KHOISAN/ SACC THE FORGOTTEN SOLDIERS - AMNESTY TO INTEGRATE INTO THE SANDF

Khoisan Nation Self Defence Unit

PROFILE

General Andrew Pieterse
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Gen. Chaplin Meyers

AMNESTY TO INTEGRATE
Before entering into a democratic dispensation, South African military and defence systems were constituted by seven disparate armed forces. The transformation of South Africa from a separatist state introduced renewed efforts and challenges to integrate what was once a divided military corps and society. In 1994, the formation of the South African National Defence Force (SANDF) was born out of the effort to integrate various statutory and non-statutory armed forces in South Africa, including forces from former TBVC states. The Khoisan soldiers are the 8(eight) non-statutory force according history who were excluded since 21 April 1994 from the SANDF integration process. Khoisan soldiers became prisoners of hope for 23 years.

Amnesty to integrate into the SANDF for Khoisan Soldiers applied to President Zuma JG on 08 February 2016, after calls for integration and the re-instatement of act 44 of 2001 were unsuccessful and the repealed of the integration acts signed into law by President Zuma JG on 15 December 2015. And the prescript law (Court case lost by Khoisan soldiers to integrate into the SANDF)

Khoi Dannyboy Pieterse

Bio

Dannyboy Pieterse is an employee of Department of Correctional Services, South Africa, Pollsmoor Management Area (ETD Practitioner). This research focuses on emerging technologies of memory and the transformation of archival practices, Khoi soldiers became prisoners of hope for 23 years since 21 April 1994 and amnesty to integrate into the SANDF.

Abstract

The transformation of South Africa from a separatist apartheid system into a democratic state in 1994 introduced renewed efforts to integrate what was once a divided society. These divisions reflected in all sectors of society including the constellation of the South African Defence Units. To ensure that South Africa’s Defence Units were integrated, the South African Defence Force (SADF) was replaced by the South African National Defence Force (SANDF) in 1994 after the first democratic general elections. The SANDF was formed through the integration of disparate seven armed forces to form a unified Defence Force. The formation of the SANDF could not have been easier as the former non-statutory forces were destined to be converted into a conventional force so as to ensure peaceful transition and democratization of the country through the process of disarmament (Mashike, 2005).

The armed forces that were integrated to form the South African National Defence Force (SANDF) were the South African Defence Force (SADF) aligned to the South African Government’s policies before integration, Umkhonto we Sizwe (MK) aligned to the African National Congress, Azanian
People’s Liberation Army (APLA) aligned to the Pan Africanist Congress, Transkei Defence Force (TDF), Bophuthatswana Defence Force (BDF), Venda Defence Force (VDF) and Ciskei Defence Force (CDF) (Jackson and Kotze, 2005). Williams (2002) argued that the former SADF’s influence over the process was most manifest in its virtual monopoly of formal staff skills and strategic management concepts, its keen sense of bureaucratic politics, and its familiarity with the practical, conceptual, strategic and doctrinal issues underpinning both the planning and the force design process, however, the MK had a political leverage to consolidate some ground.

Base on the integration of the 7 different former forces, each with their own culture, traditions and military history into the SANDF, admitting to a common culture and identity was the Khoisan soldiers of South Africa excluded from integration and acknowledgement as a cultural group. The Khoisan Soldiers are the 8th non statutory force according history base on culture, traditions as stated in the ILO 169 United Nations Declaration who were excluded and not presented by their own culture, reference to paragraph 25 of the convention for a democratic South Africa – CODESA 1 and CODESA 2 (1991 – 1992).

Background to the study

In this study that explored the history of the Khoisan soldiers and the challenges facing Khoisan Soldiers to integrate into the SANDF aligned by the Khoisan Nation Self Defence Unit in a Democratic South Africa application for amnesty to integrate into the SANDF, because of the termination of the integration intake act 44 of 2001 and the prescript law (Court case lost by Khoisan soldiers to integrate into the SANDF).

Aim of the study

The aim of this research is to identify the exclusion of the Khoisan soldiers from the SANDF integration process since 21 April 1994, who became prisoners of hope for 23 years and the effectiveness of the integration process on enhancing racial and ethnic representation on all rank levels in the new SANDF. And the role of the Khoisan Nation Self Defence Unit addressing the injustice of the Khoisan soldiers to form part of the new SANDF. (Amnesty to integrate into the SANDF).

The Cape Corps is the traditional military home of the Coloured People of South Africa and their connection with the defence systems of South Africa dates back to the earliest period of the colonization of the country. As early as 1661 Van Riebeeck used the Kaapmans, a native Hottentot tribe of the Cape, against the Gonnsmans another tribe in the Cape. By the year 1675 it became the custom of the Dutch to use these people in defence of the Colony and by the year
1700 there was no difference between the military obligations of the Dutch Colonists and the native in habitants. In the year 1774 the coloured people, who was then already in existence were conscripted for Commando Service. In 1781 the Dutch established the Corps of Pandours from freed slaves in the Stellenbosch, Drakenstein and Swellendam areas. Ref. Maj 3.S.C. Cupido

The first official cognisance of the use of coloured men, either Hottentots or of mixed descent, in a military capacity would appear to have been in 1795 when Commissioner Sluyskens embodied a corps of "Pandours" and used them in his operations against the British. The corps was one hundred and thirty eight strong at this period. On August, 1795,

FOR considerably over centuries the coloured manhood of South Africa has rendered military service in the defence of South Africa. From 1795 to the present day, in the innumerable wars and disturbances, coloured men have borne their share. The very earliest references undoubtedly deal with Hottentots only, and it is probable that in the Pandours Corps there were very few other than Hottentots. From 1800 onward coloured men of mixed descent were undoubtedly recruited and by 1817 it is reasonably certain that the bulk of the men in the regiment were of mixed descent.

In the more recent campaigns, subsequent to 1854, their service, whilst not combatant, has been of great value and in the transport organisation they have proved a valuable auxiliary, but it was not until the great world war, now happily at an end, that they had the opportunity of showing their value as fighting material on a similar footing to their European brethren in arms, and the services they have rendered in that great conflict have been of the greatest value and won the highest encomiums.

The elusive enemy everywhere and on all occasions there was the same manifestation of duty, discipline, and character which show the material we have here in South Africa when we learn how to handle it.

On all occasions the Cape Corps, both officers and men, bore themselves with a steadfastness that did them infinite credit. In East Africa it was a case of hard solid endurance in the very depth of misery and squalor, without any of the pomp and circumstance of glorious war." Far different was the scene in Egypt and Palestine, where the Cape Corps had an opportunity of perfecting itself in discipline and in all the modern arts of war, and of testing its fighting mettle alongside the men of many countries.
We can only trust that the lessons they learned, and the example they set of discipline, endurance, and sacrifice to duty may be of inestimable service to all races in dealing with the many problems that lie before us in South Africa.
Reference JOHN X. MERRIMAN.

Executive Summary

- **1781–1878**
  - As one of the military units of South Africa with one of the longest histories, the Cape Corps reflects the history of South Africa’s Coloured population to a great extent.
  - The first Coloured unit to be formed was the Corps Bastaard Hottentoten (Afrikaans: "Corps of Bastard Hottents"), which was organized in 1781 by the Dutch colonial administration of the time. Based in Cape Town and drawing its members from men of mixed Hottentot and White ancestry, this unit had about 400 members. However, the unit was disbanded in 1782.
  - In 1793 this unit was re-formed in Cape Town as the Corps van Pandoeren (Pandour Corps), only to be disbanded again in 1795.
  - The unit was re-formed again under the British colonial administration in May 1796, this time under the name Hottentot Corps. It was headquartered in Wynberg and consisted of about 300 men. In 1798 the headquarters were moved to Hout Bay.
  - On 25 June 1801 the Cape Regiment was formed. It was organized as a British imperial regiment of ten companies and retained all the personnel of the Hottentot Corps.
  - With the Dutch taking over colonial administration of the Cape once again, the Corps Vrye Hottentotten ("Corps of Free Hottents") was formed on 21 February 1803. It was later renamed the Hottentot Ligte Infanterie ("Hottentot Light Infantry").
  - When the British returned to the Cape, they formed The Cape Regiment in October 1806. Headquartered in Cape Town, it was organized as a typical colonial unit with British officers and Coloured other ranks. In later years, the Regiment also had a troop of light cavalry added.
On 24 September 1817 the Regiment was reduced in size (a previous order to completely disband having either been ignored or rescinded) to two small units of about 200 men for the defence of the Cape Colony's eastern frontier. The two units were named the Cape Cavalry (consisting of one troop of dragoons) and the Cape Light Infantry. Mathew Richmond, coming from the Royal Military College, joined them in 1817.[1]

In 1820 these two units were again combined under a unified command and renamed the Cape Corps. The Cape Mounted Riflemen (Imperial) were formed on 25 November 1827; the cavalry wing was disbanded and the Corps reorganized as battalion of mounted infantry.

In 1850 some soldiers effectively mutinied by joining Coloured rebellion in the eastern Cape; the regiment was subsequently reconstituted as mixed unit with both White and Coloured members. Some years later, in 1854, the recruitment of Coloured members for the battalion was completely halted.

The battalion was completely disbanded in 1870 when military service abolished for Coloureds, although its name and traditions were appropriated in 1878 by another (all-White) Cape Mounted Riflemen.

In 1896, British and white South African colonial forces had broken the power of all the black communities in South Africa. The Natal Rebellion of 1896 was the last time in 55 years that there would be a major armed insurrection by black people against white domination in Soam.

As part of South Africa's efforts for World War I, the Cape Corps was re-formed in the Cape Province by Sir Walter Stanford, as a single battalion in December 1915 as part of the Union Defence Force. In 1916 the Corps was expanded and a second battalion rose. The original battalion was redesignated the 1st Battalion and the new unit (which was disbanded in 1918) as the 2nd Battalion.

In order to provide additional troops for South Africa's participation in World War II, the Cape Corps was reconstituted again on 8 May 1940, partly from the Association of the 1915-1918 Corps.

Dr. Abdurahman delivered the following address at a function to welcome returned soldiers of the Cape Corps.
It is with some diffidence and reluctance that I rise to respond to the toast, which has been so ably proposed by Mr. Abdurahman. This honour should have fallen to someone who has shared the sufferings and endured some of the hardships through which the men of the Cape Corps have passed, who could have done justice to the men whom we must always honour and respect.

It was on the 14th of August that England in the name of the Empire declared war on Germany. It was only one week later when in the name of the Coloured people I instructed the then Secretary, Mr. Matt J. Fredericks, to write to Gen. Botha and offer to raise a Corps of 5,000 men for services at home or abroad. I have also a clear recollection of the great demonstration that was held the next month in the City Hall. The enthusiasm with which the

All the speakers of that night are now dead having solved the great mystery of death. Perhaps it is due largely to my early association with the Cape Corps that the honour to respond to the toast has fallen to my lot.

I can only say that it will always be with reverence to the dead and with the greatest and sincerest respect for the Returned Soldier that I think of the Great War and especially on an occasion like this.

These men in offering the lay down their lives for their friends, humbly made the most stupendous offer any man can make, and all those of us who have remained behind, although we cannot express our feelings adequately experience a sense of pride for the men who belong to the Cape Corps. Of the deeds of valour they performed and the suffering they so patiently and uncomplainingly endured in the service of a cause they believed to be right, much has already been said, and in the distant days when there will be no longer any men of the Cape Corps alive, our children will still think of them with pride.

How the Coloured people forgot their own troubles, their petty differences and voluntarily offered to share the responsibilities of defending the Empire will always stand forth as an event in history worthy of the Cape Coloured people.

The stupendous folly of the Coloured people at the present time in not yet realizing their oneness and the strength of their united efforts to combat the social evils is disheartening to those who are able to read the writing on the wall and to those who do not turn a deaf ear to the warnings that have been uttered in recent weeks by narrow racialists in this country.
• We refuse to fight like one man as the Cape Corps did for the regeneration of our people and for their social upliftment and henceforth whatever suffering our people will endure in the distant future must be placed at the doors of these stiff-necked, proud Coloured people.

• This unit was assigned the role of a non-combatant service corps with a pioneer battalion and five motor transport companies. It was later expanded to include several motorized infantry battalions, infantry battalions, prisoner of war (POW) guard battalions and POW escort battalions. At its peak strength, the Corps had about 23,000 members. On 13 October 1942 the Corps absorbed the South African Indian and Malay Corps but was disbanded at the end of hostilities in 1945.

• In 1947 the Cape Corps was reconstituted as a Permanent Force Coloured service corps only to be disbanded in 1948 by the newly elected National Party, which abolished military service for Coloureds.

• The Cape Corps was reformed again in 1963, as a non-combatant Coloured service corps; it was considered to be the successor to all the previous Coloured and Cape Corps units since 1796. The Corps was designated a Permanent Force unit of the South African Defence Force in 1972.

• In 1973 the unit was renamed the South African Cape Corps Service Battalion. When the South African Defence Act was amended in 1975 to give Coloureds "equivalent status to whites" in the South African Army, the battalion was renamed the South African Cape Corps Battalion, its combatant status was restored and the first Coloured officers were commissioned.

• During the period 1979 to 1989 the South African Cape Corps (SACC) was substantially expanded:

  • The SACC Maintenance Unit was formed in 1979 from some of the members of the original service battalion.

  • The original combat battalion was renamed 1st Battalion when the 2nd Battalion was raised in December 1984.

  • The 3rd Battalion was raised in Kimberley in 1989.

• In 1990 the SACC (South African Coloured Corps) was reduced to a single battalion and redesignated 9 South African Infantry Battalion which was reroled as a seaborne light...
infantry unit. Currently, as a result of the post-1994 transformation of South Africa, So Called Coloured/Khoisan soldiers, sailors and airmen serve alongside their fellow South Africans Defence Force, MK, ALPHLA, but never form part of the new South African National Defence Force during the integration process.

The Process of integration of Khoisan Soldiers/Cape Corps into the SANDF (South African National Defence Force)

The First organization to apply for the integration of khoisan Soldiers were Khoisan, aboriginal and other movements (KAOM) under the leadership of Henry January.

East Cape News (Grahamstown)

5 April 2001

South Africa: Former SADF Soldiers to Be Integrated Into Present Sandf

By Dumile Meintjies

Grahamstown—Former SADF soldiers who were excluded from the integration process are being encouraged to register with the Former Black SADF Forum and become part of the present SANDF. Speaking to about 30 mostly coloured soldiers in Grahamstown yesterday, the Forum’s national organiser John de Jongh said the Forum represented coloured, black and Indian soldiers who had belonged to the South African Cape Corps (SACC), a wing of the former SADF.

De Jongh said about 600 000 of these former soldiers were "unemployed, criminals and wifebeaters".

SANDF sends scam victims away
2009-09-30 22:12

Bloemfontein - The SA National Defence Force on Wednesday urged the public to report to the police anyone trying to lure them into a scam in which the SANDF’s name is mentioned.

The SANDF warned earlier in September about a "cash scam" organised by a group calling itself the Cape Corps Trust.

The group was promising former members of the SANDF, the South West African Territory Force
and Koevoet cash payments from the department of defence.

"The Cape Corps Trust is allegedly asking such members to pay a cash amount of R182 to facilitate this process," the SANDF said at the time.

On Wednesday, a crowd of people, some from as far as the Eastern Cape, converged on a base in Bloemfontein, apparently after hearing from the 'Trust'.

Crowd's leader arrested

The leader of the crowd, Henry January, was arrested for holding the illegal gathering at the base.

January was arrested when he sat down in front of a police vehicle, ignoring an order that the group disperse.

January stood his ground in front of the vehicle, telling the rest of the group to leave.

His earlier request to speak to the officer commanding the Department of Defence Mobilisation Centre in Bloemfontein, Brigadier General Morris Moadira, was refused.

Moadira told the group the march was illegal and that they should go home.

Moadira told them he was not at the scene to talk, but delivered a message from the Chief of the SANDF Godfrey Ngwenya that the integration process had ended long ago.

No integration process

Whoever told them there was still an integration process into the defence force was lying, he said.

"In addition, the department would like to advise the public that the group allegedly invited by the Cape Corps Trust, will not be allowed to enter any South African National Defence Force base or unit, before, on, or after 30 September 2009," it said.

The SANDF warned that the country's security forces would ensure that no unauthorised people enter its bases or units.

It said the integration of former non-statutory forces and statutory force members to the SANDF was formally terminated in 2001.

The names of those who were integrated under that process had to appear on a certified personnel register submitted by the commanders of the forces.
Defence department spokesperson Siphiwe Dlamini said the department was concerned that women and children had not been spared from the scam.

'Undisputed Khoisan ruler'

On Wednesday, January, who was dressed in a white gown at times, said he was a Khoisan king and that "his people" had suffered enough and that "these soldiers must have a rightful place in the army".

A small group of his supporters also displayed a banner with the words "Regent-General HR January - Khoisan Aboriginais Undisputed ruler" to the media.

Most of the people at the gathering said they were there because they would be able to get or hear information about outstanding pensions.

Others wanted to rejoin the defence force in an effort to get work.

"Write that January has deceived us," said a disgruntled grey-haired man who did not want to be named.

"Just say we are from East London," he said, indicating they were all former soldiers at SA Cape Corps and wanted to collect outstanding pension money they claim the SANDF owes them.

They were told that they could be owed in some instances more than R570 000.
THE SEARCHING FOR INTEGRATION CONTINUES IN 2010 UNDER THE LEADERSHIP OF STANLEY MATTHEE, KHOISAN KINGDOM

High Court action threat on Khoisan military issue

Details
Written by Luyolo Mkentane - The Herald
Created: 17 September 2010

A LEGAL storm is brewing in the Khoisan community about the integration of the “military wing” of the self-proclaimed Khoisan Kingdom into the SA National Defence Force.

The “kingdom” claimed it had tried to engage the defence force on the issue numerous times, but the SANDF was reluctant to engage with it.

Stanley Matthee, who describes himself as commander of the Khoisan Kingdom Self Defence Unit, was in Rosedale, Uitenhage, at the weekend for the tribe’s awareness campaign, at which DNA tests were conducted so that “our people get to know their genetic status”. Matthee is also the founder of the Khoisan Kingdom Political Party. He said he was taking the SANDF to the North Gauteng High Court on September 27, regarding what he termed the exclusion of Khoisan from the national army. “The military wing of the Khoisan Kingdom was disbanded by the government between 1994 and 2001,” Matthee said.

He felt it unjust that the Khoisan military wing had been disbanded, while uMkhonto weSizwe and the Azanian People’s Liberation Army (Apla) had been allowed to operate in that time.

“When the (democratic) government came into power in 1994 it formed the SANDF and all the members of the (old) army were integrated into it. Section 200 of the Constitution defines the formation of the SANDF, but we were never featured on that formation,” Matthee said.

He wanted his people to know it was their “cultural right” to be in the SANDF. Their engagement with the government was an “ongoing process”.

The core function of the tribe’s defence unit, he said, was to make sure the Khoisan leadership was protected.

“We are not there to replace the SANDF, but we want to work with them and take responsibility in policing the country’s borders and make sure people are safe in the country.”
In Pretoria yesterday, Defence Department communications head Sipiwe Dlamini said he was aware of the integration issue regarding the Khoisan.

However, he said: “These forces had to present us with a list of their members and all of them were integrated into the SANDF, but the integration period was closed by Parliament in December 2003.”

THE SEARCHING FOR INTEGRATION CONTINUES IN 2011/2012 UNDER THE LEADERSHIP OF JACK MOREKI OF KKAAP (KHOISAN KINGDOM AND ALL PEOPLE)

Khoisan soldiers lose court bid
May 18 2012 at 06:16pm
By SAPA
Former Khoisan soldiers have lost a court bid to be considered for re-integration into the SA National Defence Force (SANDF).
The High Court in Pretoria dismissed an application on Friday by the leader of the Khoisan Kingdom and All People Party.

They had sought a court order forcing Defence Minister Lindiwe Sisulu to negotiate with more than 14 000 former soldiers about their re-integration into the SANDF.
Judge Moses Mavundla said the minister did not have any powers to deal with issues of integration as that process was over, but urged her to address their concerns in the spirit of the constitution.

“The matter essentially concerns and reveals, in my view, a pitiable situation of a people who made a historical, myopic and politically naive choice of siding with the hitherto oppressive and apartheid regime in its world-condemned quest to resist democracy, both in Namibia and South Africa,” he said.
It concerned the plight of a people who allowed themselves to be misused by their master in resisting the democratic winds of change in Southern Africa.

“It is a people who were funnelled as soldiers in the notorious Koevoet, through the Cape Corps, 21 Battalion, 1 SAI, 115 Battalion, 3 SAI Battalion and other units, coming particularly from the so-called coloureds and the Khoisan,” said Mavundla.

“The latter (were) renowned for their tracking prowess, misused in tracing freedom fighters who were infiltrated both in Namibia and South Africa.
“It is a people abandoned by their master, who had scant respect or regard for (them) and was (not in the) least bothered to secure them a place in the new SA National Defence Force,” he said. Mavundla said that when the process took place in 1994 to integrate the SA Defence Force and the defence forces of the so-called independent homelands with the armed wing of the ANC (MK), the Azanian People's Army (APLA) and the armed wing of the PAC, these soldiers were left out.

“... These left-out soldiers were informed that they had to make way for the non-statutory forces that were to be siphoned into the integrated SANDF. “It would seem, according to the applicant, that those left-out soldiers are no longer receiving any salary,” he said.

Mavundla said it was common cause that the integration process had long come and gone in terms of the Termination of Integration Intake Act of 2001. It appeared that all efforts to address the plight of these left-out soldiers, including pleas that they be afforded a hearing, had come to naught.

Mavundla dismissed the applicant's claim that a reasonable legitimate expectation had been created that they would be afforded a hearing. “... There exists presently no legal framework in terms of which the respondent can integrate the left-out members of the applicant,” he said. “... The expectation of the applicants, in my view, cannot therefore be legitimate.” – Sapa

KHOISAN KINGDOM AND ALL PEOPLE
JACK MOREKI LEADER OF THE KHOISAN KINGDOM AND ALL PEOPLE

THE SEARCHING FOR INTEGRATION CONTINUES IN 2013/2014/2015 UNDER THE LEADERSHIP OF PETRUS NDABA, AMABUTHU ROYAL DEFENCE WHO CONTINUE

The SA National Defence Force warned on Tuesday against a bogus recruitment company for soldiers. Brig-Gen Xolani Mabanga said the group, Amabutho Royal Defence, was operating in the Western Cape areas such as Wellington, Worcester, Paarl, Ceres and Robertson as well as the Cape Flats, soliciting money from potential applicants.

The group was posing as a recruitment agency of the SANDF and was mobilising the youth. "Such perpetrators lure innocent victims from churches and schools over weekends and falsely demand the victims to pay an amount of R700 for transportation to Pretoria and a T-shirt." The potential recruits have also been promised a salary of R13,300 including an opportunity to study further.

"The SANDF categorically asserts that recruitment process is free and no amount of money is required for application."
He said the SANDF advertised its application forms annually in national newspapers as well as on its websites.
Members of the public were encouraged to report any person or persons who demand money from them with the promise of employment into the SANDF, to their nearest police stations or SANDF units or bases.

AMABUTHU ROYAL DEFENCE

Petrus Ndaba - Centre
MEDIA RELEASE

DATE: Tuesday, 21 October 2014

EMBARGO: None

SUBJECT: WARNING: SANDF RECRUITMENT SCAM

The South African National Defence Force (SANDF) would like to warn the public about the fraudulent recruitment scam purported by a group calling themselves Amabutho Royal Defence who are operating in the Western Cape areas such as Wellington, Worcester, Paarl, Ceres and Robertson as well as the Cape Flats to solicit money from potential applicants.

Allegedly, the group is posing as a recruitment agency of the SANDF and are mobilising the youth. Such perpetrators lure innocent victims from churches and schools over weekends and falsely demand the victims to pay an amount of seven hundred rand (R 700.00) for transportation to Pretoria and a t-shirt. The potential recruits have also been promised a salary of thirteen thousand rand (R 13 300.00), including an opportunity to study further.

The SANDF categorically asserts that recruitment process is free and no amount of money is required for application. The SANDF advertises its application forms annually on national newspapers as well as on its websites.

Members of the public are encouraged to report any person or persons who demand money from them with the promise of employment into the SANDF to their nearest police stations or SANDF units or bases.


Ends.

Issued by: Defence Corporate Communication
(Defence Media Liaison)
Pretoria

Enquiries: Brigadier General Xolani Mabanga
083 410 1655
MEDIA RELEASE

DATE: Wednesday, 14 October 2015

EMBARGO: None

SUBJECT: THE SANDF WARNS OF INTEGRATION SCAM

It has come to the attention of the South African National Defence Force (SANDF) that a group calling itself Amabutho Royal Defence is extorting money from the community of Ficksburg, Free State Province, with the promise to integrate them into the SANDF. The group is posing as either a force that is to be integrated into the SANDF or a recruitment agency of the SANDF that is mobilising people and demanding cash payment in order to facilitate the integration into the SANDF.

The SANDF strongly condemns activities aimed at deliberately misleading members of the public regarding integration in the SANDF. Members of the public are encouraged to report such activities or any people who solicit money from them with the promise of integration into the SANDF to the nearest South African Police Service station or SANDF base or station.

The SANDF would once again like to reiterate that no integration is planned by the SANDF as the integration process ended when Termination of Integration Intake Act of 2001 and the Demobilisation Amendment Act of 2001 formally and legally brought the integration process to an end on 31 December 2002.

This was further confirmed by the North Gauteng High Court in 2012 when it handed down a judgement dismissing an application by another group who wanted to be integrated into the SANDF. This court ruling confirmed Termination of Integration Intake Act of 2001 and the Demobilisation Amendment Act of 2001, respectively.

Ends.

Issued by: Defence Corporate Communication
(Defence Media Liaison)
Pretoria

Enquiries: Brigadier General Xolani Mabanga
083 410 1855
MEDIA ALERT!!

DATE: Friday, 05 February 2016

EMBARGO: None

SUBJECT: THE SANDF WARNS OF AN INTEGRATION SCAM

The South African National Defence Force (SANDF) is aware of allegations that groups or individuals calling themselves Amabutho and the South African Cape Coloured Corps are soliciting money from young and unemployed youths promising them integration into the SANDF. It is further alleged that such groups or individuals are demanding a certain fee for administration, t-shirts and caps from prospective victims.

The SANDF strongly condemns activities aimed at deliberately misleading members of the public regarding integration in the SANDF. Members of the public are encouraged to report such activities or any people who solicit money from them with the promise of integration into the SANDF to the nearest South African Police Service station or SANDF base or station.

The SANDF reiterates that there is no integration into the SANDF following parliament’s promulgation of the Termination of Integration Intake Act of 2001 and the Demobilisation Amendment Act of 2001 that formally and legally brought the integration process to an end on 31 December 2002.

Once again, it is illegal for those who are taking advantage of young SA by promising them integration into the SANDF.

E N D S

Issued by: Defence Corporate Communication
            (Defence Media Liaison)
            Pretoria

Enquiries: Brigadier General Xolani Mabanga
           083 410 1655
Khoisan march to Parliament to demand land rights

- South Africa
- Thursday 3 December 2015 - 3:13pm

Close to 500 protesters marched on Parliament on Thursday, demanding their aboriginal right to Khoisan land. Photo: eNCA / Leigh-Anne Jansen

CAPE TOWN - Close to 500 protesters marched on Parliament on Thursday, demanding their aboriginal right to Khoisan land.

The members of the Khoisan Royal House -- some of whom travelled from as far as the Northern Cape -- say government has been sidelining them for years.

They now want the country's lawmakers to scrap the Traditional Leaders and Khoisan Bill, which they deem racist.

The group claim government hand-picked Khoisan representatives who do not represent the Khoisan community, to draft the Bill.

They have vowed to take up arms if government does not meet their demands.

"[In] 2016 the Khoi and San will rise with its own voice. We will rise with our own voice," said Prince Stanley Peterson of the National Khoisan Council.
"Mr Zuma, you're playing with fire. We respect you as African and our president, but you don't respect us.

"You never met with any Khoisan leader in South Africa but you fly around the world to meet with other people.

"We don't deny a Xhosa a Xhosa and Zulu a Zulu, why you deny us as Khoisan, that we are Khoisan by birthright?" he asked.

"Enough is enough. Even today, we are prepared to die. They will not lock me up, but we will die."

- eNCA

Khoi, San protest at Parliament for recognition

2015-12-03 17:01

Jenni Evans, News24

(Jenni Evans, News24)

Cape Town - Representatives of the Khoi and the San demanded on Thursday that government stop all land claims until their land is returned to them.
During a colourful protest at Parliament that took place through clouds of the medicinal plant, buchu, Stanley Peterson from the National Khoi San Council said the government must stop calling them "coloured".

He has already won a case in the Equality Court against Northern Cape Premier Sylia Lucas to not call them Hottentots.

They want to be recognised as the first people of South Africa and they want their land claims to be recognised first.

Protesters also sought the recognition of the pre-democracy SA Coloured Corps as military veterans. This is so they can enjoy the same benefits as military veterans from Umkhonto we Sizwe, who were the armed wing of the ANC.

"The Khoi San revolution has started with its first step," said Peterson, who wore an animal skin draped around his shoulders and had wooden beads hanging down his chest.

They were tired of being ignored and sidelined, they said, and were upset to find on Thursday that Parliament was already in recess. They had hoped to give their demands to President Jacob Zuma and have a reply by the time he went on holiday.

Reading a memorandum to Parliament's representative from the presidency, Ella Govender, Calvin Koebaha said the South African government was aware of the rights of the Khoi San people but was not implementing them.

**Reject the Khoi San bill**

They rejected the Khoi-San bill currently moving through Parliament, and claimed Parliament was consulting with people who did not represent them.

In August, Cabinet approved the traditional and Khoi-San leadership bill, saying this followed 29 consultations with various departments and institutions on the role of traditional leaders.

The Khoi San had been left out of previous legislation on traditional structures, but are included in this one which aims to deal with how traditional leaders are recognised and determines resources to be made available to these structures to carry out their functions.

Part of the process for this bill is to confirm who are the kings, queens, royalty and chiefs in South Africa.

During the protest, Peterson was referred to as a prince and Koebaha as a king, but Griqua Khoi San chief, Marthinus Pieters, said these titles were not officially recognised by the government.
yet. A meeting of 21 Khoi and San clans would determine these positions for confirmation by the government.

Pieters explained that the name Khoi San is derived from the word "Khoi" for people who lived in the area around Table Mountain in the Western Cape and the "San" hail from the drier regions of the Northern Cape.

After facing weeks of stop start protests by students and striking National Education Health and Allied Workers' Union members, Parliament's police had locked the gates when the group of about 500 people arrived, most wearing animal skins or leopard print fabric.

A small group of police with shields were summoned to form a cordon blocking access to the gates, but the group soon dispersed.

Disgruntled activists for Khoi and San rights surprised Parliament on Monday when they tried to push through the gates.

About 20 people wearing military camouflage and the T-shirts of their newly-formed political party, Khoisan Revolution, made a small ceremonial fire outside the gates.

Using powders, grass and sticks from his buck skin bag, !'Aru /Khuisi twisted a stick until he got smoke, then flames.

Leader Stanley Pietersen declared war until the Khoi got what they needed, but then later said they did not want to fight.

They had been sidelined by everybody, he said, and would not put up with it anymore. They were tired of being called coloured and want to be called Khoi.
THE SITUATION AFFECTING AMNESTY FOR KHOISAN SOLDIERS TO INTEGRATE INTO THE NEW SANDF AND THE SLOW RESPONSE FROM THE SANDF.

The abovementioned matter refers

The process of integration into the new SANDF is proving to be less than satisfactory, causing unnecessary tensions and hardships for many Khoisan soldiers who want to join the SANDF and serve the New Democratic South Africa.

While the process of amnesty for Khoisan soldiers to integrate into the SANDF has been refer to SANDF on 07 March 2016 by the office of the Presidency in negotiations, to date the Chief of the SANDF, General Solly Shoke, has as yet failed to confirm the way forward regarding our application addressed to President JG Zuma on 8 February 2016 for amnesty for Khoisan soldiers to integrate into the SANDF. After calls for integration into the SANDF and the re–instatement of the integration intake act 44 of 2001 were unsuccessful, due to the termination of the integration intake act 44 of 2001, court case lost by Khoisan soldiers to integrate into the new SANDF (high court ruling of 30 March 2012 – case no. 41202/2012) and the repealed of defence laws regarding integration signed into law by his Excellency President Jacob Gedleyihleksa Zuma on 13 December 2015.

The Khoisan Nation Self Defence Unit urges that the Minister of Defence and the Chief of the SANDF to pay special attention to the plight of these soldiers to integrate into the New SANDF. For 22 years since the new democracy, Khoisan people and Khoisan soldiers became prisoners of hope. We trust that President JG Zuma will implement the traditional and Khoisan leadership bill very, very soon to recognize the Khoisan people as well the Khoisan soldiers.

The concern regarding amnesty for integration of Khoisan soldiers into the SANDF has been raised with President Zuma, the Portfolio Committee on Defence and Military Veterans, the NCOP on Security, the Minister of Defence, the SANDF and the Constitutional Review Committee of Parliament including the decision making process and lines of authority.

We look forward to his immediate attention to the problem so that it can be resolved without further dispute or tension, and in the spirit of ensuring harmonious and effective integration for Khoisan soldiers (Cape Corps). The Khoisan soldiers’ patience is not endless.

We need the Presidency to intervene. Yes, integration into the SANDF is a process; we need your commitment on black and white.

Hope to hear from you very soon and thanking in advance.

Kind Regards

Dannyboy Pieterse
Khoisan Nation Self Defence Unit
General Secretary
Angry Khoisan leaders protested outside Parliament on Monday February 8. Dannyboy Pieterse, of the Khoisan Nation Self Defence Unit, handed over a memorandum. The group are calling for the acknowledgement of the Khoisan as the first aboriginal people of South Africa and for the integration of Khoisan soldiers into the South African National Defence Force.

Mr Heyns said the Khoisan is his bloodline although he is mostly Griqua. Pictured are lanu Khuisi, Piet Barendse, of Kalahari, with Patrick Heyns of Westlake Village.
The 8th force that was excluded from the SANDF integration process since 21 April 1994
Preamble

Recognising that the, Khoisan Nation Self Defence Unit, must define its aims and objects in clear and precise terms, and that the rights and duties of each member should be likewise defined without ambiguity.

Khoisan Nation Self Defence Unit – The Khoisan People`s Self Defence Unit

The Khoisan Nation Self Defence Unit was created as a new and indispensable unit in the struggle for Khoisan people`s recognition and amnesty for the integration of Khoisan soldiers to integrate into the SANDF Unlike the armed forces of the racist regime of South Africa, which we have vowed to crush and annihilate, and unlike all other armies of imperialism.

Khoisan Nation Self Defence Unit is aSelf Defence unit of volunteers. It consists of volunteers drawn from the revolutionary sections of Khoisan people. By joining Khoisan Nation Self Defence Unit, combatants commit themselves to the solemn and noble duty of serving our suffering and dispossessed Khoisan people in the struggle that will continue for each and all of us until victory for recognition and integration of Khoisan soldiers (former Cape Corps) into the new SANDF

Khoisan Nation Self Defence Unit will be at the front line of the Khoisan people`s defence. It will be the striking unit of khoisan people for liberty

The founding Manifesto of Khoisan Nation Self Defence Unit is our definitive declaration of intent, and an essential guide to the reasons for the creation and aims of this, the Khoisan People`s Self Defence Unit. We append the Manifesto to this Code, to be studied and understood by every Khoisan Nation Self Defence Unit combatant.

Those who join Khoisan Nation Self Defence Unit, the Khoisan People`s self defence unit, perform a sacred duty to our Khoisan people, ourKhoisan nation and the South African Revolution.

We look back with great pride to the period of militant non-violent struggle waged by the ANC. During this period our people learnt through their own experience that they
could not satisfy their aspirations except by means of armed struggle arising out of our mass political activity and culminating in a revolutionary seizure of power.

`The Khoisan People`s patience is not endless. The time comes in the life of any nation when there remains only two choices –submit or fight.

Political and Integration of Khoisan Soldiers Struggle

Khoisan Nation Self Defence Unit is the Self Defence Unit of the arm of the Khoisan people. The political leadership has primacy over the Self Defence Unit. Our Self Defence Unit line derives from our political line. Every commander, commissar, instructor and combatant must therefore be clearly acquainted with the policy with regard to all tasks and missions, for what we are fighting recognition of the Khoisan people and amnesty for the integration of Khoisan soldiers into the SANDF, who were excluded since 21 April 1994. Thus Khoisan Nation Self Defence Unit cadres are not only self defence unit, they are also organisers of our Khoisan people.

COMMANDERS OF THE KHOISAN NATION SELF DEFENCE UNIT

LT. GEN. JD HOP

GENERAL ANDREW PIETERSE
3. Former Khoisan Soldiers in the arms forces

Former Khoisan Soldiers fought to liberate our oppressed and exploited people since 1781 and their interests. It consists of the sons and daughters of the most oppressed, the most exploited sections of our people. For these reasons we claim with pride and truth:

- How the khoisan people forgot their own troubles, their petty differences and voluntarily offered to share the responsibilities of defending the Empire will always stand forth as an event in history worthy of the Khoisan soldiers.
- The stupendous folly of the Khoisan people at the present time in not yet realizing their oneness and the strength of their united efforts to combat the social evils is disheartening to those who are able to read the writing on the wall and to those who do not turn a deaf ear to the warnings that have been uttered in recent weeks by narrow racialists in this country.
- We refuse to fight like one man as the Khoisan soldiers did for the regeneration of our people and for their social upliftment and henceforth whatever suffering our people will endure in the distant future must be placed at the doors of these stiff-necked, proud khoisan people.

Former khoisan soldiers fought a people`s war, not by armed struggle alone, but first and above all by political education, leadership and mobilisation. It is a people`s war because the struggle is to win the active support and participation of all who resist oppression, discrimination, poverty and injustice.

The Khoisan people supported the South African Defence Force by provided it with recruits - their sons and daughters.
Former Khoisan soldiers

a. Former Khoisan soldiers fought to liberate our people from racial discrimination, national oppression and exploitation.
b. The common enemy was the racist minority which identifies with and gives aid to the National Party regime, the creator and driving force of apartheid.
c. Our programme is the Freedom Charter; it defines the goals of all democrats regardless of colour, race or creed and still today the Khoisan people are excluded from the model constitution in a democratic South Africa since 1996.

All members of the Khoisan Nation Self Defence Unit shall tactfully observe the general regulations and shall be liable to the penalties prescribed for offences under the regulations. The purpose of punishment is to deter members from committing an offence, assist offenders to rehabilitate and protect the liberation and the revolution. In imposing punishment, the competent authorities shall be guided by high political principles to the exclusion of personal animosity or any trace of vendetta. Punishments shall be administered humanely and without undue harshness or cruelty.

The following punishments may be ordered for offences under the regulations according to the gravity of the offence and the circumstances under which it was committed:

1. Reprimand or rebuke administered in private or public.
2. Suspension from duty for a specified period.
3. Fatigue and drills.
4. Demotion from a position of responsibility.
5. Solitary confinement for a period determined by tribunal.
6. The maximum penalty.
7. Any other penalty not included herein but appearing in the schedule of penalties for grave or serious crimes and violations.
CERTIFICATE OF REGISTRATION OF NONPROFIT ORGANIZATION

In terms of the Nonprofit Organisation Act, 1997, I am satisfied that

Khoisan Nation Self Defence Unit

(name of the organisation)

meets the requirements for registration.

The organisation’s name was entered into the register on 08 October 2015

(date)

Registration number 160-055 NPO

Director’s signature

[Signature]

Department of Social Development
KHOISAN NATION SELF DEFENCE UNIT

CONSTITUTION

CERTIFIED AS A TRUE COPY
26 OCT 2015

Putting People First
Khoisan Nation Self Defence Unit

Constitution

Of

Khoisan Nation Self Defence Unit

1. Preamble
2. Name
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4. Aims and Objectives
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17. Rights in the property or other asset of the organization
18. Powers of the Organization
19. Rules for conducting meetings and keeping of minutes

20. Rules for convening and conducting meetings
21. Financial year
22. Body Corporate
23. Continue Existence

1. Preamble

An association established to address the need, aspirations, disadvantages and concerns peculiar to the Khoisan people and to improve their participation capabilities within the safety & Security.

2. Name

The name of the organization shall be Khoisan Nation Self Defence Unit

Director: Andrew Pieterse, General Secretary: Dannyboy Pieterse, Treasurer: Christopher Mark Africa, Melvin De Wee (Operational Manager), Florence Daniels (Additional) HEAD OFFICE: 18 Vrede Road Norfolk Park, STEENBERG | Tel 0739031992/0760462401/0613989286 | Email Address: dannyboy.pieterse@vodamail.co.za

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Khoisan Nation Self Defence Unit

3. Legal Personality

The Association shall:

3.1 Be a just person capable of suing and sued in its own name.
3.2 Acquire rights and include obligation.
3.3 Have a perpetual life and succession which shall not be altered by any change in membership.
3.4 Be and remain a voluntary association.

4. Aim and Objectives

4.1 To unite and promote safety and security of khoisan people who have been previously disadvantaged.
4.2 To foster well being of the organization, protect and uphold the rights and interest of the children.
4.3 To address the imbalance and inequalities created by apartheid policies within the safety and security industry.
4.4 To fight and challenge all discriminatory practices.
4.5 To identify, promote and facilitate business needs and interest of its people.
4.6 To collectively approach and engage corporate and government institutions in order to attain its aims and objectives.
4.7 To promote and improve the professional standards of safety and security in respect of services rendering and administration.
4.8 To create training facilities as the needs arises.
4.9 To encourage co-operation and assistance among members.
4.10 To uphold and advance the principles of affirmative action and empowerment of historically disadvantaged individuals including women, youth and disable.
4.11 To participate in restructuring and development of the safety & security laws and industry in the general including statutory bodies such as the SASSETA.
4.12 To co-operate and liaise with other safety and security organisations that strive to uphold our aims and objectives.
4.13 To develop forums whereby knowledge, expertise and ideas can be shared.
4.14 To promote the status and image of safety & security industry.
4.15 To combat and prevent crime.
4.16 VIP protection to khoisan kings, queens, chiefs and khoisan royal houses.

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4.17 To encourage peaceful Bona Fide relationships among members and where possible and the executive committee to mediate disputes involving members.

4.18 To enter into discussions and make representative to South African Government and Non Government organizations.

4.19 Be and remain non-profit making organization.

4.20 Be and remain non-partisan politically.

4.21 To do all such other things as the executive committee incidentals or conducive to attainment of the foregoing aims and objectives.

4.22 To regulate relations between employers and employees, including unions and accordance with L.R.A and/or any other applicable laws.

4.23 To provide-legal assistance to members regarding Labour relations with their employers.

4.24 To present its members in any labour issue.

4.25 To represent its members on any labour body in the South Africa.

5. Situation and Area of Operation

5.1 The Head Office of the organisation shall be situated in 18 Vrede Road Norfolk STEENBERG 7945

5.2 The association shall operate through Western Cape, Cape Town, Northern Cape & Eastern Cape

6. Membership

6.1 Shall be open to all khoisan people in South Africa.

6.2 Applications for khoisan people shall be in writing on the standard membership form provided.

6.3 Applications will be accepted on the discretion of the executive committee

6.4 The signature of the khoisan tribes in the application form shall be deemed acknowledgment that such an khoisan organisation will be bound by the constitution of the association or any other resolution taken later.

7. Rights and Duties of Members

7.1 A member of the organization shall have right to:

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Research Paper by Dannyboy Pieterse: Khoisan Nation Self Defence Unit:
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Khoisan Nation Self Defence Unit

7.1.1 Taken part in the discussion, formulation and implementation of the aims and objectives of the organization as well as the provisions of the constitution.

7.1.2 Receive and impart information on aspects and activities of the organization.

7.1.3 Offer constructive criticism of any member, official, program and activity of the organization.

7.1.4 Take part in the elections and be elected or appointed to any position structure or delegation.

7.2 A member of the organization shall:

7.2.1 Take all executive committee steps to understand, promote and carry out the aims, objectives, programs and activities of the organization.

7.2.2 Combat any propaganda or action detrimental to the interests of the organization or members

7.2.3 Serve the organization in an honest and loyal manner.

7.2.4 Refrain from doing anything that is contrary to the interest of the organization

7.2.5 Any member or official of the organization shall be indemnified against all legal proceedings instituted said members.

8. Termination of Membership

8.1 Any member may voluntary terminate its membership by making a writing application to the effect.

8.2 The organization may terminate any membership without prejudice, for any lawful reason.

8.3 Any membership so terminated shall have been afforded an opportunity to defend him in a properly constituted disciplinary hearing.

9. Management of the Association

9.1 Executive Committee

9.2 The management of the association between AGM shall be vested in the Executive Committee.
Khoisan Nation Self Defence Unit

9.3 The executive committee shall comprise of the following:
9.3.1 The Director
9.3.2 The Treasurer
9.3.3 The General Secretary
9.3.6 Two Additional Members
9.4 Powers and Duties
9.4.1 Appoint, dismiss, remove and determine duties and remuneration of the persons who may be employed by the organization.
9.4.2 Exercise custody and control over the assets of the organization.
9.4.3 To keep and maintain records of the organization.
9.4.4 Supervise and monitor the adherence of members to the aims and objectives of the organization.
9.4.5 Direct and all things incidental to good and proper management of the general affairs of the organization.
9.5 Meeting of the Executive Committee
9.5.1 Once a week.
9.5.2 The Executive Committee may convene a special meeting anytime deemed necessary.

10. Annual General Meeting (A.G.M)
    Shall be highest decision and policy making body.
10.1 All members may attend.
10.2 Appoint Executive Committee.
10.3 In case of dispute resolution may be taken by simple majority vote (51%).
10.4 The meeting shall discuss amongst other things:
10.4.1 Executive Committee Report.
10.4.2 Financial Statement and Budget's.

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Khoisan Nation Self Defence Unit

10.4.3 Rectification of decisions by executive committee.

11. Quorums

11.1 A quorum is any organization meeting shall be 51%.

11.2 If a quorum is not present after half an hour of schedules time, the meeting must be postponed to a date agreed by those present, which shall be final.

12. Rules and Regulations

The executive committee shall have the power to adopt rules and regulations for the better carrying out activities, aims and objectives of the association.

13. Finance

13.1 The organization shall open and keep a current account into which all monies belonging to the organization shall be deposited not later than 48 hours of receipt.

13.2 The organization shall be kept and maintain proper books of accounts and records of all the affairs of the organization in terms of registration.

13.3 Such member shall make books and records available for inspection by any member at all reasonable time upon request.

14. Income & Property

The organization may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organization. The payment must be a reasonable amount for the work that has been done.

15. Asset & Dissolution

When the organization closes down it has to pay off its debts. After doing this, if there is property or money left over it shall not be paid or given to members of the organization. It should be given in some way to another nonprofit organization that has similar objectives. The organization’s general meeting can decide what organization this should be.

Procedure to wind up or Dissolve

The organization may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.

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16. Amendments

15.1 Any amendments of the constitution shall be by a two-thirds (2/3) majority of the members both present and entitled to vote at any general meetings or any special general meeting specially carried for that purpose.

15.2 Notice of intention of purpose amendment to constitution shall be forwarded to the general secretary at least one (1) calendar month before such annual or special meeting.

17. Rights in the property or other Assets of the Organization

Members or office bearers of the organization do not have rights over things that belong to the organization.

18. Powers of the Organization

The management committee may take on the power and authority that it believes it needs to be achieving the objectives of the organization.

19. Rules for convening and conducting meetings

Meetings and procedures of the committee. The management committee must hold two ordinary meetings each year. The chairperson, or two members of the committee, can call a special meeting if they want to, but they must let the other management committee members know the date of the proposed meeting not less than 21 days before it is due to take place.

They must also tell the other members of the committee which issues will be discussed at the meeting, if, however, one of the matters to be discussed is to appoint a new management committee member, then those calling the meeting must give the other committee members not less than 30 days notice.

The chairperson shall act as the chairperson of the management committee. If the chairperson does not attend a meeting, then members of the committee who are present choose which one of them will chair that meeting. This must be done before the meeting starts.

There shall be a quorum (3+1)/50% +1 whenever such a meeting is held. If the management committee thinks it is necessary, then it can decide to set up one or more sub-committee. It may decide to do this to get some work done quickly. Or it may want a sub-committee to do an inquiry, for example. There must be at least three people on the sub-committee. The sub-committee must report back to the management committee on its activities.
It should do this regular. Minutes of all meetings must be kept safely and always be on hand for members to consult.

20. Rules for conducting meetings and keeping of minutes

Members of the committee shall be inform 7 days before a meeting will be conducted. There shall be a quorum (3+1)50% +1 to conduct meetings. The secretary shall take the minutes or the chairperson shall request an additional member of the committee to take the minutes if the secretary is absent. Minutes shall be forwarded to the committee 3 days after a meeting has been conducted. Any decision that has been taken in this meetings is valid.

21. Financial year

The financial year of the organization ends on 31 March each year.

22. Body Corporate

Exist in its own right, separately from its members.
Be able to own property and other possessions.
Be able to sue and be sued in its own name.

23. Continued Existence

Continue to exist even when its membership changes and there are different office bearers.

This constitution was done and adopted by members at:

Annual Meeting held on 16 December 2014 held at the offices of Khoisan Nation Self Defence Unit, 18 Vrede Road Norfolk Park STEENBERG 7945

Director: Andrew Pieterse

General Secretary: Dannyboy Pieterse

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26 OCT 2015

CHIEF DIRECTOR: HUMAN REHABILITATION.
DEPARTMENT OF SOCIAL DEVELOPMENT.

Director: Andrew Pieterse, General Secretary: Dannyboy Pieterse, Treasurer: Christopher Mark Africa, Melvin De Wee (Deputy Manager), Florence Daniels (Head of Administration), HEAD OFFICE: 18 Vrede Road Norfolk Park, STEENBERG. Tel: 0738031992/0760462401/0613989288 | Email Address: dannyboy.pieterse@vodamail.co.za |
The reason the Khoisan Nation Self Defence Unit applied for amnesty was based on the funding’s of the Public Protectors report address to the Khoisan Nation Self Defence Unit. As follows:

1. The termination of the integration intake act 44 of 2001
2. The prescript law (Court case lost by Khoisan soldiers to integrate into the SANDF North Gauteng High Court ruling of 30 March 2012 (Case number 41202/2010), which also bound SANDF not to open integration to any group, organization or individual.
3. And the repealed of the integration acts signed into law by President Zuma JG on 15 December 2015.
TERMINATION OF INTEGRATION INTAKE BILL

(As amended by the Portfolio Committee on Defence (National Assembly))
(The English text is the official text of the Bill)

(MINISTER OF DEFENCE)

[B 6B—2001]

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To provide for the termination of the intake of members of non-statutory forces into the South African National Defence Force for integration purposes; to provide for the integration of the members of the said forces who are likely to be granted amnesty; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act unless the context indicates otherwise—
   “agreement” means the agreement contemplated in section 236(8)(d) of the Interim Constitution which continues to be in force in terms of item 24 of Schedule 6 to the Constitution;
   “certified personnel register” means the certified personnel register referred to in section 16(3) or (9) of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993);
   “Interim Constitution” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);
   “member” means a member of a non-statutory force;
   “Minister” means the Minister of Defence;
   “National Defence Force” means the South African National Defence Force established by section 224(1) of the Interim Constitution which continues to be in force in terms of item 24 of Schedule 6 to the Constitution;
   “non-statutory force” means an armed force referred to in section 224(2)(c) of the Interim Constitution as amended by item 3 of Annexure D of Schedule 6 to the Constitution which was formerly known as the Azanian People’s Liberation Army or uMkhonzo weSizwe, as the case may be;
   “personnel list” means the personnel list referred to in section 224(2)(c) of the Interim Constitution as amended by item 3 of Annexure D of Schedule 6 to the Constitution.

Application

2. This Act applies to all members whose names and other particulars are included in the certified personnel register or the personnel list.

Termination of integration intake

3. (1) Every member, except a member referred to in section 4, must enter into an agreement with the National Defence Force on or before the date referred to in section 236(8)(d) of the Interim Constitution.
   (2) Subsection (1) does not preclude the enrolment into the National Defence Force of any person in terms of the Defence Act, 1957 (Act No. 44 of 1957).
Integration of members granted amnesty

4. (1) Despite the provisions of section 3(1), a member—
   (a) who was unable to enter into an agreement with the National Defence Force due to his or her imprisonment for purposes of serving a sentence in respect of an act, omission or offence that is associated with a political objective as defined in the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995);
   (b) who has been granted amnesty in terms of section 20(1) of the said Act; and
   (c) whose name and other particulars are included in the certified personnel register or personnel list,

may, subject to subsection (2), enter into an agreement with the National Defence Force after the date referred to in section 3(1).

(2) A member referred to in subsection (1) must enter into such agreement within 90 days after being notified of the decision to grant him or her amnesty.

Amendment of section 236 of Act 200 of 1993, as amended by section 241 of Act 108 of 1996

5. Section 236 of the Interim Constitution is amended by the substitution in subsection (8) for paragraph (d) of the following paragraph:

“(d) The continuance of membership of members of the South African National Defence Force referred to in section 224(2)(c) shall be subject to such members entering into an agreement for temporary or permanent appointment with the South African National Defence Force [within a reasonable time] on or before 31 March 2002: Provided that such agreements shall be in accordance with normal employment policies and terms and conditions of service.”.

Short title

6. This Act is called the Termination of Integration Intake Act, 2001.
MEMORANDUM ON THE OBJECTS OF THE TERMINATION OF INTEGRATION INTAKE BILL, 2001

BACKGROUND

1. Section 236(8)(d) of the Interim Constitution which continues to be in force by virtue of item 24 of Schedule 6 to the Constitution provides that the continuance of membership of the SANDF by members of the non-statutory forces will be subject to such member entering into an agreement for temporary or permanent appointment in the SANDF. The said members were required to enter into the agreements within a reasonable period of time.

PURPOSE

2.1 The Bill seeks to provide a legal framework for the termination of the intake of members of APLA and MK for integration purposes. The Bill provides that members of APLA and MK who are eligible to conclude agreements with SANDF should do so before 31 March 2002. The Bill also makes provision for the integration of members of APLA and MK whose names appear in the certified personnel register or personnel list and who have been granted or are likely to be granted amnesty in terms of the Promotion of National Unity and Reconciliation Act, 1995, after 31 March 2002.

2.2 The principal objects of the Bill are—
(a) to stipulate a date by which the agreements contemplated in the aforesaid section 236(8)(d) should be entered into; and
(b) to make provision for members of the non-statutory forces mentioned in paragraph 2.1 to enter into the said agreements.

CLAUSE BY CLAUSE ANALYSIS

3.1 Clause 1 provides for definitions.

3.2 Clause 2 provides that the Act will only apply to members of the non-statutory forces whose names appear on the certified personnel register or personnel list. Clause 3(1) provides that no member of the non-statutory forces will be entitled to enter into the said agreements after 31 March 2002. In terms of clause 4 members of the non-statutory forces who are likely to be granted amnesty in accordance with section 20(1) of the Promotion of National Unity and Reconciliation Act, 1995, will have the right to conclude the agreements after the date stipulated in clause 3(1). Such persons will be required to conclude the agreements within 90 days after being informed of the decision to grant them amnesty.

3.3 Clause 6 provides for a short title.

CONSULTATION

4. The Bill was sent to all Government Departments for their comments and inputs before it was submitted to Cabinet.

FINANCIAL IMPLICATIONS FOR STATE

5. There are no financial implications for the State arising out of the termination of intake of members of the former APLA and MK for integration purposes.

PARLIAMENTARY PROCEDURE

6. The Department of Defence and the State Law Advisers are of the view that this Bill should be dealt with in terms of section 75 of the Constitution since it contains no provision to which section 74 or 76 of the Constitution applies.
1. The prescript law (Court case lost by Khoisan soldiers to integrate into the SANDF North Gauteng High Court ruling of 30 March 2012 (Case number 41202/2010), which also bound SANDF not to open integration to any group, organization or individual.
IN THE HIGH COURT OF SOUTH AFRICA

(NORTH GAUTENG HIGH COURT, PRETORIA)

Case No: 41202/2010

In the matter between:

STANLEY GEORGE MATTHEE

In his capacity as the elected leader

Of the Khoisan Kingdom and All People Party

Applicant

And

THE MINISTER OF DEFENCE OF THE
REPUBLIC OF SOUTH AFRICANT

Respondent

JUDGMENT

MAVUNDLA, J.

[1] The applicant brought an application, by way of notice motions proceedings, seeking an order in terms of which:
1.1 The respondent is directed to engage in negotiations with the applicant in regard to the integration of the applicant’s members into the South African Defence Force within a period of 30 days;

1.2 The respondent is directed to conclude the decision to integrate or not before 31 December 2010;

1.3 Other or alternative relief;

1.4 Costs of the application in the event the respondent opposing same.

[2] The matter was initially placed on the roll for hearing on 27 September 2010. The matter was postponed on several occasion until it eventually served before me on 30 March 2012 when I reserved judgment. The order sought under prayer 1.2 supra is no longer of any consequence, as the result I shall not address myself in that regard. I shall confine myself to the rest of the remaining prayers, since the matter is opposed.

[3] The matter essentially concerns and reveals, in my view, a pitiable situation of a people who made a historical, myopic, and politically
naive choice of siding with the hitherto oppressive and apartheid regime, in its world-condemned quest to resist democracy, both in Namibia and South Africa. It concerns the plight of a people who allowed themselves to be misused by their master in resisting the democratic winds of change in Southern Africa. It is a people who were funneled as soldiers in the notorious Koevoet, through the Cape Corps, 21 Battalion, 1 SAI, 115 Battalion, 3 SAI and 32 Battalion and other units, coming particularly from the so-called coloureds and the Khoisan, the latter renowned for their tracking prowess, misused in tracing freedom fighters that were infiltrated both in Namibia and South Africa. It is a people, abandoned by their master who had scant respect or regard for, and was least bordered to secure them a place in the new South African National Defence Force.

[4] The South African National Defence Force in terms of s24(1) of the Interim Constitution (1994), was the integration of the South African Defence Force and the defence forces of the then so-called independent Homelands (TVBC) on one side, and Umkhonto We Sizwe ((MK) the armed wing of ANC) and Azanian People’s Liberation
Army ((APLA) the armed wing of PAC the pro-democratic liberation forces (Non-Statutory Forces) on the other.

[5] When the process of integration took place during 1994, the South African Defence Army did not include those it had employed as soldiers in the Cape Corps, 21 Battalion, 1 SAI, 115 Battalion, 3 SAI and 32 Battalion and other units. This resulted in all the people who were in these last mentioned formations being left out in the integrated South African National Defence Force. According to the applicant, these left-out soldiers were informed that they had to make way for the Non-Statutory Forces that were to be siphoned into the integrated South African National Defence Force. It would seem, according to the applicant, those left out soldiers are no longer receiving any salary.

[6] It is common cause that the integration process has long come and gone in terms of Termination of Integration Intake Act No 44 of 2001. It appears from the not-well drafted applicant’s papers that, all efforts to address the plight of these left-out soldiers, including pleas that they be afforded a hearing, has come to naught. It has been submitted on their
behalf that there was a reasonable legitimate expectation created on the part of the applicants that they would be afforded a hearing.

[7] On behalf of the respondent it was submitted that because the integration process is no longer in existence, the applicants do not have any right to protect, by bringing these proceedings. The order sought, seeking an audience, will be of no practical value because there exist no mechanism to siphon them into the South African National Defence Force. There is no statute available to have them integrated into the SANDF. They were part of and employees of the then South African Defence, and not part of the then TVBC soldiers, nor the Non-Statutory Forces. They were demobilized in terms of the Demobilization Act 99 of 1999. It is submitted that the applicants have failed to establish any cause of action.

[8] It was submitted on behalf of the applicant that they bring these proceedings relying on legitimate expectation. It was submitted on behalf of the applicants that, the respondent has failed to respond to further request to advice when the meeting would be. Because of the
promise contained in annexure “I” there was therefore a reasonable legitimate expectation created on their part.

[9] The basis of the reasonable legitimate expectation, is premised on annexure “I” which is a letter from the Deputy Director General from Ministry of Defence and Military Veterans dated 29 September 2009. In this letter directed to one Mr. H.R. January it is stated that:

1. We have been made aware that your organization intend marching to our facilities. I am surprised by the radical position you have taken, rather than the earlier intention to seek an audience to my office.

2. Our office is open to receiving concerns from various stakeholders including those that are not in the military. We engage with various stakeholders within and outside the military.

3. Your action undermines the undertaking of entering into dialogue with the Ministry. The Minister has not been able to meet with you because of many other pressing issues.

4. I urge you to reconsider your position from embarking on a march to our facilities.

5. I will advise you of the process forward when we return from our trip abroad.”
[10] The applicants rely on the matter of Administrator, Transvaal and Others v Traub and Others 1989 (4) SA 731 (A), Quinellia Trading (Pty) and Other v Minister of Rural Development and Others 2010 (4) SA 308 (LC); President of South Africa v South Africa Rugby Football Union 2000 (1) SA 1 (CC); National Director of Public Prosecutions v Phillips and Others 2002 (4) SA 60 (W).

[11] In the matter of Minister of Defence and Others v Dunn the Supreme Court of Appeal pointed out that legitimate expectation does not protect every expectation, but those that are (i) legitimate clear, unambiguous and devoid of relevant qualification and (ii) reasonable, objectively seen legally, is legitimate, (iii) introduced by the decision maker, (iv) falling within the latter’s competence.

[12] The test in determining whether a legitimate expectation was made, is factual, vide Walele v City of Cape Town and Others.

1 2007 (6) SA 52 SCA) at 82.
2 2008 (6) SA 129 (CC) at 149.
The applicants have attached in their papers annexure “E” titled “Demobilization Amendment Bill:

Termination of Integration Intake Bill: Hearings;

Date of meeting 2 October 2001” From this document it would seem that there were interaction in which the South African Corps (SACC), including Major-General Modise (MK) partook, and also Dr. S Mogoba of PAC who commented that: “they were dealing with a pathetic case of apartheid and this issue must be faced somehow. If the Cape Corps were really part of the SADF then they have a case in saying they were left out.” Indeed this reaffirms the point I made that the applicants' were left out.

It is common cause that, the applicants did not belong to any political party, neither have they formed any political party. They have submitted a list of names purportedly being the affected former
soldiers, presently belonging to Khoisan Kingdom and All People Party. There is no proof that such a party has been properly registered. It is alleged that there are about 14 500 former soldiers that the applicants represent. The applicants can only be regarded as individuals.

[15] It has not been gainsaid by the applicants that the respondent does not have any powers to deal with issues of integration once the process came to pass. According to the respondent, a legislative intervention to address the plight of the applicant’s members would require both Parliament and executive. I do accept this submission made on behalf of the respondent; Vide Plascon Evans Paints v Evans Riebeeck Paints. 4

[16] Jaffa AJ in Walele v City of Cape Town and Others5 noted that the doctrine of legitimate expectation, has its own limitation and cannot be precisely defined. In some cases it has been expressed as a:

Vide 1984 (3) SA 623 (AD) at 634E-635C.

5 Supra at para [35].
“Substantive benefit or advantage or privilege which the person concerned could reasonably expect to acquire or retain and which it would be unfair to deny such person without prior consultation or a prior hearing”. Vide Administrator, Transvaal and Others v Traub and Others⁶.

The doctrine applies where a person enjoys a privilege or benefit which it would be unfair to deny that person without giving him or her a hearing.

[17] In Duncan v Minister of Environmental Affairs and Tourism⁷ Brand JA held that reliance on the doctrine of legitimate expectation for any purposes presupposes that the expectation qualifies as legitimate. The requirements for legitimacy of such expectation have been formulated as follows:

(a) The representation inducing the expectation must be clear, unambiguous and devoid of any relevant qualification;

(b) The expectation must have been induced by the decision-maker;

(c) The expectation must be reasonable;

⁶ Supra at 758D.
⁷ 2010 (6) SA 374 SCA at 381 para 15A-B.
(d) The representation must be one, which is competent and lawful for the decision-maker to make.

[18] In Walele v City of Cape Town and Others\(^3\) Jafta AJ noted that: "...

The applicant bases his legitimate expectation claim on two facts. First, he alleges that in a similar application for approval of plans for erection of a building in the same area, the City invited interested parties to inspect the plans and make representations, before the plans were considered for approval. Secondly, the fact that the applicant was the owner of the adjoining property on which the block of flats would cast a large shadow in winter.

The fact that the city had afforded interested parties a hearing in one application does not constitute a regular practice, which the applicant could reasonable expect to be extended to him. That was an isolated case, which could hardly amount to a general practice necessary to found a reasonable expectation. Moreover, we do not have the full facts relating to the case relied upon. We do not know if the City had authority to make such invitation in the first place. For, if it lacked the power to do so reliance thereon could not be legitimate because the invitation would have been incompetent and unlawful."

[19] In my view, the purpose of the applicants seeking the audience of the respondent, is to discuss the fate and integration of its left-out members into the SANDF. However, there exists presently no legal

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\(^3\) Supra at para [40]-[41].
frame work in terms of which the respondent can integrate the left-out members of the applicant, due to the Termination of Integration Intake Act No 44 of 2001. The expectation of the applicants, in my view, cannot therefore be legitimate. The applicants, in the absence of a legal frame work to integrate them into the SANDF do not have any legal right to demand that they be heard. Besides, annexure “I” on which the legitimate expectation is premised, does no express an unequivocal invitation to the applicants for a meeting, but a caution not to march to the respondent’s facilities.

[20] I am therefore of the view that, in casu, objectively seen, there can never be a right to be heard by the respondent, in the absence of a frame work to have the applicants integrated in the SANDF. Neither should the courts, in my view, impose its will, upon the respondent to afford the applicants a hearing, if there is no law dictating such; vide Premier, Mpumalanga and Another v Executive Committee, Association of State-Aided Schools, Eastern Transvaal. I am therefore of the view that the application must be dismissed.

[21] However, the number of the applicant’s members that were left out is, in my view, quite significant to be ignored. The Preamble of the Constitution provides, inter alia, that:

1999 (2) SA 91 (CC) at part [50].
“...the people of South Africa... Believe that South Africa belongs to all who live in it, united in our diversity... We therefore,... Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights."

We were unfairly ignored during the affirmative process from 1994 till currently.

I am of the view, that in line with the ethos reflected in the preamble of the Constitution, the respondent should take the responsibility of addressing the concerns of the applicant’s left-out members, without the Court obliging her to do so.

The general principle with regard to costs, is that costs follow the event. in casu, there is no reason why the general principle should not apply. The applicant should therefore be mulcted with costs on party and party scale.

In the result, I make the following order:

1. That the application is dismissed with costs on party and party scale.
### Document Details

**Research Paper by Dannyboy Pieterse:** Khoisan Nation Self Defence Unit

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Discussion

Mr V Ndlovu (IFP) asked what the difference was between the terms "incorporation" for the KwaZulu-Natal Self Protection Force (KZSPF) and "integration" which was used for the NSF. There were also members of the Coloured Cape Corps who felt that they had been excluded from integration. He asked what had happened in their cases and why they had not been considered for integration. (REF. Final Integration Report: SANDF briefing 9 NOVEMBER 2004)

Rear-Admiral Bakkes added that only people who had been serving on 21 April 1994 and whose names were on the CPRs were considered for integration. The Coloured Corps were a voluntary corps who served according to a contract. Those whose contracts had expired and were not in the service on 21 April 1994 were not considered for integration. These were the people that were unhappy. As far as pensions were concerned, the SANDF had agreed that members of the NSF would be credited for the time that they had served in those forces and would therefore get pensions. The legislation had been amended to allow for this. He could not comment on the progress that had been made in this regard. (REF. Final Integration Report: SANDF briefing 9 NOVEMBER 2004)

Mr M Booi (ANC) asked what had happened about those members who had allegedly been integrated fraudulently. He also wanted to know what was being done to the Cape Corps plight as they were still raising concerns. He asked how the Department of Public Service and Administration fitted into the pension process as mentioned earlier in the meeting. (REF. Final Integration Report: SANDF briefing 9 NOVEMBER 2004)

Rear-Admiral Bakkes said that the fraudulent cases had been investigated, but it was found that no fraud had been committed. He went on to explain that the Cape Corps was short service personnel who served a two-year contract. Those whose contracts were not renewed by 21 April 1994 had not been integrated. (REF. Final Integration Report: SANDF briefing 9 NOVEMBER 2004).

The following order is made:

1. The applicant is reinstated in the South African National Defence Force retrospectively to 28 February 1998 on the same terms and conditions and rank set out in the interim agreement.
2. The respondent is ordered to pay the applicant’s costs.

Signed and dated at BRAAMFONTEIN this 28th day of September 2001.

________________________
A A Landman
Judge of the Labour Court of South Africa

Date of judgment: 28 September 2001.

For the Applicant: Adv M J Mosopa, instructed by Khoza Seelane Motaung and Associates.
For the Respondent: Adv H S Havenga, instructed by the State Attorney.
(REF. Phike v South African National Defence Force (Defence Special Tribunal DST-J1/00) [2001] ZALC 152 (28 September 2001) IN THE DEFENCE SPECIAL TRIBUNAL (THE LABOUR COURT OF SOUTH AFRICA) (Held at Johannesburg) Case No: DST-J1/00

Recruitment of members who reported at 3 SAI military base in Kimberley to be recruited into SANDF and details relating to members of Khoisan, aboriginal and other movements joining the army (REF. THURSDAY, 10 MARCH 2011 PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES)

Position regarding integrations of all eligible members of MK, the SADF and armed wings of the PAC and Azapo into the SANDF (REF. WEDNESDAY, 23 MARCH 2011, PROCEEDINGS OF THE NATIONAL ASSEMBLY)
Defence Laws Repeal and Amendment Bill [B7-2015]: deliberations & adoption; Committee Programme

Meeting Summary

The Department of Defence briefed the Committee to provide clarity relating to the integration process of the various armed forces that had been done to make up the current constitution of the South African National Defence Force (SANDF). The integration of forces into the new South African National Defence Force (SANDF) was provided for by the interim constitution, specifically section 224, which said that the SANDF would consist of the South African Defence Force (SADF), any defence force of any area forming part of the national territory of South Africa including the Transkei, Bophuthatswana, Venda, Ciskei (TBVC) states, any armed force as defined in section 1 of the Transitional Executive Council and whose names, at the commencement of the Constitution, were included in a Certified Personnel Register (CPR) referred to in section 16. This subsection would not apply to members of any such defence or armed force if the political organisation under whose authority and control, with which it was associated and whose objectives it promoted, did not take part in the first election of the National Assembly and provincial legislatures under this constitution. Hence on the promulgation of the Constitution on 27 April 1994 the SANDF consisted of members of the SADF, the defence forces of the TBVC states and non-statutory forces, including MK, Umkhonto We Sizwe and the APLA forces. The Department stressed several times that the integration was not concerned with individuals applying, but rather looked at the lists provided by the forces at the time, and any person who thought s/he qualified for integration should have been a member of the stipulated forces. The Khoisan Self Defence Unit did not fall within the prescripts of section 224 of the interim Constitution, because at the time, it was not in existence, having been terminated in 2001. Whilst their concerns were noted, the Minister was not empowered to integrate individuals 20 years later and the courts had ruled that there was no legal right to integration.

Members asked whether the Khoisan were part of the SADF. Several Members agreed that the plight of the Khoisan was a serious matter to be treated sensitively, for their situation had perhaps not been looked at in the right way in 1994. Members submitted that the Department, in re-integrating them, had to make enabling legislation to make the Khoisan feel part of the country. If there was no legislation for this, then Parliament had to create enabling legislation to integrate the
Khoisan. Whilst there had been a fast tracking programme to assist those that integrated to be educated and skilled, the realities had to be considered, that 21 years on, the conditions no longer applied. The definition of military veteran also did not allow for inclusion of groups such as the Khoisan. The point was made that the South African Coloured Corps (SACC) also had not been made part of the discussion, and had been disbanded, notwithstanding that it had been part of a statutory force, although it was subsequently given recognition and was asking for integration (but not in this particular process of this Bill). Although the SACC members had been given some compensation, they were not considered as military veterans. Members could not argue with the court decision but wanted to know if the Minister had, as requested by the court, engaged with the Khoisan. They questioned whether members of the Khoisan Self Defence Unit had been investigated and appeared on the Certified Personnel Registers list. Members felt that the country’s democracy should promote inclusivity not exclusivity and all available options had to be exhausted to include the Khoisan. That, however, could not be done through the current Bill. There were some concerns that this Bill would be repealing legislation, which meant that it could no longer be amended, and they were concerned that a new process would be time-consuming. However, from a practical point of view they agreed that the current process should continue. The Committee then adopted the Bill, without amendments, and asked the Department to continue to investigate the matter and to report back on policy that would give effect to the requests.

The Committee noted that the oversight visits would include not only border areas, but also harbours and airports, since the oversight would be taken by the Cluster.

Meeting report

Defence Laws Repeal and Amendment Bill: Department of Defence briefing, and deliberations

The Chairperson said the Department had been asked to brief the Committee on matters relating to the calls for integration by various groupings that had not been part of the integration process to make up the new South African National Defence Force (SANDF), specifically the Khoisan, prior to the clause by clause consideration of the Defence Laws Repeal and Amendment Bill (the Bill). The Bill was due to be debated in the House the following Tuesday.

Mr Kenneth Mashego, Legal Services Advisor, Department of Defence, said the Department of Defence (DOD or the Department) noted that the integration of armed forces into the new South African National Defence Force was provided for by the Interim Constitution, in section 224, which said that the SANDF would consist of the South African Defence Force (SADF), any defence force of any area forming part of the national territory of South Africa, including the Transkei, Bophuthatswana, Venda, Ciskei (TBVC) states, any armed force as defined in section 1 of the Transitional Executive Council whose names, at the commencement of the Constitution, were included in a Certified Personnel Register (CPR) referred to in section 16. This subsection would not apply to members of any such defence or armed force if the political organisation under whose
authority and control and with which it was associated and whose objectives it promoted, did not take part in the first election of the National Assembly and provincial legislatures under this Constitution.

The result of this section was that on the promulgation of the final Constitution on 27 April 1994 the SANDF consisted of members of the South African Defence Force (SADF), the defence forces of the TBVC states and non-statutory forces including MK, Umkhonto We Sizwe and the APLA forces. It had to be borne in mind that integration was not concerned with the taking up of individuals, but rather of the forces as stipulated in the interim Constitution. This was very clear. Any person who thought s/he qualified for integration should have been a member of the stipulated forces. The Department wanted to make it clear that integration looked at the forces themselves, not at individuals. The soldiers who were members of SADF at the time, were taken up by the SANDF according to lists submitted by the SADF. Individual soldiers of the SADF who for any reason did not take up employment in the new SANDF did not have a right, as individuals, to be integrated. Integration was not for individuals; it was for armed forces. If they were not taken up in the SANDF because their forces left them behind, their course of action could not be supported by integration. He repeated again that the legislation on integration was very clear, individual members could not be brought into the new SANDF for only the SADF had a right and the SADF had integrated its members into the SANDF.

In regard to questions raised about the Khoisan Self Defence Unit (KSDU), he said that integration was concerned with the take up of members according to the Constitution. Again, he said that integration looked at the forces not at individuals. Questions had been raised about the KSDU as they did not fall within the prescripts of section 224 of the interim Constitution. The KSDU was non-existent at the time and because of integration was terminated in 2001.

The Minister was currently not empowered to integrate anyone, especially now that it was 20 years later. The court had taken a decision that there was no legal right to integration.

The Chairperson asked whether the Khoisan were part of the SADF.

Mr Mashego said he could not definitely assert so. The SADF did not require self defence units, as the SADF was a statutory body. The Court had made it clear that there could not be a right to be heard in the absence of a legal framework. The court said it could not impose its will on the Department to hold a hearing on the matter.

Mr B Bongo (ANC) said the plight of the Khoisan was a serious matter to be treated sensitively. The Khoisan’s plight was not looked at in 1994. He submitted that the Department, in the re-integration process, should make enabling legislation to make the Khoisan feel part of the country. If there was no legislation for this then Parliament could attend to it.
Mr J Skosana (ANC) said he was reminded of the pain and suffering endured by the Khoisan, who suffered more than anybody and were now left out of the mainstream of education of the country. He agreed that enabling legislation had to be created to integrate the Khoisan and make them part of the country.

Mr S Esau (DA) said that nobody disagreed that integration was occurring in a diverse South Africa. In terms of defence however there was no legislation to integrate. There had been a fast tracking programme to assist those who were integrated to be educated and skilled. However, from a realistic standpoint, 21 years had passed and those conditions applied no more. The option, for those that were not integrated, to be considered under the military veterans associations was still open but the definition of a military veteran did not allow for the inclusion of people like the Khoisan. The South African Coloured Corps (SACC) also had not been made part of the discussion and had been disbanded, notwithstanding that it had been part of a statutory force. The SACC had later been given recognition and they were also asking for integration. They had been compensated somewhat, but had not been considered as military veterans. He supported the call of members for groups like the Khoisan, who had fought since 1781 against colonialists, to be given recognition but said it had to be done in a realistic way. The court verdict on the Khoisan matter was correct but the court had advised the Minister to engage with the complainants. He asked if that did ever take place?

Mr D Gamede (ANC) said the point of a termination date did not hold water, as that date had been set by Parliament and could be reviewed. The issue needed to be studied and the law needed to be changed if that was required.

Mr Skosana said new issues such as the SACC could not be added now for the issue under discussion was the Khoisan matter.

Mr Bongo said that Parliament had created the law and if there was something wrong with the law then it should be improved. He accepted the judge’s verdict, which had looked strictly at the law, so it was up to Parliament to change the law.

The Chairperson asked if the Khoisan Self Defence Units had been investigated and whether they appeared on the Certified Personnel Registers (CPR) list.

Mr Mashego said there appeared to be confusion about the groups that were being talked about, whether it was the Khoisan as a people or as a Self Defence Unit. He said there were Khoisan members who belonged to the SACC and there were Khoisan who had been integrated, but they were not integrated as individuals but as members of a military force structure.
The Chairperson said it seemed clear that Members felt that the country’s democracy should promote inclusivity, not exclusivity. The legislative framework had to be recognised and not undermined, but it had to be remembered that the legislation had excluded some members of non-statutory forces who could not be part of the processes. The Committee should not have a silo approach as legislation was made by the Members. The Committee should not only look at the legislation but also look at the circumstances surrounding the plight of the Khoisan people. He said it appeared that Members felt that further investigation should be done on the KSDU, with the aim of including them, and all available options had to be exhausted to include the Khoisan. This, however, must be done separately from the current process the Committee was busy with, which was the consideration of the Bill.

Clause by clause deliberations
The Committee then went through the Bill clause by clause.

Mr Esau asked, having regard to the discussion on integration by the Committee, whether the laws would be repealed and new legislation be considered, or whether the relevant laws would be amended to allow for the inclusion of the Khoisan.

Mr Mashego said the former path would be the way to go forward because the Integration Act had excluded certain groups that wanted to be recognised. The Department should start afresh with legislation which would require that a policy decision be taken, and that would be used as a guide to draft the legislation.

Mr Bongo said that amendments had to be done to change the dates, because starting afresh would take a long time to process the legislation.

The Chairperson said the matter before the Committee was not to consider amendments, but the repeal of laws as contained in the Bill.

Mr Bongo said that if the laws were repealed, then there would be nothing to amend.

Mr Mashego said that if the legislation was amended to include an additional group, it would be affected by other pieces of legislation which were attached to that specific Act and it would require a policy decision to look at these other pieces of legislation. Even if the dates were changed, the Khoisan would still be excluded because of the circumstances of the Act which excluded them. His suggestion was that a new policy decision be sought.

Mr M Mncwango (IFP) said that if the process had to be started afresh it would be a long drawn out process and many of the affected people would be gone by the time it came into effect, so amending the legislation would be better than expunging it.
Mr Skosana said the Committee was in the process of repealing the Bill. He agreed that time was needed for a consultation process.

The Chairperson reminded the meeting that the Bill still had to go to the NCOP. The process regarding the Khoisan would continue, irrespective of the Bill. It was Members of this Committee who would give an instruction to the Department. In the meantime the Repeal Bill had to be adopted.

Mr Bongo said that Mr Mashego should be given time to consult and get further advice regarding policy.

The Chairperson said that the Department had to look at all options to include the Khoisan, but that the Committee meanwhile should adopt the repeal Bill.

The Committee agreed to the Bill without amendments

Amendment of the Committee Programme
The Chairperson said there had been a suggestion that joint oversight visits be undertaken. In the oversight period, 15-18 September, the Committee was supposed to be going to the borders but if other departments were to be taken on board it would include harbours and airports also.

Mr Esau asked if the NCOP members would also be included.

Mr Gamede said it would be a cluster oversight and include also the portfolio committees dealing with international affairs, police and state security.

The meeting was adjourned.
Debate In Parliament’s National Assembly: The Defence Laws Repeal And Amendment Bill B7-2015

9 September, 2015

The Defence Laws Repeal And Amendment Bill B7-2015

By

Mr MA Mncwango, MP

Honourable Speaker,

The South African Law Reform Commission recommended the repeal of Defence laws it considered to be redundant, and the amendment of those inconsistent with the Constitution’s equality clause. The Defence Laws Repeal and Amendment Bill [B7 -2015] therefore seeks to repeal sixteen Defence laws and proposes an amendment to the Castle Management Act, 1993.

There is one of the 16 however, that we feel should not be repealed but rather amended, is the Termination of Integration Intake Act of 2001. Integration has not as yet been fully completed and we still find many soldiers who contributed greatly to the freedom we now so easily take for granted in South Africa, who have not been accommodated and integrated into the standing defence force of this Country.

Many members of the former self-protection and self-defence units find themselves being left out in the cold, languishing in a country that no longer values or recognizes the great sacrifices and contributions they made during the struggle for our freedom and democracy.
NCOP Security and Justice

Criminal Matters Amendment Bill[B20-15];
Defence Laws and Repeal Amendment Bill [B7-15]; Judicial Matters Amendment Bill

[B2-15]: adoption, in presence of Deputy Minister

Chairperson: Mr D Ximbi (ANC, Western Cape)

Date of Meeting: 25 November 2015

Summary

The Committee met to consider the Criminal Matters Amendment Bill; the Defence Laws and Repeal Amendment Bill and the Judicial Matters Amendment Bill.

The Committee engaged with the Parliamentary Legal Advisor, in relation to the Criminal Matters Amendment Bill, around whether public hearings were necessary and if so, who had decided on the procedure and the form that the public hearings would take. The Legal Advisers stated that there was no absolute requirement and that the Committee would have to be satisfied that it had offered sufficient opportunity for public participation. It was noted that whilst Cosatu had made a submission in writing it had also indicated that it would be prepared to give an oral presentation if necessary but was not specifically requesting to do so.

The Deputy Minister of Justice joined the meeting in the adjournment and said the issue of the extent of public participation for section 75 bills had not been resolved by the courts. As a general principle the NCOP would not usually hold its own public participation other than for certain Bills – this had been done with the Protection of State Information Bill. The NCOP would need to resolve this issue of public participation. Advertisements calling for input on the three bills had been placed and there had been no specific requests to make an oral submission. In the circumstances, the Committee was satisfied that enough opportunity had been provided for participation and felt able to vote on the Bills.

The Committee voted on, and adopted all three Bills in turn. It was noted that the points raised by the Khoisan in relation to the Defence Bills may still need to be considered by the Department.
Minutes

Criminal Matters Amendment Bill, Defence Laws and Repeal Amendment Bill and Judicial Matters Amendment Bill: Deliberations and Adoption
Mr M Mohapi (ANC, Free State), asked if all Members of the Committee had been informed of the meeting.

The Chairperson said that the Committee Secretaries had informed all members.

He tabled the latest version of the Criminal Matters Amendment Bill. He said the public participation processes on this Bill had been carried out, and COSATU had submitted a written submission. The meeting had to decide if an oral submission was also required.

Mr Mohapi said he needed clarity from the Parliamentary Legal Advisor on whether there was a need to hold a public hearing.

Adv Anthea Gordon, Parliamentary Legal Advisor, said there was no absolute requirement to have a public hearing, since it was only required that Parliament should facilitate public input in any form. If the Committee felt that there was a need to call COSATU, then that was the Committee’s prerogative, but a written submission was accepted as a form of facilitation. She said advertisements had been placed inviting submissions. COSATU had provided a written submission, so the Members had to consider COSATU’s submission and if they felt that an oral submission was necessary then they had the right to call for this.

Mr M Mhlanga (ANC, Mpumalanga) said he felt that the legal advisor had not briefed the Committee properly and suggested that an oral presentation be called for. It was not just COSATU but also the South African Local Government Association (SALGA) that were affected.

Mr Mohapi asked who had sanctioned that the hearings be advertised through the media.

Ms Gordon said that it was not a Parliamentary Legal Services decision.

Mr Mohapi said that public participation had to be ensured and Members were concerned about the procedure which was followed in promoting public participation.

Mr J Mthethwa (ANC, KwaZulu-Natal) felt that there was a need to call public hearings because members were clearly concerned about the procedure.
The Chairperson said that was the point, and the Committee was sitting to decide whether to have public participation in the form of hearings.

Ms G Manopole (ANC, Northern Cape) took issue with the tone in which Adv Gordon had responded to Mr Mohapi’s questions and requested that another legal advisor be present as she had lost confidence in Adv Gordon.

Mr Mthethwa called for an adjournment of the meeting to discuss the matter and the meeting was adjourned. During the course of the adjournment, Mr John Jeffery, Deputy Minister of Justice, arrived and joined the caucus.

Upon resumption of the meeting Mr Mthethwa stated that the meeting had not taken a decision not to have Adv Gordon advocate present.

Mr Mohapi said he wanted clarity on section 75 bills and whether there was a need to have public hearings.

Mr Jeffery said the issue of the extent of public participation for section 75 bills had not been resolved by the courts. There were not public hearings held as a matter of course, but there were public hearings in exceptional cases – such as with the Protection of State Information Bill. The NCOP would need to resolve this issue of public participation. Advertisements calling for input on the three bills had been placed. Nobody had requested the chance to make an oral submission. COSATU had provided a written submission and said it would be available for an oral submission if required.

Mr Mohapi said that in previous meetings the legal advisor had referred to the constitutional court cases involving Doctors For Life.

Ms Gordon said she agreed with the Deputy Minister’s comments that there was no absolute requirement.

The Committee, after discussion, felt itself able to take a vote on the three Bills in turn.

The Criminal Matters Amendment Bill; the Defence Laws and Repeal Amendment Bill and the Judicial Matters Amendment Bill were thus all adopted by the Committee.

**Mr Mhlanga said that notwithstanding the adoption of the Defence Laws Bill, the submissions of the Khoisan had to be addressed by the relevant Department.**
The meeting was adjourned.

**NCOP Security and Justice**

Criminal Matters Amendment Bill [B20-15]; Defence Laws and Repeal Amendment Bill [B7-15]; Judicial Matters Amendment Bill [B2-15]: adoption, in presence of Deputy Minister

Get [free email alerts](#) when we add new information for this committee.

**Chairperson: Mr D Ximbi (ANC, Western Cape)**

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The Committee voted on, and adopted all three Bills in turn. It was noted that the points raised by the Khoisan in relation to the Defence Bills may still need to be considered by the Department.
Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 606 Cape Town 15 December 2015 No. 39521

THE PRESIDENCY

No. 1240 15 December 2015

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 17 of 2015: Defence Laws Repeal and Amendment Act, 2015

AIDS HELPLINE: 0800-123-22 Prevention is the cure
ACT

To repeal certain obsolete or redundant defence laws; to amend the Castle Management Act, 1993, so as to omit an unconstitutional provision; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Repeal and amendment of laws

1. (1) The laws specified in Schedule 1 are hereby repealed.
   (2) The law specified in Schedule 2 is hereby amended to the extent so out in the third column of that Schedule.

Short title and commencement

2. This Act is called the Defence Laws Repeal and Amendment Act, 2015, and comes into operation on a date determined by the President by proclamation in the Gazette.
<table>
<thead>
<tr>
<th>No. and year of law</th>
<th>Short title</th>
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<tbody>
<tr>
<td>Act No. 17 of 1929</td>
<td>Defence Endowment Property and Account Amendment Act, 1929</td>
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<tr>
<td>Act No. 43 of 1954</td>
<td>Defence Amendment Act, 1954</td>
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<tr>
<td>Act No. 4 of 1969</td>
<td>Moratorium Amendment Act, 1969</td>
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<td>Act No. 5 of 1969</td>
<td>Civil Defence Amendment Act, 1969</td>
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<tr>
<td>Act No. 26 of 1973</td>
<td>Defence Amendment Act, 1973</td>
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<tr>
<td>Act No. 1 of 1976</td>
<td>Defence Amendment Act, 1976</td>
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<tr>
<td>Act No. 27 of 1977</td>
<td>Moratorium Amendment Act, 1977</td>
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<tr>
<td>Act No. 48 of 1978</td>
<td>Moratorium Amendment Act, 1978</td>
</tr>
<tr>
<td>Act No. 17 of 1981</td>
<td>Defence Special Account Amendment Act, 1981</td>
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<tr>
<td>Act No. 71 of 1995</td>
<td>Defence Special Account Amendment Act, 1995</td>
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<tr>
<td>Act No. 99 of 1996</td>
<td>Demobilisation Act, 1996</td>
</tr>
<tr>
<td>Act No. 81 of 1998</td>
<td>Defence Special Tribunal Act, 1998</td>
</tr>
<tr>
<td>Act No. 128 of 1998</td>
<td>Demobilisation Amendment Act, 1998</td>
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<tr>
<td>Act No. 43 of 2001</td>
<td>Demobilisation Amendment Act, 2001</td>
</tr>
<tr>
<td>Act No. 44 of 2001</td>
<td>Termination of Integration Intake Act, 2001</td>
</tr>
<tr>
<td>Act No. 16 of 2005</td>
<td>Armaments Corporation of South Africa, Limited Amendment Act, 2005</td>
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</tbody>
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### SCHEDULE 2

**(Section 1(2))**

<table>
<thead>
<tr>
<th>No. and year of law</th>
<th>Short title</th>
<th>Extent of amendment</th>
</tr>
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<tbody>
<tr>
<td>Act No. 207 of 1993</td>
<td>Castle Management Act, 1993</td>
<td>Section 7 of the Castle Management Act, 1993, is hereby amended by the deletion of paragraph (f).</td>
</tr>
</tbody>
</table>
CPR OF THE KHOISAN SOLDIERS WERE SUBMITTED - According the Certified Personnel Register (CPR) – The submission of Personnel Registers to be provided in terms of section 16 (3) (b) of the Transitional Executive Council Act, 1993. Section 224 (2) of the 1993 Interim Constitution and section 3 of Annexure D of Schedule 6 of the 1996 Constitution.

AND THE

Tool Category C: Military Measures

7. Amnesty to Integrate/Restructuring of the Khoisan Soldiers into the new SANDF

Description

Amnesty for the Integration or restructuring of the Khoisan soldiers means adding or expanding the representation of ethnic, regional, and political groups into a nation’s armed forces by deliberately increasing recruitment of previously under-represented groups, by absorbing Khoisan Soldiers who were excluded since 21 April 1994 into the national army, or by combining multiple forces to create a new, unified armed force by including the Khoisan soldiers as the 8th non–statutory force according history.

Integrating or restructuring Khoisan soldiers can have one or more objectives:

To turn the military into a more national institution by making both the officer corps and ranks more representative of the country's population by including the left out Khoisan soldiers of the armed of the Khoisan Nation Self Defence Unit of South Africa. The striking force for Khoisan people.

Objectives

To make the military more loyal to the state and less subject to regional, ethnic, or personal interests.

To help allay security fears of previously unrepresented group the Khoisan soldiers who feel the military is unresponsive to their security needs and have suffered abuse from the common enemy that was the racist minority which identifies with and gives aid to the National Party regime, the creator and driving force of apartheid.

Expected outcome or impact

Integration of Khoisan soldiers can contribute to reconciliation, political legitimacy, enhancing the security of all major groups, and to preventing future conflicts when accompanied by political restructuring and other steps to address grievances.

Restructuring the ethnic/political/regional balance of SANDF to be more representative of the state's citizens can contribute to social cohesion and nation-building, which in turn favor conflict prevention. "In societies deeply divided by race, ethnicity or other primordial affiliations, the composition of the inclusion of the Khoisan soldiers is of vital importance to the state and its inhabitants."
The Khoisan Soldiers composition can be an explosive issue in an ethnically polarized society. On the other hand, to integrate the Khoisan soldiers is potentially less provocative—both in action and in perception—especially when the military enforce internal security.

In a state with high tension between other non statutory force member that were also excluded from the integration process, deliberate successful integration of the Khoisan soldiers can help reduce the perceived threat to each other and contribute to reconciliation. In other cases, coexistence of a SANDF with various non-government armed force etc. the Khoisan Nation Self Defence Unit is potentially destabilizing.

Implementation

Efforts at restructuring the SANDF occur at the national level. The process must be approved by the national government. Chances for success are increased when the process gains approval from SANDF Leadership, the Ministry of Defence as well as the Presidency. External leaders can assist in planning, design, implementation and funding.

Participants

Merging the Khoisan soldiers involves integrating former combatants and soldiers of the Khoisan Nation Self Defence Unit of South Africa with different training traditions, organization, rank and leadership structures, procedures, weapons, and political ideologies. Expanded recruitment may be accompanied by a policy of unbiased promotion or even affirmative action so all ranks become more balanced, including the command structure.

The first step is for the Ministry of Defence, SANDF and the Khoisan Nation Self Defence Unit to begin negotiating the terms and procedures of force integration and restructuring. The negotiation process must be ongoing and continue throughout the implementation period as unforeseen issues arise and circumstances change.

Activities

The negotiation process could possibly be assisted by holding an informal conference on the nature of the new SANDF, to be attended by the National Office Bearers of the Khoisan Nation Self Defence Unit, The Ministry of Defence and delegation of the SANDF. Attendees would be tasked with working on joint proposals and broad agreements on aspects of the new SANDF by including the Khoisan Soldiers, such as the type of force and its primary roles and characteristics, political boundaries and guidelines, accountability to parliament, and its subordination. Even more contentious issues such as size and proportions of representation can wait for more formal negotiations.

The Khoisan Nation Self Defence Unit of South Africa will accept having their
members integrated into the SANDF. They are likely to be sensitive to being "absorbed" into the existing government army, and will likely favor having all forces join a new, SANDF with a new mission and doctrine. Civil and military parties negotiate and establish procedures for follow-through on issues such as:

The Khoisan soldiers to include on the basis of amnesty to integrate.

Overall force strength and the representation of Khoisan soldiers. Various schemes can be worked out, such as percentage for Khoisan soldiers, or proportional representation according to the population of Khoisan people. There may be agreement to an initially low percentage of the Khoisan soldiers, to be increased by a certain rate in coming years.

How senior positions and commands in the integrated SANDF will be distributed—rank structure, rank proportions from the Khoisan Nation Self Defence Unit of South Africa, and procedures and criteria for converting the rank of each group's members (especially from non-government force). Rank representation and conversion will be a flashpoint for discord. To increase representation at all ranks, including the command structure, requires a policy of unbiased promotion and possibly affirmative action of the Khoisan soldiers. The two sides may agree that for the first few years, command of most or all major units will be held by professionally trained officers.

Interim security—decisions must be made as to how the country’s internal and external security will be maintained during the integration and possibly demobilization process for Khoisan soldiers into the SANDF. One alternative is to deploy an international peacekeeping force.

Personnel screening and selection criteria (professional qualifications) applicants must meet, such as military or job experience, literacy, education, age, health standards, physical characteristics, criminal record, and human rights record. These criteria can be divisive and are less straightforward than first appears. The more conventional (especially former government) forces will favor formal education and formal military training, especially for officers, while members of the unconventional forces will insist on the merits of their alternative military training and skills and protest that having had to disrupt formal education while serving their cause (or being denied such opportunities for political and socioeconomic reasons) should not disqualify them from future military service.

A sustained effort to promote a sense of common purpose and achievement.

Training, instruction and operations in a common language whenever possible.

Merging the Khoisan soldiers into the new SANDF is generally very expensive and frequently requires generous international assistance, including finances, training, organization and equipment.
Cost considerations

Successful integration and restructuring requires an agreed-upon institutional entity or arrangement to administer and manage funds for the SANDF restructuring process. In addition, integration requires trainers, training facilities and training materials for the new khoisan troops; basing facilities, uniforms, equipment, and pay and benefits for the expanded force; a pension system for retired soldiers; a demobilization and reintegration program; and a rigorous, transparent ranking system based on the SANDF fact file of 30 April 2011 and the Censor document of October 2011, Coloureds (Khoisan) VS Whites.

Other resource considerations

An informed third party actor such as a foreign military presence perceived as relatively neutral is helpful to smooth over deep differences of interest and procedures such as selection criteria and decisions on rank conversion, and to assist with training and needed equipment.

Set-up time

A properly designed and managed restructuring program takes several months to over a year to negotiate and plan and can take several years to fully implement. For 22 years already the Khoisan soldiers became prisoners of hope to integrate into the SANDF.

Timeframe to see results

Even with a lengthy set-up time, indications that military integration efforts are being undertaken in good faith can be very helpful to reconciliation and serve as a confidence-building measure long before the actual process is complete. It can take a long time to train personnel from the new groups up to professional military standards, especially those becoming officers. It has been requested for Khoisan soldiers to integrate on 01 April 2017.
The integration of Khoisan soldiers generally requires a comprehensive peace accord. Integrating Khoisan soldiers into an existing force is favored by negotiations and security guarantees. The two principal groups need to have at least minimal confidence in the other, and a minimal sense of physical security in serving alongside each other.

Prerequisites

The khoisan minority believe that its members’ physical security will be protected in joining the new SANDF.

Strengths

Efforts to build the new SANDF out of government and Khoisan soldiers following application for amnesty for the integration of Khoisan soldiers into the SANDF applied to President Zuma JG on 08 February 2016, because of the termination of the integration intake act 44 of 2001 and prescript law (court case lost by Khoisan soldiers to integrate into the SANDF.

The need for integration must be identified by senior military and political leadership of the current government under the leadership of President Zuma JG.

The integration process requires commitment by the South African Government as well as the National Office Bearers of the Khoi San Nation Self Defence Unit of South Africa to implement the goals set out in the accord.

The Khoisan Nation Self Defence Unit will accept whatever the Ministry of Defence or the Leadership of SANDF will put on the table.

Force integration should accompany but cannot take the place of national reconciliation and a restructuring of the political process.

CONCLUSION

We hope this category tool has indicated that the progress of amnesty to integrate is neither as good as you would wish but not as bad as the pessimists say. The latter can often unfairly blame integration as the reason for shortcomings in Defence capabilities elsewhere and take little heed of the other contributory factors like limited funding.

We have been encouraged by the impetus since our application letter for amnesty to integrate into the SANDF for Khoisan soldiers on 08 February 2016 to President Zuma JG, Minister of Defence & General S. Shoke (Chief of the SANDF): there have definitely been foxes running around inside the hen house since then! Amnesty to integrate into the SANDF should also provide additional impetus to progress the final intake before the integration gate closes for the second time around for the Khoisan Soldiers.

We believe it is also important to record the contribution of the unsung heroes and heroines of the peace. I suspect that the President, Ministers, Generals, and all sorts of other agencies could do all within their power to
make integration of the Khoisan Soldiers on the basis of amnesty a success but without the compliance - willing or passive - of the vast majority of the ordinary SANDF members, for less would have been achieved and far more setbacks have resulted.

Like Service personnel in most professional forces, the majority has simply got on with the task in hand, even if they have moaned beneath their breath! Most of the disaffected or obstructionist factions have left and once all parties turn their loyalty totally to SANDF instead of their former forces, there will be a sound base upon which to build further. We wish you all the very best of luck with your entire Endeavour’s in the future. A special thanks to President Zuma JG and the South African Parliament for recognizing the Khoisan people.
THE KHOISAN NATION SELF DEFENCE UNIT FOLLOWED THE CORRECT PROCEDURES TO APPLY FOR AMNESTY FOR THE INTEGRATION OF KHOISAN SOLDIERS INTO THE SANDF.

After calls for integration and the re–instatement of act 44 of 2001 were unsuccessful and the repeal of the integration acts signed into law by President Zuma on 15 December 2015, the Khoisan Nation Self Defence Unit applied for amnesty for the integration of Khoisan Soldiers. Which was the only option to bypass the termination of the integration act 44 of 2001, the prescript law (court case lost by Khoisan soldiers to integrate in the SANDF and the repealed of the integration acts, which bound SANDF not to open integration to any member, group or organization.

Even questions addressed to the Minister of Defence previously, regarding integration, it was stated the termination of the integration intake act 44 of 2001 does not allow any group, individual or organization to integrate after December 2001. 

According amnesty cases paragraph 27 of THE FINAL INTEGRATION REPORT TO THE JOINT STANDING COMMITTEE ON DEFENCE SITTING AS THE PARLIAMENTARY INTEGRATION OVERSIGHT COMMITTEE (PIOC) 2003

Sixteen members who were granted amnesty and released from imprisonment and who had applied and conformed to all laid down criteria, were integrated in November 2002. Base on this evidence the Khoisan Nation Self Defence Unit was very grateful to follow the correct procedure and applied to President Zuma JG for amnesty for Khoisan Soldiers to integrate into the SANDF on 08 February 2016.

All praises to All Mighty God who gave us the wisdom to address the injustice of the Khoisan Soldiers by following the correct procedures. The patience of the Khoisan soldiers were not endless, for 22 years they became prisoners of hope. The time has come not to hope but to put our trust in God and look at the things we cannot see.
National Office Bearers (NOB) of the Khoisan Nation Self Defence Unit

**General** Andrew Pieterse – 0834942383  pastorpieterse@gmail.com
**Lt. General** Dannyboy Pieterse – 0760462401  dannyboy.pieterse@vodamail.co.za
**Lt. General** JD Hop – 0613769833  homesquare.jd@gmail.com
**Lt. General** G. Damon - 0837561876  gdamon0207@gmail.com

Highest decision making of the Khoisan Nation Self Defence Unit

**General** A Pieterse  **Lt. General** JD Hop  **Lt. General** D Pieterse  **Lt. Gen** G. Damon

TOP FOUR
National Executive Committee (NEC) – 2nd highest Command

Lt. General Dannyboy Pieterse
General Andrew Pieterse
Lt. General JD Hop
Lt. General A Maku – 0825631951 / 0766241526 maku01@iburst.co.za
Lt. General G Damon
Maj. General JJ Abrahams - 0789884999 andresvaas@gmail.com
Maj. General Basil Arendse – 0735232557 basilarendse@gmail.com
Maj. General I. Lawson - 0619076850
Maj. General P. Carolus - 0793726113 philmon.carolus037@gmail.com
Lt. General Jooste - 0763596302
Brig. General SP Bosman - 0632357650 spbosman@gmail.com
Lt. General Frieselaar – 0781293443 frieslaar47@gmail.com
Brig. General Shelley Stallenberg (Chaplin) – 0845507363 stallenberg.shelley@gmail.com
Brig. General Isaac Hartnick – 0730885494 isaachartnick@gmail.com
Brig. General Swartz (Worcester) 0632063504
Brig. General Jacobs (Jakes) - 0716337316
Lt. General Petrus Jakobs (Montegue) petrusjakobs@gmail.com
Brig. General Reggie Somers reggie@pav.co.za
Maj. General Cupido Philander – 0749609009 cupidophilander01@yahoo.co.za
Florence Daniels – 0780325421
Lt. General Jonkers
Maj. General J. Haarder
Maj. General Arendse
National Working Committee (NWC) – 3rd highest Command

Brig. General Andre Snyman (Robertson) andresvaas@gmail.com
Brig. General Abraham. Adams (Robertson)
Brig. General Freddie Maans - 0632242526
Maj. General Arnold - 0837163324 chanman.est@gmail.com
Brig. General Paul Titus (Chaplin) – 0739676389
Maj. General M. Wentzel - 0216968693 monamjw@gmail.com
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Maj. General Richard Mentoor – 0725156502 Rmentor39@gmail.com
Lt. General Melvin Peter De Wee – 0613989288/ 0783610738 melvindewee1@gmail.com
Maj. General Figg - 0827378942
Maj. General Benting – 0735637704 selwynbenting60@gmail.com
Maj. Gen Geldenblom – 0727134075 Rmentor39@gmail.com
Brig. General M. Mentoor – 0725156502 Rmentor39@gmail.com
Master Chief Warrant Officer Adam De Vos – 0723503159 adam.devos@dc.gov.za
27. Sixteen members who were granted amnesty and released from imprisonment and who had applied and conformed to all laid down criteria, were integrated in November 2002.

28. Amnesty case members whose names do not appear on the NSF CPRs could not be considered for Integration or demobilization.

Reference: FINAL INTEGRATION REPORT TO THE JOINT STANDING COMMITTEE ON DEFENCE SITTING AS THE PARLIAMENTARY INTEGRATION OVERSIGHT COMMITTEE (PIC0) – 2003 PRESENTED BY DEPARTMENT OF DEFENCE: APPENDICES A-C REPRESENTATION OF FACTS CONTAIN IN REPORT (S. NYANDA)
CHIEF OF THE SA NATIONAL DEFENCE FORCE: GENERAL May 2003
SECRETARY FOR DEFENCE: DIRECTOR GENERAL

PLEASE TAKE NOTE - THE KHOISAN NATION SELF DEFENCE UNIT IS NOT BUILD ON THE LEADERSHIP OF ONE PERSON BUT BY MAJORITY OF THE EXECUTIVE COMMITTEE OF THE ORGANIZATION
THE KHOISAN NATION SELF DEFENCE UNIT DON’T SEEK MILITARY BENEFITS BUT RATHER AMNESTY TO INTEGRATE INTO THE SANDF APPLIED TO PRESIDENT ZUMA JG ON 08 FEBRUARY 2015

THE KHOISAN SOLDIERS WERE THE 8TH FORCE THAT WAS EXCLUDED FROM THE SANDF INTEGRATION PROCESS SINCE 21 APRIL 1994

More Generals of the Khoisan Nation Self Defence Unit of South Africa

Lt. Gen. Frieslaar

Maj. General Lindon Pieterse
Maj. General Fick

Maj. General Cupido Philander

Brig. General Adams

Brig. General Williams
Chaplin Brig. Gen Meyers  Brig. General F. Maans
I was that which others did not want to be

I went where others feared to go, and did what others failed to do

I asked nothing from those who gave nothing and reluctantly accepted the thought of eternal loneliness.......should I fail

I have seen the face of terror, felt the stinging cold of fear and enjoyed the sweetest taste of a moment's love

I have cried pained and hoped but most of all I lived times others would say were best forgotten

At least someday I will be able to say I was proud of what I was.......a soldier: amnesty to integrate into the SANDF for khoisan soldiers

Andrew Pieterse (Commander & Chief)
Khoisan Nation Self Defence Unit of SA
04 August 2014

Pieterse D
dannyboy.pieterse@vodamail.co.za

Dear Mr/Ms

We acknowledge receipt of your correspondence dated 30 July 2014 for the re-implementation of the integration intake act 44 of 2001 to integrate into the SANDF.

Your query has been logged onto the Presidential Hotline system and your reference number is INC0000005771952. This reference number will be required when you make a follow up on your logged call.

The Presidential Hotline Service Desk is available on our toll free number: 17737 on Monday to Friday from 06:00 to 22:00, excluding public holidays. Alternatively, you can send a follow-up e-mail to president@po.gov.za or a fax to: 086 681 0987.

With kind regards

Shongile Maklangu (Ms)
Presidential Hotline
Department of Performance Monitoring and Evaluation
The Presidency
Pretoria
Fax: 086 675 7335
www.thepresidency-dpme.gov.za
E-mail: President@po.gov.za
002

Ref: 5771952
Dear Mr Pieterse

KHOISAN SOLDIERS

As directed by the Minister of Defence and Military Veterans, receipt is acknowledged of your Proposal for Integration of Former Khoisan Soldier within the SANDF.

Yours faithfully

(DR M D GUMA)
LIAISON & STAKEHOLDER MANAGEMENT : CHIEF DIRECTOR
AdL/337325
3 December 2014

For attention:
Mr Dannyboy Pieterse
National Khoisan Kingdom Self Defence Unit
18 Vrede Road
Norfolk Park
Steenberg
7945

Dear Mr Pieterse

RE: ACKNOWLDGEMENT OF RECEIPT AND PENDING MEETING REQUEST

Ongoing communication between your office and the Portfolio Committee on Defence and Military Veterans refers.

This letter seeks to confirm that all information submitted for the attention of the Chairperson of the Portfolio Committee on Defence and Military Veterans has been received by its secretariat. The information is also currently receiving the attention of the chairperson, Mr MS Motimele, MP.

Unfortunately, owing to the workload of the committee and the demands of the Parliamentary programme, a meeting with the chairperson could not be scheduled in 2014. While Parliament is currently in recess, a detailed response to correspondence submitted including confirmation of a meeting date for early in the first quarter of the next Parliamentary term (27 January to 27 March 2015) will be forwarded to your office in due course.
In the meantime, for further inquiries, please do not hesitate to contact the Portfolio Committee on the details provided above. Please note that the office will be closed from 15 December 2014 to 02 January 2015.

Sincerely

Mandy Balie
Committee Secretary: Portfolio Committee on Defence and Military Veterans
From: Mandy Balie [mailto:mbalie@parliament.gov.za]
Sent: Monday, March 09, 2015 5:48 PM
To: Dannyboy Pieterse
Cc: Rethoma Michaels
Subject: Re: REQUEST A MEETING

Dear Mr Pieterse

As per our earlier conversation, please note that the requested meeting has been scheduled for 10h00 tomorrow morning in V151, 1st Floor, Old Assembly Building.

Please contact either me (on 079 9004796) or Rethoma Michaels (083 709 8429 /021 403 3050).

Regards

Mandy Balie

From: Mandy Balie [mailto:mbalie@parliament.gov.za]
Sent: Monday, March 09, 2015 9:01 AM
To: Dannyboy Pieterse
Cc: Rethoma Michaels
Subject: Re: REQUEST A MEETING
Mr D Pieterse
18 Vrede Road
Norfolk Park
Steenberg
7945

Dear Mr Pieterse

COMPLAINT: OTHER: INTEGRATION MR D PIETERSE

1. Your complaint received on 30 September 2014 refers.

2. Please quote the following case reference number: 0146/14-15 in all future correspondence or telephonic enquiries with this office.

3. The issues raised in your complaint were assessed and it was established that they do not fall within the mandate of the Military Ombud to investigate.

4. In terms of section 4(a-d) of the Military Ombud Act 4 of 2012, the mandate of the office is restricted to investigate complaints from members and former members of the Defence Force regarding their conditions of service, or a member of the public regarding the official conduct of a member of the Defence Force.

5. You are a member of the public and the substance of your complaint does not relate to official conduct of a member.
COMPLAINT: OTHER: INTEGRATION MR D PIETERSE

6. As a result of the above the Military Ombud will not be able to investigate your complaint.

Yours faithfully,

[Signature]

LT GEN (Ret) T.T. MATANZIMA
MILITARY OMBUD
DATE: 24 APR 2015
14 May 2015

Mr Dannyboy Pieterse
18 Vrede Road
Northfolk Park
Steenberg
7945

By email: dannyboy.pieterse@vodamail.co.za

Dear Mr Pieterse

APPLICATION FOR INTEGRATION OF KHOISAN PEOPLE INTO THE SANDF

Thank you for your submission to Parliament with regards to your concerns about the integration of Khoisan people into the South African National Defence Force (SANDF).

Your submission has been referred to the Portfolio Committee on Defence and Military Veterans for consideration from the perspective of its mandate. The committee will liaise with you in due course.

Yours sincerely

[Signature]

B Mbete MP
Speaker of the National Assembly
For attention:
Mr D Pletsera
Khoisan Nation Self Defence Unit

Dear Mr Pletsera

RE: INTERGRATION OF FORMER KHOISAN SOLDIERS

Ongoing communication between our offices refers.

Unfortunately, owing to prior commitments, I am unable to meet with your organisation at this time. Please be assured that matters and concerns you have raised in written correspondence submitted to the Portfolio Committee on Defence and Military Veterans and raised with me during a previous meeting, are receiving the necessary attention.

For further enquiries, please do not hesitate to contact my office using the contact details provided above.

Sincerely

Mr MS Motimele, MP
Chairperson: Portfolio Committee on Defence and Military Veterans
Dear Mr. Pieterse,

APPLICATION FOR INTEGRATION OF KHOISAN PEOPLE INTO THE SANDF

1. Above matter refers.

2. Chief of the South African National Defence Force (C SANDF) hereby acknowledges receipt of your correspondence. Your attention is drawn to your unsuccessful court attempt to have Khoisan people integrated.

3. All former Statutory and Non Statutory forces were integrated, and integration process was / is deemed complete.

4. C SANDF considers the matter finalised.

(TEGRADIER GENERAL T. C. MOKHOSI)
CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE: GENERAL
"AS DIRECTED"
Your reference:
Our reference: 7/2/1/25H

Mr Dannyboy Pieterse
Khoisan Nation Self Defence Unit
Khoisan Nation Self Defence Unit
18 Vrede Road Norfolk Park
STEENBERG

Dear Mr Pieterse

APPLICATION FOR INTEGRATION OF KHOISAN SOLDIERS INTO THE SANDF WHO WERE EXCLUDED SINCE 21 APRIL 1994 AND OTHER NON-STATUTORY FORCE MEMBERS

Your letter attached to the electronic mail dated 6 October 2015, refers.

In the letter, the Khoisan Nation Self Defence Unit (KNSDU) requests the South Africa Law Reform Commission (SALRC) to assist it in dealing with the issue of integration into the South African National Defence Force (SANDF). In response to this request it is important to note two important issues. In the first instance the mandate of the SALRC in terms of its Act (the South African Law Reform Commission Act 19 of 1973) should be explained and secondly, the role of the SALRC in its investigation dealing with Project 25 Statutory Law Revision: the review of the legislation administered by the Department of Defence, should be put into perspective.

With reference to the first matter it must be borne in mind at the outset that the SALRC is only a statutory advisory body. It therefore cannot amend, review or repeal a piece of legislation. Its role is one of research, reporting of its findings after a consultative process has been embarked upon and concluded. As explained below the SALRC was established to undertake investigations and make recommendations to advise Government on matters of law reform.

In essence the SALRC is an advisory body established to advise government on the renewal and improvement of the law of South Africa on a continuous basis, including –
• the repeal of obsolete or unnecessary provisions;
• the removal of anomalies;
• the bringing about of uniformity in the law in force in the various parts of the Republic; and
• the consolidation or codification of any branch of the law.

We have also noted that during the second reading debate on the Defence Laws Repeal and Amendment Bill, B7 of 2015 on 8 September 2015, Minister Mapisa-Nqakula, Minister of Defence and Military Veterans referred to this issue as being finalised. On 5 October 2015 as per the KNSD’s letter, the Chairperson of the Portfolio Committee on Defence and Military Veterans requested the KNSDU to refer their application to the Minister of Defence and Military Veterans for consideration. For this reason the documents forwarded to the SALRC will in turn be forwarded further to the Minister of Defence and Military Veterans for her attention.

We are of the view that the application by KNSDU concerns a political issue and it is not a matter which falls within the mandate of the SALRC. It is thus a matter which must be taken up with the Department of Defence as advised by the Chairperson the Parliamentary Portfolio Committee on Defence and Military Veterans.

Kind regards

Tshisamphiri N Matibe
SECRETARY: SOUTH AFRICAN LAW REFORM COMMISSION
Date: 14 October 2015
From: Gurshwyn Dixon [mailto:gdixon@parliament.gov.za]
Sent: Friday, November 20, 2015 11:30 AM
To: Moloi Geraldine
Cc: Hilton.Klein@dod.mil.za; philmoncarolus037@gmail.com; Matibe Nelson; Dannyboy Pieterse
Subject: Re: FW: SUBMISSION FOR COMMENTS ON THE DEFENCE LAWS REPEAL AND AMENDMENT BILLS

Dear Ms Moloi,

We have received same comments from Mr Pieterse but herewith acknowledge receipt with thanks.

Kind regards,

Gurshwyn Dixon
Committee Secretary: SC Security and Justice
30 November 2015

Mr Dannyboy Pieterse  
General Secretary  
Khoisan Nation Self Defence Unit  
Per email: dannyboy.pieterse@vodamail.co.za

Our Ref.: WC/1516/Mr Pieterse/30 November 2015

Dear Sir

RE: YOUR ENQUIRY

The above and the telephone call between Ms Z. Nair, Senior Legal Services Officer, and yourself earlier this morning refers.

The South African Human Rights Commission (Commission) confirms that it had received a similar complaint to the one lodged by you on behalf of the Khoisan Nation Self Defence Unit, from members of the South African Coloured Corps (SACC). In this regard and as advised during the aforementioned telephone conversation that the Commission had previously engaged with a Professor E. van Harte, regarding the complaint lodged by the SACC. In terms of the advices of Professor van Harte and with reference to the allegations that the Coloured Corps had been excluded from the demobilisation process, the Commission confirms Professor van Harte’s advices that this issue is to be addressed to the Minister of Defence and Military Veterans for further attention and interaction with the President. Professor van Harte had at that time advised the Commission that she would inform the Minister that an enquiry had been lodged with the Commission.
The Commission confirms your advice during the telephone conversation, that you had forwarded correspondence to the Minister’s office (amongst others) but that you have not received feedback in this regard. Accordingly the Commission advises as discussed, that in view of the alleged lack of service delivery, that you may lodge a complaint with the Office of the Public Protector, Cape Town, for further advice/investigation. Please note that contact details as follows:

Provincial Representative: Ms Suné Griessel
Physical Address: 4th Floor
51 Wale Street/Eree Street
Cape Town
Tel: (021) 426 8644
E-mail: suneg@pprotect.org
Fax: (021) 423 8708

The Commission accordingly confirms that it will close your enquiry herein.

As further discussed, kindly be advised that the Commission will be hosting a national hearing following receipt of complaints from the Khoisan community. The Western Cape part of the hearing will take place in Cape Town during the course of next week. In this regard, kindly be advised that a formal invitation will be sent to you, by the head office of the Commission, for your attendance.

Yours sincerely

Ms Zena Nair
Senior Legal Services Officer

Mr KS Singh
Provincial Manager

Chairperson: H I Muchwana; Deputy Chairperson: P Govender; Commissioners (Part-Time): J Love, D Titus;
Commissioners (Full-Time): B Malatji, L Nokate; M S Ameemia
Chief Executive Officer: I. Khumalo

BY E-MAIL

Mr D Pieterse
Khoisan Nation Self Defence Unit
18 Vrede Road
Norfolk Park
STEENBERG
7945

Dear Mr Pieterse

YOUR COMPLAINT: UNDUE DELAY TO INTEGRATION YOUR MEMBERS INTO THE SOUTH AFRICAN NATIONAL DEFENCE FORCE

We refer to the above matter and your complaint which was received by our office on 16 October 2015.

1. The Complaint

In your complaint you allege the following:
1.1 That you are members of the Khoisan Nation Self Defence Unit.

1.2 That you are registered as an NPO and your work to the organization is voluntary.

1.3 That the majority of your members are all former soldiers that served the SANDF but were not part of the SANDF integration process.

1.4 That no CPR was submitted on behalf of the Khoisan soldiers/Cape Corps according Certified Personnel Register (CPR) - The submission of Personnel Registers to be provided in terms of section 16 (3) (b) of the Transitional Executive Council Act, 1993.

1.5 That no one was dismissed. They either resigned or completed their military services and were not offer permanent employment as the integration process perpetuates a situation where the 7 forces that benefited during the SANDF integration process since 21 April 1994.

1.6 That the Khoisan Soldiers/Cape Corps made up the 8th force that was excluded since 21 April 1994 in the SANDF integration process.

1.7 That your view is that in order for all 8 forces to enjoy equal opportunities and benefits the best way is to provide for a proper legal basis by enacting a legislation to bring it in totally in line with the constitution and to amend the termination of the integration intake bill of 2001,

1.8 That you are a former soldier but you resigned and are currently employed by the Department of Correctional Services.

1.9 That your work to the Khoisan Nation Self Defence Unit is totally voluntary, because all of your members were victims of organizations who requested money for integration into the SANDF, and
1.10 That you utilized your skills on what organization did wrong and submitted research that was evident that the Khoisan Soldiers were excluded from the SANDF integration process.

2. **Mandate of the Public Protector**

2.1 Section 182(1) of the Constitution states that the Public Protector has powers to investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged to be improper or to result in any impropriety or prejudice.

3. **Issues for investigation as per your complaint**

The following issue was investigated by the Public Protector:

3.1 Undue delay on the part of the South African National Defence Force (SANDF) to integrate members of the Khoisan Nation Self Defence Unit during the integration process which took place in April 1994.

4. **Whether the SANDF did fail to integrate your members into the SANDF**

Subsequently, we directed a communication to the South African National Defence Force and invited them to respond to your complaint.

We received a response from the SANDF dated 05 February 2016 which stated as follows:-

“The position of the SANDF is the same as the response given to other groups in similar position as the Khoisan Nation Self Defence Unit. The Integration process was closed in terms of Legislation (Termination of Integration Intake, 2001). This was also confirmed by the Judgment of the
High Court (Case No. 41202). The view of the Department of Defence has not changed.

5. Methodology adopted by the Public Protector in relation to investigating your complaint.

5.1 The process that the Public Protector follows in its investigations is as follows:
5.1.1 What happened;
5.1.2 What should have happened;
5.1.3 Is there any discrepancy between what happened and what should have happened; and
5.1.4 In the event that there is, whether it is possible to place the Complainant in the position he was had it not been for the conduct of the state institution concerned.

6. Applicable legislation and prescripts

6.1 The Interim Constitution of the Republic of South Africa, 1993

Section 224 prescribes the establishment of the National Defence Force.


The National Defence Force is hereby established as the only defence force for the Republic.

The National Defence Force shall at its establishment consist of all members of:-

The South African Defence Force;

Any defence force of any area forming part of the national territory; and
Any armed force as defined in section 1 of the Transitional Executive Council Act, 1993 (Act 151 of 1993), and whose names, at the commencement of this Constitution, are excluded in a certified personnel register referred to in section 16(3) or (9) of the said Act: Provided that this subsection shall not apply to members of any such defence or armed force if the political organization under whose authority and control it stands or which it is associated and whose objectives it promotes did not take part in the first election of the National Assembly and the provincial legislatures under this Constitution.

Save for the National Defence Force, no other armed force or military force or armed organization or service may be established in or for the Republic other than:-

As provided for in this Constitution;
A force established by or under an Act of Parliament for the protection of public property or the environment; or
A service established by or under law for the protection of persons or property.

6.2 Termination of Integration Intake Act, 44 of 2001

Section 3 Termination of Integration Intake

3(1) Every member, except a member referred to in section 4, must enter into an agreement with the National Defence Force on or before the date referred to in section 236(8)(d) of the Interim Constitution.

Section 5: Amendment of Section 236 of the Interim Constitution, 1993. Section 236 of the Interim Constitution is amended by the substitution in subsection (8) for paragraph (d) of the following paragraph:
Any armed force as defined in section 1 of the Transitional Executive Council Act, 1993 (Act 151 of 1993), and whose names, at the commencement of this Constitution, are excluded in a certified personnel register referred to in section 16(3) or (9) of the said Act: Provided that this subsection shall not apply to members of any such defence or armed force if the political organization under whose authority and control it stands or which it is associated and whose objectives it promotes did not take part in the first election of the National Assembly and the provincial legislatures under this Constitution.

Save for the National Defence Force, no other armed force or military force or armed organization or service may be established in or for the Republic other than:-

As provided for in this Constitution;
A force established by or under an Act of Parliament for the protection of public property or the environment; or
A service established by or under law for the protection of persons or property.

6.2 Termination of Integration Intake Act, 44 of 2001

Section 3 Termination of Integration Intake

3(1) Every member, except a member referred to in section 4, must enter into an agreement with the National Defence Force on or before the date referred to in section 236(8)(d) of the Interim Constitution.

Section 5: Amendment of Section 238 of the Interim Constitution, 1993.
Section 238 of the Interim Constitution is amended by the substitution in subsection (8) for paragraph (d) of the following paragraph:
(d) “The continuance of membership of members of the South African national Defence Force referred to in section 224(2)(c) shall be subject to such members entering into an agreement for temporary or permanent appointment with the South African National Defence Force [within a reasonable time] on or before 31 March 2002: Provided that such agreements shall be in accordance with normal employment policies and terms and conditions of service”.

6.3 The High Court ruling of 30 March 2012 (Case No. 41202/2010)

Judge Mavundla in this case concluded that applicants (Khoisan Kingdom All People Party) were seeking an audience of the Minister of Defence to discuss the fate and integration of its left-out members into the SANDF. However, there exist presently no legal framework in terms of which the respondent can integrate the left-out members of the applicant, due to Termination of Integration Intake Act No 44 of 2001.

The expectation of the applicants, in my view, cannot therefore be legitimate. The Applicants, in the absence of a legal framework to integrate them into the SANDF do not have a legal right to demand that they be heard.

6.2 Measuring the conduct of the SANDF against the rules

This is the stage where the conduct of the Department, based on the allegations levelled against it and their response to the allegations, gets measured as against the applicable law and prescripts. This is the stage where the question of “what should have happened” gets answered.

6.3 Whether the South African National Defence Force acted lawfully by failing to integrate your members
In terms of the response received from the SANDF and taking into account the legal prescripts discussed above, the refusal of the SANDF to integrate your members into the SANDF is lawfully justified.

7. Findings

Is there any discrepancy between what happened and what should have happened?

We could not establish any discrepancy on the part of the SANDF. The conduct of the SANDF cannot be construed as maladministration or as undue delay. The SANDF relied on legislation and the High Court Judgment in refusing to open the integration process for your members. Furthermore, this office cannot make any finding and take any remedial action that would be in conflict with the prevailing legislation and jurisprudence.

8. Remedial action

8.1 In the absence of any finding of wrong-doing on the part of the SANDF the issue of remedial action falls away.

9. Conclusion

In view of the aforementioned, we are therefore proceeding to close this complaint. However, in the event that you are not satisfied with this decision, please feel free to contact the Public Protector’s Review Unit on the following details:

1.1. Ms Neo Matlaxe – Email Address: neom@pprotect.org
1.2. customerservice@pprotect.org

Kind regards,
M V MAOKA (MR)
SENIOR INVESTIGATOR
ADMINISTRATIVE JUSTICE AND SERVICE DELIVERY

I concur with the submissions above

ADV J RAUBENHEIMER
CHIEF INVESTIGATOR
ADMINISTRATIVE JUSTICE AND SERVICE DELIVERY
Good morning Mr Pieterse

This serves to acknowledge receipt of you submission and wish to advise you that, it will be submitted to the committee for consideration. You will be advise on the outcome of the process of deliberations.

Kind regards

Pat Jayiya
Committee Secretary
Constitutional Review Committee
Parliament of RSA
Tel: 021 4033661
Fax 021 4032808/8249
Mobile 0814410345
Ref: 9/28/5/3 (446719) vol. 16 /2016 (ns)

23 February 2016

Mr Dannyboy Pieterse

Per E-mail: dannyboy.pieterse@vodamail.co.za

Dear Mr Pieterse

AMNESTY FOR KHOISAN SOLDIERS (CAPE CORPS) TO INTEGRATE INTO THE SANDF WHO WERE EXCLUDED SINCE 21 APRIL 1994 SANDF INTEGRATION PROCESS

We write to acknowledge with thanks receipt of your letter addressed to the President of the Republic of South Africa, His Excellency, Mr Jacob G Zuma.

We have perused the content of your letter and have forwarded it to the Ministry of Defence and Military Veterans as this is the Ministry that is best placed to engage with you. As such, we respectfully advise you to contact Ms Nozuko Gqirana-Woko, Appointment Secretary to Ms Nosiviwe Mapisa-Nqakula, Minister of Defence and Military Veterans, on telephone number (012) 355 6108 and e-mail address: Nozuko.Gqirana-woko@dod.mil.za

Kind regards

Mr Michael Louw
Director: Support Services

Enquiries: Mr Robert Ngobeni
Administrative Secretary: Support Services
Tel.: +27 12 300 5219 Fax: 012 333 6246/3231 E-mail: robert@presidency.gov.za
Ref: 9/28/5/3 (446719) vol. 16/2016 (ns)

07 March 2016

Mr Dannyboy Pieterse

Per E-mail: dannyboy.pieterse@vodamail.co.za

Dear Mr Pieterse

AMNESTY FOR KHOISAN SOLDIERS (CAPE CORPS) TO INTEGRATE INTO THE SANDF WHO WERE EXCLUDED SINCE 21 APRIL 1994 SANDF INTEGRATION PROCESS

We write to acknowledge with thanks receipt of your letter addressed to the President of the Republic of South Africa, His Excellency, Mr Jacob G Zuma.

Kindly note that your matter has been referred to the Department of Defence and Military Veterans and a response will be sent in due course.

Kind regards

MR Michael Louw
Director: Support Services
Ref: 9/30/1/2 (462180) vol. 177 /2016 (ns)

01 September 2016

Mr Dannyboy Pieterse
General Secretary
Khoisan Nation Self Defence Unit

Per E-mail: dannyboy.pieterse@vodamail.co.za

Dear Mr Pieterse

TELEPHONICAL CONVERSATION BETWEEN THE OFFICE OF THE
PRESIDENCY AND PASTOR ANDREW PIETERSE

We write to acknowledge with thanks receipt of your letter addressed to the President of the Republic of South Africa, His Excellency, Mr Jacob G Zuma.

We have perused the content of your letter and have forwarded it to the Ministry of Defence and Military Veterans as this is the Ministry that is best placed to engage with you. As such, we respectfully advise you to contact Ms Nozuko Gqiranana-Woko, Appointment Secretary to Ms Nosiviwe Mapisa-Nqakula, Minister of Defence and Military Veterans, on telephone number (012) 355 6108 and e-mail address: Nozuko.Gqiranana-woko@dod.mil.za

Kind regards

Mr Michael Louw
Director: Support Services

Enquiries: Mr Robert Ngobeni
Administrative Secretary: Support Services
Tel.: +27 12 300 3219 E-mail: robert@presidency.gov.za
Delegation of the Khoisan Nation Self Defence Unit Generals meet with the Gorachouqua Council
khoisan soldiers march to Parliament 06 February 2017
khoisan soldiers march to Parliament 06 February 2017
PLEASE TAKE NOTE! The Khoisan Nation Self Unit distances itself from those organizations who requested money to integrate into the SANDF. We were all victims of those organizations.

SIGNATURE OF DANNYBOY PIETERSE: GENERAL SECRETARY
10 February 2017

MARCH TO PARLIAMENT ON 06 FEBRUARY 2017

DOCUMENT RECEIVED BY THE MINISTRY OF DEFENCE – JOY PETER
Khoisan soldiers seek integration

VINCENT CRUYWAGEN

ABOUT 100 members of the Khoisan Nation Self Defence Unit seeking amnesty to integrate into the South African Defence Force (SANDF) marched to Parliament yesterday to hand over a memorandum to Defence and Military Veterans Minister Nosiviwe Mapisa-Nqakula.

The members are demanding the minister respond to their request as soon as possible.

Among those who marched were general secretary Dannyboy Pieterse and commanding officer Gen Andrew Pieterse.

The memorandum was received by the ministry's spokesperson, Joy Peter, who told the members the document would be forwarded to the minister.

The Khoisan Nation Self Defence Unit are demanding integration into the SANDF from April 1 on the basis of an amnesty they had applied for from President Jacob Zuma.

The Office of the Presidency referred their application to both the Ministry of Defence and the SANDF last year.

This process would address the alleged injustice the Khoisan soldiers suffered from the integration process into the SANDF since April 21, 1994.

“At this stage of the process we submit and will wait in anticipation for a response from the minister. Depending on the answer, our generals will meet to discuss our next plan of action.

“However, if our application is successful it will mean that our members can be absorbed into the SANDF and those on retirement can get a pension fund,” Pieterse said.

Presently there are more than 10,000 soldiers registered on the Khoisan Nation Self Defence Unit. Among them are members who were in dire need of medical aid and psychological help to heal the scars of the wars they carried with them. vincentc@thenewage.co.za
FEEDBACK FROM THE SPEAKER OF THE NATIONAL ASSEMBLY

HONOURABLE BALEKA MBETE REGARDING SUBMISSION

28 February 2017

Mr D Pieterse
18 Vrede Road
Northfolk Park
Steenberg 7945

By email: dannyboy.pieterse@vodamail.co.za

Dear Mr Pieterse

SUBMISSION FROM KHOISAN NATION SELF DEFENCE UNIT

Thank you for your submission dated 30 November 2016.

I note your appeal to Parliament to consider the budget proposal for the integration of Khoisan soldiers into the South African National Defence Force (SANDF), which you claim will be proposed by the Minister of Defence and Military Veterans in due course.

In line with the budgeting processes adopted by the National Treasury, it is the Department of Defence and Military Veterans that should formulate the budget with regard to the integration of the Khoisan Nation Self Defence Unit into the SANDF. The Department’s budget is then submitted as part of the national budget that is tabled in Parliament by the Minister of Finance. Thereafter, the relevant committees of Parliament will consider the Minister’s budget proposal.

I have sent your submission to the Minister of Defence and Military Veterans, and the Chairperson of the Portfolio Committee on Defence and Military Veterans.

Yours sincerely,

B MBETE MP
SPEAKER OF THE NATIONAL ASSEMBLY
Delegation of the Generals of the Khoisan Nation Self Defence Unit attended the Budget vote of the Minister of Defence and Military Veterans on 25 May 2017
Research Paper by Dannyboy Pieterse: Khoisan Nation Self Defence Unit:
18 Vrede Road Norfolk Park STEENBERG 7945, dannyboy.pieterse@vodamail.co.za,
pastorpieterse@gmail.com Cell: 0760462401/ 0834942383 NPO Registration - 160-055 NPO
Reference List

CODESA 1 AND 2 – 1991 -1992, Maj. 3SC Cupido


John X Merriman, Government entities feedback

Alexkor Ltd. And Another v the Richtersveld Community and Others, Constitutional Court Case 19/03, 14 October 2003


North Gauteng High Court Stanley George Matthee VS Minister of Defence case no 41202/2010

Arts and Culture Task Group (ACTAG) Heritage Sub-committee (1995) ACTAG policy proposals for heritage


THE KHOISAN NATION SELF DEFENCE UNIT REGISTERED
ON 08 OCTOBER 2015 AS AN NPO 160-055 NPO

AS THE 8TH NON – STATUTORY FORCE EXCLUDED FROM THE SOUTH AFRICAN NATIONAL DEFENCE FORCE INTEGRATION PROCESS SINCE 21 APRIL 1994 BECAME PRISONERS OF HOPE FOR 23 YEARS AND STILL EXCLUDED

PLEASE TAKE NOTE: KHOISAN SOLDIERS WERE ALL MEMBERS OF THE FORMER SOUTH AFRICAN CAPE CORPS WHO SERVED THE SOUTH AFRICAN DEFENCE FORCE

WE ARE NOT SEEKING MILITARY BENEFITS OR TO JOIN THE RESERVE FORCE, WE WANT TO INTEGRATE INTO THE NEW SOUTH AFRICAN NATION DEFENCE FORCE.

Research Paper by Dannyboy Pieterse : Khoisan Nation Self Defence Unit: 18 Vrede Road Norfolk Park STEENBERG 7945, dannyboy.pieterse@vodamail.co.za, pastorpieterse@gmail.com Cell.: 0760462401/ 0834942383 NPO Registration - 160-055 NPO
WITH RECOGNITION OF THE KHOISAN PEOPLE ON THE WAY, WE HOPE THAT THE KHOISAN SOLDIERS WILL FORM PART OF THE NEW SOUTH AFRICAN NATIONAL DEFENCE FORCE - SANDF

THANK YOU PRESIDENT JG ZUMA AND

THE SOUTH AFRICAN PARLIAMENT

06 JUNE 2017

KHOISAN NATION SELF DEFENCE UNIT MAKES UP THE 8TH NON STATUTORY FORCE TO BE INCLUDED INTO THE NEW SANDF