

# The South African Human Rights Commission



south african  
**human  
rights**  
commission

Briefing on the Knoflokskraal Khoi and San  
community in Grabouw

7 March 2023



# Introduction

110 years  
marking of the  
Natives Land  
Act, 1913

Dispossession  
of land

The  
importance of  
Sol Plaatje

A need arises  
to regain land

## Complaints lodged at the SAHRC

- Commissioner Nissen's office has at all times been engaging with the community on a continuous basis, especially with Mr David Williams. This engagement continued whilst there was a court interdict.
- Engagement also involved discussions with councillors of the Theewaterskloof Municipality and relevant stakeholders.
- Commissioner Nissen's office has ensured that there is stability and that the N2 road is open all the time.

## Complaints lodged at the SAHRC

- Complaints have been lodged at the SAHRC since 2019.
- On 6 December 2022, the Western Cape Provincial Office (WCPO) assessed one complaint and advised that it is not best placed to assist.
- It further advised that a court be approached for urgent interim relief to order the authorities to provide the community with the necessary services while the dispute over the land prevails.
- It stated that regarding broader matters involving freedom of religion and/or the practice of cultural traditions or language rights, the Commission for the Protection of the Rights of Cultural, Religious and Linguistic Communities is best placed to assist.

## Complaints lodged at the SAHRC

- On 1 February 2023, the WCPO learned through the media that unlawful evictions were taking place in Knoflokskraal.
- The WCPO sent correspondence to Theewaterskloof Municipality and the Department of Public Works and Infrastructure (DPWI). The correspondence noted that it is alleged that DPWI ordered farm dwellers occupying farm 336 and 445 in Knoflokskraal to be evicted.
- At the time the eviction took place, the law enforcement officials, security guards and police officers acting under the instruction of DPWI failed to provide a court order. The aforementioned continually harass the dwellers and attempted to demolish informal structures erected.

## Complaints lodged at the SAHRC

- The DPWI and Theewaterskloof Municipality had until 24 February 2023 to respond to the letter sent by the WCPO, but failed to respond.
- On 3 March 2023, Theewaterskloof per Mr Hugo Geldenhuys, requested an extension to provide a response to the correspondence due to the Municipal Manager not being around.
- The DPWI also failed to respond.

## Concluding remarks

Knoflokskraal has been identified by the Khoi and San as a place of ancestral importance and as a historical site.

There are now more than 3000 people in Knoflokskraal.

The SAHRC's involvement will continue where it monitors the situation and engages with stakeholders.

The SAHRC condemns illegal occupation and invasion of land. The SAHRC also recognises the right of people to land, especially given the inequality in South Africa and the denial of land.

## Concluding remarks



A need arises for the recognition of the rights of the Khoi and San people.

Various government departments including the DPWI should develop a plan of action.



Municipalities are encouraged to provide basic service delivery to communities in Knoflokskraal.





Website: [www.sahrc.org.za](http://www.sahrc.org.za)



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