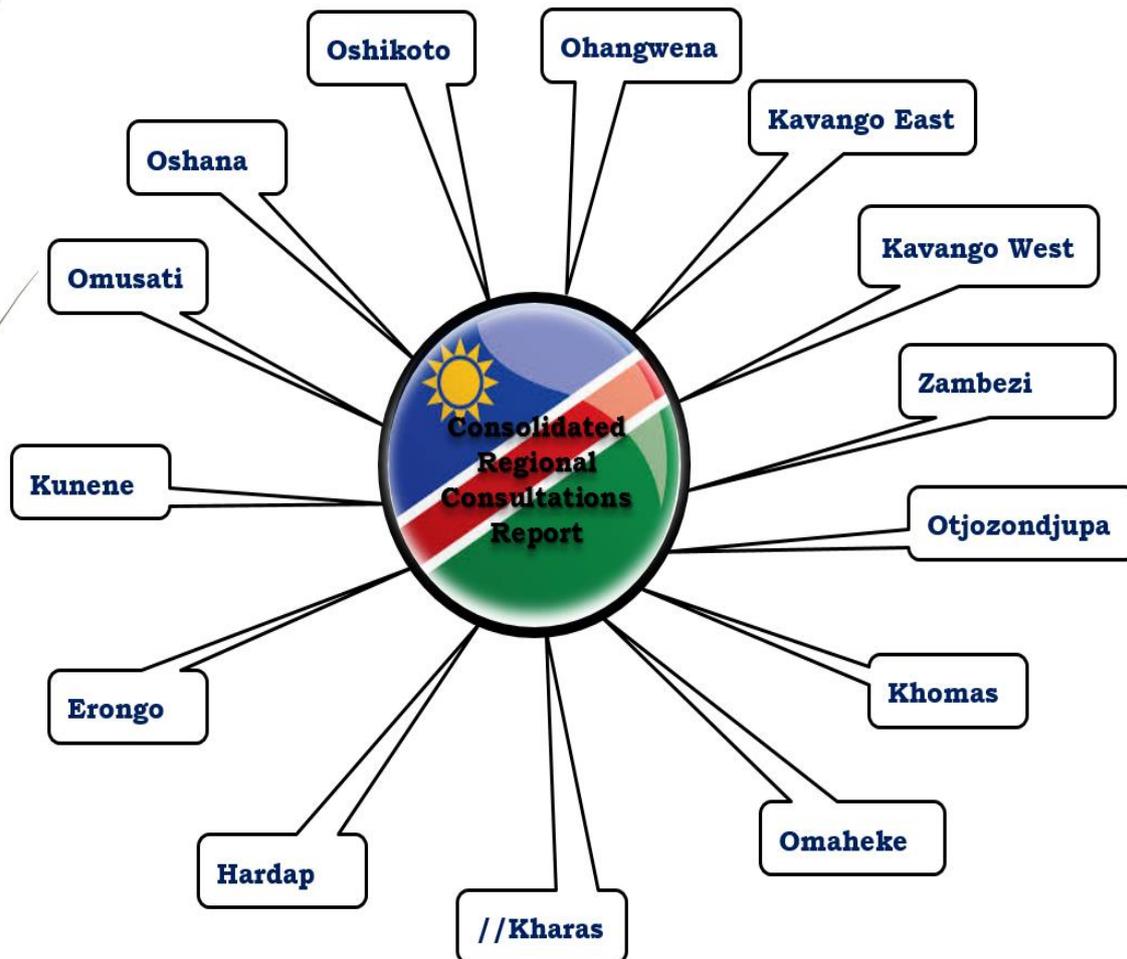




# REPUBLIC OF NAMIBIA

## CONSOLIDATED REPORT ON REGIONAL CONSULTATIONS IN PREPARATION FOR THE SECOND NATIONAL LAND CONFERENCE

19-20/26-27 JULY 2018



*(Consolidated Report on Regional Land Conference Consultations (2): 30.08.18)*

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## ACRONYMS

<b>AALS</b>	Affirmative Action Loan Scheme
<b>ACLRA</b>	Agricultural (Commercial) Land Reform Act, Act No. 6 of 1995
<b>ALTC</b>	Ancestral Land Tribunal Commission
<b>CLRA</b>	Communal Land Reform Act, Act No. 5 of 2002
<b>FMD</b>	Foot and Mouth Disease
<b>GDP</b>	Gross Domestic Product
<b>HPP</b>	Harambee Prosperity Plan
<b>IRLUP</b>	Integrated Regional Land Use Plans
<b>LRAC</b>	Land Reform Advisory Commission
<b>MAWF</b>	Ministry of Agriculture, Water and Forestry
<b>MET</b>	Ministry of Environment and Tourism
<b>MLR</b>	Ministry of Land Reform
<b>MURD</b>	Ministry of Urban and Rural Development
<b>NGOs</b>	Non-Governmental Organizations
<b>NRP</b>	National Resettlement Programme
<b>PCLD</b>	Programme for Communal Land Development
<b>RCs</b>	Regional Councils
<b>RRCs</b>	Regional Resettlement Committees
<b>SCCLRM</b>	Special Cabinet Committee on Land and Related Matters
<b>TAs</b>	Traditional Authorities

## 1. EXECUTIVE SUMMARY

Since the Independence of Namibia in 1990, the Government of the Republic of Namibia seeks to redress imbalances created by the past discriminatory policies, laws, and practices in respect of ownership and access to land. It is for that reason that the 1<sup>st</sup> National Land Conference was organized in 1991. Since then, several Policies, legislations and programmes were put in place with a view to address the land question.

The government of the Republic of Namibia decided to organize the 2<sup>nd</sup> National Land Conference to review progress made to date. For that reason, Government conducted consultative workshops in the fourteen (14) Regions as part of the preparatory work for the Second National Land Conference in Namibia scheduled for October 2018. The first consultations took place during the period of 10 – 28 July 2017 and the second consultations between the period of 19-20/26–27 July 2018.

In line with the Government Policy regarding consultation of people in any decisions affecting them, the workshops mainly focused on updating Regions on the progress made with regard to the implementation of the *Twenty Four (24)* Resolutions that were adopted during the 1<sup>st</sup> National Land Conference and Land Question in 1991. At the same time, the consultations accorded the Regions an opportunity to propose measures that could enhance the sustainable Land Reform Programme informed by the aspirations of the Namibian people.

Regions also suggested six (6) new main issues to be presented at the Second National Land Conference which are summarized as follows: conflicts on political delimitation of the country; preferential treatment regarding access to resettlement; urban land delivery; Genocide victims, conflicting interest with regards to land use and access to natural resources; National Referendum on the Constitution and abolishment of the “Willing Buyer-Willing Seller” policy.

***Note should be taken that these are views as expressed by the Regions and not necessarily the position of Government which will be determined only after the Second National Land Conference.***

## 2. INTRODUCTION

The Government of the Republic of Namibia has taken a decision to hold the 2<sup>nd</sup> National Land Conference during the period of 01<sup>st</sup> – 05<sup>th</sup> October 2018 as set out in Harambee Prosperity Plan (HPP) 2016/17 – 2019/20. The Second National Land Conference aims to create a platform where Namibians are accorded an opportunity to deliberate on the current Land Reform Programme and other emerging land related issues.

It is therefore, the aim of the people and the Government of Namibia that the 2<sup>nd</sup> National Land Conference, guided by the country's Land Reform implementation experience, would adopt policies, programmes and measures towards a comprehensive and sustainable Land Reform in a democratic spirit for all Namibians.

The 2<sup>nd</sup> National Land Conference specific objectives are as follows:

- a) To review progress on the implementation of the resolutions of the 1991 Land Conference
- b) To identify challenges and propose strategies to address challenges encountered during the implementation of the 1991 Resolutions and to advise on how to find solutions to the new issues that have developed in the process,
- c) To share with the conference participants, the implementation of 86 resolutions assigned to the Special Cabinet Committee on Land and Related Matters (SCCLRM)
- d) Identify and deliberate upon new emerging land related matters.
- e) Discuss and address the structures of land ownership in the country.
- f) Deliberate and propose best options to address the number of land issues.

In order to enrich the debate, the Government undertook regional consultations countrywide. These consultative workshops took place from the 10 – 28 July 2017. The second consultations took place between the 19-20/26-27 July 2018. Invitations were extended to the Public through public Media stating the venues and dates of such consultations in all regional capitals. Individual citizens, organizations and institutions were expected to make contributions or to submit written contributions for consideration regarding Land Reform, mainly on the specific Regional Reports which was based on the 24 Resolutions from the First Land Conference and the Concept Paper for the Second National Land Conference.

These Regional Consultations were essential and accorded the Regions an opportunity to make their inputs into the 2<sup>nd</sup> National Land Conference Agenda to inform the deliberations

and decisions of the Conference. The exercise also provided inclusive coverage of diverging ideas and views of the Namibian population on land related matters.

This consolidated report is therefore presenting views expressed during the Regional Consultations including written submissions by individuals or organizations that are attached to the Regional Reports as Annexures. This document therefore presents recommendations made by the Regions and these are left open for the Conference to deliberate on and make appropriate decisions. **All Regional Consultative Reports are available as Resource documents for the Conference.**

### **3. PURPOSE OF REGIONAL CONSULTATIONS**

The rationale behind regional consultations was to sensitize and prepare the Namibian people for the 2<sup>nd</sup> National Land Conference by engaging them to make inputs and give their views and opinions on various land related matters and the Agenda for the 2<sup>nd</sup> National Land Conference. The Government has accorded, through these consultations, ample opportunity to Regions, individuals, and interested groups to come up with technical reports and verbal presentations containing their views, inputs, comments and recommendations on the identified key issues.

It was prudent to first highlight the Regional Reports of 2017 consultative Reports to either approve or amend and to come up with new measures to enhance the sustainable Land Reform Programme informed by the aspirations of the Namibian people.

During the consultations, Government presented progress made and challenges encountered in the implementation of 24 Resolutions of the 1991 First National Land Conference including the thematic areas of the 2<sup>nd</sup> National Land Conference. Such an approach was necessary to highlight the consensus on land reform and land question reached some 27 years ago plus the status of the implementation thereon.

During the consultative process, Regions were requested to deliberate on the following key issues emanating from the 2017 consolidated Reports:

- a) Ancestral Land Claims and Restitution
- b) Willing Seller-Willing Buyer Principle for Agricultural Land Acquisition
- c) National Resettlement Programme and Criteria
- d) Expropriation of Agricultural Land with Fair Compensation
- e) Urban Land Reform Programme
- f) Removal of the Veterinary Cordon Fence (Red Line)

- g) Land Valuation and Pricing
- h) Pre and Post Resettlement Support to Resettled Farmers
- i) Affirmative Action Schemes and Resettlement Programme
- j) Accessibility to Land by Women and the Youth
- k) Bankability of Communal Land
- l) Other Land Issues

In addition, Regions were also expected to express their views on the implementation of the 1991 Land Conference Resolutions through validation of the 2017 Regional Consultative Reports.

#### **4. ISSUES EMANATING FROM REGIONAL CONSULTATIONS BASED ON THE 1991 RESOLUTIONS**

##### **4.1 Ancestral Land Claims and Restitution**

The First National Land Conference of 1991 resolved that given the complexities in redressing ancestral land claims, restitution of such claims in full is impossible.

During the Regional consultations of both 2017 and 2018, most Regions acknowledged the loss of ancestral land as a result of successive colonial regimes. In this regard, they agreed that the issue of ancestral Land must be exhaustively deliberated upon at the Second National Land Conference with a view to find common understanding on how ancestral land claims and restitution could be handled.

In this regards, Regions recommended that Government commissions a survey/study to identify communities who have lost ancestral land under the injustice perpetuated by the former colonial regimes. They recommended that the survey/study should establish the sizes of ancestral land lost through colonial regimes in the whole country. They further proposed that a special Model of resettlement be developed under the Land Reform Programme to fairly address and partially restore the restitution of such claims. However, Regions proposed that claims for ancestral land should be accompanied by factual historical and justifiable evidence.

Other ideas advanced from the Regions are that Government should establish an Ancestral Land Tribunal Commission (ALTC) headed by a Judge to deal with ancestral land issues and the restitution thereof. For this purpose, they suggested that a legislation be formulated to cater for ancestral land claims and restitution.

Notwithstanding the above recommendations and suggestions, some Regions felt that ancestral land claims be avoided as it be declared unconstitutional by a court of law. They held the same view that due to the complexity of the issue, full restitution is not possible. They argued that this may advance the interest of some tribes and Traditional Communities at the expense of others. They stressed that it could be difficult and complex to justify such claims in terms of geographical boundaries as overlaps might be evident. Other concerns were that the consequence of ancestral land claims may spill over areas beyond Namibia's boundaries hence it should be avoided at all cost. Regions cautioned that the *Constitutional provision* that Namibia is a secular unitary State and that Namibians can reside and settle anywhere within the borders on Namibia should be maintained in order to uphold and preserve the integrity of the country.

Regions acknowledged the loss of land by communities due to the past discriminatory policies, laws and practises relating to land. They suggested that apart from the Willing Seller, Willing Buyer principle, Government should implement the expropriation method to acquire land within the framework of the law and rectify the injustice over the previous land acquisition. Regions further recommended that the Government should avail adequate financial resources to acquire more land and redress land imbalance in the country. In this regard, Regions called upon the Government to consider increasing the annual budget of the Ministry of Land Reform to purchase more land for Land Reform Program.

#### **4.2. Willing Seller-Willing Buyer Principle for Agricultural Land Acquisition**

After Independence, the Government adopted a Policy of Willing Seller-Willing-Buyer with a view to acquire land for distribution to the landless. It assumes there are a number of farmers with excess land and willing to sell them to Government. In this case, Government also assumed that there are funds to acquire such land.

Regions called for the abolishment of the "Willing Seller -Willing Buyer" policy as they claim this is not working. Furthermore, Regions recommended that the issue of land valuation and pricing should be thoroughly discussed in order to determine fair compensation based on the actual improvements made on a piece of land concerned.

#### **4.3. National Resettlement Programme and Resettlement Criteria**

Regions recognised the existence of the National Resettlement Programme and made further recommendations to improve the Resettlement Process such as revisiting the current selection criteria for beneficiaries and amending or introducing some social and economic

criteria in land allocation. For this purpose, Regions recommended that Government develops a special scheme under the Land Reform Programme to cater for Namibians who lost land due to past discriminatory policies, law and historic justice.

Others felt that Traditional Leaders should be involved in the process of resettlement at all stages while others felt that Regional Resettlement Committees be given the power to allocate land in their Regions and not only to make recommendations to the Land Reform Advisory Commission (LRAC). They further recommended that priority be given to those who were dispossessed of their land through colonial eras. Other Regions recommended that partial planning be considered in order to maximise land use. Other Regions felt that Commercial land allocated to resettlement beneficiaries be given probation period of 10 years after which the beneficiaries should be given an option to either purchase or extend the lease period.

#### **4.4. Expropriation of Agricultural Land with Fair Compensation**

##### **4.4.1. Foreign Owned Farmland**

The Majority of Regions held the view that this resolution should be implemented as it was resolved by the 1991 Land Conference. They Regions suggested that the existing legislations must be amended to prohibit foreigners from acquiring land under freehold including the Close Corporation or Proxy's but rather be allowed to lease only. It was further suggested that the Government establishes a Committee with clear guidelines to monitor the implementation of the 1991 Resolution on Foreign owned land.

Other Regions were of the view that Government should develop a database of the total size of land owned by foreign and absentee landlords including their personal particulars. They proposed that such owners be invited for a dialogue to deliberate on options to avail land to Government for Land Reform Programme.

##### **4.4.2. Underutilized Land**

Regions identified certain areas in both Communal and Commercial areas which are deemed to be unproductive or underutilized. They therefore proposed that "**underutilized land**" be legally defined under a law upon which mechanisms to address productivity could be based.

They further suggested that underutilized Commercial land be investigated and identified. They also proposed that a database on the size and ownership of such land be established, and the type of production infrastructure required be identified and costed. The Regions proposed that such land must be owned by Government that will administer and redistribute

it equally to all Namibians for residential or other land uses. Furthermore, it was felt that Government will need funding provisions from the National Budget to effect infrastructural development on such farmland.

#### **4.4.3. Absentee Landlords**

Regions recommended that mechanisms be put in place to speed up the expropriation of land belonging to Absentee Landlords WITHOUT compensation. For this purpose, the current legislations be amended to strengthen the implementation of the expropriation of land belonging to Absentee Landlords and prevent loopholes that might attract court challenges.

Regions identified a need to invite Absentee Landlords (foreigners and Namibians) for a dialogue on land reform programme. Any owner (Namibian or Foreigner) not residing and/or utilizing the land productively be compelled to sell their farmland to the State for acquisition. It is further recommended that Absent Landlords be taxed heavily, to compel them to offer/sell land to government for resettlement programme.

#### **4.4.4. Land Tax**

Regions supported Land Tax on Commercial farmland as a tool to generate income for Land Reform Programme. It was recommended that Government imposes heavy tax on multiple land ownership and Absentee Landlords to force them to offer land to the State for purchase. With regard to previously disadvantaged individuals who currently farm in Commercial areas, Regions felt that they should also pay tax like other Commercial farmers do.

#### **4.4.5. Farm Size & Numbers**

Regions recommended that a provision be inserted into the existing legislation providing for individuals to own not more than a certain maximum hectares of land. The regions were of the view that the maximum hectares a person should own, Regions felt should be determined based on Agro-Ecological Zones as well as the Carrying Capacity and environmental conditions might vary.

Some Regions proposed that excess farmland above the maximum allowable size be considered for expropriation for Land Reform Programme. Other Regions felt that farmland should not be registered under Close Corporations because of the incompatibility between the legislations on Land Management and Companies Laws that regulates business activities.

#### **4.5. Urban Land Reform Programme**

Regions proposed the discussion on **urban land delivery** whereby issues such as Right to adequate housing, land delivery policy review, townland expansion and areas of jurisdiction where Traditional Authorities exist including fair compensation, implementation of a Flexible Land Tenure system, Procurement Act alignment with Local Authority Act, Informal settlement upgrading, Government expenditure on housing and urban development, Local authorities finance reform, Housing Finance, Rent control/Property value/Price regulation during the Second National Land Conference.

Among the recommendations emanating from the Regions on Urban Land, the following aspects were dominant;

- a) There is a high demand for land availability for housing development thus, flexible land sizes for housing and standards in order to accommodate the low income groups, putting a moratorium on rezoning and sale of private farmland within the jurisdiction of Local Authority boundaries.
- b) Others included strategic farmland earmarked for urban expansion to be considered for expropriation with compensation, transfer of Flexible Land Tenure System (FLTS) from Ministry of Land Reform to Ministry of Urban and Rural Development, provision of additional resources to housing development programmes.
- c) Further suggestions included the development of the Sustainable Funding Formula for Local Authorities, revisiting the Namibian Building Society, Namibian Housing Enterprise and the Rent Act legislations. There is need to capacitate both central and local authorities with the necessary skills for Property valuation and registration to avoid excessive increases in land values.
- d) It was also recommended that Bank of Namibia regulates Prime Interest Rates for housing finance and review their home-loan policy to improve affordability.
- e) It was also recommended that non-Namibians should not own urban land but rather be allowed to lease for a fixed period of time depending on the activity/business to be undertaken.

#### **4.6. Removal of the Veterinary Cordon Fence (Red Line)**

Most Regions felt that the current cordon fence be retained to control the periodic outbreaks of noticeable diseases such as Foot and Mouth Disease (FMD) and should not be regarded as a barrier against free trade of livestock across the Namibian Veterinary Cordon Fence.

They advised that the fence should only be removed once the Government has invested in veterinary extension services and sustainable disease control measures are put in place.

Some of the Northern Regions called for the gradual removal of veterinary cordon fence for farmers to market their livestock south of the fence. However, they recommended a number of control and preventive measures including the establishment of quarantine camps, subdivision of Foot and Mouth Disease prone areas into blocks, erection of fortified fence between Angola and Namibia and between Botswana and Namibia, plus the creation of second buffer zones to gradually shift the red line to international borders.

#### **4.7. Land Valuation and Pricing**

On the Land Valuation and Pricing, Regions observed that there is no fair compensation for their proclaimed land and suggested that the Compensation Policy be reviewed. They further suggested that the Second National Land Conference looks into the issue of Land Valuation and Pricing and in particular with an emphasis on the Just Compensation for the communal land holders who lose their land to public purposes and proclamations of local authority areas. They further suggested the need to capacitate both central and local authorities with the necessary skills for Property valuation and Registration to avoid excessive increases in land values.

#### **4.8. Pre and Post Resettlement Support to Resettled Farmers**

Regions recommended that Government develops an inclusive (Resettlement and Communal farmers) post settlement support package that will help farmers to effectively and efficiently conduct their farming operation productively. Drought relief support provided to Commercial farmers should also be provided to the Communal farmers.

#### **4.9. Affirmative Action Schemes and Resettlement Programme**

Regions felt that the Affirmative Action Loan Scheme (AALS) and National Resettlement Programme (NRP) could be abused and promote the concentration of large portion of land in the hands of few individuals. They suggested as a precautionary measure that statistics on Affirmative Action Loan Scheme (AALS) and National Resettlement Programme (NRP) beneficiaries be made public on an annual basis to enhance transparency and prevent another injustice in land ownership.

They suggested that the criteria for Affirmative Action Loan Scheme be revised to include less well-off farmers who cannot afford to make a down payment of ten percent (10%) to Agribank.

It was further suggested that in addition to livestock and crop production Government considers provision of financial assistance to farmers engaged in product processing and value addition.

#### **4.10. Accessibility to Land by Women and the Youth**

Regions recognised the rights of Namibian women to have access to land, however, they cautioned that Government undertakes education and public awareness campaigns for key stakeholders on the rights of women to own and inherit land. It was further felt that relevant legislations be enforced on the rights of women and youth to own properties particularly land. Also, existing legislations be amended to provide for the protection of single mothers and co-habiting partners to protect such vulnerable women against the loss of land in case of death by male partners or in case of divorce.

#### **4.11. Bankability of Communal Land**

Regions recommended that Group rights in line with customary land rights are the best land tenure system for Communal land. Others suggested that Government should provide Freehold Land Titles in Communal areas. Equally, Pastoral Land Rights be introduced to allow extensive livestock producers to manage the land sustainably.

Some Regions suggested that there should be different categories of Land Tenure systems with land tradability options that can be used as collateral for Communal farmers to access financial resources to enhance productivity. It was further recommended that Government considers a financial package under Agribank for Customary Land Right Holders as is the case with Resettled farmers in Commercial areas.

It was further recommended that the 20 hectares provision in the Communal Land Reform Act, Act No. 5 of 2002 (CLRA) for Customary Land Rights be applicable to only crop production as 20 hectares is not adequate for Livestock farming. Instead, Regions recommended that Group Rights be considered for livestock farming without the limitation in hectares depending on the availability of land.

There were also suggestions that Government conducts a study on the current land tenure systems to determine its impact and productivity for sustainable land management. It was further suggested that the study to assess alternative tenure system to harmonise gaps in the current tenure system so as to unlock the Commercial value of Communal land. Other Regions are opposed to the registration of Customary Land Rights stating that they are comfortable with their current Customary Land Rights allocation as per their traditions and customs.

## **5. NEW EMERGING ISSUES RAISED DURING THE REGIONAL CONSULTATIONS**

### **5.1. Technical Committee on Commercial Farmland**

Some Regions acknowledged the work done by the Technical Committee, however, others felt like their mandates were not fully implemented and therefore this should be expanded to include other factors such as research, land acquisition, land policies and regulations and legal related matters.

It was further recommended that a Technical Committee comprising of experienced legal experts be established to advice on complicated legal matters to avoid loss of Court cases during litigations. They further proposed that the Technical Committee be tasked to carry out a benchmark study on how other countries have dealt with complex land matters for possible application to Namibia.

On land allocation, some Regions felt that the existing legislation be amended to empower Regional Councils (RCs) to allocate Resettlement farms through the Regional Resettlement Committees (RRCs).

### **5.2. Farm Workers**

On Farm Workers, Regions recommended that extensive monitoring of the implementation of the 1991 Resolution be undertaken on an annual basis to ensure that farm workers' rights are respected and enforced. It was further suggested that Farm Workers' rights should also be applicable to Communal areas.

Other Regions were of the opinion that Generational farm workers be given preferential rights to be resettled on the farm they worked on once bought by Government, while others felt that Government and new farm owners should have the freedom to hire whom they want.

### **5.3. The future role of the Communal areas**

Regions strongly supported that Communal areas be retained, developed and expanded. There were calls for the Communal areas to be accorded the same status as the Commercial areas in terms of development. They recommended that more resources be availed to Communal areas for development to uplift Communal areas to the level of Commercial areas.

Others called for prohibition of large farmers to graze their livestock within the Communal area in order to avoid competition for grazing with smaller farmers. It was further felt that fencing off of large tracks of land within the Communal areas be avoided, while others felt fencing as a whole in Communal areas be avoided.

Traditional Authorities with no defined Communal areas called for the creation of Communal land with a view to accommodate their communities, the destitute and the poor who cannot find Commercial and urban land in their respective Regions.

Some Regions appreciated the effort of Government for the expansion of Communal areas through acquisition of Commercial farms adjacent to Communal areas. There were further calls from Traditional Authorities in some Regions for the expansion of Communal areas to accommodate the growing number of people with a lot of livestock.

Regions encouraged Government to continue with the development of Communal areas through the formulation and implementation of Integrated Regional Land Use Plans (IRLUP). They recommended that all Regions benefit from the IRLUP and that stakeholders should be fully trained on the implementation thereof.

Some Traditional Leaders were of the view that they are undermined and disrespected by influential people in the administration of Communal land with their administrative activities. They recommended that the current legislation on Communal land administration must empower Traditional Authorities in the implementation of the law. Other Regions called for public education on Communal Land Reform Act and loopholes preventing its implementation be identified and corrected.

#### **5.4. Access to Communal Land**

Regions recommended that Government develops and maintain a database to avoid multiple land ownership within one Region and between different Regions at the expense of the landless. It was stressed that non-residents when applying for land should respect and uphold the customs and traditions of the local Traditional community of the area. The issue of administration of land be done procedurally through the Traditional Authorities. Other Regions suggested that Legislations should make provisions for consulting farmers in the area before allocating land to other people.

Some Regions felt that the issue of Communal land be handled by the Traditional Authorities and the mapping/demarcation of Communal land be clear in terms of boundaries and jurisdiction of Traditional Authorities. Others recommended for the prioritisation of building and development of access roads, water, market etc. in Communal areas.

Other Regions called for open access by all community members to Communal areas meant for common usage. Further suggestions proposed that payments done by businesses and other institutions operating in Communal areas be paid to the Traditional Authorities in the area.

### **5.5. Disadvantaged Communities**

With regards to Disadvantaged Communities, Regions recommended that in addition to the San, the Ovahimba, Ovatue, /Khomani, Hai-//Om, War Veterans, Persons with disabilities, Generational Farmworkers, returnees from Botswana and others be classified as disadvantaged communities.

There were other discussions that the San people and other indigenous Namibians be resettled in Game parks in order to co-exist with wildlife and other natural inhabitants as their customs and traditions entails. Some Regions expressed that people from the disadvantaged communities be given land title rights for the land they occupy as individuals and communities including access to natural resources. Group resettlement should clearly identify the members and an allotment letter should be given. This is to prevent the current practice where non-members of these groups also demand benefit from those group allocations.

### **5.6. Game Conservation and Farmers Rights**

Regions strongly recommended that Government increases compensation/offset on human-wildlife conflicts and that the Ministry of Environment and Tourism (MET) puts proper measures in place to reduce such conflicts while problematic animals be removed from the community. It was stressed that compensation/offset be equivalent to the market value of the animal killed by predators and crops destroyed by wild animals. Regions also felt that they be afforded rights to utilize wild animals for personal use/consumption. Avoid settlement in wildlife "Corridors".

### **5.7. Payment for Land**

Regions deliberated upon the payment of land to Traditional Authorities in certain Regions with divergent opinions whereby some Regions felt that payment be made to the Traditional Authorities only while others felt it should be made to Government but shared with Traditional

Authorities. In return traditional leaders' allowances be incurred by Government. It was further recommended that where Traditional Authorities receive money for land payment, their books be audited to enhance transparency.

However, there were other Regions that felt that payment of land in Communal areas should be made to Traditional Authority of that area concerned for administration and service delivery.

### **5.8. Land Allocation and Administration**

Regions recommended that the status quo of Communal land allocation and administration by Traditional Authorities and Land Boards as provided for under the enacted Communal Land Reform Act, 2002 must be upheld. For this purpose, Government continues rendering support to the implementation of the Act to enhance effective tenure rights in Communal areas. Some recommended that the Communal Land Reform Act and its regulations be revisited and redress the current challenges such as limitation of land sizes, overlaps and shortening of application process.

There were also suggestions that all Communal communities should have Traditional authorities to deal with land matters in their area of jurisdiction. It was further felt that Traditional Authorities be compensated for the land proclaimed for town expansion in Communal areas.

### **5.9. Illegal fencing**

Regions have expressed concerns that some wealthier and well-connected individuals have fenced off large tracks of Communal areas for exclusive use denying communities access to common resources. It was reported that such individuals resorted to legal litigation whenever they are confronted. They felt that illegal fencing removal process is lengthy and cumbersome, hence, Government to consider amending the relevant legislation provisions to shorten the process of removing illegal fences. Nevertheless, all Regions concurred that illegal fencing prohibits the communities' access to common resources. Avoid fencing off of large tracks of land within the Communal area, while others felt that fencing as a whole in Communal areas should be avoided.

### **5.10. Dual Grazing Rights**

Regions unanimously concurred that dual grazing should not be permitted in both Communal and Commercial areas. They suggested that effective monitoring and preventive measures be designed and implemented to discourage such practice with a view of relieving pressure

on Communal areas. For this purpose, they proposed that Government institutions, Traditional Authorities plus relevant law enforcement units jointly monitor its full implementation. They further proposed that dual grazing penalty fees be developed, introduced and implemented.

#### **5.11. Transfer of Large Communal Farmers to Commercial Land**

Regions suggested that Government mobilizes additional funds to acquire more land under the Land Reform Programmes for the successful implementation of the scheme. It was suggested that the Ministry of Agriculture, Water and Forestry (MAWF) database be used to identify Communal farmers with large number of livestock. Such farmers be encouraged to move to Commercial areas to reduce pressure on Communal land.

The MLR and MAWF were recommended to jointly evaluate the implementation of the Affirmative Action Loan Scheme (AALS) to assist such farmers. This exercise will provide statistics over the numbers of beneficiaries, size of land occupied and type of farming as well as agricultural impact of the AALS on agricultural production.

In support of farmers, the Regions proposed that Policies be developed for Communal farmers to graduate into the resettlement program and eventually into the AALS program. Priority for resettlement be given to those with a lot of livestock in Communal areas. It was argued that this would create more space for small Communal farmers in the Communal land.

Regions further re-emphasised that new and Emerging Commercial farmers should receive orientation and training before and after resettlement or acquisition of AALS farms including extension services.

#### **5.12. Access of Small Scale Farmers to Commercial Land**

Regions observed the scarcity and availability of land under Land Reform Programme. They proposed that Government explores other avenues to Commercialize certain portions of Communal land through the Programme for Communal Land Development (PCLD) and support services must be provided to such small scale farmers to ensure productivity.

Other Regions cautioned that the allocation of Commercial land be done for the purpose of ensuring productivity in order to contribute to the Gross Domestic Product (GDP) and food security of the country.

### 5.13. NGOs and Cooperatives

Regions recommended that Government designs mechanisms to strengthen cooperatives as they play an important role in land and farming development. There were also those who felt that Government provides Non-Governmental Organisations (NGOs) with subsidies to provide training, extension services and capacity building.

## 6. OTHER KEY ISSUES

6.1 Apart from the comments and inputs made on items as discussed under **Paragraph 4 & 5**, Regions proposed other land related matters for discussion by the forthcoming Second National Land Conference. This ranges from the repatriation of persons of Namibian descent back to the country, boundary disputes between Traditional Authorities, National Referendum on the Constitution, land delivery, and the prioritisation of regional residents in resettlement processes.

6.1.1 Other Regions expressed their concerns over political delimitation of the country such that some Regions are in conflict because of the regional demarcations.

6.1.2 Some Regions called for preferential treatment to be given to those residing in Regions where farms are purchased.

6.1.3 Other General issues discussed and recommended included the following;

- a) **Genocide negotiation and reparations;** some Regions felt that if the current negotiations with the German Government on reparations succeed such funds should be used to purchase more farms for resettlement;
- b) **Spatial justice and decolonization;** It has been highlighted that there is yet to be social integration in terms of urban development as vestige of colonial and apartheid stigma in Namibia still continues. There are enclaves of residential areas for people of specific race at the same time there are also squatters and townships inhabited by the poor where there are no services and amenities. The call is for such development to be implemented through regulations.
- c) **Residential land within National Game Parks;** There is a demand for the indigenous groups to be resettled inside or closer to the Game Parks in order to conform to their historic traditional culture, practices and habitat. Communities living near nature parks or conservancies also want to benefit from the Game harvesting.

- d) **Reduction of the size of Etosha National Park;** There is a demand by communities living alongside Etosha that part of Etosha be rezoned and made part of the agricultural land.
- e) **Nationalization of Natural Resources;** There is also a demand for nationalization of natural resources including land be in line with Article 100 of the Constitution so that all people can fully benefit from those natural resources.
- f) **Monitoring and evaluation of conference resolutions;** There is a general call for convening of regular National Land Conferences for effective monitoring and evaluation of the implementation of the outcomes of the Land Conference to avoid repeating the same mistakes experienced during the implementation of the 1991 Resolutions.

6.1.4 Some Regions proposed a National Referendum on the Constitution regarding the property rights and allow the Government to amend the Chapter 3, Article 16 of the Namibian Constitution on property right.

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