



Republic of Namibia



Omusati Regional Council

REGIONAL
CONSULTATIONS
IN PREPARATION
FOR THE SECOND
NATIONAL LAND
CONFERENCE,
26 - 27 July 2018



ACRONYMS

FMD	Foot and Mouth Disease
FNLC	First National Land Conference
GRN	Government of the Republic of Namibia
HPP	Harambee Prosperity Plan
LAs	Local Authorities
MAWF	Ministry of Agriculture, Water and Forestry
MET	Ministry of Environment and Tourism
MLR	Ministry of Land Reform
MLRR	Ministry of Lands, Resettlement and Rehabilitation
MoF	Ministry of Finance
NAMPAB	
NCA	Northern Communal Areas
NGOs	Non-Governmental Organisations
NPC	National Planning Commission
RC	Regional Councils
RCCs	Regional Resettlement Committees
NLC	Second National Land Conference
SVCF	Veterinary Cordon Fence
SWAPO	South West Africa People's Organisation

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Executive Summary

1. Introduction

In accordance with the Harambee Prosperity Plan, the Ministry of Land Reform is tasked to host the 2nd National Land Conference in order to take stock of the achievements in terms of land reform since the implementation of the 24 Resolutions of the first 1991 National Land Conference in Namibia, and what could be done to inform the future of the land delivery process in the country. It is seen fit that prior to the 2nd National Land Conference envisaged for October 2018, regional consultations should be conducted in all the fourteen (14) Regions of the country. The Regions have been consulted on the themes and topics of the 2nd National Land Conference Programme/Agenda. The Regional Consultations in preparation for the 2nd National Land Conference was conducted in July, 2018 whereby in Omusati Region, it was conducted in 26-27 July 2018.

The purpose of Regional Consultations was to accord the Regions an opportunity to submit their comments and give inputs into the deliberations of the 2nd National Land Conference Agenda items. The consultations allowed full coverage of converging ideas and views of the Namibian population on land related matters.

The intention of Ministry of Land Reform is to review the challenges encountered during the implementation of the 1991 resolutions of the First National Land Conference and other emerging land issues and come up with new measures for better and sustainable land reform programme informed by the aspirations of the Namibian people. Each Region is expected to make its contribution and compile the consultation report which will serve as resource materials at the 2nd National Land Conference.

The Ministry of Land Reform presented the Conference Agenda to all, in Omusati Region where the participants were expected to make inputs and subsequently submit their reports in order to inform and improve land reform programme in Namibia.

Before the day of the workshop, a High Level Committee Delegation of Team 5 led by Hon. Major General (Rtd) Charles Namholoh convened a meeting with the Omusati Regional Preparatory

Committee Team with the purpose of caucusing and discussing the modalities of the consultation before the meeting.

The Omusati Regional Consultative Preparatory Meeting for the Second National Land Conference was held at Outapi from 26-27 July 2018. It was attended by 217 and 180 participants on the 1st and 2nd day respectively representing 29 groups/organizations, and invited individuals (See Annex ...). These groups/organizations include Political Parties, Traditional Authorities, Local Authorities, Religious Institutions, Omusati Regional Council, Farmers' Union, Cooperatives, Youth Forums, Business Fraternity, Pressure Groups, Tertiary Institutions, Women Organizations, Conservancies and Small Scale Farmers, Workers and Teachers Unions.

Prior to the commencement of the workshop, the Director of Proceedings established the protocol, made roll call to establish the presence of individuals, represented groups, institutions and organizations. He further announced the logistical arrangements in terms of translation into two vernacular languages namely Otjiherero and Oshiwambo by Mr. Tjimuhiva and Mr. Aipanda respectively as the workshop were to be conducted in English. It was however agreed that participants can express themselves in the language of their choice. Announcement was also made for institutions and organizations expected to present their land issues and recommendations.

The meeting validated and adopted the Report of the regional consultative meeting that was held at Outapi from 17 – 18 July 2017 and the recommendations contained therein, for consideration by the 2nd National Land Conference (NLC), scheduled to be held in Windhoek from 01 – 05 October 2018.

In addition, a presentation of the Second National Land Conference Concept Paper in which fourteen points for possible discussion were presented to the participants for consideration and inputs.

2. Welcoming Remarks and Purpose of Workshop

Honourable Erginus Endjala delivered a welcoming remarks whereby he welcomed all present to a long awaited conference, and requested for participants to contribute positively to the deliberations. He emphasized that GRN was consulting the public in preparation for the 2nd National Land Conference in October 2018, with the first one held soon after independence. The Governor stressed that land question is a burning one, which have been divided on tribal and racial lines, whereby the majority of black people were removed from their land and allocated the unproductive land in reserves. He further indicated MLR was established soon after independence with the mandate of implementing land reform programme.

He underscored the fact that the National Land Conference and Land Question held in June 1991 was to bring to the fore the land ownership challenges and the outlined solutions which should be implemented. At the same time he state the purpose of the two day workshop, which is to review

the report/submission of consultation done last year and to further source inputs of the public who felt left out during the first consultations, hence inclusivity. He highlighted issues for discussion as they are outlined in the Concept Notes and appeal to the participants for their attention during the deliberations.

3. Remarks and Introduction of the Head of Delegation

Team 5 Head of Delegation, Hon. Maj. Gen. Namholoh recognized and appreciated all the invited representatives and those in attendance. He introduced the Delegation of Team 5 assigned to Ohangwena and Omusati Regions (Hon. Hilma Nicanor, Hon. Boois, MLR, Hon. Vipuakuje Muharukua (not present), Mr. Uhuru Dempers, Inter Ministerial Committee – Ms. Petronella Masabane, and Resources Persons – Director, Ndiyakupi Nghituwamata, Augustine Araes, Jordan Atshipara, Johannes Ishila, Facilitators/Report Writers – Niita Ipinge and Pinehas Aluteni).

He highlighted on the purpose of the Regional Consultation that is to conduct consultations and listen to the public when raise up their issues.

Major General Namholoh further re-emphasized that the 1991 Land Conference and Land Question aimed at seeking solutions and ideas to our land issues and related problems in the country. However, he reminded the meeting of the burning issues such as Ancestral Land and Restitution, available land, but not accessible, and that land remains constant, while the population continue growing, hence we should determine how to accommodate each other.

He couraged the Omusati Regional Consultative Workshop attendees to talk freely, listen and have solutions to the problems, however, emphasized that the participants should not come up with questions or bring problems that exist within/amongst ourselves, but rather provide solutions and make recommendations in preparation for the upcoming National Land Conference. In addition, participants should confirm and adopt the 2017 Consultative Report.

4. Regional Workshop of July 2017: Issues and key resolutions

The Omusati Regional Council's Director of Planning Mr. Shaningwa presented to the house the Report of the 2017 Omusati Regional Consultative Meeting that mainly concentrated on the review of the implementation of the 1991 Land Conference resolutions.

The 1991 Land Conference resolutions were discussed at length in the report, and then divided into four themes with National Spatial Data Infrastructure for Economic Development as the fifth theme. Participants were then requested to validate report particularly the recommendations made to each Resolution.

Under Theme A: Historical Perspective, Injustices and Land Ownership Pattern, six resolutions, Resolutions 1, 2, 3, 5, 10, and 11 were agreed upon as a true reflection of the meeting, while **Resolution 17:** Rights of Women was corrected. It should read that “the rights of single women and mothers should be protected, and those who separated from their husbands for a long time and come back to claim land upon their husbands’ death should not be allowed to inherit it.

For Theme B: Land Governance and Tenure Security, Resolutions 4, 9 and 18 were accepted as the true discussion and recommendations of the meeting.

However, **Resolution 8:** Technical Committee on Commercial Farmland, the participants felt that the Commercial and Communal terms used do not reflect what is on the ground at the moment. Therefore, there is a need to find appropriate terms to be used to fit the current situation. It was further indicated that productive land in communal that are operated commercially should also be considered as commercial.

Recommendation: That the current used terms such as Communal, Commercial land and Affirmative Action amongst others should be reviewed to fit the current situation.

On the other hand, **Resolution 13:** Access to Communal Land: It was elaborated that there is an imbalance in land allocation by TAs in communal areas. However, the recommendation presented which reads “TAs operate skewedly in land allocation in communal areas was not what the last meeting agreed upon. It was then resolved:

1. That the issue of communal land management should be handled by the TAs.
2. That consider reviewing the sentences and reflect what is in the document.
3. That the resolution should be strengthened to reflect the mapping and demarcation of Communal Land to clearly demarcate the Traditional Authorities Boundaries.

All Resolutions 6, 15, 19, 20, 21, 23 and 24 **under Theme C** were validated and approved as a true reflection of the 2017 workshop discussions. The previous workshop supported the 1991 Resolutions 22 and 23, thus there was no further discussion.

With regards to **Theme D:** Land Tax and Evaluation System, Resolutions 7, and 16 under this theme were validated and adopted without further deliberations.

Theme E: National Spatial Data Infrastructure for Economic Development was discussed further despite the fact that it was already explained in the report, just to clarify the difference between what has been discussed under Resolution 13 and this theme. It was clarified that the mapping of land that was mainly required in Resolution 13 was to give clear boundaries between Traditional Authorities’ to avoid borders conflict. While the National Spatial Data was explained in the context

of measuring, surveying of land by establishing more beacons to enable to provide more accurate information when mapping the land for development purposes.

The Report was then adopted as a true reflection on the Omusati Regional Consultative Workshop deliberations of 2017.

5. Concept for the Second National Land Conference

After the presentation of the Concept Paper in which fourteen points for possible discussion were presented, it was discovered that only **six** of the fourteen topics warranted further deliberations, as the rest were sufficiently discussed during the 2017 consultation and concrete recommendations had already been made.

6. Presentations by Various Institutions and Organizations

It was announcement from onset that some of the institutions and organizations felt that they were not given fair chance to express their views during the 2017 Omusati Regional Consultative workshop discussion. The institutions and organizations were requested in advance to prepare their inputs and present them during the 2018 consultative workshop, and then accorded an opportunity to present their land issues and recommendations.

The institutions and organizations presented similar issues and were divided into 14 topics as elaborated below:

6.1 Urban Development/ Reform

During the presentation, institutions/organizations representatives appreciate the Government initiative of bringing development closer to the people in terms of urban development in communal areas, however, it was strongly stressed that urban reform or development causes displacement of people particularly subsistence communal farmers and residents in areas targeted for development resulting in poverty and hunger, diseases and sickness, contribute to theft escalation. It creates unbearable living condition and livelihood disruption as people without alternative land to move to ended up live in shacks, while some move to the neighbouring country (Angola).

It was further indicated that people who want to own land within local authorities' areas find it difficult due to unavailability of serviced land. While, those who manage to own land may have to wait for so long in order for such land to be serviced or developed due to local authorities set conditions. Therefore, participants are of the opinion that Local Authorities should grant option to those allocated land to service/develop it themselves if they do have means to do so.

During the deliberations, it was argued that urban expansion results in relocation of communal farmers who are normally poorly compensated due to rigid Compensation Policy, and they find it difficult to start all over again. It was further indicated that Local Authorities (LAs) establishment also disrupt Traditional Authorities (TAs) arrangements in terms of TAs areas of jurisdiction, particularly the village set up as the headmen remain without the subjects to lead who normally

give certain fees to sustain the running of the village or district. In addition, the house felt that displaced people due to urban expansion have been relocated into areas reserved for livestock grazing areas which is gradually diminishing.

It was proposed that relocated communal farmers should be provided with alternative land and should be compensated fairly in terms of psychological trauma they suffer, social relationship/attachment and emotional disturbance, and livelihood interruptions, the size of the land they occupied and improvement made as well as the plants/trees that were conserved and serve as a sources of timber, fruits, fodder, and medicinal values amongst others other livelihood benefits.

The workshop also raised dissatisfaction with LAs which proclaim communal land as settlements, villages or towns and force people to move out or prevent them to continue with their agricultural activities, but leave the land idle for years

Recommendation:

It is therefore recommended

1. That expansion of towns should be limited.
2. That Local Authorities should grant option to those who acquire land to service/develop it themselves.
3. That relocated people or communal farmers affected by development be provided with alternative land where they would be relocated given the fact that some people are very poor or considered for the allocation of Small Scale Farms
4. That Land in urban areas should be made accessible and affordable for all those who want to own land for housing or business and any other development, but priorities should be given to local residents.
5. That relocated communal farmers should be provided with alternative land and should be compensated fairly in terms of psychological impact, livelihood disruption, improvement made on the land and trees conserved.
6. That Local Authorities should give certain fee to the TAs from the land taken away from Communal farmers under TAs jurisdiction.
7. That Compensation Policy should be reviewed in order to set fair compensation fee.
8. That LAs should not take communal land that they are not able to develop and allow urban agriculture until such time LAs want to develop the land.
9. That relocated communal farmers to pave way for urban development should be considered for resettlement on expropriated land.
10. That Compensation for relocated people should be negotiated fairly and recorded in local language

6.2 Urban Land Allocation

It was noted during the deliberations that, urban land is not accessible and affordable to the ordinary citizens including women and youth, because LAs opt to give serviced land, which take time to be serviced. The house raised a concern of certain individuals who own multiple land or plots in almost each town at the expenses of others especially the first time owners.

The house's concern was that the LAs enter into partnership with developers for housing development instead of Government to provide adequate funding to LAs for them to build houses to enable residents to rent. It was pointed out that the process of land servicing that include land surveying, provision of municipal services is cumbersome and expensive. It was critically argued that Developers at some point inflate the prices to maximize their profit margin, subsequently houses become unaffordable, while the quality is compromised.

One of the points also discussed and disapproved was that of LAs sell land to foreigners with financial means at the expenses of local people. Therefore the meeting reached a consensus that foreigners nationals should not be allowed to own land in Namibia, but rather lease for the prescribed period depending on the business investment.

Recommendation:

It is therefore recommended

1. That Urban Land should be accessible and affordable by all.
2. That GRN should fund LAs adequately to service land and make it affordable.
3. That Multiple land ownership in one Town should be discouraged, and consider one person, one plot per town.
4. That Foreign should not own any urban land or plots, but rather allowed to lease or rent.
5. That LAs should have low and high density residential plots in order to accommodate all residents with various land needs.
6. That GRN through MLR should have its own land Surveyors to survey Local Authorities lands
7. That Local Authorities should stop selling serviced and not serviced land to Developers who inflate the prices.
8. That LAs should construct houses for renting to lower income earners and allocate more land for residential plots.

6.3 Communal Land Allocation

Given the fact that, the population is increasing and every grown up person would want to own land, land in communal areas become so limited and unable to cater for residential, crop production and livestock rearing. Therefore, allocation of communal land must be limited and not exceed 20 ha, and extra land should be expropriated and given to others.

There are divergence views in terms of the use of Communal land (Customary Land Rights) as collateral (for and against) and registered in the Deeds Office in order to get a Title Deeds. It was argued that, in terms of developing communal areas, residents find it difficult to obtain financial support from financial institutions, because, the land is not registered in the Deeds Office and does not belong to the individual, but to the State. Therefore it was suggested for the registration of communal land in the Deeds Office. Others were of the opinion that should communal land registered in the Deeds Office for the Deeds Title, the process may result in many people lose land upon default on the payment of their loans. In addition, a concern was raised that once the land is attached for defaulters, other family members may suffer the consequences.

Recommendation:

It is therefore recommended

1. That every Namibian should own land for whatever purpose.
2. That land should be identified, zoned and designated for grazing areas, crop production and other land uses.
3. That GRN should allow communal land to be registered in the Deeds Office to get a Title Deeds in order to enable the residents to use the land as collateral
4. That farmers who produce commercially in communal land should be compelled to produce optimally.

6.4 Land Ownerships

The participants acknowledge that property rights under the Namibian Constitution allow people to own property particularly land without limitation in terms numbers and size. Therefore it was proposed that all land should belong to the State and all people must lease from the State. It was further acknowledged that current property recording system make it difficult to know who own what type of land and size, therefore the house organizations presented suggest that there must be a functional recording system or database of land ownership so that the Government know who occupies what type of land in order to regulate land allocations.

With regards to communal land, it was revealed that most of the local elites have fenced off vast communal areas which are also underutilized. Thus the institutions agreed that every underutilized land be commercial or communal which is fenced off should be reclaimed by the state and re-allocated or open for lease once the law is amended for leasing only.

Recommendations

It is therefore recommended:

1. That all land should be belong to the state and all people must lease from the State
2. That Land should be distributed fairly and transparently
3. That Big farms should be divided and shared with those who have not
4. That Resettlement Programmes should be review to accommodate all who are in need of land
5. That Foreign Nationals should lease instead of buying Commercial Farms and urban land. If the contract come to an end, the land should be given or utilized by Namibians.
6. **That GRN should adopt a policy to compel undertilled land in communal land to be expropriated and re-allocated**
7. That a functional Database on different types of land ownership should be established and show statistics of previously disadvantaged Namibians in possession of land.
8. That absentee Landlords and underutilized and overutilised land should be expropriated and redistributed to landless Namibians including the Youth.

9. That GRN should minimize the number of farms and control the total hectare (sizes) of potential land owned by individuals, and adopt a policy of one person, one farm.

6.5 Removal of Cordon Fence

A number of institutions with support of the house indicated their unhappiness of communal farmers north of the Veterinary Cordon Fence (VCF) are being denied benefits enjoyed by farmers south of the “redline”. The historical line prevent movement of farm products (crop and livestock) from north to the south of the line. That means farmers could not sell their produce to southern part of the country or export of such products. The house felt that the fence should be removed and move to between Angola/Botswana and Namibia. The participants stressed that due to theft of the fencing material, the Government should rather build a canal as a boundary between Angola and Namibia to control animal movements and water in the canal support irrigation (on both side of the borders) to improve food security.

Recommendations:

It is recommended

1. That the VCF must be removed so that the livestock farmers and crop producers get similar benefits like those in south of the fence.
2. That a strong fence should be built between Angola/Botswana and Namibia. Alternatively, a canal should be constructed as a boundary between Angola and Namibia to control animal movements and support irrigation.
3. That GRN should intensify animal vaccination against infectious animal diseases that warranted the existence of the cordon fence.
4. That a buffer zone should be created.

6.6 Land Prices

Various presenters indicated that land prices are inflated particularly urban land and commercial farms and that make land an unaffordable commodity by an ordinary citizen, graduate youth, women and veterans. The meeting feel that the current process of private valuers evaluate the land and price it contribute to such high price and there should be done by an independent body of valuers.

Recommendation:

It is therefore recommended

- i. GRN should determine the price on the land to be sold in order to make land available and affordable.
- ii. The high urban and commercial land prices should be reviewed and regulated.
- iii. Land Evaluation should be done by an independent body

6.7 Shifting of Etosha National Park inward

Some of the institutions presented indicated that Etosha National Park is very big and should be reduced in order to provide space particularly for grazing.

Recommendations:

It is recommended

That GRN should minimize ENP for resettlement purposes, and the fence be moved inward at least by 15 to 20km.

6.8 Ancestral Land and restitutions

Some participants call for cautionary approach on handling the issue of ancestral land and restitutions, while others support the Constitutional provision (Chapter 3, Art. 16 property rights that allow all Namibians to reside everywhere they prefer in the country).

Recommendations:

It is recommended

1. That those who were forcefully removed should be given a priority when it comes to resettlement or where land is available.
2. That GRN should conduct research to determine communities that lost land due to colonial forceful removal.

6.9 Resettlement Criteria

Some of the institutions presented their opinions that the current resettlement Criteria is not applying inclusivity, because only few individuals are accommodate in resettlement programme.

Recommendations:

It is recommended

1. That the Ministry should review the current criteria to accommodate all including the small farmers
2. That Resettlement must be allocated uniformly and be done regionally considering regional balance.

6.10 Pre and Post Settlement Support

It was indicated that even though MLR and Partners provide training and financial support to resettled farmers, these supports were not adequate. Therefore, the Pre and Post settlement support should be intensified to include extensive training and adequate financial support resettled farmers.

Recommendation:

It is recommended

1. That pre and post settlement support and training should be provided to those with passion and desire of farming and the supported farmers' performance should be monitored and evaluated.
2. That GRN must review Agribank loan provision criteria in order to increase the current loan limit to at least N\$500,000.

6.11 Referendum of Constitution

Some of the institutions/Organizations pinpointed that the vast productive land is owned by few individuals who are protected by the Namibian Constitution in terms of Property rights at the expenses of the masses and previously disadvantaged Namibians. Some of the land owners are absentee landlords who use their property particularly the commercial farms as a holiday destination or hunting ground or recreational facilities. Subsequently some of the farms become underutilized. The only option to improve all types of land reform process is through a Referendum to amend Chapter 3, Article 16 of the Namibian Constitution to allow expropriation of private commercial farmland/properties predominantly for Absentee foreign landlords and unutilised land without just compensation. The farm owners should only be paid for the improvement made on the land.

Recommendation:

It is recommended:

That GRN should hold the Constitutional referendum to amend Chapter 3, Article 16 regarding property rights so that commercial farms should be expropriated without compensation except for improvement made.

6.12 Town Planning

In terms of town planning, the house felt that the current process of submitting the Town planning and Survey Diagram NAMPAB for approval is one of the factors that cause delay regarding land allocation because the process takes too long. Currently such function is centralized and only one Windhoek based body that serve the whole country with increasing urban areas. The registration of property in the Deed Office is another issues raised that take long to finalise.

Recommendation:

It was recommended

1. That the GRN should decentralize the functions/services, by establishing Regional Town Boards and allocation dedicated staff members per region.
2. That the Deed Office should be decentralized to the regions

6.13 Illegal Fencing

The participants observed with a great concern of the fencing off of large track of communal land without consent of the TAs. That leave no common grazing land especially for the poor, while their livestock share the remaining limited open grazing areas. It is further stated that some of the

fenced off land become underutilized and/or unutilized thereafter while there other people who are in need of land.

Recommendations

It is recommended:

That no fencing of communal/traditional land should be allowed, removal of fence should be enforced.

6.14 *Nationalization of National Resources*

One of the organization presented pointed out that, the participants only concentrate on land as a burning issue without considering other natural resources e.g mining, wildlife, fishing, which ordinary Namibian do not benefit from. Therefore Nationalization of natural resources should be deliberated on and must be part of the Second National Land Conference topics.

Recommendations:

It is recommended:

That natural resources e.g. mining, wildlife, fishing, which should be discussed during the workshop with emphasis on nationalization and should form part of the topic of the Second National Land Conference.

7 Identification of Regional Land Related Key Issues

After the presentations of the 2017 Omusati Regional Consultative Report, Second Land Conference Concept Paper, and Inputs of various Institutions/Organizations, Facilitators were tasked to identify Regional land related key issues. The issues were identified and presented to the house, and it was agreed that only five issues were warrant further discussion because the rest of the issues were either adequately discussed during 2017 Report or elaborated in the Institutions and Organizations presentations. These five topics are:

1. Land valuation and pricing
2. Bankability of communal land (Increase Productivity Potential-Agricultural Land Use Diversification)
3. Shifting of Etosha National Park Fence Inwards
4. Referendum of Constitution.
5. Nationalization of Natural Resources

However, Veterans Representations in the Land Committees was add as a sixth.

8 Discussions on Regional Land Related Key Issues

After the identification of regional land related key issues, the participants were divided into five groups. Each group was assigned to discuss one issue with flexibility to discuss any other listed

topics or add any other issue(s) of crucial importance not covered in the previous workshop. Each Group selected a Chairperson to facilitate the Proceedings, Recorder of the discussion of issue, and a Rapporteur. The groups were requested to make strategic recommendations after the discussion.

8.1 Land Valuation and Pricing

8.1.1 Commercial and Communal Land

Description of issue and current situation

The first group indicated that the country's land ownership background that it is divided into various categories, namely, State land, commercial, communal and urban lands which are administered under various legislations. This results in the land being valued differently with communal land being least valued and poorly compensated, should the occupant relocates or pave ways for development.

Workshop recommendations / resolutions

The workshop recommended:

1. That Land should be owned by the State, not be traded, but owners should be rather compensated on the actual value of improvements made on the land concerned
2. That GRN should establish Price Control Boards to regulate commercial and communal land prices

8.1.2 Urban Land

Description of issue and current situation

The second group also looked at urban land reform which was least discussed during the first National Land Conference of 1991. Before independence, Omusati Region was predominately of rural setting and urban reform came after independence with more areas being declared villages and towns in communal areas. This new development brought relief and challenges in terms of those who in need urban land and displacement of communal farmers to pave way for such development respectively. The house felt that areas which are declared urban, the land price is skyrocketing, and makes urban land inaccessible and unaffordable to the ordinary Namibians such as women and youth who want to apply for urban land ownership.

The contributing factors amongst others are when LAs allow servicing of land be done by developers and acquisition of land by foreign nationals with financial means as these inflate the price and make it difficult for the local and lower income earners not to afford acquiring land.

There was some suggestions that municipalities should service land and offer it for free, and the beneficiaries should pay for municipal services. Although, there were some concerns, that LAs may not afford to service land if people are not paying.

Workshop recommendations / resolutions

It was recommended:

1. That GRN should establish a Regulatory Body to regulate the prices, set standards for valuation and pricing of urban plots.
2. That Local Authorities should service and provide land for freely, but people should pay tax and rates for the LAs to generate revenue
3. That foreign nationals should lease or rent instead of buying and owning land

8.2 Bankability of Communal Land (Increase Productivity Potential – Agricultural Land Use Diversification)

Description of issue and current situation

The house was given a bit of history regarding financial support for land development. It was stated that in 1922, there was the Land and Agricultural Bank of SWA that was changed to Agribank in 2003. Thus, GRN should establish Land Bank to be run by MLR to support those who want to acquire land, and revive SME for development of such land.

During the workshop, some of the participants were of the opinion that communal land to be bankable in order to utilize land effectively for crop production of which Customary Land Rights Certificates should be used to serve as part of collateral to enable owner to access bank loans from Agribank and other Financial Institutions. Those with Leasehold Rights be registered in the Deeds Office for them to be given Title Deeds.

However, it was further pointed out that bankability of Communal land could only be realized if GRN revisits Chapter 3, Art 16 to review the Namibian Constitution through a Referendum to have uniform land in Namibia without being divided into Commercial and Communal. The house also suggested that Communal Land and improvement made should be valued by the bank to have collateral to enable people have loan while GRN review Chapter 3 of the Constitution.

In between, it was indicated that given the suggestion that the communal land should be bankable and also the land is taken away by the Local Authorities to establish urban areas, this leave the Traditional Authorities without areas of jurisdiction and without income from their subject to enable them to run the affair of the TAs.

Workshop recommendations / resolutions

It is recommended:

1. That GRN should revisit Chapter 3, Art 16 to review the Namibian Constitution through a Referendum to have uniform land in Namibia without being divided into Commercial and Communal.
2. That communal land and its improvement should be valued by the bank to have collateral to enable people have loan while GRN reviews Chapter 3 of the Namibian Constitution.
3. That GRN should establish Land Bank to be run by MLR to financially support those who want to acquire land and revives SME to provide financial means for development of acquired land.
4. Municipalities to give a share to Traditional Authorities, for TAs to be able to run their affairs, while revisiting Chapter 3, Article 16.

8.3 Shifting Inwards of Etosha National Park Fence

Description of issue and current situation

A justification overview of how Etosha National Park (ENP) come to being and why it should be reduced was searched and presented to the house. That ENP in the north of the country was proclaim a game reserve 22 March 1927, covered 22 270km². The concern is that while the house understand the importance of the park's existence, it is too big and close to the north and northwestern regions of Kunene, Omusati, Oshana, and Oshikoto regions, subsequently pose a challenge to the northern regions livestock farmers who face grazing space limitation. In this regard, the participants feel that the park should be moved inwards at least 20 km.

Workshop recommendations / resolutions

It is recommended that the park should be moved inwards at least 20 km.

8.4 Constitution Referendum

Description of issue and current situation

The bone of contention under this topic is the property rights which is protected by the Namibian Constitution as well as freedom of movement and residing wherever a person wish to reside. The content of Chapter 3, Article 16 was quoted during the presentation emphasize on the importance of Constitutional Referendum. That "All persons shall have the right in any part of Namibia to acquire, own and dispose all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees provided that parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are no Namibian Citizens". "The state or a competent body or organ authorised by law may expropriate in the payment of just compensation in accordance with requirements and procedures to be determined by Act of Parliament".

An overview of land ownership was also presented to justify the recommendations. It was mentioned that, there are about 6292 farms in Namibia of which 6123 are owned by previously

advantaged Namibian “white” including non-Namibians covering 95% which 34.4 million hectares of commercial farming land. It was further quantified that 382 farms covering 2.7 million hectares belongs to foreign absentee farmers compare to only 181 commercial farms owned by black Namibians. However, it was brought to the fore that there are individual Namibian farmers with more than two large farms, against thousands of their landless fellow countrymen who live in squalid poverty.

Therefore, it is felt that Referendum is needed to allow the Government to be able to amend the Chapter 3, Article 16 of Namibian Constitution on property right to allow for:

1. The expropriation of foreign owned farm land, absentee landlord as well and under-utilized farm land, and just pay compensation for the improvement made on the farm.
2. The amendment of willing seller- willing buyer concept that failed land delivery process
3. or the acquisition of productive farm land at market related price
4. The increase of land where possible to meet land demand due to population growth
5. The reduction of farm land starting from those owned large or multiple farm land

Workshop recommendations / resolutions

1. That Chapter 3, Article 16 should be amended to abolish Willing Sell, Willing Buyer (WSWB) concept that failed to yield optimum results and make it easy for acquisition of productive land.
2. That Acquisition of land through expropriation should target absentee landlord lands and farm owners be compensated based on Infrastructure improvement made.

8.5 Nationalization of Natural Resources

Description of issue and current situation

It was re-emphasized that Namibia’s natural resources e.g. mining, wildlife, fishing, are not fully and directly benefiting ordinary Namibian citizens. Therefore, there was a need to deliberate on the Nationalization of natural resources during the 2nd National Land Conference.

The house wanted to understand what is meant for was clarified that Nationalizations means total ownership of the natural resources by the state.eg. mining. However, it was also noted that despite the house proposal for the nationalization of natural resources, there are challenges such as lack of machineries, natural resources are exported in raw form without any value being added due to lack of expertise and human resources deficit and natural resources e.g Minerals are owned by Private Companies.

Workshop recommendations / resolutions

It is recommended:

1. That GRN should nationalize the natural resources provided it should be conducted step by step.

2. That Companies that come to invest in Namibia should transfer skills to and Train Namibians
3. That natural resources e.g. mining, wildlife, fishing, which should be discussed during the workshop with emphasis on nationalization and should form part of the topic of the Second National Land Conference.

8.6 Veterans Representation in Land Committees

The workshop deliberate on the needs and representations of Veterans of the Land Committees, because veterans felt that they were not adequately represented on the Land Committees. It was further stated that Veterans do not live in towns due to high costs of living and unaffordable housing.

Workshop recommendations / resolutions

It is recommended:

1. That the Veterans through the National Veterans Associations to be represented in the Communal Land Board and Land Reform Advisory Commission.
2. That Local Authorities should waive or discount Veterans for lands acquired in the towns to enable them to afford buying houses.

9 Summary of Recommendations and/or Resolutions

After all the six group presentations, the recommendations were summarized as follows

9.1 Land valuation and pricing

1. The land must not be traded, however, occupants should be compensated based on the actual value of improvements made on the piece of land concerned.
2. Government should create a body that would establish standards for valuations and pricing to allow fair compensation.
3. Namibian citizens should acquire land for free, but must pay for municipal services.
4. Foreign nationals should not be sold land to, but should be allowed to lease

9.2 Bankability of communal land (Increase Productivity Potential-Agricultural Land Use Diversification)

1. Communal Land should be valued by the bank and become a collateral and properties should be privately
2. Collateral conditions should be relaxed for farmers (increase productivity Potential Agricultural Land Uses Diversification) to improve agricultural production.
3. Establish Land Bank to support farmers and revive SME.
4. Municipalities to give a share to Traditional Authorities, for TA to be able to run its affairs, while revisiting Chapter3, Article 16.

9.3 Shifting of Etosha National Park Fence Inwards

Shift the boundary of Etosha National Park inward to create more grazing space and free movement of animals.

9.4 Referendum of Constitution

1. There should be a Referendum on Article 16 of Chapter 3 of the Constitution for all land to be owned by the State.
2. No Willing Seller/Willing Buyer as does not yield optimum results.
3. Expropriation with compensation only on infrastructure.

9.5 Nationalization of Natural Resources

1. All Natural Resources must be owned by the State.
2. Compel Private Sector to train and transfer skills.
3. Black economic empowerment to be extended to all institutions.

9.6 Veterans Representation in Land Committees

Representation of Veteran Association Members on all Regional Resettlement Committees and Land Reform Advisory Commission

10 Conclusion

A two day Omusati Regional Consultative Workshop in preparation for the 2nd National was held on the 26-27 July 2018 at Omusati Regional Council Hall in Outapi chaired by Omusati Regional Council CRO Mr. Protasius Andowa. It was attended by 217 and 180 participants on the 1st and 2nd day respectively representing 29 groups/organizations, and invited individuals. However, prior to the Workshop, the Head of Team 5 High Level Committee Delegation Hon. Major General (Rtd) Charles Namholoh held a meeting with the Omusati Regional Preparatory Committee Team with the purpose of caucusing and discussing the modalities of the consultation before the meeting.

Messrs Tjimuhiva and Aipanda translated into two vernacular languages namely Otjiherero and Oshiwambo respectively to enable participants to express themselves with easy. About 29 institutions and organizations were accorded an opportunity to present their land issues and recommendations.

The meeting validated and adopted the Report of the regional consultative meeting that was held at Outapi from 17 – 18 July 2017 and the recommendations contained therein, for consideration by the 2nd National Land Conference (NLC), scheduled to be held in Windhoek from 01 – 05 October 2018.

A Second National Land Conference Concept Paper in which fourteen points for possible discussion were presented to the participants for consideration and inputs followed by the

presentation of the Institutions/Organizations of which their inputs were summarized into 14 topics which are similar to what was already discussed during the 2017 Regional Consultation.

Analysis of the 2017 Regional Consultation Report, 2nd National Land Conference Concept Paper and Institutions/Organizations presentations were compared and five topics were considered warrant further discuss, These topics are plus the sixth one were deliberated, and subsequently made recommendations :

1. Land valuation and pricing
2. Bankability of communal land (Increase Productivity Potential-Agricultural Land Use Diversification)
3. Shifting of Etosha National Park Fence Inwards
4. Referendum of Constitution.
5. Nationalization of Natural Resources
6. Veterans Representations in the Land Committees.

The meeting was closed by Mr. Aipanda by giving vote of thanks.

ANNEXURES

Annex 1: Workshop Programme

Annex 2: Attendance Register

Annex 3: Speech: Welcoming Remarks

Annex 4: Speech: Opening Remarks

Annex 5: Written Inputs submitted by **Political Parties**

Annex 6: Written Inputs submitted by **Traditional Authorities**

Annex 7: Written Inputs submitted by **Local Authorities**

Annex 8: Written Inputs submitted by **Religious Institutions**

Annex 9: Written Inputs submitted by **Farmers' Unions**

Annex 10: Written Inputs submitted by **Cooperatives**

Annex 11: Written Inputs submitted by **Youth Forums**

Annex 12: Written Inputs submitted by **Business Fraternity**

Annex 13: Written Inputs submitted by **Pressure Groups**

Annex 14: Written Inputs submitted by **Tertiary Institutions**

Annex 15: Written Inputs submitted by **Women Organizations**

Annex 16: Written Inputs submitted by **Conservancies**

Annex 17: Written Inputs submitted by **Small Scale Farmers**

Annex 18: Written Inputs submitted by **Workers and Teachers Unions**

Annex 19: Facilitator/ Report Writers' ToR



REPUBLIC OF NAMIBIA

MINISTRY OF LAND REFORM

Enquiries:

TERMS OF REFERENCE:

FOR THE

FACILITATIONS AND DEVELOPMENT OF TECHNICAL REPORTS
FROM THE REGIONAL CONSULTATIONS IN PREPARATION FOR THE

2ND NATIONAL LAND CONFERENCE, JUNE 2018

JUNE 2018

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1. BACKGROUND AND INTRODUCTION

In achieving the set goals and the Strategic Plan as enshrined by the Harambee Prosperity Plan, the Ministry of Land Reform is tasked to hold the 2nd National Land Conference in order to review the progress of the implementation of the 24 Resolutions of the first 1991 National Land Conference in Namibia. It is necessary that prior to the 2nd National Land Conference planned for October 2018, regional consultation shall be conducted in all the fourteen (14) Regions of the country. Regions shall be consulted on the themes and topics of the 2nd National Land Conference Programme/Agenda. Regional Consultations in preparation for the 2nd National Land Conference will commence in July, 2018.

Regional Consultations are crucial to accord the regions an opportunity to submit their comments and give inputs into the deliberations of the 2nd National Land Conference Agenda items. The consultations will allow full coverage of diverging ideas and views of the Namibian population on land related matters.

The Ministry of Land Reform intends to review the challenges encountered during the implementation of the 1991 resolutions of the First National Land Conference and other emerging land issues and come up with new measures for better and sustainable land reform programme informed by the aspirations of the Namibian people. Each region will be expected to make its contribution and compile the consultation report which will serve as resource materials at the 2nd National Land Conference.

The Ministry of Land Reform will present the Conference Agenda to all the Regions of which all are expected to make inputs and subsequently submit their reports. This is a very crucial exercise that will ensure a well informed and improved land reform programme in Namibia.

These Terms of Reference (ToR) are prepared for the facilitation and compilation of the Regional Consultation Reports by competent Namibian individual (s) or reputable Institutions to be appointed by the Ministry of Land Reform to undertake this short-term work. Within these ToR, reference is made to the specific tasks, objectives and timelines.

2. OBJECTIVES OF THE CONSULTANCY

2.1 The objectives of the consultancy are as follows:

- i. To prepare for one day and facilitate the proceeding of a two (2) days consultative meeting in specific assigned regions and capture/record the proceedings of the consultation,
- ii. To capture during the meeting in a systematic professional manner, the views/inputs and interventions on each agenda item and how such interventions could be addressed to contribute to the Land Reform Programme for sustainable development,
- iii. To compile and produce a report for each region, depicting all main views, inputs and comments originating from Regional Consultations,
- iv. The report should clearly outline in details the main findings and recommendations of the regional consultations/meetings.
- v. The detailed report should also contain the list of participants at such consultations.

3. SCOPE OF WORK

The Facilitator and Report writer should deliver the services with the highest level of professionalism. The Consultants are strongly encouraged to develop highly interactive and practical outputs for this consultancy. The Consultant(s) is required to perform the following functions by:

- a) Acquaint themselves with key documents such as the Concept Note for the second Land Conference and the 86 Resolutions of the Cabinet Committee on Land and Related Matters
- b) Familiarity with topical issues on land reform
- c) Collaborate with the Ministry of Land Reform and agree on the methodology and approach to the facilitation and the format of the report.

4. RESULTS AND DELIVERABLES

The consultant will :

- Attend an inception meeting together with MLR that will discuss the methodology and approaches and timelines for the work to be undertaken.

- The first draft report should be submitted *Two (2) Weeks* after Regional Consultation meetings, preferably by 17 August 2017.
- The final report should be submitted *Two (2) Weeks* thereafter to the Ministry of Land Reform after the last consultative meetings, by 30 August 2018.
- Upon approval, *Four (4) banded* final reports should be prepared for submission to the Ministry of Land Reform together with a soft copy (electronic) version.

6. MINISTERIAL CONTRIBUTIONS TOWARDS THE CONSULTANCY WORK

The Office of the Permanent Secretary/Resettlement Division will provide:

- i. The relevant documents as noted in Section 3 if need be;
- ii. Logistical support during the Regional Consultations.

7. QUALIFICATIONS

A minimum qualification of a Bachelor Degree in natural resources, Project Management, Law and/or other related fields;

- a. A minimum of 5 years' proven experience in developing and producing professional and technical reports;
- b. Extensive knowledge of the Namibia land related matters and its legislations;
- c. Multidisciplinary skills and ability to communicate effectively;
- d. Ability to work both independent and as part of a team;
- e. A high standard of professionalism, trustworthy and honesty;
- f. Fluent in English (written and spoken) with excellent drafting and communication skills.

Other requirements are;

- g. Full names (in case of an individual)
- h. Registered name and trading name (in case of an institution)
- i. Contact details i.e. postal address, email address and telephone and fax numbers
- j. Copies of identity documents of owners/shareholders of the company, CC, Trust/Cooperative

- k. Names and contact details of the contact person/shareholders Copies of full registration documents, certificates of incorporation.

9. TIME FRAME FOR THE CONSULTANCY

Work is expected to start by 10 July 2018 with an inception workshop while the workshops are scheduled for 19-20 July and 26-27 July in all regions. The Regional Reports (final) from the Report Compiler/Consultant reach the Office of the Permanent Secretary on or before the 17th August 2018 and the final report by 30 August 2018.

No.	Activity	Days
i.	Preparation of detailed methodology/approach to be used to capture the inputs, views and/or comments from the Regional Consultations	1
ii.	Workshop Facilitation	2
iii.	Preparation of final report based on comments received from the Regional Consultations	20
Total		23

10. PAYMENT CONDITIONS

The Consultant shall be paid on the following payment conditions:

- a) Fixed payment of Fifty Thousand Namibian Dollars (N\$50,000.00) for both facilitation and reporting compilation work for regional consultations. In addition, the Ministry will pay for mileage, Accommodation and meals) and a GRN Daily Subsistence Allowance of Rate 3 (Incidence expenses).
- b) The fixed payment shall be paid at upon submission of the final report to the satisfactory of the Regional Council and the Ministry of Land Reform.

11. COPYRIGHT, PATENTS AND OTHER PROPRIETARY RIGHT

The Ministry of Land Reform shall be entitled to all copyrights, patents and other proprietary rights and trademarks with regard to the products or documents and other materials which bear a direct relation to or are produced or prepared or collected in consequences of or in the course of the execution of the consultations and reporting.

All reports, recommendations, estimates, documents and data compiled by the Reporter Compiler/Consultant(s) under the consultations shall be the property of the Ministry of Land Reform and shall be treated as confidential. All confidential documents should be delivered to the relevant people within the Ministry during the consultations duration and upon completion.

Please send certified copies of your *qualifications* and *CVs* to the address below:

The Permanent Secretary
Ministry of Land Reform
Private Bag 13343
Windhoek
