



Republic of Namibia



Oshikoto Regional Council

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



Facilitation and Report Writing Team

Mr. Erastus Negonga

Dr. Romie Nghitevelekwa

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1. Introduction

During the State of the Nation Address (SONA) held on the 11th of April 2018, the President of the Republic of Namibia His Excellency Dr. Hage G. Geingob announced that the Second National Land Conference will take place in the first week of October 2018. Holding the Second National Land Conference is part of achieving the goals and the Strategic Plan enshrined in the Harambee Prosperity Plan (HPP). The Second National Land Conference avails a platform for the Namibian nation to review the progress of implementation of the 24 Consensus Resolutions emanating from the National Conference on Land Reform and the Land Question held in 1991. The conference will further deliberate on the challenges experienced during the implementation of the land reform programme, propose strategies to address these challenges; deliberate upon the new and emerging land related matters, and review the implementation of the 89 Resolutions assigned to the Special Cabinet Committee on Land and Related Matters (SCCLRM). All these deliberations are aimed at forging direction of how the land reform programme should proceed, a programme that which is informed by the aspirations and caters for the needs of all Namibian people.

Prior to the Second National Land Conference, the Ministry of Land Reform (MLR) was tasked by the Office of the Prime Minister to facilitate regional consultative conferences in all the 14 regions of the country. These consultative conferences were crucial to accord the regions an opportunity to deliberate on the regional land issues and related matters, and for them to craft their position on critical issues pertain to land as inputs into the deliberations of the Second National Land Conference. The 2018 regional consultative conferences built on the consultations that were held in 2017, during which the 24 Resolutions from the 1991 Land Conference were reviewed. In addition, the 2018 regional consultative conferences built on the Second National Land Conference Concept Paper prepared by the High Level Committee for the preparation of the conference. The Oshikoto regional consultative conference took place on the 19th and 20th of July 2018, in Omuthiya. The consultative conference deliberated on land related themes each with several issues and on which consensus resolutions as the regional position to the Second National Land Conference emerged.

2. Approach of the Regional Consultative Conference

The regional consultative conference in Oshikoto Region took place on the 19th and 20th of July 2018 in Omuthiya Town. The Mayor of Omuthiya Town Her Worship Katrina Uusiku welcomed the participants to the town and the conference. She underscored that these consultations are important considering the importance of land an asset, and that without land many uses will not be possible. The consultative conference was officially opened by the Governor of Oshikoto Region Hon. Henok Kankoshi. In his opening remarks, the Governor dwelled on the objectives of the consultative conference, highlighting the importance of land and urged all participants to contribute and come out with concrete recommendations and resolutions that will inform the land reform programme in the country. The opening was followed by a presentation of the Concept Paper for the Second National Land Conference by the official from the Ministry of Land Reform, and the presentation of the Regional Consultation Report for the 27th and 28th of July 2017 by the official from the Oshikoto Regional Council. Subsequent to the official programme of the consultative conference and the presentations, the facilitation team led a discussion on the deliberations of topical national and regional land related matters. This report is a consolidation of these deliberations together with inputs from the regional consultation workshop of 2017 and the Concept Note for the Second National Land Conference. During the consultative conference, participants were required to identify the issues, what is problematic about the identified issues and suggestions for the strategic interventions. From all these discussions the regional positions and resolutions for consideration at the Second National Conference were crafted.

3. Land Issues and Related Matters

The Oshikoto regional consultative conference deliberated on the several land issues and related matters. The conference did not only deliberate on land related issues and matters pertaining to Oshikoto alone, but also land related issues of national importance. The issues discussed are grouped under three thematic areas below, and expanded in the next page:

- **Freehold Land Reform**
- **Communal Land Reform and Related Matters**
- **Urban Land Reform**

No	Identified Issues	Problem statements	Strategic Intervention	Regional Conference Position
1	Ancestral Land Claims for Restitution	- Ancestral land claims for restitution is too complex and sensitive. These claims are bringing more confusion than unity for the nation. It is highly politicised and promotes tribalism, Bantustanism. If we follow it, it has potential to bring war and unrest.	-In Namibia there is only one Ancestral land - the Land of Namibia (not ancestral land regionalised or ethnicised). -Namibia must follow One Namibia One Nation. -The resolution from the 1991 Land Conference is still valid and must be upheld.	-The majority views of the meeting agreed not to discuss it at the conference. The position from the region was that Namibia should not entertain claims of ancestral land. OUR ANCESTRAL LAND IS NAMIBIA
2	Willing-Seller Willing Buyer Principle	-The WSWB is not serving any interests for Namibia, it is not effective, it has become too costly and complicated by loopholes. -The WBWS principle has failed. Not failing in itself but failing the nation. -The government wants to buy the land but those who have land do not want to sell. The land owners hold no moral responsibility or willingness to make land reform a work. -The prices of land are inflated.	-The WSWB principle must be revoked and find a better mechanisms of land acquisition. -Farmland must be valuated and prices must be regulated. -Allow people that want to buy farms as groups (putting capital together). -Loopholes in the WSWB must be addressed	-The WSWB must be revoked and find a better mechanism of land acquisition.

3	National Resettlement Programme	<ul style="list-style-type: none"> -The demand for resettlement surpasses supply of land. -There are loopholes on the identification of beneficiaries. -The definition of who is disadvantaged is too broad. -Resettlement is only for those to farm at commercial level, there are different needs for land. -Infrastructures (water, fences) in the resettlement farms dilapidated. -There is no preference in the resettlement policy for the War Veterans. 	<ul style="list-style-type: none"> -Review the resettlement policy and criteria (include special provisions for the War Veterans, to consider other needs for land and also to redefine who is disadvantaged). -Have regional representation in the National Advisory Commission. -Have representatives with legal background in the Regional Resettlement Committees. 	<ul style="list-style-type: none"> -Review the resettlement policy and criteria (include special provisions for the War Veterans, to consider other needs for land and also to redefine who is disadvantaged).
4	Expropriation of Agricultural Land	<p>Namibia still have a lot of land owned by foreign nationals and absentee landlords at the expense of Namibians who are crying out for land.</p>	<ul style="list-style-type: none"> -The government must implement the 1991 Land Conference Consensus Resolution to expropriate land owned by foreign nationals and absentee landlords. - Access to land by foreign nationals must only be allowed when there is no Namibian needing it. Namibian's needs first. -No foreigner must own land in Namibia. 	<ul style="list-style-type: none"> -The government must implement the 1991 Land Conference Consensus Resolution to expropriate land owned by foreign nationals and absentee landlords. - No foreigner must own land in Namibia.

5	Pre- and Post-Resettlement Support to Resettled Farmers	The resettled farmers are not trained sufficiently to be able to use their land productively. Whatever training is provided there are not monitoring visits to evaluate how effective the trainings have been.	Provide training and long term capacity building to resettled farmers.	Provide training and long term capacity building to resettled farmers.
6	Generational farm workers, rights of farm workers	<ul style="list-style-type: none"> -Farmer workers continue to have no place they call home. -There are no legal provisions to protect the rights of farm workers. -When farm owners sell their land there is no legal provision to protect farm workers from evictions. Most of them get dumped in the corridors between farms, on the side of the roads and ultimately becoming destitute. -Labour laws that protect rights of workers are not enforced when it comes to mistreatment of farmer workers. 	<ul style="list-style-type: none"> -Portions of farms should be given to the generational farm workers, with legal security on their rights of occupation and access to land. -Monitoring mechanisms should be put in place and enforced to bring to a stop the mistreatment of generational farm workers -Put legal provisions and mechanisms to protect and respect rights of generational farm workers 	Grant the generation farmer workers' rights over land and secure their accessibility to land. Enforce labour laws.
7	Land Productivity and Employment Creation	Some commercial farmers/farms are not put to productive and maximal use in order to contribute to the economy of the country.	Farms that are not productive for farming should be rotated to other land use, for example they must be expanded to entrepreneurial development and industrialisation to achieve economic growth.	Farms that are not productive for farming should be rotated to other land use, for example they must be expanded to entrepreneurial development and industrialisation to achieve economic growth.

8	Availability and affordability of urban land	Land in urban areas is too expensive and not affordability for majority of the population.	Local authority areas must fast track servicing of urban land, and government must subsidise servicing of the land to reduce the prices. Prices must be regulated.	Local authority areas must fast track servicing of urban land, and government must subsidise servicing of the land to reduce the prices. Prices must be regulated.
9	The Veterinary Cordon Fence (Red Line)	<p>-The farmers in the northern side of the Red Line are not allowed move their livestock and livestock products south of the Red Line, and are excluded from accessing commercial markets south of the Red Line and the international markets.</p> <p>-People that are resettled south of the Red line are not permitted to go with their livestock to their farms. This discourage people to apply for resettlement.</p>	The Red Line must be relocated to the Namibian/Angolan border.	The Red Line must be relocated to the Namibian/Angolan border.
10	Dual Grazing	Some farmers with commercial land south of the Red Line still have access to communal areas, while some communal farmers are grazing in the corridors.	The policy prohibiting dual grazing must be enforced. If one has access to commercial farming areas, they must not be allowed to have large number of cattle on communal land to compete for grazing grounds. The government must develop a database to detect dual grazing to be monitored through the Communal Land Boards and Regional Settlement Committees.	Adopt One Farmer One Farm.

11	Large farms on communal land	<p>Having large farms on communal land is challenging the Traditional Authorities in their roles to distribute land for subsistence: crop production.</p> <p>Farmers that have enclosed communal land (with large farms) still graze outside their farms also competing grazing grounds with farmers that only depend on those grazing grounds.</p> <p>Privatisation of communal land through fencing. Fences are hooking into each other leaving no more open land.</p>	<p>Relocate large communal farmers to the commercial farming areas, in order to keep communal areas for subsistence production.</p> <p>Farmers that have enclosed large communal land must not be allowed to compete for grazing grounds outside their farms.</p> <p>There must be spaces between individual fences.</p>	<p>Relocate large communal farmers to the commercial farming areas, in order to keep communal areas for subsistence production.</p> <p>Farmers that have enclosed large communal land must not be allowed to compete for grazing grounds outside their farms.</p>
12	Inequality in access to land	<p>The haves are increasingly getting more and more land, and the have nots are not getting anything, even the little land they have is being taken away for example through the establishment of towns.</p>	<p>The land conference needs to seriously rethink the position and future of communal land and especially the poor people that depend on this land.</p>	<p>The land conference needs to seriously rethink the position and future of communal land and especially the poor people that depend on this land.</p>
13	Application for land rights	<p>-Applications for leaseholds in communal areas are declined for no reasons some rejections are on the justification of <i>environmental clearance certificate</i></p> <p>-Land rights certificates take too long to come</p>	<p>-The government must come simplify processes of acquiring the Environmental Clearance Certificate, and the Communal Land Boards must fast track the process of granting land rights certificates.</p>	<p>Simplify processes of getting the EIA certificate</p>

14	Land Tenure on communal land	<p>-Leasehold tenure in the communal areas is not fair. Some people have been living on those land for more than 100 years yet there are not property rights</p> <p>-Security of land tenure system in Namibia is only benefiting those with freehold.</p> <p>-Communal land with the type of tenure it has, has led to low commercial value</p>	<p>An alternative tenure system which address these disparities must be found without compromising the rights of people on communal land must be investigated.</p>	<p>An alternative tenure system which address these disparities must be found without compromising the rights of people on communal land must be investigated.</p>
15	Size of communal land	<p>There is limited size of communal land.</p>	<p>We should expand communal areas to allow access to more grazing land.</p>	<p>Expand communal areas to allow access to more grazing land.</p>
16	Land administration	<p>Some people are practicing self-allocations of land without the permission of Traditional Authorities. This impacts land administration.</p> <p>The workload for TAs have increased e.g. with land registration, but with no support in terms of human and financial resources.</p>	<p>Traditional Authorities must be empowered to deal with these cases.</p> <p>-This issue must be relooked to allow for improvement, efficiency and transparency in land allocation.</p> <p>-Improve budgetary allocation, provide skills and training and improve human resources of the TAs</p>	<p>Empower traditional authorities to have capacities to deal with emerging needs in land administration.</p>

17	Spatial Planning Framework	There is no spatial planning framework. Some people's land rights and/or people are allocated land in environmentally sensitive areas, and areas for cultivation are being taken up by proclamation of towns and other uses.	Adopt and enforce the implementation of integrated land use plans in the communal areas.	Adopt and enforce the implementation of integrated land use plans in the communal areas.
18	Loss of land through proclamation of local authority areas and poor compensation	<p>People in the communal areas are affected by proclamations of towns: they have livestock, grow crops and have nowhere to go after their lands are integrated in the boundaries of local authority areas.</p> <p>People in the communal areas compensated differently and poorly than those in the freehold areas.</p>	<p>People affected by local authorities proclamations should also be resettled somewhere.</p> <p>-Review the compensation policy to provide fair compensation for (cultivated land, trees) and resettle people somewhere.</p> <p>-Provide more clarifications to the communities losing land to local authorities for better understanding.</p>	Review the Compensation Policy.
19	Unlocking the economic potential of farmers	Communal farmers are not involved in public procurement inhibiting them to maximise their economic potential	<p>-Boost the ability of farmers through quota allocation in public sector procurement e.g. for them to provide food to prisons, schools and hospitals from their produce.</p> <p>-Provide abattoirs to serve the livestock farmers in Oshikoto.</p>	<p>-Boost the ability of farmers through quota allocation in public sector procurement e.g. for them to provide food to prisons, schools and hospitals from their produce.</p> <p>-Provide abattoirs to serve the livestock farmers in Oshikoto.</p>

20	Accessibility to Land by Women	<p>-Although there are provisions in the state laws protecting the rights of widows to remain on the land after the death of their husband, some widows are still threatened and intimidated and still loose properties. Women in general are still discriminated in access to land in comparison to their male counterparts</p> <p>- Women living in cohabitation relationships are not protected by the laws. When their partners die they lose land and in case of proclamations of local authorities, when compensation comes, they do not benefit.</p>	<p>-Enforce the laws to protect the rights of widows from the practice of land grabbing. Enforce the laws that guarantees women's access to land.</p> <p>-The law must make provision for women living in cohabitation relationships.</p>	<p>Enforce the laws to protect the rights of widows from the practice of land grabbing. Enforce the laws that guarantees women's access to land.</p> <p>-The law must make provision for women living in cohabitation relationships.</p>
21	Accessibility to land by the youth	The youth have no access to land. In some cases they are discriminated against land allocation by the Traditional Authorities.	-Traditional Authorities must exercise equality in land allocation.	-Traditional Authorities must exercise equality in land allocation.
22	Rights of marginalised communities	Marginalised communities in particular the San people still suffer in access to land and rights over land.	-Rights and access to land of marginalised groups must be protected.	-Rights and access to land of marginalised groups must be protected.
23	Other natural resources e.g. Wildlife	The whole population is not benefiting from natural resources like wildlife. For example, how does the rest of the population benefit from wildlife in the farms?	Conduct wildlife stocktaking exercise of wildlife for taxation purposes or food security and ensure that every Namibian benefit from its natural resources. Natural resources must not be privatised.	Conduct wildlife stocktaking exercise of wildlife for taxation purposes or food security and ensure that every Namibian benefit from its natural resources. Natural resources must not be privatised.

24	Game Conservation and farmers rights	High incidences of wildlife-human conflict	-MET must address this urgently. -The issue of compensation must be relooked.	-MET must address this urgently. -The issue of compensation must be relooked.
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4. Adopted Resolutions for the Second National Land Conference

1. The Oshikoto Regional Consultative Conference for the 2nd National Land Conference took place in Omuthiya, at the ELCIN Church on the 19 – 20th July 2018.
2. The Ministry of Land Reform tabled the Concept Paper on the 2nd National Land Conference to the Oshikoto Regional Consultative Conference.
3. The Oshikoto Regional Council tabled the Regional Consultation Report of the Consultative Workshop held on the 27-28th July 2017.
4. The Concept paper and the Regional Consultation Report of 2017 were used as guiding and source documents for the discussions on the topical regional land related matters.
5. The Oshikoto Regional Consultative Conference in preparation of the 2nd National Land Conference re-affirmed the resolutions taken by the same forum on the 27-28th July 2017 to be still valid for the forthcoming National Land Conference slated for the first week of October 2018.
6. After a lengthy and engaging deliberations on the topical regional land related issues by participants, the Oshikoto Regional Consultative Conference has adopted the following resolutions for consideration in the forthcoming National Land Conference:

6.1 On ancestral land claims for restitution, the Oshikoto Regional consultative conference resolved that Namibia should not entertain claims for ancestral land.
OUR ANCESTRAL LAND IS NAMIBIA.

6.2 On the Willing Seller Willing Buyer principle for agricultural land acquisition, the Oshikoto Region resolved not to support the principle for being too expensive to the government and therefore having not delivered positive results 28 years after independence. The Oshikoto Region therefore directed the National Land Conference to consider other means of land acquisition in particular **EXPROPRIATION** of agricultural land with just compensation not on the land but the infrastructures.

6.3 The Veterinary Cordon Fence (the Red Line) has been identified as a critical land related issue affecting farmers in the communal areas. The Oshikoto Region

therefore resolved for the total removal of the Red Line from its present position and relocate it to the Namibian/Angolan borders.

6.3 The Oshikoto Region concluded that illegal fencing of communal land restrict access to land for grazing purposes and other natural resources such as access to water points and water ponds. The Oshikoto Region therefore resolved that illegal fencing must be seriously addressed and that law on illegal fencing must be enforced.

6.4 On the expropriation of agricultural land in the public interest with just compensation (on the infrastructures and not land) was supported by the Oshikoto Region and in support of the 1991 Land Conference Resolution. The position of Oshikoto Region is for the government to prohibit land ownership (either farm land, communal land or urban land) by foreigners. For farmland, consideration must be given to large communal farmers with large number of livestock and the emerging horticulture and crop production farmers to improve food security in the country.

6.5 The Oshikoto Region resolved that the National Resettlement Programme and Resettlement Criteria must be revisited to improve productivity of resettlement farms through capacity building and training of beneficiaries. Clear criteria to assess applications from communities must be put in place to include aspects of entrepreneurial development and industrialisation to achieve economic growth through the sustainable and efficient utilisation of the land.

6.6 The Oshikoto Region resolved that those who are allocated commercial farms must not have access to communal land for grazing. This is to re-affirm the resolution from the 1991 Land Conference on the prohibition of DUAL GRAZING. Detection measures of dual grazing must be put in place. The fundamental principle of this is the principle of equity in access to land.

6.7 On Urban Land Reform Programme, the Oshikoto Region resolved to recommend to the 2nd National Land Conference to address the plight of the landholders that have lost their land through local authorities' proclamations for them to acquire alternative land so that they can continue with their farming

activities. The conference further urged for the government to expedite the process of urban land delivery, prohibit ownership of land by foreign nationals and address the affordability of urban land to allow for access to land by all.

6.8 The conference resolved that the rights to land and access to land of marginalised communities, generational farm workers, women and youth must seriously addressed during the 2nd National Land Conference.

6.9 The conference resolved for the 2nd National Land Conference to seriously look at the issue of land valuation and pricing and in particular with an emphasis on the just compensation for the communal land holders who lose their lands for public purposes and proclamations of local authority areas.

6.10 The conference re-affirmed that communal land tenure is security to people in the communal areas. If we open it up for collateral it will have negative ramifications. As a result it must remain state land.

Done at Omuthiya Church on the 20th of July 2018 at 18h00.

5. Annexes

Annex 1: Consultative Conference Programme

Annex 2: Speeches

Welcoming Remarks by the Mayor of Omuthiya Town

Opening Remarks by the Governor of Oshikoto Region

Annex 3: Attendance Register

Annex 4: Written Inputs