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2026

Advancing minority rights and fostering intercultural relations and cooperation amid the persecution of minority communities

Submission by AfriForum to the 19th United Nations Forum on Minority Issues

Forum theme: Advancing minority rights through regional initiatives and cooperation

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AfriForum is a South African non-profit organisation that focuses on human rights and community-based solutions. With around 300 000 active members AfriForum is the largest civil rights organisation in Africa. AfriForum focuses particularly on the rights of minorities such as the Afrikaner cultural community and Afrikaans-speaking people, while also working continuously to protect the fundamental and constitutional rights of all South Africans. AfriForum distances itself from white supremacist and extremist groups that attempt to hijack and distort the legitimate concerns of Afrikaners and South African farmers for their own political purposes.

Executive summary

Minority rights are only as strong as the ability of communities to exercise them. AfriForum* has special consultative status at the United Nations (UN). The organisation believes that minority rights in Africa depend on two things: 1) regional and national institutions that are held to account, and 2) communities that are free to build and sustain their own institutions. However, Africa has no regional instruments on minority rights, South Africans cannot approach the African Court directly and the Southern African Development Community (SADC) Tribunal remains suspended. These impediments leave minority communities in South Africa (and therefore also Afrikaners) without an effective regional remedy against hostile political rhetoric, rural violence, the erosion and neglect of mother-language education in general and Afrikaans-medium education in particular, threats to cultural heritage, government-enforced discrimination and uncertain property rights. Although these developments do not necessarily constitute a coordinated campaign, their cumulative impact raises serious concerns about the security, cultural continuity and institutional independence of minority communities in South(ern) South Africa. In this submission, we will also outline how communities are overcoming these impediments through do-it-yourself initiatives, community federalism and a growing network of cooperative cultural communities.

* Registered as the Afrikaanse Forum vir Burgerregte (English lit. *Afrikaans forum for civil rights*)

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Introduction

The theme of the 19th United Nations Forum on Minority Issues (from here *the UN Forum*), namely "Advancing minority rights through regional initiatives and cooperation", examines how minority communities can use regional frameworks to protect their rights, participate meaningfully in regional decision-making and hold institutions accountable. Our submission addresses these questions from a South African perspective by drawing on the experiences of Afrikaners and other minority communities. It is important to state that AfriForum does not claim to speak on behalf of other communities but rather uses practical examples from these communities. It draws on AfriForum's five core focus areas:[1]

1. Safety
2. Self-reliance
3. Cultural identity
4. Justice
5. Organisation building

The submission advances three interrelated arguments: minority rights are most effectively realised when communities 1) have access to effective regional remedies, 2) can participate meaningfully in decisions that affect them and 3) have the freedom and capacity to establish and sustain their own institutions. Building on the UN Forum's previous sessions and the regional forums on minority issues that were held between 2019 and 2022, our submission emphasises the role of minority communities as not merely beneficiaries of rights protection but as "agents of peace, justice and collective resilience, contributing to shaping a more just and cohesive future for society" as recognised in the UN Forum's concept note.

Regional frameworks, mechanisms and initiatives

The normative framework

The normative framework for the protection of minority rights is grounded in international human rights standards and is reinforced by South Africa's constitutional provisions. At international level, the United Nations' *Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities* (1992) provides a foundational framework. Article 2 recognises the rights of persons who belong to minority groups to enjoy their own culture, use their own language, establish their own associations and participate effectively in public life. Article 2(3) further extends the right to effective participation in decisions that are made at the national and, where appropriate, regional levels, particularly where such decisions

concern the minorities to which they belong. These principles also find expression in South Africa's Constitution:[2]

1. Section 9 of the Constitution guarantees equality.
2. Section 18 protects freedom of association.
3. Sections 30 and 31 safeguard cultural and linguistic rights, including the rights of persons who belong to cultural, religious and linguistic communities to practise their culture, use their language and maintain their community associations.
4. Section 185 provides for the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.
5. Section 235 recognises the notion of self-determination for communities who share a common cultural and language heritage, within the constitutional framework.

These international and constitutional provisions establish a normative basis for the protection of minority identities, their meaningful participation in public affairs and the recognition of their communities' interests.

Gaps in the African regional system

The *African charter on human and peoples' rights*[3] does not expressly recognise minority rights as a distinct category but provides relevant protections through its guarantees of

1. non-discrimination (article 2),
2. equality before the law (article 3),
3. participation in cultural life (article 17),
4. equality of peoples (article 19),
5. the inalienable right to self-determination (article 20) and
6. the right to economic, social and cultural development (article 22).

The African Commission has also progressively strengthened its minority-rights mandate. In 2020, the African Commission on Human and Peoples' Rights expanded the mandate of its Working Group on Indigenous Populations/Communities to include minority rights.[4]

This development was followed in 2025 by a resolution directing the working group to continue its efforts to map ethnic, cultural, linguistic and religious minorities across Africa and to undertake stakeholder consultations to validate the draft findings.[5] Despite these developments, a significant gap remains in Africa's regional human rights framework. Unlike Europe, which has adopted the *Framework convention for the protection of national minorities*,

Africa has no equivalent treaty that is specifically dedicated to protecting minority rights, a distinction that was already highlighted in 2008 by Minority Rights Group International.[6]

Access to regional judicial remedies remains limited, however. South Africa has still not made the declaration that is required under article 34(6) of the *Protocol to the African charter on human and peoples' rights on the establishment of an African court on human and peoples' rights*.[7] Such a declaration would permit individuals and eligible NGOs to bring applications directly before the African Court.

The debacle of the SADC Tribunal illustrates the limitations of access to regional judicial remedies. Before, individuals and legal persons could bring disputes against member states under the original Tribunal protocol, subject to applicable jurisdictional requirements. However, following the Tribunal's 2008 ruling against Zimbabwe on the expropriation of agricultural land and Zimbabwe's subsequent refusal to comply, SADC leaders effectively suspended the Tribunal's operations in 2011.[8] In 2014, SADC adopted a new protocol to reconstitute the Tribunal with jurisdiction limited to disputes between member states, which would exclude individual applications. The 2014 protocol has not yet entered into force, while the Tribunal is yet to resume its former adjudicative functions. Then, in 2018, South Africa's Constitutional Court declared the participation of Mr Jacob Zuma – at the time South Africa's President – in the suspension of the Tribunal and his signature of the 2014 protocol unconstitutional, unlawful and irrational. The Constitutional Court therefore ordered the withdrawal of South Africa's signature.[9] In 2019, the High Court of Tanzania found that "Tanzania had violated its obligations under the SADC Treaty by participating in the suspension of the Tribunal". The Tanzania High Court emphasised that the "suspension of the operations of the SADC Tribunal; and failure or refusal to appoint judges contrary to the clear Treaty provisions, was inimical to the Rule of Law as a foundational principle inherent to the legitimacy of the community; and as expressly entrenched in the [SADC] Treaty."[10, 11]

Why regional remedies matter: minority concerns in South Africa

South Africa's Constitution[2] guarantees equality, cultural freedom and protection for all communities. However, constitutional guarantees do not always translate into effective protection, particularly when minority rights are regarded as subordinate to the will of the majority. In 2012, Jacob Zuma, then the President of South Africa, expressed his understanding of democracy in parliament: "Sorry, we have more rights here because we are a majority. You

have fewer rights because you are a minority. Absolutely, that's how democracy works."[12] This statement illustrates the tension that can arise between majoritarian politics and the constitutional protection of minority rights.

The barriers that are identified in the concept note – i.e., limited resources, language barriers, restrictions on legal standing and political resistance – are also relevant to South(ern) Africa. The challenges that are facing Afrikaners and other minority communities should therefore be assessed not only as isolated incidents, but also in terms of their cumulative impact on cultural identity, security, institutions and participation in public life – and, therefore, the continued existence of these communities.

Where domestic remedies prove inadequate, regional human rights mechanisms offer an additional avenue for accountability. Although article 56(5) of the *African charter on human and peoples' rights* generally requires the exhaustion of domestic remedies, exceptions may apply where remedies are unavailable, ineffective or unduly prolonged.[3] Regional mechanisms can therefore play an important role in strengthening the practical protection of minority rights, especially where domestic avenues and legislative realities fail to provide effective redress.

Minority-specific concerns: the Afrikaner perspective

Belonging

Afrikaners constitute a distinct cultural community whose identity extends beyond racial or linguistic classifications. Their historical roots in Southern Africa stretch back more than 370 years to the establishment of the Dutch East India Company resupply outpost at the Cape of Good Hope in 1652 (present-day Cape Town). Although their ancestors did not originally arrive in Africa as Afrikaners, a distinct cultural and linguistic identity emerged and evolved over successive generations, well before the Union of South Africa was established in 1910.[13]

Being an Afrikaner does not mean being any less South African. This is consistent with the Constitution, which declares that South Africa "belongs to all who live in it, united in our diversity". Yet this principle is not always reflected in political rhetoric. On 5 June 2012, Mr Ronald Lamola, then the Deputy President of the ANC Youth League, called for section 25 of the South African Constitution[2] to be amended to allow for expropriation without compensation. He warned that if white South Africans did not voluntarily surrender land for redistribution to black South Africans, the country could experience land invasions similar to those in Zimbabwe. Lamola specifically referred to "the Van Tonders and the Van der Merwes on farms",[14] warning that their safety could not be guaranteed. (Van Tonder and Van der Merwe are common

Afrikaner surnames that were used in this context as symbolic references to Afrikaner farming families rather than to particular individuals.)[15, 16]

Official statements have used similar framing. In May 2025, President Cyril Ramaphosa, rejecting claims that Afrikaners who had left for the United States were refugees, said that South Africa was "the only country on the continent where the colonisers came to stay" and that South Africa had "never driven them out". He offered this as proof of South Africa's inclusiveness. However, describing Afrikaners as colonisers who are permitted to stay is not quite aligned with the principle that South Africa "belongs to all who live in it".[17] It may also be perceived as a veiled threat: "permission to stay" implies that this "permission" can be withdrawn at any time, which would leave Afrikaners without a country that they could call home.

In addition, political and contemporary media stereotypes often associate Afrikaner cultural identity with far-right politics and even apartheid. Such generalisations "belie the diversity and complexity that constitutes the Afrikaner identity and do little to improve intergroup communication."[18] The historical injustices that took place in South Africa's past cannot justify questioning Afrikaners' place in South Africa in the present day. In the same manner, recognising Afrikaner identity does not diminish the rights or belonging of any other community.[19]

These concerns highlight the importance of protecting minority identities and ensuring equal belonging within diverse societies. Article 1 of the UN's *Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities*[20] and article 19 of the *African charter on human and peoples' rights* support the protection of identity and equality of peoples.[3]

Normalising violence against Afrikaners and race-based legislation

Political rhetoric that glorifies, legitimises or downplays violence against Afrikaners and farmers with European ancestry raises serious concerns about minority safety and social cohesion. Since the 1990s, farmers with European ancestry have frequently been portrayed as oppressors and illegitimate landowners, including through political statements and songs from the anti-apartheid struggle such as "Dubul'ibhunu" (English lit. *kill the Boer*, where *Boer* – Afrikaans for *farmer* – commonly refers to Afrikaner farmers).[21, 22] Although the Equality Court (a South African court that hears cases of hate speech and unfair discrimination) initially found in 2011 that the chant constituted hate speech, a subsequent Equality Court judgment in 2022 reached a different conclusion. The Supreme Court of Appeal upheld the 2022 judgment in May 2024, while the Constitutional Court then dismissed AfriForum's application for leave to appeal in March 2025, finding that the appeal had no reasonable prospects of success.[23]

Recent events underscore our concerns. On 24 October 2026 Malema again led supporters in chanting "Kill the Boer" at a rally of the EFF in North West province.[24] Four days later, farmer Donovan Marx was violently attacked in the same province. Although no causal connection between the incidents has been established, rhetoric that appears to rationalise such violence raises concerns about the normalisation of hostility towards farmers.[25] On 1 November 2026, Andile Mngxitama, a sitting Member of Parliament who represents the uMkhonto weSizwe Party (the MKP), an opposition party, described the severing of farmer Donovan Marx's ears as symbolic of what he characterised as the refusal of "land thieves" to listen.[26] Such rhetoric violates article 7 of the UN's *Universal declaration of human rights*, which protects everyone against incitement to discrimination. It further violates articles 4, 5 and 28 of the *African charter on human and peoples' rights*,[3] concerning the protection of life, human dignity and the duty to respect and consider fellow human beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Beyond these concerns, South Africa's legal system is among a minority of jurisdictions worldwide in which individuals are treated differently under the law on the basis of their perceived race or skin colour. According to research by the Institute of Race Relations (IRR), a South African policy think tank, South Africa currently has 145 race-based laws on its statute books.[27] This should concern anyone who aspires to a genuinely just and equal society, where every individual is treated equally before the law, regardless of perceived race or skin colour. Perhaps even more concerning is that the end of apartheid did not end race-based legislation. On the contrary, South Africa's parliament has enacted a further 122 such laws since the transition to democracy. This means that approximately 38% of South Africa's active race-based legislation was introduced after the dawn of democracy.[28]

Language and education

Mother-language education is essential to preserving the languages, cultural identities and heritage of South Africa's minority communities. Afrikaans, which is spoken across racial and cultural communities, forms an integral part of the country's linguistic diversity. The Basic Education Laws Amendment Act 32 of 2024 has raised concerns about the future of mother-language education generally and Afrikaans-medium education specifically. By expanding the power of provincial education authorities over school admission and language policies, this act limits the autonomy of school governing bodies. AfriForum warns that these powers could be used to compel viable Afrikaans single-medium schools to introduce additional languages of instruction, potentially accelerating their shift towards English-medium instruction (Anglicisation).[29] These same powers can be abused to impede the expansion or establishment

of other mother-language schools that are located within other indigenous language communities. UNESCO has consistently recognised the educational benefits of mother-language instruction, which enhances comprehension, academic achievement and the acquisition of additional languages.[30]

For minority communities, the lack or erosion of mother-language education risks weakening the institutions that sustain their languages and cultural identities. This raises concerns under sections 29(2), 30 and 31 of South Africa's Constitution,[2] which protect language and cultural rights. Mother-language education, in higher grades complemented by effective English instruction, enables learners to access wider opportunities without sacrificing their linguistic and cultural heritage.

Heritage and self-determination

AfriForum has consistently opposed the vandalism and destruction of monuments that commemorate Afrikaner and South African history, as well as the renaming of places and streets without meaningful consultation with communities that are affected by these changes. Such practices risk contributing to toponymic erasure, whereby the removal of historically significant place names weakens a community's connection to its history, cultural identity and geographical heritage.[31] Concerns about the protection of minority cultural identity extend beyond physical heritage to the constitutional recognition of community self-determination. The MKP – through Mr Mzwanele Manyi, one of its MPs – proposed a constitutional amendment that seeks to repeal section 235 of South Africa's Constitution, which expressly recognises the possibility of self-determination for communities sharing a common cultural and linguistic heritage.[32] This provision matters to all cultural and linguistic communities – not only Afrikaners. Although the MKP has characterised section 235 as un-African, the *African charter on human and peoples' rights* recognises individual rights alongside collective rights.[3] Articles 19, 20 and 22 affirm 1) the equality of peoples, 2) the right of peoples to self-determination and 3) the right to economic, social and cultural development. These provisions demonstrate that collective rights and self-determination are recognised principles within the African human rights framework, although their application remains subject to the relevant constitutional and international legal context.

Community-led initiatives: filling the regional gap

The protection of minority communities cannot depend exclusively on the willingness of a state to recognise and safeguard their rights. Where communities face hostility, discrimination or institutional vulnerability, their ability to organise independently and build relationships with

other cultural communities and the freedom to do so becomes particularly important. This is especially relevant to Afrikaners, who are geographically dispersed and live alongside a variety of other cultural communities. Against this backdrop, AfriForum regards intercultural cooperation not merely as a means of promoting peaceful coexistence. It regards such cooperation as a practical strategy to strengthen community resilience, to build mutual recognition and support, and to reduce the isolation of minority communities when their rights are threatened.

Cooperation between Afrikaners and traditional communities illustrates how this approach can work in practice. Traditional communities are communities that recognise customary law and traditional leadership structures, and they are recognised as such in terms of legislation. Rather than treating the preservation of distinct cultural identities as competing interests, intercultural cooperation is founded on the recognition that different communities can respect, recognise and support one another in protecting their identities while advancing their shared interests. Such cooperation therefore offers a means to strengthen minority communities without requiring them to compromise their distinctiveness. Moreover, intercultural cooperation is not a recent development but builds on an established tradition of cooperation between cultural communities.[33] This viewpoint is also reflected in the declaration of *Principles of international cultural co-operation*, which was adopted by the UN's General Conference in 1966.

Doing-it-ourselves mindset and community federalism

AfriForum's response to these challenges is grounded in the traditions of self-reliance or self-sufficiency, mutual assistance and a doing-it-ourselves mindset. These principles also underpin the broader Solidarity Movement – a network of trade union, civil rights and educational organisations of which AfriForum forms part – and inform its emphasis on developing sustainable community institutions through which Afrikaners can assume greater responsibility for their own future.[34, 35]

For Afrikaners, this approach is particularly significant because – as a geographically dispersed minority – they cannot rely exclusively on state institutions or political representation to protect their language, cultural identity and long-term community interests and continued existence.[36] Their ability to preserve and develop their identity therefore depends in part on the strength of the institutions, networks and relationships that they establish and sustain themselves. In this context, self-reliance and mutual support are understood not merely as individual virtues, but as collective strategies to reduce institutional vulnerability, to increase community resilience, to mobilise community resources and to ensure continuity across generations. Self-reliance

and mutual assistance also provide a practical foundation for self-management. In this context, self-management is understood not necessarily in terms of territorial autonomy, but as the capacity of communities to organise, to establish institutions and to assume responsibility for matters that affect their collective well-being.[37, 38] This approach focuses on cultural autonomy and enables the realisation of constitutionally and internationally recognised cultural and group rights.

This emphasis on community-led institution-building is reflected in AfriForum's five core focus points, particularly self-reliance, which seeks to foster increasing levels of self-management and cultural autonomy among Afrikaners and the wider communities in which they live and work.[1] Within the Solidarity Movement, a doing-it-ourselves mindset gives practical expression to these objectives through voluntary association, mutual support and by establishing institutions that address different community needs. These include Solidarity in the workplace, Solidarity Helping Hand in social welfare, Akademia and Sol-Tech in higher education and vocational training, and the Federasie van Afrikaanse Kultuurorganisasies (FAK; English lit. *federation for Afrikaans cultural organisations*) in preserving language and cultural heritage. AfriForum contributes to this broader institutional network through its civil rights initiatives and community-based structures. Its local branches, as well as neighbourhood and farm watches, undertake a range of activities. These include flood and drought relief, community safety patrols, road repairs and preserving and maintaining cultural heritage sites.[38]

Our initiatives demonstrate how organised communities can develop the capacity to address practical challenges independently, while continuing to hold the government accountable for its constitutional responsibilities.

The governance dimension of this approach is articulated through AfriForum's concept of community federalism. Whereas a do-it-ourselves mindset emphasises practical action and the assumption of responsibility, community federalism seeks to translate these principles into more enduring forms of community organisation, cultural autonomy and self-management. Rather than depending exclusively on the formal devolution of powers by central government, it emphasises the development of decision-making capacity and independent institutions from community level upwards. This approach is partly informed by the Afrikaner community's historical experiences and the importance that it attaches to maintaining institutions that are capable of preserving its language, culture and heritage. However, the underlying principle of self-reliance is not unique to Afrikaners. The isiNdebele saying *Kuvuswa ezivusako* (English lit. *help comes to those who help themselves*) reflects a comparable tradition of self-help. Community federalism can therefore be understood as a particular institutional expression of a

broader principle: communities are better positioned to secure their long-term interests when they possess the organisational capacity to act collectively and in mutual recognition and respect with other communities.

AfriForum describes the gradual development of such community-level capacity as the emergence of a de facto fourth sphere of government, which operates alongside but does not formally constitute part of South Africa's three constitutionally recognised spheres of government (national, provincial and local).[39] This formulation does not imply the creation of an additional constitutional sphere, but rather the development of practical forms of community self-management within the existing constitutional framework. Where suitable, community institutions may cooperate with local authorities through agreements that support service delivery. However, cooperation is not regarded as a prerequisite for community-led action. For example, AfriForum has signed several cooperation agreements with municipalities in an attempt to address service challenges that face many communities.[40]

Importantly, self-reliance in this context does not prevent cooperation with other communities. Instead, it can provide a stronger institutional foundation for partnerships that advance shared interests while strengthening community resilience. For this approach to remain legitimate and sustainable, however, the institutions that are developed through community federalism must operate with appropriate accountability, must respect individual rights and must provide meaningful opportunities for participation.



Figure 1: AfriForum volunteers fix potholes in Benoni.



Figure 2: AfriForum's Bethal branch provides water to the community due to the ongoing water crisis.

Self-reliance does not mean isolation. Afrikaners are a people of Africa, and no community has lived alone at the southern tip of the continent over the past centuries, nor will any do so in the centuries to come.[41] This understanding is captured in AfriForum's principle "We will do it ourselves, but not alone", which reflects the two realities that were outlined at the beginning of this section. Self-reliance requires communities to take responsibility for their own future, while recognising that their long-term survival and flourishing also depend on constructive relationships and cooperation with others.

AfriForum therefore seeks to build relationships with other communities on the basis of mutual recognition and respect for culture, heritage and tradition. This approach rests on reciprocity: the principles that AfriForum defends for Afrikaners – including mother-language education, cultural rights and property rights – must also be recognised for and in other communities. Cooperation does not imply interference in another community's affairs or the creation of new dependencies. Instead, AfriForum aims to provide support and advice while respecting each community's autonomy. In practice, this means to engage cultural institutions such as established organisations and traditional leadership structures, to prioritise relationships with communities who approach AfriForum and to build cooperation around shared interests and values rather than differences. The fundamental approach is to help communities to help themselves.

These principles are given practical expression through mutual recognition and cooperation agreements. Such agreements affirm each community's right to exist, to preserve its identity and to establish and maintain its own institutions. They also provide a framework for cooperation wherever interests converge.[42]

AfriForum has concluded agreements with a number of traditional and cultural communities and organisations, which include the

- AmaBhele kaJamangile,[43]
- the Barolong Boo Seleka[42] (see also below),
- Batlharo Boo Tokwana-Ba-Ga-Masibi,[44]
- Bakgatla Ba Kgafela,[45]
- Batlokoa Ba Mota,[46]
- Batlharo Ba Ga Motlhware,[47]
- AmaQwathi, [48]
- Orania cultural community,[49]
- Nama-Afrikaner family clan,[50]
- Royal Leaders of South Africa[51] and
- Vulamehlo Kusile Organisation,[52] a Ndebele organisation and community structure.

Together with 30 traditional communities, AfriForum has also helped establish a nationwide network of cultural communities called the Cultural Communities Network (CCN).[53] These relationships provide a foundation for cooperation across several areas, including agricultural development, property rights, cultural identity, language and institutional development.



Figure 3: AfriForum participated in a meeting of leaders from diverse South African cultural communities in October 2025, during which the CCN was formally established.

Importantly, these relationships extend beyond formal recognition to practical cooperation. One example is the egg-production (layer hen) project, which was launched in September 2026 by AfriForum in partnership with the Batlharo Boo Tokwana Ba Ga Masibi community in Disaneng, North West, under the leadership of *Kgosi* (Setswana for *king* or *chief*) Mogakolodi Masibi. The initiative aims to promote sustainable income generation, agricultural skills development and greater community self-reliance.[54]

Property rights provide a compelling example of how AfriForum applies the principles of justice and self-reliance across community boundaries. Members of the Dennilton Landowners Association in Limpopo applied in 2017 for ownership of their land to be transferred to them, but have yet to receive title deeds. AfriForum has taken up their case with the provincial Department of Land Reform and Rural Development as part of its broader efforts to encourage traditional communities to secure ownership of their land.[55]

Cooperation also extends to the protection of cultural identity and language. The Vulamehlo Kusile Organisation campaigned in cooperation with AfriForum for adequate representation of the isiNdebele language in the South African Broadcasting Corporation's news broadcasts. The two organisations also encouraged citizens to identify themselves according to their cultural affiliation rather than race in the 2022 census.[56, 57] These initiatives demonstrate how communities with distinct identities can cooperate in defending principles that are important to each of them.

Beyond local and national initiatives, the networks have also begun to address shared concerns at regional level. The memorandum that called for the restoration of the SADC Tribunal (see above), for example, brought together cultural communities and civil society organisations from South Africa and Zimbabwe. These included AfriForum, Saai, the Mike Campbell Foundation, the Mthwakazi Republic Party and the office of *Kgosi* Mogakolodi Masibi of the Batlharo Boo Tokwana-Ba-Ga-Masibi traditional community.[58]

These examples illustrate the wider strategic significance of AfriForum's approach. In the absence of an effective regional mechanism that is specifically dedicated to minority rights, voluntary networks of cultural communities can help lay the foundations for stronger regional cooperation and representation. By building trust, exchanging experience and evidence, and coordinating action around shared interests that are based on shared values, these networks can strengthen the collective voice of minority communities not only in regional institutions but also in international United Nations forums.

Together, these initiatives demonstrate that self-reliance and cooperation are not competing objectives but mutually reinforcing principles. Communities are better positioned to preserve their identities, protect their rights and build sustainable institutions when they take responsibility for their own affairs while recognising and supporting the legitimate aspirations of others. This is possible when communities genuinely recognise the reality of interdependence and shared destiny, and build trust in honesty, transparency, respect and humbleness, and act in good faith.

Case study: Barolong Boo Seleka and Afrikaners

Historical foundations of cooperation

The Barolong Boo Seleka and Afrikaners share a relationship that extends back almost two centuries, and that is characterised by periods of good cooperation, deteriorating relations and renewed friendship. Their contemporary partnership demonstrates how historical ties can provide a foundation for mutual recognition, the protection of community institutions and the practical cooperation between distinct cultural communities for mutual benefit.

The early encounters between these communities developed into a political and military alliance. Under *Kgosi* Moroka II (c.1795–1880) and his successor, *Kgosi* Tshipinare Moroka (c.1825–1884), the Barolong Boo Seleka became an important ally of the Orange Free State (OFS), an independent Boer republic (1854–1902). Their cooperation was particularly significant during the conflicts with the Basotho (the people of the neighbouring kingdom of Lesotho), when both communities faced common security challenges. On 27 March 1865, *Kgosi* Moroka II and the OFS concluded a formal treaty of alliance and partnership, thereby establishing mutual recognition and reciprocal obligations. Article 1 of the treaty provided for mutual assistance in the event of attacks by Basotho forces against either community. The communities concluded a further treaty on 8 August 1883. These agreements formalised cooperation between communities with distinct leadership structures, territorial interests and political institutions, which reflect their shared interest in maintaining their security and continued existence.[42, 59, 60, 61]

The relationship suffered a major setback in 1884. Following the murder of *Kgosi* Tshipinare during an attack by forces of his half-brother, the OFS annexed Thaba 'Nchu (the Barolong Boo Seleka kingdom). The annexation was at least in part motivated by concerns that the resulting leadership vacuum could be exploited by the kingdom of Lesotho, a longstanding opponent of both the OFS and the Barolong Boo Seleka. Nevertheless, the annexation deprived the Barolong Boo Seleka of their territorial autonomy and remained a source of historical grievance. This episode illustrates the complexity of the relationship: cooperation and mutual assistance did not prevent the emergence of conflicts over political authority and territorial control.

Despite this rupture, the memory of earlier cooperation endured. In 1928, construction began on the Ereskuldkerk (English lit. *debt of honour church*) at Thaba 'Nchu. The church was inaugurated in 1932 and commemorated the assistance that the Barolong Boo Seleka had provided to the Voortrekkers (Afrikaner pioneers who migrated inland from the Cape Colony in the 1830s and 1840s) nearly a century earlier. During the Voortrekker centenary

commemorations on 20 October 1938, *Kgosi* John Moroka, a son of *Kgosi* Tshipinare, welcomed the symbolic ox-wagon trek to Thaba 'Nchu and presented an ox as a gesture of renewed friendship. These commemorations preserved the memory of historical solidarity despite the political conflict and changing circumstances that had shaped the relationship.

Renewing historical ties through practical cooperation

A new chapter emerged following an alleged dispute over the traditional leadership of the Barolong Boo Seleka. After the death of the community's senior traditional leader in 2013, a dissenting faction arose to challenge the position of the legitimate royal family. In November 2017 the Free State provincial government released the findings of the Commission on Traditional Leadership Disputes and Claims. The dissenting faction initially challenged the prospect of female leadership and subsequently questioned the succession from *Kgosi* Moroka II to *Kgosi* Tshipinare Moroka more than 140 years earlier. Mr Ace Magashule, then the premier (the head of the provincial government) of the Free State, accepted the Commission's findings and transferred official recognition of the traditional leadership to the dissenting faction.[62]

With AfriForum's support, the royal family challenged the decision through the courts. On 31 March 2022, the Supreme Court of Appeal set aside the Commission's findings and the Premier's decision in *Moipone Moroka v Premier of the Free State Province and Others*.[63] In June 2022, the High Court in Bloemfontein ordered Sisi Ntombela, the then Premier, to recognise *Kgosatsana* Gaboilelwe Moroka as regent. On 14 June 2022, *Kgosi* Gaboilelwe Moroka was elected Deputy Chairperson of the Free State Provincial House of Traditional and Khoisan Leaders. She subsequently assumed leadership of the community as *Kgosi* Gaboilelwe Moroka. However, her struggle for recognition by the state continued beyond the 2022 judgments. On 5 August 2026, the Free State High Court ruled in favour of *Kgosi* Gaboilelwe Moroka and the Barolong Boo Seleka Royal Family in a further application concerning the provincial government's failure to decide on her formal recognition as *kgosi*. The court held that the Premier's continued failure to make a decision was unlawful and ordered the matter to be reconsidered within 30 days. It should be noted that without formal recognition, *Kgosi* Moroka is not entitled to the same privileges as other traditional leaders. The Premier subsequently refused to recognise *Kgosi* Gaboilelwe Moroka and an application for leave to appeal was made to the Bloemfontein High Court. The dispute illustrated the vulnerability of traditional cultural institutions to political interference and the importance of effective judicial remedies. AfriForum's involvement reflected a broader commitment to the ability of cultural communities

to maintain their own institutions and exercise meaningful authority over their internal affairs. It also provided an opportunity to renew historical relations through practical support and collaboration rather than mere symbolic gestures.

The community continues to face unequal and unjust treatment by the provincial government, which is illustrated by the fact that a vehicle was not provided to the Traditional Council, and the refusal to allow the appointment of a deputy senior traditional leader for *Kgosi* Gaboilelwe Moroka because she serves in the provincial house on a full-time basis. It must be pointed out that these services are provided to other traditional communities and leaders in the province.

In 2022, AfriForum and the Barolong Boo Seleka concluded an intercultural recognition and cooperation agreement that explicitly acknowledged their historical relations, including the assistance provided during the Great Trek (the Voortrekkers' inland migration), the treaties of 1865 and 1883, and AfriForum's support for the royal family's legal struggle. The agreement sought to establish a lasting relationship that is founded on mutual recognition and respect, peaceful coexistence and acceptance of each community's identity, permanence and existence as an autonomous cultural community.[42]

A central principle of the agreement is that cultural communities should be able to manage their own affairs and establish and maintain their own institutions without interference from the government or other entities. It also recognises differences in governance structures, customs and practices, including in land use and ownership, and affirms freedom of religion and cultural practices. The agreement therefore does not seek to diminish cultural differences, but to establish cooperation based on respect for them.[42]

Its objectives extend beyond cultural recognition to the promotion of economic, social and cultural development. Identified areas of cooperation include agricultural development, intercultural reconciliation and dialogue, community self-reliance and self-government, community safety, cultural and heritage preservation, mother-language education and property rights. The agreement also invokes international human rights instruments that protect cultural participation, minority rights and the rights of peoples to pursue their own development.

This approach reflects AfriForum's broader strategy of building relationships with established community organisations, and traditional and cultural leadership institutions on the basis of equality, mutual recognition, respect and reciprocity. Rather than seeking to direct other communities or create new forms of dependency, the emphasis is on supporting communities in their own efforts to become more self-reliant. Cooperation is pursued through shared

interests, reciprocal knowledge-sharing and joint action, while recognising that each community must determine its own priorities and take responsibility for its own future.

In March 2025, the communities commemorated 160 years since the 1865 treaty by unveiling the restored Morokashoek Monument and royal cemetery.[60]



Figure 4: AfriForum and the Barolong Boo Seleka commemorate the treaty of alliance and friendship signed on 27 March 1865 between the then kgosi *of the Barolong Boo Seleka,* Kgosi *Moroka II, and the Orange Free State Republic.*



Figure 5: Kgosi *Gaboilelwe Moroka,* kgosi *of the Barolong Boo Seleka cultural community, and Kallie Kriel, CEO of AfriForum, at the unveiling of the newly restored Morokashoek Voortrekker Site Monument*



Figure 6: Unveiling of the newly restored grave

These initiatives gave practical expression to the agreement's commitment to preserving cultural identity and heritage, while recognising the significance of a shared history.[60]

Agricultural development provides a further example of the partnership in practice. At Noga's Post, 36 families established the Boiphitlhelelo cooperative during the 2019/2020 planting season and cultivated their fields for the first time in approximately 30 years. Beginning with 36 hectares under the government's One Household, One Hectare programme, the families expanded cultivation to 56 hectares on their own initiative.[64] The project subsequently brought together the Boiphitlhelelo Cooperative, AfriForum, Saai, Agri All Africa, Pioneer, Agrico, Laeveld Agrochem, Purposely Ignited and local commercial farmers. The first maize harvest was delivered to local grain silos in 2021.

The significance of the Noga's Post initiative lies in its community-led character. The participating families organised themselves and expanded cultivation before the involvement of additional partners. External support could therefore build on the existing initiative through agricultural expertise, resources and cooperation rather than replacing local decision-making. This reflects the principle that sustainable development should strengthen a community's ability to provide for itself rather than create dependence on external organisations or the government.[64]

For *Kgosi* Gaboilelwe Moroka, the partnership reflects a commitment to community development, to self-reliance and to the continuation of historical cooperation between the Barolong Boo Seleka and Afrikaners. She emphasised the importance of honouring the legacy of earlier generations while strengthening cooperation to secure a prosperous future.[42] The

partnership thus combines continuity with adaptation: historical cooperation is renewed through initiatives that respond to present-day economic and social needs.

On 12 March 2026, the partners launched Ke Nako, the next phase of *Kgosi* Gaboilelwe Moroka's agricultural development strategy. AfriForum and Saai funded training for the first 20 participants in a backyard vegetable gardening programme, which extended agricultural skills development to household-level food production.[65] The initiative reflects an effort to broaden participation and to strengthen the capacity of households to contribute to their own livelihoods.

The Barolong Boo Seleka partnership offers four lessons for the UN Forum.

1. First, mutual recognition is a foundation for peaceful coexistence. The relationship demonstrates that distinct cultural communities can cooperate without surrendering their identities or institutions. Recognising each other's permanence, autonomy and legitimate interests provides a basis for trust and lasting cooperation.
2. Second, community institutions are essential to self-reliance. The traditional leadership dispute illustrates the importance of protecting community institutions against arbitrary political interference and of ensuring access to judicial remedies. Community institutions can provide continuity, representation and a basis for communities to organise their own affairs.
3. Third, cooperation must strengthen community agency rather than create dependency. The agricultural initiatives illustrate a partnership model in which communities 1) identify their priorities, 2) take responsibility for implementation and 3) draw on external expertise where needed. The objective is not to act on behalf of communities, but to work alongside them in strengthening their capacity for independent action.
4. Fourth, lasting relationships require practical cooperation as well as formal recognition. The restoration of historical sites, agricultural development and skills training demonstrate how shared principles can be translated into concrete activities. By working together on common challenges, communities can build trust, strengthen local capabilities and create benefits that extend beyond their leadership structures.

The partnership between the Barolong Boo Seleka and Afrikaners illustrates how a historical relationship that is marked by both cooperation and conflict can be renewed through mutual respect and recognition, and practical collaboration. Its significance lies in the combination of respect for cultural autonomy, the protection of community institutions and community-led development. Rather than requiring communities to become alike, the partnership seeks to

create conditions in which they can remain distinct, become more self-reliant and cooperate in pursuit of peaceful coexistence and prosperous future.

Recommendations to the UN Forum

1. **Protect minority rights and independent community institutions.** The UN Forum should call on states 1) to protect persons who belong to minority groups against discrimination, intimidation and incitement to violence, 2) to provide effective remedies and 3) to respect, protect and expand the freedom of minorities to establish, fund and sustain their own cultural, linguistic, educational and community institutions. Viable mother-language institutions should be preserved and established wherever reasonably practicable. South Africa should retain section 235 of its Constitution (on community self-determination).[3] Cultural rights must be enforceable and should not be undermined by legislation or policies that equate equality with uniformity. South Africa should retain Section 235 of its Constitution[3] and give practical effect to its provisions. Article 44 of Kenya's Constitution,[66] read with article 24, provides a useful example of protecting cultural rights against unjustified state interference.
2. **Close the gaps in the African regional system.** As a first step South Africa should make the declaration under article 34(6) of the *Protocol to the African charter on human and peoples' rights on the establishment of an African court on human and eoples' rights*. SADC member states should restore the SADC Tribunal with full access for individuals. In the longer term, the UN Forum should advocate amendments to the above protocol to provide for such access automatically upon ratification, without requiring a separate declaration.
3. **The African Commission should build on the minority-rights mandate of its Working Group on Indigenous Populations/Communities and Minorities.** An example would be to establish a focal point on the rights of persons who belong to minority groups, develop soft-law standards on those rights and address minority rights explicitly in state reporting, communications and country visits.
4. **Strengthen direct and inclusive participation.** The UN Forum should call on African regional human rights mechanisms and national institutions to strengthen minority participation in consultations, thematic discussions and monitoring processes to independently organised minority communities, with safeguards for groups who face additional barriers.

5. **Support voluntary networks of cultural communities.** The UN Forum should recognise voluntary networks of cultural communities as groundwork for regional cooperation. It should encourage regional institutions and civil society to support the exchange of good practice, development partnerships and peer learning across borders.

Conclusion

Minority rights must be exercisable in daily life. Where regional remedies are inaccessible, community institutions and intercultural partnerships help to protect cultural continuity and to strengthen resilience. Regional and UN mechanisms should support direct minority participation, accessible remedies and voluntary cooperation across communities.

*"*We will do it ourselves, but not alone" is both a statement of responsibility and an invitation to work together.

Barolong Boo Seleka
Kwa Kgotleng
THABA 'NCHU
9780

17 November 2026

Prof. N. Levrat
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
8-14 Avenue de la Paix
CH-1201Geneva, Switzerland

By hand

Dear Prof. Levrat

SUPPORT FOR AFRIFORUM'S SUBMISSION TO THE 19TH UNITED NATIONS FORUM ON MINORITY ISSUES

I write in my capacity as *Kgosi* (queen) of the Barolong Boo Seleka nation of Thaba 'Nchu, Free State Province, Republic of South Africa, to express my support for AfriForum's submission entitled *Advancing minority rights and fostering intercultural relations and cooperation amid the persecution of minority communities*, under the Forum's theme, "Advancing minority rights through regional initiatives and cooperation".

The Barolong Boo Seleka are a historic cultural community whose identity, culture and leadership institutions have been preserved across generations, and are recognised as a traditional community in terms of the applicable South African legislation. Our people settled in Thaba 'Nchu in 1833 under the leadership of *Kgosi* Moroka II, who ruled from 1830 to 1880. Today, our community extends across 39 villages and comprises approximately 62 000 people, according to our *Barolong-Boo-Seleka Nation Master Plan 2023–2050*.[1]

Our relationship with the Afrikaner community spans almost two centuries. Our ancestors provided refuge and assistance to the Voortrekkers, the ancestors of the Afrikaners; this cooperation was formalised through treaties that were concluded with the Orange Free State Republic in 1865 and 1883. However, the annexation of Thaba 'Nchu in 1884 by the Orange Free State deprived our people of territorial autonomy, while subsequent political actions further diminished our ancestral land rights.

Despite this difficult history, we have chosen to pursue reconciliation and cooperation without surrendering our cultural identity or legitimate interests.

[1] https://barolongbooseleka.co.za/wp-content/uploads/2024/03/DOC-20230906-WA0085-2.pdf.

My own journey as the first woman to ascend the position of *Kgosi* of the Barolong Boo Seleka demonstrates the challenges that face traditional cultural communities in defending their institutions. Following the passing of my father and brothers, a dissenting faction arose in our community that challenged our royal family's legitimate right to the traditional leadership of our community, including on grounds that relate to female succession.

What followed is a legal struggle that has been continuing for approximately ten years and is still unresolved. My family and I were compelled to approach the courts repeatedly because litigation became the only effective avenue available to challenge decisions that threaten the continuity of our customary traditional leadership and our cultural and customary rights.

With AfriForum's support, we pursued legal remedies. In March 2022, the Supreme Court of Appeal set aside the findings of the Commission on Traditional Leadership Disputes and Claims and the Free State Premier's decision concerning our leadership. Despite this judgment, further legal proceedings became necessary. In August 2026, the Free State High Court again ruled in our favour concerning the provincial government's failure to decide on my formal recognition as *kgosi*. The Premier subsequently refused to recognise me as *kgosi* and an application for leave to appeal was made to the Bloemfontein High Court.

Our experience demonstrates that even favourable court judgments do not necessarily bring an end to a community's struggle for recognition. Repeated litigation has placed a considerable burden on our community, our family and myself. However, the courts have remained our only effective means to challenge government decisions that affect our traditional customary and cultural institutions. These experiences have reinforced my conviction that access to independent courts, effective judicial remedies and the implementation of court orders are indispensable to protecting minority and cultural community rights. Without these safeguards, communities may find themselves unable to defend traditional customary and cultural institutions that have existed for generations.

Our community continues to face further unequal and unjust treatment by the provincial government. This is illustrated by the fact that a government-sponsored vehicle was not provided to our traditional council, and the government's refusal to allow the appointment of a deputy senior traditional leader for myself. This despite the fact that I serve as Deputy Chairperson of the Free State Provincial House of Traditional and Khoi-San Leaders on a full time basis, and that these benefits are extended to other traditional communities and leaders in the province.

Traditional customary leadership is much more than titles or recognition. It is fundamentally about serving our people, protecting their dignity and preserving their heritage. My work through the Princess Gabo Foundation reflects this responsibility, particularly in maternal and child health, youth development and the prevention of gender-based violence.

In 2022, the Barolong Boo Seleka and AfriForum renewed our historical relationship through an agreement that is founded on mutual recognition and respect, cultural autonomy and practical cooperation. Our partnership has contributed to agricultural development and cultural heritage restoration and preservation. It demonstrates that communities with different histories and identities can cooperate while respecting each other's independence. Our *Barolong-Boo-Seleka Nation Master Plan 2023–2050*, which I referred to above, similarly reflects our commitment to self-reliance, community development and the preservation of our traditions for future generations.

I therefore support AfriForum's call for stronger protection of minority and cultural community rights, cultural autonomy, the independence of community institutions, meaningful participation in decisions that affect communities, and effective access to justice at national and regional levels. Our experience particularly illustrates the importance of restoring effective regional judicial remedies, including through the Southern African Development Community Tribunal.

The rights we seek for the Barolong Boo Seleka must equally be respected for Afrikaners and all other cultural communities. No community should have to surrender its identity, language, heritage or legitimate institutions to enjoy equality before the law.

I respectfully urge the United Nations Forum on Minority Issues to recognise the importance of protecting traditional customary leadership institutions and ensuring that communities have access to effective remedies when their rights are threatened.

No community should be forced into prolonged and repeated litigation merely to secure the recognition and protection of rights that are already guaranteed by constitution and law.

Yours faithfully

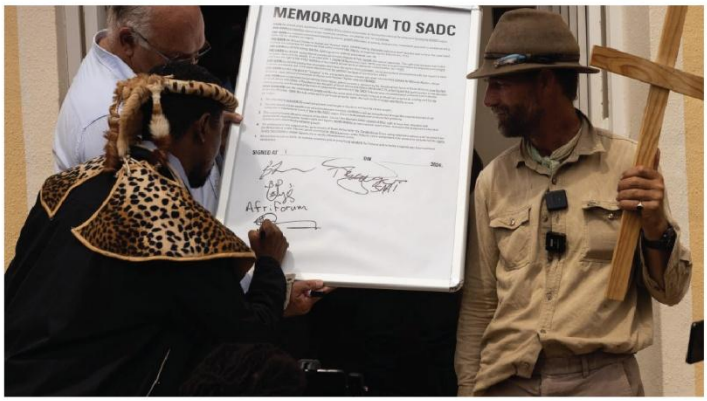


Kgosi **Gaboilelwe Moroka**
Kgosi: **Barolong Boo Seleka Nation**
Thaba'Nchu
Republic of South Africa






#StopBela
Afrikaans is fantasties


MEMORANDUM TO SADC




TRADITIONAL HOUSE OF AFRIKANER CLAN SA






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YUCK!
Water in Parys NOT for human consumption!

