The State of Land Reform since the 1991 National Conference on Land Reform and the Land Question
The redistributive Land Reform programme in Namibia is regarded as one of the necessary prerequisites for successful rural development and poverty alleviation. Namibia, at independence was conscious of the fundamental importance of resolving the land question for economic development, food security and equity. To respond to this question the Ministry of Land Reform was established with the specific task to implement the country’s land policy supported by legislation which emphasized the administration and facilitation of affordable access to land by all citizens in a sustainable manner. Within the Ministry, there is an understanding that for Land Reform to be successfully implemented, it should respond to issues of land ownership, land use and tenure reforms in communal areas. This understanding stems from the recognition of the 24 Consensus Resolutions on Commercial and Communal land that emanated from the 1991 National Land Conference. The 24 Resolutions of this watershed Conference read together with the Constitution of the Republic of Namibia provided solid foundations that inform and guides the Ministry’s policies and legislation on the Land Reform programme.
This publication, aptly titled, gives a concise background of the skewed nature of land ownership at independence in 1990, which culminated in the hosting of the 1991 National Conference on Land Reform and the Land Question, the outline of the 24 Consensus Resolutions on communal and commercial land, the establishment of a policy, legal and institutional framework to facilitate the implementation of the Land Reform programme. Additionally an in-depth analysis of the Ministry’s experiences since 1991 in implementing the 24 Consensus Resolutions, the achievements, challenges and various interventions employed to ameliorate the situation are documented. The acquisition of 549 farms measuring 3.2 million hectares through the willing seller- willing buyer principle at a cost of N$1.9 billion and the resettlement of 5338 beneficiaries is one of the notable achievements of the programme to date. Although the escalating land prices have impinged on the ability of the Ministry to meet its set target of 5 million hectares by 2020 the focus of the Ministry towards the implementation of a successful Land Reform process for the benefit of all Namibians has never wavered as the plight of the landless Namibians who require land for resettlement cannot be ignored.

The Ministry is cognizant of the pivotal role its various programmes and projects play in addressing the country’s socio-economic and political challenges. Although there are several challenges being experienced with the process of land acquisition and resettlement the Ministry has remained resolute in its quest to finding innovative solutions to respond to set targets. As a Ministry there is an understanding on the need to remain relevant and current to the plight and land needs of the Namibian people.
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</tr>
<tr>
<td>GIS</td>
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</tr>
<tr>
<td>MAWF</td>
<td>Ministry of Agriculture, Water and Forestry</td>
</tr>
<tr>
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EXECUTIVE SUMMARY

The land dispossession in Namibia has a long history, it started when Germany occupied and colonized Namibia as from 1884-1915. That legacy was passed over to South Africa Apartheid government in 1915 after Germany’s defeat during World War I. The continuance of that occupation resulted in an outbreak of an armed conflict in 1904-1908 between the Nama and Heroro Namibian communities against the Germany occupation. The dispossession continued when the South African Apartheid government occupied Namibia. As a result, in 1966 SWAPO launched the full-scale national liberation struggle for Namibia’s independence that resulted in the total independence of Namibia in 1990.

At independence in 1990, Namibia inherited a skewed land distribution pattern as a result of those past colonial policies of both Germany and South African colonial and Apartheid governments. Out of the 69.6 million hectares available for agricultural purposes, 36.2 million hectares (or 52%) were deemed freehold land colloquially referred to as commercial land, and was occupied by some 4200 (predominantly white) farming households. Conversely, some 33.4 million hectares (48%) were deemed communal or rather non-freehold land, which provides for the livelihood of some 70% of the Namibian population (RoN 1991, 147). Approximately 12.7 million hectares (15%) constituted National Parks, Forest, Mining areas, Agricultural Research Stations and Conservancies. This is all state land occupied and used by some State Agencies.

It was this skewness of land distribution that disturbed the Swapo led government hence the establishment of the Ministry of Land Reform in 1990 with a clear mandate of: To manage, administer and ensure equitable access to Namibia’s land resource. Therefore some consultations were needed to discuss the land reform and the land question in the independent Namibia. Hence the 1st National Land Conference and the Land Question that took place in 1 July 1991.

The 1st National Land Conference agreed on 24 Consensus Resolutions. These resolutions sought to address matters related to: commercial land and communal. The set of resolutions concerning freehold land emphasized on the need to undertake a redistributive land reform
process while the resolutions regarding communal land emphasized on tenure reform and the design of effective land administration.

Therefore in line with those consensus resolutions taken during the conference, various programs and projects were developed by MLR to facilitate the implantation of those resolutions. Among others, these are: The Land Reform Program, National Resettlement Program, Land Acquisition program and Post Settlement Support Program.

The National Resettlement program has achieved incredible results especially in finding places for the people who were displaced, such as the Ex-Combatants, Ex-Kovoet, the San people and many Social groups including the former farm workers who were dumped along National roads, Omitara and Berg Aukas, plus other landless Namibians.

It is a daunting task, with many dynamic complexities, which was addressed under the policies of national reconciliation, one Namibia, one Nation, willing seller-willing buyer etc. Despite many challenges, the Ministry of Land Reform has achieved some results under various programs where:

✓ The ministry facilitated the enactment of a total of 8 Legislations (Acts of Parliament).
✓ Developed two Policies, namely the National Resettlement Policy and the National Land Policy.
✓ Established Intuitional capacities to oversee the implementation of the Land Reform Program by establishing, a Land Reform Advisory Commission, Regional Resettlement Committees and a Lands Tribunal.
✓ Under the Land Acquisition Program, a total of 549 farms were acquired measuring $3,194,774.51$ hectares at the cost of N$ 1,888,673,716.41 (One coma Eight billion).
✓ The National Resettlement Program has benefitted a total number of 5338 beneficiaries, which includes displaced people, marginalized communities, women, and people living with disabilities.
✓ The ministry jointly with Agribank has established the Post Settlement Support which provides free collateral loans to the resettlement beneficiaries. An amount of N$82,539,461.13 in loans has been made available to 651 Resettlement beneficiaries.
✓ Through Land Tax, an accumulative amount of N$350,043,854.40 (three hundred and fifty million) was collected since the introduction of the Land Tax.
✓ Established 12 Communal Land Boards, in twelve regions where communal land is found.
✓ Registered a total number of 119,227 rights in communal areas to ensure security of tenure.
✓ Invented a Program for Communal Land Development where water and farming infrastructure are developed to make underutilized land more productive.
✓ Tenure security for people who live in the informal settlement especially those who earn little or without income was on the priority of the ministry. Thus a Flexible Land Tenure Scheme is established to provide tenure security in urban areas.

During the implementation of the Land Reform program, the ministry experienced a number of challenges that hampered the smooth implementation of the land reform program.

Several challenges were recorded, among others: the high demand for land which outweigh the land purchased by the ministry for resettlement, there exists a different perceptions by the public, especially by some pressure groups who feel that Land Reform is being implemented not in a transparent manner and is not inclusive, the resources allocated for land reform program were always unable to match the ministry’s planned resources to implement its programs, the high land price for agricultural land has been a concern to the ministry, other challenges observed were in relation to circumvention of the law that involves alienation of agricultural land. The Ministry has analyzed a number of the challenges experienced, and led into the amendment of the Agricultural Commercial Land Reform Act.

The ministry proposed several amendments to counter the challenges experienced under the Land Bill. The Ministry of Land Reform still believes that the Land Bill remains an essential Document and can be instrumental to solve some of the challenges currently faced.
1. BACKGROUND AND INTRODUCTION

At independence in 1990, Namibia inherited a skewed land distribution pattern as a result of past colonial policies of the South African Apartheid government. Out of the 69.6 million hectares available for agricultural purposes, 36.2 million hectares (or 52%) were deemed freehold land colloquially referred to as commercial land, and was occupied by some 4200 (predominantly white) farming households. Conversely, some 33.4 million hectares (48%) were deemed communal or rather non-freehold land, which provides for the livelihood of some 70% of the Namibian population (RoN 1991, 147). Approximately 12.7 million hectares (15%) constituted National Parks, Forest, Mining areas, Agricultural Research Stations and Conservancies. This is all state land occupied and used by some State Agencies.

Government established the Ministry of Land Reform in 1990 in response to the skewed land distribution situation in the country to be the custodian of State land and to facilitate a State-led land reform program. The aim of Namibia’s land reform process is not only to correct past colonial wrongs, but also to achieve social and economic equity for all its citizens, that is, men, women and children. Ideally, the composition of the Namibian agricultural farming sector should mirror Namibian society (PTT Report, 2005).

Because of the skewed land distribution pattern inherited at independence in 1990, the government embarked on a program of national consultation in 1990 in order to ensure a broad representation of the people. The views gathered from the people were directly presented at the 1991 National Conference on Land Reform and the Land Question which took place on 25 June to 1 July 1991. The Aims of the conference were:

- To act as a forum for presenting and discussing all relevant land issues and grievances from all parts of the country;
- To review policies, strategies and options on land reform taking into account of regional and local factors;
- To develop a national policy and programme of action aimed at solving land problems.

The deliberations of the conference culminated into 24 Consensus Resolutions which were grouped under commercial land and communal land (see Table 1). The set of resolutions
concerning freehold land emphasized the need to undertake a redistributive land reform process while the resolutions regarding communal land emphasized on tenure reform and the design of effective land administration. The resolutions were duly adopted by the National Land Conference on Land Reform and the Land Question at its final session on 1 July 1991.

At the Land Conference in 1991, the Ministry of Land Reform was then tasked with the implementation of the sets of resolutions concerning freehold land and resolutions 12, 13, 14, 16, 17, 18, 20, 21, 22 and 23 regarding communal land. The Consensus Resolutions are presented in the table below.

**Table 1:** Consensus Resolutions of the 1991, National Land Conference on Land Reform and Land Question

<table>
<thead>
<tr>
<th>Commercial Land</th>
<th>Communal Land</th>
</tr>
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<tbody>
<tr>
<td>1 Injustice</td>
<td>12 The future Role of Communal areas</td>
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<tr>
<td>2 Ancestral Rights</td>
<td>13 Access to communal land</td>
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<tr>
<td>3 Foreign-owned farmland</td>
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<tr>
<td>4 Underutilized land</td>
<td>15 Game conservation and farmers rights</td>
</tr>
<tr>
<td>5 Absentee Land Lords</td>
<td>16 Payment for land</td>
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<tr>
<td>6 Farm Size and numbers</td>
<td>17 Rights of women</td>
</tr>
<tr>
<td>7 Land Tax</td>
<td>18 Land allocation and administration</td>
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<tr>
<td>8 Technical committee on commercial farmland</td>
<td>19 The stock control barrier</td>
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<td>21 Dual grazing rights</td>
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<tr>
<td>11 Assistance to established commercial farmers</td>
<td>22 Transfer of large communal farmers to commercial land</td>
</tr>
<tr>
<td></td>
<td>23 Access for small farmers to commercial land</td>
</tr>
<tr>
<td></td>
<td>24 NGOs and cooperatives</td>
</tr>
</tbody>
</table>
This report will focus on the following:

- Achievements: how the ministry fair in the implantation of 27 Consensus Resolutions over the past 27 years in relation to Land Reform Program.
- Challenges experienced by the ministry over the same period during the implementation of the Land Reform Program.
- This report further highlights a number of interventions the ministry put in place to counter the challenges experienced.

2. ENABLING ENVIRONMENT

2.1. Establishment of Institutional Framework

In 1990, the Government establishment the Ministry of Land Reform in line with the provisions of the Constitution of the Republic of Namibia. The mandate of the ministry among others is to: Address the injustices of land distribution of the past South African Colonial Government, to review and facilitate the development of relevant Policies and Legislations for the implementation of the Land Reform Program in the independent Namibia and overall to manage, administer and ensure equitable access to Namibia’s land resource.

2.2. Development of Legal Frameworks and Policies

Immediately after the 1991 Land Conference, The Ministry of Land Reform facilitated the development of the following Acts of Parliament and Policies. It has also established functionary committees for the implementation of the land reform program.

Acts

- Agricultural (Commercial) Land Reform Act, Act No. 6 of 1995, as amended: For administration of Agricultural Land
Communal Land Reform Act, Act No. 5 of 2002, as amended: For administration of Communal Land

Flexible Land Tenure Act, Act No. 4 of 2012: Provide for alternative tenure titles in Urban areas, targeting the Informal Settlement


Professional Land Surveyors, Technical Surveyors and Survey Technician, 1993 (Act No. 32 of 1993);

Deeds Registry Act, 1937 (Act No. 47 of 1937): For registration of deeds (properties) in the country.

Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976): For registration of deeds (properties) in Rehoboth

Property Valuers Profession Act, 2012 (Act No. 7 of 2012).

Sectional Title Act 2 of 2009

Deeds Registry Act No 14 of 2015

2.3. Brief description of Acts and Policies

2.3.1. The Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995)

The Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995) regulates the alienation of agricultural commercial land and has the following objectives:

To provide for the acquisition of agricultural land by the State for the purposes of land reform and for the allocation of such land to Namibian citizens who do not own or otherwise have the use of any or of adequate agricultural land, and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices; to vest in the State a preferment right to purchase agricultural land for the purposes of the Act; to provide for the compulsory acquisition of certain agricultural land by the State for the purposes of the Act; to regulate the acquisition of agricultural land by foreign nationals; to establish a Lands Tribunal and determine its jurisdiction; and to provide for matters connected therewith.” The act has undergone six amendments which resulted in the following amendment acts:
2.3.2. **Communal Land Reform Act, Act No. 5 of 2002**
This Act provides for the establishment of Communal Land Boards in the regions with communal lands, provides for the allocation of rights in respect of communal land, it provides for the powers of Chiefs and Traditional Authorities and Boards in relation to communal land administration.

2.3.3. **Flexible Land Tenure Act, 2012 (Act No. 4 of 2012)**
This Act is aiming to create new forms of titles especially in the Informal Settlement of the Urban areas and targeting people with low income. It provides for the registration of Starter Title and Land Hold Title in a simple and cheaper way compared to freehold in the Deeds Registry.

2.3.4. **Land Survey Act, 33 (Act No. 33 of 1993)**
This Act aims to provide for the establishment of a Namibian Council for Professional Land Surveyors, Technical Surveyors and Survey Technicians, and for its powers and functions: To provide for the registration of professional land surveyors, apprentice land surveyors, technical surveyors, apprentice technical surveyors, survey technicians and apprentice survey technicians, and to regulate their qualification, professional conduct and practice.

2.3.5. **Deeds Registry Act, 1937 (Act No. 47 of 1937)**
This Act makes provision for the registration of deeds related to immovable properties and the appointment of the Registrar of Deeds. It provides rules for the alienation of land by the State, the manner of transfer of land in general and concerns rights in immovable properties and related to leases.

2.3.6. **Property Valuers Profession Act, 2012 (Act No. 7 of 2012)**
The Act aims to provide for the establishment of the Namibian Council for Property Valuers Profession. To provide for the registration of professional valuers, associate professional valuers, valuers in training, student valuers in training and specified categories in the property valuation profession; and to provide for incidental matters.
2.3.7. Professional Land Surveyors, Technical Surveyors and Survey Technician, 1993 (Act No. 32 of 1993)

Same as (2.3.6.)


Same as (2.3.5.)

2.3.9. Policies

✓ National Land Policy of 1998;

✓ National Resettlement Policy of 2001


These policies were developed in 1998 and 2001 respectively. The aim of these policies is to set a framework to assist the ministry to redress the injustice of the past in a spirit of national reconciliation and promote sustainable economic development; address inequitable land distribution and increased population pressure.

Based on the above legislations, the Government of the Republic of Namibia initiated a land reform program with the following objectives: To bring about a more equitable distribution of and access to land, to promote sustainable economic growth, to lower income inequalities; to reduce poverty, and to promote security of tenure.

The land reform program is anchored on three pillars namely; Land acquisition, Resettlement and Security of Tenure. The three pillars are implemented through the following approaches:

✓ Redistributive land reform based on the willing seller, willing buyer principle and compulsory land acquisition (Expropriation).

✓ The Affirmative Action Loan Scheme (AALS) administered by Agricultural Bank of Namibia
The Tenure Reform mainly registration of land rights in communal areas (Customary Leasehold and Occupational Land Rights) and the implementation of other forms of tenure security under Flexible Land Tenure System.

The development of unutilized or underutilized non-freehold land

Implementation of land tax on commercial agricultural land.

2.4. Establishment of Commission, Boards and Committees for land administration

In line with the Agricultural (Commercial) Land Reform Act No. 6 of 1995 and the Communal Land Reform Act No. 5 of 2002, Commissions, Boards and Committees were put in place to facilitate management and administration of both communal and commercial land. These Commission and Boards includes Lands Tribunal, Appeal Tribunal, Land Reform Advisory Commission (LRAC), Communal Land Board, Land Acquisition Committee(LAC), Farm Price Negotiation Committee(FPNC), Regional Resettlement Committee (RRC) and Joint Technical Committee( for Post -Settlement Support (JTC). In addition, an ad-hoc Permanent Technical Team on Land Reform (PTT) was established on 17 August 2003 to formulate a Strategic Plan for land reform in Namibia. The committee delivered its report in November 2005 (PTT).

3. A SYNOPSIS ON THE 1991 LAND CONFERENCE RESOLUTIONS

3.1. RESOLUTION NUMBER 1: INJUSTICE

The conference resolved that there was injustice concerning the acquisition of land in the past and that something practicable must be done to rectify the situation.

3.1.1. Achievements

Government has established the Ministry of Land Reform in line with the Namibian Constitution to administer communal land, and to oversee land reform in both communal and commercial areas in Namibia
Therefore after the 1991 Land Conference, the ministry was directed to implement a number of Consensus Resolutions. To implement those resolutions, the ministry has thus developed Policies and facilitated the enactment of various Legislations. These are: Agricultural (Commercial) Land Reform Act, Act No. 6 of 1995 as amended; Communal Land Reform Act, Act No. 5 of 2002, as amended, Flexible Land Tenure Act, Act no. 4 of 2012, Land Survey Act, 33 (Act No. 33 of 1993), Professional Land Surveyors, Technical Surveyors and Survey Technician, 1993 (Act No. 32 of 1993); Deeds Registry Act, 1937 (Act No. 47 of 1937), Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976), Property Valuers Profession Act, 2012 (Act No. 7 of 2012), Sectional Title Act 2 of 2009, Deeds Registry Act No 14 of 2015, the National Land Policy and, National Resettlement Policy.

In addition to these Legislations and Policies, the ministry has established several institutions in the form of Commission, Boards and Committees to oversee the implementation and administration of the land reform program in the country. These institutions are: Lands Tribunal, Appeal Tribunal, Land Reform Advisory Commission (LRAC), Communal Land Board, Land Acquisition Committee (LAC), Farm Price Negotiation Committee (FPNC), Regional Resettlement Committee (RRC), Joint Technical Committee (for Post -Settlement Support (JTC), An ad-hoc Permanent Technical Team on Land Reform (PTT) was established on 17 August 2003 to formulate a Strategic Plan for land reform in Namibia. The committee delivered its report in November 2005 (PTT).

3.1.1.1. **Establishment of Programmes and Projects for Land Reform**

**Land Acquisition Program**

This program acquires commercial agricultural land for redistribution to the previously disadvantaged landless Namibians. The program has a combined target to acquire 15 million hectares to be acquired by the year 2020 by both the Ministry of Land Reform and Agribank. Five (5) Million of the 15 million hectares were to be acquired through the National Resettlement Program (NRP) while a ten (10) Million hectares of the same target were to be acquired through the Affirmation Action Loan Scheme (AALS).
In total the AALS and the NRP have jointly acquired agricultural land with a combined size of 9,574,676.55 (Nine coma Five million) hectares of land thus leaving a shortfall of 5,425,323.45 hectares to meet the target of 15 million hectares by the year 2020 (see Figure 1). The total number of hectares delivered by each respective institution are depicted in figure No 1 below.

**Land Acquired for Resettlement and Land Distribution (Hectares of land, number of farms, number of beneficiaries and cost)**

![Land Acquired in Hectares](image)

**Figure 1:** Land Acquired in hectares through AALS and NRP

**Farms transferred from the Ministry of Agriculture Water and Forestry (1993-1999)**
Figure 2: Farms transferred from MAWF

Farms acquired through W-Buyer W-Seller and Expropriation

Since the commencement of the program, in 1990, to date, the ministry purchased a total number of 549 freehold farms as depicted in (Figure 4). The total combined size (in hectares) of these farms is measuring 3,194,774.51 hectares (Figure 3) have been acquired through the willing-seller-willing-buyer and expropriation principle by Government through the Ministry of Land Reform (MLR).
**Figure 3**: Land acquired in hectares (WSWB vs. Expropriation)

**Farms purchased per Region**

The ministry bought farms for land reform purposes in the following regions as depicted here below in figure No 4.

**Figure 4**: Regional Farm Distribution
**Financial Expenditure on Land Acquisition**

The ministry to date has spent a total amount of N$ 1,888,673,716.41 (One coma Eight billion) for the land acquisition program. The expenditure per region is indicated in figure No 5 below.

![Graph showing total cost of farms acquired per region](image)

**Figure 5:** Total cost of farms acquired per region

**National Resettlement Program**

Since the inception of the resettlement programme, a total number of 5338 beneficiaries are resettled. This total number of 5338 includes the beneficiaries received together with the farms that were transferred from the Ministry of Agriculture, Water and Forestry.
Figure 6 below shows the distribution of resettled beneficiaries in the eight regions where resettlement farms were acquired. The highest numbers of beneficiaries are found in Oshikoto and Omaheke regions due to a large number of San Communities who were resettled in groups in those two regions.

![Bar chart showing the number of people resettled in the Eight (8) regions from 1990 - 2018](image)

**Figure 6**: Total number of people resettled in the 8 regions with Resettlement Farms, 1990-2018

**Beneficiaries’ region of origin 2002-2018**

As from 1990 until 2001, the Resettlement program was focused on social community integration of different groups. Among others these groups were, the Ex-Combatants, Ex-Kovoet, displaced people, San Communities left in the former South African army barracks, farm workers dumped along the roads, Omitara group, Berg Aukas group and people along roads corridors. After 11 years of resettlement program intervention focusing on social integration, the ministry then only commenced with the registration of beneficiaries per their region of origin since 2002. The origin of beneficiaries is indicated in Figure 7 below.
Figure 7: Beneficiaries resettled by region of origin since 2002-2018

**Gender of Resettlement beneficiaries**

Figure 8 below shows the gender of beneficiaries who benefited from the National Resettlement Program since its inception. It is observed that, during the period under review, men benefitted (59%) more compared to women who benefitted (41%). However, it is worth noting that, in line with access to land by women, this is a significant achievement, although more is still to be done. It is further worth mentioning that a total of 1755 households were allocated land under the Program for Marginalized Communities spearheaded by the Office of the Vice-President. This figure was not included in the gender analysis because the Office of Vice-President did not complete its verification process.
Resettlement of people living with disabilities

The National Resettlement Program has paid special attention on the applications of people living with disabilities. To date the ministry has resettled a total number of 37 people living with disabilities since the inception of the National Resettlement Program. This special category of beneficiaries are resettled as follows: Hardap 2, Omaheke 25, Oshikoto 6 and Otjozondjupa 4.

Ongoing Group Resettlement Projects in the Commercial Area

Since the commencement of the Resettlement Program, the ministry established several Group Resettlement Projects. Currently, there are 7 ongoing Group Resettlement Projects in commercial areas that are supported by the Ministry to improve the livelihood of the project’s beneficiaries, namely Bernafey, Westfallen, Drimiopsis, Skoonheid, Excelsior, Tsintsabis and Neu Sommerau.
Figure 9: Ongoing Group Resettlement Projects in the Commercial Area

**Lease Agreements Issued**

A total number of 466 beneficiaries (246 males; 205 females and 15 representing other legal entities) have been issued with Lease Agreements which represents 179 farms/ farming units.

Figure 10: Total number of resettled beneficiaries issued with lease agreements per region
Since the introduction of Post Settlement Support which is being implemented in conjunction with the Agribank, since May 2018, a total of 651 resettlement beneficiaries benefitted from the Post-Settlement Support loan facility. The total amount of money paid out in loans until May 2018 amounts to N$82,539,461.13
Affirmative Action Loan Scheme (AALS)

As indicated earlier in this report, another form of Land Reform Program was being implanted by Agribank, through Affirmative Action Loan Scheme (AALS). This program commenced 1992. The purpose of this scheme, (AALS) is to encourage large communal farmers who do not have access to commercial agricultural land to purchase commercial farms at a subsidized interest rate. The scheme serves as an incentive to encourage big farmers to buy their own land and subsequently relief grazing pressure from communal lands. A total of 5,968,644.5019 hectares of commercial agricultural land were bought by some 1008 emerging farmers through this scheme at a cost of N$1,350,199,502.98 (Agribank, 2016).

Figures 12 and 13 below show that while the ministry bought many of its farms in the //Kharas and the Hardap regions, the opposite is true for the AALS. The majority of AALS farms were bought mainly in Otjozondjupa, Omaheke and Kunene regions respectively.

Figure 12: Size of land acquired per region (1990-2018)
3.1.2. Challenges

The ministry realizes that there are some loopholes in the current law. A significant amount of effort was put in to analyze such weaknesses, where a number of interventions were proposed in the Land Bill. The ministry still believes that the Land Bill is essential to address the challenges as identified. The exorbitant land prices is another challenge that ministry observed with keen interest.

The ministry is still concerned about the non-responsive of farm offers from some regions, where the status quo remains that the majority of offers are only received from //Kharas and Hardap regions where government have already invested a significant amount of money in land purchase. Farm offers from prime areas are mostly withdrawn immediately after the Ministry expresses interest to acquire such farms thus leaving the ministry with little land to acquire. It is anticipated that the farmers who own excess land in Omaheke, Otjozondjupa, Khomas, Part of Erongo, Kunene and Oshikoto regions understand that their participation in land reform is critical and that improved offers from these regions will change the current status. Regarding, the budget for land acquisition, the ministry believes that additional resources will make significant improvement for this program.
3.2. RESOLUTION NUMBER 2: ANCESTRAL RIGHTS

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

Although the 1991 Land Conference pronounced its position on ancestral land claims, the ministry received several requests from some public members who requested to be resettlement in farms they believed to be their ancestral lands. However, the ministry did not entertain any of such requests.

3.3. RESOLUTION NUMBER 3: FOREIGN-OWNED FARMLAND

The Conference resolved that foreigners should not be allowed to own farmland but should be given the right to use and develop it on a leasehold basis in accordance with Namibia’s open door policy towards foreign investment.

3.3.1. Achievements

The Ministry of Land Reform enacted the Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995) to regulate the acquisition of agricultural commercial land by foreign nationals. Acquisition of agricultural land by foreign nationals is subject to a written consent from the Minister responsible for lands.

To date it is observed that 281 commercial farms with a combined size of 1,376,086.7010 (One coma three million) hectares (Figure 14) are owned by foreign nationals. It perceived that some of those farms might be underutilized, owned by absentee landlords however, a reliable conclusion on this perception can be informed by a dedicated physical inspection of such farms. Of 281 farms, 34 farms with a combined size of 176,693.3200 hectares are owned by foreign nationals in partnership with Namibians.

Figure No 14 below depicts the distribution of land in hectares owned by different foreign nationals. The Germans have the largest share of 616,099.5969 hectares, followed by the South Africans who have a total share of 349,813.1486
**Figure 14:** Foreign ownership by nationality (hectares)

### 3.3.2. Challenges

The ministry observed with concern that some farm owners circumvent the law by registering farms into companies, close corporations and trusts. The expropriation process is lengthy when faced by legal challenges. The process is also costly as compensation involves solatium as well as costs emanating from conditions attached to farms.

The Ministry has experienced difficulties in dealing with the implementation of relevant sections of the laws regarding land ownership by Non-Namibians that is actually in Section 58 of the Agricultural (Commercial) Land Reform Act. Subsequently, there are also some limitations in some sections of the Constitution, specifically Article 16 and Article 100. The current draft Land Bill has been crafted in such a manner to conform to the provision of the Constitution by putting in place the relevant piece of legislation that will then address both the loopholes and at the same time to ensure that Namibia conformed to the provision of Article 99 of the Constitution regarding domestic and foreign investment on land.
3.3.3. Interventions

The Ministry has proposed consolidation of the Agricultural (Commercial) and Communal Land Reform Acts into a Land Bill, which advocates outright prohibition of acquisition of agricultural by foreign nationals.

3.4. RESOLUTION NUMBER 4: UNDERUTILIZED LAND AND RESOLUTION NUMBER 6: FARM SIZE & NUMBERS

The Conference resolved that abandoned and underutilized commercial land should be re-allocated and brought into productive use.

The conference resolved that very large farms and ownership of several farms by one owner should not be permitted and such land should be expropriated.

3.4.1. Achievements

The Ministry has introduced a progressive land tax to discourage multiple farm ownerships. The Ministry does not permit double affirmation (farm owners are not allowed to buy a second farm unless under special conditions). Expropriation Regulations were developed and gazetted in 2016. The identification of underutilised land is among the expropriation criteria.

The Ministry of Land Reform carried a land use determination exercise and found that some of the farms were indeed underutilized. The study was to identify farms for expropriation. The outcome of the study was that seven farms were expropriated.

3.4.2. Challenges

Due to the absence of an Agro Ecological Zone map for the determination of economic farming units, the Ministry is challenged to implement the resolutions successfully.

The ministry was challenged by the farm owners for the use of expropriation method which did not take cognizance of scientifically proven potentials and constraints of areas where the farms are located. It became challenging to determine an economical farming unit and to ultimately determine if land is owned in excess of an economic unit. The criteria used during
the expropriation were not gazetted and thus did not have the necessary legal backing to withstand legal challenges.

The registration of farms under companies, close corporations and trusts by farm owners to hide ownership and to pre-empt the preferent right of the State is one of the serious trends the ministry has been closely monitoring. Cabinet has since directed that the Ministry of Land Reform should spearhead a process that would culminate in the production of an Agro Ecological Zone Map and a Carrying Capacity Map for Namibia. This exercise is currently ongoing and expected to be completed within 18 months from the Stakeholders Workshop that took place on 5th July 2018, while the product is expected by April or May 2019.

3.5. RESOLUTION NUMBER 5 ABSENTEE LANDLORDS

The conference resolved that land owned by absentee landlords should be expropriated, but there should be a distinction, in respect of owners who do not live on their farms and between foreign and Namibian owners.

3.5.1. Achievements

To address the issue of acquiring agricultural lands owned by absentee landlords, as reported earlier in this report, between 2003 and 2005 the ministry identified 26 farms for expropriation, but only Seven (7) of the 26 farms were successfully expropriated and allocated to beneficiaries. Others could not be expropriated following the court challenges from the owners. The Ministry has learned from those Court challenges instituted against it and has since developed Expropriation Criteria that were gazetted in September 2016.

Figure No 15 below shows the regional distribution of farms expropriated, where three farms were expropriated from Omaheke region.
3.5.2. Challenges

The method of acquiring farmland through expropriation is expensive, and lengthy especially when challenged in a Court of law.

It is believed that the processing and enactment of the Draft Land Bill is of crucial importance. This Bill shall enable Government to accelerate the process of land reform in the country.

3.6. RESOLUTION 7: LAND TAX

Among the resolutions taken was the imposition of a land tax on commercial agricultural land with the objectives to: 1) encourage efficient use of commercial agricultural land; 2) raise revenue to support land reform that encourages redistribution and development of commercial land (covering 52% of national land area) in favor of indigenous communities who were dispossessed by colonial settlers; 3) and reduce poverty by resettling the dispossessed indigenous people on the freed up commercial agricultural land while also decongesting indigenous communal areas.
3.6.1. Objectives of the Land Tax

- Encourage efficient use of commercial agricultural land;
- Raise revenue to support land reform that encourages redistribution and development of commercial land (covering 52% of national land area) in favor of indigenous communities who were dispossessed by colonial settlers;
- Discourage multiple ownership of farms (through the application of a progressive rate of tax);
- Encourage redistribution/diversification of ownership;
- Reduce land prices and thus broaden the access to ownership;
- Redress the skewed pattern of land ownership;
- Relieve poverty through resettlement and encourage decongestion of communal areas.

Namibia’s tax on commercial agricultural land was initiated in 1995 through the Agricultural (Commercial) Land Reform Act, Act No. 6 of 1995, and the Land Valuation and Taxation Regulations in 2001 that were further amended in 2007. This initiative stems from the 1991 National Land Conference, just after Namibia gained independence from South Africa.

Revenues from the tax on commercial agricultural land were to be collected into a Land Acquisition and Development Fund (LADF) which was also introduced around the same time. Implementation process of the tax started in 2002 with the establishment of the Directorate of Valuation and Estate Management (DVEEM) in the Ministry of Lands and Resettlement, currently Ministry of Land Reform. The actual collection of land tax started in 2005 using the 2002 Valuation Roll which the Valuation Court had approved in 2004.

With Valuation Rolls prepared with a standard interval of 5 years, the next Valuation Roll was prepared in 2007 and approved by the Valuation Court in 2008, with the current Valuation Roll prepared in 2012 and approved in 2016 by the Valuation Court after receiving legal and constitutional challenges. The approval process of 2012 valuation roll is in High Court for review.

The tax rate is determined by Parliament but now stands at 0.4% for Namibian citizens and 1.4% for foreign nationals. The rates progresses by 0.25% for any additional farm owned by the same owner to discourage multiple ownership of commercial farms. To encourage
compliance, a transfer of commercial agricultural land cannot be registered unless a Land Tax Clearance Certificate and a completed Data Verification Form are submitted to the Deeds Registrar.

**Evaluation of performance against tax objectives**

**Land Tax Objective 1:** Encourage efficient use of commercial agricultural land; this objective has not been achieved because in the first place it required that an economic farming unit be defined from area to area. This has not been done as MLR relied on the Ministry of Agriculture, Water and Forestry to assist in this regard.

**Land Tax Objective 2:** Raise revenue to support land reform that encourages redistribution and development of commercial land (covering 52% of national land area) in favor of indigenous communities who were dispossessed by colonial settlers.

A cumulative amount of N$350,043,854.40 has been collected so far (see Figure 17). In the first year of implementation of the land tax in 2005, N$18 million was collected rising to an average of N$30 million in 2006 and 2007. Thereafter it increased to about N$ 40 million per year from 2008 to 2012 bringing the cumulative total to N$ 250 million since 2005. By the first quarter 2018 N$ 12,427,047.00 was collected based on the 2012 valuation roll. Unfortunately further collections were curtailed due to a High Court interdict which stopped the processing of land tax assessments using the 2012 valuation roll until a High Court review which is still pending is finalized. However, for those farmers who wanted to transact their farms and as such needed land tax clearance certificates they were permitted to do so after the interdict was revised in this regard.
The pending High Court case to review the decision of the Valuation Court was withholding the issuance of the 2017/2018 Land Tax Assessments. Since the review date for 2012 valuation roll approval has been set for May 2019, the 2017/2018 Land Tax Assessment cannot be issued until after the High Court review case has been finalized. If the land tax assessments were issued, the cumulative expected land tax amount would have been N$528,640,400 (see Figure 17).

**Figure 16:** Percentage of land tax collected for fiscal year (2004-2018)

**Figure 17:** Assessment issued vs. actual collection
**Land Tax Objective 3:** Discourage multiple ownership of farms (through the application of a progressive rate of tax);

This has been achieved. From 2004/2005 a progressive land tax rate of 0.75% and 1.75% for a Namibian national and a foreign national were applied on the first farm respectively. For additional farms owned, the rates increased by 0.25%.

**Land Tax Objective 4:** Encourage redistribution/diversification of ownership

This has been partly achieved. However, the progressive rate has not been punitive enough as there are still a number of previously advantaged multiple farm owners. On the other hand, previously disadvantaged Namibians were exempted from payment of land tax of about N$3.5 million per year in terms of Article 23 of the Namibian Constitution.

**Land Tax Objective 5:** Reduce land prices and thus broaden the access to ownership;

This has not been achieved because the price of farm land has continued to rise partly due to foreign buyers and the exploitation of loopholes in the enabling legislation coupled with a few number of farm land being offered for sale.

**Land Tax Objective 6:** Redress the skewed pattern of land ownership

This has been partly achieved. The target was to acquire 15 million hectares of land by the year 2020 whereby 9.16 Million hectares have been acquired so far.

**Land Tax Objective 7:** relieve poverty through resettlement and encourage decongestion of communal areas.

This has been partly achieved. 5,338 households have been resettled against a target of 245,000.

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**3.6.2. Challenges:**

**Land Tax Objective 1:** Encourage efficient use of commercial agricultural land

- The issue of spearheading economic farming unit was the responsibility of another ministry which the Ministry of Lands has no control over.
**Land Tax Objective 2**: Raise revenue for the Land Acquisition and Development Fund (to facilitate and accelerate the process of land acquisition, distribution and development):

- Very few farms were being offered purchase
- Most farms offered were not very good for resettlement leading them being waived.
- Budgetary constraints especially the rising farm prices.
- The demand for resettlement did not keep pace with the number of farms acquired.
- After the approval of the 2012 Valuation Roll in November 2016, some landowners made an urgent application to the High Court to interdict the issuance of the 2016/17 land tax assessments and subsequent ones. The interdict was granted in February 2018. It was reviewed in May 2018 to allow land owners who wanted to transfer their farms so that they could be issued with land tax clearance certificates. The interdict will remain in force until the High Court review case scheduled for May 2019 is finalized.

**Land Tax Objective 3**: Discourage multiple ownership of farms (through the application of a progressive rate of tax):

- Exploitation of loopholes in the legislation whereby some owners changed farm land ownership into close corporation thereby making it very hard to know whether they were Namibian or not.
- Those owning multiple farmland consolidated their land into one thereby defeating the essence of punitive taxation

**Land Tax Objective 4**: Encourage redistribution/diversification of ownership

- Very few farms were being offered purchase thereby not meeting the target
- The rise in farm land prices affected the affordability by would be beneficiaries.

**Land Tax Objective 5**: Reduce land prices and thus broaden the access to ownership:

- There was no legislation put in place to regulate farm prices by Government.
- The willing seller, willing buyer operated on a market basis with little or no intervention whatsoever. At times the preferent right by Government to purchase farms was
circumvented through loopholes in the legislation and some farms were sold through auctions.

**Land Tax Objective 6:** Redress the skewed pattern of land ownership

✓ Due to the continued rise in farm land prices, the majority of the previously disadvantaged could not afford them.

**Land Tax Objective 7:** relieve poverty through resettlement and encourage decongestion of communal areas.

✓ The number of farms on offer compared to the demand did not much.
✓ Some of the beneficiaries ended up sub-leasing the resettlement farms due lack of financial capacity and sometimes good farming practices.
✓ Some of the beneficiaries preferred certain areas to others and therefore ended not taking up the allocated farming units.

### 3.6.3. Interventions

✓ Regarding the interdict and the Valuation Court decision review case, the Ministry with the support of the Office of the Government Attorney filed opposing answering affidavits to the High Court. The review case is scheduled to be heard in May 2019.
✓ Currently the Ministry is issuing land tax assessments on request based on a court order to landowners who are willing to voluntarily pay land tax based on the 2012 valuation roll and also those who require a land tax clearance certificate which is a prerequisite in the transfer of farm land
✓ The Ministry is currently in the process of preparing the 2017-2022 main valuation roll which when approved will supersede the 2012 roll.
✓ Due to numerous legal and constitutional challenges with 2012 valuation roll there has been need to review the 2007 Land Valuation and Taxation Regulations to address the some identified short-comings. The draft review regulations are in their final stage and once approved will be gazetted October 2018.
✓ The Ministry is also intending to draft the Land Valuation Bill, which will strengthen and improve the land tax legislation.
3.7. RESOLUTION NUMBER 8: TECHNICAL COMMITTEE ON COMMERCIAL FARMLAND

The conference resolved that a technical committee should be established to evaluate the facts regarding underutilised land, absentee ownership, viable farm sizes in different regions and multiple ownership of farms and make recommendations for acquisition and reallocation of such land identified; and assess possible forms of taxation on commercial farmland and economic units to which taxation should apply.

3.7.1. Achievements

The Agricultural (Commercial) Land Reform Act No. 6 of 1995 provides for the establishment of the Committees (Land Acquisition Committee and Land Reform Advisory Commission) for land administration. Furthermore, the same Act made provision for the establishment of regional Resettlement Committee to assist the Land Reform Advisory Commission in carrying out its functions.

A Permanent Technical Team on Land Reform (PTT) was established on 17 August 2003 to formulate a strategic plan for land reform in Namibia. The committee delivered its report on November 2005. The ministry has since embarked on implementing the PTT recommendations.

3.8. RESOLUTIONS 9, 13 AND 18

3.8.1. RESOLUTION NUMBER 9: LAND TENURE

The Conference recommended that the Technical Committee should be established to evaluate the legal options concerning possible forms of land tenure consistent with the Constitution.

3.8.1.1. Achievements

Namibia has four main land tenure systems, namely: (a) Freehold tenure in declared urban areas and commercial farms, (b) Leasehold tenure in both urban, communal and commercial areas for business purposes and (c) Flexible land tenure in declared urban areas aimed to
provide affordable upgradable security of tenure to persons who live in the informal settlements, customary land tenure on communal land, all of which is rural.

The Ministry established various committees for various forms of tenure in the country. Committees on the allocation and management in communal and commercial areas (Land Boards and Regional Resettlement Committees), registration of land rights (Customary and Leaseholds) in communal areas for tenure security. Other committees were also established for the provision of security of tenure for the resettlement beneficiaries on commercial farms through the issuing of lease agreements. Lately, there was a Regulation Committee which contributed to the production of the Flexible Land Tenure Act. The recommendations from all these committees culminated into formation of various laws that governs tenure as illustrated below.

The Ministry of Land Reform initiated the following legal instruments to provide different forms of tenure in the form of Freehold, Leasehold and Customary land tenure and upgradable tenure rights.

3.8.1.2. Challenges

✓ Lack of harmony between Legislations in order to successfully complement collective or mutual requirements. i.e. Traditional Authorities Act, 2004, Communal Land Reform Act, 2002, Deeds Registries Act, 1937. These Legislations have since been replaced by a new Legislation (Deeds Registries Act No. 14 of 2015) and the Land Bill is designed to address the challenges in order to create a desired harmony and efficient land delivery services.

✓ Insufficient resources and capacity at both national and regional level which hampers the successful implementation of the land reform programme.

3.8.1.3. Interventions

Communal Land Reform Act, 2002 have been amended, whilst Deeds registries Act has since been replaced by Deeds Registries Act No. 14 of 2015, and the Land Bill is designed to address some of these challenges.
3.9. RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

*The conference resolved* that (a) as provided by the Constitution of the Republic of Namibia; all Namibian citizens have the right to live wherever they choose within national territory. (b) In seeking access to communal land applicants should take account of the rights and customs of the local community living there. (c) Priority should be given to the landless and those without adequate land for subsistence.

3.9.1. Achievements

To conform to the provision of the Namibian Constitution, the Ministry has put in place the Communal Land Reform Act No. 5 of 2002 with the aim of facilitating a proper and uniform land administration and management, with secure land tenure for all, which will result in the minimization of land disputes on communal land. The Act further provides for security of tenure through registration of land rights in communal areas. It also allows all Namibians to settle at places of choice provided that all legal provisions are adhered to.

There are two types of tenure systems that exists in communal areas that is customary and leasehold. This is the key reason why communal land registration is being carried out in Namibia. Moreover, by having all land rights registered and surveyed, the Ministry of Land Reform, Communal Land Boards as well as the Traditional Authorities will be able to improve their means of land administration and ensure that all people have equal access to land. The land tenure, surveying and development has the potential to open up economic activity in communal areas.

The registration of land rights is very complex therefore processes and procedures have been harmonized to ensure successful implementation and proper coordination among the stakeholders. In addition, favorable conditions have been created through capacity building, development of information system and development of communication materials (translations, recording and production) in various local languages.
An information system called Namibia Communal Land Administration System (NCLAS) has been developed and it is operational in all the regions to register all communal land rights. The system is used to store, process and manage information on communal land. The communal land rights registration provides enhanced tenure security to Namibian citizens in communal areas.

Since the commencement of registration in 2003, a total of **119,227 Communal land rights** have been registered, where **118,023 Customary** comprising of **new (38,118)** and **existing (79,905) land rights** and **1204** of leaseholds (see figure 18). The new rights were allocated after enactment of the CLRA while exiting were recognized as rights allocated before.

Although registration has always taken place, the new process and procedures comes with more advantages to both beneficiaries and administrators of communal and are as follows:

✔ Gives security to land holders, their spouses, children and/or dependent’s to keep their land for generations.

✔ Ensures that a land holder has documentary proof of their rights to land that shows their boundaries and exact size of the legally allocated land parcel. See figure 20 below

✔ Enhances the protection of women rights and rights of vulnerable groups.

✔ Allows each parcel of land to be owned by one person at a time which rules out any form of land grabbing.

✔ Helps community to identify land that is not owned and use it as commonage and help them to protect their commonages.

✔ Supports Traditional Authorities to reduce land related disputes. Avails a right for compensation when the parcel or part of it is claimed by the government for building of new roads, town expansion or any other development.
**Figure 18:** Sample of customary land right certificate

**Figure 19:** Total number of communal land rights registered nation wide

119,227 Communal Land Rights Registered (since 2003 to July 2018)
The Ministry planned to register 245,000 various land rights countrywide. These land rights includes customary land rights and rights of leasehold, however customary land right is not preferred in Kavango East and West Regions where it was estimated that 43,000 land rights could be registered. Therefore, the current overall progress regarding rights registration stands at 59%. See figures 19 and 20.

Figure 20: Total communal land right registered per region

Communal land rights are comprised of customary (see figure 21) and leasehold (see figure 22) rights and the results are presented below according in separate figures for each region.
Furthermore, customary land rights are distinguished to illustrate the difference between new rights allocated after the Act was enacted and the recognition of already existing rights.
allocated before the Act. As per the figure 23 below the new rights are 38,118 while existing rights are 79,905 that have been registered thus far (see Figure 23).

**Figure 23:** New vs. Existing customary land rights registered

### 3.9.2. Challenges

- Misinterpretation and misinformation of the provisions of the Communal Land Reform Act by different role players,
- High volume of Land disputes nationally between traditional authorities that takes long to resolve and disrupts the registration of land rights hence the allocation of land rights in communal areas is vested in the Traditional Authority of that particular area. The Act does not give provision on what should happen in the case where the communal area does not have the traditional leader.
- Unclear boundaries of Traditional Authorities, overlapping areas of jurisdiction for the Traditional Authorities, gazetting and designation of Traditional Authorities over the
some Traditional Authorities have designated councilors in areas where their people reside but where they do not have jurisdiction over such areas or regions (unrecognized traditional authorities).

- Financial constraints for operation of land registration exercise as it’s a very costly exercise due its complexity.

### 3.9.3. Interventions

- The Ministry has embarked on information campaigns through the print and electronic media to educate the public on the provision of the Communal Land Reform Act.

- Capacity building on interpretation/implementation of Communal Land Reform Act, dispute resolution and record keeping aimed at improved land administration to Communal Land Boards and Traditional Authorities.

- The Ministry has referred the issue of Traditional Authorities areas of jurisdiction and boundary disputes to the Ministry of Urban and Rural Development [in line with advice from the Attorney General’s Office] to step in and mediate to resolve the disputes among these Traditional Authorities as they have failed to reach consensus amongst themselves.

- The Ministry of Land Reform will remain available to provide technical assistance in surveying and mapping of these boundaries as and when the Ministry of Rural and Urban Development in collaboration with the Council of Traditional Authorities provide the necessary delineated boundaries to enable to survey, map and gazette them.

- Resolution 74 of the SCCLRM resolved to amend Communal Land Reform Act, 2002 to enable the establishment of Land Administration Committee in the absence of the Traditional Authorities. It is provided for in the Land Bill.

- Ministry of Urban and Rural Development conducted a study to determine the existence of recognized traditional authorities without areas of jurisdiction as resolved by SCCLRM Resolution No. 76.

- Cabinet directed the MLR to intensify the production of maps for communal land right and issuing of certificates to people in communal areas as provided under Resolution 77 and 78 of SCCLRM.
3.10. RESOLUTION NUMBER 18: LAND ALLOCATION AND ADMINISTRATION

The conference resolves that (a) the role of Traditional Leaders in allocating communal land be recognized, but properly defined under law. (b) The establishment of regional and local government institutions is provided under the constitution. Their powers should include land administration (c) Land Boards should be introduced at an early date to administer the allocation of communal land. The said boards should be accountable to the government and their local communities.

3.10.1. Achievements

These resolutions have been implemented under the provisions of the Communal Land Reform Act, No. 5 of 2002 as amended. The Act provides for the powers of the Traditional Authorities to allocate or cancel customary land rights. Land rights that may be allocated are rights for a farming unit, a residential unit and a right to other form of customary tenure as recognised and described by the Minister by notice in the Gazette. The power of the Traditional Authority is clearly defined in the above mentioned Act.

The same Act provides for establishment of the Land Boards in all political regions except in Khomas region which does not have communal land. All regions have operational Land Boards and are accountable to the Minister of Land Reform. Each year the Minister of Land Reform is required to present an annual report of the Communal Land Boards in the National Assembly, a report highlighting all the activities carried out by each Land Board and funds spent during execution of Land Board duties for accountability purposes.

The functions of the Communal Land Boards are as follows:

☑ To exercise control over the allocation and cancellation of customary land rights by Chiefs or TAs under the CLRA
☑ Consider and decide on applications for right of leaseholds under the CLRA
☑ Establish & maintain a registration system for recording the allocation, transfer & cancellation of land rights & rights of leasehold under the CLRA
☑ Advise the Minister either of its own motion or at the request of the Minister on matter pertaining to regulations or any other matter pertaining to the objectives of the CLRA
Perform other functions as assigned to such Land Board by the CLRA.

The Ministry has trained the Land Boards members, Traditional Authorities (officials) and their Secretaries in various administrative procedures. The statutory bodies have also been supported through funding, office furniture and IT equipment’s to enhance the execution of work.

### 3.10.2. Challenges

- Some Traditional Authorities are not implementing certain provisions of the Act citing that it is against their custom and beliefs specifically on customary land rights allocation.
- Financial constraints hampered speed execution of duties by relevant bodies in terms dispute investigations and holding of meetings.

### 3.11. RESOLUTION NUMBER 10: FARM WORKERS

The Conference resolved that (a) farm workers should be afforded rights and protection under a labour code. (b) Government should enact legislation providing for a charter of rights for farm workers. The charter should be monitored and enforced by a government agency. (c) The charter of rights should include provision for maximum working hours, sick leave, annual leave, schooling for children, medical care for workers and their families, adequate housing on the farm, pensions, the right to reside on the farm after retirement and grazing rights for farm workers’ livestock free of charge. The charter of rights should also include provision for a living wage in conformity with a labour code (d) Government should enact a legislation to protect farm workers from occupational hazards of their work and extend the Workman Compensation Act to include farm workers.

### 3.11.1. Achievements

The Ministry of Labour has enacted legislations which, caters for the protection of farm workers’ rights. Under the Ministry of Land Reform, the Resettlement criteria prioritized the allocation of land to generational farm workers. A total number of 119 farm workers out of 5338 beneficiaries, have been resettled to date. This constitutes a total of 16 farms
accumulating to 28 750 hectares as follows: 9 farms in Omaheke Region, 3 in Otjozondjupa Region, 2 in Kunene Region, 1 in Hardap Region and 1 in Khomas region totaling to 28 750 hectares of land. These beneficiaries include normal former farm workers and generational farmworkers.

3.11.2. Challenges

Farm workers are being forced out of commercial farms by farm owners and end up in corridors thus adding to the list of people in need of land against a limited number of farming units to be allocated.

Some evicted/laid off farm workers do not have alternative land to live on following their evictions and layoffs; the ministry is therefore forced to allocate land that was not planned for that purpose.

3.11.3. Interventions

Allocation of farming units to farm workers where alienation of land to government results in destitution therefore the resettlement criteria gives generational farm workers preference above other applicants in terms of scoring.

3.12. RESOLUTIONS 11, 22 AND 23

3.12 RESOLUTION 11: ASSISTANCE TO COMMERCIAL FARMERS

The Conference resolved that (a) established commercial farmers should only receive financial assistance from the government in exceptional circumstances, which include natural disasters such as drought. (b) The government should consider providing assistance to commercial farmers for programmes of affirmative action, such as improving the conditions of farm workers.

3.12.1. Achievements

The Government assisted commercial farmers with land tax exemption during drought. The Agricultural Bank, provide special loans to commercial farmers for the construction of decent labourer's houses.
3.12.2. Challenges

The Government foregoes funds accrued from land tax when it exempts farmers from paying tax thus further diminishing the meager land purchase budget.

3.13. RESOLUTION NUMBER 22, TRANSFER OF LARGE COMMUNAL FARMERS TO COMMERCIAL LAND

The conference resolved that (a) under the constitution no-one may be forced to leave communal land. But large communal farmers having a certain minimum number of livestock should be encouraged to acquire commercial land outside the communal areas, (b) communal farmers acquiring commercial land should be assisted through schemes providing support such as low interest loans and technical advice. Financial assistance should be strictly limited to those who can prove their need for it, (c) The criteria for identifying large farmers should be established for each communal areas by further study, (d) Farmland now used by large farmers in communal areas should not be expanded and in future should be reduced to make space for small farmers.

3.13.1. Achievements

✓ The Ministry under the provision of the National Resettlement policy, complemented by the resettlement criteria is in favour of transferring large communal farmers into commercial areas.
✓ Through the Pre – Post Settlement support farmers are supported with basic infrastructure development (fencing and water infrastructure development), training and mentorship in collaboration with Agribank.
✓ Since 2015, the Ministry have started a compulsory training of farmers before the physical allocation of their farming units in order to capacitate them to acclimate to their new environment and taking into account that farming is a business.
✓ According to the study by the University of Namibia for the Ministry of Land Reform titled “The Potential Impact of Lease Agreements on the Livelihoods and Productivity of
National Resettlement Programme Beneficiaries in Namibia”, resettlement has improved the standard of living and economic situation of 71% of farmers.

### 3.13.2. Challenges

- There is a high demand of land in relation to land availability under the National Resettlement Programme.
- Taking into account the background of some of these farmers, additional funding is required to fully capacitate and enable them to start farming right away.

### 3.13.3. Interventions

- Government noted the need to avail land to previously disadvantaged Namibians, hence the increase of the budget allocation which started with N$20 million per annum from 1998 to 2005. From 2005, it increased to N$50 million to 2012. The exceptional case was 2015/16 financial year where a once off allocation of N$380 million was made.

- Resolution number 46 of SCCLRM, Cabinet Decision No. 1st/SP/17.02.01/001 resolved that Ministry of Land Reform should implement a 5 Year Project for basic Farm Infrastructure Rehabilitation (Water, perimeter fence and internal camps fences) through (a) recruitment of water experts as a takeover strategy to transfer the water component to MAWF after 5 years; and (b) training of the farmers on how to rehabilitate water on their own. The unit has since been recruited and have worked for the Ministry for the past two years. The recruitment of this unit has saved government millions of dollars as they are doing 80% of the work themselves.
3.14. RESOLUTION NUMBER 23, ACCESS OF SMALL FARMERS TO COMMERCIAL LAND

The conference resolved that (a) small farmers in the communal areas should be assisted to obtain access to land in the present commercial zone, (b) cooperative ownership and provision of state land for grazing schemes should be considered, (c) small farmers moving into commercial land should be given training, technical advice and assistance to buy and improve their livestock.

3.14.1. Achievements

The Resettlement criteria is in favour of communal farmers to be moved to commercial areas. The Ministry in collaboration with Agribank provides post-settlement support for the newly resettled beneficiaries.

3.14.2. Challenges

There is a high demand of land in relation to land availability under the National Resettlement Programme.

3.15. RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS

The conference concluded that communal areas should for the present be retained, developed and expanded where necessary.

3.15.1. Achievements

The Ministry of Land Reform in 2000 commissioned a study to identify underutilized land in communal areas for development. The study revealed that over nine hundred million hectares (900,000,000 ha) of underutilized land was available in the following regions Omusati, Ohangwena, Oshikoto, Omaheke, Otjozondjupa, Kavango, and Zambezi regions respectively. With these findings the Ministry, initiated a project to develop Small Scale
Commercial Farming Units (SSCFU). Some of these units are already developed and distributed. See Figure 24 below.

![Figure 24: Hectares of land supported with infrastructures](image)

The project was well accepted by the Traditional Communities after awareness and certain areas were identified and formalized with demarcations, layout plans, survey diagrams and gazettelements. The areas identified were mainly for agriculture purposes. The Communal Land Reform Act, 2002 (Act No.5 of 2002, (CLRA) provide for designation of areas for Agricultural purposes in Communal areas.

In 2012, the Ministry established the Programme for Communal Land Development (PCLD) to spearhead the development of communal areas. The Programme for Communal Land Development is supported through a co-financing mechanism known as the Basket Fund. In this mechanism, the Government of the Republic of Namibia contributes fourteen percent (14%) while the German Development Bank (KfW) and European Union (EU) contributes eighty-six percent (86%).
To date, the Ministry of Land Reform developed infrastructures on 270,000 hectares on the communal land in Omusati, Ohangwena, Kavango East, Kavango West and Zambezi regions respectively. These developments amount to 836km of fences, 20 kraals, 44 new boreholes, 68 water point upgrades and 98km of water reticulation have been developed.

The total budget allocated for PCLD is N$ 500 million of which an amount of N$ 182 million is meant for infrastructure development in communal areas. To-date the amount of money committed, and spent on infrastructure development is N$136,743,111.00, and N$88,618,670.00 respectively (see Figure 25).

![Expenditures on infrastructure in communal areas](image)

**Figure 25:** Commitment vs. Expenditure on infrastructure development

A total of 590 farmers in the communal areas have benefited directly from the Programme for Communal Land Development, whilst more than 7,800 members of farming households derive benefit from an enhanced production environment (see Figure 26).

The advisory services have been extended to communal farmers, focusing on production, institutional and management components of agricultural commercialization.
The investment planning for infrastructure measures has been completed with the communities of Otjozondjupa (Gam), Omaheke (Eiseb & Otjituuo), Oshikoto (Mangetti), and Kavango East (Khaudum), while Tsumkwe West in Otjozondjupa which is in the final stage.

The infrastructure development is earmarked on 694,000 hectares and more than 500 farmers are expected to directly benefit. Figure 27 shows areas to be supported with infrastructure development, while Figure 28 shows all PCLD areas.

**Figure 267:** Hectares of land to be supported with infrastructures
Cooperatives Established in Designated Areas

Cooperatives are institutions entrusted with the responsibility of securing tenure rights in areas designated for agricultural purposes in Namibia. Co-operatives are formed in terms of Cooperative Act, Act No. 23 of 1996 as amended, under the Ministry of Agriculture, Water & Forestry.
Cooperatives have been formed and entrusted in the management and administration of land in designated areas in Namibia, in five (5) different areas of three (3) regions (refer to table 2 below). It has been proven that, if supported and well organized from the beginning, a Cooperative can manage a group land right successfully. Once registered, a cooperative gives additional security to a group of people issued with a Lease Agreement as members of the Cooperative. Only registered members of a cooperative may make use of the land allocated to that Cooperative.

At three different sites where Cooperatives have been established to administer a group land rights for commonage, individual customary land rights inside designated areas are being demarcated, excluded from the Cooperative land registered with respective Communal Land Boards. The benefits of these Cooperatives are to secure the Commonage for farming on a commercial purpose; to promote commercial production, improved breed, improve marketing of animal/products; Improve sustainable land management, improve grazing & conforming to carrying capacity and to benefit from the MLR supports with infrastructures.

**Table 2: Cooperative established in communal areas**

<table>
<thead>
<tr>
<th>REGIONS</th>
<th>PCLD AREAS</th>
<th>TENURE RIGHTS</th>
<th>NAMES OF COOPERATIVES</th>
<th>AREA SIZES (HA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZAMBEZI</td>
<td>Zambezi</td>
<td>Group Right of Leasehold</td>
<td>Zambezi Farmers’ Cooperative</td>
<td>104,000 ha</td>
</tr>
<tr>
<td>OHANGWENA</td>
<td>Okongo West</td>
<td>Group Right of Leasehold</td>
<td>Ongalulu Farmers Cooperative</td>
<td>12,000 ha</td>
</tr>
<tr>
<td></td>
<td>Ojitjewa</td>
<td>Group Right of Leasehold</td>
<td>Ojitjewa Farmers Cooperative</td>
<td>48,000 ha</td>
</tr>
<tr>
<td>OMUSATI</td>
<td>Ongandjera East</td>
<td>Group Right of Leasehold</td>
<td>Amarika Farmers Cooperative</td>
<td>40,000 ha</td>
</tr>
<tr>
<td></td>
<td>Ongandjera West</td>
<td>Group Right of Leasehold</td>
<td>Chama-Yongwe Farmers Cooperative</td>
<td>46,000 ha</td>
</tr>
</tbody>
</table>

Apart from cooperatives, there are also other institutions formed in communal areas for resources management such as Conservancies and Community Forests.

With regards to the expansion of the communal land, the Ministry acquired farms for the expansion of the communal areas. Farm Uitdraai and Farm Kamandibmund, and Farm Gross Otjumue No. 220, Farm Otjumue No. 109 and Otjumue No. 110, Portion 1 (Okombahe Nord) of Farm Gross Okombahe were acquired for expansion of Otjimbingwe communal area
and Okambahe communal area in Erongo region respectively. Whilst Portion 1 & 2 and Remaining Extent of Farm Haichas was acquired to expand Vaalgras communal area in //Kharas region and Farm Klein Swartmodder was acquired to expand !Hoachanas communal area in Hardap region. The total areas acquired and declared communal area is 49,689.3928 hectares as illustrated on Table 3.

Table 3: Number of farms acquired for Land Expansion

<table>
<thead>
<tr>
<th>Region</th>
<th>Communal Area</th>
<th>Farms expanded into communal area</th>
<th>Size (HA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erongo</td>
<td>Otjimbingwe</td>
<td>Uitdraai</td>
<td>5945.63</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kamandibmund</td>
<td>4349.72</td>
</tr>
<tr>
<td></td>
<td>Okambahe</td>
<td>Gross Otjumue</td>
<td>5181.79</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Otjimue</td>
<td>6709.15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gross Okambahe</td>
<td>7207.96</td>
</tr>
<tr>
<td>//Kharas</td>
<td>Vaalgras</td>
<td>Haichas</td>
<td>12869</td>
</tr>
<tr>
<td>Hardap</td>
<td>!Hoachanas</td>
<td>Klein Swartmodder</td>
<td>7426.14</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>49,689.39</td>
</tr>
</tbody>
</table>

3.15.2. Challenges

✓ There are overlapping land uses, hampering the implementation of projects in the Programme for Communal Land Development (PCLD) areas such as conflicts between conservancies and small-scale farmers.
✓ Additionally, Traditional Authority boundary disputes and withdrawal of consent letters delays the commencement of infrastructure development.
✓ Lack of livestock marketing in Northern communal areas which does not yield desired results of the project.
✓ There is a need for additional funds, to enable Government to develop all underutilized land.
3.15.3. Intervention

✓ Resolution number 79 of the SCCLRM resolved to develop underutilised and underdeveloped communal land into small scale commercial farming unit and allocate such units to previously disadvantaged Namibians to engage in commercial farming.

✓ When different Traditional Authorities have jurisdiction over the same area, it is challenging to select which Traditional Authority will receive and manage the expanded land. This situation has resulted in the Ministry stopping acquiring land for expansion of communal land where area of jurisdiction is not clear until such clarity is found.

3.16. RESOLUTION NUMBER 14: DISADVANTAGED COMMUNITIES

The conference resolved that disadvantaged communities and groups in particular the San and disabled, should receive special protection of their land rights

3.16.1. Achievements

The Ministry has established various group resettlement projects for the San community and other vulnerable and marginalized communities in both commercial and communal areas.

The following projects are established to cater for the San Communities: Bravo project in Kavango West region, Western Caprivi Project in Zambezi and Kavango East regions, Oshana, Ondatandiva, Ekoka and Eendombe projects in Okongo area of Ohangwena region, Mangetti dune in Otjozondjupa and Donkerboss Sonneblom in Omaheke region (Figure 29).

Additionally, the Ministry acquired Farm Tsintsabis, Farm Excelsior in Oshikoto region, Farm Skoonheid and Farm Drimiopsis in Omaheke region, and farming unit A & E of Farm Julianna No.285 in Otjozondjupa region totaling 20 195 hectares for allocation to the San Community (Figure 30).
**Figure 29:** San Group Resettlement project in communal areas

**Figure 280:** San Group Resettlement Project in communal areas
The Ministry further acquired 8 commercial farms with a combined size of over 50 thousand hectares and transferred them to the Office of the Vice President, between 2006 and 2013 for the allocation of Hai//Om and Om Communities. These farms are Uitkomst in Otjozondjupa region, farms Mooiplaas, Seringkop & Koppies, Bellalaika, Nuchas, Werda, Toevlug in Kunene region and farm Ondera & Kumewa in Oshikoto region.

![Figure 291: Number of hectares acquired for the Division of Marginalized, Office of the Vice President](image)

Projects such as Oshihau and Onandjandja in Omusati region were established to uplift the living standards of vulnerable communities in that region. Furthermore, the Ministry acquired farm Westfallen in Hardap region and established a project for landless Namibians. The Ministry of Land Reform also acquired farm Neu Sommerau in 2001, and allocated it to retrenched workers of combat mine who were squatting along the railway.

On the 23rd of April 1993, the Ministry facilitated the repatriation of 1172 Batswana of Namibian descent from Botswana and resettled them in Gam and Eiseb in Otjozondjupa and Omaheke region respectively.
Rehabilitation of People living with disabilities

The Ministry played a major role in the implementation and promotion of Community Based Rehabilitation Programme through the Income Generating Activities for the development and support to Disabled People Organizations such as joinery and carpentry, sewing, bakery, brick making, poultry at various projects such as Ehafo in Khomas, Hangatena in Omaheke, Elao, Ombili in Omusati, Afoti, Limbandungila in Oshana, Iileni Mwitaleleko, Hainyeko Bakery in Oshikoto, Morgenzon on //Kharas, Nara in Otjozondjupa. The Ministry also facilitated the training of projects beneficiaries through the Disability Resource Centres which some have been subsidized by the Government namely: Engela, Oniipa and Nakayale Rehabilitation Centres.

3.16.2. Challenges

✓ The Government is challenged with the increased number of San Communities on these farms as they are allocated for group resettlement, rather than individual or household level.

✓ The number of households and beneficiaries on these farms keeps on increasing due to neighboring farm owners relocating San families to Ondera whenever they no longer have jobs for them. This contributes to overcrowding of the farms which leads to land degradation.

3.17. RESOLUTION NUMBER 16: PAYMENT FOR LAND

The conference resolves that (a) communal area households should not be required to pay for obtaining farmland under communal tenure for their own subsistence (b) Those obtaining land for business purposes should be required to pay for it (c) all payment for land (business purposes) should be to the GRN rather than Traditional Leaders.

3.17.1. Achievements

The Communal Land Reform Act No. 5 of 2002 has provided for rental fees in communal areas in respect of land utilized for business purposes to be paid into the Communal Land Reform Fund for regional development.
The Act further made provisions for payment of application fee and issuance of any registration certificate with regard to communal area land right. All these funds are made to the Communal Land Development Fund. A total of N$2,610,669.00 was collected by all Communal Land Board (see Figure 32).

![Figure 302: Payment of money in respect of land used for business purposes](image)

#### 3.17.2. Challenges

- The challenge experienced in implementing this resolution is that some Traditional Authorities are demanding payment of rental fees in respect of business purposes into their own funds, which is contrary to certain provision of the Communal Land Reform Act, No. 5 of 2002.
3.18. RESOLUTION NUMBER 17: RIGHTS OF WOMEN

The conference resolves that (a) women should have the right to own the land they cultivated and to inherit and bequeath land and fixed property, (b) a programme of affirmative action should be introduced to assist women through training, low interest loans and other mechanisms so as to compete on equal terms with men, (c) all discriminatory laws, whether statutory or customary and all discriminatory practices which disadvantaged women should be abolished or amended with immediate effect, (d) women should be fairly represented on all future district councils, land boards or other bodies which deal with the allocation and use of land in the communal areas.

3.18.1. Achievements

The Communal Land Reform Act, Act No. 5 of 2002 provides for equal rights for women to acquire communal land and register their rights. Furthermore, women have equal rights to inherit land rights under the Communal Land Reform Act, Act No. 5 of 2002. Women also get preference in Resettlement Programme under the Agricultural (Commercial) Land Reform Act, Act No.6 of 1995. Both the Communal Land Reform Act, Act No. 5 of 2002 and the Agricultural (Commercial) Land Reform Act, Act No.6 of 1995 provides for women representation in land administration.

With regards to the Communal Land Reform Act, it dictates that each Communal Land Board should have four women appointed by the Minister of Land Reform. Two (2) are women engaged in farming operations in the board’s area and two (2) are women who have expertise relevant to the functions of the Communal Land Board. Additionally the Agricultural (Commercial) Land Reform Act provides for the Minister to appoint 4 women to the Land Reform Advisory Commission. The emphasis is that the Acts specifically promotes the interest and rights of women in land administration (see Figure 33).

It is worth noting that before the enactment of both legislation women ‘s rights were not protected in any legislation, however women now own 28% of Agricultural Commercial farm land, while 28% of women own communal land rights. The Ministry of land reform has
allocated 41% of women Resettlement farms against 59% of their male counterparts allocated.

**Figure 313:** Communal Land Rights owned by women against overall registered since 2003

### 3.18.2. Challenges

- Some Traditional communities base land allocation on tradition and customs disadvantaging women. There are also some decisions to allocate land owned by woman to male citizens leading to encroachment of their land rights.
- Although the legislations provides for women representation in the land administrative structures, few institutions appoint women to represent them, making the representation of gender not balanced on such Committees.

### 3.18.3. Interventions

- The legislation put the mechanisms for everyone aggrieved by a decision of a Traditional Authority or Land Board to appeal against it, to the Minister of Land Reform for the Appointment of the Appeal Tribunal to resolve the dispute.
- Some Traditional Authorities have started to recognize Women and appoint them for leadership positions in the councils, which breaks the norm.
3.19. RESOLUTION NUMBER 20 ILLEGAL FENCES

Resolution number 20, conference resolve that illegal fencing of land must be stopped and all illegal fences must be removed.

3.19.1. Achievements

Illegal fencing of communal areas is prohibited under the Communal Land Reform Act (Act No.5 of 2002). The Act provides for an orderly allocation and fencing of communal land. It provides for the applications for the erection of fences to be made in a prescribed manner in order for the fence to be authorized. The said Act provides for a proper fencing of communal land which must be made in an application form for the approval of the concerned Traditional Authority and the Communal Land Board. If a fence is found on communal land in contravention of the Act, the Chief, Traditional Authority or the Communal Land Board may in writing notify the holder of such fence:

✔ To remove such fence or to cause it to be removed, within a period, not exceeding 30 days, as the Chief, Traditional Authority of the Communal Land Board may determine and such period must be specified in the notification to the holder.

✔ That if the fence is not removed within the period of 30 days the Chief, Traditional Authority or the Land Board will remove the fence or cause the fence to be removed, and that any costs relating thereto may be recovered from the holder. The material of the fence may be sold in order to recover any costs incurred by the Chief, Traditional Authority of the Land Board during the fence removal.

The Communal Land Reform Act gave punitive measures to person convicted of an offence and who after such conviction continues with the conduct in respect of which he or she has so been convicted, is guilty of a continuing offence and liable to a fine not exceeding N$ 50.00 in respect of each day on which he or she so continues the concerned or allows that it be continued.
A total of 93 fences were removed in Omusati (10), Otjozondjupa (57), Ohangwena (8) and Omaheke (18) with hectares in total (see Figures 34 & 35).

**Figure 34:** Total Fences removed per region

**Figure 35:** Total hectares of fences removed in regions
3.19.2. Challenges

- Illegal fencing mostly arises when allocation is done without following procedures, e.g. if a Headman allocates land there is supposed to be notification to the Traditional Authorities as well as to the Land Board.
- Insufficient financial provision to investigate, identity and remove illegal fences timeously.
- Due to the complex legal processes to obtain court orders for removal of illegal fences there are forty-five (45) fences pending with High Court and 23 pending Appeal Tribunal.
- The Communal Land Reform Act is silent on regulations and punitive measures in comparison to forest protection. For example, a person found to illegally fencing off a communal area cannot be arrested and fined on the spot similar to the Forest Protection Act.
- The removal of fences is a long and cumbersome process. It may take a long time once it is challenged in Court of law.
- Traditional Authorities are allocating land in protected/designated areas such as communities’ forests and conservancies.
- TA’s are not capacitated to control illegal fencing.
- In most cases the Traditional Authorities are intimidated by the lawyers representing the owners of the illegal fences.
- Sometimes fences are considered to be illegal in accordance with the Communal Land Reform Act, however are considered to be legal by the Traditional Authority making it difficult to remove.
3.20. RESOLUTION NUMBER 21 DUAL GRAZING

The Conference resolved that (a) commercial farmers should not be allowed to have access to communal grazing land (b) Communal farmers who acquire commercial farms should not be allowed to keep their rights to communal grazing land.

3.20.1. Achievements

Dual grazing rights is prohibited: persons with exclusive access to areas of grazing land will not be allowed to have access to areas of communal grazing land, except by express permission of the communities holding rights to such communal land. This is explicitly stated in the National Land Policy.

3.20.2. Challenges

- There are cultural sentimental values attached to cattle ownership which pose serious challenge to the enforcement especially when farmers are not allowed to migrate their livestock beyond the red line.
- Additionally, dual grazing is only provided for in the Land Policy, but not yet enforced by any legislation making it impossible to enforce.
4. CONCLUSIONS

To ensure that the ministry has achieved its mandate and which is to manage, administer and ensure access to Namibia’s land resource, it has put in place legal and policy framework where the following Acts of Parliament were passed, Agricultural (Commercial) Land Reform Act, Act No. 6 of 1995, as amended:


Furthermore, various programs and projects that respond to the 1991 Land Conference Consensus Resolutions were developed, the Land Acquisition Program, National Resettlement Program and the Post-Resettlement Support program. While on the side of the projects designed, includes the Project for Communal Land Development (PCLD), Communal Land Registration Project and the Flexible Land Scheme Project. For the effective administration, institutional capacities were put in place where Boards, Committees and Commission were established to oversee programs and projects implementation.

In line with our mandate, the Ministry achieved the following results: Under the Land Acquisition Program, a total of 549 farms were acquired measuring 3,194,774.51 hectares at the cost of N$ 1,888,673,716.41 (One coma Eight billion).

On redistribution and social integration, through this program, the National Resettlement Program resettled a total number of 5338 beneficiaries, which includes displaced people, marginalized communities, women and people living with disabilities.
On the provision of a post settlement support to resettled beneficiaries, the ministry in joint venture with Agribank has established the Post Settlement Support program which provides free collateral loans to the resettlement beneficiaries. An amount of N$82,539,461.13 in loans has been paid to 651 Resettlement beneficiaries.

Under the Land Tax Program, an accumulative amount of N$350,043,854.40 (three hundred and fifty million) was collected since the introduction of the Land Tax.

For the purpose of communal land administration, the ministry established 12 Communal Land Boards, in twelve regions where communal land is found. For the provision of tenure security in communal areas, a total number of 119,227 rights in communal areas were registered.

Another achievement of the ministry is under the Program for Communal Land Development where water and farming infrastructure are developed in Omusati, Ohangwena, Kavango West and Kavango East regions to improve productivity on the land that was found to be underutilized.

While the provision of tenure security for the people who live in the informal settlements especially those who earn little or without income was on the prioritized by the ministry in collaboration with the ministry of Urban and Rural Development and the Local Authorities.

Despite several challenges, the ministry’s program has made significant impacts in the lives of some people who benefitted from the program. The resettlement program has integrated the former Ex-Combatants, Ex-Kovoet, San people left in the former South African army barracks and people who were dumped along national roads, in Omitara and Berg-Aukas and other displaced Namibians. All these groups were successfully assisted. The program has thus far benefitted a total number of 5338 beneficiaries.

The ministry has also developed amendments to consolidate both two Land Acts into one Land Act as proposed in the Land Bill.

Despite these achievements, there have been several challenges experienced among others; high land demand that usually outweigh the land purchased by the ministry, different perception of some pressure groups who felt that land allocation was not being carried out in
a transparent manner and that it excluded some communities, insufficient resources to implement the land reform program, high land price, while other challenges were experienced in the implementation of the laws.

Going forward, as Namibians will congregate to discuss this topical issue again in the upcoming 2nd National Land Conference, the Ministry expects the conference to deliberate and come up with solutions that are acceptable to all Namibians and will accelerate the implementation of land reform to address the land issue in Namibia once and for all.