



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Afrikaanse Forum vir Burgerregte, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

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\* Issued as received, in the language of submission only.



## Written Statement by Afrikaanse Forum vir Burgerregte (AfriForum) on Resolution 45/7

This written submission contains AfriForum's contribution to resolution 45/7 requesting the High Commissioner to prepare a report on the role of local governments in facing the challenges of human rights, equality and non-discrimination, and the protection of vulnerable and marginalised persons. With 300 000 members making a monthly donation to AfriForum's work, it is the largest NGO in South Africa and the Southern Hemisphere. It is intimately involved in the fight for human and civil rights, a discrimination-free society and the protection of minority and other vulnerable groups in South Africa.

Unfortunately, minorities are continually being persecuted by the South African government. This especially pertains to racially discriminatory laws termed Broad-Based Black Economic Empowerment (B-BBEE). These laws, which are claimed to be redressing past inequalities created by apartheid, include the implementation of race-based quotas in many areas of business, sport and employment.(1) The ANC government has also shown blatant disregard for individual property rights by tabling a bill to legalise the expropriation of property without compensation. The bill, which would have amended a section of South Africa's Constitution, failed to pass in 2021 due to it not achieving a two-thirds majority in parliament. However, the government reiterated its desire to move forward with further plans to introduce expropriation without compensation in 2022 and beyond.(2) Therefore, the government's blatant disregard for property rights remains one of the biggest sources of concern for all communities in South Africa. It is a direct breach of article 17 of the Universal Declaration of Human Rights, which guarantees that "(1) Everyone has the right to own property alone as well as in association with others and (2) No one shall be arbitrarily deprived of his property."(3)

In July 2021 severe riots and looting broke out in South Africa, causing the death of more than 300 people and approximately \$1,7 billion in damages.(4) Worryingly, it was reported that the South African Indian community was rhetorically villainised and threatened with violence, and their businesses were targeted during the rioting and looting.(5) Minority heritage and Afrikaans language have also been targeted over recent years. It was reported in May 2022 that the government had started a process to remove the word "Afrikaans" from the name of the Afrikaans Language Monument and Museum in Paarl.(6) This is despite the fact that the entire monument was built to commemorate the semicentenary of Afrikaans being declared an official language of South Africa separate from Dutch. Recently, Afrikaans has all but been removed as a medium of instruction at South African universities, and in a worrying incident, it was reported that students living in Stellenbosch residences were being prohibited from speaking Afrikaans even in private spaces.(7)

In addition to targeting minorities and other communities, South Africa is becoming a failed state. Unemployment reached 46,2% in 2022, according to the broad definition of those who are no longer looking for employment.(8) In large part due to this high unemployment rate, the government is paying social grants to 46% of the population.(9) Yet, these social grants are so pitiful in many cases that they still leave people below the upper-bound poverty line and increase government dependency. As a result, it is predicted that South Africa will soon reach a fiscal cliff, meaning that social welfare payments, civil service remuneration and the servicing of state debt will amount to more than the government's total income. As a further consequence of centralised government failure, crime is also running rampant, with 185 542 murders and 546 488 sexual offences being recorded between 2012 and 2021 in South Africa.(10)

Thus, given the reality of state failure and the diverse cultural make-up of South Africa, room must be created for different communities to find the solutions that are uniquely suitable to them within an increasingly localised and community-based dispensation. In this regard, AfriForum proposes promoting countrywide "anchor communities". It follows that communities must serve as an anchor to protect and build on their cultural and other infrastructure through an approach of equal participation to make local communities strong and independent on numerous terrains. This naturally implies communities organically coming together to increasingly manage essential services such as safety, social services, education, and community economies. To play its part in this process, AfriForum has built

up more than 150 neighbourhood watches and provides essential services such as rubbish removal and the upkeep of roads in failed municipalities.

Furthermore, increased stimulation of localised governance structures must be promoted in the Western Cape province. This is because the ruling ANC party obtained only 20% of the vote in the previous elections yet still maintains control over police, transport, energy, fisheries, the justice system and other services in the province. Therefore, AfriForum and other civil society organisations are advocating for stronger local government influence in the Western Cape so the people can take their future into their own hands.

AfriForum endorses the idea of communities becoming self-sufficient and resistant to state failure. This enables communities to create and expand local infrastructure such as schools, retirement homes, cultural conservation, safety and other services in a sustainable fashion. Of course, modern technology also creates the possibility for communities to build up virtual institutions that bring people together and serve to protect the diversity and unique heritage of the multiplicity of communities in South Africa. It is also a reality that many people have emigrated from South Africa. Therefore, AfriForum also endeavours to involve those who have emigrated in the future towards which it is working. By doing so, these people, along with the international community recognising the importance of minority rights and a decentralised political system, have an important role to play in realising localised government within a more federal South African dispensation.

The goal of enhanced local governance is, therefore, not to isolate and divide communities from one another. Increasing the localised nature of government will foster diversity and create an environment where communities can cooperate at grassroots level on issues of mutual importance to all. An example is AfriForum's work beyond the conservation and reinvigoration of the Afrikaans-speaking community by recently signing a cooperation agreement with the AmaBhele community.<sup>(11)</sup> It is also working ever more closely together with many other cultural communities in South Africa. If South Africa achieves greater localised community-based governance, there is no reason why all people should not look forward to a free, safe and prosperous future.

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(1) Myburgh, J. 2020. The many, many race laws of the ANC. Politicsweb, 10 July. Available at <https://www.politicsweb.co.za/opinion/the-many-many-race-laws-of-the-anc>. Accessed on 8 August 2022.

(2) BusinessTech. 2022. Two big changes planned for South Africa in 2022: Ramaphosa. 10 January. Available at <https://businesstech.co.za/news/government/549578/two-big-changes-planned-for-south-africa-in-2022-ramaphosa/>. Accessed on 8 August 2022.

(3) Universal Declaration of Human Rights. 1948. Article 17. Available at <https://www.un.org/en/about-us/universal-declaration-of-humanrights#:~:text=Article%2017,arbitrarily%20deprived%20of%20his%20property>. Accessed on 8 August 2022.

(4) Magome, M. 2021. South African riots to cost \$1.7 billion in insurance claims. AP News, 8 September. Available at <https://apnews.com/article/africabusiness-riots-south-africa-cyril-ramaphosa-5a4852f2349058dc39345426df87482d>. Accessed on 8 August 2022.

(5) Singh, O. 2021. EFF protest against 'racist Indians' changed to march for solidarity after unity meeting. TimesLIVE, 4 August. Available at <https://www.timeslive.co.za/politics/2021-08-04-eff-protest-against-racist-indians-changed-to-march-for-solidarity-after-unity-meeting/>. Accessed on 9 August 2022.

(6) SowetanLive. 2022. DA waves red flag over Mthethwa's plan to remove Afrikaans from Taal Monument. 21 May. Available at <https://www.sowetanlive.co.za/news/2022-05-21-da-waves-red-flag-over-mthethwas-plan-to-remove-afrikaans-from-taal-monument/>. Accessed on 8 August 2022.

(7) Democratic Alliance. 2021. "Nothing wrong" with banning "exclusionary" Afrikaans, says SU management. Available at <https://www.da.org.za/2021/09/nothing-wrong-with-banning-exclusionary-afrikaans-says-su-management>. Accessed on 8 August 2022.

(8) Fin24. After long delay, Stats SA confirms record unemployment rate. 29 March 2022 <https://www.news24.com/fin24/economy/after-a-long-delay-stats-sa-confirms-record-unemployment-rate-20220329>. Accessed on 8 August 2022.

- (9) Sguazzin, A. Ramaphosa advisers divided over implementing South African basic income grant. Bloomberg, 31 January 2022. Available at <https://www.bloomberg.com/news/articles/2022-01-31/ramaphosa-advisers-divided-over-implementing-basic-income-grant>. Accessed on 8 August 2022.
- (10) Crime Stats South Africa. 2022. Crime statistics simplified. Available at <https://www.crimestatssa.com/national.php>. Accessed on 10 August 2022.
- (11) AfriForum. 2022. AfriForum and AmaBhele sign historic agreement. Available at <https://afriforum.co.za/en/afriforum-and-amabhele-kajamangile-sign-historic-agreement/>. Accessed on 8 August 2022.