainty is his gender) jurisdiction was.

All of this just to give an impression of the possible complexities and historiographical challenges of Khoisan land claims (in mission settlements). Chief Johannes, however, has no doubt about his claims and his passion fuels his efforts to look for ever more evidence, even if his long working hours make this a tough commitment. Having examined the (historical) evidence in this subsection, I will now make an intermediate analysis of this land claim and discuss some reflections in the remainder of this chapter.

### 3.3.3 An intermediate analysis and some unanswered questions

#### i. Evaluating Chief Johannes' claims

An official at the DRDLR told me that the real test for Khoisan (pre-1913) land claims - if they would ever be taken seriously - would be to link a specific ancestry to a specific place, and that historical mission settlements would be logical areas of focus (Michael Worsnip & Dave Smit, 04/09/2014). Indeed, besides the short-lived episode at the Kat River Settlement (see Chapter Two), where Khoisan (and others) had received title deeds in 1853, mission settlements are the only places where coloured people held land in some way or another (Marais 1978: 246). Bernhard Krüger, who wrote a history of Mamre, even argues that without the protection of the missions, “the last land rights of the Hottentots would have been taken away” (Krüger 1966: 294). Although I elaborate below on the complicated nature of Khoisan property rights at mission settlements which I already touched upon in the beginning of this section, the idea that mission settlements such as Mamre should become “Khoisan restitution villages” (John, 24/09/2014) is not arbitrary, especially considering that Louwskloof has been called the “birthplace of Mamre” (De Boer & Temmers 1987: 49). One author even

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140 For some (limited) historiographical perspectives on the identity and location of the Khoisan/Cochoqua at Mamre, see (Elphick 1977: 229, Bredekamp & Newton-King 1984: 17, Nienaber 1989: 85, Sleigh 1993: 494, Boonzaier, et al. 1996: 77, Penn 2005: 35). Penn (2005: 31) notes that if any Khoisan were living in the Tulbuagh basin, they were likely to be Cochoqua and that the central point of the Cochoqua’s transhumance orbit was probably present-day Mamre which provided all-year round good grazing conditions. Most literature and sources indeed mention a constant presence of Khoisan at Groenekloof, but are rarely specific (Sleigh 1993: 507).
explicitly mentions that the “descendants of [Hans] Klapmuts are living among us and we do not know who they are” (Ibid.). As I have shown, Chief Johannes makes clear to have no doubt about his lineage to both Klapmuts and the Cochoqua.

In that same interview at the DRDLR, however, the official warned me that Khoisan activists were in the habit of taking bits and pieces of history, and fantasizing the rest in order to substantiate a land claim (Michael Worsnip & Dave Smit, 04/09/2014). Indeed, Chief Johannes practices a peculiar ‘eclecticism’ when it comes to certain sources, something not untypical for rural land claims which require proof of long term occupation (Crystal 2008: 474). He once showed me a low quality copy of an engraving depicting a few Khoisan, including Jantjie Klapmuts according to Chief Johannes, who were listening to a preacher and pointed to the high cheekbones and to his own to show the resemblance (Cochoqua means ‘small cheeks’, see Nienaber 1989: 265). He forgot the origins of the image, but I discovered later by coincidence that it was featured in a publication on Genadendal (see Figure 12), and in fact depicted the founder of the mission settlement, Georg Schmidt, handing over a bible to local Khoisan. Klapmuts was not mentioned. Another rather odd piece of evidence was the 19th century book Chief Johannes showed me, which had been in his family ever since the British colonial government had given it to them for their participation in the battle of Blouberg of 1806 (David Johannes, Anna, Michael, IRASA, 08/01/2015). Although the book contained some general administrative information on the British Empire (excluding South Africa), it did, according to Chief Johannes, function as proof that they were allowed to stay at Louwskloof as a reward. While land was promised to the Khoisan who participated in the battle, the promise did not materialize (Marais 1978: 116).

In general then, I have found that historical information plays an interesting role in these claims to land among Khoisan activists. Maps for example, which I already touched upon previously, are used as powerful images, and as proof of occupation. The use of maps can sometimes lead to far-reaching conclusions. At the public hearings on the Restitution of Land Rights Amendment Bill, for example, a Khoisan activist showed a map from 1669 which “proved” that the Khoisan owned all of the land in the country. I found another simplistic interpretation of a map at the kraal of the KSK, where there was a map of Southern Africa with two big arrows, one illustrating the arrival of ‘whites’ from Europe, and the other showing

how ‘blacks’ also migrated to South Africa from the north. Chief Johannes often referred to Richard Elphick’s map (see Figure 6) to show that the Cochoqua had been at Mamre for centuries. The interesting afterlife of this map has also been noticed by other researchers looking at Khoisan revivalist groupings in the Western Cape (De Wet 2010: 28). It becomes somewhat of the standard map of reference used by Khoisan revivalists - I even saw it once on the backside of a Cochoqua ‘badge’ (Elphick 1977: XV-XIX).

![Figure 12: Khoisan and Moravian missionaries (Detail from Balie 1988: 26)](image)

Although this use of maps and historical evidence is questionable from a historian’s perspective, it does not mean that the motives of Chief Johannes are of an opportunistic nature or that there is no merit to his (land) claims. In fact, the Commission on the Restitution of Land Rights makes provision for ‘informal forms of evidence’ (including photographs and electricity bills, see above) as they recognize that written documents might be destroyed or hard to come by (Bohlin 2007: 120). It also makes provision for oral history, so the accounts of Chief Johannes’ family could also be considered (Field 2001: 119). So while most of the initial pile of documents about this land claim that I received might not conform to the ideas of ‘historical evidence’ that I was taught during my training as a historian, they might be the stuff that Khoisan land claims are to be made of (in the Western Cape), precisely because of their complexities and temporal depth. In that regard, lawyers have stressed the importance of the historian’s testimony in these types of land claims (Joel Krige, Human Rights lawyer,
11/09/2014). Indeed, to truly attempt to solve this land claim, hours of historical research in archives would be required - something which the Reference Group has particularly asked for in relation to the mission settlements (Anna, IRASA, 05/01/2015).

In general then, it is recognized that the property rights at mission settlements were vague when Khoisan first started to cultivate the adjoining lands, and things in Mamre do not seem to have changed very much, despite the 1996 “Genadendal accords” wherein the Moravian Church and the South African government committed themselves to defining “fluid” property rights in historical mission settlements (SPP & LRC 2000: 1, 67). The Moravian Church has indeed admitted that these informal understandings determined the nature of occupation (Ibid. 11). Furthermore, they admit that “discriminatory racial laws or practices” underlay most of these agreements (Ibid. 6). This brings the matter down the highly contested issue of land tenure rights, which the South African government defines as “any right in land whether registered or unregistered, including beneficial occupation for a continuous period of no less than ten years prior to the dispossession in question,” and which the land reform program sets out to clarify and secure (Evers, Spierenburg & Wels 2005: 3, Walker 2008: 66). In Louwskloof, where the current occupants do not pay any rent as it is not clear whom they are supposed to be paying that rent to according to a CPA member, the insecurity of land tenure is central (Marie, CPA Mamre, 22/01/2015). Being sympathetic to the plight of the Johannes family, the CPA member said that they should just occupy the area and take advantage of this confusing situation.143

Chief Johannes believes that it is better to do it the official way, as he firmly believes that his claims are irrefutable. While it remains extremely difficult to prove which chief was at which place at which time (see above), Chief Johannes is surely a descendant of Jantjie Klapmuts. Whatever ethnic group he might have belonged to, it is highly probable that he was some sort of authority figure. Moreover, it is not at all impossible that Klapmuts was ‘part’ of the Cochoqua. As I have shown however, the issue of ‘boundaries’ is inherently problematic and is sure to play an important and divisive role in future Khoisan land claims (see Chapter Five), if they would ever be accommodated. Furthermore, Chief Johannes’ claim that he is a

142 Hall 2010: 22. Section 25(6) of the South African Constitution promises security of tenure: “A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.”

143 Although it should be mentioned that the CPA is working on draft lease agreements to solve the issue (Marie, CPA Mamre, 22/01/2015).
Strategic Khoisan essentialism and land claims

chief through tradition might not be accepted by other descendants (of which there are surely many), yet no one seems to be coming to the fore to dispute this claim; the chief is putting a lot of effort in the general revival of the Cochoqua after all (see Chapter Four). All of this, however, does not make it easy to decide on an appropriate form of restitution - something which I also not intend to decide upon. I argue, however, that shaping the specific type of restitution would require taking a look at some of the questions which the orientation of this chapter did not allow me to ask, and which I summarize briefly below.

**ii. Not the whole story**

What I argue for is essentially the point I made in Chapter One about the merits and limits of what I referred to as a ‘critical approach,’ the main perspective in this chapter. As I remarked at the end of last section, I wondered how the rhetoric and actions of Khoisan activism influenced a land claim. While Mamre is a specific case, and as any case study cannot be seen as simply representative of ‘all’ Khoisan land claims, I argued that it involves issues and challenges which would flare up in any future Khoisan land claims, especially in mission settlements. As I have shown, whereas the rhetoric on indigenous rights and aboriginal title does not seem to influence Chief Johannes all that much, the issues of cultural continuity and first-inhabitants are part of the argument in Mamre. This discussion of the Mamre land claim then relativizes the claim by Oomen (2005: 113) that Khoisan revivalists are essentially fuelled by external influences such as the global indigenous rights discourse. To understand the main elements of the Mamre land claim, it is necessary to study local histories and to carry out ethnographic research among the claimant(s), something which a survey of activist discourse, however interesting, does not allow for.

While carrying out this research allowed me to refute claims that Chief Johannes might be an opportunist which bases his claim on thin air, I want to transcendent what Renée Sylvain (2014: 259) has called “unreflective deconstructionism.” Chief Johannes cannot be summed up as a Khoisan essentialist who capitalized on an ‘opportunity’ in South African identity politics. This short survey of the Mamre land claim already hints at the fact that Khoisan identity means a great deal to Chief Johannes, something which is connected to, but also transcends his struggle for land at Louwskloof. As Trond Thuen points out:

“It is… a problem that the paradigm of essentialism may overshadow aspects of indigenous culture that are not essentialised for political purposes, but are
still part of the life worlds and the personhood of members of indigenous
groups” (Kenrick, et al. 2006: 25)

While this chapter generated interesting insights into the ways in which Khoisan activists campaign for indigenous rights and land claims, it also showed its limitations when it comes to understanding a specific land claim. The way Chief Johannes handles and defines historical evidence, and the way he talks about his land claim made me aware of the fact that if I want to try and understand the Khoisan struggle for land, I would have to take a closer look at the motivations of Khoisan activists. As I show in the remainder of this thesis, describing the Khoisan struggle for land (in Cape Town) only as a means to an end misses the main point. Similarly, focusing on deconstructing historical evidence ignores the “philosophies of history” attached to the claims which we can learn from to understand how people relate to the past (Wright 1985: 155). Understanding the motivations of Khoisan activists like Chief Johannes then requires taking into account more than the nature of historical evidence in land claims and the use of essentialized images in activist discourse. Such an approach will, as I show, alter the current emphasis on strategic essentialism in the debate on the Khoisan revival, and link up with recent literature on the symbolic interpretation of land claims.
4. Claiming land or identity? Case studies in Khoisan land activism

“What were the feelings of the people out there? What were they demanding and why were they demanding it? What was behind their demands? It was not just about poverty and access to resources, clearly it wasn’t. It was about much more than that.”

- Derek Hanekom (Minister of Land Affairs, 1994-1999)\textsuperscript{144}

In the last chapter I explored the merits of a strategic essentialist approach when analysing Khoisan (land) activism and showed how the nature of the strategies which are used are premised on the (inter)national political context. While this approach certainly generated valuable insights, I want to go one step further and examine why the Khoisan activists bother with land claims (in both the broad and specific sense) at all, an aspect which is understudied in (Khoisan) land reform research (United Nations 2005: 12, Gibson 2009: 19). Strategic essentialism does not address this question and only examines the ‘ politicized’ side of Khoisan activism (see Chapter One). For some, land claims might obviously be about land as a physical space or economic asset. During my fieldwork, however, I soon noticed that when I brought up the topic of land other (un)related issues usually came up. Land claims for the Khoisan were indeed about “much more” than economics or politics, as the retired Minister of Land Affairs stressed. Asking the type of questions Derek Hanekom raises, I argue that interpreting land in a metaphorical/symbolical sense (see below) benefits the understanding of Khoisan activism (and even revivalism), an idea which I explore in this chapter via a comparison of several case studies in and around Cape Town. What are the motivations of Khoisan activists, and how are these motivations linked to specific areas/sites? Perhaps ‘case study’ is a bit misleading as some of the land claims will be discussed only very briefly, something which required me to reconsider the notion of ‘land claims’ entirely (see below). I nevertheless found the word appropriate as my goal is to show how examining these cases - whether through a study of media items or through interviews and participatory observation - shaped the central argument of this chapter and my related

\textsuperscript{144} Quoted in (Walker 2008: 35).
reflections on contemporary policies regarding Khoisan land claims. On a last note of clarification before proceeding, I use the words ‘metaphorically’ and ‘symbolically’ interchangeably. With these terms, I refer to the fact that a certain object or action might mean (i.e. can be interpreted as) something which might not correspond to the characteristics of the object or action perceived at face-value. In the concluding section of this chapter, I elaborate on this idea and argue for its importance in the present discussion on Khoisan land claims.

4.1 Claiming Cape Town. from the Castle of Good Hope to Oude Molen

While the Khoisan are marginalized and somewhat obscure today, they were once the only people at the Cape. Activists tell me that they used to call it “||Hui !Gaeb” (“the place where
the clouds gather"). The image (Figure 13), created by an activist of KSAAG, makes an explicit connection between contemporary Cape Town (pictured above) and its historical roots as ||Hui !Gaeb, as imagined in the illustration through the use of rock art figures on the top of Table Mountain (or Hoerikwaggo, as they often refer to it) and the kraal in the foreground. The name ||Hui !Gaeb was also at the centre of a 2012 campaign launched by IRASA to symbolically restore the “original” name of the area. A member of IRASA told me that the campaign had been inspired by a controversial advertisement of chicken takeaway chain Nando’s, which made a parody of anti-foreigner rhetoric in South Africa by showing how in the end all people in South Africa were technically “foreigners,” except for the Khoisan, who are shown saying “You @&$# [the swearword was censored in the advertisement] found us here.” After seeing the advertisement on television, IRASA contacted the promotion manager of Nando’s, who decided to sponsor their campaign to build a massive sign in front of the Castle of Good Hope (see cover picture of this thesis, Anna, IRASA, 03/01/2015). Although not stirring up as much controversy as the Nando’s advertisement, and the sign was vandalized after one month, the campaign received a decent amount of media coverage and was an overall successful way to get their main point across: “Many towns, streets and town squares in South Africa have been renamed, but this was the first Khoisan suggestion” (Ibid.).

Demanding that certain places be given a (official) new name, although sometimes encouraged by sudden opportunities such as the debate surrounding the renaming of F.W. De Klerk Boulevard where Khoisan activists have capitalized on to voice their demands (SAPA 2015), then becomes a powerful way of highlighting the Khoisan roots of (and presence in) Cape Town by saying “we are here and we have a culture and claim” (Michael, IRASA, 08/01/2015). In a similar bid to make the Khoisan visible, the KSK has erected stone monuments across South Africa at specific symbolic sites to send a specific message: “we are still here and not going anywhere” (ENN March-April 2014: 5). The commotion around Rondebosch Commons should also be seen in this light. Although connected to a vague land claim by the “January family” (Bester 2012), the main point of the

145 I have also noticed that the word ‘Camissa’ is used as the ‘Khoisan name’ for Cape Town on social media. On top of Table Mountain, for example, there is a sign which uses the term. The Foundation Nation Restoration (FNR, see Chapter Five) even markets ‘Camissa’ water bottles. However, the historical roots of both names are, to my knowledge, unclear.

actions staged at Rondebosch Commons was to highlight its importance for Khoisan history (see below), more precisely as the settlement of the first freeburghers was in this area (see Chapter Two). Rondebosch Commons would function as a heritage site affirming the presence of Khoisan in Cape Town (and South Africa) (Anna, IRASA, 03/01/2015). Activists then ‘claimed back’ the area by erecting a small sign saying ‘Tsui Goab,’ which is said to be the name of the Khoisan God of rain and thunder (Anna, IRASA, 23/01/2015):

“It will become a primary site for the restoration of the aboriginal people, to rediscover their self-determination. Our people need to know that we belong here (in Cape Town). It is our land and we are truly the first people. We were not brought here via slavery. We were born here and we should have the right to celebrate our heritage.” (Bester 2012)

Colonial legacies embodied in statues, spaces, and buildings can then become controversial symbols as evidenced by the recent controversy around the statue of Cecil John Rhodes at the campus of the University of Cape Town (where Khoisan activists have again capitalized upon) (Mnyanda 2015). Similarly, the Company’s Gardens, named after the VOC vegetable gardens which were historically at that location, functions as another ‘reminder’ of the colonial legacy, and Khoisan activists have staged a campaign there in 2012 where they argued that the name of the gardens should be changed to reflect the presence of “the kraal of Gogosoa” (Kamaldien 2010, see Chapter Two). Another example is the statue of Jan van Riebeeck, whom as I have shown personifies the cultural genocide (see Chapter Three). Khoisan activists have covered the statue with black garbage bags to argue that “colonialism” must end, not coincidentally in the year 2012, to highlight “360 years” of resistance (Anna, Oliver and Michael, IRASA, 14/10/2014). They argued further that the “offensive” statue belonged in “the apartheid museum.”147 On the other hand, the symbolic, and perhaps most iconic urban restitution case (Beyers 2010: 147), District Six, is also capitalized upon to highlight the Khoisan struggle for land by stating that it “historically belonged to us” (Anna, IRASA, 03/01/2015). Not surprisingly then, a group of about 50 activists (though not all of them Khoisan activists) occupied the area for 11 days, erected a symbolic Matjieshuis (a traditional dwelling found in the northern areas, see Chapter Three)

in front of the buildings, and received national media coverage since their actions were staged precisely during the centenary celebrations of the 1913 Natives Land Act (Mposo & Dano 2013, Anna, IRASA, 03/01/2015). The DRDLR, who wanted to use the timing to stress the success of the land reform program, was then furious with the activists. In the end some activists were allowed to move into the newly built apartment buildings. District Six, however, remains very much an unsolved restitution case in many respects (Phakathi 2013). It is also not a coincidence that the ||Hui !Gaeb sign was put in front of the Castle of Good Hope, undeniably the most visible relic of early colonialism in Cape Town. Although some argue that the Castle (as most Khoisan activists refer to it) should be destroyed or has nothing to do with Khoisan heritage, I found myself there on numerous occasions and for various activities relating to the Khoisan revival, from language classes to meetings about land claims. Coming together at the Castle to express (land) grievances or to celebrate Khoisan history and culture then becomes a powerful experience and “symbolic statement,” the importance of which researchers have also noticed in the other ‘restitution’ contexts (Duphelia-Mesthrie 1998: 250-251, Field 2001: 121, Walker 2008: 237). The Castle might indeed very well function as the appropriate setting to ‘reminisce’ about the distant past (Duphelia-Mesthrie 1998: 253, see below). Khoisan activists, most notably Dr. Langeveldt, have therefore campaigned for the Castle to be appropriated as a “centre for healing,” a “stone kraal” (ENN February-March 2014: 11). Being such a powerful symbol of oppression and symbolizing the start of Khoisan anti-colonialist struggle148, allowing Khoisan activists to turn it into precisely the opposite, perhaps even into a “Ministry of Indigenous Affairs” (ENN August 2013: 1), would be a powerful statement which might vastly increase the Khoisan activists’ sense that they have received historical justice (Hendry 2005: 215). While the government has expressed the desire to change the Castle into some form of Khoisan heritage site (Besent 2013), nothing has materialized to date.

Khoisan activists then often regret that their history is not being ‘taken seriously,’ and the past is omnipresent in their lifeworld.149 Their history remains largely unknown to the general public or shadowed by that of other groups in South Africa - a long standing concern (Abrahams-Willis 1997: 289, Adhikari 2011: 79, Ellen, NKC, 07/01/2014). History education

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148 Some activists even argue that famous historical Khoisan, such as the interpreter Krotoa, are buried there (Joanne, FNR, 28/11/2014).

149 I remember going to the Cape Town archives with a Khoisan activist and noticing how shocked he was when he had put the name of his ethnic group in the search engine and it had not brought any results. Seeing the archives as a representation of South Africa’s attitude towards Khoisan history, he was incredibly disappointed.
Claiming land or identity?

still poorly addresses the history of the Khoisan or does so in a stereotypical way, although the post-apartheid era has seen some improvements (Besten 2011a: 78). Some activists also feel that their history is being denied or distorted, and have asked for researchers “whose thinking is aligned to the people” to be part of the restitution process. For fear of being “written out of history,” one prominent activist then says that people do not realize that the Khoisan were the “first kaffirs” or that the “liberation struggle” did not start in 1913 (the cut-off date for land claims), but actually started in 1659 with the First Khoikhoi-Dutch War against the “first apartheid border” (Langeveldt 2001: 71, see Chapter Two). In a similar way, others have called for an “indigenous calendar,” (ENN November 2014: 3) and for the celebration of Khoisan heroes on specific Khoisan public holidays (ENN July 2013: 8). Being a painful history with important consequences for today (i.e. the cultural genocide narrative, see Chapter Three), Khoisan activists want this history to be officially recognized in the NTAB (ENN August 2014: 8). It seems to be a demand of many land claimants that their stories (around land) be recognized, publicly discussed, and remembered (Field 2001: 120. Hall 2010: 17). The changing of the cut-off date to 1652 is then a largely symbolic demand for most activists as it would be a way of being “honest” and “fair” about the history of dispossession (Michael, IRASA, 08/01/2015).

These are serious grievances and not just something purely abstract. As one activist once put it, “everything we do is about our history” (ENN August 2013: 2). For Khoisan activists, the past is not a far-away entity, but something which is very much ‘in’ the present. Hence the point of Khoisan land claims and their overall engagement with history (Walker 2000: 5, Bevernage 2010: 124). Indeed, many of the Khoisan ideas about history that I presented above are found in the case of Oude Molen. Today, Oude Molen is home to an eco-village project, which activists see as “a space where amnesia and privilege live side by side” (ENN February-March 2014: 8). They say this because Oude Molen is said to be located on a historical Khoisan kraal - according to some, that of the Goringhaiqua, and of Gogosoa (ENN September 2014: 1). Moreover, activists claim it is the area where the “first ever anti-colonial battle” was fought (ENN February-March 2014: 8). They refer to the successful battle against

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150 It is somewhat ironic that this also explains the lack of detailed information about Khoisan history among many Khoisan activists; though definitely not all (Lee 2003: 102).
152 This reasoning also underlies the claim for the renaming of Robben Island, where the first Khoisan prisoners were exiled to; long before Mandela was famously imprisoned there.
Portuguese general Francisco de Almeida in 1510, whose men had tried to steal cattle from the Khoisan after some successful trade (Boonzaier, et al. 1996: 59, see Figure 14).

Figure 14: “Celebrating the Khoi battle of Gorinhaiqua” (Social media)

One activist has said Oude Molen is important as a heritage site because it is a symbol of Khoisan history being marginalized in the South African narrative (ENN February-March 2014: 8). He goes further in stronger language and argues that it should become a space
where Khoisan activists “can begin to rebuild [themselves], and heal from the historical trauma at the hands of those who attempted to crush Khoisan people in an orgy of cultural genocide” (Ibid.). Although ‘an orgy of cultural genocide’ might be an exaggeration of the events of 1510, the defeat of de Almeida generates much pride among the activists as it symbolizes the Khoisan anti-colonial spirit (ENN September 2014: 1). Not surprisingly then, KSAAG organized a “500 Year Celebration Conference” at Oude Molen in 2010:

“This battle represents a sentinel moment in Khoi-San history and the anniversary of this occasion served as the platform to rally all contemporary Khoi-San leaders. The programme addressed all significant issues including land rights, constitutional accommodation, intellectual property, cultural identity…”

The physical space ‘Oude Molen’ thus becomes a fitting setting to practice Khoisan activism and articulate various grievances, sometimes not directly related to physical land. As I show in the next section when discussing some different cases, this is a reoccurring and revealing phenomenon.

4.2 The South African Cape Corps, ‘the Battle of Hout Bay,’ and the ‘c-concept’

i. An afternoon in Athlone

While browsing the social media platforms of IRASA I came across an event which caught my attention. I do not remember the exact wording, but the event was described as a ‘wreath laying ceremony’ of the Khoisan soldiers that had fallen throughout history. After making my way to Athlone, where the event was taking place, I found about 30 people, some of them dressed in traditional clothing. The ceremony began with a funeral hymn. Participants were then asked to follow the master of ceremony, who carried some burning leaves and chanted some phrases in Khoekhoegowab while walking around the building (see Figure 4). We stopped at the entrance (see Figure 15), and he asked us for a moment of silence to honour the fallen soldiers over the centuries (see below). He then began lamenting that people tend

to forget the history of “great Khoisan soldiers,” and that this ceremony was a symbolic resistance against this “forgetting.”

Remembering and celebrating Khoisan history is a way of “restoring the pride of the Khoisan people,” he said, “people without a past do not have a future.” He highlighted the building’s decrepit and vandalized condition, which he considered an insult to the Khoisan, a result of South Africa’s disrespect of the history of Khoisan in the military. Starting from that day, activists would clean up and restore the building with the assistance of IRASA. Eventually the area would be turned into a heritage site, a community centre, and a museum about Khoisan military history, it was declared. The ceremony ended with a vow of commitment and a tour of the building.

Figure 15: South African Cape Corps building, Athlone (Author’s photograph)

In an interview with an ex-serviceman of the South African Cape Corps (hereafter SACC), Adam, I learned about the meaning of this building for him, and for the other Khoisan activists who attended the event (Adam, IRASA, 03/01/2015). Adam joined the SACC in 1981 and had fought in the ‘bush wars’ in Northern Namibia. The SACC was a division of the South African Defence Force, he explained to me, where in line with racial segregation, members of the coloured population could enter in the army. In return for their services during World War Two, the soldiers were given custodianship of a recreational centre in Cape Town, which was moved to Athlone in 1975, again, as a consequence of apartheid. He

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154 Quotes are based on field notes made at, and after, the event on 11 October 2014.
told me that it used to be a vibrant place, something the soldiers could be proud of, but that it had deteriorated through mismanagement and a lack of funding. But it was not exactly the history of the building, rather the history of coloured people in the army which was close to his heart. Adam stressed continuously how well-trained the soldiers were and how people do not know about the fact that they had fought in the Eastern Frontier against the AmaXhosa in the 19th century, or in Europe during the World Wars (Boonzaier, et al. 1996: 93, 100-101). He pointed to the fact that the Khoisan (he used the term ‘coloured’ and ‘Khoisan’ interchangeably) had been used as soldiers since the creation of the Corps Pandour by the Dutch in 1795, which later became the ‘Cape Corps’ under the British (Marais 1978: 134, De Boer & Temmers 1987: 34). “200 years of history” then needs to be told to “our people and to the world,” he said, and that is why he and other veterans had asked for the help of IRASA (Adam, IRASA, 03/01/2015).

Adam had joined IRASA four years ago because he was getting tired of the injustices of the Khoisan, which he had always identified as. It is interesting, however, how contemporary and distant histories become enmeshed in this land/heritage site claim. Adam’s struggle for the site was mainly on a symbolic level, he told me, pointing to the healing effects of land restitution. His commitment towards the building in Athlone stem from his experiences as a serviceman in the SACC, yet at the same time, the connection with Khoisan history is not coincidental as he is himself a committed activist and amateur historian. According to him, people would be recommitted to taking care of the building if they knew about the value of its history and its potential restorative power for South Africa’s coloured population. In some ways: the events at Athlone then revolved around a very important issue for Khoisan activists which I already touched upon previously: coloured identity.

**ii. ‘Khoisan forever, coloured never’**

While it is certainly true that not all coloureds would accept the notion that they are the descendants of the Khoisan, as activists would argue, and some even embrace the term ‘coloured’ or appropriate it in creative ways (Erasmus 2001: 21-22, 25), contemporary Khoisan activists (and many other members of the coloured population) thoroughly reject the term as a demeaning colonialist imposition and part of the cultural genocide (Adhikari 2009b: 11, 13, see Chapter Three). Mohamed Adhikari (2005: 185-186), one of the most productive

155 According to Adam, the post-1994 government withdrew the funding as it was aimed at a specific racial group.
156 Common Khoisan slogan.
authors on coloured identity, argues that while some may find no problem with the term, ‘coloured’ remains “a dynamic concept, causing fragmentation, confusion, and uncertainty like never before” as coloured people are often depicted as people without their own history, “incidental to the main narrative of settler conquest” (Adhikari 2009b: 8). Rejecting the “c-concept,” as one activist who described himself as a “radical, critical, revolutionary conscious aboriginal Khoisan” once referred to it, then becomes a way of abandoning the bad connotations of the term (Michael, IRASA, 08/01/2015). Moreover, not only do Khoisan activists reject the term, they also staunchly deny that they are “black,” but in fact very different from the “Nguni,”157 which functions as somewhat of an oppositional identity (Maré 1993: 35). In some cases, I feel that part of this anger (sometimes resulting in borderline racism) stems from the fact that they feel that their involvement in the anti-apartheid struggle (often through the United Democratic Front) did not result in their inclusion in the ‘new’ South Africa where they perhaps expected that the term ‘coloured’ be abolished (Ellen, NKC, 07/01/2014). Hence the frequent calls for the ability to register as ‘Khoisan’ in the census or to be recognized in the constitution (ENN January-February 2014: 4). For some this would even already be enough of a gesture (Ellen, NKC, 07/01/2014).


157 The term is often used by Khoisan activists as a way to differentiate themselves from the black population of South Africa. In fact, it only refers to one of the several language groups in South Africa (Ross 2009: 7).
Referring to yourself as a Khoisan then changes your self-perception as a “bystander of the unfolding drama of South African history” (Adhikari 2009b: 8) to an “Ancestral Land Owner,” supported by the UN in a struggle for self-determination and indigenous rights (IRASA 2012: 16). A good illustration is the infamous ‘Battle of Hout Bay,’ where the coloured township of Hangberg near Hout Bay (and more specifically the people living in shacks on the firebreak on Sentinel Hill called ‘Die Sloot’) became the scene of shocking violence between 21 and 22 September 2010. The City of Cape Town sent in the Land Invasion Unit to forcefully remove the people living there after they had refused to break down their shacks. 75 people were injured, and four people lost an eye due to the use of rubber bullets (SAPA 2014). As Figure 16 indicates (notice the use of the painting depicting the 1510 defeat of de Almeida discussed in the above section), the ‘shack dwellers’ refused (and continue to refuse) to relocate (possibly to the infamous ‘temporary settlement’ Blikkiesdorp) on the grounds that they hold “ancestral rights to the land” (Buhler 2014: 46-49). Opponents might consider the view “too good for the poor” (Knoetze 2014), but the activists are committed to stay. The residents do not consider themselves ‘coloureds’ or the historical inconvenience for a privileged white upper-class (Buhler 2014: 3-4), but indigenous Khoisan, the ‘true’ rightful settlers of the area. While some sort of peace deal was achieved in 2011, with the promise of the creation of a “Khoisan village” and better housing, the situation remains highly volatile and likely to cause further eruptions of violence as the inhabitants continue to build their houses on the firebreak, feeling that the city should have no say in this matter, and that ‘heritage politics’ would not be enough (Knoetze 2014).

While the issue of coloured identity is clearly omnipresent in cases such as Hout Bay and the SACC building, I do not agree with Besten’s (2006: 348-349) idea that Khoisan revivalism is essentially a movement consisting of frustrated coloureds. While there is a lot of truth in that statement, he seems to miss the obvious point that the vast majority of people identifying themselves as Khoisan today were per apartheid defined as coloureds previously, and that they have to affirm their identity in an explicit way as per South African politics of identity (see Chapter Three). Moreover, this type of analysis underestimates the psychological power of identifying as indigenous “as we are, not what they [i.e. the government] want us to be” (Sam, 13/10/2014), as it rejects the notion of ‘indigeneity’ as politically impractical, historically inaccurate, or academically inappropriate (Kuper 2003: 390, Kenrick, et al. 2006: 22, Minde 2008b: 50). In that regard, Alan Barnard’s (1997: 57) suggestion to use “Khoisan-South
African,” taking ‘African-American’ as a model, though perhaps logically coherent, would not be acceptable for activists as the term does not reflect anything about their status as indigenous people. Specific groups rights without mention the word ‘indigenous’ would highly likely also not suffice for many (Asch, et al. 2006: 147). Writing almost a decennium later, Barnard seems to have a more relativized perspective on indigeneity:

“To reject ‘indigenous people’ as an anthropological concept is not the same thing as rejecting it as a legal concept, or rejecting it as a useful tool for political persuasion. If the United Nations and governments accept it, then it can have utility. Defined polythetically in law (which it is), and defined intuitively by ordinary people – indigenous and non-indigenous alike – around the world, it does have meaning. There is therefore no reason to reject it, at least in these contexts.” (Barnard 2006: 7)

Indeed, as Richard Lee (2006: 460) then argues, indigenous people often experience anomie, stress, and strive for “a sense of belonging, a sense of rootedness in place,” and “indigenous is a category of importance that postmodern anthropology ignores at its peril.” As was also evident in the cases presented in the previous section, taking this aspect into account is crucial for an understanding of Khoisan land claims as claiming land or chiefly titles, or engaging in activism, is a way for them to feel included, shape their identities and generate a sense of belonging and ownership without feeling ridiculed (Dean & Levi 2003: 8, Hall & Ntsebeza 2007: 8, Walker 2008: 141, Gabie 2014: 22, Joanne & Ellen, FNR, 19/12/2014). The Khoisan past, often romanticized and imagined\(^1\), can then become a panacea and source of escape for a disappointing life in the present (Becker & Oliphant 2014: 16). As Maré put it:

“A romanticized past may be all that allows some measure of self-worth and dignity in a present that is characterised by loss, poverty, degradation and insecurity. This is the past as refuge; the past as remembered glory.” (Maré 1993: 20)

158 Dr. Langeveldt, for example, makes the claim that there was no hunger in traditional society, no greed, no dishonesty, etc., and that “coloured culture […] infused with the Western values of corruption and thievery” was imposed on them by colonialists (Langeveldt 2001: 80).
Ronald Niezen has referred to this condition as “cultural malaise,” or the “widespread sense of wounded pride, violated honour, and lack of self-esteem” (Niezen 2003:12). Khoisan activist in Cape Town often talk about the living conditions of the Cape Flats in this regard, especially about the issues of youth, drugs, and organized crime (Anna, IRASA, 23/01/2015). These problems are said to arise because coloured people “do not know where they are coming from.”

“Our people are tired and angry, and our communities are beset by disturbing evils such as gangsterism and drugs and an overwhelming sense of hopelessness. This situation must be addressed, but can only be addressed if the root of the problem is addressed, which is to restore our people’s humanity through the full and proper recognition as the descendants of the very first people who live in this land.” (ENN November 2014: 12)

Khoisan activists like Ellen then consider it one of the priorities of her “struggle” to educate the people in her neighbourhood (especially youths and women) about their Khoisan heritage, and pioneered the first Khoisan community centre in the Cape Flats, based on donations (Ellen, NKC, 25/11/2014, 07/01/2014). Another interesting example is a recent children’s book publication aimed at the socio-psychological healing of youths in Cape Flats and written in collaboration with the NKC called “Return to the Kalahari” (Hilde, 26/08/2014). The story is about children in the Cape Flats who get ‘conscientized’ by a mysterious “shaman” about their Khoisan roots, and are told to explore these roots in the Kalahari Desert, where they experience adventures based Khoisan myths and history. This book is one of the best illustrations of the Khoisan revival: it tells the story about people suffering from ‘cultural malaise’ in the Cape Flats who discover their ‘true Khoisan identity’ through a Khoisan activist by another name (‘shaman’). It even hints at land claims, by highlighting the historical importance, cultural authenticity, and symbolic power of the Kalahari in the reaffirmation of Khoisan identity (see Chapter Three).

Rejecting coloured identity then plays a crucial role in Khoisan activism and claims to land. As I show in the next section where I continue the discussion of Chief Johannes’ land claim in Mamre, similar issues seem to motivate his struggle; showing the complexity of the driving forces of Khoisan activism and land claims once more.
4.3 Mamre revisited. From Louwskloof to the West Coast

I ended my discussion of the Mamre land claim in the last chapter by arguing that describing Chief Johannes as a 'strategic essentialist' would not help explain his motivations or desires. As I believe that an understanding of this land claim requires examining Chief Johannes’ motivations and taking them seriously, I use this section to show the ‘other’ side of the story. As soon as I met Chief Johannes, I realized that his struggle involved both a search for historical evidence in light of the bureaucratic nature of land claims, and a strong feeling about Khoisan history, coloured identity, and local politics. He did not go off-topic when he talked about these issues but did exactly the opposite.

Walking with him through the idyllic surroundings of Mamre, I could not help but feel that he has a very emotional connection to the place and its history. When I asked him what motivated him to be busy with his land claim, he would often start by saying how disappointed he was with the government (which he at one time described as “realtors”, David Johannes, Anna, Michael, IRASA, 02/01/2015), especially at the local level. When the CPA was created, Chief Johannes seemed to have high hopes, especially since Nkwinti had promised that the land that was given back to the citizens of Mamre (see Chapter Three) was “just the beginning of full recognition of the Khoi and San descendants” (Besent 2013). Indeed, the CPA was not destined to have the typical bad relationship with traditional authorities regarding land (Robins & van der Waal 2010: 164-166) as it theoretically has the powers to evict or relocate the current inhabitants of Louwskloof. But even while some members have sympathies for Chief Johannes’ struggle, the poor organizational state of the CPA precludes it from even considering relocations or removals at this moment (Marie, CPA Mamre, 22/01/2015). He was then disappointed when he felt that the CPA did not take the Khoisan issue seriously. He experienced some unpleasant confrontations with them, and his group was ultimately excluded from the process (David Johannes, 28/01/2015).

While the 2014 Heritage Day celebrations at Mamre focused on its Khoisan history, there seems to be little interest in Mamre about matters Khoisan (Marie, CPA Mamre, 22/01/2015). Its history as a mission settlement seems to be more omnipresent, as the church grounds (including some of the ancient buildings) were declared part of the national heritage in 1967.
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(De Boer & Temmers 1987: 38). For Chief Johannes, however, people in Mamre would appreciate becoming ‘part’ of the “Cochoqua tribe” as he intends to use the land he claims both to cultivate crops for local consumption and to set up a heritage site celebrating Khoisan history to attract tourists (David Johannes, 18/12/2014). He and his family would, however, move back to Louwskloof, where his ancestors are buried (Ibid.). Solely creating a heritage site in Mamre, would then not suffice for Chief Johannes.

Another strong motivating force is his conviction that the history of the Cochoqua is not being taken seriously or being distorted by the government. When showing me the local graveyard, for example, he regretted that the government did not even put up a sign indicating that “Khoisan chiefs were buried there” (David Johannes, 21/09/2014). He also struggles with the fact that some claim that there was a training camp of Umkhonto we Sizwe (MK) - the military wing of the ANC - at Louwskloof during the 1960s and 70s, and that his family was supposedly evicted on suspicion of their involvement with the camp (Marie, CPA Mamre, 22/01/2015). Moreover, the ANC is said to be interested in turning Louwskloof into a “site of remembrance,” as they say that it was in fact the first MK camp of South Africa (Ibid.). While ex-MK members mentioned a small clandestine camp at Louwskloof in the 1960s, it is a sizeable area and it is possible that the Johannes family did not know about their presence. Moreover, the first letter of eviction arrived in 1959, three years before the MK camp is said to have been set up, which only lasted for a few months according to the MK veterans in any case (Houston 2013: 7-8). “People would not laugh anymore, if they would realize how much ground we possessed historically,” Chief Johannes would then often say with a sense of pride (David Johannes, Anna, Michael, IRASA, 08/01/2015). He is specifically referring to the Cochoqua; an ethnic group whom he identified with already before conceptualizing land claims, as opposed to other cases where ethnic identities were thought to be formed during the restitution process (Ellis 2010: 185).

Recently, Chief Johannes has called in the help of IRASA, “for their expertise in cultural matters,” to expand his land claim at Louwskloof to include the whole “historical territory” of the Cochoqua (David Johannes, 18/12/2014). Moreover, a !Nau ceremony (see Chapter Three) was organized on 13 December 2014 in a rented out gymnasium in Atlantis where chiefs of each ‘historical kraal of the Cochoqua’ were sworn in as representatives of Chief Johannes, now inaugurated as Paramount Chief and head of the “Royal House” (see Figure 3). The Cochoqua are said to be one of the most powerful groups at the advent of
colonialism (Bredekamp & Newton-King 1984: 9). Similar to Louwskloof and the tribal affiliation of Chief Jantjie Klapmuts (see Chapter Three), however, the exact historical ‘boundaries’ of the Cochoqua are not as evident as they are made out to be in Figure 17 for historiographical reasons discussed in Chapter Two.159

159 Being a powerful ethnic group, the area where the Cochoqua were based at and moved around in with their herds is sure to be sizeable. The first ‘group’ of researchers argues that the Cochoqua territory stretched from Piketberg, over Riebeeck-Kasteel to Saldanha Bay and present-day Malmesbury (Nienaber 1989: 83). Others say they moved as far as the Olifants River (Bredekamp & Newton-King 1984: 9), temporarily moved as far as Beaufort-West after being displaced (hence the names ‘Cogmanskloof’ and ‘Cogmansriver’ in the area, or even possibly camped at the Orange River (Nienaber 1989: xxvi, 265). The alternative line of research suggests that the Cochoqua occupied an area from roughly “north of the Cape Flats and south and west of the Berg River,” perhaps even occasionally grazing their cattle at Table Bay (Penn 2005: 31, see Figure 6). There seems to be consensus, however, that the Swartland and Saldanha Bay areas (which includes Mamre) formed the main base of the Cochoqua transhumance circle. For the Cochoqua activists involved, however, there was consensus that the rock art in the Cederberg and Bushmans Kloof was definitely that of the Cochoqua (see Chapter Three). Notice also the use of the words ‘Precolonial’ to stress cultural continuity.
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The !Nau ceremony was seen as “something which the NTAB will like,” which could impress local politicians, and the related land claim could be a tone setting example for exceptions to the 1913 cut-off date or a gateway to tourist projects for the West Coast (David Johannes, Anna, Michael, IRASA, 02/01/2015). It was a private event attended by roughly 100 people, without any media present. At the beginning of the event, a recording was played which talked about the history of the Johannes’ family dating back to Benigna (see Chapter Three), highlighting the historicity of the (land) claims. While the ceremony was thus also a way of putting something ‘on the record,’ it was a powerful “re-affirmation” of the Cochoqua and their historical “greatness” and an outlet of political frustration. I therefore wish to quote elements of the speeches and texts from the ceremony based on my field notes (13/12/2014) in some length:

“Sovereign Nomination David Johannes, the current Cochoqua paramount chief has been appointed by his aunts, brothers and sisters by virtue of an ancestral nomination. The Johannes family are in the direct bloodline of Benigna who was the daughter of the 19th century Cochoqua paramount chief, Jantjie Klapmuts [...], historically acknowledged as the most powerful Aboriginal Khoisan Clan in the Western Cape. Unquestionably this is the most celebrated event taking place in the Western Cape and South Africa since the brutality of colonialism where the Aboriginal Khoisan was denied their Aboriginal existence within their own Ancestral Country [...] We the aboriginal Khoisan did not forego nor compromise our identity to the enforcement of brutal colonial laws which were wilfully instituted to totally eradicate our proud and rich cultural heritage. As the aborigines of South Africa we have an inextricable spiritual link to our ancestral land therefore it transcends the exploitative nature of our colonial settlers.”

These excerpts are reflective of the indigenous rights discourse and cultural genocide narrative typical of Khoisan activists discussed in Chapter Three. Notice for example the frequent use of the terms ‘aboriginal’ and ‘ancestral,’ the reference to a spiritual relationship with land, and the claim of cultural continuity. As I have tried to show in this section, however, the !Nau celebrations also functioned as a way to uplift the psychological state of the (un)conscientized Khoisan and to mobilize them politically. As for Chief Johannes and his
family and friends, the occasion certainly also functioned as a powerful emotional experience. Understanding Khoisan claims to land then requires taking into account a multitude of factors and perspectives. The analysis in Chapter Three and the case studies discussed in this chapter then allow me to reflect on my main argument regarding Khoisan land activism in the concluding section of this chapter.

4.4 Unpacking Khoisan land claims. Land as a metaphor for exclusion

As I explained in the introduction, I started my fieldwork with two main hunches. The first was that a strategic essentialist analysis, while producing crucial insights, would not be able to explain the Khoisan struggle for land without some important nuances. The second hunch was that an analysis of Khoisan land activism would then benefit from viewing land as more than a physical space or economic asset, thereby approaching the hopes and motivations of the activists involved with different types of questions based on recent alternative literature on land claims (Duncan 2006: 1-2, Walker 2008: 232, Kidd & Kenrick 2011: 106-107). As Walker (2008: 34) notes, "restorative justice through the return of the land is thus called upon to address far more than land as a productive asset and means of livelihood." As it turned out, while not that revolutionary on the face of it, this idea was even more important to understand the meaning of ‘land’ for Khoisan activists than I had thought. I show in this section that such a symbolic reading of land (claims) provides perspectives with regards to Khoisan land politics that are lacking in the current debates.

It is certainly true that improving living and economic conditions are crucial elements of Khoisan activism, as cases such as District Six or Hout Bay and stories about drugs and organized crime indicate. Moreover, I have also shown that areas are sometimes ‘claimed’ because of their iconic status (e.g. District Six) or because they form a sudden opportunity (e.g. F.W. de Klerk Boulevard). It is also not a coincidence that the Khoisan revival has picked up speed in the last years with the recent legislative developments. However, I do not believe that the majority of Khoisan activist’s motivations are of an opportunistic or chiefly

160 Cherryl Walker quoted in (Dhupelia-Mesthri 2010: 87).
161 Perhaps identities that have been suppressed become acceptable and even encouraged if they have to be less afraid to do so and explore their roots or identify themselves in way they see fit (Joe, 28/11/2014).
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material nature. The idea that changing the 1913 cut-off date would open a Pandora’s Box of inflated land claims and dangerous ethnic tensions is greatly exaggerated (see Chapter Two). A study of the demands and of the activist discourse of the Khoisan shows that virtually all claims and demands are not as radical as they might seem at face value. They ask for equitable treatment in the spirit of multiculturalism (Kenrick & Lewis 2004: 9) rather than for separatism, “retrogressive” values, or ethnic supremacy, as some researchers have concluded (Kuper 2005: 218, Oomen 2005: 16). Calls for indigenous status are a good example as they are about more than internationally supported indigenous rights; it generates a feeling of dignity for people who are in a state of ‘cultural malaise.’ Examples in Chapter Five further support the notion that most Khoisan demands and claims are more nuanced than they might initially seem.

Even if Khoisan activism would be an opportunististic game, however, this would not change the fact that the main role of land in Khoisan activism (in contemporary Cape Town162) is as a powerful metaphor for the Khoisan’s exclusion in society on a variety of material and immaterial levels. It is certainly not merely “a symbol of indigenous struggle” (Di Giminiani 2015: 18-19), but a very physical concept for the Khoisan activists as well; let us not throw out the baby with the bathwater. However, I showed how claims by Khoisan activists are often of a symbolic nature, and can encompass very specific places of meaning, such as Rondebosch Commons or Louwskloof, as well as more abstract or vague places such as Cape Town or the historical Cochoqua areas. Land claims do not have to be reduced to bureaucratic-legal entities to have serious effects and become meaningful, that much is certainly clear. The concept ‘land claim,’ at least when dealing with the Khoisan activists in Cape Town, then has to be reconsidered both in scope and definition, and in practical and theoretical ways.163 As became evident, most land claims by Khoisan activists do not conform to the idea of apartheid-era forced removals enshrined in contemporary land reform

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162 According to a legal advisor of the NKC, activists realize that it is still too early for large scale Khoisan land claims, even though some people are mobilizing (Hilde, 26/08/2014). Maybe the dynamics would change with different, more specific, politics as they would also have to be framed according to the law. Similarly, not all activists are concerned with the same pieces of land, although some iconic cases such as the Castle of Good Hope, are widespread. Much more research needs to be done to identify specific plots of land claimed by Khoisan people in South Africa.

legislation. History in a sense made Khoisan land claims (even) far less clear-cut, and hence less approachable with contemporary policy tools.

Land, being at the “intersection” of recognition and redistribution (Ballard, R., et al. 2005: 618), rather functions as a focal point of Khoisan activism because of its material importance, but especially because of its immaterial significance. According to James Gibson (2009: 88), who carried out extensive research on land reform in South Africa, the immaterial aspects of land claims will always trump the material concerns. As one activist once put it, land is about much more “deeper issues” than money or property rights (Chief Emile, KSK, 26/09/2014). One of the major findings of Gibson’s quantitative research on land restitution in South Africa is indeed that:

“It seems that policy preferences [regarding restitution] reflect symbolic considerations associated with groups more than they reflect individual-level instrumentalism, and this is especially so among those who adopt particular types of group identities… [Land Claims have perhaps] more to do with a generalized sense of injustice than a specific claim to compensation.” (Gibson 2009: 86, 89, 90, 110, 114)

While certainly not all elements of the Khoisan revival are ‘linked’ to land claims¹⁶⁴, my attempt to unpack Khoisan land activism in the vicinity of Cape Town led me to conclude that land claims are a way of understanding both the Khoisan struggle for land and the Khoisan (activist) revival. Khoisan activists have the habit of expressing many of their concerns through (a discourse on) land claims. Land and the Khoisan revival are thus intrinsically interconnected. As I have shown, the land in question is ‘claimed’ for very specific reasons, sometimes ‘not’ directly connected to land, such as a disdain for coloured identity, recognition of indigenous rights, historical consciousness, and belonging. Claiming recognition and land then becomes a way of claiming back Khoisan identity and “historicity” (Dirlik 1999: 91), presence and visibility in South Africa (e.g. the KSK’s stone monuments campaign), restoring dignity both individually and collectively, and of articulating a sense of loss (Bohlin 2007: 121); not so much as a political resource (Wilmesen 1996: 3). Land, with all its layers and different meanings, then becomes an incredibly salient and powerful topic fuelling Khoisan activism (around Cape Town) where hopes, motivations, frustrations, and

¹⁶⁴ ENN, for example, often writes about “symbols and traditions” (July 2013: 14), traditional knowledge (Ibid.), or on language (ibid.15).
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histories both contemporary and distant become enmeshed. Land (claims) can be a space where Khoisan identity can be “thickened”, and where the Khoisan revival can flourish and be vocal (Comaroff & Comaroff 2009: 97).

To be clear, this symbolic interpretation of land claims is not something I ‘cleverly’ figured out, it is something which Khoisan activists precisely try to stress through the areas which are claimed and the strategies that are used. Indeed, knowing that the South African media has an eye for land claims and activism, Khoisan activists want to express their grievances through land claims, precisely to make them less abstract, as they might not always be as clearly connected to land in the physical sense (Walker 2000: 15). To borrow some terminology from sociologist Zygmunt Bauman (2004: 22, 51): Khoisan identities – as any other – are “fluid,” and “boundaries” are carved out to demarcate the border between “us” and “them.” ‘Boundaries’ expressed through land claims can be specific (e.g. Louwskloof) or more abstract (e.g. ||Hui !Gaeb campaign), but they both function as a way of communicating the desire to carve out a ‘place’ for the Khoisan in a seemingly more ‘exact’ way (‘what could be more concrete or exact than land?’). If land can be understood as a metaphor for exclusion, claiming it ‘back’ then becomes a bid for inclusion.

As the quotes in this chapter have shown once more, strategic essentialism is a crucial part of the story and necessary to understand Khoisan land claims. Solely applying this approach, however, would reduce the motivations of Khoisan activists to the politics of power and economic resources, and would have neglected the aspects discussed in this chapter. I believe these insights to be lacking in the contemporary discussion on Khoisan land claims in government and academic circles, as the focus is on deconstruction and strategic essentialism. Scepticism is a healthy attitude when land and chiefly titles are concerned, but it tends to corner the debate in a reifying primordial paradigm, focusing on opportunism and authenticities (see Chapter Five). Instead, thinking through the idea of land claims as a metaphor for the Khoisan’s exclusion should be the fundament of the discussion on Khoisan land reform. As Derick Fay and Deborah James note, land reform is a logical platform to debate these ideas:

“[Restitution] requires us to think about property, social transition, injustice and redress, citizenship and community, the state and the market. In finding points
The obvious difficulties lie with the next steps: policy drafting and practical implementation. The current land reform paradigm is certainly ill-equipped to deal with these issues in a profound and long-lasting way, and I am not talking about the most obvious practical problem of the 1913 cut-off date. Financial compensation - one of the options in the current restitution program as a form of “equitable redress” (Dodson 2010: 276) - has been criticized for not being a long-term solution as it does not alter property relations or living conditions because research has shown that the money, which is relatively little to begin with, is often squandered (Walker 2008: 23). The bulk of Khoisan activists do not want pay-outs as is obvious from the material I presented, but desire drastic changes from the South African government. Throwing money at the problem would then not do much good; something which has already been shown in other cases of indigenous activism:

“A negotiation which is constrained to haggling over a sum of money for the loss of a land base is of limited use to achieve the economic, political, and cultural revitalization which indigenous peoples seek. The challenge is to ensure that the negotiation opportunity is maximized so that it becomes an important forum to discuss issues not only linked to land, but to indigenous-state relations as a whole.” (Scholtz 2013: 203)

Transforming these relations would fall under the “reconciliation” and “healing” aims of the land restitution program (Bohlin 2007: 118). Some Khoisan activists have indeed hinted at this potential (e.g. The Castle of Good Hope), or have called for the creation of a Khoisan Truth and Reconciliation Commission, modelled after the famous South African Truth and Reconciliation Commission (TRC) which dealt with apartheid atrocities (Besten 2006: 327). Though it received much criticism and did not address land restitution or forced removals, the TRC allowed victims to tell their (his)stories and officially recognize their suffering (Verbuyst 2013: 13). As I have shown, many Khoisan activists have asked for “honesty” or a chance to tell their stories, and to have their histories included and acknowledged by the state. But acknowledging this suffering or addressing psychological issues, as the ANC’s Western Cape branch has recently done with regards to the Western Cape coloured population (Bernardo 2015), ignores the importance of land (claims) for Khoisan activists. The same
holds for the contemporary legal theories around the “right to culture” (Lehmann 2004: 116). The South African Constitution recognizes the largely unspecified notion of right to culture, for example, but clearly the government does not adequately follow up on this in the opinion of Khoisan activists.

As I have shown, many Khoisan activists already have specific land claims and heritage sites in mind instead. But the solution is unfortunately not that simple as the practicalities of land restitution desired by Khoisan activists are hard to figure out and vary depending on the group and the specific case. A good example of this ambiguity are heritage sites, which are increasingly at the centre of indigenous people’s struggles worldwide (Hitchcock & Vinding 2004: 12) and perhaps the most fitting and compromising choice of redress for Khoisan land restitution as well. What is clear is that alternative state land - an unattractive option for land claimants in general (Walker 2008: 224) - or random heritage sites (e.g. a statue) would not be satisfactory (Michael Worsnip & Dave Smit, 04/09/2014). Some have stated that ownership of a heritage site might be a good solution (e.g. Oude Molen), and that it should remain part of the policy explorations (ENN February-March 2014: 2), while others have explicitly rejected the idea (e.g. Mamre or Hout Bay) as it would not address the issues which lie at the heart of the matter according to them. Land claims, as opposed to heritage sites, would not necessarily always be the better choice to resolve the grievances of the activists involved. Indeed, land, whether in the form of heritage sites or land claims, is an extremely important topic for Khoisan activists, but it is not the cure-all. I am convinced, however, that the ANC’s favoured policies on public memorialization and heritage sites which are currently forming the basis of Khoisan land restitution politics (see Chapter Two) will leave most issues unresolved and many activists disillusioned. Critics have already argued that these types of symbolic solutions (e.g. heritage sites) camouflage real problems (e.g. structural inequality) or ignore the desire of certain claimants, such as Chief Johannes, to return to a specific place (Walker 2008:137). Land claims might have a strong symbolic component, but the reparations will have to carry real effects for them to be taken seriously and address the grievances of Khoisan activists.

The grievances of Khoisan activists, as studied in this thesis through a thorough examination of land claims, are then of a nature and complexity which the land reform paradigm is not able to address, at least not in its present form. As Zimitri Erasmus (2013: 50) points out, it remains a challenge to accommodate these types of grievances with new concepts and
policy adaptations. As I have shown, land claims by Khoisan activist are not uniform, both in scope, definition, and meaning, and creative solutions will have to be designed to accommodate them. Indeed, motivations, hopes, and desires naturally vary across the Khoisan activists and depend on the specific case. Ethnographic research in the spirit of this thesis will be required to shed light in this regard. I do believe, however, that I have identified some widespread driving forces of Khoisan land activists in this chapter and that this might help reorient relevant policies. But if these motivations are the same across the board, why does disunity and infighting frequently pit the Khoisan against each other? To figure that out, I look at intra-Khoisan politics in detail in the last chapter. Concomitantly, as I argue, the nature of intra-Khoisan politics helps understand both the strategies that are deployed in the Khoisan struggle for land and the motivations which fuel it. It then forms the crucial last part of this thesis.
5. The challenges of intra-Khoisan politics. Disunity and infighting examined

“There is no general consensus across the board, no great ideal and no constitutional basis. [Khoisan activists] can say what they want to say and position themselves where they want. But the sad reality is that you don’t have uniformity or a mutually recognizable platform where that uniformity can be operate. So it ends up with anybody saying anything or anyone doing anything.” - Michael Worsnip & Dave Smit, 04/09/2014

“There is no actual disunity, there is a common goal, everyone talks about basically the same thing but people have different approaches. We all say there is a common vision but how many of us have put it into practice? It’s about implementation. We are all talking about the shortcomings within our people, but we also have different approaches. There is too much duplication. A lot of people think about individuals.” - Anna, IRASA 23/01/2015

It was a rainy day in the township of Botrivier, near Grabouw. Roughly 100 Khoisan activists were attending the !Nau ceremony, organized by the KSK.165 Some of them were waiting in line for something that is very important for them: to enter the makeshift kraal and go through a ritual to affirm their commitment to the “Khoisan struggle;” some of them by becoming Khoisan chiefs (see Figure 18). A sheep had been slaughtered inside the kraal for the occasion and the blood had been gathered in a small hole in the ground. After all the “customs and traditions” had been “observed” by the main Khoisan chiefs present, those who were interested to participate in the ceremony were asked to come to the kraal, identify as Khoisan, and cleanse their feet in some buchu water. After that they had to swear an oath of commitment to the Khoisan struggle and to “traditional values and customs,” and specifically to further unity among “the Khoisan nation.” The master of ceremony held an animal skull above his head and explained that this symbolizes the state of Khoisan activism; the horns of

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165 Quotes are based on field notes made on 27 September 2014.
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the eland were sharp and went in different directions (thus representing strife and differences of opinion), but ultimately came together in the cleansing of the incense which was burning in a bowl that was placed at the base of the skull. As a final act of devotion, the participants were asked to step in all cardinal directions and honour the Khoisan “heroes” who had fallen in the direction faced by the participant. They were given a necklace and possibly some form of chiefly title (see below) upon completion. The festivities ended with a feast, and with many types of cultural Khoisan performances.

Figure 38: !Nau Botrivier (Author’s photograph)

One of the first things I noticed when starting to engage with Khoisan activist was the continuous stress on the need for unity among activists, whether during a !Nau or during other gatherings, or in ENN (e.g. July 2013: 12), and in a seeming contradiction, the apparent state of disunity and infighting among them. Differences of opinion are not a necessarily a problem, but the fact that calls for unity fail to succeed could complicate policy development - something the Khoisan activists are well aware off as well. In fact, it could explain the current status-quo of the legislative developments regarding Khoisan land claims and official recognition of traditional authorities (see Chapter Two). This has not gone unnoticed by government officials. Deputy Director-General of the DTA, Tumi Mketi, for example, argued that policy development on the NTAB had been delayed due to “in-fighting
among various Khoisan factions.” Similarly, the Chief Land Claims Commissioner of the Western Cape told me that he could have saved me some time by warning me that my attempt to list all the organizations/social movements or Khoisan traditional leaders in the Western Cape was futile - something they also had to experience when starting to look in this issue (Michael Worsnip & Dave Smit, 04/09/2014). Although there are some that seem to have a permanent character, such as the NKC, most pop up and disappear in the same breath. This infighting led Adhikari to state the Khoisan revival was not a “movement” but rather “a profusion of groups and individuals with a variety of agendas” who have stressed their Khoisan identity since the mid 1990s (Adhikari 2005: 186).

What does all of this confusion, instability, and fragmentation say about the nature of intra-Khoisan politics? After carrying out extensive fieldwork, I found that three interrelated clusters of issues help explain this state of affairs. The first cluster deals with issues of inclusion and exclusion based on ‘definitions’ of Khoisan identity and/or the affiliation with specific ethnic groups. In the second section, I examine how Khoisan activist get divided over differences in tactics or because of their political alliances. I look at the issues of leadership and representation, specifically in relation to state-politics, in the third section. Throughout these sections, I also address the issue of opportunism, which is a big concern that permeates the topic of Khoisan revivalism. In the concluding section of this chapter I summarize the main causes for disunity and end with some general observations on the implications for present and future policy development.

5.1 The politics of exclusion and the power of ‘authenticity.’ Bloodline, tribalism, and opportunism

As I have pointed out in the previous chapters, defining the ‘Khoisan’ is a difficult exercise for a variety of reasons. Yet at the same time, a clear definition would be required if recognition of land claims or Khoisan traditional authorities is to be become a reality. The question would

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167 Often, I would come across an organization, the National Council of Khoi Chiefs of South Africa (Brink 2000: 19), for example, but then fail to find out anything more about them, struggle to find contacts, or even find out if they still exist.
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then become to what extent it would be an inclusive or exclusive definition. While officials have hinted at the importance of DNA as means to prevent “opportunism,” (Michael Worsnip & Dave Smit, 04/09/2014) it is not clear which way the government leans at the moment, as there is no clear policy on the matter. The NTAB, for example, makes provision for both self-identification and genetic criteria (see Chapter Two), and some Khoisan see this is a divisive strategy on the part of the government (Ellen, NKC, 07/10/2015, see below). Among Khoisan activists, there is then a longstanding difference between those advocating ‘hard’ Khoisan definitions of identity based on genetics and ‘tribal affiliation,’ and those advocating for more ‘soft’ definitions based on self-identification (Besten 2006: 302-303, De Wet 2010: 25). In other words, there is a divisive debate among Khoisan activists about the function and value of authenticity claims.

For some Khoisan activists bloodlines, land claims, and chiefly titles are not that important. They would argue that Khoisan identity is something which is primarily psychological or spiritual, referring to the fact that it results from a confrontation with the material and immaterial suffering caused by the cultural genocide (Ellen, 07/01/2015, see Chapter Three). This then complicates Kuper’s thesis that “descent is tacitly assumed to represent the bedrock of collective identity” among indigenous people, or that indigenous peoples always foster “dangerous essentialist ideologies of culture and identity” (Kuper 2003: 392). “It is not a blood test, it is a spiritual one, and that is why I will never do a [DNA] test,” one activist told me (Michael, IRASA, 08/01/2015). These types of activists would then point to the dramatic moment they were conscientized by someone into the movement; to the moment they became ‘aware’ of their ancestry and realized their ‘true identity.’ This does not at all mean that they are politically apathetic, but that they put the Khoisan indigenous identity before that of the affiliation with a specific ethnic group (Schramm 2014: 19, Michael, IRASA, 08/01/2015). Some activists told me that they would never join a “tribe” or “become a chief” because it would only cause confusion or division (Joanne, FNR, 28/11/2014, Ellen, NKC, 07/01/2015). They would also point to some activists who “suddenly became chiefs” or switched ethnic groups because the NTAB is coming (Ellen, NKC, 10/12/2014), but at the same time rejoice as they believe that the Khoisan revivalist movement is putting less emphasis on chiefly titles than it used to (Joanne (FNR) & Ellen (NKC), 19/12/2014). Some then want to engage in politics, not for chiefly titles or land claims, which they consider impossible to be “pure” anyway (Brink 2000: 52, Ellen, NKC, 07/01/2015), but to promote and
protect Khoisan culture (De Wet 2010: 56). Heritage sites such as Oude Molen should then not be for chiefs but for “every Khoisan” (Anna, IRASA, 23/01/2015). Furthermore, many of the Khoisan activists I spoke to identified in other ways than as a Khoisan as well, especially as Rastafarian or Christian. In the introduction I noted that some white people even identify as Khoisan, something which Besten (2006: 315) sees as a sign that “indigeneity” is truly being re-invented. Khoisan identities can then be “cross-cutting” (Thornton 1996: 150) or “soft,” as Piet Erasmus also noticed in his analysis of Khoisan identities at Heidedal near Bloemfontein: “It is probably more appropriate to say that the Khoekhoe revival in Heidedal is based rather on a kind of conceived ‘ethnic affinity’ than on ‘ethnic identity’ with clear cut markers” (Erasmus 2012: 402-403).

The current state of research does not allow attempting to gauge whether the Khoisan revivalists embrace a ‘hard’ or ‘soft’ identity in Cape Town, or whether if functions as primarily a “political identity” or not. One way of doing this would be to examine the importance the activists allocate to arguments of bloodline and ancestry. I believe that many with ‘soft’ identities see the importance and existence of these arguments, and that those with ‘hard’ Khoisan identities would accept the fact that claiming lineage to (pre)colonial Khoisan traditional authorities is problematic (Michael, IRASA, 08/01/2015, see Chapter Three). The difference is, however, that the second group would stress that bloodlines and proving ancestry would be the only way of not “making a joke out of the whole thing” and prevent opportunism: “how can you feel allegiance to a clan that is not your birth clan” (Anna, IRASA, 05/01/2015)? But claiming bloodline can also become a way to exclude certain individuals or social movements and organizations from participating in Khoisan politics on accusation of being opportunistic. The Cochoqua land claimants, for example, argue that Chief Johannes is the only legitimate bloodline leader in the Western Cape, and that the Cochoqua were historically

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168 This then goes against Kuper’s idea (2003: 395) that all Khoisan want restitution based on ‘blood and soil’ rhetoric reminiscent of apartheid.

169 Interestingly, the idea of Christianity, which obviously was not the ‘religion’ of the Khoisan before the arrival of the Europeans, does not lead to disunity. Christianity and being a Khoisan is then not seen as a contradiction at all (Michael, IRASA, 08/01/2015). Some, like FNR, see it as a synonym, pointing to a link between indigeneity and the first people of Israel in the bible (“Foundation Nation Restoration. Biblically Restoring South Africa’s Foundation Nation.” Source: http://www.fnr.org.za/, accessed 20 July 2015). While Adhikari (2005: 186) claimed that Khoisan activists reject “other cultures such as ‘muslims’, I have, however, never found evidence of somebody denying somebody’s Khoisan ancestry on the grounds of religion during my fieldwork.

170 Although I would agree with Katharina Schramm (2014: 18) that biology probably does not play the most important role in Khoisan activism.

171 It should be noted that the words ‘clan,’ ‘tribe,’ and ‘chieftaincy’ are often used interchangeably, all used to mean ‘Khoisan traditional authority.’
the strongest ethnic group in the area (Ibid.). The people living in these areas are then the logical descendants of the Cochoqua or “foreigners” (David Johannes, Anna, Michael, IRASA, 02/01/2015). Claiming bloodline is a powerful way of legitimizing a historical narrative (Schramm 2014: 19), or in the words of Comaroff & Comaroff, to “purchase scientific certification” (Comaroff & Comaroff 2009: 42). It is then not so much aimed at non-Khoisan South Africans or as a separatist sentiment, but as a way to challenge others claiming (Cochoqua) lineage. It is true that the Johannes family are not the only ones that can claim lineage to Benigna and the Cochoqua activists are willing to share power if lineage can be proven (see Chapter Three). They argue, however, that the ones that have previously claimed Cochoqua lineage have now remained quiet “because they know there claim is weak” (David Johannes, Anna, Michael, IRASA, 02/01/2015).

IRASA, who actively supports the Cochoqua land claim (see Chapter Four), then opposes the approach of the KSK (Anna, Oliver and Michael, IRASA, 14/10/2014). While they both appoint chiefs (ENN March-April 2014: 10, Anna, IRASA, 03/01/2015), the difference is that while IRASA does this on the basis of bloodline, the KSK argues that it will be the actions of the leaders which will ultimately determine whether or not they should be chiefs (ENN May 2014: 15). The KSK then actively supports the self-identification criterion for indigenous people (see Chapter Three), even though they actively recruit “bloodline leaders” to join their movement as well (ENN August 2014: 4). However problematic genetic claims might be, it still does not hurt to say to have those who make those claims in your ‘team.’

“The Khoisan Kingdom has managed to get the majority of groups and houses to gather around one table and talk with one voice. We should have 99% of houses gathered, on own initiative and not government driven, by the end of [2014].” (ENN January-February 2014: 4)

To convince the public that KSK chiefs would be suitable as traditional authorities, they engage in a range of charity activities, such as handing out bread to the needy (Ibid. 3). This has caused them to receive some attention from the media, but also from the national government (ENN August 2014: 5). The KSK is then perhaps the largest and most powerful

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172 A source from 2000, for example, mentions “Basil Coetzee” as the one who is reviving the Cochoqua. I have not been able to contact this person or have come across him during my fieldwork (Brink 2000: 11).

173 One informant told me about a well-known King who is said to have a valuable bloodline claim in the north and who has been approached by so many organizations that he cannot even count the amount of ‘deals’ he has struck.
Khoisan organization of South Africa.\(^{174}\) It grew rapidly since it was created in 2010, with ever more advertisements in ENN. A 2014 “Policy Declaration” by the KSK sums up their approach nicely and also shows the subtle, but important differences with IRASA:

“This self-determination process must be underwritten and fully supported by research projects, units and institutions, which will be dedicated to the investigation, authentication and verification of the origins, assaults against, dispossession, destruction and forceful dislocation and dispersal of Khoisan indigenous people, their royal bloodline families and leaders and other customary leaders or leadership institutions established for the preservation, development or custodial defence of first nation Khoisan peoples and institutions. This effectively means that the Khoisan peoples shall have the right to freely restore, revive, preserve, express and develop their own identity free of any attempt at assimilation or discrimination.” (KSK 2014)

Regardless of bloodline claims, both the DTA and numerous Khoisan activists have argued that communities would have to show cultural continuity and adherence to customary law (Ntsewa 2013: 12, Ellen, NKC, 10/12/2014).\(^{175}\) While the recognition of chiefly authority is a widespread demand, it remains highly unclear what that practically means, and what does and does not count as ‘customary law.’ This does not stop the activists from constantly referring to these terms, however.\(^{176}\) An example is the title of ‘king’ or ‘queen.’ While the KSK sees the figure of the ‘king’ in a religious, unifying sense instead of a monarchical sense (Emile, KSK, 26/09/2014), other Khoisan activists have declared themselves as ‘kings’ or ‘queens’ in the conventional sense, and this had sparked some debate.\(^{177}\) Adam Kok of the Griqua, for example, is considered as a king among his followers, whereas others staunchly deny that there were ever kings or queens historically (Sam, 13/10/2014). As Oomen (2005: 18) then points out, concepts such as customary law and traditional authority are “fluid, relational and negotiable concepts intimately tied to fluctuating social and political relations.”

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\(^{174}\) One source says that the KSK has 10,000 members (ENN January-February 2014: 3).


\(^{176}\) It should be noted that some go quite far in explaining what customary law is, sometimes even referring to secondary sources such as Elphick’s work (see Chapter Three, ENN November 2013: 5). The problem is, however, that these voices often do not specify what their sources are (Brink 2000: 18.).

\(^{177}\) The first version of the NTAB also mentioned “Khoisan royal houses,” but then dropped the idea in the latter version. However, it now mentions “royal family,” something which some Khoisan activists criticize tremendously. (ENN October 2013: 6)
Similarly, the notion of “many very clearly defined” (KSK 2014) communities is also problematic, and researchers have found that traditional authorities often refrain from going into specifics (Gabie 2014: 56). Given the problems of defining Khoisan communities discussed in Chapter Three, activists and government officials are then sceptical to people claiming to be a community-representative (Michael Worsnip & Dave Smit, 04/09/2014). Khoisan activists are aware of the superfluous amount of chiefs, kings, and ‘Khoisan communities,’ and have called for some scrutiny to help resolve the disunity, clarify the protocols and rituals (ENN November 2014: 12), and create an overview of which land is claimed by which Khoisan activists and why (Langeveldt 2001: 78). As I show in the next section however, not only issues of definition divide the movement.

5.2 Challenging the state. Compromises, tactics, and alliances

In the previous chapter, I have argued that the motivations of Khoisan activists who engage with land claims are largely the same across the board. While I believe that there is an appropriated indigenous rights discourse which characterizes Khoisan activism (see Chapter Three), I show in this section how specific tactics and end-goals can be a cause for disunity. According to one activist, these different approaches are the main cause for disunity among them (Anna, IRASA, 23/01/2015). The ‘soft’ and ‘hard’ identities of Khoisan activists (see above) come into play here. As an advocate of an inclusive definition of Khoisan identities, a “compromised” philosophy on restitution and recognition might be desired (Ellen, NKC, 07/01/2015). Perhaps entering the House of Traditional Leaders without indigenous status, or creating an Integrated House of Khoisan and other traditional leaders in the Western Cape, might then become options. The FNR, a good example of an organization which stresses inclusivity, was created in 2011 and adheres to a religious definition of Khoisan identity (see Figure 2). They believe their structure to be an appropriate one to “reconcile,”

\[178\] Chief Little (see Chapter Two), for example, claims to have a following of “about 200,000” members (“Chief Little takes on a big job.” 1997). It would be an interesting idea for further research, for example, to go to the Khoisan activists that are claiming to represent a community, and to look for the ‘members’ of that community.

\[179\] The initiative was, however, not supported by many (ENN September 2014: 10.)

\[180\] The FNR bases its idea of indigenous people on the idea of “First” in relation to First Nation Restoration People and its comparisons with Israel as God’s first nation people.” (ENN March-April 2014: 13).
“heal,” and “unify the nation” (Joanne (FNR) & Ellen (NKC), 19/12/2014). This does not mean that the FNR does not concern itself with land restitution, quite the opposite; they would just have a less radical approach to solving it. FNR believes not so much in ownership of the land, but in a form of “stewardship.” I was discussing the common problem, identified by the SAHRA (ENN September 2014: 2), of certain heritage sites being on farmland which might make access difficult with a member of FNR. The activist suggested striking a deal with the farmer and letting groups of Khoisan youths on the site at specific agreed upon times. The youths would get educated in Khoisan history and learn about tourist ventures, and the farmer would receive some money as a result of tourist exploitation (Joanne (FNR) & Ellen (NKC), 19/12/2014). This would result in a win-win situation, something encouraged by current heritage and land reform legislation. Members of FNR would then never agree with the idea of occupying an area, something which IRASA has done on numerous occasions, for example in District Six or Oude Molen:

“Occupy is a strong word. How do you occupy what belongs to you? Where is the law that we have broken? Because it belongs to us historically. We do not have title deeds but yet the land was granted to people that was not theirs to give away in first place only because you had a gun in your hand. And our kind of activism worked! Think of what we could achieve if we are more united in terms of our goals!” (Anna, IRASA, 03/01/2015)

Some Khoisan activists have made a point of publicly dismissing occupations, saying that they are not in adherence with “Khoisan customary law” and were just a publicity stunt (Daniels 2014). IRASA, however, hailed these actions as great successes, and as a sign that they get things done; that “by becoming a member of IRASA, you become part of the restitution process.” They refer to the fact that their Western Cape Land Restitution Group Petition, given to Parliament in 2010 and tabled in 2011, kick-started the discussion on Khoisan restitution legislation. While they claim to have grown to “only” 620 members since they started the movement in 2003 (cfr. KSK), members of IRASA would point to their

182 National Heritage Resources Act (1999), Section 46. See also (Hall 2010: 27).
183 “Cape Khoi denied legal aid” (2013).
184 Field notes Athlone, 11 October 2014.
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paper trail and interactions with the government, and compare with other organizations and wonder what they have done “for the nation” (Anna, Oliver and Michael, IRASA, 14/10/2014). While some would rather go down the path of negotiation, as the NKC does with regards to the NTAB (Ellen, NKC, 07/01/2014, see below), others such as IRASA are fed up with negotiations, and believe in more ‘radical’ strategies such as occupations as the effective way to put pressure on the government: “The aggressiveness of which we are asserting our consciousness is so fast moving and it is scaring the government” (Michael, IRASA, 08/01/2015). Some activists have even made calls for a separate state (ENN July 2013: 9), a typical demand for indigenous groups according to Niezen (2003: 216) although I believe that in practice they pleaded for self-determination within the South African state, supporting the idea of co-ownership of the country (Kidd & Kenrick 2011: 106). Indeed, it is important to reiterate that many claims are symbolical and should not be interpreted literally (see Chapter Four). Demands for a separate state are a good example. Similarly, it is not always clear whether an organization would be open to compromise or not, it would naturally depend on the specific topic or on the timing.

Figure 19: “Recognition + restitution + restoration = dignity” (ENN May 2014: 6)
Figure 20: First Nation Liberation Alliance (ENN February-March 2014: 12)

Figure 21: “VF Plus - the only voice for minorities in South Africa” (ENN August 2013: 7)
A time when the idea of compromise would surely be considered is when elections are nearing, as was the case with the general elections of 2014. Indeed, some activists I spoke to were asked to join or head parties, and those willing to ‘work’ within the political structure have found some allegiance with established political parties or have created their own (see Figure 20).\footnote{As Figure 20 shows, these political parties would often not only focus on the Khoisan, but also make the explicit link with the coloured population in general to get their votes (see Chapter Three). Khoisan political parties did not manage to get seats in government.} The ANC, for example, published an advertisement in the ENN (see Figure 19) with reference to de Almeida (see Chapter Four). The Western Cape provincial representative of the ANC, Marius Fransman, has also made some striking remarks regarding the Khoisan in the provincial parliament, arguing that the Democratic Alliance (DA), who is in charge of the province, has been guilty of committing “cultural genocide”\footnote{“Unrevised Hansard, Western Cape Provincial Parliament 14 August 2014.” (2014) Source: http://www.wcpp.gov.za/sites/default/files/Hansard%202014%20Revised%20and%20Edited.pdf, accessed 20 July 2015.} by not recognizing the Khoisan as the “original owners” (ENN May 2014: 6). Considering the fact that land reform or traditional authorities are decided on the national level, where the ANC is in charge, the DA retaliated by stating that these statements are highly opportunistic and hypocritical. Some Khoisan activists also not approve of political parties capitalizing on the struggles of Khoisan revivalism. These parties can span the whole ideological spectrum, from the Economic Freedom Fighters arguing for radical land restitution which would include the Khoisan (as “indigenous blacks”\footnote{“EFF: Give back the land” (2014).}); to the Freedom Front Plus, who have for a long time seen the Khoisan issue as similar to their struggle for minority rights for white Afrikaners (Besten 2006: 280, ENN July 2013: 7, see Figure 21). As I have noticed, activists can then also refuse to work together as a result of these political choices (Anna, Oliver and Michael, IRASA, 14/10/2014), although I did not feel that political affiliation played such a divisive role when I was there (after the elections). In the next section, I examine two final divisive issues of intra-Khoisan politics, which surface regardless of elections: leadership and representation.
5.3 Engaging with the state. Representation and leadership

As I have noted previously, the fragmentation of the Khoisan activists is something they are well aware of. Concomitantly, they understand that engaging with the state would be more efficient if they would unite and form one strong front. The question of who (or which organization) is going to do this, is however highly controversial. As I show in this section, there are a number of political and practical reasons for this.

Until a few years ago, the NKC was the somewhat uncontested representative of the Khoisan people in South Africa. At the same time, while members of the NKC have certainly undertaken actions and voiced their concern (even at the UN)\(^{189}\), as I have already noted in Chapter Two, it has and had limited powers and funding (Ellen, NKC, 07/01/2014). When the Khoisan revival was picking up speed in the Western Cape and beyond in recent years, several Khoisan activists then started to voice their dissatisfaction with the NKC, which did not communicate what they were doing effectively to the people they were supposed to be representing (see below). The NKC has no website or contact information available on the internet, and I still have not been able to figure out who exactly its members are. Hearing these complaints, the NKC, which was founded by activists claiming bloodline, then organized elections\(^{190}\) to be more democratic in 2012 and recruited nine new members, among them two revivalists from the Western Cape (ENN July 2013: 6). From what I could gather during my fieldwork, this did not change much and the anti-NKC sentiment is still widespread (see below). The popular dissatisfaction with the NKC probably also lay behind the decision of Nkwinti to create the Reference Group (see Chapter Two). By involving both the NKC and the Reference Group in the discussion on land claims without a clear mandate however, both organizations became pitted against each other; creating further disunity.\(^{191}\)

\(^{189}\) See also “1913 Native Land Act Centenary Workshop with parliamentary committees, MPLs & other stakeholders: day 2” (2013). Source: https://pmg.org.za/committee-meeting/15990/, accessed 20 July 2015.

\(^{190}\) It is unclear how the NKC exactly organized these elections. One representative told me that they basically sent out invitations to everyone, and then just worked with the people who arrived, who could vote for their representatives (Hilde, 26/08/2014).

\(^{191}\) Members of the NKC were invited to attend the first National Khoisan Dialogue (see Chapter Two), but the fact that there was going to be a Reference Group was news for them (and everyone else). Soon however, the government told the NKC that they would be part of the Reference Group (“Way-forward on Khoi-San Dialogue. Draft Terms of Reference Group on exceptions” 2013) and was often reassured that they would remain part of the land claims process. They said they would create a meeting between the NKC and Reference Group so they can get on the same page. That never happened, and the NKC feels outmanoeuvred as they pulled their resources.
While some then argue that the NKC is composed of verified traditional authorities since the 2001 Status Quo Report (see Chapter Two), and it has policy experience and an established position (inter)nationally (Hilde, 25/09/2014), most maintain that their mandate is over, that they do not recognize the NKC unless there is a new Status Quo Report (Anna, Oliver and Michael, IRASA, 14/10/2014), and that it has not accomplished anything meaningful (Sam, 13/10/2014).

The Reference Group wanted to try and replace the NKC but soon faced more or less the same problems. Already from the start, some felt that there had not been enough grassroots consultations and have asked for the whole Reference Group to be recalled (Ibid.). In terms of funding, the Reference Group said that they received nothing from the government since their services were considered voluntary (Anna, Oliver and Michael, IRASA, 14/10/2014). There were also similar problems of communication as the NKC, with the Reference Group being critiqued for not reporting back to the people on the ground - something which they blamed on vague directives and the lack of support from the government (Anna, IRASA, 05/01/2015). The Reference Group identified some possible exceptions (see Chapter Two), but it seemed very difficult in practice to find activists with possible projects, and members were reluctant to propose their own projects on fears of being labelled opportunists (ENN November 2013: 6, February-March 2014: 2). Indeed, the chairperson of the Reference Group, Captain John Cornelius Witbooi, was soon alienated from the rest of the group by a vote of no confidence on the grounds of his supposed electioneering for the ANC at the second National Khoisan Dialogue, which he is said to have used as his personal conference to focus on the Nama ethnic group (ENN May 2014: 10, Ellen, NKC, 25/11/2014). Reference Group members also doubted each other’s contribution (Anna, IRASA, 05/01/2015). The NKC also seems to have some problems in this regard (Ellen, NKC, 07/01/2015). Without funding and clear directives, the Reference Group then seems to be in a state of limbo for the time being (Anna, IRASA, 05/01/2015).

The increasing dissatisfaction with the NKC and the Reference Group fuels the distrust of the Khoisan activists towards the government, something which I also quickly noticed when starting fieldwork (De Wet 2010: 55). The sincerity of the government’s commitment to deal with the grievances of Khoisan activists is seriously put into question, with CPA’s (see together to make the conference happen. In the meantime, they have been virtually ousted and are very frustrated about that (Hilde, 26/08/2014).
Chapter Three), the Reference Group, and the NKC all perceived as possible strategies of divide-and-rule for fear of a strong united Khoisan front (Nico, 03/09/2014). The same goes for the National Khoisan Dialogues, which many see as window-dressing for the UN or as platforms to gather votes for the ANC (ENN July 2013: 6). Already after Kimberley 1, many Khoisan activists felt that there was never any real intention to changing the cut-off date or address the issues at the heart of Khoisan activism such as indigenous rights (Ibid. 1). This also means that some doubt the objectivity of the research carried out by the government, for example in the RIA report, and have demanded to create a different “historical narrative” based on “research of our own” (ENN January-February 2014: 2). Some have then filed a petition to Parliament stating on the record that they disconnect themselves to the above processes (Anna, IRASA, 05/01/2015), and others have called for a “reconciliation dialogue” organized without government interference (ENN November 2014: 12).

Indeed, many groups, especially the KSK, contemplate representing, uniting and organizing the Khoisan activists (Ibid.). They would have to operate, however, within an atmosphere of great distrust, by both fellow activists and the government. As soon as money is mentioned, for example, activists become suspicious (Anna, IRASA, 23/01/2015). Ironically, activists mostly work on a voluntary basis and have to put a lot of their own money in the organization (De Wet 2010: 58, Anna, IRASA, 03/01/2015). This does not stop activists to suspect self-enrichment (Le Fleur 2001: 85-86, Joanne, FNR, 28/11/2014) and name “outcasts” (Michael, IRASA, 08/01/2015), and for government officials to warn for “opportunist groups” who “might use the newly found South Africa government sympathy... to target high value land claims using heritage sites and historical landmarks as evidence” (RIA 2013: 191).

Physically organizing people is a problem too, as it is not clear when events are taking place, and activists have found it difficult to mobilize people (David Johannes, Anna, Michael, IRASA, 02/01/2015). Transport to meetings in Cape Town requires commuting from the Cape Flats, and organizing a gathering involves making phone calls and sending e-mails, which requires money as well (Wegerif 2010: 111). Moreover, movements and organizations often revolve around a small number of key figures who have the necessary organizational training and bureaucratic skills (often meaning university education) to organize a group of

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192 It should be noted that Khoisan activists are not the only ones questioning the commitments of the government. Michele Ruiters (2009: 124), for example, argued that “the state has not attached any value, other than tourism, to [Khoisan] identity.”

193 A member of the NKC, for example, claims that other activists have attended events illegally by using the name’s institution without being a member (Ellen, NKC, 07/01/2015).
activists – something which has been identified as a major problem within Khoisan activism (Joanne & Ellen, FNR, 19/12/2014). One researcher even contends that the lack of skill to engage with bureaucracy is the main reason for the short lifespan of most movements (De Wet 2010: 26-27). As one activist put it: “You need to be able to speak culturally but also according to the working political/legal system” (Ellen, NKC, 25/11/2014). Some blame it on the history of the cultural genocide: “It is a nation in arrested development, it never grew” (Ellen, NKC, 07/01/2014).

It then takes time, money, and skill to be an activist, and people who are able to fulfil these requirements and play the game of politics are in high demand. Overall, however, movements are not headed by “elites” as Besten (2009: 139) suggested, but Khoisan activists are democratically and nonhierarchically organized, even ethnic organizations such as the Cochoqua (see Chapter Four). The challenge remains, however, how any organization intends to connect with the members of the movement and discuss land claims and indigenous rights without being confronted with the issues of representation and leadership and virtually collapsing as a result, as was the case with the NKC and the Reference Group. As I show in the concluding section of this chapter, the general disunity and the issues of leadership and representation then have important consequences on the policy formation process.

5.4 The irony of ‘!ke e: !xarra !ike’ and the state of policy

The South African national motto “!ke e: !xarra !ike,” or “diverse people unite” is written in the !Xam language. Reading this message, however, I could not help but be struck by the irony of this national motto written in a Khoisan language when considering the fact that intra-Khoisan politics (in Cape Town) are characterized by diversity, but certainly not by unity. As noted before, however, Khoisan activists are aware of the fact that the disunity makes the policy formation process more difficult, and ever more delayed. In this chapter I have discussed some insights that I have gained by engaging in longitudinal ethnographic fieldwork among Khoisan activists in Cape Town. As Besten (2006: 4) notes, researchers have hardly looked into intra-Khoisan politics. This is all the more regretful considering that
this fieldwork has allowed me to move once more (see Chapter Four) beyond the idea of the Khoisan revivalist movement being a Pandora’s Box. By pointing out the reasons for the disunity, a more nuanced perspective is achieved. Considering the Western Cape’s, and specifically Cape Town’s, central position in the Khoisan revivalist movement, such a perspective would be a necessary contribution to the policy formation process for similar reasons that I argued for in Chapter Four.

One of these nuances would be that the flexibility of the concept of ‘indigeneity,’ and by extension ‘Khoisan identity’ and the politics of identity that go with it (see Chapter Three), becomes one of the reasons for its attractiveness, but can as a result also cause infighting and opportunism, as I have shown when dealing with issues of customary law or genetics (Bøås & Dunn 2013: 15). Somewhat ironically, authenticity claims are then both dismissed as unrealistic demands of the state, and appropriated as powerful weapons to discredit other activists competing for the same resources or the political spotlight. In the Western Cape, where perhaps clear-cut Khoisan identities are the most problematic due to its history (see Chapter Two) but where the pressure groups perhaps influence policy the most, the definition of Khoisan identity (in practical politics) becomes both necessary and highly problematic (Ellen, NKC, 07/01/2014). In terms of policy, however, researchers have stressed the importance of handling well-defined concepts in land reform, especially the notoriously vaguely defined notions of ‘community’ and ‘chief’ (Huizenga 2014: 152-153). Failing to do so will have long term consequences, create more division, and make many doubt the efficacy of land reform (Kepe 1999: 431). Having pointed out the difficulties of defining Khoisan communities here and in Chapter Three, this might prove a very difficult task for the government, who perhaps might even drop the idea of collective (i.e. community) land claims for this specific reason (Michael Worsnip & Dave Smit, 04/09/2014).

A political choice regarding definitions of Khoisan identity or community means making a choice about inclusion and exclusion, something Khoisan activists are well aware of, as I have shown. In Chapter Three I have noted that activists do not want the strict geographical criteria to qualify as a community. In this chapter and the previous one, I have shown that some then advocate a definition of chiefly authority over a certain community based on merit and popular support, while others have stressed historical lineage as the main criterion. Asking for genetic accreditation would mean discriminating people on the basis of biology, something which plays a disquieting role in South African history (Kuper 2003: 392).
Moreover, researchers have problematized the idea of DNA as ‘hard evidence,’ but have rather argued that it can be similar to “throwing the bones,” and seeing what you want in the results (Erasmus 2013: 40). Genetic testing would also transform researchers as judges of “genetic authenticity,” another uncomfortable legacy of South Africa (Huizenga 2014: 151). Researchers have then pleaded for a focus on non-genetic criteria in the discussion on reparations by referring to the specific history of decimation and assimilation of Khoisan in South Africa (Morris 1997: 371, see Chapter Two). Zimitri Erasmus is one example:

“I suggest the code for what it means to be human is best located in the ‘word’ rather than the human genome. In other words, it is best located in meaning made in all forms of language – historical narrative, gesture, dance, ritual, music, social practice – and actions shaped by these meanings, rather than in human biology.” (Erasmus 2013: 40)

While Erasmus’ idea that “belonging” needs to be taken into account when considering Khoisan identities is welcome, the value or power of genetic testing cannot be dismissed that easily. One activist I spoke to was convinced that DNA testing allowed him to trace back family in Bethanie (Namibia) and strengthen his case that they both stemmed from a family (“tribe”) in the Western Cape (Robert, 15/01/2015). Moreover, demanding activists to prove ‘cultural continuity,’ while perhaps not an illogical requirement, brings with it issues of opportunism and manipulation. Moreover, which would be the criteria to judge ‘cultural authenticity,’ and who would be the judge? Taking into account the political paradigm surrounding land claims (i.e. strategic essentialism) this political game then ironically reinforces the ‘essentialized’ nature of Khoisan identity (politics) and perpetuates fragmentation since policy has no clear directives. As Kuper notes:

“[L]and claims regularly pit native against native, chief against chief (and anthropologist against anthropologist). Precisely because myths function as charters, there are inevitably competing stories, and disputes often rage over

194 It should be noted, however, that I am not trained to contribute to the discussion on DNA or make any judgements on the validity of DNA claims.

195 At a recent meeting in Arniston (see Chapter Two), a official of the DRDLR stated that “Khoi and San will no longer need to submit proof of ancestral ownership when they file a land claim, but must just provide a link to that land” (Khoisan 2015). It should be noted that this is not (yet) official policy. Moreover, these types of statements have been made before, as I have shown. Lastly, a “link” to land is not a clear policy directive and would surely contribute to the fragmentation if not specified in more detail. Nevertheless, this is the latest state of the ‘policy’ I could find.
who owns a particular story and who has the right to use it to back up claims to resources." (Kuper 2003: 391)

Although this chapter has shown that fragmentation is a consequence of far more than the nature of land claims politics, the question of on what grounds a specific piece of land should be given back to a specific community or individual certainly remains unsolved. As the limited government communication on the matter shows (see Chapter Two), they have their hands in their hair as well. Nevertheless, they will have to make the ultimate decision or settle on a compromise (Lentz 2005: 173. Ellis 2010: 186). Strangely absent in this discussion, on both the activist level, but especially on the government level, is the question of what people 'on the ground' think about all of this - a research idea that I had to drop for practical reasons (see Chapter One). Social movements are useful in discussions on land reform, precisely to give the perspective 'from below,' and demand on inserting this perspective in policy debates (Chennels & du Toit 2004: 103). The absence of 'normal voices' is then highly surprising, as their ideas could be a potential way of 'solving' the discussion of inclusion and exclusion on a case by case level, and avoid drafting policy which is solely based on the perspective of leaders and 'elites' by curbing opportunism (Kepe 1999: 422). All too often, land reform projects, including the two land claims Khoisan were involved in (see Chapter Two), would show that the post-settlement phase of the land claims reveals the division and the constructed fallacy of a “united community” (Crystal 2008: 472). Do Khoisan activists want to belong to a Khoisan community, and would they accept the authority (whatever that might practically mean) of a Khoisan chief? Indeed, the vague reference to ‘customary law’ does not help in this regard and has a dangerous history in apartheid South Africa, where researchers have documented the abuse of these types of concepts by local power figures to assert chiefly authority (Kepe 1999: 421, Ntsebeza 2005a: 287, 289, Oomen 2005: 69, 233). Although I believe that Oomen (2005: 113, 214) fails to understand the Khoisan revival when she states that the Khoisan movement “seems to have more leaders than followers,” and that it is “debated more along the lines of genealogy than quality,” more research needs to be done in this regard.\(^{197}\)

\(^{196}\) Nothing stops the government from creating different policies for different groups of Khoisan, as was done in Australia, for example (Jacobs 1988: 32).

\(^{197}\) Interestingly, in her study of traditional authority in Sekhukhune, Oomen found that the immaterial support for the institution of traditional leadership is high but the material support limited (Oomen 2005: 167). Although I am ill-equipped to contribute to this discussion with regards to Khoisan perceptions of traditional authority, my hunch
Whatever the case, what is clear is that Khoisan activists continue to engage with the state and form new organizations and alliances. Concomitantly, from the more ideological reasons for division (who has the right to lead?) to the more practical ones (who has the money, skill, and time?), the Khoisan activist movement seems to be endemically fragmented. In many ways, the Khoisan activist movements for land claims then shares some typical aspects of social movements dealing with indigenous rights and land: it is not class-centred, organization ‘from below’ is a challenge, collaboration with the government and with other movements is difficult, strategies and approaches vary, and structural support is limited (Hall & Ntsebeza 2007: 17). As the Chief Land Claims Commissioner of the Western Cape’s quote shows in the beginning of this chapter, this is a problem for policy development. Researchers working on land reform have shown that, while it is difficult for organizations with radically different views on land claims to unite (Beinart 2010: 17), if they stop focusing on “oppositional politics,” (Hodgson 2011: 211) but focus on creating a strong united front (in the spirit of the national motto, in their diversity), they are able to put tremendous and effective pressure on the government (Saugestad 1997: 297. Scholtz 2013: 198, Gabie 2014: 6). If Besten (2009: 150) is right in asserting that the more coloureds will feel marginalized in South Africa, the more the Khoisan movement will be appealing - and believe he is - then the activists will have to find new ways of framing issues in a way to include them. Indeed, land claims can divide and give rise to a plethora of movements (Beinart 2010: 15), but as I have shown with the cases in the previous chapter, they can also be a source of unity, a “central symbol around which disparate indigenous groups could unite” (Scholtz 2013: 7). So while some argue that an organized front “with clear aims” is “twenty years away” (Michael Worsnip & Dave Smit, 04/09/2014), the idea of a united front against the government is not impossible at all, especially considering my thesis that Khoisan activists generally share the same motivations (see Chapter Four).

Having given an overview of my experiences and insights gained from doing fieldwork among Khoisan activists in Cape Town and comparing them with information from relevant literature in the different chapters of this thesis, I want to summarize my findings in the concluding section and end with some reflections on the notion of ‘historical justice’ and land restitution for the Khoisan and its translation into South African policy and ideology.

is that there might be similar perspectives among Khoisan activists judging from the nature of their motivations (see Chapter Four).
Summary and conclusions

“It is more than a fight for land for me. It is precious to me. You are writing away the history of my ancestors.” - Ellen, 25/11/2014

“[M]any privately question [Chief Joseph Little’s] legitimacy as a self-proclaimed chief of the Hamcumqua and the chiefly status he has bestowed on others in his organisation, the Cape Cultural Heritage Development Council. His detractors say he’s an opportunist who has spotted a gap in the post-apartheid political flux and is marketing a potentially dangerous mix of historical fact and fantasy. But his supporters see him as a man who has sacrificed material comforts to pursue a vision of re-connecting people, fragmented and stripped of their identity under colonialism and apartheid, to their ancient root; at the same time reclaiming and popularizing a history that’s been hidden and denied.” - Mail & Guardian, 25 July 1997

This excerpt from an article in the Mail & Guardian written for the occasion of the 1997 conference on Khoisan identities at the University of the Western Cape illustrates the ambiguity, convolutedness, and (political) relevance of the Khoisan revival, or the recent increase in people identifying themselves as Khoisan (descendants) since the end of apartheid in 1994. The idea for this thesis was born when the revival was receiving increasing attention in the political sphere in recent years, especially regarding the official recognition of Khoisan traditional authorities (i.e. the National Traditional Affairs Bill, which is currently in a state of political limbo), and the accommodation of (Khoisan) land claims which predated the 1913 cut-off date (i.e. the early discussions on the Restitution of Land Rights Amendment Act, which reopened the land claims process for a period of five years but eventually does not mention the Khoisan or changing the cut-off date). The gap in the literature prompted me to carry out fieldwork in South Africa between August 2014 and February 2015 to explore the following research question:

Why and how are Khoisan activists claiming land in Cape Town?

During the course of my fieldwork and writing, I found the perspectives of both the “supporters” and “detractors,” as aptly summarized in the article, to be highly relevant for the present discussion more than 15 years later. Moreover, as I have argued in Chapter One and
shown in the subsequent analysis, this heterogeneous understanding results in a tension that not only informs my personal choice for critical ethnography for this research, but also reflects the elusive nature of this ethnic resurgence. Indeed, the Khoisan, though now increasingly successful in asserting their place in the South African politics of restitution and recognition, had been marginalized and virtually forgotten ever since they were decimated and assimilated in colonial society less than 50 years after the first Europeans landed at Table Bay with Jan van Riebeeck in 1652. The Khoisan revival is then often seen as something suspicious and its associated politics are approached with scepticism; a sentiment which dominates the limited academic writing on the subject (Besten 2006, Sharp 2006, Waldman 2007, Adhikari 2009, Ruiters 2009, Erasmus 2010, Ellis 2014). The existing studies furthermore focus almost exclusively on the Northern Cape and on the Griqua or San ethnic groups (see Chapter Two). This thesis instead focuses on Khoisan activism in Cape Town, which has in the last two to three years seen an increasing amount of Khoisan activists - though difficult to put into numbers (see Chapter Two) - demanding land claims, the reinvigoration and protection of Khoisan culture and languages, improved livelihoods, and the recognition of traditional Khoisan authorities. This burgeoning scene and the help of activists enabled me to access ample grey literature (most notably the activist newspaper Eerste Nasie Nuus), contacts to speak to, events to attend, and ceremonies to observe and participate in.

\[i. \text{Interpreting Khoisan land claims in Cape Town}\]

I focused my research on land claims, and to a lesser extent on the connected issue of the recognition of traditional Khoisan authorities. Both issues had been part of South African politics as soon as the transition from apartheid transpired, and were sometimes intertwined in an undemocratic relationship reminiscent of the previous regime. In Chapter Three, I indeed gave some examples of this by arguing that the question of how activists claim land (see above) can be answered with the help of the notion of strategic essentialism, or the conscious use of stereotypical images and ideas (‘essentialisms’) to achieve political or economic goals. I showed how the Khoisan activist discourse was specifically influenced by an international indigenous rights paradigm and a particular reading of history which activists refer to as the ‘cultural genocide.’ When comparing these insights with the case study of the
land claim by Chief David Johannes in the mission settlement of Mamre, however, I noticed that while this approach unveils interesting characteristics of Khoisan land claims (e.g. the use of historical evidence), it leaves other important aspects of Khoisan land activism unaddressed, especially answers to the question of why activists claim land (see above). It was my personal conviction, which I supported with the arguments in my thesis, that Khoisan land activism cannot be summed up as an opportunistically motivated struggle for physical spaces or economic resources - something which traditional deconstructivist research with regards to the Khoisan tends to presuppose. Anthropologist Emile Boonzaier, then based at the University of Cape Town, shows that I am not the only one thinking in this fashion when sharing his views on the Khoisan revival in the abovementioned article in the Mail & Guardian:

“I used to see this kind of thing as an invention, a calculated manipulation motivated by another agenda, whether it is land acquisition, political representation, job or an income. But we should be very cautious about saying it’s just a sham. In part it is a creation, yet that does not mean the participants do not feel strongly about these ideas. One must acknowledge many populations draw on history to create a sense of identity and they have every right to do so… [The] hurt is still with them. This is a healing thing. It has a positive aspect.”

“That does not mean the participants do not feel strongly about these ideas” is the most important part of this quote. ‘Land’ might seem the obvious end goal for Khoisan activists, but referring to it in the physical or economic sense draws attention away from what I see as the more significant meaning of land for Khoisan activists. By unpacking land claims in Chapter Four and examining the stories that were shared, the grievances that were expressed, and the spaces that were claimed, I argued that land functions as a metaphor for the Khoisan’s exclusion in South Africa on a variety of material and immaterial levels. In the beginning of Chapter Three I made a point of arguing for a contextualization of the type of strategic essentialism used by Khoisan activists. In Chapter Four, I made a similar point with regards to land claims: when studying the land claims of Khoisan activists through a form of interpretative ‘thick description’ (see Chapter One), innovative insights are produced which stress the symbolic importance of land - an idea gaining increasing attention in academic
Summary and conclusions

literature (in South Africa). It also challenged the somewhat popular sentiment that scrapping the 1913 cut-off date to claim land would unlock a “Pandora’s Box” of inflated and unsolvable land claims (Oomen 2005: 11, Adhikari 2009a: xxviii, Erasmus 2010: 83). I argued instead that the concept of ‘land claims’ has to be reconsidering with regards to the Khoisan; claims to land can encompass specific physical spaces for specific related reasons (e.g. Mamre), but they can also involve laying claim to a more abstract space to carve out ‘boundaries,’ belonging, and ‘presence’ in South African society (e.g. claiming and renaming Cape Town). Furthermore, the notion that Khoisan land claims are essentially extremist demands that would promote ethnic tensions was also rejected (Kuper 2003: 395). Indeed, not only does this type of in-depth and longitudinal research enrich academic understanding or debunks stereotypical ideas, I argued that the fact that Khoisan activists explicitly connect issues of land with (coloured) identity, historical consciousness, and psychological healing is a crucial insight to reorient current policy developments and the common ideas on South African land reform (see below).

Bringing nuance to the political discussion would also require looking at more detail to the world of intra-Khoisan politics - a topic rarely examined by researchers. What are the challenges of Khoisan activists, and how can these insights explain the tactics that are used, the nature of the political status-quo, but also the motivations which are linked to land (claims)? Looking into this requires scrutinizing Khoisan-state political relations, and critically approaching another part of the Pandora’s Box speculation, that Khoisan leaders are self-proclaimed opportunistic ‘traditional leaders’ taking advantage of an elusive political situation. It is true that the first impression of the Khoisan activist scene is one of confusion, distrust, infighting, and disunity - something activists are well aware off and actively try to remedy. Examining popular sentiment towards the government among Khoisan activists reveals that the state is perceived as the ‘enemy,’ as a manipulative, dishonest, and divisive entity. One of the reasons for this is the lack of clear directives on issues of land and traditional authorities (see Chapter Two). How inclusive or exclusive (‘exact’) do the ‘boundaries’ of Khoisan identity need to be in order to qualify for restitution and recognition? As I have shown in the case of mission settlements - areas which will surely become important of Khoisan land claims materialize - the same question surround the requirement for evidence. What does a Khoisan community look like, and what is the role of a Khoisan traditional

198 See for example (Walker, et al. 2010).
leader? All of these types of questions are left both frustratingly unanswered from the governmental side, or appropriated in a variety of (divisive) ways by Khoisan activists causing further fragmentation. This does not impede attempts to form a representative organization which provides leadership over all the Khoisan activists and replaces the heavily criticized National Khoisan Council (NKC). As I have shown, the Reference Group - initially set up to ‘replace’ the NKC, especially with regards to land - failed in this regard. Indeed, organizations and individuals wanting to represent Khoisan activists and create a strong united front face issues of distrust, lack of money and skill, divisive political alliances, and divergent approaches on how to deal with land claims and the state.

**ii. Reflections on future policy developments**

Eventually, the government will have to deal with these issues in one way or another; perhaps by ignoring it. The fact that the state engages with Khoisan activists, however, begs the question of why they bother with them at all, although the fact that discussions on Khoisan issues took place close to the elections already hints at a particular motivation. Where is the government heading with this? Is restitution indeed a “founding myth” (Walker 2000: 14) of South African society or is the fact that the Restitution of Land Rights Act was the first law passed by the Government of National Unity a sign that it will be a guiding principle for the post-apartheid era? Considering that present legislation already allows the government to take actions to address at least some of the grievances of Khoisan activists regarding land and traditional authorities (see Chapter Two), this again does not bode well for the struggle of Khoisan activists. Indigenous rights, for example, a popular demand by the activists, will most likely not become a reality in South Africa any time soon. Indeed, as I have argued in Chapter Two, the South African ‘definition’ of ‘indigeneity’ implies that all black Africans are the indigenous people of South Africa. Indigenous rights are seen as divisive and as a form of favouritism, as a threat to South African nationalism.

Discussions on who came first aside, the history of the Khoisan in South Africa is pretty gloom, and some of the present-day coloured population (and beyond) are the logical descendants of the people whom the Dutch interacted with at the Cape in the 17th century. The Khoisan issue challenges the reach and scope of South Africa’s celebrated policies on reconciliation, restitution, and reparation. Historical land claims are often dismissed since the past they are addressing is felt to be too distant and irrelevant for the present (Di Giminiani
2015: 2). Indeed, land restitution embodies the value South Africa allocates to the past in the present (Bohlin 2007: 125). Is the bid for historical justice\(^{199}\) so powerful that Khoisan land claims are going to be seriously considered, however politically unpopular or historiographically challenging they might be? According to Gibson (2009: 61, 218), restitution has not addressed the many grievances surrounding land, and since he argues that feelings of historical injustice and unfairness are the strongest motivator, the land issue could “engulf” the whole of South Africa. While some have pointed out how land reform has been a surprisingly weak incentive for protest in South Africa (Hall 2007), the rising number of service delivery protests and their increasingly violent nature (Grant 2014), and the influence of radical policies in the region (i.e. neighbouring Zimbabwe), could potentially change this (Hall & Ntsebeza 2007: 15). At the same time, the issue could be ‘silenced’ through the ‘soft’ politics of heritage and land redistribution - something which seems to be the direction of future policy at this stage (see Chapter Two). While I have argued that the demands and motivations might be largely similar among Khoisan activists, the practical implementation of policy is still a vague and often avoided topic.

Perhaps this would change if the government formulates clear policy on the matter, or if Khoisan activists would succeed in forming a united front with strong international connections and support from the global indigenous rights movements and the UN. Meanwhile, although this topic is not the most defining one with regards to South African politics, the history of (Khoisan) land dispossession and restitution in South Africa invites us to think about issues of exactness, nation building, indigenous rights, history, justice, and authenticity claims. Indeed, although the contemporary land restitution scene is relatively quiet since the process has been reopened in 2014, the Western Cape is said to be one of the most complicated provinces in this regard (Walker 2008: 212)\(^{200}\), and largescale land claims by Xhosa and Zulu chiefs in the Eastern Cape and KwaZulu-Natal already highlight the importance and acute nature of these topics (Mkhize 2014). Once more: the question will

\(^{199}\) Gibson (2009: 2) defines ‘historical injustice’ as injustices which have been committed by a previous government and has by virtue of temporal distance become ‘historical.’ He adequately points out that the main complexity of addressing historical justice is to figure out how a present-day government can and should address injustices which it did not cause while maintaining political support in the present, especially from those not directly affected by these injustices. As a result, the more temporally distant these historical injustices become, as this case which dates back to the 17th century shows, the more complex and difficult it becomes to address them.

depend on the value we assign to these issues; how ‘authentic’ can we, and should we, expect Khoisan identity to be? I found it quite revealing that some people expect a higher sense of authenticity from the activists, as opposed to other recognized traditional leaders in the country. Why are so many people so sceptical? Perhaps it is because of the fact that it is an ethnic resurgence and people fear the Pandora’s Box. Deconstructing something is easier than trying to understand it. This could perhaps also explain the focus on other Khoisan groups, such as the Kalahari Bushmen, which conform more to the stereotypical image of the Khoisan as the quintessential hunter-gatherer (see Chapter Three).

At the same time, should the history of the Khoisan not teach us that it is uninformed to expect ‘pure’ culture from them? Is it not normal for activists to demand land if they experience a sense of loss, and is there not something typically South African about people reclaiming a previously denied identity? Somebody once told me that this whole thing would be less complicated if land claims and chiefly titles were not part of the discussion, but can we blame Khoisan activists for demanding to be part of the South African reconciliation and restitution processes? Indeed, could South Africa not be an example of far-reaching historical justice for its indigenous population and look for inspiration to countries facing the same problems such as Canada, Australia, the United States of America, or New Zealand? It has surely surprised the world before. With land and autochthony disputes on the rise in Africa, and land tenure rights in serious need for clarification, South Africa is in a position to be a potential model country (Bøås & Dunn 2013: 2,7). Then again, if land and chiefly titles are concerned, maybe strict approaches should be favoured and “consolation” is the highest form of redress we can expect from a restitution or reparations program (Walker 2004: 223)?

**iii. A plea for ethnography**

A political decision will always fail to resolve this ambiguity and will contain advantages and disadvantages. Criticizing the 1913 cut-off as an arbitrary and ideological choice is one thing (Cavanagh 2012: 437), but translating that sentiment in practical policy alternatives is another. In the introduction to their edited volume on land claims, Sandra Evers, Marja Spierenburg, and Harry Wels (2005) have argued that land claims can be approached by a set of “competing jurisdictions;” their point being that land claims can be approached from legal and ideological paradigms, each stressing different aspects which might be opposed to each other. “Settling land claims” is then a question of balancing or selecting one of these
‘jurisdictions,’ although the authors point out that this is both a difficult and often permanent exercise (Evers, Spierenburg & Wels 2005: 6). All the while, this happens in a context where “territorial claims turn history into geography,” and “restless pasts are [transformed] into the stable fixities demanded for framing- and claiming an ethnic identity” (Comaroff & Comaroff 2009: 81). Khoisan land claims require the anthropologist and historian to work and reflect together; this thesis has shown that both perspectives are necessary and reveal crucial aspects. Derick Fay and Deborah James sum up the problem aptly:

“Land Restitution thus forces the moral principles of restoration and justice to confront the difficult practices of determining ownership, defining legitimate claimants, and establishing evidence for claims. It is an arena for state formation and nation-building, but also one where alternative forms of governance and counternational identities may emerge. Restitution may combine modernity’s romantic aspect, nostalgia for the lost rootedness of landed identity, with is technicist aspect, as restitution is implemented through state bureaucracies and often tied to aspirations of “development”.” (Fay & James 2010: 41-42)

As Gibson (2009: 162) points out, “[u]nderstanding how people apply theories of justice to such disputes” would be the first step. In this research, I have discussed these sets of competing jurisdictions with regards to Khoisan land claims, and specifically argued for the importance of issues which might fall under a ‘symbolic jurisdiction’ when discussing Khoisan land claims. Khoisan land claims are (even) less straightforward than the current land restitution paradigm which focuses on apartheid-era forced removals can deal with. Interviews, conservations, and participant observation among Khoisan social movements and organizations such as the Khoisan Kingdom and the Institution for the Restoration of Aborigines of South Africa have made this clear (e.g. the powerful opening quote of Ellen). Policy directions are unclear and it remains mystifying why the government decided to pursue Khoisan issues in the Department of Rural Development and Land Reform, and not only (or first) in the Department of Traditional Affairs.

However, one thing is evident. The recent years have seen both a rise in Khoisan activists, and in legislative developments regarding land claims and recognition of Khoisan traditional authorities. The issue is now more than ever a permanent one, as evidenced by the plans for
a third National Khoisan Dialogue (see Chapter Two) and the reminder of President Jacob
Zuma during his 2015 annual address of the House of Traditional Leaders that the
government is “looking into [it].”\textsuperscript{201} It will continue to be a “soar on the South African body
politic” if left untreated, as the Chief Land Claims Commissioner in the Western Cape put it
(Michael Worsnip & Dave Smit, 04/09/2014). Furthermore, restitution will be omnipresent in
the South African political landscape with 400,000 new land claims anticipated.\textsuperscript{202} This will
keep the debate on Khoisan restitution alive, at the very least among Khoisan activists.
Indeed, activists will surely continue to voice their demands and express their grievances, in
a variety of forms, and regardless of the fragmentation which shadows the Khoisan revival.
Ethnographic enquiry, though resulting in its own particular methodological challenges (see
Chapter One), will compliment ‘critical approaches,’ focus on the agency of Khoisan activists,
and ultimately provide policy and academic discussions with necessary perspectives ‘from
below.’ Until then, I will keep an eye out for this fascinating topic as it unfolds in the
background of the South African political landscape. \textit{Toa tama !khams ge}, the struggle
continues.

\textsuperscript{201} “Zuma hears Khoi, San demands for land” (2015).
\textsuperscript{202} “Restitution of Land Rights Amendment Bill [B35-2013]: financial implications briefing; Property Valuation Bill
Bibliography

The bibliography is organized in several sections according to the nature of the sources. I classified interviews, newspaper articles (from *Eerste Nasie Nuus*, and legislative texts separately under ‘Primary sources.’ Field notes are not mentioned as specific sources in the bibliography. Secondary literature, historical sources, and newspaper articles (in print/online) can be found under ‘Secondary sources.’ ‘Internet sources’ then features all the sources I have examined via the internet and which are not available in print.

a. Primary sources

Interviews

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