Hewat Beukes, the son of the late Hermanus Beukes, and his followers published a booklet in 2007: Rehoboth – Die Rehoboth Baster Gemeente se onvervreembare eiendom en erfenis (Rehoboth – the unalienable property and patrimony of the community). Here all former transfers of land into foreign hands were questioned.

Below the 21-pages paper, prepared by Hewat Beukes in February 2007, is a direct translation of the 2007-booklet (6-19), which has 52 pages. It explains the central points of arguments of the Rehoboth Burger Movement.

Re. Richterveld Case see Berzborn 2007.pdf

Scanned in May 2011 by Cornelia Limpricht

Von Hevrat
Beukes Erbalde
TAST 2010

PRESENTATION TO THE MINISTER OF LOCAL AND REGIONAL GOVERNMENT AND HOUSING ON THE QUESTION OF REHOBOTH

INTRODUCTION

The Rehoboth Burger Beweging had submitted to the Namibian President first a petition – formulated by the late Hermanus Beukes and signed by members of the Rehoboth community – to demand respect for and restoration of the Rehoboth Community's land rights and then a series of correspondence to request a response **(Elaboration- petition and letters)**

The response from the incumbent President came as an undertaking to submit the issue to the Minister of Regional and Local Government and Housing for an inquiry into the matter and then to submit the results to the President to make informed decisions. **(letter)**

The intention of a number of members of the Rehoboth Community had been to take the matter of the disregard of the private property rights of the Rehoboth people to Court as a first step to restore their inalienable rights and their fundamental right to self-determination, but given what appears to be a reasonable response from the Government, in specific the State president, they decided to put that step on hold and to first submit this historical-legal exposition to the investigator – the Minister of Regional and Local Government and Housing – for a consequential and proper elucidation of this issue to enable him to submit a comprehensive and meaningful report to the State President.

The restoration of the Rehoboth Community's property rights is urgent in the extreme as the community needs the utility of its land to uplift the rapidly deteriorating standard of life of its members. Sixteen years of independence have turned their legitimate expectations into its opposite of apprehension and resentment. They are a tax-paying community which instead of receiving its legitimate portion of the national budget is threatened with total dispossession and blackmail with its own resources.

It is no doubt relevant to emphasise that this community is part of the peoples who have fought the continual dispossession of successive imperialist regimes over 400 years. It had to retreat in constant struggle first from the Dutch, then from British annexation until it settled in Namibia where it left the Namibian nation an indelible legacy of the defeat of the German Army in battle in 1915 and waged a principled political struggle against the illegal mandate for the right of self-determination of the Namibian nation and its peoples, a struggle which has not yet found its denouement but is now driven to a new intensity.

1. Historical and legal affirmation of the property rights of the Rehoboth Baster and the illegality of subsequent violations of land rights and expropriation by the successive states of Germany, South Africa and Namibia

The land of Rehoboth occupied by the Basters since 1870 in pre-colonial times was marked by 4 beacons: Northwest, - Ururas close to Walvisbaai; Southwest – Sossusvlei; Northeast – the eastern high point of the Auas Mountains; Southeast – Twilight close to Mariental.

Here – under the guidance of the Reverend Heidmann – the Rehoboth Basters accepted and promulgated a written constitution the Vaderlike Wette with its jurisdiction over the land called Rehoboth and under which the land was inalienable as a central express provision. It was a unique situation in that a tribe had its written law which took the legal nature of a deed of trust with Rehoboth collectively owned by the members of the community and in which they held proprietary rights such as entitlement to a residential erf, which shall be designated and registered in its owner's name.

The underlying principle of this set of laws was that the land was necessary for the basic sustenance of the members of the nation and therefore the main utility of the land was to maintain a minimum standard of living. (As history would prove this was a justifiable position, because, as the dispossession of the people continued, their economic deprivation intensified coupled with social collapse).

The subsequent colonial regimes of Germany and South Africa each expropriated much of this vast area: Germany took two-thirds of the territory and the South African administration expropriated 33 farms in the east amongst others.

Then came political independence in 1989, and the national regime claimed ownership over the remaining collective property around Rehoboth town and smaller settlements proscribing such rights as free residential erven.

Against these acts of dispossession the Basters argue illegality.

This paper is a legal affirmation of this position. Rehoboth is collective private property which is inalienable and every inch of it shall be restored under the Vaderlike Wette.

Of course in terms of universal scientific principles a dispossessed or oppressed people does not need to justify its prerogative to take appropriate measures for restoration or liberation. This is an argument outside the ambit of this paper. (**Necessity**)

In a sense thus, the position developed in this paper is a subordinate argument and its method is to assume the legal premise of the predominant nations and ruling classes and show that the dispossession of Rehoboth in particular is illegal and untenable in their own law: international, national and 'indigenous'.

The question of Rehoboth has already met with much hostility from commercial land-owners in particular white land-owners. Rehoboth's property forms as private collective owners beneficial to the entire community seem to vex private land owners as Rehoboth land ownership is a more developed and refined form of communal land ownership (compared to communal land ownership forms prevalent amongst the other tribes) which shall have an unchallengeable stature in a proper Namibian court of law moreover in that it conforms to 'western' norms of registered land with title deed and conforming to official transfer as the means of changing ownership. It is registered land with title deed *inter alia*.

Its restoration is therefore a mere technical formality, but which raises further questions against the legality of dispossession in the rest of Namibia. Thus Rehoboth's land ownership model always kindled uneasiness amongst the large landowners who often begot their land from illegal settlement.

Nevertheless, the specific nature of the Vaderlike Wette as a trust empowers any Baster individual to test this matter in Court. Our aim is to establish the indelible

legal framework in which Rehoboth's land shall be restored and within which the community or any individual or group of individuals may take recourse to a proper Namibian court of law, which upholds the basic democratic gains contained in the Namibian Constitution.

2. CENTRAL FACTS RELEVANT TO INTERNATIONAL LAW AND THE LAW OF PROPERTY.

The Rehoboth Basters as a distinctive social group settled in the land they named Rehoboth in 1870.

It is clear from the history that the group's taking possession of the area of land was consensual amongst the Herero and Nama. There can be little doubt that the cession of the land to the Baster was politically expedient in that the group served the purpose of maintaining a military buffer state between the two groups to curtail incessant reprisals amongst others. (This historical conclusion is also upheld by Brigitte Lau).

It is recorded that the condition set down by Maharero for the Baster's taking possession of Rehoboth was that the community would have a representative civil structure. They thus formulated and accepted a set of laws called "Die Vaderlike Wette" (promulgated in 1872) whose jurisdiction stretched over the entire land called Rehoboth.

In terms of these laws a Kaptein and Volksraad were established as the executive of the nation and its domain was the entire land of Rehoboth. "Die Vadelike

Wette" circumscribed the full extent of the sovereignty of the land: in terms of these laws no part of Rehoboth shall be alienated.

The land was surveyed, mapped and registered, and its extent and borders were recognized internationally and by the surrounding nations. This sovereignty could not be disturbed except by illegal means in terms of the then prevailing international law and conventions and in terms of the 'indigenous' laws themselves.

The German government declared the country now known as Namibia a protectorate in 1884. It found the land in possession of the various sovereign nations including the Rehoboth Baster nation inhabiting the land on properly delineated land areas each.

Under its administration the land of the Basters was surveyed, mapped and registered over which the jurisdiction of the Vaderlike Wette held and no Germar imperial law was enforced officially except on an *ad hoc* basis and by way of so-called treaties, such as the treaty on mineral exploitation, for example.

None of these treaties were worth the paper written on nonetheless since they were not agreements negotiated between equal peoples, but agreements forced on the people by an occupying force.

Consequently, it is clear that the rapid expropriation of large portions of Rehoboth land by the German Imperial Government in its era of colonial reign of 31 years (1884 to 1915) was illegal in terms of die Vaderlike Wette in themselves, Germar and international law and its restoration to its lawful owners remains a legal imperative to this day.

An analogous situation emerged with the community of the Richtersveld in South Africa in a matter, **The Richtersveld community and others v Alexkor and the Government of SA, case no. 488/2001 in the Supreme Court of Appeal** in which its customary law interest in its land was restored.

(Richtersveld is situated in the north-western extent of the Cape Province bordering onto Namibia with the Orange River as the common border. Basters constituted part of the Richtersveld community).

Care must be taken to distinguish between the legal situation of the Richtersveld in South Africa and Rehoboth in Namibia in the following sense:

i. Richtersveld was annexed by the British Crown in 1887, Rehoboth was never annexed, and legally remained a separate national state.
ii. Richtersveld fell under the jurisdiction of South African law.
iii. Rehoboth was surveyed and registered.
iv. Rehoboth's domain was governed through a written constitution (more aptly a Deed of Trust within the wider domain of the unitary territory first of South West Africa and then Namibia) which rendered any alienation of land illegal.
v. Namibia was never under legal mandate as the League of Nations commissioned a colony as mandate holder, which was untenable in law.
vi. The laws of South Africa were invalid *in toto* in Rehoboth, where the jurisdiction of the Vaderlike Wette was in force.

Nevertheless, while the legal issue in the case of Rehoboth is a simple one in that a fully-fledged national state (in all its facets in terms of international law at any time relevant to this matter) was expropriated unlawfully in all respects and that both international law and the Namibian Constitution require restitution of all land rights to its people, we believe that the judgement in the Richtersveld case does add to illustrate the legal extent of illegal expropriation of Rehoboth.

Five judges found amongst others as follows:

'...

This Court's principle findings are as follows.

1. **The Richtersveld community was in exclusive possession of the whole of the Richtersveld, including the subject land, prior to annexation by the British Crown in 1887.**

2. **The Richtersveld community's rights in land (including precious stones and minerals) were akin to those held under common law ownership. ...**
3. **These rights survived the annexation and the LCC (Land Claims Court) erred in finding that the community had lost its rights because it was insufficiently civilised to be recognised.**
4. **...**
5. **These practices were racially discriminatory because they were based upon the false, albeit unexpressed premise that, because of the Richtersveld community's race and lack of civilization, they had lost all their rights in the land upon annexation.**

The result of these findings is that the Richtersveld community is entitled to restitution of the subject land and that the appeal has to succeed.'

(Ironically the Basters fled from the annexation in Richtersveld where they lived to the present day Rehoboth.)

The court continues:

'... under that law (SA common law) or international law the existing land rights of the inhabitants of the Richtersveld in terms of their own indigenous law were recognised and protected.

... In order to understand the basis of the appellant's claim and to understand the different issues it is necessary to deal with the history of the land and its people. ... The first question is whether the appellant possessed any rights in the subject land at the time of annexation. It does not appear that the LCC considered this aspect as such. Instead it considered another question, namely whether after annexation the land was *res nullius* and whether the appellant had acquired ownership of the land by means of occupation.

... By the mid 19th century the Richtersveld people had assimilated some San and some Baster people but the group as a whole was predominantly of Khoi-Nama descent. The Basters were of mixed descent mainly from European fathers and San or Khoi mothers.

... The Richtersveld people shared the same culture, including the same language, religion, social and political structures, customs and lifestyle derived from their Khoi-Nama forefathers. One of the components of the culture of the Richtersveld people was the customary rules relating to the use and occupation of this land. The primary rule was that the land belonged to the Richtersveld community as a whole and that all its people were entitled to the reasonable occupation and use of all land in common by them and its resources. All members of the community had a sense of legitimate access to the land to the exclusion of all other people. Non-members had no such rights and had to obtain permission to use the land for which they sometimes had to pay.

... The customary rules ... were not limited to their social and political structures or their occupation and use of the land. They also included rules relating to criminal and civil law ...

... During argument in Court it was conceded ... that at the time of annexation the Richtersveld people had a customary law interest ... entitling them to exclusive occupation and use of the subject land and this interest was akin to the right of ownership held under common law.

... In colonial times acquisition of sovereignty over new territory could, according to international law, be established by conquest or cession if the territory was inhabited, or by occupation, also called settlement, if it is not inhabited. *Halsbury's Laws of England 4 ed reissue, vol6, para 978, McNeil, op cit, 102.*

Occupation or settlement as a means of acquiring inhabited territories was based on the fiction that if a territory was inhabited by people regarded as insufficiently civilised it could be acquired by occupation or settlement as if it were uninhabited and therefore *terra nullius*. Dugard, *International Law – A South African Perspective*, 2 ed, at 119.
... In 1975 the International Court of Justice was pertinently asked to determine whether the Western Sahara was *terra nullius* when it was colonised by Spain in 1884. The Court found that at the time of colonisation the Western Sahara was inhabited by nomadic people 'organised in tribes and under chiefs to represent them' so that the territory was consequently not *terra nullius* capable of acquisition by occupation.'

It is clear that on all counts the acquisition of land by settlement and occupation or state expropriation contrary to the Vaderlike Wette was illegal and invalid in law. For one, both the Germans and South Africans found a territory inhabited by people with a written constitution, with a properly

demarcated area of land and with a legally constituted and representative government.

Their occupation purport to respect the law and the territory of the Basters, and their encroachment by settlement and land-grabs were illegal.

3. DISPOSSESSION UNDER AN ILLEGAL MANDATE

The fundamental framework within which law was enforced by the South African Government was unlawful as the League of Nations had given the mandate to South Africa a British colony at the time. International law did not provide for such a configuration as only an independent country could be mandated to take control of a country for the ostensible purpose of developing its people to a high standard of civilization.

In the case of Rehoboth and its people, South African rule was further rendered unlawful and a violation of Rehoboth s sovereignty as embodied in the Vaderlike Wette as it sought to disregard the Vaderlike Wette's validity and in its urgency to annex and rule it introduced a series of proclamations which were self-annulling in the following regard:

i. The mandate holder South Africa had no legal basis or justification for the annulment of the advanced and coherent legal system as embodied in the Vaderlike Wette and it clearly could not put any system in place more advanced, advantageous and protective than the Vaderlike Wette other than by committing simple crimes.

ii. Any binding agreement within the framework of the Vaderlike Wette could anyway be made only with the true legal representatives of the Baster nation which were its Kaptein and Volksraad.

iii. Seemingly to give credence to its attempts to introduce South African law into the territory of Rehoboth, it promulgated proclamation 28 of 1923 in which the Administrator of South West Africa could make laws in consultation with the Raad and Kaptein.

iv. However, in 1924 it promulgated proclamation 31 of 1924 in which the Raad and Kaptein were dissolved and in its place were put a white magistrate and an advisory council. Thus, even if its proclamations were lawful, it would no longer be able to make laws for the territory as there was no legitimate body to consult.

v. The above self-created dilemma was pointed out again in 1952 when the UN gave a legal opinion in which it declared that South Africa had deprived itself of the right to make laws as a consequence of the two above-mentioned proclamations.

The legal opinion of 1952 was further underscored when the International Court of Justice in 1965 declared the South African mandate illegal.

At this juncture it must be mentioned that the UN the mandate giver had declared the South African homeland policy as an abomination and a violation of fundamental rights.

In disregard of all this South Africa introduced homeland legislation in what it called South West Africa/Namibia and in 1976 it established a homeland government for Rehoboth under Act 56 of 1976 also known as the Wit Wet.

A press statement in 1976 of the Volksparty puts the matter in perspective:

'The nation of Rehoboth rejects the establishment of a new constitution for Rehoboth by the government of the Republic of South Africa. The proposed constitution offer us no independence. Our request was the re-introduction of the Vaderlike Wette of 1872. Today we wish to establish our view through referendum. Through this we can prove that the people of Rehoboth, within Southwest-Africa, can decide for themselves.

Above-mentioned petition was signed by 5000 inhabitants over the past week-end which is adequate proof of the strong reaction which now exists here against the law. Our people are deeply outraged and shocked at this new legislation of which the vast majority has only learned for the first time over the radio and the newspapers. Equally shocking is the argument of the Minister of Coloured Affairs, and Nama and Rehoboth Relations, that this new constitution was requested and accepted by the people of Rehoboth. The cry which is going out is how can a law be accepted when the people do not know what is written in it? The Minister alone in his wisdom will be able to answer this question to the nation.

Of a minimum of 16,000 inhabitants only 3500 were registered as voters, because the people here refused to register under a law promulgated by a foreign country. In the last election only 2500 voted, but it is interpreted by the Minister as sufficient proof of acceptance of a new constitution. And the leader now wielding predominance in Rehoboth and pretending to represent all, only achieved +- 1200 votes.

This type of action and reaction is nothing new and is a well-known South African policy since 5 April 1925. History repeats itself and in Rehoboth the cycle appears to

be 50 years. When the 1923 Agreement was accepted by the minority and the majority wished to voice their opinion they were repressed by South African troops.

We now stand on the same cross-roads where, in modern times, and much talk of democracy, the majority opinion is being disregarded summarily.

Seeing that the nation takes the above-mentioned position the question arises what is the Minister going to do? Are we now to be exposed to intimidation or democracy. The latter is a concept lending itself to enormous elasticity and in Rehoboth it can be stretched to such an extent that the opinion of one man who views himself as leader of the Basters is being accepted only on the basis that he fits into the policy of the South African Government.

...

The new law had its own encumbrances posed by the self-same Vaderlike Wette. In terms of the latter Rehoboth land was registered in the name of the Rehoboth Gemeente and its title deeds were endorsed likewise. The Wit Wet contained the provision that the property rights of the Gemeente were transferred to the homeland government.

This of course was an absurdity in terms of the law of property alone as ownership of registered land can be obtained only through legal transfer. The would-be transferor the Rehoboth Gemeente had never agreed neither had it any time given transfer. In any event, the Kaptein and Raad had been dissolved in 1924, but even if it were operative, it would have had no mandate to transfer Rehoboth land both in terms of the concept of sovereignty of a nation and by the prohibitions of the Vaderlike Wette which barred the alienation of Rehoboth land.

This dilemma blocked the homeland authorities to legally transfer properties and as a result this land was still registered in the name of the Baster Gemeente after 1990 when the homeland government ceased to exist. This caused the same dilemma for the Namibian State.

The Namibian Constitution provided that the properties of the second tier authorities would vest in the central government after independence. However, the Rehoboth government had no properties in its own name. In fact this blotch on the Constitution as a recognition of the South African homeland policy met with deserved absurdity as it inherited nothing from the Rehoboth homeland institution.

The Namibian State then resorted to unlawful appropriation of land to itself as the relevant branches of the state such as the regional and local authorities and the Ministry of Lands and Resettlement carefully concealed the fact that legal transfer was not possible as the said land remained registered in the name of the Rehoboth Gemeente.

4. THE NAMIBIAN JUDICIARY AND THE SOUTH AFRICAN HOMELAND POLICY

Shortly after Namibia acquired political independence in 1990, Mr. Hans Diergaardt, the ex-homeland captain went to Court in an attempt to restore the homeland policy and the rule of the homeland administration in terms of Act 56 of 1976 be restored. In this regard he requested an order, "**interdicting the [Registrar of Deeds] from registering any transfer of land ... unless the provisions of section 13 (2) (b) (i) and 48 of the Registration of Deeds**

in Rehoboth Act no. 93/1976 ... have been complied with." amongst others.

Leaving the spurious grounds aside that he was elected in terms of the Vaderlike Wette and that the Rehoboth Gemeente had been operative in this regard in 1991, the essence of the application was grounded upon the homeland laws as indicated above.

The Namibian State readily obliged and used "**Section 23(1) of the Rehoboth Self-Government Act, 1976, Act no. 56 of 1976 (the Act), all such property vested in the Government of Rehoboth and not the First Applicant. Consequently on the implementation of Schedule 5 of the Constitution the property is vested thereupon in the Government of Namibia.**"

The Court obliged and Judge Hannah a judge in the Supreme Court based his judgement on pernicious and spurious insults of the Gemeente such as the following:

i. The people had opportunistically accepted the homeland policy in 1976 when they thought they could get maximum benefits. (Compare this to the judgement in the Richtersveld case that so-called treaties concluded between unequal parties under force are void.)
ii. The people now wished to share equally opportunistically in the independence in which they had contributed nought and now wished to dodge the adverse consequences of their earlier indiscretions.
ii. The people had wittingly and knowingly dispossessed themselves in 1976 by ceding their property to the Rehoboth homeland government.

It was a vicious judgement which fell squarely outside the jurisdiction of the Namibian Court in that it is not within the Court's powers to pass (historic) judgement on a nation or people of Namibia. It has no power to violate and desecrate the dignity and legacy of any people in Namibia such as the Rehoboth Baster. It amongst others override modern contractual law which expressly does not recognise one-sided contracts and enforced the outmoded racist notions of contracts in which a signature was adequate to expropriate an unsophisticated tribal land-owner for a bottle of brandy. (The tendency to recognise sleight of hand, mysticism, obscurantism or in a word crude deception in agreement and to ignore true intention and informed decision remain strong in the Namibian judiciary. Waiver of rights thus remains a strong argument even in the face of the constitutional principles of reasonableness, proportionality and rationality. This is evident in this judgement from the absurdity that the Rehoboth Baster would wittingly disown themselves and vest their property in a homeland government.)

It was on the contrary incumbent upon the Court to uphold *a priori* the express legal positions and resolutions of the United Nations and the International Court of Justice such as that the South African administration was illegal since 1965 and as such at least the homeland policy and accompanying legislation were illegal. It did not.

The Court paradoxically did not challenge an earlier ruling by Justice Teek that the Vaderlike Wette had survived independence. But, that judgement invoked the original jurisdiction over the full extent of Rehoboth land and brought to nought the invocation of any other jurisdiction in particular the homeland act.

The late Hermanus Christoffel Beukes addressed an open letter to judges of the Supreme Court in which he pointed out amongst others:

'... Thus what happened here is that the Court gave recognition to an Act which was made for Rehoboth in which the Bastergemeente as an association of persons with land rights disappear and in which it is substituted by two bodies, one, the advisory council – which had no *locus standi* – and the other the South African Government had no more right.

It borders on the absurd, which can only be expected in a country which had never been acquainted with civilised norms with human rights as a priority.

The Basters already in the 19th century when they received the land from Maharero knew that only the owner thereof could give transfer. The Court come in the 20th century and refer to articles 23 and 25 of Act 56 (the homeland Act) as should they be sufficient to cause them the loss of their land. Which meant that transfer was not necessary.

The proof that that there was no transfer of this land is that the Namibian government officials put pressure on the Registrar of Deeds in Rehoboth to transfer Bastergemeente property to the Namibian Government. He was also threatened with disciplinary steps should he failed to do so.

...

What the Supreme Court succeeded to achieve with this judgement was to prejudice its own integrity and to give to the Bastergemeente a clear criminal case in which we only have to determine who gave transfer of our land ...

The Basters fought since 1922 against South African occupation of this country as well as to retain what we still have and for the restoration of what we have lost.

Now everything is being attempted to take away everything. It is a low and reprehensible scandal."

5. THE LEGAL *STATUS QUO ANTE* REMAINS

It is patently clear that since 1870 not a single inch of Rehoboth land had been legally alienated and the Namibian Court is duty-bound to restore that ***status quo ante*** should this matter be brought before it on a proper legal and factual basis as we intend to do.

However, our first step is to demand from the incumbent Government to honour and invoke the fundamental provisions of the Namibian Constitution – which it should be first in line to uphold – and to restore the rule of law by recognising the Bastergemeente's property rights and to take active steps to assist it to restore its land rights and for recompense of the utility of the land taken away since the German occupation.

Therefore, we presume that we are entering into a phase of *bona fide* discussions with the Government for elucidation and a clear programme to restore same.

We take this path from the basic premise that a nation can only be built through the recognition of the right to self-determination of its peoples and the welfare of the people can only be achieved by the optimum utilisation of its most fundamental resource, its land.

Be that as it may, our concern is that the Government and its state is duty-bound to uphold constitutional provisions and principles as agreed and if it stand against these tenets it looses its own legitimacy. In this regard, the Government and its state, in particular its judiciary, shall uphold and respect the property rights of the peoples of Namibia.

We point out that the state and its judiciary have hitherto dismally failed in this regard.

6. LAND RIGHTS AND THE PROTECTION OF PRIVATE PROPERTY IN THE UNITARY STATE OF NAMIBIA

The implementation of Resolution 435 was embraced by South Africa and the commercial landowners in Namibia when it contained the guarantee to '**protection from arbitrary deprivation of private property** ...". But, this phrase continued "**or ethnic, religious discrimination**".

In the Richtersveld case it was found that the customary law interest held by the community in communal land to the exclusion of outsiders was equivalent to the South African common law precepts of ownership of private property. While the same holds here in Namibia too, but which is disregarded by the so-called law enforcement institutions, the principle is reinforced significantly in that when the country became a unitary entity, 'communal' land became private land as it was always private in relation to an outsider and was he excluded from its use.

The question of ethnic discrimination becomes a tangible concern with the disregard of the rights of peoples as all black and yellow peoples owned land

collectively (which, with no elaboration is considered not private property and thus alienable) while collective ownership of white groupings is regarded as ownership of private property. The case of Cultura 2000 is case-in-point.

In conclusion, the property rights of the Rehoboth Gemeente is a historic question which will not go away and its determination in the Courts must establish whether the Namibian judiciary is upholding the Constitutional principles contained in the Declaration of Fundamental Rights, the rule of law and whether it is upholding the right of self-determination of peoples which is a necessary principle in building a nation.

The rule of law and the protection of private property (albeit collective property) this time round will to be employed for the protection of the peoples and not for their demise and voiding of their rights.

We caution the Minister that the issue is urgent and we therefore trust on its expedition of this matter. We stand ready to illuminate any aspect of this matter as we are fully abreast on all its aspects.

Prepared by Hewat S.J. Beukes in consultation with the Rehoboth Burger Beweging.

_____

HEWAT BEUKES
February 2007