



REHOBOTH BASTER GEMEENTE
OFFICE OF THE CAPTAIN

P.O.BOX 3211, REHOBOTH, NAMIBIA; TEL: +264 817 930 704
Rbgcaptain@gmail.com

email:

VOLKSTEM BUILDING 153, CHURCH STREET; REHOBOTH
WWW.REHOBOTHBASTERS.ORG

Without prejudice

Submission to the UN OHCHR

Universal Periodic Review, 38th session: Republic of Namibia

INTRODUCTION

1. This submission outlines the key concerns and recommendations of the Rehoboth Baster Community in Namibia as a free association on the occasion of Namibia's review before the United Nations Universal Periodic Review, 38th session during May 2021. It make particular

reference to issues never addressed, insufficiently addressed or omitted from the State party's obligations and pledges made under the UN instruments.

2. The Office of the Captain as traditional authority provides the submission related to the UN Periodic Review panel on the obligations of the member state to ensure access to restorative justice for violations under the Universal Declaration of Human Rights, other Human Rights instruments and the African Charter on Peoples and Human Rights to which the State is party to. Namibia's non-compliance has violated Fundamental Human Rights, Development, suppression of Democracy and Degradation of the Environment, and to ensure that the Namibian government addresses these violations with the appropriate urgency and commitment.

BRIEF HISTORIC CONTEXT

3. The Rehoboth Basters are descendants of the First Indigenous Nation of Southern Africa¹, the Khoikhoi, San and European settlers. As a traditional community and an indigenous ethnic minority group they have all along maintained a distinct cultural and social identity with a distinct custom and tradition at least since the 1600's. The Rehoboth Baster community settled in Rehoboth, south of the capital Windhoek and has always regarded Rehoboth as their ancestral communal land. This historical fact, autonomous status and self-governance under their customary laws were recognized by successive past colonial governments which ruled Namibia, *inter alia*; German Government (1885 – 1915), and Union Government of South Africa (1919 – 1990).
4. From the late 1970's the Basters received Self-Governance based on their Paternal Laws by means of an Act of the South African Parliament². The Paternal Laws were the law of the land that enabled the Rehoboth Baster community to govern our land, provided our people opportunities to develop and live our culture and develop our economy from 1979 until 1989. The customary laws were in use for over 120 years.

SYSTEMIC VIOLATIONS OF THE RIGHTS OF THE REHOBOTH BASTERS

5. At the dawn of independence in 1990 the situation was reversed. The consequences for the Basters were catastrophic. All collectively owned land, investments, and development projects, assets, bank accounts, schools, sacred sites, and monuments were expropriated without the communities free, prior and informed consent, neither were any reparations paid in terms of the Namibian constitution³ including other statutory legislation⁴, while other communities were either granted reparation or handed their land back⁵.

(a) Language:

6. The Baster community still experience problems to use Afrikaans language when interacting with government procedures and officials, despite an *UNHRC ruling on 6 September 2000*⁶. Official statistics indicate only 2.3% of the (Namibian) population use English as mother tongue⁷.

Although Namibia has signed multiple International treaties and joined multiple international organizations that recognizes and protect these rights, implementation of treaties into statutory legislation are outstanding for many years.

(b) Right to Housing and the Right to Dignity:

7. In terms of the Rukoro Report, cabinet has approved the allocation of 2 500 residential plots to the Baster Community under the Baster Paternal law during March 1992. Not to appear discriminatory, cabinet also approved 3 000 residential plots to displaced Namibians residing in Rehoboth. Despite Ministerial directives more than 6 500 residential plots were allocated to the displaced Namibians instead of the original 3 000 residential plots. The local authority continues to allocate residential plots to these inhabitants. Less than 500 of the 2 500 residential plots were allocated to beneficiaries under the Baster Paternal law.

(c) Traditional symbols:

8. Most if not all of the traditional symbols of the Rehoboth Basters was expropriated or destroyed. The official residence of the Baster Captain, (traditional leader) was expropriated in 1991. During 2003 government ministries were instructed to hand the residence back to the Baster community. Transfer of the residence to the Rehoboth community never took place. Numerous requests to the local authority to issue a clearance certificate in terms of the law were met with insults and derogatory references. The Captains Council discovered that the property tax had been transferred into the name of the Baster community without changing the ownership, which violates statutory legislation. It created debt and compounded interest for an already impoverished community. In recent years, vandalism increased and the residence was torched towards the end of 2017. It is disheartening and distressing for the Basters community to witness what was once an emblem and anchor of their self-rule in such state of degradation. On 12 August 2020 the Rehoboth Basters sent another letter to the Government. No answer has been received.

(d) Non-recognition of Traditional Authority and Customary Law:

9. The Namibian constitution⁸ recognizes customary law. In the Appeal Court case, the court of appeal recognized the customary law of the Rehoboth Basters, *inter alia*: “*In our judgment, the Paternal Laws of 1872 did survive Independence although in a severely truncated form. They survived in particular, as a constitution regulating the manner in which such land as the Rehoboth Baster Community may own should be held.*”⁹
10. Despite numerous applications for recognition as a Traditional Authority in 2003 and 2009 respectively, the Executive, Legislature and government agencies has ignored the court judgement. See attachments dated 2 Feb. 2006¹⁰ and attachment dated 21 Sept. 2009¹¹. The subsequent letter was never answered. Non-recognition of the Rehoboth Baster traditional authority and the lack of legal status lead too little or no political representation or protection. These are serious challenges

concerning the protection and maintenance of our economic, social and cultural rights. The non-recognition status affects the Rehoboth Baster community significantly.

11. Although Namibia voted in favour of UNDRIP no national legislation exist dealing directly with indigenous peoples. Only certain groups are regarded as *marginalized communities*, viz, the San, Ovahimba, Ovazemba, Ovatjimba and Ovatie, but they are not categorized as indigenous. Namibia has prepared a draft White Paper¹² through the Office of the Ombudsman on the Rights of Indigenous Peoples, which was considered by government and community stakeholders. The Rehoboth Basters, who identify themselves indigenous to Namibia, was never engaged in the process and has seen no improvement in this regard.

(e) Discrimination:

12. The Namibian Constitution prohibits discrimination on the grounds of ethnic or tribal affiliation¹³. The article does not specifically recognize the rights of indigenous peoples or minorities. The *International Convention on the Elimination of All Forms of Racial Discrimination*¹⁴. Namibia acceded too, direct government to be sensitive towards the rights of persons belonging to ethnic groups, particularly their right to lead lives of dignity, to preserve their culture and to share equitably in national growth. The ICESCR and ICCPR which Namibia has acceded to, contain the principle of non-discrimination in Article 2 of each document.

(f) Division of town in two different Constituencies:

13. Rehoboth town with approximately 8 000 households was divided in two (2) separate constituencies. Rehoboth area was further divided into the Hardap and Khomas regions (provinces) respectively¹⁵. This has diluted any significant impact of the Baster community at the ballot box. Farm land registered in the name of the Rehoboth Baster Community was transferred to the Government of Namibia without following due process¹⁶. Remaining grazing lands were incorporated into town lands under control of the local Rehoboth town council. Rehoboth area was never crown land¹⁷. The Baster community has known self-governance since 1870.
14. The Rehoboth Basters as a farming community are currently in the 4th cycle of a devastating draught. Scarcity of grazing for livestock is a direct consequence. In 2019, an N\$573 million package aimed at helping farmers and families was approved by Government¹⁸. This was supplemented by additional millions in donations from other countries, individuals and other stakeholders. The Rehoboth Basters have not received any economical help.

(g) Environment degradation:

15. An Asian company has applied for exploration activities in and around Rehoboth to identify base metal mining prospects. This will involve the clearance of the protected Acacia forests area and abstraction of groundwater during the current draught. Parts of the Acacia Forest are already

destroyed and exploration and mining will exacerbate this volatile environment. The community is disturbed that explorations will affect the Eastern part of Rehoboth, where ruins of a prisoner of war camp used during the Germans-Baster war of resistance in 1915 are situated. Members from the community were killed during this conflict. Annual commemorating the Sam- !Khubis war of resistance against German rule starts at the spot which has become a patrimony of special significance for the Baster community.

16. The Oanob Aquafer is situated in the Oanob River south of Rehoboth. Illegal sand mining on the aquafer over the last four (4) years¹⁹ makes the aquafer extremely vulnerable to hazards. Rehoboth Town Council refuses to enforce the statutory legislation²⁰. Massive open pits have caused the loss of life, yet no rehabilitation and non-compliance to the statutory legislation are enforced. Natural thermal water springs are found in Rehoboth which are used by the community for its healing properties. Drilling commenced in 2016 around these hot springs which in essence has destroyed the natural discharge and flow from these natural springs. The community was never informed neither was permission obtained.
17. Namibia has launched the National Human Rights Action Plan for the period 2015-19 (NHRAP) to improve, respect and fulfil human rights in Namibia. The plan has 7 thematic areas being access to health services, access to education, **access to justice, right to water and sanitation, right to housing, access to land and the right not to be discriminated against.** Besides access to education and health the rest remains elusive to the Baster Community.

RECOMMENDATIONS

Namibia has tabled voluntary pledges and commitments in support of its candidacy for membership at both national and international levels for the period 2014 – 2016. The Rehoboth baster community recommend Namibia to;

1. *Accede to the Declaration on the Rights of Indigenous Peoples and ILO Convention 169; recommended by the Special Rapporteur on the Rights of Indigenous Peoples, Mr. James Anaya; 2013 (UN GA Doc A/HRC/24/41/Add.1).*
2. *Improve access, facilities, and ownership of adequate lands of Indigenous peoples, especially those who have been deprived of their ancestral lands and increase the inclusion of Indigenous voices in political decision making, be it locally or nationally; Recommended by Australia, Mexico, Haiti, Bolivarian Republic of Venezuela, Cuba, Angola, South Africa, Zimbabwe (2016).*
3. *Recognize the traditional authority and lands of the indigenous minority Rehoboth Baster people.*

4. *Ensure indigenous participation in the political sphere and obtain Free, Prior and Informed consent prior to proposed developmental projects, in conformity with the White Paper on the Rights of Indigenous People.*
5. *Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; Recommended by Portugal, Slovakia, Montenegro (2016).*
6. *Amend the constitution to ensure protection of the rights of indigenous peoples and minorities, and to ensure that the Afrikaans language will be recognized as an official language, apart from English.*

ADDENDUM FOR FOOT NOTES

1. www.rehobothbusters.org
2. Act 56 of 1976 implemented in 1979
3. Art 16 (2)
4. Arbitration Act, Act 42/65
5. Statement of the Special Rapporteur on the rights of indigenous peoples, James Anaya, upon concluding his visit to Namibia from 20-28 September 2012; Environment and Tourism Minister, Willem Konjore, Press release, 23 March 2007;
6. J.G.A. Diergaardt et al v. Namibia, Communication No 760/1997, U,N, Doc. CCPR/C/69/D/760/1997(2000)
7. CIA Factbook: <https://www.cia.gov/library/publications/the-world-factbook/fields/402.html>
8. Art. 19 and 66, Namibian Constitution
9. Rehoboth Bastergemeente v. the Government of the Republic of Namibia & 5 Others (SA5/95)
10. Attachments dated 2 Feb. 2006 (Pg. 7)
11. Attachment dated 21 Sept. 2009 (Pg. 8)
12. https://www.ombudsman.org.na/wp-content/uploads/2017/12/Draft_white_paper_IP_Rights.pdf
13. Article 10(2), Namibian Constitution
14. International Convention on the Elimination of All Forms of Racial Discrimination, Art. 2
15. Proclamation 25/1992 (GG473), as amended by Proclamation 42/1992 (GG506)
16. Title Deed of farm Rehoboth East No. 301(Pg. 19)
17. Crown Land Disposal Act, Act 13 of 1920
18. <https://reliefweb.int/report/namibia/n573-million-drought-war-chest-announced>
19. <http://publications.lib.chalmers.se/records/fulltext/127464.pdf>, pg.59
20. Environmental Management Act 7 of 2007

ATTACHMENTS



REPUBLIC OF NAMIBIA
MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL
DEVELOPMENT

Tel: +264 61297 5215
13289

Government Office Park

Private Bag

Fax: +264 61259 906
Namibia

Luther Street

Windhoek,

2 February 2006

Captain McNab
Baster Community of Rehoboth
Rehoboth
NAMIBIA

Dear Hon. Captain McNab

RE: RECOGNITION OF THE BASTER COMMUNITY AS A TRADITIONAL AUTHORITY
WITH A RECOGNIZED CAPTAIN IN TERMS OF THE TRADITIONAL AUTHORITIES
ACT OF 2000

I refer to previous correspondences regarding the above to His Excellency, the Ministry and the Rehoboth Baster Community. In particular, reference is made to the proposals you made to the former Minister in 2003.

While I do have sympathy with you and the Baster Community of Rehoboth in this matter, I wish to reiterate that the reason why the community is not recognized by the government relates to communal land. There is not much that the Ministry can do unless the Traditional Authorities Act is amended.

You will be aware that according to the Traditional Authorities Act (Act No. 25 of 2000), the requirements for a traditional community to be recognized as a traditional authority is that particular community should have a communal area that is inhabited by that community. Rehoboth has been declared a town and the whole land of Rehoboth falls under the jurisdiction of the Town Council.

I do hope that together with you and the Baster Community of Rehoboth, Government, through this Ministry, will continue to seek a speedy and sustainable resolution of this very important matter.

Sincerely Yours,

John A. Pandeni (MP)

MINISTER

CC: His Excellency, the President

REHOBOTH BASTER GEMEENTE
P.O. Box 3211 Rehoboth
Tel: 062 52 5001

21 September 2009

**Min of Housing Regional and Local Gov
and Housing and Rural Development**

Government Office
Park Cluster D1 West
Luther St
Box 12389
Windhoek

Dear Hon Min Jerry Ekandjo.

We hereby acknowledge receipt of your letter dated 17 August 2009 regarding the allocation of land and we also take note of Government's recognition of our traditional authority, by availing land for traditional practices. As was indicated during our meeting, the mentioned letter will be discussed with the community and feedback will be given in due course.

Please, will you be so kind as to explain what the word "allocates" mean?
Does it imply ownership or only occupation rights? If you can supply us with the cabinet resolution on this issue we will appreciate it very much.

Yours sincerely,


Mr. John Mc Nab
"Kaptein: Rehoboth Baster Gemeente"

Acknowledged of receipt of document:


Hon Cllr T. Diergaardt

28/9/09

SUIDWES-AFRIKA. - SOUTH WEST AFRICA. 13

KANTOOR VAN DIE
OFFICE OF THE

ADMINISTRATOR,

WINDHOEK.

14-7-42.

The Magistrate,
REHOBOTH.

REGISTRATION OF BASTER FARMS.

With reference to your minute B.C. 2072/6 of the 17th ultimo in the above connection, I have to advise you that His Honour the Administrator has approved, in terms of section 1(a) of the Rehoboth Gebiet Affairs Proclamation 1939 (Proclamation No. 52 of 1939) of the acquisition of the following farms by the Baster Community and the registration thereof in the name of the Kaptein and Raad of said Community for and on behalf of the said Community in terms of section 1(b) of the said Proclamation :-

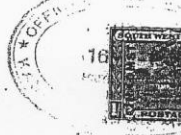
Swartkoppies No. 279.

Garib No. 286.

Great Aub No. 267, and

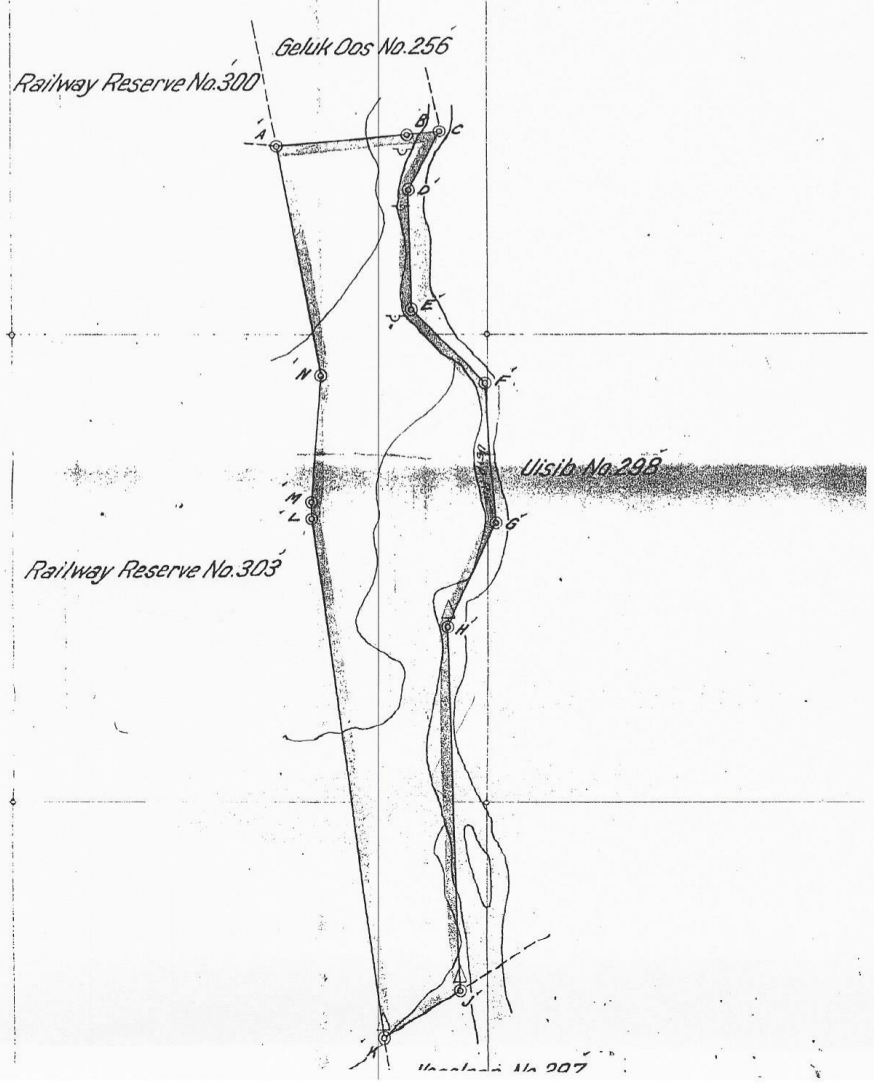
Rehoboth Dorpsgrond Oos No. 301.

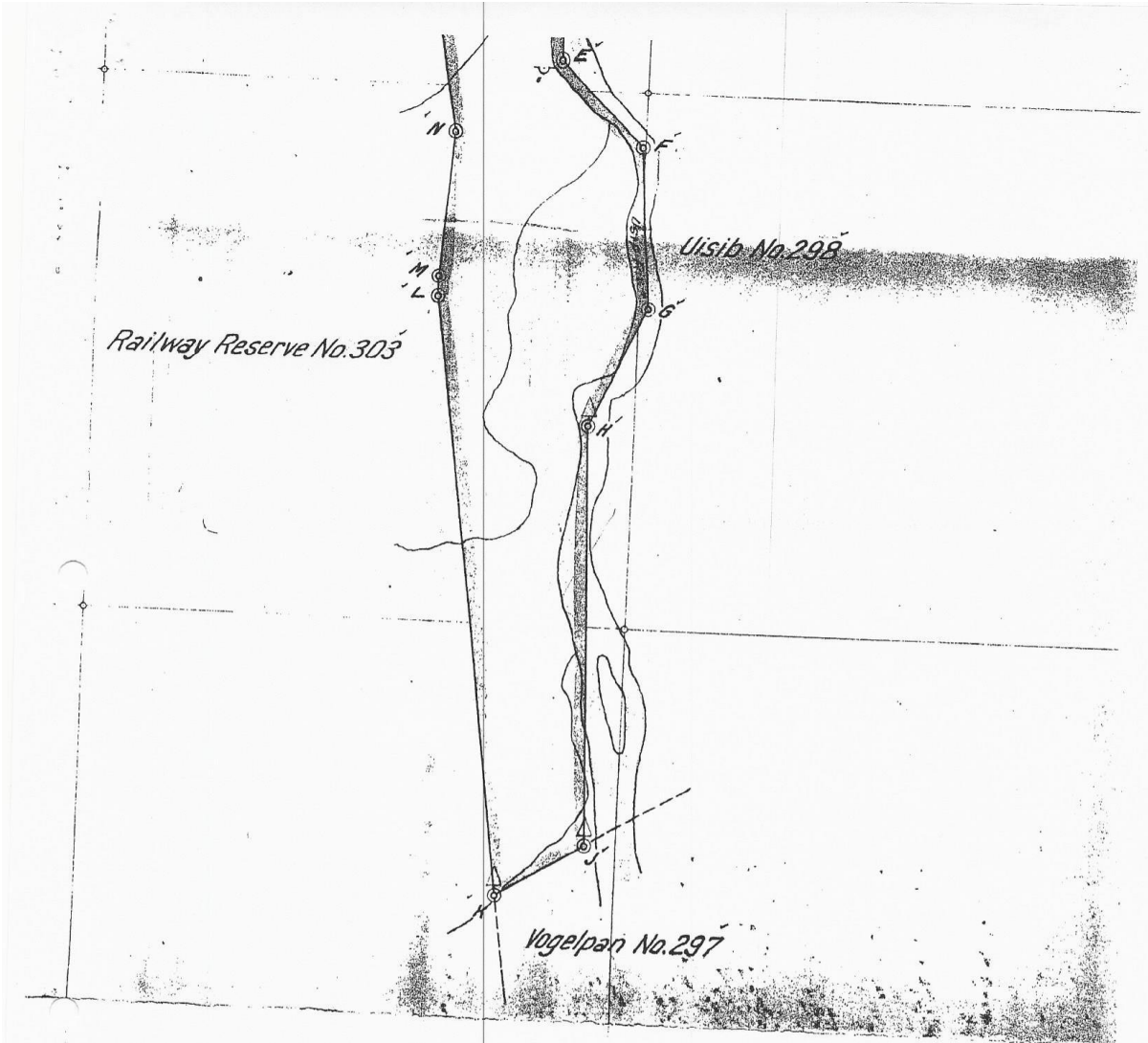
(Sgd). A. Preterius,
for SECRETARY FOR SOUTH WEST AFRICA.



Zero-Breedtegrad. 22° 55'
 Lengtegrad. 179° 06'

C	-19 501.96'	+132 860.95'	57	01	02	CD
D	-19 173.74'	+133 488.94'	208	49	11	DE
E	-19 200.86'	+134 756.46'	224	26	15	EF
F	-19 979.19'	+135 516.97'	139	14	07	FG
G	-20 082.59'	+137 034.24'	151	22	22	GH
H	-19 577.07'	+138 131.87'	206	49	17	HJ
J	-19 718.28'	+141 996.02'	118	35	42	JK
K	-18 907.67'	+142 477.09'	67	09	20	KL
L	-18 149.76'	+136 975.14'	173	39	15	LM
M	-18 144.84'	+136 786.95'	174	20	26	MN
N	-18 243.58'	+135 429.99'	194	55	11	NA





-15000-
 -20000-
 SKAAL I: 50000 -
 A. B. C. D. E. F. G. H. J. K. L. M. N. stel voor die plaas

OBOTH DORPSGROND OOS No 301

Hektare 24 Are 92 Vkt. Meters
 OBOTH

SUIDWES-AFR

die Stukke gebore in die
 ster-Generaal, Windhoek

Handwritten signature
 Landmeter

Hierdie Kaart is geheg aan Art. van Geregistreerde de
 No. 76/1944 geregistreer hierdie dag
Handwritten signature



19

S.G.T. ROJERING
 (vermeld aard van stuk) NR. 76/1944
 Gerojear uit hoofde van verkoop met
overbreng NR. 291
 (vermeld aard van magtiging en registrasienommer, waar toepaslik).
 Registrateur van A:tes W. van der Merwe
 Datum 15-3-1944

Sertifikaat van Geregistreeerde Titel.

(Uitgereik kragtens die bepalinge van Proklamasie No. 2 van 1921, soos gewysig deur Proklamasies Nos. 1 van 1937 en 6 van 1942.)

Opgestel deur my,

L. S. ...

Beampte aangestel ingevolge artikel 7 bis (4).

NADEMAAL

Die Kaptein en Raad van die Rehoboth Bastergemeente, vir en ten behoewe van die Rehoboth Bastergemeente,

aansoek gedoen het om die uitreiking van 'n Sertifikaat van Geregistreeerde Titel en

NADEMAAL/....

NADEMAAL dit blyk dat die ondergenoemde persone geregtig is op die grond hierna beskrywe kragtens die sertifikaat van die Magistraat van die Distrik Rehoboth, ingevolge artikel 7 bis (1) van Proklamasie No. 2 van 1921, soos gewysig deur Proklamasies Nos. 1 van 1937 en 6 van 1942, verstrekk, 18

SO IS DIT DAT, ingevolge die bepalinge van die bovermelde Proklamasies, ek, die Registrateur van Aktes vir Suidwes Afrika, hiermee sertifiseer dat:

Die Kaptein en Raad van die Rehoboth Bastergemeente,
vir en ten behoewe van die Rehoboth Bastergemeente,

hul ~~erfgename~~, eksekuteurs, administrateurs of regverkrygendes die geregistreerde eienaars is, ~~in die onverdeelde aandele wat teenoor hul verskeie name hierbo aangetoon word~~, van die grond hierna beskrywe, naamlik:—

Sekere plaas REHOBOTH DORPSGROND OOS No.301,

geleë in distrik Rehoboth,

groot Een Duisend, Twee Honderd en Dertig (1230) hektare, Vier-en-Twintig (24) are, Twee-en-Negentig (92) vierkant meters;

Soos meer ten volle sal blyk uit die aangehegte kaart/en verder onderhewig aan die volgende voorwaardes:

S.G.No.A.175/41

1. Die/....

- 1. Die bogenoemde grond mag nie vervreem, verbind, verhuur of op andere wyse belas word nie, sonder die skriftelike toestemming van die Kaptein en Raad van die Bastergemeente van die Gebiet, solank as die genoemde grond in die naam van enige lid van die Bastergemeente geregistreer is, met dien verstande dat in die geval van vervreemding, verbinding, verhuring of belasting van sodanige grond ten gunste van enige persoon wat nie 'n lid van die Rehoboth Bastergemeente is nie, die skriftelike toestemming van die Administrateur van Suidwes Afrika boonop verstrek moet word, en met dien verstande, verder, dat aangeneem word dat toestemming tot verbinding toestemming tot latere vervreemding behels, waar die verbandgewer nie aan sy voorwaardes onder die verband voldoen nie en die verbandhouer probeer om sy sekuriteit aan te vul.
- ~~2. Die eienaars van die grond is gesamentlik en afsonderlik aanspreeklik om sodanige grondbelasting as wat volgens wet betaalbaar is, jaarliks aan die Magistraat van Rehoboth te betaal.~~
- 3. Die grond is onderhewig aan die wette wat tans van krag is of wat in die toekoms van krag mag word in die Gebied Suidwes Afrika betreffende minerale, prospekteer, mynwerke en alle regte en sake in verband daarmee. ✓
- 4. Al die paaie, deurgange en uitspanregte wat daar op die grond is of bestaan, moet vry en onbelemmerd bly tensy hulle deur bevoegde gesag gekanselleer, gesluit of verander word. ✓

En dat, kragtens hierdie Akte die genoemde persone, hul ~~erfgename~~, eksekuteurs, administrateurs of regverkrygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Administrasie van Suidwes Afrika.

TEN BEWYSE WAARVAN ek, die voornoemde Registrateur, hierdie Akte onderteken en met die ampseël bekragtig het.

Aldus gedoen en geteken op die kantoor van die Registrateur van Aktes te Windhoek, op hede die 24^{ste} dag van die maand Februarie, in die jaar van Ons Heer, Eenduisend Negehonderd en Vier-en-Veertig (1944).

[Handwritten Signature]
REGISTRATEUR VAN AKTES.

Geregistreer in die Register van Rehoboth plase
Boek 16 Bladsy 301 op bovermelde datum.

vig

~~Me~~ 1, ~~Me~~, the undersigned,

Frederick Rowland Staples, in my capacity as
Kaptein and Raad of the Rehoboth Bastard Community
by virtue of the provisions of Section 1 of Procla-
mation No. 31 of 1924

16

hereby apply for the issue ~~in our~~ ^{my} in terms of Proclamation No. 52 of 1939
of Proclamation No. 2 of 1921, as amended by Proclamations Nos. 1 of 1937 and 6
of 1942, in respect of ~~our undivided shares of the farm~~

~~me~~

Rehoboth Dorpsgrond Cos No. 301, situate in the
Rehoboth Bastard Gebiet in the District of Rehoboth, and
measuring 1230 hectares 24 ares 92 square metres.

ixwit

~~me~~

respectively

Signed at Rehoboth, South West Africa, on this 25th day
of January, 1943.

~~me~~

Kaptein and Raad,
Rehoboth Bastard Community.

~~me~~

~~me~~

CERTIFICATE.

I, Frederick Howland Staples, Magistrate of the District of Rehoboth, hereby certify in terms of Section 7 bis (1) of Proclamation No. 2 of 1921, as amended by Proclamations Nos. 1 of 1937 and 6 of 1942, that the following persons, namely:

The Kaptein and Raad of the Rehoboth ~~Bastard~~ Baster Community, for and on behalf of the said Community

~~is~~ entitled to the undivided share shown opposite their respective names, of the land described below, namely:—

Certain land known as Rehoboth Dorpsgrond Oos No.301, situate in the Rehoboth Bastard Gebiet in the District of Rehoboth, and measuring 1230 hectares 24 ares 92 square metres.

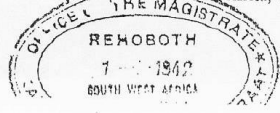
The land is held subject to the following conditions:—

1. The above land shall not be alienated, hypothecated, leased or otherwise encumbered without the written consent of the Kaptein and Raad of the Bastard Community of the Gebiet as long as the said land is registered in the name of any member of the said Bastard Community, provided that in the case of alienation, hypothecation, leasing or encumbering of such land in favour of any person who is not a member of the Rehoboth Bastard Community, the approval in writing of the Administrator of South West Africa shall in addition be furnished, and provided further that it is understood that consent to hypothecation implies consent to subsequent alienation, where the mortgagor does not fulfil his conditions under the mortgage bond, and the bondholder seeks to implement his security.
2. ~~THE ABOVE LAND IS TO BE HELD SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 7 BIS (1) OF PROCLAMATION NO. 2 OF 1921, AS AMENDED BY PROCLAMATIONS NOS. 1 OF 1937 AND 6 OF 1942.~~
3. The land is subject to the laws for the time being of the Territory of South West Africa respecting minerals, prospecting, mining, and all rights and matters incidental thereto.
4. All roads, thoroughfares and rights of outspan being or existing on the land shall remain free and unencumbered unless the same be cancelled, closed or altered by competent authority.

I further certify that the above land was lawfully acquired.

Mud

Dated at Rehoboth, South West Africa, on this 1st day of May, 1942.



Frederick Howland Staples
MAGISTRATE



I hereby make oath and say that I am satisfied that the Rehoboth Bastard Community is the owner of the farm mentioned on page 1 hereof, namely Rehoboth Dorpsgrond Oos No.301.

The land was not acquired from the late German government.

No taxes on the land are payable to the Government, either under Ordinance No.5 of 1935 or any other law.

[Handwritten Signature]

MAGISTRATE, REHOBOTH.

Sworn before me at Rehoboth, this 25th day of January, 1943.

[Handwritten Signature]

COMMISSIONER OF OATHS.

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was sworn to before me.

[Handwritten Signature]

COMMISSIONER OF OATHS.



[Handwritten Signature]

NOMMER 301

R.A. 1

**GRONDBEWYS UITGERYK KRAGTENS DIE WET OP DIE REGISTRASIE
VAN AKTES IN REHOBOTH 1976
(WET 93 VAN 1976)**

Kragtens die bevoegdheid my verleen by artikel 4 (c) van wet Wet 93 van 1976 verklaar ek hierby dat die grond, synde

SEKERE FLAAS REHOBOTH DORPSGROND OOS NR. 301

GROOT 1230,2492 (EEN TWEE DRIE NUL KOMMA TWEE VIER NEGE TWEE) HEKTAAR

GELEË in Rehoboth.

waarlik en wettiglik die eiendom is van

DIE KAPTEIN EN RAAD VAN DIE REHOBOTH BASTER-
GEMEENTE, VIR EN TEN BEHOEWE VAN DIE REHOBOTH BASTERGEMEENTE
(volle naam, identiteitsnommer en geboortedatum)

sy erfgename, eksekuteurs, administrateurs of regsverkrygendes in die volgende mate

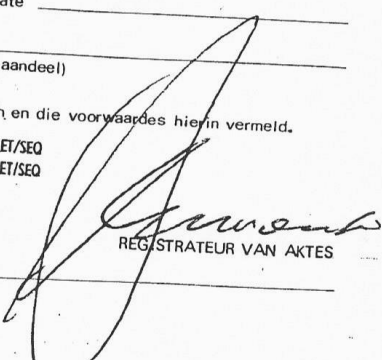
IN DIE GEHEEL

(vermeld of grond in geheel besit word of welke aandeel)

ooreenkomstig plaaslike gebruik, behoudens die regte van die Regering van Rehoboth en die voorwaardes hierin vermeld.

REGERING VAN REHOBOTH
REGISTRATEUR VAN AKTES
15 Maart 1978
DATUM - REHOBOTH 9033
REGISTRAR OF DEEDS
GOVERNMENT OF REHOBOTH

VIR ENDOSSEMENTE SIEN BLADSY/KEERSY. _____ ET/SEQ
FOR ENDORSEMENTS SEE REVERSE SIDE/PAGE _____ ET/SEQ


REGISTRATEUR VAN AKTES

VOORWAARDES

1. Geen eienaar mag sy of haar grond of aandeel in grond verkoop, verhuur of op enige wyse belas of beswaar nie sonder toestemming van die Kapteinsraad.
2. Indien die grond of aandeel in grond aan 'n Blanke verkoop, verhuur of onder verband geplaas of op enige ander wyse beswaar word, moet die toestemming van die Kapteinsraad en van die Minister vooraf verkry word.
3. By afsterwe van die eienaar bly sy grond in die besit van sy wettige erfgename; Met dien verstande dat die regte van erfgename erken sal word slegs nadat hul erfdele oorgedra is ingevolge die bepalinge van Wet 93 van 1976.
4. Indien 'n eienaar nie sy erf binne ses maande vanaf die datum van verkryging van eiendomsreg bebou of behoorlik omhein nie, val die erf terug aan die Regering van Rehoboth, tensy anders besluit word.
5. Alvorens 'n huis of ander gebou op 'n erf opgerig word, moet die eienaar eers 'n plan van die gebou aan die Kaptein voorlê vir goedkeuring, en alle geboue moet met gebakte of sementstene gebou word of met materiaal wat deur die Kaptein goedgekeur word.
6. 'n Erf mag nie vir besigheidsdoeleindes gebruik word nie en geen besigheid mag daarop gedryf word nie sonder skriftelike toestemming van die Kapteinsraad.
7. Die eienaar of sy wettige regsverkrygendes moet die voorgeskrewe belasting ten opsigte van die grond jaarliks betaal.
8. Hierdie voorwaardes is onherroeplik bindend vir die eienaar en sy erfgename, eksekuteurs, administrateurs of regsverkrygendes.

VERDERE VOORWAARDES

9. Die grond is onderhewig aan die wette wat tans van krag is of wat in die toekoms van krag mag word in die Gebied Suidwes Afrika betreffende minerale, prospekter, mynwerke en alle regte en sake in verband daarmee.

(Hierdie spasie moet deurgehaal word indien daar geen verder voorwaardes bestaan nie).



REPUBLIC OF NAMIBIA
HARDAP REGIONAL COUNCIL
DIRECTORATE OF EDUCATION
#OAN//OB CIRCUIT OFFICE

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Ref: 12/1

Private Bag 1019
Rehoboth

05 November 2013

To: The Director
Private Bag 2122
Mariental

Attention: Ms. E. J. Kauraisa- Stephanus (Chief: Education Officer)

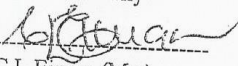
SUBJECT: STATEMENT BY OWNERS OF RESTANT OF FARM UISEB NO. 298

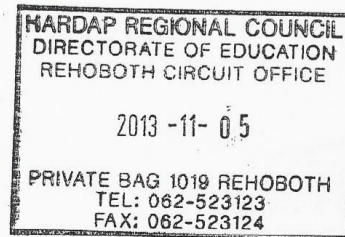
The unsigned statement by the owners of Restant of Farm Uiseb No. 298 and our conversation on Friday, 01 November 2013 has reference.

The Rehoboth Deeds Office provided me with the deed of registration that the land in question was indeed registered in the name of the Captain and Council of the Rehoboth Baster Community, and was known as Farm Rehoboth Town Lands East No. 301. It stretches from the border of Farm Geluk Oos No. 256 in the north to the border of farm Vogelpan No. 297 in the south. With the dawn of independence, the said land was registered in the name of the Government of Namibia as per the Schedule 5 of the Namibian Constitution. The farm Uiseb No. 298 borders on the state land No. 301, which is under the jurisdiction of the Hardap Regional Council. The school is thus situated on state land, hence the claims of ownership made by the owners of Restant of Farm Uiseb No. 298 is void. Find attached the deed of registration of Farm 301 as well as the unsigned statement and attachments by the claimants.

I hope you will find the above in order.

Yours faithfully


C L Eiman (Mrs)
Inspector of Education



All official correspondences should be addressed to the Chief Regional Officer