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NAMIBIA: SITUATION REPORT

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1. Introduction

This brief report on Namibia focuses on recent developments that might give rise to large-scale population movements, either as refugee outflows or as internal displacement. It provides a brief contextual history and background, focusing on key political, economic and social factors. It then reviews recent developments and incidents in Namibia with a view to understanding how these may impact on the potential for refugee movements. The report concludes with a statement about whether or not interested parties should be concerned about the situation in Namibia, particularly as it pertains to refugees and internally displaced persons.

2. History and Background

2.1 Political Situation

During the election of November 1999, SWAPO, the ruling party since independence in 1990, emerged with overwhelming support. President Sam Nujoma was re-elected with 76.8 per cent of the vote and SWAPO won 76.1 per cent of the National Assembly. Ben Ulenga of the Congress of Democrats, the party that won 9.9 per cent of the National Assembly vote, obtained 10.5 per cent of the presidential vote. Other parties that contested the election were the Democratic Turnhalle Alliance (9.5 per cent), the United Democratic Front (2.9 per cent) and the Monitor Action Group (0.7 per cent).¹

The significance of the Congress of Democrats having won nearly 10 per cent of the vote even though it is a relatively new party - formally established on 23 March 1999 - is linked to the fact that it is headed by Ben Ulenga who was a SWAPO member and formerly Deputy Minister of Environment and Tourism, and later Namibia's High Commissioner to the United Kingdom. Ulenga's disaffection with SWAPO reportedly came to a head in 1998 with the proposal to amend the Namibian Constitution to allow Nujoma a third term as president, as well as Namibia's participation in the war in the Democratic Republic of Congo (DRC). According to the profile of Ulenga provided on the website of the Congress of Democrats, Ulenga left London "...in order to speak out against this political & social recklessness of the SWAPO." Having failed in his attempt to persuade the SWAPO leadership, he became one of the founding members of the COD.²

2.2 Economic and Social Situation

In the context of the Southern African Development Community (SADC) region, Namibia remains one of the most stable countries in political, social and economic terms. Since independence in 1990, it has had two further reasonably free and fair elections (1994 and 1999) and has a system of governance supported by a liberal constitution with a clear separation of powers between the executive, the legislature

¹ Agora, quoting Electoral Commission of Namibia, [n.d.], <http://agora.stm.it/elections/namibia.htm> [accessed 12 January 2001]

² Congress of Democrats, *Abridged Profile*, [n.d.], http://cod.namweb.com.na/cod_profile.htm [accessed 19 December 2000]

and the judiciary and a Bill of Rights that guarantees fundamental freedoms. The general agreement amongst all political stakeholders to “foster a spirit of social harmony and reconciliation” and a commitment to the rule of law has ensured the absence of major political or social upheaval.³

Historically, the Namibian economy has been heavily dependent on the extraction and processing of minerals for export that still largely accounts for its economic success. However, wealth allocation and ownership has not changed substantially in the years since independence. Most of the economic enterprises in the urban centres continue to be owned by South Africans and Namibian whites, while black Namibians depend mostly on subsistence agriculture, and there is a wide disparity between the income levels of white and black citizens. On average, whites have a per capita income of US\$ 14,000 per annum, with the poorest of black citizens earning US\$ 165 a year. Unemployment, affecting mostly black Namibians, is close to 40 per cent.⁴ Speaking at the release of the State of the World Population Report 2000 in the Namibia capital, Windhoek, the Director General of Namibia’s National Planning Commission, Saara Kuugongelwa, noted that “Women continue to be affected more by conditions of poverty than men because poverty [among women] is linked to inequality in society in terms of unemployment, unfair treatment under social welfare and their cultural and home environments.”⁵

In terms of the provision of and access to social services such as health, welfare and education, Namibia compares very favourably with other countries in the region, with the notable exception of South Africa and Botswana. However, the discrepancies between black and white and rural and urban populations need to be taken into account, in which case the statistics for black rural populations are less favourable.

2.3 Population and Ethnic Relations

Namibia has a total population of just over 1.7 million, divided primarily into 87.5 per cent black, 6 per cent white and 6.5 per cent coloured (mixed). The population can be further divided into various ethnic groups as follows: Ovambo (50 per cent), Kavango (9 per cent), Herero and Damara (7 per cent each), Nama (5 per cent) and Caprivian (4 per cent). Afrikaans is the language common to most of the population, though English (spoken by 7 per cent) is the official language. The indigenous population groups of Namibia speak a variety of languages. More than 80 per cent of Namibians are Christian, with indigenous beliefs comprising between 10 per cent and 20 per cent.⁶ However, despite this diversity in terms of population groups, cultures and languages, ethnicity and ethnic tension is not a major feature of Namibia’s political life with the exception of the secessionist movement in the Caprivi Strip in the northern part of the country (see below).

³ Southern African Research and Documentation Centre, *Democracy Factfile: Namibia*, Harare, September 1998, <http://www.sardc.net/sd/factfiles/namibia.pdf> [accessed 19 December 2000]

⁴ United States. Department of State. *1999 Country Reports on Human Rights Practices: Namibia*. Washington DC: Bureau of Democracy, Human Rights and Labor, February 2000

⁵ Quoted in Afrol News, Namibia: Women Are Most Affected by Poverty, 25 September 2000, http://www.afrol.com/news/nam005_poverty_women.htm [accessed 20 December 2000]

⁶ United States, Central Intelligence Agency, *The World Factbook 2000*, Washington, 2000, <http://www.odci.gov/cia/publications/factbook/geos/wa.html> [accessed 12 January 2001]

2.4 HIV/Aids

The incidence of HIV/Aids in Namibia and its impact on economic and social stability is a factor that needs to be taken into account. According to the Namibian Ministry of Health and Social Services and UNAIDS, there is a notable increase in the prevalence of HIV amongst antenatal women (from 3 per cent in 1992 to 15 per cent in 1998), and amongst 15 to 24 year olds (almost doubling in the period from 1994 to 1998). This increase in the prevalence of HIV is attributed largely to ignorance and the paucity of governmental and non-governmental programmes to combat the spread of the disease.⁷

2.5 The Land Question

Most of the agricultural land in Namibia is in private hands, with about 20 per cent of the population owning about 75 per cent of the land. During the liberation war and subsequent to independence, redistribution and land reform featured high on the list of SWAPO's priorities. However, under Namibia's constitution land may only be bought from farmers who are willing to sell. In addition, land prices are very high and these costs are often passed on to those who are eventually resettled on land purchased by the Namibian Government. Quoting from *The Namibian* newspaper, the Integrated Regional Information Networks (IRIN) reports the Namibian Minister of Lands, Resettlement and Rehabilitation, Pendukini Ithana, as saying that the resettlement process had been delayed by the "extremely cumbersome and time-consuming" procedures laid down in the land reform act.⁸

Following the Zimbabwe land crisis and consequent fears that Namibia may face similar land invasions, it was announced in August 2000 that Namibia was to introduce land tax legislation. Minister Ithana is further quoted as saying that if the pressure from the landless became too great, the Government would be forced to expropriate land. *The Namibian* quotes the minister explaining that such a step is "... allowed for in our constitution, provided that this is done in [the] public interest, though it is an expensive exercise for the government to do as it has to compensate those whose land is expropriated."⁹ Among the intended beneficiaries of the land reform programme are ex-combatants, previously landless communities like the San Bushmen as well as communal farmers.

⁷ Laura McLeod, quoted in Afrol News, Namibian AIDS/HIV Programme Launched, 21 September 2000, http://www.afrol.com/Categories/Health/health022_namibia_aids.htm [accessed 20 December 2000]

⁸ United Nations Integrated Regional Information Networks, Namibia: Government Urged to Speed Up Land Reform, 15 April 1999, <http://www.reliefweb.int/IRIN/sa/countrystories/namibia/19990415.htm> [accessed 20 December 2000]

⁹ United Nations Integrated Regional Information Networks, Namibia: Land Tax to Prevent Zimbabwe Crisis, 18 August 2000, <http://www.reliefweb.int/IRIN/sa/countrystories/namibia/20000818a.htm> [accessed 20 December 2000]

2.6 Namibians and Democracy

In one of the Southern African Democracy Barometer (SADB) reports released by the Institute for Democracy in South Africa (IDASA), Namibians are reported to have high levels of trust in, and support for democracy and their institutions of government. 65 per cent of Namibians reported that they are satisfied with and supportive of democracy with 71.6 per cent stating that they believe that it has brought about, and guarantees civil liberties and personal freedoms. When asked about whether they had any desire to return to the situation prior to their independence in 1990, 79 per cent disapproved. A total of 79 per cent of Namibians expressed their approval of Sam Nujoma as their president, in keeping with the 76.1 per cent of the vote that he won during the 1999 election.¹⁰ It is thus apparent that despite some reservations, the majority of Namibians continue to support their system of governance and, by implication, Sam Nujoma and SWAPO and have very little, if any inclination to seek for alternatives.

3. Recent Developments

In the introduction to an article in *Human Rights Review* Yvonne Dausah makes the following comment:

Since 21 March 1990, the date when Namibia gained its independence, the Namibian nation has generally enjoyed peace and tranquillity, This culture of democracy is entrenched in the constitution of Namibia, hailed by many as a model of Africa and the world in general. Nine years after independence, a shadow of doubt was cast on this picture of peace and stability of the Namibian nation, with the 2 August 1999 Caprivi insurgency and the effects of its aftermath.¹¹

The overview of Namibia presented in the introduction in this paper does indeed paint a picture of Namibia as a model democracy in Southern Africa. However, recent events and incidents, particularly those involving government and government officials do suggest that there are underlying tensions and issues in Namibian society which, if allowed to develop in a substantial manner, not only will undermine Namibia's image as a model democracy, but can also create a situation in which the fundamental freedoms guaranteed by Namibia's Bill of Rights and of which Namibians are so supportive may be denied to Namibian citizens and institutions.

¹⁰ Mattes, R., Davids, D. and Africa, C., *Views of Democracy in South Africa and the Region: Trends and Comparisons*, The Afrobarometer Series, No. 2, Cape Town: IDASA, October 2000

¹¹ Dausah, Y., Rights in Distress, *Human Rights Review*, No. 5, March 2000

3.1 The “Caprivi Conflict”

Caprivi is a narrow strip of land in the north-east of Namibia, bounded by Angola and Zambia in the north and Botswana in the south. Previously part of the Bechuanaland protectorate (now Botswana), the Caprivi strip was handed to Germany at the 1890 Berlin Conference and became incorporated into Namibia. It has a population of less than 100,000 with the country’s lowest annual per capita income and high levels of poverty and unemployment.

The Caprivi region cuts across the borders of the Lozi-speaking area of the pre-colonial kingdom of Barotseland, now been split between Namibia, Botswana, Angola and Zambia. This has become the basis of a claim for self-determination and demands for secession, led on the Namibian side by Mishake Muyongo who is the leader of the Caprivi Liberation Army (CLA). Muyongo was previously a member of SWAPO and later became leader of the DTA in the Caprivi, but was expelled by both parties for seeking secession.

In October 1998, Muyongo and about 100 armed men fled into neighbouring Botswana after the Namibian Government discovered a training camp of the CLA. Following a security clampdown, about 2000 Namibian civilians fled over the border as well. In August 1999 the CLA launched an attack in Katima Mulilo and in the ensuing clashes between government forces and the CLA 14 people, including civilians, were killed. A state of emergency was declared in the Caprivi region and government forces conducted a “clean-up” operation, rounding up and arresting alleged members and supporters of the CLA. According the U.S. Department of State Report on Human Rights Practices, the declaration of the state of emergency effectively amounted to the suspension of many of the fundamental freedoms contained in the constitution, including freedom from detention without trial, search and seizure without a warrant and freedom of assembly and movement.¹²

Several human rights organizations in Namibia, while condemning the attack by the CLA, also expressed their concern about the actions undertaken by the Namibian security forces, arguing that these actions amounted to the violation of the rights of members of the secessionist movement and others.¹³

The Namibians that fled to Botswana as refugees have subsequently been returned. The leaders of the CLA who were granted asylum in Botswana have been resettled in other countries, following protests from the Namibian Government. For the moment, overt conflict between the CLA and the Namibian security forces is at an end, but tension remains high, partly due to the war in Angola that has spilled over into Namibia.

¹² United States, Department of State, *1999 Country Reports*

¹³ *Ibid.*

3.2 Namibia and the Wars in Angola and the Democratic Republic of the Congo

In December 1999 the Namibian Government concluded a mutual defence pact with the Government of Angola in response to the ongoing civil war between the Angolan Government and the União Nacional para a Independência Total de Angola (UNITA) movement, which also affects Namibia's northern territories. Under the terms of this defence pact, the Angolan Government has been granted the right to use Namibian territory to launch attacks against the southern strongholds of UNITA.

The war has had a significant impact on both the Angolan and Namibian sides of the border, with many Angolans having fled into Namibia as refugees. However, increasingly, and partly as a result of the agreement between the Angolan and Namibian governments, the war now continues on Namibian soil. Allegations of human rights abuses are rife, including attacks on civilians, the returning of Angolan nationals by the Namibian authorities and torture and summary executions. While the Namibian Government is adamant that there are no risks in the region, other sources report that there are ongoing hit-and-run attacks against civilians, humanitarian workers and tourists, that landmines continue to be placed along strategic roads and that "...tension is growing daily as a new atmosphere of insecurity prevails."¹⁴

Namibia has also become involved in the ongoing conflict in the Democratic Republic of the Congo (DRC), with the sending of Namibian troops to the DRC in support of President Laurent Kabila. While there has been much inconclusive speculation about the reasons for this, the outcome of Namibia's involvement in the conflict in Angola and the DRC, as well as events in the Caprivi strip is adequately summed up by Henning Melber, Director of the Namibia Economic Policy Research Unit (NEPRU). He makes the point that Namibia's international reputation had been dented by its intervention in the DRC, its handling of the tensions in the Caprivi strip and the presence of Angolan troops on Namibian soil.¹⁵

3.3 Amendment of the Constitution

In 1997 the SWAPO Congress adopted a proposal which put forward that President Sam Nujoma would run for a third term. This proposal, however, required that article 29(3) of the constitution, which specifies that a person shall hold office as president for not more than two terms, be amended. The motivation for this, in the words of Prime Minister Hage Geingob, was "because Namibia has no alternative to Nujoma."¹⁶

In terms of Article 132 of the Namibian Constitution, parliament may amend the constitution by a two-thirds majority vote and if it is supported by a two-thirds majority in the National Council. Given that SWAPO dominates both the National Assembly and the National Council, it came as no surprise that the constitution was amended and President Nujoma elected for a third term. Prior to the amendment, the

¹⁴ United Nations Integrated Regional Information Networks, Namibia-Angola: Focus on Border Conflict, 5 January 2000, <http://www.reliefweb.int/IRIN/sa/countrystories/namibia/20000105.htm> [accessed 20 December 2000]

¹⁵ *Ibid.*

¹⁶ Quoted in Southern African Research and Documentation Centre, *Democracy Factfile: Namibia*

President himself declared that he would not be opposed to the amendment if this was “the will of the people”.¹⁷

3.4 Government and the Media

In general terms, the Government has fulfilled its constitutional obligations regarding freedom of speech and freedom of the press. Independent newspapers and reporters continue to be openly critical of government and do not engage in self-censorship as a general rule. However, the National Society for Human Rights reported several incidents in which high-level government officials publicly attacked journalists and human rights groups in response to criticisms levelled against government policies or actions (such as the Government’s treatment of the Caprivi secessionists). There are also reports about journalists who work for government-owned newspapers being subjected to direct or indirect pressure to not report on certain controversial topics.¹⁸ Such pressure also extended to the independent media, as was demonstrated when the Government placed a blackout on any reporting to do with Namibia’s role in the conflict in the DRC.

The Media Institute of Southern Africa (MISA) has a list of media alerts pertaining to the relationship between the Namibian Government and the media.¹⁹ The number and nature of these incidents would suggest that the Government is becoming increasingly intolerant of critical media reports. Of particular concern to MISA in October 1999 were proposed amendments to Namibian media laws that may have adversely affected media freedom and freedom of expression in Namibia. These new laws would have compelled journalists to reveal confidential sources of information and foreign filmmakers to seek approval for any prospective project they wish to undertake in Namibia.²⁰ However, the legislation was subsequently amended.

Attacks by government officials on particularly the independent media occur regularly, with the media often being accused of being anti-government and anti-SWAPO or being “...foreign-owned and out to ‘hoodwink’ the nation...”²¹

It must be noted, however, that despite increased heavy-handedness and intolerance, the Namibian Government has had to contend with the courts that have often found in favour of the media.

¹⁷ *Ibid.*

¹⁸ United States, Department of State, *1999 Country Reports*

¹⁹ Media Institute of Southern Africa, Namibia Action Alerts, <http://www.misanet.org/namibia.html> [accessed 20 December 2000]

²⁰ Media Institute of Southern Africa, Concern over New Legislation That Threatens Media Freedom and Freedom of Expression, 6 October 1999, <http://www.misanet.org/alerts/19991006.namibia.0.html> [accessed 20 December 2000]

²¹ Media Institute of Southern Africa, Minister Attacks Print Media During Parliamentary Debate, 8 February 2000, <http://www.misanet.org/alerts/20000208.namibia.0.html> [accessed 20 December 2000]

3.5 Government and the Judiciary

In July, the Namibian Minister of Home Affairs, Jerry Ekandjo, while addressing a public rally outside the capital, Windhoek, was alleged to have told the media that he would withdraw the work permits of foreign judges he perceived to be “working against the best intentions of the government”. Following the public outcry about the alleged statement by the Minister of Home Affairs, Justice Minister and Attorney General, Ngarikutuke Tjiriange, released a statement in which he said that “...it has not been, it is not and it shall not be its [the Namibian Government’s] policy or practice to interfere with the independence of the judiciary or orders or judgements of courts of law”.²²

In a subsequent meeting between the Ministers of Justice and Home Affairs and the judges allegedly referred to by the Minister of Home Affairs in his statement, the Minister of Home Affairs apologized to the judges.²³

3.6 Government and the Gay/Lesbian Community

In a separate incident, the Minister of Home Affairs, Jerry Ekandjo, again made the news when he reportedly urged a group of police constables to “eliminate gays and lesbians from the face of Namibia”.²⁴ According to *The Namibian* newspaper, he apparently stated that the Namibian constitution does not guarantee rights for gays and lesbians. In a subsequent parliamentary debate, during which he was questioned about his statement, the Minister reportedly maintained that homosexuality was against the law.

However, speaking on behalf of the Prime Minister, Hage Geingob, the Deputy Minister of Justice, Albert Kawana stated that the “human rights of all Namibians are protected under the constitution” and that a distinction should be drawn between the Minister of Home Affairs speaking in “his capacity as a private citizen and those statements which represent government policy.”²⁵

Unlike his encounter with the judiciary in which Minister Ekandjo was expected to apologize, and other than the statement in parliament, the Namibian Government has been silent on his statement regarding the rights of gays and lesbians. President Sam Nujoma reportedly made similar statements in June, in which he called gays and lesbians “unnatural” and stated that “those who practised homosexuality are idiots who should be condemned”.²⁶

²² Afrol News, Namibian Government Denies Interference with Judiciary, 12 September 2000, http://www.afrol.com/News/nam002_free_judiciary.htm [accessed 20 December 2000]

²³ Afrol News, Namibian Minister Humbles Himself and Apologises to Judiciary, 14 September 2000, http://www.afrol.com/News/nam003_minister_apologises.htm [accessed 14 January 2001]

²⁴ *The Namibian*, Jerry in New Anti-gay Rant, 2 October 2000

²⁵ *The Namibian*, Ekandjo Elaborates on Anti-Gay Stance, 3 November 2000

²⁶ *The Namibian*, Nujoma’s Gay Comments ‘Malicious, Unintelligent’, 28 June 2000

In a statement following the alleged remarks by President Sam Nujoma, the Rainbow Project, an organization representing gays and lesbians in Namibia, called on political leaders to uphold the Constitution which states that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace”.²⁷

Speaking in parliament as far back as November 1998, the Home Affairs Minister, Jerry Ekandjo, had announced his intention to draft anti-homosexuality legislation. This was later denied, following an outcry by Namibian human rights organizations. However, the issue regarding the rights of homosexuals remains unresolved. Shortly after the alleged remarks by President Sam Nujoma the National Society for Human Rights (NSHR) warned that the anti-homosexual remarks not only contradict the Namibian Constitution but may also endanger the physical safety of this minority group.²⁸

4. Conclusion

In terms of the current situation in Namibia, there are two primary issues of concern:

Firstly, there is the situation in the north-east of the country, and particularly the Caprivi region. With the continued fighting and ongoing atrocities committed by both Angolan security forces and UNITA soldiers, it is conceivable that Namibian citizens will flee the area, either across the border to Botswana (as was previously the case) or to other parts of the country where there is relative stability. Following the widespread criticism and condemnation of the actions of the Namibian security forces after the CLA attack, and the acknowledgement of the Namibian Government regarding its inappropriate response, it is reasonable to assume that at least the government forces will be wary about their actions in that part of the country.

Secondly, there is an increasing tendency amongst some government officials to make statements that are contrary to the Namibian constitution and Bill of Rights. Specifically, senior members of SWAPO appear to be becoming less and less tolerant of criticism, particularly when these criticisms emanate from the independent media. This has created the impression that SWAPO is becoming increasingly “anti-democratic” and such fears increased when the constitution was amended to allow President Sam Nujoma to run for a third term. However, as demonstrated by the 1999 election and by the IDASA survey, this has in no way diminished the widespread popularity enjoyed by SWAPO and President Nujoma. The danger, however, is that supporters of SWAPO may take the law into their own hands, acting on what they believe to be precedents set by the senior SWAPO leadership. A recent case in point is the statement made by the SWAPO Youth League leader, calling on Namibian citizens to boycott *The Namibian* newspaper, and from which the senior SWAPO leadership had to distance themselves.

²⁷ *Ibid.*

²⁸ *The Namibian*, Nujoma’s Anti-gay Blast ‘a Red Herring’, 27 June 2000

In terms of key factors such as internal strife, high levels of human rights abuses, persecution, political or ethnic conflict and so on, the situation in Namibia remains stable, with no immediate threats that may give rise to large-scale population movements, either as refugees or internally displaced persons. A sudden change in the nature and scale of the Angolan conflict along the northern border - with negative consequences for Namibian citizens - remains a possibility, however, and this is the region that needs to be most closely monitored.

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