DRAFT WHITE PAPER

ON

THE RIGHTS OF INDIGENOUS PEOPLES IN NAMIBIA

October 2014
Contents
FOREWORD .................................................................................................................. 3
Executive Summary ....................................................................................................... 4
1. INTRODUCTION ........................................................................................................ 5
  1.1 Context of the White Paper on Indigenous Peoples ............................................. 5
  1.2 Terminology ........................................................................................................... 5
  1.3. Rationale for a White Paper on Indigenous Peoples ........................................... 7
  1.4 Indigenous Peoples in Namibia ............................................................................ 8
  1.5 Structure of the White Paper ............................................................................... 9
2. EXISTING LEGAL FRAMEWORKS, POLICIES, AND PROGRAMMES ......................... 10
  2.1 International Treaties and Laws ......................................................................... 10
  2.2 Regional Frameworks ......................................................................................... 16
  2.3 National Laws, Policies, Frameworks, and Programmes ................................... 17
  2.4. Programmes for Indigenous Communities in Namibia ................................... 19
3. CORE PROBLEMS EXPERIENCED BY INDIGENOUS PEOPLES AND INTERNATIONAL RECOMMENDATIONS ................. 22
  3.1 Consultation, Participation and Representation ................................................. 22
  3.2 Land ..................................................................................................................... 27
  3.3 Discrimination ...................................................................................................... 31
  3.4 Education and Language ...................................................................................... 33
  3.5 Health ..................................................................................................................... 36
  3.6 Cultural Protection and Preservation .................................................................... 38
  3.7 Gender Equality .................................................................................................... 39
  3.8 Labour Rights and Livelihood Options ................................................................ 41
  3.9 Extractive Industries .............................................................................................. 45
4. OBJECTIVES AND STRATEGIES ............................................................................... 46
  4.1 Objective 1: Develop National Legislation Protecting the Rights of Indigenous Peoples in Namibia .......................................................... 47
  4.2 Objective 2: Develop an Integrated Strategy and Improve Coordination .......... 47
  4.3 Objective 3: Ensure that Indigenous Peoples Enjoy the Same Rights in Practice as All Other Namibians ......................................................... 48
  4.4. Objective 4: Ensure Adequate Consultation, Participation and Representation of Indigenous Peoples .............................................................................. 49
  4.5 Objective 5: Improve Access to Land and Ensure Secure Land Tenure ............. 50
  4.6 Objective 6: Improve Food Security and Support Sustainable Livelihoods .......... 51
  4.7 Objective 7: Ensure Respect for Indigenous Cultures and Stop Discrimination .......................................................... 52
  4.8 Objective 8: Ensure Equal Access to Education for Indigenous Peoples ............ 52
  4.9 Objective 9: Improve the Health Status of Indigenous Peoples ............................ 52
  4.10 Objective 10: Advance Gender Equality for Indigenous Women and Girls ........ 53
  4.11 Objective 11: Improve Monitoring and Evaluation ............................................ 53
FOREWORD
Executive Summary

In 2011 the Government of the Republic of Namibia (‘Government’), in collaboration with the United Nations Human Rights Council’s Working Group on the Universal Periodic Review committed itself to formulate a White Paper in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and, furthermore, that recommendations from the Committee on the Elimination of Racial Discrimination (CERD), the International Labour Organization (ILO) and the African Commission’s Working Group on Indigenous Populations/Communities will be taken into consideration in the development of the White Paper.

The Office of the Ombudsman initiated the concept paper on the development of a national White Paper on Indigenous Peoples’ Rights in Namibia for submission to Cabinet. The concept paper was developed in consultation with major stakeholders, giving rise to the current White Paper.

This White Paper sets out Government’s roadmap to develop and improve the human rights of indigenous people and to reduce any form of marginalisation through a broad-based and coordinated approach involving all stakeholders, including a comprehensive regulatory framework to guide coherence and coordination in redressing the marginalisation of indigenous communities.

The strategies proposed in this White Paper will ensure that indigenous peoples and communities will be able to participate in the decisions impacting on their well-being and development. Below are the objectives of Namibia’s anticipated strategy with regard to indigenous peoples:

- Objective 1: Develop National Legislation Protecting the Rights of Indigenous Peoples in Namibia
- Objective 2: Develop an Integrated Strategy and Improve Coordination
- Objective 3: Ensure that Indigenous Peoples Enjoy the Same Rights in Practice as All Other Namibians
- Objective 4: Ensure Adequate Consultation, Participation and Representation of Indigenous Peoples
- Objective 5: Improve Access to Land and Ensure Secure Land Tenure
- Objective 6: Improve Food Security and Support Sustainable Livelihoods
- Objective 7: Ensure Respect for Indigenous Cultures and Stop Discrimination
- Objective 8: Ensure Equal Access to Education for Indigenous Peoples
- Objective 9: Improve the Health Status of Indigenous Peoples
- Objective 10: Advance Gender Equality for Indigenous Women and Girls
- Objective 11: Improve Monitoring and Evaluation
1. **INTRODUCTION**

1.1 **Context of the White Paper on Indigenous Peoples**

Government is aware that a number of ethnic groups in Namibia have suffered injustices in the past that leave them disadvantaged, to varying degrees, in the present.

Amongst these ethnic groups, recognition of indigenous status has been granted to the San, Ovahimba, Ovazemba, Ovatjimba, and Ovatue peoples.¹ These groups are understood to live in extreme poverty and on the margins of society where their levels of life expectancy, health, and literacy are lower than the national averages and their dependence on food aid programmes and levels of unemployment are higher than the national averages.²

Historical evidence indicates that amongst the indigenous groups, the San people were the earliest inhabitants of Namibia, comprised of various small groups of hunters/gatherers who settled and led a nomadic life on the edges of the Kalahari and Namib deserts some 1,500 to 2,000 years ago. With the arrival of Bantu-speaking groups, and later the European settlers, the San were dispossessed of their land, and their traditional way of life has been severely destabilised. Consequently, they have been marginalised and now live in some of the most inhospitable terrains in the country, mainly surviving by hunting wild game and gathering roots and wild berries.³

In recognition of the vulnerable position of Namibia’s marginalised communities, the Namibian Cabinet established a focused socio-economic San Development Programme under the Office of the Prime Minister (OPM) in 2005. The objective of the programme is to integrate marginalised communities into the mainstream economy and improve their opportunities to earn a livelihood.

In 2009, the San Development Programme was transformed into the Division: San Development by Cabinet decision No. 9th/28.05.09/005 and was endowed with an extended mandate to address the needs of additional marginalised communities, including the Ovahimba, Ovazemba, Ovatjimba, and Ovatue.

1.2 **Terminology**

The most marginalised groups in Namibia, as supported by Government in the Division: San Development, are internationally regarded as indigenous peoples.

It is commonly asserted that all Africans are indigenous and that the concept of “indigenous peoples” has little relevance on the continent. The African Commission agrees that “there is no question that all Africans are indigenous to Africa in the sense that they were there

---

¹ OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 1
before European colonialists arrived”. The Commission, however, notes that certain marginalised groups are indigenous in “the modern analytical form of the concept”: these indigenous peoples “use the present day wide understanding of the term because it is a term by which they can very adequately analyse the peculiarities of their sufferings and by which they can seek protection in international human rights law and moral standards”.

The Working Group of Experts on Indigenous Populations/Communities of the African Commission on Human and Peoples’ Rights defines “indigenous” as a relevant concept for Africa and summarises the overall characteristics of groups which identify themselves as indigenous peoples as follows:

“Their cultures and ways of life differ considerably from the dominant society and their cultures are under threat, in some cases to the extent of extinction. A key characteristic for most of them is that the survival of their particular way of life depends on access and rights to their traditional land and the natural resources thereon. They suffer from discrimination as they are being regarded as less developed and less advanced than other more dominant sectors of society. They often live in inaccessible regions, often geographically isolated and suffer from various forms of marginalisation, both politically and socially. They are subject to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority. This discrimination, domination and marginalisation violates their human rights as peoples/communities, threatens the continuation of their cultures and ways of life and prevents them from being able to genuinely participate in deciding their own future and forms of development.”

Although there is no formal or clear-cut definition of the term “indigenous peoples” in the international human rights instruments, several characteristics are commonly highlighted. The Preamble of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) makes reference to dispossession of lands, territories and resources, cultural and linguistic distinctiveness, historical and pre-colonial presence in certain territories and current political and legal marginalisation as common characteristics of indigenous peoples. Self-identification as indigenous is also regarded as a fundamental criterion for determining indigenous peoples.

Government recognises that the characteristics commonly attributed to indigenous peoples in international documents are not possessed by all Namibians who were born or whose forefathers were born in the country. As such, the Office of the Ombudsman in Namibia adopted the African Commission’s conception of indigenous peoples in its recent Baseline

---


1.3. Rationale for a White Paper on Indigenous Peoples

Government envisages a Namibia where poverty is reduced to the minimum, where existing patterns of income distribution become more equitable, and where disparity is minimised, by 2030. Poverty, however, remains a reality for many Namibians despite the Poverty Reduction Strategy and the Poverty Reduction Action Programme, which tackle inequality and poverty from various angles as outlined in Namibia’s Forth National Development Plan 2012/13 to 2016/17 (NDP 4).

By definition, indigenous peoples are disadvantaged and impoverished in comparison to their non-indigenous counterparts. The persistent poverty confronting indigenous peoples despite poverty reduction measures and the establishment of the Division: San Development demonstrates the need for a broad-based approach involving all stakeholders. Such an approach would be strengthened through the creation of a comprehensive regulatory framework to guide coherence and coordination in redressing the persistent historical marginalisation of indigenous communities. This need was recognized in 2010 by the Minister of Presidential Affairs and Attorney General, the Honourable Albert Kawana, when he explained the need to “promulgat[e] a law in order to protect the statutory rights of indigenous peoples in Namibia.”

Uplifting indigenous peoples in Namibia requires specific measures of affirmative action that would be best supported through the creation of a national policy to protect the social, economic and political rights of indigenous communities. The strategies proposed in this White Paper will ensure that indigenous peoples and their communities will be better situated to participate in the decisions most pertinent to their well-being and development according to their own will, and in accordance with the Constitution of the Republic of Namibia. The policy will also ensure the persistence of this country’s rich cultural diversity.

In 2011 Government, in collaboration with the United Nations Human Rights Council’s Working Group on the Universal Periodic Review committed itself to formulate a White Paper in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and, furthermore, that recommendations from the Committee on the Elimination of Racial Discrimination (CERD), the International Labour Organization (ILO) and

---

the African Commission’s Working Group on Indigenous Populations/Communities will be taken into consideration in the development of the White Paper.

The Office of the Ombudsman initiated the concept paper on the development of a national White Paper on Indigenous Peoples’ Rights in Namibia for submission to Cabinet. The concept paper was developed in consultation with major stakeholders, giving rise to the current white paper.

Government’s commitment to the UN Human Rights Council’s Universal Periodic Review process and its invitation to the UN Special Rapporteur on the Rights of Indigenous Peoples demonstrate the political will and commitment of the government to address the challenges faced by indigenous peoples. The White Paper is an important step in the direction of protecting the rights of indigenous peoples in Namibia.

The White Paper on the Rights of Indigenous Peoples in Namibia does not call for special rights for indigenous peoples. Rather, it acknowledges that indigenous peoples often do not enjoy their basic human rights, and that their access to public services, such as health and education, is far below national averages. The White Paper restates the principle of equality as articulated in all universal human rights instruments and provides, not for special rights but, for special measures in order to access basic human rights, “with the view to closing socio economic gaps and taking into account specificities of indigenous peoples”.¹⁰

1.4 Indigenous Peoples in Namibia

The indigenous peoples of Namibia include the San, the Ovahimba, Ovazemba, Ovatjimba, and Ovatue (also known as Twa).

The San of Namibia number between 27,000 and 34,000, and represent between 1.3% and 1.6% of the national population. The largest communities of San include the Hai||om, Khwe, !Kung, Ju’hoansi, Naro, and the #Au||eisi. Smaller communities include the ||Anikwe, !Xõó, !Auni, and the N\u ((Nu-|| en).¹¹ The San belong to different language clusters and language families, all part of the Khoisan language family. San-speaking languages belonging to different language families cannot or hardly understand each other.

Each of the different San groups speak their own language and have distinct customs, traditions and histories. In general, the various groups prefer to identify themselves with their respective ethnic groups rather than as “San”, which is an external term denoting the over-arching group of former hunter-gatherers. Some of the San groups have lost their language completely, and speak the languages of the neighbouring groups. The San were, in the past, mainly hunter-gatherers but, today, many have diversified livelihoods such as working as domestic workers or farm labourers, growing crops and raising livestock, doing

odd jobs in rural and urban areas, and engaging in small-scale businesses and services. Over 80% of the San have been dispossessed of their ancestral lands and resources.

The Ovahimba number some 25,000 and reside mainly in the semi-arid north-west Kunene Region. They continue to practice a semi-nomadic way of life and have strong cultural practices and identities. The Ovahimba speak predominantly Otjiherero, and rely on the raising of cattle, sheep, goats, and some agriculture for sustenance. They have close ties to the Herero, also pastoralists who live in central and eastern Namibia. Ovazemba (also Ovatjimba) and Ovatue (Twa) communities live in close proximity to the Ovahimba in north-western Namibia.

Similar to their international counterparts, indigenous peoples in Namibia have suffered various injustices associated with the German colonial rule and the South African apartheid regime. They are “disadvantaged relative to other groups in the country and have not seen the promises and benefits brought by independence fulfilled for them.” These groups live in extreme poverty and on the margins of society where their levels of life expectancy, health, and literacy are lower than the national averages and their dependence on food aid programmes and levels of unemployment are higher than the national averages. Of these groups, the San are the most vulnerable and impoverished people in Namibia.

In Namibia, the majority of the indigenous peoples have lost their ancestral lands and thus have limited opportunities to sustain a livelihood in accordance with their traditions and cultures. Numerous barriers and disadvantages still confront indigenous peoples in the labour market and limited access to education, training, and health care are pervasive among indigenous communities.

1.5 Structure of the White Paper

Chapter 2 provides an overview of existing legal frameworks, policies and programmes.

Chapter 3 identifies the core problems experienced by the indigenous peoples and communicates the recommendations derived from various local and international laws and treaties, protocols, as well as the Namibian Constitution.

Chapter 4 outlines the objectives and strategies for a policy on indigenous peoples in Namibia.

---

12 OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 1
2. EXISTING LEGAL FRAMEWORKS, POLICIES, AND PROGRAMMES

2.1 International Treaties and Laws

Namibia is a State Party to a number of conventions and treaties addressing international human rights issues. Set out below is a list of the major international human rights treaties that Namibia has signed or ratified with a discussion of some of the key provisions which safeguard the rights of indigenous peoples and their communities.

Namibia’s international obligations are of particular importance because of Article 144 of the Constitution of Namibia. This provision renders all of Namibia’s international and regional legal obligations, including those excerpted below, part of Namibia’s domestic law. Such obligations are thus binding at an international level, as well as pursuant to the laws of Namibia.

**Article 144, Constitution of Namibia:** “Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under its Constitution shall form part of the law of Namibia.”

2.1.1 International Covenant on Civil and Political Rights (ICCPR)

The ICCPR was ratified by Namibia on 28 November 1984. Parties to the ICCPR must respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. The ICCPR also sets out the right to self-determination (discussed under ICESCR, below) and minority rights to culture, religion and language.

**Article 1 (1):** “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

**Article 27:** “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Article 27’s cultural protections are worded similarly to those set out in the Convention of the Rights of the Child, listed below. Namibia, as a state party to the ICCPR, is responsible for the protection of the cultural rights of minority groups such as the San, Ovahimba, Ovatjimba, Ovate, and Ovazemba.

Article 27 also concerns land claims and usage, given that culture manifests itself in many forms, including a preferred way of life associated with specific lands and resources. In the
case of indigenous peoples, this accommodates traditional activities such as hunting or the right to live on reserves protected by the law.\textsuperscript{14}

Moreover, Article 1 of the ICCPR deals specifically with the right to self-determination, and when applied to Article 27 is relevant for indigenous rights by “requiring the State concerned to give indigenous peoples’ greater influence in decision-making affecting their natural environment and their means of subsistence as well as their own culture.”\textsuperscript{15}

\subsection{2.1.2 Convention on the Rights of the Child (CRC)}

The CRC was ratified by Namibia on 30 September 1990. The guiding principles of the CRC include non-discrimination; adherence to the best interests of the child; the right to life, survival and development; and the right to participate. It also sets out the rights of children belonging to minorities or indigenous groups to enjoy their culture, religion and language.

\textit{Article 30}: “In those States in which ethnic, religious or linguistic minorities or \textit{persons of indigenous origin exist}, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to \textit{enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.}”\textsuperscript{16} [Emphasis added]

The United Nations Committee on the Rights of the Child, in its General Comment No. 11, states that governments have a duty to ensure that “special measures are taken for indigenous children to enjoy their right to education on equal footing with non-indigenous children.” It further notes that states should be willing to allocate additional resources in order to implement policies and programmes which meet the special needs of these particular groups.\textsuperscript{17}

\subsection{2.1.3 Convention on the Elimination of all forms of Racial Discrimination (CERD)}

The CERD was ratified by Namibia on 11 November 1992. This convention is concerned with the rights associated with non-discrimination and protects against the distinction of peoples based on race, colour, descent, national or ethnic origin.

\textit{Article 2 (2)}: “States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, \textit{special and concrete measures to ensure the adequate development} and protection of certain racial groups or individuals belonging to them, for the purpose of \textit{guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms}. These measures shall in no case entail as a consequence the

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{16} Convention on the Rights of the Child: Article 30.
\end{itemize}
\end{footnotesize}
maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.” [Emphasis added]

In its general recommendation XXIII (1997), the Committee on the Elimination of Racial Discrimination, calls on states to, amongst other things, ensure the equal participation of indigenous peoples in public life, obtain their informed consent when making decisions on matters related to their wellbeing, and recognise their right to own, develop, and use their communal lands and resources, providing compensation when the maintenance of such land rights is not possible.\(^{18}\)

As a state party to CERD, Namibia has an obligation to take special measures to ensure the adequate development of its indigenous peoples with the intention of lifting their social, economic, and political status to ensure the full enjoyment of human rights.

### 2.1.4 International Covenant on Economic, Social, and Cultural Rights (ICESCR)

The ICESCR was ratified by Namibia on the 28\(^{th}\) of November 1994. Its provisions include protections of economic, social and cultural rights, including the right to self-determination of all peoples; the right to non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; the equal rights of men and women; the right to social security; the right to an adequate standard of living; the right to health; the right to education; and the right to cultural freedoms.\(^{19}\)

**Article 1 (1):** “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” [Emphasis added]

**Article 1(2):** “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. *In no case may a people be deprived of its own means of subsistence.*” [Emphasis added]

General comment No. 21 on the right for everyone to take part in cultural life, prepared by the Committee on Economic, Social and Cultural Rights in 2009, emphasises the communal aspects of indigenous peoples’ cultures and the importance of their ancestral lands. It notes that State Parties must take measures to recognise and protect indigenous land rights and


accommodate their participation in the design and implementation of laws and policies that affect them.\textsuperscript{20}

The right to self-determination played an important role in Namibia’s history as a colony and mandated territory of the League of Nations.\textsuperscript{21} For indigenous peoples, the right to self-determination places less emphasis on seceding from a country (external self-determination) and more on the entitlement of a people to control the internal governance of its affairs, at a local level (internal self-determination). The Committee on the Elimination of Racial Discrimination reinforces the notion that the internal aspect of self-determination enables indigenous peoples to freely determine their economic, social and cultural development without outside interference.\textsuperscript{22}

\section*{2.1.5 International Labour Organization Convention No. 111 - Discrimination (Employment and Occupation)}

The ILO Convention No. 111 was ratified by Namibia on 13 November 2001. The Convention is concerned with issues of non-discrimination in the field of employment and occupation. It is of particular importance to indigenous peoples in Namibia because of its protection of traditional occupations.

\textbf{Article 2}: “Each member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.”

Article 2 obliges Namibia to create a national employment policy that is designed to eliminate employment or occupation discrimination. The ILO interprets Article 2 as requiring State Parties to enact provisions to ensure that indigenous and tribal peoples can carry out their traditional occupations without undue restrictions. In practice, such a policy must include laws that ensure indigenous people have access to land and natural resources, and that protect their right to exist and to maintain their cultures, traditions and institutions.\textsuperscript{23}

\section*{2.1.6 Convention on Biological Diversity (CBD)}

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{21}] International Court of Justice, Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion of 21 June 1971: para. 53 (“the ultimate objective of the sacred trust [in relation to non-self-governing territories, including colonies and mandated territories] was the self-determination and independence of the peoples concerned”).
\item[\textsuperscript{22}] Committee on the Elimination of Racial Discrimination, General Recommendation XXI (Right to Self-Determination), UN Doc A/51/18, p. 125, 23 August 1996, para. 4.
\end{itemize}
\end{footnotesize}
The CBD was ratified by Namibia on 16 May 2005. Amongst its provisions are the conservation of biological diversity; the sustainable use of biological resources; and the fair and equitable sharing of the benefits arising from the use of genetic resources.24

**Article 10:** Each Contracting Party shall, as far as possible and as appropriate: ...
(c) “Protect and encourage customary use of biological resources *in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;*” [Emphasis added]

**Article 8:** Each Contracting Party shall, as far as possible and as appropriate: ...
(j) “Subject to its national legislation, *respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity* and promote their wider application with the *approval and involvement of the holders of such knowledge,* innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.” [Emphasis added]

**Article 15:** (5) Access to genetic resources shall be subject to *prior informed consent* of the Contracting Party providing such resources, unless otherwise determined by that Party. [Emphasis added]

As a state party to the CBD, Namibia has an obligation to deal with genetic resources in a way that is compatible with, and which respects and preserves, the traditional practices of indigenous communities.

### 2.1.7 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP was passed by the United Nations General Assembly and is now unanimously endorsed. It was signed by Namibia on 13 September 2007. UNDRIP is the most comprehensive and updated legal instrument on the rights of indigenous peoples. Although it is not a treaty, the fact that every country has endorsed the resolution renders it highly persuasive and, in many cases, its provisions constitute evidence of customary international law that is binding on Namibia.

Among UNDRIP’s provisions are indigenous peoples’ rights to internal self-determination and self-government, cultural, traditional and religious rights, rights to consultation, participation and free prior and informed consent regarding administrative and legislative measures and regarding development projects affecting indigenous land, and the right to improvement of indigenous people’s economic and social conditions.25

The UNDRIP is composed of 9 parts that outline the rights of indigenous peoples.

---


**Articles 1-6** outline four main themes, namely the right to self-determination; the right to be recognised as a distinct peoples; the right to free, prior, and informed consent; and the right to be free from discrimination.

**Articles 7-10** outline the rights associated with life, liberty, culture, and security. This section includes the right to life, liberty, and security; the right to freedom from assimilation and destruction of culture; the right to belong to an indigenous community or nation; and the right to freedom from forceful removal and relocation.

**Articles 11-13** address culture, religion, and language rights. Provisions include the right to culture; the right to spiritual and religious traditions and customs; and the right to know and use indigenous languages, histories, and oral traditions.

**Articles 14-17** address education, media, and employment rights. Provisions are made for the right to the establishment of educational systems and access to culturally sensitive education; the right to accurate reflections of indigenous cultures in education; the right to media, and the right to employment.

**Articles 18-24** outline the rights associated with participation and development. It is composed of the right to participation in decision-making; the right to free, prior, and informed consent for laws and policies; the right to subsistence and development; the right to economic and social well-being; rights for indigenous elders, children, youth, women, and persons with disabilities; priorities and strategies for development; and the right to health.

**Articles 25-32** address issues of land and access to natural resources. Amongst the rights granted include the right to spiritual relationships with traditional land and resources; the right to own, use, develop, and control traditional land and resources; the right to indigenous laws and traditions on land and resources; rights when land and resources are wrongly taken away; the right to conservation and protection of the environment, lands, and natural resources; military activities; cultural and intellectual property; and land and resource development.

**Articles 33-37** outline the rights pertaining to self-government and indigenous laws. The rights granted within this part include the right to identity, membership, and citizenship; distinctive institutional structures and customs; individual responsibilities; right to develop and maintain contact; relations, and the right to cooperation, recognition, observance, and enforcement of treaties and agreements.

**Articles 38-42** deal with the implementation of the Declaration. This part outlines the ways in which governments and the United Nations can work together, in consultation with indigenous peoples and their communities, to ensure that the rights of indigenous peoples are being adequately protected.

**Articles 43-46** outline the ways in which the Declaration is to be understood and emphasizes that governments are free to go beyond the basic rights outlined in the Declaration.
2.2 Regional Frameworks

2.2.1 African Charter on Human and Peoples’ Rights (ACHPR)

The ACHPR was ratified by Namibia on the 30th of August 1992. The ACHPR is an international human rights instrument designed to protect the human rights and basic freedoms of individuals and peoples in the African continent. As a signatory to the Charter, Namibia is responsible for ensuring that indigenous communities are respected and granted the same rights and opportunities as other peoples.

Article 19: “All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.”

Article 21(1): “All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.”

Article 22: “All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.”

In accordance with Article 21(1), Namibia has the duty to allow its citizens, indigenous peoples included, to freely dispose of their wealth and natural resources. The state therefore, has an obligation to respect people’s rights to pursue their economic, social, and cultural development in relation to their chosen identities.26

The African Commission on Human and Peoples’ Rights has interpreted Article 22 as creating an obligation for states to obtain the free, prior and informed consent of indigenous peoples in decision-making processes affecting them.27

2.2.2 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

The Protocol was ratified by Namibia on 22 December 2000.

Article 3(2): “Every woman shall have the right to respect as a person and to the free development of her personality.”

Article 18(2): “States Parties shall take all appropriate measures to: ... (c) protect and enable the development of women’s indigenous knowledge systems”

For indigenous women to freely develop their personalities they must be free from discrimination, including discrimination based on gender. As a State Party to the Protocol, Namibia has an obligation to refrain from developing laws, policies, and regulations as well as institutional and administrative procedures which will result in the denial of women’s civil, political and socio-economic rights. Namibia should also adopt legislation and policies to promote and protect the intellectual property rights of women’s traditional knowledge systems especially regarding traditional medicine, art and culture.

2.2.3 African Charter on the Rights and Welfare of the Child

The Charter on the Rights and Welfare of the Child was ratified by Namibia on 23 July 2004. It ensures the rights of children to, inter alia, education, security, health, leisure, non-discrimination, and survival and development. The Charter also obliges State Parties to respect and promote children’s participation in cultural life.

*Article 12(2)*: “State Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.”

2.2.4 Additional Human Rights Instruments

In addition, Namibia is State Party to the *African Youth Charter*; the *SADC Protocol on Culture, Information and Sport*; the *SADC Forestry Protocol*; the *SADC Protocol on Mining*; and the *SADC Protocol on Training and Education*. Each of these legal instruments creates obligations for Namibia to provide protection and respect for the rights of its indigenous peoples in different contexts.

Of particular relevance to community rights is *Article 3(2)* of the SADC Forestry Protocol, which calls on state parties to cooperate with affected communities and facilitate their participation in forestry development, planning, and preservation without discrimination or prejudice to their property rights. *Article 2(8)* of the SADC Protocol on Mining also emphasises the principle that states parties must promote economic empowerment of indigenous people in the mining sector.

2.3 National Laws, Policies, Frameworks, and Programmes

2.3.1 The Constitution of the Republic of Namibia

The Constitution of the Republic of Namibia contains a number of important safeguards, including a prohibition of discrimination on attributes such as race, colour or ethnic origin.

---

31 Constitution of the Republic of Namibia: Article 10(1).
and guarantees of human dignity, access to property, education, and justice. The rights and freedoms listed in the Constitution are applicable to all individual Namibians and, as such, are applicable to indigenous peoples and their communities.

2.3.2 Agriculture (Commercial) Reform Act, 1995

The Agriculture (Commercial) Reform Act, 1995 provides for the acquisition of agricultural land by the State for the purposes of land reform and for the allocation of land to Namibian citizens who do not own or otherwise have the use of any or of adequate agricultural land. The Act provides for those Namibian citizens who have been socially, economically, or educationally disadvantaged by past discriminatory laws or practices.

2.3.3 Nature Conservation Amendment Act, 1996

The Nature Conservation Amendment Act, 1996 provides for an economically based system of sustainable management and utilization of game on communal land. It sets out a process for the creation of conservancies, and their management by conservancy committees.

2.3.4 Racial Discrimination Amendment Acts No. 26 of 1991 and No. 26 of 1998

The Racial Discrimination Amendment Acts of 1991 and 1998 protect Namibian citizens from discrimination based on race, ethnicity, colour, nationality, or origin when accessing, amongst other things, goods, services, real property, education, healthcare or employment.

2.3.5 Traditional Authorities Act, 2000

The Traditional Authorities Act, 2000 provides for the establishment of traditional authorities and the designation, appointment, and recognition of traditional leaders in Namibia. These authorities are charged with ascertaining and administering the customary law of their community, preserving the cultures and traditions of the community and promoting affirmative action with regards to, among other things, gender equality and positions of leadership.

2.3.6 Education Act, 2001

The Education Act, 2001 is the primary implementing legislation guaranteeing education to all Namibians, as set out in Article 20 of the Namibian Constitution.

2.3.7 Communal Land Reform Act, 2002

---

35 Constitution of the Republic of Namibia: Article 1(1) and Article 18.
The Communal Land Reform Act, 2002 is the principal mechanism for allocating land rights and managing land use decisions. It contains the principles of decentralized decision-making, representation and consultation. The purpose of this legislation is to “provide for the allocation of land rights in communal areas, establish communal land boards and describe the power of chiefs and traditional authorities and boards with regard to communal land.”

Section 17(1): “All communal land areas vest in the State in trust for the benefit of the traditional communities in those areas and for the purpose of promoting the economic and social development of the people of Namibia, in particular the landless and those with insufficient access to land who are not in formal employment and or engaged in non-agricultural business activities.”

The above provision implies that indigenous peoples and their communities do not have security of tenure for their lands, regardless of ancestral claims. Communal land remains the property of the GRN, which holds such land on trust for beneficiary communities.

2.3.8 Community Courts Act, 2003

The Community Courts Act, 2003 provides for the recognition and establishment of community courts; the appointment of Justices, clerks and messengers of court; the application of customary law by community courts; the jurisdiction of and procedure to be adopted by community courts; appeals from community courts to other courts; and connected and incidental matters.

2.4. Programmes for Indigenous Communities in Namibia

Government has taken a number of progressive steps to counter the marginalization of indigenous communities in Namibia. In addition to signing the UNDRIP, Government has implemented programmes and legislation regarding conservancies, resettlement of indigenous communities on communal farms, the encouragement of indigenous peoples to pursue their education, and for community-wide healthcare. Below is a brief overview of some of these programmes.

2.4.1 Division: San Development

In 2005 Government created the San Development Programme (SDP) in an effort to combat the poverty and marginalization of the San peoples. Following its approval by Cabinet in 2005, the SDP embarked on a series of initiatives designed for alleviating poverty and

---

integrating the San people into the mainstream society and economy. The following is a list of programmes implemented under the SDP:

- Resettlement programme for San people: Government purchased lands for the San and Ministry of Lands and Resettlement provided livestock and trained them on farming techniques.
- Education: Government launched the “Back to school Stay in school for San Children” campaign, providing San children with scholarships, and encouraging enrolment and retention of indigenous children in schools.\(^{42}\)
- Government implemented a literacy project for all San people aimed at addressing the high illiteracy rate among the indigenous adults.
- In collaboration with development partners, Government established early childcare development centres to facilitate access to pre-primary kindergarten for indigenous children.\(^{43}\)
- Affirmative action measures were adopted across government ministries, departments, and regional councils to provide employment opportunities to indigenous communities, especially San-speaking Namibians. The Programme made an effort to provide training for bee keeping, honey production, coffin manufacturing, aquaculture farming, and efficient animal husbandry to indigenous communities as a way of diversifying the economy and encouraging self-sustenance.
- The creation of the Community Conservancy Programme which began in 1996 and has been pursued as part of the SDP. The programme enables communities to create and manage conservancies.
- Government also manages, with assistance from the Directorate Disaster Risk Management, a monthly San Feeding Programme, where food rations are provided to communities.

Since 2009, the San Development Programme has been expanded to the Division: San Development under the leadership of OPM with the mandate of protecting all indigenous peoples in Namibia including the Ovahimba, Ovazemba, Ovatjimba, and Ovatue.

Government is cognizant of the on-going challenges faced by the Division: San Development Programme, as identified by Namibian civil society groups.\(^{44}\) It agrees that further adjustments are needed to more closely align the programme with indigenous peoples’ right to self-determination to decide their own priorities for the process of development, as articulated in UNDRIP and other instruments.

### 2.4.2 Other Initiatives

In addition to the activities implemented through the Division: San Development, the GRN, through the Traditional Authorities Act of 2000, has since recognized a number of San traditional authorities.


\(^{44}\) Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 29.
The Ministry of Education, Culture, Youth and Sport developed the Language Policy for Schools has made mother tongue instruction in schools during the first three years of formal education.45

A National School Feeding Programme (NSFP) has been introduced by the Ministry of Education in some of the indigenous peoples’ regions in Kunene (Opuwo) and Otjozandjupa (Tsumkwe) in an effort to attract and retain in school children who would otherwise be unable to attend school because of hunger.46

Government has developed and launched satellite and mobile schools for the San and the Himba which are designed to accommodate their nomadic lifestyles.47

The National Policy Options for Educationally Marginalised Children was introduced in 2000 and officially recognized the children of the San and Himba as “educationally marginalised”. This recognition is crucial in that it identified the schooling system itself as one of the contributing factors to the high rate of school dropouts and difficulty of access by these groups to educational institutions. Through this document, Government proposes the use of special efforts to improve access and performance, as well as provides several options for combating the discrimination faced by these groups in the educational setting.48 Moreover, Government proposes the establishment of the Steering Committee for Educationally Marginalised Children to look into the plight of educationally marginalised children and oversee the implementation of the national policy option.

The Ministry of Health and Social Services has increasingly shifted its focus to “disadvantaged regions” which have an increased need for comprehensive health care responses. This shift is exemplified through the creation and delivery of mobile health care units and the training of community health care providers.49 The National Policy on Community-Based Health Care 2008, developed by the Ministry of Health and Social Services seeks to empower and strengthen community health care services and to support health through preventative measures and palliative care. Through this scheme, community health care is delivered through community resource persons, traditional healers, and birth attendants who bridge the gap between the local cultural understandings and modern health care concerns.50

Finally, numerous stakeholders who work to spearhead efforts around indigenous peoples are also taking an increasingly active role. Amongst them are: the San Support Organization of Namibia (SSOAN) which is composed of international, national, and community based organizations, multi- and bi-lateral donors, and research and training institutions; the

Working Group for Indigenous Minorities in Southern African (WIMSA) which consists of a Board of Trustees composed of representatives from the San communities; the San Traditional Authorities (TAs) who are government-recognized San community representatives; and the Namibian San Council, which has the mandate to lobby on behalf of San populations in Namibia.51

3. Core Problems Experienced by Indigenous Peoples and International Recommendations

The existence of a specific government office (the Division: San Development under the Office of the Prime Minister) dedicated to ameliorating the situation of marginalised communities as well as the strong de jure support of the rights of indigenous peoples in Namibia (both in international documents signed by Namibia, and supported by Namibian legislation) provides a promising framework for empowering these communities in Namibia. Poverty in Namibia is not exclusive to indigenous communities; it can be seen across all regions and demographic groups. The rate of poverty amongst the indigenous communities, however, is disproportionate to their non-indigenous counterparts. The poverty of indigenous communities is caused by a combination of interrelated factors. Listed below are the specific challenges faced by indigenous peoples as identified by the Government and numerous international country reports:

- Lack of consultation, participation and political representation;
- Lack of access to land and a lack of secure land tenure;
- Discrimination;
- Low levels of education;
- Limited access to health services;
- Food insecurity
- Culture and language;
- Gender equality;
- Disregard for labour rights amongst employers and insufficient livelihood options;
- Participation and consultation in regards to Namibia’s extractive industries.

3.1 Consultation, Participation and Representation

Consultation, participation and representation are the principles that ensure that citizens take part in decision-making processes. They are also increasingly perceived as preconditions for successful project planning and implementation.

Participation in decision-making and public affairs has conventionally been understood as a civil and political right of the individual. For indigenous groups, however, the right takes on a

51 Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 30-36
collective aspect, guaranteeing the right of the group as a people to participate. The right to participation and consultation in the decisions that affect indigenous peoples is seen as necessary to enable them to protect, their cultures, their languages and their lands, territories and resources."

Over the last 15 years Government has increased its efforts to ensure the consultation, participation and representation of Namibian indigenous peoples, primarily through the recognition of some of their Traditional Authorities (TAs). This recognition is necessary for indigenous representative institutions to effectively consult with government on issues regarding indigenous development.

The establishment of appropriate and effective mechanisms for the consultation of indigenous peoples regarding matters that concern them is based on the principles of “free, prior, and informed consent”, as articulated in UNDRIP. For consultation to comply with international standards it must: occur in an atmosphere that is free from coercion; prior to the policy or program commencing; be done in good faith, through appropriate procedures, through representative institutions of indigenous peoples, with sufficient time, and with sufficient and accurate information; have the objective of agreement or consent; and allow the people affected to have their own views taken into account and to compel the authority to get their consent. It is, therefore, the duty of the State to obtain indigenous peoples’ free, prior, and informed consent for any decisions or actions that have implications for indigenous populations directly, or that affect the wider society but definitely and disproportionately affects indigenous peoples. The concept equally implies the prerogative of indigenous peoples to withhold consent and to establish terms and conditions for their consent.”

With regard to appropriate procedures of consultation, the Senior Specialist on Indigenous and Tribal Peoples’ Issues (Working Conditions and Equality Department, ILO, Geneva), Dr Albert Barume, divided the process in three inter-related stages, all of which must be ensured.

1) Designing, with the participation of indigenous peoples, the consultation and participation framework and mechanism: methodologies, issues to undertake consultation on, tools, participants, etc. (consultation on consultation).

2) Undertaking consultation and participation per se, in accordance with international standards and agreed upon framework.

3) Assessing, reviewing and evaluating consultation and participation mechanisms on a regular basis with a view to adjusting the process if necessary.⁵⁷

In Namibia, indigenous peoples have expressed concern over some development projects implemented in their communities. In many cases, the communities provided little input into the type of projects they desired, resulting in development projects that made little impact on the livelihoods of these indigenous communities.

Defining the parties to the consultation process ideally involves the entire community concerned. This unfortunately may be unrealistic, particularly in remote areas, when considering both the financial and time constraints typically associated with such consultation. Limiting consultation exclusively to TAs, however, risks being insufficient, especially in situations where community confidence in their TAs dwindles (discussion below). Without proper consultation, projects may fail due to a lack of relevance to communities, failure to develop awareness of the specifics of communities’ situations, and an inability to generate a sense of ownership in community members. Such failure ultimately wastes the financial and human resources of the state.

Engaging with local representative structures or indigenous community-based organisations (CBOs) often constitutes a suitable compromise. The challenge, however, is that many areas lack indigenous representative structures or indigenous CBOs. Furthermore, increased support and capacity building of representative structures is required at the local, regional, and national levels.

Traditional Authorities

The Traditional Authority Act (No. 25 of 2000) makes reference to the term ‘indigenous’ in Section 1(b) and is defined as anyone of African bloodline born in Africa. This definition, however, is incompatible with the international notion of indigenous peoples and their right to self-determination as it allows for other tribes to claim jurisdiction over indigenous communities.⁵⁸

In the case of the San, five San TAs have been recognized to date by government: Hai||om in Kunene, Otjozandjupa, Oshikoto and Oshana; !Xun in Otjozondjupa; Ju’hoansi in Otjozondjupa; Ju’hoansi in northern Omaheke Region; and !Xoon in southern Omaheke Region. San in Kavango, Caprivi, Omusati and Ohangwena regions are not represented by a San TA, and fall instead under the jurisdiction of other TAs according to their residence in a particular area.

Three of the five recognized San TAs face serious challenges with regard to community support. Complaints levelled at the TAs by their communities include: nepotism, a lack of

---

transparency and communication, following personal interests instead of community development, and corruption. The development of effective monitoring mechanisms that allow for both communities and government to monitor TAs may be necessary to limit these abuses.

Representation in Government Structures

There are currently no San representatives in parliament. The participation and representation of San at the regional and local levels is minimal in most regions and constituencies, as few San are ever elected to regional councils or to town or village councils.

Currently only one San person (a Ju|’hoansi) is a regional councillor. She hails from the Tsumkwe area, where San form the majority of the population and have relatively stable structures of participation and representation.

There are a number of different ways to ensure the participation of indigenous peoples in parliament and to ensure that they can directly influence decisions taken by parliament. Numerous countries have created mechanisms that guarantee the representation of indigenous peoples in state parliaments. Notable examples include the guaranteed representation of the Maori in New Zealand’s parliament since 1867, the permanent seats that the Batwa hold in Burundi’s National Assembly and National Land Commission, and the Indigenous Affairs Commission established in the Mexican Congress. As stated by the UN Expert Mechanism, “the ability of indigenous people to influence parliamentary decision-making is enhanced when parliaments create internal bodies to address matters of central concern to indigenous peoples [...] which can influence the drafting of laws.”

Government acknowledges that increased indigenous representation can address the previously identified challenges and enhance the functioning of the Division: San Development.

Political Alienation

Indigenous people often characterise their status in Namibia in terms of exclusion from the mainstream and from national development. Studies demonstrate that the widespread perception amongst the San is that voting and active participation in the political processes does not make any difference to their daily lives. This is due to a perception that San people do not have access to the ‘right’ networks of influential people. Despite these widespread

61 Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 203
perceptions, some San people try to make use of political parties as a platform for expression.

In order to achieve the vision “One Namibia – One Nation”, Government is committed to strengthening its efforts to integrate indigenous peoples into its political systems. Ensuring indigenous participation and reinforcing sentiments of inclusion in the political sphere is necessary to ensure the healthy functioning of Namibian society.

**International Recommendations**

**Recognition of TAs:**

**CERD:** “The State party should ensure that the criteria used for the recognition of traditional leaders under the Traditional Authorities Act of 2000 are objective and fair and that their application process is monitored by an independent body charged with assessing the legitimacy of applications for recognition by indigenous groups.”

62

**African Charter Working Group:** “The traditional leadership of the San should be recognized by the government. […] Government should legislate affirmative action measures to increase the representation of San and other indigenous communities in governance structures such as Parliament, the National Council and local government structures.”

63

“The government should ratify ILO Convention 169 on Indigenous and Tribal Peoples. The government should further include recognition and protection of indigenous peoples in its constitution and in national policies that affect the lives of the San and other indigenous peoples in Namibia.”

64

**Special Rapporteur:** “The State should review past decisions denying the recognition of traditional authorities put forth by certain indigenous groups, with a view to promoting the recognition of legitimate authorities selected in accordance with traditional decision-making processes.”

65

“The Government should confirm the traditional authority of the Khwe San in Caprivi as a matter of priority. Further, allegations of discrimination or abuse by the traditional authorities of dominant tribes in areas inhabited also by other, smaller tribes live should be investigated and actions taken to sanction any mistreatment.”

66

**Participation and Consultation**

**CERD:** “Strengthen […] efforts to ensure the full participation of indigenous communities in

---

public affairs at all levels. [The Committee] encourages the State party to revise its electoral laws with a view to encouraging political parties to broaden their appeal to ethnic minorities and to include a minimum proportion of candidates from these groups.”67

“The Committee [...] encourages the State party to ensure the participation of [national and ethnic minorities] in the design and implementation of integration policies and programmes, at both national and local levels.”68

**Special Rapporteur:** “The Division of San Development should review its work, in consultation with the groups that it supports, in order to ensure that it is responding effectively to the needs of those groups.”69

“Affirmative measures should be further developed and implemented, in consultation with the affected peoples, to enhance representation by indigenous groups at all levels and in all institutions of government, including in administrative and legislative bodies at both the national and district levels.”70

**Expert Mechanism:** proposed measures from the Expert mechanism include: reforming international and regional processes to ensure full indigenous participation; respecting traditional and contemporary indigenous governance structure; ensuring that indigenous peoples have financial and technical capacity to engage these processes; and to facilitate the participation of women and youth.71

### 3.2 Land

To many indigenous peoples, land is more than an economic commodity. It is used for economic survival, as the basis of a cultural identity, and as a centre for spiritual and social well being of both the individual and the community.72 The ancestors of contemporary indigenous peoples in Namibia were once the sole occupants of much of the land which is now Namibia. Today, landlessness is one of the major challenges for them in respect of poverty, marginalisation, identity, and cultural persistence.

The African Commission Working Group on Indigenous Populations/Communities identified that land dispossession amongst indigenous populations has resulted in a loss of food...

---

security; increasing economic dependence on other ethnic groups and government food aid; an increased loss of dignity, disruption of their social fabric, and degradation of their environment by intruders with large cattle herds.”

Indigenous peoples who live and work on commercial farms have no rights to such land and those who work for communal farmers generally have no secure usage rights either. Those who cease farm employment typically have no land to call their own and often end up in the informal settlements in towns or with family on overpopulated resettlement projects. Those in urban areas have no tenure security and are often living in informal settlements where residents are regularly threatened with eviction.

There are many San communities living on communal land where the majority of residents are from other ethnic groups, for example in Zambezi, Kavango, Omaheke, Ohangwena and Omusati regions. The UN Special Rapporteur on the Rights of Indigenous Peoples observed that indigenous peoples settled on communal lands have experienced instances of encroachment from other tribes who illegally put up fences to demarcate their claimed areas. This encroachment is more common when indigenous peoples are inadequately represented and are unable to assert their rights over the land. Additional concerns are identified in the Report of the African Commission’s Working Group on Indigenous Populations/Communities: Mission to the Republic of Namibia, 26 July - 5 August 2005 which stated that: “Apart from dispossession, the San are very concerned about the activities of other ethnic groups on what they consider their ancestral land. The San are concerned by the massive influx of commercial farmers, in most cases cattle farmers, into territories on which the San depend for their meagre livelihood. The pattern of other groups’ livestock using San water sources, leaving insufficient amounts for game which consequently leave the area, destroying and diminishing the bush foods on which San depend, and thereby creating total dependency on the intruders themselves, is all too well known to the San, who find themselves at a loss to prevent it recurring.”

In regards to conservancies, only two of the 79 conservancies in Namibia are predominantly occupied by San (the Ju|’hoansi in Nyae Nyae and the !Xun and a few Khwe, Ju|’hoansi, and Hai|’om in Nǂa Jaqna). The Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, stated in his report The situation of indigenous peoples in Namibia: “The conservancies are in a sense flagship programmes for the Namibian government and have been promoted as models for community-based resource management. Certainly the conservancies, especially Nyae Nyae, have allowed communities to have some measure of control over as well as derive benefits from the natural resources within the communal

---

74 OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 8
areas in which they live.” The land rights of residents, however, are not secured through the gazetting of conservancies. Conservancy members only have some management and utilisation rights over the game in the conservancy area.

Three San communities currently live in national parks, the Khwe and a few !Xun in the Bwabwata National Park and the Hai||om in Etosha National Park. While the Khwe and !Xun in Bwabwata National Park have some user rights within the park, the Hai||om in Etosha have no such. Government has purchased a number of resettlement farms for the Hai||om in acknowledgement that they have lost their ancestral land due to the development of the Etosha National Park, but challenges regarding opportunities to develop sustainable livelihoods on these farms remain.

A number of indigenous people have benefited from the (commercial) land reform programme of Government in terms of the National Resettlement Policy, and were mostly resettled on group resettlement farms. Some were placed by the Ministry of Lands and Resettlement (MLR) on the original resettlement farms in the 1990s and others have been moved to those recently acquired by the MLR at the request of the OPM for the specific purpose of San resettlement. San groups are yet to properly benefit from the Farm Unit Resettlement Scheme. The African Commission Namibia mission report stated: “The process of applying for [farm unit] resettlement also often bypasses the San, one reason being that most San in Namibia live in remote areas and are not made aware of the resettlement projects planned in their areas until it is too late to apply, another reason being that many are illiterate and unable to submit a written application.”

As far as group resettlement is concerned, few of the San beneficiaries on the resettlement farms hold a title deed in their individual name, and problems with the influx of outsiders persist. With regard to San resettlement, the OPM has placed emphasis on establishing housing, education and healthcare services through the San resettlement projects. In addition, Government is committed to mobilising San beneficiaries for new livelihood activities in the resettlement projects by ensuring that these projects are planned with the active participation of resettled beneficiaries.

International Recommendations
CERD: “[R]ecognize and protect the rights of indigenous peoples to own, develop, control and use their land and territories. It therefore encourages the State party, in consultation with the indigenous communities concerned, to demarcate or otherwise identify the lands

---

76 OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 9. As mentioned below, conservancies only allow communities only to manage and utilise game, in accordance with the Conservation Amendment Act No. 5 of 1996.
77 Government Gazette No.1333, 17 June 1996.
79 This approach entails the purchase and subdivision of large-scale commercial farms into units allocated to individual beneficiaries according to plans developed by land-use planners in the MLR (Werner & Odendaal 2010: 25).
which they traditionally occupy or use, and to establish adequate procedures to resolve land
claims by indigenous communities within the domestic judicial system while taking due
account of relevant indigenous customary laws.”81

“Strengthen its laws and policies aimed at ensuring that national parks established on
ancestral lands of indigenous communities allow for sustainable economic and social
development compatible with the cultural characteristics and living conditions of those
indigenous communities. In cases where indigenous communities have been deprived of
their lands and territories traditionally owned, the Committee recommends that the State
party take steps to return those lands and territories or to provide adequate reparation
measures, in accordance with paragraph 5 of general recommendation No. 23 (1997) on the
rights of indigenous peoples.”82

African Charter Working Group: “The San should be provided with communal land they can
call their own. [...] The protection and expansion of land rights is one of the most
fundamental interventions that can be made on behalf of the San in Namibia to secure their
sustainable livelihood.”83

Special Rapporteur: “[The Government] should step up efforts to address the problem of
landlessness of San groups and to carry out initiatives to secure for them rights to land, and
do so, to the extent compatible with the rights of others, in accordance with their historical
or traditional land tenure patterns.

The Ministry of Lands and Resettlement should be provided with an increased budget to
purchase lands for the purpose of resettlement. The selection of lands should be done in
close coordination with the groups concerned and in accordance with prior feasibility
studies. Lands purchased should be sufficient in size, location, and quality to guarantee that
resettled groups have a sustainable basis for their economic, social and cultural
development.

Resettled San groups should be provided with the necessary financial and technical support
to ensure that they are able to establish viable communities, and support should continue
for as long as may be required to achieve this purpose.

[The Government] should give high priority to purchasing adequate resettlement lands for
the Hai||om people living in Oshivelo and other similarly situated San groups who were
removed from the Etosha National Park in the 1950s. When selecting lands, [the
Government] should make all efforts to accommodate the Oshivelo community’s desire to

81 Committee on the Elimination of Racial Discrimination, Seventy-Third session, Consideration of Reports
82 Committee on the Elimination of Racial Discrimination, Seventy-Third session, Consideration of Reports
Namibia: 130.
have access to lands in Etosha National Park for tourism purposes and also receive lands adjacent to the park suitable for agricultural and other economic activities.

Namibia should take measures to reform protected-area laws and policies that now prohibit San people, especially the Khwe in Bwabwata National Park and the Hai||om in Etosha National Park, from securing rights to lands and resources that they have traditionally occupied and used within those parks. [Government] should guarantee that San people currently living within the boundaries of national parks are allowed to stay, with secure rights over the lands they occupy.

[Government] should take steps to increase the participation of San people in the management of park lands, through concessions or other constructive arrangements, and should minimize any restrictions that prohibit San from carrying out traditional subsistence and cultural activities within these parks.

[Government] should enforce the provisions of the Communal Land Reform Act that prohibit the erection of fences in communal lands. It should also investigate allegations of illegal fencing in the two main San conservancy areas and in communal areas occupied by Himba people. Furthermore, efforts should be made to harmonize any inconsistent laws and policies regarding conservancy areas and communal lands or other actions that promote competing interests on those lands.”

3.3 Discrimination

Article 10(2) of the Namibian Constitution states that “no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic states” and article 19 entrenches the right to “enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject.” Indigenous peoples in Namibia, however, face discrimination both at a societal level, and as an indirect result of the operation of certain laws and policies.

As a result of being dispossessed of their land, the cultural roots of indigenous peoples in Namibia have been threatened. Dispossession reduces their ability to practice traditional skills and knowledge, and as such, they are sometimes degraded by others as being culturally “rootless”, further undermining the dignity and pride of indigenous communities. Indigenous peoples experience on-going discrimination based on their cultures and traditions, as well as their way of life. They are often perceived as lacking culture, as ‘primitive’, or ‘uncivilised’, and as ‘useless’. These stereotypical perceptions have

---

instilled a sense of inferiority and low self-esteem amongst segments of indigenous populations, the most observable being the San.\(^{87}\)

The implications of discrimination against Namibian indigenous peoples extend beyond personal stereotypes. Discriminatory perceptions affect their access to public services, their educational achievements, and their opportunities for employment.\(^{88}\) In some cases, access to public services such as health care is impeded by the reluctance of health practitioners to attend to indigenous peoples due to their traditional appearance or perceived social standard. Indigenous learners face various forms of stigma at school from both instructors and fellow learners, thus infringing on their right to develop in an environment that is conducive to their success. Finally, discrimination also manifests itself through exploitative employment agreements premised on the assumption that indigenous peoples cannot, and will not, exercise their rights to fair treatment and wages.

The Baseline Study on Human Rights in Namibia identified that discrimination is the main obstacle faced by Namibian indigenous communities.\(^{89}\) Moreover, evidence collected from the Universal Periodic Review in Namibia demonstrated that few indigenous peoples practice a strict traditional way of life as a result of integrating, to various degrees, into mainstream culture. The African Commission’s Working Group on Indigenous Populations has further observed that there is an absence of specific legislative provisions with sanctions prohibiting stereotypical discrimination against indigenous peoples in accordance with the African Charter and the Convention on the Elimination of Racial Discrimination.\(^{90}\)

In light of the above mentioned challenges, Government is committed to engender a better understanding of the cultures of indigenous peoples and to develop an appreciation that has the potential to lead to more respect and less discrimination against them. There have been extensive efforts to sensitize public servants and other stakeholders on the rights of indigenous peoples, and these must continue. Government acknowledges that efforts to reduce discrimination and to promote respect for indigenous cultures must go beyond a basic recognition of the international instruments. Given the desire of indigenous communities to maintain and transmit their cultures and languages to future generations, Government seeks to prioritize policies that support these preferences.

**International Recommendations**

**CERD:** “[The Government is] to increase its efforts aimed at combating prejudices against the San and to promote tolerance and foster intercultural dialogue among the different ethnic groups of Namibia.”\(^{91}\)

---


\(^{88}\) OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 16, 18

\(^{89}\) Baseline Study on Human Rights in Namibia: 84


African Charter Working Group: “Complaints about discrimination and stereotypical utterances against San learners should be thoroughly investigated and punished. The government should criminalize in all forms but in particular based on race or ethnicity in accordance with Article 4 of the Convention on the Elimination of all Forms of Racial Discrimination and Article 2 of the African Charter on Human and Peoples’ Rights.”

“The government should also establish sensitization programmes for civil servants on issues relating to anti-discrimination, particularly with regard to the San and other indigenous peoples.”

“The government should ratify ILO Convention 169 on Indigenous and Tribal Peoples. The government should further include recognition and protection of indigenous peoples in its constitution and in national policies that affect the lives of the San and other indigenous peoples in Namibia.”

Special Rapporteur: “Affirmative measures should be further developed and implemented, in consultation with the affected peoples, to enhance representation by indigenous groups at all levels and in all institutions of government, including in administrative and legislative bodies at both the national and district levels.”

3.4 Education and Language
Since independence, Government, through the Ministry of Education, has demonstrated its strong commitment to indigenous education. Amongst some of the notable initiatives include an education system promoting the equality of all Namibians and the recognition of the San as an educationally marginalised group. Government further placed an emphasis on mother tongue education in the first three years of schooling and the National Institute for Educational Development undertook efforts to produce mother-tongue educational materials for indigenous communities. Additional developments include the Government’s use of Satellite and Mobile schools to reach learners in remote areas of Namibia.

Namibia’s educational policies are progressive in terms of meeting the educational requirements for minorities. There is a need to ensure that all of these policies are implemented and to achieve a level of access to education that is proportionate across different ethnic groups. Although a majority of indigenous people attend lower primary grades, there is a sharp decline in the enrolment in upper primary and higher levels. The reasons for the high and early dropout rates for indigenous learners are manifold and reflect the interplay of different economic, social, and cultural factors, including:

• Poverty;
• Discrimination (harassment from learners and teachers, targeted theft);
• Remote location of villages (access and distance to be walked);
• Cultural mismatch (language, and differences related to cultural and social practices including traditional dress);
• Inappropriate curricula;
• Lack of role models;
• Teenage pregnancies;
• Insufficient allocations in hostels.  

The generally low formal education level of members of indigenous peoples severely affects their economic situation. Their ability to compete in the formal job market is hampered, rendering them highly dependent on menial work. Difficulties persist in accessing information, dealing with official paperwork, and developing skills, capacities and the confidence to secure other rights.

In 2013 Government abolished school fees, making primary education free for all pupils. Despite this, many indigenous families are still unable to cover school-related costs, including clothes, supplies, soap, and other toiletries for their children. Furthermore, some school authorities continue to demand fees from indigenous peoples despite provisions allowing them to use discretion when collecting fees. Recent studies indicate that, in some cases, indigenous peoples are unaware of these concessions. In other cases where the exemption policies are understood, indigenous children are hesitant to request the exemption due to the fear of being stigmatised by other groups that perceive these concessions as unwarranted preferential treatment.

For those seeking to attain post-secondary or tertiary qualifications, a number of scholarship programmes have been created. Scholarship programmes for tertiary education from the OPM, Roads Authority Network, WIMSA, and FAWENA offer support to a number of San studying in Windhoek. Dissemination of information on these programmes within indigenous communities remains a challenge, and few indigenous people have been able to capitalise on these opportunities.

Improvement in the educational and economic situation is not only about access to the existing mainstream education. Appropriate education must be attuned to the needs of children from indigenous peoples. This includes education that is rooted in their cultural values, that recognises and builds upon their own knowledge foundations, and that provides a comfortable and protective environment to live in whilst at school. Furthermore, the issue

97 Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 530-531
98 Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 538-539
of mother tongue education is critical for the preservation and promotion of indigenous languages. Government is committed to ensuring quality education for children from indigenous peoples by taking all of these elements into consideration, and responding to the specific needs, aspirations, culture and realities of the communities that it serves.

**International Recommendations**

**African Charter Working Group:** “The government should provide the San with sufficient educational support to enable them to make informed decisions about their development and the development of their future generations.”

“Those San learners who fail grade 10 examinations should be supported by the government to repeat and those who drop out of school should be encouraged to return or be provided with vocational training that is relevant to the economic development of the country.” “[The Government should provide] mother tongue education for all San pupils up to grade 3 and train San teachers to teach them.”

**Special Rapporteur:** “Namibia should work to remove the barriers that are keeping the San, Himba, and other groups from accessing education, including in relation to school development fees, distances from schools, and bullying faced in schools. Himba people should not be forced to abandon their traditional, semi-nomadic way of life in order to gain access to education, and thus the Government should strengthen efforts to provide mobile schools in remote areas.”

**Expert Mechanism:** States should facilitate the right to educational autonomy by building an understanding for traditional methods of teaching and learning in order to develop quality educational content in consultation with indigenous populations. Educational content should incorporate special needs, histories, identities, values, beliefs, and traditional knowledge, as well as their social, economic, and cultural priorities and aspirations.

Existing mainstream curricula should be reviewed to address past wrongs by removing stereotypes, inappropriate terminologies and other negative elements that refer to indigenous peoples and should include human rights, environmental protection, and the importance of lands and resources for indigenous peoples. Support and literacy materials should be produced and disseminated in the indigenous languages.

---

“Adequate policy and legal frameworks should be put in place, and budgets allocated, to support traditional as well as formal education institutions that aim to develop and implement appropriate programmes for and by indigenous peoples.”

### 3.5 Health

Government places emphasis on the provision of primary healthcare through the establishment of accessible and affordable health clinics for all Namibians. The objectives of the third National Development Plan (NDP3), 2007-2012\(^\text{105}\) elaborated on this and emphasised community participation in the healthcare system, equitable access to quality healthcare services, affordability of health services, and cooperation with sectoral players. Namibia’s fourth and current national development plan (NDP4)\(^\text{106}\) captures the essence of the *International Covenant on Economic, Social and Cultural Rights*. It focuses on making the healthcare system (including prevention, treatment and rehabilitation) work in the most affordable, accessible and culturally acceptable way. Both NDP3 and NDP4 recognise the need to reach out to the most disadvantaged Namibian communities by ensuring that the national healthcare system is affordable, accessible and culturally acceptable to them.

Notwithstanding the commendable efforts that the country has made in healthcare provision, the health conditions of indigenous peoples remain a great challenge for the government. In the last decade, the San were reported to be the unhealthiest group of people in Namibia, with a life expectancy of 46 years that was estimated to be 25% lower than the national average.\(^\text{107}\)

In Namibia, indigenous peoples suffer from increased rates of tuberculosis, infant mortality, maternal mortality, malnutrition (especially amongst the San), HIV/AIDS, lower levels of access to ARVs, alcoholism, pneumonia, and gastro-intestinal problems.\(^\text{108}\) These health issues are closely linked to the extreme poverty many San experience.\(^\text{109}\) The poor health of indigenous populations is an indicator of poverty that is prevalent across all indigenous groups.

Government is also conscious of the health impacts of structural inequalities and recurrent injustices which affect the livelihoods of indigenous people,\(^\text{110}\) including barriers to land tenure. Many San communities experience food insecurity and mainly depend on food aid

---


\(^{110}\) OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 18
to survive. The challenges indigenous peoples face with regard to acquiring gainful employment also leads to persistent hunger, malnutrition and the weakening of immune systems. Most indigenous peoples also live in remote rural areas with less comprehensive servicing by health facilities. Government provides mobile clinics to such areas but acknowledges limits in the ability of those clinics to access remote areas on a regular basis and to adequately treat most diseases. Government has instituted a programme of exemptions for medical fees for OVCs, pensioners, and indigenous peoples, but acknowledges that many are still made to pay for health services, depending on the sites that they visit.

The general discrimination and stigmatisation experienced by indigenous peoples from other members of the Namibian population present additional social barriers to improving the overall health of indigenous communities. Government is committed to further sensitisation of medical staff to ensure that discriminatory attitudes do not impact on indigenous peoples’ right to health. Other challenges include obtaining medical treatment in mother tongue languages.

Government acknowledges that health challenges faced by indigenous peoples are interlinked with other rights issues and require tackling through an integrated approach that prioritises addressing poverty as a key strategy for success.

**International Recommendations**

**Universal Periodic Review Namibia:** “Ensure that persons who only speak non-official languages used widely by the population are not denied access to public services.” (Austria); “Take effective measures to enhance the access to public services concerning persons who do not speak the official language.” (Germany).

**African Charter Working Group:** “The government should establish health centers to San communities or ensure that mobile health centers visit these communities on a regular basis.”

**Special Rapporteur:** “[The Government] should make concerted efforts to address the structural factors contributing to the health problems suffered by indigenous peoples in the country, including poverty and a lack of access to their traditional lands and natural resources. Measures also need to be taken to combat discrimination against indigenous

---

111 OHCHR, Report of the Special Rapporteur on the Rights of Indigenous Peoples in Namibia, 2013: 18
112 Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 553
peoples in health centres and to ensure that those people who use their own language can communicate and understand medical staff.”

“Namibia must strengthen efforts to collect data disaggregated by ethnicity in order to appropriately identify, monitor and evaluate health services provided to disadvantaged indigenous peoples.”

### 3.6 Cultural Protection and Preservation

Article 19 of the Namibian Constitution entrenches the right to “enjoy, practice, profess, maintain and promote any culture, language, tradition, or religion subject.” As highlighted in the previous sections on discrimination and language, however, the distinct cultural traditions and languages of Namibian indigenous peoples are not being protected sufficiently.

The issue of the preservation of indigenous cultural traditions becomes increasingly complex when considering the growth of Namibia’s tourism industry, which derives part of its international appeal from its indigenous peoples. With the current rate of economic, industrial, and tourism growth in Namibia, indigenous peoples, as local traditional knowledge holders, become vulnerable to infringements of their intellectual property rights. As articulated in the 2010 Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore (Swakopmund Protocol), the manufacturing, import, export, selling, and making use of traditional knowledge and forms of expression beyond their traditional context are ways in which indigenous populations can be exploited as a result of this growth.

In accordance with the Swakopmund Protocol, the holders of traditional knowledge and expressions of interest have the exclusive right to assign, access, license, and authorise the exploitation of knowledge. Traditional communities who own this knowledge also have the right to prevent anyone from misappropriating, misusing or unlawfully exploiting their traditional knowledge and forms of expression without their free, informed, and prior consent.

Government is committed to the protection of indigenous cultures, traditions, and languages, and views such protection as one way of addressing the social problems that can arise from economic growth associated with tourism and other industries. It views the preservation of indigenous cultures as beneficial, because it can instil pride in indigenous

---

118 The Constitution of the Republic of Namibia: Article 19
peoples on account of their distinctiveness and contributes to the social landscape that makes Namibia an attractive tourist destination.

**International Recommendations**

**Expert Mechanism:** “States are encouraged to create an environment of tolerance and understanding where indigenous peoples’ languages and cultures are celebrated within the State, promoting an understanding of the value of cultural difference within the society at large.” Furthermore, States should recognize the continuing value to communities and societies of indigenous peoples’ traditional knowledge, including spiritual, cultural and linguistic knowledge, all the while making financial provisions and investments for measures to promote these differences.¹²¹

“States should establish mechanisms, including monitoring, to ensure that indigenous peoples’ traditional knowledge is not expropriated without the free, prior, and informed consent of indigenous peoples and provision is made for appropriate access and benefit-sharing arrangements.”¹²² These mechanisms should be extended to the private sector to ensure that the cultures and languages of indigenous populations is not infringed upon.

**Swakopmund Protocol:** “In respect of expressions of folklore of particular cultural or spiritual value or significance to a community, the Contracting States shall provide adequate and effective legal and practical measures to ensure that the relevant community can prevent […] acts from taking place without its Free and Prior, Informed Consent.”¹²³

### 3.7 Gender Equality

Historically, the San community is one of few communities worldwide to practice gender equality in all domains of daily life. Historically, instances of domestic violence were rare or non-existent. With the influence of political and economic factors during the colonial and post-colonial periods, social structures amongst the San indigenous communities began to change, leaving women and girls with unequal status to their male counterparts.¹²⁴

The lower status of indigenous women affects, amongst others, their income-earning potential, rates of gender-based violence, education levels, participation and representation in civic life, their risk of contracting HIV/AIDS, and discrimination during antenatal care and

---


childbirth.\textsuperscript{125} Government is fully committed to gender mainstreaming when targeting indigenous peoples. Gender inequality of indigenous peoples is explained in detail below.

\textit{Gender-based violence}, often triggered by alcohol abuse, is now a major problem in most indigenous communities and is caused by a number of interrelated problems. Changes in gender ideologies as communities shift towards a hierarchical model in which men are ‘superior’ to women, and the frustration experienced by men relating to unemployment and poverty, are major factors leading to increased violence. The lack of available law enforcement officials in remote communities can compound the problem. Although gender-based violence and gender equality are national problems that crosscut all ethnic groups and socioeconomic backgrounds, Government notes that incidents of rape are higher among the San than any other language group.\textsuperscript{126} In its most recent examination of Namibia, the CERD Committee expressed concern over the high rate of HIV amongst the San, as well as the high rate of rape of San women by other communities.\textsuperscript{127}

The completion of \textit{formal education} is a challenge for both boys and girls of indigenous peoples, as noted above. However girls are experience greater disadvantage regarding education than boys. Factors include sexual harassment, the need for more financial resources to buy necessary toiletries and sanitary items, teenage pregnancies and early marriages, as well as a lower self-esteem in comparison to boys.

Likewise, women from indigenous peoples are in a more vulnerable position than men with regard to \textit{health}. Women tend to take care of the health of other family members. Issues around accessing healthcare facilities and trained personnel during pregnancy and childbirth also place them at a higher risk of experiencing complications and emergencies during the reproductive period of their lives. Indigenous women also comprise a highly vulnerable group in terms of exposure to HIV infection, due to exploitative sexual relationships with men from other ethnic groups who are in a better economic position than themselves.

With regard to the \textit{participation and representation}, women are underrepresented, although there are a number of outspoken San women in leadership positions. This can be attributed to Government’s progressive policy framework on gender, the engagement of NGOs that strive for gender balance, and relatively higher levels of education in recent cohorts of indigenous girls (coupled with an attendant increase in self-confidence).

Although some of the gender-related problems indigenous women face today reflect those of women from other ethnic groups in Namibia, often the situation confronted by indigenous women is compounded by other challenges they experience as members of indigenous communities.\textsuperscript{128} Government is committed to mainstreaming a gender perspective in all development initiatives targeting indigenous peoples as an essential strategy.

**International Recommendations**

**CERD:** “Adopt all necessary measures to ensure prompt, thorough and independent investigations into all allegations of rape against San women.”

**Special Rapporteur:** “[Government] should make greater efforts to respond to the problems facing indigenous women and girls and investigate any allegations of sexual abuse of indigenous girls in schools.”

**UNDG:** during the planning phases of national policies and programmes, importance should be placed on the perspectives of indigenous women to ensure that their needs to considered in the development, implementation, and monitoring and evaluation of these policies and programmes.

### 3.8 Labour Rights and Livelihood Options

The majority of San households depend to a substantial degree on Government support for survival. Old Age Pensions are the most common and consistent source of income among San communities in Namibia, and food aid is for many communities the most reliable source of food. In addition, San individuals and communities engage in a variety of other strategies to secure small amounts of cash (or in some cases, food), including casual work carried out for neighbouring groups and piecework, depending on circumstances and availability. The sale of natural products or crafts occasionally brings small amounts of additional income. The gathering of bush food is still a very important livelihood strategy for San communities – however it is highly seasonal and limited in most areas by the lack of access to land.

Animal husbandry plays a minor role in most San communities. Some communities cultivate crops, but only on a relatively small-scale, and this is dependent on environmental circumstances, access to land and external support. Harvests are usually consumed within a couple of days, weeks or months, and are not sufficient to provide households with staple food for an entire year. The GRN supports crop cultivation on a larger scale, which has contributed to improvements in food security. Formal employment is a major determinant of food security, mostly because it offers regular cash income, but employment opportunities for individuals from indigenous people remain limited. Under the Labour Act 11, 2007, indigenous peoples who undertake formal or informal employment are considered “employees” if they meet one of the specified criteria, thus extending to them certain labour rights. Government is committed to addressing limited levels of education and awareness of these affirmative action policies and the Labour Act, which can impede

---

131 UNDG Guidelines on Indigenous Rights: 13
indigenous peoples from accessing these benefits and from exerting their rights to fair and equal pay.\textsuperscript{132}

**Old Age Pension**

Namibia stands as one of only six countries in Sub-Saharan Africa to provide a monthly, non-contributory pension to its elderly citizens. For indigenous peoples and their dependants this pension serves as the primary source of household income and oftentimes as the only regular source. According to the results of the 2009/2010 *Namibia Household Income and Expenditure Survey* (NHIES), 20.1% of Khoisan speakers in Namibia rely on pensions\textsuperscript{133} as their main source of income, compared with a national average of 11.1%.\textsuperscript{134} As stated in the NDP 4, the proportion of extremely poor households are the highest for those that were dependent on pensions (28.4%) as their main source of income.\textsuperscript{135}

Government is aware of a number of challenges that limit the access of indigenous peoples to Old Age Pensions. Many are unable to register for the pension due to their lack of necessary national documents such as ID cards and birth certificates,\textsuperscript{136} as well as their inability to afford transport to towns to register as a pension recipient. Access to national documents is increasingly scarce in remote villages. Government also notes that communication barriers between indigenous peoples and civil servants who do not share a common language also limit the ability of indigenous people to acquire national documents. Misrepresentation of their ages on their IDs can also prohibit indigenous persons from receiving an Old Age Pension, even though their true age would entitle them to be a recipient.

**Food Aid**

As mentioned above, Government’s food aid programme is a significant, and sometimes the principal, source of sustenance for many indigenous communities. The San Feeding Programme, under the Division: San Development, targets San communities as a group vulnerable to food shortages because of their marginalisation.\textsuperscript{137}

Government is aware that the frequency, quality and quantity of food distributed to indigenous peoples can be prone to inconsistency.\textsuperscript{138} This impacts on the ability of indigenous communities in urgent need of these supplies for their food security to rely on

---

\textsuperscript{132} Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 499-501

\textsuperscript{133} The NHIES include ‘state old age pensions’ and ‘pensions from employment’ under ‘pensions’ (NHIES 2012: 209).


\textsuperscript{137} See \url{http://www.sandevelopment.gov.na/san-feeding-programme.htm}

\textsuperscript{138} Dieckmann, Ute et. al. “Scraping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 468.
food aid. Government also acknowledges that the usual provisions of mealie meal and oil alone cannot prevent malnutrition due to their lack of protein and other essential nutrients.\textsuperscript{139}

Government views the importance of pension grants and food aid for San and other indigenous communities as indicating the high level of their poverty and that concerted efforts are needed to assist them in establishing sustainable livelihoods. Sustainable livelihood options for indigenous peoples would also benefit Namibian taxpayers by decreasing Government expenditure on long-term welfare measures. The NDP4 states: “While cash transfers –whether as remittances, social grants or in other forms – have proved to be effective in addressing poverty to some extent, supplementary measures are needed to enable people living in impoverished conditions and benefiting from social grants to climb up from this lowest rung of the socio-economic ladder.”\textsuperscript{140} Government considers that this is not only valid for cash transfers but also for food aid, as long as it is not provided as emergency relief.

Post Settlement Support and Access to Productive Assets

Government has made major achievements since Independence, especially since the inception of the San Development Programme, in providing a place to stay for many San families on group resettlement farms. An ongoing challenge, as mentioned above, is to enable these families to develop sustainable livelihoods based on agricultural activities. Government believes that to do this, strategies deployed by different role players in support of San farmers in group resettlement projects must more acutely address structural constraints associated with high levels of illiteracy amongst the San, their cultural background and history of marginalisation. Government also seeks to find comprehensive strategies or solutions to sustainably address San farmers’ limited access to farm inputs, equipment and/or draught power and to strengthen San and other indigenous people’s joint resource management capacity or their capacity to manage supply chains and market access.

Affirmative Action in Employment

Government has also made efforts towards improving the employment situation of the indigenous peoples in Namibia. For example, within the African Commission on Human and Peoples' Rights’ \textit{Namibia: 3rd Periodic Report, 2002-2009}, Government noted that it “has given directives to all Ministries and Regional Governments to apply affirmative action principles in terms of the law to employ the San people. Many of the Ministries including the Ministry of Defence, Safety and Security have relaxed the requirements for employment when employing the San people in the Defence and Police Forces.”\textsuperscript{141} The Division: San Development has also assisted qualified San in getting employment by recommending them

\textsuperscript{139} The \textit{Emergency Food Security Assessment in Communal and Resettlement Areas of Namibia} (Office of the Prime Minister 2013: 11) calculates, for example, 12 kg of cereal and 1.8 kg of pulses as an individual adult ration per month.


for vacancies in government agencies.\textsuperscript{142} Furthermore, the OPM supports San education with the aim of enhancing their chances of formal employment. Government is aware that many San are not aware of these support mechanisms and thus, do not access them. It therefore seeks to improve the dissemination of information about these opportunities to all indigenous peoples. Promoting the employment of indigenous peoples in the private sector is another area that requires further consideration.

**Livelihood Support Projects**

Government and other stakeholders have made efforts to assist indigenous communities to develop sustainable livelihoods. The San Development Programme, for example, initiated bee keeping, bread baking, tailoring and coffin manufacturing projects. Unfortunately, most of these projects experience challenges relating to sustainability, product marketing, financial management and inconsistent supply of materials.\textsuperscript{143} San themselves identify a number of reasons for project failure:

- inadequate consultation with the communities or potential beneficiaries;
- insufficient opportunities for active, effective participation by potential beneficiaries/participants;
- lack of transparency and inadequate information provided on the project, its objectives and implications;
- lack of cultural sensitivity;
- limited sense of ownership of the project by the San;
- suspicions relating to poor management of project finances in some projects;
- insufficient training, for example in farming projects;
- perceptions that donors dictate the planning, implementation and/or management of projects sometimes;
- language barriers;
- inadequate market research before project implementation (e.g. sewing and bread-making projects);
- lack of adequate baseline studies, feasibility studies, scoping assessments and evaluations; and
- inadequate coordination among the stakeholders.\textsuperscript{144}

**International Recommendations**

**African Charter Working Group:** “The government should encourage the development of income-generating activities in and around San communities and give priority to the


\textsuperscript{144} Dieckmann, Ute et. al. “Scrapping the Pot”: San in Namibia Two Decades After Independence, Legal Assistance Centre and Desert Research Foundation of Namibia: Windhoek, 2014: 492.
employment of San members to fill vacancies. The government should ensure that labour laws are enforced so that proper working conditions are ensured for the San.”\textsuperscript{145}

3.9 Extractive Industries

Government notes that as industrial development grows both in Namibia and across Africa, there is an increasing need to protect indigenous and local peoples from the environmental and social impacts of such growth. Of particular importance are policies pertaining to the management of the extractive industries. Across the continent, there is a rising trend of small-scale local enterprises applying for licenses and permits which are then sold to large-scale enterprises prior to, or during, development. Large corporations may disregard the local context and can consequently contribute to adverse human rights impacts. Marginalised groups such as indigenous peoples are especially vulnerable to these impacts, should their free, prior, and informed consent not be exercised.\textsuperscript{146}

It is both the Government’s and the business enterprise’s responsibility to obtain free, prior, and informed consent of affected indigenous peoples and to ensure that adequate consultation is undertaken to respect their human rights. The consultation process should be clear and information provided should include the benefits and potential risks of the proposed development. Information about the impact of an extractive industry will minimize negative implications if it is delivered in a way that is understandable for indigenous peoples. Just as indigenous peoples and their communities have the right to offer their free, prior, and informed consent, of particular importance is their right to not consent to extracting resources as an exercise of their sovereignty.\textsuperscript{147}

The right to participate in decision-making involving extractive activities includes both situations where indigenous peoples have a State-recognized title to the lands and to where they have traditionally owned or otherwise occupied and used land, territories and resources under their own indigenous laws. Indigenous people can also participate in decision-making in relation to extractive enterprises on or near territories that hold importance to them, whether or not “they currently occupy or have in the past possessed or do not permanently possess, traditionally and/or currently, those lands, territories and resources.”\textsuperscript{148}

\textbf{International Recommendations}

\textbf{Special Rapporteur:} “Consultations should be carried out with the communities that might be adversely affected by development projects and the exploitation of natural resources,

\begin{flushleft}
\end{flushleft}
including mining taking place near the lands of Nama people, with the aim of obtaining their free, prior informed consent for the potential project activities.”

**Expert Mechanism:** States and business enterprises involved in the extractive industries should ensure that:

“[A]dequate consultation is undertaken at the earliest stages of extractive activity and that indigenous peoples are engaged in the design of consultation mechanisms.”

The Expert Mechanism advises States to establish, together with indigenous peoples, permanent mechanisms to enable consultation and provide guidance on issues including: determining when consultations are required, identifying the representatives with whom consultation should take place, undertaking environmental and social impact studies, ensuring that indigenous people’s perspectives are taken into account, and providing translation and interpretation as required.”

States to establish permanent mechanisms to assess when and how indigenous populations are to be consulted, when to be consulted, and how to be consulted by taking into account the following factors: indigenous perspectives and priorities; the nature of activity and potential impacts on the rights, survival, and well-being of indigenous communities; the cumulative effects of previous encroachments and activities; historical inequalities. States and business enterprises should further be mindful that indigenous peoples have the right to choose their own representatives through their own procedures, and should make clear from the beginning how they will reach a collective decision.

States should further allow indigenous peoples and communities to obtain expert and independent assessments of impacts and activities on their lives, lands, and territories, and should ensure that permitting and monitoring boards of State corporations and extractive enterprises include indigenous people representation and participation.

4. **Objectives and Strategies**

This chapter presents objectives and strategies in response to the core problems regarding indigenous communities in Namibia set out in chapter 3.

---


4.1 Objective 1: Develop National Legislation Protecting the Rights of Indigenous Peoples in Namibia

Strategies

- Implement legislative amendments to guarantee the equal access, in practice, of indigenous people to education, health and other public services, and to prohibit discrimination against indigenous peoples in accordance with the African Charter and the Convention on the Elimination of Racial Discrimination.

- Enact laws mandating proper consultation processes to be conducted by government or by business enterprises as a necessary precondition to the use of land or resources occupied by indigenous communities.

- Enact laws prohibiting any person or entity from accessing genetic resources without obtaining the prior informed consent of affected indigenous groups, in line with the Convention on Biological Diversity (1992).

- Consider legislative amendments to the Traditional Authorities Act, 2000 to strengthen procedures for fair and transparent elections of Traditional Authority councillors or for the fair and transparent appointment of members of Traditional Authorities according to the traditional procedures of communities, and monitoring processes for the performance of Traditional Authorities and chiefs.

- Consider legislative mechanisms for guaranteeing representation of indigenous peoples in parliament, regional and local governments.

- Harmonise inconsistent laws regarding conservancy areas and communal lands, in order to strengthen the rights of conservancy residents.

- Enact laws to prohibit the forcible removal of indigenous peoples without their free, prior and informed consent, and without reasonable and sufficient compensation for such removal.

- Consider legislative amendments to ensure that national parks established on ancestral lands of indigenous communities allow for those communities’ sustainable economic and social development compatible with their cultural characteristics and living conditions.

- Review and strengthen the Prohibition.

4.2 Objective 2: Develop an Integrated Strategy and Improve Coordination

Currently, different stakeholders impose different development strategies on San communities. Without an integrated strategy and improved coordination in line with this strategy, initiatives supporting indigenous peoples will run the risk to impede each other’s efforts.

Strategies

- Develop and adopt a specific policy on indigenous peoples in Namibia in line with this White Paper setting the guideline for all future initiatives.
• Establish a National Coordinating Forum on Indigenous Peoples. Members of the forum should include representatives from Traditional Authorities from indigenous communities, the Namibian San Council and other indigenous peoples’ organisations, the Office of the Prime Minister’s Division: San Development, relevant line ministries, national NGOs and international development partners. The Forum’s aim should be to ensure integrated, multi-sectoral, coordinated and systemic development, in line with this White Paper.

• Establish Regional Coordinating Committees on Indigenous Peoples. Regional Committees would focus on the specific problems facing the San in each region. Members of the Committees would include representatives of the OPM, regional councils, line ministries, NGOs working with indigenous people in each region, San TAs and/or other TAs under whose jurisdiction indigenous people live, regional representatives of the Namibian San Council and representatives of San community-based organizations.

• Improve coordination of institutions and organisations (governmental and non-governmental) that work on issues related to indigenous peoples to build synergies and enhance service delivery.

• Revise the mandate of the Division of San Development Programme to align it more closely with the UNDRIP. Articulate a clear focus for future projects included under the Programme. Create a Division-wide policy which requires that the projects under the programme are planned in consultation with indigenous communities.

• Change the name “Division of San Development” to one inclusive of all identified indigenous peoples and communities in Namibia.

4.3 **Objective 3: Ensure that Indigenous Peoples Enjoy the Same Rights in Practice as All Other Namibians**

Because indigenous communities are generally marginalised, experiencing lower levels of development and weaker human rights protections, it is not enough to merely accord indigenous peoples the same policies and protections as for all other Namibians. Instead, special measures targeted at the improvement of conditions for indigenous peoples need to be employed so as to reduce their marginalisation, and to enable them to participate in Namibian society with the same opportunities and support as other Namibians.

**Strategies**

• Recognise indigenous peoples and their communities as distinct groups with distinct challenges.

• Acknowledge that the development trajectory of indigenous peoples in Namibia may not follow the same path as for the mainstream population, and that indigenous peoples may require different policies and programs to attain an equivalent degree of development while still maintaining their distinct cultures and languages.
• Ratify ILO Convention No. 169 on the Rights of Indigenous and Tribal Peoples.
• Adopt special measures to facilitate the access of indigenous peoples to public services so as to minimise the discrepancy of access levels between indigenous peoples and other Namibians.
• Develop and implement awareness raising campaigns on human rights (including economic, social and cultural rights) and the channels needed to secure those rights.
• Continue to combat discrimination (see the strategies set out under Objective 7, below).

4.4. **Objective 4: Ensure Adequate Consultation, Participation and Representation of Indigenous Peoples**

Adequate consultation, participation and representation ensure that all Namibians, including indigenous peoples, are entitled to, and feel that they can, take part in the development of this country. These principles can also guarantee that future support programmes are not imposed on indigenous peoples but that they can actually shape their own development. This is also a precondition that these programmes succeed because indigenous peoples take ownership of their own development.

**Strategies**

• Allocate adequate time and resources to integrating consultation processes into the planning and implementation of programmes and policies that affect indigenous people.
• Incorporate into consultation processes the principle of free, prior and informed consent, including when contracting with indigenous peoples for access to genetic resources. Provide information during consultations about the benefits and risks of the envisaged programme or policy (via dialogue, studies, impact assessments and so on). Conduct consultation processes so that they lead to proposals that an affected community can formally approve, for example, by means of a memorandum of understanding. Free prior and informed consent also entails the right of a community to withhold its consent.
• Strengthen the capacity of, and increase financial support to, San representative bodies at local, regional and national levels.
• Increase participation and representation of San and other indigenous communities within the Division: San Development in order to increase the success of the implemented projects, in tandem with the establishment of suitable feedback mechanisms for the San representatives to communicate with their respective communities.
• Establish feedback procedures for representative institutions including San Traditional Authorities, the Namibian San Council and San Community-Based Organisations to ensure their accountability to the communities they represent.
• Create a plan to recognise Traditional Authorities of San communities currently represented by TAs of another tribe, such as the Khwe in Bwabwata National Park, Kavango Region.

• Develop means of ensuring the accountable operation of representative bodies, including procedures for fair and transparent elections of Traditional Authorities, and monitoring processes for the performance of Traditional Authorities and chiefs.

• Recognize officially all traditional authorities as selected by the communities themselves, according to their own traditional procedures & ensuring that no community is unrepresented, or represented by leaders of a different ethnicity;

• Investigate mechanisms used in other countries to ensure the representation of indigenous peoples in parliament, regional and local governments.

4.5 **Objective 5: Improve Access to Land and Ensure Secure Land Tenure**

**Strategies**

• Strengthen the communal land ownership of San people by recognising San Traditional Authorities (where they wish to have such an institution) which can give them a stronger voice on land rights, and by considering the establishment of additional San-managed conservancies and community forests.

• Raise awareness of, and train the San to follow procedures for obtaining rights under, legislation regarding customary land rights (Communal Land Reform Act 5 of 2002), conservancies (Nature Conservation Amendment Act 5 of 1996) and community forests (Forest Act 12 of 2001).

• Train officials to ensure that the San and other indigenous peoples are not discriminated against in the registration of customary land rights under the Communal Land Reform Act.

• Harmonise inconsistent laws regarding conservancy areas and communal lands, in order to strengthen the rights of conservancy residents.

• Enforce the Flexible Land Tenure Act 4 of 2012 to improve tenure security for the San and other marginalised communities in urban (informal) areas.

• If legislation is not feasible, commit to a policy of no forcible removal of indigenous peoples without their free, prior and informed consent, and without reasonable and sufficient compensation for such resettlement.

• Ensure that indigenous communities are reasonably and sufficiently compensated for the loss of their land due to the development of national parks or other protected areas and ensure that they benefit from the profits made by the national parks and protected areas.
• Ensure the participation and representation of San in conservancies and community forests where non-indigenous groups from the majority via a quota system in organisational structures.

• Ensure that indigenous peoples who are resettled have access to plausible livelihood options.

• Secure de jure land rights of the original beneficiaries (and their descendants) of group resettlement farms and that the Ministry of Land and Resettlement (MLR) support them to control the influx of new settlers.

• Explore alternatives to the original group resettlement model for San communities, as the group resettlement have already be deemed as less successful than expected by the MLR and other stakeholders.

• Review the policy objective of self-reliance for the San and other vulnerable people who have been resettled in group resettlement projects, given the difficulties of common property management on farms with many inhabitants, which may stem from high levels of illiteracy, limited incomes, limited technical capacity, inadequate access to markets, and the disparate needs and aspirations of households and individuals resettled in the projects.

• Budget for the maintenance of water and sanitation infrastructure in group resettlement projects.

4.6 Objective 6: Improve Food Security and Support Sustainable Livelihoods

Strategies:

• Regularly monitor food aid and drought relief, and ensure that local officials have sufficient resources to distribute food aid.

• Gradually replace the San Feeding programme with sustainable livelihood projects implemented in consultation with target communities, including providing technical and developmental support for livestock projects and increasing opportunities for the San and other indigenous peoples to engage in income-generating projects.

• Provide both long-term and locally-based support for crop production projects in San areas.

• Identify households living in extreme poverty, and design support mechanisms to assist them in improving their socioeconomic conditions. Increase the number of registration points for social grants.

• Give priority to San and other indigenous peoples in filling vacancies, issue further directives to ministries and agencies that the employment of indigenous people is preferential, and raise awareness of the rights of casual workers under the Labour Act 11 of 2007.
4.7 Objective 7: Ensure Respect for Indigenous Cultures and Stop Discrimination

Strategies

- Promote intercultural sensitivity by facilitating participatory community meetings in which civil servants and indigenous communities focus on discrimination and stereotyping.
- Establish control mechanisms in the public service to counter ongoing discriminatory practices faced by indigenous peoples.
- Ensure that persons who do not speak the official language are not denied access to public services by taking measures such as employing interpreters.

4.8 Objective 8: Ensure Equal Access to Education for Indigenous Peoples

Strategies

- Develop integrated national and region-specific policies on indigenous education, and create a task force to coordinate future efforts within this framework.
- Ensure that poverty is not a barrier to education by uniformly implementing school fee exemptions and funding other costs such as uniforms and school books.
- Make efforts to encourage teachers to work in indigenous communities by means of provision for accommodation, transport and remuneration.
- Intensify efforts to have mother tongue classes in all regions where indigenous people live and facilitate applications for language groups not currently recognised as languages of education to be formally recognised.
- Develop a transport plan to secure regular transport to and from schools and ensure its implementation.
- Establish more schools in areas where indigenous peoples are living, and explore flexible schooling options and schedules to accommodate the livelihood patterns of indigenous families.
- Facilitate the involvement of indigenous employees at educational institutions through greater flexibility in teacher hiring processes, and through employment as matrons and other staff.
- Include the history of the San and other indigenous peoples in school curricula.

4.9 Objective 9: Improve the Health Status of Indigenous Peoples

Strategies

- Establish basic healthcare facilities within walking distance of indigenous communities’ homes, or ensure that mobile clinics visit regularly, are well equipped and meet national standards.
• Ensure that exemptions of indigenous people from the payment of healthcare services are uniformly implemented and healthcare workers are sensitised to cultural differences.
• Extend efforts on reproductive health education to the indigenous peoples, with specific focuses on teenage pregnancies and sexually transmitted infections.
• Enhance and ensure effective monitoring and evaluation of the impacts of the programmes aimed improving the health of the indigenous peoples.

4.10 Objective 10: Advance Gender Equality for Indigenous Women and Girls

Strategies

• Mainstream gender considerations in the implementation and review of all policies, programmes and projects related to indigenous peoples.
• Investigate and support opportunities to support indigenous women who wish to engage in income-generating activities, and build-in gender sensitisation training into all development efforts.
• Continue to promote gender balance in representative structures of indigenous communities. Target indigenous women through specific programmes aimed at increasing self-confidence and overcoming resistance to public speaking and advocating.
• Take further action to reduce the high rate of domestic violence that indigenous women face at the hands of both indigenous and non-indigenous men.

4.11 Objective 11: Improve Monitoring and Evaluation

Obtaining quantitative data is essential to adequately evaluate in detail poverty reduction and other developmental efforts. Quantitative data would also be a means to compare the well-being of indigenous communities with the well-being of other Namibian communities. Twenty-three years after Independence, ethnic affiliations still play an undeniable role regarding the redistribution of wealth and resources in Namibia. Existing quantitative data on the basis of language categories as provided by the National Planning Commission or the National Statistics Agency does not reliably capture all socio-economic differences between the ethnic groups, e.g. the various San groups or Himba (as another indigenous people in Namibia).

Strategies:

• Include in the census and survey questionnaires one question regarding ethnic affiliation, in addition to existing questions regarding language spoken. This will enable quantitative data on the distribution of wealth and resources amongst

---
152 Daniels, Indigenous Rights in Namibia (2004): 44.
different ethnicities to be gathered. Such data is essential for adequately evaluating poverty reduction and other development efforts, which are needed for San communities.

- Analyse such data, or make it publically available so that other entities can carry out analysis.