

Part I

Background

to the Study

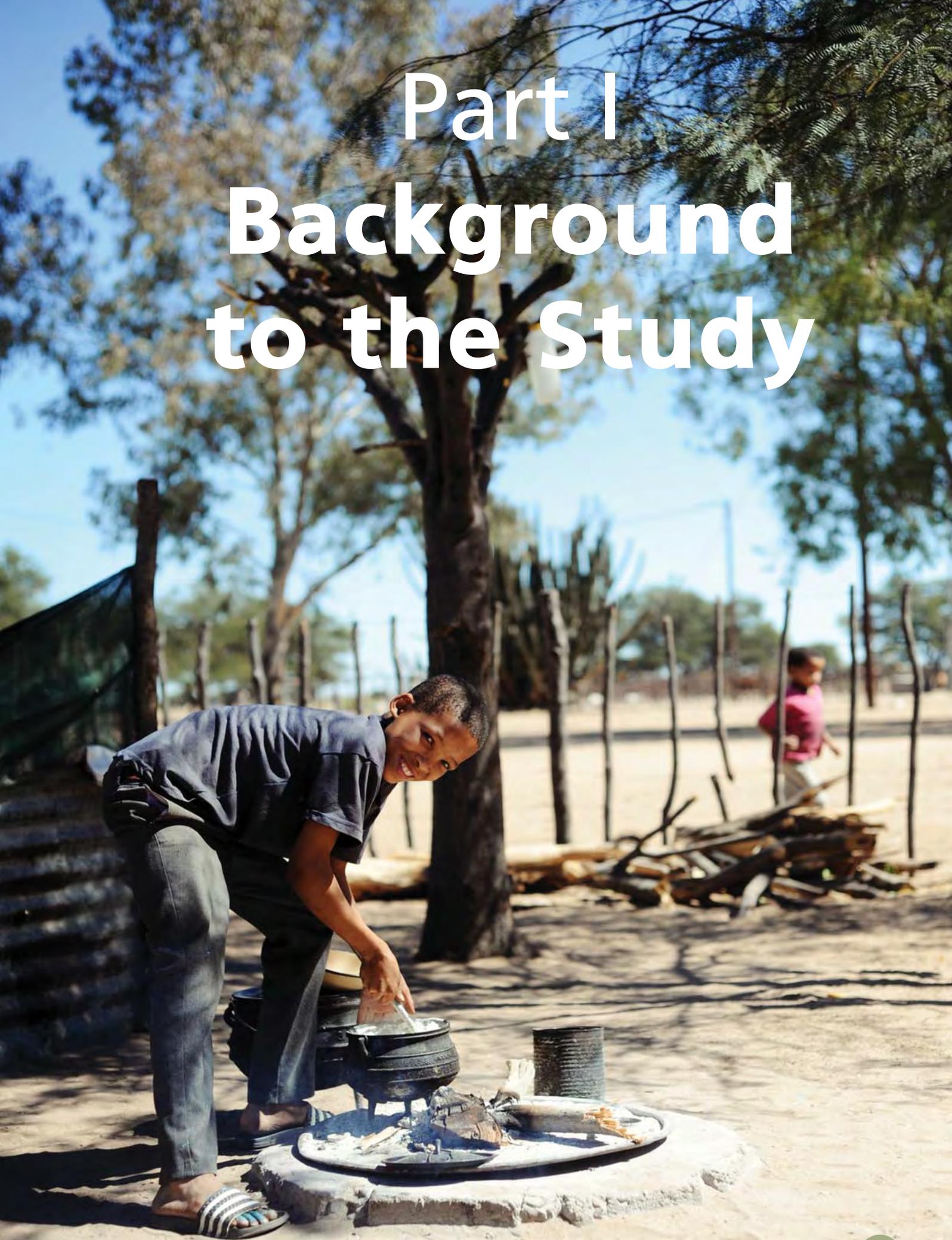
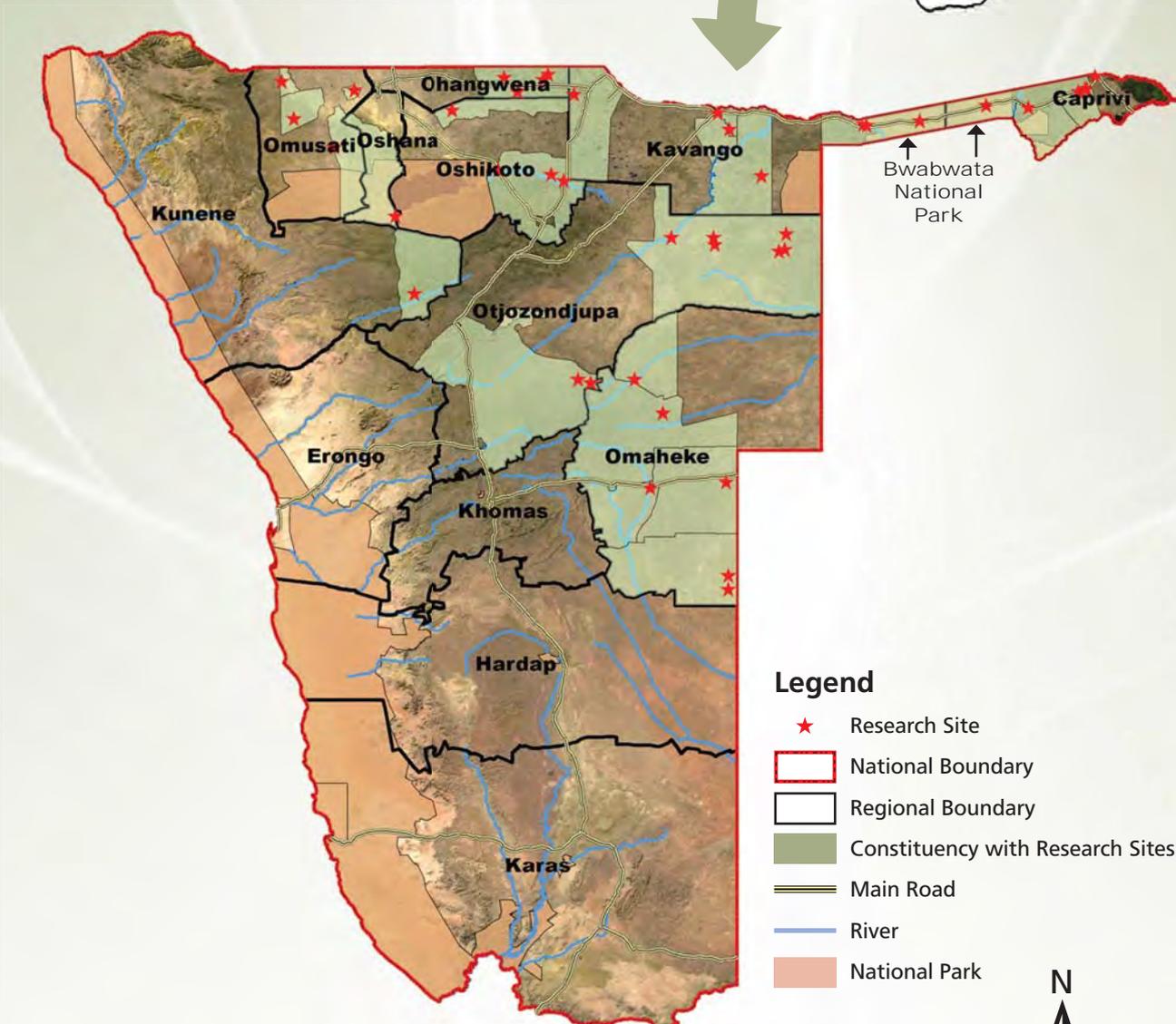


Photo: A Jul'hoan boy cooking in Skoonheid, Omaheke Region



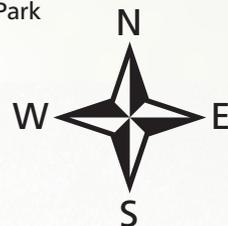
The study sites



Legend

- ★ Research Site
- ▭ National Boundary
- ▭ Regional Boundary
- ▭ Constituency with Research Sites
- ▬ Main Road
- ▬ River
- ▭ National Park

0 125 250 500 750 1000 Kilometres

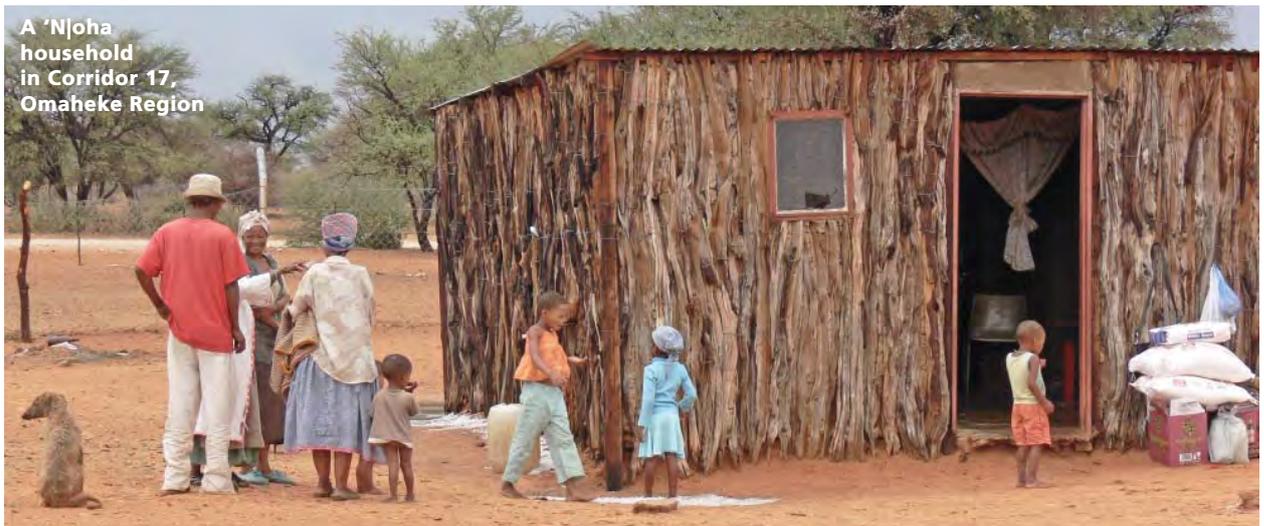


Source: Ministry of Lands and Resettlement and Legal Assistance Centre
 Design: Florian Fennert

Chapter 1

Introduction

By Ute Dieckmann, Maarit Thiem and Jennifer Hays



1.1 Background and purpose of the study

The San population of Namibia constitutes about 2% of the national population. Numbering 27 000 to 38 000 people in total,¹ the San of Namibia hail from several different ethnic (San) groups. They speak different languages and dialects, but many features are common to all the groups, including languages characterised by ‘click’ sounds. In general, San individuals identify themselves according to their ethnic group: they prefer to be identified as Ju|’hoansi, !Xun, Hai||om, Naro, Khwe or !Xõon rather than as “San”, which is an external term denoting the overarching group of former hunter-gatherers. Some of the San groups have lost their language completely; they now speak the language/s of their neighbouring group/s. The geographical regions and the socio-economic situations in which San groups/families/individuals currently live differ in many respects, in that they live on commercial farms, in the corridors between the farms, on resettlement farms, in communal areas among other stronger ethnic groups, within conservancies, in national parks and in urban townships. Their livelihood strategies vary, depending on their socio-economic context. Their poverty levels and educational levels differ somewhat, and there are substantial differences in the amounts of support that different communities receive from the Namibian Government and NGOs. Some communities enjoy strong support from capable NGOs which are also locally based, whereas other communities receive very little support.

¹ See section 3.1 for a more specific discussion of numbers.

Despite these variations, all of the San groups share both a history and current experience of marginalisation. The level of poverty of the San is unmatched by that of any other ethnic group in Namibia. In the Human Development Index they are at 0.35 compared to the national average of 0.55. The per capita income of the San is the lowest of all groups, with an annual average adjusted per capita income of N\$3 263 compared to the national average of N\$10 358 (Levine 2007: 16).

In 2001, 11 years after Namibia became an independent state, the Legal Assistance Centre (LAC) published a comprehensive study report, compiled by James Suzman, entitled *An Assessment of the Status of the San in Namibia*.² The study drew the following conclusion:

“Beyond conferring valuable political rights and the chance to participate in a functioning democracy, independence has brought few immediate collective benefits to San, the majority of whom still battle with the continuing legacy of the apartheid system, which denied them even the limited land and cultural rights granted to the majority of the other non-white Namibians during the apartheid era. A decade after independence, San stand out due to their dependency, extreme poverty, political alienation and a variety of social, educational and health problems. Of course, these problems are not unique to San, and many other Namibians are just as poor and marginalised as they are. However, what makes San conspicuous among Namibia’s poor is the fact that while only a proportion of the members of each other language group are extremely poor, San are almost universally extremely poor.” (Suzman 2001b: 143)

Since the publication of the Suzman report, diverse development initiatives aimed at reducing the San communities’ severe poverty have been implemented or initiated. The Namibian Government has taken a number of measures to end the discrimination of San communities and address their depressed socio-economic situation. Also, many NGOs increased their support for San during the last decade (see paragraph on San support initiatives in the last 10 years).

In 2010, the International Labour Organization (ILO) contracted the LAC’s Land, Environment and Development (LEAD) Project to compile a “Review Report on Ongoing San Development Initiatives in Namibia”.³ The report (Dieckmann 2010) identified the main stakeholders in San development, outlined their activities and analysed shortcomings, lessons learnt and best practices in the ongoing initiatives. The report concluded that an integrated strategy for San development was missing, despite the various stakeholders’ efforts. It found that an overall coordination of San development initiatives was non-existent. One of the study recommendations was an assessment of the current status of the San in Namibia – distinguished by language group and socio-economic contexts – to serve as the basis for establishing an integrated strategy for San development. This assessment would entail an analysis of the available data/documents and additional field research to provide baseline data. The report stressed the necessity of taking into account the differences between the San communities when developing an integrated development strategy. Based on the assessment findings, the San development initiatives should be integrated into a coherent strategy (Dieckmann 2010: 32-34).

² This study, being the only extensive study conducted to date on the living conditions of San in Namibia, was not based on a comprehensive field survey, but drew its findings mainly from data provided in other publications. The study was conducted as part of the “Regional Assessment of the Status of the San in Southern Africa”, which was reported on in five volumes (Suzman 2001b).

³ This was one of three reports commissioned from the LEAD Project under the ILO programme named “Promoting and Implementing the Rights of the San People in Namibia”, the other two being a “Review of the Existing Legal and Regulatory Framework for the Promotion and Protection of San Peoples’ Rights in Namibia” and a “Training Needs Analysis for Government Staff in respect of the International Debate on the Rights of Indigenous Peoples, the Principles of ILO Conventions 111 and 169, and their Relevance for San Development Initiatives in Namibia”.

The LAC initiated the recommended assessment in 2010. The overall objective of the study, referred to as the “Reassessment of the Current Status of the San of Namibia” (hereinafter “the San Study”) is to provide livelihood assessments of the different San groups in Namibia to help the stakeholders – including the Office of the Prime Minister (OPM), line ministries, NGOs and development partners – to ultimately develop a San-driven advocacy agenda. The findings will also help to improve the quality of the design and implementation of projects.

The report is structured as follows:

- **Part I:** Chapter 1 presents the background and purpose of the San Study, the study methodology and the major problems encountered with quantitative data on San in Namibia. Chapter 2 presents the legal framework in Namibia. Chapter 3 provides a brief overview of the San communities in Namibia, their history and their development since 1990 when Namibia became an independent state (hereinafter referred to simply as “Independence”). In Chapter 3, special attention is given to the main stakeholders in San support initiatives in the last 12 years.
- **Part II:** This part of the report consists of regional chapters covering the regions in which most of the San communities live – with Kunene, Oshana (Etosha) and Oshikoto combined in a single chapter as their San inhabitants are mainly Hai||om. The Khwe living in the Bwabwata National Park (Caprivi/Kavango) are discussed in a separate chapter because the socio-economic context of Bwabwata is not comparable to other areas where San live in Caprivi and Kavango. The Nyae Nyae and Nꞑa Jaqna Conservancies are the focus of the chapter on Otjozondjupa Region, and are treated separately to allow for exploring the particularities of the conservancy situation. The status of San farmworkers merits a separate chapter in Part II.
- **Part III:** The final part of the report presents comparisons, conclusions and recommendations with regard to the most important aspects of the current status of San in Namibia, namely:
 - access to land;
 - livelihoods, food security and poverty;
 - culture, discrimination and development;
 - education;
 - health;
 - gender; and
 - consultation, participation and representation.

For each of these aspects, we present regional comparisons, analyse similarities and differences between the San communities and their socio-economic setups, draw conclusions about the impact of San support initiatives over the last decade, and put forward specific recommendations. In the concluding chapter, we identify the key factors contributing to the ongoing marginalisation and poverty of San communities in Namibia, and provide overall recommendations for future support of San communities in Namibia.



A Khwe woman in Waya-Waya West, a Khwe settlement in Caprivi



A 'Njoha man in Corridor 18, Omaheke, playing a musical bow

1.2 Methodology

The LAC started with the preparations for the study in late 2010. With the assistance of two interns, we reviewed existing data on San in Namibia, approaching line ministries, NGOs and development partners for information and data on their activities aimed at supporting San communities in the various regions. As expected, the review did not suffice to provide a comprehensive picture of the situation of San in the country.⁴ For our field research we decided to use qualitative methodology as the main tool because qualitative methods are better suited to capturing the factors defining different livelihoods in their specific socio-economic contexts. Subsequently, the Desert Research Foundation of Namibia (DRFN) was asked for assistance, as this organisation could bring in valuable insights through its long involvement in project support in Omaheke and Ohangwena Regions. Also, one of the DRFN's staff members had been involved in the Regional Poverty Assessments conducted by the National Planning Commission (NPC) in the years 2005-2007.⁵ Since we planned to use similar methodology, the expertise within the DRFN enriched the design of the research.

In August 2012 we held a training workshop with the research team members to get acquainted with the participatory research techniques, and to decide which tools were relevant for our purposes. Thereafter we developed a "Manual for Researchers", which provided guidelines on the tools to be used, a time schedule for the research trips, precise directions on the sequence of the tools, and the questions to be asked using each tool. Further, the manual gave assignments for conducting stakeholder interviews, and ensured that the fieldwork undertaken by different team members in the different regions led to comparable data. The manual gave clear guidelines for the implementation of the tools in the field, allowing for enough flexibility to adapt to local circumstances. All sites were unique in terms of specific context, and the community members could use the forum to discuss site-specific problems in detail. The structure of the guidelines allowed for the researchers to accommodate unforeseen discussions.

The research team was composed of the following people:

- **Ute Dieckmann**, LAC, research coordinator, PhD in Social Anthropology
- **Maarit Thiem**, LAC, MA in Social Anthropology
- **Erik Dirckx**, DRFN, Programme Manager Sustainable Livelihoods, M.Sc. in Human Geography of Developing (Rural Development Studies)
- **Jennifer Hays**, Research Fellow at Ecole des Hautes Etudes en Sciences Sociales (EHESS), Project SOGIP, PhD in Social Anthropology
- **Theodor Muduva**, LAC, research assistant and public outreach officer, Post-Graduate Diploma (Honours) in Land and Agrarian Studies
- **Brian Jones**, freelance consultant, M.Phil. in Applied Social Sciences
- **Randolph Mouton**, freelance consultant, MA in Development Studies, M.Sc. in Social Science Research Methods (comparative cross-cultural research methods)
- **Wendy Viall**, NNDFN, Manager, BA in Social Science
- **Richard Kiaka**, LAC research assistant, M.Sc. in International Development Studies (Rural Development Sociology)
- **Ben Begbie-Clench**, freelance consultant
- **Arja Schreij**, LAC intern, MA in International Development Studies

⁴ This was later confirmed by the socio-economic study of the San in Namibia conducted by Arowolo, commissioned by the OPM in 2011 (Arowolo 2011).

⁵ This report on the San Study cites findings of the Regional Poverty Assessments conducted in Ohangwena, Omaheke, Caprivi, Oshana, Oshikoto and Kavango (NPC 2003b, 2004b, 2006b, 2007a, 2007b and 2007c respectively).

- **Jana Bielick**, LAC intern, MA in Sociology (extensive SPSS knowledge)
- **Florian Fennert**, LEAD intern, student of Geography (extensive GIS and SPSS knowledge)
- **Anna Hüncke**, LEAD intern, MA in Social Anthropology
- **Anne-Kathrin Schwab**, LEAD intern, BA in Sociology

1.2.1 Site selection

From October 2011 to October 2012, the research team visited 42 sites in Caprivi, Kavango, Kunene, Omaheke, Ohangwena, Omusati, Otjozondjupa, Oshana and Oshikoto Regions. (See Annex A, page 631, for a list of the sites visited in the different regions.)

The following criteria were applied for selecting the research sites:

- **Ethnic groups:** !Xun, Ju|'hoansi, Hai||om, Khwe, !Xoon and Naro communities were covered.
- **Livelihood contexts:** The different livelihood contexts were covered, in that the study covered San living in remote rural areas, semi-urban areas and urban areas.
- **Land tenure systems:** Resettlement farms, town land (i.e. informal settlements), communal land (e.g. conservancies), national parks and freehold farms were covered.
- **Minority vs majority ethnic status:** We visited sites where San constitute the majority of the inhabitants; sites where they constitute the minority of inhabitants; and sites where they live among other ethnic groups. Sometimes it was not clear at the outset how the San are positioned in term of numbers vis-à-vis other ethnic groups;
- **Institutional support:** We visited sites which had received very little institutional support from the government or NGOs, and sites which had received more support. The levels of support for the different communities differed considerably.

Generally, 2-5 team members were assigned to each site, and usually they stayed at the site for two-and-a-half days. The researchers informed the applicable regional councillor and traditional authority (TA) in advance about the project and their time of arrival. Informing the villagers in advance about the research plan was not always possible due to the remote location of some of the villages and the absence of a mobile connection.



A focus group discussion with Khwe in Macaravan East, an informal settlement on the outskirts of Katima Mulilo, Caprivi

1.2.2 Participatory research methods

Participatory research methods have gained popularity among researchers, field practitioners and development professionals, as they offer the possibility of involving local people so as to include their perceptions in the research. The participatory research tools help to reveal underlying connections, identify cause-effect linkages and shed light on differentiations within communities. The food security pathway, for example, helped to uncover the impacts of different livelihood strategies on food security. The wealth-ranking exercise depicted social differentiation in small communities that might otherwise be difficult to grasp within the relatively short time frame. We were not interested in objective measures of poverty;⁶ first and foremost we were interested in the perception of San regarding their livelihoods, access to services and their evaluation of the impact of external support. The importance of taking local perspectives into account – for instance to improve external support initiatives – is common knowledge, yet is often ignored. This report makes clear that local perceptions often differ considerably to those of government and NGO representatives, and that the difference in perception – which in many cases is due to a lack of communication or misunderstandings – hampers effective project implementation. For all of these reasons, participatory methods were the ideal instrument. Participatory methods are also more cost-effective than conventional social science methods, as they involve larger groups and help to identify connections and contexts that might take longer to detect through conventional methods (Evans et al. 2006: 5).

The following participatory research methods were applied in this study:

- **Village Resource Map:** Community members constructed a village map on the ground, using ropes, stones, cards, old tins and other common objects. The maps depicted the general layout of the site and its neighbourhoods, and the residents' access to and utilisation of infrastructure, land, water, schools, hospitals, etc.
- **Food Security Pathway:** In this session community members listed the foods that they consume, and ranked them according to frequency of consumption. The discussion also addressed seasonal variability of the different food products, and the strategies employed to acquire each product, e.g. employment, piecework, gathering and food aid. This method delivered data on existing livelihood strategies and the importance thereof, and provided an indication of food security.
- **Wealth ranking:** This method is used to collect data on social stratification at community level. Community members discussed key local criteria or characteristics of poverty and wellbeing, and then described how people in their own community move up or down the poverty/wellbeing scale. This exercise was particularly important for revealing internal stratification in each San community. Frequently the discussants first said, "We are all poor," but during the discussion, internal differentiations became evident, not only between the San and other ethnic groups in the community, but also among the San themselves. The wealth-ranking tool gave an indication of the factors defining poverty in the local context, and revealed whether or not the community is highly differentiated in terms of wellbeing, and how the San position their own community vis-à-vis other ethnic groups. The World Bank describes this tool as essential for developing strategies for poverty reduction as it provides realistic indicators for measuring poverty.
- **Timeline:** This method is used to collect data on changes in quality of life over time – the focus being on the general village situation, not the fate of individual villagers. The discussants identified important events in the history of their village, e.g. droughts, war, Namibia's Independence and outside support received, and then determined the importance of each event. Thereafter they ranked the different stages in the village timeline in terms of "good" and "bad" quality of life.

⁶ For example, in the Namibia Household Income and Expenditure Survey (NHIES) 2009/2010, poverty was measured by way of the "cost of basic needs" approach (Namibia Statistics Agency (NSA) 2012: xi).



A !Xun village map at Likwaterera, Kavango



A Hai||om focus group discussion at Tsintsabis, Oshikoto

1.2.3 Focus group discussions

Focus group discussions (FGDs) – some based on the outcomes of the prior participatory exercises – were conducted on the following topics:

- **Access to land and resources:** This discussion was based on the village resource map constructed earlier at each site.
- **Health, education and social networks:** This discussion, focusing also on food security, was useful for establishing the extent of human and social capital within the community, and for assessing the community's health and education status in light of the problems identified in the FGD with regard to food security, health and education.
- **Political participation and representation:** This discussion revealed the extent to which the San participate in local, regional and national institutions whose decisions affect the livelihoods of San communities.
- **Visions for the future:** In this discussion the participants shared their thoughts about the future they desired – the developments they would like to see for their community and for themselves individually.

Gender and culture were crosscutting issues covered in most of the FGDs. At some sites the researchers held separate discussions with women and men on specific issues.

All discussions were recorded by way of handwritten notes, and in most cases digital recordings complemented the note-taking. The village resource maps and other visual exercises were captured by both drawings and photos. After the field trips, the notes were typed up and field trip reports were compiled. These reports formed the basis for the writing of the regional chapters in this report.

1.2.4 Stakeholder interviews

Participatory research methods are designed to reveal a community's own perspectives, which, although central to our study, are necessarily limited. Therefore, to complement the community inputs, it was necessary to obtain input from other stakeholders. While in the field, the researchers interviewed key stakeholders (depending on availability) such as TA members, community chiefs, nurses, doctors, teachers, regional representatives of line ministries and representatives of NGOs working in each region. Further interviews were conducted in Windhoek with national stakeholders such as the Office of the Prime Minister (OPM), the Working Group of Indigenous Minorities in Southern Africa (WIMSA) and trade union representatives. (See Annex B, page 632, for the full list of stakeholders interviewed.) The information gathered in these interviews helped to contextualise the information gathered from the San communities at local level. All of the stakeholder interviews were digitally recorded and digitally transcribed.

1.2.5 Literature review

Throughout the research phase, the research team undertook a thorough review of literature, including anthropological literature (e.g. theses on specific San groups and articles on specific issues such as gender), project documents and evaluations (e.g. of the DRFN's Livelihood Support Programme (LISUP)), consultancy reports (e.g. on conservancies, resettlement farms and Etosha), and international recommendations of regional and international human rights bodies and of the National Planning Commission's Regional Poverty Profile reports. The research team's analyses flowing from the literature review complement the data gathered in the field.

1.2.6 Regional and national workshops

To comply with recommendations of the San Study Monitoring Committee (comprised of research team members and representatives of donor organisations and NGOs), the research team held 10 workshops (from October 2012 to April 2013) to discuss the preliminary findings of the field research with representatives of the San communities visited as well as government and NGO representatives.

Seven workshops were held in the regions visited for the field research. The objective of the regional workshops was to discuss the findings with regional representatives. The research team considered this discussion crucial because one complaint regularly encountered in the communities visited was that the results of studies and meetings were never revealed to the communities. The study findings and recommendations were discussed jointly with the San participants and other regional stakeholders to ensure that the findings reflect reality and that the recommendations will be viable.



Above left: **Tsamkxao#Oma (Chief Bobo) from Tsumkwe East and Sara Zunga, Chair of N#á Jaqna Conservancy, in the Otjozondjupa regional workshop in Otjiwarongo in November 2012**



Above right: **Discussing San access to land and resettlement during the Caprivi regional workshop in Katima Mulilo in December 2012**

Three national workshops were held in Windhoek in January, March and April 2013. For the first workshop, San community representatives from the applicable regions were invited to discuss the most important findings of the study, being those on livelihood strategies, access to land, education and political representation. The San representatives were selected on the basis of their experience within their respective communities combined with their experiences outside their communities while serving as San Council members, conservancy chairpersons or NGO employees – positions which enabled them to act as 'brokers' between their communities and outsiders. The second workshop brought together representatives of the NGOs which are members of the San Support Organisations' Association of Namibia (SSOAN – see page 31) to discuss the recommendations on the above-mentioned issues. In the final workshop (a one-day workshop), attended by representatives of line ministries, the OPM, NGOs and the San Council, as well as the San representatives who

attended the first workshop, the research team presented the findings and recommendations of the study and the outcomes of the discussions in the previous two workshops. The plenary discussions in this third workshop focused on the viable recommendations to be taken up in this final report.

The key points of discussion and the recommendations flowing from the regional and national workshops have been integrated into the final regional and national analyses comprising Part III of this report, and also into the study recommendations set down herein, therefore the outcomes of all the workshops are central to this report.

1.2.7 Compilation of the regional chapters

The regional chapters were compiled primarily by the team leader of each field trip, with input from their team members and then from the report editors who reviewed the drafts. The field teams collected massive amounts of data, deriving from a variety of perspectives. This raised two key questions concerning the regional chapters: how much and which data should be included, and whose perspectives should be prioritised?

We aimed to reflect the perspectives of the community members first and foremost, and also we aimed to contextualise and analyse their perspectives (see also section 1.2.8). But this approach could render every regional chapter worthy of being a publication on its own. Therefore, rather than including all of the analysis in the regional chapters, we have shifted some of it to the comparative and concluding parts of the report. In the regional chapters we have prioritised the descriptive data provided by the communities and other key stakeholders.

Since one aim of this report is to contribute to improving project implementation, we decided to include a lot of ‘minute detail’ in the regional chapters. Although this might make for a ‘long-winded’ read for those who are unfamiliar with the topics and sites, such detailed information will prove useful to readers who are involved in implementing projects – those constituting the writers’ primary target audience.

1.2.8 Limitations of participatory research methods

Before we report on the problems encountered in gathering and using *quantitative data* on San in Namibia (section 1.3), we must point out some limitations of the participatory research methods used in this study, in order to provide a comprehensive picture of the methodological challenges involved in conducting social science research, in particular with San.

Participatory tools are based mainly on discussions with large groups of participants, including people from as many sectors of the community as possible. Such inclusion is key, but one drawback is that those with the strongest voices tend to dominate the discussion. This was certainly a challenge in the San Study. At times, less eloquent individuals – in this case particularly women and young people – struggled to express their opinions or were hesitant to speak. Often it was difficult to include them in the discussion on an equal basis. Although we were usually able to gather equal numbers of men and women for a discussion, many women were very shy, so, on the whole, women did not contribute to the discussions to the same extent as did men.

The researchers sometimes divided the groups to obtain the perspectives of the women or the youth on a specific issue. But even in the smaller, somewhat homogenous groups, it was sometimes difficult to initiate a lively discussion. Women in particular often merely repeated the statements of the men

in previous discussions. For example, women in Tsumkwe said that they they did not know how to answer questions because they were not used to participating in workshops. However, they stressed that their involvement in this kind of activity is very important because only by participating can they learn to express themselves. This experience shows that to acquire a deeper understanding of gender or youth issues, more time and financial resources have to be included in the project design. It takes time to build up trust and confidence so that the target groups feel comfortable expressing their own views.

Another limitation that the research team experienced is related to the fact that the focus of participatory methods is on local perceptions and understandings. Although we want to prioritise this perspective, we realised that the information given by the communities, especially with regard to outside support received, was often incomplete. For example, discussion participants tended to complain that they did not receive any outside “help” – even though the village resource map or other discussions contradicted this view. Careful probing was often necessary to uncover a more accurate picture of support provided by the government and NGOs.

There are a few important points to emphasise here. First, this common response is a cultural phenomenon, described by Richard Lee (2003) as a “culture of complaint”, which one must understand as being part of a broader cultural pattern and logic rather than an intentional misrepresentation. Secondly, one has to bear in mind that most local participants in this study were illiterate, and much of the information they provided was obtained by hearsay or own experience. At times it was evident that participants were not properly informed as to which NGO or government agency had provided specific support, and the purpose, duration, requirements or other specifics of the project. Finally, it must be noted that government and NGO assistance was often conceived and implemented with very little consultation with the beneficiary community. Sometimes what was generally perceived as “help” from the outside proved to be of little use to the community, for numerous reasons discussed below and noted throughout this report.

Being aware of these complications, we did not take the community perspectives at face value, but rather used various strategies to uncover the most complete picture in each community. As noted above, to complement the information provided by community members, we interviewed other stakeholders (representatives of line ministries, donor organisations and NGOs, teachers, etc.) in the field, in regional centres and in Windhoek, so as to better understand the nature of support efforts. Our analyses take ‘both sides’ into account; we do not discount community members’ perspectives even if their accounts appear to be factually erroneous. Understanding how community members perceive and present their own situation – including the “help” received from external individuals and organisations – is critical to understanding the nature of the problems confronting both the communities and those who wish to help improve their situation.



A Khwe couple in West Caprivi



!Xoon women in Corridor 17-b, Omaheke (Photo by Antje Otto)

1.2.9 Limitations of quantitative data on San in Namibia

Quantitative data is often prioritised in analysing social issues such as poverty, marginalisation, health and education. Such data can seem more ‘solid’, more valid and easier to understand. While we acknowledge the usefulness of statistical and other quantitative data, we are also aware of its limitations, the most problematic of which is expressed in the famous quote attributed to Benjamin Disraeli (1804-1881): “There are three kinds of lies: lies, damned lies, and statistics.” This quote is often invoked to illustrate a fundamental problem with statistics: although they appear to be straightforward and clear depictions of reality, in fact they can also very easily *misrepresent* the truth – which is doubly problematic because of the supposed accuracy of statistics. There are several ways in which statistics misrepresent reality. Firstly, they may depict only a limited aspect of reality, ignoring important complementary information. Secondly, the numbers themselves can be inaccurate for any number of reasons, e.g. if language is used as an indicator of ethnicity where there is no one-to-one relationship or if the data-gathering methods are faulty. Finally, the statistics themselves may not be available, and if numerical representation of an issue is not possible, this tends to make the issue ‘invisible’. All of these problems become manifest in using statistics and quantitative data for a study on the San in Namibia.

One problem in Namibia relates to the official stance that ethnicity is a legacy of apartheid, and thus is not a meaningful category of analysis. However, as Clement Daniels correctly points out, “In reality, and although the constitution prohibits discrimination on the grounds of ethnic or tribal affiliation, ethnic identities are difficult to ignore and tribal affiliation still plays a very prominent role when it comes to the redistribution of wealth and national resources. It is also sometimes politically expedient and convenient to use tribal and ethnic alliances.” (Daniels 2004: 44)

Thus, although ethnicity is an important category for analysing poverty and access to resources, the official position leads to a lack of reliable official data reflecting this critical category. For example, the Namibia Population and Housing Census surveys refer to language groups (“language spoken at household level”) rather than to the ethnic group with which people identify themselves. In some cases the language and group might be the same, but in other cases they are clearly not. Furthermore, the linguistic categorisation of “San”⁷ differs from survey to survey, and in some cases is incorrect, which leads to both inaccurate and inconsistent data. In the 1991 census, the overall category used was “Bushman” (San), divided into sub-categories of “Kung”, “Heikum” and “other Bushman languages” (NPC 1993: xviii), but neither “Bushman” nor “San” is a linguistic category. In the 2011 census the “Bushman” label no longer appeared (Namibia Statistics Agency (NSA) 2013: 171). To confuse the issue even further, in the Namibia Household Income and Expenditure Survey (NHIES) data, San are linguistically labelled as *Khoisan* whereas Nama/Damara are not (NSA 2012: e.g. 27). As mentioned in section 3.1 (page 22), both “San” and Nama/Damara are Khoisan languages. One is left with the impression that the categorisation of languages applied in these surveys represents a rather shallow mixture of ethnic and language groups.

This ignorance of linguistic factors and ethnic realities obstructs a proper quantitative examination of the socio-economic differences of ethnic groups in Namibia, and thus impedes the implementation of affirmative action to overcome these differences. Namibia, 23 years after Independence, is still using the categories of “previously advantaged” and “previously disadvantaged” people, and this, being a categorisation along racial lines based on apartheid categories, does not allow for an internal (ethnic) categorisation within the “previously disadvantaged” category.

⁷ Apparently, in the census enumeration sheets, “San” language is split into !Xun, Hai||om and other San languages.

In addition to these problems of categorisation, there is also the problem of data *collection*. The majority of San have limited literacy skills, but survey data-collection methods require such skills. For example, for the NHIES, each household was given a daily record book each week for four weeks, in which they were required to record transactions, item by item, for all expenditures and receipts, including incomes and gifts received or given out (NSA 2012: 6). The NSA informed the research team that the illiterate people were helped to fill in the questionnaires and expenditure books, but the NSA did not record the exact procedures. Considerable time and effort would be required to sit with every illiterate respondent every night for a month, and it is not clear that this was done, thus the accuracy of the responses of illiterate respondents in the NHIES is questionable.

Despite all of these problems with the reliability of quantitative data on the San in Namibia, we felt that it was important to use the available data, for two main reasons: firstly, this data does provide for a rough positioning of the socio-economic status of the San in each of the applicable regions of Namibia; and secondly, it is important to directly address the limitations and errors in this data.

Therefore, for this study we engaged interns with in-depth knowledge of the Statistical Package for the Social Sciences (SPSS).

The NSA granted us access to the raw data from the Population and Housing Census of 2001,⁸ the NHIES data and the data from the Namibia Inter-censal Demographic Survey (NIDS) of 2006. These surveys provide mostly general information about the living conditions, housing, income, employment, education and other basic socio-economic characteristics of the Namibian population at large, but each set of raw data makes it possible to identify some San through “main language spoken at home”.⁹

Only the Population and Housing Census, conducted every 10 years, covers all Namibians present in the country on the census reference night, but the information collected on socio-economic status is not as comprehensive as the information collected in the NHIES. In the other surveys conducted by the NSA, a representative sample of the population is taken and the results are extrapolated for the total population – to some extent based on the most recent census data. We invested a great deal of time in computing the raw data from the surveys to serve our own research purposes (e.g. we needed calculations of all data on a regional basis). However, the results of these computations deviated greatly from our own data as well as other available data on San. One of the most prominent examples of this deviation was that of ownership of a motor vehicle by language group in Kavango Region (see Table 1.1): according to the NHIES data, 12.1% of the Khoisan-speaking people in Kavango owned a car, and 100% the German speakers there *did not* own a car, but it is very unlikely that this finding reflects the reality.

We now go on to discuss the results of different surveys, noting the parallels and discrepancies between their findings and our own.

⁸ The raw data from the 2011 census were not available for distribution at the time of writing in March 2013.

⁹ The NSA conducts several surveys on a regular basis (every 5 or 10 years). As most of the surveys cover the same topics, it is possible to monitor changes by comparing the results over the years. However, these are surveys of the Namibian population in general, so they do not make it possible to trace individuals and the change they undergo over time. A longitudinal study, for example a panel study that samples the same individuals over time, would be necessary to detect changes in living conditions. Unfortunately, only cross-sectional studies are carried out.

Table 1.1: Cross-tabulation of main language spoken and motor vehicle ownership/access – Kavango sample (NHIES 2009/2010 and authors' calculations)

| KAVANGO REGION | | MOTOR VEHICLE OWNERSHIP/ACCESS | | | | |
|----------------------|-------------------------------|--------------------------------|------------------------------|-----------------------------|---------|---------|
| | | Owns | Does not own, but has access | Neither owns nor has access | Total | |
| MAIN LANGUAGE SPOKEN | Khoisan | Count | 453 | 162 | 3 134 | 3 749 |
| | | % within main language spoken | 12,1% | 4,3% | 83,6% | 100,0% |
| | Caprivi languages | Count | 0 | 0 | 245 | 245 |
| | | % within main language spoken | 0,0% | 0,0% | 100,0% | 100,0% |
| | Otjiherero | Count | 0 | 251 | 451 | 702 |
| | | % within main language spoken | 0,0% | 35,8% | 64,2% | 100,0% |
| | Rukavango | Count | 18 591 | 69 922 | 180 683 | 269 196 |
| | | % within main language spoken | 6,9% | 26,0% | 67,1% | 100,0% |
| | Nama/Damara | Count | 0 | 0 | 103 | 103 |
| | | % within main language spoken | 0,0% | 0,0% | 100,0% | 100,0% |
| | Oshiwambo | Count | 723 | 1 789 | 3 187 | 5 699 |
| | | % within main language spoken | 12,7% | 31,4% | 55,9% | 100,0% |
| | Afrikaans | Count | 127 | 27 | 209 | 363 |
| | | % within main language spoken | 35,0% | 7,4% | 57,6% | 100,0% |
| | German | Count | 0 | 26 | 0 | 26 |
| | | % within main language spoken | 0,0% | 100,0% | 0,0% | 100,0% |
| | English | Count | 539 | 77 | 285 | 901 |
| | | % within main language spoken | 59,8% | 8,5% | 31,6% | 100,0% |
| | Other European | Count | 125 | 254 | 1 317 | 1 696 |
| | | % within main language spoken | 7,4% | 15,0% | 77,7% | 100,0% |
| Other African | Count | 0 | 180 | 278 | 458 | |
| | % within main language spoken | 0,0% | 39,3% | 60,7% | 100,0% | |
| Not stated | Count | 0 | 0 | 676 | 676 | |
| | % within main language spoken | 0,0% | 0,0% | 100,0% | 100,0% | |
| Total | Count | 20 558 | 72 688 | 190 568 | 283 814 | |
| | % within main language spoken | 7,2% | 25,6% | 67,1% | 100,0% | |

We took a closer look at the design of the survey samples and encountered the following problems: In both the NIDS 2006 and the NHIES 2009/2010, a stratified two-stage probability sample was drawn. The selection of units to be sampled was based on the number of households in the region and the characteristics of households in that region – as known from the 2001 census. The NSA explains its sampling for the NHIES as follows: “The [sampling] frame was stratified first by regions and then by urban/rural areas within each region. The Primary Sampling Units (PSUs) in urban areas were further stratified into high, middle or low levels of living according to the geographical

location and the standard of housing. In rural areas, PSUs were further stratified into villages or settlements and communal or commercial farmer areas.” (NSA 2006: 4) These sampling criteria do not include language spoken at home. Once the sampling is complete, the numbers for the whole population are extrapolated based on the latest census findings. For languages widely spoken it is likely that the group participating in the survey is a representative sample of the whole language group, but for small language groups this is unlikely. Looking more closely at the numbers of households that actually participated (sample size) sheds more light on this issue.

In both the NIDS 2006 and the NHIES 2009/2010 data sets (NSA 2006: 5; and NSA 2012: 3), the percentage of people who actually participated ranged between 1.9 and 4.9% of the total population in each region, with an average of 2.8/2.9% for Namibia as a whole. “The [NIDS] estimated a household population of 1 952 454 as on the 19th November 2006 in 419 804 households. The average household size in Namibia is estimated to be about 5 people.” (NSA 2006: 3). There are approximately 32 000 San in Namibia. Dividing 32 000 by an average household size of 5 gives 6 400 households. If only 2.9% of 6 400 San households were surveyed, this means that only 186 San households were surveyed out of the total of 10 000 households surveyed as a representative sample in the NHIES 2009/2010. Clearly this cannot give a representative picture of the San in Namibia. Ultimately, the heads of the few San households questioned were answering for all San in the country, which makes for a lot of invalid data.

Considering the national totals in the NIDS and NHIES data sets, it is obvious that the number of San households actually questioned was minimal, or even zero in some regions. Looking again at the example of Kavango, the calculations in the paragraph above would mean that only 20 Khoisan-speaking households in the whole of Kavango actually participated in the NHIES.

Consequently, after all our efforts to make use of the available data for our study, we decided not to use NHIES and NIDS regional-level data sets, because they are not representative of the San in any region. It also has to be noted that the Human Development and Human Poverty Indices in Namibia are calculated from NHIES data, so the validity of these indices is questionable. However, we included them as they provide a rough idea of the socio-economic status of ‘Khoisan’ speakers.



Hai||om children in Oshivelo, Oshikoto Region

Chapter 2

The Legal Framework in Namibia

By Ute Dieckmann, Maarit Thiem and Jennifer Hays

2.1 What 'indigenous' means in Africa

It is often said that all Africans are indigenous, and therefore that the concept of “indigenous peoples” does not really apply in Africa. But the African Commission’s Working Group of Experts on Indigenous Populations/Communities does recognise this as a relevant concept for Africa, and summarises the overall characteristics of groups which identify themselves as indigenous peoples as follows:

“Their cultures and ways of life differ considerably from the dominant society and their cultures are under threat, in some cases to the extent of extinction. A key characteristic for most of them is that the survival of their particular way of life depends on access and rights to their traditional land and the natural resources thereon. They suffer from discrimination as they are being regarded as less developed and less advanced than other more dominant sectors of society. They often live in inaccessible regions, often geographically isolated and suffer from various forms of marginalisation, both politically and socially. They are subject to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority. This discrimination, domination and marginalisation violates their human rights as peoples/communities, threatens the continuation of their cultures and ways of life and prevents them from being able to genuinely participate in deciding their own future and forms of development.” (African Commission on Human and Peoples’ Rights 2005: 89)

Although there is no formal clear-cut definition of the term “indigenous peoples” in international human rights mechanisms, several characteristics are commonly highlighted. For example, the Preamble to the UN Declaration on the Rights of Indigenous Peoples makes reference to dispossession of lands, territories and resources, cultural and linguistic distinctiveness, historical and pre-colonial presence in certain territories, and current political and legal marginalisation. Evidently, self-identification is also regarded as a fundamental criterion for determining indigenous peoples.

It is important to emphasise that the international instruments on the rights of indigenous peoples (see section 2.2 of this chapter), are not calling for special rights for indigenous peoples; rather, they acknowledge that indigenous peoples do not enjoy their basic human rights, and that their access to public services (e.g. health and education services) is far below the national averages. Indigenous rights mechanisms thus re-state the principle of equality as articulated in all universal human rights instruments, and provide not for special rights but for special measures to ensure access to basic human rights, “with the view to closing socio economic gaps and taking into account specificities of indigenous peoples” (Office of the Ombudsman 2012b: 10).

2.2 International framework addressing indigenous peoples' rights

According to Article 144 of the Namibian Constitution, public international law and international agreements binding upon Namibia form part of the law of Namibia, and Namibia has signed or ratified several international instruments that address the rights of indigenous peoples. Most of the rights outlined in these international instruments are also guaranteed according to Namibian domestic law, even where the language used does not specifically refer to indigenous peoples.

Namibia has signed or ratified a range of international instruments that address the rights of indigenous peoples – directly or indirectly.¹ Namibia signed the **United Nations Declaration on the Rights of Indigenous Peoples** (UNDRIP) in 2007. Although UNDRIP itself is not binding, the UNDRIP standards are all based on existing human rights mechanisms to which Namibia is a signatory, thus these standards are compulsory.

Namibia has not yet ratified the International Labour Organization's **Indigenous and Tribal Peoples Convention** (ILO Convention 169). This is a legally binding international instrument, consisting of 34 articles divided into sections on: general policies; land; recruitment and employment; vocational training, handicrafts and rural industries; social security and health; education and means of communication, contacts and cooperation across borders; and administration and other provisions (ILO 1989). According to Namibia's Deputy Prime Minister, Marco Hausiko, "deliberations are underway to interrogate the intrinsic merits of ratifying the ILO Indigenous and Tribal Peoples Convention 169 and 111".²

Several other binding international agreements play an important role in affirming and further building the already established human rights norms represented by UNDRIP and ILO 169.

Namibia ratified the **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) in 1992 (Office of the Ombudsman 2012b: 9). ICERD is the primary international instrument addressing the issue of racial discrimination. The UN Committee on the Elimination of Racial Discrimination submitted a report on Namibia after considering the Namibia State Report in August 2008. The Committee raised a number of concerns regarding indigenous peoples in Namibia, and included recommendations on several aspects of indigenous peoples' rights in Namibia, with particular reference to the San, emphasising the following: the process of selection of traditional leaders for San communities; the rights of indigenous peoples to own, develop, control and use their lands and territories; the rights of indigenous peoples residing in national parks and protected areas; the extreme poverty, low education levels, high rates of HIV and other infectious diseases and low life expectancy of the San; the low levels of political participation among San; the high incidence of rape of San women; and the problem of programmes focusing only on the integration of indigenous minorities in view of the need to protect ethnic and cultural diversity (Office of the Ombudsman 2012b: 37-40; and Hays and Dieckmann (in press)).

Furthermore, Namibia is a signatory to the **African Charter on Human and Peoples Rights** (1986 – hereinafter "African Charter", also known as the "Banjul Charter"), which stands as the primary human rights instrument in Africa. The African Charter does not specifically deal with indigenous peoples, but the term "peoples" is interpreted to include indigenous peoples. Article 30 of the

¹ For a more detailed overview of the international legislation which is legally binding on Namibia, see Hays and Dieckmann (in press).

² Office of the Prime Minister 2011, accessed at www.sanddevelopment.gov.na/index.htm.

African Charter established the African Commission on Human and Peoples' Rights (ACHPR – also referred to as the “African Commission”), the body responsible for monitoring State Parties' compliance with the rights set down in the Charter. The ACHPR set up a Working Group on the Rights of Indigenous Populations/Communities, consisting of members of the ACHPR, expert representative of indigenous communities and an independent expert (ACHPR 2005: 8). The ACHPR conducted a survey of indigenous rights in Namibia in 2005, and made several recommendations for education, leadership, health, poverty, land and stigmatisation (ACHPR and IWGIA 2008).

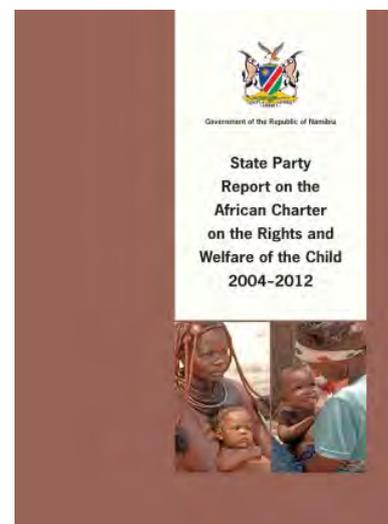
Namibia ratified the **UN Convention on the Rights of the Child** (CRC) in 1990. Article 30 refers specifically to indigenous children. In 2009 the UN Committee on the Rights of the Child published its *General Comment No. 11: Indigenous Children and their Rights under the Convention*, the primary objectives being “to provide States with guidance on how to implement their obligations under the Convention with respect to indigenous children”, and to “highlight special measures required to be undertaken by States in order to guarantee the effective exercise of indigenous children's rights” (UN General Assembly 2009).

Further, in 1994 Namibia signed the **International Covenant on Civil and Political Rights** (ICCPR, 1966) (Office of the Ombudsman 2012b: 9), Article 27 of which states: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” (UN General Assembly 1966) The Human Rights Committee, the body authorised to oversee state compliance with the rights set down in the ICCPR, conducted a Universal Periodic Review (UPR) for Namibia in 2011.³ In the *Report of the Working Group on the Universal Periodic Review: Namibia* (UN General Assembly 2011b), various countries strongly encouraged Namibia to go much further in securing rights, especially in respect of access to land and livelihoods for indigenous peoples. Namibia accepted all of the recommendations on indigenous peoples – including that of developing a white paper on indigenous peoples' rights.

Namibia ratified the **Convention on Biological Diversity** (CBD) in 2005. Articles 10(c) and 8(j) of the CBD deal specifically with indigenous peoples' rights (Office of the Ombudsman 2012b: 9).

Thus, Namibia is a party to several international agreements dealing with indigenous rights, many being legally binding agreements with evaluation cycles. It must be noted that although evaluation reports recognise the Namibian Government's good intentions and a supportive policy environment, it is very evident that international indigenous rights principles are still far from being fully implemented in Namibia. We will refer in more detail to the recommendations of various evaluation reports in the chapters constituting Part III of this report.

³ The UN General Assembly created the Universal Periodic Review (UPR) in 2006, for which every country is to be evaluated in 4-year cycles. This process is driven by the State itself, and provides a chance for the State to introduce and respond to issues, and to say what actions it will take (or has taken) to improve human rights in the country (Hays, Dieckmann (in press)).



In picturing Ovahimba (left) and San (right) women and children on the front cover of this recent State Party report on Namibia's implementation of the African Charter on Human and Peoples' Rights, the government is conveying its focus on the rights of the country's indigenous peoples as well as its women and children.

2.3 Namibian legislation regarding indigenous peoples' rights and the rights of the San

The Namibian Constitution prohibits discrimination on the grounds of ethnic or tribal affiliation, but does not specifically recognise the rights of indigenous peoples or minorities. The Namibian Government prefers to speak about “marginalised” rather than “indigenous” communities, defining “indigenous” by reference to European colonialism, implying that the vast majority of Namibians are in fact “indigenous” (Daniels 2004: 44, 46).

Thus, Namibia itself has no legislation dealing directly with indigenous peoples. However, Namibia has a number of interconnected Acts of Parliament which provide for implementing certain rights of indigenous peoples, particularly in the areas of land, leadership, natural resource management and education, examples being the Communal Land Reform Act of 2002, the Traditional Authorities Act of 2000 and the Nature Conservation Amendment Act of 1996. These Acts can assist in implementing San rights regarding land, leadership and resources. In addition, the *National Resettlement Policy* targets San, among other groups (i.e. ex-soldiers; displaced, destitute and landless Namibians; and people with disabilities), as beneficiaries (Ministry of Lands and Resettlement (MLR) 2001: 3-4). Furthermore, the policy document entitled *National Policy Options for Educationally Marginalised Children* (Government of the Republic of Namibia (GRN) 2000a) identifies the San, the Ovahimba and the children of farmworkers (many of whom are San) as “educationally marginalised”. This document is a very relevant means to achieve education for marginalised children and affirmative action that is appropriate to the San communities and the distinct challenges they face with regard to education (Hays and Dieckmann, in press).

In sum, there is strong legal and political support for the rights of indigenous peoples in Namibia, including the San (see for example the Fourth National Development Plan and Vision 2030). However, as this report will show (again), the overall majority of the San in Namibia do not enjoy these rights.

The UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, visited Namibia from 20-28 September 2012. In his end-of-mission statement he concluded:

“I am pleased to see that Namibia has dedicated attention to the development of San and other minority indigenous communities at a high level ... Overall, however, I have detected a lack of coherent Government policy that assigns a positive value to the distinctive identities and practices of these indigenous peoples, or that promotes their ability to survive as peoples with their distinct cultures intact in the fullest sense, including in relation to their traditional lands, authorities, and languages.” (Anaya 2012)

The UN Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda, though not looking specifically at indigenous peoples' rights, stated the following in her “Preliminary Observations and Recommendations” following her mission to Namibia from 1-8 October 2012:

“While I recognise the immense levels of inequality that existed at independence as a legacy of colonial rule, progress has not been quick enough. There are still unacceptable levels of inequality along the lines of gender, race, region, ethnicity and class. More systematic structural changes are needed to redress the enormous levels of socio-economic inequality.” (Sepúlveda 2012: 2).

Although Sepúlveda does not specifically mention the San, according to all measures it is clear that the San experience the greatest ethnicity-based inequality in the country.

Table 3.1: Speakers of San languages in Namibia – individuals (census 2001) and households (census 2011)¹

| REGIONS | Caprivi | Erongo | Hardap | Karas | Kavango | Khomas | Kunene | Oshana | Oshana | Oshana | Oshana | Oshana | Oshana | Total |
|--------------------------------------|---------|--------|--------|-------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| # of San language speakers, 2001 | 839 | 180 | 127 | 59 | 2 277 | 722 | 448 | 1 535 | 5 069 | 547 | 284 | 3 614 | 7 859 | 23 560 |
| % per region, 2001 | 0.2 | 0.2 | 0.2 | 0.1 | 1.3 | 0.3 | 0.7 | 0.8 | 8.5 | 0.3 | 0.2 | 2.4 | 6.8 | |
| % of San households per region, 2011 | 0.5 | 0.2 | 0.2 | 0.1 | 0.4 | 0.2 | 0.7 | 0.2 | 4.9 | 0.0 | 0.1 | 1.6 | 4.8 | |

According to the 2001 census data, there were 23 560 individuals speaking a San language at home. However, reportedly, many of the Hai||om – the largest San group in Namibia – were enumerated in the census as Damara/Nama-speaking people, as their language is a variant of Khoekhoe or Nama/Damara (see Table 3.2). Other San, especially in the northern regions, no longer speak any San language; rather they speak the language of their respective neighbouring groups.

All told, it can be concluded that the total number of San in Namibia is considerably higher than the 2001 census data reflects. Even the quantitative data on main language spoken in the household differs considerably from study to study. Estimations in other studies are as follows:

- In 2001, Suzman reported an approximate total of 32 000 San in Namibia (Suzman 2001b: 4).
- In 2008, the *Report on the Indigenous Peoples Rights: Namibia* recorded a total of 35 000 San in Namibia (ACHPR and IWIGIA 2008: 7).
- The NHIES 2009/2010 found “Khoisan” (not Nama/Damara)² to be the main language in 5 954 households (1.4% of total population), and a total San population of 27 764 (NSA 2012: 27).
- In 2011, Biesele and Hitchcock recorded a total of 34 000 (Biesele and Hitchcock 2011: 6).
- Also in 2011, WIMSA estimated a total of 38 000 (Arowolo 2011: 7).

It is important to note that the San communities belong to different language clusters and language families, and although all these belong to the Khoisan (also Khoesan) language family,³ San speaking the different ‘sub-languages’ either cannot or can hardly understand each other (Suzman 2001a). Most speakers of the Khoisan languages are found in southern Africa.

Table 3.2 provides a broad overview of a linguistic classification of the San languages in Namibia, the autonyms of the respective groups and the approximate numbers of speakers.⁴

¹ The 2011 figures in this table are the numbers of *households*, not the numbers of individuals. The cleaned raw data for 2011 was not yet available at the time of our research.

² The linguistic incorrectness of this is outlined above in section 1.2.9 on the problems with quantitative data on San.

³ Linguists are still debating the classification of Khoisan languages, and different linguists suggest different nomenclature. Tom Güldemann (2013, in press) correctly notes: “One of the many challenges in Khoisan linguistics is the issue of names for the individual ethno-linguistic groups and the language varieties they speak, in terms of both the choice of names and their spelling ... It is also common in Khoisan linguistics that (a) alternative names exist for one and the same language variety, and (b) one and the same term had different semantic extensions, for example, denoting a group of language varieties or a single variety within the group. Further confusing the issue is the fact that many of the language groups are dialect continua or so-called “language complexes” ... All in all, the language-related Khoisan terminology varies considerably across publications, authors and time of research.”

⁴ We owe thanks to Biesele, Boden, Brenzinger, Güldemann, Hitchcock, Gordon and Widlok for advice on this matter.

Table 3.2: San groups in Namibia and their languages

| Autonym/s | Language family | Dialect cluster | Region/s | Numbers* |
|-----------------------|--------------------------------------|-------------------------------------|--|------------------------|
| !Xun (or !Kung) | Kx'a | Ju (also known as Northern Khoisan) | Kavango, Otjozondjupa, Ohangwena, Oshikoto | 6 000 - 7 500 |
| Ju 'hoansi | Kx'a | Ju (also known as Northern Khoisan) | Otjozondjupa, Omaheke | 6 000 - 7 000 |
| Naro | Khoe (also known as Central Khoisan) | Naro | Omaheke | 1 000 - 2 000 |
| Khwe | Khoe (also known as Central Khoisan) | Kxoe | Caprivi, Kavango | 4 000 - 5 000 |
| Hai om and ‡Akhoe ** | Khoe (also known as Central Khoisan) | Khoekhoe | Kunene, Ohangwena, Oshikoto, Oshana | 7 000 - 18 000 |
| !Xoon and 'N oha | Tuu (also known as Southern Khoisan) | Taa | Omaheke, Hardap | 550 |
| Total | | | | 24 550 - 40 050 |

* The numbers were provided by Brenzinger (1998), Widlok (1999), Boden (2007), Takada (2007), Biesele and Hitchcock (2011) and Vossen (2013).

** According to Widlok, "‡Akhwe is a way in which some Hai||om speak their language" (cited in Vossen 2013: 10).

As Table 3.2 shows, the estimations according to strict linguistic classifications also vary considerably. Furthermore, the origins of the estimations in the various reports are not always clear. In sum, reliable numbers of San in Namibia are missing.

There are many other names for the different San groups in Namibia, some of which linguists have recorded according to how San people referred to themselves, and some of which are names that neighbouring language groups used in referring to San people. To mention a few:

- The Ju|'hoansi in Omaheke were also classified as ‡Kao||'aesi ('People from the North').
- Oshiwambo-speaking communities in Ohangwena and Omusati commonly refer to San as *Kwangara* – which many San do not appreciate as this name has a negative connotation; they understand it to mean "people who do not know how to save" or "someone who lives in the bush".
- The Nama-speaking communities call the Hai||om *apakhwe* ('red people').
- In Kavango, the Gciriku and Sambyu call the San *Mucu* (singular) or *Vacu* (plural); the Kwangali and Mbunza call them *Muduni* (singular) or *Vaduni* (plural); and the Mbukushu call them *Mukwengo* (singular) or *Hakwengo* (plural).
- For the Khwe San in Caprivi, many different labels were used in the past, including *Bugakhwe*, *Kxoe*, *Hukwe*, *Bawakwena* or *Barakwengu*.

In general, Namibian San groups prefer to be called by the name that they use in referring to themselves, which is usually also the name of their language group. We decided to respect that preference in the regional chapters, as long as it is clear which language group/s specific workshop participants belong to. However, to avoid confusion where participants at a specific site belonged to different groups, we use the overarching term "San". Likewise, in the concluding and comparative part of the report, we use "San" when referring to issues that are common to all or most San communities, and/or which affect San differently to how they affect other sectors of the Namibian population.⁵

⁵ Regarding the names of other ethnic groups mentioned herein, we have adopted the terminology used by the San respondents in our regional surveys. For example, many of them refer to their Bantu-speaking neighbours as "the black people", which this report reflects. In the data analyses, however, wherever possible we differentiate between the various neighbouring groups, using either linguistic terminology (e.g. Oshiwambo-speaking people) or ethnic terms (e.g. Owambo).

3.2 Labels and history

The terms “Bushmen” and “San” are used to refer to mainly former hunter and gatherer groups in southern Africa.⁶ However, both terms have a complex and problematic history. Gordon and Douglas note that “San” was the term used for the Hai||om, whereas “Bushmen” was used for the !Xun (Gordon and Douglas 2000: 17).⁷ Over time this distinction became blurred and both terms were used synonymously for peoples formerly referred to as “Bushmen”.⁸ In 1996, representatives of several San groups across southern Africa met in Namibia, and agreed to use the term “San” in referring to all the language groups to denote a single group. In 1997 this agreement was reaffirmed in a meeting on “Khoisan Identities and Cultural Heritage” in Cape Town, South Africa (Hitchcock et al. 2006: 5-6). In Namibia over the last 20 years, the term “San” has been used increasingly.

However, as is clear throughout this report, “San” is not a term that many of those categorised as such use to identify themselves; most identify themselves according to their ethnic group, e.g. as Ju|’hoansi, !Xun, Hai||om or Naro. Nonetheless, the categories “San” or “Bushmen”, imposed by outsiders (European colonialists and Bantu-speaking groups), have become a social reality. And, despite the many differences between the various San groups, several attributes are common to all of them, including, inter alia: an ‘underclass’ status; a high level of political, social and economic marginalisation in the country; limited access to social services; and – a commonality revealed by this study – a sense of being “left behind”. In sum, marginalisation and poverty have become common features of the San identity.

It is commonly acknowledged that the San were the first inhabitants of southern Africa. In pre-colonial and early colonial times, they typically lived in small, flexible and dispersed groups in areas with sufficient natural resources. They survived mainly from hunting and gathering, and had an excellent knowledge of their natural environment. Some groups also traded with other groups, or mined or raised livestock. The in-migration of Bantu-speaking people to Namibia around 500 years ago was followed by a significant relocation of local groups, and the process of displacement was accelerated with the arrival of the German colonialists (Suzman 2001b: 5). When the German colonial administration established a white settler agriculture in Namibia (then known as South West Africa) following the anti-colonial wars in the years 1904-1907, the access of San communities to their ancestral lands and the natural resources on those lands became increasingly restricted. Under South African rule following the First World War and until Independence in 1990, the process of dispossessing Namibian San of their land continued (Dieckmann 2007b: 70, 123ff; and Suzman 2000b: 29ff). Whereas most other non-white Namibians were granted “homelands”, only the San living in the areas today known as Tsumkwe District West and Tsumkwe District East were allocated a “homeland”, namely “Bushmanland”. Created in 1971, Bushmanland encompassed just a fraction of the territory used by the Ju|’hoansi to date. In the 1970s, less than 3% of the San in Namibia (i.e. only those living in Bushmanland) retained limited *de jure* rights to any land.

Throughout the 1970s and 1980s, the South African Defence Force (SADF) recruited many San (especially !Xun and Khwe) to serve as trackers in its fight against the People’s Liberation Army of Namibia (PLAN – the armed wing of the South West Africa People’s Organisation (SWAPO)).

⁶ Gordon and Douglas have provided a detailed description of the politics of labelling “Bushmen” or “San” (Gordon and Douglas 2000: 4-8).

⁷ See Dieckmann 2007b (p. 43) for details as to how different authors have applied the different categorisations of Khoisan-speaking groups.

⁸ For example, in the 1960s the Harvard Kalahari Research Group replaced the term “Bushmen” with “San”, as these researchers felt that the term “Bushmen” had negative connotations (Hitchcock et al. 2006: 5).



A taste of history in the Etosha area: colonial hunters used the Hai||om for their hunting skills; Hai||om hunters wore grass to blend in with the surroundings; a Hai||om hunter with the plant used to make poison (*Ikhores*) for the arrows. (Photos from the Denver Expedition Collection, 1923, housed in the National Archives of Namibia.)

The reputation of the “Bushman” for their tracking and bush skills linked popular mythology with military strategy, and the “Bushman Battalion” was formed. In both Bushmanland and Caprivi, military camps were established and most of the adult men in those areas were recruited for service in the SADF. And, as Suzman conveys, “The amount of money poured into West Caprivi and Bushmanland by the SADF meant that in the 1980s San living in these areas had per capita incomes 12 times greater than San living on white farms and 30 times higher than San living in communal areas.” (Suzman 2001b: 56, citing Marais 1984). At Independence, some 3 500 !Xun and Khwe opted to emigrate to South Africa due to fears of possible SWAPO retaliation, while at least as many others decided to stay and put their faith in the new (SWAPO-led) Namibian Government. Today, more than two decades after Independence, many San in the country feel that the former involvement of San in Namibia’s war for independence on the side of the SADF is one reason for their being “left behind” by the government.

At Independence, “the majority of San in Namibia lacked rights to land and resources, were materially dependent on others and desperately poor with little or no access to channels of empowerment” (Suzman 2001b: 5). Most of the San were living on commercial farms (e.g. in Kunene, Oshikoto, Omaheke and Otjozondjupa), or as minorities in communal areas (e.g. Kavango, Ohangwena, Oshikoto, Omaheke and Omusati), or in game reserves (e.g. Caprivi) or national parks (Etosha).



Settlement on state land: Hai||om housing on Farm Six, Oshikoto



National park: Hai||om housing in Etosha

3.3 San in the first decade after Independence

“From the outset I want to emphasise that the San community is an integral part of the Namibian nation and that the government regards it as such. ... The Namibian Government is aware of the dire plight of the San community and has made their development and social uplifting a priority within its budgetary limitations”

– Namibia’s Founding President, H.E. Sam Nujoma, in his opening address to the Regional Conference on Development Programmes for Africa’s San/Basarwa Population in 1992 (quoted in Suzman 2001b: 155)

At the outset, the Namibian Government showed willingness to tackle San-related issues, despite the involvement of some San in the SADF. In 1992, the Nyae Nyae Development Foundation of Namibia (NNDNFN), in cooperation with the Ministry of Lands, Resettlement and Rehabilitation (now named Ministry of Lands and Resettlement), organised a Regional Conference on Development Programmes for Africa’s San/Basarwa Population, held in Windhoek. In his opening address, President Sam Nujoma categorically affirmed the government’s commitment to Namibia’s San, and the conference passed a number of resolutions (Suzman 2001b: 71 and Appendix B). In a follow-up conference in Gaborone, Botswana, in 1993, attended by 15 government representatives and 21 San representatives, more resolutions were passed and the government representatives undertook to follow up on these. Ten years later, Suzman concluded the following:

“While NGOs and several line ministries in Namibia have followed up on some of the resolutions ..., the government as a whole paid scant attention to them. Indeed, outside of policy-making on education and to a lesser extent conservation, there is little to indicate that the government has paid any attention at all to these resolutions.” (Suzman 2001b: 71)

Rather than go into too much detail regarding government initiatives supporting San development in the first decade after Independence (see Suzman 2001b), we will only outline one encouraging example and one problematic example, being those of education and the land reform programme respectively. We will also outline the most important initiative undertaken by the San themselves. From the outset to date, the Ministry of Education (MoE)⁹ has demonstrated a strong commitment to San education. Soon after Independence, the government implemented an education system aimed at ensuring equal education for all Namibians. The then-named Ministry of Basic Education and Culture (MBEC) committed itself to improving San participation in the formal education system, and developed far-reaching national policies to address the educational needs of the country’s indigenous minorities. The Language Policy for Schools in Namibia (MBESC 2003) allows for mother-tongue education for the first three years, and the document entitled *National Policy Options for Educationally Marginalised Children* (MBESC 2000) recognises the San as one of the most educationally marginalised groups. The strong focus on mother-tongue education is supported by the National Institute for Educational Development (NIED)¹⁰ which spearheaded the efforts to produce mother-tongue educational material for San. In addition, various NGOs have assisted the government’s efforts over the years to provide adequate education to the San. However, despite these concerted efforts and commitments and the promising policy framework, the San have continued to perform far below the national average in terms of both school enrolment and completion of primary and secondary education. San participation in the education system at tertiary level has dwindled to a small fraction of a percent.

⁹ The Ministry’s name has changed thrice since Independence: from Ministry of Basic Education and Culture (MBEC), to Ministry of Basic Education, Sport and Culture (MBESC), to Ministry of Education (now responsible for all levels of education – pre-primary, primary, secondary and tertiary).

¹⁰ NIED was established in 1990 as a department of the MBEC and today is a directorate in the MoE.

On the other hand, the land reform programme, also initiated shortly after Independence, has been extremely problematic for San communities. At Independence, the government began to implement an ambitious land reform programme of restoring “customary lands” to communities defined as “ethnic groups”. The 1991 National Conference on Land Reform and the Land Question ruled out restitution of “ancestral” land to any group or individual as a basis for land redistribution. As Suzman points out, “if a land restitution programme were run on the basis of aboriginal title, San would be entitled to claim much of Namibia” (Suzman 2001b: 85). Perhaps to avoid such aboriginal land claims, the government ‘converted’ the former “homelands” created by the “Odendaal Plan” into communal lands for specific groups: “Damaraland” became the customary land of the Damara; “Hereroland” became the customary land of the Herero; and so forth. However, the South African regime’s homeland policy had left the San largely landless, so this was the policy legacy perpetuated in independent Namibia. In 1990, only a tiny minority of Namibia’s San were living in the homeland designated as customary land of the “Bushmen”, and they were among the very small number of San who benefited from the land reform programme in the first decade after Independence (Suzman 2001b: 86). It was not until 2001 and the release of the National Resettlement Policy that San were specifically included in the land reform programme as part of the target group for resettlement initiatives (MLR 2001: 3-4). The regional chapters of this report provide detailed accounts of San resettlement in each region.



Nyae Nyae (former Bushmanland East), Otjozondjupa Region – ancestral territory of the Ju|’hoansi



Etosha National Park – ancestral territory of the Hai||om



Omaheke Region – ancestral territory of the Ju|’hoansi, !Xoon, Naro and !N|oha (Photo by Gertrud Boden)



Bwabwata National Park (a.k.a. West Caprivi) – ancestral territory of the Khwe

Regarding initiatives of the San themselves in the first decade after Independence, the establishment of the Working Group of Indigenous Minorities in Southern Africa (WIMSA) in 1996 was a major milestone in for the organisation and empowerment of San in southern Africa as a whole. WIMSA was established “with the purpose of creating a platform where the San of the southern African region have the opportunity to voice their problems and tackle them in a common effort” (Brörmann 1997: 7). Although not explicitly expressed in the name, WIMSA is exclusively a San organisation, whose activities are focused particularly on land claims, building institutional capacity, education, training and networking of the various San communities in the region (Brörmann 1997, 1998, 1999, 2001 and 2003). From the outset, WIMSA’s activities fostered San organisation and unification, and spawned a pan-San consciousness. (WIMSA is covered further in section 3.4.)

3.4 Main stakeholders in San support initiatives over the last 10 years

Since 2001 when the report on the *Assessment of the Status of the San in Namibia* was published (Suzman 2001b), a variety of support initiatives aimed at reducing San poverty and/or empowering the San have been developed and implemented. In this section we describe these efforts to provide the background against which this report assesses the *current* status of the San in Namibia. We focus on the organisations and initiatives that focus on San specifically. An overview of *all* development programmes that include a particular San group as a target group would go beyond the scope of this introduction.¹¹ However, development programmes that have a tangible impact on the situation on the ground, especially those identified by San in our field research, are described in the regional chapters.

3.4.1 Government – particularly the Office of the Prime Minister (OPM)

The Namibian Government adopted a special focus on the San and other marginalised communities in 2005 when Dr Libertina Amathila became Namibia's Deputy Prime Minister (2005-2010). A question in Parliament about a San man who had died of starvation in 2005 drew her attention, and she undertook a trip through the various San communities to assess their living conditions. She found San communities living in terrible conditions, e.g. in an abandoned pool, on the side of the road and in makeshift huts in squatter camps. Thus she decided that during her tenure as Deputy Prime Minister, she would focus on the “development” of the San. After the trip she compiled a report on the living conditions of San people (see *The Namibian*, 14 December 2012), to which the government responded with support in the form of the San Development Programme (SDP), resorting under the OPM. The Cabinet approved the SDP in November 2005 (Cabinet Decision No. 25/29, 11.05/001).

The main objective of the SDP is to ensure San integration into the mainstream Namibian economy, in line with Vision 2030 (the country's long-term development policy) and specific national development programmes (OPM 2008). The earlier SDP documentation makes reference to the Third National Development Plan (NDP3), which categorises San welfare/development as a priority under “Key Result Area: Quality of Life”, with the goal of eradicating extreme poverty and hunger. At the outset, the OPM formed an Ad Hoc Cabinet Committee on the SDP, chaired by the Deputy Prime Minister and including representatives of the Ministry of Environment and Tourism (MET); the Ministry of Lands and Resettlement (MLR); the Ministry of Regional and Local Government, Housing and Rural Development (MRLGHRD); and the Ministry of Agriculture, Water and Forestry (MAWF). Nevertheless, the first budget allocated to the SDP was very limited given the above-mentioned NDP3 objective.¹² In the initial phase of the programme, the OPM provided support exclusively to the San. In 2007, the programme's mandate was expanded to cover other marginalised communities as well, i.e. the Ovaherero, Ovatombo and Ovahimba, who, it was argued, were also marginalised and would need special support. In 2009, Cabinet transformed the SDP (Cabinet Decision No. 9/28, 05.09/005) into the Division for San Development (DSD), still resorting under the OPM, to better address the “endless needs of the marginalised communities in Namibia” (OPM 2011). This upgrade was effectively a political statement conveying the government's intention to prioritise the needs of all marginalised communities. It is unclear why the name “San Development” was retained when the programme activities were extended beyond San communities.

¹¹ For a more detailed overview of initiatives supporting San in Namibia, see Dieckmann 2010.

¹² The budget for 2006/07 was N\$300 000 (US\$33 623); for 2007/08 it was N\$400 000, and a private donor donated another N\$500 000 in September 2007; for 2008/09 it was N\$800 000; and for 2009/10 it was N\$2 000 000 (OPM n.d.: 31).

Projects of the SDP and the DSD since 2005 are as follows (OPM 2011):

- Resettlement: More than seven commercial farms were acquired, and members of marginalised communities were resettled on these farms.
- Youth Skills Development and Employment Opportunities: The OPM facilitates the recruitment of youth in marginalised communities, in collaboration with various line ministries and other governmental or parastatal institutions.
- San Women Projects: These have included needlework and tailoring projects to produce school uniforms, a general tailoring project and a bread-baking project.
- Apiculture (Beekeeping) Projects
- Education Projects
- Coffin-Manufacturing Projects
- Aquaculture Projects
- Gardening Projects
- San Feeding Programme: This is a monthly feeding programme for San and other marginalised communities run with the assistance of the Directorate of Disaster Risk Management (DDRM) which also resorts under the OPM.

In short, the clearly stated main aim of the DSD is to assimilate the San into the “mainstream”. There are three important points to be made here. First, this aim is not in line with the indigenous peoples’ rights movement which stresses the right to self-determination as articulated in, inter alia, Article 7(1) of ILO Convention 169: “The peoples concerned shall have the right to decide their own priorities for the process of development ...” (ILO 1989). Second, the programme encompasses various development initiatives which appear to be a conglomeration of arbitrarily selected projects rather than a well-planned, integrated and focused comprehensive programme for achieving the above-mentioned main aim. Third, the programme is clearly characterised by a top-down approach and a paternalistic attitude of the government towards the San communities (ILO 2008: 12).



The former Deputy Prime Minister, Dr Libertina Amathila, took a special interest in San development (see previous page).



3.4.2 International Labour Organization (ILO): “Promoting and Implementing the Rights of the San Peoples of the Republic of Namibia”

Inspired by the Namibian Government’s recognition of the special needs of the San, in 2008 the ILO implemented the Namibia component of its global Promotion and Application of Indigenous Peoples’ Rights Programme (ILO PRO 169), aimed at promoting ILO Convention 169 on the Rights of Indigenous and Tribal Peoples. Namibia is currently the only African country with an ILO PRO 169 country programme. The ILO office in Geneva selected the San of Namibia for this programme largely because of the existence of the (then) SDP and its potential to provide a platform for promoting ILO Convention 169 in the Southern African region as a whole (Hays and Dieckmann, in press). The overall objective was to contribute to reducing poverty levels and to improve the socio-economic situation of the San peoples through a rights-based approach.

The approach of the ILO programme in Namibia is centred around improving public and private stakeholders’ awareness and acknowledgement of indigenous peoples’ rights, and building the capacity of government ministries and other selected actors to apply the principles of ILO Conventions 169 and 111 in development programmes and activities with San communities across Namibia. The ILO has acknowledged the goodwill of the Namibian Government as well as various shortcomings of its approach. According to the “Project Document” (ILO 2008), a main objective of the PRO 169 in Namibia is to shift from paternalistic aid and welfare to a sustainable rights-based approach to community development.

The ILO hoped that Namibia would be one of the first African countries to sign Convention 169¹³ and develop a regulatory policy framework on indigenous peoples. However, in 2011 the DSD announced that an “additional assessment of government interventions and impact on San communities” was needed before policy discussions could be taken further (ILO 2012). This assessment of government interventions took place in 2012, but, at the time of writing this report, the results have not been shared with other shareholders; neither has there been further progress from the side of OPM on the development of the policy framework. In the interim, the ILO has begun to collaborate more closely with other stakeholders in its Namibia programme, including the Office of the Ombudsman and the San Support Organisations’ Association of Namibia (SSOAN).

Funding for the programme ceased in 2012, but, due to delays in starting the programme, it was granted a no-cost extension through 2013. In January 2013, however, due to limited funds, the ILO decided to close the Windhoek office and terminate the post of National Programme Coordinator. Since then, the ILO office in Pretoria has been responsible for coordinating the Namibia component.

3.4.3 Office of the Ombudsman

The Office of the Ombudsman (established by the government but functioning independently as ‘watchdog for the people’) recently announced that it is planning to spearhead the development of a regulatory framework on indigenous peoples (Nakuta 2012; Ombudsman Walters, interview on 25/02/2013). Established at Independence by the Ombudsman Act of 1990, this Office “strives to promote and protect human rights, promote fair and effective administration, combat corrupt practices and protect the environment and natural resources of Namibia through independent and impartial investigation and resolution of complaints, as well as raising public awareness”

¹³ The Central African Republic was the first to sign – in 2010.

(Office of the Ombudsman 2011). This Office has “the mandate to investigate complaints of mal-administration against government and public officials with the additional mandate to investigate complaints relating to violations of fundamental rights and freedoms” (Office of the Ombudsman 2012a: 9), and also serves as Namibia’s National Human Rights Institution (NHRI).

The Office of the Ombudsman is in the process of developing the National Human Rights Action Plan, with the goal of “improvement in both institutional and individual culture of respect for human rights and increased ratification of and compliance to the international human rights instruments by the Namibian government” (Office of the Ombudsman 2012a: 13). The target group is all vulnerable groups, including marginalised groups such as the San and Ovahimba. For the purpose of developing the Action Plan, the Ombudsman commissioned a baseline study on human rights in Namibia which was published in 2013 (Office of the Ombudsman 2013: 13).

The Office of the Ombudsman credits the ILO programme in Namibia (described above) for drawing its attention to indigenous peoples in general and the San in particular. The coordinators of the ILO programme approached the Office to publish the *Guide to Indigenous Peoples’ Rights in Namibia* (Office of the Ombudsman 2012b), which provides an overview of the legal framework concerning indigenous peoples’ rights and the observations and recommendations of regional and international human rights bodies on these rights in Namibia. In addition, in 2012, with support from the ILO programme and in cooperation with the Human Rights Research and Documentation Centre of the University of Namibia, the Ombudsman organised training workshops on indigenous peoples’ rights in Namibia, primarily for its own staff. The major objectives of these workshops were, inter alia “to achieve a greater awareness, understanding and implementation of relevant policy guidance on indigenous issues, particularity related to the effective engagement of indigenous peoples and recognition of indigenous peoples’ rights in development processes” (Office of the Ombudsman 2012c). During the workshop, a San pilot strategic intervention plan was developed, including the above-mentioned initiative to “spearhead the development of a white paper on IPs as per the UPR recommendations” (Nakuta 2012c).¹⁴ Clearly the Ombudsman is not reluctant to address indigenous peoples’ rights as a special focus. The Office took the first steps in developing the white paper or regulatory framework in 2013 (Walters, interview 25/02/2013).

Additionally, the Office of the Ombudsman is planning to address the lack of national documents (birth certificates, IDs, etc.) among the San, as such documents would entitle San individuals to receive social grants (old-age pension, child welfare grants, etc.) (Walters, interview 25/02/2013). However, the Office of the Ombudsman is also short of staff and capacity.

3.4.4 San Support Organisations’ Association of Namibia (SSOAN)

The members of SSOAN are NGOs (international, national and community-based organisations), multilateral/bilateral organisations, and research and training institutions. The full members are Namibian NGOs (see below) involved in supporting San in one or more areas – chiefly livelihood projects, conservancies, capacity building, education, income generation, health and law (legal advice and litigation). The idea to form SSOAN was first mooted in 2009 when several organisations working to support San in Namibia recognised a need for a formal platform to strengthen their

¹⁴ As already noted, the UN Human Rights Council’s Working Group on the Universal Periodic Review in February 2011 made the following recommendation, inter alia: formulate a white paper in accordance with UNDRIP, taking into consideration the recommendations of the UN Committee on the Elimination of Racial Discrimination, the ILO and the African Commission’s Working Group on Indigenous Populations/Communities (Office of the Ombudsman 2012b: 37).

collaboration. Such a platform would offer ongoing opportunities to present their activities, to share ideas, lessons learnt and best practices, and to coordinate activities between organisations. In 2011, having collaborated as an informal forum in the interim, the decision was taken to establish SSOAN, which was officially launched on 23 August 2012.

The objectives of this umbrella organisation are to closely collaborate to promote the rights of the San in Namibia, to improve coordination of the various San support initiatives and to harmonise the approaches to San development. SSOAN also aims “to support the development of awareness and capacity in regard to UNDRIP, ILO Convention 169 and other international instruments related to the rights of indigenous people on the part of government ministries and institutions, regional authorities (government and traditional), NGOs, community-based organisations (CBOs), research institutions and similar organisations” (SSOAN 2012a). The member organisations hope that this formal umbrella body will give them a stronger voice in negotiations with the government. SSOAN is represented on the steering committee of the ILO programme, and the Association hopes that by strengthening its partnership with the ILO, it will be able to influence, albeit carefully, government policy regarding support for San.

The Namibian NGOs which are voting members of SSOAN are active in different geographical areas of the country. The full members are the Centre for Research-Information-Action in Africa – Southern African Development and Consulting (CRIA SA-DC), the Desert Research Foundation of Namibia (DRFN), the Forum for African Women Educationalists in Namibia (FAWENA), Habitafrica, Health Unlimited, the Legal Assistance Centre (LAC), the Nyae Nyae Development Foundation of Namibia (NNDFN), the Namibian Red Cross Society (NRCS), the Omba Arts Trust (OAT), and the Working Group of Indigenous Minorities in Southern Africa (WIMSA). The observer members are Spanish Cooperation for Development (AECID), the International Labour Organization (ILO), Integrated Rural Development and Nature Conservation (IRDNC) and UNESCO.

SSOAN as a formalised institution is still very young, so it is difficult to anticipate its actual impact on external stakeholders such as the government. Internally, through the inception of SSOAN as an informal forum in 2009, the coordination and cooperation of civil society organisations working in the field of San support has improved considerably. In October 2012, SSOAN submitted a joint statement to the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, and also met with him to explain the members’ concerns regarding these rights in Namibia (SSOAN 2012b). SSOAN cooperates with the ILO PRO 169 programme, with which it shares many goals, and the programme might fund specific projects under this umbrella organisation. However, SSOAN still lacks the human capacity needed to have a major impact: the member organisations, all funded by donor organisations, are overwhelmed with their own day-to-day business and the need to achieve their own outcomes and outputs as required by their donors, and they have little time to spend on the strategic thinking and networking that SSOAN stands for. The Association is still seeking funding to establish a part-time secretariat.

3.4.5 Working Group of Indigenous Minorities in Southern Africa (WIMSA)

WIMSA is a full (voting) member of SSOAN. It deserves a specific outline in this section of the report because, in theory, it is the most important NGO in the San support sector in Namibia, with a board of trustees composed of San community representatives who oversee the organisation’s activities. Established in 1996 after extensive consultation with San communities in the Southern African region, WIMSA’s initial aim was to provide a platform from which to address the many problems commonly shared by these communities wherever they reside in this region. Although

A demonstration on planting crops at Donkerbos (a San resettlement farm in Omaheke Region), under the DRFN Livelihood Support Programme (LISUP) (see pp. 52-54)



Handwashing training at Skoonheid resettlement farm, Omaheke, under the DRFN Water Supply and Sanitation Project (see p. 50)



An NDNFN workshop with members of Nyae Nyae Conservancy, Otjozondjupa Region



One of the range of conservancy constitution posters produced by IRDNC in 2013



The kindergarten supported by WIMSA in the town of Otjo, Kunene Region

the organisation's name refers generally to indigenous minorities in Southern Africa, in practice WIMSA deals exclusively with the San communities, both nationally and regionally. For example, WIMSA's programmes include the Regional San Education Programme, initiated in 2002 with the aim of improving access to formal education and encouraging mother-tongue education and the development of materials to support mother-tongue education.

One of WIMSA's main functions is to help San communities to assert their basic human rights. An important example in this regard is WIMSA's coordination of activities for the protection and promotion of San culture and heritage, one aim of which is to secure San intellectual property rights. Finally, although WIMSA is not a development organisation per se, it helps San communities and individuals to set up their own development initiatives, CBOs and commercial ventures (see the WIMSA website: www.wim-sa.org). Although WIMSA is a regional network organisation, it has established an internal Support Unit for San in Namibia specifically, which supports and coordinates CBOs and grassroots development initiatives across the country in the fields of education, youth development, culture and heritage, capacity building and income generation.

WIMSA has a wide range of responsibilities and shoulders high expectations. But, like many other organisations, it suffers from a lack of capacity and thus faces many difficulties in its efforts to fulfil its important role as a regional organisation. Despite this limitation, it has generated a great many important developments, two of which should be noted here.

- WIMSA co-organised two conferences in 2012: first, the Southern African Indigenous Peoples Consultation Dialogue with the theme "Indigenous Voices for Good Governance and Human Rights" (initiated by the Norwegian Church Aid Alliance); and then the Southern Africa Regional San Rights Conference. In the latter conference, the Declaration on the Rights and Responsibilities of the San People of Southern Africa was developed, and was signed by eight regional/national organisations, among them, for Namibia, WIMSA and the Namibian San Council (covered in section 3.4.7).
- WIMSA supported the establishment of the Namibian San Council and continues to support it, but ultimately this council will be a wholly independent body (see section 3.4.7).

3.4.6 San Traditional Authorities (TAs)

The San TAs, which are government-recognised San community representatives, constitute another group of stakeholders playing an important role in the sphere of San support. Government bodies, including the OPM Division for San Development, communicate with San communities primarily through the San TAs. The main functions of all of Namibia's TAs are established by the Traditional Authorities Act 25 of 2000 (*Government Gazette* No. 2456, 22/12/2000) which outlines the legal framework for the recognition of traditional leadership and its structure.¹⁵ Their main functions are: to cooperate with and assist the government; to supervise and ensure the observance of the customary law; to give support, advice and information; and to promote the welfare and peace of rural communities.

In the past, as with many other hunter-gatherer societies, the traditional social organisation of all San groups was "egalitarian" in general, and rarely made provision for a single traditional leader. (Guenther 1999: 41-45). Headmen of smaller family groups had certain responsibilities, especially in the context of managing natural resources, but decisions were made by consensus, not by one individual. The Traditional Authorities Act essentially applies the traditional system of Oshiwambo-

¹⁵ The Traditional Authority includes a chief and a traditional council (comprising senior traditional and traditional councillors and a secretary).

speaking groups (who constitute over 50% of the Namibian population) as a model, and this model is characterised by a hierarchical authority structure with a single representative leader for a large group. This model does not work well for all leadership structures in the country, and the San in particular find it difficult to access their right to self-government within this structure (an issue discussed in more detail below).

Nonetheless, the Act makes (albeit limited) provision for the involvement of rural communities, via their TAs, in decision-making processes, and San communities perceive the institution as an important tool for making their voices heard. Consequently, San communities, with the support of NGOs, fought for recognition of their own TAs – a process which took many years. At the time of writing, five San TAs (Hai||om, !Xun, Ju|’hoansi, Omaheke North and Omaheke South) have been recognised; the Khwe of West Caprivi are still waiting for official recognition – for over 10 years now. The chief of the neighbouring Hambukushu ethnic group opposes the recognition of the Khwe TA, claiming that the Khwe fall under his authority, and the government has yet to take a decision in this regard.

Over the past few years, three of the five recognised San TAs (!Xun, Hai||om and !Xoo) have faced serious complaints from their communities on issues such as a lack of communication, corruption, a lack of transparency and favouritism. One way to understand this is as a conflict between the structures and processes of each community and those defined by the Traditional Authorities Act. The Act stipulates that TAs should be designated according to the customary law of the applicable traditional community. However, unlike the customary laws of many other traditional communities in Namibia, those of San communities do not make any provision for the establishment of authorities. Further, whereas local and national political leaders come to power through elections, traditional leaders are appointed, and there is little transparency in the appointment process, so the system is open to abuse.¹⁶ In some cases the process through which a TA comes to power is very obscure, and often it is said that party politics has played a role.

Furthermore, the lack of powerful individual leaders in ‘traditional’ San societies means that San TAs lack internal role models to emulate in their own leadership positions. Training for Namibian TAs in general, and monitoring of their performance and accountability, are virtually non-existent, and the government does not provide support or training to help TAs to acquire the necessary competencies to fulfil their roles as community leaders.

Another difficulty is posed by the fact that all TAs in Namibia receive monthly remuneration – far above the average San income – as well as a car and other provisions from the government. For many reasons this access to money, transportation, etc. can be the source of conflict in a community, especially in poor communities which have limited mechanisms for addressing social inequalities.

Government institutions (the Division for San Development, line ministries and others) negotiate mainly with the TAs of the San communities, therefore benefits intended for the communities (access to land and natural resources, job opportunities, etc.) are channelled through the TAs, and this system can be problematic, as is illustrated by some of the cases described in this report. The existence of a TA office gives the government an obvious avenue for including San communities in the development process, but whether or not this institution ensures real consultation with San communities and their participation in development initiatives is a question for debate.

¹⁶ It is also open for the creation of new “customary laws” and the invention of royal bloodlines.

3.4.7 Namibian San Council

WIMSA has supported the development of representative national San Councils that lobby on behalf of the San communities in Namibia, South Africa, Botswana and Angola. It was envisaged that these bodies would give the San communities a voice and the opportunity to carry out their own advocacy and lobbying work.

The Namibian San Council has the potential to play an important role for the San in this country in terms of representing San interests in decision-making processes – especially given the perception of many San that their TAs are not fulfilling this responsibility. Thus it is intended that the Namibian San Council will become an advocacy body representing San interests at national level. However, this council, despite being in place for several years, is still not fully functional. Two difficulties have been negotiating the structure of the council and the process of choosing representatives. Initially it was agreed that the council should consist of one member of each TA (but not the chief), and one elected community representative from each of the six main San groups (Hai||om, Ju|’hoansi, Khwe, Naro, !Xoon and !Xun). Later, however, differences of opinion arose with regard to the council’s composition: the OPM and some of the chiefs requested the inclusion of the chiefs as well as a representative of the OPM, whereas many community members preferred the initial arrangement. Ultimately the council members respected the latter preference and elected to exclude the chiefs and the OPM representative. Currently the council consists of 14 members – including two newly elected representatives of the San in Ohangwena Region who do not have a TA to date.

Financial support and human capacity are problems that the Namibian San Council has to address before it can become fully operational. The first Council Coordinator passed away after less than a year in this position. The position was advertised in 2011, and a new coordinator was appointed and trained for the responsibility of coordinating the San communities. However, before he could fully assume his position, the government offered him a job and he resigned as Council Coordinator. This example illustrates another problem with San leadership: there are still few San in Namibia with a level of education that suffices for filling such positions as a Council Coordinator. Those who do have sufficient education may choose to take up other positions which they perceive as being better career development opportunities.

The San Council was revitalised in 2012 with the assistance of WIMSA and the ILO programme. Two of a series of four training workshops on institutional strengthening and capacity building for the San Council took place in the second half of 2012 and in 2013 with the assistance of the Human Rights Research and Documentation Centre at the University of Namibia. The long-term results of the workshops are as yet undetermined. Clearly one should not expect the process of developing representative leadership structures that can serve unrelated groups, who themselves have little tradition of hierarchical leadership structures, to be a smooth one. Ongoing support, such as that provided by the ILO and WIMSA, will continue to be critical in the near future.

In summary, the three bodies which could theoretically represent San interests at national level, i.e. the San Traditional Authorities, the Namibian San Council and WIMSA, presently face many difficulties which prevent their effective operation. In addition to these bodies there are a number of smaller San CBOs, some of them fairly successful, others not (yet). Their main areas of work are tourism, culture, capacity building and conservancies. None of them, however, has a major say on San issues at national level.