



Forum: Social, Cultural and Humanitarian Committee (GA3)

Topic: Addressing the marginalisation of the San People

Student Officer: Paraskevi Panagiotopoulou

Position: Co-Chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Paraskevi Panagiotopoulou, and I currently attend the 10th grade in the German School of Athens (Deutsche Schule Athen). As an engaged member of my school's MUN club and participant in more than 12 conferences with additional to come, I still have difficulty expressing how phenomenal this journey has been for me. This year, I have been handed the outmost honour and privilege of serving as one of two Co-Chairs in the 4th SCMUN conference's Social, Humanitarian and Cultural Committee (GA3).

First and foremost, I would like to welcome you to the 4th session of the SCMUN and congratulate you on your placement in this committee. Whether you are a first timer or a more experienced delegate, I can guarantee that it will be incredibly memorable for you. During the conference, you will broaden your diplomatic horizons by collaborating with each other in order to create resolutions, engage in fruitful debates, and meet other similarly ambitious and driven individuals. While simulating the work of the UN, you will gain new political knowledge, insight and ultimately view the world in a completely different light.

The first topic of this committee, namely "Addressing the marginalisation of the San People" is a complex and long standing issue that poses multiple ethical dilemmas and legal considerations. This study guide will provide you with an overview of the topic as a whole. However, you are strongly encouraged to conduct your own research in order to develop a more established and deeper understanding of the topic's various aspects. If you have any questions regarding the first topic or the conference, feel free to reach out to me anytime: evitapanagiotopoulou85@gmail.com. I look forward to fostering a collaborative, innovative, intellectual and accepting environment alongside you and my fellow chairs. I am very excited to get to know all of you in february!

Sincerely,

Paraskevi Panagiotopoulou



TOPIC INTRODUCTION

The arid country of Namibia covers an area of 824,292 km² along the Coast of Southern Africa, and is regarded as the second least densely populated nation in the world.¹ It is home to between 27,000 and 36,000² indigenous individuals inhabiting mainly the north and east of the country identified as San People, or, on a derogatory note, “Bushmen” belonging to the Hai//om, Ju/hoansi and Khwe sub-groups. The term “San” was derived from the Khoi-Khoi word “Saan”, which can be translated to “people who gather wild food” or “people without any cattle”³. This terminology highlights the San People’s traditional roles as hunter gatherers, their rich ancestry as descendants of South and Eastern Africa’s first inhabitants dating back 150,000 years⁴ and the preservation of their prehistoric lifestyle. In fact, archeologists have estimated that the San have practised their distinct way of living since ancient times, with the most recent signs of their life having been recorded 11,000 years ago⁵.



Figure 1: Namibia on the map⁶

¹“Namibia Maps & Facts.” WorldAtlas, www.worldatlas.com/maps/namibia.

² ---. “San in Namibia.” *Minority Rights Group*, minorityrights.org/communities/san/.

³“Home | South African History Online.” Sahistory.org.za, 2016, www.sahistory.org.za

⁴ mads. “Grade 5 - Term 1: Hunter-Gatherers and Herders in Southern Africa.” South African History Online, 27 Feb. 2018, www.sahistory.org.za/article/grade-5-term-1-hunter-gatherers-and-herders-southern-africa.

⁵ ---. “Grade 5 - Term 1: Hunter-Gatherers and Herders in Southern Africa.” South African History Online, 27 Feb. 2018, www.sahistory.org.za/article/grade-5-term-1-hunter-gatherers-and-herders-southern-africa.

⁶“Map of Namibia and Geographical Facts - World

Atlas.”East-Usa.com,2015,east-usa.com/world/namibia-map.html.



Despite their prominent historical roots, the San have faced extreme counts of colonisation and discrimination over the years, and continue to do so as of today. During Namibia's colonization periods by European powers, the San faced genocide, as well as ancestral land disputes and significant land dispossession, factors which greatly contributed to their weakened and excluded state. After Namibia's independence, however, the San continued to be viewed as second class citizens, and some never gained their ancestral lands back even though efforts were made, resulting in their displacement. An estimate of more than 80% of the San have been dispossessed of their ancestral lands and resources according to data from 2021.⁷

In the present day, the San continue to be subject to extreme marginalisation and almost complete isolation from Namibia's society. This stems from their social circle's deep judgement and stigmatisation of their traditions and customs that preserve their community based routine compared to the more technologically advanced Namibian population. The lives they lead as hunter gatherers inspired by their ancestors are often frowned upon and wrongfully perceived as a rejection of the modern world, as well as a sign of lower intelligence and weakness. Furthermore, recent trends such as tourism and other land debates have significantly contributed to the San's excluded state.

As a result, the San are overlooked and neglected. Malnutrition due to limited access to resources such as water, food, and adequate healthcare has become a prominent phenomenon within their reserves.⁸ In fact, the discrimination of the San is normalised to such an extent, that they are oftentimes denied treatment in hospitals and healthcare facilities, and the Tuberculosis rate amongst them is 40% higher than the national average.⁹ Furthermore, the San receive almost no governmental recognition, civil rights or voice within the community. This has led to them spiralling in a state of unemployment and facing extreme poverty. In fact, 55.6 % of San have never accessed formal education and so are illiterate,¹⁰ and San women experience gender inequality, as well as higher counts of gender based violence such as sexual assault or rape. The

⁷---. "Namibia: Supporting the San Indigenous Peoples Safeguard Ecosystems amidst the Harsh Climactic Conditions in Their Resettlement Farms." Undp.org, 2 Sept. 2021, sgp.undp.org/resources-155/our-stories/665-na. Accessed 2 Dec. 2024.

⁸---. "Namibia: Supporting the San Indigenous Peoples Safeguard Ecosystems amidst the Harsh Climactic Conditions in Their Resettlement Farms." Undp.org, 2 Sept. 2021, sgp.undp.org/resources-155/our-stories/665-na. Accessed 2 Dec. 2024.

⁹ ---. "Namibia: Discrimination Deprives Indigenous San People of the Right to Health as TB Poses Serious Risk to Their Lives." Amnesty International, 6 Oct. 2021, www.amnesty.org/en/latest/news/2021/10/namibia-discrimination-deprives-indigenous-san-people-of-the-right-to-health-as-tb-poses-serious-risk-to-their-lives/.

¹⁰ ---. "San in Namibia." Minority Rights Group, minorityrights.org/communities/san/.



San's fundamental human rights are violated on a daily basis, which is why immediate action needs to be taken in order to restore their dignity.

DEFINITION OF KEY TERMS

Marginalisation

This term refers to “the act of treating someone or something as if they are not important.”, in this context contributing to their social exclusion.¹¹

Indigenous Peoples

Indigenous Peoples are “distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live, occupy or from which they have been displaced. The land and natural resources on which they depend are inextricably linked to their identities, cultures, livelihoods, as well as their physical and spiritual well-being.”¹²

Malnutrition

“Malnutrition, in all its forms, includes undernutrition (wasting, stunting, underweight), inadequate vitamins or minerals, overweight, obesity, and resulting diet-related noncommunicable diseases.”¹³ Malnutrition greatly affects marginalised communities due to their lack of healthcare access and any food as well as water shortages they may be prone to facing.

Colonisation

This term refers to “the act or process of sending people to live in and govern another country”, an example being the European colonisation of the Americas, which decimated the indigenous peoples.”¹⁴

Genocide

¹¹Cambridge Dictionary. “MARGINALIZATION | Meaning in the Cambridge English Dictionary.”

Dictionary.cambridge.org, 2023,

dictionary.cambridge.org/dictionary/english/marginalization.

¹² World Bank. “Indigenous Peoples.” World Bank, 6 Apr. 2023, www.worldbank.org/en/topic/indigenouspeoples.

¹³World Health Organization. “Fact Sheets - Malnutrition.” Wwww.who.int, 1 Mar. 2024,

www.who.int/news-room/fact-sheets/detail/malnutrition/.

¹⁴ Cambridge Dictionary. “Cambridge Dictionary | English Dictionary, Translations & Thesaurus.” Cambridge.org, 2024, dictionary.cambridge.org.



According to Article 11 of the UN Convention on the Prevention and Punishment of the Crime of Genocide, genocide means “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such as killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, Imposing measures intended to prevent births within the group or forcibly transferring children of the group to another group.”¹⁵

Land Dispossession

This term refers to “the fact of having property, especially buildings or land, taken away from you, or the act of taking property away from a person or group.”¹⁶

Poverty

This term refers to “the state of one who lacks a usual or socially acceptable amount of money or material possessions. Poverty is said to exist when people lack the means to satisfy their basic needs.”¹⁷

Diversification

This term refers to “the act or process of increasing the variety or diversity of something”, in this context the diversification of the Namibian cultural scene.¹⁸

Colonial Settlement

This term refers to “the act or process of settling”, in this context in a colonial setting, which involves creating the foundations of a new society.¹⁹

Alienation

This term refers to the “feeling of being disconnected from others or not belonging to a group, or the act of making someone stop supporting or agreeing with you”²⁰. In the scope of the topic, alienation acts as a side effect to the marginalisation the San are facing.

¹⁵United Nations. “Definitions of Genocide and Related Crimes | United Nations.” United Nations, 2022, www.un.org/en/genocide-prevention/definition.

¹⁶ “DISPOSSESSION | Meaning in the Cambridge English Dictionary.” Dictionary.cambridge.org, dictionary.cambridge.org/dictionary/english/dispossession.

¹⁷ Britannica. “Poverty.” Encyclopædia Britannica, 16 Nov. 2018, www.britannica.com/topic/poverty.

¹⁸ “Definition of DIVERSIFICATION.” Www.merriam-Webster.com, www.merriam-webster.com/dictionary/diversification.

¹⁹ “Colonial Settlements | Encyclopedia.com.” Encyclopedia.com, 2019, www.encyclopedia.com/history/dictionaries-thesauruses-pictures-and-press-releases/colonial-settlements.

²⁰ “Definition of ALIENATION.” Merriam-Webster.com, 2020, www.merriam-webster.com/dictionary/alienation.



Neglect

The term neglect refers to “giving little attention or respect to something or someone.”²¹.

BACKGROUND INFORMATION

Post-Colonial and Colonial Period

Even though a large number of the San People inhabit Namibia, an arid southwestern African nation bordering Angola and Botswana, they originate from Stone Age ancestors and live across the entirety of the Southern and Eastern African continent. Thus, they are regarded as Africa's oldest and largest indigenous tribe, and divided in multiple sub-groups, which have developed their own distinct customs and traditions. According to archaeological studies, however, they not only make up Africa's first populations, but those of the entire world.²² The San are said to hold DNA originating from ancient hunter gatherer communities, who inhabited the African lands for approximately 2 million years²³ before migrating to different parts of the world.

For this reason, the San are widely viewed as the closest representation of prehistoric life as we know it, even though reports of the current San tribe date back to approximately 11,000 years ago. Until the mid 17th century, the lives of the San remained unchanged. Their routine consisted of migrations to mountain ranges and coastlines depending on the season²⁴. Moreover, they frequently inhabited caves, rocky overhangs or sought temporary shelter, and were characterised by their distinct nature as hunters, never cultivating crops or domesticating animals but instead remaining solely reliant on the foods they had gathered, coining the term “hunter gatherers”. Having learned from their prehistoric ancestry, the San knew their way around the dry climate and desertified environment of South Africa and had developed a great sense of its flora and fauna. Specifically, they inhabited the Kalahari desert, a long plane stretching across the entirety of today's Namibia and Botswana, since 25 000 BC.

²¹Merriam-Webster. “Merriam-Webster Dictionary.” Merriam-Webster.com, 2024, www.merriam-webster.com.

²² San People: The Original Hunter-Gatherers | Real Archaeology. pages.vassar.edu/realarchaeology/2017/02/12/san-people-the-original-hunter-gatherers/.

²³ “Timeline of Land Dispossession and Segregation in South Africa 1800-1899 | South African History Online.” [Www.sahistory.org.za](http://www.sahistory.org.za), www.sahistory.org.za/article/timeline-land-dispossession-and-segregation-south-africa-1800-1899.

²⁴The San People: The Lifestyle and Culture of One of Africa's Oldest Indigenous Tribe | I Love Africa. 31 Mar. 2023, iloveafrica.com/the-san-people-culture-of-one-of-africas-tribe/.



Figure 1: Plane of the Kalahari desert²⁵

Around the beginning of the Christian Era in the 16th century, the San coexisted with another indigenous group of pastoralists called “Khoi Khoi” or “Hottentots”, a derogatory term that was coined by colonisers.²⁶ The term “pastoralism” refers to “people who move with their livestock to find pasture”²⁷. This new tribe consisted of animal domesticators, who inhabited the northern and western parts of South Africa and migrated towards the South, alongside a new indigenous group called the Bantu Peoples distinctly known for their lifestyle as cultivators that rejected the nomadic life and instead introduced the concept of planting crops and village life in settlements.²⁸ While the competition between the San and these communities was very distinct and oftentimes unequal, it never resulted in their discrimination. Instead, oftentimes, these groups collaborated with each other, sharing resources and making valuable trades. There have even been recordings of intermarriages between the San and the Bantu Peoples, and a distinct dialect that was a mix of their two native languages appearing²⁹.

Land Dispossession History

When European settlers colonised Africa in the mid 17th century, the San People began facing their first experiences of discrimination, stigma and marginalisation. The initial colonisation of South Africa in particular began in Cape Point, otherwise known as “the southern tip of Africa”. Dutch colonists arrived with the objective to expand the already existing Dutch colonial settlement located there, in order to provide more resources for their crew and ships, which all belonged to the Dutch East India Company (VOC).³⁰ Land was seized from multiple indigenous communities, but particularly the Khoi Khoi and the San, in order to be used for agricultural purposes, grazing pastures, and the expansion of their overall hold on the continent through settlements. Over time, the

²⁵ Chicago, University of. “The Plight of the Kalahari San.” Phys.org, phys.org/news/2020-07-plight-kalahari-san.html.

²⁶ ---. “San in Namibia.” Minority Rights Group, minorityrights.org/communities/san/.

²⁷ “Pastoral Nomadism | Definition, Examples, & Facts.” Encyclopedia Britannica, www.britannica.com/topic/pastoral-nomadism.

²⁸ San People: The Original Hunter-Gatherers | Real Archaeology. pages.vassar.edu/realarchaeology/2017/02/12/san-people-the-original-hunter-gatherers/.

²⁹ The San People: The Lifestyle and Culture of One of Africa's Oldest Indigenous Tribe | I Love Africa. 31 Mar. 2023, iloveafrica.com/the-san-people-culture-of-one-of-africas-tribe/.

³⁰ “Land: Dispossession, Resistance and Restitution | South African History Online.” [Www.sahistory.org.za](https://www.sahistory.org.za),



Khoi Khoi were deprived of their resources and forced to work on the settlement farmlands in order to survive.

When the British attempted to take over the settlements in 1806, tensions between both colonist parties came to a high, leading to the rapid dispossession of even more of indigenous ancestral lands. These kind of land seizures and conquest were often achieved through unreliable treaties with false pretenses³¹, which indigenous community leaders were forced into signing.



Figure 2: Photograph showcasing native reserves³²

The Europeans were further equipped with firearms and horses, and completely abolished the San's nomadic lifestyle, as well as eliminating their resources by killing all livestock.³³ The San reportedly surrendered their lives rather than being sold into slavery during this period, which led to their significant deaths. Later on, colonisers shunned them away from their ancestral lands, instead creating nature reserves, in which they were placed alongside their pastoralist and cultivator neighbours.

The destruction of their communities and their enslavement ultimately reached its peak in 1907, when an influx of German colonists entered North East Namibia following the suppression of rebellions arising amongst the indigenous groups. These colonists viewed the San as "wild Bushmen". The natives were forced to raid the colonists' livestock in order to survive and not surrender to retreating to more arid, unlivable regions or accepting a life of degradation and servitude on the farms. Throughout the

³¹ "Land: Dispossession, Resistance and Restitution | South African History Online." www.sahistory.org.za, www.sahistory.org.za/article/land-dispossession-resistance-and-restitution.

³² omer. "Legacy of Colonial Policies in Africa - the Sudan Times." The Sudan Times, 19 Mar. 2024, thesudantimes.com/africa/legacy-of-colonial-policies-in-africa/.

³³ The San People: The Lifestyle and Culture of One of Africa's Oldest Indigenous Tribe | I Love Africa. 31 Mar. 2023, iloveafrica.com/the-san-people-culture-of-one-of-africas-tribe/.



17th to 18th century, multiple genocidal acts were committed against the San, ultimately contributing to their marginalised nature. Historian W. J. du Plessis notes that “By the time of the advent of the new South Africa, about 17 000 statutory measures had been issued to segregate and control land division.”³⁴

Newfound pastoralist reserves emerged in the 1920s, further shunning the San from their cultural land once more to make way for settler farms. By this time, their lifestyle as nomads had already been abolished, and a large number of them had been sold into slavery.³⁵ Only in 1991, when Namibia eventually became independent, were the ancestral land rights and the San People recognized by the newly elected government. This was achieved through the implementation of the 1991 San land rights recognition in the Otjozondjupa region, a former Bushmanland. Eventually, the Agricultural Land Reform Act of 1995 followed, which authorised government purchasing of dispossessed land with the purpose of resettelling native Peoples, from which 2,000 San benefited³⁶. Even after this initial recognition, the San continued to be excluded moving into the present day.

However, when taking their situation into consideration, it is imperative that the focus also be shifted towards Namibia's independence. Various evolving indigenous communities were forced to adapt their lifestyle to the harsh colonisation circumstances, thereby forming the current Namibian population³⁷, while the San were living on the margins. In 1989, the United Nations Transition Assistance Group (UNTAG) aided Namibia in its independence from South African colonial rule. This independence made way for Namibia's current constitution, which recognizes indigenous land dispossession, but has yet to compensate efficiently.

Marginalisation

During the period that followed into the present day, the marginalisation of the San People reached a newfound peak. When referring to the terminology “marginalisation”, the social exclusion of the San should be emphasised.

³⁴“Land: Dispossession, Resistance and Restitution | South African History Online.”
www.sahistory.org.za,
www.sahistory.org.za/article/land-dispossession-resistance-and-restitution.

³⁵ “Timeline of Land Dispossession and Segregation in South Africa 1800-1899 | South African History Online.”
www.sahistory.org.za,
www.sahistory.org.za/article/timeline-land-dispossession-and-segregation-south-africa-1800-1899.

³⁶ ---. “San in Namibia.” Minority Rights Group, minorityrights.org/communities/san/.

³⁷ Green, Reginald Herbold. “History of Namibia | Colonialism, German Colonialism, Independence, & Facts | Britannica.” www.britannica.com, 5 Feb. 2024,
www.britannica.com/topic/history-of-Namibia.



The San's traditional lifestyle has greatly differentiated itself from the typical Namibian citizen living in the city. While citizens in more populated, urban areas use technological devices and live closer to a traditionally "Western" lifestyle, the San choose to preserve and honour their native roots. However, due to Namibia's and multiple other countries' very sparsely populated state, as well as the dry, difficult climate conditions found in traditional "Bushland" communities which the San populate, they often become cut off and completely isolated from the rest of their country, as well as being unable to use any form of transportation.³⁸ Many San individuals have attempted to tackle this issue by moving to more urban areas, where they live on the margins and experience homelessness. Some others, however, are forced to leave their lands and end up in the same state.



Figure 3: Traditional San living arrangements³⁹

In addition, the San's access to education is significantly limited, with more than half of the tribe having been classified as illiterate. The San children that do manage to attend school face discrimination and bullying from their peers, or even educators, as they are falsely perceived as "less intelligent" because of their different upbringing and limited knowledge.⁴⁰ Furthermore, the educational curricula of many nations face major corruption and inconsistencies that do not allow for them to be broadened in order to include specialised sessions for the San to be taught with respect and consideration towards their ethnic language, which varies from their respective governments' native tongue.⁴¹ It is of great importance to highlight that the San require educational aid in order to be integrated in society and gain a voice within their community. Without it, they remain unable to advocate for their rights, due to their lack of effective

³⁸ ---. "Namibia: Supporting the San Indigenous Peoples Safeguard Ecosystems amidst the Harsh Climactic Conditions in Their Resettlement Farms." Undp.org, 2 Sept. 2021, sgp.undp.org/resources-155/our-stories/665-namibia-supporting-the-san-indigenous-peoples-safeguard-ecosystems-amidst-the-harsh-climactic-conditions-in-their-resettlement-farms.html.

³⁹ World Discoverer. "Khomani San Tribe in Kalahari Desert." Flickr, 12 Sept. 2010, https://www.flickr.com/photos/world_discoverer/5011886433/.

⁴⁰ "!Khwa Ttu - the "Embassy" of the San - Home to a Very Different Museum." !Khwa Ttu, www.khwattu.org/.

⁴¹ Indigenous Knowledge of Namibia. Windhoek, Univ Of Namibia, 2015.



communication in a formal manner. They also face further exclusion in politics, civil proceedings and governmental representation. In fact, a multitude of San are not granted the right to vote or abstain from voting practices completely.

Without having received an educational push, the San have developed the highest unemployment rates amongst ethnic populations. This has led to the repetition of the cycle of poverty amongst them, which leads to malnutrition, mental health issues, alcoholism and drug abuse. Another important issue the San face is sparse access to healthcare and denial of treatment due to their stigmatisation. The rampant racial profiling they are met with is so distinctive, that there have been reports of medical professionals constituting verbal as well as physical abuse towards them, while simultaneously calling them racial slurs.⁴² It is imperative to recognize that the San are very vulnerable from a physical perspective and currently fall victims to major health crises, including HIV/AIDS and Tuberculosis (TB) epidemics.⁴³

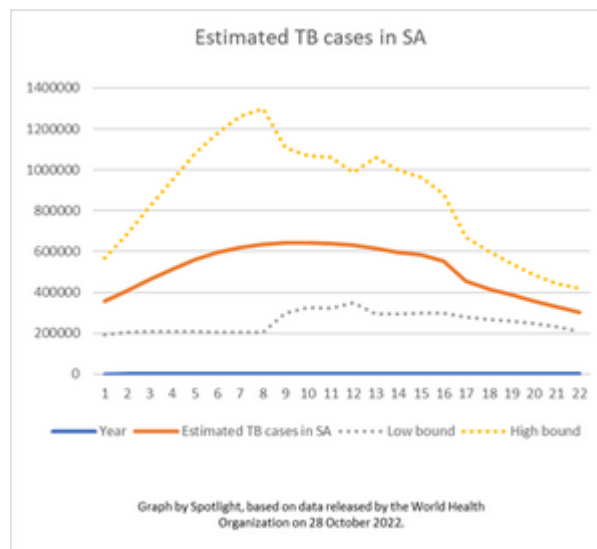


Figure 4 : Estimate of Tuberculosis (TB) cases in South Africa, a nation largely inhabited by the San, in order to showcase the epidemic statistics⁴⁴

With this alienation reaching a high, San womens' rights are also constantly violated and disregarded. Multiple counts of gender inequality and discriminatory treatment towards women and girls have been recorded within the communities and outside of them. This can be traced back to the distinct Namibian Hierarchical ideology, where

⁴² ---. "Namibia: Discrimination Deprives Indigenous San People of the Right to Health as TB Poses Serious Risk to Their Lives." Amnesty International, 6 Oct. 2021, www.amnesty.org/en/latest/news/2021/10/namibia-discrimination-deprives-indigenous-san-people-of-the-right-to-health-as-tb-poses-serious-risk-to-their-lives/.

⁴³ ---. "San in Namibia." Minority Rights Group, minorityrights.org/communities/san/.

⁴⁴ Voigt, Elri. "56 000 TB Deaths in SA in 2021, Estimates WHO." Spotlight, 28 Oct. 2022, www.spotlightnsp.co.za/2022/10/28/56-000-tb-deaths-in-sa-in-2021-estimates-who/.



men are typically placed above women⁴⁵. On an especially alarming note, sexual harassment and rape is not uncommon, especially since, as both women and indigenous persons, San females are perceived as “inhumane”, “foreign” and “weak”.

Finally, perhaps the most influential factor contributing to the marginalisation of the San is undoubtedly the dispossession of their ancestral lands. Without their land, the San are unable to practice their culture, religion or distinct lifestyle, and are left displaced and in a state of urgent need. Land dispossession has deprived them of their essential personal freedoms and forced them to live on the margins, trapped in an endless cycle of dependency. Without having received an education, they are unable to integrate into society. Ultimately, it is imperative that the San be given a choice : The choice to practice their inherited lifestyle and the choice to live a more integrated lifestyle.

Taking all of the above mentioned factors into consideration, it is evident that the San remain heavily marginalised. They receive minimal to almost no freedom or representation within their home country's government, are deprived of their civil rights, and, most importantly, their fundamental human rights as human beings and indigenous Peoples.

Human Rights Violations

While evaluating the specific human rights violations the San are facing, it is imperative to consider nations' obligations under national and international law as well as the Universal Declaration of Human Rights with the purpose of restoring the San Peoples' independence and cultural dignity.

A thorough examination of the violations taking place in the example of the Namibian government is especially significant in order to solve this pressing issue. According to Namibia's existing legislation as well as its multiple land reformation efforts, the San need to be recognized and their marginalisation be put to an end.

The San are deprived of their access to food, water, shelter, the right to practise their religion and distinct culture, as well as medical services and general healthcare. They have no freedom of speech and voice within the community, and, ultimately, they are often unable to exercise their civil rights. Therefore, the conclusion that the San are treated as second class citizens ,unequal before Namibian law, can be drawn.

⁴⁵ ---. “San in Namibia.” Minority Rights Group, minorityrights.org/communities/san/.



Furthermore, according to Article 11 of the Universal Declaration of Human Rights⁴⁶, which outlines the basic principles and occurrences that institute a genocide, the San were exposed to this issue during the colonisation Era, which further highlights their complicated situation. Their right to equality and dignity (Article 1), right to an adequate standard of living (Article 25) and their right to participate in cultural life (Article 27) are also violated on a daily basis, amongst others⁴⁷.

Finally, the United Nations Declaration on Indigenous Peoples (UNDRIP) 2007⁴⁸ also lays out the San's fundamental rights to informed consent and no forcible removal (Article 10), right to participation in civil proceedings (Article 19), right to health (Article 24), right to land and resources (Article 26) and, lastly, right to cultural practices (Article 30).

TIMELINE OF EVENTS

Date of the Event	Event
25,000 B.C.	San people inhabit the Kalahari Desert and adapt as hunter-gatherers in Southern Africa
1st Century A.D.	San coexist with Khoikhoi (pastoralists) and Bantu peoples (cultivators), engaging in trade and intermarriages
Mid-17th Century	Colonists seize land from Khoikhoi and San for agriculture and settlements
1806	British take control of the Cape Colony, leading to increased land dispossession
17th–18th Century	Europeans disrupt San nomadic lifestyle, commit genocidal acts, and marginalise them

⁴⁶---. "Universal Declaration of Human Rights." United Nations, 10 Dec. 1948, www.un.org/en/about-us/universal-declaration-of-human-rights.

⁴⁷ Khomani San Report. South African Human Rights Commission, https://www.sahrc.org.za/home/21/files/Reports/KHOMANI_SAN_ENGLISH_FINAL.pdf

⁴⁸ ---. "United Nations Declaration on the Rights of Indigenous Peoples." United Nations Declaration on the Rights of Indigenous Peoples, 13 Sept. 2007, pp. 1–32, www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf, <https://doi.org/10.1353/hrq.2011.0040>.



1920s	Pastoralist reserves are established, further marginalising the San
1989	United Nations Transition Assistance Group (UNTAG) supports Namibia's independence
1995	Agricultural Land Reform Act enables land redistribution, benefiting 2,000 San
Present Day	San continue to face exclusion despite constitutional recognition of indigenous land rights.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Botswana

Botswana's indigenous groups including the sub-groups of the San People are currently facing similar struggles to the San of Namibia. Botswana has been increasingly active when it comes to refugees' rights, and has pushed for international law to be upheld. Botswana's government has also housed indigenous San People since ancient times, and has a long history of colonisation that makes little about their lifestyle and existence known.

However, it is crucial to consider that public health epidemics are twice more likely to take place in Botswana rather than Namibia. In fact, in the year 2022, a staggering 35.8 percent of San in Botswana were suffering from an HIV/AIDS epidemic⁴⁹.

Additionally, there have been reports stating the San in Botswana used to reside in the Central Kalahari Game Reserve, otherwise known as CKGR, a native reserve that was created by the colonial government and confined the San to very specific parts of the desert they call home.⁵⁰ After multiple decades of approving this lifestyle for the San, the government decided to move them to another part of the Kalahari, with the reasoning of "moving the San closer to development"⁵¹. However, upon closer examination, it was revealed that the area of the CKGR was found to be rich in diamond mines. After the San had been shunned from a living arrangement they did not make, they found themselves having to reintegrate once again. The colonial government took

⁴⁹ Moeti, Mr, and Mr Galomphete Gakelekgolele. INDIGENOUS NEGOTIATIONS CASE STUDY San Settlement in the Central Kalahari Game Reserve, Botswana.

⁵⁰ ---. INDIGENOUS NEGOTIATIONS CASE STUDY San Settlement in the Central Kalahari Game Reserve, Botswana.

⁵¹ ---. INDIGENOUS NEGOTIATIONS CASE STUDY San Settlement in the Central Kalahari Game Reserve, Botswana.



advantage of the San and used their right to be part of society to exploit and marginalise them.

Botswana and Namibia's efforts in addressing the issue have been relatively similar, with legislative measures being implemented, but holding no real impact. Thus, it is highly important to take their situations into consideration.

France

France has greatly influenced multiple indigenous communities' lifestyle, especially the San of Namibia. As a p-5 Member State, member of the European Union (EU) and former colonial power, France plays a crucial role in tackling this issue.

Setting aside its long standing colonisation history, the french government has implemented various initiatives in order to aid indigenous populations, the most notable taking place in Guiana⁵², where natives' rights were recognised by the French Prime Minister Emmanuel Macron. Furthermore, France has ratified the UN Declaration on the Rights of Indigenous People and supported their respective home countries' governments through funding initiatives and Non-Governmental Organisation (NGO) involvement, a prominent example being Survival International.⁵³

Moreover, France possesses strong diplomatic ties to Namibia, having supported the government with its initial independence in 1980⁵⁴. Additionally, Fance served as the 5th leading donor worldwide to Namibian initiatives, having donated "€70 million in funds, technical assistance and project aid"⁵⁵. The Franco-Namibian Cultural Centre (CCFN), a bi-national institution, was also founded and implemented after Namibia's independence, and ensures "the promotion of the French language, Francophonie, and the French and Namibian cultures in all of their expressions". France has been criticised

⁵² "Defending the Rights of Indigenous Peoples: "Macron's Support Is Urgently Needed and Expected."" Le Monde.fr, 18 Sept. 2023, www.lemonde.fr/en/opinion/article/2023/09/18/defending-the-rights-of-indigenous-peoples-macro-n-s-support-is-urgently-needed-and-expected_6137597_23.html.

⁵³ Survival International, and Survival International. "Home - Survival International." Survivalinternational.org, 2019, www.survivalinternational.org/.

⁵⁴ de, Ministère. "France and Namibia." France Diplomacy - Ministry for Europe and Foreign Affairs, France Diplomacy, 2016, www.diplomatie.gouv.fr/en/country-files/namibia/france-and-namibia-65151/. Accessed 2 Dec. 2024.

⁵⁵ ---. "France and Namibia." France Diplomacy - Ministry for Europe and Foreign Affairs, France Diplomacy, 2016, www.diplomatie.gouv.fr/en/country-files/namibia/france-and-namibia-65151/. Accessed 2 Dec. 2024.



on their governmental community and conservation efforts in Namibia, with claims stating that they often engage in illegal acts and dishonour the land rights of the San, but this has never been proven directly and remains an accusation. Overall, France's impact is indirect.

Namibia

Namibia is home to the highest number of San People, and is thereby the most affected region. As detailed upon in the historical background, discrimination and human rights recognition efforts have been addressed within the nation. However, the issue is still ongoing and fails to be tackled in whole and efficiently.

Among the 82 conservancies located within Namibia, two are inhabited by the San. In both conservancies, 80% of annual revenue is derived from hunting, while tourism takes up the other 20%⁵⁶. The Namibian government accounts for the shelter, vehicles and the formal employment of the San residing there. However, out of 52 reported San subgroups and divisions, only 5 are formally recognised by the government, gaining these specific perks. This hints at the neglect of the San.

Despite the Agricultural Land Reform Act of 1995, which aimed to divide the land and agricultural projects in order to prioritise the ethnic land of the San and return it to them, countless San ethnic groups remain stateless and displaced, while simultaneously being unable to practice their distinct cultural lifestyle. A case study example consists of the Hai//omi San subgroup. After being forcibly removed from Etosha National Park, they exercised their rights in court, but faced great difficulty doing so due to their inadequate education.⁵⁷ Their appeal ended up being dismissed, because, as stated by the Namibian High Court, no existing legislation entitled them to this specific part of the park, which they had been inhabiting for years.⁵⁸ Thus, the question shifts from the enforcement of existing legislation to the ultimate lack of legislation and recognition.

It is of paramount importance that the Namibian government upholds its international responsibility and recognizes San rights, especially land rights, formally.

The African Union

⁵⁶ "The Namibian San: Marginalized Communities." 1Library, <https://1library.net/article/the-namibian-san-marginalized-communities.zg9vev6q>.

⁵⁷ Guide to Indigenous Peoples' Rights in Namibia Guide to Indigenous Peoples' Rights in Namibia.

⁵⁸ "Tsumib and Others v Government of the Republic of Namibia and Others (SA 53 of 2019) [2022] NASC 6 (16 March 2022)." Namiblii.org, 2019, namiblii.org/akn/na/judgment/nasc/2022/6/eng@2022-03-16. Accessed 2 Dec. 2024.



The African Union, or AU abbreviated, is a political alliance comprised of 11 African States.⁵⁹ In the past, the AU has faced increasing controversy regarding governments' capacity to recognize the San and contribute to their aid, considering their cultural significance within the African Continent. The AU has created and promoted designated legal frameworks and guidelines aimed at the protection of marginalised communities, amongst other initiatives. The integration of Africa in mainstream society as well as the protection of youth, children and women are primary goals of the AU's Agenda 2063, a programme aimed at sustainable development over the years.⁶⁰

Furthermore, the AU is continuously working with affected African States in order to engage in democratization efforts, uphold civilians' human rights, alter constitutions accountably, and, ultimately, provide aid to the marginalised. The AU functions as a council, and it has the power to uphold legislative measures with the purpose of supporting those in need.

International Labour Organization (ILO)

The International Labour Organization (ILO) is a UN agency that aims to promote "social justice and human and labour rights through tripartite cooperation"⁶¹. The ILO has been prioritising indigenous issues and individual marginalisation since the 1920s⁶². It is responsible for the Indigenous and Tribal Peoples Convention of 1989 (No.169), which serves as the only international ratification treaty Member States are able to sign regarding the rights and protection of indigenous peoples and marginalised communities. The ILO has taken up security and monitoring mechanisms in order to ensure all signatories of the treaty uphold its principles.

Additionally, the ILO's decent work agenda, fueled by its principles and key aim towards due diligence and fair labour for all, is set to promote indigenous rights and liberties. Its strategy for tackling the issue consists of promoting convention No.169, strengthening communication, setting a ground work and guidelines in order to tackle unemployment between tribal peoples, extending social services and protection, tackling the inefficient distribution of education, focusing on womens' rights, and, ultimately, robust cooperation, according to the 334th session of the ILO's governing body⁶³.

⁵⁹

⁶⁰ "Key Transformational Outcomes of Agenda 2063 | African Union." Au.int, au.int/en/agenda2063/outcomes.

⁶¹

⁶² "Indigenous and Tribal Peoples." International Labour Organization, 28 Jan. 2024, www.ilo.org/topics-and-sectors/indigenous-and-tribal-peoples.

⁶³ International Labour Standards: A Global Approach. International Labour Organization, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40relconf/documents/meetingdocument/wcms_646042.pdf.



RELEVANT UN TREATIES CONVENTIONS AND RESOLUTIONS

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)⁶⁴ was published in September 2007 during the 33rd session of the Human Rights Council (HRC). The High Commissioner for Human Rights welcomed its adoption and highlighted its significance as the main UN affiliated document tasked with defining the rights indigenous individuals are entitled to, as well as their protection and preservation. Specifically, this declaration aims to protect the “cultural rights and identity, as well as rights to education, health, employment and language”⁶⁵ of indigenous people and promote cohesive relationships between their communities and the respective State they are part of. In the case of the San, it directly underlines the obligations governments hold under international law.

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

The Indigenous and Tribal Peoples Convention of 1989, specifically No.169⁶⁶, plays a decisive role in tackling the marginalisation of the San. Conducted by the General Conference of the International Labour Organisation (ILO), this Convention draws the international community's attention to preserving and respecting indigenous peoples' identity and lifestyle, as well as recognizing that indigenous communities contribute to the globe's diversity. Additionally, it reminds Member States that indigenous people shall enjoy the same fundamental rights as the rest of the population without any form of social exclusion taking place.

Convention on Biological Diversity, International Labour Organisation

The International Labour Organisation's (ILO) Convention on Biological Diversity⁶⁷ greatly emphasises indigenous' Peoples' contribution towards the distinct diversity of

⁶⁴ Office of the High Commissioner for Human Rights. “UN Declaration on the Rights of Indigenous Peoples.” OHCHR, 13 Sept. 2007, www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples.

⁶⁵ Office of the High Commissioner for Human Rights. “UN Declaration on the Rights of Indigenous Peoples.” OHCHR, 13 Sept. 2007, www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples.

⁶⁶ “Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169).” Ilo.org, 2024, normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

⁶⁷ “Indigenous Peoples and Local Communities.” Convention on Biological Diversity, www.cbd.int/topic/indigenous-peoples-and-local-communities.



the world. According to this Convention, native traditions and customs as well as knowledge contribute both to the advancements of today's modern society and economic prosperity, food, safety and security. It is the "first global agreement to cover all aspects of biological diversity: the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising from the use of genetic resources".⁶⁸ The term biological diversity essentially refers to the differentiating variety of our globe's biological characteristics, and can otherwise be described as "the total variety of life on Earth"⁶⁹.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights⁷⁰ mentions the human rights violations the San are facing and highlights the importance of human rights' recognition. Specifically, as mentioned in the section above, the marginalisation of the San deprives them of multiple UDHR set principles and articles, which are detailed upon above. This Declaration was adopted on the 10th December 1949 by the United Nations General Assembly after the horrific events of World War II took place. It serves as the main UN document detailing individual liberties. Thus, its significance is of paramount importance to consider.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Resettlement programs

Resettlement programs were programs used in order to resettle indigenous groups such as the San into their traditional lands. Their primary aims were often either to return the San to their lands or remove them in order to make them settle in another location, an example being the situation of the San in Botswana⁷¹. These programs were proven to be culturally insensitive, in a sense of respect for the San's heritage but also their well being. More often than not, the San had to forcibly flee their ancestry and tradition with limited resources.

⁶⁸Pimm, Stuart L. "Biodiversity." Encyclopædia Britannica, 4 Jan. 2019, www.britannica.com/science/biodiversity.

⁶⁹Pimm, Stuart L. "Biodiversity." Encyclopædia Britannica, 4 Jan. 2019, www.britannica.com/science/biodiversity.

⁷⁰---. "Universal Declaration of Human Rights." United Nations, 10 Dec. 1948, www.un.org/en/about-us/universal-declaration-of-human-rights.

⁷¹ "Resource Rights and Resettlement among the San of Botswana | Cultural Survival." www.culturalsurvival.org, www.culturalsurvival.org/publications/cultural-survival-quarterly/resource-rights-and-resettlement-among-san-botswana.



Land Reform Policies

Land reform policies such as the Land Reform Act of 1995 as well as others have been used multiple times in the past in order to divide South African land in a fair manner. While these policies were beneficial, they ultimately proved to be ineffective in the long run and their principles were not upheld. As mentioned in the above sections, land reform policies were coined as a measure to return the San's lost land. However, oftentimes, infrastructure initiatives were built on said land, and continued to operate. Furthermore, commercial needs were prioritised, without any regard towards indigenous groups and communities. Therefore, their ineffectiveness can be traced back to the disrespect of the indigenous.

Internationally initiated advocacy

The international community has made remarkable efforts in tackling the marginalisation of the San, while simultaneously putting pressure on their home lands and engaging in efforts to improve their constitutional legislation in order to include the indigenous, as well as funding initiatives. However, the situation was never tackled with a holistic approach, the main aspect missing being cooperation with the San themselves. It seems that, even though they were the ones affected, they were not yet granted the resources in order to truly be able to defend their rights.

POSSIBLE SOLUTIONS

Framework for land ownership rights

By establishing a distinct framework that honours the San People's rights to their traditional lands, the marginalisation and land dispossession struggles they continue to face will be significantly reduced. This framework should distinctly clarify the San's rights to their cultural lands, as well as their communities' significance within Namibia's population. It should highlight the areas the San are entitled to as well as prohibit any government from dishonouring their cultural heritage through colonisation or infrastructure efforts.

Keeping in mind the multitude of land dispossession struggles the San have faced, it is absolutely crucial to highlight the importance of such a framework, while drafting it with respect and human rights considerations, as well as through communication with San leaders and representatives, thereby also fostering their governmental involvement, as well as setting the foundations for the San to gain a voice within the international community. Its creation should be tasked to all Member States, especially those affected by the issue, and its implementation should constantly be monitored in



order to ensure San land rights and cultural sensitivity are promoted, respected and upheld.

United Nations (UN) and Non-Governmental Organisation (NGO) involvement

The United Nations involvement is an absolutely crucial aspect in solving this issue. Through delivering necessary resources such as food, water, shelter and basic healthcare to the individuals affected by malnutrition or any other illness, UN subsidiary bodies like the World Health Organisation (WHO), the United Nations High Commissioner for Refugees (UNHCR) as well as others can greatly contribute to the San's temporary aid. First, however, they must be obliged to sensitize their volunteers regarding cultural sensitivity.

The involvement of Non-Governmental Organisations (NGOs) is also fundamental. Organisations such as Amnesty International and others can greatly aid in the distribution of safety practices, medical care and educational efforts. However, while this aid will greatly support the San, it should not be the main solution. The San People are certainly vulnerable, but it is imperative that they do not remain in this state. Their growth and eventual independence should be encouraged, and their seemingly dependent state should not be maintained. This can be achieved through measures mentioned below, but it is necessary to draw on the conclusions that the support of these organisations shall be temporary and long term solutions that integrate the San into society should be prioritised.

Advocacy within the international community

International advocacy and awareness raising campaigns will aid in the destigmatisation of the San, both within Namibia, other African countries, and the world as a whole. In order to ensure this, however, all sectors of their marginalisation should be tackled efficiently. By creating specialized programs, posts through all types of media, including social media, and integrating education regarding indigenous communities into school curricula, especially within Member States that house them, the international community will shed light on the San's land rights, slavery struggles, discrimination and, ultimately, marginalisation. In the past, continuous international involvement through the regulations of international law has benefited the San to a great extent, as pressure from independent agents has urged the respective governments to take action.

Furthermore, highlighting how the San's cultural integrity is undermined on a daily basis and how they shall, in no way, shape or form be perceived as less than their surrounding population, the public will be sensitised and educated on their situations, a factor that will ensure lowered rates of discrimination and bias. This advocacy can take place with the aid of specialized allied groups such as the African Union(AU), as well as NGOs and general UN involvement. In order for this aid to be delivered, adequate funding is fundamental, as well as the hiring of medical professionals to conduct the



programs with respect and dignity.

Rehabilitation programs

The structuring of rehabilitation programs would greatly assist in addressing and aiding the San's development long term. Rehabilitation programs have acted as a reconstruction method for marginalised communities for decades, their main purpose being to, as stated in their name, rehabilitate the San, in this context through integrating them into society while upholding and respecting their traditions and customs. By introducing infrastructure initiatives, such as the reconstruction of property on their ancestral lands and the building of resource centers within reach from their oftentimes isolated communities, as well as to make schools and hospitals more accessible to indigenous communities and improve their poverty and unemployment rates while tackling their exposure to deadly diseases, the San will no longer remain marginalised. Furthermore, rehabilitation initiatives for illiterate San members wishing to learn should be organised for the sake of their smooth integration in Namibian society, and to tackle unemployment and poverty further.

BIBLIOGRAPHY

Minority Rights Group. "San in Namibia." Minority Rights Group, minorityrights.org/communities/san/.



Amnesty International. *"Namibia: Discrimination Deprives Indigenous San People of the Right to Health as TB Poses Serious Risk to Their Lives."* Amnesty International, 6 Oct. 2021,

www.amnesty.org/en/latest/news/2021/10/namibia-discrimination-deprives-indigenous-san-people-of-the-right-to-health-as-tb-poses-serious-risk-to-their-lives/

"World Directory of Minorities and Indigenous Peoples - Namibia : San." Refworld, www.refworld.org/reference/countryrep/mrgi/2008/en/64944.

Jose, Annalisa. *"Namibia: Supporting the San Indigenous Peoples Safeguard Ecosystems amidst the Harsh Climactic Conditions in Their Resettlement Farms."* Undp.org, 2 Sept. 2021, sgp.undp.org/resources-155/our-stories/665-namibia-supporting-the-san-indigenous-peoples-safeguard-ecosystems-amidst-the-harsh-climactic-conditions-in-their-resettlement-farms.html. Accessed 2 Dec. 2024.

Indigenous Knowledge of Namibia. Windhoek, Univ Of Namibia, 2015.

"Namibia Maps & Facts." WorldAtlas, www.worldatlas.com/maps/namibia.

"Map of Namibia and Geographical Facts - World Atlas." East-Usa.com, 2015, east-usa.com/world/namibia-map.html. Accessed 2 Dec. 2024.

SAHO. *"The San | South African History Online."* Sahistory.org.za, 2011, www.sahistory.org.za/article/san.



The San People: The Lifestyle and Culture of One of Africa's Oldest Indigenous Tribe | I

Love Africa. 31 Mar. 2023,

iloveafrica.com/the-san-people-culture-of-one-of-africas-tribe/.

African Union. "African Union." *Au.int*, 2019, au.int/.

United Nations. "Universal Declaration of Human Rights." *United Nations*, 10 Dec. 1948,

www.un.org/en/about-us/universal-declaration-of-human-rights.

"Indigenous Peoples and Local Communities." *Convention on Biological Diversity*,

www.cbd.int/topic/indigenous-peoples-and-local-communities.

"Namibia's First Peoples Struggle to Access Their Traditional Lands (Commentary)."

Mongabay Environmental News, 19 Apr. 2023,

news.mongabay.com/2023/04/namibias-first-peoples-struggle-to-access-their-communal-lands-commentary/.

"Follow-up to the Strategy for Indigenous Peoples' Rights for Inclusive and Sustainable

Development." *International Labour Organization*, 2 Oct. 2018,

www.ilo.org/resource/conference-paper/gb/334/follow-strategy-indigenous-peoples%E2%80%99-rights-inclusive-and-sustainable. Accessed 2 Dec. 2024.

Khaxas, Elizabeth. *The Situation of Indigenous San Young Women in Namibia an*

Alternative Report to the CEDAW Committee Produced by the Women Leadership

Centre, Namibia Contact.

Guide to Indigenous Peoples' Rights in Namibia Guide to Indigenous Peoples' Rights in

Namibia.