



LEGAL ASSISTANCE CENTRE

PROFESSIONAL FILMING OF INDIGENOUS PEOPLE IN NAMIBIA

INDIGENOUS PEOPLE of NAMIBIA

There are many Indigenous peoples within Namibia, each with their own distinctive language, customs and folklore. The Legal Assistance Centre (LAC) works directly with these communities throughout Namibia.

The nation's oldest inhabitants, the San people is of particular focus to the LAC, but we also advocate on behalf of the Himba people and all other indigenous groups which include the Zemba and Twa.

Indigenous peoples should be treated equally and with the same respect as other citizens and when entering traditional areas, one has to **respect** indigenous knowledge, cultures and traditional practices.

Indigenous people also form an important part of Namibia's tourism and people from all over the world come to take pictures and make films of them and their way of living.

Therefore, when filming in indigenous areas one has to have equal **respect** for them and their indigenous knowledge, cultures and traditional practices.

The Constitution guarantees all persons the right to dignity, equality and freedom from discrimination, privacy and culture.

1. General requirements when coming across our indigenous people:

- Respect their privacy, dignity, culture, practices, traditions and rights of Indigenous communities in the course of the intended filming project
- Recognize their Indigenous communities' right to ownership, protection and custody of their Traditional knowledge, including their right to heritage resources
- Do Not Disclose any aspect of the Traditional knowledge which is not publicly available and which was not consented to or observed by the film crew pursuant to their project
- Respect your social corporate responsibility by encouraging development, not handouts
- If your project contains Indigenous content, concepts or cultural elements, it is absolutely essential that you have Indigenous filmmakers or consultants on your team
- Contact Traditional Authorities or Conservancies to know what areas are sacred and what the appropriate protocols are for access or filming

2. Legal obligations when filming

According to the UN Declaration on the Rights of Indigenous People, article 32 (2) A film maker or photographer should:

- prior to the approval of any project
- **consult** and cooperate **in good faith** with the indigenous peoples concerned;
- obtain their free and informed **consent**

for more on FPIC see [ProBono 77-MEDIA_FPIC.pdf \(lac.org.na\)](#)

Who should be consulted?

The person being filmed as well as their own representative institutions such as:

- the Traditional Leaders Council;
- the relevant Traditional Authority; or
- the Conservancy in which the filming may take place;

When children under 18 are being filmed or photographed - You **Must** ensure that the BEST INTEREST OF ALL CHILDREN are seen to be done by: -

- obtaining prior permission from the parents and/or primary caregiver
- preventing possible neglect, discrimination, physical, psychological and emotional harm of such child

All foreign filmmakers should:

- Apply for a temporary work visa with the Ministry of Home Affairs and Immigration
- Production companies coming to film or photograph must apply for a filming permit with the Secretary on the Namibian Film Commission:

(The Executive Secretary Namibia Film Commission
P.O. Box 41807 Ausspannplatz Windhoek, Namibia
Tel: +264 61 381900 Email: info@nfc.na | website: www.nfc.na)

- Pay permit fee of N\$ 1500.00

→ *Please beware this section only applies to foreign natural persons who are not Namibian citizens, or permanent residents; and to Companies not registered in Namibia*

3. Filming Inside National Parks

National parks cover over 17 percent of the country's land surface. They conserve biodiversity by protecting some of the country's most important habitats and species of national and global significance. Due to different impacts on protected areas and landscapes the following additional requirements have to be fulfilled.

- Apply for permission with the Ministry of Environment and Tourism (recommended 14 days prior to the start of filming)

Contact: The Director

Mr. Colgar Sikopo Parks and Wildlife Management

Tel: +264 61 284 2518 | Fax: + 264 245 160

Mr. Shane Kotting Chief Warden Tel: +264 61

2842560 Website: www.met.gov.na

- Pay additional national park fee (for updated costs go to: <https://nfc.na/wp-content/uploads/2020/02/MET-Application-for-Filming-in-Parks-Protected-Area.pdf>)
- Bear in mind that the film crew will be monitored and supervised by the officials of the Ministry. Thus, all orders given by an inspecting/ controlling officer of the Ministry must be promptly adhered to

→ *These requirements apply to any filming project carried out inside a national park regardless of being a Namibian or non-Namibian company*

For more information:

Consult the **Legal Assistance Centre**
PO Box 604, Windhoek - Email: info@lac.org.na
Telephone: 061-223356 - Fax: 061-234953 -
SMS: 081-600 0098

