

ON THE DISCRIMINATION OF THE REHOBOTH BASTERS

An indigenous people in the Republic of Namibia

A fact file prepared by

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REHOBOTH BASTER
GEMEENTE - GEMEINDE - COMMUNITY
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Independence of multi-ethnic societies does not necessarily bring benefits to all the ethnic groups in these societies. A very relevant case for this phenomenon is the newly established state of Namibia where small nomadic peoples like the Bushmen are now in great danger of being swamped by the immigration of settlers from other regions.

Another threatened group is the Community of Rehoboth Basters. This community numbers some 35,000 people, living in an area of 14.216 square kilometres south of Windhoek, the capital of Namibia. They settled in their lands in the early 1870's. They developed their own legislation, years before the Germans installed their colonial rule over Namibia in 1885 and as such they constitute an indigenous people in present-day Namibia.

The first Baster communities emerged between the Cape Colony's northwestern frontier and the lower course of the Orange River at the end of the eighteenth century. In the beginning of the nineteenth century, missionary organizations, such as the "London Missionary Society" and the "Rheinische Missionsgesellschaft" established congregations in the territory of the Basters and supported the local communities (gemeentes) in developing written forms of regulations that were already in custom for a long period. Several of these political institutions were adopted from the neighbouring

Khoi tribes, in particular the offices of "Chief" (Kaptein) and "Sub-chief" (Onderkaptein) and the annual tribal gathering. The regulation of public life depended largely on the introduction of written congregational constitutions (or "gemeenteordenings"), not only for the christianized people within the community but also for the Heathen, who were treated on equal footing. All community-members were liable to pay taxes and levies, to attend church services, to send their children to school from the age of seven and to have births and deaths within their families registered with the authorities. Every community elected yearly between their members a "Council" (Raad), responsible for the control of the civil and ecclesiastical order, the settlement of disputes between the community members, the punishment of offences and the distribution of garden-plots and arable land. During such meeting, the community decided also about the acceptance of new members. At their public gathering on the 24th of March 1868, the community of Basters of Tuin decided to emigrate beyond the borders of the Cape Colony. In order to find new places for settlement on the northern banks of the Orange River, the Council of Tuin sent out an advance party under the leadership of "kaptein" Hermanus van Wyk. He conducted several negotiations with the tribal governments in Nama- and Hereroland and he participated in a common Peace Conference at Okahandja in 1870. At the beginning of the people's "Great Trek" from de Tuin to Rehoboth, the Basters drafted a Provisional Constitution during the trekkers' sojourn in Warmbad on the 15th December, 1868.

A revised form of this Constitution was promulgated on the 31st of January 1872 at Rehoboth and it was again renewed and amended on the first of January 1874. This legislation became known as the "Vaderlike Wette" (Parental Laws). These laws did not only restrict themselves to constitutional matters (such as the election of a Chief and of a Council, citizenship,...) but included at the same time civil and criminal laws and regulations.

The German colonial administration concluded a "Schutz- und Freundschaftsvertrag" (Treaty of Protection and Friendship) with the Rehoboth Basters on the 15th of September 1885. According to this Treaty, "the German Emperor recognized the rights and freedoms acquired by the Basters at Rehoboth for themselves...". Further, the Treaty mentions that all disputes between Rehoboth community members "will be tried by their own judges and according to their own laws". An important passage in the Treaty is Paragraph 7, which reads as follows "if there should be any other matters to be settled between the German Empire and the Kaptein of the Basters at Rehoboth, these will later be solved by agreements between the two Governments". Despite the efforts of the German administration and legislation to increase their influence in the Basters community, the Council of the community continued to enact new laws. The Councillors also played a leading part in the rebellion of April 1915 against the Germans.

The form of local self-government remained unchanged during the period of military occupation of South West Africa by Union forces (1915-1919) and in the first years of the mandatory system. On the 17th of August 1923, two members of the Executive Council of the Basters (the Government) and seven members of the "Raad" (the Parliament) signed an Agreement with the South West Africa Administration. But a majority of the Rehoboth Basters rejected the Agreement because "it limited their rights to self-determination and it failed to restore rights to land filched under German regime." Finally, this opposition led to an open rebellion in 1925 and the formation of an oppositional "Nuwe Raad" (New Council). The S.W.A. Administration reacted with Proclamation 31 of 1924, whereby the "Kaptein", the traditional courts and officials appointed by the "Raad" were temporarily dispensed with and their powers transferred to the Magistrate and his Court. It is important to notice that Proclamation 31 did not repeal the Agreement of 1923; it only suspended a number of provisions. Local self-government of the Rehoboth Baster community was partly restored with the Proclamation 9 of 1928, whereby an "Advisory Council" was introduced. In a first period, the Council consisted of three elected members and three members appointed by the S.W.A. Administration. According to a Proclamation in 1935, the three appointed members of the Council were to be elected. The "Advisory Council" governed the community in all "internal matters", such as the approval of loans to citizens, buying and selling of land, village affairs,... The oppositional "New Council" continued to function in the period between 1925 and the early thirties. On their initiative, a number of petitions were sent to the "League of Nations", requesting the restoration of full

self-government. Finally, on the 11th of April 1933, there came an end to the division of the community and a new "Advisory Council" was elected by all members of the community.

In 1946 the mandate of the League of Nations was transformed into the Trusteeship system of the United Nations and the Republic of South-Africa continued to be the administrating power. In 1966 the General Assembly, by resolution 2145 (XXI) terminated South-Africa's mandate and legally took over the responsibility of the territory. However factually the Republic of South Africa continued to administer the territory under various forms until the installation of the United Nations Transitional Assistance Group (UNTAG). In all this period, the Rehoboth Baster community save-guarded its ancestral institutions and organisation.

In 1976, South-African parliament voted a law No 56-(1976) which created a formal type of institutions which fitted in the traditional existing ones. This Law in no way replaced the so-called Paternal Laws but merely tried to insert them into the South African administrative structure for the territory. The UNTAG suspended the Act in 1989 without making reference to the Paternal Laws, which were not repealed as they formed in no way part of the South African legal system. By virtue of schedules to the Namibian constitution, all so-called discriminative South-African law ceased to have effect. This applied also to law 56-(1976). It seems obvious that the repeal of the above mentioned law recreated the "status quo ante" i.e. the Paternal Laws and eventual dispositions of the Treaty of 1885.

Under the excuse of eliminating all so-called "remnants" of the South African Administration, the government of Namibia has since Independence set out on a path of total destruction for the small Rehoboth-Baster People. By virtue of the Constitution which declares English to be the only official language, they have forcefully switched the whole administration and schooling of Rehoboth to English from Afrikaans, the mother-tongue of all the Baster People. The government of Namibia has tried to destroy the century old system of self-government and taken away all assets of the previously recognised authorities. The communal land has been illegally transferred to the Namibian State, under pretext that it was "public property", under the South African rule. The Namibian government got also hold of the assets of the Rehoboth Development and Investment Corporation, worth \$3 million but sold to government allies and friends for next to nothing. Massive immigration, mainly from northern Owamba people has been promoted to try to destabilise the demographic and social structure of the area. In doing so, the Namibian government infringes on every and all articles of the U.N. Declaration on the rights of Indigenous Peoples and most of the provisions of the ILO-Convention on Indigenous Peoples in Independent Republics. In no more than two years, the very existence and survival of the Rehoboth Baster People is in danger.

We appeal to the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities to pay the necessary attention to this case and to use its influence to halt this unacceptable situation by making its concern known to the Namibian government and to the relevant bodies of the U.N. system, especially in the perspective of the International Year of Indigenous Peoples.

On behalf of the captain, council and assembly of the Rehoboth Baster community.

Dr. Yvo J.D. Peeters
International Legal Counsel

HISTORICAL DOCUMENTS

DOCUMENT 1

Statutes of the Rehoboth Basters by Resolution of the Kaptein and his Councillors in the Years 1872 and 1874

1.1 Constitution of 31 January 1872 providing for the Kaptein, the Kapteinsraad (Council), the Volksraad (Parliament), civil rights, resolutions and voting.

On this the thirty first day of January in the Year of our Lord One Thousand Eight Hundred and Seventy Two, the citizens of Rehoboth reached agreement on the form of government as provisionally established on the 15th of December 1868 at Warmbad, to be amended and established as follows:

1. As supreme Ruler of the citizens is chosen and appointed one from their midst as Kaptein, who shall then fulfil his office during his lifetime unless he is prevented from so doing by illness or other exigencies.
2. In the event of the death of the Kaptein, or if he is forced to resign from his office, the citizens shall immediately gather to elect and nominate another Kaptein.
3. In the interim period before the citizens have elected and nominated a new Kaptein, the elder of the two Councillors (and longest serving office bearer) who assists the Kaptein will take over the government as provisional Kaptein.
4. The Kaptein shall have a Council consisting of two citizens of unimpeachable character to assist him, and to be chosen by the Kaptein himself for as long a period as the Kaptein may deem fit.
5. In the election of the Kaptein every citizen who has full citizenship shall be enfranchised.
6. The Kapteinsraad or Council may be summoned at any time to assist with the government by the Kaptein, but in most urgent and essential matters a Councillor has the right to abandon his office for a period, provided that he shall inform the Kaptein beforehand, who may then nominate another in his stead for the period of his absence from the Council.
7. In order to allow the citizens to also participate in the government, they will elect and nominate from amongst them three citizens of unpeachable character as members of parliament or Volksraad.
8. The parliament is always elected for a period of one year. In the first fortnight of a new year, re-election of the Volksraad shall take place.
9. The Volksraad elects from its midst one member who shall be entitled to summon the members of the Volksraad to meet as often as he may deem necessary,
10. The spokesman or speaker also negotiates on behalf of the fellow members of the Volksraad to take care of the interests of the citizens who elected them.
11. It is the duty of the Volksraad to take care of the interests of the citizens who elected them.

12. The citizens shall make their wishes and desires known to the Volksraad, who shall inform the Kaptein and his Council so that they may inquire into these and, if practicable, deal with these in their legislation.

13. At the election of the Volksraad, one member of the Kapteinsraad (Council) shall always be present in order to ensure that no irregularities ensue for the Kaptein and the Domain. But the Council shall not be empowered to interfere in the voting provided there are no irregularities.

14. Every citizen who pays tax shall have the right to vote.

15. Every Baster, or anyone married to a Baster, shall become a citizen. All others will be given residence rights subject to conditions to be prescribed later.

16. Each person wishing to become a citizen, shall present himself to the Kaptein, who shall inform him regarding the laws. If he is prepared to comply with the laws and if he is well known, he will be adopted as citizen by the Kaptein, in the presence of the Council and the speaker of the Volksraad.

17. If the applicant for citizenship is a stranger, he shall then be subjected to a trial period of six months. The Kaptein then informs the speaker of the Volksraad accordingly, and he shall notify the citizens in order that anyone who has any objection against the applicant, may submit it. If during the period of six months, no objection is lodged against the applicant, he shall be accepted as citizen as set out above.

18. For their own part, the Kaptein, members of his Council and the Volksraad and citizens, will all be duty bound through the slapping of hands instead of the taking of an oath, to fulfil their office and profession without self-interest and to the benefit of the Domain.

19. Resolutions are taken by the Kaptein and his Council, likewise laws are formulated, and then sent to the speaker of the Volksraad in writing and he shall then immediately call a meeting of the Volksraad in order to consider the submitted resolutions or laws.

20. No resolution or law may be submitted to the Volksraad before the Kaptein and his Council have reached consensus on it.

21. Should there be a difference of opinion in the formulation of resolutions and laws, the Council shall vote on the matter.

22. If the Kaptein and one of the members of his Council have a difference of opinion which they are unable to resolve, the opinion of the Kaptein as Supreme Head shall be adopted.

23. On the other hand, should the two members of the Council concur, then the Kaptein shall submit to the Council.

24. Occurrences of differences of opinion between the Kaptein and his council shall be kept secret.

25. Any member of the Council who reveals such a secret may be relieved of his office and punished.

26. If the Volksraad adopts the submitted law or enactment, the speaker shall return same to the Kaptein who then has the power to determine that it shall serve as law in force, and to promulgate it.

27. On the other hand, should the Volksraad reject the submitted law, the speaker of the Volksraad shall inform the Kaptein accordingly, and he shall then determine a time and place for a joint meeting of the Kaptein and his Council together with the Volksraad in order to discuss the points of difference.

28. After each party had raised its reasons and objections, the matter shall be put to the vote.

29. If the entire Volksraad rejects a proposal of the Kaptein and his Council, all enfranchised citizens shall be summoned and informed of the difference, whereupon the entire meeting shall vote on the matter.

30. For the purpose of this vote, the Kaptein as Supreme Head shall be allocated one tenth of all the enfranchised citizens as his vote. His Council members each have two votes, the citizens and members of the Volksraad on the contrary, have only one vote each.

Given at Rehoboth on 31 January 1872.

Kaptein K. Van Wyk

Council: P. Diergard

J. Van Wyk

Speaker of the Volksraad: Mechiel Diergard

1.2. OTHER LEGAL NORMS OF THE REHOBOTH BASTER COMMUNITY

1. Law of 31 January 1872 providing for a Judge, Field Cornet and officials.
2. Law of 27 February 1872 dealing with murder, assault and bodily harm, theft, ill-treatment and tax.
3. Law of 13 March 1872 dealing with brandy, debt, use in an emergency, marriage and lands and gardens.
4. Law of 10 April 1872 dealing with infectious diseases and war.
5. Law of 8 July 1872 dealing with irregularities, resistance or opposition to sentence, summons, defamation, ill-treatment and opposition to the law.

1.3 REVISED STATUTE OF 1 JANUARY 1874

In this month of July in the year 1874 the citizens of Rehoboth resolved to renew the form of government, done at Nisbeth Bath in 1868 and amended at Rehoboth in the year 1872, with the following rules.

Section 1. On January 1874 the resident citizens at Rehoboth appointed as Kaptein one Hermanus Van Wyk. He retains his full authority as paramount chief indefinitely.

Section 2. Furthermore, if the citizens have an accusation against the Kaptein in that they are of the opinion that he is not worthy of his office, the citizens shall not have the right to remove him from his office. But any person who is of

the opinion that he has a well-founded legitimate complaint, shall submit his complaint to three impartial chiefs of the country who have adopted Christian law, to be resolved by them.

Section 3. Hereby it shall also mean that the Kaptein is subject to the law in a manner similar to any citizen or Council member.

Section 4. The Kaptein as paramount chief shall be deemed worthy of maintaining order and issuing commands whenever necessary to the benefit of the nation.

Section 5. Each citizen shall propose 10 men as councillors to assist the Kaptein, and from amongst the ten men to receive the majority vote the Kaptein shall choose 4 men as the members of his Council.

Section 6. Every Council member is elected for one year and may, if he fulfils his office well, be re-elected.

Section 7. Every citizen who has full citizenship shall be entitled to elect the Kaptein.

Section 8. The Kaptein shall appoint one of his Council members in his place if he has to leave home or, also in other circumstances, even if he is at home but indisposed.

Section 9. The Kaptein's Council may be summoned by the Kaptein at any time in connection with government matters.

Section 10. Every member of the Council shall inform the Kaptein if he has to leave and the Kaptein shall appoint one from amongst the citizens to take such Council member's place for the duration of his absence.

Section 11. If the Kaptein or a member of the Council neglects his clerical duties due to own interests and negligence, he will receive written warning the first time, and if he persists in his neglect, summons will be served on him and he will have to answer to the complaints about his neglect in the Office, and if he is proved guilty, he may be fined from ten shillings to one pound Sterling, and if he disobeys the summons, he may be relieved of his office.

Section 12. The kaptein will be similarly fined, and if any Council member or citizen refuses to obey his summons, he will be fined up to twice the cost at One Shilling and Sixpence each and the third time he shall be forced to pay the ensuing police cost to charge him in the office of the judges, and pay it in addition to his fine of Five Shillings to Two Pounds Sterling as punishment, as well as the case for which summons was served on him in the first place.

Section 13. In the event of a threat of attack by enemies, the Kaptein is authorized to call up all men able to bear arms above the age of sixteen years to assist in defence and each one shall be obliged to obey orders with the exception of anyone who is medically unfit.

Section 14. Anyone who resists call-up or refuses to obey orders shall appear before a military tribunal consisting of two deputy commanders appointed by the Kaptein and two members of the Kaptein's Council, who shall have the right to fine the guilty party from One to Fifty Pounds Sterling, and if he is unable to pay the fine, he shall receive corporal punishment of fifty lashes. The Kaptein shall pass sentence.

Section 15. In every war the Kaptein shall have the supreme command and all deputy commanders appointed by him are obliged to obey his orders.

Section 16. For cases of complaints, either criminal or civil, the Kaptein shall appoint Judges to investigate and punish in accordance with the Statutes.

Section 17. If anyone who is sentenced and punished is of the opinion that he is not guilty, he shall have the right to appeal to the Kaptein and his Council; he shall abide by their sentence. In every criminal case the Kaptein shall uphold the sentence.

Section 18. Any case in which the judges have passed judgement, shall be reported on to the Kaptein in writing immediately after the sentence was passed.

Section 19. The citizens shall appoint the Field Cornet by majority vote and then inform the Kaptein accordingly.

Section 20. Whenever the Field Cornet leaves the area for a time, he shall appoint a competent man in his place with full delegated powers.

Section 21. Murder with intent shall receive an irrevocable death penalty.

Section 22. A death sentence may not be passed without one of the other Chiefs in the country being present.

Section 23. If anyone causes the death of another through negligence he shall have to prove before the Judges through two witnesses that he did not do so out of wilfulness or revenge and animosity, then he shall not receive the death penalty, but will receive punishment in proportion to his guilt, either in the form of a fine or corporal punishment.

Section 24. If due to negligence or in a fight or some other manner a person is injured and such injury constitutes grievous bodily harm, the guilty party shall be fined or punished in proportion to the injury caused the other person, with a fine or money or goods or receive corporal punishment.

Section 25. No master may ill-treat his servants and if he is guilty he shall be fined five shillings to one pound Sterling.

Section 26. Every servant shall have the right to report a master who ill-treats him, but if the servant is a stock herd he shall not leave the livestock entrusted to his care in the veld when he goes to report his master.

Section 27. Ill-treatment shall mean all undue punishment, i.e. to be beaten with hands and feet and rocks.

Section 28. Anyone who steals large or small stock or other property, shall return the same threefold. If he is unable to return the stolen goods, he shall perform forced labour of from one to twelve months or receive corporal punishment of from five to fifty lashes.

Section 29. Anyone who knowingly sells or conceals stolen goods will receive the same punishment as a thief.

Section 30. If the thief is a child or someone of ill health, the judges shall take this into account in mitigation of the punishment.

Section 31. The owner of the stolen goods shall receive it back twofold if the thief is able to return said goods; if the thief is unable to pay he will have to enter the employ of the owner of the stolen goods, or in other employ or hard labour as directed by the judges in order to serve as punishment.

Section 32. No citizen may sell brandy or any liquor other than wine within the area of Rehoboth without an order issued by the Kaptein.

Section 33. Anyone contravening this provision shall permit his premises to be searched thoroughly and any brandy or liquor found there will be confiscated.

Section 34. Apart from the loss of his liquor, he shall also pay a fine of five pounds Sterling for the first offence, and double that amount for the second offence.

Section 35. Any dealer or alien who sells liquor in the area will be fined to the same amount as the citizens and, in addition, he will be expelled from the area.

Section 36. If a debtor is charged for his debt and he refuses to pay, the judges shall have the right to arrange for the sale of his goods or sell it themselves to the value of the debt and the expenses incurred.

Section 37. To cover the expenses, the judges will calculate five shillings for the complaint to be paid by the complainant, but which will be refunded to him once the debtor has repaid the debt.

Section 38. If the proceeds from the sale of the debtor's goods are insufficient to cover the debt, then the creditor shall be satisfied with the amount received by the judges for the sold goods, less the five shillings complaint money and one shilling in the pound Sterling to cover their expenses.

Section 39. If the debtor has no property, he must find work in order to pay his debt.

Section 40. If the debtor is the father of a family, he will receive half of the wages earned for his family and the other half will be paid to the creditor.

Section 41. If he refuses to enter into employment, the judiciary will consider what is to be done with him.

Section 42. A poor person who is unable to pay the complaint money shall have his complaint accepted without paying the fee, but he shall pay it later if the debt is repaid and he has enough money to do so.

Section 43. If the poor person is old or in ill health and unable to work, the judges will charge no fee for expenses.

Section 44. If anyone is forced to use another's horse or ox or livestock without having had the opportunity to ask permission from the owner, he must immediately upon seeing the owner inform him and ask his pardon and pay the amount the owner charges for the use, though this amount shall not be disproportionate: for a horse it is a maximum of ten shillings per day, for an ox one shilling; and if he has to slaughter one livestock unit out of lack, he shall pay the full value of such unit.

Section 45. On the other hand, if the horse or the ox is injured during use, he shall pay for the damage; in the case of death, the full value shall be paid.

Section 46. Anyone leaving his wife without cause, shall leave his property behind to be allocated to the wife. If the wife leaves her husband without legal cause, the same shall apply to her.

Section 47. For a child born out of wedlock, the father of the child, if he is a married man, or if he is unmarried and

had promised to marry the mother, and if she complains, shall pay her eight pounds Sterling for the upbringing of the child.

DOCUMENT 2

REGULATIONS

From the Community Council Office at Rehoboth

1. On this, the twelfth day of January, Nineteen hundred and seventeen, the Sections set out below are promulgated as law with the permission of the full Council, under the name of the Kaptein and his Council as well as the entire domain in the land and area of Rehoboth, providing as follows:
2. Numbered A.62.A, is put into effect by the full Council and resolved to implement.
3. No citizen, owner of farm land or other land owner shall be entitled to let his farm or sell it without the official permission of the Kaptein and the Council.
4. Improvements on the farm: land, house erven, garden erven and buildings. Also all assets of the farm, such as wood, grass, water and grazing rights; the owner shall not have the right to let or alienate these without the permission of the full Council.
5. This law is ratified under the Law of 1895 and is published as Section 62.A 1) and comes into effect on 1 January 1917, and is included in the Statutes of 1872 and 1874 as law.

BY-LAW

It is hereby determined by the Council Office and decreed as follows:

No citizen or woman shall any longer have the right to keep more than one dog in the area.

A special warning is issued that it is strictly forbidden to keep bitches here in town.

Any person keeping more than one dog here in town, shall be legally prosecuted; if any person keeps more than one dog here in town, such dogs will be taxed with a certain amount, or destroyed.

Furthermore, the Council Office will determine the number of dogs kept here in town by every person; this by-law will be displayed on a notice board and circularized as promulgated.

Furthermore, the provisions apply forthwith to such dogs, and within 8 days all such dogs shall cease to be kept in the town.

The by-law comes into effect from this date and is promulgated as law in terms of Section 62.

Rehoboth, 1 August 1917

Signed: G. Beukes, Magistrate
Albert Mouton, Acting Kaptein.

DOCUMENT 3

TREATY OF PROTECTION AND FRIENDSHIP BETWEEN THE GERMAN EMPIRE AND THE BASTERS OF REHOBOTH

(Summary and translation from Dutch)

Between the German Emperor, King of Prussia, Wilhelm I and the independent chief of the Basters in Rehoboth: Art. 1

Art. 1 The Captain, Hermanus Van Wyk, asks H.M. the German Emperor to protect his land and his people.

Art. 2 H.M. The German Emperor recognizes the rights and freedom of the Basters of Rehoboth and he accepts the obligation to respect all treaties, previously signed by the Rehoboth Basters with other nations.

Art. 3 The Captain, Hermanus Van Wyk, accepts the obligation not to hand over the Rehoboth Gebiet or parts of it to another nation and he will also sign no new treaties with other nations without the approval of H.M. the German Emperor.

Art. 4 The Captain, Hermanus van Wyk, promises to protect the life and possessions of all citizens of the German Empire in Rehoboth Gebiet. They can travel, live, work, sell and buy property in the area but the Rehoboth Basters can determine the conditions for the settlement of foreigners on their territory. The German citizens must also respect the laws and rules of the region and they must pay the customary taxes to the Captain.

Art. 5 In civil and criminal court cases, the citizens of Rehoboth will choose their judges and they will be judged according to their own laws...

Art. 6 If there should be any other matters to be settled between the German Emperor and the Captain of the Basters at Rehoboth, these will later be solved by agreements between the two governments.

Rehoboth, 15th September 1885

DOCUMENT 4

REHOBOTH PEOPLE'S MOTION IN THE WAKE OF NAMIBIAN INDEPENDENCE

20/3/1990 (summary and translation from Afrikaans)

Taking into consideration that:

-- the Rehoboth Basters settled in their beloved territory "Rehoboth Gebiet" in the former century, in order to achieve political autonomy and the international recognition of its territorial integrity.

- the Rehoboth Basters confirmed their independence and sovereignty with the elaboration of the Paternal Laws in 1872. the Rehoboth Gebiet has never been annexed to a larger territory.
- neither the Germans nor the Government of South Africa suspended the institutions and the legislation of the Rehoboth Basters. On the contrary, they confirmed them in agreements and treaties.
- the Rehoboth Basters never agreed or accepted to give up their self-determination and self-government. Moreover, the international community never contested these principles in relation to the Rehoboth Community.
- the Rehoboth Basters agreed, for the peace and the cooperation in former SWA, to participate in the Resolution 435 independence process; without, however, giving up their autonomy and self-determination .
- the Government of the territory of South West Africa, known as the Republic of Namibia since 21/03/1990, suspended all rights of the Rehoboth community for self-determination and expropriated their property.
- the citizens of Rehoboth realise now that they have been cheated and sold out with false promises.
- the people of Rehoboth is not willing to give up its identity, their self-determination and autonomy and refuses to accept the loss of parts of its territory after the Independence.
- the people of Rehoboth believe that the Government of the RSA did not respect agreements in relation to the negotiations concerning the Rehoboth territory and its future. Consequently, the Rehoboth Community decided to withdraw its participation to the Resolution 435 elections and the Constitutional Council.

For these reasons, the People of Rehoboth order their leaders, (the Captain, his council and the Legislative Council), to act as follows:

- with the knowledge that they are the only elected leaders of the Rehoboth People
- that the Captain, his Council and the Legislative Council take up again all their former functions
- that the Captain, his Council and the Legislative Council take immediate steps for the Independence of the Rehoboth Gebiet
- that the Captain, his Council and the Legislative Council elaborate a new constitution for the Rehoboth Gebiet, in accordance to the Paternal Laws of 1872
- that the People of Rehoboth should be governed by the Captain, his Council and the Legislative Council; and in no way subordinate to the Government of the RSA or the Parliament of Namibia
- that the leaders take up their authority over the administration
- that the leaders of Rehoboth can only be bound by the will of the people and to the regulations of the Paternal Laws of 1872.

The Kaptein, Kaptein's Council
and the Assembly

DOCUMENT 5

THE REHOBOTH BASTER'S DECLARATION AS AN AUTOCHTONOUS AND INDIGENOUS PEOPLES

On this day, the 10th day of October 1992 and during the Assembly held at Rehoboth, and in coherence with the resolution and election of the members of the abovementioned on 22 June 1991, we, the Baster people, declare ourselves as an indigenous people of the Republic of Namibia and we herewith demand all rights to which autochtonous and indigenous peoples are entitled to according to international practice and conventions, and we shall, from Columbus-day, Monday the 12th of October 1992, act accordingly.

Dated and signed by the Kaptein and the members of the Kaptein's Council at Rehoboth on the 10th day of October 1992.

Signed: J.G.A. Diergaardt

Kaptein: J.G.A. Diergaardt

Kaptein's Council:

1. signed: D.J. Izaaks
2. signed: P.J. Diergaardt

Speaker of the Assembly

signed: A.J. Brendell

Assembly

1. signed: W. Van Wyk
2. signed: J.E. Stumpfe