

THE FAILURE OF LAW AND POLITICS

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The most vulnerable !Kung community of San people in Tsumkwe West now pin their last hopes for survival on the High Court of Namibia tomorrow, when the Legal Assistance Centre (LAC) takes an application to force police to act against scores of illegal cattle farmers who have settled in and fenced off huge tracks of land in the N#á Jaqna Conservancy.

Desperate San community members, cut off from their hunter-gatherer lifestyle by the encroaching fences, this week told Informante that they feel neglected and betrayed by the authorities.

The Ministry of Lands and Resettlement has maintained a stony silence, brushing off all questions to the under-resourced Otjozondjupa Communal Land Board, and refusing to approach the courts for an eviction order called for earlier by chief of police Sebastian Ndeitunga.

Residents complain that many of the police deployed to investigate the land invasion are related to the settling farmers, progress is at a snail's pace and no information is shared with the disempowered indigenous community. Locals say several farms, particularly near the Roodam checkpoint gate and also at Swartdak, have been totally overlooked by investigators.

This week LAC's Peter Watson confirmed that in effect they will ask the High Court to instruct police to evict the illegal farmers without needing to wait on the ministry and the land board and also bypassing the messenger of the court. "This is a common-law approach, a different route we are trying to address the problem," he said.

The LAC sees the Tsumkwe-West invasion as a test case which may help protect the rights of all Namibia's poor from exploitation. "Communal land is for the safety of poor people. These farmers are moving in irrespective and contrary to the constitution and the Communal Land Reform Act. I think the law should be enforced. At the moment there is this excuse of the drought but that is nonsense. They have been invading the area for a long time. They are not from the area and they do have a place (of their own) but here they don't even talk to the local chief," said Watson yesterday.