**NAMIBIA**

|  |
| --- |
| The indigenous peoples of Namibia include the San, the Nama, the Himba, Zemba and Twa. Taken together, the indigenous peoples of Namibia represent some 8% of the total population of the country.  The San (Bushmen) number between 27,000 and 34,000, and represent between 1.3% and 1.6% of the national population.[[1]](#endnote-1) They include the Khwe, the Hai||om, the Ju|’hoansi, the !Xun, the Naro and the !Xoo. Each of the San groups speaks its own language and has distinct customs, traditions and histories. The San were mainly hunter-gatherers in the past but, today, many have diversified livelihoods. Over 80% of the San have been dispossessed of their ancestral lands and resources, and are now some of the poorest and most marginalised peoples in the country.  The Himba number some 25,000. They are pastoral peoples, and reside mainly in the semi-arid north-west (Kunene Region). The Zemba and Twa communities live in close proximity to the Himba in north-western Namibia.[[2]](#endnote-2) The Nama, a Khoe-speaking group, number some 70,000.  The Constitution of Namibia prohibits discrimination on the grounds of ethnic or tribal affiliation but does not specifically recognise the rights of indigenous peoples or minorities. The Namibian government prefers to use the term “marginalised communities”, and no national legislation deals directly with indigenous peoples.[[3]](#endnote-3) Namibia voted in favour of the UN Declaration on the Rights of Indigenous Peoples when it was adopted but has not ratified ILO Convention No. 169. Namibia is a signatory to several other binding international agreements that affirm the norms represented in the UNDRIP, such as the African Charter on Human and Peoples’ Rights, the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, and the International Covenant on Civil and Political Rights (ICCPR).  In March 2015, the Division of San Development under the Office of the Prime Minister (established in 2009) was renamed Division for Marginalised Communities and shifted to the Office of the Vice-President. It is mandated to target the San, Himba, Zemba and Twa.[[4]](#endnote-4) |

**Participation and political representation**

General elections in Namibia were held on 28 November 2014 and the new President, Hage Geingob was sworn in on the 21 March 2015. A number of developments, initiated by the new government, bear positive potential for Namibia’s indigenous peoples: The Division: San Development under the Office of the Prime Minister was renamed Division: Marginalised communities and shifted to the Office of the Vice-President and a new ministry, the Ministry of Poverty Eradication and Social Welfare, was introduced. Most important, a San man, Hon. Royal /Ui/o/oo, was appointed as Deputy Minister for Marginalised Communities.

Though five San traditional authorities (TAs) have been recognised by the government, many San have no separate TA but fall under the traditional authorities of neighbouring groups. As a result, these San communities lack any form of political representation. In 2015, the Khwe community in the Bwabwata National Park in North-Eastern Namibia – have revitalised their struggle to choose their own TA to be recognised by government with advice from a Namibian NGO, the Legal Assistance Centre (LAC), but the process has not yet been completed.

Some of the recognised TAs are still facing serious complaints from their communities on issues including corruption, a lack of transparency, favouritism and nepotism. Nevertheless, San communities perceive the institution of traditional authority to be an important tool for making their voices heard.

Another representative body of San, the Namibian San Council, was established around 2006 with strong NGO support. This council currently consists of 14 members of various San communities in Namibia and is supported by various San students in Windhoek. It has the potential to play an important role for the San in Namibia in terms of representing their interests – especially given the perception of many San that their TAs are not fulfilling this responsibility. During 2015, the members of the San Council participated in three capacity-building workshops and formalised their organisation as a voluntary organisation. The San Council was officially launched on 17 November 2015.[[5]](#endnote-5) Whether the Namibian San Council can eventually become an important representative organization both nationally and internationally depends primarily on funding but also on coordination and management skills.

In 2015, efforts initiated by the Indigenous Peoples of Africa Co-ordinating Committee (IPACC) were continued to establish a Namibian Indigenous Peoples Advocacy Platform (NIPAP) comprising Himba, Nama and San representatives. This platform met twice in 2015 to identify focus areas and to develop a work plan for future work. At the moment, the lack of a local NGO able to organise the platform’s activities seems to be an obstacle for NIPAP to become a strong and united political voice for indigenous peoples in Namibia.

**Land**

In August 2015, Hai||om representatives from various areas have launched a court case in the name of the Hai||om which they hope will lead to the recognition and enforcement of their ancestral rights over Etosha National Park and the Mangetti area. The traditional territory of the Hai||om covered large parts of northern-central Namibia including the Etosha National Park and the Mangetti area. The representatives have asked the High Court to allow them to bring a class action lawsuit against Namibia’s government and various other parties with interests in the subject land.

If the application is successful, the applicants plan to lodge a case that would confirm the Hai//om’s ownership of the land comprising the park and some of its surrounds, and that would therefore allow them to either occupy and use the land, claim financial compensation or be awarded equivalent areas of land. Class action was hitherto not allowed in Namibia and the government intends to oppose the application. The matter will be heard on the 7th of April 2016. This case has the potential of immense impact on Namibia’s jurisdiction, both in terms of class action and in terms of claims to ancestral land.[[6]](#endnote-6)

The Division of Marginalised Communities under the Office of the Vice-President continued to address the land dispossession of San communities primarily with the purchase of resettlement farms, employing a group resettlement model. Two San communities in the Omaheke region are waiting for the promised resettlement, though in very remote areas, since 2013. The lack of infrastructure (especially the provision of water) is still impeding the resettlement of these two communities. In general, the lack of substantial post-settlement support, the remoteness of the resettlement farms and difficult access to public services, the lack of secure title and the uncontrolled influx of newcomers remain major challenges for the development of sustainable livelihoods of San communities on group resettlement schemes.

With regard to San living in conservancies on communal land, despite strong legal support from NGOs over the years, the San living in the N≠a Jaqna Conservancy and the Nyae Nyae Conservancy (Otjozondjupa region) have not yet been able to prevent outsiders from other ethnic groups from grazing their cattle on the land (Nyae Nyae) or erecting illegal fences (N≠a Jaqna). In N≠a Jaqna, the court decision was supposed to be taken in February 2015 but the case was postponed several times and no decision has been taken in 2015.

**Education**

San communities are the most disadvantaged ethnic groups in the education system and few San complete their secondary education.[[7]](#endnote-7)

Since 2013, primary education is for free and free secondary education is expected to start around 2016. It still needs to be seen (if data are available) whether this has a significant positive impact on the educational levels of indigenous peoples. In 2015, the Division for Marginalised Communities continued to support indigenous learners to enrol at various levels to improve their educational qualifications.[[8]](#endnote-8) However, San learners supported by the Division complained at a media event in May 2015 that the amount of the monthly allowances were not enough, delay in payment for several months and the conditions of accommodation.[[9]](#endnote-9)

Against this background, the //Ana-Jeh San Youth Project[[10]](#endnote-10) was started by the San students in Windhoek in 2014. End of 2015, the project became formalised as the //Ana-Jeh San Trust. //Ana-Jeh was primarily established to support San learners in schools and tertiary institutions but intends to also deal with other issues important for San people in Namibia, for example discrimination against San people, the promotion of cultural heritage, strengthening positive San identities through education and raising self-esteem. The //Ana-Jeh San Trust was officially launched in November 2015, together with the Namibian San Council.

**Policy development**

The White Paper on the Rights of Indigenous Peoples in Namibia, prepared by the Office of the Ombudsman, was submitted to the Division for San Development (now: Division for Marginalised Communities) in October 2014 for review. Significant progress has not been made in 2015 but the Namibian San Council plans to lobby for the White Paper in 2016, especially with the new Deputy Minister for Marginalised Communities.

Furthermore, two workshops took place in 2015 for the implementation of key interventions of the first National Human Rights Action Plan (NHRAP) 2015-2019, which was launched in December 2014. The NHRAP targets issues in the areas of health, education, housing, land, water & sanitation, justice and discrimination. The NHRAP explicitly speaks of indigenous peoples, in the internationally accepted use of the term. Some proposed key interventions in the sectors of health, education, land and discrimination specifically target indigenous people, among others. The implementation of the NHRAP certainly depends on human and financial resources within the respective ministries.

**Other events and developments**

On 3-4 March 2015, IWGIA hold a Validation Workshop on the Draft Report of the Study on Extractive Industries, Land Rights and Indigenous Communities/Populations in East, Central and Southern Africa at the Safari Hotel in Windhoek, hosted and facilitated by the LAC.

On 15-17 September 2015, IPACC hold a Workshop in Windhoek on Climate Change and Indigenous Peoples in Africa, in preparation of the COP 21 in Paris end of November 2015.

In July 2015, the San Support Organisations’ Association of Namibia (SSOAN) received two-year funding from the Embassy of Finland and strengthened its efforts to improve coordination of the various San support activities and initiated a media campaign to improve the image of San in Namibia.

**Advancement of indigenous peoples’ rights in Namibia in 2015**

Some progress was made during 2015 in terms of advancing indigenous peoples’ rights in Namibia. Specifically the appointment of a Deputy Minister for Marginalised Communities is a promising step. Furthermore, the court case launched by the Hai||om might be a major achievement with regard to land rights. Additionally, the official launch of two San organisations and the activities of NIPAP are further advancements. However, the full operation of these representative indigenous structures will highly depend on extensive outside support and funding. Certainly, the media campaign started by SSOAN to improve the image of San in Namibia with strong participation of San representatives might in future also show positive effects.

# Notes and references

1. The latest available quantitative data come from the Namibian population and housing census 2011, which suggests that the San constitute 0.8% of the Namibian population (Republic of Namibia, n.d. “Namibia 2011 Population and Housing Census Basic Report”. Windhoek: Republic of Namibia: 171). However, since the census only provides data on rough language groups, the number of San in Namibia is certainly much higher (for more information on the challenges of quantitative data in relation to San see **Dieckmann, Ute et al. 2014**: *“Scraping the Pot”: San in Namibia Two Decades after Independence*. Windhoek: Legal Assistance Centre: P. 13ff. [↑](#endnote-ref-1)
2. The Twa have traditionally been hunters and gatherers in the mountains, while the Himba and Zemba (also written Tjimba) are cattle breeders and small-scale agriculturalists (see <http://www.norad.no/en/tools-and-publications/publications/reviews-from-organisations/publication?key=403144>). [↑](#endnote-ref-2)
3. The government defines “indigenous” by reference to European colonialism. [↑](#endnote-ref-3)
4. It was preceded by the San Development Programme (SDP, established in 2004). In 2007, the SDP’s mandate was expanded to cover other marginalised communities as well as the San (the Twa, Zemba and Himba). [↑](#endnote-ref-4)
5. **Namibian Sun,** 20.11.2015: San formalize lobby groups (<http://www.namibiansun.com/business/san-formalise-lobby-groups.89066>), **The Namibian,** 20.11.2015: Namibia: San Communities Launch Council and Trust (http://allafrica.com/stories/201511201019.html) . [↑](#endnote-ref-5)
6. **The Namibian**, 19.10.2015: Hai//om sue for rights over Etosha, by Werner Menges (<http://www.namibian.com.na/index.php?page=archive-read&id=143198>); **OSISA**, 20.10.2015: Hai//om set to make legal history with Etosha aboriginal land claim, by Delme Cupido (<http://www.osisa.org/fr/node/5654>); Etosha National Park, 20.10.2015: Hai//om in potentially ground-breaking Etosha case, by Christopher Clark (<http://www.etoshanationalpark.org/news/haiom-in-potentially-ground-breaking-etosha-case>) . [↑](#endnote-ref-6)
7. See, for example, the **Ministry of Education, Namibia (Ed.), 2010**: *EMIS (Education Management Information system).* Windhoek. [↑](#endnote-ref-7)
8. **New Era, 21 May 2015**: Support for Marginalised Communities (https://www.newera.com.na/2015/05/21/support-marginalised-communities/). [↑](#endnote-ref-8)
9. **Namibian Sun,** 25.5.2015: San students: Government has forgotten us (<https://www.namibiansun.com/education/san-students-govt-has-forgotten-us.79459>); **The Namibian,** 26.5.2015: San children claim negligence (http://www.namibian.com.na/index.php?id=137305&page=archive-read); **The Namibian**, 27.5.2015: 300 San development volunteers unpaid (http://www.namibian.com.na/index.php?id=137325&page=archive-read). [↑](#endnote-ref-9)
10. //Ana-Jeh is a word in !Kung, one of the San languages in Namibia with the meaning of New Light. The organization was called //Ana-Jeh because San people are in darkness and need to see the light and wake up.

    *In 2015,* ***Ute Dieckmann*** *was research coordinator at the Land Environment and Development Project of the Legal Assistance Centre in Namibia. Her research over the last decade has focused on San and land reform in Namibia. She coordinated the reassessment of the status of San in Namibia (2011-2014), was the chairperson of the San Support Organisations’ Association of Namibia (SSOAN) and was assisting with the capacity building of the Namibian San Council and the //Ana-Jeh San Trust. She is currently at the University of Cologne in Germany.* [↑](#endnote-ref-10)