



Republic of Namibia



Erongo Regional Council

REGIONAL
CONSULTATIONS
IN PREPARATION
FOR THE SECOND
NATIONAL LAND
CONFERENCE,
SWAKOPMUND
19 - 20 July 2018



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EXECUTIVE SUMMARY

The Erongo regional consultation took place at Swakopmund from 19 – 20 July 2018. It was attended by 203 people representing different stakeholders. The meeting was opened by the Governor of Erongo, Hon Cleophas Mutjavikua.

The consultation was preceded by a concept paper presented by the Director of Land Reform, Ministry of Land Reform. The paper gave a background leading to upcoming Second Land Conference taking place from 1 – 5 October 2018. It stated the objectives of the Conference, the expected outcome of the regional consultations in addition to the progress made, the challenges, interventions since 1991 and the emerging issues that would be addressed at the conference.

The Erongo regional consultation identified some issues that they want discussed at the conference. These include recognition of genocide by the Germans and the need for restitution, regional committees to be given power to resettle people, retention of the stock control barriers until conditions for removal are put in place, amendment of the constitution to allow expropriation without compensation and the application of Willing Seller Willing Buyer principle in communal area. There are almost one hundred resolutions adopted covering urban land reform and the twenty-four high level issues raised at the 1991 conference. The Erongo region believes that resolving the issue of ancestral land rights by means of restitution is central to redressing colonial injustice and installing equity in the national resettlement programme.

1. BACKGROUND AND INTRODUCTION

Namibia has the unfortunate legacy of skewed land ownership. It is therefore not accidental that access to land was a major incentive in the liberation struggle. The land reform debate focuses mainly on the redistribution of commercial farms, which are mostly owned by whites, and the tenure reform in the communal areas. The Namibian land reform rests on a tripartite scheme: Resettlement, Affirmative Action Loan Scheme (AALS) and the Development of Communal

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Areas (DCA). These approaches are governed by a number of policies and laws mostly implemented by the Ministry of Land Reform. These include the Constitution of Namibia, Agricultural (Commercial) Land Reform Act, Communal Land Reform Act, National Land Policy and National Resettlement Policy.

Land reform is a very complex and emotion-laden phenomenon with multiple dimensions, which include moral, historical, social, economic, environmental and technical aspects. The land question in Namibia is a race question. At independence white commercial farmers who comprised less than 2% of the total population owned some 45% of the total land area and 74% of the potentially arable land. This remaining 26% of potentially arable land supports about 95% of the population.

The SWAPO government, on assuming power in 1990, expressed its commitment to transferring land to 'the landless majority' and agreed to a constitution in which the property of citizens could not be taken without just compensation. A national consultation on the land question, culminating in the National Conference on Land Reform and the Land Question, was held in Windhoek in June 1991. A significant development from this conference was the decision that restoration of ancestral land rights is not an option. The Conference highlighted the complex and competing claims for land ownership that could not be harmonised, hence, the decision that land would not be specifically returned or distributed to those directly affected by colonial land grabbing. Some other important resolutions taken at that conference include

- Injustice: There was injustice concerning the acquisition of land in the past and something practicable must be done to rectify the situation;
- Foreign-owned farmland: 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;
- Absentee landlords: land owned by absentee landlords should be expropriated, but that there should be a distinction between Namibian and foreign owners;
- Farm size and numbers: large farms and ownership of several farms by one owner should not be permitted and such land should be expropriated;
- Land tax: There should be a land tax on commercial farmland to generate revenue for the state from the wealthier section of the farming community;

- Access to communal land: Communal areas sustain the great majority of Namibian farmers, especially the poor subsistence farmers. Therefore, communal areas should be retained, developed and expanded where necessary.

A major feature of independent Namibia is the commitment of the SWAPO government to national reconciliation. This foreclosed the possibility of forceful seizure of land for the purposes of land redistribution. The SWAPO government, while still very committed to land redistribution to address the acute imbalance, chose to do so under the famous “willing seller willing buyer” principle. This type of reform relies on voluntary and negotiated transactions between willing buyers and sellers.

After implementing the land reform programme for over two decades, there arose a need to conduct a post-implementation review of the twenty-four resolutions reached at the 1991 conference. This will assist in determining the progress made and the attendant challenges. This led to the call for a Second National Land Conference, SNLC.

The second national land conference was scheduled to take place in September 2017. This was preceded by a nation-wide regional consultation that took place in July 2017. The consultations were done to enable the people themselves provide inputs into the successes and challenges they experienced from the implementation of the twenty-four resolutions. This will enable the adoption of new measures informed by the aspirations of people directly affected during the implementation.

The Ministry of Land Reform in their introductory remarks of 2017 stated the purpose of the regional consultation and the objectives of the SNLC. These are:

1.1 Purpose of the Regional Consultation

- a) To sensitise and prepare the Namibian people for the SNLC scheduled for September 2017.
- b) Engage all stakeholders at the grassroots level on the agenda of the SNLC.
- c) Afford the 14 Regions an opportunity to engage its people further to contribute their inputs into the various land related matters.
- d) Create platforms for the regions to organise their inputs derived from the implementation of the land reform programme in the country for discussions in September 2017

The SNLC scheduled for September 2017, unfortunately, could not take place due to complaints by some stakeholders that they were not consulted and therefore could not make inputs to the SNLC. As a listening Government and in the spirit of Harambee which has a goal of developing a society where no one is left out, the Conference was postponed to October 2018. This is to enable further consultation to take place. This second round of consultation took place to ensure that all stakeholders make their inputs towards the SNLC.

The Erongo region discussed the 24 resolutions reached at the 1991 conference and came up with their own resolutions. These resolutions can be found in annexure 11.1 of this report.

These regional consultations took place from 19-20 July 2018 and 26-27 July, 2018. The Erongo Regional Consultation took place from 19-20 July 2018. This report will therefore be documenting the proceedings of this consultation.

2. OBJECTIVES OF THE SECOND NATIONAL LAND CONFERENCE, OCTOBER 1-5 2018

- a. Review the progress made towards the implementation of the twenty four resolutions of the 1991 Land Conference and address the challenges
- b. Share with the Conference participants, the progress on the implementation of the 86 resolutions assigned to the Special Cabinet Committee on Land Related Matters.
- c. Address the structure of land ownership and deliberate on the following:
 - Ancestral land claims for restitution
 - The willing seller – willing buyer principle for agricultural land acquisition
 - National Resettlement Programme and Resettlement Criteria
 - Expropriation of agricultural land in the public interest with just compensation
 - Urban land reform programme
 - Illegal fencing of communal land

- Dual grazing
 - The removal of the veterinary cordon fence.
- d. Identify and discuss emerging land issues such as land valuation and pricing, pre and post resettlement support to resettled farmers, Affirmative Action Loan Scheme programme, accessibility of land by women and youth, bankability of communal land as well as poverty eradication, land productivity and employment creation
 - e. Adopt strategic resolutions informed by the identified challenges, contemporary issues and future aspirations to guide a responsive and sustainable land reform programme.

3. REMARKS

The welcoming remarks was made by Hon, HL Ndemula, the Chairperson of the Erongo Regional Council. He welcomed participants and applauded the Government for initiating the consultation. He recognized that land reform has social, economic and political dimension, with a moral mandate of restoring land to the majority that depend on land for their livelihood. He reminded the participants that the second regional consultation is taking place to accommodate those who complained of not having been consulted, and therefore provides opportunity for dialogue and deliberations that will contribute to the 2nd National Land Conference agenda. He admonished participants to ensure that the discussions are done in good faith. He then introduced the new Chief Regional Officer, Ms L.H. Doëses who assumed duties in July 2018.

The meeting was opened by Hon Cleophas Mutjavikua, the Governor of Erongo Region. He started by reminding the participants that land is a emotive issue that needs the application of a true Namibian spirit, and reminded participants that the Republic of Namibia was founded on a unique constitution emanating from national consensus and unanimity. He advised that the consultation be conducted in the spirit of inclusivity, while cautioning participants not to take the current peace and tranquility prevalent in Namibia for granted. He admonished public office holders to incorporate land delivery (housing & agricultural productivity) as a Key Performance Areas in their daily activities. He further advised planners at all levels of government to be strategic and proactive in their planning by anticipating needs and challenges and providing solutions to them.

4. CONCEPT PAPER FOR THE SECOND NATIONAL LAND CONFERENCE

The Director of Land Reform, Mr. Peter Nangolo of the Ministry of Land Reform, MLR introduced the concept paper that included the background to the SNLC, the success and challenges experienced during the implementation of the 24 resolutions of the 1991 Conference, the emerging issues and the expected outcomes of the regional consultations.. The details of the concept paper summarized below can be found in annexure 11.2.

- i) **Introduction:** The introduction captured the purpose of the concept paper, such as, acting as the guiding tool for the discussions, setting out the objectives of the conference, the approach, modalities and expected outcomes.
- ii) **Background:** It states the precursor to the conference and why it is being convened.
- iii) **Namibia Land Reform after Independence:** This gave an outline of what have been done so far with respect to land reform since independence. These include the convening of the 1991 National Conference on Land Reform and the Land Question that resulted in adopting two approaches to land acquisition and the 24 resolutions.
- iv) **Redistribution of Commercial Agricultural Land:** This started by listing the legislations and policies governing the implementation of the land reform programme. It gave some statistics relating to land acquisitions and resettlement, like 3.2 million ha of farm acquired since independence with 5 338 families resettled. For the AALS, 3.4 million ha have been acquired.
- v) **Tenure Reform in the Communal Areas to Ensure Tenure Security:** It discussed the establishment of the communal land board and discussed its role in the administration of communal land in conjunction with the Traditional Authorities. It indicated that a total of 118 885 communal land rights have been registered nationwide so far, in addition to completing substantial investment in infrastructure development.
- vi) **Policy Intervention:** This section discussed the consolidation of the two existing legislations governing land administration into one Bill, the Land Bill. The Land Bill,

which is now under consideration for enactment also incorporates proposed amendments to improve efficiency and effectiveness of land reform.

- vii) **Urban Land Reform:** It identified urban land reform as a vital emerging issue targeting affordability of serviced land for residential purposes.
- viii) **Second National Land Conference:** The section highlighted the reason behind the convening of the SNLC. The reasons include the call by stakeholders to convene a SNLC to review and deliberate on the progress and challenges of land reform with a view to adopting measures to accelerate land reform. It is envisaged that the conference will give further impetus to resolving issues of equity and interventions to ameliorate poverty. It referred to the Harambee Prosperity Plan that once again focused on the land issue.
- ix) **Rationale and Objectives of the Second national Land Conference:** This section gave October 2018 as the date of the conference with the theme as **Advancing Sustainable and Equitable Land Reform Informed by Contemporary Issues and Lessons Learned from Implementing the Resolutions of the 1991 National Conference on Land Reform and the Land Question.** It further listed the objectives of the Conference. These objectives are captured in section three of this report.
- x) **Emerging Land matters:** This section listed the under-listed issues that are burning at the moment:
 - ✓ Ancestral land claims for restitution
 - ✓ The willing seller – willing buyer principle for agricultural land acquisition
 - ✓ National Resettlement Programme and Resettlement Criteria
 - ✓ Expropriation of agricultural land in the public interest with just compensation
 - ✓ Urban land reform programme
 - ✓ The removal of the veterinary cordon fence

- ✓ Land valuation and pricing
- ✓ Pre and post resettlement support to resettled farmers
- ✓ Affirmative Action Schemes Programmes
- ✓ Accessibility to land by women and the youth
- ✓ Bankability of communal land
- ✓ Land productivity and employment creation **xi) Approach to Second**

National Land Conference: It stated that the SNLC will be preceded by regional consultations in all 14 regions. This will serve to engage stakeholders at the grassroots and accord regions the opportunity to make their inputs and recommendations as their respective reports will form part of the resource materials for the conference.

- **Engagement of Key Regional Leadership:** The section referred to the oneday meeting held in Windhoek in June 2018 with Regional Governors, Chairpersons of the Management Committees of the Regional Councils and Chief Regional Officers. The meeting which was chaired by the Prime Minister's Office was attended by members of the High Level and InterMinisterial Committee. The meeting focused on the following:
 - Drafting of regional consultation programmes, presenters and list of participants
 - The approach to regional consultations in order to ensure effective and meaningful participation.
 - Logistical arrangements for the regional consultations
 - Facilitators and report writers for the regional consultations

- **Regional Consultations:** The regional consultations are to be held over a 2day period in July 2018 based on a programme to be determined by the HighLevel Committee. It gave an indication of the stakeholders/institutions to be invited to the regional consultation.
- **Second National Land Conference:** This is scheduled for 1 to 5 October 2018 and to be attended by selected representatives from all 14 regions of the country. The identification of representatives will be guided by the need for inclusivity.

xii) **Committees for the Second Land Conference:** These are

- ✓ **The High Level Committee:** to act as the clearing house for the preparations of the SNLC The composition can be found in the Concept paper attached as annexure 11.2.
- ✓ **The Inter-Ministerial Committee** chaired by the Secretary to Cabinet is the technical Committee and shall play an advisory role. It consists of Permanent Secretaries and Heads of agencies relevant to land matters.
- ✓ **The Ministerial Preparatory Committee:** This Committee consists mainly of staff of MLR and chaired by its Permanent Secretary. It is responsible for logistical arrangement for the conference.

xiii) **Conference Theme and Thematic Areas:** The thematic areas would be finalised after the regional consultations.

xiv) **Engagements of Local and International Stakeholders:** Namibia University of Science and Technology, University of Namibia. Council of Traditional Leaders, National Youth Council and Bank of Namibia are listed as some of the organisations to prepare research papers towards the conference. Others are development partners, Trade Unions, research institutions and farmers unions, land experts and organizations from other countries with similar experiences.

xv) **Expected Outcomes:** These include views, opinions and inputs from Namibians at the local level into the various land related matters and recommendations for deliberations at the Second National Land Conference.

5. REGIONAL WORKSHOP OF JULY 2017: ISSUES AND KEY RESOLUTIONS

Resolution 1: Injustice

- a. Erongo Regional Council proposed that since the region is almost 50% desert, the number of resettlement applicants should be increased when allocating farms for resettlement purposes.
- b. Topnaar community to be considered in the new resettlement policy.
- c. MET and MLR to consider allocating parks to those indigenous people who lost their ancestral land rights in order for those people to venture into community projects such as tourism and exploration of natural resources user-rights by the locals.

Resolution 2: Ancestral rights

- a. Resettlement selection criteria is not working for the people in the region because applicants from the region have to compete with other applicants with better points from other regions. The NRP should be reviewed by Government.
- b. After the NRP review is completed, it must be shared with ordinary citizens in order for the local community to know what are required for one to apply for resettlement.
- c. There is a need to fast-track land redistribution in the country using all mechanisms at Government's disposal.
- d. Political leadership to consider allocating land for free to those who need to use it productively and for residential purposes within communal areas.
- e. MLR to conduct research on how the issue of ancestral land must be addressed and how such land is to be distributed in Namibia.
- f. Namibia should use South Africa's land distribution as our benchmark.

- g. How much available ancestral land exists in Namibia in all regions? This will help to address the question of land allocation and resettlement.
- h. Why is Government not negotiating land in communal areas but they negotiate in commercial farms.
- i. People from the region to be considered first for resettlement.
- j. Migration of people from rural to urban areas have an impact on ancestral land.

Resolution 3: Foreign-owned farmland

- a. Leasing of farms to foreign nationals should not be for a period of more than five years.
- b. Farm sizes owned by foreign nationals should be determined by MLR. Regulatory framework to be established to regulate farm numbers and sizes
- c. No leasing of farm land to foreigners.
- d. Foreigners who want to lease farm land should partner with a Namibian national.
- e. Why should foreign nationals lease land in Namibia if we don't have enough land ourselves.

Resolution 4: Underutilised land

- a) Government to identify underutilised land in both communal and commercial areas and allocate it to other productive projects.
- b) NDF farms which are underutilised to be identified and such farms to be expropriated by Government and given to other institutions.
- c) MLR to introduce a skills development programme in order to fully utilise their land productively.
- d) MLR to develop virgin land in order to resettle landless people and also to farm on such land productively.

Resolution 5: Absentee landlords

- a. Expropriation of farms must be done within the legal framework of the Namibian laws.

- b. Amendment to the existing laws in order to overcome court challenges regarding expropriation of farms by Government.

Resolution 6: Farm size and numbers

- a. MAWF requires more than 4000 hectares in order to farm productively, while the MLR is resettling people on less than 1000-hectare farm and expects them to be successful commercial farmers.
- b. There is a need to harmonise existing laws on the farm size and numbers each farmer should own irrespective of their nationality.

Resolution 7: Land tax

- a. Land tax should be increased as a recommendation to the SNLC in order to discourage people from owning more than one farm.

Resolution 8: Technical Committee on commercial farmland

- **General Comments:** The Regional Resettlement Committee is well represented at the regional level but is not on the LRAC appointed by the Minister of Land Reform, which needs to be addressed at the SNLC. The composition of the LRAC, including the structures of the commission, should include other key ministries such as safety and security. The police should be part of the LRAC in order for them to be trained and fully understand the NRP and other National Land Policy.
- Invitations to the recognised and unrecognised TA's in Otjimbingwe to be communicated by the Conference organisers.
- Why are the urban land not in the resettlement committee? The question on the resettlement to be scaled to RRC.
- Why are the unrecognised Chiefs not invited to this consultative conference? Does it mean they will also not be invited to the SNLC in September 2017? How many people from Erongo region will be invited to attend the SNLC?
- What's the composition of the LRAC and their term of office?

Resolution 9: Land tenure

- a) What are the obstacles in financing agricultural land in communal areas?
- b) Recently Agribank introduced 'no collateral required' products, however, emerging farmers still can't afford them due to high repayment fees. This issue needs to be tabled at the SNLC in September.

Resolution 10: Farmworkers

- a. Government to institute a law which allows farmworkers who own livestock to have a piece of land at the farm they work.
- b. Eviction of farm workers must stop.
- c. The MLR should enact a law where, once a farm owner wants to sell a farm to government, the respective farm workers should be resettled in the communal area.
- d. The problem of farmworkers who do not work or stay at one farm for more than two months is a challenge when it comes to their benefits and work conditions in both communal and commercial areas.
- e. provisions of Labour Act to be enforced by the labour inspectors in all regions.
- f. Implementation of the Labour Act to be fully complied with by the relevant authority.
- g. Collect data on the condition of farmworkers and keep such information at the regional offices.
- h. Farmworkers health to be taken care of by both Government and employers.

Resolution 11: Assistance to commercial farmers

- a. Government to provide mentorship programs for the graduate and emerging farmers.
- b. Assisted farmers to be more productive.
- c. Financial institutions to amend their collateral policy so that farmers can use cattle as financial collateral such as some banks in Zimbabwe do.

Resolution 12: Future role of communal areas

- a. Government to develop virgin land in communal area for resettlement.
- b. Development of communal areas into farm units.
- c. Government to uplift communal farmers so that they are at par with commercial farmers.

- d. Expansion of communal land is necessary.
- e. Instead of buying commercial land, it will be much cheaper for government to develop communal areas/farms affording them almost the same status as the commercial farms. This involves fencing off some communal areas in Erongo and equipping them with the necessary infrastructure.
- f. There is no clear physical boundary between resettlement and communal area.
- g. There are TA's who think they have more authority than Government, which in some cases slows down development of communal areas by Government.
- h. HPP should assist farmers by giving emerging farmers agricultural tools.
- i. All farm produce from the two Kavango and Zambezi regions to be bought by Government. Farmers in the three regions are stuck with their surplus produce, especially white maize.
- j. Requirements set by the Agribank for accessing loans under the AALS are difficult to meet.

Resolution 13: Access to communal land

- a) Legislation should make provision for consulting farmers in the area before allocating land to other persons.
- b) 20 hectares for resettlement in communal area to be increased to 50 or more hectares depending on the land-use needs of individual farmers.
- c) Where will Ovaherero speaking Namibians living in Botswana be resettled by the MLR once they return to Namibia.
- d) All land allocation to be done procedurally by the TA's. **Resolution 14: Disadvantaged communities**
 - a) San people and other indigenous Namibians are supposed to be resettled in the parks in order to integrate them with the life of wildlife and other natural inhabitants.
 - b) What programmes does Government have in place to take care of the needs of the San People and other marginalised communities?

Resolution 15: Game conservation and farmers' rights

- a) Wildlife Management Act and/or Nature Conservation Ordinance Act need to be reviewed at the SNLC.
- b) Ratio of wildlife in the communal area and National Parks should be well managed by MET.
- c) Compensation is very little compared to the value of livestock or infrastructure.

Recommendations:

- ✓ During drought period, MET should contribute by selling wildlife to assist emerging farmers and locals where this wildlife is located.
- ✓ Compensation to the equivalent value of property or livestock lost.
- ✓ Human Wildlife Conflict (HWC) is a major problem in Erongo region and mitigation measures need to be put in place by MET.
- ✓ MET to drill boreholes for wildlife, especially around Arandis area.
- ✓ Conservancies also to be equipped with earth dams for storing enough water for wildlife.

Resolution 16: Payment for land

- a. The TA suggested that businesses operating within area of jurisdiction should pay a levy to the TA.
- b. Currently there is no fee paid by the mining companies operating in Erongo region.
- c. Regulatory framework to be enforced by the line Ministry (MME).
- d. Levies to be used to develop TA's and other operational matters.

Resolution 17: Rights of women

- a) Some of the Tribal Authorities' customary laws have negatively affected some families and there is a need for such laws to be reviewed at the SNLC.
- b) Women need to be further encouraged to serve in TA's senior council positions.

Resolution 18: Land allocation and administration

- ✚ Regional Resettlement Committee (RRC) to be given equal powers to resettle people in their regions and not only to make recommendations to the LRAC.
- ✚ There is a need to harmonise existing laws regarding the farm size and numbers each farmer may own irrespective of their nationality.

✚ Priority of land allocation should be given to those who lost land during the colonial era. ✚
LRAC should comprise different role players such as the police, MET and National Treasury (Finance).

✚ On-going training to TA's and land board members to be provided by Government.

Resolution 19: Stock control barrier

- a) VCF to stay intact as disease control measure and also to prevent Namibia from losing its disease-free status.
- b) The problem with animal diseases in Angola and Zambia is directly related to farmers who are not vaccinating their cattle, and this should be addressed by the Government.
- c) Create a buffer zone for the next 5 years.
- d) VCF to be shifted or moved to the northern borders in stages starting from 2018.
- e) Feasibility study and Cabinet Resolution on the status of the cordon fence to be shared at the SNLC.

Resolution 20: Illegal fencing

- Removal of illegal fences in the communal areas to be enforced by government.
- Communal farms must be fenced off as before in the Erongo region specifically, as this will reduce conflict situations between different traditional peoples and farmers.

Resolution 21: Dual grazing

- Government must put proper monitoring system in place in order to monitor dual grazing in communal areas supported by TAs and other law enforcement agencies versus grazing in the commercial setup.

Resolution 22: Transfer of large communal farmers to commercial land

- Stocking rate should be clearly defined by both MAWF and MLR. ○ Agribank to do public outreach on their products.

- AALS to be reviewed in order to be more accessible by emerging farmers.

Resolution 23: Access of small-scale farmers to commercial land

- Government to provide security to financial institutions so that small-scale farmers have access to commercial land.

Resolution 24: NGOs and Cooperatives

- MAWF and the National Treasury should make budgetary provision for the NGOs and Cooperatives.

Recommendations or submissions to the SNLC

A. Historical perspective, injustices and land ownership pattern.

▪ Colonial injustice

- ✓ Topnaar community to be considered in the new resettlement policy.
- ✓ MET and MLR to consider allocating parks to those indigenous people who lost their ancestral land rights in order for those people to venture into community projects such as tourism and exploitation of natural resources via user-rights by the locals.

▪ Foreign-owned farmland

- ✓ Leasing of farms to foreign nationals should not be for a period of more than five years.
- ✓ Farm sizes owned by foreign nationals should be determined by MLR.
- ✓ Regulatory framework to be established to regulate farm numbers and sizes.
- ✓ No leasing of farm land to foreigners.
- ✓ Foreigners who want to lease farm land should partner with a Namibian national.

▪ Absentee landlords

- ✓ Expropriation of farms must be done within the legal framework of the Namibian laws.
- ✓ Amendment of the existing laws in order to overcome court challenges on expropriation of farms by Government.

- **Ancestral land rights and restitution** ✓ The NRP should be reviewed by Government.

- ✓ Once the NRP review is completed, it must be shared with ordinary citizens in order for the local community to know what is required for one to apply for resettlement.
- ✓ MLR to conduct a research on how to best address the ancestral land issue and how it is to be distributed in Namibia.
- ✓ Why is Government not negotiating land in communal areas but they negotiate in commercial farms.
- ✓ People from the region to be considered first for resettlement.
- **Generation farmworkers**
 - ✓ Eviction of farmworkers must stop.
 - ✓ Once a farm owner wishes to sell a farm to Government, the MLR should be empowered to resettle farmworkers residing on that particular farm in the communal area.
 - ✓ Labour Act to be enforced by the labour inspectors in all regions.
 - ✓ Implementation of the labour act to be beefed-up by the relevant authority.
 - ✓ Data collection on the condition of farm workers and keep such information at the regional offices.
 - ✓ Farmworkers' health to be taken care of by both Government and employers.
- **Experiences and lessons learned from other countries**
 - ✓ Namibia should use South Africa' land distribution as our benchmark.

B. Land governance and tenure security

- **Land tenure system**
 - ✓ The National Land Reform to be reviewed every 5 to 7 years in order to measure our milestones. Leaders are there to make and amend laws that suit the electorate and if laws do not work for the people they need to be amended.
 - ✓ Amendment on the expropriation of land is required in order to benefit the regions and also to accelerate land acquisition in the country.
 - ✓ Recently Agribank introduced 'zero collateral' products, but emerging farmers still can't afford them due to high repayment fees. This issue need to be tabled at the SNLC in September.
- **Land allocation and administration**

- ✓ Regional Resettlement Committee (RRC) to be given equal powers to resettle people in their regions and not only to make recommendations to the LRAC.
 - ✓ There's a need to harmonise existing laws on the farm size and numbers each farmer may own irrespective of their nationality.
 - ✓ Priority of land allocation should be given to those who lost land during the colonial era.
 - ✓ All land allocation to be done procedurally by the Traditional Authorities.
- **Communal land development**
 - ✓ Communal farms must be fenced-off as they were before, in the Erongo specifically, as it will reduce conflict situations between different traditional peoples and farmers.
 - ✓ What are the obstacles in financing agricultural land in communal areas?
 - **Illegal fencing**
 - ✓ Removal of illegal fences in the communal areas to be enforced by Government.
 - **Upgradable land tenure system**
 - ✓ Land in the communal area should be used as collateral to the financial institutions in order to assist in upgrading communal land.
 - **Urban land delivery**
 - ✓ Why is the issue of urban land not in the resettlement committee's agenda?
 - ✓ There's a need to accelerate urban land delivery by the local authorities.
 - ✓ Urban land availability is a concern, with reference to Uis as example – a small town or village that needed to expand its boundaries but, due to conflicting policies and the time it takes to declare townlands, it was difficult to expand.
- C. Land use, productivity and environmental sustainability**
- **Land use planning**
 - ✓ Legislation should make a provision for consulting farmers in the area before allocating land to another person.
 - ✓ 20 hectares for resettlement in communal areas needs to be increased to 50 or more hectares depending on the land-use needs of the individual farmers.
 - **Development of underutilised land in communal areas**
 - ✓ Government to identify underutilised land in both communal and commercial areas and allocate it to other productive projects.

- ✓ NDF farms which are underutilised to be identified and such farms to be expropriated by Government and given to other institutions.
- ✓ MLR to introduce skills development programme in order to fully utilise their land productively.
- ✓ MLR to develop virgin land in order to resettle landless people and also to farm on such land productively
- **Farm size, economic farming unit and commercial viability**
 - ✓ There's a need to harmonise existing laws regarding the farm size and numbers each farmer may own irrespective of their nationality.
 - ✓ All farm produce from the two Kavango and Zambezi regions to be bought by Government. Farmers in the three regions are stuck with their surplus produce, especially white maize.
- **Dual grazing rights**
 - ✓ Government must put proper monitoring systems in place to monitor dual grazing in communal areas supported by TAs and other law enforcement agencies versus grazing in the commercial setup.
- **Communal land pressure/congestion**
 - ✓ AALS to be reviewed in order to be accessible by emerging farmers.

D. Land tax and valuation system.

- **Agricultural commercial land tax**
 - ✓ Land tax should be increased as a recommendation for the SNLC in order to discourage people from owning more than one farm.
- **Agricultural land prices**
 - ✓ Financial institutions to amend their collateral policy so that farmers can use cattle as a financial collateral such as some banks in Zimbabwe do.
 - ✓ Establish a committee or a body to control urban land prices.
- **Urban land prices**
 - ✓ Establish a committee or a body to control urban land prices.
 - ✓ Government to increase subsidy on urban land.
 - ✓ Local authorities to cut out the middlemen in urban land sales.

E. National spatial data infrastructure for economic development.

▪ The power of “where” in sustainable development

- ✓ During drought MET must contribute by selling wildlife to assist emerging farmers and locals where this wildlife is located.
- ✓ Compensation to the equivalent value of property or livestock lost.
- ✓ Human Wildlife Conflict (HWC) is a major problem in Erongo region and mitigation measures needs to be put in place by MET.
- ✓ MET to drill boreholes for wildlife especially around Arandis area.
- ✓ Conservancies also to be equipped with earth dams for storing enough water for wildlife.

▪ Delimitation and international boundaries

- ✓ There's no clear physical boundary between resettlement and communal area.

6. IDENTIFICATION OF REGIONAL LAND RELATED KEY ISSUES

- Consider that genocide occurred
- ancestral rights
 - ✓ government should not pay for land but only the development
 - ✓ those dispossessed should be given preference in resettlement
 - ✓ foreigners should not own land
 - ✓ one farm per person
 - ✓ size of farm should not be more than 5000 ha
- Regional committees to be given power to resettle people
- Assistance to commercial farmers –possibility of moratorium or write off of debts
- Issue of 50 ha in the communal areas to be explained
- Game conservation, human and wildlife conflict to be addressed
- Measure to establish a commission to identify those farming successfully in the communal area for possible relocation to commercial farming areas

- No illegal fence to be allowed
- Land tax: progressive tax to be applied
- stock control barriers: measure ok
- AALS: set out right targets for each programme -AALS/NRP
- Amend constitution for expropriation without compensation
- Review land reform Act every 5 years
- WSWB to be applicable in communal land
- Mining companies to pay levy to Traditional Authorities
- Farm workers to be allowed to own enough livestock to be able to make a living
- Those affected by land acquired for mining should be compensated with another land
- Spatial planning: towns being declared without proper study. Land use spatial planning to be taken seriously
- Implementation and evaluation committee to be established to monitor land reform
- There should be categories on land allocation in urban areas. Period of repayment to be related to income. People to take as long as their finances allow to build their houses
- Prime land owned by some parastatals is making it difficult for local authorities.
- In house capacity lacking in some local authorities
- Cost of servicing not commensurate with land sale price
- Statistics to be captured for resettlement. Group allocation to be encouraged.
- Water points to be expanded to reduce size of underutilized land.
- Houses to make provisions for people with disabilities, blind, deaf, crippled, etc
- Those with enough income to be excluded from NRR

7. DISCUSSIONS ON REGIONAL LAND RELATED KEY ISSUES

7.1 Injustice

Colonialism led to genocide

Many Namibians, especially Hereroes and Namas were killed and dispossessed of their land. These people are still displaced from their original locations before the invasion of the colonisers.

Workshop recommendations / resolutions

- ✓ MET and MLR to consider allocating parks to those indigenous people who lost their ancestral land rights in order for those people to venture into community projects such as tourism and exploration of natural resources.
- ✓ Government to consider expropriating land for restitution

7.2 Ancestral Land Rights

Dispossession of ancestral land

The colonial government disposed Namibians of their ancestral land. These people are currently suffering congestion and do not have enough agricultural land for farming.

Workshop recommendations / resolutions

- ✓ Those dispossessed to be given preference in the resettlement process
- ✓ Restitution of ancestral land should be considered.

7.3 Land Ownership

Restriction of agricultural Land Ownership

Foreign ownership of agricultural land is an impediment to effective land redistribution. A number of the foreign owners live outside Namibia and do not utilize the land effectively. Some people own multiple farms

Workshop recommendations / resolutions

- ✓ Foreigners should not be allowed to own agricultural land in Namibia.
- ✓ People should be discouraged from owning more than one economic unit of agricultural land
- ✓ Punitive progressive land tax should be applied to those owning more than one economic farming unit

7.4 Resettlement

Regional Resettlement Committees

Regional Resettlement Committees exist in all 14 regions to consider and recommend potential beneficiaries to the Land Reform Advisory Commission, LRAC. The Regional Committees, therefore, are not in a position to determine the final allottee. The Erongo region will like to be able to determine who is resettled in their region since they know their people better than members of the LRAC. Statistics of those resettled are not readily available. Sometimes it may be more efficient to resettle people in groups. A number of people with enough income to benefit from the AALS are resettled. Erongo region has large portions as desert, thereby limiting the availability of useable land.

Workshop recommendations / resolutions

- ✓ Provision should be made to allow the Regional Resettlement Committees to decide who benefits from resettlement in their respective regions
- ✓ Statistics of people resettled should be made readily available for public consumption.
- ✓ Group resettlement should be given more impetus
- ✓ Those with enough income to benefit from the AALS should not be considered for resettlement.
- ✓ the number of resettlement beneficiaries should be increased for the Erongo region.

7.5 Previously Disadvantaged Commercial farmers

Previously disadvantaged Commercial Farmers who borrowed money from the Agribank are finding it difficult to survive due to economic downturn and drought. Many of them are in arrears and risk their land being repossessed.

Workshop recommendations / resolutions

- ✓ Government should consider a moratorium on the repayment of the loans to the Agricultural Bank

7.6 Communal Land

Communal land farmers are suffering from congestion compounded by wildlife conflict. There is still no clarity on the issue of 50 Ha. Illegal fences are still a problem. A number of under-utilised land exist in the communal land. The selling and buying of communal land will help in improving the economic wellbeing of people living in the communal area. The willing seller – willing buyer principle should be applicable to the communal areas.

Workshop recommendations / resolutions

- ✓ Successful communal farmers should be identified and resettled in the commercial farming areas
- ✓ All illegal fences should be dismantled
- ✓ Water infrastructure should be provided to reduce the number of underutilised communal land.
- ✓ The Willing Seller – Willing Buyer principle should be applicable to the communal areas also.

7.7 Urban Land

Urban Land Reform:

There are serious challenges with respect to the availability of serviced land. Some parastatals have large tracts of prime land that are under-utilised in urban areas. New local authorities are being declared without proper spatial planning to determine the need. Local authorities located outside the main urban centres find it difficult to recover the cost of servicing from the sale of land. There are no special dispensation for buying of

serviced plots by the poor. The needs of people with disability are often not accommodated in most buildings. Residents of settlement areas are currently not able to own them but can only lease them from the regional council.

Workshop recommendations / resolutions

- ✓ Parastatals with large tracts of prime land adjacent or within local authorities should give up under-utilised portions to the relevant local authority.
- ✓ The government should consider subsidizing the cost of land servicing for poor local authorities
- ✓ The viability and need provisions for any new local authority should be strictly enforced by the relevant authority.
- ✓ A special dispensation for the repayment period of mortgage by the poor should be introduced together with sufficient grace period for completion of the house.
- ✓ Authorities should confirm that Buildings designs, especially public buildings accommodate the needs of the disabled before approval.
- ✓ Provisions should be made to allow residents of settlement areas to own their property by means of a title deed.

7.8 Mining Rights

Land, the subject of Mining rights

People are often displaced to allow for mining. There are no provisions to compel mining right holders to pay levies to the Traditional of local Authorities under whose jurisdiction the land which is the subject of the mining right is located. A number of mining sites remain un-rehabilitated long after mining had seized.

Workshop recommendations / resolutions

- ✓ There should be provisions in the law to compel holders of mining rights within the jurisdiction of Local/Traditional Authorities to pay some levies to such authorities.
- ✓ Through corporate social responsibility, projects to benefit the locals should be a component of responsibilities of the mining right holders.

- ✓ The rehabilitation of mining sites after the closure of the mines should be strictly enforced

7.9 Legislations

Acts and Policies

Laws governing land reform do not keep pace with developments. Some provisions of the constitution appear to be impeding efficient and effective land acquisition.

Workshop recommendations / resolutions

- ✓ Laws and policies governing land reform should be reviewed every five years
- ✓ The constitution should be amended to make acquisition of land without compensation possible.

8. Summary of Recommendations and/or Resolutions

8.1 Injustice

- MET and MLR to consider allocating parks to those indigenous people who lost their ancestral land rights in order for those people to venture into community projects such as tourism and exploration of natural resources user-rights.
- Government to consider expropriating land for restitution
- Topnaar community to be considered in the new resettlement policy.
- MET and MLR to consider allocating parks to those indigenous people who lost their ancestral land rights in order for those people to venture into community projects such as tourism and explore natural resources user-rights by the locals.
- Colonialism led to genocide; revisit clause on ownership of private property in the constitution

8.2 Ancestral Rights

- MLR to conduct research on how the issue of ancestral land must be addressed and how such land is to be distributed in Namibia.
- Namibia should use South Africa's land distribution as our benchmark.
- How much available ancestral land exists in Namibia in all regions? This will help to address the question of land allocation and resettlement.

- People from the region to be considered first for resettlement.
- Those who lost land to receive preferences
- Those dispossessed to be given preference in the resettlement process
- Restitution of ancestral land should be considered.

8.3 Ownership of farm land

- Leasing of farms to foreign nationals should not be for a period of more than five years.
- Farm sizes owned by foreign nationals should be determined by MLR.
- Regulatory framework to be established to regulate farm numbers and sizes • Foreigners who want to lease farm land should partner with a Namibian national.
- Foreigners should not be allowed to own agricultural land in Namibia.
- People should be discouraged from owning more than one economic unit of agricultural land
- Punitive progressive land tax should be applied to those owning more than one economic farming unit

8.4 Under-Utilised land

- Government to identify underutilised land in both communal and commercial areas and allocate it to other productive projects.
- NDF farms which are underutilised to be identified and such farms to be expropriated by Government and given to other institutions.
- MLR to introduce a skills development programme in order to fully utilise their land productively.
- MLR to develop virgin land in order to resettle landless people and also to farm on such land productively.
- Water infrastructure should be provided to reduce the number of under-utilised communal land.

8.5 Absentee Landlords

- Expropriation of farms must be done within the legal framework of the Namibian laws.
- Amendment to the existing laws in order to overcome court challenges regarding expropriation of farms by Government.

8.6 Farm Sizes and Number

- The size of resettlement units should be consistent with the size recommended by the Ministry of Agriculture, Water and Forestry to enable resettlement beneficiaries become successful commercial farmers.
- There is a need to harmonise existing laws on the farm size and numbers each farmer should own irrespective of their nationality.
- People should be discouraged from owning more than one economic unit of agricultural land

8.7 Land Tax

- Land tax should be increased as a recommendation to the SNLC in order to discourage people from owning more than one farm.

8.8 Technical Committee on commercial farmland

- The composition of the LRAC, including the structures of the commission, should include other key ministries such as safety and security. The police should be part of the LRAC in order for them to be trained to fully understand the NRP and other National Land Policy.
- Regional Resettlement Committees should be have the authority to resettle people in their regions

8.9 Land Tenure

- The interest rate for ‘no collateral product’ introduced by the Agricultural bank should be reduced to make it affordable to potential beneficiaries.
- Provisions should be made to allow residents of settlement areas to own their property by means of a title deed.

8.10 Farm Workers

- Government to institute a law which allows farmworkers who own livestock to have a piece of land at the farm they work.
- Eviction of farm workers must stop.
- The MLR should enact a law where, once a farm owner wants to sell a farm to government, the respective farm workers should be resettled in the communal area.
- Farm owners to allocate land to generational farmers before selling land.

8.11 Assistance to commercial farmers

- Government to provide mentorship programs for Agricultural graduate and emerging farmers.
- Financial institutions to amend their collateral policy so that farmers can use cattle as financial collateral such as some banks in Zimbabwe do.
- Government should consider a moratorium on the repayment of the loans to the Agricultural Bank especially during drought.

8.12 Future role of communal areas

- Government to develop virgin land in communal area for resettlement.
- Large plots of land should be subdivided into farm units.
- Government to uplift communal farmers so that they are at par with commercial farmers.
- Expansion of communal land is necessary.
- Instead of buying commercial land, it will be much cheaper for government to develop communal areas/farms affording them almost the same status as the commercial farms. This involves fencing off some communal areas in Erongo and equipping them with the necessary infrastructure.

- Successful communal farmers should be identified and resettled in the commercial farming areas
- All illegal fences should be dismantled
- Water infrastructure should be provided to reduce the number of under-utilised communal land.
- The Willing Seller – Willing Buyer principle should be applicable to the communal areas also.

8.13 Access to communal areas

- Legislation should make provision for neighbouring farmers to be consulted before allocating land to other persons.
- 20 hectares for resettlement in communal area to be increased to 50 or more, depending on the land-use needs of individual farmers.
- Land should be made available to resettle Ovaherero speaking Namibians living in Botswana once they return to Namibia.
- All land allocation to be done procedurally by the Traditional Authorities.
- 50 ha maximum to be further clarified.

8.14 Disadvantaged Communities

- Provisions should be made to accommodate the special needs of the marginalised communities

8.15 Game conservation and farmers' rights

- Wildlife Management Act and/or Nature Conservation Ordinance Act need to be reviewed to determine:
 - ✓ Ratio of wildlife in the communal area and National Parks
 - ✓ Relate compensation to the value of livestock or infrastructure lost.
- Relocation of elephants must take place immediately

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- MET to drill boreholes for wildlife especially around Arandis area.
Conservancies also to be equipped with earth dams for storing enough water for wildlife.

8.16 Payment for Land

- Businesses operating within area of jurisdiction of the Traditional Authorities should pay a levy.
- There should be provisions in the law to compel holders of mining rights within the jurisdiction of Local/Traditional Authorities to pay some levies to such authorities.
- Through corporate social responsibility, projects to benefit the locals should be a component of responsibilities of the mining right holders.

8.17 Rights of women

- customary laws that discriminate against women should be amended to eliminate such discrimination
- more women should be co-opted into senior positions within traditional authority councils

8.18 Land allocation and administration

- Regional Resettlement Committee (RRC) to be given equal powers to resettle people in their regions and not only to make recommendations to the LRAC.
- There is a need to harmonise existing laws regarding the farm size and numbers that each farmer may own irrespective of their nationality.
- LRAC should comprise different role players such as the police, Ministry of Environment and Tourism and National Treasury (Finance).
- On-going training to Traditional Authorities and land board members to be provided by Government.
- Preference to be given to those who lost land, 60% to be reserved for these people.

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8.19 Stock control barrier

- Veterinary Cordon Fence to stay intact as disease control measure and also to prevent Namibia from losing its disease-free status.

The problem with animal diseases in Angola and Zambia is directly related to farmers who are not vaccinating their cattle, and this should be addressed by the Government.

- Create a buffer zone for the next five years.
- VCF to be shifted or moved to the northern borders in stages starting from 2018.
- Feasibility study and Cabinet Resolution on the status of the cordon fence to be shared at the SNLC.

8.20 Illegal fencing

- Removal of illegal fences in the communal areas to be enforced by government.
- Communal farms must be fenced off as before in the Erongo region specifically, as this will reduce conflict situations between different traditional people and farmers.

8.21 Dual Grazing

- Government must put proper monitoring system in place in order to monitor dual grazing in communal areas
- Its prohibition must be enforced

8.22 Transfer of large communal farmers to commercial land

- Stocking rate should be clearly defined by both MAWF and MLR.
- Agribank to do public outreach on their products.
- AALS to be reviewed in order to be more accessible by emerging farmers

8.23 Access of small-scale farmers to commercial land

- Government to provide security for financial institutions so that small-scale farmers have access to commercial land.
- Successful communal farmers should be identified and resettled in the commercial farming areas

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8.24 NGOs and Cooperatives

- MAWF and the National Treasury should make budgetary provision for the NGOs and Cooperatives.

8.25 Urban Land

- Establish a committee or a body to control urban land prices.
- Local authorities to cut out the middlemen in urban land sales.

- Parastatals with large tracts of prime land adjacent or within local authorities should give up under-utilised portions to the relevant local authority.
- The government should consider subsidizing the cost of land servicing for poor local authorities
- The viability and need provisions for any new local authority should be strictly enforced by the relevant authority.
- A special dispensation for the repayment period of mortgage by the poor should be introduced together with sufficient grace period for completion of the house.
- Authorities should confirm that Buildings designs, especially public buildings accommodate the needs of the disabled before approval.
- Provisions should be made to allow residents of settlement areas to own their property by means of a title deed.

9. CONCLUSION

The Erongo regional consultation took place at Swakopmund from 19 – 20 July 2018. It was attended by 203 people representing different stakeholders. The meeting was opened by the Governor of Erongo, Hon Cleophas Mutjavikua. He admonished the participants to ensure that the consultation was conducted in the spirit of inclusivity, while cautioning participants not to take the current peace and tranquility prevalent in Namibia for granted.

To set the tone for the consultation, Mr. Peter Nangolo, the Director of Land Reform from the Ministry of Land Reform presented a concept paper. The concept paper gave the background leading to the consultation. He gave a brief overview of the progress made since 1991, the challenges faced and the interventions introduced to address the challenges. The paper highlighted some emerging issues like ancestral land rights, bankability of communal land rights and urban land reform. The administrative structure for the second national land conference was also introduced in addition to the objectives of the SNLC and expected outcomes of the consultations. The consultation started with soliciting key issues from the participants and subsequent discussion of identified issues. The discussions concluded with complementing each issue with its resolution. Thereafter, each of the 2017 resolutions was revisited with a view to reviewing it for reaffirmation

or revision. Some of the key issues raised include recognition of genocide perpetrated by the Germans and the need for restitution, regional committees to be given power to resettle people, retention of the stock control barriers until conditions for removal are put in place, amendment of constitution for expropriation without compensation and the application of WSWB in communal area. There are almost one hundred resolutions adopted covering urban land reform and the twenty four high level issues raised at the 1991 conference.

10. LIST OF ACRONYMS

AALS:	Affirmative Action Loan Scheme
DCA:	Development of Communal Area
LRAC:	Land Reform Advisory Commission
MET:	Ministry of Environment and Tourism
MLR:	Ministry of Land Reform
NRP:	National Resettlement Programme
SNLC:	Second National Land Conference
SWAPO:	South West Africa People's Organisation
VCF:	Veterinary Cordon Fence
WSWB:	Willing Seller – Willing Buyer

11. ANNEXURES

- 11.1 Technical Report: Consultative Conference 14 -15 July 2017, Erongo Regional Council
- 11.2 Concept Paper: Second National Land Conference July 2018
- 11.3 Attendance Register
- 11.4 Submission by Zeraeua Traditional Authority