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## Namibia's History, a History of Biopiracy

After a long history of mining for copper, gold and diamonds, Namibians are turning to renewable resources such as medicinal plants, cattle, or fish. Namibians have experienced biopiracy in many ways. By biopiracy, I mean “the commercial exploitation or monopolisation of biological or genetic material, as medicinal plant extracts, usually without compensating the indigenous peoples or countries from which the material or relevant knowledge is obtained.”<sup>1</sup> In this essay, I discuss three examples of biopiracy, one from the “precolonial” and one from the colonial period under British rule, as well as a neocolonial example.

### Cases of Biopiracy

A few very brief historical markers on Namibia's history to situate the three given examples: South West Africa was officially a colony of the German Kaiser Reich from 1884 up until the Germans lost their right to the colonies early during the First World War in 1915, when South African troops invaded.<sup>2</sup> From the mid-1910s to the mid-1940s it was considered a protectorate of the Commonwealth, after the Second World War, it was de facto part of South Africa. Since its liberation on 21<sup>st</sup> March 1991, it has been called Namibia.<sup>3</sup>

The first case of extraction of biological knowledge from Namibia, I could find, dates back to approximately 1864. This leaves us in the awkward situation of a young British botanist receiving a colonial letter of biopiracy from a non-colony, I shall call this the “pre” colonial example.

Though I have only the reply to the samples sent by Henry Trimen, a British botanist who sent butterflies to Mary Elizabeth Barber. Whilst this surely is not a commercial exploitation, it is a removal of biomass with the intention of scientific recognition without compensating the local people.

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<sup>1</sup> Definition of biopiracy | Dictionary.com, [www.dictionary.com](https://www.dictionary.com/browse/biopiracy), <<https://www.dictionary.com/browse/biopiracy>>, Cited date: 25.05.2022.

<sup>2</sup> Wallace, Marion; Kinahan, John: Geschichte Namibias: von den Anfängen bis 1990, Basel 2015, P. 326.

<sup>3</sup> Ibid., P. 480.

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A far more harmful case of Biopiracy or even robber farming took place during the British/South African rule from the 1930s to the 1940s. The density of cattle farms in Namibia increased from 3720 in the 1930s up to between 4982 (Lardner Burke Commission) to 6821 (Ordendaal Commission) in 1963.<sup>4</sup> According to the Ordendaal Commission, the Namibian farmers suffered from overstocking ever since the late 1940s with severe consequences: The Lardner Burke Commission counted an overstocking of 50% by the size of the pasture. Drilling wells and taking the necessary precautions for droughts and against overstocking was only possible for the rich farmers. Sustainable level farming was not possible for other farmers resulting in “the evil of overstocking, depletion of water supplies, misuse of land, soil erosion and to loss of drought, plant poisoning and deficiency disease.”<sup>5</sup> Instead of adjusting their forms of farming and reducing the cattle, the settlers enlarged the so-called police zone to still their hunger for land even further. From 1947 to 1960, the amount of farmland for the settlers increased ten times, in other words the land available for the locals was reduced further and further. Their form of cattle farming which was mainly by trekking with their cattle was soon impossible to be done sustainable or at all.<sup>6</sup>

A third example of the now neocolonial time that took place from 2012 to 2016 and was still possible in 2019 most prominently revealed in the Documentary “Anatomy of a Bribe” by Al Jazeera.<sup>7</sup> As revealed by WikiLeaks and Al Jazeera, the Icelandic corporation Samherji alone paid 10 million US\$ in bribes to secure fishing rights at Namibia’s 1572Km long coast. The result of that bribe was an exploitation of the fishing areas, an exclusion of Namibian workers and a revenue of 120 to 150 million US\$.<sup>8</sup> Further they avoided paying taxes through tax havens such as Mauritius, the Marshall Islands, and Cyprus, giving them another advantage over Namibian competitors that were actually providing jobs to Namibians that already have a very high unemployment rate of 33%.<sup>9</sup>

<sup>4</sup> Miescher, Giorgio; Miescher, Giorgio: Die rote Linie: die Geschichte der Veterinär- und Siedlungsgrenze in Namibia (1890er bis 1960er Jahre), Basel 2013, S. 237.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid., S. 238.

<sup>7</sup> Al Jazeera English: Anatomy of a Bribe | Al Jazeera Investigations, 51:11, 12.01.2019. Online: <<https://www.youtube.com/watch?v=FJ1TB0nwHs>>, Cited date: 24.05.2022.

<sup>8</sup> Kleinfeld, James: Anatomy of a Bribe: A deep dive into an underworld of corruption, <<https://www.aljazeera.com/features/2019/12/1/anatomy-of-a-bribe-a-deep-dive-into-an-underworld-of-corruption>>, Cited date: 25.05.2022.

<sup>9</sup> Ibid.

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As a result of the leaked information Thorsteinn Mar Baldvinsson, CEO of Samherji, stepped down from his position to guarantee a thorough, fair and clean investigation. The Minister of Fisheries and Marine Resources Bernhard Esau, Minister of Justice Sacky Shanghala, state-owned fishing company Fishcor's Chairman James Hatuikulipi all resigned as well.<sup>10</sup>

### The economic consequences and its influence on Public Health

As a result of the exploitation of the fields, fewer crops and less grass is growing. This results in a decrease in cattle farming and food production overall, leaving more Namibians hungry. Further, the extraction of natural resources such as, fish, and its financial consequences of up to 150 Mio. € taken out of the financial circuit of Namibia leads to a lack of income and taxes and has further economic consequences. The notoriously underfunded health sector, the social services, and schools suffer the most. Many of the poor in Namibia live off fish and pap (a corn variation of porridge) every day, with the poorest not even able to afford that. With the combination of malnourishment, a very thin health care system in the rural areas and no funds to travel, many Namibians' health suffers from direct consequences of biopiracy.

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### Past, present, and future endeavors to hinder biopiracy

With so much experience in biopiracy, Namibians are very skeptical to share their medicinal plants and plant knowledge with non-Namibians.

For future joint ventures the MAN's exhibition includes a section on how to ensure that through Access Benefit Sharing (ABS) the Namibian people for once profit from their knowledge and resources.<sup>11</sup> In 2019 the WHO's Convention on Biological Diversity released the NAGOYA Protocol aiming to conserve biological diversity, sustainable use of biodiversity and fair and equitable benefit-sharing from genetic resources.<sup>12</sup>

Regarding the past, to gain access to fishing rights, one needed (and still needs) to get the rights either through bidding for them, ensuring a fair market value through the FISHCOR

<sup>10</sup> Ibid.

<sup>11</sup> Museums Association of Namibia: Muti or Medicine? MAN Traditional Medicine Exhibition, o. D.

<sup>12</sup> Convention on Biological Diversity: NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION, in, 2019.

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(National Fishing Corporation Namibia) or through government allocated rights. No fishing in Namibia is to be done without a Namibian-based fishing company and Namibian fishermen involved. Yet all these measurements have been outmaneuvered by corruption and bribery.<sup>13</sup>

For the more distant past during colonial and “pre” colonial rule there is to be learned from former mistakes, but there was hardly any possibility to resist biopiracy. Whilst biopiracy ruined their land with lasting consequences for the foreseeable future still, it was not the first thing that sprung to the Namibians’ mind in the liberation struggle. The connected loss of human rights, especially in Apartheid Namibia, on the other hand, was the absolute key reason for the urge to liberty.

## Conclusion

To conclude, sadly for the main benefiter of the biopiracy, namely Thorsteinn Mar Baldvinsson in the neocolonial case and for the settlers stealing and ruining farmland in Namibia there were to this day hardly any consequences. During the Truth and Reconciliation Committees in 1996 the settlers were mostly pardoned without proper compensation to the Namibians.<sup>14</sup> Thorsteinn Mar Baldvinsson was reinstated as the CEO in March 2020 to “help with the Covid-19 crisis.”<sup>15</sup> He promises to remain most cooperative, though the concern for him to be in Accused and CEO at the same time and that this could possibly interfere with the investigation seems to have vanished. The Namibian politicians walked free on a comparatively small probation, with the CEO’s still being held in detention. It has lately been reported that 102 assets have been seized for further investigation.<sup>16</sup> More serious attention to the danger of collusion and intention of justice is needed as we do not want to witness past injustices repeating themselves. Going forward a full inclusion in the entire cycle from harvest over procession to the final product needs to be established. With the value chain coming full circle many of the economical problems could be solved.

<sup>13</sup> Kleinfeld: Anatomy of a Bribe.

<sup>14</sup> Lodge, Tom: Sharpeville: an apartheid massacre and its consequences, Oxford ; New York 2011, S. 27.

<sup>15</sup> hf, Samherji: Thorsteinn Már Baldvinsson returns as co-CEO of Samherji, Samherji hf., <<https://www.samherji.is/en/the-company/news/thorsteinn-mar-baldvinsson-returns-as-co-ceo-of-samherji>>, Cited date: 25.05.2022.

<sup>16</sup> Namibian, The: ACC links 45 properties, 57 vehicles to Fishrot case, The Namibian, <<https://www.namibian.com.na/index.php?page=read&id=112788>>, Cited date: 25.05.2022.

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