

01 December 2022

Dr Volker Türk
The High Commissioner for Human Rights
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue de Pâquis
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GENEVA
Switzerland

Mr Chairperson

RE: THE SITUATION OF MINORITY RIGHTS AND MINORITY RIGHTS DEFENDERS IN SOUTH AFRICA

If racism is measured by the amount of race laws that a government implements, the South African government surely constitutes the most racist government in the world, with more than 125 race laws currently in force in South Africa.

The private sphere is also culpable, with major corporations shamelessly enforcing moratoriums on the appointment and promotion of minorities.

During the Covid-19 lockdown, small businesses were legally barred from receiving government lockdown relief based on racial criteria. An organisation on the frontline of the fight against gender based violence was also barred from funding based on the same racial criteria.

Julius Malema, one of South Africa's most influential political leaders has publicly stated that he might one day call for the slaughter of the white minority. He testified in court that he cannot pledge that he will not call for the slaughtering of minorities, as he foresees that he might do so in the future.

But that's not all, he has repeatedly and publicly encouraged his supporters to inflict violence against minorities, to take their property and chase them off their property that legally and legitimately belongs to them. In a recent speech, he shamelessly called on his supporters to kill those who stand in the way of his party's revolution. Despite Malema's obvious racism and hatred for minorities, the president has invited him to join the ruling party.

South Africa has witnessed a scourge of farm murders, largely directed against minorities. There have been on average two farm attacks every day and two farm murders every week

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over a period of two decades. After claiming that he intends to “tell the truth” about South Africa to the international community, president Ramaphosa dishonestly announced in New York that there are no farm murders or land grabs in South Africa.

The South African government plans to enact laws to empower the state to confiscate the property of minority communities. One minister has given the assurance that the government only plans on taking property that belongs to minorities; the deputy president has threatened with a violent takeover if minorities do not hand over their property and the president has stated that these expropriation policies will turn South Africa into the “ultimate paradise” and the “Garden of Eden.”

South African courts increasingly seem to condone discrimination against minorities, as well as hate speech. They do this by interpreting the South African Constitution in a manner that merely endorses the goals and policies of the political elite. This goes against the core of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Race Discrimination, the United Nations Development Report and various other international legal sources.

When AfriForum applied to register with ECOSOC as an NGO with special consultative status, we were told by a representative of the South African government that they will do everything they can to prevent us from gaining access to the United Nations, because, as we were told, according to the South African government, we “talk too much” when we raise awareness about minority rights in South Africa, and as a result, that we are “too arrogant”. He said that the South African government has already spoken with its allies in the United Nations and encouraged them to prevent AfriForum from raising awareness about the plight of minorities in South Africa.

As was lamented in the introduction to this session, the United Nations does not have a good track record when it comes to intervention and the prevention of atrocities before they occur. We are of the opinion that one of the main reasons for this is that the United Nations places too much emphasis on diplomacy and fostering good relations with states, as opposed to peoples. States and peoples are not the same. There is one South African state and one South African government, while there is a plethora of peoples and minority communities in South Africa. The only way for the United Nations to strengthen its grip on ground-level realities is to decentralise its approach, as opposed to centralising it. By this I mean that the UN would play a much more constructive role if it were not to focus primarily on high-level conversations with states and global players, but to strengthen its ties with communities and organisations on ground level.

In your introduction to the Fifteenth Session of the United Nations Forum on Minority Issues, you stated that “we can never wait until atrocities are committed to react.” The Special Rapporteur on Minority Issues, prof. Fernand de Varennes added that the UN’s approach to

the incitement of violence against minorities – particularly on social media – has to change, and that the United Nations is not doing what it should be doing. He described the current situation as “outright inaction and negligence” with regard to minorities.

We are grateful for this, and we pray that these words find their way into action on ground level, outside the halls and meeting rooms of the United Nations, even if it risks upsetting some governments. Basic freedoms for minority communities are more important than the international image of states.

Thank you.

Dr Ernst Roets
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