



State of the World's Minorities and Indigenous Peoples 2014 - Namibia

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Land rights and official recognition of traditional authorities remained the most contested issues for minority and indigenous communities in Namibia in 2013. The communal lands of San and Himba are under continuous threat of encroachment by larger or more powerful groups, despite a prohibition against the erection of fences within communal land areas under the Communal Land Reform Act.

In 2013, a large number of cattle herders moved into the N#u Jaqna Conservancy area and fenced off land. This unlawful land grabbing has affected the San community's ability to access veld food, which plays a vital part in providing food security, particularly to the !Kung San in this area. Ongoing drought has forced many cattle farmers to search for additional grazing areas as available grazing in communal areas has reduced dramatically. This scarcity has been amplified by local elites fencing off areas in other regions for their own purposes.

Following his visit to Namibia in October 2012, James Anaya, the UN Special Rapporteur on the rights of indigenous peoples released a report in April 2013 which highlighted the Namibian government's failure to halt the invasion of San lands. However, on 10 June 2013, the authorities stepped in: Inspector-General Sebastian Ndeitunga of the Namibian police condemned the illegal fencing taking place at the N#u Jaqna Conservancy and ordered the removal of the fences. The following month some fences were removed, and in August the High Court ordered court documents to be served on a group of 32 farmers, following a suit by the N#u Jaqna Conservancy Committee.

Indigenous peoples in Namibia also raised their concerns regarding their access to political participation. San and Himba communities have felt excluded from decision-making processes at local and national levels due to their ethnic identities. Himba leaders continue to be marginalized as

many of their leaders have not been acknowledged as official traditional leaders. The Namibian government has so far neither recognized all legitimate indigenous authorities selected through traditional decision-making processes, nor ensured their adequate representation at local and national levels.

Both Himba and San children also continue to face discrimination at school. Besides not being allowed to wear traditional clothes, they are not taught in their mother tongue. As a result, San and Himba lag behind in educational attainment in comparison with other groups. As noted by the Special Rapporteur, only 7 per cent of San children are enrolled at the junior secondary level, and less than 1 per cent in senior secondary schools. Limited health education, coupled with poverty and lack of access to traditional resources, also continues to affect the health of these indigenous groups.

The Namibian legislation does not include specific provisions on hate crimes or hate speech. Ethnically motivated types of hate crime are covered under the Racial Discrimination Prohibition Amendment Act 1998, although its application is both inconsistent and limited in scope. Deputy Minister of Mines and Energy Willem Isaack used tribally abusive language against police officers in the Berseba region while attending an unauthorized event by a tribal group that has been ruled not to be the authentic authority of Berseba. There have been investigations into the case and he may be charged under the Act. The UN Committee on the Elimination of Racial Discrimination had previously urged the Namibian government to take firm action against stigmatizing language, especially by politicians.

There have also been some incidents of potentially inflammatory language against white Namibians. Groups sang the controversial 'Kill the Boer' at the inauguration of the Okahao Baobab National Heritage Site in May. Among the visitors at the event was Founding President Sam Nujoma; human rights groups have previously gathered other examples of hate speech by Nujoma supporters.

Hate crime has also been perpetrated by white Namibians against black Namibians. In June, a young black man was beaten up severely after having been refused entrance to a bar on grounds of his skin colour. This caused a debate about racism and hate crime in Namibia, prompting Prime Minister Hage Geingob to state that white racists within the country should 'pack up and go'. Geingob was criticized by the NGO NamRights and some national newspapers for condemning white against black racism but staying silent about other ethnically motivated attacks, as well as for ignoring the right to a fair trial.

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