



**STANDING COMMITTEE ON HOME AFFAIRS, SECURITY,
CONSTITUTIONAL AND LEGAL AFFAIRS**

Report On The Security Situation Along The Chobe//Kwando and Linyanti

River In The Zambezi Region

20 September 2021 – 06 October 2021

Zambezi Region

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Committee Members

Hon. John Musialela Likando	Chairperson
Hon. Andreas Uutoni	Vice-Chairperson
Hon. Elkan Hainghumbi	Member
Hon. Phillemon Ndjambula	Member
Hon. Daniel Tjimutambo Kuuoko	Member

Committee Secretariat Members

Ms Windeline Kausiona	Chief Parliamentary Clerk
Simataa Silume	Chief Parliamentary Clerk
Dr Liswani N. Sisinyize	Chief Researcher
Mr Bonifatius Amadhila	Parliamentary Clerk
Ms Pamela Mate	Senior Information Officer

J.M.C
Acl
E.H
T & C

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TERMS OF REFERENCES

The National Council established a Committee on Home Affairs, Security, Constitutional and Legal Affairs in terms of Article 74 (2) of the Namibian Constitution. Also, the National Council Standing Rules and Orders provide for the establishment of Standing/Select Committees to assist the House in performing its review functions.

The Namibian Constitution (Section 2 of Article 74) accords the National Council Standing Committees powers to conduct hearings and collect evidence as it considers necessary for the exercise of the National Council's powers of review and investigations.

Therefore, the august House referred the matter on the Motion of the Security Situation along the Chobe/Kwando River in the Zambezi Region to the Standing Committee on Home Affairs, Security, Constitutional and Legal Affairs to:

- 1) Consult widely on how the alleged aggressive and intimidating tendencies of the Botswana Defense Force (henceforth, BDF) has effected the livelihood of the people along the Chobe/Kwando borderline;
- 2) Determine the level of influence of these cross-border antagonism on the tourism activities in the affected areas;
- 3) Establish the veracity behind the allegations that the 2018 Border Treaty between Namibia and Botswana gave away some Namibian islands to Botswana;
- 4) Ascertain the need for comprehensive knowledge as regards the approach to border treaties, and cross-border cooperation, to ensure peaceful adjudication of controversial issues;

In order to obtain evidence in relation to the above, the Standing Committee sought to meet with the selected riverine communities along the Botswana/Namibia borderline. Among these riverine communities, the Committee encountered the presence of individuals who ran wildlife conservancies, crop and cattle farmers, fishermen, grass harvesters, lodge employees, tourism operators, pressure groups, sympathizers as well as commoners from all walks of life in the Zambezi Region.

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Furthermore, the Standing Committee still set out to meet with all the four Traditional Authorities, the selected Traditional Sub-Khuta, the Ministry of Environment and Tourism, the Ministry of Home Affairs, Immigration, Safety, and Security, the Ministry of International Relations and Cooperation, and the Ministry of Defense.

The Members of Parliament sought to understand how the BDF aggression has impacted on the livelihood of the residents along the Chobe, Linyanti and Kwando rivers, as well as unravel how the alleged hostilities have affected the tourism activities in these borderline areas. The findings would assist the Standing Committee to make recommendations as a mechanism to allay the impact of the BDF hostilities on the riverine people that live along the Chobe, Linyanti

and Kwando borderline.

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EXECUTIVE SUMMARY

The Standing Committee on Home Affairs, Security, Constitutional and Legal Affairs conducted a total of 23 public hearings and have received and analyzed up to 32 written submissions. In addition to the public hearings, consultation meetings with all key stakeholders as identified in the motion were conducted with the aim to gather as much information as possible to ascertain the security situation experience alongside the Chobe/Linyanti/Kwando Rivers. Series of questions were put to witnesses by Members of the Committee to ascertain themselves on the veracity of BDF aggression in the areas. Collected information were presented into themes in relation to the key drivers of the Motion of the Security Situation along the in the Zambezi Region.

The Committee discovered that the communities are leaving in fear for their lives and that they have lost sense of national security due constant run in and intimidation from BDF. In terms general livelihood, almost nothing is happening alongside the river. There is a significant reduction in fishing and animal grazing activities alongside the river as most communities are confused and scared to carry on with their usual day to day activities to make a living. The Committee has also observed the constant presence of BDF members along the river which correlates with the witnesses' accounts however no act of aggression was observed during the site visit of the Committee. The tourism activities have been severely affected as tour guards face constant questioning and aggression from the BDF members in presence of the tourists.

In terms of the laws and agreements signed, there is evidence that the local communities were not consulted about the Boundary Treaty of 2018, despite the Ministry of International Relations and Cooperation noting that all four (4) Traditional Authorities in the Zambezi Region along with the Regional Council were consulted. The Traditional Authorities have condemned the Border Treaty of 2018 between Namibia and Botswana as per evidence presented to the Committee. Upon inquiry with the Ministry of International Relations and Cooperation, the Committee is enlightened there are still number of bilateral discussions going on between the two countries with the aim to resolve key issues of concerns raised and that are experienced, most specifically, occupation and equal access to natural resources to Islands and the ongoing BDF aggressions.

ACRONYMS

BDF	Botswana Defense Force
NDF	Namibia Defense Force
CoC	Code of Conduct
HWC	Human-Wildlife Conflict
SoPs	Standard Operating Procedures
CRTTCoC Code	Chobe River Transboundary Tourism

1. INTRODUCTION

- 1.1 The regional investigative hearings provide an opportunity to interrogate and acquaint oneself with the impact of governmental policies on communities, the challenges residents face, and the decisions taken to address such challenges thereof. These sessions help inform law makers, as regards the effectiveness, or otherwise, of certain practices so as to assist with the review of certain policies, regulations and laws for the betterment of the livelihood of the Namibian people.
- 1.2 In the case at hand, the focus was on the repercussions of the BDF's aggressive tendencies on the Namibian people living along the Botswana/Namibia borderline. In particular, the information gathered pertained to the ramifications of the BDF hostilities on the livelihood of the riverine people, as well as its influence on the tourism activities in the targeted areas.
- 1.3 The Committee still took within its ambit the task of gathering information that related to the alleged loss of Namibian islands to Botswana, as a consequence of the Namibia-Botswana Border Treaty that was signed in 2018. The Standing Committee further tapped into the knowledge some witnesses presented as regards the approach to border treaties, and cross-border cooperation, to ensure peaceful adjudication of controversial issues.
- 1.4 The National Council Standing Committee on Home Affairs, Security, Constitutional and Legal Affairs conducted hearings along the Botswana/Namibia borderline areas to consult widely on the issues that concerned the livelihood, tourism, lost islands and the need for knowledge on the formulation of boundaries between countries.
- 1.5 In the Zambezi Region, hearing sessions were conducted in the following villages and districts: Katima Mulilo (with community members and pressure groups), Vekuhane Traditional Authority, Ngoma Village, Masikili Village, Nakabolelwa Village, Ivilinvizi Village, Mbalasinte Village, Impalila Island, Kasika Village, Mafwe Traditional Authority, Chinchimani Village, Linyanti Village, Kapani Village, Mayeyi Traditional Authority, Sangwali Village, Liashulu Village, Mbilajwe Village, Malengalenga Village, Mashi Traditional Authority, and Lizauli Village.
- 1.6 The Standing Committee then extended its penultimate sessions to the capital city of Namibia where it had sessions with other identified stakeholders. The Windhoek

stakeholders comprised of the the Ministry of Environment and Tourism, the Ministry of Home Affairs, Immigration, Safety, and Security, the Ministry of International Relations and Cooperation, the Ministry of Defense, and one of the pressure groups christened the “Namibian Lives Matter”.

1.7 The Committee managed to meet with communities directly affected by the BDF aggression and assembled information in relation to the key themes the Committee had plucked from the Motion as it was tabled in the Chamber. Together with the consultations of stakeholders, the committee also studied and scrutinised the current policies, regulations and relevant laws (African Union Convention on Cross-Border Cooperation) that formed part of the witnesses’ submissions at the hearing sessions.

2. METHODOLOGY

- 2.1 Secretariat in consultation with Committee members developed and shared the consultation program with the Zambezi Regional Council, Traditional Authorities and residents in the affected areas. Along the Chobe/Linyanti/Kwando rivers.
- 2.2 The program was also popularised on Silozi Radio Service to inform residents about the upcoming consultations in the affected areas. In order to obtain facts and opinions, witnesses were requested to provide presentations as far as their experience with the BDF aggression and all the relevant issues were concerned.
- 2.3 A series of structured questions were put to witnesses by Members to ascertain themselves on the veracity of BDF aggression in the area. The evidence of aggression as presented by witnesses encompassed issues such as loss of livelihood, loss of human life, damage to property, interference with the tourism activities, lost islands, and the conduct of the Namibian Defence Force. They also helped the Committee Members determine how the affected communities felt the BDF aggressive tendencies could be allayed.
- 2.4 Witnesses were encouraged to express themselves in their local languages and were given an opportunity to find their own interpreters.
- 2.5 And, lastly, focused followed-up questions assisted Members determine the stance of the visited communities on the Border Treaty that was signed in 2018. The pencil and paper technique was used to capture all deliberations that were in alignment with the purpose of the visit.

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3. PRESENTATION APPROACH

3.1 The presentation of the deliberations and findings contained in this report was broken into themes in relation to the key variables of the Motion of the Security Situation along the Chobe/Linyanti/Kwando Rivers in the Zambezi Region. The findings that were gathered during the presentations and deliberations between the stakeholders and Members were presented in a simple, 'numbered-sentence' format.

4. DELIBERATIONS AND GENERAL FINDINGS

4.1. The BDF Aggression in General from Witnesses

- 4.1.1 As an inseparable feature to the Motion on the Security Situation along the Chobe/Linyanti/Kwando River in the Zambezi Region, the Committee had to ascertain itself as to whether, or not, there were cases of aggression that were perpetrated by the Botswana Defense Force on the Chobe/Linyanti//Kwando riverine people. It is in adherence to the aforesaid that attendees to the hearing came up with a plethora of narrations as far as issues involving aggression in general were concerned.
- 4.1.2 The inaugural session in Katima Mulilo clarified that the acts of aggression by the Botswana/Namibia borderline clearly showed that the BDF did not respect the human lives and human rights of Namibians. Actually, wild animals received fair treatment at the hands of the BDF, when compared to the one given to Namibians, as the behavior of the soldiers was determined by the country's "shoot to kill policy". Namibians were not allowed to access their traditional grazing pastures, especially the ever-green grazing pastures that were by the banks of the Chobe/Linyanti/Kwando Rivers.
- 4.1.3 The acts of aggression saw a total number of Seventy (70) Namibians detained from the Situngu Island. Among the group of Namibian people that were arrested from the Situngu Island, were expectant mothers and children.
- 4.1.4 The residents within the target areas need protection against the aggression of a foreign army. The BDF cases of aggression were a common trend from Namibia's Impalila Island to the marshes and grasslands of the Lizauli District along the Kwando River. These cases of hostilities were indiscriminately directed at fishermen, cattle-headers, grass mowers, tourism operators, and subsistence farmers, and even at innocent people just frequenting the banks of the river on the Namibian side.

- 4.1.5 The acts of harassment entailed the BDF telling Namibian fishermen to abandon their nets and their catch. It comprised demanding grass and reed mowers to vacate the areas that were traditionally known to be theirs. The cases of harassment did not spare gatherers of water lilies, and these were harshly rushed out of the water and told never to set foot in the Botswana waters again.
- 4.1.6 The BDF soldiers pointed guns at individuals fishing, cultivating, mowing grasses/reeds and tending to cattle on the Namibian side of the river, and demanded them to go into Botswana. Fearing to be shot and killed, these innocent Namibian citizens would heed the call and then head into Botswana. Upon setting foot on the banks of the river in Botswana, they would then be accused of having crossed the river illegally. These helpless Namibian individuals would not be allowed to say anything in their own defense against the merciless soldiers. They would then be bundled at the back of military vehicles and ferried away into some BDF camps in Botswana.
- 4.1.7 The Chobe River is narrower in the Masikili and Nakabolelwa villages and it is easy for their cattle to wander into Botswana. Once in Botswana, the owners of the beasts could not do anything to return them to Namibia, as doing that would be risking being shot or bundled into armored combat vehicles and ferried away into Botswana.
- 4.1.8 Therefore, once in Botswana, these herds of cattle are at the mercy of the lions, and many-a-times residents, especially in Nakabolelwa and Masikili, would helplessly watch their beasts being torn to pieces by wild animals in Botswana. It is common for a float of crocodiles to swoop on a head drinking water on the Namibian side of the narrow Chobe and drag it to the Botswana side of the river. Such incidents usually took place in full view and to the joy of the BDF.
- 4.1.9 The learners and teachers at the schools near the river felt terrified, especially as the BDF helicopters hovered the skies above their schools. The children at Nakabolelwa Combined School could not access the river for their lessons, as teachers fear that such learners could be shot at.
- 4.1.10 The fear of war is forever lingering on the minds of teachers at Nakabolelwa Combined School, as they fear that cross border skirmishes of war similar to the ones of 1981 could erupt. Therefore, the residents in the Nakabolelwa area did not want the deployment of Namibian Defense Force, as that could lead to war between the two armies.

4.1.11 The BDF crossed the Chobe to the Namibian side of the river at will, but Namibians would not be allowed to do the same. In the Ngoma District, there are drier patches in the Chobe River and the BDF uses these patches to cross over into Namibia.

4.2. Effect on the Livelihood

4.2.1 The committee had to determine how the aggressive tendencies of the BDF had had a negative impact on the livelihood of these riverine people at the Botswana/Namibia borderline. The witnesses proved to the Members of Parliament that residents in the target areas drew much of their livelihood from and by the Chobe/Linyanti/Kwando rivers.

4.2.2 They relied on the Chobe River for fish, nymphaeaceae, which is a family of flowering plants commonly called water lilies, and some underwater tubers that were traditionally considered resourceful to them. These varieties of food were a delicacy upon which those riverine people had been feasting since time immemorial. The harvesting and selling of water reeds were a common source of income among women in the target areas. These water reeds occurred only along the Chobe/Linyanti/Kwando rivers and were a suitable material in traditional mat making. These riverine materials (water reeds) could still be used as thatching material by the natives due to their stiff and smooth stems. The picture below illustrate water reeds collected by the residents along the Chobe/Linyanti/Kwando rivers.

Figure 1: Water Reeds From Rivers



4.2.3 The form of life these riverine people led before independence, and just after Namibia attained its independence, has become something that was only possible in the past.

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The relationship between Namibians and Batswana was such that people crossed over from Kaswabenga to Itenge without hindrance.

4.2.4 Itenge was the name that was used to refer to the entire Zambezi Region. People would travel from Mabele in Botswana to Ngoma in Namibia for medical treatment and even for to attend school in Namibia.

4.2.5 Furthermore, residents living along the Chobe river in areas such as Impalila and Kasika, occasionally conduct businesses in Botswana, Kasane by selling fish stocks at the market. While in Kasane, they are required to pay custom clearance of an amount of 40 Pula and then 80 Pula for conducting business in a foreign country. According to the witnesses, a group of Impalila residents who were selling fish stocks in Kasane were once arrested after they were suspected of doing business illegally in Botswana. They were then taken by the authority for further explanation, and were fined 500 Pula by the Botswana Authority.

4.3. The Effect on Fishermen's life

4.3.1 The fishermen who had no choice but to storm the river for fishing suffered harassment at the hands of the BDF day and night. These fishermen sell their catch to merchants who in turn resell their shoals of fish at the Katima Mulilo Open Market. To ensure that the fishermen sell fish in its fresh state, the practice of fishing at night became an inevitable necessity. Many-a-times these innocent Namibian fishermen constitute a team of poachers in the eyes of the BDF, and they are normally arrested and taken to Botswana. Many of these fishermen were detained even if they were found on the Namibian side of the river.

4.3.2 The BDF would guide their boats across the Chobe with the intention of harassing, arresting and even shooting the fishermen. The Nchindo brothers in the Kasika/Impalila areas were found fishing on the Namibian side of the Chobe River and were taken across to Botswana where they were eventually murdered. The scenario of arresting Namibians from Namibia and taking them into Botswana has brought the use of words such as abduction, extra rendition, extraterritorial and extra judiciary into play.

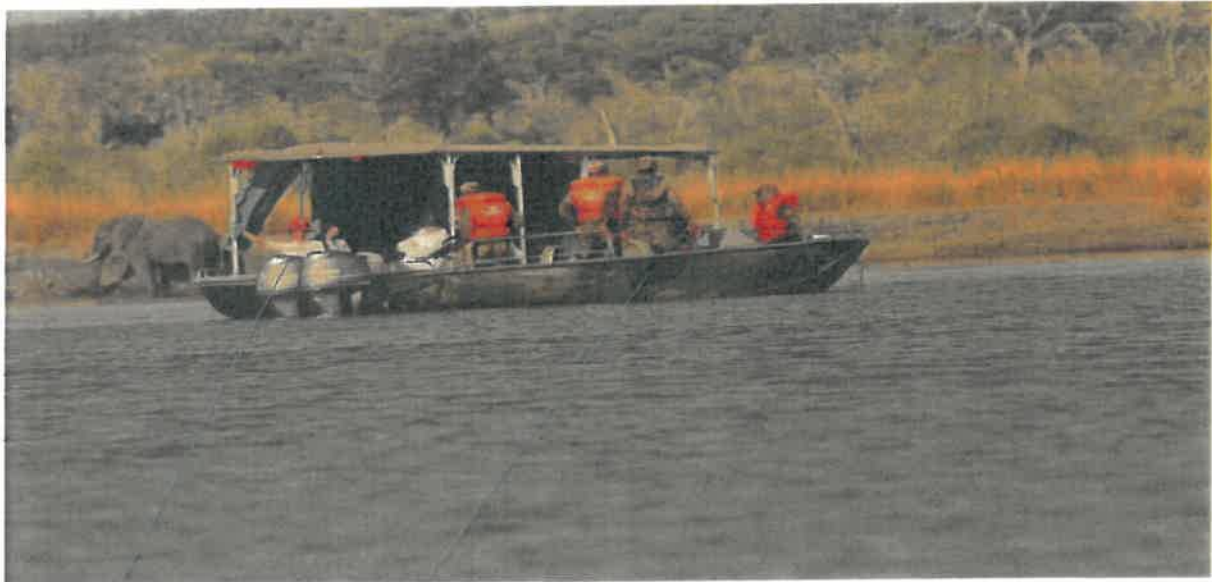
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4.4. The Effect on Tourism Activities along the Chobe/Linyanti/Kwando Rivers

- 4.4.1 The Committee explored tourism activities along the Chobe/Linyanti/Kwando rivers. The purpose was to investigate whether these activities are affected by the BDF aggressions. In its exploration, the Committee discovered that there are established communal conservancies along the Chobe/Linyanti/Kwando rivers, indicating Imapalila, kabulabula, Kasika, Kwando, Nankabolelwa Bamunu, Dzoti, Wuparo and Balwera conservancies. These conservancies, depend on trophy hunting, lodge developments, game for shooting and sale, live game sales, game for own use and other game utilisation activities including tourism, which continues to be the main source of income for these conservancies. For instance, a hippo was killed by a trophy hunter in Impalila conservancy, who asked a community member to load the carcass in the boat. Shortly, the BDF appeared crossing illegally to Namibian side and ordered the boat driver to stop immediately. The driver tried to explain that he was tasked by the trophy hunter to assist with transport, who later confirmed that indeed it was his carcass.
- 4.4.2 Another incident was that of a group of tourists in Namibia who were harassed by the BDF along the Chobe River. Guns were pointed at these tourists, together with their boat skippers, in order to scare them into submission. According to evidence collected by the Committee from the residents of the communities living along the Chobe river, the incident occurred in the afternoon when two boats from the Chobe Camp River Lodge took tourists out for a boat cruise to view some game. On board were South African tourists together with other Namibians, including their skippers. The BDF demanded to know why the tourists and the boat skippers had wandered into the Botswana territory. In an attempt to clarify that they were actually in Namibia, and not in Botswana, a confrontation broke out, and BDF members pulled their rifles. The skippers, together with a group of tourists, left the scene and returned to the banks of the river on the Namibian side. The witnesses indicated that this incidence was reported to the police, but surprisingly, up to date, no feedback had been provided and witnesses claimed that the police always ignored their reports. The picture below illustrates pictures, which were taken by one of the witnesses showing BDF members in confrontation with the tourists and the skippers.

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Figure 2: BDF members in confrontation with a group of tourists and skippers in Chobe river



Namibian tourists

BDF members

4.4.3 Furthermore, at Dzoti conservancy, which is located along the Linyanti River wellknown as the international border with Botswana, the proclamation of the conservancy in 2009 included islands such as Dzoti, Kakoro, Shinguru, Mauni, Hamungura, Mbara, Kunju and Pambaro, were all part of Namibia historically before the establishment of the conservancy, and it was these islands that led to the establishment of the conservancy. Immediately after the proclamation, these islands were regarded as core areas of the conservancy. But presently, witnesses presented that all these islands were now regarded as part of Botswana and that they were not allowed to enter these areas by the BDF. As a case in point, Kumaiba Jolosi, Kumaiba Lasken and Mutapuli Geoffrey were all arrested in Dzoti islands by the BDF members. According to the witnesses who presented on behalf of the conservancy, BDF showed him a GPS while in Dzoti island indicating that it was part of Botswana territory and that there was proof that the three residents from Namibia entered Botswana illegally, warranting them to being arrested by the BDF. The incidence was since reported to the relevant authorities including the Office of the Governor of the Zambezi Region, but no response was provided since then. Witnesses want the 2018 Border Treaty be reversed as it is the main cause of these challenges experienced with

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the BDF. According to witnesses presented, historically, community members residing along the Linyanti river conducted fishery activities in Dzoti island and there was no presence of the BDF members as it was regarded as part of Namibia.

4.4.4 In addition, following the establishment of the communal conservancy in Dzoti, hunting concession hunted hippos in these islands such as Dzoti and other islands in Namibia, but as of 2010, these activities could not be undertaken as they were refused entry into the islands by the BDF members. According to witnesses that presented to the committee, the Namibian government should take the Botswana government to court for invading Namibian land illegally. The committee visited one of the islands to familiarize itself with some of the mentioned islands. One of such islands was Mbara situated along the Linyanti river Malengalenga/ Mbilanjwe areas. A cattle post together with a traditional dwelling were observed in the island and a tributary from the main Linyanti river, where the BDF camps were located at the side of Botswana. At the tributary, it is where the BDF claims is the border with Namibia, and that the cattle post observed to be the other side of the tributary is in Botswana. According to witnesses, the owner of the cattle post was informed to vacate by the BDF, as he was in Botswana illegally. The picture bellow illustrates a tributary from the main Linyanti river and the cattle post belonging to the Namibian resident called Mr Mashazi.

Figure 2: Tributary from the main Linyanti river



Tributary from the Linyanti river

BDF CAMPS

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Cattle post belonging to a Namibian resident across the tributary.

- 4.4.5 At Lizauli village, Namushasha Lodge, the Committee learnt that a group of Namibian tourists and their skipper who were on a boat tour in the Kwando river were also threatened by the BDF. The tourists and the skipper were accused of being at Botswana side while in the river. The tourists together with their skipper were arrested and transported in a helicopter by the BDF to Maun, after which they were then released for being found not guilty.
- 4.4.6 Witnesses also informed the committee that BDF members cross over to Namibia illegally and burn grassland pastures in Namibia to prevent wild animals from crossing over to Namibian side. Meanwhile, burnt grasslands were observed at Kasika and Mbara islands.

Figure 3: A burnt grassland pasture by BDF members



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- 4.4.7 It was also established by the committee that no boat is allowed to cruise in the Chobe river from Impalila to Ngoma after 18:00 this is due to restrictions put by Botswana government. According to boat taxi drivers, this has caused conflict with the BDF whenever they are on tour with tourists resulting in being harassed by the BDF and also the long traveling hours from Ngoma to Impalila sailing in the Chobe river. Meanwhile, the committee established that a draft Chobe River Transboundary Tourism Code (CRTTCoC) was developed following an increase in boating for activities which required better self-regulation and tour operators and thus, the implementation of an agreed Code of Conduct (CoC) was proposed as an essential to harmonise tourism operations, harness tourism development opportunities at a landscape level, guide the use of the shared watercourses to address conflicting river uses and activities, and address transboundary Natural Resource Management and environmental issues.
- 4.4.8 The draft was developed with Standard Operating Procedures (SOPs) on the use of international waters, water abstraction, river pollution, and waste management, boat travel, river-based and land use tourism conduct including lodges safaris, the conduct of fishing people, human Human-Wildlife Conflict (HWC) management and security forces. Despite this arrangement, the committee was informed by witnesses that skippers continue to be harassed by the BDF in the Chobe river. According to witnesses, boat taxi drivers are ordered to stop while in Chobe river by the BDF, and they are accused of being in Botswana illegally. Witnesses informed the committee that they work on instructions of the BDF in the Chobe river. Witnesses indicated that most of their tourists are from South Africa through Botswana, and as such boat taxi drivers are required to wait for them in Kasane (Botswana), and they are mistreated by the Botswana authorities such as letting them floating in the Chobe river, without docking.
- 4.4.9 Furthermore, witnesses also submitted that they were prohibited from the Chobe river when they were undergoing tour guide training on catching vultures. Part of this training, required them to undergo practical training in the Chobe river. While they were busy with the practical sessions, they were approached by the BDF members, who informed them to dock, and asked why they were in Botswana illegally.
- 4.4.10 Witnesses are of the view that Botswana has adopted the act of Competitive Exclusion Principle by eliminating Namibia from tourism in the Okavango Delta and thus waging an economic war with Namibia by threatening Namibia tourists which is

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a big economic sector in Zambezi Region, and acts of BDF has reduced the number of tourists in the region fearing of being shot and killed by the BDF.

4.5. The Boundary Treaty of 2018 - Namibia-Botswana Border

- 4.5.1 The 2018 Namibia-Botswana Boundary Treaty turned to be the main core issue raised by the residents along the Chobe/Linyanti/Kwando rivers including their Traditional Authorities. Witnesses presented that consultations with the residents of the Zambezi Region concerning the Border Treaty of 2018, never took place, and as such, residents along the Chobe/Linyanti/Kwando rivers claims that their rights to development as enshrined in the African Charter on Human and People's Rights were violated. Witnesses further narrated that despite powers vested in the President and Parliament on negotiating and ratifying of treaties, it was participation of the inhabitants of the Zambezi Region in the affected areas to have their consent considered. According to witnesses, their crop fields, islands where they relied for fishing and other natural resources including grazing land which formed part of Namibia before the signing of the 2018 border treaty, now are annexed as Botswana territory as part of the treaty. These islands are; Shingabali Mwanahatsiye; Kaqharu; Lyanombe; Zizira; Mawunga hamunguro; and Txidamu, all these islands were to lost to Botswana without the knowledge and consent of the inhabitants from the Maalenganga and Sangwali areas. These islands according to witnesses are home to different species indicating rhino, elephants, bufaloes, crocodiles, impalas and other species that could have contributed positively to the Namibian economic sector through tourism activities.
- 4.5.2 Kwando rivers are still the borderline or whether the new border treaty treat has excluded these rivers as claimed by the Botswana Defence Force. Witnesses emphasized that proper consultations and participation of the affected communities are crucial components that should have been given prominence, just as the saying goes. As cited by one of the Traditional Authorities that "*there is nothing for us, without us*". Affected communities ought to have been provided information on the nature, size space, reversibility and scope of any proposed alterations to the already existing border.
- 4.5.3 Since the negotiation of the 2018 border treaty excluded the residents of the Zambezi Region specifically those living along the Chobe/Linyanti/Kwando Rivers, witnesses cited that this lack of consultations led to mistrust and feeling of betrayal. Implying

that both the government and the residents of the Zambezi Region in the affected areas are now accusing each other because one party has failed to carry out its obligation leading to mistrust and betrayal. Furthermore, witnesses presented that the new boundary agreement was supposed to carry and include the voices and mandate from the affected people in the region. Government should understand that those islands given to Botswana have been the sources of livelihood and income of the affected people. This has their land for years and to evict them is to render them landless. Witnesses narrated that it is unfortunate Botswana appears no to have entered to into this agreement in good faith, as there is no intention on their part to respect the treat as they continue to co-exist harassing Namibians trying to access shared resources. Despite the assurance of allowing Namibians to co-exist with their Botswana counterparts, this co-existence may be short-lived. The border treaty may lead to potential conflicts and skirmishes. These little cases may lead to fully blown out conflicts and eventually spilling into civil wars and across border conflicts. Witnesses presented that it is utmost important to submit to the committee that the BDF has on a number of occasions shot and killed Namibians allegedly found poaching on the Botswana side of the border. If boundaries can simply be readjusted like this one of 2018, then nothing can stop other countries from calling for their own boundaries, which will ultimately create the chaotic pre-colonial situation in Africa.

“We urge government to respect our stance and stop using the media to issue statements saying we were consulted when in actual fact we were never consulted”

“We also urge government to stop using our sons and daughters who serve at the pleasure of government and careless about our people and are busy in working against us. We condemn this divide and rule tactic used by government against our people”

“It is time government respects the Traditional Authorities as the voice of the people and accords us the respect we deserve. We are not a political organization but custodians of the land of our people who belong to different political orientation” one of the Traditional Authorities narrated.

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5. KEY FINDINGS

5.1 Concluding the investigation, the Standing Committee drew out the following key findings from engaging with all key stakeholders as identified in the motion:

5.1.1 The local communities residing alongside the Chobe, Linyanti and Kwando river has lost sense of national security as they are constantly harassed by the BDF. The normal day to day activities of the communities have been totally disrupted by the daily run in with the BDF soldiers along the river line, and sometimes within the communities itself. Members of the community live in constant fear of losing their lives in the hands of the BDF to the point that normal household chores of collecting water from the river, cutting reef or grazing animals has become a life threatening activities.

5.1.2 There are no formal road infrastructure in place to connect villages and the key means of transportation of goods and services is the river and given the security situation experienced by the communities, their economic activities are reduced as they are not making use of the river as much as they used to do in the past due to fear of intimidation by BDF members.

5.1.3 From the numerous witness accounts, the Committee discovered that Botswana Defence Force (BDF) members are enforcing the Code of Conduct that is still under discussion between the two countries when dealing with the communities in the area. The situation pose constant negative effect on the livelihood of communities as they do not have free access to natural resources that they have been surviving on for years.

5.1.4 The Committee discovered that there are only two (2) visible beacons alongside Kwando River installed. There are no beacons installed in Chobe and Linyanti River where communities frequent. The absence of this vital demarcation of borders is one of the key contributing factors exposing the local communities to undue BDF aggression in the affected area. Members of the communities living alongside the rivers do not know at which point they cross over to the Botswana side of the river when conducting normal fishing activities or until which point they can allow their

animals to graze and which areas they are allowed to cut reeds to construct their houses.

- 5.1.5 The Committee found that the purpose of deployment of the Namibian Defence Force (NDF) in the area of concern is not well-defined or neither understood by communities. NDF members are regularly seen around in the villages, but not being seen around patrolling the river line where the communities believe they should be. The purpose of the NDF presence in the area is mainly to curb poaching in the area and not necessarily to patrol the border as expected by the community.
- 5.1.6 The Committee discovered that there are no established coordinated reporting channels of incidents in the areas, as there is a visible mismatched between the witness accounts on number of atrocities and killings that took place in the area versus the number of cases officially reported to the Namibian Police.
- 5.1.7 In terms of the Treaty and all related policies relevant to the matter, the Committee found that the Boundary Treaty of 2018 that was ratified by the National Assembly on 12 June 2018, was done in compliance with the Article 63(2)(e) of the Namibian Constitution obligated both parties, Namibia and Botswana to rehabilitate and maintain Boundary beacons. The Treaty further requires both parties to conduct a joint inspection to the border after every five (5) years to ascertain whether the parties adhere to what has agreed upon. It therefore noteworthy to mention that the first five (5) years indicated in the Treaty will come to effect only in 2023. In addition to the ratified Boundary Treaty, there is a draft Code of Conduct aimed at guiding tourism activities alongside the river that the Botswana Government has operationalized whilst it is not being enforced in Namibia yet and it has a negative effect on the tourism activities in the area. There are still ongoing bilateral discussion between the two parties to address issues of concerns experiences during this trial period thus it is premature to expect drastic changes to be effected immediately.
- 5.1.8 On the issue of lack of consultation as expressed by the witness, the Committee found that key stakeholders who are affected by the Treaty which are the communities who are physically residing alongside the rivers were not engaged at any stage of the Treaty. The communities alerted the Committee that they heard and knew that the Members from the Zambezi Regional Council, all four Traditional Authorities and lodge owners were consulted but they were never briefed, they never gave any input or were given a chance to air their concerns. This became evident for the Standing

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Committee after conducting various consultations with the key O/M/As on the issue of consultation.

- 5.1.9 Those who were consulted by the central government namely, four (4) Traditional Authorities, the Zambezi Regional Council and lodge owners did not filter the information to the respective communities. There is no feedback to the grassroots communities on the activities of the Government concerning the border issue. This absence of broad consultation and information sharing with the grassroots communities has instilled fear in the minds of the residents of the Zambezi Region, especially those living along the borderline.
- 5.1.10 Lastly the Committee found that some families that has suffer fatalities, and even loose relatives due to the BDF aggression, are left to fend for themselves. These families go out of their way to seek clarification to the events that lead to the death of their relatives. They have not received any psychological support to deal with the trauma.

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6. RECOMMENDATIONS

- 6.1 Taking into consideration the deliberations and key findings, the Standing Committee is therefore recommending the following to be considered to restore sense of security and socio-economic well-being of the affected communities who are living alongside Chobe/Linyanti/Kwando river.
- 6.1.1 The Ministry of Home Affairs, Immigration, Safety and Security in collaboration with the security cluster to ensure that the Kwando, Linyanti and Chobe River Border is safe and secure for communities living along the river. The Ministry is advised to prioritize and come up with a peaceful and sustainable approach to protect the communities from harassment and intimidation from the BDF and report to the National Council with empirical evidence of reduction of incidence of BDF aggression towards the communities.
- 6.1.2 Furthermore, the Committee recommends that the Ministry of Home Affairs, Immigration, Safety and Security establish an integrated cases/incidents reporting and tracking system to ensure that all incidences of aggression reported to the Police are accurately captured and handled in accordance with the law.
- 6.1.3 Recommendation to the Ministry of Agriculture, Water and Land Reform to conduct a broad stakeholder consultations and awareness sessions with the communities living alongside Chobe/Linyanti/Kwando River to share and explain geographically, which of the Islands belong to Namibia and which belongs to Botswana. As the general understanding and believe of the communities are that Botswana is occupying Islands that belongs to Namibia and nothing is being done by the Government to protect its territorial sovereignty in the Region.
- 6.1.4 The Ministry of Agriculture, Water and Land Reform should prioritize the rehabilitation and installation of the beacons as obligated by the ratified Boundary Treaty of 2018 and sensitize the communities on the territorial separation of two countries borders, both on land and in the waters.
- 6.1.5 The Ministry of Works and Transport to prioritize transportation infrastructural developments in the affected areas, most specifically to plan and allocate developmental funds to construct the bridge from Nakabolelwa to Impalila to relieve daily sufferings imposed on the Impalila communities along the eastern floodplain.

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- 6.1.6 The Ministry of International Relations and Cooperation, Ministry of Environment and Tourism and Ministry of Fisheries and Marine Resources, should jointly revisit The Code of Conduct (CoC), consult widely with the affected communities before engaging the Botswana counterparts to finalize CoC. The Ministries concerned should ensure well-coordinated operationalization of the CoC to guarantee that both countries nationals have equal access to resources and to carry out tourism activities in harmony. It is of utmost importance that communities are regularly informed and guided in terms of the socio-economic conduct expected at the borderline to minimize territorial tensions.
- 6.1.7 Ministry of Defence and Veteran Affairs to clearly define the purpose of the deployment of the forces alongside Chobe/Linyanti/Kwando River. This need to be explained to the communities to have a better understanding of NDF presence in the affected area.
- 6.1.8 The Zambezi Regional Council in consultation with all four (4) Traditional Authorities in the Region should conduct a comprehensive information sharing and consultation campaigns with the affected communities to update them on the status of the Boundary Treaty 2018 and all related laws and policies they were consulted with by the central government.
- 6.1.9 Ministry of International Relations and Cooperation to ensure that issues of concern raised in this report in terms of conduct and behavior of DBF members are addressed with the Botswana Government. That issues of lack of broad consultation in terms of the ratified Boundary Treaty of 2018 is addressed and followed through with the stakeholders consulted by the Ministry. The Ministry is advised to provide empirical evidence of consultations that took place to the National Council.
- 6.1.10 The Committee is recommending to the Zambezi Regional Council to liaise with the Ministry of Health and Social Services to provide psychological support services to the bereaved families in order for them to cope with the trauma of losing loved ones. In the same vain, the Committee is calling on the constituency Councilors representing the communities where the bereaved families reside to ensure that their constituents receive the psychological support as recommended.

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7. SIGNING OFF OF THE REPORT

7.1 This Reports has been adopted in WINDHOEK on this 6th day of DECEMBER
2021

7.2 Signature: 

John . M. Likando

Chairperson: Standing Committee on Home Affairs, Security, Constitutional and Legal
Affiars