THE RIGHTS OF INDIGENOUS PEOPLES

THE KXOE PEOPLE OF NAMIBIA

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"The rights of ownership and possession of the [indigenous and tribal peoples] over the lands which they traditionally occupy shall be respected. In addition, measures shall be taken in appropriate cases to safeguard the right of the [indigenous and tribal peoples] to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect".

article 14(1)

Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries

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"These prisoners will live in heaven compared to the living standards of us, the local Bushman. We do not have water at or even close to our houses, we do not even have decent roofs over our heads, we do not have work place, we do not have three meals a day and we do not have cooling machines in our houses in the summer and nobody has even thought of giving us an opportunity to learn a trade.

But, become a criminal in a town or city and you get all what we don't. This all happens right next to our first envisaged community-based project. This will scare away tourists. Why do they bring the towns' criminals to the rural areas against our will and wishes? Maybe we should become criminals and in this way we will have a much better life? We, the Bushman community, derive no benefits from this whatsoever. On the contrary, we are losing the few jobs that were there. We again are on the losing end. We are running out of patience and our hearts are burning hot. We have lost our trust in our Government".

Kxoe Chief Kipi George
Reacting to the planned Rehabilitation Centre for Prisoners
[Muts'iku, August 20, 1995]
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I. INTRODUCTION

1 The Geneva-based UN Centre for Human Rights has correctly observed that throughout human history, whenever dominant neighboring peoples have expanded their territories, frequently by without consultation, or settlers from far away have acquired new lands, also often without prior consultation, the cultural subsistence and livelihood of indigenous or tribal peoples have always been endangered.

2 For the purpose of this Report the term "indigenous peoples and or tribal" refers to:

   groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community and whose standards of living are inferior to those of other social groups or persons.

3 Protection of minorities against discrimination and persecution is the oldest concern of international human rights law. Whereas promotion of respect for the human rights of all, without distinction as to race, is one of the basic aims of the United Nations.

4 The international community has for decades been concerned about the plight of indigenous peoples all over the world:

5 The International Labour Organization (ILO), was the first international agency to recognize establishment and protection of the rights of indigenous peoples as "an essential part of human rights and a legitimate concern of the international community". Since its inception in 1919, the ILO has always defended the social and economic rights of groups whose customs, traditions, institutions or languages are distinct from those of other sections of national communities.

6 As early as 1953, the ILO published a study on indigenous peoples. In 1957 the organization adopted Convention (No. 107) and Recommendation (No. 104) on the Protection of Indigenous and Tribal Populations, which became the first international legal instrument specifically adopted to protect the rights of peoples whose lifestyles and ways of existence were then and are now being threatened by dominant cultures.

7 In June 1989, the ILO's International Labour Conference adopted a revised version of Convention No. 107, the Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries in order to eliminate the paternalistic and assimilationist approaches to the issues concerning and affecting indigenous peoples. According to this Convention, "indigenous peoples and or tribal" are:

   "...peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations and peoples in independent countries who are..."
regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.\(^3\)

The NSHR also accepts the UN concept "indigenous and tribal peoples" as given by the UN Centre for Human Rights, according to which:

"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."\(^4\)

In 1985 the Working Group on Indigenous Populations (WGIP), as a subsidiary organ of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, prepared a draft declaration on indigenous peoples' rights. The rights and freedoms covered in the said declaration\(^5\) include:

* preservation and development of ethnic and cultural characteristics and distinct identities;
* protection against genocide;
* rights related to religion, languages and educational institutions;
* ownership, possession or use of indigenous lands and natural resources;
* maintenance of traditional economic structures and ways of life, including hunting, fishing, herding, gathering, timber-sawing and cultivation;
* environmental protection;
* participation in the political, economic and social life of the States concerned, in particular in matters which may affect their lives and destinies;
* self-government or autonomy in matters relating to their own internal and local affairs;
And through the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the UN calls upon all its member states to ensure that minorities exercise fully and effectively all their human rights and fundamental freedoms without discrimination and in full equality before the law [(article 4)].

Mindful of the special difficulties encountered by the indigenous San peoples of southern Africa, on March 19, 1996, at Windhoek, the Joint Assembly of the African, Caribbean and Pacific and European Union (ACP-EU) nations requested the European Commission to "undertake a comprehensive study of the San people in relation to their countries of abode in the light of international conventions"[refer to Appendix J].

The Namibian Government says that they recognize the San peoples as disadvantaged groups, whose plight needs to be addressed in order to enable them to enjoy the constitutional rights to which all Namibian citizens are entitled. Addressing the First Regional Conference on the San peoples held in Windhoek in 1992, Namibian President Sam Nujoma had, inter alia, this to say:

"The Government of Namibia regards the San community as an integral part of the Namibian nation. The Constitution guarantees and protects the rights and freedoms of all our citizens irrespective of race, colour, or social standing and this holds true for the San community as well".

II. THE SAN PEOPLES

Nonetheless, the physical and cultural existence of virtually all Namibia's indigenous and tribal peoples could be described as very precarious: with some of them facing physical extinction7, should the existing state of affairs concerning denial of their civil, cultural, economic, environmental, political and social rights be allowed to continue for a few generations to come. The San peoples are, nevertheless, the most endangered of all indigenous collectivities in the country.

Descendants of the aboriginal hunter and gatherer Bushman people, the San peoples are the original inhabitants of Namibia. Their forefathers had been living in southern and eastern Africa, including Namibia, for upwards 100 000 years: i.e. centuries before the arrival in the region, from central and east Africa, of the now-dominant Bantu groups about 2 000 years ago. The Bushman's rock art, carbon-dated to some 26 000 years ago, is, so far, the oldest art on the African continent. There are presently (1996) between 30 000 and 35 000 San peoples in Namibia.
There exist three main San communities in Namibia, viz. the Heil/'um, inhabiting the eastern and southern areas of the northwestern part of the country, adjacent to the Etosha Game Reserve and the Ju/'hoan of central and northern Kalahari Desert and the Kxoe people of Western Caprivi.

Despite the provisions of international human rights law, the Constitution and public assurances by the Government, the San peoples in practice remain the most marginalized ethnic minorities in the country: without land rights, citizenship, development, employment, adequate health care, decent housing, education, cultural and legal institutions as well as political rights and equality in the administration of justice. In other words, their civil, cultural, economic, environmental, political and social rights are, for all practical purposes, non-existent.

Addressing the Second Regional Conference on the Development of the San peoples held in 1993 in Gaborone, capital of Botswana, the Namibian Minister of Lands, Resettlement and Rehabilitation stated:

"Often the San peoples are reduced to modern slaves, working for meagre food and inadequate shelter ..."8.

Although the precarious state of affairs is basically the same for all three main San groups, in this report special consideration is given to the Kxoe people of Western Caprivi, as the area between the Cuando River in the east and the Kavango River in the west, is also called.

III. THE KXOE PEOPLE OF WESTERN CAPRIVI

During German colonial era, Western Caprivi was known as Hukwe veld [refer to map, Appendix A]. The name "Hukwe" is derived from the Kxoe word "xu-kxoe" which, in the //ANikxoe dialect, means the "people who stayed behind [in the Caprivi]". //ANikxoe is a distinct dialect of the Kxoe language, spoken in neighboring Botswana]. In the last 30 years Hukwe veld was also known as Western Caprivi Game Park [see map, Appendix B]

Numbering between 4 000 and 6 000, the Kxoe people is a separate social entity whose survival as a distinct ethnic group is under a potential threat. They are subjected to a regime of socio-economic marginalization, exploitation, deprivation and denigration in respect of their civil, cultural, economic, environmental, political and social rights.

The Kxoe people themselves complain that:

(1) they are discriminated against by the Government in that they have virtually no access to development, employment, credit facilities, effective education, adequate health care and social services, sanitation, housing, radio and telephone etc, like non-San citizens.
they are denied the right to decide their own priorities in respect of the development process that affects their lives, beliefs, institutions, spiritual well-being and the lands they occupy or use.

they are not allowed to exercise control over their own economic, social and cultural development. Nor are they consulted or given the opportunity to participate in the formulation, implementation and evaluation of national or regional development plans and programs affecting them directly.

their survival is threatened by, among others, the settlers from dominant groups who are taking over their communal lands and resources. There is extensive illegal encroachment onto Kxoe lands by non-Kxoe communities, the Mbukushu in particular.

some of their most fertile land are used almost exclusively for the benefit of members of non-Kxoe communities. The Ministry of Prisons and Correctional Services has erected a prisoners' rehabilitation centre in the most socio-economically strategic area where the Kxoe people planned to establish a community-based income-generating project.

some parts of Kxoe land have been declared core-conservation (i.e. nature conservation) areas by the Government [see map, Appendix C], and, as such, hunting is strictly prohibited.

their traditional leaders, like any other San communities, are not recognized by the Government as a distinct traditional community [refer to presidential proclamation Appendix D]. The newly passed Traditional Authorities Act 1995 (Act 17 of 1995), is to be amended in order to ensure legal Government recognition of traditional communities in the country. The proposed amendment, however, does not make reference to any of the San peoples.

the traditional leaders of the neighboring Mafwe and Mbukushu claim, severally, that Western Caprivi is under their jurisdiction.

both the Mbukushu and Mafwe communities pose a serious threat to them for various reasons, including encroachment onto Kxoe lands. Kxoe tribesmen say that the Mbukushu people claim that in the past the Kxoe people used to be their slaves, or hapika in Mbukushu language. Now that Namibia is independent some of the dominant non-San groups apparently feel that such freedom brings with it "their right" to enslave these people again.

IV. NSHR ON-SITE INVESTIGATION

Between May and July 1996, a team of NSHR human rights activists, accompanied by senior representatives of the Kxoe community, conducted an in loco investigation into the socio-economic conditions threatening the physical and cultural survival of the Kxoe people.
This report, however, concentrates on the main concerns of the Kxoe people, viz.:

1. land rights:
2. citizen's rights
3. health and social welfare:
4. employment and other economic opportunities;
5. water supply;
6. education and culture; and,
7. radio, postal and telecommunication services

In analyzing such socio-economic conditions, the NSHR relied on, and made use as yardstick of, the provisions of the ILO Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries of June 27, 1989; the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the International Covenant on Civil and Political Rights (ICCPR) of December 16, 1966; the International Convention on the Elimination of All Forms of Racial Discrimination of 1965; and, the Draft Declaration on the Rights of Indigenous Peoples of July 19-30, 1993.

A. LAND RIGHTS

As a consequence of the proclamation by the Government of most of Kxoe land as either core-conservation areas or a game reserve [refer to maps, Appendices B and C], the traditional subsistence economy as well as other relevant activities of the Kxoe people, including hunting and gathering and trapping are prohibited. It goes without saying that such activities are of central importance in the maintenance of sustainable human development of the Kxoe community, not to mention their very survival.

Furthermore, the drought often makes it difficult for the Kxoe people to gather enough essential wild fruits, such as tceu (shi) and /qom (mangetti), among others. The more mobile Mbukushu people, who also gather the same veld fruit, often over-utilize and even devastate this natural resource, sometimes for commercial purposes.

Thus, in order to survive, the Kxoe people are now adopting another way of life. They are increasingly resorting to subsistence farming, replacing hunting and gathering tradition, as the means of livelihood.

Since Namibian independence, a small herd of cattle was raised with the help of the Evangelical Lutheran Church in Namibia (ELCIN) in order to provide Kxoe farmers with oxen to plow their fields. Unfortunately, however, in late 1995 Mbukushu settlers illegally brought in cattle from neighboring Botswana that were infected with lung disease. As a result, Kxoe farmers also lost most of their livestock to the disease. It
is important to point out that in the past the Kxoe people were not allowed, by their former Mbukushu masters, to own cattle.

29 Much worse, on March 16, 1996 Governor John Mabuku of Caprivi, accompanied by a Dr Mukandawire, himself from the state veterinary services, visited Western Caprivi to announce the Government decision that cattle in the area might have lung disease. The two officials instructed all cattle owners to eliminate their cattle 'within three days' giving them to "choose" among the following "alternatives": They must either:

(1) sell their cattle to Meatco, the Government meat monopoly there;
(2) move their cattle to a 'quarantine' area some twenty (20) kilometers east of the Divundu Bridge, on the Kavango River; or
(3) slaughter their cattle and eat the meat.

Or else their cattle will be shot by the Government, without compensation to the owners.

30 Thus, many Kxoe cattle owners, especially, in the Chetto and Omega 3 areas were obliged to sell their cattle to Meatco, at ridiculously low prices ranging from US$223 to US$6 per head. Some 75 cattle were so sold at an average price of US$114, a piece. The prices were dictated by Meatco, according to the resident regional director of the Ministry of Lands, Resettlement and Rehabilitation.

31 The second alternative was practically impossible due to long distances from Omega 3 and Chetto areas. No transport was made available, however. Furthermore, the designated 'quarantine' area (which is partially a nature conservation area) has no water and pastures for such cattle. Hence, those Kxoe farmers who could not sell their cattle to Meatco had to slaughter them. Accordingly, some 25 cattle were so slaughtered in panic.

32 In consequence, there is now (July 1996) not one single cattle left at Chetto and Omega 3. The aforementioned Government decision has further chain reaction consequences: Kxoe farmers not only lost their cattle as property but also their oxen: i.e. their only means of plowing their fields. Hence, a potential threat not only to the Kxoe people's subsistence and livelihood but also to their very physical existence!

33 It must be pointed out that the Ministry of Agriculture, Water and Rural Development was on several occasions approached in writing by the NSHR, regarding the cattle elimination incident, but in vain [refer to NSHR letter, Appendix E].

34 It was, moreover, established from the aforementioned (see also paras.30, 49 and 58) resident regional director that the cattle extermination program was not even entirely necessary in the area.
B  CITIZENSHIP RIGHTS

35  The Government has so far not taken any steps to issue the San peoples with civic documents. As a result, the majority of Kxoe people have no identity documents and or birth certificates to prove their Namibian nationality or citizenship.

36  There is not a single civic office in the area and it is very difficult for these people to obtain such documents. The nearest civic offices are in Katima Mulilo and Rundu, some 250 and 270 kilometers to the east and west, respectively, of Omega, the Government's administrative centre for Kxoe land. Those places are out of reach by Kxoe people in that they neither have the money to pay for a transport fee of US$18 to and from Katima Mulilo or Rundu, nor to afford accommodation and meals in the hotels or lodges while waiting up to three weeks for their identity documents to be issued.

37  Without civic documents to prove their citizenship, the overwhelming majority of Kxoe senior citizens do not receive pension and other social services like other Namibians. Nor can they exercise their right to vote. The few Kxoe who have received identity documents face other problems: quite frequently wrong birth dates are entered on such documents.

38  Some 4 000 Kxoe former fighters and their families are still (July 1996) stationed at Smithdrift in the northern Cape, South Africa. The Government refuses them entry into Namibia for apparent political reasons. During the pre-independence bush war between SWAPO and South African forces San soldiers were extensively used by the South African Defense Force (SADF) as trackers against soldiers of the People's Liberation Army of Namibia (PLAN), the governing party's former military wing. Apparently fearing possible reprisals from the incoming Government, they left the country together with the withdrawing SADF shortly before Namibian independence.

C.  HEALTH AND SOCIAL WELFARE SYSTEM

39  The health care (including primary health care) and social welfare system in Kxoe land is largely inadequate. Nor does the system take into account the social, cultural, economic and other relevant conditions of the local people. With possible exception of Omega, all the health posts (or "clinics" as they are widely called) at Omega 3, Chetto and Muts'iku were experiencing acute shortages of essential drugs.

40  The provision of health and welfare services, if any, appeared not to be coordinated with other socio-economic measures [such as sanitation, food security and supply or availability of clean water] in the area. There were virtually no Kxoe health and or primary health care workers in Kxoe land.

41  The spread of STDs, including AIDS/HIV infection, is a very serious problem, especially at Omega and Bagani (i.e. the area around the Divundu Bridge) where the largely illiterate and ignorant Kxoe young women, who because of abject poverty, enter into sexual relationships with the relatively affluent males from the Namibian
Defense Force (NDF), the Development Brigade Corporation (DBC) or the TransCaprivi highway project.

There were no AIDS/HIV awareness programs or campaigns in the area.

Also, there is no hospital in Kxoe land. The nearest major health centre is the Andara Roman Catholic Hospital, in the traditional heartland of the rival Mbukushu people.

Moreover, there was (in July 1996) not a single Kxoe staff member at the said hospital. This situation creates many communication problems in addition to widespread [mis]perceptions among the Kxoe people that frequent deaths among Kxoe patients are caused by either intentionally inadequate medical treatment or sheer neglect by the non-Kxoe staff there. This state of affairs perpetuates the situation whereby sick Kxoes are hesitant to be admitted to that hospital. However, when they finally decide to go to hospital, it is often too late. Hence, the high death rate among Kxoe patients there.

According to medical workers, the most common diseases affecting the Kxoe people are, in order of prevalence:

(1) malaria;

(2) diarrhea, including bloody diarrhea;

(3) tuberculosis; and,

(4) infection with sexually transmitted diseases, including AIDS/HIV.

Health workers at the Andara Roman Catholic Hospital pointed out that Omega has the highest incidence of diarrhea in the area. While malaria is said to be very high at Muts'iku. There was (in July 1996) a shortage of nurses and the Andara hospital was facing (in June 1996) lack of essential STD drugs which, when used could significantly reduce the incidence of AIDS, according to the medical sources there.

Since the departure of the SADF, Omega has seen no working sewerage system and, as a consequence, the sanitation situation has deteriorated considerably. There was no running water in the dwellings and schools at Omega. As a consequence, residents and learners were making use of the surrounding bush as toilet, posing a potential health hazard for the settlement, including possible contamination of sources of drinking water. This situation could lead to severe gastro-intestinal infections such as hookworm disease, cholera and anemia.

Additional detailed information and findings and recommendations regarding the health and social services situation in the area are attached hereto as Appendix F.
D. EMPLOYMENT AND ECONOMIC OPPORTUNITIES

Very few Kxoe people are employed in the public service. There were only three (3) Kxoe males in the Ministry of Lands Resettlement and Rehabilitation (MLRR), viz. George Moyo, Direnge Dribi and Jack Govague, whose monthly salaries are US$115, US$277 and US$254, respectively. Dribi and Govague work as record clerks, while Moyo is a laborer. The three state that they have not received promotion or pay increase since 1990. Mr Taleni Hamukoto, himself an Ovambo-speaking citizen, was appointed as resident regional director of the MLRR for the entire Western Caprivi.

There were only four (4) Kxoe males, viz. Sakaria Manyinga, Carlos Kandjewa, Spreek Dickson and Rimbi John, in the employ of the Ministry of Works, Transport and Communications in the whole area.

The Department of Water Affairs and the Ministry of Health Social Services (MOHSS) employed only one (1) Kxoe male, each; namely Venter Disho and Jafta Dakomba, respectively. The Police Department within the Ministry of Home Affairs had just four (4) Kxoe male police officers in the whole country; viz. Tausen Manu (Omega); Kasanga Ndumba (Omega); July Herson (Rundu); and, Charles Kazibe (Tsumkwe). Whereas the Development Brigade Corporation at Mashare (Kavango) employed two (2) Kxoe males only. These were Rondekop Ngugwe and Dingando Mayenka.

E. SUPPLY OF CLEAN WATER

With the exception of Chetto, the constant availability of clean water was, for all practical purposes, non-existent in the entire area.

NSHR investigators visited major human settlements in the area [refer to maps, Appendix H] and discovered that although there were sufficient boreholes previously sunk by the SADF, only a few were still operational. The rest were either dilapidated, vandalized or were malfunctioning due to lack of service that leads to frequent mechanical breakdowns.

N//goaca

There were two boreholes (one solar powered and another manual) at N//goaca (i.e. Omega 3) with a population of 638 people. However, not a single one was in proper operation and residents, including school children, and the clinic there had to spend days without water.

#Gowexa

A similar situation existed at #Gowexa (i.e. Dodge City, population about 80 people) some 20 kilometers southeast of Omega 3. There were altogether six (6) boreholes, five (5) of which had no mechanical equipment and thus did not function at all. One of these, a hand-operated pump, barely produced three bucketful of water per day.
There were only two wells at //am //xam (i.e. Wolf's Post, population 103) some thirteen (13) kilometers south east of Chetto. One of these, built by the SADF, was out of action. The other one, an eight (8) meter deep well, was dug by the Bushman themselves and produced dark brown muddy water, not fit for human consumption. They, nevertheless, have no choice.

**Omega**

Omega has a Kxoe population of between 630 and 700 out of sometimes 4 000 residents. The rest are either Mbukushu or Eastern Caprivian job seekers, road workers or employees of the Development Brigade Corporation, National Development Corporation or the Namibian Defense Force.

The settlement and its immediate vicinity had altogether nine (9) boreholes, according to the resident regional director of the MLRR. Five (5) of these boreholes, located within the settlement, were until recently operated on two generators that also supplied electric power to the settlement. As one of these generators was out of action, only the other one still functioned at a rate of twelve (12) hours a day, according to the regional director there.

The four (4) boreholes which are located outside the settlement don't function anymore. Until recently, each of these had its own diesel operated pump and the four were connected to the settlement's water supply system. However, these machines were said to have been removed by NamWater on July 18, 1996.

This state of affairs, has led to a dangerous water crisis in the settlement.

**Muts'i'ku**

Muts'i'ku, the capital of Kxoe land, has but one borehole with a hand pump supplying clean water. The majority of the local population of approximately 1 000 Kxoe residents consumed untreated water from the Kavango River, between three to six kilometers away.

**Public Schools**

There were up to mid 1996 only two Government schools in the area, namely:

The Omega Combined School, Omega

Built in 1979 by the SADF in memory of Kxoe tracker Johannes Conga, the school has since then seen no improvement or expansion. There was a total of sixteen (16)
The school hostel is not fenced off and there were no security guards to protect learners and property there. This situation has led and continues to lead to frequent theft and vandalism. Expensive laboratory equipment is kept in the staff office without window burglar bars.

The school had no library and experiences a lack of textbooks as well as relevant stationery.

Furthermore, the wooden dormitories, including sleeping quarters for female learners had neither windows nor proper doors. The comparatively affluent males from the Development Brigade Corporation or the TransCaprivi Highway project, freely roam the school premises in search of the largely impoverished Kxoe school girls. This situation contributed to many unwanted pregnancies among schools girls as well as infection with sexually transmitted diseases, including AIDS/HIV among Kxoe learners, according to medical sources in the area.

The school experiences a critical water shortage. Very often learners have neither drinking water nor can they wash themselves. The toilets, located within ten (10) meters from the kitchen, were overflowing with human feces and urine.

The living quarters for the teaching staff were equally appalling. According to a teacher, female and male teachers share the same "barracks" with only curtains serving as partition. Washing facilities are also shared by both sexes.

Nor were there communication facilities at the school, such as telephone or radio in case of emergencies.

The Martin Ndumba Junior Secondary School, Divundu Bridge

Situated at Kurukutemba just east of the Divundu Bridge, the institution has up to Grade 8. Lamentably, the facility is also located within 200 to 300 meters away from the Rehabilitation Centre for Prisoners and the Divundu Army Base. The Centre was only recently built there by the Ministry of Prisons and Correctional Services, despite protests by the Kxoe people [refer to Kxoe letter Appendix G].

It is important to point out that, this school is also located near the "urban" areas around the Divundu Bridge were STD and AIDS/HIV infection is said to be prevalent.

Private Schools

From 1992 until June 1996, the Evangelical Lutheran Church in Namibia (ELCIN) maintained three private schools in Kxoe land. These schools now resort under the jurisdiction of the Ministry of Basic Education and Culture:
The Kipi George Primary School, Mutsi'ku

73 The school is situated some five (5) kilometers east of the Divundu Bridge. There were some 150 learners and six (6) teachers, four (4) of whom are Kxoe.

74 This facility also experiences general shortage of teaching material, including textbooks and stationery.

75 Teachers complained that they did not receive their salaries for two months after the school resorted under the Ministry of Basic Education and Culture.

The Kandunda Kaseta Primary School, Chetto

76 This facility also experiences problems, such as shortage of textbooks and other teaching material. Clean water was available, however.

77 The teaching staff also expressed disappointment for not receiving their salaries for two months.

The Nthooro Primary School, Omega 3

78 This school has a total of 153 learners from Grades 1 to 4 and six (6) teachers. Like all other schools in the area, the facility is experiencing serious shortages of textbooks, for all Grades, as well as stationery and other writing material, including pencils and chalks.

79 The teaching staff also complained that they did not receive their remuneration for two months. This problem developed after the facility was placed under the jurisdiction of the Ministry of Basic Education and Culture.

K xoedam as a Written Language

80 With the exception of the Kipi George Primary School where a teacher tried his best to explain subjects in K xoedam , English and or Afrikaans are used as medium of instruction in all schools in the area.

81 K xoedam as a written language was first introduced by the late Prof Oswin Kühler of the University of Köln as early as 1960. Learning and teaching material in K xoedam is not yet available in any schools in the area. A team of German linguists, also from the University of Köln, has started a long-term study of Kxoe language in 1995. These linguists have indicated that they would be prepared to assist the Ministry of Basic Education and Culture in the development of school material in Kxoe language should there be an official request to that effect.
G. RADIO SERVICE, POSTS AND TELECOMMUNICATIONS

There is not a single post office or a telecommunication service accessible to the public in the whole of Western Caprivi. FM radio broadcasts do not reach most of the area although Kxoe communities in the proximity of the Divundu Bridge do listen to radio broadcasts in Mbukushu or Kwangali language from Rundu. Kxoe communities in the eastern part do listen to FM radio transmissions in siLozi and English from Katima Mulilo, some 250 kilometers east of Omega proper.

V. MAJOR CONCERNS AND URGENT REQUIREMENTS OF THE KXOE PEOPLE

The Kxoe community demands that the Government immediately adopt these corrective measures:

* recognition of the Kxoe people as a distinct social entity as provided for in international human rights law;

* treatment of Kxoe people as citizens on an equal footing with members of other Namibian national communities;

* recognition of Kxoe traditional authority and thereby ensure Kxoe control over lands occupied or used by them [structure of Kxoe traditional authority presented in Appendix I];

* even-handed enforcement of laws and or regulations regarding core conservation status of the lands along the Kavango River and removal therefrom of illegal settlers.

For the subsistence and livelihood of the Kxoe community, the Government must ensure:

* access to and benefit from natural resources, including wildlife, lands, vegetation and clean water, on a sustainable basis throughout Western Caprivi; and,

* immediate replacement of Kxoe cattle eliminated following the Government decision to that effect or to provide alternative means of plowing their fields.

Basic socio-economic development. The Government must also ensure:

* access by the Kxoe people to equitable distribution of wealth;

* access to adequate health and social welfare services with trained Kxoe health workers;
improvement of the education situation and facilities in Western Caprivi;

* employment opportunities; and,

* radio, posts and telecommunication services in the area.

VI. SUMMARY OF GENERAL OBSERVATIONS AND CONCLUSIONS

86 The Kxoe people, like all other San communities, are subjected to a regime of socio-economic marginalization, exploitation and deprivation as well as denigration in respect of their civil, cultural, economic, environmental, political and social rights.

87 For all practical purposes, the Kxoe people have no access to socio-economic development, including effective education, adequate health care and social services, sanitation, water supply, housing, radio and posts and telecommunication services.

88 The Kxoe people are not appropriately consulted nor are they afforded the opportunity to participate in the decisive formulation, implementation and evaluation of plans and programs affecting them directly.

89 The Kxoe community is not recognized by the Government as a distinct traditional group in terms of the Traditional Authorities Act 1995 (Act 17 of 1995).

90 As a consequence of the proclamation of most of Kxoe land as either core-conservation areas or a game reserve, the traditional subsistence economy, such as hunting and gathering and trapping, is strictly prohibited. Nevertheless, the Kxoe people, like other San communities, have not yet been integrated into the national community.

91 The Kxoe people are now increasingly resorting to subsistence farming as the means of livelihood and survival, replacing their original hunting and gathering economy.

92 The majority of Kxoe cattle owners were recently obliged to sell their cattle to the Government corporation, Meatco, at unacceptably low prices.

93 The overwhelming majority of the Kxoe people have no identity documents to prove their Namibian nationality. There is not a single civic office in Kxoe land where they could obtain such documents.

95 The health care and social services system is largely inadequate in addition to the fact that it does not take due cognizance of the socio-economic, cultural and other relevant conditions of the local population.

96 The nearest major health centre is situated at Andara, in the traditional heartland of the rival Mbukushu people and there were no Kxoe health workers there.
AIDS/HIV awareness programs or drives are unheard of in the whole of Kxoe land.

The sanitation system at Omega had come to a halt since the departure of the South African Defense Force shortly before Namibian independence, leading to a potential health hazard for the settlement.

Only some thirty (30) Kxoe people could be established as employees in the public service in the country.

Although there is a number of boreholes in Western Caprivi to supply clean water, only a few were operational.

Virtually all schools in Kxoe land experience an acute shortage of textbooks and other relevant teaching material.

The living conditions of both teachers and pupils in Omega were found to be inhuman and appalling.

Upon completion, the TransCaprivi Highway will undoubtedly lead to the mushrooming of squatter camps and shebeens and, especially, the increase in traffic movement, through Western Caprivi, of long distance heavy duty trucks from southern, central and eastern African countries.

Considering the fact that the area has one of the lowest human development index (HDI) in Namibia, as measured, inter alia, in terms of adult literacy rate as well as the fact that there are no Kxoe language radio or similar mass information services to in the area to promote AIDS/HIV awareness among the local population in general, this Highway would considerably contribute to the increase in AIDS/HIV infection among the impoverished Kxoe people in particular.

In order to curb the menace of AIDS/HIV infection it is hereby strongly recommended that legal measures be instituted to make it unlawful for heavy duty trucks and or buses to loiter unnecessarily or overnight in the area. Police patrols, preferably manned by Kxoe personnel, should be deployed along the road in order to enforce such measures there.

VIII. NOTES


article 1 (a) and (b), ILO Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries of June 27, 1989


*Regional Conference on Development Programmes for Africa's San Populations*, Ministry of Lands, Resettlement and Rehabilitation, June 16-18, 1992, p.36

"Bushmen threatened", *The Windhoek Advertiser*, December 14, 1995

"Give the San equal access to development", *Namibia Review*, May/June 1994, p.12
APPENDIX A

1. The map of Africa indicating the position of Namibia and the NSHR.

2. On the second map is Deutsche Südwestafrika as Namibia was then called during German colonialism. Close-up map indicates the position of Hukwe veld in the Caprivi zipfel, as Western Caprivi was then known.
A map of Namibia with the position of Western Caprivi also indicated as the Caprivi Game Park, close-up map at the bottom of the page.
A close-up map of Kxoe land (Western Caprivi) issued by the Department of Nature Conservation, indicating nature conservation areas, development zones, etc.
Land-use and zonation in the West Caprivi
A = core conservation areas, developed for tourism
B = multiple use areas
C = development areas
D = river and island areas requiring protection
E = Kwando triangle, requiring urgent proclamation
APPENDIX D

Proposed Proclamation of President of the Republic of Namibia duly recognizing all other national traditional communities. Reference to any San communities, including the Kxoe people, is conspicuously absent.
PROCLAMATION

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

RECOGNITION OF TRADITIONAL LEADERS: TRADITIONAL AUTHORITY ACT, 1995 (ACT 17 OF 1995)

Under the power vested in me by Section 6(2) read with Section 6(4) of the Traditional Authority Act, 1995 (Act 17 of 1995), I hereby recognise a new as chiefs or senior traditional councillors all traditional leaders whose names are specified in the Schedule, with indications of the offices held by them their dates of designation and the traditional authorities in respect of which they have been designated.

<table>
<thead>
<tr>
<th>S C H E D U L E</th>
</tr>
</thead>
</table>

1. **KAVANGO**

1.1 Name : Leevi Hakusembe  
Office : Kapahi  
Traditional title : Hompa (Chief)  
Date of designation : 1 April 1973  
Traditional community : Momaza  
Address -  
   Postal : Private Bag 2082, Rundu  
   Physical : Kapah Village

1.2 Name : Angelina Matumbo Ribebe  
Office : Kayengona  
Traditional title : Hompa (Chief)  
Date of designation : 19 May 1989  
Traditional community : Sambyu  
Address -  
   Postal : P.O. Box 430, Rundu  
   Physical : Kayegona Village

1.3 Name : Sebastian Kamwanga  
Office : Ndiyona  
Traditional title : Hompa (Chief)  
Date of designation : 15 March 1985  
Traditional community : Gciriku  
Address -  
   Postal : P.O. Box 22, Rundu  
   Physical : Mamono Village
| 1.4 Name | Ervin Mbambo Munika |
| Office | Mukwe |
| Traditional title | Fumu (Chief) |
| Date of designation | 3 May 1991 |
| Traditional community | Mbukushu |
| Address - | P.O. Box 674, Rundu |
| Postal | Andara Village |
| Physical | |

| 1.5 Name | Daniël Sitentu Mpasi |
| Office | Kahenge |
| Traditional title | Hompa (Chief) |
| Date of designation | 12 April 1977 |
| Traditional community | Kwangali |
| Address - | P.O. Box 29, Rundu |
| Postal | Mayara Village |
| Physical | |

| 2. OVAMBO |
| 2.1 Name | Immanuel Elifas |
| Office | Oluno |
| Traditional title | Ohamba (Chief) |
| Date of designation | 1955-08-28 |
| Traditional community | Ondonga |
| Address - | P.O. Box 70, Ondangwa |
| Postal | Onamungundo |
| Physical | |

| 2.2 Name | Josia Shikongo Taapopi |
| Office | Tsandi |
| Traditional title | Ohamba (Chief) |
| Date of designation | 20 September 1959 |
| Traditional community | Uukwaluudhi |
| Address - | P.O. Box 1, Tsandi |
| Postal | Onalushwa Village |
| Physical | |

| 2.3 Name | Jafet Malenga Munkundi |
| Office | Okahao |
| Traditional title | Ohamba (Chief) |
| Date of designation | 16 December 1971 |
| Traditional community | Ongandjera |
| Address - | P.O. Box 1, Okahao |
| Postal | Uukwandongo Village |
| Physical | |
2.4 Name: Herman Ilpumbu
Office: Uukwangula
Traditional title: Elenga (Senior Traditional Councillor)
Date of designation: 22 November 1985
Traditional community: Uukwambili
Address:
   Postal: P.O. Box 324, Oshakati
   Physical: Onamega Village, Elim

2.5 Name: Oswin Shifiona Mukulu
Office: Outapi
Traditional title: Elenga (Senior Traditional Councillor)
Date of designation: 13 May 1983
Traditional community: Ombalantu
Address:
   Postal: P.O. Box 1120, Oshakati
   Physical: Omundjaalala Village

2.6 Name: Daniel Shooya
Office: Onesi
Traditional title: Elenga (Senior Traditional Councillor)
Date of designation: 1970
Traditional community: Uukolokadhi
Address:
   Postal: P.O. Box 42, Ruacana
   Physical: Oshiha Village, Otsinka

3. CAPRIVI

3.1 Name: Josua Mutwa Moraalishwani II
Office: Bukalo
Traditional title: Munitenge (Chief)
Date of designation: 26 October 1965
Traditional community: Subia
Address:
   Postal: Private Bag 1044, Katima Mulilo
   Physical: Bukalo

3.2 Name: Boniface Bebi Mamili
Office: Linyandi
Traditional title: Litunga (Chief)
Date of designation: 4 April 1987
Traditional community: Mafwe
Address:
   Postal: Private Bag 1055, Katima Mulilo
   Physical: Linyandi
### 3.3 Name
Office
Traditional title
Date of designation
Traditional community
Address -
  Postal
  Physical

#### Boniface Lutibezi Sangwali
Sangwali
Shikati (Chief)
1 August 1993
Mayeye
Private Bag 1094, Ngweze, Katima Mulilo
Sangwali Village

### 4. NAMA

#### 4.1 Name
Office
Traditional title
Date of designation
Traditional community
Address -
  Postal
  Physical

#### Neels Afrikaner
Windhoek
Captain (Chief)
24 November 1978
/Hoa/Aran
P.O. Box 8238, Windhoek
Independence Avenue, N2/11, Katutura

#### 4.2 Name
Office
Traditional title
Date of designation
Traditional community
Address -
  Postal
  Physical

#### Ms. Anna Katrina Christiaan
Driehoek
Captain (Chief)
20 May 1977
Bondelswars
P.O. Box 326, Karasberg
Guigabes (farm)

#### 4.3 Name
Office
Traditional title
Date of designation
Traditional community
Address -
  Postal
  Physical

#### Daniël Luiperd
Gainatzeb, Fransfontein
Senior Traditional Councillor
15 November 1986
Swartboois
P.O. Box 8564, Bachbrecht Windhoek West
Salk St. 7, Windhoek West, Windhoek

#### 4.4 Name
Office
Traditional title
Date of designation
Traditional community
Address -
  Postal
  Physical

#### Hendrick Witbooi
Gibeon
Captain (Chief)
28 July 1978
Witbooi Clan
P.O. Box 17, Gibeon
Jenner St. 18, Windhoek West
<table>
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<tr>
<th>Name</th>
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4.10 Name
Office
Traditional title
Date of designation
Traditional community
Address -
Postal
Physical
- -
Hans J. Titus
Keetmanshoop
Hoofman (Senior Traditional Councillor)
3 May 1980
Blouwes Traditional Authority
P.O. Box 819, Keetmanshoop
Warmbad

4.11 Name
Office
Traditional title
Date of designation
Traditional community
Address -
Postal
Physical
- -
Petrus Simon Moses Cooper
Hoachanas
Captain (Chief)
3 December 1988
Kooper Traditional Authority - Hoachanas (Red nation)
P.O. Box 209, Kalkrand (Hoachanas)
Hoachanas

4.12 Name
Office
Traditional title
Date of designation
Traditional community
Address -
Postal
Physical
- -
Fredrick Hanse
Amper-bo Community Hall
Hoofman (Senior Traditional Councillor)
27 July 1983
Simon Kooper Grond
Private Bag 1003, Gibeon (Amper-bo)
Nooitgedacht Farm

4.13 Name
Office
Traditional title
Date of designation
Traditional community
Address -
Postal
Physical
- -
Abraham Dawid Beukes
Kriess
Captain (Chief)
25 February 1989
Kriess Traditional Authority
P.O. Box 124, Mariental
Verloorveld, Kriess

4.14 Name
Office
Traditional title
Date of designation
Traditional community
Address -
Postal
Physical
- -
Seth Kooltjie
Walvis Bay and Utuseb
Hoofman (Senior Traditional Councillor)
27 June 1980
Utuseb Traditional Authority - Walvis Bay
P.O. Box 2041, Walvis Bay
No. 2 Welwitchia Street, Narraville
5. **DAMARA**

5.1 Name  
Office  
Traditional title  
Date of designation  
Traditional community  
Address -  
Postal  
Physical

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<th>Name</th>
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6. **TSWANA**

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Office  
Traditional title  
Date of designation  
Traditional community  
Address -  
Postal  
Physical

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<th>Name</th>
<th>Constance Letang Ngosimang</th>
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6.2 Name  
Office  
Traditional title  
Date of designation  
Traditional community  
Address -  
Postal  
Physical

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<td>Kgosi (Chief)</td>
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<td>c/o P.O. Box 6225, Windhoek, Ausspannplatz</td>
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7. **HERERO**

7.1 Name  
Office  
Traditional title  
Date of designation  
Traditional community  
Address -  
Postal  
Physical

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<td>Kazonguizi Johannes Thom</td>
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<td>David Kambazembi Tuvalu</td>
<td>17 July 1989</td>
<td>Onguaf'indu</td>
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<td>Private Bag 2104, Okakarara</td>
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<td>4 October 1979</td>
<td>Zeraua Royal House</td>
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<td>1970</td>
<td>Tjamuaha Maharero Royal House</td>
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<td>Private Bag 1005, Gobabis</td>
<td>Otjinene</td>
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### OVAZEMBA

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</tr>
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</table>
9. **MBANDERU**

9.1 Name: M. Nguvauva Munyuku II  
Office: Omaozonyanda Post 3  
Traditional title: Ombara Onenejova (Chief)  
Date of designation: 10 October 1960  
Traditional community: Mbanderu  
Address - Postal: Private Bag 2132, Gobabis  
Physical: Ezorongondo

10. **BASTER**

10.1 Name: Johannes Gerhardus Adolf Diergaardt  
Office: Rehoboth  
Traditional title: Captain (Chief)  
Date of designation: November 1979  
Traditional community: Baster Community  
Address - Postal: P.O. Box 3505, Rehoboth  
Physical: Erf 122, Block C

Given under my Hand and the Seal of the Republic of Namibia at Windhoek this _____ day of ____________, One Thousand Nine Hundred and Ninety-Six.

SAM NUJOMA  
PRESIDENT  

BY ORDER OF THE PRESIDENT
APPENDIX E

NSHR letter of enquiries addressed to the Ministry of Agriculture, Water and Rural Development in respect of Kxoe cattle sale and slaughter. No reply was received from the Ministry, however. Nevertheless there were comments (admission and denials) from the said Ministry. Refer to newspaper article attached hereto.
June 17, 1996

Hon Nangolo Mbumba
Minister: Ministry of Agriculture, Water & Rural Development
Robert Mugabe Avenue
Private Bag 13184
Windhoek

fax: (061) 22 9961

Attention: Permanent Secretary

SUBJECT: ALLEGATIONS BY KXOE TRIBESMEN IN WESTERN CAPRIVI

The subject matter has reference.

The NSHR is currently compiling a report on the Kxoe [Bushman] people of Western Caprivi. Kxoe tribesmen complained to NSHR investigators that they were recently forced by your Ministry to sell their cattle because the veterinary department has advised the Ministry that Kxoe cattle were affected by lung disease. Consequently, Kxoe farmers were allegedly only given the following options:

(a) to "immediately" sell their cattle;

(b) to "immediately" move their cattle to a Bagani area near the Kavango River; or
nshr/mbumba/allegations 2

(c) else their livestock will be shot without compensation to the owners.

As a result many Kxoe cattle were therefore sold. Since Bagani was very far from such areas as Babwata, Omega 3 and Chetu, and no government transport was made available, many other Kxoe cattle were shot without any compensation to them.

In accordance with our policy of impartiality and fairness and for the sake of accuracy, we would like to give your Ministry the opportunity respond to the above allegations, before we finalize our report.

Your prompt consideration will be highly appreciated.

Very sincerely yours,

P. P. Nangoloh
Executive Director
Bushmen not forced to sell cattle
Findings and Recommendations regarding the state of health care and social services in Western Caprivi.

*All the medical and relevant information contained in this document was compiled at the request of the NSHR by a team of expatriate health experts coordinated by Dr Frank Rosenkaimer, MD. The team was assisted by Tlaxa (i.e. Chief) Kipi George and other senior community leaders of the Kxoe community in Western Caprivi.*
Brief Qualitative Assessment of the Community Health of the Kxoe People in Western Capriví

by Dr. Frank Rosenkaimer

Windhoek
26 July 1996
I. EXECUTIVE SUMMARY

This qualitative assessment of the "Community Health" of the Kxoe people in Western Caprivi was conducted during July 1996 at the request of the National Society for Human Rights (NSHR).

Major villages and settlements with approximately 3000 Kxoe were visited. The survey is based on interviews with health care personnel, teachers, senior members of the Kxoe community, on-site visits to schools, health centers and clinics, sites of boreholes and brief inspections of school children.

A standard form was used to collect information on water and food supply, sanitation, jobs, transportation and communication, basic health care system etc. The situation of each site visited is briefly highlighted and recommendations are being made on how to alleviate the situation in the framework of existing structures and responsibilities.

II. INTRODUCTION

Settlements and villages with predominantly Kxoe populations were visited to conduct a brief basic qualitative assessment of what is called the 'Community Health' of these people. The study was done using a standard questionnaire and conducting on-site visits to schools, health posts and clinics, water supply facilities and conducted interviews with health care personnel, teachers and senior citizens.

This survey does not purport to provide quantitative data on the incidence and prevalence of certain diseases or on mortality and morbidity. However, our findings led us to propose a more detailed survey into special diseases and to propose short, medium and long term activities to improve the present living conditions of the Kxoe people.

The fact that we concentrated on the Kxoe was due to the complaints that are discussed in detail in the main part of this report. It does not necessarily mean that the non-Kxoe communities in the concerned area are considerably better off and would therefore not deserve improvement as well.

It should be understood that all recommendations in this report follow the guidelines of this documentation and will respect the administrative responsibilities of the Andara Health District.

III. RESULTS OF THE SURVEY IN INDIVIDUAL VILLAGES AND SETTLEMENTS

The following is a summary of our findings highlighting the most pressing problems in the area under review. More details can be gathered from the individual questionnaire that can be received from the NSHR upon request.

It may be worth mentioning that almost all problem areas identified in this report became already apparent in the interviews conducted. There was a good correlation between the problems as the K xoé themselves saw them and as the team conducting the survey had identified them. Our findings were always discussed with the members of the community.

A. OMEGA 3:

- Total population: 638

- Water is collected from a borehole with a solar pump, installed by ELCIN. A second pump was out of order. Total water supply is certainly insufficient.

There were no latrines or waste disposal systems.

- Food is scarce although there was some limited government supply of millet and cooking oil.

- The primary school had 6 teachers and 153 pupils. Approximately 30 percent are not attending school at any given day due to illness or because they have to search for food etc.

- The health post is about 1 km away from the (ill defined) center of the village.

- It is staffed with a community worker (6 months training - allowed to treat malaria and minor ailments) who, when questioned about the most prevalent diseases, exhibited an absolutely deplorable professional know how. Medical records are not being kept.

- There were at the time of our visit no patients attending. The health post was supplied with the standard range of drugs medical institutions of this size.

- The mobile medical team from Andara Hospital visits Omega 3 twice a month. By talking with people, it became clear that no information related to HIV/AIDS/STD infections was available in the community though "a large number of young people have died since 1990".

- Main Diseases: malaria (seasonal), burns, diarrhoea and "body illness".
Main Problems: insufficient water supply, lack of sanitation, low standard of medical care, lack of (tele-) communication with the Andara Hospital and lack of transportation.

B. DODGE CITY (#GOWEXA)

Kxoe population: 78

This is a former South African (SA) army camp, the ruins of which were taken over by some Kxoe families. The former army infrastructure does not exist any more. There were 6 boreholes of which only one was working, producing only a few (about 3) buckets of water a day. This figure may be understated since this quantity of water would not even cover the drinking water requirements of 78 people.

A school is being built that might also serve as health post, donated by a private catholic organisation, but without fitting into any official development plan. Problems articulated by the people were the same as at Omega 3. It was, however, not clear to us as to whether they have access to any medical care. Most probably they have to go to Omega 3, which is more than 15 km away.

We only saw a few malnourished children, but we took no measurements as to assess the degree of malnutrition. Most probably all the children have gastro-intestinal parasites (GIPs).

C. CHETTO

Total population, approximately 600.

Water is collected from two boreholes with still operational solar pumps, installed by ELCIN. Apart from that, there was no infrastructure, latrines or a waste disposal system.

Food is scarce and we were not able to find out whether there was any food supply by government. People had no jobs. There was limited farming activity and few animals were kept, mainly goats and chicken.

The health post was closed as the nurse working there was formerly employed by ELCIN and could not be taken over by the government. People of Chetto therefore had to go to Omega, some 48 kilometres away, for medical treatment or wait for the mobile clinic that visits the settlement twice a month.

Problems articulated by the people interviewed were the same as mentioned before, aggravated by the closure of the local health post.
D. //AM //XAM

- Total population 103.
- This relatively new settlement lacked all infrastructure.
- Water: A traditional water well about 8 meter deep, was being used but produced only a few buckets of muddy water every day. We saw a few goats and two donkeys.
- There was no health care facility and people visit traditional healers or try to reach Omega, some 48 kilometer away.
- We only saw a few adults and children. Children were certainly malnourished with signs of GIPs. The few children we examined had no hepatosplenomegaly, however.

E. OMEGA

- Total population 2 650 varying, among them, some 550 Kxoe and approximately 230 //Xu or Vasekelas.
- Omega is also a former SA army camp, and the only settlement we visited that resembled a "village". Sufficient water was not available.
- There were no latrines and no sewage systems. A community-based programme to dispose of waste was started a food-for-work programme a few days prior to our visit.
- There were two schools, one primary and another secondary, attended also by a few Kxoe. There was little awareness about HIV/AIDS/STD infection among teachers and learners.
- The clinic was staffed by two enrolled nurses and a volunteer nurse from New Zealand. The clinic provided curative services, mother and child health care, family planning services, immunisations and carries out deliveries. The number of outpatients was approximately 40 people per day. Eight hundred (800) children received polio and measles vaccination (coverage of about 70 percent) in accordance with the recent nationwide immunisation programme.
- Population-based data on age distribution, incidence and prevalence of diseases and mortality and morbidity does not exist.
- Drug supply from the Andara Hospital seemed sufficient and arriving on schedule. Diseases: we were informed that all diseases and especially malnutrition were more severe among the Kxoe. Also the incidence and
prevalence of HIV/AIDS/STD/TB infection was said to be relatively higher among the Kxoe people. AIDS patients were being referred to the Andara Hospital.

**TB** is diagnosed by sputum examination in the clinic.

The occurrence of STDs may be aggravated by soldiers and members of the Development Brigade Corporation and by workers of the Transcaprivi Highway project.

Soldiers receive treatment in the camp by an army nurse or they travel to the Andara Hospital. They are said to have a very high incidence of STDs infections.

**Main problems:** lack of (tele-)communication with the Andara Hospital, lack of transportation in case of emergencies. An ambulance that was stationed at Omega was transferred to the Andara Hospital because of frequent unauthorized use in Omega, or so, we were told.

**High incidence of diseases, especially STDS,** among the Kxoe.

Health care personnel claimed that there was no discrimination against the Kxoe people with regard to medical care. The Kxoe were, however, underrepresented everywhere, especially, in education and public employment.

**F. MUTSI'KU, BORICA AND NANECA**

The population: 1 000, 15 and 38, respectively.

**Water:** There was only one borehole operated with a hand pump. Additional water was fetched from the Kavango River. The two small settlements had one well with a hand pump.

There were no latrines. The single one at the Kipi George Primary School did not function.

There were ten (10) game guard jobs provided by World Wildlife Fund (WWF).

The school had six, two of them Kxoe-speaking. Teaching material, if any, is in English. There were 149 pupils, about 50 percent of whom were absent at any given day mainly due to illness.

**Hunger** appeared to be one of the most pressing problems among both children and adults. There was limited governmental food supply, coming irregularly in small quantities. There was also limited agricultural activity. However, the so-called Kxoe plots (see maps, Appendix H) or farming areas
have been allocated to the Kxoe people.

The clinic seemed to be comparatively well-staffed, with one registered nurse and two Kxoe-speaking assistants. The primary health care (PHC) team of the Andara Hospital visits the place every week. There were 40 to 50 outpatients per day.

Main Diseases: Malaria, respiratory tract infection, diarrhea, STDs and eye infections. The clinic was, however, able to cope with the most common diseases. Drug supply was sufficient and arrived on schedule. HIV/AIDS/STD infection was said to be common and cases were being referred to the Andara Hospital.

Teenage pregnancies seemed to be frequent. Five to ten children are born in each family, but some 50 percent of them would eventually die from malaria, diarrhoea or malnutrition before the age of eight to ten.

Main problems: insufficient clean water and a high incidence of diseases related to the consumption of unsafe water, high infant mortality, STDs and teenage pregnancies, lack of food and jobs, difficult communication with the Andara Hospital and no transport in case of emergency referral. The Andara Hospital is approximately 25 kilometres away.

It also appeared as if the Kxoe have an inherent fear of going to the Andara Hospital, as they perceive it to be in a hostile area also where nobody speaks Kxoe language. It was said that many Kxoe people, preferred to consult traditional healers, rather than going to hospital.

IV. SUMMARY OF FINDINGS AND IDENTIFICATION OF PROBLEMS
[Not Necessarily in order of Priority]

- Lack of clean water.
- Problems in repairing and maintaining existing water pump systems.
- Lack of food and a high incidence of malnutrition.
- Lack of sufficient epidemiological data about the incidence and prevalence of diseases, like HIV/AIDS/STD/TB but also malaria, anemia, worm infections (hook-worm) malnutrition, measles and tetanus, just to name a few.
Little seemed to be known about the age distribution of infant and maternal mortality and the severity of malnutrition, among the Kxoe people.

Lack of basic sanitation such as latrines and a waste disposal system.

Lack of employment and consequently of cash money to buy salt, sugar, tools, clothes, etc.

Lack of means of communication, for example, between health care institutions and the district hospital at Andara.

Lack of transportation in case of medical and other emergency situations.

Most smaller settlements are visited only twice a month by a mobile clinic.

Many small, new or temporary settlements might not receive any attention at all by mobile clinics.

Distances between the clinics and the district hospital are relatively too long. Many patients may not even make it to the next clinic or health center.

Community-based activities were barely visible, with the exception of elementary food-for-work waste disposal programme at Omega.

The Kxoe people and their language are underrepresented in all institutions. There was no Kxoe nurse and only a few Kxoe-speaking teachers were there. The official language in schools is English and so is all teaching material. Only a few Kxoe learners could make it to secondary school.

Printed material, for example, about STD/AIDS/HIV/TB infection, family planning, vaccination programmes or any other useful information for the public was not available in their own language. The Kxoe were not taught to read in their language.

V. RECOMMENDATIONS; GENERAL REMARKS

A health care programme has to be designed in such a way that it balances between the magnitude of the problem and the limited availability of resources, e.g. manpower and funds.

Limited resources should be invested in such a way, that as many people as possible benefit from it. Curative medicine is an important component of any health care programme but initial measures should be taken, aiming at improving the health of the community as a whole. Measures to improve the health of the individual and of the community are closely linked to each other and may be regarded as a pyramid like this one obtained from the 1993 guidelines of Medicins sans Frontiers:
Curative Medicine

Immunisation

Maternal and Child Health

Nutrition - Hygiene and Sanitation

Training - Health Education and Community Participation

Activities at the bottom of the pyramid cost little per person and confer benefits to many. Curative medicine at the top - though indispensable - costs a lot per patient and reaches only a limited number of people.

Training of local people and community participation is essential and vital for any project. Involvement of national and regional authorities is mandatory.

VI. INDIVIDUAL PROPOSALS

- Repair of existing water pumps and the drilling of new boreholes as to guarantee access to clean water for everybody. Installation of simple hand operated pumps is recommended.

- Regular provision of food, especially, for children under the age of five and pregnant women.

- Advice on improved farming and animal husbandry so as to make people less dependent of outside food supply.

- Initiation of quantitative population-based surveys into special diseases (HIV/AIDS/STDs/TB, malaria, anemia, parasitic infections, malnutrition, infant mortality etc.) that may be responsible for impaired community health in order to be able to better define and shape any additional health care programme.

- Initiation of a pit-latrine programme for permanent settlements/compounds and organizing a waste disposal project. This would significantly reduce the incidence of diseases caused by lack of hygiene and sanitation.

- Provision of communication systems between peripheral health care institutions and the district hospital.

- Providing transportation for medical emergencies. Guaranteeing long term maintenance and provision of spare parts for these vehicles. Consider financing salaries of staff and vehicle maintenance and operation.

- Evaluation of the necessity to provide more capacity for the mobile clinic system so that also remote settlements could be served and the frequency of visits could be increased. It may be necessary to finance additional staff for mobile clinics and also guarantee long term support of maintenance and servicing of vehicles and their equipment.
Identifying suitable Kxoe people for further training as community health workers, drivers, mechanics, teachers etc. Financial support for these trainees is necessary.

Development of printed teaching material in Kxoe language both for schools as well as for health education. It may also be necessary to employ Kxoe-speaking interpreters.

VII. FINAL REMARKS: PRIORITIES

Different opinions may exist about what the most pressing problems are. We think the list may look as follows:

* Water supply;
* food for risk groups;
* selected surveys into specific diseases;
* latrine programme;
* transportation and communication; and,
* mobile clinics.

- Training of local Kxoe people; and,
- community participation in each project is essential.

VIII. MISTAKES THAT SHOULD BE AVOIDED

* sending highly specialised doctors;
* installing sophisticated equipment, that needs specialist maintenance;
* forgetting to train locals;
* forgetting to reach consensus with national and regional authorities as well as with local communities and traditional leaders; and,
* pulling out from a project without ensuring continuation of the project.

ENDS.
APPENDIX G

Copy of letter of Kxoe Chief Kipi George signed and thumb-stamped by some 30 other members of the Kxoe community addressed to the Namibian Head of State. The Kxoe are expressing their disapproval of the erection of the Rehabilitation Centre for prisoners in an area of vital importance to Kxoe development and survival.
YOUR EXCELLENCY

ON BEHALF OF THE BARAEWA PEOPLE OF THE WESTERN CAPRIVI OF WHICH I AM THE CHIEF, I WISH TO BRING TO YOUR ATTENTION HOW VERY DISTURBED AND UN-HAPPY WE ALL ARE. TO HEAR THAT A PRISON FARM IS TO BE ESTABLISHED, ON RIVER-SIDE PROPERTY, RIGHT IN THE MIDDLE OF OUR COMMUNITY AT THE POPA FALLS. AS YOU CAN IMAGINE, THIS POSES AN ENORMOUS THREAT TO THE STABILITY OF THE AREA, KEEPING IN MIND THE FACT THAT WE EXPECT A LARGE INCREASE IN TOURISM UP HERE IN THE WESTERN CAPRIVI, DUE TO BETTER ROADS ETC, AND WE FEEL VERY UPSET TO BE "INFORMED" OF THIS LATEST DECISION, WITHOUT CONSULTING ANY OF THE LOCAL COMMUNITY. THE LAST THING WE NEED UP HERE IS TO FRIGHTEN THE PROSPECTIVE TOURISTS AWAY, KNOWING THAT WHEN THEY VISIT OUR BEAUTIFUL POPA FALLS, THEY ARE NOT MORE THAN METRES AWAY FROM A PRISON FARM IN THE MIDDLE OF A PRIME TOURIST AREA. THIS IS DEFINITELY NOT THE TYPE OF DEVELOPMENT WE WANT IN THE AREA. THE PRESENT USERS OF THE LAND IN QUESTION, THE MINISTRY OF AGRICULTURE IS DOING A VERY FINE JOB OF MULTIPLICATION OF CERTIFIED SEED UNDER IRRIGATION, AND THIS GOOD QUALITY SEED ENSURES THAT OUR PEOPLE WILL BE ABLE TO PLANT A HEALTHY CROP, YEAR BY YEAR. THEY POSE NO THREAT TO OUR COMMUNITY AND AT THE SAME TIME PROVIDE US WITH A VALID SERVICE. THE PRISON FARM HOWEVER, IS ANOTHER STORY. WE FEEL VERY STRONGLY THAT THE PEACEFUL DEVELOPMENT OF OUR COMMUNITY SHOULD NOT BE THREATENED BY THE PRESENCE OF SUCH AN UNDERTAKING. AFTER ALL, THESE ARE PEOPLE WHO HAVE COMMITTED SOME CRIME AGAINST SOCIETY AND JUST BECAUSE THE PRISONS ARE TOO FULL, WE SUDDENLY FIND THESE PEOPLE THROWN ONTO US, ON SOME OF OUR BEST LAND, WHERE SURELY THEY SHOULD BE MADE TO PAY FOR THEIR CRIMES AND BE SITUATED IN A PLACE FAR-REMOVED FROM A PRIME TOURIST AREA, WHERE THEY WOULD HAVE TO WORK TO CLEAR THE BUSH AND MAKE SOMETHING FROM SCRATCH, AWAY FROM A LAW-ABIDING COMMUNITY.
cont....

ASKING YOUR EXCELLENCY TO PLEASE ASK THE RELEVANT AUTHORITIES TO MOVE THIS INTENDED PRISON FARM TO ANOTHER AREA. WE ARE NOT SATISFIED WITH THEIR INTENDED PRESENCE IN THE AREA, NOR WILL WE EVER BE.

WE RESPECTFULLY EXPECT YOUR HELP IN THIS MATTER.

YOURS FAITHFULLY

CHIEF RITIO GEORGE OF THE BARAKWENA PEOPLE
WESTERN CAPRIVI
NAMIBIA

[Signature]
1. Lukas Poko
2. Erica Manina
3. Johannes Mohima
4. Riebeck Methima
5. Sonia Kurama
6. Manina Kambonde
7. Ngastio Kambonde
8. Luela Tumanab
9. Olavour Mathire
10. Kester Matiwaluka
11. Kostas Kasparov
12. Karol
13. Thumsa moyo
14. Daniel
15. KP
16. WHITI
17. Albert
18. Mzukela
19. Juma
20. Madere
21. Mzukela
22. Masaiko
23. Kasapo
24. 
25.
APPENDIX H

1. Human settlement map (H1) indicating places visited by NSHR investigators and a team of medical experts in Western Caprivi. Also seen on the map is an area (farther down the Kavango River) in neighboring Botswana inhabited by the //Anikxoe tribe.

2. Close-up map (H2) indicating a !Xu (i.e. Vasekela) tribe settlement (across the Kavango River from Andara) and Kxoe plots, just north of the Rehabilitation Centre for prisoners and the TransCaprivi Highway, in the Mutsi’ku area.

The !Xu (i.e. Vasekela) people are closely related to the Ju/hoansi people of Bushmanland. Whereas the //Anikxoe tribe is closely related to the Kxoe people.

3. Both maps are based on information obtained from a Kxoe language expert.
APPENDIX I

The Kxoe traditional authority is headed by a Tlaxa (meaning the "speaker" or "overall leader"). The Tlaxa, assisted by a council of headmen, is elected by his people in accordance with their customary practices. The present Tlaxa is Chief Kipi George.

Presently the following community leaders constitute the Kxoe traditional authority:
Chief
Kipi George

Sub Chief
Abraham Bok

Chief's Council

Council Chairperson
Thaddeus Chedau

Council Members
Asher Boma
Shoti Mushavanga
Janet Kazibe

Senior Traditional Councillor
Poles Mafuta

Branch Headmen
Joseph Shipungu (Mutsi'ku)
Elias Mahundu (Omega)
Johannes Ndumba (Chetto)
William Mahindi (Omega 3)
APPENDIX J

Copy of Motion for a Resolution of the ACP-EU Joint Assembly
ACP–EU JOINT ASSEMBLY

19 March 1996

MOTION FOR A RESOLUTION

tabled by Mrs Maij-Weggen, Mr Andrews, Mrs van Putten, Mrs Paakkinen and Mr Telkämper

on the San

The ACP–EU Joint Assembly,

- meeting in Windhoek (Namibia) from 18 to 22 March 1996,

A. aware that the largest surviving remnant of the San people is contained within the five territories of Angola, Botswana, Namibia, South Africa and Zambia,

B. mindful of the special difficulties encountered in integrating hunting-and-gathering peoples within agricultural-industrial States,

C. noting the lack of accurate overall information on the present condition and prospects of the San in all five territories,

D. noting that the EU has in the past afforded support to projects concerning the San,

1. Requests the Commission to undertake a comprehensive study of the San people in relation to their countries of abode in the light of international conventions;

2. Requests a report to be presented to the next session of the Joint Assembly for its consideration.

3. Instructs its Co-Presidents to forward this resolution to the ACP–EU Council and to the Commission.