



Republic of Namibia



Khomas Regional Council

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



Table of Contents

| | |
|--|----|
| 1. INTRODUCTION..... | 8 |
| 2. WELCOMING REMARKS AND PURPOSE OF WORKSHOP | 8 |
| 3. CONCEPT PAPER FOR THE SECOND NATIONAL LAND CONFERENCE | 9 |
| 4. KEY ISSUES AND RESOLUTIONS: JULY 2017 REGIONAL CONSULTATIONS | 10 |
| 5. IDENTIFICATION OF REGIONAL LAND RELATED KEY ISSUES AND DISCUSSIONS . | 11 |
| 5.1. Urban Land Reform..... | 11 |
| 5.2. Creation of communal land in Khomas Region | 11 |
| 5.3. Ancestral Land | 11 |
| 6. DISCUSSIONS OF THE 1991 NATIONAL LAND CONFERENCE'S RESOLUTIONS AND IDENTIFICATION OF KEY REGIONAL LAND RELATED ISSUES | 12 |
| 6.1. RESOLUTION 1: INJUSTICE | 12 |
| Description of issues..... | 12 |
| Workshop Recommendations..... | 12 |
| 6.2. RESOLUTION 2: ANCESTRAL LAND..... | 13 |
| Description of issues..... | 13 |
| Workshop Recommendations..... | 13 |
| 6.3. RESOLUTION 3: FOREIGN OWNED..... | 13 |
| Description of issues..... | 13 |
| Workshop recommendations | 13 |
| 6.4. RESOLUTION 4: UNDERUTILIZED LAND..... | 13 |
| Description of issues..... | 13 |
| Workshop Recommendations..... | 14 |
| 6.5. RESOLUTION 5: ABSENTEE LANDLORD | 14 |
| Description of issues..... | 14 |

| | |
|--|----|
| Workshop recommendation | 14 |
| 6.6. RESOLUTION 6: FARM SIZE | 14 |
| Description of issues..... | 14 |
| Workshop Recommendations..... | 14 |
| 6.7. RESOLUTION 7: LAND TAX | 14 |
| Description of issues..... | 14 |
| Workshop Recommendations..... | 15 |
| 6.8. RESOLUTION 8: TECHNICAL COMMITTEE | 15 |
| 6.9. RESOLUTION 9: LAND TENURE..... | 15 |
| Description of issues..... | 15 |
| Workshop Recommendations..... | 15 |
| 6.10. RESOLUTION 10: FARM WORKERS | 15 |
| Description of issues..... | 15 |
| Workshop Recommendations..... | 16 |
| 6.11. RESOLUTION 11: ASSISTANCE TO COMMERCIAL FARMERS..... | 16 |
| 6.12. RESOLUTION 12: THE FUTURE ROLE OF THE COMMUNAL AREAS | 16 |
| Description of issues..... | 16 |
| Workshop Recommendations..... | 16 |
| 6.13. RESOLUTION 13: ACCESS TO COMMUNAL LAND | 16 |
| Description of issues..... | 16 |
| Workshop Recommendations..... | 17 |
| 6.14. RESOLUTION 14: DISADVANTAGE COMMUNITIES | 17 |
| Description of issues..... | 17 |
| Workshop Recommendations..... | 17 |

| | |
|---|----|
| 6.15. RESOLUTION 15: GAME CONSERVATIONS | 17 |
| Description of issues..... | 17 |
| Workshop Recommendations..... | 18 |
| 6.16. RESOLUTION 16: PAYMENT FOR LAND..... | 18 |
| Description of issues..... | 18 |
| Workshop Recommendations..... | 18 |
| 6.17. RESOLUTION 17: RIGHT FOR WOMEN | 18 |
| Description of issues..... | 18 |
| Workshop Recommendations..... | 18 |
| 6.18. RESOLUTION 18: LAND ALLOCATION AND ADMINISTRATION..... | 19 |
| Description of issues..... | 19 |
| Workshop Recommendations..... | 19 |
| 6.19. RESOLUTION 19: STOCK CONTROL | 19 |
| Description of issues..... | 19 |
| Workshop recommendations | 19 |
| 6.20. RESOLUTION 20: ILLEGAL FENCING | 19 |
| Description of issues..... | 19 |
| Workshop Recommendations..... | 20 |
| 6.21. RESOLUTION 21: DUAL GRAZING | 20 |
| Description of issues..... | 20 |
| Workshop Recommendations..... | 20 |
| 6.22. RESOLUTION 22: TRANSFER OF LARGE COMMUNAL FARMERS TO COMMERCIAL LAND | 20 |
| Description of issues..... | 20 |
| Workshop Recommendations..... | 20 |

| | |
|--|----|
| 6.23 RESOLUTION 23: ACCESS FOR SMALL FARMERS TO COMMERCIAL LAND..... | 21 |
| Description of issues..... | 21 |
| Workshop Recommendations..... | 21 |
| 6.24 RESOLUTION 24: NGOs AND COOPERATIVES | 21 |
| Description of issues..... | 21 |
| Workshop Recommendations..... | 21 |
| 7. ADDITIONAL ISSUES: URBAN LAND..... | 21 |
| 7.1 RIGHT TO ADEQUATE HOUSING | 21 |
| Description of issues:..... | 21 |
| Workshop Recommendations..... | 22 |
| 7.2 LAND DELIVERY POLICY REVIEW | 22 |
| Description of issues..... | 22 |
| Workshop Recommendations..... | 22 |
| 7.3 TOWN LAND EXPANSION..... | 23 |
| Description of issues..... | 23 |
| Workshop Recommendations..... | 23 |
| 7.4 FLEXIBLE LAND TENURE SYSTEM IMPLEMENTATION..... | 23 |
| Description of issues..... | 23 |
| Workshop Recommendations..... | 24 |
| 7.5 PROCUREMENT ACT ALIGNMENT WITH LOCAL AUTHORITIES ACT | 24 |
| Description of issues..... | 24 |
| Workshop Recommendations..... | 24 |
| 7.6 INFORMAL SETTLEMENT UPGRADING | 24 |
| Description of issues..... | 24 |

| | |
|---|----|
| Workshop Recommendations..... | 24 |
| 7.7 Government Expenditure on Housing and Urban Development | 25 |
| Description of issues..... | 25 |
| Workshop Recommendations | 25 |
| 7.8 LOCAL AUTHORITIES' FINANCE REFORM | 25 |
| Description of issues..... | 25 |
| Workshop Recommendations | 26 |
| 7.9 HOUSING FINANCE..... | 26 |
| Description of issues..... | 26 |
| Workshop Recommendations | 26 |
| 7.10 RENT CONTROL / PROPERTY VALUE / PRICE REGULATION | 26 |
| Description of issues..... | 26 |
| Workshop Recommendations | 26 |
| 7.11 Spatial Justice and Decolonization..... | 27 |
| Description of issues..... | 27 |
| Workshop Recommendations | 27 |
| 7.12 RESETTLEMENT FARMS..... | 27 |
| Description of issues..... | 27 |
| Workshop Recommendations | 28 |
| 7.13 GENOCIDE VICTIMS | 28 |
| 7.14 LAND USE PRODUCTIVITY | 28 |
| Description of issues..... | 28 |
| Workshop Recommendations | 28 |
| 7.15 COMMUNAL LAND OWNERSHIP | 28 |
| 7.16 MONITORING AND EVALUATION..... | 28 |

7.17 WILLING BUYER WILLING SELLER 28

8. CONCLUSION 28

1. INTRODUCTION

In preparation for the second National Land Conference, the Ministry of Land Reform in July 2017 undertook consultations with all 14 regions in order to solicit input from the citizens regarding the direction that they would want the country's land reform programme to take. However, upon completion of the consultations, there were sentiments in some quarters that the consultations did not cover a wider spectrum of all interested parties thus, others felt that they were not accorded the opportunity to contribute to the setting of the country's agenda for the 2nd National Land Conference which slated for October 2018. For this reason, further consultations were sanctioned and covered all 14 regions.

The repeat consultations for Khomas region was hosted at Kovambo Hall (Khomas Regional Council) from 19th – 20th July 2018 and it was jointly organized between the Ministry of Land Reform and the Khomas Regional Council. This second round of consultations saw a wider participation of interested parties with a recorded attendance of 200 participants on day one and 250 on the second day. A delegation of four (4) members from the High Level committee attended this meeting to oversee the deliberations of the meetings.

2. WELCOMING REMARKS AND PURPOSE OF WORKSHOP

- The Governor of Khomas Region, Hon. Laura Mcleod-Katjirua gave the official welcoming remarks. She requested the meeting to observe a moment of silence in honour of the late Hon. Theo Gurirab and Hon. M. Mensa's mother who passed on. In her address, she pointed out that Regional consultations was a buildup to the upcoming 2nd National Land Conference and that this meeting was a 2nd follow-up consultative meeting in preparation of the National Conference scheduled for October 1st - 5th, 2018. She commended the Office of the Prime Minister, as well as the Khomas Regional Council for their outstanding efforts in organizing the consultations. She highlighted the following, as the purpose for the regional consultations:
 - ✚ To indiscriminately engage all regional stakeholders in their different forms and capacities and solicit their views and input for the upcoming conference.
 - ✚ To sensitize all Citizens in the Khomas region and accord them an opportunity to deliberate on various land issues crucial for the land question in the region.

- ✚ To ensure inclusivity of all concerned and affected stakeholders from various regional communities and, as directed by His Excellency the President of Namibia, make sure that no one should be left out as it was so claimed during the first round of consultation conducted in 2017.
- ✚ To revise the discussions of the 2017 regional consultations in line with the 24 Consensus Resolution of 1991 National Land Conference on Land Reform and the Land Question.

The Governor, cautioned the meeting to maintain an open discourse on the land matter and assured the audience that the consultations was open to all, inclusive and all inputs are important and none are too small. She encouraged all participants to feel free to participate in the deliberations in their languages of choice without fear of victimization or intimidation. She further pointed out that prior to this regional consultation meeting all constituencies within the Khomas region were consulted following an inclusivity approach as from 10 -16 July 2018. Input papers were obtained from all constituencies and submitted on 18/7/2018 for inclusion into the regional consultations. She concluded by encouraging all participants to:

- Raise issues relevant to Khomas region for input to the national conference agenda,
- Come up with concrete recommendations/resolutions on issues that will impact positively on the land question in the region and the country at large,
- Be mindful that we (Khomax Region) are to submit to the National Conference, the wishes and aspirations of regional inhabitants of Khomas who for some reason or another were not privileged to be present at constituency nor the regional consultations.

3. CONCEPT PAPER FOR THE SECOND NATIONAL LAND CONFERENCE

In order to give scope to the discussions of the meeting, the Ministry of Land Reform's Deputy Permanent Secretary for Land Reform and Resettlement, Mrs. Ester Lusepani presented a concept paper. The paper outlined the rationale and objectives of the Second National Land Conference, emerging Land Matters, Organizational Approach to the Second National Land Conference, Task Committees for the National Land Conference, Conference Theme and Thematic Areas , Engagements of Local and International Stakeholders; and Expected Outcomes of the Second National Land Conference for 2018. The presentation generally

informed the audience on the preparations that the Government is engaged with leading to the land conference.

4. KEY ISSUES AND RESOLUTIONS: JULY 2017 REGIONAL CONSULTATIONS

As this was the second regional consultations following the ones held in 2017, a regional report presentation was conducted by the Khomas Regional Council's Chief Regional Officer (CRO), Mr. Clement Mafwila with the view to remind the audience and particularly those that were not present during the 2017 consultation about the regional issues which were raised by the region at that time.

It was clearly communicated to the audience by the presenter that report as presented was not in any way conclusive, therefore those present were welcome to amend the report or make new proposals that represents the views and opinions of the inhabitants of the Khomas region. The audience also provided input to the presentation by indicating that there were no recommendations which were passed during the 2017 consultations but rather just broad discussions. It was thus expected from this second gathering for the region to come to an agreement and conclude with resolutions that will form part of the discussions at the upcoming Second National Land Conference.

With the above understanding, and in order to enable a wider stakeholder engagement and participation in the identification of key land issues affecting the Khomas region, the participants were divided into six groups. The groups were each allocated some resolutions from the 1991 National Land Conference as a basis for their discussions while being given the leeway to identify and discuss any other land related issues affecting their region. While the group overwhelmingly agreed to the use of the 1991 resolutions as a framework for their discussions, they also agreed to include **urban land reform** as a key challenge and topical issue that required prominence in the discussions. For this reason a grouped was formed to solely discuss this issue (urban land reform). The groups would then reconvene to discuss in plenary the various land and land related issues identified in their various groups

5. IDENTIFICATION OF REGIONAL LAND RELATED KEY ISSUES AND DISCUSSIONS

Following the various groups' deliberations of key land and land related issues as they identified, plenary presentations by each group ensued and the following represents the views, wishes and expectations of the inhabitants of Khomas region with regards to land reform in the country:

5.1. Urban Land Reform

Khomas is the central Region and a heart of Namibia. The Region is faced with serious challenge of the shortage of urban land due to high population resulting from people flocking to the city from other Regions. The land scarcity in the city is exacerbated by the fact that farmland owners on the periphery of the city of Windhoek and other settlements within the region are not too keen to offer their land to the city or village settlement authorities for expansion purposes but rather they have been opting to instead develop their land into private townships / suburbs charging exorbitant prices that cannot be afforded the majority of the citizens.

5.2. Creation of communal land in Khomas Region

The Khomas Region is the only region in the country without communal area and as such the majority of the traditional communities remain landless and destitute. This is serious matter in that the indigenous people most of whom cannot afford urban houses are pushed out of their places into corridors and overcrowded settlements such as Dordabis, Baumgardsbruin, etc.

5.3. Ancestral Land

It is a fact that indigenous people lost land during colonial times and they are now left without ancestral land to call home, nor burial place of their ancestry.

6. DISCUSSIONS OF THE 1991 NATIONAL LAND CONFERENCE'S RESOLUTIONS AND IDENTIFICATION OF KEY REGIONAL LAND RELATED ISSUES

This section covers the regional discussions based on the 1991 National Land Conference's Resolutions as follows:

6.1. RESOLUTION 1: INJUSTICE

Description of issues

The workshop acknowledged that there was unfair distribution of land in the country due to the colonial past of injustice. Out of the 69.6 million hectares available for agricultural purposes, 36.2 million hectares (or 52%) were deemed freehold land occupied by some 4200 (predominantly whites) farming households. Conversely, some 33.4 million hectares (48%) are deemed communal land which provides for the livelihood base of some 70% of the Namibian population (RoN 1991, 147). Approximately 12,7 million hectares (15%) constituted state land (National Parks, Forest, Mining areas, Agricultural Research Stations and Conservancies).

Particularly in Khomas Region, indigenous communities have lost their land through dispossession. After independence these communities are evicted from places like Stinkwater etc., and left without a place to call home.

Given the above situation, the workshop recommended that land be expropriated without compensation. It was felt that, just like it is with mineral resources, custodianship of all land in Namibia should be placed into government for equal and fair redistribution. People and companies will therefore be granted land use rights as opposed to ownership of the land and this should apply to all Namibians.

Workshop Recommendations

- A Constitutional Referendum be conducted to repeal Article 131 and Article 100 which will allow for amends to Article 16 of the Namibian Constitution for the expropriation of land without compensation;
- The government should investigate the injustices done by Rehoboth administration (DEEDS) as most farms were grabbed and changed the ownership.

6.2. RESOLUTION 2: ANCESTRAL LAND

Description of issues

The workshop acknowledged the fact that in 1991 Land Conference the issue of ancestral land was not entertained as communities' ancestral land overlapped. However, the workshop welcomed the debate of ancestral land. It therefore recommended that those who were dispossessed of their land by the colonial regimes must be compensated by returning them to their ancestral land.

Workshop Recommendations

- Displaced communities in Khomas Region should be afforded access to land through redistribution, restitution and land tenure reforms.

6.3. RESOLUTION 3: FOREIGN OWNED

Description of issues

Land owned by foreigners in Namibia should be expropriated without compensation through a Constitutional Referendum to repeal Article 131 and Article 100 which will allow some amends to Article 16 of the Namibian Constitution to enable government to exercise its Sovereign right over the land. Land so expropriated will then belong to the government and no foreigner will be eligible to own land in Namibia.

Workshop recommendations

- Land will be owned by government and no foreigner will own land in Namibia;
- Foreign nationals will only lease land for reasons they applied for within a period of 25 years renewable. The lease right is renewable subject to adherence to lease conditions.

6.4. RESOLUTION 4: UNDERUTILIZED LAND

Description of issues

The government should expropriate underutilized land and put it under government ownership for State administration and equitable redistribution to landless Namibians for residential or any other productive use.

Workshop Recommendations

- This land will be owned by the government that will administer and redistribute it equitably to all Namibians for residential or productive use

6.5. RESOLUTION 5: ABSENTEE LANDLORD

Description of issues

Land owned foreign absentee landlords should be automatically expropriated without compensation to become state land and be available for redistribution or lease to Namibians.

Workshop recommendation

- Government should acquire land owned by foreign absentee landlords through a Constitutional referendum;
- Foreign absentee landlords should acquire land where they are residing.

6.6. RESOLUTION 6: FARM SIZE

Description of issues

The workshop acknowledged that there is land hunger in Namibia due to few individuals who own large tracks of land and multiple holdings. It is for this reason that farm size limits should be introduced based on the agro-ecological potential of the land for the desired land uses.

Workshop Recommendations

- farm size limits should be introduced based on the agro-ecological potential of the land,
- Farm land should not be registered under close corporations.

6.7. RESOLUTION 7: LAND TAX

Description of issues

Absentee landlords should be levied with punitive tax in order to compel them to offer/sell their land to government for land reform purposes. Affirmative Action loan holders should be exempted from land tax for the duration of the loan period. However, the workshop agreed that there should be no discrimination on land tax payments.

Workshop Recommendations

- Absentee landlords should be levied with punitive tax in order to compel them to offer/sell their land to government for land reform purposes
- Every farmer should be eligible for taxation in accordance with the Land Tax Act.

6.8. RESOLUTION 8: TECHNICAL COMMITTEE

The workshop noted and acknowledged the fact that this resolution was implemented and the Technical Committee has delivered on its mandate.

6.9. RESOLUTION 9: LAND TENURE

Description of issues

Introduce freehold in communal land for monetary value for bankability. Communal area has untapped capital which can be freed through land titling thus freehold land titles should be introduced in communal areas. However, a word of caution was given in that, in commercial areas the Affirmative Action Loan Scheme are heavily in debt and by allowing titling of communal land, we are indirectly transferring the debt burden or problem to the communal areas. The workshop further discussed the allocation of 20 hectare parcels of land in communal areas and stated that such allocations are small, not sustainable and should be discontinued.

Workshop Recommendations

- That monetary value should be attached to communal land through freehold titling.
- That allocation of 20 hectares land parcels in communal areas for customary land rights should be discontinued and limited only to crop production.

6.10. RESOLUTION 10: FARM WORKERS

Description of issues

The workshop acknowledged that farm workers are often left stranded when farms change hands with nowhere to go. Farm workers should be given the first opportunity to be resettled when the farm is bought by the government and be empowered to maintain productivity. Farm workers, who worked for more than 15 years, can be retained as farm workers by a new farm owner with conditions.

Workshop Recommendations

- With regards to resettlement farms, farm workers should have the preferential right to be resettled on the farm they worked on and be offered the necessary support required to farm productively.

6.11. RESOLUTION 11: ASSISTANCE TO COMMERCIAL FARMERS

The workshop concurs with the 1991 National Land Conference's resolutions, however, GRN should assist farmers during the drought period. Robust and proactive early warning systems should be in place.

6.12. RESOLUTION 12: THE FUTURE ROLE OF THE COMMUNAL AREAS

Description of issues

The indigenous communities are displaced and living in overcrowded settlements because there is no land in Khomas for the original inhabitants. There should be monetary value to the communal land to enable land users/owners access to loans from commercial banks. A Communal Land Development Fund be established to assist communal farmers. Communal farmers who develop communal areas by ways of drilling boreholes and developing livestock handling facilities at their own cost, should be granted right of ownership. Improve rural roads for better accessibility. Communal land lost through development should be compensated similar as commercial.

Workshop Recommendations

- Establish communal area in Khomas Region for the traditional community in the region.
- A Communal Land Development Fund be established.
- Those who loses their land rights in communal areas due to developments should be justly compensated,

6.13. RESOLUTION 13: ACCESS TO COMMUNAL LAND

Description of issues

It was reiterated in the meeting that, in Khomas region, we have traditional communities without land. This situation should be addressed by reviewing policies to recognize specified communities who lost land through colonial dispossession. The situation of lack of communal

land has forced many people in the region to find refuge in overcrowded settlements, such as Dordabis, Baumgardsbron and others where agricultural activities are not possible. The result therefore has been rampant poverty among the local communities in Khomas region. The government should therefore seriously consider the acquisition of farms in the region to be declared as communal land for the settlement of the affected traditional communities.

Workshop Recommendations

- The government should acquire farms in Khomas region to be declared as communal land for the settlement of the affected traditional communities, under the jurisdiction of the Traditional Authority so established.

6.14. RESOLUTION 14: DISADVANTAGE COMMUNITIES

Description of issues

The provisions of the current legislations seem to exclude some communities who are supposed to benefit from support packages intended to benefit the targeted communities. The workshop detected the lack of implementation in this regard and thus urges the government to fully implement the resolution as was passed at the 1991 National Land Conference with the addition of the Ovahimba, Ovatie, !Khomanin, War Veterans, Persons with disabilities and farm workers as disadvantaged communities, who should be recognized as a disadvantaged group.

Workshop Recommendations

Government to recognize the Ovahimba, Ovatie, !Khomanin, War Veterans and youth as a disadvantaged groups.

6.15. RESOLUTION 15: GAME CONSERVATIONS

Description of issues

Disadvantaged communities in Khomas Region do not have access to resources. Therefore indigenous/ marginalized (i.e. /Khomanin & San communities) communities must be accorded benefits by granting them hunting permits. These indigenous communities need to regain their old hunting practices and protection rights to the wild animals by using best practises of conservation as was practised before colonial time.

Workshop Recommendations

- Review law and policy in place to allow or enable indigenous people to be granted seasonal hunting permits.

6.16. RESOLUTION 16: PAYMENT FOR LAND

Description of issues

The workshop acknowledged that the payment of land allocation by Traditional Authorities is still continuing despite it being outlawed by the resolution of 1991 National Land Conference. The workshop agreed for the elimination of the middleman in the allocation of communal land. Traditional Authorities' books should be subjected to annual audits in order to promote transparency. All payments for land (business purposes) should be to the GRN rather than traditional leaders.

Workshop Recommendations

- Traditional Authorities' books should be subjected to annual audits in order to promote transparency.
- All payments for land (business purposes) should be to the GRN rather than traditional leaders.
- A certain percentage of the fund paid to the government should be shared with Traditional Authorities.

6.17. RESOLUTION 17: RIGHT FOR WOMEN

Description of issues

The workshop acknowledged that women and youth still remain disadvantaged and need special treatment when it comes to access to land. They should be given a 50% of resettlement, communal and urban lands allocations.

Workshop Recommendations

Women and youth should be given a preferential treatment of 50% in allocation of land in communal, urban and resettlement areas.

6.18. RESOLUTION 18: LAND ALLOCATION AND ADMINISTRATION

Description of issues

The workshop noted the absence of Land Boards in the Khomas Region due to the lack of Communal land in the region. The workshop recommends that the GRN must buy farms in the region in order to establish a communal areas for the benefit of traditional communities in Khomas Region.

Workshop Recommendations

- GRN should establish a communal area in Khomas Region for the benefit of the affected traditional communities.

6.19. RESOLUTION 19: STOCK CONTROL

Description of issues

The red line has significant retrogressive and impediments on socio-economic well-being of the Northern Communal Farmers (NCFs) and should be removed as soon as possible while ensuring economic stability. The workshop agrees with the President's call to remove the Redline unconditionally, while ensuring the implementation of disease mitigation measure country wide.

Workshop recommendations

- The Red Line should be removed unconditionally with proper disease mitigation measures to be put in place.

6.20. RESOLUTION 20: ILLEGAL FENCING

Description of issues

The uncontrolled fencing of communal land poses a serious threat to the future sustainability of small scale farmers in communal areas. The problems of illegal fencing in Resettlement and Communal land persist unabated and has increased alarmingly.

It has been noted that the Communal Land Reform Act, 2002 (Act No. 5 of 2002) and the National Resettlement Policy of 2001 do not sufficiently empower any specific entity or institution to physically remove illegal fences. The only viable but very lengthy and expensive

process is rather through a Court Order. The workshop does not support fencing off of communal land.

Workshop Recommendations

- The Communal Land Act, 2002 (Act No. 5 of 2002) to be amended to provide for and empower an independent body that will enforce illegal fences removal.

6.21. RESOLUTION 21: DUAL GRAZING

Description of issues

Despite the recommendation against dual grazing as per the 1991 National Land Conference, as well as the prohibition provisions of the Communal Land Reform Act, 2002 (Act No. 5 of 2002), the practice continue unabated due to no enforcement of the law.

The workshop noticed that there has not been a Land Audit to determine the extent of dual grazing. It is also noted that there has been increasing complaints against this practice therefore, the GRN should revisit the legal provisions on this aspect and ensure the full enforcement of the law.

Workshop Recommendations

- It is recommend that a more specific and strict mechanism be enacted to ensure adherence to the provisions of the Law.

6.22. RESOLUTION 22: TRANSFER OF LARGE COMMUNAL FARMERS TO COMMERCIAL LAND

Description of issues

The workshop took cognizance of this resolution No. 22 however it was noted that this resolution does not have an enforcement clause build in thus it remains as a suggestion.

Workshop Recommendations

- It is recommended that the 1991 National Land Conference's resolution be observed by ensuring the inclusion of relevant provisions in the relevant statutes to provide to the implementation of resolution No.22.

6.23 RESOLUTION 23: ACCESS FOR SMALL FARMERS TO COMMERCIAL LAND

Description of issues

This resolution was adopted by the meeting as resolved by the 1991 National Land Conference. However, allocation of commercial land ought to be done for the purpose of ensuring productivity in order to contribute to the Gross Domestic Product (GDP) and food security of the country.

Workshop Recommendations

- The resolution is adopted as per the 1991 National Land Conference.

6.24 RESOLUTION 24: NGOs AND COOPERATIVES

Description of issues

The work of NGOs and cooperatives in agricultural development should be recognized, encouraged and promoted. The government should assist all NGOs and cooperatives which are active in the field of rural development.

The workshop proposed for the promotion of cash crops e.g. cotton for value addition through cooperatives. Although this was recommended by the 1991 National Land Conference, the workshop noted that there are no robust strategies in place to promote cash crops as a commercial commodity that can alleviate poverty at community level. Similarly, NGOs have difficulties in accessing land for production. The workshop recommends that cooperatives be assisted by the GRN to access land as legal entities. Further, the workshop proposed the Non-Governmental Organizations to serve on Communal Land Boards.

Workshop Recommendations

- The GRN continue supporting and empowering cooperatives to access land and ensure their functionality.

7. ADDITIONAL ISSUES: URBAN LAND

7.1 RIGHT TO ADEQUATE HOUSING

Description of issues:

While the Namibian Constitution recognizes the right to property, it does not recognize the right to housing for Namibian Citizens. There is a need and high demand of urban land for

housing purposes particularly among the youth. Most local authorities have a backlog of applications for housing land thus, the meeting expects government to explore ways and means to meet the people's housing needs in the short to medium term.

Workshop Recommendations

- The Constitution must be amended to include the right to Adequate Housing (UN Definition, which includes access to land) as a birthright.
- Effective interventions be identified and put in place to address the issue of urban land availability and access in the short to medium term.

7.2 LAND DELIVERY POLICY REVIEW

Description of issues

The Housing Policy established a minimum Erven size of 300m² (residential zoning) in urban areas. Shack Dwellers Federation of Namibia (SDFN) members experiences difficulties to adhere to this minimum due to affordability and need for relocating of households that cannot be accommodated in informal settlement upgrading when adhering to this policy. Notwithstanding these challenges, the minimum Erven size of 300m² should be maintained. The GRN must subsidise the Shack Dwellers Federation of Namibia and consider the elevation of the proposed land parcel sizes from 150m² (which is considered too small), to a minimum of at least 200m² in order to avert urban sprawl.

Due to limited land in Khomas, there should be a possibility to develop double/multi-storey housing in order to accommodate the growing number of home seekers. The workshop noted that in low density urban development (larger erven) is more costly to provide adequate services (water, sewer, electricity, roads, etc.) and hence inflates land prices. Therefore, the minimum erven size must be uniform to all towns and townships.

Workshop Recommendations

- The housing policy of a minimum erf size of 300m² should be maintained however it can be relaxed to a minimum of 200m² in special circumstances (i.e. in case of the Shack Dwellers Federation of Namibia).

7.3 TOWN LAND EXPANSION

Description of issues

The City of Windhoek's (CoW) boundaries have been extended to include private farmland which is being subdivided / rezoned to townships and as a result, the land value for such farm owners have increased dramatically and thus providing large profit incentives for farm owners. Polycentric urban development should be considered, rather than simply expansion of the urban area. Town land expansion in communal areas is similar to expropriation (with compensation as per the compensation policy). Often productive land gets enclosed and leaving indigenous people without land.

Workshop Recommendations

- Local Authorities must put a moratorium on subdivision/rezoning of private farmland within Local Authority boundaries, especially in the case of Windhoek,
- Farmland that is strategically positioned for urban expansion should be considered for expropriation with compensation for improvements only.

7.4 FLEXIBLE LAND TENURE SYSTEM IMPLEMENTATION

Description of issues

The Flexible Land Tenure System (FLTS) has been developed under the Ministry of Land Reform (MLR) for upgrading of tenure rights in proclaimed urban areas. The respective Act has been enacted in 2012, but it took 6 years until 2018 to gazette its regulations. A lot of the provisions (according to implementing, etc.) of the act have not materialized and thus there is some reluctance in its implementation. While FLTS applies to urban areas, the Ministry of Urban and Rural Development (MURD) does not drive its implementation. The MLR which is currently implementing the FLTS, is not adequately resourced in terms of technical capacity. There is a critical need for accelerated implementation of FLTS. It is therefore proposed that the implementation of the FLTS be transferred to MURD, which is mandated to deal with urban land.

Workshop Recommendations

- Responsibility for FLTS implementation to be transferred from MLR to MURD and that its operationalization be fast tracked.

7.5 PROCUREMENT ACT ALIGNMENT WITH LOCAL AUTHORITIES ACT

Description of issues

The new Procurement Act has implication on the land delivery process as some oversight function are centralized to the Ministry of Finance (MoF) which is anticipated to create another administrative bottleneck and thus prolong land delivery processes. Too much centralization of administrative processes can hamper progress and there is a need for increased decentralization in land delivery. Land delivery must be prioritized in procurement administration.

Workshop Recommendations

- The Procurement Act must be aligned to the Local Authority Act to accelerate land delivery.

7.6 INFORMAL SETTLEMENT UPGRADING

Description of issues

Shelter is a human right. There is a lot of undignified shelters (shacks) in the City of Windhoek and other Local Authority Areas because Government is not putting enough emphasis on urban land and housing development. Undignified shelters causes public health crises and loss of life.

Collective housing such as multi-story rental housing as done in countries such as Ethiopia, will provide dignified housing. Allow communities to service their own land with help of NGOs and students (town planning etc.) for incremental improvements, which will reduce costs of land servicing. This will also avoid enrichment of middle men in land delivery.

Workshop Recommendations

- Namibia should be free of shacks by 2030 and Government must take a responsibility and provide concomitant funding to provide adequate housing.

- Local Authorities should plan and provide reception areas for informal settlers to temporarily reside there while servicing land.

7.7 Government Expenditure on Housing and Urban Development

Description of issues

The 1991 Housing Policy recommended that the National investment on housing should not be less than 5% of Gross National Product (GNP) which has not happened. Since Independence, Government spending on housing has never exceeded 0.1% of GDP, which is far below what other governments internationally spend. There is thus a historical underinvestment in housing and urban development (incl. land servicing, health and educational facilities and other public amenities), which is a much more cost-effective way to improve people's lives than the relatively large amounts spent on resettlement for a small number of beneficiaries. Government must prioritize investment in land and housing in urban areas (incl. municipalities, towns, settlements and villages in the various Regions). Currently Namibia has reached 50% urbanization rate which is a 28% increase from independence in 1991 and by 2050 this would have increased to 72%. Due to rapid urbanization in the country the GRN spending on the urban development should be increased to at least 10% of the GDP.

Workshop Recommendations

- Government spending on housing and urban development must be increased to at least 10% of GDP.

7.8 LOCAL AUTHORITIES' FINANCE REFORM

Description of issues

Most Local Authorities in Namibia have a very poor revenue base, and rely on sale of land for revenue generation to finance service provision. Local Authorities only receive project-based subsidies for land servicing which does not allow for structured planning of capital investment in urban development. All this increases the prices of serviced land well beyond the affordability levels of the majority. While the City of Windhoek (CoW) may have a better rates base, the large number of in-migrants stretches their capacity to finance service provision to the emerging informal settlements. The workshop therefore proposed that natural resources be shared equally between Namibians and proceeds from fishing quotas could benefit Local

Authorities for land delivery. In South Africa and other countries cities get development grants from central government to assist them with capital investment in urban development.

Workshop Recommendations

- Central Government needs to subsidize urban development/land servicing in Local Authorities to reduce the price of serviced land to end-users.
- A Funding Formula for Local Authority Finance must be developed to this effect.
- Local Authorities should be allocated Fishing Quotas aimed at benefiting land delivery.

7.9 HOUSING FINANCE

Description of issues

The Namibia Housing Enterprise (NHE) is mandated to be a housing financing institution, but does not fulfill that mandate accordingly. Pre-independence legislation on Building Societies, which allowed building societies to provide affordable housing, is defunct. People in places like Katutura-East often lose their houses due to outdated legal procedures that are beyond their control and they often cannot afford legal support or are even exploited by lawyers.

Workshop Recommendations

- Namibian Building Society legislation needs to be reviewed and implemented.
- NHE to implement housing finance as mandated by its Act.
- Outdated legal procedures to be repealed.

7.10 RENT CONTROL / PROPERTY VALUE / PRICE REGULATION

Description of issues

Namibian housing prices are extremely high in comparison to other countries in the region, because of extremely limited delivery of affordable housing and high interest rates. Together with the lack of rental regulation this translates into unreasonably high rental prices compared to quality of space and general lack of tenants' rights. The standard of 20 year periods for housing finance create long-term indebtedness.

Workshop Recommendations

- Rent Control must be implemented and relevant laws amended.

- Property valuation regulation must be implemented to avoid excessive increases in land values.
- Bank of Namibia must regulate prime interest rates for housing finance (max 2% above repo rate) and review their home-loan policy to improve affordability.

7.11 Spatial Justice and Decolonization

Description of issues

Namibia's towns and cities continue to reflect apartheid segregation and increasingly class segregation. Especially the poor are usually only accommodated at the edge of towns, far from accessing the opportunities of urban life, locking them into perpetual poverty. Exclusive private estates are being established especially in Windhoek. These are often exclusive in terms of class and affordability. Private estates should not be allowed. Urban land is also in the hands of few individuals owing several plots and estates, which is an injustice to others. Foreigners should also not be allowed to own urban land but should be allowed to lease the land for a specified time period sufficient enough to allow them to recoup their investments. A system must be established to avoid multiple beneficiaries for the above policy.

Workshop Recommendations

- A one person one plot and adequate housing policy must be implemented.
- Affordable land and housing must be provided also in central urban areas and not only at the edge of towns to break Apartheid city patterns.
- Foreigners should also not be allowed to own urban land but should be allowed to lease the land.

7.12 RESETTLEMENT FARMS

Description of issues

Resettlement farms should be owned by the government whilst those resettled on them are to remain there on lease basis but not for a period of 99 years. 25 years should be adequate. The application for resettlement is restrictive on land use and one can only apply for crop or livestock production. It is proposed that the resettlement should be amended to accommodate other land uses.

Workshop Recommendations

- The current criteria to acquire resettlement farms are to be done away with to put in place new policy that will enable all aspirant Namibians to acquire them including farm workers, veterans and urban dwellers.

7.13 GENOCIDE VICTIMS

The workshop proposed that the demands from the descendants of the victims be responded to and that reparation money should be used to purchase more farms for resettlement.

7.14 LAND USE PRODUCTIVITY

Description of issues

Those given land are to work it and produce or else the land should be expropriated by the government and given to others who are able to use it productively.

Workshop Recommendations

- A reform in the farming industry (crops or animals) is needed to ensure that emerging farmers are adequately and fairly supported sustainably to enable them help curtail food security in the country as opposed to the current status quo.

7.15 COMMUNAL LAND OWNERSHIP

- The workshop proposed that the upcoming National Land Conference should interrogate the current communal land ownership regime e.g. to enable farmers to use it as collateral.

7.16 MONITORING AND EVALUATION

The workshop proposed for extensive and continuous monitoring and evaluation on the implementation of themes and resolutions to be proposed at the National Land Conference.

7.17 WILLING BUYER WILLING SELLER

The workshop proposed that the policy should be reviewed in the best interest of the Namibian people.

8. CONCLUSION

In conclusion, the Khomas Regional Council and the Office of the Governor applaud the enormous efforts and achievements made by the participants of the Consultative Workshop.

The regional consultation was deemed a success because it was attended by diverse representatives from different sectors such the traditional authorities, Youth Activists, Community Based Organizations, Non-Governmental Organizations, Civil Society Organizations, Constituency Development Committees, Commercial Farmers, Faith Based Organizations, line Ministries/Offices/Agencies, Parastatals, and the Academia. All representatives and interested parties deliberated in a very critical but constructive manner. This in no doubt added value to the debate of reviewing the achievements of the 1991 Land Conference and challenges faced in this important land issue in Namibia.

The regional consultations deliberated on all the 24 Resolutions of the 1991 National Land Conference and also managed to identify other key land challenges such as *urban land delivery* which was not part of the 1991 National Land Conference. This platform enabled all participants to extensively give their inputs, comments and proposals to all the resolutions discussed, including some additional issues raised by the consultative workshop.

The participants raised concerns on the lack or poor rate of implementation of some of the resolutions that the National Land Conference 1991 and called government to ensure purposeful and effective implementation thereof. The region repeatedly called for Constitution Amendment to enable the government to expropriate land without compensation, specially the land owned by absentee foreign landlords.

Another prominent demand was that the Government should make adequate budgetary allocation to local authorities, to enable them to make land available for housing in urban centers and ensure that the country is free from undignified shelter of shacks by 2030.

Another strong recommendation of the workshop was the call for amendments to the Namibian Constitution to declare access to housing as a birthright.

The absence of communal land in Khomas region for the traditional communities in the region was also a great concern for the people affected and need to be address by the central government. The recommendations contained in this report represents the collective views,

consensus, needs and expectations of the inhabitants of Khomas Region with regards to land reform in the region and the country at large and thus, this is their submission and contributions to the National agenda of the upcoming Second National Land Conference scheduled for October 2018.
