

COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES  
WORKING GROUP ON INDIGENOUS POPULATIONS  
11TH. SESSION  
19-30 JULY 1993  
ITEM 5 OF THE AGENDA

REVIEW OF THE DEVELOPMENTS PERTAINING TO THE PROMOTION  
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
OF INDIGENOUS POPULATIONS

SUPPORTING EVIDENCE FOR THE INTERVENTION  
BY KAPTEIN HANS DIERGAARDT,  
chief of the Rehoboth Baster community  
in the Republic of Namibia

Human Rights infringements by the Namibian Government,  
particularly in respect of the Rehoboth Baster People

1. Deprivation of self-government and gerrymandering of  
regional borders

- 1.1. During the period 1872 to 1884 Rehoboth was an autonomous state with an independent self-government based on a written democratic constitution. The territory was reigned under an own distinct flag. The Rehoboth Basters developed their own constitutional, social and legal systems, years before the Germans installed their colonial rule in Namibia. In 1885, the treaty of Protection and Friendship between Germany and the Rehoboth Baster Community provided for the continued existence of Rehoboth as a free country protected by the German Empire. The Treaty also recognized the rights and freedoms acquired by the Basters of Rehoboth - which included the ownership and control of extensive property by the rehoboth Baster Community.
- 1.2. Under the League of Nations Mandatory and U.N. Trusteeship systems, South Africa exercised certain functions in respect of the territory of the Former South West Africa (now known as Namibia) within the boundaries of which the Rehoboth State existed. In 1923, South Africa officially recognized the rights and jurisdictional area of the Rehoboth Baster people, although the final agreement on the exact boundaries lacked. Legislation of 1976 reorganised the autonomous self-government of the Rehoboth Baster People through their traditional institutions, i.e. an elected Chief ('Kaptein'), Chiefs Council ('Kapteinsraad') and Assembly ('Volksraad').
- 1.3. The new Namibian constitution of 1990 repealed the whole of the Rehoboth self-government system without the consent of any of the said institutions of the Rehoboth Baster people. The offices and all documents and assets of the Rehoboth Government were confiscated by the new Namibian Government.

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- 1.4. The Namibian Government refuses to recognize the Rehoboth Baster leaders' legitimacy and rejects any attempt by the Baster leaders to consult with the Government
- 1.5. When the new regions of Namibia were demarcated in 1992 the Rehoboth territory was split up and incorporated into two larger regions, in an endeavour to destroy the socio-political basis and ethnic coherence of the Rehoboth Baster people. They therefor had no choice but to abstain from participation in the elections of the new Regional Councils.
- 1.6. Since Independence no new development project has been launched in Rehoboth by the Namibian Government, not even a single new school was built

## 2. Discriminatory language policy

The lingua franca of Namibia is Afrikaans; more than 90% of the population are able to speak Afrikaans and Afrikaans is the day to day medium of communication between members of the indigenous groups. Afrikaans is the mother tongue of almost all the Rehoboth Basters - a language shaped and spoken by them long before any colonists set foot in the territory, now known as Namibia. For almost 75 years, Afrikaans was an official language in the former South West Africa and it had been at least for 120 years the only medium of instruction to Rehoboth Baster pupils. A neglectable percentage of Rehoboth people are able to understand English and even less do indeed speak the language.

### 2.1. The Constitution, public policy and administration

- The present Constitution of Namibia recognizes English as the only official language, permitting the use of other indigenous languages. The practised official policy of the Namibian Government is nevertheless more restrictive: official notices in the Government offices in Rehoboth instruct officials to serve members of the public only in English.
- Since June 1993 the Police in Namibia may only receive complaints and statements in English.
- The only medium of giving evidence and presenting argument in all the Courts of the land is English. Almost all evidence in Court has to be translated into English, and some of the new judges and magistrates don't understand a single word of Afrikaans.
- Any letter or other document addressed to a state department in Afrikaans is rejected and returned to the sender.
- Some members of the National Assembly cannot speak a word of English and have therefore yet not contributed a single sentence since independence to any debate in the National Assembly.

- Official announcements, notices, debates, statutes and proclamations are published in English only, depriving the Afrikaans speaking inhabitants of their fundamental right to be informed.
- Before Independence, 66% of the program time of the state controlled television was in Afrikaans. Since Independence there is basically no program in Afrikaans any more.
- The State controlled radio service previously comprised a 24 hours Afrikaans and a 24 hours English channel. The present situation is that 64% of the listeners being Afrikaans speaking have the benefit of only 10 hours radio time compared to 28 % of the listeners who enjoy the 24 hours full time English radio service.

## 2.2. Education

- The current official policy of the Namibian Government, in total disregard of internationally guaranteed principles of mother tongue education, is that all pupils from Grade 8 (Standard 6) should be educated only through the medium of English. The declared intention of the Government—is to add every year another school grade or standard in order to phase Afrikaans out as medium of education.
- Up to now, almost no textbooks are available in English, making it almost impossible for pupils to do research
- Where school libraries do exist, Afrikaans books are being replaced by English literature, produced outside Namibia
- Most teachers studied at Afrikaans training colleges and are not able to teach in English, but are now compelled to educate through the medium of English

## 3. Confiscation of assets

- 3.1. Before Namibian Independence, the Rehoboth Government representing the Rehoboth Baster Community, had immovable assets worth more than US\$ 20 million. Movable assets amounted to approx. US\$ 5 million and the annual budget for Rehoboth ran into approx. US\$ 15 million. All these assets were confiscated by the new Namibian Government and the Central Government's budget does not provide for any funds in respect of specifically Rehoboth, apart from the payment of salaries of teachers and governmental officials.
- 3.2. The assets of the Rehoboth Development Corporation, the development project of the Rehoboth Government, had assets of approx. US\$ 3 million, which were confiscated by the Namibian Government and sold for less than US\$ 2000 in total to supporters of the Namibian governing political party (SWAPO).

#### 4. Confiscation of Communal Lands

- 4.1. Since Namibian Independence in March 1990, the new Namibian Government initiated a policy aimed at subjecting and destroying the distinct existence of the Rehoboth Baster Community, in particular by expropriating their communal lands, without even paying compensation.
- 4.2. Notwithstanding the fact that much of the original Rehoboth territory was according to the Paternal Laws granted in individual tenure to members of the Baster Community, certain farms and other township plots all formed part of the remaining Communal lands.
- 4.3. On 16 October 1991, the Government of Namibia's instructions were executed in that the land titles in respect of most of the communal lands still owned by the Community were endorsed to the effect that such lands, as from that date rested in that Government, depriving the Rehoboth Basters Community of their ownership in the said land, to the extent of more than 131,721 hectares.
- 4.4. The Namibian Government confiscated the Rehoboth's Governments' office-buildings together with the communal lands on which it is situated, in extent of approximately 3,28 hectares. It should be mentioned that the Rehoboth Baster's People Statutory Government had finally been abolished by the new Namibian Constitution as from the date of Independence of Namibia and without the consent of the Rehoboth Baster Community.
- 4.6. The Rehoboth Baster Community ultimately had no choice but to apply to the Namibian High Court in order to rectify the said unlawful conduct of the Namibian Government.

#### 5. Regulated migration of population

- 5.1. The major supporting base of the governing political party in Namibia is the Owambo people from the north. Prior to Independence, only approx. 1500 Owambos were resident in the Rehoboth territory. Since Independence, another approx. 6500 Owambos were moved into the territory, inter alia as :
  - a/ members of the Namibian Defence Force
  - b/ Government officials who replaced Baster officials in accordance with the Namibian Governments' policy of 'affirmative action'
  - c/ School children from Owamboland phased into Rehoboth schools (thus depriving Rehoboth Baster Children place in public schools)
- 5.2. Uncontrolled squatting in Rehoboth of unemployed Owambos, which are given Baster communal land, are deliberately permitted by the Namibian Government.