

Part III

National Analysis, Conclusions and Recommendations





Chapter 13

Access to Land

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Passing on knowledge of the ancestral land of the Hai||om of Etosha



13.1 Introduction

The ancestors of contemporary San 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 last but not least, cultural persistence. Land use and culture are closely interlinked. Culture manifests itself in many forms, one of which is the particular way of life that is associated with land and the use of the natural resources to be found on that land. San cultures – formerly based on acquiring food and other resources through hunting and gathering – are closely linked to access to (ancestral) land and the use of its animals and plants. In the course of our research it became evident that those San who are still living on their ancestral land (e.g. the

Ju|'hoansi in the Nyae Nyae Conservancy and the Khwe in the Bwabwata National Park (BNP)¹ have a much stronger sense of identity and culture than the San groups living on land occupied by people from other ethnic groups or on land where traditional livelihood activities are no longer possible (e.g. resettlement projects).

Due to their history of land dispossession and the wholly inadequate response to dealing with the issues that arose from this dispossession (see below), the majority of San communities are at risk of becoming an underclass – or indeed have already become an underclass, e.g. in areas where San communities have little or no control over and/or access to land and are used by other ethnic groups as workers in return for payment in kind, or even alcohol. To a certain degree, assimilation of the San into neighbouring cultures has already taken place in some areas, e.g. in Omusati Region (see Chapter 8), but even so, the San remain an underclass within the cultures which are absorbing them, thus they are easy to exploit. This is because the San have not been *fully* integrated into the cultures of their neighbours, i.e. to the extent that they are allowed equal access to (customary) rights and resources (e.g. land). When addressing the issue of land and Namibian San communities, the connection between culture and access to land, and the importance of land in overcoming their current marginalisation, clearly have to be considered.

The African Commission on Human and Peoples' Rights (ACHPR) reported as follows in its *Report of the African Commission's Working Groups of Experts on Indigenous Populations/Communities: Mission to the Republic of Namibia, 26 July – 5 August 2005*:

“Through land dispossession San communities have lost their food security; they have become economically dependent on other ethnic groups and government food aid, they have experienced a loss of dignity, disruption of their social fabric, and degradation of their environment by intruders with large cattle herds; and, in sum, they remain a marginalized population.” (ACHPR and IWGIA 2008: 113)

This statement encapsulates the consequences of land dispossession well: land dispossession was one of the main factors that contributed to the marginalisation (socially, culturally, economically and politically) of San communities during the colonial period. Many other ethnic groups – such as the Herero, Nama and Damara peoples – suffered the same fate and could not stay on the land on which they had lived prior to colonisation; but unlike the majority of San, these (and other) ethnic groups were granted ‘homelands’ following the recommendations of the Odendaal Commission (South Africa 1964).² With the exception of the remote and semi-desert area that comprised the homeland of Bushmanland, which was part of the area traditionally occupied by Ju|'hoansi, San were then left without any land of their own, and were pushed to the margins of their traditional territories. After Independence in 1990, the homelands were turned into communal land, i.e. areas now administered under the **Communal Land Reform Act 5 of 2002**, but the marginalised status of the overwhelming majority of the San has remained unchanged.³

¹ The few !Xun living in the BNP moved to the area because of the war for Namibia's independence (see Chapter 10, section 10.2.2).

² Prior to colonisation, land was not clearly divided up between ethnic groups, and land was used flexibly by members of overlapping communities. The German – and later the South African – colonial administration created reserves for specific ethnic groups in every principal farming district. These reserves provided a labour source for white settlers, but they were too small to accommodate an entire population. With the implementation of the recommendations of the Odendaal Commission, the number of existing native reserves was reduced and the overall size of those that remained was increased (Dieckmann 2007b: 124, 176).

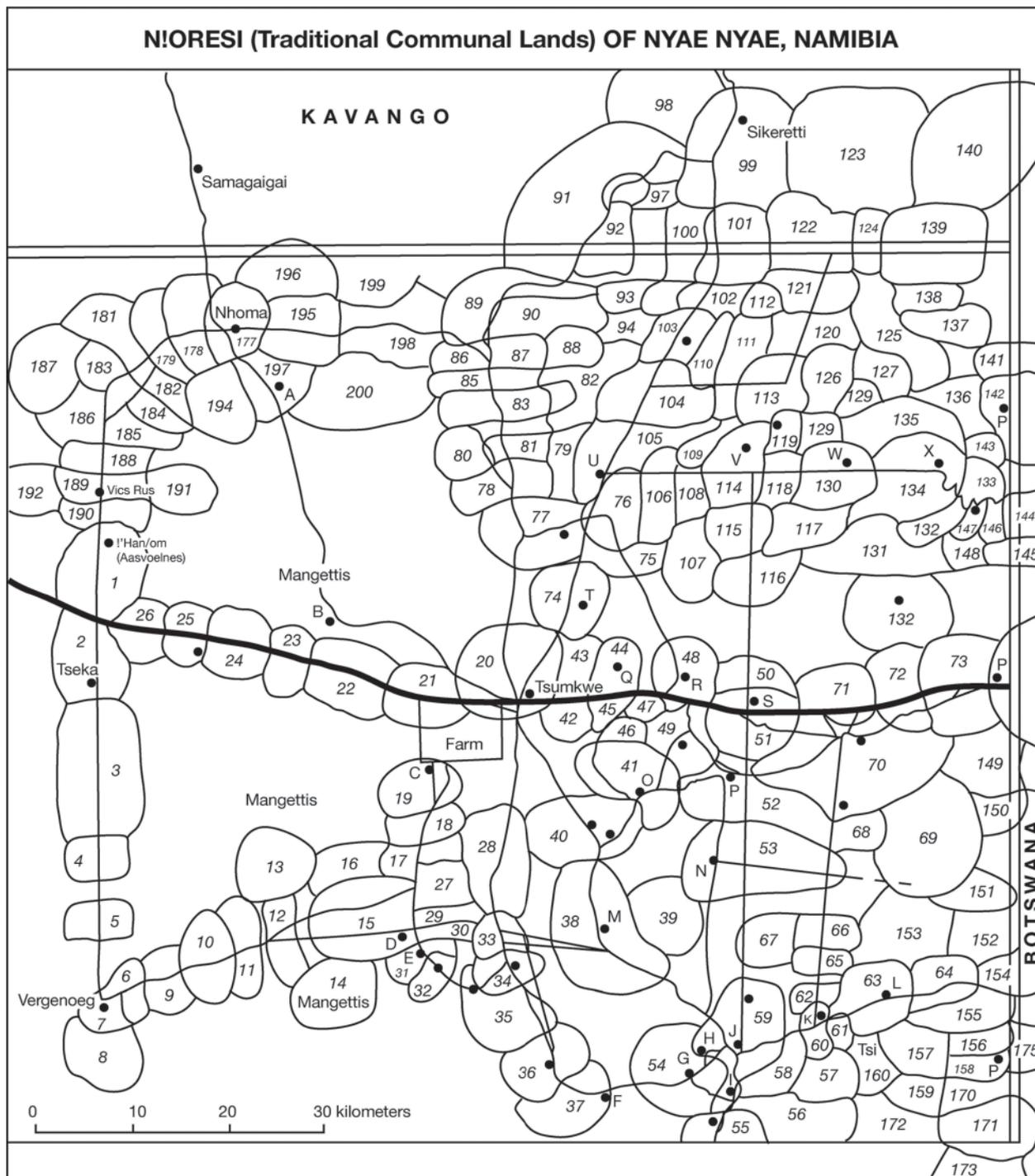
³ In this context it should be noted that the San groups living in the communal areas of Ohangwena, Omusati, Kavango and Caprivi do not have a recognised separate Traditional Authority (TA); each of these San groups falls under the TA of a neighbouring ethnic group.

One of the factors that led to the large-scale land dispossession of the San during the pre-colonial and colonial eras was the erroneous belief that the San, due to their mobile lifestyle, never ‘owned’ land per se. Although it is true that the various San groups did not embrace the concept of private land ownership, they did have customary land rights, which regulated access to land and its resources. Due to their subsistence strategies – predominantly hunting and gathering – they needed large territories in order to access the resources necessary for their livelihoods, the availability of which would depend on the environmental circumstances in an area in any given season or year. Extended families formed co-residential units, led by a headman, usually occupying and ‘owning’ a specific territory (*n!ore*), and generally made up of a core of consanguineous kin (siblings and their parents) (Guenther 1999: 25). A headman – which the Jul’hoansi, for example, called the *n!ore kxao* – oversaw the management and use of resources. The *n!ore* sizes varied according to the types and amounts of natural resources present, and these had to be sufficient to meet the needs of a group in an average year. In the Nyae Nyae area, for example, the original size of a *n!ore* was about 200 km² (Hitchcock 2013), and mobility depended on the seasonal availability of natural resources (game and veldfood). There was some aggregation and dispersal between different family units – again in tune with the seasons – and other San groups could usually enter and utilise the resources in the *n!oresi* (plural) claimed by other families, provided that the headman of the area granted permission. Guenther summarised the strategy as follows: “[It] is a rule that makes ecological sense, given the unevenness and unpredictability in the distribution of resources over space and time, and the consequent need for a flexible territorial ‘policy.’” (Guenther 1999: 26)

So, even though there were established and clear rules and customary land rights which were accepted and followed within San communities in the past, outsiders ignored these San land-use patterns and tenure systems because they were completely different from those of pastoralists and agriculturalists, and furthermore, the San’s environmental footprint was far less evident than those of pastoralists and agriculturalists. Consequently, the San were perceived as nomadic (i.e. as having no territorial claims). These factors, combined with the lack of overall San leadership, resulted in weak resistance to encroachers (see further on), namely the Bantu-speaking groups in the pre-colonial era, and later the white settlers.



Source: J.H. Van der Merwe (ed.), *National Atlas of South West Africa (Namibia)*, 1983.



Source: Biesele and Hitchcock 2011

As a consequence, the land used and owned by San groups in the past was summarily taken over, and this process continues unabated today as other ethnic groups come to occupy land which the San have been using traditionally for eons. The impacts of this land dispossession are manifold: economic dependency; loss of food security; social and cultural breakdown and alienation; inability to cultivate; withdrawal into marginal zones; high mobility; and, in some cases, inability to accumulate wealth in the form of livestock capital (Suzman 2001b: 83).

Following Independence and the **National Conference on Land Reform and the Land Question** in 1991 – which served as an initial platform for developing the land reform programme, policies and legislation – the Namibian Government took measures to redistribute the country's land and

facilitate land reform, beginning with the establishment of the Ministry of Lands, Resettlement and Rehabilitation (MLRR) (later renamed as the Ministry of Lands and Resettlement (MLR)). Other key measures include the **Agricultural (Commercial) Land Reform Act 6 of 1995**, the **National Resettlement Policy** (MLRR 2001) and the **Communal Land Reform Act 5 of 2002**. The San are among the targeted beneficiary groups of the National Resettlement Policy of 2001.

The government has made some attempts to address the landlessness of the San, but these have not made a fundamental difference to their situation (as the next few sections of this chapter will make clear), hence the need for land remains a critical issue for most of the San communities in Namibia. Worse still, to date the government has failed to protect those San who do have de facto land rights from encroachment by other ethnic groups – e.g. in the Mangetti Block (i.e. Farm Six) and Tsintsabis in Oshikoto Region; at the Donkerbos-Sonneblom Resettlement Project in Omaheke Region; at Ekoka Resettlement Project in Ohangwena Region; in the Nyae Nyae and Nꞑa Jaqna Conservancies in Otjozondjupa Region; and in the BNP (i.e. West Caprivi) (see the respective regional chapters). Government-established San resettlement projects have also largely failed to provide San with secure land tenure, and the opportunities to develop sustainable livelihoods in these projects are few (see further on).

It is important to note that currently San people's access to land varies considerably from region to region and between different land tenure systems. The next few sections of this chapter provide meaningful data on San people's access to land in different land tenure systems in Namibia. This detailed information will facilitate comprehension of the recommendations put forward at the end of this chapter.

13.2 San in different tenure systems

13.2.1 San on the commercial or communal farms of other people

San who live and work on commercial farms have no rights to such land at all, and although there is no freehold title over communal land anywhere in Namibia, San working for communal farmers generally have no secure user rights over this land either. Therefore, San whose farm employment ceases – due to dismissal, retrenchment, retirement or own choice – have no land to call their own, and usually end up in informal settlements in towns in the vicinity, or with family on resettlement projects (many of which are already overpopulated). There is no quantitative data available on the mobility of farmworkers (San and other) in Namibia, but there are indications that this has increased over the last two decades, seemingly due to provisions of the **Labour Act 6 of 1992**⁴ and the introduction of the **minimum wage** for farmworkers in 2009:⁵ reportedly these have meant that many farmers can no longer afford the costs of keeping extended families on their farms, allowing retired farmworkers to stay on the farms for the rest of their lives, and employing the farmworkers' children. Thus many farmworkers are forced to move from farm to farm to find casual work.

A comprehensive study on the impact of the Namibian land reform programme on farmworkers (including the San) is still awaited – and is very necessary – however it is evident that different components of the programme are not sufficiently aligned with one another or are contradictory.

⁴ This initial Labour Act was repealed by Labour Act 15 of 2004, which was repealed by Labour Act 11 of 2007.

⁵ The minimum wage was introduced by way of the “Declaration of Extension of Collective Agreement: Agricultural Industry: Labour Act, 2007” (Government Notice, *Government Gazette* No. 4390, 14 December 2009).

Section 20(6) of the **Agricultural (Commercial) Land Reform Act 6 of 1995**, for example, provides that if the minister decides to expropriate any agricultural land, then the Land Reform Advisory Commission –

“[should] consider the interests of any persons employed and lawfully residing on such land, and the families of such persons residing with them, and may make such recommendation to the Minister in relation to such employees and their families as it may consider fair and equitable in the circumstances.” (MLRR 2001a)

On the other hand, the **National Resettlement Policy of 2001** (MLRR 2001) does not include farmworkers in the list of specific target groups for resettlement.⁶ The redistribution of commercial farms to previously disadvantaged Namibians under either the National Resettlement Policy or the **Affirmative Action Loan Scheme (AALS)** has had a serious impact on former farmworkers: given that resettlement and AALS beneficiaries usually have fewer economic resources than the previous (overwhelmingly white) owners of commercial farms, there is reason to believe that the redistribution of commercial farms has led to the dismissal of many farmworkers. According to San participants in our research discussions (and other reports), AALS farmers and resettlement beneficiaries prefer to get family members to work on their farms rather than employ San farmworkers, because they cannot afford to comply with the minimum wage agreement and/or the Labour Act. This situation requires further investigation, and it is very likely that action will have to be taken to deal with negative impacts of the land reform programme on farmworkers.

13.2.2 San in urban informal settlements

Most of the San in urban areas have no tenure security, and are living in informal settlements where residents (San and other) are regularly threatened with eviction – an example being Makaravan in Katima Mulilo (see Chapter 11 on Caprivi Region). Due to the urgent need to address the tenure security of impoverished households in urban areas, the **Flexible Land Tenure System (FLTS)** was developed as a framework for addressing the basic land needs of the poorest section of the urban population, by means of flexible land titles through which security of tenure can be formalised in an administratively straightforward and cost-effective manner. Because the FLTS targets residents of informal settlements, survey standards have had to be simplified to reduce the financial burden of informal settlers. Various drafts of the **Flexible Land Tenure Bill** were circulated as from the end of the 1990s, and the final draft was completed in 2004. The **Flexible Land Tenure Act 4 of 2012** was promulgated on 14 May 2012, but has yet to be enforced as its regulations are not yet in place,⁷ thus it remains to be seen whether this Act can indeed improve the tenure security of San in urban settlements.⁸ However, even if the San achieve more tenure security for their respective *erven*⁹ in urban areas in the long term, urban *erven* are usually too small to allow for small-scale gardening,

⁶ It is noteworthy that an earlier version of the resettlement policy (MLRR 1997) did include farmworkers in the list of beneficiaries.

⁷ More details can be found in Odendaal 2013.

⁸ Legislation alone will not suffice to achieve the objectives of this Act, which are: “(a) to create alternative forms of land title that are simpler and cheaper to administer than existing forms of land title; (b) to provide security of title for persons who live in informal settlements or who are provided with low income housing; (c) to empower the persons concerned economically by means of these rights” (Flexible Land Tenure Act 4 of 2012). Stronger political will to support the system is needed, and in addition, the various local authorities (such as town councils) would need substantial technical support to implement the system successfully. Finance to cover the initial startup costs of the system would also be crucial (Odendaal, personal communication, 7 October 2013).

⁹ *Erven* is the plural of *erf*, the Afrikaans word for ‘plot’, ‘stand’, ‘allotment’, ‘yard’ or ‘premises’ that is commonly used in Namibian policies, legislation and legal documents.

let alone animal husbandry. In any case, keeping livestock in urban settings is illegal, and irrigating gardens – even very small ones – with water from pre-paid metres may well be too expensive for poor urban residents. Hence the livelihood strategies of San residents in urban areas would remain limited to piecework and some (scarce) formal employment opportunities.

13.2.3 San in communal areas where the majority of residents belong to other ethnic groups

There are many San communities living on communal land where the majority of residents are from other ethnic groups, e.g. in Caprivi, Kavango, Omaheke, Ohangwena and Omusati Regions. San were the original occupants (i.e. in former times) of most if not all of the applicable land, but today this land falls under the traditional authorities (TAs) of other ethnic groups. Consequently, many San in these areas regard themselves as the first occupants of the land and the other ethnic groups as new (and often unwelcome) settlers. The aforementioned *Report of the African Commission's Working Groups of Experts on Indigenous Populations/Communities: Mission to the Republic of Namibia, 26 July – 5 August 2005* stated the following:

“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 meager 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 bushfoods 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.” (ACHPR and IWGIA 2008: 113)

In **Omusati Region**, the San participants in our research discussions reported that they had access to communal land like all other people in the region, and most of them actually had access to land for crop farming and building homesteads. Many of them had registered their land rights with the land board, but a few reported that they could not afford to pay the headman the N\$600 required for the land, therefore these people remained landless.¹⁰ Other landless San had not requested land because they lacked the necessary agricultural equipment and livestock to make proper use of it.

In **Ohangwena Region**, the San were living: (a) in group resettlement projects; (b) in schemes that serve as housing centres for San specifically; (c) on community forest/conservancy land; or (d) on communal land which village headmen allocated to them for building either group or individual homesteads. The San living in resettlement projects were confident that the land on which they were living was theirs, i.e. that they had full ownership of it. However, none of them could provide written documentation to this effect, and without such documentation, the resettled San farmers had no legal authority to claim the land, nor could they prohibit others from moving onto it. Concerns were raised that Kwanyama people were slowly moving onto the land allocated by the MLR to some San resettlement projects (e.g. Ekokoka Resettlement Project).

In **Caprivi Region**, the Khwe participants in our research discussions said that the Khwe residents of the rural areas of Caprivi (outside the BNP) did not perceive security of land as a problem. The Mafwe TA had allocated the land to the Khwe specifically, hence the Khwe were of the opinion that other groups would not try to take over that land.

¹⁰ In Omusati, N\$600 is the amount paid to headmen ‘by custom’, despite this contravening the Communal Land Reform Act which requires only a N\$25 application fee and then a N\$50 fee for the certificate if the application is granted (LEAD (LAC) and NNFU Advocacy Unit 2009: 53).

In **Kavango Region** and **eastern Ohangwena Region**, the development of small-scale farms was an unresolved issue: land occupied by the San had been incorporated into small-scale farms allocated by the TA in each area, and this had led to conflicts between the incoming small-scale farmers and the San, although many of the new farm ‘owners’ had not yet applied to the relevant communal land board for a lease.

In **Oshikoto Region**, the situation of the Hai||om on Farm Six in the Mangetti Block needs urgent attention, beginning with their *legal* situation, which appears to be unique. This government-owned farm is leased to the Namibia Development Corporation (NDC), a parastatal, but recently the government allocated huge portions of the farm to Owambo people for cattle grazing, purportedly on a temporary basis only. Despite this ‘temporary’ allocation, the allocated portions were fenced off, and the fencing has restricted the San’s access to veldfood, with dramatic consequences for their food security (see Chapter 6 on Kunene, Oshikoto and Oshana Regions). It remains to be seen whether land for the Owambo will be found elsewhere so that eventually they can be moved out of the Mangetti Block.

In **Omaheke Region**, the San population in the communal area (formerly Hereroland) increased significantly in the 1990s due to the dismissal of commercial farmworkers (Suzman 2001b: 35). Today the San in this area share the land with non-San farmers, who, as elsewhere in Namibia, are more powerful than the San and have better access to resources – above all livestock. Our research has confirmed that the San here do not have any formal arrangements with their neighbours as to land use and rights. Part of this communal area was traditionally Ju|’hoan land before it was declared a homeland for the Herero people – e.g. the area around Eiseb was originally Ju|’hoan land and the Herero arrived there with their cattle during the last few decades. Reportedly the Herero influx depleted veldfood, a major source of food for the Ju|’hoansi previously, and also a source of construction materials and firewood (Pratchett et al. 2012: 9). The San in this communal area also face the challenge that land which they use for gathering veldfood and/or grazing their livestock has increasingly been fenced off illegally – as reported at Goreseb during our field research.

The **Communal Land Reform Act 5 of 2002** was passed in 2002. The prior absence of any constitutional recognition of customary land tenure rights in communal areas meant that communal farmers and TAs had no statutory remedy in law to defend their rights. Now, by virtue of this Act, the TA of a particular community has the primary power to allocate any customary land right. In respect of communal land, a customary land right can be allocated for a farming unit, a residential unit, or “any other form of customary tenure that may be recognised and described by the Minister by notice in the Gazette for the purposes of this Act”,¹¹ but the size of any land parcel allocated may not exceed 20 ha (Regulation 3 of the Act). The application for a customary land right must be made in writing on the prescribed form, which must then be submitted to the chief of the traditional community within whose communal area the land in question is situated. If the application is approved, the relevant communal land board has to ratify the chief’s decision and ensure that the right is registered in the name of the applicant in the correct register.¹²

As noted previously in this chapter and the relevant regional chapters herein, San participants in our FGDs in Omusati, Ohangwena, Kavango and Caprivi Regions felt that their land rights were secure because they were living on land which the applicable TAs had allocated to them. However,

¹¹ Communal Land Reform Act 5 of 2002, section 21. At the moment only the rights to a farming unit and residential unit are recognised customary land rights.

¹² For comprehensive information on the provisions of the Act, see *Guide to the Communal Land Reform Act, 2002 (No. 5 of 2002) (Second Edition)*, LEAD Project (LAC) and NNFU Advocacy Unit, 2009.

in view of the official process that applicants for customary land rights must follow, and the need for literacy or assistance to fill in the prescribed form, it is doubtful that high numbers of San in these regions have formally applied for or registered customary land rights. Only in Omusati did FGD participants mention that their customary land rights had been registered with the communal land board. It should also be noted that the Act forbids payments by applicants to the headman or chief, as this could constitute bribery.¹³ Section 42(2) of the Act allows for charging prescribed fees for applications and the issuing of licences and other documents, but all such payments must be administered by the communal land board.¹⁴

All told, the *de jure* land rights of most San communities in communal areas in various regions are not as secure as the FGD participants perceived them to be.¹⁵ Furthermore, the fact that no more than 20 ha can be allocated to an individual (without the minister's additional approval)¹⁶ means that the Act fails to take into consideration the former land-use practices of the San, including the practice of managing the land collectively. The group rights initiative described in Box 13.1 (page 455) might be a promising step towards addressing this issue.

Illegal fencing is further exacerbating the tenuous situation of the San living on communal land. A number of powerful individuals (e.g. civil servants, political figures and businesspeople) have ignored customary land tenure rights by fencing off large tracts of communal land, to the detriment of subsistence communal farmers and other residents who use the natural resources on that land. Many of those who have fenced off land unlawfully have claimed that the relevant TAs authorised this action. Section 17(1) of the Communal Land Reform Act stipulates that "all communal land areas vest in the State in trust for the benefit of the traditional communities residing in those areas ... in particular the landless and those with insufficient access to land who are not in formal employment or engaged in non-agriculture business activities," and section 17(2) provides that no right of freehold ownership may be granted to any person in respect of communal land. The core principle is that individuals who wish to farm commercially – and thus require large tracts of land – should do so within the *commercial* farming areas, not the communal farming areas.¹⁷ This principle reflects the concept of a communal land 'safety net' for the poor and those who cannot find employment in the formal sector. For many years there seemed to be a lack of political will to take the necessary legal action to remove illegal fences, but in 2012, the MLR began to develop "Fencing Guidelines",¹⁸ and started instructing the communal land boards to remove illegal fences. In 2013, communal land boards have used their power to remove illegal fences in Ohangwena Region and Tsumkwe West, and it is anticipated that if some fences are forcibly removed (in accordance with the Act), then more people will voluntarily remove their illegal fences, and others will be deterred from erecting illegal fences in the first place, effectively halting the rapid increase in illegal fencing that has taken place in recent years.

¹³ See LEAD and NNFU 2009, p. 53, for an example of bribery.

¹⁴ See LEAD and NNFU 2009, p. 53, for examples of payments allowed.

¹⁵ The registration of customary land rights with the communal land boards in the communal areas of northern Namibia is underway, and the deadline for this registration is February 2014 (*The Namibian*, W. Menges, 20 November 2013). Many members of other ethnic groups have also not registered their customary land rights as yet.

¹⁶ As set down in section 23 of the Act, "Limitation on size of land that may be held under customary land rights", and Regulation 3.

¹⁷ Alternatively, individuals who wish to farm commercially can apply for leasehold for the purpose of commercial livestock farming (Communal Land Reform Act 5 of 2002, section 31, "Application for right of leasehold"), but again this requires the minister's written approval. (See LEAD and NNFU 2009, p. 36, for a fuller explanation of section 31 of the Act).

¹⁸ The "Fencing Guidelines" are the MLR's advice on the practical steps to be taken in implementing the provisions of the CLRA in relation to fencing and the removal of illegal fences.

13.2.4 San in national parks

Three San communities currently live in national parks, i.e. the Hai||om in Etosha National Park and the Khwe and !Xun in the BNP (see Chapters 6 and 10 respectively). Their situations differ considerably, but they have one critical feature in common: none of them have *de jure* land rights.

Bwabwata National Park (BNP)

Less than a decade ago, the Khwe and !Xun living in what was then the Caprivi Game Park in West Caprivi had no formal rights whatsoever. Gradually – with the support of Integrated Rural Development and Nature Conservation (IRDNC)¹⁹ – these groups have successfully negotiated a number of rights to benefit from resources in what is now the BNP.²⁰ The establishment of the Kyaramacan Association (KA), formally recognised by government in 2006 as a community-based organisation representing the interests of the residents of the BNP, was crucial in this regard.²¹

Despite the considerable improvement of the living conditions of the Khwe and !Xun in the BNP, living in a national park also has disadvantages. The livelihood options available to these particular groups are extremely limited compared to those of San living in other parts of northern Namibia. The status of national park poses several constraints: human-wildlife conflict and the destruction of crops by wildlife; restrictions on animal husbandry; and restrictions with regard to settlement options and the development of new infrastructure (which the Ministry of Environment and Tourism (MET) discourages). Furthermore, in the BNP, land with the most agricultural potential (along the rivers) has been designated as a core conservation area, hence there are even stricter restrictions on its access and use. The recent creation of development options linked to wildlife use and tourism (supervised and coordinated by the MET) might improve livelihood options for some residents, but will not eradicate poverty within the park; other initiatives will be required to support the relatively high number of residents who are unable to derive a secure livelihood from these activities. The gardening initiatives introduced by various governmental bodies and NGOs have not proved very successful to date (see Chapter 10), and the KA is currently exploring more sustainable options. Undoubtedly, better prior consultation with the residents is needed, and the focus must shift from community projects which are entirely collective to individual garden plots, or alternatively a creative combination of collective and individual gardens, so that operational costs of the individual plots can be covered by revenue generated through collective initiatives which are managed by a local committee with the support of an NGO.²² Residents must also be provided with alternative means of ploughing, since the cattle that would otherwise be used as draught animals are not allowed in the BNP east of the veterinary fence (sometimes referred to as the Buffalo Veterinary Fence) that separates the Buffalo Core Area from the Multiple Use Area. The testing of conservation tillage (to be piloted in Mashambo) might also point the way forward.

¹⁹ See Chapter 10 on Bwabwata National Park, particularly “NGO support”, page 395.

²⁰ The Caprivi Game Park was re-proclaimed as the Bwabwata National Park in 2007.

²¹ Since there are only around 150 !Xun living in the park (see Chapter 10, section 10.2.2, page 368), and since they felt that they were not adequately represented by the KA, the !Xun role in the negotiations for rights was presumably rather limited.

²² This recommendation is partially based on two experiences:

- the Desert Research Foundation of Namibia (DRFN) and Habitafrica Foundation experience of partitioning the collective gardens in resettlement projects in Omaheke Region in 2009, which proved to increase the yields of these gardens; and
- the Komeho Namibia experience in Bravo Resettlement Project in Kavango Region, where individual crop fields (i.e. fields allocated to and managed by individual households) were combined with a collective/communal crop cultivation project, whereby a portion of the proceeds of the collective project was used to cover the costs of inputs needed for both the collective field and the individual fields.

One of the next steps to be taken is KA negotiation with the MET for the KA to retain 100% of the income from trophy hunting, rather than just 50% as is currently the case, to enable the KA to invest in projects to increase household-level benefits and livelihood opportunities for the park residents, as well as to pay compensation for any financial losses due to human-wildlife conflict (Nuulimba 2012: 8). Furthermore, the MET and the park residents should work on a joint vision for the park's development (see the recommendations at the end of this chapter).

In addition, more effective monitoring of the influx of outsiders and their livestock into the park area is needed, and action is needed to prevent further movement of livestock, particularly east of the Buffalo Veterinary Fence. Apart from the veterinary implications, the failure to take measures to address the (reported) movement of Mbukushu cattle into the area east of the veterinary fence, particularly around Omega I, has naturally inflamed the Khwe, who were forced to divest themselves of their own cattle to comply with veterinary regulations (see Chapter 10). The official recognition of a Khwe (or Khwe and !Xun) TA would be a step towards addressing this problem.

Etosha National Park

The situation of the Hai||om living in the Etosha National Park is entirely different to that of the Khwe and !Xun in the BNP, for several reasons.

Etosha, which was proclaimed as a national park in the late 1960s, has a much longer and more straightforward history as a game reserve. There was much more political interest in establishing, promoting and conserving the Etosha area as a wildlife sanctuary with high tourism potential than was the case with the area that is now the BNP. Whereas the Khwe in West Caprivi remained in their former settlements within the park area until the South African Defence Force (SADF) declared it a military zone in the early 1970s, the Hai||om were prevented from living in their former settlements within the Etosha Game Reserve as from 1954 – the official justification for their removal being their unsustainable hunting of game (Dieckmann 2007b: 191). Officially, only those with jobs in the park (and their families) were allowed to stay in Etosha, hence many Hai||om residents were forced to become farmworkers on the surrounding commercial farms, which greatly limited their access to the natural resources on which they had always depended. Although hunting and gathering was still possible on the farms, their main livelihood option – in terms of both income and the sourcing of food – became farmwork. However, there was no lack of labour in the park initially, hence a number of Hai||om remained or returned to the park for employment.

Reportedly, before Independence in 1990 the Hai||om did not encounter any problems with getting formal employment in Etosha: women were employed as domestic workers for game wardens and police officers stationed there, or as cleaners in the restcamps, and men were employed in road construction or as cleaners, mechanics and assistants to game wardens or rangers, helping to build up and maintain the park infrastructure. According to participants in our FGDs (and respondents in previous studies), this employment situation gradually changed after Independence, and today, the children of the former Hai||om employees face increasing problems in getting employment in the park (Dieckmann 2007b: 199-200, 275). As reported in Chapter 10, the government has purchased resettlement farms in the Etosha area (south and more recently east of the park) on which to resettle the unemployed and retired Hai||om, but the livelihood options on these farms are minimal to date (Lawry et al. 2012). The policy of allowing only employees to reside in the park itself, coupled with the fact that incomers from other ethnic groups now tend to get the available jobs, implies that the Hai||om in Etosha face the threat of losing their residential rights on their ancestral land. Furthermore, the Hai||om of Etosha were relatively well off from a socio-economic perspective because, compared with Hai||om outside the park and most other San communities in Namibia,

formal employment within the park is much more lucrative than life on a resettlement farm, thus the Etosha Hai||om on the whole now face the risk of becoming another impoverished San group, eking out a living on resettlement farms.

13.2.5 San on MLR group resettlement projects

The only way that the San have benefited from Namibia's (commercial) land reform programme to date has been in terms of the National Resettlement Policy (MLRR 2001a). (The San do not qualify for the Affirmative Action Loan Scheme (AALS) – which is another component of redistributive land reform – as they do not have the means necessary to farm commercially.)²³ Most San beneficiaries of the national resettlement programme have been resettled on group resettlement farms. Some were placed by the MLR on the original resettlement farms in the 1990s, and others were moved from various places (e.g. Etosha) to resettlement farms that the MLR acquired relatively recently for the specific purpose of San resettlement – as requested by the Office of the Prime Minister (OPM). Hardly any San individuals have been allocated a farm under the Farm Unit Resettlement Scheme (FURS), the favoured MLR resettlement approach.²⁴ The ACHPR found the following during its mission to Namibia in 2005:

“The process of applying for 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.” (ACHPR and IWGIA 2008: 112)

By 2010, at least 55 group resettlement projects had been set up under the auspices of the MLR, and at least 23 of these have considerable numbers of San beneficiaries (see Table 13.1).

Six resettlement projects were research sites for this San Study: Omega I, Skoonheid, Blouberg, Tsintsabis, Mangetti Dune (i.e. N#̄a Jaqna) and Ekoka. The situation at each of these sites is discussed in the applicable regional chapters herein. However, as the government is tackling San landlessness via group resettlement, it is worth presenting here some of the findings conveyed in the *Report on the Review of Post-Resettlement Support to Group Resettlement Projects/Farms 1991-2009* (GRN 2010).

For **Western Caprivi Project** (which is now the BNP), the review found that most of the resettled farmers (most being Khwe) had seen only a slight improvement in their standard of living. Poverty was still prevalent, especially among the San community, and the majority of San relied heavily on irregular supplies of drought relief food. Furthermore, the destruction of crops by wild animals was found to be a major concern, and food security was still threatened. (GRN 2010: 17)

Bravo Resettlement Project, situated 100 km north of Tsumeb, accommodated around 500 people at the time of the GRN review, mostly San. Komeho Namibia was the implementing agency. The review found good coordination and a strong spirit of teamwork among the beneficiaries. It was mentioned that food and income security seemed to have improved, with beneficiaries engaged in different activities such as bread baking, jam production, dry-crop cultivation, vegetable gardening and sewing. However, the review also found that water problems hampered development, housing

²³ The AALS, established in 1992, provides subsidised loans to previously disadvantaged Namibians to enable them to acquire large-scale commercial farms under freehold title (Werner and Odendaal 2010: 3).

²⁴ This approach entails purchasing large-scale commercial farms and subdividing them into units for allocation to individual beneficiaries in accordance with plans developed by land-use planners in the MLR (Werner and Odendaal 2010: 25).

was a challenge, and there was a serious shortage of basic facilities (e.g. a clinic and shops). The primary school was incomplete, and so was catering only for Grades 1-4; after finishing Grade 4, the children simply stayed at home. Furthermore, due to the area's remoteness, the maintenance of project equipment presented a major challenge. (GRN 2010: 21-22)

For **Mangetti Dune Resettlement Project** (i.e. N̄a Jaqna Conservancy), the main challenges to food security were due to a lack of farming implements and supplies (tractors, animal-drawn ploughs, fences, seeds etc.) necessary to plough and plant the crop fields of all 25 villages in time to achieve satisfactory yields. Also, a lack of coordination between the project members was reportedly hindering progress. (GRN 2010: 24-25)

Queen Sofia Resettlement Project, 70 km north-east of Outjo, is made up of five commercial farms donated by a businessman in 1995 for resettlement. Fifty families (±430 people) were resettled there in 2000. The project received strong support from the MLR, the Spanish Agency for International Development Cooperation (AECID), the United States Agency for International Development (USAID) and the Namibia Nature Foundation (NNF), but the GRN post-settlement review findings were far from positive:

“The absence of a project coordinator has left the beneficiaries unable to coordinate the project on their own, leading to: ... mismanagement of farm rangeland, i.e. the beneficiaries got a permit to de-bush with the aim of improving grazing but engaged contractors who cut down big trees. Instead of getting their land improved beneficiaries were exploited as they were paid N\$ 50-70 per ton of charcoal produced in their camps. The contractor also brought in labourers who are residing on the farm and this could lead into illegal occupation of the farm should they refuse to go back after the charcoal making business contract lapses.” (GRN 2010: 30)

Furthermore, despite considerable efforts and funds being pushed into the creation of income-generating projects at Queen Sofia, the GRN review report conveys that the sustainability of these projects was doubted. As in other projects, an acute shortage of water was hampering success, and the two vehicles donated by AECID had broken down and the beneficiaries could not afford to pay for the repairs (GRN 2010: 30).

Table 13.1: Group resettlement projects with high numbers of San beneficiaries

(Adapted from GRN 2010: 12-13)

Region	Resettlement Project	Year established
Omaheke	Blouberg	1983*
	Donkerbos-Sonneblom	1995
	Drimiopsis	1993
	Skoonheid	1993
	Vergenoeg	1983*
	Tsjaka/Ben Hur	1983*
Ohangwena	Ekoka	1996
	Onamatadiva	1996
	Eendobe	1996
	Oshanashiwa	2006
Oshikoto	Excelsior	1998
	Oerwoud	1992
	Tsintsabis	1990
Kunene	Kleinhuis	1985
	Namatanga	1994
	Queen Sofia	2000
	Stilte	1995
Otjozondjupa	Mangetti Dune (in N̄a Jaqna Conservancy)	1996
Kavango	Bravo	1995/96
West Caprivi	Bagani, Chetto, Omega I and Omega III	1990/92

* The San were not actually resettled on these farms; they were simply allowed to stay on when the farms were purchased for resettlement purposes. Farms Blouberg and Vergenoeg were originally purchased by the Damara Second Tier Traditional Authority under the Odendaal Commission's guidelines, and Tsjaka/Ben Hur was originally purchased by the Tswana Legislative Authority. After independence the new government took over all three farms. (See Chapter 4, Box 4.1 on pages 52-54 for further detail on resettlement projects in Omaheke.) The other resettlement farms established before 1990 probably have a similar history.

Fourteen families were resettled in 1998 on the **Excelsior Project**, a farm located 45 km north of Tsumeb, with joint support from the MLR and AECID. The GRN review stated that some beneficiaries were producing vegetables for sale, but they had no organised market or other appropriate place from which to sell their produce. The institutional structure of the project was reported to be weak; transport was a problem and the access road to the farm was impassable at times, especially during the rainy season. There were also concerns about the number of illegal occupants, and it was felt that if the influx was not controlled thenceforth, one section of the farm could develop into an informal settlement in the near future. (GRN 2010: 34)

As illustrated by these sample GRN findings and in the regional chapters of this report, many of the group resettlement projects established and/or run by the MLR have a number of challenges in common:

- 1) The group resettlement projects differ to more recent resettlement farms where one family or one farmer is resettled on a so-called 'economic unit' (FURS). In resettlement terms, an economic unit usually means a part of a former commercial farm which has been subdivided. According to the MLR, an economic unit in southern Namibia amounts to about 3 000 ha, and about 1 000 ha in central/northern Namibia (excluding the northern communal areas). In contrast, the group resettlement projects usually accommodate 40-70 households (or more) on farms ranging from 2 500 to 13 000 ha. This implies that some of the group resettlement projects are **relatively densely populated and often overstocked**, and hardly any acknowledged leadership or local planning structures are in place. As many beneficiaries are illiterate or semi-literate, this has created **common property resource management problems** on these farms, and in many cases these problems are exacerbated by the fact that the people resettled are not homogeneous groups, but rather hail from different ethnic and linguistic groups. The San at many projects feel dominated by beneficiaries of other ethnic groups, who usually own more assets (livestock, draught power etc.) than the San beneficiaries.
- 2) In addition, and despite several promises made over the years, **hardly any of the resettled San beneficiaries have ever received any title deed in their individual names**, either on group resettlement projects on freehold land or in communal areas. At best, their names appear on the list of initial beneficiaries of the project – hence the notion that they 'own' the farm or project as a group. The influx of family members, evicted farmworkers or other opportunistic incomers has been hard to control and regulate – in fact many resettlement projects are regarded as safe havens for anyone who has lost employment – and the growing numbers of people in these projects increase pressure on often over-utilised resources. San leaders sometimes contribute to this problem by allowing people to settle, yet it is not officially their mandate to rule over land in resettlement projects. Many, if not all, resettlement projects on communal land are yet to be registered as leaseholds with the respective land boards, and their boundaries are not yet well protected from encroachment by outsiders or communities living around them (e.g. Ekoka). Moreover, when the government starts providing services at remote resettlement projects, the entitlements of civil servants are not always clearly spelt out and regulated, and this can lead to civil servants using the (free) resources (as reported at Tsintsabis for example) which are meant to benefit the far more vulnerable resettled San.
- 3) Although the government expects the group resettlement project beneficiaries to become self-sufficient, it provided a lot of free services in the initial years of each project's existence, without a clear vision and strategy for enhancing the capacity of San and other beneficiaries to farm more independently. The free services included food rations (drought relief), fuel

and means to pump water, fencing material, tractors, trailers and other farming equipment. In some instances the support also included cattle or small stock. At many of these projects, this provision of services for free over a relatively long period has spawned a **high level of dependency** and a focus on continuous government support.

- 4) In an effort to improve the sustainable use of farm resources and to strengthen the livelihoods of resettlement beneficiaries, since 2006 the **MLR has engaged a number of NGOs** (e.g. DRFN, Komeho Namibia and NNF) to supply livelihood support services under 2- or 3-year contracts with the ministry, often with co-financing from donor agencies such as AECID or USAID. The MLR sought the services of NGOs because (a) it felt that it lacked capacity (human resources) to provide post-settlement support itself, and (b) it wanted to focus its own efforts on effective administration of the ongoing resettlement process and similar functions. Some of the post-settlement support programmes, such as Komeho's support at Bravo Resettlement Project in Kavango and the Livelihood Support Programme (LISUP II) in Omaheke, have contributed to improving food security and community organisation, and to some extent income diversification and effective management of farm resources and infrastructure (see Chapter 4 on Omaheke for example). However, for various reasons, the external support has not yet rendered the beneficiaries fully self-reliant. The beneficiaries are responsible for jointly managing farm resources, but, due to the large number of households involved, this usually begets common property resource management problems. The lack of education and high degree of illiteracy among beneficiaries further constrain efforts to strengthen local leadership capacity and beneficiaries' technical knowledge and skills. Cultural factors and different value systems may further compromise progress towards farming practices that sustain the resettled communities, in that, for example, beneficiaries pursue different income-generating strategies or seek a place to stay rather than an opportunity to make a living by farming. Taken together, these factors suggest that resettled communities and their leaders face challenges in taking charge of sustainable land management practices at their resettlement farms, and struggle to organise their communities to this effect. Often, the government, NGOs and donors must engage in time-consuming activities with resettled beneficiaries to define common goals and to strengthen the farmers' technical and organisational capacity accordingly, to enable them to manage the land and other farm resources independently. The questions arising are: when is it opportune to reduce or phase out the post-settlement support services in group resettlement projects, or, if the post-settlement support services must continue, what strategies should be pursued?

Overall, while there are a few positive signs of progress in some MLR group resettlement projects, most of them have yet to achieve self-sufficiency, and in some cases it is unlikely that this desirable status quo will be attained in the near future, due to the many challenges faced, such as: insufficient human capacity to provide the necessary support in areas such as strengthening local leadership and organisational capacity, housing, farming, and water infrastructure development; a lack of coordination between the stakeholders; the absence of *de jure* land rights, which has created the perception that resettlement land is open for all to use; and the increase in beneficiaries' dependency on outside resettlement support (GRN 2010: 5).

Against this background it is relevant to mention that the continuation of NGO post-settlement support to group resettlement projects – as implemented by different parties in collaboration with the MLR since 2006 – is not necessarily guaranteed, because the MLR is seeking new directions for land reform and post-settlement support. For example, post-settlement support is a topic on the agenda of the National Land Reform Forum, and the Land Reform Advisory Commission

has expressed the need for a social welfare approach to resettlement. Strategic decisions and the advancement of the decentralisation process in the MLR may also influence the way that post-settlement support for group resettlement projects is organised in future. For example, two years ago the MLR shared with its development partners its intention to hand over the responsibility for post-settlement support to regional councils by the beginning of the 2013/14 financial year. (At the time of writing, the MLR still seems to have this objective in mind, but has not achieved it in any region yet). Simultaneously, more staff members have been deployed to the regional offices of the MLR to advance the decentralisation process, which in some instances seems to imply that the ministry may resume its own efforts to provide post-settlement support to group resettlement projects (as presently seems to be the case in Ohangwena Region, for example).

Likewise, the NGOs partnering the MLR are seeking to develop new ideas and strategies for post-settlement support, based on their experiences with strengthening capacity and developing livelihoods in resettlement projects in recent years. All told, it is clear that post-settlement support to the San and other vulnerable people in MLR group resettlement projects is in flux, therefore proposals for the way forward are included in the recommendations section of this chapter.

13.2.6 Group resettlement under the Office of the Prime Minister

Despite the known shortcomings of the MLR group resettlement scheme, the San Development Programme (SDP) in the OPM is now employing this model to tackle the land dispossession of the San in Namibia. To this end, the OPM, in cooperation with the MET and the MLR, has purchased a number of farms for San resettlement under the SDP. The **seven resettlement farms south of Etosha** (Seringkop, Bellalaika, Mooiplaas, Werda, Nuchas, Toevlug and Koppies) are dealt with in Chapter 6 on Kunene, Oshikoto and Oshana Regions. **Farm Uitkoms** was allocated to the San in Omatako Constituency in Otjozondjupa Region in 2008,²⁵ and **Farm Ondera** in Guinas Constituency in Oshikoto Region was recently purchased for the Hai||om in Oshivelo, most of whom have already been resettled on the farm.

Initially 54 households (306 people) were resettled on **Farm Uitkoms**, but by July 2012 there were 110 households (700 people) on the farm. The 36 brick houses built for the original beneficiaries no longer sufficed, thus new informal housing structures were erected (slightly apart from the brick houses) to accommodate the influx. Various projects were implemented (e.g. crop production, animal husbandry, grass-cutting, bakery and sewing projects), but, during one of our visits to the farm in 2012, the project manager informed us that many of the projects had ceased, one reason being that the support for some of these projects consisted of just a once-off supply of materials and possibly a little training, but no ongoing support. An eco-tourism development plan has been developed for Farm Uitkoms (OPM 2012), but this farm is far from the main tourism routes, and with no other tourist attractions in the area, tourists are unlikely to visit. All told, the support for diversifying livelihood strategies has not yet reaped any sustainable success.

The project manager also mentioned that beneficiaries tended to lack motivation to work in the community gardens, preferring to garden in their own backyards (this being one of our findings at

²⁵ We include some information on Farm Uitkoms here because it was not appropriate to include it in Chapter 5 on Otjozondjupa Region, which deals specifically with Nyae Nyae and Nǃa Jaqna Conservancies. Researchers visited Uitkoms twice, first for a full day and then for half a day. Due to time constraints, we were not able to apply all of our research tools there, but we did convene community meetings to discuss the most important issues, i.e. livelihoods and poverty, life on the farm compared to life before resettlement, education, external support and challenges.

many other resettlement sites).²⁶ Problematic water provision negatively impacted on cultivation activities as well. According to FGD participants at Farm Uitkoms, there were also problems with the quantities of the food aid delivered every second month: it was supplied per brick house rather than per household or individual (as at other sites), and since many people (usually two households) were living in each brick house, the supplies did not suffice. Reportedly the new settlers living in informal accommodation on the farm had not registered for food aid.

At the time of our field research, seven residents of Uitkoms had formal employment: one was a police officer in Okahandja, one was a cleaner at the government school, one was a nurse at the farm clinic, and four worked at the Otjozondu manganese mine. A few people engaged in casual work for neighbouring commercial farmers (e.g. harvesting onions), earning N\$45-50 per day for a couple of weeks/months of work, although the food which they consumed during the work period was deducted from their wages. Reportedly the farm residents were living mainly on government food aid (i.e. the San Feeding Programme) and casual work outside the farm.

The OPM is planning to relocate more San people in Omaheke to two other sites:

- About 300 residents of Epukiro Post 3 are to be resettled on a piece of land some 110 km north-east of their present home, and 20 households have already received 124 heifers and two bulls from the Namibian-German Special Initiative Programme (NGSIP) – although the cattle are currently quartered elsewhere due to the lack of boreholes at the new site.
- The San living on the outskirts of Otjinene are to be resettled at Otjiwamapeta, a piece of land some 160 km away from Otjinene (*New Era*, M. Tjituka, 28 May 2013).

Regarding San development generally, the OPM has placed a great deal of emphasis on providing land specifically for San, and housing, education and healthcare services in the new San resettlement projects. Initially the OPM did not pay similar attention to post-settlement support and developing sustainable farming livelihoods, but lately it has been paying more attention to supporting water infrastructure and livestock farming, with funding from NGSIP for example. A comprehensive strategy has yet to be formulated, and also, the challenge of mobilising the San for new livelihood activities in the SDP resettlement projects raises the issue of the need for greater engagement with them in developing the new projects, so as to avoid the risk of planning *for*, rather than *with*, the project beneficiaries. Such engagement should include exploring the implications of certain development initiatives so that the San can give their fully informed consent (see Chapter 19 on consultation, participation and representation); this would go a long way to precluding the pitfall of initiating activities which are not socially acceptable or wanted by beneficiaries, or in which only a few beneficiaries actively participate. In view of these challenges – and given the experiences of the original MLR group resettlement projects – it remains to be seen whether San people will eventually be able to develop sustainable livelihoods in these SDP resettlement projects in the absence of strong and coordinated external support.

Many of the SDP resettlement projects are located in very remote areas where infrastructure is inadequate, services are unavailable and casual work is scarce. Providing access to healthcare facilities, schools (especially secondary schools) and pension payout points will remain a challenge, and might involve considerable costs. The fact that many of the beneficiaries are pensioners (e.g. former farmworkers) who regularly need healthcare facilities exacerbates the problem. In short, it is not enough to give San people a place that they can call home; it is necessary to also ensure that

²⁶ This statement also supports practices of the LISUP II programme of the DRFN and Habitafrica Foundation in Omaheke, which entailed partitioning collective gardens into plots for families/individuals.

sustainable livelihood options are available, and to thoroughly think through the efforts to provide education, healthcare and other services in remote locations. As experience with the MLR group resettlement projects has shown, focused and capital-intensive long-term post-resettlement support may be necessary, and if the OPM does not develop an integrated strategy for such support soon, it will run the risk of further aggravating the dependency of the San on SDP resettlement farms, as they presently subsist mainly on the San Feeding Programme and a few other minor livelihood strategies (collecting veldfood, casual work or piecework, backyard gardening etc.). This pattern is already familiar from the earlier group resettlement projects, and the question is whether this is indeed the direction that the government and the OPM want to take.

13.2.7 San in conservancies

Only two of the 79 conservancies in Namibia are occupied predominantly by San:

- Nyae Nyae Conservancy, occupied by Ju|'hoansi; and
- Nꞑa Jaqna Conservancy, occupied by !Xun and a few Khwe, Ju|'hoansi and Hai||om.

The UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, stated the following in his recent report titled *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 areas in which they live.” (Anaya 2013: 9)²⁷

However, the land rights of residents are not secured through the gazetting of conservancies. It is a common misconception that land rights are automatically secured for a conservancy, since the mapping of the area's physical boundaries and the definition of conservancy membership are two of the requirements for conservancy registration. In reality, conservancy members have only some management and utilisation rights over the game in the conservancy area (Nature Conservation Amendment Act 5 of 1996).

In recent years the San in both of the applicable conservancies have experienced insecurity of land rights, and have faced challenges to the control of their land and natural resources. The problem of the G|am farmers' intrusion into Nyae Nyae Conservancy is not yet resolved (see Chapter 5, pages 98-99), and Nꞑa Jaqna Conservancy residents have also encountered major threats to their land. The initiative of establishing small-scale farming units in Nꞑa Jaqna (see Box 5.6, pages 157-158), which has been put on hold, and the erection of illegal fences in this conservancy (see Box 5.7, page 159), could impose, or are imposing, serious limitations on the San's access to natural resources.

Despite the assumption that conservancies would 'save' the land for their communities, the **Nature Conservation Amendment Act 5 of 1996** in fact gives the community only resident rights over the management and utilisation of game, not rights over the land itself, nor rights over other natural resources. For this reason, Nyae Nyae Conservancy applied in 2013 to be gazetted as a community forest, since the applicable legislation, i.e. the **Forest Act 12 of 2001**, is stronger, and gives the community rights over all forest products and grazing resources.

²⁷ In fact, as mentioned further on, conservancies allow communities only to manage and utilise game, in accordance with the Conservation Amendment Act 5 of 1996.

Box 13.1: Communal land group rights among the San

By Adey Ogunmokun

A group right is a right held collectively by a group, rather than by its individual members. In Namibia, group rights are fairly common; various ethnic groups hold a wide array of group rights.

The San have historically used the resources and land commonly, and still do so today in their different living contexts. However, the **Communal Land Reform Act 5 of 2002** does not make provision for *de jure* group rights to communal land and communal resources (e.g. food, medicine and building materials). San communities, like other communities living on communal land in Namibia, possess only *de facto* rights to that land and the resources on that land. Consequently, it is difficult for San people to protect their commonage from herders of other ethnic groups who encroach illegally onto their communal land (LEAD (LAC) 2006: 24-27).

The need for a legal framework for group tenure did not arise only recently: both the **National Land Policy** (1998) and the **draft National Land Tenure Policy** (2008) reiterate the need for the legal protection and security of communal land group rights (Millennium Challenge Account Namibia (MCA-N) 2011), and efforts have been made to develop a certain measure of legal security in respect of communal land group rights.

In recognition of the shortcomings of the Communal Land Reform Act 5 of 2002 with regard to securing the commonage, a discussion around the concept of group rights and its significance for various groups in Namibia (including the San) gained momentum in 2012/13, and concerns relating to the protection of traditional commonage in the face of increasing illegal fencing have fuelled the debate. It is therefore pertinent to explore what 'group rights' might entail, and the different ongoing initiatives aimed at implementing group rights in Namibia.

The **Communal Land Support Project** (CLS) (a sub-activity of the MCA-N Agriculture Project) has conducted field research to determine the best ways to vest people residing in communal areas with individual and group rights to communal land. The CLS produced a draft report in October 2013, titled **Group Rights in Communal Land**. One of the CLS proposals which would apply to the San, is for a group ("village") to define its boundaries and be legally enabled to hold the land and manage the allocation of land rights within those boundaries. In its report, the CLS recommends amendments to the Act in the longer term, and more immediate changes through the promulgation of new regulations to make this possible (CLS and MCA-N, "Policy and Legal Memorandum: Group Rights in Communal Lands", in *Group Rights in Communal Land*, October 2013).

The German development bank, KfW, through its basket fund, aims to advance the development of communal land with the objectives of improving land productivity, securing tenure rights and alleviating land hunger. To achieve its aim and objectives, the KfW has partnered with the MLR to support the ministry's **Small Scale Commercial Farms (SSCF) Development Programme**. The SSCF programme has changed its original model of a grid of fenced leaseholds for livestock farming, so as to include infrastructure support to other productive activities on the land (which could include wildlife, crop farming, poultry etc.) (see Box 5.6 on SSCFs in Nǃa Jaqna Conservancy, pages 157-158). In addition, GIZ International Services and the Polytechnic of Namibia are working with the MLR to create a system for communal land registration and to introduce new methods of establishing communal land security.^a The LAC's LEAD Project has undertaken research to determine what group rights are currently enjoyed by Namibia's ethnic groups, and what would be the best way to confer *de jure* group rights in a manner that is not only specific and acceptable to each ethnic group, but is also implementable.

^a GIZ International Services Projects available at <http://www.giz.de/themen/en/33258.htm>.

13.3 Recommendations

The **UN Committee on the Elimination of Racial Discrimination** has recommended the following for state parties to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which Namibia ratified in 1992:

“... recognize and protect the rights of indigenous peoples to own, develop, control and use their lands and territories. [The Committee] therefore encourages the State party, in consultation with the indigenous communities concerned, to demarcate or otherwise identify the lands 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.” (UN Committee on the Elimination of Racial Discrimination 2008: 5)

Although this principle should form the foundation on which all other recommendations regarding San access to land are built, its application is simply not feasible for every area traditionally occupied by the San over time, due to the long history of immigration by Bantu-speaking groups and colonial settlers. Furthermore, there is not enough land in Namibia to implement this recommendation in view of the fact that many other Namibians are also in dire need of land.

Therefore, any party that formulates recommendations should take into account the specific land tenure systems in which San communities presently live, and, very importantly, the principle of prior consultation (see Chapter 19 on consultation, participation and representation) should be applied to impart to outsiders a proper understanding of the circumstances and ambitions of a particular community: while some would like to continue their traditional lifestyles (or reactivate them in some modified form) in combination with additional livelihood strategies (e.g. in Nyae Nyae and Nꞑa Jaqna Conservancies and the BNP), others might prefer to concentrate on other livelihood strategies such as crop farming or animal husbandry, and would therefore need land for such alternative purposes. Any solution reached should facilitate the strengthening of the San’s cultural identity – which most of the other ethnic groups have failed to respect for centuries – since a positive appraisal of culture is strongly linked to self-confidence and thus empowerment.

San in communal areas

The **African Commission on Human and Peoples’ Rights** recommended the following in their *Report of the African Commission’s Working Group on Indigenous Populations/Communities: Mission to the Republic of Namibia, 26 July to 5 August 2005*:

“The San should be provided with communal land they can call their own. Access to land and land security for the San population is the most critical element that should be addressed by the Namibian government. Land security would greatly facilitate efforts on the part of government, NGOs, and the communities themselves aimed at addressing their critical health issues, educational and political marginalisation, and numerous social problems. 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.” (ACHPR and IWGIA 2008: 130)

This San Study has reaffirmed this recommendation, but this recommendation is very generalised, and it is necessary to look into many specific aspects in more detail. These aspects include, at the very least, the following:

- Consider recognising San TAs in areas where the San wish to have such an institution in place, in order to give them a stronger voice regarding land rights.
- Look into the possibility of establishing further conservancies or community forests for the San (e.g. on Farm Six in Oshikoto Region).
- Raise awareness among the San regarding their customary land rights under the Communal Land Reform Act 5 of 2002.
- Raise awareness among the San regarding conservancy and community forest legislation (i.e. laws pertaining to game and forest products and grazing respectively) under the Nature Conservation Amendment Act 5 of 1996 and the Forest Act 12 of 2001 (as amended).
- Capacitate the San to follow the procedures under the Communal Land Reform Act 5 of 2002 to register their customary land rights.
- Ensure that the San are not discriminated against in the registration of customary land rights under the Communal Land Reform Act 5 of 2002.
- Investigate whether the group rights initiative could be applied to secure land rights for San in specific areas.

The UN **Special Rapporteur on the Rights of Indigenous Peoples**, James Anaya, also recommended that, “[efforts] 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” (Anaya 2013: 20). This point is critical because the policy frameworks of the MLR and the MET (both of which address access to land and the benefits of such access) are not sufficiently coordinated.²⁸ On the one hand, the opportunities provided by the Communal Land Reform Act to apply for customary land titles (for a maximum of 20 ha) in the communal areas could lead to a *de facto* privatisation of land, but on the other hand, efforts of the MET, which include the establishment and operation of conservancies and community forestry projects, are based mainly on increasing the mandate of local communities to access, regulate and manage the communal resources in their respective areas.

San in urban areas

- Enforce the Flexible Land Tenure Act 4 of 2012 to improve tenure security for the San and other impoverished residents in urban (informal) areas.
- Provide town councils with technical support to implement the Flexible Land Tenure Act.
- The OPM should support San in urban (informal) areas, because livelihood options are more diverse there than on resettlement farms.
- NGOs should provide more support to assist the San in urban (informal) areas.
- Undertake focused efforts to improve literacy among the San in urban areas, where the need to engage with bureaucratic procedures and fulfil their formal requirements is a feature of everyday life.

San in national parks

Looking at the current situation, especially in the Etosha National Park, the implementation of the recommendations in Box 13.2 on the next page would require a serious revision of the government’s current approach, which is mainly to relocate Hai||om to group resettlement projects and provide the resettled Hai||om with a tourism concession – the benefits of which are not yet clear.

²⁸ For example, under the Communal Land Reform Act, the TA or communal land board can allocate land rights that could be in conflict with the game management and utilisation plan of a conservancy or community forest. Collaboration is therefore needed to avoid any potential conflicts.

Box 13.2: Recommendations by international bodies

The **UN Committee on the Elimination of Racial Discrimination** has encouraged state parties to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) to do the following:

“... [strengthen] 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.” (UN Committee on the Elimination of Racial Discrimination 2008: 5-6)

The **UN Special Rapporteur on the Rights of Indigenous Peoples**, James Anaya, went even further in his recommendations based on his visit to Namibia in September 2012:

“Namibia should take measures to reform protected area laws and policies that now prohibit San people, especially the Khwe in the Bwabwata National Park and the Hai||om in the Etosha National Park, from securing rights to lands and resources that they have traditionally occupied and used within those parks. The 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. In addition, the 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.” (Anaya 2013: 19-20)

The government should fulfil its obligations and responsibilities under international conservation conventions to which Namibia is party, such as the **UN Convention on Biological Diversity (CBD)**, which includes a code of ethics for parties to follow in their engagement with indigenous peoples, namely the **Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities**, Article 19 of which states the following:

“Activities/interactions related to biological diversity, and the objectives of the Convention, such as conservation, ought not to cause indigenous and local communities to be removed from their lands and waters or lands and waters traditionally occupied or used by them, as applicable, by force or coercion and without their consent. Where they consent to removal they should be compensated. Whenever possible, these indigenous and local communities should have the right to return to their traditional lands. Such activities/interactions should not cause indigenous and local community members, especially the elderly, the disabled and children to be removed from their families by force or coercion.”²⁹

In addition, the CBD has adopted a number of targets related to protected areas and indigenous peoples and local communities (Borrini-Feyarabend et al. 2004):

²⁹ Accessed at www.cbd.int/decision/cop/default.shtml?id=12308.

Target 2.1: Establish by 2008 mechanisms for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas.

Target 2.2: Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders in the management of existing, and the establishment and management of new, protected areas.

Following are site-specific recommendations based on our study findings.

Bwabwata National Park

- The MET and the park residents should develop a joint vision for the park's development, clearly setting out the development goals, and outlining options for development strategies that take into account the restrictions placed on people living in the park.
- To accompany this joint vision, set out a formal agreement between the MET and the residents that clearly identifies people's rights (particularly to land).
- The Kyaramacan Association (KA) should retain all income from trophy hunting in order to invest in projects to increase household-level benefits and livelihood opportunities for park residents, and to pay compensation for financial losses due to human-wildlife conflict.³⁰
- Look into alternatives to the collective garden schemes.
- Consider projects that will strengthen the cultural identity of the Khwe.
- Consider the possibility of issuing Special Game Licenses (subsistence hunting licences) to individuals.³¹
- Take and monitor measures to prevent the further influx of outsiders and their livestock into the park area.
- Formalise the recognition of a Khwe (or Khwe and !Xun) Traditional Authority (TA).

Etosha National Park

The government could argue that the resettlement farms and the tourist concession provided to the Hai||om of Etosha suffice to fulfil the UN Committee on the Elimination of Racial Discrimination's recommendation of "adequate reparation measures" (see Box 13.2), but this would be debatable. Livelihood options on the farms are minimal, a high level of dependency prevails, and the few available livelihood strategies are no substitute for the sustainable livelihoods of the Etosha San in the past, which were based on hunting and gathering (and were later temporarily combined with labour for the colonial administration). Furthermore, the Hai||om have not been consulted for the negotiations on the tourist concession, and many of those on the resettlement farms have no clear information about the development and content of the concession, let alone the potential benefits.³²

³⁰ The government argues that it should retain a portion of the income because it is responsible for managing the park, but it should be recognised that the KA, through its game guards and resource monitors, also plays an important role in park management. Furthermore, the KA should retain the full amount of income in view of the fact that other forms of economic development are restricted in national parks.

³¹ In the |Xai|Xai area in Ngamiland, Botswana, the Ju|'hoansi can apply for a Special Game License, the regulations being that: people must carry a license with them when hunting; transfers of licences are not allowed; and for a time, only traditional weapons could be used for hunting – the latter was amended so as to permit the use of guns as well. (Hitchcock et al. forthcoming: 8)

³² The Head Concession Contract for the Etosha South Activity Concession Etosha National Park (MET 2012) was signed between the MET (The Concessor) and "the Hai||om Community herein represented by the Chairperson of the !Gobaub Hai-||om Association (The Concessionaire)" on 27 September 2013 (see Chapter 6, section 6.3.2, page 205).

Stronger action is needed to enforce laws and policies, firstly to allow for sustainable economic and social developments which are attuned to the cultural characteristics and living conditions of the Hai||om still living within the park, and secondly it would provide adequate reparation measures for those who were forced to leave the park under the former South African Administration. The first step would be to develop a benefit-sharing plan so that the Hai||om can benefit from the park's income, as part of a reparation plan to compensate them for the fact that their ancestral land was taken from them. Such a plan should focus on flexible models for the development of San livelihoods within the park, in line with the international conventions on human rights, indigenous peoples' rights and conservation to which Namibia is party, rather than merely relocating San to resettlement farms. Innovative models from Namibia as well as other countries (e.g. the joint management approach adopted in Australia's Kakadu National Park³³) should be examined, and in this context, the government should strive to build on the positive outcomes of communal benefit sharing for San development in certain conservancies (Nyae Nyae) and national parks (BNP).³⁴ Other recommendations for a benefit sharing plan are as follows:

- Include the Hai||om of Etosha as members of the !Gobaub Community Association, to enable them to participate in developing the tourism concession.
- Review the MET's refusal to permit the Hai||om to operate a tourist lodge within Etosha.³⁵
- Include the Hai||om of Etosha – and not just those resettled on the farms – in discussions on the tourism concession and further development of the park.
- Apply affirmative action policies to espouse employment of Hai||om within the park (see also Chapter 14 on livelihoods, food security and poverty).
- Explore options for integrating Hai||om culture into the tourist attractions in the park, not least for the purpose of creating additional employment opportunities.
- Learn from the experiences in the BNP with regard to employment opportunities.

San in conservancies and community forests

Firstly, the situation of San in conservancies and community forests where other groups form the majority, and thus dominate, is often overlooked. It is therefore necessary to ensure the participation and representation of the San in these places – examples being Okongo Community Forest and Conservancy in Ohangwena and Mashi Conservancy in Caprivi, but many conservancies which were not visited for this study also have San minorities, such as †Khoadi |Hôas Conservancy, ||Huab Conservancy and Sorris Sorris Conservancy, all in Kunene Region (see Mosimane 2007, and ACHPR and IWGIA 2008: 116).

Secondly, in assessing the role and potential of community-based natural resource management (CBNRM) models like community forests and conservancies, it is essential to consider not only the tangible economic benefits, but also the political and ideological benefits. San conservancies create and strengthen their members' sense of a collective identity, and promote the development

³³ Since the late 1970s, Kakadu's traditional owners have leased their land to the Director of National Parks to be jointly managed as a national park (see www.environment.gov.au/topics/national-parks/kakadu-national-park/management-and-conservation/park-management).

³⁴ For example, all Onguma Game Reserve and Etosha Aoba lodges raise a levy of N\$ 10 per bed night sold to guests, and this levy is paid directly into the Namutoni Hai||om Trust's bank account on a monthly basis. The trust's main objectives are to, inter alia: undertake and assist community development and anti-poverty initiatives; provide opportunities and assistance in respect of house ownership, training and sustainable jobs; provide and assist with training and support to emerging micro-enterprises within the community; and promote community-based projects relating to self-empowerment and skills development. The Hai||om at Oshivelo are the target group (Onguma Private Game Reserve n.d.).

³⁵ This was also a recommendation of the UN Special Rapporteur on the Rights of Indigenous Peoples (Anaya 2013: 20).

of organisational capacity – by way of the conservancy committees as managing bodies. The two San conservancies, i.e. Nyae Nyae and Nꞑa Jaqna, have also been able to secure support from external organisations over the years (e.g. the LAC, MCA-N, NNDFN and CRIAA SA-DC). These conservancies also give the San access to traditional veldfoods, and hence a diversified and much healthier diet than in places where people rely solely on government food aid and purchased processed foods. Conservancies also provide for more diversified livelihoods (e.g. tourism-related activities, gathering, employment, crop farming and animal husbandry), and very importantly, they are able to accommodate former communal land-use practices of San communities. Therefore, CBNRM models (in this context conservancies and community forests) may be a far better means to address San landlessness than creating and maintaining resettlement projects, and this should be considered for the San still living on communal land outside the two existing San conservancies in Otjozondjupa. Additionally, it is strongly recommended that the OPM SDP resettlement projects look at possible lessons to be learned from CBNRM approaches. In this regard it should be noted that there are a number of conservancies on *commercial* land as well, 21 of which are members of the Conservancies Association of Namibia (CANAM) established in 1996.³⁶ Also noteworthy is that the conservancy model was the initial plan for the Hai||om resettlement farms in the commercial farming area south and east of Etosha (MET 2007: 2), but this plan was abandoned, for reasons unknown to the authors of this report.

On the other hand, despite the advantages of conservancies for San communities, the existing San conservancies still face a number of challenges, especially those posed by legislative restrictions on the management and utilisation of natural resources such as game (e.g. Conservation Amendment Act restrictions mentioned above in section 13.2.7). As already noted (section 13.2.7), the Forest Act gives community forests rights over all forest products and grazing resources, therefore San conservancies on communal land should also be registered as community forests – a step which Nyae Nyae Conservancy has already taken. Further, the San's rights of access to land and water should be protected by all possible means, one of which may be to provide more secure land rights by registering conservancies as leaseholds, and this possibility is currently being investigated.³⁷

San in resettlement projects

In the 1990s the government considered group resettlement to be the most appropriate solution for addressing San landlessness, and the OPM SDP appears to have taken this route repeatedly in recent years (since 2008). However, experiences with post-settlement support to group resettlement projects where most of the beneficiaries are San, have emphasised the need for the following points of attention and changes in direction for post-settlement support.

- 1) ***De jure land rights*** of the original beneficiaries of group resettlement farms (and their children and grandchildren) need to be secured and protected, since new people tend to settle in these projects without management or control by the authorities. The original beneficiaries should be provided with proof of settlement or a title deed, and in addition, the MLR should control the influx of new settlers. Specific attention should be given to the resettlement projects located in communal areas, as their boundaries are not always properly registered with the relevant communal land board, with the result that local headmen have tended to allocate land in these projects to farmers who are not officially project beneficiaries. This has created insecurity about the land rights of the official beneficiaries.

³⁶ See www.canam.iway.na/Who_is_CANAM/who_is_canam.html.

³⁷ Uda Nakamela (a lawyer assisting the MCA-N Conservancy Development Support Services Project), personal communication, 9 October 2013.

- 2) Notwithstanding the positive outcomes of post-settlement support in resettlement projects in Omaheke Region and at Bravo Resettlement Project in Kavango Region, the **policy objective of self-reliance** for the San and other vulnerable people resettled in group projects should be reviewed, as common property management on farms with 50 or more families is difficult to achieve with the current high levels of illiteracy, limited incomes, limited technical capacity, inadequate access to markets, and disparate needs and aspirations of the resettled households and individuals. Increasing agricultural output to levels that guarantee food security for 50+ households throughout the year requires more technical knowledge and expertise than most of the San beneficiaries possess. This implies that a significant amount of long-term support will be needed. But also, although most beneficiaries may eventually become relatively accomplished subsistence farmers if sufficient post-settlement support is rendered, it is very likely that they will still lack the capacity required to collectively manage the farms so as to realise market-orientated production (commercialisation). To overcome this lack, partnerships between the resettled communities and NGOs should be established. These would also serve to enhance access to markets – an important condition for the sustainability of the farm livelihoods.
- 3) Further to the previous point, **alternatives to the original group resettlement model** should be explored before going on to repeatedly replicate a model which the MLR and other stakeholders have already deemed to be less successful than expected. Any new model(s) should not perpetuate dependence on external support, but rather should facilitate efforts/means to boost productive farming and income-generating projects. However, the new model(s) might also have to cater for the disparate needs and aspirations of the San and other vulnerable people, thus it might be necessary to design a range of post-settlement support models which differ in several respects. The following tentative distinctions could be made in this regard:
- a) San people who have proved more successful at farming should be given the opportunity to participate in the FURS – as other previously disadvantaged farmers may do. Similarly, if the San concerned are living on communal land in Namibia's northern regions, they should be able to apply for a customary land title for themselves.³⁸
 - b) For more vulnerable and elderly San, a welfare model for post-settlement support to group resettlement projects might be adequate, based on the notion that some people simply need a place to stay. Some of them might supplement their Old Age Pensions and other social grants through small-scale farming activities with a focus on household food security.³⁹
 - c) A variant of the welfare model that targets the urban San dweller could entail that these San be given opportunities to settle and erect dwellings in urban informal settlements. Support activities could be focused on housing initiatives and income-generating projects targeting the urban San specifically. The latter could exploit the unique opportunities presented by the urban environment, such as recycling of waste.
 - d) A fourth option should be considered for San who want to farm as a collective, but who also want to increase agricultural output beyond the objective of household food security, with the support of service providers. This model should explore options for (semi-) commercial production through partnerships between the San communities and NGOs or the private

³⁸ This is already possible under the current policy framework, but in practice it hardly ever happens. The government could consider actively pursuing and facilitating this option for San in the northern regions.

³⁹ As Werner and Odendaal have pointed out, it is necessary to assess the feasibility of establishing such group schemes adjacent to small rural settlements or villages, for people who are not in a position to pursue sustainable land-based livelihood strategies due to their age or a lack of skills (Werner and Odendaal 2010: 169).

sector, in much the same way as conservancies enter into agreements with third parties for tourism and hunting concessions, lodges and other such enterprises. Aspects of this model could be based on the experiences and lessons learnt from the DRFN and Habitafrica Foundation livelihood support in Omaheke, and the Komeho Namibia livelihood support in Kavango.

- 4) The **communities currently resettled at group resettlement projects are very large and are not homogeneous**, and these conditions have contributed to a lack of unity, common property management problems and a lack of agricultural progress. It is therefore recommended that any strategy adopted should entail working with smaller, more homogeneous communities on farms, i.e. groups based on kinship, and perhaps also skill levels and/or shared needs and/or unity of purpose. The issue of kinship is relevant because collaborative arrangements in San communities are still largely informed by kinship relations – a fact only vaguely acknowledged, if at all, in the design of projects to date.
- 5) The allocation of **responsibility for maintaining water supply and sanitation infrastructure** in group resettlement projects should be revisited, as community-based maintenance presents the usual challenges of common property resource management. There is also a risk of a vacuum in the delivery of these critical services to group resettlement projects – especially in the fast-growing ones, which are most in need of these services. Two government parties have a direct interest in the provision of water supply and sanitation services in resettlement projects: the MLR and the Department of Water Supply and Sanitation Coordination (DWSSC) in the Ministry of Agriculture, Water and Forestry. Regional councils are also interested in proper service delivery in resettlement projects, but their involvement is generally limited to the servicing of land after projects are proclaimed as settlements. Since the MLR lacks capacity to render the services concerned, the DWSSC usually provides support for the maintenance of the water-supply infrastructure. Rural sanitation is a new remit for the DWSSC, for which its internal capacity is still being strengthened. As the DWSSC covers many communities in the communal areas, the maintenance of infrastructure in group resettlement projects does not always get the attention it needs to guarantee a healthy and clean living environment, implying that a more coordinated approach between agencies is needed. In particular, since the costs of maintaining pump installations and sewage facilities are beyond the means of most resettled beneficiaries, it seems that the MLR will have to budget for large-scale maintenance and repair of water and sanitation infrastructure, and that the DWSSC will have to provide the necessary technical support.
- 6) **Basic maintenance** – such as repairing leaking taps, tanks and pipelines, cleaning blocked sewage systems and collecting refuse – can be organised and managed by community members, provided that time and energy are invested in establishing appropriate local structures for such duties, and that mechanisms are found for beneficiaries to make financial contributions to cover the costs of the parts needed for basic maintenance. In relatively poor communities, where many people depend on pensions to survive, this can be a challenging process. The government has paid for the replacement of broken parts, but so far has not remunerated beneficiaries who undertake basic maintenance services in group resettlement projects, as these services, and any remuneration for those who undertake them, are considered to be responsibilities of the resettled communities. However, conflicts about water distribution or maintenance backlogs are often the order of the day, as the basic maintenance services are usually carried out by a small group of people on behalf of the larger community on a voluntary basis. Therefore, the government and development partners may need to reconsider whether or not it is appropriate

for them to remunerate those who undertake the maintenance role. This may be worthwhile also because it might ensure that the persons concerned dedicate adequate time and energy to this role, thereby reducing the costs of large-scale maintenance for the government over time.

- 7) **Sanitation** at larger and faster-growing group resettlement projects needs attention. The MLR has established formal housing blocks in a number of resettlement projects, some of which have flush toilets and showers connected to sewage systems. The resettled beneficiaries do not always have the financial means to maintain these facilities in their dwellings properly, and many do not have sufficient knowledge of the proper use of drainage and sewage systems. Furthermore, the MLR's maintenance of the systems is subject to administrative delays. This combination of factors leads to: (a) wastage of water; and (b) improper use of the sewage systems, incurring blockages which in turn spawn health hazards in built-up areas. In addition, the unregulated influx of new settlers and natural population growth in some resettlement projects lead to the establishment of new informal neighbourhoods in which sewage facilities are not available, and hence open defecation practices. Dry sanitation could be a cost-effective solution in such settings, but some authorities appear to have reservations about such innovations; they seem to favour conventional water-borne sanitation technology, irrespective of the above-mentioned challenges.

In conclusion, group resettlement projects face several challenges and should not be regarded as the all-encompassing panacea for the landless position of many San communities in Namibia. Further investigation into the feasibility of CBNRM models for specific San communities should become a focal point for government consideration – in particular for the OPM. Furthermore, innovative models for San groups living in national parks should be developed. First steps have been taken in the BNP to develop strategies to address the challenges there, but nothing has been done to date to address the challenges facing the Hai||om of Etosha. New approaches, especially that of integrating the Hai||om cultural heritage into the park's attractions and overall image, would certainly advance the socio-economic development of this San community, and Namibia as a whole could benefit from a modernised image of Etosha – paradoxically, one that features an age-old culture and history along with wildlife.