



POLICY BRIEF

"Neither here nor there"

Indigeneity, marginalisation and land rights in post-independence Namibia

In September 2018, the Legal Assistance Centre (LAC) received a research grant from the United States Department of State in Windhoek. The purpose of the research grant was to support the LAC to develop a series of concept chapters, with a comprehensive and updated examination of the land rights of indigenous and marginalised communities in Namibia. In April 2020, the book titled *"Neither here nor there" Indigeneity, marginalisation and land rights in post-independence Namibia* saw the light. This policy brief provides a synopsis of each of the book's 14 chapters, for the purpose of introducing its topics to a wider audience interested in the contemporary Namibian debate on land rights. The selection of chapter themes for this publication was guided mainly by the deliberations of the Second National Land Conference, held in Windhoek in October 2018.



Land, Environment and Development Project
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Samuel Amoo's chapter, "**Land reform in Namibia: Beyond 2018**", focuses on the policies and legislation adopted and promulgated by the Government of the Republic of Namibia (GRN) since independence (1990) to address the land question in the country. Amoo shows that throughout the decades since independence, the land question has remained an issue of national concern, and that many issues related to land rights were addressed at the Second National Land Conference in 2018. (The First National Land Conference took place in 1991.) Amoo illustrates the processes of land reform since independence, including the reform of agricultural commercial land, the reform of tenure rights in communal land areas, and urban land reform. He states that land reform is a complex undertaking, and argues that its effective and successful implementation requires more than the existence of an enabling legal regime. In addition, he argues, it requires a healthy economic environment that is capable of providing the requisite fiscal cushioning and integrity for the GRN to execute a meaningful land reform programme, and further it requires the cooperation, commitment and partnership of the public and private sectors alike.

The chapter by Selma Lendelvo, Martin Shapi and Clever Mapaura, "**The economic viability of commercial farms under the government's resettlement programme**", outlines the long history of land issues in Namibia, and how the GRN approached the skewed land ownership regime by introducing the Land Reform Programme after independence. It focuses on the different policies and programmes implemented by the GRN in order to ensure fair land distribution among all Namibians and the integration of previously disadvantaged Namibians into the mainstream of the country's economy. The chapter points to the National Resettlement Policy, the Agricultural (Commercial) Land Reform Act (No. 6 of 1995) and the Communal Land Reform Act (No. 5 of 2002) as the key instruments that guide land reform in the country, particularly concerning the acquisition of farmland for redistribution purposes. The chapter seeks to document factors influencing the economic viability of the resettlement programme in Namibia by analysing both the ability of leasehold agreements granted to resettlement beneficiaries by the MLR to attract investment and subsequently trigger agricultural productivity, and the impact of other promoters contributing to this output. It concludes that although there is little evidence that land tenure security attained through the registration of leases has the potential to contribute to the economic viability of farmers, there is evidence that the current state of affairs, with the majority of beneficiaries farming without lease agreements, runs counter to commercial farming philosophies and is likely to have undesired impacts on the future of resettlement farms. It argues that the slow pace at which land rights are being secured among resettled farmers through the registration of leasehold agreements with the Deeds Office prevents farmers from accessing credit and making the investment in their farming operations that could improve their productivity. The chapter reveals the high farm-related expenditure that must be borne by farmers, underlining the need for them to access credit to succeed in their operations. Farmers with a stable source of off-farm income are more likely to invest in their farming operations, contributing to better returns. The authors argue that this reality indicates that the goal of creating employment and alleviating poverty by enabling the majority of resettlement beneficiaries to become "full-time farmers" is still a long way from being attained.

In his chapter, "**The legacy of Namibia's landless generational farm-working community**", James Suzman provides an historical background of the issues now facing the generational farmers, people mostly from minority language communities that have worked on farms over multiple generations and consequently have no access to land elsewhere. This growing demographic group accounts for a significant proportion of the in-migration of unskilled and unemployed people into informal settlements on the fringes of Namibia's towns and villages. Suzman argues for the recognition of this group as an apartheid legacy population that should be prioritised in land resettlement and provided extensive support as they adjust to life in peri-urban settlements. The chapter states that since 1991, there has been a clear failure to translate often well-intentioned policy into effective practice in respect of generational farmworkers. Suzman refers to the resolutions passed at the Second National Land Conference in 2018 that aim to ameliorate farmworkers' lives and working conditions. However, as Suzman argues, there are now very few among the generational farm-working community who are still employed on Namibia's commercial farms. The resolutions do not

apply to these unemployed and landless generational farmworkers, and do not provide a remedy to the fact that they form an apartheid legacy community. Suzman suggests that beyond establishing protections and access rights for generational farmworkers in line with the resolutions at the Second National Land Conference, Namibia is obliged to ensure that any individuals involuntarily displaced by GRN programmes are immediately resettled and compensated on the basis of an appropriate resettlement action plan that seeks to secure their free prior and informed consent. To the extent that there simply aren't the resources or land to sustainably resettle all generational farmworkers, priority must also be given to initiatives to help them adjust to life in peri-urban settlements.

The chapter “**Urban Land and Life in Namibia’s Informal Settlements**” by Rune Larsen and Gabriel Augustus deals with Namibia’s urban land and housing issues highlighted by the increasing number of informal settlements across the country. It aims to present a new perspective on these issues by describing life in these informal settlements as presented by residents of the three urban/semi-urban areas adjoining Oshakati, Gobabis and Windhoek. By drawing on the voices of the often-neglected residents of the informal settlements, the chapter aims to provide background and context for the discussion on current public and academic perspectives on Namibia’s urban land and housing issues and projects. By visiting the settlements in the abovementioned places and conducting interviews with individual residents, the authors highlight the residents’ concerns arising from their daily experiences. The absence of basic services, direct experience of crime and violence, longing for space and ownership and mistrust of authorities were prevalent amongst the issues raised by the interviewees. On the basis of the interviews the authors establish that there is a disconnect between the concern of the informal settlement residents and the GRN’s initiatives to solve housing and land issues stemming from miscommunication and the perception of exclusion, which in turn leads to the residents obstructing the implementation of GRN resolutions. The chapter also draws attention to the apartheid sedimentation that characterises the phenomenon of informal settlements in present-day Namibia, and argues that a reconfiguration of the approaches towards urban land and housing is imperative. The chapter presents the central resolutions made during the Second Land Conference in 2018 and highlights the difficulties of reconfiguring the way in which urban land is being dealt with in Namibia. It shows that there are many points of contestation on the issue of urban land rights and uncertainties concerning the implementation of the abovementioned resolutions. While the chapter does not propose a solution to the issues concerning urban land rights, it argues that including the residents’ perspective in the process of seeking solutions is imperative. The chapter concludes that, since the residents are most affected by any implementation of policy, their perspectives should inform policy formulation and collaboration between authorities and residents, and should be key in development and practical servicing in the areas they live in.

Ute Dieckmann’s chapter, “**From colonial land dispossession to the Etosha and Mangetti West land claim – Hai||om struggles in independent Namibia**”, deals with the history of colonial land dispossession as well as the current state of land rights issues with regard to the Hai||om people. The land south of Etosha National Park (ENP) was increasingly occupied by white settlers during the first half of the 20th century, and the Hai||om were evicted from ENP in the 1950s without any consultation. At the time of Namibia’s independence in 1990, and in contrast to other ethnic groups in Namibia, the Hai||om found themselves to be altogether dispossessed of their land, with no access to communal land. That is the reason why neither traditional livelihood strategies (hunting and gathering) nor agriculture can play a significant role in sustaining the Hai||om peoples’ livelihoods. Formal employment opportunities are rare, and dependence on welfare support provided by the state is high, while educational levels among the Hai||om are generally low. Around 2007, the GRN commenced with some efforts to compensate Hai||om for the loss of their land during colonial times by purchasing a number of farms for them in the vicinity of ENP and offering them relocations. This chapter explains that the Hai||om were dissatisfied with this approach because it lacked actual access to the park, thereby ignoring the Hai||om’s spiritual connection to the land and failing to enable them to sustain their livelihoods. This resulted in the Hai||om launching a legal claim to the ENP and Mangetti West areas. In this context, the chapter highlights the issue of representation of ethnic

minorities in negotiations and legal process with the GRN. In this regard, the most powerful institutions are currently the traditional authorities, provided for by the Traditional Authorities Act (No. 25 of 2000). However, the Traditional Authorities Act in essence applies the traditional system of Oshiwambo-speaking groups as a model, which is characterised by a hierarchical authority structure with a single representative leader for a large group. This model is not universally applicable, and is not a good fit for San groups in the country. The chapter concludes that the traditional authority is not the right institution to represent San communities because they are traditionally organised in an “egalitarian” way, without a single traditional leader. Dieckmann therefore argues for an amendment of existing legislation in order to accommodate the leadership structures of communities such as the San.

The chapter of Willem Odendaal, Jeremie Gilbert and Saskia Vermeulen, “**Recognition of ancestral land claims for indigenous peoples and marginalised communities in Namibia: A case study of the Hai||om litigation**”, is closely related to the chapter of Ute Dieckmann. In this chapter, the broader focus is on the international case studies of indigenous peoples’ and marginalised communities’ claims to ancestral land rights. This is brought into the specific context of the Namibian case of the the Hai||om peoples’ recent court battles seeking a legal remedy for the dispossession of their ancestral land in ENP that took place in the 1950s. The chapter demonstrates how bringing ancestral land rights claims in front of a court of law can be a means to enforce the rights of indigenous peoples and shed light on the different issues these communities face after being removed from their ancestral lands. Until the “Etosha case”, Namibian courts have not previously considered the rights of indigenous people to the restoration of their rights in land, nor have they considered how an indigenous people should be represented in litigation. It is still unclear which law applies and what the content of the development should be, and it is uncertain whether the Hai||om people have a potentially tenable claim for the return of their land, or compensation for its loss. As the ancestral land claim is new in Namibian law, the chapter depicts different precedents in comparative international law to establish the rights of indigenous peoples to their ancient land. On the basis of precedents in other countries, the chapter highlights how litigation could allow the Hai||om people to assert the importance of their ancestral rights with regard to cultural survival as well as to obtain recognition with regard to their ancestral connection to ENP as an indigenous people. The authors conclude that asserting their ancestral rights through a court of law is thus important not only for their cultural rights, but also in terms of their right to development, allowing them to be part of the GRN’s decision-making structure vis-à-vis nationally important economic activities centred on tourism and wildlife. The authors argue that the case put forward by the Hai||om is important not only for them, but for the whole country, as it will define the way claims to ancestral land rights could be approached in future, and how Namibia should integrate the rights of its indigenous and marginalised communities in the legal framework of the country.

John Nakuta’s chapter “**Ancestral land claims: Why bygones can’t be bygones**”, deals with the question of how best to handle land right claims from communities who during Namibia’s colonial and apartheid occupation were forcibly and arbitrarily deprived of the lands, territories and resources they traditionally occupied. Nakuta argues that calls for restoration cannot be equated with notions of apportioning blame and/or exacting punishment, but much rather emanate from the inalienable right to an effective remedy for victims of human rights violations as guaranteed in numerous human rights instruments. The primary contention of the chapter is that the dispossession of indigenous communities of their ancestral lands during colonial times constituted a gross human rights violation. The chapter begins by highlighting the reality of land dispossession as it occurred in Namibia. It explains the racist and discredited doctrine of *terra nullius* which formed the basis of land dispossession at the advent of colonialism. It proceeds to argue for the development and invocation of aboriginal title in the Namibian legal system to repair historical land injustices. It then considers the ground-breaking jurisprudential work of the African Commission of Human and Peoples’ Rights, the African Court on Humans and Peoples’ Rights, the Inter-American Commission on Human Rights, and the Inter-American Court of Human Rights, namely the evolutionary and expansive interpretation they adopted to the concept of “property rights” with a view to obtaining land

justice for indigenous communities/populations. This is juxtaposed against the overly cautious approach followed by Namibia's Superior Courts when it comes to historical land injustice issues. The chapter provides the example of the *Tsumib v Government of the Republic of Namibia* case (see Dieckmann's and Odendaal et al.'s chapters), in which members of the Hai||om community sought permission from the court to take legal action as representatives of their community to reclaim their ancestral lands. This case was dismissed without the court considering the merits thereof. In light of the *Tsumib* case, Nakuta makes the point that litigation is a less than ideal vehicle for redressing claims for historical land injustices. In this regard, Namibia's narrow and exclusive rules on *locus standi*, as well as the adversarial nature of litigation, are flagged as the major hurdles for seeking reparation in the courts. As an alternative, land restitution models from South Africa, achieved through mediation and negotiations, are presented as the kind of administrative reparation programmes that Namibia should begin to consider. The last part of the chapter warns against the danger of relegating legitimate ancestral claims to frivolous phrases such as "Let bygones be bygones". It is argued that such an attitude and approach to something so fundamental runs the risk of being hijacked for political ends.

In their chapter, "**The fencing issue in Namibia: A case study in Omusati Region**", Rose-Mary Kashululu and Paul Hebinck discuss the theory of legal and illegal fencing in Omusati Region, presenting recent data on fencing and the results of their own fieldwork. They explain how fencing generates problems with development as well as with access and rights to land. The authors argue that identifying fencing as part of the series of development issues and making fencing a central component of the analysis allows them to generate a series of key questions, such as who fences and for what purpose; who benefits most and who is losing out; and perhaps more importantly, what is the social and material effect of fencing and thereby (re)ordering communal areas? The chapter focuses on what fencing does to property and property relations, on processes related to exclusion and the future of the commons in Namibia, and on how the struggle to remove fences is organised. The authors state that the fencing problem has multiple dimensions. They argue that it embodies the problem of overlapping and conflicting spheres of authority, power relations and the capture of resources by elites, and multiple legal contexts in the communal areas. These are the by-products of the creation of new institutions following the decentralisation of resource management after independence to local and regional institutions such as the communal land boards, traditional authorities and regional MLR offices, but also of a private business network strategically associating itself with the state. They conclude that the conflict that fences generate is at least evidence of the uncertain future of the communal lands; such conflict raises the question of whether they should be managed collectively or privately for purposes of production, grazing and conservation. It may also be that a combination of collective and private management defines the future of the communal lands, although such systems are not always easily combined.

The chapter of Jennifer Hays and Robert Hitchcock, "**Land and resource rights in the Tsumkwe Conservancies – Nyae Nyae and Nꞑa Jaqna**", focuses on the issues the indigenous San communities in these conservancies are facing, especially concerning rights to land and resources. Tsumkwe Constituency, situated in what is today Otjozondjupa Region, has the highest concentration of San in Namibia. The authors point out that the concept of indigenous rights is not about special rights for some communities, but about ensuring that the most marginalised peoples in the country have their human rights respected. They emphasise that even though these San conservancies are the best scenarios for marginalised groups in southern Africa, they still constantly have to defend their land against external groups who are stronger, have more resources, and engage in more intensive land use strategies. Using the example of the two conservancies in Tsumkwe Constituency, the authors outline critical issues concerning all San groups in Namibia. With a focus on the preservation of the traditional lifestyle of San groups and respect of their ancestral rights, the chapter draws five conclusions: First, hunting and gathering should be recognised and respected as a legitimate form of land use, and one that furthermore might be beneficial to the society as a whole. Secondly, the subsistence and land rights of one ethnic group in Namibia should not be held up against the rights of another ethnic group that has also been historically marginalised. Thirdly, it is important to

recognise that the San communities are made up of individuals, and to take their individual perspectives into consideration while simultaneously allowing for the general aim of the maintenance of traditional subsistence practices. Fourthly, the authors emphasise that the political will of the GRN in upholding its own laws and court judgments is crucial to securing the land rights of the two San communities. And finally, despite all the setbacks and violations still occurring, it is crucial to look at the way that San groups are actively negotiating their circumstances, especially with respect to land and resources, because the San of Nyae Nyae, in particular, have had a significant measure of success in negotiating their rights. The authors argue that the focus should be on carefully protecting and enforcing the land rights of San groups as they are defined in national and international law, with the goal of making Nyae Nyae and Nǃa Jaqna positive models of what could be possible elsewhere.

In their chapter, “**Access to land and security of tenure for the San people in Namibia: The case of Okongo Constituency in Ohangwena Region**”, Romie Nghitevelekwa, Fenny Nakanyete and Selma Lendelvo analyse security of tenure within the context of the ongoing registration and statutory recognition of land rights in Namibia’s communal areas, to determine their applicability to the customary tenure system of San people. Before the in-migration and settlement of the Bantu groups, San people were spread out over most of modern-day Namibia, living a highly mobile life of hunting and gathering. Their customary tenure is based on land as a common property or a common-pool resource with open access. However, the chapter suggests that the San’s lifestyle is critically hampered by individualisation and fencing-off of land by sedentary agriculturalists. It has left the San people on the margins, with their access to land becoming ever more precarious. In 2002, Namibia passed the Communal Land Reform Act (CLRA), which came into force in March 2003. The CLRA provides for the registration and statutory recognition of land rights on communal land in order to give the legal security of land tenure which has long been denied. However, while the model adopted by the CLRA and ultimately the Land Rights Registration Programme protects and secures the rights of certain social groups, particularly women in Namibia, it does not give special consideration to other social groups, in particular San people. With the shortcomings identified in communal land reform and the securing of tenure, the authors state that community-based natural resources management (CBNRM) provides a possible window of opportunity through which San people’s land tenure can be maintained. CBNRM is a programme established in the 1990s as part of the GRN’s efforts to promote conservation and the sustainable utilisation and management of Namibia’s resources. The authors argue that community-based organisations in the forms of community forests and communal conservancies are the only avenues through which the rights of groups of people to common-pool resources can be secured. Through community forests and communal conservancies, the GRN devolves management and use rights to communities with the end goal of sustainable management. The authors argue that as there are still regulations contradicting the very purpose of these community-based institutions, it is important that all management communities of community forests and communal conservancies are sensitised about the basic needs of San people and alerted to the fact that their respective regulations should take these needs into consideration. The conclusion is therefore that the MLR, through the communal land boards, should consider protecting and securing land rights beyond individual land rights, and include forest-based or common-pool resources rights.

In her chapter, “**Land and resource rights of the Khwe in Bwabwata National Park**”, Gertrud Boden discusses the land rights situation of the Khwe, an indigenous and disadvantaged San group in Namibia who live in the main part of Bwabwata National Park (BNP). Boden describes how the Khwe have lost control over land and livelihood opportunities since 1890, and particularly since the 1960s. The aim of the chapter is to raise awareness regarding the particular land rights and livelihood situation of the Khwe as residents of a national park and people without a political leadership recognised by the GRN. Although the Khwe in BNP were not expelled from their ancestral land in colonial times, they are collectively disadvantaged with respect to land rights as they have been and remain dispossessed of the self-determined use of their land. The chapter describes the nature of such land rights during precolonial times and how they were lost in the course of Namibia’s colonial and postcolonial history. The chapter goes on to portray the current land

and resource rights situation of the Khwe people and its consequences for their livelihoods. For the Khwe in BNP, the deprivation of land and resource rights did not stop with Namibia's independence. Instead, the Khwe in BNP have experienced an increasing influx of non-San persons seeking land for settlement, grazing and crop production on Khwe ancestral land. The access to and use of the natural wealth of Khwe ancestral lands are increasingly restricted for the original inhabitants, while other people, recent settlers in BNP as well as people living outside the park, are permitted to benefit from them. The chapter sheds light on the issue that to date, the Khwe are the sole Namibian San community without GRN recognition for their traditional authority. Finally, Boden makes recommendations by referring to the relevant resolutions of the Second National Land Conference in 2018. She suggests that communal property rights over BNP should be established, and that the Khwe Traditional Authority should be recognised as a legal body for self-determination. Were this to be done, together with developing tourism infrastructure and creating job opportunities in the park, all relevant resolutions of the Land Conference would be satisfied.

In **“Land, resource and governance conflicts in Kunene Region involving conservancies”**, Wolfgang Werner focuses on the uncertainties concerning legitimate access and rights to land in Kunene Region, the former “Kaokoland”. Against the background of a survey carried out in preparation for the Second National Land Conference in 2018, Werner discusses issues concerning unrecognised traditional authorities and the absence of clear areas of jurisdiction, access to the communal areas of Kunene Region, wildlife management, transhumance, and mining and land rights in a broader historical context. The chapter shows that the recognition of traditional leaders has long colonial antecedents that an independent Namibian government has uncritically adopted. Werner also argues that the issues identified by communities in 2019 are largely the result of the current policy and legal framework dealing with traditional leaders and land administration, which fail to recognise and build on local customs and practices with regard to tenure systems and land administration. The chapter shows that there is mounting evidence that the provisions of the CLRA and the Traditional Authorities Act are increasing land disputes and social tensions in Kunene Region primarily as a result of the non-recognition of traditional leaders, despite the fact that most of them enjoy local legitimacy. Werner argues that a fundamental flaw in the CLRA is that it offers a one-size-fits-all framework for very different tenure situations in Namibia's communal areas. The Act fails to recognise local customs and practices, and is therefore inappropriate in Kaokoland for protecting customary land rights to commonages. In practice this means that 30 years after independence, pastoralists in Namibia's north-west do not enjoy legally protected rights. Werner concludes that Namibia needs a new land policy and legal framework that is simultaneously specific enough to provide for good governance in land administration and flexible enough to protect local customs and practices. It must acknowledge and enable customary land rights holders to elect local-level leadership and participate in the administration of their land rights. Local-level institutions capable of administering customary land rights do exist and are well known. These need to be supported and modernised if the country is serious about making land rights more secure. Downward accountability and consultation with customary land rights holders need to be improved.

“Understanding Damara / ǀNūkhoen and ||Ubus indigeneity and marginalisation in Namibia” is the title of Sian Sullivan and Welhemina Suro Ganuses' chapter, which seeks to offer some context for understanding present circumstances and ongoing debate regarding Damara / ǀNūkhoen and ||Ubus indigeneity and marginalisation in Namibia. With their data on the basis of oral histories and personal testimonies collected since the 1990s, the authors highlight how colonialism affected the subgroup in relation to land distribution and connected policies. The chapter engages with the following intersecting themes: It depicts how and by whom the Damara were perceived before colonisation. To better understand issues of identity and displacement, the chapter then analyses the dynamic social relationships between Damara / ǀNūkhoen lineages and specific land areas. Since a high proportion of Damara / ǀNūkhoen and ||Ubus do not now occupy their former land areas, the chapter outlines some of the processes by which the majority of Damara / ǀNūkhoen and ||Ubus lost rights over and access to land areas with which they had understood themselves to be in relationships of belonging and custodianship, also specifically focusing on 20th century

historical evictions. This section is followed by an outline of the issues associated with the post-Odendaal creation of the Damaraland “homeland”. It is depicted that whilst the creation of “Damaraland” offered an expanded settlement area for Damara / ǀNūkhoen living at the time in other parts of the country, it also led to some further displacements. In the section on the post-independence era, the chapter highlights changes in the administration of land in the former “homeland”. The section touches on the diverse opportunities and constraints engendered by the post-independence establishment of conservancies in and around the former homeland area as a core element of a national and donor-funded programme of CBNRM; and it touches on some implications of an unclear policy setting for asserting exclusionary rights to and control over communal area land. Lastly, the authors review the reasons for ongoing discrimination against Damara / ǀNūkhoen, arguing for their inclusion in discourses of indigeneity and marginalisation in Namibia. In conclusion, the chapter demonstrates that Damara / ǀNūkhoen and ǁUbusun achievements, adaptations and resilience in contemporary circumstances are unevenly enjoyed, and have been accomplished against a background of significant marginalisation and deprivation. The authors argue that recognising Damara / ǀNūkhoen and ǁUbusun presence and indigeneity, as well as their experiences of marginalisation through historical processes causing their loss of land and resources, is an important step towards fair redress.

In the concluding chapter, “**San land rights in Namibia: Current national processes and community priorities**”, Ben Begbie-Clench and Noelia Gravotta focus on current national processes and policy proposals concerning primarily land rights of the San communities in Namibia, and suggest possible action steps regarding the respective issues. The chapter states that there has been substantial progress in many areas of land governance since Namibia’s independence, including the development of appropriate national legislation and policies, land acquisition for resettlement, and investments in communal areas. However, the concerns of San groups, and the negative public sentiments about land, are reinforced by the limited success of Namibia’s resettlement programme and shortcomings in the management of communal land, amongst other issues. At the time of writing, several processes within the GRN related to both San groups and land were underway. These included follow-up on the Second National Land Conference held in 2018, a Presidential Commission of Inquiry to examine questions around ancestral land in Namibia established by the GRN, and the review of a draft White Paper on the Rights of Indigenous Peoples in Namibia. The first part of the chapter provides an overview of the status quo in terms of national processes and legislation regarding San groups in Namibia. The second part focuses on feedback from San groups consulted during fieldwork conducted for this chapter, especially in relation to the outcomes of the Second National Land Conference, also including action steps that could be taken to ameliorate the San peoples’ position. The chapter concludes that two general findings can be drawn from the consultations: Firstly, there is inadequate information dissemination both to and from San communities. Secondly, in some areas of land governance and reform, consultation with San groups by policy makers and local institutions would assist them to understand how current institutions could better serve such groups. Therefore, the authors recommend that San groups need to be active participants in the processes of consultation and the national and regional planning and implementation that follow. This responsibility to ensure that participation at local and national levels is wide-ranging, and that processes take into account issues of literacy, language, geography and other barriers, lies partly with the GRN. Equally well, it is also the responsibility of indigenous/marginalised communities to discuss issues amongst themselves, to interact with their representatives, and to ensure that their views are submitted to the GRN.

A digital version (pdf) of the book is available on the LAC website. A hard copy can be obtained in person or ordered from the LAC office in Windhoek.



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